

NORTHEASTERN
Law

M A G A Z I N E

Winter 2012

Not in My Back Yard

Across the nation, hundreds of thousands of elders are being abused, many in their own homes.

MacArthur "Genius"
Marie-Therese Connolly '84
is answering their cries.

Vanishing Juries | Funding Public Interest Careers | Restorative Powers

Guided by Values, Supporting Our Mission

AFTER 10 TERRIFIC YEARS, I have decided to step down as dean of the School of Law at the end of this academic year. For now, my work continues unabated until summer, when I will take a sabbatical.

I came to Northeastern because I was attracted to the history, mission and values that are at NUSL's core. As we embark on the search for a new dean, I have no doubt that the work we do here will continue without faltering, guided by these values

and rooted in the experiential program that makes this a very distinctive law school.

As a result of this distinctiveness, we graduate large numbers of lawyers who are committed to tackling today's most pressing issues — issues of

inequality and poverty, sustainability, and broad questions of justice in every sphere. As a school, we are deeply proud of them. As a society, we need them to succeed.

Our graduating students have always had remarkable success in securing positions in the world of public interest law. Past graduates are leaders in almost every legal area — including, as you will see in this magazine, in the protection of the elderly.

Public interest positions are at least as hard to get as jobs in private law firms. With the recent contraction of the private sector legal world, competition for these positions is now fierce. Nevertheless, our graduates continue to be awarded prestigious fellowships and to be hired into competitive public sector and nonprofit positions in significant numbers. No other law school

can claim equivalent success. Our graduates succeed in this world because of their personal strengths, the well-known reputation of the law school and the legal education that has allowed them to combine their passion for justice with legal skills they learn in both classrooms and co-ops.

Unfortunately, these young lawyers also graduate burdened by huge debt — sometimes in excess of \$200,000, and on average more than \$100,000. Their pay is painfully low — often less than \$50,000 annually.

It is a mission of our law school to support those who fight for justice. Not surprisingly, Northeastern had one of the nation's very first loan repayment programs. Since 1990, we have provided more than \$3 million in assistance to graduates. Historically, however, the needs of our many graduates pursuing public interest work have far surpassed our available resources.

But the landscape has changed with the College Cost Reduction and Access Act of 2007 (CCRAA) — see page 18. Leveraging the provisions of this Act, it is possible for us to imagine providing assistance to bring the loan obligations of graduates in low-paying public interest and public sector jobs to zero — thus effectively making their legal education free.

While the details of the CCRAA and implementing regulations are complex, the opportunity is clear.

We are committed to making good on our mission by building increased financial assistance for our graduates in public service. I hope you will help the School of Law achieve this goal.

Best regards,



Emily A. Spieler
Dean and Hadley Professor of Law



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PHOTOS: (TOP) JESSICA SCRANTON; (BOTTOM CLOCKWISE FROM LEFT) DAVID LEIFER, JODI HILTON, DAVID LEIFER; ILLUSTRATION: SANDRA DIONISI

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Insecure Communities

Barack Obama entered office promising comprehensive immigration reform and an end to the heavy-handed immigration enforcement tactics of his predecessor. Yet in the first two and a half years of the Obama administration, the Department of Homeland Security (DHS) deported more than 1 million people — more than twice as many as were deported over the same period under George W. Bush. Taking the long view, the million-person mark is even more astounding: it represents a 20-fold increase over the level of deportations during the Reagan administration.

How did we get here? There are a number of variables and contributing factors, including harsh deportation laws enacted by Congress in the mid-1990s and heightened attention to immigration enforcement in the wake of September 11, 2001. One of the less visible pieces of this puzzle is the massive shift that has occurred in information sharing between local law enforcement agencies and DHS. Under the Secure Communities program (S-Comm) local jails now share booking fingerprints with DHS. Someone whose name triggers a hit in the DHS database may find herself held for 48 hours while Immigration and Customs Enforcement (ICE) decides whether to take her into custody and initiate removal proceedings.

Compared to the more flagrant abuses of the post-9/11 era, database sharing might not seem like such a grave matter. But there are real reasons to be concerned about the integration of immigration enforcement into the criminal justice system. People who have not been charged with any crime are routinely held by police for 48 hours on ICE detainers. Although S-Comm is billed as a way to get dangerous criminals off the streets, many of the people caught in its dragnet are charged with misdemeanors. In certain jurisdictions, over half of those deported through S-Comm have no criminal convictions at all.

In some cases, domestic violence victims have been taken into immigration custody through S-Comm after calling police for assistance. Such incidents erode immigrant communities' trust in law enforcement and make victims of crimes reluctant to come forward. There is reason to think that the effects of S-Comm will also be

seen in other realms of life. A recent study by public health researchers found that cooperation between ICE and local police led some noncitizens to avoid leaving their houses, even for necessary medical appointments.

While some states, such as Arizona, are eager to increase ties between local police and DHS, other states — including Massachusetts, New York and Illinois — have declared they do not wish to participate in S-Comm. However, DHS recently withdrew its earlier promise of an opt-out provision, announcing that the program will be extended to every jurisdiction in the country by 2013.

With the 2012 election approaching, now is the time to hold President Obama to the campaign promises he made four years ago. It would perhaps be unfair to blame the president for his inability to get Congress to pass a



comprehensive immigration reform bill (it's unlikely anyone could, in the current climate). But immigration enforcement lies squarely in the hands of the executive branch. Ultimately, it is President Obama who must answer for an ill-advised program that has generated concern not only within immigrant communities but among local law enforcement officials as well.

Professor Rachel Rosenbloom, an immigration law and policy expert, focuses on deportation, citizenship, the immigration consequences of criminal convictions and LGBT asylum claims.

Spieler Concludes Service as Dean

EMILY SPIELER, WHO HAS SERVED AS the School of Law's dean since 2002, announced this fall she will step down from her position at the end of the academic year.

The Edwin W. Hadley Professor of Law, Spieler has brought about transformative change at the School of Law, recruiting outstanding faculty, building innovative interdisciplinary programs, globalizing education and research, enhancing experiential education and advocating for the importance of law, policy and justice across all of Northeastern's endeavors.

"It has been a privilege to serve as the law school dean at Northeastern," Spieler said. "I came here because I was attracted to the history and values of this law school, particularly our commitment to education that emphasizes experiential education and the role of law in advancing the public good. I continue to believe that these principles are essential to educating great lawyers, to doing research that matters and to addressing the challenges of the world."

"Under her leadership, the law school has attained national and international recognition for its signature strengths in public interest law and experiential legal education."

PROVOST STEPHEN
DIRECTOR

To build the school's global reach, Spieler hired faculty who focus on international law, immigration law and human rights, expanded the international law curriculum, increased the school's network of international and domestic co-op employers, raised funds to support students pursuing global experiential learning opportunities, and worked with faculty to found the Program on Human Rights and the Global Economy (now supported by a grant from the Ford Foundation). At the end of the 2011–2012 academic year, the school will also launch its first graduate law

degree program — an LLM for international students.

During Spieler's tenure, the quality of admitted students dramatically increased. This year, the school welcomed its most accomplished and diverse student body ever.

"Under her leadership, the law school has attained national and international recognition for its signature strengths in public interest law and experiential legal education," said Provost Stephen Director in a message to faculty and staff. "She will leave the law school a significantly stronger and more vital institution."

As dean, Spieler maintained a strong focus on providing the best in experiential education among law schools, anchored in Northeastern's signature co-op program. In particular, the school extended co-op opportunities outside the United States in international law, human rights and other significant areas of legal interest.

Understanding that the world's problems can only be solved through interdisciplinary collaboration, Spieler



successfully recruited joint faculty with the College of Business Administration and the Bouvé College of Health Sciences. She also built strategic alliances with other higher education institutions, developing dual-degree programs with Brandeis University's Heller School for Social Policy and Management and Vermont Law School, and strengthening the JD/Master of Public Health program with Tufts University School of Medicine.

These partnerships have enabled Northeastern law students to pursue joint degrees in law and public health, environmental law, and policy and sustainable development, as well as the soon-to-be-launched dual-degree in music industry leadership in cooperation with Northeastern University's College of Arts, Media and Design. The school also has a number of other joint-degree programs within the university.

In addition, Spieler enhanced the law school's leadership in public service and public interest law. She supported faculty efforts to build new programs such as the Civil Rights and Restorative Justice Project and sustain existing programs like the Domestic Violence Institute and the Public Health Advocacy Institute. She spearheaded efforts among other law school deans to expand access to justice both in Massachusetts and nationally.

Spieler also oversaw a significant physical transformation at the School of Law. New facilities are now equipped with state-of-the-art classrooms, clinic offices, and academic and social gathering places for students and faculty.

Provost Director has convened a committee to conduct a national search for a new dean of the School of Law.

New Program Combines Health Policy and Law

THE LAW SCHOOL'S LATEST interdisciplinary venture, the Program on Health Policy and Law, will prepare students for legal careers in areas such as health care delivery law, health and human rights, and regulation of health care systems.

"The Program on Health Policy and Law is designed to explore and research the many ways that law and policy affect health domestically and internationally," said Associate Dean Wendy Parmet, the program's director and a leading expert on health, disability and public health law.

The new program involves faculty from Bouvé College of Health Sciences, the College of Business Administration, College of Science and College of Social Sciences and Humanities, including the School of Public Policy and Urban Affairs, and African-American Studies.

Housed at the law school, the program is affiliated with the school's JD-MPH dual-degree program with Tufts University School of Medicine.



Sylvia Law, a member of the NYU School of Law faculty and a renowned expert on reproductive rights, delivered the Program on Health Policy and Law's inaugural lecture on October 28. She spoke about "Taxpayer Conscience and Health Care Reform."

Georgia Wall '77 and Donald Gogel Fund Transformative Initiative

A NEW INITIATIVE ON EXPERIENTIAL EDUCATION IN LAW, which aims to transform Northeastern's model into a modern paradigm for legal education in the United States, was launched in June with a significant gift from Georgia Wall '77 and her husband, Donald Gogel.

The Initiative will engage stakeholders in the legal profession to promote a shared vision of legal education that ensures that law graduates are ready to practice with the full complement of skills and ethical and social values necessary to serve clients and the public interest, now and in the future.

"This is a transformational moment for Northeastern and for legal education," said Dean Emily Spieler. "This Initiative solidifies Northeastern's historic commitment to blend theory and practice. It allows us to design new approaches to legal education that meet current and coming challenges. And it guarantees that we will educate students to become smart, capable and ethical lawyers who can be leaders in solving the problems of the world."

The Initiative on Experiential Education in Law is led by Professor Luke Bierman, newly appointed Associate Dean for Experiential Education (see page 24).

Law School Admits First LLM Class

BUILDING ON THE UNIVERSITY'S SIGNATURE APPROACH TO experience-based education, the School of Law is launching a Master of Laws (LLM) program. Reaching out to the global community, Northeastern will award its first LLMs to graduates of law schools outside the United States. These international lawyers will take classes with JD students, obtain hands-on practice experience in legal placements with US employers and benefit from a curriculum focused on their personal and professional goals.

"The inaugural class of roughly 10 hand-picked students will enjoy a generous level of attentiveness to their particular interests," said Patrick Cassidy, director of the law school's LLM and international programs. "They will be free to choose from virtually all the classes offered in the law school — and beyond. At the same time they will be ensured a customized introduction to US legal culture and a dedicated section of legal research and writing to address their specific needs."

BBA Honors Northeastern with Diversity Award

AMID AN IMPRESSIVE FIELD of entries, the Boston Bar Association (BBA) selected the School of Law as the 2011 winner of the BBA's prestigious Beacon Award for Diversity. The Beacon Award recognizes exceptional leadership in creating a more diverse and inclusive legal profession that has had a significant impact in Massachusetts and the Greater Boston area. The award was presented at a reception in November.

"We truly had a phenomenal pool of nominees," said Julia Cosentino, co-chair of the 2011 Beacon Award Committee, "over 50 organizations and individuals, all taking positive steps to promote diversity and inclusion in the legal profession. But Northeastern University School of Law's efforts and its results really made it stand out as a change agent."

The BBA was particularly impressed with the diversity of the student body (33 percent are people of color) as well as the faculty, which is 25 percent people of color and 56 percent women. In March 2011, *The National Jurist* and *preLaw Magazine* awarded the School of Law an "A" on their diversity honor rolls. Northeastern also has a rich history of enrolling and participating in a wide variety of diversity recruitment programs and working to broaden the pipeline to legal education for people historically under-represented in the legal profession.

"The fact that Northeastern University School of Law fosters a culture of diversity and inclusion is itself impressive, as documented by the numbers," said Wendell Taylor, co-chair of the 2011 Beacon Award Committee. "Even more impressive is the number of Northeastern University School of Law alumni making a serious commitment to replicating that culture within their own professional venues."



Roberto Braceras, moderator of the ceremony, presented the Beacon Award to Dean Emily Spieler.



Maura Healey '98, a member of the BBA Diversity and Inclusion Section, with Dean Emily Spieler



A panel discussion focused on Northeastern and diversity in the profession included (from left): Professor Rashmi Dyal-Chand '94, Richard Moore '07, Honorable Angela Ordoñez '89, Rahsaan Hall '98 and Rachael Rollins '97.



From left: Professor Susan Barbieri Montgomery '86, Honorable Nonnie Burnes '77-'78, Honorable Margaret Marshall, Dean Emily Spieler and Northeastern University Provost Stephen Director

Edward McNierney, chief technology officer of One Laptop Per Child, presented “An Innovator’s Tale: Design, Engineering and the (Real) Impact of IP.”



Conference Connects IP and Innovation

IN SEPTEMBER, THE SCHOOL OF LAW partnered with the College of Business Administration to host an IP/Innovation Connection Conference to explore the dynamic relationship between intellectual property (IP) and innovation.

The interdisciplinary conference, which brought together scholars, innovators, entrepreneurs, investors and policymakers from across the country, focused on two themes: fostering critical analysis and pragmatic study of the dynamic relationship between IP and innovation, and encouraging interdisciplinary collaboration and scholarship.

“We are very excited to create a space for people with different views to come together and discuss the double-edge of intellectual property exclusivity and its impact on the innovation environment in the United States,” said Susan Barbieri Montgomery ’86, executive professor of law and business and conference organizer.

The slate of events included a number of speakers and panels on topics such as new growth theory, the future of innovation, the impact of IP on innovation and the impact of new models for collaboration.



Expert panelists included Christine Bellon, vice president for intellectual property and legal affairs at Hydra Biosciences, and Alex Aber ’02, a partner with Foley Hoag in Boston.

Examining the Law’s Role in Protecting Sex Workers

ADVOCATES FOR VICTIMS of human trafficking spoke to law students in June as part of a two-day series of panels sponsored by the School of Law’s Human Rights Caucus.

“What you do and how you practice when you leave school really has an enormous impact on our work and the victims we serve,” said Lisa Goldblatt Grace, the program director of My Life My Choice, an organization that works with young girls who have been victims of human trafficking, specifically those forced to become sex workers.

Young victims need to trust the police officers, social workers and lawyers who advocate on their behalf, said Renee Payne-Callender, a Boston Police detective.

“These girls need someone to advocate for them,” Payne-Callender said. “It’s important for me to build a rapport with them so I can understand the truth about a particular young lady, and it’s the same for you soon-to-be lawyers.”



From left: Renee Payne-Callender, Audrey Porter and Lisa Goldblatt Grace

Young girls forced into hustling as a prostitute, stripper or other sex worker often see nothing wrong with their lives, explained Audrey Porter, the assistant director and coordinator of survivor services at My Life My Choice. Before working with victims, Porter was one herself: she spent years in Boston’s “Combat Zone” as a prostitute and stripper, developing a drug habit out of the need to cope with life on the streets.

“It is intense, and I know they need you,” Porter said to the law students. “They need someone to advocate for them and let them see what this lifestyle really is.”

Law students began planning the two-day event in 2010, at a time when Massachusetts was one of four states in the nation without a comprehensive human trafficking law, said student organizer Sarah Allar ’13. Since then, lawmakers have put a new bill in motion that would make it easier to refer victims to social services and prosecute the pimps and johns involved in a case.

— Matt Collette

CO-OP MATTERS

Co-op 2.0

NEW FAMILY LAW CLINIC COMBINES BEST OF CO-OP AND CLASSROOM

WHAT DO YOU DO when you're the nation's leader in experiential legal education? Take it to the next level. That's the idea behind the innovative Family Law Clinic (FLC), a six-month course combining classroom, part-time clinical placements and co-op, which launched this summer.

"Family law cases are nearly impossible to litigate in the course of a co-op," explains Katherine Schulte '09, a supervising attorney in the Domestic Violence Institute who co-leads the FLC with Janet Donovan of Casa Myrna Vazquez. "We wanted to give students comprehensive experience in lawyering for domestic violence survivors in probate and family court, in either legal service agencies or private law settings. By starting with their eventual co-op employer during the preceding academic quarter, they could reasonably carry a case load for a full six months."

The course has generated rave reviews. "I liked the option to be with an employer for six months rather than 11 weeks," says Sonia Queralt '12, who worked with domestic relations attorney Amy Egloff at Newton-based Schlesinger and Buchbinder. "I was in the office two days a month for three months, getting a taste of what it's like — then full time for three months, which solidified that family law is exactly what I want to be doing."

"I would absolutely recommend this class-to-co-op blend," adds Egloff, a mentor and trainer for the Women's Bar Foundation Pro Bono Family Law Project for Battered Women, who had never before worked with Northeastern. "Taking a family law course in law school is great, and the opportunity to take an advanced family law course is rare. But having the ability to work with a practitioner, adding their perspective — I'd love to see more of this."

— Maura King Scully



Sonia Queralt '12 (left) works with domestic relations attorney Amy Egloff on divorce, custody and abuse prevention matters.

"I liked the option to be with an employer for six months rather than 11 weeks." —SONIA QUERALT '12



In November, the Program on Human Rights and the Global Economy held an “Institute on Framing Economic, Social and Cultural Rights for Mobilization and Advocacy: Toward a Strategic Agenda in the United States.” Legal activists and academics engaged in sophisticated social movement analysis to think through strategies for moving an ESC (economic, social, cultural) rights agenda forward in the United States. Presenters included Steve Hitov (above left), general counsel to the Coalition of Immokalee Workers, and Maisie Chin (above right), co-founder and director of Community Asset Development Re-defining Education (CADRE).

Local Entrepreneurs to Reap Rewards from Business Clinic

NEW ENTREPRENEURS OFTEN FAIL because they can't afford the legal services they need to navigate complex regulatory requirements and protect their intellectual property.

Now, with a \$500,000 grant from the US Department of Commerce, the School of Law is launching a Community Business Clinic to provide free legal services to the region's low-income and other underserved entrepreneurs, including clean and green technologies, science and health innovations, and small and ethnically diverse businesses.

“The core purpose of our work is to support entrepreneurs' commercialization of technology and to achieve high growth,” said Professor Rashmi Dyal-Chand '94, faculty director of the new program, who shares responsibility for securing the grant with Professor Jim Rowan, the project's senior advisor. Legal assistance, provided by law students under close faculty supervision, will include:

- Negotiating with state and local government agencies and drafting contracts and other start-up documents.
- Drafting, reviewing and negotiating documents relating to licenses, permits, zoning, leases, loans and intellectual property rights, as well as service agreements and contracts for accounting, insurance and legal services, major products and leases.

Related research will be used to develop a national model for clinical legal assistance to support sustainable business creation and technology transfer among underserved entrepreneurs.

This US Department of Commerce grant is part of a national competitive program designed to enhance regional economic development tools that will expand opportunity and create jobs in underserved communities.

Stefanilo Takes First Place in National LGBT Bar Association Competition

MICHAEL STEFANILO '12, who wrote a paper, “Identity Interrupted: The Parental Notification Requirement of the Massachusetts Anti-Bullying Law,” after taking Professor Libby Adler's '94 Sexuality, Gender and the Law course, won first place in the 2011 National LGBT Bar Association's annual Michael Greenberg Student Writing Competition. The competition is dedicated to encouraging and recognizing outstanding law student scholarship on the legal issues affecting lesbian, gay, bisexual and transgender (LGBT) persons. Stefanilo, who also pointed to a co-op with Gay & Lesbian Advocates & Defenders as inspiring him to write the piece, was recognized at the 2011 Lavender Law Conference and Career Fair in Hollywood, California, in September. The article was published in the *Tulane Journal of Law & Sexuality*.



Garin Delivers Daynard Lecture

PATRICIA GARIN '84, a partner with Stern Shapiro Weissberg & Garin, visited the law school for three days in September as a Daynard Public Interest Visiting Fellow. Garin's community lecture, “Putting Roadblocks on the Superhighway Carrying Poor People of Color to Prison,” drew on her expertise as a national leader in complex criminal defense and civil rights litigation. A long-time adjunct faculty member in the law school's clinical program, Garin also participated in a roundtable, “Using the Constitution to Reduce the Flow of Poor People Through the School-to-Prison Pipeline.”

Helping Combat Kid “Pester Power”

THE LAW SCHOOL’S Public Health Advocacy Institute (PHAI) recently released the results of an analysis of state-by-state consumer protection laws that prohibit unfair, deceptive or unconscionable sales and marketing of unhealthy food and beverages to children and adolescents.

State consumer protection law has been invoked in Massachusetts to challenge the use of licensed cartoon characters to market unhealthy foods to children and, more recently, in California to challenge the use of toys to market unhealthy fast food children’s meals.

“Our review of state consumer protection laws revealed that a number of states, including Massachusetts, address marketing tactics that use indirect tactics to induce consumers to purchase products they otherwise would not have purchased. ‘Pester power’ marketing, insofar as it unfairly induces parents to purchase unhealthy products by exploiting the vulnerabilities of children, seems to fit squarely under those laws,” said lead researcher Cara Wilking ’05, a PHAI staff attorney and clinical instructor for the law school’s Public Health Legal Clinic.

According to Wilking, pester power marketing targets children with tactics that appeal to them — such as toy premiums, contests, games and cartoon characters — on products that children do not have the ability to purchase

for themselves. The desired effect is to generate nagging whereby the child repetitively requests a product until an adult purchases it.

“Pester power marketing is ‘indirect’ insofar as it targets someone other than the otherwise disinterested ultimate purchaser. It is highly effective; some studies suggest that it results in an actual purchase about half of the time,” said Wilking.

The study notes that children between the ages of 4 and 12 directly influenced \$330 billion worth of purchases made by adults in 2004.

Why blame marketing firms for purchases that a parent makes on his child’s behalf?

“Food and beverage companies engage in marketing to children because, as the Institute of Medicine concluded, ‘marketing works,’” said Wilking.

“In response to inquiries from the Federal Trade Commission in 2008, food companies self-reported that child requests to parents to buy a product are important in driving purchases. We can pretend that companies are simply taking a gamble by spending billions of dollars to

market foods and beverages of poor nutritional quality to children they know do not have the ability to purchase for themselves. Or we can take them at their word and hold them responsible when they engage in tactics that run afoul of existing consumer protection laws.” — Jason Kornwitz



Art and Babies: Law Forum Focuses on All Kinds of Reproduction

IN OCTOBER, the Northeastern Law Forum presented an IP-focused panel discussion, “Princely Appropriations,” with lawyer-artist Alfred Steiner and Professor Michael Bennett. Using Steiner’s work and the recent *Cariou v. Prince et al.* decision (finding that Richard Prince’s “Canal Zone” images violated Patrick Cariou’s copyright) as entry points, this presentation explored the cultural and political implications of current trends in appropriation and conceptual art, wide distribution of increasingly cheap digital copying technologies and intellectual property law. Also, this fall, the Forum hosted Dr. Adrienne Asch, director of the Center for Ethics and Edward and Robin Milstein Professor of Bioethics at Yeshiva University, who spoke about “Markets in Assisted Reproduction: Should We Pay for Eggs, Sperm and Wombs?”



Professor Michael Bennett (left) and Alfred Steiner discuss how the fair use doctrine often fails to protect uses of copyrighted material even when those uses do no harm to the copyright owner.

Not *in* *My* Back Yard

NORTHEASTERN LAW
GRADUATES ARE

LEADING A NATIONAL MOVEMENT TO

END ELDER ABUSE | By Elaine McArdle

or nearly a month, 88-year-old Ruby Wise's desperate cries echoed down the isolated road in rural Washington state, where she lived with her only son, Christopher. Her loud moans were ceaseless, neighbors later told police, the sounds of a woman being starved. An emaciated 70 pounds when she died in June 2009, the cause of death wasn't hunger but eight severe pressure sores, one so deep it had eaten through to her collarbone. Ruby Wise rotted to death.

Christopher Wise, 42, claimed to be a loving caretaker. But Ruby was found by police covered in her own filth, bed clothes soiled with urine and blood, in a dusty room with no telephone and a house with little food. Christopher, who lived off his mother's pension, admitted plugging his ears to silence her cries as he played Internet poker on his computer.

PHOTOGRAPH BY KATHERINE LAMBERT





Marie-Therese Connolly '84

is suddenly the nation's best-known elder justice advocate after receiving a \$500,000 MacArthur Fellowship, or "genius grant," in September.

When Page Ulrey '93 got the case, she was determined to prosecute Christopher Wise for second-degree murder. "It's hard to describe how awful [Ruby] looked" when emergency personnel arrived, says Ulrey, a senior deputy prosecutor with the elder justice project at the King County prosecutor's office in Seattle, one of the first such units in the country. "She looked like she'd been dead for months."

Ulrey charged Christopher Wise with felony murder. It was a creative — and unusual — legal theory rarely tried before. But Ulrey isn't one to shy away from tough cases. A trailblazer in the still-nascent field of elder justice, she's landed convictions where others weren't even sure there was a crime, including difficult cases where the victims couldn't remember what happened or had died. After a five-week trial, a jury convicted Wise of the lesser crime of manslaughter for negligently causing his mother's death; he was sentenced to 39 months in prison. Still, Ulrey regards the conviction as a "huge victory" in raising consciousness about what she and others call the hidden epidemic of elder abuse.

Page Ulrey '93

isn't one to shy away from tough cases. A trailblazer in the still-nascent field of elder justice, she's landed convictions where others weren't even sure there was a crime.

Ulrey's good friend and colleague Marie-Therese (M.T.) Connolly '84 agrees. After receiving a \$500,000 MacArthur Fellowship, or "genius grant," in September, Connolly, a senior scholar at the Woodrow Wilson International Center for Scholars in Washington, DC, is suddenly the nation's best-known elder justice advocate. Primary architect of the Elder Justice Act passed by Congress last year, Connolly, who spent more than 20 years handling elder abuse and other cases at the US Department of Justice (DOJ), is leveraging the national publicity she's receiving — including, among others, interviews on NPR and features in *The Washington Post* and *USA Today* — to highlight the issue of elder abuse. And one of the cases she uses to illustrate the crisis is that of Ruby Wise. In testimony last year before a US Senate committee on aging, Connolly emphasized that Christopher Wise had used earplugs to block his mother's cries for help. "As a nation we also have been wearing earplugs," Connolly said. "It's time that we remove them."

Out of the Shadows

Just as domestic violence and child abuse once were minimized as family matters, elder abuse — which includes physical, psychological and sexual abuse, financial exploitation and neglect, more often at the hands of trusted caregivers and family members than strangers — still lurks in the shadows of national consciousness. "There's so much denial in all of us and in our society about elder abuse," says Ulrey. "We don't want to think about people sexually assaulting grandmothers or neglecting their mother to death. The idea of someone allowing that to happen to their parents is very difficult to put our heads around."

But the problem is rampant, according to Life Long Justice, a nonprofit advocacy and research organization launched by Connolly last year. Studies indicate at least 10 percent of

seniors living at home suffer some form of abuse, which translates into at least 500,000 people and probably significantly more. With 77 million baby boomers heading into their senior years, protecting vulnerable elders is the next frontier in social justice, Connolly believes.

And Northeastern law graduates are at the forefront of the issue. Including Connolly and Ulrey, four of the most prominent leaders in the field of elder justice are School of Law graduates who've dedicated their careers to this cause. Lew Morris '80 is chief counsel of the Office of the Inspector General at the US Department of Health & Human Services (HHS), where he directs a staff of 80 lawyers in protecting elders and other vulnerable populations from abuse and fraud. After years as senior strategic policy advisor at AARP's Public Policy Institute, Naomi Karp '78, who's been working on elder justice issues in various capacities since 1983, just joined the Office of Older Americans at the new federal Consumer Financial Protection Bureau. No other law school, with the arguable exception of Yale, has as many graduates at the upper echelons of elder law work.

Connolly is the common thread among the group, having worked with each on different facets of the issue. Connolly and Karp have served together on a number of elder justice task forces and have collaborated on projects through Life Long Justice, including mapping all the federal laws related to protecting seniors. Connolly has connected Ulrey to DOJ statisticians who are collecting elder abuse data and is featuring Ulrey's work in a book she's writing. And she's worked with Morris on cutting-edge approaches to improving nursing homes.

All four see the attention surrounding Connolly's genius grant as an invaluable opportunity to highlight the problem, attract more support and resources, and devise a more robust and coordinated approach to helping elderly victims. Karp believes that Connolly's voice — particularly in light of the MacArthur Foundation recognition — will have a huge impact in a field that, after nearly 30 years, she still finds tremendously rewarding. "It's very stimulating," she says. "You feel like you're fighting for the rights of vulnerable people."

Connolly says the grant is "an unbelievable honor, and I hope I can be worthy of it. I hope it will be a game changer for the field."

Morris predicts it will be. "We are," he says, "on the cusp of the country waking up to this silent group of victims."

Connolly, who has a quick and hearty laugh, is a woman who's clearly passionate about her work. It's hard, if not impossible, to get her off the topic of elder abuse once she starts talking. Off she goes, a mile a minute, barely pausing for breath, citing statistics, sharing heart-breaking stories, praising her colleagues and describing the herculean agenda she's set for herself, including writing a book, gathering and publishing research, coordinating efforts with like-minded organizations, such as the New York City Elder Abuse Center, and raising money to fund her work at Life Long Justice (although the MacArthur grant has taken off some of that pressure).

"I can't think of another issue that affects as many people in this country where less is being done," Connolly insists. "Elder abuse isn't just an aging issue but has a profound impact on people of all ages, on families and those who are trying to make sure their parents and loved ones are well cared for. It's a justice



Lew Morris '80

directs a staff of 80 lawyers in protecting elders and other vulnerable populations from abuse and fraud at the US Department of Health & Human Services.

issue, a public health issue, a social issue, a human rights issue and raises many ethical and philosophical issues." There is also a huge economic impact, including victims of financial exploitation who often end up needing government benefits. Yet, she notes, there's no office of elder justice at the DOJ or HHS, one of the many oversights she hopes to remedy.

While she never planned on becoming an elder advocate, Connolly has long been a champion for the vulnerable and disenfranchised. The oldest of eight children and the daughter of two doctors, she grew up in Rochester, Minnesota, where her

mother, a psychiatrist at the state psychiatric hospital, brought patients home to work as handymen or babysitters. During a break from her undergraduate studies at Stanford University, Connolly — who planned to become a psychiatrist herself — returned to Rochester and lived at the state hospital as a volunteer, taking patients on field trips to the theater or shopping. "I loved the residents who lived there," she recalls. "There were so many really wonderful patients whom I remember so vividly."

Creating Solutions

A course on mental health at Stanford inspired Connolly to enroll in law school to have a broader impact through policymaking, and she chose Northeastern for its co-op program and because it wasn't entrenched in the establishment. She spent a co-op at the DOJ in the civil fraud division, and, after graduating, returned there in the honors program, where she began prosecuting correspondence truck-driving and beauty schools for fraud. In the late 1990s, during the Clinton administration, Connolly began collaborating with Morris at HHS in a group of government attorneys investigating some of the largest nursing home chains in the country for substandard care to patients and fraud.

The federal government had the authority to bar the chains from participating in Medicare and Medicaid, an option — since these programs provide 75 percent of their revenues — known as the "corporate death penalty." But the government lawyers, including Connolly and Morris, realized they needed alternatives. "Debarring them from Medicaid and Medicare gives you great satisfaction for about two minutes," says Morris. "Then you realize you shut down a nursing home a senior has called her home for 20 years." And in a phenomenon called "transfer trauma," elderly residents often die soon after being moved to new facilities. "So closing a nursing home — even if it's a snake pit run by Bluebeard — may not be in the best interest of our patients," says Morris.

Instead, the group devised a creative solution. It put the targeted nursing homes under a Corporate Integrity Agreement, a kind of corporate probation, in which the nursing homes agreed to a series of improvements and paid for independent monitors selected by the government to make sure they were complying. "We had no statutory basis for this, no regulatory basis; we kind of made it up," Morris recalls, with a chuckle. "M.T. was hugely instrumental in that." While not successful in all cases, Morris notes, "It turned around some pretty bad facilities. Frankly, we've done pretty well." And for every dollar the HHS Office of the Inspector General spends on its anti-fraud efforts (it protects not just seniors but other vulnerable populations), it brings in \$7, Morris adds, a rate of investment it touts to Congress every time the agency's budget is up for discussion.

When the Clinton administration decided to address the problem more broadly by creating the Elder Justice and

Continued on page 23

Where Have All the Civil Jury Trials Gone?

FEWER CIVIL DISPUTES
WIND UP BEFORE A JURY.
WHETHER THAT'S A PROBLEM
DEPENDS ON WHOM YOU ASK.
BUT ONE THING SEEMS CLEAR:

DISPUTE RESOLUTION IN AMERICA

ISN'T WHAT IT USED TO BE. | By Jeri Zeder

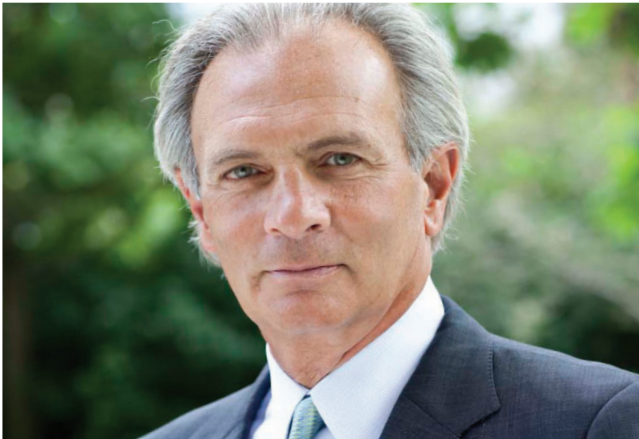




ILLUSTRATION BY SCOTT BAKAL

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HEN HE STARTED PRACTICING LAW IN THE MID-1970S, Larry Cetrulo '75 was in court all the time. "We frequently found ourselves with two civil trials a day. We'd do a motor vehicle case in the morning at the Boston Municipal Court, and then a motor vehicle case in the afternoon at Suffolk Superior Court," he says. As a young associate with the Boston firm Burns & Levinson, Cetrulo recalls, "We had hundreds and hundreds, maybe thousands of those types of cases, and we had 20 trial lawyers who did nothing but try them, day in and day out." Young lawyers would cut their teeth on those cases and then move on to more sophisticated litigation. "By the time we were entrusted with complex litigation, we were experienced. Now, those kinds of civil jury trial opportunities are not there for young lawyers," says Cetrulo, who founded the defense litigation firm Cetrulo & Capone in 1995.



Larry Cetrulo '75 is a defense attorney with 35 years of experience in toxic substance, product liability and commercial litigation.

That fewer and fewer civil matters eventually get heard and decided upon by juries has been documented in both state and federal courts. On the federal level, the number of civil actions filed has risen, but the number of civil jury trials has declined. In Massachusetts state courts, jury trials were five times more common 80 years ago than they are today (see sidebar, "Trials by Number").

But the numbers are just a starting point. They don't say anything about whether the kinds of cases that reach civil juries have changed over time. They don't explain what has caused the decline in civil jury trials or whether this is a worrisome trend. The lack of empirical data on this subject makes it ripe for research — and for theorizing. And it raises the constitutionally philosophical question: if fewer civil cases are being decided by juries, what does it mean, today, for a nation that has traditionally cherished the right to a jury in civil disputes?

Alternative Routes

That's a question Professor Steve Subrin, a civil procedure expert, has been pondering. "We used to think it was critical in a democracy that in open court, subject to public view, people could air their grievances. In a democracy, ordinary people whom we call jurors get a chance to participate in governance. And many of the important norms in our democracy, like what constitutes discrimination, what's unreasonable care, what's unfair competition, are norms that we thought should be defined with the help of the public," he says. He worries that fewer civil jury trials may result in a loosening of public health and safety enforcement as well as citizen distrust, and alienation from government. "That's a real serious problem," he says. "We used to think that civil litigation was a safety valve."

The most often-heard reasons, by far, for the decline of civil jury trials are that they are exorbitantly costly, risky and inconvenient. But if civil disputes are so seldom heard by juries, what's happening to them? Many things. Some issues are too small, by today's standards, to be picked up by attorneys, let alone filed in court. Some are resolved as insurance claims: think no-fault auto insurance, and the rise of coverage for a multitude of torts, from medical malpractice to employment discrimination to libel insurance for journalists.

And then, there's binding arbitration. According to one study, arbitration clauses are attached to 35 to 40 percent of all our transactions. As Massachusetts federal court judge William Young wrote in a 2006 law review article about the vanishing civil jury trial, "Today, citizens cannot trade on the stock exchange, have long distance telephone service or be employed in many necessary jobs and industries unless they surrender statutory and procedural rights." Arbitration's milder cousin, mediation, is another alternative dispute resolution method that has grown in popularity in recent decades. And the



Prior to joining the bench in 1996, Massachusetts Superior Court Judge Carol Ball '76 was a criminal and civil trial attorney.

complexity of many of today's cases often leads parties to waive their rights to be heard by a jury and rely on the judge alone.

Particularly in federal court, court congestion and the judicial practice of case management appear to contribute to the decline in civil jury trials. Federal court filings doubled every decade from the 1970s to 2000. To manage onerous caseloads efficiently, some judges seem to push for resolution through settlement or grant motions for summary judgment or motions to dismiss. Strict and difficult federal discovery rules may also be a deterrent to reaching a civil jury, or even to filing a federal claim in the first place. Both Subrin and Young cite the success of pro-business and pro-insurance interests in lobbying Congress to enact laws that limit the role of civil juries. In the state courts of Massachusetts, there's a tradition of limiting *voir dire*, the practice by which lawyers question prospective jurors and excuse from serving those who may be biased. "Clients face a greater risk when going in front of a jury because there is a lot of bias in the jury pool that does not get exposed," says David White '84, a Massachusetts plaintiff's lawyer with Breakstone, White & Gluck and former president of the Massachusetts Bar Association.

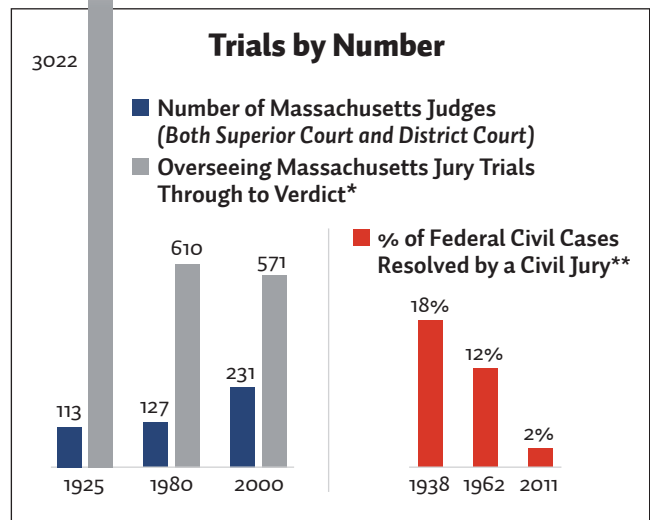
Quality, Not Quantity

One outcome of the decreasing number of civil jury trials is that it's harder for plaintiffs and defendants to reach settlement amounts that reflect the real value of their claims. The possibility of a trial has always been essential to informed settlement. Lacking any reality checks, plaintiffs may be settling for less than they are entitled to, and defendants may be settling non-meritorious claims because they don't want to chance the high cost and uncertain outcome of a jury trial. This problem may be exacerbated as the number of lawyers who are comfortable before juries declines.

Subrin notes that the decrease in civil jury trials removes juries from performing their constitutional function as a check on judicial power. Defense attorney Joseph DeMeo '92 sees the negative impact, particularly of arbitration, on the development of the common law. "We are at somewhat of a disadvantage when too many cases are settled. Judges, as opposed to arbitrators, write and publish their decisions. That contributes to a body of case law with precedential value. Arbitrators often do not write fully reasoned decisions, and if they do, those decisions are not published. The absence of public interpretive decisions hinders the evolution of the law in that area."

Are there upsides to this trend? In state courts especially, discovery practice, which has expanded and grown more thorough in recent decades, allows parties to better

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“It’s my dream job. I feel really lucky they wanted me.” — *Julia Dekovich '11* ≡





To Forgive is Divine

NEW FEDERAL LAW AND NORTHEASTERN
PROGRAM BRING LOAN FORGIVENESS
— AND HOPE — TO ASPIRING PUBLIC
INTEREST LAWYERS | *By Hudson Sangree '00*

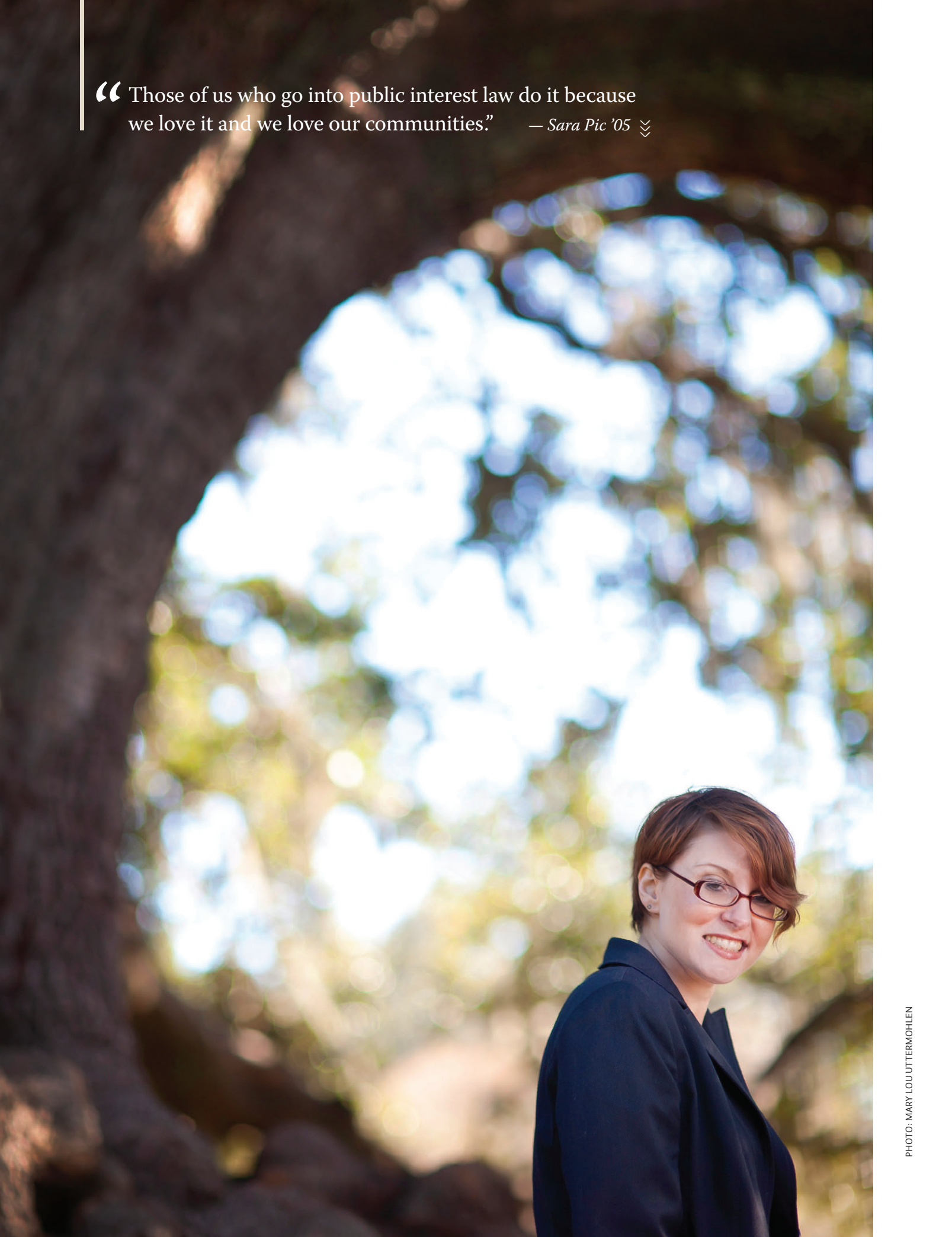
It may be the best time in decades to become a public interest lawyer. Just ask Julia Dekovich '11.

Before starting law school, Dekovich worked as a Head Start teacher in a low-income Seattle neighborhood. She saw kids dropping out of school, spiraling down into the criminal justice system. She decided she wanted to be an advocate for them, so she headed to Northeastern, intent on becoming a juvenile defender. “You have a chance to tell a judge a child’s story, work with their family and put them on a different path,” she says.

Today, Dekovich is a member of the first class of Public Defender Corps Fellows — an elite training program established by Equal Justice Works and the Southern Public Defender Training Center to help overwhelmed public defender offices.

PHOTOGRAPH BY SCOTT LEWIS

“Those of us who go into public interest law do it because we love it and we love our communities.” — Sara Pic '05 ≡



She's assigned to the Defender Association of Philadelphia, a group known for its juvenile division, and has spent months working with defendants in the city's crowded courts and jails.

"It's my dream job," Dekovich says. "I feel really lucky they wanted me."

But her dream came with a hefty price tag. Dekovich's starting salary is \$48,500 a year. She graduated with about \$165,000 in student debt, a sum that's not uncommon for many of today's law school graduates. Without help, her loan payments over 10 years would be nearly \$2,000 a month. They would eat up more than half of her salary and make sticking with her chosen career nearly impossible.

Fortunately for Dekovich and others like her, help is now available through an unprecedented federal aid effort that can drastically reduce monthly loan payments and forgive tens of thousands of dollars in loans for attorneys working in public interest or public service.

When combined with help from law school loan repayment programs — such as the School of Law's Loan Deferral and Forgiveness (LD/F) Program — the debt burden from school can now shrink to zero.

The new federal aid provisions have been likened to a G.I. Bill for public interest and public service lawyers. One provision, called Income Based Repayment (IBR) limits the amount of loan payments for lawyers earning modest salaries. Another, called the Public Service Loan Forgiveness Program, promises to forgive the bulk of student loans for attorneys who enter public interest work and stick with it for at least a decade. A borrower can fall short of covering even the interest on their loans — negative amortization, in other words — and yet still win full forgiveness. And the federal loan forgiveness is non-taxable, the IRS has ruled.

Both provisions are part of a sweeping federal law called the College Cost Reduction and Access Act. The CCRAA, as it's commonly known, was meant to encourage people to enter public interest or public service work and to stay committed. Though passed in 2007, key provisions, including federal loan consolidation and income-based repayment, took effect in subsequent years.

"It's the biggest boon to public interest we've ever seen," says Valerie Kapilow, the law school's associate director of career services and co-director for public interest advising.

And it provides an important opportunity for law schools as well. "We have graduates doing fabulous public interest work, but their average law school debt is \$120,000," says Dean Emily Spieler. "Our goal is to build on the CCRAA with our LD/F Program, and eliminate debt entirely as a factor when they choose to pursue this critical, but underpaid, work."

Game Changer

Northeastern played a leading role in advocating for the CCRAA and is now making sure its students and recent graduates are positioned to take full advantage of it. "We lobbied hard because the law provides essential support in making debt burden manageable," explains Spieler.

The law has changed the financial calculus for those with debt who are hoping to pursue jobs in the public or nonprofit sectors — as public defenders, legal aid lawyers and human rights advocates or government attorneys. Graduates with heavy debt burdens may now see those relatively low-paying jobs as more affordable, especially in the long term.



“ [CCRAA] is a magnificent program. It's broad. It's generous. It makes it possible for people to enter into and stay in public service despite huge student loan balances.” — Heather Jarvis [⋆]

"It's a magnificent program," says Heather Jarvis, a leading expert on student loans who has made it her mission to educate law students and lawyers across the nation about the CCRAA. "It's broad. It's generous. It makes it possible for people to enter into and stay in public service despite huge student loan balances."

Northeastern's support is also evident through the LD/F Program. For more than two decades, the program has helped graduates in public interest positions repay loans. Supported by a range of donors, from graduates to friends to foundations, LD/F initially defers and ultimately forgives a portion of an eligible graduate's debt if the recipient continues working in the public interest field for between three and five years.

Before the CCRAA, graduates in public interest jobs faced monthly payments that were often, as in Dekovich's case, as much as \$2,000 per month. The CCRAA reduces these monthly payments dramatically.

Now, leveraging the IBR repayment schedule, Spieler says Northeastern wants to go one step further, expanding LD/F to provide awards up to 100 percent of debt obligations not covered by the CCRAA. In other words, Northeastern hopes to close the gap between the CCRAA and total debt obligations for eligible graduates.

"With the CCRAA and Loan Deferral and Forgiveness combination, it's a phenomenal opportunity for the law school to make public interest practice debt free for our graduates," the dean says. "Of course, as with any donor-supported fund, our success depends in part on the generosity of others."

Not everyone is as well informed as Northeastern's graduates. Many are still struggling to understand the federal law.

— Adam Minsky '10 >>>

Making it Work

The problem in today's economy, of course, is finding a job. Employment figures for new law school graduates — at private firms and in public service — have fallen across the nation. Nevertheless, Northeastern law graduates continue to find jobs and pursue public interest work in remarkable numbers. In the class of 2010, for example, 17 percent landed public interest jobs — a rate two-and-a-half times the national average. (Statistics for the class of 2011 have not yet been finalized.) Many new grads are taking advantage of the CCRAA's repayment and forgiveness provisions.

Take Dekovich, who passed the Pennsylvania bar in October. She says the federal programs will allow her to pursue her chosen career as a juvenile public defender. She expects her income-based loan payments to be about \$400 a month, prior to any LD/F funding. That's a fraction of what she'd pay without the benefits of the CCRAA. After a decade, she'll seek total loan forgiveness. "I'm not going anywhere," she says. "I'm going to stay in public interest for 10 years."

The federal program primarily benefits recent graduates who have been able to borrow directly from the government and avoid costly private loans. But even some who graduated several years ago — and can consolidate their non-private loans directly with the federal government — say the CCRAA will help them.

Sara Pic '05 is a prime candidate. Upon graduating, Pic was selected for the School of Law's competitive Wendy Parmet Fellowship at Health Law Advocates (HLA) of Boston. She stayed on at HLA for a year, then headed to New Orleans, her hometown, to take part in the rebuilding efforts after Hurricane Katrina. "Those of us who go into public interest law do it because we love it and we love our communities," Pic explains. "All of a sudden my entire city — the city that had nurtured me and made me who I am — was without access to justice."

Pic is now the litigation director at Health Law Advocates of Louisiana, where she helps low-income residents secure medical care and handle their health care debts. Her clients have included a 22-year-old college student shot by a mugger in Baton Rouge. He had tens of thousands of dollars in medical debt and no health insurance, but Pic convinced the hospital to write off his bills.

Now she's trying to deal with her own \$175,000 debt, the result of college and law school student loans. With a salary of \$45,000 a year, she's enrolled in the federal income-based repayment plan and pays less than \$400 a month on \$100,000 in federal loans. Pic still holds about \$75,000 in private loans, however, requiring large payments she calls "crippling."

Spreading the News

Pic says she feels lucky to have found out early about the CCRAA's loan repayment and forgiveness options.



Not everyone is as well informed as Northeastern law graduates, says Adam Minsky '10. Many are still struggling to understand the federal law. After passing the bar, Minsky opened a law office in Boston focusing on student loan law. His full roster of clients includes many individuals who have defaulted on their student debts. Some qualify for income-based repayment or loan forgiveness under the CCRAA, but were unaware of the programs until Minsky mapped them out, he says.

One client was a public defender with \$160,000 in defaulted loans. Minsky helped him consolidate his loans and establish a repayment schedule of only several hundred dollars each month. "If he stays there for 10 years and makes his 120 payments on time, he'll qualify for loan forgiveness," Minsky says. Sadly, according to Minsky, this public defender's lack of knowledge about the federal law is not uncommon.

Congress passed the CCRAA after years of lobbying by public interest lawyers and law schools, including Northeastern. President George W. Bush signed it into law in September 2007, and implementing regulations were issued in October 2008.

At its most basic, the loan provisions of the CCRAA seem straightforward: income-based repayment allows borrowers of federal loans to make payments based on earnings and family size. The Public Service Loan Forgiveness Program forgives the balance of eligible federal student loans after a borrower makes 120 payments while working for a qualifying nonprofit or government employer.

From there it gets tricky, however, and clear explanations of how it all works have only recently been made available, says CCRAA expert Jarvis.

The US Department of Education is still struggling to get borrowers the information they need to take advantage of the program, she explains. Universities have been playing catch-up to educate students and graduates about repayment and forgiveness options. And non-federal lenders have a conflict of interest because many borrowers must consolidate their loans with the federal government — and away from other lenders — to qualify, she notes.

The result is that many borrowers are just starting to find out about the programs, and even smart young lawyers can struggle to understand them, says Jarvis, who spoke at Northeastern in October. Taking advantage of the benefits requires research, planning and being proactive.

“A student loan borrower has to make the right kind of payments on the right kind of loans when they’re in the right kind of job,” she explains. “It only works out if they play their cards right.”

The programs are most helpful for new or recent graduates with modest paychecks, she says. Lawyers who have been practicing for more than a few years and who earn higher incomes are less likely to benefit. But those who qualify — and who make the right choices — can reap huge benefits: the ability to pursue a career based on passion, not paycheck. And that, for many current students and young graduates, dramatically alters the career landscape, making what once seemed impossible within reach.

“With the CCRAA and our efforts to increase LD/F funding, we’re working toward what is truly a new era for public interest law practice,” says Spieler. “These young graduates are taking on the most important issues in our society. It benefits all of us to see them pursue the public interest work they love without the stress of student loan debt.”

Hudson Sangree '00 is a senior writer for The Sacramento Bee.

Additional Information

Several web sites give detailed information about the workings of the CCRAA and link to other useful sites:

Northeastern University School of Law
northeastern.edu/law/financial-aid/alumni

Equal Justice Works: Student Debt Relief
www.equaljusticeworks.org/ed-debt

US Department of Education: Federal Student Aid
studentaid.ed.gov/PORTALSWebApp/students/english/index.jsp

The Smart Student Guide to Financial Aid:
Public Service Loan Forgiveness
www.finaid.org/loans/publicservice.phtml

CCRAA Citations:

Statutory provisions:

- 20 USCA §1098e (Income Based Repayment Plan)
- 20 USCA §1087e (m) (Repayment Plan for Public Service Employees)

CCRAA regulations:

- 34 CFR §682.215 (Income Based Repayment Plan); §685.219 (Public Service Loan Forgiveness Program)

IRS Revenue Ruling 2008-34 (June 20, 2008)

Not in My Back Yard

Continued from page 13

Nursing Home Initiative, Connolly was offered the chance to head it up. “It was immediately, totally fascinating,” she recalls, “because it was basically about the rights of a vulnerable population that was largely invisible. It quickly became clear that the protections in place were fragmented and the level of priority on the national agenda was very low.”

Starting from scratch, Connolly hosted conferences around the country and created state working groups where she emphasized a multidisciplinary approach with participation from law enforcement, medical personnel, elder advocates and others. She began drafting legislation to protect elders, modeled on the Violence Against Women Act. In developing support, she came to know many diverse organizations across the ideological spectrum, and convened a group that evolved into the Elder Justice Coalition. Still, despite bipartisan support, the Elder Justice Act was passed just last year as part of health care reform, nearly a decade after she began advocating for it. And it still has not received any appropriations.

Part of the problem, she says, is the need for empirical data on the issue of elder abuse, but there are other, more insidious reasons the issue isn’t getting the support it deserves, she says. “It’s because [elder abuse] has been a largely invisible problem, and I think there’s really rampant ageism,” Connolly says. “Unlike child abuse or domestic violence or sexual assault, we don’t have very many survivors who can speak out. Many are incapacitated or no longer alive or very ashamed because often the abuser who is neglecting or abusing or exploiting them is in their family. So there’s a low level of awareness and ageism and denial.”

As she grew even more passionate about the issue, Connolly wanted more freedom to speak out in ways she felt weren’t appropriate for a government attorney. She left the DOJ in 2007 for a fellowship with the Woodrow Wilson International Center for Scholars to write a book about elder justice. But, realizing the issue needed a vehicle to advance policymaking and advocacy, in 2010 she launched Life Long Justice, which is currently part of the national Appleseed network of public interest justice centers, but soon will be going out on its own.

There’s so much work to be done, she says, including the need for research to document the incidence of abuse. “One of the things we don’t have research about is why,” says Connolly. While elder abuse cuts across all socio-economic groups, it’s clear that poverty and unemployment are factors, and she posits that with many adult children moving back home out of financial need, there will be “heightened risk” for parental abuse. She would also like hard data on whether there is increased abuse due to the significant number of grandparents serving as primary caretakers for grandchildren abandoned by their parents.

Caretaking for the elderly is an extremely difficult job that takes a significant toll on the health and financial welfare of the person providing the care, Connolly notes with sympathy. And she’s eager to get data on the economic impact of caretaking and related issues, including caretakers missing work or losing their jobs. While her efforts and those of her colleagues can’t help Ruby Wise, perhaps they can help the country open its ears to the reality and tragedy of elder abuse. If that happens, maybe then, Ruby’s cries will not have been in vain.

Elaine McArdle is a contributing writer based in Albuquerque.

FACULTY PROFILE

Talking Points

A CONVERSATION WITH ASSOCIATE DEAN LUKE BIERMAN

FOLLOWING A NATIONAL SEARCH, Luke Bierman, former general counsel to the New York state comptroller, was appointed Associate Dean for Experiential Education and Distinguished Professor of the Practice of Law in May. Bierman's responsibilities include overseeing the Cooperative Legal Education Program, clinics and Legal Skills in Social Context program.

An expert on ethics and fiduciary reform, corporate governance and judicial process, Bierman previously served as founding director of the Justice Center and special assistant to the president of the American Bar Association; executive director of the Institute for Emerging Issues at North Carolina State University; and chief attorney of the New York Supreme Court, Appellate Division, Third Judicial Department, as well as chief attorney to the court. He also practiced law in upstate New York.

Bierman has taught at a variety of law schools and holds a PhD in political science. He is an elected member of the American Law Institute.

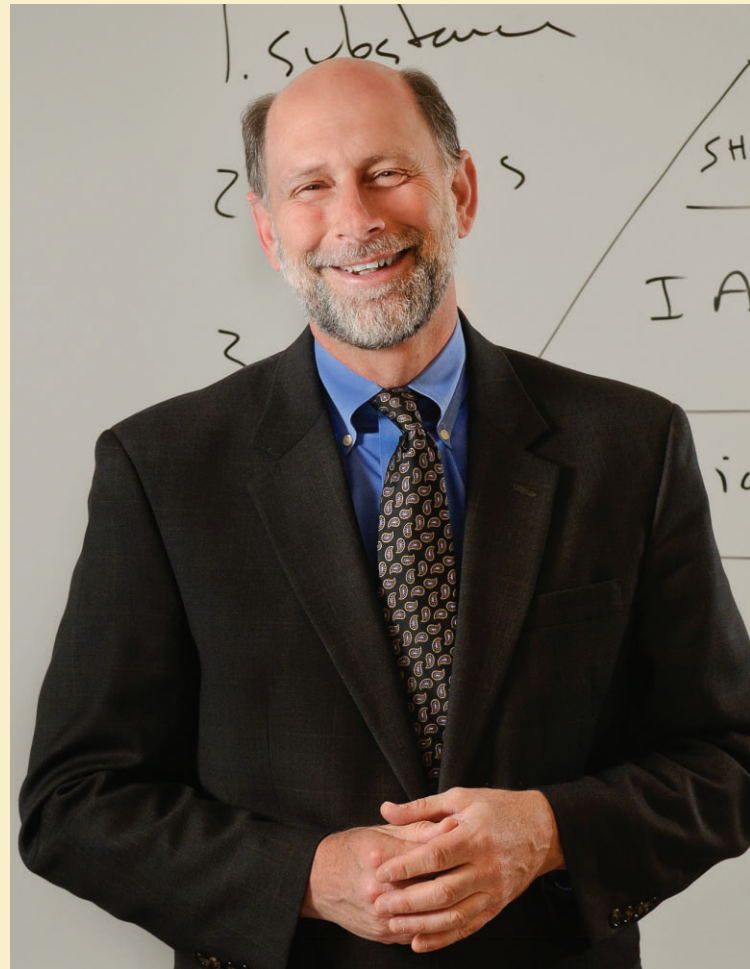
Question: *You've worked in a variety of legal and non-legal, academic and practice-based settings. What brings you back to academia?*

Answer: The challenges associated with legal education are especially compelling. Lawyers are integral to the American experience, and it is essential that we do a better, more affordable job preparing students to be excellent, ethical, socially conscious practitioners. Northeastern's unique and innovative approach to legal education seemed a particularly apt place to make a contribution.

The position of associate dean for experiential education was significantly expanded last year. What's new and different about what you are doing?

My predecessors, Jim Rowan and Martha Davis, did an extraordinary job while working on these complex issues on a part-time basis. My task is to solidify their work to make sure that Northeastern's approach to legal education remains a bellwether for how to prepare students to be excellent, ethical, socially aware lawyers. We are working to expand co-op opportunities and looking into how to ensure that the classroom, co-op, clinic and LSSC experiences are integrated so that students get the absolute most out of each.

The law school received a significant gift this year from Georgia Wall '77 and her husband, Donald Gogel, to create



the Initiative on Experiential Education in Law. What's your vision for this initiative?

Our expectation is that Northeastern continues to provide leadership in the legal academy and will transform legal education on a national basis. We have already convened a group of representatives from 20 law schools from around the country to discuss how we might accomplish this ambitious task, and I am very pleased that Northeastern is viewed as the leader in this endeavor. We really appreciate not only Georgia and Don's vision and support, but also their faith that Northeastern can help accomplish this important work.

— Deborah Feldman

FACULTY NOTES

Richardson Professor of Law **Roger I. Abrams** is working on his next book, *The World of Sports and Politics*, which will be published by University Press of New England next year. Over the past few months, he authored five published labor arbitration decisions and heard cases in St. Croix, Key West, Fort Worth and Atlanta. In June, Abrams heard his first international commercial arbitration case, involving companies from the US and the UK. He continues to be interviewed by media outlets across the country on labor dispute issues in professional football and basketball. He spoke at a Massachusetts CLE program on Alternative Dispute Resolution in October. His e-mail exchange with sports law professors across the country about the suit by NFL football players against the League was published in *The Entertainment & Sports Lawyer*, a journal of the American Bar Association.

In May, Professor **Brook K. Baker** '76 completed his sabbatical at the University of KwaZulu Natal (UKZN) in Durban, South Africa, where he has regularly consulted and taught for 14 years. While there, Baker taught seminars dealing with teaching skills, HIV and research methods for LLM students. He also co-authored a *Practical Guide to Writing Research Papers and Dissertations* and wrote a successful grant proposal to fund an expanded legal literacy and skills program for law students as well as producing materials for a student-to-student sexual harassment simulation. Baker returned to UKZN for three weeks in June and July to co-teach an intensive intellectual property and access to medicines course for activists, human rights lawyers and academics.

While in South Africa, Baker participated in a panel discussion, "The Potential Impact of Partnership Agreements (EPAs) Negotiations on Public Health," at a UNDP-SADC Workshop on Intellectual Property Enforcement and Access to Essential Medicines in Pretoria. He also moderated a discussion, "The Proliferation of National Anti-Counterfeiting Legislation: The Experience of EAC Countries," and co-facilitated a workshop, "Mitigating the Negative Impacts of Anti-Counterfeit Legislation and Developing a Public Health Agenda for Ensuring Safe and Efficacious Medicines of Good Quality." Earlier in May, he presented "African Health Workforce" and joined a panel, "Targeting Specific Drivers to Fast Track Rebuilding the Healthcare Sector," at the Leaders in Healthcare Conference, held in Johannesburg.

Addressing Big Pharma's IP enforcement agenda, Baker co-authored two related

Burnham Hailed as "Keeper of the Flame"

PROFESSOR MARGARET BURNHAM, a civil and human rights expert, was honored with the "Keeper of the Flame Award" by the Boston Bar Association's Lawyers' Committee for Civil Rights Under Law at the organization's annual reception in June. Each year, the Lawyers' Committee commemorates the legacy of Rosa Parks by recognizing the accomplishments of a contemporary civil rights leader with this award.

Burnham, who joined the Northeastern faculty in 2002, is founder of the School of Law's Civil Rights and Restorative Justice Project, which engages students in legal matters relating to the 1960s US civil rights movement. In 2010, she headed a team that settled a landmark federal lawsuit: the team accused Franklin County, Mississippi, law enforcement officials of assisting Klansmen in the kidnapping, torture and murder of two 19-year-olds, Henry Dee and Charles Eddie Moore. The case and settlement were widely covered in the national press.

Burnham began her career at the NAACP Legal Defense and Educational Fund. In 1977, she became the first African American woman to serve in the Massachusetts judiciary, when she joined the Boston Municipal Court as an associate justice. In 1982, she became a partner in a Boston civil rights firm with an international human rights practice. In 1993,



South African president Nelson Mandela appointed Burnham to serve on an international human rights commission to investigate alleged human rights violations within the African National Congress. The commission was a precursor to the Truth and Reconciliation Commission.

A former fellow of the Bunting Institute at Radcliffe College and Harvard University's W.E.B. DuBois Institute for Afro-American Studies, Burnham has written extensively on contemporary legal and political issues.

briefing memos and an op-ed, "Stand Firm on Pharmac," in *Pharmacy Today*, which criticized a US proposal to restrict trading partners' ability to use price controls and therapeutic formularies to control the costs of medicines. He also attended the August Global Congress on Public Interest Intellectual Property Law at American University, where he was on a panel, "Limitations and Exceptions for Special Subjects and Objects," and co-chaired two Access-to-Medicines Workshops. He published two articles addressing these risks, "ACTA: Risks of Third-Party Enforcement to Access to Medicines," in *26 American University International Law Review* 579 (2011), and "Settlement of India/EU WTO Dispute re Seizures of In-Transit Medicines: Why the Proposed EU Border Regulation Isn't Good Enough," in *PJIP Research Paper Series* (2011).

Baker continues to consult with UNDP, co-authoring "The Evolution of IPRs from Humble Beginnings to the Modern Day TRIPS-plus Era: Implications for Treatment Access" for the Commission on

HIV and the Law, and editing a UNDP paper, "Ensuring Access to Assured Quality, Safe, Efficacious and Affordable Medicines in Africa: Incorporating a Public Health Response to 'Anti-Counterfeit' Legislation." He presented at a UNDP/Government of Brazil event, "Promoting Access to Essential Drugs at Home and in the Global South," in September in New York.

As a critical supporter of the UNITAID-initiated Medicines Patent Pool, Baker wrote an assessment of the first pharmaceutical company license, "Corporate Self-Interest and Strategic Choices: Gilead Licenses to the Medicines Patent Pool," in *IP-Watch* (July 21, 2011). He was invited by UNITAID to give a presentation, "The Role of the Medicines Patent Pool in Access to HIV Medicines — What Can the Pool Offer, What to do Where the Pool Cannot Deliver," at its third consultative forum in Geneva, Switzerland, in October.

Addressing US global AIDS policy and its failure to take cognizance of recent scientific findings that effective HIV

Lewis Honored by Carroll Center

PROFESSOR HOPE LEWIS, WHO IS LEGALLY BLIND, was named 2011 Employee of the Year by the Carroll Center for the Blind and the Massachusetts Commission for the Blind for her work as an international law and human rights teacher and scholar.

The Carroll Center, a nonprofit agency based in Newton, teaches blind and vision-impaired people how to adapt to living with their disability.

Lewis has been legally blind since 1995. She reads standard-sized text with corrective magnifying lenses, employs speech software for voluminous journal articles and refers to a super-sized seating chart for classroom teaching.

Her disability, she said, helps shape her push for social and economic justice. "I hope this award raises awareness about disabilities and employment rights," said Lewis.

She is currently writing a book on the human rights of immigrants from the English-speaking Caribbean. Labor laws, she said, often do not adequately protect women who are forced to provide for their families by becoming domestic or health care employees in the United States.

"A recently enacted domestic workers' bill of rights in New York allows employees to take one day off per week, establishes wage protections and addresses other workplace abuses," Lewis said. "It seems like those are intuitive stipulations, but women in particularly low-wage jobs fall through the cracks, and their human rights are violated."

Her textbook, *Human Rights and the Global Marketplace: Economic, Social, and Cultural Dimensions*, received the 2008 US Human Rights Network Notable Contribution to Human Rights Scholarship Award.

Lewis has also blogged about the human rights impact of violence, poverty and natural disasters for IntLawGrrls: Voices on International Law, Policy and Practice. She blames government officials for mishandling the needs of disabled men, women and children who were victims of Hurricane Katrina and the earthquake in Haiti.

"Many disabled people suffered disproportionately or became disabled as a result of these disasters," Lewis said. "Thinking this was a minor issue, government officials missed the boat on reintegrating them into rebuilding efforts and mainstream society." — Jason Kornwitz



treatment reduces the risk of onward transmission by 96 percent, Baker wrote a briefing paper, "Mission Crash: The Intolerable Policy Incoherence" in *US AIDS Policy, Global and Domestic* (May 14, 2011), and an editorial, "Efficiencies in AIDS Programming: The Rhetoric and the Realities," in *JAIDS* (2011).

Professor **Dan Danielsen** participated in a workshop, "UN-NU International Workshop on Development of Anti-Corruption Program," at Northeastern University in May. He was a core faculty member and stream leader for "The Corporation and Global Society" at the Institute for Global Law and Policy Summer Workshop, held at Harvard Law School in June. At a discussion hosted by the Open Society Policy Center and others, he spoke on a panel, "Should the Foreign Corrupt Practices Act be Amended? Perspectives on US Competitiveness and the Global Fight Against Bribery," held at

the US Capitol Building in Washington, DC, in September.

Danielsen's recent publications include "Economic Approaches to Global Regulation: Expanding the International Law and Economics Paradigm" in *10 Journal of International Business & Law* 23 (2011), and a co-authored piece, "Busting Bribery: Sustaining the Global Momentum of the Foreign Corrupt Practices Act," published by Open Society Foundations.

Professor **Martha F. Davis** was an invited expert in June at an Aspen Institute for State Supreme Court Justices, "US Courts: Learning From Other Jurisdictions." Justice Margot Botsford '73 of the Massachusetts Supreme Judicial Court was also a participant. Davis moderated a national audio conference on human rights and domestic legal aid for the *Clearinghouse Review* on June 21. The following week, Davis was one of two scholars invited to present at the annual Massachusetts State Appellate

Judges Conference; she spoke on the use of international and foreign law in domestic adjudication.

In July, she traveled to New York City to make a presentation on the status of women in the US to the staff and board of the Ms. Foundation for Women. In October, Davis spoke at the National Association of Women Judges annual conference at Rutgers-Newark on "Human Rights and the Low-Wage Workforce."

Davis co-authored "Oklahoma and Beyond: Understanding the Wave of State Anti-Transnational Law Initiatives," which appeared in the *Indiana Law Journal Supplement*, and "Oklahoma's Anti-Sharia Law and Other Anti-Transnational Law Proposals: A Backgrounder for Domestic Human Rights Advocates," published in the September-October issue of *Clearinghouse Review*. The latter piece was co-authored with Emily Abraham '12. Davis also published "Law, Issue Frames and Social Movements: Three Case Studies," in *14 University of Pennsylvania Journal of Law & Social Change* 363 (2011). Her op-ed on the Supreme Court decision in *Flores-Villar v. US* appeared in *The Boston Globe* on June 15, 2011. As a frequent blogger for the American Constitution Society, she also posted four entries on women's rights and constitutional law issues.

Professor **Rashmi Dyal-Chand** '94 recently published an article, "Useless Property," in *32 Cardozo Law Review* 1369 (2011), as well as two book chapters: one about the Grameen Bank and the other on what Hernando de Soto might say about the financial crisis in the US. In the fall, she attended the ClassCrits and LatCrit conferences in Washington, DC, and San Diego, respectively. Dyal-Chand is also faculty director for the School of Law's new Community Business Clinic (see page 8).

Matthews Distinguished University Professor **Karl E. Klare** presented a paper, "Teaching Local 1330 — Reflections on Critical Legal Pedagogy," at a winter colloquium observing the 30th anniversary of the historic plant closing case *United Steelworkers of America, Local 1330 v. United States Steel Corporation*. Klare has taught the case at Northeastern for decades. The conference was sponsored by *Unbound: Harvard Journal of the Legal Left*, which published his paper online.

Klare recently presented two papers in South Africa. In May, he was invited to present the concluding remarks at the International Law and Poverty Colloquium, sponsored by the Strategic Research and Outreach Project of Stellenbosch University. Klare developed his remarks and comments into a short paper, "Legal Activism After Poverty Has Been Declared

FACULTY PROFILE

No Harm Done

LEO BELETSKY DISSECTS INTERPLAY
BETWEEN LAW AND PUBLIC HEALTH

“DO NO HARM,” IS A DOCTOR’S FIRST OATH. When it comes to law and public health, Leo Beletsky thinks the oath should be the same.

“Laws are often heralded as interventions designed to ‘cure’ this or that ‘social ill,’ but little work is done to assess whether these claims are ever realized,” says Beletsky, who joins the School of Law this winter, with a joint appointment at Bouvé College of Health Sciences. “Many laws are poorly designed to achieve their aims and, as a result, some may do more harm than good.”

In line with Northeastern’s long tradition of public health advocacy, Beletsky’s work focuses on the impact of law on health. What’s a bit unusual, however, is that in his research on legal and policy questions, Beletsky draws on tools typically used by epidemiologists to evaluate the impact of public health programs.

Beletsky’s interdisciplinary approach is contributing to a growing trend in science that considers the influence of policies and the criminal justice system as “structural” drivers of health.

Given Northeastern’s emphasis on interdisciplinary education and research, he says, “I was drawn to the university’s commitment to grappling with some of today’s most complex empirical questions and finding innovative solutions that harness that complexity.” Relying on the resources and expertise from two schools, he hopes to use the joint appointment to do just that.

Beletsky’s academic path explains this interdisciplinary outlook. As a graduate student in public health, he worked on a study looking at the impact of syringe decriminalization in Rhode Island — designed to slow the HIV epidemic among injection drug users. Observing that police practices did not reflect the change in the law, Beletsky interviewed patrol officers to understand what caused the disconnect between the “law on the books” and the “law on the streets.”

“I found that many officers didn’t know about the reform,” he recalls. “Those who did, refused to go along with it



because they saw it as counterproductive.” His interest in understanding the impact of laws on health led to a job at Temple Law School. In a self-styled co-op program, he continued to do research while pursuing his law degree.

Beletsky went on to a prestigious fellowship — more frequently reserved for scientific researchers than lawyers — at the Yale Center for Interdisciplinary Research on AIDS. Working with epidemiologists, clinical psychologists and physicians studying the spread of HIV helped him hone his research skills. Beletsky also advocated using a public health lens to examine human rights abuses against vulnerable groups, viewing these events as something that can be prevented, monitored and addressed through proven interventions.

In his subsequent faculty position in the Division of Global Public Health at the University of California, San Diego’s School of Medicine, he designed interventions to improve public health while trying to curb human rights violations in places ranging from Baltimore, Maryland, to Bishkek, Kyrgyzstan, to Tijuana, Mexico.

“My enthusiasm for this new position goes far beyond Northeastern University’s traditional public health advocacy strengths,” says Beletsky. “There are so many exciting opportunities for interdisciplinary research with colleagues from the School of Law, Bouvé and other departments. Having learned by doing, I can truly appreciate and applaud the university’s unique commitment to experiential education.”

— Deborah Feldman

Unconstitutional,” that will be published in the conference volume. In June, he was co-convenor of the third workshop conducted by the International Social & Economic Rights Project (iSERP), a project of the School of Law’s Program on Human Rights and the Global Economy. At this year’s event, hosted by the University of Pretoria Faculty of Law, Klare spoke about

“What Do We Mean by a ‘Critical Approach’ to Human Rights?”

Klare gave two presentations on legal theory and legal education at a student-organized summer luncheon series, “Introduction to Critical Legal Studies.” He credited the student volunteers who organized the series with doing “a fantastic job” and stated that, encouraged by the high

level of student interest, he plans to regularly offer a critical legal theory course after a gap of several years.

Klare continues his pro bono advocacy on behalf of workers’ rights. He testified before the New Hampshire Senate Committee on Commerce in opposition to proposed legislation designed to undermine workers’ collective bargaining rights. The

bill passed the legislature but was vetoed by the governor. He also gave testimony to the City of Cambridge License Commission in favor of a regulation to bar subcontracting of housekeeping and guestroom services at hotels. The proposal aims to address the rampant problem of outsourcing low-wage service work. In his academic role, Klare and two colleagues published an op-ed in *The New York Times* online edition in October arguing that recent attacks on the National Labor Relations Board by House Republicans are legally unfounded.

Klare moderated a panel, "Regulating Labor & Employment Relations in the 21st Century — Is New Deal Legislation Still Up to the Job?" at the 38th annual Robert Fuchs NLRB/DOL Labor Law Conference in October. The panel included two graduates who are distinguished labor lawyers — Judy Scott '74, general counsel of the Service Employees International Union, and Rachel Muñoz '06, who practices with Morgan, Brown & Joy in Boston — as well as the solicitor of labor, the acting general counsel of the NLRB and a prominent academic. This event serves as an annual reunion of sorts for many Boston area Northeastern law graduates working in the labor and employment field.

In June 2011, Professor **Hope Lewis** organized "Breaking Into Law Teaching: New England," a workshop aimed at increasing the participation of lawyers from underrepresented groups in the legal academy. Co-sponsored by the School of Law and the Society of American Law Teachers (SALT), it attracted graduates and other lawyers from the region; several Northeastern law faculty members participated as panelists.

Related to her role as co-drafter of the Program on Human Rights and the Global Economy's "The Boston Principles on the Economic, Social, and Cultural Rights of Noncitizens" (May 1, 2011), Lewis co-authored, with Professor Rachel Rosenbloom, "The Boston Principles: An Introduction," in 1 *Notre Dame Journal of International, Comparative, and Human Rights Law* 145 (2011).

In addition to her regular contributions to IntLawGrrls.com, Lewis published commentaries on international human rights in the US, "Can the US Afford Economic Rights in an Economic Crisis," in *The Huffington Post* on April 21, and "Human Rights Implications of *Arizona v. United States*," in SCOTUSblog on July 14.

Lewis continues her work as a member of the executive council of the American Society of International Law and the SALT board of governors. In November, the American Bar Association Section of International Law selected Lewis as the 2012 recipient of the Mayre Rasmussen

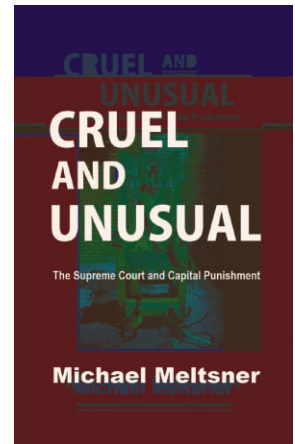
Cruel and Unusual is Back

A NEW PAPERBACK EDITION of Professor Michael Meltsner's historic book, *Cruel and Unusual: The Supreme Court and Capital Punishment*, is now available



from Amazon and other leading booksellers. In addition, the book is downloadable in all eBook formats, such as Kindle, Apple iBooks and Nook. An authoritative history of the NAACP Legal

Defense Fund's anti-capital punishment litigation that led the Supreme Court to quash more than 600 death sentences in 1972, the new edition features a forward by legal scholar and novelist Evan Mandery.



Award, which recognizes "someone who has demonstrated sustained outstanding service or a specific and extraordinary service in connection with the advancement of women in the legal profession."

Professor **Kristin M. Madison** co-authored "The Law, Policy and Ethics of Employers' Use of Financial Incentives to Improve Health" in 39 *Journal of Law, Medicine & Ethics* 450 (2011). Madison also published "Rethinking Fraud by Rethinking the Health Care System," in 32 *Hamline Journal of Public Law & Policy* (forthcoming 2011).

Matthews Distinguished University Professor **Michael Meltsner** was interviewed in October about the reissue of *Cruel and Unusual: The Supreme Court and Capital Punishment* by the StandDown Texas Project, which was organized in 2000 to advocate a moratorium on executions and state-sponsored review of Texas' application of the death penalty. Meltsner was a panel commentator for "The Electronic Medical Record's Impact on the Patient-Caregiver Relationship: The Good, the Bad and the Unknown," an event in September sponsored by the Massachusetts Medical Society and the Schwartz Center for Compassionate Healthcare.

Meltsner's play about Guantanamo, "In Our Name: A Play of the Torture Years," will be published this winter.

Executive Professor of Law and Business **Susan Barbieri Montgomery** '86 was quoted in *The Boston Globe* article, "Mixed reviews for patent-law overhaul," by Hiawatha Bray on September 12, 2011. Montgomery has been actively involved in patent reform efforts for more than six years.

As an elected delegate to the American Bar Association (ABA) House of Delegates (HOD), Montgomery attended the HOD's annual meeting in August in Toronto, where she continued to advocate for ABA policy on IP matters, including three resolutions related to Sections 101, 112 and 145 of the Patent Act, all of which were passed by the HOD. The ABA is preparing a brief *amicus curiae* to the Supreme Court in *Mayo v. Prometheus*, that is based on the Section 101 policy adopted in August, as well as another Section 101 resolution she advocated for earlier in the year.

In May, Montgomery moderated the showcase panel, "Functionality: Not Just for Plaintiffs Anymore?" at the International Trademark Association (INTA) meeting in San Francisco. In August, she spoke about "IP Strategies for Global Brands" at Suffolk Law School's "Recent Developments in International Commercial Law" conference in Boston. Montgomery also organized the School of Law's IP/Innovation Connection Conference in September (see page 6).

Back again: In May, the Massachusetts Supreme Judicial Court decided in *Finch v. Commonwealth Health Insurance Connector Authority* that a state law denying access to approximately 40,000 immigrants should be subject to strict scrutiny. Matthews Distinguished University Professor **Wendy E. Parmet**, who brought the case with colleagues from Health Law Advocates, went back before the high court in November to argue that the law cannot survive strict scrutiny and should be found unconstitutional.

In October, Parmet presented "The Affordable Care Act: Implications for Public Health Law" at the annual meeting

of the American Public Health Association in Washington, DC. Her article, "The Individual Mandate: Implications for Public Health Law," appears in *39 Journal of Law, Medicine & Ethics* 401 (2011). Parmet also co-authored a chapter, "Social Determinants, Health Disparities and the Role of Law," for *Poverty, Health and Law: Readings and Cases for Medical-Legal Partnership*, co-edited by Ellen Lawton '93 and Elizabeth Tobin Tyler '98 (see page 40).

In June, Professor **Deborah A. Ramirez** co-organized a conference at Georgetown University that examined partnerships between Arab, Muslim, Sikh and South Asian communities and law enforcement as an emerging counterterrorism strategy.

Participants examined different kinds of community policing models operating in the United States and United Kingdom in relation to accountability, legitimacy and partnership with the affected communities. Also in June, the Arab-American Anti-discrimination Committee (ADC) invited Ramirez to speak at its national convention. This year marked the 10th anniversary of ADC's BRIDGES Program (Building Respect In Diverse Groups to Enhance Sensitivity), which is a formalized body that includes members of the Arab-American community who have been meeting with the heads of all federal agencies in Detroit, Michigan, since 2001. Through these meetings, both federal agents and the community have been able to address mutual issues of concern and work together to enhance the concept of trust between the community and law enforcement.

In June, Ramirez testified before the US House of Representatives Committee on the Judiciary's Subcommittee on Crime, Terrorism and Homeland Security regarding the effectiveness of community engagement as a law enforcement model. As a result of this testimony, she compiled a paper that provides examples of how community efforts have helped lead authorities to possible terrorism suspects and discusses examples of community reaction to possible terrorist activity and law enforcement efforts.

In July, Ramirez traveled to Birmingham, England, to meet with European and Egyptian colleagues for a conference that she co-planned and co-coordinated, focused on creating and sustaining partnerships to create the most effective strategies to thwart terrorism.

Associate Professor of Law **Sonia Elise Rolland** presented a paper on the protection of consumer interests at the World Trade Organization at the American Society of International Law's second annual Midyear Meeting and inaugural Research Forum in Los Angeles in November.

This fall, Rolland was awarded a research grant by the Northeastern Center for Emerging Markets (CEM); her work will focus on the Republic of Vanuatu as a case study of a least-developed country in the process of gaining World Trade Organization membership. Rolland's work will include several weeks at the University of the South Pacific, where she will meet with governmental officials in charge of the country's trade policy and members of civil society.

Assistant Professor of Law **Rachel E. Rosenbloom** recently published "Remedies for the Wrongly Deported: Territoriality, Finality and the Significance of Departure," in *33 University of Hawai'i Law Review* 139 (2010) and "Will Padilla Reach Across the

Border?" in *45 New England Law Review* 327 (2011). With Professor Hope Lewis, she co-authored "The Boston Principles: An Introduction," in *1 Notre Dame Journal of International, Comparative, and Human Rights Law* 145 (2011).

In May, she presented a paper on race and the evidentiary burdens of birthright citizenship as a work-in-progress at the Emerging Immigration Law Scholars and Teachers Conference, held at American University Washington College of Law.

Rosenbloom is an individual plaintiff, along with a number of immigrant rights organizations (National Immigration Project of the National Lawyers Guild, ACLU, Immigrant Defense Project and the Post-Deportation Human Rights Project) in a Freedom of Information Act lawsuit against the US Department of Homeland Security, the US Department of State and the US Department of Justice, alleging improper withholding of materials related to the return of individuals who prevail in federal court appeals after being deported from the United States.

Rosenbloom was recently elected co-chair of the Immigration Committee of the Section of Administrative Law and Regulatory Practice of the American Bar Association.

Professor **Stephen N. Subrin** continues to write about, and bemoan, the phenomena of vanishing civil trials (see page 14). His recent suggestions in print: "The Limitations of Transsubstantive Procedure: An Essay on Adjusting the 'One Size Fits All' Assumption," in *87 Denver University Law Review* 377 (2010), and "Litigation and Democracy: Restoring a Realistic Prospect of Trial," in *46 Harvard Civil Rights-Civil Liberties Law Review* 399 (2011).

At the request of the *Nevada Law Journal*, Subrin wrote an article about *Ashcroft v. Iqbal*, which he calls, "one of the worst US Supreme Court opinions." Subrin argues the Court illegally amends the Federal Pleading Rules ("pretending it is not doing so, and in flagrant violation of the obligation to either go through the Enabling Act Process or directly through Congressional action"). The Court's "new alleged interpretation basically eliminates the plaintiff's right to discovery and jury trial in many of the types of cases I care most deeply about, including employment discrimination litigation," says Subrin, who continues, "Having just turned 75, I'm allowed to articulate legitimate outrage."

With co-authors Thomas Main '94 (University of the Pacific McGeorge School of Law), Martha Minow (Harvard Law School), Mark Brodin (Boston College Law School) and Alexandra Lahav (University of Connecticut School of Law), Subrin is

Continued on page 43

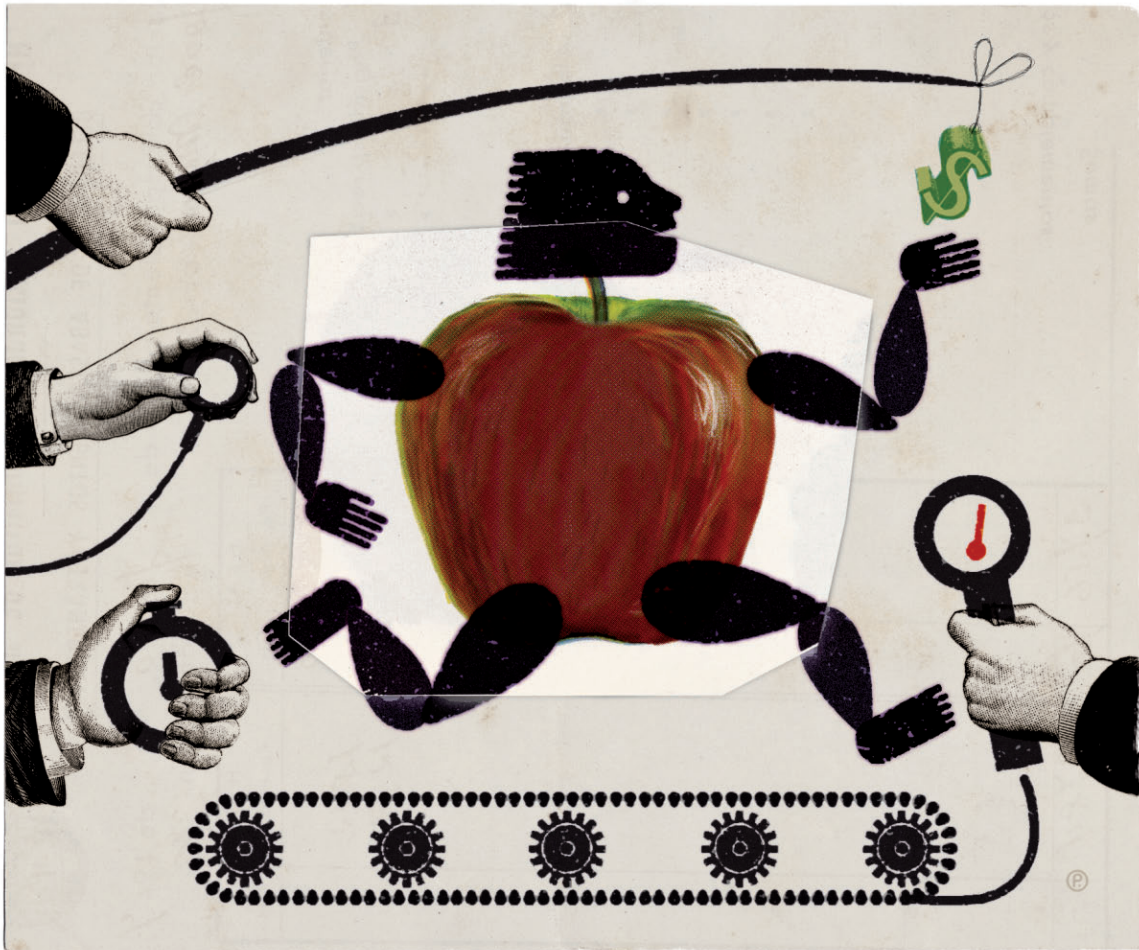


Climb Every Mountain

PROFESSOR KARL KLARE fulfilled a long-time personal goal in July by climbing Mount Kilimanjaro. Located in the east African nation of Tanzania, Kilimanjaro is the highest mountain on the continent and the tallest free-standing mountain in the world. Klare reached about 17,500 feet on the morning of the sixth day but was forced to turn back a few hours before reaching the summit because of an eye infection caused by volcanic dust. He said the adventure was "one of the most thrilling and exhilarating things I have ever done."

Pay By Number

CHOLESTEROL HIGH? OVERWEIGHT? CHANGES IN HEALTH LAW MAY MEAN BIGGER PREMIUMS FOR THE LESS HEALTHY. | *By Maura King Scully*



Can you pay people to be healthier? And if so, how much?

Those questions are at the root of a debate over employer-sponsored wellness programs providing financial incentives for healthy behaviors, like quitting smoking or lowering cholesterol. These programs run the gamut: Northeastern's insurance carrier, for example, rebates \$150 toward gym memberships for employees. Walmart plans to offer workers free smoking cessation

classes; and Safeway provides non-union employees with up to \$800 toward health insurance premiums for remaining within limits on common medical-risk factors, like blood pressure.

These programs are growing in popularity, according to Professor Kristin Madison, who holds a joint faculty appointment at the School of Law and Bouvé College of Health Sciences. "Employers like these programs because they have the potential to improve health," says Madison, "and people do respond to financial incentives."

In a recent co-authored article in the *Journal of Law, Medicine & Ethics*, Madison compares a 1990 survey of 1,000 employers, which found only four offering financial

incentives for wellness, to today's numbers, which have swelled to 25 percent of large employers. A recent national survey found nearly 40 percent of employers intend to implement biometric outcome incentives, such as reducing body mass index, in the near future.

SLIPPERY SLOPE

But when do financial incentives become discriminatory — a cost-shifting to less-healthy employees, who may have limited control over factors that can lead to health issues?

Think of a woman with genetic predisposition to high cholesterol, or the single dad who's overweight, but works two jobs and lives in the inner city, where there's less access to fresh fruits and vegetables. These are big concerns for a growing number of consumer advocates.

Their objections stem back to HIPAA, the 1996 Health Insurance Portability and Accountability Act, that made it illegal for employer group health plans to discriminate based on health status. So, for example, if someone has diabetes, an employer could not charge him more for health insurance.

HIPAA did, however, leave one exception, allowing employers to offer wellness programs and giving employees incentives up to 20 percent of health insurance premiums for achieving certain health-related standards. Then the 2010 Patient Protection and Affordable Care Act (ACA) amended this provision: starting in 2014, employers can increase that wellness dividend to 30 percent and potentially as much as 50 percent.

Those increased numbers sound alarm bells for some advocates, like Alan Balch, vice president for preventive health partnerships at the American Cancer Society, Diabetes Association and Heart Association. "We're very supportive of worksite wellness, and certain types of financial incentives can help increase participation in those programs," he says. "The problem is with the way this legislation is structured."

DEVIL IN THE DETAILS

The way Balch and others see it, the ACA amendment poses two main problems. "First, it doesn't define what constitutes a wellness program — so an employer could ask you to submit a blood sample and then charge you more if your cholesterol is high, without a specific program in place to help you meet the target," he notes.

Equally troubling is raising the incentive ceiling to as high as 50 percent, because "the permissible variation applies to total health plan cost, not just the employee contribution." With an average family plan sporting a price tag of \$13,375, the ACA variation could mean an employee and beneficiaries who participate in the

wellness program but don't meet certain targets could pay \$6,688 more annually for health insurance.

"People in certain socio-economic groups would be less likely to afford adequate health insurance if pricing is based on health status, and they're often the people who need it the most," Balch laments.

Madison agrees, but she doesn't necessarily see doom in the long-term forecast. "There's no question that more employers are offering financial health incentives. What's less clear is if they are taking advantage of the higher ceiling," she explains. "There are few employers that tie \$1,000 to employees' health behaviors, even though that's permissible for an individual health insurance policy with an annual premium of \$5,000."

FILLING THE GAP

But the fears — and the gray areas — are real. "The legal concern is that you can use these programs to discriminate," Madison notes. "One health law scholar claimed the ACA creates a loophole big enough to drive a truck through. And now, as these programs become more common, the worry is that employers will create

"The legal concern is that you can use these programs to discriminate. One health law scholar claimed the ACA creates a loophole big enough to drive a truck through."

— PROFESSOR KRISTIN MADISON

incentives but have no plan in place to help employees achieve health targets."

To address these gaps, Madison advocates for better reporting. "Right now, employers don't have to show evidence that these plans promote health. It comes down to a question of regulatory design. How do you really encourage employers to design programs that work? What might be

reasonable to require employers to report, particularly if incentive levels are very high?"

Of course, requiring employers to do more reporting isn't going to be popular, particularly in the current political environment. Madison, however, points out it may be necessary in the interest of fairness.

"By engaging in more systematic evaluation of incentive programs, we'll develop a better understanding of not only how to improve health," she explains, "but also how to design regulations to prevent discrimination and maximize equity."

Maura King Scully is a freelance writer who blessedly reports her biometric data to no one.

PROFILE MARY PETERSON '85 AND NAVJEET BAL '89

Taxing Careers

FOR MANY PEOPLE, JUST THE THOUGHT OF “TAXES” can be rather nerve-wracking. Indeed, visions of the tax man once stirred fear in the hearts of all. But Mary Peterson '85, commissioner of Vermont's Department of Taxes, and Navjeet Bal '89, who stepped down in September as commissioner of revenue in Massachusetts, want the public to know that times have changed.

In law school, **Mary Peterson** knew she wanted to enter public service. However, it wasn't until several years later, when she moved to Vermont, that she started down the path that would lead to her position as tax commissioner.

“You can't help but get involved in taxes in Vermont,” she says. “It's a very small state with small towns and small businesses, so the impact of taxes is never far away or faceless. Consequently, Vermonters are very vocal about how to pay for the things that government provides.”

After serving four terms on the town of Williston's board, Peterson was elected to the state House of Representatives, where she served on the Ways and Means Committee as well as House-Senate conference committees on tax bills.

After her terms ended in 2008, she returned to private practice. Three years later, Peterson was tapped by the governor to become tax commissioner in January 2011.

“Since people can't help but interact with the department, it's rewarding to make that experience as positive as possible, whether it is improving our communications, talking to taxpayer groups about their concerns, or reviewing cases to ensure that taxpayers are treated fairly,” she says.



Mary Peterson '85



Navjeet Bal '89

For **Navjeet Bal**, becoming a tax commissioner wasn't part of her long-term career plan. Instead, after law school, she joined the public finance department at the law firm Mintz Levin in Boston, where she worked for 17 years.

“Part of my job related to taxes, which is a fascinating area,” says Bal. “It's both an art and a science. There are answers, but sometimes you have to be creative about how you get there, and that is what I like about it.”

Appointed commissioner of revenue in 2008, Bal was responsible for overseeing employees in the Tax Administration, Child Support Enforcement and Municipal Finance Divisions. She reflects that being a commissioner was a unique opportunity “to think about how things should be” and provide direction in setting public policy.

As much as she enjoyed being commissioner, Bal also missed practicing law; thus her return to practice with Nixon Peabody in Boston. “I missed structuring deals. It's part of my DNA as a lawyer,” she says.

— Meghan Laska '98

1974

Karen Porter, retired from law, spent three months fulfilling a lifelong dream by living, studying and teaching in Russia. After training in Moscow for one month in the University of Cambridge (England) CELTA certificate course for teaching English as a second language to adults, she taught for two months at the Murom Institute, about 300 kilometers east of Moscow. She plans to return to Russia to teach after studying intensive Russian language this fall at West Chester University near her home in West Chester, Pennsylvania, where she continues to serve as founder/director of The Chester County Peace Movement.

1976

Sally Kelly was awarded the Lifetime of Distinguished Leadership and Community Service Award by the University of Massachusetts Boston Undergraduate Student Government and the Office of Alumni Relations. She was also recently elected senior warden of Christ Church Cambridge.

1978



Tami McKnew is a trustee of the South Carolina Chapter of the Nature Conservancy. An IP expert with Smith Moore Leatherwood in

Greenville, South Carolina, she is also active in a number of other civic organizations, including serving on the boards of the United Way of Greenville and Clement's Kindness Fund for the Children. She was also recently elected to the governing committee of the ABA Forum on Franchising.

1979



Frank McGuire was recognized as a 2011 New England "Super Lawyer" for his accomplishments in labor and employment. Frank is a

partner at Rudman Winchell in Bangor, Maine, and regularly appears before the Maine Human Rights Commission, Maine Unemployment Insurance Commission, Equal Employment Opportunity Commission, Maine and National Labor Relations Boards other federal agencies, and state and federal courts. He is a past president and past secretary/treasurer of the Penobscot County Bar Association.



Laura Langley '06 (right) with fellow award recipients SJC Chief Justice Margaret Marshall (retired) and State Representative Byron Rushing.



Langley Recognized by MLGBTQ

1. The Massachusetts Lesbian Gay Bisexual Transgender Queer (MLGBTQ) Bar Association honored Laura Langley '06 at its 26th annual dinner in May. Langley, formerly an associate with Bingham McCutchen who is now handling equal opportunity issues for Western Washington University in Washington state, received the Kevin Larkin Memorial Award for Public Service in recognition of her work on behalf of the transgender community in Massachusetts, including efforts to pass the Transgender Equal Rights Bill and founding the MLGBTQ Bar's Committee on Transgender Inclusion.

NLG Celebrates Work of Dedrick and Yozell

2. Liz Dedrick '11 (left) and Emily Yozell '80 were honored by the Massachusetts chapter of the National Lawyers Guild at the group's annual Testimonial Dinner in May.

Yozell is a Costa Rica-based lawyer who left the Boston area to work with non-governmental human rights organizations in Central America. She is a founding member



of Central America's first public interest environmental litigation project, Justicia para la Naturaleza. Among her clients are Latin American banana farm workers who sued US-based multinational companies for toxic tort injuries from pesticide abuse.

Before law school, Dedrick worked as a community organizer in upstate New York on behalf of low-income and working-class people. During law school, she advocated for unemployed clients at Greater Boston Legal Services and for hotel and hospitality workers in San Francisco. She is now working with SEIU Local 1000, Sacramento.

Kniech Elected to Denver City Council

3. In May, Robin Kniech '04 was elected to an at-large seat on the Denver City Council. A program director for the Front Range Economic Strategy Center (FRESC), a labor think tank, Kniech has worked in the public and nonprofit sectors for more than 15 years.



Friedman Receives MBA Service Award

1. Howard Friedman '77 and the law firm that bears his name were honored with the Pro Bono Award for Law Firms from the Massachusetts Bar Association at the Access to Justice Awards Luncheon in May. The law firm has successfully represented minorities, those of little means and prisoners who have been victims of illegal strip searches, inhumane holding conditions and other police misconduct. The firm has acted as a mentor and donated countless hours to legal service agencies and the American Civil Liberties Union.

McGill Named ISLP Volunteer of the Decade

2. In July, Linda McGill '78, a shareholder with Bernstein Shur in the firm's Portland, Maine, office, was named "Volunteer of the Decade" by the International Senior Lawyers Project (ISLP). McGill, who has served as a volunteer with ISLP for the past eight years, was among five attorneys selected for the honor. The distinction recognizes individuals in the practice of law who have worked diligently to carry out ISLP's mission of providing world-class legal counsel to the global community in areas where legal assistance is greatly needed to promote the rule of law, human rights and equitable economic development.

As part of her ISLP service, McGill spent five months in New Delhi, India, with the Human Rights Law Network, where she worked on a wide range of human rights issues, including violations of defendants'



1981



Nancy Lassen, a partner in the Philadelphia office of union-side firm Willig, Williams & Davidson, was recognized as a 2011 "Super Lawyer" in *Philadelphia* magazine.

Mary Sullivan was confirmed in November to a judgeship on the Massachusetts Appeals Court. Formerly a partner with Segal Roitman, she was also recognized as one of the 2011 Top Women in Law by *Massachusetts Lawyers Weekly*.

1982



In June, **Jackie Cody Downing** was appointed global vice president, human resources, for the specialty pharmaceuticals business at Shire, a

leading biopharmaceutical company headquartered in Lexington, Massachusetts. Previously, she founded and served as president of Spiritgems Consulting and worked for nine years at AstraZeneca Pharmaceuticals. In addition, she serves on the board of Wings for Success, which outfits women with self-confidence and hope through a work-appropriate wardrobe.

For the fifth consecutive year, **Samuel (Tony) Starr**, a member in Mintz Levin's litigation section, was recognized as a 2011 Massachusetts "Super Lawyer" in *Boston* magazine. He was also selected by his peers to be included in *The Best Lawyers in America 2012* for his expertise in construction litigation.

1985

William Hill, a member in Mintz Levin's litigation section and co-chair of the construction law practice group, was recognized as a 2011 Massachusetts "Super Lawyer" in *Boston* magazine.

1986

In May, **Robert Greenwald**, director of Harvard Law School's (HLS) Health Law and Policy Clinic, was promoted to full clinical professor of law. Bob has taught at HLS since 1989 and is currently the managing director of the WilmerHale Legal Services Center in Jamaica Plain. In February, he received a Positive Leadership Award for the third consecutive year from the National Association of People with AIDS.



rights, workplace sexual harassment, environmental justice and discrimination. McGill represents nonprofit, public- and private-sector employers throughout northern New England in the areas of labor and employment law and litigation defense. She frequently presents at trainings on best practices and risk management and has taught employment discrimination law at the University of Maine School of Law.

YMCA Chief Morton Honored

3. The National Conference for Community and Justice of Connecticut and Western Massachusetts, Inc., founded in 1927 as the National Conference of Christians and Jews, presented its annual Human Relations Award in June to James Morton '81, former president and chief executive officer of the YMCA of Greater Springfield and now head of the YMCA of Metropolitan Hartford.

PROFILE SUMEDHA AHUJA-BAHARI '04

Something Fishy in Boston

Reza Breakstone '08

Sumedha Ahuja-Bahari '04



WHEN SUMEDHA AHUJA-BAHARI '04 WAS TROLLING about for comedic inspiration, she didn't have to cast her net too widely. The law may seem like no laughing matter, but to this patent attorney turned comedy writer, legal practice is rife with riffs.

"Think of 'The Office' and 'South Park,' and smush them together," says Ahuja-Bahari of her show, "FishNet-Net-Works.Net!," a politically incorrect parody of a corporate office meeting gone wrong. The show opened in May at Club Café in Boston's South End, and is so popular that the run was extended in to 2012.

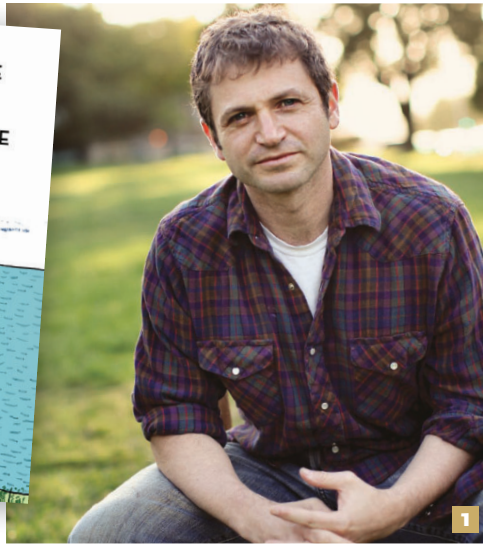
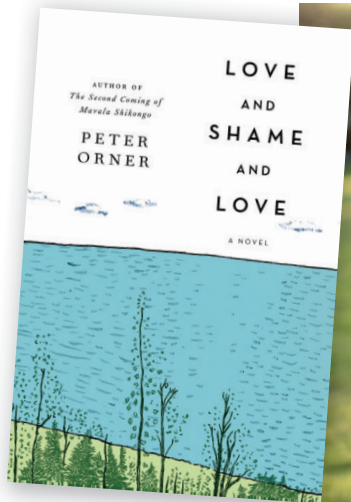
Ahuja-Bahari, who practiced for five years with Hamilton Brooks Smith Reynolds while simultaneously honing her stand-up routine at open mike nights and Women's Bar Association meetings, co-wrote the script in 2009 with a writer she met via Craigslist. The show's fictitious corporation sells networking products using real fish — instead of the Internet — to deliver information. "It's about 60 percent

scripted and 40 percent improv," she says. So it's never the same show twice. The audience is invited to text in real-time every night to determine which of the cast members gets "fired" at the end of the performance.

Reza Breakstone '08, a full-time litigation associate at Mintz Levin and part-time actor, joined the 12-character cast earlier this year, playing Vishwadharan Omvati Ramayan Bala Singh Kumar, an annoying technology geek with a strong Indian accent. Ahuja-Bahari wasn't aware that she and Breakstone were fellow Northeastern graduates until after she hired him. Breakstone loves acting, but is staying firmly anchored in law. "My day job supports my creative endeavors," he says, "and I'm happy with that."

Ahuja-Bahari, on the other hand, has put her legal career on hold to run the show full time. "I'd be open to going back to law," she says, "but right now, I'm enjoying comedy and seeing how far it goes."

— Tracey Palmer



From the Page to the Big Screen

1. *Love and Shame and Love*, the latest work of fiction by Peter Orner '96, received rave reviews in *The New York Times* and in a variety of other leading journals. Orner's fiction and non-fiction have appeared in *The Atlantic*, *Granta*, *The Paris Review*, *McSweeney's*, *The Southern Review*, *The Forward*, *San Francisco Chronicle* and *Ploughshares*. His stories have been anthologized in the *Best American Short Stories* and have twice won the Pushcart Prize. Orner was awarded a Guggenheim Fellowship in 2006, as well as the two-year Lannan Foundation Literary Fellowship. He teaches writing at San Francisco State. And, he's now turning his talents to film: Orner and director Rob Jones wrote a screenplay adaptation of one of Orner's stories, "The Raft." The film is currently in production, starring Ed Asner.

Their Honors, Honored

2. In June, the Massachusetts Association of Women Lawyers (MAWL) honored Margot Botsford '73, associate justice of the Massachusetts Supreme Judicial Court. She was appointed to the Superior Court in

1989, and then to the Supreme Judicial Court in 2007.

Paul Moore '88, presiding justice of the Derry District and Family Court, was selected by the New Hampshire Bar Association as the 2011 recipient of the William A. Grimes Award for Judicial Professionalism. The Grimes Award is the highest honor that the New Hampshire Bar Association bestows upon a presiding justice.

Hall Named Deputy Director of Lawyers' Committee

3. Rahsaan Hall '98 has been appointed deputy director of the Boston Bar Association's Lawyers' Committee for Civil Rights Under Law. After graduating from law school, Hall worked at the Dade County Public Defender's Office in Miami and then moved in 2000 to the Suffolk County District Attorney's Office where, among other responsibilities, he was a member of the Senior Trial Unit. He joined the Lawyers' Committee as a staff attorney in 2007. He heads the organization's Voting Rights Project and handles a wide range of civil rights cases, including those involving police misconduct, employment discrimination and racial harassment.

1990

Peter Roberts has joined the Stamford, Connecticut, office of Edwards Wildman (formerly Edwards Angell Palmer & Dodge) as a partner. He specializes in global immigration and citizenship law.

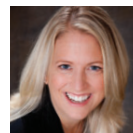
1992



Stephen Whetstone has been appointed vice president and legal sector leader for Pitney Bowes Management Services in Stamford, Connecticut.

2001

Adam Curry has been elected a director in the real estate group at Goulston & Storrs in Boston, where he conducts a broad-based real estate practice.



In September, **Paula Bliss** was elected a partner in the Boston office of Bubalo Rotman. Her practice deals with all aspects of civil

litigation involving catastrophic injuries, primarily pharmaceutical and medical device mass tort litigation, wrongful death and medical malpractice.

2003

Franklin Runge recently joined the University of Kentucky College of Law as the faculty services librarian. He is thankful to everyone who has helped him along his professional career and is adjusting to life in Lexington, which includes spending time with his family, hiking and cooking vegetarian Southern cuisine.

2008

Shelley (Ruff) Harvey is pleased to announce the formation of the Law Office of Shelley Harvey in Groton, Massachusetts. Her general practice focuses on elder law, estate planning and real estate conveyancing.

2010



Audrey Grace has joined the Boston firm Rankin & Sultan as an associate, after serving as a law clerk for the Maine Superior Court.

James Kerr has been appointed an assistant district attorney in the appeals and training bureau of the Middlesex (Massachusetts) District Attorney's office.



Maribeth Cusick '03



Allyson Kurker '05



Ingrid Nava '03



1

Up and Coming Graduates

1. Once again, a number of Northeastern graduates were among the top 20 named to *Massachusetts Lawyers Weekly's* annual list of "Up and Coming Lawyers." Our stars included Maribeth Cusick '03, chief of government services for the City of Boston Law Department; Allyson Kurker '05 of Kurker Law Group; and Ingrid Nava '03, general counsel to the SEIU Local 615, Boston.

Literary Lawyer

2. Margaret Crouse '94 has published her first book of poetry, *The Girl in the Orange Dress*. Her themes include motherhood, marriage, aging and elderly parents. She is currently working on her second book, a collection of poems based on her recent battle with cancer.



2

Alexander Appointed Founding Dean of Indiana Tech

3. Indiana Tech has chosen Peter Alexander '83 as the founding dean of the university's law school, which is slated to open in fall 2013 in Fort Wayne. He is currently a faculty member at the Southern Illinois University School of Law in Carbondale, Illinois, where he served as dean from 2003 until 2009.

Alexander has more than 25 years of experience in teaching and practicing law. Prior to his position at Southern Illinois, he was on the faculty of The Dickinson School of Law at Penn State University for 11 years, where he served as associate dean for research and faculty development for two years. He teaches in the areas of bankruptcy law, evidence and trial practice.



3

Alumni/ae Weekend

Together in 2011

October 21-22, 2011



PHOTOS: DAVID LEIFER



Marc Breakstone '86

Talk about a Class Act

Ends up, 1986 was a very good year, at least at the School of Law. When the Class of 1986 came together to celebrate their 25th reunion this fall, they proved themselves to be a model class in more ways than one. They raised more than \$155,000 for the law school and connected both at the reunion and through a group e-mail chain recalling 25 years of professional and personal ups and downs, dubbed “e-tales” by Marc Breakstone '86, chair of his class reunion.

“I married that guy I was living with in Jamaica Plain,” reported one graduate to the class.

Another recalled, “Going to see ‘The Big Chill’ with some of you, performing in the talent show with the unstoppable Sheryl Berkowitz, and of course fainting in contracts first year when I had to give my first oral presentation.”

Marriages and divorces, children and grandchildren, professional challenges and victories, loss and joy, were all chronicled in e-mails that continue today. As one graduate wrote to Breakstone a month after attending reunion, “The combination of friendship, professional interests and goodwill was amazing.”

“It all started with our reunion committee of 12 each volunteering to contact 12 classmates,” said Breakstone. “We wanted to reconnect, to encourage our friends to come to the 25th and to spark a new tradition of focused efforts by classes when it comes to giving back to the law school we all love.”

And it worked. The first class-based endowed fund, the Class of 1986 Public Interest Law Fund, will support students undertaking unpaid public interest co-ops. “We encouraged people to give in multiples of 1986,” explained Breakstone, “so \$1,986 every year for five years or \$1,986 over five years or at whatever level felt comfortable.”

“Everyone involved felt as if they were part of the celebration,” said Breakstone, who heard from classmates as far away as Australia. “Whether they were part of the e-mail chain or sent a check or attended. Across the board, there was an outpouring of positive sentiment about the experience we had together as law students. We had a ball.”

— Deborah Feldman

Faculty and Grads Tapped as “Top Women”

Professor Margaret Burnham, Kathleen Guilfoyle '85, Mary Sullivan '81, Liliana Mangiafico '01, Kate MacDougall '97 and Mary Ann Walsh '80 were among those honored as trailblazers and role models by *Massachusetts Lawyers Weekly* in September. Award-winning journalist Liz Walker delivered the keynote address at a luncheon held in Boston.



Liliana Mangiafico '01



Kate MacDougall '97



Kathleen Guilfoyle '85



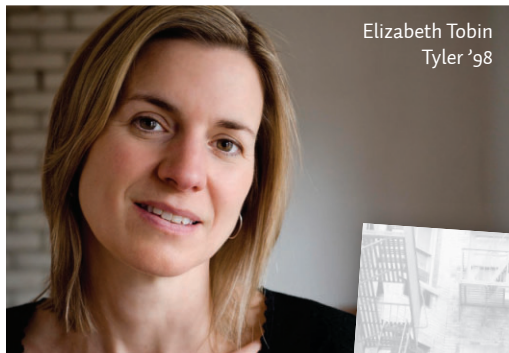
Professor Margaret Burnham



Mary Ann Walsh '80



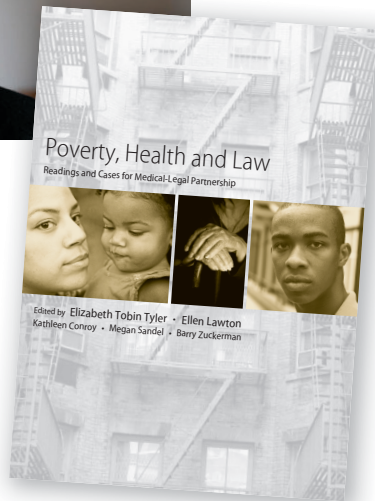
Mary Sullivan '81



Elizabeth Tobin
Tyler '98



Ellen Lawton '93



Medical-Legal Partnerships By the Book

Not every illness has a biological remedy. In *Poverty, Health and Law: Readings and Cases for Medical-Legal Partnership*, co-editors Elizabeth Tobin Tyler '98 and Ellen Lawton '93 present health in the broader social context of people's lives, providing insights into the advancement of health through legal advocacy and interdisciplinary solutions to complex social problems. Tyler is director of public service/community partnerships and a lecturer in public interest law at Roger Williams University School of Law. Lawton, former executive director of the National Center for Medical-Legal Partnership, now consults on health, legal and public health issues. Reflecting the leadership role Northeastern graduates have played in the medical-legal partnership movement, Professor Wendy Parmet, Josh Greenberg '93, Samuel Senft '08, Cristina Dacchille '07 and Kate Mewhinney '78, among others, contributed chapters to the book.

IN MEMORIAM

1940S

James E. Milano '40
Michael J. Grealy Sr. '41
Charles J. Ligotti '41
Harold C. Sigda '41
A. Jane O'Donnell '42

1950S

Joseph L. Healy '51
Alfred W. Fuller '53

1970S

Joseph C. Fowler Jr. '75
Benjamin D. Entine '76

1980S

Jeffrey J. Greer '84

1990S

Alyssa J. Huber '99

IN MEMORIAM

Alyssa J. Huber '99



Alyssa Huber, an avid adventurer and traveler who recently earned a motorcycle driving license and scuba diving certification, had just returned home from Honduras when she fell ill and died on May 9, 2011.

A valued member of the Boston corporate law community, Alyssa, 39, was associate general counsel at Stream Global Services, where she specialized in securities law and corporate finance, bringing a mix of pragmatism and passion to her work. She began her career at EMC Corporation, one of her co-op employers, and went on to distinguish herself with additional businesses, including Morse, Barnes-Brown & Pendleton, Sullivan & Worcester and IONA Technologies.

In her 12-year career as an attorney, Alyssa stood out as an analytical thinker with a human touch, excelling as a go-to lawyer while endearing herself to her colleagues and giving back to the School of Law as a co-op employer.

Born in New York, Alyssa grew up in Georgetown, Massachusetts, and attended Governor's Academy before earning her undergraduate degree from USC. She had recently begun renovating her historic 19th-century home in Danvers.

Alyssa leaves her parents, Jean and Robert Huber of Georgetown; her two sisters, Suzanne Perry and Christine Zummo; her brothers-in-law, nieces and nephews, close friends, and her beloved Great Dane, Scout. To her family, friends and colleagues, her loss is immeasurable. But her example endures: a shining star always.

— Jillian Earp Durand '99

Alumni/ae Chapter Events

In the Land of the Midnight Sun

June 2011



Alaska graduates gathered with Professor Steve Subrin (left) at the Anchorage home of Jeff Lowenfels '75.



In the Hub

September 2011



The Boston Regional Alumni/ae Chapter gathered at Vloro, owned by Cynthia Tsai '98.

I Left My Heart in San Francisco

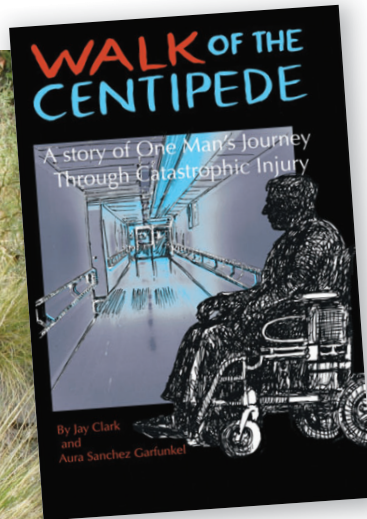
September 2011



Almost 50 Bay Area grads headed to the wharf for a reception at Perry's on the Embarcadero.



PHOTOS: (ALASKA) MICHAEL DINNEEN; (BOSTON) MICHAEL MANNING; (SAN FRANCISCO) JASON DOTY



Sanchez Garfunkel Pens Personal Story of Paralysis

1. Aura Sanchez Garfunkel '80 chronicles her husband Frank's life-altering injury in a new book, *Walk of the Centipede: A Story of One Man's Journey Through Catastrophic Injury*. In 1992, Frank Garfunkel, 64, was playing squash when an injury left him with a contusion of the spine, resulting in quadriplegia. Coincidentally, Frank was a Boston University faculty member who specialized in special education and disability rights. Frank and Aura, along with friend Jay Clark, taped their conversations about the "existential absurdity of total helplessness" from the time of the accident until Frank's death six years later. "The book is a collage in writing that tells a complex, but ultimately uplifting story," says Aura, who now works part time handling immigration cases for undocumented, abused woman at HarborCOV, a domestic violence organization in Chelsea that serves North Suffolk County. She previously was a staff

attorney at Greater Boston Legal Services and held positions with the City of Chelsea as assistant receiver and director of health and human services.

Chung Appointed to Anchorage District Court

2. In May, Jo-Ann Chung '94 was appointed to the Anchorage District Court. Chung has practiced law in Alaska for more than 15 years and has worked as a prosecuting attorney for the Municipality of Anchorage since 2001. She had supervised the municipality's trial attorneys since 2008 and led the domestic violence unit since 2004. She has also provided pro bono legal assistance to Alaskans through the Anchorage Network on Domestic Violence and Sexual Assault hotline and previously served as an assistant attorney general for the State of Alaska in child protection cases, as a public defender representing indigent defendants and as a law clerk at the Alaska Court of Appeals.

Where We've Been,
Where We're Going

WOMEN IN THE LAW
2012 CONFERENCE

Join us for our fourth annual conference **MAY 11, 2012**

Visit www.northeastern.edu/law/alumni/news/women-law for evolving details.

Civil Jury Trials

Continued from page 17

understand the strengths and weaknesses of each other's cases. Better knowledge that results in settlement certainly makes more sense than dragging cases before juries. Also, thoughtful courts are beginning to make administrative changes to counteract the prohibitive costs of litigation. The Superior Court of Massachusetts, for example, has done this with its "firm, fair trial date" initiative, which is intended to take the guesswork out of trial scheduling.

Cases also tend to be more sophisticated than they used to be, with the quality of litigation practice higher. When Massachusetts Superior Court Judge Carol Ball '76 started her legal career, she noticed a distinct Wild West culture surrounding civil jury trials. "I remember those old days," she says. "Those lawyers, they were just like gun-slingers. They would pick up a file and go in and empanel a jury and throw witnesses up there without the kind of analysis that leads you to have a clearer sense of what a case is worth and therefore lends itself to settlement." It's not like that anymore. Her take on the trend of declining civil jury trials is this: "I do think there's a change, but I wouldn't say it's the death of the jury trial. It means the death of the cowboy trial."

Barbara Rouse, chief justice of the Massachusetts Superior Court, also sees changes in the kinds of cases that wind up before a civil jury. "Litigation today is more complex," she says. "It involves more discovery, the filing of more dispositive motions, forensic and scientific evidence, experts. The development of case law has affected the way civil and criminal litigation have gone." Matters that used to go to court no longer do, and causes of action that didn't exist 50 years ago now make their way to juries. In cautionary words for empiricists who study what's behind the phenomenon of the vanishing



Professor Steve Subrin's 2011 co-authored article, "Litigation and Democracy: Restoring a Realistic Prospect of Trial," appears in the *Harvard Civil Rights-Civil Liberties Law Review*.

civil jury trial, Rouse says, "Today, our trials are longer. Our trials are more involved. They involve a lot more pre-trial activity than ever before, so it's not enough just to say that the numbers decline. You need to look at all the other factors."

But even when weighing those factors, from conscious strategies to economic influences, questions remain: Are the civil cases that should be reaching a jury actually getting there? And, if not, where does that leave the right to a jury, now and in the future? The search for definitive answers to those two simple questions will no doubt fuel philosophical conversations and empirical research for years to come.

Jeri Zeder is a contributing writer.

Faculty Notes

Continued from page 29

working on the fourth edition of their civil procedure casebook, which is used by more than 40 law professors in 30 law schools.

On the road this past year, Subrin attended Northeastern law alumni/ae events in Philadelphia, New York City and Anchorage. "Our graduates continue to elicit great 'kvelling' — that's not Greek or Latin — on my part, although I had nothing to do with their astonishing successes," he reports. Subrin also enjoys teaching civil procedure to several children of graduates he previously taught. "And while we're on the joyous track, I have to report that Joan's and my two granddaughters, Leah, 3, and Niev, 4, are probably the cutest, most engaging and happiest little girls on the planet."

Associate Professor of Law **Kara W.**

Swanson recently published "Getting a Grip on the Corset: Gender, Sexuality and Patent Law" in *23 Yale Journal of Law & Feminism* 57 (2011), and "Food and Drug Law as Intellectual Property Law: Historical Reflections," in 2011 *Wisconsin Law Review*

331 (2011). Her chapter, "Authoring an Invention: Patent Production in the Nineteenth-Century United States," appears in *Making and Unmaking Intellectual Property: Creative Production in Legal and Cultural Perspective* (University of Chicago Press, 2011).

Swanson delivered a paper, "Adultery by Doctor: Law and the Treatment of Infertility in the Twentieth Century United States," at the American Association for the History of Medicine meeting in Philadelphia in May. She also moderated a panel at the law school's IP/Innovation Connection Conference (see page 6). Swanson was an invited commentator at the Cultural Commons Workshop held at New York University Law School in September.

Professor **Lucy A. Williams** presented a paper, "The Legal Construction of Poverty: Gender, 'Work' and the 'Social Contract,'" at the International Law and Poverty Colloquium sponsored by the Strategic Research and Outreach Project of Stellenbosch University, South Africa, in May. In June, Williams convened the Program on Human Rights and the Global Economy's International Social and

Economic Rights Project's (iSERP) third workshop at the University of Pretoria in South Africa. Two justices of the Constitutional Court of South Africa and two judges of the High Court attended, as well as academics and human rights activists from Australia, Canada, Colombia, India, Ireland, South Africa, the United Kingdom and the United States.

Williams' article, "The Role of Courts in the Quantitative-Implementation of Social and Economic Rights: A Comparative Study," appears in *Constitutional Court Review* (2010), published by Pretoria University Law Press.

Professor **Margaret Y.K. Woo** is a 2011-2012 member of the Fulbright Specialist Program Review Committee. Woo recently presented two papers: at the 2011 annual meeting of the Law and Society Association, held in June in San Francisco, and at the University of Maryland's "China, Taiwan and International Law: A Symposium in Honor of Professor Hungdah Chiu," held in October. In May, Woo organized a School of Law outreach trip to China and accompanied Dean Emily Spieler on her travels to the Middle Kingdom.

Healing Through Justice

By Lorenn Walker '83

At 14, I was on my own. At 15, I was a high school drop out. At 16, I was in jail, and at 17, I was pregnant, but my “blessing in disguise” came later: when I was 24 and nearly killed in a Waikiki back alley in an attempted rape that left me seriously injured.

After months of physical recovery I realized I wanted to be a lawyer. And becoming a lawyer was my path to restorative justice, and eventually emotional recovery.

As a deputy state attorney general in Hawaii, defending state institutions, prosecuting people, and later representing youth and adults for crimes and child protection issues, I saw how adversarial processes often create more problems than they solve. One cross-examination in particular was enlightening. The witness kept trying to explain her answers. “Please instruct her to answer yes or no,” I asked the judge, but that witness managed to blurt out just enough for me to understand what had really happened in the assault case I was defending. My “theory of the case” was totally wrong.

Originally, I went to law school to help marginalized people. They were my people. They were me. But after 15 years of practicing law, I came to the realization that justice should be about healing, not only about blaming and punishing offenders, and handing cash to victims.

After earning a master’s degree in health education, I began to use public health approaches to help the disenfranchised and improve our justice system. My background in law and my new interest in public health led me to restorative justice. I learned that personal autonomy is vital for peace. People behave more cooperatively and are more kindly when they are in democratic,

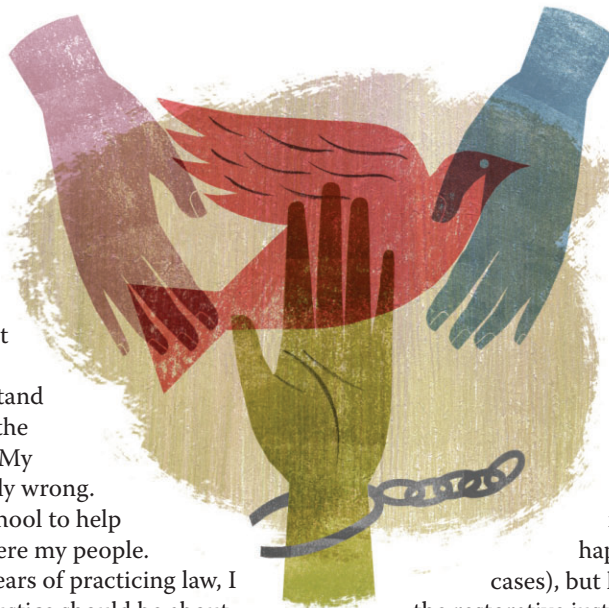
not autocratic, systems. We are more likely to care about others, be considerate and compassionate, if we are actively engaged in decision making.

Restorative justice gives people harmed by crime and other social injustices a voice in finding ways to help repair the damage. Simply allowing people to express their feelings can be healing. Healing can also come from people respecting you enough to witness and be present with you in your suffering.

“You didn’t just kill my father, you also took my mother,” says a young woman, coping with not only the loss of a father but also, as a result, a suicidal mother. Yet, through restorative justice, the woman and her mother let go of their anger and hatred. They speak directly to the man convicted of the murder, and they come to see the murderer as a man. Being able to face him “gave me back my life,” the mother tells me.

Restorative justice does not require meetings between victims and offenders. It can happen on many levels. No one was apprehended for assaulting me more than 30 years ago (as happens in 70 percent of criminal cases), but looking at what happened through the restorative justice lens helped me heal. It helped the daughter and wife of the murdered man heal. And it helped the imprisoned man to heal, too.

Lorenn Walker is a Hawaii-based public health educator, trainer and coach who focuses on building peace and increasing individual and organizational performance. She received the 2011 John Byrd Pioneer Award for Restorative and Community Justice from the National Conference on Restorative Justice.



Building Better Futures

Lydia Luz '86 had a choice: either accept a full scholarship offer from another law school, or attend Northeastern University School of Law (NUSL). She is grateful that she made the right choice.

Lydia chose NUSL because of its innovative and unique approach to education and experiential-learning opportunities. Now a senior director of gift planning in higher education, Lydia explains, "My legal background informs in large part the way I think, approach problems, and communicate. NUSL also expanded my awareness of social-justice issues."

Lydia has established a deferred charitable gift annuity with Northeastern University School of Law, in addition to naming the school as a beneficiary of her retirement account. Her gifts will ensure that future students and graduates have the opportunity to pursue public interest law. What's more, her gift annuity will provide income to her during retirement.

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"I am confident that the law school's particular focus on public interest law will remain. My planned gift will support those efforts."

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