MAKING HISTORY
OF GENERATIONS OF BLACK LAWYERS
AT UVA LAW
When Gregory Hayes Swanson registered for classes on Sept. 15, 1950, he became the first African-American student to attend the Law School and enroll at the University of Virginia. Swanson believed that his admission to UVA would represent "a triumph in the struggle to break down segregation and discrimination." Indeed, it did. In that moment, an institution founded in 1819—on the eve of its bicentennial as I write—changed forever.

This past Feb. 5, with Caplin Pavilion filled to capacity with members of the Swanson family, students, faculty, staff, University leaders and returning alumni, the Law School commemorated Swanson and the new era he initiated in our history.

With the inauguration of an annual Gregory Swanson Award and the hanging of his portrait in the entrance to the Arthur J. Morris Law Library, we hope that Swanson’s story and example will endure as part of our future as well as our past. Swanson exemplifies the very best of the UVA lawyer, then and now. He reminds us that the law is at its most inspiring when individuals identify a problem the law can address, take responsibility for it and feel empowered to act. The best tribute we can offer Swanson is to educate both our community and the broader public about the man and his history—to remind us always of the courage, perseverance and imagination that a commitment to justice requires.

Beyond his own story, Swanson’s enduring legacy is the diverse and inclusive community we have become. In this issue of the magazine, you will learn more about Swanson and the many African-American students who have followed him to the Law School. Given the challenges of race in America these past 60 years, many of them also followed his example of seeking justice by personally investing in the betterment of the Law School, the law and the larger society.

They have succeeded wildly in every sector of the profession and well beyond it.

In the months ahead, we will be celebrating more of our history as we mark the bicentennial of the Law School and the University. I look forward to hearing your stories and memories, for together we make the Law School the esteemed and vibrant institution that it is today. You are the source of its strength, and as we plan for our third century, you will carry us forward.
Unseating Segregation for a Night
Turning the Wheels of Justice: Alumni Prosecutors
The Long Walk
Saying ‘No’ to Wall Street and ‘Yes’ to the NAACP Legal Defense Fund
Black Law Students Mattered
Raising a Toast to Linda Howard ‘73
One Student’s Debt
Erasing the Color Line
The Great Indoors
Respect for People and Process Is Their Judicial Philosophy
Generation Next
68 More Standard-Bearers
A Strong Foundation
In Memoriam: Richard Merrill
The Quiet Change Agent
Faculty Focus: The First Amendment
Enlisted by a General
“We try to let [students] see a sense of how all of us love the law, we respect the law, we know that we are part of this big process that has fundamental authority over large parts of our lives and that it’s an important thing that we do and we recognize it. When you’re a part of that system and a part of that process, there’s a dignity to it and an honor to it—and there’s an excitement to it.”

—FORMER SUPREME COURT OF VIRGINIA JUSTICE JOHN CHARLES THOMAS ’73, on teaching Appellate Practice

“More than anything, [the oral argument] is an instrument of order and human dignity is observed.”

—JUDGE J. HARVIE WILKINSON III ’72, upon his receipt of the Rule of Law Award by the Virginia Law Foundation and the Virginia Holocaust Museum (Richmond Times Dispatch)

“Be grateful for each client and organization that invites you into their lives and teaches you. You will get more than you give.”

—KIM ROLLA ’73, recipient of a Shaping Justice Rising Star Award

“THERE’S NOT REALLY A DEFINITION OF HATE SPEECH. It’s not a legal category. Some people out there say that hate speech is a crime and it’s not protected by the First Amendment. That’s not true.”

—VICE DEAN AND PROFESSOR LESLIE KENDRICK ’06 (The Cavalier Daily)

“A tableau of hatred has been on display in this freest of countries. It is impossible not to see the shoots of intimidation in mass gatherings across our great land. It is impossible not to hear the echoes of humanity’s darkest hours. Free speech is our precious value, but our values are not—and must never be—the vehicles of violence. The question is: Will the center hold? In America it will, but only if law as an instrument of order and human dignity is observed.”

—PROFESSOR BRANDON GARRETT, on the next big criminal justice hurdle (Salon)

“One of the most important questions for our field now, I believe, is whether, how and why constitutions slow down those who want to abuse power.”

—PROFESSOR MILA VERSTEEG (J-CONNECT)

“We’re all performers in the classroom, but it’s nice to be able to perform in a different way. The oral argument is also wonderful in terms of teaching. Students love it. So it’s fun to create an opportunity for them.”

—PROFESSOR DAN ORTIZ, on arguing before the U.S. Supreme Court

“THERE’S A LOT ABOUT LAW SCHOOL THAT’S STRESSFUL, and the best way through is to fall in love with the ideas.”

—ADAM SORENSEN ’17, recipient of the Faculty Award for Academic Excellence

“I strongly believe that life without parole is the other death penalty.”

—PROFESSOR ASHLEY DEEKS (Lawfare)

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“We certainly hope the court acts quickly to right this wrong. It seems a bit absurd that Mr. Bush has to go through this lengthy process in order to be exonerated, when Mr. Amos has confessed to police, pleaded guilty and is serving time for these crimes.”

—PROFESSOR JENNIFER GIVENS, legal director of the Innocence Project Clinic, on filing a writ of actual innocence with the Virginia Court of Appeals in the case of Gary Bush (Richmond Times-Dispatch)

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UNIVERSITY OF VIRGINIA President-elect James E. Ryan ’92 has named Law School professor and former Dean John C. Jeffries Jr. as senior vice president for advancement, starting Aug. 1.

“Few have given back to their alma mater as much as Jeffries has, or left such a lasting impact,” Jeffries said. “No job could be better than teaching in the Law School, but working in University Advancement will be new and different and challenging. I’m excited by the opportunity.”

Jeffries, who most recently served the University community as chair of the Strategic Investment Fund Faculty Evaluation Committee, was dean of the Law School from the fall of 2001 to June 2008. He helped establish a new fiscal model, known as financial self-sufficiency, under which the University allows the Law School to retain and recruit the best faculty. (The Law Grounds are named in Harrison’s honor.)

Jeffries will take a break from teaching at the Law School to serve in his new role. University Advancement includes efforts such as annual giving, planned giving, reunion giving, scholarship support, faculty excellence, global initiatives, Jeffersonian Grounds, lifetime learning and other programs.

It additionally provides services such as community learning, donor relations, gift accounting, information technology and prospect research.

“It is hard to imagine a better ambassador and spokesperson for UVA than John Jeffries,” Dean Risa Goluboff said. “He has worked tirelessly on behalf of the University for many decades, and he will bring all that experience to bear in this new role. We will all benefit from his brilliance, strategic acumen and deep dedication to this institution.”

—Mary Wood
Supreme Court Justice Stephen G. Breyer told students at UVA Law on March 1 that the world is in changing, and that the American judiciary can’t afford to keep its head in the sand of its own shores.

“The world will go on without us,” Breyer said in his talk before a capacity audience in the Law School’s Caplin Auditorium.

Breyer’s comments were largely based on his book “The Court and the World: American Law and the New Global Realities,” published in 2015. The book examines the work of the Supreme Court in decisions with global implications and promotes the value of understanding how the world at large makes law and legal decisions.

He gave as one example U.S. antitrust cases involving multinational players.

“To decide a lot of these things, you know, there is no Supreme Court of the World,” Breyer said. “What happens if other countries decide the same principle?”

In addition to the legislatures and courts of foreign governments, he said, more than 2,000 international organizations exist to make decisions based on sound reasoning—outside of the swell of fans and critics.

“It’s easy to write something that’s popular,” he said. “It’s not so easy to get out of the way.”

In a question-and-answer session that followed his remarks, Breyer maintained a sense of candor with students.

When asked if he ever looks back at his decisions and wishes he could change them, Breyer said second-guessing didn’t happen as much as one might think.

Some of Breyer’s former law clerks, who include Dean Risa Goluboff and professors Rachel Harmon, Dan Ortiz and Farah Peterson, were on hand for the talk.

“The brilliance, the joy and the curiosity that Justice Breyer brings to everything he encounters is always on display,” Goluboff said in introductory remarks.

Breyer said he hopes at the end of the day that he will be remembered as having done a “reasonable” job.

—Eric Williamson

Justice Breyer Takes on the World

He U.S. Supreme Court heard oral argument in two cases prepared by the Law School’s Supreme Court Litigation Clinic this term.

Professor Toby J. Heytens ’00, in his last case at the high court before taking over as Virginia’s solicitor general (see p. 92), argued City of Hays, Kansas v. Vogt on Feb. 20. The clinic is representing the city in the question of whether the Fifth Amendment is violated when statements are used at a probable cause hearing but not at a criminal trial.

The city of Hays is being sued by one of its former police officers, Matthew Vogt. He claims that, as part of an internal investigation, he was required to provide information about how he came into possession of a knife while on duty—or risk being fired. The officer felt compelled to explain and was later charged in a criminal offense.

The Fifth Amendment’s self-incrimination clause provides that no one “shall be compelled in any criminal case to be a witness against himself.” But the clinic argues that this right is a trial right only.

On Oct. 2, Professor Dan Ortiz, the clinic’s director, presented oral argument in Epic Systems Inc. v. Lewis, in which he argued that employers who make workers sign arbitration agreements forfeiting their right to collective legal action are violating federal law.

The clinic is representing Jacob Lewis, an employee of health care software company Epic Systems. Lewis was pursuing collective action against the company for overtime pay he says he and his co-workers were owed—this, despite having signed an arbitration agreement, per corporate policy, that denied him the right to pursue collective action.

Ortiz argued that provisions barring employees from jointly pursuing legal actions in any forum violate the National Labor Relations Act and are therefore unenforceable under the Federal Arbitration Act. Epic rose to the court’s attention after the Seventh U.S. Circuit Court of Appeals in Chicago ruled in favor of Lewis last year.

Because arbitration clauses are a common practice, the “Epic” showdown is expected to have far-reaching implications for labor law.

—Eric Williamson

Based on the National Law Journal’s tally of U.S. Supreme Court clerk hires from 2005 to 2017, UVA Law is fourth among all law schools in placing graduates, with 13. Harvard was No. 1, followed by Yale and Stanford. In the same series of articles on clerkships, Judge J. Harvie Wilkinson III ’72 of the U.S. Court of Appeals for the Fourth Circuit and Thomas B. Griffith ’85 of the D.C. Circuit were named some of the biggest feeder judges to the Supreme Court.
EAN RISA GOLUBOFF presented the inaugural Gregory H. Swanson Award to Jah Akande ‘19 and Toccara Nelson ‘19 during a ceremony Feb. 5 that commemorated Swanson’s significance as the University’s first black student. The award recognizes students with traits that Swanson embodied, including courage, perseverance and a commitment to justice.

Akande has volunteered with the Migrant Farmworker Project, served as education chair for the Black Law Students Association, mentored underclassmen as a Peer Advisor and represented at-risk youth in the Child Advocacy Clinic.

Prior to law school, he broke a barrier at the University of Richmond by transferring from the female to male college upon his own social transition, served as the speaker at Richmond’s first Lavender Graduation ceremony, and worked as a legislative policy intern for Equality Virginia.

Nelson, who serves in leadership roles within the Student Bar Association, Lambda Law Alliance and BLUSA, overcame adversity growing up in Detroit. She has encouraged many students to attend the Law School through her roles as co-chair of the Admitted Students Open House and a Law School ambassador. After the violence in Charlottesville on Aug. 11-12, she immediately responded to requests from Law School administrators to support incoming students who had arrived in town that weekend.

Mary Wood

CYNTHIA C. HOGAN ‘84 TO DELIVER 2018 COMMENCEMENT ADDRESS TO LAW GRADS

She previously served as the National Football League’s executive vice president of public policy and deputy assistant to President Barack Obama and counsel to Vice President Joe Biden. Hogan is currently a board member of the Washington-based Information Technology and Innovation Foundation.

Mike Fox

JUDGE FRANK H. EASTERBROOK to receive Thomas Jefferson Foundation Medal in Law

Easterbrook, who received his law degree from the University of Virginia to receive this year’s Thomas Jefferson Foundation Medal in Law. The law medal, and its counterparts in architecture and civil leadership, are UVA’s highest external honors.

Easterbrook, named to the Seventh Circuit in 1985, served as its chief judge and a member of the Judicial Conference of the United States from 2006 to 2013. One of the most cited appellate judges in the nation, Easterbrook also has had a noted career in academia, and wrote the most cited corporate law article of all time.

Easterbrook was a member of the Judicial Conference’s Standing Committee on Rules of Practice and Procedure from 1991 to 1997. Before joining the court, he was the Lee and Brenn Freeman Professor of Law at the University of Chicago, where he taught and wrote about antitrust, securities, corporate law, jurisprudence and criminal procedure.

Easterbrook will speak on “The Supreme Court and Business Litigation” on April 12 at the Law School.

—Mike Fox

VEN MEMBERS of the Black Law Students Association ventured to Cape Town, South Africa, during winter break to help residents who are still dealing with the after-effects of being relocated during apartheid.

The group partnered with London-based firm Norton Rose Fulbright to interview families that had been forcibly removed from their neighborhoods. The stories will go into an injunctive order for relief that Norton Rose Fulbright is planning to file on their behalf.

“They invited complete strangers into their homes and told us their stories,” Jianne McDonald ’19 said. “A few places we ended up staying for hours and truly felt like family once it was over.”

Additionally, the group worked with the Projects Abroad Human Rights Office, volunteer-run legal clinic to review case files and help develop action items to assist staff attorneys in moving their cases forward.

The students also spent two days with an attorney from the Commission for Gender Equality in Cape Town and sat on proceedings with South African courts.

Mike Fox

BLSA STUDENTS HELP SOUTH AFRICANS DISPLACED BY APARTHEID

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Mike Fox
INNOCENCE CLINIC WINS RELEASE OF MAN CONVICTED OF ARMED ROBBERY

The Innocence Project Clinic secured a conditional pardon for its client, Messiah Johnson, who the clinic says was wrongly convicted of armed robbery.

Virginia Gov. Terry McAuliffe signed orders Jan. 12 for the release of Johnson and five others in separate cases. In doing so, he noted the sentences were “far outside what should have been adequate to keep Virginia safe.”

Johnson had been sentenced to 132 years in prison.

“Mr. Johnson has served over 20 years for this crime and yet there are serious questions about his guilt—he has always maintained his innocence and there is credible evidence that he was not guilty at all,” the governor’s office said in a statement.

Johnson was convicted in 1998 of taking part in the stickup of a hair salon in Norfolk. The clinic alleges Johnson was misidentified as one of the disguised men (“Robber No. 1”) as the result of poor police practices, mistaken eyewitnesses, prosecutorial misconduct and ineffective assistance of counsel. No physical evidence connected Johnson to the crime, and he had an alibi.

His claim has since been bolstered by another man’s confession. "He is thrilled to soon be with family and friends after two decades in prison for a crime he did not commit.”

Humphries was convicted of other similar robberies in the neighborhood during that time period, including that same day.

The clinic determined through research that Humphries was a likely culprit, visited him in prison and received his confession, then followed up and asked him to sign an affidavit confirming the confession.

“[Humphries] said, ‘Nobody should be in prison for something they didn’t do,'” Enright said.

Johnson now must undergo a re-entry program and a subsequent three years of supervised release. The clinic will continue to pursue an absolute pardon.

“The pardon is issued without prejudice to his absolute pardon petition or other judicial remedies,” the governor’s release said, indicating that a full pardon was still possible.

Enright and Givens said Johnson is eager to begin the next chapter of his life. “He looks forward to the day when he is finally exonerated and can integrate himself back into society without the burdens and stigma carried by a convicted felon,” they said.

Johnson has said in interviews prior to the announcement that he has been appreciative of the clinic’s efforts and “glad that the public has a chance to hear my story.”

“The clinic provided law students with a unique opportunity to see the direct impact of their work,” said Jere Thomas, a Virginia Law alumna.

Johnson now must undergo a re-entry program and supervised release. The clinic will continue its work in public service. Jeffrey Kerr ’87, general counsel of the People for the Ethical Treatment of Animals Foundation in Norfolk, Virginia, received the Shaping Justice Award for Extraordinary Achievement.

Kim Rolla ’13 received the Shaping Justice Rising Star Award. Rolla is an attorney with the Charlottesville-based Legal Aid Justice Center’s Civil Rights and Racial Justice Program. Thomas is policy director at Campaign for Youth Justice in Richmond, Virginia.

Recipients were selected by a committee comprised of public-service faculty, administrators and student leaders.

Kerr was nominated by Gabriel Walters ’09, PETA counsel and manager of legislative affairs, who said Kerr is a mentor who fosters healthy and stimulating debate with his colleagues.

Rolla joined the Legal Aid Justice Center as a Lewis F. Powell Fellow in 2011. At UVA Law, she was a member of Virginia Law Review and received the Herbert Kramer/Herb Bangel Community Service Award.

They served together as legal advisers during August’s white supremacist demonstrations.

Before joining the Campaign for Youth Justice, Thomas was a Skadden Fellow with the JustChildren Program of the Legal Aid Justice Center. At UVA Law, she was one of five Powell Fellows in 2013. At UVA Law, she was a member of Virginia Law Review and received the Herbert Kramer/Herb Bangel Community Service Award.

Rolla was nominated by student Amanda Lineberry ’19, who has worked with her at the Legal Aid Justice Center. They served together as legal advisers during August’s white supremacist demonstrations.
PROFESSOR KERRY ABRAMS, who also serves as UVA’s vice provost for faculty affairs, will be the next dean of Duke Law School. Abrams joined UVA Law’s faculty in 2005 and became vice provost in 2014. She will begin her new role July 1.

“I am excited to be beginning this new chapter in my professional life,” Abrams said. “But it is also very difficult to be leaving UVA. I grew up as a scholar and teacher at the Law School, and have learned so much from my colleagues across the University in my role in the provost’s office.”

Abrams, a pioneer in scholarship at the intersection of immigration and family law, follows in the footsteps of other UVA Law faculty members who have gone on to top leadership roles in higher education. Liz Magill ’95 became dean at Stanford Law School in 2012; James Ryan ’92, who left UVA in 2013 to become dean of the Harvard Graduate School of Education in 2013, will assume the UVA presidency in the fall; and Jennifer Mnookin is dean of the UCLA School of Law. UVA Law Dean Risa Goluboff has been a member of the school’s faculty since 2002.

As vice provost at the University, Abrams tackled issues of faculty policy, diversity, dual-career hires and salary equity. She chairs the provost’s promotion and tenure committee, oversees faculty leadership and professional development, and manages university-wide faculty recruitment and retention efforts.

The former Albert Clark Tate Jr. Professor of Law, Abrams writes and teaches about family-based immigration, constitutional family rights, citizenship, the marriage equality movement and work-family balance. Her scholarship has had an impact on Supreme Court decisions on citizenship and marriage equality. In 2012, Abrams won the Law School’s Carl McFarland Prize, a biennial award given to a junior faculty member for outstanding research. “Kerry will bring to her leadership of Duke Law School all of the talents and values that have made her such an asset at UVA,” Goluboff said.

Distinguished Professor of Law, is an expert on wrongful convictions and corporate crime. While at Virginia, he has written several influential books, including “Convicting the Innocent: Where Criminal Prosecutions Go Wrong,” “Too Big to Jail: How Prosecutors Compromise with Corporations” and “End of Its Rope: How Killing the Death Penalty Can Revive Criminal Justice.”

Abrams’ husband, UVA Law professor Brandon Garrett, will also join the Duke law faculty. Garrett, the White Burkett Miller Professor of Law and Public Affairs and the Justice Thurgood Marshall Distinguished Professor of Law, is an expert on wrongful convictions and corporate crime. While at Virginia, he has written several influential books, including “Convicting the Innocent: Where Criminal Prosecutions Go Wrong,” “Too Big to Jail: How Prosecutors Compromise with Corporations” and “End of Its Rope: How Killing the Death Penalty Can Revive Criminal Justice.”

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Goluboff said Garrett also will be missed.

“We are proud and excited that Kerry joins the distinguished list of former faculty serving as Law School deans, but this moment is bittersweet for we are losing not only Kerry but our wonderful colleague Brandon as well.”

—Mary Wood
It was 1951, and things were about to change in Old Cabell Hall.
LIKE MANY 20-somethings, Robert F. “Bobby” Kennedy ’51 didn’t know the exact direction his career should take. He knew he wanted a graduate degree. Law or business would work—but he cringed at the thought of it being business. “I think the idea of me at business school has more comical than serious aspects,” he commented in a letter to his sister Patricia.

He had written her in reaction to UVA’s blunt assessment of his academic performance at Harvard College, from which he would graduate with a bachelor’s degree in political science. He was told he needed to up his game and perform well on his law school aptitude test if he hoped to attend Virginia.

In 1948, the Law School indeed welcomed the son of influential businessman and public servant Joseph P. Kennedy Sr. as a member of the first-year class. What the University gained wasn’t just a member of a family with growing political reach, but a young man growing into a person of substance. Kennedy had contributed to his brother John F. Kennedy’s successful campaign efforts for the House of Representatives, and had worked for a period as a stringer for the Boston Post in Europe and the Middle East. But perhaps his most noteworthy accomplishment before UVA was his perseverance as the smallest player on Harvard’s football squad. At 5-foot-9 and weighing about 165 pounds, Kennedy got knocked down frequently, but always got back up again to play.

Kennedy’s academic prowess didn’t improve much after admission, however. (His best classes were Constitutional Law and Labor Law.) There were distractions—although ones not entirely foreign to graduate students. He married his wife, Ethel, in 1950. He kept family and social commitments. Papers were sometimes turned in late.

He graduated from UVA Law in June 1951—solidly in the middle of the class. Before he did, though, Bobby Kennedy was able to distinguish himself. As a budding legal advocate, Kennedy’s arguments in his third year as president of the Student Legal Forum helped convince UVA’s leadership to desegregate a major speaking event.

The result quietly upended Virginia law of the time and forecast Kennedy as the fighter for social justice that he would become.
BECAUSE OF HIS CONNECTIONS, Kennedy was a shoo-in to lead the Student Legal Forum. He was elected in 1950 to serve the 1950-51 school year.

A venerated organization at the Law School, the forum invites speakers to comment on topics of the day. High-profile politicians, judges, actors, writers and activists have all delivered remarks at the group’s request. The forum celebrated its 70th anniversary last year, and for all but a brief period in the 1990s and during World War II, has remained largely separate and unequal.

That meant Kennedy would have to scramble if he wished to avoid the embarrassment of rescinding the invitation. Indeed it did not appear to us then, and it does not appear to us now, that there is any problem calculated to embarrass the University, unless the University should decide that it is necessary to create the issue itself by invoking an educational segregation policy which, as we shall attempt to point out later, is, in this instance, legally indefensible, morally wrong and fraught with consequences calculated to do great harm to the University.

STAYING GROUNDED 1950-51 school year. Kennedy extended the invitation as a new, more progressive atmosphere at the University was taking hold. That year the Law School accepted its first black student, Gregory Swanson, who was UVAs first black student as well.

To lead the Student Legal Forum, he was elected in 1950 to serve the forum. He was the first African-American to hold the position, opting to stay on with the University.

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Having Bunche speak was an indisputable honor. But Virginia, Ribble pointed out, had a law on the books that stated “...public assemblage which is attended by both white and colored persons, shall separate the white race and the colored race...”

Even so, the dean said he would back the plan if they could get the Student Advisory Council and the Board of Visitors to sign on, according to Davison.

WHAT KENNEDY ULTIMATELY GOT from the student council was a compromise. The council apparently provided a statement that said the Bunche invitation had “the overwhelming support of the student body.” Kennedy used those words in his March 8, 1951, letter to President Colgate W. Darden on behalf of the forum (a document now housed in the Albert and Shirley Small Special Collections Library at UVA). But the “attached” resolution Kennedy references, it seems, is lost to time.

Regardless of how the council may or may not have gone on record, the student leaders, Davison would later report, promised not to oppose the event—which may have been just as good in the dean’s eyes.

In writing his letter, Kennedy knew that it would be fodder for Darden and the Board of Visitors to discuss. The Bunche lecture had been scheduled for the same month. His missive had to be clearer and more persuasive than his appearance before the BOV had been.

The letter was deferential, yet forceful. “The Southern boys began to say, ‘I’ve got to go home to Alabama later—I can’t sign it.’”

Their responses infuriated Kennedy. “Bobby was livid,” Davison said. “You’re all gutless; he bellowed at the student leaders. You’re willing to go ahead with the idea, but you’re afraid to let anyone know you’re backing it!”

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The letter was deferential, yet forceful. “At the outset permit us to say that at no time did we consider the invitation one calculated to embarrass the University of Virginia,” Kennedy writes.

He goes on to list Bunche’s obvious credentials and prestige, which he says are “hardly necessary to recall,” before mentioning two other recent forum speakers. The first is a “former Ambassador to the Court of St. James”—a not-so-veiled reference to his powerful father. The other is “a Supreme Court Justice,” meaning William O. Douglas, referencing the justice is perhaps a subtle way of invoking the law of the land.

Then Kennedy returns to the idea of embarrassment: “Ever since its inception the lectures sponsored by the Student Legal Forum, while primarily designed for law students, have been open to the public at large. At no time did it occur to us that it would be possible or desirable to have Dr. Bunche lecture under any other arrangement. Indeed it did not appear to us then, and it does not appear to us now, that there is any problem calculated to embarrass the University, unless the University should decide that it is necessary to create the issue itself by invoking an educational segregation policy which, as we shall attempt to point out later, is, in this instance, legally indefensible, morally wrong and fraught with consequences calculated to do great harm to the University. There is no question but that Dr. Bunche will feel compelled to cancel this engagement if an educational segregation policy is invoked.”

Kennedy also argues that attendance among blacks would likely be
low because the talk fell close to Easter, and that Swanson, the black law student, had already set a precedent by mixing with whites at previous Law School events. After a nod to “the delicate problems posed by the race issue,” he then launches into his legal arguments. “It is axiomatic that the ‘law’ of Virginia is to be interpreted in the light of Supreme Court decisions and it ‘exists’ only insofar as it conforms to those decisions,” Kennedy states.

He interprets the 1950 Supreme Court case McLaurin v. Oklahoma State Regents as requiring equal protection for anyone attending a lecture in a state-sponsored educational setting. “The only fair inference to be drawn from the celebrated McLaurin case is that where the University of Virginia offers a public lecture open to the citizens of the State, it cannot require that colored citizens in attending these addresses be seated in a segregated area,” McLaurin rejected a state law requiring graduate students be educated in segregated fashion. (Kennedy attached a copy—with legal interpretation, for convenience.) In that case, University of Oklahoma student George McLaurin sued after being admitted to the school and not being permitted to interact fully with his fellow students. (McLaurin was educated from the hallway; and had his own designated seating areas in the cafeteria and library.) He won the 14th Amendment. The attached legal interpretation, likely prepared by Law School professors and with Darden’s previous awareness, according to UVA Law historians, also references the companion case, Sweatt v. Painter, including in promoting the event, choosing to focus instead on the importance of the speaker and his message.

One reason was out of a sense of decorum, with an eye for safety. “For the record, we were highly pleased to have [Bunche] here and were equally pleased because of the segregated audience,” stated an editorial in The Daily Virginian. “We refrained from commenting on the segregation angle because emotions might become aroused unnecessarily.”

It added, “The University community attended Dr. Bunche’s lecture to hear him speak. The fact that he is a Negro or that Negroes were in the audience was taken by African-Americans. Sixty years later, I believe the seats were taken by African-Americans. Sixty years later, I believe this diverse and extremely talented group of graduates.”

KENNEDY PRESENTED BUNCHE as a speaker on the topic of “The United Nations and Prospects for Peace” on March 26, 1951. It was reported that 1,500 people attended Bunche’s lecture that night, which would have meant audience members were elbow-to-elbow in Cabell Hall, a venue that today seats 851. By at least one estimate, a third of the audience was black.

“Every seat was filled, and many stood in the aisles and in the rear through the nearly two hours of his talk and the question period that followed,” according to an account in Norfolk’s Journal and Guide. Newspapers largely ignored the controversial seating of the gathering, including in promoting the event, choosing to focus instead on the importance of the speaker and his message.

That is not to say that there were no race-related problems, though. Ordinarily, visiting forum speakers would have been hosted for the night at the Farmington Country Club or the Old Ivy Inn, but Bunche was not allowed to stay at either because of his race. He suggested, by letter, that he would depart after the event.

In one telling, Bunche stayed with the Kennedys in the home they rented on Cameron Lane. Ethel Kennedy recalled the stay decades later: “They threw things at the house all night,” she is reported as saying in the 2017 biography “Bobby Kennedy: A Raging Spirit” by Chris Matthews. Kennedy, of course, would go on to become the storied attorney general of the United States 10 years later under his brother’s administration. He continued to serve into the subsequent Lyndon B. Johnson administration after his brother was assassinated. During those four years, Kennedy was an outspoken advocate for civil rights who underscored his efforts with the teeth of the law. That included the desegregation of Virginia’s defiant Prince Edward County public schools. He collaborated on the Civil Rights Act of 1964, which helped bring an end to lingering Jim Crow laws.

He was assassinated June 6, 1968, during a run for the presidency. In 2011, sitting Attorney General Eric Holder, the first African-American to hold the position, evoked Kennedy’s legacy in a speech to UVA Law’s graduating class.

“Now, [Kennedy] easily could have avoided controversy, and politely explained to Dr. Bunche that such a thing would be impossible—that it was well beyond his power or control—and that, regrettably, the invitation would have to be withdrawn,” Holder said. “He could have bent to custom—and to state law—and moved on to the next distinguished name on his list of potential speakers.”

Holder noted that Kennedy also could have cheated the system (as had been done on occasion for events, in lesser numbers and without the level of scrutiny) “by declaring that a section for the audience would be for African-Americans only, but then allowing people to sit wherever they liked.”

He did not take any of those easy routes, however. “When, at long last, Dr. Bunche arrived at Cabell Hall, it was filled to capacity,” Holder said. “And, for the first time in history, nearly a third of the seats were taken by African-Americans. Sixty years later, I believe that Robert Kennedy would be proud to see this diverse and extremely talented group of graduates.”

RATHER THAN THE MESSAGE, it was perhaps simply the moment of peaceful assembly, in which large numbers of blacks and whites sat where they wanted to hear a prominent speaker, that is the lecture’s more enduring legacy. That is not to say that there were no race-related problems, though.

Consumption;” he said in his remarks, which commentators noted and parsed in the days following his speech.

The implication was that not everyone in the U.S. was equally franchised. Bunche added, “We cannot convert the masses of Asia and Africa to a democracy qualified by color.”

The speech was also notable for its opposition stance to the speech Joseph Kennedy made to the forum in the fall, in which he framed the speech for its advocacy of the withdrawal of American resources from far-flung lands, including Korea.

Bunche, a pacifist, nevertheless supported active engagement by the U.N. and others to spread democratic ideals and build world citizenship. “If we hope to win this struggle, we must always think in terms of friends,” Bunche said. “I can’t think of a more desperate plight for a nation than to be alone.”

In closing his speech, he said, “gradualism” in racial equality was a losing approach because “no one was ever known to enjoy a right posthumously.”

READ MORE

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**BOBBY KENNEDY: THE MAKING OF A FOLK HERO** by Lester David (1996)

**ROBERT KENNEDY AND HIS TIMES** by Arthur M. Schlesinger, Jr. (1997)
Professor Kim Forde-Mazrui leads the Center for the Study of Race and Law.

The Center for the Study of Race and Law, which began at the Law School in 2003 at the behest of students following a report of racially motivated violence on Main Grounds, is marking its 15th anniversary this fall.

Professor Kim Forde-Mazrui, the center’s original director, returned last year to the role following seven years of service by Professor Alex Johnson, the center’s second director. “I’m excited to take it back over,” Forde-Mazrui said. “In the last couple of years, because of the political state of our country and because of the rise of white nationalism, there has been a lot of student interest in social justice.”

Through programming, the center recently helped facilitate conversation in the wake of white supremacist activity in Charlottesville and in relation to themes arising from the Black Lives Matter movement. The center, via an expert panel, even explored the topic of UVA founder Thomas Jefferson’s complex legacy as both the author of “all men are created equal” and a slaveholder.

Forde-Mazrui, whose scholarship focuses on equal protection, with an emphasis on race and sexual orientation, said the center came into being through the activism of a number of former law students. Roscoe Jones ’03 made the initial recommendation. He, along with fellow students Michael Signer ’04, Scott Cullen ’05, Katherine “Katie” Lindsey O’Connor ’05 and Yalonda Howze ’04, approached Dean John C. Jeffries Jr. ’73 with detailed proposals for making the concept a reality—and sustaining it. Professor Anne Coughlin was integral to the center’s early efforts as well.

H. Timothy Lovelace Jr. (B.A. ’03, J.D. ’06, Ph.D ’12), an associate professor of law at Indiana University, joined Forde-Mazrui as assistant director shortly after the center began. “In just a few years, Kim grew the center from the dream of several students to a vibrant intellectual community,” Lovelace said.

In the months ahead, Forde-Mazrui anticipates a short course on Asian-American jurisprudence and a conference on white supremacy, as well as future programming on Latinos and the law.

Dean Risa Goluboff said Forde-Mazrui and the center were crucial in planning the Feb. 5 commemoration of Gregory H. Swanson, the first black student at UVA and UVA Law (see p. 36). The center will continue to administer the Gregory H. Swanson Award, which was introduced to recognize students who exemplify courage, perseverance and commitment to justice.

—Eric Williamson
CALCULATING CRIMINAL ACTIVITY

PEIRCE MOSER ’99

HE WAS PART OF THE TEAM THAT BUILT A CASE AGAINST DAVID LETTERMAN’S BLACKMAILER—who claimed to be merely providing Letterman first shot at purchasing the screen story of a famous talk show host’s adulterous affair.

More recently, he led the team that convicted eight former employees of the now-defunct Dewey & LeBoeuf. In the largest law firm collapse in the nation’s history, the chief financial officer was convicted of cooking the books while continuing to pay exorbitant salaries, including his own.

If there is a financial crime making headlines in New York City, there is a good chance that Peirce Moser ’99, a prosecutor with the New York County District Attorney’s Office, is on the case.

And he doesn’t care one whit about the salacious details.

“Our job is not to be the morality police; it’s to prosecute,” Moser said.

What’s interesting to him are the mechanics of a case. The old chestnut “follow the money” is a good start, he said, but mainly as an avenue for opening up investigative possibilities.

A paper trail, an email thread. These are indications of a person’s intent, and they add up.

“It’s really amazing what people will write in an email.”

One case he worked on, in which a mortgage broker imprisoned for fraud attempted to solicit the murder of a key witness that had testified against him, unfolded in real time. An investigator in the DA’s office pretended to be a ready-and-willing hit man.

“It was not the sort of case I handle every day,” Moser said.

His law career was supposed to be a turnaround. When he entered UVA Law, he was a trained accountant vowing never to look back. (“I knew that I did not want to do tax law, and I knew that I did not want to litigate.”) But law school changed his mind about building on what he knew. A tax class he took in hopes of getting an easy “A” led to an interest in tax policy and a summer working as a research assistant for Professor George Yin, who has extensive experience in government.

While at UVA, Moser served as a senior editorial board member of the Virginia Tax Review and received the Edwin S. Cohen Tax Prize, in addition to other accomplishments and awards.

Following law school and a clerkship with Chief Judge Carolyn Dineen King of the U.S. Court of Appeals for the Fifth Circuit, Moser worked for two D.C. firms where he practiced tax law—Wilmer, Cutler & Pickering, then McKee Nelson.

He liked his firm employers but found himself restless. He transitioned from transactional work to tax litigation early in his career, because he wanted to pick up more work.

“I wanted to be busy; I wanted to be working on things that were interesting and challenging,” he said. “Plus, when you’re a young lawyer working at a firm and you’re not busy, it’s a horrible feeling.”

Then, in 2006, Moser decided to move to New York and join the Special Prosecutions Bureau of the DA’s office.

The difference between law firm life and the DA’s?

At his current office, “You do all your own photocopying,” he said.

Working late nights, Moser soon prosecuted Anthony Marshall, son of the philanthropist and socialite Brooke Astor, and his lawyer, Francis Morrissey, for elder abuse and financial fraud associated with Astor’s estate.

In 2010, the same year current District Attorney Cyrus R. Vance Jr. assumed responsibilities over the office, Moser joined the Major Economic Crimes Bureau, where he prosecuted Joseph Cilibrasi, a business manager and tax accountant who embezzled funds from his entertainment industry clients, including “Law & Order” star Tamara Tunie.

Moser became chief of the Tax Crimes Unit in 2014—a role he has since relinquished with departmental reorganization. He is now senior investigative counsel in Major Economic Crimes.

In his more than a decade of calculating financial malfeasance, he has helped recover tens of millions of dollars for New Yorkers.

—Eric Williamson
Attorney, Kings County handling DNA and hundreds of cases, including those dealing with crimes against the most vulnerable victims in Brooklyn. The bureau is responsible for prosecuting child exploitation and sex crimes against children. Responsibilities include coordinating and overseeing the prosecution of violent criminal organizations, including street gangs and drug trafficking organizations. Works closely with local, state and federal partners to investigate and prosecute sexual and bank robberies, kidnapping and other violent crime, including those involving police officers and federal officials. Specializes in the prosecution of sexual assault, child abuse and domestic violence cases.

Eric Gerard '96
Assistant U.S. Attorney, Southern District of Florida For three years, represented Florida in the biggest sex trafficking prosecution in the nation, presenting more than 200 felony and misdemeanor cases, including those involving police officers and federal officials. Specializes in the prosecution of sexual assault, child abuse and domestic violence cases.

Ryan Faulconer '04
Alexandria Assistant U.S. Attorney and Public Corruption Coordinator, Eastern District of Virginia Currently serves as the office’s Chief Deputy and Director’s Award for the 12th defendant charged with major offenses such as murder, robbery and sexual abuse of children. Works closely with both state and federal law enforcement agencies during each step of the investigation, including the collection of evidence from victims and witnesses. Specializes in the prosecution of violent criminal organizations, including street gangs and drug trafficking organizations. Works closely with local, state and federal partners to investigate and prosecute sexual and other violent crimes, including those involving police officers and federal officials. Specializes in the prosecution of sexual assault, child abuse and domestic violence cases.

Paul Myslewicz '09
Assistant U.S. Attorney, District of New Mexico Prosecutes complaints in cases involving international victims, including those involving police officers and federal officials. Specializes in the prosecution of violent criminal organizations, including street gangs and drug trafficking organizations. Works closely with local, state and federal partners to investigate and prosecute sexual and other violent crimes, including those involving police officers and federal officials. Specializes in the prosecution of sexual assault, child abuse and domestic violence cases.

Areshin Patel '04
Charleston Assistant U.S. Attorney, Office of the United States Attorney for the District of South Carolina Provides legal advice and counsel to the management team of a multi-state U.S. Attorney’s Office. Responsibilities include coordinating and overseeing the prosecution of violent criminal organizations, including street gangs and drug trafficking organizations. Works closely with local, state and federal partners to investigate and prosecute sexual and other violent crimes, including those involving police officers and federal officials. Specializes in the prosecution of sexual assault, child abuse and domestic violence cases.

Kevin G. Ritz '04
Memphis Special Assistant Chief and Special Counsel to the United States Attorney, Western District of Tennessee Responsible for the prosecution of felonics. In a 20-year career in journalism, has written more than 2000 articles and reports on the prosecution of violent criminal organizations, including street gangs and drug trafficking organizations. Works closely with local, state and federal partners to investigate and prosecute sexual and other violent crimes, including those involving police officers and federal officials. Specializes in the prosecution of sexual assault, child abuse and domestic violence cases.

Amanda L. Turner '12
Norfolk, Va. Assistant U.S. Attorney, Office of the Commonwealth’s Attorney for the City of Norfolk Represents the Commonwealth’s Attorney in cases involving police officers and federal officials. Specializes in the prosecution of violent criminal organizations, including street gangs and drug trafficking organizations. Works closely with local, state and federal partners to investigate and prosecute sexual and other violent crimes, including those involving police officers and federal officials. Specializes in the prosecution of sexual assault, child abuse and domestic violence cases.

Rachel Aubuchon '18
Richmond Assistant U.S. Attorney, Eastern District of Virginia Responsible for the prosecution of felonics. In a 20-year career, has written more than 2000 articles and reports on the prosecution of violent criminal organizations, including street gangs and drug trafficking organizations. Works closely with local, state and federal partners to investigate and prosecute sexual and other violent crimes, including those involving police officers and federal officials. Specializes in the prosecution of sexual assault, child abuse and domestic violence cases.

Amanda County Attorney’s Office, Office of the Commonwealth’s Attorney for the City of Memphis Represents the Commonwealth’s Attorney in cases involving police officers and federal officials. Specializes in the prosecution of violent criminal organizations, including street gangs and drug trafficking organizations. Works closely with local, state and federal partners to investigate and prosecute sexual and other violent crimes, including those involving police officers and federal officials. Specializes in the prosecution of sexual assault, child abuse and domestic violence cases. Responsible for the prosecution of felonics. Has handled more than 200 felony and misdemeanor cases, including those involving police officers and federal officials. Specializes in the prosecution of violent criminal organizations, including street gangs and drug trafficking organizations. Works closely with local, state and federal partners to investigate and prosecute sexual and other violent crimes, including those involving police officers and federal officials. Specializes in the prosecution of sexual assault, child abuse and domestic violence cases. Responsible for the prosecution of felonics. Has handled more than 200 felony and misdemeanor cases, including those involving police officers and federal officials. Specializes in the prosecution of violent criminal organizations, including street gangs and drug trafficking organizations. Works closely with local, state and federal partners to investigate and prosecute sexual and other violent crimes, including those involving police officers and federal officials. Specializes in the prosecution of sexual assault, child abuse and domestic violence cases. Responsible for the prosecution of felonics. Has handled more than 200 felony and misdemeanor cases, including those involving police officers and federal officials. Specializes in the prosecution of violent criminal organizations, including street gangs and drug trafficking organizations. Works closely with local, state and federal partners to investigate and prosecute sexual and other violent crimes, including those involving police officers and federal officials. Specializes in the prosecution of sexual assault, child abuse and domestic violence cases. Responsible for the prosecution of felonics. Has handled more than 200 felony and misdemeanor cases, including those involving police officers and federal officials. Specializes in the prosecution of violent criminal organizations, including street gangs and drug trafficking organizations. Works closely with local, state and federal partners to investigate and prosecute sexual and other violent crimes, including those involving police officers and federal officials. Specializes in the prosecution of sexual assault, child abuse and domestic violence cases.

Rita either writes, or reviews and edits, every brief and every opinion filed by the United States in its cases. She also manages the office’s extensive caseload of post-conviction matters filed by federal prisoners. Before becoming an appellate chief, Ritz served as a narcotics and violent crime prosecutor for five years. During that time, she taught the decedent’s body has never been found. A “no-body” homicide case.

Paul Myslewicz '09
Assistant U.S. Attorney, District of New Mexico Prosecutes complaints in cases involving international victims, including those involving police officers and federal officials. Specializes in the prosecution of violent criminal organizations, including street gangs and drug trafficking organizations. Works closely with local, state and federal partners to investigate and prosecute sexual and other violent crimes, including those involving police officers and federal officials. Specializes in the prosecution of sexual assault, child abuse and domestic violence cases.

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Describe Your Work: My work varies extensively from day to day. As legal policy advisor, I evaluate legal options for the attorney general, research statewide issues, analyze legislation, write talking points, review amicus briefs, edit op-eds, meet with constituents and do whatever else my boss might ask of me. It’s an interesting job because I can have my hands in all sorts of issues that come into our office rather than being constrained to a specific area of the law.

What Activities Do You Enjoy Outside of Work? Basically anything outdoors. Since moving to Arizona in early 2012, I’ve especially enjoyed hiking with my golden retriever, Charlie. Arizona is a breathtaking state (despite the 120-degree summer weather) and its desert mountains offer an endless number of hiking trails. I’m currently looking forward to tackling the Grand Canyon’s Rim to Rim (48-mile, rim-to-rim trek) in May. After graduation, I also joined the U.S. Army Reserves JAG Corps, so my obligations as part of that service take up a fairly significant amount of time. But the JAG Corps has also given me one of the greatest honors of my life, which is to meet so many impressive men and women serving in our armed forces.

Are You Where You Expected to Be at This Stage of Your Career and Life? Not at all, but it has been an interesting ride. I started out in the private sector for a few years before taking my current position with the Attorney General’s Office. The jobs could not be more different, but both have offered me the chance to grow and learn. My aim is to work hard at whatever I do and see what doors open. I’m finding that the expected path is often not as creative as the path you end up taking.

What Do You Like About Your Life 5 Years After Law School? It is hard to believe that it has been five years! I am more than ever thankful for my family and friends, and for the opportunities I had to attend UVA. Five years out, I am grateful for where my career has taken me, for the chance to stretch my boundaries in a new state and for all the adventures that the future will offer.
KATHERINE J. BRENNAN ’03
GENERAL COUNSEL
CORPORATE SECRETARY AND CHIEF COMPLIANCE OFFICER
MARSH & McLennan COMPANIES INC.
NEW YORK CITY

WHAT DO YOU LIKE ABOUT YOUR LIFE 15 YEARS AFTER LAW SCHOOL? Yes and no. I was only 8 years old when I told my parents I was going to move to New York City to become a lawyer. So, check. But, especially after working at a large firm, I never expected to really enjoy my job. And I do! I’ve made a few incredibly lucky decisions in my career—for example, declining the offer to structure mortgage-backed securities deals in 2006 and deciding to go in-house before Dewey & LeBoeuf imploded. I consider myself very fortunate to be at Marsh & McLennan in my current role. Particularly in recent years, I have learned to live in the moment and be grateful for every single day.

WHAT DO YOU LIKE ABOUT YOUR LIFE 25 YEARS AFTER LAW SCHOOL? I like that I’ve helped Netflix, in some small way, become what it is today and that every day at Netflix continues to be an incredible learning experience. I like that I work hard yet have made time to coach my kids in soccer and baseball, help them with school work and despite that aversion to a career 25 years ago, my career or life when leaving law school. I think the only thing I knew was that I didn’t want to be a litigator and that my girlfriend, now wife, was a keeper. I was merely excited to learn and try new experiences. I would say that my career and life is certainly providing that … and despite that motion to a career in litigation, I found that I really enjoy a good court challenge.

WHAT DO YOU LIKE ABOUT YOUR LIFE 35 YEARS AFTER LAW SCHOOL? I like that I’ve helped Netflix.

WHAT DO YOU LIKE ABOUT YOUR LIFE 50 YEARS AFTER LAW SCHOOL? I like that I’ve helped Netflix, in some small way, become what it is today and that every day at Netflix continues to be an incredible learning experience. I like that I work hard yet have made time to coach my kids in soccer and baseball, help them with school work and otherwise be present with my family.

DESCRIBE YOUR WORK: As the head of legal and public policy for an entrepreneurial company like Netflix, I describe my work as being focused on helping my team navigate ambiguity and grow to tackle our expanding global service and studio operations. More concretely, I work with the policy team to develop and mitigate impacts of emerging regulations for internet media businesses. I help build the legal teams to support the development and production of original and licensed content, which includes managing issues ranging from music rights and global trade unions to Foreign Corrupt Practice Act compliance and anti-piracy. I work with our business development and marketing lawyers (headed by another UVA Law grad, TJ Angioloni ’02) to create innovative partnerships and advertisements that bring Netflix to life for our members around the globe. I handle the classic company GC responsibilities, such as managing SEC compliance and corporate governance as well as litigation, intellectual property and employment matters. Lastly, I spend time on business counseling and help develop and implement our unique company culture.

WHERE ARE YOU EXPECTED TO BE AT THIS STAGE OF YOUR CAREER AND LIFE? I didn’t really have any set expectation or plan for my career or life when leaving law school. I think the only thing I knew was that I didn’t want to be a litigator and that my girlfriend, now wife, was a keeper. I was merely excited to learn and try new experiences. I would say that my career and life is certainly providing that … and despite that motion to a career in litigation, I found that I really enjoy a good court challenge.

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WHAT ACTIVITIES DO YOU ENJOY OUTSIDE OF WORK? Watching Netflix. I guess that sounds work too, but I do enjoy a good binge. My latest is “The End of the F**king World.”

WHAT ACTIVITIES DO YOU ENJOY OUTSIDE OF WORK? Watching Netflix. I guess that sounds work too, but I do enjoy a good binge. My latest is “The End of the F**king World.”
Net neutrality has been percolating as an issue in telecom circles for over a decade, but the debate exploded into the national consciousness in May 2014, when John Oliver made it the focus of an obscenity-laced, hysterical (in both senses of the word) tirade on his HBO show, “Last Week Tonight with John Oliver.”

Three years later, in the runup to the 2017 FCC action, the FCC received 21.7 million comments. Even the regulatory proceeding has been in the news, with controversy over whether some of those millions of comments were even genuine. One study suggests that 57 percent of the commenters used temporary email addresses, a sign of a less-than-heartfelt sentiment; 38 percent of the comments received were reproductions of only seven different ones, suggesting a copy-and-paste campaign. It’s hard to imagine this is the state of affairs James Landis envisioned in 1938 as he was writing “The Administrative Process.”

Despite the frenzy, it’s not entirely clear what’s at stake. In the decades that have followed, at which time we can expect they will lead the fight for regulatory “reform.”

What is certain is that the administrative regulatory state is no longer the exclusive province of technocrats and statisticians, if ever it was. While they will continue to pick winners and losers, the staff and commissioners at agencies like the FCC are going to do so with increasing public attention and discourse.

THOMAS B. NACHBAR is a professor of law and senior fellow with the Center for National Security Law.
I n 1949, GREGORY HAYES SWANSON took his first step toward integrating the University of Virginia and becoming a civil rights hero with a radical act: applying to a graduate program.

The Law School initially accepted the 25-year-old attorney’s application, but the official response by the University of Virginia Board of Visitors in July 1950 was to the contrary: “The applicant is a colored man. The Constitution and the laws of the State of Virginia provide that white and colored shall not be taught in the same schools.”

Swanson, a Virginia native from Danville, was already practicing in Martinsville, Virginia. Having obtained his law degree from Howard University in Washington, D.C., he needed a master’s in law to be eligible for a prospective teaching job.

He had no other choice but to apply to UVA if he wanted to pursue the advanced degree in his home state, where it would be less expensive to attend. No Virginia university offered graduate training to black law students.

So he sued.

Famed civil rights attorneys Thurgood Marshall, Oliver Hill, Martin A. Martin and Spottswood Robinson of the NAACP Legal Defense Fund assisted Swanson in the lawsuit, which played out in federal court in Charlottesville on Sept. 5, 1950.

His admission to UVA, were it to happen, would be “a triumph in the struggle to break down segregation and discrimination,” he said in a personal correspondence.

What was life like for UVA’s first black student?

Swanson rented a room at the Carver Inn, which was located in Vinegar Hill, a historically black part of Charlottesville. He walked about a mile each way to classes.

He once wrote to his sister Marguerite describing how, as he traveled, he would be stared at by whites who no doubt realized him to be the first black student.

“I should like to read their minds,” he stated in the letter. “Sometimes I think that I do.”

While on Grounds, Swanson made a concerted effort to engage with others in his new environment.

“While on Grounds, I endeavored to participate in the University activities as much as possible so that the students can get used to the idea of a Negro being here,” he wrote to Marguerite in September 1950.

Swanson was not segregated in the classroom or at the
events he attended. Professor Leslie Buckler, the director of the graduate program, had Swanson to his home for meetings, just as the adviser did with white students. Law Librarian Frances Farmer hosted a faculty tea in Swanson’s honor.

Among the students, he developed several close friends. Not all of his peers were welcoming, though. Swanson once overheard a casual conversation between students in which one said, “We should get that n—er out of the law school.” Referencing the UVA Honor System, Swanson addressed the incident in a personal correspondence: “To pledge not to steal, lie, cheat, etc. and yet be permitted under the same pledge to say humiliating things about another student puts the Honor System in question.”

Years later, in a Sept. 1, 1958, Washington Post interview about his experiences, Swanson would state he “fully partici-
pated in classroom discussions and used all campus facilities—cafeterias, libraries. I just picked my classroom seat at random as everyone else did. I attended concerts, lectures and foot-
ball games but never attempted to attend any social events.”

Swanson, while at Howard, had been deeply involved in Alpha Phi Alpha, the oldest black fraternity. He complained about his exclusion from UVA fraternities to President Colgate Darden, who stayed in routine communication with Swanson during his studies. Darden responded that fraternities were outside of the University’s oversight, but that he considered them overrated. Swanson said in the Post article that he had known “there might be reactions, no matter how covert, to my admission, but I felt I was adequately prepared to meet them. There was no incident, however. I was well received and courte-
osely treated.”

But in an Oct. 5, 1959, letter to one of his Howard friends, Swanson revealed that he also felt uneasy.

“I have not been able to detect any perceptible indications of hostility or bias; it is one of those things in the under-current. You can’t put your finger on it, but you know that it is there.”

**GRADUALISM**

**ON GROUND**

When Swanson applied to UVA, graduate-level desegregation was on the horizon.

The 1948 Supreme Court case *Sipuel v. Board of Regents of the University of Oklahoma* established that states had to provide black college students with access to schools of equal quality, or admit them to schools designated for whites. After the decision, plaintiff Ada Sipuel, a black prospective graduate law student, was admitted to Oklahoma’s law school because the state did not already have such a program available for African-Americans.

Since Virginia had the state’s only graduate legal program, Darden and Law Dean DKG Robble ’21 began planning for a qualified applicant like Swanson shortly after *Sipuel*, ac-
cording to Professor J. Gordon Hylton ’77, an expert on the Law School’s history.

Two other cases involving race in graduate education, *Sweatt v. Painter* and *McLaurin v. Oklahoma State Board of Regents*, were pending at the Supreme Court when Swanson’s application came to the attention of University leadership. UVA waited for decisions in those cases—both of which were decided in June 1950 in favor of the African-American plaintiffs. Despite these decisions, the University took the public position that it could not admit Swanson because of his race and denied his application.

In the midst of a financial crisis, school officials feared that integrating proactively would lead to a backlash from law-
makers who held the purse strings, and that white students might enroll elsewhere. So the University would only admit Swanson through a court order, Hylton said.

The University’s lawyers, Charles Venable “Ven” Minor Jr. ’25 and Virginia Attorney General J. Lindsay Almond Jr. ’23, maintained the position as the case progressed that the court ruling be limited to graduate students. Spottswood Robinson, Swanson’s principal lawyer, originally pushed for the entire University to be integrated, Hylton said.

Though that didn’t happen, Swanson was still the first student known to break the color line at a college in a former Confederate state.

**LIFE AFTER**

**UVA LAW SCHOOL**

Like many of his law graduate peers during the period, Swan-
son never turned in the paper that would have allowed his degree to be conferred. The program required one year in residence and then completion of a thesis, the latter of which usually occurred after the student had left Grounds. That was the path Swanson followed: completing and passing the eight classes he chose to take during the year—despite not being required to take any—and working on the paper after his time at UVA.

While Swanson’s communications with Buckler indicated he had every intention of completing his draft paper, the Robert H. Terrell Law School in D.C., where Swanson wanted to teach, closed in 1950. This would have eliminated his im-
mediate need for the degree. Plus, there were the demands of practice.

One case no doubt consumed much of Swanson’s time as he transitioned from law school life. In June 1951, he took up the defense of Albert Jackson, a black man accused of raping a white woman in Charlottesville. Swanson argued that Jack-
son’s confession had been obtained under duress. Following the man’s conviction, at which the court sentenced him to
death, Swanson appealed to the Supreme Court of Virginia along with the counsel of Hill, Martin, and Robinson.

The appeal was unsuccessful, and Jackson was put to death in August 1952.

The Virginia Law Weekly interviewed Swanson in 1951 after private practice in Martinsville and Alexandria, Swanson entered public service in 1961 as an attorney for the Internal Revenue Service. Commissioner Mortimer Caplin '40 hired Swanson after Robert F. Kennedy '51 helped renew their connection.

Swanson worked for the IRS until his retirement in 1984. He died July 26, 1992, at his home in Kensington, Maryland. Swanson’s official portrait is now on permanent display at the entrance of the Law School’s Arthur J. Morris Law Library. The location, fitting for a man remembered as an avid reader, is perhaps the most traveled spot in the building.

“Gregory Swanson was an agent of integration at UVA at a time when society and state law did not welcome him.”

— UVA President Teresa Sullivan

With family members of the late civil rights trailblazer in attendance, including wife, Betty, and daughters Karen and Camille, presenters revealed Swanson’s official portrait, announced an award in his name and delivered remarks to a capacity audience in Caplin Pavilion.

Dean Risa Goluboff, a legal historian and author of the book “The Lost Promise of Civil Rights,” said “commemoration” was the right word for the event, because of its sobering context.

Even though the University made efforts at inclusion following Swanson’s admission, “There were limits on the community he could create,” Goluboff said. “And the kindnesses that he received could never be taken for granted because of the larger context of isolation, segregation, struggle, exclusion, hostility and paternalism in which he lived. This was a white university in a segregated town.”

“Gregory Swanson was an agent of integration at UVA at a time when society and state law did not welcome him,” Goluboff said. “His victory state law did not welcome him,” Sullivan said. “His victory made it possible for many other black students in Virginia to have opportunity as well. Walter Ridley, an African-American doctoral student in education, enrolled at UVA shortly after Swanson and, in 1953, became the University’s first black graduate. John Merchant was the Law School’s first black graduate, in 1958. “Gregory Swanson was an agent of integration at UVA at a time when society and state law did not welcome him,” Sullivan said. “His victory inspired other African-Americans to join him here at UVA and spurred the integration of other all-white institutions around the commonwealth. His courage and perseverance paved the way for the diverse communities that the Law School and University have become.”

With her remarks, Sullivan announced the creation of the President’s Commission on the University in the Age of Segregation. The committee’s mission will be to explore and report on UVa’s role in the period of racial segregation that occurred in the 19th and 20th centuries.

Professor Kim Forde-Mazrui, director of the Center for the Study of Race and Law at UVA, led off the commemoration. He deemed the event part of UVa’s efforts to “repudiate our past white supremacy.”

“A niece and nephew of Swanson, Monifa Love Asante, an associate professor of English and modern languages at Bowie State University, and Evans D. Hopkins, an author and chair of the Swanson Legacy Committee, also provided remarks.

“That we gather here today is, in a way, as stunning as seeing Gregory Swanson striding across campus,” Asante said. She added that she wanted to “commend UVA for its efforts to recognize my uncle’s noble mission.”

At the end of the ceremony, Goluboff presented the inaugural Gregory H. Swanson Award to second-year students Jah Akande ’19 and Toccara Nelson ’19 on Feb. 5. Swanson’s portrait, by Ned Bittinger hangs near the Law Library entrance.
IN

NOVEMBER OF 1969, THE FIRST BLACK WOMAN to attend UVA Law, Elaine Ruth Jones ’70, was in demand. The daughter of a railway worker and a schoolteacher, Jones had accepted a position with President Richard Nixon’s Wall Street law firm, Mudge Rose Guthrie Alexander & Ferdon, which had offered her an $18,000 salary. She was on her way.

“That was big money back then,” Jones said. “More money than I had ever earned doing anything.”

The only problem was, by Christmas, she couldn’t look at herself in the mirror. She had taken the job for the pay alone.

“I have a rule: Never do anything solely for the money,” she said. “Money can be a factor, but when you make it the only factor, that’s trouble. I went to law school really with social justice and civil rights in mind.”

She called the firm back to apologize and decline.

Finding herself on the verge of graduation with no job prospects, she turned to the new dean, Monrad G. Paulsen, for advice. Paulsen suggested she go see his friend Jack Greenberg, who ran the NAACP Legal Defense Fund and was hiring.

She did. Jones arrived at the storied offices in New York City only to find the building empty.

“I said, ‘Where is everybody at 2 o’clock in the afternoon?’ Later, I learned there was a bomb scare. I shouldn’t have been in there. I was walking around the offices looking for folks!”

With the building deemed safe and the confusion resolved, Greenberg had only three questions for Jones in an interview that lasted less than 10 minutes:

Why did she want the job? What kind of legal work did she want to do? And how much money did she seek to make?

The first answer was easy. The fund had been home to so many of her legal heroes, including Director-Counsel Thurgood Marshall, under whose leadership attorneys had won Brown v. Board of Education, and who, more recently, had ascended to the U.S. Supreme Court as an associate justice.

Jones said she wanted to be placed wherever the need was greatest.

And she asked to start at $12,000, which turned out to be the going rate there for newly minted attorneys.

Greenberg hired her as the third member of his team handling death penalty cases.

NEGOTIATIONS WITH A RELUCTANT CLERK

Jones’ first solo assignment was no small request. Greenberg asked her to go to Georgia and see what she could do to move Furman v. Georgia along.
William Henry Furman had been sentenced to die by the state of Georgia. His gun had discharged while he was fleeing a home he attempted to burglarize, killing one of the residents. Attorneys contested the legality of the sentence. The U.S. Supreme Court sought to consolidate a review of the case with two others in which capital punishment rulings might have been arbitrarily applied.

"Jack said, 'We have a problem,'" Jones recalled. "The clerk of the Supreme Court of Georgia refuses to certify the record with the Supreme Court of the United States. It's usually a routine, perfunctory matter, but she has held the case up for a year!"

"It was all riding on that case—the constitutionality of the death penalty!"

Once Jones arrived, she managed to get a meeting with the clerk. Her strategy was to try to talk to the woman, Southerner to Southerner.

"So the clerk came out, a middle-aged white female, and I told her, 'I want to be honest with you. I have a new job. I'm moving to New York for this job...'

"I said, 'I'm Southern like you, and I have felt the frustration of having my life held hostage by a court. I want my case up for a year.'"

"She said, 'I'm sick of these people from outside of our state coming down here telling us how to do our business.'"
One of the office’s most important initiatives was to try to retain balance in the Fifth Circuit, which consisted of Florida, Georgia, Mississippi, Alabama, Texas and Louisiana. The circuit had a burgeoning caseload, in part due to civil rights complaints. A split was coming.

“It was the Deep South circuit,” Jones said. “It represented all those civil rights cases coming through to the Supreme Court.”

With caseload as the pretext, U.S. Sen. James Eastland of Mississippi, who chaired the Judiciary Committee, insisted that his state—and along with Florida, Georgia and Alabama—should be separate from Texas and Louisiana, whose benches were perceived to be more liberal. His plan would have created the only two-state circuit in the country, reducing a potential check on one side, while retaining what was seen as the core coalition on the other.

“I said, ‘Wait a minute,’” Jones said. “We have to oppose that.”

Adopting the public position that there should be no split, Jones convinced U.S. Rep. Barbara Jordan, who was from Texas, and U.S. Sen. Edward “Ted” Kennedy ’59 of Massachusetts to take up the fight in their respective sides of Congress. The circuit’s fate became part of a broader judgeship legislative package.

“Do you know that for over a year we held up that omnibus?” Jones said. “And seeing eight judges of the Fifth Circuit testifying—it was major. It was a battle royale.”

By insisting on no split, when it came time to bargain, the defense fund got the 3-3 split it wanted, Jones said.

“It looked like we’d given a major concession.”

The new Eleventh Circuit of Alabama, Florida and Georgia was formed in 1980 and went into effect in 1981, forcing Mississippi to join Louisiana and Texas in the Fifth.

Resolving the circuit showdown coincided with a wave of black judicial appointees under President Jimmy Carter. U.W. Clemon, Jones’ colleague from years earlier, became the first black federal judge in Alabama.

Jones ran the D.C. office of the Legal Defense Fund for 14 years, continuing to litigate class action cases as she engaged in legislative activity. (During that time, she also became the first black person named to the board of governors of the American Bar Association.)

The defense fund promoted Jones in 1993 to director-counsel and president—the first woman to rise to that highest leadership role.

Overseeing 25 attorneys and dozens of other personnel in three cities, Jones was in charge of all aspects of the organization. That included hiring, selecting cases and raising money. During her tenure, the fund expanded its challenges in housing, health and environmental justice. Jones worked with “cooperating attorneys” across the country on a range of issues, including preserving affirmative action.

Two cases in which the fund was involved—Grutter v. Bollinger and Gratz v. Bollinger—had ascended to the Supreme Court together, testing affirmative action. The fund served as lead counsel for students of color in both cases. The fund participated. The case reaffirmed affirmative action policies, yet nevertheless returned the race-in-admissions debate to the fore.

She has also seen the rollback of the Voting Rights Act’s preclearance requirement, which previously kept jurisdictions known to have historically disfranchised black voters from enacting voting law changes without federal approval. On the latter issue, Jones said, the country has regressed.

Concerns about voter suppression have resurfaced.

“We make steps forward, leaps forward,” she said. “And then we become complacent. This issue of fairness and inclusion—you have to work at this constantly. You lose real ground when you lapse, and right now we’re in a period of lapse. This country depends on having the courage and foresight to give everyone an opportunity. It undergirds our democracy.”

Jones has received 16 honorary doctorates and numerous awards for her work, including UVa’s Distinguished Alumna Award and the Thomas Jefferson Foundation Medal in Law, given jointly by the University and the Thomas Jefferson Foundation.

In 2004, she delivered the Law School’s commencement address.

She has come full circle.

In the late 1960s, UVA seemed like an unlikely place to train as a civil rights lawyer. But Jones, a Norfolk native who was coming out of two years of Peace Corps service in Turkey, accepted the school’s invitation to study in-state.

She didn’t know it then, but she would be one of only two African-Americans in her law class. One of only five black people total studying law at the time. In terms of the long arc of justice, the University was still in its infancy. But the arc—and UVA—were bending.

“I took a chance on Virginia,” Jones said. “And Virginia took a chance on me. We took a chance on one another.”
BEFORE THERE WAS BLACK LIVES MATTER, there was another sweeping social movement led by African-Americans. The movement’s aim—as the civil rights era matured and the 1970s approached—was to recruit, train and promote black attorneys within the legal establishment in the interest of greater opportunity and justice for all.

At law schools, the Black American Law Students Association was at the forefront of that movement. Students at UVA Law organized the school’s BALSA chapter on Friday, Oct. 16, 1970—two years after the original chapter began at New York University and following the establishment of chapters at other major law schools.

Eschewing a top-down approach for a more egalitarian style, the students elected Albert L. “Skip” Preston ’71 as their “convener,” rather than president. In addition, Gloria H. Bouldin ’73 was chosen as secretary, with Class of 1972 members Gwendolyn L. Jones, S. Delacy Stith, Jack W. Gravely, Bobby N. Vassar and Leonard McCants selected as committee chairs.

The next week, and regularly from then on, the Virginia Law Weekly chronicled the student group’s efforts to promote a more equitable learning environment at UVA. The Weekly, paraphrasing BALSA public relations chair McCants, stated that “the Black students needed a formal body to channel their energies toward united solutions to problems.”

Numbers were the group’s most pressing concern. Among the Class of 1970, there were only two black students. (Elaine Jones and James “Jimmy” Benton graduated that spring.) The incoming class for the 1969-70 academic year included a group of 13 black students. Both in law schools and in the legal profession, blacks were thought to have had about 1 percent representation, despite their much higher numbers in the greater population.

On the UVA law faculty, there were no black professors. By the fall, the faculty’s appointments committee acknowledged the hiring problem, and set recruiting the first black professor as a goal—albeit one that seemed without a timeline.

In an editorial, the Law Weekly defended the faculty’s efforts as methodical, rather than gradualist. But in an Oct. 16, 1970, response, African-American students blasted what they viewed as tone-deaf commentary. “At Virginia, we need a change of heart, a firmer and less rhetorical commitment to equal opportunities which will be reflected by the hiring of Black law professors here in the halls where justice is taught.”

The letter was signed, “The Black Law Students at U.Va.”

In 1971, publicist McCants and fellow third-year Norman Davidson, a white student and president of the law student council, formed an ad hoc committee for the recruitment of black professors. At the time, there were two black lecturers, who were not part of the full-time faculty. They each served only the duration of their courses, one semester.

Of the potential full-time candidates, “[Many of the attorneys will in all probability be engaged in active urban practices],” Davidson said. “[Our] student interest might be one of the factors in their decision.”

By 1972, a white student writing for the Weekly penned, “After two years of
The pressure they applied worked. UVA hired Larry Gibson, a graduate of Columbia Law School, who left the Baltimore law firm where he was a partner to accept the teaching position. (Two years later, Gibson accepted a faculty position at the University of Maryland School of Law, where he continues to teach. He is also a partner to accept the teaching position.)

The hiring of black faculty continued to be spotty as the years progressed. Samuel Thompson was the first African-American tenured professor at UVA Law. (Thompson started in the fall of 1977 and left Virginia in 1981. He would later serve as dean of the University of Miami School of Law, where he is currently a professor at Penn State Law School.)

After Thompson's departure, it took two years for UVA Law to hire a black full-time professor again, with the addition of Professor Alex Johnson in 1983. Growth in black law student numbers at UVA Law also came more slowly than BALSAs would have wished. But BALSAs continued to reach out to black prospective students as part of annual recruiting efforts, and remained outspoken about student and faculty representation.

In 1983, National BALSAs removed the “American” from its name to be inclusive of black members who are not of American nationality. That change is reflected in the current UVA BALSAs, an award-winning chapter that has operated at the Law School for almost 50 years.

We understood there was boldness and audacity, but that was how you did things back then.

Bobby Vassar ’72

On the BALSAs Press Conference

Everything Had to Be Perfect: the March 23, 1972, press conference in Clark Hall was to have its intended effect. “We were dressed for the occasion, looking professional, and made sure our materials were grammatically correct and accurate,” said Bobby Vassar ’72 in recalling the culmination of BALSAs campaign to see a black faculty member hired at UVA Law. “We made sure we did all the things we thought would make it credible.”

Not only did BALSAs have the ears of state and federal organizations that dealt with discrimination, to whom they were sending their letters of complaint, but they also had the eyes of the news media, some of it national. “We understood there was boldness and some audacity, but that was how you did things back then,” Vassar said. He didn’t recall much nervousness among the group as they prepared for the press conference in Clark Hall, to have its intended effect.

The next day, Wednesday, Professor Gibson from Baltimore, who had taught a course at the Law School, was on the campus and came by to see us to tell us he was offered a job starting the next semester,” Vassar said. The lecturer and law firm partner told the students the dean made him “an offer he couldn’t refuse.”

Vassar went on to become a public interest lawyer. His career spanned from being a legal aid attorney in Roanoke, Virginia, just after graduation, to recently retiring as Democratic chief counsel for the Subcommittee on Crime, Terrorism and Homeland Security of the U.S. House Judiciary Committee.

He continues to work part-time as senior counselor for Bay Aging, a Virginia Area Agency on Aging, and volunteers as a member of numerous government and nonprofit boards and commissions.

Diligent searching for a black professor, the Law School faculty is still lilywhite and is likely to remain that way for the immediate future.”

The article indicated that part of the problem was that the hiring committee was reaching out to their peers among top law schools, where there was already a shortage of black professors. Still other potential candidates felt ill-at-ease in the South, according to Associate Professor Jerry L. Mashaw, who chaired the subcommittee on minority recruitment.

“Professor Mashaw said that one highly desirable candidate stated outright that Washing- ton, D.C., was as far south as he would go,” the article read. But Vassar, who had become BALSA’s convenor in his third year, told the Richmond Times-Dispatch that “the difficulty of the task should not be used to excuse the lack of results.”

BALSA had presented the hiring committee with a list of 50 potential professors who the group felt were qualified to teach various subjects; many of them were not contacted. ""
I grew up in Ettrick, Virginia, the home of Virginia State College—now Virginia State University. It’s a historically black college, a land-grant college. I was the child of a professor at the college, and subsequently my mother became a teacher at the elementary school that was run by the college, and later a professor. So I and my fellow classmates had an educational experience that was unusual for young black kids of the time because we had a state-of-the-art education available to us. But it was a different and delightful upbringing. And surrounding us, of course, was a white community. My upbringing was very much in a black-only environment.

WHEN DID YOU DECIDE YOU WANTED TO BE A LAWYER?

I think that I was about 9 years old, somewhere in the third or fourth grade. If you remember back to those days, you’d be playing a game of some kind, and the game would devolve into an argument. Whether it was over somebody cheating or the rules or a leftover argument from lunchtime, whatever it was, I often played the role of the broker, the dispute resolver. I was interested in those dynamics. Dynamics is not a word that a third-grader would use, but I was interested in what happened there. And I loved that it was possible to get the game back on track. Somehow, I associated that with being a lawyer.

WHY DID YOU CHOOSE UVA?

Well, when I went to law school, we were in Clark Hall. The current law school opened not that long after I left. The murals in Mural Hall were pretty surprising and delightful, with the classical portraits of nearly nude people. I said, “OK, great, I get it.” I [also] clearly remember walking into the law library and saying to myself, I'm finally here. After all those years of wanting to be in law school, I think the sight of the law library and the students there studying, and all of those law books, just impressed me so much.

WHAT WAS LIFE LIKE AS ONE OF THE FEW BLACK LAW STUDENTS HERE?

I had an expectation of a law school of the caliber of the University of Virginia having a larger cadre of black law professors. Where I thought they were going to get them, I don’t know. But that was something that I noticed was definitely missing.

And I recall a specific encounter in my property class. We were talking about laws relating to public housing, and the regulations, you know, what would work for providing housing in poor neighborhoods. I asked the question: Who’s going to
I had all these great ideas for what we could do at the Law School. This was before the election, and I had a meeting with the dean. After presenting my good ideas, the dean asked me how many students I represented. Well, I didn’t represent any students; I represented myself. I had some good ideas, and he said, look, everybody’s got good ideas. And, you know, yours are just as good as anybody else’s. Well, a few weeks later, I said, “I represent all the students and this is what we want.” So it was a privilege, truly a privilege, to be able to speak on behalf of the students.

Another thing was the ability to actually change some things about how the Law School operated. One of those was socially. Before I was president of the Law School, having a beer or a glass of wine on Law Grounds was something that had not happened, was not going to happen, and we were told was not possible. And it wasn’t that I wanted to drink beer or a glass of wine on the party. That was not the point. The point told was not possible. And it wasn’t that I wanted to drink beer or a glass of wine on Law Grounds was something that was not going to happen, but the party. It was incredibly complicated.

I was invited, and we served green beer. For me it was really present this to the black community? How do we know that the black community’s going to listen to you? There was a human element to the conversation that, for me, was missing. And that was a notable conversation.

YOU BECAME STUDENT COUNCIL PRESIDENT AT THE LAW SCHOOL. WHAT WAS THAT EXPERIENCE LIKE FOR YOU?

School had to be declared a private location for the period of the party. It was incredibly complicated.

However, on March 17, 1972, we had a St. Patrick’s Day party in Mural Hall to which all the students and all the faculty were invited, and we served green beer. For me it was really bringing together the law students and the faculty in a social commonality such that everyone had a sense of belonging.

And that was my intention.

DIID YOU ENJOY YOUR FIRST JOB? WHAT DID YOU DO DAY-TO-DAY?

I did legal research on legal questions. The Urban Mass Transportation Administration provided grants to local governments to pay for bus and train systems. So it paid for the train system in Atlanta. It paid for part of BART in San Francisco. One of my first assignments was to participate on the first federal task force on the rights of disabled citizens. The task force was charged with coming up with regulations related to access of disabled people to train systems. And we talked about the subway system in New York—there weren’t any elevators, there weren’t escalators or any of what’s there now. And the question was: What was going to be required of New York City to implement this new Americans with Disabilities Act that had been passed the year before [1972]? So that was one thing that I participated in.

From time to time, we’d get a question from the White House that needed to be researched and responded to. It was quite varied, which I enjoyed. And I thought that mass transportation systems were just so relevant to people’s lives in cities that I thought the work that we did mattered.

WHAT INSPIRED YOU TO WRITE “THE SEXUAL HARASSMENT HANDBOOK”?

Well, the chief thing that the #MeToo movement is providing is women speaking up and women saying what has happened to them, and that’s critical. Most sexual harassment is not reported. Most women—at least up until now—have kept this to themselves.

Yes, women do need to be heard as credible. The difficulty—and I’m not sure how we’re going to resolve this—is that when you’re in a workplace setting, or when you have an administrative complaint, or when you have a lawsuit, there [needs to be] a forum in which the target of the action and the actor can be heard, and there [needs to be] someone with authority to make a determination as to what happened—make a determination as to whether there was sexual harassment and come up with some kind of remedy. You can do that inside of an institution.

I think our challenge is that once you’re outside of an institution, once the person’s not working there anymore, or if the person’s not an employee, or the applicable statutes of limitations have expired, we want to hold people to account for their actions, but what we don’t have is a larger and broader social forum. Right now, it’s the media. And God bless them, but, A, they’re not equipped to determine what happened; B, it’s not their job; and, C, if we want to endow them with that ability, then we should just say that.

But there is a larger conversation. It’s out in the open now. People are talking about it. What I’m hoping is that people are now empowered when somebody acts inappropriately with them to say something at the time.
Alfonso Carney Jr. ’74 views his successful career and subsequent public service as stemming from debts of gratitude he owes— to friends, family members, mentors and institutions who helped him along the way.

The barber’s son from Norfolk, Virginia, graduated from the selective Trinity College in Connecticut, taught high school for about a year, then spent three years on scholarship at UVA Law. Here, he worked “harder than I believed possible, and not always with the greatest success.” But “failure was not an option,” Carney said.

He didn’t want to let down his supporters back home, not the least of whom was his “quietly proud” father, whose barbershop was an African-American men’s meeting place. Everyone from doctors to dockworkers would get a haircut there and talk about matters of the day, including civil rights. Although Carney had helpful professors “and most especially, supportive classmates” on whom he relied at Virginia, he never had a true mentor. For the most part, he had to figure things out on his own.

“I was no one’s protégé,” he said. But he remembered what his father had often told him: “Son, remind yourself, ‘I didn’t come this far just to come this far.’”

There was a black attorney back home whom Carney greatly admired. With this man as his inspiration, Carney graduated and was ready to practice law, hopefully under his role model’s tutelage. Unfortunately, the attorney was unable to take on an apprentice at that time. Carney instead took a legal department job with General Foods in New York—a job made feasible by a black lawyer who had joined the firm six years earlier.

“This man became a mentor who chose to show me the way,” Carney said. It was essential to his success to have found an “advocate and a shield,” he said.

“This black man was putting his own career on the line for me. It worked. In any legal work environment, as a person of color at least, one had to find a mentor, someone who believed in you and your skills enough to provide direction and protection. Decades later, success in large legal organizations is difficult without cultivating a relationship with someone whose opinion matters in the firm, someone whose reputation is fixed and unassailable.”

But Carney didn’t just want to thrive; he wanted to excel. He made the decision to re-evaluate his position every three years. Was he being paid fairly? Was he moving up? Was he challenging himself? And was he still happy?
In the companies in which I worked, marketing and finance people were on two- or three-year success tracks,” Carney said. “I adopted that for my own as a lawyer. I would evaluate my successes and failures. Based on evidence, I would make the decision to stay or try to move to something else.”

The approach worked well for building a successful career. Carney took on various counsel roles after he began with General Foods in 1975. He was senior international counsel when the company was acquired by Philip Morris and then combined with another acquisition, Kraft Foods. He later served as assistant general counsel and assistant secretary of Philip Morris Companies Inc. and corporate secretary of Philip Morris Management Corp.

He retired as vice president and associate general counsel for corporate and government affairs with Altria Corporate Services, an affiliate of Philip Morris USA.

Carney went during his career from being a young man who had never flown to leading legal teams making international deals in Western Europe and in such countries as China, India and Thailand. Before leaving Philip Morris, he had become national counsel for what was then the most powerful corporate lobby in the country.

These days, Carney is busier than ever. Advancement is still on his agenda—albeit now in the interest of public service.

As chairman of the Dormitory Authority of the State of New York, the state’s largest facilities finance and construction authority, Carney has spurred economic growth and helped create new opportunities for minority-owned businesses. In 2017, the authority issued more than $6 billion in bonds, the No. 2 issuer in the nation.

He is also chairman of the New York City Water Board, which sets water and sewer rates with the public interest in mind. Carney chairs public hearings and meets often with groups in the five boroughs.

“We provide a billion gallons of water a day to the people of New York City and beyond, at rates that are fair and equitable,” he said.

Equally close to his heart is educational advancement.

Through his Manhattan-based Rockwood Partners, a company that provides his professional services and those of his spouse on a contract basis, Carney helped the Goldman Sachs Foundation burnish its reputation for altruism. For a brief period as acting chief operating officer and corporate secretary for the Foundation, Carney joined a team that helped promote minority scholarship.

Carney has also served on the boards of his alma maters (and other schools), including the UVA Law School Foundation.

Carney took pride along with other members of the Foundation as the endowedowment grew over the years. He said he has appreciated being able to provide an important voice on minority concerns.

The former chair of the Foundation’s Executive Committee, Carney continues to serve as an honorary trustee and returns to the Law School every spring and fall for board meetings.

But even with his many accomplishments and extensive public service, Carney’s biggest source of pride is his family.

His sister became the first board-certified black female retina surgeon in the country. His wife, Cassandra E. Henderson, is a respected OB-GYN and a professor at the Weill Cornell Medical College. His daughter, Alison Carney, a Mount Holyoke graduate, is a professional musician and singer. And his son, a graduate of Amherst College, Alfonso Carney III is a student at UVA Law. He is poised to graduate this spring from the J.D.-MBA program.

“One of the proudest moments of my life was when my son decided—on his own, he had options—that he would attend the University of Virginia School of Law and the Darden School of Business,” Carney said. “He has loved being at UVA, and we’ve taken great pride in his success and in something so simple as being able to pay his tuition and fees, which I hope makes it possible for the school to consider scholarships for other minority students.

“Much of what I am I owe to the Law School. It is a debt I shall never be able to repay.”

“Why Failure in School Was Never an Option”

In August 1954, as I turned 6 and prepared for the adventure that would be first grade, my father, a Norfolk barber, took me to the back porch stool, where he always spoke important words to me.

This time, his words could not have been more frightening. He told me that the High Court—thought of basketball—had decided in May that white and “Negro” students must be educated together as it should expect to have white students in my class very soon. I and my sisters had been taught to be wary of whites, that they were often not kind, that they could be dangerous, and that they did not like being stared at, especially their women.

Who were these basketball players who could force me and my friends to go to school with those people?

For weeks in the first grade, I expected to see white students come into my class. When I finally asked when they were coming, my teacher, Miss Reid, said, “Alfonso, not this year.” I graduated 12 years later with honors from the segregated Booker T. Washington High School. I like to say that often—maybe sometimes too often—I have continued to see the world through race-colored glasses.

As I was entering college, and later law school, failure was not an option. No longer “Negroes,” the black people who nurtured me expected much. I could not let them down. Not the least among them was my quietly proud father, whose barbershop had always been a meeting place for black men in the community, which is still mostly segregated.

These men would get their hair cut, often on a Friday or Saturday night, and chew the fat about the latest black folks to appear on television; hear about recent victims of cancer and the then-mysterious “high blood pressure” (killers in a community of people too often unable to afford reasonable medical care); and hear the opinions of community leaders regarding civil rights, rights believed to be so important they were sometimes referred to as “silver rights,” whose barbershop had always been a meeting place for black men in the community, which is still mostly segregated.

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HEN THEODORE W. “TED” SMALL ‘92 began his education at the Law School in 1989, he was surprised by what he saw. Black and white students sat alongside each other in courses, but led separate lives outside of the classroom. For the most part, they ate, studied and socialized apart from each other.

“I kind of had an immediate sense that something was awry and wrong with this scenario,” said Small, who had grown up in DeLand, Florida, a small town with a history of racial segregation. “Even though we were at a top-10 law school and were expected to be molded into the next generation of leaders, we were still living by the unwritten Jim Crow rules of social separation between the races.”

Small, who graduated magna cum laude in history from Harvard University, came to the Law School as a Hardy Cross Dillard Scholar, which included a full-tuition award. He became friends with the other scholars, many of whom were white, so he was ideally placed to bridge the two circles of students.

“Because of my natural inclination to have friends who were racially and socially diverse, it seemed to me that there was something that needed to be done—and that could be done and that should be done,” he said.

He created a new organization, Students United to Promote Racial Awareness, or SUPRA, as a way to help provide “neutral ground where the thoughts and feelings of one race could come directly into contact with the thoughts and feelings of another.”

SUPRA started as a discussion group of 10 people whose numbers were equally divided between black and white students, many of them Dillarders. (The vast majority of Law School students of color at that time were black, he said.)

Because the group was centered on conversation over a potluck dinner, everyone would bring something to the table. In the group’s first meeting, Small invited participants to talk about a “color line memo” he wrote, based around W.E.B. Du Bois’ notion that the color line was the most pronounced problem of the 20th century. While legalized segregation had ended, racial divisions still remained. Small’s memo outlined his reasons for creating the group.

“Instead of addressing affirmative action, which generated plenty of very tense debate within the Constitutional Law classrooms, we simply talked about this notion of the color line and how it existed around us and what our thoughts and feelings about it were.”

After that, members took turns coming up with a topic, preparing articles to read and respond to, or bringing some other thought-provoking items to generate conversation about race.

University of Virginia President-elect James E. Ryan ’92, also a Dillard Scholar, was in that first group.

“At the beginning it was hard and it was awkward, and everyone was a little bit nervous,” Ryan told Virginia magazine. “You’re worried about causing offense. You’re worried about being offended. But what happened over the course of probably 2 1/2 years that we kept this group together is that we all became incredibly comfortable with one another and had a lot of really honest conversations.”

By the time Small graduated, 13 SUPRA groups had formed, involving more than 130 law students. It was so popular that some groups had to break the rule of equal representation, and some evolved to meet over bar review instead of dinner.

“I always had more white students who wanted to participate than I had African-Americans who could participate,” Small said of his effort.

Jeannine Lesperance ’92, then a Dillard Scholar who grew up mostly in Michigan, said she was raised in a homogenous environment, though her parents were liberal and open-minded.

The group discussions opened her eyes to some of the everyday offenses people of color experience, said Lesperance, now an administrative law judge for the Social Security Administration. And it exposed the students to different kinds of diversity, from race to sexual orientation.

“It was a really safe and supportive environment in which to talk about some of those difficult topics,” she said. “I think
entered the profession. In 1969, he joined Chemical Banking Corp. (now JPMorgan Chase & Co.) in New York, he lived a life with no medical or law school. During an internship with Chemical Bank—

“...and I didn’t like blood," Small said.

Students also told him they felt more empowered to deal with issues of race as they entered the profession.

**ORIGINS OF A ‘SOCIAL ENGINEER’**

Small had made a lasting impact at the Law School. His determination to surmount the color line came from growing up in the South. "As a little boy I remember seeing the KKK riding in the Christmas parade. I thought it was kind of cool, so I waved at them." His family elders quickly snatched him up, warning of the danger.

His father, Theodore St., had a yard-care business for more than 50 years and his mother, Beatrice J. Small, cleaned houses and did other domestic and personal care work. But he was encouraged to be either a doctor or a lawyer.

"I dismissed the notion of becoming a doctor because I met in that first year, in first semester, some of the great teachers at the Law School and with many of them have developed a lifelong friendship and interest in civil rights and voting rights. With Karlan, his small-section professor, Small forged a lifelong connection outside of the classroom, he enjoyed learning law and better understanding the connections between law and society. He had classes with Bob Scott (Contracts), Saul Levmore (Torts), Richard Bonnie (Criminal Law), Pamela Karlan (Civil Procedure) and John Jeffries (Federal Courts). With Saul Levmore (Torts), Richard Bonnie (Criminal Law), Pamela Karlan (Civil Procedure) and John Jeffries (Federal Courts). With Saul Levmore (Torts), Richard Bonnie (Crimi

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“I dismissed the notion of becoming a doctor because I didn’t like blood,” Small said.

Going to Harvard for his undergraduate education opened up different possibilities, and he weighed his next step, business or law school. During an internship with Chemical Banking Corp. (now J.P. Morgan Chase & Co.) in New York, he lived in Columbia University’s dorms (then Barnard College), on the fringe “of what appeared to me to be two different worlds.” Nearby Harlem looked much like his hometown, where

**BRIDGING DIVIDES**

Even as Small worked to improve the social connections outside of the classroom, he enjoyed learning law and better understanding “how the world works.”

He had classes with Bob Scott (Contracts), Saul Levmore (Torts), Richard Bonnie (Criminal Law), Pamela Karlan (Civil Procedure) and John Jeffries (Federal Courts). With Saul Levmore (Torts), Richard Bonnie (Crimin

“I met in that first year, in first semester, some of the greatest teachers at the Law School and with many of them have developed a lifelong connection outside of the classroom on issues of common interest.”

After law school, Small carried forward the lessons learned as his career progressed. He clerked for Judge Joseph W. Hatchett of the U.S. Court of Appeals for the Eleventh Circuit, then joined and eventually became a partner with Holland & Knight, where he practiced commercial litigation and employment law in its Tampa, Orlando and Washington, D.C., offices.

Over the years, Small has chaired and been the member of several American Bar Association committees, including the Commission on Homelessness and Poverty, served on the board of Florida Legal Services Inc.; and served on the Law School’s Alumni Council and Dillard Scholar selection committee, among other public service work. He was a founding member of the Ron Brown Scholar Selection Committee, a scholarship program aimed at talented black high school students.

In 2004, Small started his own law office in DeLand, representing an independent special taxing district as its outside general counsel, and private clients in business and employment law matters. He has returned to his roots in other ways as well. He started the Color Line Roundtable, a multiracial group of interested citizens devoted to discussing racial issues.

Community leaders, including the school superintendent, mayor, police chief, sheriff and pastors, attend the group’s monthly meetings, which he began in 2016 in the wake of a string of police shootings of African-Americans.

“The notion that blacks and whites cannot have a thoughtful and honest conversation about race in America without becoming disagreeable or possibly violent is a notion that we’ve got to overcome if we’re actually going to make progress on this issue,” Small said.

“At the end of these meetings, if one or two people come up to me and say they changed the way they thought about race or the way they thought about whatever the topic of conversation was that we were discussing, then I feel like the effort was worthwhile.”

**A TIME FOR DISCUSSION**

Though SUPRA ended in 2010, other diversity-minded efforts have developed at the Law School over the years, including the Center for the Study of Race and Law, which began in 2003 (see story on p. 24), and student organizations such as Women of Color and the Minority Rights Coalition. Students in recent years have organized allyship events, encouraging and celebrating support for students of color and affinity groups, and the Student Bar Association sponsors an annual Diversity Week offering a range of discussions, talks and a festival where students celebrate their differences.

“The time that SUPRA disbanded itself was a time of tremendous economic prosperity,” Small said. “Everybody felt that race was no longer as divisive a concept, that it wasn’t as prone to divide us a much as economics and politics.”

But with racial issues again at the fore in the national conversation, Small said it may be time for more groups like SUPRA.

“I think what we’ve seen in this nation in the past couple years, particularly with the economic downturn in 2008, is that there is a huge reservoir of racial tension that has not been adequately discussed in an honest and open way between the races.”

He said having conversational forums like the Color Line Roundtable and SUPRA in place “allows me to feel like something positive and helpful is being done about a societal problem that many feel is hopeless.”

**“If someone with my background cannot make you feel comfortable talking candidly about race then you’re just not open to a conversation that we as a nation must have.”**
COMING TO WORK amid camping tents and a roaring fire might seem odd for any other general counsel. For Wilma Wallace ’89, however, it’s fitting as the new top attorney for REI, the consumer cooperative focused on outdoor sporting. She loves that on any given day she has the flexibility to wear hiking boots and a flannel shirt to the office. After all, everyone else does.

Wallace assumed her role as vice president, general counsel and legal secretary in October. She oversees a team of two lawyers and nine other staff members at the Seattle headquarters. Previously with Gap Inc., Wallace said the move was a leap from the investor-driven corporate environment to which she had grown accustomed. At REI, the co-op’s members—about 16 million of them and counting—drive the culture. REI has 153 stores in 36 states.

“The co-op model is a bit of a unicorn,” Wallace said. “We’re not as constrained by daily, weekly or monthly investor reports or share price. There’s certainly the inclination to have a longer line of sight. You can look at more of the long-term impact of decisions you are making.”

Wallace worked for more than two decades as an attorney with Gap Inc., whose family of companies includes Gap, Old Navy and Banana Republic. As deputy general counsel, she oversaw commercial litigation and commercial transactions globally, and several of the company’s compliance functions.

Wallace helped build the company from a $4 billion valuation in 1994 to a $16 billion one. Her work for the San Francisco-based clothing giant culminated in her becoming vice president of global sustainability—a role that focused her efforts on improving ethical and sustainable sourcing practices.

That job landed her on the board of the Alliance for Bangladesh Worker Safety. While Gap Inc. was not a company associated with the 2013 building collapse in that country that killed more than a thousand garment workers, Wallace still wanted to be part of the solution.

She was also influential in drafting Gap’s first corporate responsibility report in the late 1990s. So when she sought a new challenge, REI made her short list. After an interim position with Enveritas, a nonprofit developing sustainable business practices for coffee-growers in Africa and Latin America, the timing was right.

“It’s a continuing dream,” the outdoor enthusiast and longtime co-op member said.

Wallace is an avid trail runner, hiker and bicyclist. As a student at UVA Law, she didn’t miss the opportunity to explore the Blue Ridge Mountains and Charlottesville with law school friends. When not outdoors or in class, she was a participant in moot court, a coordinator for student summer internships, and a member of the Critical Legal Society and the Black Law Students Association. Among many fond memories of the Law School, Wallace said, she appreciated the sense of community, development of lifelong friendships and the impact of professors such as Alex Johnson and Mildred Robinson in creating a sense of belonging.

“They helped take some of the mystery away from the law school experience,” she said.
They Are a Rarity for UVA Law: Judges Who Are Husband and Wife.

Judge Raymond Jackson ’73 sits on the U.S. District Court for the Eastern District of Virginia. Appointed by President Bill Clinton in 1993, he was the first African-American federal judge to serve in South Hampton Roads.

Judge Gwendolyn Jones Jackson ’72 is retired from the Norfolk General District Court, but still hears cases as a substitute judge. When appointed by the Virginia General Assembly in 1991, she was the first African-American female judge in South Hampton Roads, and only the second woman appointed to Norfolk General District Court bench.

The Jacksons, during their pioneering careers, have heard cases on almost every topic that can be brought to court. With each one, they said, they have endeavored to bring a professionalism to the bench that reinforces the dignity of all participants, while keeping the best interests of their community in mind.

Considering Others’ Time

Judge Raymond Jackson said a judge first demonstrates respect by being prepared. “The Eastern District of Virginia has a reputation for being very quick and efficient in disposing of litigation,” he said. “It is often called the ‘rocket docket.’ As a judge, I try to make sure I am prepared when I walk into the courtroom, and that I do not waste the litigants’ time in addressing issues.”

His caseload is a mix of high-stakes civil and criminal cases, driven in part by the large number of federal employers in the district and the litigation they inevitably generate. He may hear a homicide case one day, a patent infringement case the next.

The judge is also well-known on the bench for being an outspoken proponent of sentencing reform whose interpretation of federal sentencing guidelines in United States v. United States was upheld by the U.S. Supreme Court in 2007. The decision affirmed judicial discretion in sentencing the possession, distribution and manufacture of crack cocaine—which carried heavier prison time compared to similar powder cocaine offenses.

Jackson played Handel’s “Hallelujah” chorus on a boom box in his office when he received the news of the Supreme Court’s ruling.

Just as he remembers every person he sentenced to death, he remembers every person he sentenced to life in prison once mandatory minimums took effect. “After 24 years, their families are still writing,” he said. “I do not have any remedy for them, though I realize [the family member] should never have received a life sentence.”

Jackson said his early-career exposure to federal litigation, in addition to a host of civic and community involvements, led to his appointment to the bench.

He started out as an officer in the Judge Advocate General’s Corps of the U.S. Army, gaining extensive experience trying courts-martial as chief defense counsel at Fort Bragg and the Training and Doctrine Command at Fort Monroe. (He would later retire from the U.S. Army Reserve as a full colonel.)

He subsequently joined the U.S. attorney’s office in Norfolk, where he rose to executive assistant U.S. attorney and was the first African-American to manage the offices in the Norfolk and Newport News divisions of the court. He also served as chief of both the civil and criminal divisions.

Over his career, Jackson has been involved in numerous professional organizations. He has served extensively in professional organizations. He has served extensively in professional organizations.
leadership roles with the Virginia State Bar, including chair-
man of the Standing Committee on Lawyer Discipline and
Bar Council representative, and is a past president of the
Old Dominion Bar Association. From 2006-02, he served as
president of the Anson-Hoffman Chapter of the American
Inns of Court.

He has taught as an adjunct professor at William & Mary
School of Law, and at bar associations and judicial confer-
ences. He earned his bachelor’s in political science from
Norfolk State University.

In addition to being an instructor and mentor to new federal
judges, Jackson has provided opportunities to students as
clerks and externs, and spoken at schools and other venues
to encourage those aspiring to the legal profession, perhaps
even to the bench.

“There’s a dearth, still, of African-American lawyers,” he
said. “I think it’s always important to give back, to reach back,
and extend a hand to bring someone else along.”

HEARING OTHERS’ VOICES

Judge Gwendolyn Jackson estimates she heard about a mil-
lion cases—literally—before giving up full-time status on the
bench in 2015 after 24 years.

Jackson served as the first Area II director of the Hampton Roads
Assembly, Jackson was an attorney for 18 years in several
cities. She represented clients in cases involving employ-
discrimination cases and other matters of general practice.

“One day, one of the partners said to me, ‘Gwen, you should
go to state court and learn how to try a traffic case.’ So I went
to the Richmond Traffic Court and tried that traffic case.
Who would have thought that 18 years later that my first assign-
ment as a judge would be in traffic court?”

Like her husband, Jackson has had a career-long com-
mittment to community service. She served for a decade on
the Vocational Education Advisory Council of the Norfolk
School Board. She served three terms on the board of the City
of Norfolk Employer’s Retirement System, which managed
a $300 million retirement fund, and was chair for a period.

Jackson has taught 22nd and 25th Ward United Civic
Center, and has volunteered for more than 20 years, and encouraged young people in and
out of court to read and participate in their community.

She earned her undergraduate degree in English from
Hampton University, and is a member of Delta Sigma Theta Sorority, The Silhouettes of the Kappa Alpha Psi Fraternity
Inc. and The Woman’s Club of Norfolk.

BRINGING WORK HOME

Given that judges are known to have the final say, has living
in a two-judge household ever been—trying?

Not at all, they said. Their differing venues, and, by default,
dissimilar cases, have made it easy to avoid philosophical
disputes. Besides, at home, family comes first.

“We have always basically had our focus on raising our
children and being involved in their daily activities,” Raymond
Jackson said.

“While the children were growing up, we planned family
evening every night,” Gwendolyn Jackson affirmed. “We had
ever been lawyers.

As a judge, she said, “I believe you should listen
to the people. They will be willing to accept even an adverse
court ruling if they know they’ve been heard.”

Jackson said her ability to actively listen to participants’
concerns has been essential.

“All of the cases are important to the litigants,” she
said. “One day, one of the partners said to me, ‘Gwen, you should
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ERROL AND KIM PHIPPS, CLASS OF 1991, have enjoyed successful careers as lawyers. Errol has risen to vice president and associate general counsel at AT&T, a top-10 company in the Fortune 500. Kim provides counsel for insurance giant Liberty Mutual, serving as a litigator.

But with the path they chose came an underlying question. Would they want their children to be attorneys? They met their first year in law school—to be precise, a week before the school year began. Professors Alex Johnson and Mildred Robinson hosted a welcome session for black students.

The two 1Ls had no idea then that they would one day become a family, much less the first multigenerational black family with both parents to have attended UVA Law.

“The black students in our class were generally pretty close,” Errol said. “I hung out with a group of guys, and sometimes we hung out with Kim and a group of her friends. And so we kind of just slowly got to know each other that way.”

The Harvard-educated Kim Bailey and NYU-educated Errol saw each other at Black Law Students Association meetings, at recreational sporting events and on social outings. They became an item and got married Aug. 18, 1990, right before starting their third year.

Now based in the Dallas-Fort Worth area, the couple look back with fondness at their law school years. If they have any regrets, they said, it’s that they weren’t involved in more extracurricular activities, such as moot court.

But whatever variety he might have denied himself at UVA, Errol has more than gotten during his 22-year career in telecommunications, he said. After four years as a litigator in private practice, he joined Southwestern Bell, which is now AT&T, in 1995—initially as a litigator. Since then he has worked for the company in Washington, D.C., doing federal regulatory work; spent 11 years in Atlanta at AT&T Mobility supporting marketing, compliance and operations; and has supported product, network and sales organizations since moving back to Dallas in 2014.

“I feel like I’ve had at least five or six different careers, all within AT&T,” Errol said. “It never gets boring.”

Kim, too, has had a varied practice, in part because of Errol’s relocations. After UVA, she became a bankruptcy attorney at Locke Purnell Rain Harrell (now Locke Lord) in Dallas, which introduced her to litigation. She went on to work in-house for Zale Corp. and Mills Corp., focusing on contracts, before joining Troutman Sanders in D.C. and Atlanta, and starting her own firm representing white-collar clients in tax controversies and other disputes. After the move back to Texas, Kim worked as a contract attorney for several companies before joining Liberty Mutual.

“In a different way, AT&T has given me an opportunity to have a number of different careers,” she said.

Well-versed in both the rewards and challenges of practice, Kim and Errol didn’t encourage their now-college-age daughters, Sydney and Sara Phipps, to be lawyers. Yet they didn’t discourage them, either.

“For both of them, we never took a position,” Errol said. Sara, a Michigan grad, is now in her first year at UVA Law. Sydney, a senior at Penn State, has had law as her career aspiration since childhood.

Sara said, for a while, she was dead-set against being a lawyer.

“My sister has always wanted to be a lawyer since she was young, and I was going against that as hard as I could,” she said. But a study-abroad class in Italy that explored how the law affects business practices changed her perspective.

“I think once I decided I was going to go to law school, UVA kind of naturally rose to the top, because of my parents,” Sara said. “They enjoyed their experience, and friends who I met who went to UVA also enjoyed their experience. A lot of people I talked to compared it to Ann Arbor, where I did my undergrad.”

Sara, who is in the student small-section “J” like her father was, is a member of BLSA, the Lone Star Lawyers club and the Virginia Law & Business Society. “So far, I’m loving it,” she said of her first year.

She is interested in practicing corporate law—possibly real estate or white-collar defense.

Now that lawyering appears to be the family business, Dad said he is not on the fence about where he hopes daughter Sydney, who will be taking a year’s break, attends.

“Once law school was on the table, UVA was certainly my No. 1 pick for where they would go,” he said.
Standard-bearers.

Sixty-eight more outstanding black alumni chosen in honor of the 68 years since UVA’s first black student, Gregory Swanson, entered the Law School.

AHA ADAMS ’81 is in business and securities litigation and counseling at Kapos & Gray in Washington, D.C.

DELORES BOYD ’75 is a partner in the U.S. District Court for the Middle District of Alabama.

JESSICA CHILDRESS ’10 is founder of The Childress Firm, based in Washington, D.C., and Janus Prudence LLC. She is author of the children’s book “The Briefcase of June P. Prudence.”

DASHA SMITH-D’WYN ’18 is executive vice president and global chief human resources officer at Sony Music Entertainment in New York.

HERBERT W. “BUTCH” GANZY ‘02 is a partner at much shareholder LLP and diversity and inclusion res提s officer at Hogan Lovells.

TERRICA REDFIELD TILLMAN J. ’01 is a partner with Bailey & Williams in Norfolk, Va.

TIFANY MARSHALL ARNSBERG ’19 is counsel with Hunton & Williams in Norfolk, Va., and a Law School Foundation trustee.

ROSCOE C. HOWARD JR. ’77 is chairman, CEO and president of Phila-delphia’s Television Network Inc.

RICHARD H. GLANTON ’72 is managing partner of The Miller Law Firm Detroit. He formerly served as corporation counsel for the city of Detroit and general counsel for the Detroit Branch NAACP.

JEREMIAH “JERRY” DEBERRY ’91 is a partner at BakerHostetler in Houston, a partner with Ropes & Gray in its business & Gray in its business and securities litigation practice in Washing-

TIFFANY MARSHALL ARNSBERG ’19 is counsel with Hunton & Williams in Norfolk, Va., and a Law School Foundation trustee.

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Tiffany Marshall Arnberga ’08 is counsel with Hunton & Williams in Norfolk, Va., and a Law School Foundation trustee.

Richard Hollowsworth ’94 is a partner at Katten Muchin Rosenman in Chicago.

Janae B. McClinton ’05 serves as special assistant to the President at the University of Kansas School of Law.

Claim Tribunal and a senior legal adviser on international law for the Ethiopian Ministry of Foreign Affairs.
WHAT KIND OF STONES BUILD A STRONG FOUNDATION? MILESTONES.
The law school celebrated a significant milestone last year by surpassing $500 million in endowment—the fifth-largest among all law schools, public or private.

The engine of this success is the Law School Foundation and the alumni it serves. Members of the Law School Alumni Association, formed in 1921, created the Foundation in 1952 as a trust. They formally incorporated the Foundation in 1968—five decades ago this year.

The Foundation launched its first annual giving campaign in a passionate letter to alumni dated Sept. 9, 1965.

“I am told that a fanatic is a man who redoubles his efforts after forgetting his aim,” Dean Hardy Cross Dillard ’27 wrote. “Well, we haven’t forgotten our aim: It is to build the best law school in the United States and to achieve not spotty excellence but total excellence—faculty, students, staff, library, law review, moot court, placement office, student activities, graduate work—up and down the line.”

Dillard knew that UVA Law alumni would never settle for anything less. And they haven’t. For the past 12 years, the alumni giving rate has exceeded 50 percent and even touched 54 percent.

How did the alumni participation rate at Virginia become the gold standard of legal education? The “secret sauce,” according to Helen M. Snyder ’87, chief operating officer and director of annual giving, is simple: People enjoy their time here. “So many alumni say this was the best three years of their life,” Snyder said. “The secret is the school. Our peers say it’s not fair because our student experience is such an advantage.”

Loyal and generous giving has also dovetailed with the Foundation’s role in the Law School business model.

FINANCIAL SELF-SUFFICIENCY

The Law School became financially self-sufficient in 2002, an arrangement with the University that permits flexibility on tuition and some autonomy on managing the Law School in exchange for a tax the Law School pays to the University for indirect costs. (The school also shoulders operating costs, such as replacing windows.)

Under financial self-sufficiency, the Law School does not accept any state funds and relies exclusively on tuition and private support.

“It was a vision held by the Law School and shared by the University in order to secure excellence and compete at the highest level,” said Luis Alvarez Jr. ’88, president and chief executive of the Law School Foundation.

Alumni and other donors would have to contribute to make it work. Resources matter, and before financial self-sufficiency, Virginia lagged its peers in giving and endowment. Comparatively low tuition widened the gap.

“But since the advent of financial self-sufficiency, Virginia has soared,” Alvarez said.

Fundraising became essential to the Law School’s success. Virginia is financed just like its private peers, with the challenges and opportunities that come with it.

The results of self-sufficiency’s success have been passed on to the benefit of students and faculty, Alvarez said.

Virginia provides substantial financial aid to more students and in greater sums than ever before. It now guarantees summer stipends to all students who accept public interest internships, as well as postgraduate loan forgiveness for every student who enters qualifying public service or private practice in underserved parts of the state. Virginia has recruited and retained a new generation of faculty whose scholarship is supported with program funding and research professorships. Exceptionally prepared students and alumni are obtaining judicial clerkships in record numbers, including on the Supreme Court of the United States, where only Harvard, Yale and Stanford have placed more clerks in the last decade.

“Most importantly, the sense of community that defines the Law School culture remains strong,” Alvarez said.

Virginia is often No. 1 in Princeton Review for its quality of life and was awarded that spot again this year.

The Law School has excelled under financial self-sufficiency, but bringing it to fruition required allies in the University and the Board of Visitors who had faith. The concept was one that had never been tried before.

“There was no template,” noted Leonard Sandridge, UVA’s
Building a Stronger Foundation

Year by Year

1921 The Alumnae forms

1925 The Law Alumni Association is created

1956 The Alumni Association's Board of Trustees meets

1966 The Foundation is incorporated

1977 The Law Alumni Council is formed

1981 The Law School adopts self-sufficiency

2002 The Law School adopts the Virginia model

2007 Annual gift campaign raises more than $50 million for the first time in 12 years

2015 The Foundation receives over $502 million

Why It Still Makes Sense to Give

THE TAX LAWS HAVE CHANGED, and millions more taxpayers are forecast to take the income tax standard deduction rather than itemize in 2018. In light of this fact, does it still make sense to give to charities like the Law School Foundation?

“Of course,” answered Elizabeth Lawrance Hilles ‘92, the Foundation’s senior philanthropy adviser. “Tax rules don’t create philanthropy—the desire to support a charity’s good work does.” She said that tax incentives might affect amount and timing, but itemizers and non-itemizers both “put their hard-earned dollars in trust in a charity’s mission: It’s a deduction, not a credit.”

What hasn’t changed, Hilles said, is the generous nature of UVA Law alumni. “They are incredibly loyal and engaged.”

Hilles noted that individual situations differ. “It always checks with your advisor to determine the most effective giving strategy for you.”

Thoughts for Alumni Considering a Gift to the Foundation This Year

• You can still avoid 20% portion of capital gain on donations of appreciated securities (and get a fair market value deduction if itemizing).

• If you are close to itemizing, consider front-loading donations one year, and then taking the standard deduction the following year.

• If you are or will be, a charitable gift annuity or trust (“life income” gifts) may yield a larger deduction for itemizing.

• If you are or will be, you can still make a qualified charitable distribution from your IRA. You can transfer up to $100,000, remove the entire amount from taxable income and apply it to your required minimum distribution.

• For everyone, retirement plans are great assets for legacy gifts. Charities don’t pay income tax on them, but all other beneficiaries will.

REACHING $500 MILLION—AND BEYOND

Reminders of the charitable nature of UVA Law alumni can be found everywhere one looks on the David A. Harrison III ’41 Law Grounds:

Students hear from guest speakers in Caplin Auditorium and Caplin Pavilion thanks to Mortimer Caplin ’40, attend classes in Slaughter Hall thanks to Jim Slaughter ’51 and the Horace W. Goldsmith Foundation; and receive career counseling in the Karsh Student Services Center thanks to Martha Lubin Karsh ’81 and Bruce A. Karsh ’80. One of their favorite places to spend time between classes is the HMZ Class of 1975 Student-Faculty Center, thanks to 1975 classmate Michael J. Horvitz, David L. Mulliken and Robert G. Zack.

Alvarez said broad support is what defines a strong institution: “Our motto is every alum matters and every gift counts.” He added with a laugh, “Of course, large donations are always welcome!”

Getting to a half-billion dollars in endowment took decades. Not only did it require steady giving from thousands of graduates, but their participation was secured by hundreds of volunteers who engage fellow alumni in their classes and cities. Their efforts are championed by “the finest alumni leadership and public service means that gifts for those priorities will always welcome.”

As the Law School and the University embark on their next 200 years, and a bicentennial fundraising campaign, what will it take to reach the next financial milestone? “It will require us to engage with every graduate to give them a chance to do what they can to support the future of this incredible institution and the people who make it special,” Wimbush said. “The campaign’s emphasis on financial aid and public service means that gifts for those priorities will provide benefits twice over—to the financial security of the Law School into its third century and to our students and society as a whole.”

“Ours is every alum matters and every gift counts.” He added with a laugh, “Of course, large donations are always welcome!”

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“We’re devoted to the Law School and its alumni, and they are the dean’s greatest allies. They know the Law School is special, and they help keep it that way.”

F. Blair Wimbush ’80 currently chairs the Board of Trustees, a responsibility he is proud to help carry forward, he said.

“We owe our current prosperity to the solid groundwork laid by our predecessors,” Wimbush said. “Our responsibility now, as stewards of the Foundation, is to build on the strength and security they began.”

As the Law School and the University embark on their next 200 years, and a bicentennial fundraising campaign, what will it take to reach the next financial milestone? “It will require us to engage with every graduate to give them a chance to do what they can to support the future of this incredible institution and the people who make it special,” Wimbush said. “The campaign’s emphasis on financial aid and public service means that gifts for those priorities will provide benefits twice over—to the financial security of the Law School into its third century and to our students and society as a whole.”
In Memoriam: The Humanity and Humility of Richard Merrill

7th Dean Remembered as Treasured Mentor, Leader in Administrative Law

BY MARY WOOD

A FIRST-YEAR STUDENT, Stanford Law School Dean Elizabeth Magill ’95 met her future professor and mentor Richard Merrill when she visited his office to ask about his Native American Law course.

“I asked if he thought a first-year could take this difficult class and he answered, ‘Absolutely.’ She then asked if the class was likely to fill up before she registered, since she was in line after second- and third-year law students.

‘Will it fill up?’ He leaned back. ‘No,’ he said with a smile. ‘Not in a thousand years.’”

Magill, who would go on to teach alongside Merrill at the Law School and specialize in his field, administrative law, recalled the encounter during a Jan. 5 memorial service for UVA Law’s seventh dean.

“He had a dry sense of humor,” Magill said. “A humor so dry and unexpected that I almost missed it. He was, as I knew from the resume, a very big deal, but he made me feel right at home as I sat there in his office talking to him.”

A mentor to generations of students and professors and an innovator in legal education, Merrill served as dean from 1980 to 1988 and was a member of the UVA faculty for 38 years until his retirement in 2007.

He died Oct. 26 of Parkinson’s Disease at age 80.

“His confidence in me made certain that I had an embarrassment of professional opportunities that were sent my way,” said Magill, a former UVA Law vice dean. “By example, Dick taught me enduring lessons about what it is to be a scholar, a teacher, a leader and, most important, a decent human being.”

In addition to his work leading the Law School, Merrill was the epitome of the “lawyer-professor,” former Dean John C. Jeffries Jr. ’73, said at the service. He was a nationally recognized expert on administrative, environmental, and food and drug law, and co-authored casebooks and numerous articles on these topics.

During a sabbatical from 1976 to 1978, he served as chief counsel to the U.S. Food and Drug Administration, where he received the FDA Commissioner’s Special Citation and the agency’s Award of Merit.

“Dick was a wonderful colleague,” said Dean Risa Goluboff. “There are few people who generate as much consensus about their virtues as Dick. The words ‘generous,’ ‘kind,’ ‘selfless,’ ‘thoughtful’ and ‘engaged’ come to everyone’s lips, and so they should. As dean, I am acutely aware that the institution I was lucky to inherit was in many ways the one that Dick built.”

Magill, who co-authored an administrative law casebook with Merrill, said his work as dean “was genuinely visionary—although he never would have said that about himself.”

“He brought UVA Law into an entirely new place from the perspective of financial support from alums—a model followed by every public school that could,” she said. He also “aggressively pursued interdisciplinary hires, and modeled for all a commitment to the twin values of a law school—serious commitment to teaching, mentoring, and training students and professionals, as well as research and the creation of new knowledge.”

RICHARD “DICK” AUSTIN MERRILL was born on May 20, 1937, in Logan, Utah. Merrill, whose father was a longtime political science professor and top administrator at Utah State University, knew he wanted to be a teacher. He graduated
MERRILL was a gentle leader—meticulously observant of the sensibilities of those around him, unfailingly respectful of their views and contributions, and never in such a rush to the right outcome that he stepped on anyone to get there.

— Former UVA Law Dean John C. Jeffries Jr.

NOT LONG AFTER HE RETURNED TO THE LAW School he was tapped to lead it. Reflecting on his accomplishments as dean as he was retiring in 2007, Merrill said he was proud of the faculty hired during his deanship, including Kenneth Abraham, Pamela Karlan (now at Stanford Law School), Saul Levrone (who became dean at the University of Chicago Law School), Mildred Robinson and Alex Johnson.

Jeffries said Merrill “was a gentle leader—meticulously observant of the sensibilities of those around him, unfailingly respectful of their views and contributions, and never in such a rush to the right outcome that he stepped on anyone to get there.”

As dean, Merrill created research chairs for faculty, a “brilliant innovation” of endowed positions rotated on three-year terms used to reward teachers and scholars of unusual productivity.

“Dick Merrill was the first dean to put the shoulder to the wheel on private fund-raising,” Jeffries said at the memorial service.

“Dick was a wonderful human being—caring and open, always ready with good advice and counsel. He was a prolific and insightful scholar,” Pape said.

“I can still remember the first day I met Dick in the fall of 1970 in what was then a required first semester course in legislation, followed by second semester in administrative law. It was in those first-year courses that Dick piqued my interest in administrative [and] regulatory law, as he did for many others.”

As a scholar, Merrill made his mark with articles on administrative law, such as the regulatory processes involved in food and drug law, and also with work on issues at the forefront of science and law, such as cancer policy, cloning and genetic testing.

“Dick is one of those unique public officials who really was present at the creation of much of our nutritional labeling, and many of the issues that came up in his seminal articles on the architecture of food safety, the architecture of medical products and his work with the Institute of Medicine; the Board on Toxicology; the Committee on Science, Technology and Law; and each of the National Academies of Sciences, and he was among the first lawyers invited to join the academy. He also served on the boards of the Thomas Jefferson Memorial Foundation, the Virginia Foundation for the Humanities and Public Policy, the Food and Drug Law Institute, the Southern Environmental Law Center and the Environmental Law Institute, among others.

Though Merrill accomplished so much in his professional life, his family recalled that he was always present for them, too—and often in his favorite chair, which served as a hub for their family life growing up. The chair was stationed by his work area, but had a good view of the TV, where his daughter Patty Merrill ’92 recalled watching sports and the news with her father.

“Although he always appeared to be busy, he was always available for a question, an explanation, a suggestion or advice,” Patty said at the memorial service.

“He was particularly ready to wield his red pen on John’s and my papers to help us become better writers.”

He quizzed them on current events at dinnertime, helped organize the slideshow of their vacations every year and took interest in their friends.

“Dad in that chair was our engine, our rudder, our ballast, our anchor and our beacon,” she said. “He was central, but he was not in the center. He wanted to be part of our lives but also demonstrated how we could provide the same stability to others.”

John Merrill said the best way to carry his father’s legacy forward was to recommit to the qualities his father embodied: “Stay humble, respectful, dedicated, measured, curious and attentive.”

“At this institution, in these halls and classrooms, he did what we are committed to recommit to the qualities his father embodied. ‘Stay humble, respectful, dedicated, measured, curious and attentive.’

TOM COGILL
When Kent Sinclair arrived at the University of California, Berkeley, as a law student in 1968, the campus had become a hotbed of anti-war and leftist activism. Over the next three years, the university witnessed some of the most tumultuous student protests of the era.

“There were National Guard troops on every corner for my second and third years of law school,” Sinclair said. “It was a police-state feel in some respects, but the law school was a little citadel on a hill.”

Sinclair spent most of his time up in that citadel, working methodically at honing his skills rather than joining his more revolutionary-minded colleagues down at the barricades.

Retiring in August as a UVA Law School professor and director for advocacy and lawyer training, Sinclair can look back on a career that proves the value of quietly working toward change over time.

Across Virginia, he has played a leading role in updating the state’s civil court procedures and evidentiary rules. At the Law School, he has helped expand clinical education.

Sinclair’s grandfather was a California lawyer and his great-grandfather was a barrister in London, so it felt natural for him to study law.

“It seemed like the path for somebody who liked public speaking and writing and marshaling of arguments,” he said.

At Berkeley’s Boalt Hall, Sinclair developed his abilities in oral and written argument. He worked on the California Law Review as the chief notes and comments editor, and won the school-wide James Patterson McBaine Moot Court Competition.

After graduating, Sinclair clerked for Chief Judge James R. Browning of the U.S. Court of Appeals for the Ninth Circuit. He next joined the litigation department at Shearman & Sterling in New York, where he focused on securities and antitrust litigation. Nearly all of his experience was in civil litigation, with his only criminal experience coming during a stint representing the chairman of Gulf Oil during the Watergate prosecutions.

In 1976, a magistrate judgeship became available in the U.S. District Court for the Southern District of New York. Magistrates
are responsible for the handling of civil and criminal cases, handling pretrial matters in civil litigations and preliminary proceedings in misdemeanor cases, setting bail or conducting evidentiary hearings. They also preside at civil trials on consent of the parties.

The position required expertise in civil procedure and the law of evidence, and appealed to Sinclair's desire to grow beyond advocacy. "It had that judicial role, that independence, and the obligation to try to be fair and to weigh the arguments rather than to push for a particular client's position," Sinclair said.

He applied for and received the position. Sinclair's experience handling securities and anti-trust cases dovetailed well with much of the New York Southern District Court's docket, which oversaw New York's financial industry. However, the judges worked on rotation, Sinclair only presided in criminal court once every seven weeks. Since his experience in criminal matters was more limited, he had to hustle to catch up. "I followed a lot of checklists and did a lot of research in the weeks when I was on criminal duty," he said.

After about seven years on the court, Sinclair decided to pursue a passion he had begun developing while at Shearman & Sterling: legal education.

SINCLAIR'S TEACHING CAREER began in 1973. He taught evening classes on evidence and trial technique at Fordham Law School.

"When Dean Richard Merrill and continuing through Dean Bob Scott's tenure, Sinclair worked with the Charlottesville Bar Association to identify bodies of litigation in the local courts that might allow students to engage in supervised practice.

"We were fortunate in 1984 to hire Richard Balnave from Pennsylvania to work on a clinic involving domestic relations law," Sinclair said. "And I guess the trajectory of the Law School's clinical offerings has been steeply upward ever since."

Today, clinical training at the Law School is robust. Nineteen clinics—17 taught this academic year—allow students to gain experience on actual cases. Balnave retired last year, becoming professor of law emeritus. He praised Sinclair for his part in laying the groundwork for expanding hands-on student experience opportunities.

"Kent worked with faculty to identify curricular needs and expert practitioners who might willingly give their time and efforts to help our law students delve deeper into their areas of interest," Balnave said. "It was a large and time-consuming responsibility."

Along with developing clinical education, Sinclair and Balnave also worked together to increase the availability of alternative dispute resolution in Virginia. From 1986 to 1992, Sinclair served on the Virginia State Bar Task Force on Alternative Dispute Resolution, which developed statutes that made it easier for parties to seek remedies outside of litigation.

Sinclair and Balnave ran a service that provided local Virginia groups with draft versions of the documents they needed to set up community mediation centers. Mediation allowed parties to adopt a less adversarial approach to conflict resolution.

"There were people who could play that system like a violin. They weren’t particularly interested in making it transparent, in making it simpler."

"There is a positive social good in allowing people to come to their own agreements to resolve things," Sinclair said.

WHEN DEAN SCOTT WANTED Sinclair to devote time exclusively to teaching and law school administration, he resigned from the Office of Continuing Legal Education. One of his teaching specialties was Virginia law.

"In 1986, Virginia Supreme Court Chief Justice Harry L. Carrico appointed Sinclair chair of the Virginia Supreme Court's Advisory Committee on Rules. "Virginia was, prior to the 1980s, very quirky," Sinclair said. "It held out against a large number of reforms and modernizations that characterized civil litigation in the federal system and in most states."

One issue affecting Virginia courts was separate rules for equity cases versus “cases at law,” such as contract or tort cases. This arrangement was a relic of the 19th century, but had survived efforts at reform. It allowed some litigants to manipulate proceedings by maneuvering cases into whichever court’s rules would be more favorable.

From 1986 to 2006, the Advisory Committee on Rules worked to reform Virginia procedures to bring them closer to the federal court rules. Reform was slow because some members of the Virginia Bar had stakes in maintaining specialized knowledge of the intricacies of Virginia’s old rules.

"There were people who could play that system like a violin," Sinclair said. "They weren’t particularly interested in making it transparent, in making it simpler."

To merge the rules involving equity cases and cases at law, he adopted "a conscious path of stealth reform."

"I basically selected one or two rule topics every year and unified the provisions of the law and equity rules to function in the same way," Sinclair said. "After 20 years of changing a rule or two at a time, we came to the position that there were no specialized rules that applied to one category of case and not to another."

In 2006, the Virginia General Assembly amended the statutes to create a single form of civil litigation. The move was recognition that Sinclair’s reforms had knocked down the walls between different types of civil litigation.

"We had to change more than 40 statutes that had arcane provisions to allow a single, straightforward system of procedures and rules to cover all civil cases," he said.

Sinclair was involved in another long-term reform effort to draft new Virginia Rules of Evidence that would track closer to the federal rules. He worked on the Rules of Evidence with a Virginia Bar Association group called the Boyd-Graves Conference for 20 years before the Virginia Supreme Court endorsed them and sent them to the General Assembly for approval.

"When I appeared before the General Assembly [in 2012] to urge them to adopt the Virginia Rules of Evidence, it was like selling motherhood and apple pie," he said. "Having clear, routinely applicable rules that could be used in arguments to the court and explained in case law seemed like a natural benefit."

SOME ANTIQUATEDquirks remain in Virginia procedure. For example, plaintiffs in civil litigation can call a “non-suit” and terminate a case at nearly any stage of the proceedings, even during trial, and start the whole process over.

But for the most part, the reforms instituted in 2006 and 2012 gave Virginia court procedures a much-needed modernization, bringing them closer in line with the rest of the country.

Sinclair expects to keep busy in retirement. He plans to continue working with the rules committee, as well as the Virginia Supreme Court’s Model Jury Instructions Committee, which edits a four-volume set of exemplary jury instructions relevant to the most common civil and criminal litigations. Additionally, about eight of Sinclair’s books require regular updates.

"Much of my time for free intellectual energies is in updating those books from time to time and then doing newer editions every few years," he said.

Looking back at the changes that have taken place over the past 30 years at the Law School and in the Virginia court system, Sinclair sees slow but beneficial progress.

"There was a bar presentation in the late 1880’s in Virginia that urged that the equity courts should be separate from the law courts," Sinclair said. "It took me 30 years of working on it, until 2006, so that’s over a century that people in Virginia have been looking for that form of clarity. You have to take the long view."

"Kent worked with faculty to identify curricular needs and expert practitioners who might willingly give their time and efforts to help our law students delve deeper into their areas of interest," Balnave said. "It was a large and time-consuming responsibility."

Along with developing clinical education, Sinclair and Balnave also worked together to increase the availability of alternative dispute resolution in Virginia. From 1986 to 1992, Sinclair served on the Virginia State Bar Task Force on Alternative Dispute Resolution, which developed statutes that made it easier for parties to seek remedies outside of litigation.

Sinclair and Balnave ran a service that provided local Virginia groups with draft versions of the documents they needed to set up community mediation centers. Mediation allowed parties to adopt a less adversarial approach to conflict resolution.
The UVA Law faculty is on the vanguard of scholarly thought regarding First Amendment issues, leading philosophical debate and, quite often, influencing the decisions of the courts. The school not only has some of the nation's top thinkers on free speech and religious liberty, including Frederick Schauer and Douglas Laycock, but also rising talent such as Micah Schwartzman '05, who explores the ethics of public reasoning and works out its implications in the context of law and religion, and Leslie Kendrick '06, who aims to understand the big-picture questions about why we have freedom of speech.

Other scholars, including Deborah Hellman and her work on campaign finance, focus on topics that intersect with free speech.
First Amendment at UVA Law

2015-16 Courses
Advanced Campaign Finance
Advanced Topics in Constitutional Law
Comparative Constitutional Design
Comparative Constitutional Law Seminar
Constitutional Law II: Freedom of Speech and Press
Constitutional Law II: Money and Constitutional Rights
Constitutional Law II: Religious Liberty
Constitutional Theory
Constitutionalism: History and Jurisprudence
Delegation
First Amendment Theory
Legal History of the 1960s
Money and Rights
Originalism and Its Critics
Religious Liberty and the Scholarly Record
Separation of Church and State

Clinics
First Amendment Clinic
Supreme Court Litigation Clinic

Daniel B. Orfiti

- Founding director of the Law School’s Supreme Court Litigation Clinic.
- His scholarly and research focus includes campaign finance reform and electoral law.
- Argued several cases before the Supreme Court through the clinic, most recently Epic
Court through the clinic, before the Supreme Court.

Frederick Schauer

- A luminary on free speech and legal reasoning, Schauer is the author of numerous books, including “The Law of Obscenity,” “Free Speech: A Philosophical Enquiry,” and most recently, “The Forms of Law.”
- Co-author, with Jesse Choper, of West Publishing’s First Amendment casebook, “The First Amendment: Cases, Comments, Questions.”
- Formerly Frank Stanton Professor of the First Amendment, Kennedy School of Government, Harvard University (also taught courses on evidence and freedom of speech at Harvard Law School).
- Was founding co-editor of the journal Legal Theory.
- Fellow of the American Academy of Arts and Sciences and a former fellow of the John Simon Guggenheim Foundation.

Richard Schragger

- Teaches and writes about church and state in addition to the intersection of constitutional law and local government law, federalism, urban policy, and the constitutional and economic status of cities.
- Author of the book “City Power: Urban Governance in a Global Age.”
- Authored articles on the Establishment and Free Exercise clauses, the role of cities in a federal system, local recognition of same-sex marriage, takings law and economic development, and the history of the anti-chain store movement.

Micah Schwartzman ’05

- Schwartzman’s work focuses on law and religion, jurisprudence and political philosophy.
- Helped lead amicus briefs signed by more than 45 leading constitutional law scholars in Fourth and Ninth Circuit cases involving the Donald Trump administration’s travel ban.
- Rhodes Scholar at the University of Oxford, where he earned his doctorate in politics.
- Schwartzman’s scholarship has explored the First Amendment’s religion clauses, the Free Exercise Clause and the Establishment Clause.

Steven D. Walt

- Ph.D. and M.A. in philosophy from the University of Chicago.
- Recent article with Micah Schwartzman argues that whether corporations have rights, and the sort of rights they have, is a question of moral theory.
- The author of numerous books, book chapters and articles on topics such as corporations, takings law and economic development, and the sort of rights they have, is a question of moral theory.
- Former fellow of the John Simon Guggenheim Foundation, and twice a senior fellow of the National Endowment for the Humanities.
- Fellow of the American Academy of Arts & Sciences, a fellow of the Society of American Historians, and a member of the American Law Institute.
- Clerked for U.S. Supreme Court Chief Justice Earl Warren.

G. Edward White

- White’s 17 published books have won numerous honors and awards, including the final listing for the Pulitzer Prize in history.
- Has written several articles and two book chapters on the history of free speech.
- Former fellow of the John Simon Guggenheim Foundation, and twice a senior fellow of the National Endowment for the Humanities.
- Fellow of the American Academy of Arts & Sciences, a fellow of the Society of American Historians, and a member of the American Law Institute.

Heytens ’00

- became Virginia Solicitor General
KERRY ABRAMS will become dean at Duke Law School on July 1. She is publishing “The Rights of Marriage: Obergefell, Div. and the Future of Constitutional Family Law” in the 32nd volume of the Cornell Law Review. Abrams taught a new class this year, Lawyering for In-House Counsel, which focused on professional skills that are important for in-house lawyers, including contract drafting, client interviewing and policy development.

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 General Counsel with constitutional and appellate issues.

“In thrilled 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 [Burt] Scrader in the United States Supreme Court of Appeals, as an active member of the Virginia Supreme Court and as an educator on the law will make him an outstanding solicitor general.”

Heytens succeeds another alum, STUART RAPHAEL ’89, 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.

“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 really a cool opportunity,” he said. “I love being a teacher and being a practicing lawyer. Whenever I spend a long time doing just one I make sure I’m 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. Ibbotken ’71 Research Professor of Law.

—Mike Fox
response to controversies regarding public access to medical records of victims of execution during the Soviet era.

GEORGE CONROY is a visiting professor and the director of the Faculty of Law at the University of Bologna, and a fellow of the European University Institute. He is also a visiting professor at the University of Luxembourg and at the University of Edinburgh. His most recent book, “The Soviet Era,” was published in 2016. He has also written extensively on constitutional and civil rights law, and their historical and sociocultural context.

BRADY History and Theory Foundation

KAREN L. KERR has been a professor of law at the University of Virginia (UVA) since 2007, where she has served as the faculty director of the UVA Law School’s Criminal Justice Forum and as an associate professor of law. She is also the Arnold H. Leon Professor of Law and the Laura and John Arnold Foundation Professor. Her research focuses on the role of government in the criminal justice system, and the challenge of designing a system that is both fair and efficient. She has published extensively on these topics, and her work has been cited extensively in the legal and academic literature.

ADELY DEKKY gave a presentation in November at the University of British Columbia in Vancouver, Canada, where she discussed her research on the role of international law in the governance of transnational crime. Her talk was part of a broader initiative at the university to promote the study of international criminal law and international justice.

In December, Brady was invited to participate in the American Philosophical Association’s annual meeting in San Diego, where she presented a paper on the role of scholarship in the development of international law. Her presentation was part of a panel on the history and theory of the United Nations, and she discussed her research on the role of international law in the governance of transnational crime.

Also in March, Brady was invited to participate in the Philosophy of Science Society’s annual meeting in San Diego, where she presented a paper on the role of scholarship in the development of international law. Her presentation was part of a panel on the history and theory of the United Nations, and she discussed her research on the role of international law in the governance of transnational crime.

In the fall, BRADY HAMMOND spoke on the role of government in the criminal justice system, and the challenge of designing a system that is both fair and efficient. She has published extensively on these topics, and her work has been cited extensively in the legal and academic literature.

GILBERT LEE is a professor of law at the University of California, Berkeley, and a fellow of the American Law Institute. He is also a visiting professor at the University of Bologna, and a fellow of the European University Institute. His most recent book, “The Soviet Era,” was published in 2016. He has also written extensively on constitutional and civil rights law, and their historical and sociocultural context.

LESLIE KENDRICK ’06 joined the faculty of the University of California, Berkeley, in 2017, where she is a professor of law. She is also the Arnold H. Leon Professor of Law and the Laura and John Arnold Foundation Professor. Her research focuses on the role of government in the criminal justice system, and the challenge of designing a system that is both fair and efficient. She has published extensively on these topics, and her work has been cited extensively in the legal and academic literature.

DEAN, VICE DEAN ELECTED TO AMERICAN LAW INSTITUTE

Dean Risa Goluboff and Vice Dean Leslie Kerdick ’06 were recently elected members of the American Law Institute.

Goluboff is the 12th, and the first female, dean of UVA Law. She is also the Arnold H. Leon Professor of Law. She is a nationally renowned legal historian whose scholarship focuses on the development of constitutional and civil rights law, and their historical development in the 20th century. Her most recent book, “Vagrant Nation: Police Power, Constituting Change, and the Making of the 1960s,” received several academic awards.

Kerdick joined the faculty in 2008. Her work focuses on torts, property rights, freedom of expression, and particularly the scope and structure of free speech rights. She teaches courses in torts, property and constitutional law. She is a 2017 recipient of the All-University Teaching Award.

There are now 25 members of the UVA Law faculty currently affiliated with ALI Goluboff and Kerdick joined 44 new members in December nationwide.

The institute is the leading independent organization in the United States producing scholarly work to clarify, modernize and otherwise improve the law. The organization issues judgments, law professors and lawyers from the United States and abroad, selected on the basis of professional achievement and demonstrated interest in improving the law. – Michael Fox

In October, ANDREW HAYES co-authored a study on the role of government in the criminal justice system, and the challenge of designing a system that is both fair and efficient. The study was published in the Journal of Law, Econo- mics and Organization, and it provides a comprehensive analysis of the role of government in the criminal justice system.

In November, MAUREEN RENN presented her research on the role of government in the criminal justice system, and the challenge of designing a system that is both fair and efficient. The research was presented at the annual meeting of the American Society for Political and Legal Philosophy, and it provides a comprehensive analysis of the role of government in the criminal justice system.

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In February, MAUREEN RENN presented her research on the role of government in the criminal justice system, and the challenge of designing a system that is both fair and efficient. The research was presented at the annual meeting of the American Society for Political and Legal Philosophy, and it provides a comprehensive analysis of the role of government in the criminal justice system.
Jeffries ‘73 Wins UVA’s Thomas Jefferson Award for Scholarship

Former Law School Dean John C. Jeffries ’73 was awarded the University of Virginia’s Thomas Jefferson Award for excellence in scholarship at the Fall Convention on Nov. 9.

UVA President Teresa A. Sullivan presented the award to Jeffries. The Jefferson Awards are the highest honor given to members of the University community.

Jeffries’ scholarly contributions include showing that limiting the personal monetary liability of government officials made the courts more willing to announce new constitutional rules limiting the personal monetary liability of government officials. He was privileged to participate in the IBFD’s cutting-edge research.

Jeffries also wrote a biography of U.S. Supreme Court Justice Lewis Powell, for whom he clerked, offering insightful accounts of the many significant events in criminal cases and what substantive questions must be addressed before criminal punishment may be constitutionally imposed.


DOUGLAS LAVROCK

John C. Jeffries ’73 has written over 50 law school, including a chapter in “Modern Tax Law.”

In the fall, Gregory Mitchell reports that the Center on Global Economic Law, which he directs, is budgeting for a new postdoctoral position to create an academic research fellowship.

DOUGLAS LAVROCK

published “Savings Policy and the Paradox of Thrift” in the Yale Journal on Regulation and “The Paradox of Thrift and Circumstances” in the Alabama Law Review. In 2007, he was named “Young Investigator” in NYU Tax Policy Colloquium. This paper explores how differences in status and local tax bases (whether income, property, or the value of goods and services are taxed) affect how residents of the local economy respond to recessions.


Jeffries was a professor emeritus Laurens in his paper, “Melting the Ice,” it is organized by the Society for Benefit Research, Measuring Psychological Inquiry, and Psychological Bias?” in Psychological Inquiry, and an entry on “External Validity” in “The Sage Encyclopedia of Educational Research, Measurement, and Evaluation.”

MASON TO TAKE ON A TOP TAX ROLE IN EUROPE

The International Bureau of Fiscal Documentation, based in Amsterdam, has named Ruth Mason in 2018 professor in residence.

Mason will be the first woman and youngest scholar to hold the professorship since it was first offered in 2013. She said she is honored by the appointment.

“Looking forward to working with permanent staff and postdocs on a variety of projects in Amsterdam,” said Mason, “I was privileged to participate in the IBFD’s cutting-edge research.”

Mason, a member of the International Bureau of Fiscal Documentation, was named UVA’s Thomas Jefferson Award for Excellence in Scholarship. The award is given annually to the highest honor given to members of the University community.

Scholars and professionals seeking cross-border expertise, hosts a leading non-U.S. scholar on international taxation and is organized by the Centre. The Rhodes Academy was awarded its prize for the project “Implicit Bias PRIME” in the Virginia Journal of Social Policy & the Law, “Measuring Situational Justice and Countering Situational Bias,” in Psycholinguistic Inquiry, and an entry on “External Validity” in “The Sage Encyclopedia of Educational Research, Measurement, and Evaluation.”

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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 been unjustified.

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.

“Cynthia Nicolloti’s book is fascinating and well thought out. It argues that the Union thought that the treason trial of Jefferson Davis was a political decision, not a legal necessity,” said Dean William B. Baer of Vanderbilt Law School.

NICOLETTI PUBLISHES NEW BOOK: SECession ON TRIAL

per Una Storia Della Cultura Giuridica. ” He wrote the legal critique of this paper. “The Hostile Au- dience conference in Charlotte- town, Rhode Island, was part of Congrega- tional Monuments, Sac- ralism, and Other Keyboard-Literary Ethics series. He article “When White Supremacy Im- munes a City” was pub- lished in the Virginia Law Review Online. His essay “City versus State: Is it time for a rea- sonable role movement?” was published in the Boston Review and presented in the “Regulat- ing Human Subject Re- search” annual meeting in Further, he has com- mented for Public Reason and Law: Philosoph- ical and Legal Perspectives, and co-authored arti- cles on shared decision making in Israel and the United States. The articles, including “Foreign Relations Law,” appear in the “Journal of International Law and Public Policy.”

Barbara A. Spellman was named as the new chair of the Torts Section of the American Law Institute. She is the first woman to hold the position.

In November, MACH SCHWARTZMAN US (“Gore V. Bush”) the paper “Gone to Earth?” fore- coming to Law & Con- temporary Problems; and co-authored arti- cles on shared decision making in Israel and the United States. The articles, including “Foreign Relations Law,” appear in the “Journal of International Law and Public Policy.”

In December, he gave a paper at the “Paging Christians in the City” at the University of Iowa College of Law. Schwartzman’s forthcoming book chapter on the ques- tion “Under the Influence, and the Constitution.”

Barbara A. Spellman spoke about “Alternative Suggestion for Com- municating Forensic Evidence” at the “Sym- posium on Medical, Forensic, Inference, and Procedural Reasoning.”

Brett A. Geller and Kyle T. Hostin spoke at the “Public Reason and Law: Philosophical and Legal Perspectives” conference at the University of Iowa College of Law. They also continued to co-author a textbook on constitutional law and religion.

to a subordinate that will look into social se- curity disability appeals.

PHILIP STEPHAN ’77 was named a member of the Advisory Board of the American Bar Association and Jurispru- dence: From Process to Theory in Law.”

WRITING FOR LAW & LIBERTY

NICOLETTI PUBLISHES NEW BOOK: SECession ON TRIAL

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 been unjustified.

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WHARTON FOLLOWS FITCHETT AS LIBRARY DIRECTOR

TAYLOR FITCHETT retired in December as the third full-time director of the Arthur J. Morris Law Library. In two decades, she and her 26-member staff have built a collection that supports the modernized research and teaching of the Law School community.

A Richmond native, Fitchett worked in main campus libraries for 10 years before serving in a law library. She was associate librarian at Tulane Law School and library director at the University of Alabama and University of Cincinnati law schools. She joined the UVA Law Library as associate librarian in 1998, becoming director two years later.

Former UVA Law librarian AMY WHARTON took over as director in February. Most recently in charge of research and web services, she joined the Law Library in 2008. In addition to earning her bachelor’s degree from UVA in 1987, she also holds a degree in library and information studies from the University of Oklahoma and a J.D. from George Mason University.

Wharton has practiced law in Virginia and the District of Columbia, and is an associate member of the Virginia State Bar. She is also a past president of the Virginia Association of Law Libraries.

“That Amy is one of our own is a testament to both Taylor and Amy,” Dean Risa Goluboff said. “I am confident that Amy’s vision, experience and diligence will make the library’s future as bright as its past.”

Mike Fox and Eric Williamson

ALUMNAE RETURN AS CAREER SERVICES, ADMISSIONS DIRECTORS

Two alumnae have returned to UVA Law as administrators: ELIZABETH L. KADE ’11 as director of career services and ASHLEY CLAFFEE MERRITT ’15 as director of admissions.

Kade had worked since 2014 as a trial attorney with the U.S. Department of Justice’s Civil Division Federal Programs Branch, representing the United States in high-profile civil litigation. After law school, she was an associate at Vinson & Elkins in Washington, D.C., assisting in the representation of energy companies before the Federal Energy Regulatory Commission. At UVA Law, Kade was managing editor of production on the Virginia Journal of International Law and was a Lile Moot Court participant. Additionally, she was a member of Virginia Law Women and the Public Interest Law Association, and a section representative to the Human Rights Program.

Prior to joining the Office of Admissions, Merritt was an associate in the Washington, D.C., office of Willkie Farr & Gallagher’s Asset Management Group, where her practice focused on advising the sponsors of hedge funds and mutual funds.

During her time at UVA Law, she was, among other roles, vice president of the Student Bar Association.

—Mike Fox

Homecoming

KIRSTJEN NIELSEN ’99 Returns to Government as Secretary of Homeland Security

PAGE 102

3 Making an Impact

Class Notes

Alumni Books

In Memoriam

The Last Word
Kirstjen Nielsen ’99

Enlisted by a General

Nielsen steps into one of the most important jobs in the federal government, responsible for a department employing more than 240,000 people and charged with a wide portfolio that includes thwarting terrorist attacks, securing the border, ensuring cybersecurity and responding to hurricanes and other natural disasters. She meets with Kelly daily and the president as often as four to five times a week, depending on events and her own heavy travel schedule. Its name notwithstanding, much of the business of the Department of Homeland Security involves working with agents and private businesses overseas, as well as with foreign governments.

“Though she has worked in and out of government, Nielsen knew she wanted to pursue international relations from an early age. The daughter of two Army doctors (her father is of Danish heritage, her mother is Italian), Nielsen was born in Colorado Springs but grew up in Tampa, Florida, where she ran cross-country, served as student body president and was a midfielder on a district championship soccer team. Thinking that she might become a diplomat, Nielsen attended Georgetown University’s School of Foreign Service and studied abroad in Nagoya, Japan. She worked for former U.S. Sen. Connie Mack of Florida for two years before attending law school.

Nielsen still aimed for a career in international relations while at UVA (she proudly calls herself a “Hoya-Hoo,” after her alma mater’s nicknames). In addition to courses on constitutional, corporate and mass media law, Nielsen fondly recalled a seminar taught by professors David Martin and John Searce; “International Law and the Nobel Peace Prize,” which coincided with a 1998 conference of Nobel peace laureates hosted by the University. Nielsen wrote a paper on the International Court of Justice and its role in banning landmines for the class. “It was a unique way to learn about law and how it could be made and applied,” Nielsen said. She also participated in the Philip C. Jessup International Moot Court Competition and served on the University Judiciary Committee.

“UVA is a special place because it is based on the idea of collaboration, which doesn’t just differentiate it from other law schools but from other graduate schools,” she said. “Learning in a group, finding your way through a team, particularly if the other members of the team didn’t always agree with you—those were skills that served me tremendously well.”

After spending two years as an associate with a Dallas law firm, Nielsen joined the George W. Bush administration, where she rose quickly. She established the Transportation Security Administration’s Office of Legislative Policy and Government Affairs, and also served as special assistant to the president and senior director for prevention, preparedness and response at the U.S. Homeland Security Council, a predecessor to the Cabinet department she now heads. Nielsen left the administration in 2007 and spent five years leading a homeland and national security policy practice at Civitas Group before starting her own firm in 2012.

In announcing Nielsen’s nomination, Trump noted that she is the first Homeland Security secretary to have previous experience within that department and predicted, “There will be no on-the-job training for Kirstjen.”

There have only been six Homeland Security secretaries in the department’s 15-year history, so there is something of a bond among them. Nielsen said that she hears frequently from two of her predecessors, Tom Ridge and Michael Chertoff, and of course Kelly. In addition to keeping the homeland safe, she summarizes her goals under the umbrella of “maturing the department.”

“We do have all the authority we need to do the mission that the American people have asked us to do.”

—President Donald Trump

“DO WE HAVE ALL THE AUTHORITY WE NEED TO DO THE MISSION THAT THE AMERICAN PEOPLE HAVE ASKED US TO DO?”

GEN. JOHN KELLY IS A HARD MAN TO REFUSE. So when Kelly, the incoming secretary of the Department of Homeland Security, asked Kirstjen Nielsen ’99 to become his chief of staff in January 2017, she had little alternative but to accept. Even though it meant selling the private consulting firm, Sunesis Consulting, she had founded and led for nearly five years.

Within weeks, though, he persuaded President Donald Trump to name her as his successor at the Homeland Security, where he served as general counsel for four years. From 2007-11, he was the general counsel of a division of Raytheon, a major U.S. defense contractor. He holds two law degrees, including one from Oxford University that he earned in the midst of his years at UVA. Mitnick has also dabbled in politics, running for Congress in 1996. A former partner at Atlanta’s Kilpatrick Stockton (now Kilpatrick Townsend & Stockton) specializing in corporate work, he joined the Bush Justice Department just one week before the 9/11 attacks.

When the Bush administration sought attorneys to staff what would become the Department of Homeland Security, Mitnick volunteered, turning his career in a new direction.

Mitnick and Nielsen are serving with fellow alum Jonathan Hoffman ’02, assistant secretary for public affairs at the department.

“THERE WILL BE NO ON-THE-JOB TRAINING FOR KIRSTJEN.”

—PRESIDENT DONALD TRUMP

JOHN MITNICK ’88 SIGNS ON AS DHS GENERAL COUNSEL

Though it has been over 10 years since they last worked together, John Mitnick ’88, the new general counsel of the Department of Homeland Security, holds his boss, Secretary Kirstjen Nielsen ’99, in high esteem.

“She is extremely bright, a quick study, and pleasant and generous as a person,” Mitnick said.

The admiration is mutual. “John can digest information very quickly and he can be very clear, which is what you want in an attorney,” Nielsen said.

Mitnick moved to DHS from The Heritage Foundation, where he served as general counsel for four years. From 2007-11, he was the general counsel of a division of Raytheon, a major U.S. defense contractor. He holds two law degrees, including one from Oxford University that he earned in the midst of his years at UVA.

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“WE HAVE THE RESOURCES! DO WE HAVE THE TRAINING? THAT’S WHAT WE’RE LOOKING AT NOW, TO MAKE SURE THOSE THINGS MATCH UP.”

—Mark F. Bernstein ’99

“DO WE HAVE ALL THE AUTHORITY WE NEED TO DO THE MISSION THAT THE AMERICAN PEOPLE HAVE ASKED US TO DO?”

‘HOYA-HOO’ LEADS DEPARTMENT OF HOMELAND SECURITY

Inside the University of California.
Building Sweet Success

Armando Tabernilla ’84

LATER THIS YEAR, A NEW COMPANY, Tellus Products, will introduce a line of biodegradable plates, bowls and takeout containers made entirely from processed sugar cane fiber.

“The beauty of this is that those products are biodegradable, all-natural and renewable,” said Armando Tabernilla ’84, the general counsel, vice president and secretary for Florida Crystals. It is a story that resonates with Tabernilla, whose parents also fled Cuba in 1959 just months before Tabernilla was born. He grew up in the Palm Beach area before attending Duke University, where he majored in civil engineering and economics, and graduated Phi Beta Kappa.

After UVA Law, Tabernilla spent eight years in private practice at Miami firm Steel, Hector & Davis before jumping at the opportunity to go in-house with the pharmaceutical multinational IVAX (now part of Teva Pharmaceuticals) in 1992 as associate general counsel and eventually general counsel. He joined Florida Crystals in 1998. Having spent six years working for a public company, Tabernilla said he prefers the freedom of working for one that is privately owned.

“You have the flexibility of making decisions with a long-term focus,” he explained. “You don’t have to worry so much about short-term performance, as you do when you’re the general counsel of a public company. You’re not always worried about the next quarterly earnings report.”

—Mark F. Bernstein ’89

on more than 100,000 acres in Florida, the company has expanded vertically, buying sugar refiners around the world. Tabernilla’s legal department has expanded accordingly, from just three people when he joined—“We all did whatever came in the door,” he recalled—to 22 people now.

His focus is on business development, transactional work, corporate matters and significant litigation. Florida Crystals has its roots in Cuba. When the Castro government nationalized the sugar industry in 1959, Alfonso Fanjul, Sr. fled to the United States with his family and formed Florida Crystals. It is a story that resonates with Tabernilla, whose parents also fled Cuba in 1959 just months before Tabernilla was born. He grew up in the Palm Beach area before attending Duke University, where he majored in civil engineering and economics, and graduated Phi Beta Kappa.

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Warrior for the Right’s Rights

Harmeet K. Dhillon ’93

WHEN GOOGLE EMPLOYEE James Damore wrote a controversial memo on women in tech, he was fired. Now Harmeet K. Dhillon ’93 is representing him in a class-action lawsuit arguing the company discriminates against whites and Asians, men and employees whose political views are unpopular. Dhillon also filed a lawsuit on behalf of the Berkeley College Republicans and Young America’s Foundation after the University of California, Berkeley, canceled pundit Ann Coulter’s speech there as well as speeches by other conservative speakers, or imposed additional conditions on conservative speakers.

Dhillon is on the forefront of fighting free speech challenges that she says appear to be aimed at silencing conservatives.

“There is an absolute intolerance for any speech that can be construed by any tortured stretch of the imagination as offensive,” she said.

An outspoken conservative herself, Dhillon attended Dartmouth, where she majored in classics and was editor-in-chief of the Dartmouth Review. Though outnumbered by more liberal thinkers and sometimes ostracized for her conservatism, she thrived: “I didn’t feel lonely. We had a core group of happy warriors.”

Dhillon found other like-minded “warriors” in law school, including fellow Dartmouth graduate Laura Ingraham ’91, now a conservative TV and radio host, and bestselling author.

Harmeet had the courage of her convictions,” recalled emeritus professor Lillian BeVier, “and was never, ever intimidated by the fact that she may have been in the minority politically.”

BeVier cited Dhillon’s role as president of the Federalist Society, which invited rejected Supreme Court nominee Robert Bork and other conservative intellectuals to North Grounds, and without incident.

After clerking for Judge Paul Niemeyer on the U.S. Court of Appeals for the Fourth Circuit, Dhillon practiced at firms in New York, London and Silicon Valley before becoming of counsel at Orrick, Herrington & Sutcliffe in San Francisco, then starting her own firm, the Dhillon Law Group Inc., in 2006.

Politically active, she ran for state assembly and state senate as the Republican nominee from San Francisco, was chair of the San Francisco Republican Party for four years, served for three years as the first woman vice chair of the California GOP, and is one of the state’s three members of the Republican National Committee.

Dhillon believes that the right to free expression, as in cases like Berkeley’s canceled speeches, transcends party lines.

“The same thing could happen to liberal students on a very conservative campus, say, in the Deep South,” she said. “Those liberal students also would be entitled to equal access to their school’s facilities, as the Constitution requires.”

—Mark F. Bernstein ’89
O’Neal weathered two board challenges for her seat.
But the club stood by her, and she by their head coach.
O’Neal started on the Tigers’ board in 2005. At the time, the team had financial and other organizational difficulties, she said.
“The club was in a bad way,” O’Neal told The Australian. The organization was $5.5 million in debt and had lost $2.5 million in 2004.
She applied her legal, financial and management skills as chair of the board’s risk and compliance committee and as a member of the governance committee.
She also chaired the Tigers in Community Foundation.
She was appointed president in 2013.
Today, the team is prosperous and structured for greater success.
“We have a board charter, [and] we delegate things to the CEO and his management team,” she said.
O’Neal reportedly sought a low profile when the prospect of becoming the first female club president began to materialize—to avoid the novelty of her gender becoming a distraction.
She has since embraced the distinction in interviews.
“I’ve been asked, ‘Don’t you think you might be a token?’” she told a reporter with The Australian. “All I can remember is a lot of hard work led to being a token. So what if you are? It gives you the chance to help an organization change, if they want to.’’
O’Neal is a consultant to Lander & Rogers and has specialized in superannuation and financial services law for more than 20 years. She is on the board of several financial services companies and was previously a partner at Herbert Smith Freehills.

—Eric Williamson

Peggy O’Neal ’76

PEGGY O’NEAL ’76, THE FIRST FEMALE PRESIDENT of an Australian rules football team, made history again in September—and put some history behind her.
O’Neal helmed the Richmond Football Club—the Tigers—through a season that culminated in its Grand Final win over the Adelaide Crows. More than 3.5 million fans watched.
For the Tigers, it was a renaissance year. The team had not won a premiership match since 1980.
“We have made our own history today,” O’Neal told The Age upon the game’s outcome. “We don’t have to talk about 1980 as our last premiership or [our] 1982 failure.”
Just a year earlier, it seemed she had a tiger by the tail. The team slumped that season.
1958
CLASS UPDATES BY TED VANCE
CLASS SECRETARY
It's always rewarding to see what our classmates and colleagues will produce for these columns, and the latest edition has been no exception. About one-third of the class expanded the time and effort to send along notes to me, for which I am deeply appreciative. Here are the somewhat distilled versions of the collected reports, observations and musings:

After 10 years of retirement living in Roanoke, VA, JD was leveled by a stroke last spring. He moved to an apartment in Fairfax, VA, to be nearer to his family. Some welcome; the area was beautiful. He had cut his law firm's books for years and is still much to look forward to going to the office daily.

ALAN DASHNOWitz was cleaning up his career—which included his service as a delegate to the Virginia General Assembly in 1980 and eight years on the UVA Board of Visitors. He is the chief executive officer of Newport News Marriott at City Center and continues in the role full-time, and his lawn to cut.

STUART BRUNET: a mark and a law in Las Vegas (where I believe our classmates represent a moniker). He and his wife, Pat, have some health issues—indeed, who has not, at our age—but seem to be getting along.

BILL EDWARDS's home in New Orleans was hit by the worst Hurricane Harvey and had electricity restored by Christmas. Bill retired from running after more than 40 years but is actively practicing law in Corpsone/Beaumont. There is a very good pic of Bill on his firm's website: Google the Edwards firm in Corpus Christi.

From Greensboro, NC, MARK HORTON reports he had an active civil trial practice for 30 years, retired, traveled extensively for five years and then returned to the practices with his son until his second retirement at age 87.

As ever, FRED GOLSTEIN continues to be active and involved—in part as a member of the Virginia Trial Lawyers Association (which takes him to Charlotteville, Va., very often), to time, and in part in London, where he maintains a collection of 18th- and early 19th-century ceramics and illustrated books. In addition, some 20 years ago, Fred was instrumental in reviving the New England Magazine and the UVA Law School School-Scholarly, which he helped to edit, and helped to launch the UVA Law School: I am advised that Fred has volunteered to be the point man for our 70th reunion class—indeed, who has not, at our age—but seems to be getting along.

JOHN EVANSIN the 400-meter mixed freestyle relay. He also served as a point man for the U.S. delegation in the 400-meter mixed relay.

JOHN VANCE ’59 “Stuart Blue” Jay: spends his days nudge- ing horses or playing bridge. Blue is now the president of TGS, the legal research division of Thompson, Ross, Powell & Thompson. He retired from his law firm in Corpus Christi.

In Louisville, KY, STUART “BLUE” JAY spends his days working on horses or playing bridge. Blue may re- troduce you to Stuart Blue? Recently, Blue was busy planning his 25th trip to the Dominican Republic in January.

ALLAN AND NANCY JOHNSON have sold their home in Virginia Beach, VA, and have moved to a continuous care retirement community manage- rially there. A daughter has received a degree from the Law School and a grandson is a first-year student at the school. Talk about a dynasty!

After 43 years of prac- ticing law, MICHAEL KAPLAN lives in a co-op in Manhattan and now spends his days in museums and at plays and concerts. He said that he and his wife, Harriett, still form for time to time, and that one is not having retired early enough to enjoy retirement.

Sadly, FRED LANDRES reported on the passing of his wife, Kitty, after 58 years of marriage, and of his life adjustments he has had to make since then. On the brighter side, Fred continues to enjoy an active tennis game and plays the trumpet in two bands. Substantially all of Fred’s career was spent with Mc- Ginnis/Woods in Charlotte- nville.

EDDIE GREEN enjoyed an enjoyable version of his son’s wedding in Miami last summer. He pre- formed the ceremony. “To do so he organized an ordination in the Universal Life Church. (You, mail order, it passed muster under Maryland and my wis- dom’s.)” When not ministering, he travels regularly with his wife, reads good books, sees good movies, eats well and believes “there is still much to look forward to.”

In Las Vegas, IL, STUART “BLUE” JAY spends his days working on horses or playing bridge. Blue may re- troduce you to Stuart Blue? Recently, Blue was busy planning his 25th trip to the Dominican Republic in January.

IN MEMORIAM:
U.S. SENATOR AND INSPIRATION FOR THE CANDIDATE, JOHN TRIPittock, is the former U.S. senator and House member who was the inspiration for a major motion picture, died of prostate cancer Jan. 12. He was 83.

Tripittock served one term as a Democratic U.S. senator from California for six years, beginning in 1971. Immediately prior, he served as a member of the U.S. House of Representatives from California’s 31st District for these two years-total terms.

His 1970 Senate race was loosely sketched in the Robert Redford movie “The Candidate.”

As a freshman senator, still in his 30s when elected, Tripittock wrote 38 bills that made it into the books. He helped end antitrust, civil rights and environmental protection laws.

He was known among his colleagues for his “cordial manner and strong negotiating skills,” according to Los Angeles Times.

At UVA Law, Tripittock earned a reputation as a diplomat who could think on his feet. He won the William Minor Lilly Most Court Compe- tition along with his roommate, EDWARD “FRED” KENNEDY ’58, another future U.S. senator. “And of course, Teddy just loved the fact that he had won and had the lady (his brother) had not,” Tripittock once told a Boston Globe reporter.

In another interview, Tripittock said he revised his public speak- ing style after receiving initial most competitive feedback that he didn’t “exert” himself. He decided he could take a cue from his roommate’s more “forceful” approach. He even practiced for hours alone in the woods.

“I felt that I had to go out into the forest sometimes, the woods around our house, and just speak to the trees, like Demosthenes,” he told an interviewer with the Edward M. Kennedy Institute.

Tripittock and Kennedy were Senate colleagues and remained close after law school. Tripittock also attended Yale University, earning a degree in anthropology, and The Hague Academy of International Law in the Netherlands. Before politics, he was a practicing attorney in California who taught business law at night; a judge and advocate general in the U.S. Air Force; and, briefly, an associate at Cahill Gordon in New York City. Tripittock’s Senate with paralleled that of fictional protagonist Bill McFar “The Candidate,” a long-shoulder who challenges a Senate incumbent. The film contains a theme about speaking openly about political views versus moderating a message.

The Associated Press noted that Tunney felt he had to “gain his stage in order to win. After a tide of conservation resulted in his defeat for re-election in the Senate in 1970, he returned to law as a partner with Manatt, Phelps, Rothenberg and DOBBY DINNER.

In addition, he served on several corporate boards and participated in civic and cultural affairs in his later years.

Tunney was the son of famous parents the prizefighter Gene Tunney and Connecticut socialite Polly Lauder Tunney.

—Eric Williamson

NO 108 UVA LAWYER SPRING 2018
IN MEMORIAM: ISAAC C. HUNT JR. ’62

In private practice, Hunt was an associate at Jones, Day, Reavis & Pogue, serving in the corporate and securities practice section. He specialized in government procurement litigation, administrative law and international trade.

Early in his career, Hunt wrote two influential reports: “The Aftermath of Diodorus,” which was included as a portion of the larger report issued in 1968 by the National Advisory Commission on Civil Disorders, also known as the Kerner Commission, examining race riots in 1967; and “Minority Recruiting in the New York City Police Department,” issued in 1971 by the RAND Corp. Hunt’s work at the SEC was noted for helping to define relationships between the commission and international securities regulators.

As a public servant, Hunt also served as principal deputy general counsel and acting general counsel at the U.S. Department of the Army under the Carter and Reagan administrations.

Prior to the SEC, Hunt served for eight years as dean at the University of Virginia Law School in beginning in 1987—he also teaching as a professor of law for seven of those years. Before that, he served for four years as dean and professor of law at the former Antioch School of Law in Washington, D.C., which administered opportunities for numerous low-income African-Americans to enter the legal field.

He cut his teeth as a law professor at Columbia University.

In an envelope postmarked Sarasota, Fla., LEV NORTON returned my letter with the following endorsements written in ink:

“2 for golf 2-3 times a week 1) I am becoming a better driver (some parts don’t move any more) 2) I am no longer the journalistic type”

“After a long discussion, writes Williamson, “the game of golf” John now spends a good part of each week walking courses at a local university and a learning center. He sends his greetings to all his classmates.

From Tallahassee, Fla., BEN FRANKS reports he still “produces lots of this law” but that he does, in fact, get his office almost daily and has various cases pending around the state. As a member of the Jeffersonian Grounds Initiative, he attends meetings in Charlottesville twice yearly. And as the chief prosecutor behind the Stays of 1970 Ellard Schollenberg, he urges all future defendants to diligently apply their legal gifts for the benefit of society.

William H. Mead died peacefully Oct. 14, in Brooklyn, N.Y. Mead was a partner at Brooklyn and spent most of his life in Brooklyn Heights. He graduated from Amherst College before receiving his J.D. He also served as a captain in the U.S. Army Rangers. In 1969 he represented an attorney for full coeducation at Brooklyn Heights. He took that case in court in 1969 on behalf of high school student Virginia Scott and three other young women. The case ended in victory for Loeve and his clients. The following year, in 1970, 450 women enrolled in the College of Arts & Sciences.

Lowe argued also and won the landmark Supreme Court case Bigelow v. Virginia, which established First Amendment protection for advertising. He convinced the very conservative Supreme Court of Virginia to strike down the Virginia Riot Act on First Amendment grounds.

He was counsel for one of two Native Americans who were charged with murdering two FBI agents on the Pine Ridge Indian Reservation in South Dakota. (The jury acquitted both defendants.)

He was the successful lead counsel in a five-month-long court-martial proceeding at Camp Lejeune, N.C., for the last POW to return from captivity in North Vietnam.

He also represented clients in personal injury and medical malpractice cases and at one time held the record for one of the highest personal injury verdicts in Richmond, Va.

After having his own private practice in Charlottesville, Loeve joined the intellectual property law firm of Finnegan, Henderson, Farabow, Garrett and Dunner, Washington, D.C., in 1992, where he was a partner trying major patent infringement jury trials until he retired in 2003, in order to return to a general law practice.

JOHN LOWE ’67

JOHN LOWE, the attorney who argued successfully for full coeducation at the University of Virginia, died Oct. 15 due to complications from an enlarged aorta. He was 80.

Lowe, an esteemed criminal and civil liberties attorney, was still practicing law and lived in Bethesda, Md., for the last several years.

A 1967 graduate of the School of Law, Lowe achieved a long and influential list of legal victories during his career, not the least of which was attaining full coeducation at UVA.

He took that case in court in 1969 on behalf of high school student Virginia Scott and three other young women. The case ended in victory for Loeve and his clients. The following year, in 1970, 450 women enrolled in the College of Arts & Sciences.

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He was the successful lead counsel

In Memoriam: Hero of UVA Coeducation
In addition to his law practice and championing a small business in development, H.K. Bond took and passed the Financial Industry Regulatory Authority’s Series 63 and 22, which is a prerequisite for becoming a registered stockbroker—a career he pursued for nearly 31 years. He was supervising attorney for the largest claims office in the state before and after his retirement as the speaker of the Virginia House of Delegates.

Howell announced in February of last year that he would not seek re-election. The new session in January marked the end of his tenure. Howell assumed the speakership in 2003, having first been elected as a delegate in 1997.

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The comprehensive review of developments in environmental law was presented to the section’s committee. Lacouture was a member of Robinson+Cole’s environmental, energy and natural resources group in Providence, R.I. She has practiced on commercial and multifamily real estate, land use and environmental issues, corporate governance, land use planning and permits. Gordon represents owners and developers in land acquisition and development, and leasing and financing of shopping centers, multi-family housing projects, hotels and traditional neighborhoods.

GEORGE S. COCHRANE was named in 2018 Best Lawyers in America for his legal practice in family law and family mediation. He practices with McAllister & Knapp in Richmond.

DANIEL R. STERRETT has been included in Best Lawyers in America 2018 for his legal practice in real estate law. Sterrett practices with the law firm of Adour & Young in Greensboro, N.C.

PAUL K. LONDON was elected chair of the appellate practice group in the Environmental and Occupational Exposure Litigation practice of the law firm of Horack Talley in Charlotte.

THOMAS M. LACOUTURE is a partner in the Washington, D.C., office of Bond, Schoeneck & Libby. Lacouture represents companies involved in natural resource matters, environmental law, and clean energy projects. She is a fellow of the American College of Environmental Lawyers.

PATRICA J. BROWN of Brown & James, LLP, was named in 2018 Best Lawyers in America for her legal practice in real estate law. BROWN was honored in 2018 for her work in commercial real estate and transactions. BROWN is also a member of the law firm’s Board of Directors.

ANN M. D’ANGELO was named to the 2018 Best Lawyers in America list. D’Angelo is a partner in the litigation practice at Sladkus Reich Greene & Lieberman in New York City.

RICHARD C. MARCUS was named to the 2018 Best Lawyers in America list. Marcus is a partner in the litigation practice at Sladkus Reich Greene & Lieberman in New York City.

LUCAS M. HERMAN was named a litigation star in the 2018 Benchmark Litigation guide. Herman practices with Bedell stembridge in Rochester.

JOHN C. BROWN was named in the 2017 Best Lawyers in America for his professional practice in real estate law. Brown practices with Bedell stembridge in Rochester.

MIKE CHRISTIANSEN was named a litigation star in the 2018 Benchmark Litigation guide. Christiansen practices with Bedell stembridge in Rochester.

WILLIAM A. DAVIS, III was named in 2018 Best Lawyers in America for his legal practice in real estate law. Davis practices with Brown & James, LLP in Charlotte.

RUSSELL A. MOORHEN was named in 2018 Best Lawyers in America for his legal practice in real estate law. Moorhen practices with Sladkus Reich Greene & Lieberman in New York City.

JON E. BROWN was named in the 2018 Best Lawyers in America list. Brown is a partner in the litigation practice at Sladkus Reich Greene & Lieberman in New York City.
devoted to the arts. She also was named in Virginia Virtue for a decade. Grasham was recently selected to serve on the board of Virginia. In 2014, she was appointed by Governor McAuliffe to serve in her capacity as the Virginia Secretary of Commerce and Trade under Governor Northam.

**Betty T. W. Graulich**

Most recently, Graulich served as the Virginia Secretary of Commerce and Trade under Governor Northam. In 2014, she was appointed by Governor McAuliffe to serve in her capacity as the Virginia Secretary of Commerce and Trade under Governor Northam. She has been named in Virginia Virtue for three consecutive decades. In 2014, she was appointed by Governor McAuliffe to serve in her capacity as the Virginia Secretary of Commerce and Trade under Governor Northam. She has been named in Virginia Virtue for three consecutive decades. She was named in Virginia Virtue for a decade. Grasham was recently selected to serve on the board of Virginia. In 2014, she was appointed by Governor McAuliffe to serve in her capacity as the Virginia Secretary of Commerce and Trade under Governor Northam. She has been named in Virginia Virtue for three consecutive decades. She was named in Virginia Virtue for a decade. Grasham was recently selected to serve on the board of Virginia. In 2014, she was appointed by Governor McAuliffe to serve in her capacity as the Virginia Secretary of Commerce and Trade under Governor Northam. She has been named in Virginia Virtue for three consecutive decades. She was named in Virginia Virtue for a decade. Grasham was recently selected to serve on the board of Virginia. In 2014, she was appointed by Governor McAuliffe to serve in her capacity as the Virginia Secretary of Commerce and Trade under Governor Northam. She has been named in Virginia Virtue for three consecutive decades. She was named in Virginia Virtue for a decade. Grasham was recently selected to serve on the board of Virginia. In 2014, she was appointed by Governor McAuliffe to serve in her capacity as the Virginia Secretary of Commerce and Trade under Governor Northam. She has been named in Virginia Virtue for three consecutive decades.
John Cooper’s son, Matthew, submitted to EVA Lawyering and Learning in Class of 2022: “We’ve had a tumultuous and turbulent year. The trust, the benefit, the newness, the uncertainty. He was sworn in after confirmation by the Senate. He was sworn in after confirmation by the Senate.

William B. Corbin was named a litigation partner at Chicago-based Baker McKenzie in April 2019. Corbin has been a member of Baker McKenzie’s Litigation, Arbitration & Dispute Resolution Group for more than 20 years and focuses on complex commercial disputes, government investigations, and regulatory matters. In his new role, Corbin will continue to lead the firm’s advising and representation of clients across a wide range of industries and law firms.

Gillian S. Owen has been named a partner in the Investment Management Group of the firm’s Silicon Valley office in Menlo Park, California. Owen has been with the firm since 2010. Born in London, Owen served as an investment vice president at Goldman Sachs in London, where she led the firm’s global real estate, infrastructure, and alternative investments businesses. She has a master’s degree in economics from the University of Oxford and a bachelor’s degree in economics from the University of Cambridge.

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The U.S. Senate unanimously confirmed Emily Webster to be administrator of the U.S. General Services Administration, making her the agency’s 41st head.

“T’m excited to work with the talented and dedicated team at GSA as we focus on my priorities as administrator, which include emphasizing ethical leadership, reducing duplication within our internal processes and across government, generating more competition at the contract and task order level, and increasing agency transparency,” Murphy said in a GSA press release.

Murphy’s confirmation came after a hearing before the U.S. Senate Committee on Homeland Security and Governmental Affairs, where she discussed agency priorities.

Her nomination received extensive bipartisan support.

Murphy was most recently senior advisor to GSA’s acting administrator. She came to the agency with decades of experience in government contracting and procurement.

—Eric Williams

Berdahl has been recognized by the students who solicited him to be the Bad News winner (Best New Professor in 2004) and the Black Cole winner (Best swallow in 2005). In 2016, Indiana University–Purdue University Indianapolis presented him with the Upholding the Promise Award. In 2015 he was named a recipient of the American Innovation Award. He has been featured in the ABA Criminal Law Practice Committee's Criminal Law Magazine in the ABA Criminal Law Section.

The day after FRANK BURGERT, a USLM, stepped down after 19 years on the Indiana Supreme Court, he started work at the Indiana University Robert H. McKinney School of Law, where he and in every U.S. court of appeals for his work in the death penalty case of Patrick L.овар. The court found that the death sentence of Patrick L. ovar was unconstitutional. He is proud to be in a position to help the man and woman for the vo- cation.

LINDA ALHAHAMI

has worked with some of the most recognized firms in the world, as well as numerous startup companies. Most re- cently, she was the New Balance in one of one Legal Sportswear.
2006

JASON R. BIEGE, partner with Smith, Anderson in Raleigh, N.C., was recognized in 2008 North Carolina Rising Stars.

CATHARINE COCKERHAM was elected partner at Seyfarth Shaw, based in the firm’s Washington, D.C., office. Cockerham focuses primarily on insurance coverage disputes and other complex commercial litigation, including professional liability and contractual disputes. Her work on behalf of assureds includes providing advice and litigating coverage actions in federal and state courts, and before arbitration panels involving asbestos, environmental liability, faith, products liability and other claims. Cockerham is a part of Seyfarth’s hiring committee and is active in the firm’s pro bono program.

2007

DANIEL METROKA was promoted to partner at Hogan Lovells. Metroka represents clients in a wide range of investigations and commercial disputes, with a particular focus on the life sciences, health care and insurance industry sectors, from the firm’s Philadelphia office.


TREVOR N. MCFADDEN ’06 has been appointed the youngest sitting judge in the U.S. Department of Justice. At 39, McFadden was serving as deputy attorney general when he was nominated in 2016, the youngest person ever to be appointed to the deputy attorney general position. McFadden received his judicial commission the day after his confirmation, the youngest sitting judge in the U.S. District Court for the District of Columbia. The selection makes McFadden the youngest judge in the Justice Department.

McFadden was serving as deputy attorney general at the Justice Department. McFadden was appointed to the U.S. Court of Appeals for the Eighth Circuit. McFadden recently hired COREEN MAGO ’14 to serve as one of his clerks. He is married to KELLY QUINN MCFA D DEN ’08, whom he met at UVA.

OTHER JUDGES NOMINATED AND CONFIRMED

JOHN B. NALBANDIAN ’94 has been nominated to the U.S. Sixth Circuit Court of Appeals, based in Cincinnati. Nalbandian is currently a partner in the litigation practice group of Taft Stettinius & Hollister in Cincinnati. Priedeman is a member of the litigation practice group and focuses on business disputes.

THOMAS M. TRUCKSESS was promoted to partner at Hogan Lovells. Truckness has extensive experience in complex disputes related to accounting and financial transactions across a range of industries.

FRANKIE JONES was appointed to the Goodwill Industries of North Carolina board of directors.

2008

NASSON ’07 NAMED LAWYER OF THE YEAR FOR INNOVATION EFFORTS

CHRISTOPHER L. NASSON ’07 and his legal team at K&L Gates recently helped free a Massachusetts man who was wrongfully imprisoned for 37 years for a murder he did not commit.

In January, Nasson, a partner in the international law firm’s Boston and New York offices, was named a Lawyer of the Year by Massachusetts Lawyers Weekly for leading the case.

Client Frederic Wilhelm, who was convicted of a 1990 murder in Braintree, Mass., was released after a judge threw out his conviction last year. The legal team had discovered a police investigatory report—previously withheld from the defense team—that indicated another possible suspect.

“One of the lessons that I’ve learned from working with Fred and working with the team that supported Fred is it’s never over,” Nasson told the Boston Globe.

He added, “That sort of perseverance you can apply as a lawyer across all of your cases.”

Nasson’s practice focuses on regulatory enforcement, white-collar criminal defense, intellectual property and complex civil litigation. He previously spent six years as a federal prosecutor.

—Eric Williamson

with Latham & Watkins in Washington, D.C. A member of the firm’s tax department, Conroy’s practice focuses on executive compensation and employer benefit matters in corporate transactions. He also advises public and private companies, private equity sponsors, and executives in the negotiation of employment and separation agreements and the design, implementation and defense of deferred compensation, retention, and equity and other incentive programs.

Abigail Perdue is an associate professor at Wake Forest University School of Law. In 2017, West Academic Publishing published her book, “The All-Inclusive Guide to Judicial Clerking,” a comprehensive resource ideal for law clerk applicants and clinical professors. Perdue directs the Wake Forest’s Washington, D.C., Summer Juvenile Enforcement Program and is an assistant director of the Metropolitan Enforcement Program. Her written works have been featured in the Journal of the California Law Drafting Committee, Journal of Gender, Law, and Policy (drafting and publication); Marquette Law Review; and is assistant director of its Metropolitan Enforcement Program. Her written works have been featured in the Journal of the California Law Drafting Committee, Journal of Gender, Law, and Policy (drafting and publication); Marquette Law Review; Duke Gender and Law; Duke Journal of Gender, Law, and Policy; and Duke Law Review. Her law review articles have been featured in the Journal of Gender, Law, and Policy (drafting and publication); Marquette Law Review; Duke Gender and Law; Duke Journal of Gender, Law, and Policy; and Duke Law Review.

LUCY J. MONTGOMERY made partner at Williams & Connolly in Washington, D.C. Montgomery focuses on complex civil trials, principally in matters relating to products liability and life sciences, as well as banking, fiduciary and transactional services.

ELLIOTT TUPP was elected a partner at King & Spalding in Atlanta. Tupp practices in the areas of intellectual property, securities and corporate governance.

SABRENA VAYNER was named one of Atlanta Business Chronicle’s 40 Under 40. Vayner was recognized for distinguishing herself as an outstanding lawyer and for her community service. Since 2010 Vayner has contributed more than 650 pro bono hours, assisting various nonprofit organizations, including Habitat for Humanity International. In May 2016 she was recognized for her pro bono contributions by the Atlanta Intellectual Property Lawyering Project, receiving the organization’s annual Pro Bono Award. Vayner also devotes substantial time to the Anti-Defamation League, serving on the Southeast Region Board of Directors and the national Civil Rights Committee, and co-chairing the Southeast Region Leadership Development Committee.

Vayner is a senior associate on the trademark and copyright team at Kilpatrick Townsend, and focuses on trademark, copyright and advertising litigation, enforcement and counseling matters. She has substantial experience litigating intellectual property disputes, copyright, false advertising and trademark infringement actions, and regularly represents clients in proceedings before the Trademark Trial and Appeal Board. For the past few years she has been recognized as a Georgia “Rising Star” in the area of intellectual property litigation by Super Lawyers. In addition to her legal practice, Vayner was recognized for the third year in a row in the World Trademark Review 1000—The World’s Leading Trademark Professionals—cited in a row in the World Trademark Review 1000—The World’s Leading Trademark Professionals.
After President Barack Obama’s election, many argued that we live in a post-racial society. In truth, you could see the seeds of the documentation of racism that occur in the U.S. in just a few years. Jan Miles ’95 proves this point in “The Post-Racial Negro Green Book,” her inaugural overview of racial bias against African-Americans in the United States, published in December. The book is a self-described “time capsule” of the years 2013-16.

Stylish in the “The Fashion of the Negro Motorist Green Book,” which advised black motorists about accommodations and services available to them in the U.S. during segregation, this “Green Book” compiles statistical research and reported incidents of racism, broken down by state.

In Louisiana, for example, where the book was published, the population is 2.5 percent black—yet blacks were 50.5 percent of the victims of police homicides over the four-year period. The section touches on stories such as that of Alton Sterling, who was killed by Baton Rouge police while selling CDs in front of a gas station, and describes disparate outcomes for blacks and whites who brandished weapons at police.

In introductory comments, Miles describes how she relied only on verified reports. Incidents for which there was not enough information to assert that race played a role were excluded.

Ultimately, the book is meant to serve as a convergence and resource for individuals studying the post-racial phenomenon of the years 2013-16.

“The question I’m asking with the look and feel of this book is: ‘How far have we really come?’” she said. Ultimately, the book is meant to serve as a conversation starter and a resource for individuals studying racism or trying to effect change on the issue.

—Eric Williamson
You’re a husband, a father of four, a marathon runner—and you keep chickens, on top of being a Harvard dean. How do you find time for it all?

Chickens are not actually that time-consuming. In fact, they are remarkably easy to keep, once you have a coop, as chickens need so little but give so much. I often tell my kids they could learn a lot from our chickens in this respect.

Who has been the most influential person in your life?

My father. He was a fount of hard-earned wisdom and taught me some of the most important lessons I have ever learned, including what it means to be a good father and what strength and integrity really look like. Although he worked very hard his whole life, starting his first part-time job when he was 9, he also always emphasized the importance of giving back to your community and of never forgetting your roots.

What did you enjoy most about your law school days, as a student and as a professor?

I loved the Law School community, including the students, faculty and staff. The community featured a wonderful and rare combination of intellectual engagement and seriousness of purpose, but also genuine compassion and goodwill.

How do you prepare for a speech that may be seen on video by millions?

Well, I can’t say it ever crossed my mind that a speech of mine would be seen by millions. But I do practice in front of our chickens, who are a very receptive and respectful audience. This is another area, I have discovered, where my children could learn a thing or two from our chickens.

What is your secret to connecting with people?

I’ve never really thought about it, to be honest, so maybe that’s my secret. I know that I feel a connection to other people when they seem to take a genuine interest in me by asking questions and listening to the answers. I try to do the same.

We’ve heard you’re a practical joker. What’s been your best prank?

My all-time favorite was when I was a law professor at UVA and around April Fools’ Day tricked my Constitutional Law class into thinking I was unfairly and randomly picking out three students to punish for ignoring my request to all students that no one go online during class (which many did anyway, alas). It worked even better than I expected, as students were aghast about the apparent injustice inflicted on their three classmates—all of whom were in on the joke and critical to its success. I was going to wait until April Fools’ Day to let the class know it was a joke, but I gave it up early because students were going in groups to the Dean’s Office to complain! The highlight was when one student, outraged at the treatment of his colleagues, wrote me to confess that he, too, went online during class so that if I was going to punish others, I should punish him as well. I wrote him back a one-word email: “Done.” He was at my door within minutes after I emailed the class to let them know it was a joke. I can’t repeat what he said.

You have the last word, what do you want to say?

Thanks.
Reunions

May 11-13 Charlottesville
All alumni are welcome.

May 31 Richmond
Offices of Hunton & Williams
6-7:30 P.M. reception

Virginia Admissions to the Bar Ceremony

June 6 Richmond
Greater Richmond Convention Center
9:30-11:30 A.M. breakfast | 11:45 A.M.-2 P.M. ceremony

J.D./MBA Welcome Reception

September 20 Charlottesville
Karsh Student Services Center
11:45 A.M. reception | 12:15 P.M. lunch

J.D./MBA Welcome Reception

September 26 Houston
Four Seasons Hotel
6-7:30 P.M. reception

September 27 Dallas
Belo Mansion
11:45 A.M. reception | 12:15 P.M. buffet luncheon

October 11 Princeton, N.J.
Home of Len Tetti '05
6:30-7:30 P.M. cocktails | 7:30 P.M. dinner

October 25 New York City
Yale Club
7-9 P.M. reception

September 6 Northern Virginia
The Ritz-Carlton, Tysons Corner
6:30-8 P.M. reception

Connect with Alumni at a reception near you.

www.law.virginia.edu/alumni