



## FACULTY NOTES



### New Faculty Join the Law Center



RHODA BAER

#### Jane Harris Aiken

B.A. 1977  
Hollins College  
J.D. 1983  
New York University  
LL.M. 1985  
Georgetown

#### EXPERIENCE AND AFFILIATIONS

William M. Van Cleve Professor, Washington University School of Law

Professor, University of South Carolina School of Law

Professor, Arizona State University College of Law  
Advocacy Fellow/Clinical Instructor, Center for Applied Legal Studies, Georgetown Law

#### COURSES

Evidence

#### REPRESENTATIVE PUBLICATIONS

*The Perils of Empowerment* (work in progress)

*Teaching Consciousness and Commitment*  
(book in progress)

"Provocateurs for Justice," 7 Clin. L. Rev. 287 (2001)

"Teaching the Rules of 'Truth,'" 50 S.L.U. Law J. 1075 (2006)

*Transformative Narrative: The Experience of Georgia*, white paper arising out of the Rockefeller Conference in Bellagio, Italy, 2005

Jane Aiken cares about justice. Her quest for justice led her to attend law school, to use her law degree to fight for the weak and dispossessed, and to inspire law students to do the same. She has made an impact. When Aiken decided to leave Washington University School of Law to join the Georgetown Law faculty, the *St. Louis Post-Dispatch* mourned her departure, describing her as a "skilled litigator, a formidable classroom teacher and a committed advocate with a soft spot for the underdog" who would be "greatly missed as a force for justice."

Aiken first came to the nation's capital as a community organizer after college and came back after law school for a post-graduate fellowship at Georgetown's Center for Applied Legal Studies. Her return here feels like "coming home again," she says. Aiken recalls that working with a Washington, D.C., tenant-organizing group that first time around was "an eye-opener for a little girl from South Carolina." She couldn't believe that an eviction meant that sheriffs could just throw peoples' belongings out the window. Many of the tenants were battered women who couldn't get an order of protection because of a "six-stitch rule" — you needed to have six stitches or a broken bone. It didn't take long for Aiken to apply to law school. "I decided I needed the keys to the courthouse," she said.

She has used those keys well. Aiken is

especially drawn to helping prisoners, battered women, people with HIV/AIDS, the poor and homeless, and, more recently, impoverished women and children in Nepal. She loves exposing students to her clients' world. "When students see the lives of poor and incarcerated people up close, they can't help but become critical thinkers," Aiken says. "It's very satisfying when that happens. Better still is when they are inspired to resist the injustice they observe."

Aiken has taught at Arizona State University College of Law, where she founded and directed an HIV legal clinic; University of South Carolina School of Law, where she directed the HIV Legal Education Project; and Washington University School of Law, where she directed the Civil Justice Clinic and was named the William M. Van Cleve Professor of Law. She has received numerous honors and awards, including Outstanding Professor three years in a row from the University of South Carolina School of Law, and the Black Law Students Association Faculty Award. She has been a Treiman Scholar, a Fulbright Scholar and a Carnegie Fellow.

Aiken's teaching and scholarship reflect her interests and values. She has taught a range of courses, including Evidence; Torts; Family Law; Gender, Race, Sexuality and the Law; and both criminal and civil clinics. Her scholarship focuses on "critical pedagogy," human rights, and the ways in which evidence law reinforces unacknowledged bias.

By Abbe Smith



RHODA BAER

## Sonya G. Bonneau

B.A. 1988

Cornell

J.D. 1995

University of California, Berkeley

### EXPERIENCE AND AFFILIATIONS

Legal Writing Professor, Syracuse University  
College of Law

Partner, Hancock & Estabrook

Law Clerk, Judge Norman A. Mordue, U.S. District  
Court, Northern District of New York

Associate, Willkie Farr & Gallagher

### COURSES

Legal Research and Writing

We have an artist in our midst! Georgetown Law welcomes Sonya G. Bonneau, law partner, professor, parent and painter. Bonneau works primarily in pastels, and her subjects include interiors, still lifes and figure studies. She describes her style as influenced by Willem de Kooning, the great Dutch-born abstract expressionist, and modern American painters Wayne Thiebaud, Edward Hopper and Milton Avery. "I've had an interest in painting and art history all my life," says Bonneau. "And I once had a drawing hanging in the Museum of Modern Art — although it was only because I worked there and tacked it up on my bulletin board."

Bonneau's interest and involvement in the art world has been a part of her life since college. As an art history and English major at Cornell University, Bonneau took classes in drawing and painting and wrote a thesis on the influence of the visual arts and Impressionism on Henry James' literature. After college, Bonneau worked for the International Council of the Museum of

Modern Art in New York, which facilitates cultural exchange among art institutions, then did master's degree work at New York University's Institute of Fine Arts, where she examined the American museum's institutional role in society. As a student at Berkeley's School of Law — Boalt Hall, Bonneau interned for California Lawyers for the Arts and also wrote an article exploring how courts have grappled with determinations of creativity and originality under copyright law in the area of fine arts.

After earning her law degree in 1995, Bonneau spent three years as a securities litigation associate at Willkie Farr & Gallagher in New York. Thereafter, she joined Hancock & Estabrook in Syracuse, where she practiced in the areas of antitrust and commercial litigation. While still an associate, Bonneau took a six-month hiatus from practice and clerked for Judge Norman A. Mordue of the U.S. District Court for the Northern District of New York. She became a litigation partner at Hancock & Estabrook in 2003.

Last year, Bonneau left private practice, seeking the challenges offered by academia, and started teaching legal communications and research at Syracuse University College of Law. She loved teaching and decided to pursue the opportunity to teach at Georgetown Law. "I am really looking forward to working with such an outstanding group of students and offering guidance — both academic and practice-based — in their transition to the legal profession," she says. Bonneau also welcomes the opportunity to pursue her scholarly interest in the unique nature of art as property, including individual ownership rights and obligations as well as claims for the repatriation of cultural artifacts by countries of origin.

When Bonneau and I spoke, she was heading south toward Washington with her husband, Bob, and 20-month-old daughter, Charlotte. They have chosen to settle in Arlington, Virginia, where they will be close to D.C. and to an abundance of art museums. "You don't realize how lucky you are to have free access to such wonderful museums," she says. "I am so looking forward to that." We too look forward to Bonneau's arrival and the diversity of interests and talents she brings to our Georgetown Law community.

*By Kristen K. Tiscione*



RHODA BAER

## Michael J. Golden

B.S. 1995

University of Virginia

J.D. 1998

Georgetown

### EXPERIENCE AND AFFILIATIONS

Consultant, LexisNexis

Associate, Latham & Watkins

Law Clerk, Judge Frank Magill, 8th U.S. Circuit  
Court of Appeals

Law Fellow, Georgetown Law

### COURSES

Legal Research and Writing

Legal Writing Seminar: Theory and Practice for  
Law Fellows

### REPRESENTATIVE PUBLICATIONS

"Twenty-Sixth Annual Review of Criminal  
Procedure: Habeas Relief for Federal Prisoners,"  
85 Geo. L.J. 1463 (1997)

"Examining the Dormant Functionality Doctrine:  
A Better Analysis of Multi-Purpose Word Marks"  
(work in progress)

Michael Golden's advice to his students is "find a way to follow your passions." By joining the Georgetown Law faculty he's following his own advice. Since graduating from the Law Center in 1998, Golden has tried to pursue his varied interests and to seize them as they come. Doing so led him to Latham & Watkins, where he immersed himself in trademark law and First Amendment jurisprudence; to the political trail in Virginia, where he ran for public office; and to LexisNexis, where he developed training programs for practicing attorneys. Returning to Georgetown to teach legal research and writing is a natural next step, allowing him to marry the legal analy-

sis and writing expertise that he had begun to develop in law school — and honed in practice — with his continuing interest in education and professional development.

Golden's passion for teaching and legal writing has its roots in his experience as a law fellow at Georgetown Law, when he taught a writing workshop to first-year law students and worked individually with students to improve their legal research and writing. His work as executive editor of the *Georgetown Law Journal's* Criminal Procedure Project and as co-author of a brief to the U.S. Court of Appeals for the D.C. Circuit (while a member of the Appellate Litigation Clinic) also developed his interest in legal writing, as did his work as a judicial clerk for the 8th U.S. Circuit Court of Appeals.

In his law practice, Golden pursued his interests in both the art of written persuasion and in teaching. His varied litigation practice at Latham & Watkins included defending the First Amendment religious rights of prisoners and representing clients in trademark infringement cases. His practice included cases before tribunals at every level, including the U.S. Supreme Court, several different U.S. Circuit Courts of Appeal, state trial and appellate courts, and arbitration tribunals. He was also able to continue teaching by working on the training and career enhancement committee at Latham and by serving as a mentor to the more junior attorneys at the firm.

In 2005, Golden made a bid for public office, winning the primary election as a Virginia House of Delegates candidate. This experience transformed his view of the law, giving him greater insight into how the average non-lawyer citizen views the law and legal institutions in general. It also underscored the lessons he had learned both as a student and in practice about finding an appropriate balance between the desire to engage in a complex, nuanced analysis of a particular issue and the need to convey that analysis in a manner that a particular audience will understand.

Having worked in a variety of legal settings, Golden brings a practical perspective to the teaching of legal writing. He wants students to leave his course with confidence — not simply in their knowledge of the fundamentals of strong legal research and

writing, but also in their potential to be “superstars” in practice. He hopes to be a mentor to his students, providing guidance and support as they begin to consider the many possible paths they can follow in pursuing their own passions in the practice of law.

*By Julie Ross*



## Adam J. Levitin

A.B. 1998  
Harvard  
A.M. 2000  
Columbia  
M. Phil. 2001  
Columbia  
J.D. 2005  
Harvard

### EXPERIENCE AND AFFILIATIONS

Associate, Weil, Gotshal & Manges  
Law Clerk, Hon. Jane R. Roth, 3rd U.S. Circuit Court of Appeals  
Teaching Assistant, Harvard Law School  
Research Assistant, Harvard Law School

### COURSES

Bankruptcy and Corporate Reorganizations

### REPRESENTATIVE PUBLICATIONS

“Payment Wars: The Merchant-Bank Struggle for Control of Consumer Payment Systems,” 12 *Stan. J. L. Bus. & Fin.* 425 (2007)  
“The Problematic Case for Incentive Pay in Bankruptcy,” 155 *Univ. Pa. L. Rev. PENNumbra* 88 (2007)  
“Finding *Nemo*: Rediscovering the Virtues of Negotiability in the Wake of Enron,” *Colum. Bus. L. Rev.* 86 (2007)  
“Toward a Federal Common Law of Bankruptcy: Judicial Lawmaking in a Statutory Regime,” 80 *Am. Bankr. L.J.* 1 (2006)

“The Limits of Enron: Counterparty Risk in Bankruptcy Claims Trading,” 15 *J. Bankr. L. & Prac.* 389 (2006)

Adam Levitin is a passionate young commercial law scholar. Fortunately for Georgetown Law, he will be pursuing his passion here. Since graduating from Harvard Law School cum laude in 2005, he has worked as a law clerk for Judge Jane Roth of the 3rd U.S. Circuit Court of Appeals and as an associate at Weil, Gotshal & Manges. During that time, he has written seven articles that have been accepted for publication and three more that are circulating as working papers. They cover a wide range of bankruptcy and commercial law topics, from equitable subordination to credit card pricing to executive compensation to claims trading. As a group, Levitin's papers study how competition policy interacts with commercial law doctrines; they impressed our faculty as a remarkable accomplishment that presages an outstanding scholarly career.

Levitin didn't set out to become a commercial law scholar. After graduating from Harvard College magna cum laude, he pursued his interest in Jewish history as a graduate student at Columbia. (He is fluent in Hebrew and Yiddish, and reads Russian, German and French proficiently.) He shifted to law school out of a desire to study issues of contemporary relevance. There, he discovered commercial law and has never looked back. One of Levitin's professors at Harvard praised him as a born scholar who needs to write as others need to speak. He also shows excellent promise as a teacher, having taught very successfully as a graduate student and as a teaching assistant in law school.

Levitin's wife, Sarah, who is also an attorney, is currently a full-time mother to 2-year-old Amalia; they are expecting their second child this fall. In his spare time, Levitin plays the oboe, composes music and translates Yiddish literature. (He once had a job teaching Yiddish diction to the BBC Singers, the United Kingdom's only full-time professional chamber choir.) He's also an avid swimmer who can't wait to dive into the Law Center pool. We can't wait to welcome the Levitin family to Georgetown.

*By Peter Byrne*



RHODA BAER

## Jonathan Molot

B.A. 1988

Yale

J.D. 1992

Harvard

### EXPERIENCE AND AFFILIATIONS

Visiting Professor, Harvard Law School

Professor, George Washington University Law School

Visiting Professor, Georgetown University Law Center

Associate, Kellogg, Huber, Hansen, Todd, Evans & Figel

Legal Assistant, Iran-U.S. Claims Tribunal

Law Clerk, Justice Stephen Breyer, U.S. Supreme Court

Associate, Cleary, Gottlieb, Steen & Hamilton

### COURSES

Administrative Law

Civil Procedure

Federal Courts and the Federal System

Insurance Law

Litigation Risk Management Seminar

### REPRESENTATIVE PUBLICATIONS

"Pooling Litigation Risk" (work in progress)

"Ambivalence about Formalism," 93 Va. L. Rev. 1 (2007)

"The Rise and Fall of Textualism," 105 Colum. L. Rev. 1 (2006)

"An Old Judicial Role for a New Litigation Era," 113 Yale L.J. 27 (2003)

"Reexamining *Marbury* in the Administrative State: A Structural and Institutional Defense of Judicial Power over Statutory Interpretation," 96 NW U. L. Rev. 1239 (2002) (Winner of 2002 AALS Scholarly Paper Award)

Jonathan Molot, joining the faculty from George Washington University Law School, will add luster to teaching and scholarship across many fields at the Law Center — administrative law, civil procedure, federal

courts and constitutional law, statutory interpretation and insurance law. Molot is a superb researcher, a terrific writer and a very productive scholar. His scholarly work, which has focused on administrative law, statutory interpretation, civil justice and federal courts, involves creative efforts to update and apply the insights of the Legal Process school to contemporary issues across these fields. He is motivated by the view that laws "exist only through people and that the law created by these people is largely a product of the institutional settings in which they operate." In virtually all of his legal writing, he has focused on the motivations and institutional roles of lawyers, judges, legislators and administrators.

In contrast to scholars who seek to stake out one methodology as superior, Molot has defended both purposivism and textualism in statutory interpretation, arguing that the two can be seen as complementary rather than opposed interpretive approaches. In the context of constitutional review, he has similarly argued that "minimalist" approaches to judicial review drawn from the Legal Process school have neglected its emphasis on principled decision-making. In multiple articles he has challenged the prevailing doctrine in administrative review, arguing that robust judicial review of administrative agencies is necessary in order to protect Congress' lawmaking power.

In the field of civil justice, Molot argues for a strong judicial role in reviewing class settlements, drawing on traditional competences of the courts (as applied to review of administrative agency action) to determine whether the settlement has sufficient evidentiary support and implements the purposes of the underlying substantive law. In innovative work drawing on his knowledge of insurance law, supplemented by interviews he conducted with insurance professionals and market makers, he argues that litigation risk should be understood as conceptually distinct from liability risk and develops the implications of this insight for the possible development and effects of markets for litigation risk.

We are not the first to recognize this legal talent. Molot graduated from Yale University and Harvard Law School, both magna cum laude, and won the Sears Prize at Harvard. After clerking for Justice

Stephen Breyer, he practiced law with Cleary Gottlieb in New York and Kellogg Huber in Washington before joining the faculty of the George Washington University Law School.

Molot began teaching less than a decade ago, in 1998, and yet he already combines in rare degree gifts for both serious scholarship and remarkable teaching. His students at Georgetown Law (when he visited) and at GW could not muster enough superlatives about his teaching — "awesome," "puts forth the extra effort that makes all the difference," and "a top-notch instructor in every way." We look forward to having this exciting teacher and scholar as part of the Georgetown community for many years to come.

*By Vicki C. Jackson*



RHODA BAER

## Álvaro Santos

J.D. 1999

Universidad Nacional Autónoma de México

LL.M. 2000

Harvard

S.J.D. Candidate

Harvard

### EXPERIENCE AND AFFILIATIONS

Visiting Assistant Professor, University of Texas School of Law

Byse Fellow, Harvard Law School

Visiting Professor, Master's Degree in Management of Development, University of Turin and the International Labour Organization

Visiting Lecturer, Tufts University

### COURSES

Workplace Regulation in the Global Economy Seminar

International Trade Law

Law and Economic Development

**REPRESENTATIVE PUBLICATIONS**

“The World Bank’s Uses of the ‘Rule of Law’ Promise in Economic Development,” in *The New Law and Economic Development: A Critical Appraisal*, edited by David Trubek and Álvaro Santos (Cambridge University Press, 2006)

“Introduction: The Third Moment in Law and Development Theory and the Emergence of a New Critical Practice,” in *The New Law and Economic Development: A Critical Appraisal*, edited by David Trubek and Álvaro Santos (Cambridge University Press, 2006)

“Symposium: Working Borders: Linking Debates about Insourcing and Outsourcing of Capital and Labor,” 40 *Tex. Int’l L.J.* 732 (2005)

“What Kind of Flexibility in Labor and Employment Regulation for Economic Development?” (work in progress)

Álvaro Santos grew up in Mexico City and was struck early on by the immense poverty in his country. He knew he wanted to advance social justice, and he studied law to acquire the tools to do so. What he didn’t know was that he would pursue law as a scholar. And without the Jessup International Moot Court Competition he might not have.

Law students in Mexico typically study only part time while they hold down paying jobs, but Santos and four classmates at Mexico’s premier law school, the Universidad Nacional Autónoma de México, started a moot court team instead. From September to April they devoted their non-classroom hours to legal research, debating, writing briefs and honing their arguments — all in English. In 1997, their Jessup team won the Mexican national competition and advanced to the international rounds in Washington, D.C. They lost in the preliminaries, but the next year they lobbied UNAM for research resources like LexisNexis (which Mexican law students typically lack), and they worked with a legal English coach and a theater professor to perfect their presentation. This time, they won the world championship and were greeted at home as national heroes — barraged with print and broadcast interviews, bar association honors, and invited to meet the president and the Supreme Court.

After graduating from UNAM third in his class of 1500, Santos elected to pursue an LL.M. and S.J.D. at Harvard. There he studied the effects of globalization on domestic labor regimes, analyzing North American economic integration and its impact on Mexico’s labor institutions. In law school, Santos had worked with Mexico City street children and was struck by the stark contrast between their lives and the rights promised by such international human rights instruments as the U.N. Convention on the Rights of the Child. He was intrigued by the power but also by the shortcomings of a rights-based strategy for improving their lives. During his doctoral studies at Harvard, Santos worked at Clifford Chance in New York and London, at the World Bank, and at a human rights nongovernmental organization in Haiti. These varied experiences exposed him to the fields of international investment, foreign aid and international human rights, which he regards as important pieces of the global governance jigsaw puzzle.

Through his academic focus on law and development, international and comparative law, and labor in the global economy, Santos has come to see the law as a medium through which different groups press competing agendas. He believes that we often pin outsized hopes on “the rule of law” to resolve large moral, economic and political questions. A nuanced understanding of law, in his view, requires knowledge of social context and an understanding that the law is only one among many factors affecting social justice. His current research looks at Mexican migration to the United States as a regional phenomenon resulting from the interaction between the North American free trade regime and the U.S. and Mexican domestic legal regimes and labor markets.

Santos was awarded the prestigious Byse Fellowship at Harvard, where he is a doctoral candidate, enabling him to teach his own seminar on law and development. Before joining the Georgetown faculty, he taught for two years in the Emerging Scholars Program at the University of Texas School of Law.

*By Nina Pillard*



RHODA BAER

**Rima Sirota**

B.A. 1982

Trinity College

J.D. 1987

Harvard

**EXPERIENCE AND AFFILIATIONS**

Attorney Adviser, Professional Responsibility Advisory Office, U.S. Department of Justice

Counsel for Legal Ethics and Administration, Environment and Natural Resources Division, U.S. Department of Justice

Adjunct Professor, Georgetown University Law Center

Partner, Baach Robinson & Lewis

Associate, Kaye, Scholer, Fierman, Hays & Handler

**COURSES**

Legal Practice: Writing and Analysis

Legal Writing Seminar: Theory and Practice for Law Fellows

Professional Responsibility

**REPRESENTATIVE PUBLICATIONS**

“Professional Responsibility Issues in Corporate Fraud Matters,” *U.S. Attorneys’ Bulletin*, November 2003

Rima Sirota lights up when she talks about teaching. She describes her classes as highly interactive with an emphasis on engaging the students with interesting hypotheticals and hands-on writing and advocacy exercises. Her enthusiasm for teaching, engaging teaching style and ability to communicate with her students create an effective and invigorating classroom environment.

Sirota’s twin interests in legal writing and professional responsibility stem from her successful legal career. She graduated from Harvard Law School in 1987 and moved to Washington, D.C., to work as an associate at

the law firm of Kaye Scholer. Two years later, she began working for the firm of Baach Robinson & Lewis, where she managed all aspects of complex litigation cases and became well respected for her outstanding writing abilities. As a partner, she was responsible for hiring attorneys and training associates, and, as a result, she began working with new hires to improve their own writing in the law firm environment.

In 2000, Sirota joined the Justice Department's Environment and Natural Resources Division. As counsel for legal ethics and administration, she advised the assistant attorney general and other managers on issues regarding government ethics and professional responsibility. Her expertise in this area earned her a special commendation for outstanding service. In 2001, Sirota changed divisions and began working in the Professional Responsibility Advisory Office, where she spent six years advising lawyers in criminal, civil and administrative matters relating to professional ethics. Sirota's reputation as a legal ethics expert also led to her appointment on a hearing committee of the D.C. Board on Professional Responsibility, reviewing lawyer disciplinary cases and recommending appropriate dispositions.

Sirota's expertise in legal ethics and writing are apparent in her scholarship and her classes. Her research interests include ethics issues in written and oral advocacy as well as ethics in the conduct of criminal investigations. Before she became a full-time faculty member, Sirota was an adjunct teaching professional responsibility. Her students appreciate her experiences in practice, her knowledge of the subject matter and her ease in explaining complicated issues. Her enthusiasm for teaching is contagious and her students are just as enthusiastic about learning from her as she is about teaching them.

By Diana Donahoe

## Professor Jackson Delivers Inaugural Lecture

Recent debates to the contrary, the Supreme Court has long referred to foreign or international law when interpreting the Constitution, Professor Vicki Jackson said in an address to the Georgetown Law community during her formal installation as the Carmack Waterhouse Professor of Constitutional Law on April 30.

In her speech, titled "Constitutional Comparisons," Jackson explored how the U.S. Supreme Court and the courts of other nations have used foreign or international law to shape their own bodies of constitutional law. The practice is not new or unusual — even Supreme Court justices deciding such landmark American cases as *Marbury v. Madison* and *Miranda v. Arizona* have cast a glance at foreign law, if only to compare or contrast America with the rest of the world.

In *Miranda*, for example, the Court described the rules governing interrogation of suspects in several other English-speaking countries to argue that the U.S. should "give at least as much protection to ... rights grounded in a specific requirement of the Fifth Amendment' as other jurisdictions do," Jackson noted. "Foreign practice was thus being used to interrogate our constitutional understandings, revealing a vision of American identity that saw it as a leader in protecting civil liberties."

While some in the United States might resist the idea that U.S. courts could learn from other nations, such a posture would "ignore the Constitution's principled, universalist norms," Jackson explained. On the other hand, to suggest that a country's constitution should always be interpreted in accord with transnational legal norms would ignore a constitution's "self-expressive and pragmatic functions."

A better approach, Jackson said, is one of engagement, defined as an openness to consider both foreign constitutional law and international law in appropriate cases. Some countries, such as South Africa, are required to consider international law when interpreting their own bill of rights; however, countries such as the United

States seldom consider foreign law, and when they do, it's usually to improve their own decision-making, Jackson said.

"For a country like ours, which began in revolutionary separation from another, perhaps that is what can be expected," Jackson said. "A decent respect, as it were, for the opinions of others, combined with an insistence on independence."



Faculty, administrators, family and friends gathered at the Law Center on April 30 as Professor Vicki C. Jackson was installed as the Carmack Waterhouse Professor of Constitutional Law.

PHOTOS BY RICK REINHARD

## Faculty and Administration Awards and Recognitions



Professor Judy Areen receives the Women's Bar Association of the District of Columbia's Janet Reno Torchbearer Award in May.



Jane Aiken

Professor **Jane Aiken**, who joins the faculty this fall (see page 2), was instrumental in winning parole for the oldest woman incarcerated in the state of Missouri. Shirley Lute was convicted of first-

degree murder for helping plan her husband's killing after he repeatedly abused her. In 1978, she was sentenced to life without parole for at least 50 years. Aiken was formerly head of the Washington University School of Law's Civil Justice Clinic, which handled the case.

On May 16, the Women's Bar Association of the District of Columbia presented Professor **Judy Areen** with its prestigious Janet Reno Torchbearer Award. Named for Reno, who was its first recipient, the award is given periodically, not annually, and has been given to

only four other recipients, including retired Justice Sandra Day O'Connor, Professor Eleanor Holmes Norton and Wilma Lewis, the first female U.S. attorney for the District of Columbia. Areen was honored at the association's annual awards dinner at the National Building Museum in Washington, D.C.



Bill Bratton

Professor **Bill Bratton** has been appointed a research associate of the European Corporate Governance Institute (ECGI), an international nonprofit association based in

Brussels, Belgium, that takes an interdisciplinary look at various aspects of corporate governance. Bratton was one of nine legal academics and economists appointed to ECGI from the U.S. in 2007; the other 2007 appointees come from 13 countries.



David Cole

Professor **David Cole** received the Freedom of Expression Award from the ACLU of Southern California for his 20 years of pro bono work defending a group of Palestinian

immigrants under deportation proceedings for their political activities.



John Echeverria

**John Echeverria**, executive director of the Georgetown Environmental Law & Policy Institute, was awarded the 10th annual Jefferson Fordham Advocacy Award from the American

Bar Association's Section of State and Local Government Law and the Jefferson Fordham Society. The award recognizes excellence in the area of state and local government law over a lifetime of achievement. The award was presented August 10 during the American Bar Association's annual meeting in San Francisco.



Neal Katyal

Professor **Neal Katyal** and Lt. Cmdr. Charles Swift received the American Civil Liberties Union Foundation's highest honor, the Roger Baldwin Award, May 31 in Boston for their

work on the 2006 Supreme Court case *Hamdan v. Rumsfeld*. Katyal served as lead counsel and Swift as co-counsel on the case.

WASHINGTON'S BEST

The award is named for Roger Nash Baldwin, one of the founders of the American Civil Liberties Union and its executive director for many years. On June 1, Katyal and Swift received the Salem Award, given by the city of Salem, Massachusetts, and Salem State College in remembrance of the witch trials of 1692. The award seeks to encourage an understanding of the lessons of the Salem Witch Trials in contemporary life.

**Pablo Molina**, the Law Center's chief information officer, has been named one of *Computerworld's* "Top 40 Technology

Innovators under 40." Molina was singled out for custom-designing a unique and affordable system that supports simultaneous multi-media streams from 40 classrooms.

#### In Memoriam:

**Chester J. Antieau**, who served as a professor of constitutional law at Georgetown Law for many years, died December 18. Though he had retired in 1977, Antieau left an indelible impression on those who knew him. "Chet" was an unforgettable classroom presence, that rare combination of master scholar and teacher," said

Howard Charles Yourow (L'73), a former student. "He regaled us with his wonderful classroom manner and disarming, endearing sense of humor. I always looked forward to class with Chet and faithfully recorded his marvelous quips and words of wisdom about life and the law."

**John Whelan**, who taught torts and government contracts at Georgetown Law from 1959 through 1967, died March 11. He had taught most recently at the University of California at Davis.

## Professor Barnett Goes to Hollywood

There are movie posters from "The Anatomy of a Murder" and "The Man Who Shot Liberty Valance" on his office walls and, as a boy, he watched every episode of "Star Trek" in first run. So when Carmack Waterhouse Professor of Legal Theory Randy Barnett had a chance to play an assistant prosecutor in the independent film "InAlienable" and sit next to actress Marina Sirtis at counsel table (she once played Deanna Troi on "Star Trek: The Next Generation"), he was happy to oblige.

"Most of the people on the set assumed I was an actor," Barnett recalled in an interview shortly after he returned from the West Coast last summer. "They said, 'You look so well cast, the way you look at witnesses. You look so real.'" It must have been those felony cases he tried earlier in his career, when he was a prosecutor in the Cook County State's Attorney's Office in Chicago, or the way he used his laptop on set. It was a prop to help him look busy but it also provided a way for him to capture his acting experience live-blogging on the "Volokh Conspiracy" Web site in between scenes.

"We just finished doing five to six takes of yesterday's scene only this time facing Marina (and counsel table) when she is questioning the witness. I know I am on camera because they touched up my make-up in between takes," Barnett blogged on June 17.

The professor landed the part because "InAlienable" producer Sky Conway had read and admired Barnett's book *The Structure of Liberty: Justice and the Rule of Law* (Oxford, 1998). "It changed the way he looked at things, so he tried to get me involved in the movie," Barnett said.

At Conway's request, Barnett made some changes in the script — including the addition of the line "Even aliens have inalienable rights" — most of which did not survive. But when he got on the set, he found himself in the position of ad-hoc technical adviser offering suggestions for revisions when some of the actors complained that the courtroom



MICHELE V. SHORT

Professor Randy Barnett and actress Marina Sirtis in a scene from the movie "InAlienable."

action and dialogue weren't realistic enough.

Barnett said he was pretty nervous when he delivered his one line of dialogue — "You don't have to do this — the case is won — it's overkill." And while he's aware of how many scenes end up on the cutting room floor, he's optimistic that his will not. "My lines kick off the final climax of the film," he said.

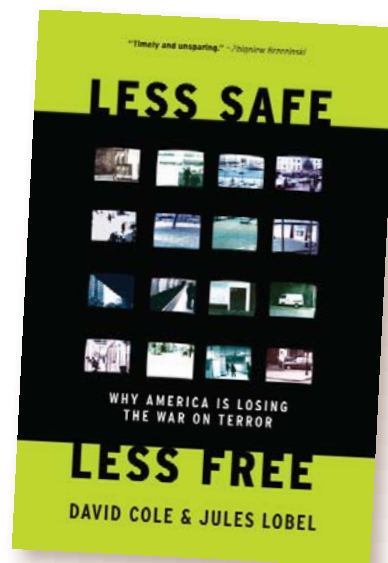
Though Barnett has no plans to trade his Georgetown Law professorship for a Hollywood career, "InAlienable" may lead to more opportunities on the silver screen. "One of the reasons I enjoyed this so much is because it was an end in itself; I had no intention of ever doing it again," Barnett said. "But partly because of my rewrite efforts, Conway wants me to write a screenplay." It's a fable based on a chapter of *The Structure of Liberty* about how an alternative legal landscape would operate, he explained. And he would retain the novel rights and appear in the film.

"InAlienable" will be released this fall.

## New Books by Professors Cole, Donahoe, Luban and Seidman

In *Less Safe, Less Free: Why America is Losing the War on Terror*, Professor David Cole and co-author Jules Lobel argue that the Bush administration's adoption of a "paradigm of prevention" in responding to terrorist threats has made us both less safe and less free. They examine numerous "sacrifices in principle" that have characterized President Bush's preventive measures for averting terrorism, including: the United States' disregard of international human rights laws against the use of torture; renditions of suspects to other countries for interrogation; the use of CIA "black sites," or secret prisons holding terrorism suspects; and the launching of a preventive war in Iraq. "There is little or no evidence that the administration's preemptive measures have made us more safe," the authors assert, "and substantial evidence that they have in fact exacerbated the dangers we face."

The goal of the book, according to the authors, is not so much to indict the current presidential administration as to critique the uses of coercive preventive measures as a case study in "how not to fight terrorism." In that vein, it offers a four-part alternative to the administration's preventive paradigm that seeks to preserve, not subvert, the rule of law. Cole and Lobel, professor of law at the University of Pittsburgh School of Law, call for the adoption of less coercive and more effective safeguards that reduce the likelihood of future harm without sparking backlash; a reshaping of foreign policy to address the root causes of terrorism; multilateral, as opposed to unilateral, security strategies; and when coercion is necessary, doing so in ways that treat the rule of law as an asset, not an obstacle. They assert that while the Bush administration has adopted some of the non-coercive safeguards they and others recommend — such as increased security at borders and airports and the reorganization of the intelligence and security bureaucracies — its emphasis



on preemptive coercion has been a colossal failure by any measure.

Still, the problem is neither a Republican nor a Democratic one. As the authors point out, leaders from both parties, at different times in history, have been compelled by extraordinary circumstances to resort to preemptive measures — from President Abraham Lincoln's decision to suspend habeas corpus during the Civil War to President Franklin D. Roosevelt's internment of Japanese-Americans during World War II. That is not to say that the problem is unsolvable. "We need another way forward if we are to prevail against those who would intentionally perpetrate mass casualties on innocent civilians in the name of an ideological cause," the authors write, stating that the best approach is to work within the rule of law, not against it. "That route promises prevention without backlash, and offers the possibility that we can win the struggle for hearts and minds that is, in the end, the key to success."

### *Interactive Teaching*

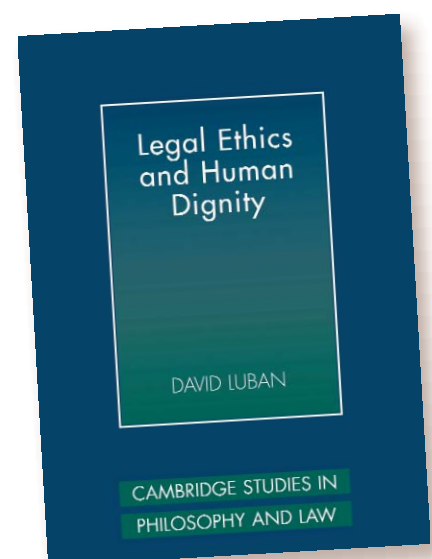
Professors of legal research and writing no longer have to resort to cumbersome paper handouts to explain the intricacies of the United States Code, the requirements of a

legal brief or strategies for locating the most relevant case law. *TeachingLaw.com* (Aspen), an online interactive law book authored by Professor Diana Donahoe, is designed to teach tech-savvy students legal research and writing in an efficient, easy-to-use way.

With *TeachingLaw.com*, students can quickly locate in-depth descriptions of primary and secondary research sources, plan effective research strategies, draft persuasive legal documents, learn foolproof analysis techniques and more. They can take interactive quizzes, view video clips and link to actual sources as well as sample pages. Professors can put case files and assignments online, eliminating the need to distribute and collect materials; they can also stay organized by designing their course curriculum online, storing their own course materials in a personal bank or pooling assignments with other professors in a shared bank. While professors don't need to be technology experts — a computer and Internet access are all that's required — instructors can benefit from an online user guide and 24-hour online and telephone support.

### *Essays on Ethics*

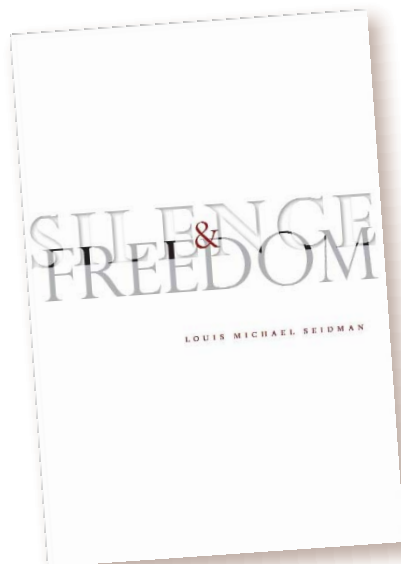
When Professor David Luban was growing up in the Midwest, he writes, he knew



only one lawyer, a solo practitioner named Cyril Gross. While Gross was never a human rights champion or a military lawyer trying to represent Guantánamo Bay detainees, his ordinary and modest practice nevertheless played a part in shaping human rights and human dignity. “Lawyers like Cyril Gross make law’s empire run (or not) on the ground,” he writes. “If the rule of law is a necessary condition for human rights and human dignity, lawyers in all fields will play a vital role in securing these goods.”

Luban’s book, *Legal Ethics and Human Dignity* (Cambridge University Press), explores the role that lawyers play in enhancing (or assaulting) human dignity. The work consists of a collection of essays composed by the author, some previously unpublished and others extensively revised for the book. In one of his earlier writings, Luban examines the “adversary system excuse” — under which a lawyer’s morally questionable behavior is seen as part of his or her duty to zealously represent a client. He unravels various defenses of this system, including the claim that it’s the best way of uncovering truth (since lawyers often work hard to obfuscate the truth, he says). Luban is not attacking the system — which seems to work as well as any other — but merely the idea that the system should excuse lawyers from moral obligations that conflict with their professional ones. “The lawyer’s role,” he writes, “carries no moral privileges and immunities.”

In other essays, Luban argues that the integrity of the legal system depends to a great degree on the attorney’s role as an adviser — as much as on a lawyer’s role as advocate or even a judge’s role as decision-maker. He discusses the Justice Department’s “torture lawyers,” attorneys who, in the name of the War on Terror, interpreted international law in a way that permitted all but the most extreme forms of torture — “a case study of moral fail-



ure,” he calls it. “It is one thing for boy-wonder lawyers to loophole tax laws and write opinions legitimizing financial shenanigans,” Luban writes. “It is another thing entirely to loophole laws against torture and cruelty. Lawyers should approach laws defending basic human dignity with fear and trembling.”

### *A Book about Silence*

In his new book *Silence and Freedom* (Stanford University Press), Professor Louis Michael Seidman explores what he calls the strangest of constitutional rights — the Fifth Amendment right against compelled self-incrimination, or the famous “right to remain silent.” Of all the activities that are “especially worthy of protection, that define us as human beings, foster human potential, and symbolize human ambition,” Seidman asks, why do we privilege silence?

Seidman proceeds to explain and defend this unusual right using four common categories of political thought. A privilege against compelled self-incrimination, he notes, is difficult to defend from a classically republican point of view, which values unrestricted debate, universalist values and the obligation to serve on juries and testify at trials. It is easier, he contends, to defend the right to silence through a classically liberal point of view, since liberals place a strong emphasis on human free-

dom. “Speaking very generally, classical liberalism pushes us toward a right to silence,” Seidman says, “while classical republicanism pushes us toward a duty to speak.”

The author’s analysis is deepened when the theories of radical libertarianism and pervasive determinism are added to the mix. Pervasive determinism — which holds that power and large, impersonal forces determine human action — does not adequately defend a right to silence and indeed weakens the liberal argument, Seidman asserts. “It is hard to talk about rights of any kind, much less a right to silence, if all of human conduct can be reduced to unchosen or unconscious manipulation of others,” he writes.

Radical libertarianism — where human choices are viewed as unconstrained exercises of will — cannot adequately defend a right to silence either, though Seidman seems to have fun trying. He illustrates this theory with the true-life story of a robbery defendant who, having had his alibi ripped to shreds on the witness stand, utters a three-word, expletive-laced sentence and refuses to speak further. “There is power and compulsion everywhere, but none of that prevented [the defendant] from insisting on the only kind of freedom that really matters,” the author notes. “If radical libertarians are right, then freedom has nothing to do with legal rights ... the only freedom that matters is the unavoidable responsibility to make decisions no matter what the law says.”

*Silence and Freedom* includes chapters on apology, torture, free speech, assisted suicide and station-house interrogations, as well as a self-incrimination primer.

*To order these and other faculty books, visit Georgetown Law’s online bookstore at [www.georgetown-law.bkstr.com](http://www.georgetown-law.bkstr.com).*