GEORGETOWN LAW

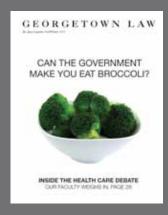
Res Ipsa Loquitur Fall/Winter 2011

CAN THE GOVERNMENT MAKE YOU EAT BROCCOLI?



INSIDE THE HEALTH CARE DEBATE

OUR FACULTY WEIGHS IN, PAGE 28



GEORGETOWN LAW Fall/Winter 2011

ANNE CASSIDY Editor

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MATTHEW F. CALISE Director of Alumni Affairs

KEVIN T. CONRY (L'86) Vice President for Strategic Development and External Affairs

WILLIAM M. TREANOR Dean of the Law Center Executive Vice President, Law Center Affairs

We welcome your responses to this publication. Write to

Editor, Georgetown Law Georgetown University Law Center 600 New Jersey Avenue, N.W. Washington, D.C. 20001

Or send e-mail to: editor@law.georgetown.edu

Address changes/additions/deletions: 202-687-1994 or e-mail addup@georgetown.edu

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Letter from the Dean



In the year since I became dean, I am often asked what has surprised me most about Georgetown Law. My answer is that, while I knew from the outset the Law Center's presence in Washington, D.C., is an important asset, I had not fully appreciated how much being in Washington contributes both to the academic work being done here and to the educational experience of our students. Washington is a magnet that draws faculty

interested in questions of policy, government and, more broadly, the regulatory state. The city enriches research, facilitates an ongoing dialogue about fundamental issues and gives faculty members an opportunity to help shape the most important debates of our day. Students are drawn here by that faculty. They are drawn here, as well, by the opportunities to learn in the clinics and classes that could only take place in Washington, by the opportunities for externships and experiential learning classes that give them the chance to witness, study and be part of government in operation, and by what our Admissions Dean Andy Cornblatt refers to as the "charisma" of the city. From the vantage points of both faculty and students, Washington has compelling attractions that no other city can match.

Our cover story illustrates this "D.C. difference" as it looks at our place in the current health care debate. Georgetown Law professors have figured prominently on both sides of the debate as the Affordable Care Act has been contested in court. We have here some of the leading advocates for the bill and one of the most thoughtful voices against it. As the country awaits final court decisions on the constitutionality of the Affordable Care Act, you can read about the Law Center's very own health care debate (page 28) — a spirited exchange that may shed some light on this complicated subject.

The seriousness with which our faculty has participated in the health care debate also illustrates our shared commitment to using law in the service of others; that commitment animates the educational experience of our students, as well. Beginning on page 36, you can read how a group of students drafted an International Migrants Bill of Rights — a most international experiential learning project. And beginning on page 44, you will meet five alumni who, inspired by the Street Law program, have started schools that defied the odds.

The combination of our Washington, D.C., location and our dedication to others is a remarkable one. It has truly been a privilege to share in that common work this past year, and it has been a privilege, as well, to get to know so many members of this community. A new year is beginning here, and I know that this year will be as exciting and as rewarding as the first. As I begin my second year at Georgetown Law I look forward to meeting more of you — at reunion weekend October 14-16, at alumni events in your area, or right here on campus. Until then, I wish you all the excitement that a fresh start can bring.

Sincerely,

Bin

William M. Treanor
Dean of the Law Center
Executive Vice President, Law Center Affairs

GEORGETOWN LAW

Res Ipsa Loquitur Fall/Winter 2011



Can the Government Make You Eat Broccoli?

Our faculty weighs in on the health care debate.

By Anne Cassidy

Global Law Scholars Make Their Mark

Their story is the ultimate in experiential learning.

By Ann W. Parks



The Schools That Law Built

Why turn down a big law firm offer to spend the day with ninth-graders? These alumni have the answer.

By Ann W. Parks

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FACULTY NOTES



New Faculty Join the Law Center



JOHN R. BROOKS

A.B. 1998, J.D. 2006

EXPERIENCE AND AFFILIATIONS
Climenko Fellow and Lecturer on Law. Harvard

Olin Fellow in Law and Economics, Harvard

Law Clerk for Judge Norman H. Stahl of the U.S. Court of Appeals for the 1st Circuit

COURSES

Taxation
Current Issues in Tax Law and Policy Seminar

REPRESENTATIVE PUBLICATIONS

"Doing Too Much: The Standard Deduction and the Conflict Between Progressivity and Simplification," 2 Colum. J. Tax. L. 203 (2011)

ssociate Professor John R. (Jake) Brooks comes to Georgetown from Harvard Law School, where he was a Climenko Fellow and Lecturer on Law for the past two academic years, teaching legal research and writing to first-year law students. Brooks' academic specialty is tax law and policy, and the Columbia Journal of Tax Law recently published his article, "Doing Too Much: The Standard Deduction and the Conflict Between Progressivity and Simplification." The article explains the conceptual incoherence of the standard deduction of the federal income tax. One purpose of the standard deduction is to establish a "zero bracket amount," that is, some amount of income that will be untaxed. Another purpose is to serve as a simplified substitute for itemized deductions. Brooks' article points out that these purposes are often in stark conflict, and it proposes a series of reforms to eliminate the tension between these competing goals.

Brooks' other research in progress encompasses a number of innovative projects. Several projects continue to examine some of the themes he raised in his *Columbia Journal of Tax Law* article, namely the mismatched policy goals behind some of

the major tax deductions and credits. One project examines the design of "floors" and similar devices in the tax code that are used to limit the availability of certain tax preferences. He points out that such floors are rarely designed in an efficient and coherent way. In another project, he takes a novel approach to examining the empirical responses to certain deductions, so as to better understand to what degree average taxpayers are motivated by tax incentives. He also does research at the intersection of taxation and finance, with particular attention to taxation and risk-taking. Financial economics, and behavioral finance in particular, provide some important insights that have yet to be fully integrated into tax law research. Taxpayer behavior in the face of investment risk and uncertainty can be complex, and Brooks' work aims to bring more understanding of such behavior into the design of tax and retirement income policy.

From 2007 to 2009, Brooks was an associate, practicing tax law, at the firm of Ropes and Gray in Boston, Massachusetts. Prior to joining Ropes and Gray, he clerked for Judge Norman H. Stahl of the U.S. Court of Appeals for the 1st

Circuit. Brooks graduated from Harvard Law School, magna cum laude, in 2006. He previously received his A.B. degree in applied mathematics from Harvard College in 1998.

Between finishing Harvard College and starting Harvard Law School, Brooks was a magazine writer and editor (for *Let's Go* publications and *Outside* magazine), a software developer (for, among others, the *New York Times*) and an emergency medical technician (still licensed). He and his wife, Michelle Brooks (a private equity investor), have four-year-old twins, a boy and a girl.

By Stephen Cohen



ITAI GRINBERG

B.A.1997 Amherst

J.D. 2002 Yale

EXPERIENCE AND AFFILIATIONS Attorney-Adviser, U.S. Department of the Treasury

Counsel to the President's Advisory Panel on Federal Tax Reform

Associate, Skadden, Arps, Slate, Meagher & Flom

COURSES

International Tax: U.S. Taxation of Cross-Border Activities and Income

REPRESENTATIVE PUBLICATIONS

"Where Credit Is Due: Advantages of the Credit-Invoice Method for a Partial Replacement VAT," 63 Tax L. Rev. 309 (2010)

"Implementing a Progressive Consumption Tax: Advantages of Adopting the VAT Credit-Method System," 59 National Tax Journal (2006)

"Taxing International Portfolio Income," 56 Tax L. Rev. 537 (2003)

I tai Grinberg brings broad experience, high energy, and unbounded enthusiasm to his new career in legal academics. In the decade since he completed law school, Itai has practiced tax at one of the nation's leading law firms, advised a bipartisan presidential commission on tax reform, and served in a key tax policy position at the U.S. Treasury Department. This strong professional background has prepared him to make a major contribution to Georgetown.

One might have predicted early that Itai would develop the interest in international tax that guides his current scholarship. Born in Israel, Itai first moved with his family to Mexico before settling in Colorado. While working as a consultant to the Ministry of Finance of El Salvador after graduating from Amherst College, Itai became intrigued by the use of law to shape incentives for behavior. The light bulb went on, he says, during his first tax course at Yale Law School. Tax law, Itai notes with a broad smile, creates incentives for everyone's decisions.

Itai easily merged his new interest in tax with his lifelong attachment to the world beyond U.S. borders. He studied international tax, publishing his course paper ("Taxing International Portfolio Income") as a full-length article with Michael Graetz, and then practiced international tax for several years at Skadden, Arps in Washington, D.C. In 2005, the President's Advisory Panel on Federal Tax Reform called on Itai's expertise, and he spent several months providing counsel and advice to the panel on the taxation of cross-border transactions, tax incentives for savings and investment, labor incentives and tax relief for lower-income workers, and consumption taxes.

Although consumption taxes were a new topic for Itai, they quickly became the focus of his early scholarship. Two of his published articles ("Implementing a Progressive Consumption Tax: Advantages of Adopting the VAT Credit-Method System" and "Where Credit is Due: Advantages of the Credit-Invoice Method for a Partial Replacement VAT") demonstrate the superiority of the credit-method value-added tax to other forms of national consumption taxes.

Itai's time with the presidential advisory panel did not exhaust his interest in public service. In 2007, he became an attorneyadviser for the Office of International Tax Counsel in the U.S. Treasury Department's Office of Tax Policy. In that position, he worked on legislation, regulations, and the negotiation of bilateral tax treaties. He also represented the U.S. at the Global Forum on Transparency and Information Exchange and at both the Committee on Fiscal Affairs and the Task Force on Tax and Development of the Organisation for Economic Co-operation and Development (OECD). Through his legislative, regulatory, and multilateral work, Itai became the Treasury Department's point man on the important and difficult problem of offshore tax evasion. Now, Itai plans to bring that policy experience to bear on his scholarship, as he undertakes research on how the shift in global economic activity away from the U.S. and its traditional trading partners should affect U.S. international tax policy and on how international cooperation might improve tax enforcement in developing countries.

By Michael Doran



ELOISE PASACHOFF

A.B. 1995, M.P.A. 2004, J.D. 2004 Harvard

M.A. 1998 Yale

EXPERIENCE AND AFFILIATIONS
Climenko Fellow and Lecturer on Law, Harvard

Law Clerk for Supreme Court Justice Sonia Sotomayor

Law Clerk for Judge Robert A. Katzmann, U.S. Court of Appeals for the 2nd Circuit

Law Clerk for Judge Jed S. Rakoff, U.S. District Court for the Southern District of New York

Associate, WilmerHale

COURSES

The Federal Role in Education Law and Policy Seminar Legislation and Regulation

REPRESENTATIVE PUBLICATIONS

"Special Education, Poverty, and the Limits of Private Enforcement," 86 Notre Dame L. Rev. (forthcoming)

"Block Grants, Early Childhood Education, and the Reauthorization of Head Start: From Positional Conflict to Interest-Based Agreement," 111 Penn St. L. Rev. 349 (2006)

"'Head Start Works Because We Do': Head Start Programs, Community Action Agencies, and the Struggle over Unionization," 38 Harv. C.R.-C.L. L. Rev. 247 (2003)

Any parent would be proud of a daughter who graduated at the tender age of 20 from Harvard College, summa cum laude and Phi Beta Kappa, already eager to become a professor. Some might worry, however, if a decade and a half later the daughter had been through more than a half dozen different jobs and three graduate programs, with still neither a Ph.D. nor permanent employment to show for it.

Eloise Pasachoff's parents had no need to worry, notwithstanding her nontraditional path. Before joining our faculty, she completed an M.A. in English at Yale, and a J.D. and an M.P.A. at Harvard. Her varied jobs included three federal clerkships, topped by one with Supreme Court Justice Sonia Sotomayor; internships at Legal Services and in local, state and federal government agencies; and two years as an associate at WilmerHale. In addition, Eloise taught in public and private high schools and in the coveted Harvard Climenko Fellowship.

Eloise grew up in Williamstown, Massachusetts, loving poetry and inclined to get an English Ph.D. (like her mother) and be a college professor (like her father). As an undergraduate she studied Walt Whitman and W.H. Auden, who participated in and wrote about the American and Spanish civil wars, respectively. She was particularly gripped by these poets' "sense of responsibility in times of moral and political crisis." Eloise started English graduate studies at Yale during a campus workers' strike, but following a favorite line of Auden, she decided to explore one way to "make action urgent and its nature clear" by leaving with just the masters degree and going to New York City to teach.

Her three years of teaching, first at the elite, private Horace Mann School in Riverdale, and later at the public Bread and Roses Integrated Arts High School in the heart of Harlem, had a career-shaping impact.

The starkly different opportunities of the two student bodies stirred Eloise's concerns about inequality — and law and policy studies beckoned. Eloise's dedication to the study of education and inequality is clear in her steadily growing body of writing. Her research focuses on the creation, implementation and enforcement of laws governing education and social welfare policies, with particular attention to unintended distributional consequences of statutory and regulatory design choices. She was especially attracted to Georgetown Law by our capacious vision of the law and legal education that includes legislation

and administration in addition to the work of litigators and courts.

Along the way, Eloise met and married Tom Glaisyer, and in 2008 they had a son, Sam. Providing inspiration to law students who hope to be successful lawyers and parents, Eloise managed even during her Supreme Court clerkship year to get home to put baby Sam to bed almost every night. Sam also spent time with his mom at the clerks' weekly happy hours and took some of his first steps in the Supreme Court courtyard. Eloise's husband, Tom, a native of England, is a Knight Media Policy Fellow at the New America Foundation. He is working on a Ph.D. from Columbia University in communications policy and may be glimpsed in the library and around campus at Georgetown, where he is a Dean's Visiting Scholar.

By Nina Pillard



TANINA ROSTAIN

В Д 1981

Swarthmore

M.A. 1983, J.D. 1987 Yale

EXPERIENCE AND AFFILIATIONS

Professor and Co-Director, Center for Professional Values and Practice. New York Law School

Clerk for Connecticut Supreme Court Chief Justice Ellen Ash Peters

W.M. Keck Fellow in Legal Ethics and Professional Culture, Yale Law School

Visiting Professor and Faculty Fellow, Edmond J. Safra Foundation Center for Ethics, Harvard

COURSES

Professional Regulation
Legal Ethics in Corporate Practice
American Legal Profession: Sociological and Historical Perspectives
Technology, Innovation and Law Practice Seminar
Corporate Crime
Evidence

REPRESENTATIVE PUBLICATIONS

- "Self-Regulatory Authority, Markets and the Ideology of Professionalism," The Oxford Handbook on Regulation, Oxford (2010)
- "Sheltering Lawyers: The Organized Tax Bar and the Tax Shelter Industry," 23 Yale J. on Reg. 77 (2006)
- "The Emergence of 'Law Consultants,'" 75 Fordham L. Rev. 1397 (2006)

Tanina Rostain likes to say that law teaching is "the best job in the world." "Where else," she explains, "can you engage every day with the most important ethical, social and political issues that human beings face?"

A nationally recognized expert on legal ethics and the American legal profession, Rostain brings an interdisciplinary approach to her work. While studying in Yale's graduate program in philosophy, Rostain had an epiphany that has guided her career ever since. She concluded that questions of political philosophy and ethics are most fruitfully explored in the context of social institutions. Rostain observed that the most pressing problems of justice and morality in the United States are addressed by lawyers, using legal arguments and solutions. So she decided to go to law school.

At Yale Law School, Rostain kept one foot in the world of practice, participating as a student leader in the prison legal clinic, and the other in the world of scholarship, serving alongside our colleague Jane Stromseth as an articles editor of the Yale Law Journal. After clerking for Ellen Ash Peters, the chief justice of the Connecticut Supreme Court, Rostain joined a small trial firm, specializing in employment discrimination, civil rights work and plaintiffs' cases. Rostain then took her experience representing individuals and trying cases to the University of Connecticut Law School, where she served as the co-director of its Civil Rights Clinic. After a turn as a Keck Fellow in Professional Ethics and Culture

at Yale Law School, Rostain returned to the legal academy as a traditional classroom scholar and teacher.

Rostain's scholarship draws on both normative and empirical approaches. Her work treats professional ideals as a set of claims that lawyers make about their value to society, and it draws on sociological and historical methods to investigate the extent to which lawyers do or don't live up to these claims. Rostain has published several highly original articles on the tax bar and tax shelters and is currently writing a book on the role of tax professionals at law and accounting firms in spearheading the tax shelter industry that flourished at the turn of this century. (Full disclosure: I am her co-author on the book.)

An astute observer of the transformations sweeping across legal practice, Rostain has also explored such important topics as the emergence of lawyers as compliance consultants, the authority of general counsel at Fortune 500 companies and the erosion of the bar's self-regulatory authority. Rostain's current research investigates the role of technology in law practice and new developments in legal education in the United States and Europe. Fluent in Spanish and French, Rostain looks forward to representing the Law Center in new collaborative initiatives around the globe.

Rostain brings warmth, energy and humor to her work in the classroom. She was an early adopter of new pedagogic technologies to enhance students' learning experiences. An innovative teacher, Rostain's presence on the faculty strengthens the Law Center's position at the forefront of legal education.

When she is not writing and teaching, Rostain likes to get outside with her husband and two children, running, hiking, growing tomatoes in the summer and enjoying backcountry skiing in the winter.

By Milton Regan



LARRY SOLUM

B.A. 1981 University of California at Los Angeles

J.D. 1984

EXPERIENCE AND AFFILIATIONS

John E. Cribbet Professor of Law and Philosophy and Co-Director, Program in Constitutional Theory, History and Law and the Program in Law and Philosphy, University of Illinois College of Law

Professor, University of San Diego School of Law

Professor, Loyola Law School

Editor, Harvard Law Review

Clerk for Judge William A. Norris, U.S. Court of Appeals for the 9th Circuit

COURSES

Legal Process and Society

REPRESENTATIVE PUBLICATIONS

Constitutional Originalism (with Robert Bennett), Cornell University Press (2011)

"Models of Internet Governance," in *Internet Governance: Infrastructure and Institutions* (Lee A. Bygrave, Jon Bing & Terje Michaelsen, eds.), Oxford University Press (2009)

"Natural Justice: An Aretaic Account of the Virtue of Lawfulness," in *Virtue Jurisprudence*, Palgrave MacMillan (2007)

As an academic, Larry Solum stands for one thing above all others: a commitment to the rule of law. Throughout his career he has championed the rule of law against a powerful academic tide in the other direction. Legal academics have internalized the idea that the rule of law is either redundant or pernicious. It is redundant when it reaches the same outcome as "substantive justice" requires; it is pernicious when it reaches a contrary outcome, resulting in what Jerome Frank called "injustice according to law." Other academics have accepted the view that, be-

cause the rule of law is too indeterminate to guide conduct, substantive justice must do all the work.

Larry Solum's philosophically rich body of scholarship has shown why this is all too simple. In his earliest writings, he refuted the "radical indeterminacy" thesis by demonstrating how, while law might be underdeterminate, it can still guide conduct. His writings on "procedural justice" championed the idea that, because we cannot always know what substantive justice requires, we must adhere to fair procedures to reach fair outcomes. But as important as the outcome is, we should adopt procedures that allow for the fair participation of all the parties as an end in itself, not simply a means to a just result.

Most poignantly, in recent years, Solum has become distressed by what he has dubbed the "downward spiral" of personal attacks that dominate the selection of judges. The source of the problem, he maintains, is the now widespread perception that, because judges lack any deep commitment to a rule of law, one can never put one's faith in any judge supported by one's political adversary. Instead, you must get your partisans on the bench and block your opponents' nominees at all costs. For Solum, the only solution is for judges and the wider legal community to recommit to a vision of judging constrained by a commitment to a formal rule of law, even when it leads to results that run contrary to a judge's own vision of substantive justice. According to "virtue jurisprudence," a growing field all but invented by Solum himself, a judge qua judge should be habituated to the virtue of legality.

Solum's commitment to the "formalism" of the rule of law in the public sphere is complemented by his deep personal commitment to his colleagues and students. No teacher is more giving to, or more admired by, his students. This is not because he is easy; he is a tough taskmaster in the

classroom. But students sense the caring for them that lies behind his demands, and they love him in return. Solum is almost too giving to his colleagues, and can always be counted on to read a paper, comment in a workshop, or give the most astute career advice in the business. And, in his famous Legal Theory Blog, he tirelessly extends his collegiality to countless academics around the world, especially those who are just starting out.

In sum, Larry Solum combines a love of the law with a love for his fellow human beings. It is no accident that at every school at which Larry has taught, his colleagues eventually urge him to become their dean. But that will never happen because Larry Solum is, and always will be, a professor. But not just a professor. Larry Solum is a professor of law.

By Randy Barnett



DAVID SUPER

B.A. Princetor

J.D. Harvard

EXPERIENCE AND AFFILIATIONS
Professor, University of Maryland School of Law
Student Bar Association Outstanding Faculty Member of the Year
Visiting Professor, Harvard Law School
Visiting Associate Professor, Yale Law School
General Counsel, Center on Budget and Policy Priorities
Attorney, Community Legal Services, Philadelphia

COURSES

Public Welfare Law Administrative Law Local Government Law Evidence Property Torts Legislation Civil Procedure

REPRESENTATIVE PUBLICATIONS

- "Against Flexibility," 96 Cornell L. Rev. 1375 (2011)
- "The Rise and Fall of the Implied Warranty of Habitability," 99 Cal. L. Rev. 389 (2011)
- "Rethinking Fiscal Federalism," 118 Harv. L. Rev. 2544 (2005)
- "Offering an Invisible Hand: The Rise of the Personal Choice Model for Rationing Public Benefits," 113 Yale L.J. 815 (2004)

avid Super is on a lifelong mission to help people at the margins find their way to a better life. Like another noted Washington resident, David started his journey as an organizer — in his case with the farmworkers union of Cesar Chavez. Taking advantage of his height to pass for someone older than he was, the 14-year-old David began making the rounds of numerous union halls, churches, synagogues, college dorms and supermarkets, urging support for the farm-workers' consumer boycotts.

Fortunately for Georgetown Law, the even-then independent-minded David got crosswise with the strategic direction of the union, and went off to Princeton. He graduated in three years, although he seems to have spent as much time advocating for low-income tenants as studying in the library. That work bespoke law school to David, so it was on to Harvard and then Philadelphia, where he worked as a legal services lawyer specializing in food assistance and advocacy for the severely mentally ill.

Another bridge appeared. Much of the troubling policy that David was up against was coming out of Washington, so he took an 18-month leave and came to D.C. to work on improving federal policy for low-income people. He never returned to his job in Philadelphia. Why so long and still not finished straightening out the policymakers? "They turn out to be slow learners," David says.

The '90s were a tough time for many of the policies David cares about, with the passage of the 1996 welfare law and cuts in the food stamp program and aid to immigrant families. He started writing longer pieces examining the underlying conceptual and values framework. As an advocate he had become the go-to person for the most complicated and technical questions about how the policies worked (and he still is), but he wanted to think about first principles at the same time.

So he joined the law faculty at Maryland in 2004. Here we can see with particular clarity David's prodigious energy. Over the ensuing seven years, until he joined the Georgetown faculty this fall, David wrote over a dozen major law review articles, numerous articles geared to helping legal services lawyers and two dozen policy papers for the Center on Budget and Policy Priorities, his longtime employer before going into academia. He visited at seven law schools (plus Princeton), taught 16 different courses and conducted numerous training sessions for legal services lawyers. I'm out of breath just writing all of that.

In addition to being one of America's great experts on public benefits and other poverty issues, David Super is a wonderful model for students considering careers in public interest law. From being an organizer to being a legal services lawyer to being a policy advocate (and finally to being a distinguished scholar and teacher), David combines a burning commitment to social justice with a profound intellectual depth. He is an inspiration.

By Peter Edelman

Faculty Book

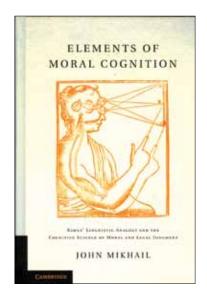
Elements of Moral Cognition: Rawls' Linguistic Analogy and the Cognitive Science of Moral and Legal Judgment

In Elements of Moral Cognition (Cambridge, 2011), Professor John Mikhail explores basic questions of human nature and whether there is an innate basis to the sense of justice. He marshals behavioral and neuroscientific evidence that ordinary adults and even young children are "intuitive lawyers" capable of making sophisticated moral judgments in surprising ways. For instance, even five-year-olds can distinguish between mistakes of fact (shooting someone because you mistake them for a tree stump) and mistakes of law (shooting someone because you don't believe murder is wrong).

In the course of investigating this hypothesis, Mikhail shines new light on the philosopher John Rawls' theory of justice. Rawls' idea that there may be an important analogy between rules of justice and rules of grammar has received short shrift, Mikhail says, and he sets out to explain the importance of Rawls' analogy as it relates to our understanding of moral cognition.

"The scientific questions raised by Rawls' linguistic analogy are classic ones," Mikhail writes. "What constitutes moral knowledge? Is it innate? Does the brain contain a module specialized for moral judgment? Does the human genetic program contain instructions for the acquisition of a sense of justice or moral sense? Questions like these have been asked in one form or another for centuries. In this book, I take them up again, with the aim of clarifying them and developing Rawls' proposal in *A Theory of Justice* for how they should be investigated."

The renowned linguist Noam Chomsky (whose theory of universal grammar Mikhail builds upon in developing his parallel



theory of an innate moral grammar) says that Mikhail's book "resurrects fundamental themes of traditional moral philosophy and Enlightenment rationalism, while showing how they can be cast as empirical science with far-reaching implications for political, social and legal theory. It is a most impressive contribution."

And Gilbert Harman, Stuart Professor of Philosophy at Princeton, says, "I believe that Mikhail's current work in this area as reported in his book is the most important contemporary development in moral theory."

Faculty Awards and Recognition

The Political Quarterly, a British journal of public affairs, recently honored Professor Emeritus Norman Birnbaum's essay "American Progressivism and the Obama Presidency" with its Bernard Crick Prize for the best article of 2010. The prize is named after the late Bernard Crick, the British political thinker and biographer of George Orwell. Birnbaum received the award in London on May 18.



Professor **Chris Brummer** has joined the Milken Institute as a senior fellow. The Institute is charged with increasing policy-

makers' understanding of the operations of financial markets in the United States and worldwide.



Professor **Barry Carter** received the Aptíssimi Award in Academic Excellence from ESADE Law School in Barcelona on May 26.

Established in 2008, the Aptíssimi Award "recognizes scholars for significant achievements in the field of business law that have served to build bridges between academia and the world of law practice."



The Council for Court Excellence has selected Professor **Peter Edelman** as one of three recipients of the 15th annual Justice

Potter Stewart Award, which honors the memory of the late Supreme Court justice

by recognizing "individuals and organizations whose work on behalf of the administration of justice has made a significant contribution to the law, the legal system, the courts, or the administrative process in our nation's capital." Edelman received the award in Washington on May 12.



Professor **Deborah Epstein**, associate dean of clinical education, has been named the 2011 Outstanding Advocate for

Clinical Teachers by the Clinical Legal Education Association. The CLEA Award recognizes an individual who has served as a voice for clinical teachers and who has contributed to the advancement of clinical legal education nationally. Epstein was specially recognized for her leadership in opposing proposed changes to American Bar Association accreditation standards that would have dramatically altered the terms and conditions of employment for law faculty. The award was presented June 16 in Seattle.



Professor **Lisa Heinzerling** was selected as the first recipient of the New Directions in Environmental Law Award by the

Yale Environmental Law Association and the Yale Center for Environmental Law & Policy. The New Directions in Environmental Law Award recognizes individuals who are "actively, creatively and ethically opening up new directions in the field of environmental law." Heinzerling received the award April 2 at the New Directions

in Environmental Law conference at Yale Law School, where she gave the keynote address.

The Supreme Court Institute honored Professor **Neal Katyal**, former deputy solicitor general, at its year-end reception April 28. Katyal, who was appointed principal deputy solicitor general in 2009, served as acting solicitor general after Supreme Court Justice Elena Kagan's nomination to the Court last year.

President Barack Obama has nominated Visiting Professor **Albert Lauber**, director of the graduate tax and securities programs, to serve as a judge on the United States Tax Court.

Visiting Professor **Ladislas Orsy, S.J.**, received an honorary degree in civil law from the University of St. Paul in Ottawa, Canada.





Professor **Nina Pillard** will be joining Professor **Steve Goldblatt** as a faculty director of the Supreme Court Institute. Pillard has been an active participant in the Institute and has served on its faculty advisory committee for many years.



The American Academy of Arts and Sciences, one of the nation's most distinguished honorary societies, has elected Professor

Louis Michael Seidman to its membership. Established in 1780, the Academy is a leading center for independent policy research, and its current membership includes leaders from academia, business, public affairs, the humanities and the arts. Seidman is one of 212 new members elected to the Academy this year and one of seven in the law section. This year's class will be inducted into the Academy October 1 in Cambridge, Mass.



Professor **Kathryn Zeiler** was recently elected to the Board of Directors of the American Law and Economics Association for a three-year

term. She was also recently appointed to the Max Planck Institute's Scientific Advisory Board for Research on Collective Goods. She will serve a six-year term on that board.

The Law Office Southern Center for Human Rights, an Atlanta-based nonprofit law firm that provides legal representation for people facing the death penalty and advocates for criminal justice system reform in many ways, is honoring the E. Barrett Prettyman and Stuart Stiller postgraduate fellowship program with its Frederick Douglass Human Rights Award. The award singles out those who have made outstanding contributions to the protection of human rights. It will be presented October 27 at a dinner in Washington, D.C.



James Bishop of the Archdiocesan Legal Network (left), ALN Advisory Board Member Susan Hoffman of Crowell & Moring (right) and His Eminence Donald Cardinal Wuerl, archbishop of Washington, present OPICS Director of Pro Bono Programs Holly Eaton with the ALN award.

The Catholic Charities Archdiocesan Legal Network has recognized the Office of Public Interest and Community Service for the outstanding volunteer work performed by Georgetown Law students. "Georgetown Law is an example of the kind of institutions that make the Legal Network possible. Only through the volunteers who take time to get involved in someone's life can the Legal Network help so many people," said James Bishop, senior program director for the Network. The award was presented at a reception in April.



LECTURES AND EVENTS





Supreme Court Justice Elena Kagan



Professor Neal Katyal

Celebrating Supreme Court Advocacy

The 11th annual Supreme Court Institute year-end reception on April 28 was a celebration of stellar advocacy before the nation's highest court — due in no small part to the Institute itself. Since its founding in 1999, SCI's moot court program has helped seasoned attorneys and Supreme Court first-timers alike prepare for the most important oral arguments of their careers.

Supreme Court Justice Elena Kagan, Deputy Solicitor General Edwin Kneedler and former Solicitor General and Visiting Professor Paul Clement honored Professor Neal Katyal, then acting solicitor general, for his contribution to government and to the Court. Professor Richard Lazarus — a former faculty director

of the program who recently joined the faculty at Harvard Law School — was informally honored by his co-director, Professor Steve Goldblatt, and Executive Director Irv Gornstein for creating the Supreme Court Institute 11 years ago.

"It's a rare person who can both come up with a brilliant idea and then brilliantly implement it," said Gornstein.

In the 2010-2011 term, the Supreme Court Institute mooted 73 of the 78 cases before the High Court, said Deputy Director Dori Bernstein. Almost 1200 student observers attended the moots, which were judged by a record 215 attorneys, including Dean William M. Treanor.









U.S. Secretary of Education Arne Duncan; retired Justice Sandra Day O'Connor with, from left, author and Princeton Professor Evan Thomas, the John D. and Catherine T. MacArthur Foundation President Robert Gallucci and Aspen Institute President and CEO Walter Isaacson; O'Connor with grade-school student winners of the first annual Malcolm R. Wilkey Civics Competition; and O'Connor with Gallucci (left) and Isaacson (right).

Educating for Democracy

arely a third of youngsters can say what the Declaration of Independence was all about ... [yet] young people spend about 40 hours a week in front of a computer screen," said retired Justice Sandra Day O'Connor, who spoke here March 29 at a conference called "Educating for Democracy in a Digital Age."

To remedy this imbalance, O'Connor founded iCivics, a web-based educational tool designed to teach students how Supreme Court decisions are made ("Supreme Decision"), how the president's job works ("Executive Command") and how immigrants become citizens ("Immigration Nation") — among other things.

Supported by the MacArthur Foundation, the conference explored strategies to promote civic learning and participation to young people. The conference was cosponsored by Georgetown Law, the Aspen Institute's Justice and Society Program and iCivics.org.

"A foundation in civics education cannot be a luxury, but is a necessity," said keynote speaker and U.S. Secretary of Education Arne Duncan. Two-thirds of all Americans can't name all three branches of government, Duncan noted, yet 75 percent can name all of the Three Stooges. "It's no secret that many young people today find civics and government instruction to be dusty and boring and dull," Duncan said. "This is a time for us to update civics education for the 21st century."

Grade-school students Deovion Cheek, Brendan Epton, Grace Mitchell and Courtney Thomas Jr. — winners of the first annual Malcolm R. Wilkey Civics Competition — were honored for creating winning essays or media projects about their civic heroes. And students at Bishop Loughlin Memorial High School in New York City, who opened the conference by leading the Pledge of Allegiance, presented their award-winning video on "random acts of kindness."

Other notable participants included former Rep. Lee H. Hamilton, D-Ind.; Professor Julie O'Sullivan; Adjunct Professor Meryl Chertoff, director of the Aspen Institute's Justice and Society Program; Robert Gallucci, president of the MacArthur Foundation and former dean of Georgetown University's School of Foreign Service; Aspen Institute President and CEO Walter Isaacson; and PBS NewsHour Correspondent Ray Suarez.





Pew Center President Eileen Claussen delivers the keynote address, and Climate Center Executive Director Vicki Arroyo (L'94) poses with Frank Murray Jr. (F'72, L'75), Professor Peter Byrne and Deborah Markowitz (L'87).

Working Together on Climate Policy

omprehensive climate and energy legislation looks less likely now than it did in 2009, when a significant measure passed the House. But at the Georgetown Climate Center's two-day conference on "State and Federal Climate and Energy Policy: Where Do We Go From Here?" there was plenty to be optimistic about — starting with the Climate Center itself, which co-sponsored the event with the Pew Center on Global Climate Change.

"At Georgetown, with so much academic strength, one of our gems is our environmental law program," said Dean William M. Treanor, who opened the conference February 24 with Climate Center Executive Director Vicki Arroyo (L'94). The Climate Center, which works with the states and the federal government to solve the problems surrounding climate change, also provides students with valuable opportunities to work on energy and environmental issues, Treanor said.

In her keynote address, Pew Center President Eileen Claussen noted the bright spots — including the White House's commitment to clean energy, business leaders' support of environmental causes, the states' roles in taking the lead on these issues, and international initiatives such as the 2010 climate change summit in Cancun, Mexico.

"I won't promise you a Hollywood ending, but all is not lost," she said.

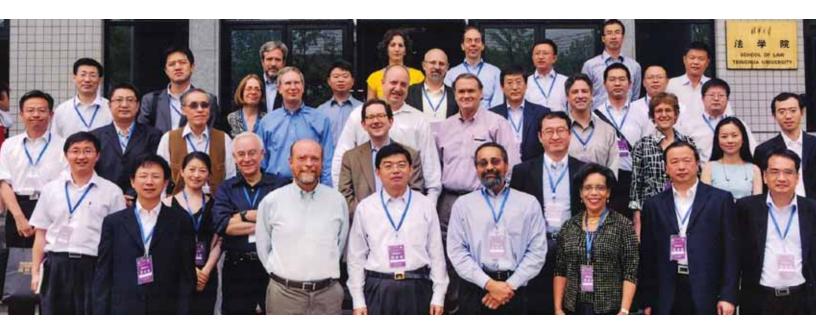
Other keynote speakers included Vermont Gov. Peter Shumlin, who spoke at Thursday night's dinner at the Hyatt Regency; Bob Perciasepe, deputy administrator of the U.S. Environmental Protection Agency; Roy Kienitz, undersecretary for policy at the U.S. Department of Transportation; and Robert Inglis, a former Republican congressman from South Carolina.

Panels led by Arroyo, Professor Peter Byrne, the Climate Center's faculty director, Research Director Kate Zyla and others kept the audience abreast of what federal and state agencies are doing with respect to clean energy, adaptation to climate change, transportation and land use, electric

vehicles, wind and solar energy and other matters. Professor Lisa Heinzerling, who until recently was associate administrator of the Environmental Protection Agency, spoke at a pre-conference dinner, and Harrison Institute Fellow Jessica Grannis (LL.M. '11) presented her adaptation work with the Center.

Among the many state leaders participating were alumni Frank Murray Jr. (F'72, L'75), president of the New York State Energy Research and Development Authority, and Deborah Markowitz (L'87), secretary of the Vermont Department of Natural Resources. Many states are leading the way on these issues, even in the absence of comprehensive federal legislation.

"We think there is transformative value in working together..." said Janice Adair of the Washington Department of Ecology. "We can transform our future, and I think that's where we are headed from here."



Law Deans in China

ean William M. Treanor (bottom row, second from the left) and deans from Stanford, Yale, Chicago and other top law schools gathered with law deans from Beijing Normal University, Renmin, Tsinghua and other premiere Chinese law schools in Beijing, China, June 20-21 at the Sino-U.S. Law Deans Summit. Participants discussed such issues as the internationalization of legal education, the role of collaboration in legal development and other topics.





Sen. Robert P. Casey Jr., D-Pa., of the "Hills Angels" with the latest "Hoya Lawyas" team member, Dean William M. Treanor; below, Alladin Jaloudi (L'12) after making his \$10,000 basket.

The \$10,000 Basket

This year's Home Court basketball the "Hill's Angels" raised \$415,000 — the largest amount ever — for the Washington Legal Clinic for the Homeless.

The event was especially lucrative for one student: Alladin Jaloudi (L'12), whose winning raffle ticket gave him a chance to net \$10,000 with a single half-court shot.

"I think the odds that I would make that shot were about five percent," Jaloudi told The Hoya newspaper. Jaloudi added that he had not touched a basketball in over six months and was mostly trying not to embarrass himself. But despite it all, he made the shot.

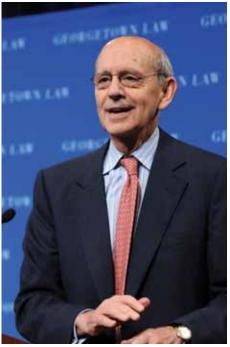
A video of the winning basket went "viral," with 3,000 views within its first day and more than 6,300 views total on the

Georgetown Law YouTube channel. (To see it and other Law Center videos, visit http://il.youtube.com/GeorgetownLaw.)

In other public interest news, the Law Center's Office of Public Interest and Community Service recognized the accomplishments of future lawyers with its 22nd annual "Public Interest Proud" celebration on April 20.

At the ceremony, Kayleen Hartman (L'11) and Ian Kysel (L'11) were each presented with this year's Bettina Pruckmayr Award for International Human Rights. Outstanding Public Service awards went to Elana Baurer (L'13) and Charity Ryerson (L'12) for their class years, while Khaliah Barnes (L'11) and Tally Pucher (L'11) each received a 3L award.







Former Chief Justice Warren Burger (left) helped establish the American Inns of Court, and Professor Sherman Cohn (right) was the American Inns of Court's first national president. Supreme Court Justice Stephen Breyer spoke at a dinner following the first day of a symposium co-sponsored by the Law Center and the American Inns of Court.

In Praise of Civility

When former Chief Justice Warren Burger noticed a decline in the skills and civility of the legal profession, he was inspired by his brethren across the pond to lead a movement to establish an American version of the British Inns of Court. Since its establishment in 1980, the American Inns of Court has strengthened professional relationships and provided mentoring opportunities for lawyers.

"We are facing a time of great change and challenge for the legal profession," said Dean William M. Treanor at a symposium co-sponsored by the Law Center and the American Inns of Court on the status of the profession today. "By passing the best of the American law profession on from generation to generation, the American Inns of Court can help 21st-century attorneys successfully navigate these changes."

The symposium, which was held April 1-2, featured a dinner discussion with Supreme Court Justice Stephen Breyer, the Rt. Hon. the Lord Phillips, president of the

Supreme Court of the United Kingdom; and the Hon. Mr. Justice John Murray, chief justice of Ireland. Other participants and attendees included the Rt. Hon. the Lord Clarke of the U.K. Supreme Court; the Rt. Hon. Baroness Scotland of Asthal, the first woman attorney general of England and Wales; Sir Nigel Sheinwald, British ambassador to the United States; Professors Jeffrey Bauman and Milton Regan, co-directors of Georgetown's Center for the Study of the Legal Profession, and many distinguished judges from the United States.

Virginia Supreme Court Justice Donald Lemons, president of the American Inns of Court, gleaned the thoughts of the distinguished jurists on, for example, the use of foreign law in interpreting the U.S. Constitution and if there is a decline of civility in the legal profession today.

While Breyer said he has never witnessed incivility in the Supreme Court, "we know perfectly well what a lot of people think of lawyers. We'll always have to do our best to see that we don't deserve those unpleasant thoughts."

The conference was another chapter in Georgetown Law's long relationship with the American Inns of Court.

"Georgetown is known as one of the leaders that created and made the American Inns of Court a strong national movement," explained Professor Sherman Cohn, who served as the American Inns of Court's first national president from 1985 to 1996. Today, "law schools throughout the country are looking for ways to introduce the practice of law to our students," Cohn said. "The American Inns of Court is a proven method of doing exactly that."

Dash Conference

Justice Denied; Justice Achieved

The late Georgetown Law Professor ■ Sam Dash understood the importance of accountability in protecting human rights. In the 1970s, Dash was sent to Ireland by the International League of Human Rights to investigate the events of "Bloody Sunday," the 1972 incident when members of the British army fired on a crowd of civil rights protesters in Derry, killing 13. The Lord Chief Justice of the United Kingdom, Lord Widgery, had conducted an inquiry into the incident but concluded, in what many would later call a whitewash, that the unarmed protesters were responsible for their own deaths.

"Sam was outraged," said Robert F. Muse Jr. (L'71), who told the story at Georgetown Law's 2011 Samuel Dash Conference on Human Rights on March 15. Muse, now a partner with Stein, Mitchell and Muse in Washington, D.C., began more than 38 years of working with the families of the Bloody Sunday victims when he served as Dash's assistant as a law student at Georgetown. "He could not abide the notion that Widgery would remain unchallenged. But how does one challenge the Lord Chief Justice? Sam rolled up his sleeves and did it with the tools he had."

Dash, with Muse's help, "proceeded to dismember Widgery's conclusions" --investigating and publishing his own report, Justice Denied: A Challenge to Lord Widgery's Report on "Bloody Sunday" later that same year. But it wasn't until June 15, 2010 — after a new 12-year inquiry into the matter, based in part on Dash's findings — that the British government formally apologized for the shootings. Dash, unfortunately, did not live to witness the apology; he died in 2004.

Muse's remarks came during "The Role of Accountability in Protecting Human Rights and National Security," presented by Georgetown Law's Human Rights Institute, the Center on National Security and the Law and Human Rights First.

Experts including Professor Laura Donohue, acting director of the Center on National Security and the Law; the Constitution Project's Louis Fisher; Daryl Joseffer, a former principal deputy U.S. solicitor general; and Eric Lichtblau, national security reporter for the New York Times, addressed the U.S. government's use of the state secrets privilege to protect national security. Donohue also announced the launch of Georgetown Law's new State Secrets Archives, the most comprehensive publicly available online database of materials related to the privilege.

Subsequent discussions examined strategies for pursuing accountability for human rights violations in the national security context as well as accountability for private security contractors overseas.

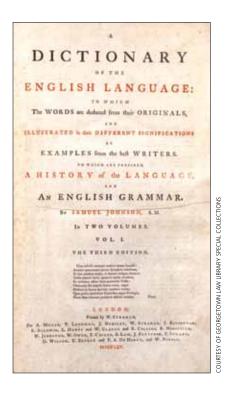
"[One] panel talked about patience, and patience is absolutely imperative to human rights," Muse said, adding that people will find a way to be heard, whether in Derry, Guantanamo, Libya or anywhere else. "So let those in power know, victims will find a voice, governments will not be able to suppress the truth and history will condemn those who violate human rights."







Robert F. Muse Jr. (L'71) (top) worked with the late Professor Sam Dash to investigate Ireland's 1972 Bloody Sunday massacre, Professor Laura Donohue with Louis Fisher and Daryl Joseffer (middle) and Elisa Massimino, president and CEO of Human Rights First, with Georgetown Law Dean William



NOTEWORTHY: A DICTIONARY FOR THE AGES

It was one of the most important books of its era, and it remained so for more than a century. Samuel Johnson's Dictionary of the English Language, first published in 1755, is known for its meticulousness, its heft (up to four volumes, depending upon the edition, with a total weight of nearly 21 pounds) and its influence on constitutional law. Johnson wrote the book singlehandedly, with only minor clerical help; it took him nine years to complete. The Georgetown Law Library recently acquired a copy of Johnson's Dictionary, third edition, published in 1765; it's available in the special collections department. If you don't have time to see the Dictionary, you can sample other library treasures through a new digital exhibit on medieval land grants: www.ll.georgetown.edu/gallery/



Harvard Law School Professor Michael Klarman

Hart Lecture

Social Change and Political Backlash

In 1954, the Supreme Court decided ■ Brown v. Board of Education, striking down state laws permitting or requiring segregated schools. In 1972, there was Furman v. Georgia, barring the use of the death penalty in three Georgia and Texas cases. And in 2003, there was Goodrich v. Department of Public Health, where the Massachusetts Supreme Judicial Court paved the way for same-sex marriage in that state.

"Courts, Social Change and Political Backlash" was the topic of the 31st annual Philip A. Hart Memorial Lecture, delivered at the Law Center on March 31 by Harvard Law School Professor Michael Klarman. The lecture, named in honor of former U.S. Sen. Philip A. Hart (C'34, H'70), is designed to promote dialogue on topics of interest to the senator during his career.

Klarman, who has penned several books on the Supreme Court and civil rights, described how the fierce opposition sparked by these cases — as well as the 1966 Supreme Court case Miranda v. Arizona and 1973's Roe v. Wade — actually served to temporarily set back the very cause that the decision sought to advance.

"In the short term, Brown v. Board of Education retarded racial progress in the American South ... [because it] created opportunities for people like Bull Connor and George Wallace to rise to the top of state politics," he noted.

In making these observations, Klarman sought not to criticize the decisions but merely to describe and explain how the "backlash" phenomenon occurs. Many issues, such as flag burning, for example, are not of great concern to the public until a court decision makes them so.

Still, backlashes can trigger counterbacklashes, which is sometimes a good thing. "I have no doubt that [Brown v. Board of Education actually accelerated progressive racial change, although it did so in a very unpredictable fashion," he said. "By retarding racial progress in the South, by creating incentives for politicians to be extreme ... Brown created Southern demagogues ... which ultimately accelerated the downfall of Jim Crow."

The United States and the "Oil States"

Tt's called the "resource curse" — coun-Ltries rich in oil and other natural resources are more likely to be ruled by autocrats, embroiled in civil wars and below the curve when it comes to human rights. Is it smart to do business with the authoritarian governments of "petrostates," and does America even have a choice?

"The United States and the Oil States: New Challenges for American Policy" explored some of the issues surrounding our country's reliance on less democratic nations to fill our SUVs. With oil costing more than \$100 a barrel this year, the political, economic and social issues have become more important than ever.

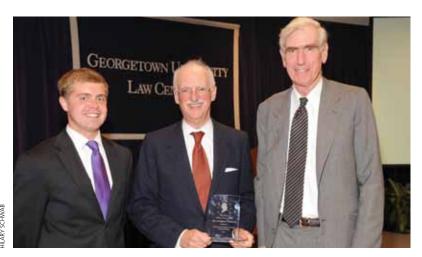
Despite an increase in the U.S. oil consumption since the 1970s and a dramatic decrease in the production of domestic oil, "it has not been a happy picture" for developing countries, said Professor Greg Klass, who led the May 18 discussion sponsored by Georgetown University's Initiative in Engaged Ethics. "It's what [scholar] Michael Ross has called the irony of oil wealth — those countries with the most urgent needs are also the least likely to benefit from their own geological endowment."



Professor Greg Klass with Professor Andrew Natsios and Adjunct Professor Steve LeVine of Georgetown University's School of Foreign Service.

Panelists were divided on whether U.S. economic sanctions, like those imposed on Sudan to stem the violence in Darfur, are effective in a world where America no longer calls all the shots.

"People assume we can do things to other countries ... and there are no consequences," said Andrew Natsios, a professor at Georgetown University's School of Foreign Service who saw the negative effects firsthand when he served as the U.S. envoy to Sudan. "That is simply not true."



FEDERALIST SOCIETY AWARD

On April 26, the Georgetown Federalist Society awarded Judge Douglas Ginsburg of the U.S. Court of Appeals for the D.C. Circuit (center) its eighth-annual Lifetime Service Award. Ginsburg has served on the Court of Appeals since 1986 and was chief judge from 2001 to 2008. He has been a professor at Harvard Law and a law clerk for Justice Thurgood Marshall. Posing with Ginsburg are Samuel Sharp (L'12), left, and former Ambassador C. Boyden Gray.



A TREE IN MEMORY

At a time when law students' thoughts are typically focused on papers, finals and finding a job, the members of the Georgetown Law community took an hour out of their busy schedules to remember those affected by the Japanese tsunami and earthquake - and to plant a blossoming cherry tree on campus in their honor.

"I hope [this beautiful tree] will serve as a lasting symbol of our strong commitment to and solidarity with the people of Japan," Dean of Students Mitch Bailin told the group gathered on the Tower Green on April 7. Bailin is pictured above, left, with Jewish Chaplain Michael Goldman, Akiko Utsumi (L'11) and Eiji Yanagawa

Members of the Japan Relief Action Network, a student organization formed to support victims of the disaster, led the Law Center in an interfaith service. Since the March disaster, the Japan Relief Action Network raised thousands of dollars for the victims.





Visiting Professor Dakota Rudesill with Rep. Dan Lungren (L'71), R-Calif. Dean William M. Treanor with Rep. Zoe Lofgren, D-Calif., and Stanford Law Dean Larry Kramer.

Making the Case for Congressional Clerkships

very year some of the nation's top law graduates move on to clerkships in the federal courts. But why not have clerkships in Congress, too? On April 5, Representatives Zoe Lofgren, D-Calif., and Dan Lungren (L'71), R-Calif., introduced bipartisan legislation to establish the Daniel Webster Congressional Clerkship Program of 2011.

Congressional clerkships would provide young lawyers with a firsthand look at how laws are made. "You would have top law students ... coming to Congress for a year to bring their talents, but also to learn," said Lofgren, speaking at a conference here the same day. Lungren, who also spoke at the event, noted that Congress and the public would benefit from legislative clerkships, too. "It is crucial for the people to hold the institution of Congress in high regard," he

The bill, which students in Georgetown Law's Federal Legislation and Administrative Clinic are working to pass, would allow 12 law graduates to serve in congressional apprenticeships — six in the House and six in the Senate.

Two champions of the initiative, Stanford Law Dean Larry Kramer and Visiting Professor Dakota Rudesill, traced the congressional clerkship movement from its origins six years ago to legislation that got as far as House approval in 2008 and 2009. At the start of the conference, which was co-hosted with Stanford Law School, Dean William M. Treanor announced that Georgetown Law will be funding two congressional law clerk fellowship positions for Law Center graduates.



Georgetown Law Dean William M. Treanor (left) with U.S. State Department Legal Adviser Harold Hongju Koh (center) and former legal advisers.

80 Years of "L"

n March 3, Georgetown Law and the American Society of International Law teamed up to present "Law and U.S. Foreign Policy: Perspectives on 80 Years of the Office of the Legal Adviser." It was an extraordinary event celebrating the 80th anniversary of the organization known as "L" — the office that serves as legal counselor and, indeed, legal conscience of the U.S. Department of State.

More than 150 attendees, including current and former legal advisers, their foreign counterparts, scholars and other experts were on hand to share reminiscences, perspectives and thoughts for the future.

Former Yale Law Dean Harold Hongju Koh, the 22nd and current head of "L," noted in his keynote address that while the Office of the Legal Adviser was officially created in 1931 to lend advice to the State Department, the actual history stretches back to 1848, when a claims clerk was enlisted to serve as the department's first legal officer.

Both Koh and Dean William M. Treanor, who opened the conference, noted the dramatic changes in U.S. and world history during the past 80 years. Working for the largest international legal counsel's office in the world, "L" lawyers must address timeless issues like piracy, human rights and international instruments as well as novel questions of terrorism, cyberspace and climate change.

Professors Jane Stromseth, Martin Lederman and Rosa Brooks (then at the U.S. Department of Defense) led panels looking at the history of the office and the relationship between "L" and its counterparts in the U.S. government and around the world.

Panelists included Peter Taksoe-Jensen, ambassador of Denmark to the United States; former Legal Advisers William H. Taft IV and Herbert J. Hansell; Judge Joan Donoghue of the International Court of Justice; Legal Advisers Sir Daniel Bethlehem (U.K.) and Alan Kessel (Canada) and D. Stephen Mathias, assistant secretarygeneral for legal affairs of the United Nations.

Secretary of State Hillary Rodham Clinton sent her congratulations by video. "For eight decades, the Legal Adviser has served as the conscience of the State Department," she said in her taped remarks. "I'm confident that the next 80 years will be just as successful."



IMMIGRATION LAW AND POLICY

As a federal lawsuit to block the Arizona statute once known as SB 1070 winds its way through the courts, issues surrounding immigration continue to play out on the national stage: Should the states be tackling the problems of immigration? Should the U.S. government detain hundreds of thousands of immigrants every year? How can immigrants' right to counsel be improved?

"All those involved in immigration removal proceedings know that [having] counsel representing people in these proceedings does matter," said Visiting Professor Andrew Schoenholtz, speaking at Georgetown Law's eighth annual Immigration Law and Policy Conference on April 26. The conference was co-sponsored by the Migration Policy Institute and the Catholic Legal Immigration Network for practitioners, advocates, government officials and academics to provide the best thinking on the most difficult issues in immigration today.

Schoenholtz, who co-directs Georgetown Law's Center for Applied Legal Studies (CALS), noted that a significant number of immigrants in removal proceedings do not have counsel, resulting in an adversarial system that is neither fair nor effective. "We are very far from solving that problem," he said.

Schoenholtz and CALS Fellow Geoffrey Heeren were among the experts at the conference who explored new ideas for representing indigent persons in immigration proceedings. Others, including attorney Asa Hutchinson (pictured above with Schoenholtz), a former member of Congress and former undersecretary of the Department of Homeland Security, examined immigration enforcement, detention reform, birthright citizenship (whether citizenship should continue to be granted to immigrant children born here) and other topics.













GEMALAW PANEL

A panel on "The Future of the NCAA: Current Legal Issues and What's Ahead" at the fourth annual GEMALaw Sports and Entertainment Law Symposium featured (from top left) W. Burlette Carter, a professor of sports law at George Washington University School of Law and former president of the sports law section of the Association of American Law Schools; Craig Esherick (L'82), professor of sports management at George Mason University and formerly Georgetown's head basketball coach; and Paul Haase (L'02), senior counsel at Octagon Inc. The March 25 conference also featured Angela Ball (L'99), associate general counsel of Radio One; Judith Bass of the Law Offices of Judith B. Bass; and Gail Ross (L'80), a partner at Trister, Ross, Schadler & Gold.



Gregory Craig, John Harris, Ken Gormley, Gilbert Davis, Plato Cacheris (L'56) and Solomon Wisenberg

Clinton vs. Starr Redux

It was the one of the most significant chain of events in presidential his-Ltory: the independent counsel investigations that began with a land deal in Arkansas and led to an impeachment. After more than a decade, the lawyers who had a front-row seat to history came to the Law Center on April 15 to tell their version of events concerning the historic clashes between Bill Clinton, then the U.S. president, and Kenneth Starr, then the independent counsel.

Those two named players were not on hand to give their version of events at "Clinton vs. Starr: An Historic Gathering of Individuals Who Played Key Roles in the Battles That Nearly Destroyed the Clinton Presidency." Still, in a 90-minute conversation covered by C-SPAN, law students who were in grade school when it all happened got to hear from legal powerhouses including Plato Cacheris (L'56), once a co-counsel for Monica Lewinsky; Gregory Craig, former White House special counsel; Gilbert K. Davis, former attorney for Paula Jones; Robert B. Fiske Jr., the first Whitewater independent counsel; and Solomon Wisenberg, former deputy independent

Politico Editor-in-Chief John F. Harris led the panel in a robust and sometimes politically charged discussion that often began with the question "What if?" What would have happened if a federal judge had not replaced Fiske, the first special prosecutor to investigate Whitewater, with Starr? What if Cacheris had been brought in as Monica Lewinsky's lawyer at an earlier date — or if Paula Jones had taken an earlier settlement deal negotiated by Davis in her lawsuit against the president? Were the events leading to the second impeachment trial of a U.S. president a legal matter or political cause? It was the first time that this group of lawyers had been brought together to discuss these and other questions.

"You could not have made this story up in your wildest imagination," said Duquesne University Law Dean Ken Gormley, a panelist and author who spent 10 years interviewing the key players in his book Death of American Virtue: Clinton vs. Starr (Crown, 2010). The event was introduced by Professor Julie O'Sullivan, herself a veteran of Fiske's Office of Independent Counsel in Little Rock.



Professor Laura Donohue, Aziz Hug of the University of Chicago, Professor Martin Lederman and Matthew Olsen of the National Security Agency.

Student-Led Symposia Tackle Timely Topics

If planning a symposium in your third $oldsymbol{\perp}$ year of law school seems like a daunting assignment, the staff of the Law Center's 11 student journals have proven themselves up to the task. The Georgetown Law Journal set the bar high when it kicked off the 2010-2011 symposium season with an event honoring retired Justice John Paul Stevens in the fall.

But the spring semester witnessed some terrific events as well: talks on international cyberlaw, hosted by the Georgetown Journal of International Law; national security and criminal law, by the American Criminal Law Review; gender and tax law by the Georgetown Journal of Gender and the Law; and the intersection of poverty law and legal education by the Georgetown Journal of Poverty Law and Policy. These conferences not only gave experts in the field a chance to present their work but also demonstrated how areas of law are blending together in a global universe. Is there an international law of cyberspace? How do gender and sexuality issues affect tax law?

Professors Jane Aiken, Stephen Cohen, Laura Donohue, Nan Hunter, Martin Lederman, Abbe Smith, Julie O'Sullivan, Wallace Mlyniec, Robin West and Nan Hunter helped explain some of the issues.

"These symposia have great importance and relevance," said Professor Peter Edelman at "How can YOU fight poverty? The Intersection of Legal Education and Poverty Law" on March 18 at the Law Center. Edelman noted that 44 million people were counted as poor in 2009 and that current legal services are meeting only about 20 percent of the need.

The crossroads of criminal law and national security was the subject of an April 12 symposium co-sponsored by Georgetown's Center on National Security and the Law just days after a flurry of news articles appeared about whether to prosecute Guantanamo detainees in military commissions or the courts. Meanwhile, the use of technology like street cameras or aerial surveillance to observe crime continues to raise privacy concerns.

"These are issues posed every day in every class," said American Criminal Law Review Editor-in-Chief Meredith Garagiola (L'11), as she introduced the conference. "It appears in everything we study."





CYBERBULLYING ON TRIAL

Cyberbullying is a social problem being talked about in schools across the nation, and thanks to the law students in Professor Rick Roe's D.C. Street Law clinic, high school students in Washington, D.C., now consider online bullying a legal problem, too.

On April 7, students from the School Without Walls faced off against students from the Duke Ellington School for the Arts in a mock trial exercise in the Law Center's Hart Auditorium. The case, Billings v. Pearson & the Metro City School District, involved a fictional high school student named "Alex Billings" who sues a fictional bully and school district alleging emotional distress and negligence. The high-school students tested their knowledge in court before Eugene Hamilton, former chief judge of the D.C. Superior Court.

"The trial not only raises issues about how students should treat one another, but also what should be the responsibilities of schools where this bullying might have an impact," said Roe, who directs the program. "The case also raises larger issues about the role of schools in promoting justice in the school community."

For more on Street Law, see page 44.













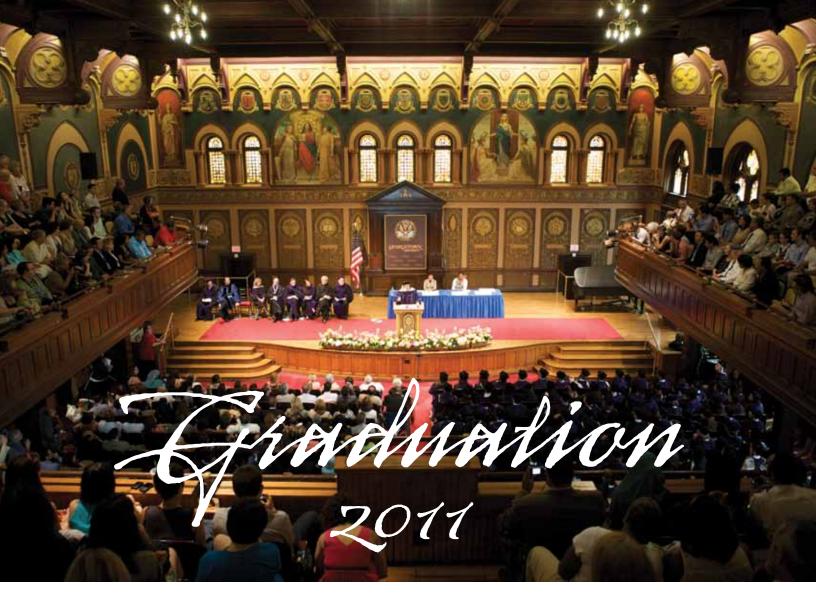












T t was a ceremony marked by brilliant sun, a little rain and everything in between — **L** and that was just the weather. More than 1100 members of Georgetown Law's 139th graduating class (475 LL.M.s, 665 J.D.s) received diplomas at Georgetown University on May 22. Dean William M. Treanor remarked that he would always remember the Class of 2011, the first graduating class of his deanship: "You will always be my first class ... I've been impressed by all you've achieved," Treanor said.

Distinguished trial lawyer Brendan V. Sullivan Jr. (C'64, L'67), a senior partner at Williams & Connolly, and Judge Gladys Kessler of the U.S. District Court for the District of Columbia (pictured opposite, bottom right) received honorary degrees. Sullivan gave the commencement address. An excerpt from his speech follows:

Graduation 2011

y career began 25 steps from here by that statue. I remember a tearful mother as she said goodbye to the oldest of her four children as college was about to begin. Seven years later I had two degrees from Georgetown, but I always thought it was largely attributable to the caring and forgiving faculty who nurtured me and coaxed me along. I never dreamed I could fool them a third time.

I never wanted to be a lawyer. Throughout all of law school my goal was to become the CEO of some big company, IBM, General Motors, you know those lettered companies, P&G, F O R D. Those of my law professors who came to know my legal talents urged me to follow my heart.

After law school, like most young men at the time, I owed the military two years of service, and I was assigned to fight the Vietnam War in San Francisco, California. I enjoyed regular lunches at Ghirardelli Square and the seafood shops along the Bay and felt pretty lucky about Georgetown's ROTC program, which treated me so well. Actually I was an officer in the transportation corps. My specialty was moving 100 trucks down a road, hopefully a straight one, so that most of them arrived at the appointed place within an hour or two of the designated time. That was my job.

I was not a IAG officer, but by sheer happenstance, sheer serendipity, which will strike you graduates inevitably in your careers, I was asked to represent some soldiers accused of a very serious crime, mutiny — 27 soldiers housed in a stockade at Presidio, California, sat down within the fenced yard protesting the quality of food. They sang "We Shall Overcome." For this they were charged with mutiny. Now this group of miscreants, all about 18 to 20 years old, had committed no serious crime to that date but for AWOL. This case brought me face to face with injustice and it changed my life. The 27 were bundled into smaller groups for trial. The base commander was

a three-star general. He decided to bring the charges, he decided to appoint the prosecutors, he decided to appoint the jury, everyone worked for him. Not surprisingly these young soldiers were convicted and sentenced to 18 years in prison for sitting down in the yard of the stockade.

Early on, I learned how the process worked or didn't work, and I filed a motion claiming the general exercised command influence. I had read about that; I thought that was a nifty motion. I also issued a subpoena for the general to appear at trial. And the general did two things: One, he tore up the subpoena. Second, he ordered me to Vietnam, over one little subpoena. I learned then that Georgetown Law professors were not perfect. No one told me not to subpoena a general.

When reporters who followed the trial learned what had happened and the newspapers ran Pearl Harbor-size headlines, "Army Lawyer Punitively Transferred, Sent to the War Zone," the story spread across the country. But the interesting part of the tale is that this incident focused the attention on the plight of the soldiers who received harsh sentences for minor misconduct. People began to understand the general was exactly the kind of person who had influenced the process, and the general's conduct came under inquiry. It had been discovered that he acted improperly and very soon my orders were cancelled. I never went to Vietnam, and I went back to lunch at Ghirardelli Square. After I left the service, when the soldiers got some good lawyers, they reversed their case, won their appeals and served three years for that sitdown in the stockade on a sunny afternoon.

I still cannot find the right words to describe to you the feeling a lawyer has when a client is subject to abuse and injustice. It's a feeling of helplessness, anger, rage. The miscarriage of justice foisted upon the young soldiers was beyond my experience in life, beyond anything I had learned about in law school. I naively believed that people with power used the power wisely. By the time my two-year military career was winding down, I had forgotten about IBM and those lettered companies. I thought maybe I could be a lawyer, maybe people actually needed lawyers, maybe fighting for someone's rights could make a career in the law worthwhile.

I had a plan of sorts. It was a traditional plan for young lawyers who came from Rhode Island. I was going to go back home, practice law with a dear friend, develop a specialty, get into politics, get elected governor and go to jail. That was the pattern for Rhode Island lawyers. But one of my law professors saw these press stories. Richard Alan Gordon, assistant dean and contracts professor, called me and made the most absurd suggestion I had ever heard from an adult. He said in a slow baritone voice, "Brendan, I'm going to call Edward Bennett Williams to set up an appointment. You must go see him."

Now Edward Bennett Williams was the legend of the bar. He was the Clarence Darrow of his time. He was on the cover of magazines, and in my less than usual respectful tone I asked, "Are you crazy?" To which he said, "I'm calling him."

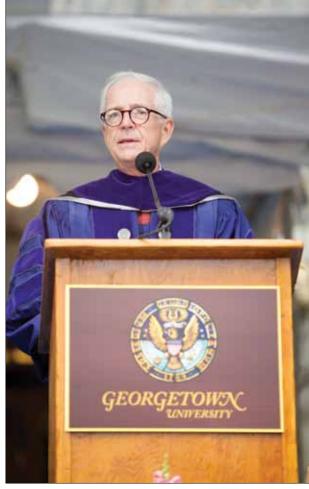
Mr. Williams and I talked for 45 minutes on a Saturday morning. He seemed quite puzzled. He wondered how I had gotten into so much trouble in the military and seemingly was trying to figure out if it was the result of boldness or stupidity or both. He did not ask one word about my grades or about law journal, about things like that - thankfully, I had no credentials. At the end of the session he said something like, "OK, kid, we'll give you a chance."

Now 41 years later, from the perspective of those years on the front line of litigation, I can tell you there are two things about which I am certain. First, we are in desperate need of good lawyers. This is true across the land, in big cities and in small

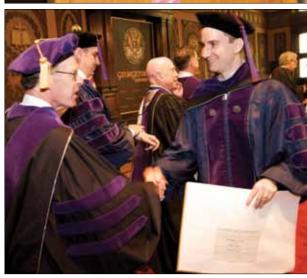
















Graduation 2011

communities. Do not credit those who say we have too many lawyers. We have too few lawyers who care about their clients and fight for their clients. How you come to serve them may be left to serendipity, as it was in my career. Whatever you do don't get discouraged by the fact that you might not know today at graduation time what you are going to do or where you are going to end up. I certainly didn't.

The second thing I'm certain of is that injustice is pervasive. It's a cancer in the late stages. There is frequent abuse of power. There are wrongful convictions rendered in significant numbers. There are excessive sentences. There are too many bad police and prosecutors who do anything to win. There are thousands of ineffective defense lawyers. The majority, of course, are good professionals but the bad ones wreak havoc on our system.

At best, my generation has fought injustice to a tie. We have not made the system any better. The good news is that there are some extraordinary lawyers who have done extraordinary things to rectify injustice. To twist a phrase, it takes a village to correct injustice.

I believe the time is right for your generation to make credible and lasting changes. I know it's very hard to sit where you are sitting and appreciate the fact that very soon you will be the system. What gives me hope is that I find many individual heroes in the law. These are people who confront injustice and do something about it.

Here are some real heroes: Ian Graham is a hero. He's just a few years older than you. He went to school at Sidwell, right up Wisconsin Avenue, Rice College, Texas Law School. His first job was at Latham and Watkins in Los Angeles. He was assigned the usual laborious tasks. One day a nun came into the firm and convinced the senior partner that there was an injustice. There had been a case and a conviction and the senior partner gave this young lawyer the case file to look at. It was a pro bono case. The client was Mario Roca.

Mario was raised in a violent gangridden section of Los Angeles. He was at a party when some gang members crashed the party intending to cause trouble, and they did. They shot and killed someone. Mario was an innocent bystander. He was not a gang member, yet he was tried with the other two. He was convicted, sentenced to life without parole at age 16. Because of the work of this hero, Ian Graham, working four years up through the state and the federal system, Mario today is attending George Washington University College as a sophomore. Ian wrote a book about the case. The book is titled Unbillable Hours.

Doug Morris is a hero. He's a federal public defender in the Eastern District of New York. He handles many drug cases that arise from LaGuardia Airport. Most are disposed of with pleas. The trick for Doug is to recognize the case that is different. Doug's client had flown in from Guyana. The client had been waiting 10 years to join his wife in the United States of America. But when he landed at LaGuardia he was arrested. He left his country with two bags. But when he got to LaGuardia there was a third bag with his name on it. The name tag had been placed on there by others at the airport in an unrelated drug conspiracy. Unfortunately, the bag contained large blocks of cocaine. The client was totally innocent. He was arrested, placed in jail. Doug was able to demonstrate through imaginative investigation that the bag was not that of his client, even though the client appeared to be guilty. Had he been convicted, it would have been more than a decade in prison and then he would have been deported. Instead he was freed after a year and sworn in as an American citizen.

Barry Scheck and Peter Neufeld are heroes. They founded the Innocence Project at Cardozo Law School. Their work to date has released 268 innocent persons, proven innocent through the science of DNA.

Texas prosecutor Craig Watkins is a hero. In 2006 Craig became the first African-American elected district attorney in Dallas County where the DA's office had long been known for its aggressive prosecutorial tactics, convict at all costs. Watkins established a conviction integrity unit to ensure proper prosecutorial procedures. To date that unit has exonerated 18 people.

Edward Bennett Williams is a hero. His name is chiseled in stone over your library. He wrote a book titled One Man's Freedom. We remember him because he taught a generation of lawyers to fight zealously for each client and he reminded us that when all is said and done this whole system is only about one man's freedom.

I'm in the twilight of my career and I speak to you in the sunrise of yours. My hope lies with the heroes. More and more we are finding them. More and more we're learning from them and from the cases they untangle.

I hope you'll accept this report from the front line as a call to arms, that you'll understand that we do desperately need good lawyers. Don't think my message is restricted to the would-be litigators. You may devote your energies to tax law or corporate law; it does not matter. You'll be the managers of law firms and someday you'll make a decision whether to permit the Ian Graham of your law firm to undertake a pro bono case for some hapless soul in prison knowing it will eat up hundreds of thousands of dollars of unbillable time.

Now I'm told at law school reunions a few years from now there will be a trivia poll and one of the questions will be who spoke at your commencement. A high percentage will not remember. ... I want you to know that's perfectly OK with me. But I hope you'll remember the message: Be a hero. Do not tolerate injustice in any form. You are a Georgetown Law graduate, and that is your heritage.



One Graduate's Story: Zaamu Kaboneke (LL.M.'11)

he day after she graduated from Georgetown Law with an LL.M. in International Legal Studies, Zaamu Kaboneke (LL.M.'11) stopped by the office of Dean William M. Treanor to say farewell before leaving to resume her life as a lawyer in Kampala, Uganda. She also wanted to talk about internships — not because she was seeking a job but because she wanted to get more Georgetown Law students to come work in her native country.

"Some students have been in Uganda before and they loved it," says Kaboneke, who as a fellow in Georgetown's Law and Advocacy Program for Women in Africa (LAWA) during 2010-2011 was often approached by curious J.D. and LL.M. classmates who were figuring out their own career paths. (She even agreed to teach one of her classmates to speak Swahili in exchange for learning Spanish.) "Going to another country opens up so many avenues for them, makes them see the other half of the world."

Kaboneke ought to know. As an attorney working to improve conditions for women in Uganda, she learned of the work of Law and Advocacy for Women in Uganda, an association of Ugandan lawyers formed by LAWA alumni. She was so impressed by what she saw that when Dora Byamukama (LL.M.'96) and the late Kulsum Wakabi (LL.M.'96) called for a volunteer attorney to assist the group in challenging discriminatory laws in Uganda in 2000, Kaboneke signed up. She was part of the research team that would go on to win key victories for women in Uganda's Constitutional Court relating to divorce, inheritance and criminal adultery (see the Fall/Winter 2007 issue of Georgetown Law.) And then Kaboneke knew that she had to become a LAWA fellow herself.

"The LAWAs in Uganda have made so many giant strides in the legal profession, and many lawyers are trying now to do what they have done," she says, adding that before the establishment of LAWA in the 1990s, few attorneys in that country — apart from environmentalists — were interested in public interest litigation. "I came to appreciate what Georgetown meant for the world scene ... without Georgetown's input, public interest litigation on the discriminatory laws would never have ever gone to this extent."

Still, Kaboneke has done quite well on her own. She founded a nonprofit, Solutions for Women's Development, focusing on issues from intellectual property rights and economic empowerment to climate change and rainwater harvesting. She petitioned Makerere University to reinstate courses that had helped women to advance in business and she even took on a local electric company by exposing dangerous conditions, including live wires, to the media. "That showed the power of advocacy ... you don't need money," Kaboneke says. Now, with an LL.M., a certificate in international human rights and insight from experts like Professor Susan Deller Ross, Kaboneke will resume her work in Uganda.

— Ann W. Parks

Can the Government Make You Eat Broccoli?

Inside the Health Care Debate

By Anne Cassidy



Professor Randy Barnett wants us to know that he did not invent the broccoli hypothetical — that if the government can make you buy health insurance it can make you eat broccoli, too. But he did come up with a similar argument — that if the government can make you buy health insurance it can force you to buy a Chevrolet. And more importantly, he is credited with the reasoning behind the hypothetical, that Congress cannot regulate inactivity as commerce.

Barnett's libertarian assault on the 2010 Patient Protection and Affordable Care Act (ACA), the health care law that has left a trail of law suits in its wake, has been embraced by conservatives and made him a media star. When District Judge Roger Vinson of the 11th Circuit ruled the ACA unconstitutional last winter, he cited both broccoli and Chevrolets in his opinion — and he echoed some of Barnett's other points as well.

But Barnett is not the only Georgetown Law professor on the cutting edge of the health care debate. The O'Neill Institute for National and Global Health Law analyzed the legal issues of health reform in a series of influential papers before the bill became law and reached a conclusion exactly the opposite of Barnett's. "We were the first voice and a consistent voice saying that we felt the legislation was well within the powers of Congress," says Professor Lawrence Gostin, faculty director of the O'Neill Institute.

Sometimes Georgetown professors are on opposing sides of oral arguments, too. When a three-judge panel heard an appeal of Vinson's 11th-Circuit decision in Atlanta last June — arguably one of the most closely watched appellate cases of the year — Professor Neal Katyal, then acting solicitor general, represented the federal government, and Adjunct Professor Paul Clement, former solicitor general, argued for the 26 state attorneys general or governors who filed suit against the law.

It was a true "Georgetown moment," says Barnett, who was at the oral argument as a member of the legal team for the National Federation of Independent Businesses, another plaintiff in the case. "With Neal Katyal on one side and Paul Clement and I on the other, Georgetown couldn't lose."

Indeed it could not — and it has not. The long national conversation over health care has energized the eclectic Georgetown Law faculty, many of whom have been toiling in this vineyard for years, even decades. That the Law Center could hold within its walls such varying points of view on a topic of such vital public interest does not surprise those who know the school well.

"We really do have a variety of different perspectives on health care law here, ranging from people who are interested in constitutional theory to people who do careful doctrinal work to people who are experts in health policy and really know how the law is likely to function," says Professor Mike Seidman, a constitutional law scholar.

Gostin agrees: "Georgetown has the principal advocates in favor of the Affordable Care Act and the principal advocate against it - all of which shows the richness and diversity of our faculty."

Put all this richness and diversity together and you can learn a lot about the state of health care law.

A Day Without Broccoli

Let's start with the constitutional challenge. When President Obama signed the ACA into law on March 23, 2010, some provisions, such as allowing children up to age 26 to remain on their parents' insurance policies, took effect within the first year. But the most controversial provisions — expanding Medicaid eligibility and requiring citizens who are not receiving government assistance to buy health insurance or pay a fine (the so-called individual mandate) — don't take effect until 2014.

Nevertheless, the ink was barely dry on the bill before states and businesses began filing suits against it. While the law has been challenged in several jurisdictions, the 11th-Circuit case is crucial because it represents 26 states. The states' basic argument in the 11th-Circuit case is that the individual mandate requires citizens to engage in commerce even though they haven't chosen to enter the marketplace. Congress has never before tried to use its power over interstate commerce to compel activity rather than to regulate the economic activity that's already there. The federal government's position is that everyone uses medical care eventually, so everyone should share in the cost.

The oral arguments for the 11th-Circuit appeal took place on a sweltering summer day. Katyal went first: "Our point is that people are seeking this good already in untold numbers, the good of health care, that it is almost a universal feature of our existence, and that the failure to pay for that good when they seek it is what causes the cost shifting ... Congress made a specific finding that 43 billion in cost shifting was occurring because of uncompensated care, increasing the average family's premium by \$1,000 dollars a year." To reform this out-of-control market — and make other health care reforms possible — the ACA must require individual participation, Katyal said.

Clement responded by saying that the Commerce Clause is meant to regulate commerce, not force people to initiate commerce by purchasing health insurance. "There is a great deal about this case that is complicated, but I think that the constitutional issue at the heart of it with respect to the individual mandate is actually quite simple," he said. "It boils down to the question of whether or not the federal government can compel an individual to engage in commerce the better to regulate the individual. For 220 years, Congress never saw fit to use this particular power. ... I would respectfully suggest that the dog that didn't bark is quite significant here."

Reached a day after their oral arguments, Katyal and Clement said they could not comment on the case. But Clement did offer this rejoinder: "I think both Neal and I should be congratulated for what I thought would not have been possible. Unless I missed it, we had a serious argument about the health care law's constitutionality without a mention of broccoli."

A Free Lunch

The 11th-Circuit ruling came two months later [only days before this magazine went to press]. The divided three-judge panel struck down the mandate, saying that Congress lacks the authority to require all citizens to buy health insurance. Earlier in the summer a divided panel for the Court of Appeals for the 6th District in Cincinnati had upheld the law. A third appellate challenge is pending in the 4th Circuit in Richmond, Virginia, but as of press time no verdict had been reached.

While experts wait for the dust to settle from the 11th-Circuit ruling, most believe the law's final fate rests with the Supreme Court. "My own view," says Gostin, "is that the Supreme Court will uphold the law and will do it fairly comfortably. ... The Supreme Court has rarely found that Congress has exceeded its Commerce powers, and I don't believe that the Court will do so this time either."

Others disagree. "I think it's going to be 5-4 and [Justice Anthony | Kennedy will be the deciding voice," says Professor Susan Low Bloch, a longtime Court watcher who has debated the health care law on campus and in the media. "Which side he'll fall on I don't know. If I had to put some money on it I'd say he would vote to uphold the mandate."

Bloch led the response to Barnett's paper, "Commandeering the People: Why the Individual Health Insurance Mandate is Unconstitutional," at a faculty workshop

last October. In his paper Barnett gave a brief history of Commerce Clause interpretations and concluded by saying, "The new conventional wisdom is that, so long as Congress establishes a sweeping and ambitious regulatory scheme, it can reach any activity — whether economic or not — that it deems to be essential to that scheme. In other words, the more grandiose the claim of power by Congress, the stronger is its claim of constitutionality."

Bloch countered then, and still believes now, that the federal government has the power to adapt a program with an individual mandate, though "whether they've dotted their i's and crossed their t's is a harder question to answer." For one thing, she thinks that if Congress had been able to pass a different sort of reform, a single-payer option, "everyone would have agreed that the government could do that. But a plan that goes for more individual choice and flexibility — that the government can't do? That's absurd."

Professor David Cole, who published a major article on the constitutionality of the ACA in the New York Review of Books, says that relying on the "activity/inactivity distinction" — that the Commerce Clause can regulate economic activity but not economic inactivity — is "resurrecting doctrines that were rejected at least 70 years ago" before the New Deal and an integrated economy made them unnecessary.

It's also difficult to argue against the individual mandate because states like Massachusetts are already using it. "What the challengers are appealing to intuitively is the libertarian notion that government shouldn't be able to require you to do something, but they have to concede that the state governments could require you to do it," says Cole. "So the real question is whether, under the Constitution, this authority that is perfectly permissible for states is somehow impermissible for the federal government."

When asked about Massachusetts, Barnett points out that state powers are often broader than enumerated federal ones. And in terms of using the Commerce Clause to regulate inactivity, Barnett says that "win or lose the argument is being taken very seriously by the courts."

Seidman believes that the battle over the ACA is a good example of how "disputes about policies tend to get transmuted into disputes about constitutional law," and

that we ought to spend more time discussing the policy itself. "What we ought to be talking about is whether this is a good idea or not, not whether James Madison would have thought this is a good idea," he says. Pointing out that judges' rulings on the ACA have largely been along party lines, Seidman has challenged faculty members to find a single American who favors the health care law as a matter of policy but thinks that it's unconstitutional. "I have said that if they can find such a person I will take them out to lunch, and I'm happy to extend the same offer to the first reader of the alumni magazine who can come up with such a person."

Although faculty members have divergent views of the health care law — and may tease each other with talk of Chevys and free lunches — there is no cablenews combativeness here. "I've always been treated very cordially and respectfully by my colleagues since I arrived at Georgetown," Barnett says, "and nothing about this controversy has changed that."

Cost Control

Regardless of how the Supreme Court rules on the constitutional question, spiraling health care costs remain a serious concern, and some believe that if we don't rein them in it won't matter what happens with the individual mandate — health care for all (or almost all) will remain elusive. Professor David Super, who has spent much of his career studying welfare and disability programs, says that the ACA has more to fear from budgetary constraints than from constitutional challenge. He hopes the new law will withstand the assault, but he fears it will not.

"The recent debt ceiling legislation requires over \$2 trillion in budget cuts. Negotiations on those cuts are likely to continue through a lame-duck session of Congress after the 2012 election and could give Republicans leverage to bring the law down or to cut Medicaid so deeply that the law cannot work," Super says.

Professor M. Gregg Bloche, M.D., sees the health care cost crisis from the dual perspective of a lawyer and a physician. At a faculty workshop where Super's draft article, "The Constitutional Stakes in the Debate over Health Care Reform," was being discussed last April, Bloche said that the current rate of increase in health spending could

doom us financially with or without the health reform law. And he argued that we're going to have to find a way to say no to some of medicine's benefits if health care is to be affordable. A couple weeks earlier, Bloche's new book, The Hippocratic Myth (Palgrave Macmillan, 2011), was itself the subject of a panel discussion on campus.

"Medical bills account for \$2.4 trillion dollars, almost 18 percent of our national economy," Bloche said to lead off the conversation. Much of this spending occurs in the last few months of life. To illustrate, he told the story of Sara Eisenberg (a pseudonym), an 82-year-old woman who suffered a massive heart attack. Sara's daughter wanted her mother to receive the best of care, of course, but Sara had suffered so much heart damage that some of the hospital physicians considered the treatments pointless. One day when Sara's regular doctor was away, another doctor told Sara that she didn't have enough heart muscle to survive and that her stay in the intensive care unit was costing thousands of dollars a day. Sara's daughter heard the conversation, demanded a new doctor and redoubled her fight to keep her mother alive. Sara surprised everyone by living through the ordeal and leaving the hospital. But her doctor later told Bloche that letting her die would have been the right thing to do. Her chance of recovery was too small to justify the cost of keeping her alive. "We should continue to be quietly and gently hypocritical," the doctor said.

Bloche says that doctors are increasingly caught in the middle — required by oath to stand by their patients but encouraged by hospitals and insurance companies to ration their treatments. "We want physicians to control runaway medical costs, to protect us from peril and to share and affirm our ideals. If we continue to rely upon physicians to ration health care on the sly then we create a setup for explosive anger and loss of faith, loss of confidence and ultimate failure, because right now we are not ready to accept the reality that we are going to have to start saying no to some possibilities of benefits."

The R Word

Arguably the most contentious aspect of the health care debate is rationing, what some call the "R word" because it's so highly charged. While the Affordable Care Act contains language that bars rationing of care, concerns about "death panels" haunted earlier forms of the legislation, and the current bill contains incentives that encourage doctors to be more frugal. In addition, a 15-member Independent Payment Advisory Board can impose cuts in Medicare payments to doctors if Medicare spending rises too quickly.

Rationing doesn't have to be such a loaded word, though, some say. "Making wise choices about finite resources — that's what rationing is," Gostin notes. "The choice isn't do we or do we not give somebody a highly effective treatment. Of course we do. The question is, should we give someone a treatment that is unlikely to work yet at great cost. Those are two very different questions."

Visiting Professor Tim Westmoreland believes we already have a transparent form of rationing in this country — "it's called lack of health insurance," he says. Roughly 40 million people in our country are without it. "That's overt rationing, though people don't label it as such."

Westmoreland has seen health reform from the inside out. A longtime Hill staffer who worked on the Carter and the Clinton health reform plans, Westmoreland was a contract consultant to Democrats in the House during passage of the ACA, where he served at the committee markup meetings. His nuts-and-bolts knowledge of health care provisions means that he is also familiar with another way in which rationing is already in place — Medicaid provisions that limit the "amount, duration and scope" of various treatments. In Alexander v. Choate, for example, the Supreme Court said a state has the ability to deem eight days of hospitalization a year a hospital benefit. And there are other examples, he says. "My favorite is a state rule I'm not sure is still on the books but which used to pay for only one unit of blood per surgical procedure. So we have overt rationing in a government-sanctioned program that the government has reviewed."

Westmoreland says the thing that people don't want to talk about "is that in some cases physicians believe you should move to palliative care instead of providing heroic measures in all cases. ... People are going to be troubled by a health care system where you can't have heroic measures in all cases."

But the fact remains that heroic measures in all cases may cost more than we as a nation can afford. "I do think there's a declining ability of our government to provide goods and services to people," Seidman says, "and with that is likely to come growing political dissension and a kind of unraveling of the social contract. ... The big challenge here, not just in health care but more generally, is to allocate goods in a way that is fair and treats people fundamentally as equals."

A Floor for Everyone

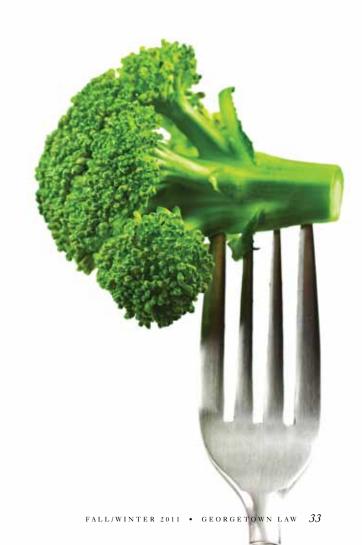
Academics are sometimes written off as impractical people out of touch with the rough and tumble of real life. But Georgetown Law faculty members have the legislative chops and in-the-trenches experience to offer practical and hopeful solutions.

Professor and Associate Dean for Graduate Programs Nan Hunter was a member of the Presidential Advisory Commission on Consumer Protection and Quality in the Health Care Industry and is one of several faculty members affiliated with the O'Neill Institute. One of the ACA's greatest strengths, she says, "is that there will be a floor for the first time for every American to get access to health care through a social insurance model. The floor will be extremely uneven, it will have a lot of bumps in it and some people are going to be standing higher than others. But the floor will be there for everyone."

Hunter has written about how a sense of collective social responsibility can arise from specific public programs such as Social Security, and she queries whether the ACA might ultimately have a similar effect. "Historically we've seen that large-scale public programs create a sense of the social meaning of citizenship, because if you participate in social insurance programs you pay taxes that support the program and you have a stake in it," she notes. The fight over the Affordable Care Act "is about whether we're going to have ... a sense of collectivity and solidarity around the need to provide people with a reasonable degree of access of care or whether we're going to say, you're on your own."

The state health exchanges mandated as part of the ACA might in time inspire a new participation in health care policy, though Hunter isn't counting on that. What she hopes to see eventually is a "model in which the floor

Arguably the most contentious aspect of the health care debate is rationing, what some call the "R word" because it's so highly charged. ... Rationing doesn't have to be such a loaded word, though, some say.



Do we stand on the cusp of a new era? Will the health care law usher in a period of equality? "I think we are at the point where our political system is being tested and not responding very well," Seidman says.

is closer to level. A situation in which people could feel assured that their basic medical needs and catastrophic medical needs would be covered."

Gostin worked on President Bill Clinton's unsuccessful health care reform plan, so he appreciates the ACA all the more — calling it "a huge step forward" and "long overdue." While Gostin appreciates its focus on clinical prevention and primary care, he's not as happy with its public health funding. "If you look at the most dramatic gains in life expectancy," he says, "they have all come from public health, sanitation, vaccination, smoking cessation. ... The thing about public health is that there are proven cost-effective methods — if only we could fund them. At the moment something like two percent of all health dollars go to prevention and population-based services. That's wrong."

Bloche, who was a health care adviser to President Barack Obama's 2008 campaign, says that for the ACA to work we will need more pediatricians, family physicians and general internists. Another way he thinks our health care system can improve is by keeping new technologies out of the marketplace until they've been proven to make a difference.

"A lot of what we do, particularly in places like intensive care units, is to use our finest technologies and software writing skills to take over temporarily for what the body isn't doing," Bloche says. "This kind of technology astonishes us in ways that in earlier days the moon landing or the space shuttle astonished us. It's very American, a can-do attitude." But the paradox is that the technological revolution that fills hospitals with beeping wonders has not extended life nearly as long as biological innovations such as antibiotics. "The greatest improvement in life expectancy in the last century has resulted from economic development, increased prosperity and the revolution in public sanitation that has played out in the last 100 years," he says. In other words, healthy societies make for healthier people.

Professor Kathryn Zeiler, who is also affiliated with the O'Neill Institute, analyzes outcomes from the dual vantage point of economics and the law. She has analyzed statutory caps on damages in malpractice cases and learned that they usually have little impact on medical malpractice premiums. She is also researching how the concentration of market power in the insurance market has limited competition and choice. "Imagine a world where we could buy insurance across state lines," she says. "That's something that was tossed around by Republicans that I think is a really good idea."

While the goal of universal health care is one we should pursue, Zeiler thinks that trying to manipulate markets through price controls is turning the health care insurance industry into a public utility. "Government has proven itself quite bad at pricing products. It should stay out of that business," she notes. Zeiler is also in favor of decoupling insurance from employment — "that would spark amazing amounts of competition" — and providing more information to consumers. "There's a total lack of transparency in our pricing, on what we're getting for our dollar."

Students are the prime beneficiaries of all this faculty knowledge, of course. They can study Health Law and Policy from Bloche, who just wrote a book on the topic. And if they had taken Zeiler's Economic Analysis of Health Care Law class last spring they would have had a chance to analyze various ACA provisions, including the individual mandate from an economic perspective.

Westmoreland teaches Access to Health Care and Coverage: Law and Policy. One concept that never fails to make an impression on students is when he discusses survivor costs, the costs incurred by society when lives are saved, and how those costs are factored into the final price tag of a new bill.

"You know, they don't call economics the dismal science for no reason," Westmoreland says. "It's a true statement that if you vaccinate people or take care of premature newborns, they are going to live and require more health care."

Professor David Super guest-taught one of Westmoreland's classes last spring, encouraging students to think through the individual mandate's asserted justifications.

"I'm originally from Michigan so I ran with the Chevrolet hypothetical," he says. Playing devil's advocate, he tried to "convince students that we need a mandate to purchase Michigan cars and bolster the economy there." He admits that he didn't get too far: "The students were quite sensible and clever in their arguments against my mandatory car purchase program. Some students felt the same objections applied to health care mandates; the discussion sharpened the distinctions in the minds of others."

A Constitutional Moment?

Super's hypothetical brings us back to Chevrolets, which brings us back to broccoli, which brings us back to Barnett, who admits that he actually likes the vegetable though he doesn't want the government to make him eat it. Not to put too fine a point on it, but Barnett thinks the ACA "is a public policy catastrophe."

"We have serious health care problems in this country and this bill only makes them worse. It doesn't do anything to control the cost of health care and it makes health insurance more expensive by mandating Cadillac policies for everyone." (There's another GM analogy.)

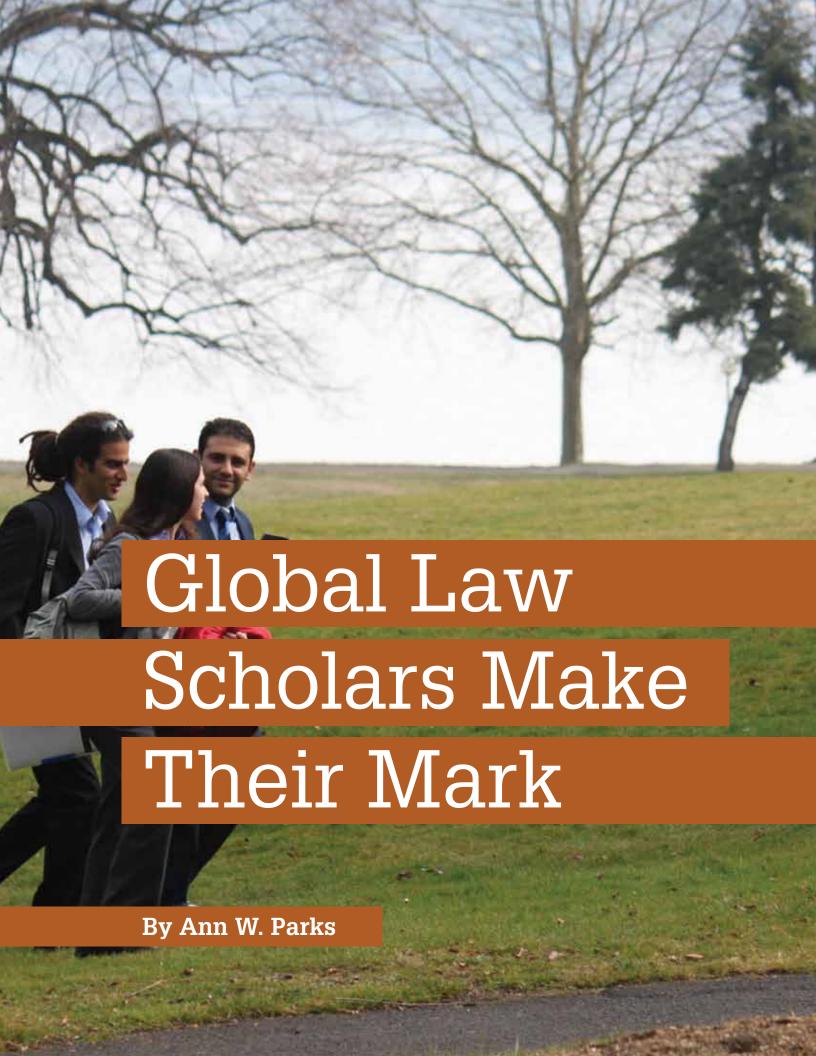
Many of Barnett's colleagues politely disagree, of course, but it makes sense that passions would run strong on this issue; after all, it represents one of the biggest shifts to the political landscape in years — and the nation is still three years away from full implementation.

One of the things academics do best, of course, is provide perspective on current issues. The draft article that Super presented at the April faculty workshop theorizes that the battle over health care is a decisive point in our national history, a "constitutional moment."

"Every now and again something really big happens that causes us to change our notion of what this country is all about," he says. This happened after the Civil War and during the Great Depression. Now we are making another fundamental choice, he continues. If the ACA holds up, then "the notion that we need to use the size of government to help protect people against very large businesses, the nursing home chains, the hospital chains, the pharmaceutical companies and so on, will be more or less accepted. If the law is defeated, the historical and economic forces that have led us to this point are not going to suddenly vanish, but I think our constitutional development will head in quite another direction for some time.'

Do we stand on the cusp of a new era? Will the health care law usher in a period of equality? "I think we are at the point where our political system is being tested and not responding very well," Seidman says. "The health care debate, by the way, is a symptom of this, rather than a cause." The origin of our discontent, he posits, is an inability to generate the kind of economic prosperity we're used to. "The test is whether we can come together to deal with this in a useful way or whether we have irreconcilable differences — and I guess the jury is still out on

It won't be out forever, though. Eventually, the courts will rule and the great gears of government will grind. But here at the Law Center, the writing and the talking and the teaching will continue. "The Supreme Court may settle the outcome of the case," Seidman says. "But it won't settle the debate at Georgetown Law."



From an idea hatched in a Washington, D.C., Starbucks to an International Migrants Bill of Rights these students dared to dream big. Their story is the ultimate in experiential learning. And it could only happen here.

unday, March 13, 2011. Georgetown Law students Randy Nahle (L'11) and Ian Kysel (L'11) arrive at Geneva International Airport — Nahle from Paris and Kysel from London. A plane carrying Bianca Santos (L'11) and Maher Bitar (F'06, L'12) has arrived in Switzerland a couple of hours earlier. Back home at the Law Center, it's the last day of spring break, but for these students and their classmates who would join them in Geneva, it's been anything but a relaxing week. Their laptops contain hundreds of pages of material that they have prepared for this trip, as well as a 160-page behemoth of a document they've been working on for years. It's called the International Migrants Bill of Rights (IMBR), and this week the students will be taking it for a test drive before key representatives of major international organizations like the International Labour Organization, the U.N. High Commissioner for Refugees and the International Organization for Migration.

How did these students get to travel to Switzerland in their second or third year of law school, organizing their own conference on protecting international migrants with a document that they happened to draft? In this case, it took a veritable perfect storm, consisting of talented students with a lot of moxie, an excellent Georgetown program that provided the resources, a donor that stepped in to provide the funding, and faculty, administrators and staff members who provided support as well as the spark. The trip coincides with a call by Georgetown Law Dean William M. Treanor for an intensified focus on course work both inside and outside of the classroom, and this is the ultimate in global experiential learning.

"This seemed like such a dynamic project," says Santos, who with Nahle, Kysel and Bitar had become one of the four student leaders of the project by 2010-2011. "Someone had an idea, said OK, let's do this - and then, what's your wildest dream with it? At each step, this project has exceeded our wildest dreams."

Year One, 2007-2008: Thinking big

For the students, the journey of creating a document for the protection of migrants worldwide began in a Washington, D.C., Starbucks.

It was September 2007. Nahle and Lorinda Laryea (L'10), who had been at Georgetown Law for only a few weeks, were kicking around ideas for a student group project in international law over a couple of lattes. If that doesn't sound like the average first-year conversation — at a time when most students are still finding their way around McDonough Hall — Nahle and Laryea were anything but average. They were members of Georgetown's Global Law Scholars (GLS) program, which, since its establishment in 2000, has attracted the brightest students from around the world and provided them with comprehensive preparation for global legal practice.

In the first year, the Global Law Scholars program familiarizes students with career options and different areas of practice. But Nahle wanted to do more. As a political studies major at the American University of Beirut in Lebanon, Nahle had created a youth empowerment NGO called LebYouth, with the backing of the European Commission, the World Bank, the U.N. Development Programme and the country's minister of finance.



Hebrew University student Yael Mazuz; Justin Fraterman (L'11), Carly Stadum (L'12), Nahle and Sarah Plastino (L'12) with students from Hebrew University and the London School of Economics.

"I basically said, 'We should have a project, something that brings everybody together," says Nahle, describing his desire to create something comparable to his undergraduate NGO. "Why don't we do something similar to that?"

Laryea was up for the challenge. Having earned her undergraduate degree in political science and Hispanic studies from Brown University, she had once done volunteer work in Brazil for a global association of social entrepreneurs, supporting people launching projects like NGOs. So she liked the idea of bringing something substantive to the Global Law Scholars table.

"We wanted to take on a project that appealed to the majority, if not all of the [students], because some people were interested in international trade, some people were interested in international environmental law, some people were interested in international human rights," Laryea says. "We wanted to find something that cut across these topics."

The pair took the idea to others in their GLS class, and in the months that followed, the group explored possible options. The law of the sea? Money laundering? Immigration? As it happened, Professor T. Alexander Aleinikoff, who was then dean of the Law Center and an expert in immigration policy, had been calling for an international migrants' bill of rights. In a 2007 book on international migration law, Aleinikoff had proposed the drafting and promulgation of a clear and concise statement, fitting on a single page or computer screen, guaranteeing a "core set" of rights for immigrants. So the students asked Aleinikoff for his advice.

"He said, 'If you do go the migration route, there is this pet project that I've always wanted to do, something like the Universal Declaration of Human Rights but for migrants, a one-pager that you could hang up on the dashboard of your car, something people could look to, and migrants themselves would look to as a charter for them,'" Nahle says. "And we said, 'OK, that sounds really cool.'"

Year Two, 2008-2009: Building the bill

As their second year began, Nahle, Laryea and the rest of their class used the 2L Global Law Scholars seminar to build the first draft of the International Migrants Bill of Rights. Aleinikoff recommended readings in the field and brought in speakers including Visiting Professor Andrew Schoenholtz, co-director of Georgetown Law's Center for Applied Legal Studies and deputy director of the Georgetown University Institute for the Study of International Migration.

Schoenholtz, who had been present at a Geneva workshop in November 2005 when Aleinikoff first called for an international bill of rights, was delighted. "[Aleinikoff writes up the idea] and gets it published, and the next thing I know, the Global Law Scholars are running with this," Schoenholtz says.

The original purpose of the 2L seminar was to introduce students to Georgetown's international faculty and their work. But this was the class that would change all that, introducing a substantive class project into the curriculum. Faculty members including Aleinikoff, Schoenholtz and Professor Julie O'Sullivan — then the faculty sponsor of the Global Law Scholars program — would make themselves available, to the extent possible, to help. But it was the students who were running the show.

"It took extraordinary commitment and organization — as a result of which they shared an extraordinary learning experience," O'Sullivan says. "All we did was supply the program and our financial and moral support."

One problem the students faced was figuring out what kind of document this would be. Would they be restating the international law of migrants as it already existed or would they aspire to something more? Would it be a "hard-law" treaty, to be adopted and implemented by governments? Or would it be more of a "soft-law" document, a set of principles to guide states and international





Patrick Taran, senior migration specialist at the International Migration Branch of the International Labour Organization, and Alice Sironi of the International Organization for Migration.

organizations on the treatment of migrants? (The group would eventually decide on the "soft-law" route.)

Recognizing that input from other cultures would be helpful, the Georgetown Law students decided to team up with law students from Hebrew University in Jerusalem and American University in Cairo. Fortunately, technology was keeping pace. With Skype, the students were able to divide up the work into such areas as economic, social, cultural, family rights and refugee issues. They researched gaps in international law, absorbing everything they could about immigration and migration at a time when their peers might have just been getting their feet wet.

Their first test came in April 2009 when 11 of the IMBR delegates — accompanied by a new GLS director, Visiting Professor David Stewart — met with their partner students in London to write the first draft of the IMBR. The meeting was hosted by Georgetown Law's Center for Transnational Legal Studies, which had opened its doors the previous fall.

"Imagine within three days you have to write up a treaty," says Nahle. "There was not only a language gap because people were trying to translate Hebrew into English, you also had a cultural gap ... a lot of times [we] were talking at a very fast pace and other people were saying whoa, you have to slow down ... people have different legal traditions in Israel than we do in the United States, so the idea was to try to bridge all these gaps and come up with a document that could be seen as universal."

Year Three, 2009-2010: The second wave

With a first draft of the IMBR in hand — and the 2L seminar complete — seven of the 11 initial IMBR drafters would move on to other activities as the fall of 2009 began. Nahle and Laryea, now in their third year of law school, were planning to study abroad. Nahle would be studying in Paris for a year, before returning to the Law

Center to complete his J.D. in the spring of 2011. Laryea would be spending a semester in The Hague.

Nahle and Laryea wanted to continue with the IMBR, as did their classmates Brian Cooper (L'10) and Julia Follick (L'11, G'11). But someone needed to be minding the store back in Washington. So in the months leading up to his year abroad, Nahle looked over the Georgetown Law Global Law Scholars class of 2011, then the rising 2L class, seeking a temporary successor.

Enter Ian Kysel (L'11), a 2004 Swarthmore graduate who had worked at an immigration law firm in D.C. before law school and also spent time in Algiers with the American Bar Association's Rule of Law Initiative, among other things. Bianca Santos (L'11), a history graduate from Rice University who had spent her 1L summer working for a human rights NGO in Brazil, would also join the project. A third future leader was Maher Bitar, a Georgetown School of Foreign Service graduate and rising 2L who would not even be at the Law Center during 2009-2010 — because he was taking a year to continue research on his doctorate in international relations at Oxford University. Still, Bitar was not about to let the opportunity pass him by.

"The group that came after us had even more vigor than we had, which was so refreshing and amazing,"

The goal for 2009-2010 was to revise the bill, with feedback provided by Aleinikoff, Stewart, Avinoam Cohen of Hebrew University and Michael Kagan of American University of Cairo. The Georgetown and Hebrew University students also decided to provide commentary on the bill's provisions. So a two-paragraph article setting forth a definition of migrants, for example, would now be expanded to include the origins of the article, history, purpose, scope of protection and problems addressed effectively putting an end to Aleinikoff's original vision of a one-page document.





Georgetown Law student Maher Bitar (F'06, L'12) and Nahle with Mazuz.

Bitar, who helped draft sections of the commentary relating to Article 1, "Definition of Migrants," had one of the toughest challenges, since very few experts have agreed on what a migrant actually is. "If you want to reduce the primary challenge of the bill, it comes down to the debate about whether we wanted to cover all migrants ... or whether we wanted to have a definition that excluded certain already protected persons. It's both a legal question and a policy question," Bitar says.

Kysel, who worked on commentaries for Article 2, "Equal Protection of the Law," says this too was a particularly challenging provision. The document states that "all persons, including migrants, are equal before the law" — which sounds simple enough in theory. But as the commentary explains, migrants frequently do not enjoy equal protection of the states where they reside and human rights organizations have not created consistent standards in this area, often deferring to the judgment of individual states.

Santos worked on Article 11, "Economic and Social Rights," and Article 18, "Family Rights." These provisions guarantee to migrants such things as emergency medical care and disaster relief, and seek to keep migrant families together. Other provisions would address such things as detention, property, vulnerable migrants and due process — each with its own unique challenges. And there was still the problem of the document's overall goals.

"It's [something] the current draft struggles with a bit — are we just restating the law as it exists, or are we stating something that is aspirational?" Stewart says. "On the one hand, if you want states to accept it, you can't be too aspirational; on the other hand, what's the point of stating what exists? You want to push the envelope a little bit."

Pushing the envelope

The ultimate test of that year came at Georgetown Law in April 2010. Schoenholtz, who served as the faculty adviser for Georgetown's student-edited *Immigration Law*

Journal, suggested a collaboration between the journal and the IMBR students at Georgetown Law, the London School of Economics and Hebrew University. Several IMBR members also served on the immigration journal, including Julia Follick (L'11, G'11), who found herself perfectly poised to plan the symposium as the special events editor. Professors from the partner schools, as well as experts from the International Organization for Migration, the Department of Justice, the Inter-American Commission on Human Rights, Human Rights First and the U.N. Special Rapporteur for the Human Rights of Migrants showed up to give their thoughts on the IMBR. (Aleinikoff had several months earlier stepped down as dean to become deputy high commissioner in the office of the U.N. High Commissioner for Refugees in Geneva.)

"The student drafters of a migrants' bill of rights humbly ask your help," Kysel told the audience. "We want to get down to brass tacks. Are there areas where the document is too aspirational? Have we hit everything?"

One of the first problems the experts found with the draft was the definition of migrants, as it was too broad in some respects and too narrow in others. Professor Schoenholtz suggested that the bill should specifically recognize protections relating to gender and physical and mental disability. Others wanted protections for lesbian, gay, bisexual and transgender migrants, as well as migrant domestic workers and migrants belonging to indigenous populations. Should migrants who have committed crimes be protected? What about child soldiers?

"These aren't easy international law questions," says Santos, adding that if it were easy, someone would have undertaken the project long before this. "We've gotten feedback [that says] there's a gap here, or this isn't what international law is here ... it's been, look, you are way behind an article here and an article there. But it's also been encouraging."

Bitar, who had flown back to Georgetown Law from Oxford for the occasion, recorded all of the concerns in an addendum to be published alongside the bill, in the





Hebrew University students Shlomo Shuvy, left, and Naor.

Spring 2010 issue of the *Georgetown Immigration Law Journal*. But as the feedback rolled in, it became apparent that as much as the students had done, there was still more that could be done.

"The funny thing about the IMBR project has consistently been that at every stage, we've felt like we may be being overambitious," Kysel says. "But then we have an event or we have a set of meetings, and everyone receives our document so well and is so excited about the initiative that we decide, all right, let's dream bigger ... and so, we started thinking about Geneva."

Out of their comfort zone

It was the logical next step in a campaign that was becoming increasingly global. Already Nahle (flying in from Paris), Laryea (The Hague) and Bitar (Oxford) had met in Europe with experts from the Migration Studies Unit at the London School of Economics to discuss the bill, while other Georgetown Law students were meeting with local human rights and immigration experts on the bill back in Washington. On their side of the world, the Hebrew University of Jerusalem students were consulting with experts from their geographic area as well.

"We wanted all the institutions to have a consultation, where they could draw on the resources of either their city or their university," explained Bitar, who attended a December 2009 meeting in London hosted by the London School of Economics. "For us, the real advantage ... was the chance to speak with policy experts rather than legal experts, so we kind of got out of our comfort zone."

As summer 2010 approached, the plans for an IMBR conference in Switzerland kicked into high gear. As luck would have it, Kysel was already heading to Geneva to spend the summer working in the office of the U.N. High Commissioner for Refugees. Justin Fraterman (L'11), another IMBR student in the rising 3L class, would be working in the Federation of the Red Cross there. "We did

the rounds and ended up meeting with many of the key players in Geneva," Kysel says.

The question of funding also fell into place, with some hard work from others in the Georgetown Law community. Aryeh Neier, the Law Center's Robert F. Drinan Visiting Professor of Human Rights Law during 2009-2010 and the president of the Open Society Foundations (OSF), put the students in touch with Maria Teresa Rojas, director of the International Migration Initiative at OSF. With the help of Margaret Garigan and Francisco Martinez in the Georgetown Law Development office, Rachel Taylor in the Human Rights Institute and Abigail Cruce in the Financial Affairs office, the students submitted a proposal to OSF outlining plans for the initiative and the Law Center received a grant that fall. The grant would enable them to host the conference at the Graduate Institute of International and Development Studies in Geneva the following March.

By fall 2010, everything was coming together. Laryea, who had helped dream up the idea of a project in Starbucks three years earlier, had graduated, but Nahle was back from Paris and spending a fourth year at Georgetown as the Global Law Scholars Fellow. Kysel and Santos were in their 3L year. Bitar, returning from Oxford, will graduate in 2012.

As with the year before, some of the other 3L participants would move on to other things. But as before, a new group of rising 2Ls was recruited to continue the project, this time through a more formal application process. Sarah Lavin (L'12), Sarah Plastino (L'12), Carly Stadum (L'12) and Hadia Hakim (L'12) joined the group; Plastino and Stadum would later accompany the leaders to Switzerland.

"The issue I've always raised with them was [sustainability, since] this wasn't just a one-year Global Law Scholars project," says Schoenholtz. "They've ensured that the next entering classes have gotten engaged."



Left photo: Hebrew University student Sharon Gefen; Right photo: Georgetown Law student Bianca Santos (L'11), at podium, leads a discussion with, from left, Tim McLellan of the London School of Economics; Bitar; Volker Türk, director of International Protection at the office of the U.N. High Commissioner for Refugees; Ryszard Cholewinski, migration policy specialist in the International Migration Programme of the International Labour Organization; and Elliott Fox of the London School of Economics.

The grant was approved in December 2010, giving the students \$30,500 to be used, in part, to host their conference at the Graduate Institute in Geneva. All the administrative work, catering and other details were arranged by the students.

"It's their project, and they are taking it to incredible heights," Stewart says. "[There's] been a little bit of nudging and a little bit of guidance here and there to help them out and keep them on track, but this is student driven, student energized, and that's what's exciting about it."

Out of Africa

Before Geneva, though, Nahle, Kysel and Bitar flew to the Island of Gorée — off the coast of Dakar, Senegal — in February 2011, to attend a conference hosted by the World Charter for Migrants. That migrant-led group was in the process of fashioning a statement of principles of migrants, but not one that was necessarily based on international law.

"The Open Society Foundations thought it would be a great opportunity for us to meet with them, to see whether our projects could potentially down the line feed off each other in some ways," Bitar says. (OSF, too, provided a second grant of \$5,400 for this trip.)

Although the document being critiqued was not their own, the students learned how their own bill could be used to complement regional laws. An optional protocol allowing freedom of movement between West African states, for example, is not something that many states currently comply with.

"We talked to practitioners, and they felt like a document like ours would provide a tremendously detailed [resource] that could help advocates get states to comply with them," Kysel says. "Just having talked to so many different civil society groups that are working on the ground,

to see the possible applications of a document like ours was really exciting."

So when they landed in Geneva on that Sunday morning in March for their own conference — accompanied by Santos, Fraterman, Plastino and Stadum — they felt they were more than prepared. They were meeting with international experts in the field at the highest levels. It was not just a school project; it was theirs.

"It was really just excitement and hoping that everything would go as we had planned, because we had put so much time and effort into preparing for it," says Santos, who says the group got very little sleep on Sunday night in Geneva. They were preparing to meet with the panelists on Monday morning — to ensure that everyone would be on the same page for the Tuesday, March 15 conference. "We were lucky that things went off as they should have without a hitch," Santos says, "but you don't get to that place where things can go off without a hitch without putting in the work beforehand."

The conference

Tuesday, March 15. At the Graduate Institute of International and Development Studies — at a beautiful villa overlooking Lake Geneva, right next door to the World Trade Organization — Santos, Bitar and students from the London School of Economics open the day by leading a panel on the "hard-law" versus "soft-law" question. Nahle and Kysel, assisted by students from the London School of Economics and Hebrew University of Jerusalem, would later lead panels examining the justifications for the bill and the role of different categories of stakeholders.

"What's happening is that you have Georgetown students ... without any faculty member along [meeting] some of the most distinguished professors, practitioners, members of international organizations ... and they have





Daor with Georgetown University student Ian Kysel (L'11); Kristina Touzenis, head of the International Migration Law Unit at the International Organization for Migration.

a degree of credibility and acceptance that's really quite extraordinary," Stewart says.

It was not necessarily a time for congratulations, though, as the experts — including Ryszard Cholewinski from the International Labour Organization and Volker Türk of the office of the U.N. High Commissioner for Refugees — pointed out that significant problems remained in the bill regarding different categories of migrants, as they had noted one year earlier in Washington, D.C.

Still, the consistent response was that there is a need for a robust "soft-law" document like the IMBR. "[They said,] it would be very helpful to have that in the pantheon of instruments that are out there, and the document we have now is pretty good, but it needs reinforcement in some areas ... to make sure it doesn't dilute from existing standards," Nahle says. "Much of the feedback went to the content, but the general framework was very positive."

Others who had helped with the planning were unable to go to Geneva. Follick, for example, who was simultaneously earning a master's degree at Georgetown's School of Foreign Service, was in Saudi Arabia on a program sponsored by the government of that country.

The students came back from Geneva on Wednesday night, March 16, just four days after leaving. And they missed only three days of class.

More to be done

The IMBR has gone much further than the students ever thought it would go that first day in Starbucks. There are more revisions to complete, but the bill is already a platform that the students can use to help civil society, and even the United Nations, develop norms for the treatment of migrants.

By May 2011, three of the four student leaders had graduated: Nahle has accepted a job at Shearman & Sterling. Kysel will be the Aryeh Neier Fellow at Human Rights Watch. Santos is taking time off to be with a new baby — the only reason she missed the Dakar trip — before beginning her legal career. Yet even with their diplomas in hand, the students were in the process of applying for another grant that would allow the IMBR to be housed at the Law Center as an ongoing project. And as before, a new group of students is stepping forward to help.

How far could the IMBR go? While Schoenholtz won't pretend that there will one day be a vote in the United Nations where all countries will agree to adopt it — as with the Universal Declaration of Human Rights — he says it's not beyond the realm of possibility that the U.N. could one day adopt a special representative to handle this, as it did with a framework of guiding principles on internal displacement in the 1990s. But how far it will go remains to be seen.

"At the end of the day, the beautiful part about this is that they are very talented, very dedicated, very thoughtful young lawyers who have developed this to the point where it's on the table now and they really want to get it out as much as they can," Schoenholtz says, adding that the students have already built a tremendous analytical framework from which anyone in this field can work.

"That to me is one of the most important contributions. They've established the framework of the discussion by drafting the bill of rights," Schoenholtz says. "There's a lot of disagreement, a lot of controversy, but it will be a point of discussion, and they are going to continue to run with it."





THE LAW SCHOOLS BUILT

BY ANN W. PARKS

IT IS THE KIND OF HIGH SCHOOL THAT MOST PEOPLE WISH THEY'D GONE TO. Kids pass through a welcoming gate, across a space of green lawn, into a red brick building with wood floors, fresh paint and huge windows to let in light. The staff and the teachers smile. The students smile. Everyone is respectful. On an archway facing the front door, a quotation from the late Supreme Court Justice Thurgood Marshall bears a powerful message: "In recognizing the humanity of our fellow beings, we pay ourselves the highest tribute."

Thurgood Marshall Academy Public Charter High School, in southeast D.C., is more than just a safe, accommodating place. A string of banners tell the story: 100 percent of TMA students have been accepted to college. A TV screen in the corner lists some of the schools: Santa Clara University, Lafayette, SUNY. The math scores of TMA students are, on average, 3.3 times greater than those of the other high schools in Ward 8. Reading scores are 2.7 times higher. Totally unknown when it opened its doors a decade ago in a nearby church, educators now come to the school to study it.



"It does not feel like work; it's just immensely rewarding," says Executive Director Josh Kern (L'01), who since graduating from Georgetown Law has spent all his time and energy developing Thurgood Marshall Academy into the place it is today. Inspired by the Law Center's Street Law program and its director, Professor Rick Roe, Kern believed that he could build a high school that was just a little bit better than what he was then seeing in the nation's capital.

And he's not the only one. Several other Georgetown Law alumni have used their law degrees to start charter schools, drawing on the skills they acquired in the Street Law program and in other clinics and classes. So to mark the 40th anniversary of this Georgetown Law institution, we talked to a few of the gutsy individuals who chose this particular career route. Why turn down a big law firm offer to spend the day with ninth-graders? Does a law degree prepare you to run a high school? We got those answers, and more.

JOSH KERN L'01

As he moves through the halls of the fully renovated 1902 school building purchased from the city — the sort of place he once envisioned when he was a law student just beginning his work in education — Kern is clearly in his element at Thurgood Marshall Academy. It's early summer, one week before graduation, and everybody is talking about this thing called Portfolio. "Got Portfolio today?" Kern asks a student, who

responds affirmatively. The kids say it to each other: "I have Portfolio."

Portfolio is serious stuff. As Kern explains, it's similar to defending a dissertation; at the end of every year, the high school students take stock of the previous year's work in front of an audience of teachers, parents and peers, and they reflect on how they can improve. In order to be promoted to the next grade, they need to pass Portfolio. And the graduates who've gone through it say that this has helped prepare them for college more than any other single thing.

"It gives them confidence, forces them to reflect on their work," explains Kern. "How could you have done better? What did you really learn? This is real world stuff."

Kern wasn't just venting when he came into his Street Law class one afternoon in December 1999 and said he and his classmates could be running a better school. Kern had just come from his Street Law student teaching assignment and was disturbed not only by the environment in his particular D.C. school but by the business operations there. Having earned an M.B.A. prior to law school, Kern could see what was working and what was not.

He also wanted to bring the principles he was learning in Street Law to an entire school. In Street Law, founded at Georgetown in 1972 by Adjunct Professor Jason Newman, law students provide law-related education to youth in a positive and engaging manner. Rather than lecturing high school students about the law — with the assumption that they will one day be mixed up in it — Street Law helps high school students

"The thing that I took away the most from Street Law was ... finding ways to have kids take on more responsibility in the classroom ... and that's something that we use as one of the founding principles of the school." Josh Kern (L'01)

become creative thinkers, problem-solvers, public speakers and leaders, as it explores such areas as individual rights, housing, family, employment or consumer issues.

"We're teaching about practical law ... but what's really happening is that we are teaching students to have a voice, to think at high levels and to think outside the box," explains Roe. "It's not just saying, this is what the law says you should do in a prescriptive way; it's what the law can be like, what can our world be like. That mentality teaches people that there are a lot more possibilities in the world."

As a law student in Street Law, Kern was already seeing possibilities. So when Roe challenged him and his classmates — only half jokingly — to actually go out and build a better school, Kern jumped at the chance. "I was young and naïve and idealistic and I didn't know any better, so I said, OK, whatever it's going to take."

With the help of Street Law Fellow Lee McGoldrick (L'99), Kern initiated a student-led seminar called Modern Education Reforms in order to shape the project. The 10 students included Jacquelyn Davis (L'01), profiled below, and Thomas Hutton (L'00). Hutton would eventually serve as a senior staff attorney with the National School Board Association before moving on to Patterson Buchanan Fobes Leitch & Kalzer in Seattle and a practice that focuses on public education; Mc-Goldrick is now a vice president of Teach for America.

Roe supervised the endeavor. By the end of the course — June 6, 2000 — the students had submitted a proposal to the D.C. charter school board and two months later the charter

was approved.

"I was ecstatic," says Kern, who was spending his 2L summer at a large law firm in Philadelphia when he got the news. He turned down an offer from the firm and, along with Davis, dedicated himself to opening the school the following year. From an office in McDonough Hall (a closet that had been used to store textbooks) they proceeded to do a 501(c)(3) application, raise money, hire a principal and some teachers. By November — still being law students — they hired a full-time secretary to help out.

"When this moved from a theoretical academic exercise to, OK, we are actually starting a school, people started to say, are you guys actually equipped to start a school? But at that point we were knee deep in it, so there was no question in my mind," Kern says.

He found space to rent in the annex of a church and, along with Davis, passed out flyers in Ward 8 recruiting ninthgraders for the new Thurgood Marshall Academy. They wound up with 80 of them and opened the school as planned on August 20, 2001. (It would move to its present home in 2005, following the purchase and renovation of the historic Nichols Avenue School building.)

Today, the school boasts 390 students in grades nine through 12, and 70 employees — an \$8-million-a-year business. Its students have the highest combined standardized test scores among all open-enrollment high schools in Washington, D.C., and 100 percent of the students in all five graduating classes were accepted to college. In 2009, the school was selected by the Department of Education as an upcoming feature school for its Doing What Works initiative — the only charter school and one of just six schools nationally to be chosen.

Kern, for his part, has become a nationally recognized leader of the education reform movement. Among other things, he was named "Young Lawyer of the Year" by the Bar Association of D.C., has testified before a Senate appropriations subcommittee on "best practices" in charter school management, and was a founding board member of the D.C. Public Charter School Association. He is also a recipient of the 2011 Robert F. Drinan, S.I., Law Alumni Public Service Award, And though Kern plans to move on to other opportunities this year, after a decade at the helm of the school, he has no regrets.

"When I think about all the miracles of Thurgood Marshall, one of the miracles is that ... we got 80 students and parents to say, I'm going to choose to go to a high school ... in a church," he says. "The thing that I took away the most from Street Law was ... finding ways to have kids take on more responsibility in the classroom, lead the effort, be more engaged, and that's something that we use as one of the founding principles of the school. It's certainly part of the reason for our success."

JACQUELYN DAVIS L'01

By the time Jacquelyn Davis (L'01) had finished the Street Law clinic and the student-led Modern Education Reforms class at the end of her second year, she had landed a federal clerkship and fully expected to be working for a judge following graduation. But that summer, she got the phone call that changed everything.

On the other end of the line was her classmate Josh Kern, telling Davis that the charter that they had worked so hard to draft had been accepted by the charter school board. So Davis then made a phone call of her own, to the judge.

"I was absolutely certain that there were tons of competent, wonderful people out there who could fill the clerkship, but I wasn't confident that many people could help open the school," she says. Looking back, it seemed almost inevitable that Davis would commit to a full-time job at TMA right out of law school. As a public policy major at Brown University, Davis took classes on education and policy and later spent five years on Capitol Hill, working on domestic policy issues.

"My first year on the Hill, I read a series of articles in the Washington Post where a group of kids were talking about planning their funerals instead of their proms, because they felt like their chances were so limited," Davis says. "I thought, something has to be done to get kids to believe in their future, to give them hope."

With a group of friends, she co-founded Hands on D.C., a community service project which has since sent more than 30,000 volunteers into more than 120 D.C. public schools to help improve their condition and funded more than \$575,000 in scholarship contributions. But Davis felt that she needed even more tools to effect change, so she enrolled at Georgetown Law.

"Street Law was so compelling for me, because I loved working with students, and I loved making the law relevant to their lives," she says. "I learned the law better, but the real thrill was watching how knowledge of the law empowered kids and gave them a voice. That's what really inspired me."

In Street Law, Davis asked to be sent to one of D.C.'s toughest high schools — and got just what she asked for when she showed up the first day and found that only three out of the 18 students on the roster had come to class. Enlisting the help of the three, she tracked down the remaining 15 and convinced them to give her a chance. By the end of the year, her students had made it to the semifinals of the city's mock trial competition, defeating the highest performing high school's team.

"They were brilliant kids capable of completely absorbing these very complex legal concepts quickly, and yet their literacy skills were horrible, so they couldn't express themselves in written form," Davis says. "I thought, what have we done as a society, how have we let this happen? These students clearly are capable of communicating at a high level and mastering these legal concepts, and we have failed them so badly."

So when Roe challenged his clinic students to start their



own school, she jumped on board immediately. In her third year of law school, Davis was finding a high school principal, fundraising, even designing the logo for the uniforms. She went to work at Thurgood Marshall Academy full time after graduation to lead its foundation; design its Law Academy, tutoring and mentoring programs; recruit volunteers; raise more funds; and help create its law theme. While TMA doesn't necessarily prepare kids for a career in law, it uses Street Law principles to teach students how to engage in a democratic society, hone skills like public speaking and learn how to support an argument. The school partners with law firms and other organizations across the city for tutoring and mentoring.

After a year and a half at the school, Davis went on to found the D.C. regional program New Leaders for New Schools, a national nonprofit that attracts, prepares and supports outstanding individuals to become the next generation of school leaders. She was a founding board member of the E.L. Haynes Public Charter School and named a "Washingtonian of the Year" by *Washingtonian* magazine. Today, as a national leader in education reform, she heads her own K-12 education consulting firm called ED-volution Education Group. And she describes her Street Law experience as game changing, shifting her course from lawyer to educator.

"I think we saw the power of teaching kids about their rights, teaching kids about justice ... helping them have a voice, helping them realize they could take a stand for themselves in this world," Davis says about her time in Street Law.



DEANNA SINGH L'04

Deanna Singh (L'04) had an idea before she even set foot in McDonough Hall as a law student that Street Law was going to change her life. Two weeks before she was due to start law school, Singh was visiting the New York City campus of Fordham University, her undergraduate alma mater, and found herself chatting with two incoming freshmen. Singh knew one of these young women, who had volunteered at a local community service organization that Singh had founded in college. It was Singh, in fact, who had inspired this young freshman to apply to Fordham. And as they talked, she learned that the second young freshman had gone to high school in Washington, D.C.

"I told them I was going to Georgetown Law, and this student says, you have to do this program called Street Law," Singh says. As the young woman proceeded to explain, she had taken a class in high school about the law, taught by a student from Georgetown Law. "She said, 'My Street Law teacher was the one who encouraged me to apply to college."

It seemed like divine intervention to Singh, who immediately called up Georgetown Law to secure a spot in the clinic. "They told me, you can't sign up, you're a 1L. You have to wait until you are a 2L. And I said, no, you don't understand — I have to do this."

For Singh, it was the logical next step in furthering what was already a strong career in serving the public. As an urban studies major at Fordham, she had created local after-school and summer programs for children and teenagers. Working on Capitol Hill in the summers, she learned about LIFT, an initiative to combat poverty and expand opportunities in the United States. Singh decided the organization could use a New York office, so she founded one. But the more she learned about the nonprofit world, the more she decided she needed a law degree.

"One of the things that I realized was that there were a lot of really great nonprofit organizations and nonprofit leaders who were super smart, really passionate, had great ideas and were filling an extraordinary need, but didn't have the legal and business sense to sort of take it to the next level," says Singh, explaining why she chose to come to Georgetown. "I thought, I have this amazing opportunity to go to an amazing university ... I can take what I learn from there and apply it in the nonprofit sector."

A little more than a year later, in fall 2002, she was enrolled in Street Law, teaching the law to students in a Washington, D.C., high school. It was, she says, the most memorable and transformative experience of her law school career. But like others before her, Singh wanted to do more. After graduating from Georgetown Law in 2004, she returned to her hometown of Milwaukee and started her own version of Street Law with students from Marquette University. But that led to another problem.

"Law students came to me, saying, 'Deanna, these [high school students] have so much potential, but do you want me to lie to them? They can't read, they can't write, they can't do basic math. They're not prepared to go to college."

It was one of those moments, Singh says, that stopped her in her tracks. She realized she could either join the long line of people complaining about education — or she could do something about it. In 2005, she received a fellowship for a program called Building Excellent Schools and proceeded to open Milwaukee Renaissance Academy, a public charter school, in 2007. She would serve as its director for two years before moving on; unfortunately, the school closed its doors this year.

But Singh isn't giving up the fight. She now helps to give money to educational causes for the Robert W. Baird Foundation, which also supports health and human services, diversity and the arts across the United States. She still sits on the board of directors for LIFT and serves in an advisory capacity to the Milwaukee Street Law organization she started in 2004. The organization is now in its eighth year.

"I can tell you that it has changed the lives of countless children, but also law students," she says, noting that every year as director she had to counsel at least one impassioned law student against leaving the law entirely. "They'll say, 'Deanna, I've joined the school board,' or 'I'm thinking of starting some kind of Street Law program.' Or the current director will say, 'We had three former law students come in as coaches this year. They're just so invested and involved."



TIM KING F'89, L'93

In mid-July, Tim King (F'89, L'93) was photographed before a crowd of cheering high school students, sporting a long black robe with a red and gold tie and standing next to a young man who looked just like Harry Potter's friend Neville. No, King hasn't replaced Professor Dumbledore as head of Hogwarts. King is the founder of Urban Prep Academies, three public charter high schools in Chicago.

This tale began when King was a 1L student at Georgetown Law. He had just started classes when he got a call from the Rev. George V. Murry, S.J., who had taught one of his undergraduate classes at Georgetown University. Father Murry had been appointed president of Archbishop Carroll High School, and he asked King whether he wouldn't like to somehow fit high school teaching into his first-year schedule. King responded, "Sure, it will be fun."

So fun that when his second year rolled around, King moved into the evening division at Georgetown Law so that he could accept a full-time teaching position at the school. That led to additional roles doing college counseling and fundraising. (King did not participate in Street Law; teaching a full day anyway, he wouldn't have had the time.) Upon graduating from Georgetown Law, he packed up and returned to his hometown of Chicago, saying goodbye to education. Or so he thought.

"I was planning on putting my law degree to good use ... and when I say good use, I mean I was planning to do something that was related to the law degree," he says.

Fate intervened, however, when he met some representatives of an all-boys Catholic school in Chicago who needed fundraising advice. King mentioned his fundraising experience in Washington, D.C., and before he knew it, he found himself heading a school in Chicago's inner city, a job he would hold for the next five years.

"When they asked me ... I told them 'absolutely,' " he says. "And when I decided to leave there, I wanted to start a public school because I really felt like the opportunity to receive a high-quality college preparatory education was frankly not accessible or as accessible to economically disadvantaged black boys as it should be."

Perhaps it was more than fate. King's mother was a public school teacher who later became the vice president of Kennedy-King College in Chicago; his father was an entrepreneur who started what became the largest minority-owned construction company in Illinois. Both parents were very committed to sending both their sons to Catholic independent schools.

"The conversation that I was having around my dinner table was about what grad school I was going to — it wasn't a conversation of whether or not I was going to college or graduating from high school," King says. "And I insist that we have the same kind of conversation with our students at Urban Prep."

The dialogue is working. Opening in the fall of 2006 with ninth grade only, the public charter school saw its first two classes graduate in 2010 and 2011 with a 100-percent college acceptance rate. (Only 2.5 percent of African-American boys

starting in Chicago public schools ever earn a college degree, King says.) The emphasis at Urban Prep is on language arts, so students take twice as many English classes as they would get at a traditional public school and attend an extended school day that amounts to five years of education in the space

And King is definitely putting his law degree to good use. "In law school I really learned how to think in a way that has benefited me long term; looking at an issue and figuring out each angle or argument for or against that particular issue has served me very well," he says. "In the process of applying for the charter schools, being able to put together proposals in a way that was logical and made a really strong case for the necessity of Urban Prep was very important."

For his success, King has earned a reputation as a leader in education reform. He's been named ABC News' "Person of the Week" and *People* magazine's "Hero of the Year." He has earned praise from notables including President Barack Obama, former President Bill Clinton, U.S. Secretary of Education Arne Duncan and Oprah Winfrey. He's also been named one of the top "Forty under Forty" by Crain's Chicago Business and "Chicagoan of the Year" by Chicago magazine.

Nike has created a limited edition sneaker, in recognition of King's 100-percent college acceptance rate at Urban Prep. And King — a huge fan of the J.K. Rowling books — has even managed to arrange advanced screenings in Chicago of the Harry Potter films in recent years. The private screenings have served as fundraisers for Urban Prep.

"My understanding of inequality and inequity and justice, particularly social justice ... was shaped in law school," King says, adding that Georgetown Law does a great job of providing social awareness. "It may be a Jesuit thing or it may be a Georgetown Law thing, but the education I received at the Law Center really promoted and supported my understanding of the responsibility I have to create a just and fair society. Georgetown Law definitely provides its students with the tools they need in order to go out there and serve those underserved populations and really change the world in a positive way."

Street Law Alumni — what have you been doing since graduation? As Street Law prepares for its 40th anniversary celebrations this spring, Professor Rick Roe would like to hear from you. Please contact him at roe@law.georgetown.edu.

LUKE O'NEILL: EXPLORING EDUCATION

Luke O'Neill (C'81, L'84), a senior program manager and lead facilitator at Outward Bound Professional, has spent much of his time after law school exploring education — though not always in a traditional classroom. When Georgetown Law caught up with O'Neill this summer, he was about to lead a 14-day Outward Bound sea-kayaking expedition in Washington's San Juan Islands with a crew of ten 16- to 18-year olds.

"We will spend a couple of days learning the art of kayaking," he says, "But we're not so worried about them becoming super kayakers as we are about them getting the experience of leading, working as a team."

At Georgetown, O'Neill's passion was shaped in courses such as Theology and Social Action with Professor Otto Hentz, S.J., and the Law Center's Juvenile Justice Clinic with Professor Wally Mlyniec.

After graduating from Georgetown Law in 1984, O'Neill practiced corporate law in Greenwich, Connecticut, but continued to work on a pro bono basis in the nearby Stamford Juvenile Court. He also served as a Big Brother to disadvantaged youth (a practice he started at Georgetown), volunteered in a local boys and girls' club and led Outward Bound expeditions. He earned his M.B.A. from



Harvard, emerging with a business plan for an innovative new independent high school. In 1998, the expedition-themed Shackleton School welcomed its first group of students, who would spend part of the year in places as diverse as the U.S.-Mexican border, the Florida Everglades and Washington, D.C. (The school would close in 2005, but O'Neill would go on to lead another school in Nevada.)

Nearly three decades after participating in the Juvenile Justice Clinic, O'Neill still calls Mlyniec his hero. "The time I spent in the third-year clinical environment continues to play a powerful role in choosing where to invest my energy, talent and effort," O'Neill says. "I am deeply grateful for all that Wally and his team pour into a critical and often-overlooked area of the law, an area that affects so many young lives and families alike."



ILLUSTRATION BY GEORGE PETERS / ISTOCKPHOTO

IN DEFENSE O

By Adam Levitin

The financial crisis of 2007–2009 witnessed a spectacular parade of bankruptcies, distressed sales, and bailouts of major financial and industrial firms. The government response to the crisis was haphazard. Some failed firms were resolved through the bankruptcy process without government assistance. Others were resolved in bankruptcy but with government financing. Yet others were resolved through Federal Deposit Insurance Corp. (FDIC) resolution processes. Some were sold in government-blessed distressed transactions, while others were sold with guarantees from the Federal Reserve or bailed out with direct loans from the Federal Reserve. Government-sponsored housing finance enterprises Fannie Mae and Freddie Mac were bailed out first with limited, and then with open-ended, commitments of preferred stock investment from the U.S. Department of the Treasury. And under the Troubled Asset Relief Program (TARP), 842 companies — including auto manufacturers, banks, finance companies, investment companies, insurance companies and mortgage servicers — received direct capital investment from Treasury.

Excerpted from Adam Levitin, "In Defense of Bailouts," 99 Geo.L.J. (2011), with permission of the author. Copyright 2011 Georgetown Law Journal.

"Bailouts are an inevitable feature of modern economies, in which the interconnectedness of firms means that the entire economy bears the risk of an individual firm's failure."

The government's handling of the crisis provoked widespread dissatisfaction because of its haphazardness, because of its lack of transparency, and because of the use of taxpayer dollars to support private companies, many of which had engaged in activities that contributed to the crisis. Although Congress approved some bailout activities, much of the government intervention in the market was through the Federal Reserve, an agency designed to be insulated from political influence.

This article explores the political and economic tensions in systemic risk regulation and the resolution of too big to fail (TBTF) firms. It makes four major claims. First, it argues that systemic risk must be conceived in terms of political accountability and legitimacy. Systemic risk is ultimately a political rather than an economic matter, and attempts to define systemic risk economically have all foundered in vagueness. Instead, the article argues, systemic risk should be understood as the risk that individual firms' failures will result in a socially unacceptable impact on the broader economy. Accordingly, discussions of systemic risk cannot be restricted to financial firms, and attempts to gauge whether a risk is truly systemic must look to social norms and account for the political economy of bailouts.

The article's second claim is that systemic risk cannot be satisfactorily addressed solely through ex ante regulation. While some of the numerous proposals for ex ante regulation have substantial merit and should be pursued, it is important to recognize the limits of ex ante regulation. Ex ante regulation can at best mitigate, but not eliminate, systemic risk, and sometimes it can even exacerbate it. It is not credible that ex ante regulation will prevent all crises. This means that ex post resolution — allocation of losses from failed firms — is the heart of the response to systemic risk. Resolution authority of some form is the last line of defense against systemic risk. Therefore, any attempt to address systemic risk that does not address resolution authority — the authority of the government to allocate the failed firm's losses, including to itself (a "bailout") — is incomplete.

Yet we should also recognize that resolution authority itself does not eliminate systemic risk, although it can reduce it. The primary value of resolution authority is not ensuring systemic stability so much as ensuring distributional and procedural fairness in the allocation of the losses from financial crises, which enhances the political legitimacy of attempts to address financial crises.

The article's third claim is that the oft-presented resolution choice between bankruptcy and bailouts is illusory. Bailouts are an inevitable feature of modern economies, in which the interconnectedness of firms means that the entire economy bears the risk of an individual firm's failure. All approaches to dealing with business failure are ultimately shaped by distributional concerns — who will bear the cost of a firm's failure, including, potentially,

taxpayers. In most cases, the distributional concerns can be resolved ex ante by statute, without knowing the identities of the firms or creditors involved.

It is impossible, however, to create a standardized resolution system that will be rigidly adhered to in a crisis. Sometimes the results of an ex ante loss allocation are socially unacceptable. Any prefixed resolution regime will be abandoned whenever it cannot provide an acceptable distributional outcome. In such cases, bailouts are inevitable.

This reality cannot be escaped by banning bailouts. Law is an insufficient commitment device for avoiding bailouts altogether. It is impossible to produce binding commitment to a preset resolution process, irrespective of the results. The financial Ulysses cannot be bound to the mast. Although we may want Ulysses to be bound to the mast when the sailing is smooth to avoid the sirens' call of politically directed state intervention in the market, the situation changes once the ship has hit the rocks. Once the ship is foundering, we do not want Ulysses to be bound to the mast, lest he go down with the ship and drown. Instead, we want to be sure his hands are free — to bail. The question, then, is not whether to have bailouts but how bailouts should be structured.

The article's fourth principal claim is that the institutional structure of systemic risk regulation, and of bailouts in particular, is critical to its success. A clear conceptual framework of bailout structures is critical for designing a system that lets government respond appropriately to only those risks that are truly systemic — that is, posing socially unacceptable consequences thereby maximizing political legitimacy. The literature on systemic risk has virtually ignored the institutional design questions involved in systemic risk regulation. This article attempts to rectify this lacuna in the literature by identifying two fundamental structural issues involved in all bailouts.

The first issue in bailout structure is the source of authorization: should there be an institutional framework for bailouts, or should their authorization be ad hoc? Put another way, should an agency or Congress (or the courts) authorize individual bailouts?

The second issue is whether creditors of bailed-out firms can be forced to accept less than full payment (or take a "haircut") as part of the bailout. In any bailout, the true beneficiaries are not the bailed-out firm but its creditors because, without the bailout, the failed firm would not be able to pay them. Indeed, bailouts are undertaken precisely because of concern about the impact of losses on the

creditors of the bailed-out firm, rather than concern for the failed firm itself. Imposing a haircut on the creditors of the bailed-out firm means that they, rather than the government, bear some of the costs of the firm's failure. Haircuts are a distinct issue from bailout authorization, but the concerns involved are rarely separated out from the larger debate about when and whether to have bailouts.

Regarding the first issue, this article does not suppose that there is a definitive answer when viewed in the abstract. The answer depends on one's view of the relative political accountability and responsiveness of agencies and Congress. Yet, if resolution authority is to be vested in an agency, it should be vested in one that is more, rather than less, politically accountable. This means that the Federal Reserve Board is a particularly poor candidate for resolution authority because of its exceptional insulation from political accountability. It also means that involving regulatory councils or the judiciary is likely to result in decreased political accountability.

Regarding the second issue, the article argues that haircuts on creditors are essential for limiting government losses, reducing moral hazard (and thus systemic risk in the first place), and particularly for ensuring bailouts' political legitimacy. If a firm's creditors believe that they will incur haircuts upon the failure of the firm, they will raise their prices to reflect that risk; therefore, the riskier the firm's behavior, the more costly it will be for the firm. A credible threat of haircuts thus reduces moral hazard.

To be workable, however, a haircut mechanism must allow haircuts to be imposed on some creditors immediately at the time of the bailout, while allowing other critical creditors to take their haircuts over time. This article suggests that this can be accomplished by using recoupment taxes or force-placed investments to avoid stressing critical creditors' finances during the time of crisis.

This article represents a first attempt in the legal literature to address the structure and mechanics of bailouts. Legal scholarship has virtually ignored the issue of systemic risk or bailouts. While a great deal of legal scholarship exists on particular bailouts, little theoretical work has been done on the phenomenon of bailouts or systemic risk regulation in general.

The economics and political science literature, in contrast, has been much more deeply engaged with bailouts as a matter of theory. Even so, this literature has paid little attention to both the institutional structures of bailouts, including the critical questions of whether bailout authorization should be institutionalized or done on an

ad hoc basis, who should authorize bailouts and by what mechanism, and to questions of execution, such as whether to have a haircut mechanism. Rather than focusing on these larger institutional and operational questions about bailouts in general, the economics and political science literature has focused on the proper role of central banks in supporting banks during financial crises, which presents special concerns due to banks' central role in financial intermediation and deposit insurance. Yet, as this article argues, institutional design is critical to the legitimacy, and therefore the success, of bailouts, and this is an area where legal scholarship has particular contributions to make with respect to considerations of systemic risk response. The technocratic autonomy necessary to implement financial crisis response requires political legitimacy to succeed.

TOO BIG TO FAIL RESOLUTION

A. The Importance of Resolution System Design

Failure is a fact of economic life. In the market, there are always winners and losers, and mechanisms are needed for dealing with the losses that stem from business failure.

The design of a resolution system for addressing any sort of business failure might appear to be akin to organizing the cleanup after a storm. The organization of the cleanup can affect its efficiency and the allocation of the costs, but it is subsequent to the storm and therefore unlikely to affect the path of the storm. Thus, the design of a resolution system would appear to be primarily about ensuring the orderly, fair, value-maximizing resolution of failed firms.

This is an important function of resolution systems. But there are two other equally, if not more important, functions of resolution systems. First, resolution systems affect lending decisions and thus the quantum of risk in the market itself. Second, resolution system design is central to financial crisis management because its loss allocation function plays a critical role in restoring market confidence.

Resolution systems provide fundamental assumptions on which all credit decisions are based. When evaluating a potential counterparty's credit risk, a firm needs to know, among other things, how it would stand if its counterparty defaulted. How much would it recover, how easily, and when could it expect that recovery? These are critical questions for a lender attempting to gauge potential loss severity and thus the risk involved in an extension of credit. The answer to all of these questions is based on debt collection mechanisms, which in large part come down to resolution systems, which

is where firms end up when they cannot pay their debts in full and on time.

The structure of a resolution regime itself thus affects firms' risk preferences. This means that the amount of risk that will be assumed in a financial system relates in part to resolution systems; better (that is, more efficient) resolution systems enable the market to bear more risk. Firms are more willing to take chances when their downside will be more certain and perhaps more limited. By the same token, however, resolution systems that externalize more costs of failure — generally to the government — also enable a greater, but less efficient, risk-bearing capacity.

Resolution system design is also critical for dealing with financial failure contagion. Successful resolution systems can limit financial failure contagion because they let the market see the end of the financial domino chain and thus make clear which firms are sound, which creates the confidence necessary for investing.

It is possible, as American University Law Professor Anna Gelpern has cogently argued, to view firm resolution as distinct from crisis containment, with containment as the critical stage of crisis response. In a narrow sense, Professor Gelpern argues, containment means stanching the financial bleeding, while resolution merely means cleaning up the mess and resetting the institutional and regulatory landscape. Containment, in Gelpern's view, is provisional, whereas resolution lays the framework for the future.

Professor Gelpern's heuristic provides an important framework for analyzing crisis response, but the line between containment and resolution is seldom clear. Moreover, to the extent that they can be distinguished, resolution is often the condition precedent to containment rather than containment preceding resolution.

The overwhelming characteristic of financial crises is fear-driven market behavior (hence the term "panic") caused by uncertainty. Financial crises feature two common market behavior patterns. First, creditors seek to protect their loans, either by calling them or demanding more collateral. The rush to call loans or demand more collateral is the phenomenon of the run. A bank deposit is merely a loan made to a bank (often interest free), and its withdrawal is the calling of the loan. Similarly, a margin call is another manifestation of a run. Demanding that the borrower supply more funds or collateral is similar to depositors demanding their deposits from a bank. The run phenomenon means that debtors are suddenly pinched for capital and may suffer liquidity problems, which may in turn limit their ability to satisfy the claims of all their creditors.

The second, related behavior pattern in a financial crisis is that new credit extensions stop, because credit risk cannot be comfortably gauged and priced. This second step exacerbates the first problem because liquidity problems cannot be cured with new borrowing. Creditors' fears become self-fulfilling. The result is a downward spiral of firm failures because of illiquidity.

The only way that these patterns of crisis behavior can be broken is by restoring confidence to the market. The restoration of confidence, however, is likely to occur only when it becomes clear which firms are healthy and which are not. This requires an allocation of losses (including clarification that any losses will be absorbed by the government). Loss allocation becomes clear only when failed firms are resolved, or at least when the general contours of failed firms' resolution are apparent.

Definitive loss allocation is required to cut off the uncertainty that propels financial crises. Loss allocation not only announces who will bear the cost of the failure, but also who will not. The loss allocation function of resolution thus helps restore market confidence by providing a clean bill of health to some firms.

This is not to say that loss allocation cannot itself further a crisis, but when it does, it is because of a new round of uncertainty — whether the loss allocation will result in the failure of additional firms. Loss allocation through resolution processes is crisis containment because it clears the air and lets the market react to where the damage actually lies, and where it does not, rather than paralyzing the entire market with doubt.

The design of a resolution system is not only about ensuring the best outcome on a firm-specific basis, but also about macroeconomic concerns — it affects credit-extension decisions and the quantum of risk in the economy, as well as the ability to contain financial crises. Therefore, the design of resolution systems plays not only a clean-up role, but also an ex ante regulatory role.

B. Resolution is about Distribution

There are two basic ways to resolve a firm that encounters financial distress. First, it can be resolved through a preset, statutory resolution system. In the United States, several parallel statutory resolution systems (bankruptcy resolution systems) currently exist: Chapter 7 bankruptcy, Chapter 11 bankruptcy, FDIC resolution, state insurance company resolution, and government-sponsored enterprise (GSE) receivership. Although some of these bankruptcy resolution systems allow for substantial discretion in the resolution process, including very flexible asset-sale procedures, the rules for these systems (including when discretion is allowed) are set in advance and do not vary based on the identity of the institution. The basic design of bankruptcy resolution systems is that creditors

"Failure is a fact of economic life. In the market, there are always winners and losers, and mechanisms are needed for dealing with the losses that stem from business failure."

"Once the inevitability of bailouts, for better or worse, is recognized, the question then becomes how we can best structure the bailout in order to maximize its political legitimacy and efficacy."

of the failed firm are paid out of the firm's assets (or future income) according to a preset statutory priority system, which typically means that many creditors will receive only cents on the dollar. Thus, the heart of bankruptcy resolution systems is the losses (haircuts) they impose on at least some counterparties.

Alternatively, a failed firm can be resolved one-off in an improvised manner involving government assistance, such as government assumption of debts, loan guarantees, or direct governmental lending or investment. In a bailout, there are no preset rules. Each bailout is a system unto itself. Bailouts might follow similar patterns, but this is because of expediency, not because of legal requirements. Bailouts are distributional, just like other resolution schemes.

Under the existing legal structure in the United States, there is no mechanism for accompanying a bailout with a haircut to creditors. The government could guarantee certain obligations of a bankrupt firm, but the formal bankruptcy process, which can add a variety of complications, would have to be used in addition to the bailout. Thus, the nature of a bailout under current law is that counterparties do not take haircuts. In other words, the distributional scheme for bailouts under current law is that counterparties of the bailed-out firm do not take losses; instead, the federal government incurs any loss that may result.

There are many reasons to prefer a statutory resolution system. Bailouts place taxpayer funds at risk, not private capital. This not only externalizes firms' losses, but it can erode market discipline on the firm in the first place. Bailouts can create moral hazard because firms that expect to be bailed out will be incentivized to engage in overly risky behavior because the downside risk is socialized, while the upside is retained.

Because bailouts are discretionary, a statutory system fosters economic exchange by creating certainty for counterparties. Counterparties largely know where they will stand in the event of bankruptcy (using the term in the broad sense) and can deal accordingly ex ante. Thus, statutory resolution systems have spillover benefits for the economy at large.

A statutory system also depoliticizes financial resolution. A statutory system makes individual firms' resolutions a legal, rather than political, matter, and this eliminates the uncertainty and unpredictability of politics.

Resolution of financially distressed firms is at its core a distributive exercise. The central problem for financially distressed institutions is that there is not enough money to pay everyone on time. Therefore, some creditors will not be paid according to the original terms of their obligations. Some will not be paid in full, some will not be paid on time, and some will not be paid in full or on time. Deciding which creditors will have to take their lumps is a distributive decision, and distributive decisions are inherently political.

These statutory resolution systems create repayment waterfalls; the highest priority creditors are repaid first, and the lower priority ones are repaid only to the extent there are funds available. The structuring of the repayment waterfall — who gets repaid first, who second, and so on, and, by implication, who is less likely to be repaid involves political choices. For example, the Bankruptcy Code prescribes the order in which funds must be paid in a Chapter 7 liquidation or a Chapter 11 reorganization plan. Thus, wages and salaries (up to a statutory limit) are paid before employee benefit claims, which are, in turn, paid before some of the claims of tax authorities, which are, in turn, paid before most other unsecured claims. Similarly, in the resolution of a failed bank, unsecured claims are subordinated, by statute, to claims for insured deposits. That wages and salaries are to be repaid before tax obligations is a political decision, just as it is that taxes are to be repaid before unsecured bondholders, trade creditors or tort victims.

Although resolution is at core a distributional exercise, statutory resolution systems have largely managed to depoliticize routine individual resolutions. This has been accomplished by shifting the politics of distribution from the individual case to the creation of the statutory system itself. The distributional choices reflected in resolution statutes reflect political considerations, but these considerations are made behind a Rawlsian veil of ignorance as to the identity of the actual firms and creditors affected. The distributive choices are made in the abstract, which enhances the systems' political legitimacy with the public because the choices are made subject to the usual procedural constraints on legislation and do not appear as naked interest group grabs, but the product of considered public policy.

Because there is a preset, fixed political bargain that sets forth an agreed-to distributional framework, the regular resolution processes do not have to hash out political issues on a case-by-case basis. As a result, these regular resolution processes work quite well for quotidian financial failures. Indeed, were it otherwise, financial resolution would be extremely difficult. There would be high transaction costs in the political bargaining for each resolution; indeed it would not be worthwhile for smaller firms. The bargaining would create uncertainty in recovery values and would also impose delay, which could erode value in many cases.

* * * * *

D. Moral Hazard and Distorted Competition

Because bailouts will always occur in the face of systemic risk, problems of moral hazard and competition distortion arise. Moral hazard is the situation in which a firm engages in excessive risk-taking because it believes that the costs of its behavior are externalized. Thus, if a firm believes that it is too big to fail (TBTF) and will be rescued by the government if it fails, the firm may engage in excessive risk-taking, as it would keep all of the potential upside from its gambles, but socialize the downside losses if they were too great. Faced with all of the upside and limited downside, firms will engage in riskier behavior that increases the volatility of their equity cushions.

Moreover, if either or both creditors and shareholders of such a TBTF institution believe they will be made whole in a bailout — or not bear all the losses — they will have a reduced incentive to monitor the TBTF institution's risktaking and they will not demand as great of a risk premium when they extend credit. Thus, the belief that a firm will be bailed out increases the likelihood of behavior that will necessitate a bailout. This in turn creates an incentive for institutions to try to become systemically important, thereby raising the quantum of systemic risk.

The moral hazard of TBTF firms also distorts competition. Firms that are perceived by the market as being TBTF, and therefore holding an implicit government guarantee of their debt via a prospective bailout, have a lower cost of capital than other institutions. The lower cost of capital is a pronounced competitive advantage. The ability to obtain such a lower cost of capital is thus another incentive to become TBTF (and for marginally TBTF firms to become definitively TBTF), thereby increasing the likelihood that the firm will be bailed out if it does indeed fail.

Ex ante regulation can reduce moral hazard and competition distortions by attempting to ensure that no firms that are obviously TBTF exist. There are costs to doing so, however, including precluding the economies of scale that can develop in very large firms. Absent vigorous ex ante regulation, some firms will be regarded as TBTF, and there will be moral hazard and distorted competition because if these firms fail, bailouts are inevitable. The need for bailouts cannot be entirely eliminated. Once the inevitability of bailouts, for better or worse, is recognized, the question then becomes how we can best structure the bailout in order to maximize its political legitimacy and efficacy.



ALUMNI



1948

Edward T. Brown was elected "Commander for the Year" at the annual meeting of the William Bradford Turner American Legion Post #265. He lives in Garden City, N.Y. Brown and his wife, Marjorie, have three children and nine grandchildren.

1959

Bill Durland retired at age 80 from a 52-year civil rights practice, including numerous Supreme Court and federal appellate cases representing conscientious objectors, setting constitutional precedent in Fisher v. U.S. (1963) and prohibiting cancercausing coloring in lipstick in Certified Color Industry Committee, et al, v. H.E.W. (1961). As a member of the Virginia state legislature, he supported interracial marriage rights (complimenting Loving v. Virginia in 1967). He also argued Goldfarb v. Virginia State Bar (1973), which helped end the legal profession's exemption from antitrust violations and fostered legal services price competition and low-cost legal clinics. Bill received the 1999 State of Colorado Martin Luther King Jr. Humanitarian Award.



Gerald Herz recently helped to represent former Washington Redskins punter Thomas Tupa, who suffered a career-ending back

injury while warming up for a pre-season game in 2005. The Court

of Special Appeals of Maryland held that Tupa is eligible to receive workers' compensation benefits, overturning the existing law that professional football players were not entitled to receive workers' compensation benefits because they assumed the risk of their injuries. Herz is an attorney with ChasenBoscolo.

1961

Roy E. Hofer, a shareholder at the intellectual property law firm Brinks Hofer Gilson & Lione, has been named "Intellectual Property Lawyer of the Year" in the inaugural "Lawyers of the Year" issue of *Best Lawyers in America*. Hofer has been listed in *Best Lawyers* for 20 consecutive years and has more than 45 years of experience in litigating patent, trade secret, trade dress and related antitrust and contract matters.

1966



Harry Payton was appointed to the Florida Bar Judicial Nominating Procedures Committee for a three-year term beginning July 1.

Payton is a former BLSE chair who is Florida Bar board certified in civil trial and business litigation. He has been listed in *Florida Super Lawyers* since 2006, and named as one of the "Best Business Litigators" in complex commercial litigation and real estate litigation, *South Florida Legal Guide Top Lawyers*, since 2005. Payton is

managing member of Payton & Associates, a commercial litigation firm in Miami, Fla.

1968

Frank N. Fleischer (LL.M.) was named to the *Chambers 2011* list of top lawyers in the area of banking and finance/public finance. He practices at GrayRobinson in Florida.

1970



I.C. (Jack)
Waddey Jr.,
co-founder of the
Nashville law firm
Waddey &
Patterson, has
been elected to
serve a three-year

term on the board of governors of the International Academy of Mediators (IAM). The organization works to define standards and qualifications for professional mediators, promote understanding of the mediation process and educate the public, courts and legislature on effective uses of mediation. Waddey is the only Nashville member of IAM and one of only four Tennessee members.

1971

Joel P. Bennett has been re-elected to the board of directors of the Georgetown Business Association and reappointed co-chair of its legislative committee.



James J. Restivo Jr., a partner at Reed Smith, was named a "2011 BTI Client Service All-Star" by BTI Consulting Group. He is a commer-

cial litigator in the firm's Pittsburgh office

1972

J. Cal Courtney Jr. has joined Cozen O'Connor as of counsel in the employee benefits practice with nearly 40 years of experience providing counsel to clients on employee benefits and executive compensation matters, as well as drafting benefit plans and handling ERISA litigation. Courtney is a past chairman of the Committee on General Income Tax Problems of the American Bar Association's Section on Taxation and is currently a member of the Employee Benefits Committee of that section.

James C. Hood was recognized in the 2011 edition of *Chambers USA*: *America's Leading Lawyers for Business* in the field of corporate/commercial law. He is a partner in the New Hampshire office of Nixon Peabody.



Charles "Chad" Muller (LL.M.), a St. Mary's School of Law alum and shareholder in the San Antonio office of Chamberlain Hrdlicka, has been

inducted as a fellow into the American College of Trial Lawyers.

Newsmakers















Michael Burke (F'93, L'98), Jennifer Guerin Zipps (L'90), Jim Haggerty (L'90), Nancy Lopez (L'95), David Stern (L'85), Selamawit Tesfaye (LL.M.'11), Stephanie Waite (L'00)

Michael Burke (F'93, L'98) was interviewed in an article in the National Law Journal entitled "ABA section to focus on protections for the disabled internationally." Burke, a corporate partner at Arnall Golden Gregory in Washington, D.C., became chairman of the American Bar Association's Section of International Law on August 9.

Global Financial Strategy News reported on May 5 that James R. Burns (L'01) has been named deputy chief of staff at the Securities and Exchange Commission.

A profile of California Controller John Chiang (L'87), who made headlines by deciding to dock state lawmakers' pay, appeared in the June 23 Los Angeles Times.

An op-ed by Sean Coffey (L'87) entitled "Ethics reform: The gov scores" appeared in the New York Post on June 5. Coffey, a 2010 candidate for New York attorney general, is a member of the board of directors of Common Cause New York.

Matt Cregor (L'06) appeared on NPR's "Talk of the Nation" in August, in a piece called "School Discipline Often Meted Out Unevenly." Cregor is assistant counsel of the education practice at the NAACP Legal Defense and Educational Fund.

An article on Meghan Faux (L'99) appeared in the Brooklyn Daily Eagle in June. Faux, the director of South Brooklyn Legal Services Foreclosure Prevention Project, was honored with one of the New York City Bar Association's Annual Legal Service awards. She was previously

a staff attorney in South Brooklyn Legal Services' Family Law Unit.

CNN announced May 17 that Sam Feist (L'99), political director and vice president of its Washingtonbased programming, has been promoted to Washington, D.C., bureau chief and senior vice president.

A profile of Kingston, Pa., Mayor Jim Haggerty (L'90) appeared in the *Times Leader* (Pennsylvania) on July 10.

Justin Hansford (L'07) was profiled in the St. Louis American in July. He is an assistant professor at St. Louis University Law School, teaching personal injury law and legal ethics.

A profile of Renee Cardwell Hughes (L'85), the new CEO of the Southeastern Pennsylvania chapter of the American Red Cross, appeared in the *Philadelphia Inquirer* in May. Hughes previously spent 16 years as a Philadelphia Common Pleas Court judge.

A profile of Thomas S. Kahn (L'84), Democratic staff director of the House Budget Committee, appeared in the Washington Post on May 17.

WJLA-TV (Washington, D.C.) featured a segment with Carin Levine and Julia Kepniss (L'04), owners of the Georgetown bridal salon "Hitched," on July 8.

A Q&A with Nancy Lopez (L'95), executive director of the Washington Council of Lawyers, appeared in the Washington Examiner on June 25.

"Oak Crest Deacon Modestly Dismisses His Many Honors," a profile of Deacon Harry O'Neill (L'49), appeared in Catholic Review on July 7.

Nicholas J. Ragone (L'95), the new partner and director of Ketchum's Washington, D.C., office, was interviewed in the Washington Post on July 10. Ketchum is a global public relations agency. See page 65 of this magazine for a brief review of Ragone's new book.

Several news outlets reported in June that Deputy White House Counsel Kathryn Ruemmler (L'96) has been named White House counsel, including the Washington Post, New York Times, Blog of Legal Times and Wall Street Journal. Thomson Reuters also profiled Ruemmler. She is one of the youngest people to serve in this post.

A Q&A with Jennifer Schwesig (LL.M.'02) appeared in the St. Louis Jewish Light on July 6. Schwesig heads the international practice group of Armstrong Teasdale.

"Do-Gooders Thrive," an article in the National Law Journal on June 27, featured Professor Peter Edelman and David Stern (L'85), executive director of the national nonprofit Equal Justice Works.

"Africa's Domestic Violence, Rapes Extend Far Beyond Congo," coverage by VOANews.com in May, featured Selamawit Tesfaye (LL.M.'11).

Adjunct Professor Mark V. Vlasic (B'96, L'00) recently served as a keynote speaker at the Brdo Conference of Western Balkans' Justice Ministers. A former member of the Slobodan Milosevic prosecution team, Vlasic has also published four op-eds — in the New Republic, The Washington Times and Al Jazeera English — regarding the former Bosnian Serb military leader Ratko Mladic's arrest, and he has provided commentary to CNN, CNN International, BBC News, Al Jazeera English and the Wall Street Journal on the same topic. Other op-eds appeared in the Huffington Post, the Washington Times and the Guardian. Vlasic leads the international practice at Ward & Ward, where he works with fellow Hoya, Dan Ward (C'96, L'99), and he recently served as an American delegate to the Atlantic Forum in Kosovo.

A profile on Stephanie (Harris) Waite (L'00) appeared in the Las Vegas Review Journal after she was named the 2011 Nevada Young Mother of the Year by American Mothers Inc. Waite, a former criminal defense attorney, and her husband, Jonathan, have six children. She writes a blog called A Daily Scoop.

Nick Willett (L'50) talked about his WWII experience in the Buffalo News piece "Air War in Shadow of Himalayas," May 30.

The Associated Press and Law360 reported in June that U.S. Magistrate Judge Jennifer Guerin Zipps (L'90) has been nominated to fill one of two vacancies in Tucson, Ariz., on the U.S. District Court for the District of Arizona.

For more information see "Alumni in the News" at www.law.georgetown.edu/news/ain

ALUMNI AWARDS, RECOGNITIONS AND APPOINTMENTS











Mat Heck (L'72), Corey Maze (L'03), Navy Lt. John Butler (C'01, L'06) with Capt. Drew Henderson, Mara McNeill (L'01), Susan Poling (L'82).

Howard N. Berliner (LL.M.'97), a captain in the Judge Advocate General's Corps, U.S. Army Reserve, is currently serving as the brigade claims judge advocate and legal adviser for investigations with the 4th Advise and Assist Brigade, 1st Cavalry Division, in Mosul, Iraq, in support of Operation New Dawn. Capt. Berliner recently received an appointment as a foreign claims commissioner and is responsible for processing all claims filed by Iraqi citizens in Ninawa Province. On May 7, Capt. Berliner also received his 1st Cavalry Division combat patch from Maj. Gen. Daniel B. Allyn, commanding general of the 1st Cavalry Division, based in Fort Hood, Texas. In the civilian world, Berliner is the founder and managing member of the Berliner Law Firm in Washington, D.C., where he specializes in labor and employment litigation and is a certified contract adviser/player agent with the National Football League Players Association.

Navy Lt. John F. Butler (C'01, L'06) was recently chosen as Trial Counsel of the Year, one of this year's Naval Legal Service Command Superior Performance Awards. As trial counsel and assistant trial department head at RLSO (Region Legal Service Office) Southwest, Butler's heavy caseload included some of the most difficult sexual assault, national security and bank fraud cases in the Navy. He prosecuted nearly 40 cases, including seven Article 32 hearings, in one seven-week period. John is stationed in San Diego.

U.S. Secretary of Labor Hilda L. Solis has appointed Richard J. Daschbach (C'58, L'62) chief judge and chairman of the Employees' Compensation Appeals Board.

The Public Justice Foundation selected David Frantz (C'70, L'74) as a finalist for 2011 Trial Lawyer of the Year for his contribution to the public interest as class counsel in Keepseagle v. Vilsack, the Native American farmer and rancher class-action lawsuit against the U.S.

Department of Agriculture for discrimination in the administration of the USDA's farm loan programs. Frantz practices law in Washington, D.C., with Brian Phelan (C'70, L'73).

Mat Heck (L'72) received the Outstanding Service Award in Prosecution at the 27th National Symposium on Child Abuse in Huntsville, Ala. The award recognizes professionals who have made a significant positive contribution to services that address child abuse and exploitation in their communities. Heck is a prosecuting attorney in Montgomery County, Ohio.

David Hunt (L'87), former assistant inspector general for investigations, was recently named inspector general of the Federal Communications Commission

Richard Linn (L'69), a judge on the U.S. Court of Appeals for the Federal Circuit, received the 2011 Mark T. Banner Award, presented by the American Bar Association's Section of Intellectual Property Law at the ABA's annual meeting in Toronto August 6. The award recognizes those who have advanced the practice or substance of IP law scholarship, teaching, innovation, bar leadership and judicial activities.

Alabama Deputy Attorney General Corey L. Maze (L'03) has been honored by the National Association of Attorneys General with a "Best Brief Award" (for Maples v. Thomas). The award recognizes excellence in brief writing in the United States Supreme Court and is judged by leading members of the Supreme Court Bar. This is Maze's third consecutive Best Brief Award and marks the sixth time in the last seven years that the Alabama Attorney General's Office has been so honored.

Beth McCann (L'74) was elected to her second term as a Colorado state representative in November. She serves on the health and environment and local government committees and continues to work part time at the Colorado attorney general's office.

Paul V. McCord (LL.M.'96) was appointed a judge on the Michigan tax tribunal by Gov. Rick Snyder. The tax tribunal is an administrative court that hears tax appeals for all Michigan taxes. McCord is a shareholder attorney with Strobl & Sharp of Bloomfield Hills.

Mara McNeill (L'01) received the "Secretary's Honor Award" from Treasury Secretary Timothy Geithner for her "outstanding leadership, legal acumen, and public service" to the Department of Treasury. McNeill served as the lead attorney handling the \$80 billion investment in the automotive industry for the Automotive Industry Financing Program within the Troubled Asset Relief Program. She is currently a partner at Honigman Miller Schwartz and Cohn.

Attorney Justin Pierce (L'03) was appointed in May to the Arizona House of Representatives.

Susan A. Poling (L'82) has been promoted to deputy general counsel at the U.S. Government Accountability Office. She will assist GAO's general counsel in the supervision of all the agency's legal work.

William Sorabella (L'00) was named a 2011 American Lawyer "Dealmaker of the Year" for his representation of 3G Capital in a buyout of Burger King Holdings Inc. He is a partner at Kirkland & Ellis in New York.

John Vasily (L'82) was named a 2011 American Lawyer "Dealmaker of the Year" for representing American International Assurance in its worldwide asset disposition program, including the initial public offering of AlA's subsidiary based in Hong Kong. The IPO raised \$21 billion, which was the largest single offering in the history of the Hong Kong Stock Exchange. Vasily is an adjunct professor at the Law Center.

He was also awarded the 2011 Jules Ritholtz Memorial Merit Award, presented to one individual each year by the Committee on Civil and Criminal Tax Penalties of the American Bar Association's Section on Taxation.

Farin Mirvahabi Powell (LL.M.) received an award in May 2010 from the D.C. Bar Attorney-Client Arbitration Committee for 20 years of arbitration work. Powell also received a Distinguished Merit Award from the D.C. Bar in 2005.

Frank C. Razzano, a partner in the Washington, D.C., office of Pepper Hamilton, was named by *Washington*, D.C.'s Super Lawyers magazine as one of the top attorneys in the District for 2011. Razzano focuses his practice on all areas of civil, commercial and criminal litigation, with an emphasis on U.S. Securities and Exchange Commission Enforcement.

1974

The Honorable Anthony J. Depanfilis was re-elected in November as judge of probate for the Norwalk-Wilton District, where he has served since 1997. He is also the senior partner of DePanfilis and Vallerie, a law firm in Norwalk, Conn. Depanfilis and his wife, Kelly, reside in Norwalk with their four children and two grandchildren.



John Fiorilla, a shareholder at Capehart Scatchard who focuses his practice on the railroad industry, recently gave a

presentation to the real estate department of Norfolk Southern Railway on the topic of "Railroad Eminent Domain — Jersey Style." He covered New Jersey-specific issues regarding the burden of proof, expert witnesses and the impact of an amended statute.



LeRoi C. Johnson showcased a combination of acrylic and oil paintings at an art show in Chelsea, N.Y., from July 26 to August 16. He

practices at his own firm, the Law Offices of LeRoi C. Johnson, in Buffalo, N.Y.

1975



On March 1, David Erdman was recognized by Business Leader Magazine as one of Charlotte's "Top 50 Catalyst Entrepreneurs."

Erdman was the only lawyer selected for the honor. He was recognized for his unique client-immersion process, which uses a large wall-mounted computer screen to involve clients actively in the preparation of their legal documents. Erdman's innovative technique speeds legal work, minimizes errors and cuts costs for clients. Erdman leads the law firm of Erdman Hockfield & Leone in Charlotte. He has been named to North Carolina's "Legal Elite" for the past five years.

Arnold Levinson, a founding partner of Pillsbury & Levinson in San Francisco, was named to the 2011 edition of Northern California Super Lawyers. Levinson is widely regarded as one of the leading "bad faith" insurance attorneys in the country, having obtained numerous multi-million dollar verdicts and awards against insurance companies.

1976

Steven Guise (LL.M.) has joined the Los Angeles office of Katten Muchin Rosenman, working in the trusts and estates practice. He was a partner for more than 25 years with Munger, Tolles & Olson in Los Angeles.

Robert L. Wyld, a partner in the Hartford, Conn., office of Shipman Goodwin, was recognized by *Chambers USA: America's Leading Lawyers* as one of the nation's 2011 "Leaders in their Field" in the category of litigation/general commercial.

1978

Henry D. ("Hank") Fellows Jr., received a Top 10 ranking in Georgia from *Super Lawyers* for the third consecutive year. He practices at Fellows LaBriola in Atlanta.



Lawrence J. Tabas has been appointed by Pennsylvania Gov. Tom Corbett as a commissioner of the Independent

1974 Chip Murray



Chip Murray (C'71) presented a diploma to his son, **Bill Murray (L'11)**, at Georgetown Law's 2011 Commencement in May. Chip is vice president for policy and general counsel of the National Alliance of Forest Owners in Washington, D.C.

Regulatory Review Commission. The commission is an independent agency of the Pennsylvania government responsible for reviewing all proposed state government regulations. He is a partner at Obermayer Rebmann Maxwell & Hippel.

1979

As reported in the Spring 2011 issue, Carol Hagerty Werner was diagnosed with amyotrophic lateral sclerosis (ALS, or Lou Gehrig's Disease) in January 2010. Although the disease is physically devastating, Carol's mind and memory remain as sharp as ever, and she has enjoyed hearing from her law school classmates. Carol is able to read books via a sophisticated machine that allows her to turn a page by clicking her finger, and she is still able to speak, although it has become difficult to keep her airways clear. Carol's classmates would like to thank everyone who has contributed to the education account set up for Carol's three children and everyone who has visited and corresponded with Carol. Contributions can be mailed to the

Carol Werner Education Fund, P.O. Box 1706, Sterling, CO 80751, or contact Steven Meier, Bank of Sterling 970-522-3333), Deborah (Barthel) Caplan (deborah@olsonhagel.com) or Julie Schwartz (dajumaje@cox.net). You can reach Carol by snail mail at 59276 County Road Q, Merino, CO, 80741, or by email at cwerner@wernerangus.com (please allow a few days for a response).

1980



Matthew J. Creme Jr., a partner in the Lancaster County law firm of Nikolaus & Hohenadel, became president

of the 28,000-member Pennsylvania Bar Association at the organization's annual meeting in May. Creme served on the association's board of governors as treasurer from 2005 to 2007 and as Zone Three governor from 2000 to 2003.

Alumni Authors

Solomon Ebere (L'10) won the inaugural Georgetown International Arbitration Society/International Institute for Conflict Prevention and Resolution International Arbitration

Writing Contest. Ebere's winning paper — "Summary Adjudication in Arbitration Proceedings: Is it Time for Arbitrators to Step Up and Start Hearing and Granting Dispositive Motions in Appropriate Circumstances?" — can be seen at www.cpradr. org/Awards/2011GeorgetownCPRArbitratio nWritingContest.aspx

Mark D. Friedman (L'80, G'80) has published Nozick's Libertarian Project: An Elaboration and Defense (Continuum International 2011) The book offers a 21st

century defense of the minimal libertarian state, developing the seminal ideas articulated by Robert Nozick in Anarchy, State, and Utopia and consolidating more than three decades of

scholarship that have emerged in the wake of this classic text. Drawing on further insights offered by the work of F.A. Hayek, Friedman shows that libertarianism can offer convincing answers to the fundamental questions that lie at the heart of political theory. The book also rebuts many of the most common criticisms to have been leveled at this world view, including those from leftleaning libertarians and from egalitarians such as G.A. Cohen. Friedman says he retired from the practice of law in 2000 and is now "practicing political philosophy without a license."

Andrew Hartman (L'89) has written The Six-Minute Marathon: A Guide to Life as a Lawyer (National Institute for Trial Advocacy, 2011) with contributing editor Caren Ulrich Stacy. Hartman, the experiential learning program director and an adjunct professor of law at the University of Colorado School of Law, aims to help new lawyers find and keep the job of their dreams. He covers everything from how to file billable hours to how to write a formal-enough business e-mail (with a special caution on hitting "reply all.") "You could learn by trial and error and live with the inevitable injuries or you can read Andrew Hartman's fine handbook and thrive without having a single permanent scar. The choice is yours," writes U.S. District Judge

James B. Zagel about the book. In addition to his academic work, Hartman is a founding partner of Gross Hartman, a corporate, business and intellectual property law firm in Boulder, Colo.

Phillip Hubbart (LL.M.'62) recently released his second book, An Iowa Soldier Writes Home: The Civil War Letters of Union Private

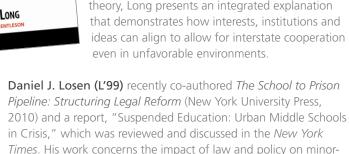
> Daniel J. Parvin (Carolina Academic Press, June 2011). Hubbart writes, "The book is an edited collection with commentary of 117 letters that my great-great grandfather, Daniel J. Parvin, wrote home to his wife and family while serving as a Union private in an lowa regiment out of Muscatine, Iowa, from 1861 to 1865. Parvin was in the Battle of Shiloh (where he narrowly escaped death), the Siege of Vicksburg (where he served in a reserve capacity) and the Atlanta campaign (where he was seriously wounded and almost died)." The paperback, available on Amazon.com and cap-press. com, is 171 pages long, has 26 illustrations (maps, photos and a family tree) and sells for \$25. Hubbart's first book, published by Carolina Academic Press in

> > 2005, covers constitutional law and is called Making Sense of Search and Seizure Law: A Fourth Amendment

Handbook.

Randolph Joalahliae (L'05) recently published The Indian as an Enemy: An Analysis of the Indian Question in East Africa (Author House, 2010). The book raises provocative questions that acknowledge the historic role of the "middleman minority" on the African continent and is designed to shed light on the historical and continuing role of different groups in African societies. It addresses the Indian question "honestly and from the oft-muted perspective of the black majority," Joalahliae says.

William J. Long (L'84), the newly appointed dean of Georgia State University's College of Arts and Sciences, has published Pandemics and Peace: Public Health Cooperation in Zones of Conflict (U.S. Institute of Peace Press, June 2011). The book examines disease surveillance networks of the Mekong Basin, Middle East and East Africa to understand how interstate cooperation can occur among countries with a history of conflict. Drawing on international relations theory, Long presents an integrated explanation that demonstrates how interests, institutions and ideas can align to allow for interstate cooperation



ity students, including redressing the school-to-prison pipeline and



NDREW

HARTMAN

An Iowa Soldier Writer Home

The Six-Minute

MARATHON

A Guide to Life as a Lawyer

protecting the rights of children of color and minority students for equal educational opportunity. He is the director of the Center for Civil Rights Remedies at the Civil Rights Project/

> THE SCHOOL-TO-PRISON

PIPELINE

STRUCTURING LEGAL REFORM

The American Dream

GARY SHAPIRO

FOREWORD BY MARK CUBAN

Projecto Derechos Civiles at UCLA.

Mari Passananti (L'99) has just published her debut novel, The Hazards of Hunting While Heartbroken (Rutland Square Press, 2011), the story of a young woman who looks for a man to solve her problems and must learn to face her own shortcomings and make herself happy while working as a headhunter in a large New York City law firm.

President Abraham Lincoln signs the Emancipation Proclamation. President Harry Truman drops the atomic bomb. President Gerald Ford pardons former President Richard Nixon. What these have in common,

says Nick Ragone (L'95), is that they "changed a landscape, elucidated a principle, and helped define their respective legacy." These watershed events are also chapters in Ragone's new book, Presidential Leadership: 15 Decisions that Changed the Nation (Prometheus, 2011). This is Ragone's fourth book. For more on Ragone, see page 61.

Gary J. Shapiro (L'80), president and CEO of the Consumer Electronics Association, has published *The*

Comeback: How Innovation Will Restore the American Dream (Beaufort Books. 2011). In the book, Shapiro lays out his thesis that innovation constitutes our best hope for a future in which everyone is able to achieve and maintain a relatively comfortable standard of living. For Shapiro, innovation is presented as a "do-or-die proposition" — we will either embrace entrepreneurial innovation as the central tenet of our economic policy or we will suffer inevitable and rather unpleasant consequences. At the heart of his argument is the notion that innovation leads to greater employment.

John Stanton (L'97) published

"Breaking the Sound Barriers: How the Americans with Disabilities Act and Technology Have Enabled Deaf Lawyers to Succeed" in the Spring 2011 issue of the Valparaiso Law Review. Stanton practices in the Washington, D.C., office of Holland & Knight.

Jason Whiteley (L'09, G'09), a former captain in the U.S. Army, recently released a compelling account of his time in the streets of Baghdad as a soldier assigned to rebuild the Iraqi political system from the street level. Father of Money: Buying Peace in Baghdad (Potomac Books, 2011) is the story of Whiteley's journey into

> a moral morass, where bribes and blood money, not principle, govern the dissemination of power and possibility of survival. "The Iraqi people did not have the patience to withstand daily violence while they waited for the American ideals to crystallize," says a press release announcing the book. "Whiteley acted to fill this void by allying himself with the leaders who had the best chance of consolidating power, even if they were former insurgents. Eventually, because of these efforts, Captain Whiteley was himself targeted for assassination, signaling an end to his period of extensive influence."

> > By day he is Trevor Wiessmann (L'05), inhouse counsel at Two Sigma, a New Yorkbased investment adviser. By night he is Trevor Shane, author of Children of Paranoia (Dutton, 2011). Shane's debut novel is the story of Joseph, an assassin in an unnamed war since he was 18. The killing gets more complicated once Joseph meets Maria and learns how hard it is to leave the life he has always known. The thriller is part of a trilogy (Dutton will publish all three), and Shane is already editing his second book. Foreign rights to the first have been sold in France, Germany and Spain. Shane says he began writing Children of Paranoia in 2005, the year he graduated from Georgetown Law. It's tough finding time for fiction, he says via e-mail. "I basically

write five days a week from 8:30 p.m. to 12:30 a.m. and live on about six hours of sleep. It helps that I don't do much else besides work, write and hang out with my son [who's two]."

Steve Yerrid has published *The Making of a Championship* Heart — Lessons Learned from Baseball and Life (Suntide Publishing, 2011). Beginning in 2008, the life-long Yankees fan interviewed numerous players from the Yankees (both past and present), team coaches and team owners, the Steinbrenner family, as well as his close friend, "the Boss" — George Steinbrenner. Eighteen key components emerged from those interviews that highlight the core of a championship heart — preparation, desire, leadership, hard work, courage, vision and integrity, among others. "Few, if any, among

us are blessed to have them all," Yerrid says in the book. "However, the more of these ingredients possessed by the individual, the more likely a champion will be found." Yerrid practices at his own firm, the Yerrid Law Firm, in Tampa, Fla.

ALUMNI PROFILES A SHORTS STORY





Georgetown Law alumni regularly show up on lists of top entertainment lawyers. These grads have jumped into show business itself, specifically short films. Greg Brehm (L'91) makes them, and Carter Pilcher (L'96), president of Shorts International, gives them a home.

Four years ago, Greg Brehm (L'91) left his job as an intellectual large law firm since graduation — took the money from the timely sale of his Brooklyn condo and traveled first to Europe and then across the U.S. He drove, he says, until he "ran out of country" turning the children's book that he and his former Greenberg assistant had written into a short film.

Brehm taught himself to animate; when he couldn't do something on his own he found neighbors and friends to help. Sometimes he would think about where he was several years earlier called palm trees" — it was magical for this northeast Ohio native.

Brehm's animated short "The Girl, The City, The Magi" premiered in 2010 at ComicCon and has appeared at several film festivals since then; one critic hailed it as a "full-blown professional triumph." Brehm recently completed his second animated short, "Tulip Pink," which was accepted into the Newport Beach Film Festival. He says the discipline he learned in law school is a real as-"But this is a very, very different world."

It's no surprise that Carter Pilcher (L'96) acquired a lot of legal knowledge when he attended Georgetown's evening division 16 law). What's more interesting is that he developed "a very firm and strong interest in business" at the same time. After graduation, started what would grow into Shorts International, a company that France, England and other countries.

"When you're a lawyer and a banker you often sit next to but it's a lot harder than it looks."

For Pilcher it was about finding the right market. From the beginning he loved short films, and he recognized that they are "very highly produced pieces of content from young emerging film makers — and they have nowhere to go."

It took him a while (and all his savings) to make money from the concept. But Pilcher's business grew as the Internet did, and

This is just a glimpse of the future, he says. "In five years,



Tim C. Loftis was elected to the executive committee of Jaeckle Fleischmann & Mugel. He is a partner in the firm's business

and corporate practice group, practicing in the Buffalo, N.Y., office. He was also recently elected chair of the board of directors of the Buffalo Niagara partnership, which works for improved business competitiveness and expanded economic activity in the region.

1981



Richard S. Cleary was included in the 2011 edition of The International Who's Who of Management Labour & Employment

Lawyers. He is the chair of the labor and employment practice group at Greenebaum Doll & McDonald.

Bill LaForge (LL.M.), a lawyer in Washington, D.C., and an adjunct professor at the George Washington University, recently completed an assignment as a Fulbright specialist at Perm State University in Russia. LaForge, one of more than 400 U.S. faculty and professionals traveling abroad this year through the Fulbright Specialists Program, taught a course to fourth-year law students on U.S. business-government relations and lobbying.

Beverly L. Perry, senior vice president for external affairs at Pepco Holdings, was honored by DC SCORES at its second annual Inspired Art Gala in May at the Corcoran Gallery of Art. Perry received the Inspiration Award, recognizing individuals whose leadership in the Washington, D.C., community directly or indirectly inspires the creative, athletic and/or civic growth of young people.



Thomas S. Schaufelberger, vice chair of Saul Ewing's litigation department and its insurance practice group, has been elected to the

firm's executive committee. Schaufelberger has been practicing law for 30 years, focusing his practice on litigation including complex

insurance coverage, commercial, construction, professional liability and corporate governance litigation.

Gary A. Zwick (LL.M.) was selected as the 2011 recipient of the Distinguished Estate Planner of the Year Award by the Estate Planning Council of Cleveland, Ohio. He lives in Chagrin Falls.

1982



Philip Bartz has joined Bryan Cave as a partner. He co-manages the firm's antitrust, franchise and consumer law group and leads

the federal antitrust enforcement and litigation efforts in the Washington, D.C., office.



Richard Blau was named to the 2011 list of Florida Super Lawyers in the field of administrative law and also named to the Chambers

USA 2011 list in the field of food and beverages law. He is a partner in GrayRobinson's Tampa office, where he chairs the firm's alcohol, beverage and food department.

Jeffrey M. Tanenbaum was recognized in the 2011 edition of Chambers USA: America's Leading Lawyers for Business in the field of labor and employment law. He is a partner in the San Francisco, Calif., office of Nixon Peabody.

1983

James Baker (LL.M.), a partner in the San Francisco office of Winston & Strawn, was inducted as a fellow of the American College of Employee Benefits Counsel, a nonprofit dedicated to elevating the standards and advancing the public's understanding of the practice of employee benefits law. His practice focuses on ERISA litigation and counseling employers on employee benefit and executive compensation matters.

Ilise Feitshans was recently selected as one of the "WISE 100 Women Making a Difference" by Women in Safety Engineering, part of the American Society of Safety Engineers. A bilingual jurisprude and public health

THE ENTERING CLASS

FOR GENERATIONS TO COME

Experiential and clinical education, financial aid and scholarships, transnational legal studies — advancing these priorities and more lies at the heart of For Generations to Come: The Campaign for Georgetown. The campaign, which launches publicly in October, seeks to raise \$150 million for the Law Center and \$1.5 billion for the university overall. The Law Center has already raised over \$85 million toward the campaign, thanks to alumni and friends. Look for updates as the campaign progresses. Until then, thank you, as always, for your generosity.

scholar who believes in the importance of occupational health as a human right, Feitshans is a professor at the Geneva School of Diplomacy.

Andrew P. Loewinger was recognized in the 2011 edition of Chambers USA: America's Leading Lawyers for Business in the field of franchising law. He is a partner in the Washington, D.C., office of Nixon Peabody.

Mark V. Santo (LL.M.) has joined the Pittsburgh-based Keevican Weiss

Bauerle & Hirsch. He is a member of the firm's international business law group.

Richard Sindelar (F'71) was recently appointed to the Houston District Export Council. He will work with others on the council to contribute leadership and business experience in support of the nation's joint industry/ government export expansion effort. He is a partner at Jackson Walker.



Roger Winston (LL.M.), the managing partner of Ballard Spahr's Bethesda office, was named the "Distinguished Maryland Real

Property Practitioner" by the Maryland State Bar Association's Real Property Section. He received the award at the MSBA's annual meeting in Ocean City, Md., in June.

1984

Bradley D. Belt, chairman of Palisades Capital Management and former executive director of the Pension Benefit Guaranty Corporation, joined the nonpartisan Milken Institute as senior managing director on January 1 and will lead the Institute's Washington, D.C., expansion.



Marissa Goldman Repp launched the Repp Law Firm in April. Her D.C.-based firm continues her representation of communications

clients before the Federal Communications Commission and in transactional matters.

1985

Catherine Mohan, a partner in the Hartford, Conn., office of McCarter & English, has been named one of "Greater Hartford's Top Attorneys" by Hartford Magazine.

1986



Julie Domike has joined the Washington, D.C., office of Kilpatrick Townsend as a partner. Her environmental law practice

encompasses matters related to stationary and mobile sources under the Clean Air Act.



Cole Finegan was named one of Colorado Law Week's "Lawyers of the Decade." He is managing partner of Hogan Lovells' Colorado offices.

Arthur J. Horne Jr. has been named one of the Washington metropolitan region's "Top 25 Minority Business Leaders of 2011" by the Washington Business Journal.

1987



Robert G. Sanker was included in the 2011 edition of Chambers USA: America's Leading Business Lawyers in the area of bankruptcy/

restructuring law. He is a partner with Keating Muething & Klekamp.

1988

Bradley W. Hertz has joined the Sutton Law Firm, a leading political and election law firm in California representing businesses, individuals, candidates, ballot measure committees, political action committees and nonprofit organizations involved in the political and legislative processes on the local, state and national levels. Hertz, who has more than 20 years of experience in political law and litigation, will serve as the primary litigation attorney and will establish the firm's Los Angeles office.

Jose Leiman has joined PricewaterhouseCoopers as a partner in its Latin American tax practice, based in Miami. He brings many years of experience assisting multinationals with operations in the Latin American region.



Louis K. Rothberg (LL.M.), counsel in the international practice in the Washington, D.C., office of Fox Rothschild,

presented "In the Trenches with International Traffic in Arms Regulations Exemptions and Export Administration Regulations Exceptions" at the 2011 International Compliance Professionals Association Conference in Phoenix on March 24.

Jane E. Schukoske (LL.M.) recently assumed the role of CEO of the S.M. Sehgal Foundation, which operates the Institute of Rural Research and Development in Gurgaon, India. IR-RAD works to further the well being of rural communities in India.

Ohio Chief Justice Maureen O'Connor appointed Sanford Watson to the Supreme Court of Ohio's Board of Commissioners on Grievances and Discipline. He is counsel in the Cleveland office of Tucker Ellis & West.

1989

Ruffin B. Cordell, a principal at Fish & Richardson, was named to Intellectual Asset Magazine's "IAM Patent Litigation 250 — the World's Leading Patent Litigators." Cordell practices in the firm's Washington, D.C., office.

199()

Charles Rudnick has joined the Greater Boston Chamber of Commerce as vice president of communications. Rudnick worked most recently as director of corporate communications for Boston Scientific.

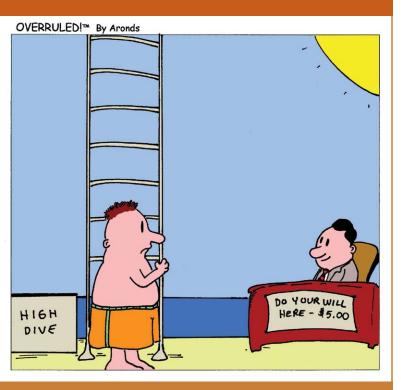
1991



Donna Rattley Washington has joined the board of directors at Strathmore Hall Foundation Inc. She is regional vice president of

government and regulatory affairs for Comcast Cable Communications, responsible for the management of all government, regulatory affairs and community investment initiatives in Maryland, West Virginia, Delaware, Virginia and Washington, D.C.

1988 Joe Aronds



Joe Aronds was sworn in as president of the New Jersey Corporate tion of Corporate Counsel, in June. Joe is currently an assistant vice president at Hartz Mountain Industries in Secaucus, N.J. For those who remember Joe's "Section 8" cartoon from the Law Weekly, as part of a gala fundraiser for the Volunteer Lawyers for the Arts.

CLE UPDATE



On June 16, only a few weeks before she became the first woman to head the International Monetary Fund, Christine Lagarde delivered the keynote address to the second annual Corporate Counsel Institute -Europe. The conference, hosted by Georgetown Law's Continuing Legal Education program and members of its European Law Alumni Advisory Board, brought European and U.S. lawyers together for a one-day program on developments in anti-corruption and arbitration.

Lagarde, then France's minister of economic affairs, finance and industry, delivered her opening address in the George C. Marshall Center in Paris. The building, part of the U.S. Embassy, is the birthplace of the Marshall Plan to rebuild Europe following World War II.

"As you walked under the cupola at the entrance, you probably noticed the typically French maxim ... 'Force, Caution and Renown bearing

the Globe of France to Immortality," Lagarde said. "Force, caution and renown could be appropriate qualifiers for the economy, as in the force of the economic crisis, caution about the new rules applying to the economy and the renown of an institution — the G20 — that did not exist in its current state three years ago." Lagarde cited three principles for a strong and healthy economy — entrepreneurship, the preservation of free trade and moral values.

"The fact that Christine Lagarde enthusiastically accepted to play such an important role at our conference attests to Georgetown's wonderful reputation and standing," says Loretta Malintoppi (LL.M.'86). (Dennis Meyer (L'60, LL.M.'62) is credited with recruiting Lagarde for the event.) "CCI Europe is off to a great start," Malintoppi says.

Malintoppi and her fellow CCI Europe program chairs — Pascal Cardonnel (L'90), Edward J. Nalbantian (C'77, L'82), Kathleen Nealon (C'75, L'78) and Phillippe Thomas (L'90) — provided the very latest in anti-bribery, risk management and transnational dispute resolution issues. Dean William M. Treanor was in Paris to provide the welcome, and Professor Mitt Regan (L'85), co-director of the Center for the Study of the Legal Profession, led a global general counsel dialogue for the attendees.

"I would say we built on the success of last year," says Larry Center, assistant dean of academic conferences and continuing legal education. Along with Christine Washington, director of special international programs, Center has been instrumental in building CCI Europe. He attributes that success to the increasing involvement of the European Law Alumni Board members. The inaugural conference held last year in London was the catalyst. "People saw that it could be successful, so more people jumped on the bandwagon this time in the planning process."

CONTINUING LEGAL EDUCATION CALENDAR FALL 2011-SPRING 2012

SEPTEMBER

16

Bankruptcy 2011: Views from the Bench (co-sponsored by the American Bankruptcy Institute) LAW CENTER

22

Global Antitrust Enforcement Symposium LAW CENTER

NOVEMBER

The Role of the Courts in Patent Law and Policy 2011 (co-sponsored by Stanford Law School) LAW CENTER

17-18

Advanced E-Discovery Institute 2011 RITZ-CARLTON PENTAGON CITY

18

Litigating Takings Challenges to Land Use and Environmental Regulations (co-sponsored by Vermont Law School) LAW CENTER

FEBRUARY

International Trade Update 2012 LAW CENTER

MARCH

8-9

Corporate Counsel Institute 2012 LAW CENTER

28-30

Advanced Commercial Leasing Institute 2012 I AW CENTER

APRIL

Nonprofit Governance LAW CENTER

19-20

Representing and Managing Tax Exempt Organizations RENAISSANCE HOTEL, WASHINGTON, D.C.

ΜΔΥ

Advanced State and Local Tax Institute 2012 LAW CENTER

JUNE

E-Discovery Training Academy LAW CENTER

Dates are subject to change. For more information, contact the Continuing Legal Education office at 202-662-9890. E-mail: CLE@law.georgetown.edu Web site: www.law.georgetown.edu/cle/.

Gifts in Action

Toe (LL.M.'89) and Carolyn Reece are strong supporters of Georgetown Law. With service on the Law Center's Law Alumni Board as well as the Board of Visitors, Joe has given his time to the school when he's not serving as Managing Director and Global Head of Equity Capital Markets at Credit Suisse. But the Reeces also know the importance of helping Georgetown's current generation of scholars fulfill their career goals, which is why they established the Reece Family Endowed Scholarship Fund to help law students with demonstrated financial need.

One of those students is Annette Soberats (L'11), the 2010-2011 recipient of the Reece Family Scholarship. When Soberats began working in the U.S. Attorney's Office in the Southern District of Florida in 2009, she already knew her way around a federal prosecutor's office. She had worked in that very place as a student aide during her junior and senior years at Florida International University. And as a law student, she enjoyed working on similar cases, such as health care fraud, mortgage fraud and so forth.

It was her undergraduate experience, in fact, that brought her to law school, whetting her desire to become a prosecutor or to pursue public interest or government service work. In college, she majored in economics and international relations, but sitting in on trials and watching federal prosecutors argue in the courtroom gave her a strong appreciation for their work as well.

"I was particularly drawn to that profession because, unlike any other lawyers, prosecutors are not constrained by the interests of clients; they are solely motivated by the desire to pursue justice," she says.

Soberats has a similar motivation. She was particularly attracted to Georgetown's focus on public interest as well as its Washington, D.C., location. It proved a

good choice, as she was later able to pursue internships with the Federal Circuit Bar Association and with the National Courts Section of the Commercial Litigation Branch of the U.S. Department of Justice. For her 2L summer, she headed north to the New York County District Attorney's Office, led by alum Cyrus R. Vance Jr. (L'82). There, she got to experience a different sort of prosecutors' office — "second chairing" a drug trafficking trial, doing research and writing for assault cases and collecting evidence for a largescale murder investigation.

Back at Georgetown as a 3L, Soberats participated in the Law Center's Domestic Violence Clinic, helping victims of domestic violence obtain civil protection orders at D.C. Superior Court.

"Having the opportunity to empower people who in other circumstances would not have any type of representation and who have had their lives fundamentally changed because of the abuse that they've endured was very rewarding on a personal level," she says of her clinic work.

Soberats now considers Clinic Director and Associate Dean Deborah Epstein a mentor, along with Legal Research and Writing Professor Frances DeLaurentis.

"I really would like to commit myself to public service, and Georgetown just seemed to create a lot of opportunities on campus for its students — particularly with the strong placement that OPICS has for students who want to do public interest work," Soberats says.

Soberats now heads to a clerkship position with Judge Brian Holeman on the



Annette Soberats (L'11)

D.C. Superior Court. With such a challenging workload over the past few years, Soberats is all the more grateful that the Reeces have been willing to step forward with financial assistance.

"The scholarship helped me in my last year at Georgetown by allowing me to pursue my clinic work and really focus on my studies and on campus extracurricular activities," she says. "I'm extremely grateful to the Reeces for their generosity."

ACROSS CLASSES

Alumni Mingle at Manhattan Inn of Court and North Carolina Habitat Build

If you read our story on page 14, you may already know that Professor Sherman Cohn served as the American Inns of Court's first national president from 1985 to 1996. Today, a group of Georgetown Law alumni in New York are carrying on the same tradition: Peter Brill (L'97), Stephen G. McCarthy Jr. (L'85), Michael Campion Miller (L'85) and Steven D. Feldman (L'97) make up four of the 80 members of the Denis McInerney New York County Lawyers' Association American Inn of Court — the 200th Inn to be established in the United States and the first in New York City when its charter was created in 1993. The American Inns of Court seek to improve the skills, professionalism and ethics of the bench and bar; this past year, the McInerney Inn ran a series of programs focusing on landmark Supreme Court decisions.

Miller, a partner in and co-manager of the New York office of Steptoe & Johnson, was one of the young attorneys who helped the founders get the McInerney Inn off the ground in the 1990s and recently served a three-year term as its president. "It has been one of the many exciting aspects of running the Inn to work with old and new friends from the Law Center," he says. For Miller, Inn work runs in the family; his father, John T. Miller Jr. (L'48), a Law Center adjunct, was president of the Prettyman-Leventhal Inn in D.C.

Feldman, who until recently served as the programming chair of the McInerney Inn, was sold on the Inns of Court movement as a first-year law student, when he took a civil procedure class with Professor Cohn. "He told all of us what an opportunity it was for us to mix with and associate with attorneys and judges ... and that as law students we could get involved, so I expressed interest and got placed on an Inn [in D.C.]," says Feldman, a partner in the New York office of Herrick, Feinstein.

When Feldman moved to New York in 1997, he not only joined the McInerney Inn but also recruited his classmate

Peter Brill, of the Brill Legal Group, to be a member. Miller recruited McCarthy, now of SligoTribeca Associates; McCarthy has also had a leadership role.

"I value the Inn because it gives me the opportunity to work with lawyers in different practices, in different firms, in different jobs, government and public sector as well as private sector, to meet with judges on an informal basis," says Feldman. "Those are the things that I find really special about the Inn and [why] I encourage others to come to it ... those are the selling points."

Ken Hammer (L'84) writes: "Twelve law students traveled to Siler City, North Carolina, during spring break to restore a home with Habitat for Humanity. The students replaced flooring, repaired and painted walls and sampled southern barbecue while preparing the home for

its new owners.

Four local alumni — Joanna Barnes (C'82, L'86), Ken Hammer (L'84), Brian Holland (L'90) and Elizabeth King (L'02) — hosted the students for dinner in Chapel Hill on March 8 at the Top of the Hill restaurant. The conversation included favorite Georgetown Law professors, recent changes at the school, the Habitat home and, of course, the relative merits of vinegar-based (eastern N.C.) or tomato-based (western N.C.) barbeque sauce. A consensus on this question could not be reached and the attendees pledged to continue their research."

Michael C. Miller (L'85), Stephen G. McCarthy Jr. (L'85), Peter Brill (L'97) and Steven Feldman (L'97).

Clockwise from left/end: Cara Shewchuk (L'11), Eleanor Hagan (C'09, L'13), Gladys Mbuyah (LL.M.'11), Mercedes Morno (L'13), Antonio Moriello (L'12), Ktelly (L'13), Brian Holland (L'90), Brad Kehr (L'12), Yi Guo (LL.M.'11), Joanna Barnes (C'82, L'86), Aaron Hesson (L'13), Monica Carmean (L'12), Andy Aitchison (L'13), John London (L'13), Ken Hammer (L'84), Jaclyn Udell (C'14), incoming student Kara Todd (L'14), and Elizabeth King (L'02).

Front row: Aaron Hesson (L'13); Gladys Mbuyah (LL.M.'11); Joanna Barnes (C'82, L'86), Anthony Moriello (L'12); Yi Guo (LL.M.'11). Middle: incoming student Kara Todd (L'14); Brian Holland (L'90); Eleanor Hagan (C'09, L'13); Mercedes Morno (L'13); Cara Shewchuk (L'11); Kate Kelly (L'13); Brad Kehr (L'12). Top: Andy Aitchison (L'13); John London (L'13); Ken Hammer (L'84); Monica Carmean (L'12); Elizabeth King (L'02).













1991 **Stu Levy**



Stu Levy, the founder, CEO and chief creative officer of the U.S.

1992 Chrissie Masdea Landolfi (C'89)



Chrissie Masdea Landolfi (C'89, L'92) and her three sons pose Wright (N'89) and her four boys, outside of the Wright home in

1992



James W.C. Canup (LL.M.) has joined the Richmond office of Kaufman & Canoles, working in the taxation section. He has

more than 20 years of experience representing corporations, closely held businesses, tax-exempt entities, governmental agencies and individuals.

Audrey Skwierawski has joined the Wisconsin Department of Justice as its violence against women resource prosecutor. She was previously the coordinator for the Milwaukee Commission on Domestic Violence and Sexual Assault and an assistant district attorney in the Milwaukee County District Attorney's Office.

Julie Strandlie was named the director of government relations for the American Association of Law Libraries. She is responsible for advancing AALL's government relations program, which includes matters related to copyright, access to government information and privacy. She most recently represented the American Bar Association, the world's largest professional organization, on Capitol Hill and before the White House, executive branch agencies and related entities.

1993



Alexandra P. Brovev was recently elected president of the Philanthropic Planning Group of Greater New York, a 250-member

not-for-profit professional organization in New York City for advocates of charitable giving. Alexandra is the senior director of gift planning at the North Shore-LIJ Health System Foundation in Great Neck, N.Y. She resides on Long Island with her husband and two sons.



Edwin G. Foulke (LL.M.) was named one of the 50 most influential environment, health and safety leaders by EHS Today, the mag-

azine for environment, health and safety professionals. Foulke is a

partner with Fisher & Phillips, where he co-chairs the firm's workplace safety and catastrophe management practice group. He practices in the firm's Atlanta and Washington, D.C., offices.



Suzanne Seltzer, a partner in the immigration law firm of Klasko, Rulon, Stock & Seltzer, has been selected as one of the country's

leading corporate immigration lawyers by the International Who's Who of Corporate Immigration Lawvers 2011. She heads the firm's New York office.



Julie Uebler (C'90) has opened a new solo practice, Uebler Law, in Pennsylvania. Having worked in the employment law

field since earning her law degree in 1993, Uebler spent the first part of her legal career representing employers in the Philadelphia office of Morgan Lewis and as in-house counsel for a global pharmaceutical company. She turned her focus to the representation of individuals in employment claims in 2003, most recently with the boutique employment firm Rubin, Fortunato & Harbison.

1994



Edward J. Fanning, chair of the product liability group at McCarter & English, has been sworn in as president of the

New Jersey Defense Association. He will serve a one-year term. The association is an organization of civil defense trial lawyers and insurance company professionals that focuses on issues related to the defense of damage lawsuits and claims.



Jason E. Reisman, a partner at Obermayer Rebmann Maxwell & Hippel, was named to the Pennsylvania Super Lawyers list as one

of the top attorneys in Pennsylvania for 2011. Reisman is a member of the firm's labor relations and employment

law department and its management committee.

1995



Leslie Allen was named a state chair of the Council on Litigation Management in Alabama. She is an attorney at

Christian & Small, practicing in the areas of civil litigation, health care, and labor and employment law.



Dianne Chipps Bailey, an attorney with Robinson Bradshaw and Hinson, has been named one of the Charlotte Business Journal's 2011

Women in Business Achievement Award winners. Bailey leads the firm's nonprofit organizations practice group.



Emilie R. Ninan (G'95), a public finance partner at Ballard Spahr and the future president of the North American South Asian Bar

Association, became managing partner of the firm's Wilmington, Del., office on July 1.

1996

Donna Cryer, chief executive officer of CryerHealth in Washington, D.C., has been appointed chair of the American Liver Foundation's board of directors. She is the first patient and the first woman to serve as chair since the organization was founded in 1976.



George J. Nemphos (LL.M.'96), managing partner of the Baltimore office of Duane Morris and chair of the firm's

international corporate practice group, has been elected to the board of the University of Baltimore Foundation. The board is responsible for providing leadership and advice to the University of Baltimore and is composed of leaders in business, law and the applied liberal arts.

1997



Dennis L. Knoer, a shareholder at Briggs and Morgan, was elected president of the Minnesota State Bar Association's business law

section for 2011-2012. Knoer is a member of his firm's business law section, practicing principally in the areas of mergers and acquisitions, corporate finance, securities and corporate governance.



Xan Raskin has founded Artixan Consulting Group, a company based in New York City that helps clients design and implement a wide

range of practical employee relations and human resources solutions. The company specializes in workplace conflict resolution. Raskin previously served as vice president and assistant general counsel and head of the Human Resources Law Group at Bristol-Myers Squibb.

1998

In October 2010, Mike DeShields started a two-year detail working long-term cases in the Missing Children's Division at the National Center for Missing and Exploited Children.

Yoel Goldfeder has been named chief executive officer of VStock Transfer, a provider of registrar, stock transfer and corporate record-keeping services. He brings with him more than a decade of transactional experience and knowledge as a corporate and securities attorney.

Anne Marie Murphy was appointed a commissioner of the California Commission on Access to Justice. The commission plays a vital role in bringing together the three branches of government, judges, lawyers and civic and business leaders to find long-term solutions to the chronic lack of legal assistance available to low-income and vulnerable Californians. Murphy was also recently named secretary of the board of directors of the Seven Tepees Youth Program, which serves urban youth in San Francisco's Mission District.

2011 SUPREME COURT SWEARING-IN CEREMONY



The Supreme Court swearing-in ceremony is an annual event sponsored by the Law Center's Office of Alumni Affairs for alumni who become members of the Supreme Court Bar.

The following alumni took part in this year's ceremony on June 20:

Kevin Acklin L'01
Warren Allen L'06
Karl Blanke L'07
Dwayne Brodie C'91, L'94
Elizabeth Calhoun L'01
Turgut Cankorel L'06
Robert Carolina L'91
Robin Donnelly Crabtree L'06
William M. Fink L'06

Adele Gilpin L'91 Michael L. Gitlin LL.M.'06 Michael J. Glasheen L'73 Arthur Godbout B'79, L'86

Jose Gonzalez L'77 Jonathan Greenbaum L'86 Valerie Hlavacek L'86 Thomas Hoidal L'74

Lindsay M. Hopkins L'06 Jeffrey T. Johnson G'06, L'06

Mark Jones L'06

Tyree Jones L'86

Bridgette Kaiser L'01

Matthew Kaiser L'02 Virginia Kling L'86

Andrew Louis L'01

Daniel Mauler L'06

Heidi Meinzer L'00

Nicholas Mitrokostas L'03

Liam Murphy L'81

Peter Pavel Neda LL.M.'06

Edmund (Ed) M. O'Toole L'91

Jeffrey Palmer LL.M.'91

Kineta A. Rotan L'01

Mark E. Shaffer L'07

David Tafuri L'96

Kathryn E. Thiel L'76

Michael Tschupp L'01

Haven Ward C'01, L'06

Teri Williams L'86

LAW ALUMNI CALENDAR

FALL 2011 - SPRING 2012

SEPTEMBER

13

Section 1 Student-Alumni Welcome Reception LAW CENTER

Faculty Breakfast Series: Professor Lisa Heinzerling LAW CENTER

21

Section 2 Student-Alumni Welcome Reception LAW CENTER

Section 3 Student-Alumni Welcome Reception LAW CENTER

LL.M. Student-Alumni Welcome Reception LAW CENTER

OCTOBER

Section 4 Student-Alumni Welcome Reception LAW CENTER

14-16

Reunion Weekend LAW CENTER

Law Alumni Board Meeting LAW CENTER

BLSA Reunion Brunch LAW CENTER

30-Nov. 4

Prayer in Daily Life Retreat LAW CENTER

NOVEMBER

Ryan Lecture Justice Rosalie Silberman Abella, Supreme Court of Canada LAW CENTER

Section 7 Student-Alumni Welcome Brunch LAW CENTER

Faculty Breakfast Series: Professor Adam Levitin LAW CENTER

DECEMBER

Student Exam Breakfast LAW CENTER

JANUARY

AALS Annual Meeting Law Alumni Reception WASHINGTON, D.C.

New York LL.M. Cocktail Reception **NEW YORK CITY**

New York Alumni Luncheon **NEW YORK CITY**

FEBRUARY

Recent Alumni Reception WASHINGTON, D.C.

MARCH

Hart Lecture LAW CENTER

Prayer in Daily Life Retreat LAW CENTER

Equal Justice Foundation Auction LAW CENTER

Annual Scholarship Luncheon LAW CENTER

APRIL

26-29

John Carroll Weekend CHICAGO, ILL.

MAY

20

Commencement GEORGETOWN UNIVERSITY

Corporate Counsel Institute Europe MADRID, SPAIN

European Law Alumni Advisory Board Meeting MADRID, SPAIN

JUNE

18

Supreme Court Swearing-In Ceremony WASHINGTON, D.C.

Dates are subject to change. For more information, contact the Continuing Legal Education office at 202-662-9890. E-mail: CLE@law.georgetown.edu Web site: www.law. georgetown.edu/cle/.

Marlene Williams has joined the San Francisco office of Nixon Peabody as a partner. She works in the firm's intellectual property practice, focusing on domestic and international trademark protection and enforcement, strategic trademark portfolio management as well as actions before the Trademark Trial and Appeal Board.

Barbara H. Wootton was elected counsel at Arnold & Porter. She is a member of the firm's antitrust/competition practice group in the Washington, D.C., office.

1999

Ahmed J. Davis, a principal at Fish & Richardson, has been selected as one of the 2011 "Top Minority Business Leaders" in Washington, D.C., by the Washington Business Journal.



Dwayne M. Andrews, a principal at Blank Rome Government Relations, has been appointed legislative director

of the Metropolitan Black Bar Association in New York, MBBA is a unified citywide association of African-American and other minority lawyers that aims to advance equality and excellence in the pursuit of iustice.

J. Christine Harris (LL.M.), an editor-in-chief with Tax Analysts and Tax.com, is the new host of "Tax Talk Today," an educational web TV series on taxes sponsored by Tax Analysts, Tax.com and the National Association of Enrolled Agents.

2001

Anthony Danti (F'92) has joined Fulbright & Jaworski as a partner in the firm's global energy practice. He comes to the Washington, D.C., office as a partner from Kirkland and Ellis

Darren Nicholson was named a 2011 Texas "Rising Star" for his work in business litigation. He practices at Sayles Werbner in Dallas.

I. Matthew Owens was elected counsel at Arnold & Porter. He is a member of the firm's corporate and securities practice group, resident in the Washington, D.C., office.

Tim Slavin, formerly the assistant general counsel for business matters, has assumed the title of director of business affairs and licensing/senior counsel, business at the Major League Baseball Players Association. He will oversee the day-to-day operations of all MLBPA commercial activities and related legal matters.

Tom Spiggle, an Arlington-based attorney who handles student suspension cases, served as the keynote speaker at a topical institute on school discipline hosted by the Parent Educational Advocacy Training Center on May 14. In his speech, Spiggle helped parents gain a better understanding of the legal process behind a suspension while offering practical advice about what to do (and what not to do) when a parent learns his or her child is in trouble.

David R. Cleveland was promoted to professor of law at Nova Southeastern University's Shepard Broad Law Center, where he teaches legal research and writing, legal ethics and internet gambling law. Cleveland is the author

of several articles on federal court reform and the issue of unpublished court opinions. He lives in South Florida with his wife, Susan, and the two celebrated their 10th wedding anniversary in July.

Steven V. Hunter received the "Men of Excellence" award from the Chicago Defender. The annual award is presented to 50 African-Americans who have served the Chicago community through their careers, volunteerism and philanthropic efforts. In addition, Hunter was named one of Illinois' "Rising Stars" for 2011 in the areas of business litigation, intellectual property litigation and general litigation and named one of the "2011 Nation's Best Advocates: 40 Lawyers Under 40" by the National Bar Association and IMPACT. He practices in the Chicago office of Quarles & Brady.

Ieffrev A. Mazur was named executive director of the Missouri and Kansas Council of the American Federation of State, County and Municipal Employees. Previously, he served as senior adviser for policy and communication in the office of Gov. Jay Nixon of Missouri. In March, he was appointed by the governor to Missouri's Senate Reapportionment Commission

Stephen V. Potenza joins Bancroft as counsel from Cravath, Swaine & Moore in New York. His practice includes a wide variety of complex litigation in state and federal courts, including intellectual property, securities, antitrust, contractual disputes and professional malpractice.

Talis E. Seja (F'97) was named honorary consul of the Republic of Latvia in Massachusetts. Seja, an associate in the Global Finance practice of Nixon Peabody, was appointed to this position by the Ministry of Foreign Affairs of the Republic of Latvia. Seja will seek to promote better understanding within the state about Latvia and its people and facilitate increased commercial, educational and cultural ties between Massachusetts and Latvia.



Dana Seshens was elected partner at Davis Polk & Wardwell. She is a member of the litigation department in the firm's New York office.

M. Arvah Somers (G'99) recently received a Fulbright Scholar award that will enable her to teach an immigration law and policy seminar at Rafael Landivar University, a Jesuit university located in Guatemala City, beginning in January 2012. She will also be conducting research on the repatriation and reintegration of Guatemalan children from the United States back to Guatemala. Somers is a staff attorney and Kids in Need of Defense (KIND) Fellow at The Door's Legal Services Center in New York.

2003

Sawyer Neely was named a 2011 Texas "Rising Star" for his work in general courtroom litigation. He practices at Sayles Werbner in Dallas.

Mark Schwarz (LL.M.) has joined Helsell Fetterman as an associate. His practice focuses on tax controversy, tax advice, estate planning and business and real estate transactions. He previously represented the Internal Revenue Service as a senior attorney and special assistant U.S. attorney.

2004

Jon Massimino is assistant general counsel at Viad Corp. in Phoenix, Ariz.



Crescent A. Moran (LL.M.) has joined Honigman Miller Schwartz and Cohn as an attorney in its corporate and

securities department and in the employee benefits practice group. She practices in the firm's Detroit office.



Travis M. Seegmiller was promoted to partner at the Washington, D.C., law firm of Patton Boggs. Seegmiller is a member of the

firm's public policy and business practices.

2005

W. Scott Croft has joined the firm of Greenebaum Doll & McDonald as an associate in the firm's litigation and dispute resolution group. He practices in the firm's Louisville, Ky., office.

Sean Hewens founded a nonprofit social enterprise called Smallbean (www.smallbean.org) in July 2009, following a stint working in Africa as an attorney for the United Nations. Originally chartered with the simple mission of putting slightly used personal electronics to reuse in places like Tanzania, Smallbean has worked tirelessly over the last two years to develop its Citizen Archivist Project. Hewens lives in San Francisco.



Jacquelyn Pinnell Reed was named one of Illinois' "Rising Stars" for 2011 in the area of business litigation. She practices in the Chicago office

of Quarles & Brady.

2006

Mark A. Jones has joined Bell Davis & Pitt in North Carolina, helping to establish a governmental investigations/white collar and general criminal defense practice. Jones served as assistant U.S. attorney for the Western District of North Carolina, where he worked in the criminal trial and appellate sections.

Christopher J. Tyson has been selected by the National Bar Association as

one of the "Top 40 Lawyers under 40" for 2011. The honorees were recognized at the NBA's 86th Annual Convention in August in Baltimore, Md. Tyson is an assistant professor of law at the Paul M. Hebert Law Center at Louisiana State University.

2007

Erek L. Barron (LL.M.) has been elected chair of the Young Lawyers Section of the Maryland State Bar Association (yls.org). "It would be great and beneficial for young alumni in the area to get involved," he writes. Barron was also recently appointed by Gov. Martin O'Malley to the board of trustees of Maryland's Office of the Public Defender. He practices at his own firm, Barron.



Kerry Clinton O'Dell has joined the litigation services department of Schnader Harrison Segal & Lewis as an associate. She

practices in the firm's Washington, D.C., office.

Nury Yoo has joined Brownstein Hyatt Farber Schreck as an associate in the firm's litigation group. She practices in the firm's Albuquerque, N.M., office.

2008

Henri Cauvin is deputy editor of the Washington Post's local politics team, which covers government and politics in D.C., Maryland and Virginia.



Cecil VanDevender has joined the litigation practice of Bass, Berry & Sims. He previously served as a law clerk to Judge Richard J.

Sullivan on the U.S. District Court for the Southern District of New York and to Judge Gilbert S. Merritt Jr. on the U.S. Court of Appeals for the 6th Circuit.

Craig M. Waugh has joined Polsinelli Shughart as an associate in the trial department. His practice focuses on the resolution of commercial disputes on behalf of both businesses and individuals. He also represents clients in commercial foreclosure actions.

2009

Ray Ibarra and Andrea Kendall are two of the 18 members of Public Defender Corps, a new Equal Justice Works fellowship program for recent graduates who want to be public defenders. They are both pursuing the fellowship at the Kentucky Department of Public Advocacy.



Nick Wittich has joined Winstead as an associate in the firm's corporate, securities/M&A practice group. He previously worked as an associate

with Jones Day in Houston, Texas.

2011

Kacey-Ann Mordecai was selected for a fellowship through Stoneleigh Foundation to work with the Juvenile Law Center in Philadelphia. She will be helping to build the case for the application of international human rights law in American courts to ensure greater protections for children in the juvenile justice system.

IN MEMORIAM

Ralph Allocca (L'84) Lawrence Conques (L'62) Carolyn Dawes (F'97, L'01) Francis "Ernie" Dowd (L'56) Mathieu Farge (LL.M.'03) James Gammon (L'59) Derek M. Hodge (L'71) Brune Mesquich Jacquemin (LL.M.'03) Karen Kline (L'90) Joseph Mohbat (L'78) James G. O'Boyle (L'61) Peter F. O'Malley (L'65) Stephen Mocarski (L'47) Robert D. Peloquin (C'51, L'56) Walter A. Rafalko (LL.M.'53) H. Buswell Roberts (L'41) Dana Turner (L'91) Bartley Ken Vickers (L'70)

LAW FIRM CHALLENGE

Thank you to all who participated in the 2010-2011 Law Firm Challenge, especially those who volunteered as firm agents. Since its establishment in 1998, the Challenge continues to be a great opportunity for Georgetown Law alumni to stay connected to the Law Center, while making a significant impact on many of its core programs, including financial aid, clinics, journals and more.

This year, the competition involved more than 2,200 alumni at 51 firms. Forty-six percent of alumni at these firms contributed a total of \$1,275,044 to the Law Center.

We are happy to report that seven firms reached 100-percent participation: Debevoise & Plimpton LLP, DLA Piper, Keller and Heckman LLP, Murphy & McGonigle, PC, Simpson Thacher & Bartlett LLP, Venable LLP and Williams & Connolly LLP. Also, the firms that raised the most money for the Law Center (in groups based on the number of alumni they include) are: Group 1: Debevoise & Plimpton LLP, Group 2: Covington & Burling LLP and Group 3: Skadden, Arps, Slate, Meagher & Flom LLP.

We thank all the participating firms and donors. To have your firm or company join the Law Firm Challenge, or to request more information about the program, please contact the Office of Development at 202-662-9500.

Akin Gump Strauss Hauer & Feld LLP FIRM AGENTS

Michael Eric Blaisdell (L'09) Charles L. Franklin (L'03) Richard Jon Rabin (L'93) Firm Participation Rate: 43%

Alston & Bird LLP

FIRM AGENTS: Patrick John Flinn (L'82) Keavney F. Klein (N'02, L'08) Firm Participation Rate: 25%

Arent Fox LLP

Matthew M. Nolan (L'86) Firm Participation Rate: 25%

Arnold & Porter LLP

FIRM AGENTS Patrick J. Grant (C'73, L'77) Whitney A. Moore (L'04) Darren Christopher Skinner (L'95)

Firm Participation Rate: 38%

Baker & McKenzie LLP

William D. Outman II (L'65, L'68) Firm Participation Rate: 21%

Baker Hostetler LLP

Jeffrey H. Paravano (L'91) Jennifer Marie Walrath (L'07) Firm Participation Rate: 76%

Bingham McCutchen LLP

FIRM AGENT: Edward F. Maluf (L'90) Firm Participation Rate: 19%

Chadbourne & Parke LLP

Cassandre L. Charles (L'05) Andrew A. Giaccia (C'81, L'84) Firm Participation Rate: 39%

Covington & Burling LLP FIRM AGENTS:

Kathleen T. Gallagher-Duff (L'84) Skye L. Perryman (L'07) Paul V. Rogers (L'85) Firm Participation Rate: 53%

Crowell & Moring LLP

FIRM AGENTS: Philip T. Inglima (C'84, L'88) Michael W. Lieberman (L'08) Firm Participation Rate: 28%

Davis Wright Tremaine LLP

FIRM AGENT Richard L. Cys (L'69) Firm Participation Rate: 46%

Debevoise & Plimpton LLP

Ada R. Fernandez Johnson (L'98) Kevin A. Rinker (L'99) Daniel Z. Sinrod (L'07) John M. Vasily (L'82) Firm Participation Rate: 100%

Dechert LLP

FIRM AGENTS Brenden P. Carroll (L'08) Joshua D. Hess (L'01) Firm Participation Rate: 28%

Dewey & LeBoeuf LLP FIRM AGENT

G. Richard Dodge Jr. (L'98) Firm Participation Rate: 61%

Dickstein Shapiro LLP

Lisa Marie Kaas (L'04) Peter J. Kadzik (L'77) Firm Participation Rate: 53%

DLA Piper

FIRM AGENTS Bret Lowell (L'78) Lee I. Miller (B'69, L'73) Firm Participation Rate: 100%

Duane Morris LLP

Daniel E. Toomey (L'67) Firm Participation Rate: 24%

Foley & Lardner LLP FIRM AGENTS:

David Thomas Ralston Jr. (F'76, L'79) Lewis A. Smith (L'08) Firm Participation Rate: 58%

Gibson, Dunn & Crutcher LLP FIRM AGENTS

Robert Charles Blume (L'92) Michael Stephen Diamant (F'00, L'03) Nicola T. Hanna (L'87) Timothy D. Swain (L'05) F. Joseph Warin (L'75) Firm Participation Rate: 93%

Jonathan D. Brightbill (L'01) Michael D. Jones (L'85) Tyler Dean Mace (L'03) Stephen R. Patton (L'78) Amy Robbins Peters (L'02) Firm Participation Rate: 24%

Kirkland & Ellis LLP

Latham & Watkins LLP FIRM AGENTS:

Jude M. Gorman (B'99, L'05) Julia Ann Hatcher (L'87) Bruce J. Prager (L'77) Charles H. Samel (L'85) Firm Participation Rate: 17%

Mayer Brown LLP

Kenneth Klein (L'80) John P. Mancini (L'89) Firm Participation Rate: 46%

McDermott Will & Emery LLP

Goodwin Procter LLP

James A. Hutchinson (L'93)

Siobhan C. Murphy (L'01)

Firm Participation Rate: 46%

Greenberg Traurig LLP

Firm Participation Rate: 30%

Eva Elizabeth Halpern (L'03)

Elizabeth Jane Roberts (L'99)

Firm Participation Rate: 36%

Holland & Knight LLP

Randal Robert Craft (L'68)

Jonathan M. Epstein (L'95)

Firm Participation Rate: 33%

Hunton & Williams LLP

Firm Participation Rate: 41%

James C. Beh (C'81, L'84)

Britney S. Edwards (L'07)

Kristiana A. Garcia (L'05)

Richard M. Kosnik (L'82)

Kevin J. McIntyre (L'88)

K&L Gates LLP

FIRM AGENTS:

(l'85, L'89)

FIRM AGENT: Natalie E. Rainer (L'07)

Carmen Guerricgoitia McLean

Firm Participation Rate: 63%

Hugh F. Bangasser (L'71, L'75)

Rebecca Laird Hanslin (L'70)

Firm Participation Rate: 23%

Keller and Heckman LLP

Firm Participation Rate: 100%

Julia Reynolds Johnson

Lisa M. Richman (L'02)

Albert F. Tellechea (L'75)

Mark Bierbower (L'79)

Laura Ellen Jones (L'98)

Marcia A. Wiss (F'69, L'73)

Elizabeth B. Meers (L'80)

Patrick M. Raher (L'72)

Rebecca Susan Manicone

Hogan Lovells LLP

Regina M. Pisa (L'82)

FIRM AGENTS:

FIRM AGENT

(F'93, L'97)

FIRM AGENTS:

Jones Day

FIRM AGENTS

(L'01)

FIRM AGEN Raymond A. Jacobsen Jr. (L'75) Jeff Rothschild (C'93, L'97, MBA'97)

Firm Participation Rate: 94%

McGuireWoods LLP

FIRM AGENTS Walter Jeffrey Dunn (L'00) Michelle N. Lipkowitz (L'02) Elena D. Marcuss (L'98) Firm Participation Rate: 35%

McKenna Long & Aldridge LLP FIRM AGENT

Christopher W. Baker (L'07) Thomas C. Papson (L'77) Firm Participation Rate: 96%

Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, PC

David Barmak (L'76) Keith Patrick Carroll (C'91, L'95) Firm Participation Rate: 63%

Morgan, Lewis & Bockius LLP

FIRM AGENTS Michael Berenson (L'73) Jonathan C. Fritts (L'98) Harry A. Rissetto (L'68) Firm Participation Rate: 36%

Murphy & McGonigle, PC FIRM AGENT:

Erica S. Palim (L'93) Firm Participation Rate: 100%

Patton Boggs LLP Firm Agents:

Laurence E. Harris (L'65) Hwan Kim (L'89) Firm Participation Rate: 22%

Paul, Hastings, Janofsky & Walker LLP

FIRM AGENTS Andrew M. Morentz (L'08) Carl W. Northrop (L'76) Firm Participation Rate: 87%

Perkins Coie LLP

FIRM AGENT: Kevin J. Hamilton (L'85) Firm Participation Rate: 42%

Ropes & Gray LLP

Christopher Gardner Green

Christopher John Harnett (L'90) Firm Participation Rate: 9%

Simpson Thacher & Bartlett LLP FIRM AGENTS:

Sarah E. Cogan (L'81) Gregory Thomas Grogan (L'98) Jaclyn H. Kessler (L'07) Marisa Delia Stavenas (L'99) Firm Participation Rate: 100%

Skadden, Arps, Slate, Meagher & Flom LLP

FIRM AGENTS: Jamie L. Boucher (L'96) Jon Hlafter (L'02) Rina-Ann Hunter (L'06) Thomas H. Kennedy (L'81) Robert E. Lighthizer (C'69, L'73) Marcia R. Nirenstein (L'80) Firm Participation Rate: 43%

SNR Denton

FIRM AGENT: Clinton A. Vince (L'74) Firm Participation Rate: 27%

Squire, Sanders & Dempsey LLP

FIRM AGENT Albert A. del Castillo Sr. (C'79, L'82)

Firm Participation Rate: 14%

Steptoe & Johnson LLP

Edmund W. Burke (C'70, L'73) Antonia B. Ianniello (L'80) Firm Participation Rate: 51%

Sutherland Asbill & Brennan LLP

David L. Wochner (L'96, L'02) Firm Participation Rate: 20%

Troutman Sanders LLP FIRM AGENT:

Amie V. Colby (L'99) Firm Participation Rate: 50%

Venable LLP

FIRM AGENTS: Robert H. Geis (L'89) Brian James O'Connor (L'95) Judson W. Starr (L'75) Firm Participation Rate: 100%

Williams & Connolly LLP

Joseph Petrosinelli (L'91) Firm Participation Rate: 100%

Willkie Farr & Gallagher LLP

FIRM AGENTS: Daniel Kenneth Alvarez (F'00, L'05)Kevin B. Clark (C'76, L'79) Firm Participation Rate: 18%

WilmerHale

Juanita Anne Crowley (L'77) Lillian H. Potter (L'00) Firm Participation Rate: 13%

UPDATE ON THE LAW ALUMNI BOARD

Dear Friends,

What an exciting time to be a Georgetown Law student. As the nation debates everything from health care to the boundaries of federal-state relations on immigration, the Law Center offers students a front-row seat on these and many other issues.

Today's charged political climate reminds me of my time at Georgetown Law from 1973 to 1976, pivotal years for the country that, of course, included the resignation of President Richard Nixon. Like today, Georgetown Law was on the frontline with Professor Sam Dash, chief counsel of the Senate Watergate Committee; Father Robert Drinan, a member of Rep. Peter Rodino's House committee investigating President Nixon; and Professor Sherman Cohn, whose experiences on Capitol Hill enlivened his civil procedure classes. Location is one of Georgetown Law's greatest strengths. Standing at the epicenter of our nation's capital as it does, the Law Center helped shape some of my most intense memories.



I am proud to join recent Law Alumni Board (LAB) presidents from around the country who have built the organization and helped fulfill the mission of support for our school: Sidney Silver (L'62), Washington, D.C.; Patrick Flinn (L'82), Atlanta; Kevin McIntyre (L'88), Washington, D.C.; and Steve Arcano (L'88), New York, N.Y. Today, with more than 40,000 members, the LAB has become a vast national — and now international — network.

When the Colorado law alumni group organized, we were surprised to discover more than 500 Georgetown Law grads across the state. Dozens attended our first few events with the state's attorney general and U.S. attorney, and many more signaled interest in future activities — whether social or career-oriented. Clearly, we tapped a rich vein of enthusiasm for the spirit and purpose of Georgetown Law. The alumni office and your Law Alumni Board are ready to assist you in organizing your own alumni event (alumnlaw@law. georgetown.edu). Be assured that wherever you turn you will find alumni — probably a surprising number — wanting to reconnect.

The LAB and the alumni office have joined efforts to address the career prospects of recent graduates. Deans Alex Aleinikoff, Judy Areen and now William M. Treanor have implemented career search programs, including networking with alumni at small- and medium-sized law firms. With the encouragement of the Student Bar Association and Dean Treanor, the LAB has initiated a new program to support the efforts of the alumni office to ensure that leaders in our respective communities and career networks are aware of Georgetown Law's extraordinary attributes.

In each of your communities you may know judges, heads of law firms and chief law officers who may not realize that you are a Georgetown Law graduate or know all of the school's outstanding features — its proximity to the nation's corridors and courtrooms of power and law, its blend of public service, classroom and clinical work; the array of policy skills and advocacy that it offers. A Georgetown legal education comes with added value and has proven to be an asset in capitols and courtrooms across the country, from Sacramento to Denver to Tallahassee to Albany.

Many of the school's programs build on its Washington location. The Supreme Court Institute, for instance, which allows law students to witness the mooting of more than 90 percent of cases before the Court. Or the Center on National Security and the Law, with its new State Secrets Archives.

For those of us who graduated a decade or more ago, the school's most obvious distinguishing feature is the campus. New and expanded buildings provide state-of-the-art facilities — from the enhanced McDonough Hall to the Edward Bennett Williams Law Library, to the striking Sport and Fitness Center, Gewirz Student Center and Eric E. Hotung International Law Building, home of the John Wolff International and Comparative Law Library.

The new campus not only reflects an expansion of resources for our students, but it also exemplifies our values and goal of combining a first-rate legal education with a sense of greater good. The campus immerses our students in the experience of law, and this is not only to their benefit — but ultimately to the benefit of their clients and their communities.

As alumni, this is a story we can tell. And of course your work as lawyers and good citizens in your communities is the best method of communicating the value of a Georgetown Law education.

If you would like more information on alumni activities, please contact the Alumni Office at 202-662-4078, or visit us online at www. law.georgetown.edu/alumni/. If you have a recommendation or question, feel free to contact me at 303-399-3173 or fciruli@aol.com.

Sincerely,

Floyd Ciruli, L'76

Chairman, Law Alumni Board

Alumni Events

SCHOLARSHIP LUNCHEON

This year's Scholarship Luncheon was April 9 at the Law Center. Top photo, clockwise: Dean Treanor, Bethany Brown (L'13), Allison Treanor, Joe Hollingsworth (L'74), Alexandre Dempsey (L'12), Sean Kellem (L'12), Ed Gerwin (L'80), Emily DeSorrento and Tonio DeSorrento (L'08).

Middle Photos: Thomas White (L'12), Alexandre Dempsey (L'12), Micah Lemons (L'12), Gennaro Esposito (L'12), Jing Jin (L'12), Sean Kellem (L'12) and Sandra Fluke (L'12); Sid Silver (L'62), Edward Mitchell III (L'12) and Patrice Lyons (L'69); Cynthia Sharp (L'81) and Dillon McGrew (L'11).

Bottom Photos: Marvin Turner (L'98) and David C. Simmons (L'84); Joe Hollingsworth (L'74) and John McNulty (L'11); Hank Fellows (L'78), Floyd Ciruli (L'76) and Lupe Zamarripa (L'73).

Opposite page:

HOGAN SOCIETY

This year's Hogan Society event took place in the Smithsonian National Museum of American History. Top photos: Bob Ridge (L'84), Bob Lupone (L'84), Ken Klein (L'80), Ann Beth Stebbins (C'86, L'94) and Floyd Ciruli (L'76); Charlotte Schlosberg, Hubert Schlosberg (L'56), Peggy Silver and Sid Silver (L'62); Judy Walter and Irvin Nathan; Peter Kadzik (L'77) and his daughter Melissa Kadzik (C'03).

WASHINGTON, D.C. **ALUMNI LUNCHEON**

The Willard Hotel was the scene of this year's Alumni Luncheon. Carl Edman (L'02) and Jennifer Morrissey (L'03); David Webster (L'58), Joel Bennett (L'71) and Steven Webster (L'90); Aaren Jackson (L'05), Lindsay Hopkins (L'06) and Derron Parks (L'05).

JOHN CARROLL WEEKEND

At the John Carroll Weekend in San Francisco, Dean William M. Treanor chats with Juanita Cullen (N'64), Paul D. Cullen, Sr. (C'62, L'65), 2011 John Carroll Award recipient M. Margaret McKeown (L'75, H'05) and Peter Cowhey (F'70). Not pictured: Philip T. Inglima (C'84, L'88), another Law Center 2011 Carroll Award recipient.

CHAMPAGNE TOAST WITH 1LS

Members of the Class of 2013 raise a glass to the end of their 1L year.





























HouseReach:

Helping Those Closest to Home

It's become something of an urban legend at Georgetown Law: that a group of 1Ls, walking past the Community for Creative Non-Violence (CCNV) shelter in Fall 2010, was inspired to start a student organization to better connect the Law Center to the shelter and to bring attention to issues surrounding homelessness.

Not so, says Wade Askew (L'13), president of the new student group HouseReach. Well, he did start the group, along with his fellow classmates Andrea Gonzalez, Iris Postelnicu, Sara Ward and Kayla Simpson (all L'13). And they have been helping homeless job seekers with resumes and job applications through the "Job Squad" program at CCNV, started in 2009 in partnership with the National Academy of Sciences and Engineering. But Askew says the idea to help out really popped into his head when he was alone in his apartment in Gewirz Student Center, thinking about those in the shelter just one block away.

"I didn't feel that there was really a group that served a population that was all around us," he says. "There's a homeless shelter next door, and there are homeless people I walk past anytime I leave the Law Center. It was just an obvious community that we could serve."

Many Georgetown Law students have volunteered at the shelter during their time in law school, with projects ranging from voter registration drives to serving Thanksgiving dinners. Many more have concerned themselves with homelessness issues and have helped to raise funds for the Washington Legal Clinic for the Homeless through the annual Home Court charity basketball game. But Askew — who came to law school with the specific goal of doing public interest work — wanted to see an even bigger involvement. Through HouseReach, more than two dozen students donated their time to the Job Squad program during 2010-2011, helping residents with resumes or job applications — or just lending them support.

"We were not only grateful for the time they volunteered, but impressed by the dedication



The founders of HouseReach; from left to right: Andrea Gonzalez, Sara Ward, Iris Postelnicu and

and passion they exhibited when working with clients," say Porter Coggeskill and Rachel M. Taylor of the National Academy of Sciences, cocoordinators of the "Job Squad" program.

And HouseReach is not just limited to helping CCNV. Thanks to connections gleaned through the Office of Public Interest and Community Service, the group soon expanded its mission to include D.C.'s Father McKenna Center — just blocks from the Law Center — and the People For Fairness Coalition. At the McKenna Center students have done intake interviews with former prisoners to help them re-enter society. At the People for Fairness Coalition students are helping with direct outreach, research and

"In addition to being a wonderful program, HouseReach makes perfect sense," says Abigail Marshak (L'13), who volunteers her time at the McKenna Center. "HouseReach simply pairs students with their next-door neighbors — in ways that are beneficial to both."

"There's a homeless shelter next door, and there are homeless people I walk past anytime I leave the Law Center. It was just an obvious community that we could serve."

Spotlight: Elizabeth Meers (L'80)

It was 1982, and Elizabeth Meers (L'80) was a first-year associate at Hogan and Hartson (now Hogan Lovells). Meers had taken a lot of tax classes at Georgetown Law, but she wasn't sure she wanted to be a tax lawyer. Hogan had a lot of other opportunities, too, and during her first year there Meers had a chance to work with one of the firm's higher education clients.

"In college I had thought about going to graduate school in history but I decided to go to law school instead," Meers says. "I never regretted that decision, but there's a part of me that really loves and appreciates the university world, and when I discovered the practice here at Hogan I felt that was what I wanted to do for the rest of my life."

Meers has worked in Hogan's education practice for almost 30 years now and has been its practice area leader since 2004. The last three decades have been a time of great change for higher education, and Meers has had a front-row seat on its evolution. She represents colleges and universities here and abroad, helping them with federal funding requirements, student financial aid, sponsored research, civil rights, privacy concerns and more.

"It's a varied practice and I find it very rewarding," Meers says. "I believe in what the clients are doing. I feel privileged to be able to help them achieve their missions. They are great people to work with, and the issues are really interesting."

When she started, Meers explains, colleges and universities used real estate lawyers to help them with campus facilities and tax lawyers to help them with donations, but that's about it. Now, she says, "the overlay of federal laws and other legal requirements for higher education institutions has increased tremendously, and the bar that serves them has increased commensurately, too."

Because she has watched the field grow and change, Meers is acutely aware of the challenges facing higher education today. Endowments have recovered from the 2008 crash but markets are still uncertain, and institutions have had to increase their tuitions significantly. "Continuing to provide the level of service that our society has come to expect is challenging in the current economic climate," she says.

Creating diversity is another major issue for institutions. "The law disfavors race-conscious means of doing that," she says, "so institutions need to explore other ways of developing diversity on campus."

Also, she says, "Universities have become increasingly international. Globalization is the new buzzword, but universities are still exploring what it means and how best to manage far-flung research, educational and other activities."

Meers, who converted to Catholicism at age 35, earned a certificate in theological studies at Georgetown in 1994. She has a deep-seated interest in campus ministry, and she encourages students to take advantage of the help and guidance the



chaplains offer. "I wish I had been more aware of them when I was there," she says.

Otherwise, Meers remembers her own student days as "a great experience" and her classmates as "very supportive."

"All of us saw ourselves as in the same boat, trying to help each other get through." Her hardest class? "I've always said that corporate tax law is the organic chemistry of law school." (Her former tax teacher, Professor Emeritus Peter Weidenbruch Jr., is now a friend.) Meers, who was articles editor of the *Georgetown Law Journal* when she was in school, also enjoyed legal history with Professor Dennis Hutchinson and economics-based antitrust and criminal law courses with Professor Warren Schwartz.

Meers is married to the psychoanalyst Dale Meers and has six children — two from her previous marriage, three stepchildren and the couple's youngest, a rising sophomore at Harvard. "We are empty-nesters as of a year ago," says Meers, but she stays busy with work, family and volunteer commitments.

Meers has served on the Law Center's Board of Visitors and Georgetown's Board of Regents, and she is currently the first vice president of the John Carroll Society of the Archdiocese of Washington, D.C., and a trustee of The William Bingham Foundation in Cleveland, which provides a wide variety of grants and was founded by her grandmother. There is an even longer list, but "these haven't all been simultaneous," Meers says with a laugh.

What informs Meers' work is a belief in law as an instrument of good. "When I started college, law school was the last thing I thought I wanted to do," she says. But then she took a year off between her sophomore and junior years at Radcliffe, worked for presidential candidate George McGovern and volunteered for the American Civil Liberties Union of Ohio. "That convinced me that law could be a tool for social change and for good," she says. "And that's when I decided I would go to law school."

She hasn't looked back.

Georgetown University Law Center 600 New Jersey Avenue, N.W. Washington, D.C. 20001-2075

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