PRAKASH TESTIFIES BEFORE CONGRESS ON PRESIDENTIAL POWER AND MUELLER REPORT
Former Special Counsel ROBERT MUeller ’73 gave his public testimony to Congress in July, hewing closely to the report that he and his staff, including AARON ZEBLEY ’96, prepared as an inquiry into the 2016 presidential election.

Professor SAIKRISHNA PRAKASH was among the academics who testified before the U.S. House Judiciary Committee on June 20 in the runup to Mueller’s appearance. Prakash responded to questions about presidential power raised by the report, which investigated Russian electoral interference and possible connections between President Donald Trump and his campaign affiliates.

Prakash is the James Monroe Distinguished Professor of Law and Paul G. Mahoney Research Professor of Law. His scholarship focuses on separation of powers, particularly executive powers, and he is the author of “Imperial from the Beginning: The Constitution of the Original Executive.”

Of particular interest to the House committee was the issue of obstruction of justice, if the president committed it (the Mueller report outlined 10 possible instances) and, if so, whether a president can or should be held accountable. Prakash reiterated his thoughts for Congress in an article posted to the UVA Law website.

“To be clear, I am not saying that obstruction statutes cannot be applied to the president,” Prakash said. “I am only saying that these generic statutes ought not to be read to apply to government officials, including the president. If Congress made clear, via amendments, that these statutes apply to presidents, the difficult constitutional question would be squarely presented, namely whether Congress can make certain exercises of presidential authority a crime.”

Prakash added, “Presidents can commit obstruction in a more colloquial sense—namely, hindering an investigation—and they can commit obstruction in a loose impeachment sense. Nothing I said in my testimony should be construed as implying that all of the president’s actions were appropriate. Further, the House can impeach on the grounds that the president obstructed an investigation (or sought to) in a colloquial sense that goes beyond our federal laws. The House (and the Senate) can impeach for offenses that have nothing to do with violation of federal criminal laws.”

In his sworn testimony, Prakash also said the president has broad constitutional authority over the Department of Justice, the FBI and special counsels. In addition, he said, Mueller was wrong to indicate that DOJ rules prevented him from declaring that the president did or did not commit a crime.

“There is no such DOJ bar, much less a constitutional one,” Prakash said.

—Eric Williamson and Mike Fox

**MICHAL BARZUZA** participated, along with Chief Justice Leo Strine, as a panelist on “The Future of Federalism” at the University of Pennsylvania Law School; presented “Long-Term Bias” (with Eric Talley of Columbia Law School) at Columbia, at a Gibson Dunn roundtable and at Fordham Law School; and participated as a panelist in the Kirkland & Ellis M&A roundtable.

**RICHARD BONNIE ’69** co-chaired the National Academies of Sciences, Engineering and Medicine report “The Promise of Adolescence: Realizing Opportunity for All Youth,” released in May. The committee’s mandate was to examine the neuro-biological and socio-behavioral science of adolescence and the advances that have been made in the science of adolescent development in recent years. He presented the report at the UVA Medical Center Hour in October. He has also been busy this summer following up on the NASM Opioid report released in July 2017. The FDA announced that it will be embracing the public health framework for regulating opioids that he and others proposed in that report and will be holding a public hearing on the implications of the new framework, and the agency’s authority to implement it, on Sept. 17. He will be making a presentation at that hearing. He also spoke about the report at the Virginia Bar Association Summer Meeting on July 19. In June, he filed an amicus brief in Kahler v. Kansas at the U.S. Supreme Court on behalf of 290 law professors in support of a ruling that abolishing the insanity defense would violate the due process clause. It was co-written with Professor Stephen Morse of the University of Pennsylvania Law School. In his work on the Steering Committee for the Consortium on Risk-Based Firearm Policy, he made presentations on “Extreme Risk Protection Orders” at a meeting at Johns Hopkins School of Public Health on May 29 and participated in a webinar on the same subject for the National Council for Behavioral Health on Aug. 19.

**DARRYL BROWN ’90** authored the forthcoming articles “Procedural Accidents: Re-thinking Responsibility for Litigation Errors,” to appear in the Texas Law Review, and “The Case for a Trial Fee: What Money Can Buy in Criminal Process,” to appear in the California Law Review. He also accepted an invitation to deliver the annual Barrock Lecture on Criminal Law at Marquette University School of Law in November, titled “What Offenses Should Prosecutors Charge?” He is scheduled to give a keynote address on American criminal process at an international symposium on Fundamental Reforms in Criminal Justice in April 2020 at the University of Hamburg Faculty of Law in Germany.

**BARBUZA NAMED RESEARCH MEMBER AT CORPORATE GOVERNANCE INSTITUTE**

Professor **MICHAL BARZUZA** was named a research member of the Brussels-based European Corporate Governance Institute, which was founded in 2001 to improve corporate governance by fostering independent scientific research and related activities. She was one of 17 new research members announced April 10. The new research members, who are drawn from academia in Europe, North America and Asia, were admitted on the quality of their academic work in the field of corporate governance and stewardship.

Barzuza researches and teaches corporate law, corporate governance, corporate finance, regulatory competition, and law and economics. Her work has been published in top legal and finance peer review journals. Her research analyzing Nevada’s attempt to compete with Delaware over incorporations by offering lax law received national attention and was covered by leading business journals. Barzuza’s recent paper “Long-Term Bias,” co-authored with Eric Talley of Columbia Law School, inspired an analysis published by The Wall Street Journal and will be published in the Columbia Business Law Review.

—Mike Fox
A UVA-led National Academies of Sciences, Engineering and Medicine report has found that adolescence, like infancy, is a critical period of development—and it is not being used to its full potential by society.

The report, “The Promise of Adolescence: Realizing Opportunity for All Youth,” published in May, was chaired by RICHARD BONNIE ’69, the Harrison Foundation Professor of Medicine and Law, and the director of UVA’s Institute of Law, Psychiatry and Public Policy.

“The adolescent brain undergoes a remarkable transformation that underpins amazing advances in learning and creativity,” Bonnie said. “As a society, we bear a collective obligation to unleash the creativity of the adolescent brain while cushioning adolescents from experiences that could endanger their future well-being.”

Bonnie said there are four key findings. “One is the dramatic extent of brain development during adolescence,” he said. The second key finding is that the brain evolves to respond to the needs of human beings as they grow. For adolescents, this means the brain changes to enable them to move from living under the protection of their parents to becoming mature adults.

The resilience of the adolescent brain is another key finding. Young people can rebound and heal from abuse or neglect that may have happened during childhood.

Finally, Bonnie said that for millions of adolescents, the stage in life represents a period of missed opportunity because of inequities measurable by race, ethnicity, socioeconomic status and other factors.

The report recommends ways society can capitalize on these developmental opportunities and address inequities.

—Jane Kelly
Australia, where she was a visiting academic fellow at Australia National University’s School of Philosophy. While there, she presented “What Does #BelieveWomen Require?” at the university’s Centre for Moral, Social and Political Theory seminar. She also presented the paper in September at Princeton University for the American Society for Political and Legal Philosophy conference on Truth and Evidence. Her paper will be published in NOMOS.

Ferzan said she was “delighted” to officiate the wedding of two of her former students, ALEX HADEN ’17 and ASHLEY ANGELOTTI ’17, in September.

On March 24, KIM FORDE-MAZRUI presented a paper with co-author JEREMY BENNIE ’18 at the Fourth National People of Color Legal Scholarship Conference hosted by the American University Washington College of Law. Forde-Mazrui also presented the paper “Motivating Racial Justice Through Contact: A Call for National Civil Service” to UVA’s law faculty July 2.

Forde-Mazrui co-organized a conference held Sept. 27-29 at UVA Law titled “One Year After Charlottesville: Responding to the Resurgence of Racism with Reconciliation.” Co-planners included professors DAYNA BOWEN MATTHEW ’07, as primary organizer, and JOSH BOWERS. The Virginia Law Review published several papers from the conference, including a foreword by Dean RISA GOLUBOFF. The conference was sponsored by the Center for the Study of Race and Law.

Forde-Mazrui organized another center event, “The Hard Work of Social Justice: A Conversation With Women of August 11-12,” held Jan. 31 in honor of UVA’s Community MLK Celebration. The event began with a screening of the new Emmy Award-winning documentary “Charlottesville.” Goluboff then presented this year’s Gregory H. Swanson Award to MICHELE ST. JULIEN ’20, and Matthew moderated a 90-minute discussion with eight women connected to Aug. 11-12. The event was standing room only in Caplin Pavilion and was covered by local news media.

Also under the auspices of the center, Forde-Mazrui arranged for a short course, Critical Race Theory, taught by Duke law professor Trina Jones in February at UVA Law. The center also hosted Jones’ paper presentation “DNA-Based Race?” at the Law School in partnership with UVA’s Working Group on Racial Inequality. On March 19, Forde-Mazrui hosted a discussion at his home titled “Could the Equal Rights Amendment Harm Women’s Equality?: Potential Guidance from Race Law.” The event was co-sponsored by the center, Women of Color, Feminist Legal Forum and Virginia Law Women.

Michael Gilbert presented “Insincere Evidence” in May at the American Law and Economics Association meetings, hosted by New York University, and in June at the “Political Economy and Public Law” conference, hosted by Princeton. Co-authored with Professor SEAN SULLIVAN ’13 of the University of Iowa College of Law, the paper will be published in the Virginia Law Review.

Gilbert’s paper “The Law and Economics of Entrenchment” was accepted for publication in the Georgia Law Review. With a group of co-authors, Gilbert published two papers using data collected during the 2016 election: “Waiting to Vote in the 2016 Presidential Election: Evidence From a Multi-County Study,” in Political Research Quarterly, and “Pedagogical Value of Polling-Place Observation by Students,” in Political Science and Politics. Gilbert co-authored “For Campaign Finance Violators, Crime Pays” with SAMIR SHETH ’19 for the Take Care blog. Gilbert continues to work with Professor Robert Cooter of the University of California at Berkeley on a book on public law and economics. He organized and attended a conference on the book at Berkeley Law in October. Along with DEBORAH HELLMAN and other faculty from the University, Gilbert co-leads a UVA Democracy Initiative called CLEAR: Corruption Lab for Ethics, Accountability, and the Rule of Law. CLEAR promotes interdisciplinary research and dialogue on corruption.

GEIS HONORED FOR SCHOLARSHIP, TEACHING

GEORGE GEIS’ paper examining how blockchain technology could revolutionize financial markets and business law was named one of the top 10 corporate and securities articles of 2018.

A poll of academics conducted for Corporate Practice Commentator selected “Traceable Shares and Corporate Law” out of nearly 400 candidates.

During a recent talk at the Law School, he said the technology best known for cryptocurrency, if applied to traditional stock markets, could transform trading by providing investors with detailed information regarding a share’s past owners.

Geis’ research was the focus of an episode of “Common Law,” a Law School-sponsored podcast.

“If the technology plays out the way a lot of people think it might play it out, it actually could have pretty big implications on corporate law, because I think it could change the way we track ownership histories of stock,” he said.

Geis, the William S. Potter Professor of Law and Thomas F. Bergin Teaching Professor of Law, also was named a recipient of UVA’s All-University Teaching Award in April.

Known for his engaging approach to making challenging subject matter accessible, Geis teaches corporate finance, accounting, contracts, corporations and applied problem-solving.

Geis is director of the John W. Glynn, Jr. Law & Business Program and the faculty adviser for the J.D.-MBA dual-degree program.

—Mike Fox and Eric Williamson

Replacing the Resurgence of Racism with Reconciliation” in the Virginia Law Review. She also spoke on “After Charlottesville” at the Chautauqua Institution.


Harmon continues to serve as an associate reporter on the American Law Institute’s Principles of Policing Project.

DEBORAH HELLMAN’S article “Measuring Algorithmic Fairness” was accepted for publication in the Virginia Law Review and will be published in 2020. She presented that article at the “Ethics, Statistics and Fair AI” conference at the California Institute of Technology in June.

Hellman continues to work on issues related to discrimination in the context of machine learning and artificial intelligence, participating in a University-wide conversation on the Collision of Technology and Society in September. Hellman also contributed to a symposium on the Supreme Court’s decision in Rucho v. Common Cause published on the Election Law Blog.

A. E. DICK HOWARD ’61 joined others at James-town when the General Assembly of Virginia marked the 400th anniversary of the assembly’s first session in 1619. At a forum on the future of representative democracy, Howard spoke on the threats of illiberal democracy to the rule of law. At St. John’s Church in Richmond (where Patrick Henry gave his famous “Liberty or Death” speech), Howard spoke on “Liberty’s Quest: American Ideas Here and Abroad.” His lecture inaugurated the endowment of the Church’s Walter W. Craigie Lectures. Leaders in higher education from around the commonwealth gathered at James Madison’s Montpelier to reflect on the pro-
County, South Carolina, and Decatur County, Tennessee, in what could turn out to be the most significant Clean Water Act cases to reach the court in more than a decade—County of Maui v. Hawaii Wildlife Fund. Jaffe had the opportunity to discuss the clinic’s involvement with the case at Vermont Law School’s 10th Annual Colloquium on Environmental Scholarship in September. County of Maui is scheduled for oral argument Nov. 6.

Students in the fall 2019 clinic have also worked on a third amicus brief on behalf of a Montana-based environmental organization in Atlantic Richfield v. Christian. At issue in Atlantic Richfield are failed cleanup efforts at a copper smelting operation that released thousands of tons of toxic metals into the environment over the course of several decades. The case considers Montana state law and constitutional doctrines on preemption as they relate to the Comprehensive Environmental Response, Compensation, and Liability Act, better known as Superfund.

Outside of Supreme Court advocacy, the clinic has filed comments on behalf of the National Trust for Historic Preservation in opposition to the U.S. Environmental Protection Agency’s efforts to repeal regulatory efforts to address climate change. Jaffe spoke about the National Trust’s engagement in the climate debate as part of a panel discussion at the National Preservation Law Conference held at the Georgetown University Law Center in June. Jaffe also co-facilitated a discussion on the work of environmental law clinics, with Duke University’s Rylee Longest, at the AALS Conference on Clinical Legal Education in May.

CALE JAFFE ’01 has guided students enrolled in the Environmental and Regulatory Law Clinic in drafting amicus briefs in several environmental cases that have reached the Supreme Court. The clinic’s brief in Virginia Uranium, Inc. v. Warren, on behalf of local chambers of commerce and elected officials in Southern Virginia, was filed in defense of the commonwealth’s moratorium on uranium mining. The court issued a ruling upholding Virginia’s statute in June. Jaffe’s analysis of the court’s decision was published online in The Conversation. Jaffe also discussed the case in August as part of an American Bar Association event, “Preemption and Federalism: Recent SCOTUS Decision on Virginia Uranium.”

The clinic submitted another amicus brief on behalf of Anderson County, South Carolina, and Decatur County, Tennessee, in what could turn out to be the most significant Clean Water Act cases to reach the court in more than a decade—County of Maui v. Hawaii Wildlife Fund. Jaffe had the opportunity to discuss the clinic’s involvement with the case at Vermont Law School’s 10th Annual Colloquium on Environmental Scholarship in September. County of Maui is scheduled for oral argument Nov. 6.

Students in the fall 2019 clinic have also worked on a third amicus brief on behalf of a Montana-based environmental organization in Atlantic Richfield v. Christian. At issue in Atlantic Richfield are failed cleanup efforts at a copper smelting operation that released thousands of tons of toxic metals into the environment over the course of several decades. The case considers Montana state law and constitutional doctrines on preemption as they relate to the Comprehensive Environmental Response, Compensation, and Liability Act, better known as Superfund.

Outside of Supreme Court advocacy, the clinic has filed comments on behalf of the National Trust for Historic Preservation in opposition to the U.S. Environmental Protection Agency’s efforts to repeal regulatory efforts to address climate change. Jaffe spoke about the National Trust’s engagement in the climate debate as part of a panel discussion at the National Preservation Law Conference held at the Georgetown University Law Center in June. Jaffe also co-facilitated a discussion on the work of environmental law clinics, with Duke University’s Rylee Longest, at the AALS Conference on Clinical Legal Education in May.

“Culpability and Negligence” by LESLIE KENDRICK ’06 was selected for the Oxford Studies in Private Law Theory collection from Oxford University Press. She presented the paper in London in August. Over the summer, Kendrick presented her paper “Free Speech as a Special Right” at the 2019 IVR World Congress at the University of Lucerne and participated in the Dialog Global conference in Venice. In the fall, she presented new work at First Amendment conferences at the University of Chicago Law School and Columbia Law School.

DOUGLAS LAYCOCK

chairied two panels at the Gonzaga University School of Law conference “Freedom of Expression as a Human Right,” in Florence, Italy, in June. “Nice work when you can get it,” he said. He commented on two papers at the Notre Dame Remedies Roundtable in Chicago. He recently published “The Broader Implications of Masterpiece Cakeshop” in the Brigham Young University Law Review and “Legislators on Executive-Branch Boards Are Unconstitutional, Period” in the William & Mary Bill of Rights Journal.

KENDRICK’S FIRST AMENDMENT ARTICLE INCLUDED IN ANTHOLOGY

An article by Vice Dean LESLIE KENDRICK’06 has been anthologized in the 2018-19 edition of the “First Amendment Law Handbook.”

“Use Your Words: On the ‘Speech’ in ‘Freedom of Speech’” was originally published by the Michigan Law Review last year. The handbook is an annual compendium of notable scholarship on First Amendment issues from the prior year, published by Thomson Reuters.

The article pushes back against that misconception that anything having to do with “speech” qualifies for “freedom of speech,” while attempting to define “the requirements of a plausible free speech right.”

Kendrick is the David H. Ibbeken ’71 Research Professor of Law and an expert in the First Amendment and freedom of expression, particularly the scope and structure of free speech rights. She writes and teaches courses in torts, property and constitutional law.

She said she was honored to be recognized in the anthology, “and I look forward to continuing to write and talk about the difference between ‘speech’ and ‘freedom of speech.’”

—Eric Williamson
In August, MICHAEL LIVERMORE presented new research (with Vladimir Eidelman and Onyi Lam of FiscalNote) comparing public comments received by administrative agencies during the Obama and Trump administrations at the American Political Science Association annual conference in Washington, D.C. This fall, he will also be presenting work at Case Western Reserve University School of Law at a symposium marking the 50th anniversary of the U.S. Environmental Protection Agency; at the Conference on Empirical Legal Studies hosted by Claremont McKenna College in California; at the Latin-American Workshop in Law and Economics in Mexico City; at the annual conference of the Southern Economic Association in Fort Lauderdale, Fla.; and at a conference on law, data science and artificial intelligence that will be held at Bar-Ilan University in Israel. His article “Administrative Law in an Era of Partisan Volatility” with DANIEL RICHARDSON ’18 will be published in the Emory Law Review this fall. The fourth edition of the casebook “Environmental Law and Policy,” which Livermore jointly edited with Richard Revesz and Jayni Foley Hein of New York University School of Law, and Caroline Cecot of the Antonin Scalia Law School at George Mason University, was published in the spring for courses starting this fall semester.

In the spring, JULIA MAHONEY received a University of Virginia Provost Award for Collaborative Excellence in Public Service for her work on “A Ten-Year Retrospective on the Financial Crisis of 2008,” an interdisciplinary project that included a conference on the lessons of the crisis held at the Brookings Institution in Washington, D.C. She also gave a talk on “Feminism, Free Markets, and Socialism” at the University of Pennsylvania Law School and presented a paper on “Markets, Moral Deliberation, and the Regulatory State” at a conference held at the University of Virginia on “Religion, Democracy, and the Market.”

RUTH MASON delivered a keynote address on the challenges of taxing the digital economy at the University of Turin in May. She also presented her forthcoming paper “Identifying Illegal Subsidies” at the Max Planck Institute for Tax Law and Public Economics in Munich. She spoke at the International Fiscal Association Congress in London.

DAYNA BOWEN reports that the UVA Equity Center, which she...
JOHN MONAHAN recently co-authored an article titled “Judicial Reliance on Risk Assessment in Sentencing Drug and Property Offenders: A Test of the Treatment Resource Hypothesis” in Criminal Justice and Behavior. The Pretrial Risk Management Project, which Monahan co-directs, is now in its third year of operation. The project, funded by the John D. and Catherine T. MacArthur Foundation, fosters dialogue among behavioral scientists, human rights lawyers and statisticians fluent in machine learning. The project just produced its first critical issue brief, “Pretrial Risk Assessment Tools: A Primer for Judges, Prosecutors, and Defense Attorneys.” In addition, the Virginia Criminal Justice Policy Reform Project, which Monahan also co-directs, is now in its third year of operation. That project, funded by the Charles Koch Foundation, focuses on reducing mass incarceration, particularly of low-risk offenders and of people with mental illness.

JOHN NORTON MOORE reports that the Center for Oceans Law and Policy held its 43rd annual conference in Malmö, Sweden, in May. The two-day conference addressed the topic “Marine Biodiversity of Areas Beyond National Jurisdiction: Intractable Challenges & Potential Solutions.” It was co-organized with the World Maritime University and the Nippon Foundation. The proceeding’s volume from the center’s recent Beijing conference, co-edited by Moore, “Cooperation and Engagement in the South China Sea and Asia-Pacific Region,” is forthcoming this fall. The Center for Oceans Law and Policy held the 24th session of the Rhodes Academy for Oceans Law and Policy in Greece in July. The three-week intensive program, taught by world-class faculty, attracts students from around the globe and is organized by the center. The Center for National Security Law, which Moore also directs, held its 27th National Security Law Institute in June at UVA Law. Moore taught several classes at the institute. The two-week course was attended by 31 students from eight nations. Distinguished instructors included Robert Chesney, Laura Donohue, Steve Vladeck and Charles Dunlap. The keynote speech, held at the Rotunda, was given by Glen Gerstell, general counsel of the National Security Agency. The Jus ad Bellum Working Group, comprised of 16 experts in international law related to the use of force, is engaged in a project undertaken by the Center for National Security Law. The working group—co-chaired by Moore and law professor Yoram Dinstein of Tel Aviv University—has as its purpose the production of a first-of-its-kind “Jus ad Bellum (Use of Force) Manual. With Commentary.” The working group met for three days in June.

In March, CALEB NELSON was a panelist for a symposium at Dartmouth College on the 200th anniversary of the Supreme Court’s decision in the Dartmouth College case, Trustees of Dartmouth College v. Woodward. In June, he published “Standing” and Remedial Rights in Administrative Law” in the Virginia Law Review.

In May, SAIKRISHNA PRAKASH participated in the “Presidency at a Crossroads” conference put on by the UVA Miller Center. That same month, he spoke before students at the Originalism Center weeklong conference at Georgetown University. In August, he gave a talk on the modern presidency at the University of San Diego. In October, he gave the inaugural Rosenkrantz lecture at Yale Law School. He is currently putting the finishing touches on his book, “The Living Presidency: An Originalist Argument Against Its Ever-Expanding Powers” from Harvard University Press. It will be published in the spring of 2020.

George Rutherford is working on the articles “Statutes of Limitation: Its Ever-Expanding Use” and “Every Possible Use of the Federal Government’s Statutory Power in Constitutional Litigation,” both forthcoming this fall in the University of Virginia Law Review. His article “Stare Decisis–Rhetoric and Reality in the Supreme Court” was published in The Supreme Court Review. His chapter, “Every Possible Use of Legal Authority,” was published by Oxford University Press in “The Free Speech Century,” edited by Columbia University President Lee Bollinger and University of Chicago law professor Geoffrey Stone. New editions of “The First Amendment” (with Berkeley Law’s Jesse Choper) and “Constitutional Law” (with Cornell law professor Michael Dorf and Harvard law professor Richard Fallon) were published by West Academic. Schauer’s “Dialogue and Its Discontents” was published by Cambridge University Press in “Constitutional Dialogue,” edited by Geoffrey Sigal of Stanford; Grégoire Webber
of Queen’s University, Ontario; and Rosa Lind Dixon of the University of New South Wales, Sydney. His “On the Alleged Problem of Legal Normativity” was published by Springer in “The Normative Force of the Factual,” which he also co-edited with Nicoletta Bersier Ladavac of Thémis Genève and Christoph Bezemek of Rutgers Law School. His article “Costs and Challenges of the Hostile Audience” was published as part of a First Amendment symposium in the Notre Dame Law Review.


RICHARD SCHRAGGER participated in a panel in April on state pre-emption of local laws at the Urban Affairs Association annual meeting in Los Angeles. In May, he co-hosted the Karsh Center for Law and Democracy’s first annual May Gathering, a colloquium sponsored by the Karsh Center for Law and Democracy, which brought together legal scholars from around the country to discuss the role of social and political movements within the legal academy. Schwartzman presented work on law and religion, including a paper, “Religious Antiliberalism and the First Amendment,” co-authored with MICAH SCHWARTZMAN, at a conference on the “Travails of Liberal Democracy” hosted by the Institute of Law & Philosophy at the University of San Diego School of Law, the Annual Law & Religion Roundtable at the University of Toronto, a conference on “Secularism, Separation, (Non-) Establishment” at the University of Konstanz in Germany, and at the 29th IVR World Congress at the University of Lucerne in Switzerland. He has papers forthcoming in NOMOS LXI: Political Legitimacy, Review of Politics and The Supreme Court Review.

MICAH SCHWARTZMAN ’05 co-hosted the May Gathering, a colloquium sponsored by the Karsh Center for Law and Democracy, which brought together legal scholars from around the country to discuss the role of social and political movements within the legal academy. Schwartzman presented work on law and religion, including a paper, “Religious Antiliberalism and the First Amendment,” co-authored with RICHARD SCHRAGGER, at a conference on the “Travails of Liberal Democracy” hosted by the Institute of Law & Philosophy at the University of San Diego School of Law, the Annual Law & Religion Roundtable at the University of Toronto, a conference on “Secularism, Separation, (Non-) Establishment” at the University of Konstanz in Germany, and at the 29th IVR World Congress at the University of Lucerne in Switzerland. He has papers forthcoming in NOMOS LXI: Political Legitimacy, Review of Politics and The Supreme Court Review.

EARLY STEPS in the Criminal Justice System, which included two UVA Law visiting instructors: U.S. Judge Jed Rakoff and Robin Steinberg, CEO of The Bail Project. She spoke about problems of science reform at several meetings. She presented “Creating (and Mapping) the History of Scientific Reform” with Fiona Fidler to the Society for the Improvement of Psychological Science in Rotterdam, the Netherlands; “Publication’s Biasing Influences: Causes and Solutions for the Credibility Crisis,” to the Experimental Psychological Society in Bournemouth, England; and “The Credibility Revolutions in Psychological Science and Forensic Science” at the Einstein Forum Conference “Believe It or Not. Crises of Credibility in Potsdam, Germany. She continues to serve as the secretary of Section J (Psychology) at the American Association for the Advancement of Science.

A. BENJAMIN SPENCER has published the fifth edition of his widely used study aid “Acing Civil Procedure” (West Academic). Additionally, in his capacity as a member of the Civil Rules Advisory Committee of the Judicial Conference, Spencer has been appointed to the Subcommittee on Appeal Finality After Consolidation, which will study whether to amend Rule 42 of the Federal Rules of Civil Procedure in light of the Supreme Court’s decision in Hall v. Hall, in which the court ruled that cases consolidated under Rule 42(a) retain their separate identities for purposes of appeal. The finality, no matter how complete the consolidation.

Paul Steppehn ’77 offered a series of courses and workshops around the world during the spring and summer. In April and May, he offered an intensive course on Energy Resources in Emerging Markets at Melbourne University School of Law. While in Melbourne, he attended the installation of lecturer TIM MCEVOY S.J.D. ’99—whose S.J.D. thesis he supervised at UVA—as a federal family law judge for Australia. He then offered a course on International Economic Law at the Peking University School of Transnational Law in Shenzhen, China. He also conducted workshops on U.S. foreign relations law at Xi’an Jiaotong University, Hong Kong City University, Peking University School of Transnational Law and Xiamen University. He worked as a scholar in residence in the Mayfair, London, office of WilmerHale, and provided evidence as an expert witness to an international arbitration held in London. Finally, he taught the course Soviet and Russian Approaches to International Law in the summer program of Tartu University in Estonia.

GREGG STRAUSS published “What Role Remains for De Facto Parenthood?” in the September issue of the Florida State Law Review. He presented the paper at the Georgetown University Law Center, the University of Illinois and the Association of American Law Schools annual conference. It argues that courts adopted a new functional standard for parental rights. At several summer workshops, he presented a chapter evaluating the “causal theory” that parents incur duties to a child because their voluntary acts foreseeably caused the child to exist.

PIERRE-HUGUES VERDIER just submitted the manuscript for a book titled “Global Banks on Trial: U.S. Prosecutions and the Remaking of International Finance,” which examines U.S. criminal prosecutions of international banks for market manipulation, tax evasion and sanctions violations, as well as the civil case against Argentina to enforce its sovereign debt. The book will appear in early 2020. Earlier this year, his article “The New Financial Extraterritoriality,” which explores the legal and policy basis of these prosecutions, appeared in The George Washington Law Review. He also presented aspects
of this project at the Wharton School of the University of Pennsylvania and at the G2 Conference on WTO Law and Global Economic Regulation in Geneva. He is also working on a project with MILA VERSTEEG on the role of international law in national legal systems around the world. They co-authored a chapter on this topic in the “Oxford Handbook of Comparative Foreign Relations Law” that appeared earlier this year. Another article based on their dataset, co-authored with Yonatan Lup of Georgetown University, was published in the political science journal International Studies Quarterly. In March, Verdier accompanied five UVA Law students to the Cutler Fellows program organized in Washington, D.C., by the Salzburg Global Seminar. In July, he co-taught with Versteeg a workshop on constitutional design for fellows of the Young African Leaders Program at James Madison’s Montpelier.


WHITE’S FINAL ‘LAW IN AMERICAN HISTORY’ VOLUME FOCUSES ON MODERNIST ERA

To truly understand law today, look at how it rapidly changed in the 20th century, G. EDWARD WHITE says in his new book, the third and final installment in his “Law in American History” series. Published in April by Oxford University Press, “Law in American History, Volume III: 1930-2000” covers how law and legal education evolved in the modernist age. Modernist views reject the idea that the law is a collection of timeless, set principles, he said. Instead, the law is viewed as changing over time, and changeable by legal interpreters. A related shift toward “legal realism” changed how judges were viewed, he added, from impartial legal scientists to impressionable lawmakers. White, a David and Mary Harrison Distinguished Professor of Law, has published 17 previous books and has won numerous accolades, including final listing for the Pulitzer Prize in history, the Silver Gavel Award from the American Bar Association, the James Willard Hurst Prize from the Law & Society Association, the Littleton-Griswold Prize from the American Historical Association, the Scribes Award and the Association of American Law Schools’ Triennial Coif Award.

His first two volumes in the “Law in American History” series, covering from the colonial era to the Civil War and from Reconstruction through the 1920s, were published in 2012 and 2016, respectively.

—Mike Fox
IN MEMORIAM:  
PROFESSOR EMERITUS WALTER WADLINGTON

Walter Wadlington, a professor emeritus at the Law School known for his kindness and influence as an academic, died May 27. He was 88.

Wadlington retired as the James Madison Professor of Law in 2002 after a four-decade career at the Law School. An expert in family law, law and medicine, medical malpractice and children in the legal system, he joined the Virginia Law faculty in 1962 after teaching at Tulane Law School for two years. He also served as Professor of Legal Medicine at the UVA Medical School, starting in 1979.

Professor Richard Bonnie ‘69 said Wadlington was “a pioneer in curricular innovation in an amazing array of fields.”

“He was a mentor and inspiration to me and to several generations of students who followed in his footsteps and became law teachers,” Bonnie said. “It wouldn’t be an exaggeration to say that we are Walter’s disciples, especially in the effort to import psychology and other behavioral sciences into the study of law and to stimulate interdisciplinary teaching.”

John C. Jeffries ’73, the University’s senior vice president for advancement and a former Law School dean, recalled the fond regard that Dean Monrad Paulsen had for Wadlington, as well as his own.

“Dean Paulsen used to say that Walter Wadlington was ‘some kind of genius—not sure what kind, but some kind,’” Jeffries said. “Walter was indeed a kind of genius. He had an agile, restless, inventive mind of great range and originality. And he had a big heart. Walter was the kindest man I’ve ever known, benevolent toward all and infinitely tolerant of the shortcomings of others.”

Wadlington continued to share his knowledge with law students into retirement, co-instructing a course on children’s medical care issues with Thomas A. Massaro.

He received the American Society of Law and Medicine’s Distinguished Health Law Teacher Award in 1988.

In addition to his work at the Law School, Wadlington was a member of the American Law Institute and of the Institute of Medicine of the National Academy of Sciences. He directed the Robert Wood Johnson Foundation’s Medical Malpractice Program and chaired the advisory board of its program on Improving Malpractice Prevention and Compensation. He served on the National Advisory Board on Ethics in Reproduction, chaired the Virginia State Bar Association Committee on Domestic Relations, and co-chaired the National Task Force on Day-Care Licensing.

Early in his career, he practiced law in New Orleans, served in the U.S. Army Judge Advocate General’s Corps, and spent a year as a Fulbright scholar and tutor at the University of Edinburgh.

He received his A.B. from Duke University in 1951 and his LL.B. in 1954 from Tulane University, where he was editor-in-chief of the Tulane Law Review and elected to the Order of the Coif.

Gene Dahmen ’67, writing in UVA Lawyer following a class gift in honor of Wadlington’s retirement in 2002, praised the professor for the influence he had on the lives and careers of members of the class. Wadlington’s service to the Law School included acting as director of admissions before becoming a full professor in 1964.

“Much revered both inside and outside the classroom, Professor Wadlington always found time to share his warmth, wit and friendship with students and colleagues, despite the heavy demands of his professional life,” Dahmen wrote. “Few teachers have influenced the lives of as many living alumni of the Law School, and none of these alumni are more grateful to him than members of the Class of 1967.”

—Eric Williamson