

FACULTY

**SPORTS,
GAMES...
AND LAW?**

**RICHARD RE'S
NEW COURSE
GIVES STUDENTS
A FRESH TAKE**



RICHARD RE'S COURSE EXPLORES LAW OF SPORTS AND GAMES

Sarah Walsh, a former competitive cheerleader and current third-year UVA law student, was commuting to work over the summer when she learned of a new course taught by Professor **RICHARD RE** being offered in the fall.

"We're taking this, right!?" Walsh texted immediately to her friends and classmates Jack Brown and Parker Kelly.

"This" wasn't Torts or Legal Research or Contracts or any traditional law course. Rather, it had terms like "make-up calls" and "swallow the whistle" and "competitive hot dog eating" in its description.

"I was so excited," said Walsh, an Atlanta native and huge baseball fan.

The trio hasn't been disappointed by the course, Sports and Games.

"This course has helped me think a lot about adjudicating decisions in the real world, in a mundane context," Brown said. "I'm getting practical experience doing something I would never get otherwise. It's helped me with decision-making and has me thinking more clearly about what rules I'm creating, what rules I'm enforcing."

The course is based on "The Jurisprudence of Sport: Sports and Games as Legal Systems," a casebook co-written by law professors Mitchell Berman of the University of Pennsylvania and Richard Friedman of the University of Michigan. Re, a friend of Berman's, was sent the book, sparking his interest in creating a course.

"You can make a lot of the same points about discretion and the value of rules or the role society plays in managing adjudication in both sports and games, and law," Re said. "What's great about approaching it from the sports-and-games angle is we naturally shed a lot of the preconceptions that we bring with ourselves to the discussion of law. And we take on new preconceptions."

"So it's interesting to do a deep dive on these questions in a sports or games context and, then at the end of it, step back and say, 'OK, how does that compare with similar questions in law?'"

One Sports and Games class focused on a case close to Re's heart: the 2019 National Football Conference championship game, when an infamous no-call toward the game's end benefited the Los Angeles Rams and might have cost the New Orleans Saints a shot at the Super Bowl.

Re, a New Orleans native and lifelong Saints fan, opened the class by promising to try to stay impartial and to hold back tears as he played the clip of Rams defensive back Nickell Robey-Coleman leveling Saints receiver Tommylee Lewis before a pass arrived. The third-down play occurred with the game tied at 20 and under two minutes left in the game. Had officials called a pass interference penalty, there's a good chance the Saints could have run down the clock before kicking a game-winning field goal.

Instead, there was enough time on the clock for both teams to

trade field goals. The Rams eventually won in overtime, ending the Saints' season. Reacting to public outcry, the National Football League made all forms of pass interference and non-calls subject to video reviews the following season. That experiment, considered a failure, was discontinued after a year.

The breakdown of the play—and its fallout—led to a class discussion with several analogies to law.

Re said *Rucho v. Common Cause*, the landmark Supreme Court case in 2019 that ruled partisan gerrymandering is beyond the reach of the federal courts, would typically be analyzed in legal education through a federal courts or election law course. But Sports and Games provided the platform for Emma McLaughlin, a second-year student, to bring it up in a perhaps more relatable context.

What McLaughlin "saw as one of the main issues of debate in that case was the exact same issue that we're talking about in instant replay," Re said. "One of the main issues that was at stake in this very divisive case was if the federal courts get involved a little bit, what will happen the next time? Where do we draw the line for when we get involved and we don't get involved? If we dip our toe in, do we end up going all the way in the pool? If we give the mouse a cookie, will the mouse come back for more a thousand times?"

Re has been able to spark these kinds of discussions through several real-life sports examples. The list of clips he's played for the class include the controversial no-catch involving the Dallas Cowboys' Dez Bryant in the 2014 NFL

playoffs, tennis player Serena Williams' foot fault in the 2009 United States Open and even Anthony Poindexter's goal line stop of Warrick Dunn to cement UVA football's upset of Florida State University in 1995.

Walsh, who was eager to get her friends involved in this course, is now calling Sports and Games "easily my favorite class I've taken at the Law School."

Re, a Yale Law alumnus, is well aware of the rigorous law school curriculum, loaded with a notable amount of reading on dense topics. All he's tried to do this semester is offer a fresh—yet still worthy—break from the norm.

"One of the challenges in legal education sometimes—that I think UVA does a great job of overcoming—is you can have a problem where the student feels like they're getting kind of bogged down in rule, rule, rule," Re said. "There are huge books of these things, like hundreds of pages of these rules. That's great and it's important to learn these rules, but it's also important to step back and understand what we're doing here. And what is animating the rules and so forth."

"I think that's part of the theoretical perspective of what this course naturally lends itself to."

Re is the Joel B. Piassick Research Professor of Law.

—Andrew Ramsbacher



KENNETH S. ABRAHAM published "The Limits of Regulation by Insurance," co-authored with Daniel Schwarcz, in the *Indiana Law Journal* and "Shadow Tort Law: Lessons from the Reptile" in the *Columbia Law Review Forum*. He also presented "The Limits of Regulation by Insurance" at the Stanford Law School Law and Economics workshop on Nov. 17.



PAYVAND AHDOUT presented her project "Separation-of-Powers Avoidance" which will be published in the *Yale Law Journal*, at the University of Texas faculty workshop. She also participated at the Managerial Judges @ 40 Symposium at Yale Law School, reflecting on the 40th anniversary of Judith Resnick's seminal civil procedure article.



RACHEL BAYEFSKY's work on *Dobbs v. Jackson Women's*

Health Organization and reliance interests is forthcoming in the Harvard Law Review Forum. She taught a short course in December at the Hebrew University of Jerusalem. She presented her work on administrative stays, reliance issues in *Dobbs* and judicial institutionalism at various venues, including the Civil Procedure Workshop at Loyola University Chicago and the University of Arizona. In addition, she served as Scholar in Residence in Dignity Law at Widener University Delaware Law School.



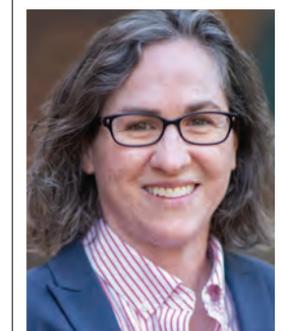
DANIELLE K. CITRON's book "The Fight for Privacy: Protecting Dignity, Identity, and Love in the Digital Age" was published in October, excerpted in *Wired* magazine, featured in the *Guardian UK* and *Prospect UK* magazine, and included among Amazon's top 100 books of the year. She also published "Presidential Privacy Violations" in the *Illinois Law Review* and "Intimate Privacy's Protection Enables Free Speech" in the *Journal of Free Speech*, as well as op-eds in *Slate* and *CNN*. She gave 15 talks about her book to TikTok, Microsoft, Spotify, a White House roundtable and the Federalist Society, among others. She authored "This is the Worst Time for Donald Trump to Return to Twitter" with Hany Farid, "Nancy Pelosi Is Blocking Landmark Data Privacy Legislation—for a Good Reason" with **ALISON GOCKE**, "Abortion Bans Are Going to Make Stalker-

ware More Dangerous" and "The End of Roe Means We Need a New Civil Right to Intimate Privacy" in *Slate*, and "The Most Disturbing Aspect of Vanessa Bryant's Case" in *CNN Opinion*.



KEVIN COPE recently published several articles in law and other academic journals. He published three articles on the topic of immigration and global migration: "Methods for Comparative Migration Law: Insights From the Social Sciences" in the *International Journal of Migration and Border Studies*; "Migrant-Family Separation and the Diverging Normative Force of Higher-Order Laws," co-authored with Dartmouth College professor Charles Crabtree, in the *Journal of Legal Studies*; and "Can Rights Discourse Diminish Support for Displaced Persons?," co-authored with Deakin University professor Shiri Krebs, in the *Journal of Immigrant & Refugee Studies*. Cope's article "Vaccine Passports as a Constitutional Right," co-authored with George Mason University professor Ilya Somin and UCLA professor Alexander Stremitzer, was published in the *Arizona State Law Journal*, and "The Global Evolution of Foreign Relations Law," a study co-authored with **PIERRE-HUGUES VERDIER** and **MILA VERSTEEG**, was published in the *American Journal of International Law*. In August, Cope organized and hosted a conference for his upcoming book

project, the Oxford Handbook of Comparative Immigration Law, for which he is co-editor. Cope also served as an organizer and co-president of the 2022 Conference on Empirical Legal Studies, for which UVA Law hosted over 250 empirical legal scholars from around the world.



ASHLEY DEEKS published a book chapter on the use of international countermeasures in cyber operations as part of a book, "The United States' Defend Forward Cyber Strategy: A Comprehensive Legal Assessment." This fall, she presented a book chapter, "National Security AI and the Hurdles to International Regulation," at Temple Law School; spoke on an International Law Week panel about secrecy in international law; discussed foreign affairs issues related to Russia, Saudi Arabia and Section 230 of the Communications Decency Act on "Rational Security," a Lawfare podcast; and participated in a book panel on U.S. foreign relations law at George Washington University Law School. In January, she participated in a Chatham House project on what acts render states parties and co-parties to an armed conflict. She also re-joined the U.S. State Department's Advisory Committee on International Law and became a member of the CIA General Counsel's Advisory Board.



KRISTEN EICHENSEHR published an essay, "Not Illegal: The SolarWinds Incident and International Law," in the *European Journal of International Law*. She edited the July issue of the *American Journal of International Law's* Contemporary Practice of the United States section, which was a special feature on the international response to Russia's invasion of Ukraine. Eichensehr hosted and moderated a discussion at UVA Law with Kal Raustiala of UCLA Law on his book "The Absolutely Indispensable Man." She moderated a panel on the "Economic Tools of National Security," at the ABA Standing Committee on Law & National Security's Annual Review of the Field of National Security Law, in Washington, D.C., in November. She delivered the Bonnie and Richard Reiss Lecture on Constitutional History and Law, "The Constitution and New National Security Threats," at the New York Historical Society in January. Eichensehr presented "National Security Creep in Corporate Transactions," co-authored with **CATHY HWANG**, at Columbia Law School, Princeton University and the Georgia Tech Internet Governance Project conference in the Hague. She and Hwang also co-authored blog posts about that paper for *Just Security*, *Lawfare* and the Harvard Law School Forum on Corporate Governance.

MICHAEL GILBERT'S 'PLEGGED' WOULD OFFER BOUNTIES FOR FALSE INFORMATION

As Vice Dean **MICHAEL GILBERT** sees it, the information you consume should be at least as reliable as the refrigerator in your kitchen.

Fed up with fake news—as well as false accusations of fake news—Gilbert teamed up with co-author Yonathan Arbel, a University of Alabama law professor, to create a system that incentivizes newspapers and politicians to tell the truth by rewarding anyone who catches them in a lie.

Together, they sketched out the idea for this truth-seeking missile in a working paper, “Truth Bounties: A Market Solution to Fake News,” recently published in the SSRN database.

In September, they incorporated a nonprofit, called Pledged, to implement the idea. Their system would put the equivalent of a warranty sticker on websites that have pledged to tell the truth, the whole truth and nothing but the truth.

“It’s a way of saying, ‘If what I’m telling you turns out not to be true, I have to pay for it,’” Gilbert said. “It’s a warranty on speech, and that warranty gives consumers confidence that this must be a good product.”

Gilbert, co-author of the book “Public Law and Economics,” teaches courses on election law, legislation, and law and economics at UVA. He has long stewed over the problem of policing lies without running afoul of the Constitution’s free speech protections. In late 2018, he ran across a short blog post by Arbel, calling the infamous 19th-century “Carbolic Smoke Ball” advertisement the first truth bounty. The ad promised to pay 100 pounds to any consumer who used the smoke ball but still contracted influenza. The bounty would be drawn from a 1,000-pound bond the company had deposited at a bank.

“Under the simplest version of this, a freelancer

who’s posting a story on Medium could use their credit card to make a payment to a third-party that holds the money in escrow during a challenge period,” Gilbert said of his policing mechanism. “But there are other ways to do it—The New York Times or Fox News or The Wall Street

Journal or whatever could pay an insurer a premium, and then the insurer would be on the hook to pay if somebody proved the story was false.”

Arbel and Gilbert are now considering the details of how such a system would work.

Besides building a website presence and discussing the problem with psychologists and economists, the Pledged co-founders have been in conversations with potential partners who could provide funding, technology and programming, and arbitration services.

“It’s like a chicken-and-egg problem,” Gilbert said. “Once the system is operating, one can imagine it sustaining itself at a pretty low cost, but

getting the system operating is expensive, and we need to get people to use the system when they don’t yet know it and don’t necessarily trust it.”

It’s unclear whether a truth-bounty system would lead to more truthful media and politicians or a more discerning public. Gilbert stressed that there is a limit to what even the most well-designed system could do for democratic politics.

“Unfortunately, many people who consume media and news aren’t interested in the truth. They’re interested in having people parrot what they already believe. Our system can’t make a difference for people like that,” Gilbert said. “But there are other people out there who really do want the truth and are just confused—they can’t tell the good sources from the bad—and for them, I think the system could really help.”

—Melissa Castro Wyatt



MICHAEL GILBERT was a visiting professor at Université Panthéon-Assas in Paris, where he taught a course on election law and presented his paper, “Truth Bounties: A Market Solution to Fake News.” He presented the same paper at the Maryland Carey Law Virtual Constitutional Law and Economics Workshop and the Midwest Law and Economics Association meetings at the University of Chicago. He co-founded a nonprofit organization named Pledged (see sidebar) that uses the truth bounty mechanism developed in the paper to combat misinformation. Gilbert taught virtual courses at Universidad Torcuato di Tella in Argentina and the Center for American Studies in Poland. His chapter “Political Corruption,” co-authored with Deborah Hellman, is forthcoming in the “Oxford Handbook of American Election Law.”



RISA GOLUBOFF was appointed to the Permanent Committee for the Oliver Wendell Holmes Devise and joined the Equal Justice Works board (see p. 57). She spoke to the Richmond Bar Association on “An Eloquence of Lawyers: Free Expression in the

Legal Profession” and moderated a panel at the Conference on Best Practices for Law School Data at Harvard Law School. She interviewed Justice **JOHN CHARLES THOMAS '75** about his memoir “The Poetic Justice” at both the Law School’s MLK Day Celebration and the Virginia Festival of the Book at James Monroe’s Highland estate. In February, she lectured on the state of civil rights at the U.S. Army Judge Advocate General’s Legal Center and School in Charlottesville.



RACHEL HARMON presented her article “Law and Orders” at the Law of the Police roundtable at the University of South Carolina. The article argues that, although verbal commands are central to policing, they are misunderstood and under-regulated. As a result, police officers get inadequate guidance about commands and often give commands that lack solid legal authority or violate due process. The article will be published by Columbia Law Review this spring. She presented her article “Force and Flight,” co-authored with Kimberly Kessler Ferzan, to the Penn State law faculty. The article explores the theoretical justifications for police uses of force against fleeing suspects and concluded that the law broadly permits force that morality prohibits. The article is forthcoming in Criminal Law and Philosophy. She organized and hosted the “Police Use of Force

Theory Roundtable” from Sept. 9-10, gathering philosophers and legal scholars to build an agenda for theoretical work on policing and force. She also served as a panelist at the Lawyers’ Committee for Civil Rights conference “Towards Accountability: Challenging Police Unions in the Fight for Racial Justice.”



ANDREW HAYASHI published “The Small and Diversifying Network of Legal Scholars: A Study of Co-Authorship from 1980-2020” in the Virginia Law Review Online. He presented his article “Tax Law Enforcement and Redistributive Politics” at Duke Law School, the University of Florida, the University of Wisconsin, the University of Toronto and the Canadian Law & Economics Association annual meeting, and he presented his paper “Law & Economics for Empaths,” co-authored with **MICHAEL GILBERT**, at Cornell Law School. Hayashi also participated in a symposium at the University of North Carolina on recent developments in the law of sanctions, at which he presented “Tax Sanctions and the Russia-Ukraine Conflict,” co-authored with **ASHLEY DEEKS**. He also presented “Technology, Markets, and the Income Tax Frontier” at a conference on the regulation of digital platforms at the University of Southern California. In November, he taught the short course Property, Taxes and Theology at the Pepperdine Caruso School of Law.

HARMON WINS STATEWIDE OUTSTANDING FACULTY AWARD

Professor **RACHEL HARMON** has been named a recipient of the 2023 Outstanding Faculty Award, sponsored by the State Council of Higher Education for Virginia and Dominion Energy.

The awards, announced in December, recognize faculty at Virginia’s institutions of higher learning who exemplify the highest standards of teaching, scholarship and service. The 12 winners were recognized at a ceremony March 7 in Richmond. UVA biology professor Amanda K. Gibson also received the award.

The University’s nomination said of Harmon, “Although her classes deal with difficult questions about race, crime, policing and violence, Professor Harmon uses a rare blend of professional experience, academic mastery, and emotional intelligence to ensure that students with diverse perspectives engage each other with rigor and respect.”

Harmon is the Harrison Robertson Professor of Law, the Class of 1957 Research Professor of Law and director of the Law School’s Center for Criminal Justice.

A leading scholar on policing and the laws that regulate police behavior, Harmon joined the faculty in 2006 after spending eight years as a federal prosecutor in the U.S. Department of Justice’s Civil Rights Division and the U.S. Attorney’s Office for the Eastern District of Virginia.

Her 2021 casebook, “The Law of the Police,” was the first resource for students and others seeking to understand and evaluate how American law governs police interactions with the public. She was also a recipient of an All-University Teaching Award last spring.

Students and colleagues have praised Harmon for creating a respectful space for exchanging ideas about challenging topics.

“She encourages everyone to speak up,” Dean **RISA GOLUBOFF** wrote about Harmon. “Students from across the ideological spectrum flock to her courses and gush about her thoughtful and evenhanded approach.”

Her teaching methods, long office hours and willingness to share life advice have had an impact on multiple students beyond law school, including some who have gone into law enforcement.

JUHI DESAI '23, then president of the Student Bar Association, called Harmon a “dynamic, brilliant and innovative” educator.

Harmon is a member of the American Law Institute and serves as an associate reporter for ALI’s project on Principles of the Law of Policing. She advises nonprofits and government actors on issues of policing and the law, and in the fall of 2017, served as an expert for the “Independent Review of the 2017 Protest Events in Charlottesville, Virginia.”

University President **JIM RYAN '92** was the last UVA law professor to win the award, in 2011.

Harmon earned her B.S. from the Massachusetts Institute of Technology, two M.Sc. degrees from the London School of Economics as a Marshall Scholar and her J.D. from Yale Law School. After law school, she clerked for Justice Stephen Breyer at the U.S. Supreme Court.

—Mike Fox



VIRGINIA BAR ASSOCIATION HONORS HOWARD '61 WITH HIGHEST AWARD

Professor **A. E. DICK HOWARD '61**, a scholar who helped draft the state's current constitution, has received the Virginia Bar Association's top award.

The Gerald L. Baliles Distinguished Service Award, renamed in 2008 for the former governor and 1967 Law School graduate, recognizes



➤ **A. E. Dick Howard '61** received the Virginia Bar Association's Gerald L. Baliles Distinguished Service Award on Jan. 20.

and appreciates exceptional service and contributions to the bar and public at large, according to the VBA.

Award recipients were recognized Jan. 20 during the VBA's annual meeting in Williamsburg.

Howard is the Warner-Booker Distinguished Professor of International Law and an expert in the fields of constitutional law, comparative constitutionalism and the U.S. Supreme Court, where he clerked for Justice Hugo L. Black.

Howard was executive director of the commission that wrote Virginia's current constitution and directed the successful referendum

campaign for its ratification. He has been counsel to the General Assembly and a consultant to state and federal bodies, including the U.S. Senate Judiciary Committee. From 1982-86, he served as counselor to the governor of Virginia, and he chaired Virginia's Commission on the Bicentennial of the United States Constitution.

"It could not be more fitting than to honor Professor Dick Howard in this manner," said UVA Rector **WHITTINGTON W. CLEMENT '74**. "His writing of the 1971 Virginia constitution and his commentaries about the document over the years have had a profound influence upon the legislature, state judges, lawyers and millions of Virginians."

In his acceptance speech, Howard lauded the lawyers he worked with throughout his career, including Black and Virginia's constitutional commissioners. He also thanked and celebrated the UVA Law students he has taught and collaborated with in 60 years of teaching.

"My students have gone on to be Supreme Court law clerks, governors, appellate court judges, ambassadors, academic stars," Howard said. "I do not take credit for their accomplishments. But I thank them for reminding me why I love the classroom—why teaching is at the heart of my professional life."

Howard is a VBA Life Member and serves on its Committee on Special Issues of National & State Importance.

After his experience with Virginia's Constitution, Howard was often consulted by constitutional draftsmen in other states and abroad. He has compared notes with revisers at work on new constitutions in Brazil, Hong Kong, the Philippines, Hungary, Czechoslovakia, Poland, Romania, Russia, Albania, Malawi and South Africa.

"Few Virginians—actually very few Americans—have played a greater role in the development of constitutions and the rule of law than Dick Howard," said former VBA President **PHILLIP STONE SR. '70**.

Previous recipients include Baliles, Clement, UVA Law Dean Emerson Spies, U.S. Sen. **WILLIAM SPONG JR. '47**, state Sen. **HUNTER B. ANDREWS '48** and state Secretary of Natural Resources **W. TAYLOR MURPHY JR. '60**.

Chief Justices **CYNTHIA D. KINSER '77** and **DONALD W. LEMONS '76** and Justices **GEORGE M. COCHRAN '36**, **ELIZABETH LACY LL.M. '92** and **JOHN CHARLES THOMAS '75** of the Supreme Court of Virginia have also received the honor.

Also at the annual meeting, **JENNIFER L. LIGON '10**, a partner at Williams Mullen in Richmond, received the Sandra P. Thompson Award, the VBA Young Lawyers Division's highest honor.

—Mike Fox



DEBORAH HELLMAN spent the fall semester as the Robert Braucher Visiting Professor of Law at Harvard Law School. She also presented a draft of her paper "Defining Disparate Treatment" at three workshops: the Law & Philosophy Workshop at Harvard Law School, the Department of Philosophy workshop series at Northeastern University and the Boston University School of Law faculty workshop. In addition, she participated in a roundtable hosted by the Brookings Institution on "Opportunity After Neoliberalism."



CATHY HWANG'S papers "The Lost Promise of Private Ordering," co-authored with professors Jeremy McClane of the University of Illinois and Yaron Nili of the University of Wisconsin, and "Nonparty Interests in Contract Law," co-authored with professors Omri Ben-Shahar of the University of Chicago and David A. Hoffman of the University of Pennsylvania, were accepted by the Cornell and University of Pennsylvania law reviews, respectively. She presented "The Lost Promise of Private Ordering" at the Conference on Empirical

Legal Studies in November and the Conference on Empirical Legal Studies in Asia in December; "Collaborative Intent" at the University of Texas School of Law faculty workshop in September; and "National Security Creep in Corporate Transactions," co-authored with **KRISTEN EICHENSEHR**, at the Drexel University School of Law faculty workshop in September. She gave a public lecture, "Why Study Business Law?," at National Taipei University in December. She was an invited speaker at the Conference of Empirical Legal Studies in Asia at Academia Sinica in Taipei, where she presented "The Lost Promise of Private Ordering" and gave a talk on "Writing of Law Reviews." Three of her papers—"Deal Structure," "Deal Momentum" and "Unbundled Bargains"—were cited in the new casebook "Intellectual Property Licensing & Transactions: Theory & Practice," by Jorge Contreras and published by Cambridge University Press.



CALE JAFFE '01 will serve as a distinguished climate law scholar in residency during the 2023 Summer Session at Vermont Law and Graduate School in South Royalton, Vt. (see p. 56). In Charlottesville, Jaffe is serving on a University committee studying the potential and pitfalls of carbon offsets. This past spring, he co-authored with **ASPEN ONO '23**, "Ripple Effect: The Non-Water Quality Values that the Clean Water Act Protects," which will be published as a chapter in a

forthcoming book on environmental law in American and European Union courts. He has also authored an essay on the role of legal ethics in environmental justice advocacy, which was published online in ABA Trends, a newsletter of the American Bar Association's Section of Environment, Energy, and Resources. Under Jaffe's direction, the Environmental Law and Community Engagement Clinic has continued to work with clients on diverse matters involving environmental justice and energy policy. Most recently, the clinic has represented the Virginia Energy Efficiency Council in proceedings before the Virginia State Corporation Commission, giving students a first-hand opportunity to learn about litigation in a regulatory context.



DOUGLAS LAYCOCK filed an amicus brief in support of certiorari at the U.S. Supreme Court in *Groff v. Dejoy* and, after cert was granted, an amicus brief on the merits. The case asks the court to reconsider its interpretation of an employer's duty to accommodate its employees' religious practices under Title VII of the Civil Rights Act of 1964. **GEORGE RUTHERGLEN, RIP VERKERKE**, and other religious liberty and employment law scholars from around the country joined these briefs. He recently published "Restatement (Third) of Torts: Remedies (Council Draft 2, 2022)," with UCLA professor Richard L. Hasen and the American Law Institute;

JEFFRIES CO-LEADS ALI PROJECT EXAMINING CONSTITUTIONAL TORTS

Professor **JOHN C. JEFFRIES JR. '73** will co-lead the American Law Institute's project evaluating liability for constitutional violations under federal law.

The ALI approved the project, a restatement of constitutional tort law, in October, with Jeffries and Stanford Law School professor Pamela S. Karlan serving as reporters. Karlan is a former UVA Law professor.

The restatement will examine the law of Section 1983, which provides an individual the right to sue state government employees and others acting "under color of state law" in federal court for violations of federal law. The project also will cover *Bivens* actions, the analogous cause of action for violations by a federal officer. (The U.S. Supreme Court ruled in *Bivens v. Six Unknown Named Agents of the Federal Bureau of Narcotics* in 1971 that individuals have an implied cause of action against federal government officials who have violated their constitutional rights.)

Among other topics, the restatement will cover governmental immunities from suit, local government liability for official policy or custom, and restrictions on Section 1983 actions imposed by the Prison Litigation Reform Act and the overlapping law of federal habeas corpus.

Jeffries said documenting the law of qualified immunity for various rights and in various situations is likely to be the largest single topic in the restatement.

"Whether under Section 1983 or *Bivens*, immunity is the largest single topic in the law of constitutional torts," he said. "The president has an immunity that no state officer can claim, but otherwise state and federal defendants are parallel."

Legislative, judicial and some prosecutorial functions also trigger absolute immunity, Jeffries said, and the boundaries of absolute immunity are not always clear and are intensely controversial. Executive officers enjoy qualified immunity, the contours of which are complicated and contested, he said.

ALI's restatements of the law are primarily addressed to courts and aim at clear formulations of common law and its statutory elements, and reflect the law as it presently stands or might appropriately be stated by a court.

Jeffries, a David and Mary Harrison Distinguished Professor of Law, joined the faculty two years after earning his law degree in 1973. Jeffries has co-authored casebooks in civil rights, federal courts and criminal law, and has published a variety of articles in those fields. He also wrote a biography of Justice Lewis F. Powell Jr.

Jeffries previously served as dean of the Law School from 2001-08 and as senior vice president for advancement at the University from August 2018 to January 2021. In addition to teaching in the Law School, he serves as counselor to UVA President **JIM RYAN '92**.

Jeffries is a member of the American Law Institute and of the American Academy of Arts and Sciences.

—Mike Fox



LAYCOCK, ROSS RECOGNIZED BY AALS

Professors **DOUGLAS LAYCOCK** and **BERTRALL ROSS** were recognized for their scholarship by the Association of American Law Schools at the group's annual meeting in January.

Laycock won the remedies section's Lifetime Scholarly Achievement Award, and Ross was runner-up in the election law section's Distinguished Scholarship category.

Laycock, who also is a professor of religious studies at UVA, is the Class of 1963 Research Professor in honor of Graham C. Lilly and Peter W. Low, and the Robert E. Scott Distinguished Professor of Law.

He is perhaps the nation's leading authority on the law of religious liberty and also on the law of remedies (see story on p. 42). Laycock has taught and written about these topics for more than four decades at the University of Chicago, the University of Texas and the University of Michigan, as well as at UVA.

He has testified frequently before Congress and has argued many cases in the courts, including the U.S. Supreme Court, where he has served as lead counsel in six cases and has also filed influential amicus briefs. Laycock is the author (co-author in the most recent edition) of the leading casebook "Modern American Remedies," the award-winning monograph "The Death of the Irreparable Injury Rule" and many articles in leading law reviews. His writings on religious liberties were recently republished in a five-volume collection.

Laycock resigned as vice president of the American Law Institute and from its Council to become co-reporter for the "Restatement (Third) of Torts: Remedies." He is also a fellow of the American Academy of Arts and Sciences.

He earned his B.A. from Michigan State Univer-

sity and his J.D. from the University of Chicago.

Ross, who joined the faculty in 2021, is the Justice Thurgood Marshall Distinguished Professor of Law and a director of the school's Karsh Center for Law and Democracy.

He teaches and writes in the areas of constitutional law, constitutional theory, election law, administrative law and statutory interpretation. Ross' research is driven by a concern about democratic responsiveness and accountability, as well as the inclusion of marginalized communities in administrative and political processes.

Ross' past scholarship has been published in several books and journals, including the Columbia Law Review, New York University Law Review and the University of Chicago Law Review. Two of his articles were selected for presentation at the Yale/Harvard/Stanford Junior Faculty Forum.

Ross has also been awarded the Berlin Prize from the American Academy in Berlin, the Princeton University Law and Public Affairs Fellowship, the Columbia Law School Kellis Parker Academic Fellowship and was a 1999 Marshall Scholar. Ross is currently serving on the Administrative Conference of the United States and recently served on the Presidential Commission on the Supreme Court. He is also a member of the American Law Institute.

He earned his B.A. from the University of Colorado, M.Sc. from the London School of Economics, M.P.A. from Princeton University's School of Public and International Affairs, and J.D. from Yale Law School.

Winners were acknowledged during an awards ceremony at the 2023 AALS Annual Meeting.

—Mike Fox

"The Only Way Forward," on the religious liberty protections in the Respect for Marriage Act, in *Commonweal* magazine; and "Perspective: The Respect for Marriage Act shows that compromise is the way forward," in *Deseret News*. His co-authored letter in support of the Respect for Marriage Act was cited on the Senate floor. Laycock is retiring from teaching at UVA Law in May (see p. 42).



This past December, **MICHAEL A. LIVERMORE** delivered a keynote address at the Conference on Empirical Methods in Natural Language Processing in Abu Dhabi, United Arab Emirates. His talk, at the Natural Language Processing Workshop, focused on the distinction between "law-as-code" and "law-as-data" approaches to computational law, and the potential for the two perspectives to be combined through hybrid models. He continues to convene the Online Workshop on the Computational Analysis of Law, a scholarly forum for cutting-edge research applying computational techniques to legal data. Presenters this spring include Columbia University professor Kellen Funk, George Mason University history professor Lincoln Mullen and Amit Haim of Stanford University. Livermore also recently launched the second season of his podcast "Free Range with Mike Livermore," sponsored by the Law School's Program on Law, Communities, and the Environment (PLACE), which can be found on Apple Pod-

casts, Spotify and other podcast platforms. Guests this spring include Rutgers University philosopher Alex Guerrero, Cornell University professor Jed Stiglitz and acclaimed environmental author Emma Marris.



RUTH MASON published "Solidarity Federalism," with Northwestern University professor Erin Delaney, in the *Notre Dame Law Review*. In *Tax Notes*, she published "Ding-Dong! The EU Arm's-Length Standard is Dead!" and "A Wrench in the GLOBE's Diabolical Machinery." She spoke at the Organisation for Economic Co-operation and Development Panel at the International Fiscal Association Congress in Berlin; at the International Tax Policy Forum in Washington, D.C.; and at the ABA Tax Section online. She also presented "Bibb Balancing" at the University of California, Irvine; the University of Florida; and UVA.



GREG MITCHELL published "Error Aversions and Due Process," with Duke University professor Brandon Garrett, in the *Michigan Law Review*; "Are Progressives in Denial About

Progress? Yes, But So Is Almost Everyone Else," with University of Pennsylvania professor Philip Tetlock, in *Clinical Psychological Science*; "Keep Your Enemies Close: Adversarial Collaborations Will Improve Behavioral Science" and "The Road Less Traveled: Understanding Adversaries Is Hard but Smarter Than Ignoring Them," with University of Pennsylvania professor Cory Clark, Thomas Costello of MIT and Tetlock, in the *Journal of Applied Research in Memory and Cognition*; and "The Internal Validity Obsession," with Tetlock, in *Behavioral & Brain Sciences*. In addition, Mitchell presented new data on public views of nondisclosure clauses in settlement agreements at William & Mary Law School this spring.



JOHN MONAHAN recently co-authored an article, "The Empirical Case for Pretrial Risk Assessment Instruments," in the journal *Criminal Justice and Behavior*. The 10th edition of the casebook he produced with his late co-author Laurens Walker, "Social Science in Law," also appeared in 2022. Monahan co-authored "Pretrial Risk Assessment, Risk Communication, and Racial Bias," pending in the journal *Criminal Justice and Behavior*. Monahan directs a research project for the John D. and Catherine T. MacArthur Foundation's Safety and Justice Challenge program on ways to improve pretrial risk assessment. He also serves

on the advisory board for Advancing Pretrial Policy & Research, a project supported by Arnold Ventures.



Last fall, **THOMAS B. NACHBAR** was named a senior fellow of UVA's Miller Center. In February, he lectured on war crimes as part of the "Great Decisions" series at Coastal Carolina University. His most recent article on antitrust, "Qualitative Market Definition," was published in Volume 108 of the *Virginia Law Review*. He continues his Army Reserve service as an adjunct professor of national security law at the U.S. Army Judge Advocate General's Legal Center and School.



MOIRA O'NEILL is leading the research component of California's Department of Housing and Community Development Policy and Practice Review of San Francisco. The state approached her to support this work because of the research she completed for the California Air Resources Board, which she discussed with **MICHAEL LIVERMORE** on a "Free Range with Mike Livermore" podcast episode posted in September.



DANIEL R. ORTIZ acted as counsel of record in *Jones v. Hendrix* before the U.S. Supreme Court. The case concerns the availability of habeas relief for prisoners who, abiding by circuit precedent, did not challenge their convictions when the Supreme Court later made clear that they are legally innocent under the relevant statute of conviction. After the court granted cert, he supervised the drafting of the opening merits brief and of the merits reply brief with a team of students in the clinic and argued the case on Nov. 1. He also worked on several other clinic cases. Ortiz helped prepare the cert petition in *Rodriguez v. Burnside*, which asks whether in deciding a constitutional challenge to a prison policy, a court may consider only proposed alternatives that would apply on a prison-wide scale or also more narrow alternatives that would apply only to the individual plaintiff.



SAIKRISHNA PRAKASH spent the fall at Yale Law School as the Doyle-Winter Distinguished Professor of Law. While at Yale, he presented his

paper "A Commander in Chief" to the faculty workshop. His piece with **ADITYA BAMZAI**, "The Executive Power of Removal," came out in the *Harvard Law Review* in April 2023.



KIMBERLY JENKINS ROBINSON is currently writing a book for Harvard University Press. She published "Reactions to the Biden Administration's Proposed Title IX Changes from Education Law Scholars," with the Brookings Institution on June 30. Her speaking engagements included moderating "Blackness and Bodily Autonomy: A Historical Analysis of the Fight for Black Health Liberation" at the Law School's seventh annual Shaping Justice Conference on Feb. 3; moderating "The COVID-19 Equity Impacts on Schools" at the American Association of Law Schools on Jan. 5; moderating "Why Do We Teach U.S. History?" at the 24th annual conference of the Gilder Lehrman Center for the Study of Slavery, Resistance, and Abolition at Yale University on Nov. 5; guest lecturing on "Education & Civil Rights" at the West Virginia University College of Law on Oct. 19; guest lecturing on "A Federal Right to Education" at the Michigan State University School of Education, Oct. 4; and speaking on "Constitutional Debates Regarding a Federal Right to Education" for Constitution Day at John Hopkins University on Sept. 19.

FACULTY HONORS IN BRIEF

CITRON'S BOOK RECOGNIZED BY AMAZON



Amazon.com recognized Professor **DANIELLE CITRON'S** latest book, "The Fight for Privacy: Protecting Dignity, Identity and Love in the Digital Age," as among the best business and leadership books of 2022. The book makes the case for understanding intimate privacy as a civil and human right, and offers a roadmap for law, industry and individuals to protect those rights. Citron is the Jefferson Scholars Foundation Schenck Distinguished Professor in Law, the Caddell and Chapman Professor of Law and director of the school's LawTech Center.

JAFFE NAMED DISTINGUISHED SCHOLAR



Professor **CALE JAFFE '01** was named a Vermont Law and Graduate School Environmental Law Center Distinguished Summer Scholar for 2023. During his two-week residency at Vermont as a climate law scholar, he will deliver a public lecture, participate in social events on campus, and meet with students and faculty. Jaffe directs the Environmental Law and Community Engagement Clinic at UVA.



ELIZABETH ROWE published the 2022 update to "Selected Intellectual Property, Internet and Information Law Statutes, Regulations, and Treaties," co-edited with Mitchell Hamline School of Law professor Sharon Sandeen, with West Academic Publishing. She published the article "Procuring Algorithmic Transparency," with Nyja Prior, in the Alabama Law Review. She presented "Procuring Algorithmic Transparency" at the University of Washington School of Law and on the topic of trade secrets and inevitable disclosure and noncompete agreements at the American Intellectual Property Lawyers Association's midyear meeting. She served as a panelist for the Research and Innovation Roundtable at Penn State Dickinson Law and discussed equitable relief in trade secret cases at the Sedona Conference Working Group on Trade Secrets.

His article "A Frame Without a Picture: On the Relevance of Law to the Decision of Hard Cases," previously presented at a Karsh Center for Law and Democracy conference in the summer, and earlier presented at the University of the Faroe Islands, was published in the Faroese Law Review. "On the Relationship between Law and Legal Reasoning," published in "New Essays on the Nature of Legal Reasoning," published by McBride & Penner. The 14th edition of his book "Constitutional Law," co-authored with Michael C. Dorf of Cornell Law School and Richard H. Fallon Jr. of Harvard Law School, was published by the West Publishing Co., as was the eighth edition of "The First Amendment," co-authored with Jesse Choper of the University of California, Berkeley, School of Law. Schauer gave lectures on the origins of modern legal positivism at a master course on legal theory at Goethe Universität in Frankfurt, Germany. He lectured about his book "The Proof" to Massachusetts trial and appellate judges at the Flaschner Judicial Institute in Boston and conducted a podcast interview about the book with the New Books Network. He was also a panelist at the Seventh Circuit symposium on stare decisis in Chicago.



PRESIDENT APPOINTS GOLUBOFF TO SUPREME COURT HISTORY COMMITTEE

Dean **RISA GOLUBOFF** has been appointed to a federal committee that documents the history of the U.S. Supreme Court.

President Joe Biden announced Goluboff's appointment to the Permanent Committee for the Oliver Wendell Holmes Devise on March 2.

According to a White House press release, the committee, within the Library of Congress, was established by Congress in 1955 after Justice Oliver Wendell Holmes Jr. bequeathed a portion of his estate to the United States in 1935. Congress used the gift to establish the committee, which is charged with documenting and disseminating the history of the court by publishing a series of volumes.

Composed of the librarian of Congress and four additional members appointed by the president for an eight-year term, the committee has published 11 volumes as of January 2022. UVA Law professor **G. EDWARD WHITE** has also served as a member on the committee, and co-authored the third and fourth volumes, "The Marshall Court and Cultural Change, 1815-35."

"This is a wonderful honor to accept—many historians I admire have worked on the project—and I look forward to helping to document the history of the Supreme Court through this important work," said Goluboff, who holds a Ph.D. in history from Princeton University.

Goluboff is the 12th, and the first female, dean of the Law School. A renowned legal historian, her scholarship and teaching focuses on American constitutional and civil rights law, especially their historical development in the 20th century. She is the Arnold H. Leon Professor of Law and a professor of history at UVA.

After graduating from Yale Law School, Goluboff clerked for Supreme Court Justice Stephen G. Breyer and Judge Guido Calabresi of the U.S. Court of Appeals for the Second Circuit.

GOLUBOFF JOINS BOARD OF EQUAL JUSTICE WORKS

GOLUBOFF was also named to the Equal Justice Works board of directors.

EJW "brings together an extensive network of law students, lawyers, nonprofit legal aid organizations and supporters to promote public service and inspire a commitment to equal justice," according to a press release. In 2022, the organization funded 84 fellows, offering salaries for two years to lawyers who design public interest projects in partnership with legal services organizations.

"I am thrilled to join the Equal Justice Works board of directors," Goluboff said in a statement. "EJW's mission—to bring lasting change to underserved communities by facilitating public service opportunities for lawyers and law students—dovetails beautifully with our mission at Virginia Law, which has been preparing lawyers and leaders for lives of service to our nation and its people for 200 years."

—Mike Fox

CURTIS, HWANG BECOME ECGI RESEARCH MEMBERS



Professors **QUINN CURTIS** and **CATHY HWANG** were appointed research members of the European Corporate Governance Institute on Jan. 5. The 56 new members will be eligible to publish their academic work on corporate governance and stewardship in the ECGI Working Paper Series in law and finance. The ECGI draws on academics worldwide to tackle issues confronting business and governments. Curtis was invited to present at the ECGI conference "Capitalism Revisited: Responsible Investment" in Milan, Italy, on Sept. 16. Professor **MICHAEL BARZUZA** is also an ECGI research member.



Curtis is associate dean for curricular programs and The Honorable Albert V. Bryan Jr. '50 Research Professor of Law. Hwang is the Barron F. Black Research Professor of Law and director of the school's John W. Glynn Jr. Law & Business Program.

ROSS, SCHWARTZMAN ELECTED TO ALI



Professors **BERTRALL ROSS** and **MICAH SCHWARTZMAN '05** have become members of the American Law Institute.

There are now 34 members of the UVA Law faculty currently affiliated with the institute, which produces scholarly work meant to update or otherwise improve the law.



Ross, who joined the faculty in 2021, is the Justice Thurgood Marshall Distinguished Professor of Law. He teaches and

writes in the areas of constitutional law, constitutional theory, election law, administrative law and statutory interpretation.

Schwartzman, who joined the faculty in 2007, is the Hardy Cross Dillard Professor of Law and the Roy L. and Rosamond Woodruff Morgan Professor of Law. His scholarship focuses on law and religion, jurisprudence, political philosophy and constitutional law.

They both serve as directors of the school's Karsh Center for Law and Democracy.

—Mike Fox



FREDERICK SCHAUER'S "On the Rightful Deprivation of Rights" was published in the Notre Dame Law Review and "Unoriginal Textualism" was published in the George Washington Law Review.



RICHARD SCHRAGGER was the keynote speaker at the Virginia Municipi-

THE WORLD CRISIS AND INTERNATIONAL LAW

THE KNOWLEDGE ECONOMY AND THE BATTLE FOR THE FUTURE

PAUL B. STEPHAN '77
CAMBRIDGE UNIVERSITY PRESS

AS A SELF-PROFESSED LIBERAL INTERNATIONALIST, PROFESSOR PAUL B. STEPHAN '77 once had high hopes for a permanent world peace based on global prosperity, but prospects for that possibility now look dim, he argues in a new book.

Stephan, a former adviser to multiple presidents and foreign governments, offers insights about the history and shaky future of the international order in “The World Crisis and International Law: The Knowledge Economy and the Battle for the Future.”

As Stephan surveys the global scene, he sees much to despair of. A bellicose Russian leader supported by the Global South’s Western skeptics. Nuclear proliferation despite treaties. A looming climate catastrophe and the ever-present threat of pandemics. Cyberspace

run amok. Anti-immigrant nationalism. Authoritarian states better armed with weaponry and surveillance tools. And a retreat from human rights.

“If current trends continue, we have a lot to worry about,” Stephan said in an interview before the book was released. “Despair is not my mindset. I’m a pretty happy person, but I think people have to be realistic about the challenges that confront us. Whether one agrees with my thoughts about particular strategies we might employ is less important than recognizing the problem.”

The problem, as he sees it, is not that calamitous world events are causing the international legal structure to fracture. Rather, he sees the structure itself—and the knowledge economy it helped create—as having caused the calamities.

Globalization, international law and the knowledge economy have “done wonders, lifting hundreds of millions of people out of dire poverty, giving us the vaccines, medicines, and remote connectivity that allow us to go on with our lives during a terrible pandemic, and creating many shiny new toys that we treasure,” Stephan wrote in a blog post on his publisher’s website. “But it also spawns shocking inequality and devours social trust” as it concentrates opportu-

nity, wealth and perceived political clout within better-educated urban areas.

Stephan submitted the manuscript to his publisher before Russia invaded Ukraine last year. Nonetheless, he saw that conflict looming, along with the threat of China retaking Taiwan by force and Iran acquiring nuclear weapons.

“Those are illustrations of the conventional old-school risk of war and the terrors that provides, but I also look at the way societies around the world are finding it harder and harder to find common ground, to have consensual governance,” he said.

The international law and global finance movement reached its zenith in the 1990s, he said, with the collapse of the Soviet Union and the rise of the International Monetary Fund,

the World Bank and the World Trade Organization.

Stephan pulls a consistent thread—albeit not a straight seam—tying together Russian state corruption, open economies that were not ready to compete without protective tariffs, free trade agreements and open borders, economic hinterlands and rising nationalist sentiment, NATO’s Kosovo campaign, 9/11 and the global war on terror, a neutered United Nations and an impotent International Court of Justice.

Stephan, a preeminent international law scholar with particular expertise in Soviet and post-Soviet legal systems, has been thinking about these connections for years. They also figured into his recent work as coordinating reporter for the American Law Institute’s “Restatement (Fourth) of the Foreign Relations Law of the United States” and its follow-on book, “The Restatement and Beyond: The Past, Present, and Future of U.S. Foreign Relations Law,” edited with Sarah A. Cleveland.

But the COVID-19 pause gave him the time and mental space to sort through it all.

“The goal of this book is to have a few insights that I think are distinctive, but more generally to bring together the growing literature on the breakdown of international relations and liberal democracy around the world, on the one hand, and the literature on social and economic inequality in the world on the other, and sew them into a coherent tapestry,” Stephan said. “Rather than them being different stories, seeing them as one story explains a lot.”

He also explores the idea of states as “norm entrepreneurs,” offering historical examples of superpowers using their clout and creativity to encourage rather than require the uptake of global solutions to existential problems.

One case in point is the 1977 U.S. anti-bribery legislation that applies to any firm with access to U.S. capital markets. At the time, no other country had such a rule and many states treated bribes as tax-deductible business expenses. By 1997, most of the world’s rich countries embraced the norm, some by treaty.

“We can build on these examples, whether constraining state aggression in cyberspace or working within the Paris Agreement, to build trust and cooperation in the struggle to contain climate change,” Stephan said.

As he concluded in his blog post, “We should be worried by the dark place in which we find ourselves, but not paralyzed by fear.”

Stephan is the John C. Jeffries, Jr., Distinguished Professor of Law at UVA and a senior fellow at the Miller Center.

—Melissa Castro Wyatt

pal League’s annual conference, where he spoke about “The Past, Present, and Future of Home Rule in Virginia.” He participated in “Movements on the Ground: A Colloquium on Social Movements and State and Local Law,” held at the University of Miami School of Law. He presented at the Cooper-Walsh Colloquium at Fordham Law School on “Municipal Access to Bankruptcy: Do Investors Care?” and he served as a panelist on “The Jackson, Mississippi Water Crisis,” sponsored by UVA’s Black Law Students Association. He published “The City in the Future of Federalism,” which appeared in a new edited volume, “Cities in Federal Constitutional Theory”; “Do Local Governments Have Too Much Power? Understanding the National League of Cities’ Principles of Home Rule for the 21st Century,” co-authored with Fordham University professor Nestor Davidson, which appeared in the North Carolina Law Review; and “The Failure of Home Rule in Virginia: Race, Localism, and the Constitution of 1971,” co-authored with C. ALEX RETZLOFF '21, which appeared in the Journal of Law & Politics.



SARAH SHALF '01 was elected to the executive committee of the AALS Section on Clinical Legal Education in January 2022, and she was elected secretary of the section at the 2023 AALS Annual Meeting in San Diego. The Section on Clinical Legal Education is the largest

section of the AALS. Locally, the city of Charlottesville in September 2021 appointed her the city’s public-sector representative on the board of directors of the Monticello Area Community Action Agency, the area’s government-funded anti-poverty organization that runs Head Start, and she was selected in November to chair its strategic planning task force.



PAUL B. STEPHAN '77 took part in a conference hosted by the Peking University School of Transnational Law on the political economy of law reform, where he discussed law reform institutions in the United States. At a conference at Wake Forest Law School on the legal issues arising out of the Russia-Ukraine war, he gave a presentation on U.S. sanctions and led a discussion on the same topic at the annual meeting of the ASIL Interest Group on International Law in Domestic Courts. He co-taught a January Term course, Russia in the Current World (Dis)order, at Columbia Law School with Columbia University professor Delphine Nougayrède. He published an article on “The Crisis in International Law and the Path Forward for International Humanitarian Law” in the International Review of the Red Cross and a chapter on antibribery law for the book “Is the International Legal Order Unraveling?,” published by Oxford University Press. He will spend the spring doing podcasts and giving talks in connection with his book

“The World Crisis and International Law—The Knowledge Economy and the Battle for the Future” (see p. 58). He is finishing a manuscript on “Applying Municipal Law in International Disputes” for the Hague Academy of International Law, which will host his course with the same title in July.



PIERRE-HUGUES VERDIER took part in the Law School’s new faculty exchange program with the Hebrew University of Jerusalem last summer, teaching a short course on Introduction to U.S. Securities Regulation. He spoke on his recent book, “Global Banks on Trial: U.S. Prosecutions and the Remaking of International Finance,” at conferences at the University of Geneva and as a guest lecturer at Cornell Law School, and on the related topic of sanctions overcompliance at a conference organized by the French Consulate in Boston and Harvard University. He presented a paper in progress, “International Enforcement Leadership,” at the Boston College Law School Roundtable on Global Criminal Justice, at the American Society of International Law’s Annual Research Forum in Miami, and at UVA Law’s faculty workshop. He also discussed his work with KEVIN COPE and MILA VERSTEEG, “The Global Evolution of Foreign Relations Law,” on a panel organized by DAVID S. LAW at the Law and Society Association’s Global Meeting in Lisbon, Portugal.



J.H. (RIP) VERKERKE published “Gender Differences in Law School Classroom Participation: The Key Role of Social Context,” co-authored with **MOLLY BISHOP SHADEL** and UVA professor Sophie Trawalter in the Virginia Law Review Online and “Deconstructing Employment Contract Law,” co-authored with University of Florida profes-

sor Rachel Arnow-Richman, forthcoming in the Florida Law Review. He presented “The Bilateral Employment Contract,” co-authored with Arnow-Richman, at the Conference on Scholarship in Employment and Labor Law on Oct. 15, 2021; “Rethinking Vicarious Liability for Employee Torts” and “Deconstructing Employment Contract Law” at the Conference on Scholarship in Employment and Labor Law at Vanderbilt Law School in October 2022; and “Gender Differences in Law School Classroom Participation: The Key Role of Social Context” at a UVA Law faculty workshop on Nov. 19, 2021, and at the Virginia Law Review Legal Pedagogy

Symposium on Feb. 18, 2022. He delivered the keynote address in honor of Arnow-Richman’s chair appointment at University of Florida Levin College of Law on Nov. 3.



G. EDWARD WHITE will participate in a panel discussion May 23 at the American Law Institute on a forthcoming chapter, “The Work of the Ameri-

can Law Institute in Historical Context,” co-authored with **KENNETH S. ABRAHAM**, in a book commemorating the 100th anniversary of ALI. The chapter is an overview of ALI’s history since its founding in 1923. The book is scheduled to be published in May. Abraham and White will present a paper at the annual Clifford Symposium at DePaul Law School on June 8. The paper is on the history and current status of the tort of offensive battery. It will subsequently appear in a symposium issue of the DePaul Law Review. White has begun work on a book, “Encounters With Robert Jackson,” based on the Jackson Papers in the Library of

Congress. An article emanating from that project, “Justice Robert Jackson ‘Arrives’ in Washington,” will be published in the July 2023 issue of the Journal of Supreme Court History. Amherst College held a session in January on his book “Soccer in American Culture.” Abraham and White’s article “Doctrinal Forks in the Road: The Hidden Message of The Nature of the Judicial Process” was published in Volume 34 of the Yale Journal of Law & the Humanities. White also acted as an expert witness in proceedings before the D.C. Bar involving alleged professional misconduct in litigation surrounding the 2020 federal election.



‘COMMON LAW’ CONTINUES ‘CO-COUNSEL’ THEME

The UVA Law podcast “Common Law” cooked up a familiar recipe for its fifth season.

In a continuation of the last season, called “Co-Counsel,” the podcast again features host Dean **RISA GOLUBOFF** and four rotating co-hosts: Professors **DANIELLE CITRON**, **JOHN HARRISON**, **CATHY HWANG** and **GREGORY MITCHELL**.

Each are joining Goluboff, who was a host with then-Vice Dean **LESLIE KENDRICK '06** when the show launched in 2019, to discuss cutting-edge research on law topics of their choice.

“We called our last season ‘Co-Counsel’ because my co-hosting colleagues brought their own expertise to the table, just as you would gather experts for major litigation or a trial,” Goluboff said. “It was so much fun, and offered such a rich vein of subjects, that we decided to do it again.”

The fifth season features eight episodes, all available now. Guests include UVA Law professors **KIM KRAWIEC**, **PAYVAND AHDOUT**,

ALISON GOCKE, **BERTRALL ROSS** and **ELIZABETH ROWE**. Three professors from other universities also joined the show: University of Utah law professor Teneille Brown, an expert on law and the biosciences; James L. Gibson, an expert in law and politics who serves as a professor of government at the Washington University in St. Louis; and Susan S. Silbey, a professor at the Massachusetts Institute of Technology who is an expert in complex organizations and risk management.

“Common Law” is available on Apple Podcasts, Stitcher, YouTube, Spotify and other popular podcast sources. The show is produced by Emily Richardson-Lorente.

Past seasons have focused on “The Future of Law,” “When Law Changed the World” and “Law and Equity.”

You can follow the show on the website CommonLawPodcast.com or Twitter at @CommonLawUVA.

—Mary Wood