CYBER INSECURITY
A RECURRING THEME OVER THE PAST 18 MONTHS has been how the COVID-19 pandemic has warped our sense of time. Lockdowns brought everything to a halt, and we are still figuring out how to resume the pace of life and work during, and hopefully soon after, the pandemic.

In other ways, though, time—and change over time—has accelerated. That has been particularly true when it comes to the role of technology in our lives. The pandemic has required us to do so much more online than we ever have before—from classes and conferences to business meetings and judicial hearings to birthdays, weddings and holidays. In turn, online privacy, cybersecurity and related issues have become ever more pressing.

In this issue of UVA Lawyer, we explore the many ways the Law School and its alumni are responding to the challenges presented by our society’s increased (and still increasing) reliance on technology. You will hear from faculty and alumni who advise businesses and government agencies on an array of data privacy and cybersecurity issues. By developing data breach response plans, analyzing companies’ security performance, and probing the intersection of cybersecurity and international law, UVA lawyers are shaping the frontiers of the field.

The Law School also launched a new LawTech Center this year, with Professor Danielle Citron serving as inaugural director. The center will address the important legal, ethical and policy questions implicated by the proliferation of technology; the use of computational tools, such as natural language processing, to understand the law and legal institutions; and the crucial and complex deployment of technology in the practice of law. The LawTech Center will bring together scholars across a host of fields exploring these questions—from national security to civil rights, from antitrust to corporate law, from environmental law to legal philosophy. This new center will better enable affiliated faculty to shape law and policy, facilitate cutting-edge scholarship, prepare our students for the technologies they will encounter in the legal profession, and forge connections between the Law School and those practicing at the nexus of law and technology.

In real—as opposed to virtual—life, UVA Law also continues to thrive. We are, as always, defined by our people and our relationships to each other. As we returned to fully in-person operations this fall, we welcomed a new 1L class that is both the most highly credentialed and the most racially diverse in our history. Over the past two years, we have also welcomed a record-breaking 17 new professors to our tenure-line faculty—brilliant scholars and generous teachers all. Our four most recent hires are profiled in these pages. We also applaud the accomplishments of our students and of alumni at all stages of their careers—including 114 new law clerks, three new members of the American Law Institute, several new judges and executive branch leaders, and a new commissioner of a Power Five NCAA conference.

As we continue to navigate the challenges facing us, we rejoice in our renewed ability to learn and work together, we celebrate the accomplishments of our colleagues, and we remain grateful to our friends and alumni who make it all possible.
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A NOTE ON ‘MAKING ROOM FOR WOMEN’

IN OUR SPRING ISSUE we reported on how Virginia Law Women began. Since publication we learned of new information on two captions, which are corrected at right.

THE ARTICLE REFERRED TO Professor Lillian R. BeVier as the first female tenure-track professor. BeVier was the first female professor to earn tenure, but Gail Sterling Marshall ’68 became the first female assistant professor on the full-time teaching faculty in 1969.
“Criminal prosecution is not an effective way to change policing. It’s individualistic, whereas most of the problems in policing are institutional.”

—PROFESSOR RACHEL HARMON, on the conviction of former police officer Derek Chauvin (FiveThirtyEight)

“The court’s critics say it is now protecting the religious majority, but that’s not true. By definition, no one comes to the court seeking legal protection until it has lost in the political process.”

—PROFESSOR DOUGLAS LAYCOCK, on the Roberts court’s approach to religious liberty cases (Quaint News)

“While bots have a long way to go, if you squint a bit, it’s possible to see real potential.”

—PROFESSOR MICHAEL LIVERMORE, in a co-authored op-ed on bot-generated comments on government proposals (Slate)

“There’s virtually no data on how often conservators misuse their power or when a conservatorship has been improperly imposed.”

—PROFESSOR NADIA CAIN, in an op-ed on Britney Spears’ conservatorship (The Conversation)

“Tech companies amplify damaging lies, violent conspiracies and privacy invasions because they generate copious ad revenue from the likes, clicks and shares.”

—PROFESSOR DANIELLE CITRON, in an op-ed on amending Section 230 (WIRED UK)

“Lawyers sometimes have the myopic view that the company cares about litigation and that’s not true. Our leaders, the company, the shareholders, they don’t care about litigation. What they care about is the ability to facilitate their business objective.”

—CARLOS BROWN ’99, Dominion Energy general counsel (The Am Law Litigation Daily)

“We still face a key question: How do you create a legal market for an addictive substance and still protect public health?”

—PROFESSOR RICHARD BONNE ’99, on Virginia decriminalizing marijuana (UVA Today)

“The idea is, if you have to pay fifteen per cent no matter where you declare your income, there’s no reason to put your income in a zero-tax jurisdiction. If you’re a country that already has one, you want the other countries to have them too. The U.S. has been trying to get other countries to adopt one since the sixties.”

—PROFESSOR RUTH MASON, explaining the global minimum corporate tax (The New Yorker)

“The relationship between economic actors and armed groups in times of repression and war is not unique to the Colombian conflict.”

—PROFESSOR CAMILO SÁNCHEZ, in an op-ed on transitional justice in Latin America; he recently authored a report on the topic (Justicia en las Américas)

“The practice of law is best when you are challenged, learning and in service to others. Success is maintaining a constant and consistent measure of all three.”

—JAMILA WILKIS ’09, interviewed as a 40 Under 40 honoree (Bloomberg Law)

“I can ask you on the street what your vaccine status is. I can ask you in my business what your vaccine status is. If I’m not your supervisor, that’s not a violation of HIPAA because I have no impact on you. On the other hand, you have no obligation to answer me.”

—PROFESSOR MARGARET FOSTER RILEY, discussing health privacy law and vaccination status (FNB NewsHour)

“For now, Alston is a narrow legal ruling, but the justices left enough material breadcrumbs to clearly indicate that the NCAA model is broken. If a system that holds billions of dollars breaks apart, the money has to flow somewhere. And with so much at stake, you can bet the people hoping to grab some of it are already maneuvering to shape the future.”

—DONALD H. YEE ’97, in an op-ed on the U.S. Supreme Court ruling Alston v. NCAA (The Washington Post)

“We have the cases that show where everything goes off the rails. For every issue there is in the criminal justice system, we have a case, or 50. We can raise our hands and show you how these things happen.”

—PROFESSOR DEIRDRE ENRIGHT ’92, on the Law School’s new Project on Informed Reform, which will allow students to work on criminal justice reform (WVTF)
A record 114 law school alumni are clerking across the country during the 2021 court term. Graduates have topped the school’s record for the number of clerks for three straight years.

Overall, 40 alumni are clerking in federal appellate circuit courts, 59 are clerking at federal district courts and other federal courts, one is clerking at the U.S. Supreme Court, and 14 are clerking for state appellate courts and other local courts.

“We’ve been gratified by the continued interest in clerking among both our students and alumni, which is continuing to fuel these strong numbers,” said Ruth Payne ’02, senior director of judicial clerkships.

“I sincerely believe that UVA Law produces excellent clerks. We find many judges hire from us every year, and we are always thrilled when they tell us how happy they are with our graduates.”

A large segment of the clerks are members of the Class of 2021, of whom 20% will be serving in judicial clerkships nationwide this fall. Out of 318 J.D. graduates in the class, 63 are clerking, including 15 in federal appellate circuit courts.

When clerkships for future terms are included, 71 members of the class have accepted a total of 83 clerkships. Twenty-eight of these graduates have accepted clerkships for a later term, and 18 have already accepted a second clerkship in 2022 or 2023.

At the U.S. Supreme Court, Libby Baird ’19 is clerking for Justice Amy Coney Barrett. The Law School is fifth after Yale, Harvard, Stanford and Chicago in the number of graduates clerking on the U.S. Supreme Court since 2005.

The Law School is No. 4 in the percentage of graduates from the classes of 2018-20 going directly to federal clerkships after law school, according to American Bar Association data.

Payne said clerking gives law school graduates an inside perspective on how courts make decisions, a strong network and relationships with judges and fellow clerks, and an opportunity to build their legal research and writing skills at the start of their careers.

“Many clerks feel rewarded not only by the mentoring relationship with their judges, but by the experience of working on decisions that directly impact people’s lives,” Payne said.

Mike Fox

See the clerkships list on p. 8-9.
MICHAEL CORCORAN ’17 will clerk for Justice Clarence Thomas at the U.S. Supreme Court during the 2022 term. Corcoran said he has admired Thomas for many years and is excited for the chance to learn from the justice after studying his opinions.

“I am thrilled to have this opportunity to clerk for Justice Thomas, who’s been such a towering intellect on the court,” he said. “He’s a justice whose jurisprudence is someone who has behind them a lot of people and is excited for the chance to learn from the justice after studying his opinions.”

The Law School is fifth after Harvard, Yale, Stanford and Chicago in placing clerks on the U.S. Supreme Court during the 2022 term. Libby Baird ’19 is clerking for Justice Amy Coney Barrett for the 2021 term. Corcoran is an associate at Dechert in Philadelphia, focusing his practice on appellate litigation, as well as trial litigation and criminal investigations. He previously clerked for U.S. Court of Appeals Judges Jerry E. Smith of the Fifth Circuit and Stephanos Bibas of the Third Circuit.

He said the Law School taught him how to think like a lawyer, including about difficult legal issues, and that his clerkships were a continuation of that education. “I think that the two clerkships only helped further hone those skills and helped me delve very deeply into a given case and think very critically and analytically about all the different angles that were involved,” he said.

At UVA Law, Corcoran was articles editor of the Virginia Law Review, recipient of the Roger and Madeleine Traynor Prize, and logistics chair for the Federalist Society’s 2016 National Student Symposium. He also was a participant in the Supreme Court Litigation Clinic, served as a research assistant for Professor Saikrishna Prakash and then-Professor Kimberly Kessler Ferzan, and conducted an independent study under the guidance of Professor Caleb Nelson.

“Michael has all the skills to serve Justice Thomas extremely well: superb intellect, tremendous work ethic and fluid writing,” said Prakash, a former Thomas clerk. “And he is a wonderful person, to boot.”

Corcoran praised those who helped him along the way. “This is something that I couldn’t have achieved on my own, and I think anyone who obtains one of these clerkships is someone who has behind them a lot of people who have helped them get over the finish line,” he said. Corcoran earned his bachelor’s from Villanova University.

—Mike Fox
JESÚS PINO

Sam Bennett

Grace Fu ‘09 convinced that she had taken more time to consider when I was in your shoes.”

GRACE FU ‘09 WELCOMES NEW STUDENTS

The percentage of women, 51%, is second only to last year, which set a record with 53%. There are nine veterans and active-duty members in the class, representing the Air Force, Army and Navy. “We selected the Class of 2024 from an exceptionally large and competitive applicant pool, as the 2020-21 cycle saw an unprecedented volume of highly qualified law school applicants,” said Natalie Blazer ’08, assistant dean for admissions and chief admissions officer. “Each member of this incoming class exhibits not only academic excellence and dedication to legal service but also the strength of character that embodies the spirit of a Virginia lawyer.”

She said she has since realized that her failures and setbacks allowed her to grow. “They’ve allowed me to build courage, resilience and grit,” she said. “And without those extraordinarily challenging moments, I would never be where I am today. And so the next time you encounter something that feels to you like a failure or a personal or professional setback, remember how valuable those moments are and how much they will allow you to stretch and grow and achieve even greater successes.”

Equally important, Fu said, is for students to “embrace otherness” by befriending and empathizing with people who are different. She also encouraged students to be mindful of their own well-being. “And especially in this moment, as the world continues to heal from the isolation and the other effects of the global pandemic, wellness is as important as ever,” she said. —Mary Wood

The law school welcomed a first-year J.D. class with the strongest academic numbers and the most racial and ethnic diversity in its history. The 300 members of the Class of 2024 were selected from an exceptionally large and competitive applicant pool, as the 2020-21 cycle saw an unprecedented volume of highly qualified law school applicants,” said Natalie Blazer ’08, assistant dean for admissions and chief admissions officer. “Each member of this incoming class exhibits not only academic excellence and dedication to legal service but also the strength of character that embodies the spirit of a Virginia lawyer.”

The instructors plan to walk through the challenges and tradeoffs when making decisions in a high-profile investigation. Zebley said the instructors will use the extensive public record to explore the effects of the global pandemic, wellness is as important as ever,” she said. —Mary Wood

After the investigation ended, Mueller, Zebley and Quarles returned to their roles as partners at WilmerHale in Washington, D.C., while Goldstein joined Cooley in D.C., where he is the head of the white-collar defense and investigations practice. Mueller, who continues to hold the distinction of longest-serving director of the FBI since J. Edgar Hoover, also served as assistant attorney general in charge of the DOJ’s Criminal Division, where he oversaw prosecutions that included the convictions of Manuel Noriega and John Gotti, and the Lockerbie Pan Am Flight 103 bombing case. Mueller received the Thomas Jefferson Foundation Medal in Law in 2013; bestowed jointly by UVA and the Thomas Jefferson Foundation, the Jefferson medals are UVA’s highest external honor.

Goldstein has served as chief of staff of the FBI, and is a former federal prosecutor with more than 18 years of experience with the Justice Department.”

Quarles, a litigator who previously was managing partner of Hale and Dorr’s Washington office, also served as an assistant special prosecutor on the Watergate Special Prosecution Force in 1973 to 1975.

Goldstein is a former federal prosecutor who served as the chief of the Public Corruption Unit in the Southern District of New York. He led the prosecution of international bank INP Paribas for sanctions violations, which resulted in conviction and a record $8.9 billion criminal forfeiture.

—Mary Wood
BEING UNCOMFORTABLE has its upsides, said Justice Cleo E. Powell of the Supreme Court of Virginia during her commencement address to the Class of 2021 on May 23.

Powell, a 1982 alumna of the Law School and the first Black woman to serve on the court, said being uncomfortable is the way that lawyers, and people in general, grow and develop understanding.

In a unique commencement ceremony, law students joined graduates from the Darden School of Business and undergraduates from the McIntire School of Commerce in Scott Stadium following a procession down the Lawn. Because individual ceremonies weren’t held due to the COVID-19 pandemic, Powell delivered her remarks via a prerecorded video released the same day.

When encountering challenges, “It was in the times when I sought as much to understand as to be understood that I felt that I had the best handle on the situation,” Powell said. “Be willing to be made to feel uncomfortable and to make someone else feel comfortable. It sometimes feels uncomfortable to sit at the table when no one else looks like you. It sometimes feels uncomfortable to voice an opinion not shared by others at the table. It may feel uncomfortable to be the new associate in a room filled with partners. But I have found that it is in the uncomfortable spaces of our lives where we grow and learn, and where we afford others the opportunity to grow and learn.”

She said acknowledging people’s individuality and their needs shouldn’t be restricted to the professional setting. “Seeing the people with whom you come in contact daily, the person on the street, the grocery store clerk, the waitress, everyone,” Powell said. “See them as the individuals that they are—not as a monolithic, indivisible ‘they’ or ‘them.’”

As people continue to have needs related to the pandemic, she said acknowledging people’s individuality and their needs is more important than ever. “It isn’t about just being comfortable,” she said. “It is about recognizing a need and to respond to it.”

In 2011, Powell was appointed to the state Supreme Court of Virginia, serving as its fifth female justice. She previously served on the Court of Appeals of Virginia, starting in 2008. She was a judge on the Chesterfield/Colonial Heights Circuit Court, starting in 2000, and its General District Court, where she first became a judge, in 1993. Powell also served as a senior assistant attorney general in the Equal Employment Opportunity and Personnel Division from 1986-89.

While she has often been called a “trailblazer,” she said that wasn’t her goal when she began her career. “And while I accept that others may view me as such, I suggest that we all can be trailblazers because we all can leave a path for someone else to follow,” the justice said. “We can all through a million little ways make a path easier, more illuminated, less treacherous for others who will come after.”

—Eric Williamson
The law school is launching an ambitious new project focused on criminal justice reform that will expand the scope of the school’s Center for Criminal Justice and build upon lessons learned from the Innocence Project at UVA Law. Led by Professor Deirdre M. Enright '92 starting in the spring, the Project for Informed Reform, or PIR, will be a clinic in which students will work alongside scholars and experts to conduct extensive research and investigation on issues relating to criminal justice, and then generate evidence-based data and policy recommendations. Enright also will take on a new role directing the Center for Criminal Justice alongside Professor Rachel Harmon. The center serves as a hub for faculty scholarship and activities involving criminal law, with the aim of making a more just society.

Dean Risa Goluboff said the project will both advance criminal justice reform efforts and offer students a unique opportunity to work with faculty on meaningful and practical research and policy projects.

“PIR will harness the extensive expertise of our world-class criminal justice faculty, facilitate collaboration between research and clinical faculty, and put our students to work in the service of real-world impact on criminal justice,” Goluboff said.

The focus of the project emerged from conversations Enright, a director of the school’s Innocence Project and a partner with Harmon, an expert on the law of the police. The two, who co-teach a Seminar in Ethical Values relating to criminal justice issues, realized they were interested in addressing how both legal scholarship and criminal justice reform are hampered by inadequate data and analysis.

“There’s a dearth of information about the institutions and processes that make up our criminal justice system,” Enright said. “This clinic aims to change that dynamic.”

Justice system,” Enright said. “This clinic aims to advance criminal justice reform efforts and offer students a unique opportunity to work with faculty on meaningful and practical research and policy projects.

The new Project on Informed Reform will allow students to start that while they are still in school,” she said. “It offers our students a terrific new way to make sure they are ready to participate in today’s critical legal and policy debates about criminal justice reform.”

In light of her new role, Enright has stepped down from directing the Innocence Project Clinic, which she launched in 2008 as the founding director. Professor Jennifer Givens, who has served as a director of the Innocence Project since 2015, will continue to serve as director, teach the course and oversee its related pro bono project, along with Professor Juliet Hatchett '15 (see p. 15). She said Enright’s departure won’t slow down the project’s efforts.

“The Innocence Project at UVA Law has an exciting year ahead as we continue to work on behalf of our clients and seek the release of innocent Virginians from prison, as well as exonerations for wrongful convictions,” said Givens, who previously represented death-sentenced inmates for the Virginia Capital Representation Resource Center and with the Capital Habeas Unit of the Federal Defender Office for the Eastern District of Pennsylvania. “PIR will extend the reach of reform efforts that began with the Innocence Project at UVA Law, and we’re eager to see where Professor Enright takes the new clinic.”

Enright said she is proud to have helped grow the project and lead efforts that resulted in the release from prison, exoneration or absolute pardon of Edgar Coker, Malajie Conteh, Bennett Barbour, Messiah Johnson, Darrell Phillips, Gary Bush, Emerson Stevens, Rojai Pentress, Michael Hash and others.

“I spent many years trying to undo the horrific mistakes made by our criminal justice system,” Enright said. “Now I want to take those cases and figure out how to prevent these mistakes from happening in the first place. Undoing all these wrongful convictions that were created and then protected by the criminal justice system has given me unique and practical insights into the many ways we might begin to make improvements, repairs and changes in favor of fairness and equity.”

Before launching the Innocence Project at UVA Law, Enright worked at the Virginia Capital Representation Resource Center and with the Mississippi Capital Defense Resource Center.

—Mary Wood

Harmon added that students want to do more than study and practice criminal law—they want to “transform it.”

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—Mary Wood
NEW CLINIC WILL ADD COMMUNITY SOLUTIONS TO EQUITY CONCERNS

THE COMMUNITY SOLUTIONS CLINIC debuted in the fall with projects geared toward closing equity gaps in the Charlottesville area.

The clinic is partnering with the UVA Equity Center Community Fellows-in-Resi- dence Program, among others. The fellows are local leaders who have a history of working to reduce racial and socioeconomic inequality in the community and have a special project that could benefit from access to UVA resources.

Professor Sarah Shalf ’01, the clinic’s director and the Law School’s director of clinical programs, said the clinic is focusing on problem-solving and community lawyering, rather than on specific legal tasks.

“As with many lawyers in business and non-profit leadership roles, the role of the student teams will be to assess the client’s legal as well as nonlegal needs as part of the process of problem-solving to reach the client’s goals,” she said. “The client will decide the approach that is best for them, so the nature of the legal services for a given project will depend on project needs and client preferences.”

Shalf said clinic students will be taught “transformative skills” ideal for working in nonprofit or business sectors. Legal tasks could include drafting agreements or organizational documents; the clinic also may partner with another clinic to meet more significant or specialized legal needs.

Students participating in the fall may request to continue in the advanced clinic in the spring, depending on the availability of projects.

The Community Solutions Clinic is among 23 clinics currently offered at the Law School. —Mike Fox

KATIE DELSANDRO ’12 HAS RETURNED to her alma mater to help usher in new students as director of admissions.

Under the supervision of Assistant Dean for Admissions and Chief Admissions Officer Natalie Blazer ’08, Delsandro will help narrow down the thousands of applications the Law School receives each year to form a class of about 300 students. She will review applications, engage with prospective students and participate in other recruiting activities.

“One thing that interests me about admissions is the opportunity to have a role in deciding the next generation of lawyers and to focus on finding a crowd of people who can bring a diverse array of backgrounds, talents and inter-ests to the Law School,” Delsandro said.

“What really made UVA such a special place was just how interesting and well-rounded my classmates were,” she added.

Delsandro most recently worked as an associate director in Columbia University’s Office of Equal Opportunity and Affirmative Action in New York, where she managed investigations of incidents of alleged discrimination, harass- ment and gender-based misconduct. She has also served as an attorney in the Employment and Labor Law Division of the U.S. Department of Commerce’s Office of the General Counsel, and as an associate focused on employment and labor law at the law firm Paul Hastings in Washington, D.C. —Mike Fox

KENT OLSON, HEAD RESEARCH LIBRARIAN, RETIRES

On May 13, Bob Berring, a legal librarian, returned to UVA law library.

Berring most recently worked as an associate director in Columbia University’s Office of Equal Opportunity and Affirmative Action in New York, where she managed investigations of incidents of alleged discrimination, harass- ment and gender-based misconduct. She has also served as an attorney in the Employment and Labor Law Division of the U.S. Department of Commerce’s Office of the General Counsel, and as an associate focused on employment and labor law at the law firm Paul Hastings in Washington, D.C. —Mike Fox

HEAD RESEARCH LIBRARIAN KENT OLSON, the author of leading reference books on legal research, retired in August after more than 35 years at the Law School and its Arthur J. Morris Law Library.


Olson also published various articles and book reviews over the years, including one that led Bob Berring, another eminent legal librarian, to call Olson “the author of my all-time favorite book review.” (Berring was referring to Olson’s review of a volume of the federal reporter, “River Review of 7th F.D.”)

But Olson’s professional service extended well beyond his publications. He launched the Law School’s Advanced Legal Research course in 1991, and, as evidenced in the annals of the Virginia Law Weekly, he has been re-pected and admired by class after class of law students since. In one 2002 edition, the editors recounted how, on the last day of class “he went through the entire class (500 plus), hand by hand, and named every single person without using notes or a face book.” —Kate Boudouris, Aaron Kirschenfeld and Ingrid Mattson

—Mary Wood

—Mike Fox
PAYVAND AHDOUT, an expert on federal courts who has worked as an attorney at the Justice Department and a clerk at the U.S. Supreme Court, returned to Charlottesville this fall to join the Law School’s faculty.

For the past two years, Ahdoout has held fellowships at Columbia Law School, where she also earned her law degree. Her academic path started at UVA as a Jefferson Scholar undergraduate. “The opportunity to come back to Charlottesville, to come back to UVA in this completely different way—it seemed right,” she said. “I’m really thrilled to be part of such an incredible public law and federal courts faculty.”

Following law school, Ahdoout clerked for Judge Debra Ann Livinston on the Second U.S. Circuit Court of Appeals and Justice Ruth Bader Ginsburg at the U.S. Supreme Court, was a Brinas Fellow in the Solicitor General’s Office at the U.S. Department of Justice, was a litigator at a New York law firm, and held another academic fellowship at New York University Law School.

The more Ahdoout learned from her professional experiences, the more she found there was to learn.

“I had all these questions about how things work: how the government relates to people, how the courts are changing, so I went back to Columbia to start to answer these questions,” she said.

At Columbia Law, where she served as an Academic Fellow and Columbia Fellow, her focus has been on the modern federal courts—the structures that compose them and the institutions that are most often before them. She said Ginsburg taught her the importance of understanding the stories behind the cases that rise through the federal courts.

“Justice Ginsburg really cared about the people in every case, and she wanted us to know about the actual thing that led to the legal issues in front of the court,” Ahdoout said. “That idea of uncovering everything about a case and looking at a case as more than just a legal case is completely different from coming up in the courts.”

Ahdout’s scholarship begins to explore the floodgates of litigation is legitimate, but not one that should block more people from coming up in the courts. “Think about the symbolic award ‘can be a way to express respect for the party whose rights are being violated,’ Bayefsky argues. If plaintiffs pursuing moral vindication were heard more often, would more people sue? She said the concern about opening up the floodgates of litigation is legitimate, but not one that should block the use of judicial power to promote dignity and express respect.

Bayefsky is under contract with Oxford University Press for a book titled “Dignity and Judicial Authority.”

Professor Deborah Hellman, director of the Center for Law & Philosophy at UVA Law, said Bayefsky will add to the breadth of insights generated by legal philosophers on the Law School faculty.

“Rachel Bayefsky is an incredibly talented lawyer and scholar who has developed an ambitious research agenda centered around the moral and legal concept of dignity,” Hellman said. “She is especially interested in the role that judges and courts can play in showing respect for dignity and in helping to explicate an often-obscure idea that has begun to play an increasing role in legal discourse both in the United States and around the world. I am so excited to have Rachel as a colleague. I know the students and I will learn so much from her.”

Professor Caleb Nelson, an expert in the federal courts, praised Bayefsky's work. “Payvand's work is both careful and creative—two qualities that don’t always go together,” Nelson said. “It is also grounded in deep knowledge of Supreme Court practice. She's going to be a star, and I'm delighted that she [has joined] the faculty.”

Dean Risa Goluboff said Ahdoout is an emerging scholar whose work is already yielding new understanding. “Payvand's questions about the federal judiciary, and its relationship to the other branches and the states, are fresh and ambitious. I have no doubt that they will continue to yield important insights,” Goluboff said. “We are delighted to welcome her back to the UVA community as she begins her teaching career.”

—Eric Williamson
JOY MILLIGAN, who studies the intersection of law and inequality, has joined the UVA Law faculty.

Milligan came to UVA from the University of California, Berkeley School of Law, where her focus has been on race-based economic inequality and, most recently, how government has perpetuated discrimination. She teaches courses in civil rights and anti-discrimination law, as well as critical theories of law and civil procedure.

She said law students increasingly want to see core questions of inequality addressed throughout the curriculum. “And I think there’s amazing potential to do that. It may not be what every professor decides to do, but the opportunity to get students engaged with topics that otherwise strike them as ancient history, to kind of wake them up and draw connections with issues many of them care most about—I think it’s exciting.”

Before teaching at Berkeley, she was a fellow with the school’s Warren Institute on Law & Social Policy, and a Skadden Fellow at the NAACP Legal Defense and Educational Fund. A graduate of Harvard-Radcliffe College and the New York University School of Law, she was articles editor on the law review and a summer clerk for the ACLU’s Immigrant Rights Project. After law school, she clerked for Judge A. Wallace Tashima of the U.S. Court of Appeals for the Ninth Circuit.

Milligan also holds a Ph.D. in jurisprudence and social policy from Berkeley, and an M.P.A. in economics and public policy from Princeton University. She recently published two pieces looking at how segregation has been perpetuated, through housing and education, respectively: “Plessy Preserved: Agencies and the Effective Constitution,” in the Yale Law Journal last year, and “Subsidizing Segregation,” in the Virginia Law Review in 2018.

In January, “Plessy Preserved” won Milligan the Emerging Scholar Award from the Association of American Law Schools’ Section on Administrative Law. The paper looks at how and why federal administrators, in orchestrating a federal plan for public housing, created—and legally defended over time—a regime based on the outdated “separate but equal” doctrine birthed by the U.S. Supreme Court’s 1896 decision in Plessy v. Ferguson.

“Why did an agency led by liberal reformers and dedicated to serving the poor do this?” Milligan asks in her abstract. “Administrators believed the public-housing program was politically unsustainable without racial segregation, while agency lawyers argued for preserving the older framework, which had once been understood as a progressive triumph in its commitment to racial ‘segregation.’”

“Subsidizing Segregation” investigates why the federal government subsidized racially segregated schools after the Supreme Court’s 1954 Brown v. Board of Education decision, until the Civil Rights Act of 1964.

“Much of the federal administrative state was initially intended to coexist with discrimination, not combat it,” Milligan notes in the paper. A forthcoming article in the University of Chicago Law Review details how civil rights lawyers gained ground in rights battles by making Fifth Amendment “equal protection” arguments in the courts, and through lobbying the executive branch. The article also looks at why Fifth Amendment arguments eventually fell to the wayside, and examines what obligations government has to repair racial segregation today.

She said she hopes the trio of articles, along with additional case studies, will form the basis of a book project.

Ross points out that favorable legislation is not always the product of an affected group’s influence, however. Another group could be advocating in their favor because the change helps their own cause, or out of moral or ideological motivations.

“The war on poverty was based, in large part, on moral concerns,” he observed.

Despite numerous laws that put undue burdens on the poor and other groups in Ross’ view, he thinks the court has been reluctant to invoke strict scrutiny because “they would have to intervene quite a bit in democratic politics.”

Ross holds an appointment to the Administrative Conference of the United States, which recommends improvements to administrative processes and procedures, and is a member of the Presidential Commission on the Supreme Court, which will provide an analysis of the principal arguments in the contemporary public debate for and against Supreme Court reform. (Professor Caleb Nelson is also a member; see p. 51.)

The author of numerous other articles, book chapters and encyclopedic entries, Ross is a recent recipient of the Berlin Prize from the American Academy in Berlin. While on leave as a Berlin Fellow for the 2021-22 school year, Ross will address the academy regarding his research on the 15th Amendment.

Vice Dean Michael Gilbert, an elections expert, led the recent faculty recruiting effort. He celebrated Ross’ decision to join.

“Bertrall Ross is an outstanding scholar focused on voting rights, representation and other pressing issues in American democracy,” Gilbert said. “He’s also an excellent teacher and as warm and kind a person as anyone you’ll meet. I’m thrilled to have him join our community.”

In addition to his law degree from Yale, Ross also earned an M.P.A. from Princeton University and an M.Sc. from the London School of Economics. He earned a B.A. from the University of Colorado Boulder, where he double majored in international affairs and history.

After law school, he clerked for Judge Dorothy Nelson of the U.S. Court of Appeals for the Ninth Circuit and Judge Myron Thompson of the U.S. District Court for the Middle District of Alabama.

—Eric Williamson
ENIRONMENTAL, SOCIAL AND GOVERNANCE, or ESG, investing is all the rage, with heaps of money pouring into sovereign and corporate bonds intended to finance efforts to meet climate-related goals and other worthwhile objectives.

We have been skeptical of these commitments for some time, mostly because we aren’t persuaded investors care about much other than yield. And, in fact, yields on ESG bonds seem to be a bit—perhaps a bit—lower than yields on non-ESG bonds (the spread between the two is the so-called “greenium”). It’s not clear yet how socially responsible investing will affect investors’ returns, but we are a little bit suspicious of the market for sovereign ESG bonds.

In part, we’re suspicious for the usual reasons. The basic structure is that the bond issuer says it will use the proceeds for some beneficial environmental or social purpose. But the commitments are often defined so vaguely that it is hard to verify compliance. This is a pretty standard complaint, and a lot of smart people are thinking about how to define “green” investments and develop verification tools. But we’re suspicious for a more fundamental reason: The contracts are absolute garbage. Many issuers don’t commit to anything at all, or so the documentation suggests.

In The Wall Street Journal, Matt Wirz documents a similar issue with a 2020 Mexican bond intended to finance efforts to meet climate-related goals:

“My journey to becoming a lawyer is the result of a long process and a lot of hard work. I am grateful for the opportunity to be able to work in the field of law and to be the voice for those who cannot speak for themselves.”

—MICHAEL MA ’21

Although the SDG Sovereign Bond Framework contemplates certain practices with respect to reporting and use of proceeds, any failure by Mexico to conform to these practices does not constitute or give rise to a breach or an event of default under the notes. The SDG Sovereign Bond Framework and any practices contemplated thereunder are not incorporated into this prospectus supplement or the terms of the notes. They do not establish enforceable contractual obligations of Mexico.

The contract itself does contain some language that arguably can be interpreted as making a stronger commitment. To the extent the issuer has made such a promise, it probably can’t weasel out of it by pointing to language like this in the prospectus. But, again, the promises in the contract are vague—generally in the form of making it an event of default to breach “any other obligation.” There are no explicit promises to use the proceeds in particular ways, and the prospectus language suggests that no promises are intended.

There are some legitimate reasons why the issuer would not want to tie its hands completely. Technological change and other factors might necessitate changes in the borrower’s environmental strategy, and these contracts do far more than leave the issuer with policy flexibility. They represent that the issuer “intends” to use the funds for ESG objectives but in fact seem designed to allow it to renege entirely on this commitment.

Perhaps this explains why the greenium is so small. The deal seems to be that investors get the appearance of ESG investing, while issuers keep the flexibility of ordinary borrowing. Big investment firms can tell their customers they are pursuing green objectives without risking materially lower returns. But contracts like this make the whole thing look like a scam. It’s not impossible to draft a contract that requires the issuer to meet clear, verifiable objectives. These don’t even bother to try. An investor who buys such bonds should not get to count it toward meeting ESG targets.

Mitu Gulati is the John V. Ray Research Professor of Law. He co-hosts the podcast “Clauses & Controversies” with University of North Carolina law professor W. Mark C. Weidemaier. The op-ed, edited for concision, was first printed on the blog Credit Slips.
**CATCHING UP WITH ALUMNI 5, 10, 15 AND 25 YEARS AFTER LAW SCHOOL**

**PAULETTE C. MINITER ’16**

**ASSOCIATE**

**GIBSON DUNN**

**DALLAS**

**DESCRIBE YOUR WORK:** My practice focuses on litigating and trying complex commercial cases. My clients are companies or fiduciaries in disputes over large sums of money or where the substantive outcome really matters to the client. The legal and factual issues vary widely, but these cases generally present complicated concepts and require real preparation. Recently, I’ve worked on matters involving bankruptcy and shareholder litigation, and claims of unfair business practices. I’m also developing a smaller niche in appellate litigation to complement my trial practice as, in my opinion, handling appeals trains you to be a clearer thinker and that is a “must” in complex commercial cases. Trials and appeals also share a theatrical element, which makes being a litigator fun!

**WHAT ACTIVITIES DO YOU ENJOY OUTSIDE OF WORK?** My family’s first stop in Texas was a boring rural town, but I luckily made a friend who had horses. We spent hours riding around her ranch. I loved these “adventures,” so learning about and riding horses are my favorite things to do. My dream is to have a property with horses and a lot of dogs! When I can’t ride, I recharge with Pilates. Litigation can be high-pressure, so mind-body health is important. I also really enjoy charitable work, which is typically how my husband and I stay connected.

**ARE YOU WHERE YOU EXPECTED TO BE AT THIS STAGE OF YOUR CAREER AND LIFE?** No, I could not have predicted the turns other than taken. I didn’t have any lawyers in my family, and I feels completely fortunate that I discovered law as a calling. The same is true for my life generally. I look back and think about how hard it was on my family when they left Vietnam and think about how fortunate I am to have arrived in the United States, and I really enjoy charitable work, which is typically how my husband and I stay connected.

**WHAT DO YOU LIKE ABOUT YOUR LIFE AT THIS STAGE OF YOUR CAREER AND LIFE?** For me, becoming a federal prosecutor was always a question of “when,” not “if.” However, the timing did not work out the way I had envisioned. I fully expected to spend several years in Big Law before transitioning to public service, but the opportunity presented itself sooner than I planned. One of the best pieces of advice my mentor gave me was not to be wedded to a plan simply for the sake of being wedded to a plan. Turns out, that was pretty good advice, which I have passed on to others.

**WHAT DO YOU LIKE ABOUT YOUR LIFE 5 YEARS AFTER LAW SCHOOL?** My husband and I are both doing work that offers an opportunity to make a positive impact and pursue larger purposes. It might sound idealistic but, to me, law is a great expression of the human imagination and spirit. It is how free people build civilizations, and I love feeling a part of that endeavor.

**JAMAR WALKER ’11**

**ASSISTANT U.S. ATTORNEY**

**EASTERN DISTRICT OF VIRGINIA**

**DISCOVERY DISCOVERY DISCOVERY DISCOVERY DISCOVERY DISCOVERY**

**DESCRIBE YOUR WORK:** My practice focuses on prosecuting financial crime, fraud and public corruption cases. Though the statutory violations are often the same, each case forces you to learn something new—whether it’s a specific approach to a criminal violation or understanding some set of facts you’ve not been exposed to previously.

In the last year, COVID relief fraud has been a fast-growing area, so my colleagues and I have really had to delve into the nuances of the Payment Protection Program and the Economic Injury Disaster Loans.

**WHAT ACTIVITIES DO YOU ENJOY OUTSIDE OF WORK?** Family, friends, workout, travel. More than seven years ago, I joined the DC Gay Flap Football League. The league provided me with a chosen family in a way I never expected at this stage in my life (despite the two ACL tears I’ve suffered while playing). I also met my husband through the league. Clearly, joining the league was one of the best decisions of my life. I also make a concerted effort to stay in close contact with many of my Law School classmates, especially my Section A crew. Life has taken us in different directions, but we still manage to stay connected.

**ARE YOU WHERE YOU EXPECTED TO BE AT THIS STAGE OF YOUR CAREER AND LIFE?** No. One of the best pieces of advice my mentor gave me was not to be wedded to a plan simply for the sake of being wedded to a plan. Turns out, that was pretty good advice, which I have passed on to others.

**WHAT DO YOU LIKE ABOUT YOUR LIFE 15 YEARS AFTER LAW SCHOOL?** I am in a place where I am completely happy professionally and personally. That should be the goal, and I know that it was that I was able to get there in such a relatively short time makes me feel optimistic about what the future holds.

**WHAT DO YOU LIKE ABOUT YOUR LIFE 25 YEARS AFTER LAW SCHOOL?** No, I could not have predicted the turns other than taken. I didn’t have any lawyers in my family, and I feels completely fortunate that I discovered law as a calling. The same is true for my life generally. I look back and think about how hard it was on my family when they left Vietnam and think about how fortunate I am to have arrived in the United States, and I really enjoy charitable work, which is typically how my husband and I stay connected.

**ARE YOU WHERE YOU EXPECTED TO BE AT THIS STAGE OF YOUR CAREER AND LIFE?** No, I could not have predicted the turns other than taken. I didn’t have any lawyers in my family, and I feels completely fortunate that I discovered law as a calling. The same is true for my life generally. I look back and think about how hard it was on my family when they left Vietnam and think about how fortunate I am to have arrived in the United States, and I really enjoy charitable work, which is typically how my husband and I stay connected.
**CHRISTINA PEARSON ’06**

**PARTNER**

**PILLSBURY WINTHROP SHAW PITTMAN**

**Palo Alto, California**

**DESCRIBE YOUR WORK:** I am the head of Pillsbury’s corporate and securities-technology practice in Silicon Valley. My practice focuses on advising technology companies in all stages of their life cycle, which means in one day I may oversee the formation of a new startup, negotiate a venture capital financing, advise on a capital markets transaction, provide comments on a 10-K (financial report) or negotiate an acquisition. I really love the variety that my practice gives me, and I love being able to serve as an example of a female partner who has built a career and a family. One of my recent proud moments relates to the sale of our client Inphi Corp. to Marvell Technology Group for $10 billion, which was one of only two mega-deals led by women in 2020. I was very proud to serve as co-lead partner on that deal.

**WHAT ACTIVITIES DO YOU ENJOY OUTSIDE OF WORK?** Our family is adventurous, and we love to travel. In 2019, shortly after my son was born, we traveled to Europe for the summer and my older daughters attended summer camp there. We learned a lot about other languages and cultures, and even managed to make a return trip to France in June 2021. We also love to ski. My daughters race on the ski teams at Squaw Valley, so we spend a lot of time in Lake Tahoe. Beyond that, I enjoy reading, cooking, attending my kids’ soccer games and hanging with friends by the pool.

**ARE YOU WHERE YOU EXPECTED TO BE AT THIS STAGE OF YOUR CAREER AND LIFE?** Luckily, yes! I was fortunate to have my major career and life goals in place early on, and so was able to accomplish them with the help and support of others around me.

**WHAT DO YOU LIKE ABOUT YOUR LIFE 15 YEARS AFTER LAW SCHOOL?** I am grateful for so much in life currently—great wife, wonderful kids, healthy parents, many friends. I love the fact that all three of our children have a successful mother, who provides them a great example.

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**PAUL F. SHERIDAN JR. ’96**

**PARTNER**

**LATHAM & WATKINS**

**Washington, D.C.**

**DESCRIBE YOUR WORK:** I am the global chair of private equity at Latham & Watkins, assisting many clients with mergers, acquisitions and other transactions. My clients include private equity firms, other investment vehicles and the companies they have acquired or in which they have invested. The deals range from the low millions to many billions, in just about every industry (including auto parts, education, biotech, software and consumer products). Fortunately for me, many of my clients have become my good friends (and some of my friends have become clients).

In addition to my work with clients, I have been involved in several management capacities at the law firm, including multiple terms on our executive committee.

**WHAT ACTIVITIES DO YOU ENJOY OUTSIDE OF WORK?** My wife (Rachel Ward Sheridan ’98) and I met at UVA Law School. We are not only partners for life, but we have also been partners together at Latham for almost 15 years. When not working, we spend almost all of our free time with our three children—two boys (ages 16 and 13) and our daughter (9)—and try to stay active, mainly with golf and tennis.

**ARE YOU WHERE YOU EXPECTED TO BE AT THIS STAGE OF YOUR CAREER AND LIFE?** I have been very blessed, doing better than I could have hoped for or expected. I couldn’t have expected to end up at the same law firm as my wife, but sharing the same workplace for the past 20 years has allowed us to spend more time together than the Big Law life might otherwise allow. Although work is demanding, we have been fortunate to find ways to spend considerable time with our children (even prior to the pandemic), whether to be at our summer vacation home, at their various sporting events or on other travel together.

**WHAT DO YOU LIKE ABOUT YOUR LIFE 25 YEARS AFTER LAW SCHOOL?** I am grateful for so much in life currently—great wife, wonderful kids, healthy parents, many friends. I love the fact that all three of our children have a successful mother, who provides them a great example.
Cyber Insecurity

The Colonial Pipeline cyber security breach in May grabbed Americans by the shoulders. Supplying about 45% of the East Coast’s fuel demand, Colonial briefly paused deliveries after the attack on its online billing system, resulting in dry pumps in 11 states that rattled consumers and spurred gas hoarding.

The FBI attributed the hack to the Russian ransomware group, DarkSide—among the better-known bad actors to exploit system vulnerabilities and extract large paydays. Through its malware, DarkSide made restoration of Colonial’s billing system contingent upon the transfer of 75 bitcoins, worth about $4.4 million at the time.

Like so many other marks, the business paid. Colonial CEO Joseph Blount told The Wall Street Journal that, because he was initially unsure about the extent of the breach, “it was the right thing to do for the country.” The government, notably, was able to recoup about half of the extorted amount through its own tech savvy and with help from intermediaries, mitigating the damage to the company. DarkSide claimed to be disbanding due to pressures.

For some, it might be comforting to downplay the incident. A missed fill-up is a passing inconvenience. A corporate stickup is a problem for IT departments, insurance companies and, sometimes, federal law enforcement.

Yet, as the Colonial breach shows, the line where business interests end and national security interests begin has blurred. Perpetrators of cybercrime are outpacing countermeasures. The bad guys are seemingly only limited by the bandwidth of their cunning and the timing of the latest patch.

As with other precarious moments in our nation’s history, enter the lawyer to help. Alumni and faculty of the Law School are working to solve many of the high-level problems created by cyber intrusions.

Calling from the road, John Woods ’95 of Baker McKenzie was en route to a client he couldn’t disclose—an intrusion on some organization, somewhere. Having evoked images in a reporter’s mind of a “CSI”-like procedural, except with attorneys and IT staff instead of police, Woods downplayed the notion. What he does would not translate well to the screen, though the stakes are often quite high.

A partner based in the firm’s Washington, D.C., office, Woods is co-head of the firm’s global cybersecurity practice. For more than 20 years, he has helped large organizations address the legal consequences of hacking—from a Fortune 500 client that was victimized by the Russian NotPetya malware to serving as...
special investigative counsel to a major retailer after hackers compromised 45 million credit cards.

Attacks by cyber opportunists increased by 69% in 2020 over 2019, according to the FBI's Internet Crime Complaint Center. The transition to working from home during the pandemic allowed criminals to exploit less-protected home computers as users accessed office networks remotely. While financial gain motivates the bulk of the criminal activity, from Woods’ perspective, keeping too narrow a focus on ransomware misses the point. Businesses and their information are interconnected. The breach of one company can extend to many other players, threatening a functioning society.

“Operationally impactful malware, which includes ransomware, has been causing real-world problems at an increasing pace over the past five years,” Woods said. “And over time that is likely to change the policy debate around cybersecurity regulation from a privacy-focused disclosure regime to something that is more operationally focused—i.e., ensuring that critical business services are secure, such as in the financial sector.”

Law firms simply advise and, within the bounds of the law and their ethical obligations, serve their clients’ wishes. That means if the client wants to quietly pay a ransom, so long as the entity to which payment is directed isn’t on the U.S. Treasury sanctions list, few regulations prevent it. Not every company will get the priority treatment that Colonial received if they do report a crime. The FBI successfully froze $80 million in transferred funds in 2020, but the overall reported losses exceeded $4.1 billion. With underreporting, the true scope of the problem is unknown.

The more sophisticated perpetrators often knocked twice on the biggest doors—seeking one payment to restore system functions, and a second to prevent a public data dump. In responding to an attack, while a select few lawyers do possess advanced technical credentials, attorneys for the most part take the 30,000-foot view.

“It could be a call in the middle of the night,” said Web Leslie ’19, an associate practicing in data privacy and cybersecurity at the law firm Covington in D.C. “Or in some cases we might come in later in the process to assist with the forensic work to determine what’s going on. But generally attorneys don’t meddle in such matters remotely. It’s like eating the bigger picture.”

In addition to recommending how and when to notify authorities, lawyers must assess “the broader risks posed by an attack, including where the information in the breach could implicate other sensitive parts of the company.” Leslie explained. Firms may also help with the drafting of formal response plans, so that leaders know what steps to take in the future. Attorneys and IT experts can then run “table-top exercises” to drill an organization’s response in implementing the plan.

Not that anything ever goes exactly as planned, Leslie said. A breach can lead to regulatory intervention and the kind of disputes that cause litigation, among other outcomes. These risk categories can create significant financial exposure, brand risk, and distraction,” Woods and co-authors note in a chapter in the book “Navigating the Digital Age: The Definitive Cybersecurity Guide for Directors and Officers.”

In the worst of scenarios, the result could be bankruptcy. Put in those terms, a decision not to disclose a breach is compelling for many business leaders. All 50 states do have some form of data breach notification requirements related to the exposure of consumers’ personal information. However, one alumus speaking on background noted that the extent of a breach is often ambiguous, making it unclear if the need to disclose has been triggered. Still, he said, if a company’s daily operations were to be shut down due to an attack, there is no ambiguity; notification has already occurred.

Large organizations need to shift how they think about attacks, said Jake Olcott ’05, vice president of communications and government affairs for BitSight. The cybersecurity ratings service analyzes the security performance of more than 40 million companies, government agencies and educational institutions, allowing its clients to assess the risks of conducting business with them.

“This is not just a tech problem; it’s often a fundamental governance problem,” said Olcott, who was a cybersecurity adviser to U.S. House and Senate committees earlier in his career. “I would love for our alums to really engage in this challenge. Whether you’re a general counsel or CEO or a board member, it’s actually your responsibility at the end of the day.”

While yes, the IT department may be best positioned to quickly implement the latest security patch, which Olcott said is a crucial indicator of whether or not an organization will be a victim of ransomware, the executives are the ones who decide program funding, reporting structures and the like.

Olcott’s company, in fact, is making it harder for C-suites to be lazy.

“We are continuously collecting literally hundreds of billions of security events about organizations on a daily basis,” Olcott said. “BitSight provides our data to insurance companies, and the insurance companies use that data during the underwriting process. If they see a concern, they can reach out to the company and say, ‘We really think you should take a look at this.’”

So how does his company get its information? Olcott compared the service to a consumer credit bureau: “All our data is externally observable. At any point am I, as the consumer, sending information to the credit rating agency.”

Instead, BitSight pings for system weaknesses in ways similar to how the hackers probe: “In many situations we’re able to discern the vulnerability of a system by doing some very basic interactions with that system—browsers, operating systems, software on a particular network.”

But the company also operates the world’s largest sinkhole network, which makes use of servers designated to trap malicious traffic.

“When a bad guy tries to break into your network, they often send a spear-phishing email,” Olcott explained. “When the malware is downloaded, the first thing it tries to do is send a beacon back that says, ‘I’m in. What do you want me to do next?’ A sinkhole intercepts those communications, when a bad guy sends one of those spear-phishing emails, the link often includes an address to contact. They’re running so many of these addresses that sometimes they forget to register them. When that address expires, it’s kind of open for anyone to take over and register those websites. We’ve taken over a lot of addresses that used to belong to bad guys.”

In September, the risk assessment firm Moody’s took over the majority stakeholder of BitSight, increasing the profile of both companies as they partner on new offerings. BitSight is just one of numerous entrepreneurial efforts springing up to solve the problem of data vulnerability. Olcott said that until the government can act to improve the situation, “companies these days are on their own.”

JOHN WOODS ’95

JAKE OLCOTT ’05

WEB LESLIE ’19
Cybercrime law and policy at the federal level have struggled to keep pace with the trends of the past decade, much less the real-time threats. Prosecutors find themselves in the rare position of being unable to flex in the ways they can on other types of crime, with culprits often being outside of the reach of the U.S. and its allies.

One alumna, speaking on background, said that authorities must find more effective ways to cut off the flow of money. Like an invasive plant, the encroachment won’t end until the government can dry up the vine at ground level.

The Treasury Department first advised last year that intermediaries who facilitate ransomware payments will risk sanctions, but that policy may prove tricky to enforce because there’s no law prohibiting a victim or insurer from paying ransoms. Lawmakers agree such a move could be fatal to certain exposed businesses.

Rival nations complicate law enforcement efforts. Russia may be the most notorious of the foreign powers that help their contractors, as well as other companies that run critical infrastructure, to notify the Department of Homeland Security of an incursion. In exchange for the heads up, the Cyber Incident Notification Act would provide limited immunity and offer technical help to the victims, such as anonymizing exposed data.

So could the U.S. go to war over a cyberattack that destroys an oil pipeline or increases the chlorine at a water treatment plant to toxic levels? What about a breach that sets back Wall Street and later tanks the economy?

“I don’t think anyone wants to get into a shooting war over ransomware,” Eichensehr said. “Below the threshold of armed conflict, there’s a lot more confusion about what the legal rules actually are.”

Article 51 of the United Nations Charter recognizes the right to self-defense in response to an “armed attack.” But further guidance about when a cyberattack allows a forcible response under the article has been vague and slow-coming.

After three years, members of a U.N. cybersecurity working group reached a consensus in March about upholding some basic norms. The report, reflecting the participation of 130 countries and observers, stressed maintaining the “general availability and integrity of the Internet” and the importance of protecting critical infrastructure such as hospitals.

What’s considered off limits still may vary from country to country. The U.S., while encompassing the obvious, such as airports, broadly defines critical infrastructure to include movie theaters, campgrounds and casinos.

or commit to providing evidence to support accusations against states, she said. In her article “The Law & Politics of Cyberattack Attribution,” Eichensehr argues that states should set evidentiary standards for attributions as a matter of international law to prevent states from lobbing evidence-free accusations. Currently, the U.S. is resisting the development of such standards, as are France, the Netherlands and the United Kingdom.

Olcott worked at the House of Representatives as director for the Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology in 2007. He helped elected officials conduct some of the first investigations and hearings into critical infrastructure cybersecurity. When discussion of reform measures arose, there was often pushback, he said, along with the quandary of the carrot or the stick.

“The key question for the government folks is what is the best way to improve the cybersecurity posture of our country?” Olcott said. “Should we increase our regulations in this space or are there things we should do to incentivize better behavior?”

U.S. Sen. Mark Warner of Virginia sponsored a bipartisan bill this summer that would require federal agencies and their contractors, as well as other companies that run critical infrastructure, to notify the Department of Homeland Security of an incursion. In exchange for the heads up, the Cyber Incident Notification Act would provide limited immunity and offer technical help to the victims, such as anonymizing exposed data.

Professor Paul Stephan ’77 returned to the Law School this fall from academic leave as special counsel to the general counsel of the U.S. Defense Department. He recently wrote an essay on the future of armed conflict in cyberspace for the forthcoming Oxford University Press book “The Law of Armed Conflict in 2040.” He addressed what constitutes a defensive posture.

“One way of framing the issue is how much do we want to make of the distinction between impairment of well-being and functionality, on the one hand, and of death and destruction, on the other,” Stephan said. “Everyone agrees that cyber actions that lead to death and destruction should be treated no differently than physical actions, but is that all there is?”

He noted that Israel, in its ongoing conflict with Hamas, appeared to have justified an attack on a building as lawful because it contained computers “that were undertaking cyber invasions and compromising Israeli data without necessarily causing direct death and destruction.”

Stephan said the discussion of how to conduct a conflict all too often transforms into a question of when to strike first.

“Imagine a hypothetical adversary, but not a country with which we are at war, that does not have significant deterrent capabilities—no nukes, in other words—bringing down a financial market. Could we launch cruise missiles against that adversary? I would like to see the jus ad bellum, the conditions under which states may resort to armed force, function as an obstacle to such retaliation.”

He added, “I worry that treating costly but not deadly cyberattacks within armed conflicts as subject to legal regulation under the jus in bello, the limits on how to use force once a conflict has started, can lead to more armed conflicts.”
The Law School has launched a new scholarly center that focuses on pressing questions in law and technology, with Professor Danielle Citron serving as inaugural director.

The LawTech Center addresses policy issues, legal texts as data and the use of technology in the heart of public debate—like the legal responsibilities of attorneys in a criminal hacking case. “While some of the topics may be focused on matters at the scene of a hacking attack, must it first be possible to identify the perpetrator? Or does the state seek to defend against the perpetration of the hacking? Does the perpetrator have any constitutional right to privacy? Does the victim have any remedies? These are questions raised by ‘Cyberattack Attribution’ and ‘Crime of Hacking’ looks at the potential for legal practice.”

The center also looks to host an in-person conference on the governance of online platforms—those tech companies that have entered our everyday lives both socially and professionally. “Kristen is one of several UVA Law professors who so ably inform the national security component of LawTech,” Citron said. “That includes Professor Ashley Deeks, who is currently on leave serving the White House as associate counsel and deputy legal adviser to the National Security Council.”

Professor DANIELLE CITRON
Leads Collaborative Effort

The LawTech Center focuses on data, online policy, and criminal sentencing—others may be dedicated to questions raised by “Cyberattack Attribution: Empirical Tools, Such as Natural Language Processing, to Uncover Algorithms Used to Nudge Rational Decision-Making,” authored by Michael Livermore, for example, also directs the environmentally focused Program in Law, Communities and the Environment, or PLACE. He uses cost-benefit analysis, machine learning and computer models to inform his scholarship and teaching, which includes courses on the use of technology in the legal profession. “Advances in natural language processing, machine learning and other AI techniques are already transforming legal practice, and more change is on the horizon,” Livermore said. “Law students today must prepare for this future by understanding the interaction of advanced computational technologies and the law.”

He added that the LawTech Center also reflects the growing interest among legal scholars in using sophisticated computational tools, such as natural language processing, to understand the law and legal institutions. Both Livermore and Professor David Law are leading researchers in this new field.

Exploring the relationship between technology and the law enables faculty to span any range of subjects, from environmental law to national security law to criminal law. Professor David Law, for example, also directs the environmentally focused Program in Law, Communities and the Environment, or PLACE. He uses cost-benefit analysis, machine learning and computer models to inform his scholarship and teaching, which includes courses on the use of technology in the legal profession. “Advances in natural language processing, machine learning and other AI techniques are already transforming legal practice, and more change is on the horizon,” Livermore said. “Law students today must prepare for this future by understanding the interaction of advanced computational technologies and the law.”

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One of the center’s first special projects will be investigating if informing the public about attacks on critical infrastructure would create social harm or be helpful; currently, private companies that run utilities, such as water treatment plants, have no legal obligation to disclose when they’ve been hacked. Also, the center will sponsor research on the role of cities and other municipalities in privacy policymaking.

Planned programming for the spring includes guest speakers and a “tabletop exercise” for students to simulate an organizational response to a cyberattack. Citron will partner with affiliated professors such as Eichensehr, who directs the National Security Law Center, as well as other public- and private-sector professionals and student leaders in preparing the exercise. “Kristen is one of several UVA Law professors who so ably inform the national security component of LawTech,” Citron said. “That includes Professor Ashley Deeks, who is currently on leave serving the White House as associate counsel and deputy legal adviser to the National Security Council.”

The center also looks to host an in-person conference on the governance of online platforms—those tech companies that have entered our everyday lives both socially and professionally— sometime in 2023.
JOHN GLEESON ’80 EARNED RESPECT during his public service career, both in his 21 years as a judge on the U.S. District Court for the Eastern District of New York and, before that, as a prosecutor. He was thoughtful in his decisions, though hardly soft on crime.

As David Patton, attorney-in-chief of the Federal Defenders in Brooklyn and Manhattan, put it in 2016 for a Politico article about Gleeson’s retirement from the bench, he “can’t be accused of just being a fuzzy-headed liberal.”

Gleeson served from 1985-1994 as an assistant U.S. attorney in the Eastern District of New York. Over time, he was chief of appeals, chief of special prosecutions, chief of organized crime and chief of the Criminal Division. He notably was lead counsel in the successful 1992 prosecution of crime boss John Gotti on racketeering charges and five murders. But as a judge at least, Gleeson didn’t always agree with how prosecutors wielded their power under Title 18 of the U.S. Code, Section 924(c)—and the so-called “stacked” sentences the code produced. The law mandates lengthy prison terms for defendants convicted of using or possessing a firearm in connection with crimes involving violence or drug trafficking. Until the First Step Act was passed in December 2018, multiple 924(c) convictions required the imposition of mandatory consecutive 25-year sentences on each “second or successive” conviction.

Even for a young person, stacked 924(c) convictions could quickly result in a de facto life sentence. That is, if prosecutors brought all the potential firearm charges, and then refused to dismiss them because the defendant had exercised his right to trial by jury.

“I was a prosecutor once; I know how they think,” Gleeson said. “They’ve got that discretion. They use it to get people to plead guilty.”

In the summer of 2016, the law firm Debevoise & Plimpton, headquartered in New York City, called a meeting to discuss what it could do to address racial disparities in the criminal justice system. Having left the bench just a few months earlier, incoming partner Gleeson had an idea. He opened up a thick folder. The letters of desperate men serving stacked 924(c) sentences stared up at him. The men had written to Gleeson for help after he persuaded then-U.S. Attorney Loretta Lynch to agree to dismiss two convictions of a man he sentenced, Francois Holloway.

Gleeson suggested a pro bono effort that would ask other federal prosecutors, respectfully, if they would also agree to walk back some of their convictions.

From that seemingly quixotic proposal, the Holloway Project was born—a campaign that, as of this writing, has helped free 30 prisoners who would have otherwise been warehoused for the rest of their lives and largely forgotten by society.

“So far, the project has reduced sentences by a collective 1,025 years. FEDERAL PROSECUTORS CAN CLAIM an almost 100% conviction rate. About 97% of defendants plead guilty. Of the estimated 3% of cases that went to trial in 2018, according to the Pew Research Center, prosecutors won about 83% of the time.

While the number of Black prisoners in the federal prison system has been on the decline in recent years, with white prisoners currently making up the majority of the prison population, Black people serve more time than white people for comparable drug-related or violent crimes.

“I was struck by how moving the letters were and by how many I received,” said John Gleeson ’80, who started The Holloway Project. “There were hundreds of them.”
The concept that a client could be ordered back into prison for several decades is something to worry about.

First Step Act gives nonviolent offenders the chance to reenter society as productive, law-abiding citizens. Now, states across the country are following our lead. America is a nation that believes in redemption.

The act made it clear that Congress never meant Section 924(c) stacking to apply to multiple convictions obtained in one case, which was what happened to Holloway and many others like him.

Still, from Gleeson’s perspective, that alone was of no help to the project. The change was retroactive only to the extent that it applied to cases in which sentences had not yet been imposed—which is to say not at all.

But another component of the act amended the federal sentence reduction statute, 18 U.S.C. Section 3582(c)(1)(A), allowing prisoners for the first time to pursue that relief directly, rather than having to channel their requests through the Federal Bureau of Prisons. That was where Gleeson saw an opportunity.

The only rub was that the request had to present “extraordinary and compelling” reasons, as outlined in one of the U.S. Sentencing Commission’s guidelines.

Prior to the First Step Act, the Bureau of Prisons had almost exclusively reserved its compassion for the old and infirm. When it was removed from its role as the gatekeeper, Gleeson and other advocates seized on the room for interpretation in the language of the statute and the applicable guideline. The fact that Trump and, so far, President Joe Biden, have left the commission’s bipartisan seats unfilled has precluded any official clarification.

Gleeson writes in the Federal Sentencing Reporter: “Our clients were serving breathtakingly long sentences that Congress never intended and had now abolished; though their offense conduct was serious, in almost all cases no one was hurt and little was stolen; most had received the sentences as a penalty for refusing to cooperate and/or for exercising the right to trial; they demonstrated extraordinary efforts to rehabilitate themselves in custody; and most were Black men who had been subjected to a cruel mandatory enhancement that had been invoked by DOJ in a racially discriminatory fashion for decades. Really, what could be more extraordinary and compelling than that?”

Even within the scope of his accepted pro bono clients, everyone ultimately went free. All cases were equal. The project began its advocacy by putting forward the cases it thought to have the strongest merit first. “We were not going to lead with our chins,” Gleeson said.

Proponents of the First Step Act hoped it would have widespread impact, but it would have said. But the Holloway Project pointed out that it was relying on the section of the First Step Act that now allows a defendant “in any case” to petition for a sentence reduction. So even if the courts could not persuasively reduce the prison terms of all of the more than 2,500 inmates serving stacked 924(c) sentences—they could afford relief to the narrow subset of those cases presenting truly extraordinary and compelling circumstances.

The other argument made consistently by the government, Gleeson said, was that the Bureau of Prisons wouldn’t have agreed with the releases in the past. But Gleeson reminded the courts that the bureau was no longer a factor under the new regime, and indeed it had been removed by Congress from its prior gatekeeper role precisely because, he said, it had failed to open the gate as often as it should have.

The Law School contacted several current prosecutors for this article, but they declined or were unable to be quoted. The Department of Justice received a request for an official statement but did not provide one.

One former prosecutor said he wasn’t surprised either by how the government has reacted to cases like those brought by the Holloway Project, nor by why it might be hard to comment on the reform effort, due to the nuances of individual cases. “I have some sympathy toward the prosecution viewpoint,” said William F. Gould ’90, a partner with Holland & Knight who was a federal prosecutor in the Western District of Virginia for more than a decade. “Those folks spend a lot of time and effort on prosecutions they feel were quite righteous. The sentencing guidelines try in some ways to put people in the appropriate place, but it’s personal. It’s hard to reduce that to a mathematical calculation. Judge Gleeson has been very involved in this area work large and, in my opinion, has been a good leading force in the conversation as to whether sentences are appropriate.”

As of mid-September, the project had earned sentence reductions in 30 cases in the District Courts, with about as many more left to be decided and new prospective clients being vetted on an ongoing basis. And earlier this year, that thing that never happens happened again: The U.S. attorney in Puerto Rico agreed to the project’s request for the release of a client who had already spent 30 years in prison.

Gleeson said the success has been gratifying, but still feels tenuous. While some prosecutors have decided not to appeal the judges’ decisions, others have. Some of the men could still be called back to prison. The project keeps up with its clients after their release to make sure they are complying with the terms of their probation.

“The harrowing part of this is the law could change,” Gleeson said. He added, “Most of our guys are out for good, but notices of appeal are what keep a lawyer up at night. If a case were ordered back into prison for several decades is something to worry about.”

Even with that worry, he feels bullish about the long-term prospects for what he has pioneered—despite the “horse race on a couple of threshold legal questions.”

Currently, the government is appealing reductions in several cases. And Gleeson and his colleagues are seeking Supreme Court review of decisions in the Third, Sixth and Seventh Circuits. Those circuits have held that, because Congress did not make its amendment to Section 924(c) retroactive, judges cannot consider the amendment in deciding whether to reduce stacked sentences issued prior to First Step. Gleeson said his pro bono mission has nothing to do with feelings of guilt about imposing the crushing sentences the law had mandated. His hands were bound.

“I sleep well. It’s a defect in our system. We at Debevoise have devoted substantial pro bono resources to highlighting it and reversing its consequences in discrete cases. We are rethinking three-dimensional scripts that have righted themselves in prison, which is not easy to do, to families that love them and communities that missed them and need them. That they were subjected to excessive sentences that were enhanced by DOJ discretion. His hands were bound. Black men makes the defect all the more repugnant.”

With other attorneys following his lead in bringing 924(c) cases, he’s now just one of many advocates pitching in to do the unstacking, and the unshackling.
BRNOVICH v. DEMOCRATIC NATIONAL COMMITTEE

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THE U.S. SUPREME COURT expanded First Amendment rights, empowered the criminal justice system and tackled jurisdiction during its most recent term, which ended July 2. University of Virginia School of Law resident faculty were cited in seven cases: Professors Douglas Laycock with three; Caleb Nelson with two; and Rachel Bayefsky, John Duffy and Saikrishna Prakash, and UVA Provost M. Elizabeth Magill ’95 with one each. (Two cases cited more than one professor.) Two professors had multiple books or articles cited. Laycock with three and Nelson with two.

FULTON v. CITY OF PHILADELPHIA

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The majority held that a law severely burdens minority voting rights, Justice Alito concluded that “in light of the State’s justiciable (and the modern evidence of racially disparate impact),” the laws did not violate Section 2. Nonetheless, the justices did not dramatically undermine existing law. Justice Kagan concluded that “the court has long understood as its standard practice when it is apportioned. At the same time, the court noted the NCAA’s extreme market position, the narrow nature of the district court injunction and the potential for litigants to interfere with the state’s interest in retaining the law.

FULTON v. PHILADELPHIA

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“The Supreme Court held that two Arizona laws purportedly designed to advance election integrity but that make it harder to vote and increase the number of uncounted ballots did not violate Section 2 of the Voting Rights Act. Justice Samuel Alito, writing for a six-justice majority, established a new list of factors for assessing alleged violations of Section 2. According to Justice Alito, the relevant considerations for whether a voting law violates Section 2 include: “First, the size of the law’s burden on voters, whether it departs from what was standard practice when section 2 was amended in 1982.” The size of any disparity in a rule’s impact on members of different races, the availability of other nondiscriminatory opportunities for minority voters and the extent to which the law is a departure from the state’s interest in retaining the law.

The majority held that statistical evidence and witness testimony regarding the disparate impact of the laws were insufficient to prove a violation in the case before them. Although the state failed to offer any proof that the law presented a disparate impact, the majority determined that it “is apt to take action to prevent election fraud without waiting for it to occur and be detected within its own borders.” Justice Alito concluded that “in light of the State’s justiciable status and the modern evidence of racially disparate impact,” the laws did not violate Section 2. Nonetheless, the justices did not dramatically undermine existing law.

AMERICANS FOR PROSPERITY FOUNDATION v. BONIA

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The policy of the California appellate court that charitable organizations disclose the names and addresses of their major donors violates the First Amendment.

IN AFV v. BONIA, the Supreme Court held invalid a California requirement that charitable organizations disclose the identities of their major donors to state officials. Writing for a six-justice majority, Chief Justice John Roberts stressed that the court has long understood as its standard practice when it is apportioned. At the same time, the court noted the NCAA’s extreme market position, the narrow nature of the district court injunction and the potential for litigants to interfere with the state’s interest in retaining the law.

The majority held that a law severely burdens minority voting rights, Justice Alito concluded that “in light of the State’s justiciable status and the modern evidence of racially disparate impact,” the laws did not violate Section 2. Nonetheless, the justices did not dramatically undermine existing law.

FORD MOTOR CO. v. MONTANA EIGHTH JUDICIAL DISTRICT COURT

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The case may consist of what the due process clause, exercise personal jurisdiction not a correlative doctrine separate of the defendant’s contract with that state cause the court to order victory on the FCRA claims.

“The Supreme Court decided in important question of ‘personal jurisdiction’ under the due process of law clause of the 14th Amendment.” The court revisited a question that it has decided in several prior decisions. What legal standard governs the question of whether a claim arises from the contacts of the defendant with the forum state? This threshold issue is important, because a plaintiff must meet very high standard if the claim is not sufficiently related to the contacts. Justice Elena Kagan’s opinion for the court says that Ford Motor Co. does have sufficient contacts with Montana—even if the particular car that was involved in an accident purchased outside the state, but the court once again fails to tell us what the legal test should be.

EDWARDS v. VANNOY

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The court affirmed the Fifth Circuit’s holding that nonunanimous verdicts under state law, in jury-unanimity rule announced in Ramos v. Louisiana does not apply retroactively on federal collateral review.

“The court held that its decision last term in Ramos v. Louisiana, requiring jury unanimity for criminal convictions, would not apply retroactively to cases that were already final. In so doing, the court overturned Rogers v. Loew, a case suggesting that certain ‘watershed’ rules of criminal procedure could apply retroactively to benefit defendants convicted in years past. Importantly, though, Alabaum, applies only in the federal habeas context because the door for Louisiana and Oregon to grant retroactive relief to prisoners convicted of nonunanimous verdicts under state law, in years or decades past, should they so choose.”

IN TRANSUNION LLC v. RAMIREZ

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Only plaintiffs concretely harmed by a defendant’s statutory violations have Article III standing to sue the defendant for damages in federal court.

“In TRANSUNION, the Supreme Court right- enforced the requirements for plaintiffs to demonstrate the existence of a court that supports Article III standing to sue for damages in federal court. The case involved a nonresident defendant when none of the Transunion credit reporting agency’s contacts with the potential of constitutional, but whose Transunion credit report inaccurately flagged them as potential terrorists, but whose credit report inaccurately flagged them as potential terrorists, but whose Transunion credit reports were not disseminated to potential creditors, had not been used to support voter suppression in the past. Justice Kagan and Stephen Breyer expressed skepticism that the complaining nonprofit organizations can prove that the disclosures required at issue are likely to cause actual harms, arguing that the majority’s approach represents a departure from the court’s rule of reason, burden-sharing framework to prevent wrongdoing, the state’s demanding disclosure regime is a ‘mismatch’ with the state interests it is designed to protect. In dissent, Justice Sonia Sotomayor (joined by Justice Elena Kagan and Stephen Breyer) expressed alarm that the nonpartisan nonprofit organizations could prove that the disclosures required at issue are likely to cause actual harms, arguing that the majority’s approach represents a departure from the court’s traditional, nonunanimous verdicts under state law, in jury-unanimity rule announced in Ramos v. Louisiana does not apply retroactively on federal collateral review.”

FACULTY DISCUSS KEY CASES FOR 2021-22

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Compelled by Mike Fox and Eric Williams

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At 80, Law School Foundation President Emeritus David Ibbeken ’71 Remains Dedicated to Graduates

Based on an Interview by Jason Wu Trujillo ’01

DAVID H. IBBEKEN ’71
left his role as president and CEO of the Law School Foundation in 2007, but never stepped back from what he loves—connecting with alumni. Now 80, Ibbeken continues to work part time as president emeritus, having passed on the leadership reins to current President and CEO Luis Alvarez Jr. ’88. In all, Ibbeken has logged more than four decades of service with the foundation.

Founded as a trust in 1952 and incorporated in 1968, the foundation receives, administers and manages private gifts from graduates and friends for the benefit of the Law School.

“It gives me great pleasure to reach out to alumni and to be in periodic contact with them, either in person or through email or by the phone,” Ibbeken said. “My work revolves around building and maintaining relationships.”

Under his watch, the foundation’s endowment grew from $5 million in 1979 to more than $300 million in 2007. That helped set the stage for the current total of $731 million, with an additional $154 million held by the University and the Jefferson Scholars Foundation for the school’s benefit.

The foundation provides more than $30 million each year to support the school’s programs. The majority of endowed funds are reserved for faculty support and student scholarships. Over the past decade, scholarship spending on a per-student basis has more than doubled.

“The endowment ensures the Law School’s ability to recruit the best faculty and make a UVA Law education more accessible to students,” Ibbeken said.

Raised in Haddon Heights, New Jersey, Ibbeken played on the football team as a student at Princeton. After graduation he served as a lieutenant in the Army Field Artillery during two years of active duty and later as a captain in the New Jersey National Guard. He coached football and taught at Mercersburg Academy in Pennsylvania, and married and started a family with his childhood sweetheart, Sunny—all before becoming a law student.

In 1979, the job was finally the perfect fit. Ibbeken would lead the fledgling Law School Foundation, in addition to teaching real estate law (for 13 years), and he would continue to help in Admissions.

“Our annual giving at the time was $385,000,” Ibbeken said—a far cry from the $21.9 million raised in 2020-21. “We did have a volunteer structure, which became very important. And we had a young reunion program that only got stronger over the years. But the combination of the volunteers and the reunion program gave us a base from which to move.”

At the time, the foundation staff tracked alumni on 3-by-5 index cards, adding notes about relationships by hand. But more so than record keeping, his biggest challenge was...
shifting the mindset about who was responsible for fundrais-
ing. Members of the foundation’s Board of Trustees believed fundraising duties lay with the Alumni Association, which was then a volunteer group of graduates.

“It took about nine or 10 years for that attitude to change, and the Board of Trustees came around to realizing that they had to set the tone for our successful fundraising, particularly major gifts,” Ibbeken said. He credited trustees like David Mulliken ’75, who later served as chair of the American Ideal in Legal Education capital campaign (2004-2012), for helping to turn the tide. In time, the Alumni Association came in-house. Foundation employees now run the effort.

The transition worked. The foundation’s funds grew to $100 million by 1997.

“We got better at raising major gifts,” Ibbeken said. “But the performance of the stock market and our investment com-
mittees were very important to that. It is the combination of the two events that make our progress possible.”

Ibbeken was particularly proud of the capital campaign in the 1990s that exceeded expectations. Dean Bob Scott set the goal at $50 million.

“We ended up raising $202 million, which at the time was more than any other law school had raised,” he said. “NYU had finished a capital campaign in ’98 with a total of $185 million. They were not happy to hear that we went to $202 million, but Harvard was not happy either because they had come in somewhere close to that $185 million figure.”

Soon, Harvard announced a campaign for $400 million. “But for a short period of time, and I’m guessing that this could be the highlight of my career, we stood above all the other law schools,” he said.

In addition to the highs of a successful campaign, Ibbeken said some of the moments that stay with him are about in-
dividual alumni who made a difference both during their lifetimes and as benefactors of the school.

He recalled Roy Morgan ’33, whose career spanned serv-
ing as an FBI special agent to being on the U.S. prosecutorial team for the Tokyo War Crimes Tribunal after World War II. During the 1950s and ’60s, Morgan worked in a range of roles for the U.S. and Japanese governments, including as an adviser to the Japanese prime minister and as head of U.S. trade missions to Japan.

After Morgan died, Ibbeken visited his home in North Carolina, where Morgan’s wife, Rosamond Woodruff Morgan, showed him artifacts recognizing his work overseas.

“I thought, I’m in the presence of someone who had a remarkable career,” he said. Morgan’s widow later made a substantial gift to the Law School to fund an endowed chair.

Ibbeken also recalled Harold Stuart ’36, a former NCAA boxing champion from UVA, who served in the U.S. Army Air Forces in Norway at the end of WWII. Stuart had befriended Gunnar Sønsteby, the most highly decorated war hero of the Norwegian resistance movement. When Ibbeken traveled to Oslo in the late 1990s, Stuart gave him three phone numbers to make sure he could reach Sønsteby. Once Ibbeken called, Sønsteby immediately came to Ibbeken’s hotel, where they spent more than an hour talking about the Norwegians’ role as a saboteur.

“It was a rare and wonderful opportunity, made possible by an old friend,” Ibbeken said. Stuart ended up making a gift to establish an Ethical Values Seminar.

In total, Ibbeken has studied under or worked for nine UVA Law deans—and the school has had only 11. Though the foundation’s structure and goals have evolved over time, some things remain steadfast.

“What hasn’t changed, it seems to me, is we have great faculty, and the students are very talented, and there’s a col-
legiality that I believe I see in the student body that is pretty much unchanged,” he said. “And I think that may set this law school apart.”

Foundation Chief Development Officer Jason Wu Trujillo ’01 interviewed David Ibbeken ’71 on his 80th birthday.
GILBERT NAMED VICE DEAN

Professor MICHAEL D. GILBERT, an expert on election law, democracy, and law and economics, began serving as vice dean July 1.

“Mike Gilbert is an outstanding scholar, teacher and colleague who is held in high esteem in the UVA Law community and beyond,” Dean RISA GOLUBOFF said. “I’m thrilled that he will serve as vice dean, following a long line of distinguished faculty to serve in the role. Mike approaches everything he does with total commitment, careful thought and utter humanity. I am excited to work with Mike and to see the wonderful contributions he will make in this new role.”

The vice dean is responsible for faculty development and intellectual life, student affairs, University-related academic affairs, and service on the appointments committees and other committees. The vice dean also coordinates with the associate dean for curricular programs, Professor GEORGE COHEN, on curricular issues.

Gilbert, who joined the faculty in 2009, said he is excited to begin a new role.

“The Law School feels like home to me,” he said. “We have wonderful students, staff and faculty, and together we do good work in a beautiful place. I treasure our spirit of community and collegiality, and I’m excited to support it as best I can.”

Gilbert, the Martha Lubin Karsh and Bruce A. Karsh Bicentennial Professor of Law, teaches courses on election law, legislation, and law and economics. His current research focuses on campaign finance law, corruption and the adjudication of “culture war” disputes. His scholarship has appeared in multiple law reviews, peer-reviewed journals and edited volumes. He has lectured throughout the United States and around the world, including in Ecuador, Hong Kong, Mexico and Israel.

Gilbert directs UVA Law’s Center for Public Law and Political Economy, which serves as a hub for faculty who apply insights from economics and political science to the study of public law. He is a member of the Democracy Initiative’s Corruption Lab for Ethics, Accountability, and the Rule of Law at UVA. Last spring, he served as a visiting professor at Universidad Torcuato di Tella in Buenos Aires. Gilbert has won UVA’s All-University Teaching Award and the Student Council Distinguished Teaching Award.

Prior to joining the faculty, Gilbert clerked for Judge William A. Fletcher on the U.S. Court of Appeals for the Ninth Circuit. He received his J.D. and Ph.D. (in jurisprudence and social policy) from the University of California, Berkeley, where he served as articles editor on the California Law Review and received an award for outstanding performance, including Olin fellowships in law and economics and a National Science Foundation Doctoral Dissertation Award.

As vice dean, Gilbert succeeds Professor LESLIE KENDRICK ’06, who has returned to teaching and research full-time at the Law School.

“I’m so grateful for Leslie’s service through both challenging and joyful times at the Law School,” said Dean GOLUBOFF. “She has done an amazing job supporting and showcasing our faculty—from playing a pivotal role in the recruiting process for 22 new resident faculty members to working to create 11 new academic centers. On top of that, she has been a critical part of guiding the Law School through the pandemic.”

—Mary Wood


In the spring and summer, RACHEL BAYEFSKY published an article in The Georgetown Law Journal called “Remembrance of Things Past: Rethinking the Role of Federal Judicial Relief,” in addition, a prior article she published in the Virginia Journal of Social Policy Law, “Constitutional Injury and Tortibility,” was cited by the U.S. Supreme Court in TransUnion v. Ramirez.

In the fall, BOWONG was published in the UCLA Law’s inaugural issue of the year; RICHARD GER, EDMUND KITCH and PAUL G. MAHONEY published “The Long Tail Liability” in the Penn State Law Journal; “Avoidance in Constitution and Critical Theory” in the Yale Journal of Law & Society; and “The Life of the Law” in the University of Pennsylvania Law Review.

meeting of the World Psychiatric Association's constituent committee, on the punitive incar- ceration of political and religious dissidents in psychiatric hospitals. Virginia's neurologists were signally present, including a U.S.-USSR human rights project, and his team was involved in the treatment of the U.S. team of psychiatrists. 

The Nigerian government responded to the FDA's concerns about the safety of certain vaccines, and this was reflected in the regulatory environment. The Nigerian Government has been working to improve vaccine safety and distribution in the country in order to ensure that all citizens have access to quality vaccines.

BUTLER'S PAPER WINS FRANCIS DEAK PRIZE

A paper written by Professor JAY BUTLER won the Francis Deak Prize, awarded by the board of editors of the American Journal of International Law.

The paper had been previously selected for the Yale/Law and Humanities Institute's faculty publication series, "The SolarWinds Cybersecurity and the Future of International Law," presented at the University of Maryland Law School in April and May: "A New Attitude" with Arnie Gundersen, who was the keynote speaker for the symposium "Navigating the Trial Court System in the National Security Context." Butler's paper was also published in the International Journal of Ayurveda Research, "The Role of International Law in the Protection of Human Rights," co-authored by Virginia's John Eichensehr and Rebecca Klerk. It focused on the role of international law in protecting the rights of refugees and asylum seekers.

DEBORAH HARMON was recently named a fellow in the Law and Public Policy Program at the University of Virginia School of Law, and she is now serving as a fellow in the Law and Public Policy Program at the University of Maryland School of Law.

ANDREW HAYASHI published "Protection from Property Taxation" in the Iowa Law Review, "Dynamic Property Taxes and Racial Segregation," and "The Good Life," and "The Good Life." Among other projects, Hayashi contributed to "The SolarWinds Cybersecurity and the Future of International Law," presented at the University of Maryland Law School in April and May, and he also presented a paper titled "Algorithmic Discrimination and the Future of International Law." He has also been active in a number of other forums and publications, and he continues to work on issues related to international law and policy.

MICHAELE GILBERT continues to serve as a keeper of international law, and she has been involved in numerous projects and initiatives. She has recently been named a fellow in the Law and Public Policy Program at the University of Virginia School of Law, and she is currently serving as a fellow in the Law and Public Policy Program at the University of Maryland School of Law.

KRYSTIE KIM & DENNIS WILKINS, co-founders of the Emory Justice Clinic, have been working to address the issue of racial disparity in the criminal justice system. Their recent work has focused on the implementation of legal aid programs, and they have been active in numerous projects and initiatives.

HERALDY patient care and the use of litigation to address issues related to access to care and the rights of patients. Her work has been published in numerous journals and has been the subject of numerous presentations and publications.

The American Journal of International Law.

The paper had been previously selected for the Yale/Law and Humanities Institute's faculty publication series, "The SolarWinds Cybersecurity and the Future of International Law," presented at the University of Maryland Law School in April and May: "A New Attitude" with Arnie Gundersen, who was the keynote speaker for the symposium "Navigating the Trial Court System in the National Security Context." Butler's paper was also published in the International Journal of Ayurveda Research, "The Role of International Law in the Protection of Human Rights," co-authored by Virginia's John Eichensehr and Rebecca Klerk. It focused on the role of international law in protecting the rights of refugees and asylum seekers.

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ANDREW HAYASHI published "Protection from Property Taxation" in the Iowa Law Review, "Dynamic Property Taxes and Racial Segregation," and "The Good Life," and "The Good Life." Among other projects, Hayashi contributed to "The SolarWinds Cybersecurity and the Future of International Law," presented at the University of Maryland Law School in April and May, and he also presented a paper titled "Algorithmic Discrimination and the Future of International Law." He has also been active in a number of other forums and publications, and he continues to work on issues related to international law and policy.

MICHAELE GILBERT continues to serve as a keeper of international law, and she has been involved in numerous projects and initiatives. She has recently been named a fellow in the Law and Public Policy Program at the University of Virginia School of Law, and she is currently serving as a fellow in the Law and Public Policy Program at the University of Maryland School of Law.

KRYSTIE KIM & DENNIS WILKINS, co-founders of the Emory Justice Clinic, have been working to address the issue of racial disparity in the criminal justice system. Their recent work has focused on the implementation of legal aid programs, and they have been active in numerous projects and initiatives.

HERALDY patient care and the use of litigation to address issues related to access to care and the rights of patients. Her work has been published in numerous journals and has been the subject of numerous presentations and publications.

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**CRAIG KONNOTH NAMED GREENWALD FACULTY SCHOLAR**

Professor CRAIG KONNOTH was named a 2024 Greenwald Faculty Scholar. Recognized as one of the top 1% of law school professors, the Greenwald Faculty Scholars Program in Bioethics “helps build the next generation of leaders by supporting early-career faculty members to carry out innovative bioethics research,” according to the program’s website. Since 2002, the Greenwald Foundation has supported over 60 scholars from 40 different institutions.

For a term of three years, the award will fund Konnoth’s project, “Bioethics in Movement Advocacy.” Konnoth’s research will examine how activists, including those associated with LGBT, religious and racial justice movements, use medical frames and terms to bolster their claims, as well as describing gender dysphoria as a disability, or racism as a virus. “This project considers how these medical and politically influenced ethical arguments relate to bioethics, whether and when they count as bioethics, how social advocates and bioethicists might influence each other’s arguments, and the ethical concerns of such techniques,” Konnoth writes in a statement about the proposed research.

“By considering when ethical arguments grounded in medical frames count as bioethics, this project raises vital questions about the nature of bioethics itself,” Konnoth said.

Konnoth works on issues pertaining to health and civil rights, law and sexuality, and health data regulation. His scholarship examines how medicine can be used to make normative claims and produce social change. He is also active in LGBT rights litigation and has filed briefs in the U.S. Supreme Court and the European Court of Human Rights. Konnoth’s project considers how these medico-legal arguments relate to bioethics, whether and when they count as bioethics, how social advocates and bioethicists might influence each other’s arguments, and the ethical concerns of such techniques.

Konnoth’s work focuses on the intersection of health and civil rights, law and sexuality, and health data regulation. His scholarship examines how medicine can be used to make normative claims and produce social change. He is also active in LGBT rights litigation and has filed briefs in the U.S. Supreme Court and the European Court of Human Rights. Konnoth’s proposed research considers when ethical arguments grounded in medical frames count as bioethics, this project raises vital questions about the nature of bioethics itself.

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Professor Emerita Mildred Robinson won an award for helping to improve equity in the UVA community—an honor that’s close to her heart.

On June 8, she was the recipient of the Aramont Robinson Faculty Award, named for her late husband. The Black Faculty and Staff Employees Resource Group at UVA bestows the award on a faculty member who contributes to diversity, equity and inclusion, and who has had a positive impact on the Black faculty at the University.

Robinson was the first Black woman to serve as a tenured professor on the UVA Law Faculty. She was hired in 1985 from Florida State University.

Robinson recently wrapped up a 34-year teaching career at UVA, and 47 years in academia overall, that went beyond just being a tax scholar. During her service, she was a robust citizen of the UVA community and a dedicated mentor and friend to countless students, faculty and staff.

Among many her contributions, she served as a role model to UVA law students who would go on to successful careers in either tax law or academia. She helped recruit Black faculty at the Law School and garnered Grundios, served as a role model for Black women and breakthrough candidates during her tenure.

As a widow with three children, one of them only 6, she maintained her full teaching load, her home; and created and led the “Profiles from Practice” series that introduced students to those working in the legal profession.

During her service, she wrapped up a 35-year teaching career at UVA, during which she made sure that “Bitter Fruits of Bondage: The Demise of Slavery and the Reconstruction of the Southern States” was published in the University of Virginia Press.

Robinson’s research has focused on rules and standards of the profession and on freedom of speech, and responded to scholarship on this topic for a symposium on his work on constitu- tional law and legal reason.

Robinson has been awarded the American Bar Association’s highest honor, the ABA Gold Medal, and has been named “Lawyer of the Year” by the Virginia Bar Association. She has published more than 50 articles and books, and has served as a visiting professor at numerous universities around the world.

A former tax professor at the University of Virginia, Robinson has been a leader in the field since the 1980s, and has served on the editorial board of the Journal of Taxation and the Journal of Tax Economics. She has been a fellow at the National Endowment for the Humanities and has served on the boards of the American Bar Association and the American Law Institute.

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RESEARCH BY HWANG AND CO-AUTHORS UPENDS CORPORATE GOVERNANCE SCHOLARSHIP

Nearly two decades of influential scholarship on how corporations are governed and valued is based on bad data, according to new research co-authored by Professor Cathy Hwang. The paper, “Cleaning Corporate Governance,” reveals that an index cited thousands of times by scholars to measure corporate governance and shareholder rights is riddled with errors.

Written by Hwang, Columbia Law School postdoctoral fellow Jens Frankenreiter, Wisconsin law professor Yaron Nili and Columbia law professor Eric L. Talley, the new research also offers a dataset with pilot data to rectify the problem, creating a clearer picture about the power dynamics that control corporations and what might imply in terms of profit potential, valuation and long-term prospects, among other business factors.

“For years, lawyers have raised our eyebrows at some of the major findings in corporate finance,” Hwang said. “Attempts to examine the underlying data, however, have been unsuccessful—empirical corporate governance data are hard to get and parse. The data that do exist, from commercial vendors, is super-expensive and of dubious provenance. To investigate the received corporate governance wisdom—from either legal scholars or business/finance scholars—we knew that we had to start by collecting the data from scratch.”

Dozens of law students and scholars assisted in the effort. The paper unveiled a collection of three decades’ worth of corporate cha...
“IF YOU ASK ANYONE WHO WORKS IN POLITICS WHO ON THE SUPPORT TEAM IS THE MOST IMPORTANT, EVERYONE WILL SAY IT’S THE CONSTITUENT SERVICES TEAM. THAT LOVE OF INTERACTING AND SERVING THE PUBLIC IS THE SAME IN BOTH FIELDS.”
—LEEZIE KIM ’96

forcing Kim to oversee some restaurant closures and thousands of employee furloughs, something that had never happened before in the company’s 20-year history.

“It was a chaos and things were changing all the time,” she said. “We were all doing what we could to keep people as safe as possible.”

Under Kim’s oversight, Fox quickly started a program to distribute modest emergency grants to furloughed employees, eventually giving away over $1 million in private donations. At the same time, Kim and her team were sending the thousands of furloughed employees electronic gift cards every other week, so “even if we couldn’t provide work for them, we could at least feed them and their families, and check in on how they were doing.”

Throughout, Kim and the Fox leadership team were leading the company through the most difficult financial and cash flow challenges the company had ever faced. They learned how to do contact tracing and secure COVID-19 testing capabilities. In March, they ran a two-day COVID-19 vaccination clinic for Fox employees, their families and the employees of smaller, independent restaurants that didn’t otherwise have access to vaccines so early.

“I get asked all the time,” Kim said, “Why does somebody who worked in politics go into the restaurant business?” In her view, this was a matter of interacting and serving the public.

“We talked much longer than expected. Janet was sharp, geeky and so funny that we hardly noticed that our table was the only one left in the dining room,” Kim recalled. “It just goes to show how many doors are opened by luck in one’s life.”

She was among the first class of women to enter UVA as undergraduates in 1970 after coeducation was established, and in 1974 was among the first University alumnae to go on to attend the Law School.

In fact, noted Brown, new a partner in the Washington, D.C., office of Troutman Pepper, she decided to attend UVA for the same reasons many others have, before and since: Her father, 1934 College alumnus Leverett W. Brown, and friends from her hometown of Mobile, Alabama, encouraged her to apply.

“I was somewhat oblivious to the implications of it, honestly,” Brown said of being in the first class of women to enter UVA as undergraduates. “I went to a small private girls’ school, and I was very much ready to venture somewhere larger and co-ed.”

Being a female law student could be challenging at times, Brown said.

“There were a few students—male students—who were somewhat vocal about the fact that the women in our class were taking a place that could have gone to a man,” she recalled. “But I never sensed that from anyone on the faculty. They were very receptive and welcoming to the women students.”

In her class, 18% were women, while in the past two classes of entering students, women have comprised a once-inconceivable majority (see p. 10).

From the Ground Up

Margaret Ann Brown ’77

“I just went to show how many doors are opened by luck in one’s life.”
—LEEZIE KIM ’96

ANN BROWN ’77 HAS ACHIEVED MANY “FIRSTS” IN HER LIFE AND CAREER, BUT SHE CARRIES HER STATUS AS A PIONEER LIGHTLY.

She was among the first class of women to enter UVA as undergraduates in 1970 after coeducation was established, and in 1974 was among the first University alumnae to go on to attend the Law School.

In fact, noted Brown, now a partner in the Washington, D.C., office of Troutman Pepper, she decided to attend UVA for the same reasons many others have, before and since: Her father, 1934 College alumnus Leverett W. Brown, and friends from her hometown of Mobile, Alabama, encouraged her to apply.

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Navigating the Unknown

Kurt Davis ’09

THERE ARE WORSE PLACES TO BE LOCKED DOWN DURING THE PANDEMIC THAN DUBAI, THE FREE-WHEELING CITY IN THE UNITED ARAB EMIRATES THAT KURT DAVIS ’09 LIKENS TO “LOS ANGELES AND LAS VEGAS WITH MORE LUXURY.”

Davis, an investment banker with Houlihan Lokey, has been based in Dubai since 2017 and has mostly found himself there since COVID-19 began restricting travel last year. As life begins to move toward normal, Davis hopes to get back on the road again. He travels—a lot—across Europe, the Middle East and Africa, with an occasional excursion to Asia thrown in. Recalling the weeks before the government-imposed lockdown, Davis said he traveled on business to Kuwait, Saudi Arabia, Lebanon, Oman, South Africa and Great Britain—and possibly stopped in Lesotho. (Who forgets a visit to Lesotho?) In all, Davis estimated that he has been to about 120 countries.

To call him a lifelong learner would be an understatement. Davis announced his intention at age 5 to go to law school (and his intention to be president). After earning his undergraduate degree at UVA in 2006, he went straight to law school, where he was executive editor of the Virginia Tax Review, senior financial editor of the Virginia Law & Business Review, and a columnist for the Virginia Law Weekly. He took time during his third year to cram in a quick course on French private and public law at the Université Panthéon Assas in Paris (which proved helpful while later living in Tunisia and for covering francophone Africa). He currently writes a blog “for my own entertainment” called “The Musings of a Political Junkie and Closet Economist.”

Following law school, Davis joined New York-based Skadden, Arps, Slate, Meagher & Flom just as the Great Recession struck. He participated in Skadden’s deferral program and joined SPE Capital Partners, based out of the firm’s Tunisia office. “This recession has thrown me a curveball, but this could be a unique learning opportunity,” he recalled thinking.

Davis never returned to the practice of law but instead earned an MBA from the University of Chicago and has worked in private equity and investment banking ever since. Along the way, he learned French and Portuguese and lived in some “fun” yet different places, including Addis Ababa, Dubai, Houston, Maputo and New York. At Houlihan Lokey, one of Davis’ areas of focus is what his firm calls “special situations.” He explained them using this analogy: “There are a lot of vanilla deals that many banks can do. On the other side, there are these complex ‘hairy’ situations where there are companies people struggle to fund. Maybe investors don’t like the structure, or they don’t like the jurisdiction. We come in, open the refrigerator and say, ‘You have 10 ingredients here, what can we make out of this?’ We then put something together that the client can take out to the restaurant table to sell, and someone is willing to pay for it. We like those situations.”

Davis brought it all back to lessons he learned in Charlottesville. “The thing you learn in law school is how to navigate the unknown, right? Take information, digest it, understand it and make a decision.”

He and his wife dedicate their philanthropy, which includes serving on boards, to education and other causes that create economic opportunity.

—Mark F. Bernstein ’89
It was my introduction to politics,” Warner told UVA Lawyer. “Nixon was looking for people who had the right talents. They wanted me to be an advance man, the individual who accompanies the candidate out into the state and locates the delegates for the national event as an opportunity to campaign, to support the nomination.”

When Nixon won, Warner was appointed undersecretary of the Navy, then secretary in 1972. He and his wife divorced in 1973. Warner met actress Elizabeth Taylor when the British ambassador asked Warner to arrange an embassy ball and Elizabeth II’s visit, as part of the bicentennial events of 1776. The couple married that December (and later divorced, in 1982).

Warner won his first Senate election in 1978. His significant legislation included being a co-sponsor of America’s Climate Security Act of 2007, which proposed a market-based “cap and trade” approach to dealing with the greenhouse gas emissions associated with climate change. He was also an important voice in deterring future torture and abuse in the war on terror, arguing that violations of the Geneva Conventions by the U.S. can only harm American prisoners in the future.

In addition to serving on the Armed Services Committee, he served on the Environment and Public Works Committee; the Senate Committee on Health, Education, Labor and Pensions; and the Senate Select Committee on Intelligence. Even before he entered elected office, Warner was focused on protecting the nation and its military through law and policy. His signature accomplishment as U.S. secretary of the Navy was to successfully securing the U.S.-Soviet Incidents at Sea agreement. The 1972 pact forced by Warner and his counterpart, Soviet Navy Commander-in-Chief Fleet Admiral Sergey Gorshkov, inhibited the formation of what would later be called superpowers—and to avoid escalation in the instance of encounter.

In 2008, Warner won the Thomas Jefferson Medal for Citizen Leadership. In a letter in support of some of the items he collected from public life and donated to the Law School, he wrote, “Sen. John Warner was a successful politician, but he was much more than that. He was a true public servant.”

Born in Livorno, Italy, in 1929 to an American father and British mother, Gowen lived in London, Philadelphia, Washington, D.C., Princeton, N.J., and Charlestonville. After graduating from the Law School, the Korean War began and he decided to reenlist, this time in the Marine Corps. After serving as a ground officer with the Marine Aircraft Wing, he returned from active duty to resume his studies.

“The war was a challenge to get my mind oriented toward the life of a student after having served in Korea,” Warner said for the spring 2007 issue of the alumni magazine. “Had it not been for the faculty’s warmth and interest in me, particularly Dean [F.D.G.] Ribble [1921], I wouldn’t be here as a senator today.”

Gowen helped Warner land an interview with Judge E. Barrett Prettyman on the U.S. Court of Appeals for the District of Columbia. “Prettyman’s classmate was Barrett Prestrey Prestrey,” Warner told UVA Lawyer.

“I spent six or eight weeks memorizing every opinion he’d written in the nine years he’d been on the bench,” he said for the UVA Lawyer interview. “When we met, I said to him, ‘If I can’t answer any question about any opinion that you’ve ever written, I’ll get the job.’”

According to Warner’s longtime personal assistant, he died of heart failure at home with family members, including his wife, Jeanne Vander Myde. – Eric Williamson

IN MEMORIAM: JOHN W. WARNER ‘53
5-TERM U.S. SENATOR FROM VIRGINIA

JOHN W. WARNER, a 1953 Law School graduate who served five terms in the U.S. Senate, died May 25. He was 94.

A Republic安娜 known for his appeals to moderates and for working across the aisle, Warner held the second-longest tenancy of any Virginia senator. He was a veteran of both World War II and the Korean War—experiences that shaped his career. Among his many roles, Warner served as secretary of the Navy, chairman of the Senate Armed Services Committee, and director of the U.S. Bicentennial celebration. In 2014, a nuclear-powered submarine was named in his honor, the USS John Warner.

“John Warner was a consummate statesman and a public servant who always put Virginia before politics; who put the nation’s security before partisanship, who put the country’s needs above his own,” said Sen. Mark Warner (no relation), a former political opponent who now holds the seat he occupied. Warner ran for the Senate in 2000, after participating in an extensive interview for UVA Lawyer magazine. In the article, Warner said his first year of Law School was “one of the most enlightening of his life.” Up to that point, he had left school at 17 in January 1945 to enlist in the Navy in the waning months of World War II. He graduated from Washington and Lee University in 1949. While Warner was in school, the Korean War began and he decided to reenlist, this time in the Marine Corps.

After serving as a ground officer with the Marine Aircraft Wing, he returned from active duty to resume his studies. His daughters and one son transverse of the Northern Passage, an Arctic experience that helped open the eyes to climate change. After 16 years of involvement with the Explorers Club, in 2020 he was honored as a Explorer Medalist, having previously received the President’s Award.

In 1994, he was asked to join an Explorers Club Hay’Ag, which became the first solo transatlantic helicopter flight, a journey that helped open the eyes to climate change. After 16 years of involvement with the Explorers Club, in 2020 he was honored as a Explorer Medalist, having previously received the President’s Award.

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“A Willingness of Heart: Volunteerism and the U.N. Human Rights Award” by Harry J. Goebel, Jr.

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Sure, don’t cry for me! This gig is huge! I’ve pitched with the last witnessed and preserved, and don’t consider it even worse of dead.

GEORGE ALDHIZER, after graduating from the University of Virginia College in 1930, spent almost all his life working for the Virginia Angus Association. George died in 2018 reunion in the same house as trustee of the Association in 2018 reunion in the same house. The list of classmates sends removes from Henry Wm de Saussure, appointed by the 189mm gun. In 1976, he was appointed to the armed forces, concentrating on industrial real estate development and municipal and state contracting in Indiana. A veteran of the Roanoke Times, he became a frequent speaker at continuing education to walking now of a battalion responsible for the 289mm gun. In 1976, he was appointed to the armed forces, concentrating on industrial real estate development and municipal real estate development to make our multiple dwellings. He served in the Office of Civilian Affairs, where he knew a number of classmates who were not impressed, as they will let me, “as it blocked the way of the Corps of the Coast Guard Auxiliary.” The Roanoke Times.

ANDREW P. MILLER (Greek, Delta Kappa Epsilon) was born in Abingdon, Va. In 1976, he was appointed to the armed forces, concentrating on industrial real estate development and municipal real estate development. He served in the Office of Civilian Affairs, where he knew a number of classmates who were not impressed, as they will let me, “as it blocked the way of the Corps of the Coast Guard Auxiliary.” The Roanoke Times.

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IN MEMORIAM: WILLIAM F. CLINGER JR., 93, TERM CONGRESSMAN

Former U.S. Rep. WILLIAM F. "TONY" MEDLEY JR., of Naples, Fla., and Chautauqua, N.Y., passed away on June 15. He was 85.

The Washington Post remembered Clinger, a Republi- can who represented Pennsylvania’s 5th and 22nd districts in Congress, as a hardworking lawmaker focused on domestic mandates—federal requirements on states that weren’t backed with federal funding—as chair of the House Committee on Government Reform and Oversight.

Hailing from the Poconos, Clinger graduated from the University of Scranton and attended Thomas Jefferson Law School. He went on to practice law in Philadelphia, advising clients on state and federal regulation, and was later named to Pennsylvania’s State Ethics Commission.

Clinger served on the powerful House Committee on Government Reform and Oversight, on which his expertise often came to bear on a wide range of regulations that affected businesses across the country.

After graduating from law school, Clinger returned to Pennsylvania, where he began a legal career with the firm of Suter, Hamilton & Quinn in Allentown. He went on to serve in a variety of positions within the federal government, including as chief counsel to the House Committee on Government Reform and Oversight.

In 1993, Clinger ran for a seat in the House of Representatives and won, becoming the first Republican elected to Pennsylvania’s 5th District in 40 years. He served six one-year terms, retiring in 1999.

Clinger’s career was marked by his passion for public service and his dedication to ensuring that the federal government was held accountable. He was known for his work on issues related to government oversight, ethics, and transparency, and was a strong advocate for reducing unnecessary regulations.

In his later years, Clinger remained active in public service, serving on the board of the Chautauqua Institute and working with local community organizations.

Clinger is survived by his wife, Sherry; his son, Thomas; his daughter, Jennifer; his grandchildren; and his great-grandchildren. He is also survived by his nieces, nephews, and cousins.

—FELICIA HANNAH

Class Notes

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CLASS NOTES
Brown, Martin, and president and managing member of the Obsidian Capital Group. Since 2019. Prior to joining Dominion in 2007, Brown was managing partner of a law firm, a partner at Hunton Andrews Kurth.

Brown is a founding trustee and member of the UVA College Foundation, former Virginia secretary of transportation and a former member of the Virginia Bar Association, former chairman of the State Council of Higher Education for Virginia, former Virginia secretary of transportation and a former member of the UVA Alumni Association Board of Managers and a member of the Jefferson Scholarship National Selection Committee. He is also a past president of the UVA Alumni Association Board of Managers and a member of the American Society of Transportation Consultants.

Clement is a founding trustee and member of the UVA College Foundation, former chairman of the State Council of Higher Education for Virginia, former Virginia secretary of transportation and a former member of the Virginia House of Delegates. He earned a bachelor’s degree in hism...
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UVA LAWYER | Fall 2021

1981
CHRISTINE WEAVER was awarded the Lake Retention Robinson Award by the Women’s Bar Association of the District of Columbia for 1981. The award honors attorneys who have made notable contributions to the local bar. Weaver is a partner in the firm of Arnstein & Lehr, where she represents clients in immigration matters.

1982
ANDREA DONOHU ‘82 has returned to Virginia after a 26-year career in Dallas. She presently works as a certified sub-

stance abuse counseling assistant in Northern Virginia. According to Growing Up Healthy, which included golfing and staying at a hotel in Ireland and a vacation home in Vermont. He was a member of the Mal- um. The award honors attorneys who have made notable contributions to the local bar. Weaver is a partner in the firm of Arnstein & Lehr, where she represents clients in immigration matters.

1983
JENNIFER JORDAN MCCALL was in the practice section of the University of Virginia School of Law. She is a partner in the firm of Berniard & Hunter in Richmond, Va.

1984
SHANTI ARIKER is a leading attorney in the area of commercial litigation and labor and employment law. She represents clients in complex business disputes and represents clients in matters under a wide array of federal and state laws, including employment, antitrust, and environmental laws.

1985
JENNIFER JORDAN MCCALL was recognized as a leading attorney in the area of commercial litigation and labor and employment law. She represents clients in complex business disputes and represents clients in matters under a wide array of federal and state laws, including employment, antitrust, and environmental laws.

1986
JENNIFER JORDAN MCCALL was recognized as a leading attorney in the area of commercial litigation and labor and employment law. She represents clients in complex business disputes and represents clients in matters under a wide array of federal and state laws, including employment, antitrust, and environmental laws.

1987
TIMOTHY GUSTEE was recognized as a leading attorney in the area of commercial litigation and labor and employment law. He represents clients in complex business disputes and represents clients in matters under a wide array of federal and state laws, including employment, antitrust, and environmental laws.

1988
ALUMNAE NAMED AMONG “INFLUENTIAL WOMEN OF LAW”
BETTY S. GRAUMLICH ’83
LISA LORISH ’08
ASHERINI PATHER ’04
ERIN A. SMITH ’14

GRAUMLICH received the Virginia Lawyer’s Weekly 2021 class of Influential Women of Law. Graumlich leads Reed Smith’s Virginia labor and em- ployment team. She represents many global and national companies, including a Fortune 50 media and entertainment company, a national manufacturer and retailer, global defense contractors, numerous health care providers, and a regional financial services company, among other clients.

Lorish is a judge on the Virginia Court of Appeals. Recently published as an assistant public defender with the Independent Defender, for six years. Wahba has specialized in consumer and antitrust issues, including antitrust and consumer fraud, public and private antitrust cases, and federal criminal cases.

Burke represents businesses in a range of corporate and securities matters, including mergers and acquisitions. Burke has experience handling cases in federal and state courts.

Wahba has specialized in consumer and antitrust issues, including antitrust and consumer fraud, public and private antitrust cases, and federal criminal cases.

1989
MARIE WANG was recognized for her contributions to the field of immigration law. She represents clients in complex business disputes and represents clients in matters under a wide array of federal and state laws, including employment, antitrust, and environmental laws.

1990
BETTY S. GRAUMLICH ’83
LISA LORISH ’08
ASHERINI PATHER ’04
ERIN A. SMITH ’14

1991
SERENA M. MENTOR was appointed to counsel in the office of the governor of Minnesota. She represents clients in matters under a wide array of federal and state laws, including employment, antitrust, and environmental laws.

1992
SHERRY JOHNSON DREYER was named a partner in Cooley LLP’s Washington, D.C., office. She represents clients in complex business disputes and represents clients in matters under a wide array of federal and state laws, including employment, antitrust, and environmental laws.
President Joe Biden chose several alumni to fill high-profile positions in the executive branch and in the courts, in roles that require Senate confirmations.

**EXECUTIVE BRANCH**

**BIL NELSON** ’09 became NASA’s Advisory Council. Nelson, who previously served on the NASA Advisory Committee, was U.S. senator from Florida from 2003-2016 after serving as state treasurer, insurance commissioner and fire marshal for six years. He also elected to six terms in the U.S. House of Representatives from 1979-1994. In 1996, he flew on the 24th flight of the space shuttle Challenger, orbiting the Earth 98 times over six days. Nelson conducted 12 medical experiments, including the first U.S. test in space and a cancer research experiment sponsored by university researchers.

**ROBERTA BORCHERDING** ’79 was promoted to brigadier general and assigned legal counsel to the chairman of the Joint Chiefs of Staff. Bioherding has served in the U.S. Army for 28 years, including as staff judge advocate in Iraq and Afghanistan. Other legal assignments include tours as a legal adviser for U.S. Africa Command, group judge advocate for the 10th Special Forces Group; deputy staff judge advocate for the 1st Infantry Division & Port Royal, and trial counsel and senior trial counsel for the 21st Theater Support Command in Kaiserslautern, Germany.

**ROBIN CARNAHAN** ’86 is now administrator of the General Services Administration. Carnahan served as secretary of state from Missouri from 2016-20, and directed the state and local government practice at 18F, a tech consultancy inside the GSA that she founded. Through her work with the GSA, Carnahan helped federal, state and local government agencies improve customer-facing digital services and cut costs, according to a press release. As secretary of state, Carnahan served as the state’s chief election official and state securities regulator, and was responsible for providing in-person and online services to hundreds of thousands of customers.

**CHRIS KARANNAH** ’81 was confirmed as U.S. attorney for the Western District of Virginia. He previously served as assistant U.S. attorney for the district from 2014–21. He also served as an assistant U.S. attorney for the U.S. Attorney’s Office for the District of Columbia, and as senior counsel for the U.S. deputy attorney general Kavaunagh has taught federal criminal practice and trial advocacy as a lecturer for the Criminal Justice Reform Seminar. He received the school’s Shaping Justice Award for Extraordinary Achievement in 2020.

**DAVID TURK** ’89 was confirmed to the U.S. District Court for the District of Maryland. A former U.S. magistrate judge, Boardman spent 13 years as a member of the Federal Public Defender Office for the District of Maryland, where she was named first assistant federal public defender in 2015. She previously spent six years in Hogan Lovells’ pro bono department. (See her last Word column on p. 80.)

**MARK BRZEZINSKI** ’91 was nominated to serve as general counsel of the Energy Department. Turk also served as deputy on the Energy Agency Review Team during the Biden administration transition, which he was also elected to six terms in the U.S. House of Representatives from 1979-1994. In 1996, he flew on the 24th flight of the space shuttle Challenger, orbiting the Earth 98 times over six days. Nelson conducted 12 medical experiments, including the first U.S. test in space and a cancer research experiment sponsored by university researchers.

**DANIEL KING** ’91 was confirmed to the U.S. District Court for the Western District of Washington. A citizen of the Muscogee (Creek) Nation based in Oklahoma, he has been attorney at Foster Garvey and served as a pro temp appellate judge for the Northwest Intertribal Court System. She previously taught Federal Indian Law at the Seattle University School of Law. She is the sixth Native American federal judge in U.S. history and the first in Washington state history.

**SIPAN MULDROW** ’97 was confirmed to serve as assistant secretary of the Department of Energy. Muldrow advises the firm in asset manager mergers and acquisitions, and complex secondary transactions. She also frequently interprets various regulations with respect to such securities transactions. Mentor to the firm in 1997 and served as general counsel since 2018.

**ALUMNI TAKE ON FEDERAL EXECUTIVE, JUDICIAL ROLES**

**MOHSIN RAZA SYED** ’08 was confirmed to lead OSHA as the assistant secretary of Labor. Syed is a professor at the George Washington University School of Law, where he was most recently with Akin Gump Strauss. Hauer & Feld, where he was the chair of the firm’s Energy and Environmental Practice. He also served as deputy on the Energy Agency Review Team during the Biden administration transition, which he was also elected to six terms in the U.S. House of Representatives from 1979-1994. In 1996, he flew on the 24th flight of the space shuttle Challenger, orbiting the Earth 98 times over six days. Nelson conducted 12 medical experiments, including the first U.S. test in space and a cancer research experiment sponsored by university researchers.

**JENNIFER SHORT** ’98 was confirmed to the U.S. District Court for the Eastern District of Virginia. She previously served as assistant U.S. attorney for the Eastern District of Virginia. Short joined Blank Rome’s Washington, D.C., office as a partner in the corporate practice group. She represents government contractors, federal agencies and their contractors, federal courts, in roles that require Senate confirmations. Several alumni engaged in the judicial vetting and selection process, including Surovell, Sen. SCOTT SURROVELL ’89 sponsored the 2020 bill that authorized a study on appeals courts, and Professor Emeritus Kent Sinclair led the resulting study. Following the study’s recommendations, Sen. JOHN ENNEMAN ’70, who heads the Senate’s Judiciary Committee, sponsored the bill expanding the court, which Surrovel said helped write. Several alumni engaged in the judicial vetting and selection process, including Surrovel, Sen. CHAP PETERSEN ’94, Sen. JENNIFER MCCLELLAN ’97 and Del. RIP SULLIVAN ’87, among others. Alumni “have their fingerprints all over this,” Surrovel said. Lorish, a Law School lecturer, formerly served as an assistant federal public defender and the appellate specialist for the Western District of Virginia. Lorish created and directed the Federal Criminal Sentence Reduction Clinic and served as a lecturer for the Criminal Justice Reform Seminar.

**ALUMNI PLAY PART IN EXPANDING VIRGINIA COURT OF APPEALS**

**Chap Petersen ’94**, Sen. Jennifer McClellan ’97 and Del. Rip Sullivan ’87 spearheaded the 2020 bill that authorized a study on appeals courts, and Professor Emeritus Kent Sinclair led the resulting study. Following the study’s recommendations, Sen. John Enneman ’70, who heads the Senate’s Judiciary Committee, sponsored the bill expanding the court, which Surrovel helped write. Several alumni engaged in the judicial vetting and selection process, including Surrovel, Sen. Chap Petersen ’94, Sen. Jennifer McClellan ’97 and Del. Rip Sullivan ’87, among others. Alumni “have their fingerprints all over this,” Surrovel said. Lorish, a Law School lecturer, formerly served as an assistant federal public defender and the appellate specialist for the Western District of Virginia. Lorish created and directed the Federal Criminal Sentence Reduction Clinic and served as a lecturer for the Criminal Justice Reform Seminar.

Ralph previously was a partner at Hunton Andrews Kurth, where he was co-chair of the firm’s issues and appeals group. He served as solicitor general of Virginia from 2014–17. Ralph is a fellow of the American Academy of Appellate Lawyers and a member of the American Law Institute.

Supporters of the expansion were interested in growing the court not only to guarantee a right of appeal, but to expand the diversity and experiences of judges currently on the bench, most of whom previously worked as prosecutors or in-attorneys general offices. Surovell, a defense lawyer, said he was interested in adding judges with criminal defense experience, such as Lorish.

In public interviews with lawmakers before her appointment, Lorish said she would bring her experiences with her if elected to the bench. “I’ve seen how cases are prepared when you have very little,” she said.

—Mary Wood
After leading conferences for civil rights and corporate social responsibility, Kliavkoff was named senior executive and chief communications officer for New York’s Wachtell, Lipton, Rosen & Katz in 2018. He has extensive experience in the areas of state and federal criminal law, white-collar criminal defense, civil rights litigation, corporate compliance, internal investigations, employment law and personal injury. He has been a champion for advancing the cause of civil rights through various leadership positions in the NBA and other organizations. At the NBA, Kliavkoff is a member of the Civil and Equal Rights Committees and served as a member of the NBA’s Board of Governors from 2018-20. He is also a member of the Federal Bar Association’s National Task Force on Social Justice and Inclusion.

Kliavkoff joined Gerner Law as of counsel, where he specializes in providing concierge in-house attorney services working with companies of all sizes in the entertainment industry. He also co-founded Jena’s hover senior level travel planning services through his business, MNP. Kliavkoff is a烬d family travel business.

MICHAEL COMPTON, A COR- porate governance and fiduciary litigator, has joined the firm with in-house and regulatory expertise, having served as Procter & Gamble’s Corporate Governance partner and outside general counsel. He is also a senior advisor of the corporation’s legal team at Democracy Fund, an independent foundation working to ensure that the political system can adapt to new challenges and deliver on its promise to all American people.

LAWAIRE MAWULAIRE was promoted to counsel in the 2020 class of BlackRock’s Atlanta Innovation Hub, which plans to expand from 200 to 1,000 employees by 2024. Mawulaire also serves as the head of business strategy for BlackRock’s Portfolio Management Group. For the second consecutive year, Mawulaire was named to the Empower 100 list: Black- and minority Executive Leaders. His role as executive in the firm’s Atlanta Innovation Hub, which plans to expand from 200 to 1,000 employees by 2024. Mawulaire also serves as the head of business strategy for BlackRock’s Portfolio Management Group. For the second consecutive year, Mawulaire was named to the Empower 100 list: Black- and minority Executive Leaders. His role as executive in the firm’s Atlanta Innovation Hub, which plans to expand from 200 to 1,000 employees by 2024. Mawulaire also serves as the head of business strategy for BlackRock’s Portfolio Management Group. For the second consecutive year, Mawulaire was named to the Empower 100 list: Black-and minority Executive Leaders. His role as executive in the firm’s Atlanta Innovation Hub, which plans to expand from 200 to 1,000 employees by 2024. Mawulaire also serves as the head of business strategy for BlackRock’s Portfolio Management Group. For the second consecutive year, Mawulaire was named to the Empower 100 list: Black-and minority Executive Leaders. His role as executive in the firm’s Atlanta Innovation Hub, which plans to expand from 200 to 1,000 employees by 2024. Mawulaire also serves as the head of business strategy for BlackRock’s Portfolio Management Group. For the second consecutive year, Mawulaire was named to the Empower 100 list: Black-and minority Executive Leaders. His role as executive in the firm’s Atlanta Innovation Hub, which plans to expand from 200 to 1,000 employees by 2024. Mawulaire also serves as the head of business strategy for BlackRock’s Portfolio Management Group. For the second consecutive year, Mawulaire was named to the Empower 100 list: Black-and minority Executive Leaders. His role as executive in the firm’s Atlanta Innovation Hub, which plans to expand from 200 to 1,000 employees by 2024. Mawulaire also serves as the head of business strategy for BlackRock’s Portfolio Management Group. For the second consecutive year, Mawulaire was named to the Empower 100 list: Black-and minority Executive Leaders. His role as executive in the firm’s Atlanta Innovation Hub, which plans to expand from 200 to 1,000 employees by 2024. Mawulaire also serves as the head of business strategy for BlackRock’s Portfolio Management Group. For the second consecutive year, Mawulaire was named to the Empower 100 list: Black-and minority Executive Leaders. His role as executive in the firm’s Atlanta Innovation Hub, which plans to expand from 200 to 1,000 employees by 2024. Mawulaire also serves as the head of business strategy for BlackRock’s Portfolio Management Group. For the second consecutive year, Mawulaire was named to the Empower 100 list: Black-and minority Executive Leaders. His role as executive in the firm’s Atlanta Innovation H
The Hershey Co. promoted JAMES TUROFF ’04 to senior vice president, general counsel and secretary on May 20. Turoff had served as acting general counsel at the Pennsylvania confectioner since December.

“Atmosphere and culture are often the most important factors that drive the success of a sizable and complex business. It is my hope to foster a culture that is innovative, respectful, inclusive and surrounded by individuals who are passionate about our organization and its goals,” said Turoff.

Turoff, a native of Westfield, N.J., earned his degree at the University of Pennsylvania Law School in 2004. He joined the Hershey Co. in 2014 as assistant general counsel with responsibility for corporate secretarial work and corporate governance.

The Hershey Co. promotes three attorneys

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**The New Dogs of War: America, China, and the Future of the Global Order**

Thomas argues that the normative changes in the decades after World War II produced a “crisis of coherence” for formal and informal cases of repression, and he identifies the normative changes in international law that have facilitated the emergence of a new trend toward state-level repression. Thomas explores how forces contesting state-level repression have exploited this crisis, which has created new challenges for international organizations that would be legitimate by any measure.

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**Off Our Chests: A Candid Tour Through the World of Cancer**

LIZA MARSHALL ’90 AND JOHN MARSHALL

LIZA MARSHALL WAS 43 when she was diagnosed with a high-risk breast cancer, which at the time, in 2006, had a survival rate of just 50%. Her husband, John Marshall, now director of the Rusk Center for the Care of Gastrointestinal Cancers and a faculty member at Georgetown University, up to that point had been outspoken about his resentment and worry of the dominance of breast cancer advocacy and research. Then they depended on that research to save Liza’s life.

“This was a personal journey that we thought we should share with others,” John told WAMU. “Because... we are not alone. One in three of us will be facing cancer ourselves, which means almost every individual will be touched quite closely by a cancer diagnosis.”

**The Conscience Code**

In this book, Kun explores the idea of conscience and its role as a moral and ethical guide in decision-making. He discusses the concept of conscience in various cultural and historical contexts, and how it relates to contemporary issues such as technology, privacy, and free speech. Kun argues that the conscience code provides a framework for understanding and evaluating the moral dimension of our actions.

**Lead With Your Values.**

G. RICHARD SHELL ’81

The ninth volume of the Deek Reference Collection of the Virginia Privacy Act and the Virginia Consumer Protection Act discusses the Virginia blackletter law and discusses the law’s practicality and the law’s applicability. Shell argues that the law provides a comprehensive data privacy framework for the first time in the history of the United States. However, he also notes that the law is complex and does not fully comply with privacy-related regulatory frameworks outside of the U.S. or privacy-related regulatory frameworks that have been subsequently enacted in other states. This reference guide collects more than 50 of the most common questions concerning the CPRA and the CRPA.

**A Gambling Man**

ADAM MITZNER ’89

**The Essential of a Left-Handed Girl**

MICHAEL KUN ’88

The 90s are on the horizon, and Arwen is in need of a fresh start. Arriving in California, Arwen lands a job in the office of private investigator Willie Dashi, a former U.S. Marine. With her new job, she begins to find a new track into her life.

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**The Alleged Boy Versus the Left-Handed Girl**

MICHAEL KUN ’88

**The Sager Group**

Michael Kun ’88 told Law360 in June that his book was 35 years in the making. That would mean the Epstein Becker Green attorney hatched the idea as a UVA Law student. Perhaps not surprisingly, the story features a legal claim.

“The Alleged Boy Versus the Left-Handed Girl” is the story of Jimmy Nail, who picks up the popular novel “The Left-Handed Girl” and recognizes the work he’s doing as his own. He had given his fiction to a college friend to read, then dropped out of school and joined the Army. A traumatic head injury followed, leaving him addled. Yet he’s certain the work is his, even if he can’t prove it.

The book arrived in May during a successful year for Kun. The independent film “Eat Wheaties!” was released slightly the month before. Based on his 2001 book “The Locker Letter,” the film was described by the Chicago Sun-Times as “one of the most interesting films you’ll see in 2012.”

In 1990, Kun published his first novel, “A Thousand Benigns,” to enthusiastic reviews. But expectations—both his own and those of his law firm employers— created a 13-year gap. Kun notes on his personal website.

“Eric Williamson—there are things that you’re really passionate about, make sure you can still find time for it.”

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**In the Arena**

ADAM MITZNER ’89

**The Alleged Boy** is his seventh novel, following 2016’s “We Are Still Tornadoes.” He’s also written the “Uncyclopedia” books—try to search about sports and one on movies.

Kun told Law360, “I always try to encourage young people, particularly young lawyers, if there are things that you’re really passionate about, make sure you can still find time for it.”

Eric Williamson—there are things that you’re really passionate about, make sure you can still find time for it.”
Deborah Boardman ’00 Judge, U.S. District Court for the District of Maryland

TELL US ABOUT YOUR PATH to becoming a pro bono litigator at Hogan Lovells.

After my 2L year, I was a summer associate at Hogan & Hartson, now known as Hogan Lovells, in Washington, D.C. One of the reasons I chose Hogan was its commitment to pro bono work and its nationally recognized pro bono group. As a young litigation associate, I sought out pro bono matters that were important to me and allowed me to get direct client contact and litigation experience. After a few years, I was selected to serve as the senior associate in the firm’s pro bono group. For nearly two years, I worked exclusively on the firm’s largest pro bono matters. For a young litigator interested in serving the poor and defending civil rights, it was a dream job.

WHAT WERE SOME of your most memorable cases in that role?

I and a team of very talented attorneys were honored to represent a former Navy sailor wrongfully convicted of the rape and murder of a Navy sailor’s wife in Norfolk, Virginia. Our client, one of four wrongfully convicted men, commonly called the “Norfolk Four,” was serving a life sentence when we filed a habeas corpus petition seeking to overturn his conviction. We won at the state trial court level and defended the victory through appeal to the Fourth Circuit. Our team persuaded Gov. Terry McAuliffe to release them from prison. Years later, Gov. McAuliffe granted them absolute pardons, and they were exonerated. I also had the honor of representing black members of the Secret Service who challenged the discriminatory promotion practices of the federal law enforcement agency. These brave officers, dedicated to protecting our presidents, were systematically denied promotions into upper management. The case eventually settled, and as part of the settlement, the Secret Service overhauled its promotion selection process.

WHAT DID YOU LEARN from these cases?

From my colleagues, I learned about effective advocacy. From the judges presiding over the cases, I learned about the importance of knowing and reading your audience. But most importantly, from my clients, I learned how resilient the human spirit can be under the most difficult circumstances.

WHAT DID YOU TAKE AWAY from your work in Maryland’s Federal Public Defender’s Office?

I spent 11 years as an assistant federal public defender. I worked on nearly every type of federal criminal case, but most of my clients were poor, young Black men from Baltimore City charged with gun and drug crimes. Each one had a different life story to tell. But, to a person, every one of them experienced neglect, abuse or poverty as a child. None of them was afforded the educational opportunities I had. Their access to health care was limited, and the health care they did receive was often substandard. Public defenders have a unique view into the socioeconomic causes of criminal behavior.

WHAT HAS BEEN YOUR BEST DAY ON THE FEDERAL BENCH so far—either as a magistrate or District Court judge?

I can’t say a particular day stands out. As a judge, you don’t find satisfaction in the outcome of a particular case. You find satisfaction in listening carefully to the parties’ arguments, culling through the record without an agenda and impartially applying the law to the facts. My best days on the bench are when I faithfully adhere to that process.

YOU HAVE THE LAST WORD. What do you want to say?

Follow your gut—always, and in every decision you make. All of us have an inner voice that guides us. When you follow it, you can’t go wrong. When you don’t, you’ll wish you had.
Events

DEC. 6 WASHINGTON, D.C.
Metropolitan Club
6:30-8:30 P.M. HOLIDAY RECEPTION

DEC. 13 CHARLOTTESVILLE
Greencroft
6-7:30 P.M. HOLIDAY RECEPTION

JAN. 22 LOS ANGELES
Craft
6-7:30 P.M. RECEPTION

JAN. 23 SAN FRANCISCO
The Olympic Club City Clubhouse
11:45 A.M. RECEPTION  12:15 P.M. LUNCH

JAN. 23 PALO ALTO
The Village Pub
6-7:30 P.M. RECEPTION

FEB. 7 ATLANTA
W Atlanta Midtown
11:45 A.M. RECEPTION  12:15 P.M. LUNCH

FEB. 7 BIRMINGHAM
City Club Birmingham
6-7:30 P.M. RECEPTION

FEB. 21 NEW YORK CITY
Yale Club
11:45 A.M. RECEPTION  12:15 P.M. LUNCH

MARCH 21 NORTHERN VIRGINIA
The Ritz-Carlton Tysons Corner
6:30-8 P.M. RECEPTION

JUNE 4 WASHINGTON, D.C.
The Willard
11:45 A.M. RECEPTION  12:15 P.M. LUNCH

JUNE 13 RICHMOND
Jefferson Hotel
6-7:30 P.M. RECEPTION

Alumni Weekend
MAY 13-15
FOR THE CLASSES OF:
1962, 1967, 1972, 1977,
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