

FACULTY

A close-up portrait of Mila Versteeg, a woman with long, wavy blonde hair, smiling warmly at the camera. She is wearing a dark blazer over a white shirt and a necklace with a large blue pendant. The background is softly blurred, showing an indoor setting with warm lighting.

MILA VERSTEEG
AWARDED
CARNEGIE
FELLOWSHIP

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VERSTEEG LANDS CARNEGIE FELLOWSHIP

MILA VERSTEEG, who studies the world's constitutions, has been named a 2017 Andrew Carnegie Fellow.

Versteeg is one of 35 fellows nationally to each receive the \$200,000 award, given by the Carnegie Corporation of New York to fund significant research and writing in the social sciences and humanities. The fellowship is the most gener-



ous stipend of its kind.

"The University is extremely proud of Professor Versteeg's scholarly accomplishments and congratulates her on winning this competitive fellowship," said UVA Executive

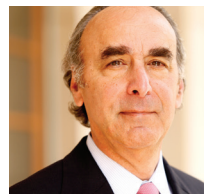
Vice President and Provost Thomas C. Katsouleas. "Out of many strong candidates, we were so pleased to have her represent the University."

Versteeg, the Class of 1941 Research Professor of Law, said she was honored to be named a Carnegie Fellow and is grateful to the University and Dean Risa Goluboff for nominating her. She will use the award to expand her research into the world's constitutions to better understand how constitutional rights are enforced in different countries.

"Constitutional rights should protect us from the excesses of unconstrained democracy," Versteeg said, but "we know remarkably little about whether constitutional rights actually make a difference."

Versteeg is among the first scholars to use quantitative empirical methods to compare the world's constitutions. To carry out her new research, she will spend most of the fall traveling to foreign countries to conduct interviews and survey experiments.

—Mary Wood



The fifth edition of **KENNETH S. ABRAHAM'S** "The Forms and Functions of Tort Law" was published by Foundation Press, and "The Transformation of the Civil Trial and the Emergence of Tort Law," co-authored with **G. EDWARD WHITE**, was published in the Arizona Law Review.



KERRY ABRAMS co-authored several amicus briefs in litigation over the new administration's "travel ban." She presented "The Rights of Marriage: *Obergefell*, *Din*, and the Future of Constitutional Family Rights" at the Family Law Scholars and Teachers Conference at Fordham Law in May and at the International Society of Family Law World Conference in Amsterdam in July. Abrams' paper "Domicile Dismantled," co-authored with **KATHRYN BARBER '15**, was published by the Indiana Law Journal in January (Barber recently was selected for a clerkship with Justice Ruth Bader Ginsburg, see p. 18). Another article, "Family Reunification and the Security State," was published in Constitutional Commentary in August. Abrams prepared a new piece on family reunification under the new administration for a symposium on "Managing Citizenship, Security and Rights: Regulating Marriage Migration in Europe and North America" in Montreal in August. She

continues to serve as the University's vice provost for faculty affairs.



BARBARA ARMACOST '89 addressed a group of police chiefs, captains and sergeants at a "Law Enforcement and the Constitution" seminar in May at Montpelier. The two-day event was sponsored by the Robert H. Smith Center for the Constitution.



ADITYA BAMZAI presented papers at the Junior Faculty Federal Courts Workshop at Emory School of Law in April, the Mid-Atlantic Junior Faculty Forum at the University of Richmond School of Law in May, the Hoover Institution's Conference on Regulation and the Rule of Law in June, and the Administrative Law New Scholarship Roundtable at the Moritz College of Law of the Ohio State University in June. He was also invited to present in July on developments in administrative law to the attorneys in the Texas Office of the Attorney General. Finally, the Texas Review of Law and Politics published an invited speech that he gave last fall on "Justice Scalia and the Evolution of *Chevron* Deference."



MICHAL BARZUZA recently published “Board Interlocks and Outside Directors’ Protections,” co-authored with **QUINN CURTIS**, in the *Journal of Legal Studies*, and “Unbundling the Dynamics of MV Implementation: Voluntary versus Reluctant Adoption of MV as a Source of an Omitted-Variable Bias” in the *University of Chicago Law Review Online*. She has another article, “The Private Ordering Paradox in Corporate Law,” forthcoming in the *Harvard Business Law Review*. Barzuza was a discussant at the Harvard/Yale/Stanford Junior Faculty Forum at Stanford Law School in June and recently presented her paper “Nevada: What We Know and What We Don’t Know (Yet)?” (co-authored with David Smith) at the University of California, Los Angeles, School of Law conference, “Can Delaware Be Dethroned? Evaluating Delaware’s Dominance of Corporate Law.”



In July, the National Academies of Sciences, Engineering and Medicine released a major report on Pain Management and the Opioid Epidemic. The 18-member committee that produced the report, appointed in the spring of 2016, was chaired by **RICHARD J. BONNIE '69**. The report conveys a sense of urgency about an alarming and still-uncontrolled epidemic of opioid addiction and overdose deaths and recommends an “all

hands on deck” response. The proposed action plan includes a culture change in pain management among prescribers; a proactive public health approach by the Food and Drug Administration and state regulators regarding opioid approval and prescription monitoring; a commitment to funding basic and translational research to develop non-opioid paradigms for pain management; and better access to treatment for opioid use disorder and to medication for preventing overdose deaths. Bonnie presented the report in briefings to the FDA, the sponsoring agency, and congressional staff.

MARGARET FOSTER RILEY was a consultant to the study. In August, at a meeting of the Governing Board of the National Research Council in Woods Hole, Mass., Bonnie outlined additional steps that should be taken by the nation’s public health leadership in addressing the opioid epidemic.



In September, **MAUREEN BRADY** published an essay titled “*Penn Central Squared*” on the Supreme Court’s most recent eminent domain decision, *Murr v. Wisconsin*, in the *University of Pennsylvania Law Review Online*.

In October, she was invited to speak on the *Murr* decision at the American Bar Associa-

tion’s State and Local Government Fall Conference in Savannah, Ga.

Another article on constitutional eminent domain provisions, “The Damagings Clauses,” will appear in the *Virginia Law Review* next year. Brady recently presented it at the Mid-Atlantic Junior Faculty Forum at the University of Richmond School of Law and at the Emory Law School Faculty Colloquium.

This fall, Brady will also present at the Marquette Law Junior Faculty Scholars Workshop in Progress Conference; the annual Constitution Week Conference held at the Center for Constitutional Studies at Utah Valley University, where the topic is “Free Markets, Economic Liberty, and the Constitution”; and at the Property Law Works in Progress Conference at Northeastern Law School.



DARRYL BROWN '90 gave a presentation on “Public Corruption Enforcement in the U.S.” at the July meeting of the International Society for Criminal Law Reform. In April, he was invited to present a paper at Rutgers Law School Criminal Law Reform Symposium on “How Criminal Law Dictates Rules of Prosecutorial Authority.” That same month he moderated a discussion with judges, prosecutors and defense lawyers on “judicial responsibility for justice in criminal law” at Hofstra Law School. In September he presented a paper on U.S. plea bargaining at the German Society of Comparative Law annual meeting in Basel, Switzerland. He is co-editing and writing a chapter for the “Oxford Handbook of Crimi-

nal Process,” due out in early 2018.



JONATHAN CANNON gave a presentation on climate change policy under the new administration at the 40th XL MIT Global Change Forum held in March. Also in March, he presented his research “Can Private Land Management Help Close the Conservation Funding Gap?” co-authored with Matthew Oreska, at the Miller Center. In April, Cannon gave a three-part PBS interview on Politics Matters.

Cannon gave the keynote address on environmental federalism to the Environmental Council of the States in July. He gave a panel presentation on the Office of EPA General Counsel, held at Michigan Law School in September. This fall, he will also publish “Pope Francis, ‘Laudato Si,’ and U.S. Environmentalism,” co-authored with Stephen Cushman, in the *William & Mary Environmental Law and Policy Review*.



GEORGE COHEN gave his ethics presentation, “Compensating Fact Witnesses,” as part of the UVA Law Alumni Weekend. He also published a chapter, “Law and Economics of Agency of Partnership,” in “The Oxford Handbook of Law and Economics, Vol. II: Private and Commercial Law,” and published a new edition of “The Law and Ethics of Lawyering,” a professional responsibility casebook, with Geoffrey C. Hazard Jr., Susan

P. Koniak, Roger C. Cramton and W. Bradley Wendel.



ASHLEY DEEKS spoke on several panels related to law and technology in the spring as part of her role on the State Department’s Advisory Committee on International Law. The panels included one at New America on encryption wars, and ones at Harvard Law School on domestic cyber litigation and about the international law implications of countering violent extremism online. In May, she penned a piece for The Washington Post on the attacks by Turkish security services on protesters in Washington, and the role of diplomatic immunity in attempts to prosecute Turkish officials. In July, she spoke about non-international armed conflicts at a transatlantic workshop on international law and armed conflict in Florence, Italy. She has two forthcoming articles: one about international law in U.S. statutes and one about secret international agreements.



In May, **KIM FERZAN** presented “Multiple Personality Disorder and the Criminal Law” at the Law School’s Board and Council luncheon. She also presented “The Means Principle and Optimific Wrongs” at a roundtable at Yale Law School; the workshop papers are part of a festschrift in honor of Larry Alexander, Ferzan’s longtime co-author. In June, in Vaxholm,

Sweden, Ferzan presented “Deontological Discrimination” at the Stockholm Centre for the Ethics of War and Peace’s conference on Adil Haque’s book, “Law and Morality at War.” In September, criminal law theorists came to UVA Law to discuss Ferzan and Alexander’s draft book manuscript, “Reflections on Crime and Culpability.” After this project, the two plan to co-edit a book on applied ethics and criminal law. The edited volume is under contract with Palgrave.



BRANDON GARRETT’S new book, “End of its Rope: How Killing the Death Penalty Can Revive Criminal Justice,” was published by Harvard University Press in September. He is speaking about the book at several law schools during the fall.

With **RICHARD BONNIE '69** and **JOHN MONAHAN**, Garrett is a leader of the new Virginia Criminal Justice Policy Reform Project, a nonpartisan effort to improve the criminal justice system through the collection and analysis of criminal justice data (see story on page 28).

In May, Garrett commented on work and gave a talk about the process of writing legal books at the annual Culp Colloquium at Duke Law School. Garrett also organized a Neighborhood Criminal Justice Roundtable conference, at which a group of UVA criminal law colleagues participated, moderated panels and commented on works in progress.

In June, as part of the CSAFE Forensic Science Center of Excellence, Garrett presented research to collaborators at Iowa State Uni-

versity, including two new studies with **GREG MITCHELL**. Garrett also presented this research, which examines how laypeople assess forensic evidence, at the National Forensic College at Cardozo School of Law, and spoke about his book “Too Big to Jail” at the AALS Criminal Justice Section.

Also in June, Garrett presented his research on the decline in death sentences at the Law & Society Conference in Mexico City, where he also presented a chapter on international approaches to corporate crime for a book being co-edited by **DARRYL BROWN '90**, and organized and moderated a panel on criminal justice reform. He presented the paper “The Proficiency of Experts” with Mitchell at the University of Chicago Law School, and then in July workshopped it at UVA Law. He also presented on the law and science of eyewitness memory at a Virginia CLE course in July.

In September, advisers for the Laura and John Arnold Foundation’s grant program met with Garrett and his collaborators, and several spoke to students as part of a panel about the challenges of eyewitness memory.

Garrett recently published “A Tactical Fourth Amendment” in the Virginia Law Review, co-authored with **SETH STOUGHTON '11**; “Cumulative Constitutional Rights,” co-authored with **KERRY ABRAMS**, in the Boston University Law Review; and “The Decline of the Virginia (and American) Death Penalty” in the Georgetown Law Journal.



In June, **MICHAEL GILBERT** published a

paper titled “Entrenchment, Incrementalism, and Constitutional Collapse” in the Virginia Law Review. In September, he presented a follow-up paper, “Optimal Entrenchment of Legal Rules,” at the University of San Diego. He participated in the American Law and Economics Association meetings at Yale and the Political Economy and Public Law conference at the University of Southern California. At UVA, he spoke to alumni about the 2016 election and moderated a discussion among judges about judicial elections. Gilbert spent three days at Montpelier discussing constitutional design with recipients of the Mandela Washington Fellowship for Young African Leaders, along with **MILA VERSTEEG**.



RISA L. GOLUBOFF'S book, “Vagrant Nation: Police Power, Constitutional Change, and the Making of the 1960s,” received several honors, including the Lillian Smith Book Award (co-winner), the David J. Langum Sr. Prize in American Legal History and an honorable mention for the James Willard Hurst Prize in Socio-Legal History.

In July, Goluboff provided a roundup of the 2016 Supreme Court Term to the Ninth Circuit Judicial Conference. In September, she spoke to the Northern Virginia Chapter of the Federal Bar Association about the importance of lawyers. She will speak on the U.S. Constitution at “More Than the Score” before the UVA homecoming game in October.



As part of a symposium for the 50th anniversary of *Terry v. Ohio*, **RACHEL HARMON'S** article “Proactive Policing and the Legacy of *Terry*,” written with her student **ANDREW MANNS '17**, is being published in the Ohio State Journal of Criminal Law during the fall. The article considers *Terry* in the context of three kinds of policing: investigative policing, which is represented in court decisions that imagine that police act primarily as criminal investigators; patrol policing, which is the standard model of policing predominant in most police departments for decades; and proactive policing, which—enabled by *Terry*—involves strategies contemporary police departments use to prevent crime rather than merely address it once it has occurred.

The article argues that communities must evaluate whether proactive policing is worth its significant costs, and that both litigation and statutory reforms can help promote political review.

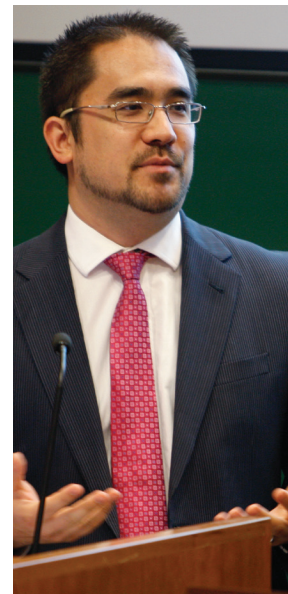
Harmon also recently published “Evaluating and Improving Structural Reform in Police Departments” in *Criminology & Public Policy*. This policy essay describes the ongoing challenges of assessing empirically legal tools for preventing law-breaking by the police, including the difficulty of operationalizing both constitutional violations and the legal remedies that seek to address them. The essay suggests some avenues for improving the use of consent decrees in the absence of strong empirical evidence and for enhancing research in this area.

The Search and Seizure Law Report will publish an adaptation of Harmon’s article, “Why Arrest?” (originally published in the Michigan Law Review). Like the original, this briefer adaption argues that many arrests do not serve important state interests well in light of the available alternatives. As a result, police departments should conduct far fewer arrests than they currently do, and states should restrict the statutory authority to arrest accordingly.

Harmon also continues to serve on the National Research Council’s Committee on Proactive Policing, and as an associate reporter for American Law Institute’s Principles of the Law of Policing project.



This spring, **ANDREW HAYASHI** presented his paper “Savings Policy and the Paradox of Thrift” at Columbia Law School and a special symposium at Yale Law School on Law and Macroeconomics. The article, co-authored with Daniel P. Murphy from the Darden School of Business and forthcoming in the Yale Journal on Regulation, reassesses legal interventions into private savings decisions in light of the great recession and very low interest-rate environments. In May, Hayashi presented “Tax Avoidance and Mergers: Evidence from Banks During the Financial Crisis,” at the annual meeting of the American Law and Economics Association. The article, co-authored with **QUINN CURTIS** and **ALBERT CHOI**, examines the effect of tax avoidance motives on bank acquisitions.



HAYASHI PRESENTS PAPER AT STANFORD/YALE/HARVARD JUNIOR FACULTY FORUM

ANDREW HAYASHI had a paper accepted to the 2017 Stanford/Yale/Harvard Junior Faculty Forum.

Hayashi presented “A Theory of Facts and Circumstances” during the June 6-7 conference at Stanford Law School. The article, which is forthcoming in the Alabama Law Review, argues that insights from game theory can be applied to “facts and circumstances” tests to make them more predictable without sacrificing their flexibility.

His paper was selected through a blind submissions process, and focuses on how courts infer state of mind from available information.

No more than 20 scholars are chosen each year from among those submitting to the event. Hosting rotates among the three schools.

—Eric Williamson



DEBORAH HELLMAN published her article, “A Theory of Bribery,” in the *Cardozo Law Review*. In June, Hellman presented her paper “Indirect Discrimination and the Duty to Avoid Compounding Injustice” at the conference on “Racial Justice After Obama,” held here at the Law School. Finally, she participated in the annual meetings of the American Society for Political and Legal Philosophy and the Analytic Legal Philosophy Conference.



TOBY HEYTENS '00 helped coach UVA's undergraduate trial advocacy team to its third national championship in Los Angeles. Heytens also was appointed by the U.S. Court of Appeals for the Fourth Circuit to represent a *pro se* litigant challenging the conditions of his confinement, and spoke about the most recent U.S. Supreme Court term at the summer meeting of the Virginia Bar Association.



A. E. DICK HOWARD '61 submitted an amicus brief to the Supreme Court of Virginia in support of a challenge to partisan gerrymandering. The principal architect of Virginia's current constitution, Howard argued in his brief that

the court should enforce that constitution's requirement that legislative districts be compact and contiguous. Law professors from William & Mary, Washington and Lee, and the University of Richmond joined Howard on the brief.

At the request of James Madison's Montpelier, Howard organized and led a visit to Scotland for friends of Montpelier. At Edinburgh's Signet Library, the gathering place of Scottish solicitors, Howard lectured on “The Idea of Scotland”—Scotland seen through history, art, literature and politics. He emphasized the influence the Scottish Enlightenment had on Madison when he was the leading voice in shaping the U.S. Constitution and Bill of Rights.

Charlottesville Opera invited Howard to give a guest lecture, “In the Age of ‘Rigoletto’: Evading the Censor, Imagining a Nation.” Howard explored the intimate connection between Giuseppe Verdi's operas and the aspirations of the Italian people for unification. The themes of nation and nationalism are closely linked to a course Howard is teaching in the fall, *Constitutionalism: Nation, Culture, and Constitutions*.

The speaker's circuit took Howard to Richmond, where he gave a lecture, “The Changing Face of the Supreme Court,” to The Woman's Club. He paid special attention to the dynamics of the Roberts Court. In Washington, Howard was the keynote speaker at the annual meeting of the Baronial Order of Magna Carta. His topic was “Magna Carta's American Adventure.” At Montpelier, speaking to a 50th anniversary reunion of the Rhodes Scholars' Class of 1967, Howard reflected on the ways Americans and Britons went about marking Magna Carta's

800th anniversary.

For the *Virginia Magazine of History and Biography*, Howard wrote a review of 1972 UVA Law alumnus and former professor **J. HARVIE WILKINSON III**'s book, “All Falling Faiths: Reflections on the Promise and Failures of the 1960s.” Looking ahead, Howard consulted with Historic Jamestowne on its plans to mark the 400th anniversary of Virginia's first legislative assembly in 2019.

Here at the Law School, Howard moderated a panel on state constitutional law at the annual banquet of the Law School's Federalist Society. Howard took the occasion to reflect on his experiences during the drafting and adoption of Virginia's constitution and to compare notes with Sixth Circuit Judge Jeffrey Sutton and New Hampshire Supreme Court Justice James Basset. During the Law School's Alumni Weekend, Howard made remarks at dinners of two reunion classes—the Classes of 1962 and 1972.

The Law School designated Howard to become the Warner-Booker Distinguished Professor of International Law.



In September, **CALE JAFFE '01** presented a paper, “Melting the Polarization on Climate Change Policy,” at the eighth annual Colloquium on Environmental Scholarship at Vermont Law School. The paper identifies Jaffe's strategy for reversing the recent slide toward intense, partisan division on global warming. With students in the Environmental and Regula-

tory Law Clinic, Jaffe has sought to put this strategy into practice. The clinic presented written and oral comments to a work group established by Virginia Gov. Terry McAuliffe on global warming policy. The clinic's research was cited by the governor's work group in its final report, which led to a draft regulation on greenhouse gas pollution. The clinic remains involved in the development of that regulatory effort, which has garnered national attention.

In May, Jaffe joined with University of Wisconsin professor Stephanie Tai to submit comments to the Environmental Protection Agency in opposition to a major regulatory repeal initiative. The comment letter was signed by 85 environmental and administrative law professors around the country.

Jaffe recently authored a column in *The Environmental Forum* (a publication of the Environmental Law Institute) on the EPA's approach to regulatory repeal, and is positioning the clinic to play a significant role in the administrative process that will follow.



ALEX JOHNSON's article, “Is It Time for Irrevocable Wills?” was published in the *University of Louisville Law Review* last spring. He presented his paper “Taking A Long View—the Cyclical Nature of Race Relations in the United States” in June at the conference on racial justice held at the Law School, which was hosted by **KIM FORDE-MAZRUI**, Richard Banks of Stanford Law School and Guy Uriel-Charles of Duke Law School.

Johnson finished updating his treatise “Understanding Modern Real Estate Transactions,” and the expanded fourth edition will be available this fall. The dean also appointed Johnson to the Law Library director search committee.



JASON S. JOHNSTON recently published the article “High Cost, Little Compensation, No Harm to Deter: New Evidence on Class Actions under Federal Consumer Protection Statutes” in the *Columbia Business Law Review*, “Restoring Objectivity and Balance to Regulatory Science; A Comment on Dudley and Peacock” in the *Supreme Court Economic Review*, and “Debunking the 100 Percent Renewables Fantasy” in *Regulation*. In July he presented “CFPB's Flawed Arbitration Study” at a conference, “The CFPB's Anti-Arbitration Rule: Analysis and Implications,” sponsored by the U.S. Chamber of Commerce and the Center for Competitiveness. In September, he presented at a Cato Institute conference, “Understanding Incentives in the Regulatory Process.” He will also deliver a talk on “Third Party Litigation Financing: An Economic Analysis” at Pepperdine University Law School in October.



LESLIE KENDRICK '06 was a visiting professor at Harvard Law School during the January term. Last spring, she

gave workshops at Harvard and the University of Chicago law schools, and spoke at a conference titled “Disrupted: Speech and Democracy in the Digital Age” at Columbia University. She concluded her year as chair of the Torts Section of the Association of American Law Schools by moderating a panel on gun regulation and private law. She was a luncheon speaker for the Charlottesville-Albemarle Bar Association, where she gave the talk “Free Speech in the 21st Century.” Her work is forthcoming in the *Michigan Law Review*, the *Virginia Law Review*, the *Journal of Tort Law*, and *Philosophy & Public Affairs*. She became vice dean of the Law School on July 1.



DOUGLAS LAYCOCK delivered the Harrington Fellows Lecture, on “Liberty and Justice for All,” at the University of Texas Law School in April. He recently published the 2017 Supplement to his casebook, “Modern American Remedies”; “Free Speech and the Pulpit” in *The Christian Century*; and “Religious Liberty, Health Care, and the Culture Wars” in the book “Law, Religion, and Health in the United States” (Cambridge University Press, 2017). He filed an amicus brief in support of restitution plaintiffs in *Mount v. Pulse-point Inc.* in the Second Circuit.



KENDRICK '06 WINS ALL-UNIVERSITY TEACHING AWARD

LESLIE KENDRICK '06 has earned UVA's All-University Teaching Award.

Kendrick, who joined the faculty in 2008 after clerking for U.S. Supreme Court Justice David Souter, became vice dean in July. She teaches courses in torts, property and constitutional law. She was nominated by her former students.

"I feel very humbled by this award," Kendrick said. "My students mean a lot to me, and their effort and kind words mean more than I can say."

Having first met Kendrick at an informal dinner for female students at the professor's home, **CASEY T.S. JONAS '17** was eager to take Kendrick's course Constitutional Law II: Freedom of Speech and Press.

"I had heard it was 'the best class at the law school,' and I was not disappointed," Jonas said.

Kendrick won over another fan, first-year law student **RAPHAËLLE DEBENEDETTI '19**, in her Torts class.

"Professor Kendrick's passion for Torts is contagious," Debenedetti said. "While some might find the subject tortuous, I quickly became 'a torts fan'—as she playfully refers to her students."

—Eric Williamson



MICHAEL A. LIVERMORE, with collaborator Daniel Rockmore of Dartmouth, is working on a new edited volume to be published by the Santa Fe Institute Press. The volume is focused on the use of advanced computational techniques to study the law. A workshop of chapter authors hosted by the Santa Fe Institute will be held in December. Two related papers co-authored by Livermore have been accepted for publication and will appear in early 2018. The first, "The Supreme Court and the Judicial Genre," with Rockmore and Allen Riddell of the University of Indiana, will appear in the *Arizona Law Review* and examines the growing disconnect between the U.S. Supreme Court and the federal appellate courts by using computational analysis of the texts of opinions issued from 1950-2005. The second, "Computationally Assisted Regulatory Participation," with Vladimir Eidelman and Brian Grom, both with *FiscalNote*, will appear in the *Notre Dame Law Review*. That article uses natural language processing techniques to analyze several million public comments received by administrative agencies during the Obama administration to examine the relationship between commenter sentiment and the political leanings of agencies. In November at a symposium held by the *Ohio State Law Journal*, Livermore will present a paper, "Re-thinking State Relevance," that will examine recent trends in environmental federalism. Livermore is also in the final stages of a research project with

Peter Howard of New York University that analyzes the making of environmental treaties during the 20th century to examine the relationship between civil conflict and environmental cooperation.



For the second time, **RUTH MASON** served as a panelist at the annual congress of the International Fiscal Association, which brings together thousands of tax practitioners. At this year's Congress, in Brazil, she spoke about EU state-aid enforcement. Mason also published a series of articles in *Tax Notes* on the European Commission's investigations of U.S. multinationals, including Apple Inc., for tax avoidance. She presented the final paper in the series in October at Northwestern School of Law and Boston College School of Law.



GREGORY MITCHELL and **BRANDON GARRETT** published "The Proficiency of Experts" in the *Pennsylvania Law Review*, a paper that they also presented at a workshop at UVA Law this past summer. Mitchell also published "Libertarian Nudges" in the *Missouri Law Review* as part of a symposium issue dedicated to the doctrine known as libertarian paternalism, and "Jumping to Conclusions: Advocacy and Application of Psychological Research" in the book "The Politics of Social Psychology."



JOHN MONAHAN continues to serve as a member of the Board of Behavioral, Cognitive and Sensory Sciences of the National Research Council. He is also a member of the Technical Advisory Group for the National Evaluation Study of Assisted Outpatient Commitment, sponsored by the Substance Abuse and Mental Health Services Administration. Monahan has recently published articles on various legal and scientific aspects of violence risk assessment; they appeared in the peer-reviewed journals *Psychiatric Services*, *Law and Human Behavior*, and the *American Journal of Public Health*.

With **RICHARD BONNIE '69** and **BRANDON GARRETT**, Monahan is a leader of the new Virginia Criminal Justice Policy Reform Project, a nonpartisan effort to improve the criminal justice system through the collection and analysis of criminal justice data (see story on page 28).



JOHN NORTON MOORE reports that the Center for Oceans Law and Policy, which he directs, held a successful two-day conference in May in Indonesia on "The Marine Environment and U.N. Sustainable Development Goal 14 (Life Below Water)." Papers from this conference, co-edited by Moore, will be available in 2018. The proceed-

ings volume from the previous conference, "International Marine Economy: Law and Policy," has been published by Brill/Nijhoff. Planning is currently underway for the center's 2018 conference, which will be held in Beijing May 23-25, and is titled "Cooperation and Engagement in the South China Sea and Asia Pacific Region."

The oceans center held its 22nd session of the Rhodes Academy for Oceans Law and Policy in Greece in July. The three-week intensive program, taught by world-class faculty, continues to attract students from around the globe and is organized by the center.

The Center for National Security Law, which Moore also directs, held its 25th National Security Law Institute in June. Each year, the intensive two-week program presents dozens of lectures, panels and debates on theoretical background and contemporary issues in national security law. This year's participants were particularly interactive, which made for very productive sessions. This year also featured a very international group, including individuals from China, Australia, South Korea, Canada, the Philippines, India, Israel and Japan.

In May, Moore served as moderator for a symposium of leading experts on the U.N. Convention on the Law of the Sea. The International Law Committee of the United Nations Association of the National Capital Area, in partnership with the American Society of International Law and the American Bar Association's International Law Committee, hosted the symposium.

Moore also delivered in May the keynote address at the Freedom of Navigation and the Law of the Sea work-

ALI UPDATE: MAHONEY, PRAKASH ELECTED; ABRAHAM SHIFTS TO EMERITUS STATUS

JULIA MAHONEY and **SAIKRISHNA PRAKASH** were elected in July as members of the American Law Institute. They became



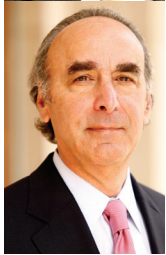
the 23rd and 24th members of the UVA Law faculty currently affiliated with ALI.

In May, long-serving ALI council member



KENNETH S. ABRAHAM shifted to emeritus status.

Abraham has played a major role in the Re-statement of the Law of Liability Insurance, and in the business of the American Law Institute in general,



for more than two decades.

"[Emeritus status] won't end my participation in the ALI," Abraham said. "It's just the beginning of a new stage in my career."

The institute is the leading independent organization in the United States producing scholarly work to clarify, modernize and otherwise improve the law. The organization includes judges, lawyers and law professors from the United States and abroad, selected on the basis of professional achievement and demonstrated interest in improving the law.

—Eric Williamson

shop in Providence, R.I. The U.S. Naval War College (Stockton Center for the Study of International Law) and the Center for Oceans Law and Policy sponsored the program. Officials and scholars from the United States, United Kingdom, Canada, France, Japan and India participated.

Moore and **ROBERT TURNER** report that a new collection of top student papers from their War and Peace seminars is nearing editorial completion and will be titled "Lifting the Fog of War: New Thinking About War and War Prevention." Moore authored the preface. The book will be available from Carolina Academic Press in 2018.

Moore's most recent article is "Navigational Freedom: The Most Critical Common Heritage," in *International Law Studies*.



TOM NACHBAR published his latest paper, "Rational Basis 'Plus,'" in the summer issue of *Constitutional Commentary*. The paper examines the process by which *U.S. Department of Agriculture v. Moreno*—the case that has served as the foundation for several of recent equal protection cases—was decided. He also recently returned from his deployment as a U.S. Army judge advocate to Iraq, where he served as legal adviser to Special Operations Joint Task Force—Operation Inherent Resolve.



DOTAN OLIAR has submitted for publication "Empirical Studies of Copyright Registration," in the forthcoming "Research Handbook on the Economics of Intellectual Property Law, Vol. II," edited by Peter S. Menell and David L. Schwartz, summarizing the body of literature on the empirics of copyright registration, to which he has contributed substantially over the past years. His working paper "Right on Time: First Possession in Intellectual Property Law," co-authored with **JAMES STERN '09**, was presented at the American Law and Economics Association Annual Meeting in May.



DAN ORTIZ spoke in May as part of the American Bar Association's Presidential Law Day Program, "The 14th Amendment: Transforming American Democracy," in Washington, D.C. He spent much of the summer briefing *Epic Systems Corp. v. Lewis*, which will be argued Oct. 2 in the Supreme Court, and other Supreme Court cases. *Epic Systems* concerns whether an employer can require employees to completely waive their right to collective action in lawsuits and arbitration as a condition of employment.



SCHAUER DELIVERS HLA HART MEMORIAL LECTURE AT OXFORD

FREDERICK SCHAUER delivered the HLA Hart Memorial Lecture, one of the most esteemed scholarly lectures in the world, at Oxford's University College on May 9.

His talk, "The Perils of Panglossian Constitutionalism," drew on research in cognitive psychology as well as insights from philosophy and legal theory.

Schauer explored—and lamented—the increasing tendency to avoid conflicts between rights and policy, or between rights and other rights, by interpreting the empirical world or defining rights in ways that make the conflicts evaporate.

Previous Hart Lecturers have included U.S. Supreme Court Justices William Brennan and Stephen Breyer; legal theorists Tony Honore, Ronald Dworkin, Richard Epstein, Joseph Raz, Nicola Lacey and John Finnis; and moral/political philosophers John Rawls, Bernard Williams, Thomas Nagel, Joel Feinberg and Christine Korsgaard.

Schauer is a David and Mary Harrison Distinguished Professor of Law.

—Mary Wood

**SAIRISHNA PRAKASH**

gave the keynote address in April at the University of St. Thomas Law School's "Presidential Executive Power Under the Constitution: Uses, Abuses, and Prospects for the Future." In May he proposed a balanced-budget amendment at the "Big Fix" conference at the Stanford Constitutional Law Center and gave a talk on the commander-in-chief power at the Originalism Boot Camp at Georgetown Law School. In February he was a commentator at the University of San Diego's Originalism Conference, and in March he testified before Congress on the constitutionality of the Consumer Financial Protection Bureau. He addressed Lynchburg's SPHEX Club on presidential power in June. This spring he also penned op-eds appearing in *The Wall Street Journal* on the filibuster and Justice Neil Gorsuch's debut on the Supreme Court. He joined the Volokh Conspiracy blog, published in *The Washington Post*, in July. Also that month, he was elected to the American Law Institute.



In March, **MILDRED ROBINSON** participated in the Dean's Diversity Forum at Widener Commonwealth Law School, in Harrisburg, Pa. She presented on the topic of state economic incentives. The presentation provided an overview of such programs, now in place in all states as well as the District of Co-

lumbia.

Also in March, at the invitation of Indiana University law professor Leandra Lederman, Robinson presented her paper "Irreconcilable Differences?: State Income Tax Law in the Shadow of the Internal Revenue Code" as part of Lederman's tax colloquium. The paper presents an overview of the ways in which states have historically approached the taxation of incomes, current state income tax practices, and a comparison of state and federal legislative processes.



This summer **GEORGE RUTHERGLEN** prepared an amicus brief in a human rights case, *Jesner v. Arab Bank, PLC*, in which the Supreme Court will decide the scope of corporate liability for violations of the Alien Tort Statute. Rutherford also published several articles and gave the presentation "Racial Justice: Progressive or Defensive" at a racial justice conference organized by **KIM FORDE-MAZRUI**. Rutherford has also been representing a client seeking treatment of Hepatitis C by the Virginia Department of Corrections.

Rutherford additionally published the following articles: "The Origins of Arguments over Affirmative Action: Lessons from the Civil Rights Act of 1866," to appear in a collection, "The Greatest and the Grandest Act: the Civil Rights Act of 1966 from Reconstruction to Today"; "What Happened to the Framers of the Federal Rules? Generational Change and the Transformation of the Rulemaking Process," to appear in the *Journal of the*

Supreme Court Historical Society; and "The Rights of Aliens under the United States Constitution: At the Border and Beyond," to appear in the *Virginia Journal of International Law*.

**FREDERICK SCHAUER**

published "On the Nature of Legal Reasoning," a response to four commentators at a symposium at the University of Genoa, to mark the publication of his book "Thinking Like a Lawyer." Other recently published articles include "Analogy, Expertise, and Experience," written with **BARBARA SPELLMAN**, in the *University of Chicago Law Review*; "Commercial Speech and Perils of Parity," part of a symposium at the Northwestern University Law School, in the *William & Mary Bill of Rights Journal*; "The Annoying Constitution: Implications for the Allocation of Interpretive Authority," in a symposium issue of the *William & Mary Law Review*; and "On the Relationship between International Law and International Constitutionalism" in the *Vienna Journal of International Constitutional Law*.

In May, Schauer delivered the HLA Hart Memorial Lecture, which he titled "The Perils of Panglossian Constitutionalism," at Oxford University, and in April gave the Roy R. Ray Lecture at Southern Methodist University on the topic of "Free Speech, the Search for Truth, and the Problem of Collective Knowledge."

Schauer spoke on "Legal Normativity Deconstructed" at Queen Mary College, University of London, and at

the International Congress on the Philosophy of Law in Lisbon. In August he was the keynote speaker at the Argentinian Association of Legal Philosophy annual conference. He recently gave guest lectures at Columbia and the University of San Diego law schools. He was the principal speaker and honorary Phi Beta Kappa honoree at Dartmouth College in June.

**RICHARD SCHRAGGER**

was the keynote speaker for the Project on Municipal Innovation Advisory Group, which consists of the chiefs of staff to the mayors of the 35 largest cities in the country. The event was sponsored by the Ash Center for Democratic Governance at the Harvard Kennedy School. He also spoke about his new book, "City Power," at the Virginia Festival of the Book and at the Hometown Summit in Charlottesville, a conference addressing the needs of medium-sized and small cities.

Schragger was a panelist at a conference, "Local Government Decision Making and Preemption: Legal Remedies and Actions," held at Fordham Law School. Schragger also participated in a conference on racial justice held at the Law School, and in June was a participant in the annual Law and Religion Roundtable, sponsored by the Notre Dame Law School and held in Chicago. His article "The Political Economy of City Power" was published in April in the *Fordham Urban Law Journal*. His book chapter "How Much May Religious Accommodations Burden Others?," co-authored with Nelson



SCHWARTZMAN '05 HELPS LEAD AMICUS BY CON LAW PROFS ON TRAVEL BAN CASES

MICAH SCHWARTZMAN '05 helped file amicus briefs in *IRAP v. Trump* and *State of Washington & State of Minnesota v. Trump*, the Fourth and Ninth circuit cases challenging the Trump administration's travel ban. He worked on subsequent briefs filed in the Supreme Court.

"The main argument of our brief is that the travel ban violates the First Amendment and the equal protection clause of the 14th Amendment, because it's based on animus against Muslims," Schwartzman said.

The briefs were signed by more than 45 leading constitutional law scholars, including UVA Law professors **DEBORAH HELLMAN** and **RICHARD SCHRAGGER**.

—Mary Wood

Tebbe and **MICAH SCHWARTZMAN '05**, appeared in an edited volume titled "Law, Religion, and Health in the United States," which was published by Cambridge University Press in July.



This past winter, **MICAH SCHWARTZMAN '05** presented a paper on corporate rights, co-authored with **STEVE WALT**, at Princeton's Program in Law & Public Affairs. Schwartzman co-authored (with Richard Schragger and Nelson Tebbe) two papers on the limits of religious accommodations, the first of which recently appeared in a volume on "Law, Religion, and Health Care in the United States." His paper "Religion, Equality, and Anarchy" was published in a volume on "Religion in Liberal Political Philosophy." Schwartzman is currently co-authoring a casebook on "Constitutional Law and Religion."



CRYSTAL SHIN '10, the Law School's inaugural director of the Program in Law and Public Service (see story on p. 37), was named a co-recipient of the Virginia State Bar's Young Lawyer of the Year Award in May. She was recognized for her "devotion to the conference, the legal profession and the community throughout her career, and service as co-chair of the Children and the Law Commission." Shin previously served



SHADEL TEACHES 'GREAT COURSES' SERIES

MOLLY BISHOP SHADEL is one of four law professors leading a new class offered by The Great Courses, called Law School for Everyone.

The Great Courses' programming—which is available in video, audio and downloadable formats—is aimed at lifelong learners seeking affordable educational experiences from top faculty. The law class, which includes 48 lectures available at www.thegreatcourses.com, is designed to educate viewers about the complexities of the legal system and the foundational role that law has played in American history.

Selected from hundreds of professors, Shadel filmed 12 lectures that frame the course as a whole and focus on the importance of litigation in the American legal system.

"I thought an interesting way to approach this would be to use famous trials, so I picked some of my favorites—the trial of George Zimmerman, the O.J. Simpson trial, the trial of William Kennedy Smith," she said. "Going into the trials in-depth for The Great Courses has given me new insights that I'll be incorporating into my classes here this semester."

Shadel, an expert in public speaking and a former attorney in the Justice Department's Office of Intelligence Policy and Review, said the experience was "surprisingly intimidating."

"The Great Courses uses a state-of-the-art television studio with impressive sets and multiple cameras, including one that follows you around and sometimes zooms in on your face. I had to learn how hit my mark, how to turn to face the correct camera at the correct time, and how to keep going without being distracted by a camera zooming around my head," she said. "My UVA students are going to benefit from this because I have been freshly reminded of what it feels like to be nervous about speaking in public."

The other professors teaching Law School for Everyone are Joseph L. Hoffmann of Indiana University's Maurer School of Law, Peter J. Smith of George Washington University School of Law and Edward K. Cheng of Vanderbilt Law School.

—Madison Fisher

at William & Mary Law School as a clinical assistant professor and director of the PELE Special Education Advocacy Clinic.



GIL SIEGAL spoke at the American Bar Association's annual meeting of the Alternative Dispute Resolution Section in April in San Francisco, on the topic "When 'Yes' Means 'No': Rethinking Informed Consent to Dispute Resolution Procedures." In September, he presented at the annual meeting of the American Otolaryngology Head and Neck Surgery Association in Chicago on "Malpractice in Otolaryngology." Siegal's recent publications include "Medical Malpractice Implications of Clinical Practice Guidelines" (with Douglas S. Ruhl) in *Otolaryngology – Head and Neck Surgery*, and "Should Altruism, Solidarity, or Reciprocity be Used as Prosocial Appeals? Contrasting Conceptions of Members of the General Public and Medical Professionals Regarding Promoting Organ Donation" (with N. Guttman, N. Appel and G. Bar-On) in *Journal of Communication*.



UVA hosted a panel to discuss **BARBARA A. SPELLMAN's** recent book (with Michael J. Saks), "The Psychological Foundations of Evidence Law," in February. Panelist and Vanderbilt University law professor Ed Cheng then interviewed Spellman for his podcast "Excited Utterance."

Recently, Spellman co-authored "Combating Biased Decisionmaking and Promoting Justice and Equal Treatment" in *Behavioral Science & Policy*. She lectured at Kent State University on "Judgment in Forensic Science and in Judicial Decisionmaking."

As part of her ongoing project of connecting law and psychology, Spellman spoke in July on "What Psychology and Law Is and What It Could Be" at the Association for Psychological Science. She also co-authored the chapter "Psychologists in Law Schools" for the third edition of the book "Career Paths in Psychology: Where Your Degree Can Take You."

Spellman has spoken frequently on the topic of reproducibility in science and wrote "Science in Spite of Itself," a book review of "The Seven Deadly Sins of Psychology: A Manifesto for Reforming the Culture of Scientific Practice," which appeared in *Nature* in April. In May, she served as a panelist of "The Future of Psychological Science" at the Association for Psychological Science in Boston and spoke on the replication crisis at Oklahoma State University.



A. BENJAMIN SPENCER has been promoted to the rank of captain in the U.S. Army Reserve, where he serves as a member of the Judge Advocate General's Corps. He has been awarded two Army Achievement Medals for his outstanding contributions to his unit, U.S. Southern Command, U.S. Central Command, and the Professional Communications Program at the

Judge Advocate General's Legal Center and School.



PAUL STEPHAN '77

served as the coordinating reporter for the American Law Institute, which met in May to approve the "Fourth Restatement of the Foreign Relations Law of the United States." The final work will be published by the end of this year.

Stephan also delivered a paper titled "International Law as a Wedge Between the Common and Civil Law" to a conference organized by the South Slavic Branch of the International Law Association in Montenegro. In August and September, he taught a course on emerging markets at Sydney Law School and Melbourne Law School. Stephan also led a workshop for the Australian Ministry of Foreign Affairs in Canberra. In addition, Stephan presented his works internationally at University of New South Wales, and for Duke Law School in Pretoria, South Africa. His papers presented in Čanj and Pretoria will be published in separate books.



J.H. "RIP" VERKERKE

will present his paper "Mapping Employment Dismissal Law: A Leximetric Investigation of EPL Stringency and Regulatory Style" at the Conference on Empirical Legal Studies in October at Cornell Law School.



CHIEF JUSTICE ROBERTS APPOINTS SPENCER TO COMMITTEE ON CIVIL RULES

U.S. Supreme Court Chief Justice John Roberts has appointed **A. BENJAMIN SPENCER** to the Advisory Committee on Civil Rules of the Judicial Conference of the United States.

The Judicial Conference is the principal policymaking body of the U.S. Courts, and is charged with developing amendments to the Federal Rules of Civil Procedure. Spencer, an expert in civil procedure and federal jurisdiction, officially received the news in a letter from Roberts in May.

"I am confident that your contributions will be many," Roberts wrote.

Spencer is serving a three-year, renewable term that began Oct. 1, working with Judge John D. Bates of the U.S. District Court for the District of Columbia, the committee's chair.

"For proceduralists, this is the principal group of people who superintend the body of rules around which our field revolves," Spencer said. "It is very humbling for me to be presented with this opportunity."

—Eric Williamson



MILA VERSTEEG was named an Andrew Carnegie fellow for the academic years 2017-19. The fellowship will allow her to conduct research on constitutional rights effectiveness. In the past year, Versteeg gave talks in Bogota, Colombia; Cambridge, England; Tel Aviv and Herzeliya, Israel; and Izmir, Turkey. She also gave workshops at Berkeley, Georgetown, Stanford, Columbia, the University of Louisiana, and the University of California, Los Angeles. This fall she will be conducting fieldwork in Myanmar and Russia. Her 2017 publications so far include articles in the University of Chicago Law Review, the Cornell Law Review, Law & Social Inquiry and an edited volume on Comparative International Law. She also recently published in leading political science journals such as the American Political Science Review and the American Journal of Political Science. Versteeg is the director of the law school's Human Rights Program and organized numerous events in the past academic year on human rights topics.



GEORGE EDWARD WHITE will deliver the William Acker Lecture at Birmingham Southern University in early November. The title of the talk is "Law in the Early Republic." White will present on the place of history in tort law at a plenary session of the annual meeting of the American Association

of Law Schools in San Diego on Jan. 5. He will present a paper at the Law and Humanities Workshop at Stanford Law School on March 12. The topic is "American Jurisprudence and Legal Education: From Process Theory to 'Law And.'"



During the spring, **GEORGE YIN** published three op-eds (in The Washington Post, USA Today and the History News Network), a letter to the editor in The New Yorker, and a short article in Tax Notes on Congress' ability to obtain the tax returns of President Donald Trump. The authority is based on a 1924 law that was designed to give the legislature the same rights as the executive branch to examine and possibly disclose confidential tax return information. The House of Representatives has held a series of votes on this issue but so far has refused to exercise its authority.

Yin also delivered a keynote luncheon address in the spring to a meeting of the Florida Tax Institute in Tampa, Fla. Yin explained how changes in the tax legislative process have affected the type of tax legislation produced by Congress. He plans to convert the speech into a short essay.

During the summer, Yin completed an article, "The Curious Origins of the Major Tax Preferences for Oil and Gas Producers," which will appear in a forthcoming edited volume "Tax and the Environment." The article concerns the origins of two almost-100-year-old oil and gas tax incentives: the percentage depletion allowance and an option to allow produc-

ers to expense rather than capitalize their intangible drilling costs. Yin explains that neither preference arose as a result of explicit congressional policy to favor producers. Rather, they were the product of legislative and administrative misjudgments and confusion.

Finally, Yin also finished a working draft, "Codification of the Tax Law and the Emergence of the Staff of the Joint Committee on Taxation." The draft describes the early development of the staff following its creation in 1926 and focuses on the staff's work over a dozen years to codify the tax statutes. Yin shows how this achievement established the staff's reputation and prominence, and also helped to change the nature of the overall legislative process.