HEYTENS ‘00 BECOMES VIRGINIA SOLICITOR GENERAL

TOBY J. HEYTENS ‘00 became solicitor general of Virginia on Feb. 21 after Virginia Attorney General Mark Herring tapped him for the post in January.

The Office of the Solicitor General represents Virginia in the U.S. Supreme Court, the Supreme Court of Virginia, and federal circuit courts in non-capital cases that call into question the constitutionality of a state statute or that bear on policies of the commonwealth. The office also assists other divisions of the Office of Attorney General with constitutional and appellate issues.

“This is thrilling that we are able to add someone of Toby’s caliber and experience to our team,” Herring said. “His work as a clerk to Justice [Barth] Judaism in Ginsburg, in the U.S. Solicitor General’s Office, as an advocate in the Supreme Court and as an educator on the law will make him an outstanding solicitor general.”

Heytens succeeds another alumnus, STUART RAPHAEL ‘69, who is now a partner at the law firm Hunton & Williams. UVA Law is well-represented in such positions nationwide. The school is No. 5 among law schools in the number of graduates serving as state attorneys general and solicitors general. Heytens will take a leave of absence from the Law School for the duration of his term. He previously took leave from the faculty from 2007 to 2010 to serve in the U.S. Solicitor General’s Office, where he argued six cases before the U.S. Supreme Court.

The Law School has a long tradition of faculty and former students serving the public, including the commonwealth of Virginia. The state will benefit greatly from Heytens’ renewed public service, Dean Risa Goluboff said.

“His paper reaffirmed the concept of ‘brain death’ in those states where it is still in effect,” said Heytens. “We also helped the 2018 session of an expert panel on policy initiatives needed to address gaps in mental health services, including the wider use of tele- mental health and in-person services in supportive housing and in inpatient alternatives to hospitalization.”

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“It is difficult for me to imagine a better solicitor general for the commonwealth than Toby,” Goluboff said. “The same analytical clarity and love of the law that make him an award-winning teacher also make him a virtuoso appellate advocate. He is as smart as they come and deeply committed to advancing justice and equality.”

Heytens said he is excited to participate in government legal advocacy at the state level.

“I’ve never worked in state government, so this is a really cool opportunity,” he said. “I love being a teacher and being a practicing lawyer. Whenever I spend a long time doing just one thing, I miss doing the other.”

Prior to beginning his state service, Heytens argued City of Hays, Kansas v. Vogt before the U.S. Supreme Court in February. The Supreme Court Litigation Clinic, of which he was an instructor, brought the case.

Heytens most recently served as the David H. Ibbekken ’71 Research Professor of Law. —Mary Wood

KERRY ABRAHAM will become dean at Duke Law School on July 1 (see p. 34). She is publishing “The Rights of Marriage,” an essay that appeared in the 2018 volume of the Cornell Law Review. Abraham taught a new class this year, Lawyering for the House Counsel, which focused on professional skills that are important for in-house lawyers, including client development, client interviewing and content of policy development.

ADITYA BAMZAI presented papers at symposia on “Defining the Constitutional ‘Person’” at the University of Richmond School of Law in October and at a symposium on “Administrative Lawmaking in the 21st Century” at Notre Dame Law School in November. He also presented at the Hoover Institution in Washington, D.C., in September on regulatory developments at the Supreme Court and in the courts of appeals, and at an American Bar Association event on administrative law in January.

In the fall, CHARLES BARNETT V’81 presented an essay, “Three Forms of Legal Pragmatism,” as part of a book symposium at Washington University Law School in St. Louis. The paper will appear in a forthcoming publication of the Washington University Law Review. He also gave a presentation Oct. 13 with his brother, Matthew Barnet, former U.S. ambassador to the United Kingdom, in honor of their grand- father, Jacques Barnet, as part of a conference about Martin Luther titled “The Age of the Individual: 500 Years Ago: Today” hosted by the Center on Capitalism and Society at Columbia Law School. More recently, he helped organize a conference, “Befriending Legal History,” in March in Helsinki, Finland. He was also invited to speak at the University of Alabama and Colorado law schools this spring, where his article “Justice Souter’s Common Lawmaking in the Executive Branch” will be published in the Virginia Law Review.

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BAMZAI DEBUTS AT SUPREME COURT AS INDEPENDENT AMICUS

ADITYA BAMZAI made his debut at the U.S. Supreme Court on Jan. 16 after a rare decision by the justices to allocate argument time to an independent amicus curiae.

The court granted him 10 minutes to present along with parties representing sides in three consolidated cases—Delvinco’s v. U.S., Cox v. Ortiz and U.S. v. Iceland. The cases involved challenges to the appointment of various judges who serve on the U.S. Courts of Criminal Appeals for the military services. The challenges were rejected by the U.S. Court of Appeals for the Armed Forces, an adjudicating body housed within the executive branch.

In his brief, Bamzai argued that the Supreme Court should “resolve the issue once and for all” and that the court’s decision would have a “profound impact on our military justice system.” He also argued that the court’s decision would have a “profound impact on our military justice system.”

“Professor Dan Ortiz, director of UVA Law’s Supreme Court Litigation Clinic, said it’s "extremely uncommon" for the justices to grant speaking time to an amicus who isn’t siding with either party and wasn’t appointed by the court. In fact, this is the first time since at least the 1940s that the court has granted a law professor’s request to argue in a case, Bloomberg Law found.

“Pretty sure they chose him because he made a very compelling argument in his motion for oral argument that the parties were overlooking an important issue," said Ortiz, who also argued at the court this term. "The court must also have been impressed by the quality of his brief."
response to controversial questions regarding public access to medical records of victims of the Jonestown mass suicide.

GEORGE CONYER gave a presentation on "Compensating Fact Families: a New Frontier for the UVA Law Review." The presentation was titled "The Fourth Amendment at an Age of Uncertainty." Last fall he presented at the Boston College Law School on Nov. 22, and at the University of North Carolina School of Law on March 30. He also served as a discussant at the Cleveland Marshall College of Law on Oct. 22.

KIM FERZAN was a visiting professor at the University of Michigan Law School on Nov. 27, and at the University of Minnesota Law School on Nov. 29. She served as a discussant at the University of Virginia School of Law on Oct. 13, and at the University of California, Berkeley, School of Law on Oct. 17. She also served as a discussant at the University of Minnesota Law School on Oct. 26.

ADAM KOLESAR gave a public lecture at the University of Michigan on Oct. 25. He also served as a discussant at the University of Virginia School of Law on Oct. 13, and at the University of California, Berkeley, School of Law on Oct. 17. He also served as a discussant at the University of Minnesota Law School on Oct. 26.

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Former Law School Dean JOHN C. JEFFERS JR. ’73 was elected to the Georgetown Environmental Law Review this spring. Jeffers also featured students and post-doctoral on how environmental law and Scientific American non-European scholar on international taxation. Mason said she is honored by the Department of Expert Testimony.
Why wasn’t Confederate President Jefferson Davis ever tried for treason? According to a new book, it’s because the Union thought there was a strong possibility that his case would raise troubling questions about the constitutionality of secession, and that a possible acquittal would signal that the Union’s war effort had failed.

CYNTHIA NICOLETTI, a legal history professor, looks at such questions in “Secession on Trial: The treason Prosecution of Jefferson Davis,” published in October by Cambridge University Press.

Nicoletti said she was fascinated by the unresolved issues she explores in her book. Throughout the process of researching and writing, she was determined not to take a definitive stance on the question of whether secession was illegal. “I don’t take a position,” she said. “It’s important for me to treat it as a question that can go either way. I think that might be surprising to a reader, because today talking about the legality of secession seems so far-fetched, but I want to introduce them to the arguments on both sides. And there wasn’t an answer one way or another. This is a place where the Constitution is silent. Ultimately, it’s the reader who decides how the canceled trial might have influenced history.”

“I think it’s totally an open question of whether Davis would have been convicted,” Nicoletti said. Nicoletti, who earned her J.D. from Harvard Law School, also holds a B.A., M.A. and Ph.D. from the University of Virginia. She joined the UVA Law faculty in 2014.

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G. EDWARD WHITE will be presented a paper, “A Lost Tort Action Promotes a New Freedom,” this April at the 2017 Annual Meeting of the Torts Section of the American Bar Association.

In November, MICHAEL SCHWARTZMAN US will present “Egory” a talk on “Tort Action Promotes a New Freedom,” at the annual meeting of the Torts Section of the American Bar Association at the Torts Section Annual Meeting in Chicago.

PAUL STEPHAN ’77 will present a paper, “Challenges for Jurists Encouraging Sound Science,” at the 2017 International Conference on Research Integrity.

PIERRE-HUGUES VERDIER will present a paper, “Port City and FREE” at the NYU Journal of Law & Liberty, and in the Nation’s "A New Freedom," in August 2017.

NICOLETTE PUBLISHES NEW BOOK:
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