



The

URGENCY

From grappling with the challenges of an unprecedented public health crisis to addressing longstanding racial injustices, HLS affiliates respond

of the

MOMENT



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From the Dean:

A Year Unlike Any Other

This has been a year unlike any other, a year with so many challenges and hardships here in the United States and around the world. It has also been a year of inspiring efforts by members of the global Harvard Law School community to respond with creativity and determination, finding solutions and advocating for the most vulnerable and marginalized members of our society.

I am grateful for the countless ways HLS has come together over these past few months to carry out our vital mission of teaching, learning, research, and service amidst an ongoing public health crisis. I am grateful for our students, who met the demands of our rapid transition to remote learning with resilience, strength, and purpose. For our faculty, who adopted new teaching methods last spring and are now transforming their courses to create a world-class online learning experience. For our staff, who have worked tirelessly to support students, faculty, and one another during this unprecedented time. And for our alumni, who contribute their time and talents in myriad ways in support of our community and the world.

As faculty and staff work together to plan for the coming fall, we build on the experiences and insights gained this past spring. Leveraging technology, data, and best practices in online teaching, we are developing a robust academic program and designing even more creative, innovative, and enriching experiences in support of learning, building community, and providing legal services.

This issue of the Bulletin revisits the pandemic's early days, when faculty and students adapted swiftly to the virtual classroom. We also examine how members of our alumni community have used their HLS training to make a difference during the pandemic—from the General Counsel of Boston's largest hospital dedicated to serving low-income patients, to attorneys who volunteer to win the release of incarcerated people vulnerable to COVID-19, to others who coordinated government public health efforts in New York City at the height of the outbreak. Looking ahead to

November, this issue also considers what it will take to run safe and reliable elections in 2020 and beyond.

At a time when pain and loss are already acute, and when COVID-19 is disproportionately harming communities of color, the killings of George Floyd and other Black individuals across our nation have added, in ways I know my words cannot capture, to the hurt, fear, anger, and frustration so many—especially Black members of our community and our nation—are feeling. As I wrote in a [**message**](#)¹ to our campus community, the tragic injustices our country has witnessed this spring, and the countless others that have come before, have underscored, for our nation and our community, the urgent necessity of identifying, addressing, and remedying the racism, inequality, and abuse of power that have haunted this nation for so long. In this issue, faculty members reflect on this history and consider ways forward.

We at HLS must continue to play a part in bringing about the needed change, whether through the efforts of our legal clinics and student practice organizations to defend the rights of marginalized individuals; through our faculty's essential scholarship addressing some of the most longstanding and intractable problems of race, inequality, and criminal justice; and through our collective efforts to teach the next generation of lawyers and leaders. We remain committed to advancing the vital goal of diversity in recruiting students, staff, and faculty and in every aspect of what we do, and to listening to and hearing students, staff, faculty, and alumni as we work always to foster an ever more supportive, inclusive HLS community where every member is accorded dignity and respect, where all continually learn and bring their best selves, and where all experience Harvard as *their* community.

We must also continue to support the cause of equal justice. The Law School recently announced a set of new initiatives, including the creation of a program on mass incarceration, the establishment of a new legal journal focused on law and equality, and the development of lecture series addressing fundamental questions of racial justice. These initiatives and others reflect the knowledge and commitments of members of our HLS community—and their willingness to dedicate themselves to the important work ahead.

Each of us is called to help create the communities in which we want to live and in which all people can thrive. And as members of a profession and a school dedicated to the rule of law and equal justice under law, we can and must work together, with unflinching resolve, to bring about a world in which all people, regardless of their race, enjoy the freedom, security, opportunity, equal treatment, and justice that is their right. I am grateful every day to be part of this community and the work that it does.

With thanks for your steadfast support and encouragement, I send best wishes to you and yours as we navigate these challenging times.

Be well.

* * *



John F. Manning '85

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Letters

David Shapiro, teacher, mentor and friend

Your **remembrance of David Shapiro**¹ was excellent on the professional ledger but for me did not convey his full measure on the human side. He carried his learning lightly and was humble, funny, and brave.

I first met David in the labor law class he inherited from Derek Bok and Archibald Cox (known to us as “Cox and Box”). Eventually, he became the “supervisor” of my senior labor law thesis. I use the word advisedly because supervision for him was a collaboration in which detailed critiques tended to end in cheers.

When the final product appeared 18 months later as a long piece in U.Penn. Law Review, David sent me a congratulatory cupcake, ordered long-distance to Washington, D.C. Then came by snail mail a series of reprints of his latest non-civil-procedure articles—on Justice Rehnquist, free-speech rights, and so forth—each with a scrawled inscription (“Hot stuff!” for example, or “What do you make of this?”). For some reason he never sent me articles in his wheelhouse—civil procedure—perhaps because that was not the path on which we met.

A decade after I graduated he invited me back to give a talk on regulatory reform at EPA—during which he appeared more nervous than I was. That occasioned much post-talk chuckling, plus recruitment of a first-class intern the following year.



Credit: J. Chapin

David Shapiro joined the HLS faculty in 1963.

A few years later I was halfway toward organizing a campaign to help make him the next HLS dean when he shut that down. Administrative burdens taking him from research were what he cited, though his distaste for Byzantine politics likely played a part.

Our relationship took a new turn after he retired from HLS and moved to New York due to the loss of his voice; there we discovered a mutual love of opera. He and his wife met us for a long catch-up meal near the Met—we hadn't talked face-to-face in 30 years. We discussed attending performances together, but our schedules never meshed and that was not to be.

L'envoi, David: You were teacher, mentor and colleague. You were a friend.

—Michael H. Levin '69
Washington, D.C.

We need answers as well as questions

Coincidentally with your piece on a new course, Social Media and the Law, in the Winter 2020 issue of the Harvard Law Bulletin, The New York Times published an article by Harvard Business School Professor Emerita Shoshana Zuboff. It speaks forcefully in a well-reasoned analysis of “surveillance capitalism,” describing how personal information and data, gleaned from an individual's use of the internet and similar means, are accessed, analyzed, and used to affect people, hence society, in ways unknown to the individual and the society. In the case of surveillance capitalism, these intrusive and complex undertakings are used to promote a particular business interest.

As described in your article, the Social Media and the Law course at Harvard Law School appears to be an initial effort to come to grips with the phenomenon of surveillance capitalism and comparable, generally undesirable, progeny. The course legitimately appears to raise the myriad of questions that flow from an analysis of the present and possible future state of the law of social media, though the article to me focused more on the questions than the answers. Ultimately, it is primarily answers to legal issues that need to underlie efforts to address new areas of the law. Such answers most likely will take the form of laws, regulations and international conventions, as well as case law deriving from the developing theories of law pertinent to social media.



Credit: Mark Ostow

Monika Bickert '00



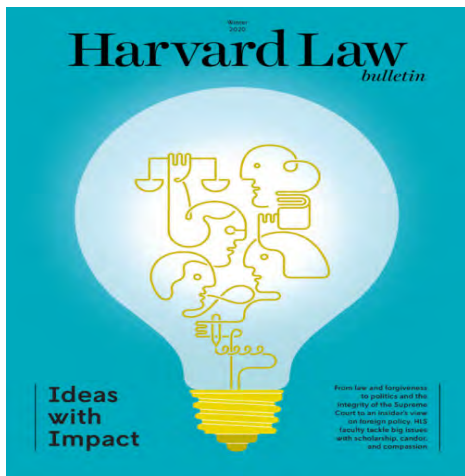
Credit: Mark Ostow

Professor Noah Feldman

Such developments usually result in an increase in societal awareness of the underlying forces and the impacts, usually unknown, on individuals and society. I hope, actually expect, that is a direction that the new Social Media and the Law course will take. If that is not within the course framework as presented by Professor Noah Feldman and Monika Bickert, I believe it should be. I also believe that the companies engaged in the use or misuse of social media cannot regulate themselves. The incentives work against such an approach and, to date, private business and many governmental bodies have been woefully deficit in addressing the concerns. Ms.

Bickert's employer, Facebook, appears to be one of the worst examples of why self-regulation will not work. Laws, regulations, international conventions, and case law must have a key role in thwarting and redirecting the profit-based and hands-off inclinations of the media companies and the inclinations of the senior executives of such companies to manipulate information in ways that are likely to be, or are actually known to be, harmful.

—Don Bergmann '66
Westport, Connecticut



Kudos

I've so enjoyed the marvelous Winter 2020 edition of the Harvard Law Bulletin: the content (scholarly articles, not too lengthy; profiles of current students with unusual backgrounds; new undertakings at the School), beautiful artwork and formatting. This edition is "coffee-table quality."

—Steve Susman '60
Denver



Summer Reading

The Bulletin story "Bringing Slavery's Legacy to Light, One Story at a Time" by Cara Solomon won a Gold in the feature writing category in the 2020 CASE (Council for Advancement and Support of Education) Circle of Excellence Competition. The story aims to capture the impact of the Legacy Museum and the National Memorial for Peace and Justice created by Bryan Stevenson '85 through the lens of three people in Alabama whose lives answered the question of why this museum and monument are needed.

Links

1. <https://today.law.harvard.edu/david-l-shapiro-1932-2019-the-heart-and-soul-of-federal-courts-and-the-federal-system/>
2. <https://today.law.harvard.edu/bulletin/issue/winter-2020/>
3. <https://today.law.harvard.edu/feature/bringing-slaverys-legacy-to-light-one-story-at-a-time/>

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Theme: Faculty Scholarship

When Voting Is a Risky Choice

Harvard Law faculty and alumni weigh in on what it will take to run safe and reliable elections in the age of COVID-19

By Lana Barnett '15, August 4, 2020

The November 2020 general election was shaping up to be one of the most highly anticipated, nerve-wracking and deeply contested elections in American history, with most onlookers expecting record-breaking voter turnout. Then a pandemic hit.

On April 7, Wisconsin became a cautionary tale for elections in the time of the coronavirus. Concerns over virus exposure caused nearly 7,000 poll workers to step down from their posts. As a result, Wisconsin's largest city, Milwaukee, reduced its number of voting locations from 180 to just five. Crowds waited in lines for hours to vote in person. Thousands of voters who requested absentee ballots did not receive them in time. And on top of it all, the U.S. Supreme Court added a final complication on the eve of the election by overturning a federal court order that had given voters an extra week to submit ballots by mail. "People should really look at Wisconsin as what should not happen," says Jessica Amunson '04, a partner at Jenner & Block who chairs the firm's election law and redistricting practice.

In Wisconsin's defense, preparing for a safe and reliable election in the face of a global pandemic is hard to do on the fly. "I feel bad for Wisconsin being the first to do this," says HLS Lecturer Ruth Greenwood, who runs the school's Voting Rights Litigation and Advocacy Clinic. "But having seen that kind of disaster in Wisconsin on Election Day, I would hope that would mean that places have realized they need to get ready a lot earlier than just before the election."

The long road to November

Even in normal times, "the election administrator's prayer is, 'Dear Lord, let this election not be close,'" says Loyola Law School Professor Justin Levitt '02, who worked on voting rights in the U.S. Department of Justice's Civil Rights Division. That's because American elections have long suffered from minimal funding and significant infrastructure issues that can threaten election results, ranging from outdated vote tabulating machines to inconsistent practices for issuing and counting ballots. If a

candidate wins in a landslide, however, crisis is averted. “Elections are infrastructure, and like any other infrastructure issue, you only notice them when they break,” Levitt says.

The pandemic is threatening the electoral infrastructure in states unprepared to deal with the challenges posed by a highly infectious and sometimes fatal disease. In most states, says Amunson, “the overriding norm is that the vast majority of people vote in person on Election Day. In a time of pandemic, that’s life-threatening.”

Postponing the election, an option in the spring primary season, will not be available in November, as presidential and congressional election dates are set by statute. Instead, HLS Professor Nicholas Stephanopoulos, whose research focuses on elections and voting rights, expects that many states will try to transition to mail-in voting to the extent allowed by each state’s laws. Those who fail to transition, he says, will likely experience lower voter turnout, just as occurred in the 1918 midterm elections during a flu pandemic.

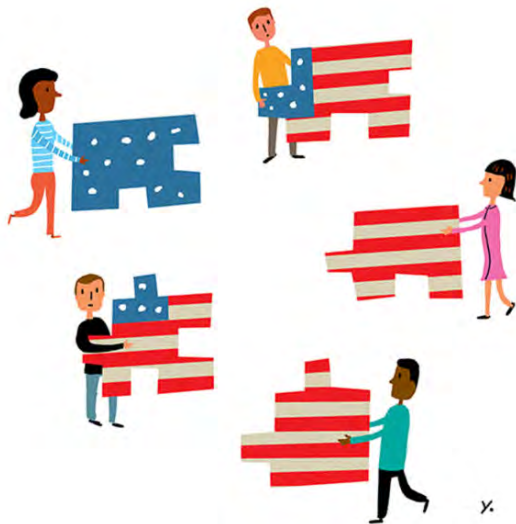
Even long before Election Day, “there’s a lot of other democratic participation that needs to happen, and all of those really important democratic rights are also being impaired by the pandemic,” Stephanopoulos says. Voter registration drives, often conducted in person, must now take place online—hampering would-be voters who may, for instance, be unable to download, print, and mail in required forms. And for issues or candidates to appear on a ballot, most states require a certain number of “wet” signatures—meaning written in ink rather than electronically—to be gathered.



Credit: James Yang

“The overriding norm is that the vast majority of people vote in person on Election Day. In a time of pandemic, that’s life-threatening.”

—Jessica Amunson ’04, partner, Jenner & Block and chair of the firm’s election law and redistricting practice



Credit: James Yang

“There’s a lot of other democratic participation that needs to happen, even before Election Day, and all of those really important democratic rights are also being impaired by the pandemic.”

—HLS Professor Nicholas
Stephanopoulos

But now, Greenwood says, “no one is going to let a stranger come up to them with a pen and paper.” Litigation spurred Massachusetts to allow electronic signatures for 2020 ballot initiatives. States that require in-person witnesses for voters who sign mail-in ballots face similar litigation.

What to expect on November 3

Making elections safer means lowering people’s exposure to each other. “Where there’s still real risk to people to leaving their homes or exposing themselves, vote-by-mail is really the only option,” Amunson says.

But remote voting creates challenges both practical and political, and some states will weather the storm better than others. The ve states that currently use “universal” voting by mail, wherein all registered voters receive ballots by mail—Colorado, Hawaii, Utah, Oregon and Washington—will likely fare best. The remaining states—which either let voters cast absentee ballots only if they present a valid excuse (16 states) or for any reason at all (29 states and the District of Columbia)—will all have to contend with skyrocketing demand. In Wisconsin, only 10% of ballots are normally cast remotely. In April, that number jumped to 80%, causing election clerks to run out of envelopes and a spike in mailing costs for local authorities.

Then there are the politics. Some states that require a valid excuse before issuing absentee ballots, including Massachusetts and New Hampshire, have already stated that the coronavirus will qualify. But others, such as Texas, are arguing in court that the pandemic does not justify staying at home to vote.

The reason, says Stephanopoulos, is largely partisan. “There’s a conventional wisdom that higher turnout benefits Democrats,” he explains. According to Stephanopoulos, that assumption has little empirical support and appears especially questionable now, as the virus threatens

both Democratic and Republican bases. “But everyone is operating under the assumption that the old rules still apply,” he says.

Even those who agree that voting by mail is safer in a pandemic recognize that it has its downsides. Greenwood notes that one of her students, who is blind, requires in-person ADA equipment to have a secret ballot. The same is true for voters who require language assistance. Voters currently quarantined with family members or spouses of different political persuasions may face pressure or coercion. Native American communities could be disenfranchised, as many lack USPS-recognized mailing addresses, and voters who move may never receive their ballots. Voters whose current signatures do not match the signatures they submitted when they registered to vote may not have their votes counted. “There are great things about vote-by-mail, but we can’t have only vote-by-mail,” Greenwood says.

Voting by mail can also increase uncertainty. In states that do not count mailed-in ballots until after Election Day, an increase in remote voting could leave the results of some elections unknown for days or weeks.

A case study in election adaptation: Michigan

Wisconsin highlighted what can go wrong in an election stressed by a pandemic. But its neighbor across the lake, Michigan, just may be an example other states can look to for how to get it right.

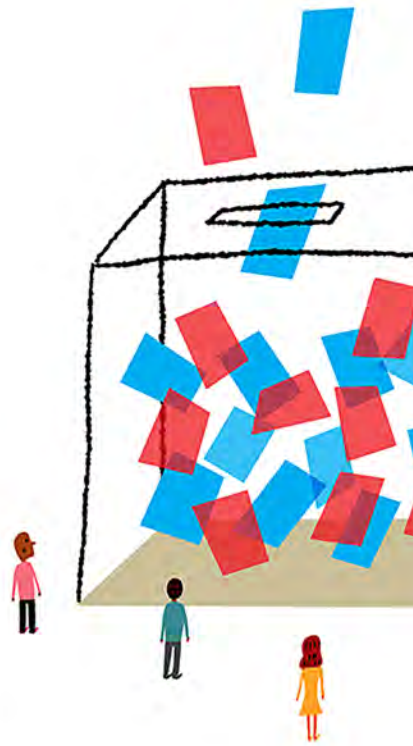
On March 10, 2020, Michigan held its presidential primary. One hour after the polls closed, Michigan Secretary of State Jocelyn Benson ’04 received a call from the governor’s office: The state had identified its first two coronavirus cases. Michigan’s next local elections, scheduled for May 5, were less than two months away.



Credit: James Yang

“There are great things about vote-by-mail, but we can’t have only vote-by-mail.”

—HLS Lecturer Ruth Greenwood,
director, HLS Voting Rights Litigation
and Advocacy Clinic



Credit: James Yang

“One of our goals is to ensure that both the winners and losers of every election on the ballot this fall, and their supporters, whether they’re happy or not about the results, have faith that they’re the accurate results.”

—Michigan Secretary of State Jocelyn

Benson ’04

Benson’s office—already operating in overdrive to implement a series of voting changes, including vote-by-mail, adopted through a 2018 ballot measure—immediately sprang into action. She was keenly aware that “every decision that we make right now with regards to our democracy creates a precedent for how our democracy is handled during a pandemic, not just for November but for years to come.” Benson reached out to experts and academics nationwide to develop a plan to reduce in-person voting without sacrificing voter turnout.

First, her office worked with local county officials to decide which elections could be postponed to August and which could not. Michigan encouraged voters to adopt remote voting in May by mailing applications to registered voters with prepaid postage—costing the state nearly \$600,000. Each jurisdiction maintained at least one physical polling place for anyone who needed or wanted to vote in person, and the locations were stocked with masks, gloves, hand sanitizer, and other gear to limit virus transmission. The state also recruited hundreds of volunteer poll workers to replace any who felt unsafe working on Election Day. The result was staggering: Turnout doubled, but polling locations saw no lines, as the vast majority of voters voted by mail.

Hope for a reliable election

Whether Election Day looks more like April 7 in Wisconsin or May 5 in Michigan, some voters will be left wondering, Were the results accurate? Misinformation, coupled with genuine strains on the electoral system exacerbated by a pandemic, will inevitably sow distrust in pockets of the electorate.

Benson says, “One of our goals is to ensure that both the winners and losers of every election on the ballot this fall, and their supporters, whether they’re happy or not about the results, have faith that they’re the accurate results.” But she admits that in these times, that can be a lofty goal. To remain optimistic about the November elections, Levitt says, it helps to take a long view. “Despite the struggles and despite the problems, we are getting better at this,” he explains. In August, the nation will celebrate the centennial of the 19th Amendment, which guaranteed women the right to vote. Compared with 100 or even 30 years ago, Levitt adds, “more people are involved, more people are eligible, more people are voting, and the system works more smoothly.” He hopes that will remain true in November. And that the elections will not be close.

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Credit: James Yang

“Elections are infrastructure, and like any other infrastructure issue, you only notice them when they break.”

—Justin Levitt '02, Loyola Law School professor

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Theme: **Alumni Focus**

How Do You Prepare for a Pandemic?

‘We were trying to think about every single thing that could happen.’

By Erin Peterson, July 23, 2020

Credit: Jessica Scranton

David Beck '91, senior vice president and chief legal counsel at Boston Medical Center, shares what it took to get the safety-net hospital ready for the coronavirus and the most challenging month in its history—and what might come out of this difficult season.

In the quiet but anxious few weeks before the first wave of COVID-19 patients hit American hospitals, David Beck '91 was working flat-out. The senior vice president and chief legal counsel at Boston Medical Center and his 10-member team were seeing the devastation in Italy and Spain. They knew they had to prepare their own hospital—a 514-bed academic medical center in Boston’s South End neighborhood—for a similar surge.

They knew, for example, that hospitals were scrambling to add as many beds as possible for COVID-19 patients, a task that required far more than clearing out space and setting up equipment. “The licensing of hospitals gets very specific about what you can use beds for and what equipment has to be available in certain rooms—regular medical rooms, surgical rooms, and rooms for

children,” Beck explains. He and his team made sure that the hospital met the myriad regulations so it could significantly boost the number of patients it treated.

Another hurdle: testing. Initially, there were only a few sites across the country that were doing testing, with a turnaround time of almost a week—a lag that was untenable at a moment that demanded speed. “I had a couple of lawyers working practically 24 hours a day with our lab staff, the FDA, and the Department of Public Health,” Beck recalls. Within days, they had gotten the center’s lab facilities licensed so that all COVID-19 testing could be done in-house.

Initially, there were only a few sites across the country that were doing testing: “I had a couple of lawyers working practically 24 hours a day,” Beck recalls. Within days, all COVID-19 testing could be done in-house.

He and his colleagues provided input to the state on honing extensive crisis standards of care to protect vulnerable populations. For example, the guidelines now spell out that health care workers forced to make tragically difficult decisions when resources become scarce, must not use characteristics such as socioeconomic status, incarceration status and immigration status to limit care.

Beck and his colleagues provided input to the state on honing extensive crisis standards of care to protect vulnerable populations.

As elective surgeries and other procedures got canceled, the team worked to develop a process to help hospital staff communicate those cancellations efficiently while maintaining rigorous standards of patient privacy.

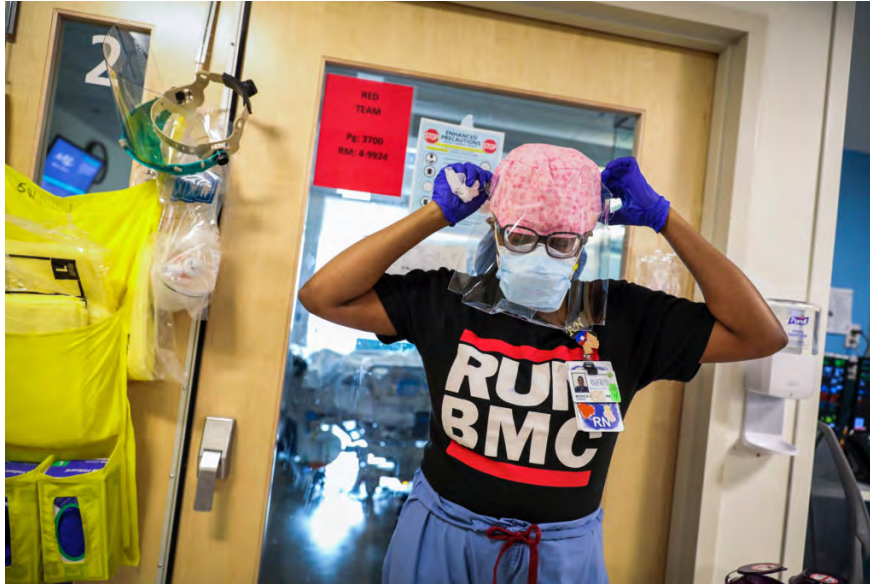
COVID-19 patient come through its doors. “We didn’t know what the outcome might be or how it might play out, so we were trying to think about every single thing that could happen and how to prepare for that,” Beck says.

The preparation proved essential. For a short period in early April, every one of the 63 intensive care unit beds was filled. By mid-month, 70% of all admitted patients tested positive for the virus. In a feature story about the hard-hit facility, The Boston Globe called the hospital “the heart of the coronavirus storm.”

Beck and his colleagues had worked relentlessly with the hospital’s leadership team before the wave of COVID-19 patients arrived to ensure that patients would be well cared for and safe. They had

solved critical problems early on and advised leadership and doctors in ways that would help the hospital navigate successfully through the peak.

In what is likely to become an inflection point for hospitals and health care nationwide, David Beck and his team are bringing not just extensive expertise to the challenges that lie ahead, but heart and humanity as well.



Credit: Erin Clark/Boston Globe Staff

A nurse at Boston Medical Center removes her face shield after caring for a patient. By mid-April, 70% of the hospital's admitted patients tested positive for the virus.

A challenge unlike others

While some of the work that Beck and his team were doing mirrored what was happening at other hospitals, the center also faced unique challenges. Boston Medical Center is a safety-net hospital, providing care for some of the city's most vulnerable patients. Its motto, "Exceptional care, without exception," is deeply ingrained in the organization's culture.

This reality meant that Beck and his team tackled issues that many hospitals didn't have on their radar. A significant percentage of BMC's patients are homeless, for example, Beck's team worked with three different agencies to navigate the complex regulatory issues involved in converting an old hospital building into a space for respite care. The facility gave COVID-19 positive patients without homes a safe place to isolate themselves to prevent transmission of the virus.

Beck's team worked with three different agencies to navigate the complex regulatory issues involved in converting an old hospital building into respite care to give COVID-19 positive patients without homes a safe place to isolate themselves to prevent transmission of the virus.

Many patients who come to the hospital work at low-wage jobs and live in Boston's urban core, and a great number suffer from preexisting conditions such as diabetes and asthma. For a large proportion of patients, English is their second language. These are at-risk populations at any time; during the COVID-19 pandemic, the impact on these groups has been devastating. For some in health care, facing such challenges might feel disheartening. But for Beck, working at BMC feels closer to a calling.

Beck has long been immersed in the world of health care. His mother was a nurse, and his father was a lab technologist who managed a doctor's clinic. After earning his degree from Harvard Law and working in private practice, Beck landed at the Massachusetts Attorney General's Office in 1999. As part of his work, he was responsible for the oversight of public charities—a designation that most hospitals in Massachusetts hold. By the mid-2000s, as health care reform became a debate and later a reality in the state, Beck found himself working with hospitals and their boards as they navigated the changing environment.

In 2007, a former colleague who had landed at BMC asked him to come for a visit, and as he strolled through campus, he was immediately won over. "The mission, exceptional care without exception, [drove] everyone I talked to and everything about the hospital," he recalls. "It was interesting to me to think about a focused part of the law." He soon joined BMC as deputy general counsel.

The hospital has been at the forefront of both recognizing and addressing social determinants of health that can lead to significant differences in health outcomes among individuals—things such as education level, income, discrimination, and living situations. BMC aims to improve outcomes for its patients through its wide-ranging care. For example, it has a therapeutic food pantry that allows doctors to give "prescriptions" for specific diets that patients may need to follow for their health. It also founded the Medical-Legal Partnership, an organization now independent of the hospital, which provides legal assistance to patients. The partnership tackles issues such as helping to make sure that housing difficulties or other challenges don't get in the way of patients receiving the care they need. "One of the things I like about being here is being able to look at the ways that we can support our patients beyond just their medical care," says Beck.

In his pre-pandemic role, he and his team had a range of responsibilities. They worked with the hospital's board of trustees and senior leadership to oversee the hospital, they drafted and reviewed contracts, and they oversaw litigation. They also provided direct advice to physicians on patient

care issues—how to address consent if a patient is incapacitated, for instance. “We advise them on the legal ground rules,” Beck says. The coronavirus layered in many new responsibilities.

Once COVID-19 hit Boston, the hospital was under intense pressure for weeks. This included a few hours on April 4 when a number of patients had to be transferred to other hospitals across the city because BMC’s intensive care units were full. Still, the hospital was able to steer through the worst of the crisis successfully, thanks in no small part to the advance planning and advice from Beck and his team.

Martha Samuelson ’79, chair of Boston Medical Center’s board, says that Beck has been the exact right person for the role in this difficult time. “David is fearless. He’s comfortable pushing back on anyone when he doesn’t think something is a good idea. He never ups the anxiety level in a complex interaction and he’s solutions-oriented,” she says. “The complexity of running the legal operations in a highly regulated organization means there are so many different constituents and so many boxes to check off. David is pitch perfect with all of them.”

Today, even with the peak well past, Beck and his team continue to work closely with BMC’s research operations staff and faculty at the hospital who are proposing studies and projects linked to the virus. “We want to make sure we can get the proposals through the process and that we have the right protections in place for patients and employees,” he says.

A virus that will transform health care

Working in a hospital setting, Beck is no stranger to illness. But he admits that this virus feels significantly different. “I’ve seen what this disease can do to our patients—how quickly it can spread and how quickly it can develop into very serious conditions,” he says. He thinks about his friends and family constantly. He has family in Tennessee and his husband has family in Michigan, and he frets about not being close to them. “I have this never-ending worry in the back of my mind about them,” he admits.

He thinks, too, about all of the ways his office must be transformed once it’s deemed safer for more people to come to work. How will they make sure that staff can stay safe if they take public transportation to work? What will be the best practices for physical distancing in an office environment? How can workers rotate their work schedules and prevent crowded conference rooms? For patients, the hospital is making myriad changes to elevators, waiting rooms and exam rooms.

But even with all of these changes on the horizon, Beck sees true opportunities emerging from this difficult time.

Telehealth, which had made only slow inroads into health care over the years, has skyrocketed during the pandemic. It offers enormous opportunities to those who live far from a hospital or might otherwise struggle to get to one. It is likely to take a stronger hold, he thinks, even after the pandemic subsides.

Meanwhile, the center's pediatrics department has taken a van out to nearby neighborhoods to give vaccinations to kids so they don't miss them. He loves seeing this type of innovation and growth, and hopes he can help strengthen the infrastructure in ways that make more of these ideas realities. "Are there ways we can build on that, to do more out in the community?" he asks. "It's more convenient for our patients, it helps them get their health care, and it keeps people from congregating, which we worry about greatly these days."

These are the kinds of issues that Beck is hungry to tackle. When a field like health care gets upended at a moment like this, what becomes possible? "There are so many things that are difficult about the way we provide health care now, and this is forcing us to think about how we do that. It's a fascinating challenge. There's plenty of opportunity for all of us to think differently about health care and the oversight of health care."

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Theme: Teaching & Learning

A Killing in Broad Daylight

In the wake of the killing of George Floyd, legal scholars see a moment of reckoning

By Lana Barnett '15, July 23, 2020

Credit: Drew Angerer/Getty Images

George Floyd died on May 25, 2020, after Minneapolis Police Officer Derek

Chauvin knelt on his neck for eight minutes and 46 seconds as Floyd and onlookers begged him to stop. His death sparked a growing public outcry for justice in response to deep-rooted racial violence.

For Harvard Law School Professor Kenneth W. Mack '91, the killing of George Floyd is an outgrowth of America's foundational race problem. "We have been grappling with racial violence, both engaged in by state officials such as law enforcement officers and engaged in by private individuals, as a legal and policy and moral problem ever since emancipation," he says.

Mack, a legal historian, notes that he now lives in a liberal Massachusetts city where, just 50 years ago, no realtor would show homes to Black families. "We live in a society in which the ideals that



Credit: Leah Fasten

Professor Kenneth W. Mack '91

schools as a remedy and response to the lack of basic contract and property rights for freed slaves in the American South. “But in fact, the 14th Amendment was framed and ratified in the context of widespread racial violence,” Mack says, namely attacks and massacres that followed emancipation. “Even the way we teach constitutional law in the law school curriculum in some ways hides racial violence as a core problem that we have been grappling with” for centuries.

Mack and other HLS faculty who spoke to the Bulletin suggest that what is unique in this context is the unusually forceful and widespread response to Floyd’s death. Clinical Professor Dehlia Umunna distinguishes Floyd’s killing from many officer-involved shootings, where some were quick to defend law enforcement by arguing that the officers likely feared for their lives. Floyd’s death, she says, “was just murder in broad daylight,” spurring even other police officers nationwide to condemn Chauvin’s actions.

Martha Minow, the 300th Anniversary University Professor and HLS’s former dean, links the massive national and international response to Floyd’s death to the ongoing health crisis posed by the coronavirus: “The disproportionate rate of serious illness and death among poor people and people of color exposes generations of inequalities in health care, in housing, in the ability to have

Americans profess to live by have often been breached when it comes to racial minorities,” he says. “The killing of George Floyd is just one more piece of evidence for a fact that seems obvious, which is that the problem is not going away.”

According to Mack, racial violence is a major theme of American legal history though often glossed over in the teaching of it. For instance, the 14th Amendment, the backbone of seminal Supreme Court cases such as *Brown v. Board of Education* and *Loving v. Virginia*, is typically taught in law

According to Kenneth Mack, although racial violence is a major theme of American legal history, it is often glossed over in the teaching of it.



Credit: Jessica Scranton

Clinical Professor Dehlia Umunna

incarceration and correctional supervision cost the country approximately \$81 billion annually; and African Americans are incarcerated at more than five times the rate of white Americans.

Professor Andrew Manuel Crespo '08, who recently started a criminal justice clinic and this year will launch a Program on Mass Incarceration at HLS, says that numbers like these contextualize the nationwide response to Floyd's death in the form of protests and calls for reforming the criminal justice system.

"Part of the reason these protests and movements are as large as they are is

because they were catalyzed by individual deaths, but those deaths opened floodgates of sentiments that run much deeper," he says. "When people see the most visible embodiment of our penal system, a person wearing a badge, kneel on a Black man's neck for eight minutes and 46 seconds, they are simultaneously seeing someone die in a horrific way, and seeing it as connected to a far broader penal system that has deep and longstanding structural flaws."

social distancing. It's like shining a flashlight into the underbelly of society."

Protests responding to Floyd's death have focused particularly on inequities within the criminal justice system. Umunna, a former public defender and currently faculty deputy director of HLS's Criminal Justice Institute, cites statistics exposing the heavy toll that the criminal justice system takes on people of color: More than 7 million Americans are under some form of correctional supervision; the United States incarcerates people at a higher rate than any other nation;



Credit: Stephanie Mitchell, Harvard Staff Photographer

Martha Minow, 300th Anniversary University Professor and HLS's former dean



Credit: Mark Ostow

Professor Andrew Manuel Crespo '08

force. Umunna points to examples such as the capture of Peter Manfredonia, a white man from Connecticut who in May was safely apprehended despite being heavily armed and leading police on a six-day manhunt after killing two people. “I resent the phrase, for example, when people say, How do we stop killing unarmed Black men?” she says. “Even if the person is armed, as a police officer, you should work on using force—killing someone—as a last resort.”

Additional concrete reforms, Umunna says, would include prohibiting the use of chokeholds and other potentially fatal restraints by police officers; implicit bias training for officers and prosecutors; bars on employing officers with repeated complaints against them; training for judges and prosecutors to help them “walk in the shoes” of the communities impacted by the criminal justice system; a requirement that police officers live in the neighborhoods where they patrol; and enhanced sentencing for officers who kill civilians.

Such reforms are a start but not an end, she says. It did not surprise Umunna that the killing of Floyd by a police officer occurred on the same day that Amy Cooper, in New York, “weaponized race against a Black man” by

That disproportionate impact, says Umunna, manifests itself in everyday life for all Black Americans. She is often mistaken for an interpreter or social worker when she enters a courtroom, and feels fear whenever she sees a police officer drive by. That fear is justified, she says, in a culture where white protesters can openly carry weapons, but Philando Castile was fatally shot in Minnesota when an officer feared that he would use a gun for which he carried a permit. “Our lived experiences when it comes to policing are just so divergent,” she says.

Umunna suggests that officers nationwide must be trained to use force rarely—only after all other tactics have failed. She knows officers are capable of this, she says, because they successfully capture white, armed suspects regularly without

[Until and unless American culture begins to truly value Black lives, says Dehlia Umunna, indiscriminate killing of Black people by police will continue.](#)

calling the police after he asked her to leash her dog in Central Park. Until and unless American culture begins to truly value Black lives, Umunna says, any progress will be fleeting.

“It is my opinion, and I challenge anybody to prove me wrong, that Black lives in this country are expendable,” she says. “Unless we change that narrative about how we view Black lives, indiscriminate killing of Black people by police will continue.” Minow agrees: “If we do not make this time of great pain one of the most fervent resolve and effort to make things better, this may be our last chance.”

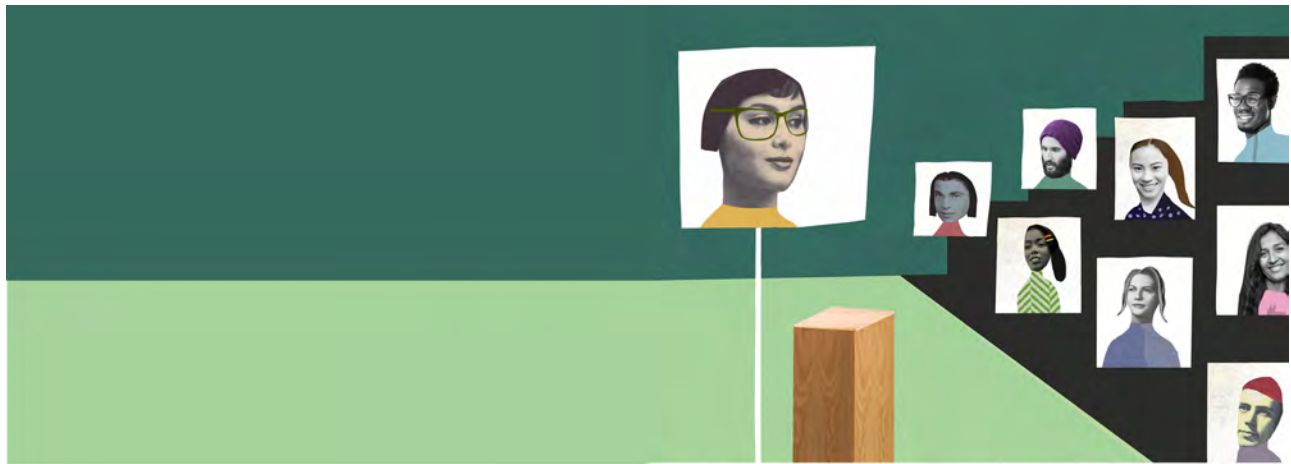
Umunna has hope that the narrative can change. She notes that law enforcement agencies nationwide have issued statements condemning the killing of George Floyd, and was particularly moved by images of police officers joining and kneeling with protestors. “I was watching a video where the officers were actually dancing and singing with protestors,” she says. “I’ve never seen that before.” Though some have criticized the images as merely symbolic, Mack notes that “up until this moment, taking a knee was a very controversial action. Colin Kaepernick is not playing in the NFL because he was taking a knee. It’s a deeply symbolic action, . . . and up until this moment was something that it would be very difficult to imagine many police officers doing.”

Mack is also heartened, although cautious, concerning bipartisan calls for change, citing statements in support of the protestors issued by public leaders including former Presidents Barack Obama ’91 and George W. Bush. “The conversation is all about trying to hold police actions accountable, but the conversation is also about a larger sense of issues, which is the legacy of both slavery and segregation in producing present racial inequality and present racist attitudes,” he says. “And that conversation gives one reason to be somewhat hopeful.”

* * *

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Theme: Teaching & Learning

Distance Learning Up Close

Teaching and learning in the first months of the pandemic

By Elaine McArdle, July 23, 2020

Credit: Katherine Streeter

In March, as the COVID-19 pandemic was rapidly escalating and an increasing number of businesses, schools, and other institutions were closing their doors to stop the spread of the virus, 1L Marisa Skillings headed to Cape Cod to spend spring break at her mother's home. Just days before, Harvard President Larry Bacow had announced that the university would begin transitioning to all-virtual classes by March 23.

"I went o thinking naively, Oh, I'll go back to campus at the end of break and it'll be me and my friends doing classes online at each other's houses," recalled Skillings.

But as the commonwealth of Massachusetts went on near-lockdown, and President Bacow announced that students would not be able to return to campus after spring break, Skillings, along with the rest of the Harvard Law School and university communities, scrambled to adjust to a very

different reality. “I kept extending my stay at my mom’s house—and now it’s been three months,” Skillings said in late May.

“It very quickly went from this is a thing that’s happening to everything is shutting down,” said Zak Lutz ’20, who spent the remainder of his final semester as a law school student hunkered down in his Cambridge apartment with several HLS roommates attending classes online.



Credit: Courtesy of Marisa Skillings

Marisa Skillings ’22 spent the last three months of the semester at her mother’s home on Cape Cod.

[In just 12 days, HLS moved its 260 spring courses and clinical offerings online.](#)

In just 12 days, HLS moved its 260 spring courses and clinical offerings online. Faculty, long accustomed to lecturing before a classroom filled with students, had to make a fast switch to teaching from their homes via computer.

The week before spring break, HLS Professor Andrew Manuel Crespo ’08—who had 200 students in two courses and also directs the Impact Defense Initiative Clinic—learned that he and his wife, who also works full time and was nearing her due date for their second child, no longer had child care for their toddler. They found themselves teleworking from their small, two-bedroom apartment in Somerville while caring for their daughter and worrying about Crespo’s brother, a doctor on the front lines of the pandemic in Manhattan. That week, Crespo’s focus wasn’t on how to shift to online teaching. “My focus was trying to find a way to deal with all the difficult emotions going on among my students—and frankly, among us, too—and the day-to-day uncertainty of not realizing what it all meant,” he said.



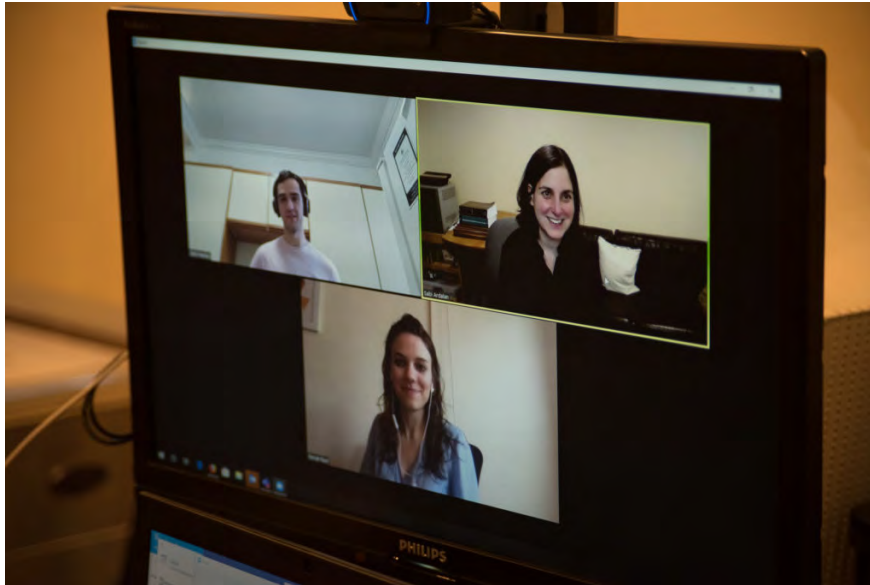
Credit: Abby Shafroth '08

Professor Andrew Crespo in his home classroom with his daughter

Before his students left campus for break, without a clear picture of what the rest of the school year would look like, Crespo wanted to create a sense of closure for the familiar way of in-person education. He made sure to acknowledge that “our shared experience—a significant part of it—was about to end.”

* * *

The technical aspects of switching to online classes turned out to be the easiest, students and faculty say. HLS quickly put online a series of resources for remote teaching and learning. Crespo himself created a detailed guide on teaching via Zoom for his colleagues—for instance, he recommends using two computer monitors, one set to gallery mode in order to see the facial expressions of 30 students at a time—and also drafted comprehensive instructions for students, including how to digitally raise their hands to ask questions.



Credit: Richard Murillo

Clinical Professor Sabi Ardalan (upper right), director of the Harvard Immigration and Refugee Clinical Program, meeting with Zack Manley '21 and Norah Rast '21 to discuss a legal strategy to get their client, an asylum seeker, out of Stewart Detention Center in Georgia, where several employees and immigrants had tested positive for COVID-19

“I think we were braced for disaster and it actually wasn’t so bad,” said Clinical Professor Sabrineh Ardalan ’02, director of the Harvard Immigration and Refugee Clinical Program, who taught a clinical seminar and a classroom course. Since clinical students could no longer meet in person with clients, they leveraged technology to communicate in order to prepare affidavits and asylum applications and to check on clients who might need food or supplies. The clinic’s social worker regularly touched base with students to see how they were weathering the pandemic.

Professor Annette Gordon-Reed ’84, who co-taught a 12-student seminar, *Constitutions, Law, and Empire*, says that while face-to-face interaction with students is preferable, Zoom worked well and made it easier to hold appointments with students after class. Gordon-Reed taught online from Manhattan, where, in the early days of the pandemic, the sound of sirens was nonstop. One day, as she and her husband, Robert Reed ’81, a justice on the New York State Supreme Court, walked around Central Park, they witnessed tents newly erected in front of Mount Sinai Hospital for the overflow of COVID-19 patients. “It was surreal,” she said, “to know so many people are suffering around you, in close proximity to you.”



Credit: Abby Shafroth '08

From the first day of online teaching, Crespo wanted to give students a sense of normalcy, so he set up a podium and continued what he calls his “Elizabeth Warren-style” teaching, with rapid-fire questioning.

In the midst of so much uncertainty and difficulty, Crespo decided to make his teaching as familiar as possible. Though he taught from home, he stood in front of a podium and continued what he calls “Elizabeth Warren-style” teaching, with rapid-fire questioning (Warren, a former teacher of Crespo’s, was legendary at HLS for her ability to engage over 80 students in Socratic dialogue in each class). “When students clicked in and saw me, I wanted something almost at a subliminal level that their minds saw as familiar,” he said.

Professor Jeannie Suk Gersen found that teaching from home dissolved the traditional hierarchy between students and teachers.

more intimate about online teaching, which makes the attention to each student feel more live and personalized, not less.”

But teaching from home—with Zoom capturing such personal moments as the sounds of children and pets—dissolved the traditional hierarchy between students and teachers, Professor Jeannie Suk Gersen ’02 found. In an April 23 essay for *The New Yorker*, she wrote of openly acknowledging her own fear and distress to her students, and recognizing theirs, thus “melting the professional and emotional distance that teaching law normally entails.” As a result, she found “something strangely



Credit: Jacob Gersen

After the U.S. Supreme Court postponed its oral arguments for March because of the pandemic, Professor Jeannie Suk Gersen had students in her constitutional law class hold a mock oral argument in *Trump v. Vance* via Zoom. The experiment, she pointed out, “showed that it was totally viable to have court hearings online during a lockdown.”

The extraordinary circumstances also offered unexpected pedagogical opportunities. After the U.S. Supreme Court postponed its oral arguments for March because of the pandemic, Suk had her constitutional law class, which focused on the separation of powers, federalism and the 14th Amendment, hold a mock oral argument in *Trump v. Vance*. Students played the roles of the attorneys and justices. The experiment, she wrote, “showed that it was totally viable to have court hearings online during a lockdown, even for the highest court in the land.” (In May, the high court held oral arguments via teleconference but without video cameras.)

Crespo redesigned a week in his 1L Criminal Law course to incorporate the pandemic. “We juxtaposed the order-maintenance policing that happens all the time with the idea of role of the state in maintaining order when key portions of society are in a state of crisis,” he said. And instead of his usual Socratic questioning, Crespo divided students into small groups who took on different roles—police officers, prosecutors, prison officials—as the class discussed stay-at-home orders and the unique epidemiological risks of pandemics in prisons.

Before the pandemic, Professor Laurence Tribe ’66 designed his seminar, *Defending Constitutional Democracy*, to parallel current events related to the U.S. presidency and the Department of Justice. The COVID-19 crisis took the lessons to new levels.

Professor Laurence Tribe had designed his seminar to parallel current events related to the U.S. presidency and the Department of Justice. The COVID-19 crisis took the lessons to new levels.

“The very fact the class had to be taught in a different way reinforced the evolving nature of the subject matter,” said Tribe. “If anything, [the course] was improved by the fact we were doing in real time some of what the whole country was having to do.”

Tribe added, “It was kind of odd it was virtual because it was realer than education often is.” The federal government’s response to the emergency “related to legal doctrines the students were already studying.”



In a survey of HLS students by the administration about the quality of online education in spring 2020, the mean, across a broad range of course offerings, was encouraging. For example, on a five-point scale, it was 4.03 for 1L courses, 4.38 for large upper-level courses, 4.40 for clinics, and 4.44 for seminars and reading groups.

Though she’d had some misgivings about the shift to online teaching and learning, Skillings noted that it went much better than she’d expected, particularly Professor Crespo’s class: “I don’t think he dialed back the energy at all [and] it ended up being really, really engaging.”

Given that faculty had moved online virtually overnight, the spring experience “provides a solid base for what we can accomplish with even more lead time,” said Professor and Deputy Dean I. Glenn Cohen ’03.

Cohen is co-chair of the Online Teaching Working Group, appointed by Dean John F. Manning ’85 in mid-April, which is co-chaired by Associate Dean and Dean for Academic and Faculty Affairs Catherine Claypoole LL.M. ’98 and includes Professors Christopher Bavitz, Molly Brady, William Fisher ’82, Crystal Yang ’13, and Interim Associate Dean for Student Services Jessica Soban ’07. They are developing best teaching and learning practices from a broad variety of sources including the Harvard Graduate School of Education.

A faculty working group has been developing best online teaching and learning practices from a broad variety of sources.

The working group is considering a variety of tools to enhance online learning, such as supplementing the Socratic method with small breakout groups for discussions. There may be more transparency and clarity about where exactly a class is headed on a given day and over the course of the semester, and more focus on pre- and post-class work including student discussion groups,

Cohen says. Alumni may be invited to record interviews about their personal experiences with key cases that students are studying. The use of pre-class discussion threads and the online polling function may enable teachers to create a rich feedback loop about what students find most challenging, what they think is interesting and worth exploring, and what creative ideas they have about framing a topic. In addition, these new approaches may foster discussion about and debate over the subject matter. The development of online learning at HLS is also being supported by Leah Plunkett '06, who joins the school this fall as head of the new Learning Experience & Technology group, or LXT.

One of the things Cohen and his colleagues have been thinking about is how to make the most of this unique, albeit challenging, moment. “Our faculty are committed to being the best teachers we can be. Preparing high-quality online courses has inspired the HLS faculty to engage in rich discussions and share creative ideas about our pedagogy and will also undoubtedly create additional opportunities for innovation when we return to campus,” he said. “The dean’s view and mine too is that the school is prepared not just to teach online but to provide excellent, HLS-quality teaching.”



On June 3, Dean Manning announced that the fall term at HLS will be held online. “This is not the announcement we’d hoped to make,” he wrote in a statement to the HLS community. “But our first priority is, and must continue to be, the health and safety of our community, and we cannot reliably conclude at this time that we can safely provide an effective on-campus program this fall.”

This past semester required quick adaptation to a new format, Manning wrote. “This coming semester, though, asks something different of us,” he continued, “to use technology to design even more creative, exciting, and excellent experiences in support of learning, building community, and engaging in the service that helps those most in need and that is fundamental to the work lawyers do.”

The experience so far has already provided evidence that distance learning need not be antithetical to the dean’s goal of building community. Crespo reflected: “I was

“Despite the incredibly challenging circumstances that I know the students were facing, they brought an inspiring degree of commitment, diligence, preparation and enthusiasm to every class session.”

teaching over 200 students this semester, and they were amazing. Despite the incredibly challenging circumstances that I know many of them were facing, they brought an inspiring degree of commitment, diligence, preparation and enthusiasm to every class session. Week in and week out, I felt so lucky to be connected to this rich intellectual community as the rest of the world was sheltering in place.”

He continued: “In the last few minutes of the last class with my 1Ls, I got unexpectedly choked up. I don’t think it hit me until it was time to say goodbye just how very much I was going to miss them. This semester more than any other, I had really come to look forward to our four hours together each week, a time when we came together—from all over the country and all around the world—to learn together and to enjoy each other’s company.”

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Must We Allow Symbols of Racism on Public Land?

Legal historian puts the push to remove Confederate statues in context

By Colleen Walsh/Harvard Staff Writer, July 23, 2020

Credit: Artur Gabdrahmanov / Sputnik via AP

*The killing of George Floyd sparked widespread protests and reignited efforts across the U.S. to remove Confederate and other statues viewed as symbols of slavery and racism. In several cities, these tributes have been vandalized or torn down by protesters or removed by public officials. A high-profile decision to tear down a famous bronze figure of Robert E. Lee in Richmond, Virginia, was halted by a court challenge, which was extended indefinitely last month. A 2018 report from the Southern Poverty Law Center found there are more than 1,700 monuments to the Confederacy still in public spaces. **Annette Gordon-Reed**¹ '84, a historian of U.S. slavery, legal scholar, and member of the Initiative on Harvard and the Legacy of Slavery, spoke with writer Colleen Walsh about the issue. Gordon-Reed is the Charles Warren Professor of American Legal History at Harvard Law School and professor of history at the university. She won the Pulitzer Prize and National Book Award for her explosive 2008 work, "The Hemingses of Monticello: An American Family."*

In recent years, many have called for the removal of monuments honoring Confederate officials and other controversial figures, such as Christopher Columbus, with mixed results. Does this moment, and do these efforts, feel different to you?

Annette Gordon-Reed: This moment feels different because there's been a great awakening in the country about police-on-citizen violence. The video of the officer with his knee on George Floyd's neck was so extreme. There have been other videos, of course, but there is something about this image of a prone individual who is not moving and who we know is losing, or has lost, his life—after an encounter that started over an alleged counterfeit \$20 bill. Was there no other way to handle that situation?

As a law professor, what is your view on people unilaterally deciding to pull down statues they find offensive after officials—often enjoined by laws or judicial rulings barring such action—decline to do so? Is there a higher moral cause that supersedes the law?

Ha! That's not fair, asking me as a law professor. OK, actually, that makes it easier. I cannot see myself pulling down a statue in that way. It would be odd for me to condone other people doing something I would not do. I certainly understand the emotion—the passion—particularly if government officials have turned a blind eye to previous petitions from the community.



Credit: Kris Snibbe/Harvard Staff Photographer (file photo)

Annette Gordon-Reed in her Griswold office

What do you say to those who argue that the removal of such statues in prominent public settings dishonors the memory of those who died fighting for the Confederacy?

I would say there are other places for that—on battlefields and in cemeteries. The Confederates lost the war, the rebellion. The victors, the thousands of soldiers—Black and white—in the armed forces of the United States, died to protect this country. I think it dishonors them to celebrate the men who killed them and tried to kill off the American nation. The United States was far from perfect, but the values of the Confederacy, open and unrepentant white supremacy and total disregard for the humanity of Black people, to the extent they still exist, have produced tragedy and discord. There is no path to a peaceful and prosperous country without challenging and rejecting that as a basis for our society.

Many believe that taking the statues down is an attempt to cover up or erase history. Do you agree?

No. I don't. History will still be taught. We will know who Robert E. Lee was. Who Jefferson Davis was. Who Frederick Douglass was. Who Abraham Lincoln was. There are far more dangerous threats to history. Defunding the humanities, cutting history classes and departments. Those are the real threats to history.

In the past, people have suggested the monuments should stay, but that additional plaques or other information should be incorporated to add context. What do you think of that idea? What are your thoughts on a separate museum for such statues?

Plaques can work in some situations. It depends on who the person is and what the objections are. As for museums, people I know who work in museums tear their hair out about this suggestion, that somehow, we're going to ship all these Confederate monuments off to the lucky museum that has to find a place to put them.

What about the slippery slope argument? Many of America's founders—George Washington, Thomas Jefferson—owned slaves. Does removing statues of Columbus or Confederate officials pave the way for action against monuments honoring those who helped create the United States?

I suppose, if people want to, everything can pave the way to some other point. I've said it before: There is an important difference between helping to create the United States and trying to destroy it. Both Washington and Jefferson were critical to the formation of the country and to the shaping of it in its early years. They are both excellent candidates for the kind of contextualization you alluded to. The Confederate statues were put up when they were put up [not just after the war but largely during periods of civil rights tension in the 20th century] to send a message about white supremacy, and to sentimentalize people who had actively fought to preserve the system of slavery.

No one puts up a monument to Washington or Jefferson to promote slavery. The monuments go up because, without Washington, there likely would not have been an American nation. They put up monuments to T.J. because of the Declaration of Independence, which every group has used to make their place in American society. Or they go up because of T.J.'s views on separation of church and state and other values that we hold dear. I think on these two, Washington and Jefferson, in particular, you take the bitter with sweet. The main duty is not to hide the bitter parts.

This story first appeared in The Harvard Gazette on June 19.

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Making History in Environmental Law

In a new book, Lazarus goes behind the scenes of the biggest environmental law case in Supreme Court history

By Lana Barnett '15, August 12, 2020

Theme: **Faculty Scholarship**



Credit: Ellen Weinstein

In 2007, U.S. Supreme Court Justice John Paul Stevens, writing for the slim 5-4 majority in *Massachusetts v. EPA*, began the Court’s 32-page opinion with a deceptively simple premise: “A well-documented rise in global temperatures has coincided with a significant increase in the concentration of carbon dioxide in the atmosphere. Respected scientists believe the two trends are related.”

These two sentences, reflecting the scientific consensus that climate change is both real and related to the emission of greenhouse gases, were hardly noteworthy from a climate science perspective. But they formed the opening to a legal and political bombshell, the most important environmental law case ever decided by the Supreme Court.

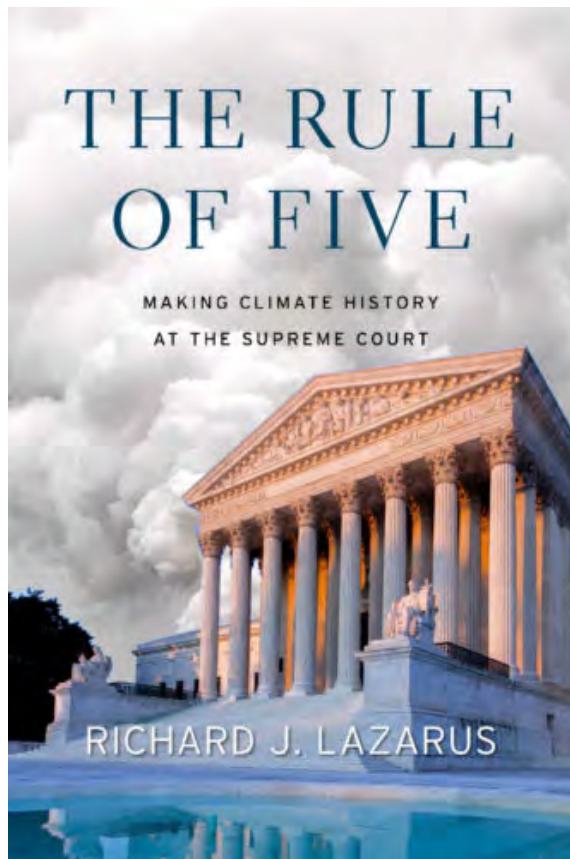
At issue was whether the government of the United States—the world’s greatest air polluter for decades—had the legal authority to even address climate change, the key environmental issue of our time. The decade-long, behind-the-scenes tale of how the Court came to the legally unprecedented conclusions that states could sue the federal government to enforce climate change regulation, and that the Environmental Protection Agency has the authority, and perhaps the mandate, to regulate greenhouse gases, is the subject of a new book by Harvard Law School Professor **Richard J. Lazarus**⁷⁹, “The Rule of Five: Making Climate History at the Supreme Court.”

The book marries Lazarus’ two main areas of scholarship: environmental law and Supreme Court practice. Ostensibly about one specific environmental law case, “The Rule of Five” is a love letter to Supreme Court advocacy more broadly. In it, Lazarus traces in painstaking detail the countless emails, conference calls, drafts of briefs and opinions, hours of oral argument preparation, and even secretive Supreme Court negotiations that ultimately turn a distinct legal dispute into a case that thousands of law students now study in classes on environmental, administrative, and constitutional law.

“ Ostensibly about one specific environmental law case, ‘The Rule of Five’ is a love letter to Supreme Court advocacy more broadly. ”

Lazarus set out to “write a book for a popular audience that made the challenges, the strategies, the dynamics of Supreme Court advocacy and what the Court does come to life.” To accomplish that goal, he took to heart the advice offered by HLS Professor Mark Tushnet, who warned him that to be of interest to nonlawyers, the book ultimately had to be about people.

And so Lazarus framed his story around the arc of one lawyer: Joe Mendelson, a young, upstart public interest attorney who in 1999 worked for an unknown environmental organization consisting of five attorneys occupying a small suite of rooms in Washington, D.C. Mendelson, against the advice of nearly every major environmental group in the country, filed a petition with the EPA to force its hand to address climate change.



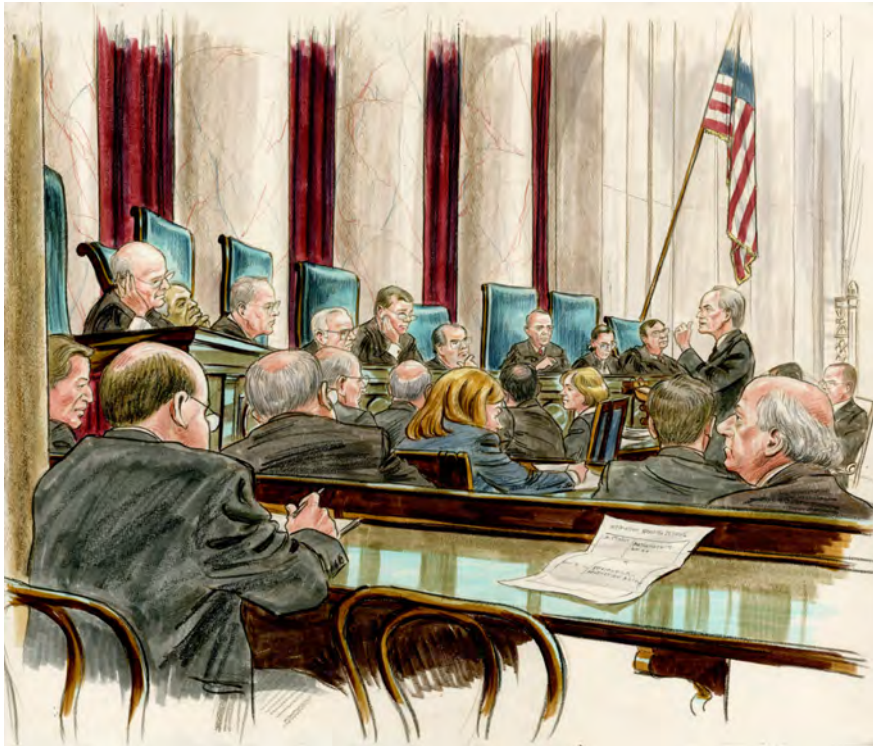
“The Rule of Five” brings to life the hard-fought victory in *Massachusetts v. EPA*, which has been called the most important environmental decision of our time.

‘environmentalists’—they are the best ‘lawyers.’” Their tale reveals the power that one clever, committed, engaging, or indomitable personality can have to shape a legal legacy.

That legacy came, however, at the cost of decades of friendships amid unparalleled infighting that threatened the group’s success. By the time lead counsel Jim Milkey ’83 stood up to present the oral argument in *Massachusetts*, he was no longer on speaking terms with most of the legal team, including Lisa Heinzerling—the principal drafter of the brief filed with the Supreme Court—whom he had personally invited to join the legal team but who later became his chief rival for the oral argument spotlight. Conflict abounds in high-stakes litigation, Lazarus says, but it rarely lasts when the results are as spectacular as they were in *Massachusetts*. “You win a case, everyone sort of jumps around,” he says. “That didn’t happen here.”

The book captures how that petition caught the attention of the top ranks of the Bush administration and later landed in federal court. Years later, the environmental attorneys’ victory in the Supreme Court provided the legal authority necessary for the Obama administration to regulate greenhouse gas emissions. Those steps then directly and dramatically resulted in the 2015 Paris climate accord, in which virtually every nation pledged to cut or significantly limit new emissions. In an epilogue, however, Mendelson awakes on Nov. 9, 2016, to learn that Donald J. Trump has been elected president of the United States, threatening his hard-fought victory.

In between, “The Rule of Five” tells the story of a group of attorneys, self-dubbed the Carbon Dioxide Warriors, who changed environmental law through brilliant maneuvering and persuasive arguments that proved that “the best environmental lawyers are not the best



Credit: Arthur Lien

Jim Milkey '83, lead counsel in *Massachusetts v. EPA*, is depicted here presenting the oral argument before the Supreme Court in 2006.

To uncover the details of the larger-than-life tale, Lazarus spoke to nearly every major participant in the litigation, from Mendelson, architect of the initial petition; to the Bush White House officials who vehemently opposed it; to Justice Stevens himself, who carefully drafted an opinion just narrow enough to maintain Justice Anthony Kennedy's tenuous vote.

Facts casually revealed throughout the book belie Lazarus' great efforts to obtain them. For instance, buried in the middle of a chapter about drafting the opening brief for the D.C. Circuit, Lazarus reveals that one member of the team quietly invited an outside expert to review the brief. That expert was retired D.C. Circuit Chief Judge Patricia Wald, who was unusually well positioned to advise the litigants. Her involvement was so little-known, however, that even the Carbon Dioxide Warriors themselves learned of it only from Lazarus' book. Lazarus discovered Wald's role after a student assistant asked him who had penned a comment on a particularly insightful, handwritten critique of a draft of the brief. To find out, Lazarus engaged in old-fashioned sleuthing, digging through 15-year-old notes from conference calls, tracking down minimally involved attorneys, and at one point even sending a copy of the comments to Wald's daughter to ask if the handwriting matched her mother's.

Lazarus, a former assistant to the solicitor general and veteran of 14 Supreme Court oral arguments, has long been focused on the inner workings of the Court and has published

groundbreaking studies² on the topic. But his reporting and research for “The Rule of Five” uncovered lore that even he hadn’t known. While shadowing Court staff as they prepared the courtroom for oral argument, he learned that each justice is supplied with a pewter mug on which their name is engraved, along with the names of each justice who previously held their seat. Over time, the names etched into the soft metal wear down and disappear, reminding the justices that they are part of a long history but will themselves, one day, also fade.

“The Rule of Five” brings to life a hard-fought landmark victory addressing, as Lazarus puts it, “the single most pressing environmental issue of our times.” Environmentalists view *Massachusetts* as their *Brown v. Board of Education*, the case that changed everything. But just as *Brown* did not end de facto school segregation, *Massachusetts* did not altogether prohibit the federal government from dismantling environmental protections or contributing to climate change.

The book ends by considering the legacy of *Massachusetts* in light of the severe environmental deregulation that followed President Trump’s election. The lesson to be drawn, according to Lazarus, is that lasting change can originate in strategic litigation, but it cannot end there. “Supreme Court decisions and big cases are necessary but not sufficient,” he says. “That’s how transformative change is made in the United States—not through one case, but through elections.”

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HARVARD LAW TODAY

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Popular Opinion

In the ongoing debate over the ways justices interpret the Constitution, Mark Tushnet offers a different perspective: Let the people decide

By Lewis Rice, May 20, 2020

Theme: **Faculty Scholarship**



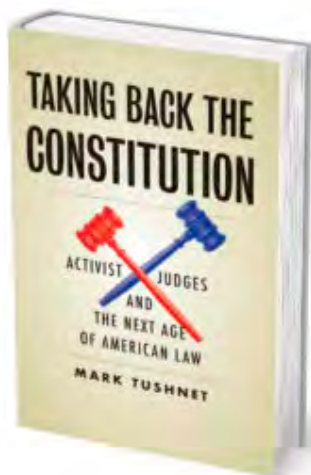
Credit: Adam McCauley

Chief Justice of the United States John G. Roberts Jr. '79 memorably used the metaphor of an umpire calling balls and strikes to explain that judges don't make the rules but simply apply them. And just as umpires don't root for one team over another, judges don't care which side in a case wins.

Professor Mark Tushnet does not question the sincerity of the many judges who express similar views and contend that politics would never enter into their judicial decisions. He notes that judges

tend to embrace philosophies like “originalism,” which adheres to the meaning of the U.S. Constitution’s original text, or “living constitutionalism,” which considers the current times we are in. But he says the evidence indicates that when it comes to politically sensitive issues, federal judges today almost always align with the policy preferences of the president who nominated them, reflecting the increasingly polarized political parties.

“It’s a complicated psychological phenomenon where judges for perfectly understandable reasons don’t want to think of themselves, as some people have described them, as politicians in robes,” Tushnet said in an interview. “And so they construct a self-image in which their policy views get filtered through what they think of as a more general, and in their minds, not political judicial philosophy. But judicial philosophies are conservative and liberal.”



As he describes in his new book, “Taking Back the Constitution: Activist Judges and the Next Age of American Law,” political coalitions that control government for an extended period can create what he calls a constitutional order, two of which have existed since the 1930s: the New Deal/Great Society, whose policies on expanding civil rights and the social safety net were supported by the liberal Warren Court, and the Reagan-influenced order of deregulation and smaller government backed by conservatives in the legal academy. Those orders can even influence leaders of opposing political parties, such as Bill Clinton declaring that the era of big government was over, mirroring a

core Reagan tenet.

Tushnet writes that the United States may stand on the cusp of another constitutional order influenced by Trump-era social and economic nationalism, which would erode voter and abortion rights and bolster business interests and social causes like gun rights and religious liberty. He would prefer a progressive alternative, which could be facilitated by a Democratic president focusing more on the courts than previous Democratic administrations did. He also considers more controversial means to achieve progressive goals, such as adding to the number of justices on the Supreme Court, known as court packing, or ending the filibuster.

Yet he also advocates for a different kind of order, away from “judicial supremacy,” which considers the task of interpreting the Constitution as solely the province of the Supreme Court, an order

focused instead on empowering ordinary people to shape Americans' understanding of the meaning of the Constitution.

“I think we have come to rely much too heavily on the courts as the vehicles for the expression and implementation of the Constitution,” Tushnet said. “So if somehow we could, as the book’s title says, take back the Constitution and put it into the hands of the public through popular constitutionalism, that too would be a good thing.”

By “popular,” he does not mean a survey determining whether a law is constitutional. Rather, popular constitutionalism would spring from social movements and political activism. For example, he points to legal efforts that failed to convince courts to overturn laws barring former prisoners charged with a felony from voting. Instead, the elected governor of Virginia revoked the rule, as did the people of Florida through the ballot. “Popular constitutionalism,” Tushnet writes in his book, “takes constitutional interpretation away from legal elites and returns it to the domain of popular self-government.” Such political movements are translated into law when judges accept popular interpretation, as has occurred with Second Amendment decisions protecting gun rights, or when lawmakers pass statutes that are likely to endure based on widespread public acceptance.

“It turns out that with appropriate political organizing and activity, people actually have decent views about what the Constitution should mean,” said Tushnet. “And so progressives and also conservatives should not be uncomfortable with popular constitutionalism. It makes discussion of the Constitution something like what politics is about.”

He concludes the book by considering the possibility of amending the Constitution or even developing a new one. Though it may seem sacrilegious coming from a professor of constitutional law, Tushnet asserted: “I have no doubt that [the Constitution] can be improved upon.” He envisions what he calls a “realistic utopianism,” which could advance policies even if some may argue they’re not constitutional, through “exceptionally creative interpretations” of the current Constitution or amending or revising the document. With this and other ideas, he seeks to “provoke people ... to think seriously about where we are in our constitutional development, and where we might go, and what we might do to get to a better place than where we’re at now.”

“ I think we have come to rely much too heavily on the courts as the vehicles for the expression and implementation of the Constitution. ”

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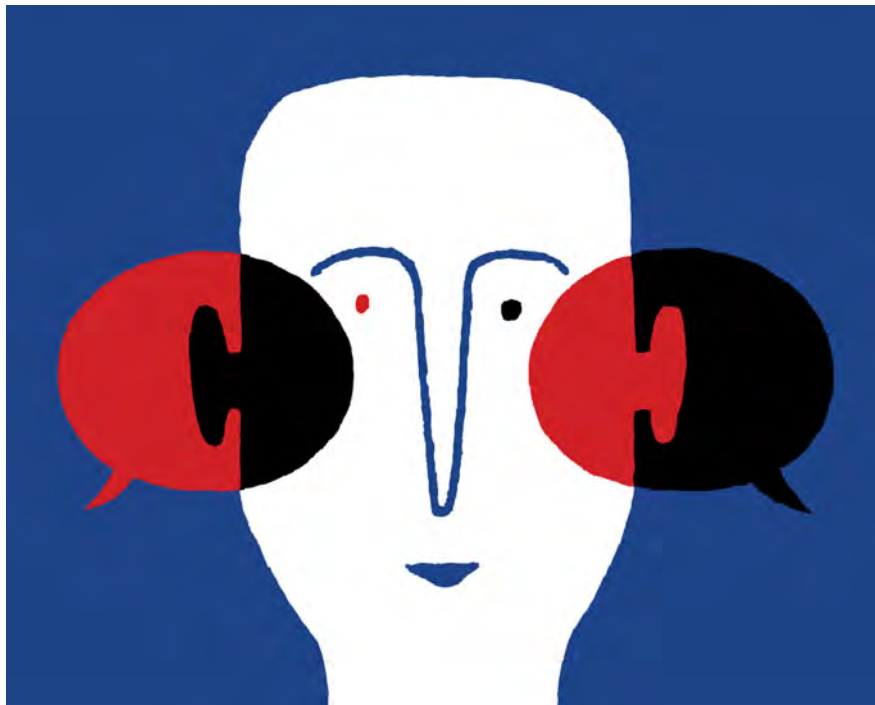
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For the Sake of Argument

Joseph Singer writes on how to use persuasion to break through a divide

By Lewis Rice, July 23, 2020

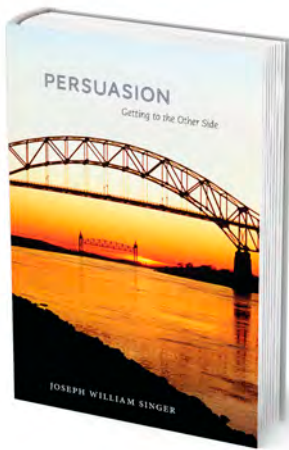
Theme: **Faculty Scholarship**



Credit: Adam McCauley

With his new book, *“**Persuasion: Getting to the Other Side,**”*¹ Harvard Law School Professor **Joseph Singer**^{’81}² seeks to help lawyers and the general public make reasoned arguments, promote civil discourse, and consider alternative perspectives. Although you can’t change someone’s mind, he writes, “you can help that person change her own mind by connecting your argument to something she already believes and values.” In an interview with the *Bulletin*, dSinger spoke about the value of lawyers’ techniques of persuasion, how to decide which side gives the best argument, and the effort to convince people to take unprecedented actions in the midst of the coronavirus pandemic.

What inspired you to write about persuasion?



Joseph Singer: I do a lot of work in my teaching on helping students make arguments on both sides of contested questions of law. To do that, they have to anticipate what the debate would look like. This is not just a matter of interpreting rules and applying them as if it's math. It requires normative arguments about values, including basic things like liberty and equality and justice and autonomy and privacy. And there was nothing out there that summarized the various arguments lawyers make and put them in a digestible form. The second

reason I wrote it is, given our state of partisan politics, I think many people have lost the ability to talk across differences. And I actually think lawyers have lots of very helpful techniques to talk about divisive questions of justice and law and public policy, and it would be useful for a general audience to find out how we do this.

Part 1 of your book is called “Persuasion in a Politically Divided Age.” If you are faced with someone on the other side of the divide, what is the best way to persuade that person?

There's no magic bullet that will change someone's mind. But there are things you can do so you actually can have a real conversation. The first thing is to recognize that we have shared values. People may sometimes think that someone who is on the opposite side of an issue is completely different and doesn't share the same values. But even in the most contentious issues, we have a lot more in common than people realize. Often we caricature other people's arguments and put them in their worst light instead of their best light. And being able to listen to other people and to figure out what they're really saying and what values are shared between you is a way to allow conversations to happen.

When you're weighing two sides of an issue, if you're a judge or on a jury, how do you decide who should win?

Well, welcome to being a human being! If you think about any hard decision in your life, you might look at a list of pros and cons to help you. But you're not going to then give numerical values to everything and add it up and do whatever it says. When a hard case is hard, that's because there are good reasons to go either way. It's because there are competing values or competing

interpretations. There's no theory; there's no set of rules; there's no set of arguments that's going to make it easy for us. At that point, you have to figure out how to justify the decision. What's really great about the way our legal system works is that judges at the appellate level have time to think these things through and write out an opinion that tries to justify the result. The judge that I clerked for told me that the most important audience for any opinion is the losing side. He wanted us to write an opinion that showed we listened to the losing side's arguments. The idea was to give an argument that they could accept.

What do you think is the best way to persuade people, particularly young people who may not feel in personal danger, to take actions like self-distancing to help stem the coronavirus pandemic?

Religious language has actually been helpful here for people to think not just about themselves but about others. Also to remind people about those they care about, including their parents and grandparents and teachers and people they know. If you try to explain facts to people—facts like if you don't engage in social distancing, you might be unwittingly causing harm to others, including those who are most vulnerable in society—then people will not want to cause harm to others. A sense of social obligation is one that I think is universal.

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Getting the Law of Wrongs Right

John Goldberg on reforming how we think about tort law, including in the age of COVID-19

By Aysha Bagchi '17, April 7, 2020

Theme: **Faculty Scholarship**



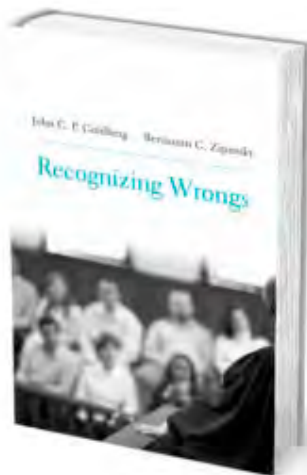
Credit: Adam McCauley

Should internet giants like Facebook be held accountable for republishing defamatory content? How will courts handle lawsuits arising from the COVID-19 pandemic? The answers will be found in a centuries-old legal area called tort law, which enables private individuals to sue those who've harmed them for monetary compensation or a court order to stop the behavior. While tort law has been around a long time, a movement—known as tort reform—argues that tort litigation happens too often, with financial awards that put too great a strain on businesses.

In a new book, *“Recognizing Wrongs,”*¹ Harvard Law School Professor **John Goldberg**² and Fordham Law Professor **Benjamin Zipursky**³ argue that much of the criticism comes from failing to appreciate tort law’s character and purposes. The pair, who’ve been talking and writing together ever since they met in their first year of law school, say that while particular reforms might be justified, the tort reform movement is too broad in scope and too skeptical in spirit. In a conversation with the *Bulletin*, Goldberg discussed his and Zipursky’s vision of tort law—which is more about wrongs and responsibilities than deterrence and compensation—its change-inducing potential, regulating internet speech, and the litigation likely to stem from the COVID-19 pandemic.

In your book, you argue that the tort reform movement’s rise is partly the result of misconceptions about tort law. Could you expand on that?

John Goldberg: For much of the 20th century, if you asked an American law professor what tort law is all about, the standard response would have been that it is law that uses the threat of liability to get people or firms to change their behavior. Or even if it can’t change their behavior, at least it gets money in the hands of people who’ve been injured and probably need or deserve it. So, you’re either deterring or compensating (or both).



If you understand tort law as a system of deterrence or compensation, then it looks like it’s just another tool in the government’s arsenal to regulate behavior. But it’s regulating through private actors, which is already a little strange, and it requires ordinary lay jurors rather than experts to do the regulating. That’s a regulatory system that’s going to provoke a lot of worries.

One of the central claims of the book is that this is all just a big misunderstanding or mischaracterization of what tort law is. Tort law has regulatory effects, to be sure, but it’s fundamentally about setting rules for how we’re supposed to treat each other (including how firms are supposed to treat individuals) and to provide redress for people who are injured when those rules are broken. It’s much more about wrongs and responsibility than deterrence and compensation. Once we see this, the argument that tort is just lousy regulation loses much of its force.

Do you think there's a type of change-inducing public outrage that's especially connected to tort lawsuits?

I think that is a role that tort law plays. One of the book's core claims is that a central aspect of tort law is judges and juries announcing or articulating norms that apply to and govern certain kinds of interactions. In other words, tort law helps reinforce and sharpen and refine these norms, including when there are high-profile lawsuits that do become newsworthy and that can have a kind of educative function.

One example of this from a few years ago involved a defect in certain GM car models that would cause the driver's key to pop out of the ignition if it was attached to a heavy keychain, which would deactivate the airbags and other systems, and which might cause a crash or prevent the airbags from deploying in a crash. Of course, the automobile industry is heavily regulated—we have a federal Department of Transportation, for example, that issues recall notices. But nothing happened on the regulatory front until, alas, people were badly injured or killed in accidents because of these defective ignition switches. Then they or their survivors sued in tort, asserting that they had been wrongfully injured by the defendants' defective products. And it was those lawsuits that helped bring the problem to national attention.

In the book, you worry about how courts have interpreted a law protecting some internet platforms that are used as mediums to spread defamatory content. What are courts getting wrong?

Section 230 of the Communications Decency Act has basically been interpreted by courts so that if a defamatory statement is communicated through the internet, even anonymously, websites and platforms such as Facebook can recirculate and repost the statement as much as they wish and they will be shielded from liability for the damage done. Yet a longstanding rule of tort law in this area, in defamation law, is that if you pass along or publicize someone else's defamatory statement, you're on the hook for that. It's called the republication rule. It has various exceptions and qualifications, but that's the basic idea. While Congress clearly intended to provide some protection to platforms and websites, there is no evidence that it meant to give individuals or firms impunity to decide whether to repost defamatory statements. It's hard to prove, but we worry that the courts' consistent over-reading of Section 230 may be part of the reason why there are so many injurious falsehoods circulating on the internet.

Can you say more about that?

The concern is that, if you give the Facebooks of the world blanket immunity, then they understand themselves to have no responsibility. And (shockingly!) you then discover that the internet is a cesspool of misinformation and defamatory information. We're not saying that if you read this law correctly, all those problems would magically disappear. But it would be one step among several that might encourage the platforms to restore notions of accountability and responsibility that might in turn permit healthier, more constructive, more truth-based discourse on the internet.

As manufacturers and healthcare providers respond to the spread of COVID-19, do you see any special tort liability issues arising? Should the government be doing anything to alter the normal liability risks when it comes to the current pandemic?

Right now, everyone should be focused, and most people are focused, on dealing with the crisis and finding ways to limit the horrendous toll it is taking. But it is likely that, when things calm down a bit, persons who have suffered injuries in connection with the crisis will bring tort claims against others allegedly responsible for their injuries. In many cases, defendants will benefit from the fact that tort law, following common sense, tends to give persons facing crises greater latitude: Conduct and decisions that might be deemed by a court to be unreasonable or otherwise unlawful in ordinary circumstances will often be deemed reasonable or lawful in the face of a genuine emergency. This may also prove to be an apt moment for the kind of targeted tort reform (as opposed to blunderbuss reform) that we suggest may sometimes be warranted. And in fact, the federal government and state governments have provided some limited immunities that apply, for example, to firms providing health care workers with badly needed protective equipment that meets certain standards. But in the end, even in a dire emergency, individuals and firms are subject to legal rules and responsibilities, and in some instances, it is certainly possible that a breach of the rules that causes injury to another will and should give rise to tort liability.

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Faculty Books in Brief: Summer 2020

July 23, 2020

Theme: **Faculty Scholarship**

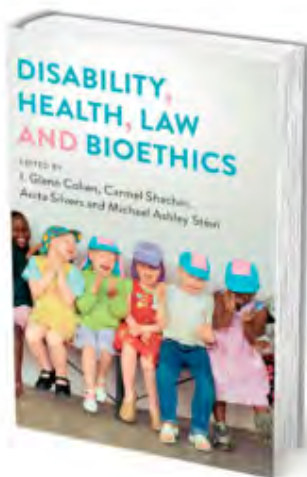
“Comparative Capital Punishment,” edited by Carol S. Steiker ’86 and Jordan M. Steiker ’88 (Elgar)



In this volume, scholars and lawyers from around the world explore common themes that have led to the rejection of the death penalty in many countries after it had been normal practice for most of human history. In addition to serving as co-editors, HLS Professor Carol Steiker and her brother, Jordan Steiker, a professor at the University of Texas School of Law, contribute an essay about the movement to abolish capital punishment globally. The total abolition of capital punishment may not occur soon, they write, due to factors such as the influence of Islam and American exceptionalism.

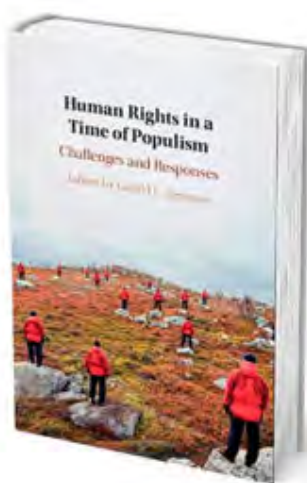
“Disability, Health, Law and Bioethics,” edited by I. Glenn Cohen ’03, Carmel Shachar ’10, Anita Silvers and Michael Ashley Stein ’88 (Cambridge University Press)

According to the editors, whether disability is viewed as “mere difference” that is neutral or “bad difference” that is negative, can affect legal and policy treatment. Contributors to the volume examine issues surrounding disability such as stigma, discrimination in organ donation, equitable



health care, sexuality and immigration. The book highlights the diversity and realities of disability, and considers the obligations of the legal and health care systems to people with disabilities. Cohen is an HLS professor and faculty director of the Petrie-Flom Center for Health Law Policy, Biotechnology, and Bioethics; Shachar is executive director of the center; and Stein is executive director of the Harvard Law School Project on Disability and a visiting professor at HLS.

“Human Rights in a Time of Populism: Challenges and Responses,” edited by Gerald L. Neuman ’80 (Cambridge University Press)



Based on a conference convened in March 2018 by the Human Rights Program at Harvard Law School, which HLS Professor Gerald Neuman co-directs, the volume examines the relationship between populism and human rights, particularly in the aftermath of the recent elections of populist leaders worldwide. Chapters cover topics such as populist threats to the human rights system and strategies that human rights institutions can adopt to address them. The book also focuses on countries and regions such as Poland, Turkey, Asia, and Latin America. Neuman notes that the title of the volume refers to a “time” rather than “age” of populism because he does not expect the current wave to last for an extended period.

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Enduring Lessons

Four Harvard Law School faculty who retired this year are celebrated by former students

July 23, 2020

Theme: **Faculty Scholarship**



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'An Unmatched Curiosity of Mind and Humbleness of Spirit'

What I learned from Robert Clark: Lessons from the classroom and the boardroom

By Paul Cappuccio '86, July 21, 2020

Theme: **Faculty Scholarship**



Credit: Tony Luong

Robert C. Clark, Harvard University Distinguished Service Professor, Austin Wakeman Scott Professor of Law, and former HLS dean, retired in July.

Nearly two decades ago, if someone suggested a lifelong academic for appointment to a large and complex public-company board of directors, the result was too often hidden, or not-so-hidden, eye rolls. And double eye rolls were reserved for a candidate who also happened to be a lawyer.

So it may have come as a surprise when, back in 2003, Cravath, Swaine & Moore’s boardroom legend—the late and great Bob Joffe—suggested that Time Warner consider Harvard Law School Dean **Robert Clark**¹ ’72 for appointment to its board of directors. This was a singularly important appointment for the company: Not only was Time Warner then one of the two largest news, media, and entertainment companies in the world—with nearly \$50 billion in annual revenues and a complicated and diverse collection of media brands—but even more critically, this was to be the company’s first new director since its now-infamous merger with AOL.

The suggestion was not a surprise to me—then Time Warner’s general counsel. I had been a student of Dean Clark’s both my second and third years at HLS—first, in his corporate law class, and then later in what would be a once-in-a-lifetime 10-credit offering called the Integrated Corporate Term, in which Dean Clark and Professors Hal Scott and Al Warren immersed us in a term of corporate law, securities regulation, secured transactions, and corporate tax.

I was already fully familiar with Dean Clark’s subject matter mastery and first-rate pedagogical skills. In the classroom, he could take complicated and sometimes dense subject matter and, through a combination of lecture and gentle but probing questioning, convey that material in a sophisticated yet understandable way to our class. And if all that were not enough, at the completion of most modules of materials, he would bring in his synthesizer and entertain and teach us with songs of his own creation that would exquisitely summarize the materials we had just covered through the age-old Socratic method. I think I can still remember—over 30 years later—a fair bit of his song that summarized the law of fraudulent conveyances. Professor Clark also exhibited a heightened and refreshing interest in the practical and empirical aspects of the subject matter we were studying. But more on that a bit later.

“ I think I can still remember—over 30 years later—a fair bit of his song that summarized the law of fraudulent conveyances. ”



Credit: Martha Stewart

Clark, pictured here in 1988, teaching corporate law and singing one of the songs he wrote on the topic

While I had seen how talented and dedicated Dean Clark was at Harvard, even I could not fully appreciate what a spectacular choice he would be for our board of directors. Over the next decade and a half, Dean Clark would come to be seen and recognized as one of the very best directors that Time Warner would ever have. Indeed, by the time we sold Time Warner to AT&T in 2018, he would lead not only our Nominating and Governance Committee, as its chair, but also our entire board, as its lead independent director. Over that nearly 15-year period, our company encountered an exhaustive number of challenges and opportunities spanning the gamut from operations, strategy, finance, legal, and regulatory—and throughout all of it, Dean Clark’s expert and steady judgment was a godsend to all of us. He was truly a leader in our boardroom, and one who understood and exhibited a perfectly balanced understanding of the proper and effective role of a director.

Now that our journey together at Time Warner is completed, I have had a chance to reflect on all that I have learned from Dean Clark—in both the classroom and the boardroom—and on what qualities have made him so successful and cherished.

“ It is one thing to find someone who combines stunning intellect, subject matter mastery and

Of course, one must begin by acknowledging again Dean Clark’s top-notch intellect and complete mastery of the subject matter he has spent his life studying and teaching. Those are qualities that thankfully are in abundance in our law school’s faculty.

confidence ... but it is exceedingly rare to find one who possesses all those qualities together with a thoroughly genuine humbleness of spirit. ”

On top of that remarkable base, Dean Clark also brings an enormous knack for excellent judgment—not merely in his chosen field but in all aspects of professional life in which I have witnessed him. I do not know whether that good judgment comes to him naturally or, as I suspect may be the case, through his own mastery of Socratic dialogue with himself and his own thinking. Anyone who has been lucky enough to sit next to Dean Clark at a meeting where he quietly mumbles to himself

the most important questions and considerations on the table will know exactly what I mean.

With that judgment also comes a remarkable yet quiet confidence, and, I dare say, courage, in his decisions. Perhaps that confidence and courage come from his innate sense of trusting the process and the standards to which he holds himself in absorbing relevant information and making complex decisions.

If all this were not impressive enough to be found in a single person, there are two other qualities of this man that truly set him apart. The first is his overwhelming and genuine humbleness. It is one thing to find someone who combines stunning intellect, subject matter mastery, confidence and courage in his or her decision-making, but it is exceedingly rare to find one who possesses all those qualities together with a thoroughly genuine humbleness of spirit. But that is Dean Clark.

Finally, throughout my time with Dean Clark, I was always struck by his refreshing dedication to empirical examination. If he has a political ideology, I have never discovered it in the more than 35 years I have known him. And nor have I ever known him to be ideological about a theory or strategy in law or business. Except, perhaps, the ideology of being dedicated to studying and considering the real-world operation and effects of tentative theories or ideas. His genuine interest in how an idea plays out in practice, and in the data that one would seek in examining those effects, is perhaps one of the very rarest (these days) and most impressive qualities that I learned to value in this great man. And I can't help but think it stems from some combination of his unmatched curiosity of mind and humbleness of spirit.

I have had some of the greatest mentors in my professional life that one could ever hope for. And Dean Robert Clark certainly shares the top of that cherished list for me, and, I imagine, countless more who were lucky enough to have him as a student at Harvard Law School.

Paul T. Cappuccio is vice chairman of the dtx company. From 2001 through 2018, he was executive vice president and general counsel of Time Warner.

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Embracing the Whole World through the Study and Teaching of Law

The influence of Mary Ann Glendon, a comparatist at heart

By Paolo G. Carozza '89, July 21, 2020

Theme: **Faculty Scholarship**



Credit: Tony Luong

Mary Ann Glendon, the Learned Hand Professor of Law, retired this month.

I didn't particularly like most of my first year of law school at Harvard. To be sure, there were challenging intellectual ideas for me to absorb and complicated legal puzzles to solve, some of my professors were brilliant and deeply committed to their students, and I had a terrific cohort of classmates in my section. But what was missing for me was any sense that this technically sophisticated exercise had any larger human purpose, that there was indeed a meaningful reason in all that toil and training. What was it all for, and was this really worth dedicating the rest of my life to? I had my doubts.

That uncertainty began to dissipate in the fall of my 2L year after I enrolled in Mary Ann Glendon's seminar on Foundations of Western Legal Thought. I had little idea of what to expect from this professor who had just arrived at Harvard from Boston College the year before. But very quickly I began to realize that here was someone different from what I was used to. In Mary Ann I discovered a person who eagerly embraced the whole world through her study and teaching of law. She communicated an ideal that as students of the law, we were participants in a vast, complex and immensely important human enterprise. She embodied in her own life and generated in others a joy and a passion for what we studied together because it was valuable and relevant to our lives. At the same time, she was never naïve or utopian in this vision of the distinctive nobility and grandeur of law's ideals. She never lost sight, with clear-eyed realism, of law as a sociological fact—subject to interests and powers—and of the fragility and flaws of every human undertaking.

All of this made for a presence that I found intriguingly difficult to categorize—intellectually, politically and personally. And, indeed, it has always been impossible for others to pin on Mary Ann Glendon their preconceived labels; she is always more than you expect.

This is certainly not because her life has lacked conviction or clarity or courage. On the contrary, she has played many strong roles as both a scholar and public servant, and taken on any number of deeply contested topics. Rather, I think her liveliness is born of a passion for all that is truly human. Throughout her life she has lived intensely the aphorism of the ancient Roman playwright and former slave Terentius: "I am a human being, and nothing human is alien to me." It has made her constantly engaged in vigorous dialectic with the reality of the world around her, always seeking to test all things and to gather and retain whatever in them is good. This openness to all things human has also given her a singular capacity for

“ She has lived intensely the aphorism ... ‘I am a human being, and nothing human is alien to me.’ ”

dialogue across various ideological, cultural and religious divides that in our fractious times seems to be alarmingly rare.



Mary Ann Glendon joined the HLS faculty in 1987.

Credit: Harvard Law School

Encountering and over time growing in familiarity with Mary Ann's openness and her passion for the world, the law, and the life of the mind quite literally changed the direction of my life. I would not have been a professor, maybe not even a lawyer, without both her example and her constant friendship and accompaniment as I haltingly made my own way forward from HLS. And as I continue to travel that path, along the way I routinely meet others, of all different ages and interests and places, who also have been formed, inspired, and encouraged by their own encounters with Professor Glendon.

In the many of us whose lives she has touched she may have instilled above all her great love for constantly venturing forth to new ideas and places and then returning home again enriched with a different perspective. She has always been a comparatist at heart. On the occasion of a seminar held in honor of her 75th birthday, Mary Ann reflected on the "adventure" of her own life as a student of comparative law by invoking the motto of the French *Société de Législation Comparée*: "*jus unum, lex multiplex, universa curiositas*." It is in the end an apt synthesis of the ideal that she has pursued and passed on through her life and her work: There is a universality to human experience that gives unity and purpose to law, justice, and rights (*jus unum*); but laws as expressed in social reality are diverse (*lex multiplex*), reflecting the concrete, contingent human lives in which we inescapably live and seek to realize our good; and we strive to bring the two into relationship with one another through the insatiability and dynamism of our human longing for knowledge (*universa curiositas*).

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Learning and Teaching 'in the Curvature of Constitutional Space'

Laurence Tribe's eloquence, influence and impact

By Kathleen Sullivan '81, July 21, 2020

Theme: **Faculty Scholarship**



Credit: Stephanie Mitchell/Harvard Staff Photographer

Laurence H. Tribe, the Carl M. Loeb University Professor and professor of constitutional law at HLS, retired this month.

No one in legal academia has ever combined the roles of constitutional teacher, scholar, advocate, adviser, and commentator with the dazzling breadth, depth, and eloquence of Larry Tribe¹ '66. And no constitutional law professor has ever so seamlessly integrated all these roles for his students' benefit. To learn constitutional law from Larry was to inhabit what he called in one Harvard Law Review article "the curvature of constitutional space," a

place where the architecture of our founding document is a three-dimensional set of relationships, commitments and tacit postulates that can bend toward a better future.

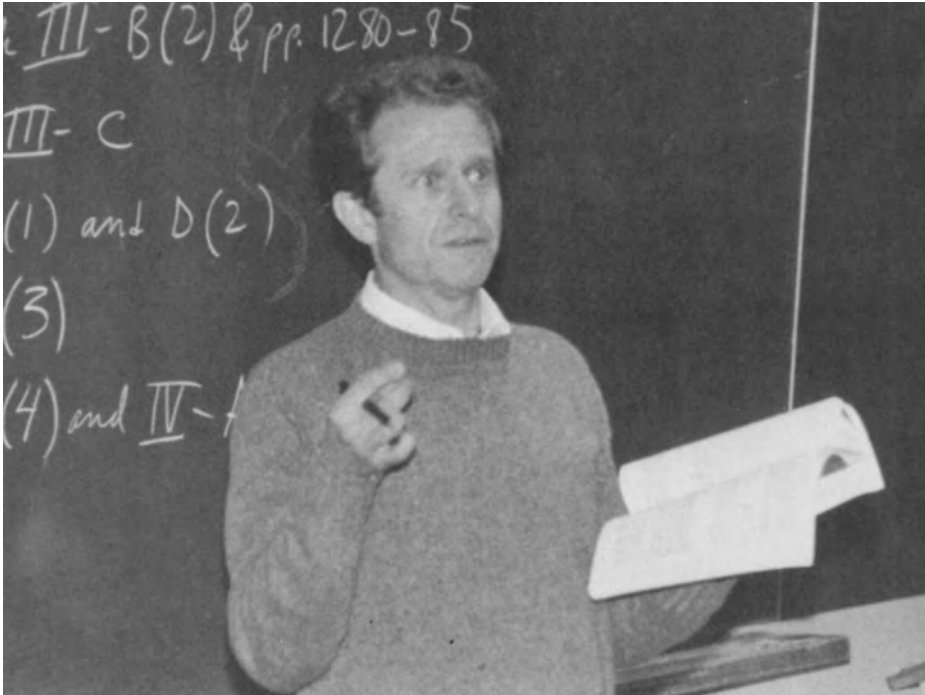
I first met Larry when I walked into Constitutional Law in Austin North as a 2L in 1979, marveling that the course lottery had awarded me a magical place in his perpetually oversubscribed class. He was mesmerizing. He spoke in full paragraphs, each sentence both precise and musical. His imagery was vivid: A constitution was a pre-commitment against future temptation, like Odysseus tying himself to the mast. He made *Marbury v. Madison* riveting. As he did case after case for the rest of the semester.

Larry had then just published his magisterial treatise, “American Constitutional Law,” a brilliant interpretation of our nation’s constitutional jurisprudence that has been cited so often that Dean Erwin Griswold once said that “no book, and no lawyer not on the Court, has ever had a greater influence on the development of American constitutional law.” The treatise also influenced countless constitutional courts around the world and helped give Larry a Madisonian influence on the newly drafted constitutions of nations like South Africa and the Czech Republic.

“ What 2L could ever forget his chalkboard drawing of reserved state powers as “islands in the stream of commerce,” complete with waves and palm trees? ”

Larry was then shortly to argue his first of 35 cases in the U.S. Supreme Court—*Richmond Newspapers Inc. v. Virginia*, where he secured a right of public access to court proceedings. He has since applied his exceptional gifts as an advocate to an astonishing range of high court cases. He pioneered gay rights before there was anything called gay rights, arguing for the right not to be fired or roused from one’s private bedroom on account of sexual orientation. He has made the constitutional case for tort plaintiffs to receive punitive damages and terminally ill patients to control the circumstances of their deaths. At the same time, he has defended the powers of state and local governments to take property, enforce rent control, and impose nuclear moratoriums.

As he was becoming a premier Supreme Court advocate, Larry was also becoming a sought-after witness before Congress in committee hearings on constitutional subjects. He went on to provide such frequent and powerful congressional testimony, each a noteworthy work of scholarship in its own right, that I once heard Sen. Edward Kennedy call him “the 101st senator.” His telegenic appearances on national television amplified such commentary for a broader public, giving the nation far beyond HLS classrooms the privilege of hearing Larry crystallize the most fraught and complex constitutional topics in the most pellucid and persuasive form.



Credit: Harvard Law School Yearbook

Laurence Tribe joined the HLS faculty in 1968.

For all this time on the national stage in such visible and influential roles, Larry's first love beyond his beloved family always remained his students. Decade after decade, he prepared each class anew. He made even a large class an intimate conversation. His early passions, long before he became a national debate champion and legal scholar, were art and mathematics. No surprise, then, that he took with him to the lectern (as to the Supreme Court podium) elaborate multicolored notes full of geometric designs and arresting visual images. What 2L could ever forget his chalkboard drawing of reserved state powers as "islands in the stream of commerce," complete with waves and palm trees? Or his illustration of the state action requirement as little governments waving the "arms of the state"?

Beyond all these gifts of analytical rigor and public eloquence, Larry also exemplifies profoundly the qualities of empathy, humanity, and love. He beams with pride at his former students' accomplishments. He experiences others' needs and wants as if they were his own. His optimism is contagious. He never gives up. And he always adapts. The man who typed his treatise on a dozen adjacent typewriters because he was not sure how to change the ribbon is now a widely followed presence on Twitter.

For all these reasons, it is difficult to imagine Harvard Law School without Larry still teaching there. The gift of his teaching was the foundation of my own career in academia and advocacy, as it was for so many others lucky enough to have been his students. And yet Larry is still teaching, through the thousands of students he has taught—professors and presidents, justices and jurists,

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How to Do Comparative Constitutional Law?

For Mark Tushnet, you can't leave out politics

By Rosalind Dixon LL.M. '04 S.J.D. '08 and David Landau '04, July 21, 2020

Theme: **Faculty Scholarship**



Credit: Jared Soares

Mark Tushnet, the William Nelson Cromwell Professor of Law, retired from HLS this month.

Harvard Law School Professor Mark Tushnet is the rare scholar who has made huge contributions in a number of different fields. He was an active participant in the Critical Legal Studies movement of the 1980s; he has been a leading contributor to both academic and public debates on the U.S. Constitution; and he is one of the founders—along with HLS colleague Vicki Jackson, the Laurence H. Tribe Professor of Constitutional Law—of the modern field of comparative constitutional law. And inevitably, he has been able to connect these fields and ways of thinking about law and constitutional government, as few other scholars have been willing or able to do.

Our own experience of Mark has been as a comparative constitutional scholar, and mentor in the field. For one of us (Dixon), this began when Mark sat on her S.J.D. defense committee at Harvard; for the other (Landau), it began when Mark served as a formal mentor in the HLS Climenko program. But ever since, he has been an invaluable sounding board on all manner of things comparative constitutional: He has read almost everything we have written, provided incisive yet constructive criticism and given invaluable guidance on the direction of our careers. We know countless former HLS students of his and comparative colleagues who have had the same experience: He is undoubtedly one of the most generous readers of colleagues' work anywhere in the world.

More than anything, however, Mark has served as a model for us and other scholars of our generation—U.S.-trained constitutionalists with a strong interest in the law-politics relationship and a comparative interest and bent—for how to do comparative constitutional law.

Mark has made important contributions to nearly every area of the field. To give readers a sense of his prolific contributions just to comparative constitutional law, he is a leading contributor to the forms of judicial review, to the interpretation and structure of rights via proportionality and horizontality, to the enforcement of socioeconomic rights, to theories of constituent power and constitutional change, to the varieties of constitutionalism, including nondemocratic constitutionalism, and to comparative methodology, among other areas! He currently has an important ongoing project on independent accountability institutions. His casebook with Vicki Jackson is a standard reference point for all scholars, and emblematic of his influence. But more than anything, his work has helped lend credibility to the field, helped to grow it and to make it mainstream.

“ Mark has used comparative constitutional law to unsettle what we think defines a legitimate or well-functioning constitutional system. ”

What is striking about so much of his work is how he connects comparative constitutional law to constitutional politics—and the insights of the Critical Legal Studies movement. One of the overarching ideas in Mark’s work is that we should think more about finding political solutions, and less about legal solutions, to the constitutional problems we face. We should be more skeptical of courts, and of constitutional design more generally. Related to that is a second point: We should be a lot less secure in the normative presuppositions we’re making about what a legal order should look like.



Credit: David Leifer

A student seeks the guidance of Professor Mark Tushnet on his research and writing during an event at the HLS Library.

In important ways, these points are also deeply comparative; Mark has used comparative constitutional law to unsettle what we think defines a legitimate or well-functioning constitutional system, or to show that things we think are inevitable in reality are not.

His well-known project on “weak-form review” is a great example. In a terrific book and several articles, he looks at countries such as Britain and Canada, where the legislature and executive can reject constitutional rulings by the judiciary, or contexts such as South Africa, where the judiciary often issues remedies that defer to political actors. Mark argues that as compared with “strong-form” judicial interpretations and remedies we are more familiar with from the United States, this “weak-form review” may do a better job of squaring rights-enforcement with politics and democratic deliberation. These ideas have been especially influential for both of us, expanding the way we think about the enforcement of rights, especially new forms of rights like socioeconomic rights.

So too, in a very different way, these concerns are the motivations for Mark's current project on independent accountability institutions such as ombudspersons and anti-corruption commissions, which in some sense he conceptualizes as alternatives to courts for dealing with areas where democracy might be expected not to work well, or at least not to self-police. The core idea is that you create other institutions, with some independence, but perhaps less independence than you give courts.

The use of comparative analysis to express skepticism about judicial power, constitutional design, and the status quo of liberal democracy, by opening up the range of possibilities, is squarely in the best traditions of comparativism, and it continues to be much needed.

At the same time, these concerns also reflect Mark's experience and expertise in U.S. law. And they often read differently outside the U.S., since other systems have different ways of engaging with judicial power. One of us (Landau) remembers being in a judge's chambers in the Constitutional Court in Bogota, where they were planning to invite Mark to an event. But then one of the clerks turned to Landau, momentarily alarmed, and asked, "But what about this book 'Taking the Constitution Away from the Courts'?" The idea seemed too radical, indeed dangerous, for a system just beginning to establish judicial review.

The degree to which global audiences seek to situate Mark's ideas with their own quite different legal contexts is a testament to the scope of Mark's reach and his influence on the field. They may not want to "take the constitution away from the courts," but they almost always want to consider what Mark's ideas say about the scope and practice of judicial review—or, for that matter, federalism, constitutional change, or constitutional design—in their own systems.

Mark may be retiring from HLS, but it will be a long time before comparative scholars are willing to let him retire from the field—his voice is too generous, and too important and insightful, for us to miss out on.

Rosalind Dixon LL.M. '04 S.J.D. '08 is a professor at the University of New South Wales (Australia) Faculty of Law. David Landau '04 is a professor at Florida State University College of Law.

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A Justice Reflects on Law and Life

Justice Gorsuch shares insights into his decisions and events that shaped him

By Lewis Rice, July 21, 2020

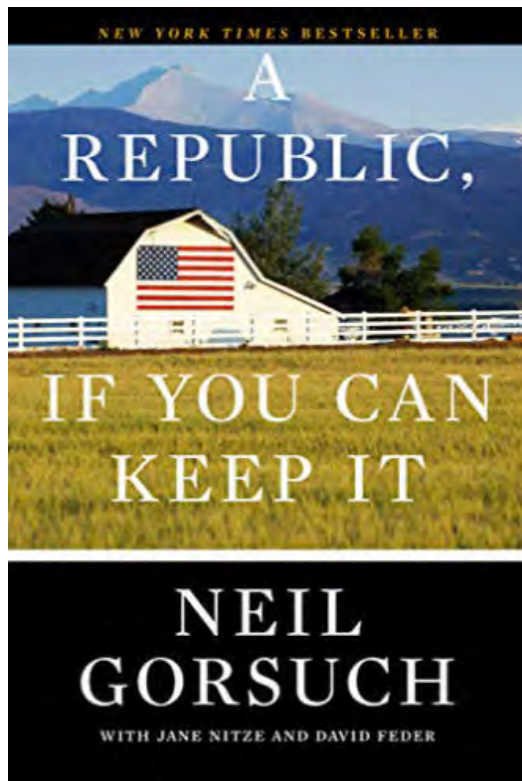
Theme: **Alumni Focus**



Credit: Andrew Harrer/Bloomberg via Getty Images

In a book featuring speeches and writings over the course of his 30 years in the law, Supreme Court Justice **Neil Gorsuch '91** offers “personal reflections on our Constitution, its separation of powers, and some of the challenges we face in preserving and protecting our republic today.”

Justice Gorsuch’s “A Republic, If You Can Keep It” (written with Jane Nitze '08 and David Feder '14) stems from the months-long process leading up to his confirmation by the Senate in 2017. He



writes that during the confirmation process he heard people speak about the law and his time in the profession in ways he didn't recognize: The notion of judges allowing policy preferences to affect their rulings was "foreign to my experience in the law," he writes. The judges he most admires recognize that "the judge's job is only to apply the law's terms as faithfully as possible."

"As the [confirmation] process unfolded, I came to worry that our civic understanding about these things—about the Constitution and the proper role of the judge under it—may be slipping away," he writes.

Justice Gorsuch shares his thinking behind some of his own judicial decisions, such as one in which he considered whether the government could collect cellphone location data in light of the original meaning of the Fourth Amendment. In another case, he sheds light on a decision by diagramming a sentence from a statute about using a gun to commit a crime of violence or drug trafficking. Justice Gorsuch also explains his dissent when he was on the 10th Circuit in a case in which a seventh grader was arrested after disrupting a gym class with fake belches. Though the majority concluded that the law allowed for the arrest, however misguided it may have been, he cited appeals court precedent that a more substantial disruption of the school operations was required to justify the police response.

He highlights several cases to demonstrate the value of the framers' decision to divide the powers of the federal government, which he calls "one of their most important contributions to human liberty." When that separation is ignored, he writes, the rule of law is undermined and real people can get hurt, such as in the case of an immigrant married to a U.S. citizen who faced conflicting edicts from the executive and judiciary branches related to whether he needed to leave the country for 10 years in order to apply for lawful U.S. residency.

In other chapters, Justice Gorsuch explores how to improve access to affordable justice, including lowering the cost of legal education and easing prohibitions for nonlawyers to assist in legal matters. Writing on "ethics and the good life," he offers a tribute to his former colleague Justice Anthony Kennedy '61 and recommends to law school graduates 10 things to do in their first 10 years after graduation (find a passion outside the law is one).

In addition, he reveals how he was inspired by the man he would replace on the Supreme Court, Justice Antonin Scalia '60, who died in 2016. While Justice Gorsuch was a student at HLS, he writes, the prevailing sentiment was that judges should turn to legislative history in order to discern the law's purpose and that the Constitution was a "living document." Justice Scalia visited the school to deliver a lecture "suffused with the conviction that when charged with interpreting congressional statutes and constitutional texts, judges should follow the law as written and originally understood. ... " The lecture was "a breath of fresh air," Justice Gorsuch writes, and it would help lead him to embrace Justice Scalia's judicial philosophy, which, he contends, is "how many of the founders conceived of the judge's job when they wrote the Constitution." Justice Gorsuch himself would go on to deliver his own lectures making the case for originalism and textualism, two of which are printed in the book.

While the book doesn't focus on his Supreme Court nomination process, Justice Gorsuch does detail personal reflections from that time: the support he received from those who served as his law clerks, a young child who asked to hold his hand during turbulence on a flight to Washington, a stranger who saw him on television and sent him new socks because his appeared to be worn out. And in another personal touch, he writes about his family, including his grandparents, "who did as much to shape me as anyone," and his mother, whom he calls a feminist before feminism

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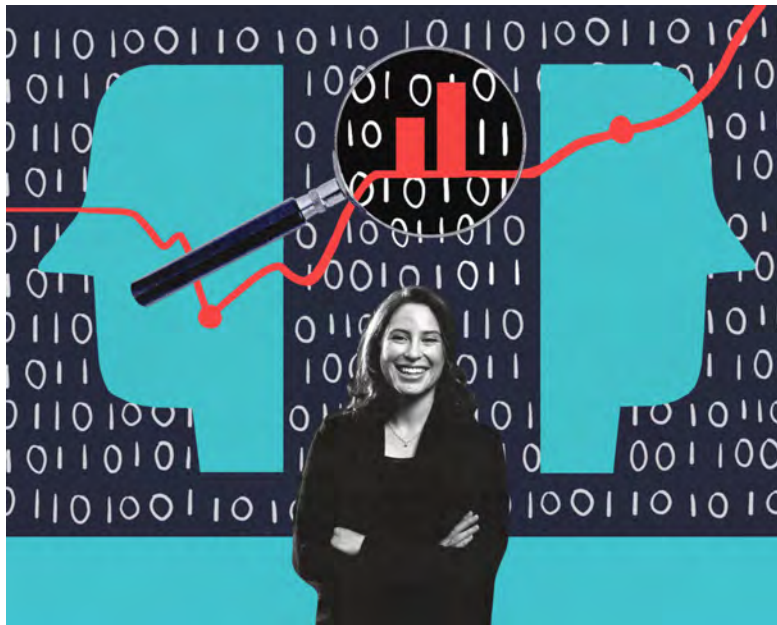
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No Time Like the Present

Talia Gillis brings insights from behavioral economics to law and to life

By Julia Hanna, July 23, 2020

Theme: **Student Spotlights**



Credit: Franziska Barczyk

In mid-March, Talia Gillis and her husband, Avi, had a solid childcare plan for their 3-year-old toddler and 15-month-old twins. “It was all carefully crafted—the twins here, our toddler there,” recalls Gillis, who was closing in on the final requirements for a Ph.D. in business economics from Harvard in addition to her S.J.D. at the law school (she’d completed her LL.M. in 2013). Then the coronavirus pandemic forced the closure of schools and daycare centers.

“When it all came crashing down, like for many parents, it was a real struggle to figure out how to handle it,” Gillis says, with a broader smile than anyone would expect under the circumstances.

The new reality forced a quick decision: Gillis was speaking from Jerusalem (via Zoom, of course), where she and her family relocated to live with her parents. “It’s made a huge difference,” she says. “My parents are both working full time, but they’re around in the mornings and evenings. It’s good for morale.”

Moving around the globe is in Gillis’ DNA. She was born in London, and her parents moved to Melbourne, Australia, when she was still a baby, and then on to Israel when she was eight years old. “My parents are British, but their families were in Israel, so there was always the idea that they’d end up there,” she explains. “Australia was a detour, a way to go looking for adventure.”



Credit: Michael Gillis

Talia Gillis at her childhood home in Jerusalem—along with her husband, and 3 children

Given the difficulty of securing childcare in the final weeks of her degree, Gillis has postponed the completion of her Ph.D. to later this year; in July, she’ll start full-time as an associate professor at Columbia Law School. “I feel very fortunate,” she says. “The plan is that I’ll teach contracts to 1Ls in the fall; and down the line, add more courses and seminars in my areas of research.”

Gillis’ work cuts a wide swath, with one focus being the intersection of artificial intelligence and consumer loan discrimination. It’s driven by a question: “What does it mean for a credit pricing algorithm to discriminate?” When Gillis examined how algorithms were used, she saw that the type of information being considered by automated systems when pricing credit for consumers had expanded dramatically. For context, she cites the increasing number of websites that allow customers to pay for a purchase in installments, which requires an immediate decision on

creditworthiness. “Often the information used to make that determination will be what sort of computer you’re using, how you type, or how you navigated to the website,” says Gillis. “In other cases, you have lenders who provide online personal loans to people who don’t have credit scores, such as young people or recent immigrants. They might use your GPA, your SAT score, or where you went to school to determine loan rates.” Those methods raise questions around how to use existing legal tools and frameworks to regulate algorithms and the potential for discriminatory practices, she says.

That concern dovetails with her focus on consumer finance law, as well as her research in behavioral economics and household finance. “I’m very interested in understanding mental accounting, which is basically how we create different bins of income and outflows that affect our financial behavior,” she says. “Very rarely are our decisions based on an all-encompassing financial plan.” For example, present-bias—our tendency to give more preference to a payoff that is closer to the present when weighing two future options—often drives our decision making. For Gillis, an early instance dates back to when her parents offered the choice of a new toy in exchange for turning over all of her pacifiers. “I didn’t think about the value of the pacifiers at the time of the transaction,” she recalls. “Instead I focused on the immediate excitement of the new toy and discounted the future heartbreak I would experience when bedtime came and I no longer had a pacifier.” She adds, “Needless to say, I also exploit my children’s present-bias as a parent!”

It all fits with a growing focus in economics on how people actually make decisions, versus how they make them in theory, she says—an approach that carries over to law. “I’m looking forward to bringing that same perspective to thinking carefully about different ways of regulating consumer finance and what it actually means for consumer welfare and decisions,” she says. One of her current working papers considers privacy agreements between websites and users. “It’s quite a complicated thing, because these agreements look like typical contracts, we accept the terms, but we all know we don’t read them,” she says. “So, what would be a helpful framework to use in regulating these agreements?” To answer that question, Gillis is considering Harvard economist and Nobel Prize winner Oliver Hart’s incomplete contract framework as applied to privacy agreements, as well as other behavioral economics research on how consumers understand contract terms. Working across Harvard—at the law school, business school, and university—has offered her the opportunity to approach an issue from different perspectives, says Gillis. It’s a tactic she hopes to carry through as much as possible in her own classroom.

Until her position at Columbia begins, however, Gillis will continue her research and writing alongside parenting duties, like so many others working from home. “Luckily my husband has some flexibility in how to manage his schedule. Our routine doesn’t look at all the way it used to,” she says. “The twins and the toddler have gotten better at keeping themselves busy,” she adds, “but it’s a mess.” And then she laughs.

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Coming Full Circle

Jerry Rappaport and the two speaker series he helped to launch at HLS nearly 75 years apart

By Julia Hanna, February 12, 2020

Theme: **Alumni Focus**



Credit: Harvard Law School

As a first-year law student, Jerome Rappaport '49 founded the Harvard Law School Forum to bring speakers to campus to discuss and debate some of the most pressing issues of the day.

On Feb. 21, two professors **squared off** at Harvard Law School in a respectful clash of ideas about the increasingly contested role and impact of free speech on college campuses as part of a new speaker series, the Harvard Law School Rappaport Forum. In the audience was the alumnus who, more than 70 years earlier, first advocated for the school's role as a venue for engaged civil discourse on the most compelling topics of the day.

Jerome “Jerry” Rappaport arrived at Harvard Law School in September 1945. At age 18, he had already completed three years at Harvard College and was beginning his legal studies as part of an experimental combined-degree program. World War II had just ended, and there was a sense of urgency and idealism in the air. While he had not fought in the war, he and many of the veterans who made up Harvard Law School’s incoming class felt a strong sense of shared responsibility to ensure that a global conflict of such magnitude would never happen again.

What if Harvard Law School sponsored a speaker series on issues that would shape the post-war world?

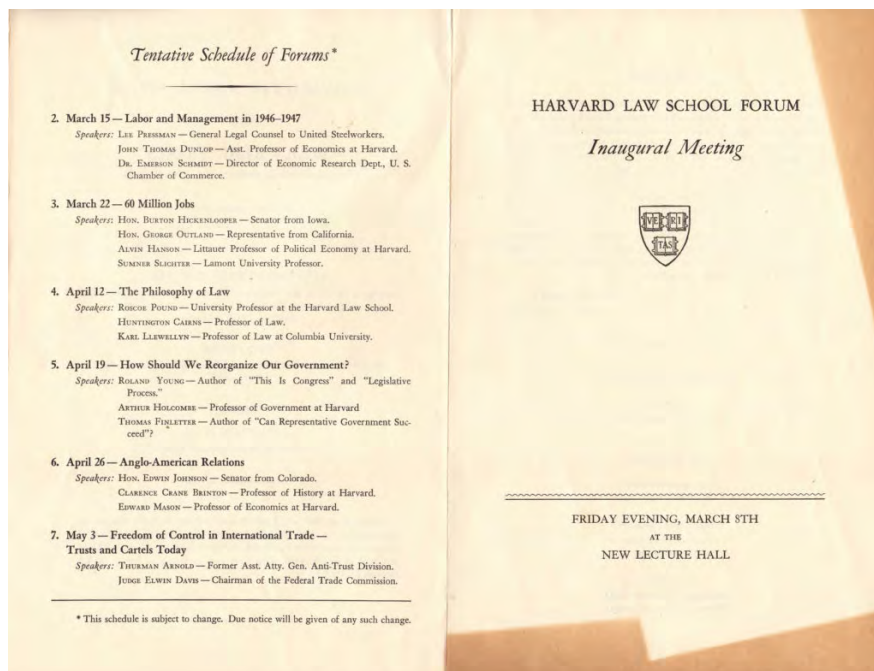
Like any first-year law student, Rappaport found himself instantly immersed in a daunting course load. But that didn’t stop him from approaching Dean James Landis with an idea: What if Harvard Law School sponsored a speaker series on issues that would shape the post-war world? Rappaport had grown up listening to “America’s Town Meeting of the Air,” a popular radio program broadcast live from New York City featuring guest

speakers on topics ranging from freedom of the press to public school performance. Hosting something similar at the law school could offer a way to grapple with the real-world implications of the law’s intersection with government and public policy in an environment of mutual respect and inquiry, Rappaport suggested.

Landis agreed. He set Rappaport up with an office and a letter of introduction to Supreme Court Justice Felix Frankfurter LL.B. 1906 for both advice and speaker connections. On March 8, 1946, in the midst of the Nuremberg Trials, the Harvard Law School Forum hosted its inaugural meeting on a timely topic: “War Crimes: Revolution in Legal Theory or Law Enforcement?”

In a recent interview nearly 74 years later, Rappaport, 92, looked back on that time with disbelief and amusement. He used the word “audacity” to describe the actions of his 18-year-old self, also making it clear that he had plenty of assistance from classmates and faculty mentors when it came to the nitty-gritty work of selecting speakers and pulling off event logistics.

According to Rappaport, he and his classmates felt a need to bridge the gap between the classroom and the many ways they saw lawyers having an impact in the public sphere. “Unless the embryonic lawyer is prepared to assume that he is relieved of the responsibility of citizenship during a cloistered tenure of study, he cannot afford to ignore the importance of participating in or attending discussions of vital contemporary issues,” Rappaport told the American Bar Association Journal in 1947 for an article holding the Harvard Law School experiment up as an example for other law schools.



On March 8, 1946, in the midst of the Nuremberg Trials, the HLS Forum hosted its inaugural meeting on a timely topic: “War Crimes: Revolution in Legal Theory or Law Enforcement?” It was the first of seven events presented that semester.

During its first semester, the forum was already thriving. The Nuremberg program was followed by six others, on topics ranging from Anglo-American relations to international trade. Open to the public and filling Harvard’s largest speaking venue, Sanders Theatre, the events were also broadcast on WHDH radio. “It was a period of time when, although certainly there were strong political ideologies, there was a sense of commonality and some belief in the process of rational dialogue creating some resolution of issues,” Rappaport said.



Credit: HLS Yearbook

Dr. Martin Luther King Jr. spoke at the forum in 1963.

Looking back, the roster of forum participants² over the years is like an abbreviated “Who’s Who” of the 20th century, including John F. Kennedy, Dr. Martin Luther King Jr., Eleanor Roosevelt, Thurgood Marshall, Fidel Castro, Cesar Chavez, Geraldine Ferraro, Billy Graham, Caspar Weinberger ’41, Whoopi Goldberg and Jesse Jackson, just to name a few.

“Because it was Harvard Law School and they had such respect for the institution and for us as potential future leaders,” said Rappaport, speakers “came and they engaged,” dropping (for the most part) their standard talking points. Rappaport served as the forum’s president for two years; after graduating in 1949, he entered the Boston political scene, working on John Hynes’ successful campaign to defeat four-term Mayor James Michael Curley—who would later debate Rappaport during an HLS Forum event titled “The Political Machine: Use and Abuse” in 1953.

“We’ve lost any sense of national dialogue, of discussion and debate as a means for deepening our understanding and pursuit of the truth.”

“He didn’t talk about the topic at all,” Rappaport recalled. “Just his pro-McCarthy views, which I was strongly against.” A week after the event, Curley sent for Rappaport and told him he had done a good job. “Beyond the political opposition, you didn’t have to be personal enemies,” Rappaport said.

Decades later, he said, the media and political landscape are completely different: “We’ve lost any sense of national dialogue, of discussion and debate as a means for deepening our understanding and pursuit of the truth.”



Credit: Martha Stewart

Phyllis and Jerome L. Rappaport

That reality has motivated the launch of the Harvard Law School Rappaport Forum. Funded by the Phyllis & Jerome Lyle Rappaport Foundation, it is designed to promote and model civil discourse on complex and challenging issues facing our community, our nation, and our world.

“To be effective, great lawyers and leaders must be able to hear, to listen generously to, those with whom they disagree,” said John F. Manning ’85, the Morgan and Helen Chu Dean of Harvard Law School. “By inviting thought leaders to engage in vigorous and respectful discussions and disagreements about consequential topics, the Harvard Law School Rappaport Forum will help train the next generation of lawyers to be skillful in not just preparing a strong argument, but in understanding all perspectives.”

Through this new series, Manning notes, the law school will build on the spirit of the visionary HLS Forum that Jerry Rappaport founded as a student 74 years ago and which continues as a student-run organization to this day.

The kickoff event in February focused on the topic “When Is Speech Violence? And Other Questions About Campus Speech.” HLS Professor Jeannie Suk Gersen ’02 moderated a discussion between Jonathan Haidt, professor at New York University Stern School of Business and co-author of “The Coddling of the American Mind,” and Lisa Feldman Barrett, professor of psychology at Northeastern University and author of “How Emotions Are Made: The Secret Life of the Brain.”

“We want to build on the forum’s original approach of supporting the discussion of public affairs and the importance of the Socratic method to the legal process and to achieving truth,” said Rappaport. “It’s an effort to model a process that is core to our democracy and to our nation.”

He is not expecting the events to perform miracles. But he does hope for some movement toward a shared understanding that could ultimately lead to tangible change. In today’s world, he believes, that would qualify as significant progress.



Jerome “Jerry” Rappaport ’49 (back, far right), the founding president of the Harvard Law School Forum, designed and executed its first programs in the spring of 1946 and presided over them as student host.

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Double Take

Ames Teammates celebrate another win

July 23, 2020

Theme: **Alumni Focus**



Credit: Courtesy of Caroline "Carly" Anderson '12

2011 Ames Moot Court teammates in December 2019 on the steps of the Supreme Court. From left: Noah Weiss, Matthew Greenfield, Mitch Reich, Carly Anderson, Stephanie Simon, and Stephen Pezzi

Caroline "Carly" Anderson '12 wrote to the Bulletin on Dec. 4 to report that **Mitch Reich '12** had argued *Rodriguez v. FDIC* before the Supreme Court just the day before. Among those listening to the argument in the courtroom were Anderson and four other HLS classmates—**Stephanie Simon, Matthew Greenfield, Stephen Pezzi** and **Noah Weiss**—who, along with Reich, had all been members of the 2011 winning Ames Moot Court Competition team¹.

They had congregated in D.C. that morning and waited in line in the chilly air more than two and a half hours to support their teammate in his first Supreme Court argument.



Credit: Courtesy of Caroline “Carly” Anderson ’12

Noah Weiss, Carly Anderson, Matthew Greenfield, Mitch Reich, Stephen Pezzi and Stephanie Simon in 2012

Seven years earlier, all six members of the Belva Ann Lockwood Memorial Team had come to D.C. to hear arguments in *United States v. Alvarez*, the case upon which their moot court case was based. Professor Richard Lazarus ’79 had secured tickets for them after hearing them argue (thanks to his former roommate, Chief Justice John G. Roberts Jr. ’79). Anderson sent a snapshot from that day.

“We took a second picture in the same spot after Mitch descended the stairs upon completion of his argument,” wrote Anderson. “Mitch did a terrific job.” The justices agreed. On Feb. 25, the SCOTUS **decision**² in *Rodriguez v. FDIC* came out unanimously in favor of Reich’s argument.

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HLS Authors: Selected Alumni Books Summer 2020

July 23, 2020

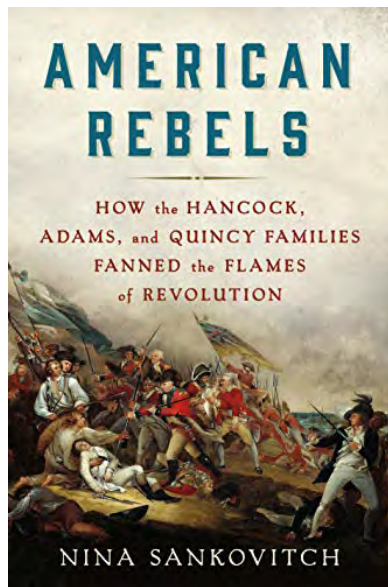
Theme: **Alumni Focus**



Credit: Yifan Wu

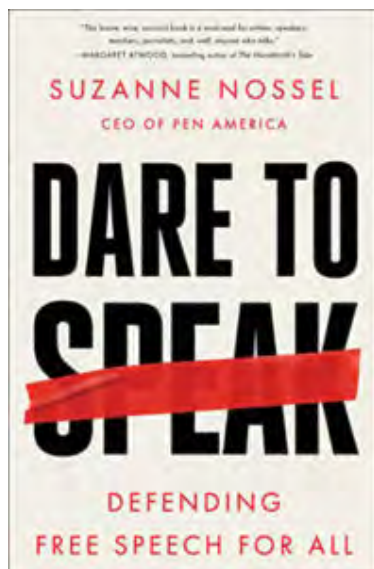
“American Rebels: How the Hancock, Adams, and Quincy Families Fanned the Flames of Revolution,” by Nina Sankovitch ’87 (St. Martin’s Press)

The roots of a revolution sprung from a small village in Braintree, Massachusetts, as Sankovitch details in the journey of John Hancock, John Adams, Josiah Quincy Jr., Abigail Smith Adams and Dorothy Quincy Hancock through childhood friendship to the signing of the Declaration of Independence. Beginning with the death of the Rev. John Hancock in 1744 (father of the then 7-



year-old John Hancock), the book shows how the friends rebelled against British control over the colonies, with in-depth accounts of their education as children and of their roles in landmark events such as the Boston Massacre and the Battles of Lexington and Concord.

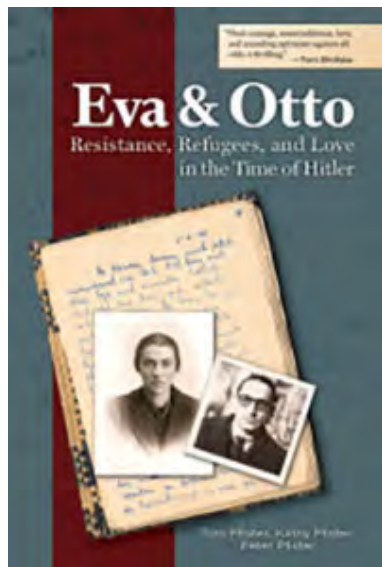
“Dare to Speak: Defending Free Speech for All,” by Suzanne Nossel ’96 (Dey Street Books)



The CEO of PEN America, an organization dedicated to protecting free expression, Nossel advocates principles that would uphold free speech and address the challenges that unwelcome speech can bring. With sections on speaking, listening, and debating questions of free speech and policies related to it, the book guides readers on how to be conscientious with their own language and on facing language they find hateful. She also explains the legal limits on free speech while counseling against further government controls. Free speech is the foundation for all other rights, she argues, and safeguarding it promotes tolerance, reduces violence, and facilitates social progress.

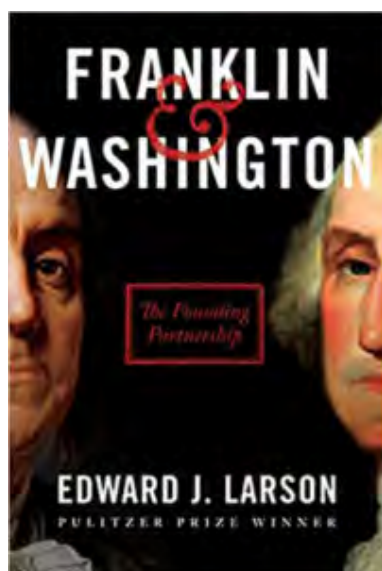
“Eva and Otto: Resistance, Refugees, and Love in the Time of Hitler,” by Tom Pfister ’73, Kathy Pfister and Peter Pfister (Purdue University Press)

In this intimate and epic account of resistance against fascism in war-torn Europe, the two protagonists, Eva and Otto, are brave and dogged and romantic—they are also the authors’ parents. The book is based largely on the couple’s diaries and correspondence covering their years of anti-Nazi work before and after Hitler assumed power, Eva’s internment by the French following the German blitzkrieg toward Paris, and Otto’s capture and imprisonment by the Nazis. It also details their separate escapes to America, Eva’s efforts to rescue other refugees (with the help of Eleanor



Roosevelt), their secret work with the OSS, and the relationship of love and mutual respect that helped them survive.

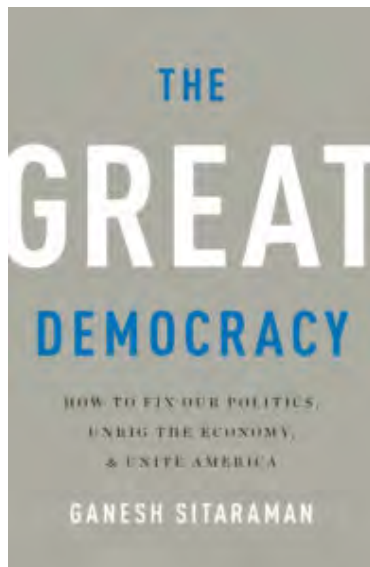
“Franklin & Washington: The Founding Partnership,” by Edward J. Larson ’79 (William Morrow)



Much has been written about George Washington and Benjamin Franklin separately, but the Pulitzer Prize-winning historian and professor at Pepperdine University focuses in his new book on how the partnership of the longtime friends shaped America’s founding. Larson shows how they cooperated and coordinated during the American Revolution, with Franklin leading diplomatic efforts in Europe while Washington commanded the Continental Army. He also details how they worked together and brought credibility to the Constitutional Convention. In exploring the links between them, writes Larson, he found that “each man became more understandable in light of the other.”

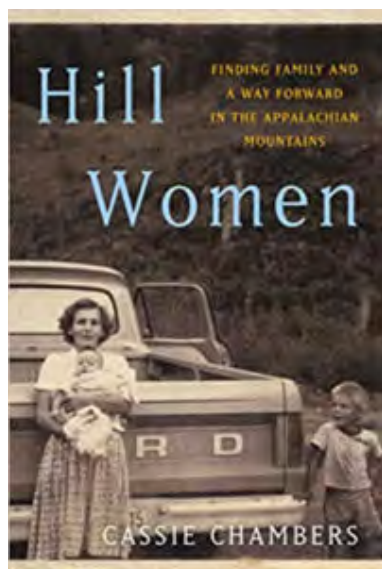
“The Great Democracy: How to Fix Our Politics, Unrig the Economy, and Unite America,” by Ganesh Sitaraman ’08 (Basic Books)

A professor at Vanderbilt Law School who served as senior counsel to HLS professor emerita Sen. Elizabeth Warren, Sitaraman theorizes that we now stand on the cusp of a new era in America. It’s one, he writes, that could lead to a “nationalist oligarchy” that would focus on protecting the interests of the rich and connected. He details his preferred alternative, a great democracy that emphasizes government responsive to popular will and expanded economic opportunity. The book



begins with an examination of the current era of neoliberalism, which prioritizes free markets and individualism, and, he contends, is in its last throes because of burgeoning social fracturing and its failure to maintain economic stability. A great democracy can arise, he writes, through a willingness to play political hardball, courageous leadership, grassroots organizing, and using policy to build power.

“Hill Women: Finding Family and a Way Forward in the Appalachian Mountains,” by Cassie Chambers ’15 (Ballantine Books)



While telling her own story of growing up in one of the most economically disadvantaged places in America and becoming an unlikely Yale College and Harvard Law graduate, the author also tells the story of the women who helped make her success possible. They are women like her mother, aunt, and grandmother, who cared and sacrificed for others, and demonstrated resilience and resourcefulness. Inspired by her experience representing clients through the Harvard Legal Aid Bureau, Chambers returned to her home state of Kentucky to work on behalf of domestic violence survivors. “I owed a debt of gratitude to the mountains, to the values and the people who had forged me,” she writes.

“Sharent hood: Why We Should Think before We Talk about Our Kids Online,” by Leah A. Plunkett ’06 (MIT Press)

Professor Leah Plunkett of the University of New Hampshire School of Law, informed by her previous work as a legal aid lawyer representing minors, examines how the ways in which people use technology can “play an underappreciated yet outsized role in determining youths’ digital dossier, as well as their life prospects. ...” She highlights examples of “sharenting” (parents digitally sharing private information about a child) through social media and commercial use, and the



problems it causes. Plunkett also considers ways to protect children, including a “digital curfew” to regulate youths’ online use, and recommends that parents communicate with children directly about choices they have made that affect them.

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HARVARD LAW TODAY

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Pivot Point

Working on the front lines of New York's COVID-19 response

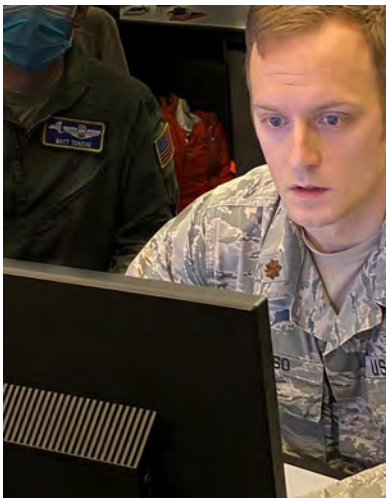
By Julia Hanna, July 21, 2020

Theme: **Alumni Focus**



When section mates **Phil Caruso** and **Gareth Rhodes** graduated from Harvard Law School in 2019, neither could have known they'd be working to address the COVID-19 crisis in their home state less than a year later: Caruso as Department of Defense liaison to the New York City Emergency Management Department and Rhodes as a member of New York Gov. Andrew Cuomo's COVID-19 task force.

Both quickly pivoted to their roles when the pandemic began to take hold in early March. An Air Force reservist with 11 years of service under his belt, including two



Credit: Courtesy of Phil Caruso

Phil Caruso '19 took time off from his work at a New York private equity firm to serve as the Department of Defense liaison to the New York City Emergency Management Department, coordinating with state and local governments to help transform the USNS Comfort and the Javits Center into field hospitals.

Rhodes' day job is deputy superintendent and special counsel at the New York State Department of Financial Services. Before coming to HLS, he served four years in Gov. Cuomo's administration as deputy press secretary. On March 1, he received his first task force mandate: Boost the state's testing capacity, with an initial goal of 1,000 tests a day. "I became best friends with lab directors all over the state," said Rhodes, adding that the effort required daily calls at all hours with lab equipment manufacturers and suppliers. Within a few

tours in Afghanistan, Caruso knew it was likely that the military would somehow be part of the federal government's response. With the support of his employer, private equity firm Onex Partners (in addition to his J.D., he also received an M.B.A. from Harvard), he accepted the charge to lead a Department of Defense team tasked with supporting FEMA.

On March 18 he reported for duty in Brooklyn at the NYC Emergency Management Department, where he began coordinating with state and local governments to help transform the USNS Comfort and the Javits Center into field hospitals and to onboard 700 military doctors, nurses, and respiratory technicians into area hospitals. Caruso sat in on multiple city planning meetings that touched on all aspects of local government's response to the pandemic, offering insight and advice on requests for federal aid. It's a very different mission from his experience in Afghanistan, he noted, where the military was obviously in the driver's seat: "We're supporting FEMA, and FEMA is supporting the state and the city. I'm in the back room in an operational capacity, making the sausage, trying to help the people who are actually doing the work get what they need. Yet it's some of the most impactful work I've done."

"I'm in the back room ... trying to help the people who are actually doing the work get what they need. Yet it's some of the most impactful work I've done."

—Phil Caruso '19

weeks, New York ramped up to 20,000 tests a day; to date, it has one of the highest testing rates per capita.

He then moved on to working with the Army Corps of Engineers to expand hospital capacity through field facilities such as the Javits Center; a subsequent project involved working on a team to ensure that patients were transported from hospitals nearing capacity to facilities where they could be easily transitioned to higher levels of care if their condition worsened suddenly. By mid-April, he was focused once again on expanding testing capacity, this time with the goal of doubling the number of daily tests to 40,000.

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Credit: Mike Groll/Office of Governor Andrew M. Cuomo

Gareth Rhodes '19, was tasked with ramping up New York state's testing capacity for COVID-19 as a member of the governor's task force.

that stood in stark, surreal relief. For Rhodes, it was seeing a dorm he had lived in as a CUNY undergrad identified as a potential field hospital site. And on April

It was helpful, Rhodes said, to check in with Caruso, especially during the Javits Center conversion. "You're coordinating multiple federal, state, and city agencies. To have someone I knew personally who could give me a sense of what was happening on the ground and where we needed to send more resources gave an added degree of insight," he said, even as they used established channels to execute the work at hand.

Both experienced the nonstop nature of crisis work; by April 30, when he first spoke with the Bulletin, Rhodes had worked 61 days straight. "Every morning starts very early, prepping for the governor's 11:30 briefing," he said. After that, the team often works well into the evening: "You have the sense that every hour you're not working on this, you're losing precious time, and time is of the essence in these crises."

Even as the days blended together, Caruso and Rhodes offered up vignettes

"You have the sense that every hour you're not working on this, you're losing precious time, and time is of the essence in these crises."

—Gareth Rhodes '19

21, he traveled to Washington for an Oval Office meeting between Gov. Cuomo and President Trump that focused on building New York's testing capacity. "That's not an experience I ever thought I'd have," he admitted. While media gave the encounter advance billing as a "showdown," Rhodes emphasized the real focus: saving lives. "The governor has shown the nation how you can communicate facts through effective leadership," he said. "When you have to count on New Yorkers' buy-in for stay-at-home orders and quarantines, it's important to have the public's trust."

Caruso's data-intensive, operational role had its moments, too. "We don't forget about the suffering and pain this virus is causing patients and their families, even when we're in the weeds with logistics," he said. "But when I saw it happening on the ground at places like the Javits Center, the coffins at the medical examiner's office, it really hit home; you have a visceral empathy and understanding for the devastation behind the numbers." (As of mid-July, nearly 32,000 New Yorkers had lost their lives to COVID-19, the highest fatality rate of any U.S. state.)

It's difficult to find any encouraging outcomes in the face of so much loss. But Caruso highlighted one positive result: what is possible when local, state, and federal government entities work together. "At the beginning, the scale and complexity of turning the Javits Center into the state's largest hospital made it seem like an impossible task," said Caruso. "It's pretty incredible to see how something as terrible as COVID-19 can also bring out the best in people."

* * *

HARVARD LAW TODAY

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A Sense of Place

In her new book, Deirdre Mask '07 shows that street addresses mean a lot more than meets the eye

By Lewis Rice, July 21, 2020

Theme: **Alumni Focus**

Everyone who went to HLS knows that it is on a street called Massachusetts Avenue (or, as it's known to people who live in the area, Mass. Ave.). But what if it were called Martin Luther King Jr. Street? Would people think any differently about the school? Or what if the school had no address at all? How would people find it?



Credit: Courtesy of Deidre Mask

Deirdre Mask '07, author of “The Address Book: What Street Addresses Reveal About Identity, Race, Wealth, and Power”

These are the kinds of questions Deirdre Mask '07 has been thinking about and researching. Whether exploring the perception that streets named after MLK are blighted and dangerous, or how a lack of addresses in impoverished neighborhoods in Kolkata, India, perpetuates poverty, Mask illuminates the richness and history behind the seemingly prosaic numbers and names that mark the places in our lives, in “The Address Book: What Street Addresses Reveal About Identity, Race, Wealth, and Power.”

It is an esoteric subject that most people may not immediately think is interesting, Mask acknowledges (the same held true for most book publishers—over a dozen rejected the proposal before St. Martin’s agreed to publish the book). In fact, she said, “I spent four years being embarrassed to tell anybody I was writing a book about street addresses.” Perhaps not so much now, as the book has received plaudits from The New York Times, The Washington Post, and The Guardian, among others.

Mask herself came to the subject by happenstance. It started when she addressed an envelope. At the time, a few years after her law school graduation, she had won a Mitchell Scholarship to pursue her master’s in writing in Ireland. She mailed a birthday card addressed to her father in the U.S. and wondered how the U.S. would get its share of the postage she paid in Ireland. To find out, she chanced upon the website of the Universal Postal Union. There she discovered that billions of people around the world don’t have reliable addresses. That includes in the U.S., which she later saw for herself when she drove—and got lost—around parts of West Virginia that lacked addresses. The experience became the basis for an article she wrote for The Atlantic magazine and sparked the idea for the book.

Each chapter explores a different place and a different angle on addresses: how ancient Romans navigated their streets; how Vienna instituted house numbers in order to find men eligible for military service; how street names affect housing value in New York City. In addition, the book focuses on the ramifications of not having an address, which largely affect poor and homeless people. Though in some cases people prefer not having an address as a way to conceal themselves from government entities and outsiders, Mask notes that addresses are essential to your identity, allowing easier access to bank accounts, services, and job opportunities. They also bring something beyond the pragmatic, as she discovered by talking to people without addresses in Kolkata: a sense of belonging.

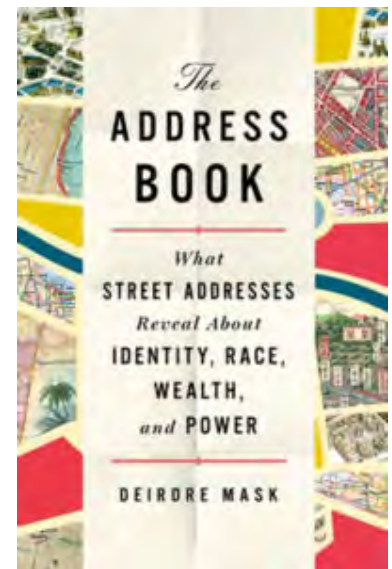
“It was a sense that you need to be able to be found, and found not just by your neighbors, but from people outside your community, and it’s actually really powerful to know that you’re being counted or that you’re being named,” says Mask.

The book also offers insight into social issues, including particularly topical ones. As she shows in a chapter on a cholera epidemic in Haiti, addresses can help stem a public health crisis. Location and disease are linked, she says, and can apply to efforts like contact tracing in the coronavirus pandemic. Mask observes that chapters on race stem from her reflections as an African American; one explores debates about naming streets after Confederate soldiers. Such debates help expose people's views on race in a way that otherwise may remain hidden, she says.

"I think street addresses can be a useful lens [through which] to think about race," said Mask. "What if we changed Robert E. Lee streets to Rosa Parks streets? What happens when we honor streets with Martin Luther King Jr.'s name? People's real feelings are often revealed in debates over a seemingly small thing like naming a street after an African American."

As her writing has gained attention, people have frequently contacted her to share their personal stories related to addresses. Mask has her own too. She now lives in London with her husband, Paul MacMahon '07, who teaches law at the London School of Economics and Political Science, and their two daughters. When they were searching for a house to buy, an agent showed Mask one she liked. It was on Black Boy Lane. No one could say for sure how the street got its name, but it gave her pause to live there, considering how the term "boy" has been used to denigrate African American men. They eventually found another house where they live now, on Wilberforce Road, which was a considerably better address for Mask to call her own. William Wilberforce was a British politician and abolitionist whose advocacy led to the passage of a bill eradicating the British slave trade in 1807. Not everyone reading this may have known who Wilberforce was and what he stood for. Because of an address, now they do.

Mask illuminates the richness and history behind the seemingly prosaic numbers and names that mark the places in our lives.



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A Case for Compassion

Long devoted to upending the U.S. system of incarceration, Juliana Andonian '17 works to secure the release of vulnerable people in prison—and seeks other lawyers to help the cause

By Lewis Rice, August 4, 2020

Theme: **Alumni Focus**



Credit: Prescott Loveland

Juliana (Ratner) Andonian '17 went to law school for one reason and one reason only: to get people out of prison.

She is now fulfilling that mission with an even greater sense of urgency as the coronavirus pandemic has stricken people across the United States and most acutely in the prison system, where conditions make safety measures like social distancing and frequent hand-washing impossible. Andonian is a staff attorney for FAMM (the organization was formerly known as Families Against Mandatory Minimums but now uses only the acronym since it expanded its work

on incarceration issues). She helps to coordinate a **Compassionate Release Clearinghouse**¹ that recruits and trains volunteer attorneys to seek the release of people in federal prison. Its COVID-19 Project works to free those who are most vulnerable to serious illness and death because of the virus. More than 1,000 attorneys have joined the effort, including some of her fellow HLS grads, but many more are needed to handle the caseload.

“It’s a really meaningful thing to do,” Andonian said. “I don’t think people with medical vulnerabilities should be sentenced to die in federal prison.”

Elizabeth Bailey ’12, an associate at Buckley in Washington, D.C., took on the case of one of the most vulnerable people imaginable. Her client is in a persistent vegetative state, which meant that Bailey had to not only argue for compassionate release but also secure a place for long-term care, a challenge made more difficult by the pandemic. With the help of medical and social work consultants and Andonian and other attorneys, she was able to obtain a federal court order securing the client’s release as soon as a care facility is confirmed, which Bailey expects will happen soon.

“I don’t think people with medical vulnerabilities should be sentenced to die in federal prison.”

“When the order came through, we were in shock,” she said. “There was so much emotion and relief. When you work on something like this, you end up getting to know the most intimate details of a client’s life. You think about them when you’re not working, wonder how they are doing and worry for their family.”

In addition to that case, Bailey has worked on other compassionate release and parole-related issues at her firm. Her work with FAMM has inspired her to talk to family and friends about the effects of the pandemic in prisons and write about prisoners’ rights.

“After the pandemic calms and we all return to work, this will continue to color my practice and, indeed, my life,” she said.

Of course, not every FAMM case ends with a release. Mario Nguyen ’17 represented a man more than 60 years old with respiratory problems and other health concerns who was sentenced in 2018 to a 10-year term for drug-related charges. Despite Nguyen’s argument about the risk the person faces by remaining in prison, the judge denied the motion, contending that the man had not served enough of his sentence to warrant release. Since the decision cannot be appealed, according to Nguyen, the client may have to serve at least four or five more years—if he is able to survive.

“You get close to these people, you care about them, and you realize how bad their medical conditions are,” he said. “If ordinary people are worried about this disease, you can only imagine what somebody who’s trapped in a building feels like.”

Although he works in white-collar criminal defense as an associate at Locke Lord in Dallas, Nguyen emphasizes that criminal law experience is not required for volunteer attorneys—just a desire to address issues of incarceration and criminal justice. Those issues have long motivated Andonian. A native of the Washington, D.C., area, she said she “grew up in a family that strove for liberation,” with parents who joined protests and with extended family members who were brought to trial and faced prison time for what they believed in.

Before coming to HLS, she worked for six years for an organization called Free Minds Book Club & Writing Workshop, which uses literature to empower 16- and 17-year-olds who have been charged and incarcerated as adults in D.C. jails. She wanted to do more for them, but people told her she couldn’t because she wasn’t a lawyer. So she decided to become a lawyer. And FAMM has allowed her to do exactly what she wants to do.

“Our health and safety and well-being and integrity are all bound together with each other.”

Beyond the legal work, she appreciates that she gets to care for people who are often marginalized and forgotten. She tries to speak every week with one 71-year-old man who was recently given a compassionate release from a federal prison that was a COVID-19 hotspot. His joy for life even after 25 years in prison inspires her, as do many of the people on whose behalf she works.

“In terms of people in prison, my goal is to elevate their voices,” said Andonian. “I have learned a tremendous amount from them. The people who I work with are overwhelmingly gracious to me, and I am humbled by that.”

She hopes that the releases precipitated by the dangers of COVID-19 will show that compassionate release will not harm society but will instead expose the public health dangers caused by prison conditions. While those conditions directly affect incarcerated people, they also affect those who work in prisons who return every day to the outside world and those with whom they come into contact every day, she says.

“Our health and safety and well-being and integrity are all bound together with each other,” she said. “We have to take care of everyone. We can’t lock people up and ignore them. There is an urgency I’m seeing around that I hope will stay.”

HARVARD LAW TODAY

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Looking Back, Looking Forward

After a health scare, William D. Zabel '61 reflects on a life and career of making a difference for society and his clients—with more to come

By Lewis Rice, July 21, 2020

Theme: **Alumni Focus**



Credit: Steven Freeman

William Zabel would like to inspire lawyers to do public service, which he says is more important now than ever. And, at 83, he is still as excited as he always has been by the law, and continues to take on cases for his firm. “Experience is of great value in the law,” he says.

William D. Zabel '61 has many reasons to be grateful. He has a loving family (his wife, Deborah Miller; their three sons, Richard '87, David, and Gregory; and seven grandchildren) a successful and stimulating legal practice, and continues to advance causes he cares about. But he says he's particularly grateful these days. And with good reason: He spoke to the Bulletin shortly after his release from a two-week hospital stay after contracting COVID-19 and fearing—more than once—that he would die while his family was barred from being at his bedside because of the highly contagious virus.

He has completely recovered, he says, and he is eager to experience more of a remarkable life of 83 years and counting.

“There’s a great serendipity in life that none of us can explain—and I’m happy to be a beneficiary,” Zabel said.

His career has featured work on behalf of causes he believes in, starting when he was a young lawyer. As an associate with Cleary Gottlieb, Zabel spent the summer of 1964 in Mississippi as a volunteer civil rights lawyer with the Lawyers’ Constitutional Defense Committee to help with efforts to expand voting rights for African American residents there. Later, with the firm he co-founded in 1969, Schulte Roth & Zabel, he advocated for sometimes high-profile clients in his specialties of trusts and estates as well as family law. One of his first cases for the firm involved contesting the will of a wealthy New York businessman who had disinherited his daughter because she had married an African American man. It was a case made for Zabel, recalling his longtime advocacy to end anti-miscegenation laws that sprung from his time as an HLS student arguing a moot court case on the subject. When he learned that people of different races were barred at the time from marrying each other in 16 states, he was “appalled,” he said: “It struck me that how the hell in America could a man not marry a woman just because one was white and one was black.” By 1965, he had published an article in *The Atlantic*, “Interracial Marriage and the Law,” arguing against the constitutionality of U.S. miscegenation laws. He went on to write the lead brief for the ACLU in the *Loving v. Virginia* case—in which the Supreme Court ruled unanimously in 1967 that such laws were unconstitutional. Zabel considers the *Loving* case and the creation of his law firm to be the two most important achievements of his legal career.

In addition, he has worked on behalf of international human rights causes, including traveling to Chile in the 1980s to examine cases of Chileans tortured and murdered during the Pinochet regime. He has served as board chairman for Human Rights First and the Immigrant Justice Corps, and has won recognition for his human and civil rights contributions including the Lawyers’ Committee for Human Rights Extraordinary Leader Award and the inaugural Robert F. Kennedy Justice Prize from the Lawyers’ Committee for Civil Rights Under Law.

Just a few years out of law school, he wrote the lead brief for the ACLU in *Loving v. Virginia*.

His passion for social justice developed during a childhood in South Dakota through the influence of his parents, who were politically active and supporters of Sen. George McGovern, a family friend whose public service inspired Zabel. Captain of his nationally contending high school debate team,

he was, he jokes, argumentative from a young age and learned early on the importance of standing up for what is right, when his grandfather, a nonlawyer, took a neighbor to court for poisoning Zabel's dog. Though harming a dog wasn't a crime at the time, his grandfather obtained damages from the neighbor.

"I thought it was a great thing that the law could get justice even for a little dog," said Zabel.

He has ensured that public service plays an important role at his firm, which hired a full-time partner to focus solely on public interest work. He has also helped build it into a thriving business, ranked by *The American Lawyer* as one of the 100 most financially successful law firms. In one of his most notable cases, he negotiated a settlement of \$7.2 billion from the estate of his client, Jeffrey Picower, an investor with Bernie Madoff, which returned money to the victims of Madoff's Ponzi scheme in what Zabel calls the largest civil judgment against an individual in the history of American jurisprudence.

He has represented some of the wealthiest people in the country, including investor and philanthropist George Soros, whom he considers a friend. How does he advise such clients? Carefully, he says, and with a high degree of—no pun intended—trust required.

"When you're advising someone on that level and on a personal basis, you become almost a quasi-psychiatrist," said Zabel. "You really get into their personal values, lives, private interests. They expect loyalty, as do all clients, and discretion is especially important to the very rich."



Credit: Courtesy of Bill Zabel

Somewhat by happenstance, Zabel also became a prominent divorce lawyer. The founders of the firm didn't envision that family law would be part of its practice, but he took his first case in the field in order to represent a secretary in the firm against a well-known divorce lawyer. That led to recommendations for other cases, and Zabel went on to represent Jane Welch, in divorce proceedings against former General Electric CEO Jack Welch; golfer Greg Norman; and radio personality Howard Stern, among others.

Zabel credits Harvard Law with helping to facilitate his financial success and recently gave back to the school in the form of an endowed professorship in human rights. (Professor Samantha Power '99 was named the first recipient, to his

great delight.) Supreme Court Justice Sonia Sotomayor sent remarks paying tribute to Zabel during a celebration of the professorship at the school in late February, which read in part: “Your unceasing devotion to human rights and to fighting injustice spans more than a half century. ... You have remained true to the lawyer’s responsibilities to help secure a just world.”

In his own remarks at HLS that day, Zabel quoted Winston Churchill, whom he frequently turns to for inspiration, citing the aphorism “Success is never final.” He ended his speech with poetry—a passion of his that he has been known to incorporate into his legal writing—reciting a portion of the poem “Ulysses,” by Alfred Lord Tennyson, including:

Old age hath yet his honour and his toil;
Death closes all: but something ere the end,
Some work of noble note, may yet be done ...

“Ere the end,” Zabel would like to inspire lawyers to do public service, which he says is more important now than ever. And he is still as excited as he always has been by the law, as evidenced by the fact that soon after his recovery this spring, he took on more work for his firm. He could be living a very comfortable retirement now, but lying on the beach or playing golf doesn’t interest him. Besides, his work helps keep him young, though he quips that it’s hard to stay young when you’re old.

“I really enjoy practicing law. I think I do it quite well,” he said. “Experience is of great value in the law.

“I think I’m still at the top of my game when I need to be.”

And like Ulysses, he is still looking to do more.

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Harvard Law Bulletin Class Notes
Summer 2020 Issue



Theodor Meron

Class Year: 1955

Judge Theodor Meron, who served as a judge of the Appeals Chambers of the International Criminal Tribunal for the former Yugoslavia and the International Criminal Tribunal for Rwanda and most recently as president to the successor to these two courts, gave the keynote speech at the U.N. Holocaust Memorial Ceremony held at U.N. General Assembly Hall on Jan. 27. The ceremony took place 75 years to the day of the liberation by the Soviet forces of Auschwitz Birkenau Nazi German concentration and extermination camp. Meron is also multiyear visiting professor at Oxford University and Honorary Fellow of Trinity College. Queen Elizabeth II appointed him recently Companion of the Most Distinguished Order of St Michael and St. George.

Jacob Hen-Tov

Class Year: 1960

Dr. Jacob Hen-Tov, retired professor of government-Eurasian studies at the George C. Marshall European Center for Security Studies, writes: "About 60 years ago, I wrote a research paper for the late Professor Harold Berman of Harvard Law School on the Soviet legal struggle against the so-called 'Parasites' in Soviet society during the rule of Khrushchev as part of broader legal reforms in the post-Stalin era. I am now expanding this study to include as well those reforms in the area of law enforcement (Druzhina—police volunteers) and the judicial reform in the Soviet system referred to as the 'Comrades' Courts.' These reforms aimed to rid the system of its totalitarian-Stalinist legacy and revive genuine Marxist Communist concepts as the basis of the new social order. This study hopes to put new light on the de-Stalinization processes undertaken by Khrushchev.

Frederick Lipman

Class Year: 1960

Frederick D. Lipman, a partner at Blank Rome in Philadelphia, has published his 20th book, "Enhanced Corporate Governance: Avoiding Unpleasant Surprises."

Raymond Horton

Class Year: 1965

Raymond D. Horton writes: “I have been conspicuously silent in all the years since I graduated from the school largely because I switched fields from law to academe, but some of my colleagues from the class of 1965 might be interested in what I’ve been up to since then.” A member of the Columbia Business School faculty since 1970, he teaches in the field of modern political economy, founded the school’s Tamer Center for Social Enterprise, and is faculty director of programs in social enterprise in Executive Education. This May, he received a Presidential Award for Outstanding Teaching at Columbia’s (virtual) commencement. Earlier in his career, he served as executive director of the Temporary Commission on City Finances (New York City) while on a leave from Columbia in the 1970s and later held the positions of research director and president of the city’s Citizens Budget Commission. Horton adds that one possession from his time at HLS that he’s especially proud of is “a copy of ‘An Introduction to the Philosophy of Law’ inscribed (with a very shaky hand) by Roscoe Pound” after Horton and a classmate won a moot court competition in their second year. “This was a most fitting gift because the courses I really enjoyed at the school were philosophical in nature, perhaps indicators of my future career,” Horton writes.

William Butler

Class Year: 1966

Professor William E. Butler was awarded the Gold Medal of the National Academy of Sciences of Ukraine “For Scientific Achievements” and honored with two festschrifts by Ukrainian and Russian colleagues, one by comparative lawyers and the other by international lawyers.

Thomas Glynn

Class Year: 1968

Thomas V. Glynn writes: “In December we lost our classmate and my dearest friend Doug Cram—a wonderful husband, father, and grandfather as well as a generous friend. Doug and I were of one mind about almost everything, including noticing outrageous news analysis and commentary, mostly in The New York Times, which I read but he refused to. Not a day goes by without my reading something that causes me to say to myself, ‘I have to send this to Doug.’ He will be missed.”

Mark Packer

Class Year: 1968

Mark B. Packer of Bellingham, Washington, is a recipient of the Albert Nelson Marquis Lifetime Achievement Award from Marquis Who’s Who, the publisher of Who’s Who in America. He also recently received a “Champion of Youth” award from the Boys and Girls Clubs of Whatcom County, Washington. Mr. Packer recently retired after 50 years of law practice.

Thomas Stanton

Class Year: 1970



Tom Stanton has just published “American Race Relations and the Legacy of British Colonialism” (Routledge Focus). He writes, “The book explores how colonial rule created a racially divided U.S. society but also gave us the rule of law that is helping us to overcome much of that division.”

Jose Garcia-Pedrosa

Class Year: 1971

Jose Garcia-Pedrosa recently retired from the practice of law and has published a book titled “America’s Casablanca: A ‘True Novel’ about Miami’s Emergence from Bankruptcy and Corruption,” which he presented at the Miami Book Fair and at Books & Books. A former city manager, city attorney, and civic figure, Garcia-Pedrosa says he draws on his “firsthand knowledge of an often surreal world of drugs, violence, sex, and unapologetic lifestyles, filled with episodes illustrative of what the locals came to know as a ‘Miami moment’—a temporary lapse of reality, an unexpected turn of events, amusing yet so bizarre as to strain credibility, widen the eyes in amazement, and push Miami’s frontier image closer to the Casablanca of Humphrey Bogart fame.

Christopher Hart

Class Year: 1973

Christopher A. Hart, the previous chairman of the National Transportation Safety Board, was asked by the Federal Aviation Administration to lead the Joint Authorities Technical Review, formed by the FAA after the two tragic crashes of the Boeing 737 Max. Consisting of technical experts from NASA and nine other aviation safety regulators around the world, the JATR is conducting a peer review of the FAA’s process for approving flight control systems and will recommend improvements to the process. Hart is also the founder of Hart Solutions LLC in Washington, D.C.

George Ho

Class Year: 1974

George J. Ho was elected president of the Hong Kong Red Cross in 2019.

Richard Meserve

Class Year: 1975

Richard A. Meserve, president emeritus of the Carnegie Institution for Science, writes: “I am pleased to report that I was recently awarded the Eisenhower Medal by the American Nuclear Society. This is one of the highest awards of the ANS and is to recognize ‘outstanding leadership in public policy for nuclear science and technology or outstanding contributions to the field of nuclear nonproliferation.’ Previous recipients included Sam Nunn, Richard Lugar, and George Shultz. It reflects my contributions as a former chairman of the Nuclear Regulatory Commission, as an adviser to the International Atomic Energy Agency as chairman of the International Nuclear Safety Advisory Group, as co-chairman of the Department of Energy’s Nuclear Energy Advisory Committee, and as an international adviser to the Japanese Nuclear Regulatory Authority, among other activities.”

David Riemer

Class Year: 1975



David R. Riemer reports that his book, “Putting Government in Its Place: The Case for a New Deal 3.0,” has been published by HenschelHAUS. He writes: “The book tells the story of how President Franklin Roosevelt and his New Deal allies created four new clusters of domestic policy (New Deal 1.0). Over the next 80 years, those policy clusters—(1) broad-based economic security guarantees, (2) means-tested welfare programs, (3) market regulation and (4) market manipulation—underwent extensive revision (Version 2.0). The model worked fairly well when the U.S. dominated the world economy and technology remained generally benign. But since the 1970s, the New Deal settlement has sputtered in the face of international competition and disruptive technology.

For decades, we’ve made little -to -no progress in economic security and market regulation. The book explains the shortcomings of the New Deal settlement. It concludes by spelling out the sweeping changes needed to produce a New Deal 3.0 that would guarantee Americans greater economic security, strengthen our markets and make possible America’s next birth of freedom.” Riemer adds: “I’m very proud that one of the book’s endorsements was written by my former Harvard Law Professor Lance Liebman [’67].”

David Wade

Class Year: 1976



David Wade, an attorney in Eugene, Oregon, writes that he is president-elect of the Oregon State Bar and his term as president will begin Jan. 1, 2021.

Ralph Thomas

Class Year: 1978



Recipient of the Distinguished Alumnus Award from his alma mater, Frederick High School in Maryland, Ralph Thomas also received the Parren J. Mitchell Advocacy Award at the 50th Anniversary of the National Association of Minority Contractors. The late Congressman Mitchell was the author of sweeping legislation that gives small, minority- and women-owned businesses access to federal contracts. In addition, Thomas recently testified in Congress on the effectiveness of a federally mandated program relating to small disadvantaged businesses, one of nearly 30 such occasions over the years on similar topics. Thomas currently represents government contractors in Washington, D.C.

Allan Kanner

Class Year: 1979



Allan Kanner of Kanner & Whiteley, a national law firm based in New Orleans, writes that his firm was named 2020 Environmental Protection Law Firm of the Year by the National Law Journal.

Vernon Proctor

Class Year: 1979

Vernon Proctor retired from his law firm (then known as Proctor Heyman Enerio) at the end of 2016. In 2019, he obtained a Master of Arts degree in Conflict Analysis and Dispute Resolution from Salisbury University (Maryland). He currently conducts a mediation practice in Sussex County, Delaware, under the name Proctor Mediation Services.

Jonathan Wallace

Class Year: 1979

Jonathan Wallace writes: "I continue to practice law as a member of Ratschko Wallace in New York City, as a litigator handling First Amendment, commercial disputes, zoning, mandamus actions against governments, and some election matters. On the pro bono side, since 2012 I have been fortunate to live an old dream of litigating the First Amendment at street level, in criminal, civil and administrative matters. This includes: as a member of and volunteer with National Lawyers Guild, representing about a thousand protesters arrested at Occupy Wall Street and subsequent demonstrations; eight trips to North Dakota with the Water Protector Legal Collective to defend people arrested at Standing Rock; on the civil side, representing clients including an Indian tribe and a nonprofit as defendants in lawsuits which potentially chilled freedom of expression and religious practice; and defending public employees, professors, and students in investigative and disciplinary administrative proceedings with First Amendment implications. Once a decade or so, I file a Supreme Court amicus, most recently in Defense of Marriage Act cases. I wish all health and good fortune to friends and friendly acquaintances in the class, and look forward to hearing more of your news in the Bulletin.

Raymond Belliotti

Class Year: 1982



Raymond Angelo Belliotti, SUNY Distinguished Teaching Professor of Philosophy Emeritus, has published his 22nd book, "Dante's Inferno: Moral Lessons from Hell" (Palgrave Macmillan). In this book about moral and personal transformation, Belliotti analyzes five of Dante's characters in hell and the moral lessons Dante intends them to convey, and challenges readers to examine and refine the ways they live.

Stuart Davidson

Class Year: 1982



Stuart W. Davidson, a partner at Willig, Williams & Davidson in Philadelphia and Chicago, now serves as a co-chair of the advisory board of the Los Angeles Alliance for a New Economy, a social justice advocacy group. He had been a member of LAANE's advisory board since 2018 and the following year was honored at its City of Justice Awards, which recognize "outstanding leaders who help to improve the lives of working people." An advocate for labor unions and the workers they represent, Davidson represents public and private benefit funds, leads contract negotiations, presents interest and grievance arbitrations, and advises on external and internal union matters.

Terry J. Freiberg

Class Year: 1983



J.W. ("Terry") Freiberg, who has been called "the Oliver Sacks of law" for the case stories he writes that uncover lessons about the origins of chronic loneliness, wrote that he has published a new book "Surrounded By Others and Yet So Alone." Freiberg, who had a Ph.D. in social psychology before attending HLS and practiced law at the crossroads of law and psychiatry, has been commenting on NPR and other stations and podcasts this spring about the implications of COVID-19 social distancing on chronic loneliness. He is also the author of "Four Seasons of Loneliness," which won a best book of the year award in psychology/ mental health. Information about the two books and his radio commentary can be found on thelonelinessbooks.com.

Kevin Johnson

Class Year: 1983

Kevin R. Johnson has completed his 12th year as dean of the UC Davis School of Law. He recently hosted HLS Professor Annette Gordon-Reed '84, who delivered an endowed family law lecture at UC Davis.

Louis Di Bella

Class Year: 1985

Lifelong boxing fan Lou DiBella, a boxing promoter and an owner of two minor league baseball teams, has been inducted into the International Boxing Hall of Fame. DiBella was vice president in charge of programming at HBO for 11 years before establishing DiBella Entertainment, where he created the monthly televised series “Broadway Boxing” and continues as CEO, guiding stars such as Tevin Farmer, Amanda Serrano, Heather Hardy, Regis Prograis, and Richard Commey.

Rodney Akers

Class Year: 1987



Pittsburgh lawyer Rodney R. Akers, deputy general counsel in the Governor’s Office of General Counsel, has been appointed to serve a three-year term on the Pennsylvania Bar Association board of governors. Active in the PBA’s In-House Counsel, Government Lawyers, and Minority Bar Committees. Akers’ principal areas of legal expertise are information technology, intellectual property, cyberspace issues, regulatory compliance and contracts. He is also an adjunct professor at the University of Pittsburgh School of Law, where he teaches courses as part of that institution’s Innovation Practice Institute.

Verna Williams

Class Year: 1988



Verna Williams is among 2020’s YWCA Greater Cincinnati Career Women of Achievement, recognized for being “outstanding role models for their leadership, vision, community service and renowned professional success.” Williams is dean (since 2019) and Nippert Professor of Law at the University of Cincinnati College of Law, the first African American to lead the college of law. She has guided the faculty through new initiatives such as the Help Center, a collaboration between the law school and community to advise self-represented individuals, and the newly renamed Nathaniel R. Jones Center for Race, Gender, and Social Justice. A former vice president and director of educational opportunities at the National Women’s Law Center, Williams focused on issues of gender equity in education in her work there and, as lead counsel, successfully argued *Davis v. Monroe County Board of Education* before the U.S. Supreme Court.

Steve Berenson

Class Year: 1989



Steven K. Berenson, a professional liability attorney, has joined Klinedinst San Diego as senior counsel. He also serves as a pro tem judge in the small claims and traffic divisions of the San Diego Superior Court and as a volunteer fee dispute arbitrator for both the San Diego County Bar Association's and the State Bar of California's voluntary fee dispute arbitration programs. A former law professor who focused on family law, legal ethics and veterans' legal issues, Berenson founded the Thomas Jefferson School of Law Veterans Legal Assistance Clinic.

Pamela Martinson

Class Year: 1989



Pamela Martinson is serving as president of the American College of Commercial Finance Lawyers for 2020–2021. A partner in Sidley's global finance group, she is located in Palo Alto, California, and represents major institutional and other lenders, lessors, borrowers, and equity sponsors.

Rod Rosenstein

Class Year: 1989



Rod J. Rosenstein writes: “After serving in the United States Department of Justice for almost three decades, I joined King & Spalding in January as a partner based in Washington, D.C. My practice focuses on helping clients resolve complex regulatory and litigation challenges, including government investigations, crisis management, internal investigations, national security, compliance, and monitoring. My wife, Lisa, and I have two daughters, a sophomore at Washington and Lee and a high school senior who will attend Harvard this fall.”

Robert Zafft

Class Year: 1990

Earlier this year, Robert Zafft wrote: “In July 2020, Rowman & Littlefield will publish my book, ‘The Right Way to Win: Making Business Ethics Work in the Real World.’ The book incorporates lessons learned from my working as a lawyer and as a McKinsey consultant in the former Soviet Union and Asia, among other places. My family and I currently enjoy life in my hometown of St. Louis, Missouri, where I practice law and teach at Olin Business School.”

Bruce Ledesma

Class Year: 1993



Bruce Ledesma has been named president of NEXTracker Corp., “the world’s largest provider of hardware and software systems for solar power plants,” he writes. “NEXTracker is globally recognized for delivering hundreds of low-cost solar power plants across five continents.” Ledesma has spent much of his career combating climate change with new and disruptive business models advancing the solar industry. He formerly served as chief operating officer of Mosaic, a national fintech platform which made residential rooftop solar affordable for the middle class. He also served as executive vice president and general counsel of SunPower Corp., a global solar manufacturing company.

Jason Levine

Class Year: 1994



Jason A. Levine has joined the international law firm Alston & Bird as a partner in the Washington, D.C., office. His practice focuses on complex business litigation, antitrust class-action defense, and damage claims against the federal government. Among other appointments, Levine also serves on the Liability Reform Litigation Advisory Committee of the U.S. Chamber Litigation Center.

Jonathan Lotsoff

Class Year: 1994

Jonathan Lotsoff has joined Morgan Lewis as a partner in Chicago. He litigates complex employment matters, including class and collective actions at the trial and appellate levels, and he counsels clients on transactional issues in labor and employment matters. In addition, Lotsoff is a founding board member of Soaring Eagle Academy, a nonprofit school in Illinois that serves children who have autism spectrum disorder. He was previously a partner at Sidley Austin.

Ross Morrison

Class Year: 1994



Ross E. Morrison is now a partner at Yankwitt LLP, a trial and litigation law firm in White Plains, New York. A former assistant U.S. attorney in the Southern District of New York, he represents clients in complex civil litigation, including trials and appeals, and government enforcement matters, including civil fraud and other investigations by the U.S. Department of Justice.

Von Hughes

Class Year: 1995

Von M. Hughes, managing director of PAAMCO Prisma, is author of “U.S. Public Pension Handbook: A Comprehensive Guide for Trustees and Investment Staff” (McGraw-Hill, 2019). He says, “I wrote the book to provide a ‘one-stop’ resource that covers the variety of topics that pension fiduciaries should know and discusses the issues they face.” It is also a valuable source, he adds, for anyone who works with public pensions or just wants to know more about them. Topics covered include public pension history, current marketplace and trends, pension designs and actuarial valuation concepts, and investment policy and portfolio implementation. See more at Hughes’ webpage: vonmhughes.com.

Lee Wolosky

Class Year: 1995

Former U.S. Ambassador Lee S. Wolosky has joined Jenner & Block as a partner. Based in the firm’s New York and Washington, D.C., offices, he is a member of its complex commercial litigation practice and government controversies and public policy litigation practice. Wolosky’s experience includes prosecuting precedent-setting cases related to national security and foreign sovereign immunity, and among his clients have been prominent CEOs, political figures, governments, and media leaders. In addition, he served as President Barack Obama ’91’s special envoy for Guantánamo and, under Presidents Bill Clinton and George W. Bush, was director of transnational threats on the National Security Council at the White House.

Elana Geddis

Class Year: 1996

Elana Geddis LL.M. has been appointed by the New Zealand government to the panel of nominated arbitrators and conciliators maintained by the United Nations secretary-general under the U.N. Convention on the Law of the Sea. A barrister at Harbour Chambers in Wellington, New Zealand, she practices in public international law, specializing in the law of the sea and fisheries, and has appeared as counsel in both the International Court of Justice and the International Tribunal for the Law of the Sea. She is also a member of the panels of nominated arbitrators under the Protocol on Environmental Protection to the Antarctic Treaty and the Convention on the Conservation and Management of High Seas Fisheries Resources in the South Pacific Ocean.

Gregory Chin

Class Year: 1999

Gregory Chin has joined Duane Morris as a partner in the firm's corporate practice group in its San Francisco office. He focuses his practice on emerging growth industries and regularly serves as outside general counsel, advising startups and emerging growth companies. Prior to joining Duane Morris, Chin was a partner at Mintz.

Emily Porter

Class Year: 2000



Emily Su-lan Reber Porter was recently chosen as a trustee at Punahou School in Honolulu, the youngest person to be appointed to that role at the school. (Other HLS alums to graduate from the school include former President Barack Obama '91.) On the occasion of the appointment she sent a career update: “After being a litigator for several years in Honolulu and Washington, D.C., I went in-house and became GC and CAO at a technology/internet company in San Francisco that helped with access-to-justice issues. Today, I serve as the COO of a real estate development and investment company in Honolulu, where I also volunteer on one for-profit and numerous nonprofit boards. My husband and I have two sons in middle school—yes, at Punahou.”

While at HLS, Porter was a member of the Harvard Defenders and the Harvard Asia Law Society, among other organizations. Her father, David Reber, also attended HLS, graduating in 1968. Over the years, she has returned to the school, including to speak at the Celebration 60 event and to be a guest speaker in former Visiting Professor Gillian Hadfield’s class relating to access to justice. “Thanks to HLS for the great schooling and experiences that have allowed me to walk down many interesting and rewarding paths so far in life!” Porter writes.

Ami Wynne

Class Year: 2000

Morgan Lewis partner Ami Wynne works in the firm’s Chicago office and advises companies on a broad range of employment counseling and litigation issues, including those related to the #MeToo movement. A major part of her practice centers on conducting sensitive internal investigations, including at the board and C-suite levels, regarding allegations of discrimination, harassment, conflict of interest and other misconduct. A former partner at Sidley Austin, Wynne led the firm’s global labor and employment practice and served on its diversity committee.

Casline Mouawad

Class Year: 2001



Casline Mouawad has joined arbitration and litigation boutique Chaffetz Lindsey in New York as partner. She was previously a partner at King & Spalding, and since February 2018 she has served as a vice chair of the ICC's Commission on Arbitration and ADR.

Eboni Nelson

Class Year: 2001

Eboni S. Nelson has been appointed dean of the University of Connecticut School of Law, effective Aug. 1, 2020. She currently serves as the associate dean for academic affairs and professor at the University of South Carolina School of Law. Her teaching and scholarship center on the provision of equitable educational opportunities for economically disadvantaged and underrepresented students.

Martha Kammoun

Class Year: 2002



Martha Kammoun LL.M. has joined Bracewell's New York office as a partner in the firm's power practice. She advises domestic and international private equity funds, sponsors, and financial institutions on acquisitions and finance transactions, with a particular focus on energy and infrastructure investments. Kammoun came to the firm from Starwood Energy Group, a private equity investment firm that specializes in energy infrastructure investments, where she was co-general counsel.

Steven Mitby

Class Year: 2002

Steven Mitby has joined Kenna Seiler in launching Seiler Mitby, a complex commercial litigation and corporate transactional boutique in The Woodlands, Texas. Mitby, whose record of multimillion-dollar verdicts includes an \$11.4 million verdict for Woodlands-based F-1 Consulting, was previously a partner in the Houston litigation firm AZA.

Dominique Perkins

Class Year: 2003

Hara Perkins, director at Goulston & Storrs and co-chair of the firm's multifamily housing industry group, has been recognized as one of Crain's New York's 2020 "Notable Women in Law" for the third consecutive year. The list recognizes women lawyers who have made significant impacts on the city. An expert in affordable housing and economic development, Perkins has structured city-transforming real estate transactions such as NYC's Essex Crossing and Cornell Tech's Roosevelt Island Campus. She has also served on numerous boards and in pro bono roles, including as outside general counsel for Civic Consulting USA, and currently is co-chair of the Yale Alumni Real Estate Association and serves on the Public/Private Partnership Council of the Urban Land Institute.

Anna Spain Bradley

Class Year: 2004



University of Colorado Law School Professor Anna Spain Bradley has been elected a life member to the Council on Foreign Relations. Spain Bradley's teaching and scholarship focus on promoting dignity, human rights, and peace for all, and she teaches courses in human rights, international dispute resolution, and national security. She is the author of "Human Choice in International Law," which she writes is forthcoming from Cambridge University Press in 2021.

Amanda Austin

Class Year: 2005

New Ropes & Gray (Boston) partner Amanda Austin leads transactions involving intellectual property assets for pharmaceutical, biotechnology and medical device companies as well as non-profit institutions.

Jared Strauss

Class Year: 2005

Jared Strauss has been appointed a United States magistrate judge in the United States District Court for the Southern District of Florida.

Michael Fluhr

Class Year: 2006

Michael Fluhr has joined DLA Piper's litigation practice as of counsel in San Francisco. He focuses his practice on various types of complex commercial litigation, including in the fields of securities, blockchain and digital assets, and product liability.

Evan D'Amico

Class Year: 2008

Evan M. D'Amico has been promoted to partner at Gibson, Dunn & Crutcher in Washington, D.C., where he advises companies, private equity firms, boards of directors and special committees in connection with a wide variety of complex corporate matters. He also advises public companies on federal securities laws and corporate governance matters.

Kirstin Do

Class Year: 2008

Kirstin Scheffler Do was promoted to counsel in the litigation and trial department of Latham & Watkins earlier this year. Her practice focuses on allegations of health care fraud and abuse in the firm's Chicago office.

Eli Rosenbaum

Class Year: 2008

Eli S. Rosenbaum, recently named counsel in the asset management practice at Ropes & Gray in Boston, focuses on advising institutional investors on their investments in the full range of private funds. Prior to joining Ropes & Gray, he was a teaching fellow in government at Harvard College, where he received the Harvard University Certificate of Distinction in Teaching.

Rebecca Bazan

Class Year: 2009

Rebecca E. Bazan has been promoted to partner at Duane Morris in Washington, D.C. She practices in the area of complex commercial litigation at both the trial and appellate levels. Having worked in diverse areas including animal law, Bazan has developed extensive experience in animal rights litigation and regulatory counseling, including representation of businesses or entities in the entertainment, agricultural, fashion, and food production spaces whose operations involve animals or animal products or services. She also advises and counsels clients on permitting and compliance with state and federal animal laws. Bazan is a member of Duane Morris' pro bono and diversity and inclusion committees.

Jennifer Richnafsky

Class Year: 2009

Jennifer P. Richnafsky has been named a shareholder of Sherrard, German & Kelly in Pittsburgh. A member of the firm's litigation, insurance coverage and employment services groups, she focuses her practice on complex commercial disputes, frequently representing highly regulated clients throughout all stages of the litigation case cycle. She also represents insurance carriers in coverage disputes arising from fiduciary liability, director and officer liability, and employment practices liability policies.

Brittany Amadi

Class Year: 2010

Brittany Amadi became a partner at WilmerHale in Washington, D.C., earlier this year. She focuses on intellectual property litigation.

Kyle Glover

Class 2010



As a new partner at Pierce Atwood in Portland, Maine, Kyle J. Glover assists clients with matters related to the negotiation of technology and intellectual property transactions, the prosecution and protection of trademarks, and compliance with data privacy and security requirements. In addition, Glover has written and taught on the subjects of negotiation and conflict resolution.

Haixia Lin

Class Year: 2010

Haixia Lin became a partner at WilmerHale in Washington, D.C., earlier this year. She focuses on intellectual property matters.

Larkin Reynolds

Class Year: 2010

Larkin Reynolds and the firm she founded, Foundry Legal, have joined Moye White in Denver. She is a partner and anchors the firm's technology, privacy, and cybersecurity practices. Reynolds regularly speaks on issues affecting startup technology businesses and advises several blockchain ventures on how to navigate complex securities and banking regulations. In addition, she serves as an adjunct professor at Denver University and maintains an active pro bono practice focusing on victims of human trafficking and veterans.

Brent Bernell

Class Year: 2011

Brent Bernell was recently promoted to partner at DLA Piper in Austin, Texas. He provides counsel on corporate and securities matters to public and private companies in a variety of industries with a particular focus on the technology sector.

Robert Collins

Class Year: 2011

Robert C. Collins III has become a partner in the Chicago office of Latham & Watkins. He focuses on complex commercial litigation, including matters related to product liability, class actions, and environmental litigation.

Lauren Galbraith

Class Year: 2011

Lauren A. Galbraith was promoted to partner at Farella Braun + Martel, a San Francisco-based law firm, in January. Galbraith helps individuals and families with estate planning, personal wealth transfer, and business succession planning in the Napa Valley and beyond.

Emmett Robinson

Class Year: 2011



Emmett E. Robinson has left Jones Day to found a boutique appellate and major-motions practice, Robinson Law Firm. Based in Cleveland, Robinson Law Firm focuses on individual and business clients litigating in Ohio state courts and federal courts across the United States.

Erica Harrison Arnold

Class Year: 2012



In fall 2019, Erica Harrison Arnold was named executive director of legal compliance for the Henry County School District (Georgia), which serves approximately 43,000 students and 6,000 employees. She served in a prior role as director of performance analytics and research in the same school system through The Broad Center Residency program. Arnold was an associate attorney at Alston & Bird from 2012 to 2017.

Caroline Meneau

Class Year: 2012

Caroline L. Meneau has become a partner at Jenner & Block in Chicago, where she is a member of the complex commercial litigation, class action, and ERISA litigation practices. Her practice focuses on areas including contract disputes, business torts, antitrust, insurance coverage disputes and professional malpractice.

Anne Villanueva

Class Year: 2012

Anne E. Villanueva has been promoted to counsel in the labor and employment group at Skadden, Arps and works in the Palo Alto office. Her practice focuses on a broad range of employment matters, including employment-related issues arising out of U.S. and multinational corporate transactions, executive employment agreements and separation agreements, restrictive covenant agreements, and reductions in force. Villanueva is the editor of Skadden's Employment Flash publication, has served on the steering committee of the firm's Hispanic affinity group, and is co-chair of the Palo Alto office's Associates' Committee.

Ming Cheung

Class Year: 2017

This fall, after completing clerkships on the 4th Circuit and Southern District of New York, Ming Cheung will join the American Civil Liberties Union's Immigrants' Rights Project, with a focus on helping children in federal custody. He writes: "I am grateful and honored to receive a two-year fellowship from Equal Justice Works, sponsored by Fish & Richardson P.C. and Microsoft. You can find more information about my project at <https://www.equaljusticeworks.org/fellows/ming-cheung>."

Andrew Hanna

Class Year: 2019



Andrew Leon Hanna was named to the 2020 Forbes 30 Under 30 list in the Law & Policy category.

Sarah Racicot

Class Year: 2019



Sarah J. Racicot has joined Caplin & Drysdale as an associate in the private client practice group in the firm's Washington, D.C., office. She assists high-net-worth individuals and their families with tax and estate planning matters.

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Theme: **Student Spotlights**

Pomp and Circumstance

Separated by a pandemic, the resilient Class of 2020 still found ways to connect

By Lana Barnett '15, July 21, 2020

On Commencement day, family framed the moment for graduating student Radhe Patel (third from left).

On May 28, 2020, Harvard Law students gathered to celebrate their graduation. The gathering did not take place at the foot of Langdell Hall, but rather in living rooms and backyards worldwide, from Cambridge to California, from New Zealand to the Netherlands, at all hours of the day and night.



Onyi Iyizoba LL.M. returned to Nigeria to celebrate her graduation with her two daughters, ages 5 and 3, and other family members. It was an especially festive reunion, said Iyizoba.

Some bought or borrowed regalia to mark the occasion. Others donned crimson Harvard gear. Some gathered in large groups of loved ones—masked and socially distancing, of course—to celebrate outdoors, while others reveled inside with their immediate families or, in some cases, alone. The graduates made the most of an unusual circumstance—a milestone achievement, celebrated miles away from the friends, faculty and campus that had shaped so much of their law school experience.

But no matter. Like so many graduations, the occasion remained festive, emotional, exciting and bittersweet. In a livestreamed virtual ceremony, graduates tuned in as Dean **John F. Manning '85**¹ shared his affection and admiration for the Class of 2020, the first that began and ended their time at HLS entirely under his tenure. Staff appreciation award winner **Jordana Arias**²—program administrator of the Harvard Immigration and Refugee Clinical Program—and teaching award winner Professor **David B. Wilkins '80**³ expressed their certainty that the graduating class, facing

unprecedented challenges, would rise to the occasion with compassion and resilience. Class Day speaker **Bryan Stevenson '85**⁴ urged students to remember the difference between law and justice, and to retain the hope that had propelled them this far.



Daniel Moubayed described a silver lining of a virtual commencement: “Graduation day felt very different because my family and I were together, sharing stories, feelings, and emotions. I wasn’t a head in a crowd passing on a stage and getting my name called once.”

At home, graduates celebrated with parents, spouses, children and friends. Daniel Moubayed '20 celebrated in Florida with his parents and fiancée, who decorated his parents’ home with a 6-foot congratulatory sign, balloons, confetti, and homemade gavel-shaped cookies and cake pops to mark the occasion.

Before the pandemic hit, Onyi Iyizoba LL.M. '20 had looked forward to her husband and two daughters, ages 5 and 3, flying to Cambridge to celebrate her graduation. Instead, she returned home early to Nigeria and quarantined for two weeks, rejoining her family two days before

graduation. The joy of the family reunion mingled with the graduation celebration to create an especially festive air, though her daughters remained skeptical throughout that she could really be graduating unless she wore a cap and gown.

Those still in Cambridge, such as Zainab Hashmi '20, found themselves strolling toward campus after the ceremony, eager to run into friends and share part of the day together. Friends farther away checked in with texts and photos of their own celebrations.



Zainab Hashmi celebrated via video with far-away family and friends, before returning to campus to celebrate with her husband and children, ages 6 and 4. “I feel like it’s not just me who attended HLS,” she said. “It was also the three of us, who shared that journey with me in a very physical and emotional manner.”

On the other side of the world in Poland, Agnieszka Regiec LL.M. '20, wearing a burgundy jumpsuit, teared up as the names of her fellow graduates flashed on the screen, and her parents shouted with joy at the sight of hers. She looks forward to returning to campus to celebrate with her friends as soon as possible, she said, but she appreciated sharing her joyful memories with the parents and fiancé who had supported her journey, and who might not have been able to attend a faraway graduation in Cambridge.



Agnieszka Regiec stayed in touch with classmates throughout the virtual ceremony, who she said all took away something from Commencement that “gave them peace, closure and maybe goose bumps that we actually graduated from Harvard.”

To celebrate the graduation of Olivia Barket '20, her mother, who had not attended college, pulled out all the stops. She rented a big screen and invited friends of the family to attend a drive-in-movie-inspired graduation ceremony, where attendees could watch safely from their cars. “We all have these conceptions in our head of what a celebration should look like, and what certain moments are supposed to be,” Barket said. But in some ways this moment was more special than it would have been, because so many people who helped raise me could share in that moment, too.”



Nearly 50 people attended Olivia Barket's drive-in celebration just outside Orlando, Florida.

* * *

Commencement 2020 Gallery



On Commencement day, family framed the moment for graduating student Radhe Patel (third from left).



Emenike Chinaza Omeje LL.M. with classmates Nafisa Abubaker Adama and Zanudeen Makorie in Cambridge



Arthur Rodrigues Dalmarco LL.M. and family in Florianopolis, Brazil



Michael McCambridge and Liz Carr joined an impromptu celebration on campus



Rocky Li on the National Mall in

Washington, D.C.



Niku Jafarnia's parents watching the virtual ceremony from their backyard in Danville, California



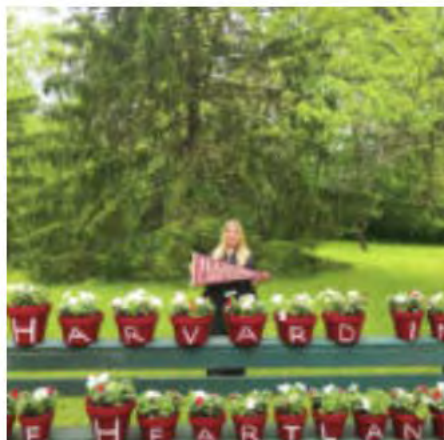
Hannah Kannegieter with her dad in Richmond, Virginia



Faith Damilola Adesua LL.M. and her two boys took pictures on campus after watching the ceremony on Zoom with her family in Nigeria.



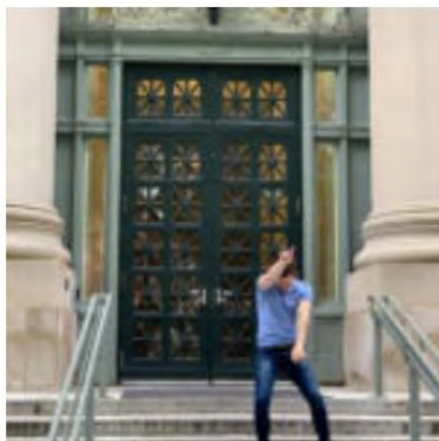
Daniel Egel-Weiss and his girlfriend, Beste Bozkurt LL.M., who also graduated this spring, celebrated in Chicago.



Caroline Shinkle "in the Heartland" in a suburb of Dayton, Ohio



Daniel Aaron with his parents in Newton, Massachusetts



Michael Guggenheim headed to campus after "joining" his family for Commencement via Zoom from his Cambridge apartment.



Emily Migliore and her younger sister
at their parents' home in South Bend, Indiana



Amanda Bradley with about 20 family
members in Atlanta, Georgia

HARVARD LAW TODAY

today.harvard.edu

Lila Fenwick '56, the first black female graduate of Harvard Law, dies at 87

April 15, 2020

Theme: **Alumni Focus**



Lila Fenwick, the first black woman to graduate from HLS, at the school's Celebration of Black Alumni in 2000

Lila Fenwick '56 was a student at Harvard Law School in 1954 when the Supreme Court decision in *Brown v. Board of Education* came down. "I was delirious," recalled Fenwick, one of only a handful of women students at HLS at the time and the only black woman among them. She went on to a career in the United Nations and in private practice. "I knew I was going to be a lawyer when I was a little girl," she said. "It never occurred to me that there were going to be any obstacles." With that determination, Fenwick, who died on



April 4, helped tear down obstacles for generations of others.

Lila Fenwick's Harvard Law School admission photo

“Lila Fenwick was an extraordinary leader who devoted her career at the United Nations to protecting the human rights of all people across the globe,” said John F. Manning '85, the Morgan and Helen Chu Dean of Harvard Law School. “Her leadership, humanity and wisdom will be sorely missed.”

Read her [obituary](#)¹ in The New York Times.

* * *

HARVARD LAW TODAY

today.harvard.edu

John 'Jack' Cogan Jr. '52 (1926-2020)

Legal leader, wise counselor

January 29, 2020

Theme: **Alumni Focus**



Credit: Leah Fasten

John F. Cogan Jr. '52

John F. Cogan Jr. '52, a legal leader, civic activist and dedicated supporter of Harvard Law School, has died. He was 93.

Cogan was a longtime attorney of the Boston law firm Hale and Dorr, now WilmerHale, joining the firm in 1952. During his nearly 50-year career, he served as chairman of the firm's corporate department and was a member of the executive committee. He was managing partner from 1976 to 1984 and chairman from 1984 to 1996. After retiring as of counsel in 1999, Cogan remained connected to the firm.

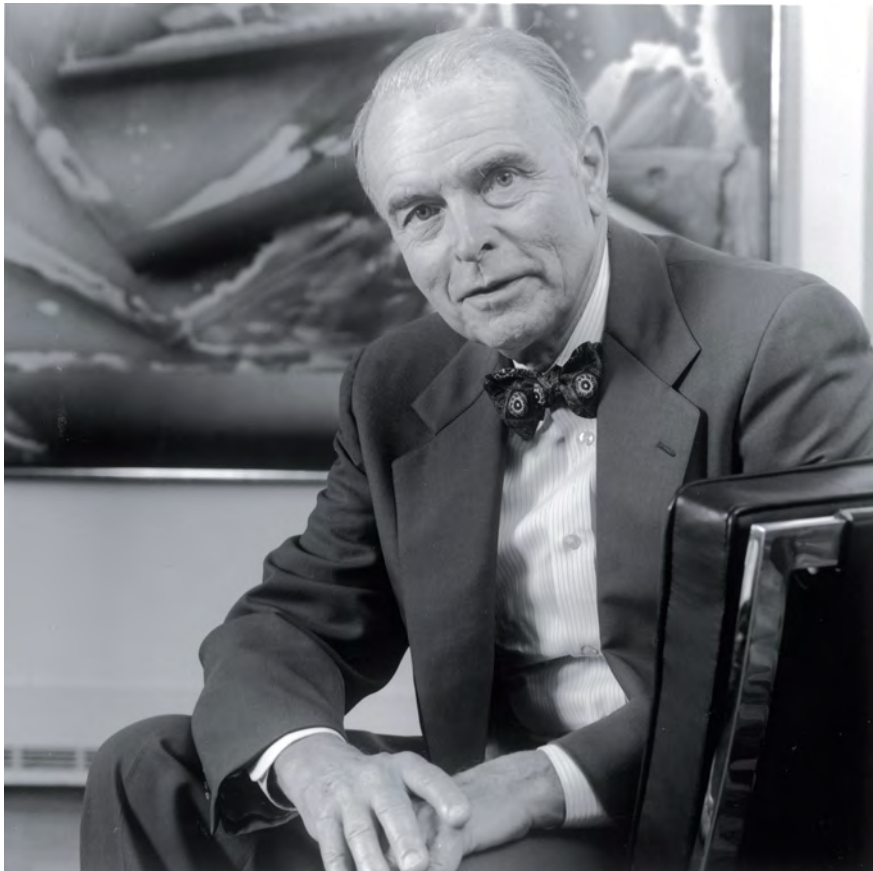
"Jack Cogan was a superb lawyer and a kind, humble, and decent human being," said **John F. Manning**¹ '85, the Morgan and Helen Chu Dean of Harvard Law School. "He did so much to make the world better and to advance the work and impact of Harvard Law School. His

wisdom, enthusiasm and humanity will be missed terribly.”

In addition to his legal career, Cogan was also active in the financial services industry, serving as vice chairman of Pioneer Global Asset Management S.p.A. (Milan) and president of the Pioneer Group of Mutual Funds. In 1963, he led a group of investors in acquiring Pioneer Investment Management, which managed the Pioneer family of mutual funds. According to a [tribute](#)² on the WilmerHale site, in his role as president of Pioneer, Cogan was the architect of its global diversification strategy. He also served as chairman of the Investment Company Institute, where he was a member of the board of governors and the executive committee for many years.

A longtime benefactor to Harvard, Cogan was a distinguished alumnus of Harvard College and Harvard Law School. He served on the HLS Dean’s Advisory Board for decades, advising Harvard Law deans from Albert Sacks ’48 to John Manning.

“No one I know has better shown how to bridge vision and practicality—and seriousness—with good humor,” said Martha Minow, the 300th Anniversary University Professor and former HLS dean. “His superb wisdom and advice guided so many people in the university, bar, museums, and foreign policy worlds. I am so very lucky to have known him and to be one of at least six law school deans to benefit from his superb ideas, constant encouragement, and profound kindness.”



Credit: Steve Dunwell

A leader in Harvard Law School campaigns, he served as chair of the “Campaign for Harvard Law School,” co-chair of the “Setting the Standard campaign” and honorary co-chair of the “Campaign for the Third Century.” Cogan also was a member of HLS’s visiting committee as well as co-chair of its international advisory council.

Cogan’s support helped enhance the law school’s extensive and growing international programs, including bolstering financial aid for the many international students.

He also endowed the John F. Cogan, Jr. Professorship of Law and Economics at Harvard Law School, currently held by Professor John Coates, and he was a supporter, along with others from Hale and Dorr and its HLS alumni partners, of Harvard Law School’s **WilmerHale Legal Services Center**³, in Jamaica Plain.

Last year, at the **40th anniversary**⁴ of LSC, Cogan was honored with the “Legacy Award” for his longstanding partnership and support. Earlier, he had been the recipient of the HLSA Award and the Harvard Medal.



Credit: Steve Gilbert

Jack Cogan (left) with Clinical Professor Dan Nagin, faculty director of the Legal Services Center and the Veterans Legal Clinic. Cogan was honored during the 40th anniversary of the WilmerHale Legal Services Center with LSC’s “Legacy Award,” for his longstanding support of the center.

“Jack was one of the finest volunteer leaders and generous benefactors in HLS history,” said Steven Oliveira, associate dean and dean for development and alumni relations. “He was a one-of-a-kind leader and a true gentleman—his wise counsel, inspiration, and warm friendship will be greatly missed. It was a privilege for all of us who had the opportunity to be touched by Jack’s life. It is difficult to imagine a better role model than Jack Cogan.”

In a 2010 interview in the Harvard Law Bulletin, Cogan said, “Anything I’ve done, in terms of giving to the school of time and resources, I’ve received back in so many different ways. And the school has had such a profound effect on my life, so I feel doubly rewarded. It’s been glorious!”

Cogan also served on the director’s advisory committee for the Harvard Art Museums and was a former chairman of the visiting committee to the Davis Center for Russian Studies. His other civic roles include serving as a longtime trustee of the Boston Symphony Orchestra. He was also trustee emeritus of the Boston Medical Center and chairman emeritus of the Museum of Fine Arts, Boston. In 2005, he was elected a fellow of the American Academy of Arts and Sciences.

In addition to his wife, Mary Cornille, Cogan leaves three sons, Peter of Seattle, Jonathan of Arlington, Virginia, and Gregory of Norwell, Massachusetts; a daughter, Pamela Cogan Riddle of Atherton, California; and nine grandchildren.

* * *

In Memoriam—Summer 2020

1930-1939

- Arthur H. Haake '39
- Nov. 3, 2019

1940-1949

- Donald Bean '40
- Nov. 9, 2019

- Bentley Kassal '40
- Dec. 16, 2019

- Jerome E. Hyman '47
- April 4, 2020

- Thomas N. Bantivoglio '48
- Jan. 23, 2019

- Robert M. Raymer '48
- March 23, 2020

- Norman H. Brown '49
- March 31, 2020

- Frederick N. Ferguson '49
- June 12, 2020

- Martin S. Fox '49
- April 8, 2020

- Robert E. Kronemyer '49
- March 14, 2020

- William B. Rodiger '49
- May 22, 2020

- Ernest Rusconi '49
- Dec. 21, 2019

- Jean E. de Valpine '49
- April 26, 2020

1950-1959

- Richard Adami '50
- Oct. 4, 2019

- Efrem A. Gordon '50
- Dec. 3, 2019

- Gilbert E. Haakh '50
- Jan. 9, 2020

- John P. McGalloway '50
- May 3, 2020

- Jerome L. Sindler '50
- April 25, 2019

- William T. Talcott Jr. '50
- Dec. 25, 2019

- Richard J. Dunn '51
- Oct. 29, 2019

- Norman L. Hoberman '51
- July 4, 2015

- Don H. Marmaduke '51
- Oct. 17, 2019

- Powell McHenry '51
- Nov. 12, 2019

- James S. Reid Jr. '51
- May 13, 2020

- Donald A. Schabel '51
- July 24, 2019

- Martin A. Spritzer '51
- Dec. 3, 2019

- Arthur L. Stevenson '51
- June 7, 2020
-
- Walter L. Stratton '51
- March 1, 2020
- **Obituary**

- Arthur Blasberg Jr. '52
- May 9, 2020

- John F. Cogan Jr. '52
- Jan. 24, 2020

- James C. Dunne '52
- Feb. 4, 2020

- Donald J. Evans '52
- April 17, 2020

- Thomas J. Hanifin '52
- April 2, 2020

- Salvatore J. Iannucci '52
- June 22, 2020

- Arnold C. Johnson '52
- May 1, 2020

- Richard A. Norris '52
- May 31, 2020

- Daniel M. Pierce '52
- Feb. 13, 2020

- Louis F. Schauer '52
- Dec. 20, 2019

- Herbert Stoller '52
- March 28, 2020

- William A. Bond '53
- Nov. 3, 2019

- David D. Brown III '53
- Feb. 15, 2020

- Richard R. Fernald '53
- April 14, 2020

- Robert F. Fuller '53
- Oct. 24, 2019

- Richard Harrington '53
- Nov. 9, 2019

- **Obituary**

- Gordon N. Litwin '53
- April 5, 2020

- Thomas J. Schwab '53
- Jan. 14, 2020

- Arne Siegel '53
- April 25, 2019

- Peter P. Thurber '53
- Oct. 17, 2019

- Leonard A. Weinberger '53
- Oct. 21, 2019

- David R. Baker '54
- March 20, 2020

- P. David Chernov '54
- Feb. 8, 2020

- David W. Conrad '54
- March 26, 2020

- Julian Daly '54
- June 13, 2020

- B. Harrison Frankel '54
- May 27, 2020

- David B. Goldberg '54
- March 30, 2020

- C. Peter R. Gossels '54
- Oct. 25, 2019

- Allan E. Gotlieb '54
- April 18, 2020

- Richard A. Gray Jr. '54
- Feb. 3, 2020

- Stephen A. Klein '54
- May 15, 2020

- David H. Locke '54
- Dec. 12, 2019
- **Obituary**

- Wallace H. Myers '54
- Oct. 29, 2019

- Robert Gore Rifkind '54
- Oct. 20, 2019

- Irving Salloway '54
- March 28, 2020

- Henry H. Shigekane '54
- May 4, 2019

- Theodore M. Swain '54
- April 10, 2020

- Geoffrey C. Biggers LL.M. '55
- Nov. 20, 2019

- William L. Boyan '55
- May 5, 2020

- Martin B. Dropkin '55
- Oct. 2, 2019

- Ralph Earle II '55
- Jan. 13, 2020

- Thomas D. Feinberg '55
- Nov. 17, 2019

- Warren J. Finnell '55
- April 22, 2020

- William G. Hall Jr. LL.M. '55
- May 29, 2020

- Edward J. Lynch '55
- Feb. 27, 2020

- M. Barry Meyer '55
- May 18, 2020

- Alan G. Miller '55
- Dec. 1, 2019

- Peter R. Tritsch '55
- Jan. 1, 2019
- **Obituary**

- Leo Vine '55
- April 23, 2020

- Franklin R. Weissberg '55
- March 11, 2020

- Richard F. deLima '55
- April 18, 2020

- Hilton H. "Spike" Dier Jr. '56
- April 27, 2020

- Lila A. Fenwick '56
- April 4, 2020

- Ernest W. Gibson III '56
- May 17, 2020

- Steven M. Jacobson '56
- Dec. 8, 2019

- Jan Z. Krasnowiecki LL.M. '56
- Nov. 28, 2019

- Kenneth I. Laprade LL.M. '56
- Feb. 3, 2020

- Edward G. Lee LL.M. '56
- April 8, 2020

- Allan L. Miller '56
- April 26, 2020

- Samuel P. Newbury '56
- Jan. 22, 2020

- Edward S. Reid '56
- July 17, 2020

- Robert F. Sanders '56
- March 29, 2020

- Robert H. Shorb '56
- May 19, 2020

- George H. Walker III '56
- Jan. 18, 2020

- Arnold J. Zurcher Jr. '56

- June 2, 2020
-
- William M. Bramwell Jr. '57
- March 2020

- James P. Felstiner '57
- Jan. 28, 2020

- Lee H. Kozol '57
- April 24, 2020

- Sally Roper Lomas LL.M. '57
- Jan. 29, 2020

- David F. Lundeen '57
- Feb. 26, 2020

- David F. Lundeen '57
- Feb. 26, 2020

- Morton M. Maneker '57
- April 3, 2020

- Judah J. Rubin '57
- July 27, 2019

- Marshall L. Tutun '57
- Oct. 23, 2019

- Leonard N. Arnold '58
- Jan. 29, 2020

- W. Lincoln Boyden '58
- Nov. 11, 2019

- Sheldon H. Elsen '58
- March 27, 2020

- James Finke '58
- March 27, 2020

- Robert Yale Fox '58
- Dec. 11, 2019

- Ivan B. Gluckman '58
- Nov. 1, 2019

- Jonathan A. Guttmacher '58
- April 15, 2020

- Ratus L. Kelly Jr. '58
- Jan. 19, 2020

- William B. Mallin '58
- March 4, 2020

- D. Merlin Nunn LL.M., Q.C. '58
- May 21, 2020

- Robert W. Oliver '58
- Nov. 21, 2019

- Warren H. Pyle '58
- Dec. 29, 2019

- Richard W. Renehan '58
- March 4, 2020

- William F. Schoeberlein '58
- April 25, 2020

- William F. Schoeberlein '58
- April 25, 2020

- William Schurtman '58
- Feb. 1, 2020

- Gary L. Schwendiman '58
- Oct. 20, 2019

- Adele Gilmore Simonds '58
- April 30, 2020

- Karl H. Spaeth '58
- April 11, 2020

- J. Frederick W. "Ted" Weatherill LL.M. '58
- April 13, 2020

- Peter F. Weir '58
- Dec. 30, 2019

- Paul G. Zerby '58
- Jan. 5, 2020

- Robert M. Borden '59
- Dec. 25, 2019

- Robert B. Bourne '59
- Jan. 24, 2020

- Toby Citrin '59
- Jan. 6, 2020

- Arthur B. Cornfeld '59
- April 10, 2020

- Eugene E. Dais '59
- April 27, 2020

- Richard R. Dillenbeck '59
- Nov. 1, 2019

- John Hanna Jr. '59
- Dec. 25, 2019

- Dennis C. Hefferon LL.M. '59
- Nov. 3, 2019

- Lewis W. Petterson Jr. '59
- Oct. 29, 2019

- Richard H. Rea '59
- May 3, 2020

- William G. Stern '59
- April 1, 2020

1960-1969

- Michael F. Armstrong '60
- Oct. 17, 2019

- Jacques Barbeau LL.M. '60
- May 2, 2020

- Charles W. Bingham '60
- March 21, 2020

- Charles L. Booth '60
- April 19, 2020

- John R. Cobau '60
- April 1, 2020

- **Obituary**

- Thayer Fremont-Smith '60
- March 31, 2020

- John D. Hamilton Jr. '60
- March 3, 2020

- Mona A. Harrington '60
- Oct. 19, 2019

- Wilfried A. Hofmann LL.M. '60
- Jan. 13, 2020

- William C. Ives '60
- May 30, 2020

- Milford H. Knutson '60
- May 9, 2020

- Stanley R. Loeb '60
- Oct. 28, 2019

- William D. Ruckelshaus '60
- Nov. 27, 2019

- Robert E. Shapiro '60
- April 4, 2020

- David F. Snow '60
- April 30, 2020

- Walter G. Van Dorn '60
- Feb. 1, 2020

- David S. Baker '61
- Oct. 27, 2019

- Edward "Peter" Bull Jr. '61
- Oct. 29, 2019

- David O. Jackson '61
- Dec. 7, 2019

- Alan L. Reed '61
- May 12, 2020

- H. Lawrence Tafe III '61
- March 29, 2020
- **Obituary**

- Jonathan E. Thackeray '61
- May 2, 2020

- John H. Doyle III '62
- Dec. 2, 2019

- Daniel W. Fulmer '62
- Dec. 13, 2019

- David M. Heilbron '62
- March 8, 2020

- Robert S. Ketchum '62
- May 18, 2019

- Donald B. Kornreich '62
- Jan. 20, 2020

- John A. Martin '62
- Oct. 29, 2019

- Thomas B. Morris Jr. '62
- May 14, 2020

- Floyd V. Smith '62
- Nov. 20, 2019

- Michael P. Balaban '63
- March 21, 2020

- Nicholas G. Ciriello '63
- April 5, 2020

- Stephen Graham '63
- Jan 9, 2020

- Peter W. Hogg LL.M. '63
- Feb. 4, 2020

- Peter W. Hogg LL.M. '63
- Feb. 4, 2020

- Morris J. Kriger '63
- Feb. 25, 2020

- Theodore A. Lutkus '63
- Nov. 20, 2019
- **Obituary**

- Peter D. Oram '63
- Jan. 8, 2020

- Anthony Piel '63
- April 3, 2020

- Manny H. Smith '63
- Feb. 6, 2020

- Lee R. West LL.M. '63
- April 24, 2020

- Frank H. "Pete" Blatz Jr. '64
- Feb. 1, 2020

- Jack C. Davis '64
- May 28, 2020

- Roy S. Flack '64
- Oct. 22, 2019

- Myles Hannan '64
- Jan. 4, 2020

- Charles L. Hayes '64
- Feb. 7, 2020

- Robert E. Jones III '64
- May 11, 2020

- Patrick J. Leach '64
- Feb. 11, 2020

- Terry F. Lenzner '64
- April 23, 2020

- Ronald J. McDougald '64
- Jan. 16, 2020

- Jon D. Noland '64
- Oct. 28, 2019

- Paul L. Perito '64
- March 22, 2020

- Robert F. Schaul '64
- Dec. 2, 2019
- **Obituary**

- Stephen C. Shamberg '64
- April 23, 2020

- James W. Spindler '64
- Dec. 7, 2019

- Edward P. Swain '64
- March 2, 2020

- David B. Van Kleeck '64
- Oct. 23, 2019

- John A. Bross '65
- March 19, 2020

- Frederick W. Dreher III '65
- Nov. 13, 2019

- C.J. Michael Flavell, Q.C. LL.M. '65
- Feb. 6, 2020

- Jay L. Kriegel '65
- Dec. 5, 2019

- Vincent P. McCarthy '65
- Jan. 29, 2020

- Daniel A. Pollack '65
- Oct. 25, 2019

- Charles N. Steele '65
- Dec. 4, 2019

- J. Taylor Woodward III '65
- April 23, 2020

- James G. Baker '66
- April 17, 2020

- Irvin G. Bieser Jr. '66
- Feb. 6, 2020

- Paul M. Branzburg '66
- Sept. 26, 2019

- Carl D. Lohmann '66
- April 25, 2020
- **Obituary**

- Howard D. Medwed '66
- Dec. 23, 2019

- H. John Rogers '66
- Feb. 1, 2020

- Harvey S. Berenson '67
- May 13, 2020

- John C. Esposito '67
- Feb. 28, 2020

- John C. Esposito '67
- Jan. 26, 2020

- Robert L. Felix LL.M. '67
- March 24, 2020

- Bruce E. Gagnon '67
- Jan. 12, 2020

- Douglas M. Cram '68
- Dec. 30, 2019

- H. Reed Ellis '68
- Jan. 9, 2020

- Gregory C. Jones LL.M. '68
- March 3, 2020

- Jane C. Wright '68
- May 17, 2020

- Phillip M. Barber '69
- March 26, 2020

- Phillip M. Barber '69
- March 26, 2020

- Peter W. Coogan '69
- April 9, 2020

- George E. Crapple '69
- April 25, 2020

- Fulgencio S. "Jun" Factoran LL.M. '69
- April 5, 2020
- **Obituary**

- Judith Wolf Judge '69
- June 5, 2020
- Patrick J. Kenny '69
- March 30, 2020
- Herbert Marx LL.M. '69
- March 19, 2020
- Bruce D. Vosburg '69
- May 20, 2020

1970-1979

- Maurice J. Holland Jr. LL.M. '70
- Jan. 5, 2020
- Laurence F. Jay '70
- Feb. 17, 2020
- Michael J. Lack LL.M. '70
- Jan. 16, 2020
- Richard L. Brodsky '71
- April 8, 2020
- Benjamin G. Cox '71
- Nov. 18, 2019
- Stanislaus S. Mroczkowski '71
- March 7, 2020
- Deborah A. Batts '72
- Feb. 3, 2020
- Maureen Gevlin '72
- Nov. 25, 2019
- Frank J. Kaufman '72
- April 26, 2020
- Michael S. Oberman '72
- October 2019
-
- Thomas N. Silverman LL.M. '72
- May 4, 2020
- Lewis G. Benham '73

- Oct. 19, 2019
- Douglas G. Edward LL.M. '74
- Feb. 13, 2020
- Stephen E. Kalish LL.M. '74
- Dec. 18, 2019
- James H. McGrew '74
- Aug. 25, 2019
- Brian A. O'Connell '74
- Oct. 18, 2019
- Navron Ponds '74
- April 19, 2020
- Frank P. "Sam" Samford III LL.M. '74
- Dec. 10, 2019
- James R. Steilen '74
- Oct. 18, 2019
- Paul K. Freeman '75
- April 1, 2020
- Thomas E. Johnson '75
- April 2020
- Scott J. Davis '76
- April 7, 2020
- David R. Schooler '76
- April 11, 2020
- Jeffrey C. Robins '77
- Oct. 25, 2019
- Nicholas J. Lazos '78
- Nov. 8, 2019
- George C. Valentine '79
- March 27, 2020

1980-1989

- Michael H. Barr '80
- Jan. 21, 2020

- Karen L. Daniel '81
- Dec. 26, 2019
- Robert E. Kinchen '81
- May 7, 2020
- Leslie Ann Jones '82
- April 2020
- Stanley H. Reeves '82
- July 7, 2019
- Cynthia G. Warren '84
- April 15, 2020
- Linda M. Byam '86
- March 21, 2020
- Catherine L. Creech '87
- May 6, 2020
- Sean M. Healey '87
- May 26, 2020
- Bruce H. Nielson '87
- May 17, 2020
- Raj Marphatia '88
- May 8, 2020
- William R. Moore '88
- June 16, 2020

1990-1999

- Sidney Barthwell Jr. '90
- May 15, 2020
- Charles L. Gerlach '90
- Feb. 8, 2020

2000-2009

- James T. Lux '07
- March 14, 2020
- Abra Ruth Murray '07

- Jan. 8, 2020

2010-2019

- Brett J. Hartman '11
 - April 30, 2020
- 