Four professors have joined the fourth season of the Law School’s podcast, “Common Law,” as co-hosts with Dean **RISA GOLUBOFF**.

The show returned Feb. 3 with Goluboff and **CATHY HWANG** serving as the first episode’s hosts. **DANIELLE K. CITRON, JOHN C. HARRISON** and **GREGORY MITCHELL** are also rotating through co-hosting duties this season, which is called “Co-Counsel.”

Goluboff’s co-host for the first three seasons, professor Leslie Kendrick ’06, is taking a break from podcasting. To fill that gap, Goluboff wanted to feature professors with diverse experiences who would help choose guests and topics for the show.

“That’s why we decided to call this season ‘Co-Counsel,’” Goluboff said. “All our co-hosts are bringing their own expertise to the table and adding their own flavor—and it’s been so much fun to record.”

Guests this season include UVA law professors **ADITYA BAMZAI, QUINN CURTIS, KRISTEN EICHENSEHR, MITU GULATI, ANDREW HAYASHI, JOHN T. MONAHAN** and **MEGAN T. STEVENSON**. Graduates **DORIANE NGUENANG ’21**, an associate at Baker McKenzie, and **NEIL RICHARDS ’97**, a professor at Washington University in St. Louis School of Law, will also be featured. Other legal scholars scheduled to appear as guests include Anita L. Allen of the University of Pennsylvania Carey Law School, Tara Leigh Grove of the University of Alabama, Elizabeth F. Loftus of the University of California at Irvine, Jennifer Mascott of the George Mason University Antonin Scalia Law School and Tom R. Tyler of Yale Law School.

Episodes will post every two weeks throughout the spring and summer.

“We’ll have episodes on law and psychology, privacy, national security law, administrative law, constitutional law, tax, sovereign debt, financial regulation and more,” Goluboff said. “There’s so much variety, and it’s been a pleasure to meet legal scholars who were influential to our own faculty here at UVA Law.”

**ABOUT THE NEW CO-HOSTS**

**CITRON**, a MacArthur Fellow, is the Jefferson Scholars Foundation Schenck Distinguished Professor in Law and Caddell and Chapman Professor of Law at UVA, where she writes and teaches about privacy, free expression and civil rights.

**HWANG’S** research and teaching focus on business law, including mergers and acquisitions, corporate contracts and corporate governance. She is the Barron F. Black Research Professor of Law.

**HARRISON**, who has worked in various roles for the U.S. State and Justice departments, teaches constitutional history, federal courts, remedies, corporations, civil procedure, legislation and property. He is the James Madison Distinguished Professor of Law and the Thomas F. Bergin Teaching Professor of Law.

**MITCHELL** teaches courses in civil litigation and law and psychology. He is the Joseph Weintraub–Bank of America Distinguished Professor of Law and the Joseph C. Carter, Jr., Research Professor of Law.

—Mary Wood
writing support for Gov. Ralph Northam’s Commission to Examine Racial Inequity in Virginia Law and its successor, the Commission to Examine Racial and Economic Inequality in Virginia Law. Thanks to the work of his students, the commissions produced two reports, in February 2021 and January 2022, laying out in great detail “the disparate and negative impacts that Virginia’s centuries of intentional discrimination and racial oppression continue to have on people of color across all areas of life—from education to economic opportunity,” he said.

To respond to these disparities, the students also helped develop a range of policy proposals—both legislative and budgetary—for the commissions’ consideration and approval. The proposals exerted a strong influence on Northam’s policy agenda. Block served as vice chair of both commissions.

Student activities in the clinics included policy research and bill drafting, negotiating with stakeholders and other legislators, testifying before legislative committees, authoring op-eds, conducting interviews with members of the press and presenting to various other governmental bodies.

The second year of the clinic is now underway, with students again working on a range of bills covering a diverse set of issues, including public health, education, state procurement and government accountability.

RICHARD BONNIE ’69 is actively involved in ongoing legislative efforts in Virginia to address unprecedented pressures on the emergency services system and the criminal justice system involving persons with acute mental illness. He challenged students in his Fall seminar, “Decriminalization of Mental Illness,” to help solve the problem more specifically. He invited them to help craft legislative proposals to divert persons arrested for criminal offenses to a new channel of civil commitment. He then passed the baton to students in ANDREW BLOCK’S State and Local Government Policy Clinic to draft proposals for the Virginia General Assembly’s Behavioral Health Commission, aiming to prepare a full proposal for the 2023 session. Bonnie is simultaneously working with the General Assembly to develop better data relating to people with mental illness who are involved in both the mental health and criminal justice systems.

Bonnie and the Institute of Law, Psychiatry and Public Policy also joined hands with the American Bar Association Commission on Aging to conduct a study of the treatment of people with dementia in the criminal justice system, especially in light of the aging of the baby boom generation. The study was funded by the Retirement Research Foundation and co-sponsored by the American Psychiatric Association and the American Academy of Neurology. The report is scheduled for release in March 2022. One key finding is that increasing numbers of people with dementia are becoming involved in the criminal legal system. Most of them are adults serving long sentences who develop dementia while incarcerated. The report recommends that properly designed facilities be developed and funded to care for those with dementia who are perceived to present a threat to public safety, whether or not they have been involved in the criminal system.

As a member of the National Academy of Medicine, Bonnie also served on a panel to assist the White House “drug czar” in improving access to methadone by persons with opioid addiction. Bonnie previously chaired two National Academies panels on addiction research in 1996 and FDA opioid regulation in 2017.

In December, Bonnie joined with approximately 100 death penalty opponents at the Omni Charlotte- ville Hotel to celebrate the abolition of capital punishment in Virginia, and he spoke at Washington and Lee University School of Law in February about the gradual process through which it was abolished. Bonnie presented lectures at Case Western Reserve University School of Law in March and Texas Tech University School of Law in April on his proposal to divert mentally ill offenders to a new legal channel of civil commitment. In January, he spoke at the American Association of Law Schools Annual Meeting with colleagues from the ILPPP on impediments to the use of advance directives in mental health care.

C. McClain) in the Georgetown Journal of Gender and the Law; and “Uncoupling” (with Carbone) in the Arizona State Law Journal. She also co-organized and presented a paper at the Third Nonmariage Roundtable held at Washington University School of Law in October, and co-organized and presented at a panel on gender identity at Fordham University School of Law in November. She participated in a panel on gender-ship, sponsored by the Federal Reserve Bank of Atlanta, in October. She also co-presented a paper at a conference on “The Body,” sponsored by the University of Chicago Legal Forum (CRraig Konnoth and Kim Krawiec also presented). She co-presented at the Seton Hall Colloquium on Law and the Technologies of Life in the Fall.

RICHARD BONNIE ’69

KIM KRAWIEC

Published several articles in 2021: “Standing and Privacy Harms” in the Boston University Law Review Online (with Daniel Solove); “The New Compact for Sexual Privacy” in the William & Mary Law Review; and “The Automated Administrative State” (with Ryan Calo) in the Emory Law Journal. She received the Privacy for Policymakers award for “Privacy Harms,” forthcoming in the Boston University Law Review, and gave 20 talks, including several keynotes. She now chairs the board of directors for the Electronic Privacy Information Center and is a member of the International Advisory Board for the Australian Research Council.

DANIELLE KEATS CITRON

RICHARD BONNIE ’69


Andrew Block successfully completed the first full year of the Law School’s new State and Local Government Policy Clinic, which he directs, in spring 2021. The clinic, which offers students the opportunity to provide legal and policy research and advocacy support, for state and local government officials in the state, worked directly with six different legislators representing both parties to develop and pass six separate pieces of legislation in the 2021 session of the Virginia General Assembly. The bills covered a wide range of subjects, from reforming the state’s approach to standardized testing of public school students to creating additional protections for people in the criminal justice system who have mental and behavioral health challenges or intellectual disabilities.

In addition to this work, under Block’s supervision, clinic students and summer research assistants provided research and
5 PROFESSORS ELECTED TO AMERICAN LAW INSTITUTE

Professors MICHAEL DORAN, JOHN DUFFY, RUTH MASON, RICHARD SCHRAGGER and PIERRE-HUGUES VERDIER were elected as members of the American Law Institute.

There are now 31 members of the UVA Law faculty currently affiliated with ALI.

The institute, formed in 1923, produces scholarly work meant to update or otherwise improve the law. The organization includes judges, lawyers and law professors from the U.S. and around the world who are “selected on the basis of professional achievement and demonstrated interest in improving the law,” according to the institute’s website.

Doran is The Honorable Albert V. Bryan Jr. ’50 Research Professor of Law. His research interests include tax policy, executive compensation and legal ethics. A member of the UVA Law faculty since 2014 and from 2005-09, Doran teaches courses in tax, property, legal ethics, federal Indian law, Native American law and employee benefits law. Before turning to academia, he was a partner at Caplin & Drysdale in Washington, D.C. He also served twice in the Office of Tax Policy at the U.S. Treasury Department.

Duffy, who joined the faculty in 2011, is the Samuel H. McCoy II Professor of Law and the Paul G. Mahoney Research Professor of Law. He has written articles in numerous prominent law reviews on a wide variety of subjects, including administrative law, constitutional law, law and economics, patent law and legal innovation. He is also co-author of five editions of the widely used casebook “Patent Law and Policy: Cases and Materials” and of the American Bar Association’s “A Guide to Judicial and Political Review of Federal Agencies.”

Mason, who joined the faculty in 2013, is the Edwin S. Cohen Distinguished Professor of Law and Taxation and Class of 1941 Research Professor of Law. Her research focuses on taxation, especially issues related to cross-border taxation—including citizenship-based taxation and taxation within federations and common markets. Her recent work considers bilateral efforts to reform corporate taxation. Mason’s work on the dormant commerce clause and tax discrimination has been cited by the U.S. Supreme Court.

Schragger, who joined the faculty in 2001, is the Perre Bowen Professor of Law and Martha Lubin Karsh and Bruce A. Karsh Bicentennial Professor of Law. His scholarship focuses on the intersection of constitutional law and local government law, federalism, urban policy, and the constitutional and economic status of cities. He also writes about law and religion. A faculty senior fellow at UVA’s Miller Center of Public Affairs, he is the author of the book “City Power: Urban Governance in a Global Age.”

Verdier, who joined the faculty in 2009, is the John A. Ewald Jr. Research Professor of Law and director of the Graduate Studies Program. He specializes in public international law, banking and financial regulation, and international economic relations. Verdier’s current research focuses on the reception of international law in domestic legal systems, foreign state immunity and customary international law. He is the author of the book “Global Banks on Trial: U.S. Prosecutions and the Remaking of International Finance.”

Alumnae LISA S. LOO ’85 and E. FARISH PERCY ’91 were also elected to the American Law Institute (see p. 87).

—Mike Fox
Justice and Law.

As director of the Center for the Study of Race and Law, Ford- Mazrui organized a panel on Jan. 25 titled “Inside Sines v. Kessler: A Case Holding White Supremacists Accountable.” The event featured key plaintiffs, lawyers and an expert witness from the case that successfully sued white supremacist leaders who planned the violence in Charlottesville on Aug. 11-12, 2017.

The event began with the annual presentation by RISA GOLUBOFF of the Gregory H. Swanson Student Award. Named after the first Black student at UVA and the Law School, the award recognizes a law student who exhibits courage, perseverance and a commitment to justice.

The 2022 honoree is RAMBERT TYREE ’22. The panel and award presentation were part of the UVA-wide Community MLK Celebration. The center also sponsored five short courses over the past four semesters: Race, Law, and Democracy, taught by BERTRALL ROSS (fall 2020); Reproductive Rights and Justice, with Khiaara Bridges of the University of California, Berkeley, School of Law (January 2021); Latinos and the Law, with Juan Perea of Loyola University Chicago (spring 2021); Racial Ambiguity Blues, with Camille Gear Rich of the University of Southern California Gould School of Law (spring 2021); and Islam, Race and the Law in the Americas, with MOHAM- MAD FADEL ’99 of the University of Toronto Faculty of Law (spring 2022).

Dean RISA GOLUBOFF was named vice chair of UVA’s Karsh Institute of Democracy inaugural advisory board. Professor JOHN C. JEFFRIES JR. ’73, EF International co-founder LAWRENCE HOWELL ’79 and Karsh Family Foundation co-founder MARTHA LUBIN KARSH ’81 also joined the board.

The Karsh Institute of Democracy was established in June with founding support from Martha and BRUCE A. KARSH ’89. The institute builds on the success of the Law School’s own Karsh Center for Law and Democracy, which was founded as part of a $44 million gift from the Karshes that also expanded the school’s premier scholarship program and funded endowed professorships. The center, established in 2018, promotes democratic dialogue, civic engagement and citizenship, and respect for the rule of law.

Overall, UVA is planning a $100 million investment in nonpartisan work intended to strengthen democracy.

Chaired by political science professor Larry J. Sabato, the Karsh Institute advisory board includes 26 members who collectively will provide guidance to the work of the institute, which was established for the study, teaching and promotion of democracy. Sabato is founder and director of UVA’s Center for Politics and University Professor of Politics.

“I am grateful to the advisory board for their willingness to serve the Karsh Institute and its mission,” UVA President JIM RYAN ’92 said in a statement announcing the board Dec. 9. “As the University continues to lead in addressing the challenges facing democracy, the accomplished board members will bring critical experience and a broad diversity of viewpoints from across the political spectrum to help us stay at the forefront of this important work.”

The public-facing institute will foster participation and civil debate on issues of national importance; support and amplify research, study and discussion about the underpinnings of democracy; and engage in public outreach focused on practical impact and action for students, community members, policymakers and other local, state and national leaders.

Its work will include augmenting and accelerating collaboration among several highly regarded UVA schools and centers already dedicated to the study of democracy, including the Center for Politics, the Democracy Initiative in the College of Arts & Sciences, the Frank Batten School of Leadership and Public Policy, the Karsh Center for Law and Democracy, the Miller Center of Public Affairs, the Weldon Cooper Center for Public Service, and the teaching and research of many faculty members across Grounds.

Martha Karsh said in a statement that she is thrilled about the new advisory board members, and both energized and inspired by the role they will play in advancing the Karsh Institute. “Simply put, this board is a world-class ‘brain trust,’ and I am confident it will help steer the work of the institute in strategic and impactful directions.”
SCHAUER, BAYEFSKY RECOGNIZED FOR LEGAL THEORY SCHOLARSHIP

Professors FREDERICK SCHAUER and RACHEL BAYEFSKY were recognized by the Association of American Law Schools for their scholarship in legal theory. Schauer won the Hart-Dworkin Award in Legal Philosophy, given annually to a scholar who has made significant and lasting contributions to the philosophical understanding of law, according to the AALS.

Schauer is a David and Mary Harrison Distinguished Professor of Law at UVA, and he is among the most recognizable names in the legal academy. His expertise has been demonstrated in hundreds of books, book chapters, articles, essays, classes and personal appearances. Schauer is a world-renowned expert in the areas of constitutional law, evidence, legal reasoning, freedom of speech, and jurisprudence and the philosophy of law.

In 2020, Schauer was elected a corresponding fellow of the British Academy in recognition of his distinguished contributions to academic thought. He received an honorary doctorate from the Vienna University of Economics and Business in 2019. Among his other accolades, he is a fellow of the American Academy of Arts and Sciences, a recipient of a Guggenheim Fellowship, and has been chair of the Section on Constitutional Law of the AALS and of the Committee on Philosophy and Law of the American Philosophical Association.

From 1990-2008, he was Frank Stanton Professor of the First Amendment at Harvard University, from which he earned his J.D. in 1972, and was previously professor of law at the University of Michigan.

Bayefsky won Best Untenured Article on Federal Jurisdiction for her paper “Remedies and Respect: Rethinking the Role of Federal Judicial Relief,” published in the Georgetown Law Journal. She argues that “a remedy that takes effect by expressing respect for the party whose rights were violated is a constitutionally legitimate, normatively desirable, and practically feasible exercise of federal judicial authority.”

Bayefsky, who joined the faculty in the fall, writes about constitutional law, federal courts, civil procedure and legal theory. Her work addresses both the practical workings of legal institutions and underlying philosophical ideas such as dignity and equality.

Bayefsky clerked for U.S. Supreme Court Justice Ruth Bader Ginsburg. She also taught at Harvard Law School as a Climenko Fellow and Lecturer on Law, and worked as a litigator at Akin Gump Strauss Hauer & Feld in Washington, D.C.

She earned her J.D. from Yale Law School, where she was editor-in-chief of the Yale Law Journal, and her D.Phil. from the University of Oxford, where she studied as a Rhodes Scholar.

The awards, announced Dec. 22, were presented in January during the virtual AALS Annual Meeting.

—Mike Fox

RISA GOLUBOFF was a 2021 Women’s Bar Association of D.C. Star of the Bar honoree. She testified March 24 at the Senate Judiciary Committee hearings on the nomination of Judge Ketanji Brown Jackson to the U.S. Supreme Court (see p. 9). She was named inaugural vice chair of the board of the Karsh Institute of Democracy (see p. 55).


She presented her article “Force and Flight,” co-authored with University of Pennsylvania law professor Kimberly Kessler Ferzan, at a conference on “Policing and Political Philosophy” sponsored by the Institute for Humane Studies in October, and at “Political Turn(s) in Criminal Law Theory,” an international virtual workshop in January.

She gave a talk, “Policing Fentanyl!” as part of the Presidential Panel on the Challenge of the Opioid Crisis for the Police, presented at the American Society of Criminology’s annual conference in November. In January, she served as a panelist for the webinar “Contextualizing the Law of Police,” hosted by the American Bar Association’s Legal Education Police Practices Consortium, and spoke about her recent casebook on policing, “The Law of the Police,” which is the first casebook on policing for instructors and students in the law school classroom and others who want to understand the wide-ranging laws that influence policing.

She continued to serve as an associate reporter for the American Law Institute’s project on policing and to advise state and federal executive and legislative branch officials on police reform.

ANDREW HAYASHI presented his paper “Charitable Giving and Civic Engagement” at UC Hastings Law and the University of Illinois. The article, co-authored with Justin Hopkins from the UVA Darden School of Business, reports evidence of how charitable contributions are associated with increased volunteerism and greater civic and community engagement. In March, Hayashi participated in a symposium at the University of Alabama Law School on “The End of Animus.” Also in March, Hayashi convened a conference on the regulation of...
FACULTY HONORS IN BRIEF

BUTLER WINS UVA RESEARCH AWARD

JAY BUTLER became the first UVA Law faculty member to win the University’s Research Achievement Award. Launched in 2019, the third annual Research Achievement Awards Program was held Jan. 28 online. Butler won a Research Excellence Award, which recognizes faculty members who have generated sufficient volume of scholarship of high quality and are emerging in their fields as leaders and acknowledged as such by their peers. Butler focuses his scholarship and teaching on international law, corporations and contracts. He previously won the Francis Deák Prize, awarded by the board of editors of the American Journal of International Law, for his paper “The Corporate Keepers of International Law.”

BOOK BY STEPHAN ’77 RECOGNIZED

PAUL B. STEP...
of digital platforms at the Law School with Danny Siganos from the University of Southern California. The conference also included DANIELLE CITRON, THOMAS HALEY and THOMAS B. NACHAB. Hayashi is scheduled to present his article “The Law and Economics of Animus” at the University of Chicago Law School in May. That article is forthcoming in the University of Chicago Law Review. Hayashi continues to do work at the intersection of tax law and religion. He is a founding board member of the Society of Christian Legal Scholars and recently completed an article titled “Christianity and the Liberal(ish) Income Tax.”


Hellman also gave a number of talks and presentations. In October, she gave a presentation at Oxford University to the Algorhythms at Work group; in November, she discussed her work on algorithmic fairness with students and faculty at Dartmouth College; in January, she presented her paper “Rationing and Disability” to the Law and Philosophy workshop at the University of Pennsylvania and her forthcoming paper “The Algorithmic Leviathan” to the Legal Studies department at The Wharton School. In April, she presented her new draft paper “Disparate Treatment Reexamined” to the Analytic Legal Philosophy Conference at the University of Pennsylvania Carey Law School. She also gave a talk on algorithmic discrimination in April, as part of the Navy Center for Applied Research in Artificial Intelligence symposium series.

FACULTY NEWS

CRAY HZANG presented “Collaborative Intent,” forthcoming in the Virginia Law Review, as the John Kidwell Memorial Lecture at the University of Wisconsin Law School and presented “National Security Creact in Corporate Transactions,” co-authored with KRISTEN EICHENSTEIN, at the University of Minnesota faculty workshop. She signed a contract with Foundation Press for a new casebook, “Business Associations: A Modern Approach,” co-authored with Paolo Sagratto at George Mason University Antonin Scalia Law School. She was elected chair of the AALS Committee on Transactional Law & Skills. Last year and in February, she co-organized three diversity panels with the University of Chicago Law School: one on teaching, one on scholarship, and one on diversity and inclusion in investing. She also published “Cleaning Corporate State Governance” in the University of Pennsylvania Law Review.

The New York Times spoke to CALE JAFFE ’01 in January to better understand what the gubernatorial transition in Virginia would mean for the future of the state’s clean energy laws and regulations, for the article “Virginia Democrats Aim to Block Trump’s E.P.A. Chief From State Agency.” Jaffe also shared his analysis of Virginia’s energy transition as part of a panel hosted by the U.S. Green Building Council in February. In March, Jaffe spoke at the University of Richmond School of Law on the Regional Greenhouse Gas Initiative and at the University of Kentucky School of Law as part of a symposium commemorating the 50th anniversary of the enactment of the Clean Water Act of 1972.

An article by LESLIE KENDRICK ’06, “Culpability and Negligence,” was recently published in Corporate and Private Law Theory from Oxford University Press. Last fall, she was invited to guest lecture in torts classes at Harvard and Columbia universities on Quesenbery v. Huntingdon Ingalls, a tort case she argued successfully before the Supreme Court of Virginia. She also guest lectured at Princeton University on freedom of speech. Last spring, Kendrick was a panelist at the American Philosophical Association’s Pacific Division annual meeting, and this year she will present a paper at the annual meeting in Manchester, British Columbia. She will also participate in conferences at Yale University, the University of Pennsylvania and the University of North Carolina.

DOUGLAS LAYOCK spoke in Washington, D.C., on the First Amendment at the Cato Institute’s Constitution Day program and on “Religious Exemptions from the Founding to Today” for a podcast jointly sponsored by the National Constitution Center and the University of Notre Dame’s Center for Citizenship and Constitutional Government. He spoke on “The Future of Religious Liberty” in a conversation at UVA Law with Dallin H. Oaks, president of the Quorum of the Twelve Apostles of the Church of Jesus Christ of Latter-day Saints.

He spoke in Washington on “Religious Liberty in the Supreme Court” to the Religious Liberty Fellows of the J. Reuben Clark Law Society. He commented on Jordan Lorence’s survey of religious liberty law for the UVA chapter of the Federalist Society. Lorence is senior counsel at the Alliance Defending Freedom.

Together with the Law and Religion Clinic at the University of Texas, he filed an amicus brief in the U.S. Supreme Court in Ramirez v. Collier, on whether a condemned prisoner’s pastor, once admitted to the execution chamber, can offer audible prayers and lay hands on the prisoner.

In the fall, he gave the commencement address and received an Honorary Doctor of Laws from Michigan State University. In the spring semester, he is teaching Remedies live from the J. Reuben Clark School’s International Law and Religion Clinic at the University of Arizona and by Zoom at Yale.


MICHAEL LIVERMORE recently launched a podcast, sponsored by the Law School’s Program on Law, Communities and the Environment, called “Free Range with Mike Livermore.” On the podcast, Livermore interviews guests on topics related to the environment, law, politics, philosophy and science. Guests include CAMILO SÁNCHEZ, director of the Law School’s International Human Rights Clinic; Professor Emeritus JONATHAN CANNON; Karen Bradshaw of Arizona State University; and Madison Condon of Boston University. The podcast is available at law.virginia.edu/place and on SoundCloud, Apple Podcasts, Google Podcasts and Spotify. This spring, Livermore also presented on his recent book, “Reviving Rationality: Saving Cost-Benefit Analysis for the Sake of the Environment and Our Health,” co-authored with Richard L. Revesz, at the University of Houston Law Center and Washington University at St. Louis Weidenbaum Center. In February, he presented ongoing research on racial and gender representation on the federal courts at the law and economics workshop at New York University School of Law.

Julia D. Mahoney presented “Eminent Domain and the Twilight of the New
IN MEMORIAM: W. LAURENS WALKER III
A PIONEER IN PROCEDURAL JUSTICE

PROFESSOR EMERITUS W. LAURENS “LARRY” WALKER III, a pioneer in the field of procedural justice and in the use of social science in courts who served on the Law School faculty for 33 years, died April 13 of natural causes. He was 85.

Known for his kind demeanor, infectious laugh and talent for helping students understand the complexities of civil procedure and litigation, Walker retired as the T. Munford Boyd Professor of Law in 2011.

Early in his career he partnered with two psychologists, former University of North Carolina professor John Thibaut and UVA Law professor JOHN T. MONAHAN, to produce scholarship that has had a lasting impact on the legal academy, the justice system and beyond. With Thibaut, Walker conducted widely influential empirical research on procedural justice, which explores why fair processes matter in law and across a variety of fields. With Monahan, he wrote the casebook “Social Science in Law,” now in its 10th edition, and developed the first comprehensive system to manage the use of social science in court. Those guidelines shape how expert testimony is conducted in courts around the world today.

“My professional life is linked to these truly great scholars,” Walker said in a story marking his retirement. “We managed to create new corners of interest, one in psychology and one in law.”

Before joining the Virginia faculty, Walker was the Paul B. Eaton Professor of Law at the University of North Carolina. There, he met Thibaut, a social psychologist. After Walker learned of Thibaut’s interest in jurisprudence, they launched a 10-year research program designed to distill fundamental models of legal procedure and examine them through the lens of psychology. The experiments yielded more than 25 articles and ultimately a landmark book, “Procedural Justice: A Psychological Analysis,” published in 1975.

UVA Law professor GREG MITCHELL, who holds both a J.D. and Ph.D. in psychology and who later co-authored with Walker, said Walker and Thibaut’s work “gave birth to the concept of procedural justice.”

“Procedural justice theory is now one of the most important tools we have for understanding why citizens do, or do not, accept government institutions as legitimate sources of authority,” Mitchell said. “When I was a graduate student in psychology, Larry’s work on procedural justice literally changed the course of my career because it inspired me to change my focus from the study of the executive branch and foreign policy to a study of legal institutions, and to do that I realized that I needed a law degree.”

Professor and former Dean JOHN C. JEFFRIES JR. ’73 said Walker identified the psychological value of good procedures. “His insight was that procedures not only guide and constrain substantive decisions, but also help perceptions of fairness by the participants. Larry’s writings spawned a whole school on what is called the ‘dignitary’ value of procedure,” Jeffries said.

Walker was also a prolific writing partner with Monahan;
together they published 20 articles and developed the concept of social frameworks, which offered a new kind of evidence to courts—expert testimony that provides context by drawing on a body of research.

Mitchell said Walker and Monahan’s work on the proper uses of social science research in the law “provides the framework that courts and scholars now use to understand the limits and possibilities of social science as a legal tool.”

“For instance, Larry and John explained how evidence sampling techniques can be used to prove damages in mass tort cases where proving individualized damages would prove too costly,” Mitchell said. “This innovation has now been used in multiple cases and is the subject of spirited debate among class-action scholars and lawyers. Larry is that rare scholar whose work has had tremendous theoretical and practical influence.”

Walker came from a long line of educators. In 1849, his ancestor, the Rev. Newton Pinckney Walker, founded what is now the South Carolina School for the Deaf and the Blind, and the family continued to lead the school, which later expanded to care for a wider range of children with special needs, for several generations. It was one of the first schools for deaf and blind children in the United States.

After graduating from Spartanburg High School in South Carolina, Walker received a full scholarship to attend Davidson College, where he majored in English and history. He studied at the London School of Economics for a time before turning to a planned career in journalism in his hometown. Earning a full scholarship to Duke Law School, he didn’t initially intend to become a lawyer. He wanted to be a journalist with a law degree.

But “I decided that after a while I would like to be involved in the decision-making rather than reporting the decision,” he said in 2011.

After graduating law school as a member of the Order of the Coif in 1963, he served as a lieutenant and captain in the U.S. Army, mostly stationed in Würzburg, Germany. Once his service concluded, he joined the Atlanta tax firm Sutherland Asbill & Brennan, and later was counsel to another Atlanta firm, Long, Aldridge & Norman.

Though he had a successful practice, he decided to turn to academia. He pursued an S.J.D. at Harvard Law School to prepare, graduating in 1970. After teaching at UNC for several years, he joined the Virginia faculty in 1978. Two years later, Monahan, who holds a Ph.D. in psychology, joined too, and their partnership began.

“Larry was an ideal colleague and a magnificent friend,” Monahan said, noting the 10 editions of their book together since it was published 40 years ago. “I’ll miss Larry as a colleague enormously. But it’s Larry as a friend I’ll miss even more.”

Walker also advised the U.S. Senate Committee on the Judiciary in the early 1980s in a special counsel role. While serving on the committee, he met and became lifelong friends with Senior Judge Dennis W. Shedd of the U.S. Court of Appeals for the Fourth Circuit. Shedd later became chief counsel and staff director of the Committee.

“He had a first-rate legal mind, impeccable integrity, a great laugh he shared willingly and was just fun to be around,” Shedd said. “He never lorded any of his talents over anyone, but was a genuine, well-mannered soul, who always made everyone—even those who disagreed with him—feel worthy and important.”

Walker was a member of the Judicial Conference of the Fourth Circuit. In 1988, he was given the Biennial Distinguished Contributions Award from the American Psychology-Law Society for his social scientific studies of the legal process.

In addition to his notable contributions as a scholar, Walker made a significant impact on his students, who praised him for being able to explain the most difficult concepts in the most understandable way.

CHRISTOPHER CHORBA ’01, a former student of Walker’s who is now a partner at the law firm Gibson, Dunn & Crutcher, recalled that though Walker’s Complex Civil Litigation course was at 8:15 a.m. three days a week, “it was nonetheless the highlight of my semester and law school career.”

“He was serious about his craft, but had a sense of humor when needed, which usually was at 8:15 a.m. on a Friday,” Chorba said. “When it came time to choose a practice at Gibson Dunn some 20 years ago, I wanted to work on class actions because of Professor Walker’s course.”

WILLIAM J. CURTIN III ’96, now global head of mergers and acquisitions at Hogan Lovells, took Walker’s Civil Procedure course.

“Professor Walker was particularly beloved for what we came to appreciate as his sequential laugh, which always began with his laughter at a particular circumstance, then followed by a chorus of laughter across the students in his class, and which was then brought to fruition by Professor Walker’s further laughter reflecting his delight at observing the students’ own enjoyment,” Curtin said. “The rolling laughter reflected a joy of learning, together as a community at Virginia Law, that occurred consistently in Larry Walker’s classroom.”

One of Walker’s best friends is Judge HELGI C. WALKER ’94, now a partner at the law firm Gibson, Dunn & Crutcher, who recalled that though Walker’s Complex Civil Litigation course was at 8:15 a.m. three days a week, “it was nonetheless the highlight of my semester and law school career.”

“Have I ever known anyone more universally beloved than Larry Walker,” Wilkinson said. “Kind, warm, unfailingly considerate to others, decent to his very core. Larry was too modest ever to acknowledge his place as a pathbreaking interdisciplinary scholar, but that he was. He and John Monahan showed the way social science could inform the law before many others had even thought of the subject.”

Walker is survived by his wife, Sharon Louise Walker; his stepbrother, R. Wiley Bourne Jr. (Elinor); and three children, Margit Walker Nelson (Rob), and Carina Smith Severance (Ryan). He also is survived by three grandchildren.

Helgi Walker, also a partner at Gibson Dunn, said she was often reminded of her father’s impact at the Law School when interviewing UVA Law students for summer associate or associate positions.

“On many an occasion, I could see them looking at the nameplate on my desk, the UVA Law School degree hanging on the wall in my office, and then studying my face—I could see the wheels turning. Finally, they would blurt out, ‘You’re not Mr. Walker’s daughter, are you? I loved him!’”

—Mary Wood
JOY MILLIGAN delivered the Ellen Maria Gorrisen Lecture at the American Academy in Berlin on “The Constitution and Racial Repair” in November. She spoke at the New York University School of Law Colloquium on Constitutional Theory on “Remembering: The Constitution and Federally Funded Apartheid” in November; at the Law & Society Institute at Humboldt University, Berlin, on “Racial Inequality and the American Administrative State: Can the Past be Undone?” in December; and at the John F. Kennedy Institute at Free University, Berlin, on “Racism, the American State, and the Constitution” in January. Her article “Remembering: The Constitution and Federally Funded Apartheid” was published in the University of Chicago Law Review.

KELLY ORIANS wrote the chapter, “Community-Based Re-entry: Breaking the Cycle of Reincarceration,” with Troy Rhodes, a colleague at The First 72+ who is formerly incarcerated, for “Transforming Criminal Justice: An Evidence-based Agenda for Reform,” forthcoming by NYU Press.

As director of the Supreme Court Litigation Clinic, DANIEL R. ORTIZ filed as counsel of record a cert petition and cert reply in Wright v. Indiana, which asks whether a criminal defendant’s invocation of his Sixth Amendment right to self-representation is unequivocal if he would prefer private counsel he cannot afford or court-appointed counsel who is not qualified under state law to represent defendants in capital cases, and whether his waiver is intelligent if he is not well educated in the law. He also filed a cert petition in Jones v. Hendrix, which asks whether federal inmates who did not—because established circuit precedent stood firmly against them—challenge their convictions on the ground that the statute of conviction did not criminalize their activity may apply for habeas relief under 28 U.S.C. Section 2241 after the Supreme Court later makes clear in a retroactively applicable decision that the circuit precedent was wrong and that they are legally innocent of the crime of conviction. He also filed a cert petition in Flowers v. United States, which asks whether conduct that is consistent with either lawful or unlawful behavior, and in which law-abiding members of the general public routinely engage, can establish reasonable suspicion justifying a Terry stop merely because it occurs in a high-crime area; and in a cert petition and cert reply in Struve v. Iowa, which asks whether police officers in states that prohibit drivers from sending text messages on a cellphone but allow them to use their cellphones for other purposes, such as navigation or playing music, have reasonable suspicion under the Fourth Amendment to initiate an investigatory traffic stop when they observe a driver briefly holding and manipulating a cellphone. He also spoke at the Supreme Court Roundup sponsored by the UVA Law Federalist Society and presented a paper at the Journal of Law & Politics symposium commemorating the 50th anniversary of the 1971 Virginia Constitution.

SAIKRISHNA PRAKASH had two articles published in the fall: “Necessary and Proper Executive Privileges and Immunities” in the Supreme Court Review and “Prosecuting and Punishing Our Presidents” in the Texas Law Review. He was a panelist in a program sponsored by the Kluge Center at the Library of Congress, the American Enterprise Institute and the Brookings Institution on “The Pillars of Democracy: The Presidency” in August. Finally, he was a panelist on the National Constitution Center’s town hall “Does the Presidency Need Reform?” in November.

MARGARET FOSTER RILEY was appointed the Dorothy Danforth Compton Professor at the Miller Center, where she will work to build out the center’s new focus on health policy. In addition, she is part of a working group studying the effects of artificial intelligence on biomedical medicine. That working group is part of her membership on NExTAC, a Federal Advisory Committee that advises the National Institutes of Health director about emerging biotechnologies.

JOHN T. MONAHAN recently published the 10th edition of his casebook, “Social Science in Law: Cases and Materials,” co-authored with W. LAURENS WALKER. He also co-authored an article in Criminal Justice and Behavior titled “The Empirical Case for Pretrial Risk Assessment Instruments.” Monahan directs a research project for the John D. and Catherine T. MacArthur Foundation on ways to improve pretrial risk assessment. He also serves on the Advisory Board of Advancing Pretrial Policy and Research, supported by Arnold Ventures.

RUTH MASON wrote two short articles on the global tax deal to establish a minimum tax rate: “The 2021 Compromise” in Tax Notes and “The Fine Print on the Global Tax Deal” in Foreign Affairs. She delivered a lecture, “The Transformation of International Tax,” to mark her appointment as Edwin S. Cohen Distinguished Professor of Law and Taxation.

She presented “The Economic Foundation of the Dormant Commerce Clause,” co-authored with Michael Knoll of the University of Pennsylvania Carey Law School, at tax workshops at the University of Florida; the University of California, Irvine; and New York University. She delivered the keynote address at a conference at Vienna University on “Tax and State Aid,” published as “State Aid Enforcement After Amazon,” and gave a talk titled “Tax Policy for a World of Mobile Income” to the ABA Tax section. She moderated a panel at the University of Michigan on treaty overrides and delivered the inaugural Philip Blumberg Memorial Lecture in honor of the late University of Connecticut School of Law dean.

A new book from Abraham and White reveals how judges and social change played a central role in the evolution and expansion of tort law over the past 175 years.

“Tort Law and the Construction of Change: Studies in the Inevitability of History” covers little-known turning points in the history of torts. A tort relies on common law legal precedents made by courts, rather than legislators. What plaintiffs could sue over—what was considered a “cause of action”—has radically expanded over time as the body of common law grew. As late as the middle of the 19th century, there was limited liability for causing tangible physical harm and very little liability for causing intangible harm.

Abraham and White’s book takes a close look at exactly how judges weighed existing case law against social pressures that pointed to the need for change. What they found will educate readers, they said.

“Lay audiences in the U.S. sometimes understand judicial decisions as simply the outcomes of political agendas,” Abraham said. “And lawyers sometimes understand judicial decisions to be largely driven by legal rules and doctrines that are the products of technical legal forces. We are suggesting that neither of those views adequately captures what is going on when judges make decisions in torts cases.”

Two of the many turning points the book covers are the rise of liability for inflicting emotional distress and the invasion of privacy.

“Those new developments were actually radical breaks with the past, but the courts always contended that they were continuous with the fundamental principles underlying past precedents about other issues,” White said.
A new book edited by Law is designed to help scholars and students alike understand constitutional law around the world by conveying the full diversity of the world's legal and political systems.

“Constitutionalism in Context” covers legal systems frequently overlooked by comparative constitutional law books, including systems in Asia, the Global South and the Muslim world. Law was inspired to assemble a constitutional law book that better represented the world's legal and political diversity after teaching at National Taiwan University and Seoul National University.

“One of the things that became obvious is that the materials that people usually use to teach comparative constitutional law don’t have much to say about Asia, even though it’s half the world’s population,” Law said. “A focus of this book is exposing people to the full diversity of constitutionalism around the world.”

He added that comparative constitutional law books typically emphasize the same dozen or so countries—including Canada, South Africa, Israel, India and parts of Western Europe.

“When you cover these countries, you cover the usual topics like freedom of expression, freedom of religion, with a lot of emphasis on civil and political liberties,” he said. “You focus more specifically on liberal constitutional democracies with judicial review. Frankly, that doesn’t describe a lot of the world.”

In his new book, Schauer looks at evidence in a variety of contexts and finds it pervades our lives well beyond the legal system.

Schauer, a preeminent legal theorist who has taught evidence for more than 40 years, had long planned on writing a book on the topic, but was spurred to finally get started following the 2020 presidential election and the events of Jan. 6, 2021, “which put questions of evidence on the front page of the newspapers every day and in the front of everyone’s consciousness.”

“Just as they say that ‘if you have a hammer, every problem looks like a nail,’ I became increasingly aware of the issues of evidence and proof in almost everything I saw, did or read about,” Schauer said. “And most of this was not about law with a capital ‘L,’ but about public policy, politics, science, art, sports and pretty much everything I was interested in.”

In examining the issues at stake, Schauer relies on probabilistic thinking and analysis.

“One of the implications of thinking probabilistically is that what might appear as weak evidence is still evidence, and might be good enough depending on the context and the consequences,” he said. “We properly require proof beyond a reasonable doubt to convict someone of a crime, but how much evidence does a physician need to recommend an experimental drug for patients with afflictions for which there is no other remedy? How much evidence was necessary for historians to conclude that Thomas Jefferson was the father of the children of Sally Hemings?”

The book, as a result, offers new insights on both the challenges of finding the truth and why people often reason poorly.

Ross completed his service on the Presidential Commission on the Supreme Court of the United States that produced a report delivered to President Joe Biden in December. His article “Passive Voter Suppression: Campaign Mobilization and the Effective Disfranchisement of the Poor,” co-authored with Douglas Spencer, was cited by Judge A. Wallace Tashima of the U.S. Court of Appeals for the Ninth Circuit.

His article “Challenging the Crown: Legislative Independence and the Origins of the Free Elections Clause” was published in the Alabama Law Review, and Ross was recently interviewed on voting rights issues by various media outlets.

GEORGE RUTHERGLEN and co-authors completed new editions of casebooks on “Employment Discrimination,” “Civil Rights Actions” and “Transnational Civil Litigation.” He also agreed to serve as amicus in Smith v. Trump, a civil rights action arising out of the Jan. 6 riot at the U.S. Capitol.

FREDERICK SCHAUER’S book “The Proof: Uses of Evidence in Law, Politics, and Everything Else” will be published by the Harvard University Press in May.

He delivered the lecture “Rules of Order” at the University of Vienna, with a written version to be published in the volume “Vienna Lectures in Legal Philosophy.” He also lectured on “Constitutionalism” at the University of Graz. Schauer gave the lecture “Constitutionalism as Constraint” as the annual Legal Theory Lecture at the University of Lisbon School of Law. He lectured on “Early Origins of Legal Positivism” in the Legal Theory Master Course at Goethe University in Frankfurt, Germany.


MOLLY BISHOP SHADEL had two articles published in the Virginia Law Review Online in February as part of their pedagogy symposium. The first, co-authored with J.H. VERKERKE and Sophie Travalter, is titled “Gender Differences in Law School Classroom Participation: The Key Role of Social Context.” It reports on an empirical project launched in June 2013 in which the authors followed four cohorts of law students throughout their time at UVA, and also analyzed data from class recordings of required first-year courses to explore gender gaps in classroom participation. They show that these gaps are not fixed, but result from particular contexts and pedagogies. The second, co-authored with ANNE COUGHLIN, is titled “The Gender Participation Gap and the Politics of Pedagogy.” It explores problems with cold-calling to teach topics such as rape law, arguing that while it is important to close gender gaps in participation, it is equally important to do so in a way that does not disempower students.

At the AALS annual meeting earlier this month, SARAH SHALF ’02 was elected to the executive committee of the AALS Civilian Section and was also reappointed as co-chair of the Membership Committee for the Clinical Legal Education Association at the CLERA annual meeting, which coincided with AALS. The Charlottesville City Council appointed Shalf to the Monticello Area Community Action Agency board Sept. 20. She co-taught Poverty Law, Advocacy and Policy with NAOMI CAHN in the fall.

PAUL STEPHAN ’77 received the Office of the Secretary of Defense Medal for exceptional public service in the Office of the General Counsel in 2020-21. He has taken part in amici briefs in Cassirer v. Thyssen-Bornemisza Collection Foundation, which was argued before the Supreme Court on Jan. 18, and Shanghai Yongrun Investment Management Co. v. Kashi Galaxy Venture Capital Co., pending before the Appellate Division of the Supreme Court of New York.

Two of his works are expected to be published in the spring: the book chapter “Antibribery Law” in “Change in the International Order” and the article “The Crisis in International Law and the Path Forward for International Humanitarian Law” for the International Review of the Red Cross. He appeared on the podcast “Clauses and Controversies,” hosted by MITU GULATI and Mark Weidemaier of the University of North Carolina Law School.

MEGAN T. STEVENSON was elected to the board of directors of the American Law and Economics Association. She gave a keynote address to the Harvard Data Science Initiative on “Algorithmic Risk Assessment in the Hands of Humans” and a keynote address on “Conviction, Incarceration and Reintegration” at the Latin American and Caribbean Law and Economics Association annual meeting.

She also gave talks at the University of Southern California, Tulane University, the Latin American Workshop on Law and Economics, George Mason University, the UVA Applied Economics Workshop, and the AALS Session on Law and Economics. She published a short article on Inquest called “Measuring the Human Costs of Criminal Justice Involvement.”

G. EDWARD WHITE published “The Inward Turn and the Future of Tort Theory,” co-authored with KENNETH S. ABRAHAM, in the Journal of Tort Law. He also co-authored “Tort Law and the Construction of Change: Studies in the Ambiguity of History” with Abraham; the book was published by the University of Virginia Press in February.

White authored “Soccer in American Culture: The Beautiful Game’s Struggle for Status,” published by the University of Missouri Press in March.