WHAT NEXT?
HEN WE BEGAN PLANNING THIS ISSUE of the UVA Lawyer, we decided to focus on the state of democratic governance in the United States and the world, a project that has been central to this law school since its inception. Though only a few short months have passed, that moment feels a lifetime ago. The global COVID-19 pandemic has transformed all of our lives on every level, leaving me, and I suspect many of you, with a sense that we will always think of life before and after it.

Here at the Law School, it has been an extraordinary time to be dean. In just the few days since the University moved classes online in support of the public health, our students, faculty and staff have more than risen to the challenge. Their compassion, generosity and resilience make me more grateful than ever to be the leader of an institution that pulls together in tough times. Each of us and each of you will experience losses great and small, which makes it more important than ever to support each other. During uncertain times, let us count on good friends.

The enormity of this crisis both puts the challenges facing democracy in perspective and underscores their critical importance. With the 2020 election looming, the rise of populism worldwide, and a contentious impeachment process only now behind us in the United States, many Americans are wondering how sound our form of democracy is, and how well it can serve us now and in the future.

Throughout our history, the Law School’s mission has been intimately engaged with the nation’s democratic values and their vindication. Though who makes up our intellectual community has broadened in every conceivable way from our founding, we continue to train our students for service to society and support our faculty as they gain new understanding of the law within its democratic context. We recently deepened this engagement when we launched the Karsh Center for Law and Democracy, with a historic gift from Martha Lubin Karsh ’81 and Bruce Karsh ’80. In asking, as our cover story does, what’s next, we draw on the expertise of faculty and alumni focused on campaign finance reform, bribery and corruption, voting, free speech, and executive power here and worldwide. We also profile an alumnus diving right into these waters as the new governor of Kentucky, Andy Beshear ’03.

This issue does so much more than describe our fortitude in the face of the uncertainty of our public health and our efforts to better understand and support our chosen form of government. It also celebrates those who have newly arrived at the Law School and those moving on to new adventures. We highlight the amazing things our students, faculty and alumni have accomplished. And we commemorate those, like John Merchant ’58, the Law School’s first black graduate, who have made us who we are today.

As we put the finishing touches on this issue, I feel acutely the importance of publications like this one. More than ever, they bring us together across time and space and remind us of our shared mission and our connected community. More than ever, the UVA Law community sustains us today and renews our faith in a better tomorrow.
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### DEPARTMENTS

- QUOTED
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- SHARING
- FACULTY NEWS
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- ALUMNI BOOKS
- IN MEMORIAM
- THE LAST WORD

### DEAN’S MESSAGE

Graduating UVA students donned their caps and gowns early to take one last look at the Lawn before snapping some pictures and heading home.

SANJAY SUCHAK/UVA COMMUNICATIONS

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The Artful Alum

School’s First Black Graduate Remembered
“A lawful killing during an armed conflict does not constitute an assassination. As a legal matter, if he were intimately involved in planning and blessing these attacks, then that doesn’t seem to render it as assassination.”

—PROFESSOR ASHLEY DEEKS, on the U.S. drone strike that killed Iranian military commander Qassem Soleimani (NPR)

“Counties do not have any independent authority to create sanctuaries from state law. State law applies equally to people in a sanctuary county and outside a sanctuary county.”

—RICHARD SCHRAGGER, on “Second Amendment sanctuaries” in Virginia (BRO)

“The judge is gone, but their judgment still is very hard to unwind. It’s like the Cheshire Cat: The cat is gone, but the smile is still there. I think that is not a great remedy.”

—PROFESSOR JOHN DUFFY, testifying before Congress on a Federal Circuit decision allowing the director of the U.S. Patent and Trademark Office to fire Patent Trial and Appeal Board judges (Law360)

“The best leadership advice I received is that a good leader should be decisive. If a leader makes a good decision, she should give credit to her staff. If she makes a bad decision, she should take all of the blame.”

—ERICA WILLIAMS ’98, partner at Kirkland & Ellis (Women, Influence & Power in Law)

“Legislators have no special claim that court appearances are more inconvenient to them than to all sorts of other busy people doing important jobs.”

—PROFESSOR DARRYL BROWN ’90, on privileges attorneys who serve in the General Assembly enjoy to obtain continuances (The Associated Press)

“The phrase is asking us to think about what unites treason and bribery, and what unites treason and bribery is offenses that speak to disloyalty.”

—PROFESSOR DEBORAH HELLMAN, commenting on the Constitution’s impeachment clause “Treason, Bribery, or other High Crimes and Misdemeanors” (The Daily Progress)

“Environmental federalism gets cloaked in the language and rhetoric of constitutional law, but it’s really a simpler, more pragmatic concept: Who is responsible for cleaning up a toxic waste landfill that’s reached into a nearby river?”

—PROFESSOR CALE JAFFE ’01, (The Christian Science Monitor)

“Statements by lawmakers routinely assume the Equal Rights Amendment would apply to the private sector and completely fail to recognize how it would prohibit government policies designed to benefit women.”

—PROFESSOR KIM FORDE-MAZRIU (USA Today)

“Foreign relations provide an example of a broader phenomenon: Some questions that are often seen as turning on inherent executive power actually turn on the reach of congressional power.”

—PROFESSOR JOHN HARRISON, writing in his five-part series on executive power and the rule of law for The Volokh Conspiracy blog (Reason)

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With classes moved online since March 19 and most staff working remotely, places such as the Class of 1977 Terrace will be empty this spring.

“In the span of eight days, the novel coronavirus changed almost everything about how the Law School operates. Transitioning to online courses and working remotely was an unprecedented effort involving faculty, staff and students acting cooperatively and nonstop since the University announced March 11 that classes would move online.”

“It took everybody working across departments, it took the faculty, it took the students,” said Senior Associate Dean for Administration Stephen T. Parr, who helped lead the effort. “It meant being flexible, being cooperative, working at night and on the weekends, around the clock, to get classes online.”

The Law School moved 139 courses, taught by 159 instructors, online.

On March 17, two days before online classes were set to launch, most staff learned from UVA President Jim Ryan ’92 that they would be working remotely by that Monday, and that the Law Library would close. Some employees would continue to run the essential operations of the school on-site. Law Alumni Weekend was rescheduled to May 14-16, 2021. Final plans for graduation are still being determined, though graduation will not proceed on May 17 as planned.

“As difficult as it was to make this major shift in operations, we have to put the health of our community first,” Dean Risa Goluboff said. “It’s not the semester we all envisioned, and my heart goes out to 3Ls who hoped for a typical graduation. But at the same time, I am so proud of how the community has pulled together in a monumental effort to make this work.”

Perhaps the department most taxed by the move online has been Law IT, which has been on the frontlines of working with faculty to offer courses online and helping staff prepare to work remotely.

“[Assistant Dean for Academic Services] Jason Dugas and [Chief Technology Officer] Gary Banks and their teams worked tirelessly with every single class,” Vice Dean Leslie Kendrick ’06 said. “The Law IT team showed once again that they are absolute heroes.”

Some faculty members are recording their courses from Law School classrooms, and others are recording

(continues on page 8)

ACCOLADES

1 MAHA ABDESHARAH S.J.D. ’19 has returned to her home country of Kuwait to teach business law as a professor.
2 SAM GHUBRI 29 won the Bob Barker Prize for his paper on the dwindling horseshoe crab population.
3 RACHEL BARNES J.D.-MBA ’21 was elected national chair of the National Black Law Students Association after serving a partial term in 2019-20. UVA BLSA also won NBLSA national chapter of the year.
4 MEGAN MERS ’19 and HENRY DICKMAN ’19 (pictured) were 2019 recipients of the Palmer Public Service Scholarship.
5 TIM SCRIVER ’22 and CHRIS VARRELL ’22 are the 2019 recipients of the Palmer Public Service Scholarship.
6 ERIN SEAGER ’20 and KATHARINE JANES ’21 were named editor-in-chief of the Virginia Law Review.
7 The 2019-20 Ritter Scholars are READ MILLS ’20, MOLLY CAIN ’20, MANAL CHEEMA ’20, and ELEANORA KALYIPOULOU ’20.
8 ARIN OGILE ’21 (third from right, with board members) was named editor-in-chief of the Virginia Law Review.
9 KATHARINE JAMES ’21 was selected president of the Student Bar Association.
10 CHLOE FIFE ’22 was selected as president of Lambda Law Alliance—the first transgender woman to hold the position.
from home. Early on, each had to decide whether to offer their classes online via Panopto, the Law School’s recording system, that captures audio and video off the computer screen, or Zoom, an online meeting tool. Since online classes launched, Professor Andrew Hayashi has held two classes using both Zoom and Panopto, and conducted an S.J.D. dissertation defense.

“It’s not terribly enjoyable to talk to yourself in front of a screen rather than be with our students,” Hayashi said. “At the same time, I’ve discovered that it’s helpful for students to see me scribble notes on my PowerPoint slides in real time so they can follow along as I draw their attention to particular parts of the law or the problem. I plan to do this when I get back to giving lectures in person.”

He added, “Students have been patient and diligent, and it’s been yet another reminder of why they are the best in the country!”

Assistant Dean for Student Affairs Sarah Davies ’91, along with President Jasmine Lee ’20, have been addressing issues of student concern. In the days after classes first launched, Davies and her team worked as liaisons between students and IT staff to address connectivity issues for people in more remote locations.

“I expect the technical issues will work themselves out as we further move our provision of classes,” Davies said. Student Affairs also works with Build-Services to send belongings in lockers to students, “whether they should go back home or not,” Parr said.

“We have to make space in our homes that we did not ordinarily have. We have to share our workspaces in ways that we don’t ordinarily,” she said. “I know I get lonely without the in-person interactions that punctuate my normal day.”

Student Affairs is working to build community online in other ways. “We recently established Facebook groups open to the Law School community that offer some respite from the onslaught of news that we are all getting, and as a way to deal with some of the boredom that comes with social isolation,” Davies said.

Janes, the new SBA president, has been gathering student feedback, questions, comments and concerns to ensure they are heard by the administration.

In the week classes went online, “that meant collecting over 800 responses to a student survey on grading policies, so that any decision made by the administration was informed by student input. Our goal is that students receive all the physical, emotional and technological support needed to get through this incredibly difficult time, however we can make that happen.”

Janes said her own classes online “have been going great.”

“One of many is mine are happening via Zoom, and my professors are adapting quite well to the new technology,” Janes said. “The hand-raising function, in particular, is making class resemble in-person instruction in a way that I didn’t expect.”

Parr said that since UVA shifted to remote work, she has been meeting with LL.M. students individually through Zoom to address their concerns. She is also hosting a group Zoom meeting on Friday afternoons for LL.M. and S.J.D. students “to connect, cheer each other up and maintain our sense of community.”

“Last week we had 35 students attend our Zoom call, including a student who left for Germany and enthusiastically joined us from there,” Vito said. “It is a joy to see students reconnect and support each other through this.”

Gohoff also scheduled a series of “coffee breaks” with each class of students via Zoom.

Davies said moving to a remote working environment is tough for everyone. “Get we have to make space in our homes,” she said. “We did not ordinarily have. We have to share our workspaces in ways that we don’t ordi-

narily,” she said. “I know I get lonely without the in-person interactions that punctuate my normal day.”

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**UVA LAW LEADS NATION IN PRINCETON REVIEW RANKINGS**

**THE LAW SCHOOL now ranks No. 1 in Best Classroom Experience, and continues to rank No. 1 in Best Professors and Best Quality of Life, according to The Princeton Review’s annual law school rankings, which were released in November.**

As part of the 2020 rankings, the Law School is also No. 2 in Best Career Prospects, No. 4 in Toughest To Get Into and No. 4 in Best Federal Clerkships, a new category. Only UVA Law and Stanford Law School cracked the top five in all six of these categories.

The Law School has been ranked No. 1 in Best Quality of Life since the 2015 rankings and in Best Professors since the 2018 rankings. The Princeton Review factored in data from surveys of 19,000 students attending 167 law schools in the United States, and of administrators at those schools.

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**THE PRINCETON REVIEW factored in data from administrators at those schools.**

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**Daniel Richardson ’18 will clerk for Justice Stephen Breyer at the U.S. Supreme Court next term.**

Richardson is currently serving as one of five Bristow Fellows in the Office of the Solicitor General in the U.S. Department of Justice, helping attorneys draft briefs in Supreme Court cases and prepare for oral arguments.

He called the clerkship “a dream come true,” not only as a lawyer but for the chance to learn from some of the best legal minds in the profession.

“The opportunity to clerk is also very meaningful to me on a personal level,” he added. “I have spent my entire career since undergrad in federal service of some kind, and I feel so fortunate that I can continue that work at an institution that means so much to the country.”

Richardson’s first clerkship was with Judge J. Harvie Wilkinson III ‘72 of the Fourth U.S. Circuit Court of Appeals. “Judge Wilkinson is an amazing teacher, so in many ways the year working with him is a continuation of your legal education,” Richardson said.

At UVA Law, Richardson earned the Faculty Award for Academic Excellence for graduating with the highest GPA in the Class of 2018. In addition, he was awarded the Traylor Prize at graduation, which recognizes written work by two graduating students each year. He also received the Jackson Haller LLP Award, and served as the editor-in-chief of the Virginia Law Review. President of the Virginia Employment and Labor Law Association, and Student Chair for career and alumni engagement for Lambda Law Alliance.

Richardson credited the many faculty members who helped him succeed.

“There are so many faculty who take the time outside of their usual jobs to make calls, do mock interviews and advise students about these positions,” he said.

Richardson graduated with a B.A. in political science and a B.S. in public management from James Madison University.
navigated my career, my fellow classmates have been among the first I’ve called on to partner with in the work,” she said.

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. Each year, about 25 first-year fellows are admitted to the program, and up to five slots are available for second-year applicants.

In December, Thomas joined program alums Melanie Smith ‘11 and Aditi Goel ‘12 for a panel at the Law School celebrating the 10-year anniversary of launching the program. Smith is an assistant U.S. attorney in the Northern District of Texas. and Goel is a clinical instructor at Harvard Law School’s criminal justice clinic.

Goel, who is now in her third year of training law students at Harvard, cut her teeth as a public defender during her first job as a public defender in Boston because of my first job as a public defender in Boston because of and Public Service course, facilitating difficult and interesting discussions and inviting inspiring practitioners to participate.

As co-directors of the program for several years, Anne and Josh taught courses within the program, implemented various programming, and helped raise the profile of the program both within and outside of our law school,” Shin said. “They laid the foundation for this program to become the robust and comprehensive program it is today, and they continue to be involved as instructors and mentors.”

Shin said the program has experienced record-high applications in recent years.

“We hear from numerous students that they chose UVA Law because of the Program in Law and Public Service,” Shin said. “And students’ participation in the program can pay off even before graduation.”

Mary Maerz ’20 met PETA General Counsel Jeffrey Kerr ‘87 while taking the first-year Law & Public Service class. Maerz worked for PETA during a subsequent summer and ultimately landed a job as PETA counsel, to begin after she completes a clerkship.

“I decided to attend law school only to pursue an animal rights career,” Maerz said. “At the beginning of my first year, I had professors and upper-class students say to me that one of the most difficult things to do throughout law school is to stay as passionate about something as you were when you started. The Program in Law and Public Service helped me stay connected to my big picture and the animal rights field. I am extremely grateful for the support that Professor Shin and the program gave me.”

—Eric Williamson

10 YEARS LATER, PUBLIC SERVICE PROGRAM REMAINS A LABOR OF LOVE

When UVA President Jim Ryan ’92 founded the Program in Law and Public Service in 2009 as a Law School faculty member, the program was small but ambitious. Students supported each other.

“The benefit of having a small community at the time was we all found each other,” Smith said.

In the years since, the program has initiated a number of ambitious programs, including an enhanced curriculum with experiential classes and a peer mentoring program. Fellowships are required to spend at least one summer working in the field of public service, with funding guaranteed by the program subject to the Law School’s pro bono requirements.

Goel said faculty mentoring within the program was just as important to her career as the mentoring she received in the working world.

“It was only through this program that I developed a strong relationship with my program mentor, Professor Anne Coughlin,” Goel said. “She went to bat for me during my third-year job search process, and I landed my first job as a public defender in Charleston because of her and the program.”

Program Director Crystal Shin ’10, who is also a professor, said the success of the program is indebted to Ryan for his vision, and to Coughlin and Professor Josh Bowers for growing the program.

“When I was a law student here, I was part of a small minority of students interested in pursuing careers in public service upon graduation,” Shin said. “But Jim Ryan had a grand idea to change this reality and laid the roots for the Program in Law and Public Service.”

She said Coughlin cultivated the growth of the program by creating and teaching the innovative Law and Public Service course, facilitating difficult and interesting discussions and inviting inspiring practitioners to participate.

“As co-directors of the program for several years, Anne and Josh taught courses within the program, implemented various programming, and helped raise the profile of the program both within and outside of our law school,” Shin said. “They laid the foundation for this program to become the robust and comprehensive program it is today, and they continue to be involved as instructors and mentors.”

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—Eric Williamson
EMMY AWARD-WINNING TELEVISION PRODUCER Janice Johnston ’95 was selected to serve as the school’s commencement speaker. As UVA Lawyer completed production, the University was exploring alternative plans for Final Exercises due to operations changes caused by COVID-19.

Johnston, a senior producer and director with ABC News, is known for her work on “20/20,” “Good Morning America” and “ABC News Specials.”

“We wanted someone who would bring a new and unique perspective from speakers we’ve had in the past,” Rachel Staubs ’20 and Timothy Sensenig ’20 said in a joint statement. “We also wanted someone who would fit the personality of the class: ambitious, successful, diverse and spirited. We believe Ms. Johnston fits this tall order!”

In 2017, Johnston won an Emmy—her sixth—for the “20/20” episode “Las Vegas: Heartbreak and Heroes,” in the Outstanding Coverage of a Breaking News Story in a Newsmagazine category. The episode documented the work of first responders after a shooter fired on attendees at a country music concert, killing 58 people and wounding more than 400 others.

Johnston’s assignments have taken her to a range of places, from the White House to Mount Kenya. She has also worked on 11 Country Music Association Awards shows for ABC. Johnston, a longtime country music fan, has produced shows with everyone from Luke Bryan to Taylor Swift.

“Law school taught me how to think about the multiple angles of a story,” she told UVA Lawyer in 2014. “In my work, storytelling is shaped by asking questions. I focus hard on what we are going to ask.”

In addition to her Emmys, Johnston has received George Foster Peabody Awards, Salute to Excellence Awards from the National Association of Black Journalists, an NAACP Image Award nomination and, most recently, the 2019 Christopher Award for “One Way Out: Thai-land Cave Rescue.” (The Christopher Awards “affirm the highest values of the human spirit.”)

“A NEW PROGRAM” housed at the Law School will work to examine, and hopefully help solve, community-level environmental dilemmas—all in one PLACE.

The Program in Law, Communities and the Environment will serve as the new umbrella for the Law School’s environmental law programming. In addition, PLACE will provide resources targeted to teaching and interdisciplinary research on questions of environmental law and social justice as they relate to diverse communities and places across the globe. PLACE will serve as an invitation to peers to collaborate, offering resources to advance their teaching and scholarship. The program will be funded in part by the Henry L. & Grace Doherty Charitable Foundation.

“The program’s focus will be on communities and the issues they face in a time of environmental and social change, including efforts to mitigate and adapt to climate change, ensure environmental justice, and protect quality of life in localities, cities and regions,” said Professor Jonathan Z. Cannon, who leads the program. “Those issues will differ from issues posed at the national or international level but will connect in crucial ways to what’s happening at these larger scales.”

Cannon joined the Law School faculty in 1998 from the Environmental Protection Agency, where he served as general counsel, among other roles. At UVA, he is the Blaine T. Phillips Distinguished Professor of Environmental Law and directs the school’s environmental law efforts.

He is also a noted environmental scholar and change agent. While at the EPA, he wrote the legal memo that would undergird a key U.S. Supreme Court decision affecting climate policy—Massachusetts v. Environmental Protection Agency.

As weather events become more dramatic and ocean levels rise, there will be chain reactions beyond just the immediate threats posed—ripples that will affect communities across the nation.

Cannon noted that in Miami Florida’s Little Haiti, for example, sea level rise has fed claims of climate gentrification as wealthier residents fall back from the shoreline.

“Generally, the concern is poorer populations have less ability to adapt,” he said. “That’s true domestically and internationally.”

Climate change impact is just one example of the work that will be done by PLACE, which will examine multiple types of environmental issues in communities, Cannon said.

—Eric Williamson
Block said the new clinic will give students interested in government work an opportunity to help legislators and other state and local officials craft policy. “Policy makers in Virginia, whether they are on a state or local level, never have enough time to tackle all of the issues they want to address,” Block said. “Hopefully the new clinic can help address that problem by providing additional research and analytic support for our government officials.”

He said he expects students to benefit significantly from the clinical experience. “For students interested in government work, my goal is for the clinic to provide them with a chance to learn about policymaking in a direct and hands-on way, while also having a positive impact on life in the commonwealth,” Block said. “I am also hopeful that participating in the clinic will give students a better understanding of the vital and compelling work of both state and local governments.”

Block is a graduate of Yale University and Northwestern Law School. He has also worked as a staff attorney for the Seattle-King County Public Defenders and as a staff attorney for TeamChild, a legal aid program dedicated to juvenile justice issues.

“I’m excited to be back,” Block said. “I’m grateful that the dean has started this new clinic and is giving me the opportunity to stand it up and help it succeed. I really expect it to be a win-win for policymakers as well as our students.” —Mary Wood

Szeptycki most recently served as executive director of Water in the West, a program at the Stanford University Woods Institute for the Environment. In that role, he oversaw an interdisciplinary research program focused on water scarcity problems in the American West.

He was a member of the UVA Law faculty from 2006-12, when he directed the Environmental Law and Conservation Clinic (now offered as the Environmental and Regulatory Law Clinic). In his return to UVA, Szeptycki is serving as a professor of law, general faculty and associate director of UVA’s Environmental Resilience Institute. He will teach Water Law and Policy in the spring at the Law School and plans to lead a course on Natural Resources Law as well.

“We are so pleased to have Leon back at the Law School. He will add to the rich diversity of scholars in our Program in Law, Communities and the Environment, as well as deepen our interdisciplinary connections on environmental issues across Grounds,” said Dean Risa Goluboff. “He is on the forefront of water issues in a part of the country where policy and planning are critical to both preserving the environment and providing for people.”

At Stanford, Szeptycki’s work focused on issues related to stream flow restoration in the context of the Western appropriative rights system, which developed during the settlement of the West. The legal doctrine says the first person to take a quantity of water from a source for “beneficial use” has the right to continue to use that water for that purpose. This system of property rights makes re-allocation of water for new uses and for the environment difficult.

Water is essential for life, and yet we all take it for granted,” he said. “If you ask most people where their water comes from, they are likely to say ‘the tap.’ Getting that water to the tap involves a range of technical, legal and governance challenges that I find end-lessly fascinating.”

Climate represents a particularly pressing challenge for water law and policy.

“Over the last five or six years, it’s become clear that the climate is affecting the availability of water resources on a very rapid time frame, and we need to move more quickly than we are.” Early in his career, he served as the Eastern conservation director and general counsel for Trout Unlimited, a national conservation organization devoted to the protection and restoration of trout and salmon rivers. He also worked for McGuireWoods and the U.S. Department of Justice.

Szeptycki earned his J.D. from Yale Law School, and his B.A. with highest distinction from the University of Kansas. Following law school, he clerked for Judge Stephanie K. Seymour of the U.S. Court of Appeals for the Tenth Circuit. As associate director of the Environmental Resilience Institute, a pan-University institute, Szeptycki will foster interdisciplinary research across Grounds.

Szeptycki continues to serve on the board of the Klamath River Renewal Corp., a nonprofit created to implement a settlement agreement to take down four hydropower dams on the Klamath River in California and Oregon in order to restore salmon runs.

Szeptycki, who is married to UVA Provost and Executive Vice President Liz Magill ’95, said he turned from litigation to exploring his passion for preserving rivers after several years of practicing law. “I’ve always loved rivers and streams—I liked to canoe, I liked to fish,” he said. “I wanted to work on something I care about more.” —Mary Wood
MEMBERS OF THE BLACK LAW STUDENTS ASSOCIATION at UVA Law returned to Cape Town, South Africa, to aid efforts aimed at reducing violence. Allison Jarms ’22, Ambrose Declap ’21, Jordin Dickerson ’20, Natasha Hallaran ’21, Jordan LaPointe ’22 and Tiffany Mickel ’22 collectively volunteered roughly 210 pro bono hours during their winter break in January through the organization’s annual service trip.

The students partnered with London-based Norton Rose Fullbright’s pro bono team, mostly doing research and writing. They conducted research for the nonprofit Gun Free South Africa and made curriculum recommendations regarding how to create training for magistrate judges on the nation’s Firearms Control Act. The students also researched gender-based violence on university campuses for the Commission on Gender Equality, a government agency, and presented their findings to their Western Cape provincial manager.

“Our presentation summarized American federal laws such as Title IX and the Clery Act, made recommendations about how to better collect data regarding gender-based violence at universities, and made suggestions regarding how to implement programs—like the mandatory training modules here at UVA—to reduce the occurrence of gender-based violence,” Declap said.

Outside of their pro bono work, the students visited Franschhoek, a historic winemaking region, and Robben Island, where political prisoners like Nelson Mandela, who went on to serve as the nation’s president, had been incarcerated. BLSA students also traveled to Cape Town previously to aid efforts aimed at reducing violence.

The conference was sponsored by UVA Law’s Program in Law and Public Service, the Mortimer Caplin Public Service Center, the student-run Public Interest Law Association and numerous other student organizations.

—Alec Sieber

UVA LAW NAMES NEW ADMINISTRATORS

LAURA HOWELL ’12 has been hired as a director of admissions. Adriana Vito has also joined UVA Law as assistant dean for graduate studies. Howell comes to Admissions having previously served in the Office of the Attorney General of Alabama. As an attorney general in the Constitutional Defense Division, she litigated challenges to state laws in federal and state court at both the trial and appellate levels. She also coordinated the office’s summer clerkship program and oversaw its recruitment efforts. In 2017, as a Supreme Court Fellow for the National Association of Attorneys General, Howell was the principal author of a U.S. Supreme Court amicus brief signed by 20 attorneys general. She has also served as a legal fellow for the U.S. Senate Judiciary Committee.

At UVA Law, Howell was the executive editor of the Virginia Tax Review and the Student Bar Association Admissions Committee chair.

Vito, in joining Graduate Studies, has more than 13 years of experience in higher education administration, including extensive experience working with international students in undergraduates and LL.M. programs. She comes to UVA from George Mason University’s Antonin Scalia Law School, where she was director of graduate studies and certificate programs since 2015.

In addition to her experience working with international J.D., LL.M. and S.J.D. candidates, Vito worked as an associate dean of students in UVA’s Office of the Dean of Students from 2012-15, where she served on the crisis management and student affairs team and implemented many initiatives and programs to help international students integrate into the UVA culture and community. She also served as an adjunct professor of international trade law and director for international career programs at American University’s Washington College of Law from 2006-2012.

Before her career in higher education, Vito worked for the Embassy of Brazil and the Delegation of the European Union in Washington, D.C., and the international trade law firms of two law firms also in Washington.

—Mike Fox

DANNA BOWEN MATTHEW ’97 HAS BEEN NAMED the next dean of George Washington University Law School. She will be the fifth woman to serve on the UVA Law faculty before becoming dean at a top law school, and the first woman to lead GW.

Matthew, a leader in public health who focuses on racial disparities in health care, will begin her term as dean July 1. She succeeds another UVA Law graduate, Blake Morant ’78, who served as dean of GW Law from 2014 to 2019 and remains on the faculty there.

Matthew said she is excited to join “a pre-eminent space for civil discourse; constructive collaborations and innovative thinking that will advance society’s progress toward addressing the most difficult problems through law.”

At UVA Law, Matthew is the William L. Matheson and Robert M. Morgenthau Distinguished Professor of Law and the F. Palmer Weber Research Professor of Civil Liberties and Human Rights. She also serves as a professor of public health sciences and director of The Equity Center at UVA, an institution she helped found. She has advocated for redress racial and socioeconomic inequality in university communities. The institution most recently hosted the Healing Hate conference at the Schools of Law, Medicine and Nursing.

“Dayna is a pathbreaking scholar on race and public health, and we are so pleased to see her take the visionary leadership she has already shown at UVA to an exciting new level,” Dean Risa Goluboff said. “I am also proud of UVA’s legacy as a launching pad for other UVA Law students from 2006-2012. I am so pleased to see her take the visionary leadership she has already shown at UVA to an exciting new level.”

Each year, BLSA organizes a service trip abroad, and students apply for a limited number of spots. Past destinations have included Tanzania and Uganda. Those who are accepted receive paid travel expenses and accommodations through BLSA’s relationships with participating law firms.

—Mike Fox

PHOTO: YALI DISCOVERY AWARD FOR ASIAN INFLUENCE IN LAW AND SOCIAL JUSTICE

PHOTO: CLERKSHIP WEEK 2019

PHOTO: LAVENDER FESTIVAL 2019

PHOTO: BLACK LAW STUDENTS ASSOCIATION

PHOTO: KOREAN HERITAGE FIREWORKS 2019

PHOTO: DISCOVERY AWARD FOR AFRICAN AMERICAN INFLUENCE IN LAW AND SOCIAL JUSTICE

PHOTO: BLSA STUDENTS AD VIOLENCE REDUCTION EFFORTS ON SERVICE TRIP

PHOTO: SHAPING JUSTICE CONFERENCE EXPLORES ENGAGING COMMUNITY ACTION

PHOTO: GIVE PLENTY

PHOTO: 2019 INDIAN HERITAGE CULTURAL WEEKEND
"The life here is fantastic. Unlike busy days in Japan, I have plenty of time not only to study but also to spend with my family, to socialize, to do some exercise, because I can manage time by myself. I can spend much more time taking care of my daughter, doing some chores for my wife and hanging out with them."

—KANJI HARADA LL.M. ’20 with his wife, Honami Harada, and their daughter, Mei.

MORE: LAW.VIRGINIA.EDU/LIFE

"I studied abroad five times in four countries (Italy, Israel, China and Spain) and studied five languages (Italian, Spanish, Latin, ancient Greek and Korean). I enjoy learning languages and finding commonalities with people despite language and cultural barriers. Growing up, I traveled to Jamaica often to visit family there. This sparked an interest in travel and intercultural exchange."

—NICOLE BANTON ’21

MORE: LAW.VIRGINIA.EDU/STARWITNESS

"The life here is fantastic. Unlike busy days in Japan, I have plenty of time not only to study but also to spend with my family, to socialize, to do some exercise, because I can manage time by myself. I can spend much more time taking care of my daughter, doing some chores for my wife and hanging out with them."

—KANJI HARADA LL.M. ’20 with his wife, Honami Harada, and their daughter, Mei.

MORE: LAW.VIRGINIA.EDU/LIFE
THE MOST RIVETING HORSE RACE IN KENTUCKY LAST YEAR WASN’T AT CHURCHILL DOWNS. It was the gubernatorial contest between incumbent Matt Bevin, a Republican, and state Attorney General Andy Beshear ’03, the Democrat who prevailed in a bruising dash to the finish, by just over 5,000 votes.

Beshear, 42, took office in December, pledging a different tone than his predecessor. Bevin had been frequently characterized as “combative” by the press. “Where there is disagreement, we will act like adults,” Beshear said in an interview with UVA Lawyer in January. “We will treat each other with respect. It’s what’s expected of everybody else in their place of employment; we ought to be able to do the same in government.”

During his tenure, Bevin pushed through cuts to the state pension system in order to course-correct $43 billion in pension debt. When teachers responded with a “sick out” from school and a mass protest, Bevin compared them to children whose behavior needed to be disciplined.

As attorney general, Beshear challenged the legality of the pension revamp, which was not approved using the traditional three-vote procedure in the Kentucky General Assembly. Instead, the “final” vote was masked within other legislation that had been voted on twice previously.

The Kentucky Supreme Court agreed with Beshear that the vote—as taken—was unconstitutional. It struck down the new pension law.

Beshear also successfully sued Bevin at the state Supreme Court over midcycle cuts to the university system.

In Kentucky, attorneys general suing governors happens “more often than people think,” Beshear said, “going back through our last 12 or so governors.” It’s a sign, he added, that the system is healthy and working as designed.

“That’s important is how we react to that, that we understand that everybody has a job to do. And just because we have a disagreement, that doesn’t mean we have to be disagreeable. We have a court system to go to, to ultimately solve those disagreements.”

While critics might have dismissed Beshear’s pension lawsuit as an act of partisanship, that would have been short-sighted for a man with his eyes set on the governorship. The pension shortfall is now his problem to resolve.

Beshear, who had no other prior political experience, ran on his record as an attorney general who made drug manufacturers pay in response to the opioid crisis, and who ordered and achieved testing for all backlogged rape-kit evidence in the state, among other accomplishments.

The latter effort resulted in nine indictments as of the beginning of the year.

The first indictment stemmed from a rape that occurred in 1983; the victim is now in her 80s. “It just goes to show that justice is always possible,” he said.

After polls closed on Nov. 5, Beshear was up by less than half a percent of the vote and The Associated Press deemed the outcome “too close to call.” Pundits were eager to view the outcome of the race as not so much a reflection of the candidates as a referendum on President Donald Trump, who won the state by a landslide in 2016 and who campaigned extensively on Bevin’s behalf.

Bevin refused to concede, citing “irregularities.” But on Nov. 14, following a recanvassing, Bevin indeed conceded. He wished Beshear luck in his new job.

A former litigator who practiced in Washington, D.C., before joining the Kentucky firm Stites & Harbison, Beshear promises to listen to anyone who offers informed counsel—even his father. Beshear’s dad is Steve Beshear, who held the office from 2007-15—the two terms immediately prior to Bevin’s. They are the first father and son in Kentucky to both occupy the top executive role, and the fourth such pairing nationwide.

But at the end of the day, the younger Beshear stressed, he’s his own man. “[My father] knows some of the traps, and he knows some of the opportunities,” he said. “I will take as much advice as I can get, provided it will help me be a better governor, but what I really need from him now is more babysitting.”

The governor and first lady Brittany Beshear have two children, Lila and Will, ages 9 and 10.
LORIN GRANGER
UVA LAWYER

WHAT ALUMNI ARE DOING 5, 10, 15 AND 25 YEARS OUT OF LAW SCHOOL

5 YEARS AFTER LAW SCHOOL?
I feel very lucky to have amazing friends, a close family, and a part of a murder-leading practice that is constantly evolving, has so much momentum and has continued to grow at a tremendous pace. I am excited to see where it goes in the coming years.

DESCRIBE YOUR WORK: Since graduating from UVA Law, I have been working as a finance associate in The Private Credit Group at Proskauer, where I represent direct lenders in both sponsored and nonsponsored transactions, including acquisition financings, refinancings and recapitalizations. In the past year, my work has evolved with the market and has expanded into the bankruptcy and restructuring side as well.

WHAT ACTIVITIES DO YOU ENJOY OUTSIDE OF WORK? I have always been an avid runner, and keeping that as part of my daily routine has been one of my top priorities as maintaining balance as a corporate lawyer. I also love to travel, so I take a big trip every summer in addition to smaller trips throughout the year. (Some would say one of my strengths is making the most out of my vacation days!) Finally, I serve on the board of Boston Explorers, a nonprofit organization dedicated to providing a unique summer camp experience for urban youth that combines hands-on activities with spontaneous adventures and explorations across the city, which has been an incredibly meaningful and rewarding experience for me.

ARE YOU WHERE YOU EXPECTED TO BE AT THIS STAGE OF YOUR CAREER AND LIFE? Working in an industry that is at the intersection of law and business was always a goal of mine. My experience at UVA Law, particularly from participating in the Law & Business Program and the Entrepreneurial Law Clinic, prepared me well for that. Having the foundational knowledge and tools to better understand the strategies and concerns of clients on the business side has allowed me not only to advise them from a legal perspective, but also to offer valuable business insight. Overall, my legal career so far has been similar to how I had envisioned it, but life has certainly thrown me some curveballs along the way too.

WHAT DO YOU LIKE ABOUT YOUR LIFE 5 YEARS AFTER LAW SCHOOL? I feel very lucky to have amazing friends, a close family, and a part of a murder-leading practice that is constantly evolving, has so much momentum and has continued to grow at a tremendous pace. I am excited to see where it goes in the coming years.

I am a partner at Davis Polk, focusing on white-collar defense work. I represent companies and individuals in government investigations and enforcement actions, both criminal and civil. I also represent clients in congressional inquiries and advise on confidential internal investigations and on corporate governance and compliance matters. My work has involved allegations of fraud, violations of anti-bribery laws, insider trading, money laundering, antitrust and other financial crimes.

WHAT ACTIVITIES DO YOU ENJOY OUTSIDE OF WORK? Outside of my career at Davis Polk, my husband, John (also Class of 2003), and I have our hands full raising three children, currently ages 5 and younger. We enjoy keeping up with the kids and living in Old Town Alexandria, Virginia, where we are mere steps from countless activities, shops, restaurants, parades and other events.

ARE YOU WHERE YOU EXPECTED TO BE AT THIS STAGE OF YOUR CAREER AND LIFE? Profesionally, I always hoped for a career that would leverage my strengths and challenge me consistently. I found that at Davis Polk, where I have worked on high-profile and complex matters alongside an incredibly talented group of attorneys, including many UVA alumni. It has been rewarding and fulfilling. Personally, I always hoped for a big and supportive family. I feel incredibly fortunate on that count as well.

WHAT DO YOU LIKE ABOUT YOUR LIFE 10 YEARS AFTER LAW SCHOOL? I like that I have so much to look forward to: I made partner at Davis Polk this past year, and I am excited to continue building my practice and growing as an attorney. John and I also welcomed our third child in the last few months, and I am also excited to raise our kids with the help of extended family in the area. The last decade has been a whirlwind both professionally and personally. I can only hope that the next decade is full of just as much growth, laughter and fulfillment.
Describe your work: As a trial attorney with the Environmental and Natural Resources Division of the Department of Justice, I defend the United States and its agencies and officers under the Fifth Amendment’s Takings Clause and various statutes, like the Administrative Procedures Act and the National Environmental Policy Act. As with any civil litigation, my docket consists of researching and analyzing novel issues, writing numerous briefs, negotiating with opposing counsel, advising agency counsel, attending depositions and site visits, and appearing in federal courts around the country. I also find it important to take advantage of opportunities to impact my office’s community and culture, as I serve on the hiring, diversity and social committees. Every day brings new challenges, which help keep me engaged and growing.

What activities do you enjoy outside of work? When I have “free” time, I love to read—even after [having attended] law school! I am actively involved in my church. I also love to travel (especially to new places), volunteer, cook, crochet and watch great television. And one day, I hope to become the next UVA law-turned-novelist.

Are you where you expected to be at this stage of your career and life? Not at all! I never could have predicted landing in environmental litigation or having such a rewarding and challenging career arguing about floods in the desert or the management of wild horses in California. The path my career has taken was unforeseen. I have the honor of representing the United States of America. Plus, being from the DC area originally, it is great to be home and closer to family and childhood friends.

What do you like about your life 15 years after law school? While my career is important, life is about relationships. I have some amazing friends, mentors and loved ones that have helped shape me into the confident lawyer and thoughtful woman I am today. I like that I am able to do what I love, and feel fulfilled and content. I look forward to seeing what God will do in the next 15 years.
AT TIMES DISMISSED BY MEMBERS OF THE OLDER GENERATION, millennials and their social views are earning new respect from one of the traditional quarters of the old guard—the corporate boardroom. That’s the finding of a pair of UVA Law professors and their co-author in a new paper.

Last year, the Business Roundtable, a consortium of CEOs for the nation’s largest firms, announced in a public statement that corporations have an obligation to serve the interests of not just shareholders, but also employees, customers and society at large.

Professors Michal Barzuza and Quinn Curtis, and Professor David Webber of the Boston University School of Law, say they see a straight line between the announcement and the research in their recent paper, “Shareholder Value(s): Index Fund Activism and the New Millennial Corporate Governance,” forthcoming in the Southern California Law Review.

The paper argues that, as millennials advance social goals, they are also helping to shape corporate governance—and that new ways of thinking about social goals in conventional corporations are now required.

The younger generation, to put it bluntly, is coming into money.

“Millennials are just starting to enter the phase of their lives where they will accrue a lot of wealth,” said Curtis, the Albert Clark Tate, Jr., Professor of Law. “The competition to manage that wealth is underway and a key dimension of that competition is going to be funds demonstrating that they share millennial values.”

The professors say index funds, which consist of a portfolio of companies meant to track with a market index such as Standard & Poor’s 500 Index, are the fulcrum for corporate change because they are most susceptible to social pressure.

“Millennials place a premium on social values in their investments,” they write. “With prices for index funds already cut to the bone, and investment performance an irrelevant consideration for index investors, index funds must seek out differentiation in the market where they can find it. Using their voting power to promote their investors’ social values, and doing so publicly and loudly, is a way for these funds, which otherwise risk becoming commodities, to give investors a reason to choose them.”

They note that index funds are now the largest shareholders in many large companies, and that social activism exerted via index funds has led to greater gender diversity on corporate boards and new sustainability practices, among other changes.

Barzuza researches and teaches corporate law, corporate governance, corporate finance, regulatory competition, and law and economics. Curtis teaches courses on corporate law, securities and venture capital.
IN THE LAST DECADE, AS CITIES HAVE BECOME MORE ASSERTIVE IN ADOPTING NOVEL POLICIES, WE HAVE WITNESSED A DRAMATIC RISE IN STATE PREEMPTION OF LOCAL LAWS. States have overridden or outlawed sanctuary cities, voided municipal minimum wage laws, prevented local plastic bag bans, penalized cities for adopting local gun control measures, barred the municipal regulation of ride-sharing services, outlawed local family leave policies and required local governments to maintain Confederate monuments. These examples are evidence of an increasingly hostile state-local relationship across the country. That hostility is reflected in an urban-rural split that seems to be characteristic of the nation’s polarized politics. Though often attributed to the red-state/blue-city divide, the hostility to local policymaking is evident even in states that are dominated by one party.

This moment of increasing intrastate conflict suggests the need for a rethinking of the state-local relationship.

In many states, local governments enjoy constitutional or statutory “home rule” protections that preserve their ability to adopt ordinances without first obtaining permission from the state legislature. But these provisions do not prevent legislatures from overriding local laws with which they disagree. In many cases that means that densely populated cities and rural counties are being governed by the same one-size-fits-all rules. Statewide rules can be important in certain policy areas, but uniformity has become an excuse to reduce local government authority to the barest minimum.

The contracting of local authority increases the gap between citizen preferences and government responsiveness and contributes to political apathy. Local governments are not perfect, by any means. They can act parochially, corruptly—or worse. But the federal government and state governments are not immune from similar political pathologies. This assertion that more centralized governments will produce more enlightened governance has been regularly proved wrong. The disconnect between the governed and the government matters. Local governments need space to experiment even when the issues are highly contentious—and perhaps especially so.

What does true “home rule” look like? In the early part of the 20th century, Progressive Era advocates urged freedom for “metropolitan cities” to protect urban citizens from capricious state legislatures, who regularly adopted “ripper” bills that stripped power from locally elected officials. Home rule did not mean deregulation. Cities were often on the front lines of innovative public health and safety policies. Cities were the first to regulate cigarette use and to adopt wage and hours laws. Cities have more recently been innovators in areas like antidis-

crimination law and environmental protection.

The United States has long been an urban country. But at this moment in history, we are witnessing the concentration of economic activity into metropolitan regions. Consider that 52% of total U.S. gross domestic product is accounted for by 20 metropolitan areas. The New York metropolitan area alone accounts for just under 10% of the country’s total GDP. Phoenix generates 70% of Arizona’s total economic output and 70% of the state’s employment. Cleveland’s metropolitan economy is bigger than Ireland’s. The gross metropolitan product of the top 10 metropolitan areas in the country exceeds the total gross domestic product of 34 states and the District of Columbia combined.

The economic dominance of cities and the metropolitan regions that surround them has not been matched by political influence. The Supreme Court has determined that political gerrymandering is not susceptible to constitutional restraint. Anti-city gerrymanders in many states thus continue to dilute metropolitan political power.

This mismatch generates significant political dissatisfaction. One consequence is institutional reform. At the beginning of the 20th century, home rule was a response to the rapidly changing economics and demographics of an industrializing country. A rejuvenated home-rule movement in the states could be the answer to the equally dramatic economic shifts that characterize the beginning of the 21st.

RICHARD C. SCHRAGGER, the Perre Bowen Professor of Law and a senior fellow at the Miller Center, is the author of “City Power: Urban Governance in a Global Age.” This op-ed draws from his articles “The Attack on American Cities,” 96 Texas L. Rev. 1163 (2018), and “Federalism, Metropolitanism, and the Problem of States,” 105 Virginia L. Rev. 1357 (2019).
IT HAS BEEN EIGHT YEARS since UVA Lawyer caught up with Trevor Potter ’82, the former chairman of the Federal Election Commission who founded, and serves as president of, the Campaign Legal Center in Washington, D.C.

Back then, Potter was fresh off his appearances on “The Colbert Report,” where he famously helped host Stephen Colbert demonstrate to a mass audience the dangers to democracy posed by super PACs—those political action committees that, since the 2010 ruling by the U.S. Supreme Court in Citizens United v. Federal Election Commission, can raise unlimited amounts of money from corporations, unions and individuals. That is, just so long as they don’t coordinate directly with candidates or their campaigns.

Potter and Colbert formed the super PAC “Americans for a Better Tomorrow, Tomorrow,” which used real dollars to show how shadowy actors can, and do, circumvent campaign finance laws.

Since then, the challenges in election oversight have multiplied. From Russian interference in the 2016 election and questions over the role social media played, to more recently, concerns over whether President Donald Trump invited Ukraine to interfere in the 2020 presidential race, the electorate is left to wonder what will happen next.

Regarding Ukraine, the watchdog efforts of the Campaign Legal Center led to the indictment of four associates of Rudy Giuliani, the president’s personal attorney, on campaign finance law violations. The charges involved large contributions of apparently foreign-sourced money to a super PAC tied to the Trump campaign.

Potter is a Republican who served as general counsel to John McCain’s two presidential bids, but he puts his political hat in a box for the sake of the nonpartisan, nonprofit organization he runs. The center “holds candidates and government officials accountable regardless of political affiliation,” according to its website.

In the midst of the confusion generated by the Iowa caucuses in February, we asked Potter about his concerns about the next election.

**What are your thoughts on the voting app snafu at the Democrats’ Iowa caucus, and voting technology in general?**

There were a number of warnings going into Iowa that relying on untested apps and new systems could have this result.

There is a real risk that voters won’t trust the system because of technology problems. We at the Campaign Legal Center, for instance, have focused on the need for paper trails of ballots that are auditable. If there is a technological problem, which occurs all the time in modern life, never mind the possibility of malign outside actors, it is really important that there be a way for humans to verify the results. We also favor automatic random audits of election results. I think those are all important. But caucuses are run by political parties, not by government entities, so they are not governed by such rules, which puts the onus on them to get it right.

**Can voting integrity be ensured with online systems?**

There’s a lot of pressure from both citizens and the news media to speed up the process, to be able to do things easier by doing things online. And that has in it the inherent possibility that there will be problems—hacking, and human error in the programming side.

There has been, for a while, pressure to vote online on the theory that if you can bank online, and that’s secure, why can’t...
you vote that way. I am very skeptical of that. Everything online seems more vulnerable than we thought it was 10 years ago. Commercial transactions online are, by their very nature, not confidential. The whole point is your bank can see what you've done; you can see what you've done; everyone can review what you've done. Voting is quite different because it is supposed to be confidential. That's radically different from buying something on Amazon or moving money in a bank.

Does our decentralized voting system help or hurt matters?
The dispersed and decentralized nature of our system is, on one hand, an advantage, because it means a malign actor can't hack into the central national election database, because there isn't one. But on the other hand, it makes us more vulnerable, because a malign actor could affect an election by just hacking into one city in one state and potentially swing an election.

If a major city goes down, it will affect the vote in that state, and that state may well affect the vote in the Electoral College.

There are approximately 10,000 jurisdictions that run elections. So when something goes wrong in Broward County, Florida [which was involved in the 2000 election recount], it can have a national effect. But the organization of the election process there is under the control of local authorities.

Now, of course, there is a provision in the Constitution that allows the federal government to supersede state election rules and processes, but Congress is loath to do that. It takes a real problem for the federal government to intervene.

What has changed since the last election? Have we made progress to prevent hacking?
There has been progress, it’s just been within a context that makes progress difficult, slow and incomplete.

I think we have the unfortunate political reality that officials in the current administration have been very keery of talking about foreign interference, vulnerability, on the technical side of running elections, we deal with a couple of realities. One is that you have to work with the states, you have to work with the localities. They don’t have funding for a lot of this. Elections occur once a year in most places, if that often—and roads need repair and garbage collected all year. Though no one wants elections to go badly, voting and elections are also usually not the top budget priority for any governmental entity.

What has changed since the last election?

Majority Leader Mitch McConnell has refused to concede. Two days later, it became clear that it was all false, that the tweet was from a fake account and that the retweets were largely from foreign bots. I don’t know that we know who was behind all that, but it was a clear attempt to cast doubt on the election results.

It is exactly the sort of thing we can expect social media companies to do to interfere with our democracy. It’s really too late for legislation.

Not necessarily to affect the election results, but to create chaos in our democracy. Having seen the results in Kentucky, the question is, how do we prevent that for the future? The answer is, we can be aware that it’s a possibility, but it takes a couple of days to figure out if the account is a fake account.

Then, of course, there is the world of misinformation and disinformation and deep fakes, promoted by partisans on both sides.

Does the center have any initiatives on that front?
We’re part of coalition with social media experts in New York who have put out a statement on things we think social media companies can do voluntarily to address some of the machine issues. But there’s also the political problem of getting Congress to act on this between now and next fall. What we have left is voluntary actions by responsible social media companies.

Is greater transparency part of the solution?
That’s very much part of the solution. We are part of a coalition with the State Department and Congress. These are the co-founders of Facebook, led that coalition.

We’re part of coalition with social media experts in New York who are trying to push social media companies to do voluntary actions to address some of the machine issues. But there’s also the political problem of getting Congress to act on this between now and next fall. What we have left is voluntary actions by responsible social media companies.

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OUR NATION’S RECENT PRESIDENTIAL IMPEACHMENT wasn’t the first time in modern history that we’ve asked the question: When is a payment a bribe?

Squaring what is bribery—or its sibling, extortion—could be an important part of how democracy moves forward, said Professor Deborah Hellman, an expert on governmental ethics and campaign finance reform.

The federal bribery statute states, “whoever, being a public official or person selected to be a public official, directly or indirectly, corruptly demands, seeks, receives, accepts, or agrees to receive or accept anything of value personally or for any other person or entity, in return for being influenced in the performance of any official act” commits bribery.

Hellman recently outlined her theory in her paper, “A Theory of Bribery,” which won the 2019 Fred Berger Memorial Prize from the American Philosophical Association and was published in the Cardozo Law Review.

“What you might consider the ‘classic’ political bribe is someone who offers a public official money for a vote on a particular bill,” she said. “Money is clearly something of value. A vote on a bill is clearly an official act. The official is motivated to vote on the bill to get the money for personal gain, rather than believing that the vote is for what the constituents want.”

But is the corrupt motivation what makes this bribery? Hellman doesn’t think so.

What of the “practical politician” who argues that he wants the money to improve his chances of winning reelection, which he believes is good for his constituents?

“If this motivation absolves the politician of bribery, then the more arrogant the official, the more free he or she is to accept money or campaign contributions in exchange for official acts,” Hellman said. “That can’t be right.”

Hellman’s theory of bribery differs with conventional thinking in that she doesn’t focus on the subjective motivation of the office holder. Instead, Hellman argues that bribery requires that the things exchanged be of different types.

“We may think of logrolling, but consider the case of former Illinois Gov. Rod Blagojevich to support her view. Blagojevich offered to fill Barack Obama’s U.S. Senate vacancy with Valerie Jarrett, an Obama insider who had co-chaired the president’s transition team, in exchange for the governor either receiving a federal appointment or for helping land a private-sector job.”

Judge Frank H. Easterbrook of the U.S. Court of Appeals for the Seventh Circuit, writing for the court, held that exchanging an appointment for an appointment does not constitute bribery. The court overturned five of the convictions based on that premise. But Blagojevich’s convictions for attempting to also sell the open seat for money were affirmed. The opinion, like Hellman’s theory, requires that the values exchanged be different in kind.

Another noteworthy recent case demonstrates the consequences of ill-defined laws.

When Virginia Gov. Bob McDonnell appealed his conviction on federal corruption charges, the U.S. Supreme Court unanimously overturned the conviction.

“There, the claim was McDonnell accepted all kinds of goodies—paying for his daughter’s wedding, shopping trips for his wife—in exchange for setting up meetings for this businessman with other government officials and pressuring those officials to take certain actions,” Hellman said.

The court found that while the exchange of these “goodies,” as Hellman puts it, for exerting pressure would constitute bribery, the exchange of goodies for merely setting up a meeting would not, because setting up a meeting is not an “official act” under the federal bribery statute.

“What the opinion left unclear is whether the court’s opinion is based entirely on statutory interpretation, in which case it could be changed by legislative action, or whether the court believes that Congress or a state legislature could not prohibit the sale of meeting time on a schedule of a public official,” she said.

Virginia now has a very restrictive gift law, but Hellman said that states may still want to define the term “official act” to include setting up meetings. Doing so would make it clearer that an official’s time belongs to the public and is not for sale.

Hellman is the David Lurton Massee, Jr., Professor of Law, and the Roy L. and Rosemond Woodruff Morgan Professor of Law. Her scholarship focuses on money and legal rights, and equal protection law.
EVERY TIME THERE IS A MAJOR ELECTION, television news crews pan the long lines of noble citizens waiting cheerfully to perform their civic duty. But what of those voters unable to stay? Researchers know that when lines get long, whether a person is waiting to vote or buy groceries, some who are waiting will abandon the queue—known as “reneging.”

Professor Michael Gilbert and other academics studied voter lines in 2016 in 28 election jurisdictions across the United States. The study, titled “Waiting to Vote in the 2016 Presidential Election: Evidence from a Multi-county Study,” is believed to be the largest review of its kind.

Gilbert spoke to UVA Lawyer about the results, which, among other things, have implications for the ongoing debate about voter ID laws.

How did you get involved in this very large poll-watching project?

I was recruited, along with other law and political science professors around the country, by Charles Stewart, a political scientist at MIT who specializes in the empirical study of voting.

Did you utilize law students to help monitor the lines in Albemarle County?

Yes, it was a combination of law students, whom I organized, and undergraduate students, whom Professor Charles Kromkowski in the UVA Politics Department organized.

What are the study’s most important findings?

Three findings stand out. First, voter identification laws, which have generated a lot of controversy, decrease the time to vote in majority-white polling stations. This is probably because such stations have machines that can swipe drivers’ licenses, collecting voter information more quickly than through manual entry. But those same voter ID laws increase the time to vote in polling stations in which the majority of voters are minorities. Presumably, this is because fewer people in those locations have a valid ID, but they do not discover this until they reach the front of the line and talk to a poll worker, causing delays.

Second, same-day registration slows down the line. This is predictable when you think about it. Some voters at the front of the line are doing two things—registering and voting—rather than just one, voting. Still, it’s worth reflecting on. Many people favor same-day registration on the grounds that it makes voting easier. That might be true in all things considered, but it does have a crosscutting effect. People have to wait longer, and at least for some people—including people who are already registered to vote—this discourages them from voting at all.

Finally, the data suggest a simple prescription for improving wait times: increase the number of poll workers.

What did this study confirm from past studies, and what assumptions did it call into question?

First, an important, earlier study found that electronic voting machines increased the time to vote in comparison with paper ballots. A hypothesis—there were others—was that voters were not familiar with the machines and found them difficult. Our study doesn’t find that. We think that voters have, over time, become familiar with the machines, so they no longer cause delays.

Second, the study confirms earlier ones: Voting takes longer, as I’ve stated, in majority-minority polling stations than in majority-white polling stations. This distressing disparity is a consistent feature of our election system.

What are the implications for the next election?

The debate over voter ID laws will rage on, and our study might add fuel to the fire.

Is the bigger issue here making one’s vote count or voter confidence?

Both. We want the votes to count, obviously, but we also want people to believe, correctly, that elections work. There’s ample evidence that long lines undercut voter confidence.

Gilbert is the Martha Lubin Karsh and Bruce A. Karsh Bicentennial Professor of Law. He teaches courses on election law, legislation, and law and economics.
FALL 2019

Karsh Center Explores Key Issues Facing Democracy

Since the Law School’s Karsh Center for Law and Democracy launched in November 2018, the nonprofit legal institution has been busy fulfilling its mission of promoting civil discourse and democratic dialogue, ethics and integrity in public office, and respect for the rule of law.

“It’s an exciting time for us, and we’ve launched several efforts that build upon the center’s core values,” said Professor Michal Schwartzman ’05, who leads the center. The center has hired Nicholas Almendares, who holds a Ph.D. in politics and a J.D. from New York University, as program director, and added three endowed chairs. Schwartzman, Michael Gilbert and Mila Versteeg are the inaugural Martha Lobin Karsh and Bruce A. Karsh Bicentennial Professors, roles that rotate every three years.

Since the Law School’s Karsh Center for Law and Democracy launched in November 2018, the nonprofit legal institution has been busy fulfilling its mission of promoting civil discourse and democratic dialogue, ethics and integrity in public office, and respect for the rule of law.

The center’s recent and upcoming events include:

• A three-part conversation series in the fall of 2019 offering a primer on impeachment, which featured Professors Frederick Schauer; Saiilishrma Prakash, Ashley Deeks, John Harrison, Deborah Hellman and Michael Gilbert.

• “Speech Inside the Schoolhouse Gates: 50 Years After Tinker v. Des Moines,” with keynote speaker and Supreme Court plaintiff Mary Beth Tinker, a Jan. 24 conference led by the Virginia Law Review, with support from the center.

• “Illiberal Politics in America,” a Feb. 21 conference that was co-organized with Zack Zeckos, a former senior correspondent for the Atlantic and Slate, and will feature Saikrishna Prakash, Ashley Deeks, John Harrison, Deborah Hellman and Michael Gilbert.

The center launched with an interview of retired U.S. Supreme Court Justice Anthony Kennedy conducted by financier and philanthropist David Rubenstein. It was broadcast on Virginia’s public television channels, as well as on “The David Rubenstein Show.”

Watch or hear Karsh Center events: youtube.com/uvalaw or soundcloud.com/uva-law

Democracy Lab Helps Make Corruption Clear

PROFESSORS Deborah Hellman and Michael Gilbert are inaugural scholars in UVa Cor-ruption Lab on Ethics, Accountability, and the Rule of Law, also known as CLEAR. The lab looks at the “causes, methods, and consequences of corruption,” according to its website, in collaboration with other UVA professors and departments, as part of UVa’s research- ing Democracy Initiative, which aims to study and advance the prospect of democracy around the world.

CLEAR launched its public-facing efforts with the one-day conference “Corruption and Institutional Design,” held Nov. 9, 2019, at the Miller Center. The event featured William Browder, a businessman who attempted to expose the fraud of Russian oligarchs and senior government officials.

Browder’s related activism on behalf of his attorney, who died as a Russian prison from alleged torture and medical neglect, persuaded Congress to pass the 2012 Magnitsky Act, which empowers the U.S. to sanction human rights offenders. Browder’s related activism on behalf of his attorney, who died as a Russian prison from alleged torture and medical neglect, persuaded Congress to pass the 2012 Magnitsky Act, which empowers the U.S. to sanction human rights offenders. Browder’s related activism on behalf of his attorney, who died as a Russian prison from alleged torture and medical neglect, persuaded Congress to pass the 2012 Magnitsky Act, which empowers the U.S. to sanction human rights offenders. Browder’s related activism on behalf of his attorney, who died as a Russian prison from alleged torture and medical neglect, persuaded Congress to pass the 2012 Magnitsky Act, which empowers the U.S. to sanction human rights offenders. Browder’s related activism on behalf of his attorney, who died as a Russian prison from alleged torture and medical neglect, persuaded Congress to pass the 2012 Magnitsky Act, which empowers the U.S. to sanction human rights offenders.

While the 501(c)(3) organization can’t advocate for specific candidates, NeW makes its presence known at colleges, often with members wearing pink T-shirts that read, “This is what a conservative looks like.”

“We shouldn’t underestimate the power of conservative women in this country,” Lips said. “I expect conservative women to play a big role in the 2020 election.”

Lips is the editor of the book “She’s Conservative: Stories of Trials and Triumphs on America’s College Campuses.” As president of NeW, she frequently provides commentary in major media outlets such as CNN, Forbes, The Washington Post, Fox News and The Atlantic. Previously, she practiced law at Wiley Rein and served as a resident fellow at the Harvard Institute of Politics.

She’s Conservative

AND SHE VOTES

Karin Lips ’09 Founded Org Supporting College Women Who Lean Right

Not just in light of the upcoming presidential election, but every day, Karin Lips ’09 wants young women on college campuses to know that the left hasn’t cornered the market on female empowerment, and that conservatives are not to be discounted.

To that end, Lips (née Agness) started the Network of Enlightened Women, or NeW, in 2004 as an undergraduate at the University of Virginia. Her activism began after a Washington, D.C., internship with U.S. Sen. Richard Lugar, the long-serving Republican who represented her home state of Indiana.

“During that experience I was surrounded by a lot of women who cared about policy and the world of ideas, and who brought a conservative perspective to the discussion,” she said. “When I went back to UVA, I sought out an environment like the one I had found in D.C.”

The American studies major soon realized that she needed to fill a void. She began the group as a book club where women could discuss—free of judgment—content that wasn’t on their classroom syllabi.

Despite initial ridicule, she said, the idea caught on. A second NeW group formed at William & Mary within six months. By the time she reached the Law School in 2006, NeW had chapters on campuses in California, New Jersey and Texas that year.

Now, with a presence at dozens of colleges across the U.S., the nonprofit organization offers diverse programming meant to encourage the next generation of women “to be leaders for the cause of freedom,” as she puts it.

“In the 15 years since our founding, we’ve transformed into a women’s leadership organization that provides policy and professional development programming,” Lips said. “Students still discuss conservative ideas, bringing much-needed intellectual diversity to campus and the women’s movement. We also serve as a voice in national conversations about women and policy.”

Lips promotes a new brand of feminism, “opportunity feminism,” which she says seeks to maximize freedom for women so they can build the lives they want to build.

As she noted in a recent op-ed for The Detroit News commenting on the 100th anniversary of women’s right to vote, women exceed men in the electorate by about 10 million voters and have voted in greater numbers than men in each presidential election since 1964. She said it’s inappropriate to assume all women will vote, or should, vote the same way.

“To honor the centennial of women gaining the right to vote, take a moment and thank a female friend who you know votes differently than you,” she wrote. “Or at least don’t assume the worst of her.”

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YOU KNOW THAT WHOLE “marketplace of ideas” concept that says if you hear all arguments the best will win out? Well, it’s a bunch of hooey. That’s the take of Professor Frederick Schauer and Vice Dean Leslie Kendrick ’06, two of the Law School’s experts on the First Amendment, who see the current proliferation of lies in the media landscape—perhaps most audaciously in the form of altered videos and other fake news—as disrupting the marketplace of ideas theory and putting democracy on a dangerous path.

“I have long been skeptical of the often-touted but rarely analyzed virtues of public deliberation or public discourse as a route to truth, knowledge, sound public policy, etc.,” Schauer said. “I’m also of the view that our current First Amendment theory and doctrine doesn’t deal very well with verifiable concrete fact.”

In the United States, the press enjoys protections unrivaled in the rest of the world, and speech related to politics is the most protected within the media.

But Kendrick said the media landscape has come a long way since the U.S. Supreme Court case New York Times Co. vs. Sullivan, which restricts the ability of public officials to sue for defamation and creates the intentionally high standard of “actual malice” to receive damages. (The standard means a publisher must have known the information was false upon publishing it, or the risk that it was false.)

News consumers’ choices are no longer restricted to newspapers, radio and three major television networks. Now, anyone can be a “journalist” because of the ease of publishing and disseminating information via the internet—making it easier to spread malicious rumors. The old rules of the road, it seems, no longer hold.

Despite the frequent citing of Sullivan in subsequent free-speech cases, “What the justices are not saying in Sullivan is that lies have First Amendment value,” Kendrick stressed.

Schauer said the U.S. might be a lot less tolerant of falsehoods in the media today— and more in line with other liberal industrialized democracies—if it weren’t for the 12-year period in the courts starting with Sullivan.

From that 1964 decision to 1976, when the justices ruled in Virginia State Board of Pharmacy v. Virginia Citizens Consumer Council Inc. that free-speech protections apply to commercial speech, there was a string of transformative court decisions broadly protecting speech, he said.

The early winners were often left-leaning social activists protesting the Vietnam War or for greater civil rights. In more recent years, however, bearers of antiliberal messages, often meant to shock or provoke, have received similar protections to those engaging in traditional public debate. Schauer noted that it is legal, for example, to depict a woman in high heels appearing to crush a puppy.

While acknowledging that there may be a “liberal hypocrisy” discussion worth having in terms of whose speech is protected, Schauer said that conversation shouldn’t include...
absolute tolerance for flat-out lies.

Kendrick and Schauer both took aim at the 2012 Supreme Court ruling in United States v. Alvarez, which struck down California’s Stolen Valor Act, a law that had made it a crime to falsely claim earning military medals. Justice Anthony M. Kennedy, writing for a 6-3 majority, stated that speech that doesn’t cause a grave and imminent threat shouldn’t be curtailed.

“The court says there is much more protective things about false speech,” Kendrick said. “It’s a time for a rethinking of how we came to those decision points in the first place.”

While they weren’t prescribing solutions, Schauer said he would be comfortable with some form of “recalibration.” For example, he questioned whether public figures outside of the political realm—the football placekicker or the television chef—shouldn’t have more recourse when harmed by speech. The professors said it also may be worth focusing attention toward media’s new gatekeepers, the social media platforms, which have the ability to spread misinformation like fire in a dry forest. These gatekeepers might also possess the tech to help solve the problem.

“I could imagine some sort of content-neutral regulation about what technological tools have to be used,” Kendrick said. “It’s a time for a recalibration.”

The justices are not saying in statements. At the very least, they can make us skeptical as to the for the UVA Law podcast “Common Search for Truth, and the Problem of Collective Knowledge.”

Kendrick is the author of the recent paper “Lies and Free Speech Values.” She is the David H. Ibbeken ’71 Research Fellow at the University of Virginia School of Law. Kendrick’s work focuses on the First Amendment, digital harms, and the expanding use of digital technologies in journalism.

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PROFESSOR SAIKRISHNA PRAKASH isn’t the first academic to observe that the modern presidency has become King Kong-like in its outsized reach. But as a scholar who has spent years studying how the office was originally conceived, he may be uniquely positioned to understand just how far we’ve come.

In his new book, “The Living Presidency: An Originalist Argument Against Its Ever-Expanding Powers,” Prakash explains why the executive branch’s power has swelled in recent decades, why he thinks that is a problem and how Congress might respond to defend its authority.

The book was published in April by the Belknap division of Harvard University Press.

The idea that presidents make law on a regular basis, rather than merely executing the will of Congress, per the Constitution, is one fundamental change in the office of the presidency.

“Sheriffs don’t go around talking about changing the law, because they can’t,” Prakash said. “Presidents, however, run on a platform of changing the law. And once they get into office, they change the law one way or another. If they can’t get legislative reform, they take unilateral acts in furtherance of their policy agenda.”

In the book, he gives two cases in point. President Donald Trump shifted money from several federal agency accounts to help pay for the border wall he promised voters. His predecessor, President Barack Obama, established through executive action the Deferred Action for Childhood Arrivals program, or DACA, thereby providing relief to immigrants unlawfully brought here as children.

“Both presidents found creative ways around the congressional roadblock,” Prakash said of the controversial moves. He added, “The constitutional powers and duties of the presidency change as presidents repeatedly undertake transgressive acts. As those precedents accumulate, executive-branch lawyers cite those actions as a basis for future action.”

Prakash also examines how presidents acquired power to declare war—a power that the Constitution reserved for Congress—ostensibly to mount a quick emergency defense but obtained by initiating conflicts overseas over the course of decades.

Other topics he looks at include foreign affairs and the presidential oath.

Prakash said the idea that a president betrays the oath of office by side-stepping the explicit language of the Constitution “is a powerful argument only if you think presidents can’t change the Constitution by their acts. But, in fact, presidents are systematically reconstructing their offices as they try to accomplish their personal and policy agendas.”

Prakash chose to use the idea of a “living presidency” in the title as a contrast to the idea of a “living Constitution,” which progressives have used to explain how constitutional meaning ought to change with the times.

The living Constitution theory becomes problematic, he said, if one understands the president to be an important actor, if not the single-most-important actor, when it comes to constitutional change.

“As presidents change their office, they work to alter the Constitution more generally,” he said. “Liberals or progressives tend to favor the idea of a living, evolving Constitution, but they tend to balk at the idea of an evolving presidency. Part of my hope in writing the book is to get people to wrestle with that apparent contradiction.”

In the final chapter, Prakash offers a number of possible ways to rein in presidential power. Most of these measures require that Congress occasionally move beyond partisan affiliations.

“The Living Presidency” is a bookend to Prakash’s “Imperial from the Beginning: The Constitution of the Original Executive.” The author of more than 75 law review articles and a frequent commentator on the presidency who has testified before Congress, Prakash serves as the James Monroe Distinguished Professor of Law and the Paul G. Mahoney Research Professor of Law.
U.S. REP. SEAN PATRICK MALONEY ’92, a member of the House Permanent Select Committee on Intelligence who questioned the first witnesses in the impeachment hearings in November, has a unique perspective as the constitutional process played out, ending in President Donald Trump’s acquittal in the Senate in February. Maloney, who represents New York’s 18th District, was the only current member of Congress to have worked in the White House during Bill Clinton’s impeachment—although 71 of his colleagues were in Congress at the time.

He was in his mid-30s when he served as staff secretary to Clinton, from 1999-2000. (He is among the youngest to have held that position.) Clinton was impeached in December 1998. Maloney said, “He used taxpayer money and official acts to pressure a foreign government to help him win reelection by slandering a fellow American [political rival Joe Biden]. He threatened our national security. And, he tried to cover it up.”

“These actions are unworthy of the presidency, and the evidence made it clear: He had to be held accountable.”

The cases were different in nature, but he said they both offer an ongoing lesson: “Impeachment must only be used to protect our republic for future generations. Impeachment should be a last resort.”

Maloney suspects history will vindicate the process played out, ending in President Donald Trump’s acquittal in the Senate in February. Maloney said, “I believe that, in a few weeks or a few years from now, it will all make a difference in the end,” he said. “Ultimately, it’s up to us to take back the powers constitutionally granted by Congress and demand that the voices of our constituents serve as a check to the power of the executive branch.”

He added that he is still optimistic about the future of America’s democratic institutions. The everyday contributions of U.S. Foreign Service officers and security professionals, including those who testified publicly in the House, give him hope.

MALONEY'S EXPERIENCE

The intelligence committee he now serves on handles the activities of the intelligence community. The committee also reviews cybersecurity, election hacking and other threats from state and non-state actors.

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He added that he is still optimistic about the future of America’s democratic institutions. The everyday contributions of U.S. Foreign Service officers and security professionals, including those who testified publicly in the House, give him hope.
PROFESSOR JOHN NORTON MOORE, an educator, diplomat and public servant who has worked to promote the rule of law around the globe, retired from the Law School on Feb. 1 after serving 53 years on the faculty. Among his major accomplishments, he helped lay the groundwork for the Law of the Sea Treaty, currently in force for 168 countries and the European Union.

Moore led both the Center for National Security Law and the Center for Oceans Law and Policy at UVA. From 1973 to 1976, Moore chaired the National Security Council Interagency Task Force on the Law of the Sea, resulting in the United Nations Convention on the Law of the Sea, which extends the rule of law to the world’s oceans. “We were negotiating with over 130 countries in the world,” he said. “Basically, we were negotiating a constitution for two-thirds of planet Earth. The UNCLOS Convention is second only to the United Nations Charter in its importance as a multilateral treaty.”

Later, the Center for Oceans Law and Policy, which he founded in 1976, produced an exhaustive article-by-article analysis of the treaty. “The center commentary is the definitive document that the Law of the Sea Tribunal in Hamburg would go to,” Moore said.

Throughout the years, the United Nations, U.N. specialized agencies, and nations as diverse as China, Germany, Indonesia, Russia and Sweden have co-hosted annual conferences with the center. The center also hosts a law of the sea training institute for diplomats, government officials and scholars through the Rhodes Academy in Greece, which the center founded 25 years ago.

Moore also helped establish the field of national security law. He taught the first course on the subject in the 1970s; created the Center for National Security Law in 1981 (and worked with other universities to help them found similar centers); and in 1991 published the first casebook on the subject, “National Security Law,” now in its third edition.

The Center for National Security Law has advanced the knowledge of working national security law professionals, and even members of the judiciary, through its seminars and outreach. While the center doesn’t directly lobby or advocate for policy, the U.S. Senate adopted the Convention on the Prevention and Punishment of the Crime of Genocide in the 1980s in part due to the center’s initiatives and educational efforts, Moore said.

In addition, Moore was a four-term chairman of the original American Bar Association Standing Committee on National Security Law. Under his leadership, the committee launched an annual conference in Washington, D.C., that now attracts hundreds of participants. “In fact, I changed the committee name,” Moore said. “The committee had earlier been called the Committee on Education Against Communism under the leadership of Lewis Powell, who, of course, later became a Supreme Court justice.”

Moore has also served his country both while taking leave from Virginia and while a full faculty member. In part, this service includes:

• During the 1970s, he served with leave for a four-year period, first as counselor on international law to the State Department and then as ambassador and deputy special representative of the president for the Law of the Sea Negotiations and chair-
I was honored to contribute to a massive collection of readings and documents that he produced on the Arab-Israeli conflict,” said Yoram Dinstein, a prominent authority on the laws of war and professor emeritus at Tel Aviv University. “In all, if I am allowed to paraphrase what has been said about another Virginian some time ago, I would sum up my overall impression of John by saying that he is first in the law of war, first in the law of peace and first in the hearts of his colleagues everywhere.”

Moore received his J.D. from Duke University in 1962 and his L.L.M. from the Illinois College of Law in 1965. He subsequently pursued post-doctoral work at Yale before transitioning to Virginia. He retired as the Walter L. Brown Professor of Law.

“I have had the greatest respect for the leadership of the Law School throughout my half-century tenure,” Moore said. “It’s been a privilege to be a part of this great faculty and to have worked with such outstanding students. Virginia also provided a wonderful opportunity to work to make a difference in the world—and I hope I’ve made a few that matter.”

While he may be retiring, he’s not slowing down. He is currently working with about 30 international legal experts, including Dinstein, to create a manual for use of force in international law. “There are many manuals on jus in bello, the legal rules on how you fight wars, but there’s no comparable manual dealing with jus ad bellum, or when it’s lawful to fight wars,” he said.

“I went to Vietnam as an idealistic young kid who had watched every John Wayne movie ever made and was really excited about serving my country and going to war,” he said. “When I got there, I witnessed the realities of war and developed a great fondness for reading. He added that war, however, is sometimes a necessary evil. Turner and Moore were both active defenders of the Vietnam War at teach-ins, and in the pages of law reviews and major newspapers during the war. Upon leaving the Army, Turner served as public affairs director of the Vietnam War at teach-ins, and in the pages of law reviews and major newspapers during the war.

He then spent five years in the mid-1970s as national security adviser to U.S. Sen. Robert P. Griffin, a member of the Senate Foreign Relations Committee. It was during his time on the Hill that Turner met Moore, who was serving as ambassador to the Law of the Seas conference. They knew of each other’s writings on the war and quickly struck up an enduring friendship. “We’ve been best friends since early ‘74,” Turner said.

Turner, like Moore, served in the executive branch under President Ronald Reagan. Turner served in the Pentagon, as special assistant to the Undersecretary of Defense for Policy, then in the White House, as counsel to the President’s Intelligence Oversight Board; and finally at the State Department, as acting assistant secretary for legislative affairs.

At the end of that service, Turner turned down a job from one of D.C.’s premier lobbying firms to teach at UVA, a decision he says he’s never regretted. Turner co-taught National Security Law and advanced national security seminars on the Indo-China War, and on war and peace, with Moore at the Law School, and wrapped up his academic career at the same time as Moore.

Turner is a former Army captain who served two voluntary tours of duty in Vietnam. “I went to Vietnam as an idealistic young kid who had watched every John Wayne movie ever made and was really excited about serving my country and going to war,” he said. “When I got there, I witnessed the realities of war and developed a great fondness for reading.”

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PROFESSOR MILDRED ROBINSON, a groundbreaking tax law instructor whose scholarship and community service have emphasized equity, retired this spring after almost 35 years on the Law School faculty.

Robinson was UVA Law’s first African American female tenured professor. She was hired with tenure in 1985 from Florida State University. At FSU, she received the President’s Award for teaching and served as associate dean for academic affairs. Having earned her J.D. from the Howard University School of Law and her LL.M. from Harvard Law School, she brought her expertise in federal income tax, state and local tax, and trusts and estates to UVA.

Her students routinely gave her courses, known for their human touch, rave reviews.

“One of my greatest, and perhaps most fortuitous, decisions in law school was to register for Mildred Robinson’s Federal Income Tax,” said Kieran D. Hartley ’14, a California employment lawyer with experience in bankruptcy matters. “The connection I felt was instant and enduring.”

He went on to take her other available classes as well.

“Her approach to tax law is deeply theoretical, yet immensely accessible in practical applications,” Hartley said. “That approach constantly challenged me to understand why we structure tax law in its labyrinthine form in this country.”
and why this may be good or bad.”

Robinson started teaching at the Law School as a visiting professor in 1984. She taught for 17 years in total. When she began her academic career in Florida, it was rare to be a woman teaching law, much less an African American woman. “There was only one black woman in the legal academy [at a historically white law school],” she said. “She was at Minnesota and is now at Northwestern,” Robinson said. “It was my first job.”

She went on to work at the University of Virginia Law School for 47 years. When she accepted Dean Richard Merritt’s offer of a permanent position. Over her career, Robinson wrote about everything from state-level policing to racial equity in philanthropy, in a way that highlighted her commitment to social finance in fairness.

“Mildred Robinson’s scholarship views tax law as a central element of social policy rather than a technocratic solution to the government’s budget problem,” her 2004 scholarship profile in Virginia Journal reads. A 2017 paper published in the Villanova Law Review looked at the political uses of fines in the contemporary policy environment. She has spoken publicly, including at symposia, about her paper. “The combination of factors led to the Department of Justice’s conclusion linking revenues practices with patterns of unconstitutional policing.”

While she has mostly written about financial issues, Robinson said her proudest academic moment may be when she “went off script” to work on the book “Law Touched Our Hearts: A Generation Remembers Brown v. Board of Education” (Vanderbilt University Press, 2009), which she co-edited with Professor Richard Bonnie ’68. The book started as a conversation between the professors about their personal experiences growing up at the end of the school segregation era. Their project soon morphed into a massive mail survey of legal academics born during the period of 1937-1954. The effort effectively shut down the Law School’s mailroom until the mailing went out, Robinson said.

The resulting essays in the book served as a snapshot of a changing moment in American history. Bonnie said the project was one of his most rewarding scholarly experiences, and a welcome opportunity to explore the past, and how individual experiences differed, with his friend and colleague. “Even today, I am touched by rereading these essays and grateful to Mildred for the opportunity to collaborate with her on this project,” Bonnie said.

Mildred’s enduring impact on this Law School will be acknowledged and admired for generations to come, but being her colleague has been a distinct personal blessing for me because she has been a wonderful, thoughtful friend. Based on our very different personal backgrounds and domains of specialization, one might assume we have little in common, but I feel quite the opposite. We have always seemed to see the world the same way—in our understanding of the past and our hopes for the future.”

The daughter of high school educators, Robinson grew up in South Carolina and graduated a year early from Gullman High School in Newberry. (“My dad was my principal, so I always had to mind my p’s and q’s,” she said.) She earned her undergraduate degree from the historically black Fisk University in Nashville, Tennessee, in 1965. While in college, she spent a summer working at the State Department under a program meant to interest rising college seniors in foreign service, but she rejected that possibility in favor of a more settled life in the U.S. She graduated from Howard in 1968, but at a time when firms and law departments weren’t recruiting minorities in large numbers. Instead, she went to work for IBM as a systems engineer, developing software and hardware configurations.

“It was problem-solving, drawing on some of the same kinds of skills you use as a lawyer,” she said of the job, which predated the personal computing revolution. “In order to have 30 gigs of capacity, you had to for 47 years in total.”

Throughout her career, she has been active in community service. Volunteering has allowed her, in part, to advocate for fairness on behalf of those who might otherwise be overlooked.

Robinson has served on the board of trustees of the Law School Admission Council, a national organization whose primary function has been to oversee administration of and research pertinent to the LSAT. She was a member of the inaugural board of directors for Law Access, Inc. (currently known as The Access Group), which is focused on educational lending. She was a commissioner from Virginia to the National Conference on Uniform State Laws from 1990-94 and was a member of the board of visitors for the J. Reuben Clark Law School at Brigham Young University from 1993-96. She served as a member of the executive committee of the Association of American Law Schools from 2000-03. Heading into retirement, she was continuing to serve as a member of that organization’s Resource Corps and as a member of the American Law Institute.

At UVA, she regularly served on committees that facilitate school finances. She held the position of acting chair of the long-running “Profiles from Practice” series, in which successful lawyers made special visits to the school. A goal of that program was to expose students to role models of diverse backgrounds.

In Charlotteville, she served on the boards of Piedmont CASA (Court Appointed Special Advocates), the Center for Nonprofit Excellence and Martha Jefferson Hospital.

Robinson was married to noted UVA history professor Armstead L. Robinson, who died in 1995. She called that marriage, her second, “an unexpected gift,” and said she will always remember UVA and the Law School for its many kindnesses, in particular during her time of grief.

She has three adult children who live in Philadelphia. Her oldest daughter, Teresa Ravelen, is a law professor who teaches civil procedure at Villanova University.

Robinson retired as the Henry L. and Grace Doherty Charitable Foundation Professor of Law.
A Letter From Thomas Jefferson


Dear Sir,

Mr. Wirt declined the offices proposed to him. Mr. Lomax has accepted the Professorship of Law, and will open his school on the 1st day of July. He has paid us a visit, and his appointment appears to have given the highest degree of satisfaction to every body, professors, students, neighbors & to none more than to myself. We have now 166 students, and on opening the Law school, we expect to have all our Dormitories filled. Order and industry nearly complete & sensibly improving every day.

Affectionately yours,

Thomas Jefferson

JUST MONTHS BEFORE HIS DEATH, UVA founder Thomas Jefferson wrote to each member of the board of visitors with exciting news: The University had hired its first law professor and the Law School was slated to open. The letter, which was displayed in September at the Arthur J. Morris Law Library, demonstrated Jefferson’s unique attention to creating the Law School.

“Unsurprisingly, Thomas Jefferson wanted law taught a certain way at the University of Virginia—with an emphasis on legal philosophy as much as procedure, as part of the University’s liberal arts curriculum, so that law students could take classes in other schools,” Flaherty said.

Jefferson also wanted the department’s first teacher to depend largely on the writings and thinking of Sir Edward Coke, rather than William Blackstone.

“Jefferson sought someone with sound Republican politics, so that Federalist or consolidationist thinking would not infiltrate the law curriculum and the young legal minds he expected would go on to become the nation’s leading statesmen and jurists.”

Seven prior candidates for law professor either declined or died before assuming office. Lomax, a Virginia native practicing law in Fredericksburg, was chosen by Jefferson and Madison for his political principles as well as his pedagogical skills, according to “Reading Law in the Early Republic Legal Education in the Age of Jefferson,” a chapter Flaherty co-authored in the book “The Founding of Thomas Jefferson’s University.” Lomax served until 1830, when he resigned to become a state judge.

Most lawyers in Jefferson’s time trained as apprentices in private law offices, Flaherty said, so the opening of the Law School at UVA was an important moment in Virginia’s shift to teaching law in an academic setting.

“Jefferson and Madison also selected a required reading list for the law curriculum, which they did not do for the other University schools,” she said.

Two centuries later, UVA Law is the second-oldest continuously operating law school in the nation. The Law Library bought the letter, dated April 21, 1826, at auction at Sotheby’s from The James F. Scott Collection, through the Charles J. Sheppe Memorial Fund. The Jefferson letter will now be part of the Law Library’s Special Collections and Archives. Interested researchers should contact archives@law.virginia.edu.

—Mike Fox
When the United States recently moved in on Islamic State leader Abu Bakr al-Baghdadi al-Quayashi, resulting in al-Baghdadi’s suicide by explosive vest, the U.S. conducted the military operation under the highest secrecy. That the public learned so much detail about the mission after the fact was unusual.

The president, Congress and courts make national security decisions every day that the public may never hear about. There is little or no reporting, by design, because transparency could jeopardize U.S. national security and American lives.

So what level of accountability exists for classified decisions made in the interest of national security? Professor ASHLEY DEEKS explores the issue in her new paper, “Secret Reason-Giving,” published in the Yale Law Journal in January. Deeks, a national security law expert who formerly advised the State Department’s Office of the Legal Adviser and served as a U.S. embassy adviser in Baghdad, said the article developed from a series of faculty incubator lunches in which colleagues offered feedback about what she was working on.

Among the better-known examples of secret reason-giving are those mandated by statute. The U.S. Foreign Intelligence Surveillance Act, for example, requires the executive branch to give the FISA court reasons why a foreign electronic surveillance warrant is merited. Likewise, a judge on the FISA court must give a written reason when denying a request, to facilitate the appeals process.

In other instances, such as a classified report prepared by the Senate Select Committee on Intelligence or an executive official making the case to Congress for conducting air strikes against an enemy, reasons would naturally follow in support of arguments and conclusions.

Checking executive branch decision-making is perhaps the most important function of secret reason-giving, Deeks argues in her paper. It “strikes a balance between two unappealing alternatives: allowing the Executive to decline to share its decision-making with any other branch, or acting unilaterally, or requiring the Executive to publicly share all of its decisions and justifications.”

Deeks maps in the paper how executive branch reason-giving can work internally among superiors, subordinates and peers inside the executive branch, and externally to the other two branches. She notes that secret reason-giving can even extend beyond the U.S. government to allies, as when the United States seeks to persuade those allies to join it in classified operations. She ultimately finds that “secret reason-giving improves the overall quality and effectiveness of government decision-making and operations, constrains the decision-maker, and strengthens the decision-maker’s legitimacy.”

At UVA, Deeks is a member of the Society for Empirical Legal Studies board of directors for three-year terms. Sponsored by the society, the conference brings together scholars from law, economics, political science, psychology, policy analysis and other fields who are interested in the empirical analysis of law and legal institutions.

Fourteen members of the Law School faculty hold a Ph.D. in social sciences but also have a strong quantitative focus, and over a dozen more have published their empirical research in law reviews or peer-reviewed law or social science journals. Over the past several years, several faculty members have participated at CELS as either presenters or panelists.


Cope is an associate professor of law at the Law School, an associate professor of law and public policy at the Rattan School of Leadership and Public Policy, and faculty affiliate at the Woodrow Wilson Department of Politics. One of his ongoing projects involves developing an “expert crowd-sourced” text-analysis method for rating all U.S. federal judges on a single ideological scale. He earned a Ph.D. in political science from the University of Michigan and J.D. from the Northwestern University School of Law.

Cope teaches courses on corporate law, securities and venture capital. His research focuses on empirical legal and finance. Last year he authored a post-op ed-based on his paper “Costs, Conflicts, and Collateral Savings” in the Southern California Law Review. Engineers and Medics chaired by Bonnie, has received considerable attention following the release in 2010. Bonnie also gave talks sponsored by the Bloomberg School of Public Health, in Baltimore, and the Georgia Bar Association, in Atlanta, on the constitutional foundation of “extreme risk protective orders,” which are designed to remove firearms from individuals whose behavior shows an elevated risk of suicide or violence to others. These polici es, already enacted in 17 states, have been designed, disseminated and monitored by the Consortium on Law-Based Firearm Poli cies. Bonnie, a founding member, sits on the Consortium’s Steering Committee.

Bonnie spoke Feb. 21 at an Arizona State University Sandra Day O’Connor College of Law conference commemorating the 50th anniversary of the enactment of the federal Controlled Substance Act in 1970. He used his talk as an opportunity to highlight the work of the National Commission onMarijuana and Drug Abuse, for which he served as associate director from 1973-77. Bonnie’s central claim is that the commission and key federal drug policy officials developed “extreme risk protective orders,” which the commission and other youth-serving agencies embraced in response to the 1999 Virginia Tech tragedy. The work’s groups’ initial legislative recommendations for the Virginia General Assembly in 2008 in the wake of the Virginia Tech tragedy were adopted by the legislature. The group’s work was inspired an analysis published in March in The Wall Street Journal. Barzuza earned an J.D. from Harvard Law School.
Deeks, Hellman Elected to American Law Institute

Professors ASHLEY DEEKS and DEBORAH HELLMAN were elected as members of the American Law Institute. There are now 26 members of the UVA Law faculty currently affiliated with the ALI. The institute is the leading independent organization in the United States producing work to clarify, modernize and otherwise improve the law. The organization includes judges, lawyers, professors, and former judges from the United States and abroad, selected on the basis of professional achievement and demonstrated interest in improving the law. Deeks and Hellman, who both joined the faculty in 2012, were among 15 new members inducted in December nationwide.

Deeks is the E. James Kelly Jr.—Class of 1985 Professor of Law and a senior fellow at the Center for National Security Law and the Miller Center. She is also a member of the State Department’s Advisory Committee on International Economic sanctions. She has previously served as the acting assistant legal adviser for political-military affairs in the U.S. State Department’s Office of the Legal Adviser. Deeks is the David Lurton Mason, Jr., Professor of Law and Roy L. and Rosamond Woodruff Morgan Professor of Law and formerly an assistant legal adviser for political-military affairs at the Department of State. Her article “A Theory of Bribery” appeared in the Virginia Law Review. As a joint publication of 15 law schools in the country, the Virginia Law Review is the leading law journal in the nation.

Hellman, who joined the ALI in 2019, is a national security law expert and specializes in military-related law and policy. Her recent article on the law of autonomous weapons on the War Powers Resolution. At a recent event held at West Point looking ahead to teaching the new course on military law, she emphasized how militaries might consider the formal strategic conflict in the course on national security law. Hellman also spoke to the Defense Intelligence Agency about the use of machine learning algorithms in the field of defense.

In December, her paper “ tenant’s Right to Conditional Entry” appeared in the Columbia Law Review. As a joint publication of 15 law schools in the country, the Columbia Law Review is one of the leading law journals in the nation.

Business professionals Justin Hopkins and Daniel Hellman, is forthcoming in this year’s reviewed Journal Contemporary Accounting Research. Curry’s current projects focus on retirement savings and corporate governance.

In November, SANDEER KERLLEK FERZAN was on the Virginia Law Review and “The Law and Economics of Enactment” in the Georgia Law Review. In November, she presented her work on a new journal at the University of Naples.

In November, ASHLEY DEEKS, who served on a panel discussing the impact of autonomous weapons on the War Powers Resolution, was elected as a member of the American Law Institute. Her work on the law of autonomous weapons was published in the Virginia Law Review. As a joint publication of 15 law schools in the country, the Virginia Law Review is the leading law journal in the nation.

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Americans, in the planning phase of the MoveOn.org and Security in Action conference at Yale Law School in September. In November, the conference participants, led by MoveOn.org, held a public forum in Washington, D.C., to discuss the potential of public policy solutions to address mass incarceration and the role of institutions in promoting criminal justice reform. The conference focused on the need for systemic change, the importance of interdisciplinary approaches, and the potential for collaborative efforts to reduce incarceration rates.

In addition, the conference participants called for greater investment in education and training programs for individuals returning from prison. They emphasized the importance of providing resources to help prisoners transition back into society and所述。
MURDER IN THE SHENANDOAH
Making Law Sovereign in Revolutionary Virginia

JESSICA K. LOWE

“Murder in the Shenandoah” by legal historian and visiting scholar Jessica Lowe, explores a real-life murder mystery and what the case implies about America’s view of justice shortly after the nation’s founding.

John Crane, the accused in the murder case, was a 24-year-old landowner and son of a deputy sheriff in Berkeley County, Va. (located in the Shenandoah Valley, in what is West Virginia today) Crane’s family, which included 60 acres, and Included them unexpectedly to the liberal embrace of a living Constitution.

“Liberal scholars and politicians routinely denounce the imperial presidency—a political system that has progressively sidelined Congress. Yet the same people invariably extol the virtues of a living Constitution, whose meaning adapts with the times. Saikrishna Prakash argues that these stances are systematically favorable to the executive and consequently prone to informal amendment systems—which he says have been both substantial and largely beneficial to society—stemming from U.S. promotion of other enforcement actions aimed at foreign banks.

“The assumption by a lot of people, especially after the financial crisis, was that the largest banks in the world were outside the purview of the U.S. criminal justice system,” Verdiier said. “I think after the financial crisis that perspective changed,” he said. “Real questions, they should largely be left alone.”

In “Global Banks on Trial: U.S. Prosecutions and the Remaking of International Law,” Verdiier explores instances of bank misconduct and other nations felt that as long as the banks weren’t acting as criminal organizations, they should largely be left alone.

We set [children] up for failure, generally on the basis of race, and other nations felt that as long as the banks weren’t acting as criminal organizations, they should largely be left alone.

In Robinson’s view, federal intervention can rein in the “living presidency” and the federal government’s role in education creates opportunity gaps. Her focus includes civil rights and the right to education.
spokesperson agencies in the federal government. The student studies this problem-solving approach used by the public sector to develop solutions to their employers’ projects and present these solutions to the sponsors at the end of the semester.

Nuchter’s paper on how nascent changes in antitrust doctrine might affect antitrust suits against “big tech” firms was selected for the Yale Information Society Project conference this spring. Last fall, he co-authored a paper in the Journal of Antitrust Enforcement titled “The Antitrust Context of Cryptocurrency and Blockchain Technology.”

**RILEY APPOINTED TO NEW NIH ADVISORY COMMITTEE**

Professor MARGARET FOSTER RILEY, an expert in bioethics, has been appointed to a new National Institutes of Health (NIH) health care law, biomedical research, genetics, reproductive technologies, stem cell research, animal biotechnology, health disparities and chronic disease. She is a professor of law at the University of Virginia School of Law and the co-director of the Virginia Center on Law, Technology, and Biotechnology, and a scholar of public health law and policy.

Riley was appointed to an 18-member Board of Public Health Policy and Law at National Institute of Biomedical Imaging and Bioengineering. While at NIH, she will serve on the Advisory Council on Scientific Integrity and be a member of the NIH Research Ethics Board. Additionally, she will serve on the NIH Advisory Council on Human Embryonic Stem Cell Research. She is also a member of the Board of Directors of the American Association for the Advancement of Science and the American Society for Bioethics and Humanities.

**SCHAUER RECEIVES HONORARY DOCTORATE FROM WU VIENNA**

Professor FREDERICK SCHAUER received an honorary doctorate from the Vienna University of Economics and Business Administration on Oct. 17. The honor was conferred upon Schauer “in recognition of his exceptional academic achievements and his outstanding work in the field of legal philosophy.”

Schauer is a distinguished faculty member at the University of Virginia School of Law, where he has been teaching since 1981. He is a professor of law and director of the American Constitution Society’s National Constitutional Forum. He is also a fellow in the University of Vienna’s World Public Law Research Group and a member of the University of Vienna’s Legal History Society. Schauer is also the author of numerous books and articles on constitutional law, legal philosophy, and political theory.

**SCHWARTZMAN ‘05**

MICAH SCHWARTZMAN ’05 has been a consultant to the U.S. government and has worked on numerous cases involving international law and human rights. He has served as a consultant to the United Nations Human Rights Commission and has worked on cases involving international law and human rights. He has also been a consultant to the U.S. Department of Justice and the U.S. Department of State.

**SPELLMAN HAS BEEN HONORED**

BARBARA A. SPELLMAN has been honored by the University of Graz in Austria for her contributions to the field of law and public policy. She received an honorary degree from the University of Graz in December, and was also named a “laureate” of the University of Graz’s Faculty of Law.

Spellman is a professor of law at the University of Graz and has served as a visiting professor at several universities in Europe and the United States. She has also served as a consultant to the United Nations and the European Union in the field of international law and human rights.

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Barbara Spellman, a professor of law and psychology, was named a recipient of the Women in Cognitive Science Leadership Award.

The award, sponsored by the Psychonomic Society and Women in Cognitive Science, recognizes initiatives that individuals have undertaken, beyond their own students and laboratories, to benefit women in cognitive science more broadly. Spellman was one of two women honored with the award in November at the Psychonomic Society Meeting in Montreal.


Spellman considers her editorship with Perspectives her greatest contribution to not just women and cognitive science but to the field of psychology. She opened the portal to all submissions and confronted “the replication crisis”—the recognition that many findings across science could not be replicated and were likely the result of poor methodology.

Spellman earned a bachelor’s from Wesleyan University and a J.D. from the New York University School of Law. After practicing for a few years, she earned a Ph.D. in cognitive psychology from UCLA in 1993. Her psychology research focused on memory, analogical reasoning, and the replication crisis.

Spellman joined the faculty of the UVA Department of Psychology in 1997 and moved to the Law School in 2008. She teaches Evidence and various courses on the intersection of psychology and law, such as Behavioral Decision Making and Law, and the Psychology of Scientific Reasoning.

Women in Cognitive Science, founded in 2001 and originally affiliated with the Psychonomic Society, works to improve visibility of women in the profession, encourage young women to join the field, and provide professional training and development. The Psychonomic Society, formed nearly 60 years ago, is the preeminent society for the experimental study of cognition.

In February, Paul Stephan ’77 met at Santa Clara University School of Law with fellow contributors to a book to be published by Oxford University Press called “Evolution or Revolution? Change in the International Legal Order.” He is contributing a chapter on anti-corruption regulation.

In March, he participated in a symposium at St. Thomas Law School on “Sovereignty in a Fragmenting, Globalizing World.” In the fall, he is slated to participate in a workshop at the University of Miami Law School on a paper co-authored with Pierre-Hugues Verdier, provisionally titled “An ICBA Approach to Human Rights.” Finally, from January through March he made several guest appearances in Delphine Nougayrede’s seminar at Columbia University, co-teaching with the Law School and the University of International and Public Affairs, called Russia in the International Order. In January, at the request of the Department of Justice, he submitted to the U.S. District Court for the District of Columbia an expert opinion on Russian law pertaining to the validity of a subpoena with respect to people indicted for interference with the 2016 presidential election as a result of the Robert Mueller investigation.

In December, Pierre-Hugues Verdier participated in a drafting session for the first uniform act for the Economic Rights of Unmarried Cohabiting Partners. He is also writing a book about the moral foundations of parentage law. The latest chapter argues that genetic parents cannot Justify parental duties or rights; it can justify, at most, an initial priority to adopt parental roles with respect to infants.

Pierre-Hugues Verdier’s new book, “Global Banks on Trial: U.S. Prosecution and the Remaking of International Finance,” was published earlier this year by Oxford University Press. In the fall, he presented a chapter from the book at the International Law Association U.S. Branch’s annual conference at Fordham University Law School in New York City. He continues to work on a joint project on the reception of international law in national legal systems around the world with Mia Versteeg.

Paul White ’77 wrote an article with Paul Stephan ’77 on using the U.S. Foreign Corrupt Practices Act as a model for improving the accountability of multinational businesses for participation in human rights violations overseas.

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Frederick Beinecke ’72

Painting the Town

Just as a parent might say he could not pick a favorite child, Frederick Beinecke ’72, who stepped down in 2019 after five years as president of the National Gallery of Art in Washington, D.C., has a hard time choosing his favorite painting among the gallery’s renowned collection.

Give the trustee emeritus a minute, though, and he suggests that he has always been drawn to Édouard Manet’s “The Old Musician.” The painting hangs prominently on the main floor of the West building, and Beinecke always looks for it.

“Manet disrupted his art world with pictorial fantasies,” he said, explaining his fascination. “In this large canvas you can be drawn with sensitivity to the old musician, as well as to the other people in the composition, but what are they doing there?”

Choosing an item in the National Gallery’s collection that brings him pride in particular is a somewhat easier matter. Beinecke named Frederic Edwin Church’s “Niagara” (1857), one of the most famous American landscapes ever painted. It was one of more than 8,000 items that the National Gallery acquired from the collection of the Corcoran Gallery, also in D.C., which closed its doors in 2014.

“It’s just amazing,” Beinecke said of “Niagara.” “It would have been worth it if we had just received that one painting.”

In fact, the National Gallery gained much more when the Corcoran closed, including paintings by Corot, Millet and Warhol, among many others. Under a court agreement, it was given first pick of the Corcoran’s vast collection, with the remaining items distributed to other institutions in Washington. The National Gallery’s acquisitions proved so extensive that curators decided to rehang the 19th-century American art collection in order to incorporate them into the galleries, Beinecke said.

The Corcoran artwork is hardly the only recent acquisition the National Gallery has made. In 2013, while Beinecke was a trustee, the gallery acquired “The Concert,” a 1623 painting by Dutch painter Gerrit van Honthorst, after a curator was offered the painting; previously, it had resisted undetected in a French chateau for nearly two centuries. Although the National Gallery is operated by the federal government, all of its acquisitions are made with private donations. In consultation with the curatorial staff, the president and board of trustees officially approve every acquisition, loan and gift the gallery makes, as well as deciding which pieces require conservation.

During Beinecke’s time as president, he also oversaw the creation of new exhibition galleries and upgrades to everything from its heating and cooling systems to the installation of Wi-Fi. Not only does the National Gallery acquire and display art, it also loans pieces to other museums. During a recent trip to Paris, Beinecke noted pieces from the National Gallery’s collection on loan to three different special exhibitions there. Each new president of the United States is also permitted to borrow art to hang in the White House.

“During an inauguration, the gallery staff is removing the prior president’s choices and hanging the new ones, so that by the time the new president gets to the other end of Pennsylvania Avenue, there’s a different art collection up,” Beinecke said. Cabinet secretaries, Supreme Court justices and certain foreign embassies also have borrowing privileges.

After graduating from Yale University with a degree in art history, Beinecke joined the Marine Corps and served in Vietnam as a lieutenant, receiving a Bronze Star, before coming to UVA for law school. He has been managing director of Antaeus Enterprises Inc., a private investment company; president and director of The Sperry Fund; and vice president and director of the Prospect Hill Foundation, a philanthropy run by his family.

Beinecke’s interest in art was rekindled in the 1990s, when he became a trustee of the Samuel H. Kress Foundation, which has donated hundreds of works of art to regional museums around the country. (He is also a former trustee of the Sterling & Francine Clark Art Institute in Williamstown, Massachusetts, and former director and president of the New York City Ballet.) He recently came across another of his favorite paintings, El Greco’s “St. Francis Venerating the Crucifix,” at an exhibition in the Grand Palais in Paris. The painting was given by the Kress Foundation to the Fine Arts Museums of San Francisco in 1961 to honor the city named for St. Francis, and Beinecke said he has seen it many times there.

Whether at the National Gallery or at museums around the world, Beinecke recognizes the thrill that comes with encountering an iconic or beautiful work of art. “Many people have told me it’s so wonderful to go see these pictures,” he said. “They say, ‘I remember this one from a book or from a course I took in school. And they’re all there.’”

—Mark F. Bernstein ’89
Bracing for Impacts

Alice Hill ’83

Many books have been written about the threat of climate change. In “Building a Resilient Tomorrow: How to Prepare for the Coming Climate Disruption,” Alice Hill ’83 and co-author Leonardo Martinez-Diaz offer an approach that they believe is unique: a comprehensive survey of the effects of global warming that are already underway, along with detailed policy suggestions for what to do about them.

The book addresses the threats that climate change poses on several fronts, including the law, the economy, national security, migration, public health and even building construction. Although it is not too late to mitigate the effects of a changing climate, Hill believes that many of the outcomes are already irreversible. That requires new ways of thinking about the problem.

“When climate change,” she said, “the past is no longer a sound guide to what our future will involve.”

One thing Hill tried to do in the book was present successful approaches taken by other countries, in the hope that American policymakers could learn from them.

After an extreme heat wave in 2003, for example, French officials developed a system for contacting the elderly and homebound to ensure that they are safe. “Everybody’s essentially faced with similar problems,” Hill said. “They’re being asked to reinvent the wheel, but there is some great work that has been done, so you could have a much better wheel if you can benefit from what they’ve learned along the way.”

—Mark F. Bernstein ’89

POLICY FELLOW’S NEW BOOK SUGGESTS WAYS TO ADAPT TO CLIMATE DILEMMA

Her Road to Robes

Karla Smith ’95

CAREER PATHS SOMETIMES TURN SUDDENLY, IN PLACES WHERE WE LEAST EXPECT.

For Karla Smith ’95, a judge on the Montgomery County (Maryland) Circuit Court, it happened on a long bus ride to Canada in 1994.

She was riding from her family home in Rockville, Maryland, to a family reunion in Toronto, where several of her ancestors had fled on the Underground Railroad. Her cousin, a prosecutor in Montgomery County, suggested that Smith intern in the state’s attorney’s office for her second-year summer. Intrigued, Smith decided to apply. “That’s where I got the bug,” she said.

After graduation, Smith started on the lowest rung of the prosecutorial ladder, working in the Montgomery County district court, which handles only small claims cases and criminal misdemeanors, earning $12,000 a year and living at home. After 10 months, she jumped at a better-paying job in the state’s attorney’s office for Prince George’s County and after “a hot minute” there, Smith recalled, the head of the homicide division dropped two case files on her desk and asked her to take over.

That led to a long career as a prosecutor, moving from juvenile court to narcotics, and eventually into the sex offenses unit. Montgomery County State’s Attorney Doug Gansler ’89 brought Smith back home, where she served five years as chief of the Family Violence Division. Appointed first to the Montgomery County District Court by Gov. Martin O’Malley in 2012 (the first black female district court judge in county history), Smith was elevated to the circuit court in 2015 and then elected to a full 15-year term in 2016. Last year, the Maryland Daily Record named Smith one of Maryland’s Top 100 Women.

Though she entered law school never imagining that she would be a prosecutor, much less a judge, one searing early experience still influences Smith today. Judy Kraus, her first-year Contracts professor, called on her every day during the first week of classes.

“I thought I was going to pass out,” Smith recalled. “But when I reflect on it, that art of learning to think on your feet really turned out to be a valuable resource for me in the courtroom. You learn how to think and respond quickly and make cogent arguments.”

With extensive experience now on both sides of the bench, Smith said she has gained a unique perspective along with a certain dose of humility.

“When you are a litigator and things are getting heated,” she said, “there is a tendency to think, ‘How could the judge possibly have ruled that way?’ But now, being the judge, it’s very different. You weigh a lot of factors. And things are often not as cut and dried as you once thought they were.”

—Mark F. Bernstein ’89

INTEREST IN COURTROOM CAREER BEGAN WITH A FAMILY REUNION

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—Mark F. Bernstein ’89

INTEREST IN COURTROOM CAREER BEGAN WITH A FAMILY REUNION
actual philosophy professors come in to talk to us, and activists, and I was taking notes on a legal pad like I was back in school again. We really tried to address all the philosophical questions and moral stuff from an honest and genuine place.”

Miller, a Northern Virginia native who also has degrees in English and French from Duke University, got the itch for comedy, at least in part, while at UVA. She wrote sketches for the Libel Show.

“I always loved writing and being creative, but I never thought that would be a career for me,” she said. “I mostly applied to law school because, I thought, ‘This will delay the choice I have to make about what to do with my life.’ I think it was fated I happened to pick the one law school that was going into its 99th year of a sketch show. It quickly became, ‘Oh, this is the thing I’m going to put my effort into.’”

After she graduated, Miller became a securities law attorney with Aiken Gump Strauss Hauer & Feld in New York. She also began taking writing and improv classes at the Upright Citizens Brigade on Sunday afternoons—the least likely time on the weekend that the firm might call her into the office. She saved up, quit her job and was a featured (yet unpaid) player in the improv troupe for several years.

Her big break came with an NBC contest to discover new talent via a pilot-writing competition. Miller submitted a script about a woman in crisis who invents an imaginary friend.

While “Imaginary Friend” didn’t live on past the pilot, her career took off. Miller recently sold another pilot to NBC. This one is about adult sisters who are forced to reconnect after one of them has just weathered a national scandal.

—Eric Williamson

Kassia Miller ’06

FOR THE LAST TWO SEASONS, KASSIA MILLER ’06 WAS A WRITER AND CO-PRODUCER OF THE HIT NBC SHOW “THE GOOD PLACE,” WHICH FANS BID FAREWELL TO IN JANUARY. Both broad and intellectual, the surreal comedy starring Kristen Bell and Ted Danson also served as a meditation on what it means to be a good person.

“It’s just heartwarming that people are into a show that’s about something meaningful,” Miller said prior to the airing of the show’s final episode.

Miller received the “written by” credit on the episodes “A Girl from Arizona” (parts 1 and 2) and “A Fractured Inheritance.” Yet television writing is very much a collaborative effort, she said, with writers often one-upping each other’s jokes and working together to brainstorm storylines and plot turns.

Working on a show with philosophical underpinnings added a whole other layer.

“I love all comedy, and I certainly have a blast writing on shows where the better fart joke wins, you know,” Miller said. “But when we were writing ‘The Good Place’ we had
In MEMORIAM: John Kirby ’58, Super Lawyer for Nintendo

John J. Kirby Jr. ’58, a longtime lawyer for Nintendo who worked at the Justice Department during a key moment in the civil rights era, died Oct. 2 of cancer. He was 79.

The Falls Church, Va., native served as counsel of the law firm Mudge Rose Guthrie, Alexander & Fordham before joining the international law firm Latham & Watkins in 1975 to chair its Washington litigation department.

In 1984, Kirby won a lawsuit for Nintendo against Universal City Studios, in which the studio alleged that the arcade game Donkey Kong infringed on the ‘King Kong’ copyright. Both federal district and appeals courts ruled that “King Kong” was already in the public domain and any consumer confusion between the game and the movie would be inconsequential.

Donkey Kong launched Nintendo’s franchise, the most successful in video game history.

Nintendo’s lead designer, Shigeru Miyamoto, creator of Super Mario Bros. and Legend of Zelda, named a new video game character debuting in 1992 in part for Kirby.

“As we were going through the list and narrowing down the selections we saw that Kirby was there and we thought ‘John Kirby’s name is Kirby,’ and started thinking that two had a connection that would be kind of funny,” Miyamoto said in a 2011 interview with Game Informer.

The company also thanked their lawyer with a sailboat christened Donkey.

He retired from Latham & Watkins in 2007 at head of the New York office’s intellectual property and technology practice group.

Before he attended law school, a summer intern at the U.S. Department of Justice, Kirby gathered voting records throughout the South that demonstrated evidence of widespread discrimination against African Americans, which helped spur passage of the Voting Rights Act of 1965. He worked as special assistant to John Doar, head of the DOJ’s Civil Rights Division. According to his obituary, Kirby personally escorted black children into segregated schools, surrounded by federal marshals.

At UVA Law, Kirby served as an editor with the Virginia Law Review and was a member of the Raven Society. The Rhodes Scholar received bachelor’s degrees from Fordham University in 1961 and Oxford University in 1964, and a master’s from Merton College at Oxford in 1967.

After law school, Kirby worked as an assistant professor at UVA Law for one year, and argued before the U.S. Supreme Court in 1968 in a case connected to a Law School seminar in appellate litigation.

He was appointed deputy director to the President’s Commission on Campus Unrest, which concluded that the National Guard shooting at Kent State University in 1970 was unjustified.

Kirby served on the board of directors of The Legal Aid Society of New York and the Fund for Modern Courts. He spent 15 years on the board of Georgetown University, including as vice chairman, and served as president of the Merton College Charitable Corp.

He also served on the board of Founders Bank.

Kirby was survived by his wife of 15 years, Susan Cullman, and two sons and two daughters.
IN MEMORIAM: JOHN MERCHANT ’58, UVA LAW’S FIRST BLACK GRADUATE, WAS ADVOCATE FOR DIVERSITY IN GOLF

JOHN MERCHANT ’58, the first black graduate of the Law School and the first person of color to join the executive committee of the U.S. Golf Association, died March 5 after an extended illness. He was 87.

Merchant’s life was one dedicated to opening doors for others. “My father was very passionate about his family, civil rights and golf,” his daughter, SUSAN MERCHANT ’74, said.

During his service to the USGA, from 1992–95, Merchant created development opportunities for aspiring minority golfers in the traditionally all-white sport. He also separately represented a young Tiger Woods as he transitioned from amateur to professional status.

Merchant retired as partner of the law firm Merchant and Rosenblum in Stamford, Conn., in the mid-1990s, thereafter continuing in solo private practice. He practiced both civil and criminal law for a total of about five decades.

“There were things he believed in very strongly, and I think that translated into this career as an attorney and as a criminal defense lawyer,” Susan Merchant said. “He was a self-made man and a self-made reputation as a skilled trial lawyer, and he used that to help people.”

While in practice, he also helped encourage the next generation of UVA graduates with the creation of the Walter N. Ridley Scholarship Fund in 1987. Named after the first black graduate of the Law School and UVA student body, the fund continues to this day.

Merchant was a self-taught golfer, picking up the game after law school as a communications officer in the Navy. He found he had natural talent.

“I borrowed some clubs and shot 105, my very first time,” he told the Connecticut Post—one of several interviews he gave the newspaper over time. He also represented Tiger Woods, then in his late teens, and executive director of the National Minority Golf Foundation during the 1990s.

In addition, his work appears to have helped inspire the First Tee Program, which encourages minority children’s interest in the game. TIM FINCHEM ’73 orchestrated the program by that time in the PGA Tour’s commissioner of golf, from 1994 to 2016. Merchant also became the legal representative for Tiger Woods, then in his late teens, and executive director of the National Minority Golf Foundation during the 1990s.

“Mr. Merchant was a very important person in my life,” Tiger Woods said in a statement. “He was a key mentor to me and to Tiger Woods. He provided me with the tools to take my game to the next level.”

Merchant made sure the new calls for inclusion in golf weren’t just lip service. He coordinated four symposiums, sponsored by sporting goods giants such as Nike and Titleist, for minority golfers to learn from, and provided them with the pros.

“Your father knew what he was doing,” he told the Post. “He was trying to show people that you could be a minority and still make it in this sport.”

Merchant represented Woods, reportedly free of charge, before the golfer turned pro.

But Woods soon opted for new representation—a move that Merchant appeared to take in stride, at least in public comments.

Before joining the USGA committee, Merchant served on the U.S. Mid-Amateur’s committee and chaired both the U.S. Senior Open in 1997 and the U.S. Women’s Open in 1999.

In March 2010, he was inducted into the National Black Golf Hall of Fame for his contributions to the sport.

Merchant wrote about his life, detailing his time in the golf world and at UVA, for his book “A Journey Worth Taking: An Unpredictable Adventure.”

“My father always expressed to me that it was very important to him that Tiger be looked after,” Susan Merchant said. “He was going to be the first minority golfer of any real status, and my father knew he was going to need some people around him whom he could really trust.”

Having met Woods’ father at a USGA event, John Merchant’s advocacy led to Woods’ association with International Management Group and other connections that would undergird what would become the most lucrative career in the game. Merchant represented Woods, reportedly free of charge, before the golfer turned pro.

Merchant also was the keynote speaker at his daughter’s Law School commencement in 1994. He took great pride in her being the first black “legacy” graduate of the Law School.

“If you had tried to tell him when he was there as a student that one day he would be standing in front of that crowd as the commencement speaker, as the keynote, he would’ve told you that you were crazy,” Susan Merchant said. “If you had tried to tell him that the guy who was No. 1 in his class would call him to make sure he came back for their 50th reunion, he wouldn’t have believed you.”

Merchant earned his bachelor’s degree from Virginia Union University in 1965, and received an honorary doctorate in laws from the university in 1998.

His daughter said lesser-known components of his life were equally important to his identity. He served as a liaison for the black community in the greater Bridgeport and greater Stamford areas of Connecticut in the 1960s and ’70s, including with the anti-poverty group Action for Bridgeport Community Development Inc. He also taught at Fairfield University and Sacred Heart University, both in Connecticut.

Merchant was the middle of three children. He is survived by Susan, a senior financial crime compliance officer in the banking industry, and his only child; his older sister Barbara Mitchell, and her children Dawn, Karen, Robin and Kip; his nephew, Todd Neal, son of his late sister Elizabeth Neal; and Tabitha Carter, his niece whom he considered a second child, and her son, Tyler, whom he considered his grandson.

The family planned a service for March 14 but hopes to have another remembrance ceremony in June for those unable to make it. In lieu of flowers, Susan Merchant asks that friends and family contribute to the Easte L. Merchant Fund, which is part of the Ridley Scholarships at the UVA Alumni Association.

—Eric Williamson
Former Virginia Gov. TERRY ‘73 BALILES, who later headed the Virginia Medical Research Institute, died of cancer in Charlottesville on Oct. 29. He was 79.

The Stuart, Va., native served in the House of Del- egates from 1979 to 1982 until he was elected attorney general alongside CHARLES R. ROBB ‘73. Baliles resigned to run for governor and was re-elected from 1986 to 1990 alongside Attorney General MARY SUE TERRY ’73, the first woman to hold statewide office in Virginia. Baliles’ term featured a particular focus on education, culminating in a historic National Summit on Investing in the Next Generation, which one great-grandchild. Baliles’ term featured a particular focus on education, culminating in a historic National Summit on Investing in the Next Generation, which one great-grandchild. He received numerous awards and honors during his tenure, including the highest award bestowed on alumni by UVA’s Board of Visitors, the Miller Center’s Ald L. Baliles Professorship in Presidential Studies.

Baliles’ tenure as governor was marked by numerous “small problems,” as he once put it. “In some ways, the model governor is one who runs through the state on a roller coaster of health issues over the past 20 years, probably not atypical of most human beings. But at the moment everything is under control, and even, as long as the governor has become for me, is one more part of my life. Who could complain? My wife of 50 years, Connie, and I have (sensibly) moved from a rather large, multi-storied home here in Virginia to a condominium on the An- tlantic in Deerfield, in Asheville, N.C. We welcome you to it for any 1958 greenhouse as well as mid-century modernism.

Baliles authored “Structuring Foreign Investment in Latin American Economies,” which is widely considered the leading treatise on the subject. He published numer- ous articles in U.S. and international tax law journals and received the prestigious Michigan Tax Law Distinguish- ed Service Award in 2018. Baliles died in his adopted hometown of Deerfield, Fla. He welcomed visitors from classmate visiting Asheville.

In Memoriam: Gerald Baliles ’67 Virginia Governor: Championed Public Service

My grandfather, Terry Baliles, was one of my best friends and mentors. He taught me the importance of public service and the need to always be willing to give back to our community. He was a true leader who left a lasting legacy in Virginia and beyond. I will always remember the time we spent together on his farm in Virginia, the conversations we shared, and the wisdom he imparted. My thoughts and prayers are with his family and friends during this difficult time. Terry Baliles will be deeply missed by all who knew him.

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The third edition of MAE M. WILLSON’s book, “The Military Diversity Handbook,” was published by the American Bar Association in May 2019 and is in its second printing. Sisson and his wife, Lorraine, an attorney, enjoyed trips to enjoy the art of the American Bar Association and to the board of directors of the Equipment Leasing and Finance Association (ELFA), which is the only independent early innovator in the area of structuring transactions in the sector.

Together, they used the wedding tattoo of their children and grandchildren. As long as the governor has become for me, is one more part of my life. Who could complain? My wife of 50 years, Connie, and I have (sensibly) moved from a rather large, multi-storied home here in Virginia to a condominium on the Atlantic in Deerfield, in Asheville, N.C. We welcome you to it for any 1958 greenhouse as well as mid-century modernism.

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In Memoriam: Gerald Baliles ’67 Virginia Governor: Championed Public Service

My grandfather, Terry Baliles, was one of my best friends and mentors. He taught me the importance of public service and the need to always be willing to give back to our community. He was a true leader who left a lasting legacy in Virginia and beyond. I will always remember the time we spent together on his farm in Virginia, the conversations we shared, and the wisdom he imparted. My thoughts and prayers are with his family and friends during this difficult time. Terry Baliles will be deeply missed by all who knew him.

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The third edition of MAE M. WILLSON’s book, “The Military Diversity Handbook,” was published by the American Bar Association in May 2019 and is in its second printing. Sisson and his wife, Lorraine, an attorney, enjoyed trips to enjoy the art of the American Bar Association and to the board of directors of the Equipment Leasing and Finance Association (ELFA), which is the only independent early innovator in the area of structuring transactions in the sector.

Together, they used the wedding tattoo of their children and grandchildren. As long as the governor has become for me, is one more part of my life. Who could complain? My wife of 50 years, Connie, and I have (sensibly) moved from a rather large, multi-storied home here in Virginia to a condominium on the Atlantic in Deerfield, in Asheville, N.C. We welcome you to it for any 1958 greenhouse as well as mid-century modernism.

Baliles authored “Structuring Foreign Investment in Latin American Economies,” which is widely considered the leading treatise on the subject. He published numerous articles in U.S. and international tax law journals and received the prestigious Michigan Tax Law Distinguished Service Award in 2018. Baliles died in his adopted hometown of Deerfield, Fla. He welcomed visitors from classmate visiting Asheville.
GIBBONS ’75, VANCE ’85, WALKER ’94 ELECTED TO AMERICAN LAW INSTITUTE

Federal judge TULLY SMITH GIBBONS ’75, SYDCE WHITE VANCE ’85 and WELD C. WALKER ’94 were elected to the American Law Institute, the leading independent organization in the United States producing scholarly work to clarify, modernize and otherwise improve the law.

Gibbons has served on the Sixth U.S. Circuit Court of Appeals since 2002. She previously served since 1983 as a judge on the U.S. District Court for the Western District of Tennessee, instruct- ing six years as chief judge. Gibbons also worked as a legal advisor to then-Gov. Lamar Alexander of Ten- nessee before joining the practice (see p. 10).

Vance is a Distingui- shed Professor of the Practice of Law at the Un- iversity of Alabama School of Law. From 2009 to 2017, she was U.S. attorney for the Northern District of Alabama, where she served on the Attorney General’s Criminal Justice Coordi- nating Committee and was the co- chair of the Criminal Practice Sub- committee. Before becoming a U.S. attorney, Vance served as an assis- tant U.S. attorney in Bir- mingham for 18 years. She spent 10 years as a criminal prosecutor before joining the appellate division in 2002, becoming chief deputy in 2004. In Feb- ruary she discussed criminal justice on the UVA Law School Podcast “Common Law.”

Walker is a partner in Gibson, Dunn & Crutcher’s Washington, D.C., office, where she co-chaired its Antitrust practice, regulatory practice and regulatory practice group and a member of the Executive Committee. In 2019 and 2020, she was a public member of the Council of the Administrative Conference of the United States, which makes policy on pressing administrative law issues. Walker worked in the White House Counsel’s Office as associate counsel to then-President George W. Bush from 2001 to 2003. In February she discussed criminal justice reform on the UVA Law Podcast “Common Law.”

JAMES B. WALKER, JR.

American Law in Institute’s Re- cently, Torts: Defama- tion and Privacy. This book is co-authored by Messrs. constitutional law group. From 2010 to 2015, she was a public member of the Council of the Administrative Conference of the United States producing scholarly work to clarify, modernize and otherwise improve the law.

James M. Bowles IV ’71 of St. John, Bowling, Logan & Taylor, which serves as its labor and employment law, represents public and private employers across the country, as well as before the National Labor Relations Board. He was a senior counsel in the Labor and Employment Office, Commission, U.S. De- partment of Labor and other administrative agencies. Wymberley was appointed to the Corporate Employment Lawyers Association, and a fellow in the College of Labor and Employment Lawyers.


CLAUDE GASTONIA, a professor at ALCU of Virginia, was re- named public defender of Albemarle County, effective Jan. 1. 1975

WYOMING’s election was communicated to the judges by the Virginia General Assembly in 2000. He was previously a judge on the Court of Appeals of Virginia and also was a partner in the Circuit Court of the city of Richmond, where he began his practice in 1960. In 2011, he was elected a fellow of the American Academy of Drug Court Judges by the National College of Judges.

John D. Washkansky, an associate professor at Penn State University, was chosen as a fellow in the College of Criminal Law Practice at the University of Alabama School of Law. In 2013, he was a recipient of the Virginia Scholarship for UVA Law’s Excellence in Operations/Support. The awards recognize outstanding performance, innovation and dedication by employees throughout federal courts each year.

Letters supporting Connor’s nomination were written by more than a dozen federal judges, by district court clerks throughout the Fourth Circuit, and by federal prosecutors and public federal defenders whose cases Connor’s office administers.

She is the true heart and soul of the Fourth Circuit, and the judges and court staff will uniformly attest to that,” wrote Judge JODY WALKER ’71. “Par’s leadership— the court marries the court run like a finely tuned timespiece.”

Supreme Court Justice Stephen Breyer cited Parr for igniting his interest in civil rights law and said: “The life I have led is a testament to the wisdom of his 1976 appointment to the court. That’s why I’m so very pleased to be here to recognize him.”

PARR’S NOMINATION was announced on May 11, 2020, by the American Law Institute’s Re- gional Director for the Third Circuit. He is the first African American to serve as a federal judge in the Third Circuit.

D. Craig Wilkinson, a partner at Whiteford, Taylor & Preston, is a fellow of the College of Civil Trial Advocates. He is currently serving as a judge on the Virginia Supreme Court of Appeals.

In October he was elected to the Virginia State Bar Board of Governors, serving as its chair from 2009 to 2012. In 2015, he was elected to the Virginia Supreme Court of Appeals, serving as its chief justice from 2016 to 2020.

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Security, Risk and Compliance, overseeing their supply chain. Conwy was the sole security officer at JC Penney, where she held various roles during her 20-year tenure.

Discovered U.S. Dist-
trict Judge Robert R.
Mendenhall, who
appointed me to
the commission’s
family office
department to
do so.

JEFF GLEETYN
was named to
Business
North Carolina’s
2020 Legal Elite for
his work in bankruptcy
cases. He has
represented clients
with Brooks Pierce in
Greensboro. David
was also selected
for inclusion in Best
Lawyers in America
2020 for
trusts and
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The article
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Charlotte’s Toscana ’86 Retires from Virginia House

David J. Toscana ’86, a leading lawyer in Virginia’s House of Delegates, retired from politics after serving the city of Charlottesville for 25 years.

Toscana announced in a floor speech as the General Assembly session ended in January 2020 that he would not seek an eighth term. He was first elected to represent the 57th District in 2005 and was House minority leader from 2011 to 2018.


Reflecting on his tenure in a floor speech, Toscano said his top legislative achievement was an adoption reform bill in 2015. Toscano often ceded bills dealing with child custody, divorce or adoption to Toscano as well as at the Outer Banks. “Oldest son, Josh, and his wife, Jen, are teachers in Mary- land and the family is looking forward to wel- coming their first grand- child, Middle son, Matt, is in his second year in grad school at Georgetown and doing great. Youngest son, William, has graduat- ed from UVA and is now in his first year at the Law School—hence described to stay in ‘Cville as a ‘Karen-Dil- lion’ scholar over going to Harvard (clearly pick his brains from his mother’),” Hicks adds. “Sally, Nancy contin- ues to struggle with a progressive neurologi- cal disease—perhaps not as bad as ALS which took her friend DOOLIN’ HENDRICK—brutally feed. Nancy deals with the situation with more grace and dignity than I think possible.”

Toscano currently specializes in family law as a partner at Buck, Toscano & Associates in the metropolitan area. A resi- dent of West Windsor, Toscano devotes her practice to environmen- tal law and complex litigation as well as insurance coverage matters.

Hicks has authored articles and given presentations to insurance trade groups and associations on issues ranging from lender liability, underinsured to the availability of insurance coverage for various aspects of business, personal and professional risks.

William H. Kidd Jr. was selected for inclu- sion in Best Lawyers in America 2020 for his work in real estate. Kidd practices with Cooper & Edwards in a field of intellectual property, trade secrets and cybersecurity.

B. Kevin Antell joined Branchburg Martin Greenberg in Baltimore. Antell will focus on commercial real estate and litigation finan- cing. He has been in private practice and in-house—the latter serving among other roles, as general counsel of both a public real estate investment trust and a private development company. In addition to being a key member of the senior management team, Antell also worked closely with and assisted the development team in acquiring, entitlement developing, and obtaining municipal and state financial assistance to construct large retail shopping centers around the country.

Robert Benham LL.M. ’93, the first black justice on the Georgia Supreme Court, retired March 1 after serving for 34 years as an appellate court judge.

He announced in December that he would depart before his term was set to end on Dec. 31, 2020. “Justice Benham has been a steady force behind this court,” Chief Justice Harold Moulton said in a statement. “As a jurist, he has been unwavering in his commitment to ensuring that all people have equal access to the courts. As a man, he is the embodiment of justice and mercy. He is one of those who manage to bring the best out of people.”

Gov. Joe Frank Harris appointed the Cartersville, Ga., native to the bench in 1988. Benham won a state-wide election to a full term on the court, and was re-elected every six years until his retirement. Benham also was elected by his colleagues to serve as chief justice, from 1995 to 2003. “Justice Benham is a trialblander, freedom fighter and fiercely compassionate and who has always by example and personal integrity,” Gov. Brian Kemp said in a statement. “The profession of law and Georgia’s judiciary are immeasurably better because of Robert Benham. Neither will be the same once he leaves the bench.”

After practicing as a lawyer in Cartersville, Benham was appointed to the state Court of Appeals in 1984 and months later was acontested race for the seat, becoming the first African American member of the State Supreme Court. He previously was a trial attorney for the Atlanta Legal Aid Society and a special assistant attorney general, and served two terms as president of the Bartow County Bar Association. After completing law school, Benham served in the U.S. Army Reserve, attaining the rank of captain. In 1970, Benham became the second African American to graduate from the University of Georgia Lumpkin School of Law, earning a J.D. He earned a bachelor’s in political science from Tuskegee University in 1967 and also attended Harvard University.
Bar’s Study Committee on the Future of Law and chairs on the board of governors for the Virginia Bar Association’s Women’s Initiative Steering Committee. She served in death defense, and insurance litigation. She is at Ingram, Sutherland & Hutton in Pulaski. Henderson, a partner at Ventker Henderson in Norfolk, has served as deputy commissioner of independent contractors. She joined the Law School in 2017 as the first director of the Program in Law and Public Service, which offers a select group of students intensive training that prepares them for a career in public service. Henderson, partner at Ventker Henderson in Norfolk, focuses her practice on a variety of matters, including vessel collisions, marine terminal liability defense, construction disputes, maritime personal injury and wrongful death defense, and insurance coverage litigation. She is an experienced trial attorney at both the trial court and appellate level.

Martin is a partner and chair of William Mullen’s health care section in Richmond, and is a member of the firm’s Women’s Initiative Steering Committee. She serves on the board of governors for the Virginia Bar Association and is immediate past chair of the VA’s Health Law Section. She is a member of the Virginia State Bar’s Study Committee on the Future of Law and sits on the VBA’s Wellness Task Force.

He has been ranked by Chambers as one of Delaware’s Leading Lawyers for Real Estate/ Land Use since 2003.

SHARON GOODWIN was presented with a Vir- ginia-Pilot in a “First Professional” article last summer. Goodwin is an employment lawyer in the Richmond office. She is the firm’s partner in charge of all the Virginia and West Virginia locations.

Sharon Goodwin named Virginia Lawyer of the Year for Virginia Workers’ Compensation Lawyers Association

In 2020 CLASS OF

CRISTAL SHIN ’10

NAMED TO

LAW’

JAMIE BASKERVILLE MARTIN ’96

DEBORAH BLEVINS ’83

MARISSA KURTH.

TOM CLARK ON

The Virginia Wesleyan University, St. Mary’s Home for Girls and Southeastern Virginia Medical School, Virginia Commonwealth University, the Virginia Lawyers Foundation, a trustee of the University at Virginia Law School Board, and a member of the Executive LL.M. in Business Law and the Diversity Leadership Program.\\

Michael Fink

Professor CRYSTAL SHIN ’10 was named to Virginia Lawyers Weekly’s 2020 class of Influential Women of Law along with Judge HEDEON BAKSHI ’93, MARILYN HENDERSON ’93 of Ventker Henderson and JASPER BAKER- MARTIN ’90 of Williams Mullen. This award program honors women for their work on behalf of the justice system and their clients, their commitment to their communities and their service to the profession. Shin joined the Law School in 2017 as the first director of the Program in Law and Public Service, which offers a select group of students intensive training that prepares them for a career in public service. Blevins, of Roanoke, has served as deputy commissioner of independent contractors. She joined the Law School in 2017 as the first director of the Program in Law and Public Service, which offers a select group of students intensive training that prepares them for a career in public service. Henderson, partner at Ventker Henderson in Norfolk, focuses her practice on a variety of matters, including vessel collisions, marine terminal liability defense, construction disputes, maritime personal injury and wrongful death defense, and insurance coverage litigation. She is an experienced trial attorney at both the trial court and appellate level.

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The National Football League named DASHA SMITH as executive vice president and chief people officer in November. Smith is responsible for all human resources activities, including talent and diversity strategies, workplace culture, compensation and recognition programs, leadership development and succession planning. She reports to Maryann Turcke, the league’s chief operating officer.

“We welcome Dasha to the NFL family,” NFL Commissioner Roger Goodell said in a statement. “Her sharp insight, work style and unique experience make her the right person to drive our efforts to grow, engage and inspire our workforce. I am excited about the impact Dasha will have in key areas across our organization, especially diversity and inclusion, which is a top priority for our league. She leads the company’s international legal teams and travels regularly to Asia and Europe.

Pewter/Portfolio just published 2001
MIGUEL Angel Velez
“You Can Have It All, But Not at the Same Damn Time,” in which she shares her strategies for success so that other women can have it all too. Not for Nothing, we are stepping “by being” breaking out to do that for an empower- ing weekly show that plans, according to her, has coached more than 20,000 women to thrive in their commercial lives in San Diego with her husband, John, and their children, Nute and Jules.

Jane Smith serves as co-chair of the law school’s $400 million The Future Capital campaign. She welcomed the UVA Law Class of 2019 as orientation speaker.

Before joining Sony Music, Smith was managing director, office of the chairman and chief global human resources officer for GCM Grouper, a global alternative investment firm. Prior to that, she served as Time Inc.’s global head of employee relations, chief labor and employment counsel.

Maria Lam was promoted to vice president at Intermex Corp. recently. She leads the company’s international legal teams and travels regularly to Asia and Europe.

NFL NAMES SMITH ‘98 CHIEF PEOPLE OFFICER

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Williamson said the new federal law is “a name for a force,” but he also has been recognized by Managing Intellectual Property magazine as a legal IP Star consecutively from 2013 through 2020.
A senior assistant attorney general in the Office of the General Counsel of the United States Department of Justice, Kremer served as an attorney at an international law firm in Washington, D.C. While working for the Justice Department, he negotiated an agreement that made Oklahoma one of the first states in the country to cover terrorism-related health care services for its employees.

LISA ROUGHIS received the M.E. Kilpatrick Pro Bono Recognition Award from the University of Georgia School of Law, specializing in corporate gov- ernance and contract law. The award recently honored her to be named an associate professor at UGA. Roughis lives in Athens with her husband, Nathaniel Flatt (’97), and their children.

BILLY SINCLAIR chairs the civil litigation group at Silverman Thompson. He focuses on civil litigation and commercial disputes, representing clients in all aspects of civil and commercial litigation, including corporate governance, securities, anti-trust, business torts, and white-collar crime. He has been rated as a leader in his field in the area of civil litigation and commercial disputes by The Best Lawyers in America. He is recognized as one of the nation’s leading litigators by the Legal 500. He has been named to The National Trial Lawyers: Top 40 Under 40. He is also listed in The New York Times Magazine as one of the nation’s top trial lawyers.

FRANKLIN D. BLEDSOE was appointed Butler Creek’s Hilltop, Mass., office. Bledsoe, a former U.S. Army Judge Advocate General Corps, tries cases in federal and state court.

TAYLOR W. HICKS was named a partner in the firm’s corporate and securities practice. He focuses on representing public and private companies in all aspects of corporate law, including mergers and acquisitions, financings, and securities offerings.

KEVIN D. COSTELLO was appointed as a partner in the firm’s corporate and securities practice. He focuses on representing public and private companies in all aspects of corporate law, including mergers and acquisitions, financings, and securities offerings.

JACOB R. BUSH was named a partner in the firm’s corporate and securities practice. He focuses on representing public and private companies in all aspects of corporate law, including mergers and acquisitions, financings, and securities offerings.

JONATHAN D. MILLER was named a partner in the firm’s corporate and securities practice. He focuses on representing public and private companies in all aspects of corporate law, including mergers and acquisitions, financings, and securities offerings.

JOHN W. MARINZI, a partner in the firm’s banking and finance department, was appointed as a partner in the firm’s banking and finance department.

A longtime advocate for women’s rights and social justice, Millard is the founder and president of the organization. She has been recognized for her work by the National Organization for Women, the Women’s National Political Caucus, and the National Women’s Political Caucus. She has also been named one of the “100 Women Who Will Change the World” by the Washington Post. Millard is a member of the Council on Foreign Relations and a fellow at the Center for American Progress. She is also a board member of the Women’s Media Center and a member of the Women’s Research and Education Fund. She is a member of the advisory board of the National Women’s Political Caucus and a member of the board of directors of the National Women’s Political Caucus.

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Voigt & Harleman in Nashville, Tenn. Baggs’ practice areas include real estate and commercial lending, and corporate and nonprofit law. Baggs’ practice previously served as counsel to the private and public sector, and she was the city’s director of economic development. Her practice is focused on corporate and real estate matters.

**AMILA JUSTINE WILLIS,** a partner in the restructuring practice of DLA Piper, was named a 2019 Rising Star by Virginia Law Magazine. As a member of the firm’s executive council, she manages the firm’s diversity initiatives and estabishes and develops35s for the Virginia Bar Foundation. Willis is also an active member of the firm’s Diversity & Inclusion Committee, which focuses on creating a more inclusive and diverse workplace.

**ANDREW W. SADLER** was elected president of the New York Bar Foundation, a New York City metropolitan area who is also “force in their commitment to public service and pro bono causes.”

**ANNA HEWLETT and JORDAN WILLIAMS** were elected to the board of the Jimmy Fund, the non-profit organization that supports the Dana-Farber Cancer Institute. They are both attorneys at the firm Blank Rome, where they specialize in health care and life sciences litigation.

**JORDAN ROY** was promoted to partner at the firm Greenberg Traurig. She represents clients in a variety of industries, including health care, life sciences, and technology.

**JENNIFER R. ROY** was named a 2019 Rising Star by Virginia Law Magazine. She represents clients in a variety of industries, including health care, life sciences, and technology.

**CARRIE STANTON** was named a 2019 Rising Star by Virginia Law Magazine. She represents clients in a variety of industries, including health care, life sciences, and technology.

**EHSAN TABASH** was elected to the board of the firm Blank Rome. Tabash represents clients in a variety of industries, including health care, life sciences, and technology.

**RYAN M. MENSCEN** was elected to the board of the firm Blank Rome. Menesen represents clients in a variety of industries, including health care, life sciences, and technology.

**KYLE F. BRINNMAN** was elected to the board of the firm Blank Rome. Brinnman represents clients in a variety of industries, including health care, life sciences, and technology.

**CLAIRE M. WELLS** was elected to the board of the firm Blank Rome. Wells represents clients in a variety of industries, including health care, life sciences, and technology.

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Kenton Alexander ’93, former U.S. attorney for the Northern District of Georgia and co-author of a new book on the Richard Jewell case, was in the midst of his federal service when the pipe bomb exploded at the 1996 Summer Olympics in Atlanta, killing two people and wounding 11 others.

Alexander and co-author Kevin Salwen write about the rush to judgment on Jewell became a suspect. The book is the “most difficult letter to write in my career” because of the many audiences who would read the letter, including “children, young adults, families, students, junior lawyers, and those involved in government and enforcement agencies.”

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Alexander and co-author Kevin Salwen write about the rush to judgment on Jewell in the “THE SUSPECT”的 chapter. They discuss how other industries address mistakes and how these lessons can be applied to education and training.

The book draws from the real-world experiences of experts in anti-corruption and anti-counterfeiting. It offers comprehensive guidance for practitioners, in-house counsel, compliance officers, and policy makers.

She’s Conservative. Imagination and Escapism in America’s College Humor Books.

In her second book, “The Art of Not Being Bullshit,” Alexander and co-author Kevin Salwen explore the importance of critical thinking and how to navigate the complexities of today’s information landscape.

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<table>
<thead>
<tr>
<th>Name</th>
<th>City or State</th>
<th>Date</th>
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<tbody>
<tr>
<td>Kemper Goffigon III ‘48</td>
<td>Cape Charles, VA.</td>
<td>Dec. 10, 2019</td>
</tr>
<tr>
<td>Carl W. Newman ‘49</td>
<td>Chevy Chase, MD.</td>
<td>Aug. 27, 2019</td>
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<tr>
<td>Elizabeth G. Poole ‘50</td>
<td>Wilmington, DE.</td>
<td>July 20, 2019</td>
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<tr>
<td>Winfrey T. Wade ‘51</td>
<td>Irvington, VA.</td>
<td>Jan. 14, 2020</td>
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<tr>
<td>Frank O. Meade ‘54</td>
<td>Charleston, S.C.</td>
<td>Aug. 27, 2019</td>
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<tr>
<td>Joel B. Cooper ‘55</td>
<td>Norfolk, VA.</td>
<td>Nov. 3, 2019</td>
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<tr>
<td>F. C. Robert Hollmann ‘55</td>
<td>Cheyenne, Wyo.</td>
<td>Sept. 19, 2019</td>
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<tr>
<td>Kemper Goffigon III ‘48</td>
<td>Cape Charles, VA.</td>
<td>Dec. 10, 2019</td>
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<tr>
<td>Charles B. Hughes ‘60</td>
<td>Arlington, VA.</td>
<td>Oct. 8, 2019</td>
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<tr>
<td>Richard W. Dobray ‘61</td>
<td>Annandale, VA.</td>
<td>Aug. 20, 2019</td>
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<tr>
<td>Kenneth L. Green ‘61</td>
<td>Baltimore, MD.</td>
<td>Sept. 18, 2019</td>
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<tr>
<td>Hoyt N. Wheeler ‘61</td>
<td>West Columbia, SC.</td>
<td>July 15, 2019</td>
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<tr>
<td>Clifford H. Hean Jr. ‘62</td>
<td>Richmond, VA.</td>
<td>Sept. 8, 2019</td>
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<tr>
<td>John B. Bartley ‘63</td>
<td>Washington, D.C.</td>
<td>July 17, 2019</td>
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<tr>
<td>Lewis H. Goldman ‘65</td>
<td>Kansas City, MO.</td>
<td>Aug. 9, 2019</td>
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<tr>
<td>Jesse B. Grove III ‘66</td>
<td>Potomac, MD.</td>
<td>Aug. 11, 2019</td>
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<tr>
<td>Michael M. Uhlmann ‘66</td>
<td>Chantilly, VA.</td>
<td>Oct. 1, 2019</td>
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<tr>
<td>Gerald L. Bariles ‘67</td>
<td>Sterling, VA.</td>
<td>Oct. 20, 2019</td>
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<tr>
<td>W. Donald Knight Jr. ‘67</td>
<td>Atlanta, GA.</td>
<td>Sept. 24, 2019</td>
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<tr>
<td>Thomas H. Rose Jr. ‘67</td>
<td>Stone Creek, VA.</td>
<td>Oct. 26, 2019</td>
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<tr>
<td>Richard A. Williams ‘69</td>
<td>Martinsville, VA.</td>
<td>Sept. 18, 2019</td>
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<tr>
<td>Richard S. Balough ‘70</td>
<td>Richmond, VA.</td>
<td>Nov. 30, 2019</td>
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<tr>
<td>Richard M. Baumberger ‘71</td>
<td>Dallas, TX.</td>
<td>Oct. 27, 2019</td>
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<tr>
<td>John Y. Pearson Jr. ‘71</td>
<td>Norfolk, VA.</td>
<td>Sept. 13, 2019</td>
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<tr>
<td>James Q. Blomgren ‘72</td>
<td>Coral Gables, FL.</td>
<td>Oct. 13, 2019</td>
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<tr>
<td>Harry E. Fisher ‘72</td>
<td>Tuscaloosa, AL.</td>
<td>Sept. 26, 2019</td>
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<tr>
<td>Tom M. Sloan ‘72</td>
<td>Greensboro, NC.</td>
<td>Sept. 17, 2019</td>
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<tr>
<td>J. Michael Eikenberry ‘74</td>
<td>Westport, CT.</td>
<td>Sept. 23, 2019</td>
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<tr>
<td>William B. Settje ‘74</td>
<td>Newport Beach, CA.</td>
<td>Sept. 15, 2019</td>
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<tr>
<td>Kenneth A. Hindman ‘75</td>
<td>Comal, TX.</td>
<td>Nov. 20, 2019</td>
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<tr>
<td>Robert J. Berdon LL.M. ‘88</td>
<td>Santa Fe, NM.</td>
<td>Oct. 31, 2019</td>
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<tr>
<td>Philip L. de Camara III ‘93</td>
<td>Naples, FL.</td>
<td>Oct. 30, 2019</td>
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<tr>
<td>Lucas Matthew Horner ‘08</td>
<td>Jamestown, NY.</td>
<td>Dec. 13, 2019</td>
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<tr>
<td>John Sebastian Mikelusky ‘10</td>
<td>Apex, NC.</td>
<td>Dec. 11, 2019</td>
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<tr>
<td>Zachary Robert Bruce Croft ‘14</td>
<td>Houston, TX.</td>
<td>July 12, 2019</td>
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<tr>
<td>K. Jay Galloway ‘15</td>
<td>Peoria, IL.</td>
<td>Aug. 7, 2019</td>
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<tr>
<td>Rihanna Danielle Schiro ‘16</td>
<td>Great Falls, VA.</td>
<td>Aug. 2, 2019</td>
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<tr>
<td>Ralph C. Catalano ‘19</td>
<td>Huntington, STN.</td>
<td>Dec. 14, 2019</td>
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</table>
My favorite thing about both the District Court and the Court of Appeals is the subject-matter variety among the cases we handle. Even after 37 years of being a federal judge, I see new things all the time. Judges have the privilege and challenge of being among the last generalists in the law.

When did you first aspire to become a judge, and why?
I really did not “aspire” to be a judge. To my surprise and the surprise of everyone else in the Memphis legal community, I became a state trial judge in 1981 when I was 30. I was hardly presumptuous enough to have a judgeship as a goal at that point. The following year I was elected to a full eight-year term, and a year later I became a federal district judge. It turned out that I was well-suited for the judicial role, which seemed natural to me from the very beginning.

How have things changed for women since you first ran for trial judge?
There are lots more women judges now, and they have been very successful in elections. A woman candidate was an anomaly in 1981. But to be successful then, you had to do the same things that winning judicial candidates do now. Of course, there are now far more women in the profession generally. That’s a really good thing. Opportunities exist that were available only infrequently or not at all for women when I started my legal career.

There are still challenges, many centering around the difficulty of combining a very demanding career and a family life. But I doubt that women today feel the heavy burden of paving the way for other women. I knew that it was critical for me to demonstrate that women could do a job well that previously only men had done.

Describe your path to the appellate court.
By chance, I had worked in a prior job with Fred Thompson, who was Tennessee’s senior United States senator at the time a vacancy arose. He became my advocate with President George W. Bush, who nominated me. Fortunately, my record as a trial judge meant that I was broadly acceptable to senators across the political spectrum, and I was confirmed without controversy.

What has federal service taught you?
It’s a real privilege to serve in the federal judicial system. I have enormous respect for the integrity, intelligence, and thoughtfulness of judicial colleagues across the country. I’m mindful, too, that I am paid by the taxpayers and am conscientious enough to try to make sure they get their money’s worth.

What more would you do if there were 25 hours in a day?
I read a lot, but I would probably read even more with an extra hour a day.

Are you optimistic about the future of our democracy?
I am a believer in the institutions that protect our democracy. So yes, I believe our democracy is enduring. But I do think our country would benefit from a renewed, broad-based effort to educate each individual about government and the lessons of history—not just our own but worldwide. In the end, it is individuals who bear the responsibility for the protection of our democratic institutions and our freedom. It will be much easier to do the job if we, collectively and individually, have a clear-eyed and informed view of the necessity of the task. The federal judiciary and many state judiciaries are playing a role in civics education, but there is plenty for everyone to do.

You have the last word. What do you want to say?
As I age, I am full of gratitude for so many things. Putting aside the personal, which is certainly a big part of my gratitude, I am grateful for the education I received at Vanderbilt University and the University of Virginia School of Law. I am also deeply grateful for the opportunity to have a judicial career which has allowed me to serve the public and has endlessly challenged and engaged me.