WE PUBLISH THIS ISSUE OF UVA LAWYER under circumstances none of us could have predicted. COVID-19 continues to bring sweeping changes here and across the world. On top of that are the pandemic’s related global financial consequences, a national reckoning with race following the protests of this past spring and summer, and a polarizing election.

At the Law School, we are rising to these challenges as we have risen to so many over the past two centuries: with resilience, creativity, mutual support and dedication to our mission. In response to COVID-19, we decided to offer about half our classes in hybrid form so that students can attend either in person or online. That shift entailed enormous effort: more technological sophistication and investments, more training for our faculty, more flexibility from our students. Though the course of this pandemic is unpredictable, I could not be prouder of what we have accomplished nor more grateful to the entire Law School community for coming together to get us to this point.

Even as our faculty have dedicated countless hours to adapting their pedagogy, they continue to create new knowledge that they put to work in service of advancing the law. As an engaged institution, we are not only witness to the momentous events of the day, but a participant in them. In this issue, you will see what that engagement looks like in an area of the law much in need of it: criminal justice. Our exceptional faculty, students and alumni are (and have been) hard at work understanding and shaping every aspect of the criminal justice system. Studying, teaching, practicing and reforming criminal justice have long been strengths of the Law School. They are strengths that matter now more than ever.

You will also see in these pages new installments in our multiyear engagement with the Law School’s history. Milestones abound this year, making it an important time for us to continue to commemorate pathbreakers and the trails they blazed. As we mark 100 years of coeducation at UVA Law and the passage of the 19th Amendment, we share the stories of the three women who enrolled at the Law School in August 1920. This year also marks the 70th anniversary of Gregory Swanson’s racial integration of the Law School, and the 50th anniversaries of the UVA Law chapter of the Black Law Students Association and the graduation of Elaine Jones, the first Black female student at the Law School.

Their stories remind us how far we have come, and compel us to strive every day to make our institution one in which everyone feels an equal sense of belonging and has an equal opportunity to thrive and succeed.

As always, engaging with the past is a crucial part of envisioning the future. Indeed, we have been busy preparing for that future by welcoming the new faculty and students who will help us create it. This past year, we hired 10 tenure-line faculty. The arrival at the Law School of such a large and illustrious cohort of scholars and teachers is nothing short of transformative. The intellectual life of the Law School is more vibrant than ever, both because of those joining us and because we are establishing new centers and institutional foundations for the scholarly and programmatic strengths already here.

Nothing is more affirming of our future and our mission than welcoming the latest class of UVA lawyers to our community each fall. Appropriate for the celebration of our centennial of coeducation, this year is the first in which we welcome more women than men, as well as more students of color than we’ve had in any class for a decade. As our accomplished and inspiring students begin their legal educations, they invigorate us with joy and excitement and give us immense hope for the future—theirs and ours.
The Tipping Point for Criminal Justice Reform

Alumni Pursue Justice Reforms

The New Recruits

3 Women Who Changed UVA Law

How BALSA Began

Sizing Up the Supreme Court Term

Remembering Justice Ginsburg
Professors Ashley Deeks and Paul G. Mahoney teach hybrid classes during the fall semester in Caplin Pavilion and WLB52, respectively.
“There’s this long tradition of not wanting the military to be used to enforce federal law, or federal constitutional rights. But there’s also been a long tradition of it actually being used.”
—PROFESSOR SAIKRISHNA PRAKASH, on the Insurrection Act (Time)

“Today’s pandemic-induced educational gaps are shocking. In wealthier schools, more than half of teachers report interacting with students at least once a day. In contrast, in poorer schools, only a third of teachers directly interact with their students on a daily basis. Despite widespread school closures, only two-thirds of students in high-poverty school districts are participating in virtual learning compared to 88% of students in wealthier districts. But educational opportunity gaps are longstanding and deep-seated, often falling along the lines of race, class and neighborhood.”
—PROFESSOR KIMBERLY JENKINS ROBINSON (RealClearEducation)

“This is a new era. People are becoming much more sympathetic and having their eyes opened.”
—PROFESSOR ANNE COUGHLIN, on whether Confederate iconography at courthouses hurts due process rights (The Roanoke Times)

“It’s easy to see COVID as motivating permanent digital taxes. One can imagine other countries that haven’t yet adopted digital services taxes doing so. In fact, that’s a proposal that’s happening in some U.S. states. But if a U.S. state were to pass a digital tax, it would put the U.S. Treasury in a difficult position arguing that France shouldn’t have one. If Maryland has one, why shouldn’t France?”
—PROFESSOR RUTH MASON (Brink News)

“The notion of separation of church and state is dead, and the PPP loan program is the evidence of that.”
—PROFESSOR MICAH SCHWARTZMAN ’05, on exceptions for religious groups in the Paycheck Protection Program, which provided pandemic relief to nonprofits (Reuters)

“If things change with the virus, we’re going to have to change. The real difficulty, I think, is people have a very hard time—and I’m in this camp—with uncertainty. That has been one of the biggest challenges in dealing with this virus: the inherent uncertainty.”
—UVA PRESIDENT JIM RYAN ’92 (The Washington Post Magazine)

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“The question is not, what Constitution did Washington swear to uphold (so that we may revise our practice to better conform to it). Rather, the question is, given the considerable changes that have occurred since the founders’ time and ours, what is at stake—legally, philosophically, ideologically—in our insisting that our Constitution was also theirs?”

—PROFESSOR CHARLES BARZUN ’05, discussing the “oath argument” that officers upholding the Constitution also commit to originalism (Balkinization)

“People assume that once the two Trump appointees, Gorsuch and Kavanaugh, were seated in the last couple of years that we would now have a pretty safe conservative working majority. Well, that may be true most of the time, but the [June 29] abortion decision reminds you that justices do have independence of judgment.”

—PROFESSOR A. E. DICK HOWARD ’61 (WINA Radio)

“I also enjoy speaking with young people about the trajectory of my life, from growing up in the projects of Harlem to attending Harvard and UVA Law and practicing at highly respected firms.”

—JENNIFER BANNER SOBERS ’05, Class Action Rising Star honoree (Law360)

“One of the things that I have said to my team is, ‘Look, there have been moments in my career, where ... I say, wow, everything that I have learned and everything that I have experienced has been to bring me to this moment.’ And I said to some of them, ‘You are in that moment.’ And I don’t mean to be overly dramatic, but that’s really where we were.”

—DEBORAH MAJORAS ’89, Procter & Gamble chief legal officer and secretary, a Legend in Law honoree, on the company meeting pandemic-related safety and consumer demands (Law360)

“Workplace teams are similar in many respects to sport teams. In both cases, you need people with different skills if you want to be the best.”

—GLENN CARRINGTON ’80, dean of Norfolk State University School of Business

“Puzzles serve as a diversion from whatever is bothering you; drugs can do that too, but puzzles are empowering and beneficial to the mind. By completing puzzles, you’re not just filling time, but you’re also making yourself a better person.”

—WILL SHORTZ ’77, New York Times crossword editor (The Examiner)

“Requiring the executive branch to furnish reasons for its decisions is particularly important in the national security space, where there are few other oversight tools.”

—PROFESSOR ASHLEY DEEKS (Lawfare)
THE LAW SCHOOL SHIFTED to a hybrid learning environment this fall, offering a mix of in-person and online courses due to the ongoing COVID-19 pandemic.

Students who wanted to take a class, or all their classes, online were able to do so.

Offering these options required reworking the usual curriculum and school operations.

“This pandemic poses unprecedented challenges in the history of the Law School, and we are working hard to meet the moment,” Dean Risa Goluboff said. “Throughout the summer, our faculty and staff showed incredible creativity and flexibility as they adapted our operations in accordance with public health guidelines, prepared our facilities for a safe and healthy return to classes, and remodeled our curricular schedule to account for a hybrid learning environment.”

The University’s detailed public health plan for the return to Grounds included requiring returning students to be tested for COVID-19, and other protocols and practices for testing, monitoring and quarantining, including a daily symptom reporting app, HOOS Health Check, for students and employees. Face coverings are required within buildings, including the Law School, though teachers may remove masks to teach when plexiglass is present. (In late September UVA announced plans to temporarily require face coverings outside buildings.)

At the Law School, 70% of students are taking at least one class in person. The school is offering 175 courses, in line with past semesters. First-year students, who are divided into small sections of 35-38 students to build camaraderie with classmates, have two classes with their small section this fall instead of just one.

“There’s no doubt this year will feel different, but we are focused on the health and safety of our students, the UVA Law community and the greater community beyond these halls,” Assistant Dean for Student Affairs Sarah Davies ’91 said. “We are counting on students to work together and work with us to ensure the best learning environment possible under the circumstances.”

For courses that take place in person, students sit at least 6 feet apart, sometimes in event spaces such as Caplin Auditorium, Caplin Pavilion and the Purcell Reading Room, as well as the school’s existing larger classrooms. Large tents with lighting have been erected outdoors in Spies Garden to give students and others more room to engage in activities at a safe social distance.

“We are fortunate to have these large spaces, and a temperate climate, to allow us to continue to gather in classes and as a community,” Vice Dean Leslie Kendrick ’06 said. “We outfitted classes with new equipment to facilitate online instruction, including plexiglass at podiums, web cameras and multiple monitors.”

The library installed plexiglass to allow two students to study safely at a desk. Approximately 200 hand sanitizer and wipe dispenser stations have been placed throughout the school, toilets were equipped with lids that close, and touchless faucets were installed.

“It takes substantial resources to make all of these changes in preparation for conducting classes in a hybrid format and ensuring a safe return for the community,” said Senior Associate Dean for Administration Stephen Parr. “It has also required a monumental effort by staff, working nonstop throughout the summer, to prepare to reopen the school.”

Though a portion of classes are meeting at the Law School, many employees are working remotely at least some of the time. Meetings, events and counseling sessions are taking place online, and the facility is closed to visitors.

—Mary Wood
ACCOLADES

1. JASMINE LEE ’20 won the Rosenbloom Award for improving the academic environment for her fellow students.

2. Marine veteran SAM LONG ’22 was named a 2020 Tillman Scholar.

3. KEVIN JACKSON ’20 was named the 19th Powell Fellow in Legal Services, through which he will work for Kids in Need of Defense.

4. The UVA Law team won the International and European Tax Moot Court for the third straight year. Pictured are professor and adviser RUTH MASON, MICHAEL OLSON ’20, ELEANOR SCHMALZL ’20, student coach GRIFFIN PEEPLES ’20, IAN MACDONALD ’21 and ALLEN BRADDOCK ’20.

5. JUSTIN AIMONETTI J.D.-M.A. ’20 and CHRISTIAN TALLEY ’20 won the White River Environmental Law Writing competition.

6. The Black Law Students Association was named national chapter of the year (for the sixth time since 2002). RACHEL BARNES J.D.-MBA ’21 was elected national chair.

7. The Federalist Society was named national student chapter of the year for the first time.

8. MIRANDA RUSSELL ’20 won the annual Pro Bono Award, tallying 328.75 hours of service over the past three years.

9. HAYLEY HAHN ’21 won the 2020 Founding Fathers Religious Liberty Student Writing Competition.

10. WHITNEY CARTER and AMALIA GARCIA-PRETELT are this year's recipients of the Virginia Public Service Scholarship.
MARIAN MONAGHAN ’17 IS CLERKING for U.S. Supreme Court Justice Samuel Alito during the 2020 term and Avery Rasmussen ’21 has lined up a clerkship with Justice Brett Kavanaugh for the 2023 term. Monaghan joins Daniel Richardson ’18, who is clerking for Justice Stephen Breyer this term as well.

“I think Justice Alito is a brilliant judge, and I’m honored to work for him,” Monaghan said. “I’m also looking forward to learning more about the institution in general and working on cases that are argued by some of the best advocates in the country.”

The Law School is fourth after Yale, Harvard and Stanford in placing clerks on the U.S. Supreme Court since 2005.

Monaghan wrapped up a two-year clerkship for Judge Ed Carnes of the Eleventh U.S. Circuit Court of Appeals. She also clerked for Judge Amul R. Thapar of the Sixth U.S. Circuit Court of Appeals. Thapar is a lecturer at the Law School.

“Both of my clerkships have been really foundational to who I am as a lawyer,” she said. “Judge Thapar and Judge Carnes have taught me more than I can attempt to express. They’re both phenomenal writers and dedicated teachers of the craft, and I feel really lucky to have been able to hone my skills in their chambers.”

After law school, Rasmussen first will clerk for Judge J. Harvie Wilkinson III ’72 of the Fourth U.S. Circuit Court of Appeals for the 2021 term and Judge Dabney L. Friedrich of the U.S. District Court for the District of Columbia for the 2022 term.

“I feel so fortunate to have the opportunity to work for three exceptional jurists and mentors,” she said. “I admire each of their approaches to the law, and I have a lot to learn from them. I’m especially looking forward to experiencing all three levels of federal court.”

Rasmussen earned a bachelor’s degree in commerce and political philosophy, policy and law from UVA.

She attributed her clerkship opportunities “to the incredible professors and student community at UVA Law.”

“My mentors on the faculty here have always encouraged my curiosities and pushed me to aim high. And I can’t overstate how grateful I am for my classmates, who are always so supportive of one another.”

—Mike Fox
LOCAL AND UNIVERSITY WORKERS affected by UVA’s shift to remote operations during the COVID-19 pandemic had a way to get information about unemployment benefits and other services, thanks to a project spearheaded by the Law School over the summer.

The UVA CARES Project answered unemployment-related questions for University employees, including contract and student workers, along with Charlottesville-area community members. Volunteers handled more than 850 requests for help through a hotline and website.

The project was named after the Coronavirus Aid, Relief, and Economic Security Act, or CARES Act, passed by Congress. The legislation added $600 per week in federal unemployment benefits for up to four months, in addition to what workers received from the state.

“We are so glad that we can assist University community members we work with every day and whose work is critical to the University’s success,” Dean Risa Goluboff said during the program’s launch. “Students and faculty at the Law School had been looking for ways to support contract employees, so we are delighted to provide this important assistance.”

Professor Sarah Shall ’01, UVA’s director of clinical programs, led the project.

“The shutdown has had a tremendous impact across the country, including here in Charlottesville, where the city economy depends heavily on the University’s continued operation,” she said. “At the same time, the University has resources and expertise to help ease the pain of that shift, so it’s important for us to step up.”

—Mary Wood

ROJAI FENTRESS, a client of the Innocence Project at UVA Law, was released from prison July 1 on a conditional pardon from Gov. Ralph Northam, following years of clinical investigation that strongly suggests he was falsely convicted of murder.

Both the Innocence Project Clinic and the Pro Bono Clinic investigated the case over several years. Clinic directors Deirdre Enright ’92 and Jennifer L. Givens and staff attorney Juliet Hatchett ’15, who oversees the Pro Bono Clinic, met Fentress at the Augusta Correctional Center in Craigsville, Virginia, upon his release.

“Obviously, we are exuberant and relieved to have Rojai free, and we are determined to prove his innocence and have him fully exonerated,” Enright said.

A larger party, which also included students and members of Fentress’ family, celebrated the victory with a socially distanced gathering held in Enright’s yard. A grateful Fentress thanked everyone who worked on his case individually.

The 40-year-old had been convicted of murder and sentenced to 53 years in prison for a 1996 shooting at Midlothian Village Apartments in South Richmond. He was 15 at the time the drug-deal-gone-bad occurred.

Fentress maintained his innocence, declining multiple offers from the prosecutor to reduce his sentence with plea deals. The lowest offer was for five years; 16-year-old Fentress turned it down.

Fentress’ mother testified that he was at home asleep at the time of the late-night incident.

Another man confessed to the murder in 2014, providing corroborating details. He has subsequently described the events surrounding the murder multiple times, including as recently as last March.

—Eric Williamson
CHANGES to the Law School’s public service programming will better prepare students for careers in the public interest while strengthening the school’s career counseling services.

The school’s Mortimer Caplin Public Service Center, and Program in Law and Public Service has joined forces under one leader, Assistant Dean for Public Service Annie Kim ’99, while adding a new, full-time director of public service to assist in counseling students. The school will also offer more skills-based courses to prepare students for careers in public service.

Kim, who has led the center since 2011, said her new role will offer the chance to build upon all facets of the school’s programming. “Bringing the Program in Law and Public Service and Public Service Center together under one roof means we can work with each student as a whole person,” Kim said. “Rather than saying, ‘This is a career issue’ or ‘This is an academic issue,’ we can now focus on finding the ways in which our curricular and career programs might complement each other. We can think more strategically about our relationships with leading public interest organizations so that our students will have the best possible opportunities to learn from them and work with them.”

The Program in Law and Public Service, which launched under then-Vice Dean Jim Ryan ’92, recently celebrated a decade since it formed. The program is designed to provide a select group of students the opportunity to receive a tailored curriculum and intensive training that will prepare them for public service careers. The program’s inaugural director, Professor Crystal Shin ’10, is stepping down to launch a juvenile justice clinic in the spring (see p. 81).

—Mary Wood

U.S. SUPREME COURT JUSTICE SONIA SOTOMAYOR was named this year’s recipient of the Thomas Jefferson Foundation Medal in Law.

Sponsored jointly by the University of Virginia and the Thomas Jefferson Foundation, the nonprofit organization that owns and operates Monticello, the Thomas Jefferson Foundation Medals are awarded each year to recognize the achievements of those who embrace endeavors in which Jefferson—author of the Declaration of Independence, third U.S. president and founder of the University of Virginia—excelled and held in high regard.

The law medal, and its counterparts in architecture, civil leadership and global innovation, are UVA’s highest external honors.

The medals, typically presented in person at UVA and Monticello, were given in absentia this year due to ongoing efforts to contain the spread of the novel coronavirus and limitations on events and travel.

President Barack Obama nominated Sotomayor to be an associate justice of the Supreme Court on May 26, 2009, and she assumed the role Aug. 8 of the same year. She is the first Latina to become a Supreme Court justice.

—Mike Fox
The class of 2023 set new records for gender and racial diversity at the Law School. Women make up a majority of the first-year class for the first time in the school’s history, and the students are the most racially diverse in a decade.

These achievements come as the Law School celebrates a number of milestones. This year marks 100 years of women studying at UVA Law, at the same time as the nation celebrates the 100th anniversary of women’s right to vote. In addition, the Law School is commemorating 70 years since Gregory Swanson became the first Black student at the University, and 50 years since Elaine Jones became the Law School’s first Black female graduate.

“It is extremely gratifying, especially as we celebrate these milestones, to welcome such a remarkable class in all ways,” Dean Risa Goluboff said. “Much credit goes to our students, staff, faculty, and alumni for their commitment to championing this Law School and serving as ambassadors to applicants and admitted students. The diversity of this class is important not only for the Law School itself but for the legal profession. Wherever their futures take them, the Class of 2023 has already made its mark.”

—Mike Fox

Virginia Senator Jennifer McClellan ’97, a Democratic gubernatorial candidate for the 2021 election, delivered the school’s first virtual orientation address to the Class of 2023.

If elected, McClellan would be the first woman to serve as governor of Virginia, and the first Black female governor in the nation. In an interview before her address, she advised students to be willing to adjust their career paths when opportunity arises.

“It is good to have a goal, but you must be willing to stray from the path you envision for yourself and walk through doors that opened unexpectedly,” she stated. “My plan was to work hard, get promoted, get married, have kids, retire and then maybe … maybe run for office. But in 2005, my delegate, Viola Baskerville, decided to run for lieutenant governor. And another opportunity presented itself. … So I ran. And I won. And THEN I got married, and started a family, and I became a force for change much sooner than I expected.”

She also urged students to have “the courage to fail,” adding that “history is full of great people who took a risk, and in some cases failed—some spectacularly. But then they picked themselves up, learned from their failure and achieved great things.”

—Mary Wood

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SUPREME COURT OF VIRGINIA Justice Cleo Powell ’82 will serve as the Law School’s commencement speaker for the Class of 2021 in May. In 2011, Powell, who also earned her undergraduate degree at UVA, became the first Black woman appointed to the state Supreme Court.

She previously served on the Court of Appeals of Virginia, starting in 2008. She was a judge on the Chesterfield/Colonial Heights Circuit Court, starting in 2000, and its General District Court, where she first became a judge, in 1993.

Powell also served as a senior assistant attorney general in the Equal Employment Opportunity and Personnel Division from 1986-89.

Maria Luevano ’21 and Savanna Williams ’21, Student Bar Association Graduation Committee co-chairs, said in a joint statement that they hoped to feature a speaker with a “diverse background” because “in legal academia this voice is often lacking, and we sought to do a small part to change that narrative.”

“Recent events in our country and calls for increased attention to diversity at UVA Law made us steadfast in our resolve to select a person of color to share their wisdom and perspective at our graduation ceremony,” they said. “We also hoped that person would hold a connection with both UVA Law and possibly the Commonwealth of Virginia as well. Justice Powell was an obvious choice that met all of our goals.”

—Mike Fox

TRAILBLAZING JURIST SELECTED AS 2021 COMMENCEMENT SPEAKER

MARGARET G. HYDE AWARD
To the graduate whose scholarship, character, personality, activities in the affairs of the school, and promise of efficiency have entitled him or her to special recognition.

Manal W. Cheema

JAMES C. SLAUGHTER HONOR AWARD
To an outstanding member of the graduating class.

Laura Elizabeth Toulme

THOMAS MARSHALL MILLER PRIZE
To an outstanding and deserving member or members of the graduating class.

Kareem W. Ramadan

Z SOCIETY SHANNON AWARD
To the graduate with the highest academic record after five semesters.

Mariette Grace Peltier

ROBERT E. GOULDSTEN AWARD FOR DISTINCTION IN THE CLASSROOM
To the graduate who has contributed the most to classroom education by his or her outstanding recitation and discussion.

Alexandra Dade Butler

LL.M. GRADUATION AWARD
To an outstanding member of the graduating LL.M. class.

Krzysztof Kolakowski

ROGER AND MADELEINE TRAYNOR PRIZE
To the graduate or graduates who have produced outstanding written work.

Justin William Almonetti

Henry J. Dickman

HERBERT KRAMER/HERBERT BANGEL COMMUNITY SERVICE AWARD
To the graduate who has contributed the most to the community.

Erin Lee Seagears

MORTIMER CAPLIN PUBLIC SERVICE AWARD
To a graduate entering a career in the public service sector who demonstrates the qualities of leadership, integrity and service to others.

Manal W. Cheema

THE PRO BONO AWARD
To the graduate who contributed the most to the Law School’s pro bono program.

Miranda K. Russell

EDWIN S. COHEN TAX PRIZE
To the graduate who has demonstrated superior scholarship in the tax area.

Griffin P. Peeples

EARLE K. SHAWE LABOR RELATIONS AWARD
To the graduate who shows the greatest promise in the field of labor relations.

Nicholas S. Allen

JOHN M. OLIN PRIZE IN LAW AND ECONOMICS
To a graduate or graduates who have produced outstanding written work in the field of law and economics.

Maha Albesharah

EPPA HUNTON IV MEMORIAL BOOK AWARD
To a graduate who demonstrates unusual aptitude in courses in the field of litigation, and who shows a keen awareness and understanding of the lawyer’s ethical and professional responsibility.

Corey M. Parker

VIRGINIA TRIAL LAWYERS TRIAL ADVOCACY AWARD
To a graduate who shows particular promise in the field of trial advocacy.

Amanda Lynne Swanson

VIRGINIA STATE BAR FAMILY LAW BOOK AWARD
To the graduate who has demonstrated the most promise and potential for the practice of family law.

Erin Lee Seagears

Though the in-person commencement for the Class of 2020 was rescheduled to May 28-30, 2021, graduation awards were announced as part of a virtual ceremony last May.
A RECORD 108 ALUMNI are clerking during the 2020 court term, building upon last term’s milestone of 104.

Twenty percent of the Class of 2020 are currently serving in judicial clerkships nationwide, tying last year’s high point for a single class. Out of 313 J.D. graduates in the class, 62 are clerking, including 19 in federal appellate circuit courts.

Overall, 40 alumni are clerking in federal appellate circuit courts, also a record.

“UVA Law students have continued their strong interest in clerkships and have been dedicated in pursuing these opportunities, both while at UVA and after they have graduated,” said Ruth Payne ’02, senior director of judicial clerkships.

Counting clerkships for future terms, 71 members of the Class of 2020 have accepted a total of 87 clerkships. Nine of these graduates will start their clerkship in a later term, and 16 will complete a second clerkship in 2021 or 2022.

In The Princeton Review’s 2020 rankings, the Law School is No. 4 in Best for Federal Clerkships.

—theodore fox

THE ELAINE R. JONES ’70 SCHOLARSHIP, named in honor of the school’s first Black alumna on the occasion of her 50th reunion, has been instituted at the Law School. First-year law student Genesis Moore is the inaugural recipient.

A Norfolk native, Jones was the first female president and director-counsel of the NAACP Legal Defense Fund, from 1993-2004. Jones became one of the first Black women to defend death row inmates, including as counsel of record in Furman v. Georgia, a U.S. Supreme Court case that abolished the death penalty in 37 states.

Jones also worked for two years as special assistant to the secretary of transportation in the Ford administration. She was the first African American to serve on the Board of Governors of the American Bar Association. Jones is a recipient of the Thomas Jefferson Foundation Medal in Law.

“This new scholarship will ensure that Ms. Jones’ legacy lives on for students now and in the future, and it will provide support for incoming students dedicated, like her, to pursuing careers that promote racial equity,” Dean Risa Goluboff said.

Moore, of Athens, Georgia, earned a bachelor’s in political science from the University of Georgia, where she served as vice president of the NAACP chapter and was a member of Alpha Kappa Alpha Sorority. She also served as a UGA Perspectives board member, working to form initiatives for the Office of Institutional Diversity. Additionally, Moore was a youth seminar leader and tutor for high school students.

Moore said she was proud to receive the scholarship from someone she sees as a role model.

“This is a woman who participated in numerous noteworthy cases in the fight for equality and just treatment in the judicial system and the society at large,” she said of Jones. “This is a woman who has paved the way for me to hopefully continue on in the endless struggle for equity and true justice for all.”

Jones said she was humbled by the honor and remains thankful for UVA Law taking a chance on her. She said she’s proud Moore is the inaugural scholar.

“I’m glad that Genesis is there, and she sounds extraordinary,” Jones said. “Her background is one of service and a commitment to other students, to young people, and to mentoring, and that’s just wonderful. She’s going to go a long way.”

Jones added, “I’m so glad to see people like Genesis and others, a new generation the Law School has made possible, that will come along and pick up that baton.”

Jones will be the keynote speaker at the Center for the Study of Race and Law’s annual Martin Luther King Jr. lecture, part of UVA’s Community MLK Celebration. A portrait of Jones is also being commissioned and will be displayed at the Law School.

—theodore fox
LIVE FROM THE CLASSROOM, some Law School students this semester witnessed their professor win a man his freedom from the Louisiana State Penitentiary at Angola.

“I’m never going to have a class this good again,” joked Professor Thomas Frampton, who allowed students in his Criminal Law class to sit in on the court hearing via Zoom. Frampton is licensed to practice criminal defense in Louisiana, where one of his recent clients was Nelson Davis, a man who had spent 42 years in prison—until walking free from the state penitentiary Sept. 17, the day of his resentencing hearing.

The details leading to Davis’ conviction on a single count of second-degree murder—a murder for hire—weren’t pretty, Frampton acknowledged. But Davis, whom Frampton said was a “model” prisoner during his time served, was never lawfully sentenced.

“The original sentencing judge gave him a flat life sentence, but didn’t realize he had the discretion to impose a different penalty after those 40 years had run,” Frampton said. “That made it an illegal sentence, which gave us a vehicle to get back into court.”

Frampton asked Judge Laurie A. White of the Orleans Parish Criminal District Court to reconsider Davis’ fate—with his 36 students quietly rooting him on.

“They had read the appellate opinion in Mr. Davis’ case, from 1979, when we introduced homicide the day before, without knowing that I represented him or that they were going to see the real Mr. Davis via Zoom the next day,” the professor said.

The students joined Frampton in the classroom as he addressed the court—the course is currently being conducted in person, with spaced seating—then awaited the verdict. The decision was an emotional one.

“He was way calmer than I was,” Frampton said. “I was nervous up to the very last second. And I teared up when the judge announced what his new sentence would be. The other inmates who had court that day started clapping on Mr. Davis’ behalf, and Mr. Davis was obviously just ecstatic. He’s so well known and so well liked at Angola, that the warden and other prison staff were congratulating him that he was going to get to go home.”

Davis was convicted for the 1976 murder by a verdict of 10-2, indicating some jurors had reasonable doubt. Louisiana courts permitted nonunanimous verdicts until voters in the state passed a constitutional amendment in 2018 to end the practice.

A former Climenko Fellow at Harvard Law School and an expert on the carceral state, Frampton joined the UVA Law faculty over the summer (see p. 55).

—Eric Williamson
Professor Ashley Deeks, a national security law expert and former official with the U.S. State Department, has been named director of the Law School’s new National Security Law Center.

The center will help support the academic contributions of faculty, while also serving as a hub for professors and working professionals to exchange ideas, as well as create increased opportunities for students interested in national security law.

“Our affiliated faculty members have impressive backgrounds in national security law and draw from their government and military experiences in their scholarship and teaching,” Deeks said. “I view the center as being a big tent, with room for many different facets of national security.”

Currently the E. James Kelly, Jr.–Class of 1965 Research Professor of Law and a senior fellow at UVA’s Miller Center, Deeks joined the law faculty eight years ago. Before her career in academia, she advised the State Department’s Office of the Legal Adviser and served as the embassy legal adviser to the U.S. Embassy in Baghdad.

Deeks also serves on the boards of editors of the American Journal of International Law and the Journal of National Security Law and Policy. She is a senior fellow at the Lieber Institute for Law and Land Warfare, and a faculty affiliate of the National Security Policy Center at the Frank Batten School of Leadership and Public Policy.

Other key faculty include:

▶ Aditya Bamzai, a former attorney-adviser in the Office of Legal Counsel of the U.S. Department of Justice, and a former appellate attorney in both private practice and for the National Security Division of the Department of Justice. He currently serves on the federal Privacy and Civil Liberties Oversight Board.

▶ Kristen Eichensehr, a former special assistant to the legal adviser of the U.S. Department of State, and a former attorney at Covington & Burling in Washington, D.C., where she specialized in appellate litigation and international and national security law, including cybersecurity issues.

▶ Thomas Nachbar, a judge advocate in the U.S. Army Reserve. He has, among other assignments, edited an Army handbook on the development of legal systems, trained Palestinian security forces in the West Bank and been deployed to Iraq.

▶ Paul Stephan ’77, a former counselor of international law at the State Department who is currently on leave to serve as special counsel to the general counsel of the U.S. Department of Defense. He has authored numerous books, book chapters and articles, including the recent book “Comparative International Law,” co-authored with other UVA Law professors.

Among the primary goals for the center, Deeks said, are to build increased connections with students and to focus on national security issues in the age of big data.

“Some of the most pressing national security concerns today don’t arise on traditional battlefields,” she said. “I want to make sure students interested in national security law are well-versed in these newer threats.”

Interest in national security law is strong among UVA Law students, Deeks said, in part because many are continuing their education in the field. The U.S. Army Judge Advocate General’s Legal Center and School is just next door to the Law School.

“We have a lot of students who come in with security and intelligence backgrounds,” she said. “Some want to maintain their clearances while they’re here.”

The National Security Law Center is the successor of the Center for National Security Law at UVA. Professor Emeritus John Norton Moore, that center’s long-time director and co-founder, retired in the spring.

—Eric Williamson
Professor Naomi Cahn, who joined the faculty this fall, is the inaugural director of the Family Law Center.

PROFESSOR NAOMI CAHN has been tapped as the inaugural director of the new Family Law Center at the Law School.

Cahn is a leading expert in the field who joined the faculty this year (see p. 47). Her scholarship has focused on trusts and estates, as well as the rights of individuals within families, with gender equity a recurring theme.

Professor Gregg Strauss, another renowned family law scholar on the faculty, is also involved in developing the center. Cahn, Strauss and additional faculty members at the Law School and on Grounds will serve as affiliated scholars, and the center will serve as a hub for faculty research, student engagement, and national and international exchange.

Family law faculty are involved in research and policy work that affects the law at all levels, and students will have more opportunities to become involved in those activities. Lectures and symposia on timely issues in family law will flourish as well.

“Families, and the laws that govern families, are critical in explaining so much of contemporary society,” Cahn said. “UVA has very strong classroom and clinical faculty in this area. I hope to bring together in a coherent whole all of the courses that are directly family-related, whether inside the clinic or outside the clinical setting.”

Other center goals include providing resources to students who aspire to careers in family law, facilitating exchange among scholars, and creating bridges to alumni in the field.

“Family law is integrally related to issues of equity, in terms of balance of rights within a family, rights based on marriage and nonmarriage, and for qualifying for benefits ranging from Social Security to health care,” she said. “So how we define families is integrally related to equity in our society.”

She added that the stability of families is essential to a well-functioning democracy.

A co-author of the widely used casebook “Contemporary Family Law,” Cahn has penned more than 100 law review articles and book chapters, and is a frequent voice in the media. She is a senior contributor to Forbes through its Leadership Channel, the family law section co-editor at Jotwell, an editor of the Family Court Review, and an author of numerous books directed at scholarly and public audiences.

For the past five years, Strauss has helped run, as both a chair and a committee member, the Family Law Scholars and Teacher’s Conference, held annually in New York City. Together with Anibal Rosario-Lebron of Howard University School of Law, Strauss has co-organized the Capital Family Law Scholar meetings that bring together academics from Virginia, Maryland and Washington, D.C. The center will amplify these efforts to nurture academic scholarship in family law.

“The law profoundly shapes our families,” Strauss said. “It’s hard to overstate how diverse and sophisticated family law scholarship must be to tackle the issues of justice raised by modern family life.”

One way the center will enhance family law scholarship is by drawing upon UVA’s deep strengths in children, family and elder law. Together, Strauss and Cahn have developed a list of affiliated faculty members that includes Law School professors Andrew Block, Richard Bonnie ’69, Anne Coughlin, Deborah Hellman, Alex Johnson, Julia Mahoney, Crystal Shin ’10 and Camilo Sánchez. They have also recruited affiliated faculty from across Grounds, including Robert Emery and Charlotte Patterson from the Psychology Department, and W. Bradford Wilcox from Sociology.

The center will facilitate scholarship outside of UVA as well, starting with a virtual gathering of faculty this fall, before an official launch with a conference, slated for Jan. 22.

—Eric Williamson
THE NEW CENTER for Law & Philosophy at the Law School will serve as a focus for one of the strongest groups of legal theorists in the nation.

Professor Deborah Hellman, an expert in the philosophical foundations of discrimination and campaign finance law, will serve as the center’s inaugural director.

Hellman will also be among affiliated faculty, which includes heavyweights such as Professor Frederick Schauer and new faculty member Professor Lawrence Solum (see p. 46).

“I honestly think we have the strongest faculty in the country for law and philosophy,” Hellman said. “We have real stars and a deep bench. Any student or faculty member would be attracted to UVA for that reason.”

With the creation of the center, the Law School now has a robust platform for intellectual exchange, she added.

Hellman joined the faculty in 2012 and is currently the David Lurton Massee, Jr., Professor of Law. Two main strands run through her work. The first focuses on equal protection law and its philosophical justification. She is the author of “When Is Discrimination Wrong?,” published by Harvard University Press, and co-editor of “The Philosophical Foundations of Discrimination Law,” published by Oxford University Press, as well as several articles related to equal protection. The second strand focuses on the relationship between money and legal rights. This includes articles on campaign finance law, bribery and corruption that explores and challenges the normative foundations of current doctrine. Her article “A Theory of Bribery” won the 2019 Fred Berger Memorial Prize (for philosophy of law) from the American Philosophical Association.

But Hellman, with her many accomplishments, was deferential to the other faculty who will comprise the center.

She called Schauer “one of the leading legal philosophers in the world.”

Schauer is a David and Mary Harrison Distinguished Professor of Law at UVA. His expertise has been demonstrated in hundreds of books, book chapters, articles, essays, classes and personal appearances. Among his accolades, he is a corresponding fellow of the British Academy, a fellow of the American Academy of Arts and Sciences, and a recipient of a Guggenheim Fellowship.

Solum, likewise, is world-renowned. He joined the faculty this fall from Georgetown University Law Center. He is the author of numerous books and treatises, and has published more than 80 articles in law reviews and philosophy journals. A former editor of the Harvard Law Review, he currently edits and publishes his Legal Theory Blog.

Additional affiliated faculty—the “deep bench” Hellman referred to—include Charles Barzun ’05, Josh Bowers, Naomi Cahn, Anne Coughlin, Vice Dean Leslie Kendrick ’06, Richard Re, George Rutherford, Richard Schragger, Micah Schwartzman ’05, Gregg Strauss and Steven Walt.

Kendrick, for example, has examined the philosophical foundations of the First Amendment in recent articles in Philosophy & Public Affairs and Law & Philosophy, while Schwartzman has explored religious liberty, public reason and political liberalism in philosophical journals, law reviews, and recent volumes from Oxford and Cambridge university presses.

The center will build on a preexisting workshop series, which allows six speakers to present unpublished work in progress. Students may attend these workshops in connection with a seminar in legal theory.

Going forward, the center plans to host additional conferences and speakers who will address the entire Law School community, as well as the wider academy and the public.

—Eric Williamson
WITH MANY STUDENTS LACKING ACCESS TO THE INTERNET OR EVEN COMPUTERS, THE PANDEMIC IS SHOWING EDUCATIONAL GAPS IN A NEW LIGHT. But online learning is merely widening longstanding, severe gaps in school funding and educational opportunities that entrench inequality.

Consider a scene in a Detroit classroom, exposed by a recent lawsuit. A student sits in class with 59 other students because her class has been combined with another that lacks a teacher. Vermin scutter by in a room so cold that she can see her breath. The “teacher” is a noncertified paraprofessional who knows nothing about the science that the class is supposed to cover or the experiments that are needed. Many students in Detroit faced these and other slum-like conditions each day when they were able to attend school.

In this dark situation, the U.S. Court of Appeals for the Sixth Circuit has shined a light that creates an important new pathway for improving educational opportunities. In Gary B. v. Whitmer, the Sixth Circuit held [in April] that the schoolchildren in Detroit possess a federal, constitutional right to literacy. This right to literacy guarantees that schoolchildren must receive an education that enables them to exercise other fundamental rights and liberties, particularly their right to participate in the political system.

The court held that this right is both “deeply rooted in this Nation’s history and tradition” and “essential to our concept of ordered liberty.” Put simply, our nation simply cannot function without ensuring that children attend schools where they attain literacy. Without literacy, our democracy does not work. Without literacy, our economy shuts down. Without literacy, our freedom is illusory.

The Sixth Circuit’s opinion finally addresses the avenue left open by the U.S. Supreme Court almost 50 years ago in San Antonio Independent School District v. Rodriguez. Although the Supreme Court refused to recognize a federal right to education then, the court noted that the plaintiffs had not alleged that they had been deprived of the education they need to exercise other fundamental rights. The Detroit plaintiffs seized the opportunity to make this allegation in Gary B.

It is difficult to overstate the potential impact of this decision. Equipped with a federal right to education, families and advocates in the Sixth Circuit can proceed to federal court to demand that all children receive their constitutional right to literacy. This frees advocates from litigation in state courts, where the courts have made some inroads in educational inequities and inadequacies, but too often have been unable to insist that state lawmakers reduce educational opportunity gaps in lasting and significant ways.

More importantly, beyond the Sixth Circuit, Gary B. is a cautionary tale to states and districts around the country. Litigation challenging inadequate public schools is proceeding in federal court not just in Detroit, but also in Rhode Island and Connecticut. State lawmakers routinely disregard educational equity and openly provide greater funding to already-excellent schools for wealthier and more powerful families, while poorer and less-influential families are stuck in schools to which lawmakers would never send their children or grandchildren.

Most states do not provide sufficient funding for children from low-income families to even achieve the modest goal of national average achievement outcomes, with some high-poverty districts falling tens of thousands of dollars below the necessary funding. Race compounds the problem, with nonwhite districts receiving a staggering $23 billion less than white districts, despite serving the same number of students.

We the people must insist that state legislatures and school boards provide effective teachers, sound facilities, course materials and access to technology for all students to engage in our democracy. Citizens also must demand that states and districts close the opportunity gaps that hinder access for poor and minority communities so that all children are equipped to participate in democracy. Our nation’s democratic, economic and societal future depends on it.

Reprinted from The Hill

KIMBERLY JENKINS ROBINSON is the Elizabeth D. and Richard A. Merrill Professor of Law, a Professor of Education and a Professor of Law, Education and Public Policy at the University of Virginia. She is the editor of “A Federal Right to Education: Fundamental Questions for Our Democracy” and the co-editor, with Charles J. Ogletree Jr., of “The Enduring Legacy of Rodriguez: Creating New Pathways to Equal Educational Opportunity.”
"I started reading the Law Weekly before I was even admitted, and it was actually one of the big reasons I decided to come to UVA. The paper is so lively, humorous and genuine, I thought that the community must be as well—and I was right! I joined the paper at the beginning of 1L year, and I’ve been editing and writing for it ever since."

—CHRISTINA LUK ’21
VIRGINIA LAW WEEKLY EDITOR-IN-CHIEF

MORE: LAW.VIRGINIA.EDU/STARWITNESS
DESCRIBE YOUR WORK: I represent cities, counties, special districts, local agencies and private businesses. My work focuses on government relations, public policy, regulatory matters, and municipal and special district law. There is never a dull moment. My time is spent handling a variety of matters, including drafting municipal ordinances and public contracts; advising public officials on homelessness, cannabis regulations, public records requests, policing, and employment and labor issues; litigating election contests, code enforcement actions, and water and land use disputes; and, recently, helping our clients navigate the COVID-19 pandemic.

WHAT ACTIVITIES DO YOU ENJOY OUTSIDE OF WORK? I love the outdoors and take full advantage of Sacramento’s mild winters and Delta Breeze. If I am not at work, I am probably swimming, skating, snowboarding, hiking, biking or kayaking down the American River. I am also a volleyball enthusiast and play in several recreational leagues.

ARE YOU WHERE YOU EXPECTED TO BE AT THIS STAGE OF YOUR CAREER AND LIFE? I began my career as a deputy attorney general at the California Attorney General’s Office, and through a series of events accepted a position lobbying to accelerate the world’s transition to sustainable energy as the senior policy adviser at Tesla. I knew immediately upon joining Churchwell White that I would be surrounded by a talented team of attorneys, but I did not expect to find so many mentors who enthusiastically invest in my development as an attorney. The best things in life are truly unexpected. I look forward to the next stage of my career and to many more opportunities for personal and professional growth.

WHAT DO YOU LIKE ABOUT YOUR LIFE 5 YEARS AFTER LAW SCHOOL? I believe that an important part of being a lawyer is to provide a public service to the community. In fact, I went to UVA Law because of its commitment to public service and programs that support public service attorneys. I appreciate that I have a fulfilling career that is both impactful and intellectually engaging. Most importantly, I am so grateful for my family and friends who are an endless source of love and deep belly laughs.
What alumni are doing 5, 10, 15 and 25 years out of law school

Describe your work: My work focuses predominantly on violent and organized crime. I often work on cases from the inception of an investigation all the way through trial. In our office, we are also responsible for handling our own appeals. I’ve had the opportunity to try four cases in my first three years in the office. Most recently, I was part of the trial team that successfully prosecuted leaders of the Luchese crime family for murder, racketeering and other crimes.

What activities do you enjoy outside of work? I love anything that gets me outdoors. My husband and I also enjoy traveling and cooking (and eating!), and we’ve been lucky to combine those interests with our love of the outdoors on some recent hiking trips in Scotland and Argentina.

Are you where you expected to be at this stage of your career and life? When I decided to apply to law school, I hoped one day to be a prosecutor. One of the reasons I chose UVA Law was its Prosecution Clinic, and I’m so glad that I did, because that experience was both deeply rewarding and impactful. I firmly believe that lessons I learned during the clinic continue to guide me in my life as a prosecutor. I can’t say, though, that I anticipated being an AUSA in the Southern District of New York. I’m incredibly lucky to have had great mentors both while at UVA and during my career, and their encouragement and advocacy are a big part of how I ended up where I am today.

What do you like about your life 10 years after law school? I’m profoundly thankful to have a job that is not only intellectually stimulating but also driven by a mission of public service. My interactions with victims and their families have been particularly meaningful and serve as a reminder of the importance of achieving justice for those who might otherwise feel unseen. I’m also fortunate to have practiced law—and to continue to practice law—with wonderful colleagues from whom I learn every day.

Samuel Stuart

Celia Cohen ’10
Assistant U.S. Attorney
Southern District of New York
New York City
Describe your work: I specialize in copyright litigation, regulatory and counseling work. I represent a wide range of technology companies, particularly in the software and digital music industries. I joined the firm two years ago after a long stint in the federal government.

What activities do you enjoy outside of work? I have three young children, so I spend much of my free time with them—playing video games with my sons or putting together puzzles with my daughter.

Are you where you expected to be at this stage of your career and life? In life, definitely yes. My wife, Yael Berger, and I started dating before law school and are both Class of 2005. So, it is no great surprise that 15 years later we are married with three wonderful kids, living in the city we met in. In my career, most definitely not. The best advice I can give to young lawyers is to stay flexible in your career. I went from not taking a copyright law class in law school to becoming general counsel of the U.S. Copyright Office—just because I kept myself open to new and interesting opportunities.

What do you like about your life 15 years after law school? The early part of my career as a lawyer was so nerve-wracking—looking back, I really did not know what I was doing. Now, 15 years later, I feel like I am hitting my stride. Obviously, there is a lot more to learn, but at least on most days I do not feel like an imposter.
DESCRIBE YOUR WORK: I have the honor of representing several state agencies that perform myriad important functions, including the Department of Insurance, Secretary of State and Commission on Equal Opportunity. Representing such a diverse client base has afforded me the opportunity to appear in both trial and appellate courts, provide advice on complex issues of state and federal law, and work alongside some of the most dedicated, top-shelf attorneys in the state.

WHAT ACTIVITIES DO YOU ENJOY OUTSIDE OF WORK? I have always enjoyed exercising and have created a home gym. I recently added long walks with my family and guide dog, Sadie, which have become the most rewarding part of my day. I am also a voracious reader, and, after a long hiatus, I recently rediscovered the art of reading Braille (though I admit that I still have a preference for audiobooks that I dare not share with my Braille instructor).

ARE YOU WHERE YOU EXPECTED TO BE AT THIS STAGE OF YOUR CAREER AND LIFE? I wish I could give a straightforward answer. But I have learned that expectations, though valuable at times, are shaped by experience and unexpected life events. When I lost my sight at 19, I believed I had lost any opportunity to have a successful career or fulfilling life. I was wrong. It took time and healing, but I eventually discovered that the loss of my sight opened the door to self-discovery and opportunities that I never expected to have. I never expected to graduate from college, and I did as a member of Phi Beta Kappa. I never expected to graduate from law school, and I did on a full scholarship. I never expected to have a loving family and a successful career, and I have both. Perhaps it’s a much more straightforward answer after all—I exceeded my expectations.

WHAT DO YOU LIKE ABOUT YOUR LIFE 25 YEARS AFTER LAW SCHOOL? I have two brilliant and amazing daughters (Mackenzie and Macey), whom I get to coach, teach, make laugh and, at times, embarrass with all the love and respect a proud father can summon.
Will this be the year that history will record as the beginning of the end of disparity in the criminal justice system?

Most of 2020 is behind us now, but the protests set off by the deaths of George Floyd, Breonna Taylor, Ahmaud Arbery and others won’t soon be forgotten.

A broad cross-section of America is saying, “Enough.” A recent poll from The Associated Press and its research partner at the University of Chicago found that nearly all Americans support some level of police reform, including clear standards for use of force and consequences for officers who err.

As events unfolded and protests cropped up across the nation, some asked what the Law School can do to respond—not just in policing, but with all manner of injustice.

Professor Rachel Harmon, who directs the new Center for Criminal Justice at UVA Law, said UVA Law professors are combating problems on multiple fronts.

“From making policing less harmful and pretrial detention less common to improving trials and releasing the innocent, our faculty are on the front lines of criminal justice reform,” Harmon said.

The UVA Law community, which includes alumni focusing on solutions from practice (see p. 38), is working to help correct discrepancies affecting people of color, the poor and others disproportionately impacted by a system that experts say is too often stacked against them.

“This issue is a status report on the work we’re already doing on criminal justice reform, and a reflection on reforms yet to be achieved,” Dean Risa Goluboff said. “One of the Law School’s missions is serving the public, both through enabling and teaching our students, who are positioned to make an impact when they become attorneys, and by supporting the service of our faculty. I am gratified by how many of our faculty are making important contributions at this critical moment.”

Unbalanced

African Americans are more likely to be stopped and arrested by police than white people, more likely to be convicted in criminal prosecutions, and more likely to be housed long-term in jails, prisons and other detention facilities.

—The Sentencing Project, 2018 report to the United Nations

If Black and Hispanic people were incarcerated at the same rate as white people, the nation’s inmate population would decline by 40%.

—NAACP

Criminal fines and fees that subsidize government programs hurt the poor disproportionately.

—Legal Aid Justice Center
OVER THE SUMMER, Professor Rachel Harmon and other scholars released a list of reforms to address problems in American policing. The authors’ report, “Changing the Law to Change Policing: First Steps,” explains why the structure and governance of policing should be rethought, while looking at the appropriate role of police in achieving public safety.

“We have a long way to go in figuring out how to achieve public safety fairly and with less harm,” Harmon said. “But in the meantime, there are immediate legal changes that can make things better.”

The report’s recommendations include eliminating qualified immunity for police, establishing national legal standards for use of force, and the development of accountability systems, such as the use of inspectors general, on the local level.

Harmon is among the authors who are also reporters for the American Law Institute’s Principles of the Law: Policing, which works with advisers from across the ideological spectrum to draft proposals to govern policing. Her article “Why Arrest?,” published in 2016 in the Michigan Law Review, argues that arrests are not essential to policing in most cases.

In another work, “Promoting Civil Rights Through Proactive Policing Reform,” published in 2009 in the Stanford Law Review, she advocates for a more aggressive federal enforcement of police departments for civil rights violations—which she says could be achieved through calculated lawsuits and offering “safe harbor” for departments actively pursuing compliance.

Harmon is a leader in the field of police regulation. She teaches in the areas of criminal law and procedure, policing and civil rights, and often advises nonprofits and police departments on legal issues involving the police. She also helped found The Fountain Fund, a nonprofit that provides low-interest loans and financial counseling to people who have been incarcerated. She served as a law enforcement expert for an independent review of the events of Aug. 11-12, 2017, in Charlottesville.

Harmon moved into academia in 2006 after spending eight years as a federal prosecutor in the Criminal Section of the U.S. Department of Justice’s Civil Rights Division and the U.S. Attorney’s Office for the Eastern District of Virginia. She is the Class of 1957 Research Professor of Law.

THE JUVENILE JUSTICE SYSTEM has traditionally been an early stop in the school-to-prison pipeline. How a youth is handled may make the difference between a productive adult and an imprisoned one.

Professor Andrew Block recently rejoined the faculty after serving for five years as director of the Virginia Department of Juvenile Justice. There, he instituted major reforms while in his official role, including reducing the number of youth in state facilities by almost two-thirds, closing two state correctional facilities, and securing legislative support to reinvest savings from those closures into a network of services for children and their families.

“We were able to really transform a lot of the work of the agency,” Block said. “We implemented evidence-based practices and treatment programs across Virginia, and hit all-time lows for numbers of new cases coming into the system, numbers of youth on probation and the numbers of youth in locked facilities.”

He teaches the class Children and the Law, and continues to speak and write about juvenile justice reform.

Block is also currently serving as vice chair of Gov. Ralph Northam’s Commission to Examine Racial Inequity in Virginia Law. In the spring, student research assistants working with him provided commission members with an extensive summary of their research about racial disparities in various aspects of life in Virginia, as well as a set of policy recommendations that will help inform future action to address the disparities. Already, historic racist language in state law has been removed because of the work of the commission.

More recently, Block and his students have been tackling police and criminal justice reform. Block launched the State and Local Government Policy Clinic at the Law School this fall, and students are participating in the next phase of the commission’s work.
Often when the public thinks of racial disparity in the criminal justice process, they think of the race of the accused. But the research of new faculty member Thomas Frampton also points to racial disparity among those who weigh in on guilt and innocence.

For his 2018 paper “The Jim Crow Jury,” published in the Vanderbilt Law Review, Frampton examined more than 13,000 peremptory strikes in recent criminal trials in Louisiana, which he says demonstrate that race continues to drive the selection of jurors. In addition, he studied the racial breakdown of 199 nonunanimous verdicts.

“The data I was working with offered an unprecedented measure of how race affects jury deliberations: viewing the same evidence in actual courtroom settings, black and white jurors regularly came to starkly different conclusions about guilt and innocence,” he said.

The paper called for “aggressive measures to counter racial bias in the jury system” and declared that “relics of the original Jim Crow jury era—non-unanimous juries—should be declared unconstitutional.”

On the latter count, the U.S. Supreme Court agreed. In 2020, the court cited his paper twice in Ramos v. Louisiana, affirming that jury verdicts in criminal trials must be unanimous.

A more recent article, “For Cause: Rethinking Racial Exclusion and the American Jury,” which was published this year in the Michigan Law Review, looked at how juries are often crafted to have a certain racial composition by ruling out people “for cause”—for example, they know the accused through a setting that may have created a favorable or unfavorable impression.

“Challenges for cause are racially skewed, in part, because the Supreme Court has insulated the challenge-for-cause process from meaningful review,” he writes. “We need to rethink who is qualified to serve as a juror and how we select them.”

Frampton’s research draws on his background in American studies and his experiences as a public defender in Louisiana. Read more about the professor on p. 55.
THE USE OF JAILHOUSE INFORMANTS, or “snitches,” is common nationwide in the most serious criminal cases, including death penalty cases. Of the 123 death row exonerations to date, 17% involved the use of jailhouse informants in the original trial, according to Professor Deirdre Enright ’92, who co-directs the Innocence Project at UVA Law.

“Prosecutors are allowed to dangle potential freedom to the most incentivized individuals in exchange for inculpatory testimony,” Enright said. “Were the defense to offer anything of value to a witness, they would surely face discipline or dismissal by the bar.”

Correcting the problem in Virginia is on the Innocence Project’s policy agenda for the year ahead. The group is working on a bill that would establish a statewide database to track the use of jailhouse informant testimony. Enright, co-director Jennifer Givens and staff attorney Juliet Hatchett ’15 will oversee student efforts in coordination with the New York Innocence Project.

“The U.S. Supreme Court has previously ruled that prosecutors must disclose to the defense discrediting information about state witnesses, including promised benefits and the witness’ criminal history,” said Brianna Miller ’22, student team leader on the project. “The database will provide greater transparency and allow for more prompt disclosure of the relevant information. This information is vital for the accused to be able to raise an adequate defense.”

Enright said an example of a state trying to correct the problem is Illinois, which has recently adopted stringent rules for prosecutors: They must give 30 days’ notice to the court, provide thorough discovery about the encounter that generated the account, be transparent about the inmate’s history of snitching and allow the defense pretrial hearings to test the reliability of the informant. In addition, cautionary jury instructions warn Illinois panels about the inherent unreliability of informants.

“Virginia has none of these measures in place, so our policy team’s efforts to draft curative legislation is both long overdue and essential,” Enright said.
A BETTER SHOT AT EXONERATION

WRONGLY CONVICTED people in Virginia now have a much better shot at overturning their convictions because of the policy efforts of the Innocence Project at UVA Law.

As part of sweeping criminal justice reforms signed by Gov. Ralph Northam in April, the threshold for the Virginia Court of Appeals to grant a writ of actual innocence has been lowered in cases not involving biological evidence.

“It’s a new day in Virginia,” said Professor Jennifer Givens, who directs the Innocence Project along with Professor Deirdre Enright ’92. “The changes make the remedy available to more innocent people in Virginia and will lower the current burden of proof, which is incredibly high and nearly impossible to satisfy.”

The Innocence Project’s policy focus began at the beginning of the 2019-20 academic year. The primary team, then comprised of seven students and overseen by staff attorney Juliet Hatchett ’15, the inaugural Jason Flom Justice Fellow, advocated for amendments to the writ of actual innocence law that have now been incorporated.

“This type of work is something we’ve wanted to do for a long time,” Givens said. “Our team brainstormed the types of reforms we should be focusing on for this legislative session. We then worked with the New York Innocence Project and the Mid-Atlantic Innocence Project to establish a legislative agenda and plan, and Juliet and the policy team worked hard to implement that plan.”

The change in the law effectively puts the remedy within reach. As an appeals court considers how a reasonable set of jurors might determine guilt based on the new evidence, the standard now requires relief based on a “preponderance of the evidence,” versus the previous, higher bar of “clear and convincing evidence.”

The law also changed to allow a convicted person who previously pled guilty to petition for a writ.

“More than 95% of people plead guilty to a crime, but pleading guilty doesn’t necessarily mean a person isn’t innocent,” Hatchett said. And the new law allows for more than one writ petition if the first isn’t successful, although significant new evidence must still be introduced each time.

As of the spring, only four people in Virginia had been granted a writ of actual innocence based on nonbiological evidence, Hatchett said. The new law went into effect July 1.

Virginia has a separate statute that pertains to the filing of a writ of actual innocence in cases that hinge on biological evidence. For that law, the policy team proposed allowing DNA testing to be performed at private labs. (“This will be particularly useful in cases where the Virginia Department of Forensic Science does not possess the necessary equipment or expertise,” Hatchett said.) The bill passed both the House of Delegates and state Senate unanimously, and the governor signed it into law after suggesting an edit to its language.

Jessica Joyce ’20, team leader for the students working on the project, researched the law in other states and investigated which Virginia legislators might be interested in sponsoring. Sen. John Edwards ’70 sponsored the writ of actual innocence legislation in the Senate, while Del. Charniele Herring sponsored identical language in the House of Delegates.

“The new writ of actual innocence law demonstrates that Virginia’s legislature is serious about trying to get things right in our state’s criminal justice system,” Joyce said. “The post-conviction DNA testing bill will allow courts to consider more DNA evidence when reviewing the convictions of those who claim innocence. As a bill that was passed unanimously by both the Senate and the House, it is also a wonderful example of how criminal justice reform is a bipartisan issue and how all policymakers can strive toward a more just Virginia, regardless of political affiliation.”

Joyce also deserves credit for pushing to start a policy team, which she first advocated for as a student in the for-credit Innocence Project Clinic, Hatchett said. Students in the yearlong clinic investigate and litigate claims of false conviction in Virginia.

Northam had signaled in advance that he wanted to make major changes to criminal justice in Virginia, including to the writ of actual innocence process.
A PAPER by Professor Megan Stevenson, “Bail, Jail and Pretrial Misconduct: The Influence of Prosecutors,” authored in 2019 and updated this year, examines bail reform measures under Philadelphia District Attorney Larry Krasner, who is a leader in the progressive prosecution movement.

“Dozens of jurisdictions across the country are engaging in bail reform, but there are concerns that reducing monetary incentives will increase pretrial misconduct,” Stevenson and co-author Aurélie Ouss of the University of Pennsylvania write about why they chose to study outcomes in Philadelphia.

Krasner’s office no longer requires bail to be set for misdemeanor offenses, for example, although a judge still has the final say. Stevenson found that such discretionary measures have had a positive impact, while not resulting in spikes in crime or significant increases in defendants failing to show up in court.

In fact, with a 22% increase in the likelihood that a defendant would be released with no monetary or supervisory conditions, there appeared to be no statistically significant downside.

“This provides a unique opportunity to evaluate the primary justification for cash bail: that it provides incentive for released defendants to appear in court,” they state. “We find no evidence that cash bail or pretrial supervision has a deterrent effect on failure-to-appear or pretrial crime.”

Two of Stevenson’s other research papers were cited by the U.S. Court of Appeals for the Fifth Circuit as part of the 2018 decision in O’Donnell v. Harris County, Texas, et al. The court reaffirmed a district court ruling that the county’s bail system for misdemeanor offenses violated due process because it favored those most able to pay.

At UVA, Stevenson teaches Criminal Law as well as courses on evidence-based criminal justice reform and statistics for lawyers. Read more about her work on p. 54.

LIKE HIS COLLEAGUE Megan Stevenson, Professor Josh Bowers understands the many problems with fairness associated with pretrial detention. Bowers is the lead reporter for the Uniform Law Commission’s Pretrial Release and Detention Committee. He also served as a staff attorney for the Bronx Defenders early in his career.

In July, the commission released its model legislation for states under the title The Uniform Pretrial Release and Detention Act, which is meant to guide judicial decision-making. The overriding goal of the proposal is to eliminate wealth-based disparities in pretrial release and to ensure that the liberty of individuals is only restricted, after a rigorous process, to the extent required by a state’s legitimate pretrial interests.

The act also compels police, in some circumstances, to use citations instead of arrests.

“Our committee was a bipartisan group of academics, judges and lawyers, including prosecutors and defense attorneys,” Bowers said. “We represented a diverse set of viewpoints, but ultimately came together to produce an innovative template for state-level statutory reform, prioritizing pretrial release and minimizing the degree to which poverty leads to detention.”

Bowers is currently working on the article “What If Nothing Works? On Crime Licenses, Recidivism, and Quality of Life,” which examines what it means to “defund” the police.

In addition to his scholarly work, Bowers was a founding member of the city of Charlottesville’s recently formalized Civilian Review Board, which provides oversight of the Charlottesville Police Department. He is the F. D. G. Ribble Professor of Law.
WHEN WE CAUGHT UP this summer with Professor Kim Forde-Mazrui, who runs the school’s Center for the Study of Race and Law, he was in the midst of planning a race and gender justice-themed symposium with the Virginia Law Review, scheduled for January, as well as preparing the fall course Race and Criminal Justice, which he first taught in the spring.

The new course prepares lawyers-in-training to understand the disproportionate influence that race has on the criminal justice system.

Forde-Mazrui is co-author of “Racial Justice and Law: Cases and Materials.” He will be teaching the course for the first time with Professor Josh Bowers, an expert in criminal law who served as a public defender early in his career.

Two takeaways (among many) Forde-Mazrui hopes students gain from the course: “Race remains a highly salient matter in the criminal justice system, and judicial doctrines that purport to protect racial equality are tragically inadequate because of flawed decisions by the Supreme Court.”

One thing he himself was surprised to learn in preparing the course is that relatively few conservative scholars have written in the area of criminal justice.

“I want to present a diversity of perspectives to my students, and it’s difficult to find conservative perspectives reflected in published legal scholarship, as opposed to blogs and other brief commentaries,” he said. “I welcome suggestions.”

Bowers, a criminal justice expert with a background in public defense, said he is excited to teach the course with Forde-Mazrui, whose materials he pulled from to teach a one-week version of the course at the University of Münster in Germany.

“Kim is an exceptionally generous and kind colleague, and he has developed a rich set of teaching materials,” Bowers said.

They both said they look forward to the discussions they will lead and have with each other, drawing upon their backgrounds and individual perspectives.

“My primary expertise is race law; Josh’s is criminal justice. That makes us a perfect duo to teach Race and Criminal Justice,” Forde-Mazrui said.

Judging from spring feedback, the course has already had an impact on students.

“I am so grateful I took your class in my last semester of law school, because it has changed the way I am now engaging in this new period for our country,” wrote Sarah Houston ’20 in a thank-you email to Forde-Mazrui.

Forde-Mazrui is the Mortimer M. Caplin Professor of Law. Bowers is the F. D. G. Ribble Professor of Law.
PROFESSOR ANNE COUGHLIN said she has learned much from her students over the years about why diversity in the profession, the bar and the bench “is essential if we are to have any hope of achieving racial justice.”

Coughlin said it’s also critical to bring in diverse voices to teach law students. Over the years in her classes Law and Public Service, and Criminal Investigation, she has hosted U.S. Judge Carlton Reeves ’89, retired Virginia Court of Appeals Judge James W. Benton Jr. ’70 and musician Lester Jackson to offer their perspectives.

“It hurts to put a burden on our Black neighbors to help educate us, and so I am very grateful to those who step up to help us, rather than just give up on us,” Coughlin said.

Jackson is a resident of Charlottesville, who records music as the artist Nathaniel Star.

During a visit to Coughlin’s Criminal Investigation class, he had students close their eyes while he donned a black hoodie and sunglasses.

“I’m still the dude sitting here in these fantastic shoes—and a bowtie,” he said. “So why does this change? And I know you had to feel something when you opened your eyes. Those are the narratives that we need to try to change.”

Coughlin’s class that day focused on the U.S. Supreme Court cases Atwater v. City of Lago Vista, about police discretion in arrests for traffic crimes, and Terry v. Ohio, in which the majority said stop-and-frisk practices were legal.

“In both of these areas, there is substantial empirical evidence that race plays a really powerful role in the policing decisions,” Coughlin told the class.

At one point during the session, which is available at youtube.com/ualaw, Jackson reflected on the pain he will feel when he teaches his young children how to safely encounter police.

“We shouldn’t have to have ‘the talk’ with our children,” he said, then paused for several seconds, holding back tears. At the time, he and his wife had a daughter and were expecting a second child. “At some point life will show her that she’s not viewed the same and I don’t want to not prepare her for that at the same time. … But how do I rob my daughter of her innocence?”

He added, “The world will do it if I don’t.”

Coughlin has also spent significant time working to persuade local law enforcers to bring felony charges against “the torch-burning mob” after the August 2017 white supremacist rally in Charlottesville. She said her efforts to hold individuals accountable for illegal acts, separate from their exercise of free speech, are ongoing. She is also currently involved in an effort with students and a team of lawyers from Covington & Burling to rewrite Virginia’s sexual assault laws, to ensure that prosecutors don’t have to prove “force, threat or intimidation” to meet the legal definition of rape.

Coughlin is the Lewis F. Powell, Jr., Professor of Law.

—Contributed by Mary Wood
WHEN THINKING about criminal justice reform, one should consider the power of sanctions to influence behavior. Professor Andrew Hayashi asserts that preventing hate crimes will require doing more to address the animus behind the acts—and using economics in a way that currently isn’t being applied.

Hayashi wrote his 2019 paper “The Law and Economics of Animus” in part, he said, because prejudiced people continue to lash out, and the current methods of addressing the problem aren’t working. He is an expert in behavioral economics, which combines economics with psychology.

“The existence of animus is not an economics problem—it’s a spiritual or psychological problem,” Hayashi said. “But the fact that people act on their animus is an economics problem. Economics is about understanding how people respond to incentives, and so deterrence is a natural place for the use of economics.”

Forcing an offender to pay damages to his victim is the first prong of Hayashi’s plan because it goes toward meaningfully countering the intent.

“States should make it easier to allow for damage recoveries in the case of hate crimes,” he said. “Damages are better than fines or imprisonment in this way. They are especially unpleasant for people with animus for their victims because it means paying money to the person they hate.”

As the second prong of his plan, Hayashi recommends the development of community funds that could serve as a form of what he calls “solidarity deterrence.” The money could be applied immediately after a crime to begin mitigating the impact of the harm.

As an example, he said, an anti-immigrant attack could be countered by the community channeling money to groups that help people immigrate legally.

Hayashi is the Class of 1948 Professor of Scholarly Research in Law and director of the Virginia Center for Tax Law.
turned out that Rice was only 12 years old, and the weapon was a nonlethal air-soft pistol.

Police experts and investigators universally condemned Loehmann’s partner, Officer Frank Garmback, for driving up so close to a reported “active shooter”—rather than stopping, taking cover and waiting for backup, as police best practices would dictate. (Garmback was suspended for 10 days for violating multiple police department policies.)

By contrast, the investigations looking into the lawfulness of the shooting itself treated Loehmann’s position as a given. “That Garmback’s action may have increased the risk that deadly force would be necessary was deemed irrelevant” to the question of whether the shooting was constitutionally allowable, Armacost says.

The shooting was deemed lawful under the circumstances, and both officers were cleared of constitutional error.

Additionally lost in the analysis, says Armacost, is consideration of other errors or systems weaknesses that might have contributed to the shooting, including inaccurate or incomplete information relayed to the officers by the dispatcher, breakdowns in communication, risks posed by realistic-looking but nonlethal guns, and weaknesses in police active-shooter and de-escalation policies.
MENTAL HEALTH
AN INCREASING NUMBER of people with serious mental illness are ending up in jail due to gaps in mental health services.

Professor Richard Bonnie ‘69 and his co-author, Dr. Steven Kenny “Ken” Hoge, have proposed a new legal pathway to divert these people from the criminal process as soon as possible and commit them for mental health treatment.

“One of the tools now available to respond to these defendants is not serving their needs or the interests of society,” Bonnie said. “Their conditions get worse when they are in jail, and they are eventually released into the community without being connected to treatment.”

In many of the situations, Bonnie said, their arrests were for misdemeanors or non-violent felonies related to the mental illness.

Bonnie and Hoge contend that the two traditional legal pathways to treatment in the criminal justice system are useless or counterproductive. One pathway is the insanity defense, but they point out the defense is rarely used except in very serious cases, because it typically leads to long-term commitment to a secure hospital. The second is being found incompetent to stand trial.

“A lot of mentally ill defendants are evaluated for competence, but a lot of time and money is spent moving them back and forth between the hospital and the jail, with little benefit to the administration of justice,” Bonnie said. The criminal charges are often resolved by a guilty plea and a short jail term, “but nothing is done to prevent another cycle of relapse and re-arrest.”

The goal, according to their draft proposal, tentatively named “Expedited Diversion to Court-Ordered Treatment,” would be to stabilize the patient enough while in the mental health setting so that he can be discharged into the community, where care would continue to be provided.

Bonnie has spent much of his career working for mental health law reform, including at the intersection of mental health services with the criminal justice system. Among other positions, he chaired a Commission on Mental Health Law Reform at the request of the chief justice of Virginia from 2006-2011 and an Expert Advisory Panel on Mental Health Reform for the Virginia General Assembly from 2016-19.

“We are planning on introducing a major overhaul of the statutes governing mandatory outpatient treatment in the upcoming session of the General Assembly,” Bonnie said of the latest reform efforts.

Bonnie has also advocated on such topics as risk warrants to remove guns from the hands of the mentally unstable, and the necessity of the insanity defense.

He was elected to the National Academy of Medicine in 1991 and has chaired more than a dozen studies for the National Academies on subjects ranging from elder mistreatment to underage drinking. In 2017, he chaired a study on policies needed to address the opioid epidemic in the U.S. More recently, he has been focusing on the implications of advances in knowledge about adolescent development for the justice system.

In addition to being the Harrison Foundation Professor of Medicine and Law at the Law School, he is a professor of both public policy, and psychiatry and neurobehavioral sciences. He also directs the Institute of Law, Psychiatry and Public Policy at UVA.

Hoge, a former director of the ILPPP, is a medical doctor on faculty at the Columbia University College of Physicians and Surgeons. He directs the Columbia-Cornell Forensic Psychiatry Fellowship Program. He was previously professor of psychiatry at the NYU Grossman School of Medicine and director of the Division of Forensic Psychiatry at Bellevue Hospital.
THE PATH TO CRIMINAL JUSTICE REFORM
ALUMNI DISCUSS WHAT HAS WORKED—AND WHAT COULD WORK

UVA LAWYER RECENTLY ASKED some alumni who serve, or have served, on the front lines of criminal justice reform to talk about what’s working and what needs to change. Those taking part in our email roundtable were Judge Eric C. Taylor ’88 of the Superior Court of Los Angeles County, California; Timothy J. Heaphy ’91, former U.S. attorney for the Western District of Virginia and current counsel for UVA, who is co-teaching a Criminal Justice Reform Seminar this term; Tiffany Graves ’06, former executive director of the Mississippi Access to Justice Commission and current pro bono counsel at Bradley Arant Boult Cummings, who is also teaching at the Law School this year and serving as national appeals chair for Law School Foundation; Jim Hingeley ’76, a career public defender who was elected Albemarle County commonwealth’s attorney last year; and Maggie Birkel ’18, who advocates for women in the criminal justice system as an attorney with Still She Rises.

IN TERMS of criminal justice reforms, what seems to be working?

GRAVES: A number of states are addressing the problem of pretrial detention by legislating bail reforms that end or severely restrict the use of money bail, and that has been an encouraging development. We should not put people in jail simply because they cannot afford to pay a certain amount of money to guarantee that they will attend a future court hearing. Money bail systems perpetuate an endless cycle of poverty and jail time for our low-income citizens while favoring those who are more well off. It is an ineffective and demoralizing function of many courts, and I am glad to see that some states have eliminated it or are working to do so.

“REMOVING THE POSSIBILITY OF PRISON TIME and moving in the direction of decriminalization has been crucial to more positive outcomes for our clients’ cases.”
—Maggie Birkel ’18

HEAPHY: Virginia has taken some positive steps in the direction of reform, but much remains to be done. The General Assembly wisely repealed the law that imposed an automatic suspension of driver’s licenses due to failure to pay court debt. [This effort was spearheaded by numerous UVA Law alumni, working through the Legal Aid Justice Center, as reported in the Spring 2019 issue.] That provision was ineffective and overinclusive, and led to the reincarceration of thousands of Virginians whose licenses were suspended. The next frontier is repealing the mandatory fees, fines and costs that continue to be imposed regardless of ability to pay. These provisions criminalize poverty and should be eliminated. Taylor: In my opinion, the jury is still out, so to speak, on the extent to which various reforms in California have been effective. We’ve known for many years that reform was needed to restore confidence and equity in our criminal justice system. When I served on the California Judicial Council’s Access and Fairness committee almost 20 years ago, we were discussing this same issue—equity in prosecutions and sentencing. Those conversations were met with historical resistance. Today seems to be a political and social turning point, bringing a flood of changes to cash bail systems and, in our state, reforms to jury selection and the use of peremptory challenges. But it’s still early, and political will is like a pendulum that can easily change its trajectory. The pandemic and racial equality movement has brought dramatic shifts in pretrial jail populations. But any changes in crime rates and an eventual decline in COVID-19 concerns could stall that momentum. Only time will tell.

BIRKEL: I work in Oklahoma. Oklahoma has the highest rate of female incarceration and the second-highest rate of incarceration of all humans of any state. Although I am a proponent of abolishing many of these systems that harm our clients’ lives, there are several initiatives that my office, Still She Rises, and other forces in the state have generated. For example, in 2016, Oklahomans voted to reclassify simple drug possession of any controlled substance as a misdemeanor, rather than a felony. Removing the possibility of prison time and moving in the direction of decriminalization has been crucial to more positive outcomes for our clients’ cases.
IS THERE an accomplishment from your work that you would like to mention?

HEAPHY: As a United States attorney, I helped devise and implement Attorney General Eric Holder’s Smart on Crime Initiative, which reduced the use of mandatory minimum charges and encouraged support for prevention and reentry initiatives. That program led to a reduction in the federal prison population with no corresponding increase in crime. After leaving government service, I founded The Fountain Fund, a Charlottesville-based reentry organization that provides low-interest loans to formerly incarcerated men and women.

GRAVES: Prior to joining my firm, I was the executive director of the Mississippi Access to Justice Commission. The commission hosted criminal record expungement legal clinics throughout Mississippi and joined forces with statewide nonprofit organizations that were examining Mississippi’s record expungement laws in order to make it easier for individuals to get their records expunged. I was pleased to be able to work with our legislators to make some rather sweeping changes to the state’s expungement laws, including by helping to enact a statute that increased the number of felony convictions that qualify for expungement and another statute that allows individuals to obtain an expungement if they committed certain crimes before they reached the age of 19. Having a clean criminal record enables individuals to do things like register to vote, obtain employment and federally supported housing, and acquire essential state-sponsored benefits, among other things. It can be life-changing for people who are trying hard to rebuild their lives to better support themselves and their families.

HINGLEY: A major accomplishment I would mention is assisting in managing the criminal justice system response to the ongoing public health emergency. My office has used a variety of strategies (home electronic incarceration, delayed reporting dates, furloughs, release on bail and modified sentences) to reduce the population of the Albemarle County Regional Jail without compromising public safety. (The superintendent of ACRJ, Col. Martin Kumer, has been a terrific ally in this effort.) The reduction has been significant, bringing the ACRJ population to a level lower than it has been in decades. The population reduction reduces the risks of transmission and provides more space in the jail to effectively manage outbreaks when they do occur.

I also cooperated with the courts when they were closed (except for emergency hearings) to implement innovative hearing procedures that enabled more judicial business to be conducted during closure and reduced the backlog of delayed cases now starting to clog the system.

BIRKEL: Our daily work has changed dramatically during COVID. The county jail has severely limited our access to our clients, who are often in custody for months at a time. Social services have been curtailed or shut down completely. The court has paused trials and various hearings and other court appearances for long stretches of time. All this and so much more has complicated our ability to provide the best, client-centered representation possible. Despite all of these challenges, I have been incredibly proud of the representation my office has provided during this time. Our court system is far from fully equipped for entirely or even largely remote hearings and court proceedings. As an office we never went fully remote, going into court for appearances over this entire spring and summer. Significantly, we have been present, in person at the courthouse every morning for the daily bond docket and expanded our representation to include all women on that docket.

“I’D LIKE TO SEE MORE STUDIES followed by meaningful efforts to give every person a reason to believe that justice is blind.” —Judge Eric C. Taylor ’88

TAYLOR: California Chief Justice Tani Gorre Cantil-Sakauye has led the fight, along with the State Judicial Council on which I serve, to reform our state’s cash bail system. Fortunately, she had the support of Gov. Gavin Newsom and our Legislature.

During this effort, the pandemic struck, causing local county trial courts to reduce jail populations in order to avoid the spread of the virus. Los Angeles County has released over 20% of its jail population. Those released were vetted through a collaborative effort between prosecuting and defense agencies, and then approved by the court. We sought to release those who did not present a significant risk to the public. Given the size of our justice system, we’ve been pleased so far with the approach.
**WHAT MORE** would you like to see change?
What are you doing in that regard?

**TAYLOR:** Equity in arrests and prosecutions across cultural and socio-economic lines has always been essential to building trust in any justice system. In any society, this is always a challenge. I’d like to see more studies followed by meaningful efforts to give every person a reason to believe that justice is blind. I know that most people I’ve worked with, including judicial officers and our justice partners, strive for this. We constantly reflect on how we can be more fair, and in my past two decades on this court, I have created training on implicit bias. I think California is well-positioned to bring about that change. All three branches of our government have made reform a priority.

**BIRKEL:** I would like to see the decriminalization or at least reduction from felony level to misdemeanor level for numerous charges. As a prison abolitionist, I would like to see the elimination of the prison and criminal legal system. In the meantime, as a public defender, I fight every day, side by side with my clients against a system that seeks to tear apart families and tear down individuals.

**HINGELEY:** I would like to see criminal justice reform legislation pass the General Assembly. I am one of the founding members of the Virginia Progressive Prosecutors for Justice, an organization that advocates for criminal justice reform. We are 12 elected commonwealth’s attorneys, and collectively we represent 43% of the population of Virginia. We assist in developing proposals for criminal justice reform and drafting criminal justice reform legislation, and we speak out to legislators and the community on criminal justice reform. Our voice is being heard in debates that will shape the future of Virginia’s criminal justice system.

**HEAPHY:** I’m terribly disappointed in the leadership at the Department of Justice in this administration, which has withdrawn from Smart on Crime and politicized the department. This trend shows that elections matter and have consequences for criminal justice policy. Conversely, the Virginia General Assembly has taken some positive steps in the direction of reform and seems poised to consider and enact more fundamental changes to improve the quality of justice in Virginia. The Fountain Fund is calling attention to fees/fines issue and helping generate data that we hope will inform policy efforts going forward.

**GRAVES:** There is a lot that needs to change. As with most things, it starts with an awareness that we can no longer operate under the current criminal justice system and that reform is needed. The murders of George Floyd, Breonna Taylor, Ahmaud Arbery and many others before them, have highlighted the need for reform and awakened the nation’s consciousness to just how bad things are and can be if we fail to make the types of changes that will literally save lives—Black and otherwise. As pro bono counsel at my firm, I am constantly looking for ways that we can mobilize our attorneys to help, and we are currently considering several projects that would more directly position our attorneys into criminal justice work. None of these changes will happen overnight. They require a sustained commitment. They also require a willingness to work with returning citizens and families of incarcerated and formerly incarcerated individuals to help identify the changes that will have the biggest impact.

“WE SHOULD NOT PUT PEOPLE IN JAIL simply because they cannot afford to pay a certain amount of money to guarantee that they will attend a future court hearing.”

—Tiffany Graves ’06
U.S. Judge Carlton Reeves delivers a lecture to mark receiving the Thomas Jefferson Foundation Medal in Law in 2019.

A JUDGE’S CALL
TO END QUALIFIED IMMUNITY
THE FACTS OF THE CASE pointed to a likely constitutional violation. In 2013 a white Mississippi police officer, Nick McClendon, pulled over a Black man, Clarence Jamison, and conducted an almost two-hour traffic stop. Jamison was driving a recently purchased Mercedes-Benz with temporary tags that the officer claimed were folded (Jamison provided evidence that they were not). McClendon allegedly badgered him to search the car, despite background checks that failed to turn up a criminal history on Jamison. The officer added a false pretext, claiming cocaine had been reported in the vehicle. Upon the fifth request to search, the driver capitulated. The officer dismantled the car, reportedly causing thousands of dollars' worth of damage. The search, augmented with a drug-sniffing dog, failed to produce any hidden drugs.

Despite the unreasonableness of the search and apparent profiling, U.S. Judge Carlton Reeves ‘89 of the U.S. District Court of the Southern District of Mississippi ruled Aug. 4 in Jamison v. McClendon, because of how the courts apply qualified immunity, while questioning the doctrine.

Reeves pointed out in his opinion that immunity is different than exoneration, and listed cases in which police were believed to have abused their power, and yet were protected from accountability.

“Our courts have shielded a police officer who shot a child while the officer was attempting to shoot the family dog; prison guards who forced a prisoner to sleep in cells ‘covered in feces’ for days; police officers who stole over $225,000 worth of property; a deputy who body-slammed a woman after she simply ‘ignored [the deputy’s] command and walked away; an officer who seriously burned a woman after detonating a ‘flashbang’ device in the bedroom where she was sleeping; an officer who deployed a dog against a suspect who ‘claim[ed] that he surrendered by raising his hands in the air’; and an officer who shot an unarmed woman eight times after she threw a knife and glass at a police dog that was attacking her brother.”

The doctrine of qualified immunity, the U.S. Supreme Court has held, protects police officers when sued for alleged constitutional violations arising from performing their jobs. In acknowledging the uncertainty inherent to policing, the court has set a high bar for an officer to be sued: Not only must he violate a plaintiff’s constitutional rights, but those rights must be “clearly established” under existing law at the time of the incident.

“Unless the courts have previously held that very similar police misconduct violated the Constitution, the officers will be shielded from liability, even though they violated the plaintiff’s rights,” said Professor Thomas Frampton, a criminal law expert who studies racial disparity in criminal justice. “And, in practice, rarely are two cases so similar that plaintiffs can surmount this hurdle.”

Frampton said Reeves was trying to get the Supreme Court’s attention.

“There is a growing national debate about police misconduct, and the doctrine of qualified immunity has critics on both the left and the right.”

—Professor Thomas Frampton

IN ACKNOWLEDGING THE UNCERTAINTY INHERENT TO POLICING, THE SUPREME COURT HAS SET A HIGH BAR FOR AN OFFICER TO BE SUED.
The dean added that the Law School is not finished: “We intend to build on this momentum. As we continue to bring outstanding scholars to UVA, we are especially committed to expanding the diversity of our faculty.”

Goluboff noted that hiring talented faculty always comes with the possibility that they will move on to leadership positions. Since 2012, six faculty members have become deans of top law schools: A. Benjamin Spencer (William & Mary), Dayna Bowen Matthew ’87 (George Washington), Kerry Abrams (Duke), M. Eliza -beth Magill ’95 (Stanford, now executive vice president and provost at UVA), Jennifer Mnookin (UCLA) and Goluboff.

Virginia will likely continue to produce leaders in higher education and the legal academy, so the need to refresh the school’s talent pool will continue, Goluboff said.

AS NEWS TRICKLED OUT ON SOCIAL MEDIA this spring, academics were quick to recognize that something special was happening at UVA Law.

Ten professors committed to joining the faculty this fall and in 2021, representing the Law School’s single biggest investment in scholarly talent in one year, and a culmination of years of recruitment efforts.

Those joining the faculty this year include both new and more established scholars: Lawrence B. Solum from Georgetown, Naomi R. Cahn from George Washington, Kristen Eichensehr and Richard Re from UCLA, Cathy Hwang from Utah, Megan T. Stevenson from George Mason and Thomas Frampton, who was a Climenko Fellow at Harvard.

In addition, Mitu Gulati and Kimberly D. Krawiec of Duke, and David Law of the University of Hong Kong will join the faculty in 2021-22.

Each, as Dean Risa Goluboff puts it, is a “rock star” in his or her respective areas of study.

“Together, they reflect and enhance the exceptional intellectual community that has long been a hallmark of the Law School,” Goluboff said. “They range widely across subject areas, disciplines and approaches. They are award-winning teachers, serious scholars, and engaged and influential public intellectuals.”

10 NEW Recruits
MEET THE NEXT GROUP OF EXEMPLARY PROFESSORS JOINING UVA LAW

BY ERIC WILLIAMSON
LAWRENCE B. SOLUM, a legal theorist whose ideas about how to interpret the Constitution and the purpose of law have influenced scholars worldwide, joins UVA from the Georgetown University Law Center. “He is quite simply one of the country’s preeminent legal and constitutional theorists,” Goluboff observed. Solum’s four-decade academic career, which includes having taught as a visiting professor at the Law School last fall, has been largely focused on constitutional theory, procedure and philosophy of law. He is the author of numerous books and treatises, and has published more than 80 articles in law reviews and philosophy journals. A former editor of the Harvard Law Review, he currently edits and publishes his influential Legal Theory Blog to introduce new concepts by his colleagues working in the field, and to serve as a resource for law students and others.

Solum is an originalist, seeking to divine the meaning of the language in the Constitution as it was understood at the time of its creation, more than 200 years ago. Integral to his personal approach is “the idea that originalists should employ all of the resources of linguistics and the philosophy of language in order to rigorously investigate what the constitutional text meant,” he said. In 2017, he testified before Congress in accordance with his views as part of the confirmation process for U.S. Supreme Court nominee Neil Gorsuch.

But what makes Solum different than many of his originalist peers is that he’s not a conservative, nor does he believe that the originalism school of thought always translates as contrary to a progressive judiciary. His research has found that originalism sometimes leads to liberal and progressive outcomes, as he reveals in his article “Surprising Originalism.”

Despite looking to the past, Solum has been ahead of his time in much of his research. In the early 1990s, he wrote the first article to predict the widespread application of artificial intelligence for numerous legal functions traditionally performed by human lawyers, titled “Legal Personhood for Artificial Intelligences.” He noted that, today, the creation of work product by AI is a common occurrence, and that the European Union has devised a legal framework to recognize it, as he predicted.

Solum also co-authored an article in the 2000s, “An Economic Analysis of Domain Name Policy” (with Karl M. Manheim), that influenced the Internet Corporation for Assigned Names and Numbers, or ICANN, to expand its set of top-level domain names and introduce an auction scheme for allocation.

In addition to researching and commenting on specific aspects of the law, Solum has an overarching view of the function that law should serve, which he calls “virtue jurisprudence.” It’s based on the teachings of Aristotle and inspired by one of his mentors, the moral philosopher Philippa Foot, who is famous for having created the “trolley problem” (a thought experiment in which one must choose between intentionally killing one person to save a group of other people, or failing to intervene and letting the group die).

“When we are thinking about what the law should be, we should think hard about the effect of law on character,” Solum said. “We should create the conditions in which human beings can acquire the virtues—the human excellences, and the capacity that enables them to flourish—to live the best possible life they can.”

Solum said teaching is a joyful way to share theories like these, as well as his accumulated knowledge and insights, while also allowing him to learn new things based on his interactions with students.

“Even after 35 years, I still prepare for several hours for each class I teach, and I learn new things almost every time from almost every class,” he said.

Solum earned his J.D. from Harvard Law School and his B.A. in philosophy from the University of California, Los Angeles. He clerked for Judge William A. Norris of the U.S. Court of Appeals for the Ninth Circuit. He also worked at the law firm Cravath, Swaine, and Moore before academia.

Solum is the William L. Matheson and Robert M. Morgenthau Distinguished Professor of Law and the Douglas D. Drysdale Research Professor of Law. He is an affiliated faculty member of the school’s new Center for Law & Philosophy (see p. 17).
so that fiduciaries can have the ability to control or copy
digital content as needed, respecting the expressed wishes
of the deceased.

So far, more than two-thirds of states (including Virginia)
have adopted the legislation in some form.

Cahn was chosen by the
commission, in part, based on
her award-winning articles
“Postmortem Life On-Line”
and the co-authored “When
You Pass On, Don’t Leave the
Passwords Behind: Planning
for Digital Assets.” Both were
published in Probate and Prop-
erty Magazine, which honors
its best articles each year.

She is currently working
on model legislation with
the commission on the eco-
nomic rights of unmarried co-
habitants, which would help
improve equity related to co-
investment in property, as one
example.

Cahn is a member of the
American Law Institute, an
elected fellow of the Ameri-
can College of Trust and Estate
Counsel, associate editor of
the ACTEC Law Journal, and
a member of the American
Bar Foundation. In addition,
she has chaired
and served on the
Steering Commit-
tee for some of the
major Association
of American Law Schools sec-
tions, such as Women in Legal
Education, Family & Juvenile
Law, Aging and Africa.

She has also been recog-
nized for her efforts develop-
ing and mentoring others. At
George Washington, she served
as associate dean for faculty
development for more than
four years. She said she looks
forward to interacting with her
new colleagues and mentoring UVA Law students.

“T’m so delighted to be joining such an intellectually
vibrant community,” she said. “When I was trying to make
my decision, I spoke with a Virginia student who told me
that she almost wished there was a fourth year of law school.”

—Naomi R. Cahn

NAOMI R. CAHN, a national leader in the field
of family law, as well as trusts and estates and
feminist jurisprudence, comes to UVA Law from
George Washington University Law School,
where she had been on the faculty since 1993.

Cahn “is one of those scholars who makes you
say ‘wow’ when you consider the breadth of her
contributions to the academy,” Goluboff said.

At the Law School, Cahn has been tapped to
lead the new Family Law Center (see p. 16) and
is serving as the inaugural Justice Anthony M.
Kennedy Distinguished Professor of Law as well
as the Nancy L. Buc ’69
Research Professor in De-
mocracy and Equity.

In 2017, Cahn won the
Harry Krause Lifetime
Achievement in Family
Law Award from the Uni-
versity of Illinois College
of Law.

A co-author of the
widely used casebook
“Contemporary Family
Law,” Cahn is active in the public conversation.
Having penned more than 100 law review articles
and book chapters, she is a frequent voice in the
mainstream media too. She is a senior contribu-
tor to Forbes through its Leadership Channel,
the family law section co-editor at Jotwell and
an author of several books for the mass market.
Her co-authored book “Red Families vs. Blue
Families: Legal Polarization and The Creation
of Culture” explores how the partisan political
divide is reflected in differing patterns in family
life and sexual values.

“When I was trying to make my
decision, I spoke with a Virginia
student who told me that she
almost wished there was a
fourth year of law school.”

—Naomi R. Cahn

FAMILY LAW AND FEMINISM
THEORIST

She has also written important works on feminist jurisprudence, repro-
ductive technology and other topics. She is currently working on her latest
co-authored book, tentatively titled “Shafted: The Fate of Women in a Win-
ner-Take-All World,” to be published by Simon and Schuster.

Cahn hasn’t just written about how the law can be improved; she has ac-
tively pursued reform through her many involvements, including her work
as a reporter with the Uniform Law Commission. One of those projects in-
volved how the trusts and estates field should handle digital assets when
a family member dies. She said it’s the “What happens to your Facebook
account when you die?” question, as well as many others that fall within
the digital category. Cahn and her colleagues developed model legislation
for handling digital assets.
KIMBERLY D. KRAWIEC, a leading expert in corporate law and markets, will join UVA Law from Duke University School of Law in the fall of 2021.

Krawiec’s interests span a variety of fields, including the empirical analysis of contract disputes, the choice of organizational form by professional service firms, corporate compliance systems, insider trading, derivatives hedging practices and “rogue” trading.

But she has garnered the most attention for exploring how nontraditional markets become legitimized, as well as the potential merits of illegal and taboo ones. Goluboff has referred to her as “a major contemporary voice on misconduct and trade within forbidden or contested markets.”

Prior to joining academia, Krawiec was a member of the commodity and derivatives group at the New York office of Sullivan & Cromwell. That experience set her on a path of scholarship.

Among her early articles was one titled “More Than Just New Financial Bingo: Risk-based Approach to Understanding Derivatives,” published in the Journal of Corporation Law, where she helped explain the area of investment, which is now commonly accepted.

She said insurance is another example of a market that we now take for granted. “How is this different than gambling on somebody’s death?” she asked. “Even though I started with what we think of as mainstream markets, at the beginning they weren’t.”

In more recent years, she has turned to black markets, such as those for people seeking to replace an organ.

In the United States, for instance, kidney donations are legal, but kidney sales are still prohibited. Meanwhile, other high-risk ways of making money are legal, as she explores in her co-authored paper “If We Pay Football Players, Why Not Kidney Donors?”, published in Regulation in 2018.

“What I try to do is analyze the objections to these markets,” Krawiec said. “There are fewer health risks in kidney donations than professional football,” she said, “although riskiness is not the only objection.”

One reluctance to creating a marketplace for organs is that poor people would participate disproportionately, she said. Change has also been slow because there is no medical benefit to the donor, she added.

But a sea change in paid exchange could potentially benefit countless sick people who are waiting for an organ donation that’s a match. To that end, Krawiec works with a team of economists that includes Al Roth, who won a Nobel Prize for his research into the practical aspects of matching buyers and sellers, and Michael Rees, who designed the first prototype of a paired kidney donation matching system in 2000. Rees’ Global Kidney Exchange facilitates matches across borders, most often with Americans paying providers from developing nations, a concept that Krawiec acknowledges is not without controversy. She co-authored with Rees the article “Reverse Transplant Tourism,” published in 2014 in Law & Contemporary Problems.

“Acceptance is coming, but it’s slow,” she said.

Professor Julia Mahoney, whose scholarship has also focused on markets, said Krawiec’s work is important to many larger conversations.

“Her scholarship spans corporate governance, financial regulation, contracts, and the ethics of market and non-market allocation of goods and services, and her work has both influenced and expanded debates in all these areas,” Mahoney said.

Krawiec, who visited at UVA Law in 2004, has taught both large lecture classes and smaller ones, including recent favorites Taboo Trades and Forbidden Markets, and Advanced Contracts. In the latter, “I take some of the concepts from the first-year Contracts and put them in a modern setting: What’s a gift? If someone promises to give a kidney, what do you do if they renege? Each year the course presents different contract issues we will need to think through.”

She has also taught at Harvard, the University of North Carolina and Northwestern, where she received the 1999-2000 Robert Childres Award for Teaching Excellence.

Krawiec has served as a commentator for the Central European and Eurasian Law Initiative of the American Bar Association and on the faculty of the National Association of Securities Dealers Institute for Professional Development at the Wharton School of Business. She earned her J.D. from Georgetown University and her B.A. from North Carolina State University.
MITU GULATI, a renowned scholar of sovereign debt and contract law, will join the Law School from Duke Law School in the fall of 2021.

Gulati focuses on countries in financial distress. “It’s just one of the things I like doing,” Gulati said of his scholarly work steered towards governments and the organizations that advise them. His research with eminent practitioner Lee Buchheit, a visiting professor at the University of Edinburgh, has served as the template for sovereign debt restructurings in numerous countries.

“It is hubris to say that our obscure academic writings influenced the success or failure of any of these deals, but it is nice to pretend that that is the case,” Gulati said.

But Goluboff noted that such comments understate Gulati’s true influence: “Mitu Gulati is one of the absolute leading people in the world on sovereign debt and has had a huge impact on the real world.”

COVID-19 has kept him busy in terms of his research on sovereign debt matters. The pandemic has hit the finances of many countries harder than almost any period in recent history, except perhaps the Latin American debt crisis of the 1980s, he said.

“And it may turn out to be worse; maybe as bad as the Great Depression of the 1930s,” he added. “Unfortunately, we have no coherent plan for a situation like this where 20 or 30 countries default simultaneously. The global financial architecture is not built to deal effectively with some of the contingencies that have become likely as a result of COVID-19.”

Formerly on the faculties of UCLA and Georgetown (and a visiting professor at UVA in 2004) before joining Duke in 2005, in addition to writing on sovereign debt, he also writes in contract law, judicial behavior and critical race theory. He is known for papers such as the co-authored “How to Restructure Greek Debt”—which he jokes only ranks highly on SSRN because his students have cited him.

In the classroom, he likes to address the often-unexpected nature of contracts.

“Contracts are just not as finely crafted as the traditional law school class assumes or teaches,” Gulati said. “We generally operate on the assumption that all the provisions in a contract are the ones the parties wanted to properly allocate risk or return. But even highly sophisticated contracts are often produced quickly just to get the deals done.”

He said much of his understanding about the basics of how contracts work, or fail to, has been influenced by former UVA Law Dean Robert Scott, who is now at Columbia Law School, and their joint collaboration with Stephen Choi of the New York University School of Law.

Gulati’s interest in the flaws in the traditional assumptions underlying much of modern contract theory began around the time he was teaching at UVA, when creditors began asking the newly reformed Iraqi government to honor the commitments of overthrown Saddam Hussein.

“Ultimately there was a political compromise in Iraq,” he said. “It did not go down the path of a legal solution that could help other countries.”

Despite years of studying how to handle the debt of deposed leaders, “our attempts to find a solution to the problem of despotic leaders who overburden their people with debt have failed miserably,” he said.

But while there may not be a one-size-fits-all solution to how nations handle their debts, his work has made a difference. His writings with Buchheit have been relevant in the recent sovereign debt restructurings of Ecuador, Uruguay and Barbados.

“Mitu Gulati has a uniquely wide and rich range of interests and scholarship, He always co-authors, and he always makes a significant impact. This shows both his brilliance and his generosity.”

—Paul Stephan ’77

Julia Davis
Georgetown University Law Center

ADVISER TO DISTRESSED NATIONS

Mitu Gulati has a uniquely wide and rich range of interests and scholarship. He always co-authors, and he always makes a significant impact. This shows both his brilliance and his generosity.”

—Paul Stephan ’77
As an outsider, he was able to ask questions of the Japanese justices that would have been viewed as “wildly impertinent” from a native, he said.

Law’s first book, “The Japanese Supreme Court and Judicial Review,” was published in Japanese by Gendaijinbunsha. His works have also been translated into Chinese and Romanian.

In addition to his solo authorship, Law has found success in collaboration. Over time, his co-authorship with Professor Mila Versteeg, a comparative constitutional scholar, has resulted in five papers, including “The Declining Influence of the United States Constitution.” The article demonstrates that the Constitution isn’t a model for other nations in the same way that it had been in the past.

Law and Versteeg originally planned a trilogy of articles. Sketched out on restaurant napkins while Versteeg was a student at Oxford University, all of their papers on constitutionalism became reality.

Law has also served as a U.N. consultant on legal and political reform in Yemen and provided training sponsored by the U.S. State Department to Burmese lawmakers on constitutional reform. Prior to entering academia, he practiced law with Munger, Tolles & Olson in Los Angeles and clerked for Judge Stephen Reinhardt of the U.S. Court of Appeals for the Ninth Circuit.

He earned his J.D. from Harvard Law School, where he served as executive editor of the Harvard Law Review. He earned a Ph.D. in political science at Stanford University (where he also earned his master's in political science and bachelor's in public policy) while concurrently attending the University of Oxford as a Clarendon Scholar and obtaining a graduate degree in European and Comparative Law.

He is a former Fulbright scholar and has held fellowships from the National Science Foundation and the Council on Foreign Relations. He has also served on the National Science Foundation's Committee of Visitors.

COURTS AND CONSTITUTIONS EXPERT

full professor of law. “Turns out that there is a lot you can do in Asia,” he said of his research, which has spanned numerous countries.

Law is known for using quantitative research whenever possible, but he’s not afraid to use qualitative methods through field research when raw data is harder to come by.

“You have to pick the right tool for the job,” he said.

That was the case with his 2009 Texas Law Review article “The Anatomy of a Conservative Court: Judicial Review in Japan,” which looks at why the Japanese Supreme Court hardly ever strikes down laws. (The answer, in short: The government consistently chooses conservative chief justices close to retirement age who wield considerable power over the judiciary.)

“I really love to do fieldwork,” he said. “It’s a real thrill to play detective. Also, I have been fortunate that judges in Asia have been very generous with their time.”
National security law expert KRISTEN EICHENSEHR brings her profound observations and experience in the field to the Law School as a tenured professor, after previously serving as an assistant professor of law at the University of California, Los Angeles.

Before her academic career, Eichensehr served as a special assistant at the U.S. State Department’s Office of the Legal Adviser in the Obama administration. She also practiced at Covington & Burling in Washington, D.C., where she specialized in appellate litigation, international and national security law, and cybersecurity issues.

She writes and teaches about cybersecurity, foreign relations and separation of powers issues.

“Her extensive experience with national security law issues, and her especially deep knowledge of important interventions into questions of cybersecurity, will add so much to what is already an area of major strength for the Law School,” Goluboff said.

A graduate of Yale Law School, Eichensehr clerked for Justices Sandra Day O’Connor and Sonia Sotomayor at the U.S. Supreme Court, and for Judge Merrick B. Garland of the U.S. Court of Appeals for the D.C. Circuit.

UVA Law’s traditional strength in national security law was a draw for her, she said. In addition, she was “impressed with the workshop culture and with the focus on the students. It seems like a school that really cares a lot about the student experience and teaching.”

She has published in numerous law journals and won the 2018 Mike Lewis Prize for National Security Law Scholarship for her article “Courts, Congress, and the Conduct of Foreign Relations.” Although conducting foreign relations has traditionally been understood as an executive power, the article explores instances in which Congress and the courts engage in foreign relations, and proposes a framework to assess the constitutionality of such actions.

A more recent paper, “The Law and Politics of Cyberattack Attribution,” forthcoming in the UCLA Law Review, argues that when governments accuse each other of conducting cyberattacks, international law should require that they provide evidence to support their accusations.

“Although politics may largely determine whether attributions are made public, this a counselor on international law at the State Department and is currently serving as special counsel to the general counsel of the U.S. Department of Defense.

“I’m delighted that Kristen is joining our faculty,” Deeks said. “Kristen has established herself as a trenchant observer of the increasingly complicated and quickly changing ecosystem of cyber operations. She takes a nuanced and sophisticated view of how the players in that ecosystem interact, and her fine understanding of the political economy and law of cyberspace makes her work a ‘must-read’ for both scholars and practitioners in this field. Our

“Kristen has established herself as a trenchant observer of the increasingly complicated and quickly changing ecosystem of cyber operations.”

—Ashley Deeks

Like Deeks and Stephan, Eichensehr is affiliated with the Law School’s new National Security Law Center (see p. 15). She is also an affiliate with the Stanford Center for International Security and Cooperation, an affiliate scholar at the Center for Internet and Society at Stanford Law School, a former term member of the Council on Foreign Relations, and a former visiting fellow at the Hoover Institution. She is member of the editorial board of the national security blog Just Security.

At Yale, Eichensehr served as executive editor of the Yale Law Journal and articles editor of the Yale Journal of International Law. She earned her bachelor’s in government from Harvard University and an M.Phil. in international relations from the University of Cambridge.

She is a Martha Lubin Karsh and Bruce A. Karsh Bicentennial Professor of Law.
RICHARD M. RE, a scholar of criminal procedure, federal courts and constitutional law, “brings his enormous talent to an extremely talented group of public law scholars at the Law School,” Goluboff said.

Re developed his scholarly path after graduating from Yale Law School. He first clerked for Judge Brett Kavanaugh (now a U.S. Supreme Court justice) on the U.S. Court of Appeals for the D.C. Circuit, then for Justice Anthony Kennedy on the U.S. Supreme Court. From those experiences, Re gained an interest in how the courts work and how judicial discretion is applied, he said. He also practiced at a Washington, D.C., law firm, and worked as an Honors Program attorney in the Criminal Appellate Section of the Department of Justice.

“The time at DOJ was very formative for me because I got to do so many interesting types of criminal procedure work, and a lot of digital search issues came up,” he said. “That kind of directed me to tech issues as a professor.”

Re said he is excited to be part of the UVA Law faculty, with whom he has preexisting friendships and collegial ties.

He teaches Federal Courts and Advanced Topics in Federal Courts, and expects to teach Criminal Procedure in the future.

“UVA has a great reputation in both of those areas,” he said. “I don’t think there’s any school in the country that has as renowned a bench as UVA in the field of fed courts.”

At UCLA, Re served a faculty co-director of PULSE, the Program on Understanding Law, Science & Evidence. (UCLA Law Dean Jennifer Mnookin, a former UVA Law faculty member, founded the program.) Among the issues he has studied under the aegis of PULSE has been the use of artificial intelligence in judicial decision-making.

Re has won awards on both the academic and teaching sides, and his work has been recognized at the U.S. Supreme Court.

In 2016, his article “Narrowing Supreme Court Precedent from Below” won the American Association of Law School’s award for best paper on federal courts by a (then) untenured professor.

“Well, whereas most people think lower courts have to strictly follow the best reading of Supreme Court precedent, I suggested that that’s not actually normatively desirable or descriptively what happens in many cases,” he said. “Rather, the lower courts creatively read Supreme Court precedent to have a narrower application than you would think from the best reading of the opinion, and that may have good effects in many cases.”

Re’s subsequent research garnered attention in 2018 as part of an amicus brief he wrote for the Supreme Court case Hughes v. United States. During oral argument for the case, the justices discussed the brief. At issue was the “Marks rule,” or the idea that, in the absence of a majority court opinion, the narrowest opinion concurring in the judgment is controlling.

In 2017, Re was selected as Professor of the Year at UCLA by the graduating class. He said being an engaged teacher is integral to being a successful academic.

“I get a thrill out of teaching and being a part of people’s careers, before they really launch their careers fully,” he said. “And it’s incredible how much I learn from the students and from their questions.”

In addition to publishing in top law journals, Re is also a member of PrawfsBlog and maintains his own blog, Re’s Judicata.

Re earned a bachelor’s in social studies from Harvard University and an M.Phil. in political thought and intellectual history from the University of Cambridge.

He knows two of his new colleagues from his previous education. He attended law school at Yale with Professor Quinn Curtis, and Professor Frederick Schauer was his undergraduate thesis adviser at Harvard. Schauer, he said, has had “a wonderful influence on my career,” including in shaping his thoughts on jurisprudence.

Re is the Joel B. Piassick Research Professor of Law, and an affiliated faculty member of the school’s Center for Criminal Justice and the Center for Law & Philosophy (see p. 17).
CATHY HWANG is a “rising star” who has already become an important voice in business law, Goluboff noted. Hwang, whose work merges theory with real-world practice, most recently served as an associate law professor at the University of Utah. She joined UVA as a tenured professor.

Two of her articles, “Deal Momentum” and “Unbundled Bargains: Multi-Agreement Deal-making in Complex Mergers and Acquisitions,” have been recognized as top 10 corporate and securities articles of the year in Corporate Practice Commentator polls of academics in 2018 and 2017, respectively. She won the College of Law’s Early Career Faculty Award in 2018.

Hwang is a graduate of the University of Chicago Law School and Pomona College, where she majored in economics and international relations. After law school, Hwang worked for three years as an associate for Skadden, Arps, Slate, Meagher & Flom in New York City, focusing on mergers and acquisitions. She served as a fellow at Stanford Law School’s Rock Center for Corporate Governance before joining the Utah faculty in 2016. At the Law School she teaches Mergers and Acquisitions, Corporations and Deals.

“I think of myself as bridging the gap between traditional contract theory and what is happening in the real world,” she said. “I interview deal lawyers—people who are on the front lines of creating deals—and ask them why they do things in a particular way or why it is that they design contracts in the way that they do. And I try to see if that matches up with our theoretical understanding of why and how people engage in contract drafting.”

In “Deal Momentum,” which was selected for the Stanford/Yale/Harvard Junior Faculty Forum, she talked to parties to nonbinding preliminary agreements in M&A deals. She found that the parties set up these small preliminary deals much closer to the time they enter into a real contract than theorists believed, and argues they are more like signposts that a deal is about to occur than a real contract.

In “Unbundled Bargains,” Hwang revisited her time as an associate, when she worked extensively on ancillary agreements as part of working on a merger. She found that merger parties use the agreements to streamline the contract drafting process. Smaller issues can be tackled by associates, she said, and contracts that require more expertise can be addressed by a specialist.

“Her knowledge of merger agreements, drawn from practice and interviews with practitioners, provides a unique and important perspective,” Curtis said. “She’ll be a great addition to our business law faculty.”

Hwang said she is motivated to teach on a faculty where many contracts luminaries have taught. Virginia’s tradition of nurturing women for positions of leadership was also a draw.

“One of the things I was most excited about was just being able to learn from [Dean Risa Goluboff and Vice Dean Leslie Kendrick ’06], and to be part of whatever is in the water here.”

—Cathy Hwang

THE DEALS EXPERT

Julia Davis
Georgetown University Law Center

THE DEALS EXPERT

One of the things I was most excited about was just being able to learn from [Dean Risa Goluboff and Vice Dean Leslie Kendrick ’06], and to be part of whatever is in the water here.”

—Cathy Hwang
“If you’re in jail and the prosecutor says if you plead guilty you can go home, people will take it,” she said. Stevenson added that those who can’t put up bail will have greater trouble putting together their defense. “The system is sadly discriminatory based on wealth, because if you can afford bail, you don’t have this pressure,” she said.

Her other paper referenced by the court, “Distortion of Justice: How the Inability to Pay Bail Affects Case Outcomes,” had similar conclusions and won the 2019 Oliver E. Williamson Prize for best article from the Journal of Law, Economics, & Organization. The research focused on a different locality—one in Philadelphia.

More recently, Stevenson has returned her focus to Philadelphia in “Bail, Jail and Pretrial Misconduct: The Influence of Prosecutors,” co-authored with Aurelie Ouss. The paper examines bail reform measures under District Attorney Larry Krasner, who is a leader in the progressive prosecution movement. Krasner’s office no longer requires bail to be set for misdemeanor offenses, for example, although a judge still has the final say. Stevenson found that such discretionary measures have had a positive impact, while not resulting in spikes in crime or significant increases in defendants failing to show up in court (see p. 31).

At UVA, Stevenson teaches Criminal Law as well as courses on evidence-based criminal justice reform and law and economics.

“I share what I think is so fascinating about [statistical analysis], but in a way that’s not too technical.”

—Megan T. Stevenson

before the Fifth Circuit weighed in, and that she was happy her research helped make a difference.

“The case is one of the first strong condemnations of our monetary bail system that the courts have issued,” she said. “Condemning it both because it violates equal protection, in that it conditions your freedom on wealth, but also because it violates due process, because you’re having your liberty taken away from you on the basis of a one-minute Mickey Mouse hearing. If the judge sets bail at a level you can’t afford, this one-minute hearing is effectively a pretrial detention order.”

“The Downstream Consequence of Misdemeanor Pretrial Detention,” co-authored with Paul Heaton and Sandra Mayson, was her main paper referenced. It found that “detaining people pretrial results in a large likelihood that people will plead guilty,” Stevenson said. That inducement is a recipe for widespread adjudication error, the paper contends.
THOMAS FRAMPTON, a former public defender who focuses on criminal law and constitutional procedure, began his work as an associate professor of law at UVA this summer.

Frampton was previously a Climenko Fellow and lecturer at Harvard Law School who split his time between Harvard, where he taught legal research and writing, and pro bono practice in Louisiana.

“Thomas Frampton’s integration of his ground-level view of the criminal justice system with doctrinal sophistication makes his scholarship relevant not only to other scholars, but also to lawyers and judges,” Goluboff said.

He began his career with the Orleans Public Defenders after graduating from the University of California, Berkeley School of Law in 2012, and following a pair of clerkships. In addition, he holds bachelor’s and master’s degrees in American studies from Yale University.

Frampton’s recent scholarship is highly focused on the “carceral state,” which refers to mass incarceration in contemporary America, particularly in light of discrepancies based on race and social position.

“One of the essential challenges in the study and teaching of criminal law today is to grapple with the extraordinary explosion of the carceral state in this country over the past few decades,” Frampton said. “Certainly having a little bit of time in practice has reinforced and enriched that perspective, and I hope that I am able to bring some of that experience into the classroom.”

His paper “The Jim Crow Jury,” which was published in the Vanderbilt Law Review in 2018, has recently gained traction in light of the recent U.S. Supreme Court case Ramos v. Louisiana. The court cited his paper twice in affirming that jury verdicts in criminal trials must be unanimous, something that not all states required. Frampton’s paper had previously been cited in a number of amicus briefs before the court in that case.

“The Jim Crow jury never fell,” he writes in the paper’s abstract, referring to the way juries have been stacked against African Americans from after the Civil War to today.

His latest paper, “For Cause: Rethinking Racial Exclusion and the American Jury,” was published in April in the Michigan Law Review.

As a public defender, Frampton witnessed numerous problems related to race and justice, including jury fairness, firsthand. He was a trial attorney who also assisted on “special litigation” when his fellow attorneys encountered unusual problems, often constitutional in nature.

Frampton is teaching first-year students Criminal Law and Criminal Adjudication, and is a faculty affiliate of the school’s Center for Criminal Justice. He said he looks forward to serving as a mentor to students who may be considering criminal law.

“It’s a pretty extraordinary way to cut your teeth as a young lawyer,” he said of public defense work. “There is a huge and pressing need to go into that arena.”

He also looks forward to developing his scholarship with the feedback of colleagues he admires, and in some cases has cited, he said, including Professors Josh Bowers, Darryl Brown ’90, Anne Coughlin and Kim Forde-Mazrui.

Frampton’s jury scholarship is genuinely groundbreaking and valuable. He demonstrates that problems of racial exclusion extend well beyond the use of preemptory challenges. This work is academically rigorous, original and refreshingly informed by practice. He has already shifted how I think about my own teaching and writing.

Moreover, he is clearly a generous colleague and an effective and creative educator. I am confident he will be an absolute hit with students.”

—Josh Bowers

After law school, Frampton clerked for Judge Jack B. Weinstein of the U.S. District Court for the Eastern District of New York and Judge Diane P. Wood of the U.S. Court of Appeals for the Seventh Circuit. He was a member of the California Law Review and editor of the Berkeley Journal of Employment and Labor Law. He won the highest graduation honors for scholarship and advocacy, and for academic writing.
THE DECISION TO ADMIT WOMEN to study at the University of Virginia School of Law had nothing to do with administrators’ belief in equality. Instead, their hand was forced by intense social pressure, which reached an apex after women became enfranchised in 1920.

But after the Law School accepted Elizabeth Tompkins, Rose May Davis and Catherine Lipop as students, Virginia Law and its dean were forced to recognize that women could hold their own alongside their male peers, and at times even surpass them.

This was at odds with a belief held by many that women weren’t naturally as qualified as men to perform the lawyer’s role. The dichotomy was reflected in Dean William Minor Lile’s comments over the course of the women’s time at the Law School.

“The most important change in the organization of the Law School has been the admission of women for the first time in its history,” Lile stated in his Jan 1, 1920, annual report to UVA President Edwin A. Alderman. “The President is familiar with the circumstances which brought about this radical departure from the traditional policies of the University,
as well as with the conditions under which these new and strange beings are admitted to the different departments, so I do not rehearse them here. The result is that three women are registered in the Law School this session, two as regular students and candidates for graduation, and one as a special student. Perhaps they are entitled to be immortalized by naming them in this report.”

The circumstances to which Lile referred involved, at least in part, a persuasive letter from activist Mary-Cooke Branch Munford, the first woman to sit on the Board of Visitors at William & Mary. (She was among those who were instrumental in that school opening its doors to women in 1918, and became a member of the UVA Board of Visitors in 1926.)

According to Board of Visitors minutes, the all-male board put the letter in the middle of the conference table to pause and contemplate.

Women soon were allowed into the Law School under new rules, which varied slightly from the other University professional schools and master's programs. Women had to be white and at least 22 years old, or 23 if a “Special Student” (meaning not degree-seeking), and be able to fulfill all the requirements expected of the men.

In fact, the requirements were more stringent than those for male law students. An undergraduate degree was preferred for women applicants but at least two years of college work was required—in order to demonstrate they were serious students.

Tompkins had received her master’s in history from Columbia University in New York, and Davis her bachelor’s from Trinity College in Norfolk.

Lipop, the special student, was already serving as the law librarian.
The dean's report was positive about the women's first semester. They were excelling grade-wise, and “there has been no perceptible protest against the presence of these three on the part of the male students,” the dean reported.

He added, “I made occasion, at the very beginning, to appeal in their behalf to the chivalry of the young gentlemen of the several classes, and the response has been all that could be desired.”

Tompkins' letters home to her father, a wealthy owner of a grain brokerage who had encouraged her to pursue law, cast some doubt on that chivalry. She longed to be able to converse after class about important matters of the law with her peers, but felt shut out; those discussions most often happened behind fraternity doors. She also feared engaging too much with the men socially, lest they perceive her as having the primary goal of seeking a husband.

“In eight months I think I have gained the respect of the boys, or as many of them as are gentlemen,” she wrote in an April 22, 1921, letter to her dad. “They are beginning to know that I am not after them, and that they have nothing that I want.”

In June of that same year, Lile addressed law alumni during an event celebrating UVA's centennial. While one might debate how tongue-in-cheek he intended the speech, it was at least telling of the intolerant mood surrounding the changes.

“When the information first came to your ears a year ago that we were preparing to open the doors of Jefferson's masculine University to women—and admitting them even within the sacred precincts of the Law School—you doubtless wondered why, and recorded your mental, if not written, protest,” the dean said. “But it has been done—not because we of the Law School believed the law a fit profession for the mothers of the coming generations, but for the same reason that the gods gave the frogs a king—they clamored (I dare not say croaked) for it so vociferously. Voters as they now are (the women, not the frogs), their insistence and persistence—their crying aloud night and day without surcease—their strident threats of forcing their way in by the legislative door, and therefore on their own terms—convinced us that discretion was the better part of valor. We surrendered on very honorable terms, magnanimously dictated by ourselves.”

What was unfolding, then, was a social experiment in the eyes of Lile and others—undertaken reluctantly. How did the women ultimately fare, and what did they go on to do?

It's worth noting that law students during the time period didn't always graduate. Often they attended as much school as they felt they needed to advance their goals, and to this day, a law degree is not required to practice in Virginia.

Davis, who came from a family of lawyers, passed the bar after her second year of law school with a perfect score (as did Tompkins) and decided not to continue at UVA. She went into legal practice with her brother for a year before changing direction; she became the first woman to earn her
Ph.D. in chemistry from Duke University, where she later taught, before joining the legal department of E.I. du Pont du Nemours (now known simply as DuPont).

Lipop, as the special student with more limited goals, no doubt utilized her legal education as law librarian, a role she held from 1912 to 1946. She was an early organizer of the library’s growing collection (once in the hands of faculty), having instituted the first card catalog. In 1925 she wed Charles Graves, a reportedly tough professor who had been vocally supportive of Tompkins, according to one of Tompkins’ letters, though he was not a proponent of full coeducation on Grounds.

For Tompkins, despite getting a perfect score on the bar exam and considering a transfer to the University of Richmond, where she hoped to take advantage of some practical training with a law firm, she decided to finish her coursework at UVA.

“Tompkins was an excellent student and forged ahead despite the harsh environment she experienced as a woman in her first semester,” Special Collections librarian Randall Flaherty said, referencing Tompkins’ letters. “She sought the honor of graduating from UVA Law, particularly as the first woman to receive such a degree from the school. But lack of available work also likely factored into her decision to stay.”

In Lile’s January 1923 report to Alderman, citing no new applicants of women to the Law School, Lile was dismissive of the social experiment’s continued relevance: “It appears, therefore, that the clamor for the admission of women to the Law School, so vociferous two years ago, was largely vox et praeterea nil.”

The Latin phrase means “a voice and nothing more.” Yet it was clear in the dean’s subsequent comments and actions that some prejudices he may have harbored about women in the field could be dashed by examples of competency. In her third year at UVA, Tompkins invited attorney Mabel Willebrandt—then U.S. assistant attorney general—to visit. “It was a success from beginning to end and actually ended in the triumph of the day when Mr. Lile asked her to speak to the law school assembled tomorrow morning!!!” Tompkins told her parents in a letter.

Tompkins finished up law school in Charlottesville graduating at the top of her class. (Her obituary claims she “stood first in her class”; an oral history of another female law gradu-
of the Law School, her name deserves special mention here,” he wrote. “Her powers of acquisition and of appreciation of legal principles were fully equal to those of the men in the front rank of the graduation class.”

Later that year, as Tompkins struggled in her first job after law school at Duke, Duke & Gentry in Charlottesville, the dean acknowledged in a supportive letter “the ancient prejudice against women as legal practitioners,” offered to meet with her and suggested that she try opening her own practice if she couldn’t find “some [law]yer friend who knows and appreciates your qualities and qualifications.”

While optimistic about her skills, Lile noted in his personal diary his belief that Tompkins’ future in the law would be short-lived. “I predict that in spite of her legal ability, however, it will not be long before she deserts the profession of the law and takes up that of wife & mother—rolling a baby carriage instead of wrangling in court—a much more suitable and seemly occupation for a woman,” he wrote as part of his reflections on 1923’s graduating class.

Though her path was challenging, Tompkins persevered. She practiced law for 54 years in Richmond. She specialized primarily in real estate law and estate planning, first with H. Carter Redd (an 1892 UVA Law graduate) and, later, with Carter L. Refo. She also served as commissioner of accounts.

In March, Dean Risa Goluboff and Vice Dean Leslie Kendrick ’06, the hosts of the UVA Law podcast “Common Law,” spoke with feminist legal theorist and criminal law expert Professor Anne Coughlin about teaching the law of sexual assault—a conversation that was prefaced with Coughlin’s research on how law schools changed with the admission of women. The second season of the podcast focused on the theme of “When Law Changed the World.” The following is an excerpt. The full episode can be found at law.virginia.edu/commonlaw.

KENDRICK: Even back in 1920 when UVA Law first started admitting women, very few law schools across the country allowed women to study law. How did this change start to happen?

COUGHLIN: So women start seeking admission to the bar in the late 19th century. And it is around that time, of course, that we see the emergence of the law schools. So women are both seeking admission to the bar and then admission to law school at sort of roughly the same time. The numbers are quite small in the beginning. And institutional leaders express hostility to the presence of women in law, generally, and then in law schools, more particularly.

GOLUBOFF: And what was it that led to that hostility? Why did they think women shouldn’t be part of law schools or part of the bar?

COUGHLIN: So there are lots of reasons for excluding women from higher education. And these arguments range from the notion that women’s health will be destroyed if they study, that women are not smart, that they lack the intellectual capacity for higher education, that women are, by nature, destined to be in the home, not in the public sphere. Those arguments, of course, are
made in connection with legal education. But more specifically, the idea was that women couldn’t be lawyers, because if they had to enter into the spaces where lawyers work, they would be exposed to topics that would wreck their virtuous character. They would be forced to listen to conversations that the institutional leaders called obscene, and that, in some way, that would ruin their virtue as potential wives and mothers.  

KENDRICK: And the institutions themselves, did they have concerns about having women at law school?  

COUGHLIN: Yes. The institutions expressed concerns about having women in law schools. Some of those concerns were that women wouldn’t be smart enough to do the work, but there also was the worry that women would be distracting to men, that their clothing was noisy, that their clothing would be rustling, their clothing would be distracting, that women would distract the men from doing their jobs, and also the fear that the schools would have to somehow change their curriculum in some way in order to accommodate the presence of women.  

GOLUBOFF: I’ve read some of the dean of UVA Law School at the time, some of his speaking and writing about this. And one of the concerns that comes out really strongly is the fear of silliness, that you had to have serious women. And so it was that the women would distract both because they were women, and their femininity would distract, but also that they wouldn’t really be serious students.  

COUGHLIN: Yes, I think there was a concern that on someone who, by nature or otherwise wasn’t necessarily well-suited to the job, and who wasn’t going to stick with the job?  

KENDRICK: How did this change? How did schools like UVA decide to admit women?  

COUGHLIN: So I think, again—so this is really interesting. Women persisted. They kept knocking on the door. And they gradually made inroads in various places. As they were admitted, they proved themselves. They proved that they did have the intellectual capacity for the jobs. Also they performed really well in schools.  

GOLUBOFF: So when they joined and they succeeded in those ways, how did students react? How did faculty react? Once they were in the buildings, what did it look like?  

COUGHLIN: It’s very hard to know exactly what the story is, because the women’s accounts were that they were welcomed and that they got support from male colleagues. One worries, though, that some of these accounts were not entirely truthful, that the women were trying to be strategic, were trying to put a brave face on it. At the same time, there certainly are plenty of accounts from women that suggest that their presence was greeted with hostility. ... Harvard didn’t admit women until 1950. And the story goes that every year [the dean] would invite women to dinner at his home and then ask them why they were there and how did they feel about taking a seat that should have been occupied by a man. So when you couple those kinds of anecdotes with what one imagines must have been a somewhat chilly climate, it’s a mixed picture.

for Hanover County and commissioner in chancery for circuit courts in Hanover and Richmond.  

A member of the University of Richmond Board of Trustees from 1941-71, she received an honorary doctorate of laws from that school.  

In addition, she was a member of Phi Beta Kappa, an honorary scholarship fraternity, and Tau Kappa Alpha, an honorary forensics society; helped start the Phi Delta Delta legal fraternity of women at the University of Richmond; and was a president of both the Westhampton College Alumnae Association and the Richmond Branch of the American Association of University Women.  

Dubbed “the dean” of women lawyers in private practice by the Virginia State Bar in 1969, she retired in 1979, two years prior to her death at 83 due to a car accident. She never married. “Any lawyer has to pass up plenty of good times,” she told the Times-Dispatch in 1936 for an article about women in the profession. “Chasing evidence, poring over record books, hunting title, and talking to witnesses—all this takes hard, exacting work and long hours. The actual appearance in court is only a small part of the lawyer’s work.”

Special Collections Librarian Randall Flaherty provided the underlying research for this report.
WHEN MARGARET POLES SPENCER ’72 AND BOBBY VASSAR ’72 entered law school at UVA in 1969, they were two of 13 Black students in their class of 340, and among 18 in the entire school.

“My first day of class at UVA was the first time I’d ever been in a classroom with a white student,” Vassar said. “It was new and something that was not familiar, and had its challenges.”

When Spencer and Vassar began their studies, UVA had not yet fully admitted women to study as undergraduates. While they were in law school, Elaine Jones became the school’s first Black female graduate in 1970. (The
50 YEARS AFTER THE **BLACK AMERICAN LAW STUDENTS ASSOCIATION** WAS CREATED, TWO FOUNDING MEMBERS RECALL OBSTACLES OVERCOME AND VICTORIES WON

CONDENSED AND EDITED BY MARY WOOD
first Black male student, Gregory Swanson, was admitted in 1950.)

The school’s path toward more diversity was uncertain—and needed a push, the students decided.

“There was no diversity at the Law School in terms of faculty and staff at that time,” Spencer said.

Along with several other students, Vassar and Spencer believed they had a “critical mass” to form a Black American Law Students Association chapter. The chapter officially formed Oct. 16, 1970, two years after the launch of the first chapter at New York University.

Vassar grew up in rural Northampton County, North Carolina, and is a graduate of Norfolk University. Currently senior counsel to the president at Bay Aging, his career has also encompassed serving as a legal aid attorney in Roanoke, Virginia, just after graduation in Roanoke, Virginia, to recently retiring as Democratic chief counsel for the Subcommittee on Crime, Terrorism and Homeland Security of the U.S. House Judiciary Committee.

Spencer, a Howard University graduate, is a retired Virginia Circuit Court judge who continues to fill in at circuit courts throughout the state. After law school, she directed the Alexandria Legal Aid Society, served as an attorney with the Equal Employment Opportunity Commission, served as a senior appellate attorney in the Justice Department’s Civil Rights Division and as an assistant attorney general in Virginia, and worked as a law professor at William & Mary Law School and as an adjunct at UVA Law.

Fifty years after the formation of BALSA, now known as the Black Law Students Association, they reflected on their experiences, challenges and triumphs.

**WHY did you want to go to law school, and why at UVA?**

**SPENCER:** Well, to be perfectly honest, I did not want to go to law school. I was a sociology major in undergrad, at Howard University. But in 1967, a Howard grad, Justice [Thurgood] Marshall, was appointed to the Supreme Court at the same time I was helping a student, a sorority sister, study for the LSAT. I decided that, instead of being a social worker, I could have a more significant impact on changing the lives of persons in our community as an attorney. So I decided to go to law school.

I researched law schools the way I researched undergraduate schools. The University of Virginia was the highest-ranked law school in the state. It was close to home. That’s it. The rest is history.

**VASSAR:** My first big ambition was to be an architect, after I read “The Fountainhead” in high school as an assignment. But I found out, when I took a drafting class, that I was no good at it.

So I played the role of a lawyer in a high school play. And it kind of stuck, with people saying, “Oh, you were good. You should be a lawyer.” So when time came to put down for the yearbook what your ambition was, I said “lawyer” based on that.

[Spencer participated in the CLEO Program the summer before he started law school at UVA. The Council on Legal Education Opportunity Inc. was founded in 1968 to expand opportunities for minority and low-income students to attend law school, and still operates today.]

I was selected to participate in the CLEO Program at UVA, along with 30-some other students. And so that gave UVA and me a chance to check each other out. I had actually accepted an offer at Rutgers. But then, toward the end of the program, UVA told me I’d been accepted.

**When you came to UVA, you were walking into a mostly white school for the first time. What was that like?**

**SPENCER:** At the time, there were only four Black females at the Law School. Elaine Jones was a third-year student. And there were three of us in my first-year class. One was Elaine’s sister [Gwendolyn Jones Jackson], and the other was an older woman. So it was sort of isolating for me.

But students were friendly. I remember probably the most difficult thing was there were times when I would walk into Clark Hall, and all of the African Americans were male, and all of the women were white. I was basically the only [Black woman] in the building a lot of the time because I was the only African American student who lived on campus. The types of things I remember I think have more to do with the fact that I was a Black woman than a Black student.

For example, there were very few female restrooms in the buildings on campus because women were not admitted to UVA as [undergraduate] students until 1970, which was the beginning of my second year of law school. I was occasionally directed to the maintenance staff facilities.

It was interesting, it was isolating, but it wasn’t difficult. I liked law school.

**VASSAR:** I think it was like what I’d imagine it would be like being suddenly plopped down in a foreign country and not having any real background or information about how things work or operate. As I say, the CLEO Program gave us a little bit. But the problem is, it was isolated because the only students there were those in the program. I’d had [classes with] white teachers at Norfolk State—a few—but never with any white students. My whole school career had been totally segregated up until that point. And so, it was different.

**What else do you remember about the environment?**

**VASSAR:** There were people who engaged. And there was interchange. And there were those who weren’t engaged. We still had segregated country clubs like Farmington, where students had activities that of course—not that I necessarily wanted to [be a part of them], but even if I had wanted to, those are things that you can’t be a part of.

At Norfolk State, for example, there was an open environment where there were efforts to recruit me into things like fraternities or clubs or organizations, societies, or things like that—there were choices. There was a feeling of being similar to or like others and a matter of feeling a part of the context.
in a way that was definitely not there at UVA. Not because somebody was standing at the door saying, you need not apply. But there was not a welcome mat that I could feel. And if I had a notion, it would be that I'm likely not welcome.

There was certainly not that sense of belonging and welcoming in society at large. So UVA was consistent with that.

**SPENCER:** It was very difficult for me because I had a full-time job. I was a secretary in the undergrad Department of Environmental Sciences on campus. I would leave the Law School, and go over to the [department], and I would type.

I understood there would be challenges that I realized a lot of students didn't have. There were trying times in terms of finances. The Law School was not supporting us financially, either individually with scholarships or loans, or supporting BALSA.

But we were determined to do what we needed to do.

**Did you face instances of discrimination beyond that?**

**VASSAR:** One of the things we endeavored to do, as law students and as kind of big brothers for undergrads, was to look at what was going on there. And there were several instances where we became engaged in cases there.

I remember the incident where four Black male students were walking down one of the sidewalks on the campus. They were laughing, joking and interacting with one another, and they were walking side by side. And apparently, without them even noticing it, no deliberate action here, there was a white student coming in the opposite direction who had to step off the sidewalk, according to a campus police officer who apprehended the Black students and admonished them for walking in a way that caused another student to have to step off the sidewalk, which we thought was crazy. And of course, in our view, that would have never happened if it were the other way around, four white students walking down the sidewalk and a Black student had to step off.

So we challenged that. And we had several meetings with the University officials, with the president.

**SPENCER:** Yeah. And I think the best answer to that is, it was 1969, and we were in Charlottesville, Virginia, at the University of Virginia. Yes, we were discriminated against. At Mary Munford, the dorm I stayed in, occasionally I would come back to the dorm—and I had a room by myself, because the white student who was my roommate obviously left—and I would come back occasionally, and written in red lipstick on the door would be, “Go home.”

The cleaning crew—very nicely—would clean it off. And I would just say, “This is 1969, and this is the University of Virginia, and this is Charlottesville. I will move on.”

My first year at the Law School, I know a number of [first-year] students who were from out of state would approach me and say, “How do you like our law school?” I mean, I was a first-year student. I’m a native Virginian. My parents have been working and paying taxes in Virginia all their lives. So there were little things that reminded us of the fact that, as I said, it was 1969, and we were in Virginia. We dealt with it and we moved on.

**VASSAR:** I did have some personal racism experiences out in the community. I got married during law school. And my wife and I were looking for an apartment. And this woman saw our ad, and offered to provide a home that she had out in the country. And we went out, and we loved it.

But her husband was a real estate agent. And when he came and saw who we were, he all of a sudden said that the place wasn’t available, that they’d rented it out. And the wife called, crying and saying, “This is wrong. It’s not true.”

[In another instance, white female law students hoped to sublet their house to the Vassars to get out of their lease.]

And we followed up, and found out that the person who owned the house was a teacher at Lane High School with my wife.

And so she gleefully went and said, “We want to rent your house.” The woman said, “Uh, uh, uh, no, that’s already rented.” Same thing, you know? And the students offered to pay for lawyers for us to bring a discrimination case. We just didn’t want to go through the rigamarole and the mess of it. We were just deflated and so disappointed that we let it go, and finally found an apartment complex where we rented a place.

**How did the idea to form a BALSA chapter come about?**

**VASSAR:** When you’re in this context of feeling alone and separated, you want to have some sense of recognition, some structural contacts, some prestige that an organization would give. And yes, you can start your own and come up with and create it.

We were aware of BALSA—Black American Law Students Association—chapters at other universities. And so we began to look into the possibilities, talking among ourselves of establishing a chapter at UVA.

**SPENCER:** We were trying to increase the numbers, obviously, of Black students. But we wanted the Law School to hire a Black professor. So I think we wanted a unified approach, an advocacy position, as a group.

**How did the student body and faculty react to the formation of BALSA?**

**SPENCER:** I think there were varied responses. I do not remember open hostility. Those that were supportive were quietly and respectfully supportive. But I think it was very new to the Law School.

And there were some who felt: We’ll get there. You’re trying to rush us. There are just no qualified students. There are no qualified professors there, which is something you hear now. We just can’t find them. We’re doing the best we can. We’ll get there eventually. Which is the same response I
think women had in getting admitted to undergrad as freshmen.  

VASSAR: I could be wrong, but I don’t know that we were unique. But even though we were an organization registered through the school, we got no level of support, any funding or anything of that nature, from the school. It may have not been something that the University did. But if they did do it, they didn’t do it for us.  

How did you help with recruiting other Black students?  

VASSAR: Well, by interaction. I knew people, for example at Norfolk State, like Raymond Jackson [‘73, now a U.S. judge]. He and I were good friends. And I knew that he would be someone that would do well at UVA.  

A number of the students in our class were Black students who had been attending majority white schools. And there was some concern on our part that the University would see that as a more fruitful ground to recruit from because these would be people that they would expect to be more acclimated to operate in a majority white context. I think they saw us as more rabble-rousers who had the traditional Black college background. That was our notion anyway. I don’t know to what extent that was true.  

SPENCER: We made presentations at undergrad schools. We tried to get the Law School to openly state that they were interested in recruiting more African American students. I mean, we were the largest class the Law School had ever admitted. So we felt, you obviously need to do more.  

And that was an indication to us that they weren’t really serious about recruiting Black students or Black faculty members. We had to make trips to college career fairs at [historically Black colleges and universities]. I know I went back to Howard, and Howard specifically asked UVA [to come]. I was the person who went to Howard on my own.  

But you also made a significant impact on faculty recruiting. Tell us more about that.  

VASSAR: We were concerned that there were virtually no Black faculty members or administrators in the University. And so we sought to change that.  

We endeavored to do a systematic approach to challenging the University on its failure to have Black faculty.  

Because the discussion points were such that when you approached it, the indication was, “Yeah, well, we’d love to. But we can’t find any that qualified, who want to come here.” And what we sensed they were talking about is nobody that Harvard or Yale or Columbia or Stanford had that were Black wanted to come to UVA. Because those are what they’re looking at as qualified.  

So we did a months-long campaign to establish that the University had failed to effectively recruit Black faculty. One of the elements of the campaign was a survey that we conducted of University faculty. And our survey reflected that about 80% agreed that the University should have minority faculty in its ranks, which we expected to be the case.  

SPENCER: We came up with a list of about 50 professors we wanted the Law School to actively recruit. And we wanted them to retain them after they recruited them. Most of the people on our list weren’t even contacted by the Law School.  

VASSAR: We learned that because we contacted all 50 before putting their names forward to ask them the simple question of, would they consider a position on the faculty or at least teaching a class at UVA. And as Margaret said, I don’t remember if any were contacted, but if so only a few, by the Law School.  

We decided to call a press conference. And we prepared letters to federal civil rights offices such as the Civil Rights Division in the Department of Education, the Civil Rights Division in the Department of Justice, the Equal Employment Opportunity Commission and also state civil rights enforcement entities. There were eight total that we wrote.  

I know we got several media representatives, including a TV station that came. And we presented our findings and our development. We had a report of what activities we’d gone through that we issued as a part of our press package.  

And then we had people making statements. Margaret was our historian. So she did the presentation of what efforts we had undertaken. And as a result of that press conference, the then-dean, Monrad Paulsen, attended, in the sense of standing in the background.  

And we held the press conference at Clark Hall, and I signed the letters [to the civil
rights offices], and we provided copies [to the media].

What happened after the press conference?

VASSAR: There was a professor who was teaching one course at the University at the time, Larry Gibson, from Baltimore. We learned from him that he’d suddenly been called by Dean Paulsen to meet with him the next day.

SPENCER: The offer was made for him to start in the fall. Gibson accepted it because, as he told us, it was an offer he could not refuse. And he was literally commuting from Maryland. He had already taught one class at the University of Virginia. Yet they did not contact him until after our press conference. I think our efforts had, as I say, shined a light of wisdom on discrimination.

VASSAR: And so clearly our efforts had succeeded in getting the University’s attention. And they quickly were able to address the issue, at least to that extent. But that was exactly the kind of thing that we saw BALSA as a vehicle for, as an organizational vehicle to accomplish our mutual goals as a student group.

There were a good number of students generally, our fellow white students, who were in the hall at the time of the press conference. It certainly made it clear that we were a force to be reckoned with, relative to our ability to put together a campaign, document and support it, and pull it off in an effective manner.

SPENCER: It made me feel that at least we had accomplished a small step in the right direction. We felt that, but for our advocacy, but for the work we had engaged in to convince the Law School that this was wrong, Gibson would not have been hired. We opened their eyes to the value of diversity.

What lessons from your time in BALSA did you apply to your career?

SPENCER: I think we understood that we just had to be persistent and we had to persevere. We were determined to make an impact on the numbers of Black students at the Law School. And we were determined to make certain that the University understood the importance of having Black faculty.

VASSAR: In terms, again, of at least supporting the concept of preparation and documentation and the kinds of things that a law training and background would emphasize. I think we put it to good work.

And in the context of networking, which was another sense of belonging and being a part of something that was happening across the country during the time when that was a big deal with civil rights movements and anti-war protests and the whole student protest scene. Having that kind of organizational foundation was a more effective way of going about it than trying to rely on individual charisma or pressures or other ways.

Plus another big factor in our contextual framework for BALSA was that we needed to be a support and perhaps a leadership group for the other Black students on the campus in the undergraduate program. Because at the time, there were about 90 other Black students on the campus from the under-graduate and graduate programs, in addition to the Law School.

SPENCER: I’m a big “Hamilton” fan. And there’s a line in “Hamilton” in the beginning that Hamilton had to work a little harder and be a little smarter. I think we learned that at the University of Virginia. We had to work a little harder, and be a little smarter, and be persistent.

We’re in a moment of national reflection on race. How do you feel about how far we’ve come, and how far we have left to go?

SPENCER: Race is now and has always been—racial equality, particularly—a part of our Union that has not yet been perfected. I think it’s an issue that we cannot afford to ignore. And we can’t afford to ignore it because we have never really come together and realized we have to resolve disparities in health care, criminal justice, education, housing and employment before we can all live together as Americans in a more perfect Union.

So I think while we have made progress in the last 50 years, we still have a struggle.

VASSAR: Yes, tremendous progress in terms of structural changes like Jim Crow laws, policies such as desegregation, nondiscrimination, and individual achievements. But when you look at the societal context we live in, as Margaret noted, we still have a significant bit of perfecting to do.
THE U.S. SUPREME COURT expanded religious and LGBTQ rights, narrowed presidential power and affirmed abortion rights during its most recent term, which ended July 9.

UVA LAW RESIDENT FACULTY WERE CITED IN 20 CASES: Professors Caleb Nelson with six; Ann Woolhandler with four; John Harrison and G. Edward White with two each; and Aditya Bamzai, John Duffy, John C. Jeffries Jr. ’73, Sakrishna Prakash, Frederick Schauer, and UVA President Jim Ryan ’92 with one each. Three professors had multiple books or articles cited: Nelson with six, and White and Woolhandler with two each. UVA professor Paul Halliday, who holds a joint appointment at the Law School, and visiting professor Neil Duxbury were also cited.

ATLANTIC RICHFIELD CO. v. CHRISTIAN
Federal and State Environmental Remedy Conflicts

“If environmental groups or landowners can use state law to force EPA to go above and beyond, the question was, ‘Can industry do the reverse and use state law to prevent EPA from going above and beyond?’ And I think the clear answer from the Supreme Court on that is no, it’s a one-way ratchet. An EPA CERCLA [Comprehensive Environmental Response, Compensation, and Liability Act, known as Superfund] remedy sets the floor, and state law can’t weaken that.”

—CALE JAFFE ’01, quoted in Law360; he co-authored an amicus brief in the case.

DEPARTMENT OF HOMELAND SECURITY v. REGENTS OF THE UNIVERSITY OF CALIFORNIA
Executive Power to End the Deferred Action for Childhood Arrivals Program

“The court’s decision is a narrow procedural victory for the approximately 700,000 beneficiaries of the [DACA] program. The majority held that, while the Trump administration has the power to terminate the program, the administration’s stated reasons for doing so were inadequate. Specifically, the court determined that the secretary of Homeland Security failed to consider the potential legality of the parts of the program that protect beneficiaries from removal. The Trump administration will now have another chance to rescind the program with a new procedure, but ultimately, the November 2020 election will likely determine DACA’s long-term future.”

—KEVIN COPE

BOSTOCK v. CLAYTON COUNTY
Title VII of the Civil Rights Act and LGBTQ Rights

“The ruling is a very big deal. The expressive value is massive, as the court has made clear that LGBTQ rights are civil rights for purposes of Title VII. The decision represents a significant cultural shift in public attitudes about the value, dignity and worth of LGBTQ people. Its significance is underscored by the fact that the opinion was authored by Justice [Neil] Gorsuch and joined by [Chief] Justice [John] Roberts, whom conservatives were counting on to vote the other way. The opinion will have important practical force as well. Before Bostock, it was legal in about half the states for employers to fire or otherwise penalize workers for being gay, transgender or bisexual. After Bostock, Title VII protects workers from that form of discrimination.”

—ANNE COUGHLIN, in a Q&A with UVA Today

“AT THE ORAL ARGUMENT on Bostock, the Justices’ questions hinted at the result today. Justice [Elena] Kagan noted that the test for discrimination was whether employees would have been treated the same way if they were of a different sex. That is, a core issue is whether Bostock would have been fired if he were a woman who was attracted to men. And Justice [Neil] Gorsuch pointed out that federal law simply requires that sex be a cause of the reason he was fired, reasoning that foreshadowed the outcome of the case. ... Now that workers can no longer be fired for being LGBTQ+, the United States joins more than 70 other countries that prohibit employment discrimination based on sexual orientation.”

—RICHARD SCHRAGGER

ESPINOZA v. MONTANA
DEPARTMENT OF REVENUE
State Funding for Religious Private Schools

“In less than a generation, the court has moved from a position of disallowing aid to religious schools to permitting it to now mandating it. That is a sea change in the court’s interpretation of the religion clauses, and it raises many new questions about what the government can require of religious institutions that receive government monies. Those questions will occupy the court for some time to come.”

—RICHARD SCHRAGGER
**JUNE MEDICAL SERVICES LLC v. RUSSO**  
**Abortion Rights**

“CHIEF JUSTICE [JOHN] ROBERTS’ opinion is important because it is one of the very few opinions in the Supreme Court’s history in which the doctrine of stare decisis led a justice to follow a decision he or she thought was wrongly decided. That is exactly what stare decisis requires, but most references by the Supreme Court to stare decisis involve justices following an earlier decision they believe is correct on the merits, thus making references to stare decisis almost superfluous. Here we have a justice recognizing that stare decisis, if taken seriously, means following decisions one believes to be incorrect. Rarely does this happen, and even more rarely is the effect as clear as it was for the chief justice in this case.”

—FREDERICK SCHAUER

“THIS DECISION doesn’t seem terribly surprising. If stare decisis means anything, the court was going to have to strike down the Louisiana admitting privileges statute after Whole Woman’s Health in 2016. The Louisiana and Texas statutes were nearly identical, and the evidence is actually stronger in June Medical that access would be severely burdened by the regulations. Of course, it was a 5–4 decision, revealing that deep divisions continue (and will continue) on the fundamental question of a right to abortion. But Chief Justice [John] Roberts is now an unlikely vote to overturn the abortion right—he’s arguing for a return to the Casey ‘substantial obstacle’ standard as an alternative to Whole Woman’s Health’s ‘benefits/burdens calculation. Under the Casey standard, abortion can be heavily regulated—but not out of existence.”

—LOIS SHEPHERD

**KAHLER v. KANSAS**  
**Insanity Defense**

“The ‘ORIGINALIST’ SUPREME COURT failed to respect what must have been the expectation of our founders. We hope and expect that state legislatures will decline to follow the court’s misguided invitation and will choose instead to preserve the moral integrity of American criminal law.”

—RICHARD BONNIE ’69, in an op-ed for The Hill; he co-authored an amicus brief arguing that the Constitution prohibits abolishing the insanity defense.

**KELLY v. U.S.**  
**Political Corruption and Criminal Law**

“The court held that the decision to close the lanes from Fort Lee to punish the Fort Lee mayor for refusing to support the reelection campaign of Gov. Chris Christie did not meet the requirements of the federal statutes because they received no property as a result of the fraud. At the same time, Justice [Elena] Kagan [writing the unanimous opinion] emphasized that the conduct was both ‘corrupt’ and ‘an abuse of power.’ The case highlights the limits of federal criminal statutes in constraining the corruption of state officials. In addition, and perhaps most importantly, the result underscores that political corruption involves more than a violation of criminal law. This last point is perhaps in tension with the campaign finance holdings of the current court in which the ‘corruption’ that is sufficient to justify restrictions on giving and spending in connection with elections is defined very narrowly.”

—DEBORAH HELLMAN

**LITTLE SISTERS OF THE POOR SAINTS PETER AND PAUL HOME v. PENNSYLVANIA**  
**Religious Liberty and Contraception Coverage**

“The Supreme Court upheld religious and moral exemptions that the Trump administration has granted to both for-profit and nonprofit organizations that object to contraceptive coverage requirements under the Affordable Care Act. ... In this case, the government granted as expansive and categorical exemption that gave no consideration to the interests of tens of thousands of women, who have now lost their statutory right to contraceptive coverage and to equal treatment in the provision of preventive care. As the dissenters argued, this result is neither mandated by [the Religious Freedom Restoration Act] nor permitted under the Establishment Clause. ... The door is open for further litigation, but this court has shown itself to be highly solicitous of religious exemptions, even when they impose serious costs on others.”

—MICAH SCHWARTZMAN ’05

**OUR LADY OF GUADALUPE SCHOOL v. MORRISSEY-BERRU**  
**Religious School Employment**

“I THINK THIS DECISION draws the line pretty much where the lower courts had drawn it before Hosanna-Tabor. The lower court cases were not unanimous, but whether the teacher taught religion was a key variable. I don’t think the court will expand this to say that those who teach only secular subjects are ministers, even if they are expected to be role models. ... This decision also explicitly grounds the ministerial exception in ‘the general principle of church autonomy’ with respect to ‘matters of faith and doctrine and in closely linked matters of internal government.’ I think that was implicit in Hosanna-Tabor, but they never quite said it. This elaboration puts the ministerial exception on a firmer basis.”

—DOUGLAS LAYCOCK co-authored an amicus brief in the companion case St. James School v. Biel

**SEILA LAW LLC v. CONSUMER FINANCIAL PROTECTION BUREAU**  
**Separation of Powers**

“In concluding that the director of the CFPB must serve at the president’s pleasure, the court seemingly answered that, yes, the Constitution makes the president the chief executive. But by retaining several erroneous precedents, the court actually concluded that the president is chief executive ... except when the court has previously opined otherwise.”

—SAIKRISHNA PRAKASH, in an op-ed for the National Review

**TRUMP v. VANCE**  
**Presidential Immunity From Subpoenas**

“The court’s rejection of absolute immunity, and its endorsement of the good faith of state and local officials, will undoubt- edly provide the framework for future disputes between presidents and prosecutors endeavoring to subject them to criminal process.”

—TOBY HEYTENS ’00, currently on leave serving as Virginia solicitor general, in a co-authored op-ed for SCOTUSBlog

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—Mike Fox
FACULTY AND ALUMNI, including former clerks, shared memories and honored the impact of U.S. Supreme Court Justice Ruth Bader Ginsburg after she died Sept. 18.

Ginsburg was the second woman to serve on the Supreme Court, and known as a feminist icon and pathbreaking lawyer and jurist even before she was nominated to serve on the high court in 1993 by President Bill Clinton.

“She was the equivalent of Thurgood Marshall as an advocate of women’s rights, with a record of victories in the Supreme Court that rivaled his,” said Professor George Rutherglen. “She was an ardent and effective justice in protecting women’s rights.”

University of Virginia Executive Vice President and Provost M. Elizabeth Magill ’95, a former UVA Law professor and vice dean who has also served as dean of Stanford Law School, said Ginsburg hired her as a clerk on St. Patrick’s Day in 1995, “and I felt very lucky.”

“The year I spent with her shaped me as a lawyer, a writer and also a professional,” Magill said. “She was an ardent and effective justice in protecting women’s rights.”

“Ruth Bader Ginsburg was one of the most influential legal theorists and litigators, as well as jurists, of the century,” Coughlin said. “She launched a movement that changed everything,” so “we were beyond excited to meet her.”

Coughlin recalled that the Q&A session after an initial talk by Ginsburg was “electrifying.”

“At the front desk, she announced, ‘Hello, I’m Justice Ginsburg. My clerk Joe is looking for a daycare spot for his son, Simon. We’d like a tour,’” Palmore wrote. “The Justice and I then navigated the blocks, toys and toddlers to check out the daycare center. Together.”

—Mary Wood
BEHIND THE SCHOLARSHIP: CAN THE U.S. DECLARE CHAPTER 11?
A NATIONAL ‘BANKRUPTCY’ PLAN

PROFESSORS KITCH AND MAHONEY DISCUSS OPTIONS FOR REORGANIZING U.S. DEBT

The United States maintains a massive debt load—currently about $23 trillion—and nobody knows if or when it might lead to an existential crisis for the country.

Professors EDMUND W. KITCH and JULIA MAHONEY assert in a new paper that restructuring that debt, like a business in trouble would, should be on the table in case of emergency.

While the nation can’t simply file for Chapter 11 bankruptcy reorganization, the pair contend that a similar idea for the cash-strapped federal government isn’t crazy—and may actually be workable.

The idea originated from a class they taught together on constitutional aspects of fiscal and monetary policy, including actions taken to address the financial crisis of 2008. The professors arrived at the conclusion that debt restructuring may eventually be a necessity because of popular but deficit-ballooning programs, such as those involving the social safety net and national security, combined with some future unforeseen downturn.

“We doubt that payments on treasury obligations will necessarily take precedence over what the electorate sees as more pressing needs,” Kitch and Mahoney write in “Restructuring United States Government Debt: Private Rights, Public Values, and the Constitution,” published in the Michigan State Law Review.

If the government prints more and more money to try to keep its promises while also facing insurmountable debt, the result could be runaway inflation, the professors say. They reference what happened in Argentina, which experienced a 53.8% annual inflation rate in 2019 while simultaneously attempting to renegotiate its indebtedness.

But is U.S. debt restructuring constitutional? Despite some conventional thinking to the contrary, Kitch and Mahoney say that because the Constitution doesn’t expressly prohibit it, such a move is indeed possible.

“Nothing in the Constitution as originally ratified forbids debt restructuring,” they write.

Some interpret the 14th Amendment’s Public Debt Clause as a blanket prohibition on the federal government’s failing to make its debt payments. But while the clause affirms the validity of U.S. debt, “failing to pay a debt in full and on time is not at all the same thing as questioning the debt’s validity,” they write.

The professors acknowledge that the U.S. has a strong legal history of upholding property and contract rights, which could serve as barriers to any restructuring deal.

But they also point to precedent. Even though the public has largely forgotten, the U.S. has restructured its debt twice: under Alexander Hamilton’s debt repayment scheme in the 1790s, and later, at the start of the New Deal, when the U.S. abandoned the gold standard.

The professors suggest that a liquidity fund that the secretary of the treasury could access would be the most feasible way to enable the government to perform its most important functions while pursuing a restructuring of its obligations. “The long existence of the Exchange Stabilization Fund shows that the idea that the Secretary of the Treasury needs access to discretionary funds to deal with unexpected events is well-accepted,” they write.

Nevertheless, they aren’t betting against the U.S. economy, they say. They just think it might be wise to be prepared.

—Eric Williamson
ANDREW BLOCK continues to serve as the vice chair of Gov. Ralph Northam’s Commission to Examine Racial Inequity in Virginia Law, which was established by Northam in June 2019. Throughout the spring and summer, Block and student research assistants JESSIE AMES ’22, JULIET BUESING ’21, TRUST KUPUPUKA ’22, KELSEY MASSEY ’21, WES WILLIAMS ’22 and CHRIS YARRELL ’22 provided substantial re-search support for the commission, including helping the commission develop a set of legislative and policy proposals for Northam’s consideration that would bring needed reform, and safer and more equitable practices to law enforcement in Virginia. Block also authored three opinion pieces on juvenile justice that appeared in The (Fredericksburg) Free Lance-Star, the Richmond Times-Dispatch and the Juvenile Justice Information Exchange.


RICHARD BONNIE ’69 continues to work on two long-term projects. One is serving as a co-reporter on the American Law Institute’s Restatement on Children and the Law, a project led by Columbia law professor ELIZABETH SCOTT ’77. His work on juvenile justice currently focuses on dispositions in juvenile courts and transfer of juveniles to criminal courts. In another ongoing project, he is serving on the National Academy of Medicine’s Action Collaborative on Countering the U.S. Opioid Epidemic, an effort that began in 2018 and has now converged with actions needed to respond to the COVID-19 pandemic because of its interruption of treatment for people with substance use disorders. He has also been advising the American Academy of Neurology on ethical challenges posed by the pandemic. Bonnie and co-authors Dr. Ariane Lewis of New York University Medical School and Professor Thaddeus Pope of William Mitchell Law School appeared before the Uniform Law Commission in the spring making the case for revising the Uniform Determination of Death Act. He will now represent the American Academy of Neurology as an observer on the ULC study committee appointed to carry out this task. This team published an article in JAMA Neurology in August titled “Is there a Right to Delay Determination of Death by Neu-rologic Criteria?”

Closer to home, a work group chaired by Bonnie completed a two-year study on mandatory outpatient treatment for people with mental illness and presented a report to the Virginia General Assembly in August. The report recommends a comprehensive overhaul of the Virginia statutes governing this topic. Mandatory outpatient treatment was first enacted by the General Assembly in 2008, as recommended by the Supreme Court’s Commission on Mental Health Law Reform chaired by Bonnie in the wake of the mass shooting at Virginia Tech in April 2007.

Also in Virginia, the General Assembly enacted the “red flag” law that the Consortium for Risk-Based Firearm Policy, which Bonnie is a member of, developed and disseminated in 2013, bringing the total of states that have enacted such legislation to 19. The law sets up a procedure through which law enforcement can take firearms from someone deemed a threat to themselves or others.

Another project by Bonnie addresses the continuing increase in the number of people with mental illness admitted to the nation’s jails and prisons. “Crimin-alization” of mental illness has been one of the core elements of contemporary manifestos for comprehensive criminal justice reform. Bonnie and Columbia Medical School professor (and former UVA colleague) Dr. Ken Hoge have proposed a novel legal pathway for civil commitment of people arrested for criminal offenses that are demonstrably related to mental illness, thereby avoiding the inefficiencies associated with assessment of competence to stand trial. The first article outlining the new plan is in press in the psychiat-ric literature.

Bonnie co-authored an amicus brief for Kahler v. Kansas with University of Pennsyl-vania Law School professor Stephen J. Morse, arguing that the state of Kansas, in denying defendants the option of an insanity plea, violates due process. Nearly 300 co-signers who are experts in either criminal law or mental health law joined the brief, which was filed in June. Bonnie and Morse followed up their advo-cacy with an op-ed in

BROWN ’90 TO CONDUCT RESEARCH AT CAMBRIDGE AS THOMAS JEFFERSON VISITING FELLOW

Professor DARRYL BROWN ’90 will conduct research at the University of Cambridge as a Thomas Jefferson Visiting Fellow in the spring of 2021.

Brown said the fellowship will be a valuable opportunity to pursue research projects focused on comparative studies of English and American criminal procedure law, as well as of the divergent approaches— despite a shared common law heritage—of English and American courts on these topics.

“More generally, it will also be an ideal opportunity to engage with Cambridge faculty and institutions, to build foundations and to broaden networks for future work,” he said.

Brown will present a paper in a faculty colloquium and participate in others at the Faculty of Law’s Cambridge Criminal Justice Centre. He said he shares similar research interests with criminal justice professor Jonathan Rogers, the center’s co-deputy director.

Brown is the O. M. Vicars Professor of Law and Barron F. Black Research Professor of Law. He teaches Criminal Law, Criminal Adjudication and Evidence, among other courses. Before joining the law faculty in 2007, he was the Class of 1958 Alumni Professor of Law at Washington and Lee University School of Law, where he joined the faculty in 1998. He is the author of “Free Market Criminal Justice: How Democracy and Laissez Faire Undermine the Rule of Law” and co-author of “Adjudication of Criminal Justice: Cases and Problems.”

Spearheaded by UVA President Edgar Shannon Jr. and longtime Downing Fellow John Treherne, the research fellowship launched in 1978. Over the past 40 years, UVA has sent faculty from the Schools of Law, Medicine, Architecture, Engineering, and Arts & Sciences. UVA Executive Vice President and Provost M. ELIZABETH MAGILL ’85 was a Thomas Jefferson Visiting Fellow in 2011 while a professor at UVA Law. Charles McCurdy, now a professor of history and law emeritus, was a fellow in 2009.

—Mike Fox
FORE ‘11 ELECTED TO LEGAL WRITING INSTITUTE BOARD

Professor JOE FORE ‘11 has been elected a board member of the Legal Writing Institute. LWI, the second-largest organization of law professors in the United States, announced seven new board members for 2020-24 in April.

Fore currently serves as co-editor-in-chief of one of LWI’s publications, “The Second Draft,” a journal devoted to scholarship about legal skills pedagogy. He has also been helping lead efforts to revamp LWI’s publications website and online presence.

“My main goal is to complete our work updating LWI’s digital publishing model, which will help to improve both the visibility and the status of legal skills scholarship,” Fore said. “I would also like to increase LWI’s engagement with the practicing bench and bar—to share our expertise and research to improve legal communication and make it easier for lawyers, judges and the public to understand and use.”

Fore has been a co-director of the Law School’s Legal Research and Writing Program since 2014. In addition to teaching research and writing courses, Fore works extensively with the Law School’s moot court programs. In 2018, he received the BLSA Service Award for his role in coaching the Black Law Students Association’s extramural moot court teams.

With more than 1,000 members, LWI is “dedicated to improving legal communication by supporting the development of teaching and scholarly resources and establishing forums to discuss the study, teaching, and practice of professional legal writing,” according to the organization’s website.

—Mike Fox

The Wall Street Journal. The Supreme Court ultimately sided with Kansas.

NAOMI CAHN recently published “What’s Wrong About the Elective Share ‘Right’?” in the University of California at Davis Law Review. Her co-authored article (with Albertina Antognini, Kaiponanea T. Matsumura and Emily J. Stolzenberg), “Perspectives on Nonmarital Relationships,” was recently published in the Family Court Review. She became associate editor of the ACTEC Law Journal and Family Law Section co-editor of Jotwell. She spoke at an American Bar Association Real Property Trust and Estate Law Section Professors’ Corner on “The Trusts and Estates Canon” in July 2020. As a contributing editor to the Forbes Leadership Channel, Cahn has published articles such as “New Study Shows How White Lies Can Hurt Women at Work,” “Mother’s Day and COVID-19’s Impact on Women of Color” and “Returning to Work, Disability, and COIVD-19.”

In August, KEVIN COPE received a contract with Oxford University Press to co-edit a new “Oxford Handbook of Comparative Immigration Law.” The volume will feature chapters by over 60 leading scholars from around the world. It will likely be the first comprehensive, book-length manuscript on the subject when it is published in spring 2022. In September, Cope presented his co-authored work on COVID-19-related liberty restrictions at online workshops at the George Washington Law Center and George Mason University, and in April, he discussed the research on NPR’s “All Things Considered” and China Radio International’s “World Today.”

In May, JOE FORE ‘11 received the Legal Writing Institute’s inaugural Emerging Scholar Award for his 2019 article on lawyers’ use of probabilistic language when advising clients. Fore also continued to publish a bimonthly column devoted to legal writing in Virginia Lawyer magazine, the official publication of the Virginia State Bar. His latest columns focused on crafting effective headings and providing meaningful feedback to interns and summer associates.

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transactional law case competition team, and leading other activities at the intersection of law and business.

RISA GOLLIBOFF was a panelist May 26 for the National Constitution Center's discussion “The Story of Plessy v. Ferguson.” On July 16, she was a panelist for “Suffrage, Struggle, and Striding Ahead—Where We’ve Been Since the 19th Amendment, Where We’re Going, and How to Get There,” held for the National Association of Women Lawyers Annual Meeting. “A Century of the 19th Amendment.” She spoke for a Federal Judicial Center webinar Aug. 20 and was also interviewed Aug. 26 on “On-Air with UVA,” hosted by the UVA Clubs program and the Law School.

MICHAEL GILBERT'S paper “Active Virtues,” which he co-authored with MAURICIO GUIM S.J.D. ’18, was accepted for publication in the Washington University Law Review. Gilbert and Guim’s paper “Constitutional Locks” was accepted for publication in the International Journal of Constitutional Law. Gilbert presented “Conflict Avoidance in Constitutional Law,” co-authored with CHARLES BARZUN ’05, at the Virtual Workshop on Constitutional Law and Economics. Along with DEBORAH HELLMAN, Gilbert co-leads a UVA Democracy Initiative called CLEAR: Corruptio

GILBERT RECEIVES ALL-UNIVERSITY TEACHING AWARD

Professor MICHAEL GILBERT was named a recipient of this year’s All-University Teaching Award. The award celebrates top-notch instruction across Grounds.

Gilbert, who teaches courses on elections law, legislation, and law and economics, is a perennial favorite of students for his gentle and relatable teaching style that encourages participation. Those who joined the nominations included current and former students, as well as his peers.

Student feedback from his recent courses often referred to him as the best or one of the best professors they have ever had.

“Professor Gilbert is an incredible instructor,” a student who took his fall Constitutional Law and Economics course wrote. “He takes complex, esoteric concepts and communicates them in a way that is accessible and memorable.”

In 2015, Gilbert was the first UVA Law professor to win the UVA Student Council Distinguished Teaching Award. Such recognitions reflect the joy he takes in his work.

“I love spending time with the students, working through hard problems together, and demystifying [court] opinions,” Gilbert said. “I take a lot of pleasure in that last step. Once you get past the convoluted language, the ideas are often not so complicated. They may be controversial, but they’re not complicated. I like revealing that. It shows the students, and it reminds me, that we can do this.”

He said students paid him what may be the ultimate teaching compliment recently. They let him know that they had gained the feeling of comprehensive learning.

“I recently taught Law and Economics to a large group of students,” he said. “Towards the end of the semester, I was talking with some of them, and they told me the course should be renamed ‘How Everything Works.’ That’s an exaggeration, perhaps, but I appreciated the sentiment.”

Gilbert is the Martha Lubin Karsh and Bruce A. Karsh Bicentennial Professor of Law. In addition to his teaching responsibilities, he is an inaugural scholar in UVA’s Corruption Lab on Ethics, Accountability, and the Rule of Law, also known as CLEAR.

Winning the award, “makes me proud and a little sheepish,” Gilbert said. “The University has many excellent teachers, and I’m humbled to be singled out.”

—Eric Williamson
As states across the country struggle with significant budget shortfalls due to the coronavirus pandemic, a coalition of tax scholars has come together to provide policy recommendations to help ease the crisis. Professors Andrew Hayashi and Ruth Mason have joined the effort, called Project SAFE (State Action in Fiscal Emergencies).

“This is no ordinary recession,” said Mason, the Edwin S. Cohen Distinguished Professor of Law and Taxation. “Government at all levels will have to work together to weather the crisis.”

In the early days of the pandemic, the federal government passed two bills to help states and localities, including the Families First Coronavirus Response Act, which temporarily increases the federal share of Medicaid expenditures. The Coronavirus Aid, Relief and Economic Security Act, or CARES Act, reimburses states for half of the states’ share of unemployment benefits through December, plus offers another $150 billion to states and localities, including through tax hikes, social service cuts and layoffs that could have negative consequences for the economy.

Mason and the coalition said states should consider expanding their state sales tax bases, such as through digital services taxes and broad-based consumption taxes, imposing excess profits taxes, aggressively using rainy day funds, and repealing or modifying statutory balanced-budget rules.

“If ever there was a time for digital services taxes, this is it,” Mason said.

Localities could provide targeted property tax relief for low-income households, and reassess high-end properties to raise revenues, Hayashi said.

“Everyone needs income right now,” said Hayashi, the Class of 1948 Professor of Scholarly Research in Law and director of the Virginia Center for Tax Law. “It’s all a question of tradeoffs and how to spread the harm from the recession across people and across generations in a way that minimizes suffering and speeds the recovery.”

Local governments have an important role to play, Hayashi added, but they need help from the Treasury and the Federal Reserve.

“Localities may be able to raise more revenue from the property tax, but it needs to be done in a nuanced way that provides relief for the most vulnerable homeowners,” he said.

Project SAFE devotes a number of recommendations to how states can raise revenue by conforming to recent federal tax laws. The coalition also offers recommendations to states for longer-term solutions for fiscal stability, from repealing balanced-budget requirements to reducing barriers to revenue-raising legislation.

—Mary Wood
co-taught by Nachbar, new course proposes solutions to Pentagon’s problems

A new multidisciplinary course co-taught by Professor Thomas Nachbar is helping the Pentagon tackle emerging national security challenges.

Students who take Innovation in the Public Interest work on real problems facing the U.S. Department of Defense—from understanding the implications of using artificial intelligence in making military decisions to implementing “norms of behavior” in outer space.

The students presented their work for consideration by the Pentagon.

A multidisciplinary team of faculty was awarded a national grant to establish the course, aimed at teaching graduate students to examine the complex technological, legal and policy implications of real-world problems faced by various agencies within Defense Department.

Nachbar is a national security law expert, judge advocate in the U.S. Army Reserve and a senior fellow at the Center for National Security Law. He co-teaches the class with computer science professor Jack Davidson, and politics and public policy professor Philip Potter.

A goal of the course is to teach law students how to work with people from other disciplines in a practical problem-solving environment, Nachbar said.

“There are law students, policy students and engineering students on each one of the teams,” he said. “When you think of lawyers in their offices, the stereotype is that they’re not doing project-based problem-solving. They’re thinking great legal thoughts and writing briefs. But that’s not accurate. Lawyers work with others all the time to solve problems, and more often than not they’re doing it in teams with technical and policy experts.”

UVA is the only Virginia university that is a founding partner of the Public Interest Technology University Network, run through the Office of the Provost. The University received a $90,000 grant—one of 27 grants awarded across the country—from think tank New America as a way to cultivate academic initiatives that prepare the next generation to design, build and govern new technologies that advance the public interest.

Nachbar said he hopes the course is available in the future and that law students will come away with skills that help them work with nonlawyers in the field.

“What I’m really hoping they get from the course is that when they’re talking to somebody who’s working for their client, they’re not only talking to a person, they’re talking to a set of interests,” he said. “Understanding where those interests sit within the organization’s larger interests—whether it’s a firm or the government—gives them a huge amount of context in understanding those conversations.”

—Mike Fox

NACHBAR, NEW COURSE

CO-TAUGHT BY NACHBAR, NEW COURSE PROPOSES SOLUTIONS TO PENTAGON’S PROBLEMS
Professor **CYNTHIA NICOLETTI** has been named a recipient of the UVA Student Council Distinguished Teaching Award.

The award is given annually to recognize a teacher who makes a positive and lasting impact on the University by developing relationships with students through the creation of an engaging and challenging classroom atmosphere. Eleven recipients of the award are chosen by a selection committee composed of undergraduate students who consider both quantity and quality of nominating letters.

“It’s truly an honor to receive this award, particularly at a time like this,” Nicoletti said. “I was surprised, but elated, to hear that my students had selected me for this award and that the Academic Affairs office had selected me. The classroom experience was under so much stress this past semester, and I don’t know of any professors who didn’t worry about finding a way to connect with students in these difficult circumstances. I have to say that my students were amazing, and their hard work and dedication made it possible.”

A student nominator in Nicoletti’s course Global Legal History, co-taught with UVA history professor Paul Halliday, said her detailed feedback on assignments and her engagement with the student commentary was inspiring.

“Her attention to every student as well as the consideration she gave to our arguments has been instrumental in helping me grow as a scholar,” the student wrote. “Both oral and written feedback in papers, final exams, and class participation was tailored to us as individuals, which made it critically helpful in improving writing and argumentation over the course of the class.”

Nicoletti is the Class of 1966 Research Professor of Law. Her book, “Secession on Trial: The Treason Prosecution of Jefferson Davis,” won the 2018 Cromwell Book Prize, given by the William Nelson Cromwell Foundation each year for excellence in scholarship to an early career scholar working in the field of American legal history. She has received numerous awards and fellowships, including the William Nelson Cromwell Prize for the best dissertation in legal history, awarded by the American Society for Legal History in 2011. In August, she won the Supreme Court Historical Society’s 2019 Hughes-Gossett Prize for best article in the Journal of Supreme Court History, for “Chief Justice Salmon P. Chase and the Permanency of the Union.”

—Mike Fox

**DOUGLAS LAYCOCK** responded to the flurry of Supreme Court religious liberty cases with a flurry of amicus briefs. He authored or co-authored briefs in Espinoza v. Montana Department of Revenue, on discrimination in school funding programs; Our Lady of Guadalupe School v. Morrissey-Berru, on the scope of the ministerial exception to employment discrimination law; Little Sisters of the Poor v. Pennsylvania, on the authority of administrative agencies to implement the Religious Freedom Restoration Act; Fulton v. City of Philadelphia, on whether Employment Division v. Smith should be overruled; in support of cert petitions in Small v. Memphis Light, Gas & Water and in Darberiste v. GLW Associates, Inc., on whether TWA v. Hardison should be overruled; and in Ricks v. Idaho Contractors Board, also on whether Smith should be overruled. He co-authored a brief in support of cert petition in Small v. Memphis Light, Gas & Water and in Darberiste v. GLW Associates, Inc., on whether TWA v. Hardison should be overruled; and in Ricks v. Idaho Contractors Board, also on whether Smith should be overruled.

He co-authored a brief in support of a successful petition for review in the Texas Supreme Court in Diocese of Lubbock v. Guerrero, on the ministerial exception and defamation claims. He was the principal author on only three of these briefs, two of them heavily overlapping. He published “Implementing Compromise” in Balkanization and the 2020 Supplement to “Modern American Remedies,” and led a podcast on “Disgorgement or Accounting for Profits: An Analysis of Liu v. SEC,” in the American Law Institute’s “Reasonably Speaking” series.

In May, **MICHAEL LIVERMORE** published “The Problem of Data Bias in the Pool of Published U.S. Appellate Court Opinions” in the Journal of Empirical Legal Studies. That piece uses advanced text analysis tools to investigate whether the standard social science approach to researching judicial decision-making could generate misleading conclusions about the role of judges’ ideology in affecting case outcomes. The research for that piece was carried out over five years with collaborators Daniel Rockmore and Keith Carlson of Dartmouth College. Livermore and his co-authors find that correlations in the limited and selected sample of published opinions cannot be properly interpreted to imply that there are large differences in outcomes before judges with different political affiliations. In November, Oxford University Press will publish a new book by Livermore, with co-author Richard L. Revesz of New York University, “REVIVING RATIONALITY: Saving Cost-Benefit Analysis for the sake of the Environment and Our Health.” That book argues that the Trump administration has misused cost-benefit analysis and departed from practices endorsed by both political parties for decades to attempt to justify regulatory rollbacks that undermine the well-being of the American public.
The authors offer a set of recommendations for future administrations interested in restoring cost-benefit analysis to its prior productive role in regulatory decision-making.


RUTH MASON published “The Transformation of International Tax” in the American Journal of International Law. Mason’s article argues that the 2008 recession precipitated a political crisis that motivated an unprecedented international project to curb corporate tax dodging. Contrary to dominant scholarship, she argues that this effort transformed international tax—changing its participants, agenda, institutions, norms and even its legal forms. Perhaps most important, efforts to close corporate tax loopholes widened a rift over revenues that threatens a 100-year-old tax treaty framework. Mason also published two articles with the Virginia Tax Review, one on the dormant foreign commerce clause and one on the legality of digital taxes in the European Union. Mason gave the paper (over Zoom) at Oxford and in the Indiana/Leeds Summer Workshops.


VIRTUAL NATIONAL FACULTY WORKSHOP SERIES LAUNCHES, FEATURES ROBINSON

Professor KIMBERLY J. ROBINSON spoke about “A Federal Right to Education” as part of a first-of-its-kind UVA Law National Faculty Workshop series offered this summer, “From Policing and Protest to Discrimination and Systemic Racism.” The six virtual workshops, which were open via Zoom to law faculty nationwide and UVA Law students and staff, focused on issues raised by the Black Lives Matter movement and the broad array of legal questions it implicates. Each workshop featured a single scholar who presented on a recent or current project, with UVA Law faculty members serving as moderators. Robinson’s talk was moderated by Professor KIM FORDE-MAZRUI.

Other participants included:

- Randall L. Kennedy, Michael R. Klein Professor at Harvard Law School, who spoke on competing visions of racial justice in “The Racial Promised Land?,” with Professor DEBORAH HELLMAN moderating.
- Paul Butler, the Albert Brick Professor in Law at Georgetown University Law Center, who spoke about prison abolition and police divestment in “De Facto Abolition and Divestment,” with Professor JOSH BOWERS moderating.
- Jeremy Waldron, University Professor at New York University School of Law, who spoke about “What Demonstrations Are, and What Demonstrations Mean,” with Vice Dean LESLIE KENDRICK ’06 moderating.
- Linda Greenhouse, senior research scholar at Yale Law School and New York Times reporter and columnist, who spoke about “The Supreme Court’s Challenge to Civil Society,” with Professor MICAH SCHWARTZMAN ’05 moderating.
- And Boston University School of Law Dean Angela Onwuachi-Willig, who discussed the cultural trauma Blacks experience from high-profile cases involving police and quasi-police killings in “The Trauma of Injustice,” with Professor ANNE COUGHLIN moderating.

—Mary Wood
**SCHAUER NAMED FELLOW OF THE BRITISH ACADEMY**

Professor FREDERICK SCHAUER was elected a corresponding fellow of the British Academy in July in recognition of his distinguished contributions to academic thought.

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. The British Academy is comprised of more than 1,400 academics, who are elected from the United Kingdom and around the world based on their outstanding contributions to the humanities and social sciences. Corresponding fellows are scholars of distinction who reside outside of the U.K. and have “attained high international standing in any of the branches of study which it is the object of the Academy to promote.”

Schauer said he is honored to receive the award, which is a rare distinction among Americans, both in law and in other fields. Fewer than 10 American legal scholars are fellows, a group that includes Guido Calabresi and Richard Posner. Schauer was the only American elected in law in 2020.

“The U.K. has been a big part of my academic life for over 40 years, in terms of visiting appointments at both Oxford and Cambridge, lectures over the years at many U.K. universities, and publication of some of my books and articles,” he said. “I am truly flattered by this unexpected and unusual honor.”

New members are named at the conclusion of a lengthy secret-ballot process culminating at the Annual General Meeting of Fellows, held each July.

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.

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 Association of American Law Schools, and of the Committee on Philosophy and Law of the American Philosophical Association.

—Eric Williamson

**THOMAS NACHBAR’S two most recent papers, “Algorithmic Fairness, Algorithmic Discrimination” and “Twenty-First Century Formalism,” will be coming out in the next year in the Florida State University and University of Miami law reviews, respectively. This summer, he completed a draft article, which he presented via Zoom at the summer UVA faculty workshop series, on antitrust’s ancillary restraints doctrine. This coming spring, he will teach the second iteration of the multidisciplinary Innovation in the Public Interest course. Although the pandemic response prohibited in-person meetings this spring, students in the inaugural Innovation in the Public Interest class were able to present their projects to sponsors at the U.S. Department of Defense and other federal government agencies via teleconferencing, expanding the number of agency stakeholders who were able to attend the talks. Nachbar reports the response was overwhelmingly positive, and several of the student groups were asked by project sponsors to present to a wider audience at follow-up events and to provide supplemental materials to help implement their recommendations. He is currently serving on the Federal Communications Commission working group on security threats to the Secure Internet Protocol. In other government service, he was selected for promotion to lieutenant colonel in the U.S. Army Reserve and is now serving in his reserve capacity as an adjunct professor teaching national security law at the Judge Advocate General’s Legal Center and School in Charlottesville.”

**DAN ORTIZ, as counsel of record and director of the Supreme Court Litigation Clinic, filed a cert petition and cert reply in Relfa v. Van Dyke, which asks whether state anti-SLAPP (strategic litigation against public participation) statutes apply in federal court under Erie Railroad Co. v. Tompkins. He also filed a cert petition and cert reply in Kollaritsch v. Michigan State University Board of Trustees, which asks whether Title IX plaintiffs who have been sexually assaulted or harassed must prove additional assault or sexual harassment after having given notice of the original injury to the educational institution in order to state a claim for damages. As co-counsel, he helped draft the clinic’s cert petition and cert reply in Khaytekov v. Barr, which concerns the type of notice the government must give to end the period of continuous presence required for cancellation of a noncitizen’s removal, and whether a court of appeals can refuse to review certain determinations that would not change the outcome of a noncitizen’s present applications for immigration relief but would impose permanent, prospective immigration consequences. He has also been working on an article on the concept of deterritorialization in European administrative law and a book chapter on voting rights in Virginia’s 1971 Constitution.”


**KIMBERLY ROBINSON** will publish “Designing the Legal Architecture to Protect Education as a Civil Right” in the Indiana Law Journal. She also spoke at the National Education Policy’s “Gary B. and the Right to Literacy 65 Years after Brown” on June 4; the Center for American Progress’ “A Federal Right to Education: From Brown to Rodriguez and What Lies Ahead” on May 13; and the UVA Miller Center of Public Affairs’ “The Pandemic’s Lasting Effect on Education” on May 12. She was a guest on “The Learning Curve” podcast for “The Legal Debate about Education as a Federal Right” on May 7.
In the spring, **GEORGE RUTHERGLEN** published two articles: “Statutes of Limitations: Claims Forgotten, Forgiven, or Foregone?” and “Disaggregated Discrimination and the Rise of Identity Politics.” He also has an article coming out in the fall on “Reconstruction in Legal Theory.” Over the summer, he updated his books on employment discrimination and civil rights to discuss the landmark decision of the Supreme Court recognizing sexual orientation and gender identity as prohibited forms of discrimination under Title VII. He is also working on an article on “Admiralty, Human Rights, and International Law.”

**FREDERICK SCHAUER** published “Probabilistic Causation in Law” (with **BARBARA SPELLMAN**) in the Journal of Institutional and Theoretical Economics. “Rules, Defeasibility, and the Psychology of Exceptions” was published in “Exceptions in International Law.” “Fuller and Kelsen—Fuller on Kelsen,” was published in “Archiv für Rechts- und Sozialphilosophie.” He delivered (via Zoom) the lecture “Truth, Falsity, and Freedom of Speech in Times of Crisis” at Federal University of Paraná, Brazil. He delivered (via Zoom) the lecture “On the Relationship Between Law and Legal Reasoning” at Universidad Espiritu Santo in Guayaquil, Ecuador.

This summer, **RICHARD SCHRAGGER** presented at two virtual events addressing federalism in a time of pandemic, one sponsored by the University of Michigan Law School and another sponsored by the UVA Miller Center. He also participated in a virtual conference on “firearms localism,” sponsored by the Duke Center for Firearms Law. He co-authored several editorials, with **MICAH SCHWARTZMAN ’05** and Nelson Tebbe, on the demise of the separation of church and state under the Trump administration. Those appeared in The New York Times, The Washington Post and The Atlantic. His article “What is ‘Government Speech?’ The Case of Confederate Monuments” was published in the Kentucky Law Journal as part of a symposium on Confederate iconography. And his article “Religious Antiliberalism and the First Amendment,” co-authored with Schwartzman, appeared in the Minnesota Law Review.

**MICAH SCHWARTZMAN ’05** commented on the Supreme Court’s religious freedom cases for the American Constitution Society’s annual “Supreme Court Review.” He participated in the Annual Law and Religion Roundtable and a colloquium on “The Unraveling of the New Deal Settlement” hosted by Cornell Law School. As director of the Karsh Center for Law and Democracy, he

**SHIN ’10 TO DIRECT JUVENILE DEFENSE CLINIC**

Professor **CRYSTAL SHIN ’10** stepped down as director of the Program in Law and Public Service to direct a new clinic. The clinic, which starts this spring and has yet to be formally named, will focus on holistic juvenile defense.

“I’m excited to return to clinical teaching and my poverty lawyering roots,” Shin said. “I had always hoped to return to the practice of law at some point, so when I had the opportunity to design a new in-house clinic, I gladly accepted.”

The Law School currently offers 20 clinics. Separately from the Child Advocacy Clinic, Shin’s clinic will represent clients on school- or community-referred juvenile delinquency matters in juvenile and domestic relations courts. “The clinic will represent indigent youth on delinquency matters as well as collateral special education and school discipline matters,” she said. “By having one clinic provide holistic representation in courts and in schools, we can provide critical representation to clients and increase the likelihood of their future success because a favorable disposition in one system may lead to a better outcome in the other system.”

Shin noted that students with disabilities in Virginia are suspended at three times the rate of their nondisabled peers and are disproportionately more likely to be referred to law enforcement by schools.

Dean **RISA GOLUBOFF** said she was pleased that Shin will be able to expand her teaching efforts as part of a larger plan to enhance the school’s in-house clinics and public service support more generally (see p. 10).

Since Shin joined the school and began leading the Program in Law and Public Service, she implemented an enhanced curriculum centered on social justice and building practical skills, redesigned the first-year Law & Public Service course to include more practical elements, helped launch the Shaping Justice conference, created a peer mentoring component to supplement the faculty mentoring program, increased alumni engagement and giving, and started monthly “Lunch & Learn” meetings with inspiring public interest practitioners around the country.

“Over the past three years, Crystal has built a robust community around the program and nurtured our network of alumni,” Goluboff said. “We’re so pleased she can take on this new role that will enhance curricular offerings for students interested in public service, as well as serve a critical need in our community.”

As an attorney with the Legal Aid Justice Center from 2010 to 2014, Shin served as an adjunct lecturer at UVA Law and supervised students who represented clients through the Child Advocacy Clinic. She first joined LAJC as UVA Law’s 2010 Powell Fellow, representing indigent children and families on special education, school discipline, juvenile justice and immigration cases while working with the JustChildren Program.

—Mike Fox
A paper by Professors Pierre-Hugues Verdier and Mila Versteeg was cited by the Supreme Court of Canada in a precedent-setting ruling that holds Canadian companies accountable for human rights abuses.

In Nevsun Resources Ltd. v. Araya, the court ruled that a Canadian mining company can be sued in a Canadian court for offshore abuses, rather than requiring courts in the jurisdiction where the alleged crime occurred to be the arbiter.

The professors published “International Law in National Legal Systems: An Empirical Investigation” in the American Journal of International Law in 2015. In it, they find that “in virtually all states, [customary international law] rules are in principle directly applicable without legislative implementation.”

The court cited this finding in support of its decision to confirm that customary international law forms part of Canadian law. The court went on to provide a domestic legal remedy for violations of human rights protected by international norms.

The professors said the long-term implications of the case could include greater international recognition of the practice of trying such cases in the home states of multinational firms.

Prosecutors and human rights advocates have long attempted to hold U.S. and foreign corporations accountable in U.S. courts for human rights violations overseas under the Alien Tort Statute. In recent decisions, however, the U.S. Supreme Court has all but eliminated this recourse.

Versteeg is the Martha Lubin Karsh and Bruce A. Karsh Bicentennial Professor of Law; co-director of the Human Rights Program and the Center for International & Comparative Law at UVA Law; and a senior fellow at the Miller Center.

Verdier is the John A. Ewald Jr. Research Professor of Law and director of the Graduate Studies Program at UVA Law.

—Eric Williamson


Paul Stephan ’77 took up his appointment as special counsel to the general counsel of the U.S. Department of Defense and is on leave from the Law School for a year. In October, he will take part in a virtual conference organized by the European Journal of International Law on “The Restatement (Fourth) of the Foreign Relations Law of the United States.” His faculty workshop at the University of Miami Law School, originally scheduled for last March, was moved to this fall. The book of essays he edited, “The Restatement and Beyond: The Past, Present, and Future of U.S. Foreign Relations Law,” was published by Oxford University Press. He is working on a book, provisionally titled “The Crisis in International Law: System Shocks, National Populism, and the Battle for the World Economy.”

Commission on Civil Rights. Her research on risk assessment was discussed in The Economist, The Intercept and Law.com. She launched a new online workshop called “Virtual Law & Economics” with Professor Albert Choi at the University of Michigan and Daniel Sokol at the University of Florida. She gave talks at the “Law, Business, and Accounting Colloquium” at the University of California, Berkeley; and at the Endogenous Rules Workshop at Claremont Graduate University. She also participated in the Neighborhood Criminal Law Roundtable at the University of Maryland.

Pierre-Hugues Verdier’s recent book, “Global Banks on Trial: U.S. Prosecutions and the Remaking of International Finance,” was featured in an online book panel organized by the American Society of International Law’s International Economic Law Interest Group. An article he co-wrote with Paul Stephan ’77, “International Human Rights and Multinational Corporations: An FCPA Approach,” will appear in the Boston University Law Review in 2021. He continues to work with Mila Versteeg on a project on the role of international law in national legal systems, as part of which they are preparing an article co-written with Kevin Cope that will trace the historical evolution of the relevant doctrines worldwide using quantitative and qualitative methods. Verdier is also teaching a new course, International Trade and Investment.

LEONARD LAMBERT RIVKIN, founding partner of Rivkin Rader, died peacefully in his sleep, surrounded by family, on July 10, at the age of 95. Rivkin founded the firm that bears his name in 1950. He served as national trial counsel in high-profile, and precedent-setting cases, including the representation of a major insurer in the Franklin National Bank crash, one of the largest bank failures in American history. He represented insurers' interests in some of the most challenging environmental-related insurance coverage litigations across the United States, including involvement in the cases made famous by the films “Erin Brockovich” and “Legal Action.” In 1978, the first Agent Orange case was filed. Rivkin served as lead counsel for Dow Chemical on the class-action suits that thrust the firm into the national spotlight. Rivkin’s memoir, “May It Please the Court,” was published by Carolina Academic Press in 2000, chronicling his professional life. Rivkin grew up in Far Rockaway, N.Y., and attended UVA, where after one semester he enlisted in the U.S. Army during World War II. A year later, he returned with a Silver Star and two Purple Hearts. He returned to UVA and completed his undergraduate studies and law school in three years. An avid boater, Rivkin was a member of the governing board of the New America High Income Fund. For over 60 years, Rivkin was a fixture in the Boston business community. After graduating from Choate in 1947, he entered Harvard College, where he was a member of the Lampoon, president of the Harvard Club, board member of the Harvard Pudding Club and manager of the Harvard baseball team. After graduating, he married Elizabeth “Betty” Haffenreffer, after which he spent two years in military service, and then earned a law degree at UVA. In 1960, Monrad joined one of the nation's first high-yield mutual funds, Northeast Investors Trust. Under his leadership as its chairman, Northeast grew from a very small fund to an asset management group with more than $3 billion under management. Totally in dedication to his work, Monrad journeyed regularly to his office until he was 88. He also served on the boards of the Boston Five Savings Bank, Century Shares Trust, Furman Lumber and the New America High Income Fund. For over three decades, Monrad was a member of Boston’s Commercial Club. In giving back to the field of education, particularly in Boston, Monrad established endowed chairs at Harvard in economics, Russian studies and world Christian- ity. He served as national chair of the John Harvard Society for 12 years and as chair- man of the Harvard College Fund. Monrad was honored with the Harvard Medal of 1991 from the Harvard Alumni Association, as well as the Richard T. Flood Award in 2001 and the David T. W. McCord Award in 2011. Monrad was also past chairman of the board of Boston’s Simmons College, chairman of the board, and a trustee and chairman emeriti of the Fessenden School, among other organizations. Monrad is survived by his devoted wife of 69 years, Betty, about whom he frequently declared, “Marrying her was the best thing I ever did.” He also leaves behind three children and their families.
IN MEMORIAM:
LEONARD BRAMAN ’52, D.C. SUPERIOR COURT JUDGE

Judge LEONARD BRAMAN ’52, who served for 45 years as a trial judge on the Superior Court for the District of Columbia, died June 1, succumbing to Parkinson’s disease. He was 94.

According to colleagues, Braman was revered by the judges he served with and the lawyers who appeared before him, and also cherished by his clerks, most of whom came from the Law School. They admired the breadth and depth of his intellect, the thoroughness of his preparation, the thoughtful and insightful guidance he was able and willing to provide, and, most significantly, the diligence with which he pursued his lifelong commitment to the law as a vehicle for making justice a reality within his community.

A native of Philadelphia and the elder son of immigrant parents, he came to the Law School after serving as a navigator/bombardier in World War II and then obtaining his undergraduate degree from Temple University. At the Law School, he was a Virginia Law Review editor and a member of the Order of the Coif. Following graduation in 1952, Braman spent a year as law clerk for Chief Judge E. Barrett Prettyman of the U.S. Court of Appeals for the District of Columbia Circuit. After serving a year as an assistant U.S. attorney for the District of Columbia, he received a prestigious Bigelow Teaching Fellowship at the University of Chicago Law School, and considered a career in academia.

But before committing himself to teaching, Braman decided to see what private practice was like, and he accepted an offer to join the firm Newmeyer & Bress, where, as he later told STEVEN TABACKMAN ’76, one of his law clerks, he “got bit by the trial bug, and never looked back.” Several years later, the firm became Bress, Braman, and Hilmer, where he practiced until 1965. When President Lyndon Johnson appointed Bress as U.S. attorney for the District of Columbia, Braman became the head of litigation at the law firm and was appointed to the new Superior Court bench in 1970.

Mark Levinstein (Col ’79), a Williams & Connolly partner and adjunct instructor at the Law School, met Braman in 1991. Braman’s brother Norman owned the Philadelphia Eagles and retained Williams & Connolly, but insisted that his brother review proposed briefs. Levinstein said Williams & Connolly partners who litigated complex cases before Braman recognized his exceptional intelligence and skill as a trial judge, as well as his empathy.

Braman was appointed to the new Superior Court bench in 1970 as part of D.C. Home Rule, and quickly made his mark as a judge who worked extraordinarily long hours to prepare himself to address the issues presented to him. During his first year on the court he issued an opinion that traced centuries of English common law to hold that tenants had a Seventh Amendment right to a jury trial in eviction proceedings. Subsequently, a unanimous Supreme Court, in an opinion by Justice Thurgood Marshall that drew heavily from Braman’s, affirmed his analysis and reversed a decision by the D.C. Court of Appeals which, despite its reference to “Judge Braman’s scholarly opinion,” had reached the opposite result.

THOMAS GUIDOBONI ’71, who joined D.C.’s Public Defender Service following his clerkship, pointed out that Braman also broke new ground in criminal procedure. To ensure that the defense could more effectively cross-examine police witnesses who typically would testify at pretrial suppression hearings as to what civilian witnesses observed, Braman required the prosecution to give the defense statements containing information that the police received from those witnesses.

RONALD STEVENS ’72, who sought a clerkship with Braman on the recommendation of former Law School Dean Richard Merrill, recalled another of Braman’s precedent-setting rulings that defendants were entitled to the prosecution’s witness list in discovery. Both of these practices were novel at the time but came to be widely adopted in the Superior Court.

Guidoboni and Stevens each recalled that Braman dispatched them to the Library of Congress to research centuries-old English common law that provided the underpinning for Braman’s analysis in those cases. Stevens emphasized that this kind of thoroughness and the resulting decisions were emblematic of Braman’s approach to the law: “Judge Braman would quote the words carved on the front of Clark Hall, the old Law School building [which are on the current building as well]. ‘That those alone may be servants of the law who labor with learning, courage, and devotion to preserve liberty and promote justice.’ But he always emphasized that judges must remember that their decisions impact people’s lives, and that laws must be interpreted and applied to achieve just results. Justice was his calling.”

Braman’s most highly publicized case on the bench was the Hanafi Muslim murder case in 1974, in which a group of Black Muslims from Philadelphia came to D.C. and murdered seven family members of the leader of the Hanafi Sect in their home, which had been purchased for them by NBA star Kareem Abdul-Jabar. STEVEN TABACKMAN ’76, currently the head of the Food and Drug Administration practice at the Polsinelli firm and former managing partner at Patton Boggs, and who, like Stevens, interviewed with Braman at the insistence of Merrill, was Braman’s law clerk during the first of several trials in the case. Pape pointed out that the heinousness of the conduct and the notoriety that followed presented the Superior Court with jury selection problems it had never before confronted; Braman developed voir dire procedures that became the model for highly publicized cases in federal as well as local D.C. courts.

Although litigation won out over academia as the focal point of his professional life, Braman never lost the desire to teach, and he was revered as a mentor, not just by his law clerks but by the younger judges on the Superior Court bench and many young lawyers. His clerks pointed out that he taught by example as well as directly.

Tabackman noted, “Watching Judge Braman prepare for and conduct trials and manage his courtroom provided invaluable lessons for any lawyer, but particularly for someone who wanted to be a successful trial lawyer, which was surely my aspiration.”

Braman’s colleagues on the bench—particularly those who were substantially junior to him—also regularly looked to him for guidance, according to Superior Court Judge Russell Canan, who spoke at his memorial service.

Braman is survived by his wife, Dorothy, two sons (David and Barrett), several grandchildren, and a great-granddaughter.

—Contributed by Steven Tabackman ’76
1958. I am delighted to report that Larry Grirm has generously agreed to undertake the editorial duties, beginning with the next issue of UVa Lawyer. Those of you who have read Larry’s accountings of various class reunions know that we are no treat. I trust that you will be at least as responsive to Larry’s requests for in- formation as you have been to mine.

Larry can be reached at: flawrencegrimm@gmail.com. It has been a great pleasure for me to have maintained contact with so many classmates over the years, and I am especially indebted to all who have taken the time and made the effort to provide me with the information needed to flesh out these columns. And so, to class news:

From Santa Rosa, Calif., comes an update from Jim Amskin. Jim’s wife died in 2011, and Jim suffered a stroke in 2017, prompting him to move from Roxanne, Va., to Santa Rosa later that year to be closer to his children and grandchildren. Jim is living in an apartment community and keeps busy cooking breakfast every Friday for about 20 residents (arrangements now on temporary hold due to the coronavirus). Jim reports his sports activity is limited to assisting in the conduct of daily exercise sessions and to taking a mile walk, “all of which helps keep the old man up.” My goodness, isn’t that the goal of so many of us at this stage?

From Mendham, N.J., Stuart Brunet notes with regret the virus- caused suspension of his and Helen’s bi-weekly bridge games, along with the nearby Drew University’s lecture series. But not everything in the Brunet family has come to a grinding halt: Within the last year, Stu and Helen have become great-grandparents twice over. Otherwise, Stu keeps busy headed by attending to an ever-expanding “honey-do” list. What- ever works.

It has been my practice over the years to leave necrology matters to other sections of UVa Lawyer, but I must make an exception in the case of Art Berner, who died in March. One of his sons, Ron, wrote me a very moving letter, reporting Art’s death after a short illness and a fall, and Ron very thoughtfully sent along a link to Art’s obituary, which I will be pleased to send to any wishing to learn more of Art’s very productive life. It mantled to me very interest- ing reading.

Len Cooper has had an interesting and active life. He began his career as a litigator for municipali- ties and ended it as a defender of manufactur- ers, with extensive involvement in asbestos insulation claims. On the eleemosynary side, Len chaired the Pro Bono Committee of the District of Columbia Bar Association. For many years, Len and his wife, Vickie, followed their favor- ite hobby, horseback riding, and competed successfully in event- ing and hunter/jumper competitions. Len turned 92 earlier this year, but he is still an avid recreational walker. More power to him! 

I had a nice chat with Bill Edwards, who continues his very active litigation practice in Corpus Christi, Texas. Bill has the distinct pleasure of practicing with one of his sons, but my notes indicate that Bill’s family in general is replete with lawyers. Clearly, one doesn’t mess around with the Edwards family (unless you need a top-notch defense)! 

I have long concluded that, for many lawyers, community involvement is a second calling. Such is the case with Philip Elliott. Phil began his Law School studies with the Class of 1954, but was interrupted by a stint in the Navy fol- lowing Officer Candi- date School, and in 1956 Phil came back to the Law School to join our class. Phil’s career in- cluded service as the first trust officer of a local bank, Daytona Beach City prosecutor, judge of Volusia County Small Claims Court, president of the Florida Association of Small Claims Judges and Magistrates, attorney for Embry-Riddle Aeronautical University, and service as a board member, since 1962, of the local Unitarian Uni- versalist Church. Phil is a member of the 90+ Club (as are Len Cooper and, most assuredly, many other members of our class) and keeps fit by walking near his oceanfront home in Ormond Beach.

I am prolific, and both my family and the St. Andrews School where I want it without serious harm- ing myself in the process. Anybody else have a similar problem?

As for your scribe: I may have a law degree from a fine institution, but I have concluded of late that my archenemy is the law of gravity. These days, when I drop some- thing on the floor, a plan- ning effort akin to that for the Normandy in- vasion is called for, to get that something back where I want it without seriously harming myself in the process. Anybody else have a similar problem?

Anybody else have a similar problem?

Anybody else have a similar problem?

Anybody else have a similar problem?

Anybody else have a similar problem?

Anybody else have a similar problem?

As for your scribe: I may have a law degree from a fine institution, but I have concluded of late that my archenemy is the law of gravity. These days, when I drop some- thing on the floor, a plan- ning effort akin to that for the Normandy in- vasion is called for, to get that something back where I want it without seriously harming myself in the process. Anybody else have a similar problem?

Anybody else have a similar problem?
DONALD LEMONS ‘76. The JEAC was established to resolve disputes concerning the compliance of proposed future conduct with the Canons of Judicial Conduct.

Wilson resides in Alleghany County and practices mainly plaintiff’s personal injury law. He is a former member of the Virginia House of Delegates, having served from 1974 through 1989, representing Alleghany County, Botetourt County, part of Craig County and the cities of Covington and Clifton Forge. He was named a Leader in the Law by Virginia Lawyers Weekly and in 2015 he was given a Champion of Justice award by the American Board of Trial Advocates.

Retired Brig. Gen. WILLIAM F. SHERMAN, who practiced law 53 years in Little Rock, Ark., died March 11 in Nashville, Tenn. Sherman’s “anchors” were family, faith and public service, according to his family, who said he had a deep and consuming commitment to assisting others through his law practice.

Sherman’s formative years were spent in the nurturing community of Mountain Home, Ark., where his father was an engineer with the U.S. Army Corps of Engineers on the construction of the Norfork and Bull Shoals dams. Sherman graduated from the Tennessee Military Institute, and was awarded a B.A. in history from the University of Arkansas (distinguished military graduate) and an L.L.B. from UVA.

Sherman had a rich and varied career as an attorney, public servant (assistant U.S. attorney, Arkansas securities commissioner, state representative, member of the State Constitutional Convention), and as a 32-year service member of the U.S. Army’s Reserve and National Guard. He served as special assistant to the judge advocate general of the Army, holding the rank of brigadier general from 1987 until 1990.

Sherman was also a tireless public advocate for individuals with cognitive and developmental disabilities, including his son, John. With his wife, Carole, he was greatly influenced and informed by John, who from birth has lived with profound cognitive disabilities. During his career, Sherman worked with parents and guardians to protect the homes and services for people with cognitive and developmental disabilities in Arkansas and throughout the country.

In 1977, Sherman closed his law office after 53 years of practice. He was honored and recognized in each of his careers. In 1990, following his services as assistant to the judge advocate general, Sherman received the Legion of Merit award. In 1991, the National Association of Superintendents of Public Facilities for Persons with Cognitive and Developmental Disabilities awarded him its Humanitarian Award, noting that Sherman “through unflagging effort and tenacity challenged in court and reversed the trend of the past 20 years to close institutions through class action litigation.” He also received the Winthrop Rockefeller Memorial Award in 1970.

Sherman is survived by his wife of 52 years, Carole Lynn Williams, and their three children and family members.

In October 2019, LEMUEL AUGUSTUS “GUS” SMITH completed a two-year term as governor of the 103-member First Mississippi Company of the Jamestowne Society. Celebrations commemorating the 400th anniversary of the first session of the colony’s General Assembly took place at Kingsmill Resort and Jamestowne Island in July 2019. A reenactment by professional actors of the first session of the General Assembly, which had met July 30 through Aug. 4, 1619, also took place.

During Smith’s term, archaeologist Dr. William M. Kelso came to Mississippi and presented a program to First Mississippi Co. on his work at Jamestowne Island, and President Trump spoke at Jamestowne Island on July 30, 2019.

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EDWIN SHERMAN

VILMORRE II, II, a native of Washington, D.C., died in Fairfield, Calif., on March 11. Villmore grew up at St. Albans School in Washington, D.C., in 1959 and Harvard College, where he received a B.A. cum laude in English literature, in 1963. He earned an M.A. in English literature from UVA in 1966 as well as a J.D. in 1969. Subsequently he was admitted to the practice of law in Washington, D.C.; Maryland and California.

Villmore dedicated his 45-year legal career to providing legal services to the poor and disadvantaged, and to those whose civil and human rights had been violated. To this end, he created and directed legal services programs for the Office of Economic Opportunity in both Washington, D.C., and California, and directed the National Paralegal Institute in Washington and San Francisco. From 1983-2005, at McGeorge School of Law in Sacramento, Villmore obtained legislative funding for and directed legal services programs for victims of crime and for persons with disabilities. He served as chief administrative hearing officer for the state of California.

In 2000, shortly after the war in Kosovo ended, he was selected for the Virginia Bar Association’s Central and Eastern European Law Initiative. He and his wife, Paula Bowlin Huntley, lived and worked in Kosovo for nine months, where Villmore joined the international effort to recreate a legal system for the nation. He drafted and reviewed legislation and directed training programs for judges, attorneys and human rights advocates. He then taught human rights law at the American University Graduate School of Law in
IN MEMORIAM: FRANCIS MCGOVERN ’73, PIONEER IN ALTERNATIVE DISPUTE RESOLUTION

FRANCIS E. MCGOVERN ’73, a Duke University law professor renowned for his expertise in alternative dispute resolution, died Feb. 14 in Marin County, California, after a fall. He was 75.

The Charlottesville native was also known for his innovative work as a special master and mediator overseeing or advising on the management and settlement of mass tort claims.

At the time of his death, McGovern was serving as one of three special masters assisting with the thousands of federal lawsuits filed by cities and states against opioid manufacturers and others. McGovern was also a visiting professor at the University of California, Hastings College of the Law.

A member of the Duke Law faculty since 1997, McGovern combined teaching with the practice of ADR and work as a court-appointed special master in almost 100 cases, including those arising from DDT toxic exposure in Alabama, asbestos contamination, the Dalkon Shield contraceptive intra-uterine device, silicone breast implants, Rhode Island’s Station Nightclub fire and the BP-Deepwater Horizon oil spill in the Gulf of Mexico.

“Long before it was fashionable, well before ADR was a permanent fixture in law school education, he predicted that mediation, arbitration, administrative claims programs like the 9/11 Victim Compensation Fund and BP oil spill fund, and other forms of alternative dispute resolution would become mainstream pillars of our American legal system,” said Kenneth Feinberg, who served as special master of the 9/11 Victim Compensation Fund, in an interview with Duke Law School.

An American Law Institute member for more than 35 years, he had served on the Members Consultative Group for Restatement of the Law, The Law of American Indians project. He also served as a neutral consultant to the U.N. Compensation Commission established after the Persian Gulf War, designing the dispute resolution process for over 2.5 million claims involving over $25 billion in compensation.

McGovern was co-author of two published books, “Successful Litigation Techniques” and “The Preparation of a Product Liability Case,” and two books in progress, “Toxic Substances Litigation” and “Alternative Dispute Resolution,” according to Duke.

He worked at Vinson & Elkins in Houston before starting his teaching career at Samford University’s Cumberland School of Law in 1977.

McGovern earned a B.A. from Yale University in 1967 and served for three years in the U.S. Marine Corps, rising to the rank of captain.

He is survived by his wife, Katy; four children and four grandchildren.

—Mike Fox
by the North Carolina General Assembly. He served for many years as the co-chair of the Legal Opinion Committee of the Business Law Section of the North Carolina Bar Association and was honored by that section in 2010 as a co-recipient of the Business Law Section Distinguished Service Award.

1972

WILLIAM HENRY BASS III, 72, of Richmond, Va., died March 24. Bass is survived by his wife, Jean Freeman Bass. Bass was a graduate of Luther Foster High School, Hampton Institute and the Law School. He began his legal practice with Reynolds Metals Corp. of Richmond and later joined the Hill Tucker and Marsh Law Firm. His interest in real estate attracted him to the Virginia Housing Development Authority, where he served as legal counsel until his retirement in 2016.

A lifelong member of the First Nottoway Baptist Church, Bass was a member of the Old Dominion Bar Association, the Virginia Bar Association, American Bar Association and Omega Psi Phi Fraternity Inc. He loved and cherished his family and friends, and assisted many in the start of their own businesses. A man of many interests, Bass enjoyed reading, investing, fishing, showing dogs, listening to music and practicing martial arts, including tae kwon do, tai chi and aikido.

In addition to his many interests, Bass cherished his family and loved them well. He was a devoted husband, father and grandfather. He was a man of great integrity and a true friend to many.

1973

THOMAS ROY studied history at Princeton before attending UVA Law. Throughout his career he fought “intellectual property thieves, corrupt politicians, egocentric businessmen, conniving partners and destabilizing emotions as a lawyer, multinational executive and global business consultant in over 40 countries for 40 years,” Roy said. He brings his experience and insights to life in “Trading Secrets,” the first novel in the Jake Payne series of international thrillers.

1974

JOHN A.C. KEITH was named to the 2020 list of Virginia Super Lawyers. Keith is a principal with Blankingship & Keith in Fairfax, Va.

On April 13, MITCHELL E. ABBOTT, died at the age of 69. Abbott was born on July 24, 1950, in Tulare, Calif., and grew up in Lake Tahoe.

He received his bachelor’s degree from the University of California at Davis, and his law degree from UVA. He practiced law in Los Angeles for over 40 years with the firm Richards, Watson & Gershon.

On Oct. 6, 1979, he married Mary Nielsen. They raised one son, Michael.

Abbott was known for “his quick wit, boisterous laugh and sanguinean loquaciousness,” according to family. “He was a voracious reader, a skilled culinarian and a devoted family man.” Abbott was a specialist in appellate law, member of the California Academy of Appellate Lawyers, a chair of the State Bar Board of Legal Specialization’s Appellate Law Advisory Committee, and a chair of the State Bar of California’s Committee on Appellate Courts. He has been listed in Best Lawyers in America and in Southern California Super Lawyers, both in the field of appellate law.

In addition to his legal career, he served on the board of directors of the Los Angeles Conservancy, was a former member of the board of directors of the Congregational Foundation, was a moderator of First Congregational Church of Los Angeles, where he also served on the board of trustees. Abbott chaired the board of governors of Pilgrim School and led the school’s mock trial program for over 20 years. He was the recipient of the Spirit of C.E.B. Award for his contribution to continuing education of the bar, and was honored by the Constitutional Rights Foundation in 2011 with the Mock Trial Attorney Coach of the Year Award.

Abbott is survived by his wife, son and other family members.

1975

DONALD HAINES died suddenly of natural causes at his home in Washington, D.C., on April 24. He grew up in northern Minnesota, where he formed lifelong friendships and a love of snowy weather. He was a graduate of East Grand Forks Senior High School, Harvard College and the Law School.

Haines had “a brilliant mind, a child-like capacity for delight, and was a dedicated and imaginative mentor to young people,” according to his family. “He had a knack for turning mundane events into epic adventures, and the word ‘moderation’ never quite made it into his extensive vocabulary. He enjoyed music, books, movies and every holiday, and he especially loved sharing these enthusiasms with his friends. He cared deeply about the causes that mattered to him—free speech, equality, human rights and workers’ rights—and he pursued these goals in his work with labor unions and the ACLU.”

1977

JEFFREY C. BATES died May 7, after contracting COVID-19. Bates, 70, was admired for his innovative solutions to seemingly intractable conflicts and problems in the fields of international and environmental law. He was a global citizen, an avid sailor and a lover of Plato’s works and the Maine coast. He is survived by his wife, Susan Cooke, and his daughters, Melissa and Meredith Bates.

1978

J.P. MONACELL is a public finance partner with Smith, Gambrell & Russell in Atlanta. Moncell has written a memoir, “Stuck Inside—Memoirs of a Shy Guy,” that centers on his experiences as an “excruciatingly shy individual,” he writes.

1979

VIRGINIA J. DUNMIRE died at home on April 23 after a long battle with cancer. Born in 1947 in Cleveland, she grew up in the nearby communities of North Canton and Coshocton. Dunmire graduated from Denison University in 1969 and earned her master’s degree from Brown University the following year. She taught history and later became the admissions director at Chatham Hall Boarding School for Girls in Chatham, Va. She then enrolled in the Law School and was the first female editor of the Virginia Law Weekly. She joined Spencer Fane Britton and Brown in Kansas City, Mo., eventually moving on to the legal department of Commerce Bank, where she acquired a reputation for her expertise in banking law and regulations.

“Gin, Ginny, Virginia and ‘Miss Dunmire"
GLEESEN ’80, WILKINSON ’87 RECRUITED IN FLYNN CASE

Retired Judge JOHN GLEESON ’80 and veteran trial lawyer BETH WILKINSON ’87 played high-profile roles in assisting a judge overseeing the case of former National Security Adviser Michael Flynn.

Flynn pleaded guilty in 2017 to lying to the FBI about his conversations with the Russian ambassador to the United States during the transition period after Donald Trump won the 2016 election. Flynn twice pleaded guilty to a criminal charge of making false statements but later sought to withdraw his guilty plea. The Justice Department in May agreed with Flynn that it should drop his prosecution.

U.S. District Judge Emmet Sullivan appointed Gleeson to advise him on the DOJ’s request. Gleeson’s 73-page brief, released in June, criticized the DOJ for “gross abuse of prosecutorial power” to protect an ally of the president.

“There is no other case in which the DOJ has taken the position that an interviewee can lie with impunity to federal investigators so long as he has committed no other provable crimes,” Gleeson wrote. “And it would be particularly baffling for the DOJ to maintain this position with respect to counterintelligence investigations, which are often prophylactic and preventive.”

Sullivan then retained Wilkinson, a founding partner of Wilkinson Walsh + Eskovitz, to represent him at the U.S. Court of Appeals for the District of Columbia Circuit. The court ruled for the Flynn case’s immediate dismissal in June before the ruling was vacated for an en banc hearing in August. The full court reversed the earlier ruling, rejecting Flynn’s and the DOJ’s attempts to immediately drop the case.

Gleeson, who received UVA’s Thomas Jefferson Foundation Medal in Law in 2016, served on the U.S. District Court for the Eastern District of New York from 1994-2016. He was an assistant U.S. attorney for the Eastern District of New York from 1985-1994, where he was noted for his prosecution of Mafia cases, most notably Gambino crime boss John Gotti.

Wilkinson, a member of the American Law Institute, began her legal career as a commissioned officer in the U.S. Army Judge Advocate General’s Corps, and she has served as an assistant U.S. attorney in New York City. She successfully argued for the execution of Oklahoma City bomber Timothy McVeigh, and in 2012 was hired as outside counsel by the Federal Trade Commission to lead an antitrust inquiry over the years to attend national and international events, including the Olympics.

“She remained undaunted by the issues imposed by her illness and its treatments as she carefully researched accessibility for hotels and transportation,” her family said. “While illness did not limit her travels, the tiny puppy named Hansen who grew into a very large dog did, for some years. The dog she adored was the basis for new friendships, and she became the dog sitter of choice for friends and neighbors.” She had a special interest in the popular culture and decorative arts of the 1950s, a result of her childhood in small-town Ohio and long family car and camping trips to the national parks. Her home reflected those interests and memories, and became a gathering spot for friends and neighbors who provided support and assistance. Dunmire is survived by her brothers and their families.

PAUL B. TERPAK was named to the 2020 list of Virginia Super Lawyers. Terpak is a principal with Blankingship & Keith in Fairfax, Va. CAM COWAN’S film “OPEKA” won the Golden Palm Award at the 2020 Beverly Hills Film Festival. The film chronicles Pedro Opeka—a priest helping some of the poorest people in the world. The son of a bricklayer, Opeka convinced families living in Madagascar’s largest landfill that he could teach them how to build their own houses and, in the process, their dignity. His mission is to prepare the children he saves to one day save their own country. Nicknamed “Mother Teresa with Pants” and “The Insurgent of Madagascar,” Father Opeka has been nominated multiple times for the Nobel Peace Prize. The BHFF Golden Palm Award is given to the best film competing in all categories.

Cowan left the practice of law to create the film company Sohei Productions and serves as producer, director, cinematographer and co-editor. Sohei’s first project, “Madagasikara,” was inspired by UVA Law students serving as Cowan Fellows who reported on human rights issues in Madagascar. After a year of research and
planning, Cowan made his first trip to Madagascar in June 2014 and finished filming in 2017. The two films are related, according to the filmmaker: “The first is about survival, the second about hope.”

C. STEVEN MASON was recognized in the 2020 Chambers USA for real estate and real estate: finance law. Mason practices with Smith Anderson in Raleigh, N.C.

1983

MARK DAVIDSON was recognized in the 2020 Chambers USA for corporate/mergers and acquisitions law. Davidson practices with Brooks Pierce in Greensboro, N.C.

JEFF OLEYNIK was recognized in the 2020 Chambers USA for antitrust and bankruptcy/restructuring law. Oleynik practices with Brooks Pierce in Greensboro, N.C.

IRWIN SHUR reports he is still enjoying retirement, mixed in with some occasional consulting and serving on the governing council for Advocate Condell Medical Center in Libertyville, Ill. He also released his second album of original music, “Once More, With Feeling,” on the usual streaming services.

GARY TORRELL joined Hooper, Lundy & Bookman’s business department as a partner in Los Angeles. A seasoned transactional and litigation lawyer, Torrell was most recently the chair of the business and finance, real estate and creditors’ rights practices at Valensi Rose. For the past 10 years, Torrell was primary outside counsel for a

six-hospital health care system in Northern and Southern California, handling medical office building leases, major construction contracts, real estate purchases and sales, and commercial loans. He also does similar work for Southern California owners of multiple skilled nursing facilities.

1984

JOHN M. PARIS JR. was recognized in the 2020 Chambers USA in the area of corporate/mergers and acquisitions law, band 3. Paris practices with Williams Mullen in Virginia Beach, Va.

GRIFFITH ’85 RETIRES FROM D.C. CIRCUIT

THOMAS B. GRIFFITH ’85 retired Sept. 1 after serving 15 years as a judge on the U.S. Court of Appeals for the District of Columbia Circuit. He announced his retirement in March.

President George W. Bush first nominated Griffith in 2004 and was confirmed by the U.S. Senate in June 2005.

Two of his final opinions tackled the judiciary and the presidency. Griffith wrote the panel’s majority opinion holding that the U.S. House Judiciary Committee could not enforce a subpoena upon President Donald Trump’s former White House counsel. He also sided with an opinion denying former National Security Adviser Michael Flynn’s bid to compel a District Court judge to dismiss a criminal case against him.

“I don’t think it’s fair to describe those necessarily as partisan affiliations.”

Griffith’s other notable opinions on the D.C. Circuit included Davis v. Federal Election Commission, which rejected a First Amendment challenge to the Bipartisan Campaign Reform Act’s relaxed contribution limits for opponents of self-financed candidates; El-Shifa Pharmaceutical Industries Co. v. U.S., which affirmed dismissal of a defamation suit against the United States by owners of a Sudanese pharmaceutical plant; and Abigail Alliance for Better Access to Developmental Drugs v. von Eschenbach, which found that there is no constitutional right to experimental drugs.

He also joined the majority opinion in Parker v. District of Columbia, striking down the District’s handgun ban on Second Amendment grounds, which was later affirmed by the U.S. Supreme Court. “I set aside an entire week to work on the case,” he told The National Law Journal.

“If someone is committed to an originalist textualist view they’re likely to rule in certain ways, whereas if someone has a view that the Constitution invites a more expansive role for judges then they’re likely to rule a different way,” he told The National Law Journal. “I don’t think it’s fair to describe those necessarily as partisan affiliations.”

Griffith previously served as chief legal counsel for the U.S. Senate from 1995-99 and for Brigham Young University from 2000-05. Before that, he worked in private practice in Charlotte, North Carolina, and Washington, D.C.

He earned a bachelor’s from BYU in 1978.

—Mike Fox
KOVARSKY ’04, RAPHAEL ’89 Elected to American Law Institute

LEE KOVARSKY ’04, a professor at the University of Texas School of Law, and STUART A. RAPHAEL ’89, a partner at Hunton Andrews Kurth in Washington, D.C., and Richmond, Va., were elected to the American Law Institute. Kovarsky is a leading scholar of the death penalty and habeas corpus. His teaching and writing also focuses on civil and criminal procedure, criminal justice, federal jurisdiction and conflicts of law. He has co-authored two books with Duke law professor Brandon L. Garrett, including a leading case book on habeas corpus, the second edition of which is in progress. Kovarsky also regularly represents death-sentenced prisoners as they await execution, and he has worked on many dozens of capital post-conviction cases. He frequently drafts and contributes to amicus briefing before U.S. Supreme and appellate courts, usually representing law professors or professional organizations.

Raphael is co-chair of the firm’s issues and appeals group, and focuses on appellate litigation, constitutional issues, complex litigation and strategic counseling. He represents clients on appeal and at trial in a wide variety of areas, including constitutional litigation, toxic torts, intergovernmental disputes, major infrastructure controversies, water rights and construction litigation. As Virginia’s solicitor general from 2014-17, Raphael authored more than 75 briefs in federal and state courts, and presented oral argument more than 30 times in high-profile civil and criminal cases. He is a fellow of the American Academy of Appellate Lawyers and a certified appellate mediator for the Supreme Court of Virginia’s pilot-mediation program.

Donelson’s Baltimore office, earned top rankings in 2020 Chambers High Net Worth guide. Mace is recognized in private wealth law with band 1 rankings—placing him among the top six attorneys ranked in the state.

AMY BLAND WALLER joined the faculty of the Appalachian School of Law in Grundy, Va., in November 2019. She is teaching classes in mediation and conflict resolution, as well as workshops in academic success and bar exam preparation.

1986

The Connecticut Historical Society awarded the first annual Christopher “Kit” Collier Prize to SCOTT DOUGLAS GERBER, professor of law at Ohio Northern University. Named for the late Connecticut state historian, the prize is awarded to historians, legal scholars, political scientists or others who have advanced the study of American legal and constitutional history with Connecticut connections. Gerber is a preeminent scholar and legal journalist, having authored numerous journal articles and newspaper opinion pieces, in addition to five scholarly books on the U.S. Supreme Court and American constitutional history. Since 2001, Gerber has been an associated scholar at Brown University’s Political Theory Project.

Brennan & Waite.

1987

JOHN J. BALITIS was elected as a fellow of the College of Labor and Employment Lawyers. Balitis was also ranked in 2020 Chambers USA as a top labor and employment lawyer. Balitis practices with Jennings, Strouss & Salmon in Phoenix. He counsels private-sector clients as well as government agencies, including the Arizona Legislature, on a broad range of employment law and labor relations matters. Balitis has been ranked in Chambers USA since 2015.

WHILE A. ISAACSON joined Paul, Weiss, Rifkind, Wharton & Garrison’s litigation department in Washington, D.C. With decades of experience leading complex commercial litigation and arbitrations, Isaacson is also known for his antitrust expertise on both the plaintiff and defense side. Of the dozen federal antitrust class actions that have gone to trial and judgment in this century, he tried five of them, winning verdicts in each case. Isaacson won a precedent-setting antitrust victory on behalf of NCAA athletes in O’Bannon v. NCAA, and led antitrust cases recovering over $1.5 billion in settlements.

KIM BOYLE was named to Benchmark Litigation’s list of Top 250 Women in Litigation for the third year. Boyle, a partner with Phelps in New Orleans, practices in the areas of labor and employment, civil rights, constitutional law, commercial, tort and general litigation. Benchmark’s guide spotlights 250 leading female litigators across the U.S. who have contributed to some of the most impactful litigation matters in recent history.

MATTHEW BRENNAN joined General Counsel in McLean, Va., as senior counsel. General Counsel represents businesses, nonprofit organizations and individuals. For the past 25 years, Brennan represented clients at Brennan & Waite.
CALVIN W. “WOODY” FOWLER, JR., was recognized in 2020 Chambers USA for litigation; general commercial (eminent practitioner). Fowler practices with Williams Mullen in Richmond, Va.

TIMOTHY GOETTEL was recognized in 2020 Chambers USA for corporate/mergers and acquisitions law. Goettel practices with Smith Anderson in Raleigh, N.C.

CATHERINE MURPHY KEATING was named as one of Barron’s 100 Most Influential Women in U.S. Finance. Keating is chief executive officer of BNY Mellon Wealth Management.

DAVID C. KEESLER was reappointed to a third eight-year term as a U.S. magistrate judge in the Western District of North Carolina. Resident in Charlotte, Keesler hears civil and criminal cases that arise in the 32 counties that comprise the Western District. He writes that he enjoys having as a colleague ROBERT BALLOU, who serves in the same role in the Western District of Virginia. By appointment of the chief justice, Keesler also serves on the Judicial Conference of the U.S. Committee on Space and Facilities. He and his wife, Susan, have two adult daughters, Amelia and Caroline.

After taking retirement from Owens-Illinois following 20 years leading its government affairs program, DANIEL STEEN joined the American Property Casualty Insurance Association as vice president and counsel. Based in Washington, D.C., Steen focuses on liability issues for the industry.

RANDY TINSLEY was recognized in 2020 Chambers USA for environmental law. Tinsley practices with Brooks Pierce in Greensboro, N.C.

DAVID J. GOGAL was named to the 2020 list of Virginia Super Lawyers. Gogal is a principal with Blankingship & Keith in Fairfax, Va.

CYNTHIA HOSTETLER was appointed to the board of directors of Resideo Technologies. Hostetler has more than 20 years of leadership experience managing large investment funds, allocating capital for businesses—including restructuring and mergers and acquisitions transactions—and overseeing governance and regulatory compliance. Hostetler currently serves on the boards of Invesco Funds, Vulcan Materials Co. and TriLinc Global Impact Fund.

ROBERT J. TOMASO, office managing partner of Husch Blackwell’s St. Louis office, has been elected president of the board of governors of the Bar Association of Metro St. Louis for 2020-21. Tomaso, a partner in the firm’s labor and employment group, also chairs BAMSL’s Bench and Bar Conference Planning Committee.

KRISTEN SMITH BAIN, RACHEL HORVATH ’10 and Betsy Manuel, a 1991 University graduate, founded Smith Bain Manuel & Horvath, a Charlottesville law firm 100% owned and operated by women. The firm focuses on civil litigation, including medical malpractice defense, insurance defense, commercial litigation, construction and insurance coverage; risk management; estate planning; and estate and trust administration.

MARY BAUER is the new legal director for Muslim Advocates, a national civil rights organization. Before joining the group, Bauer was general counsel at migrant worker rights organization Centro de los Derechos del Migrante.

PETER B. DAVIDSON is vice president of global government affairs and policy at Intelsat, a Northern Virginia-based communications satellite services provider. Davidson was most recently deputy dean for strategic initiatives and an assistant professor at George Mason University’s Antonin Scalia Law School. In his new role, he leads development of Intelsat’s government relations strategy and builds relationships with Congress and the administration. He also works with international administrations and regulatory bodies.

DAVID J. KEATING was named to the 2020 list of Virginia Super Lawyers. Keating is chief executive officer of BNY Mellon Wealth Management.

ROBERT J. TOMASO is office managing partner of Husch Blackwell’s St. Louis office.

1988

1989

1990

Disability Rights South Carolina named RANDALL DONG ’90 legal director in July. Disability Rights South Carolina (formerly the Protection and Advocacy for People With Disabilities) is an independent, statewide nonprofit based in Columbia, South Carolina, that protects and advances the legal rights of people with disabilities.

“The mission is very personal to me because as a man with cerebral palsy, I have experienced many of the hardships that people with disabilities suffer daily, such as physical barriers to access, inadequate accommodations for disabilities, overly restrictive limitations on health care coverage, and the everyday indignities arising from outdated attitudes toward disability,” Dong told UVA Law.

In 2011, Gov. Nikki Haley appointed Dong to the volunteer board of directors. He served as chairman of the grievance committee and board secretary during his eight years of service.

“Fortunately, my disability did not adversely affect my access to a successful legal career,” he added. “Now I have been afforded a special opportunity to use my legal training and experience to help people with disabilities throughout South Carolina.”

Dong previously worked, since 2006, as staff counsel for the Public Service Commission of South Carolina, advising commissioners on utility regulations. He was also a partner at Simpson & Dong, handling class-action litigation, financial services and consumer protection litigation, employment litigation, and immigration and nationality law.

—Mike Fox
The nonprofit Pennsylvania 30 Day Fund, co- launched by JEFF BARTOS ‘97, has been working to aid small businesses as they await federal funding to counter COVID-19’s economic impact. PA 30 Day Fund money does not need to be repaid. Bartos himself was forced to temporarily furlough employees from his Philadelphia-area real estate development company.

“At the heart of it, all of us are struggling for that same goal,” he told The Philadelphia Inquirer. “We love our communities. We love the businesses in our communities. We want them all to survive.”

Inspired by a friend’s similar initiative in Virginia, Bartos started organizing the nonprofit in April, and as of late July, the PA 30 Day Fund had awarded 465 small businesses with forgivable loans of $3,000, totaling $1.4 million. By late August, over 200 Philadelphia-area businesses had benefited, about 40% of them minority-owned and about 40% female-run.

The funds have come from donors—private individuals and other businesses—which have given anywhere from $3 to $1 million.

About 70 volunteers are helping out, many being University of Pennsylvania business or law students reviewing applications.

“We wish we could fund every company,” Bartos told PennLive.com. “The ones we have funded, we fall in love with these businesses. We hear their stories. They’re remarkable women and men who have doubled down and risked everything to start these companies.”

Bartos is president and CEO of Mark Group Inc. He and his team lead the North American operations of Mark Group’s global energy efficiency business from the company’s headquarters at The Navy Yard in Philadelphia. Bartos was the Republican candidate for lieutenant governor in 2018.

—Mike Fox

DONALD JACkSON started The Sports Group in Montgomery, Ala., in 1992 and has been advocating for athletes’ rights since. This spring Jackson was featured in an article in the Montgomery Advertiser/USA Today Sports. “Many people are confused by the parameters of my work,” he said. As a promoter of due process for athletes—and sometimes their coaches and families—the NCAA “is well-acquainted” with Jackson, according to the article.

SUZANNE R. SCHAFFER is a member of the Native American Law and Policy group with Dentons US in Washington, D.C. Schaefer has worked diligently on behalf of her clients to have tribal provisions included in the Coronavirus Aid, Relief, and Economic Security (CARES) Act and other coronavirus relief legislation. She also has assisted her tribal clients in accessing those funds, “as disbursement has been a slow and difficult process, even though the CARES Act was passed by Congress and signed into law in March,” she said. Additionally, Schaefer is working on behalf of the Mashpee Wampanoag Tribe, as the tribe fights to hold onto its established reservation. That includes representing the Mashpee in litigation against the Trump administration, which recently was handed a loss by the D.C. federal District Court, which remanded the Department of the Interior’s decision against Mashpee as arbitrary and capricious, and ordered the department to take no further action to remove the tribe’s land from reservation status until it is reconsidered and issued a new decision in accord with the law.

1991

VERNON F. INGE JR. was recognized in 2020 Chambers USA for general commercial litigation in Virginia. Inge practices with Whiteford, Taylor & Preston in Richmond.

1992

Judge JOE SPURLOCK II LLM., senior professor of law and director of the Asian Judicial Institute at the Texas A&M University School of Law, died June 9. Spurlock had already spent years in private practice and served as an assistant criminal district attorney, a member of the Texas Legislature, a trial court judge and an appellate judge when he joined the law faculty.

Spurlock was well-known among his students for his anecdotes, recollections and “Spyrockisms,” which made him a favorite professor both in class and for alumni swearing-in ceremonies.

Spurlock has served in other capacities as well. He was a scoutmaster and district chairman, council committee member and regional representative for the Boy Scouts of America. In the U.S. Army, he was awarded the Bronze Star Medal for his service in Vietnam.

He is survived by his wife, Cheri Spurlock, and their daughters. Spurlock was predeceased by his son.

MARY TATE is a clinical professor of law and director of the University of Richmond School of Law’s Institute for Actual Innocence, which is celebrating its 15th anniversary in 2020. Tate and her students work to identify and exonerate wrongfully convicted individuals. Her scholarship focuses on post-conviction issues, innocence commissions and the problem of wrongful convictions.
NY. She graduated magna cum laude with a B.A. in economics, a B.S. in environmental science and an M.A. in geography from the State University of New York at Buffalo. She then earned her J.D. from the Law School.

She married her “soul mate,” Vernon Cadwallader, in 1997. A previous marriage to David Sage ended in divorce; however, together they remained proud and dedicated parents and grandparents. Cadwallader recently retired from a career in public service as a senior staff attorney with the U.S. District Court for the Eastern District of Virginia, Norfolk Division. She previously held positions as a legal writer for the National Legal Research Group and as an adjunct professor at Old Dominion University. She is survived by her husband, sons and grandchildren.

1994

ZEB ANDERSON was recognized in the 2020 Chambers USA for labor and employment law. Anderson practices with Smith Anderson in Raleigh, N.C.

In August of 2019, STEWART M. BROWN joined Evofem Biosciences as vice president and deputy general counsel.

1995

RANDY BURNS was named chief sustainability and corporate affairs officer at O-I Glass, the world’s largest manufacturer of glass containers. Burns, also named a member of the firm’s global leadership team, leads sustainability and social responsibility, government and public affairs, and corporate communications strategies. He previously served as vice president of global government affairs and held senior roles in the legal department. Before joining O-I in 2017, Burns served the company as outside counsel for 20 years and has more than 25 years of experience working at the intersection of advocacy, law and policy.

1996

BRADFORD E. BIEGON was named senior vice president and general counsel of Sparton DLS, a leading developer and manufacturer of undersea warfare systems.

1997

BENDUKAI BOUEY writes that his wife of 18 years, Theresa Wing Kay Mann Bouey, died Feb. 3, after a long and painful eight-year battle with cancer. He writes, “A homemaker and anchor in her community, Theresa, by the grace and strength of the Lord Jesus, made Ranchos Palos Verdes, Calif., where the family resided, better, more close-knit, and a greater reflection of the love of God.” Theresa is survived by their three children, Kaya, Caeleb and Chelsea.

MCCLELLAN ’97, JONES ’15 LAUNCH BIDS FOR HIGHER OFFICE

Virginia Sen. JENNIFER MCCLELLAN ’97 and Del. JAY JONES ’15 announced their candidacies for governor and attorney general, respectively, in the 2021 election. If elected, McClellan, of Richmond, would be the first Black female governor in U.S. history and the first female governor of Virginia.

She served in the House of Delegates from 2006-2017 before succeeding U.S. Rep. A. Donald McEachin ’87 in the state Senate. After a stint at Hunton & Williams (now Hunton Andrews Kurth), McClellan joined Verizon as assistant general counsel in 2002. She addressed the Class of 2023 during orientation in August.

McClellan told UVA Law she decided in June to run to address myriad systemic inequalities and restore faith in government.

“As a daughter of community leaders and educators raised in the segregated South during the Depression, I was raised with a strong sense of servant leadership and a calling to strengthen my community,” she said. “My family’s experience and study of history taught me that government can either be a force for progressive change to solve problems or a force of oppression that benefits a select few.”

Jones, if elected, would be the first Black attorney general in state history.

He was first elected to the House of Delegates in 2017 to a seat once held by his father. Jones is a partner at Bischoff Martingayle in Norfolk.

He framed his bid as the culmination of a civil rights journey blazed by his own family.

“This decision is truly generations in the making,” he said in a statement announcing his candidacy in July. “Five generations ago, my ancestors were freed from the shackles of slavery. Just two generations ago, my grandfather endured systematic racism and discrimination on his journey to becoming a pioneering black lawyer in Virginia. And in 1960 my father and my uncle were two of the first black students to attend an all-white elementary school in Norfolk, Virginia.”

—Mike Fox
Six alumni were among Law360’s Rising Stars for 2020, a list of attorneys under age 40 whose legal accomplishments “transcend their age.” Honorees were selected based on their career accomplishments in their respective disciplines.

Jennifer Banner Sobers ’05 of Pomerantz was named a top class-action attorney for playing crucial roles in major international securities cases, including overseeing third-party discovery in Brazil’s largest oil company Petróbras’ $3 billion litigation.

Catherine Cockerham ’06 of Steptoe & Johnson was named a top insurance attorney for helping defend insurers against a variety of complex, multiparty asbestos-related injury claims and insurance coverage disputes.

Justin W. Bernick ’07 of Hogan Lovells was named a top competition attorney for defending Blue Cross Blue Shield in massive antitrust litigation brought by health insurance buyers and medical providers for allegedly creating anticompetitive restrictions.

Carly G. Saviano ’07 of Willkie Farr & Gallager was named a top real estate attorney for representing Harbor Group International in its $1.85 billion buy of a 36-multifamily property portfolio.

Jennifer C. Everett ’08 of Jones Day was named a top cybersecurity and privacy attorney for advising health care giant Cardinal Health Inc. on data security issues and helping SunPower Corp. deal with the privacy implications of spinning off its solar panel operation into a new company.

Aryan Moniri ’08 of Skadden Arps Slate Meagher & Flom was named a top project finance lawyer for representing SunEdison in connection with $4 billion in financing over the course of six years and for spearheading multimillion-dollar restructuring and financing projects for Talen Energy.

—Mike Fox

Erin Merriam was appointed as a judge on the U.S. Air Force Court of Criminal Appeals. He continues to teach at the University of Central Florida, where he is an associate professor.

Anthony “Tony” M. Russell, a partner with MichieHamlett in Roanoke, Va., was elected a fellow of the American Bar Foundation. The ABF is among the world’s leading research institutes for the empirical and interdisciplinary study of law. An independent, nonprofit organization for more than 65 years, the ABF seeks to advance the understanding and improvement of law through research projects on the most pressing issues facing the legal system in the United States and the world. The ABF is a global honorary society of attorneys, judges, law faculty and legal scholars whose public and private careers have demonstrated outstanding dedication to the highest principles of the legal profession and to the welfare of their communities. Membership as a fellow is limited to 1% of lawyers licensed to practice in each jurisdiction.

Meredith G. Miller was recognized as one of Hawaii’s top pro bono lawyers at the Hawaii Access to Justice Commission’s 2019 Pro Bono Celebration. Miller, who was at the time serving as counsel in Dentons’ Honolulu office, donated her time to the Hawaii Disabilities Rights Center. Miller and her family have since relocated to Washington, D.C., where she is now working at the Environmental Protection Agency in the Office of General Counsel.

Gunes Hopson is now an independent travel adviser affiliated with MEI-Travel. She provides complimentary concierge-style travel planning services. Gunes also continues to enjoy writing for her travel blog, fotogenictravel.com, and offers photography services through fotogenicrichmond.com. Hopson also practices law full-time as associate general counsel at Automatic Inc.

Steven M. Klepper, a principal at Kramon & Graham and leader of the firm’s appellate practice group, has been appointed by Chief Judge Roger L. Gregory of the U.S. Court of Appeals for the Fourth Circuit to serve as the District of Maryland’s representative on the Fourth Circuit Criminal Justice Act Appellate Panel Committee.
2002

Kristen Fournier Is a member of a four-partner litigation team that joined King & Spalding in New York to bolster its pharmaceutical and health care mass tort practice. The group previously practiced with Orrick Herrington & Sutcliffe.

2004

Cory Johnson, of counsel at Dallas-based litigation firm Lynn Pinker Hurst & Schwegmann, has been recognized as a Super Lawyer’s Rising Star in business litigation from 2015-17. Johnson litigates complex civil matters on behalf of investment management companies and financial institutions, e-tailers, real estate corporations, oil and gas, construction, medical services and pharmaceutical companies, as well as bankruptcy trustees and investment trusts.

2005

Scott L. Beal and Robert J. Boller joined Barnes & Thornburg, expanding the firm into the New York City marketplace. Beal’s practice is focused on the formation and operation of private investment funds, including hedge funds, private equity funds, venture capital, cryptocurrency and more. He provides ongoing regulatory and compliance guidance to investment managers. Boller, a commercial litigator, is the partner in charge of the New York City office. His practice is focused primarily on guiding investment managers and financial services companies through contentious disputes, typically arising out of complex financial transactions and investment activities. Boller also advises clients on the use of litigation to drive investment or business outcomes.

2006

Tiffany M. Graves was appointed co-chair of the American Bar Association’s Section of Litigation pro bono task force. This summer Graves also started a two-year term as national appeals chair for the Law School Foundation. She is the pro bono counsel with Bradley Arant Boult Cummings in Jackson, Miss.

2007

Michael N. Nemelka has been confirmed as deputy U.S. trade representative (investment, services, labor, environment, Africa, China and the Western Hemisphere), with the rank of ambassador.

2008

Todd Hatcher joined Katten Muchin Rosenman’s transactional tax planning practice as a partner in New York City. Hatcher focuses on the U.S. federal income tax law aspects of transactional matters.

Lauren King was appointed by Washington Gov. Jay Inslee to serve on the State Gambling Commission. King is a partner at Foster Garvey (formerly Foster Pepper) in Seattle, where she chairs the Native American law practice group. In the spring she taught Federal Indian Law at Seattle University School of Law, her first experience as an adjunct professor.

Kristen M. Nugent joined MendenFreiman, a boutique firm in Atlanta, as an associate.
in its business law and tax planning practice areas.

2009

KURT DAVIS was chosen as a 2020 Young Leader by the French-American Foundation, the goal of which is to strengthen the French-American relationship. Davis, an investment banker with Houlihan Lokey, focuses on Europe, the Middle East and Africa. He advises leading companies, their directors and officers as well as creditors on a range of transactions, including mergers and acquisitions, debt and equity financings, and financial restructurings across developed and emerging markets. Prior to joining Houlihan Lokey, Davis executed M&A and capital market transactions as part of Barclays Capital’s global natural resources group.

MATT RAPPAPORT joined USBS in 2018 as a financial adviser. Rappaport operates his wealth management practice out of Austin, Texas, and helps clients throughout the country manage significant wealth and develop their financial plan, often after a notable life event. His clients include lottery jackpot winners, trustees and trust beneficiaries, individuals who have come into inheritances and business owners who have sold their companies.

2010

RACHEL HORBATH, KRISTEN SMITH BAIN ’90 and Betsy Manuel, a 1991 University graduate, founded Smith Bain Manuel & Horvath, a Charlottesville law firm 100% owned and operated by women. The firm focuses on civil litigation, including medical malpractice defense, insurance defense, commercial litigation, construction and insurance coverage; risk management; estate planning; and estate and trust administration.

2011

STEPHANIE CAGNIART, senior associate with Baker Borts, was named as a Top Austin (Texas) Lawyer in appellate law by Austin Monthly magazine. Cagniart focuses her practice on litigation, including securities, oil and gas matters, contract disputes and general commercial litigation.

2012

MICHAEL ROBERTSON was elected to partner with Taft Law in Columbus, Ohio. Robertson practices in the white-collar criminal defense group, representing clients in federal district and circuit courts in Ohio and around the country on a range of complex commercial and constitutional litigation matters. He recently taught appellate advocacy as an adjunct professor at Ohio State University’s Moritz College of Law.

2013

CAROLYN H. KENDALL was elected as a principal of Post & Schell, in the firm’s internal investigations and white-collar defense practice group in its Philadelphia office. Kendall conducts internal investigations and defends corporations, officers and other individuals facing criminal and civil investigation. Her practice includes matters involving pharmaceutical, manufacturing and financial companies, relating to potential criminal tax and money laundering violations, as well as allegations involving securities violations, mortgage and financial institution fraud, the Federal Anti-Kickback Statute and Stark Law, and other fraud and regulatory statutes.

in its business law and tax planning practice areas.

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in its business law and tax planning practice areas.
on data privacy and has briefed and argued civil appeals in the Maryland Court of Special Appeals.

2016

Two UVA alumnae were chosen as fellows for the New York City Bar’s Associate Leadership Institute, a diversity-oriented leadership program operated by the NYC Bar. ANNA STARK, an associate with Thompson Hine, has a broad litigation practice that includes complex civil cases as well as white-collar defense. She has represented both U.S. and international clients in state and federal court, and in domestic and international arbitrations. In particular, she has focused on matters involving civil and criminal antitrust, fraud, securities, breach of contract and business torts. She has experience representing individual and institutional clients in multiple industries, including financial services, entertainment, insurance, pharmaceuticals and real estate. Stark has maintained a robust pro bono practice since her admission, with an emphasis on obtaining asylum and other forms of immigration status for LGBT individuals and representing HIV-positive clients in a variety of legal proceedings. She will be joined by Stephanie Rohlf of White and Case, who attended UVA as an undergraduate. UVA had another alumnae duo serve as fellows in 2018, when MEI YANG ’14 and Aleesha Fowler were selected for the program.

2018

JOE CHARLET joined U.S. Sen. Dianne Feinstein’s Committee on the Judiciary staff as counsel. While his work focuses on nominations and oversight, because he started amid the COVID-19 pandemic, he also has a legislative portfolio related to relief measures.

2015

After several years as a deputy prosecuting attorney, ALEXANDER JONES is a litigation associate with Wright Lindsey Jennings, one of the largest firms in Arkansas. Jones practices on the trial team, primarily in insurance defense.

2019

KENDALL BURCHARD was awarded a John Marshall Fellowship with the Virginia Office of Solicitor General, which represents the commonwealth in the U.S. Supreme Court, the Supreme Court of Virginia, and federal circuit courts in non-capital cases that call into question the constitutionality of a state statute or that bear on sensitive policies of the commonwealth. The office also assists other divisions of the Office of Attorney General with constitutional and appellate issues. As fellow, Burchard will work directly with Solicitor General TOBY HEYTENS ’00, who is on leave from the Law School faculty, as well as staff attorneys.

2017

DAVID CROCKETT joined Fisher Phillips as an associate in its Irvine, Calif., office. Crockett defends clients, including telecommunications companies, manufacturers, media companies, hospitals, and rail and air carriers in a variety of labor and employment law matters, including wage-and-hour class actions, discrimination and retaliation claims, and unfair labor practice charges.

SIDETRACKED BY PANDEMIC, COOK ’17 ELOPES ON WAY TO WEDDING

Their plans derailed by the COVID-19 pandemic, BROOKE COOK ’17 and her husband eloped in Charlottesville during a road trip to their wedding in March, a story detailed in The New York Times.

Cook and groom Brad Wilson planned to drive from New York to their ceremony in Texas, but with public health concerns growing, they seemed to face three options: proceed as planned and risk the church closing, stop in Missouri where Wilson’s mother lives, or postpone the wedding.

As they approached Philadelphia, they chose a fourth option: Given Cook’s familiarity with the area, the couple decided to tie the knot in Central Virginia.

“We knew if we returned home unmarried, we would not get another chance for a while, because everything back home, like everywhere else, had been turned upside down,” Cook told The Times.

Cook and Wilson gave themselves 48 hours to find a venue, officiant, photographer, witnesses and a marriage license. A Charlottesville friend found a photographer, and Veritas Winery in Afton offered both the venue and two bottles of wine for free.

Cook’s spiritual mentor, Missy Donovan, and her husband, Kevin Donovan, UVA Law’s senior assistant dean of career development, served as matron of honor and best man.

With no waiting period in Virginia, the couple went to the Charlottesville Circuit Court Clerk’s office to apply for and receive their wedding license. Circuit Court Judge RICK MOORE ’80, who attended the same church as Cook during her Law School days, officiated and used an old wine barrel as a lectern.

“I’m a lawyer, so everything I do is by precedent,” Cook told Aleteia, an online Catholic news site. “But it’s not like anyone knows what to do when a global pandemic strikes during your wedding.”

Instead of honeymooning in the British Virgin Islands, the newlyweds planned to spend time in Georgia and Florida.

Cook is a commercial disputes and white-collar associate at Bryan Cave Leighton Paisner.

“—Mike Fox
“Neck of the Woods,” the debut poetry collection by Amy Woolard ’08, “is a hero-quest deep inside the mythos of the American South, wandering through childhood stories in which a girl alone must work to save herself,” according to her publisher.

The writing was heavily inspired by the loss of a close friend of Woolard’s to suicide. Part elegy, part survivor’s testimony, “Neck of the Woods” was published this year after winning the 2018 Alice James Award.

Fantastical imagery, such as that from the “The Wizard of Oz,” is integral to the poetry’s visual landscape.

“Using the tropes and scaffolding of fairy tales and childhood stories helped me talk about my path through this grief in a way that I hope helps it become more than just narrative,” she told the Southern Review of Books.

The book has earned favorable reviews for Woolard, an attorney and policy coordinator for the Legal Aid Justice Center in Charlottesville. In her day job, she represents indigent children in education, foster care and juvenile court matters.

“Woolard’s writing is full of memorable juxtapositions and turns of phrase, among them: ‘I was asked to show up with a side-dish. I made / A slaw of my longing’ and ‘whiskey moves through me like / it’s checking me for ticks’,” reads a Publisher’s Weekly write-up.

“This debut offers a troubled journey delivered by a voice the reader will want to keep listening to.”

Woolard is a graduate of the Iowa Writers’ Workshop. Her poems have appeared in The New Yorker, Ploughshares and The Paris Review, and in the Best New Poets 2013 and 2015 anthologies, among other publications.

She has received fellowships from the National Endowment for the Arts, the Vermont Studio Center and the Breadloaf Writers’ Conference.

In addition, she is an essayist and reporter. Virginia Quarterly Review awarded her the Stage D. Blackford Prize for Nonfiction in 2016.

—Eric Williamson
A collection of thought-provoking quotes illustrated with the author’s original photographs. “Presence in Chaos” is the product of Hennelly’s focus on finding mindfulness through creativity. This book is laid out in a quote-a-day format, intended to inspire taking a little time each day to be present “in the moment,” helping to focus on building resilience amid the chaos that can come with our day-to-day lives.

For Hennelly, “like so many in middle-age reflection, life feels like a blur since her 20s—juggling all the commitments in her work and in raising a family—sometimes chaotic, sometimes just plain exhausting. Some of it was self-imposed; some of it came with the territory of working in law firms and ‘corporate-land,’ surrounded by high-achievers and soccer moms.”

She said the book was an attempt to “reset” herself to avoid burnout: “Put on your own oxygen mask before assisting the person next to you, right?”

paying attention to one’s thoughts, feelings and physical sensations in an open, nonjudgmental way—emotional resilience can be increased, biases recognized and reactivity to stress reduced.

Magee endeavors to show that embodied mindfulness calms fears and helps exercise self-compassion. “These practices help us to slow down and reflect on microaggressions—to hold them with some objectivity and distance—rather than bury unpleasant experiences so they have a cumulative effect over time,” she contends.

Magee’s goal is to help readers develop the capacity to address the fears and anxieties that might otherwise lead someone to re-create patterns of separation and division.

through vignettes, the author depicts his struggle, as a boy, teen and man suffering from excruciating shyness, and his progress in conquering his affliction.

Raised Catholic in Washington, D.C., suburban, “little Jimmy” finds himself literally and figuratively on a runaway go-kart, with only the vaguest idea of how to control the braking or steering. Arriving at William & Mary, Monacell is fascinated by an “unrepressed” girl and works to form a relationship. He chronicles other efforts to overcome
IN MEMORIAM

Chester J. Claudon Jr. ’48
JUPITER, FLA.
May 20, 2020

Harry N. Gustin II ’48
NORFOLK, VA.
March 20, 2020

Leonard L. Rivkin ’48
GARDEN CITY, NY.
July 10, 2020

Henry M. Jarvis ’49
RICHMOND, VA.
April 26, 2020

James E. Coleman Jr. ’51
DALLAS
Feb. 22, 2020

Leonard Braman ’52
HIALEAH, FLA.
June 1, 2020

J. Lyndal Hagemeyer ’52
LAKE SIDE MARBLEHEAD, OHIO
Feb. 10, 2020

Glenn Mohrman ’52
LAWRENCE TOWNSHIP, N.J.
May 1, 2020

Allen H. Pease ’53
LEVERET, MASS.
Feb. 11, 2020

Robert A. Cox Jr. ’54
HENRICO, VA.
April 8, 2020

James L. Miller ’55
NORFOLK, VA.
July 9, 2020

Ernest E. Monrad ’56
CHESTNUT HILL, MASS.
June 27, 2020

Russell B. Pace Jr. ’56
MIDLOTHIAN, VA.
Sept. 8, 2019

Dermott M. Breen ’57
FAIRFAX, VA.
May 16, 2020

Albert S. Kemper III ’57
LYNCHBURG, VA.
March 31, 2020
IN MEMORIAM

D. Charles Merriwether ’57 Naples, Fla. April 24, 2020

David T. Styles ’57 San Francisco May 12, 2020

James M. Young ’57 Salem, Va. June 12, 2020

Arthur L. Berney ’58 Cambridge, Mass. March 31, 2020

John F. Merchant ’58 Newtown, Conn. March 5, 2020

E. Bradford Miller ’58 Cincinnati, Fla. March 26, 2020

Robert Mason Goolrick ’59 Springfield, Va. April 17, 2020

Matthew H. Stander ’59 Oyster Bay, N.Y. March 1, 2020

Randolph W. Church Jr. ’60 Charlottesville March 24, 2020

Charles W.K. Gamble ’60 Ponte Vedra Beach, Fla. May 28, 2020

John L. MacGowan ’60 Coopersburg, Pa. Feb. 7, 2020

Bernard S. Stein ’61 Thiensville, Wis. May 18, 2020

Raymond M. Zimmet ’61 Silver Spring, Md. Feb. 27, 2020

Sidney Clifford Jr. ’62 Providence, R.I. June 1, 2020

Herbert W. Fischman ’62 Mamaroneck, N.Y. April 4, 2020

John B. Bartlett ’63 Washington, D.C. July 27, 2019

Carl H. Cofer Jr. ’63 Atlanta April 18, 2020

William L. Ellis Jr. ’63 Bronxville, N.Y. March 27, 2020

John A. Quisenberry ’63 New York April 1, 2020

David M. Sweetwood ’63 Essex Fells, N.J. April 27, 2020

William F. Sherman ’64 Little Rock, Ark. March 11, 2020


Hugh C. Macgill ’68 W. Hartford, Conn. Feb. 14, 2020

William F. Drew Jr. ’69 North Myrtle Beach, S.C. Feb. 21, 2020

Peter K. Stackhouse ’69 Alexandria, Va. May 12, 2020

Edwin S. Villmoare III ’69 Fairfield, Calif. March 12, 2020

Marshall R. Taylor Biddle ’71 New York March 2, 2020

Don R. Boswell ’71 Lantana, Fla. July 4, 2020

R. Braxton Hill III ’71 Virginia Beach, Va. March 14, 2020

William H. Bass III ’72 Midlothian, Va. March 24, 2020

John A. Anderson ’81 Eiden, Utah June 29, 2020

R. Peter Lalor J.D.-MBA ’82 Wachapreague, Va. March 7, 2020


David R. Saunders ’84 New York March 30, 2020

Nita Huston Woodruff ’84 Lynchburg, Va. April 17, 2020

Douglas A. Britton ’85 Montross, Va. Feb. 21, 2020

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Douglas A. Britton ’85 Montross, Va. Feb. 21, 2020

George B. Schwab ’86 New York May 2, 2020

Thomas A. Wiseman Jr., LL.M. ’90 Nashville, Tenn. March 30, 2020

Keith M. Landry ’92 Metairie, La. May 11, 2020

Joe C. Spurlock II LL.M. ’92 Colleyville, Texas June 8, 2020

Venice Feeley Cadwallader ’93 Suffolk, Va. June 17, 2020


Matthew G. Friedman ’98 Cazenovia, N.Y. Jan. 20, 2020

Lauren Marie Petrosky ’13 Lake Worth, Fla. May 15, 2020
WHO WERE YOUR HEROES or role models growing up?

My grandfather went to school for six years in a barn. My grandmother went to the local colored high school. These were my heroes growing up. They taught me to work hard. They wanted me to be nice. And they wanted me to get all the education I could get.

Tell us about your work at the Local Initiatives Support Corp.

I run a big nonprofit development finance company. And my job is to help us use capital and technical assistance to fight poverty and to catalyze opportunity. That’s really the job.

What are some ways LISC has closed the opportunity gap?

LISC has provided financing for about 420,000 units of affordable housing. LISC has also financed the building of thousands of child care centers, charter schools and recreation centers in low-wealth communities all across the country.

And then LISC has provided consulting services, and money, and technical assistance to small-business owners, particularly small-business owners who are people of color, or women, or working in rural areas.

Last year alone, we invested $1.8 billion in community development projects all over the country.

How is the group helping entrepreneurs in light of COVID-19?

In this period, when businesses are really facing existential threat because of the pandemic and the recession, we’ve raised almost $100 million for grants to small businesses.

Since March, we have been raising and deploying that money. And it’s really small grants to the tune of $5,000, $10,000, up to $25,000, with which businesses are paying utilities, paying for supplies, paying vendors, paying rent.

In addition to that, we’ve been making what are known as PPP loans—paycheck protection loans—that are forgivable loans to businesses. We’ve made about $50 million in loans that businesses can use to pay the wages of employees and those loans will be forgiven as long as they use the proceeds in the correct way.

And then the last piece is, we’ve been providing grant dollars to build and sustain an ecosystem around the businesses.

What are some things you learned from your state and federal government service?

In government, you have to make a lot of different parts work together in order to get stuff done. That’s the thing at LISC. When we go into a community trying to help become an agent of opportunity, we have to figure out how to work with local governments, philanthropic sources, the corporate sector, the community sector and residents in order to get projects done.

And so there’s this notion of being the conductor of an orchestra and my job is to help us make music.

You have the last word. What do you want to say?

We’re in an incredible moment of opportunity for the country right now. And that moment of opportunity is to rededicate ourselves to this concept that people who don’t look like me, people who don’t have my faith, people who don’t live in my same ZIP code, people who don’t share my gender, still and unquestionably and always share my humanity, right? And the question is what all of us can do to really, really make advancements in that space.

I find that incredibly, incredibly inviting. And so that’s the work to be done, my friend.
Events

DEC. 6 WASHINGTON, D.C.
Metropolitan Club
6:30-8:30 P.M. HOLIDAY RECEPTION

DEC. 13 CHARLOTTESVILLE
Greencroft
6-7:30 P.M. HOLIDAY RECEPTION

JAN. 22 LOS ANGELES
Craft
6-7:30 P.M. RECEPTION

JAN. 23 SAN FRANCISCO
The Olympic Club City Clubhouse
11:45 A.M. RECEPTION  12:15 P.M. LUNCH

JAN. 23 PALO ALTO
The Village Pub
6-7:30 P.M. RECEPTION

FEB. 7 ATLANTA
W Atlanta Midtown
11:45 A.M. RECEPTION  12:15 P.M. LUNCH

FEB. 7 BIRMINGHAM
City Club Birmingham
6-7:30 P.M. RECEPTION

FEB. 21 NEW YORK CITY
Yale Club
11:45 A.M. RECEPTION  12:15 P.M. LUNCH

MARCH 21 NORTHERN VIRGINIA
The Ritz-Carlton Tysons Corner
6:30-8 P.M. RECEPTION

JUNE 4 WASHINGTON, D.C.
The Willard
11:45 A.M. RECEPTION  12:15 P.M. LUNCH

JUNE 13 RICHMOND
Jefferson Hotel
6-7:30 P.M. RECEPTION

Grand Reunions

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