

GEORGETOWN LAW

FALL/WINTER 2019

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SUPERBLOCK!

THE VISION FOR GEORGETOWN LAW



GEORGETOWN LAW

Fall/Winter 2019

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Orientation 2019

During Orientation 2019, faculty and staff guided some of Georgetown Law's new first-year students to many locations around the city including the Washington, D.C., offices of Microsoft, the Library of Congress and the National Museum of African American History and Culture. Professor Robert Thompson, above, led 1Ls on a jog around the National Mall. Photo Credit: Brent Futrell.

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Georgetown Law's annual Teaching & Scholarship Luncheon honored the full-time and adjunct Law Center faculty who are making an impact.

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Superblock! The Vision for Georgetown Law



As we approach our 150th Anniversary next year, Georgetown now has a law campus of a size and beauty that was unimaginable when McDonough Hall opened in 1971. This issue of the magazine highlights two exciting developments in the evolution of our campus.

The recent \$10.5 million gift of Scott K. Ginsburg (L'78) — the largest gift in the Law Center's history — supported the University's purchase of the building at 500 First Street, NW. With this acquisition, the campus now encompasses an entire superblock: from Massachusetts Avenue to New Jersey Avenue and First Street, to E Street and back to Massachusetts Avenue. This great campus is a superb home to our 2800 students, more than 140 full-time faculty, and more than 700 adjunct faculty. The new building will contain centers and institutes from Georgetown Law as well as from other parts of the university. Their placement in the same building will allow interdisciplinary work on a scale we have never seen at Georgetown, and I am particularly delighted by the shared work in the technology area that the building will facilitate. The Law Center now has 19 faculty who work in the technology area and offers more than 70 courses, a depth unmatched in legal education. In 500 First, our faculty will be working with computer scientists, as well as philosophers and public policy faculty who are addressing critical new issues raised by technological change. The new building will make possible vitally important interdisciplinary work in a host of areas, and you will be able to learn more when you see our story on page 30. The acquisition of the new building and the planning for the interdisciplinary work that will take place there are signal achievements in our history.

The other major development on our campus is that we have renamed our "Tower Green" to honor longtime Georgetown Law Professor and Representative Eleanor Holmes Norton (D.-D.C.). Representative Norton is a giant in the law and a personal hero of mine. I was joined by the Congresswoman, Mayor Bowser and President DeGioia as we re-dedicated the Green as the Eleanor Holmes Norton Green in a wonderful ceremony that paid tribute to the Congresswoman's path-breaking career. You can read about the dedication on page 34.

I am also pleased to let you know that "Library Quad," the green space between McDonough and the Edward Bennett Williams Law Library, will soon be dedicated to the late Dean Paul R. Dean. Dean Dean has a preeminent place in the history of our school and, in addition to his other achievements, he was primarily responsible for bringing the Law Center from E Street to the McDonough Building. You will be able to read about the rededication of the Library Quad in his honor in a future issue. This issue, however, discusses another part of Dean Dean's legacy: the academic chair that was established to commemorate him. At the end of her historic tenure, Dean Judy Areen was named the first holder of the chair, and I was recently honored to be named the second. In the future, the incumbent dean of the Law Center will hold the Dean Leadership Chair. You can read about the announcement on page 8.

In addition to the campus developments, as we prepare to celebrate our 150th, we are mindful of the continuities in our scholarship and mission that have shaped our history. One is our commitment to understanding law in a global context, and our scholarship continues to tackle the most important global challenges of our time. A snapshot of some of the issues that are currently being addressed by our international faculty — from human rights and migration, to climate change and trade — appears in a story on page 38.



The successes reflected in this issue of the magazine would not be possible without your support. Each of the past four years has been one of the four most successful in our history, and this past year was the best ever — as our alumni community, foundations and friends contributed a record-breaking \$40 million in gifts and pledges, shattering the previous year's record of \$30 million. In addition to the Scott Ginsburg gift and the historic support we have received for our faculty, we received an outpouring of support aimed at providing access to a Georgetown legal education to all students, regardless of their ability to afford tuition. Our Opportunity Scholarship Program has raised \$17.8 million in just four years, in support of high merit-high need students, and our Annual Fund raised an unprecedented \$9.4 million in cash gifts and pledges this past year, almost all dedicated to financial aid.

Our entire community should take pride in what we've accomplished. The 2020-21 academic year will kick off Georgetown Law's 150th Anniversary celebrations. We will be ramping up our fundraising efforts as we prepare to celebrate 150 years of excellence and continue to build on our deep commitment to service and social justice. Our motto, "Law is but the means, justice is the end," guides us as we prepare for a future of even greater impact. I am proud of our historic successes and look forward eagerly to what we will achieve in the years ahead.

William M. Treanor

Dean of the Law Center
Executive Vice President, Law Center Affairs

Georgetown Law continues to grow and thrive at its downtown location, just blocks from the U.S. Capitol and the Supreme Court. The campus now includes, from left, the Eric E. Hotung International Law Building; the Scott K. Ginsburg Sport & Fitness Center; the Edward Bennett Williams Law Library; the Bernard S. and Sarah M. Gewirz Student Center; the Bernard P. McDonough Hall; and the new building at 500 First Street.



/NEWS

Supreme Court Justice Ruth Bader Ginsburg helped to welcome Georgetown Law's 1L class in September. She also visited the Law Center in July.

Photo Credit: Hilary Schwab.

SUPREME COURT

Supreme Court Justice Ruth Bader Ginsburg Welcomes 1Ls



From left: Nina Pillard, Katie Gibson, Joan Biskupic (L'93, H'14), Elizabeth Wydra (LL.M.'09), Fatima Goss Graves. Right: Justice Ginsburg.

For the fourth year in a row, Supreme Court Justice Ruth Bader Ginsburg came to Georgetown Law to address the newest entering class. This time, she got a Class of 2022 t-shirt.

The justice has been to the Law Center many times; her late husband, Professor Marty Ginsburg, was a faculty member here. Justice Ginsburg was in Hart Auditorium as recently as July, discussing gender equality with two of her former law clerks: Ruthanne Deutsch (L'04, LL.M.'16) of Deutsch Hunt PLLC, and Dori Bernstein (LL.M.'89), director of Georgetown Law's Supreme Court Institute.

But for a first-year law student, getting to see the famous justice in person on September 12, during the second week of law school, was no ordinary occasion.

"It's an amazing experience for me to see the admiration and the excitement and the way in which the justice inspires us all," said Dean William M. Treanor, who noted that Ginsburg, and the late Justice Thurgood Marshall, would have been figures of great historical importance even if they had never served on the Supreme Court. "I can't think of a better way to

start a legal career, or a more inspiring way, than to hear from Justice Ginsburg."

The justice spoke of some of the highlights of the past Supreme Court term and previewed upcoming cases. For the first time last term, a majority of the clerks at the Supreme Court were women (Georgetown Law's 1L class also contains more women than men). It is an "enormous" change from the early 1960s, when young Ginsburg, tied for first in her class in Columbia, could not find employment as a lawyer. She would go on to argue six landmark gender equality cases before the Court, win five, and transform the law.

Retired Justice Sandra Day O'Connor and Ginsburg would later remark that if there had been no discrimination to fight against, their lives might have been ordinary. "We would probably be retired partners from some law firm...we had to carve a different path, and we ended up on the Supreme Court," Ginsburg said.

TRANSFORMATIONAL

The earlier event in July explored the same themes: CNN legal analyst and Supreme Court biographer Joan Biskupic (L'93,

H'14) moderated a panel that included Judge Cornelia ("Nina") Pillard of the U.S. Court of Appeals for the District of Columbia Circuit (also a former Georgetown Law professor); Katie Gibson, professor of Rhetorical Studies at Colorado State University and author of *Ruth Bader Ginsburg's Legacy of Dissent: Feminist Rhetoric and the Law*; Fatima Goss Graves, president and CEO of the National Women's Law Center; and Elizabeth Wydra (LL.M.'09), president of the Constitutional Accountability Center.

At the September event, the justice was asked, if she could add one thing to the Constitution to help America, what would it be? The Equal Rights Amendment. "I have three granddaughters," the justice said, taking out a copy of the Constitution. "I can point to the First Amendment protecting their freedom of speech, but I can't point to anything that explicitly says that men and women have equal stature before the law. Every constitution in the world [since 1950 says] that; ours doesn't."

Photo Credit: Left, Hilary Schwab; Right, Brent Futrell.



FACULTY

Dean William M. Treanor Receives the Paul Regis Dean Leadership Chair at Georgetown Law

Dean William M. Treanor has been awarded the Paul Regis Dean Leadership Chair at Georgetown Law. The honor is named after Paul Regis Dean, who served as dean of Georgetown Law from 1954 to 1969 and who is considered the “founding dean” of the modern law school. Paul Dean died in August 2008.

The Paul Regis Dean Chair was first held by Judith Areen, who served as dean from 1989 to 2004. The chair, with its newly expanded name, will be bestowed on Treanor for as long as he remains dean and on subsequent deans of Georgetown Law. The installation ceremony took place in October 2019 and will be featured in the Spring 2020 issue of *Georgetown Law*.

Treanor joined Georgetown Law as dean and executive vice president in 2010. Under his leadership, the Law Center has hired 39 new tenure or tenure-track faculty members; almost tripled the total number of educational opportunities in clinics, practicums and externships; more than doubled financial aid; and experienced its most successful era of fundraising, culminating in a record year of more than \$40 million in giving in 2019.

In 2012, Treanor was recognized by the *National Law Journal* as a “Champion” because of his work to “uphold the profession’s core values,” and received the 2012 David Stoner Uncommon Counselor Award from the David Nee Foundation for his efforts to raise mental health awareness among law students. *National Jurist* magazine has named him one of the most influential people in legal education four times.

CIVIL RIGHTS

Federal Judge Says Post-Charlottesville Defamation Suit Can Proceed

The U.S. District Court for the Western District of Virginia ruled in March that Brennan Gilmore’s defamation suit against Alex Jones, Infowars and others who spread false and defamatory conspiracy theories about him can proceed. In March 2018, Georgetown Law’s Civil Rights Clinic filed suit on behalf of Gilmore, a Charlottesville counter-protester at the August 2017 “Unite the Right” rally who captured video footage of the car attack that killed Heather Heyer and injured 36 others. The Constitutional Accountability Center (CAC) is co-counsel for Gilmore. **Andrew Mendrala**, supervising attorney with the Civil Rights Clinic at Georgetown Law, released this statement: “Victims of vile conspiracy theories should take comfort in Judge Moon’s ruling that Brennan Gilmore’s defamation suit against InfoWars must proceed. Today’s decision shows that the law will protect victims...by holding people like Alex Jones accountable for the harm they cause.”



Brennan Gilmore and Andrew Mendrala. Photo Credit: Brent Futrell.



CENTERS AND INSTITUTES

Research Confirms Adultification Bias

Building on its groundbreaking 2017 study showing that adults view black girls as more adult-like and less innocent than white girls, Georgetown Law's Center on Poverty and Inequality released a follow-up study in May that finds black girls routinely experience adultification bias.

"Our earlier research focused on adult attitudes and found that adults think black girls as young as 5 need less protection and nurturing than their white peers," said report co-author **Rebecca Epstein**, who leads the Initiative on Gender, Justice & Opportunity at the Center on Poverty and Inequality. "Our new research elevates the voices of black women and girls themselves, who told us that they are routinely affected by this form of discrimination."

The 2017 study, *Girlhood Interrupted: The Erasure of Black Girls' Childhood*, applied statistical analysis to a national study of adults on their attitudes toward black girls. It found that adults believe black girls ages 5-19 need less nurturing, protection, support and comfort than white girls of the same age, and that black girls are more independent, know more about adult topics, and know more about sex than white girls.

The new report, *Listening to Black Women and Girls: Lived Experiences of Adultification Bias*, reveals findings from focus groups that examined whether the original study aligns with the real lives of black girls and women, and what should be done to address adultification bias. The study draws on interviews with black girls and women ages 12 to 60-plus in towns and cities across the United States.

"Almost all the black girls and women we talked to said they'd experienced adultification bias as children," said Jamilia Blake, the report's co-author. "And they overwhelmingly agreed that it led teachers and other adults to treat them more harshly and hold them to higher standards than white girls."

Photo Credit: Sancha McBurnie.



On the Hill: Assistant Dean Vicki Arroyo on Investing in Transportation Infrastructure

On July 10, Assistant Dean and Professor from Practice Vicki Arroyo (L'94), executive director of the Georgetown Climate Center (GCC) at Georgetown Law, testified before the Senate Committee on Environment and Public Works in a hearing entitled "Investing in America's Surface Transportation Infrastructure: The Need for a Multi-Year Reauthorization Bill."

Testifying two days after the record-breaking rain and dangerous flash flooding in the Washington, D.C., area, Arroyo told the committee of some of the alarming statistics with respect to climate change and what states — often with the help of the GCC — are doing to transition to low-carbon transportation solutions.

Projects include the Transportation and Climate Initiative ("TCI"), launched by the Northeast and Mid-Atlantic States to develop the clean energy economy, improve transportation, and reduce emissions.

"Congress has an opportunity to expand on such initiatives, fund innovative programs that expand access to transportation and support new technologies that offer promise for emissions reduction and economic growth," she said, noting that in the TCI process, stakeholders have offered strategies and solutions including pricing carbon, the electrification of transportation, smart growth and transit-oriented development, and more. "But federal leadership is needed to shift to low-carbon and more resilient transportation."

Photo Credit: Rosa Pineda/U.S. Senate Photographic Studio.



CENTERS AND INSTITUTES

Georgetown Law Launches New Workers' Rights Institute



Georgetown Law has launched a new Workers' Rights Institute, led by **Mark Gaston Pierce**, former chairman of the National Labor Relations Board (NLRB). The institute will focus on innovative legal and policy initiatives to support workers' rights and empower

the nation's most vulnerable workers to access labor protections.

"We're very excited to welcome Mark Gaston Pierce to Georgetown Law and to launch this new institute dedicated to protecting the rights of U.S. workers across our economy," said Dean William M. Treanor.

Professor Jamillah Bowman Williams, whose research focuses on antidiscrimination law and social change, will serve as faculty director of the Institute, while Pierce will serve as its executive director and a distinguished lecturer at Georgetown Law.

The Workers' Rights Institute was made possible in part due to the generous support of Stephen Bruce (L'79), a D.C.-based employment law attorney and authority on the Employee Retirement Income Security Act.

Photo Credit: Brent Futrell.



CENTERS AND INSTITUTES

Georgetown Law's ICAP Files Amicus Brief for House of Representatives Arguing Against Census Citizenship Question

The Institute for Constitutional Advocacy and Protection (ICAP) at Georgetown Law, writing on behalf of the U.S. House of Representatives, filed an amicus brief at the Supreme Court of the United States in the case of *Department of Commerce v. New York*. The case involved a legal challenge to the Trump administration's attempt to add a citizenship question to the 2020 Census and was heard by the Supreme Court in April.

"The Department of Commerce's efforts to add a citizenship question to the 2020 Census would, if allowed, thwart the constitutionally mandated goal of the decennial census: conducting an actual and accurate count of everyone present in the United States," said **Joshua Geltzer**, ICAP's executive director. "As federal judges in both New York and California have correctly found, these efforts are flatly illegal and impede Congress's direction, set out in federal law, for conducting the census."

In the Supreme Court's June 27 opinion, Chief Justice John Roberts wrote: "The Government argues that the Census Act commits to the Secretary's unreviewable discretion decisions about what questions to include on the decennial census questionnaire. We disagree."

Roberts noted that the Secretary's decision is subject to judicial review. "If judicial review is to be more than an empty ritual, it must demand something better than the explanation offered for the action taken in this case...the District Court was warranted in remanding to the agency, and we affirm that disposition."

Writing in a July 12 *Washington Post* op-ed, Geltzer and **Mary B. McCord (L'90)**, ICAP's senior litigator, said the decision was a major victory for the rule of law. "But the court's ruling doesn't stop the administration from skewing the census by other means," they wrote. "That's the real fight now."

In the News: Center on Privacy and Technology on the “Cutting Edge”



Making News, Impacting Policy on Facial Recognition Technology

After the publication of its groundbreaking reports on the questionable use of police facial recognition technology in U.S. cities (see right), Georgetown Law’s Center on Privacy & Technology was soon back in the news.

Records obtained by the Center — relating to the use by the Federal Bureau of Investigation (FBI) and U.S. Immigration & Customs Enforcement (ICE) of driver’s license photos in facial recognition searches — were provided to the *Washington Post*. The July 7 story by Drew Harwell, “FBI, ICE find state driver’s license photos are a gold mine for facial recognition searches,” reported that “agents are scanning millions of Americans’ faces without their knowledge or consent.” Another story by Catie Edmondson, “ICE Used Facial Recognition to Mine State Driver’s License Databases,” appeared in the *New York Times* the same day. The news quickly spread to other outlets, including National Public Radio.

Groundbreaking Work on Police Facial Recognition

In 2017, a suspect was caught on camera reportedly stealing beer from a CVS in New York City. The store surveillance camera that recorded the incident captured the suspect’s face, but it was partially obscured and highly pixelated. When the investigating detectives submitted the photo to the New York Police Department’s (NYPD) facial recognition system, it returned no useful matches.

Rather than concluding that the suspect could not be identified using face recognition, however, the detectives got creative.

One detective from the Facial Identification Section (FIS), responsible for conducting face recognition searches for the NYPD, noted that the suspect coincidentally resembled the actor Woody Harrelson. Detectives then submitted high-quality images of the actor to the face recognition algorithm in place of the suspect’s photo. In the resulting list of possible candidates, the detectives identified someone they believed was a match — not to Harrelson, but to the suspect whose photo had produced no possible hits. This “match”

was sent back to the investigating officers, and the suspect was eventually arrested for petit larceny.

This astonishing story regarding the use of an innocent celebrity’s image in a police investigation leads off “Garbage In, Garbage Out: Face Recognition on Flawed Data” — a report released on May 16 by the Center on Privacy & Technology and its Senior Associate, Clare Garvie (L’15). A second new report, entitled “America Under Watch: Face Surveillance in the United States,” was authored by Garvie and **Professor Laura Moy**, the Center’s executive director; it focuses on Detroit, Chicago, and other cities.

The New York report makes a number of recommendations — including halting the practice of using celebrities as probe images. The reports were mentioned in a *New York Times* opinion piece on San Francisco’s decision to ban the use of facial recognition technology. And on May 22, Garvie testified on the subject of police facial recognition before the House Oversight Committee.

DISTINGUISHED LECTURERS TO THE GRADUATING CLASS

Harvard Professor Henry Louis Gates Jr., House Speaker Nancy Pelosi (H'02) Address 2019 Graduating Class

What's the greatest advantage of attending Georgetown Law? While it's difficult to narrow the answer down, it might have something to do with the caliber of the speakers that students encounter during their years at the Law Center. Back in 2016, the Class of 2019 heard from Supreme Court Justice Ruth Bader Ginsburg, the Distinguished Lecturer to Georgetown Law's incoming 1L class (Ginsburg would also address the entering 1L class in 2018 and 2019).

The conclusion of the 3L (or 4E) year has become equally memorable: in addition to hearing from New York Solicitor General Barbara Underwood (L'69) at Commencement, graduating students also heard from two distinguished lecturers at the end of the 2018-2019 academic year: Harvard Professor Henry Louis Gates Jr. and Speaker of the House Nancy Pelosi (D.-Calif.)(H'02).

Gates — Harvard University's Alphonse Fletcher University Professor and director of the Hutchins Center for African American Research — addressed the Class of 2019 in Hart Auditorium on May 14, following a conversation with Georgetown Law Dean William M. Treanor.

Two days later, Treanor and Ashley Nicolas (L'19), pictured opposite page bottom right, welcomed Speaker Pelosi onstage in Hart on May 16. It was the latest in a trend of notable speakers; John Podesta (L'76) addressed a previous graduating class.

"What a perfect way to end your time at Georgetown, and embark on your careers as lawyers, to hear from [such] extraordinary leaders [who are] so committed to the values that we cherish," Treanor told the students.

Treanor, who is a historian as well as a lawyer, called Gates one of the most "luminous figures" in the country. "[He has] influenced our thoughts about race and justice...he has won numerous awards...I was more influenced by him than anybody else in my academic career," the dean said.

Nicolas, a U.S. Army veteran who came to law school to help break down obstacles for women in the military, said that there was no speaker more perfect than Speaker Pelosi to start Commencement Weekend.

"During our journeys to and through law school, all of us have felt the far-reaching effects of legislation — both its benefits and sometimes, its negative unintended consequences," Nicolas said. "For many of us, the opportunity to study the law down the street from where the law is made is what drew us to Georgetown. Many of you had the opportunity to work on the Hill, and gained personal experience with the lawmaking process during your time here."

INSPIRATION AND HOPE

Gates, who served as a teacher and mentor to Treanor while the latter was an undergraduate majoring in Afro-American Studies at Yale, is the first African American to be awarded a Mellon Fellowship and he earned a Ph.D. in English literature at Cambridge University. Gates attended law school briefly at Yale but would end up teaching English and Afro-American Studies there. He subsequently taught at Cornell, Duke and Harvard. "You are a better teacher when you are teaching brilliant students," he said to Treanor. "You did as much for me as I did for you."

The audience included Nancy S. Marder of Chicago-Kent University

School of Law and Fordham Law Professor Russell Pearce. Treanor, Marder and Pearce all graduated from Yale between 1978 and 1980 with a major in Afro-American Studies, which at the time was so new as a discipline, Gates said, that he would approach undergraduates on Yale's campus to persuade them to participate. By 2019, Gates could tell Georgetown Law students of his recent book *Stony the Road: Reconstruction, White Supremacy, and the Rise of Jim Crow* (Penguin Press, 2019) and his PBS documentary, "Reconstruction: America After the Civil War (2019)," part of which was shown.

Focusing on the post-Civil War Reconstruction, Gates said, could help explain atrocities like the June 17, 2015, murder of black parishioners as they prayed in a Charleston church. As he explained, African American men during Reconstruction saw opportunities that they had never had seen before. They were elected to the U.S. Congress and South Carolina became the first state legislature with a black majority in 1868. But the more they achieved, the more they put their lives at risk. Gains were reversed as black men were deprived of the right to vote, and discrimination and hate took hold.

And Gates had a special message for the graduates: As we grapple with the rollbacks following the eight-year tenure of the first black president, he said, "we can't escape our own civic duties to preserve the gains we've earned — by exercising our vote, holding those in power to account, defending our democratic institutions and lifting each other up when the will of others becomes sapped and fear and anxiety crowd in."

Continued page 14



“Those of us who love truth and justice, and the principles of democracy upon which this nation of ours was founded, must...find inspiration and hope in the Reconstruction generation — but also courage — even when the tide is rolling against us.”

— Henry Louis Gates

“Know your power: there is nobody like you, your authentic, unique, individual contribution that you can make.”

— Nancy Pelosi

He urged graduates: “We must defend the right of every American to vote. We must defend the very affirmative action programs that launched so many people of color, and women of all colors, into positions of power and authority. We must end the madness of mass incarceration, and its devastating impact on the African American community. We must fight for health care as a right for all Americans, and we must fight to keep the pipeline of educational opportunity open for the next generation and the next generation.”

We cannot turn back the clock, Gates said. “Those of us who love truth and justice, and the principles of democracy upon which this nation of ours was founded, must...find inspiration and hope in the Reconstruction generation — but also courage — even when the tide is rolling against us.”

HAVE A PLAN

“Look at your beautiful futures, the magnificent education you have received here, grounded in the values of Georgetown, and enlightened by the quality of your professors... We love to take great pride in the fact that you are right down the street from us, studying the laws that we have made...” said Speaker of the House Nancy Pelosi as she addressed 2019 graduates two days later.

When Pelosi was first elected to Congress in 1987, there were 23 women in the U.S. House of Representatives. In 2019, there are 106.

“We consider every issue a ‘women’s issue...’ she said. “We are really very proud of our women in national security.” She especially thanked Nicolas, who during law school was co-president of the Military Law Society and worked for the Center on National Security, among other things, for her military service.

Treanor led Pelosi, the only woman to have served as speaker of the U.S. House of Representatives, in a conversation that began with public service. Pelosi received the 2019 Profiles in Courage Award from the John F. Kennedy Library for her leadership and work in health care, renewable energy, access to education and more.

Pelosi, who is married to Paul Pelosi (F’62), says she “never intended to run for anything.” She has five children: three are Georgetown graduates, one is a Law Center graduate and a grandson now attends the School of Foreign Service. In Congress, she never intended to run for leadership. But growing up, she was “instilled with the idea that public service was a noble calling” and an extension of her Catholic faith. Her father, Thomas D’Alessandro, Jr., was a member of the U.S. House of Representatives and later became the mayor of Baltimore.

“If you have any thought about public service — and coming here, you do — I would just say... if you decide that you want to step into the arena... know why. Know your purpose...” Pelosi said, citing climate, criminal justice and education as examples. “Know why, know what, know how... have the confidence of all of that, but have the humility to listen, to learn from others, especially the constituents you want to represent. The connections you make with them [are] everything.”

Pelosi was sworn in as the Speaker of the House for the first time in 2007. She was reelected in 2009 and regained the position in 2019.

“If you have a plan, you have a chance,” Pelosi said. “A vision with a plan is a success; a vision without a plan is a fantasy... Know your power, be ready, have a plan — and listen.”

To the women she said, “Know your power: there is nobody like you, your authentic, unique, individual contribution that you can make.”

And when you step into the arena, she said, be ready — because if you are effective, you will be targeted. “Every morning I get up, don a suit of armor, eat nails for breakfast, and get ready for the fight... I couldn’t tolerate the fact that one in five children in America goes to sleep hungry... and this is the greatest country that ever existed in the world. Why is this still the case?”

Photo Credit: (Pelosi) Ines Hilde; (Gates) Brent Futrell.

SUPREME COURT

A Conversation with Supreme Court Justice Elena Kagan

Just days after the death of retired Supreme Court Justice John Paul Stevens, Supreme Court Justice Elena Kagan came to Georgetown Law to talk about her predecessor, gerrymandering, writing and more, in a conversation with Dean William M. Treanor.

Kagan, a former Harvard Law dean and the first female solicitor general of the United States, took the seat vacated by Justice Stevens on the Court when he retired in 2010 at the age of 90. Stevens was pleased with his successor, saying that “thanks to Elena, I have never regretted my decision to retire.”

“What a life...” Kagan said, speaking in Hart Auditorium on July 18. “He was an extraordinary man, extraordinary justice... Everybody uses the same words to describe him...kind, and humble, and respectful of everybody. He treated everyone with dignity. He had so much personal class, and so much kindness. Every clerk he had, I think, would tell you he was the best boss they ever had.”

As a justice who served nearly 35 years on the Court, Stevens “was a brilliant lawyer in the technical and craft aspect of the job,” Kagan said.

“At the same time, he had a real passion for justice...,” she said. “He was fiercely independent, and in different parts of his career...he played different roles on the Court, sometimes solo... some[times] more the leader of a particular set of justices, but throughout he was marked by a strong sense of integrity in his own decisionmaking... I think he really cared about the Court as an institution.”

ADVANCING JUSTICE

Kagan also discussed the writing of opinions, and the dissent she penned in the Court’s 5 to 4 gerrymandering decision in June. The majority opinion by Chief Justice John Roberts held that partisan gerrymandering claims present political questions beyond the reach of the federal courts. Kagan disagreed.



“I didn’t really pull [any] punches about the importance that I thought that decision had about our political system and the way we govern ourselves...” she said. “You are writing the dissent because you want to convince the future. You want to convince the present, too, but for all those people out there who in some way can carry on the efforts against this kind of undermining of democracy, go for it... Maybe the Court will change its mind... maybe it won’t.”

On the issue of leadership, Kagan admitted that the skills she learned as the dean of a law school do not necessarily translate to the Supreme Court. “The Chief Justice is very clear that the Associate Justices are not the leaders,” she said, to laughter. “We are nine equal participants, and to the extent that we are unequal, the Chief Justice is the unequal one.”

The event was hosted by the Washington Council of Lawyers and its president, David Steib (L’08).

“[Stevens] was an extraordinary man, extraordinary justice... Everybody uses the same words to describe him...kind, and humble, and respectful of everybody. He treated everyone with dignity. He had so much personal class, and so much kindness. Every clerk he had, I think, would tell you he was the best boss they ever had.” — Elena Kagan

Photo Credit: Brent Futrell.



CENTERS AND INSTITUTES

“Good Law with Justice Can Save Billions of Lives”

O’Neill Institute for National and Global Health Law Celebrates Collaboration with *The Lancet*, Launch of New Report

The O’Neill Institute for National and Global Health Law at Georgetown Law has teamed up with *The Lancet* — the world’s oldest and best known medical journal — to examine how law can be used to advance the right to health in the United States and around the world.

The two institutions have created a *Lancet*-O’Neill Institute Commission, chaired by **University Professor Lawrence O. Gostin** and John T. Monahan (C’83, L’87), to explore the vital role of law in responding to major global health law challenges.

On May 1, the Commission launched a groundbreaking report examining how law can be used to improve health. The launch of the report, with seven recommendations linking health and law, was celebrated with a half day of discussions at Georgetown Law.

The event was introduced by Georgetown Law Dean William M. Treanor; Georgetown University Medical Center Executive Dean Edward Heaton; Monahan (the senior adviser to Georgetown University President John J. DeGioia); and Timothy O’Neill (L’77), whose generous support, along with that of his wife Linda O’Neill (NHS’77), helped create the O’Neill Institute in 2007.

“If you are known by the company you keep, *The Lancet* and the O’Neill Institute has a nice ring to it...” O’Neill said. “The guiding principle of the Institute was that there’s an underutilized capacity of the law to influence all the missions of global health: access, affordability, compliance... global health with justice.”

‘INCREDIBLE DAY’

Gostin — a pioneer in global health law whose roles include faculty director of the O’Neill Institute and director of the

World Health Organization Collaborating Center on Public Health Law and Human Rights — called it an “incredible day.”

Gostin recalled being asked by a senior official at the World Health Organization what the law has to do with health. “Everything,” Gostin answered.

“Medicine of course is a lifesaver, and a doctor can save one life,” he said. “But good law with justice can save billions of lives.”

Tobacco control, Gostin noted, has saved 30 million lives globally. Taxes on tobacco, alcohol and sugary beverages would save 50 million lives. Laws have prevented deaths from gunshots and traffic injuries. As Gostin explains in his book *Global Health Law* (Harvard University Press), advancements in health result from many determinants including good governance, security, clean air, clean water, access to medicines and more.

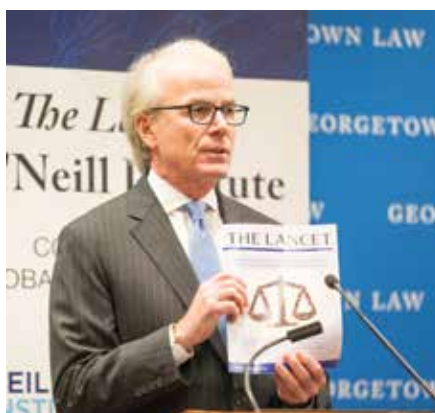
“Good governance and the rule of law are not only intrinsic values in their own right for justice,” Gostin said, “but they are very good for health.”

The day began with a video welcome by Dr. Tedros Adhanom Ghebreyesus, director-general of the World Health Organization in Geneva, Switzerland, emphasizing the importance of health with justice. Donna Shalala, the former secretary of the U.S. Department of Health and Human Services (1993-2001) who is now a U.S. Representative from Florida, followed up with a keynote address on “Why Law Matters.”

“We have made the greatest health gains in the world by looking back at our first ones — the initial public health moves around the world, but particularly in this country — sanitation, clean water, building codes. Who would connect building codes to health care?” Shalala asked. “But building codes turned out to be extremely important in terms of the laws that related to health.”

CHALLENGES

A panel on global health challenges, chaired by Gostin, examined the law as a tool to save lives with respect to ending the HIV/AIDS pandemic (presentation by Dr. Anthony Fauci, director of the National Institute of Allergy and Infectious Diseases); constitutions around the world that respect a right to health (Dr. Matthew Kavanagh, visiting professor and director of the O’Neill Institute’s Global Health Policy and Governance Initiative); the role of vaccines in reaching global health with justice (Bruce Gellen, president of global immunization at the Sabin Vaccine Institute); using diplomacy to make a difference in health (Bonnie Jenkins, former ambassador at the U.S. State Department, 2009-2017); and global health security with respect to Ebola and other infectious diseases (Victor Dzau, president of the U.S. National Academy of Medicine).



A panel on U.S. health challenges, led by Monahan, looked at why the U.S. health system is broken (presentation by **Professor from Practice Timothy Westmoreland**, former director of the Medicaid program); HIV/AIDS and Hepatitis (Jeffrey Crowley, program director of Infectious Disease Initiatives at the O’Neill Institute); the opioid crisis (Regina LaBelle (L’92)), program director of the Addiction and Public Policy Initiative at the O’Neill Institute); and non-communicable diseases and injuries (American University Law Professor Lindsay Wiley.)

“The lines between domestic and global health are completely and permanently blurred, as they should be,” Monahan said. “U.S. health is part of global health, and global health isn’t about health that goes on in other places...we are a part of that discussion.”

Clockwise from top left: Donna Shalala, the former secretary of the U.S. Department of Health and Human Services, Dr. Anthony Fauci, director of the National Institute of Allergy and Infectious Diseases, University Professor Lawrence O. Gostin, Timothy O’Neill (L’77). Photo Credit: Brent Futrell. Opposite page, Photo Credit: iStock.

Center on National Security and the Law Launches Online, Searchable Database of Foreign Intelligence Law



On May 23, Georgetown Law's Center on National Security and the Law launched the Foreign Intelligence Law Collection — a publicly available, online searchable database of all declassified and redacted U.S. Foreign Intelligence Surveillance Court and Court of Review opinions; all Foreign Intelligence Surveillance Act (FISA) statutes; legislative history; associated regulations, guidelines, executive orders, and presidential directives; all publicly available reports on FISA implementation, and more.

The practitioners and academics who came to inspect the product clearly welcomed the new resource, which will also be useful to journalists, government lawyers, members of Congress and their staffers.

Adjunct Professor Carrie Cordero, senior fellow and general counsel of the Center for a New American Security — who moderated the discussion with **Professor Laura Donohue** and Research Librarian Jeremy J. McCabe — called the collection “an incredible public service.”

“I was a FISA practitioner, and if only there had been a resource like this...,” Cordero said, adding that the

practitioners, those who practice before the court, the judges, the law clerks...not to mention the academic and scholarly community, and journalistic community [who will] be interested in this valuable collection.”

WHERE THE LAW IS

In 2015, the FISA Court appointed Professor Donohue as one of five amici curiae under the USA FREEDOM Act. Amici are leading experts in national security and constitutional law who lend their expertise to the court, in areas ranging from civil liberties and privacy to intelligence collection.

“Last February, I was appointed by the court in a public case before it [and the question was] whether the public has a right to their judicial opinions,” Donohue said. “What struck me at the time was, of course they do — this is the law, and having access to it is at the heart of rule of law.”

Documents in the public domain related to foreign intelligence surveillance law, however, were scattered all over the Internet, unsearchable, and with different pages redacted in different versions; it was hard to cite to anything. “I was very concerned that the public could not actually figure out how the law was working.”

So Donohue decided to do something about it. She worked closely with McCabe to build the website and to scour the Internet to find all of the relevant materials.

“I don’t know if it’s appropriate to say, ‘it was awful,’” joked McCabe, who worked on the database with Donohue and Leah Prescott, Associate Law Librarian for Digital Initiatives and Special Collections. “But...there were so many different places where a [document] could

be found...and I’d have to read [the entire document] to find out, what is this about? Is it relevant?”

From 1978 — the year the FISA Court was established by Congress — to 2002, the FISC/FISCR issued one publicly available opinion. Since then, there have been more than 70 released, and more than 270 orders. With changes made by the USA PATRIOT Act, in concert with a FISCR opinion, FISA can now be used to collect evidence of wrongdoing, even when the primary aim of the investigation is criminal in nature. There are now more cases in non-specialized Article III courts than in FISC/FISCR relating to FISA, and the database includes these opinions as well.

While the collection does not contain leaked documents, some of the documents it does contain were made public following the public outcry that accompanied Edward Snowden’s leaks in June 2013. In the year that followed, roughly 60 percent of all the FISC’s current public docket was filed — while Congress, in turn, entertained 43 bills that would have made far-reaching changes to FISC/FISCR and the FISA process. (The prior year, there had been only 3 bills regarding expiring legislation).

The current launch timing could not be better, as three FISA provisions — including the highly controversial section 215 — are due to sunset on December 15, 2019. This year, for the first time, public and congressional debate can be deeply informed by the statutory and judicial materials, and the reports housed in the database, which detail how the government has used — and at times misused — their authorities. An annotated bibliography has been provided as part of the collection.

Above: Laura Donohue. Photo Credit: Ines Hilde.

CLINICS

Before Commencement, Appellate Litigation Clinic Students Savor Success



Just before graduation, Claire Cahill (L'19), Aaron Steeg (L'19) and Dominick Schumacher (L'19) had an extra reason to celebrate.

The client they were representing in **Professor Erica Hashimoto's** Appellate Litigation Clinic — an inmate who had been serving a life sentence since 1988 — was granted parole on April 30.

The crimes for which the client, Tom Bowling, was incarcerated were serious ones, including capital murder stemming from a botched robbery. Yet Bowling was 17 years old in the 1980s, when two adult men told him to rob a convenience store. He became eligible for parole in 2005, but was denied every year since, due to the nature of the crime.

The students asserted that those who committed crimes as juveniles needed to be treated differently with respect to parole. “You have to consider their diminished culpability, when they actually committed the crime, and their greater capacity for rehabilitation,” Steeg said.

The students got the case after Bowling's pro se habeas corpus petition was dismissed by the federal district court in Virginia. Bowling had argued that the Virginia Parole Board was not giving him the consideration to which he was constitutionally entitled as a juvenile offender.

When Bowling appealed to the 4th U.S. Circuit Court of Appeals, the Fourth Circuit assigned the matter to the Georgetown Law clinic.

So at the start of their final year, the students were tasked with an opening brief to the Fourth Circuit, due in November. After the Virginia attorney general's office responded, the students submitted another brief, written in two weeks.

They lost in the Fourth Circuit — but ultimately won their client's release. “These three students devoted an incredible amount of work and time fighting to gain their client's freedom,” Hashimoto said. “It is so gratifying when that work results in a client going home. And because they experienced a defeat in the Fourth Circuit, I think they all recognize how special it is to win our client's release.”

The students mooted the case at Georgetown Law's Supreme Court Institute before a panel of experts that any advocate would envy: **Professors Dori Bernstein, Irv Gornstein, Steve Goldblatt, David Vladeck** and Roy Englert. And on January 29, Cahill argued the case as a student attorney in the Fourth Circuit.

“Hopefully, it's not a once in a lifetime opportunity, but it was incredible getting to do it so early in my career,” Cahill said, noting that even her law firm colleagues were surprised.

“It was an amazing experience as a student, to be able to sit at counsel table and appear before the Fourth Circuit — to just watch how everything worked,” Steeg said. “It gives you a lot of confidence going into practice, that you can do it, you've done it before.”

After the argument, the students went into “Parole Mode,” gearing up for the next parole process. With the help of 3L

student Schumacher and Hashimoto, they examined the trial and sentencing transcripts, and gathered statements from family members, setting out to convince the Virginia Parole Board that Bowling should be freed.

In a published opinion issued April 2, a three-judge panel of the Fourth Circuit rejected the students' assertions that the Parole Board's repeated denial of Bowling's parole applications, without considering the mitigating qualities of youth, violated his Eighth Amendment (cruel and unusual punishment) and Fourteenth Amendment Due Process rights. The Fourth Circuit agreed with Virginia that the Parole Board was not required to consider age-related characteristics unique to juvenile offenders when it processed Bowling's parole applications.

The decision was disappointing. But in the end, the Parole Board ultimately granted Bowling's release, thanks to the work done by Hashimoto, the students, and the family showing his susceptibility to peer pressure, low self-esteem as a juvenile, and his subsequent maturity in prison: his GED, his certification as an HVAC technician and teacher.

“[The clinic has] definitely been the most meaningful thing I've done in law school — It's a hell of a way to go out,” Steeg said, after he finished his last exam on May 8. In the fall, he'll be working at Winston & Strawn. Cahill will be clerking for Judge Trevor McFadden on the U.S. District Court for the District of Columbia and join Sidley Austin for a year before clerking on the Third Circuit with Judge Thomas L. Ambro (L'75). “It really does show you the impact that good representation can have.”

Aaron Steeg (L'19), Claire Cahill (L'19), Professor Erica Hashimoto.

CLINICS

“We Are More Than the Sum of Our Worst Choices”

Criminal Defense & Prisoner Advocacy Clinic Advocates for Maryland Woman Seeking Release from Prison



Teaching Fellow Eboni Blenman, Christopher Herr (L'19) and Gabriella Ferrara (L'19); Abbe Smith. Photo Credit: Brent Futrell.

Fransharon Jackson has done what's been asked of her since she was sentenced in 1998 to life in prison.

Jackson, an inmate at the Maryland House of Correction for Women, and a client of Georgetown Law's Criminal Defense and Prisoner Advocacy Clinic (CDPAC), has become a skillful seamstress. She's also active in the prison church and directs the choir, and works with inmates who suffer from mental health issues.

All told, she's been a model inmate.

After appearing before the Maryland Parole Commission (MPC), Jackson was cleared to take a “risk assessment”—the final step needed before referral for release to the office of Maryland Governor Larry Hogan. There are about 80 prisoners waiting to take this psychological exam; Jackson waited for 16 months.

That's because a lone state doctor has been administering the exam, thus putting a release of Jackson and other prisoners on hold.

But on May 1, the test took place over the course of one day. Jackson's completed

evaluation now goes to back to the MPC — thanks to a lot of hard work on the part of the Georgetown Law clinic students and even the Office of Communications, which assisted in getting media involved.

“Journalists can be better at getting people out of prison than lawyers,” said **Professor Abbe Smith**, who directs CDPAC with teaching fellow Eboni Blenman.

As a 22-year-old with an abusive boyfriend, Jackson agreed to help rob a man named Claude Bowlin, who had supported Jackson financially. The boyfriend killed Bowlin, and Jackson was convicted of felony murder.

Last year, the Georgetown Law clinic submitted a parole petition on behalf of Jackson “that was very strong...,” Smith said, “but Maryland law is so archaic (Maryland is one of three states, along with California and Oklahoma, that require a governor to sign off after a parole commission's approval) that it can take years for its lone mental health professional to execute the exam.”

This year's clinic students worked “to find possible avenues to give the public and the Maryland governor's office an idea of who she is,” said Christopher Herr (L'19). “To accomplish that end, we created a 6-minute podcast, then set about getting the media involved. We contacted all of the local papers and electronic outlets, and Ann Marimow of *The Washington Post* came through.”

The *Post* story, noting the involvement of the Georgetown Law clinic, appeared on April 11.

Jackson's life in prison, and her involvement with the church and its choir, has changed her, the students said. “She's had to redefine herself and find a reason to get up every day. She is working very hard to be the best possible version of herself that she can be, by herself and for herself.”

“To me [Jackson's dilemma] is a complete waste of a human life,” said Gabriella Ferrara (L'19). “She's not just a model citizen, she's a model person. She's smart, she's a leader and she has much to offer the world.”

“The best thing we can do,” she said, “is try to educate people and act as amplifiers of her story in our efforts to get her out.”

Herr noted that the Georgetown Law clinic experience was a unique part of his legal education. “It’s a dramatic shift from reading and discussing case law to arguing it on behalf of clients in D.C. Superior Court,” he said, adding that working with a prisoner makes students consider a world they might never have interacted with.

“What does it mean to be working with and representing clients serving long term prison sentences?” he said. “It humanizes them. It is easy for many communities, particularly legal ones, to get on board with reducing sentences for...drug offenders. That is not who we’re talking about...Ms. Jackson is proof that singular actions need not define our entire lives. She teaches us that we are more than the sum of our worst choices.”

Ferrara said the students had to “think creatively” to help their client. “We reached out to reporters, grassroots organizations in Maryland — we even made an audio pitch out of one of our phone conversations with her to send out to newspapers. When we finally got in touch with Ann Marimow of *The Washington Post*, it was a big break for us. We’re confident that her writing moved things along and enabled Ms. Jackson to have her risk assessment on May 1...Let me be clear: this was a small victory in the overall fight to get Ms. Jackson through this unnecessarily long process and back into the community. But it was a victory, nonetheless.”

PUBLIC INTEREST

Legal Services Corporation Forum at Georgetown: Increasing Access to Justice

By the spring of 2017, funding for the Legal Services Corporation (LSC) had come under attack. The independent nonprofit was established by Congress in 1974 to provide financial support for civil legal aid to low income Americans.

The organization needed a new forum in which to hold a meeting, so the lawyers came to Georgetown Law. In April 2019, Dean William M. Treanor welcomed LSC to Hart Auditorium for the third year in a row.

“LSC is an organization that resonates with our mission,” Treanor said.

The Georgetown Law community is furthering access to justice through its 17 clinics; the Health Justice Initiative, pairing medical and law students to work on law-related health issues; dozens of practicum courses where students may work on social justice issues and draft policy papers; 35,000 hours of pro bono work completed by 3Ls last year; the Blume Public Interest Scholars Program; the D.C. Affordable Law Firm, launched by Georgetown Law, DLA Piper and Arent Fox to provide low bono services; and much more. The dean also described Georgetown Law initiatives with respect to technology. “We as members of the legal community have a moral obligation to make the world a more just place.”

Alumnus and U.S. Senator Daniel S. Sullivan (R-Alaska)(L’93, MSFS’93) appeared on a panel on Legal Aid Collaborations to Help Survivors of Domestic Violence. The 2018 POWER Act promotes the use of pro bono legal services to empower victims of domestic violence; Sullivan, a former attorney general of Alaska, first introduced the legislation in 2015.



U.S. Representative Susan W. Brooks (R-Ind.), a lawyer who is dedicated to addressing the opioid crisis; U.S. Representative Joseph P. Kennedy (D-Mass); and American Bar Association President Robert Carlson were among the speakers in Hart Auditorium during the afternoon.

“You are still, with your clients and their families, dealing on a regular basis with the [opioid] crisis...,” Brooks said to the lawyers. “I’ve been seeing that devastation. The criminal justice system has often been the front lines...the courts and our jails have often become the largest mental institutions in our states. And yet those issues often translate to the civil courts...we know that people with serious addictions and mental health issues struggle with many of the things that you help them through in the civil legal aid system. So I want to thank you for staying focused on that problem.”

Above: Daniel Sullivan. Photo Credit: Legal Services Corporation.

CLINICS

Appellate Courts Immersion Clinic: Immersed in the Justice of Contract Law



Nicole Ratelle (L'19), Jessica R. Rogers (L'19), Solomon Miller (L'20). Photo Credit: Brian Wolfman.

Think of the impact cases that Georgetown Law clinics generally take on, and a state-law contract dispute over a home-mortgage modification might not be the first thing that comes to mind.

"The case was definitely not what I was expecting, but I could not have chosen a better one," said Solomon Miller (L'20), a student in **Professor Brian Wolfman's** Appellate Courts Immersion Clinic last semester. "It involves fundamental principles of economic justice and injustice. If the goal is to use the law to effect change, this case provides a great opportunity to do it."

Miller, Nicole Ratelle (L'19) and Jessica R. Rogers (L'19) spent the spring semester working full-time as student-lawyers under the supervision of Wolfman and the clinic's teaching fellow, Bradley Girard (L'14, LL.M.'20).

They represented an Indiana man, Anthony G. Taylor, in the U.S. Court of Appeals for the Seventh Circuit. The

clinic's opening brief was filed with the Seventh Circuit on March 7; the reply brief was filed May 13.

"We look for cases with complex and important issues, where we can offer serious help to the litigants on the losing side of a power imbalance," Girard said. "This case fits that model: it's him versus the largest bank in the country."

Taylor is one of 4 million homeowners that an independent Inspector General found were harmed rather than helped by the U.S. Treasury's Home Affordable Mortgage Program, a \$75 billion slice of the Troubled Asset Relief Program. Created in the wake of the 2008 financial crisis, TARP was a bank bailout. The banks, in turn, were supposed to use HAMP to help borrowers modify their mortgage payment terms.

But Taylor's mortgage servicer, J.P. Morgan Chase Bank, rejected 84 percent of homeowners who sought HAMP modifications, according to a 2015 federal oversight report.

"They took the bailout money but didn't modify the mortgages. That's at the core of Mr. Taylor's lawsuit," Wolfman alleges. "For him, it's not just about his own contract and fraud claims, but exposing the banks' systemic failures."

OFFER, ACCEPTANCE, FORMATION

Back in September 2009, Taylor thought they had a deal. Chase had phoned him and offered a modification. He accepted.

Taylor returned the paperwork the bank sent him, and from that point forward, he sent in the modified payment amount. The bank said that it never received his paperwork — twice — but he re-sent it and confirmed receipt each time. And each time he called, he was assured he was already in the program, the clinic's brief asserts.

All that changed in May 2010, when Chase told him that he was ineligible for HAMP modification because his mortgage payment was less than 31 percent of his gross income. (In fact, it was more than 60 percent, Taylor's lawsuit says.) Taylor lived under the threat of immediate foreclosure for the next five years.

While he did not lose his home, "he shares the pain of all the borrowers who had relief dangled in front of them and then yanked away," Rodgers said.

Taylor filed a pro se lawsuit for breach of contract, fraud and intentional infliction of emotional distress. The lower court granted Chase's motion for judgment on the pleadings in 2017, saying there was no contract because Chase never formally accepted Taylor's application.

His pro se appeal was fully briefed last September, when the Seventh Circuit decided to request another round of

briefs — from Girard, Wolfman and the students, as pro bono counsel for Taylor.

WHY THE LAW MATTERS

The students were “the first-line researchers and drafters of the briefs,” Wolfman said. They discussed the case with Taylor, researched the issues, drew up outlines numbering “in the double digits” and drafted the opening brief — which was revised “16 times,” Miller said. There was also a clinic “workshop” feedback session with other clinic students put together by Wolfman and Girard, which Taylor joined by webcast.

Wolfman and Girard called the process collaborative. Rodgers called it “being forged by fire.”

“It’s been a profound experience,” she said. “I’ve learned more about drafting in a few months, this last semester, than the rest of law school combined ... I can’t think of a better way to close out my time here.”

It’s also been a good refresher course in the law of contracts. The team developed “a back-to-basics approach, focusing on offer, acceptance and formation,” Ratelle said. They argue that an enforceable oral contract was formed during Chase’s telephone call to Taylor, and that nothing in the paperwork modified it. They also want the court to revive his fraud and emotional-distress claims.

Ratelle took Georgetown Law’s alternative curriculum, Section 3, where “we didn’t have ‘Contracts’ and ‘Torts’ — we had ‘Bargain, Exchange, and Liability,’ she said.

“I’m passionate about contract law now,” she said. “It’s not something you normally think about in terms of public interest or civil rights, but this case is a good example of why the law matters and what the law can do.”

CENTERS AND INSTITUTES

“The Work of State Courts Matters”

Center for the Constitution Hosts Inaugural Cooley Lecture, Awarding of Cooley Book Prize

On April 11, Georgetown Law’s Center for the Constitution hosted the inaugural Thomas M. Cooley Judicial Lecture with Judge Joan Larsen of the U.S. Court of Appeals for the Sixth Circuit.

Larsen’s lecture, “Respecting Local Control: State Law in the Federal System,” encouraged lawyers and judges to pay closer attention to state constitutional law, recounting her own experience as a justice on the Michigan Supreme Court and harkening back to Cooley’s advocacy for local control.

“State courts are too often treated in law schools and in elite legal circles as if they were the little siblings of their more sophisticated federal brethren,” she said. “But there can be no denying, even today, [that] the work of state courts matters.”

The Cooley Lecture was one of the highlights of a two-day conference co-sponsored by Center for the Constitution and the Federalist Society that also featured the awarding of the second annual \$50,000 Cooley Book Prize. This year’s recipient was Harvard Law Professor Richard M. Fallon Jr. for his book *Law and Legitimacy in the Supreme Court* (Harvard University Press, 2018).

Professor Randy Barnett, director of the Center for the Constitution and the Carmack Waterhouse Professor of Legal Theory at Georgetown Law, awarded the book prize to Fallon. “[F]ew scholars have tried to unpack the different conceptions of constitutional legitimacy in any systematic way,” Barnett said. “This wonderful book fills that gap by addressing the question of what it is that makes a constitution, or a court, legitimate in the sociological, moral or legal senses of that term.”



Fallon praised the center for “its commitment to open, honest intellectual exchange.” He also looked forward to the next day’s symposium discussing his book. “I’m thrilled by the distinction of the panelists and the papers,” he said, praising each contributing scholar in turn: Scott Soames, professor of philosophy at USC; Columbia Law Professor Gillian Metzger; Princeton Professor of Politics Keith Whittington; and Georgetown Law **Professor Lawrence Solum**. The papers and Fallon’s response will appear in the *Georgetown Journal of Law & Public Policy*.

The lecture and prize are named for 19th-century legal scholar and jurist Thomas McIntyre Cooley, a chief justice of the Michigan Supreme Court and dean of the University of Michigan Law School.

“If the resurgence of Cooley studies has any lasting significance,” Larsen said, “I hope [this] will ... remind us not only of the forgotten prominence of Thomas Cooley, but also of the respect of we are constitutionally bound to pay the state and local institutions that he served.”

Professor Randy Barnett and Judge Joan Larsen.
Photo Credit: Matt Wood/Federalist Society.

CENTERS AND INSTITUTES

What Defines Us as a Free People

Georgetown Law Hosts “Challenges to Rule of Law in America”



George T. Conway; Alan Charles Raul, Mary McCord, Joshua Geltzer. Photo Credit: Bill Petros.

“Our topic today is something that we normally take for granted. It’s something we ought to be able to take for granted. It’s something, sadly, that we need to start talking about and thinking about a lot more these days,” said George T. Conway III of Wachtell, Lipton, Rosen & Katz.

The topic was the rule of law in America — discussed at Georgetown Law on March 8, when the Institute for Constitutional Advocacy and Protection, and Checks & Balances (a group launched by Conway of conservative and libertarian lawyers), teamed up to examine the role of lawyers in promoting civil discourse, upholding the separation of powers, and defending the rule of law.

“We hope to contribute to a dialogue about the rule of law, a dialogue that brings people of all political stripes together,” Conway said. “Because what divides us politically really pales in comparison to what should unite us, which is devotion to

constitutionalism and the rule of law... The issues that divide us, the ordinary political issues of the day, are often trivial in comparison to the things that define us as a free people, and as a constitutional democratic republic.”

Among the problems? Conway cited the president’s attacks on the press and criticism of the Department of Justice. “If people were to get indicted or not indicted on the basis of whether the president likes them, we wouldn’t have a republic — we have a banana republic,” he said.

Georgetown University Professor of Government and Foreign Service Anthony Clark Arend noted that “the judiciary has been called into question in ways that we have not seen previously.”

Carol Leonnig, Pulitzer Prize-winning reporter at *The Washington Post*, led a panel discussion on the rule of law with Stuart M. Gerson (L’67) of Epstein Becker & Green; Alan Charles Raul of Sidley Austin; Georgetown Law **Visiting Professor Mary McCord** (L’90), senior

litigator at ICAP; and **Visiting Professor Joshua Geltzer**, ICAP’s executive director.

Gerson and Raul are co-founders of Checks & Balances. Gerson is a former acting attorney general/assistant attorney general at the Department of Justice, and Raul held positions at the Office of Management and Budget and Department of Agriculture as well as serving as associate counsel to the president.

What is the rule of law? “It’s this agreement that the government has with the people it governs, and it depends on transparency, stability, predictability, and fair process, by which rights and responsibilities are decided by diverse and independent judges,” McCord asserted. “I am afraid that...the president’s version of the rule of law is, ‘what do I...think the law should be’ — as opposed to this compact...between the government and those who are governed.”

INTERNATIONAL TRADE

We Agree on the Challenges but Not Always on a Cure

EU Trade Commissioner Cecelia Malmström Headlines 40th Annual International Trade Update

“Despite some heavy rhetoric these days, the U.S. and the E.U. remain firm allies and friends,” said European Union Trade Commissioner Cecelia Malmström, speaking at Georgetown Law’s 40th Annual International Trade Update March 7 to 8.

Malmström, Europe’s chief trade diplomat, gave a broad view of trade from the European perspective in her remarks, officially known as the 3rd annual John D. Greenwald Memorial Lecture.

“The U.S. and the E.U. often agree on...what the global challenges are, and the threat that they pose, but we do not always agree on a cure,” Malmström said. Instead of promoting the common values of free trade, open borders and security following World War II, people are now starting to question the value of the systems that have underpinned growth, in part as a backlash from the pains of globalization, she said.

Shared concerns include China, which is aiming to become the largest world economy. But the effects of undue state influence, stolen intellectual property and unfair trade practices are felt around the world. “I don’t have a problem with competition,” Malmström contended, adding that competition drives innovation and drives down costs. “It’s a good thing, it’s good for consumers. But only if it’s fair. We play by different rules, and China has been taking advantage of that.”

And the E.U. and U.S. agree that the World Trade Organization, launched in 1995, needs updating. “I propose that we renew our global order for the 21st century, with the WTO at the center of the transatlantic partnership in trade,” she said. “The fact of the matter is, the U.S. actions are now threatening to break this.”



Topics of discussion during the two-day conference included “Challenges to the Global Trading System,” “Trade and Presidential Authority,” the WTO year ahead, and more. The event was hosted by Georgetown Law’s Continuing Legal Education and co-sponsored by its Institute of International Economic Law.

“You won’t get the opportunity every day to engage people of this stature,”

Professor Chris Brummer, IIEL’s faculty director, said to the students in the audience, as he welcomed Malmström, as well as members of her cabinet and the European Commission to Georgetown Law.

“I’m extremely interested in international trade and the international trade community,” said Elaine Chamberlain (L’19). “After hearing about the event through Professor Brummer’s International Economic Law and Policy Colloquium, which directly involves international trade, I knew I had to attend to learn more about the international issues at play and how I can potentially break into the field.”



Above: Chris Brummer. Top: Cecilia Malmström.
Photo Credit: Brent Futrell.



INTERNATIONAL LAW

“Who would choose to do that?”

Experts at Georgetown Law Discuss “The Continuing Threat of Nuclear Weapons”

Just before President Donald Trump arrived in Vietnam for a summit with North Korean leader Kim Jong Un — the second such summit since June 2018 — the experts came to Georgetown Law for a conference on “The Continuing Threat of Nuclear Weapons.”

With denuclearization and sanctions on the table for the two leaders in Hanoi, back home in Washington, Georgetown Law **Associate Dean James V. Feinerman** and others explored how to counter the North Korean nuclear threat.

The February 25 conference was co-sponsored by the *Journal of National Security Law & Policy*, the Georgetown Center for Asian Law and the Georgetown Center on National Security and the Law.

Executive Director Nadia Asanchev (L’06) and Journal Symposium co-editors Isabell Fathy (L’19) and Paul Moe (L’19) organized the event.

The day began with remarks by Vermont Law Professor Steve Dycus; then, Georgetown Law **Professor David Koplow** led a panel on the recent U.N. Treaty on the Prohibition of Nuclear Weapons. A panel led by Ohio State Law Professor Dakota Rudesill (a former Georgetown Law visiting professor), examined U.S./Russia nuclear relations.

Joseph Cirincione, president of the Ploughshares Fund, delivered a keynote address on “The Failure of U.S. Nuclear Policies.” The United States is the most powerful nation on earth, he noted, and our policy matters. Yet the United States has made some very poor choices over the past few decades when it comes to nuclear policy.

“Nuclear dangers are intimately connected to our policies...” he said, asserting that President Obama “kicked the nuclear can down the road.”

“There was no better time to fix the problems; the problems got worse,” Cirincione said. “That is what happened with North Korea... If you just keep kicking this nuclear can, one of these days it is going to explode.”

Worsening problems include Iran; the command and control of nuclear weapons; the new nuclear arms race; and the shredding of the nuclear safety net.

“Why on earth would we give one person the power to destroy all of human civilization in an hour...?” he said. “Who would choose to do that? And yet, that’s where we are.”

PUBLIC HEALTH

Law, Lawyers and the Clergy Sexual Abuse Crisis

The crisis of sexual abuse by Catholic clergy stems from many causes and failures. On April 9, Georgetown Law and Georgetown University's Initiative on Catholic Social Thought and Public Life sponsored a timely and much-needed dialogue with survivors, clergy, attorneys for the Catholic Church, attorneys for survivors, canon law and civil law experts, media, social workers and more.

A full day of confidential roundtable discussions encouraged dialogue from a range of perspectives, while a public panel discussion in the evening focused specifically on the role of lawyers. This significant initiative was organized by **Lecturer Amy Uelmen**, an expert in Catholic social thought at Georgetown Law; **Mary Novak**, associate director of Ignatian Formation at Georgetown Law; and **Kim Daniels**, an attorney who is associate director of Georgetown University's Initiative on Catholic Social Thought — in collaboration with other universities and experts.

The event was supported by Georgetown Law Dean William M. Treanor and Director John Carr of the Initiative on Catholic Social Thought.

"Events last summer reopened the floodgates of pain and anger regarding incidents of abuse...cases were too often mishandled," Dean Treanor said at the public evening event. "The names of credibly accused priests were being released from parishes in New Jersey, where I grew up, where my kids spent their summers. I saw too many names I

knew, and felt overwhelmed by frustration and sorrow. Each case, each failure to address the wrong, represents many lives that have been shattered and devastated."

IMPACT OF LAWYERS

Uelmen said she was humbled by the depths of what the survivors have suffered, by the expertise of those who attended and by the complexity of the cultural and legal problems involved in the crisis.

"The fact that the day happened is the real story," she said. "We spent the day saying we need to listen to each other, listen to survivors."

Confidential roundtable discussions in small groups — among survivors, Catholics and non-Catholics, lawyers, law students and nonlawyers, prosecutors, clergy, psychologists, social workers, theologians and more — encouraged solutions and trust.

"Much as we would like to permeate our professional lives with values of love, compassion, humility, truth, forgiveness, and pastoral care, we [are] limited by professional and procedural roles and constraints. And we struggle for good reason, because many of those constraints are in place to protect other goods: the dignity and rights of the accused, and other important policies that help to humanize our justice system as a whole," Uelmen told attendees. "We might also bring to the discussion a clear-eyed recognition of the inevitable human fragility that can permeate factual accounts and evidence. We hope that the table discussions offer an opportunity to discuss how to work through these kinds of knots."

"THIS IS MY CHURCH"

Professor Michael Cedrone participated in the day's roundtable discussions and attended the evening event.

"This is an [issue] I care about — this is my church, and I felt like I had some expertise as a lawyer that I could bring to the conversation," Cedrone said. "These cases involve complex problems for the legal system that both the state and the church are straining to resolve. It was a good chance to think about how legal systems solve complicated problems and ways to make those systems better."

In the evening, Carr discussed the role of law and lawyers with Margaret Graf, general counsel for the Archdiocese of Los Angeles; Tom Johnson, a former prosecutor; Peter Steinfelds, a former religion reporter for the *New York Times*; and Barbara Thorp, former director of the Office of Pastoral Support and Child Protection of the Archdiocese of Boston.

"It was a response to the enormity of the crisis," Uelmen said afterwards. "It's a hugely important concern, and we needed a different kind of space in which to convene. People are working on the problems in isolation, and people are feeling isolated and angry...this was very healing."

New Blog for Center on Privacy & Technology

Georgetown Law's Center on Privacy & Technology launched a new blog in June. In the very first post, law fellow Gabrielle Rejouis (L'18) noted modern day issues surrounding the digital divide and information access. "Despite all the recent advances that modern society enjoys, limitations in communication still exist," Rejouis wrote. "Technology does enable news to spread more quickly, but not everyone receives online information equally — a problem that will only intensify if recent trends in malicious internet tactics persist."



On the Hill: Professor Chris Brummer on Facebook's Proposed Cryptocurrency

On July 17, Georgetown Law Professor Chris Brummer — the faculty director of the Institute of International Economic Law (IIEL) — testified before the House Financial Services Committee with respect to Libra, Facebook's proposed cryptocurrency. The hearing was chaired by Rep. Maxine Waters (D-CA) and Ranking Member Patrick McHenry (R-NC).

In his oral and written testimony (entitled "99 Problems," after the Jay-Z rap song), Brummer raised concerns with the official "white paper" that introduces Libra. As Brummer explained, white papers "have emerged as a common tool through which digital asset companies communicate with potential consumers and investors about new projects and ventures. However, white papers have faced mounting criticism — for their hyperbolic language, false promises and omissions of material information consumers would need before purchasing a digital asset."

Until now, criticisms of white papers have focused largely on

early-stage, cash-strapped startups — rarely multinational technology companies, Brummer said.

"The Libra white paper is peppered with big promises and few details," he said, adding that the project involves a risk to purchasers and potentially the financial system that is not disclosed. "Even for me, a staunch supporter of innovation and upgrades for our financial system, this is, at a minimum, disappointing."

Photo Credit: C-SPAN

Civil Rights Clinic Fights Housing Discrimination



In a lawsuit filed in April, the National Fair Housing Alliance (NFHA) joined forces with the Georgetown Law Civil Rights Clinic to sue a District landlord to challenge a discriminatory practice

that contributes to the widespread local and national housing crisis.

The federal lawsuit alleges illegal discrimination against prospective renters who receive federal housing assistance, known as Housing Choice Vouchers or "Section 8."

"Amidst gentrification and a growing shortage of affordable housing in the District and throughout the nation, low-income families need housing assistance more than ever," said Lisa Rice, President and CEO of the National Fair Housing Alliance. "It's essential that we curb the widespread practice of denying housing to those with vouchers."

Housing voucher discrimination is illegal in only twelve states, despite the growing need for affordable housing and demonstrable evidence of discrimination against Housing Choice Voucher users. According to the National Low Income Housing Coalition, there are only 40 rental units available per every 100 low-income renter households in the District of Columbia. This lawsuit illustrates how voucher discrimination effectively results in discrimination based on race, national origin, and sometimes gender and familial status (having children).

"Today, landlords rarely say outright they won't rent to you because you are African American or a single mother," said Heather Abraham, supervising attorney at the Georgetown Law Civil Rights Clinic. "But when...D.C. landlords reject families with housing vouchers, these are the protected groups they are turning away. As the Supreme Court has made clear, this is illegal."



On the Hill: Professor Angela Campbell on Protecting Children's Privacy

On July 9, Professor Angela Campbell, who directs the Institute for Public Representation's Communications & Technology Law Clinic, testified before the Senate Committee on the Judiciary in a hearing on "Protecting Innocence in a Digital World."

Campbell told the committee of recent work of the clinic asking the FTC to investigate 1) whether the Google Play Store was engaging in unfair and deceptive practices in marketing apps for children and 2) whether YouTube was violating privacy law with respect to children.

On behalf of clients, Campbell and the Georgetown Law clinic have filed 14 requests since 2012 asking the FTC to investigate violations of the Children's Online Privacy Protection Act (COPPA). But the FTC has not acted, at least publicly, in response to any of these requests, Campbell said.

"So many of the problems that families are struggling with today — such as how to protect

their children's privacy, how to prevent exposure to inappropriate content and to limit the amount of time children are spending online on digital devices — are the direct result of two things," Campbell said. "First, the business models of the dominant tech companies [are designed not] to protect children or nurture children, but to attract [a] large number of users, including children, and to keep them online as long as possible, so they can maximize revenue by collecting valuable data about the users and delivering targeted marketing to them.

"Second...the government has failed to adopt sufficient safeguards for children and has not effectively enforced the safeguards that do exist," Campbell said, noting that the Federal Trade Commission has failed to vigorously enforce the Children's Online Privacy Protection Act, and that as a result, the big tech companies — including Google, YouTube, Facebook, and Amazon — feel empowered to ignore the existing safeguards.

Photo Credit: Dan Rios/U.S. Senate Photographic Studio.

National Security Law Society Hosts "Emergency at the Border?"

Two weeks after President Donald Trump declared a national emergency at the U.S.-Mexico border, **Mary McCord (L'90)** of Georgetown Law's Institute for Constitutional Advocacy and Protection (ICAP) teamed up with other experts to explore the legal issues.

Visiting Professor McCord, Lawfare's Scott Anderson and Penn Law's Mark Nevitt participated in the March 4 event, hosted by the National Security Law Society student group and its 3L representative, Brenna Gautam (L'19). Topics covered included funding; historical precedents for military action at the border; eminent domain issues for U.S. landowners; and requirements of the National Emergencies Act.

McCord focused on the eminent domain issues involving the approximately 100 landowners whose property will be affected by the proposed wall. In Texas, because of a river, the planned wall has to be built up to a mile inland from the border.

As reported in *The Washington Post* in February, a 170-year-old Roman Catholic chapel is affected. McCord, the Senior Litigator from Practice at ICAP, is litigating on behalf of the diocese. "People don't realize how many people would be cut off," she said.

While parts of existing walls have built in gates, with codes, for those who live on the south side, this can cause havoc in emergency situations like fires. "[If] you call 911," McCord said, "guess who doesn't have the code to open the gate?...[It's] a very bad situation for property owners on the border."

"This proposed wall will be built in such a way that it cuts off actual U.S. privately owned property on the south side of the wall...which means that for the government to build the wall there, they have to seize the property, either by the consent of the owners or by using the constitutional power of eminent domain... We're talking about people who will actually be cut off physically by a wall from the rest of the United States."

— Mary McCord



SUPERBLOCK! THE VISION FOR GEORGETOWN LAW

As Georgetown Law gets ready to celebrate its 150th birthday in 2020, it's already celebrating by transforming its campus into an entire city block. Georgetown University's fabulous new purchase of a 130,000 square foot building at 500 First Street, made possible through the generosity of Scott K. Ginsburg (L'78), will create new opportunities across Georgetown University for collaboration in fields including health, climate, technology, education and human rights. As the Georgetown Law campus grows and expands — right next door to the Hotung International Law Building and the Scott K. Ginsburg Sport and Fitness Center (a quick walk from McDonough Hall, the Gewirz Student Center and the Edward Bennett Williams Law Library), it is hard to imagine our school existing anywhere else.

Alumni in classes prior to the 1970s, of course, can gleefully recall the red brick building at 506 E. Street, owned by the Law Center for most of the 20th century. When 506 E. was dedicated in November 1891, then-Dean and Judge Martin Morris hoped Georgetown University Law Center would rest at the red brick building for many years but noted prophetically that one day, “our successors may smile at our limited ideas when they welcome a thousand or two thousand students to the study of law.” Older alumni still smile at the shortcomings of 506 E.

The E. Street Warehouse, as it was called, was the first building that Georgetown Law had purchased, though it was not the first home of the law school. On October 5, 1870, 25 Georgetown Law students filed into the lecture hall of the American Colonization Society Building on the northwest corner of Pennsylvania Avenue and 4 ½ Street Northwest in Washington, D.C. — the site of the East Wing of the present-day National Gallery of Art. Over the next 149 years, Georgetown Law would move several times and, thanks to the vision of then-Dean Paul Dean, settle and thrive at its present location near Union Station, in the heart of downtown Washington, D.C.

Today, with the acquisition of 500 First, Dean William M. Treanor and others are continuing the vision in ways that would be unimaginable to our predecessors: a new tech lab, renovated classrooms to suit 21st-century needs, technology centers and institutes, and more. And while that first lecture in 1870 set the stage for what is today a top-ranked evening program — Georgetown Law is, in fact, the only top law school that started as an evening school program — the diversity of today’s law school was still many generations away: “The exercises will be held in the evening,” the first catalogue announced, “in order to facilitate the attendance of gentlemen who are engaged in the service of the government.”

In these pages, we will look at our beloved campus of today and tomorrow: the unique spaces where Georgetown Law students live and work. “Georgetown Law is defined by its location,” Treanor says.



Georgetown Law Dean William M. Treanor, Scott K. Ginsburg (L’78) and Georgetown University President John J. DeGioia in front of the Georgetown Law clock tower.

“Walk out the door at New Jersey Avenue — what do you see? You look up the street, and you see the Capitol, Congress. We are ‘the Washington, D.C., law school. If you want to understand the connection between law and government, if you want to make a difference, this is the place where you want to be. This is how you learn to be ‘men and women’ for others and make this world a better place.”

TRANSFORMATION

“A building does not make a law school...” then-Dean Paul Dean remarked in 1968, as ground was broken for what was then the brand-new McDonough Hall, the site of the Law Center’s sixth (and present) location. “A law school is produced by spiritual things. A new building simply removes an obstacle to education and thought.”

Removing obstacles to education has always been critical for Georgetown Law, its educators and its alumni. Bernard P. McDonough (L’25, H’67) launched the modern Georgetown Law campus in the late 1960s with the largest donation ever given to the school — \$1 million — to build McDonough Hall. A half-century later, Scott K. Ginsburg (L’78) upped the ante with his \$10.5 million gift, again the largest donation ever given to the school, to support the university’s acquisition of 500 First Street. Georgetown University purchased

the 130,000-square-foot building for \$70 million in March 2019, completing the “superblock” that is now Georgetown Law.

“The time I spent at Georgetown Law changed my life forever,” Ginsburg said of this latest gift. “Now, I’m able to return the favor, and [again!] transform the law campus.”

This time, the transformation will be interdisciplinary and shared with Georgetown University as part of its Initiative on Technology and Society. Many of Georgetown Law’s centers and institutes and some McCourt School of Public Policy centers and institutes will relocate to 500 First Street NW, creating new opportunities for collaboration on innovative policy solutions across fields including health, climate, technology, education and human rights.

“We will have the problem solvers of our faculty working with students, learning how to make a difference in the future,” Treanor said.

The new building will have three floors dedicated to technology — bringing together Georgetown’s lawyers, public policy makers, computer scientists and other minds from Main Campus — to consider, blocks away from the U.S. Capitol, rules on artificial intelligence, or how driverless cars should be regulated. Georgetown



University will lend its Computer Science Department and the Beeck Center for Social Innovation; the McDonough School of Business will contribute a Future of Work and Technology initiative; the School of Foreign Service will lend its Center for Security and Emerging Technology (CSET). CSET combines world-class expertise in artificial intelligence and advanced computing with Georgetown's networks in security policy, examining the national security implications of emerging technologies. And the recently created Capitol Applied Learning Lab (the CALL) also will have space in the building, offering undergraduates who wish to deepen their experience in policy and public service a convenient way to intern on Capitol Hill before class.

The vision includes a policy lab where computer scientists will work across disciplines alongside lawyers and representatives from agencies like the Consumer Product Safety Commission regarding, for example, cyber-baby monitors. Or helping state attorneys general become more tech savvy. A new Tech Center will include Georgetown Law's existing Institute for Technology Law & Policy, Communications & Technology Clinic, and new IP clinic led by Professor Amanda Levendowski.

As Levendowski notes [see profile page 84], the swift-moving pace of technological developments requires students to think creatively about what sorts of jobs might exist in the future.

"When you're working in technology law, what jobs are out there and what that policymaking looks like can really change

dramatically just in a couple of years," she said. "Your dream job might not exist yet."

Alexandra Givens, executive director of the Institute for Technology, Law and Policy, notes that in the new building, students might work with her Institute; with Georgetown University's computer science faculty — which includes Georgetown Law Professor Matt Blaze — or with technology experts such as Associate Dean Paul Ohm, who is building new interdisciplinary bridges between law and computer science. "It is an entire reorganization about how universities think, restructuring the entire ship," Givens says.

In the meantime, Georgetown Law's already-existing campus continues to thrive with important work. In 2018-2019, McDonough Hall was the setting for conversations by Supreme Court Justice Ruth

Bader Ginsburg, Justice Elena Kagan, Federal Trade Commissioner Joseph Simons (L'83), former White House Counsel Donald McGahn, Georgetown Law Professor Rosa Brooks (recently named the Scott K. Ginsburg Professor of Law and Policy); House Speaker Nancy Pelosi, Harvard Professor Henry Louis Gates, Yale Law Professor James Forman Jr. and more.

In McDonough Hall this spring, Professor Laura Donohue, Adjunct Professor Carrie Cordero, Research Librarian Jeremy McCabe, and Executive Director Nadia Asanchev of Georgetown Law's Center on National Security and the Law were presenting their new, publicly online database of foreign intelligence surveillance law. Visiting Professor M. Tia Johnson, who directs Georgetown Law's National Security Law LL.M. program and who is a visiting fellow at the Center on National Security, said the new resource will also be invaluable for students of national security law.

"In my syllabus...sometimes I will cite the public law, and sometimes I will cite the codified version... because if we have a FISC opinion, the FISC is looking at the law as it was enacted at the time," Johnson said. "The FREEDOM Act comes along...and you're reading the FREEDOM Act version, not as it was enacted. So it's vitally important that students and practitioners understand the various iterations."

The same month, students in Professor Susan Deller Ross's International Women's Human Rights Clinic were presenting their findings on human rights challenges in Botswana's family laws — with the ambassador of Botswana to the U.S. in attendance. Students in Professor Erica Hashimoto's Appellate Litigation Clinic, Abbe Smith's Criminal Defense and Prisoner Advocacy Clinic, and Professor Brian Wolfman's Appellate Courts Immersion Clinic were all assisting clients, as well as working offsite in Washington, D.C.

While the late-sixties era, 9-story office building that is 500 First has yet to acquire the history and legends of the E-Street Warehouse or Edward Durell Stone's McDonough Hall, we're hopeful that, decades from now, the Georgetown Law community will have plenty of stories to tell.

"The focus now, more than anything else, is technology — we now have 19 faculty members in the law and technology space, the largest tech law program in the country; and more than 70 courses, including classes on coding for lawyers, and artificial intelligence. That is going to be so crucial for our next generation of lawyers," Treanor said. "What an extraordinary moment, and what better place to grapple with these issues, and educate the next generation of lawyers than Georgetown Law?"

"The focus now, more than anything else, is technology — we now have 19 faculty members in the law and technology space, the largest tech law program in the country; and more than 70 courses, including classes on coding for lawyers, and artificial intelligence. That is going to be so crucial for our next generation of lawyers. What an extraordinary moment, and what better place to grapple with these issues, and educate the next generation of lawyers than Georgetown Law?"

— Dean William Treanor



Adjunct Professor Alexandra Givens, executive director of the Institute for Technology Law & Policy; Associate Dean Paul Ohm.

ELEANOR HOLMES NORTON GREEN

Georgetown Law's "green spaces" — the Tower Green, between McDonough Hall and the Sport and Fitness Center, and the Library Quad, between McDonough and the Edward Bennett Williams Library — are peaceful, idyllic spaces in which to study, reflect, work, play and remember. One of the last vestiges of the brick building at E Street, a chunk of stone with lettering "Law Department," has been brought to the library quad to rest. Sometimes, trees are planted in memory of a community member who was lost far too soon. Georgetown Law's modern iconic clock tower, constructed in 2004, is not as necessary as it once was, as we tell time by pocket phones. But when you're late to a 9 a.m. class, the clock tower is a handy thing to keep an eye on.

On April 23, Georgetown Law dedicated its "Tower Green" to Congresswoman and Professor Emerita Eleanor Holmes Norton (D-DC)(H'18). Norton, a trailblazing civil rights activist and champion for women's equality, is a longtime member of the Georgetown Law faculty who has represented the District of Columbia in the House of Representatives since 1991. The "Library Quad" will be dedicated to the late Dean Paul R. Dean at a future date.

Georgetown Law Dean William M. Treanor, Georgetown University President John J. DeGioia, D.C. Mayor Muriel Bowser, and members of Norton's family were among the attendees.

"This is the part of the campus that is closest to the Capitol, so it is very fitting that this will be named after the Congresswoman," Treanor said. He noted that Norton was a Georgetown Law faculty member for 36 years before her retirement last year. "She's a giant in the law, a giant in the fight for justice, a giant in the history of Washington, D.C., and a giant in the history of Georgetown Law."

DeGioia praised Norton's leadership at the university, in the community, in the city and the nation.

"As our students walk this lawn, as they gather in conversation, as they pause for a moment of respite between classes, as they travel between places of work, our law clinics, our neighborhoods...they will be reminded of an extraordinary lawyer, teacher, and public servant," DeGioia said.

Norton, who delivered the Commencement address to law graduates and received an honorary degree from Georgetown Law in 2018, was appreciative of this latest honor.

"In Congress, I spend a fair amount of my time honoring and recognizing and saluting my constituents, institutions, and organizations of every kind..." Norton said. "I think about what I know about them or have learned about them."

Georgetown Law, she said, allowed her to continue teaching while serving in Congress, offering "incomparable intellectual stimulation...with some of the best students of the country...continuing exercising the brain — which is not always guaranteed by service at the House of Representatives," she said, to great applause. "I am grateful for the creative way you have chosen to recognize me."

Norton attended Washington, D.C.'s Dunbar High School while the school was still segregated; she went on to attend Antioch College, Yale University (Master's Degree in American Studies) and Yale Law School.

In her long career, she has used her strong voice in the District of Columbia at both the local and national levels, most notably in a national conversation surrounding equality in the workplace. In 1970, she represented 60 female employees of Newsweek in front of the Equal Employ-

ment Opportunity Commission, successfully overturning a policy of allowing only men to be reporters. Seven years later, serving as the first woman to chair the Commission, she released the first official declaration that sexual harassment was a form of sexual discrimination that violated federal civil rights law. In recent years, she has advocated for a national commission to combat sexual harassment.

Now in her 15th term in Congress, Representative Norton has never lost sight of her ultimate goal: to make D.C. the 51st state. For nearly 700,000 constituents, she continues to be a determined advocate, working for neighborhood improvement, home ownership, and economic development.

“She spends each and every day making our city better by reclaiming land from the federal government, and making that land places where Washingtonians [can] live and work, and for people to contribute to our bottom line,” Mayor Bowser said at the ceremony. “Just think of what D.C. would be without a new waterfront at the wharf, or without new jobs and housing opportunities...or without upcoming partnerships to focus on children’s health... those are the things that Eleanor has been able to do for us.”

During 36 years of service on the Georgetown Law faculty, Norton taught generations of students about dispute resolution, lawmaking, labor law and statutory interpretation. She has inspired countless lawyers to follow her example in public service, advancing causes through effective advocacy. Bowser noted that she teaches her colleagues in Congress about the law and how the laws that they make affect the District of Columbia.

“I’m sure that you are fantastic teachers of debate,” Bowser told the audience. “If you ever come up against Eleanor Holmes Norton in a debate, just sit down — or at least be right.”

After formal remarks, the speakers celebrated with a brief groundbreaking ceremony next to McDonough Hall in anticipation of a bench and monument at the site.



Top: Professor Emerita and Congresswoman Eleanor Holmes Norton (D-D.C.)(H’18) served on the Georgetown Law faculty for 36 years from 1982 until her retirement in 2018. Middle: The groundbreaking for a planned bench and tribute on the site included D.C. Mayor Muriel Bowser, Georgetown Law Dean William M. Treanor, Congresswoman Eleanor Holmes Norton (H’18), U.S. Rep. Jamie Raskin (D-Md.), and Georgetown University President John J. DeGioia. Bottom: Dean William M. Treanor presented Congresswoman Norton with an artist’s depiction of the bench (Rendering by Jeff Stikeman for Robert A.M. Stern Architects.) Right: A banner proudly graces the Eleanor Holmes Norton Green.

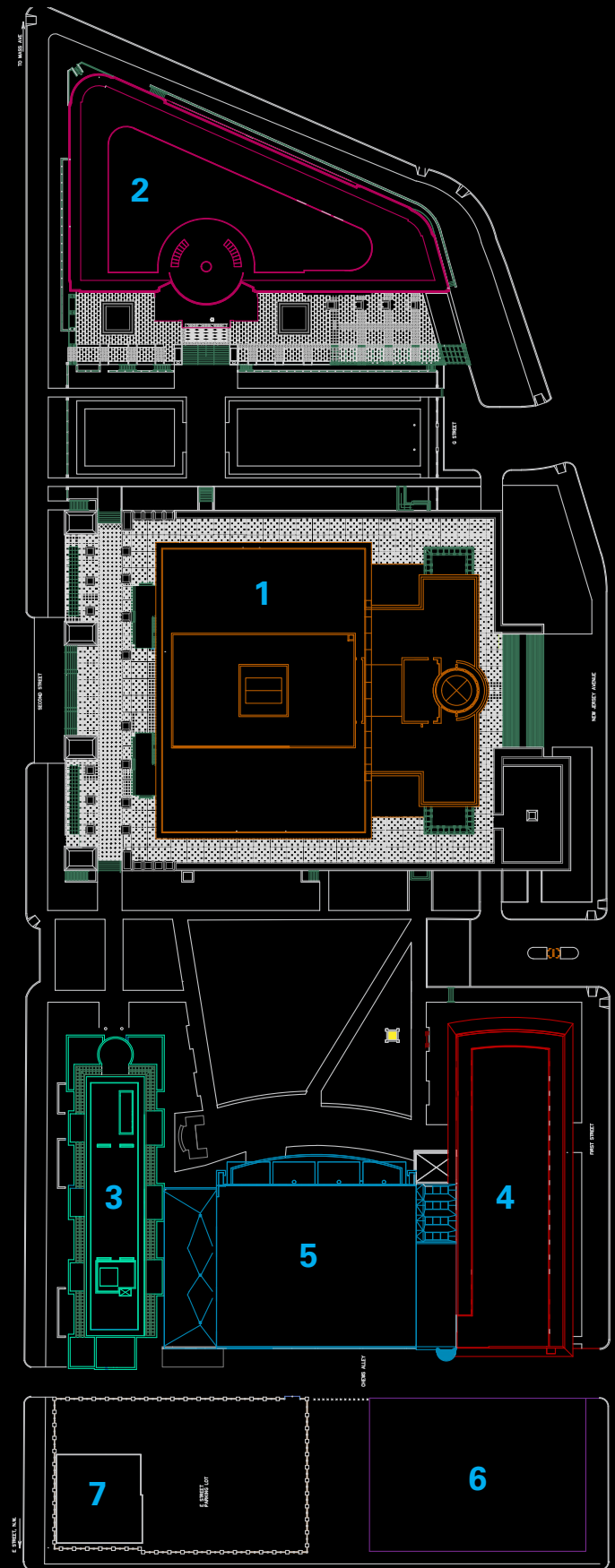
The addition of the new building at 500 First Street completes the “Superblock” of Georgetown Law.



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1. Bernard P. McDonough Hall
 2. Edward Bennett Williams Library
 3. Bernard and Sarah Gewirz Student Center

4. Eric E. Hotung International Law Building
5. Scott K. Ginsburg Sport and Fitness Building

6. 500 First
7. Playground



Since its first class in 1870 — which included student Joseph I. Rodrigues, from Cuba — Georgetown Law has evolved as the place to be for international law. Whether students are interested in trade, human rights or intellectual property, the school offers a wealth of courses, a history and a location they will find no where else. The late Professor John Jackson, former director of the Institute for International Economic Law, came to Georgetown from Michigan Law in 1998 — not long after the World Trade Organization (WTO) was established in 1995. Today, Jackson is still widely considered the founder of international economic law and the WTO. “One of the things I’m proud of is that there is a huge moot court competition in Geneva — this past summer, 136 law schools from around the world — run by the European Law Students Association, where students compete from all over the world on WTO law,” says Professor from Practice Jennifer Hillman. Formerly one of seven judges from around the world serving on the WTO’s Appellate Body, Hillman now judges

the WTO moot court competition every year — among her many other roles. “Last year, the competition was renamed the John Jackson Moot Court Competition in honor of the fact that John Jackson really was the godfather of the WTO and in particular, its binding dispute settlement system.” For this story, we heard from 11 of Georgetown Law’s international scholars about some of the most significant challenges in the global arena. Whether at home in Washington, D.C., or studying at the Center for Transnational Legal Studies in London, Georgetown Law students benefit from their professors’ global expertise — especially at a time when globalization and international organizations like the WTO have come under attack. “Their task is to understand how to be very creative, at the same time that they are being very emphatic about the rule of law,” Hillman says. “They’ve got to think very differently and very creatively about how we insist on the enforcement of a rules-based, rule of law system.”

GOING GLOBAL

21ST CENTURY LEGAL QUESTIONS

Human migration is one of the two most defining issues of our time, says Professor Lawrence Gostin. The other — climate change — will make sure it remains so. Gostin, director of the O'Neill Institute for National and Global Health Law and the founding O'Neill Chair in Global Health Law, sees a future in which migration, exacerbated by climate change, poses ever-present challenges to the international community. Perhaps the most urgent, he says, is safeguarding migrants' health.

"I view them as the most vulnerable people in the world," he says. "And health is an enormous issue."

Hundreds of millions of people are on the move today, Gostin says, many running from the effects of a heating world — natural disasters, crop failures, water shortages. Others flee political instability, civil war and other violence.

"We're already at historic levels," he says. "We already have as many refugees now [as] we've had since World War II. It's going to get continually worse. The question is, how bad it will be?"

There's also the question of to what extent a country receiving refugees and migrants should be responsible for their health and social needs. To Gostin, the answer is clear — to the same extent it is for its own citizens.

That's the argument Gostin and four other public health policy leaders from across the globe set forth in an article appearing in the May issue of *The Lancet*, among the world's most prestigious medical journals. The piece urged the World Health Organization to adopt a Global Action Plan on Improving the Health of Refugees and Migrants at the WHO's annual assembly in Geneva. Among other things, the plan calls on all nations to enact laws providing migrants and refugees equal access to health care and social benefits.

"Nobody expects any country to take on unacceptable burdens," Gostin says, "but everybody accepts that our brothers and sisters and sons and daughters of humanity

need to be treated with decency."

The WHO adopted the plan, but Gostin says that's only a first step; he'll be looking to see whether the organization and its members follow through on their commitments, including funding. If not, migration will continue to risk thwarting a key aspect of one of the United Nations' 17 sustainable development goals for 2030 — universal health coverage.

"As long as you treat people on the move as 'the other' and deny them the health and social benefits, you've violated the promise to have universal health coverage," Gostin says. "No country can claim that it has universal coverage if a huge portion of the population is not entitled to it."

Providing migrants with equal access to health and social services is one example of how the law can be used to advance public health. Gostin says law isn't commonly thought of as a health-promotion tool, even among health professionals, but that it's actually one of the most powerful. "A doctor can save one life," Gostin says, "but a good public health law can save millions of lives."

The O'Neill Institute's landmark achievement in its ten-year existence has been spearheading a *Lancet* Commission addressing how law can play a key role in public health, Gostin says. *Lancet* commissions are high-profile partnerships with leading institutions convened to address significant health policy issues and provide recommendations. The *Lancet*-O'Neill Institute Commission's 53-page report this spring identifies four "legal determinants of health" — demonstrating how the law can be harnessed to address underlying causes of disease and injury and change health outcomes.

"There's nothing in health that law isn't the primary driver to change," Gostin says. "Nobody understands that, and that's the reason we did the *Lancet* Commission."

Gostin points to a WHO treaty on tobacco control as a good example. Smoking has dropped worldwide since the treaty went into effect in 2005, spurred by measures such as cigarette sales tax increases, establishing smoke-free spaces, and new packaging and labeling requirements.

Taxes in particular have been effective in promoting healthier behavior, such as reducing sugary drink consumption. But a range of evidence-based legal measures can lead to increased health, Gostin says, such as traffic safety rules, environmental protections, vaccination requirements, and anti-discrimination laws that remove barriers to health care, housing, employment and other factors that affect health.

A key theme of the commission's report is health equity, as it calls for legal measures that enshrine a right to health as a universal norm. Gostin notes what the late civil rights leader Martin Luther King, Jr., once said: "of all the forms of inequality, injustice in health is the most shocking and the most inhuman."

"I think he was right," Gostin says. "My inspiration in life is to bring health and justice to the world."

HOW DO WE SAFEGUARD THE HEALTH OF MIGRANTS?

**PROFESSOR
LAWRENCE GOSTIN**



Professor Lawrence Gostin, director of the O'Neill Institute for National and Global Health Law and the founding O'Neill Chair in Global Health Law, is addressing the greatest health challenges to the international community today. Among the most urgent, he says, is safeguarding migrants' health.



Associate Dean James Feinerman leads the Graduate and International Programs at Georgetown Law. He is also the James M. Morita Professor of Asian Legal Studies and co-director of Georgetown Law Asia.

Photo Credits: Getty; Georgetown Law

Titling this piece with the choice presented requires an immediate explanation. Why the palpably disagreeable alternatives of threat or menace? The *Minneapolis Star-Tribune* used it as the headline for a 2015 piece about the factors affecting the U.S. and global economy, particularly the American response to the Chinese economic juggernaut. Economist Brad DeLong used the title, “Trade with China: Threat or Menace?” in a 2003 entry. DeLong’s article laid out his discussion with Aaron Friedberg, then Deputy National Security Adviser and Director of Policy Planning. Friedberg had written that the “second dimension of... [the] struggle for mastery in Asia will be military,” but had no doubt that the first dimension would be economic. Even as the Bush administration sank the U.S. into a military morass in the Middle East, the focus was also on an upcoming struggle for mastery in Asia between the United States and the People’s Republic of China.

At the end of the Clinton Administration, when arrangements were being finalized for China’s accession to the World Trade Organization (WTO), a much rosier scenario was envisioned on both sides of the Pacific. Engagement with the PRC, along with a corresponding vast increase in international trade and investment, was expected to fuel economic growth. This economic growth was simultaneously supposed to accelerate China’s democratization, and in turn an increasingly democratic China was expected to be far less likely to use force or threats against other nations. The hope was that a more prosperous China would also become more benign, more of a global team player.

Why didn’t this auspicious result come to pass? **Instead of an era of good feeling and international trade comity, the United States and China are now engaged in a mutually destructive trade war. Launched by a U.S. president who foolishly decreed that trade wars were “good and easy to win,” this conflict has worsened and intensified with successive rounds of tariffs imposed by each side on the other.** Negotiations have come to naught. In July 2018, President Trump made good on months of threats to

impose sweeping tariffs on China for its alleged unfair trade practices. As of August 2019, the U.S. had slapped tariffs on \$250 billion worth of Chinese products and threatened more. China had set tariffs on \$185 billion worth of U.S. goods and threatened tariffs and other measures affecting U.S. businesses operating in China.

With neither Trump nor Chinese President Xi Jinping willing to back down, US-China trade tensions may have already erupted into a full-blown trade war. On August 23, China announced \$75 billion in tariffs on U.S. goods, expected to affect agricultural and automotive products, leading Trump to impose increased tariffs on Chinese goods. Astounding international trade experts, Trump tweeted, along with announcing 5 percent increases on existing tariffs, “Our great American companies are hereby ordered to immediately start looking for an alternative to China, including bringing your companies HOME and making your products in the USA.” He seemed to invoke the 1977 International Emergency Economic Powers Act (IEEPA) as a potential basis for a sweeping ban on commerce with China.

The one important U.S. Supreme Court case interpreting IEEPA, *Dames + Moore v. Regan* (1981), held “[t]he language of IEEPA is sweeping and unqualified.” The authority granted by IEEPA does not require congressional approval, though there is a statutory provision for Congress to challenge the existence of a “national emergency.” Additionally, the president must report every six months to Congress as to the continuing existence of an emergency. On August 1, U.S. Senators Pat Toomey (R-Pa.) and Tom Carper (D-Del.) introduced the bipartisan “Trade Certainty Act,” which prevents presidents from using IEEPA to impose tariffs unilaterally.

China’s industrial policy is aimed at rapidly expanding its high-tech

sectors and developing its advanced manufacturing base, but Trump and other leaders of industrial democracies see the plan as a threat. The U.S. Chamber of Commerce has reported extensively on China’s “Made in China: 2025” plan, a high-level industrial policy aimed at transforming China into a high-tech manufacturing leader. The program hopes to allow China to leapfrog the so-called “Middle Income Trap” for developing countries and to capture the heights of 21st century industrial prominence. But in order to achieve this, as U.S. Trade Representative (USTR) Robert Lighthizer stated on June 15, 2018, “China’s government is aggressively working to undermine America’s high-tech industries and our economic leadership through unfair trade practices and industrial policies like Made in China 2025.”

While most U.S. companies operating in or exporting to China share the USTR’s concerns, they seek a middle ground between Trump’s scorched-earth threats and continuing unfair treatment of the PRC. In the end, some combination of legislation, litigation and diplomatic negotiation will likely bring the current contretemps to a resolution. Its determination and scope may settle some of the controversies surrounding U.S.-China trade relations, but others will likely persist. Whether the perceived threat from China — the “menace” — develops into a more palpable threat to U.S. economic security remains to be determined.

CHINA: THREAT OR MENACE?

ASSOCIATE DEAN
JAMES FEINERMAN

The biggest challenge facing the WTO right now is the fact that the Trump Administration doesn't [support it,] and is working to kill its dispute settlement system. The United States is blocking the appointment of any new members of its appeals court, its Appellate Body. It's supposed to have seven members; it is down to three, and that is the bare minimum that you need to hear any given case. Two of the three members of the Appellate Body have a term that expires on December 10 of this year. So as of December 11, there will no longer be a functioning Appellate Body.

And that's serious, because...now, you will be appealing effectively into [a] void, there won't be any appellate body to hear your appeal. The rules are very clear: you may not get the enforcement of your action, or seek to have it be complied with, while an appeal is pending, and as long as there are not enough members of the Appellate Body, the appeal could pend forever. So if you don't like the outcome of a case, you can just file a notice of appeal and that has the effect of blocking everything. This is the United States alone; all other 163 members of the WTO would like to see the Appellate Body continue to function. It's effectively like the Supreme Court of international trade. For a member...it is very much a judicial role. You are answering legal questions on appeal, interpreting the treaties, the legal texts, of the WTO agreements.

Right now, people in Geneva are trying two tracks. One is to [ask], United States, what are your concerns with the appellate body? Why are you blocking? The United States has said some things that are very specific, so a number of countries have put on the table proposals to address the U.S.'s concerns. But the U.S. has basically not responded to them, or simply said they are not

good enough. The U.S. wants to go back to the rules as they were written in 1995. The problem is that as a procedural matter, there is no way to do that. The United States believes that the Appellate Body has strayed from the original intent, the original idea, the original language. They believe the Appellate Body has made up the law, written the law, filled in the gaps that go beyond interpretation.

The second track, that the European Union and Canada have proposed, is that everyone goes to arbitration over disputes, rather than to this binding dispute settlement system. There is a clause already in the WTO's dispute settlement provisions that allow you to opt out, on a case by case basis; you can seek to go to arbitration rather than to go through the formal dispute settlement. The arbitration process has never been used before, so we have no experience with it. The reason it was never used before is that, by and large, most countries were happy with the formal dispute settlement system. There were more cases brought before the WTO's dispute settlement system than any other international court in the world.

So it's not clear whether this is going to be a really good alternative.

But at this point, it's arguably the only alternative that's really on the table. If the United States will only accept the decisions that it agrees with, and says, I won't go to arbitration except when I want to, that's not a very good alternative for the other countries. But it is the only game in town right now. Is the United States right in some instances, that the Appellate Body should have done things differently? Yes. Does that warrant taking the whole system down? In my view, absolutely not.

The U.S. is also threatening the WTO because it is engaging in unilateral tariff behavior that is in absolute violation of WTO rules. So it does cause all of these other countries to say, what's the point of being in a rules-based system, and being a member of the WTO, and believing in all these rules — if the United States, the single largest trading country, is violating them?

WHAT SHOULD BE DONE ABOUT THE WORLD TRADE ORGANIZATION?

**PROFESSOR
JENNIFER HILLMAN**



Professor from Practice Jennifer Hillman has had a distinguished career in public service that includes a term as one of seven members from around the world on the World Trade Organization's (WTO) Appellate Body and general counsel at the Office of the United States Trade Representative (USTR). We sat down with her to talk in person about the biggest challenges facing the WTO.



Spring 2019 International Women's Human Rights Clinic Students Marly Mentor (left) and Rachel Lesser (right) (L'20), with Professor Susan Deller Ross and a law student from Botswana, after interviewing judges in Botswana's Court of Appeal.



Professor Susan Deller Ross founded Georgetown Law's Leadership and Advocacy for Women in Africa Program in 1993 and its International Women's Human Rights Clinic in 1998. These programs are helping practitioners and J.D. students alike work to improve laws and conditions for women across the globe.

Photo Credits: Courtesy of Professor Susan Deller Ross; Georgetown Law

When Professor Susan Deller Ross finished college in the mid-1960s, she joined the Peace Corps.

Walking from village to village in Ivory Coast, “I got an up-close look at how women were treated in Africa,” she said. “But that was before law school, so I had no idea why women were treated so badly.”

Fast forward through the 1970s and 1980s — decades that Ross spent advocating for equal opportunity, equal pay and other women’s rights in the United States — to 1993, when she founded the Leadership and Advocacy for Women in Africa Program at Georgetown Law.

“I heard from women lawyers about how many discriminatory laws were on the books, in basically all the African countries,” she said. “It was clear why the women were treated so badly. They didn’t have any rights!”

LAWA planted the seed for Georgetown’s International Women’s Human Rights Clinic, which Ross founded in 1998 and still directs today. The clinic helps NGOs use litigation and legislation to advance the human rights of women internationally, primarily in English-speaking African countries. Ross also teaches a comparative-law course and is the author of the groundbreaking *Women’s Human Rights: The International and Comparative Law Casebook*.

“Partly because I lived through a period in which the United States was very active getting equal rights for women through legislation and constitutional litigation, I’m trying to help advocates in Africa get the confidence to do more of it,” Ross said. “My model for the clinic is based on the kind of work we were able to achieve (in the United States), but adding to that mix the international women’s rights and human rights treaties that most of these countries in Africa have ratified without limitation.”

The Fall clinics are litigation-oriented while the Spring clinics focus on legislative and constitutional amendments. Each clinic is limited to eight students, with Ross and teaching fellow Michelle Liu (L’13, LL.M.’20) providing supervision and intense mentoring.

For the 2018-2019 academic year, the clinic partnered with Women in Law in Southern Africa, a regional NGO active in Botswana and six other nations.

When Botswana gained its independence in 1966, it had about seven miles of paved roads and one court — “not one court system, one court,” Ross said — to cover an area about the size of New Mexico and Colorado combined. By necessity, the constitution did not seek to replace the existing systems of religious and “customary” law (that is, those enforced by tribal custom).

Today, Botswana’s constitution and laws provide for equality of married women but carve out exceptions or are unclear about whether they apply to couples in customary or religious marriages.

“This perpetuates a patriarchal system in which women are treated as children, subject to physical abuse and economic predation,” especially in rural areas of the country where state-sanctioned marriages are rare, Ross said. Women have few rights, even regarding whether or whom to marry. They can be divorced for little to no reason and left with no property but their cooking utensils. A widowed woman’s home may be subject to a “property grab” by her husband’s relatives.

Working with WLSA, students in the Fall 2018 clinic helped research and prepare a lawsuit that argues the exceptions for customary and religious marriages are unconstitutional and violate Botswana’s treaty obligations to take affirmative steps to ensure equal protection of women.

The Spring 2019 students researched the effects of those exceptions, in part by using their

spring break to conduct 80 interviews in Botswana and document the responses. Four of the students then drafted legislative proposals while four suggested constitutional amendments.

They presented their proposals at a May symposium attended by the Honorable David Newman, Botswana’s ambassador to the United States.

The clinic’s work will be published, and “our partners will be able to use it in Botswana to argue for change,” Ross said. At least one legislator has already expressed interest in the amendments, and Ross believes that President Mokgweetsi Masisi favors expanding women’s rights.

“In some countries we work with, changes get made,” she said. “Sometimes, change takes time.”

Ross was with the students in Botswana when she received word that the Kenya High Court had ruled on a case her Fall 2013 students had helped prepare.

The suit, brought by FIDA-Kenya, argued that “optional paternity” laws, which allow unwed fathers to choose whether to acknowledge their children, violate the constitutional rights of the children and their mothers.

The High Court found the laws violate the children’s rights. While Ross was hoping for more, she said the mothers will clearly benefit from having support for their children.

“It was a step forward,” she said. “All you can do is keep taking steps forward.”

HOW DO WE USE U.S. & INTERNATIONAL LAW TO IMPROVE WOMEN’S HUMAN RIGHTS IN AFRICA?

PROFESSOR SUSAN DELLER ROSS

The question seems like science fiction or a classic video game: What should be done if we discover some day that there is a large asteroid on a collision course with Earth?

"NASA has been concerned about this problem for some time, but only in the last few years has it gotten enough attention, both in this country and internationally," says Professor David Koplow, who works with officials at NASA's counterpart space agencies in Europe, Mexico, Russia, China and elsewhere to figure out a solution. "The international group — called the Space Mission Planning Advisory Group (SMPAG, pronounced 'samepage') — decided that although the issue of what to do with an asteroid is 99.99 percent a science and technology problem, there are some aspects that are legal problems as well. So they established a subgroup of about a dozen international lawyers to advise them."

The general counsel's office of NASA, needing to contribute an international lawyer to the group on a part-time basis, reached out to Koplow. This longtime Georgetown Law professor, whose areas of expertise include public international law, national security law and arms control, now gets to blend all these fields in a unique way, since the answer to "what might be done" could involve a nuclear explosion to divert the asteroid. "My work on the law of outer space has been mostly about weapons in space," he said. "For me, it was a chance to explore a new area, but not so totally different from what I've done."

The international lawyers group has been meeting over the last three years to draft a report that identifies legal issues and solutions, Koplow said. And they've presented law-related panels at conferences of other experts like astronomers. Koplow and two other international lawyers presented at a Planetary Defense Conference, comprised of mostly scientists, at the University of Maryland in late April. The most active lawyers

have been from Austria, France, and the United States, as well as those involved in the European space agency, Koplow said.

"There are two big clusters of legal issues: one has to do with the possible use of a nuclear explosion, because there are treaties that specifically forbid the use of nuclear weapons in outer space. So you have to find some way around that prohibition, if that turns out to be the technique," he explains. "The other big cluster of legal issues has to do with legal liability if something goes wrong. Suppose there's an asteroid coming, and we try to deflect it, and we are partially successful. It changes trajectory somewhat and hits the Earth at a different place. If it would have hit Country A if you did nothing, but now it hits Country B, Country A is happy, but Country B is unhappy, and there is a treaty that says if your space activity causes damage on Earth, you have absolute liability. That liability could be enormous, so that potential legal exposure would deter me from undertaking that activity."

While the interdisciplinary, scientific nature of planetary defense is unique, the question is international law as usual in some ways. "Working with lawyers from other legal cultures whose countries are subject to different rules and treaties... it's a challenge to find a consensus."

And it involves national security: Koplow has previously worked at the Department of Defense, as Special Counsel for Arms Control to the General Counsel (2009-2011) and as Deputy General Counsel for International Affairs (1997-1999); and at the U.S. Arms Control and Disarmament Agency as Attorney-Advisor and Special Assistant to the Director (1978-1981).

Koplow recently completed an article for the *UCLA Journal of International Law and Foreign Affairs* on the nuclear aspect.

Recommendations? "You could amend the treaties, or you could withdraw from the treaties, or write new treaties — but the best solution is to have the UN Security Council adopt a resolution to create new law that would supersede prior treaties," he said. "We propose that as the most expeditious and finely tailored way to deal with both of these kinds of legal problems."

HOW DO INTERNATIONAL LAWYERS ADDRESS THE PROBLEM OF ASTEROIDS?

PROFESSOR DAVID KOPLOW



Professor David Koplow, an expert in public international law, national security law and arms control, is now working on the problem of asteroids — as a consultant to NASA on the topic identified as “Planetary Defense.”



Professor Edith Brown Weiss is an expert in public international, environmental and water resources law. She has authored many articles and books, including *International Law for a Water-Scarce World* (2013), *Reconciling Environment and Trade* (with Nathalie Bernasconi-Osterwalder and John Jackson, 2d. ed., 2008), and *In Fairness to Future Generations: International Law, Common Patrimony, and Intergenerational Equity* (1989), which received the Certificate of Merit Award in 1990 from the American Society of International Law, and has been published in French, Japanese, Spanish, and Chinese.

Photo Credits: iStock; Georgetown Law

Our actions today critically affect the well-being of future generations and our planet, but our political and economic incentives are geared to the short-term, not the long-term. Future generations are not represented when we take decisions, and we do not consider their interests.

We are entering a new geological Epoch: the Anthropocene, in which for the first time, human actions are the major factor affecting the overall future of the human environment and our planet. We face potentially dramatic climate change, significant sea-level rise, more frequent and severe floods and droughts, stronger hurricanes, ocean acidification, disruptions in the food chain, more rapid extinction of species and alterations in the Earth's fundamental cycles. We also face new technological challenges affecting future generations, including synthetic biology and artificial intelligence.

At the same time, we are in a kaleidoscopic world, reflecting in part advances in cyber technology. The kaleidoscopic world is complex and often chaotic, with rapid change. It is characterized by bottom-up empowerment and top-down control, and a multitude of actors, including States, private sector actors, coalitions that form instantly across national borders, and millions of individuals. Patterns change in the kaleidoscope, with different groups capable of changing the patterns. These may be States, private sector actors, or even multifarious groups of actors.

The challenge of the kaleidoscopic Anthropocene is to get all the many relevant parties to act toward the common end of saving the Planet. To this end, shared fundamental norms are crucial. These include cooperation, avoidance of harm, equity and human dignity defined as meeting basic human needs, intergenerational equity and accountability. Accountability is difficult in a kaleidoscopic world, but it is the norm that underpins the implementation of all the others.

Yet another challenge is acquiring the necessary scientific understanding of problems having global implications, monitoring the state of the planet and adjusting our actions in response to new information and understanding. The Paris Agreement of 2017 is a step in this direction because it calls for States to review their commitments to reduce green-

house gases every five years. But it is only a beginning. Scientific research and technological development are essential to an intergenerational strategy to meet future challenges.

Using an intergenerational lens, we can identify important strategies for saving the planet. The most fundamental is to give future generations a voice in the decisions that we take today. This is challenging because we need to identify their interests and to ensure that those claiming to represent their interests are not instead pursuing their own interest at the expense of the well-being of future generations. Nonetheless, many important initiatives exist — from national and local commissions and commissioners for future generations to legislation that explicitly requires considering future generations in such sectors as mining, forestry, land use and pollution discharges.

Increasingly, national and local courts in some countries are playing an important role in considering the interests of future generations. Judicial judgements in at least 20 countries have considered intergenerational equity or referred to a principle of intergenerational equity. Recent judicial decisions in India and Colombia are especially noteworthy. For example, in August 2017, the Supreme Court of India issued an historic judgment in a large-scale mining case in Odisha, in which the Court specifically discussed the principle of intergenerational equity and required the government to develop an updated mineral policy taking it into account. The new Indian National Mineral Policy, issued in February 2019, contains for the first time a section entitled “Intergenerational Equity” and establishes an Inter-Ministerial body to ensure sustainable mining, “keeping mind the principles of sustainable development and intergenerational equity.” In Colom-

bia in 2018, the Supreme Court of Justice ordered the government to create an “intergenerational pact for the life of the Colombian Amazon to protect the area into the future.” Other judicial judgments in Brazil’s High Court, South Africa, Kenya, Australia and New Zealand, among others, also explicitly address the future and intergenerational equity.

Yet another challenge is to ensure that our laws keep up with the need to safeguard the future. Treaties and binding agreements by States are essential, but nonbinding agreements and legal instruments are increasingly critical to enable us to respond to rapid developments or to address issues where binding agreements are difficult. Individualized voluntary commitments addressing a given problem, whether by States, private sector bodies, or communities or individuals are also increasingly critical.

All of this assumes that we all share the same fundamental norm and that we all care about future generations and the robustness of our planet. We are all in this together. If there is a hole in the ship that everyone ignores, everyone loses as the hole gets bigger and bigger and the ship sinks. Youth today understand this. They are at the forefront of actions around the world to try to save our Planet so that they and their descendants can enjoy the Earth. Increasingly they are turning to the courts.

In the Anthropocene Epoch and in a kaleidoscopic world with many different actors and rapid change, we must share the fundamental norm of protecting our Planet and consider future generations in the decisions we take today. We have a deep moral obligation to protect “Our Common Home” and to ensure that our actions are fair to both present and future generations.

WHAT ARE THE CHALLENGES TO SAVING THE PLANET FOR FUTURE GENERATIONS?

PROFESSOR EDITH BROWN WEISS

Two competing mega-trade agreements seek to write the rules for intellectual property for half of the world. One agreement anchored till recently by the world's largest economy, the United States, offers intellectual property rules that are generally stricter than those in the World Trade Organization's Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS). This treaty, the Trans-Pacific Partnership (TPP), was negotiated by twelve nations — Australia, Brunei, Canada, Chile, Japan, Malaysia, Mexico, New Zealand, Peru, Singapore, the United States and Vietnam. When the United States pulled out, the remaining nations suspended a number of its provisions, especially those involving intellectual property, and proceeded with a treaty now dubbed the Comprehensive Progressive Trans-Pacific Partnership (CPTPP). A second agreement, the Regional Comprehensive Economic Partnership (RCEP), anchored by the world's second largest economy, China, is the focus of a struggle between those who seek stronger intellectual property rights and those who seek to carve out greater limitations and exceptions to intellectual property. Initially conceived by the Association of Southeast Asian Nations (ASEAN), which consists [of] Brunei, Cambodia, Indonesia, Laos, Malaysia, Myanmar, the Philippines, Singapore, Thailand, and Vietnam, the RCEP includes the six states with which ASEAN has existing free trade agreements, namely, Australia, China, India, Japan, New Zealand, and South Korea. Yet to be finalized, this agreement seeks to write the intellectual property rules that would govern the lives of nearly half of the world's population and a third of the world's gross domestic product.

Both treaties hope to ultimately attract many other countries, especially in Asia. The proponents of the TPP hope that it will lead to broader adoption in Asia and Latin America. The proponents of the RCEP too hope that it will serve as a stepping stone towards an even broader Free Trade Area of the Asia-Pacific. Before the exit of the

United States from the TPP, the contest between the two mega-regional agreements was often characterized as a struggle to bring the bulk of Asia into the American or the Chinese sphere of influence, as other states would vie for membership on terms that had already been decided by the original parties. But there is another crucial struggle that is almost entirely overlooked: a battle to define the intellectual property law for Asia in the twenty-first century.

[W]hile the TPP has drawn the bulk of attention in the United States, it is the negotiations within the RCEP that might ultimately have the greatest impact. This is because of two reasons. First, unlike the TPP, the RCEP includes both China and India — the world's most populous countries — and will define intellectual property rights for half the world's population. Despite Asia's recent astonishing economic advances, the region still holds a startlingly enormous number of the world's poor, sick, and uneducated. Intellectual property protections can...help spur medical advances and authorship, but they can also put medicines and textbooks out of the reach of billions of people. [And] India's intellectual property law and its ability to export medicines to other nations literally affect life and death across the world. South Africa's Health Minister, Aaron Motsoaledi, has called India the "pharmacy to the developing world." India's role as the provider of affordable, life-saving medicines for the developing world stands at risk, and depends on the results of this obscure and secret negotiation.

[...]

[A] study of the RCEP intellectual property chapter is [not only] revealing because of its real-world consequences for access to medicines and access to knowledge. [T]he study of the text also sheds light on fundamental theoretical inquiries about international lawmaking. What will a largely South-South intellectual property agreement look like? Do the local advanced nations — Japan and South Korea — simply substitute for the Western metropole in a North-South agreement? Does an Asian trade agreement anchored by China and India reflect so-called "Asian Values" in any way? [W]e conclude that the intellectual property chapter of the Asian-Pacific agreement would, if certain proposals are adopted, largely work to the benefit of United States and European enterprises. While the ratification of TRIPS by the developing world can be understood as simply concessions to gain better access to Western markets for developing country products, that rationale is absent here. Despite having been negotiated in the Asia-Pacific, the RCEP's intellectual property chapter may turn out to be largely a copy-and-paste job based on Western agreements.

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HOW DO WE PROTECT INTELLECTUAL PROPERTY AROUND THE GLOBE?

**ANUPAM CHANDER
& MADHAVI SUNDER**



Anupam Chander and Madhavi Sunder, who joined the Georgetown Law faculty as a team in Fall 2018, recently penned an article for the *U.C. Irvine Law Review* entitled “The Battle to Define Asia’s Intellectual Property Law: From the Trans-Pacific Partnership to the Regional Comprehensive Economic Partnership.” The introduction to the article is reprinted here.



Professor Alvaro Santos, now the director of Georgetown Law's Center for the Advancement of the Rule of Law in the Americas (CAROLA), decided to go to law school due to the enormous poverty he witnessed in his native Mexico. He liked the idea of using the law as a catalyst for systemic change.

Under the direction of Professor Alvaro Santos, Georgetown Law's Center for the Advancement of the Rule of Law in the Americas (CAROLA) is shining a spotlight on three market-based "pillars": Formal markets in trade and investment; informal labor markets and inequality; and illegal markets that feed on corruption and violence.

Due to a confluence of historic events — the renegotiation of the North American Free Trade Agreement (NAFTA) and Mexico's presidential elections in 2018 — trade and investment has taken center stage.

The renegotiations of NAFTA opened in August 2017, coinciding with Santos' appointment as director of CAROLA. Between October 2017 and April 2019, CAROLA has hosted conferences and workshops at Georgetown Law and elsewhere on NAFTA and its successor, the U.S.-Mexico-Canada Agreement (USMCA). And in June, Santos published a new book (with co-editors Chantal Thomas and David Trubek), *World Trade and Investment Law Reimagined: A Progressive Agenda for an Inclusive Globalization* (Anthem Press).

Yet Santos' interest in the USMCA, signed on November 30, 2018, is not just academic. He was a consultant on NAFTA issues during the campaign of Mexican President Andrés Manuel López Obrador. After the July 2018 election, Jesús Seade — López Obrador's chief NAFTA negotiator — asked Santos to serve as his deputy. Seade, a former deputy Director-General of the World Trade Organization, is also a former Mexican negotiator of the Uruguay Round that led to the creation of the WTO.

"Of course, I was honored," Santos said.

From July until November 2018, when the USMCA was signed by the outgoing Mexican president, Santos helped to research, negotiate, draft and explain the new agreement to individual members of the Mexican Senate.

"It was very exciting to make a practical contribution," Santos said, noting that this kind of discussion, debate and personal interaction can

be more effective at influencing policy-makers than scholarly research.

The Mexican Senate ratified the agreement in June by a vote of 114-4, and Santos said that Canada is "well on the way" to ratification. While the USMCA has seen more opposition in the U.S. Congress, Santos remains hopeful.

"The White House and Congress both have reasons to want it: the White House, so they can say they overhauled NAFTA; Congress, to better protect workers' rights and IP rights," he said.

U.S. politicians "don't understand the magnitude of the changes" that already have been made, especially on labor, he said. Not all the new protections are found in the so-called Labor Chapter — a fact that Santos considers "transformative."

"We can't continue believing that all you need is a Labor Chapter in a treaty," he said. "You also need domestic reforms, investment reforms, arbitration reforms — an entire system that works together to protect workers' rights."

What's the best argument for ratification? "This is an agreement that will be good for all three countries, both economically and in terms of nurturing our relationship," he said, noting that governments will need to ensure that benefits are more widely shared and that those who lose are compensated.

"Beyond the economic effects, the USMCA is a very positive initiative that renews a partnership among North American neighbors. It should

be promoted in a way to counteract the divisive anti-immigrant rhetoric, to highlight our shared past and common interests, and to build on a framework of cooperation for the future."

CAROLA, the Center that Santos directs at Georgetown Law, will host a workshop on international investment models in the fall, addressing not only the USMCA but also procedural reforms in Europe related to arbitration. Next spring, the focus will shift with a conference on anti-corruption laws. Attorneys general, lawmakers, and representatives of private companies, civil societies and NGOs will discuss how laws shape corporate and government behavior.

The search for best practices and "bold ideas" is energizing, Santos said.

"These are questions that have always motivated my work, but it's not always easy to bring them together," he said. "Ideas matter, yes, but they are only part of the equation. Strong interests and time constraints are just as important. The world of political action moves fast."

WHY SHOULD THE U.S. RATIFY THE U.S. MEXICO-CANADA TRADE AGREEMENT?

**PROFESSOR
ALVARO SANTOS**

In the recent past, politicians in various countries have made loud calls against globalization. In many cases, this backlash was used as a means of winning popular approval. Some of these discourses have been more heinous than others, but they generally share the same baseline. The simplistic and deceitful rhetoric of the current president of the United States is emblematic, but that of some of his counterparts in Europe, Latin America and Asia strike similar notes. Sadly, this demagoguery does not stop there. Racism and demonization of national, ethnic and religious groups have been part of the agenda.

It is, however, not enough to blame politicians for their propaganda. After all, they are not much more than puppets in the hands of various forces, including well-financed groups whose goal is to take advantage of popular fear and anger for their own benefit. The real question is why people feel the way they do and end up backing up demagogues. The short answer, in my view, is that the transformation of the economy in the last decades has failed to spread the profits people were told to expect. Globalization has worked for some but failed for the majority. In many places, including rural areas, life has become much more uncertain than it was. Despite a general rise of the standard of living, people's struggles have not lessened. In fact, these have increased, and a new precarity poisons many lives. While money is now at the center of everything, the spirit of greed has also generated, more than before, a sense of failure and alienation among those who are not economically successful.

In France, the movement of the “gilets jaunes” illustrates perfectly the disarray in which many people have fallen. As President Macron came to power, he immediately lowered the tax for the wealthiest, as a way of thanking those who had helped him get elected. Shortly thereafter, his government increased taxes for the general population, including those affecting the price of gas. People, who had fled towns to find affordable housing and were car dependent for work, found them-

selves often strangled and unable to balance their budgets.

The delocalization of entire industries away from their traditional places of operation has also hurt many and often increased unemployment. In this difficult and unfair context, it comes as no surprise that many people would gradually oppose economic globalization and vote for the closure of borders. Global money makers have managed to shift the blame on immigrants so as to hide the ways in which they themselves were threatening the general welfare. With the help of press outlets they control, it was easy for these players to transform disconcerted citizens into nationalist xenophobes.

What then is the role of a transnational legal education in such a context? I think legal studies with a focus on global affairs must serve as a tool of both recognition and resistance. Specifically, transnational legal education should be, as it has been in the past, a tool of resistance against bigotry and chauvinism. Beyond this, however, it must offer students the chance to assess the causes of the rising nationalistic and xenophobic tensions we are now witnessing. Questioning competition between nations and fostering respect for difference are key ingredients. One of the threats of the current globalization is mechanical homogenization and erasure of cultural diversity.

This educational mission should focus on two key considerations. The first one concerns the role that global capitalism — with its nonsensical worship of economic growth — plays in the killing of local business and the promotion of irresponsible con-

sumption. Faith in the infallibility of markets has currently replaced the will to promote justice in production and distribution of wealth across the globe. The second consideration, which closely relates to the first, regards the destruction of the planet. World scientists point out that life on earth is now dying. **The paradigm of economic growth on a planet with limited resources is a contradiction in terms that requires urgent and widespread challenge. The way accumulating wealth has been glorified in recent decades should be put to shame, and Western societies should learn how not to consume in four months what they should consume in twelve only.**

Mindful legal transnational studies should reflect on the legitimate place of private property and of social justice. They should question the idea of a privatization of common goods, such as water, or that of a global economy, as a God given fact in the hands of short-term profit driven corporations, with hegemonistic ambitions and no concern for human rights and the environment. Only then could these studies meaningfully contribute to the education of lawyers who want to work globally as responsible social engineers.

I trust that Georgetown Law's Center for Transnational Studies can be the right place to foster the debate we need now about the kind of governance we want in the years to come.

WHAT IS THE ROLE OF TRANSNATIONAL LEGAL STUDIES TODAY?

PROFESSOR FRANZ WERRO



Professor Dr. Franz Werro shares his life between the Faculté de Droit of the University of Fribourg (Switzerland) and Georgetown Law in Washington, D.C. He teaches and researches in fields including the law of obligations, European private law and comparative law. Professor Werro was a co-director for Georgetown Law's Center for Transnational Legal Studies (CTLTS) in London.



Professor Mitt Regan focuses on international law, national security, international human rights, and legal and military ethics. His classes include a Business and Human Rights practicum where students work in international organizations in Washington, D.C. Regan is the director of the Center on Ethics in the Legal Profession, which includes a program on Lawyers, Business, and Human Rights. Regan notes that a significant development within the field of human rights has been the use of a human rights framework to hold companies accountable for the adverse impacts of their operations around the world.

Photo Credits: iStock; Georgetown Law

Business operations increasingly are multinational in scope, while regulation of business operations is limited to the national level. This has led to what has been called a “governance gap” between companies’ ability to generate profits from coordinated global operations and their liability for the costs that such operations impose.

This gap reflects a significant shift over the last three decades in how the production of goods is organized. Many companies that formerly housed all stages of the production process under one vertically integrated corporate roof now rely on foreign subsidiaries and suppliers to produce goods in multinational supply chains. These entities contribute specific inputs at various stages in the production process, with continuing efforts to move work in that process to the lowest-cost producer.

These efforts involve moving production to the lowest-cost location in which it can be performed, in terms of both wages and regulatory demands. It also involves supplier subcontracting of routine portions of their work to low-cost providers. There may be several tiers of sub-contractors who attempt to operate on the same business model, each with a lower margin of profit. This limits the wages that each can pay, and the investments that they can make in providing adequate working conditions.

This dynamic can produce adverse impacts such as unsafe working environments, environmental degradation, impairment of local subsistence farming or fishing, forced displacement of local communities to make way for manufacturing or extractive activities, violence by security forces against local community members, and substandard wages. Extreme impacts can be forced labor, child labor, human trafficking and the use of military force that takes lives and destroys property.

These impacts can occur as part of a production process that allows parent companies to maximize profits through a coordinated mul-

tinational network that includes subsidiaries and suppliers. Parent companies, however, are insulated from liability for such imposing such costs, even though they reap all the benefits generated by these entities. Subsidiaries are distinct legal entities that bear sole responsibility for their operations. Similarly, suppliers are third parties who are contractual partners with parent companies. The result has been to limit recovery for any injury to the assets of the subsidiary or supplier.

This also subjects any claims to the legal system in the jurisdiction in which these entities are incorporated. In countries with lenient regulation, there may be minimal prospect of establishing liability. Furthermore, in countries that lack a robust judicial system and rule of law, the ability to present a claim and obtain a remedy may be extremely difficult.

There is no government agency that has authority to regulate and enforce a law that applies to all multinational business operations. In the last two decades, however, there has been a significant trend toward using human rights to argue for international standards of business conduct. In 2011, the United Nations issued the Guiding Principles on Business and Human Rights. This declared that all business enterprises have an obligation to respect the rights set forth in the Universal Declaration of Human Rights, the International Covenants on Civil and Political Rights and on Economic, Social, and Cultur-

al Rights, and the International Labor Organization’s (ILO) Declaration on Fundamental Principles and Rights at Work.

The UN Principles reflect the emergence of what Elise Groulx Diggs, Beatrice Parance, and I call a “galaxy” of business and human rights norms. These norms can be conceptualized as occupying distinctive concentric rings around a core ring of enforceable “hard” law. They take the form of measures such as statutes, regulations, reporting requirements, common law duties, private voluntary standards, corporate codes of conduct, non-governmental organization (NGO) best practices, international organization handbooks and checklists, and other sources. The metaphor of a galaxy underscores that the norms in each ring, and the rings themselves, exert various degrees of gravitational force on one another. This can blur sharp distinctions between enforceable “hard” law on the one hand and voluntary standards and “soft law” on the other. This expanding galaxy signifies increasing expectations that business will take account of human rights concerns across all their multinational operations.

HOW CAN COMPANIES BE HELD ACCOUNTABLE FOR THE ADVERSE IMPACTS OF THEIR GLOBAL OPERATIONS?

PROFESSOR MITT REGAN

Not long after she arrived in Barcelona in early 2019, Professor Naomi Mezey saw a stream of people flooding past her apartment. They were draped in striped yellow flags, which were emblazoned with a blue triangle and star of the Catalan independence movement.

Mezey didn't know what was happening, but she'd come to Barcelona on a research leave to work on a book in part about Catalonia's bid for independence from Spain. So she headed outside, and into what turned out to be a large demonstration about a block from where she lived.

It was a week before a dozen Catalan leaders were set to go on trial in Madrid, in Spain's Supreme Court, for charges of rebellion and sedition stemming from their roles in promoting a 2017 independence referendum. (Mezey wrote about Spain's "trial of the century" in an op-ed for the *Washington Post*.)

"Everyone talks about it," Mezey said about the trial and more broadly, the independence movement. "For some families and friends, it's very divisive."

Even what to call the Catalan leaders is a source of debate. In the trial, they're defendants. To some Spaniards, they're traitors. And to independence sympathizers, they're political prisoners, because they believe they're being prosecuted for their political beliefs.

Mezey, who thinks of herself as a law-and-culture or law-and-humanities scholar, has spent much of her career thinking about these kinds of issues. She teaches a seminar on nationalism and cultural identity, where students look at topics such as how citizenship and immigration laws have been used to define who could freely immigrate to the United States and on whom quotas would be imposed as a legal mechanism for creating and defining a particular national identity. The seminar also examines how monuments, festivals and holidays are created to forge a particular kind of national identity at a particular moment. For example, after the Civil War, President Abra-

ham Lincoln established Thanksgiving as a nonsectarian holiday for celebration by North and South alike.

When two forces came to a head in 2017, Mezey began thinking about writing a book. First, Donald Trump was elected president, and his campaign and his administration relied on fomenting populist nationalism. Second, also in 2017, Catalonia held a referendum and declared its independence from Spain. In response, Spain dispatched national police to try to stop voting, held the referendum unconstitutional and invalid, and criminally prosecuted Catalan political and civil-society leaders who helped to organize the referendum, Mezey said.

Viewing these disparate phenomena together — the rise of Trump and the rise of the Catalan secession movement — Mezey had a realization.

"This is a global phenomenon," she said. "And I want to write a book about current forms of nationalism and the different kinds of debates about national identity."

With Catalan independence leaders on trial in a highly public proceeding, there are actually three competing nationalisms in Spain right now, Mezey said. There's the culmination of years of mobilizing Catalan identity, which is the independence movement. There's the emergence of a strong, unified Spanish identity in reaction to the Catalan independence movement. And, finally, there's the rise of a right-wing populist nationalism that is openly nostalgic about the dictatorship of General Francisco Franco, which lasted from 1939 to 1975.

As part of her research, Mezey spoke to journalists, politicians and lawyers. She watched the televised trial, which began on February 12 and, with 422 witnesses, ended four months later. She's studying Spanish constitutional law, looking at how the Spanish constitution designed a democratic, unified Spain after the Franco dictatorship. She's also curious about how Spain's history of fascism has contributed to, and continues to contribute to, the current political moment. Much like the United States, Spain has a lot of painful history that it has not adequately addressed, she said.

"The unresolved history has a way of coming back and forcing itself on us," she added.

Given her immersion in the subject of Catalan independence, Mezey is often asked where her sympathies lie. As a researcher, she sees strong arguments on both sides; but generally, she feels independence is rarely a solution to complex problems.

"In the world that we currently live in, we don't have the luxury of giving everyone their own state," she said. "We have to figure out ways of living together. And the challenge comes in how to be inclusive when parts of a population are not even living by the same set of rules. And I think that's where I start really worrying about democracy being imperiled. Not just in Spain, but in the United States and elsewhere. Democracy depends on a set of foundational norms that everyone respects."

WHAT GLOBAL FORMS DOES NATIONALISM TAKE?

PROFESSOR NAOMI MEZEY



Professor Naomi Mezey, whose areas of expertise include law and culture, and law and humanities, spent the Spring of 2019 in Barcelona, Spain, researching Catalonia's bid for independence and drawing parallels from U.S. nationalism in the Trump era.



/ CAMPUS

High schoolers visited Georgetown Law in February as part of an Early Outreach Initiative.

DIVERSITY

Georgetown Law Ramps Up Initiatives To Promote Diversity Among Future Law Students, Lawyers

When Megan Lipsky (L'21) was preparing to go to Georgetown Law from the University of Miami in the summer of 2018, she learned about a new Georgetown program called RISE. RISE is designed to support incoming J.D. students from backgrounds historically underrepresented in law school and lawyering — including but not limited to racial, ethnic, geographic, socioeconomic and first-generation college backgrounds.

“I thought, that sounds really cool, and I want to be a part of this,” said Lipsky, a political science and philosophy major who completed an undergraduate honors program in law. “I’m the first generation in my family to go to law school, so having a program like RISE to help me figure out where the benchmarks and the measures of success in law school [are] — doing journal or moot court, or taking classes that would help me later on in practice — I’m grateful for a program to teach me the unwritten curriculum of law school.”

Chiemeka Onwuanaegbule (L'21), a Brown University graduate who later taught high school literature and biology, needed a smooth transition back into being a full-time day student in law school. The RISE program, which ran the third week in August in 2019, consists of a rigorous week-long “pre-orientation” the week before the official J.D. and graduate orientation starts, and other programming during the school year.

“I had to hit the ground running, and I didn’t have time to do any studying beforehand — I was working until a week before the program started,” he said. “Coming into RISE has changed my entire world.”

RISE is just one of several recent initiatives launched by **Dean William M. Treanor**, the Office of the Dean of Students, the Office of Admissions and others to promote diversity at Georgetown Law and in the legal profession. For the approximately 67 incoming J.D. students who are accepted into the RISE program, there are opportunities to participate in simulated classes and exams; enhance leadership and professional skills; and meet faculty, staff and students before classes begin. Opportunities continue throughout the 1L year to hone critical thinking and legal writing skills, and to explore the legal profession.

“Improving access to legal education is a critical aspect of ensuring access to justice overall,” Treanor explained. “We want more students with great potential to recognize early that they could have a bright future in the law, and that we will assist them in reaching their goals.”

BEGINNING THE CONVERSATION

In February 2019, Dean Treanor and **Dean of Admissions Andy Cornblatt** invited approximately 100 students from five Prince George’s County, Maryland, schools affiliated with the Academy of Law, Education, and Public Service, to visit the Law Center. The event was part of an Early Outreach Initiative by Treanor and Cornblatt to introduce young people to law school while they are still in high school — so that teenagers from all backgrounds can see what is possible. Since launching the pilot presentation in Washington, D.C., in 2018, Cornblatt has visited numerous high schools around the country (in addition to his regular college visits) and plans to visit more.

Diversity at Georgetown Law, and in the legal profession, is the goal: the Fall 2019 entering J.D. class, for example, consists of 521 day and 56 evening students, 53 percent of whom are women and 28 percent are students of color. They hail from 46 states, 10 foreign countries and 229 colleges and universities worldwide. Eleven percent are the first in their families to graduate from college. “[They are] a remarkably diverse group in every way,” Cornblatt says. (The acceptance rate, meanwhile, was a competitive 19 percent.)

As socio-economic barriers still prevent many from pursuing law school, the faculty, administrators and staff are determined to reduce the obstacles — through financial aid, loan forgiveness, and now, early outreach.

“We asked ourselves, how can we help more diverse students consider law school earlier?” Cornblatt says, noting that that most students consider law school before they even set foot on a college campus. “How can we reach young people whose families and social circles don’t include a lot of lawyers or even college graduates? These students aren’t having the same dinner conversations about the law or a future that includes graduate school as some of their peers. So how can we help them start that conversation?”

To the high school students visiting Georgetown Law earlier this year, Cornblatt reiterated that the Law Center is committed to recruiting talented students and making law school affordable. “My job, every day, is to make decisions about which people...we say ‘yes’ to...” he said. “You are all here because Georgetown Law wants to reach out to high schools and talk about what being in law school is



Top: Dean of Students Mitch Bailin, Associate Dean Kristin Henning. Bottom: Professor David Vladeck. Photo Credits: Brent Futrell; Ines Hilde.

all about, and what the practice of law is all about... We want to begin that conversation with you.”

Sophia Weinstock (L’20), Max Lesser (L’22), Alexis Jackson (L’21), Josh Mogil (L’20) and Ilana Malkin (L’20) told the high school students about life in law school: taking classes in torts, working in clinics, leading student organizations. Other law students led campus tours.

Will the high schoolers definitely apply to law school now? Several said yes — sophomore Sky Hart wants to work with juveniles; sophomore Michael Gray is interested in criminal justice.

What surprised them? “That you could take evening classes, and you could work [at a job],” Hart said.

“A lot of times, [the high school] students are not exposed to the outer world, different states, different cultures, things like that,” said Ralph Patterson, who teaches civil rights and constitutional law at Surrattsville. “It broadens their horizons.”

RISE

And once students are accepted to Georgetown Law, they might choose to apply to RISE.

“RISE is designed to ensure [that] every student at Georgetown Law reaps all the benefits of our outstanding curricular and co-curricular offerings,” says Maura DeMouy, the director of Academic Success, who leads RISE with Nicole Sandoz, director of Student Life. Georgetown Law’s stellar staff also includes Dr. Judith Pérez-Caro, the school’s inaugural director of Equity and Inclusion.

This year’s students, DeMouy said, will see additional segments focused on career development, and there are further plans to develop the program. “It is one thing



Top: Visiting Professor M. Tia Johnson. Bottom: Visiting Professor Charisma Howell.
Photo Credit: Ines Hilde.

to admit students from underrepresented backgrounds. It's another to...invest in the programming and develop the community that will ensure [that students] reach their full potential and hit the ground running when they join the profession. I know how incredible these students are because I work with them so closely, but I am thrilled to see the success they are having in the classroom and in the job market."

The leadership of Dean Treanor in recognizing the importance of creating and funding RISE has been "phenomenal," DeMouy said. "We feel very lucky to work at a law school with such a deep, talented pool of colleagues to bring this project to life. RISE truly has involved the entire Law Center community."

The initial class of RISE students are on their way to success. Lipsky, who spent the summer in a constitutional litigation externship at Americans United for Separation of Church and State, foresees an externship at the Equal Employment Opportunity Commission, work with an administrative law judge, and possibly the Appellate Advocacy Clinic. She was selected for Georgetown Law's Barristers' Council, Appellate Advocacy division, having reached the semifinals at the 2019 Beaudry Competition (not an easy feat). "Everyone goes to law school to make the world a better place," she says, "and I'm trying to figure out how best I can do that."

Onwuanaegbule, who spent his 1L year working at Georgetown Law's Office of Public Interest and Community Service, and spent the summer working for Prudential, is now interested in tax, finance and tech — something he could not have envisioned, as he came to law school focused on politics, education and regulation. "[I want] to intern with the SEC and with a tax court judge — to get to see all sides of the world," he says, "and make a decision from there."

COMMENCEMENT 2019



On Sunday, May 19, more than 1000 Georgetown Law students — 629 J.D., 446 LL.M. and 6 S.J.D. — became Georgetown Law alumni.

Under a brilliant blue sky, Georgetown Law Dean William M. Treanor, Georgetown University President John J. DeGioia and other faculty, staff and administrators greeted the Class of 2019 as graduates. The Law Center ceremony capped off a weekend of commencement celebrations at Georgetown University.

“Your experience [has] been shaped by the world events that happened when you were together at Georgetown Law,” Treanor said, noting that the Law Center’s 147th graduating class has been together during some of the most politically charged and divisive moments in our nation’s history. “I have been struck by the fact that this has not discouraged you. It has motivated you to use your talents to make this world a more just place.”

Treanor told the graduates to “use your law degrees to advance justice and to advocate for the causes that are most important to you”—like the two honorary degree recipients celebrated that day: **Judge Emmet G. Sullivan** of the U.S. District Court for the District of Columbia and **New York Solicitor General Barbara Underwood (L’69)**. “I look forward to the great work and you will do in the years ahead as graduates of Georgetown Law.”

Professor Irv Gornstein introduced Underwood, who delivered the address to the graduates. First in her class at Georgetown Law in 1969, Underwood became the first woman graduate of the school to clerk on the Supreme Court (for the late Justice Thurgood Marshall), the first woman to serve as acting Solicitor

General of the United States and the first woman to serve as attorney general of New York, among other things. “She has left a number of smashed ceilings along the way,” Gornstein said, noting Underwood’s “unbounded commitment to equality and steadfast devotion to public service.”

Professor Emma Coleman Jordan highlighted Sullivan’s “unfailing commitment to civility, professionalism, and fair execution of justice” who “exemplifies the very best of the legal profession.” The longest-serving active judge on the District Court for D.C., Sullivan has been a vocal advocate for “*Brady* orders” that require prosecutors to be reminded in court of their obligation to seek out and provide potentially exculpatory evidence to the defense.

THE BEST OF THE LEGAL PROFESSION

Underwood said it was a special honor to be recognized by Georgetown, “the school that launched my career in the law.”

“The school I attended in the 1960s was different in some ways from the Georgetown Law of today,” she said, recalling the Law Center’s former location in the red brick building at 506 E Street. What remains the same today, though, is a “commitment to excellence in education. We learned both to master existing doctrine and to think about how the law might be improved...the buildings and faculty and students and educational opportunities just keep getting better and better.”

In her commencement speech, Underwood highlighted why it is critical for women to be leaders — and indeed, trailblazers — in the legal profession and in society as a whole.





Left: Members of the Class of 2019. Right: Commencement Speaker and Honorary Degree recipient Barbara Underwood (L'69), the New York Solicitor General, with Dean William M. Treanor.

“[Women’s] experiences can matter in decisionmaking...” she said. “Justice Marshall knew — we all know — that women, or African Americans, do not always vote together, and certainly [when acting as jurors] they do not always favor the litigant who looks like them. But women, like other groups, bring to decision-making their own distinctive life experience and then they each use it differently... Justice Marshall understood the connection between race discrimination and sex discrimination and had no patience for either one.”

Retired Justice Sandra Day O’Connor, Underwood noted, mourned the late Justice Marshall because he brought a perspective shaped by his life experiences, and “he was constantly pushing and prodding the others to see what he saw.”

“That’s one of the most important challenges of our times,” she said. “To bring into the courts and the law firms, the board rooms and executive suites, in business and in government, in the academy and in all the institutions of society, many different perspectives, so that you can have the tools to build the bridges that are needed to unite, rather than divide, our large and diverse nation.”

Advice to the Class of 2019? “When you go out into the world and into the legal profession, try to make it a better place. Try to make your distinctive voice heard, and listen to as many different voices as you can,” Underwood said. “And also, don’t be afraid of being a pioneer. It turns out to be a pretty rewarding thing to do.”

ADVOCATES FOR JUSTICE

At a separate dinner for the honorary degree recipients and some members of the graduating class on May 18, the evening before Commencement, Sullivan explained why he has advocated for “*Brady* orders” (he also spoke of deferred prosecution agreements as a tool to address the problem of mass incarceration).

“Every prosecutor has a legal and ethical duty to seek out and turn over to the defense all evidence favorable to the accused that is in the possession of any government official, including the police,” Sullivan said, noting that the Supreme Court made this clear in the 1963 case of *Brady v. Maryland*, and in subsequent rulings since. While most prosecutors have high ethical standards, “a small minority intentionally withhold evidence that might lead to acquittal, which too often results in innocent people serving lengthy prison sentences,” he said.

“One solution is for judges, at the start of each new case, to issue what’s known as a *Brady* order [notifying] prosecutors of their legal and ethical obligations, reminding them of their duty to seek out — and then to turn over to the defense in a timely fashion — evidence favoring the accused,” Sullivan said. He added that a judge-issued *Brady* order ensures that busy prosecutors will make finding and turning over such material a priority, and also ensures that prosecutors who commit intentional misconduct can be held accountable. “Imagine my delight upon learning two weeks ago that a bi-partisan bill has been introduced in the Senate that would do just what I have been advocating — it would require judges in cases to issue a *Brady* order in their federal criminal cases.”



Ryan Shymansky (L'19), Dean William M. Treanor, Ashley Nicolas (L'19).

2019 DEAN'S ACHIEVEMENT AWARD

Georgetown Law's annual Dean's Achievement Award is given to Law Center graduates who have shown outstanding leadership and made invaluable contributions to Georgetown Law. This year, the award went to three members of the class of 2019: Ashley Nicolas (L'19), who served as co-president of Georgetown Law's Military Law Society and a member of the Global Law Scholars program; Ryan Shymansky (C'16, L'19), whose activities included service as president of the Student Bar Association; and the late Cedric Asiavugwa (L'19), a Global Law Scholar and Blume Public Interest Scholar who worked in the Office of Campus Ministry. Asiavugwa, who died March 10 in the Ethiopian Airlines crash bound for Nairobi (see story page 106), is the first law student to be honored posthumously with the award.

Nicolas, who served in the U.S. Army and received a Bronze Star, was the Commencement Speaker for Section 2. She began by honoring Asiavugwa, also a member of Section 2. "I believe in our lives we encounter people who teach us how to live," Nicolas said. "Cedric was one of those."

Nicolas noted that the Class of 2019 witnessed a time of tremendous change — when lawyers were stepping up as protectors of the rule of law and defenders of the republic: at the borders, in airports, marching in Washington, D.C. "It's now our turn..." she said. "I couldn't feel more prepared to enter that fight with all of you. Throughout our careers, no matter where they take us, we are going to work in the service to others for what we know is right."

Top: Georgetown University President John J. DeGioia and Georgetown Law Dean William M. Treanor awarded an honorary degree to Judge Emmett G. Sullivan of the U.S. District Court of the District of Columbia. Bottom: Professor Irv Gornstein introduced the Commencement Speaker Barbara Underwood (L'69). Photo Credit: Sam Hollenshead.



People gather in Chicago's Federal Plaza Wednesday, July 13, 2016 to remember Sandra Bland. Bland died in 2015 in Hempstead, Texas, where she was found hanging from a jail cell partition. Photo Credits: AP, Brent Futrell.

CIVIL RIGHTS

“Can I Live?” Examines Black Women’s Lives in America

Sandra Bland, who died in prison after being arrested for a traffic violation. Aiyana Stanley-Jones, a seven-year-old shot and killed by police during a raid. Renisha McBride, shot and killed by a homeowner when she knocked on the door of a house. Black women in America have lost their lives, and have been subjected to other horrific injustices, just as men have been. Yet America does not often remember their names. Black women and girls in America have also been held at gunpoint by police for being noisy, dragged in a classroom because of a cell phone, regarded with suspicion when eating lunch in their college dorm.

“Police brutality is [about] more than people dying during their interactions with police,” said Associate Dean Kristin Henning, the Agnes N. Williams Professor who directs the Juvenile Justice Clinic. “It goes so much further, into the broader institutionalized systemic problem that includes emotional and verbal assault and intimidation that ultimately dehumanizes women of color.”

Henning moderated “Can I Live? Black Women’s Lives in America,” held at Georgetown Law on February 11. The event was the first in a series hosted by the Black Law Students Association (BLSA) to celebrate Black History Month.



Associate Dean Kristin Henning, Professor Sheryll Cashin.

Professors explored how the intersection of gender and race compounds bias, leading to discrimination with more devastating effects than racial discrimination alone or gender discrimination alone.

“Intersectionality is an idea that was first articulated by Kimberle Crenshaw — the idea is that we are all a bunch of different identities,” said Professor Paul Butler. Butler, the Albert Brick Professor of Law, is an expert in civil rights, discrimination and race relations. “Nobody is ‘just’ lesbian or ‘just’ disabled or ‘just’ 55 [years old]. The ways that different identities intersect matters.”

Professor Sheryll Cashin, the Carmack Waterhouse Professor of Law, Civil Rights and Social Justice, has examined stereotypes surrounding poor people of color and how those stereotypes affect women.

“A lot of these terrible stories...driving while black, walking while black, breathing while black, eating lunch on Smith’s campus while black — [involving] people who have no intimate

understanding of what black people are like, in our beauty and genius and greatness — where do they get these stereotypes from?” she asked, noting that lot of the stereotypes come from high poverty black neighborhoods. “These stories mask practices of predation, aggressive policing and disinvestment, and it affects men and women differently.”

Visiting Professor Jill Morrison, director of the Women’s Law and Public Policy Fellowship Program (WLPPFP), and Leadership and Advocacy for Women in Africa (LAWA) Program, spoke of the risk of violence against black women at the hands of police and intimate partners.

“It’s known that when you call the police into your community, bad things typically happen...” Morrison said, noting that women have been evicted from their homes for calling 911 too much. “This justified distrust of the system actually keeps women from getting the help that they need.”

FACULTY

Professor Rosa Brooks Installed as the Inaugural Scott K. Ginsburg Professor



Dean William M. Treanor, Professor Rosa Brooks and Scott K. Ginsburg (L78). Photo Credits: Bill Petros, Brent Futrell, AP

"Just as our recent wars have mostly been against those who are poor, those who can easily be demonized and viewed as 'other' by the average American — so too, our criminal law has tended to be enforced primarily and disproportionately against the poor and people of color," said Professor Rosa Brooks, who was installed as Georgetown Law's inaugural Scott K. Ginsburg Professor of Law and Policy on March 20.

Brooks, who teaches courses on international law, national security, constitutional law and criminal justice, has had unusually varied work experiences outside of Georgetown Law. She worked at the Pentagon, as counselor to the Undersecretary of Defense, from 2009 to 2011. Earlier, she served as a senior advisor at the U.S. Department of State. Brooks is a prolific writer, of everything from op-eds to scholarly articles to books — including her most recent, *How Everything Became War and the Military Became Everything: Tales from the Pentagon* (Simon & Schuster, 2016).

She's a reserve police officer, teaching an experiential practicum course on innovative policing with Distinguished Visitor from Practice Christy Lopez. And the two are part of a unique educational collaboration, the Police for Tomorrow program, with Washington, D.C.'s Metropolitan Police Department.

In a speech called "Violence and the Limits of the Law," Brooks applied what she has observed of military power in international law to police power at home.

She told the story of how her mother, author Barbara Ehrenreich (a former anti-war activist who was present at the event), once accompanied her daughter to the Pentagon. Brooks's mother was surprised to see that this center of military power had become a one-stop shopping mall. "You can buy Tylenol at CVS, or you can send a team of army medics to fight malaria in Chad," Brooks recalled. "You can buy a new cell phone — or...you can order the NSA to monitor someone else's cell phone."

Brooks's book argues that as the boundaries between war and peace blur, the role of the military has also blurred and expanded, as has the application of the law of war, often with disastrous results for rights and the rule of law. Today's military personnel analyze computer code, train Afghan judges, build isolation wards for diseases and eavesdrop on electronic communications, among other things.

"If your only functioning government institution is the military, every thing starts to look like a war, and if everything looks like a war, everything looks like a job for the military," said Brooks.

What's at stake? In peacetime, killing is generally against the law; in war, killing can get you a medal. "Our most basic moral and legal rules are inverted in wartime, and we tolerate that... because we view war as a state of temporary exception." But when the boundaries of war expand and blur, we begin to lose our ability to determine which actions should be praised, and which should be condemned, she said.

How does this relate to criminal justice? Similar parallels can be drawn with respect to the overcriminalization that has led to mass incarceration in the United States.

"Just as the blurring and expansion of what we consider to be war has led us to expand the role of the military, so too, domestically, overcriminalization has expanded the role of the police..." said Brooks. "We increasingly expect the police to play multiple and often contradictory roles. We want them to serve as mediators, and protectors, as mentors, as medics...we want them to be educators, friends, social workers, and we also want them to serve as enforcers who are willing to use lethal weapons when needed to enforce the ever-expanding criminal law."

In America, everything is becoming crime, and the police are becoming everything, Brooks said. "So here is the warning: The trends I've highlighted remain invisible to most Americans, but they are having a devastating effect on human rights, democratic accountability and the rule of law. Here is the challenge: it's up to us, and particularly to those of you who are young, our students, to find a better solution."

CONTRIBUTIONS

As Dean William M. Treanor remarked, the Ginsburg Professorships were made possible through the generosity of Scott K. Ginsburg (L'78). Ginsburg's recent \$10.5 million gift, the largest single gift in Georgetown Law history, will allow the school to expand its Washington, D.C., campus and will also support talented faculty members.



Distinguished Visitor from Practice Christy Lopez, Professor Rosa Brooks and Dean William M. Treanor.

Georgetown Law, Treanor said, is indeed fortunate to have Brooks as a faculty member. He noted the many contributions she has made to the community, including her work as Associate Dean for Graduate Programs, with Police for Tomorrow and international diversity. "She's a public intellectual whose work has made an extraordinary influence," the dean said.

Distinguished Visitor from Practice Christy Lopez, who co-teaches the course on innovative policing with Brooks, noted that "it would be hard to find a professor anywhere with a more varied professional life."

"When Rosa writes about how our military has become more expansive and complex, I think about the advent of police crisis intervention teams, the proliferation of SWAT deployments, policing for profit, and 'broken windows,'" said Lopez, who noted that Brooks is writing a new book on policing. "It's easy for me to imagine that Rosa, having explored these questions at the international level, was eager to see how they play out at the local level. And being Rosa, that required that she immersed herself in the middle of those questions by becoming a police officer."

INTERNATIONAL LAW

IIEL's DebtCon Continues Swift Growth, Tackles Sovereign Debt



(Left) Dean William M. Treanor; (right) Professor Anna Gelpert and Graduate Institute Professor Ugo Panizza.

Georgetown Law's Institute of International Economic Law (IIEL) hosted the third Interdisciplinary Sovereign Debt Research & Management Conference — known as DebtCon — in April. The conference featured senior economic officials, academics, practitioners, and activists from around the world, including Prime Minister Mia Amor Mottley of Barbados; Director General of the French Treasury Odile Renaud-Basso; Natalie Jaresko, Executive Director of the Puerto Rico Financial Oversight and Management Board (formerly the Finance Minister of Ukraine); and Harvard Professor Ricardo Hausmann, freshly appointed by the government of Juan Guaido to serve as Venezuela's representative to the Inter-American Development Bank.

Georgetown Law Professor Anna Gelpert organized the event along with Duke Law Professor Mitu Gulati and Professor Ugo Panizza of the Graduate Institute of International and Development Studies in Geneva.

The goal of DebtCon is to gather law and social science scholars, civil society representatives, policymakers and market participants who work on sovereign debt to find solutions to urgent policy problems. The conference has grown rapidly since its debut at Georgetown Law in January 2016. DebtCon1 attracted 120 registrants from 20 countries and international institutions. DebtCon2 was held in October of 2017 at the Graduate Institute in Geneva, bringing together more than 200 participants. Eighty paper and roundtable proposals were selected from a call for papers to present at DebtCon3, which drew approximately 340 registered participants. Georgetown IIEL Director Professor Chris

Brummer and Georgetown Law Professor Anupam Chander were among the featured speakers.

Topics included debt and debt crisis management, governance and debt transparency, and the intersection of debt and climate vulnerabilities and more. The closing panel, moderated by Felix Salmon of Axios and Slate, focused on the crisis in Venezuela, and the way in which institutions like the International Monetary Fund and the Paris Club of Official Bilateral Creditors are responding to the fast-changing international debt environment. In addition to Renaud-Basso and Hausmann, the panel featured IMF General Counsel Rhoda Weeks-Brown and legendary sovereign debt lawyer Lee Buchheit.

"Sovereign debt is an enduring policy challenge....," Gelpert said. "We hope to continue the DebtCon project for as long as these problems persist."

CIVIL LIBERTIES

ACLU National Legal Director, Professor David Cole, Speaks to Georgetown Law Chapter



Perhaps no guest of a Georgetown Law student organization was ever quite so at ease speaking to Georgetown Law students as David Cole, the American Civil Liberties Union's National Legal Director.

That's because Cole has already held many thoughtful discussions in McDonough Hall about constitutional law and civil liberties. Cole, who is the George J. Mitchell Professor in Law and Public Policy at Georgetown Law, took leave in January 2017 to work for the ACLU.

"I could not be more excited to introduce David Cole...", Rachel Farkas (L'20), president of Georgetown Law ACLU, said on February 7. "Professor Cole is a force both in academia and in legal practice."

In a talk entitled, "Lessons from the

Front: Defending Liberty in the Trump Era," Cole admitted that he was expecting a different future, and a different Supreme Court, when he agreed to work at the country's largest and oldest civil liberties organization in Fall 2016. An expert in constitutional law, national security and criminal justice, Cole has authored seven books including *Engines of Liberty: The Power of Citizen Activists to Make Constitutional Law*, exploring activism on issues from same-sex marriage to the right to bear arms.

While his plans required some revisions after the 2016 presidential election, it didn't take long for Cole to realize that the ACLU was exactly where he needed to be.

When one party is in power, organizations like the ACLU, the press — and movements like #MeToo and March For Our Lives — become essential to provide

checks on that power, Cole said. "When one party is in power, separation of powers doesn't work so well."

Cole joked that he knew "we had arrived" when Nina Pillard — a judge on the U.S. Court of Appeals for the D.C. Circuit and a former Georgetown Law professor who is also Cole's wife — spotted a clue in a *New York Times* crossword: What group told President Trump, "We'll see you in court"?

Though the ACLU is nonpartisan, it has filed suits against the Trump Administration on issues including the transgender military ban, sanctuary cities, dividing families at the border, the revocation of Deferred Action for Childhood Arrivals (DACA) and more.

Photo Credit: Ines Hilde.

RYAN LECTURE

Boston Law Professor Mary Sarah Bilder Delivers Ryan Lecture

“Like people of color, white women found themselves constitutionally excluded, because they were not white men.”



Professor Mary Sarah Bilder, one of the country’s most accomplished historians with expertise in legal and constitutional history, delivered the 2019 Thomas F. Ryan Lecture at Georgetown Law on March 6.

Bilder, the Founders Professor of Law at Boston College Law School, traced the life of a little-known historical figure, Eliza Harriet O’Connor, in a lecture entitled “The Lady and George Washington: Female Genius in the Age of the Constitution.” O’Connor herself was a lecturer who began to speak in the 1780s, the very time that constitutions were being reformed in the United States and England.

Who was this remarkable woman? As Bilder explained — with slides to illustrate — Eliza Harriet was born in Lisbon, Portugal. She grew up in England with an elite education and married an Irish law student, John O’Connor, before moving to America. They settled in New York in

1786, Alexandria in 1788, Charleston in 1790, Savannah in 1792. The founding of Georgetown, Bilder noted, coincided with O’Connor’s story and it is possible that she was on site in 1789, as her husband attempted to start the *Potomac Magazine*.

In each city, she gave lectures on women and politics, among other subjects, and attempted to open schools for women and girls, with varying degrees of success. She lectured in Philadelphia in the summer of 1787, possibly influencing those who would draft the U.S. Constitution. “She insisted that she was an example to be imitated and improved on by others, and I believe her example mattered,” Bilder said.

Though reactions to her speeches were mixed among male reviewers, even George Washington himself grudgingly acknowledged O’Connor as “tolerable” when he heard her speak at a charity affair. “This is what [Jane Austen’s character] Mr. Darcy says of Eliza, so I judge her performance was a relative success,”

Bilder said.

While some women could vote in New Jersey throughout the 1790s, rapid advancements in women’s rights during this time was not to be. Men lashed back in writings and lectures, wanting to restrict women to the traditional role of wife and mother. And prejudice, Bilder said, “began to take constitutional form.”

Under the guise of eliminating voter fraud, women lost the vote in New Jersey in 1799. A wave of state constitutional exclusions meant that by 1807, only free white men could vote.

“Like people of color, white women found themselves constitutionally excluded, because they were not white men,” Bilder said.

Georgetown Law’s Ryan Lecture, named for the late Thomas F. Ryan (L’76), is given annually to honor Ryan’s memory and enrich the education of Georgetown students and faculty.

Photo Credit: Bill Petros.



FACULTY AWARDS

2019 Teaching & Scholarship Awards

Georgetown Law’s annual Teaching and Scholarship Luncheon on April 18 honored the full-time and adjunct Law Center faculty who are making an impact in teaching, writing, representing clients and above all, making a difference in the lives of their students.

Associate Dean Paul Ohm presented the Charles Fahy Distinguished Adjunct Professor Award for the J.D. program to Adjunct Professor Dori Bernstein (LL.M.’89), who directs Georgetown Law’s Supreme Court Institute. Bernstein also teaches a Supreme Court Judicial Clerkship practicum class.

“Dori really is a teacher — not only to the students who nominated and advocated for her to win this award, but it’s fair to say to the entire Supreme Court bar of Washington, D.C.,” Ohm said. “Dori really is the beating heart of the Supreme Court Institute, which is really the crown jewel of what we do here.”

Ohm presented the Charles Fahy Distinguished Adjunct Professor Award from the Graduate Programs to Adjunct Professor Timothy C. Brightbill (L’94), a partner in Wiley Rein’s Trade practice who teaches International Trade Law and Regulation.

“It is so exciting and rewarding, as all of you know, to watch your students go to work at high-level government positions, companies like Microsoft and Google and law firms all over the world...” Brightbill said.

Top: Associate Dean Paul Ohm with Adjunct Professors Dori Bernstein and Timothy C. Brightbill. Bottom: Dean William M. Treanor with Professor Steven Goldblatt; Professor Donald Langevoort with Professor David Super.

Professor Donald Langevoort presented this year’s Frank F. Flegal Excellence in Teaching Award to Professor David Super, whose courses have included Property, Bargain, Exchange and Liability, Public Welfare Law, Evidence, and Federal Income Taxation. Ninety-four members of the full-time faculty received at least one nomination, Langevoort said.

“If you saw a word cloud of the words in [Professor Super’s] nominations, you would see ‘generous’ and ‘caring’ in very large font — that’s what David is all about,” Langevoort said.

For the first time, the Steven Goldberg Faculty Service Award was presented — this year, to Professor Steven H. Goldblatt (L’70) (who noted how his similar-sounding name continues to be linked to Goldberg, his distinguished late colleague). Goldblatt, a co-founder of Georgetown Law’s Supreme Court Institute, has also directed the Appellate Litigation Clinic and chaired a Professional Responsibility Committee.

“It is a lifetime achievement award,” said Dean Treanor, who noted that while many members of the faculty could have been honored, fourteen colleagues championed Goldblatt. Georgetown Law’s Supreme Court Institute has transformed appellate advocacy before the Court.

The new Faculty Service Award is named for Professor Steven Goldberg, a beloved faculty member from 1977 until his death in 2010.

IMMIGRATION

2019 Dash Conference: “Human Rights and Vulnerable Migrants”



Bethany Pereira (LL.M.'19); Rachel Hungar and Larson Binzer (LL.M.'20). Photo Credit: Brent Futrell, AP.

Although migration is a divisive political issue, Georgetown Law students presenting at the 2019 Samuel Dash Conference on Human Rights were optimistic that the two political parties in the U.S. could come together to protect one particularly vulnerable group: the foreign fishermen in Hawaii's longline fishing industry, and who are often victims of forced labor.

The ten-woman student team who participated in the 2018-2019 Human Rights Institute Fact-Finding Project found that loopholes in immigration and labor laws left these men at the mercy of their captains, who can pay them less than the going rate of



\$500 a month, even while working them 20 to 22 hours a day.

Julie Baleynaud (LL.M.'19), Larson Binzer (L'20), Madelyn Carter (L'20), Kelly Horan (L'20), Cara Palmer (L'20), Bethany Pereira (LL.M.'19), Ingrid Schulz (L'20), Charlotte Storch (L'20), Rachel Ungar (L'20) and Melody Vidmar (L'19) presented their findings in the practicum, taught by Adjunct Professor Melysa Sperber, director of Policy & Government Relations at Humanity United; and Ashley Binetti Armstrong, the Dash-Muse Teaching Fellow at Georgetown Law's Human Rights Institute. Professor from Practice Andrew Schoenholtz, director of the Human Rights Institute, and Georgetown Law Dean William M. Treanor introduced the day's events.

The fishermen, often from low-income countries such as Indonesia and Vietnam, do not get work visas from the U.S., so they risk deportation if they set foot on U.S. soil. Even when they dock in

Honolulu, they aren't allowed to leave the piers; instead, they receive hot meals and medical care from a ministry that tends to fishermen. But there are solutions, such as offering work visas that would allow them to come onshore. According to Larson Binzer (L'20), it has strong potential to gain bipartisan support.

"Trafficking in general is a bipartisan issue," Binzer said. "This is about formalizing our immigration system. So these men are coming in and they don't necessarily have this formal legal status but they're just steps away from U.S. soil."

Binzer offered a hard-to-refute rationale for bringing these vulnerable migrants out of the shadows.

"Formalizing this immigration process is both beneficial to the industry and the fishermen and being able to track and maintain who's coming into the country for work is definitely something both parties can get behind."

INTERNATIONAL LAW

Georgetown Center for Asian Law Spotlights India's LGBTQ Rights Victory



The Center for Asian Law is keeping Georgetown informed on important legal developments across the globe. On February 7, Dr. Menaka Guruswamy and Arundhati Katju, two top advocates in India's Supreme Court, spoke to students about the historic verdict in Fall 2018 that decriminalized adult same-sex contact. The lawyers were lead members of the team responsible for the victory. Sunu Chandy, national legal director of the National Women's Law Center, led the discussion.

Tom Kellogg, executive director of the Center for Asian Law, introduced the event, which was co-sponsored by Georgetown's South Asian Law Students Association; by Georgetown Law Outlaw; by the University's India Initiative; and by the University's LGBTQ Resource Center.

Prior to the Court's decision, same-sex sexual contact was illegal under Section 377 of the Indian Penal Code and punish-

able by fines or prison terms of up to ten years — or even life. The September 2018 verdict, which overturned a 2013 decision upholding the law, is a major step forward for LGBTQ rights in India.

Guruswamy highlighted the bravery of the plaintiffs in the case. With the 2013 loss still fresh in the minds of many, the outcome of the 2018 challenge remained in doubt as the case progressed. And yet the plaintiffs — including many prominent Indians from various walks of life — were willing to share their stories, though the lawyers could not promise them a win, safety or security.

"These [people] with rich lives, active professional lives, were sharing all of this information with 1.7 billion people..." Guruswamy said. "I think that makes you a citizen who should be embraced by the constitution."

She hoped that this case will serve as an important turning point for LGBTQ

rights protection by the courts in India. Too often in the past, LGBTQ individuals were "invisible" both in the eyes of the law and in Indian society. "LGBT Indians did not go to court for anything..." Guruswamy said.

Both Guruswamy and Katju hailed the expansive grounds on which the Supreme Court's decision rested: the Court based its decision not just on privacy grounds but also on the Indian Constitution's protections of the right to equality under the law.

"We know that this case is a foundation, and that foundations are there to be built upon," Katju said. And to the future lawyers in the room, the talk was a seminar in activist lawyering: "You have wonderful skills and training, you can find a solution... Litigation, for me, gives me hope. I can change something in a practical, tangible way."

Top: Arundhati Katju. Bottom: Dr. Menaka Guruswamy. Photo Credits: Ines Hilde, AP.

VISITING FACULTY

Georgetown Law Welcomes Visiting Faculty, Distinguished Lecturers



Sean Hagan (L'86)



Elisa Massimino



Michael Dreeben



Nina Pillard

Photo credits: Courtesy Elisa Massimino; Hilary Schwab; Brent Futrell.

Georgetown Law welcomes more than one dozen visiting faculty members this year — several are distinguished practitioners from government and nonprofits in addition to academia. In a previous issue, we announced the arrival of **Visiting Professor Sean Hagan (L'86)**, who served as general counsel and director of the legal department at the International Monetary Fund for nearly 14 years. He led a number of policy initiatives, including the reform of the IMF's anti-corruption policy. Hagan has published extensively on the law of the IMF and a broad range of issues relating to the prevention and resolution of financial crisis, with a particular emphasis on insolvency and the restructuring of debt, including sovereign debt. Hagan now teaches seminars on global anti-corruption and international financial crises as well as the IMF.

Elisa Massimino, the CEO/President of Human Rights First, joins Georgetown Law during 2019-2020 as the Robert F. Drinan, S.J., Visiting Professor of Human Rights. Massimino will teach a course on human rights advocacy, participate in Human Rights Institute programming, and serve as a resource to students, faculty and staff. She will focus on equipping students with tools for effective advocacy, particularly in highly polarized political environments. Massimino will also deliver Georgetown Law's annual Drinan Lecture on Human Rights (featured in a forthcoming issue).

"The human rights challenges we face today demand a unique combination of energy and wisdom, and the movement needs bright young lawyers who will bring these qualities to the fight for human dignity," Massimino said. "I'm excited to have the opportunity to mentor the next generation of human rights advocates at Georgetown Law."

Former **Professor Cornelia "Nina" Pillard**, now a judge on the U.S. Court of Appeals for the D.C. Circuit, is a Distinguished Visitor from the Judiciary; she co-teaches a Federal Practice Seminar this fall.

And **Michael Dreeben**, the former U.S. Deputy Solicitor General, arrives for a year-long appointment as part of Georgetown Law's Distinguished Visitors from Government Program. Dreeben will guest lecture and serve as a resource for students, participate in faculty workshops and engage in other Law Center programming.

Beginning in 1988, Dreeben served in the Office of Solicitor General and argued more than 100 Supreme Court cases on behalf of the United States. In June of 2017 he took a leave from his role as deputy solicitor general to join Special Counsel Robert Mueller's legal team investigating Russian interference in the 2016 presidential election and obstruction of justice. He has served as a Georgetown Law adjunct professor.

"The energy of Georgetown Law is palpable," Dreeben said. "I look forward to participating in academic life at Georgetown and being part of its vibrant and collaborative culture."

ADDITIONAL VISITING FACULTY, 2019-2020

Benedetta Barbisan

University of Macerata

Lily Batchelder

Frederick I. and Grace Stokes Professor of Law,
NYU School of Law, A.B., Stanford; M.P.P., Harvard; J.D., Yale

Stephen Bright

Professor from Practice, Georgia State College of Law
B.A., J.D., Kentucky

Josh Chafetz

Professor of Law, Cornell Law
B.A., J.D., Yale; D.Phil., Oxford

Katrin Kuhlmann

President/Founder, New Markets Lab
B.A., Creighton; J.D., Harvard

Eun Hee Han

Visiting Associate Professor/Director of Legal Research & Writing, George Washington, B.A., M.P.P., George Washington; J.D., Georgetown

Michael Pardo

Henry Upson Sims Professor of Law, University of Alabama
School of Law, J.D., Northwestern

Mark Gaston Pearce (Distinguished Lecturer)

Executive Director, Workers' Rights Institute; Former Chairman, NLRB, B.A., Cornell; J.D., University at Buffalo, State University of New York

Farah Peterson

Associate Professor of Law, University of Virginia
B.A., J.D., Yale; M.A., Ph.D., Princeton

Brishen Rogers

Associate Professor of Law, Temple University
B.A., Virginia; J.D., Harvard

Hila Shamir

Associate Professor, Tel-Aviv University Faculty of Law
L.L.B., Tel-Aviv; LL.M., S.J.D., Harvard

Cliff Sloan (Dean's Fellow)

Former Special Envoy for Guantanamo Closure, U.S. State Department, Retired Partner, Skadden, B.A., J.D., Harvard

Amanda Spratley

Visiting Practice Professor of Law, University of Pennsylvania
B.B.A., College of William & Mary; J.D., LL.M., George Washington

New Faculty

PROFESSOR Yael CANNON

The summer before college, Professor Yael Cannon volunteered through AmeriCorps with a food bank in Washington, D.C., driving a van to church summer camps and public housing complexes, bringing food to low-income children who were no longer getting meals at school. What she saw shocked her.

“There were kids literally running to the van hungry, and this was the first time they were eating for the day,” she recalled. “Children were going hungry and living in extreme poverty right in the shadow of the Capitol.”

After graduating from the University of Maryland, Cannon attended Stanford Law School, intending to advocate for low-income families. As a law student working in the juvenile justice system, she saw the obstacles kids were up against, from food insecurity to untreated disabilities or mental health issues. And she gained insight that would guide her towards her current area of expertise, medical-legal partnerships. Cannon, who co-founded Georgetown’s Health Justice Alliance clinic in 2017, will now be directing it, as well as co-directing the broader Health Justice Alliance initiative with Professor Vicki Girard.

“I wanted to figure out how I could play a role as a lawyer earlier in the lives of these kids and see if I could play a role in preventing them from ending up in these more punitive systems.”

With medical-legal partnerships, “the idea is to integrate legal care into health care to get more upstream and more preventive,” she said. “It works really well when you’re focusing on kids, because pediatricians really take a holistic approach to thinking about the needs of children.”

Doctors treating children for severe asthma, for example, were giving kids the best medical treatment, but learned that the true problem — poor housing conditions, for example — was beyond their reach. They decided to bring lawyers into the hospital who could battle a recalcitrant slumlord — just as a cardiologist could be paged if a patient needed urgent heart care.

After graduating from Stanford with distinction, Cannon was awarded an Equal Justice Fellowship. She returned to D.C. as an



attorney at the Children’s Law Center’s medical-legal partnership, where she worked on-site at a pediatric clinic in Anacostia.

After teaching a disability law rights clinic at the American University, she became an associate professor at the University of New Mexico School of Law, one of the country’s first law schools to operate a medical-legal partnership. In 2016, Girard invited Cannon to Georgetown as a visiting professor to help launch the Health Justice Alliance in November 2016, which quickly won media coverage and accolades from the D.C. community.

“Georgetown has the number one law clinical program in the country,” said Cannon, for whom clinical experience was the best part of her own legal education. “The law school is really deeply committed to experiential education and giving law students an opportunity to learn how to practice law while they’re still in law school.”

What’s more, she added, “that clinic program has a long tradition of providing free legal services to some of the neediest communities in D.C.,” a population she has known since she was an 18-year-old, driving a van around the city.

Cannon, who grew up in Rockville, Maryland, is happy to be settled back in the District, but she’s even more excited about what lies ahead. “When Georgetown called, it wasn’t just coming home,” she said. “It was an opportunity to grow a new program at the law school with the number one clinic program in the country that is really, really committed to this model of teaching, and also a fantastic medical and nursing school to partner with.”

PROFESSOR VIDA JOHNSON

Professor Vida Johnson always knew that she would end up doing civil rights work. Johnson's grandfather had been deeply involved in the Civil Rights Movement in the 1960s, even before his family's Mississippi home was bombed by the Ku Klux Klan in 1967. Becoming a civil rights lawyer, she thought, was going to be her way of carrying on her grandfather's legacy.

But during a summer internship after her first year of law school at New York University, she found herself face to face with inmates on Mississippi's death row. Johnson, a native of San Diego, realized that these men, branded the worst of the worst, weren't the monsters she had anticipated. Most were poor and uneducated, and had made poor life choices that landed them in the criminal justice system, where their race and lack of resources almost guaranteed a harsh sentence.

"I had a picture in my mind of what I thought a convicted murderer would be like. I expected them to be scary." Instead, the men were so grateful for the research she was doing for the Louisiana Crisis Assistance Center — which had filed a lawsuit seeking inmates' right to counsel in order to file post-conviction appeals — that they spent what little money they earned in prison to buy her refreshments. "That experience really made me think more about criminal defense."

After serving as a visiting professor for the last decade in Georgetown Law's Criminal Defense and Prisoner Advocacy Clinic as well as the Criminal Justice Clinic, Johnson now joins the full time faculty.

It's been a natural process since that 1L summer: from death-row inmates in Mississippi, she turned her attention to indigent defendants in the San Francisco public defender's office and juvenile clients in an NYU clinic while in law school. It was a transformative experience. "Once I was in that clinic, I was sure that was what I wanted to do. I was completely hooked."

She came to Georgetown Law as an E. Barrett Prettyman Fellow, spending two years representing indigent adult defendants in D.C. Superior Court and supervising students in Georgetown's Criminal Justice Clinic. Johnson is now deputy director of



the Prettyman program, established in 1960 to provide quality representation to adults and adolescents accused of crimes and to provide to recent law school graduates a comprehensive education concerning trial advocacy, litigation and clinical teaching.

In between, she worked for eight years as a supervising attorney in the Trial Division of the District of Columbia's Public Defender Service. It is one of the best public defender services in the country given its federal funding, which allows for lower case-loads, more supervision, and more resources for social workers and investigators, Johnson said.

"It sets you up to do your job instead of just putting out fires," she said. "We were actually able to have trials and counsel our clients instead of just processing them."

As a public defender, Johnson represented clients charged with felonies, including indigent clients accused of homicide, sexual assault and armed offenses.

"It was one of the best experiences I've had. Now I'm replicating that for my students," she says as she teaches in the criminal clinics and supervises six Prettyman Fellows.

Today, Johnson researches and writes in the area of racial justice. And she holds high hopes for what her students will achieve in righting wrongs and addressing disparities in a criminal justice system that disproportionately punishes the poor and people of color.

"I am always encouraged by the number of our students who are committed to addressing these issues," she said. "That's what I decided to do with my life."

PROFESSOR AMANDA LEVENDOWSKI

Although Amanda Levendowski was a college mock trial national champion in 2010, law school wasn't always a given. An artist of sorts, she interned at independent publishing houses and was captivated by mash-ups, songs or videos created by layering elements of one work with another. It wasn't until she came across *Bridgeport Music v. Dimension Films* (2005) a Sixth Circuit dispute about music sampling, that she realized that maybe the law was for her.

"I remember thinking, It's weird that copyright law is having this effect on musical creativity, in a way that I don't think copyright law really contemplated," Levendowski recalled. "Are all my favorite songs illicit?"

As an undergraduate at New York University, she created an independent study program focused on copyright, publishing and technology. As a Georgetown Law professor and the founding director of the Intellectual Property and Information Policy Clinic, she plans to give students that same intellectual freedom to explore what interests them the most.

The six students in the new clinic, which launches in spring 2020, will work with local artists, nonprofits and consumer groups, assisting with intellectual property and information policy cases. They will also teach an area of intellectual property or information policy of their choosing.

"Rather than me telling them what I think is interesting...students can tell me what they think is interesting and they actually have a little more ownership over what the conversation looks like," she said.

That self-directed study is key, she notes, in an area of law that is constantly evolving. For a paper on how copyright law can help mitigate the implicit bias of artificial intelligence (AI) by opening up new data sets to train AI algorithms under the fair use doctrine, Levendowski had to teach herself how artificial intelligence works. She examined how companies that train their AI using easily available or public data sets (such as images or texts with a Creative Commons license, or the court documents from the Enron trial) wind up reflecting, or even magnifying, the bias built into that data set. Shortly after her paper was published, Microsoft announced it had used Creative Commons data from the photo-sharing service Flickr to train a face-recognition data set.



"Even my own views continue to change after writing these articles because there are new developments that...help refine that perspective," she added.

As a student at New York University Law School, she wrote a paper on how copyright law can be used to combat revenge porn and also wrote the first revenge porn Wikipedia article. It was subsequently cited in a criminal court case, *People v. Barber*, in 2014.

"It was so new that the court had to go to Wikipedia," Levendowski recalled.

For law students, the swift-moving pace of technological developments means they should think creatively about what sorts of jobs might exist in the future, she said.

"When you're working in technology law, what jobs are out there and what that policymaking looks like can really change dramatically just in a couple of years. Your dream job might not exist yet."

Fortunately, she said, Georgetown Law is an ideal place for students contemplating a career in technology law, citing other technology-focused clinics such as the communications and technology law clinic, and the federal legislation clinics taught by Alvaro Bedoya and Laura Moy.

"Georgetown is really focused on becoming a cutting-edge voice in technology," said Levendowski.

PROFESSOR LAURA MOY

In an era of expanding video surveillance, data brokers and facial recognition software, what do we mean when we talk about “privacy”?

For Professor Laura Moy, who works at the intersection of privacy and technology, it goes far beyond the classical conception of privacy, the right to be left alone and to be free from government overreach. Crediting thinkers such as Georgetown Law Professor Julie Cohen and Cornell Tech Professor Helen Nissenbaum, Moy describes a more expansive notion that has practical implications in a digital age.

“Privacy is about so much more than just being able to protect your private sphere of life,” she said, noting that the concept of privacy has evolved over the past several decades. “It is about... self-actualization, the ability to have and use information that enables you to fully realize the person that you want to be, particularly in a digital context...it’s [also] the right not to have information about you used in a way that you find harmful or concerning.”

The current uses of data, Moy points out, affect civil rights, public health and the entire body politic in ways we can agree are unhealthy.

“The privacy problems that we’re looking at today are the spread of misinformation and propaganda on content distribution platforms, it’s the amplification of hate speech on social media, it’s discriminatory advertising practices that fail to present people with opportunities to improve their station in life through education or job training or housing. These [are] problems that affect all of society.”

Moy came to privacy law via a stint at the Manhattan District Attorney’s office in the mid-2000s, where she worked as a paralegal and later analyzing cell site location information for court cases. The lack of oversight of her own work, as well as a lack of scrutiny either from judges or opponents in courts troubled her, raising questions about what sorts of human errors get overlooked when people rely too heavily on technological solutions.

“Here I am at trial, presenting a case against a defendant who may go free or to prison based on what I show in court, and no one’s really double-checked my work,” she said.

At New York University Law School, she took courses in intellectual property and copyright law, interning at a privacy organization in Washington, D.C., one summer.



And since Georgetown Law has long recognized the connection between technology and social justice, with one of the first clinics in the country to focus on that intersection, she came here after earning her J.D., spending two years as a clinical teaching fellow at the Institute for Public Representation and becoming executive director of the Center on Privacy & Technology in 2018. She’s now the director of the Communications & Technology Law Clinic, addressing issues such as police use of facial recognition technology.

These days, she’s frequently on the Hill, offering testimony to congressional committees on topics such as consumer privacy and algorithmic bias. As a native of the D.C. area and a political science major in college, she doesn’t consider this outcome entirely unforeseen.

“I had always thought that if I were going to be a lawyer, I may as well become a policy lawyer, go back to D.C. and do policy work,” she said.

Moy wants to raise awareness around policy issues, and see Congress pass a strong law in a few years’ time. For her, Georgetown Law is the perfect perch from which to do so.

“I love working at the intersection of technology and social justice, but a lot of people view those two things as separate,” she said. “It is just really nice to be focusing on technology, and have the entire context be an institution that is always asking itself how it can serve the public good, and how the work that comes out of the university and the research that comes out of the university can be in the interest of social justice.”

PROFESSOR K-SUE PARK

To many Americans, the financial crisis of the late 2000s was a singular episode of the recent past, in which homeownership became a casualty of late capitalism and its capacity to financialize nearly every aspect of modern life. But to Professor K-Sue Park, it was the latest chapter in a narrative extending back to the earliest days of colonial America, when mortgages, and subsequently foreclosure, rose to prominence as a tool by which European settlers extracted land from indigenous people, in transactions characterized by a deep asymmetry of power and profoundly divergent notions of land, money and property.

In her scholarship, Park connects these histories to contemporary legal practices, tracing how norms, actors, and institutions evolved along the way. She has taken deep dives into foreclosure, in her *Law and Social Inquiry* article “Money, Mortgages, and the Conquest of America,” as well as migration, in her recent *Harvard Law Review* article “Self-Deportation Nation.”

“My goal in doing this work is also to show how our institutions were formed and the kinds of dynamics that they rely upon in order to work that have been pretty consistent over the year.”

Park knows the contemporary foreclosure landscape well, from her work with Texas RioGrande Legal Aid as a foreclosure defense attorney, based in El Paso on an Equal Justice Works Fellowship, as well as her work as a Harvard Law student in communities in Massachusetts. In Texas, she handled hundreds of cases of mortgage scams, often perpetrated on immigrant and military families, fitting all too easily into a centuries-old pattern.

“We tend to view the origins of the country as distant past and pretty unconnected from where we are now, but the actual practices of regulating migration, or the simple practice of foreclosure, [has not changed] that much, in its basic forms,” she said.

In her study of self-deportation, which she describes as “making life so unbearable for a group that its members will leave a place,” Park found similar dynamics that date back to the colonization of America, when settlers pursued an indirect removal policy by passing laws and building institutions that



attacked native peoples’ lives from every angle. It’s a concept that has taken on urgent meaning in an era of harsh federal immigration policy, with laws prohibiting undocumented immigrants from accessing hospital treatment or driver’s licenses.

In addition to her J.D. from Harvard, Park pursued a PhD. in Rhetoric at the University of California, Berkeley, a path that allowed “more space to process...and think more deeply about these questions.” As the Critical Race Studies Fellow and Lecturer in Law at the UCLA School of Law, where she taught from 2017 to 2019, she sought to help her students look at issues of social justice from a both systems perspective and at the individual level.

At Georgetown Law, she’s excited to have the best of both worlds, citing the intellectually rich Curriculum B (known as “Section 3”) that encourages students to think critically about the role that law plays in society, and its connection to other institutions and disciplines such as economics and sociology. She’s excited to engage with Georgetown Law students as they try to figure out where they can best have an impact.

“I’m trying to show how many different kinds of entities and forces, including both public and private entities, make law and create dynamics that are both legal and social and political, that determine the climate in which we live,” she said. “So my goal is really to get students and communities...to understand where the power lies to make any kind of a difference, and where battles can be won.”

PROFESSOR JONAH PERLIN

In the fall of 2009, Professor Jonah Perlin (L'12) was a 1L student in Georgetown Law's Section 2, taking Legal Research and Writing with Professor Kristen Tiscione. Exactly 10 years later, Perlin now joins Tiscione and the other members of the legal writing team (now called Legal Practice: Writing and Analysis) as a full-time professor.

"Back then, I thought, 'she has the best job,'" says Perlin of Tiscione. He freely admits, however, that as a J.D. student, he was actually terrified in Tiscione's Legal Research and Writing class the first few weeks.

Terrified? Of Professor Tiscione?

"As a colleague, she is the nicest, least intimidating person ever," Perlin clarifies. "I was her law fellow the following year. But as a 1L, I was intimidated."

The problem was that Perlin, who graduated magna cum laude from Princeton in 2007, thought that he was a pretty good writer already. "I had just gone to grad school [and earned a master's degree in Religious Studies from the Chicago Divinity School]. Then I got to this Legal Writing class and thought, 'I have no idea what I'm doing.' Now I get to see my students go through a similar experience, and I can really say, 'I've been there. I know how to do that.'"

Perlin grew up in Northern Virginia; his dad is a 1972 graduate of Georgetown's School of Foreign Service, and he attended Hoya basketball games as a kid. So law school at Georgetown was an obvious choice. "It was hard to turn down the best school in D.C.," he says. "I was interested in politics, and it was great to come home."

The student who once contemplated getting a Ph.D. in religious studies now turned his focus to litigation — thanks in part to Tiscione. "Through her class, I got to see what a litigator does, what a case looks like...all things that I really had not thought about."

After graduation, Perlin built a resume that a first-year law student might envy, including federal clerkships with Chief Judge Robert A. Katzmann of the U.S. Court of Appeals for the Second Circuit and Judge Ellen Segal Huvelle of the U.S. District Court for the District of Columbia; and a position at Williams & Connolly, where he specialized in complex civil litigation in the United States and abroad.



He loved practicing as a litigator, but the work didn't compare to the spark he got while teaching. So while at Williams & Connolly, he taught advanced legal writing at Georgetown Law as an adjunct in the evenings, always telling Tiscione, "maybe someday, I will have your job."

"She kept saying, 'no, you're not ready, you haven't [practiced] long enough, you don't have enough experience,'" Perlin recalls. "It was the third or fourth time that I asked, over the course of nine years. I compare it to — my mom is a rabbi, and in Judaism, when you are converting, the rabbi is supposed to turn you away three times before you are allowed to convert. Professor Tiscione finally said, 'okay, you're ready; let's talk about how you can make this happen.' But she is the absolute best. Getting to work with her now is such a dream."

The same holds true of the other members of the Georgetown Law faculty. "It's a very interesting experience to become a colleague to people that you looked up to as your professors," says Perlin, who will teach an advanced legal writing course and a law fellow seminar in addition to first-year legal practice. "We joke, our faculty literally wrote the book, [because many] have written a legal writing textbook. They are the experts, and they were pioneers in the field nationwide... I'm the new guy on the block, but they have been incredibly welcoming. It's a great group."

Photo Credit: Brent Futrell



/ ALUMNI

Dean William M. Treanor and John Delaney (L'88)
at Georgetown Law's Washington, D.C., Alumni
Luncheon in June.

TECHNOLOGY

Washington, D.C., Alumni Luncheon: Alexandra Givens of the Institute for Technology Law & Policy Talks Tech with John Delaney (L'88)



At Georgetown Law's Washington, D.C., Alumni Luncheon on June 11, Alexandra Givens of the Institute for Technology Law & Policy hosted a conversation with John K. Delaney (L'88) on how technology is transforming society.

Delaney — a 1988 Georgetown Law graduate, business leader, former Representative in the U.S. Congress, and now 2020 presidential hopeful — founded a bipartisan caucus on artificial intelligence (AI) in 2017 while serving in the House. Before the caucus was created, he noted, not enough people were talking about tech policy on the Hill.

"Technological innovation is reshaping everything: our autonomy, the future of work, our national security risks, how we interact with each other...the whole shape of our society..." said Delaney, who represented Maryland's Sixth Congressional District as a Democrat from 2013 to January 2019. "I thought it was important to create

Alexandra Givens, executive director of Georgetown Law's Institute for Technology Law and Policy, held a conversation with John Delaney (L'88) at Georgetown Law's Washington, D.C., Alumni Luncheon in June. Photo Credit: Bill Petros.

a space on the Hill where Members of Congress could convene and learn about [these things]."

Givens was well qualified to lead the conversation on tech. Before coming to Georgetown Law as the founding executive director of the Institute for Technology Law & Policy, she served as chief counsel for IP and Antitrust on the Senate Committee on the Judiciary, advising its then-Chairman/Ranking Member, Senator Patrick Leahy (D-Vt.) (L'64). She developed legislative strategy on matters including patent reform, federal trade secrets legislation, net neutrality, First Amendment issues surrounding online speech, access to medicines, and oversight of mergers and antitrust policy. At the June 11 luncheon, Givens and Delaney discussed innovation, privacy, the role of regulation and more.

Innovation, Delaney said, has created more jobs than it has displaced — the problem is that it does not always create jobs for those who have had their jobs displaced. He noted that a collaborative certification program between Hagerstown Community College in Western Maryland and Johns Hopkins University led to a high percentage of program graduates getting jobs. "We have to look at the infrastructure we have in our country on education."

The conversation covered the lack of federal privacy legislation, the rise of altered videos, and the fact that political ads on social media do not require the same disclosures as ads on TV and radio. "The debate can't be whether Twitter and Facebook did the right thing...we actually have to pass laws," he said.

He also called for a national artificial intelligence strategy, noting tough questions about government expertise, responsible development and the ethical questions embedded in new technologies. If a driverless car is coded to swerve onto a sidewalk rather than hitting another car, what happens when a pedestrian is struck? "[The issue is not] whether we are going to have these cars, but how we are going to wrestle with those kinds of decisions."

AWARDS

April McClain-Delaney (L'89) and Tyree P. Jones Jr. (L'86) Honored at John Carroll Awards



John Carroll Awardee April McClain-Delaney (L'89), center, with husband John Delaney (L'88) and their family. Photo Credit: Bill Petros.

April McClain-Delaney (L'89) and Tyree P. Jones Jr. (L'86), both Washington-based attorneys, each were honored with Georgetown University's John Carroll Award at the Museum of Fine Arts in Boston on May 4. The award is given for leadership and service to Georgetown's alumni community.

Having more than 25 years of communications law, regulatory affairs, and child advocacy experience, McClain-Delaney serves as Washington director and board member of Common

Sense Media. She was previously assistant general counsel and a regulatory director at Orion Network Systems, and an associate at Cohn & Marks.

McClain-Delaney is a board member and nominating chair of the International Center for Research on Women, a member of the National Advisory Council for Northwestern University's School of Communications, and member on the board of directors of the Sun Valley Community School. As a champion

for women in leadership, she is an advisory board member of Georgetown's Women, Peace, and Security Institute. She has served as chair of the Board of Visitors of Georgetown Law, vice-president of the Congressional Families Club, and task force member with the Meridian Center's Women's Leadership Council.

The Delaneys have established an endowed chair in public interest law at Georgetown Law and a research fellowship at Georgetown's Women, Peace and Security Institute, among other things. April and her husband John Delaney (L'88) have four daughters.

Jones is a financial industry group partner at Reed Smith. His practice focuses on complex class action litigation involving commercial, employment, and civil rights claims. He has obtained

favorable jury and bench trial verdicts in matters alleging misappropriation of trade secrets, unfair competition, discriminatory business practices, and wage and hour violations. Jones maintains a thriving national litigation practice and provides daily advice and counsel to clients on a variety of issues including executive transitions in mergers and acquisitions, protection of proprietary information, employee classification, and workplace violence initiatives.

Jones has served on Georgetown University's Board of Governors and the National Law Alumni Board and chaired the African-American Advisory Board until January 2019. He currently serves on the Board of Directors and is chair of Georgetown Law's Affairs Sub-Committee.



John Carroll Awardee Tyree P. Jones (second left) with his family and with Georgetown University President John J. DeGioia (center). Photo Credit: Bill Petros.



A recent FRONTLINE documentary explored the war crimes trial of Ratko Mladic. Georgetown Law alumni Arthur Traldi (L'06) and Glenna McGregor (L'05) helped secure Mladic's 2017 conviction. Photo Credit: GABRIEL BOUYS/AFP/Getty Images.

HUMAN RIGHTS

On the 'Frontline': International Alumni Battle Crimes Against Humanity

The Trial of Ratko Mladic," a PBS "Frontline" episode featured at a documentary film festival in Toronto this spring, is a hard way to spend two hours.

For two Georgetown Law alumni, though, the trial of Ratko Mladic was measured not in hours but in years. War crimes prosecutors and international law experts Arthur Traldi (L'06) and Glenna MacGregor (L'05) helped secure the 2017 conviction of the so-called Butcher of Bosnia for genocide, mass murder, and acts of "ethnic cleansing" committed against that country's non-Serb ethnic minorities, including Muslims and Croats, from 1992 to 1995.

The impact of confronting crimes against humanity on a daily basis "is difficult to grasp before you get involved," Traldi says. "Once you are involved, you see not just the pain but the courage of the witnesses and the survivors, and you take your inspiration from them. It's an incredible honor and responsibility to have the survivors of such terrible atrocities put their trust in you."

MacGregor says the evidence "did get to me, but not in the way you might expect. To me, it was a compelling reason to go to work. The tribunal's stated goal was simply to find the truth, but I saw it as something more — a way to move us, as a society, toward accountability."

DELAYED, NOT DENIED

The Mladic trial was the closing act of the U.N. International Criminal Tribunal for the Former Yugoslavia. Indicted in 1995, the former chief of the Army of Republika Srpska (VRS) had evaded arrest until 2011. Trial began in May 2012.

The case was divided into four components: one each for the devastated regions of Srebrenica and Sarajevo; one "overarching" component for 14 other municipalities; and one devoted to allegations that the VRS had taken UN personnel as hostages for use as human shields.

Traldi, a prosecutor who had been with the ICTY since 2010, headed up the municipalities component. MacGregor, who joined the prosecution in 2012, worked with all four components and coordinated the final trial brief, pulling the evidence together into one cohesive story.

The "Frontline" documentary chronicles the nearly five-year process. Traldi is shown in his black prosecutorial gown and white collar, chipping away at a defense witness's attempt to cast the killings as individual acts of vengeance for past injustices to Serbs, not a coordinated campaign by Mladic.



Arthur Traldi (L'06)

“Nothing in law school can prepare you for the experience of standing in a mass grave. But my time at Georgetown — especially the international law, and trial advocacy and appellate advocacy courses, gave me the foundation and ability to think strategically; to realize that as a prosecutor, it’s all about getting enough evidence into the record to get a judgment.” — *Arthur Traldi*

“The film is very dramatic, very cinematic. It’s a good movie. But when I watch it, my mind automatically turns to all the people whose stories didn’t get told,” Traldi says. “We had about 600 witnesses, and maybe 10 made it into the movie.”

For MacGregor, watching the documentary was “totally surreal.”

“There’s no way for me to discuss it or evaluate it as a film,” she says. “The people, the building, the gowns — for me, that was all part of a daily routine. To see it on ‘Frontline’ was nearly an out-of-body experience.”

The documentary shows her interviewing Saliha Osmanovic — the widow of Ramo Osmanovic and mother of Nermin, the

teen-ager whose father was tricked into calling him out of the woods and into an execution as they fled the siege of Srebrenica on July 11, 1995. Their other son had been killed in the shelling six days earlier.

During the evacuation, Mrs. Osmanovic was herded onto a bus with no possessions but the clothes she was wearing. She knew nothing of Ramo and Nermin’s fate for many years, until a tape of their execution surfaced.

“We didn’t need a big team to question her; she knew exactly what she wanted to say. She had no impatience or resistance,” MacGregor says.

When Mrs. Osmanovic came to The Hague to testify, she tried to give MacGregor a gift of a 10-Euro note, for MacGregor’s young daughter.

“I told her no, no, you mustn’t, for so many reasons,” MacGregor says. “She told me it was a tradition in Bosnia: you have to give girls a little something extra, because their life is going to be hard.”

NEW CHALLENGES

With Mladić’s conviction secured — and his appeal underway — both Traldi and MacGregor have moved on to new challenges. MacGregor is an associate prosecutor at another International Criminal Tribunal at The Hague. She cannot discuss details, but says the tribunal is “at a much earlier stage” than the ICTY was when she arrived there.

“I try to keep that in mind — that our decisions, today, could affect how this tribunal will operate 10 years from now,” she says.

Traldi has returned to the United States. He is involved in international and human rights law on several fronts, including working with the Organization for Security and Co-operation in Europe on improving the handling of war crimes in Bosnia’s domestic courts. He has also been seconded by the U.S. State Department to several of OSCE’s election-observation missions, most recently in the Ukraine.

“Nothing in law school can prepare you for the experience of standing in a mass grave,” Traldi says. “But my time at Georgetown — especially the international law, and trial advocacy and appellate advocacy courses, gave me the foundation and ability to think strategically; to realize that as a prosecutor, it’s all about getting enough evidence into the record to get a judgment. That’s the bottom line.”

ALUMNI PROFILES

Natalie Khawam (L'05): Bringing Skills Learned in Georgetown Law's Federal Legislation Clinic to Life



Green Beret Sfc. Richard Stayskal fought in Iraq and earned a Purple Heart and a Bronze Star when serving our country.

However, an alleged series of errors by doctors at Womack Army Medical Center in North Carolina may cost him his life.

At an annual physical in 2017, Stayskal claims, doctors overlooked a mass that was present on a CT scan of his lung, and cleared Stayskal for dive school. Six months later, doctors took another look, but misdiagnosed him with pneumonia. By the time they diagnosed it as cancer, it had spread throughout his body.

Unlike a civilian, Sfc. Stayskal, 37, can't sue the doctors thanks to a 1950 Supreme Court decision that generated the Feres Doctrine, which prohibits active duty military personnel and their families from suing the government for medical malpractice.

That may be about to change. Florida lawyer Natalie Khawam (L'05) is representing Stayskal in his suit against the U.S. government, and she has drafted a bill to make an exception to the doctrine that she believes has been misapplied and inappropriately expanded, allowing military personnel to sue when they are not in combat.

"[The Feres Doctrine] says you can't sue the government during times of war, or for injuries sustained in combat. I agree with the intent of the law when there is an emergency situation on the battlefield," Khawam said — but not when it comes to her client's situation, which resulted from routine visits to civilian doctors, far from the battlefield.

The bill, titled "Sfc. Richard Stayskal Military Medical Accountability Act of 2019," has gathered momentum on both sides of the aisle, and was introduced by Rep. Jackie Speier (D-Calif.) on April 30. In fact, when Rep. Richard Hudson's (R-NC) office called Khawam in March to tell her they were working on a bill, she informed them she'd already drawn one up. Perhaps under ordinary circumstances, Khawam said, she might stand by and let a lawmaker's office help draft the bill — but in this case, she had no time to lose.

Where did she learn how to draft a bill? Khawam said she drew heavily on what she learned in Georgetown Law's Federal Legislation Clinic, then taught by Professor Chai Feldblum (later, the head of the Equal Employment Opportunity Commission (EEOC) and now a partner at Morgan Lewis). Although at the time the concepts and processes Khawam was learning — which committees have jurisdiction over which issues, when state or federal action will be more effective — felt remote to a third-year law student, they paved her journey to the Hill working to overturn the Feres Doctrine decision.

"Never did I think that clinic would apply to my life," Khawam said. "It empowered me to not only to draft the bill, but...whenever I spoke to a Senator or Representative, I could convey to them how supporting the bill would also help their constituents."

Photo Credit: Courtesy of Natalie Khawam.

ACHIEVEMENT

ABA Honors Judge M. Margaret McKeown (L'75, H'05)

Judge James Wynn Jr. of the U.S. Court of Appeals for the Fourth Circuit, Maryland Circuit Court Judge Toni Clarke, M. Margaret McKeown (L'75, H'05) of the U.S. Court of Appeals for the Ninth Circuit with McKeown's award, a glass sculpture by Dale Chihuly. Photo courtesy American Bar Association.

Judge M. Margaret McKeown (L'75, H'05) of the U.S. Court of Appeals for the Ninth Circuit received the 2019 John Marshall Award at the American Bar Association Annual Meeting in San Francisco in August.

The award recognizes individuals who are responsible for extraordinary improvements to the administration of justice in judicial independence, justice system reform or public awareness of the justice system. Past recipients include retired Justices Sandra Day O'Connor and Anthony M. Kennedy of the U.S. Supreme Court. Judge McKeown is the first Ninth Circuit judge to receive the award.

McKeown is nationally recognized for her work on gender issues, judicial ethics and international rule of law. She practiced law in Seattle and Washington, D.C., and was the first female partner of the law firm Perkins Coie. Appointed to the Court of Appeals in 1998, she is the former president of the Federal Judges Association, where she was a leader in the successful pay restoration effort for federal judges.

Internationally, McKeown chairs the board of the ABA Rule of Law Initiative and previously chaired the Latin America Council. She has participated in many judicial independence and judicial reform initiatives around the world.

McKeown has been a judiciary leader in addressing workplace harassment issues. Chief Justice John G. Roberts Jr. appointed her to the Federal Judiciary Workplace Conduct Working Group. She also is chair of the Ninth Circuit Ad Hoc Committee on Workplace Relations.

"I can't think of a more deserving person to receive this award than Judge McKeown," said Sidney R. Thomas, chief judge of the Ninth Circuit. "She exemplifies its purpose: a dedication to the pursuit of fair and equal justice, and the willingness to devote her energy and valuable time to bringing these issues to the forefront and moving them forward. She's making a tremendous impact in so many spheres both here in the U.S. and around the world."

Born in Casper, Wyo., McKeown earned her B.A. in international affairs and Spanish from the University of Wyoming. Judge McKeown also received a certificate of Hispanic Studies from the University of Madrid.

A dedicated alumna of Georgetown Law, McKeown currently serves as chair of the Board of Visitors. She received an honorary degree from the Law Center in 2005, and was honored with the Robert F. Drinan, S.J. Law Alumni Public Service Award in 2015.

WOMEN'S FORUM

Georgetown Law Alumnae, Professors Make 2019 Women's Forum a Success



Top: Alexandra Reeve Givens, Executive Director of Georgetown Law's Institute for Technology, Law & Policy; Terrell McSweeney (L'04); Ghita Harris-Newton (L'99); Subha Madhavan; Alyssa Harvey Dawson (L'96). Bottom: Participants at 2019 Women's Forum. Photo Credit: Courtesy of Georgetown University.

If anyone at Georgetown University's 2019 Women's Forum, held at the Walter E. Washington Convention Center on March 28-29, had any doubt that the event would be a smashing success, Georgetown Law Professor Hillary Sale put those doubts to rest in the first minutes of the opening discussion, "From C-Suite to SHE-Suite."

"All of us can control only one thing on a day-to-day basis and that is what we choose to do for ourselves," Sale said, moderating a panel with three executives at major private and non-profit companies. "We can choose to be leaders, we can choose to take care of our peers, and we can choose to grow."

Those who attended the Forum had chosen well: Over the next two days, they were treated to a range of conversations offering career advice, insights into the future of work, and networking opportunities with the speakers and other Georgetown alumnae.

Sale began by defining self-advocacy, a core component of her Law Center seminar on Women and Leadership. It's not just moments like negotiating a job offer or a raise, but "actually a much larger concept," she said. Self-advocacy happens year-round and every day.

Juliette Pryor (L'91, G'91), senior vice president, general counsel and corporate secretary at Cox Communications, stressed the importance of relationships.

"Take the time to build the relationships, up, down, and across, outside of your organization, outside of your field, outside of your profession, outside of people who look like you, and make those relationships meaningful," Pryor said. "As you seek sponsorship and support, be prepared to give it back. This is reciprocal."

Pryor noted that career advancement starts with translating one's value into language another person can hear and understand. That means being able to articulate one's own value, she said, and then communicating that to the right audience.

Sale, who also led a discussion on self-advocacy on Friday with Latham & Watkins' Michele Johnson (L'98), acknowledged that women face barriers outside of their control, including discrimination and bias. "The power of self-advocacy is undeniable — and learning to be a strong self-advocate is an invaluable skill," Sale said.

THE NEXT GENERATION OF WORK

What will the barriers be for women, as the labor market shifts and evolves? In "Exploring the NextGen of Work," Maya Raghu (L'98), director of Workplace Equality and senior counsel at the National Women's Law Center, noted that female workers are overrepresented in low-wage jobs, which could make them especially vulnerable as automation and technology continue to shape the workplace.

"If people are going to be losing some jobs because of the robot apocalypse, where are those people going to go?" Raghu asked. "If they don't have skills, are they going to be able to get training to get into the higher quality jobs that we will hopefully be creating for the new economy?"

Without those onramps to higher-skilled jobs, she warned, "they're just going to be pushed further into the other kinds of low-wage work that has traditionally been done by women, such as caregiving."

Even when women are able to take advantage of new-economy jobs, such as driving for ride-sharing apps, they face unique vulnerabilities due to their gender, she said. If a driver who is female kicks a male passenger out of the car because she doesn't feel safe, he can retaliate by giving her a negative rating. That rating will lower her overall score, which in turn can limit her earnings opportunities.

Tech had a strong place at the 2019 Women's Forum — with a Friday panel that included Alexandra Givens, executive director of Georgetown Law's Institute for Technology Law & Policy; Subha Madhavan of Georgetown University Medical Center; Alyssa Harvey Dawson (L'96), general counsel at Sidewalk Labs; Ghita Harris-Newton (L'99), a privacy and technology legal expert; and Terrell McSweeney (L'04), former commissioner of the Federal Trade Commission and a Distinguished Fellow at Georgetown Law's Tech Institute. The group explored the complex legal, ethical, and social questions raised by advances in artificial intelligence — considering AI's potential to drive innovation and help address social problems, while highlighting areas of concern.

LEADERSHIP

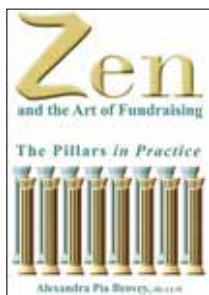
While the conversations are happening, there is still a long way to go, said Elizabeth Alexander (L'08), senior managing director at FTI Consulting Strategic Communications. Alexander spoke at "Women's Leadership in the Era of #MeToo," moderated by Rosemary Kilkenny (L'87), Georgetown University's vice president for Institutional Diversity and Equity.

Alexander presented new data from a survey of 5,000 women and 1,000 men on harassment at work, which found 28 percent of women across five industries — finance, tech, legal, healthcare, and energy — had experienced unwanted physical contact in the workplace.

Alexander, who has advised major corporations in the wake of harassment revelations, says to go beyond what the law requires.

"There's power in this #MeToo movement that businesses are only starting to feel, but if they ignore [women's voices], they're going to be doing so at their own peril," Alexander said.

/ ALUMNI AUTHORS



/ Alexandra Pia Brovey (L'93)

Zen and the Art of Fundraising: The Pillars in Practice

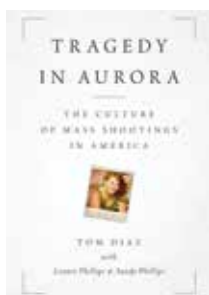
Alexandra Pia Brovey (L'93), senior director of gift planning at Northwell Health Foundation, has published her third book in a trilogy: *Zen and the Art of Fundraising: The Pillars in Practice* (CharityChannel Press, March 2019).



/ James Conroy (L'82)

Jefferson's White House: Monticello on the Potomac

James Conroy (L'82) has authored *Jefferson's White House: Monticello on the Potomac* (Rowman & Littlefield Publishers, October 2019). A History Book Club selection, the book explores Thomas Jefferson's experience as the first president to occupy the White House for an entire term.



/ Tom Diaz (L'71)

Tragedy in Aurora: The Culture of Mass Shootings in America

Tom Diaz (L'71) has collaborated with Lonnie Phillips and Sandy Phillips — parents of mass shooting victim Jessica Ghawi — to write *Tragedy in Aurora: The Culture of Mass Shootings in America* (Rowman & Littlefield Publishers, September 2019). The book juxtaposes Ghawi's personal story with a deep examination of the causes and potential cures for gun violence.



Frank DiStefano (L'00)

The Next Realignment: Why America's Parties Are Crumbling and What Happens Next

Presidential campaign veteran Frank DiStefano (L'00) examines today's turbulent political era in historical context in his new book *The Next Realignment: Why America's Parties Are Crumbling and What Happens Next* (Prometheus, May 2019).



/ Dennis Hursh (LL.M.'85)

The Final Hurdle: Physician's Guide to Negotiating a Fair Employment Agreement

The second edition of *The Final Hurdle: Physician's Guide to Negotiating a Fair Employment Agreement*, originally published by author Dennis Hursh (LL.M.'85) in 2012, is now in print. Attorney Hursh provides information on employment agreements, compensation models, private practice ownership, and potential traps in recruitment.

/ Neal Jackson (L'68)

Market: Portraits from the World's Meeting Place

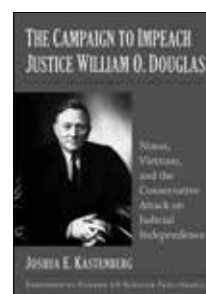
Neal Jackson (L'68) has published his first book of photojournalism, *Market: Portraits from the World's Meeting Place* (Worldinsight Media, July 2018). Former NPR general counsel, Jackson turned to photojournalism in 2008.



Joshua E. Kastenberg (LL.M.'03)

The Campaign to Impeach Justice William O. Douglas: Nixon, Vietnam, and the Conservative Attack on Judicial Independence

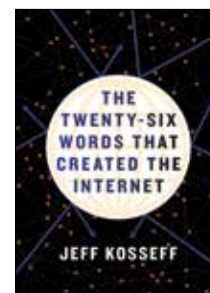
Joshua E. Kastenberg (LL.M.'03) has authored *The Campaign to Impeach Justice William O. Douglas: Nixon, Vietnam, and the Conservative Attack on Judicial Independence* (University Press of Kansas, October 2019). Kastenberg is a retired United States Air Force officer who is now the Karelitz Professor of Evidence at the University of New Mexico School of Law.



Jeff Kosseff (L'10)

The Twenty-Six Words That Created the Internet

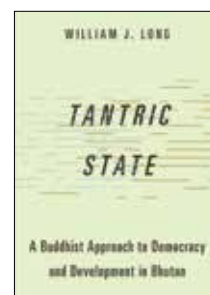
Jeff Kosseff (L'10), author of *Cybersecurity Law*, recently published *The Twenty-Six Words That Created the Internet* (Cornell University Press, April 2019). The book exposes the workings of Section 230 of the Communications Decency Act of 1996, which protects online services from lawsuits based on user content.



/ William J. Long (L'84)

Tantric State: A Buddhist Approach to Democracy and Development in Bhutan

In his new book *Tantric State: A Buddhist Approach to Democracy and Development in Bhutan* (Oxford University Press, January 2019), William J. Long (L'84) describes Bhutan's unique political system and its economic touchstone, the pursuit of "Gross National Happiness," rather than Gross National Product. Long is a professor in the Global Studies Institute at Georgia State University.



/ Elly Pitasky Swartz (L'90)

Give and Take

Elly Pitasky Swartz (L'90) has published her third book for children, *Give and Take* (Farrar, Straus and Giroux, October 2019), with a launch at Politics and Prose bookstore in Washington, D.C.





/ CLASS NOTES

Dean William M. Treanor encourages the Hoya Lawvys basketball team against the Hill's Angels in the 2019 Home Court game benefitting the Washington Legal Clinic for the Homeless on March 26.

Photo Credit: Bill Petros

1970

Alan Goodman of Breazeale, Sachse & Wilson was listed in *Chambers USA: America's Leading Lawyers for Business for Louisiana* for bankruptcy/restructuring and litigation: general commercial. He practices in the firm's New Orleans office.

1976

Mark McCarthy (C'73, L'76) was included in *The Best Lawyers in America* for 2020 in the areas of Personal Injury Litigation-Defendants and Product Liability Litigation-Defendants. He is a partner with Tucker Ellis in Cleveland.

1977

After a 16-year tenure, **Marc Stenberg (LL.M.'77)** is retiring as CEO of the Beverly Hills Bar Association and Foundation (BHBA). Stenberg oversaw a significant expansion of the organization as well as construction of new headquarters. Prior to becoming BHBA's CEO, Stenberg was an entertainment attorney in private practice, specializing in transactional matters and litigation, including the successful representation of songwriters (*Ritz v. Gaye*) and the landmark victory in *BMI v. Hirsch*.

Robert P. Struble of Meyer, Unkovic & Scott in Pittsburgh has been recognized in the 2020 edition of *The Best Lawyers in America* in the areas of Employment Benefits (ERISA) Law and Trusts and Estates. He is an accomplished ultra-marathon runner, having completed numerous 100-mile runs and the 350-mile Alaska Iditarod Trail Invitational.

Lon Williams (MSFS '76), of counsel in the Dallas office of Polsinelli, was named to the 2020 *Best Lawyers in America* list in the categories of Employment Law-Management and Labor Law-Management.

1978

Global IP Awards 2019 has named **James Astrachan (LL.M.'78)** "Trademark Lawyer of the Year" in Maryland. Astrachan is a founding principal at Astrachan Gunst Thomas in Baltimore and has taught intellectual property law as an adjunct professor since 1979.

The 2020 edition of *Best Lawyers in America* has recognized **Steven Schram** for his work in real estate law. Schram is managing principal and co-president of Shapiro, Lifschitz & Schram in Washington, D.C.

1979

Van Mayhall Jr., an attorney in the Baton Rouge office of Breazeale, Sachse & Wilson, was listed in the latest edition of *Chambers USA: America's Leading Lawyers for Business for Louisiana* in the area of corporate/mergers and acquisitions.

1980

The Women's Bar Association of D.C. honored **George Chuzi** of Kalijarvi, Chuzi, Newman & Fitch with the GOOD (Guys Overcoming Obstacles to Diversity) Guy Award in May. An employment lawyer, Chuzi was lead counsel in *Katz v. Dole*, one of the first cases holding a federal agency liable for sexual harassment through language.

James M. Jimenez has been named to the 2019 edition of *Southern California Super Lawyers* in business litigation. He is the founding member of Pacific Business Law Group in Los Angeles, and previously practiced at Gibson, Dunn & Crutcher.

Tim Loftis, a member of Bond, Schoeneck & King, was selected for inclusion in the 2019 *Upstate New York Super Lawyers* in the area of Business/Corporate. He focuses his practice on counseling for-profit and not-for-profit entities engaged in the manufacturing, distribution and service sectors.

ACHIEVEMENT



J. Michael Schaefer (L'63) writes that he is the oldest employee of the California government, having turned 81 in March. On November 6, he was elected a Member of the state's Board of Equalization, a four member panel chaired by the State Controller that monthly hears all appeals from the County Assessor's valuation of real property, commercial and residential. "The state historian advises that if I live another year, I will become the oldest constitutional officer in history of the state," he notes. He was sworn in by his Georgetown Law classmate, Superior Court Judge David Gill (L'63).

His recollections of Georgetown Law include: "I was on the *Res Ipsa Loquitur* staff and a favorite of Dean Paul Regis Dean because when he asked assistance in getting him an Encyclopedia for his children...he knew I went to Adam Wenschler & Sons auctions regularly to furnish my apartment at 115 2nd St. N.E., behind the U.S. Supreme Court. I found him a new set of Collier's in original cartons for \$60, put them in a cab right to 506 E St., then the Law Center, and left a bill for \$65 including cab fare. He was delighted and was heard to proclaim that 'Mike Schaefer is the smartest student in the law school!'"

1981

Edward A. Hogan, a member of Norris McLaughlin and co-chair of its environmental law practice group has been recognized in *Who's Who Legal: Environment* 2019.

1982

The National Association of Estate Planners & Councils has named **Scott Isdaner (B'79)** an Accredited Estate Planner® (AEP) designee. The AEP designation is a graduate level, multidisciplinary specialization in estate planning. Isdaner, also a CPA, is the managing member of Isdaner & Company of Bala Cynwyd, Pa.

Michael McKay has joined Kramer Levin's leveraged finance practice in New York. McKay is nationally recognized for his work representing clients in complex debt financings. He previously worked for 17 years at Vinson & Elkins, where he did extensive work in the energy sector.

1983

Andy M. Kaplan, a partner in the Cincinnati office of Vorys, Sater, Seymour and Pease, was named to the 2020 *Best Lawyers in America* list in the area of Workers' Compensation Law-Employers.

ACHIEVEMENT



E. Christopher Murray (L'87) was elected chairman of the board of trustees for Suffolk Community College. A partner in the Litigation Department at Ruskin Moscou Faltischek, he chairs the Environmental and Land Use Practice Group.

Marc H. Morial is the CEO of the National Urban League, the nation's largest historic civil rights and urban advocacy organization, and previously served as a Louisiana state senator, mayor of New Orleans and president of the U.S. Conference of Mayors. In May, he appeared at the National Press Club to release the 2019 State of Black America Report, *Getting 2 Equal: United Not Divided*, which focused on the state of the black vote with an emphasis on its power and heightened vulnerability to voter suppression, including 2016 Russian efforts to suppress the black vote.

Mark A. Norman, a partner in the Cincinnati office of Vorys, Sater, Seymour and Pease, was named to the 2020 *Best Lawyers in America* list in the areas of Environmental Law and Litigation-Environmental.

1984

Shawn M. Flahive, a partner in the Columbus, Ohio, office of Vorys, Sater, Seymour and Pease, was included in the 2020 *Best Lawyers in America* list in the areas of Corporate Compliance Law, Corporate Governance Law and Corporate Law.

Managing Intellectual Property magazine has named Stites & Harbison member **Bill Schulman** to the 2019 "IP Stars" list. He has been listed as a Patent Star and Trademark Star for Virginia for seven consecutive years. Schulman practices with the firm's intellectual property and technology service group, focusing primarily on protecting inventions in the fields of biotechnology, life sciences, pharmaceuticals and medical devices.

1985

James M. Bedore is executive vice president, general counsel and secretary of NCR Corp. in Atlanta. Bedore oversees NCR's global legal function, including corporate transactions and securities compliance, and serves as secretary of the board of directors. Bedore practiced corporate law at Reinhart, Boerner Van Deuren in Milwaukee for 33 years.

John E. Meagher has been named managing partner of Shutts & Bowen's Miami office. Meagher, chair of the firm's Insurance Practice Group, will oversee the day-to-day management of the office.

1986

Corporate attorney **Victoria Baylin** recently joined Lerch Early as a principal. She represents emerging growth, development stage and established companies throughout Maryland and the District of Columbia in all aspects of general corporate and business law matters.

1987

Nicholas Penn (C'81) is a partner in the new Washington, D.C., office of Parker Poe Adams & Bernstein, opened with the minority/women-owned firm Leftwich. Penn's practice involves a range of transactional matters for corporate, nonprofit and government clients, particularly municipal entities and public utilities.

Douglas Baruch has joined Morgan Lewis as a partner in its Washington, D.C., office. He represents corporations and individuals in complex civil and criminal litigation matters, with an emphasis on cases arising under the False Claims Act (FCA) and Financial Institutions Reform, Recovery, and Enforcement Act (FIRREA).

Rosemary Kilkenny has been appointed Georgetown University's first Vice President, Diversity, Equity, Inclusion and Chief Diversity Officer. The appointment is part of the Georgetown's commitment to deepening its work to promote racial justice throughout the university community.

1988

Brian Brown (LL.M.) has joined the Raleigh, N.C., office of Kilpatrick, Townsend & Stockton as a partner and member of the firm's Mergers & Acquisitions team. Brown's practice focuses primarily on the health care and life sciences industry in the areas of mergers, acquisitions, corporate governance issues, complex commercial contracts and tax.

Eugene Killeen, a partner with Tucker Ellis in Cleveland, has been named to the 2020 *Best Lawyers in America* list in the areas of Public Finance Law and Securitization and Structured Finance Law.

Jonathan Levine, a shareholder in the Milwaukee and Madison offices of Littler, has received a top ranking in the 2019 *Chambers USA: America's Leading Lawyers for Business*. Levine represents employers in all areas of labor management relations, including litigation before the National Labor Relations Board and in state and federal courts. He has been recognized by *Chambers* each consecutive year since 2006.

Miles Plaskett (C'85, L'88), a corporate partner in the Miami office of Duane Morris, has been named to Lawyers of Color's inaugural Nation's Best List. Lawyers of Color is a nonprofit devoted to promoting diversity in the legal profession and advancing democracy and equality in marginalized communities. Plaskett focuses his practice on corporate, municipal and project finance, with an emphasis on renewable energy, infrastructure and development projects in the United States, the Caribbean and Latin America.

1989

Thomas H. Cook Jr. (LL.M.) has been elected a fellow of the American College of Tax Counsel. He is head of the Tax Practice Group of Wyrick Robbins Yates & Ponton in Raleigh, N.C.

1991

James J. Costello Jr. (LL.M.), a member of Norris McLaughlin and co-chair of its Trusts, Estates & Tax Law Practice Group, was a featured speaker at "Probate and Trust Litigation: Real-World Insights for Both Estate Litigators and Planners," sponsored by the National Business Institute in July.

Wisconsin Gov. Tony Evers has appointed **Robert Misesy Jr. (LL.M.)** a public member of the Wisconsin Accounting Examining Board. Misesy is a shareholder at Reinhart Boerner Van Deuren.

Victor A. Walton Jr. was included on 2020 *Best Lawyers in America* list in the areas of Commercial Litigation, Litigation-Banking and Finance and Litigation-Labor and Employment. He is a partner with Vorys, Sater, Seymour and Pease in the firm's Cincinnati office.

1992

Sharon Carlstedt Britton has joined GrayRobinson as a shareholder in the firm's Tampa, Fla., office. Britton represents clients in complex commercial litigation matters, including contracts, health care, ADA, insurance, white collar and intellectual property. A Tampa native, she is vice president of Tampa Bay Businesses for Culture & the Arts.

1993

John Bourgeois has been recognized for legal excellence and client service by the 2019 edition of *Chambers USA*. He also

recently received top ranking in *The Best Lawyers in America* 2020 for his work in Criminal Defense, White Collar. Bourgeois is a principal in the Baltimore litigation firm Kramon & Graham and leads its criminal defense practice.

1994

Nigel A. Greene, a partner in Rawle & Henderson's Philadelphia office, spoke at the annual Arkansas Trucking Seminar in Rogers, Ark., in September. He was a panelist for the session "Beyond the Basics: Best Practices for Effective Accident Investigation and Early Case Evaluation." Greene currently serves as vice-chair of the ABA Tort Trial and Insurance Practice Section (TIPS) Commercial Transportation Litigation General Committee.

Christopher Hewitt (MBA'94), a partner with Tucker Ellis, was named a 2020 "Lawyer of the Year" in the Cleveland market in the area of Mergers and Acquisitions Law. He was also named to the 2020 *Best Lawyers in America* list in the areas of Corporate Law and Mergers and Acquisitions Law.

Shana Siegel, a member of Norris McLaughlin and chair of the firm's Elder Care & Special Needs Law Practice Group, was named a 2019 Essex County Top Lawyer in Elder Law by *Morris/Essex Health & Life*. Siegel is a past president of the New Jersey Chapter of the National Academy of Elder Law Attorneys.

Chambers USA has listed **Michael Thornton** among the top practitioners in North Carolina. Thornton co-leads the Real Estate Development practice group at Smith Anderson. His practice consists of a broad range of real estate matters, including finance, leasing and joint ventures.

John Woodruff has been named to the 2020 *Best Lawyers in America* list in the Tax Law category. He is a shareholder in the Houston office of Polsinelli.

1995

Edward Hannon (LL.M.) joined Polsinelli's Chicago office as a shareholder. He provides counsel to clients on the development of tax savings structures in real estate projects, development joint ventures, investment in U.S. real estate by foreign investors and in mergers and acquisitions of private businesses.

Ballard Spahr has appointed **Emilie Ninan (MBA'95)** co-chair of the firm's national Finance Department. Ninan is a public finance attorney who represents clients in connection with obtaining lower-cost capital financing through the issuance of tax-exempt bonds and other credit facilities. She also leads the firm's Public Finance Group.

1997

Kim Weber Herlihy has been named to the 2020 *Best Lawyers in America* list in the areas of Commercial Litigation and Litigation-Labor and Employment. She is a partner in the Columbus, Ohio, office of Vorys, Sater, Seymour and Pease.

1999

Ricardo Gonzalez (C'96, L'99), a former litigation shareholder with Greenberg Traurig, has joined the Miami office of Berger Singerman as a partner on the Dispute Resolution Team. He brings more than 20 years of experience as a litigator and regulatory defense and compliance counsel. Gonzalez previously worked as an attorney at the Federal Trade Commission.

2001

Alex Brauer, co-founder of the Dallas boutique firm Bailey Brauer, was named to the 2020 edition of *Best Lawyers in America* for his commercial litigation work.

Ralph Winnie Jr. (LL.M.) appeared on Croatian TV in June regarding U.S.-China and U.S.-Mexico trade tariffs.

2004

Aman Badyal has joined the California firm of Weintraub Tobin as a shareholder in the firm's corporate and tax groups. He is based in the firm's San Diego office. Badyal has taught Taxation of Business Organizations as an adjunct professor at the Thomas Jefferson School of Law.

Stuart Bartow, a dual-qualified U.S. patent attorney and English solicitor, has joined Duane Morris's Silicon Valley office as partner in the firm's Intellectual Property Practice Group. He represents clients from around the globe in intellectual property matters, with an emphasis on complex patent, trade secret and commercial disputes concerning high technology. Bartow writes and speaks on intellectual property law topics and has served as an adjunct lecturer at Santa Clara University School of Law.

ACHIEVEMENT



Amy Whitcomb Slemmer (L'94) a Boston lawyer whose practice focuses on immigration law and justice issues, was recently ordained to the Episcopal priesthood. She has been serving as interim rector of All Saints Episcopal Church in Brookline, Mass. She previously was executive director of Health Care for All, a nonprofit that promotes health equity and access.

2005

Jason Benion is a shareholder in the Pennsylvania-based firm Saxton & Stump and chair of the firm's Death Care group. Benion represents clients including funeral homes, cemeteries, crematories and cremation societies, and pre-need marketers.

2006

Michael Billok has been named to the 2019 edition of *Upstate New York Super Lawyers* in the area of Employment & Labor. He is a member of the firm Bond, Schoeneck & King in the firm's Saratoga Springs office.

Alex Little has joined Burr & Forman as a partner in the firm's Nashville, Tenn., office. He focuses his practice on general litigation, government investigations, criminal defense, cybersecurity, and victim's rights. A former Assistant U.S. Attorney, Little regularly serves as a legal analyst and commentator for national and international news networks.

2007

Alison L. Battiste has joined Munck Wilson Mandala as a senior associate in the firm's Dallas office. She combines her background in financial services and law to represent clients in a variety of areas including complex commercial litigation matters, contracts, legal and business consulting, subrogation, real estate, and compliance.

The 2020 edition of *Best Lawyers in America* has recognized **Erin Guiffre** for legal excellence and client service for her work in real estate law. She is a principal of the law firm Kramon & Graham in Baltimore.

Jeremy Osborne was a finalist for the EY Entrepreneur of the Year Award 2019 in the Gulf Coast area. His company, Pegasus Optimization Managers, was

named to the *Inc. 5000* list of the most successful companies in America (at No. 26). *Inc.* also named the company among the Best Workplaces for 2019. Pegasus is a College Station, Texas-based energy services firm founded by Osborne in 2015.

2008

Christopher Monahan has joined Winston & Strawn as a partner in the firm's Washington, D.C. office. His practice focuses on the U.S. regulation of international trade, including export controls and sanctions.

2009

Hans Hertell has joined Pryor Cashman as a partner based in the firm's Miami office. He is a member of the firm's media and entertainment and intellectual property groups.

Colleen E. Maring is chief legal counsel for Northern Arizona Healthcare. Maring was previously a partner at Aspey, Watkins and Diesel, a firm with offices in Flagstaff and Sedona, Ariz.

2010

The State Bar of Arizona has named **Brent W. Nelson (LL.M.)** chair of the Probate & Trust Section for 2019-20. He is partner at Snell & Wilmer focusing on tax, estate planning and family business matters.

2011

Adam Coady has been promoted from of counsel attorney to partner in the Seattle office of Stoel Rives. He is a member of the Real Estate, Development & Construction Group, representing property owners, developers, investors, lenders, and tenants throughout the Pacific Northwest.

Matt Paolillo (LL.M.) has joined the Atlanta firm of MendenFreiman as a senior associate. He is a member of the firm's Tax

Controversy Group, and also practices in the tax planning, business law and estate planning areas. Prior to joining MendenFreiman, Matt was an associate at Gomel, Davis & Watson and served as an attorney advisor to Judge Elizabeth Crewson Paris of the U.S. Tax Court.

William Teeling has joined the University of California Office of the President as senior counsel for labor and employment.

2012

Luis Arandia Jr. (LL.M.) has joined Polsinelli's Global Franchise and Supply network practice as an associate in the firm's Dallas office. His practice focuses on customs laws and export controls, representing importers and exporters before several governmental agencies, including U.S. Customs and Border Protection, Department of Commerce and Department of State.

The Minneapolis firm of Briggs and Morgan has elected **Jing Jin** as a shareholder. She is a member of the Finance & Restructuring section and represents lenders and borrowers in complex financing facilities and structured lending transactions. Jing was previously a member of the global finance group at Sidley Austin in Chicago.

2013

Nicholas Schneider has joined Boston-based Bernkopf Goodman as an associate in the Litigation Department, which specializes in commercial real estate-related matters.

2015

William King was named to the *Maryland Daily Record's* Under 40 "VIP List" for his professional and community work in the Baltimore region. King is an associate with Venable and focuses his practice on complex civil litigation matters. He serves on the board of directors of the Community Law Center and Downtown Partnership of Baltimore.

Liza Magley has been recognized as a 2019 *Upstate New York Super Lawyers Rising Star* in the area of Civil Litigation: Defense. She is an associate in the Syracuse, N.Y., office of Bond, Schoeneck & King.

2016

Alexander Egbert has joined the Phoenix-based firm of Jennings, Strouss & Salmon as an associate in the Automotive Industry Department. In 2018, he was awarded "Top 50 Pro Bono Attorney" by the Arizona Foundation of Legal Services & Education.

Jacob Kearney has joined Blank Rome's New York office as an associate in the litigation group. He concentrates his practice on complex commercial litigation. He also maintains an active pro bono practice, and is currently representing an individual applying for Special Immigrant Juvenile Status.

2017

Peter Daines (L'17, LL.M.'18) has joined Kilpatrick Townsend & Stockton as an associate in the firm's Washington, D.C., office. He is a member of the employee benefits team in the firm's Corporate, Finance and Real Estate department. Daines clerked for the Hon. Carolyn Chiechi of the U.S. Tax Court.

Kimberly T. Smith has joined the Connecticut law firm of Brody Wilkinson as an associate. She practices in the areas of estate planning, trust and estate administration, and taxation.

2018

Joshua Branch has been named a 2019-20 Youth Justice Leadership Institute Fellow. His advocacy project is "Eliminating Maryland's Juvenile Costs, Fines, and Fees." As a law student, he received the Juvenile Justice Clinic's Public Interest Award.

Awards, Recognitions and Appointments

Christopher Adams (L'92) was installed as president-elect of the National Association of Criminal Defense Lawyers (NACDL) in August. Adams is a founding partner of Adams & Bischoff in Charleston, S.C., and has represented clients all over the country in capital and noncapital cases.

Richard Blau (L'82), shareholder and chair of GrayRobinson's Alcohol, Beverage and Food Department, was inducted into the National Conference of State Liquor Administrators Hall of Fame, the organization's highest honor. Blau served as chair of the ABA Committee on Beverage Alcohol Practice for six years and is a founding member of the Craft Beverage Lawyers Guild.



The National Bar Association has recognized **Calvina Bostick (L'06)** among the nation's top 40 lawyers under the age of 40. A partner with K&L Gates in New York City, Bostick focuses her practice on mergers and acquisitions, private equity investments and other business transactions. In the community, she serves on the board of the New York Foundation for Senior Citizens and mentors students in the SEO Scholars Program.

Lucien J. Dhooge (LL.M. '95) received the Distinguished Career Faculty Award at the Academy of Legal Studies in Business annual conference in Montreal. Dhooge is the Sue and John Staton Professor of Law at the Georgia Institute of Technology, where he teaches

international business law, legal aspects of business and ethical decision-making.



Tomas Garcia (L'11), an associate with the New Mexico firm Modrall Sperling, is a recipient of the ABA On the Rise–Top 40 Young Lawyers Award. Garcia was instrumental in establishing a charter school in Albuquerque to provide college prep education to low-income students from kindergarten through fifth grade.

Liz Gehringer (B'92, L'98), chief operating officer of Coldwell Banker Real Estate, has been named to the HousingWire 2019 Women of Influence list. The program recognizes women leaders nationwide who are driving the U.S. housing economy forward.

Santa Clara Law School will honor Professor **Emeritus Paul J. Goda, S.J. (L'63)** with the creation of the Goda Gardens adjacent to the law school's new building, Charney Hall. This tribute honors Fr. Goda's 50 years as a member of the Santa Clara community. Goda taught Contracts, Community Property, Wills & Trusts, Legal Research and Jurisprudence at Santa Clara from 1969 until his retirement in 2009.

John L. Hill (L'88) has been named the R. Bruce Townsend Professor of Law at Indiana University Robert H. McKinney School of Law, where he teaches constitutional law and legal philosophy. His latest book, *The Prophet of Modern Constitutional Liberalism: John Stuart Mill and*

the Supreme Court, will be published by Cambridge University Press later this year.

Rosemary Kilkenny (L'87, P'06) has been appointed Georgetown University's first Vice President, Diversity, Equity, Inclusion and Chief Diversity Officer. The appointment is part of the Georgetown's commitment to deepening its work to promote racial justice throughout the university community. Kilkenny first joined the university staff in 1980 as a special assistant to the president for affirmative action programs. She has been honored with the Law Center's Paul R. Dean Award and the inaugural Dr. Carol J. Lancaster Award.



Mount Holyoke College presented the Alumna Achievement Award to **Mary F. Platt (L'79)** in May. A litigator at Fineman Krekstein & Harris PC in Philadelphia, she has held numerous leadership positions with the Philadelphia Bar Association, including chancellor in 2018. She is a dedicated advocate for women, girls and the indigent through her extensive community service.

Jeanette Quick (L'07) was among nine American professionals selected for the 2019 Zhi-Xing China Eisenhower Fellowship Program. The month-long fellowship in China features intensive cultural immersion, sessions with Chinese and U.S. experts, and individually tailored travel. Quick is lead counsel with the Gusto software company in San Francisco.

The U.S. Senate confirmed the appointment of **Rodolfo "Rudy" Armando Ruiz II (L'05)** to the U.S. District Court for the Southern District of Florida in May. He previously served on the Eleventh Judicial Circuit Court of Florida.

Adriana Sanford (LL.M.'99) was named 2019 Cybersecurity Woman Law & Privacy Professional at the CSWY inaugural awards in August. Sanford is an award-winning Chilean-American global privacy law and cyber law expert, educator, keynote, and international television commentator, who appears regularly as a *CNN Español* analyst in the United States and Latin America.

Hon. William E. Smith (C'82, L'87), chief judge of the U.S. District Court for the District of Rhode Island, received the 2019 Chief Justice Joseph R. Weisberger Judicial Excellence Award from the Rhode Island State Bar Association in June. Smith was appointed to the bench in 2002 and became chief judge in 2013. He created a highly successful "Litigation Academy" for young lawyers to gain practical experience in trying cases in federal court; a "re-entry court" (the HOPE court) for prisoners returning to society after long periods of incarceration; and a "Deferred Sentencing Program" designed to help young offenders stay out of prison.

Gov. Tom Wolf has appointed **Paige M. Willan (L'08)** to the Pennsylvania State Transportation Commission for a six-year term. She is a partner with Klehr Harrison Harvey Branzburg in Philadelphia.

Mary Yelenick (L'79), recipient of the 2019 Eileen Egan Peacemaker award from Pax Christi Metro New York, has been elected to the board of Pax Christi International, a global Catholic peace and nonviolence organization headquartered in Brussels.

Deborah Steinberg has been serving as an Equal Justice Works Fellow with Health Law Advocates in Boston, providing direct legal services and advocacy for low-income people in Massachusetts who are unable to access medically necessary mental health care. Steinberg's fellowship was sponsored by Fidelity Investments and Mintz, Levin, Cohn, Ferris, Glovsky and Popeo.

2019

Ruth Siboni recently received a Fulbright fellowship in public policy. "Being a Section 7 student and serving as an editor of the *Georgetown Law Technology Review* provided me an incredible foundation on which to develop my academic interest in technology policy into a funded project with practical, real world implications, so I thought I'd say thank you to my alma mater!" she writes.

Students, Faculty, Staff Remember Cedric Asiavugwa (L'19)



Cedric Asiavugwa (L'19) is pictured with an educator from a New York City high school at St. Aloysius High School in Nairobi, where he worked before coming to Georgetown Law. He continued to work with the school remotely as a law student, until his death on March 10. Photo Courtesy Father Terry Charlton, S.J.

Nicole Fauster (L'20) met Cedric Asiavugwa (L'19), her Georgetown Law public interest mentor, in the fall of 2017, when she entered Georgetown Law as a member of its Public Interest Law Scholars program.

They were in the same mentorship group in PILS, later known as the Blume Public Interest Scholars Program. In her second year, as president of the Muslim Law Students Association, Fauster also worked with Cedric, as the friendly 3L worked in Campus Ministry.

"He was Campus Ministry's go-to guy," Fauster said. "I definitely saw him on a very regular basis, putting together programming... whenever you passed by Campus Ministry, he was at that table, doing work, assisting the chaplains. One of the reasons I would go to Campus Ministry when I was going from class to class was to say hi to Cedric."

Cedric Asiavugwa died on the morning of Sunday, March 10, as he was traveling home to

Kenya during Georgetown Law's spring break. He was one of 157 passengers on Ethiopian Airlines Flight ET302 that crashed near Addis Ababa.

Staff, students and professors all said that there was no corner of Georgetown Law that was not made better by this one remarkable international student. This is also true of Georgetown University, where Cedric lived as a Resident Minister on the second floor of the New South dorm.

"We need students like Cedric. He enriched everyone," said Georgetown Law Dean William M. Treanor. "Not just the Law Center and Main Campus, but the nation and the world. We are saddened for what we've lost, and the possibilities we've lost."

Mary Novak, associate director for Ignatian Formation at Georgetown Law, knows what Georgetown has lost, as Cedric was in Georgetown Law's Office of Campus Ministry every day. "He started working for us in the fall of his second year, and

that's where we really got to know him."

She said that Cedric will be missed at St. Aloysius Gonzaga High School in Nairobi, where he served as director of Development before law school. He continued to work as much as 20 hours a week for the school as a law student, raising funds and traveling within the United States.

"He loved this school, and he would often say about upcoming weekends, 'I have a board meeting; I have to go to New York,'" Novak said, adding that Cedric was close to the school's youth contingent in the United States.

Cedric served on the board of directors of St. Aloysius, and until three days before his death, was planning to spend spring break in Chicago, Novak said. "He was supposed to go to a board meeting in Chicago, but when his fiancée's mother died, he changed his plans."

Born in Mombasa, Kenya, on July 24, 1986 — a member of the Luhya tribe — he joined the Jesuits in 2007 and spent the next eight years discerning a vocation. Although he would ultimately turn to the law, he spent two years in the Jesuit novitiate in Arusha, Tanzania, before studying philosophy at the University of Zimbabwe, graduating with highest honors, in 2013.

He next went to Nairobi, to work at the Jesuit Hakimani Center on Social Concern — developing a passion for refugee law. He then joined the staff at St. Aloysius Gonzaga High School in Nairobi during 2015-16. It is a school for students affected by HIV/AIDS, having lost one or both parents.

Before he even arrived on Georgetown Law's campus in the fall of 2016, Cedric was selected to be a Blume Public Interest Scholar and a Global Law Scholar.

Barbara Moulton, director of Georgetown Law's Office of Public Interest and Community Service, was impressed by this soft-spoken and compassionate law student at a dinner for the Public Interest Law Scholars Program — now called the Blume Public Interest Scholars Program. Blume Scholars are selected for extensive public service experience and a demonstrated commitment to pursuing a public interest legal career. Cedric also worked for OPICS as a student worker during his 1L year.

Professor David Stewart, who directs the Global Law Scholars program with Professor Mary DeRosa, called Cedric "the model of a GLS scholar" — a first-class scholar who spoke seven languages and had lived or worked in six countries, visiting a dozen others.

As a 2L, Cedric participated in the International Women's Human Rights Clinic and took Adjunct Professor Melissa Reinberg's Negotiation and Mediation Seminar. When the seminar was over, he co-taught two eight-week negotiations classes with Reinberg at a D.C.-area women's homeless shelter, Calvary Women's Services.

"His commitment to social justice for all and for the people of Kenya in particular was deep and genuine," Reinberg said, noting that he wrote a sophisticated paper about how court-mandated mediation could be improved for rural Maragoli women. Cedric earned the highest grade in the course.

POTENTIAL

He returned to Kenya for both his 1L and 2L summers, working for a Nairobi law firm. But Cedric's particular passion was refugee work, which he was beginning to develop through the lens of environmental justice. Last fall, he participated in the Center for Applied Legal Studies clinic, which represents refugees seeking asylum in the United States.

Professor Philip Schrag, who co-directs the CALS clinic, said that Cedric was a creative participant in the clinic's seminar, regularly contributing suggestions to fellow students and helping their clients to win asylum. "He spoke to me often of his plan to return to Africa and use his legal training to assist refugees."

In the meantime, he was content with his life at the Law Center, and also on Main Campus. Cedric was a Pedro Arrupe Scholar — awarded to students at Georgetown University to enable international students with financial need, from a country with social conflict, to attend, said Fr. Gregory Schenden, S.J.

Cedric reached out to the Jesuit community when he arrived at Georgetown and soon became a

(Continued page 108)

IN MEMORIAM



Anthony R. Amabile (L'57)

Cedric Asiavugwe (L'19)

**Charles W. Daniels
(LL.M.'71)**

George R. Desmond (L'56)

Frances F. Dillon (L'58)

Margaret Gates (L'71)

**Hon. Harry Joseph
Goodrick Sr. (L'59)**

**Jerome K. "Jerry"
Grossman (C'74, L'77)**

**Edwin Judson Jennings
(L'67)**

**Theodore "Ted" Jones
(LL.M.'70)**

Norman Lefstein (LL.M.'64)

**John Robert "Jack"
McInnis (L'65, LL.M.'66)**

James "Jim" Nouss (L'48)

Jeffrey Ramsey (L'72)

**Marc Rosenblum (L'89)
(Adjunct Professor)**

**Anthony Santoro (L'67,
LL.M.'68)**

Hon. Donald F. Shea (L'54)

Peter Sheft (L'80)

**Jacob A. Stein (Adjunct
Professor)**

**Robert Harold Threadgill
(L'49)**

Hon. James J. Walsh (L'68)

Andrew I. Wolf (L'76)

**Matias Abelino Zamora
(L'54)**

(Continued)

Resident Minister, living on the second floor of the New South Residence Hall. The position is reserved for those with divinity training, and Cedric took care of undergraduates when he left the Law Center each night.

On the Thursday before spring break, an uncharacteristically upset Cedric told Novak that he needed to change his travel plans from Chicago to Kenya. On Sunday morning, Father McCann woke and saw news of the tragedy.

In Kenya on Friday morning, March 15, Father Terry Charlton, S.J., the cofounder of St. Aloysius (and Cedric's Jesuit vocation director in Kenya), had mass with the senior St. Aloysius students in Nairobi, who knew and remembered Cedric as a staff member.

Charlton urged them to follow his example — day by day, becoming all that you can become.

"He was just beginning to realize his potential," Charlton said. "He had so much possibility, so much that he might accomplish. But we just have to take what he's done, and what he's lived."

ALUMNI PROFILES

Pathways: Benigno López (LL.M.'88), Minister of Finance for Paraguay



After Benigno López (LL.M.'88) earned his LL.M. at Georgetown Law and returned home to build his career at Paraguay's Central Bank, it seemed to him he was the only one in Paraguay with a masters of law.

For ten years, he didn't even see that anything that he had studied for his general LL.M. — even under the tutelage of scholars like Professor Emeritus Don Wallace, who taught the American legal system — was especially relevant back home.

But that all changed following a huge 1999 case involving criminal activity in Paraguay, when López found himself in New York recording stolen assets. The money was recovered and the perpetrators jailed. "After that, I never stopped being involved with the U.S. legal system...the master's that I got here [at Georgetown] made a big difference," he said.

López spoke to LL.M. students from around the world — China, Mexico, El Salvador, Brazil, Colombia — before attending meetings of the IMF and World Bank in Washington on April 8. He

discussed the leverage that an LL.M. degree from Georgetown gave to his career and offered advice to students.

López was lucky enough to learn about Georgetown's LL.M. program as an undergraduate studying law in Paraguay, because he took English courses at Georgetown University for a year in the 1980s. He was so inspired that after graduating from the Catholic University in Paraguay in 1986, he returned to Washington to earn a Georgetown LL.M. "That really made a huge impact in my professional career," he said.

López had initially worked at Paraguay's Central Bank between high school and university, doing administrative tasks. But as the only lawyer with an LL.M., and an LL.M. from Georgetown, "I was the king." People listened to him in meetings, he said.

López would rise to become general counsel of the Central Bank and had a key role in addressing the financial crises of 1995 and 2002. He became Minister of Finance of the country last year; he's also worked in the private sector.



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