GJLE Staff Member	Note Title	Summary	Written independently or for a course	Name of course and professor (if applicable)
Larry Brett	*Prosecutorial Discretion During a Pandemic: Implications for the Criminal Justice System and the Rule of Law*	This Note explores the negative aspects of blanket release and non-prosecution policies that have been put in place by localities during the COVID-19 pandemic. Case-by-case adjudication is a hallmark of our criminal justice system. It better serves and balances the goals of achieving justice and providing the consistency required by the rule of law. Using universities as a model, this Note argues that courts and prisons must take certain public health measures to adapt to this new world so that they remain operational and able to serve their institutional roles	Independently	
Molly Sprick	*Changing the Discretionary Nature of Appointing an Expressed Wishes Child's Attorney in D.C. Child Welfare Cases*	The D.C. Child Welfare System, the system that handles cases of child abuse and neglect, requires the appointment of a guardian ad litem (GAL) to represent children in such cases. A GAL is responsible for representing the child's best interests to the court. When the GAL's best interest determination conflicts with the child's expressed wishes about the trajectory of their case, however, there is no requirement that a separate attorney be appointed to represent the child's own stated interests. This Note argues that the discretionary nature of the appointment of an expressed wishes attorney violates Model Rules 1.2 and 1.14 as does not provide the child with client-directed representation. The discretionary nature of appointment also treats every child as a client with diminished capacity when older children are often more than capable of making informed and well-reasoned decisions about their own wellbeing. To remedy this ethical violation, this Note proposes that D.C. institute a mandatory three-step inquiry that GALs and the courts must conduct to determine when children who have expressed wishes contrary to the GAL's best interests determination should be appointed a separate attorney to represent them in the child welfare system.	Independently	
Liz Choi	*The Pandemic of Intrusion into Privileged Communications between Incarcerated*	This Note focuses on the Effective Assistance of Counsel in the Digital Era Act (H.R. 5546) which seeks to protect electronic communications (mainly emails) between attorneys and their incarcerated clients from unreasonable intrusion. The Note argues that H.R.5546 does not provide the comprehensive protection for	Independently	

	Clients and their Attorneys	privileged communications that is so desperately needed in federal prisons. First, there is a long, sordid history of unjustified monitoring of privileged communications between attorneys and their incarcerated clients. Second, due to the COVID-19 pandemic, attorneys and their incarcerated clients are forced to use more heavily monitored forms of communication (e.g., emails, phone calls, etc.) instead of meeting in-person (which provides the most protection from intrusion although not an absolute protection as mentioned prior).		
Melinda Church	*The Ethics of Addiction and Legal Partnership Agreements: How Current Partnership Laws and the Rules of Professional Conduct Fail to Account for the Epidemic of Addiction in the Legal Profession*	This Note evaluates the ways in which the laws of legal partnerships and the Model Rules fail to contemplate the prevalence of substance abuse and addiction in the legal community. This shortcoming rewards deception and dishonesty, ultimately harming the public whom we as lawyers seek to serve. This Note proposes multiple solutions to this problem.	Independently	
Molly Sherwood	*The Future of American Prosecutors: How Prosecutors Contribute to the Carceral Logic & Why They Must be Included in the Abolition Movement*	The resurgence of the Civil Rights Movement has led to increased recognition of and calls for abolition. The abolition movement which seeks to tear down the carceral system (among other goals) has been largely centered around defunding the police force and ending mass incarceration, but there is an important link being overlooked in this movement - the prosecutor. This Note identifies how the close working relationship prosecutors have with police plays an integral role in prosecutors perpetuating the carceral system and oppressing the rights and dignity of Black Americans. The Note goes on to develop solutions including reforms on the path to abolition as well as reforms for a post-abolition society, including but not limited to, ending the death penalty and replacing carceral punishment with rehabilitation measures.	Course	Police Abolition Seminar Professor Christy Lopez
Brett Bethune	*Ethically Ignoring Impeachment Efforts:*	This Note examines the history of the Impeach Earl Warren movement, which was a public pressure campaign propagated by a	Course	Warren Court Legal History Seminar

	Historical Case Study of the Impeach Earl Warren Movement's Non-Impeachment Goals	right-wing organization in the 1950s and 1960s. The central thesis of this Note is that the movement was highly political in nature and not a reflection of a genuine legal ethics concern. This movement highlights the threat to judicial ethics posed by the weaponization of impeachment for political purposes.		Professor Brad Snyder
Jacob Demree	*Choice of Law in International Human Rights Fact-Finding Missions*	Lawyers and law students regularly contribute to international human rights fact-finding missions, conducting both interviews and legal analysis. This work poses several ethical challenges: who is the client? What should consent look like? How should risks to interviewees and the community be mitigated? Despite these challenges, the Model Rules provide no guidance on which ethical frameworks should govern lawyer fact-finding conduct. This Note applies and critiques current choice-of-law rules, arguing that the interests of fact-finding subjects should be central in determining the lawyer's ethical obligations.	Independently	Written while enrolled in the Human Rights Institute Practicum Professors Melissa Stewart and Scott Gilmore
Carolyn Exarhakis	*Non-Legal Advice: How Attorneys Counsel Clients on Investors' ESG Demands*	The popularity of investing while considering environmental, social, and governance (ESG) is skyrocketing, and investors of all types are demanding their private funds' sponsors consider ESG when making investment decisions. This Note considers several questions. Are these private funds' sponsors listening to such demands? And how are their in-house and external counsel telling them to respond? How does Model Rule 2.1 -- which states attorneys may, but are not required to, offer nonlegal advice, including moral, economic, social, and political considerations -- impact how attorneys tell their fund sponsor clients to respond to investors' ESG demands?	Independently	
Emily Grassett	*A Lack of Candor & Frivolity Won't Get You Disbarred – But, Maybe It Should*	This Note examines Rudy Giuliani's actions surrounding the November 2020 presidential elections and asks whether those actions are likely to face bar discipline. After looking at previously adjudicated disciplinary cases by the DC bar under the same Model Rules, this Note questions whether the bar disciplinary process is up to the task of addressing the moral failures the country saw on the news.	Independently	
Jay Prapaisilp	*Diversifying the Federal Judiciary and Why It Matters*	This Note argues that diversity brings a myriad of benefits to the federal bench and warns that society cannot afford to have a homogenous pool of judges. It describes the impact of the Trump	Course	Contemporary Bias and the Law

		administration on the diversity of federal judges, examines various studies and literature on how diversity affects the judiciary, and offers potential solutions to increase diversity on the bench.		Professor Jamillah Williams
Kendra Robbins	*Ethical Issues in Employment Arbitration*	The judicial system is increasingly bogged down with a heavy caseload. Courts today are willing to enforce virtually every arbitration clause contained in contracts, especially such clauses contained in employment contracts. While alternative dispute resolution has its benefits--cheaper, faster, and less formal than litigation--there are also issues that arise with enforcing such contracts, such as unequal bargaining power and the requirement that arbitrators apply external law in an alternative dispute mechanism designed to only interpret contracts. Because arbitrators are given overwhelming authority over employment issues in our modern judicial system, this Note asserts that arbitrators should be held to a standard of accountability similar to judges and lawyers, explores deficiencies in the ethics codes for arbitration associations, and proposes a more formal, consistent accountability system for arbitrators to ensure that arbitrators are not abusing their authority and are remaining fair and impartial in arbitration proceedings, thereby ensuring continued public trust in alternative dispute resolution.	Course	Labor Arbitration Seminar Professor James Oldham
Courtney Neufeld	*Limits on International Environmental Violations: How Antitrust Law May be a Blueprint for Future Claims of Foreign Environmental Violations*	This Note focuses on the voluntary nature of the Paris Agreement and considers the creation of an extraterritorial statute that would seek to limit foreign emissions. Despite the Paris Agreement's lofty goals to decrease global temperatures, countries have not been able to uphold their individual pledges due to the agreement's voluntary nature. This failure raises concerns that our world is at immediate risk of climate change and without action will soon feel the effects of losses in crop yields and major weather disasters. For these reasons, this Note suggests that an extraterritorial statute would allow the United States to address foreign emissions through legal means to alter our world's current course.	Course	International White Collar Crime Professors Alexander Sierck and Mark Srere
Jace Jenican	*The Roger Stone Affair: An Examination of the Legal,*	After Roger Stone was charged and convicted for lying to Congress as part of the Robert Mueller probe, a scandal unfolded when Attorney General William Barr meddled in Stone's sentencing process in largely unprecedented ways, leading to the resignation of	Course	Hot Topics in Separation of Powers Seminar Professor Josh Chafetz

	Normative, and Ethical Restraints on Presidential Interference in Prosecutorial Decisions	several Assistant United States Attorneys from the case. This Note takes a deep dive into the events surrounding Stone's conviction and its aftermath, looking closely at the law, norms, and ethics that underpin the delicate balance of prosecutorial independence and political accountability. It also analyzes the actions of President Trump, Attorney General Barr, and the federal prosecutors through that lens, judging whether these actors acted lawfully, ethically, and consistently with established political norms.		
Augie Calabresi	*Machine Lawyering and Artificial Attorneys: Conflicts in Legal Ethics with Complex Computer Algorithms*	Artificial intelligence and machine learning ("ML/AI") have become common buzz words that consumers and companies alike throw around to represent the so-called future of technology. However, few people look at the underlying algorithms to better understand what is driving these new technologies. This Note explores how several ML/AI algorithms function in light of current legal ethics standards and scholarship to demonstrate that the current thinking is highly inconsistent and will quickly become problematic. This Note then emphasizes the need for uniform treatment and regulation of legal technologies that employ ML/AI to avoid an endless web of practical and theoretical concerns associated with their use.	Independently	
Rowdy Kowalik	*Serving at the Pleasure of the President: Justice Fortas's Failings as a Judge and the Continued Need for a Supreme Court Code of Ethics*	This Note is a legal history of Justice Abe Fortas's role in *Pierson v. Ray*, the 1967 Supreme Court decision that established qualified immunity for police officers. This Note argues that Fortas' decision in *Pierson* was not based on sound legal reasoning or established precedent, but rather on his loyalty to his good friend, President Lyndon B. Johnson. After analyzing the problematic relationship between President Johnson and Justice Fortas and comparing that to President's Trump's recent threats to our governmental institutions, this Note argues that we should enforce a judicial code of ethics on the Supreme Court to ensure a clear separation between the executive and the judicial branches as the founders originally intended.	Course	Warren Court Legal History Seminar Professor Brad Snyder
Neal Patel	*Bioethical Considerations of Right to Try and What It Means for*	Access to experimental medical drugs is an issue that has been around for decades. Over time, the United States has addressed the issue by implementing programs and statutes that are geared towards increasing access to these kinds of drugs, especially when experimental drugs become a last resort. The most recent initiative	Course	Bioethics and Social Justice Professor Nicholas Diamond

	the Patient-Physician Relationship	to do so is Right to Try, a law motivated to go around the Food and Drug Administration's Expanded Access program. While a well-intentioned law, as written, the Right to Try goes against the principles of bioethics and poses a threat to the patient-physician relationship. First, the law overly values patient autonomy at the expense of the beneficence of medical progression. Moreover, even if upheld under the principle of autonomy, the law creates a false hope of patient autonomy because there is no clear substantive right to try. Second, Right to Try also threatens the patient-physician relationship because the lack of proper information, coupled with the absence of expert FDA support and guidance, can weaken the trust between patients and their physician in the event of an adverse effect. Nonetheless, one way to protect and preserve this relationship is to allow an attorney to be present and approve the consent process, which is usually done by Institutional Review Boards.		
Luke Bittar	*Are You Qualified? A Process to Certify Labor Arbitrators as Qualified*	This Note explores the various arbitration organizations and the issues currently prevailing among them. Then, it proposes a solution rooted in the creation of a uniform certification program for arbitrators.	Course	Labor Arbitration Seminar Professor James Oldham
Anna Colby	*A Path to More Sustainable Corporations in the United States*	This Note explores the role of the lawyer in a corporation; specifically how an in-house lawyer can help guide her company to make ethical and sustainable decisions. The Note proposes a change to the Model Rules to require such counseling.	Course	Globalization, Work, and Inequality Seminar Professor Alvaro Santos
Anna Butel	*Voting on the Spectrum: How Judges & Lawyers Can Encourage Enfranchisement & Accessibility for Voters with Autism Spectrum Disorder*	This Note explores the legal mechanisms that have historically disenfranchised voters with Autism Spectrum Disorder (ASD), argues the application of these mechanisms is illegal and unethical, and discusses why adoption of accessibility provisions tailored to the needs of voters with ASD is mandatory.	Course	Technology & Election Integrity Professor Matt Blaze
Natalia Ortiz	*The Justice Gap: Reimagining Reform*	This Note examines the efficacy of the legal industry's current solution to the access to justice problem—pro bono. The Note suggests that while lawyers are society's solution to effectuate justice, many lawyers fail in this respect. Ultimately, the Note argues	Course	Globalization, Work, and Inequality Seminar Professor Alvaro Santos

		that continued reliance on pro bono to solve the access to justice problem is misplaced and ignores the widespread, structural mechanisms that fundamentally incentivize students to pursue private sector employment. By understanding these issues, members of the legal profession—and the students and schools that operate within it—can assess how, instead of solving the access to justice problem, they may actually contribute to its aggravation. In so doing, these actors must grapple with the question of whether equal justice under law is an ideal to which they are honestly committed, not just in theory, but in practice.		
Alyson Raphael	*Arbitrating "Just Cause" for Employee Discipline and Discharge in the Era of Covid-19*	As hospitalizations surge in much of the country and scientific knowledge about the coronavirus continues to evolve, the question remains whether refusing to work for fear of the virus and other safety concerns presents a reasonable defense against discharge or discipline in labor arbitration grievances. This Note examines traditional and changing conceptions of how arbitrators determine "just cause" during a global health crisis and applies the "just cause" standard to discipline and discharge grievances likely to arise from the current pandemic, including refusals to work for fear of Covid-19 infection, disputes concerning employer face mask and safety policies, and employee absence for personal or family illness. Ultimately, as the expectations of parties to arbitration continue to shift toward a quasi-public role of the modern labor arbitrator, the ethical and professional standards of labor arbitrators should adapt as well to preserve the integrity of the profession.	Course	Labor Arbitration Seminar Professor James Oldham
Hayley Roth	*Opportunity Zones: Whose Opportunity? Remedying Failed Federal Policy via State Pro Bono Policy Toolkits*	The Opportunity Zones Program, created by the Investing in Opportunity Act under the Tax Cuts and Jobs Act of 2017, was initially a promising bipartisan initiative to attract investment capital to low-income census tracts across the country. However, the loophole-ridden legislation quickly led to a problematic selection and designation process in which the neediest tracts were subordinated to rapidly gentrifying tracts. The Program has been effectively repurposed as a tax shelter for corporate investors. This Note proposes the use of state-sanctioned Pro Bono Policy Toolkits to link financial, tax, and real estate attorneys to small businesses that are eligible to receive designation as a Qualified Opportunity Zone Business. By providing pro bono transactional	Course	Community Development Professor Anthony Cook

		counseling to these businesses and enabling them to benefit, lawyers will be able to edge the Opportunity Zones Program closer to its initial purpose while fulfilling the American Bar Association Model Rules of Professional Conduct Rule 6.1 (Voluntary Pro Bono Publico Service).		
Mandy Spangler	*The Growing Epidemic of Stimulant Abuse in the Legal Field: The Role of Law School and State Bars*	In the past decade, the use of stimulant "study drugs" such as Adderall has grown exponentially amongst students hoping to gain a competitive edge in increasing their grades. Though the study benefits of these drugs are widely disputed, drug abuse has grown into a near-epidemic in college and graduate students alike, with a notable presence existing amongst law students in particular. As students grow dependent on these drugs, abuse has begun to transfer into post-grad legal careers as well. This Note investigates the actions that law schools and state bar associations can take to mitigate the growth of this abuse.	Independently	
Dawson Honey	*A Patch with the Dev-il: How autonomous vehicle software challenges attorney-client privilege*	Autonomous vehicles are not hampered by the slowness of human reactions nor shielded by the interest of self-preservation, creating a novel ethical question for programmers. If the vehicle assesses that it cannot avoid inflicting harm to a human, should it give preference to passengers or to pedestrians? This dilemma will entangle the moral choices of software developers with the legal obligations of the lawyers that represent them. Lawyers must retain strict confidentiality with their clients, except for when a lawyer believes disclosure is necessary to prevent imminent bodily harm. This Note explores a hypothetical where a company that programs thousands of autonomous vehicles intends to implement an unannounced software patch that would instruct all of their vehicles to give preference to passengers, indirectly endangering the life of numerous pedestrians. The question of this Note is whether the risk of harm from a life-preference software patch is sufficiently imminent to permit disclosure by the company's lawyers.	Course	The Law of Autonomous Vehicles Professor Ed Walters
Claire Creighton	*Bad Vice, Bad Advice: A Call to End Government Lawyers' Abdication of their Ethical Duty as Counselors*	Is the United States liable for committing war crimes in Yemen by selling weapons to Saudi Arabia? This is the legal question lawyers in the State Department flat-out refuse to answer or critically assess. In doing so, these government lawyers are not only themselves perpetuating the United States' involvement in indiscriminate civilian casualties, but are also failing to as ethical lawyers by not	*Independently	*Inspired by conversation with Professor Phil Schrag for Professional Responsibility class

		fulfilling their duty to provide candid advice to their client: here, the United States government. This Note analyzes the problematic history of government lawyers eschewing Model Rule 2.1, explains why the State Department lawyers have violated the rule, and calls for amendments to the rule's comments to prevent further ethical transgressions.		
Rolly Giberson	*Eroding Voting Rights as a Threat to Judicial Independence and Impartiality*	This Note argues that the erosion of voting rights is a threat to judicial independence and impartiality. The Note argues that recent Supreme Court cases which permit the use of voter identification laws, gerrymandering, and other tools used by politicians to suppress voters have threatened the impartiality and independence of the judiciary by granting the Executive and Legislative branches influence over it. This influence can be seen in the overtly partisan judicial appointment Senate hearings during the Trump administration. This interference violates the duty, found in sources like the Model Code of Judicial Conduct, that members of the federal judiciary maintain the judiciary's impartiality and independence. The Note concludes by offering solutions like extending an ethical code of conduct to Supreme Court Justices and considering laws that burden voting rights with strict scrutiny.	Independently	
Hope Harriman	*Regulating Restorative Justice: What Arbitration Teaches Us About Regulating the Restorative Process in Criminal Courts*	This Note explores the current state of regulation of restorative justice courts in the United States. Then, using examples from arbitration and other forms of alternative dispute resolution, this Note proposes ideas for new and additional regulations of restorative justice courts including (1) how to regulate and enforce participant confidentiality and (2) how to control the judicial monitoring of "Repair of Harm Agreements." With a lot more work, and little more regulation, restorative justice could be one step toward a more just and effective criminal legal system.	Course	Labor Arbitration Seminar Professor James Oldham
Sam Davis	*The Statutory Monopoly for Public Performances of Musical Works: A Comprehensive Solution to the*	This Note addresses fractional licensing, a pervasive issue in the music industry that results from multiple copyright owners licensing the public performance right of their works through multiple organizations. Borrowing from other copyright licensing regimes, this Note proposes to eliminate this issue by creating a statutory monopoly. It also addresses why other alternatives to solving this	Course	The Law of Public Utilities: Bringing Competition to Historically Monopolistic Industries Professor Scott Hempling

	Consequences of Fractional Licensing	issue -- including other regulatory models and the ethical obligations of lawyers in the industry -- are insufficient.		
Rashaud Hannah	*Betwixt and Between: A Tax Lawyer's Dual Responsibility*	Where the U.S. government and corporations differ on corporate tax policy, tax lawyers are uniquely entrusted with a dual responsibility to both parties. On one hand, tax lawyers are responsible for advising their corporate clients on how to comply with tax requirements issued by the U.S. government. On the other hand, tax lawyers are responsible for seeking out opportunities to reduce their corporate clients' tax liability as a part of a legitimate business strategy. As the COVID-19 global pandemic pressures governments around the world to reduce the prevalence of tax avoidance, the corporate tax policy debate has gained more public attention. This Note posits that tax lawyers are arguably the best positioned to lead in the corporate tax policy debate between the U.S. government and corporations because of their dual responsibility and ability to navigate the nuance.	Independently	
Ben Phillips	*Glory—Old, New, and Changing: What Nationalism and the American Flag Can Teach Lawyers About Citizenship and Justice*	Following the January 6th insurrection at the U.S. Capitol, lawyers have a vital role to play in addressing the civic rot that made such an event possible. According to the Model Rules, lawyers should be "public citizens" striving to "improve the law," but these lofty aspirations are largely undefined. This Note uses views of the American Flag expressed in Court opinions and beyond to define three distinct views of American identity: ones focused on preserving, critiquing, or reimagining America. Understanding and choosing between these views provides a path for lawyers to follow in living up to the profession's requirements, and the country's current need.	Course	Nationalisms, States, and Cultural Identities Seminar Professor Naomi Mezey
Kate Zeqing Zheng	*The Paper Chase: Fee Splitting vs. Independent Judgement in Portfolio Litigation Financing of Commercial Litigation*	Litigation finance is a business transaction where a third-party investor provides capital to fund a lawsuit in exchange for a certain preset percentage of final judgment or settlement. This Note considers recent developments in litigation finance and the landscape of independent judgment requirements at the state level. Focusing on portfolio financing, a subset of litigation finance, this Note attempts to resolve the conflict between fee-splitting arrangement in portfolio financing and Model Rule of Professional Conduct 5.4's requirement of lawyers' independent judgment.	Independently	

Kacy Hobbis	*Zoom School of Law*	This Note analyzes the different ABA regulations that govern legal education. It focuses on the J.D. program and the ABA requirements that create a de facto requirement that J.D. students attend classes in person. This Note argue that the in-person requirement is inconsistent with other ABA requirements for legal education.	Course	National and Global Health Law: O'Neill Colloquium Professors Jeffrey Crowley and Larry Gostin