STUDYING THE HIDDEN EFFECTS OF INCARCERATION
Professor MEGAN STEVENSON and her team received a $200,000 grant from the Laura and John Arnold Foundation to study the hidden long-term effects of incarceration.

The two-year project will evaluate how an incarceration impacts a wide range of personal and societal outcomes. The study, called “The Long Run Impacts of Incarceration: Evidence from a Regression Discontinuity Design,” will track long-term measures of economic well-being, such as educational attainment, eviction rates, earnings, employment, subprime borrowing rates and credit access.

Stevenson, an economist and criminal justice scholar, said poor prison conditions in Virginia inspired the project.

“People are stacked in small cells way beyond capacity, facilities are without air conditioning in hot summers, and without sufficient heat in the winter. The violence can be rampant,” she said. “Most prisoners have virtually no access to higher education or any other way to prepare themselves for life after release. We wanted to know what the long-term impacts of this experience are.”

The research team includes Yale University economics professor John Eric Humphries, University of Pennsylvania criminology professor Aurélie Ouss and Harvard University economics professor Winnie van Dijk.

By unearthing the connections between incarceration, barriers to reentry and social ills, the team hopes to provide prosecutors, judges and lawmakers with a body of evidence that will help them make informed decisions, and rewrite laws and sentencing guidelines where appropriate.

Stevenson said the scholars came across a useful “natural experiment” to help isolate the causal impact of incarceration, adding that Virginia uses a scoring system to calculate the sentence recommended by sentencing guidelines where appropriate.

In the Spring, 2006, Stevenson published “Extermination Lawmaking and Judicial Review” in the Harvard Law Review. She also presented her current project, “Separation of Powers: Answers,” at the University of California, Berkeley, Colloquium on Courts and Judicial Process, at the Robin Hood Center’s Constitutional Law Conference and at the annual Civil Procedure Workshop. She was recognized for her scholarship by The University of California, Berkeley, Law Journal, which named her to the journal’s inaugural Emerging Scholars of the Year (page 6). In 2017, in Asia, she testified about state newspaper immunity before the Japanese judiciary Committee’s Subcommittee on the Constitution, Civil Rights and Civil Liberties Task Force.

In the Fall, she presented work with Daniel H. Fuchs and Andrew E. Park on “Carceral Determinants of Recidivism: A Social Network Approach to Recidivism Prediction,” a book on human dignity at the Yale University Conference and at the Harvard Law School; and presented work with Won-Jae Kim and Andrew W. Hanson on “The Cost of Second Chances: Impacts of Second Chances on Earnings,” at a conference at the University of California, Berkeley.

Megan Stevenson, who serves on the ABA board of directors, also presented the primary drafts of the final report of Ralph Northam’s Commission to Examine Racial Inequity in Virginia. Clinic students also worked with five individual members of the Virginia General Assembly to secure passage of four different pieces of legislation on topics including literacy, social determinants of health and juvenile delinquency prevention. The Virginia Literary Art Act comprehensively transplants the way Virginia teaches reading to its youngest students. At the local level, students worked with the city of Charlottesville to determine that the city had legal authority to expand its property tax exemption program.

Block was also part of a grant to the University’s libraries to digitize all of Virginia’s Jim Crow laws for public access.

Professor ADITYA BAMZAI became a member of the American Law Institute, the organization announced July 25.

There are now 32 members of the UVA Law faculty currently affiliated with the institute, which produces scholarly work meant to update or otherwise improve the law. The organization invites judges, lawyers and law professors from the U.S. and around the world who are selected on the basis of “professional achievement and demonstrated interest in improving the law.”

Bamzai, who joined the Law School faculty in 2016, teaches and writes about administrative law, civil procedure, computer crime and conflicts of law. He is affiliated with the school’s Center for Criminal Justice, LawTech Center and National Security Law Center, and its programs in Constitutional Law and Legal History, and Public Policy and Regulation.

In 2016, Bamzai argued Ortiz v. U.S before the U.S. Supreme Court as a rare independent amicus. The justices cited by name 15 times in the case, which tackled the scope of the court’s original and appellate jurisdiction under Article III. He has also argued cases relating to the separation of powers and national security in the Foreign Intelligence Surveillance Court of Review, the D.C. Circuit and other federal courts of appeals.

Before teaching, Bamzai served as an attorney-adviser in the Office of Legal Counsel of the U.S. Department of Justice, and as an appellate attorney in both private practice and for the National Security Division of the Department of Justice.

He clerked for U.S. Supreme Court Justice Antonin Scalia and Judge Jeffrey Sutton of the U.S. Court of Appeals for the Sixth Circuit.

Bamzai received his undergraduate degree from Yale University and his law degree from the University of Chicago Law School, where he was the editor-in-chief of the law review.

Alumni LYNDA BUTLER ’78, ROSCO JONES JR. ’93, MELISSA SAWER ’95, JAMES T. STEIN ’93 and ANDREW WRIGHT were also elected to the American Law Institute (see p. 69).

---Mike Fox
New research involving the University of Virginia is raising a red flag about a forgotten subset of the aging-boomer population: prisoners. The stakes are spelled out in “Persons Living with Dementia in the Criminal Legal System,” a report from the American Bar Association that was created in collaboration with UVA’s Institute of Law, Psychiatry and Public Policy, led by Professor Richard Bonnie ‘69, and the National Association of State Mental Health Program Directors.

An estimated 6.2 million Americans ages 65 and older currently have dementia, which is projected to increase to 12.7 million by 2050, according to the report. As the U.S. population ages and rates of dementia increase, the prevalence of dementia among people involved in the criminal legal system can also be expected to increase.

In fact, the number of prisoners 55 and older increased 400% from 1993 to 2013. Experts predict that this age group will make up a third of the prison population by 2050.

The nationwide stiffening of criminal sentencing during the late 1980s and 1990s—including lengthy mandatory terms—has contributed to the growth. In fact, the number of prisoners 55 and older increased 400% from 1993 to 2013. Experts predict that this age group will make up a third of the prison population by 2050. The nationwide stiffening of criminal sentencing during the late 1980s and 1990s—including lengthy mandatory terms—has contributed to the growth.

When consistent with public safety, people with dementia should be provided the same level of care and services as those without dementia. When consistent with public safety, people with dementia should be provided the same level of care and services as those without dementia.

Prisons and jails should also provide “therapeutic and protective conditions and programming for inmates with dementia,” Bonnie said.

“With systemwide tensions for case identification and response for all criminal justice personnel—including law enforcement, attorneys and judges, and particularly for correctional agencies,” Bonnie said. Bonnie highlighted a particularly troubling cycle in the pretrial process, when a defendant’s competence to stand trial is assessed. If the defendant is found incompetent, the court commits the defendant to inpatient care at a mental health facility. If competent, the court rules on the matter, and the report is sending a clarion call about the need to develop and implement an efficient method for dementia screening.

The nationwide stiffening of criminal sentencing during the late 1980s and 1990s—including lengthy mandatory terms—has contributed to the growth. In fact, the number of prisoners 55 and older increased 400% from 1993 to 2013. Experts predict that this age group will make up a third of the prison population by 2050.

When consistent with public safety, people with dementia should be provided the same level of care and services as those without dementia.
FACULTY NEWS

FACULTY NEWS

Fall 2022

accounts, and he currently teaches courses on the regulation of mutual funds and retirement return to full-time teaching and research.

Honorees from more than 400 candidates.

Practice Commentator selected Curtis' paper, "Do ESG

Curtis succeeds Professor

RISA GOLUBOFF

of the wonderful real-world

RACHEL HARMON

presented material

ENRIGHT '92, GIVENS

informed Reform. (In

Professor QUINT CURTIS was named associate dean for curricular program at the law school. His responsibilities include managing the Law School's varied curriculum and serving on the Curriculum Committee, recruiting and supporting student and faculty interests in teaching and coordinating experiential and dual-degree programs. A UVa Law offers a huge array of courses and clinics, and I'm looking forward to working with our faculty to make sure that our students have access to phenomenal classroom and real-world experiences." Curtis said. “One of the wonderful things about this law school: here dedicated to is quality teaching. I'm proud to help carry forward this tradition in this new role.

Curtis, a former Microsoft engineer who holds both a J.D. and a doctorate in finance from Yale University, joined the faculty in 2011. He has written extensively on the regulation of mutual funds and retirement accounts, and currently teaches courses on corporate law, securities and venture capital.

Curtis succeeds Professor GEORGE CHERNUK, who assumed the newly created position of associate dean for research this year and will return to full-time teaching and research.

“George has been a remarkable and inspiring new role,” Dean RISA GOLUBOFF said. “He has guided our curricular, inclusion and academic policies, and kept the trains running on time during a challenging period. We all owe him our thanks.”

Additionally, Curtis’ co-authored paper “‘Do ESG Mutual Funds Deliver on Their Promises?' was named one of the top 10 corporate and securities articles of the year 2040.

**MAURICIO GREGORI S.J. ‘18 and MICHAEL HAYASHI ‘22, received 2021 Special Mention award from the International Society of Public Law. Gilberto gave a lecture titled ‘The Law of Constitutional, Courts, and Economics’ to faculty and students at the University of Costa Rica, and he presented 'Positive Political Corruption,' co-authored with DEBRAH HELLMAN, at a virtual conference on election in September.

AMANDA FRIESE, who joined the faculty in August, had her most recent book published for the Mark Lysynt History of Law and Liberty series. She was awarded by the Foundation for the Columbia Journal School for the ‘规范s history that best combines intellectual distinct with fecu- lity of expression.’ The book, ‘You Are Not American Citizenship stripped from David Scott to the Dreamers,’ was published in 2021. She discussed this book on Texas Public Radio in September. She testified before the Senate Judiciary Committee’s hearing on transparency and accountability in cybersecurity, including presenting a guest lecture for a legal course at the U.S. Naval War College in May.

RISA GOLUBOFF moderated a June panel at the inaugural Civil Rights Laws on 100: The Law of Civility, ‘The Law of Ex- cess.’ The paper, ‘Medicine Winning Better Health for All, as They Relate to the Disproportionate Impact of On Pol’ for another paper. ‘Force and Flight,’ at faculty workshops at the Uni- versity of North Carolina School of Law and the Penn State Law School in 2021. She co-authored with former UVa Law professor Kimberly Keeler Berzon, the paper considers when force is necessary to achieve legitimate state ends and is nonetheless unjustifiable. It is part of a two-part series papers on Hernandez and justifies the decision-making justifications for polic- ies.

She was interviewed in February for tailer, ‘Public Policy, Expenditure and Defend Fire.’ The book is a comprehensive analysis of the costs and benefits of state- and federal-level fire policy. The book is a comprehensive analysis of the costs and benefits of state- and federal-level fire policy.

she tutored students at the college’s High School for the Blind.

ANDREW HARRIS, who published this year, ‘The Law and Criminal Justice of the United States’ in May at the University of Cin- cot of Pittsburgh. The paper was presented a draft of the paper at the Law of the Police Roundtable at the University of South Car-olina and the UVA Law faculty workshop. Similarly, at another paper, ‘Force and Flight,’ at faculty workshops at the Uni- versity of North Carolina School of Law and the Penn State Law School in 2021. She co-authored with former UVa Law professor Kimberly Keeler Berzon, the paper considers when force is necessary to achieve legitimate state ends and is nonetheless unjustifiable. It is part of a two-part series papers on Hernandez and justifies the decision-making justifications for polic- ies.

She was interviewed in February for tailer, ‘Public Policy, Expenditure and Defend Fire.’ The book is a comprehensive analysis of the costs and benefits of state- and federal-level fire policy. The book is a comprehensive analysis of the costs and benefits of state- and federal-level fire policy.

she tutored students at the college’s High School for the Blind.

ANDREW HARRIS, who published this year, ‘The Law and Criminal Justice of the United States’ in May at the University of Cin- cot of Pittsburgh. The paper was presented a draft of the paper at the Law of the Police Roundtable at the University of South Car-olina and the UVA Law faculty workshop. Similarly, at another paper, ‘Force and Flight,’ at faculty workshops at the Uni- versity of North Carolina School of Law and the Penn State Law School in 2021. She co-authored with former UVa Law professor Kimberly Keeler Berzon, the paper considers when force is necessary to achieve legitimate state ends and is nonetheless unjustifiable. It is part of a two-part series papers on Hernandez and justifies the decision-making justifications for polic- ies.

She was interviewed in February for tailer, ‘Public Policy, Expenditure and Defend Fire.’ The book is a comprehensive analysis of the costs and benefits of state- and federal-level fire policy. The book is a comprehensive analysis of the costs and benefits of state- and federal-level fire policy.
Professor RACHEL HARMON was named a recipient of one of this year’s All-University Teaching Awards, marking the seventh time in the past 10 years that another of the school’s faculties has been honored for their passion and dedication to the classroom.

“Students starting immediately push back and say: ‘No, we’re going to use this in the real world!’” Harmon said. “So I’m not only trying to teach them doctrine, I’m trying to give them tools to help them change the world.”

Harmon, a former federal prosecutor with the Department of Justice Civil Rights Division and a director of the school’s Center for Criminal Justice, is the Harrison Robertson Professor of Law. She joined the faculty in 2006.

She is a national and state leader and an associate reporter for AALS’s project on Principles of the Law of Policing. She regularly advises nonprofits and governement agencies on issues of policy and law.

In addition to teaching Law of the Police, Harmon teaches a battery of more conventional criminal justice classes, including criminal law, criminal procedure, and examining the Supreme Court’s approach to criminal jurisprudence.

Harmon’s courses are a hot commodity at the Law School, and students come into the classroom with a wide spectrum of political perspectives and life experiences.

As Dean RISA GOLUBOFF noted in her nomination letter, “These are difficult and controversial subjects. The cases are ripped from the headlines, and they involve experiences.

Harmon’s courses are a hot commodity at the Law School, and students

...
FACULTY NEWS

AHDET WINS AWARD FOR ARTICLE

PAYWALL AHDET won the Yale Law Journal’s inaugural Emerging Scholar of the Year Award in March. The award recognizes the achievements of early-career academics who have made significant contributions to legal theory and scholarship, according to the journal. It seeks robustness with the potential to drive improvements in the law and to spotlight the exceptional work of its honorees. The winner was selected by the journal’s editors.

YLA LAWYER | JANUARY 2023

NOICOLIET WINS AWARD FOR ARTICLE

CYNTHIA NOICOLIET, a legal historian, won the George and Ann Richards Prize for the best article published in the Journal of the Civil War Era in 2021, the journal announced July 9. Her essay, “William Henry Trescot: Pardom Broker,” appeared in the December issue. In the essay, she details the efforts of Trescot, an “executive agent” for the Confederate government, to secure pardons in order to prevent mass restoration of the federal government that had seized from low country planters during the war.

FACULTY NEWS IN BRIEF

CRITON, ROSS JOIN EMERGING SCHOLAR BOARD

KEVIN CRITON and BERTALL ROSS have joined the advisory board of the new Fair Elections and Free Mass Communication forum, co-founded by Eichensehr and Schwartzman. The forum, which aims to promote transparency and accountability in mass communication, was launched in June with a seminar on the constitutional implications of the unregulated growth of misinformation on social media.


—Mike Fox

SOFITOP COUNCIL ADDS CITRON

DANIELLE CITRON, director of the school’s Law Tech Center, will help expand and improve policies and products while respecting creator expression as a founding member of the media service provider’s Safety Advisory Council. “Our council members will advise our teams in key areas like policy and safety,” she said in a statement June 11. As a law professor at Brooklyn Law School, Citron has worked on issues of privacy, technology, and personal autonomy.

The European Journal of International Law awarded PAUL STEPHAN ‘77 and his co-editor, F. Albrecht, of Cleveland State University’s College of Law, the 2022 Steiner Award for Outstanding Con- tribution to the Field of Public International Law for their work on the Blogging the Law project. The project was launched in 2018 as a forum for legal blog posts and media articles. The blog has become an important source of legal scholarship and a platform for legal analysis.

The American Law Schools Chapter of the Association of University Professors, co-founded by Sullivan in 2022, was awarded the 2022 AALS Outstanding Chapter Award. The award recognizes the efforts of the chapter to promote the interests of law students and faculty, and to improve the quality of legal education.

The European Journal of International Law awarded PAUL STEPHAN ‘77 and his co-editor, F. Albrecht, of Cleveland State University’s College of Law, the 2022 Steiner Award for Outstanding Con- tribution to the Field of Public International Law for their work on the Blogging the Law project. The project was launched in 2018 as a forum for legal blog posts and media articles. The blog has become an important source of legal scholarship and a platform for legal analysis.

The American Law Schools Chapter of the Association of University Professors, co-founded by Sullivan in 2022, was awarded the 2022 AALS Outstanding Chapter Award. The award recognizes the efforts of the chapter to promote the interests of law students and faculty, and to improve the quality of legal education.

The European Journal of International Law awarded PAUL STEPHAN ‘77 and his co-editor, F. Albrecht, of Cleveland State University’s College of Law, the 2022 Steiner Award for Outstanding Con- tribution to the Field of Public International Law for their work on the Blogging the Law project. The project was launched in 2018 as a forum for legal blog posts and media articles. The blog has become an important source of legal scholarship and a platform for legal analysis.

The American Law Schools Chapter of the Association of University Professors, co-founded by Sullivan in 2022, was awarded the 2022 AALS Outstanding Chapter Award. The award recognizes the efforts of the chapter to promote the interests of law students and faculty, and to improve the quality of legal education.

The European Journal of International Law awarded PAUL STEPHAN ‘77 and his co-editor, F. Albrecht, of Cleveland State University’s College of Law, the 2022 Steiner Award for Outstanding Con- tribution to the Field of Public International Law for their work on the Blogging the Law project. The project was launched in 2018 as a forum for legal blog posts and media articles. The blog has become an important source of legal scholarship and a platform for legal analysis.

The American Law Schools Chapter of the Association of University Professors, co-founded by Sullivan in 2022, was awarded the 2022 AALS Outstanding Chapter Award. The award recognizes the efforts of the chapter to promote the interests of law students and faculty, and to improve the quality of legal education.

The European Journal of International Law awarded PAUL STEPHAN ‘77 and his co-editor, F. Albrecht, of Cleveland State University’s College of Law, the 2022 Steiner Award for Outstanding Con- tribution to the Field of Public International Law for their work on the Blogging the Law project. The project was launched in 2018 as a forum for legal blog posts and media articles. The blog has become an important source of legal scholarship and a platform for legal analysis.

The American Law Schools Chapter of the Association of University Professors, co-founded by Sullivan in 2022, was awarded the 2022 AALS Outstanding Chapter Award. The award recognizes the efforts of the chapter to promote the interests of law students and faculty, and to improve the quality of legal education.

The European Journal of International Law awarded PAUL STEPHAN ‘77 and his co-editor, F. Albrecht, of Cleveland State University’s College of Law, the 2022 Steiner Award for Outstanding Con- tribution to the Field of Public International Law for their work on the Blogging the Law project. The project was launched in 2018 as a forum for legal blog posts and media articles. The blog has become an important source of legal scholarship and a platform for legal analysis.

The American Law Schools Chapter of the Association of University Professors, co-founded by Sullivan in 2022, was awarded the 2022 AALS Outstanding Chapter Award. The award recognizes the efforts of the chapter to promote the interests of law students and faculty, and to improve the quality of legal education.

The European Journal of International Law awarded PAUL STEPHAN ‘77 and his co-editor, F. Albrecht, of Cleveland State University’s College of Law, the 2022 Steiner Award for Outstanding Con- tribution to the Field of Public International Law for their work on the Blogging the Law project. The project was launched in 2018 as a forum for legal blog posts and media articles. The blog has become an important source of legal scholarship and a platform for legal analysis.

The American Law Schools Chapter of the Association of University Professors, co-founded by Sullivan in 2022, was awarded the 2022 AALS Outstanding Chapter Award. The award recognizes the efforts of the chapter to promote the interests of law students and faculty, and to improve the quality of legal education.

The European Journal of International Law awarded PAUL STEPHAN ‘77 and his co-editor, F. Albrecht, of Cleveland State University’s College of Law, the 2022 Steiner Award for Outstanding Con- tribution to the Field of Public International Law for their work on the Blogging the Law project. The project was launched in 2018 as a forum for legal blog posts and media articles. The blog has become an important source of legal scholarship and a platform for legal analysis.

The American Law Schools Chapter of the Association of University Professors, co-founded by Sullivan in 2022, was awarded the 2022 AALS Outstanding Chapter Award. The award recognizes the efforts of the chapter to promote the interests of law students and faculty, and to improve the quality of legal education.

The European Journal of International Law awarded PAUL STEPHAN ‘77 and his co-editor, F. Albrecht, of Cleveland State University’s College of Law, the 2022 Steiner Award for Outstanding Con- tribution to the Field of Public International Law for their work on the Blogging the Law project. The project was launched in 2018 as a forum for legal blog posts and media articles. The blog has become an important source of legal scholarship and a platform for legal analysis.

The American Law Schools Chapter of the Association of University Professors, co-founded by Sullivan in 2022, was awarded the 2022 AALS Outstanding Chapter Award. The award recognizes the efforts of the chapter to promote the interests of law students and faculty, and to improve the quality of legal education.

The European Journal of International Law awarded PAUL STEPHAN ‘77 and his co-editor, F. Albrecht, of Cleveland State University’s College of Law, the 2022 Steiner Award for Outstanding Con- tribution to the Field of Public International Law for their work on the Blogging the Law project. The project was launched in 2018 as a forum for legal blog posts and media articles. The blog has become an important source of legal scholarship and a platform for legal analysis.
WHEN RONALD COASE AND GUIDO CALABRESI pioneered the application of economics to law in the early 1960s, they pushed efficiency, incentives and the "rational actor" into every facet of legal analysis. Now, more than 60 years later, a new book is an extension of that work.

UVA Law Vice Dean Michael Gilbert has teamed up with his mentor and former professor, Robert Cooter of the University of California, Berkeley, to take that analysis to the forefront of private law fields such as torts, contracts and property.

"We think about why public laws and regulations really achieve their goals. We use economic analysis to equip readers to lay out policy prescriptions but rather to understand the incentives behind those fundamental processes of law-making," Gilbert said. "Economics is built on a much deeper conception of the social good than that. Even if you reject that conception, you should still care about economics because of its focus on incentives. Law usually aims to change people's behavior, and it's easier to accomplish that with a thorough understanding of incentives.

The book was written over the course of six years, and much of the authors' time was spent figuring out how to organize the text into coherent and digestible topics that apply universally. "If you understand the economic forces behind those fundamental processes of law-making—bargaining, voting, entranching, delegating, adjudicating and enforcing—you'll understand a lot about public law." Gilbert and Cooter's goal is not necessarily to lay out policy prescriptions but rather to use economic analysis to equip readers to think about why public laws and regulations are enacted and whether they are likely to achieve their goals.

Gilbert was the inaugural director of the Law School's Center for Public Law and Economics, which is awarded in recognition of major contributions to the field.
ROSS LAUNCHES PROJECT EXPLORING WAYS TO INCENTIVIZE VOTER OUTREACH

Professor BERTHALL ROSS is betting he can fix the way low-income voters have been inadvertently shut out of the voting process because of how campaigns use voter history data.

“When that results in this contact gap between more wealthy and poor people, because those with low income tend not to vote,” said Ross, the Justice Thurgood Marshall Distinguished Professor of Law.

Ross and a co-author, University of Colorado law professor Douglas M. Spencer, outlined this theory in “Voter Data, Democratic Inequality, and the Risk of Political Violence,” a paper published in the Cornell Law Review in August.

Voter outreach has become more crucial as mass-media advertising has become obsolete, Ross argued, because face-to-face conversation might be the only opportunity a low-income voter has to learn when and where to vote, and how the ballot issues and candidates’ positions will affect their lives. In fact, one study found that face-to-face canvassing increased turnout by nearly 10 percent.

Conversely, because voting is often logistically difficult for low-income voters, the lack of contact from a campaign decreases the likelihood of them voting in the next election, Ross said. That “vicious cycle” then leads to their needs being ignored because there are no electoral consequences for shutting them out. Moreover, that sense of alienation can lead to political violence when the marginalized feel they no longer have a voice in the decisions being made. A Washington Post analysis cited in Ross’ paper looked at 125 people arrested for breaking into the Capitol during the Jan. 6 insurrection; of those, nearly 60% had histories of financial struggles, from unpaid taxes to bankruptcy and foreclosure.

The Karsh Center at the Law School was established in 2018 as part of a record $200,000 grant from the Arnold Foundation to study the long-term socioeconomic impacts of incarceration (see p. 59). Her article “Does Cash Bail Deter Misconduct?” will be published in the American Economic Journal: Applied Economics.

She presented at the National Bureau of Economic Research’s Summer Institute, the Harvard Program on Criminal Justice, the Harvard Roundtable on Racial Disparities in Massachusetts Criminal Courts and an annual meeting of the American Law and Economics Association. She appeared on Virginia Public Radio, WMRA, N3C29 and UVA Law’s “Common Law” podcast.

In January, she was elected chair of the Section on Law and Economics of the American Law and Economics Association. She appeared on Virginia Public Radio, WMRA, N3C29 and UVA Law’s “Common Law” podcast.

In September, EDWARD WHITE and KENNETH S. ABRAHAM participated in a UVA Law panel discussion of their recently published book, “Fort Law and the Construction of Change.”


The two also wrote the introductory chapter of a forthcoming book about the American Law Institute, “The Work of the All in Historical Context.”

He was in a sense one of the founders of the bar in that field, having litigated the first “mega-coverage” cases involving asbestos and pollution liability insurance,” Abraham said. “These cases led to important precedents that are still the seminal cases in the field.”

Sayler found that he enjoyed teaching so much that he moved to Charlottesville to join the faculty in the early 2000s. In the succeeding years, he launched much of the school’s coursework in oral advocacy and public speaking.

“His courses were incredibly popular, intellectually challenging and very practical, all at the same time,” Abraham said. “He took the material and his teaching seriously, but never took himself too seriously, although he was one of the great lawyers of his time. We were very lucky to have him here for so long.”

Sayler helped recruit Professor HOLLY BISHOP SHADES, a former Covington mentor, in 2004, when she was looking for a job in Charlottesville following work in the Justice Department.

“Bob said, ‘Let me help you get a job at the Law School,’” she recalled. “He was that kind of person, so generous and so interested in helping other people succeed.”

The pair regularly co-taught public speaking and oral advocacy courses until Sayler’s retirement in 2017, and together wrote and worked on two successive editions of a book, “Tongue-Tied America: Reviving the Art of Verbal Persuasion” (2012).

Though Sayler had designed the courses he asked Shades to join, he soon asked her to add on to the course to incorporate her own experiences. (continued on p. 72)
“That’s how he was at Covington & Burling, too,” she said. “He would take on young lawyers to mentor and would help them in their careers, never asking for any sort of acknowledgement of what he had done. He was just in your corner.”

At Covington, she added, Sayler was “a star.”

“Bob was one of first people to recognize that insurance coverage was a really fruitful place for litigators to explore,” she said. “Because of his expertise, Covington & Burling became known for insurance coverage litigation, and he brought that kind of real-world expertise into the classroom.”

Sayler spent three decades at the firm, eventually becoming head of the litigation department, and served on the firm’s management committee.

As a young lawyer, he argued before the Supreme Court in Richardson v. Wright in 1972, advocating for the rights of individuals facing termination of disability benefit payments.

In the 1980s and 1990s, he served as lead counsel on multiple cases holding insurance companies liable for claims exceeding $1 billion, including the Exxon Valdez disaster, environmental cleanup claims incurred against Boeing and defective breast implant claims.

His most notable win may have been the yearslong California case Sayler described as the “mother of all trials.” In Coordinated Asbestos Insurance Cases, he succeeded in forcing insurance companies to pay billions of dollars in asbestos claims, which would have bankrupted his manufacturer clients otherwise.

Sayler never lost a case as lead counsel while at Covington & Burling, and he was consistently cited as one of the “100 Most Influential Lawyers in America” in the National Law Journal’s triennial surveys.

Despite the heights he reached as a litigator, Sayler focused on helping others, Shadel said. Sayler and his wife, Marty Sayler, took Shadel and her husband out multiple times when she was new to town, and shepherded them to football and basketball games.

“Some of my fondest memories are of going to the basketball games to cheer on UVA or going to those football games and getting to enjoy his really terrific parking space, which was right by the stadium,” she said. “If you talk to lawyers at Covington & Burling, you would encounter many who experienced the same kind of generosity of spirit—young attorneys who were mentored by him who now are senior partners in positions of power and who still think very fondly of their interactions with Bob.”

C. BENJAMIN COOPER ’11, a partner at Cooper & Elliott, was a former student of Sayler and Shadel’s who eventually taught public speaking courses alongside both his former professors. He remembered Sayler’s sense of humor, whose jokes came “with a wry smile and a twinkle in his eye.”

“More than a decade later, I still remember a story Bob told about trying an insurance coverage case against Allstate,” Cooper said. “Bob’s argument to the jury was about how Allstate had promised coverage, promised his client would be ‘in good hands,’ but that the ‘good hands of Allstate came for their neck!’ It’s such a vivid and effective line, underscored with Bob’s sense of humor.”

Another former student and co-instructor, BEN SACHS ’09, said Sayler understood, and wanted students to understand, the power of words to change minds.

“He wasn’t just teaching students to deliver speeches; he was teaching how to make a connection,” said Sachs, who teaches Negotiation and Professional Responsibility at UVA Law and is the president of The Landing Group. “More than that, he showed how easily that connection can be broken by leaders who were unable or unwilling to consider the perspectives of those who disagreed with them. In that way, his classes were not merely about the craft of public speaking but about leadership itself, and the responsibility we all have as attorneys to embody the best of both.”

A graduate of Harvard Law School, Sayler joined Covington directly after his graduation in 1965. The firm offered oral advocacy courses to young associates because law schools seldom taught the subject to students then. Sayler, who had a 57-year career at the firm, eventually led those courses himself.

A statement the firm released called Sayler “unfailingly thoughtful, fair and focused on the firm’s best interests. As a mentor, he was extraordinarily generous in launching or boosting the careers of others, invariably deflecting credit away from himself.”

Sayler’s leadership extended beyond the firm. He had served as chair of the American Bar Association’s Litigation Section and as a member of the Coalition for Justice and Ad Hoc Committee on State Justice Initiatives. He also served as president of the board of the Legal Aid Society of Washington, and as a fellow of the American College of Trial Lawyers and of the American Bar Foundation.

The foundation for Sayler’s courses in oral advocacy was his undergraduate education at Stanford University, where he received a degree in rhetoric in 1962.

Each course started by covering Aristotle’s classical rhetorical values—ethos (credibility), pathos (emotional engagement) and logos (logic). “Those [qualities] are what we’re ultimately trying to project,” he said in the interview.

Shadel said he persuaded her that it was a helpful way to think about public speaking and advocacy.

“Those who are currently enrolled in classes like Hallmarks of Distinguished Advocacy or Oral Presentations In and Out of the Courtroom may never have met Bob Sayler in person, but they are being influenced by him because those are the principles that I continue to teach today,” Shadel said. “The fact that UVA has a robust public speaking program now is due to Bob Sayler.”

Sayler experienced a little pathos himself after seeing how far his students progressed during his courses.

He said in the 2017 interview that when the students give their final argument to the class, “they are so darned improved, I literally, literally have had tears in my eyes a couple of times.”

—Mary Wood

with reporting by Alec Sieber