

Summer 2023

Harvard Law

bulletin

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Compassionate immigration lawyers helped Ricardo Jimenez Solis '23 and his family. Ever since, he's been paying it forward.



Cover illustration by Helena Pallarés

Harvard Law Bulletin

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A THEORETICAL QUESTION ABOUT THE DEATH PENALTY

The death penalty article [in the Spring 2023 issue] ends with a quote stating that even though the Supreme Court’s 1972 *Furman* decision only temporarily banned the death penalty, it was nonetheless a success because “there were 629 people on death row whose lives were saved.”

Excuse me, but might one ask whether it was also a “success” for the loved ones of those murdered by the 629 let off death row? Before the predictable retorts come back, remember, we are the purveyors of nuance and perspective, right?

More generally, the article notes the death penalty is essentially dying for practical reasons: Namely, it’s expensive and cumbersome, essentially not worth “it.”

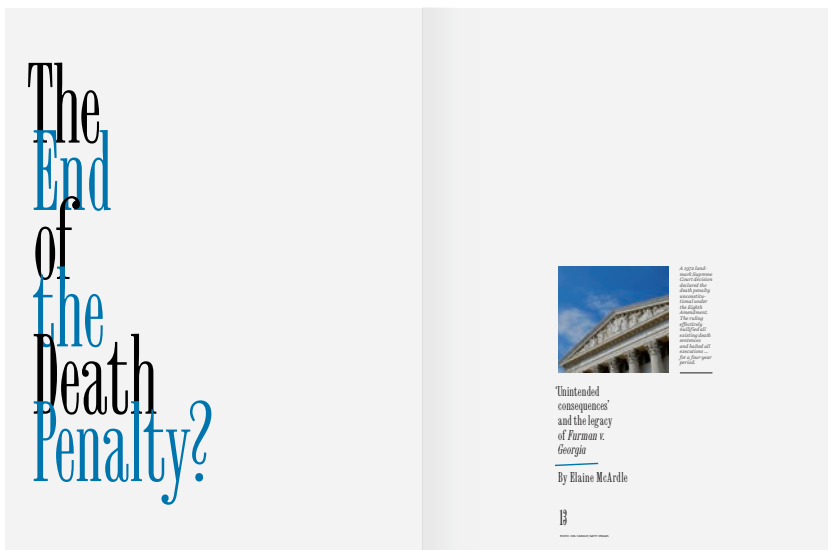
But even the more worrisome and principled reasons — like disparate application and examples of innocence — are, at bottom, more so practical criticisms, which beg an old question: If — at least in theory — these “problems” could be addressed, then what principled objection remains?

Nowhere in the article is it mentioned that the death penalty is immoral, which suggests to me it is moral, fair, and right, but flawed for practical reasons. If so, perhaps address and fix the flaws.

WILLIAM CHOSLOVSKY '94
Chicago

BOUNDLESS ENTHUSIASM FOR STATE LAW

Buried in the Spring 2023 article concerning Molly Brady’s “Boundless Enthusiasm” for property law (not one of my favorite subjects) was a brief quote which triggers this letter on a topic I have long sought, but neglected, to address. Brady says that state forums are an audience neglected by legal scholarship’s strong bent toward federal law. “You can dig up in-



credibly interesting things in state court decisions.” Brady’s quote is an understatement of major proportions.

I have over these many years read with dismay articles invariably addressing federal law as the fount of all wisdom. It seems to be suggested that federal judges are selected for their demonstrated scholarship, without regard to the political muck from which state judges are chosen. Anyone with knowledge of the system(s) knows this to be nonsense, at least as a general rule. While there have been legal scholars of renown selected for the federal bench (my classmate Richard Posner being a prime example), the selection process heavily involves the U.S. senators who are, more often than not, motivated by political consideration, such as ideology, gender, and ethnic diversity. That is not to suggest federal judicial selections are suspect but only that the process — and those chosen — is the result of old-fashioned politicking. State court judges are subject to the same considerations, worse when they are elected. Yet, even then excellence often emerges triumphant.

My point is simply that state court decisions are indeed, as Professor Brady says, “incredibly interesting.” As a state appellate judge, in a nonelection state, I can say that we worked under great

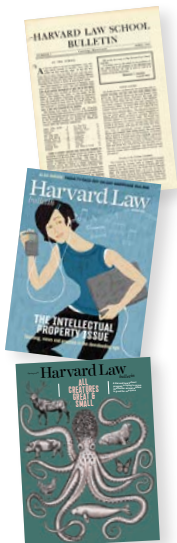
pressure, writing about 12 opinions a month (with little law clerk assistance), covering every aspect of the law. While federal courts get the attention on “hot-button” cases, I suggest that, overall, state decisions are not only more important but more interesting.

Our appellate bench is chosen by the chief justice of our Supreme Court from the trial bench, based on demonstrated intellectual capacity, while also reflecting some political considerations, such as party affiliation, diversity, and geography. Our appellate courts, intermediate and supreme, can stand up to any federal circuit court. To mention just a few Harvard graduates, our current Chief Justice Stuart Rabner ’85, Justice Rachel Wainer Apter ’07, and Acting Justice Jack Sabatino ’82.

I can understand why coursework centers on federal law, since it would be impractical, for example, to cover state evidence law which may differ from state to state. Notwithstanding, that is no excuse to disregard state judges, both with respect to their decisions and as speakers at law school forums.

More could be said. Kudos to Molly Brady for her acknowledgment of the importance of state law, glancing as it may have been.

HARVEY WEISSBARD '62
(retired) judge, Superior Court of New Jersey Appellate Division



THE BULLETIN TURNS 75
Since the Harvard Law Bulletin debuted in 1948, nearly 300 issues have made their way to alumni around the country and the world. Thank you for reading and for writing!

Inquiring Mind

His path to bioethics was firmly rooted in the love of learning / By Colleen Walsh

I Glenn Cohen '03 has always been fascinated with how things and people work, and with parsing thorny ethical dilemmas. He loves science and the law, and he's been blending those passions for years as a legal scholar focused on bioethics.

If you ask his parents, they'd probably say their child arrived in the world with that deep intellectual curiosity fully formed. His dad likes to tell the story of his son, at age 5 or 6, interrogating him about an airplane's inner workings — from the turbine to the fuel to the wings to the lift. Everything.

When Cohen's father realized he was out of his depth, he enlisted a helpful teaching tool: The World Book Encyclopedia. In the years that followed, Cohen would lose himself in those volumes and in countless others. Today, Harvard Law School's James A. Attwood and Leslie Williams Professor credits his parents with fostering his profound love of learning, encouraging humility, and showing him right from wrong. "I am a proud child of parents who didn't finish high school," says Cohen, "and I learned so much from them."

His education continued at a Jewish school in Montreal, where he grew up. From kindergarten through 11th grade, Cohen took daily classes in four languages: English, French, Hebrew, and Yiddish. (He's certain that rigorous linguistic training gave him a leg up with the law years later.) "I think a lot of law is about translation in a more abstract sense,

"I've been so lucky," says Glenn Cohen. "I found an opportunity to bring the three things that I was most interested in — medicine, philosophy, and law — together in the work that I do."



so having had so many different languages flowing through my head early on was a big plus for me,” says Cohen. At school he also dove into the meaning of myriad texts, tackling heady questions such as how to reconcile “God’s omniscience with the problem of evil.” The training prepared him well for difficult discussions. When his grandmother was dying, Cohen, then a teenager, helped the family think through options around end-of-life care. “It was such a challenging time,” he recalls. “And it was my first exposure to a range of medical ethics questions.”

Those formative experiences in ethics, science, and debate set the stage for Cohen’s current roles as a professor of civil procedure, section leader, deputy dean of Harvard Law School, and director of the school’s Petrie-Flom Center for Health Law Policy, Biotechnology, and Bioethics, where he routinely unpacks complicated issues involving medicine and the law. “I’ve been so lucky,” says Cohen. “I found an opportunity to bring the three things that I was most interested in — medicine, philosophy, and law — together in the work that I do.”

Much of that work involves teaching, researching, and writing on a wide range of topics, from medical tourism to consumer genetic technologies to reproductive rights. The past several months has been a particularly busy time for Cohen as fallout from the Supreme Court’s ruling in *Dobbs v. Jackson Women’s Health Organization*, which returned the question of legalizing abortion to the states, continues. One of his most recent papers examines how the *Dobbs* decision could affect both the pro-life and pro-choice perspectives around embryo destruction. Worried about a federal court’s decision disturbing the Food and Drug Administration’s authority, he joined an amicus brief in a case targeting access to the abortion drug mifepristone. He’s also studying the impact changes in abortion laws could have on hospitals receiving Medicare and Medicaid that are required to treat patients in need of emergency care.

It’s challenging, nuanced work that requires a nimble approach — something Cohen has spent years perfecting. He likens his thought process to playing chess against himself.

Cohen’s work has focused on topics from medical tourism to consumer genetic technologies to reproductive rights.

A childhood photo of Cohen



“I make a move on the board, and then I think about what the best move on the other side would be. I do that over and over and over again, until I reach a kind of satisfaction. By the end, I don’t know that the game has been definitively won, but I feel as though I truly understand what all the pieces and the moves are.”

Yet a legal life for Cohen wasn’t always a given. He studied bioethics and psychology at the University of Toronto and initially considered a career in medicine or a philosophy Ph.D. but opted for the law after falling in love with debate. He refers to his time as a student at Harvard as “drinking out of a fire hose intellectually.” Memorable teachers include his property law professor, David Barron ’94, today the chief judge for the U.S. Court of Appeals for the 1st Circuit, whose ability to shed new light on a case reminded Cohen of “going from black-and-white to color TV.” The late Professor Daniel Meltzer ’75, an expert on federal courts and criminal procedure, taught Cohen the importance of being firm but kind with young lawyers in training. If a 1L in his class incorrectly answers “yes” to a yes-or-no question, Cohen routinely borrows Meltzer’s line that always eases the tension: “Try something shorter, and different.” During his third year, Cohen was a teaching fellow for the popular moral reasoning class Justice, created by Harvard Professor Michael Sandel. Today, the two Harvard colleagues share “some areas of overlap and disagreement,” says Cohen, adding, “It’s really fun to be able to disagree with people you very much admire.”

After graduation, Cohen became an appellate litigator with the U.S. Justice Department. He returned to Harvard in 2006 as a fellow at the newly created Petrie-Flom Center and joined the faculty in 2008. He was the center’s faculty co-director from 2009 to 2014 and has been its faculty director since 2014. In this role, Cohen helps select and advise the next generation of experts in the field. As a mentor, he likes to foster a scholar’s “internal point of view.” When scouting future fellows, intellect and kindness top his list. “Those are the two things that I’ve always looked for,” says Cohen. He is gratified that so many of the center’s former fellows now rank among professors of health law, bioethics, and biotechnology at schools across the country.

As a first-generation college student, Cohen has also made a point of connecting with those students at Harvard. He’s delivered the welcome speech to First Class, an HLS student organization dedicated to supporting first-generation, low-income, and working-class students, and he helped develop Zero-L, an online class envisioned by Harvard Law School Dean John F. Manning ’85 that teaches incoming students what to expect in law school.



When Manning asked him to take on the role of deputy dean in 2020, during the early months of the pandemic, Cohen relied on his health care expertise, liaising with university committees, sharing knowledge and helping inform policy, and explaining what was known about risks and precautions with colleagues and students.

In addition, his experience with Zero-L helped

Cohen with students from his 1L section, Class of 2020



him train faculty who had to learn to teach remotely through Zoom. Since the law school's return to on-campus instruction, Cohen has been busy assessing what worked well online (more use of teaching fellows, discussion threads, polling, and small-group exercises to vary teaching modalities) and exploring how those approaches can be "translated back to the in-person learning experience."

And, unsurprisingly, he's always following the latest medical and scientific advances and how they intersect with ethics and the law. In mid-April, Cohen headed to Washington, D.C., for a three-day conference sponsored by the National Academies of Sciences, Engineering, and Medicine on in vitro gametogenesis, a process that could one day mean transforming adult human cells (skin cells, for example) into sperm or eggs.

"This is where technology is headed, so there are a lot of issues to address here. It's exciting and complex, and challenging," says Cohen. And there's no place he'd rather be.

His American Dream

An immigration attorney's journey to helping others navigate a new life in the U.S. / By Elaine McArdle



For Ricardo Jimenez Solis '23, the Custom House in downtown Boston has a special meaning. At age 16, with only the slightest skill in speaking English, he left El Salvador with his family and settled in East Boston. The first time he went into the city by himself, he got lost and wandered around not knowing where to go — until he looked up and saw the Custom House Tower, a Boston landmark. “I had seen it before and knew it was close to the Blue Line, so I used it as a landmark to get back to the [MBTA]

Ricardo Jimenez Solis

station,” he recalls. “To this day, I still think of that tower as my North Star in some ways.”

Navigating a new life in the U.S. was challenging in myriad ways. But with the support of other immigrants and compassionate immigration lawyers, Jimenez Solis — who in September will begin practicing at an immigration legal aid program in Massachusetts — is now achieving what his family hoped for when they left their home. “I know it sounds corny, but the American dream was still alive and well in El

Salvador, so that's what my parents came for," says Jimenez Solis, who still lives in East Boston, now with his wife.

Today he is not only an American citizen but a graduate of Harvard Law School, where he focused his studies on immigration law. "It is surreal, beyond my wildest dreams," says Jimenez Solis, who, as recipient of a Skadden Fellowship, will work for the next two years at Northeast Legal Aid and its affiliate, the Northeast Justice Center, assisting refugees and other immigrants from around the world. "I could not speak English when I first came to the U.S., yet I have been able to learn the law, which is a language on its own."

The organizations where he will practice both serve clients in and around Lawrence, Lowell, and Lynn — Massachusetts cities with significant immigrant populations. His work will include representing clients seeking asylum under a new Biden administration program for expedited hearings, as well as those inside immigrant detention centers hoping to win their release.

"For families that just came through the border, a lot of time it's a struggle to find attorneys or legal aid organizations," Jimenez Solis says, "so this is a place to provide services to families that are placed in that program."

While he feels a sense of accomplishment in becoming a lawyer, he says, "I also think of it as an opportunity for me to pay forward all the support my family and I have received. We have worked really hard to get to this point, but at the same time, none of it would be possible without people in our corner that were willing to go above and beyond to help us when we needed them," including lawyers. "I like to think that as an immigration attorney, I will be able to be that kind of support for someone in the future, regardless of where they come from."

To help provide for his family, Jimenez Solis worked throughout high school and college as a legal assistant at an insurance company. After attending community college, which he describes as one of the best things he did for himself, as it enabled him to master English, he graduated with honors from Emmanuel College in Boston.

Following his first year studying law at Boston College, he spent the summer working at the Committee for Public Counsel Services, the public defenders' office in Massachusetts. There, he learned about the Immigration and Refugee Advocacy Clinic at Harvard Law School, known as HIRC, which has partnered

with Greater Boston Legal Services to advance immigrants' rights for more than 30 years.

Since transferring to Harvard and joining the clinic two years ago, Jimenez Solis has spent more hours than he can count working on cases, including those involving teens from Central America whose stories were similar to his own. "I had clients that came from towns that were a bus ride away from where I grew up, and clients who were in the same position I was in when I first arrived in the U.S.," he says. "I understand and have learned how to separate myself from the work because of my own emotional health, but also out of respect for my clients' own experiences and circumstances. That being said, I often rely on my past experiences and cultural knowledge, where appropriate, to understand my clients and their needs."

In the Crimmigration Clinic, which operates in the space between immigration and criminal law, he was supervised by its director, Phil Torrey, and by Sameer Ahmed, a clinical instructor there. His other clinical instructors included Sabi Ardalan '02, the immigration program's director, and assistant directors Nancy Kelly and John Willshire Carrera. "I felt I was learning from some of the very best" in the field, says Jimenez Solis. While emphasizing that he couldn't possibly capture in a few words all that the clinicians taught him, he notes, "In one sentence: They taught me how to be a client-centered immigration attorney. If there is one value that all of my clinical instructors share, it is that clients and their needs come first in any kind of litigation you are doing. Their needs and goals should always drive the work you are doing for them."

While he is set on becoming an immigration lawyer after his fellowship, he may try for a judicial clerkship first. In any event, he says, "I feel like I'm in the process of realizing what my parents brought me to this country for."

Jimenez Solis adds: "Meeting with clients still brings memories of the kind of meetings I had with my own immigration attorneys. I try to keep this in mind at all times because I know how confusing navigating through our immigration system can be, even with an attorney helping you. And I know having someone that understands that, and is willing to answer questions and explain things to you, can be very empowering.

"I'm still learning every single day," he says. "I've gotten to work with a lot of wonderful clients. Each one has been different but each one is a person who wants to live in this country, wants to work, wants to be safe, and who in a lot of ways reminds me of who I was when I first came to this country, wanting to make a life here."

"I feel like I'm in the process of realizing what my parents brought me to this country for."

A Changing Climate for Environmental Lawyers

A new course examines the wide-ranging implications of law for climate change / By Rachel Reed

One of the first things students learn in Richard J. Lazarus' new Climate Lawyering course is that if climate law was ever a niche field, it is no longer.

Or, as Brandon Deutsch '24 puts it, "Climate touches everything."

Indeed, concerns about climate change are not limited to entities like the Environmental Protection Agency or the Department of Energy. Today, even agencies such as the Department of Defense and the Securities and Exchange Commission are considering the effects of climate change on the nation, our world, and our ways of life.

"The threat of potentially catastrophic consequences from climate change due to increasing concentrations of greenhouse gas in the atmosphere is both enormous and unyielding," says Lazarus '79, the Howard and Katherine Aibel Professor of Law at Harvard. "To date, however, our nation has mostly stumbled in its efforts to craft laws that meet the immense challenge of reducing domestic greenhouse gas emissions and that redress the massive adverse effects of climate change that can no longer be avoided during our own lifetimes."

As daunting as the problem may be, however, Lazarus' course makes clear that the scope of the issue also means there are countless opportunities for aspiring climate lawyers to make a difference.

DOCTRINE IN ACTION

Lazarus says he designed the class to examine the role that lawyers can play in addressing urgent questions of climate change, while moving beyond the traditional areas of pollution control and natural resource management. In fact, lawyers in both the public and private spheres, practicing in areas as diverse as corporate law, energy and financial regulation, intellectual property, and national security, are concerned with reducing, mitigating, and planning for global climate change, he says. The inspiration for the new class originated in a series of conversations that he and Catherine Claypoole LL.M. '98, dean for academic and faculty affairs, had with students in the spring of 2022 about how the law school might best expand



Richard Lazarus' class explores the role lawyers can play in addressing urgent questions of climate change in a wide range of practice areas.

its curriculum in response to climate change.

Sebastian Miller '24 says he has known he's wanted to be a climate lawyer since witnessing the devastation wrought by wildfires in his home state of California. But he hasn't always been sure where that practice would take him. "If you are someone committed to using your law degree to help the environment, it can feel a bit overwhelming to know where to start," he says. "I saw this seminar as a good opportunity to get a broader survey of the field and see how I could make a difference in an area that speaks to me."

And while Sara Tsai '23 says she also entered the course with a deep interest in climate law, such interest wasn't a prerequisite. "Professor Lazarus welcomes everyone from any background," she says. "This class opened our eyes to the many possibilities of environmental lawyering and made me even more interested in exploring career paths in this field."

At the heart of Lazarus' course is a recognition of the many challenges climate lawyers have faced —



and continue to face — in making progress on climate and environmental issues. “One of the principal tensions we discussed is the tug of war between the ‘here and now’ and the ‘there and then,’” says Miller. “In other words, although we are already feeling some of the effects of climate change, many of the impacts will be felt in the future. And so, how should we balance current interests — a working power grid, the comforts of daily life — with preparing for a more sustainable world?”

While the political, legal, and logistical hurdles seem daunting, Miller says, “the course also impressed on us the necessity of reimagining the ways in which many different agencies and industries can each respond to the challenges ahead. We need all hands on deck.”

One assignment required students to dive into a legal issue that interested them and present their find-

Brandon Deutsch '24, who came to law school to practice climate law, says his mission is now clearer: “The goal is to make the future look a little brighter — or at least, keep it from looking darker.”

ings to the class. Deutsch chose to examine the lessons from the Big Tobacco lawsuits of the last century, which culminated in a massive settlement agreement that severely reduced cigarette consumption in the U.S. Might a similar scheme work for climate change, with advocates suing oil and gas companies or other contributors of greenhouse gas emissions?

“I walked away with the sense that there are a lot of contrasting factors that will make this a lot more difficult than the tobacco litigation, which was already so difficult that it took 40 years to succeed,” Deutsch says. “Because here we are talking about the whole energy industry, and the causation issues are much more difficult.”

Still, Deutsch says the exercise helped him understand the ways in which plaintiffs’ law firms and nonprofits impact climate law and policy, in addition to the roles Congress and executive branch agencies play. “It’s an all-hands-on-deck problem,” he adds, echoing Miller’s sentiments.

Beyond in-class discussion and student presentations, sessions included visits from experts from a variety of different fields and practice areas, each of whom shared their knowledge and answered the students’ sometimes tough questions.

For Miller, these industry titans were both inspiring and informative. “Day one we opened up with Professor Dan Schrag, who is the godfather of environmental science at Harvard,” he says. “We also heard from Carol Browner, who is the former head of the EPA, among many others. To be able to hear from so many leading experts, learn about their career decisions, and speak to them about their work — it’s been really, really special.”

Despite the scope of the work ahead, the students say Lazarus’ course made them appreciative of what has been accomplished by the climate lawyers who came before them, cautiously optimistic about the potential for change, and more secure in their own roles in those efforts.

“Many people who are climate lawyers now may not get to see the fruits of their labor. It’s not for themselves; it’s for their children, their grandchildren, for the generations ahead,” says Tsai. “It was really inspiring to learn about and meet those who have dedicated their lives to this, knowing that the groundwork they laid will continue to be built on in the future.”

For Deutsch, who came to law school to practice climate law, the mission is now clearer. “It is important to understand that this is the future that we’re moving into. So what do we do about it?” he says. “The goal now is to make the future look a little brighter — or at least, keep it from looking darker.”

Flood Warning

Susan Crawford exposes the dangers of climate change in one popular American city — and beyond / By Lewis I. Rice



For people who vacation in Charleston, South Carolina, one of the most popular tourist destinations in the United States, the city features attractions such as art galleries, boutique shopping, and fine Southern cuisine. But talk to residents, in particular, residents of color — as Susan Crawford, the John A. Reilly Clinical Professor at Harvard Law School, did over several years — and a different picture emerges.

In her book “Charleston: Race, Water, and the Coming Storm,” Crawford digs beneath the surface of the celebrated city to reveal economic and racial disparities, as well as a crisis of increasing flooding, upending the lives of its most vulnerable residents. While fo-

“As I got more deeply into the story,” said Crawford, “I became convinced that Charleston as a beautiful miniature vessel for this sea-level-rise narrative was nearly perfect. It is everything about America in a very small package.”

cused on Charleston, the book also argues that as the earth warms and waters rise, residents in coastal cities everywhere, including millions in the United States, will face displacement from uninhabitable homes.

The problem is acute in Charleston, she writes, because of its low elevation and the number of primarily Black and low-income residents living in the worst of the flood zones, which have seen a vast increase in water over the last several years. The book traces the history that established Black residential areas in parts of the city that now face some of the worst water damage in the region and details how typically white areas with higher property values receive the

benefits of most flood-mitigation efforts. The author contends that local government has prioritized tourism and growth over protecting current residents amid an atmosphere of, as one resident put it, “raging politeness” that masks racial tension.

“In all its bravura, complacency, and cruelty,” writes Crawford, “Charleston’s relationship with its current and future flooding woes expresses much about the underside of American life: an obsession with development and property rights above all else, undergirded by centuries of racism.”

In an interview, Crawford acknowledged that her views of Charleston were once similar to those of the starry-eyed tourists

who descend on the city. She visited in the early '90s and thought of it as “a dreamlike, romantic, beautiful place.” She began to gain a different perspective in 2018, when she interviewed Joseph Riley Jr., who was mayor of Charleston for 40 years beginning in 1975, for a class she taught at Harvard Law about cities. She had spoken beforehand with journalist Jack Hitt, a Charleston native, who advised her to ask Riley about water in the city. She recalled that when she did, the former mayor, otherwise gregarious, had little to say, other than, “It’s going to be very expensive.” That interview launched her on a quest to understand what makes Charleston the way it is today, its history, and the threats it faces, she said.

“As I got more deeply into the story,” said Crawford, “I became convinced that Charleston as a beautiful miniature vessel for this sea-level-rise narrative was nearly perfect. It is everything about

America in a very small package.”

She traveled to Charleston to attend public meetings and talk to residents as her teaching schedule allowed, including about eight weeks in 2020 while teaching remotely because of COVID-19. It was important to her to present the story of Charleston through the voices of Black residents most affected by the city’s conditions. They tell of trips to the hospital waylaid by impassable drenched streets; a Black church with streams of water from high tides outside its door on a dry, sunny day; long-thwarted efforts to remove the towering statue of South Carolina pro-slavery politician John Calhoun until the city finally relented in 2020; and down-



The book traces the history that established Black residential areas in parts of the city that face some of the worst water damage in the region.

town businesses that seek to limit the number of Black customers.

Crawford, who served as special assistant to the president for science, technology, and innovation policy during the Obama administration, previously wrote about technology, most recently in her book “Fiber: The Coming Tech Revolution — and Why America Might Miss It.” While her new book’s topic is a departure for her, she said all her writing strives to understand “what is basic for any human being to thrive in America,” whether internet access or safe housing.

To address the climate problem, she proposes that Charleston and other endangered places consider what she calls “strategic relocation,” whereby the government provides financial support and alternative housing options to relocate people living in coastal housing in danger of being overrun by water in the not-too-distant future. Such a move will be “accompanied with profound grief, dislocation, displacement, and loss,” Crawford said, and will require significant resources as well as community engagement. But the cost of doing nothing will be much higher. We are now spending billions of dollars on rebuilding after increasingly destructive disasters yet doing little planning for a time when the land simply won’t be there anymore, she said. The Netherlands is the only country she’s aware of that is currently considering the need to move large settlements away from the coast.

“Everybody else,” she said, “is hoping that things will resolve themselves, or that it will be enough for the richest inhabitants to easily find homes inland, leaving the rest to struggle for themselves. But that’s not tenable, in my opinion. That leaves a lot of people behind. We can afford to pay for what we decide is important.”



Drawing Down Democracy

A graphic novel co-written by Alan Jenkins depicts a fictional American autocracy / By Lana Barnett '15

The first of four volumes of “1/6: The Graphic Novel,” co-written by Harvard Law School Professor of Practice Alan Jenkins '89, envisions a fictitious aftermath of the attempted insurrection of Jan. 6, 2021, and imagines a successful coup resulting in an authoritarian regime set up by the insurrectionists. Although the vision it offers is obviously fictional, Jenkins explained, “everything we depict has some touchstone in reality,” including the increasingly widespread use of drones by law enforcement and the public displays of antisemitic symbolism by some insurrectionists. “The intent is for everything in the fictional reality to be a signifier for real things and how they could, if amplified, play out,” Jenkins said.

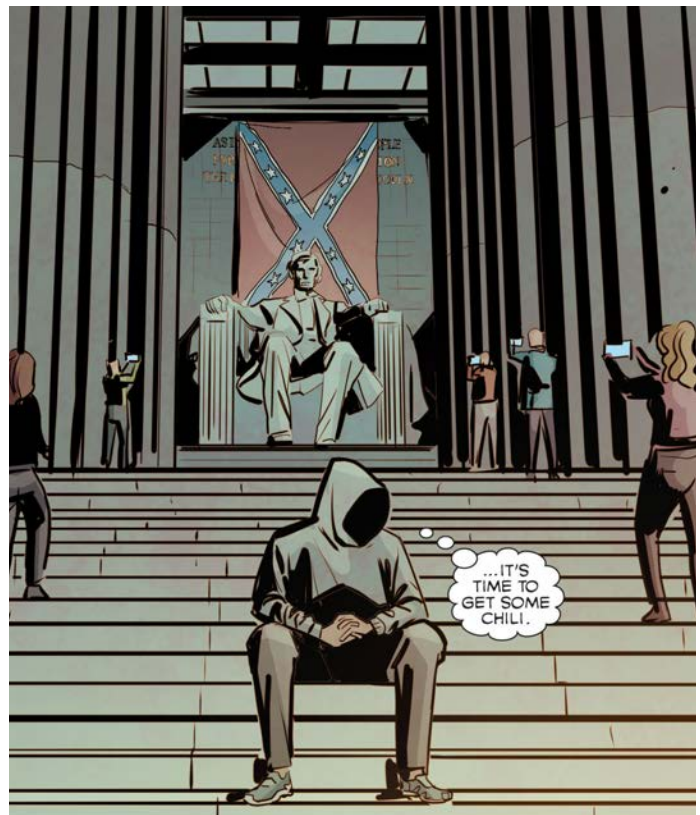


ALAN JENKINS

A second volume, scheduled for release this summer, travels back in time to chronicle real events that led to the storming of the Capitol. Issues 3 and 4 will explore the ramifications of a successful insurrection and depict the efforts of everyday people struggling to restore democratic norms.

The project arose from the fact that, after the events of Jan. 6, Jenkins found himself worrying that powerful elements in American society that had worked to subvert a free and fair election persisted throughout the country. He thus felt he needed to “contribute in some way to protecting our multicultural democracy.” Jenkins, who teaches courses about social justice and race and the law, as well as framing and narrative in Supreme Court jurisprudence, noted that although writing a comic book is not a typical venture for a law professor, his career has often focused on the intersection of storytelling, law, and social justice. Before joining the Harvard Law faculty four years ago, Jenkins was president and co-founder of The Opportunity Agenda, a social justice communication lab. While in that role, he edited and produced a comic book about a social

“The intent is for everything in the fictional reality to be a signifier for real things and how they could ... play out.”



WILL ROSADO/LEE LOUGHRIDG

A panel from the dystopian graphic novel “1/6”

justice superhero titled “Helvetika Bold,” which was co-written by artist and author Gan Golan.

So, when he began pondering responses to Jan. 6, Jenkins, a self-described “comic book geek,” decided to team up with Golan on a new project. Jenkins wanted to create a work that would appeal to “a large audience who maybe doesn’t have the time to read the House committee’s 800-page report, or the flexibility to watch live hearings for weeks and weeks, but they care about our democracy and about the equal dignity of everyone in our country.” The graphic novel’s title, Jenkins said, is meant to echo 9/11, an event that left an indelible mark and is acknowledged each year. “1/6 ought to be at least as important,” he said. “It was a moment at which our democracy was in great peril, and it is also a warning for the future.”

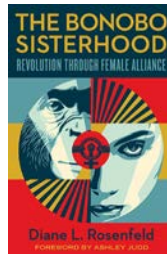
A Primate Example

Diane Rosenfeld presents a model from the animal world that she says would empower and protect women / By Lewis I. Rice

Through the example of the bonobo, a female-led species of apes, women can be protected from sexual coercion and violence, writes Diane Rosenfeld LL.M. '96, a lecturer on law and founding director of the Gender Violence Program at Harvard Law School. She begins her book, “The Bonobo Sisterhood: Revolution Through Female Alliance,” with problems women face in patriarchal societies, including everyday threats of violence and legal systems that limit the rights of women.

Traditionally, abusive men have been shielded from consequences by the “castle doctrine,” she writes, which gives men sovereign rights over women living in the household and insulates them from government intervention. She shares examples demonstrating that women have no right to enforcement of orders of protection against abusers.

Noting that female bonobos band together to repel harassment and violence from males, Rosenfeld



Diane Rosenfeld's book provides a roadmap to eliminating male sexual coercion in humans based on the female-led social order of bonobos.

advocates that women similarly practice “collective self-defense as our primary weapon against patriarchal violence.” Female bonobos form coalitions not only with relatives or close companions but with females with whom they don’t regularly associate, offering a lesson about the importance of treating everyone as a sister. As a result, she argues, bonobos enjoy sexual freedom and reproductive autonomy, and they do not rape or kill intimate partners.

To build a bonobo sisterhood, she writes, we should initiate a new framework of women’s equality, share resources, and reform laws to counteract threats posed to women: “Nothing prevents humans from choosing to be bonobo, from doing everything possible to exit a world of endemic violence by some men against all women and some men.” We can choose “love over fear; abundance over scarcity; peace over war; sexual choice and freedom over coercion,” Rosenfeld adds.



An Indelible Experience



with Deep Harvard Roots

A friendly competition among four Harvard Law students in 1960 has grown into the Philip C. Jessup International Law Moot Court Competition, with hundreds of teams competing worldwide

By Elaine McArdle

Photograph by
Jessica Scranton

① Nanami Hirata '23 and
② Hannah Sweeney '24,
two of the members of
the 2022 HLS Jessup
Team, who pledged to
get tattoos if they won
the championship. The
tattoos are colorful
evidence of their team's
victory, but also of how
central Jessup becomes
to the lives of the many
students who participate.

T

heir pact started as a bit of a lark. Though the Philip C. Jessup International Law Moot Court Competition was born at Harvard Law School in 1960, the school had never won the world championship. So, the 2022 HLS team members vowed to get matching Jessup tattoos if they took home the top prize.

In April 2022, Harvard Law School prevailed over 600 teams from 85 countries and walked off with the Jessup Cup for the first time. True to their word, Marta Canneri '22 — who was named best oralist in the final round — and Hannah Sweeney '24 headed out the next day to a tattoo parlor on Massachusetts Ave. in Cambridge for a permanent tribute now inked onto their triceps. A few weeks later, two other team members, Katherine Shen '22 and Nanami Hirata '23, also got Jessup tattoos.

“It was an inside joke,” said Sweeney, “because a major principle of international law is *Pacta sunt servanda*” — literally, “agreements must be kept” and states are bound by their promises.

“Thus our agreement to get tattoos must be kept.”

The tattoos are colorful evidence of just how central Jessup becomes to the lives of those who compete. The largest moot court competition in the world, Jessup simulates a fictional dispute between two countries argued before the International Court of Justice, the principal judicial organ of the United Nations. Each year, some 600 teams from around the world are presented with a timely problem of international import, and each team dedicates hundreds of hours in research, brief writing, and oral advocacy practice preparing for the competition in the spring.

The experience not only sharpens intellectual and practice skills, but fosters a close-knit community among teams, their coaches, and advisers. Over the past six decades, Harvard Law students, faculty, and alumni have been deeply involved in all facets of the event, from competing to coaching to serving as judges to writing the annual Jessup problem.

This year, Sweeney and Hirata competed again (the others on the championship team, including Stephanie Gullo '22, graduated last year).

The Jessup Moot Court, now a worldwide competition, got its start at Harvard Law in 1960. Here students participate in the 1972 Northeast regionals at the school.



“Jessup is very clearly the best thing that has happened to me at HLS. It has been the most invaluable part of my legal education.” —HANNAH SWEENEY ’24

In March, the 2023 team — which also included Ariq Hatibie ’24, Nick Caputo ’24, and Yen Ba Vu ’24 — took second place in the New York regionals and won best overall memorial (as the written submissions are called). They went on to participate in the Jessup White & Case International Rounds in April, in Washington, D.C., the first time the international rounds were held in person since before the pandemic. They were knocked out in the round of 32 but won best oral arguments and also best memorial. And at the end of May, they heard they’d also won the Richard R. Baxter Award, which places the top 20 written submissions of the world championship under fresh scrutiny.

“We were ecstatic,” said Hirata, noting that they regularly debriefed “Baxters” from previous years.

Sweeney shares her excitement. “Jessup is very clearly the best thing that has happened to me at HLS. It has been the most invaluable part of my legal education,” she said. And, like so many Jessup alumni, after she graduates, Sweeney plans to “continue to judge or coach future Jessup rounds indefinitely,” she added.

“One thing I’ve always found very impressive is that the students involved from four or five or six years ago are still extremely interested and invested in how the team does,” said Andrew B. Loewenstein, an expert in public international law at Foley Hoag who has advised the Harvard Law team since 2018. “They come back and serve as practice judges or are cheering from afar, so it’s a terrific way for alumni involved in this very seminal experience to continue to be engaged with their successors.”

“When you talk to a Jessup person, even if you never knew them before, they very quickly become a very good friend,” said Xuejiao “Katniss” Li LL.M. ’23 — a big fan of “The Hunger Games” — who added that Jessup is “one of the most important things in my life.” Li participated for five years in China, including while getting her master’s degree in law, during which time she was named national champion and won best oralist and best memorial. As an LL.M. student at Harvard this past year, she was a judge of the Chinese

rounds — in which 61 schools participated via Zoom — and also a judge for the D.C. regionals of the U.S. competition, which did not include Harvard Law.

“Jessup will allow you to think creatively” no matter the particulars of the moot problem, said Li, who plans a career in international law. “Most of the time you can’t find [answers] in the textbooks. It’s your imagination, your attitude toward the world [that] will allow you to solve challenging problems facing the world.”

ORIGIN STORY: ‘IT WAS EXCITING, IT WAS BRAND-NEW’

The Philip C. Jessup International Law Moot Court Competition, originally called the International Law Moot, started as a friendly competition among four Harvard Law School students — two Americans and two international students — to explore a timely question of international law through a simulated oral argument before the International Court of Justice. It was the brainchild of longtime Harvard Law Professor Richard R. Baxter ’48, who collaborated with Professor Stephen M. Schwebel, later an ICJ judge, to create the event.

The first event took place at Harvard Law School on May 8, 1960, with Tom Farer ’61 and William Zabel ’61 representing the U.S. against two LL.M. students, Ivan L. Head LL.M. ’60, a Canadian student who would later become a foreign policy adviser to Canadian Prime Minister Pierre Trudeau, and Bernard H. Clark LL.M. ’60 of New Zealand. Their problem, “Cuban Agrarian Reform Case,” was written by Schwebel, and final-round judges included Harvard Law Professor Roger Fisher ’48, a pioneer in the field of international law and co-founder of the Harvard Negotiation Project, and Milton Katz ’31, former administrator of the United States Marshall Plan in Europe, who taught international law at Harvard.

“It was exciting, it was brand-new, and the more interesting question to me is how we got picked,” recalled Zabel, laughing, “because we didn’t have any particular knowledge or expertise in international law, and also we were so young. I guess they did it because of our debate

“It’s nice to find a community ... that embraces the world and is committed to changing it for the better, using the common language of international law.” —ARIQ HATIBIE ’24

history.” As undergraduates at Princeton, Zabel and Farer served together on the debate team. That first Harvard Law competition, in which no winners were declared, was “mostly fun,” added Zabel, and though he participated only once, it spurred his interest in international law at a time when “there weren’t many ways to get involved.”

Zabel was an associate at the law firm Cleary Gottlieb before forming his own firm. He has made important contributions to international human rights and civil rights, including writing an amicus brief for the ACLU in *Loving v. Virginia*, in which the U.S. Supreme Court in 1967 declared anti-miscegenation laws unconstitutional. Still active in law practice, he said he doesn’t remember much more about the birth of Jessup. “It’s just so long ago — I’m happy to be alive to talk to you about this,” Zabel said. “But you can certainly say Tom and I gave it our all.”

Farer, who served for years as dean of the Josef Korbel School of International Studies at the University of Denver, where he continues to teach human rights and U.S. foreign policy, also has fond memories. “Since I loved to debate and had been very successful [at it], and since I liked Bill, and because I was interested in things international, of course I was going to do it, and the topic interested me,” said Farer, who also served as president of the Inter-American Commission on Human Rights. “I was very interested in Cuba and Castro, and I think we defended the position that Castro’s confiscation of U.S. property was a violation of international law, but I would have been quite happy with either side of the issue. The topic was ripe and I thought it would just be fun, and it *was* fun.”

In the 1963 competition, champions were declared for the first time. In 1968, the competition was opened to non-American teams, and Baxter, the first holder of the Manley Hudson Chair of International Law at Harvard Law School and later a judge on the ICJ, renamed it the Philip C. Jessup International Law Moot Court Competition in honor of the diplomat and international law expert who served for years on the ICJ.

Jessup has grown into an enormous worldwide event, with many Harvard Law alumni and

faculty deeply involved over the years: David J. Barron ’94, a judge on the U.S. Court of Appeals for the 1st Circuit and HLS’s Louis D. Brandeis Visiting Professor of Law, was among the authors of the 2009 Jessup problem, or *Compromis*, as it’s known. Amir Farhadi LL.M. ’18, who was a member of the Jessup Team at Sciences Po Law School in Paris that won the 2016 French National Championship, co-wrote the problem used in the 2020 competition. Farhadi works on ICJ cases with Loewenstein at Foley Hoag and continues to assist the HLS team with practice rounds.

Jessup has long presented an opportunity for J.D. and LL.M. students to collaborate. Shayan Khan LL.M. ’22, who had participated in Jessup’s international rounds during his LL.B. studies in Pakistan, coached the 2022 championship team along with team advisers Maria Laura Pessarini LL.M. ’22 and Loewenstein. And Peter L. Murray ’67, a visiting law professor at Harvard, taught a tailored workshop for the team, Oral Argument before International Tribunals.

Last year’s *Compromis* involved disinformation and freedom of expression, botnet take-downs, the secession of part of a nation’s territory, and foreign election interference. Team members cited the course Public International Law, taught by Professor Gabriella Blum LL.M. ’01 S.J.D. ’03, as laying a strong foundation for researching the issues that arose in the case. And in addition to Blum, said Sweeney, professors in other international law classes she’s taken have been very helpful, including Naz K. Modirzadeh ’02, founding director of the Harvard Law School Program on International Law and Armed Conflict, and Ioannis Kalpouzos, a visiting professor who specializes in public international law.

The competition, which is administered by the International Law Students Association, “has shaped my entire career goals,” said Sweeney. “Before I entered law school, I was not entirely sure what public international law litigation looked like in practice. I found the answer in Jessup.”

This year, the Harvard Law School team was coached, along with Loewenstein, by Sagnik Das LL.M. ’19, who is currently an S.J.D. student.



Jessup not only sharpens intellectual and practice skills, but fosters a close-knit community among teams, their coaches, and advisers.



The Compromis involved the interpretation of a peace treaty, deadly attacks in allegedly occupied territory, unilateral economic sanctions, and the legal consequences of failing to dispose of hazardous waste properly. In the fall, team members spent roughly 10 to 15 hours a week working on research and writing, said Sweeney, and in January they worked almost full time on the memorials. In the spring, they practiced roughly 20 hours a week, and while at competitions, they mooted full time every day. “It is a lot of work and certainly only makes sense for public international law nerds who are truly passionate about international law,” said Sweeney.

“I think the central value is that it forces students to engage deeply with a very complicated set of factual legal problems where there is no clear-cut answer, so it really compels students to develop their advocacy skills because it’s not like they can just look up the answer somewhere,” said Loewenstein. “It’s a phenomenal way to prepare for actual legal practice,” whether in international law or not.

“I truly think they are some of the most incredible legal minds I’ll meet here — and probably anywhere — and are most importantly so compassionate and fun to be around,” said Hatibie, who was on the 2023 team. “It’s nice to find a group, indeed a community — shout-out to all the professors and LL.M.s who have taken the time to judge us — that embraces the world and is committed to changing it for the better, using the common language of international law.”

Loewenstein said the HLS teams he’s worked with have been “uniformly excellent.” Last year’s team, he added, was special in the way its members displayed “absolute dedication to really understanding the subject matter and putting in the time and effort,” as well as truly “innovative legal advocacy skills.” More broadly, he said, Jessup “really forces students to cooperate and engage with each other in a way that enhances everybody’s abilities.”

“It is a life-changing program,” said Sweeney, and — as her tattoo attests — “a lifelong commitment.”

The 2023 Jessup Team, right to left: Nick Caputo '24, Yen Ba Vu '24, Hannah Sweeney '24, Nanami Hirata '23, Ariq Hatibie '24. They were coached by Andrew Loewenstein and Sagnik Das LL.M. '19.

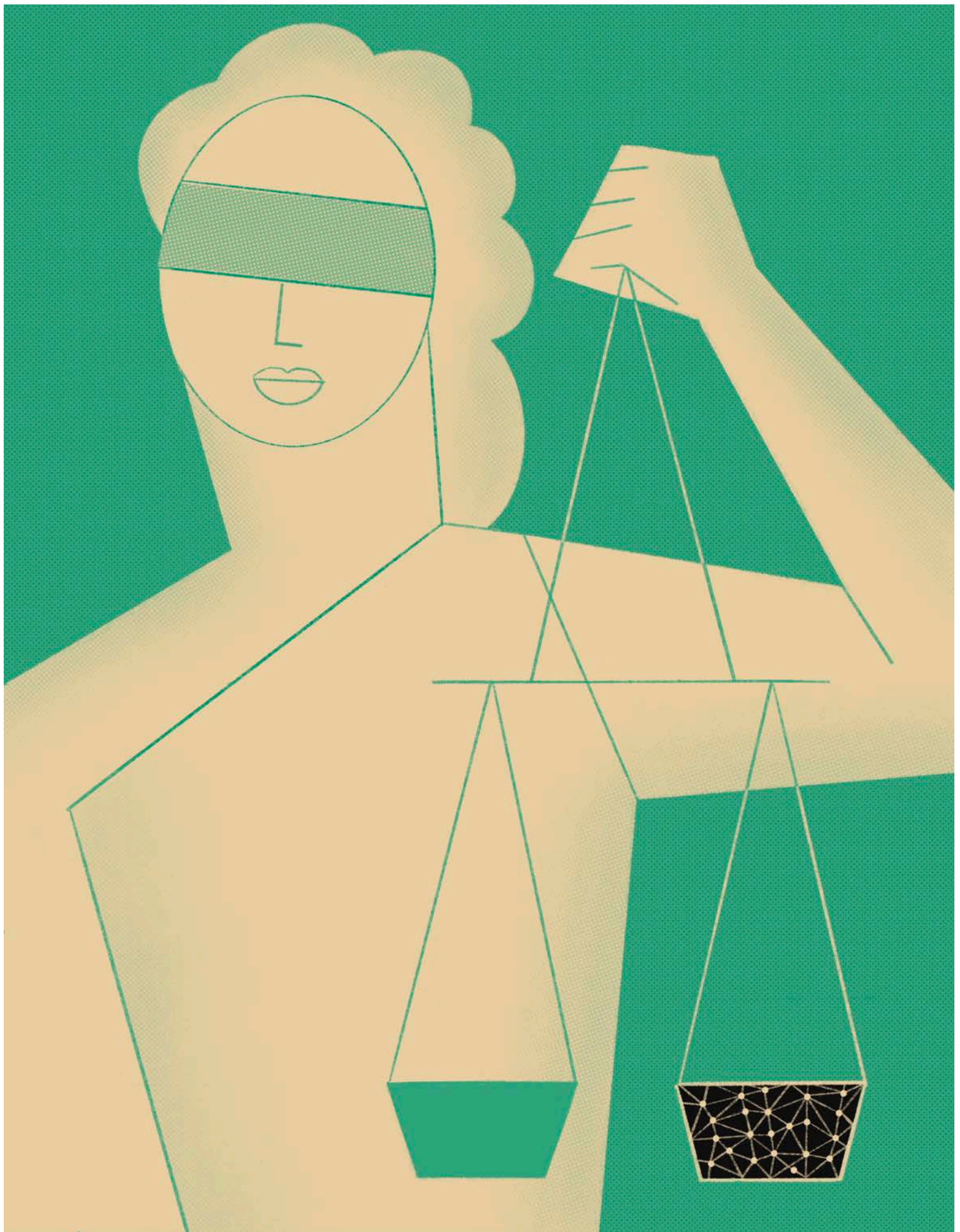
**How
to
Think
About**



**Delving
into the
legal and
ethical
challenges
of a
game-changing
technology**

**By
Colleen
Walsh**

**Illustrations by
Helena Pallarés**





T FIRST, the quirky photo that flooded the internet in March seemed entirely authentic. The viral online image depicted Pope Francis, looking like he had just stepped off a Parisian runway, strutting down the street clad in an uber trendy, oversized white puffer coat.

The internet went crazy. But when viewers took a closer look, they realized the picture of the pontiff was actually fake, created by the prompts of a Chicago resident using the artificial intelligence image generator Midjourney. It was just another example of the kind of increasingly sophisticated product AI is capable of turning out.

Who can claim the right to an image or written work or piece of music created with AI?

Such believable machine-generated output is raising a host of legal and ethical questions around authorship, fair use, copyright, and more. Who can claim the right to an image or written work or piece of music developed with AI? Should the artists, whose works are part of the massive data sets computers rely on to generate their results, be credited and compensated? Who should be held accountable for misinformation and disinformation? And should the law be updated to reflect the rapidly changing AI landscape?

“I do think we are at a moment of many questions, and some of them feel pretty profound and existential, especially when it comes to how we think about creativity in an age where artificial intelligence is going to take center stage across a number of fields,” says John Palfrey ’01, visiting professor at Harvard Law School, and president of the John D. and Catherine T. MacArthur Foundation.

Palfrey and other Harvard Law experts know those questions have complex answers that will require time to effectively sort out. They also know the AI clock is ticking.

The AI explosion and copyright concerns

Many seemed caught off guard by the efficiency of programs such as ChatGPT, OpenAI’s language processing tool, released to the public for testing last fall. The chatbot scours massive troves of text to generate new content based on a user’s prompts. Primitive versions of such AI technology have been around since the 1960s, but in recent decades advances in machine-learning algorithms, better access to big data, and enormous investments in computing power have made it lightning fast and eerily effective. Users were shocked last year when ChatGPT instantly produced

everything from a plausible Shakespearean sonnet to a passable high school history essay. (Other AI tools use similar technology to produce images, audio, and video.)

While embracing technological change is part of the human experience, when the pace of that change seems to ramp up exponentially, the rules and regulations meant to keep that technology in check can fall further and further behind.

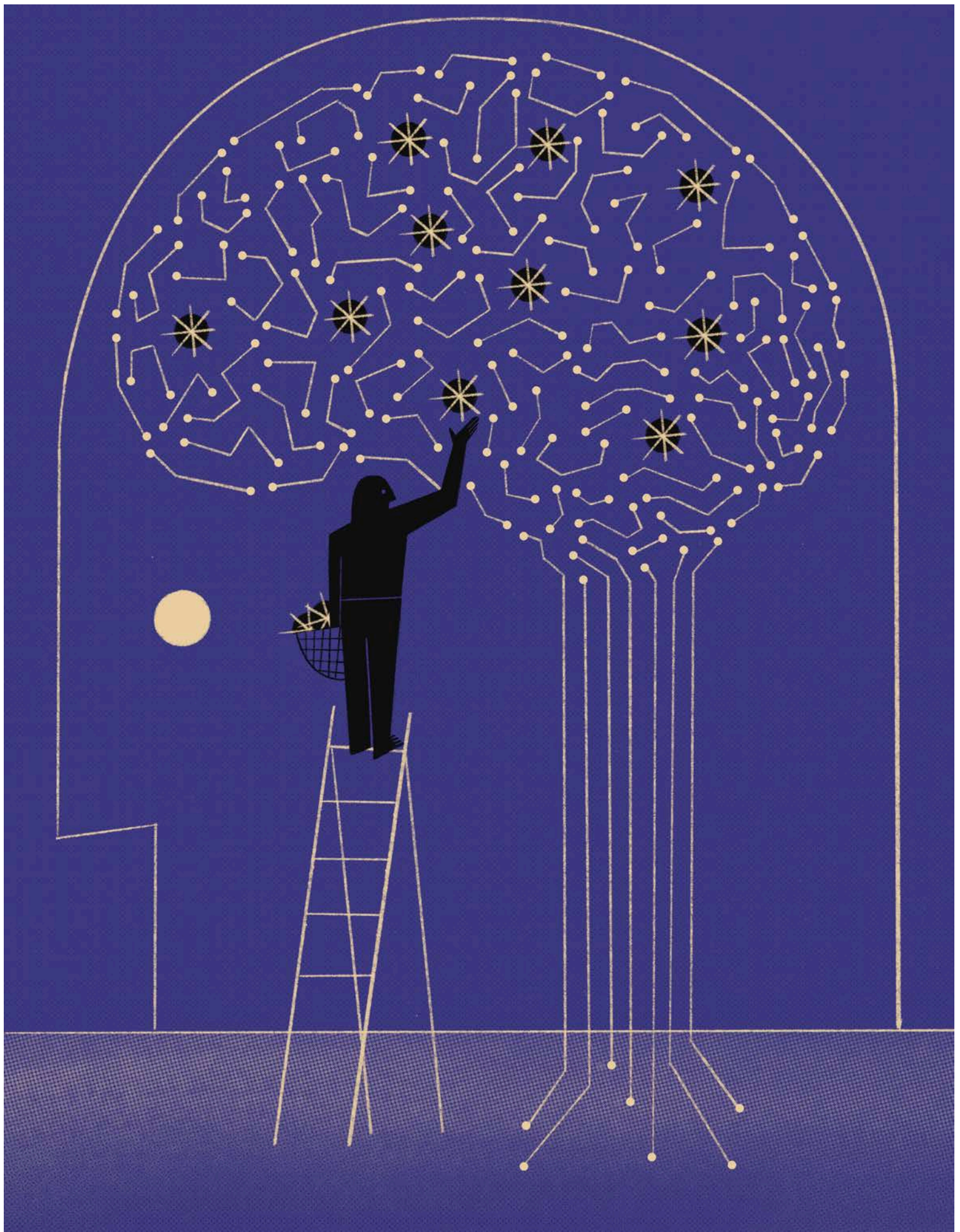
Some experts worry that in light of developments in AI, copyright and intellectual property law need an overhaul. Rebecca Tushnet, Frank Stanton Professor of the First Amendment at Harvard Law School, isn’t so sure. Tushnet thinks current copyright law is clear when it comes to those employing the technology for creative use.

The U.S. Copyright Office has long granted copyright only to works created with the significant involvement of a human hand or “author,” a policy that the courts have routinely reaffirmed, says Tushnet. “The U.S. courts are generally in agreement that you need a human being sufficiently in the loop to have an author. And a lot of AI-generated works are not that.”

Artist Jason Allen, whose work “Théâtre D’opéra Spatial,” which took a top prize at last year’s Colorado State Fair digital art competition and which he created with Midjourney, might disagree. Allen is appealing the office’s rejection of his request for copyright and has said he is prepared to take his case all the way to the Supreme Court. He argues his work uses AI as a legitimate tool of artistic expression. The copyright office said it declined his request because his piece lacked “human authorship.”

But both Tushnet and the copyright office acknowledge there are times when work created with the help of AI does merit protected status. In March the office released its latest guidance around such works, noting, for example, that if a human selects or arranges AI-generated material in a sufficiently creative way such that, according to U.S. law, “the resulting work as a whole constitutes an original work of authorship,” copyright is merited. The office also acknowledged the nature of the changing AI landscape, writing that it will “publish a notice of inquiry later this year seeking public input on additional legal and policy topics, including how the law should apply to the use of copyrighted works in AI training and the resulting treatment of outputs.”

Louis Tompro’s ’03, a lecturer on law at Harvard Law School and a partner at the law firm WilmerHale, recently told Harvard Law Today that copyright statutes have always been interpreted to mean that “only humans can be authors for purposes of the constitutional and statutory copyright grant.” But he warned that



interpretation, as it applies to AI, “hasn’t yet been tested fully in the courts, and it will be.”

On the other side of the coin — the question of compensating artists whose works are part of AI’s massive training database, or artists who think their work has been copied unfairly by technology — Tushnet uses history as a guide. In cases where “the output is not substantially similar to the input,” she sees no real difference between “using something as training data,” as in the case of AI, and “using something to practice on,” as artists have done for centuries. She notes human artists have historically learned their craft by copying directly or making their own versions of other people’s works and that such “developmental use is really inherent to generating new works when a human is involved.”

“My preferred approach would be if the output is not substantially similar,” says Tushnet, “then there’s nothing that’s being done that you have a legal right to prevent.”

A writer’s perspective

Science fiction author Ken Liu ’04 has long been fascinated with machine-augmented creativity. While studying English and computer science at Harvard College in the late ’90s, he built a basic AI model that crafted poetry in the style of Edna St. Vincent Millay, and he contemplated a senior thesis based on the poetics of computer-generated literature. After graduation, Liu became a software engineer, attended Harvard Law School, and worked as a corporate lawyer and high-tech litigation consultant before he turned to writing full time. He’s well positioned to consider AI’s long-range creativity and legal implications.

Liu is the author of four novels and two collections of short stories, and his interest in AI has only intensified through the years — some of his fiction even features AI, including his popular short story “50 Things Every AI Working with Humans Should Know.” Earlier this year, he took part in Google’s Wordcraft Writers Workshop, experimenting with the company’s AI writing tool and offering feedback. (Liu tried to get the program to help him generate robot dialogue, with limited success.) He is currently advising the Authors Guild and the Copyright Alliance as they draft suggestions for the U.S. Copyright Office’s guidelines involving AI-assisted work.

And he’s not worried he’ll be out of a job anytime soon. For Liu, today’s AI technology can’t generate prose to challenge that of the writers he admires because its prime directive is to be understood, not

interesting. Great writers, says Liu, invent their own language. ChatGPT, on the other hand, “is the great average of all the linguistic output out there, and its default mode is to speak very confidently in clichés about stuff it knows nothing about.”

That doesn’t mean it’s never helpful to his work. Liu sometimes engages with the chatbot if he’s looking for a little inspiration, in the same way another writer might pick up a book of poetry to feed their imagination. “It’s a great way to generate the kind of things that might spark you,” says Liu. He calls some of the best sparks hallucinogenic gems, like the time he was writing a story about a robot taxi narrating its own state of mind as it picked up fares, and ChatGPT came up with the scenario of one passenger sitting on another’s lap, “out of nowhere.” When that happens, Liu “leans into the crazy” and just lets his mind roam.

And he’s not giving up hope on true computer sentience. Liu thinks one day soon a computer may indeed be able to interact in a conscious way with the world and then tell him about it in its own words, instead of simply regurgitating someone else’s. “I would totally read stories written by that AI,” he says.

He might actually collaborate with it, too. “At that point, the AI has a separate sentience, so I would certainly agree that it should have its own copyright,” he says, “and we should be co-authors if we are writing together.”

But he rejects the analogy that when a user prompts today’s AI models to generate a creative work, it’s similar to one artist hiring another.

The analogy he prefers instead is one in which AI is the camera, and the artist the photographer. “If the artist has done the work of creative arrangement, direction, editing, prompting, tweaking knobs and dials, etc., such that the artist is the mastermind of the final work in the same way that a photographer is the mastermind of a photograph,” he says, “then of course we should see no problem in giving the artist copyright over the AI-generated work just as we grant the photographer copyright over the camera-produced photograph.”

A question of ethics and regulation

For Palfrey, like for many others, much will depend on how the AI of the future evolves. It may well, he says, “press on the boundaries of the existing law.”

Part of existing law that could need retooling involves the definition of a derivative work. Current copyright regulation states that “to be copyrightable, a derivative work must incorporate some or all of a preexisting ‘work’ and add new original copyrightable authorship to that work.” Examples of derivative works include a translation of a novel written in

**Copyright
has been
granted only
for work
created with
significant
involvement of
a human hand.**



AI is speeding into uncharted territory, and how to regulate the technology is a hot topic of debate.

English into another language, a film based on a novel, or a drawing based on a photograph. “But there’s still a lot of interpretation around the edges the courts have to do,” says Palfrey. And with advances in AI, he sees those interpretations only getting “more complicated.”

But other questions emerge when someone uses AI to deceive, especially when it involves offensive deep-fake videos or dangerous disinformation.

To limit bad actors using AI, some think a reevaluation of Section 230, part of the 1996 Communications Decency Act that prevents companies from being sued based on the content their users create, could help. That may “come up sooner rather than later,” says Palfrey, “in part because Section 230 is already under such scrutiny.” In February, the Supreme Court

heard oral arguments in its first Section 230 case, *Gonzalez v. Google*, which challenged the federal law. Justices seemed to signal they were hesitant to dismantle the legal shield, and in their May decision they sent the case back to the lower courts without ruling on Section 230.

A more robust regulatory approach to AI taken by other countries and international entities such as the European Union, Australia, and New Zealand may provide models for the United States.

“Regulate, we must,” Palfrey says, “because these technologies cannot go unchecked for another quarter century.”

One of Harvard’s newest scholars has experience in that domain. In April Jacinda Ardern was chosen for fellowships at the Kennedy School’s Center for Public Leadership and at the Berkman Klein Center for Internet & Society beginning this fall. Former prime minister of New Zealand, Ardern took on online extremism in the wake of attacks by a white supremacist gunman who killed 51 people at two mosques in the city of Christchurch in 2019. In addition to studying “ways to improve content standards and platform accountability for extremist content online,” Ardern will also “examine artificial intelligence governance and algorithmic harms,” according to the official statement announcing her appointment.

More change ahead: buckle up

Needless to say, it’s a busy and engaging time for Harvard Law’s Jonathan Zittrain ’95, co-founder of the Berkman Klein Center, whose career is focused squarely on emerging technology. But he tempers his enthusiasm with the knowledge that material generated by AI is often unreliable, and he is quick to encourage users to take a cautious approach.

“We should expect and demand that these models aren’t offered as substitutes for search engines or more curated ‘knowledge panels,’” argues Zittrain, George Bemis Professor of International Law at HLS and professor of computer science at the university. “Today’s large language models are innately optimized for B.S. — that is, sounding right over being right — and there have been only fitful technical steps in how best to address that. And there just hasn’t been time for the public to build up fitting skepticism of results when they are presented in the form of encyclopedic content.”

Then there are bad actors, intent on using AI for disinformation and worse. But how best to move forward with AI regulation is still a hot topic of debate, and a source of worry, for Zittrain and countless others.

In March more than 1,000 tech experts concerned about AI’s potential to do harm to society signed an open letter calling for a temporary halt to future AI development. “Powerful AI systems should be developed only once we are confident that their effects will be positive and their risks will be manageable,” the letter stated.

Just a little more than a month later, a computer scientist known as the “Godfather of AI,” Geoffrey Hinton, rocked the tech world when he quit his job at Google, citing his fears about the dangers of AI technology. “It is hard to see how you can prevent the bad actors from using it for bad things,” Hinton told *The New York Times*.

In a recent talk to law school alumni, Zittrain pointed out that the seeming ability of GPT-4 (the latest upgrade to ChatGPT) to engage in logical reasoning or cognition when correctly answering a brain teaser prompt is more than a little unsettling. “It doesn’t mean that there’s magic involved. ... But nobody truly grasps why the model is as good as it is, given how it’s been built,” said Zittrain, which makes it hard to know just how much better later generations of the technology will become.

If you ask ChatGPT how AI should be best regulated, it offers up a detailed, 10-point reply involving safety, transparency, reliability, monitoring, adaptation, and much, much more.

Much like the nuanced, multilayered answer from ChatGPT, many experts admit that the regulation of artificial intelligence will involve a range of factors and players, and will largely depend on how the technology develops.

Zittrain, author of “The Future of the Internet — And How to Stop It,” has pondered the question of cyberspace regulation for years. He admits a certain amount of technological flexibility and even absten-



*Clockwise from top:
Ken Liu '04,
Rebecca Tushnet,
Jonathan Zittrain '95,
John Palfrey '01,
Louis Tompros '03*

**HLS
experts
weighing
in “at
a moment
of many
questions”**

tion has had value, and notes how often innovation has been driven by the internet’s “anything not prohibited is permitted” framework. Zittrain says he and his law school colleagues Professors Yochai Benkler ’94, Lawrence Lessig, and Terry Fisher ’82 have generally favored that expansive approach over the years when it helps foster “artistic experimentation by individuals without having to contend with corporate copyright and trademark claims.”

But he is quick to add that AI tools such as ChatGPT are also speeding into uncharted territory, and that “there is simply no easy existing practice or social contract to draw upon for what these large language models are doing, and how any boundaries on development and use should be crafted and by whom.”

When it comes to the risks of AI and bad actors,

Zittrain thinks tort law might offer up a useful concept or two. “It could be more or less everyone’s job in the ‘supply chain,’ the way that in the last century’s torts revolution, everyone from component makers to manufacturers to retailers can be liable for defective products. We just need to figure out what ‘defective’ really means here.”

But time is of the essence with a technology some think could be ubiquitously embedded — Zittrain likens it to the rapid, unmonitored, and ultimately regrettable installation of asbestos-containing products throughout buildings — in a decade or even less. “Tort law took about 30 years to review questions of who should be responsible when mass-produced products go awry,” says Zittrain. “It doesn’t seem like we have that kind of time here.”

Working *for the* People

Vanessa Strobbe '12

Seeking justice, not victory

The stuffed animal sits on a shelf behind Vanessa Strobbe's desk, a reminder of a past case.

The toy once served as emotional support for a young girl who had been sexually abused by a member of the military. Strobbe, who was then serving as a prosecutor in the United States Army, says she spent a lot of time getting to know the child, earning her trust, and preparing her to testify in a trial against her abuser. When the day finally came, Strobbe walked the girl to the stand, but just before she reached the witness box, she turned and handed Strobbe the plush.

"I asked her, 'Don't you want this with you?'" says Strobbe. "And she said, 'I don't need it anymore. I have you.'"

When she was a student at Harvard Law School, Strobbe's interests ranged from national security to criminal justice, always with public service in mind. Her Semester in Washington placement was with

"There is no winning in a prosecution," says Strobbe. "That's someone's father, that's someone's son, who's going to jail."

a prosecutor for the U.S. Army. "He was an incredible mentor, says Strobbe, "who treated me not like an intern, but like a second chair." The work, which focused on felony prosecutions, confirmed her desire to join the U.S. Army Judge Advocate General's Corps after graduation.

After completing the bar exam — and the Basic Officer Leader Course — Strobbe was first stationed in North Carolina, and then, in 2013, deployed to Afghanistan, where she served as the sole lawyer assigned to several units. There, she led investigations, helped with disciplinary actions, and trained the soldiers on the rules of engagement. And she didn't just sit back and wait for questions in the safety of Kabul's Green Zone. "I also accompanied soldiers on missions to ensure that they were complying with the laws of war," she says.

Strobbe adds that, at the time, the feeling was that the U.S. was drawing down in Afghanistan, and her units were charged with tearing down bases or transferring their control to the Afghan Army. Her work took her across the country, from cities to re-

mote regions, where she saw the impact of war on the country and its people.

Nine months later, Strobbe returned to the U.S., got into the courtroom, "and I haven't left since," she says. As an Army JAG officer, Strobbe held jobs and duty stations that changed often, and she quickly gained experience as a prosecutor and senior prosecutor, and then shifted to work as defense counsel.

She says she feels privileged to have been able to serve victims, to help them through the worst thing that has ever happened to them. But she adds that it has also been valuable "to represent soldiers accused of heinous things, who are facing life in prison or the death penalty. I have gotten to know the human on that side of the aisle as well." With the help of her co-counsel — and three Harvard Law interns — Strobbe even saved one defendant from the death penalty.

These experiences have influenced her profoundly, she says. "The most meaningful thing for me is to be at the helm

Fifteen years ago, Harvard Law School launched its Semester in Washington Clinic, an externship program focused on training government lawyers. Meet four former participants who are dedicating their careers to government service.

By Rachel Reed | Photographs by Jared Soares



“I hope that what we are doing is helping folks see themselves included and represented in their own government.”

of ensuring justice for someone who’s been wronged, but at the same time, working diligently to ensure that that pursuit of justice is fair for the accused.”

Strobbe acknowledges that the work could be difficult. In one case, she prosecuted a soldier who had murdered his Panamanian girlfriend and immediately returned to the U.S. after her body was discovered. Many in Panama worried that he would not have to face justice. “But we devoted many resources and a lot of diligence to prosecuting him,” Strobbe says. “And Panamanian officials, friends, and family members of the victim were flown in to see our justice system and to watch the jury of military officers convict this person for the terrible thing he did.”

Today, as Strobbe transitions out of the Army and into the U.S. Attorney’s Office for the Eastern District of Virginia, she says it is not victory that she seeks — it’s justice.

“There is no winning in a prosecution,” she says. “That’s someone’s father, that’s someone’s son, who’s going to jail. I want to be sure I am doing right by someone who has gone through a terrible thing, while at the same time ensuring that the defendant has a fair process.”

It’s why that little girl’s stuffed toy is displayed in such a prominent place in Strobbe’s office. “It’s a daily reminder of the people we do this for. These are real people, and what you do for them can make a difference in their life.”

Demarquin Johnson ’20

Building equality through policy

Not everyone can say they are working at their dream job.

Demarquin Johnson can.

As the legislative director for Ayanna Pressley, the U.S. representative for Massachusetts’ 7th congressional district, Johnson oversees the congresswoman’s entire legislative portfolio, including top priorities like immigration, criminal justice reform, and voting rights. It’s a role, he says, that melds his lifelong interest in the intersection of race, law, and democracy, with opportunities for bold policy-making — and for changing lives.

“I really do feel as if the work that we’re doing right now is making what was impossible, possible,” he says of Pressley and her team.

First as an undergraduate at Howard University, and then as a dual Harvard Law School and Harvard Kennedy School student, Johnson explored the connections between politics and the law, drawn especially to the legacy of civil rights work, particularly for marginalized communities. During his Semester in Washington in early 2020, Johnson spent several months as a fellow with the Democratic Caucus office, writing briefings, compiling research, and helping members of the caucus in their daily work. He found the energy there electric — and irresistible.

At the same time, the coronavirus pandemic had arrived, and so had the protests for racial justice following the police killings of George Floyd

and Breonna Taylor. With these momentous events in mind, and an upcoming presidential election in view, “I knew I had to get to work,” Johnson says.

And when he spotted a job posting to join Pressley’s team, the stars seemed to align. “The people I work with are amazing; my boss is an incredible person,” he says. “And I get to work on things that are important to me. I get to help make everyone feel that they are included, that they are respected and valued.”

Although he was initially hired as a legislative assistant, Johnson was quickly promoted to policy counsel, and then to his present role as Pressley’s legislative director. Today, he oversees a team of legislative aides, in addition to writing speeches, helping prepare Pressley for hearings and votes, and managing the congresswoman’s judiciary portfolio.

He also works on priorities such as addressing gun violence, mass incarceration, and discrimination, always looking for ways that effective local solutions can be scaled up. “We’re trying to nationalize good work, making sure that people are treated fairly,” he says, “whether it be at work, on the street, in banking and finance, and beyond.”

For Johnson, confronting systemic obstacles is less daunting than invigorating, when he can see the impact his team is having on people’s lives. What can feel challenging are the constituents he can’t immediately help. “Sometimes

Johnson is legislative director for U.S. Rep. Ayanna Pressley.



we get a letter, a tweet, an email, from a person talking about the pain that they feel. We often know what they really need, but the slow legislative process means we aren't always able to give it to them right now. And that can hurt."

But Johnson says those challenges also fuel his motivation to continue to work to break down the barriers

Pressley's constituents — and many other people — face, such as racism, homophobia, transphobia, and ableism. Recently, with Johnson as legislative director, the congresswoman introduced bills intended to reduce the racial wealth gap, advance transgender

rights, and protect reproductive rights.

It's what he's been fighting for his entire life. "I hope that what we are doing is helping folks see themselves included and represented in their own government," he says. "And that's what inclusion is about. That's what diversity is about. That's what democracy should be about."

Working for the People

“It’s important to me to be able to work on something that really matters, so ... you feel like you have made a difference in some way.”



David Ryan '17

Using intelligence strategically

David Ryan can't get too specific about his work at the U.S. Department of Justice. And that's probably a good thing, because as an attorney in the National Security Division's Office of Intelligence at the DOJ, Ryan works in the world of foreign intelligence gathering to keep America and its allies safe.

It's a career he has been building up to ever since he served as an intelligence officer in the U.S. Marine Corps a decade ago. "I found that work important and interesting," says Ryan, who was deployed to Afghanistan and was later stationed at a Marine Corps base in Quantico, Virginia.

During his time in the military, Ryan roomed with a judge advocate general who became one of his closest friends. The friend was a prosecutor who tried crimes that occurred on base or were committed by service members. Ryan, who had not previously considered going into law, found himself drawn to the legal system as another important tool in the pursuit of justice. "I didn't have any lawyers in my family growing up, but this friend inspired me to go to law school," he says.

As a student at Harvard Law, Ryan wasn't always sure he would continue in the intelligence field. He took care to gain experience in a range of practice areas — he was a student attorney

Ryan is an attorney in the National Security Division's Office of Intelligence at the U.S. Department of Justice.

with the school's Prison Legal Assistance Project, for example, and interned at the DOJ on the Appellate Staff of the Civil Division. Through the Semester in Washington program, he worked for a U.S. District Court judge.

But he says he kept coming back — at first inadvertently — to national security. As a second-year student, Ryan applied for an internship in the U.S. Attorney's Office for the District of Massachusetts, hoping to work on either white-collar or violent crime prosecutions, but was placed in the national security unit because of his background.

"It actually ended up being a great thing, even though I didn't initially want to work in that area," he says, adding that he had the chance to assist prosecutors working on sensitive matters, including one related to the Boston Marathon bombers.

After law school and a judicial clerkship, Ryan began practicing with a private litigation firm, where he gained valuable experience, but also began itching to return to national security work.

Today, Ryan is at the Office of Intelligence, which plays an important role overseeing the collection and use of foreign intelligence. "The Foreign Intelligence Surveillance Act gives important and powerful legal tools to the intelligence community that they use to help protect the country," he says. "But unlike in a lot of other countries, there is independent oversight of this process, and it is bound by the rule of law. It's really a blessing that we have these checks and balances."

Ryan says his job is to help facilitate the processes triggered when the government wants to use intelligence it has gathered in criminal proceedings. "Because of the enhanced civil liberties and privacy interests that are implicated in that scenario," he says, "the executive branch has developed policies and procedures that allow for that to happen, but also allow for it to be regulated and to be supervised and consistent with the rule of law."

The work can be very rewarding, Ryan says. He often works with FBI attorneys and special agents, who sometimes need guidance navigating the complex procedures they must follow to ensure that the information they collect in their investigations can be used in court. The hardest part? Having to keep secrets from his friends and family, given the nature of national security work. "When you work in a classified setting, it can complicate some things in your personal life," he says.

Though he needs to stay quiet about many parts of his job, Ryan is proud of the work he does. "I wanted to be in a field where I could serve my country, where I could work on important national security issues," he says. "It's important to me to be able to work on something that really matters, so that once you're finished with it, you feel like you have made a difference in some way."

“There is a clear through line between the work I did at DOJ during my Semester in Washington and the work I do now.”

Elizabeth Arkell '17

Working for a fair financial system

Like a detective, Elizabeth Arkell enjoys sifting through information, painstakingly piecing together facts, and then applying them to the law. As an attorney with the Consumer Financial Protection Bureau, or CFPB, she puts those investigatory skills to good use, hunting down violators of fair lending rules and working to protect all Americans from exploitative lending practices.

“Working toward the creation of a more inclusive financial system that is focused on equity, in addition to being safe and sound, is crucial,” she says. “I think this is true from both a civil rights perspective and also a societal perspective.”

Arkell has long known she wanted to work in the public interest. After college, she spent four years at the U.S. Department of State at its Iraq desk, managing international development programs. But she soon found herself gravitating to domestic issues and the legal system, leading her to Harvard Law School.

As a law student, she says she reveled in classes like Legislation and Regulation, which helped her better understand the structure and functioning of the administrative state. She also praises her time in the Harvard Immigration and Refugee Clinic. But it was during the Semester in Washington program, as she worked on housing and civil enforcement at the Department of Justice’s Civil Rights Division, that she first gained experience

in the issues — and fact-finding skills — that would come to define her career.

“I had the opportunity to participate in investigations and litigation of housing and credit discrimination. I traveled to Jackson, Mississippi, and to Chicago during that semester to help with depositions and participate in interviewing witnesses to gather evidence,” she says. “I found the experience to be incredibly valuable and interesting. And I learned not only what that office does, but all that a government lawyer can do.”

After graduation, Arkell joined a large white-collar defense firm, where she says she was able to hone expertise in several practice areas. But while she appreciated litigation, she found that she preferred investigation and analysis to trial work. And five years later, she was ready to return to the government — she just needed the right fit.

“I talked to a lot of people, including other HLS alums, and the CFPB kept coming up in conversations,” she says. “I made a point of staying up to date on CFPB actions, even when it didn’t directly relate to my work in private practice.”

Now, as an attorney with the agency, Arkell ensures that banks and nonbanks alike comply with the Equal Credit Opportunity Act, which forbids lenders from discriminating against those seeking credit on the basis of their race, color, religion, national origin, sex, marital status, or age. “For me, there is a clear through line between the work I did at DOJ during my Semester in Washington and the work I do now at CFPB,” she says.

Arkell adds that she especially appreciates the mission-driven aspect of her work. “And there is always something to learn, and many people to learn from, at the agency,” she says. “There are so many subject matter experts embedded at the bureau. And they’re not just knowledgeable about the legal framework that we’re operating under, but on the markets and technology that impact the bureau’s work as well.”

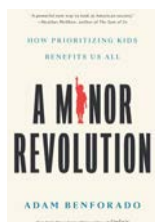
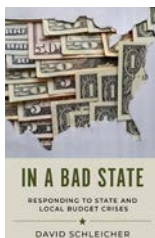
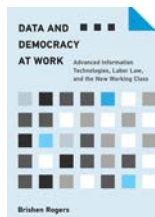
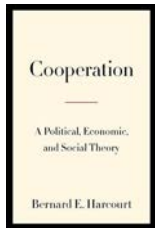
Arkell says she hopes to dedicate the rest of her career to consumer protection issues. “I really do think that the work my office does is one small piece in a much larger ecosystem of creating the type of financial system that’s more equitable and inclusive,” she says. “And what really drives me is working toward that more inclusive financial system.”

An attorney with the Consumer Financial Protection Bureau, Arkell says she hopes to dedicate the rest of her career to consumer protection issues.

Harvard Goes to D.C. Students in the Semester in Washington Clinic spend a spring semester in the nation’s capital, working full time at a government agency and attending classes on policymaking with the clinic’s director, Jonathan J. Wroblewski. Since the clinic was launched, students have held placements in the White House Counsel’s Office; the U.S. Department of Justice; the Department of State; Congress, including the House and Senate Judiciary Committees; the Federal Trade Commission; with judges; and with countless other agencies and departments across the federal government.



Recent Alumni Books



“Cooperation: A Political, Economic, and Social Theory,”
by Bernard E. Harcourt ’89 (Columbia University Press)

In a world beset by serious crises such as climate change and threats to democracy, progress is hampered by conflict and polarization, according to Bernard Harcourt. Often one side preaches rugged individualism while the other preaches government intervention, with neither achieving the large-scale collective action to prevail. The author, a professor of law at Columbia University, charts a different course based on what he calls “coöperism,” in which “the well-being of everyone in society and the welfare of the environment are placed ahead of the profits of the few. He chronicles examples of cooperative efforts in business and daily living, such as credit unions, nonprofits, and mutual aid, and advocates for a cooperative democracy that draws on longstanding, successful practices, in which people work together to benefit all participants.

“Data and Democracy at Work: Advanced Information Technologies, Labor Law, and the New Working Class,” by Brishen Rogers ’06 (MIT Press)

In today’s labor politics, writes Brishen Rogers, “knowledge and control are centralized, surveillance is constant, and line-level workers have little autonomy and no voice on the job.” The professor at Georgetown University Law Center argues that workers’ power began to decrease in the 1970s, spurred by changes in laws that “treat the enterprise more like the employer’s sovereign property” along with technologies that monitor workers’ actions, including efforts to unionize. In addition, he writes, many major compa-

nies purchase labor without hiring workers as employees, thus avoiding legal responsibilities. Rogers advocates for reforms such as guaranteeing the rights of workers to participate in workplace governance through collective representation and banning forms of workplace surveillance.

“I Am Debra Lee: A Memoir,” by Debra Lee ’80 (Legacy Lit)

Once called too nice, Debra Lee shares her story of finding her voice and confidence to ascend to and succeed in the position of CEO of Black Entertainment Television. Raised in the segregated South, she recalls her student days at Brown University and Harvard Law, her decision to leave a large law firm for a general counsel position at BET, and her encounters with luminaries such as Aretha Franklin and Oprah Winfrey. She is frank about myriad challenges she faced in her 32 years at BET (the last 13 as CEO), including raising a young family while handling an overwhelming workload and managing a team of men. At the same time, she celebrates the opportunities she’s had to help showcase the power and beauty of Black culture that she cherishes.

“In a Bad State: Responding to State and Local Budget Crises,” by David Schleicher ’04 (Oxford)

A professor at Yale Law School and expert in local government law, David Schleicher offers guidance for federal officials on how to respond when a state or city faces fiscal crisis. He examines historical cases, from Alexander Hamilton’s plan for the federal government to assume state



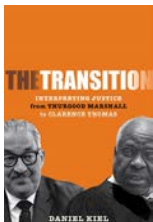
debts after the Revolutionary War through the federal government's response to local and state fiscal distress during the COVID-19 pandemic. The U.S. government may provide money to indebted states or cities, encourage them to pay their debts, or allow them to default on their debts — all options that may lead to bad outcomes, Schleicher writes. He proposes steps that federal officials can take to facilitate fiscal stability in local jurisdictions and help the country be better able to deal with inevitable economic shocks.

“A Minor Revolution: How Prioritizing Kids Benefits Us All,” by Adam Benforado '05 (*Crown*)



At the turn of the 20th century, reformers sought to improve the plight of children living in extreme poverty, who were relegated to working long hours in dangerous conditions. Despite much social progress since then, children still suffer due to a society that fails to focus on their welfare, argues Adam Benforado, a professor of law at Drexel University. Backed by research on children's development and cognitive capacity, he proposes a list of core rights to which children should be entitled. He also calls for policies such as paid family leave and investment in early education, housing, and health care. We are now giving children a worse life than our parents gave us, he writes, and prioritizing children is the best way to address society's major challenges.

“Roe: The History of a National Obsession,” by Mary Ziegler '07 (*Yale University Press*)

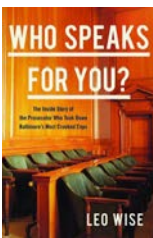


Mary Ziegler, a professor at the University of California, Davis, School of Law, argues that *Roe v. Wade* has attracted more public scrutiny than perhaps any other Supreme Court case “because it has been used to express nuanced, complicated ideas about abortion that the Supreme Court supposedly put out of reach in 1973.” She shows how supporters and opponents of *Roe* have bolstered their cause by offering different perspectives on what the concept of “choice” means for women. Ziegler, who completed the book last year before the Court's ruling in *Dobbs v. Jackson Women's Health Organization*, wrote that even if *Roe* were reversed, it would “remain a rallying cry for those with different views about everything from race to religion.”

“Speaking Yiddish to Chickens: Holocaust Survivors on South Jersey Poultry Farms,” by Seth Stern '01 (*Rutgers University Press*)



When he was home studying for his law school exams, Seth Stern had lunch daily with his grandmother, and conversations that inspired his book on the experiences of his family members and other Jewish immigrants who ushered in a largely forgotten era of Jewish poultry farming in south New Jersey. He traces their passage from Europe after World War II, the reception they received in their new homeland, and their efforts to build community. Known as “Grine,” a play on the Yiddish word for greenhorn, the



farmers proved to be the final wave of American Jewish agricultural workers. Though the poultry business became unsustainable, Stern's grandmother told him before she died at age 96 that she had no regrets about settling in rural New Jersey, and that they lived a good life.

“The Transition: Interpreting Justice from Thurgood Marshall to Clarence Thomas,” by Daniel Kiel '04 (*Stanford University Press*)

Clarence Thomas succeeded Thurgood Marshall on the Supreme Court. Their contrasting judicial philosophies give insight into the relationship between citizens and their government and the social, legal, and political debates that have defined the past century, writes Daniel Kiel, professor of law at the University of Memphis. The author examines how the justices' upbringings shaped their views on race and their approaches to cases on the Court — particularly those involving education, an important factor in their lives — as well as the constitutional issues they encountered. Kiel surmises that the harm they both suffered as students led them to contradictory perspectives on achieving progress in the nation, including how to uplift Black citizens.

“Unwired: Gaining Control over Addictive Technologies,” by Gaia Bernstein LL.M. '00 (*Cambridge University Press*)

Government intervention helped drastically reduce tobacco use. Gaia Bernstein argues that it should do the same for another addictive activity: technology use. A professor at Seton Hall University School of Law, she explores how tech companies manipulate people to use their products, and she also looks at the deleterious effects of screen time, especially on children. Potential remedies include regulations against addictive design and deceptive practices as well as laws that would raise awareness of the risk of overuse through labeling and advertising. We do not have to go back to a world of no online connection, she writes, but “[g]oing forward means finding a better balance between our technologies and ourselves.”

“Who Speaks for You?: The Inside Story of the Prosecutor Who Took Down Baltimore's Most Crooked Cops,” by Leo Wise '03 (*Johns Hopkins University Press*)

Leo Wise tells the story of the investigation and prosecution of the Baltimore Police Department's Gun Trace Task Force. The book is based on his experience as the lead federal prosecutor of the police officers who robbed local residents. The victims charged that the police “acted like an occupying army” in overwhelmingly Black East and West Baltimore. All members of the task force were arrested on federal racketeering charges and two went to trial, which Wise also covers in the book. Both officers were found guilty, with the verdict read by the foreperson, the only Black male on the jury, speaking for the victims.

Class Notes



1960 JOHN AUSTIN writes: “I hope Dean Toepfer [’47] would not feel betrayed: He admitted me to our class after extracting assurances that I would not squander an HLS education by returning to the music at the center of my life. Abandon it I did, but after years of study, teaching, and composing, I returned to a law practice that allowed time to put dots on paper — many of them on the commuter train going to work. I am forever grateful for such a varied, dual life. Retirement has, of course, permitted a greater focus on composition. So far, so lucky in this strange moment of threats hovering over health and democracy. COVID’s delays have been a problem for my music (as yet to be shared: orchestral works, piano pieces, string duos for various instruments and a theater piece in collaboration with a MacArthur playwright — one of two Americans in the French National Theatre’s repertory, the other being Tennessee Williams — not to mention [my] opera ‘Heloise and Abelard,’ which Ed Jones brought to life in concert form at Harvard 11 years ago).” Austin adds that, powered by “a burst of autumnal energy,” he has also been working on another project: a manual that — in text, dozens of musical examples, and whole new pieces — details a way of hearing that has enabled his composition. He writes: “My hunch is that perhaps self-publishing may be the way to get this work into interested hands. I would welcome any tips on self-publishing and any suggestions about people who might be interested in the music and/or the manual. Music’s to be shared, after all. I’m at jbamusic@yahoo.com.”

1953

→ 70TH REUNION OCT. 27-29, 2023

1958

→ 65TH REUNION OCT. 27-29, 2023

1963

→ 60TH REUNION OCT. 27-29, 2023

MERV HECHT is still practicing corporate and international law and writes, “My fifth book, ‘Great Cases I Lost’ (available on Amazon), just sold out its first printing.”

1964

ELLIOT C. ROTHENBERG received the University of Minnesota College of Liberal Arts Outstanding Alumni Award. The CLA website article on the award wrote of Rothenberg’s “ground-breaking legal career. ... Among the most respected legal minds in the country, Rothenberg built a career based on the love of the law and the power of words. His reputation as an expert in the First Amendment rights of media organizations sprung from the landmark *Cohen v. Cowles Media Company* case, which went all the way to the Supreme Court. Rothenberg’s success in this case not only determined the future course of his legal career but resulted in a defining decision about First Amendment rights.” At the awards ceremony, CLA Dean John Coleman spoke of Rothenberg’s *Cohen v. Cowles Media Company* case files archive in the Historical & Special Collections department of the Harvard Law School Library. Rothenberg is still working in his favorite legal subject area: First Amendment law.

1965

ROSINE LOROTTE LL.M. writes: “[Since 1966, some of the LL.M. ’65 graduates meet in a different country every year — mostly the European and South American graduates. In 2022 the meeting was held in Strasbourg \(France\), and the key event was the visit of the European Institutions \(Council of Europe and European](#)

Court of Human Rights). In 2023 the meeting will be held in Switzerland with **JENÖ STAEHELIN LL.M.** in command.”

1966

TONY ROGERS writes: “After writing ‘Fake Smiles’ (TidePool Press), a memoir about growing up in a political family during the Nixon era, I have written six amateur detective mysteries featuring a retired judge, Jim Randall. They are mostly set in Cambridge. The first is ‘Judge Randall And The Tenured Professor’ (there is a murder behind the Divinity School), and the latest is ‘Judge Randall At The Long Gone.’ They are available in e-book and paperback at local bookstores and on Amazon.”

1967

RICHARD ROTHBERG, a trusts and estates attorney, has joined New York firm Pierro, Connor & Strauss as senior counsel. A former chair of the trusts and estates law section of the New York State Bar Association, he is a fellow of the American College of Trust and Estate Counsel.

STEPHEN STANDER wrote to share the news of **ROBERT L. WALKER**’s passing on Feb. 9: “Bob had a distinguished career as an advocate for the rights of juveniles. He worked at the Youth Law Center in San Francisco for many years. He also wrote a leading textbook on juvenile law in California. Bob then went on to private practice on behalf of families. Bob and I were close friends for many years and spoke virtually every week despite the distance between us. He is already missed.”

1968

→ 55TH REUNION OCT. 27-29, 2023

1973

→ 50TH REUNION OCT. 27-29, 2023

FRED GELDON is co-author of “Ethics and Law in Computing: Exploring Legal Issues and Ethical Concerns in 21st-Century Technology.” The textbook examines a variety of issues students are likely to encounter in their

work as computer or IT professionals and examines how the law is applied in real-world cases related to technology.

1977

ALDEN ABBOTT writes that he is co-author of “Trade, Competition and Domestic Regulatory Policy” (Routledge): “This volume presents a property-rights-centered perspective on the harmonization of competition, trade, and regulatory law. It emphasizes consumer welfare enhancement as an organizing principle and calls for the phasing out of anticompetitive market distortions that largely fall outside the scope of contemporary trade and competition law.”

1978

→ 45TH REUNION OCT. 27-29, 2023

DONALD REZ, a shareholder at Sullivan Hill Rez & Engel, was recognized by San Diego Magazine as a 2023 Top Lawyer in San Diego in the field of antitrust and trade regulation. He was also selected as a 2023 Super Lawyer, for the 13th year, in the area of Business/Corporate Litigation. Rez focuses his practice in the areas of business and commercial litigation and antitrust and trade regulation.

1980

ERIKA FINE released a new book of political-satire poems, “Light Verse on Heavy Topics: Pandemic, Politics, and Pandemonium.” The book is “the result of one woman’s quest to quell her anxiety and make sense of our chaotic world.” Her poems have been published in *Cognoscenti*, the website for WBUR, one of Boston’s NPR stations; *Light*, a journal of light verse; and *The New York Times*. Her prose has appeared in *The Boston Globe*.

1982

RAYMOND ANGELO BELLIOTTI, SUNY Distinguished Teaching Professor of Philosophy *Emeritus*, has published



“Since 1966, some of the LL.M. ’65 graduates meet in a different country every year – mostly the European and South American graduates. In 2022 the meeting was held in Strasbourg (France).”

his 26th book: “Italian Rebels: Mazzini, Gramsci, and Giuliano” (Fairleigh Dickinson University Press).

1983

→ 40TH REUNION OCT. 27-29, 2023

1985

HERNÁN PÉREZ LOOSE LL.M. S.J.D. ’89, a founding partner at Coronel & Pérez Abogados in Guayaquil, Ecuador, wrote last December: “The President of the Republic of Ecuador has just appointed me ambassador and head of the Ecuadorian Mission to the United Nations organization in New York City. Among the tasks that I will assume is representing Ecuador as nonpermanent member of the United Nations Security Council. This will be the fourth time since the United Nations was created in 1945 that our country has held this position. This appointment is an excellent opportunity to serve my country and the cause of world peace and security. Accepting it will require me to set aside my responsibilities at Coronel & Pérez for approximately two years.” Pérez Loose has also had a weekly column discussing political and international issues in *El Universo*, the largest Ecuadorean newspaper. In addition, he shares that he was the co-winner of the Laylin Prize for his S.J.D. dissertation at HLS and in 2022 his son Adrián Pérez Salazar graduated from HLS’s LL.M. program.

1987

WALTER EFFROSS’ new book, “Keeping Your Own Counsel: Simple Strategies and Secrets for Success in Law School,” includes several instructive stories from his experiences as an HLS student. Its preface and first two chapters can be read through the “Look inside” feature on Amazon, he writes, and there’s a companion blog, www.keepingyourowncounsel.com, that has “links to my conversations with leading in-house and outside

Continued on page 41

With decades of experience prosecuting war crimes, Eli Rosenbaum turns his attention to Russia

It Started the Summer He First Hunted Nazis

As the war in Ukraine rages on, law enforcement authorities around the world are moving to impose accountability for Russian atrocities.

Trials of Russian soldiers accused of war crimes began last year in Kyiv. In March, a U.N. report said Russia has committed war crimes and possibly crimes against humanity, while the International Criminal Court charged President Vladimir Putin with war crimes for the abductions of Ukrainian children and issued arrest warrants for him and a top adviser. Ukrainian officials say the Russians are responsible for nearly 100,000 atrocities since the conflict began.

In June 2022, the U.S. Department of Justice launched a team dedicated to prosecuting war crimes in Ukraine, led by **Eli M. Rosenbaum '80**. Nicknamed “the Nazi hunter,” Rosenbaum spent much of his 40-year career at DOJ pursuing and prosecuting Nazis living in the U.S., racking up 119 court victories, more than the prosecutors in all other countries combined. Since 2010, he has been director of human rights enforcement strategy and policy in DOJ’s Human Rights and Special Prosecutions Section.

In April, Rosenbaum discussed the scope of Russia’s crimes and the difficulties of prosecuting the perpetrators in the middle of a conflict. The interview has been edited for clarity and length.

Why did Attorney General Merrick Garland establish this team just a few months after the war began, and why did you agree to lead it?

I think his motivation was shock and revulsion over what Russia was doing in Ukraine. It clearly touched his heart and he realized that at the Department of Justice, we have all kinds of resources that could be mobilized to assist the people of Ukraine. I and my colleagues have been working on human rights enforcement for some decades.

While I was at the law school, I started

reading about a scandal that had been exposed in the late '70s, that there were Nazi war criminals in America. In the fall of my second year, I saw a blurb that they had just opened a special unit at the Justice Department to investigate and prosecute, where possible, Nazi cases. I thought, “That’s the summer job for me.” I called directory assistance and got the main number for the Justice Department that night, and then I got the number for the person in charge of the unit. I called, and by the end of the conversation, I had the job. I fell in love with the people doing the work, and

the work was just so fascinating and important to me. That’s how I ended up doing this, and it’s been really one of the two greatest experiences of my professional life.

How does the war in Ukraine compare with other conflicts historically?

This is the largest-scale perpetration of war crimes and crimes against humanity in armed conflict since World War II.

Even though the war is just over a year old? That’s right. That’s how widespread, system-



Eli Rosenbaum,
counselor for
war crimes
accountability
at the U.S.
Department
of Justice

Continued from page 39

atic, and ghastly this is. The Ukrainian authorities have already registered, to use their parlance, over 90,000 atrocity crimes, and many of those have multiple fatalities. There are areas where war crimes have taken place, probably in large numbers, they haven't liberated yet, so we don't know how many victims or how many crimes there have been.

What types of war crimes appear to be most common?

It's a broad range of crimes. It's rape; it's torture; it's abduction of children; it's intentional destruction of civilian infrastructure, including residences. It's killing of prisoners of war and killing of captured civilians. Those are probably the main ones, so far. There are also environmental war crimes. No case of an environmental war crime has ever been prosecuted in the history of law, but the concept has existed. There's been massive damage to the Ukrainian environment. The Ukrainian prosecutor general's office, with which the U.S. Department of Justice has worked very closely, is exploring the possibility of bringing the first-ever prosecution for an environmental war crime. And we are helping them. They don't have a lot of experience prosecuting environmental crimes at all, much less environmental war crimes. But we have a lot of experience prosecuting criminal cases involving environmental damage, so we have provided training to our Ukrainian colleagues, and we brought in the Environmental Protection Agency because they have the best environmental lab in the world and have a lot of experience collecting and preserving evidence of environmental crimes.

What authority does the U.S. have to prosecute war crimes committed by foreign actors in another country?

Until Jan. 5 of this year, we were limited to war crimes committed against U.S. nationals or by U.S. nationals. Reacting to the carnage brought by Russia in Ukraine, Congress passed a law expanding jurisdiction under the federal crime statute called the Justice for Victims of War Crimes Act. That gave us jurisdiction over any war criminal from any conflict who is present in the U.S.

One lesson we know from World War II and ensuing conflicts is that, eventually, some perpetrators of Russian war crimes will come to the U.S. We don't want to make the mistake of not being as alert as possible and not being ready for these people.

It is very challenging to do this when the war is still underway. The Russian government is in possession of lots of incriminating information. Obviously, they're not going to assist us. There are, on the other hand, some advantages that we have. So much is communicated electronically, and therefore, can be intercepted — I'll just leave it at that. I would say also, the U.S. government has had eyes on Moscow's military since the '40s, since it was the Soviet Union, and we have access to information of that nature.

The International Criminal Court has charged Russia with war crimes and issued arrest warrants for Russian President Vladimir Putin and one of his advisers.

How does your work intersect with theirs, given that the U.S. is not an ICC member?

The U.S. government supports what the ICC supports. In December, Congress enacted an exception to the American Servicemembers Protection Act of 2002. That's a bill Congress passed not long after 9/11 barring the U.S. from assisting the International Criminal Court in any way. Over the years, Congress has enacted some exceptions. In the ICC's investigation in Ukraine, there is still some discussion within the U.S. government about doing that.

If your team came upon information that's helpful to the ICC's case against Putin, it's not clear that you'd be able to share that with the ICC?

All I can say is, stay tuned. I'm working on how best to assist the ICC. We have assisted the ICC on other matters in prior years, so this is not a radical departure from U.S. practice. But we have to work out the best modus operandi for assisting the ICC on its Ukraine investigations. —CHRISTINA PAZZANESE

This article originally appeared in The Harvard Gazette.

counsel about the definition and goals of, career opportunities in, and ways to remain current on, the increasingly relevant practice of Environmental, Social, and Governance (ESG) law.” The links are also available directly at www.talking-esg.com. Effross is a professor at American University Washington College of Law.

DAVID S. SCHAFER reports that his firm has combined with, and has become, the Chicago office of Kilpatrick Townsend & Stockton. He says he is thrilled to be a part of such a dynamic firm. His wife, Margaret, works for the Cook County Sheriff's Office, assisting women who are the victims of abuse and trafficking. The couple stays busy at home with three children, the eldest of whom will attend Trinity College in Connecticut in the fall, with the other two going to Saint Ignatius College Prep in Chicago. “There is plenty of activity in the Schaffer household!” Schaffer writes.

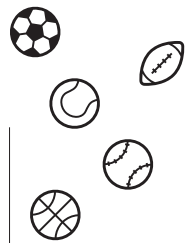
1988

→ 35TH REUNION OCT. 27-29, 2023

CRAIG C. MARTIN, chairman, Midwest, at Willkie Farr & Gallagher, and his colleague Amanda Amert, chair of the firm's ERISA litigation group, have written the new “ERISA Benefits Litigation Answer Book” (Practising Law Institute). The book provides a comprehensive overview, in Q&A format, of the various causes of action the Employee Retirement Income Security Act provides to remedy violations of the statute, enforce the terms of a benefit plan, or provide other relief to plan participants or fiduciaries. In addition to covering aspects of litigation such as stock drops, ESOPs, cash balance plans, and prohibited transactions, the book has chapters discussing litigation of claims arising under federal common law, affirmative defenses to ERISA claims, and limitations on actions under ERISA.

1989

PAMELA MARTINSON retired as a partner with Sidley Austin in 2022 after 12 years in the firm's Palo Alto office, where she represented technology companies and the institutions that



... is co-author of "Understanding Sports Law."

finance them as a member of the global finance practice. She continues to serve on several boards and has taken a position as chief legal officer with Visionary Fiber Technologies in Lockhart, Texas, a company developing fiber reactor separation and mixing technology.

KEVIN O'CONNOR has joined Clyde & Co as a partner. His longtime professional home at Hermes, Netburn, O'Connor & Spearing recently merged with Clyde & Co, becoming its Boston office. O'Connor specializes in insurance coverage and surety law matters.

1990

"I am pleased to announce the publication of 'The Complete Poems of Al-Mutanabbi,' my new English verse translation of the greatest of the Arab classical poets," writes **JAMES WARREN**. "Considered the 'Arab Shakespeare,' Al-Mutanabbi (who lived from 915-965 A.D., toward the end of the Abbasid Caliphate) has been hugely influential in Arabic poetry for more than a thousand years, but this is only the second English translation that includes all 287 poems. The longer ones extol life in the desert," Warren writes, where "thistle-juice bedecked" camels with "feet dyed green with saltbush, stain" roam. "Interspersed are shorter pieces full of wry insights into daily life at court and the precarious world of the professional poet." The translation is available from Amazon in three hardback volumes or as a single e-book.

1991

GREG COOK now serves as an associate justice of the Alabama Supreme Court.

JOE STANGANELLI, a partner at Barclay Damon in Boston, has been named co-chair of its commercial litigation practice area. He is also a member of the firm's intellectual property litigation practice area.

1994

In December 2022, **ROGER B. HANDBERG** was confirmed by the United States Senate as the U.S. attorney for the Middle District of Florida. Handberg has been a career federal prosecutor in Orlando for over 20 years.

1995

EDWARD LEE is author of the new book "Creators Take Control: How NFTs Revolutionize Art, Business, and Entertainment." In it, he explains how NFTs operate and explores their impact, including on our understanding of ownership.

1998

DANA BRAKMAN REISER is thrilled to announce the publication of her second book, "For-Profit Philanthropy: Elite Power and the Threat of Limited Liability Companies, Donor-Advised Funds, and Strategic Corporate Giving" (with Steven A. Dean). She has been writing about philanthropy and social enterprise as a member of the Brooklyn Law School faculty, where she holds a chair as Centennial Professor of Law, for 20 years. She lives in Brooklyn with her husband, Jeff Reiser, and their daughter, Charlotte.

1999

N. JEREMI DURU, a professor at American University's Washington College of Law, is co-author of "Understanding Sports Law." In addition to giving a comprehensive overview of the legal issues and concepts that emerge from relationships existing within American sport, the book captures the legal doctrine and rules arising from judicial decisions, state and federal legislation, and the private law created by associations and other sport entities. While its primary focus is on the current legal principles governing relationships in sport, the book also discusses the historical evolution of such rules in order to foster an understanding of today's controlling principles.

GINA KASTEL has recently become chair of Faegre Drinker, the first woman to hold that role. She has served in multiple leadership roles at the firm, including as a member of its board and executive team since 2015. Kastel also has co-chaired its compensation committee and served as its integration partner following the 2020 merger of Drinker Biddle & Reath and Faegre Baker Daniels. Previously, Kastel

served as Faegre Baker Daniels' vice chair and chief operating partner.

2000

AMY J. OLIVER was appointed by Utah Gov. Spencer J. Cox to the Utah Court of Appeals in January. She was unanimously confirmed by the Utah State Senate in February. Oliver was serving as a district court judge in Salt Lake City at the time of her appointment.

2002

In January, **DAVID WARE** was promoted to partner at Gibson, Dunn & Crutcher in Washington, D.C., where he is a member of the securities enforcement practice group. Ware represents issuers and audit firms in SEC, PCAOB, and other regulatory and criminal investigations and enforcement actions, and he conducts internal investigations in the areas of auditing, accounting, and securities compliance.

2004

Earlier this year, **GRAHAM "GRAY" BUCCIGROSS** was promoted to partner at Mayer Brown. Formerly counsel in the Palo Alto office, Buccigross is a member of the firm's intellectual property group and the northern California offices' pro bono coordinator. His practice largely focuses on high-tech patent litigation but also includes medical devices and life sciences. In addition to district court litigations, he represents clients at the U.S. International Trade Commission, ICC International Court of Arbitration, and U.S. Patent and Trademark Office.

RAFAEL COX ALOMAR, who was a visiting professor at HLS in winter 2022, is the author of "The Puerto Rico Constitution" (Oxford University Press). The book offers both up-to-date commentaries on and an extensive history of the Puerto Rico Constitution, from Spanish colonization to the modern era.

2005

MICHAEL BLOCH and **BENJAMIN WHITE '13** recently launched their own law firm, Bloch & White, in New York, and focus on areas such as public

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Judge Jennifer Walker Elrod has long gravitated toward the courtroom

An Appealing Place

When **Jennifer Walker Elrod '92** was about 8 years old, she went to jury duty. Technically, her grandmother was called to jury duty, but she took young Jennifer with her since she thought her granddaughter would enjoy the experience. She was proved right. As it turned out, she was not chosen to serve on the jury. But Jennifer wanted to go back for more, asking her grandmother if they could return to the courtroom to watch the trial. So they did.

Her grandmother never could have imagined how much time Elrod would go on to spend in a courtroom, as a law clerk and attorney, then as a state trial judge in Texas, and since 2007 as a judge on the United States Court of Appeals for the 5th Circuit. Although Elrod may not have aspired to become a judge when she saw her first trial as a child, she did shortly after she graduated from Harvard Law, through her experiences clerking with Judge Sim Lake of the United States District Court for the Southern District of Texas and as an attorney in the trial department of Baker Botts in Houston.

"I loved working for Judge Lake, and I loved the opportunities that I had being in court when I was a young lawyer," she said. "I like the treasure hunting of trying to get the right answer for the problem rather than the adversarial process. It fits my temperament and ability and desire to be in the courtroom. And also I wanted to be in public service."

Her path to the bench began when she ran for election to a vacant seat for a trial judge on the 190th District Court in Harris County, Texas. Running for office was a "risky proposition," she said, for a law firm associate, but she won and in the next five years oversaw more than 200 trials. Nominated to the Court of Appeals by President George W. Bush, she describes herself as a textualist who follows the original public meaning of the law.

"I'm very much a believer that I'm in middle management and I don't get to do my own thing, and that predictability is a very important part of the law," said Elrod. "I think we have tools that we use to interpret the law and



Judge Jennifer Walker Elrod of the Court of Appeals for the 5th Circuit, judging the Ames Moot Court Competition in 2018

that we should use the tools. I'm a formalist in that way. I believe that we glean the answers to the questions by using the tools. I don't believe that we should discern the answer and then fill in the methodology. That's exactly the opposite of what a judge should do."

A native of Texas who lives in the Houston area, she got her undergraduate degree at Baylor University before attending Harvard Law, her first time in the Northeast. As a new law student, she once said in class that a plaintiff was "fixing" to do something. Her classmates were amused by her Texas terminology, but the professor, Phillip Areeda '54, assured her she was exactly right. That put her at ease, and though her background differed from that of many of her classmates, she found common ground and understanding with them.

"We really loved each other," she said. "It didn't matter whether we were different, or, in the political world, completely different from one another. We wanted each other to do well

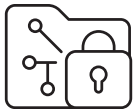
and be successful, and we cheered for one another. And I think we still do."

On the last day of that class with Professor Areeda, Elrod, who performed with the HLS Drama Society during her time at the school, sang a song based on "Don't Cry for Me, Argentina" called "Don't Call on Me, Phil Areeda." And she continues to sing, including in an annual musical with the American Inns of Court.

She returned to HLS several years ago to judge the Ames Moot Court Competition, on a panel with Supreme Court Justice Sonia Sotomayor. When she was a student, Elrod's team had lost in the moot court finals, so when she returned to Ames as a judge, she made sure to commiserate with the losing team. Take heart, she told them. Someday you may replace one of the judges in the Ames Courtroom. She should know. Patrick Higginbotham served as one of her Ames Moot Court judges back in fall 1991, and she succeeded him on the 5th Circuit.

—LEWIS I. RICE

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... he has been appointed head of the firm's data privacy, cybersecurity, and artificial intelligence initiatives practice group.

interest, civil rights, criminal defense, and commercial litigation. Previously, Bloch practiced at Kaplan Hecker & Fink, where he represented individuals investigated by various state and federal regulatory agencies in addition to leading other plaintiff-side matters. In particular, he helped lead the litigation against the white supremacists who organized the deadly rally in Charlottesville, Virginia, in 2017, which resulted in a favorable jury verdict for his clients.

DAVID W. FOSTER has joined Kirkland & Ellis in Washington, D.C. As a member of the tax disputes practice, he advises corporations, partnerships, individuals, and estates with respect to civil and criminal tax controversies.

2006

RYAN PINCKNEY has joined the Houston trial law firm Alavi Anaipakos as an associate.

2007

VIBHUTI "VIB" JAIN's newly published debut novel, "Our Best Intentions" (William Morrow/HarperCollins), follows a working-class, Indian American single father and daughter living in an affluent suburb of New York, who get caught up in a criminal investigation that causes rifts in their community and forces them to confront thorny questions about race, class, and belonging. The book has received praise in numerous media outlets, including The New York Times, "Good Morning America," and NPR. Jain lives with her husband and daughter in Johannesburg, South Africa, where she works in international development. She began her career as a corporate lawyer in New York City.

In 2022, **YARIK KRYVOI LL.M.**, a senior fellow at the British Institute of International and Comparative Law, launched the Arbitration Lab with HLS classmate **ANNA PETRIG LL.M.** The lab annually organizes the Basel Winter Arbitration School, the London Summer Arbitration School, and

online courses devoted to arbitration and peaceful dispute resolution. This year, the winter school took place in February at the Law Faculty of the University of Basel in Switzerland and featured an interactive six-day program introducing participants to different types of public, private, and hybrid arbitration and related practice development and career opportunities. Kryvoi, Petrig, and **ANNE PETERS LL.M. '95** presented at the winter school. The University of Basel, founded in 1460, is the oldest university in Switzerland.

2008

EMILY MISKEL has been appointed a justice of the 5th District Court of Appeals in Dallas. She was previously judge of the 470th District Court in Collin County. She is also chair of the Civil Justice Committee of the Texas Judicial Council, a member of the Texas Supreme Court Advisory Committee, and a director of the National Center for State Courts.

ALEJANDRO "ALEX" MORENO, a partner in the business trial practice group at Sheppard, Mullin, Richter & Hampton, became managing partner of the firm's downtown San Diego office in April. He is the first Hispanic attorney to assume the role. In addition to practicing general business and commercial litigation in state and federal courts, Moreno also handles appeals in the California Court of Appeal and the 9th Circuit. He represents clients in the banking and finance, cannabis, technology and telecommunications, and health care industries, among others.

EDSEL F. TUPAZ LL.M., a partner at Gorriceta Africa Cauton & Saavedra in Metro Manila, Philippines, writes that he has been appointed head of the firm's data privacy, cybersecurity, and artificial intelligence initiatives practice group. He holds this appointment concurrently with his position as head of the firm's special projects department. Tupaz's practice areas include data privacy and cybersecurity, tech and fintech frameworks, blockchain technology and cryptocurrency, special projects, government procurement, banking and financial services, and regulatory affairs. A dual-qualified lawyer under the Philippine and New York bars, he is legal adviser to

Fortune 500 and Nasdaq-100 companies and many technology companies in Southeast Asia. Previously, he was a senior public official at the Department of Public Works and Highways of the Philippine government, where he led right-of-way acquisition for priority projects under the Php 8-9 trillion (U.S. \$160-200 billion) Build Build Build program. He is currently a member of the board of directors of the Harvard Law School Association of the Philippines.

2009

KRISTINA MATIC, a litigator with Foley & Lardner, became partner earlier this year and is a member of the firm's insurance and reinsurance litigation practice group and its health care and life sciences sector. Her practice focuses on complex reinsurance disputes, including significant experience in life reinsurance arbitrations.

2010

JOHNATHON SCHRONCE has been promoted to partner at Hunton Andrews Kurth in Richmond, Virginia. He focuses his practice on mergers and acquisitions litigation, securities class actions, derivative suits, and corporate governance.

2011

TAYLOR HATHAWAY-ZEPEDA, a new partner at Gibson, Dunn & Crutcher in Los Angeles, focuses on areas including public and private company mergers, acquisitions, divestitures, and joint ventures.

CHARLINE O. YIM has become partner in the international arbitration practice group at Gibson, Dunn & Crutcher in New York.

2012

JUSTIN BROWN has been elevated to partner in the health care practice at Bass, Berry & Sims in Nashville. He focuses his practice on health care regulatory and transactional matters,

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At Peloton, a shift led by an expert changemaker

High Gear

Growing up in Los Angeles, **Tammy Albarrán '99** didn't know any lawyers. The third of four children born to Mexican immigrants, she learned about the profession from "L.A. Law." Here were people whose job it was to do all the things she wanted to do: help others, problem solve, and make a difference.

A first-generation college student, Albarrán majored in political science and Spanish language and literature at UC Berkeley. At that point she did meet some real, live lawyers — but many of them discouraged her from pursuing law, citing the high stress levels and long hours. "My sense is that they probably never found an area of law they were passionate about," she guesses. "It helped me understand the importance of focusing on something I found intellectually engaging and meaningful."

Albarrán has succeeded in doing just that through an approach driven by curiosity and possibility. Shortly after beginning her career, the 2000 dot-com bust led to a significant downturn in the corporate work she'd been doing at the San Francisco-based firm Morrison & Foerster. "I couldn't just sit at my desk and surf the web," she says, "so I proactively sought work in the departments that were busy." With many young, unprofitable public tech companies losing access to capital and shareholder lawsuits on the rise, Albarrán found plenty to do on the securities litigation team. From there she moved into SEC investigations. "Over time, I've just pursued areas that were interesting to me and said 'yes' to new opportunities," she says.

That was Albarrán's response when she was at Covington & Burling and a former Morrison & Foerster colleague called requesting her and former U.S. Attorney General Eric Holder's help

with investigating workplace culture issues at Uber. Holder's impeccable reputation was needed to undertake the investigation after multiple female employees filed sexual harassment and workplace misconduct complaints. The report Albarrán co-wrote resulted in 44 recommendations around changes to senior leadership, board oversight, internal controls, employee and manager training, diversity and inclusion efforts, and human resources policies and procedures.

The experience was a textbook example of the sort of stressful long hours she'd been warned about: The investigatory work began in mid-February 2017, with the final report delivered in early June. But for Albarrán, it was an opportunity to create the sort of meaningful change she'd always envisioned — particularly when she was asked to join Uber as deputy general counsel to help implement

the report's recommendations and drive the company's cultural transformation. "You don't usually get that opportunity as an outside lawyer," she says. "The entire experience was incredibly formative. I learned that when people are motivated by a sense of mission and purpose, they want to do the right thing."

Today, as chief legal officer and corporate secretary at Peloton, Albarrán is driving another turnaround. She joined the company in October 2022, eight months after Barry McCarthy replaced Peloton founder and CEO John Foley. Though she again joined a company in transition, the issues she is tackling are different: Peloton's challenges largely center on the company's path forward as it reimagines itself, instituting new strategies around content and pricing models in the wake of layoffs and overexpansion during the pandemic. "We were quite successful in making Uber a more mature, sophisticated organization," she says. "While the issues are slightly different, we're undergoing a similar process here at Peloton — so it's an opportunity to take everything I've learned in private practice and during my time at Uber and apply it to another mission-driven company's transformation."

Albarrán's law school experience was book-ended by two courses, one centering on civil procedure and the other on ethics in the legal profession, both taught by David B. Wilkins '80, Lester Kissel Professor of Law. "Both of those courses have really stuck with me throughout my career," she says. "As a leader, when I think about how I make decisions, there's the legal analysis, of course. But as we used to say at Uber, 'We do the right thing, period.' So even if you have the legal basis to do something, you need to always ask yourself if it's the *right* thing to do. At Peloton, that question might be, Is it right for our members? Is it right for our employees? You always need to check yourself and ensure a decision is correct — not just from the legal perspective but from a moral and ethical perspective."

—JULIA HANNA



Tammy Albarrán, chief legal officer and corporate secretary at Peloton

Author and professor Imani Perry strives ‘to dig deep enough for the truth to flood in’

Freedom Writer

“I believe writing can be a moral instrument if it asks you to do more than read.” —Imani Perry, *South to America: A Journey Below the Mason–Dixon to Understand the Soul of a Nation*

In the acceptance speech she made after winning the 2022 National Book Award for nonfiction for her latest book, *South to America*, Imani Perry '00 spoke of writing for “those who clean the toilets and till the soil and walk the picket lines.” She said, “I write for my people ... children of the lash-scarred, rope-choked, bullet-ridden, desecrated.” She writes, she said, “because I love sentences, and I love freedom more.”

She has loved sentences for a long time. A voracious reader as a child, she recalls being asked in seventh grade what she wanted to be when she grew up and answering, presciently, a teacher and a writer. She has loved freedom even longer. Her parents raised her to think about social and political issues. Her family didn't celebrate the Fourth of July holiday, honoring Frederick Douglass' stance that Independence Day is not for the oppressed. The first time she was in a newspaper, she appeared under a sign that read “Stop the War against Black America.” She was not yet 5 years old.

The Hughes–Rogers Professor of African American Studies at Princeton University, Perry has written seven books reflecting her engagement with political economy and jurisprudence. “I'm interested in this question of how we make social progress and then retrenchment on those issues,” she said. Her earlier books focus on how racial inequality is perpetuated, feminism and patriarchy, the culture of hip-hop, and the history of the Black national anthem, “Lift Every Voice and Sing.” More recently, she wrote “Looking for Lorraine,” which she described as a search into her own past and playwright Lorraine Hansberry's legacy. Her father, who admired Hansberry's radicalism and art, “built her into

my coming of age,” Perry wrote. “*Breathe: A Letter to My Sons*,” focused on the “special calling” of raising Black sons in America, provides insight into her own life journey and guidance and hope for her two sons in a country in which, she tells them, “the aversion to Blackness can turn perfectly lovely people grotesque.” In that book, she also reflects on the heat and anger she's faced as a public intellectual who comments about race and social justice issues, including as a contributing writer to *The Atlantic* magazine. She's received racist and misogynistic messages, even death threats, which are frightening, she said, but also an important reminder of the state of our culture.

While she seeks to educate people about American history and culture in her work, Perry also increasingly has revealed details of her life. That includes writing about living since she was a young woman with the autoimmune disease lupus, which has shaped her in profound ways: “You learn a kind of radical acceptance that comes from this acknowl-

edgment of the vulnerability of your body.” She has been willing to share more personal information, she said, to deepen the resonance between the reader and the writer.

“I wanted to transition from writing that felt overwhelmingly like making people think or understand to also allowing people to feel,” said Perry. “In order to do that, you have to be vulnerable, because people have to trust you, and vulnerable not just in terms of telling your story, but also exposing your flaws.”

In “*South to America*,” she journeys to the place of her birth, Alabama, and other parts of the region, offering a meditation on the South's meaning and significance to the nation. Although she moved away when she was a small child, the South remains her “anchor,” she said, where her family has its roots and where she feels a sense of ease.

She spent a large part of her childhood in Cambridge, Massachusetts, before attending Yale College and then pursued a law degree and a Ph.D. in American studies concurrently at Harvard, where her doctorate focused



Imani Perry,
professor of African
American studies at
Princeton University

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on 19th-century property law. She jokes that she was one of the few people who liked law school classes, calling the academic environment at Harvard Law “intellectually magnificent,” and crediting professors Christine Desan, Terry Fisher ’82, Morton Horwitz ’67, and Randall Kennedy with helping to shape her work.

After graduate school, Perry was a professor at Rutgers Law School. She taught a class in African American studies at Columbia and loved the experience, and it sparked her to shift her academic focus. Now teaching classes at Princeton such as African American Intellectual Tradition and Diversity in Black America and writers such as W. E. B. Du Bois and James Baldwin, she encourages intellectual inquiry by “making sure that my classroom is a respectful place, but not a precious place.”

“I think people across the board would describe me as someone who is fair and open and really gives people space to speak their mind,” said Perry. “I’m somebody who has strong opinions, but I don’t think my students would ever think you have to agree with me for me to care about you or nurture you as a student.”

In “South to America,” Perry writes about artist Mario Moore painting portraits of Black members of the Princeton staff who work in the dining hall and as security guards, some with generations-long connections to the institution, whom she calls “legacies without a claim.” Individuals “like me,” she wrote, “the descendants of those who cleaned the toilets who happened to make their way into the classrooms, are distorted images of some remarkable transformation, but in truth we are the exception that solidifies the rule.” She owes her purpose, she added, “to the fabric from whence I come.” And that is why she writes for people like the staff members whose portraits now hang on the walls at Princeton — so their stories can be heard, so they can be seen.

—LEWIS I. RICE

particularly those involving the federal physician self-referral law (Stark law), federal anti-kickback statute, and state self-referral, kickback, fee-splitting, and corporate practice of medicine prohibitions. He began his legal career as a trial attorney in the Massachusetts public defender’s office.

JESSICA LEWIS has become a partner in the San Francisco office of WilmerHale.

2013

Since earlier this year, **ANDREW ENGLISH** has been a litigation partner at Willkie Farr & Gallagher in Washington, D.C.

JUSTINE MARIE GOEKE was promoted to partner at Gibson, Dunn & Crutcher in New York earlier this year.

New Blank Rome partner **SHAWNA J. (ENGLISH) HENRY** represents clients in all aspects of corporate litigation in the firm’s Pittsburgh office. Her practice spans the manufacturing, energy, and financial services industries, and her pro bono practice focuses on civil rights litigation.

MOLLY JENNINGS has been elevated to partner at WilmerHale in Washington, D.C.

New WilmerHale partner **JONATHAN LIM** works in the firm’s London office.

JORDAN WALL has been elected partner in the New York office of Willkie Farr & Gallagher.

BENJAMIN WHITE and **MICHAEL BLOCH ’05** focus on public interest, civil rights, commercial litigation, criminal defense, and other areas at their recently launched firm, Bloch & White. Formerly with Kaplan Hecker & Fink, White represented clients in high-profile public interest litigation and complex commercial disputes, and prior to that he litigated securities matters at Sullivan & Cromwell.

2014

As a member of the antitrust practice at Cohen Milstein Sellers & Toll in New York, new partner **CHRISTOPHER BATEMAN** prosecutes antitrust class actions, including in the financial and health care markets.

ALISON DEICH became a partner at

Cohen Milstein Sellers & Toll in Washington, D.C., in January. She is a member of the firm’s antitrust practice.

ALLA DIGILOVA has joined Haynes and Boone as a New York-based partner in the capital markets and securities practice. In addition to counseling issuers on general corporate, corporate governance, and securities law matters, she advises issuers and underwriters in IPOs and other equity offerings, high-yield and investment-grade debt offerings, and private placements of securities. Digilova was previously a partner at Kirkland & Ellis.

SKYE TIAN GAO, a trial lawyer and complex commercial litigator, has been promoted to partner at Glenn Agre Bergman & Fuentes. She represents plaintiffs and defendants alike in high-stakes business disputes, with a focus on antitrust, market manipulation, corporate governance, and fraud. She also helps clients navigate government investigations and enforcement actions. Gao is a member of Law360’s 2023 New York Editorial Advisory Board and the New York City Bar Association’s Federal Courts Committee.

ALEXA SHASTEEN writes: “We are proud to announce our new firm, Borealis Benefits Law, Inc. We exclusively represent individuals in Alaska, Washington, and Oregon whose employer-provided disability benefits have been denied, bringing our experience with the federal courts and ERISA benefits law to the side of working folks. Visit us at www.erisaborealis.com.”

2018

JENNIE SHULKIN has launched a venture-backed digital health company as its co-founder and CEO. The chronic pain company, Override Health, uses the latest in pain neuroscience and virtual teams of multidisciplinary specialists to help chronic pain patients regain function and quality of life.

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Submit class notes online at hls.harvard.edu/classnotes or email bulletin@law.harvard.edu. The deadline for the next issue is Sept. 8.

‘Never give up’

Nuremberg prosecutor Benjamin Ferencz dedicated his life to advocating for accountability and justice

BY CHRISTINE PERKINS

As a war crimes investigator during World War II, Benjamin Ferencz ⁴³ was among the first outside witnesses to document the atrocities of Nazi labor and concentration camps. In an account of his life, he wrote that he was “indelibly traumatized” by the scenes he’d encountered. “My mind would not accept what my eyes saw. ... I had peered into hell.”

Internationally renowned for his role as chief prosecutor in the Nuremberg trials, and for championing the creation of the International Criminal Court, Ferencz dedicated his career to promoting international rule of law to protect the most fundamental rights of human beings everywhere. In an oral history, Ferencz said he felt he owed it to the memory of those who perished in the camps to continue to try to build a more peaceful and humane world, and to never give up hope.

Ferencz died on April 7. He was 103.

“Ben Ferencz devoted his life to building a more humane world and, in the process, inspired generations of lawyers and left an indelible legacy,” said Harvard Law School Dean John F. Manning ’85. “We owe him a deep debt of gratitude for the historic work he did at Nuremberg and beyond.”

In 1947, four years after graduating from Harvard Law School, Ferencz began serving as chief prosecutor for the United States in the Einsatzgruppen case at the Nuremberg Tribunal, in which 22 Nazi officials, including six generals, were charged with murdering more than 1 million people. It was considered the largest murder trial in history, and all the defendants were convicted of war crimes and crimes against humanity. Thirteen were sentenced to death, and four were ultimately executed. It was Ferencz’s first case as a lawyer.

In a 2018 interview, Ferencz said: “My problem as the prosecutor was to ask, ‘What do I ask for? Do I ask to sentence them all to death?’ Twenty-two defendants against a million people murdered? I said there’s no way of balancing enough — of doing justice there. But if I could get them to create a more humane world, using this as an example, that would be worthwhile.”

He asked the court to affirm by international law the right of all people “to live in peace and dignity regardless of their race or creed.” Today, the International Military Tribunal at Nuremberg is widely

regarded as having changed the course of history. During the trials, the concept of crimes against humanity began to emerge, and the groundwork was laid for the Genocide Convention.

Ferencz spent the next decade in Germany, where he coordinated reparations claims and directed restitution programs for Nazi victims.

“It had never happened in human history that the defeated nation was offering to pay compensa-



In 2014, Benjamin Ferencz was awarded Harvard Law School’s highest honor: the Medal of Freedom.

tion to the individual survivors of a war of aggression,” Ferencz said. “It was the enactment of something I learned in my first year of the Harvard Law School: If you harm somebody illegally, you have an obligation to try to make amends. The ability to see that in practice, to help put it into practice, I’m kind of proud about that.”

Born in the Transylvanian village of Somcuta Mare, Romania, in 1920, Ferencz emigrated with his family after World War I, landing in the Hell’s Kitchen district of New York. Surrounded by crime and mired in poverty, the family lived in the cellar of a tenement house where Ferencz’s father worked as a janitor.

Ferencz didn’t attend school until he was 8 years old because, he said, he spoke only Yiddish. By eighth grade, he was recognized for his intellectual aptitude and was sent to a preparatory school for



gifted boys, which earned him automatic admission to City College of New York.

Intending to pursue a career in criminal law and juvenile justice, Ferencz enrolled at Harvard Law School in 1940 and sought out a research position with Sheldon Glueck, a leading criminologist who taught at the school. Glueck, who was considering writing a book on German aggression and atrocities, instructed Ferencz to summarize every book in the Harvard library that related to war crimes. It was an assignment, Ferencz said, that “probably changed the course of my life.”

Ferencz enlisted in the U.S. Army after graduation, serving for nearly three years in an artillery battalion and earning five battle stars. In 1945, at what he suspects was Glueck’s recommendation, he was transferred to the Judge Advocate Section of Gen. George S. Patton’s Third Army headquarters, where he was assigned to the newly created War Crimes Branch to collect and investigate evidence of Nazi brutality.

After the war, he briefly returned to New York, and a chance encounter with a law school classmate resulted in an invitation to interview for a forthcoming war crimes trial in Germany.

In addition to prosecuting the Einsatzgruppen case at Nuremberg, Ferencz also served as special counsel prosecuting the Krupp trial, one of three proceedings against German industrialists whose directors were accused of crimes against humanity and of exploiting 100,000 laborers. Eleven directors were found guilty and served prison time.

With Nuremberg chief counsel Telford Taylor ’32, Ferencz co-wrote “Less Than Slaves,” a book that describes the quest to persuade German industrial firms to compensate concentration camp victims who were exploited as forced laborers.

For 13 years, Ferencz worked in private practice.

In his first case, Ferencz served as chief prosecutor in the Einsatzgruppen case, in which 22 Nazi officials were charged with murdering more than 1 million people.

Around the time of the Vietnam War, he decided to direct his time and energy as a law teacher, writer, lecturer, and lobbyist advocating for world peace and an international legal system.

He published several books — including “Defining International Aggression: The Search for World Peace” (1975), “An International Criminal Court: A Step Toward World Peace” (1980), “Enforcing International Law: A Way to World Peace” (1983), and “PlanetHood” (1988) — and he also campaigned relentlessly for the establishment of a permanent court to try the world’s most serious crimes and for laws establishing the crime of aggression.

In the late 1990s, he began to see his dream come to fruition when the international community began debating the creation of an International Criminal Court.

In 2011, at the age of 91, Ferencz delivered the closing prosecution speech at the first trial ever heard before the International Criminal Court in The Hague — of the Congolese warlord Thomas Lubanga Dyilo. Repeating a statement from his opening remarks at the Einsatzgruppen trial more than 60 years before, Ferencz said, “The case we present is a plea of humanity to law.”

He added, “The hope of humankind is that compassion and compromise may replace the cruel and senseless violence of armed conflicts.”

Hope guided Ferencz’s long life and remains his lasting legacy.

When asked for a personal anecdote from his time investigating the camps, he told this story.

His standard procedure was to immediately secure camp records. On entering one camp, he was approached by a French inmate who told him, “I’ve been waiting for you.” Leading Ferencz to an area near the electrified fence, the man dug a deep hole and unearthed hundreds of SS identity cards wrapped in rags. The cards indicated membership to a social club in the camp. Instead of destroying the documents, the inmate, at great danger to his life, had secretly buried them, believing one day there would be liberation.

“I was struck by the fact that there’s a man who faced death every day, who had to face the mass murderers, and he risks his life a hundred times over to save these cards because he has faith that one day justice will be done,” said Ferencz.

1940-1949

HARRY M. GARTEN '42
Jan. 9, 2023
JULES D. WALDER '42
Nov. 2, 2022
BENJAMIN B. FERENCZ '43
April 7, 2023
JAMES H. CASE '49
Sept. 21, 2022
DAVID A. DEWAHL '49
Sept. 29, 2022
LESTER J. TANNER '49
Jan. 12, 2023

1950-1959

M. ARTHUR AUSLANDER '50
Aug. 23, 2022
J. SHEPARD BRYAN JR. '50
Nov. 22, 2022
JOHN P. DAVIS JR. '50
Nov. 7, 2022
HENRY ROEMER MCPHEE JR.
'50
Nov. 12, 2022
ROBERT D. RICKERT '50
June 24, 2022
RICHARD T. SCULLY '50
Oct. 25, 2022
LEAVENWORTH P. SPERRY JR.
'50
Nov. 15, 2022
ALLEN L. "PAT" CROUCH III '51
Sept. 11, 2022
STUART C. GAUL '51
Jan. 29, 2023
MIKE RICHTER '51
Aug. 2, 2022
WARREN W. FURTH '52
June 30, 2022
THOMAS B. LEMANN '52
Feb. 12, 2023
FRANK MAURAN '52
July 22, 2022
ALLAN J. NEWMARK '52
Nov. 18, 2022
PHILIP C. POTTER JR. '52
Sept. 29, 2022
CHARLES V. RETHERFORD JR.
'52
Nov. 1, 2022
EUGENE L. HENDERSON '53
July 31, 2022
ROBERT D. KILMARX '53
Sept. 21, 2022
JACK PAUL LL.M. '53
March 15, 2023
FREDERICK K. PLUMB '53
Oct. 30, 2022
KENT L. THOMPSON '53
Dec. 20, 2022
GREGORY G. ALEXANDER '54
Aug. 24, 2022
JOHN M. BIXLER '54
June 17, 2022
CLIFFORD BARR '55
Aug. 18, 2022
SAMUEL V. GOEKJIAN '55
Dec. 9, 2022
GEORGE S. MILLER '55
Aug. 30, 2022
JOHN R. PACKARD '55
Dec. 26, 2022
ROBERT L. BERNER JR. '56
Aug. 5, 2022
DENNIS M. CRONIN JR. '56
July 21, 2022
ROBERT N. GRANT '56
Dec. 25, 2022
MICHAEL LOENING '56
Nov. 16, 2022
MAURICE M. LYNCH '56
July 12, 2022

RICHARD F. NEWELL '56
July 14, 2022
EDWARD F. WEBER '56
Feb. 27, 2023
HARVEY FINKS LL.M. '57
Aug. 17, 2022
ROBERT J. GENIESSE '57
Nov. 17, 2022
JAY GOLDBERG '57
Dec. 5, 2022
S. PETER GORSHEL '57
Dec. 5, 2022
ROBERTSON HATCH '57
June 18, 2022
JOHN F. JOHNSTON II '57
Aug. 9, 2022
NOEL H. KLORES '57
July 30, 2022
CHARLES G. SCHULZ '57
Dec. 18, 2022
RICHARD H. SIMON '57
Aug. 18, 2022
SALVATORE F. "SAM"
STRAMONDO LL.M. '57
Sept. 23, 2022
THOMAS W. TAVENNER SR. '57
Dec. 5, 2022
ROBERT R. THORNTON '57
Oct. 4, 2022
ROBERT D. VOCK '57
May 22, 2022
O. GRANT "O.G." BRUTON '58
July 7, 2022
JOHN M. EMERY '58
Sept. 29, 2022
JEFFREY A. FILLMAN '58
Nov. 3, 2022
JAMES J. GLASSER '58
March 14, 2023
JACK B. HELITZER '58
Oct. 21, 2022
WALTER R. MILBOURNE '58
Nov. 28, 2022
CHARLES A. MORRISON '58
Dec. 27, 2022
THEODORE R. NEWMAN JR. '58
Jan. 6, 2023
LESLIE S. PATRICK '58
Dec. 6, 2022
JOHN P. ROONEY '58
Nov. 8, 2022
LOUIS TIGER JR. '58
Nov. 8, 2022
ZITA L. WEINSHIENK '58
Oct. 7, 2022
MICHAEL G. YAMIN '58
Nov. 17, 2022
MORD BOGIE '59
Nov. 25, 2022
JOHN DEWITT GREGORY '59
July 27, 2020
EDWARD J. GRENIER JR. '59
April 7, 2021
GEORGE F. MADSEN '59
Dec. 14, 2022
JOHN J. MOSS '59
July 22, 2022
JEREMIAH D. NEWBURY '59
Dec. 27, 2022
ALBERT I. REINFELD '59
Jan. 1, 2022
JAMES S. SIMONSON '59
Oct. 10, 2022
THEODORE SKY '59
Nov. 18, 2022
RODMAN WARD JR. '59
March 18, 2023

1960-1969

BIRGE ALBRIGHT '60
Feb. 7, 2023
ROBERT M. BIRNBAUM '60
Aug. 19, 2022

WALTER CENSOR '60
Nov. 25, 2022
DANIEL E. GOLD '60
Aug. 25, 2022
WILLIAM J. JONES '60
Nov. 3, 2022
HARRY J. LEHMAN '60
Oct. 5, 2022
PETER P. NITZE '60
Oct. 30, 2022
C. RICHARD STAFFORD '60
July 28, 2022
ALAN D. ULLBERG '60
July 7, 2022
JOHN I. VAN VORIS '60
January 2023
WILLIAM R. COTTER '61
March 9, 2023
S. DONALD GONSON '61
Feb. 18, 2023
HARVEY J. KAUFMAN '61
March 7, 2023
R. DOBIE LANGENKAMP '61
Jan. 21, 2023
HAROLD B. SHORE '61
Oct. 6, 2022
HOWARD K. FUGUET '62
Feb. 20, 2021
JOHN J. GROSSBAUM '62
Aug. 13, 2022
GLADYS KESSLER '62
March 16, 2023
RICHARD M. LEAGRE '62
July 27, 2022
JOHN P. MCLOUGHLIN '62
Sept. 25, 2022
EDWARD C. PINKUS '62 LL.M.
'69
May 15, 2022
ROBERT E. PORGES '62
July 19, 2022
JAMES R. WADE '62
Dec. 17, 2022
ROBERT M. HERSH '63
Jan. 18, 2023
THOMAS MALMUD '63
Aug. 17, 2022
MICHAEL J. O'HAIRE '63
Oct. 3, 2022
JAMES H. PIPKIN JR. '63
Dec. 13, 2022
HARRY M. ROBERTS JR. '63
Feb. 23, 2023
ARTHUR S. WALDSTEIN '63
Sept. 21, 2022
PAUL H. EPSTEIN '64
Oct. 5, 2022
KENNETH F. JOYCE LL.M. '64
Feb. 7, 2023
CORNELIUS J. MOYNIHAN JR.
'64
Oct. 23, 2022
PETER J. ROTHENBERG '64
Oct. 6, 2022
PATRICIA SCHROEDER '64
March 13, 2023
PAUL H. ASOFSKY '65
Oct. 28, 2022
GERARD E. DEMPSEY '65
Nov. 10, 2022
PETER LESOURD '65
Jan. 30, 2023
W. CAREY PARKER '65
Dec. 4, 2022
ROBERT N. SAYLER '65
Sept. 7, 2022
MARSHA E. SWISS '65
Oct. 5, 2022
ROBERT T. CONNERY '66
Nov. 29, 2022
MARSHALL H. EARL JR. '66
July 29, 2022

STEPHAN J. GOLD '66
Aug. 28, 2022
GARY A. SPIESS '66
Nov. 25, 2022
BARRY L. STRAYER
S.J.D. '66, Q.C.
Dec. 3, 2022
JEREMY L. WIESEN '66
July 24, 2022
RICHARD W. BREWSTER '67
July 15, 2022
ROBERT E. CURRIE '67
Oct. 21, 2022
GARY JUGUM '67
Dec. 4, 2022
JAMES J. JOYCE JR. '67
Dec. 15, 2021
ROBERT A. ROSENFELD '67
Nov. 15, 2022
THOMAS F. BIRMINGHAM '67
Jan. 20, 2023
MICHAEL L. ROTHSCHILD '67
Sept. 1, 2022
GILBERT C. FERRER '67
Dec. 28, 2022
JOHN H. MORE '67
Sept. 29, 2022
ROBERT H. RUXIN '67
July 17, 2022
CHARITY SCOTT '67
March 18, 2023
FERGUS F. ARMSTRONG LL.M.
'68
Jan. 11, 2022
DONALD G. AVERY '68
Sept. 18, 2022
TERRENCE R. PANCOAST '68
Oct. 25, 2022
HAROLD E. PEPINSKY '68
Jan. 28, 2023
DANIEL B. SILVER '68
Sept. 26, 2022
IRVING L. ADAMS '69
Dec. 28, 2021
MICHAEL B. CRUTCHER '69
July 24, 2022
FULTON B. EAGLIN '69
Nov. 18, 2022
WOLF D. KRAUSE-ABLASS LL.M.
'69
Aug. 3, 2022
ROBERT C. NASH '69
Sept. 12, 2022

1970-1979

COVERT E. PARNELL III '70
Oct. 30, 2022
RANDALL M. ROBINSON '70
March 24, 2023
ROBERT L. POTTS LL.M. '71
Oct. 28, 2022
GREGORY WOLFE '71
July 31, 2022
J. LOUGHLIN CALLAHAN '72
Aug. 21, 2022
PETER J. GABEL '72
Oct. 25, 2022
MICHAEL A. GRAVES '72
Aug. 26, 2022
JOHN J. HOULIHAN JR. '72
Oct. 27, 2022
JERRY F. MUSKRAT '72
Feb. 27, 2022
JERROLD L. NEUGARTEN '72
Aug. 8, 2022
GEORGE T. SIMON '72
Aug. 22, 2022
GARY M. WELSH '72
Feb. 6, 2023
KENNETH C. DAHMS '73
Jan. 3, 2023
JOUNGWON A. KIM '73
Jan. 25, 2023
DAVID L. RAISH '73
Sept. 29, 2022
WILLIAM S. HECHTER LL.M. '74
Sept. 17, 2022
CHRISTOPHER P. NICHOLAS '74
Nov. 12, 2022
GAIL G. STICKER '74
Jan. 10, 2022

DENNIS W. ARROW LL.M. '75
Dec. 15, 2022
ALFRED C.W. DANIELS '75
Nov. 26, 2022
PETER R. DOUGLAS '75
Feb. 9, 2023
DAVID S. GUBMAN '75
May 3, 2022
DONALD G. JOHNSON JR. '75
Sept. 10, 2022
ANN BAILEN FISHER '76
Jan. 18, 2023
JOSEPH B. GREEN '76
Aug. 17, 2022
JAMES J. JOYCE JR. '76
Dec. 15, 2021
ROBERT A. ROSENFELD '76
Nov. 15, 2022
THOMAS F. BIRMINGHAM '78
Jan. 20, 2023
MICHAEL L. ROTHSCHILD '78
Sept. 1, 2022
GILBERT C. FERRER '79
Dec. 28, 2022
JOHN H. MORE '79
Sept. 29, 2022
ROBERT H. RUXIN '79
July 17, 2022
CHARITY SCOTT '79
March 18, 2023

1980-1989

BRIAN JAMES DOUGHERTY '80
Feb. 26, 2023
THOMAS E. KELLY '80
Feb. 24, 2023
WILLIAM B. ECK '82
Oct. 26, 2022
GIOVANNI P. PREZIOSO '82
Feb. 28, 2023
WILLIAM C. CRUM '83
Sept. 17, 2022
TIMOTHY D. STEIN '83
Dec. 16, 2022
LINDA C. DAUBNER '84
Nov. 4, 2022
DON E. GORTON III '85
Dec. 24, 2022
P. PETER BENUDIZ '87
Dec. 23, 2022
PETER M. DOLINGER '87
Oct. 11, 2022

1990-1999

PAUL S. GIORDANO '90
Oct. 1, 2022
R. RYAN STOLL '90
Dec. 20, 2021
SHERRY F. COLB '91
Aug. 25, 2022
R. CHRISTOPHER SUR '94
Feb. 25, 2023

2000-2009

DAVID W. BROWN '00
Oct. 15, 2022
ARI KAHN '02
March 6, 2019
KIMBERLY ANNA LIU '08
Feb. 7, 2023
VICKI MCCALL LL.M. '08
Aug. 27, 2022

2010-2019

KRISTIN FLESCHER '14
April 22, 2023
ANDREW MICHAEL SANTANA '17
Aug. 6, 2022

Gallery

Throughout his career, Charles Ogletree '78 used activism, scholarship, and leadership to address the issue of race in its most complex forms.

He wrote and edited several books on the topic; founded the Criminal Justice Institute, Saturday School, and the Charles Hamilton Houston Institute for Race & Justice at Harvard Law School; represented high-profile clients, including Anita Hill and Tupac Shakur; and spearheaded a reparations movement for victims of the 1921 Tulsa Race Massacre and their descendants.

Ogletree retired in 2020 as the Jesse Climenko Professor of Law *Emeritus* after a diagnosis

A Force for Racial Equality and Social Justice

*Highlights from the Charles
Ogletree Collection*



Gallery

of Alzheimer's and is currently living on the East Coast with his wife. Last fall, his family donated papers from his illustrious career to the Harvard Law School Library.

The Charles J. Ogletree Jr. papers, which document his work as a Harvard Law School professor, author, legal theorist, and advocate, consist of approximately 500 boxes of materials from 1985 to 2005, including correspondence, course materials, and case and client files.

The library has digitized the first installment from the collection — approximately 30 boxes — and expects to release the materials online this summer with fully searchable text. The remaining collection will be digitized over the next three years.

—CHRISTINE PERKINS

A CADRE OF ATTORNEYS WORKING FOR RACIAL EQUALITY

Mentoring students for leadership and inspiring them in the fight for racial equality were central to Ogletree's vision for advancing racial justice. In 1988, he founded Saturday School — a forum to support Black students and examine critical issues in the study of law. Luminaries in law, politics, and a wide variety of other fields — including the Rev. Jesse Jackson; Johnnie Cochran, lead counsel for the O.J. Simpson defense team; and Secretary of Transportation William Coleman '46, a key architect of the legal strategy for *Brown v. Board of Education* — were invited to campus for talks and workshops to connect with students and discuss issues of justice, race, and equality.

The Rev. Jesse Jackson speaking at Saturday School, September 2001



'WOUNDS LEFT UNHEALED'

Ogletree focused national attention on the question of reparations and redress for racial wrongs in 2003, when he led a pro bono legal team suing Tulsa, Oklahoma, for the racial violence of the 1921 Tulsa Race Massacre, in which white rioters attacked hundreds of Black residents of the city, setting fire to homes and businesses and destroying the Greenwood district, which was then the wealthiest Black community in the country.

Ogletree, who represented riot survivors and their descendants as they sought reparations, wrote that Tulsa was one of the “clearest and most compelling narratives about a miscarriage of justice and wounds left unhealed.” Although their lawsuits were ultimately dismissed, Ogletree dedicated ongoing efforts to ensure the country knew the names and stories of the victims and survivors of Tulsa.



Ogletree's work seeking justice for Tulsa riot survivors, including Otis Clark (center), focused national attention on the issue of reparations.





In 2007, Ogletree testified on racial disparities in the criminal justice system before a House Committee focused on the Jena Six, Black high school students charged with attempted murder in the beating of a white student.

LEGAL ADVOCACY

A gifted advocate and powerful defense attorney, Ogletree served as deputy director of the D.C. Public Defender Service before joining Harvard Law School in the mid-1980s. In a 1990 case before the Supreme Court, he won a new trial for a Black man accused of murder in Georgia, showing that prosecutors had excluded African Americans from the jury. During his

career, Ogletree represented high-profile clients, such as Anita Hill as she testified before the Senate in the confirmation hearings for then-Supreme Court nominee Clarence Thomas. Other clients included Tupac Shakur, a top-selling rapper in the 1990s, whom Ogletree represented in criminal and civil cases.

FOR RACE AND JUSTICE

Ogletree founded the Charles Hamilton Houston Institute for Race & Justice in 2005 with the aim of honoring and carrying on “the unfinished work” of the legendary civil rights lawyer Charles Hamilton Houston LL.B. 1922 S.J.D. 1923. During Ogletree’s tenure as faculty director, the institute elevated social justice issues through events, lectures, and symposiums, including a 2008 conference on the value of racial and cultural diversity with Nobel Peace Prize winner Desmond Tutu and former Supreme Court Justice Sandra Day O’Connor and a 2013 film screening with members of the Central Park Five. After the 2012 shooting of



At a 2012 Hamilton Houston event, Justice Stephen Breyer '64 and a panel of circuit court judges revisited key legal principles in the 1958 landmark case *Cooper v. Aaron*.



Sybrina Fulton, the mother of Trayvon Martin, speaking at Harvard Law School, a year after the shooting death of her son

Trayvon Martin, the institute hosted a choreographed dance performance, “Dying While Black and Brown,” and Sybrina Fulton, Martin’s mother, spoke on “stand your ground” laws, urging students to use their educations to reform the legal system.

Harvard Law Bulletin

Harvard Law School
1563 Massachusetts Ave.
Cambridge, MA 02138

Everything, everywhere, all at once

2023 Class Day
speaker Michelle
Yeoh celebrates with
students.

