

GEORGETOWN LAW

Res Ipsa Loquitur Fall/Winter 2016

MY
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MATTERS





GEORGETOWN LAW

Fall/Winter 2016

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Cover photo: Raviyah James, 10, holds a sign during a rally in response to the fatal shooting of 18-year-old Michael Brown by police in Ferguson, Mo., Wednesday, Aug. 20, 2014, in Atlanta. (AP Photo/John Bazemore)

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Letter from the Dean



As the dean of Georgetown Law, with students from every state and more than 60 different countries, ensuring that different points of view and perspectives are respected plays an important role in my day-to-day administration of the Law Center. The topic of racial justice is one that resonates with me personally, having started my academic career majoring in Afro-American studies as an undergraduate. It is also an issue that is important to Georgetown Law and our social justice mission. As a leading U.S. law school, we must tackle important issues facing our legal community, which is why I am so pleased that this issue

of the magazine is dedicated to the topic of racial justice.

Discrimination in America is still widespread today, in subtle and not so subtle ways. At the Law Center, we have gathered together in recent years to talk about the killings of people of color in Ferguson and Baltimore — and we have continued to talk as there have been more tragic killings in Baton Rouge, Minneapolis and other places. In addressing the problem, we've also been examining areas of the law like technology and surveillance. Housing. Education. Property. The juvenile and criminal justice systems contribute to the problem as well. There are few, if any areas of the law that are not touched by racial justice, whether you are talking about equal protection, poverty, employment or health. Our students seek justice in our clinics on a daily basis. Our Centers and Institutes are finding new ways to get involved. So we are confronting the problem at all levels, in ways that may not be immediately apparent.

We are also looking inward, to address issues in our own community. We are hiring additional faculty and staff who will help further our ongoing mission to social justice and inclusiveness. In August, we welcomed Dr. Judith Perez Caro, Georgetown Law's first director of Equity, Community and Inclusion. As part of our commitment to ensure that every member of this diverse community feels respected and included, I have asked Dr. Perez Caro to focus on four important initiatives this year.

First, we will provide outstanding guidance to every student at the Law Center so that they are supported both in and outside the classroom. We will work on advocating for students from historically underrepresented backgrounds. Second, we will expand our range of programs to enhance our cultural competency, promote civil discourse and explore the intersection of social justice and various forms of diversity. Coalitions of faculty, students, staff and alumni will plan programs that meet the Law Center's unique mission and needs. Third, we will continue to make our classrooms, clinics and other spaces inclusive of the broadest range of viewpoints and promote the exploration of controversial topics with respect and a deep appreciation of difference. And fourth, but certainly not least, we commit to recruiting a highly diverse cohort of students, with a special emphasis on attracting students from backgrounds historically underrepresented in the legal academy and profession.

Certainly no one institution can solve injustice. But Georgetown Law has had a long head start, with a preeminent clinical program and powerful academic focus on issues of racial justice that spans the curriculum. We will continue to build and to grow. With a new awareness and perspective, each of us can make a difference.

Sincerely,

William M. Treanor
Dean of the Law Center
Executive Vice President, Law Center Affairs

GEORGETOWN LAW

Res Ipsa Loquitur Fall/Winter 2016



28 Racial Justice and the Law

By Melanie D.G. Kaplan

As the nation continues to struggle with questions of racial justice, Georgetown Law faculty, administrators, staff and students are determined that the Law Center will rise to the moment.

32 Interviews and Essays: Racial Justice and the Law

During the summer of 2016, as racialized violence again made headlines across the country, we asked Georgetown Law faculty — along with several students and staff members — to consider how the law can be used to further racial justice.



44 Alumni Essay: Justin Hansford (L'07)

Hansford, now a professor at Saint Louis University School of Law, has been at the forefront of legal organizing and advocacy in the aftermath of the murder of Michael Brown in Ferguson in 2014. He will teach Black Lives Matter and the Law, and Critical Race Theory, at Georgetown Law as a visiting professor in the spring of 2017.

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FACULTY NOTES



New Faculty Join the Law Center



BRENT FUTRELL

ADERSON FRANÇOIS

B.A. 1988
New York University

J.D. 1991
New York University School of Law

EXPERIENCE AND AFFILIATIONS
Professor of Law and Director of Civil Rights Clinic, Howard University School of Law

Adjunct Professor of Law, New York University School of Law
Fellow, New York University School of Law Experiential Learning Lab

COURSES
Institute for Public Representation Civil Rights Law Clinic

REPRESENTATIVE PUBLICATIONS
"Borne Back Ceaselessly Into the Past, *Fisher v. University of Texas*, The Freedmen's Bureau Act, and the 'Originalist' Meaning of Color Blindness," 21 *Geo. Mason L. Rev.* 313 (2014)
"The Brand of Inferiority: The Civil Rights Act of 1875, White Supremacy and Affirmative Action," 57 *Howard L.J.* 573 (2014)

"To Make Freedom Happen: *Shelby County v. Holder*, the Supreme Court, and the Creation Myth of American Voting Rights," 34 *N. Ill. U. L. Rev.* 529 (2014)

At Georgetown Law, Aderson François will direct the Civil Rights Section of the Law Center's Institute for Public Representation (IPR) and the Voting Rights Institute. Once on campus, he wasted no time looking for a student to assist in drafting an amicus brief to the Supreme Court on a death penalty case involving race as a factor in punishment. The brief will examine the historical roots of racial stereotypes and the ramifications for criminal defendants. "This is not simply an academic exercise or historical artifact; this is something that to this day has tremendous impact," François says.

François comes to Georgetown from Howard University School of Law, where directed the civil rights clinic and did impact litigation involving racial justice. He previously served as the assistant director of the Lawyering Program at New York University School of Law. As a scholar, François's interests include voting rights, education law and the history of slavery

and Reconstruction. He received his J.D. from New York University and clerked for the late Honorable A. Leon Higginbotham, Jr., chief judge of the U.S. Court of Appeals for the 3rd Circuit.

As a lawyer, François has extensive federal trial and appellate litigation experience concerning equal protection in education, employment discrimination, voting rights, marriage equality and the right to a fair trial. He has provided pro bono death penalty representation to inmates before the U.S. Court of Appeals for the 5th Circuit, served as a special assistant with the U.S. Commission on Civil Rights and practiced commercial litigation at Paul, Weiss, Rifkind, Wharton & Garrison.

Now, he's thrilled to continue this important work at Georgetown. "I wanted to do more impact litigation...the people in the clinic were truly committed to this work," François says. "When I proposed working with [IPR], focusing mostly — though not exclusively — on racial justice, I got the sense that this was something that Georgetown was really open to."



BRENT FUTRELL

ERICA HASHIMOTO

A.B. 1992
Harvard

J.D. 1997
Georgetown Law

EXPERIENCE AND AFFILIATIONS

Allen Post Professor of Law and Josiah Meigs Distinguished Teaching Professor, Associate Dean for Clinical Programs and Experiential Learning, University of Georgia School of Law

Assistant Federal Public Defender, Office of the Federal Public Defender, Washington, D.C.

Law Clerk for Judge David S. Tatel, U.S. Court of Appeals for the D.C. Circuit, and Judge Paul L. Friedman, U.S. District Court for the District of Columbia

COURSES

Appellate Litigation Clinic

REPRESENTATIVE PUBLICATIONS

"Motivating Constitutional Compliance," *Fla. L. Rev.* (forthcoming).

"Reclaiming the Equitable Heritage of Habeas," *108 Nw. U. L. Rev.* 139 (2013).

"The Problem with Misdemeanor Representation," *69 Wash. & Lee L. Rev.* 1019 (2013)(symposium issue).

Erica Hashimoto (L'97) returns to Georgetown Law as a seasoned professor — straight from the University of Georgia, where she was associate dean for clinical programs and experiential education. In 2010, she created the school's appellate litigation clinic, which was "definitely inspired" by the one she took in her 3L year with Georgetown Law Professor Steve Goldblatt. "I realized that I really missed representing clients," Hashimoto says. "I modeled our

clinic at UGA (on a much smaller scale) on the clinic here... Steve was incredibly helpful as I got it started."

As a student, Hashimoto earned her J.D. *magna cum laude* and served on the *Georgetown Journal of Legal Ethics*. Before law school, Hashimoto earned her A.B. in government with honors from Harvard; after graduating from Georgetown Law in 1997, she spent two years clerking for Judge Paul L. Friedman of the U.S. District Court for the District of Columbia and another year with Judge David S. Tatel of the U.S. Court of Appeals for the D.C. Circuit. Hashimoto later joined the Office of the Federal Public Defender in Washington, D.C.

As a professor at the University of Georgia, Hashimoto taught criminal law, evidence, criminal procedure, sentencing and more. She was named a Josiah Meigs Distinguished Teaching Professor, the highest university-wide teaching honor; she also received the Allen Post Professorship, captured the John O'Byrne Memorial Student Faculty Award and twice won the C. Ronald Ellington Award for Excellence in Teaching. At the Law Center, she will co-teach the Appellate Litigation Clinic — with Goldblatt, her mentor and former professor. We think future clinic students will have much to look forward to.



BRENT FUTRELL

DAVID HYMAN

B.A. 1983
University of Chicago

J.D. 1989
University of Chicago

M.D. 1991
University of Chicago

EXPERIENCE AND AFFILIATIONS

H. Ross and Helen Workman Chair in Law and Professor of Medicine, University of Illinois

Visiting Professor, Georgetown Law

Special Counsel, Federal Trade Commission

REPRESENTATIVE PUBLICATIONS

Damage Caps and the Labor Supply of Physicians: Evidence from the Third Reform Wave *Am. L. & Econ. Rev.* (forthcoming, 2016) (with Myunggho Paik and Bernard Black)

Insurance Crisis, Liability Crisis, or Both: Medical Malpractice Claiming in Illinois, 1980-2010, *13 J. EMPIRICAL LEG. STUD.* 183-204 (2016) (with Mohammad Rahmati, Bernard Black & Charles Silver)

Why Did Law Professors Misperceive The Lawsuits Against PPACA? *2014 U. Ill. L. Rev.* 805-838.

David A. Hyman will teach first-year civil procedure at Georgetown Law — but don't be surprised if a medical malpractice case finds its way into the discussion of motions and complaints. A doctor as well as a lawyer, Hyman served most recently as the Ross and Helen Workman Chair in Law and Professor of Medicine at the University of Illinois, where he directed the Epstein Program in Health Law and Policy. He focuses his research and writing on the regulation and financing of health care, though he has taught subjects as diverse as insurance, medical malpractice, law and economics, professional responsibility, and

tax policy in addition to civil procedure.

As a lawyer, Hyman's roles include serving as special counsel on the Federal Trade Commission, where he organized and led hearings on health care and competition — leading to the first joint report issued by the Federal Trade Commission and Department of Justice, "Improving Health Care: A Dose of Competition." Much earlier in his career, he was an associate at Mayer, Brown & Platt in Chicago, practicing tax litigation and health care law.

He's a proud alum of the University of Chicago, having earned his B.A., J.D. and M.D. degrees there. But he's no stranger to Georgetown — Hyman has already taught civ pro as a visiting professor at the Law Center in 2015. He's also been a visiting law professor at the University of Texas and George Washington University; a law professor at the University of Maryland; and a lecturer at the University of Chicago, where he taught biology. Why does he enjoy teaching civil procedure? "Every law student wants to talk about justice and fairness, but civil procedure is where the rubber hits the road," Hyman says. "Lawyers, using the rules of civil procedure, make the system go."



BRENT FUTRELL

SHERALLY K. MUNSHI

B.A. 1999
Brown

J.D. 2003
Harvard

PH.D. 2014
Columbia

EXPERIENCE AND AFFILIATIONS

Litigation Associate, Willkie Farr & Gallagher
Instructor, Property Law, Georgetown Law
Teaching Assistant, Columbia University

COURSES

Racialization and American Law Seminar
Property

REPRESENTATIVE PUBLICATIONS

"Immigration, Imperialism and the Legacies of Indian Exclusion" 27 *Yale J.L. & Human.* (forthcoming 2016)

"The Right to Exclude: Race and Geography in Immigration Law," 30 *Geo. Immigr. L.J.* (forthcoming 2016)

"Race, Citizenship, and the Visual Archive," in *Law and the Visual: Transitions and Transformation* (ed. Desmond Manderson, University of Toronto Press, 2016)

At Georgetown Law, Sherally Munshi will teach a Racialization and American Law seminar — emphasizing the role that histories of migration have played in processes of differentiation. "While race sometimes appears as a static or unchanging phenomenon in American law, I want to invite students to think about the ways in which histories of migration — from European settlerism to the slave trade to the recruitment of high-skilled workers — have played in producing racialized difference," she says.

She will also teach first-year property, which she's taught at the Law Center as a research fellow in 2014 and 2015. But the two classes — Racialization and American Law, and Property — are not mutually exclusive. Munshi explores, in the latter, the way in which histories of racial segregation, racially restrictive covenants, zoning practices and more have preserved the specific racial landscape in the United States.

As a scholar, Munshi has a wide range of interests; just before coming to Georgetown, she was a Perkins/Law and Public Affairs Fellow at Princeton

University. Munshi also earned a Ph.D. in English and Comparative Literature in 2014 from Columbia University, writing a dissertation on "The Archivist of Affronts: Immigration, Representation, and Legal Personality."

Why study literature after becoming an attorney? "A lot of ideas, before they hit other disciplines, enter cultural literary expressions," Munshi says. "[If] we are interested as lawyers in thinking more expansively about how to reorient our legal institutions... towards justice, we cannot ignore the important resource that is literary culture — and other forms of culture."



BRENT FUTRELL

BRIAN WOLFMAN

B.A. 1978
University of Pennsylvania

J.D. 1984
Harvard

EXPERIENCE AND AFFILIATIONS

Professor of the Practice of Law and Co-Director, Supreme Court Litigation Clinic, Stanford Law School
Visiting Professor and Co-Director, Institute for Public Representation, Georgetown Law
Director, Litigation Group, Public Citizen Litigation Group

COURSES

Appellate Litigation Clinic

REPRESENTATIVE PUBLICATIONS

"Mutual Pharmaceutical Co. v. Bartlett and Its Implications," 82 *U.S.L.W.* (BNA) (Nov. 5, 2013), and 41 *Prod. Safety & Liab. Rptr.* 1236 (BNA) (Oct. 14, 2013) (lead author)

"Judges! Stop Deferring to Class-Action Lawyers," 2 *U. Mich. J.L. Reform* (online) 80A (2013)

"PLIVA v. Mensing and Its Implications," 39 *Prod. Safety & Liab. Rptr.* (BNA) 972 (Sept. 5, 2011) (lead author)

Brian Wolfman is no stranger to Georgetown Law. The head of the civil rights division of our Institute for Public Representation (IPR) clinic from 2009 to 2014, Wolfman returns to Georgetown in 2016 to start a new appellate litigation clinic as a full-time faculty member — after co-directing the Supreme Court Litigation Clinic at Stanford. What brings Wolfman back East?

“Everyone at Stanford was terrific,” Wolfman said, “but I wanted to come home, and the pull of starting a new clinic working with engaged and public-spirited students, with the encouragement of my many friends at Georgetown, was too much to resist.”

During his IPR years, Wolfman successfully guided Georgetown Law students through federal trial and appellate litigation relating to civil rights and general public interest law. Prior to 2009, he spent nearly 20 years at the national public-interest law firm Public Citizen Litigation Group. Wolfman has handled cases involving arbitration, health and safety regulation, class-action governance, court-access issues, federal preemption, consumer law and more.

He has been lead and co-counsel in several dozen U.S. Supreme Court cases, arguing six cases before that Court and winning five. Recently, Wolfman won a complicated Title VII employment-

discrimination case, *Green v. Brennan*, in the Supreme Court. “This was a case where Brian identified the legal issue, then got cert granted, and then won a victory concerning the constructive-discharge doctrine that will help discrimination victims in future cases,” says Vice Dean Jane Aiken. “This is just confirmation of how lucky we are to have such a talented lawyer starting a new appellate clinic.”

Faculty Awards and Recognition



Professor Chris Brummer was nominated to the U.S. Commodity Futures Trading Commission in March. Brummer is the faculty

director of the Institute of International Economic Law.



Professor David Cole has been named the new national legal director for the American Civil Liberties Union. He will lead the ACLU's

Supreme Court practice and oversee the work of nearly 300 lawyers. Cole will take a leave from Georgetown to take on his new responsibilities.



Visiting Professor James E. Baker was appointed to the Public Interest Declassification Board (PIDB). Baker has served as a visiting professor

at Georgetown Law since his retirement in 2015 as chief judge of the U.S. Court of Appeals for the Armed Forces.

Faculty Awards and Recognition



Professor Larry Gostin was nominated as a member of the National Cancer Advisory Board (NCAB) in June. Members are appointed by the president to advise and assist the director of the National Cancer Institute, the federal government's lead agency for cancer research. Gostin is the faculty director of the O'Neill Institute for National and Global Health Law and the founding O'Neill Chair in Global Health Law.



Professor Paul Ohm was appointed to the Commission on Evidence-Based Policymaking in June. The commission, comprised of

15 members, will study how to strengthen and expand the use of data to evaluate the effectiveness of federal programs and tax expenditures.



Professor Franz Werro received an award for academic excellence from the ESADE (Escola Superior d'Administració i Direcció

d'Empreses) Alumni Law Club, which recognizes outstanding careers and achievements in various branches of the field of business law: professional, aca-

demie and business-oriented. Werro was honored for his "long and prolific career and most particularly his great intellectual contributions to European private law, a field in which he is one of the most highly acclaimed experts."



Georgetown Law has recognized **Professor Abbe Smith** with the Frank F. Flegal Excellence in Teaching Award. The award was

presented by **Professor Jeffrey Shulman**, the previous Flegal Award winner, at the Faculty Teaching and Scholarship luncheon on April 28. Smith, who directs the Criminal Defense and Prisoner Advocacy Clinic and co-directs the E. Barrett Prettyman Fellowship Program, joined the faculty in 1996.



Dubin

Dean of Students **Mitch Bailin** received the David McCarthy Award for Excellence in Administration and Service at Georgetown Law's Staff Awards Reception June 16. **Lauren Dubin**, director of the Office of Public Interest and



Mlyniec

Community Service, received the Carol Quindlen O'Neil Award — given to members of the community who demonstrate excellence, compassion, respect for others and dedication to Georgetown Law. **Professor Wally Mlyniec (L'70)** received the Faculty Member of the Year Award, honoring a professor who is admired and respected by the staff and demonstrates exceptional leadership and service.



Distinguished Visitor from Practice Mary B. DeRosa was appointed a member of the President's Intelligence Advisory Board in July.



Kevin T. Conry (F'76, L'86), was honored at the Staff Awards Reception and at a September 21 event for his 40 years of service.

Conry served most recently as the Law Center's vice president of Strategic Development and External Affairs and associate dean of External Affairs. He took on a new role as senior counselor to the Georgetown University Vice President for Government Relations and Community Engagement in July.



JOHN H. JACKSON MEMORIAL

Colleagues from Georgetown Law and around the world continue to honor the late Professor John H. Jackson, who died in November 2015. The 16th Annual World Trade Organization (WTO) Conference in Geneva June 10-11 featured a special tribute in honor of Jackson — one of “the most distinguished personalities in international economic relations...and WTO law,” according to WTO Director-General Roberto Azevêdo.

Georgetown Law remembered Jackson at a memorial service on April 29, with many colleagues and family members attending. Among Jackson’s many contributions to the school was his role as the founding director of Georgetown Law’s Institute of International Economic Law.

Chris Brummer, the current IIEL faculty director, notes that Jackson’s legacy for students and faculty is enormous. “Generations of scholars stand to benefit from his work,” Brummer said.

Professor Bob Thompson; former IIEL Executive Director Jane Bradley; Professor Edith Brown Weiss; IIEL Distinguished Senior Fellow R. Michael Gadbaw; NYU Law Professor José Enrique Alvarez; IIEL Deputy Director Chris Parlin; Jackson’s daughter Lee Ann and Georgetown Law Dean William M. Treanor all acknowledged Jackson’s monumental reputation as the “father of the WTO.”

New Roles for Law Center Faculty



Professor Rosa Brooks is the new associate dean of Graduate Programs, taking over from **Professor Nan Hunter** who returns to the full-time faculty. At Georgetown Law, Brooks has served as director of Georgetown Law’s Human Rights Institute as well as teaching courses including international law, national security and constitutional law. She writes a weekly column for *Foreign Policy* and serves as a Schwartz Senior Fellow at the New America Foundation; Brooks’s book, *How Everything Became War and the Military Became Everything*, was recently published by Simon & Schuster. She formerly worked at the Pentagon as Counselor to the Under Secretary of Defense for Policy and in 2011 was awarded the Secretary of Defense Medal for Outstanding Public Service. Brooks has also served as a senior advisor at the U.S. Department of State, a consultant for Human Rights Watch, and a weekly opinion columnist for the *Los Angeles Times*.



Law Library Director and **Professor Michelle Wu** has been appointed associate dean of Library Services. “Since joining the Georgetown Law faculty in 2010, Michelle has led a top-notch team in our library with

great skill and thoughtfulness,” Georgetown Law Dean William M. Treanor said as he made the announcement in June. “She has rightfully earned the trust and admiration of students, faculty, and staff.”



Professor Craig Hoffman has been appointed to the newly created post of associate dean for Strategic Initiatives. As professor of United States

Legal Discourse and director of the Graduate Writing Program, Hoffman has introduced numerous foreign LL.M. students to the ways that U.S. lawyers use language to communicate about the law. In his career as a linguist and lawyer, Hoffman has worked with students, law schools, and law firms around the world on the issues of language and the law, including interpretation of statutes and contracts, discourse and genre analysis, and forensic linguistics.

Professor J. Peter Byrne Installed as John Hampton Baumgartner Chair



BILL PETROS

Professor Paul Butler and Adjunct Professor Alvaro Bedoya (back row, center), executive director of Georgetown Law's Center on Privacy & Technology, with participants at "The Color of Surveillance" on April 8.

The installation of Georgetown Law Professor J. Peter Byrne as the inaugural John Hampton Baumgartner Jr. Chair in Real Property Law on April 4 not only celebrated Byrne's distinguished career in land use and historic preservation law but also honored a notable alumnus whose bequest made the chair possible.

As Byrne noted in his address, Baumgartner (L'48) once represented the owners of the historic Willard Hotel, slated to be demolished in a 1960s-era proposal to revitalize Pennsylvania Avenue. The Willard closed under threat of government condemnation; then, government policy then shifted to historic preservation, prohibiting demolition of the structure. The owners were awarded compensation in a 1977 case, *Benenson v. United States*. The litigation saved the Willard by encouraging congressional appropriations, and the hotel reopened in 1986 as a historic landmark.

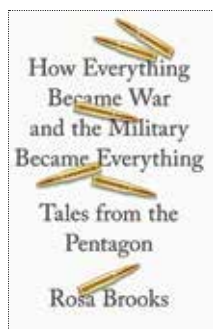
Today, historic preservation law covers 20 percent of the

city's buildings while "the city of tomorrow" evolves around them; contemporary problems include gentrification, lack of affordable housing and the need to reduce greenhouse gas emissions. Land-use policy goals must continue to "emphasize social equity and sustainability while maintaining community and character," Byrne said.

Byrne, who joined the Law Center faculty in 1985, teaches courses in property, land use and historic preservation. A former associate dean for the J.D. program, he currently serves as the faculty director of the Georgetown Environmental Law and Policy Program and the Georgetown Climate Center. He is also the current District of Columbia Mayor's Agent for Historic Preservation.

Professor Louis Michael Seidman, who spoke at the event along with Dean William M. Treanor, praised Byrne's commitment and dedication. "This professorship is the first installment on a debt that none of us will ever be able to repay," Seidman said.

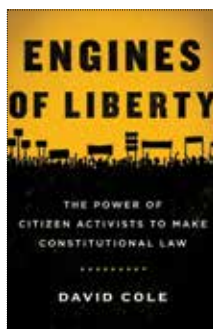
Faculty Books



**Professor
Rosa Brooks**

How Everything Became War and the Military Became Everything: Tales from the Pentagon (Simon & Schuster, 2016)

Once, war was a temporary state of affairs — a violent but brief interlude between times of peace. Today, America's wars are everywhere and forever: our enemies change constantly and rarely wear uniforms, and virtually anything can become a weapon. As war expands, so does the role of the U.S. military. Professor Rosa Brooks traces the seismic shift in how America wages war, from her unconventional perspective — that of a former top Pentagon official who is the daughter of two anti-war protesters. Her experiences lead her to an urgent warning: When the boundaries around war disappear, we risk destroying America's founding values and the laws and institutions we've built — and undermining the international rules and organizations that keep our world from sliding towards chaos.



David Cole

Engines of Liberty — The Power of Citizen Activists to Make Constitutional Law (Basic Books, 2016)

How did marriage equality go from

unthinkable to inevitable? How did the right to bear arms, dismissed as a fraud by Warren Burger in 1991, become a constitutional right in 2008? What caused President Bush to curtail his most aggressive counterterror measures after 9/11? And what should we expect from a post-Scalia Supreme Court? In *Engines of Liberty — The Power of Citizen Activists to Make Constitutional Law*, Cole maintains that it is not the decisions of justices that drive constitutional change but the efforts of ordinary citizens, working together, and operating outside of the federal courts. To celebrate the book's March 16 publication, Cole — the Hon. George J. Mitchell Professor in Law and Public Policy at Georgetown Law — led a conversation at the Law Center on April 7 with Stephen Halbrook (L'78), the nation's leading gun rights lawyer and scholar, and Professor Nan Hunter (L'75) former director of the ACLU Lesbian & Gay Rights Project.



**Donald
Langevoort**

Selling Hope, Selling Risk: Corporations, Wall Street and the Dilemmas of Investor Protection (Oxford University Press, 2016)

In the midst of globalization, technological change, and economic anxiety, we have doubts about how well the task of investor protection is being performed. Part of the explanation is economic and political: the failure to know the right balance between investor protection and capital formation, and the resulting battle among interest groups over their preferred solutions.

In *Selling Hope, Selling Risk: Corporations, Wall Street and the Dilemmas of Investor Protection*, Professor Donald C. Langevoort argues that regulation is also frustrated at nearly every turn by human nature, both on the buy-side (investors) and sell-side (corporate executives, bankers, stockbrokers). There is plenty of savvy and guile, but also hope, fear, ego, overconfidence, social contagion and the like that persistently filter and distort the messages regulators try to send.

Georgetown Law Professors Williams and Hartnett Complete Justice Ginsburg Project

Simon & Schuster has published *My Own Words* — the first collection of U.S. Supreme Court Justice Ruth Bader Ginsburg's writings and speeches. Ginsburg was assisted in the project by Georgetown Law Professor Emerita Wendy W. Williams and Adjunct Professor Mary Hartnett, her authorized biographers. Williams and Hartnett drew upon their research on the justice's life and works — as well as the hundreds of interviews they have conducted with Ginsburg and her colleagues, family and friends — to introduce Ginsburg's writings and place them in context. The justice's late husband, Professor Martin Ginsburg, was a beloved member of the Georgetown Law faculty from 1980 to his passing in 2010.



LECTURES AND EVENTS



“Color of Surveillance” Explores Racial Bias of Government Monitoring



Professor Paul Butler and Adjunct Professor Alvaro Bedoya (back row, center), executive director of Georgetown Law’s Center on Privacy & Technology, with participants at “The Color of Surveillance” on April 8.



BILL PETROS

Robert Patterson, director of the African American Studies program at Georgetown University; Georgetown Law Professor Paul Butler; Alvaro Bedoya, executive director of Georgetown Law's Center on Privacy & Technology.

What is the Color of Surveillance? To some, it's a "racial gaze," a system that demands a submissive response from those persons being watched. It's present in schools, where children are looked on with suspicion just for being children. It plays a role in the deaths of Sandra Bland in Texas, Freddie Gray in Baltimore, Eric Garner in New York and countless others before and since. Yet few Americans are talking about it, until now.

"The Color of Surveillance" was the name of the first-ever conference to consider the intersection between surveillance and race — in a country with nearly one million African Americans in prison. The April 8 event, sponsored by Georgetown Law and its Center on Privacy & Technology, brought together an outstanding lineup of lawyers, scholars and other experts to bridge the gap between two critical but rarely combined discussions: the pervasiveness of policing in black communities, and the most important surveillance debate taking place in a generation.

"Why are there more African Americans under criminal justice supervision in 2016 than there were slaves in 1850?" asked Professor Paul Butler, who organized the conference with Alvaro Bedoya, executive director of the Center on Privacy & Technology. "What happened was a new form of social control that was enabled by a racial gaze... When you are in the hood, and the state looks at you, you must demonstrate submission — or else."

Bedoya noted that government surveillance based on race is both old and new. "If you can name a prominent African American civil rights leader of the twentieth or twenty-first centuries, the chances are significant that he or she has been surveilled and usually in the name of national security," Bedoya said.

Forms of surveillance in American history have ranged from laws requiring slaves to carry lanterns to extreme policing of schools today. "Imagine your elementary and middle school education surrounded by police officers..." said Professor Kristin Henning, director of the Juvenile Justice Clinic. In one example from California, she said, "you are likely to see a school resource officer who is authorized to carry a military grade assault rifle — converting your school into a correctional facility or a military zone."

Continuing the conversation

How do you resist such surveillance? Professor Anthony Cook and Brandon Anderson (C'15) discussed a police conduct reporting app that helps those targeted fight back.

There were lessons to be learned from the past. Present FBI General Counsel James A. Baker appeared on a panel regarding FBI's surveillance of Dr. Martin Luther King in the 1960s — along with David Garrow, King's Pulitzer Prize-winning biographer. David Levering Lewis, the two-time Pulitzer Prize-winning biographer of W.E.B. DuBois, spoke earlier in the day.

Georgetown Law Dean William M. Treanor noted at the outset that the Law Center continues to focus on the issues surrounding policing in African American communities. "We agreed that we as a law school should undertake a deep exploration of the issues at stake: criminal justice reform, civil rights and surveillance policy," Treanor said. "Today, we're continuing this important conversation."



Vice President Joe Biden in the lobby of Georgetown Law's Scott K. Ginsburg Sport & Fitness Center on March 24.

Vice President Biden Visits Law Center

“The longer this High Court vacancy remains unfilled,” said U.S. Vice President Joe Biden, “the more serious a problem we will face — a problem compounded by turbulence, confusion and uncertainty about our safety and security, our liberty and privacy, the future of our children and grandchildren. In times like these, we need more than ever a fully functioning Court.”

Speaking from Georgetown Law's Scott K. Ginsburg Sport & Fitness Center on March 24, the vice president urged the U.S. Senate to “engage fully in the constitutional process of advice and consent” and to consider the Supreme Court nomination of Merrick B. Garland, currently the chief judge of the Court of Appeals for the District of Columbia Circuit. On March 16, President Barack Obama nominated Garland to the Supreme Court to replace Justice Antonin Scalia, who died on February 13.

Biden noted that some on Capitol Hill have refused to consider Garland's nomination, asking whether a so-called “Biden rule”—based on remarks Biden made as chairman of the Judiciary Com-

mittee in 1992 — means that the Senate need not fill a vacancy on the Court during an election year.

Biden said he was “speaking of the dangers of nominating an extreme candidate without proper Senate consultation. ... I made it absolutely clear that I would go forward with the confirmation process even a few months before a presidential election if a nominee were chosen with the advice — and not merely the consent — of the Senate, just as the Constitution requires.”

The “one rule” he was following, Biden said, was the Constitution's clear rule of advice and consent. “The president shall — not may... shall appoint someone to fill the vacancy with the advice and consent of the United States Senate.”

“Voting no” is always an option, Biden continued, “but saying nothing, seeing nothing, reading nothing, hearing nothing and deciding in advance simply to turn your back ... is not an option the Constitution leaves open. It's a plain abdication of the Senate's solemn constitutional duty.”



BILL PETROS

Georgetown Law students, alumni, faculty and staff greeted Justice Ruth Bader Ginsburg at the May 19 event. (Bottom right) Noah Gimbel, Dean William M. Treanor, Ginsburg, Adjunct Professor Mary Hartnett and Peter Baumann.

Georgetown Law Journal Welcomes Justice Ruth Bader Ginsburg to 2016 Banquet

More than 200 guests showed up for the *Georgetown Law Journal's* 2016 Alumni Banquet on May 19 — where Georgetown Law Dean William M. Treanor, 2015 Editor-in-Chief Noah Gimbel (F'10, L'16) and 2016 Editor-in-Chief Peter Baumann (L'17) welcomed Supreme Court Justice Ruth Bader Ginsburg. The justice's late husband, Professor Martin Ginsburg, was a longtime member of the Georgetown Law faculty until his death in 2010.

Gimbel interviewed the justice regarding memorable Supreme Court opinions — including the 1996 case of *United States v. Virginia*, where the Court held that the exclusion of women from the Virginia Military Institute violated the Fourteenth Amendment's guarantee of equal protection.

Gender equality in law school and in the legal profession was also part of the discussion. "The more women that are out there..., as my dear colleague Sandra O'Connor once said, the better off we will all be," Ginsburg said.

They also discussed the Court's role in preventing racial discrimination, since the *GLJ* hosted a symposium on policing and race earlier in the year. "One hopes that we have learned from our mistakes in the past and we will not repeat them in the future," Ginsburg said, noting that the Supreme Court did not play a "noble part," for example, in the Japanese internment cases following the invasion of Pearl Harbor.

Baumann, the incoming editor-in-chief of Volume 105, noted the *Journal's* goals of improving diversity, both in staff and in content.

"Wanting to engage with people who disagree with our opinions isn't just about being polite; it's the key to strengthening our own convictions," Baumann said, noting that Ginsburg once observed that her own writing was often strengthened with a Scalia dissent. "It makes us smarter, stronger, and more tolerant...it makes [for] better lawyers, a better journal and better citizens."



Justice Samuel A. Alito Jr. spoke with Dean William M. Treanor, Professor Randy Barnett and more than 300 Georgetown Law students in Hart Auditorium — before signing a few autographs in the lobby of the Ginsburg Sport & Fitness Center.

Justice Alito Offers Career Advice — and Thoughts on the Court

As an assistant to the solicitor general in the 1980s, now-U.S. Supreme Court Justice Samuel A. Alito Jr. found arguing cases in front of the Supreme Court “a tremendous thrill.” Though oral arguments were nerve-wracking at first, the very first question he fielded, from Justice Sandra Day O’Connor, put him quickly at ease.

In retrospect, it was a glimpse of his future career path. And on February 23, Alito shared his experiences with a group of more than 300 (mostly 3L) Georgetown Law students about to embark upon their own legal careers.

The justice’s visit here marked the third annual Dean’s Lecture to the Graduating Class, moderated by Dean William M. Treanor and Professor Randy Barnett. Alito — who succeeded O’Connor in 2006 — recalled his father doing research for the New Jersey legislature, drawing maps following the 1964 redistricting case of *Reynolds v. Sims*. “It started me thinking about the Constitution,” he said.

Alito would later take political science classes on the Constitution and the judiciary as an undergraduate at Princeton. In law school at Yale, he took torts with Guido Calabresi, later a judge on the U.S. Court of Appeals for the 2nd Circuit. Though he thought about teaching, Alito would go on to clerk for Judge Leonard I. Garth on the 3rd Circuit and was ready to join the bench himself when the clerkship was over. “I did not have a plan ... at every stage, I asked myself, what’s the best thing to do next?” he said.

Jobs as a federal prosecutor, in the SG’s office, in the Office of Legal Counsel and as U.S. Attorney for the District of New Jersey would follow before Alito made it to the 3rd Circuit himself. Fifteen years later, he joined the High Court.

Responding to a question on Justice Scalia’s successor, Alito said that is up to the Article I and Article II branches of government. And regarding the question of an eight-member Court, Alito replied that nothing in the Constitution specifies what the size of the Supreme Court should be. “We will deal with it,” he said. “What has happened...has been a great shock to us.”



Supreme Court Institute and Three Justices Honor Deputy SG Michael Dreeben



Students studying for exams in the Wolff Library were delighted to look up from their books and see Supreme Court Justices Ruth Bader Ginsburg, Stephen Breyer, Elena Kagan, and other distinguished guests gathering in Hotung Lobby for the annual Supreme Court Institute reception on April 27 celebrating the conclusion of oral arguments for the Term. This year's event — thanking the many volunteers who participate in SCI's Moot Court Program — honored Michael Dreeben, deputy solicitor general of the United States.

Each of the three Justices congratulated Dreeben, who that morning delivered his 100th argument before the Court. Justice Breyer also thanked Georgetown for the Supreme Court Institute's role in helping to improve advocacy before the Court. "I think it's made a difference," Breyer said.

Donald B. Verrilli, solicitor general of the United States, and Kannon Shanmugam, head of Williams & Connolly's Supreme Court practice, also participated, along with Dean William M. Treanor and SCI Executive Director Irv Gornstein.

Since its launch in 2000, the Supreme Court Institute has conducted moots for advocates appearing before the Supreme Court, with professors and other Supreme Court practitioners serving as justices. This year, SCI mooted counsel in 67 of the 69 cases on the Court's docket (one side only), with the help of 234 volunteer justices. Forty-five volunteers participated in at least two moot courts — a significant commitment of time and effort. "That's really the gold standard," Gornstein said.



This year's Supreme Court Institute reception honored Michael Dreeben, deputy solicitor general of the United States. Top: Dean William M. Treanor, Solicitor General Donald B. Verrilli Jr., Justice Ruth Bader Ginsburg, Dreeben, Justice Elena Kagan. Middle: Students observe the ceremony from the Wolff Library.



BILL PETROS

Rep. Steny Hoyer (L'66): Restoring Faith in Government

“As I’ve traveled across the country...,” said House Democratic Whip Steny Hoyer (D-Md.) (L’66), speaking in Hart Auditorium on July 11, “I’ve heard the same sentiment: too many of our people believe that the American Dream is slipping away.”

So with the Democratic and Republican National Conventions looming, the congressman — who has served Maryland’s fifth congressional district since 1981 — came to Georgetown Law on July 11 to outline the House Democrats’ vision for restoring faith in government.

Hoyer called for reform in the four major areas of campaign finance, voting rights, congressional redistricting and technology in government. He also urged an end to partisan Senate obstructions of executive branch nominations and the restoration of congressional earmarks, eliminated by House Republicans in 2011.

“Since the *Citizens United* decision, the wealthiest individuals and corporations have spent billions to ensure that their voices drown out all others,” he said with respect to campaign finance — calling for the 2010 Supreme Court decision to be overturned.

And the protections of the Voting Rights Act that the Supreme Court struck down in 2013 should be restored, Hoyer said. But his focus was not on the Court; as he asserted at the outset, the dysfunction of the legislative branch has damaged the other two branches — as seen in the partisan obstruction of judicial branch nominees (as well as a Scalia successor) and the denial of critical funding for executive branch agencies.

“There are a lot of good people in Congress on both sides of the aisle,” Hoyer said. “But together, we are not functioning... we need to give our people hope that we can fix what’s broken in Washington.”



MELISSA RYAN

DAN SULLIVAN (L’93, MSFS’93): FROM STUDENT TO SENATOR

What does Sen. Dan Sullivan (R-Alaska) (L’93, MSFS’93) remember about Georgetown Law? Terrific professors — and the “incredible comparative advantage” of living in Washington D.C.

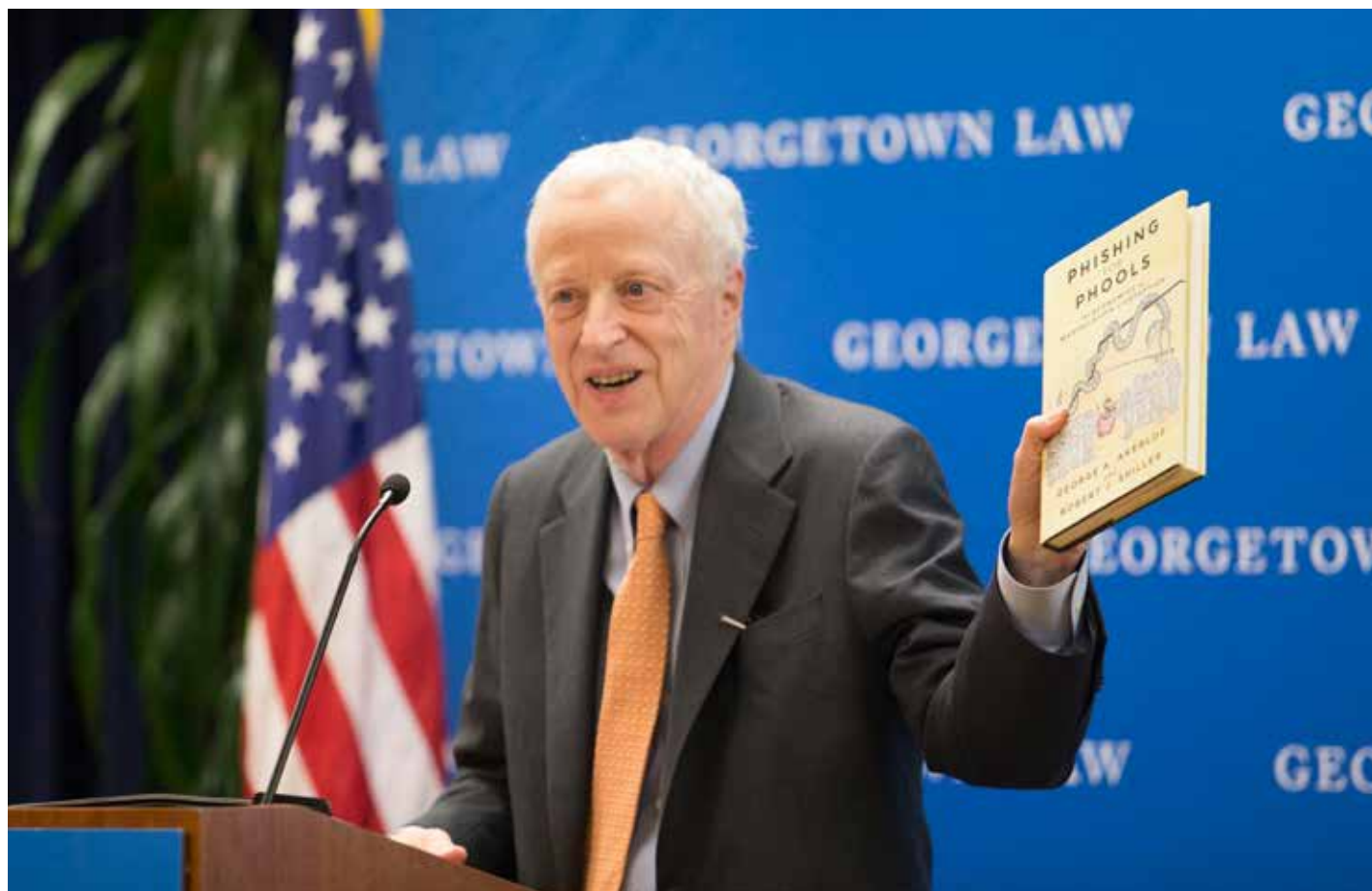
In fact, while studying for his con law final as a 1L, Sullivan ran into the late Justice Antonin Scalia leaving a Capitol Hill health club, sparking a conversation on two Scalia dissents that Sullivan would successfully include in his final exam.

“That’s just another example of the D.C. advantage that we have at Georgetown,” the senator said at the 2016 Alumni Luncheon in Washington, D.C., on June 9.

Sullivan would further be influenced by the Law Center’s mission of public service, which he has pursued in roles as diverse as a member of the U.S. Marines, the attorney general of Alaska, U.S. assistant secretary of state and a member of the U.S. Senate.

His observations as a freshman senator? Sullivan says the Senate is more bipartisan than most Americans think. But he has been surprised by the unwillingness of his colleagues to push back on separation of powers issues.

“There have been a lot of members of the Senate who have said...we are going to side with the executive,” Sullivan said. “Which, if you look at history, has been a little bit strange...if an executive branch agency was trying to disturb the power of the Senate, it [wouldn’t] matter if they were from the same party; the Senate said, no.”



Georgetown Professor George A. Akerlof discusses his book *Phishing for Phools* at the Ryan Lecture on February 1.

University Professor George A. Akerlof Delivers 2016 Thomas F. Ryan Lecture

According to George A. Akerlof — Nobel Prize-winner and University Professor at Georgetown University’s McCourt School of Public Policy — one of the best things about his new book *Phishing for Phools* (Princeton University Press, 2015), is the cover. Drawn by *New Yorker* cartoonist Edward Koren, it depicts a serpent using a fishing line to hook a group of Dr. Suess-like innocents eager to trade their hard-earned dollars for a big red apple.

Subtitled “The Economics of Manipulation and Deception,” the book argues that markets harm us as well as help us, since sellers will exploit our psychological weaknesses and our ignorance to get consumers to cough up.

“The public, and economists, we think, have too great an acceptance of the view that whatever markets do, works,” said Akerlof, speaking at Georgetown Law for the 2016 Thomas F. Ryan Lecture — “Phishing for Phools” — on February 1.

The book of the same name was co-authored with Robert Shiller in 2015. “All of us, economists [included], would take into account standard externalities and income distribution, but those

do not exhaust the reasons why competitive markets yield bad outcomes. The book explores the notions that markets deceive us and manipulate us.”

Free markets, Akerlof noted, will provide us with wrong choices if there is a profit to be made. And if we have some weakness, that weakness will come to the fore — just as monkeys, left to their own choices, will sicken themselves with fruit rollups and marshmallow fluff (demonstrated in a 2008 study on economic rational choice). “We can think of our economy as if we all have monkeys on our shoulders when we go shopping or when we make economic decisions...,” Akerlof says. “In the absence of some curbs on markets, we reach an economic equilibrium where the monkeys on our shoulders are substantial, calling the shots.”

And with completely free markets, there’s not only freedom to choose, but also freedom to “phish,” i.e., to lure consumers into purchasing what those “monkeys” want as opposed to good health and good food. “Free markets open us up to those who seek to influence us to do what we want, but [what] is not necessarily good for ourselves,” Akerlof says. “In our book, markets enable ‘phishing for phools.’”



Stanford Professor Jack Rakove at the Hart Lecture on March 30.

Stanford Professor Jack Rakove Delivers Hart Lecture

All lawyers and law students are familiar with the concept of originalism or “new originalism.” But what is historical originalism, and what does it mean to be a historical originalist?

“Historical originalism is not a theory of constitutional interpretation as we ordinarily use that term,” said Pulitzer Prize-winning historian Jack Rakove, delivering the Philip A. Hart Memorial Lecture at Georgetown Law on March 30. “It makes no ... suggestion of how the Constitution must or should be interpreted. That is a business for jurists, lawyers, legal scholars and commentators; historians ply a different trade.”

Rakove is the William Robertson Coe Professor of History and American Studies at Stanford University, as well as a professor of political science and (by courtesy) a professor of law there as well. The author of six books, Rakove won the 1997 Pulitzer Prize in history for *Original Meanings: Politics and Ideas in the Making of the Constitution* (New York: Alfred Knopf, 1996).

Simply put, “new originalists” think linguistically, analyzing individual clauses, key words and phrases to develop a theory of public or semantic meaning; historical originalists think historically. As a political historian, Rakove said, he views the Constitution as a political story — a story from which historians may glean insight from not only the founding period but also events as far-ranging as the election of Andrew Jackson to the Civil Rights Act.

“To understand the whole phenomenon, we need to have a way to think about that and work it out,” as opposed to playing a “judicial game,” said Rakove. While not disparaging lawyers, Rakove made a case for historical originalism over new originalism.

“History is necessarily a story about change over time...” Rakove said. While historical originalism is concerned with backgrounds and origins, he explained, “You can’t just freeze a moment. ... Historical originalism has to try to follow a story out.”



BRENT FUTRELL

Student participants in Georgetown Law's Human Rights Institute Fact-Finding Project.

2016 Dash Conference: Protecting the World's Children

The 2016 Samuel Dash Conference on Human Rights on April 11 focused on protecting the fundamental rights of the youngest and most vulnerable members of society: the world's children. The event began with a look at access to public education for undocumented children in the United States, thanks to a report launched that morning by students in Georgetown Law's Human Rights Institute Fact-Finding Project.

"Ensuring Every Undocumented Student Succeeds: A Report on Access to Public Education for Undocumented Children" alleges that undocumented children face barriers to education including rigid documentation requirements; a lack of communication between educators, sponsors and parents; an excessive focus on test scores and graduation rates; and enforcement actions by Immigration and Customs Enforcement officials.

"Children — including undocumented children — have the right, and in fact a legal obligation, to enroll in school," said moderator Sruti Swaminathan (L'17), a co-author of the report.

The report, a joint project with the Women's Refugee Commission, calls for districts and schools to eliminate policies that discriminate against undocumented students and inhibit their education. It also urges ICE and educational bodies to develop policies that protect a child's access to education from the chilling effects of ICE raids.

Zenande Booi (LL.M.'16), Caitlin Callahan (L'17), Genevieve Fugere (L'17), Mikaela Harris (L'17), Alexandra Hughes (L'16), Alexander Kramarczuk (L'17), Caroline Kurtz (L'17) and Raimy Reyes (LL.M.'16) also presented the findings. Co-sponsored by the Human Rights Institute and its Juvenile Justice Clinic, the conference honors the contributions of the late Professor Samuel Dash to fundamental human rights.



INNOVATIVE SOLUTIONS TO LONG-TERM UNEMPLOYMENT

In April, the Georgetown Center on Poverty and Inequality released "Lessons Learned From 40 Years of Subsidized Employment Programs" — finding that subsidized employment policies are cost-effective ways to decrease persistent unemployment and combat long-term poverty. The report reviewed more than 40 jobs programs from the past 40 years and found that in the best programs 1) workers received higher earnings after participating; 2) workers and their children had reduced criminal justice system involvement; 3) children of participating workers had higher rates of school completion; and 4) the programs more than paid for themselves.

"Discouraging undocumented children from enrolling or otherwise discriminating against them in the public education system contradicts our country's fundamental values of providing equal opportunity for all," Callahan said.



Students present their apps at the conclusion of Professor Tanina Rostain's Technology, Innovation and Access to the Civil Justice System class.

2016 Iron Tech Lawyer: Linking Technology, Access to Justice

At the Spring 2016 Iron Tech Lawyer Competition, student teams unveiled eight new legal expert systems developed as part of their “Technology, Innovation and Access to the Civil Justice System” class. Working with legal service providers and public interest law organizations in Washington, D.C., and across the country, they set out to tackle a particular access to justice problem — such as navigating a court system or determining eligibility for a benefit. Professor Tanina Rostain, Adjunct Professor Mark O'Brien and Adjunct Professor Kevin Mulcahy helped develop the projects, supervised the teams, supplied the technological know-how and above all, taught students about the “justice gap” that exists in this country.

Jennifer Llano (L'17), Arvind Miriyala (L'17), Taryn Smith (L'17) and Lauren Wiefels (L'17) won best Iron Tech Lawyer 2016 for “iHeal,” an app developed for the National Immigration Law Center that will help low-income immigrant and mixed citizenship status families determine health care coverage eligibility.

Jason Dupree (L'16), Jenadee Nanini (L'17) and Tara Ganapathy (C'12, L'16) won Excellence in Design for an app to help juveniles seal their criminal records and start over; “New Beginnings”

was developed for Georgetown Law's own Juvenile Justice Clinic.

The Social Media Award, determined by popular vote, went to “Navigator's Compass,” an app designed by Emma Elliott (L'17), Eric Fischer (L'16) and Chris Harlem (L'17) with Pro Bono Net to help tenants successfully find their way through housing court.

Honorable Mention went to the “App App,” which will help pro se litigants appealing a case to the Wisconsin Court of Appeals. Celia Belmonte (C'13, L'16), Elizabeth Woods (L'17) and Rita Hazlett (L'16) designed their project in conjunction with the Wisconsin State Bar's Appellate Practice Section.

Professor Paul Ohm, Dean Garfield of the Information Technology Industry Council and James Sandman of the Legal Services Corporation served as this year's judges. Dean William M. Treanor, who introduced the competition, noted that Iron Tech has become a showcase of Georgetown Law since it was launched in 2012.

“It teaches students the technology skills that are increasingly important to the practice of law in the 21st century...” Treanor said. “When the apps are released, they will have a significant impact in closing the justice gap.”



BILL PETROS

Visiting Professor James E. Baker, former chief judge of the U.S. Court of Appeals for the Armed Forces, delivered a keynote address at the T14 Conference of Law Student Veterans in Washington, D.C., on June 24. Phil Lockwood (L'16), former president of Georgetown Law's Military Law Society, was instrumental in organizing the conference.

Building Networks for Student Veterans

Why do veterans make great lawyers? According to Visiting Professor James E. Baker — who spoke at the first-ever T14 conference of law student veterans in Washington, D.C., on June 24 — lawyers and military personnel share the same mission: to uphold and defend the Constitution. Veterans understand how liberty and security intersect. They know how to be professionals. And in a global interdependent world, they are capable of working with a diverse group of people.

For an enlisted service member, completing college or graduate school while serving in the military is an extraordinary accomplishment. “There’s no real civilian comparison,” said Baker, who is the former chief judge of the U.S. Court of Appeals for the Armed Forces and a Marine Corps veteran. “Unless you took an emergency room nurse, worked them 100 hours a week in the Bellevue ER and told them to get a college degree at the same time.”

Yet law schools and employers may not always understand the advantages of veteran recruiting — which is why Philip Lockwood (L'16), former president of Georgetown Law's Military Law Society

(MLS), wanted to bring student veterans from the country's top law schools to Washington, D.C., to share ideas and brainstorm solutions. Hosted by the MLS, the two-day event launched the Federation of Law Student Veterans, an initiative to build community, develop diversity and create networks for veterans entering legal practice.

Lockwood — who enlisted in the Canadian army before coming to Georgetown Law for its world-class national security program — wants to ensure a better connection between law student veterans and practicing attorneys. He has served in the military for 11 years, continues to serve as a reservist, and is headed to Clifford Chance in the fall.

“You have this big movement in [law firms] towards the idea of diversity,” Lockwood says. But in general, “if you look for any sort of statement or content about veterans, there’s nothing...our theory is that there’s a lack of effective representation in Big Law. We want to get that on the radar.”

From the Files of *Res Ipsa Loquitur*

Fifty years ago... ... in 1966

The Fall 1966 issue of *Res Ipsa Loquitur* reported that the *Georgetown Law Journal* was welcoming a new faculty advisor — Professor Sherman Cohn (F'54, L'57, LL.M.'60), who had joined the Georgetown Law faculty the year before. Of course, Cohn's role as a mentor to students would endure long after that particular group of students had graduated and well after a *GLJ* faculty advisor was no longer needed. "Never before in the history of Georgetown Law has anyone been on the faculty for 50 years," Georgetown Law Dean William M. Treanor noted during Reunion Weekend 2015, when Cohn was honored for his 50 years of service. "Sherm is a Hoya through and through."

Cohn first served on the *Journal* as a Georgetown Law student in the 1950s, first as a staff member and then as a managing editor. Remarkably, he went on to clerk for Judge Charles Fahy (L'1914, H'42) of the U.S. Court of Appeals for the D.C. Circuit — a Law Center alum who had served on the first *GLJ* staff in 1911-1912. While clerking at midcentury, Cohn was introduced to Georgetown Law alum Eugene Quay (L'1913), the *Journal's* first editor-in-chief. And as a faculty member in 2011-2012, Cohn would witness the 100th anniversary of the *GLJ* — writing the introductory article to Volume 100 for a new group of students. By then, the role of faculty advisor had been abolished, at Cohn's recommendation. "One reality factor was that the Georgetown Law student improved significantly in ability," he says.

In Fall 1966, Cohn taught courses in "Procedure and Equity." A half century later, in 2016, Cohn continues to teach first-year civil procedure in addition to professional responsibility, a Jewish Law Seminar and a course focusing on the legal issues surrounding alternative, complementary and integrative medicine. In the intervening years, he would create the first appellate clinic at any law school, start Georgetown Law's Continuing Legal Education Program and countless other accomplishments. "Everyone at the Law Center, everyone in the legal community and so many people throughout the world are more fortunate because of Sherm's career," Treanor said.

At The Center



Fourth
Tom Moore, Editor, speaks with John McGrath, Article Editor of the Law Journal.

LAW JOURNAL

Throughout its fifty-four year history, the *Georgetown Law Journal* has appeared a maximum of four times each year. This year, the *Journal* will expand its schedule to six issues.

Volume 55 promises to be significant for many reasons. The first issue, scheduled for November publication, will be devoted entirely to the second annual Circuit Note. This Note consists of an analysis of more than two hundred and fifty decisions of the U.S. Court of Appeals for the District of Columbia Circuit. The third and fourth issues will feature a Court of Claims Symposium, emphasizing the Court's function in the various phases of its caseload.

Another Law Journal innovation this year, is the publication of *The New Federal Rules: Civil, Admiralty, Criminal, and Proposed Appellate*. The one hundred seventy-six page volume consists of four articles taken from recent issues of the *Law Journal*. Brick sales have already more than covered the cost of printing.

The Editor-in-Chief of this year's *Law Journal* is a native Idahoan, Thomas K. Moore. Tom, who presently resides in Arlington with his wife Judy, is a 1961 graduate with a B.A. in Physics.

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After graduation, Tom served as a First Lieutenant in the Air Force, stationed in Altus, Oklahoma. After his first year at Georgetown, he spent the summer of 1965 as a research assistant to Professor Robert S. Schöshinski. Last summer, he worked full-time on plans for this year's *Journal*, pausing briefly to get married. Tom is a member of Delta Theta Phi and the Pegan Law Club. After graduation, he hopes to Clerk for a Judge in the District, and then to enter private practice.

The *Law Journal* welcomes Professor Sherman Cohn as its new faculty advisor. Professor Cohn, who was advisor to *Res Ipsa Loquitur* last year, teaches courses in Procedure and Equity.

RES IPSA STAFF

Appointed to the position of Editor-in-Chief of *Res Ipsa Loquitur* for this year is Harry I. Jacobs, '67, of New Rochelle, New York. Harry graduated from Cornell in 1964 with a B.E.E. in Electrical Engineering. Living in Rockville, Maryland with his wife, Irene, he is planning to enter either the field of Patent Law or Contracts Administration.

Last year's Features Editor, Jeffrey J. Joseph, '67, has been named Associate and Managing Editor. A native of Manhattan, Jeff was Editor of the newspaper at Middlebury College where he majored in political science.

Randall G. Drain, '68, of New York is one of the three members of the Managing Board of Editors. Randy graduated from Brown University in 1965 where he majored in international relations; he plans to pursue an M.A. in International Affairs.

Another member of the Managing Board is Michael H. Sandler, '68, of Washington, D.C. A graduate of the Georgetown School of Foreign Service, Mike aspires to work for a local District Attorney's office.

Henry J. Standinger, '68, of Hoinington, Kansas graduated *somme cum laude* from St. Benedict's College where he majored in history. Last year's winner of the Patrick G. Hornn Essay Contest, — which he won with an essay based on an article prepared for *Res Ipsa* — Henry hopes to continue writing, possibly in the field of Administrative Law.

RES IPSA AWARD

Res Ipsa Loquitur once again has won the First Place Award for a publication of its kind in the national competition sponsored by the American Law Student Association.

At the A.L.S.A. convention last August, held in Montreal, Quebec, *Res Ipsa* was cited for its outstanding journalistic quality and news coverage. The annual competition for over one hundred law school publications is judged by appointed members of the American Bar Association. Holding their conventions in conjunction with each other, the A.L.S.A. and the A.B.A., through the director of its Law Student Program, have previously chosen *Res Ipsa* for the first place award in 1964, and in 1961.

Dean Gurden presents first prize to *Res Ipsa Loquitur* Board of Editors and Prof. Weidenbruch, faculty advisor.



GRADUATION 2016

“Today is a great day of celebration!” Georgetown Law Dean William M. Treanor told Georgetown Law’s 114th graduating class — and the families of those graduates, watching under the umbrellas that covered Healy Lawn on May 22. “We’re outside, so everybody can be here...But at Georgetown Law, we teach resilience, and a little bit of rain is not going to bog us down.”



PHOTOS BY SAM HOLLENHEAD



PHOTOS BY SAM HOULENSHEAD

*N*or did it, as 1084 graduates (603 J.D., 479 LL.M, and 2 S.J.D.s) received their Georgetown degrees that day. Professor Edith Brown Weiss and Professor M. Gregg Bloche awarded honorary degrees to Eric D. Rosenthal (L'92), the founder and executive director of Disability Rights International, and Zhang Yuejiao (LL.M.'83), who became the first Chinese lawyer to receive a master of laws degree when she graduated from Georgetown Law in 1983. Rosenthal's commencement address follows.

It is a pleasure and an honor to be here at this university — as a graduate of this law school myself — a place that has been very good to me. I owe deep, deep gratitude to this law school. I could not have founded

a new organization to work for the rights of millions of people with disabilities around the world without the support I received from this community. That includes faculty and the many friends I made while I was here in law school.

So, if there's one concrete piece of advice I can offer to graduates, it is this: look to your right and look to your left. These are friends you have made here at this law school. Stay close with them. This has been your community for three years, and it is still your community.

It may look easy to get from where you are sitting to here on this stage, but it is an enormous challenge and there are ups and downs. Your community will be of

great help to you, as it was to me. I would especially like to thank Professor Gregg Bloche, who supervised my first international human rights investigation in the West Bank and Gaza. Phil Schrag and the Public Interest Law Scholars Program created a community that helped me through law school and has been supportive ever since. Peter Edelman, Larry Gostin, Andy Schoenholtz and so many others have supported me and contributed to my work during and after law school. I would not be here without them.

And perhaps most important, the late Father Robert Drinan — who was my first professor of international human rights law. I am deeply honored to have been able to

Opposite: Members of the Class of 2016. Georgetown Law Dean William M. Treanor with Honorary Degree Recipient Zhang Yuejiao (LL.M.'83), Honorary Degree Recipient Eric D. Rosenthal (L'92) and Georgetown University President John J. DeGioia.

GRADUATION 2016

hold the Father Drinan chair in International Human Rights this year.

It is pouring rain, so I've been asked to keep my words short. I will boil my thoughts down to words that, I hope, are worth getting wet for. Perhaps the most important lesson I have learned was in my first summer in law school, doing the human rights investigation referenced by Professor Gregg Bloche.

When I went to Israel, I encountered a lawyer by the name of Avigdor Feldman who was representing Palestinians in Israeli military courts. He is one of the true greats in Israel who helped found their most important civil rights and human rights organizations. But as a practitioner in Israel's military courts, he didn't win cases very often. I asked him, why do you do this? Why, as a highly accomplished human rights lawyer, do you represent clients through the military justice system — where your clients lose more often than they win? And he said to me, “as a lawyer, I am granted privileged access to the forbidden places that society does not see. I go into the jails and prisons and detention centers. I am the one who has to talk to the families of the people who have been taken away. I, as an Israeli citizen who believes in human rights and rule of law, want my country to be a better place, and my kids to grow up in a better country. So it behooves me to know what is really happening, whether I win or lose those cases. I bear witness to create a better society.”

When I founded this organization, I knew that psychiatric facilities, nursing homes, orphanages — places where people with disabilities were put away — would not be good places to see. But I can tell you that the horrors that I have witnessed have gone well beyond what I could ever have imagined — certainly beyond whatever I could have studied in a textbook or in international human rights law. I have seen the pain that happens when a child is ripped from their family because they have a disability. I have encountered the dehumanization of people when they are put away

because of a diagnosis of mental illness or an intellectual disability.

The irony is that society says we are doing this for their protection. *For their protection?* This is what people are really being told: our society can't afford the services necessary to take care of you, so we will put you away. Or people are told that they have no future and will be living forever with a chronic illness. That is a crushing message whether you are actually locked up or whether you are dumped into an underfunded and dehumanizing system of care that perpetuates the worst expectations for you.

The lucky ones may get out of orphanages. However, children with disabilities who leave orphanages may end up getting put into long-term adult facilities and they spend their lives in institutions. And the atrocious abuses that we have seen there — children tied to beds, held in cages, given painful and debilitating treatments, subjected to electroshock without anesthesia, violence, rape, trafficking, I could go on — true, true horrors. This is *not* protection.

In your work, you too may be confronted with problems or challenges that are hard to grasp. The global human rights violations facing children and adults with disabilities is one such challenge. There are 8 to 10 million children in institutions and orphanages around the world. Amazingly enough, studies have shown that 90 to 95 percent of these children are not actually orphans. They are placed in institutions as a result of poverty or disability or because they come from other marginalized populations.

For the most part, parents of children with disabilities would keep their children if they had the opportunity to do so. But in societies with no community support systems, where children with disabilities are kept out of schools and denied the protections they need to live in the community, parents may feel they have no choice but to place a child in an institution.

Among the saddest and most heart-

breaking experiences I have had in my work is encountering parents who love their children and feel they have no choice but to put them in an institution. I was recently in Ukraine and observed this firsthand. I was travelling with a film crew and actually documented this scene on tape. We were visiting an orphanage outside of Droghobych and stumbled on a young woman embracing and saying good-bye to her daughter. They were holding each other tight and crying. The mother, an English teacher, told me her husband had left her after the child was born with a disability. Doctors told her then to put the child in an institution because she had no future. But this mother had insisted on keeping her child, and she raised her for a few years, even though she had to stay home and give up her job to do so.

When her daughter got to be school age, however, the school would not accept her because of the disability. The mother faced the prospect of a life of poverty and abandonment. Her family and friends told her to take care of herself, to put the child in an institution, so that she could go back to work — and hopefully find another husband.

This mother was crushed when the school told her they would not take her child. She gave in to all the forces that were pushing her to give up her child. Her doctor had said her daughter would not even notice the difference. Because of this child's disability, [the doctor said,] she would not even know that she was missing her mother. *The child does not even know you are her mother.*

This woman told me this story as she clung to her daughter and her daughter clung to her. The child may not have been verbal, but the one thing that was perfectly clear in that moment is that this child loved her mother. She knew it was her mother, and probably knew something really bad was about to happen.

Scientists who have studied orphanages have told us, in vivid detail, what happens when children are put in institutions. And

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it is not good. Orphanages generate disability. If a child grows up without a family to love, they lose the ability to form emotional attachments. Orphanages cause psychological damage to a child that may be irreversible. And even for older children, the lack of love and attention and stimulus usually leads to increased developmental delays.

And most sadly, children with disabilities who grow up in orphanages often are subject to a lifetime of institutionalization. For children with disabilities, orphanages are a gateway to psychiatric facilities and nursing homes and a lifetime of institutionalization.

We know that 8 to 10 million children are in orphanages, but we have no idea of the vast numbers of adults who live segregated from society for a lifetime. No international body has even begun to count them. Perhaps it is two, three, or four times the number of children. We are talking 30, 40, 50 million people, put away with no hope of returning to society, living in atrocious conditions. When you open the newspapers and you read about 5 million displaced Syrians... and you should read about that. But there are even bigger stories that rarely get told. What about the 10 million children in institutions? What about

the 20, 30, or 40 million adults languishing in institutions? The problem is so enormous, it's hard to know where to begin.

As a lawyer and a human rights activist, I have the privileged opportunity to see forbidden places and witness this problem. You too, as lawyers, will have access to witness much of what the rest of the world does not see. Because of the respect and authority and privilege that you get as a lawyer, you will have a special vantage point from which you can witness the justices and injustices of our society. Perhaps it is not forbidden places that you will visit, but it will be privileged places. Some of you may work in prisons and jails and psychiatric hospitals in the United States as I have done abroad. Others of you may be in corporate board rooms, in civic associations, in the halls of power. You will meet people and families affected by the law in profound and important ways.

As lawyers, I ask you to bear witness. As Avigdor Feldman said, you cannot act, you cannot act to change or protect or to improve society, unless you see.

And the most important thing to keep in mind when you witness overwhelming injustice is, do not accept the *status quo* as inevitable or unchangeable. If you see how

the system is rigged, you are in a position to fix it. Through your professional insights you will see the power relationships, the just and the unjust, the ways in which the wealthy or powerful have advantages over others, the insights into the ways the system works or doesn't work.

It's easy to say, well, we have a somewhat unjust society. This is the *status quo*, this is what the law says and I'm just obeying the law. Well, I had the great privilege of starting out in a field where there was no international law. I am perhaps lucky to have been in the right place at the right time, to be able to contribute to drafting the new international human rights treaty. And that treaty established not only that people with disabilities have rights, but they have the right to be part of society. Article 19 of the UN Convention on the Rights of Persons with Disabilities establishes that all people with disabilities have a right to live in the community with choices equal to others. This is a profoundly important new right. It means that it is not okay to lock people up and throw away the key. People with disabilities have a right, like every other human being, to be part of society.

I have observed the process of going



from no law to perhaps the greatest law you can imagine to protect people's rights. And yet the irony is this: the problem may be getting worse. The population of psychiatric hospitals around the world is still enormous. The population of orphanages is still going up. When CNN Heroes gives their award every year, it inevitably goes to someone who builds an orphanage. This year, George Clooney is giving a million dollars to someone building an orphanage. So many people think that orphanages are places where children need to be, because there is no other place for them. *We know that is not true.* Many societies function entirely without orphanages. Families can be given support to keep their children with disabilities. Children without families can stay with relatives or can be placed in substitute or foster families.

The fact is, this tragedy does not need to be happening. It is a problem made by human beings. It can be fixed.

As Georgetown lawyers, we are taught to be problem solvers. The *status quo*, when it is unjust, cannot stand. And as problem solvers, we have to come up with solutions. We now have international law. It is a great accomplishment. And yet the population of orphanages went up. Well, one of

the reasons for this is that well-meaning donors who thought that they were helping children in orphanages by giving money to orphanages are actually contributing to the problem. In some developing societies where the donations come in, such as Nepal and Cambodia, where parents can't afford to keep their children, the number of children in orphanages has skyrocketed. Where there's a well-funded orphanage, struggling parents think, well, maybe I should put my child in that facility. In Eastern Europe, the numbers skyrocketed after the exposures in Romania, and funding came in to fix up those orphanages.

So educating well-meaning donors is very important. That same misbegotten sense of, we are trying to protect you, can be so dangerous. But that good will is not good enough if you don't protect the basic human rights of the people you are trying to help. And so now we are educating donors to shift funds away from institutions and toward the community. The very existence of the orphanage is a problem that can be fixed.

I thank this university for giving me this recognition today. The recognition and support from this university will help me go

out and fight that fight and gain support for change.

I'd like to leave you with one last thought. Why do we do this work? I know you have all worked very hard make it this far. Each of you had excellent reasons for going to law school. But it is important to remember the people who helped you get here: the people who are going to give you a bear hug when you walk out of here with your degree, the people who helped pay the bills, the people who helped you make it through tough times. I can only imagine that those are the people that motivate you too. As Avigdor Feldman said, to make a better society for them, you must take what you witness and take action.

I have a 14-year-old daughter at this gathering. I have a 15-year-old nephew. When I see those kids in orphanages that are exactly their age, and I learn that they may be sold and trafficked for the sex industry — I cannot walk away. And I ask you not to walk away.

I wish you the very best. Go be excellent lawyers. Your craft will give you great power to make change, represent your clients, and win cases. Be excellent lawyers. But also be good lawyers. All the best to you.



A photograph of a person holding a megaphone with the brand name 'AMPLI VOX' on it, addressing a crowd of people outdoors. The scene is set in front of a modern brick building. The word 'Racial' is overlaid in large white text across the center of the image.

Racial



Justice

Racial Justice

During the summer of 2016, as the nation was grappling with the deaths of Alton Sterling in Baton Rouge, Philando Castile in Minnesota, and the police officers in Dallas, we asked Georgetown Law faculty members to consider how the law can be used to further racial justice. Their interviews and essays follow.

Introduction by Melanie D.G. Kaplan

When Paul Butler was a student at Harvard Law School, he says, race was a subtext that wasn't discussed.

"As a student of color, there was a sense of dissonance between what I was learning and my knowledge of how things were in the world," Butler says. Today, as a professor at Georgetown Law, teaching in the areas of race relations law and criminal law, Butler is hopeful that as the law school community better addresses issues surrounding racial justice, students will be more prepared than ever to practice in increasingly diverse environments.

"We have a lot of students who come to law school because they want to make the world a better place," Butler says. That means training students to be effective lawyers, but it also means creating a more diverse student body and faculty, offering a curriculum that reflects the school's dedication to social justice and developing programming that addresses the issues confronting our nation.

At times, Butler wonders what it must have been like as a law professor during the Civil Rights Movement of the 1950s and 1960s, and whether the educators met their obligations to further justice. Nevertheless, the founding of Georgetown Law's top-ranked clinical program during that tumultuous time has led to 17 clinics today that further justice in countless ways, for thousands of individuals. Our centers and institutes — including the Center on Privacy and Technology, for example, or the Center on Poverty and Inequality — are working to address problems on a deeper level. Time will tell how future generations look back at Georgetown Law in 2016, but certainly, the progress in the last decades is profound.

"Today, our students are learning from professors who reflect America and its glorious diversity," Butler says. "A number of us are determined that Georgetown will rise up to this moment."

"Justice is the end"

When Dean William M. Treanor welcomes students to the Law Center every August, he shares the school's motto: "Law is but the means, justice is the end." For the first time at Orientation 2015, he and several members of the faculty addressed diversity.

"In the wake of Ferguson [the 2014 shooting of Michael Brown] and all of the other deaths of young African-American men, I thought that was important," Treanor says. "We as a community became very focused on what we should be doing both internally and as a law school educating the next generation of lawyers who will go out and make a difference in the world."

Issues of race permeate many law school courses, Treanor says, and if you don't address race, "you miss much of what's going on."

This effort comes at a time when Georgetown University's Main Campus is focused on its own ways to — in the words of President John J. DeGioia — "grapple with the problem of social justice." In response to the historical role that Georgetown played in the institution of slavery, DeGioia created a Working Group on Racial Injustice, whose members include Treanor, Butler and Rosemary Kilkenny (L'87), Georgetown University's first vice president for Institutional Diversity and Equity. Kilkenny, who also served on the University's Working Group on Slavery, Memory and Reconciliation, said the Law Center has traditionally been at the forefront in some of these areas. "But work remains," she says.

Georgetown Law recently made a significant step toward its commitment to social justice by hiring Dr. Judith Perez Caro, the first director of Equity, Community and Inclusion. In this role, one of the first of its kind among top law schools, Perez Caro acts as a resource for historically underrepresented student groups, develops programs that explore the intersection of social justice and diversity and supports faculty in understanding diversity in the classroom.

The faculty is also working to increase sensitivity to diversity in the classroom and to create inclusive environments. Professor Sheryll Cashin says that given the national focus on policing and race in the past several years, the faculty has taken more proactive steps to address racial justice issues on campus.

"You can't just have a lot of very smart students walk into a building from all walks of life and not pay attention to consciously creating a community where everyone's voice is heard and respected," she says. "That takes some intentionality."

"Impossible to separate racial injustice from the law"

Faculty members who are actively challenging established power structures, including Butler and Professor Allegra McLeod, inspire students to effect change through the law, says Joshua Branch (L'18), a Public Interest Law Scholar. "The Law Center provides us with a wide-ranging curriculum and, partially because of its location, encourages students to get into the public interest and government sector."

But Branch said he would like to see more professors mention race in the classroom. "A lot of the laws we have from criminal justice (drug laws) to property (red-lining) to even tort law (the reasonable man has long been argued to be from the perspective of a "white male") is heavily influenced by race," he says. "It's impossible to separate racial injustice from the law."

Branch applauds Georgetown Law for continuing to increase diversity on campus, among faculty as well as students, to ensure that the community is exposed to various perspectives. He is helping the Student Bar Association plan a speaker series that will address diversity issues.

Visiting Professor Justin Hansford (L'07), an assistant professor of law at Saint Louis University School of Law and one of the founders of the *Georgetown Journal of Modern Critical Race Perspectives*, says the shootings in Ferguson, Baltimore and around the country since are above all issues of law and justice. "Law schools cannot hide from them," he said.

Hansford, who has been at the forefront of legal organizing and advocacy since Ferguson, said each institution has to find its own way to address racial justice — and that Georgetown Law is ahead of the curve in offering courses that look at racial justice and the law. (Hansford will offer classes in Black Lives Matter and the Law, and Critical Race Theory, at the Law Center in 2017.) But he stressed the importance of allowing students to lead. "Clinics, law journals, fellowships and programming aimed towards opening students up to this world can make a difference."

Students wishing to explore the issues may now choose offerings including Butler's Race, Gender and Criminal Law course; Adjunct Professor Arjun Sethi's Policing in the 21st Century: Law Enforcement, Technology, and Surveillance; Race, Inequality and Justice with Professor Emma Coleman Jordan, and many more. In addition, the school has organized a number of packed-house programs to address current events. In April, Butler and Adjunct Professor Alvaro Bedoya hosted a day-long symposium with the Center on Privacy & Technology called "The Color of Surveillance: Government Monitoring of the African American Community." The school also hosted two conversations about Ferguson during 2014-2015 and "The Fire Next Door" in May 2015, examining the death of Freddie Gray in Baltimore. These conversations will undoubtedly continue.

For students seeking hands-on involvement, the Law Center's clinics, institutes and practicums continue to break new ground, as do the journals and student organizations.

"There are a lot of different ways, if a student is interested in attacking issues of racial justice, that they can acquire relevant skills," Cashin says. "Through events; experiential learning; the street [law] clinic and juvenile justice clinic that attack frontally issues of race and criminal justice; and then this conversation about current issues. Sometimes it's student led, sometimes it's school-led."

One sure sign of change: *The Georgetown Law Journal*, traditionally one of the most homogenous groups on campus, is making an effort to diversify.

"The *Law Journal* has a reputation of being predominantly male, white, upper middle class and interested in going into corporate America," says Rebecca Williams (L'17), the journal's member development and diversity editor. She says she joined somewhat by accident, as a female person of color with a public interest focus. Last year, she specifically reached out to associations and groups of law students including African-Americans, Asians, Latin Americans and women.

"We let them know this is a place for them," Williams says. "So this fall, we will implement programs around diversity. The goal is to make the journal more visible and to talk more about the impact the law has on these communities that are marginalized." The next step, she said, is admitting more students of color and helping them feel included and heard. "We want to reach a place where everyone feels they're accepted and welcome on campus," she says.

“I went to college and law school with the hope that what I learned would help me make a difference in racial justice.”

Racial Justice: Q&A

Professor Paul Butler

Professor Paul Butler is one of the nation’s most frequently consulted scholars on issues of race and criminal justice. He researches and teaches in the areas of criminal law, race relations law and critical theory, and he lectures regularly for the American Bar Association and the NAACP. Earlier in his career, Butler served as a federal prosecutor with the U.S. Department of Justice, where his specialty was public corruption. Below, he talks about growing up in a place where the police tortured African-American men and how he approached a government job as an “undercover brother.”

Interview by Melanie D.G. Kaplan

What most shaped your beliefs about racial justice?

Growing up as an African-American in Chicago during the 1960s and 1970s, you had to think about race just as a survival skill and as a morally conscious human being. Martin Luther King, Jr., called Chicago the most segregated city he’d ever seen. During that time, the Chicago Police Department literally tortured African-American men. When you read what the cops were doing to black people, it’s a litany of horrors, like the Middle Ages. I had to learn about race, white supremacy and racial subordination just to escape being a victim of police violence. But being aware of what was going on helped me get by, living in a segregated neighborhood, going to a segregated elementary school and then going to a predominantly white Jesuit high school.

At what point did you realize you would play an important role in fighting for racial justice?

I went to both college and law school with the hope that what I learned would help me make a difference in racial justice. I was also interested in criminal law, and I understood that there was a need to have people with experiences like mine become practitioners and scholars to try and make things better.

What did you learn during your time working at the Department of Justice?

I worked there as a prosecutor for three years, hoping that I could make a difference from the inside — that I could go in as an “undercover brother” and try to correct some of the injustices that I’ve personally seen and that my friends from Chicago have experienced with the cops. Some of these friends didn’t have the opportunities and lucky breaks that I had, and they responded the way most people would respond to deprivation. What we did was lock them up. That seemed to be an immoral response to segregation and economic inequality. It sometimes seemed like happenstance that I went to Yale and many of the people from my neighborhood went to jail.

Did you make the difference you hoped to make at DOJ?

I didn’t. Rather than change the system, the system changed me; in my book *Let’s Get Free: A Hip-Hop Theory of Justice*, I explained how someone with a mindset like mine goes into a prosecutor’s office and becomes overwhelmed by the incentives to lock up as many people as you can. I’ve encouraged my students — many of whom also hope they can make a difference as prosecutors — to be aware of my experiences. Those who want to go that route, I wish them Godspeed. I’ve even helped them get jobs. But I’m personally skeptical about the ability of line prosecutors to reduce incarceration.

In what areas have you made a difference?

By writing and teaching about criminal and racial justice and being an activist on these issues the last 20 years. I have seen the difference that engagement — intellectual, political and moral — can make. It’s not a coincidence that as a country today we’re experiencing this movement for black lives. The movement has been a long time in the making, and it’s been brought about by student activists and black scholars, among other people. It’s very gratifying.

What are your concerns about today’s generation in terms of racial justice issues?

I don’t have concerns. I’m thrilled that this generation is rising to the occasion. For most of the time I’ve been a professor, the students haven’t been as engaged in the struggle for racial justice as they are now. It’s wonderful to be a law professor at a moment when students are being activists. They’re bringing it up in class and taking it to the street. They’re using their legal skills to write briefs and go to court. But they’re also

understanding that change doesn't come only from the law or even primarily from the law. They're engaged with what King called the "beautiful struggle" through a variety of approaches.

During any time of struggle, it's not most of the people who are involved, but a critical mass of people who are engaged, and it's the same with students on campus. I don't agree with their tactics 100 percent of the time, but they're learning to be activists, making mistakes as we all do and having a very positive impact on the law school, the university, the District of Columbia and the United States.

What's one area in which they're having a positive impact?

Many activists are talking about prison abolition. The cause hasn't been seriously considered in a legal academy, but my colleague Allegra McLeod along with community activists are just beginning to theorize it and make it one of their ultimate demands. To scholars in my generation, the idea seems absurd — to have a country without prisons and still be safe. But I've become kind of a believer — in the gradual process of de-carceration that would lead to abolition. I've learned to be more open-minded and optimistic about ways where criminal justice really could be improved.

What do you learn from students?

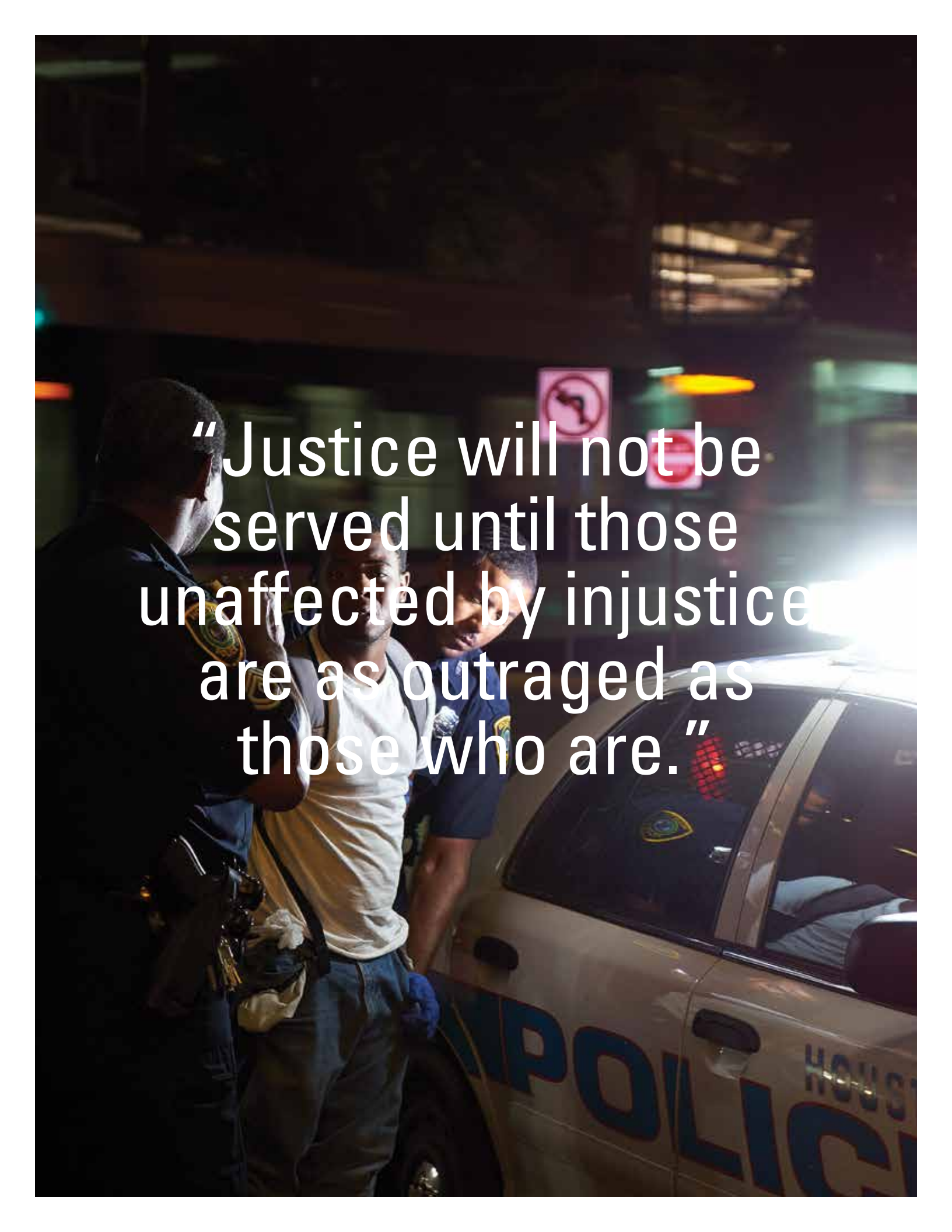
To keep hope alive. When I look at the struggle for racial equality for African-Americans for the 400 years we've been present in this country, I can be pessimistic and disappointed that there's still so much work to be done. Having worked on these issues for many years, when you look at the vast extent of racial inequality even now, it's easy to be discouraged. One thing I learn from students is how important the struggle is. That it's bigger than one generation or one organization. That it goes on.



From Top:

On Tuesday, Aug. 9, 2016, Sharon Cowan chants as she marches on the way to a candlelight vigil on the spot where Mike Brown was killed in Ferguson, Mo. The demonstration marked two years since the unarmed black 18-year-old's fatal shooting by a white police officer. Credit: J.B. Forbes/St. Louis Post-Dispatch via AP.

A man is moved by a line of police as authorities disperse a protest in Ferguson, Mo. early Wednesday, Aug. 20, 2014. On Saturday, Aug. 9, 2014, a white police officer fatally shot Michael Brown, an unarmed black teenager, in the St. Louis suburb. Credit: AP Photo/Charlie Riedel.



“Justice will not be served until those unaffected by injustice are as outraged as those who are.”

“The Importance of Outrage”

Vice Dean Jane Aiken

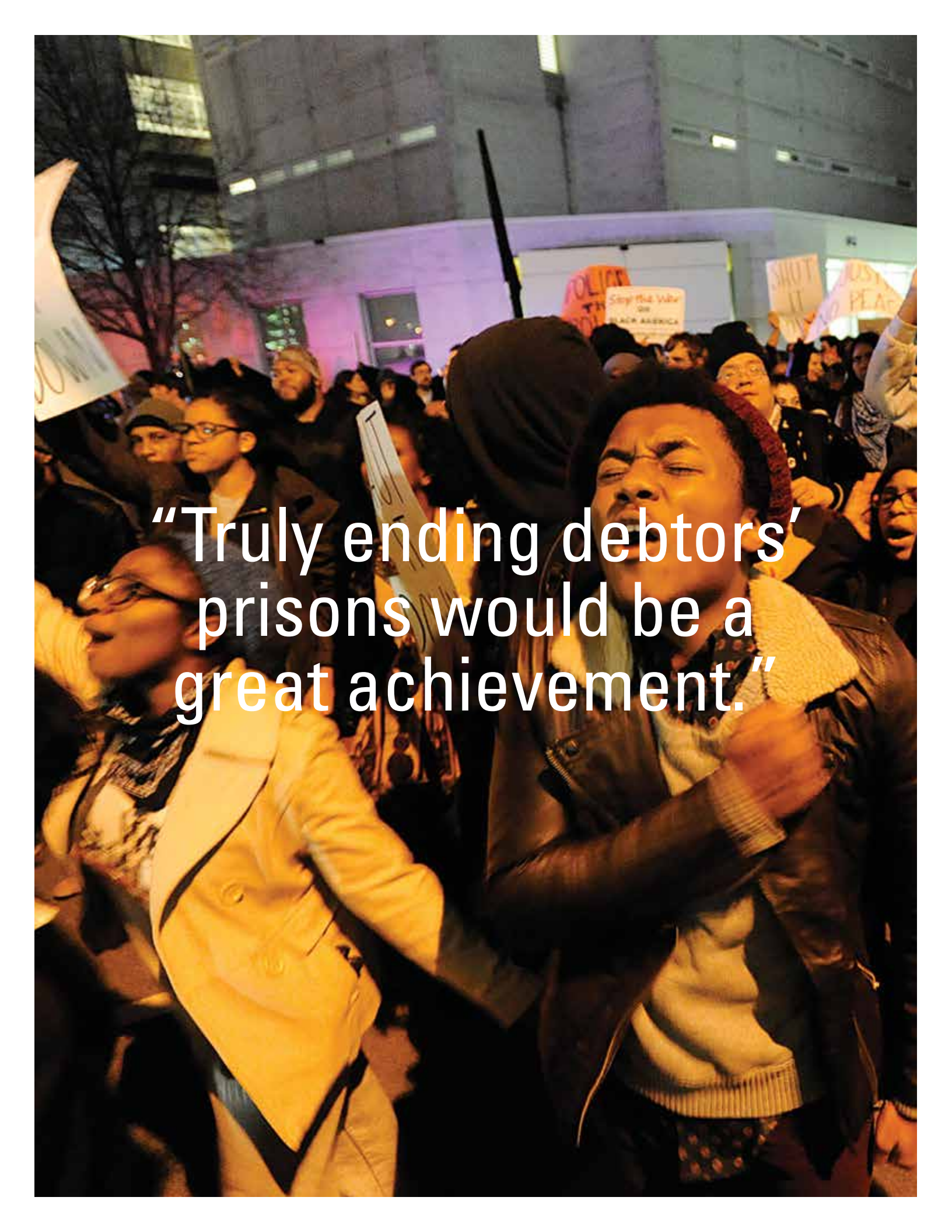
Since joining Georgetown Law in 2007, Vice Dean Jane Aiken has also served as associate dean for clinical education, professor and director of the Community Justice Project Clinic. In that clinic, students directly represent clients (our current cases are unemployment insurance appeals) and act as advocates for community, nonprofit, educational, faith-based and other organizations and groups.

I am not Freddie Gray. I did not grow up in a neighborhood like Sandtown-Winchester in Baltimore, where Freddie Gray came of age. Sandtown-Winchester has the lowest income levels and lowest rates of educational attainment in the state. It also has the highest rates of public assistance, lead contamination, high school absences, unemployment and the greatest number of people going to prison. I am far less likely to be ticketed and fined for small infractions and far more likely to be able to pay those fines so they do not grow and become warrants for my arrest. When I was between the ages of 10 and 17, I did not face a one in four chance of being arrested as Freddie Gray did in his neighborhood. One in three of the houses in my neighborhood are not abandoned. My life expectancy in my neighborhood is not 5 years shorter than the city average and 16 years shorter than the community with the lowest incarceration rate. I am not black. I do not fear police brutality or anticipate it. One year before Freddie Gray was killed, the *Baltimore Sun* reported that since 2011 the city had paid out \$5.7 million in damage claims due to police brutality, with an average pay out of \$30,000. Of course, those were only the cases that were filed. If I had died in police custody the way Freddie Gray died, I imagine that there would be police convicted for those acts. They would not all walk free, pockets bulging with their back pay. Because I am spared all of this, I do not often find myself overwhelmed by a sense of futility.

So I am not Freddie Gray, but I am outraged. Benjamin Franklin, who late in his life became an abolitionist, understood that “Justice will not be served until those unaffected by injustice are as outraged as those who are.” For almost every indignity that Freddie Gray experienced before he died, there are ways that properly outraged lawyers, partnering with community organizers, can make a difference. Lawyers can work with the community to raise the issue of police brutality with the mayor, the chief of police, a citizen review board. When housing is uninhabitable and lead paint problems emerge, lawyers can sue landlords and initiate public health inquiries. Lawyers can ask important questions: Might lead contamination contribute to low educational attainment? Why are people in the neighborhood being arrested? Does it have to do with generating fees, meeting arrest quotas or general harassment? Why are students absent from school? Is the school system attentive to their needs? Why are people dying young? Is there a food desert in the community? What health care needs go unattended? How can we ensure that people in the community have adequate access to health care and healthy living options?

The struggle for racial justice is overwhelming, but there is an important role for lawyers. We must learn how to notice injustice, to name the harms of those injustices, to lend all the privileges we have to intercede where we can, and to have the courage to demand that we rethink the criminal and civil justice systems and change the structural problems that underlie overt injustices. Nelson Mandela said that education is the most powerful weapon you can use to change the world. As law school faculty, we can equip our students with excellent lawyering skills and the ability to engage in deep legal analysis. We can also train our students to see beyond themselves and instill faith that they can be change agents. In short, we should strive to ensure that students leaving Georgetown Law are outraged by injustice and feel prepared to make a meaningful contribution to bettering the world.

Opposite page: Houston Police arrests man in downtown Houston, July 2015. Credit: Denis Barthel/Wikimedia.



“Truly ending debtors’ prisons would be a great achievement.”

“Truly ending debtors’ prisons would be a great achievement.”

Professor Peter Edelman

Professor Peter Edelman, the Carmack Waterhouse Professor of Law and Public Policy at Georgetown Law, is one of the nation’s most highly regarded anti-poverty advocates. The faculty director of the Center on Poverty and Inequality, he teaches a Poverty Law and Policy practicum and Constitutional Law II.

Vera Cheeks, a resident of Bainbridge, Georgia, was pulled over in 2014 for rolling through a stop sign. The local judge assessed a \$135 fine and demanded she pay in full. When she said she could not do so because she was unemployed and caring for her terminally ill father, she was put on “offender-funded probation.” This meant that a for-profit so-called probation company added \$105 a month to what she owed, along with \$27 for the Georgia Victims Emergency Fund, with no services rendered to her. The probation “officer” told her to pay him \$50 immediately or she would go to jail, which her fiancé raised by pawning her engagement ring and a lawn mower. That avoided jail, but she remained at risk of being locked up if she missed even one payment on her ever-increasing debt. Fortunately, she found her way to a lawyer — Sarah Geraghty of the Southern Center for Human Rights — who resolved not only Ms. Cheeks’s problem but also brought to an end the local court’s system of making money at the expense of low-income people and people of color.

Mass incarceration has been doing its damage for decades, but Vera Cheeks personifies a newer criminalization — the 21st century debtors’ prison. She was saved, but millions of others have no such fortune. People are arrested for minor violations, held in jail awaiting trial when they cannot afford bail, fined excessive amounts, and hit with continuously mounting costs and fees. When defendants cannot pay, more jail time follows along with more debts from accumulated

interest charges and additional fines and fees. They lose their liberty, often lose their jobs, are frequently barred from a host of public benefits, may lose custody of their children and even lose their right to vote. Once incarcerated, inmates are routinely charged for their room and board. Many debtors will carry debts to their deaths, often hounded by bill collectors and new prosecutions.

This has been going on for many years but only came into public consciousness due to revelations from Ferguson, Missouri, in the wake of the killing of Michael Brown.

The system is truly modern peonage — a government-operated loan shark operation. It is big business and it happens with regularity. Ten million people owe \$50 billion in accumulations of fines, costs, fees, room and board in jails and prisons, and other entrapments. The total covers debt owed by 66 percent of all current and former inmates in the country. Community policing has turned into community fleeing.

This is going on today throughout much of the South and in states ranging from Washington to Oklahoma to Michigan to Ohio to Colorado and of course Ferguson. It calls up memories of the sharecropper economy that characterized the South well into the second half of the 20th century which held families in financial servitude, always ending the year owing the plantation more than they had earned from the cotton crop and therefore obligated to continue for another season.

The fines and fees are ubiquitous. Debtors’ prisons are far too prevalent. Many states couple jailing people with widespread suspension of driver’s licenses and many more use license suspension as their main coercion to collect the debts. Heavy-handed collection measures are everywhere.

Fines and fees of this magnitude are the product of a politics that stirred up fierce opposition to tax increases and caused revenue shortfalls all over the country. Deep budget cuts ensued, as did the bloated fines and fees that now substantially finance courts and law enforcement agencies and even the rest of government, including states generally viewed as liberal. And too often the money goes to for-profit entities — prisons, probation companies and purveyors of medical services, just to name a few — that not only charge top dollar but also care little about the quality of the services they are supposed to deliver.

Opposite page: Protestors march in downtown Durham, N.C. on Friday, Dec. 5, 2014, during a demonstration against the non-indictments of the police officers involved in the deaths of Michael Brown in Ferguson, Mo. and Eric Garner in New York City. **Credit:** AP Photo/The Herald-Sun, Christine T. Nguyen.

The antitax radicals told the voters they would get something for nothing — the state or municipality could collect the needed money from fines and fees and tighten its belt a little and everything would be fine. The damage they did went far behind hurting the poor. Budget cuts to public education in state after state damaged the futures of children across lines of income. Many other areas suffered as well — physical and mental health care, legal services and even law enforcement.

The whole thing did serious harm to people with incomes well above poverty, as well as to people in poverty. And the debtors' prisons also happen to violate the Constitution of the United States.

I went to New Orleans to see for myself. I began my day in the Municipal Court, Section A. Jack Muse, a lawyer at the Orleans Public Defender and my former student, was my guide or I would not have understood anything that was going on. Even when the judge was presiding, multiple negotiations and transactions were going on — a proverbial three-ring circus — and not a word of it was audible to the audience. There were shackled men wearing orange jump suits — almost all African-American — being held for arraignment, in jail awaiting trial because they could not make bail, or doing time for criminal contempt because they had failed to appear in response to a judicial attachment for nonpayment of debt owed to the court (a bench warrant in other jurisdictions).

The end result was this. A significant percentage of the people in the courtroom were embarking on (or well into) what could be a long and sometimes endless voyage of debt and incarceration. Unlike some other jurisdictions, New Orleans does not jail people when they are sentenced and cannot pay a fine, but this is a distinction without a difference: many will be held for days before being arraigned and many more will be held for lengthy periods awaiting trial when they couldn't afford to post bail. Worst of all, many will do multiple stints in jail for nonpayment of debts to the court, *ad infinitum*.

Jack introduced me to Natasha Edet. Employed as a security guard and never previously arrested, she was nonetheless jailed on a misdemeanor charge of simple battery after a fight with a former girl friend. She spent 13 days in jail because she could not afford \$200 for bail. Jack Muse was then assigned to represent her, and he succeeded in getting her released on her own recognizance. She was in court for a third pretrial appearance when I met her. Jack thought the charges would ultimately be dropped, but why did she have to be incarcerated at all? I recalled Sandra Bland who died after being jailed in Houston, Texas, for a traffic infraction [her death was classified as a suicide.] She should not have been arrested in the first place, but once arrested, she should have been released on her own recognizance. Natasha Edet must have been just as terrified.

When people are convicted for a low-level misdemeanor or traffic violation in New Orleans and are unable to pay the fines and fees, they get a payment plan. And it gets a lot worse. The main purpose of the fines and fees is to make money to run the court system, especially in traffic court where the penalties have been jacked up the most, and also in the state district court which slaps people with steep fees. Nor do the debts stop escalating. The public defenders told me about one judge who requires people on probation under her supervision to pay \$10 for a drug test every week whether the person has a drug problem or not.

When people default on their payments, the court issues a judicial attachment. Some of the men in the orange jump suits were people arrested on such an attachment or on a new offense that on a computer check revealed an existing attachment. They were going to be held in criminal contempt and both do time and owe even more money. Much of the business in the court every day is about such attachments.

Not present in court were the many people with attachments who had ignored a summons. Why? They were scared, may have moved, did not understand the letter they received, had mental health issues, had jobs and could not get time off or thought they couldn't, or something else. They were going to get nailed, convicted of contempt, fined more and incarcerated. Such is the industry as it operates in New Orleans.

Observation: If they stopped the jail merry-go-round, they would save millions by not jailing people and would not need to charge those astronomical fines and fees.

People are fighting back. State-by-state litigation in federal court and state legislation are having an effect, both on stopping the jailing of indigent people who cannot pay fines and, even more sweeping, challenging the constitutionality of the money bail system that divides the rich and the poor. State chief justices have become increasingly vocal in speaking out against the use of fines and fees to finance the courts, the law enforcement systems and governments more generally. The Obama Administration has spoken out as well and joined litigation in a number of cases.

The volume needs to be turned up further. Congress should enact incentives for states to stop their incarceration of indigent people and cease the swelling of fines and fees generally. Courts should put teeth in the constitutional mandate that is supposed to protect those who do not have the ability to pay the fines and fees. As Congress sought to do for the federal government in 1833, truly ending debtors' prisons would be a great achievement.

“There is a history that we don’t talk about.”

Student Perspective: Tanesha Williams (L’18)

Tanesha Williams (L’18) recently transferred to Georgetown Law because of the strides the Law Center is making in the field of racial justice.

“When it comes to policing there is a history that we don’t talk about — why police departments were created and who they intended to control,” says Tanesha Williams (L’18). “The discrimination, humiliation and killing of Black people by police in our history hasn’t ended, it has evolved. This country hasn’t addressed its history; therefore, people are still being disproportionately policed in certain communities.”

While the discrimination, humiliation and killing isn’t new, what has changed, Williams notes, is technology. “We have cameras on our phones now, which allow us to actually prove what’s happening, but Apple has a patent that allows them the ability to turn that function off. There are so many negative implications of that — that’s why law is important, to combat systems that prove detrimental to the work that’s being done.”

Williams’s passion is equality in education; the daughter of a social worker, she learned at an early age the importance of service and advocacy to make the world a more just place. After graduating from college in 2010, she taught second and fifth grades in Houston, Texas, for Teach for America and later coached teachers on issues of race and cultural identity. Teaching, in turn, compelled her to go to law school. “After all I’ve seen being a teacher, learning about the ‘school to prison pipeline’ and learning about the need for more advocacy for indigent people of color...I definitely felt an extreme desire to do the work.”

To that end, she’s exploring courses like Advancing Educational Equity Through the Federal Regulatory Process — a practicum taught by Adjunct Professor Janel George, senior education policy counsel at the NAACP Legal Defense and Education Fund. She’s talked with Professor Rick Roe, director of the D.C. Street Law Program. And for her 3L year, she’s planning to take the Juvenile Justice Clinic with Professor Kristin Henning.

“When I think about all of the issues that are facing people in this country, D.C. is one of the best places to be in terms of really attacking the work,” Williams says. “What Georgetown has done in terms of clinics and externships — being number one in those areas — we are thinking not only about what law students need but what we as a society need to progress.”

—Ann W. Parks



From Top:

Monet Felton, left, and Jo Schaffer gather outside the Chicago Police headquarters for a protest before the announcement of the grand jury decision not to indict police officer Darren Wilson in the fatal shooting of Michael Brown Monday, Nov. 24, 2014, in Chicago. Credit: AP Photo/Charles Rex Arbogast.

Evelyn Jimenez kisses her daughter Yaretzi Cruz, 6, at a protest before a grand jury had decided not to indict Ferguson, Mo., police officer Darren Wilson in the fatal shooting of Michael Brown, an unarmed black 18-year-old, in San Francisco, Monday, Nov. 24, 2014. Credit: AP Photo/Jeff Chiu.

“My whole career has been preoccupied with issues of racial justice.”

Racial Justice: Q&A

Professor Sheryll Cashin

Professor Sheryll Cashin teaches Administrative Law, Constitutional Law, and Race and American Law. She was law clerk to U.S. Supreme Court Justice Thurgood Marshall and worked in the Clinton White House as an advisor on urban and economic policy. Below, she talks about being an infant in her mother’s arms when her mother was arrested at a sit-in, the topic of her fourth and upcoming book and why she’s optimistic for the next generation.

Interview by Melanie D.G. Kaplan

What in your personal history most shaped your beliefs about racial justice?

I was born and raised in Alabama and watched my parents participate in Civil Rights. My father founded an independent political party back when the Democratic Party in Alabama still had the slogan, “White Supremacy for the Right.” That shaped me as a child and shaped the direction I took with my career. I teach a course called Race and American Law, which covers the history of U.S. racial issues as mediated by the Supreme Court. I write about race relations and the legal architecture of racism — how it was constructed and how we’re still trying to deconstruct it. My whole career has been preoccupied with issues of racial justice.

Tell me more about your parents’ work as civil rights activists.

In 1962, my mother got herself arrested with me in her arms. I was 4 months old. Someone picked me up from jail, and she was there for a couple days. That was a turning point in the sit-in movement in Huntsville. Within weeks of that happening, Huntsville negotiated with protesters the desegregation of public accommodations in that city. That was two years before the Civil Rights Act was passed. My parents went from working to desegregate public accommodations to desegregating schools. Then they turned to desegregating politics. My father ran for mayor of Huntsville, not because he thought he would win, but because he thought it would get blacks to register to vote. He founded an independent political party, the National Democratic Party of Alabama (NDPA), and ran for governor against George Wallace in 1970 for the same reason.

How were you involved as a child?

I grew up licking NDPA stamps and watching my father give speeches in these hot black churches in the summertime. My mom was deputy director at a Community Action agency that oversaw the War on Poverty programs. When I’d see my mother at work, it was doing things for poor people. From both my parents I got this value that you’re supposed to spend your waking hours agitating for people who have less than you.

At what point did you understand the importance of what your parents were doing?

In 1968, the probate judge in Greene County, Alabama, an openly racist guy, left the NDPA candidates off the ballot. The candidates had to go to the Supreme Court to have this special election in 1969. This is a part of the state called the Black Belt where the soil is very dark and rich so it’s heavy in agriculture, and the plantation reigned supreme. These counties have a lot of descendants of former slaves, and blacks outnumber whites. I remember, when I was 8, going with my parents down there to watch the swearing in of the black candidates by the same judge who left them off the ballot. All these black people — a lot of them sharecroppers — were euphoric at this victory, realizing their sense of power at the ballot box. The idea that they not only could vote but run for office and get elected for something. That’s when I first began to understand what my parents were working for.

And today?

I’m not on the front lines like my parents were. My parents paid an incredible price financially and otherwise for their activism, so that made me more reserved. But almost all of my writing has been about segregation and inequality and why it is that even in post-Civil Rights America we remain such a segregated country. Even though my approach is different, I remain preoccupied with a lot of the same kinds of concerns of my parents.

What lessons did you learn clerking for Justice Thurgood Marshall?

Clerking was the highlight of my working life. I learned to come extremely prepared. For him, you worked, and you worked very, very hard. A memo you’d thought may be done in a month had to be done in a week. He had worked relentless hours throughout his legal career, and he expected that from his clerks. I also got this idea from him that everybody deserves justice and we all have our role to play in trying to make that happen.

And for President Clinton?

I worked in the Clinton White House for three years in my early 30s. Getting to work on policies from a campaign promise to a policy proposal to a piece of legislation to lobbying on the hill to having it passed to implementation was invaluable.

Have the events in Baltimore and Ferguson changed the way you look at racial justice in America? If so, how?

They're just a reminder that we can never be complacent in thinking that that stuff will just go away on its own. I'm writing my next book about *Loving v. Virginia* and interracial intimacy. It's the only Supreme Court case in which the court says a law is about "white supremacy," and that we can't have it anymore. We still have vestiges of the old Jim Crow. We have racially and economically isolated neighborhoods that facilitate militaristic police occupation that wouldn't be tolerated anywhere else. Every generation has to wrestle with these structures we created and do their part to chip away and dismantle it. You don't get to a point where you can congratulate yourself and say, "We're done now." It doesn't work that way. You never get to stop working toward a better way of relating to all kinds of people.

What are your hopes for the next generation?

For all our segregation and separate and unequal schools, each new generation has more experience with pluralism and people of different races than the generation before. Research shows having intimate contact with a person of another group — in which you get to know that person as a three-dimensional human being — reduces prejudice and anxiety. I don't want to be too Pollyannaish about it, but I have more hope in younger people than my own generation of so-called adults about creating contexts where we don't allow fear/loathing to supplant saying and doing common sense things and doing the right thing.



From Top:

Thousands of Americans rally at a national march against police violence, December 13, 2014, in Washington, DC. The families of Michael Brown, Eric Garner, and Akai Gurley's domestic partner marched alongside protesters. **Credit:** Photo by Olivier Douliery, Sipa via AP Images.

Demonstrators march in New York, Saturday, Dec. 13, 2014, during the Justice for All rally and march. In the past three weeks, grand juries have decided not to indict officers in the chokehold death of Eric Garner in New York and the fatal shooting of Michael Brown in Ferguson, Mo. The decisions have unleashed demonstrations and questions about police conduct and whether local prosecutors are the best choice for investigating police. **Credit:** AP Photo/John Minchillo.

“The Work of Racial
Justice: To Open
the Universe a Little
More”



“The Work of Racial Justice: To Open the Universe a Little More”

Professor Aderson Bellegarde François

Professor Aderson François joins the Georgetown Law faculty this fall as the director of the Civil Rights Section of the Institute for Public Representation (IPR) and the Voting Rights Institute. His scholarly interests include voting rights, education law and the history of slavery and Reconstruction.

The most haunting passage in arguably the most fateful decision the United States has ever rendered is this: “The general words [we hold these truths to be self-evident: that all men are born and created equal....] would seem to embrace the whole human family ... But it is too clear for dispute, that the enslaved African race were not intended to be included, and formed no part of the people who framed and adopted this declaration.” The passage comes early in Justice Roger Taney’s opinion for the majority in *Dred Scott v. Sanford*, and makes the point that the Declaration of Independence and United States Constitution were meant to bring about a new political family, and that the men who were — in a figurative and quite literal sense — patriarchs of this family never intended nor could not have imagined blacks ever belonging to it. Apart from a few references to Dred Scott’s desire to gain freedom for his own family, Justice Taney uses the term “family” as a metaphor for political union in no fewer than ten instances. By the end of the opinion, that word, a refrain spoken over and over again, like variations on a theme, turns into a foreboding melody for American identity.

Today what remains of *Dred Scott* is nothing more than the inert husk of a constitutional jurisprudence that at its best silently tolerated and at its worst actively promoted slavery. Neither the concrete holdings of the case that Dred Scott did not become free when his master took him into free territory, and that Congress lacked power to enact the 1820 Missouri Compromise prohibiting slavery in parts of the newly acquired Louisiana Territory, nor the more abstract principle that Dred Scott’s race made him unfit for citizenship holds any

precedential value; the Civil War put an end to slavery; the Reconstruction Amendments began the work of overturning what Charles Sumner called “the oligarchy of the skin.” And yet, though the reasoning and holding of the opinion no longer matters in a practical sense, *Dred Scott*’s metaphor of the American family — those who naturally belong to it and those who do not — still holds deep emotional resonance.

Judicial opinions do more than just decide the concrete dispute between the parties or establish an abstract principle to decide future cases; they also tell stories about the world and our place in it. These stories, “structured upon formal but ambiguous texts and nourished by history and culture,”¹ provide “a background blueprint for everyday life.”² Long after the concrete resolution of a case has ceased to have any practical significance even to the parties involved, long after the abstract principle of the case has ceased to have any precedential value except as a historical relic for the development of a particular doctrine, and long after the overall reasoning of the case has either changed with, or been made irrelevant by, the passage of time, the narrative elements of the case retain their power to construct and make meaning.

What is true of judicial opinions generally is particularly so of opinions concerning matters of race. Whether one considers *Prigg v. Pennsylvania*, *Ableman v. Booth*, *Blyew v. United States*, *The Civil Rights Cases*, *Plessy v. Ferguson*, *Brown v. Board of Education*, *Washington v. Davis*, and of course *Dred Scott*, no judicial decision on questions of racial justice has ever been purely about abstract interpretations of constitutional doctrine. Sometimes for the better, much too often for the worse, these decisions have really been attempts to tell a story about the meaning of American identity. Justice Taney certainly was not the first to rely on the metaphor of a family to tell the story of a political union. Indeed, it is precisely because the family metaphor is a tale that “tells itself simply and well,”³ that it feels emotionally right even when its irreconcilable contradictions should be all too plain to see. After all, Justice Taney, without any apparent irony, used the idea of a symbolic family to deny citizenship to a man seeking freedom for his actual family.

1 Peggy Cooper Davis, *Neglected Stories: The Constitution and Family Values* 6 (1997).

2 Anthony Amsterdam & Jerome Bruner, *Minding the Law* (2000).

3 Donna Tartt, *The Secret History* (1992).

Opposite page: A protester stands in the middle of West Florissant Avenue, Sunday, Aug. 9, 2015, in Ferguson, Mo. The day marked one year since Michael Brown was shot and killed by Ferguson Police Officer Darren Wilson. **Credit:** AP Photo/Jeff Roberson.

So, *Dred Scott's* doctrine is long dead but traces of its narrative remain: we are a family, some of us are beloved kin, some of us are tolerated wards. And *Dred Scott* is by no means unique in the way it serves as a call and response to a cultural worldview. The Supreme Court's opinion in the *Civil Rights Cases* does not only establish the principle that state action and not individual action is subject to the reach of the Fourteenth Amendment; it also tells the story of how claims for racial equality ferment racial hostility and betray an unwillingness to let go of the past. The Court's opinion in *Washington v. Davis* does not only hold that the Fourteenth Amendment prohibits government actions with discriminatory intent and not those with discriminatory impact; it also tells the story of how racism is perpetuated because bad people with bad motives do bad things, and never because good people can sometimes be a little careless, a little indifferent, a little self-centered.

As lawyers advocating for, and scholars writing about, matters of racial justice, an indispensable part of our work is to be conscious of the narratives of race embedded in the cases we use and teach, and the ways in which these narratives often stand as seemingly insurmountable impediments to meaningful change. If our goal is to think about how law can be put in the service of racial justice, then we have to learn to tell stories that, in time, may, in Saul Bellow's phrase "open the universe a little more."⁴ It is, to be honest, an immeasurably difficult thing to do and we are, as they say, starting very late and from a long way back.

4 Saul Bellow, *The Dean's December* (1982).

"The causes we were so passionate about as law students are still there to be won."

Alumni Essay: Justin Hansford (L'07)

Justin Hansford (L'07), now a professor at Saint Louis University School of Law, has been at the forefront of legal organizing and advocacy in the aftermath of the murder of Michael Brown in Ferguson in 2014. He will teach Black Lives Matter and the Law, and Critical Race Theory, at Georgetown Law as a visiting professor in the spring of 2017.

In August of the summer of 2005, I sat in the student organizations office in McDonough Hall with a few of my most dynamic section 3 classmates, reeling from Hurricane Katrina, but driven by hope. I had just sent a letter to all of my contacts, advocating for my friend Gato Preto, a socially conscious rapper who had been racially profiled and beaten by police in Sao Paulo, Brazil, a few weeks earlier. That summer, I had interned at a human rights nonprofit in Brazil and helped to represent him. I left deeply shaken and dedicated to fighting racial injustice and police brutality. Now, I had returned and resumed chasing the dream of creating a critical race theory journal, an idea which at that stage existed only in the form of a rudimentary proposal and a prayer.

I felt alive, vital, useful. I did not know whether the journal would ever become a reality. I did not know whether I would pursue racial justice advocacy as a career. I knew that I was one of the few people I knew who could say truthfully that I loved law school. I did not love it out of a passion for being cold called, nor did a sense of joy overcome my body at the specter of creating final exam outlines. I loved it because it opened up for me a chance to live my ideals and contribute to the struggle for racial justice through both the journal and the human rights internship. I dreamed of doing this long term. In contrast, well-meaning colleagues encouraged me to focus on bar classes and look for traditional career options. PILG [a Public Interest Law Fellowship at Georgetown] had helped to carry me through my 1L summer, but in the long term, loans loomed. In the short term, I pursued what gave me joy.

Over a decade later, some of these dreams have materialized. The law school ultimately accepted our proposal, and today the *Georgetown Journal of Modern Critical Race Perspectives* publishes important scholarship and provides training for law students passionate about racial justice and committed to scholarly endeavor. I am a tenured law professor at Saint Louis University School of Law. Among the classes I teach is Critical Race Theory, where I expose eager law students to the same ideas that made legal education so exciting for me nearly a decade ago. Teaching law in Saint Louis, I happened to live near Ferguson when Mike Brown was killed. Since that fateful day on August 9, 2014, I have become a leading

lawyer and activist in Ferguson in what has since become to be known as the Black Lives Matter Movement.

And finally, this Spring 2017, I will be teaching law school classes on these issues at my beloved Georgetown University Law Center.

It's a sweet twist of fate. Since my student years, much has changed, and much has not. Racialized state violence remains a major issue today as it was in 2005, and many years before that. But although the predicament hasn't shifted, my capacity has shifted a great deal. I still work in human rights, but not as an intern — I represented the Mike Brown family and Ferguson protesters when they testified before the United Nations Committee Against Torture; I testified before the Inter-American Commission and the U.N. Special Rapporteur on the Freedom of Assembly on policing issues; and my human rights shadow reports and submissions for these projects have been published in law journals, and been taught in classrooms and human rights trainings around the nation.

My activist work has not stopped there. I have testified on a number of commissions, including the Ferguson Commission, the U.S. Civil Rights Commission for the State of Missouri, and the President's Task Force on 21st Century Policing. I have provided legal and policy insight to U.S. senators, congress people, and local city council members on police reform. I have worked closely with activists, including Campaign Zero, the Movement for Black Lives, and Law for Black Lives.

In the meantime, I still get the chance to study and teach Critical Race Theory. It continues to challenge and excite me just as much as it did when I was a student. My students have produced seminar papers that have challenged me and enlarged my understanding. In the Spring of 2017, along with my co-author Cheryl Harris at UCLA Law School, I will publish the 7th Edition of *Race, Racism, and American Law*, a text that my hero Derrick Bell began before he passed away. I have lived a lucky life.

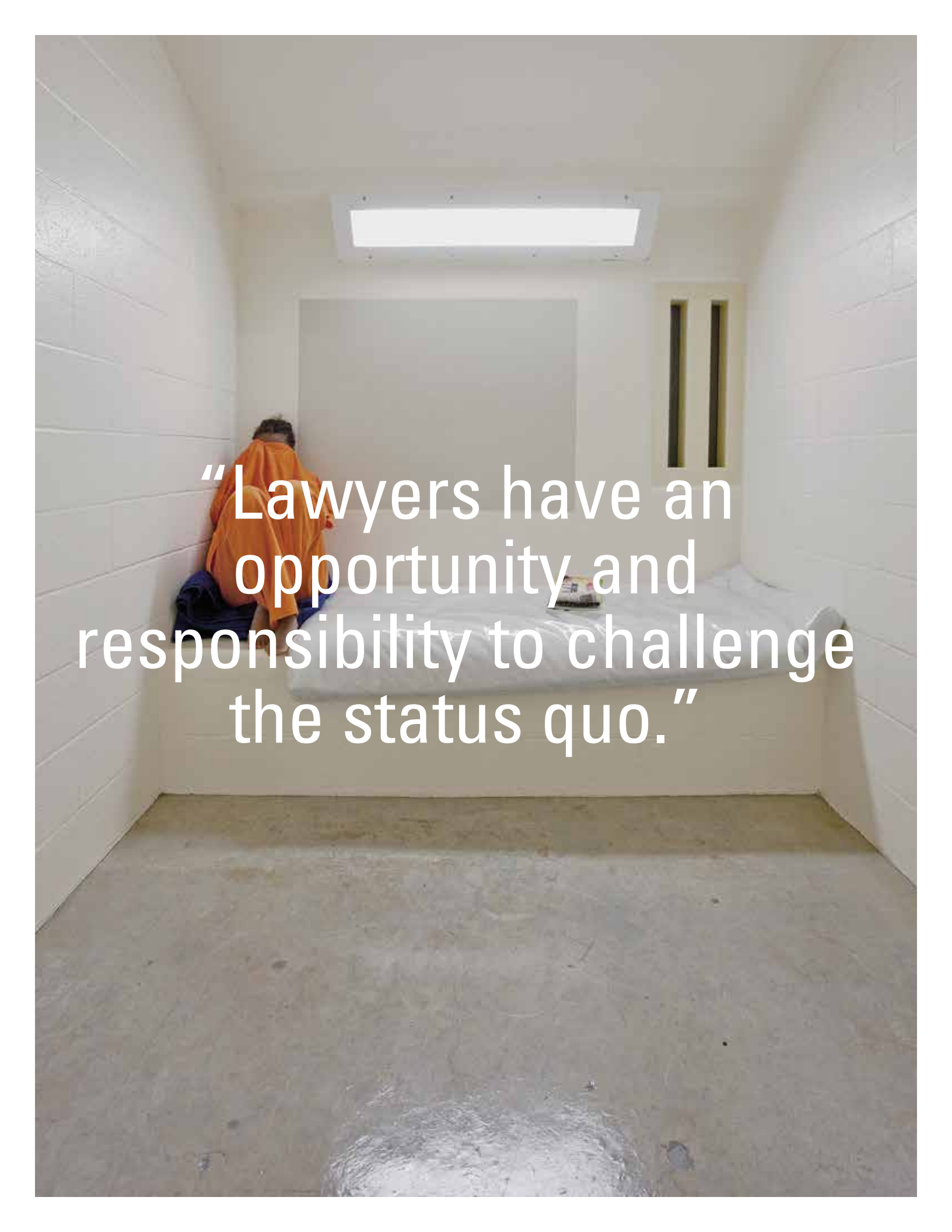
For my fellow Hoyas, I hope my story serves as a reminder that our dreams can sometimes come true in our professional careers. Georgetown University Law Center has provided the tools for me to make mine a reality, and help me to pursue what many of us feel is a duty to fight for freedom and win. In this important moment in history, reflection can reveal to us that the causes we were so passionate about as law students are still there to be won — the mountains are still waiting to be climbed. This means we have not yet reached our goals, it is true, but also this means that we still have a chance to live our ideals.



From top:

Black Lives Matter march in Minneapolis, March 30, 2016, after Jamar Clark was shot and killed by Minneapolis police officers. **Credit:** Fibonacci Blue/Wikimedia.

A man takes a picture of a storage facility on fire after the announcement of the grand jury decision Monday, Nov. 24, 2014, in Ferguson, Mo. A grand jury has decided not to indict Ferguson police officer Darren Wilson in the death of Michael Brown, the unarmed, black 18-year-old whose fatal shooting sparked sometimes violent protests. **Credit:** AP Photo/Jeff Roberson.

A photograph of a prison cell. The walls are white with horizontal paneling. A person wearing an orange jumpsuit is sitting on a bed in the corner, facing away from the camera. The bed has white sheets and a blue blanket. A small window with vertical bars is visible on the right wall. A fluorescent light fixture is mounted on the ceiling. The floor is a light-colored, possibly concrete or linoleum, surface.

“Lawyers have an opportunity and responsibility to challenge the status quo.”

“Lawyers have an opportunity and responsibility to challenge the status quo.”

Professor Kristin Henning

Professor Kris Henning is the director of Georgetown Law’s Juvenile Justice Clinic. She has been active in local, regional and national juvenile justice reform, serving as director of the Mid-Atlantic Juvenile Defender Center (MAJDC), president of the Board of Directors for the Center for Children’s Law and Policy, and on local D.C. Superior Court committees. Henning has worked closely with the Juvenile Indigent Defense Action Network to develop the Juvenile Training Immersion Program (JTIP), a national training curriculum for juvenile defense attorneys.

All too often, law legitimates racial injustice. In the United States, the law and the legal institutions that administer the law frequently perpetuate white male middle class norms at the expense of those who lack power and voice. Lawyers who are trained to operate in these systems are easily co-opted into these norms through benign neglect, willful blindness or a sense that change is impossible.

The criminal and juvenile justice systems provide a ready case study. Although both systems give lip service to the noble goals of ensuring community safety, rehabilitating offenders, protecting the due process rights of the accused and attending to the needs of victims, in reality these systems routinely advance policies like the War on Drugs that sacrifice poor, African American men and communities to protect the political and economic interests of powerful politicians, police officials and other state actors. Harsh and excessive punishments imposed on African American men with minimal due process have created a cadre of second-class citizens who cannot vote, work or care for their families. Draconian law enforcement policies exacerbate poverty and violence by removing black males from their communities and diverting resources away from schools and social services that would likely improve outcomes for all.

Lawyers clearly have an opportunity and responsibility to challenge the status quo and advocate for racial justice in the criminal and juvenile justice systems. Lawyers in Georgetown Law’s Juvenile Justice Clinic are actively engaged in direct representation, legislative advocacy, community education,

training, statewide assessments and scholarship that intentionally address racial equality. But any work towards reform must begin with self-reflection and accountability. Lawyers committed to racial justice must first look inward, to examine their own assumptions, stereotypes and preferences, which subconsciously drive their assessment of the facts in a case, their advice to clients and the zeal with which they advocate for each client they serve. Criminal defense attorneys who practice in cognitively taxing environments like the criminal justice system are particularly vulnerable to implicit racial bias when they are called upon to make difficult decisions with limited information and significant time constraints. Yet lawyers who learn to recognize their own biases will be better equipped to identify and raise racial justice arguments in their cases and regulate their own case triage decisions, monitor the assumptions they make about their clients and improve the plea bargains they negotiate and recommend to their clients.

Direct representation of children accused of crime gives defenders a first-hand view into the disparities and injustices that permeate the system. In response, defenders may raise racial justice arguments in every aspect of a juvenile or criminal case — including jury selection, pretrial detention arguments, Fourth Amendment challenges to the evidence, cross-racial identification, trial theories and sentencing, among others. Through direct advocacy, our juvenile lawyers challenge disproportionate minority confinement (DMC) by educating the court on DMC data, identifying alternatives to incarceration and zealously advocating for family and community-based placements that are culturally appropriate for all of our clients. Our clinic is particularly attentive to racial disparities in police stop and frisk practices and raises Fourth Amendment challenges that urge judges to reject long-standing assumptions that adolescent flight from the police signals consciousness of guilt instead of a natural fear of police common in today’s sociopolitical climate.

Through legislative advocacy, lawyers in the Juvenile Justice Clinic lobby for legislative reform that has a particular impact on African American youth. Most recently, our lawyers have testified before the [D.C.] City Council in favor of legislation that would increase access to diversion and alternatives to prosecution, preclude solitary confinement of youth and repeal statutes that would allow children to be transferred to adult court. Our lawyers have long fought to preserve the confidentiality of juvenile courts and still actively engage with court staff to improve the procedures to seal juvenile records and provide young people with an opportunity for a new start.

Opposite page: Young woman in isolation in Oak Creek Correctional Facility, Albany, Oregon. Credit: Richard Ross.

Although confidentiality is an important and valuable feature of the juvenile court, it leaves the system insulated from public scrutiny and vulnerable to abuse. To compensate for closed courtrooms, lawyers should engage in community education without violating the confidences of individual youth in the system. In the District of Columbia, Adjunct Professor Eduardo Ferrer (C'02, L'05) — a staff attorney and supervisor in the Juvenile Justice Clinic, and the legal and policy director for D.C. Lawyers for Youth — has published a series of issue briefs to educate the community on racial and socioeconomic disparities in the system, expose the cost of juvenile confinement, and correct myths about the rising juvenile crime in our city.

Training for state actors in the juvenile system is an important corollary to community education. Clinic Director Kristin Henning has partnered with the National Juvenile Defender Center to develop a training curriculum that educates juvenile defenders on implicit racial bias and encourages defenders to incorporate racial justice arguments in juvenile cases. Henning has also developed a training curriculum that educates prosecutors, judges, probation officers, police officers, and state agency staff on implicit racial bias and micro-aggressions in juvenile courts. Both training curricula recognize that even well-meaning stakeholders who are committed to racial justice and democratic principles of equality may be subconsciously driven by implicit biases that perpetuate norms of the domi-

nate culture. Henning offers concrete strategies to help state actors recognize their own biases and develop individual and office-wide strategies to regulate them.

Legal scholarship provides a final frame through which lawyers may promote racial justice in the criminal and juvenile justice systems. Most recently, clinic faculty have used scholarship to challenge the criminalization of normal adolescent behaviors among black children, re-examine criminal justice theory through the lens of race, question the role of grand juries in the wake of Ferguson, Missouri, and critique paternalism and bias among juvenile defenders. See, e.g., Kristin Henning, “Criminalizing Normal Adolescent Behavior in Communities of Color: The Prosecutor’s Role in Juvenile Justice Reform,” 98 *Cornell L. Rev.* 383 (2013); “Deserve Ain’t Got Nothing to Do With It: Deconstructing Moral Justifications for Punishment Through the Wire,” in *Punishment in Popular Culture* (eds., Austin Sarat and Charles Ogletree) (NYU Press 2015); “Race, Status and the Rule of Law in the Grand Jury,” 58 *How. L.J.* 833-843 (2015); “Race, Paternalism and the Constitutional Right to Counsel in Delinquency Cases,” Work-in-Progress.

Because no one approach is sufficient, our efforts must be multi-faceted and persistent. Scholarship is but one opportunity for lawyers bring injustice to light and advocate for racial reform.



In a Wednesday, Jan. 7, 2015, photo, about 130 people stage a die-in on the floor of the Missouri State Capitol Rotunda shortly before the 98th Missouri General Assembly begins to protest the Ferguson shooting of Michael Brown. Missouri’s legislature ended with little action on bills proposed in response to the fatal shooting of Michael Brown by a Ferguson police officer. On Friday, May 15, 2015, partisan discord sent the Senate home early without taking action on a measure that would have limited police use of deadly force. Credit: Don Shrubshell/Columbia Daily Tribune via AP.

“I want [us] to be successful lawyers, because that’s what [we] came to Georgetown to do.”

Student Perspective: Raisa D’Oyley (L’17)

Raisa D’Oyley is the 2016-2017 president of Georgetown Law’s Black Law Students Association.

“The problems we face in this country and this world are interconnected, and in many ways it can be overwhelming to think, what am I going to do to stop police brutality, or how can I get people out to vote in local elections?” says Raisa D’Oyley, the 2016-2017 president of Georgetown Law’s Black Law Students Association (BLSA). “One thing that I would like to make sure that our members learn, and keep with them after graduating, is the fact that everybody has a different role, and the role looks different for everybody.”

Not everyone, D’Oyley emphasizes, has to be on the front lines as an activist — at least, not in the traditional sense. “I want them to be successful lawyers, because that’s what they came to Georgetown to do. My job is to provide them with the experiences, the opportunities and resources to be successful law students, successful lawyers and give back to their community in the way that’s most meaningful to them.”

A summer associate at Chadbourne & Parke in New York, D’Oyley is planning a career in project finance. “I would like to find ways to finance large structural projects, like energy, power plants, lots of things that in my opinion will help to create real infrastructural change,” she explains.

One day in the future, she would like to assist with opportunities relating to infrastructure in the state of Mississippi, where she taught for three years. “We can take advantage of companies and businesses that are looking to invest in communities where their products and services are needed; that is what has drawn me so far to the firm and the particular practice area as well.”

Among her other courses, D’Oyley plans to take Professor Emma Coleman Jordan’s Race, Inequality and Justice seminar — which explores the law’s response to the problem of economic inequality — and one called Social Justice and Taxation with Adjunct Professor Michelle Layser. “I wanted to focus on taxation, because a lot of the work that I will be doing is going to be transactionally focused...I wanted to see what impact I could have in the social justice realm within my transactional line of work.”

And as head of BLSA, she will be working to raise awareness at Georgetown Law. “I think the biggest step the Law Center has taken so far is creating the director of Equity, Community and Inclusion position — which will facilitate the kind of community where everyone feels included,” D’Oyley says. “We will be able to have difficult conversations, but ones that will lead to higher levels of understanding, and that’s really what we are looking for.”

— Ann W. Parks



From top:

Pastor Charles Burton lies on the driveway at the Ferguson, Mo., police station as a chalk drawing is made as a memorial to Michael Brown, Monday, Oct. 13, 2014. Activists planned a day of civil disobedience to protest Brown’s shooting in August and a second police shooting in St. Louis last week. Credit: AP Photo/Charles Rex Arbogast.

A freshly painted mural decorates a wall as part of a makeshift memorial at the scene where Freddie Gray was arrested after State’s Attorney Marilyn Mosby announced that six officers in the police-custody death of Gray have been charged, Friday, May 1, 2015, in Baltimore. Credit: AP Photo/David Goldman.



"Abolition and Racial Justice"

“Abolition and Racial Justice”

Professor Allegra McLeod

Professor Allegra McLeod’s research and teaching focus on criminal law, constitutional criminal procedure, immigration law and legal and political theory. She convenes one of her seminars in Jessup Prison in Maryland, where her Georgetown Law students work together with incarcerated men sentenced to life in prison to develop more informed, sustainable and just collaborative accounts of criminal law and policy reform.

To realize racial justice in the United States will require a radical transformation of our criminal process and our democracy. More than 150 years after the end of the Civil War and the abolition of slavery, racial inequality persists in every facet of American public life from racial disparities in infant mortality, persistent segregation of schools and racially concentrated poverty to the disproportionate incarceration and premature death of poor Black, Latino and Native American citizens. After centuries of struggle for racial justice, the question — *what is to be done?* — presses with increasing urgency.

The movement for abolition in the 19th century sought not simply to abolish the horrific institution of slavery but to remake American democracy in more just and inclusive terms. In her magisterial study of abolition, *The Slave’s Cause*, the historian Manisha Sinha explains that “[a]bolition was a radical, interracial movement, one which addressed the entrenched problems of exploitation and disenfranchisement in a liberal democracy and anticipated debates over race, labor and empire.” While the movement for abolition ultimately succeeded in ending chattel slavery in the United States, it failed to secure meaningful equality for African Americans and other minorities.

Before the Civil War, police forces across the country hunted down fugitive slaves and drove Native Americans away from frontier settlements; after the Civil War, criminal law enforcement continued to play a central role in maintaining racial subordination. Local criminal law enforcement forced thousands of African Americans to return to labor on prison plantations as punishment for petty crimes. Convict leasing and chain gangs persisted for decades, disproportionately consigning African Americans to brutal forced labor.

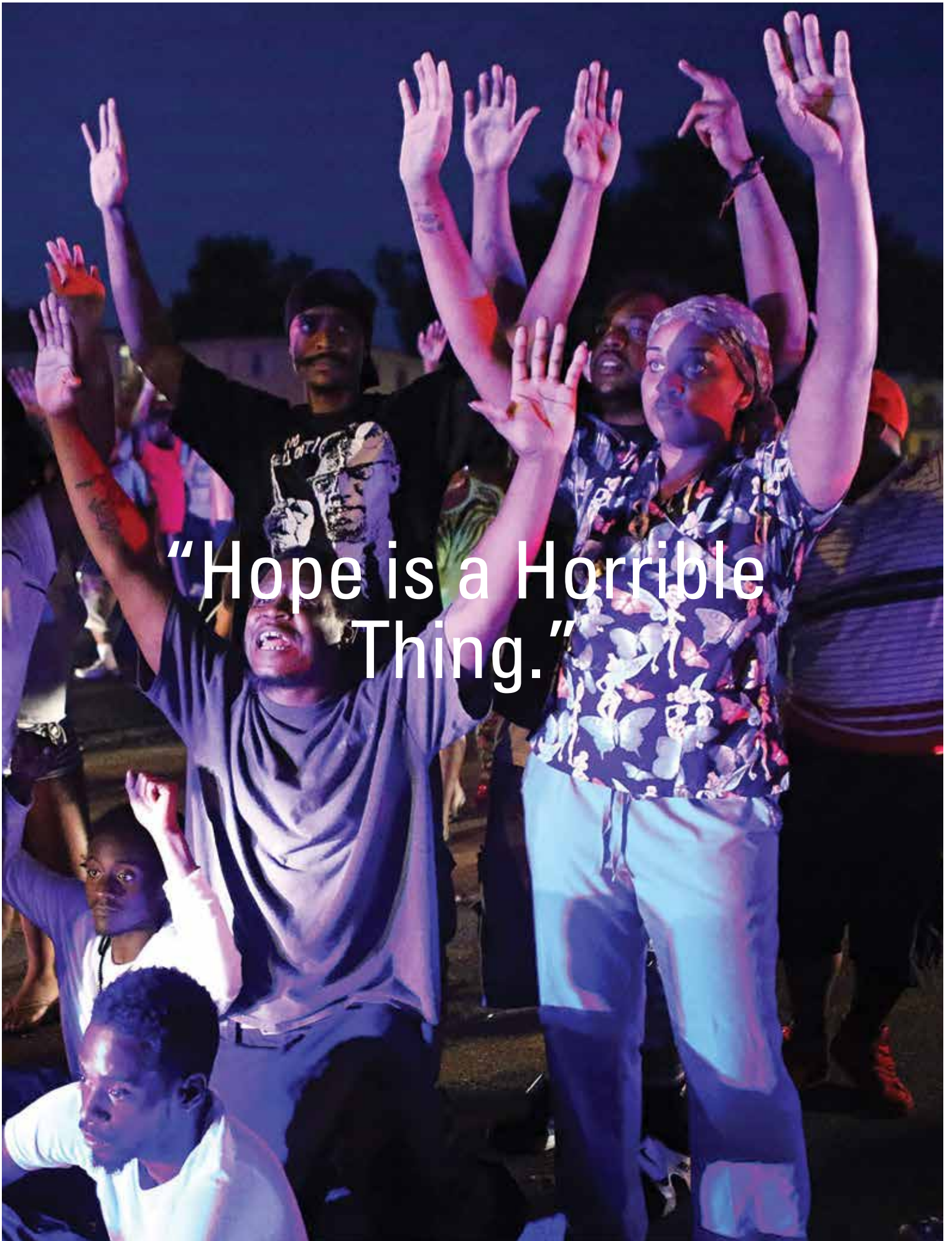
Today, one in three African American men can expect to be incarcerated in his lifetime, compared to one in six Latino men and one in 17 white men. Black and Latina women are the fastest growing incarcerated population in the United States, which is home to only 5 percent of the world’s women but 30 percent of the world’s women prisoners. African Americans are nearly three times as likely to be killed by police as white citizens and Native Americans are more likely to be killed by police than any other racial or ethnic group. Even middle-income African

Americans and Latinos tend to live in lower-income neighborhoods than whites, with fewer jobs, poorer education and more crime. In such places, it is harder to avoid entanglement in the criminal legal system and to escape becoming a victim of crime. Political scientist Lisa Miller describes this phenomenon in terms of “racialized state failure,” characterized by the simultaneous over-enforcement and under-protection of the law.

What would be required to achieve the abolitionists’ ultimate goal of ending racial inequality and rescuing our democracy? One place to begin would be to abolish our reliance on policing and prisons to manage complicated social concerns such as inequality, poverty, addiction, mental illness and even violence. Much of the work that criminal law enforcement currently performs in our society could be abolished without undue threat to public safety. Of the 10 to 12 million arrests in the United States each year, only 5 percent are for violent crimes. The law could simply forbid the custodial arrest of citizens for minor violations like traffic offenses, public drunkenness and even petty theft. Instead, we could provide adequate support for those suffering from drug addiction, alcoholism and homelessness.

We could also drastically reduce the violence associated with underground economies by providing opportunities for meaningful, remunerative work and high quality education in at-risk communities. A recent report by the White House Council of Economic Advisors found that an increase in the minimum wage would be significantly more effective than increased incarceration at reducing crime. The Movement for Black Lives has embraced an approach to violence prevention that relies on “justice teams,” groups of engaged and trained community members who are available to mediate and intervene in situations of escalating interpersonal conflict. Some municipalities have recruited formerly violence-involved young people who are paid to serve as violence interrupters to prevent gang-related violence. In places plagued with violence — from Richmond, California to Baltimore, Maryland — initiatives that offer support and compensation to formerly violence-involved mediators have been shown to reduce violence and improve community well-being. Large-scale urban regeneration projects, which convert abandoned property into usable public space for local communities, are similarly associated with reduced violence and improved health and happiness. Even in the aftermath of violence, victims and society at large are often better served by restorative processes, which bring perpetrators and survivors of violence together to determine how best to make amends and restore peace.

The gravest crimes, though, are those that have gone largely unaddressed — the systematic dispossession and disenfranchisement over many decades of our society’s most vulnerable. The work of realizing racial justice and reconstituting our democracy remains to be done and it remains all of our responsibility, as lawyers and as citizens.



“Hope is a Horrible
Thing.”

“Hope is a Horrible Thing.”

Professor Girardeau A. Spann

Professor Girardeau Spann teaches Torts, Contracts and Constitutional Law II: Individual Rights and Liberties. He is the author of several books and articles concerning race and the constitutional concept of equality.

Hope is a horrible thing, you know. I don't know who decided to package hope as a virtue because it's not. It's a plague. Hope is like walking around with a fishhook in your mouth and somebody just keeps pulling it and pulling it.

Ann Patchett, *State of Wonder* (2011)

Race remains a problem. As always, stark disparities continue to exist between whites and racial minorities in the distribution of societal benefits and burdens. But the surprisingly broad public support for derogatory comments and exclusionary policies directed at immigrants and Muslims by Republican presidential nominee Donald Trump suggests that it has once again become fashionable to engage in overt expressions of animosity toward racial minorities. Similar anti-immigrant sentiments that prevailed in the Brexit referendum favoring British withdrawal from the European Union suggest that our inclination toward racism is more endemic in the human condition than it is an isolated artifact of our particular history with slavery. The resilience of the human penchant for racial intolerance has prompted those concerned with its persistence to wonder what more they can do to advance the cause of racial justice in the United States. Lawyers are often thought to be particularly sensitive to such concerns because of their training and ethical commitment to constitutional and statutory principles of racial equality. But, ironically, the best thing that lawyers — and everyone else — can do to promote the goal of racial justice is simply to stop believing in the possibility of its attainment. Even though racial discrimination appears to be a permanent fixture of United States culture, we nevertheless continue to hope that we will someday create that race-neutral, colorblind society imagined in the aspirational rhetoric of our founding documents. However, it is precisely the things that we do to keep the hope of racial equality alive that end up defeating our ability to advance the cause of racial justice.

Since the 1619 introduction of slavery into colonial Virginia, we have been unable to achieve any meaningful level of racial equality in the United States. From the history of black chattel slavery, to the genocide of indigenous Indians, to the passage of Chinese exclusion laws, to the internment of Japanese-American citizens, to the current wave of anti-immigrant sentiment and anti-Arab Islamophobia, United States culture has maintained a racial caste system in which the interests of whites are privileged over the interests of racial minorities. The mere mention of cases such as *Dred Scott*, *Plessy*, *Korematsu*, *Naim v. Naim*, and even the *Brown II* “all deliberate speed” evasion of school desegregation reminds us how implicated the Supreme Court has been in reading the Constitution to facilitate the durability of that system. Today, most racial minorities continue to be significantly worse off than whites with respect to things like income, wealth, education, employment, healthcare, incarceration, and personal safety. Although the racial resource gap has narrowed over the years, it often seems as if we have simply tinkered with the details. Slave patrol violence has been replaced with white police shootings of unarmed blacks. Jim Crow *de jure* segregation has been replaced by *de facto* residential and job-category segregation. Legal prohibitions on slave literacy have been replaced by substandard inner-city schools, that lead to substandard employment opportunities for racial minorities. And poll- and literacy-tax evasions of minority voting rights have been replaced by voter ID laws, partisan redistricting, and the disenfranchisement that customarily accompanies the “New Jim Crow” disproportionate incarceration of racial minorities.

Mindful of our invidious discriminatory past, the modern Supreme Court has now insisted on vigorous enforcement of the Reconstruction equality principle appended to the Constitution by the post-Civil War 13th, 14th and 15th amendments. However, in its asserted pursuit of equal protection, the Court has committed us to an abstract and stylized conception of racial equality that actually ends up perpetuating our discriminatory tradition. The Court’s state action doctrine creates a sphere of private conduct to which the equality principle does not apply, which when combined with the deference that liberalism accords individual autonomy, can end up giving constitutional protection to private acts of racial discrimination. When the equality principle does apply, the Court has limited its scope to acts of intentional discrimination, thereby exempting actions — such as zoning restrictions, standardized tests, seniority systems, and even anti-affirmative

Opposite page: In this Aug. 9, 2014, photo, a crowd gathers near the scene where 18-year-old Michael Brown was fatally shot by police in Ferguson, Mo. ‘Hands Up, Don’t Shoot’ has become a rallying cry despite questions whether Michael Brown’s hands were raised in surrender before being fatally shot by a Ferguson police officer. **Credit:** AP Photo/St. Louis Post-Dispatch, David Carson.

action initiatives — whose foreseeable discriminatory effects the Supreme Court does not typically view as impermissible motives. This has had the effect of allowing racial discrimination to persist when it is caused by structural forces such as poverty or unequal schools, or by the widespread unconscious prejudices that have now been revealed by measures of implicit bias. The existing distribution of societal resources, which has resulted from centuries of discrimination, has simply been accepted by the Supreme Court as a colorblind, race-neutral baseline whose perpetuation does not violate the Court's conception of equal protection.

The most promising strategies for advancing the cause of racial justice in the United States end up being constitutionally unavailable, because they violate the principle of colorblind race neutrality that the Supreme Court now uses to reflect its tacit commitment to the perpetuation of white privilege. As an initial matter, the state action doctrine permits whites to circumvent any remedies for past *de jure* segregation that might be adopted by privatizing their housing and educational discrimination through the *de facto* use of evasions such as gated communities and private schools. More significantly, although racial discrimination is inherently a group phenomenon, the Court has held the equal protection clause to be a guarantee of individual rather than group rights. As a result, the use of race-based remedies to neutralize the continuing effects of past discrimination are typically held unconstitutional because they violate the rights of individual whites who might have to sacrifice the privileges that they enjoy under the current distribution of societal resources. This is true even when those remedies are adopted by the white majority in an effort to address the subtle forms of structural discrimination and implicit bias that escape detection under the Court's prevailing intentional discrimination standard. That is because the Court has held that remedies for such general societal discrimination are simply an unconstitutional form of reverse discrimination against whites. But more particularized forms of affirmative action are also typically invalidated under the equal protection clause as intentional discrimination against whites — even though they are no more invidious or race-conscious than the zoning, standardized test, seniority, and anti-affirmative action measures that the Court finds *not* to constitute intentional discrimination when racial minorities are the ones being adversely affected. For purposes of equal protection scrutiny, the Court has held that there is no difference between benign and invidious forms of racial discrimination. Accordingly, the current Supreme Court conception of equality typically

invalidates affirmative action that is intended to benefit racial minorities, but upholds prohibitions on affirmative action that are intended to benefit whites.

Perhaps the most effective way to address the continuing forms of racial discrimination would be to strive for racial balance in the distribution of societal resources such as jobs and educational opportunities. But the Supreme Court's commitment to an abstract conception of colorblindness has caused the Court to hold such efforts to be "patently unconstitutional." The Court has even nullified efforts to equalize political representation. It has not only invalidated majority-minority voting districts created under the Voting Rights Act — districts that enabled racial minorities to send their first representatives to Congress since Reconstruction — but it has invalidated the preclearance formula of the Act itself. In so doing, the Court has eliminated the primary prophylactic provision that Congress overwhelmingly adopted to reduce the continuing disenfranchisement of minority voters. Under the Court's utopian vision of a colorblind, race-neutral society, the concept of equality seems to rest on a discriminatory foundation. In that vision the current advantage that whites have over racial minorities in the distribution of resources — and in the political process that determines how those resources will be allocated — appears to be compelled by the Constitution itself.

So why do we tolerate a vision of equality that is so unequal? Why do we blind ourselves to the state action underlying private discriminatory conduct; and to the inherently group-based nature of racial discrimination; and to the need to address the general societal discrimination implemented in structural ways that reflect implicit racial bias; and to the harm inflicted by discriminatory effects that are disregarded in the name of ornamental intent; and to the fact that there really *is* a difference between benign and invidious discrimination; and to the recognition that the distribution of resources would be racially balanced in a non-discriminatory society; and to the realization that our most pressing equal protection problem is *not* the problem of racial discrimination against already-privileged whites? We ignore those self-evident truths because the Supreme Court has told us that such ignorance is a doctrinal necessity in pursuit of the race-neutral, colorblind society to which our Constitution instructs us to aspire. But sadly, it is the horrible hope of securing a place in that utopian heaven that leaves us unable to secure the benefits of racial justice here on earth.

Student Perspective: Sandor Callahan (L'17)

Callahan, the 2016-2017 Student Bar Association president, sent the following message to the Georgetown Law community from his summer associate position at Mayer Brown in Los Angeles on July 9 — following the shootings of Alton Sterling in Baton Rouge, Philando Castile in Minnesota and five police officers in Dallas.

My Fellow Hoyas,

I am writing to acknowledge the pain and grief that many members of our community are currently experiencing as a result of the devastating attacks directed towards Muslims during Ramadan, and most recently, the fatal shootings of Alton Sterling, Philando Castile and five Dallas police officers. I cannot pretend to have the right words or solutions to the injustices that occur all too frequently.

As President Obama noted, the shootings of Alton and Philando are “symptomatic of the broader challenges within our criminal justice system, the racial disparities that appear across the system year after year, and the resulting lack of trust that exists between law enforcement and too many of the communities they serve. To admit we’ve got a serious problem in no way contradicts our respect and appreciation for the vast majority of police officers who put their lives on the line to protect us every single day.” Violence is not the answer against Muslims, communities of color, police officers, or any other human being. As President Obama said regarding the officer shootings, “there is no possible justification for these kinds of attacks.”

To address these issues and more, the Student Bar Association is establishing a speakership series that aims to facilitate conversation within the Georgetown Law community. We are planning a Diverse Speakership Series to organize roundtable discussions with the help and participation of student organizations, members of the administration and monthly outside speakers to discuss issues affecting the population of the Georgetown Law community and the nation as a whole. We are also planning a Legal Education Speakership Series to discuss issues affecting legal education within the Georgetown Law community and nationwide. This series will address topics such as fostering intellectual diversity in the classroom, implicit bias amongst those in the classroom and challenging the thought of the nationwide standard 1L curriculum.

We hope that these speakership series will address recent events and facilitate a broader discussion that will not only improve student experience at Georgetown Law, but also provide students with the tools and information necessary to use their knowledge and law degree to improve our community and country.



From top:

In this Nov. 26, 2014, photo, protesters kneel down with their hands up in front of Los Angeles police officers in downtown Los Angeles. ‘Hands Up, Don’t Shoot’ has become a rallying cry despite questions whether Michael Brown’s hands were raised in surrender before being fatally shot by a Ferguson police officer. Credit: AP Photo/Damian Dovarganes.

Protesters yell out in Union Square Wednesday, April 29, 2015, in New York. People gathered to protest the death of Freddie Gray, a Baltimore man who was critically injured in police custody. Credit: AP Photo/Craig Ruttle).

A photograph of a man with a beard and a red beanie, looking off to the side with a determined expression. He is holding a large, dark sign with white text. The background is a blurred city street at night, filled with lights and other people, suggesting a protest or public gathering. The sign he is holding has the text "Achieving Racial Justice Through Law" written on it in a clean, white, sans-serif font. The sign also features a pattern of small, glowing lights.

“Achieving Racial
Justice Through
Law”

“Achieving Racial Justice Through Law”

Professor David Cole

Professor David Cole, the Hon. George J. Mitchell Professor in Law and Public Policy, has taught constitutional law, national security and criminal justice. In July, he was named the national legal director for the American Civil Liberties Union and will take a leave from Georgetown to carry out his responsibilities.

You have to go through life with more than just passion for change; you need a strategy. I'll repeat that. I want you to have passion, but you have to have a strategy. Not just awareness, but action. Not just hashtags, but votes." So Barack Obama, the first community organizer to become president, told Howard students at their commencement this spring. He praised Black Lives Matter and other activists for raising awareness of the persistence of racial bias in our criminal justice system but also criticized those activists who preferred the purity of protest to the challenge of achieving actual change. Protest creates the impetus for change, Obama suggested, but not change itself. Protesters often deride compromise, preferring to stand on principle. But absent revolutions and wars, which often end poorly, the fight for justice is incremental.

Legal reform in particular is a gradual process. The rule of law provides order and stability, and the commitment to *stare decisis* and consistency means that change will take time. But change through law does come. Consider the Voting Rights Act of 1965. It suspended literacy tests, authorized the Justice Department to challenge poll taxes, sent federal observers and registrars to monitor elections and register voters, and required states with a history of discrimination to “preclear” any voting changes with the Justice Department. In the very first decade after its enactment, the percentage of Southern African-Americans registered to vote increased from 37 percent to 73 percent, the number of black elected officials nationwide grew from under 500 to 10,500, and the number of black members of Congress increased from five to 44. It made possible the election of Congressman John Lewis, the civil rights activist from Georgia who was beaten while walking across the Edmund Pettus Bridge in Selma, Alabama, and President Obama himself, who lost the white vote by 12 points to John McCain in 2008 but won the election by garnering 75 percent of the black, Hispanic and Asian vote. In 2012, for the first time in presidential history, black turnout rates nationwide exceeded those for whites.

The Voting Rights Act was itself sparked by protest — specifically, by the civil rights march from Selma that ended so violently on the Edmund Pettus Bridge. But the change that march catalyzed was achieved through the compromise and negotiation required to enact, and then re-enact, a complex federal law over several decades.

The most urgent calls for racial justice in recent years have been sparked by encounters between police officers and young African American men, often captured on video. Police shootings from Ferguson to Staten Island to Baton Rouge have touched off local and nationwide protests, and, like the march across the Edmund Pettus Bridge, brought national attention to daily injustice. As lawyers, we can help respond to the protests by identifying and advocating for the positive changes that need to occur.

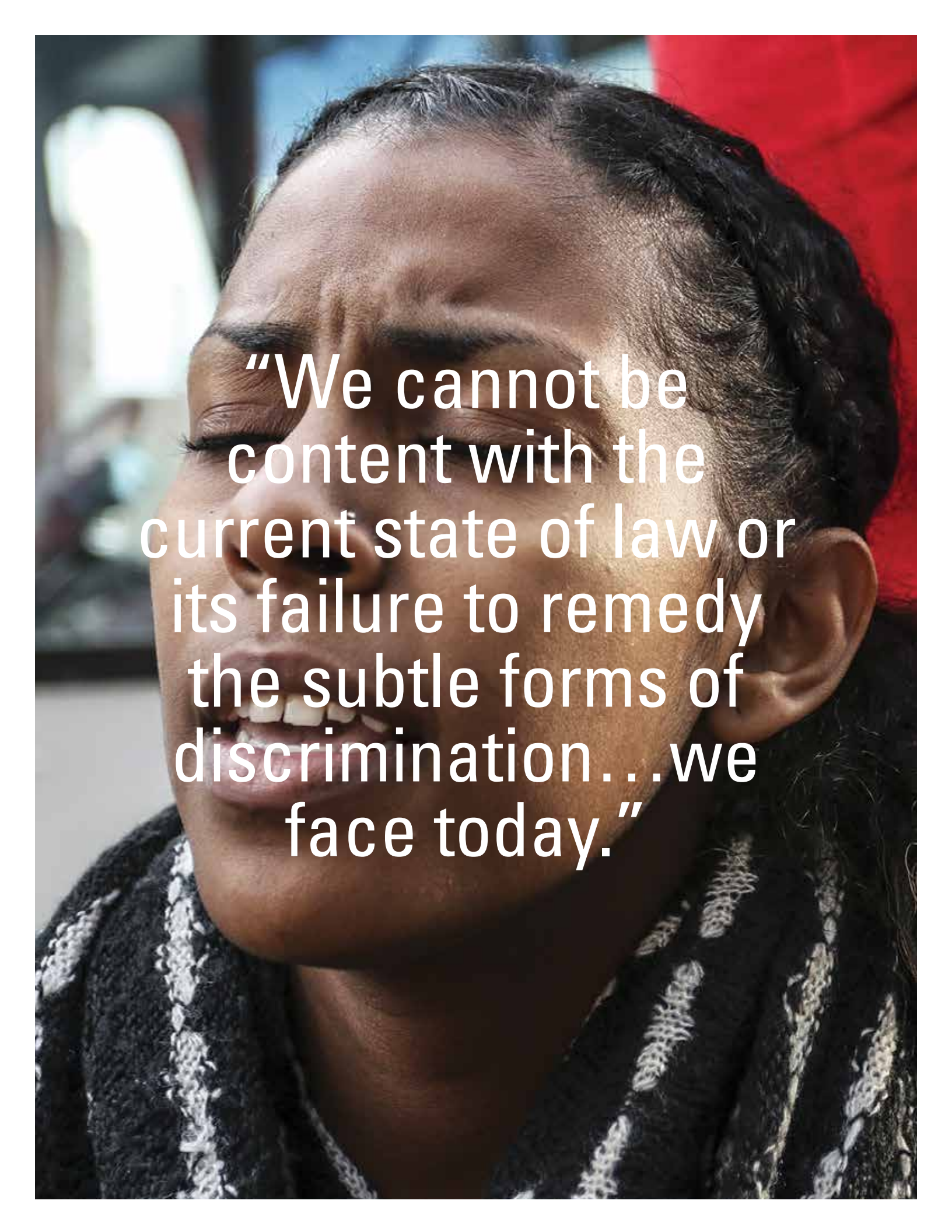
There is much lawyers can do to advance the cause of racial justice in America by actively engaging with the slow and incremental process of legal reform. There is now bipartisan consensus that we must end mass incarceration, which disproportionately affects black and Latino men and their families. It is unacceptable that, under current conditions, one in three black male babies can expect to be imprisoned during his lifetime. Reforming that grim reality will require a wide range of small steps. State legislatures need to reduce harsh criminal sentences, and not just for nonviolent drug offenders. Alternatives to incarceration should be expanded for individuals who do not pose a danger to others. We must invest in rehabilitation and reintegration. No single measure will solve the problem, but each of these can help bring down the rate at which we incarcerate our fellow citizens.

Police must also be held accountable, through body cameras, citizen oversight boards, and reform of immunity and exclusionary rule doctrines that today allow too many wrongs to go unremedied. But to achieve meaningful reform, we must also acknowledge that crime in the inner city is a real problem, not something made up by white law-and-order fanatics, and that some of the racial disparity in incarceration reflects racial disparities in offending. As a result, it is not enough to regulate police activity. Instead, we must invest in disadvantaged communities in forms other than more police and prisons. Ravaged inner-city neighborhoods need better schools, healthcare, after-care facilities, job opportunities and the like — in addition to better policing.

Lawyers have a crucial role both in helping formulate the legal remedies that respond directly to the problem of biased policing, but also, and equally importantly, in emphasizing that the solutions cannot be found entirely within the criminal justice system itself. As Dallas Police Chief David Brown said this summer, after an African-American sniper killed five police officers and injured seven others, “we’re asking cops to do too much.”

As lawyers, we have the tools to help diagnose the problem and to do something to solve it — through lobbying, education, advocacy and organizing, as much as through lawsuits. But as Obama reminded the students at Howard, it demands that we roll up our sleeves and work for positive change, not just protest the status quo.

Opposite page: Demonstrators shout out in New York’s Times Square as they protest against a grand jury’s decision on Monday not to indict Ferguson police officer Darren Wilson in the fatal shooting of Michael Brown, Tuesday, Nov. 25, 2014, in New York. **Credit:** AP Photo/Craig Ruttle.



“We cannot be content with the current state of law or its failure to remedy the subtle forms of discrimination...we face today.”

“We cannot be content with the current state of law or its failure to remedy the subtle forms of discrimination...we face today.”

Racial Justice: Q&A

Professor Jamillah Williams (B'03):

Professor Jamillah Williams, an alum of Georgetown University and Stanford Law, teaches Employment Law, Employment Discrimination and a Contemporary Bias and Law Seminar. Her research focuses on contemporary bias, the effectiveness of antidiscrimination law and the capacity of law to promote compliance and social change.

In what ways do you think the law can be used as a tool to further racial justice and promote social change?

My research focuses both on the great potential of law when seeking racial justice and social change, as well as the current limitations of law. On the one hand, we have monumental civil rights laws passed in the 1960s that have changed our society and opened doors for racial equality. On the other hand, the law alone is not sufficient to adequately resolve the deeply entrenched structural barriers and racial bias that continue to produce disparities today. Laws historically even legitimized discrimination and continue to evolve to reinforce inequality. In order to see greater accountability and laws in sync with the types of bias and discrimination prevalent today, we need more social movements, broader social-political involvement and economic pressure to shape the law and social policy. This is what we have seen recently in the Black Lives Matter movement and other social protests against contemporary racial injustice. We cannot be content with the current state of law or its failure to remedy the subtle forms of discrimination and institutionalized structural inequality we face today. Complacency breeds stagnation and allows history to repeat itself, something that as a society we cannot afford.

How do you attempt to further racial justice in your scholarship relating to antidiscrimination?

Although our current laws are in critical need of reform, the voice of the law is still a powerful force. My research demonstrates that when people are reminded of civil rights law, they are more likely to acknowledge that racial inequality and discrimination are continuing problems in the United States and they are more likely to engage in behavior inclusive of racial minorities. This demonstrates that antidiscrimination law has the capacity to influence beliefs about what is right morally, which has profound implications for shaping social behavior and promoting social justice even when the law is not sufficiently enforced in the courts.

Why did you choose antidiscrimination and employment law as some of your areas of expertise?

I have always been interested in questions about social inequality and what strategies are best suited to broaden opportunities for racial minorities and other marginalized groups. I began exploring these issues in the employment context as an undergrad at Georgetown University in the McDonough School of Business. Employment opportunities remain one of the primary gateways for racial minorities to gain full participation in American society. The workplace is where people either find or are denied access to the American Dream, including the stability, financial resources, and upward mobility that accompany it. As a social scientist and an employment lawyer, I remain fascinated by questions of why employment discrimination is still so widespread, how lack of job opportunities reinforce other patterns of inequality such as mass incarceration, and what strategies are most effective at reducing bias and discrimination. I study these topics both because they are personally intriguing and because I am hopeful that my research and teaching will help promote broader social change.

How does your Contemporary Bias and the Law class address problems of inequality today?

My Contemporary Bias and Law seminar helps expose students to the way bias and discrimination manifests today in more subtle, implicit, and institutional forms compared to the overt racism of the past. We may no longer see signs saying “whites only” like we did in the Jim Crow era, but remnants

Continued, p. 63

Opposite page: In a Tuesday, Nov. 25, 2014, photo, Eilidh Branson, a student at Spelman College, sings along with a group of protestors at a rally and protest at the CNN Center in Atlanta, the day after a grand jury’s decision not to indict a white Ferguson, Mo., police officer who killed Michael Brown, an unarmed black teen. Protest songs are taking their place alongside the chants of “I Can’t Breathe” and “Hands Up, Don’t Shoot” as demonstrators raise their voices to condemn the deaths of unarmed black men at the hands of police. **Credit:** AP Photo/Ron Harris.

A photograph of a protest. In the center, a person holds a black sign with white text that reads "WE WON'T TAKE IT ANYMORE". To the left, another sign partially shows the words "RACISM KILLS". In the foreground, a person is wearing a bright orange hoodie. To the right, a person is holding a white megaphone. The background shows trees with some yellow leaves, suggesting an outdoor setting. The overall scene is one of active protest and public demonstration.

**WE WON'T
TAKE IT
ANYMORE**

“The concern with racial justice reflects our mission to educate lawyers who will make a profound difference.”

“The concern with racial justice reflects our mission to educate lawyers who will make a profound difference.”

Dean William M. Treanor

Georgetown Law Dean William M. Treanor, who is also a historian, has made racial justice a priority at the Law Center — encouraging symposia and town halls on issues from police brutality to surveillance. Treanor and other faculty members and administrators are working to improve diversity in student and faculty recruitment as well as broaden the Law Center curriculum with respect to issues of racial justice.

As a scholar, I have been concerned with questions of race since I was an undergraduate majoring in Afro-American Studies more than thirty-five years ago. I had the great privilege to work with Professor Henry Louis Gates, now the director of the Hutchins Center for African and African American Research at Harvard University, and then a young assistant professor at Yale embarking on his academic career. He was, and remains, both my advisor and mentor. The late 1970s was an important era for racial justice issues, and I was fortunate enough to study under a brilliant and creative scholar who was to become one of the leaders in the field of Afro-American Studies.

Today, racial justice is powerfully present in the Georgetown Law curriculum, an appropriate reflection both of our social justice mission and the central role that issues of race play in the law. Much of our curriculum leads students to focus on three different and fundamental topics. The first involves the question, what is racial justice? During their studies, they will encounter scholars who take a variety of positions, and they will think through what their own position is. The second zeroes in on the relationship between racial justice and our legal system (and our Constitution, in particular). They will think through the extent to which our legal system is (and is not) fundamentally committed to racial justice. The third focus is on the students' own role as lawyers and as citizens to work to advance racial justice. Having thought about what racial justice is and the extent to which it is embodied in our legal system, they think through what they should do to combat injustice as they embark on their professional lives.

Some of our courses provide a historical context for racial issues. One seminar that I have taught with Professor John Mikhail is “Drafting the Constitution,” in which students

study the Philadelphia Convention of 1787 and the debates as the drafters constructed the Constitution. One of the lessons of the course is that the Constitution of 1787 provided powerful protections for slavery, even in ways that are not obvious to us today. My scholarship is in constitutional history, with a particular focus on the framing of the Constitution and the Bill of Rights, and I have written a number of articles on the Takings Clause of the Fifth Amendment. That clause — “[n]or shall private property be taken for a public use” — is a historical puzzle. When the states considered ratifying the Constitution, they proposed a large number of amendments and, with one exception, all the clauses in our Bill of Rights had been proposed by the states. But when Madison proposed his amendments to Congress he added one clause that had not been requested — the Takings Clause — and he offered no explanation. Scholars before me had speculated that he was responding to the military's seizure of goods during the Revolutionary War and wanted to mandate compensation in such circumstances. But since no state sought a compensation requirement, it is striking that Madison acted unilaterally in this one instance, and there is no evidence that he was particularly concerned with military seizure. There is also the question of language: Why did Madison use the passive voice? Why did Madison not say that, when the government takes property for a public use, it will provide the owner with just compensation? Why did he instead require compensation when property is “taken”?

While it is appalling to contemplate, Madison and others regarded people held in servitude as property. During the ratification debates, James Wilson, a prominent framer, argued that Congress had the power to abolish slavery. Madison was surprised by the position — he believed Congress clearly did not have that power — and he argued against it in the Virginia ratifying debates. I believe he also wanted to protect against uncompensated manumission in case future Congresses or presidents disagreed with him. I have argued that Madison wrote the Takings Clause at least in significant part to require compensation in case of abolition — and he put the clause in the passive voice because he did not want to unintentionally confer on Congress the power to take property or, to be specific, to free slaves. Supporting my position is a letter that was previously overlooked by scholars. In it, Madison observed to a friend that abolition would require compensation: “Whatever may be the intrinsic character of that description of property [enslaved people], it is one known to the constitution, and, as such could not constitutionally be taken away without just compensation.”

Continued, p. 63

“Perserverance takes courage and ‘a willingness to be disturbed.’”

Racial Justice: Q&A

Dr. Judith Perez Caro

Dr. Judith Perez Caro, Georgetown Law’s first director of Equity, Community and Inclusion, arrived on campus in August. Dr. Perez Caro holds a master’s degree in Higher Education Administration from Teachers College, Columbia University and a Ph.D. in Sociology from Fordham University, with a concentration in Diversity, Inequality and Urban Communities. She will champion inclusion and diversity initiatives throughout the Law Center and lead a range of collaborative programming efforts that will enable our diverse students, staff and faculty to thrive.

Interview by Ann W. Parks

What made you decide to take this job?

I am trained as a sociologist and I have been working as a diversity practitioner in different capacities — as a faculty member, as an administrator and in a consultative capacity for many years. I wanted to get back into higher education administration at a level where the work that I do could have a sustainable institutional impact. I am a graduate of Jesuit institutions — I went to Fordham University for my doctoral education and Canisius College for my undergraduate, and social justice work is embedded in all that I do. In a way I feel like I’ve come back home.

What specifically inspired you to do this work?

This work is a very personal endeavor for me. A big part of it was that I’m a first generation college graduate, born and raised in New York City in a very intentionally multicultural community where I was exposed to all different types of cultures, religions, races, ethnicities and family structures. When I went away to college, I realized that many people didn’t have this exposure. I became involved on campus, serving as a student leader, learning about social justice through the lens of the Jesuits. I valued and benefited from the mentorship that I received from administrators at my college, and I wanted to pay that kind of mentorship forward. I have been engaged in this work since the late 1990s, when I pursued my master’s at Columbia University.

How did your career unfold after that?

For almost two decades, I have seen the arc of this kind of work, and at the heart of it there is this need to understand systems and structures that reproduce inequality and illuminate difference. If you understand the mission of George-

town or many Jesuit schools, there’s a direct call for men and women to devote themselves to the well being of others, and it leaves us pondering the question, how do you serve the common good and do the right thing for all? You can seek justice as a lawyer, teacher, writer, doctor and in many other capacities where you serve others. I choose to do it as an educator. This understanding sustains my focus on this work.

What are your goals for this job?

I will serve as a resource to students from a wide variety of backgrounds, with a special focus on developing relationships with and advocating for those from historically underrepresented backgrounds. I will also oversee programs that enhance cultural competency, promote civil discourse and explore the intersection of social justice and various forms of diversity. This will involve coalition building work that engages faculty, student groups, staff and alumni. I am also going to partner closely with the associate deans for the J.D., graduate and experiential learning programs to identify a range of innovative pedagogical best practices and gather resources to support faculty.

And you will work on recruitment with [Dean of Admissions] Andy Cornblatt?

As an institution, we are deeply committed to recruiting a highly diverse cohort of students each year, with a special emphasis on attracting students from backgrounds historically underrepresented in the legal academy and profession. I have been asked to partner closely with Dean Cornblatt to support diversity recruiting efforts in this regard.

What are some of the challenges?

I think “mis”communication. There’s a call for more sensitivity and awareness around issues that impact people on an individual level; many people don’t get training on this. People are speaking from a space that sometimes only they understand. As a result, people talk across each other, but do not engage with each other. If you are not thoughtful with your word and thoughtful with your language — even with the best of intentions — somebody may take exception to it...and we are all culpable. But there’s a difference between the ignorance of not knowing, and willful ignorance where one chooses not to pay attention to the impact of their actions. It essentially comes down to the power of intent versus impact.

My job at the Law Center is to make sure that when those things come to bear, that I can provide tools to empower members of our community to do the work that it takes to open up and advance dialogue, not shut it down. This perseverance takes courage and, as educator Margaret Wheatley says, “a willingness to be disturbed.”

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More than 150 years after the end of the Civil War, legacies of slavery continue to shape our law and our society. One reason why legal history is important is because it can reveal those legacies even where they are not apparent — such as with the Takings Clause. That recognition, in turn, is important as we think through what the law should be today. Some scholars and judges have argued that the Takings Clause should be read expansively because it reflects a fundamental commitment of the founding generation to property rights and we should honor that commitment. Historical evidence showing that, for the author of the Takings Clause, one of the “property rights” he sought to protect was the right to own other people is significant. It dramatically challenges the idea that the clause embodies a broad principle of the founding generation that deserves respect by courts today.

The focus on racial justice — helping students grapple with racism and think through what role they should play — is a central concern of the work of many of our faculty. I am pleased that my scholarship and classes have been part of this effort. The concern with racial justice reflects our mission to educate lawyers who will make a profound difference in the world. Our motto, “Law is but the means. Justice is the end,” resonates today as powerfully today as it did when I was a student first exploring racial justice issues in classes, more than 35 years ago.

Continued from Williams p. 59

of these days still persist and shape outcomes in employment, housing, education, and criminal justice. The seminar involves in depth discussions of current events, case law, empirical research, and social science theory — including sociology, social psychology and economics. Students learn to think critically about these pressing public policy issues and develop innovative legal strategies or other interventions that will help reduce contemporary bias and help promote social justice. My goal for the course is to provide students with the language and framework needed to engage in meaningful dialogue and action on issues of inequality in their other law courses, their future careers, and their personal lives. Our students are disturbed by what they see on social media and in the news — continuing police brutality, racial incidents on college campuses, calls for mass deportation of Mexican immigrants and bans of Muslims, lack of accountability. I don't want Georgetown Law students to become numb, hopeless and indifferent to these challenges. As our emerging leaders, we want them to critically engage with issues in the nation and in the world. Rather than viewing racial injustice as an inevitable state of being, I want to sharpen their outlook and arm them with the facts and confidence to speak out on these issues and to become part of the solution. Progress will never occur with continued silence and we as lawyers play an important role in the continuing struggle to move America toward a more perfect union.



In this Aug. 18, 2014, photo, Duane Merrells walks with an upside down American flag during a protest for Michael Brown in Ferguson, Mo. Ferguson officials were inundated with thousands of open-records requests from media outlets and the public following the shooting. In response, the St. Louis suburb sought payments of thousands of dollars before they would even begin to fulfill some of those requests, a decision defended by Ferguson's city attorney. The Missouri attorney general's office received several complaints from media outlets that Ferguson was charging excessive fees. **Credit:** AP Photo/Charlie Riedel.



ALUMNI



1963



Robert L. Parks, principal and founding partner of The Law Offices of Robert L. Parks, has been appointed to the board of trustees

for the National Judicial College. He is a past chairman of the board of visitors for the college, which educates and trains trial judges from around the country. A nationally recognized trial attorney with more than 50 years of experience, Parks is a highly respected advocate in the courtroom and a leader in the community. Since being admitted to the Florida Bar in 1964, he has represented hundreds of plaintiffs in personal injury, wrongful death, aviation, large manufacturing and automobile cases in the Americas and around the world.

1967



Martin L. Faigus was listed in the 2017 edition of *The Best Lawyers in America* for copyright, patent and trademark law.

He is a partner in the Philadelphia office of Caesar Rivise.

1970

Robert M. Krakow writes that the SS St. Louis Legacy Project Foundation will be bringing a delegation of surviving SS St. Louis passengers to Hebrew University for a symposium on the relevance of the St. Louis to the current refugee crisis. "The conference will include a screening of our documentary film, *COMPLICIT*, which we brought to the Law Center, two years ago," he writes.

1971

Allen J. Kruger and **Kim DiGiovanni Aluisi** announced the merger of their respective law firms. The new Maryland-based firm, **Kruger DiGiovanni Aluisi**, has offices convenient to Anne Arundel, Montgomery, Howard and Prince George's counties. Kruger and Aluisi continue to provide legal services for family law clients throughout the state of Maryland; their expertise in conflict management between spouses and domestic partners is rooted in their combined 70 years of experience in this practice area.

1973



Elizabeth Avery writes, "I was so pleased to receive the *Res Ipsa Loquitur* Business Issue (Spring 2016). Since

graduating from Georgetown Law, I have made the transition to launching two businesses: Kalorama Capital, SEC-licensed in 2000 to raise private equity funds; and three years ago, www.SoloTrekker4U.com, to connect individuals with well-priced travel services."

1974



Jeffrey W. Roberts, a managing partner at Robinson Donovan, has been listed in *Best Lawyers* in the practice area of corporate law and trust and estates.

1975



Andrew Olsen is chairing the new Elder Law Practice Group at Cranfill Sumner & Hartzog in Raleigh, N.C. He joins CSH Law after operating an elder law practice in the Wilmington area.

1978

James F. Martin (C'75), a partner at Robinson Donovan, has been listed in *Best Lawyers* in the practice areas of franchise law and real estate law.

1980

Tim C. Loftis, a member at Bond, Schoeneck & King, was included in the 2017 edition of *The Best Lawyers in America*. Loftis provides services to business entities engaged in the manufacturing, distribution and service sectors and commercial banks. He has extensive experience in handling business and corporate matters and commercial finance work.

1981



Edward A. Hogan, a member of the Bridgewater-based law firm **Norris McLaughlin & Marcus**, has been included in the *New Jersey Super Lawyers*® 2016 Edition. He was first

included in 2005, and has been selected every year since. A resident of Liberty Corner, Hogan represents and counsels developers, redevelopers, manufacturers, commercial entities, and highly regulated service businesses in all aspects of environmental law and litigation.

1982



Charles Birenbaum, a shareholder with Greenberg Traurig, has been named to the *Daily Journal's* 2016 list of Top Labor &

Employment Lawyers in California. He is based in the firm's San Francisco office and serves as chair of Northern California. With extensive experience litigating and counseling on both employment and traditional labor matters, Birenbaum has interfaced and negotiated with employers, labor organizations, politicians, regulators and industry leaders to resolve complex issues for clients in the health care, energy and construction industries, among others.

1983

Andrew M. Kaplan, a partner in the Cincinnati office of Vorys, Sater, Seymour and Pease, was included in the *2017 Best Lawyers in America* list in the area of workers' compensation law for employers.

Mark A. Norman, a partner in the Cincinnati office of Vorys, Sater, Seymour and Pease, was included in the *2017 Best Lawyers in America* list in the areas of environmental law and environmental litigation.

Michael D. Schwamm, a partner at Duane Morris, was named to the *New York Law Journal's* "Lawyers Who Lead by Example" 2016 list for his pro bono efforts providing crucial legal services to poor or nearly poor New Yorkers. Schwamm has devoted hundreds of hours to pro bono service, representing more than 15 Lawyers Alliance's nonprofits in addition to providing educational programming and technical support to Lawyers Alliance; forming and representing Outward Bound Center for Peacebuilding; representing Start Small Think Big; and aiding veterans seeking military discharge upgrades. Schwamm practices in the areas of corporate mergers and acquisitions, securities and technology law.

1984



Paul J. Collins has joined Akerman's Tax Practice Group, practicing in the New York office. He has more than 30 years of experience in

the planning and administration of trusts and estates, both domestic and international. His particular strength is in fiduciary litigation, such as contested probate and accounting matters, guardianships, disputes over inherited property, and the construction of wills and trusts. He has represented clients in the Surrogate's Courts and other courts in New York as well as in Connecticut. Collins has also represented various charitable organizations and administered the estates of a number of authors and artists. He joins the firm from Schiff Hardin.

Shawn M. Flahive, a partner in the Columbus office of Vorys, Sater, Seymour and Pease, was included in the *2017 Best Lawyers in America* list in the areas of corporate compliance law, corporate governance law, and corporate law.

1985

Kathryn L. Tucker writes, "After 20 years in leadership of a national nonprofit dedicated to protecting and expanding the rights of terminally ill patients, I have taken leadership of the Disability Rights Legal Center (DRLC), the nation's oldest cross-disability advocacy organization. DRLC encompasses three programs: Disability Rights Advocacy Program, Cancer Legal Resource Center (CLRC) and End of Life Liberty Project (ELLP). CLRC, founded in 1997, is the only national center dedicated to helping cancer patients understand their legal rights when addressing the myriad issues arising from cancer through all its stages. ELLP, launched in 2015, engages multidimensional advocacy, including impact litigation, to expand end-of-life liberty, including the right to choose a more peaceful death through aid in dying."

2016 SUPREME COURT
SWEARING-IN CEREMONY

BILL PETROS

The Supreme Court swearing-in ceremony is a much-anticipated annual event sponsored by Georgetown Law's Office of Alumni Affairs for alumni who become members of the Supreme Court Bar. The following alumni took part in this year's ceremony on June 20:

John G. Amaya (LL.M.'11)	Spencer S. Nichols (L'06)
Kevin N. Anderson (L'81)	Jason W. Palmer (L'11)
Monica Carmean (L'12)	Jose R. Perez-Riera (C'93, L'96)
Michelle J. Chapin (LL.M.'11)	James J. Pinto (C'73, L'76)
Jennifer D. Cook (C'92, L'01)	Marylou Roe (L'71)
Lauren E. Crais (L'06)	Susan M. Rotkis (L'96)
James P. Dalle Pазze (LL.M.'81)	Edward T. Saadi (C'93, L'96)
Gail L. Elkins (LL.M.'96)	John S. Schulten III (LL.M.'06)
Nicholas C. Erickson (L'06)	Carissa D. Siebeneck (L'09)
Kenneth J. Falcon (L'11)	Steve A. Simpson (L'01)
Christy A. Fisher (L'06)	MaShawn T. Simpson (L'01)
Travis A. Greaves (LL.M.'09)	Brett A. Sisto (L'11)
Sophia D. Heller (L'11)	Anita Taff-Rice (L'96)
Chandra W. Holloway (L'01)	Marya G. Torrez (L'06)
Laurie B. Hurley (L'91)	Terry L. Turnipseed (L'96, L'98)
Sherille Ismail (F'76, L'81)	Chidinma V. Ume (L'11)
Jane Juliano (L'81)	David S. Yellin (L'11)
Linda E. Kelly (L'01)	Helen M. Whelan (LL.M.'11)
Bukola Lawal (L'06)	
Erik D. Mayans (L'06)	
Zuzana Murarova (L'11)	

Alumni Awards, Recognitions and Appointments



Danielle Cooper Daughtry (L'96), Rafael X. Zahralddin-Aravena (LL.M.'95), Michael J. Kelly (LL.M.'96), Judith Daar (L'84), Madeleine McDonough (LL.M.'12)

Michael P. Cronin (L'94), a 1963 graduate of the U.S. Naval Academy, was one of approximately 100 men and women interviewed in a Maryland Public Television documentary film entitled "Maryland Vietnam War Stories." The film aired in three one-hour parts May 24 to 26. Cronin, a U.S. Navy aviator shot down on his 175th mission in Vietnam, spent six years as a prisoner of war and was released during Operation Homecoming in March 1973. During his service, he was awarded the Legion of Merit, two Silver Stars, the Distinguished Flying Cross, four Bronze Stars, 15 Air Medals and two Purple Hearts. He served aboard the USS Midway and the USS Coral Sea. He earned his law degree from Georgetown following his active-duty career as a U.S. Navy aviator. He conceived and was instrumental in getting the War Crimes Act of 1996 passed to provide the way to implement the Geneva Conventions and criminalize war crimes in civil courts.

Judith Daar (L'84) was appointed dean of Whittier Law School effective August 1. She previously served as associate dean for academic affairs.

Danielle Cooper Daughtry (L'96) serves as the chief counsel for the 2016 Democratic National Convention Committee. In this role, Cooper Daughtry supervises all legal components of the convention, including, but not limited to, contracts, performance agreements, and labor and employment issues. Prior to becoming the DNCC chief counsel, Cooper Daughtry worked as in-house counsel at MetLife and as an associate at Paul, Weiss in New York.

Yolanda Ruisanchez Gruendel (L'95) received a Distinguished Service Award from the Federal Trade Commission for her contributions during the past two decades. She served as an attorney and leader at the Commission, where she dedicated herself to professional and leadership development efforts. She recently left the FTC to found Pause for Insight, a professional and leadership coaching firm.

Michael J. Kelly (LL.M.'96) was named the Senator Allen A. Sekt Endowed Chair in Law at Creighton University School of Law. He was also elected to the board of directors of L'association Internationale de Droit Pénal (AIDP), a Paris-based international association of international criminal law scholars and jurists.

Madeleine McDonough (LL.M.'12) has been elected chair of Shook, Hardy, and Bacon for a five-year term beginning January 1, 2017. McDonough is serving in her tenth year on the firm's executive committee and chairs the pharmaceutical and medical device division, the largest practice group of its kind. Before her legal career, McDonough worked as a clinical pharmacist.

Patricia A. McGuire (L'77) was honored with the TIAA 2016 Theodore M. Hesburgh Award for Leadership Excellence in Higher Education in March. The Hesburgh Award is given to a current college or university president or chancellor who embodies a commitment to higher education and society at large. McGuire is president of Trinity Washington University.

M. Margaret McKeown (L'75, H'05), a judge on the U.S. Court of Appeals for the Ninth Circuit, was the Distinguished Discussant in response to the address by President Michele Bachelet of Chile at the annual meeting of the American Society of International Law in Washington, D.C., on March 31. She also gave the keynote address at the 50th anniversary of the Central District of California, which celebrated the district's role in landmark international law cases. The title of her address was "How International Law Became a Four Letter Word."

Fern O'Brian (L'83), a partner at Sedgwick, has been elected president of the University Club of Washington, D.C. The University Club was founded in 1904 and is one of the most prestigious private city clubs in the nation. O'Brian, a member since 2005, is the fourth woman to hold the position of president in the club's history.

Erin O'Hara O'Connor (L'90), has been named dean of Florida State University's College of Law. O'Connor will be the college's eighth dean. She was previously a professor and administrator at Vanderbilt.

Tara A. Plimpton (L'94) was promoted to vice president and general counsel of GE Energy Connections. Prior to joining GE in 2002, Plimpton was managing partner at Brooke, Shaw, Plimpton and Zumpft and served as a law clerk for C. Clifton Young on the Supreme Court for the State of Nevada.

David Ruschke (L'97) was appointed chief judge of the Patent Trial and Appeal Board in May.

Manisha M. Sheth (L'98) was appointed executive deputy attorney general for the Economic Justice Division at the New York Attorney General's office in June. She oversees five litigation bureaus: Investor Protection, Antitrust, Internet and Technology, Consumer Frauds and Real Estate Finance. Sheth was previously a partner at Quinn Emanuel Urquhart & Sullivan.

Shirley Woodward (L'97) was nominated by President Barack Obama to the post of inspector general at the Central Intelligence Agency in June. Woodward, who was a CIA officer for 12 years in the 1980s and 1990s, most recently served as a partner in the litigation and controversy department at WilmerHale.

Rafael X. Zahralddin-Aravena (LL.M.'95) was awarded the Delaware State Bar Association's 2016 MJL Excellence in Community Service Award at the Haile L. Alford Memorial Breakfast. This annual event highlights the accomplishments of leaders in Delaware's legal community. Zahralddin is a shareholder, director and the chair of the Commercial Bankruptcy and Restructuring Department of Elliott Greenleaf. He is resident in both the firm's Wilmington, Del., and Philadelphia, Pa., offices.

1986



Gina Carter (F'78), a shareholder in the Madison, Wis., office of Whyte Hirschboeck Dudek, received the YWCA

Madison's 2016 Women of Distinction Leadership Award. The award is presented to women who represent outstanding achievement in their field of endeavor. Carter leads her firm's Credit Union Law Team and is a member of the Intellectual Property Litigation, Intellectual Property Counseling & Protection, Technology Law, Emerging Companies and Trade Regulation & Antitrust teams. She has litigated patent, trademark, copyright and trade secret cases in federal courts across the country.



Josh Rosenkranz, the head of the U.S. Supreme Court and appellate practice at Orrick, Herrington & Sutcliffe, won a

significant court ruling on behalf of Microsoft in the Second Circuit, which earned him the *American Lawyer's* "Litigator of the Week" in July, the third time this year. The decision, which has been closely watched by the tech industry for its privacy implications, was covered in the media internationally, from the *New York Times* and *Wall Street Journal* to outlets overseas such as the *Financial Times* and *The Guardian*.

1987



E. Christopher Murray was elected president of the Nassau County Mental Health Association. Murray is chair of the

Environment and Land Use Practice Group of Ruskin Moscou Faltischek in Uniondale, N.Y., and is also a member of the firm's Litigation Department. He has more than 25 years of experience in all aspects of complex commercial, environmental, insurance, employment, civil rights and trademark litigation. Murray is a past president of the Nassau Council of Chambers of Commerce and also serves on the board of a number of

charities and not-for-profit organizations including Literacy Nassau and the Autism Legal Foundation.

1988



Cole Wist has rejoined Ogletree, Deakins, Nash, Smoak & Stewart. Wist, one of the founding shareholders of the firm's Denver

office, returns from the Denver office of Holland & Hart, where he was co-chair of the firm's Workplace Safety and Emergency Response Practice Group. Wist has represented management in all aspects of labor and employment law for more than 25 years. He focuses the majority of his practice on matters related to workplace safety and health and industrial crisis management.

1989



Howard Srebnick writes, "On March 30, 2016, the Supreme Court decided a case I argued, *Luis v. United States*, holding that the

Sixth Amendment prohibits the government from restraining a defendant's untainted funds needed to retain counsel of choice in a criminal case. This is the second time I appeared before the Court, having also argued *Kaley v. United States*. In preparing to argue both cases, Professor Dori Bernstein arranged for me to be mooted at Georgetown's Supreme Court Institute. My former professors Steve Goldblatt and John Copacino served as mock justices. [The photo shows] me standing on the steps of the Supreme Court on the day I argued *Luis* (November 10, 2015)."

1991

Jimmy Adams, a litigator at Brooks Pierce, was recognized in the 2017 edition of *The Best Lawyers in America* for Commercial Litigation, Litigation: Labor and Employment and Litigation: Securities. Adams was also recognized as "Lawyer of the Year" in Greensboro for Litigation: Securities.

1991 Ed Sisson



Ed Sisson writes, "In summer 2015, I finished up managing and selling some family real estate in the Washington D.C. area, and then moved to Rehoboth Beach, Delaware, where my father and aunt live, and where my cousins each have houses. While I stopped practicing law in January 2006, now that 10 years have passed, our family property in Washington is sold, and my children have either just graduated or are soon to graduate college, in May 2016 I decided to get caught up on my D.C. Bar dues, which involved taking the D.C. class on Professional Responsibility. This inspired me to write what became a small book urging one or two significant changes in the current rules. The book contains a detailed description of my entire career at Arnold & Porter, from August 1992 to January 2006; I had a lot of interesting and high-profile cases. The basic point is that the "client secrecy" Rule 1.6, which currently gives clients greater censorship rights over their D.C. lawyers than just about any state, ought to be just the opposite, to reduce the ability of clients to censor their lawyers just to privileged material. Any classmates who want a copy, just email me at sissoed@hotmail.com."

Barry J. Pollack was sworn in as president of the National Association of Criminal Defense Lawyers (NACDL) by United States District Judge Amit P. Mehta at the association's annual meeting in Palm Beach, Florida, in August. Pollack previously served NACDL as its president elect, first vice president, second vice president, secretary, parliamentarian and on its board of directors. He has also served as a chair of the association's White Collar Crime Committee, Department of Justice Dialogue Committee and National Security Committee.

Pollack is a member at Miller & Chevalier in Washington, D.C., where he chairs the firm's White Collar & Internal Investigations practice.

Victor A. Walton Jr., a partner in the Cincinnati office of Vorys, Sater, Seymour and Pease, was included in the 2017 *Best Lawyers in America* list in the area of commercial litigation, banking and finance litigation, and labor and employment litigation.

Newsmakers



Vanessa Perlman (LL.M.'11), Darrell Miller (L'90), Crystal Freed (L'03), Bruce Friedrich (L'15), Michael Rubin (L'77), Wally Mlyniec (L'70)

"Federal Prosecutor Named Fla. Solicitor General," coverage in *Law 360* in June, featured **Amit Agarwal (L'04)**.

"D.C. Attorney Johnny Barnes Celebrated for Civil Rights Work," coverage in the *Afro American* in July, featured **Johnny Barnes (L'73, LL.M.'76)**.

Brian Concannon (L'89) was featured in a *New York Times* article in June ("Lawmakers Press John Kerry to Press U.N. for Haiti Cholera Response") for his role in the fight to obtain justice for Haitian cholera victims. A bipartisan letter signed by 158 members of Congress calls on Secretary of State John Kerry to take leadership over the cholera scandal in Haiti; Concannon has worked tirelessly to get so many members of Congress to sign onto the letter. This comes after an ongoing lawsuit against the United Nations, led by Concannon's legal team, for introducing the cholera epidemic to Haiti after U.N. peacekeepers failed to properly treat their waste. The bipartisan letter asks Kerry to ensure that the U.N. take immediate steps to eliminate the cholera epidemic and to uphold its commitment to human rights by providing an effective remedy for the victims.

"Daniels now New Mexico Supreme Court chief justice," coverage in the *Santa Fe New Mexican* in April, featured **Charles W. Daniels (LL.M.'71)**.

"One of Us: Michael, Crystal Freed are passionate advocates against human trafficking," coverage in the *Florida Times-Union*, described the work of **Crystal Freed (L'03)** and **Michael Freed (L'93)** to help victims of human trafficking. "I left my work as a litigation lawyer to dedicate my professional time, talent and treasure to working against the slavery that exists today," Crystal writes on the website of the firm she founded, The Freed Law Firm. "Human trafficking is more pernicious because its chains are invisible, making the bondage easier to ignore, and victims

easier to silence. My goal is simple — to be an advocate for those who have been unable to speak or have been silenced by another."

Bruce Friedrich (L'15) was featured in a July article in the *Washington Post* magazine, "Meet the guy who envisions a 'meat brewery' to help solve a global problem." Friedrich is the executive director of the Good Food Institute and managing trustee of New Crop Capital.

"From field worker to state senator, 'Chuy' Hinojosa has watched and contributed to area's growth," coverage by *The Monitor*, June 26, 2016, featured **Juan Hinojosa (L'74)**.

"'I Started Seeing Torts Everywhere!' Big-Name Attorneys Recall Favorite Law School Classes," coverage by *Law.com* in August, featured **Marilyn Milian (L'84)**, the judge on television's "The People's Court."

"Attorney Darrell Miller Built His Career With an Insider's Knowledge of Showbiz," coverage in *Variety* in May, featured **Darrell Miller (L'90)**. Miller, the managing partner in Fox Rothschild's Los Angeles offices and chair of the firm's Entertainment Department, was named to the 2016 *Daily Journal* Top 100 Lawyers in California and 2016 Most Influential Minority Lawyers (*Los Angeles Business Journal*) lists.

Professor **Wally Mlyniec (L'70)** was featured in the September issue of *Washingtonian Magazine* regarding the Capitol Crossing Project adjacent to Georgetown Law; the article was called "Right up his street: DC's enormous Capitol Crossing project perfectly suits Wallace Mlyniec's obsession." Mlyniec, who is senior counsel of the Juvenile Justice Clinic and the Lupo-Ricci Professor of Clinical Legal Studies, has kept the Law Center community informed (and entertained) of the progress of the project through regular "Construction Notes" e-mails.

"In-House Counsel Profile: Suzanne Niemeyer," coverage in *The National Law Journal*, July 18, 2016, featured **Suzanne Niemeyer (L'95)**. Niemeyer is general counsel, managing director and secretary of Actua Corp.

"Health Policy Lawyer Builds Travel Business To Improve Public Health," coverage on www.travelmarketreport.com, featured **Vanessa Perlman (LL.M.'11)**. Perlman founded Mockingbird Travel, a socially conscious international tour company. "Built on the pillars of sustainable travel and global health philanthropy, Mockingbird is dedicated to creating transformative travel experiences that also contribute to the greater good," she writes. "With its small-group, escorted tours, Mockingbird provides direct support to global health projects around the world."

In March, *California Lawyer* magazine and the *Daily Journal* legal newspaper awarded **Michael Rubin (L'77)**, a partner at Altschuler Berzon in San Francisco, a "California Lawyer of the Year Award" in the category of Employment Law. He won for his work as co-lead counsel in *Carrillo v. Schneider Logistics*, a class action on behalf of 2,000 low-wage immigrant warehouse workers employed in California's Inland Empire between 2001 and 2013. The accompanying article emphasized the novel legal theories developed by plaintiffs' counsel that led to a series of court rulings concerning the "joint employer" liability of the warehouses' owner, the company that operated the warehouses, and the labor services contractors that provided the workers. This is the fifth CLAY Award Rubin has received, and the third in the Employment Law category.

"WWII veteran returns to Mora High School to receive diploma," coverage in the *Santa Fe New Mexican*, featured **Matias Zamora (L'54)**.

Alumni Profile

Whiquitta Tobar (L'15)

Whiquitta Tobar (L'15) came to law school to champion the rights of those on living on the margins — and just one year out of law school, she's managed to do exactly that. A legal fellow and staff attorney at the Juvenile Law Center in Philadelphia, Pa., Tobar is also helping youth in her hometown of Blytheville, Ark., by showing them the way.

For her 26th birthday, in lieu of gifts, Tobar asked friends to each send her \$26 to help send high school students in Blytheville on a college tour. That netted \$4200, which enabled teens to visit colleges including Alabama A&M, Spelman, Georgetown, Penn, Bryn Mawr, Barnard, Temple and Howard.

Tobar also created a \$500 scholarship at her high school for graduating seniors, and she mentors ten girls — with the help of her network of women professionals.

Why the urgent need to give back? Because not so long ago, Tobar was one of those girls in need. “The job rate in Blytheville is very low because we were a steel mill town; most people don't have a college education. You either go work at [a minimum wage job] or you work at the steel mill,” she says. “That leads to a lot of youth who don't have the opportunities that other students would have; there are no organizations to help them if they want to do tech or want to go play music. It's a very depressing place for a lot of youth, and there was a flux in violent crimes — robberies and thefts and shootings were happening in this small town of 15,000 people, at a rate that was kind of alarming.”

For Tobar — whose single mom was raising six children on a fast-food worker's salary — the way out was through sports and the generosity of her small-town com-



BRENT FOTRELL

munity. “I was a basketball buff, so people would see this little kid walking around with a basketball,” she said. “I was pretty good and people took an interest in me.”

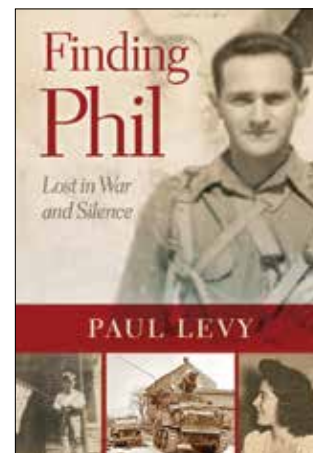
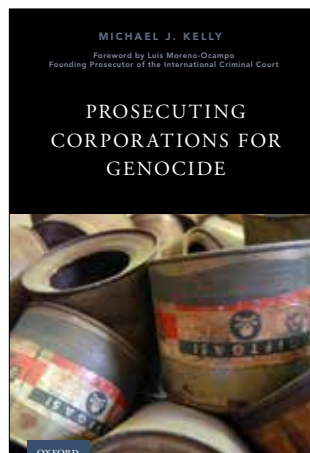
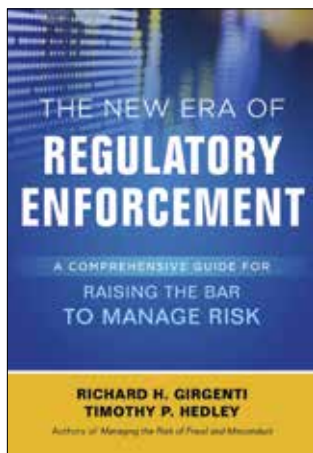
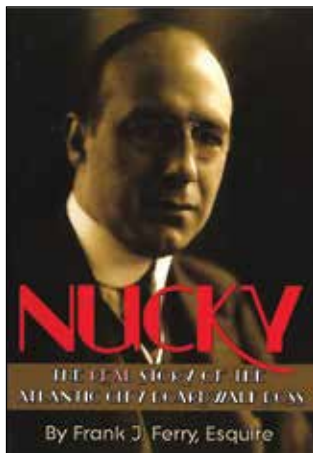
When she wasn't holding a basketball, Tobar was walking around with a book. “The community really stepped in and made sure that as long as I did my schoolwork, I could do whatever it was I wanted to do,” she said, noting that the community paid for the summer sports programs that wealthier students take for granted. And they provided the day-to-day support. “If I needed to be dropped off at a camp somewhere, they did that for me.”

The assistance she received enabled her to go to Alabama A&M on a Division One basketball scholarship, which in turn led to Georgetown Law. “I came into law school as a public interest law scholar

because I wanted to help people like me, from my hometown. A lot of people that I knew had felonies on their records, and the public defender situation in a small rural town, is lacking to say the least,” she says.

Tobar, who took Professor Abbe Smith's Criminal Defense and Prisoner Advocacy Clinic, counts among her favorite professors Gary Peller and Peter Edelman in addition to Smith. “Professor Peller is still a mentor of mine, Professor Peter Edelman is a champion and Abbe Smith taught me a lot about how to be a great lawyer, a great advocate,” she says. “To not just be passionate about the issues, but to actually do something that could help people's lives.”

Alumni Authors



Frank J. Ferry (L'56) sent news about his book *Nucky: The Real Story of the Atlantic City Boardwalk Boss* (ComteQ Publishing, 2013). "Enoch L. 'Nucky' Johnson, the Republican powerhouse from Atlantic City, dominated New Jersey's political landscape in the early part of the 20th century," Ferry writes. "This book is dedicated to permanently preserving and celebrating his colorful life and legacy before the recollections of his accomplishments disappear and are washed out to sea by the sands of time." Ferry is a partner in the Atlantic City, New Jersey, law firm of Farley, Fredericks & Ferry, established in 1940.

Richard H. Girgenti (L'74) has co-authored *The New Era of Regulatory Enforcement: A Comprehensive Guide for Raising the Bar to Manage Risk* (McGraw-Hill Education, 2016), with Timothy P. Hedley, Ph.D. Girgenti, the National and Americas Leader for KPMG's Forensic Advisory Services, and Hedley provide valuable insight into challenges and risks companies face in conducting business in this new regulatory enforcement environment. The book looks at the events from 9/11 to the financial recession that gave birth to this new era and provides a practical framework for managing risk. With the support of other KPMG specialists, the book covers a range of issues from bribery and corruption to money laundering and offshore tax evasion. It also discusses the government policies, strategies and tactics driving enforcement activity and shaping today's business risk landscape.

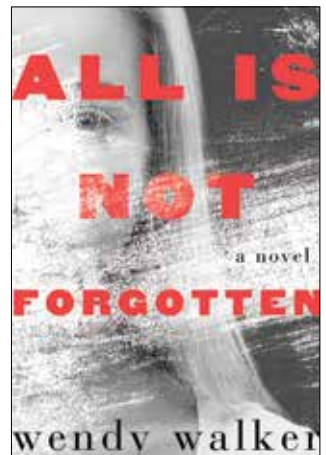
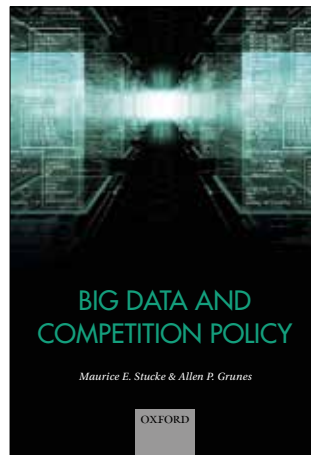
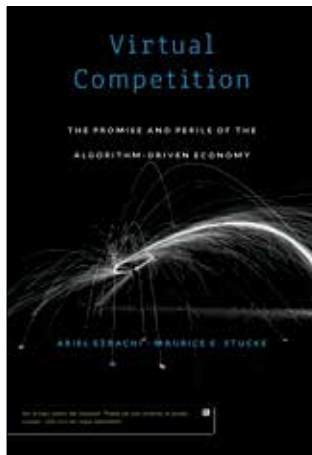
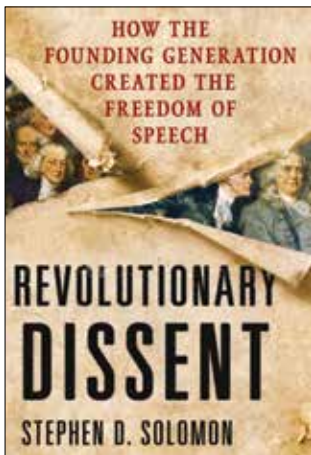
Joel D. Joseph (L'73) has published *Inequality in America: 10 Causes and 10 Cures* (Inprint Books, April 2016). "Inequality in America has reached the flash point: we are entering a new era in the United States where our children are poorer than we are..." Amazon.com notes. "*Inequality in America: 10 Causes and 10 Cures* has some of the answers: Tax reform, minimum wage increases, student loan and college financing reform and modification of current international trade agreements." Joseph is the chairman of the Made in USA Foundation.

Michael J. Kelly (LL.M.'96) has published *Prosecuting Corporations for Genocide* (Oxford University Press, March 2016). "Multinational corporations are increasingly complicit in genocides that occur in the developing world," the publisher's web site states. "While they benefit enormously from the crime, they are immune from prosecution at the international level... [Kelly] demonstrates how international criminal jurisdiction should be extended over corporations for complicity in genocide and makes the case that it should be done promptly."

Paul Levy (L'71) has published *Finding Phil* (Bauhan Publishing, 2016). "More than 40 years after Levy's uncle was killed in action in World War II, Levy received an unexpected package from his uncle's widow's sister," the press materials state. "It contained Phil's diary and Purple Heart." Levy subsequently began researching the people and places known to his uncle and discovered a book written by the German commanding officer who had killed Levy's uncle in France. That information would take him to Europe to locate the exact place where his uncle had died. "Stories are capricious," Levy writes in the book's epilogue. "Some create silences, others break them."

Morris A. Nunes (L'75) has published his sixth book, *Designing Profits* (Routledge, January 2016). Co-authored with Andrew Pressman, *Designing Profits* is a guidebook for business management for architects, engineers and other design professionals. Nunes continues to practice law, counseling businesses, professional practices and non-profits from his offices in Kenesaw, Ga., and Falls Church, Va.

Dave Roseman (L'73) has written a guide on persuasion, negotiation and conflict resolution called *You Want MORE? Here's How To Get It!* (Publish Green 2016). Rosenman retired as one of the most senior officials in CIA's Operations Directorate — receiving the agency's highest career award, which called his responsibilities "unique," his work "essential to the success



of operations around the world” and him, the “CIA’s Secret Weapon.” The book contains examples of how he dealt with international espionage matters, and how readers can quickly handle the types of situations and problems people typically face when dealing with elder care, merchants, banks and more.

Peter Smirniotopoulos (C’78, L’81) is publishing *Real Estate Law: Fundamentals for the Development Process* (Routledge, November 2016). “*Real Estate Law: Fundamentals for the Development Process* [provides] a framework for understanding how the U.S. legal system regulates, facilitates and generally impacts real estate transactions,” Amazon.com notes. “The book not only addresses the nature of specific legal issues that impact real estate transactions but also how those issues may best be identified and addressed in advance.” Smirniotopoulos is celebrating his 35th Georgetown Law reunion this fall.

Stephen D. Solomon (L’75), a professor at New York University’s Arthur L. Carter Journalism Institute, has published *Revolutionary Dissent: How the Founding Generation Created the Freedom of Speech* (St. Martin’s Press, April 2016). Solomon explains how the robust political speech of the founding period gave a broad meaning to the freedom of speech and press at a time when dissenters could be criminally punished under seditious libel law for criticism of public officials. Solomon tells the story through a series of chronological narratives of outspoken patriots, starting with Rev. John Wise, a Puritan preacher who was jailed in 1687 for protesting the tax policy of British Royal Governor Edmund Andros of Massachusetts. Other stories involve editors Benjamin Edes and John Gill of the radical *Boston Gazette*, shoemaker Ebenezer McIntosh and pamphleteer John Dickinson, as well as more familiar characters such as Jefferson, Revere and Henry. The book was the subject of a discussion on National Public Radio’s “On Point” with host Tom Ashbrook, and will be discussed at events at Yale University and the First Amendment Center in Washington, D.C., in the fall.

Maurice E. Stucke (C’87, L’94) wrote in August, “Allen Grunes and I completed a project involving the implications of a data-driven economy on competition policy; Oxford University Press has published our book, *Big Data and Competition Policy*, this month. It has several chapters on how the United States and European Union look at data-driven mergers and efficiency claims, and one chapter on data-driven abuses by dominant firms.” This fall, Harvard University Press will publish Stucke’s book with Ariel Ezrachi, *Virtual Competition: The Promise and Perils of the Algorithm-Driven Economy*. That book examines the impact of pricing algorithms on competition and privacy. Stucke and Grunes are founders of the Konkurrenz Group in Washington, D.C.

Wendy Walker (L’94) has authored the psychological thriller *All Is Not Forgotten* (St. Martin’s Press, July 2016). Warner Brothers has optioned the film rights, with Reese Witherspoon set to star and produce. “In the quiet, affluent town of Fairview, Connecticut, everything seems picture perfect — until one night when young Jenny Kramer is attacked at a local party,” Walker writes. “She is given a controversial drug to erase her memory of the violent assault, but in the months that follow, Jenny struggles with her raging emotional memory. Her father, Tom, becomes obsessed with his inability to find her attacker and seek justice while her mother, Charlotte, fights to pretend this horrific event did not touch her family. As they seek help for their daughter, the fault lines within their marriage and their close-knit community emerge, and the relentless quest to find the monster who invaded their town — or perhaps lives among them — drive this psychological thriller to a shocking and unexpected conclusion.”

Gifts in Action

Transformational Gifts Conclude Record-Breaking Final Year of Georgetown Law's Fundraising Campaign

"It was a remarkable end to a very successful fundraising campaign. Thanks to each of these individuals, we are able to launch essential new programs that reflect a changing marketplace, provide sustaining support to an Institute that is tackling today's most pressing global health concerns and invest in an infrastructure that ensures that our classrooms are equipped with the latest technological innovations."

Dean William M. Treanor



Georgetown Law Dean William M. Treanor with the family of Adjunct Professor Leonard B. Terr at the Law Center on April 28.

Gifts to Georgetown Law totaling more than \$10 million were received from Sara Crown Star (L'85), Linda (NHS'77) and Tim (L'77) O'Neill and Tom Reynolds (B'74) in the final year of the Georgetown University campaign *For Generations to Come*. The gifts contributed to a record-breaking year in fundraising for the Law Center, totaling \$27.5 million. The Sara Crown Star gift will support Georgetown Law's new business skills program; Stephen P. Hills, former president and general manager of the *Washington Post*, was selected to lead the new program in 2015. The Linda and Tim O'Neill gift will support the operations and program of the O'Neill Institute for National and Global Health Law — helping to ensure that the Institute's innovative work on critical health issues including Ebola and Zika will continue. The Tom Reynolds gift will support renovations to upgrade and enhance the technological capacity of select McDonough Hall classrooms. The classrooms will be named in honor of Reynolds's father, Thomas A. Reynolds, Jr., a Georgetown University alumnus (C'48, H'91).

The Law Center recently established the Paul J. Diaz Endowed Opportunity Scholarship, owing to a generous \$1 million gift from Paul J. Diaz (L'88). The fund will provide scholarships to students enrolled at the Law Center who demonstrate financial need; it will help to support students whose background or experience, when evaluated holistically, suggests they are uniquely able to contribute to the diversity of the Law Center community.

Georgetown Law, the law firm of Baker & McKenzie, and family and friends of the late Leonard B. Terr have established a \$1 million scholarship to assist students in the graduate tax program. Terr, a Baker & McKenzie partner and Law Center adjunct professor, taught tax law at Georgetown for 17 years before his death in 2015. The scholarship was announced at an April 28 luncheon honoring Terr with a Charles Fahy Distinguished Adjunct Professor Award for service to Georgetown Law.

1992



Katherine Chaurette has joined Verrill Dana as Of Counsel in the firm's Health Care Practice Group, practicing in the Boston, Mass., office. Chaurette, most recently the vice president of Legal and Head of Health Law at Sanofi U.S., has extensive experience providing regulatory, compliance and legal analysis and advice related to pharmaceuticals and other areas of the health care industry. Previously, she was senior counsel at Genzyme Corporation and a partner at Choate, Hall & Stewart.



Daniel (Dan) F. Edwards has joined Frost Brown Todd's Columbus office and construction law practice group. Edwards represents contractors, subcontractors, design professionals, owners, and sureties in all aspects of construction. Before entering private practice, Edwards served in the U.S. Air Force as a government contracts trial attorney. His practice continues to include substantial matters involving federal government contracting in industries such as manufacturing, telecommunications, distribution, construction, and services. He is a frequent lecturer and author on topics related to construction law.

1994



Jeff Richardson has received the 2016 Good Apple Award, given by Louisiana Appleseed to community members who have shown a commitment to pro bono excellence. Richardson was honored for research and advocacy to encourage the Supreme Court of Louisiana to adopt a court rule providing CLE credit to attorneys who perform pro bono work to help indigent clients. Richardson is a partner in the New Orleans office of Adams and Reese.

1995

Rafael X. Zahralddin-Aravena (LL.M.) has become a National Association of Corporate Directors Governance Fellow, the highest level of credentialing for corporate directors and corporate governance professionals. He currently serves and has served as a member of profit and non-profit boards. Zahralddin is a shareholder, director and the chair of the Commercial Bankruptcy and Restructuring Department of Elliott Greenleaf and has counseled corporate boards and officers on both legal and strategic issues. He is resident in both the firm's Wilmington, Del., and Philadelphia, Pa., offices.

1996

Elizabeth Baird was featured on the front cover of the *Washington Business Journal* in March. She is the managing partner at Morgan Lewis.

Charles Baldwin IV (LL.M.'96), an attorney at Brooks Pierce, was recognized in the 2017 edition of *The Best Lawyers in America* for International Trade and Finance Law.



David K. Burton, a partner at Mayer Brown, was named to A Word About Wind's inaugural Legal Power List 2016, a list of the "100 most influential lawyers on the financial side of the global wind sector." The leader of Mayer Brown's Renewable Energy group in New York, Burton advises clients on a wide range of U.S. tax matters, with a particular emphasis on project finance and energy transactions.

1997

Kimberly Weber Herlihy, a partner in the Columbus office of Vorys, Sater, Seymour and Pease, was included in the 2017 *Best Lawyers in America* list in the areas of commercial litigation and labor & employment litigation.

1998

Jonathan R. ("Johnny") Friedman, a partner at Weinberg, Wheeler, Hudgins, Gunn & Dial, was invited to join the Claims and Litigation Management Alliance, a nonpartisan

alliance comprised of thousands of insurance companies, corporations, corporate counsel, litigation and risk managers, claims professionals and attorneys. Friedman focuses his practice in the areas of construction litigation, product liability litigation and catastrophic injury litigation.

1999



After several years at Skadden and the United States Attorney's Office in Los Angeles, **Matthew Umhofer** has started his own firm, Spertus, Landes & Umhofer, which specializes in white collar criminal cases and high-stakes commercial litigation.

2001



Ralph Winnie (LL.M.) spoke at the KAPSARC Energy Workshop Series on China's energy economy, held on April 12 at the Conrad Hotel, Pacific Place, Hong Kong. He was also interviewed for Phoenix Satellite Television and Wall Street Multimedia in June. Winnie is the director of the Eurasian Business Coalition's China Program. (Photo courtesy Wall Street Multimedia)

2002



Steven Hunter, a partner in the Chicago office of Quarles & Brady, was nominated to the Art Institute of Chicago's Leadership Advisory Committee. He practices in the firm's Litigation & Dispute Resolution Practice Group, representing companies in all phases of litigation and alternative dispute resolution.

2003



Lonnie Giamela, a partner at Fisher Phillips, has been recognized as a "Rising Star" in the *Southern California Super Lawyers* 2016 Edition. Giamela practices in both the Los Angeles and Irvine offices, representing employers in all aspects of labor and employment law. Giamela has been included in the *Southern California Super Lawyers* "Rising Stars" since 2013 and the Top 100 Up and Coming Lawyers in Southern California in 2015.

In Memoriam

- James G. Dunn (C'58, L'61)
- William F. Gehan (L'63)
- Seth Gelblum (L'82)
- Thomas M. Grochowski (L'76)
- Ronald B. Hildreth (L'61)
- John J. Honan (L'49)
- Montgomery Hyun (L'56)
- James C. Jennings (L'75)
- Thomas W. Jennings (L'71)
- Michael Charles Jones (L'79)
- Stephen H. Joseph (L'79)
- John R. Keys Jr. (L'74)
- Robert E. Linthicum, Jr. (C'51, L'57)
- Laura Mall (L'99)
- Stephen May (L'61)
- George B. Neidig, Jr. (L'72)
- Ruth M. Paven (L'53)
- Alan Resnick (L'72)
- Frank M. Skrapits (L'56)
- Raymond C. Stewart (L'68)

2004

Kimberly Jones has been recognized by the National Bar Association as one of the nation's top lawyers under the age of 40; she was also awarded the organization's 2016 Excellence in Activism Award. Every year, the NBA, which has been defending the right of people of color and the poor people since 1925, recognizes 40 lawyers under the age of 40 for high achievement in the legal field including advocacy, innovation, vision, leadership and community involvement. Jones is vice president of public policy and communications at the Council for Opportunity for Education, a national nonprofit dedicated to expanding

college opportunities for low-income, first-generation students, veterans and students with disabilities across America.

2006

Michael D. Billok, a member in the Albany office of Bond, Schoeneck & King, has been recognized in the 2016 *Upstate New York Super Lawyers Rising Stars* list in the field of Employment and Labor. He is the co-chair of the firm's cybersecurity and data privacy practice, and a member of the firm's labor and employment practice.

2007

Andrew Ditchfield has been named a partner at Davis Polk & Wardwell. He practices in the firm's Litigation Department in New York. Ditchfield's practice focuses on complex civil litigation with particular focus on securities litigation, shareholder derivative suits, bankruptcy-related litigation, and mergers and acquisition-related litigation.



Veronica M. Wissel has been named a partner at Davis Polk & Wardwell. She practices in the firm's corporate department in

New York, working in the Executive Compensation Group. Wissel advises clients on compensation-related matters, including the design and implementation of equity, retention and incentive plans, disclosure and regulatory compliance, and employment negotiations with senior executives, with a particular emphasis on compensation and benefits issues relating to mergers and acquisitions transactions.

Bank Authority, the public authority charged with returning publicly owned vacant properties to productive use in the city of Detroit." As noted in the magazine, Polcyn is an attorney with the Detroit Land Bank Authority; he was previously an associate in the commercial litigation practice group at Venable.

2013



Bill Cheng (LL.M.'14), an associate at Carlton Fields, recently earned the designation of Certified Information

Privacy Professional (CIPP/US) through the International Association of Privacy Professionals (IAPP). Cheng is located in firm's Miami office, where he practices in the areas of federal and international tax, providing counsel on both inbound and outbound cross-border tax planning matters for entities and high-net worth individuals.

Rachel Shapiro has joined Collora as an associate. She represents corporate and individual clients in a range of civil and criminal litigation matters across the healthcare and financial industries. Shapiro was previously an associate in the Boston office of WilmerHale.

2014



Alyssa N. Campbell, an associate in the Syracuse office of Bond, Schoeneck & King, has graduated from the Nourishing

Tomorrow's Leaders training program. The program, sponsored by The Gifford Foundation, Leadership of Greater Syracuse and the Central New York Community Foundation, is a board service training program for professionals designed to increase the diversity of nonprofit boards and leadership in the Central New York area. Campbell, who focuses her practice on labor and employment law, represents and advises private and public sector employers in a broad range of matters.



Luke Polcyn writes, "I was recognized by *Crain's Detroit* magazine as a "Rising Star," General & In-house Counsel, for my work with the Detroit Land

ACROSS CLASSES



Vladeck, Page, Getz

Joseph P. Vladeck (L'15, MBA'15) has won a 2016 Burton Distinguished Legal Writing Award for his note, "Valuing Regulatory Flexibility: A Real Options Approach to Cost-Benefit Analysis." Vladeck, a winner in the law student division, and other Georgetown Law alumni in the law firm division received their awards at a ceremony at the Library of Congress on May 23.

Vladeck, a graduate of Georgetown University's J.D./M.B.A. program, joined Hogan Lovells in October 2015. At Georgetown, Vladeck was a member of Georgetown Venture Lawyers and an InSITE Fellow, where he advised startup companies such as Naytev and Magnify It. Before enrolling at Georgetown, Vladeck helped run College Forward, a nonprofit college access and persistence program based in Austin, Tex., where he focused on expansion, strategic planning, and development. He spent a year as a professional baseball player in Belgium and also worked as an AmeriCorps VISTA member.

Winners in the law firm category included **David K. Burton (L'96)** and **Richard T. Page (LL.M.'11)** of Akin Gump Strauss Hauer & Feld; **Matthew Getz (L'05)** of Debevoise & Plimpton; and **Stephen G. Topetzes (L'88)** of K&L Gates.

David Burton (no relation to the founder of the awards) and Page — alumni who graduated from Georgetown Law in different decades — co-authored their winning article, "How Can a Renewable Energy Plant Be Sold For a Capital Gain as Opposed to an Ordinary Gain?"

"The article combines two areas of importance to Georgetown: tax planning for a clean energy business," David Burton says.



Gregory F. Richner is an associate in Blank Rome's Real Estate group, based in the firm's New York office. Richner, who joins

Blank Rome from Kagan Lubic Lepper Finkelstein & Gold, concentrates his practice on real estate matters, with a primary focus on leasing. During law school, he served as a legal intern for the American Society of Composers, Authors, and Publishers and the Motion Picture Association of America.

2015

Bruce Friedrich writes that his organization, The Good Food Institute (GFI), has raised just shy of \$1 million since it was launched in February and has hired eight full time staff members. Friedrich is executive director of GFI (www.gfi.org), which works with scientists, entrepreneurs and investors to make clean, plant-based food a reality.

Jonathan G. Odom (LL.M.) has completed an assignment as the Oceans Policy Advisor in the Office of the Secretary of Defense at the Pentagon. During that assignment, he received the Judge Advocate Association's Career Attorney of the Year Award. He, his wife Missy, and their two children have moved to Hawaii, where he now serves as a Military Professor of Law at the Asia-Pacific Center for Security Studies, located in Waikiki.

2019



Ashley Nicolas (L'19), an incoming 1L student, was named a 2016 Pat Tillman Scholar in June. Founded in 2008, the Tillman

Scholars program supports the nation's active-duty service members, veterans and military spouses by investing in their higher education. The selection process for the Tillman Scholars program is highly competitive, with up to 60 Tillman Scholars chosen annually.



THE ENTERING CLASS

An even more diverse and accomplished group of first-years joined Georgetown Law in 2016, including students from 42 states and 19 foreign countries; when LL.M. students are added, there will be 73 different nationalities on campus, the highest ever. Our J.D. class represents 224 different colleges and universities worldwide; 79 students are the first person in his or her family to graduate from college. Fifty-three percent of the entering class is female, for the second consecutive year, and 28 percent are students of color. The median LSAT score of the day division is 167 and the median grade point average is 3.78 — once again, our highest ever. Seven percent of the entering class graduated summa cum laude and eight percent magna cum laude. To recruit this impressive group, we were assisted by 502 alumni who interviewed 901 applicants in 44 states and 10 countries; we enrolled 74 students who were interviewed by alumni this year. The class includes:

- 45 students who graduated Phi Beta Kappa
- 43 with advanced degrees
- 4 Fulbright Scholars
- 18 teachers, including 12 from Teach for America (67 in four years)
- 9 AmeriCorps volunteers (31 in four years) and 6 Peace Corps volunteers (37 in four years), including one who founded a roasting company in the United States to sell coffee from independent farmers in Nicaragua
- 2 members of the Jesuit Volunteer Corps
- 25 members of the military (65 in four years) who have collectively earned 7 Bronze Stars and 1 Purple Heart
- 1 UN Peacekeeper
- 37 varsity athletes, including 3 Academic All-Americans
- 5 journalists
- 5 patent examiners
- 3 actors
- 2 members of the Green Berets
- 1 Secret Service agent
- 1 professional ballerina
- 1 member of the New England Patriots Super Bowl Championship Team

Alumni Profile

Bill Deutch (C'93, L'96)



Bill Deutch (C'93, L'96) didn't set out to launch a career helping veterans, much less the first nationally syndicated television series that helps transitioning veterans find jobs. After graduating from Georgetown Law — where he took an entertainment law course from the late Professor Richard Alan Gordon — he set his sights on building tech and media companies in an era of unprecedented opportunities: from phone ringtone companies to, by the 2000s, that highly popular new craze, interactive TV.

"I had been seeing a lot of interactive TV shows in Europe... these Finnish companies had been creating interactive shows using text messaging so people could give their opinions, vote and do lots of different things," said Deutch, the creator of "Hiring America." "Initially I thought we were going to sell ringtones on TV, but I met a TV guy who said, we have a station in Austin and we'll give you two hours of time to produce one of these shows."

The two hours were between two and four in the morning, which Deutch soon realized was the worst possible time. Undaunted, he created an interactive dating show — and the time slot worked.

"We had a host, people would text in, and it would be posted on the screen so people could talk to the host, talk to each other," Deutch says. "People loved seeing [their

words] on TV, and they loved the reaction of the host."

After the 2008 financial crisis, he got the idea to do an interactive employment show using the same technology. "It had no connection to veterans at the time, but we had a station in San Diego that loved the show, and I met up with a nonprofit called The Veterans Village of San Diego that helped homeless veterans," Deutch explained. "I thought, this is such a great organization, we should dedicate part of "Hiring America" to helping veterans."

Today, the show is completely dedicated to veteran hiring — and Deutch couldn't be happier. (See www.hiringamerica.net for local listings.) These days, he travels to Washington to meet with government employers and others who might be able to help. "It is a business, so we have to make sure that it works," he says. "It feels very entrepreneurial, but there's a social benefit and I think that's what's great about it."

Two decades after graduating, Deutch credits Georgetown for providing the foundation. "There's a moral code to the education," he says. "I was a theology minor and when I started at Georgetown as an undergraduate, I never thought of myself as [going into public service]. But was a well rounded education, and that is important."

CLE Update Corporate Counsel Institute Marks 20th Anniversary



Verrilli and Clement

Every March, as Georgetown Law students leave for spring break, a very different group of “students” arrives on campus. They’ve come to Georgetown Law for the Corporate Counsel Institute, the leading law school corporate counsel continuing legal education program in the country.

CCI, which celebrated its 20th anniversary in 2016, began with the always-popular Supreme Court Review. Solicitor General of the United States Donald B. Verrilli Jr., his predecessor in that role, Paul D. Clement; and Professor Steven H. Goldblatt, the direc-

tor of Georgetown Law’s Supreme Court Institute, discussed a number of cases with the potential to impact private businesses, including damage awards in patent-infringement cases, restrictions on class-action lawsuits and, for the fifth consecutive year, a challenge to the Affordable Care Act.

The Supreme Court discussion, however, was only the beginning. In the early days of the conference, recalls Larry Center, assistant dean of Academic Conferences and Continuing Legal Education, the bill of fare was limited and everyone sat in the same room, listening to one panel after another. More recently, the CCI has come into its own, honing its unique ability to bring experts from Washington, D.C., to the conference stage.

“We deliver an extraordinarily high caliber of speaker,” says Center, noting that the list includes former Supreme Court Justice Sandra Day O’Connor (twice), Supreme Court Justice Anthony Kennedy, former Treasury Secretary Larry Summers and, as a duet,

Sen. Paul Sarbanes and Rep. Michael Oxley, authors of a far-reaching bill passed in 2002 in response to a number of high-visibility corporate scandals.

This year’s conference offered 19 different sessions reflecting the reality of corporate life today. Topics included shareholder activism, campaign finance, monetizing big data, workplace violence, corporate social responsibility, and cyber liability — just to name a few.

“The agenda serves as a barometer of how dramatically the role of the general counsel is changing,” says Center. “More and more the general counsel and her or his team are being called upon to be valued business advisers, not just legal police. It’s no longer sufficient simply to know the law. Today the general counsel also needs to know the business.”

CONTINUING LEGAL EDUCATION CALENDAR FALL 2016-SPRING 2017

OCTOBER	NOVEMBER	APRIL	MAY
7 Bankruptcy 2016: Views from the Bench (co-sponsored by the American Bankruptcy Institute) LAW CENTER	10-11 2016 Advanced eDiscovery Institute J.W. MARRIOTT, WASHINGTON, DC	19-21 2017 Advanced Commercial Leasing Institute 20 F STREET CONFERENCE CENTER, WASHINGTON, DC	24-25 2017 Cybersecurity Law Institute LAW CENTER
20-21 Law Firm General Counsel Workshop (co-sponsored by the Center for the Study of the Legal Profession) LAW CENTER	MARCH	26 2017 Nonprofit Governance LAW CENTER	JUNE
27-28 2016 Hotel and Lodging Legal Summit LAW CENTER	9-10 2017 International Trade Update 2016 LAW CENTER	27-28 2017 Representing and Managing Tax Exempt Organizations MARRIOTT MARQUIS, WASHINGTON, DC	4-9 (tentative) 2017 eDiscovery Training Academy LAW CENTER

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Alumni Events

WOMEN'S FORUM

At the 2016 Women's Forum on March 4, Dean William M. Treanor presented awards to Juliette W. Prior (L'91, F'91) executive vice president, general counsel, and chief compliance officer for US Foods; and Chang Oh Turkmani (L'86), the managing director at the Mega Company. Panelists at the event included Claudia Frutos-Peterson (L'03), Professor Anne Marie Whitesell, Gaela K. Gehring Flores (L'96), and Frauke Nitschke (L'07).



GEMALAW

The Georgetown Law chapter of the Georgetown Entertainment & Media Alliance presented Steven B. Fabrizio (B'85, L'88) with its 2016 Alumni Achievement Award on February 5. Fabrizio is senior vice president and global general counsel of the Motion Picture Association of America.



HOME COURT

Home Court 29 on Wednesday, March 16 raised \$646,650 for the Washington Legal Clinic for the Homeless, with a final score of 41-36 (Hill's Angels over the Hoya Lawyars).

SCHOLARSHIP RECEPTION AND HOGAN SOCIETY DINNER

Alumni meet with students at the March 17 Scholarship Reception at the Law Center. Professor Sherman Cohn (F'54, L'57, LL.M.'61); Dorinda Young, SSJ, with Law Center friends; Dean William M. Treanor with John Dubeck (L'76), Sydney Menees (L'16) and Susan Hotine; Kevin Conry (F'86, L'86) with Paul Cullen, Stephen Link, Mindy Siebelaler Bopp and Juanita Cullen.



HUMAN RIGHTS INSTITUTE 10-YEAR ANNIVERSARY ALUMNI DINNER

The Human Rights Institute celebrated its 10th anniversary on March 24 with a dinner and lecture by Eric Rosenthal (L'92), the 2015-2016 Robert F. Drinan Chair in Human Rights.

BARRISTER'S BALL

Soon-to-be alumni members of the Class of 2016 celebrated at the Barrister's Ball, "Dancing in the Dugout" at Nationals Park on March 19.

D.C. ALUMNI LUNCHEON

The D.C. Alumni Luncheon was held at the Willard Hotel on June 9.





Home Court 30 Will Keep It All in the Family



BILL PETROS

Georgetown basketball fans are said to “bleed Hoya Blue,” a reference, of course, to their passion for the Hoya teams. Genevieve Fugere (L’17), however, has Home Court in her blood — a reference to Georgetown Law’s annual charity basketball game for the Washington Legal Clinic for the Homeless.

Fugere has been a Home Court fan her entire life. The event pits Georgetown Law administration, faculty and staff (the “Hoya Lawyas”) against members of Congress (the “Hill’s Angels.”) Since she was a toddler, she has rarely missed a game, save the four years she missed attending college at St. Joseph’s University in Pennsylvania. After college, she went to work for Congressman Mike McIntyre (D-NC); when Home Court season rolled around, she recruited him to play for the “Hill’s Angels” team (which he would one day captain). And in spring 2015, Genevieve was a Georgetown Law 1L, cheering on the “Hoya Lawyas.” She worked behind the sidelines, earning a 2015 “Public Interest Proud” award for her class year for her work on Home Court, among other things.

Why the passion for this particular service project? For starters, Genevieve’s mom, Patricia Mullahy Fugere (L’84), who

co-founded the Washington Legal Clinic for the Homeless and now serves as its executive director, helped to plan the very first Home Court game — while pregnant with Genevieve. Home Court debuted a few months after Genevieve was born, with the inaugural game played in March 1988.

“There’s really nothing quite like it at any other school, and for us to be so close to the Capitol and have our elected officials come and support the school, the clients, the people who are homeless in the nation’s capital is really unique,” Genevieve says. “The members [of Congress] love to come and play and the professors love to come and play...you’ll hear professors who played in the early days wax nostalgic about the different members who have played in the game, so that’s really a neat tradition that we have.”

Genevieve says her mom has always supported her in whatever path she would choose to pursue — though it was easy to follow her example. “She encourages people to use their talents to help other people...being an attorney is really a privilege and a way to use your expertise and the gifts that you have to help others,” she notes. “That’s what I would like to do in my career, to walk the walk and show

people that there is a way to live your life in pursuit of helping others.”

Not surprisingly, she was drawn to Georgetown Law because of its strong public interest program and spent her 1L year working on immigrants’ rights in addition to homelessness issues. And she was an enthusiastic contributor to Home Court. In 2015, during Fugere’s 1L year, the game netted \$621,000 for the Washington Legal Clinic for the Homeless in addition to providing an exciting sudden death, double overtime “Hoya Lawya” win. During her 2L year, Genevieve served as recruitment chair, helping to secure participation from both teams.

She’s now executive co-chair of Home Court 30, along with fellow 3L Stephanie Ritter (L’17), and they have grand plans for the anniversary event in Spring 2017. “I’m really hoping to make it big,” Genevieve says of the milestone game. “The goal is to raise a million dollars...I’ve started to tell people, to get people excited,” she says. “Because it is such an amazing Georgetown Law tradition.”

For more information or to support Home Court 30, contact Genevieve at gfsf25@georgetown.edu.

Spotlight: Beverly Perry (L'81)



When Beverly Perry went to Georgetown Law, she made the commitment to serve others. More than 35 years later, Perry — who retired as senior vice president of Pepco Holdings in 2013 and now serves as senior adviser to D.C. Mayor Muriel Bowser — has made good on the promise.

“I have helped several people that didn’t understand their potential reach heights they could not foresee,” Perry says, noting that she now gets more requests from potential mentees and community groups than she can possibly handle. “Having made that a goal in my life, I am proud of the people I have helped to mold.”

Perry herself was working as a clerk-typist and a secretary in the tax division of the Department of Justice in the late 1970s when she met her own first mentor, Michele Metrinko Rollins (F’65, L’68, LL.M.’70). “I had to keep the attorneys advised on court dates, write motions, research cases and check quotes, and I fell in love with tax law,” Perry recalls. “Michele said to me, you’ve got to go to law school, you get this stuff too well. You’ve got to go to Georgetown.”

To Perry, who was already working her way through her undergraduate degree at George Washington University, law school seemed almost out of reach. She had grown up on a farm in North Carolina, and her parents had grade-school educations. Yet determined, she accelerated her undergraduate classes and found government jobs that would pay some of the bills. “My acceptance letter from Georgetown was probably the most memorable moment of my life,” she said.

But as a married woman in the 1970s, Perry then faced another decision — a choice between law school and marriage. “I thought, my family had just seen the first person in the family to go to college and graduate. To get into Georgetown Law, and not go — there is no way,” Perry says grimly. “It was a challenge to start a life by myself, but I made it through.”

By fall 1977, she was a first-year evening student in McDonough Hall, listening to Professor Richard Alan Gordon describe *Hawkins v. McGee*. (She would later take tax, her favorite subject, with former Dean Paul Dean.) After law school, she found another mentor — Judge Marian Blank Horn of the U.S. Court of Federal Claims, for whom she clerked.

Several years at a firm followed, before Perry learned of a job at Pepco doing government relations for the company. She made the change and quickly moved up the corporate ladder. “We had a pipeline burst and it put more than a hundred thousand barrels of oil in the Patuxent River, which was an environmental disaster,” she recalls. “We had eight federal agencies, eight state agencies coming down on us and I was able to develop relationships with all of those agencies and manage that cleanup. So that was probably the highlight and the reason I became senior vice president.”

Perry’s tenacity also impressed Bowser, who was chairing a utility oversight committee. Today, Perry’s portfolio as senior adviser includes the mayor’s Office of Policy and Legislative Affairs, Office of Federal Affairs (similar to what she did at Pepco, but on the other side) and the Office of the Secretary, which is the interface for the City’s archival history as well as diplomatic relations. “One of our first year courses at Georgetown was how legislation is developed, how it evolves from grass roots through Congress or through a state legislature,” she says. “Who knew that I would end up in a policy job, being responsible for getting legislation passed?”

In her spare time, Perry enjoys golf, spending time with her adult son, a D.C. Metropolitan Police officer, and two young grandsons. She’s committed to a number of philanthropic causes, including the Smithsonian American Arts Museum. But she’s not looking to stop working any time soon; in fact, she spoke to *Georgetown Law* on her way to the airport for business on a hot August day.

“We have the utmost respect for each other,” Perry says of the mayor. “When people work on opposite sides of an issue, advocating from different points of view, they may not get to know each other personally — especially in the issue development/lobbying business...but they often assess each other’s character and a healthy respect develops. That is how I would explain my relationship with Mayor Bowser,” Perry says.

— By Ann W. Parks

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