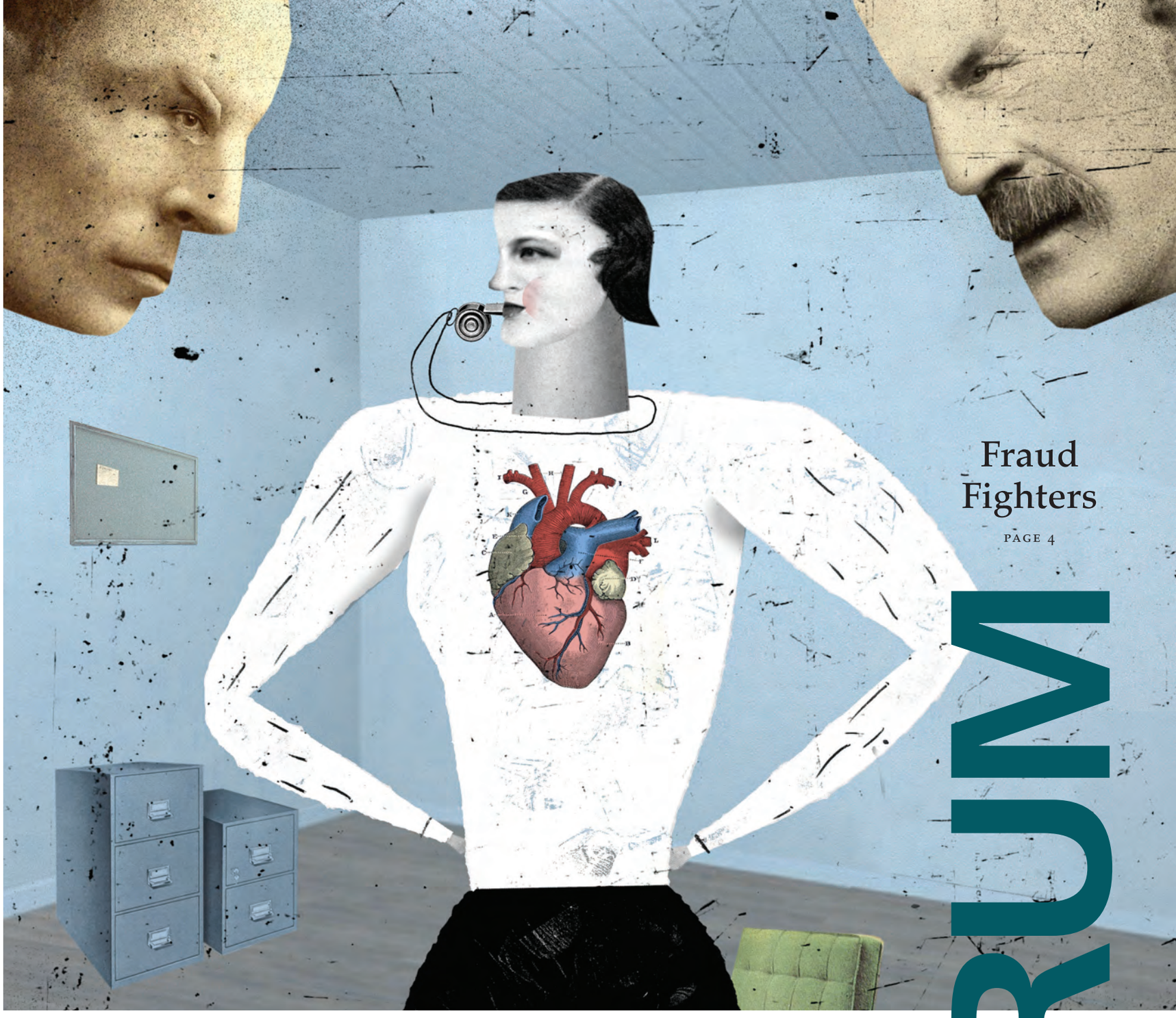

Fraud Fighters

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FORUM

CORNELL LAW

Spring 2015

Cornell University
Law School

Lawyers in the Best Sense

Celebrating a Decade of the Exemplary Public Service Awards

The *Cornell Law Review* at 100

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Students Help Refugees

New Class Takes Advocacy Skills to the Next Level

FORUM

Spring 2015
Volume 41, No. 1

COVER:
David Plunkert

Dear alumni and friends:

Few if any alumni of Cornell Law School have had as great an impact on the American legal system as **Samuel Leibowitz '15**. Between 1933 and 1937, he courageously defended nine African Americans—known as the "Scottsboro Boys"—who had been quickly convicted and sentenced to death for the alleged rape of two white women in Alabama in 1931. Against long odds and faced with hostile, racist attitudes and death threats, Leibowitz was ultimately able to win a precedent-setting case before the Supreme Court that permitted blacks to serve on grand juries in the South.

The "Scottsboro" legal saga was one of the most protracted in American history, but one that ultimately resulted in advancing racial justice and the rights of the accused. The public outcry over the case was an important forerunner to the civil rights movement.

Today, a century since Leibowitz graduated, he remains an inspirational figure for our graduates and for lawyers everywhere, an example of the "well trained, large minded, and morally based lawyers" that our founder A.D. White envisioned. Of White's three goals, the idea of the Law School aiming to educate "morally based" lawyers might seem the most dated in a modern, pluralist society characterized by deep (and often seemingly intractable) moral disagreement. But, as I said to our incoming students this past fall, I do not understand White's injunction to prepare "morally based" lawyers to mean that we should try to "cram our moral commitments down [students'] throats." I understand it instead as urging us to educate lawyers who are also people of integrity.

Learning how to respond when you perceive wrongdoing is an important part of being a lawyer. Preparing our students for these challenging situations is a vital aspect of our mission as a law school. And the collegial and inclusive atmosphere we have created at Cornell Law School is the ideal place to make that happen.

Lawyers who manage to bring their deepest commitments and their legal practice into harmony will be the kinds of lawyers who are thoughtful about their work and satisfied

Learning how to respond when you perceive wrongdoing is an important part of being a lawyer. Preparing our students for these challenging situations is a vital aspect of our mission as a law school. And the collegial and inclusive atmosphere we have created at Cornell Law School is the ideal place to make that happen.

with their careers, no matter what corner of the profession they occupy. As **Gary Azorsky '83** and **Jeanne Markey '83** explain in this issue of the *Forum,* there is something immensely satisfying about working on something bigger than themselves, "where the law can be used to achieve public policy goals."

In the years since the Scottsboro Boys' trials, we have had many graduates, like Leibowitz, who have stood up to wrongdoing or injustice in the face of overwhelming odds and at great personal risk. We expand on the idea of lawyers taking a courageous stand against injustice in our feature article on the tenth anniversary of the Exemplary Public Service Awards. In that article, you'll meet ten alumni, one portrait for each year of the award, who have built meaningful careers working in the public interest. To date, we have honored close to one hundred alumni with these awards, not only for their individual contributions, but also because of their collective influence on the Law School community. We are a richer community because of this diverse and robust group of students and alumni who are dedicated to an incredible breadth of causes.

Serving this institution as its dean is an honor and a privilege. A constant source of encouragement is knowing that our graduates are applying the skills and lessons learned at Myron Taylor Hall in private practice, business, and public service for the good of our nation and the world. Please accept my gratitude for all you do for Cornell Law School and my best wishes for the months ahead.

Eduardo M. Peñalver

Allan R. Tessler Dean and Professor of Law
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The Fraud Fighters

by LINDA BRANDT MYERS ■ ILLUSTRATION *by* DAVID PLUNKERT ■ PHOTOGRAPHY *by* ANDREW QUERNER

From whistleblowing to *qui tam* antifraud law practices, graduates are making a difference across the spectrum.

The mortgage-backed securities offering would be worth close to $1 billion—reason enough for JPMorgan Chase to push the loans through in 2006–2007, then market it to buyers such as retirement funds, small-town cooperative banks, and credit unions. There was only one thing wrong.

Too many of the borrowers were overstating their incomes and would likely be unable to repay their loans, says **Alayne Fleischmann '02**, a former securities lawyer whose story as a whistleblowing transaction manager at the banking firm in 2006–2008 was written about by **Matt Taibbi** and published in *Rolling Stone* magazine last November.

"I'd worked in securities for four years before coming to JPMorgan. These loans were so bad I could tell that if they were ever securitized in large amounts it was going to cause massive losses, and there was no question that if the bank didn't disclose [its foreknowledge] it would have been criminal securities fraud," she says.

Whistleblower

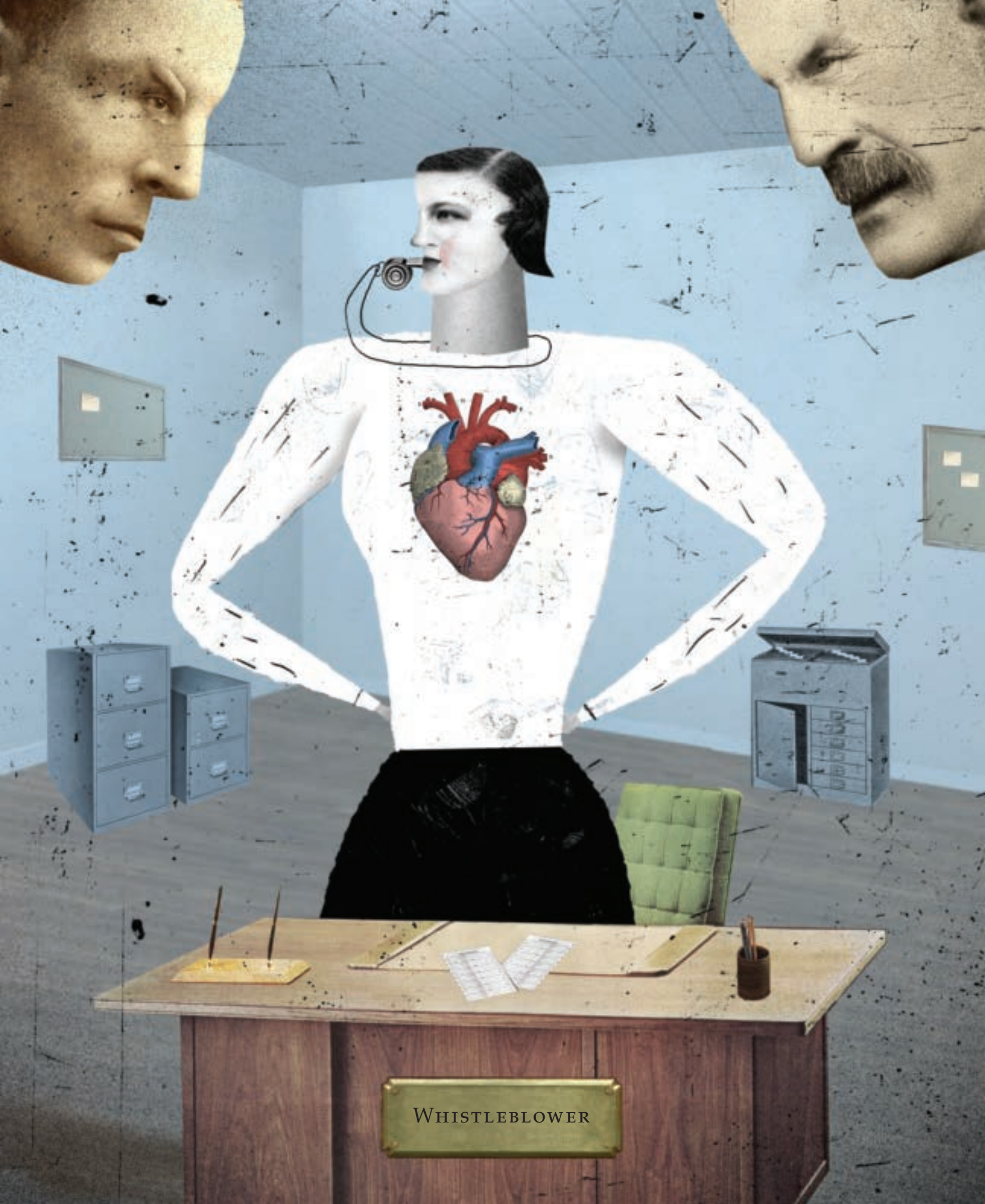
A person who exposes misconduct, alleged dishonest or illegal activity occurring in an organization.

Whistleblowers frequently face reprisal, sometimes at the hands of the organization that they have accused.

She was just doing her job, wrote Taibbi, "to help make sure the bank didn't buy spoiled merchandise."

One concern: the dates on many of the mortgage loans were suspiciously old, some as old as seven or eight months, suggesting they had already been rejected or, worse yet, sold to another bank and returned after borrowers missed multiple payments, noted Taibbi. "They were like used cars towed back to the lot after throwing a rod." A fresh coat of paint was not going to improve them.

An unacceptably high percentage of borrowers appeared to be excessively overstating their incomes and would likely be unable to repay their loans. And yet when Fleischmann wrote e-mails and later a memo to those in charge, expressing her concerns that certain loans were suspect, her warnings were ignored. Meanwhile she observed the diligence managers she worked with, who reviewed the loans, "basically being verbally abused into clearing loans that they didn't agree should be cleared," she says.


Whistleblower


Homo
Economicus

A red flag at the time for Fleischmann and others: "We were prohibited from sending e-mails to our new manager for diligence, and he wouldn't send them to us." This suggested to her that someone at the firm didn't want a written record of their warnings.

What Makes a Whistleblower

Fleischmann's approach "is emblematic of that course of conduct of people first trying to get things right within their company, not rushing out to establish themselves as a whistleblower in order to achieve a reward but trying to get their company to do the right thing in the first instance," says **Neil Getnick '78**, whose firm, Getnick & Getnick, takes on mostly *qui tam* whistleblower law cases (more on that later).

Professor **Charles Whitehead**, a corporate law practitioner and general counsel for many years before he joined the Law School's faculty, says, "It's really easy in a large bank or any sizable organization to get along by going along. Ninety-nine people out of a hundred do it. It takes a lot of backbone to be that one person who stops and says this doesn't make sense."

The *Rolling Stone* article about Fleischmann "speaks to a culture and a way of doing business in large organizations like JPMorgan that strikes a chord," says Whitehead. "It's something you grow to recognize in practice."

At companies such as the one where Fleischmann worked, he says, "on the one hand if you're a chief operating officer, general counsel, or the CEO of the company you should be balancing out the long-term benefits against the risks of whatever business you're in. That's your job. That said, once you are at a relatively senior level, your paycheck begins to reflect how much you and your group earned in a particular year," Whitehead notes. "Old-time Wall Streeters are familiar with the 20/80 rule, 20 percent of your pay being salary, 80 percent or more being bonus, which means every year you need to produce to get paid the bulk of what you hope to earn."

Whitehead, whose paper on that subject, "Paying for Risk," is being published in the *Cornell Law Review* this year, adds that senior managers may want to boost revenues not only to increase their paychecks but also to be more attractive to other firms, which they can jump to, leaving behind whatever problems they may have created.

Homo Economicus

Humans as rational and narrowly self-interested actors who attempt to maximize utility as a consumer and economic profit as a producer.

"The incentives to take on risks to goose up profits exist, not just within a single firm but across the financial industry," he says. "The incentive structure is based on short-term profits, but the risks won't materialize until the longer term," he explains. "Whether or not a mortgage is toxic, a pool of mortgages is good or bad, you're not going to know about it for a couple of years. By that time the banks may have cashed her paycheck and moved on," Whitehead points out.

"By all accounts Ms. Fleischmann understood the short-term value of the mortgage products in terms of money in the door but may have said: 'Hold on, this runs against policies and procedures that are intended to manage risk over the longer term—and for whatever reason we're not following them. This is a problem.'"

"But if you work in an organization where the incentives all push toward enhancing short-term returns," says Whitehead, "it can be difficult to effect change. That seems to be part of what she ran up against."

Toward a More Ethical Workplace

A lesson many companies have yet to learn is that being ethical is good not only for one's conscience, but also for business, says Cornell law professor **Lynn Stout**, who teaches corporate and business law. "The data show that the more ethical and trustworthy a culture, the higher the levels of economic growth and investment."

But until ethics gets more than lip service in a company's business plan, Stout says we need whistleblowers, "people with moral muscle," to report unethical behavior. The downside, at least to the whistleblower, is that being one can be tremendously personally costly.

"Among other things, it can be very hard for your career," says Stout, who lays some of the blame for contemporary business scandals on the dominance of the model of thinking about human behavior she calls *homo economicus*. "It's a model that assumes people always do what they need to do to maximize their own material welfare without regard to ethical consideration," she says. "This is, of course, the model that underlies the whole pay for performance ideology, and the constant drumbeat of calls for trying to channel human behavior through material incentives."

But there is another way, one that motivates good behavior, says Stout, whose book *Cultivating Conscience: How Good Laws Make Good People* (Princeton University Press, 2011) discusses a different, more humane model that has been empirically proven. "It's a fact, like gravity," she says. "It's really not disputable that most people are pro-social." "When people act pro-socially you can actually see certain areas of the brain light up," Stout notes. "This is a deep biological phenomenon."

"But while most people are willing to make at least modest sacrifices to follow ethical rules and avoid harming others," she says, "the data also show that fewer people will make a big sacrifice. People are less likely to behave ethically when doing so is extremely personally costly."

Stout also observes that good behavior depends on social context.

"There are three triggers for getting people to behave pro-socially," she says. "One, you must be told by respected authorities that ethical behavior is expected and that you should behave yourself and follow ethical rules; two, you must believe other people like you are following ethical rules; and three, you must understand how following ethical rules benefits the group and society."

When whistleblowers do come forth, "it usually indicates that the people in charge are not demanding ethical conduct," she says. In such an environment people start to think that everybody else is cheating, and even that unethical behavior is harmless, Stout notes.

One Whistleblower's Story

Fleischmann's view is a little more nuanced than Stout's.

"There are the people who are doing what they shouldn't be doing in the first place," she says, "and there are the ones who are aware of it but don't do anything about it. Some will try to stay out of it and look the other way. And a lot will quit. They just look at it and say, 'I don't want to be part of this, but I also don't want to destroy my career,' so they leave."

"It's good to not take part," Fleischmann says. "But if you don't take any steps to stop [the unethical behavior] then it only gets worse, because the good people leave, and you end up with this concentration of people who are willing to do the things that they shouldn't do."

Fleischmann had sacrificed a great deal to get to her position as a transaction manager at JPMorgan Chase, and she had no intention of leaving.

I CAME FROM A VERY SMALL TOWN IN WESTERN CANADA, AND A VERY MODEST BACKGROUND FINANCIALLY. TO GET THAT JOB ON WALL STREET TOOK MORE THAN A DECADE OF HARD WORK, BORROWING MONEY, WORKING MY WAY THROUGH SCHOOL, GETTING THE SORTS OF GRADES IN COLLEGE THAT COULD GET ME INTO CORNELL LAW, DOING THE SORT OF WORK AT A LAW FIRM WHERE I'D THEN GET HIRED BY A BANK.

WHEN YOU BLOW THE WHISTLE YOU GET KICKED OUT OF YOUR OWN INDUSTRY, VERY BROADLY SPEAKING.

— Alayne Fleischmann '02

"I came from a very small town in western Canada, and a very modest background financially," she recounts. "To get that job on Wall Street took more than a decade of hard work, borrowing money, working my way through school, getting the sorts of grades in college that could get me into Cornell Law, doing the sort of work at a law firm where I'd then get hired by a bank," she says.

And she had taken pride in her work and enjoyed her JPMorgan job immensely, at least until the spurious loans and the pressure to approve them. She simply wanted to make things right, so she persisted in her efforts to warn higher-ups about potential fraud.

Eventually, because she considered it her job to do so, she ignored the order not to send e-mails and started sending out e-mails with diligence reports expressing her concern to people at increasingly higher levels within the bank who she hoped would stop the securitizing and sale of the suspect pool of mortgage loans.

"But no matter how high I went nobody stopped it," she says.

Alayne Fleischmann ’02

When she finally realized that, she decided to try to stop the fraudulent activity by "making it impossible for anyone to say that they didn't know what was going on." In the long memo she sent, to a senior managing director in the bank, she also named most of the people she had warned earlier about the problem.

"When you write something like that you know that they're not going to keep you around, because they can't have someone who's keeping a record of these decisions," Fleischmann says.

And indeed, she was laid off in February 2008, an action she believed was taken in response to her complaints.

While she knew that being a whistleblower was the right thing to do, it soon became apparent in a very real way that it might be disastrous for her career. "When you blow the whistle you get kicked out of your own industry, very broadly speaking," she says.

She needed a job, but the timing for a new job search, at the height of the financial crisis, couldn't have been worse—nor the irony sharper. Her work in mortgage-backed securities dominated her résumé, and as that area was now considered to be the cause of the financial collapse, in essence she was blamed for what she tried to stop as a whistleblower.

"The assumption people make when you're no longer on Wall Street and you have it on your résumé is that you must have done something wrong that explains why you're no longer there," she says.

Flesichmann briefly worked in litigation—the only work available to her back then—but quickly realized the work would mean defending other large banks in mortgage-backed securities cases. As a result, she decided to return to her native Canada in 2009 to practice law there.

She was immediately faced with a long requalification process.

"If you want to be a lawyer in Canada and you went to law school elsewhere, it doesn't matter if it was Cornell or Harvard or Yale or Oxford. First you have to do your federal exams, which take most people about two years," she explains.

But as the old song goes, she somehow managed to pick herself up, dust herself off, and start all over again.

Because she needed an income while she was doing the hard work of getting requalified, she looked for work to support herself. Unfortunately, Canada too had been affected by the U.S. financial crisis, and job opportunities had frozen up there. After searching for months, she accepted employment at Scotiabank in its private client group.

Then, following her federal exams, she had to do a legal internship, called "articling" in Canada. "I found a position in Calgary in the corporate group at a large Canadian law firm group, Gowlings, which is where I spent the last year and a half," she says.

After she was admitted to practice law in September 2013, she returned to British Columbia to find work as a lawyer.

The Deal That Eclipsed the Fraud

What Fleischmann did not know when she was laid off at JPMorgan Chase in 2008 was whether those bad loans she had warned about had actually been sold, so she was unable to report a crime to the Securities and Exchange Commission (SEC) or the U.S. Department of Justice.

They had, however, been sold. She spoke with the SEC in April 2012, and then, in December 2012, she met with assistant U.S. attorneys from the DOJ's Sacramento, California, office, which was investigating the bank. She was deposed by them in March 2013. (Depositions are a part of the discovery process in which litigants gather information in preparation for trial.)

"**Richard Elias**, the prosecutor I met with there, drafted a complaint that laid out the case, and from what I knew it seemed to me like a very robust securities fraud case," says Fleischmann, who was hopeful it would go forward and that some justice would be achieved at last.

Instead, she saw in the newspaper that "what happened next is literally hours before it was going to be publicly filed [JPMorgan Chase CEO] **Jamie Dimon** called up **Tony West** [a top U.S. Department of Justice official] and asked him not to go forward with filing the complaint and to have more conversations that increased the amount of money they were handing over," she says.

Indeed, JPMorgan Chase agreed to pay the government $13 billion to stop the lawsuit against the firm, according to a November 19, 2013, *New York Times* story on the occurrence and the tale behind it.

The DOJ released a statement of facts, in which the bank acknowledged how it had failed to fully disclose the risks of buying mortgage securities from 2005 to 2008.

But Taibbi in his *Rolling Stone* story, along with other critics, has observed that the statement was entirely lacking in either facts or admission of wrongdoing.

Certainly, no guilty parties were named, which left Fleischmann with still no way to disprove her involvement.

CERTAINLY, NO GUILTY PARTIES WERE NAMED, WHICH LEFT FLEISCHMANN WITH STILL NO WAY TO DISPROVE HER INVOLVEMENT.

"My concern from a legal perspective," she says, "is even when there had been settlements in the past where no wrongdoing was admitted, there was always either something publicly filed or a release of e-mailed documents. In this case, however, the facts of the case were really sterilized into something in which you couldn't see what happened or who did what. In particular, you couldn't see the details of the criminal case, which would have been apparent in that complaint that didn't go forward." Fleischmann is still hopeful that the facts will one day become public.

A Silver Lining, of Sorts

In early 2014, Fleischmann Googled her own name. One of the top results was a filing in which the lawyers of the Fort Worth Employees' Retirement Fund, a retirement fund for carpenters and other trade workers, had requested to speak to her. The fund, which had bought mortgage-backed securities from JPMorgan Chase and lost large sums as a result, is suing the bank for alleged misrepresentation.

"This memorandum and order by the judge just popped up randomly under my name, where I could see that JPMorgan had told this fund and their lawyers that I didn't have relevant information or it was duplicative," she says.

She was shocked. "This was the first time it occurred to me that this may be happening in a lot of cases out there, where I would be relevant to litigation, but JPMorgan's lawyers were actually saying that I didn't have relevant information."

Following going public, she began to get e-mails from plaintiffs' counsel, business law litigants, and other people dealing with suits over failed securitized mortgage investments linked to JPMorgan Chase.

So she started responding to them and eventually met with some of them. The experience was eye opening.

"These litigants represent pension funds and retirement funds for everyday working people," Fleischmann says. "They are teachers and pipefitters, carpenters and county workers, all trying to get their money back."

One insight she's had: "The co-op banks, credit unions, and community banks that are also suing JPMorgan Chase were, in fact, the healthy competition to the big banks, and they got beaten down by them. They lost a tremendous amount of money."

She points out that "one of the myths is that it happened back in 2008, and it's all over now. But when you look at these cases, these people, some of these suits go back to 2009, and they're still in discovery. They are fighting against this wall of JPMorgan lawyers who are holding back relevant information."

However, says Fleischmann, "one of the best things about coming forward has been meeting with the lawyers for these people so they can get the information they are entitled to have in order to make their case."

Representing Whistleblowers

Neil Getnick, who taught a course on whistleblower law with former dean Stewart J. Schwab in 2014 at Cornell Law School, makes a distinction between *qui tam* whistleblower law cases and other kinds of cases involving whistleblowers, such as a private matter between an employee and his or her company that could give rise to an employment action with a whistleblower component.

"*Qui tam* cases are initiated by private citizens on behalf of, or in partnership with, the government," explains Getnick. They make use of federal and state False Claims Acts aimed at recovering defrauded government funds. Private citizens may also avail themselves of a series of whistleblower laws aimed at tax, securities, and commodities fraud, he says.

"Under any of those laws a citizen who has knowledge of such fraud can retain counsel in order to file either a case or a claim. And if there is a recovery, then that individual is entitled to a share of it," Getnick points out.

The False Claims Act laws "envision a partnership between the citizen and the government," he says. "They empower citizens to bring suit on behalf of the government, and then to pursue that case through private counsel on the government's behalf, either in a public–private partnership or on their own, to advance the interests of our government."


False Claims Act
& Qui Tam Provision

A Brief History of U.S. False Claims Act Laws

The federal False Claims Act is sometimes called "Lincoln's Law," says former dean Schwab. "That's because during the U.S. Civil War, under President Lincoln, there was a lot of fraud and abuse going on involving contractors supplying the Union Army," he explains. "Some would supply the army with gunpowder that turned out to be sawdust. Meanwhile the government was trying to fight a war, so they had things to do other than going after everybody trying to make a fraudulent buck."

The result was the first federal False Claims Act, in 1863, which allowed people who knew about fraudulent practices targeting the U.S. government to sue in court on the government's behalf and, if successful, get 20 to 30 percent of the award, he says.

After the war the statute remained on the books but was little used from the time of World War II until 1986, when it was strengthened by bipartisan legislation in the House and Senate. Once again fraud against the military was targeted, particularly contractors who overcharged for everything from faucets billed for thousands of dollars to airplanes that malfunctioned, Schwab says.

Today *qui tam* suits have shifted to fraud in the health-care and pharmaceuticals industries, as the government picks up more and more of the tab for people's hospital, medical, and drug costs under Medicare and Medicaid, explains Schwab. "It's a major percentage of the federal budget, and there have been some very dramatic cases against the drug companies."

The U.S. Department of Justice website calls the False Claims Act the "single most important tool U.S. taxpayers have to recover funds lost due to fraud against the government." And with good reason, points out Getnick.

"Prior to the 1986 legislative changes the Department of Justice was recovering less than $50 million a year through the federal False Claims Act," Getnick says. "In the ten years following 1986, the Department of Justice recovered $1 billion. It became very apparent that the amendments were highly efficacious. But most significantly, last year alone the DOJ recovered more than $5.5 billion, which brings the total recoveries in the last five years to $22.75 billion—more than half of the recoveries since the 1986 amendment."

In terms of return on investment, "for every dollar our government spends on federal False Claims Act health-care enforcement, it recovers $20 in return," Getnick says. "That's a 20-to-1 return on investment. Does anyone know of any other program, federal, state, or local, that can boast those results?"

That success, he says, has led to new and expanded whistleblower laws.

"The Federal Deficit Reduction Act enacted in 2005 gives states an incentive to pass their own False Claims Acts, and many states have since done so," he notes. "The IRS whistleblower law aimed at federal tax fraud was enacted in 2006. The SEC and Commodities Futures Trading Commission (CFTC) whistleblower laws were enacted as part of the Dodd-Frank statute in 2010. Also in 2010, the New York State False Claims Act was enhanced by amendments," Getnick points out, "transforming it into the most robust such law in the nation, including a *qui tam* tax provision."

"Most recently, in September 2014, U.S. Attorney General **Eric Holder** called for an increase in the currently limited awards provided for in the whistleblower provisions of the Financial Institutions Reform, Recovery and Enforcement Act of 1989, to further encourage these types of cases. All of these advances speak to the efficacy of incentivizing citizens to join with the government in fighting fraud," Getnick asserts.

But Whitehead is concerned that when the Dodd-Frank legislation was drawn up in 2010 in the wake of the financial crisis, "it was regulation that looked through the rearview mirror. It was responsive to the particular problems that led up to the financial crisis without taking into account broader changes in the financial markets and the need for a new approach to regulation"—which he thinks is still needed.

Still, all those developments seem also to have led to an increase in law firms specializing in whistleblower-related cases, *qui tam* and otherwise, many with Cornell Law School connections.

False Claims Act

Usually refers to the federal False Claims Act and subsequent amendments but can also refer to similar state legislation.

Qui Tam Provision

Allows citizens to sue for fraud on behalf of the government and be paid a percentage of the recovery. (As of 2012, over 70 percent of all federal FCA actions were initiated by whistleblowers.)

Three Whistleblower Law Practices

Getnick, his wife, Judge **Margaret Finerty**, also '78, and other colleagues at Getnick & Getnick got interested in whistleblower law because "it seemed like a natural outgrowth of our firm's early antifraud and anticorruption practice," says Getnick.

"Its antifraud, not antibusiness," he likes to clarify.

Perhaps their firm's most shocking case, and biggest victory to date, involved whistleblower **Cheryl Eckard**, a former global quality assurance manager for pharmaceuticals giant GlaxoSmithKline.

Margaret Finerty '78

Neil Getnick '78

A LOT OF PEOPLE ARE UNDER THE MISIMPRESSION THAT WHISTLEBLOWERS ARE SO DRIVEN BY THE POTENTIAL REWARD THAT THEY BYPASS THEIR COMPANY COMPLIANCE SYSTEMS AND DON'T GIVE THE COMPANY THE CHANCE TO GET IT RIGHT ON THEIR OWN.

OUR EXPERIENCE IS COMPLETELY THE OPPOSITE.

— Neil Getnick '78

In Getnick and Schwab's 2014 whistleblower law class, guest speaker Eckard talked and answered questions about how she had uncovered and reported on serious widespread oversights at the firm's largest manufacturing plant, in Cidra, Puerto Rico.

Among her discoveries were medicines erroneously mixed with one another and packaged that way; antibiotic ointment for babies that contained potentially harmful microorganisms; unsterile antinausea medication for cancer patients; a common antidepressant lacking a key ingredient; and a diabetes drug too weak in some instances, too strong in others, to work correctly.

She related how she'd initially been ignored, and then fired by higher-ups after she urged the company to shut down the plant temporarily to fix it when it seemed that no corrections to the harmful manufacturing practices were being made.

"Hearing from an actual whistleblower like Cheryl definitely made the subject more vivid, and it expanded my knowledge of whistleblower law in a way that influences how I approach my current job," says Anders Linderot '14, now an associate at Cravath, Swaine & Moore.

"Cheryl Eckard is the ideal whistleblower client," Getnick says. "Like many people in the health-care industry who go on to be whistleblowers, her first concern was the ability to promote the health of the population that her company served. She was very proud of it, particularly since she played an important role in quality assurance and quality control," he reports.

"A lot of people are under the misimpression that whistleblowers are so driven by the potential reward that they bypass their company compliance systems and don't give the company the chance to get it right on their own," observes Getnick. "Our experience is completely the opposite."

"Cheryl not only tried to get her company to get things right before she was fired, but she also continued trying after she was fired. She worked with GSK's compliance team and sought out

Carmen Segarra: Another Wall Street Whistleblower

More than a year before Alayne Fleischmann's story became public, another Cornell Law School alumna, **Carmen Segarra '98**, was making news with whistleblowing allegations involving two of Wall Street's biggest institutions. As reported by ProPublica and others, Segarra filed suit in October 2013 against the Federal Reserve Bank of New York in the U.S. District Court for the Southern District of New York, alleging that she was terminated because she reported to her superiors that the Goldman Sachs Group did not have a firmwide conflict-of-interest policy.

The court dismissed the case, saying that the statute did not apply to her situation, and Segarra is appealing. In the meantime, however, Segarra revealed a bombshell: she had secretly recorded forty-six hours of meetings and conversations at the Fed. *This American Life* and ProPublica reported extensively on the recordings, which critics said revealed a culture of deference at the New York Fed to the banks it supervises. Spurred by these news reports, the Senate Banking Committee's Subcommittee on Financial Institutions and Consumer Protection held a hearing on November 21, 2014, to investigate claims of regulatory capture.

One of the four witnesses called to testify before the subcommittee was **Robert C. Hockett**, the Edward Cornell Professor of Law at Cornell Law School. Hockett, who has worked in a consultative capacity with the New York Fed in recent years, testified that while there is no evidence of "regulatory capture" of the institution as a whole, there have been enough concerns raised about deference on the part of Fed bank examiners as to warrant measures aimed at strengthening regulatory independence. Hockett recommended that the NYFed revisit an earlier proposal to create a "contrarian thinking department."

"They had me on board for awhile as a kind of contrarian thinker," says Hockett, "but it never got so far as the establishment of a department with the same status as other departments, with a head of the department who is prepared to go to bat for his staff and has the same prestige as other heads of departments have."

"Having such a group," says Hockett, "could provide a needed balance and serve as a corrective to 'group think' and the tendency to go along by getting along, which can override the ability to see the flaws in any given policy or solution within any organization."

TOP: Carmen Segarra '98 arrives at the Senate hearing. ABOVE: Robert C. Hockett (foreground) listens to testimony with Carmen Segarra seated behind him.

Hockett says that in general it's important to make conditions as friendly as possible to whistleblowers within agencies that have essential tasks, like the financial regulators have, because "it's a key way to bring in some additional transparency to a process that really should not be opaque. Those regulatory agencies are not directly subject to the democratic process. They are only indirectly subject to it in that they are overseen by our elected representatives, but they are not themselves our elected representatives. . . . We want to make sure that whistleblowers are not too glibly dismissed as mere troublemakers or annoying contrarians."

Jeanne Markey '83

THERE ARE MANY HONEST BUSINESSPEOPLE AND CORPORATIONS IN THIS COUNTRY,

BUT UNFORTUNATELY THERE ARE TOO MANY WHO SEEK TO TAKE ADVANTAGE OF THE FACT THAT THE GOVERNMENT CAN'T POSSIBLY POLICE EVERY BUSINESS AND EVERY DOLLAR.

— Jeanne Markey '83

its CEO and general counsel, all without any intention of getting a reward and ultimately of even retaining her job, but just because she knew what a serious situation existed in this huge manufacturing plant putting out this adulterated product."

A *qui tam* suit in which Eckard, through Getnick's law firm, sued on behalf of the U.S. government under the federal False Claims Act to recoup lost revenues related to Medicare and Medicaid charges led to a civil settlement in 2010 of $600 million. GSK also paid a substantial criminal fine. Eckard, who received a $96 million award from the federal component of the case and an additional amount from the state component, became the single most highly rewarded whistleblower in U.S. history.

"One of our firm's big concerns now is that since that settlement we've seen a big migration of pharmaceutical manufacturing facilities into India and China," Getnick says.

"We've already seen evidence that these problems have been exported overseas, and that affects us in the United States because the ingredients and the actual pills and tablets find their way back to the United States and are paid for by our government's Medicare and Medicaid programs," Getnick points out.

To adapt to the situation, his law firm is internationalizing its practice so that it can continue to press for compliance.

"Whistleblower laws can be the great equalizer," Getnick says, "developing reliable information, matching that up with public resources, and incentivizing integrity."

Jeanne Markey and **Gary Azorsky**, both '83, currently are co-chairs of the whistleblower/False Claims Act practice at Cohen Milstein Sellers & Toll, a Washington, D.C.–based law firm.

They opened a Philadelphia office to run the firm's False Claims Act practice after having run their own successful practice representing whistleblowers against large pharmaceuticals manufacturers. In that role, they assisted in the return of hundreds of millions of dollars to federal and state coffers.

They are currently co–lead counsel in a large *qui tam* action against pharmaceutical giant Wyeth (since acquired by Pfizer) that alleges federal and state governments were defrauded when the company falsely inflated the price of an acid suppression drug, Protonix Oral. (More states—currently thirty-six—have joined with the United States to intervene in the Wyeth case than in any U.S. *qui tam* case to date.)

"There's an off-label piece to the Wyeth case," say Markey. "The government opted not to intervene in that piece, but we believed in it, so we have gone ahead and pursued it on our own." It involves the claim that Wyeth "promoted Protonix IV, an intravenous drug, to hospitals and hospital pharmacists for indications and at dosages that went way beyond the FDA-approved label," she says.

Qui tam cases often require a lot of patience, have many hoops to jump through, and can take years to be settled, Markey says. In the larger, multiparty case against Wyeth, for example, "after about two years of discovery, fifty depositions, and millions of

pages of documents having been reviewed, the motions for summary judgment were finally heard, and we've been waiting for a decision for about three years now."

Azorsky also points out, "Much of what we do is confidential and under seal. Cases involving the SEC and IRS programs never come out from under seal until those agencies announce that they are finally resolved, and it can take many years for that to happen."

Nevertheless, they both enjoy the work because they like working on something bigger than themselves, where the law can be used to achieve public policy goals, says Markey.

Michael Kanovitz '94

THAT REALLY STARTED GETTING PEOPLE'S ATTENTION,

BECAUSE NOW YOU'VE GOT A FEDERAL COURT OF APPEALS SAYING, YES, THE SECRETARY OF DEFENSE CAN GET SUED FOR THIS TORTURE.

— Michael Kanovitz '94

"We meet such interesting, intelligent, brave people who come from all over the country—different ages, work experience, very different backgrounds, people that I would never ever run into in the normal course of life," she says.

"And working with government lawyers, both state and federal, has also been extremely satisfying, because by and large they are bright, dedicated, hardworking, and enthusiastic about the work," she says.

"There are many honest businesspeople and corporations in this country," Markey comments, "but unfortunately there are too many who seek to take advantage of the fact that the government can't possibly police every business and every dollar."

That's one reason why a private-public partnership between fraud fighters and the government makes sense. "Even people who don't like the government tend to have very little patience with those who seek to defraud the government, and therefore the taxpayers, of millions or billions of dollars," Markey notes.

Michael Kanovitz '94, partner at Loevy & Loevy in Chicago, had been a highly successful commercial lawyer before he made the jump to whistleblower protection, civil rights, and class action litigation work.

Some of the cases he has since worked on involve the First Amendment and other civil rights issues.

In one of his toughest, he was lead counsel representing **Donald Vance** and **Nathan Ertel**, two U.S. citizens who'd worked for an Iraqi security company in Baghdad during the Iraq War. Observing their Iraqi employer engaging in arms trading and making payments to a local sheik, they blew the whistle on what they asserted was illegal activity by reporting it to U.S. officials in Iraq.

But instead of being lauded for doing the right thing, they were arrested and held incommunicado in 2006 at a U.S. military prison in Iraq, where they were treated like enemy combatants, they said, subjected to the same kinds of torture techniques—lack of sleep, food, and water, and a constant barrage of noise and other forms of harassment. Vance was held for three months and Ertel for six weeks before being freed. Neither was charged with a crime.

After they were released and returned to the United States, they took their case to Kanowitz at Loevy & Loevy, who sued **Donald Rumsfeld** on their behalf, charging that his policies as secretary of defense had led to their arrest and maltreatment.

"When I first heard Don Vance tell his story, I was very circumspect," Kanovitz says. "It was hard to believe that the United States would treat a white guy from the northern suburbs of Chicago like he was in Abu Ghraib." But after talking with his clients he became convinced that they had indeed been abused by the government, and he took on the case.

At the first trial stage: "We wanted the judges to see the issue as one of civil rights, not politics. By keeping the rhetoric down they were able to hear the issue, and lo and behold, we won, which was very welcome news," Kanovitz says. "In essence the trial court said: What Don and Nathan allege happened is against the Constitution, and we're going to let them try to prove that what they say happened really did happen."

After former Secretary of Defense Rumsfeld appealed the case, it was argued in the U.S. Court of Appeals for the Seventh Circuit, in Chicago.

"Sitting on the entire circuit there are probably fifteen judges, but to do the business of the court the cases are assigned to three-judge panels, and usually that's all there is to an appeal," explains Kanovitz. "I expected we'd lose at that stage because appellate courts are usually less sensitive to cases involving the actual plights of people and more concerned about government interests than trial courts are. But I argued it to the panel, and we won. That really started getting people's attention, because now you've got a federal court of appeals saying, yes, the secretary of defense *can* get sued for this torture."

Following that, however, Rumsfeld asked that all twenty judges sitting on the court rehear the case and redecide it, a request that's rarely granted, says Kanovitz. But the "rehearing en banc" was indeed granted, and they lost at that stage. After that, the Supreme Court declined to hear the case, "so there was no place left to go," recounts Kanovitz.

He puts some of the blame for his clients' arrest and torture on the closed system that existed in the war zone of Iraq, with its vague definitions of who the enemy was.

"Obviously the more likely it is that the truth will be found out, the less likely it is that people will take these extreme actions in the first place," he says. "But if they think that they're totally insulated, and if that's normal, it's very hard to stop."

In addition to defending clients' civil rights and First Amendment issues, Kanovitz also takes on *qui tam* whistleblower law cases. He has represented more than twenty whistleblower clients in state and federal False Claims Act suits, in such areas as mortgage finance, defense contracting, and environmental issues.

Can a Law School Produce Principled Graduates?

The Law School's graduates include many who have done the right thing when faced with an ethical challenge.

Among the best-known is **Samuel Leibowitz**, **Class of 1915**, who defended the "Scottsboro boys," nine African American youths falsely accused of the rape of two young white women and sentenced to death in Alabama in 1931. Convinced of their innocence, he survived death threats defending them in the state, and eventually persuaded the U.S. Supreme Court to reverse the convictions of two of them by arguing that blacks were systematically excluded from juries in Alabama.

And there are likely many more, past and present, who have taken an ethical stance instead of the expedient one or the one purely for personal gain. But can a law school like Cornell's actually impart lasting lessons about ethical behavior?

Azorsky thinks so. "Cornell Law School really had an eye toward encouraging the practice of law with a social significance when I attended," he recalls. "They had clinics to assist local residents with Social Security issues and legal problems. It was a real opportunity to learn what it's like to help real people with real problems against large and impersonal institutions."

He still remembers some of the clients he helped and the understanding he gained from doing so. "I remember the unfortunate circumstances those people found themselves in after working hard a substantial part of their lives. Now, during a period of disability they felt as if the bureaucracy was too complicated and that they were given short shrift by corporate America, where they had worked for much of their lives."

The compassion he gained from that experience has helped inform his *qui tam* practice today, he says.

Getnick also thinks ethical lessons in law school can have a lasting influence. He cites three former faculty members who have been strong influences on him and his current practice: Professors **G. Robert Blakey**, **Ronald Goldstock**, and **David Ratner**. Blakey and Goldstock had successfully fought organized crime and ran an institute at the Law School on that area. And Ratner, a securities law professor, gave him wise counsel when Getnick was a student member of the Cornell University Board of Trustees and sought a more socially responsible university investment policy.

Gary Azorsky '83

CORNELL LAW SCHOOL REALLY HAD AN EYE TOWARD ENCOURAGING THE PRACTICE OF LAW WITH A SOCIAL SIGNIFICANCE WHEN I ATTENDED. THEY HAD CLINICS TO ASSIST LOCAL RESIDENTS WITH SOCIAL SECURITY ISSUES AND LEGAL PROBLEMS.

IT WAS A REAL OPPORTUNITY TO LEARN WHAT IT'S LIKE TO HELP REAL PEOPLE WITH REAL PROBLEMS AGAINST LARGE AND IMPERSONAL INSTITUTIONS.

— Gary Azorsky '83

The values of honesty and integrity that they promoted, along with classroom lessons at the Law School, initially led Getnick to a job in the frauds bureau of famed Manhattan District Attorney **Robert Morgenthau** and have since inspired his own firm's *qui tam* whistleblower law practice, he says.

"The work my law firm does grows out of a vision, if you will, of seeing a world where the law is an instrument for justice, a means to fight corruption and reform society," says Getnick. "The area of whistleblower law fits squarely in that larger vision"—one of honesty and integrity, that he was first exposed to by Law School faculty.

Those values also have led to his desire to give back to the Law School. In 2010 Getnick and his wife, Judge Margaret Finerty, made a substantial gift to the school to create a Business Integrity Fund named in their honor. The gift supports programs, scholarship, and initiatives relating to business integrity, with a special emphasis on the *qui tam* provisions of False Claims Acts and related whistleblower laws. It's an important area for current students to learn more about, Getnick says.

But while influential faculty and programs that promote ethical values, together with the school's roster of illustrious graduates, are indeed something to be proud of, can the Law School really make the claim that its graduates are more principled than those of competing schools?

Perhaps not. Most top-tier law schools probably can point to just as many winners in the ethical sweepstakes department.

But there is at least anecdotal evidence that a law school that pays attention to ethical issues in the faculty it hires, courses it offers, programs it supports, and guest speakers it attracts will reap the rewards in terms of the achievements of its alumni, whether they are whistleblowers, wise leaders, or just well-informed citizens.

And that, as Stout has pointed out, is good for society as well as business. ■

A CENTURY OF 'INTELLIGENT DISCUSSION AND INVESTIGATION': The *Cornell Law Review* at 100

by IAN MCGULLAM

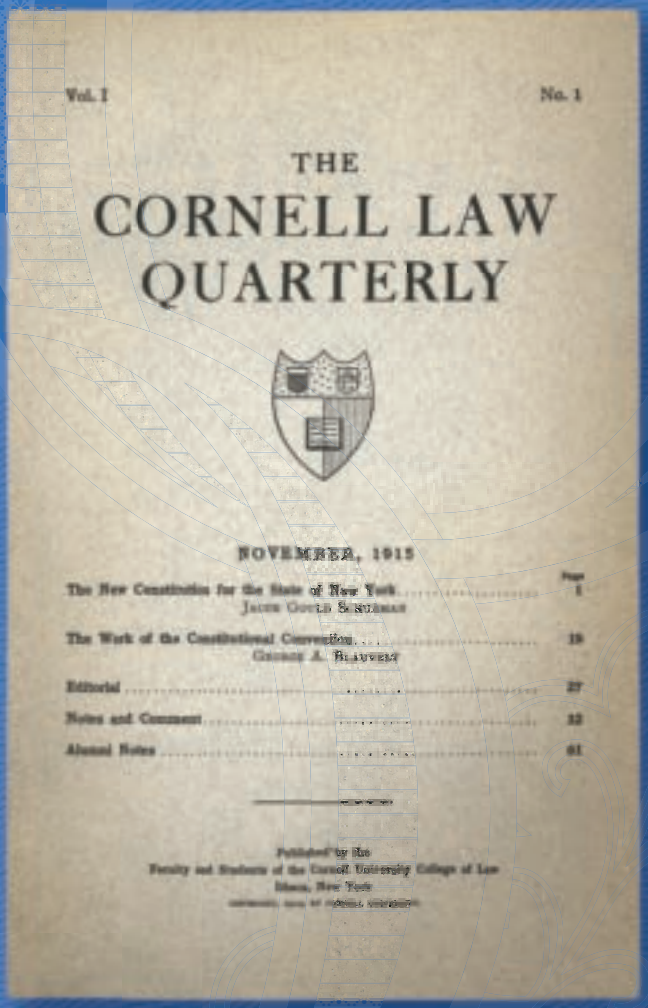
Why do we need another law periodical?

In the inaugural issue of the *Cornell Law Quarterly,* law professor and soon-to-be dean of Cornell Law School **Edwin H. Woodruff**, responded to an editorial writer at the *Illinois Law Review* who claimed that "now it would seem important to ask if law reviews have not developed to a point where only a blind following of precedent can make law schools overlook the economic and literary waste of so many separate school journals." A touch defensively, Woodruff retorted that "the *Cornell Law Quarterly* will justify its existence if it can reach and be helpful to any considerable number of lawyers who might otherwise give their attention exclusively to the routine of practice, or be satisfied merely with the solution of such legal problems as are brought to their immediate attention under stress of the demands of a particular case."

Woodruff concluded his editorial with the declaration, "This *Quarterly,* then, will not fail of its purpose, if it substantially enhances the spirit of mutual service between the College of Law and Cornell lawyers; if it aids in some degree to foster any needed reform in the law, or to give help by intelligent discussion and investigation toward the solution of legal problems; and if it satisfies within the college itself among the students and faculty a desire to advance, beyond the point of classroom instruction, the cause of legal instruction in the larger sense."

That was in November 1915. Flash forward a century, and the journal has seen a name change, becoming the *Cornell Law Review* in 1967; a subscription costs a bit more than the original dollar, too. But there's certainly enough evidence to prove that Woodruff was on to something, in the mountains of influential scholarship given a home in the *Law Review,* and in the glowing careers of past student editors.

A jaunt through the *Law Review* archives turns up boldface names aplenty. Several Supreme Court justices have taken to its pages, including **Felix Frankfurter** in his Harvard Law professor days to analyze the distribution of power between federal and state courts in 1928, **Robert Jackson** to discuss advocacy before the Supreme Court in 1951, **William Douglas** to publish an address he gave on the Supreme Court's caseload in 1960, and **Ruth Bader Ginsburg** in 2004 to explore women's long struggle for acceptance in the legal field. Current events also make an appearance: an article by Professor **George Gleason Bogert**, who held the position of faculty editor at the *Law Quarterly*'s founding, presented possible reforms to courts martial in 1919 following World War I, and during the fair housing movement in 1968 the journal published a piece entitled "Uncle Tom's Multi-Cabin Subdivision by Lawrence D. Eisenberg."



Vol. I No. 1

THE
CORNELL LAW
QUARTERLY

NOVEMBER, 1915

Published by the
Faculty and Students of the Cornell University College of Law
Ithaca, New York

1894

The *Cornell Law Journal* publishes its first and only issue. Charles H. Werner '95 is editor.

1895

The *New York Law Review* runs for six issues before closing.

1915

The *Cornell Law Quarterly,* which would later become the *Cornell Law Review,* publishes its first issue. Professor George Gleason Bogert is the faculty editor. A year subscription is a dollar.

1916

Mahlon B. Doing '16 appears on the masthead as the first student editor in chief.

Eduardo M. Peñalver, the Allan R. Tessler Dean and Professor of Law, says that when he advised the *Law Review* between 2007 and 2012, he used to remind incoming staffers that "because we are a top law journal, extending an offer of publication in the *Cornell Law Review* can be the difference in someone getting tenure or not."

He adds that having a journal edited by students, rather than by professors with decades of experience, can sometimes result in a more vital academic discussion. "Expertise can have this effect of dampening interest in new ideas," he says. "In student-edited journals . . . what you do get is an openness to innovation that you often don't see in peer-reviewed journals. New ideas really get a full hearing."

The editorial board of the first issue of the *Cornell Law Quarterly,* published in 1915. Mahlon B. Doing '16 (second from right, middle row) is editor in chief.

At least as important as the *Law Review*'s contribution to the wider world of legal scholarship has been its effect on the students who edit the journal. "For law reviews, law professors submit simultaneously to multiple journals, which means that most of the best articles published in the country in any given year are going to come through the door of the *Cornell Law Review,*" says Professor **Josh Chafetz**, the current adviser. "That doesn't mean that the *Cornell Law Review* is going to publish them, that doesn't mean that they're even going to accept them. It means that the people who work with law reviews have had a chance to read a really high percentage of the high-quality legal scholarship produced over the course of the entire year."

Needless to say, editing the *Law Review* has always been a lot of work; former editor in chief **Nicholas Goldin '99**, now a partner at Simpson Thacher, says, "In many ways, I may have been a law student paying tuition, but I was doing the equivalent of a full-time job." But staffers look back on their days at the journal with fondness, and an appreciation for what it taught them.

"I do think that I learned a lot about legal writing, about the disciplined nature of legal writing, about effective persuasive writing," says **Dan T. Coenen '78**, now a professor at the University of Georgia Law School, of his time leading the journal. "One real advantage of having had the *Law Review* experience was that when I went into academics, I wasn't afraid of the legal research and writing side. I wasn't afraid of that part of the academic role of generating publishable work that would be credible in the view of people who select work to be published."

Former coeditor in chief **Alvin D. Lurie '44** says that another advantage was that it got him used to corresponding with public figures at the height of their careers. "You get into the business of writing letters, 'Dear Mr. President,' or 'Dear Mr. Vice President,' or 'Dear Mr. Majority Leader, would you be interested in writing . . . ,'" says Lurie, who still practices as a tax lawyer. "So getting into the *Law Review* gave you a whole different vista,

1919

Mary H. Donlon ‘20 becomes the first woman to be editor in chief of a law review in the United States.

1922

Elbert P. Tuttle ‘23, the future chief judge of the U.S. Court of Appeals for the Fifth Circuit, becomes editor in chief; under his leadership, the court issued a series of important civil rights decisions in the 1960s.

1928

An article by future Supreme Court Justice Felix Frankfurter is published.

a whole different approach. And suddenly you think, ‘Well, my goodness, this is a pretty exciting area.’”

Having “Editor in Chief, *Cornell Law Review*” on their résumé has greatly expanded Law School graduates’ opportunities as they venture into the wider world. **Alison J. Nathan ‘00**, who went on to serve as special assistant to **President Obama** and associate White House counsel and is currently a judge for the U.S. District Court for the Southern District of New York, says she owes her clerkship with Supreme Court Justice **John Paul Stevens** in large part to having been editor in chief; she later learned that Justice Stevens especially valued the credential as a sign that an applicant had done extensive editing work and could command the respect of her peers. The *Law Review*’s influence can be seen in the list of former editors in chief who went on to great things, including **Elbert P. Tuttle ‘23**, who would serve as chief judge of the U.S. Court of Appeals for the Fifth Circuit in the 1960s, at a time when the court handed down a string of important civil rights decisions; **Sol Linowitz ‘38**, later chair of Xerox and confidant to several Democratic presidents, who co-negotiated the Panama Canal treaties and acted as a special envoy to the Middle East for **President Carter**; and **Barber B. Conable Jr. ‘48**, who represented a western New York district in the House of Representatives and served as president of the World Bank.

2014 executive editors of *Cornell Law Review*

In a world where having been editor in chief of a major law journal like the *Cornell Law Review* boosts your chances of professional success, the post has become a potentially valuable weapon in the fight for better representation for women and minorities in the legal world. The *Cornell Law Review* has seen several notable milestones. **Joseph J. Kennedy ‘93** became the journal’s first African American editor in chief in 1992. But perhaps even more important was the pioneering role played by women in the journal’s history. **Mary H. Donlon ‘20** was elected editor in chief at the *Cornell Law Quarterly*, becoming the first female head of a law review in the country, decades before any other law journal. But, while Donlon is relatively well known on the Cornell campus —she went on to become the first female partner at a Wall Street law firm and was active in supporting Cornell and in New York State Republican politics—her successors are less so. It turns out that the *Law Quarterly* didn’t just have the first female editor in chief in the United States, but also the second, **Doris J. Banta ‘46**; the third, **Elizabeth M. Storey ‘48**; and the fourth, **Jean Ann Ripton ‘49**.

Cynthia Grant Bowman, the Dorothea S. Clarke Professor of Law and an authority in feminist jurisprudence, has written about all four women in this magazine, and describes the hostile atmosphere that women faced at Cornell. “The competition to get on a law review is the big race to run in law school,” Bowman says.

1929

Joseph Weintraub '30, who would go on to be the chief justice of the New Jersey Supreme Court, becomes editor in chief.

1937

Sol M. Linowitz '38 becomes editor in chief; he later served as chairman of Xerox and as an aide to several Democratic presidents. Linowitz conegotiated the Panama Canal treaties and acted as a special envoy to the Middle East for President Jimmy Carter.

1948

Barber B. Conable Jr. '48, who would later serve in the House of Representatives and as World Bank president, becomes editor in chief. A long-time ally of Richard Nixon, Conable broke with him in disgust after the revelations of the Watergate scandal.

"So if men were, as they were in the first part of the century in the United States, intent on keeping women out, I think that would also extend to law reviews. That made Mary Donlon really unusual."

The situation facing Banta, now Doris Banta Pree, was somewhat different; in the immediate aftermath of World War II, the Law School's enrollment had dropped precipitously, leaving few students available to keep the *Law Quarterly* running. "I think if our grades were good, we were practically asked to please be on the *Quarterly* because there were so few students in the Law School," says Pree. However, Bowman says that as the decade wore on, "veterans were coming home, and they were getting preferential treatment in American law schools in general. So the later women, particularly the ones in the class of 1949, would have been up against that."

Of the latter three women, Bowman says, "Only Doris Banta Pree goes on and has a standard legal success story—she goes to a large law firm and becomes a partner and lives a fairly standard legal career." Pree attributes her job at a St. Louis firm in part to her editor-in-chief credential; a professor's letter of recommendation got her in the door, she says, but, when an extremely conservative senior partner had to sign off on her hiring, she guesses that "probably the fact that I was editor in chief of the *Law Review* impressed that senior partner who had to . . . hire this woman."

After its early string of female leaders, the *Law Review* saw a long drought, with no women being elected editor in chief until 1981. Since then, eight women—including the current top editor, **Christine Kim '15**—have led the journal, less than one every four years. By contrast, the most recent entering Law School class was 44 percent women.

Still, the *Law Review* has made definite progress toward a better gender balance on its senior staff. **Susan Pado** has been the *Law Review*'s administrative assistant since 1987. "I remember when I first started, most of the board members were males, and now it has gotten to the point where just this past year, I had all women," she says, referring to the journal's current leadership with a bit of hyperbole. "The editor in chief is a woman, the executive editor is a woman, the senior notes editor is a woman. The managing editors usually are split between men and women. But back in the day, men usually got these positions just because there weren't a lot of females on the journals. Now I see more and more females taking on the roles on the board of editors." Pado takes a special interest in encouraging female *Law Review* staffers, and in 2011 she received the Women's Law Coalition's Anne Lukingbeal Award for her commitment to women at the Law School; it was the first, and so far only, time the award has gone to a staff member rather than a faculty member.

The *Law Review* has adjusted how it chooses new associates over the years, after previously relying solely on class rank. In the late 1960s, the journal started using a writing competition, in addition to grades, in evaluating prospective staff members. **Samuel Kilbourn '71**, now in private practice in South Portland, Maine, remembers that in 1969 he and a few others who just missed the stringent class rank cutoff were invited to compete for membership by writing a brief note; he made it on, and went on to be an article and book review coeditor.

Over the following decade, use of the writing competition seems to have expanded, according to former staff members from that period. In the 1990s, it was supplemented with the option of following the so-called composite plan, where, in addition to being evaluated on their GPAs and writing contest submissions, prospective *Law Review* members could write a personal statement that would be evaluated using diversity as a factor. Pado estimates that of the 2014–2015 *Law Review* staff, slightly more than a third were chosen based on their grades, while the rest were evenly split between those who were evaluated on the basis of their GPA and writing competition entries, and those who opted for the composite plan.

Bowman suggests that some of the revised systems for admission to the *Cornell Law Review* and other law journals that take factors other than straight GPA into account "maybe have made it fairer" and could account for the increased presence of underrepresented groups. "It takes women and minorities, I think, a bit longer to adjust to the style of law school classrooms and examinations," she says. "You've got to hit the ground really running."

1951

Supreme Court Justice Robert H. Jackson publishes an article discussing advocacy before the Supreme Court.

1960

The longest-serving Supreme Court Justice, William Douglas, publishes an address he gave on the Supreme Court's caseload.

1958

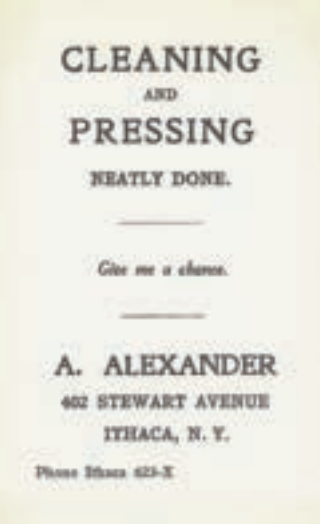
Edward J. Bloustein, the future president of Rutgers University, becomes editor in chief.

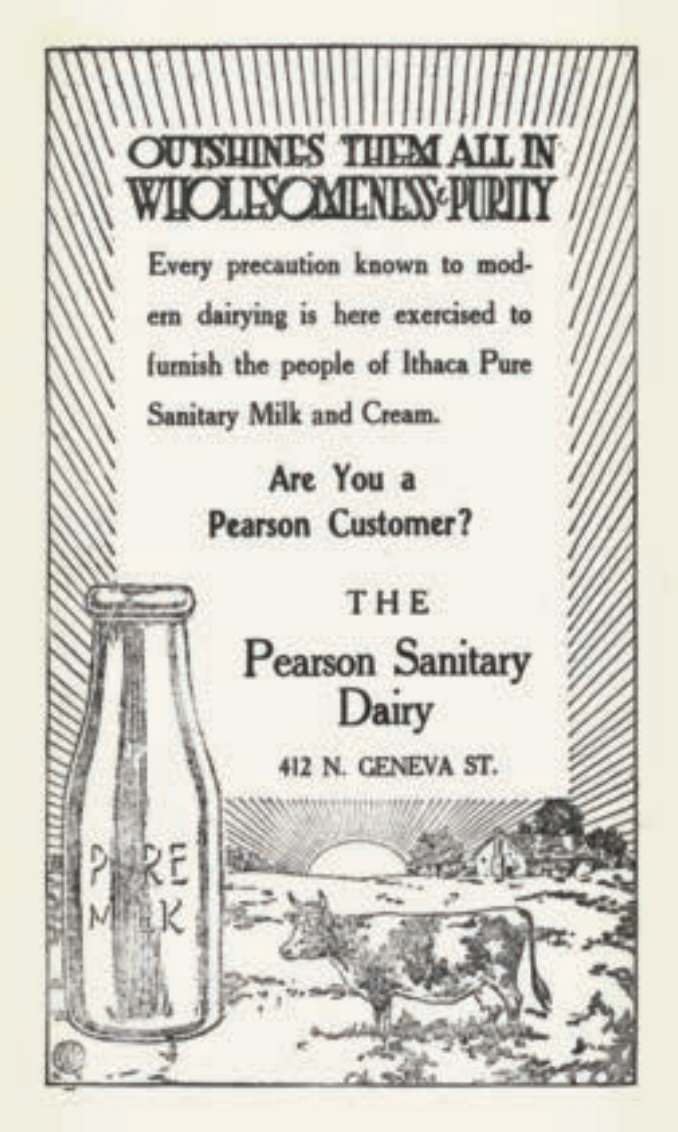
1966

The *Law Quarterly* announces that it will publish six issues a year instead of four.

No. 6

By its very nature, the *Law Review* has always struggled to keep its memory of its past from fading. With the most senior half of the staff graduating every year, knowledge of what happened even a few years prior can get fuzzy, while documenting the journal's history as it happens usually takes a back seat to actually producing a legal journal while not failing out of law school at the same time.





Early issues of the *Cornell Law Review* took local and national advertising.

1967

Bowing to confusion, the *Cornell Law Quarterly* changes its name to the *Cornell Law Review.*

1971

The *Law Review* institutes a writing competition to select associates, in addition to grades.

1972

Robert A. Dupuy '73, who would become president and CEO of Major League Baseball, becomes editor in chief.

1992

Joseph J. Kennedy '93 becomes the first African-American editor in chief of the *Law Review.*

Nonetheless, editors in chief down through the decades speak of how much they valued the *Law Review*'s traditions. "I remember constantly thinking and reminding myself that we're just stewards for a journal that's been around for generations, and so we have to do our best to keep up the *Law Review*'s traditions and standards while moving it forward," says Goldin.

Goldin recalls how the wisdom of past years was passed on to him when he became editor in chief in 1998. "The morning after our editorial board had been elected, I found a binder waiting for me on the EIC's desk," he remembers. "It had been left by the outgoing editor and began with a letter to me followed by pages and pages of memos, guidance, and random policies that, it turned out, had been handed down from one EIC to the next over many years."

> ***In our law review, I see frequently an interest in empirical scholarship, I see a nice balance of theory and doctrine and a little bit of a pragmatic streak. A diversity of voices. A tendency towards scholarship that's unpretentious.***
>
> *— Eduardo M. Peñalver*

The following year, it was Nathan's turn as the newly elected editor in chief to receive the totemic black binder. "I distinctly remember sitting in that small office for hours and maybe days with Nick and **Dan Wenner** [the managing editor] and just walking through it in excruciating detail," she says. "The problem was, it was all oral history," adds Nathan. "It was difficult to maintain institutional learning with an annual turnover."

Staff members and faculty have played a key role in helping *Law Review* staffers take a long view and learn from their predecessors' mistakes. In an institution that's always focused on the next issue, the *Law Review*'s administrative assistant is often the person in the room with the longest memory. Former editor in chief **Allan Tessler '78**, who went on to a successful career in investment management, described the legendary *Law Review* secretary **Dorothy E. Lord**, universally known as "Skip," as the "glue that held everything together." In an appreciation published in the *Law Review* in 1987 upon her retirement, former editors in chief described Lord's role over the past twenty-one years as much greater than typing up edits and compiling footnotes. "When we decided to break tradition—changing from 'Quarterly' to 'Review,' modernizing the cover and format, accepting *The Bluebook* in full, calling the second-year class 'associates' instead of 'competitors'—we dared not proceed without Skip's blessing," notes **Mark L. Evans '68**.

Pado has worked on the journal even longer, dating back to 1987. "They joke about it, saying that I'm the institutional memory," Pado says. "But when they first take over, it's kind of like, 'Here, here's your job,' and they haven't really worked with the journal or anything. So I think it's important to have somebody who's been here for quite a while and knows what works and what hasn't in the past. It's definitely run by the students, but if they ask me my opinion, I can definitely give them some advice, and I hope usually it's good advice."

Relations between the student editors of the *Law Review* and their faculty adviser are sometimes more complicated, and vary from year to year. Some years, editors preferred their adviser to take a hands-off approach. Coenen says that "the *Law Review* operated very autonomously from the faculty" when he was editor in chief in 1977–1978. "That is the way the railroad was run—it wasn't new with me, it was just the culture."

However, other *Law Review* editors had a much tighter relationship with faculty members during their time in charge. Tessler says he worked closely on a symposium with Professor **William E. Hogan**, who, Tessler says, "assisted a great deal with bringing to bear a great number of experts on the Universal Commercial Code in different areas from other institutions." In addition to their connections, professors' specialized knowledge has proved useful; as former editor in chief **Marc Franklin '56**, now a professor

2004

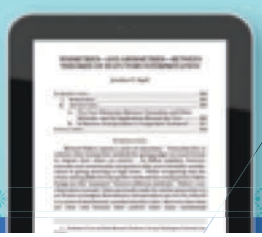
Supreme Court Justice Ruth Bader Ginsburg publishes "Remarks on Women's Progress at the Bar and on the Bench."

1999

Alison J. Nathan, who would go on to be a judge on the U.S. District Court for the Southern District of New York, becomes editor in chief.

2013

The *Cornell Law Review* Online launches its first issue.



2015

The *Law Review* celebrates its 100th year in continuous publication. ✻ A year subscription is now $45.

emeritus at Stanford Law School, notes, "Sometimes you'd get a paper in some obscure area—was it crackpot or what was it? You did have to rely on their experience." Likewise, Nathan recalls that several faculty members were invaluable in helping her navigate submissions dealing with cutting-edge subjects like empirical legal research and critical race theory and feminist theory.

On the other side of the student-faculty relationship, Chafetz says, "I take the adviser part of faculty adviser very seriously." He adds, "My view is that my job is to largely stay out of their way, and to help them think through and negotiate issues that they don't feel entirely comfortable figuring out on their own." Peñalver agrees, saying that when he advised the *Law Review* between 2007 and 2012, "the adviser's role was minimal, mostly dealing with recalcitrant authors and things like that. Someone wouldn't give their edits in on time or was resisting some normal part of the editing process, and the students would sometimes ask me to reach out to them and try to bring them along. And that was really the extent of it."

Professor **Robert A. Hillman '72** is in the perhaps unique situation of having played both roles: he was an editor on the *Law Review* as a student, and the publication's adviser during several years in the 1980s and early 1990s. He says that his approach was a combination of hands off and closer involvement. "I waited for them to come to me with particular problems and got involved with those," Hillman says. But, he adds, he also found himself preemptively talking to new staffers at the beginning of every year to address two perennial problems: students overediting professors' submissions, and making sure the staff passed down lessons learned to future years.

The Quarterly wasn't the first law journal to come out of Cornell. More than two decades before volume 1, issue 1 of the *Cornell Law Quarterly* hit lawyers' offices, the university saw the publication of its first legal periodical, an abortive effort called the *Cornell Law Journal*. The only issue published, dated June 1894 and edited by **Charles H. Werner '95**, featured articles on eminent domain, legal instruction, and the "Law's Delay." In a feature conspicuously absent from its successors, the *Law Journal* also contained a 105-line poem laying out the particulars of *Starch v. Blackburn*, an (apparently real) lawsuit brought against a milkman with a ferocious guard dog: "An action for injuries caused to the limb / Of the plaintiff, one Starch, (sobriquet Fighting Tim) / By the teeth of defendant's dog, Three-leggéd Jim."

Werner tried again the following year, appearing as editor of Cornell's new law publication, the *New York Law Review*. In its first issue, the new journal contrasted itself to the profusion of law reviews that had sprung up over the past decade. While those were "essentially academic," the editorial said, the *New York Law Review* would primarily address "the business-like problems most likely to arise before the busy lawyer." The new journal ran for six issues before folding in July 1895.

When the *Cornell Law Quarterly* started up in 1915, it at first hewed to a much more conservative schedule, publishing in November, January, March, and May; the quarterly then expanded in 1966 to publishing six issues a year so that it could cover legal issues in a more timely fashion. Despite the jump in the journal's frequency, the *Quarterly* officially remained the *Quarterly* for another year. In 1967, though, the editors admitted that "the consequence of this delicate concession to tradition was an epidemic of confusion among our readers and subscribers, together with some embarrassment on the part of the Board of Editors." They decided to "bow to the inevitable," and the *Quarterly* took its present moniker, the *Cornell Law Review*.

One hundred years ago, Dean Woodruff took to the pages of the first issue of the *Cornell Law Quarterly* to present a defense of one more law journal. A century later, Dean Peñalver is more than happy to reaffirm that the *Cornell Law Review* has something special to offer. "Law reviews reflect the characters and the personalities of the schools," he says. "There's definitely a Cornell Law School personality that's pretty distinctive, and I see that in the selections that the *Law Review* makes."

"In our law review, I see frequently an interest in empirical scholarship, I see a nice balance of theory and doctrine and a little bit of a pragmatic streak," he says. "A diversity of voices. A tendency towards scholarship that's unpretentious."

That's reason enough to look forward to another century of the *Cornell Law Review*. ■

Cornell Law Review Editors in Chief

VOLUME 1 / 1915–1916
ISSUE 1: No EIC
ISSUES 2–4: Mahlon B. Doing

VOLUME 2 / 1916–1917
ISSUES 1–4: Frank S. Ingersoll

VOLUME 3 / 1917–1918
ISSUES 1–3: William J. Gilleran
ISSUE 4: Louis W. Dawson

VOLUME 4 / 1918–1919
ISSUES 1–4: Louis W. Dawson

VOLUME 5 / 1919–1920
ISSUES 1–3: Mary H. Donlon
ISSUE 4: John W. Reavis

VOLUME 6 / 1920–1921
ISSUES 1–3: John W. Reavis
ISSUE 4: Earl C. Vedder

VOLUME 7 / 1921–1922
ISSUES 1–3: Earl C. Vedder
ISSUE 4: Elbert P. Tuttle

VOLUME 8 / 1922–1923
ISSUES 1–3: Elbert P. Tuttle
ISSUE 4: Allan H. Treman

VOLUME 9 / 1923–1924
ISSUES 1–3: Allan H. Treman
ISSUE 4: Franklin S. Wood

VOLUME 10 / 1924–1925
ISSUES 1–3: Franklin S. Wood
ISSUE 4: Ralstone R. Irvine

VOLUME 11 / 1925–1926
ISSUES 1–3: Ralstone R. Irvine
ISSUE 4: Thomas G. Rickert

VOLUME 12 / 1926–1927
ISSUES 1–3: Thomas G. Rickert
ISSUE 4: Clifford C. Pratt

VOLUME 13 / 1927–1928
ISSUES 1–3: Clifford C. Pratt
ISSUE 4: Maxwell H. Tretter

VOLUME 14 / 1928–1929
ISSUES 1–3: Maxwell H. Tretter
ISSUE 4: Joseph Weintraub

VOLUME 15 / 1929–1930
ISSUES 1–3: Joseph Weintraub
ISSUE 4: Edward H. Stiefel

VOLUME 16 / 1930–1931
ISSUES 1–3: Edward H. Stiefel
ISSUE 4: Leo E. Falkin

VOLUME 17 / 1931–1932
ISSUES 1–3: Leo E. Falkin
ISSUE 4: William F. Sullivan

VOLUME 18 / 1932–1933
ISSUES 1–3: William F. Sullivan
ISSUE 4: Herbert A. Heerwagen

VOLUME 19 / 1933–1934
ISSUES 1–3: Herbert A. Heerwagen
ISSUE 4: Norman MacDonald

VOLUME 20 / 1934–1935
ISSUES 1–3: Norman MacDonald
ISSUE 4: John M. Friedman

VOLUME 21 / 1935–1936
ISSUES 1–3: John M. Friedman
ISSUE 4: Daniel G. Yorkey

VOLUME 22 / 1936–1937
ISSUES 1–3: Daniel G. Yorkey
ISSUE 4: Sol M. Linowitz

VOLUME 23 / 1937–1938
ISSUES 1–3: S.M. Linowitz
ISSUE 4: Thomas M. Nichols

VOLUME 24 / 1938–1939
ISSUES 1–3: Thomas M. Nichols
ISSUE 4: Joseph H. Fink

VOLUME 25 / 1939–1940
ISSUES 1–3: Joseph H. Fink
ISSUE 4: Robert D. Fernbach

VOLUME 26 / 1940–1941
ISSUES 1–3: Robert D. Fernbach
ISSUE 4: John W. Reed

VOLUME 27 / 1941–1942
ISSUES 1–3: John W. Reed
ISSUE 4: No EIC listed

VOLUME 28 / 1942–1943
ISSUES 1–2: Tozier Brown
ISSUES 3–4: Harry G. Henn

VOLUME 29 / 1943–1944
ISSUE 1: Harry G. Henn
ISSUES 2–4: Alvin D. Lurie & Edward M. Smallwood

VOLUME 30 / 1944–1945
ISSUES 1–3: No EIC listed
ISSUE 4: David Marcus & Bradford F. Miller

VOLUME 31 / 1945–1946
ISSUE 1: Bradford F. Miller
ISSUES 2–4: Doris J. Banta

VOLUME 32 / 1946–1947
ISSUES 1–2: Richard I. Friche
ISSUES 3–4: Myron S. Lewis

VOLUME 33 / 1947–1948
ISSUE 1: John J. Kelly, Jr.
ISSUE 2: John J. Horey
ISSUES 3–4: Will J. Schaaf, Jr. & Elizabeth M. Storey

VOLUME 34 / 1948–1949
ISSUE 1: Barber B. Conable, Jr.
ISSUE 2: Hewitt A. Conway
ISSUES 3–4: Jean Ann Ripton

VOLUME 35 / 1949–1950
ISSUES 1–4: Daniel C. Knickerbocker, Jr.

VOLUME 36 / 1950–1951
ISSUES 1–4: Felix G. Liebmann

VOLUME 37 / 1951–1952
ISSUES 1–4: William J. Vanden Henvel

VOLUME 38 / 1952–1953
ISSUES 1–4: Philip L. Evans

VOLUME 39 / 1953–1954
ISSUES 1–4: John M. Montfort

VOLUME 40 / 1954–1955
ISSUES 1–4: Hamilton W. Budge

VOLUME 41 / 1955–1956
ISSUES 1–4: Marc A. Franklin

VOLUME 42 / 1956–1957
ISSUES 1–4: Cornelius E. Sorapure, Jr.

VOLUME 43 / 1957–1958
ISSUES 1–4: Stanley Komaroff & Philip J. Loree

VOLUME 44 / 1958–1959
ISSUES 1–4: Edward J. Bloustein

VOLUME 45 / 1959–1960
ISSUES 1–4: Edward S. Cogen

VOLUME 46 / 1960–1961
ISSUES 1–4: Douglas B. Martin, Jr.

VOLUME 47 / 1961–1962
ISSUES 1–4: George R. Parsons, Jr.

VOLUME 48 / 1962–1963
ISSUES 1–4: Allan R. Tessler

VOLUME 49 / 1963–1964
ISSUES 1–4: Roger J. Weiss

VOLUME 50 / 1964–1965
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VOLUME 51 / 1965–1966
ISSUES 1–4: Michael E. Mecsas

Changed name from
Cornell Law Quarterly
to *Cornell Law Review*

VOLUME 52 / 1966–1967
ISSUES 1–6: William A. Kaplan

VOLUME 53 / 1967–1968
ISSUES 1–6: Mark L. Evans

VOLUME 54 / 1968–1969
ISSUES 1–6: Brian Toohey

VOLUME 55 / 1969–1970
ISSUES 1–6: David P. Lampkin

VOLUME 56 / 1970–1971
ISSUES 1–6: Warren E. George, Jr.

VOLUME 57 / 1971–1972
ISSUES 1–6: John L. Zenor

VOLUME 58 / 1972–1973
ISSUES 1–6: Robert A. DuPuy

VOLUME 59 / 1973–1974
ISSUES 1–6: Mark D. Nozette

VOLUME 60 / 1974–1975
ISSUES 1–6: Stanley W. Widger, Jr.

VOLUME 61 / 1975–1976
ISSUES 1–6: Mark L. Goldstein

VOLUME 62 / 1976–1977
ISSUES 1–6: Todd F. Brady

VOLUME 63 / 1977–1978
ISSUES 1–6: Dan Coenen

VOLUME 64 / 1978–1979
ISSUES 1–6: Phil Mueller

VOLUME 65 / 1979–1980
ISSUES 1–6: W. Mark Smith

VOLUME 66 / 1980–1981
ISSUES 1–6: Mark A. Underberg

VOLUME 67 / 1981–1982
ISSUES 1–6: Sharyl Walker

VOLUME 68 / 1982–1983
ISSUES 1–6: Scott E. Sundby

VOLUME 69 / 1983–1984
ISSUES 1–6: Richard J. Kaplan

VOLUME 70 / 1984–1985
ISSUES 1–6: Jonathan B. Fellows

VOLUME 71 / 1985–1986
ISSUES 1–6: Benjamin C. Marcus

VOLUME 72 / 1986–1987
ISSUES 1–6: Whitman F. Manley

VOLUME 73 / 1987–1988
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VOLUME 75 / 1989–1990
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ISSUES 1–6: Yukihisa Ishizuka

VOLUME 80 / 1994–1995
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VOLUME 81 / 1995–1996
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VOLUME 82 / 1996–1997
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VOLUME 83 / 1997–1998
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VOLUME 84 / 1998–1999
ISSUES 1–6: Nicholas S. Goldin

VOLUME 85 / 1999–2000
ISSUES 1–6: Alison J. Nathan

VOLUME 86 / 2000–2001
ISSUES 1–6: Forrest G. Alogna

VOLUME 87 / 2001–2002
ISSUES 1–6: Kristina M. Paszek

VOLUME 88 / 2002–2003
ISSUES 1–6: Kan M. Nawaday

VOLUME 89 / 2003–2004
ISSUES 1–6: Abigail K. Marshall

VOLUME 90 / 2004–2005
ISSUES 1–6: Dana E. Hill

VOLUME 91 / 2005–2006
ISSUES 1–6: Brad E. Moyer

VOLUME 92 / 2006–2007
ISSUES 1–6: Andrew E. Nieland

VOLUME 93 / 2007–2008
ISSUES 1–6: Jennifer E. Roberts

VOLUME 94 / 2008–2009
ISSUES 1–6: Michael H. Page

VOLUME 95 / 2009–2010
ISSUES 1–6: Christine I. Lee

VOLUME 96 / 2010–2011
ISSUES 1–6: Eduardo F. Bruera

VOLUME 97 / 2011–2012
ISSUES 1–6: Brian R. Hogue

VOLUME 98 / 2012–2013
ISSUES 1–6: Steven J. Madrid

VOLUME 99 / 2013–2014
ISSUES 1–6: Joshua M. Wesneski

VOLUME 100 / 2014–2015
ISSUES 1–6: Christine Kim

This comprehensive list of all editors in chief was compiled by Susan Pado, administrative assistant for the *Cornell Law Review.*

Celebrating a Decade of the Exemplary Public Service Awards

by KENNETH BERKOWITZ ■ ILLUSTRATION *by* FELICITA SALA ■ EVENT PHOTOGRAPHY *by* SHERYL D. SINKOW

In the eleven years since Karen Comstock was named assistant dean for public service, and in the six years since she was joined by Elizabeth Peck, director of public service, the program has grown exponentially.

Karen Comstock

Elizabeth Peck

They get up in the morning thinking about what's most meaningful in their career, and how they can make a contribution to the world around them.

— Karen Comstock

The Office of Public Service now offers in-depth, one-on-one career counseling, with Comstock and Peck providing help researching job opportunities, finding externships, networking with alumni, building résumés and cover letters, and developing interview skills. There are funds available to every first- and second-year student who chooses to spend the summer working in the public interest, and an extensive loan forgiveness program for graduates who begin their career in the public sector.

Comstock and Peck begin with the broadest possible definition of public service, one that encompasses government agencies, legal aid offices, community groups, foundations, nonprofit organizations, judges' chambers, and law firms focusing on class action and impact litigation that benefit the public. To showcase the breadth of possibilities, they coordinate student pro bono opportunities every term, and each spring, they host a trio of events that highlight alumni working in the public interest. There's a lecture series featuring a major address by a leading practitioner; a career symposium for students led by recent Cornell Law School graduates; and a reception to honor the alumni winners of the Law School's Exemplary Public Service Awards, held at the Association of the Bar of the City of New York.

"The honorees are people who think about how they can best use their legal skills for the public good," says Comstock. "They get

up in the morning thinking about what's most meaningful in their career, and how they can make a contribution to the world around them. That's what's important to them, and that's a value this institution feels very strongly about. That's what we mean by 'lawyers in the best sense.' You have this powerful degree. How are you going to use it?"

Over the past ten years, the Exemplary Public Service Awards have honored close to one hundred alumni working both inside and outside the legal profession. In any given year, there are recent grad "rising stars" standing alongside Cornellians who have been in the field for decades, and in even the small, tenth-anniversary sample that follows, with one portrait for each year of the awards, there's an enormous range of work being done in the public interest, with a rare opportunity for people to be celebrated for their contributions.

"Public service is at the heart of our identity," says **Eduardo M. Peñalver**, the Allan R. Tessler Dean and Professor of Law, who has made expanding financial aid a priority of his deanship. "The legal profession has as its core a commitment to the rule of law, and at the center of the rule of law is access to justice. Because Cornell is a land-grant institution, public service has always been one of our core values. Recognizing the contributions of students and alumni working in the public interest is a source of great pride, reaffirming our commitment to Cornell lawyers excelling in every corner of the profession."

"We work in the trenches every day, and we never expect anybody to acknowledge what we do," says **Betty Barker**, a deputy public defender in Northern California's Contra Costa County and 2012 award winner. "We don't expect to be recognized, and in fact, we're almost universally disliked. So it was really moving to me to receive the award—I love what I do, and I do it because I think it's the right thing to do. That's how I want to spend my life, helping make sure the underprivileged can have the best possible defense. And I was so honored to know that Cornell recognizes that as being really important."

When she arrived at Cornell Law School, Angelica "Kica" Matos '99 knew exactly what she was going to do: study hard, become a death penalty lawyer, and move to either Texas or Louisiana to litigate postconviction cases. "But life has a strange way of derailing your best efforts," says Matos, who was working as executive director of New Haven's Junta for Progressive Action when she was included in the first Public Service Awards in 2006.

After working in the Capital Habeas Unit of the Federal Community Defender Office in Philadelphia, Matos met her future husband, moved to New Haven, and needed to find a new practice. Drawing on her background—she grew up in Puerto Rico, Trinidad and Tobago, Fiji, and New Zealand—she gravitated toward immigrant advocacy, first as executive director of Junta, New Haven's oldest Latino advocacy organization; then as deputy mayor for community services with the city of New Haven; and then with Atlantic Philanthropies, where she headed a Reconciliation and Human Rights Programme that focused on protecting civil liberties, advancing racial justice, abolishing the death penalty, and reforming immigration laws.

In 2012, Matos became director of immigrant rights and racial justice at the Center for Community Change, where she coordinates the work of the Fair Immigration Reform Movement, the nation's largest coalition of state-based immigrant rights organizations, and played a key role in crafting and advancing the national strategy for immigration reform that culminated last November in a pair of executive actions by President Obama, bringing relief to an estimated five million undocumented immigrants.

"It was an exhilarating moment, a victory for the

movement, and a great affirmation of the power of community engagement," says Matos, who currently divides her time between New Haven and Washington, D.C. "Don't get me wrong—the work is incredibly hard and the hours are brutal. But there's something deeply rewarding about being engaged in a movement fueled by the voices of those most affected, who also happen to be among the most disenfranchised in this country. I'm constantly awed by the acts of bravery by undocumented immigrants, stepping out to publicly acknowledge their status and fearlessly working to bring about change. That's what inspires me."

> ***I'm constantly awed by the acts of bravery by undocumented immigrants, stepping out to publicly acknowledge their status and fearlessly working to bring about change.***
>
> *— Angelica "Kica" Matos '99*

2007

DOUGLAS LASDON '81

Three years out of law school, Douglas Lasdon '81 founded the Legal Action Center for the Homeless (LACH) as a one-person operation in an unheated, burned-out building in East Harlem. His goal was to help people at the farthest margins of society, both individually and collectively, by providing outreach at shelters and soup kitchens. Within the next few years, as LACH evolved into the Urban Justice Center, Lasdon and his colleagues expanded that focus, reaching beyond his original vision to include sex workers; survivors of domestic violence; lesbian, gay, bisexual, and transgender youth; prisoners; refugees; street vendors; victims of human trafficking; and U.S. military veterans.

"We now have ten projects, 120 staff members, and a budget of over $11 million," says Lasdon. "We've been the driving force behind a lot of systemic advocacy efforts, including class action lawsuits that have made significant changes to the services that poor people use. There have been a lot of those cases, too many to point to, but the single thing I'm proudest of is creating this organization."

In his first case, *Palmer v. Cuomo,* Lasdon advocated for youth in foster care, who were being denied services as soon as they turned eighteen. In *Doe v. City of New York,* he established the right for homeless married couples to be housed in shelters together. In *Young v. New York City Transit Authority* he challenged the ban on begging in the subway system as a violation of the First Amendment. In *Tolle v. Dinkins,* he forced the city to reduce the legal capacity of its largest shelter from 1,050 to 350 men.

"I love my job," says Lasdon, who also works as an adjunct faculty member at New York University. "I went to law school solely because I wanted to do public interest work, and I finished as a better reader and a better thinker because of that education. It prepared me for the world. It prepared me to be a more effective member of the community, and I'm very happy with the choice I made."

> ***I went to law school solely because I wanted to do public interest work, and I finished as a better reader and a better thinker because of that education. . . . It prepared me to be a more effective member of the community, and I'm very happy with the choice I made.***
>
> *— Douglas Lasdon '81*

2008

JOE IAROCCI '84

As a student, Joe Iarocci '84 did not foresee winning an award for public service. After graduation, he quickly headed for Big Law, spending five years as an associate at Shearman & Sterling on Wall Street and six years as a partner at Lamar, Archer & Cofrin in Atlanta. But along the way, he changed direction.

"I had a real crisis of meaning," says Iarocci. "I was working at great places and making a ton of money, but it wasn't doing it for me. I went through this period of wondering, 'Is this all there is?' And by some twist of fate and good fortune—partly because of my Cornell education and my experience on Wall Street—I became general counsel at CARE, the poverty-fighting NGO. All of a sudden, everything fell into place."

From general counsel, Iarocci became CFO, then chief of staff, when he received the Law School's Public Service Award, and then interim executive vice president for global advocacy and external relations, with responsibility for guiding the organization's strategic partnerships, marketing, and communications. Over the course of those thirteen years at CARE, Iarocci also found a new passion for leadership development.

"At CARE, I came to see that the solution to any problem in the world—you pick it: climate change, racism, sexism, poverty, hunger—wasn't more money, more technology, or more human resources. It was leadership," says Iarocci.

In 2012, he launched the third stage of his career, becoming CEO of the Greenleaf Center for Servant Leadership, a fifty-year-old leadership development nonprofit. In 2014 he founded the Cairnway Center for Servant Leadership Excellence to counsel Fortune 500 clients on best leadership practices. "When a company that's not known for being warm and fuzzy wants to advance servant leadership, and when hard-bitten businesspeople come up to you after a conference to say you've changed their lives, it's amazingly gratifying. I've got to tell you, it doesn't get much better than that."

> ***I had a real crisis of meaning. I was working at great places and making a ton of money, but it wasn't doing it for me. I went through this period of wondering, 'Is this all there is?'***
>
> *— Joe Iarocci '84*

2009

ARTHUR EISENBERG '68

More than forty years into his career at the New York Civil Liberties Union (NYCLU), Arthur Eisenberg '68 shows no signs of stopping. These days, he's keeping busiest in a lawsuit where he's asking for the release of grand jury testimony in the choke-hold death of Eric Garner. In a second case, he's trying to negotiate a settlement to bring about affordable and racially integrated housing in Brooklyn, and in a third, he's pursuing federal court litigation against the NYPD for sending undercover agents into mosques and Muslim student organizations in

> ***It never gets dull. I get to work on a broad variety of issues, but at the end of the day, the thing that really drives me is the capacity to use the litigation process as an instrument of justice, to expand individual liberties and civil rights.***
>
> *— Arthur Eisenberg '68*

the absence of evidence of criminal misconduct.

"It never gets dull," says Eisenberg, legal director of the NYCLU. "I get to work on a broad variety of issues, but at the end of the day, the thing that really drives me is the capacity to use the litigation process as an instrument of justice, to expand individual liberties and civil rights."

Over the course of his career, Eisenberg has been involved in more than twenty cases presented to the U.S. Supreme Court, serving either as a cocounsel for direct litigants or as a coauthor of briefs on behalf of amici curiae. The cases have included claims that states violate the First Amendment when they deny voters the right to use write-in ballots; that legislatures violate the Fourteenth Amendment when they engage in political gerrymandering; and that a school board violated the First Amendment when, for political reasons, it removed ten books from its school library. The school case, *Island Trees Union Free School District v. Pico,* is the one he considers his favorite.

"We instinctively believed that what the school board was doing was an act of censorship, but legal doctrine hadn't reached the point where the board's actions could easily fit into areas of First Amendment protection," says Eisenberg. "We were developing new law, and it was perhaps the most interesting example of trying to create legal doctrine where there was virtually no law before we started the litigation."

Eisenberg's broad exposure to a range of constitutional issues has provided him with what he has described as "opportunities to dabble in legal scholarship" by publishing numerous law review articles and essays and by teaching constitutional litigation and civil rights law at University of Minnesota Law School and at Cardozo School of Law. "There are always new issues, new challenges," he insists, "and too much to do to think about retirement."

In 2008, after working as a federal government attorney for fourteen years, Nicky Goren '92 decided it was time to leave her comfort zone. Becoming chief of staff at the Corporation for National and Community Service, which administers AmeriCorps, Goren moved into a highly visible, politically charged role at the center of a national debate about the public interest, and found herself using her Cornell Law School education in new ways.

"My law degree is still the foundation of who I am," says Goren, currently president and CEO of the Eugene and Agnes E. Meyer Foundation, a major nonprofit funder in Washington, D.C. "That law degree led me to AmeriCorps, where I first worked as associate general counsel, then became chief of staff and then acting CEO, which led to management in the philanthropy sector. That's the door I walked through, and there came a point

where it didn't make sense to go back to being a lawyer. So I just built on what I'd done and kept moving forward."

Forward meant leaving a billion-dollar federal agency and entering the nonprofit sector as president of the Washington Area Women's Foundation. For the next four years, Goren focused on learning how to fundraise, building a team, and providing grants to improve the lives of girls and women. Then, with the organization on a stronger footing, Goren moved to Meyer, which broadens the scope of her impact to include hundreds of thousands of children and families in the D.C. region.

"When I graduated from the Law School, I didn't have a plan, but thanks to Dean Lukingbeal, I had some criteria for what I wanted to do," says Goren. "I wanted to be challenged every day. I wanted to work with people that I love and enjoy. I wanted to feel passionate about what I do, to wake up every morning feeling excited to go to work. That's how I made my choices, and somehow, it feels as though every decision led me to this place, which is exactly where I'm meant to be."

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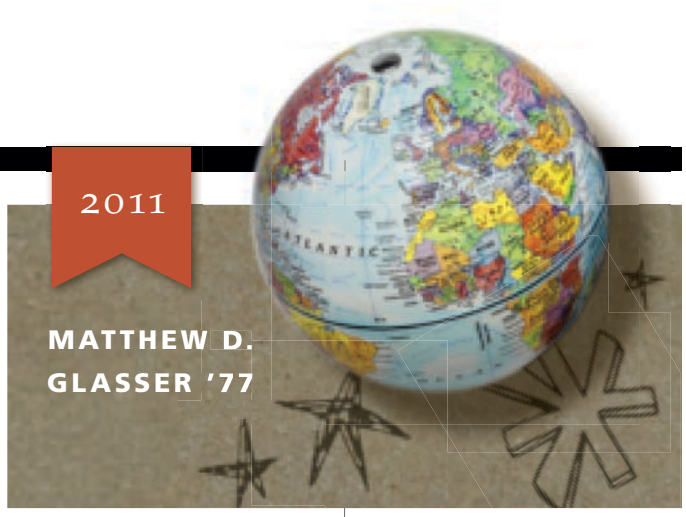
>
> *— Nicky Goren '92*



After graduating from law school, Matthew D. Glasser '77 returned to Colorado, unsure of his next step. "I had doubts about whether a traditional legal career would be personally satisfying," says Glasser, who retired last fall at the World Bank's mandatory retirement age of sixty-two. "A lot of people experience tension between what they want to do, what they should do from some moral/ethical point of view, and what they must do to earn a living. When I was in law school, I didn't yet know how to square that circle, but when I look back on my career now, it all looks connected."

At his first job, working for a small firm in Denver, Glasser represented municipalities and water districts, helping structure bond issues and special borrowing. From there, he was appointed city attorney in Broomfield, where he advised the city council, negotiated agreements, and lobbied in Washington for state and local interests. Leaving government service, he became a full-time attorney and

> ***Law is about the social engineering of a society. Just as you'd have to study engineering to build a better bridge, you have to study law to build a better society.***
>
> *— Matthew D. Glasser '77*

lobbyist, securing $80 million for five Colorado municipalities to protect their drinking water supply from contamination by the Rocky Flats Nuclear Weapons Plant.

In 1997, a reservoir was named in Glasser's honor, but by then, he'd already gone global, working with USAID to advise the government of Ukraine on land and housing issues; counseling the National Treasury of South Africa on municipal finance; and advancing economic development in central Asia, Romania, and Russia. In 2003, he joined the World Bank as an urban legal adviser, supervising projects in India, Kenya, Tanzania, and Uganda. Then, after eleven years at the World Bank, he celebrated his sixty-second birthday by getting married and preparing to teach his first class at American University's Washington College of Law.

"A good law education prepares you to think in shades, to examine why structures are created to govern society, and to understand what they're intended to accomplish," says Glasser. "Law is about the social engineering of a society. Just as you'd have to study engineering to build a better bridge, you have to study law to build a better society."

2012

BETTY BARKER '89

Before coming to Cornell Law School, Betty Barker '89 knew she wanted to be a litigator. But until she met her first clients at the Cornell Legal Aid Clinic, she didn't know what kind.

"The moment I started working in the clinic, I loved it," says Barker, deputy public defender in Northern California's Contra Costa County. "My first summer, I applied for a job at the clinic, and just fell in love with it, so I took classes in the clinic my second and third years. I was working with indigent people, handling Social Security disability claims, unemployment claims, and lots of evictions. To me, that's what lawyering is all about: fighting for your client in court every day. And that's why I decided to do what I do."

The stakes are high, with Barker defending clients who face either the death penalty or life in prison. In one recent victory, she secured the release of a member of the 2009 Richmond High gang rape case, who was originally sentenced to thirty-two years in prison; in another, she successfully argued that a homicide client was mentally incompetent, and continues to litigate for his release. The cases are exhausting, and though the hours are long, she's learned to manage the stress and create a balance between work and family.

"We take cases where our clients may get life in prison, and our job is to do everything we can to prevent that from happening," says Barker. "But if it happens, you have to be able to live with that, and there are people who quickly recognize this is not the work for them. You have to be able to manage chaos. And I love chaos—it's like being an ER doctor, and it takes a lot of adrenaline. Every day you walk into work, and you don't know what's going to happen. There's always an emergency; you're never, ever bored. And there are very few lawyers who can say that."

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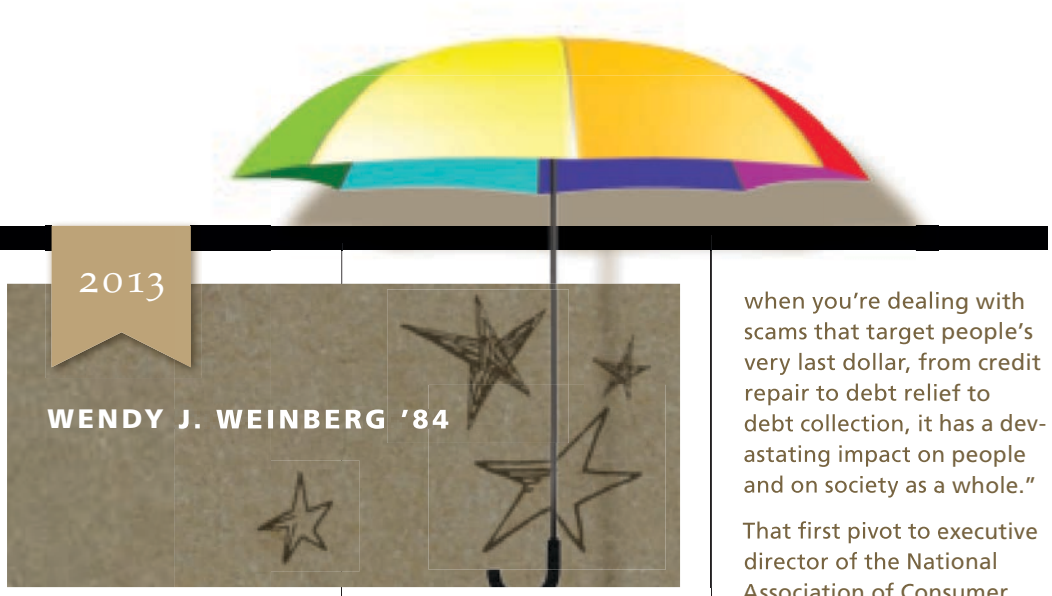

2013

WENDY J. WEINBERG '84

For the first twelve years of her career, Wendy J. Weinberg '84 focused on legal aid, starting in Nassau and Suffolk counties before moving on to Brooklyn, Manhattan, and Baltimore, where she coordinated efforts by the Maryland Coalition for Civil Justice to improve the delivery of legal services to the indigent. It was challenging, satisfying work, building on the experiences she'd had at the Law School's legal aid clinic—until a job opened up in consumer protection, and she took the leap.

"That turned out to be pivotal in my career," says Weinberg, currently an enforcement attorney at the Consumer Financial Protection Bureau (CFPB). "I shifted to consumer protection, and I've been there ever since, because I've seen how fundamental this work is. When people are taken advantage of financially, particularly people of limited means, it has enormous consequences. Without money, everything falls apart, and when you're dealing with scams that target people's very last dollar, from credit repair to debt relief to debt collection, it has a devastating impact on people and on society as a whole."

That first pivot to executive director of the National Association of Consumer Agency Administrators was followed six years later by a job as assistant attorney general in the District of Columbia, where Weinberg conducted prosecutions for violations of the Consumer Protection Procedures Act. That led to the Legal Aid Society of the District of Columbia, where she founded a consumer law practice, and to the CFPB, where she currently conducts investigations and enforcement actions against companies, including banks, that provide financial services or products to consumers.

"It's been a fascinating, stimulating experience," says Weinberg. "And a monumental experience, because everyone is impacted by the financial marketplace. Working for the federal government means I'm handling cases that have the capacity to affect a much larger group of individuals, with the potential to make a real difference in people's lives, which is why I began this work in the first place."

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— Wendy J. Weinberg '84

2014

CYRUS MEHRI '88

In the years since graduation, Cyrus Mehri '88 has made a name for himself as a tireless litigator, seeking redress for victims of discrimination. He's served as co–lead counsel in some of the most significant race and gender cases in American history, including *Roberts v. Texaco Inc.* ($176 million) and *Ingram v. The Coca-Cola Company* ($192 million). But before *Workforce* magazine called him "Corporate America's scariest opponent," Mehri was simply another 1L, the son of Iranian immigrants trying to find his way.

"I did a lot of searching in law school, which created a few good leadership opportunities," says Mehri, partner at Mehri & Skalet, who was articles editor on the *Cornell International Law Journal.* "That first year, I took torts with Professor Henderson and contracts with Professor Summers, studying at the feet of these giants. It was a profound experience, and I came away with a commitment to excellence, which I've tried to carry with me going forward."

With his "Women on Wall Street Project," Mehri aims to end corporate discrimination in financial institutions; in the "Madison Avenue Project," he's investigating discrimination claims against some of the world's most powerful ad agencies. Most recently, as the NFL's special counsel on social responsibility, he's working with women's rights organizations to develop some new policies, which he expects to announce in the coming months.

"At heart, I'm a reformer, someone who really wants to bring about change for the better," says Mehri. "Every single day, I'm trying to get companies to open their doors, to really take a stand for opportunity, and even though we start as adversaries, a lot of these companies end up becoming our strong allies, because they really embrace what we're trying to do.

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>
> *— Cyrus Mehri '88*

"I've been a big fan of these Public Service Awards, and it's been an education to see the amazing things these Cornell students and alumni have been doing in the public interest," he continues. "The night I was given the award, I introduced my dad to the woman who's now my fiancée, and I talked about the work we all do, bringing about systemic change. It was very meaningful, and becoming a part of this ten-year tradition brought a little extra magic to the night."

The Class of 2015

The room was full and the mood celebratory as the Law School hosted its 10th annual Alumni Exemplary Public Service Awards at the Association of the Bar of the City of New York on January 30.

"It's inspiring to see people who have dedicated their careers to representing the indigent, protecting people from crime, and ensuring access to due process," said **Eduardo M. Peñalver**, the Allan R. Tessler Dean and Professor of Law. "These are people who've made significant sacrifices to practice law on behalf of populations that would otherwise not have access to justice, and when we hear about lawyers doing this kind of work, it makes us proud to be Cornell lawyers."

This 10th anniversary class had nine alumni award winners, with years of public service experience, working with immigrant detainees in federal custody, victims of domestic violence, prisoners on death row, and recipients of Medicare and temporary assistance. There were experts in Native American cultural resources, white-collar fraud prosecution, investigative journalism, and wildlife conservation, all gathered together to be honored for their work. In addition, twelve students received awards for their dedication to public service during their law school careers.

"It's extremely gratifying to be recognized by the Law School," said **Nav Dayanand, LL.M. '04**, director of federal government relations for the Nature Conservancy, who works closely with Oregon's congressional delegation and federal agencies on environmental policy issues. "It feels significant that I'm only the second recipient with the LL.M. degree to be

recognized, and that the work I do is so nontraditional. I don't practice law, but I've always used my legal education to work in the public sector. The Law School recognizes the different journey that I'm on, and that speaks volumes."

It was an evening of contrasts, of prosecutors and public defenders sharing stories, and if Dayanand represents working inside the system, **Lisa Graves '94** represents the opposite.

"It was a surprise to receive this recognition and be a part of this group," said Graves, who directs the Center for Media and Democracy, a watchdog organization that exposes the impact of corporate wealth on public policy. "I'm really proud of the work we do to shine a light on the powerful interests that diminish our democracy, and to lift up the voices of working Americans. Out of all the schools I could go to, I chose Cornell for its vision of using the law as a tool to reform society, and I'm glad to see the Law School reinvesting in that vision."

It was an emotional evening, and for Comstock and Peck, the high point of the year. "Awards have a positive ripple effect," said Elizabeth Peck, director of public service. "They're like big, beautiful, shiny rocks in a pond, with ripples that keep spreading further and further. They tell stories, and the stories travel back to Ithaca, and to people working at law firms, people who might be inspired by their example. I know that when we see all this good work, it motivates us to keep doing more." ■

OPPOSITE, FAR LEFT: Eduardo M. Peñalver addresses the crowd OPPOSITE, TOP: Cornell Law School Public Service Award Winners OPPOSITE, MIDDLE: Awards ready for presentation OPPOSITE, BOTTOM: Eduardo Peñalver and Ron Chillemi ABOVE: Anne Lukingbeal, Nicola Goren, Yvette Harmon

ALUMNI PUBLIC INTEREST PRIZE WINNERS

Ronald Chillemi '96,
Assistant Attorney General,
State of New Jersey

Nav Dayanand LL.M. '04,
Director of Federal Government Relations,
The Nature Conservancy

Lisa Graves '94,
Executive Director,
Center for Media and Democracy

William Kolen '82,
Legal Assistance Foundation of Metropolitan Chicago
(posthumous)

Laura Miranda '98,
Adjunct Clinical Faculty Member, Tribal Legal Development Clinic,
UCLA School of Law

David Pels '87,
Supervising Attorney,
Legal Assistance of Western New York

Jerome "Sam" Tarver '90,
Associate General Counsel and Ethics Officer,
U.S. Department of Justice, Federal Bureau of Prisons

Rising Star Award

Jessica Lazarin '06,
Immigration Staff Attorney,
Erie County Bar Association Volunteer Lawyers Project

Emily Paavola '05,
Executive Director,
South Carolina Death Penalty Resource and Defense Center

STUDENT PUBLIC INTEREST PRIZE WINNERS

Freeman Award for Civil Rights

Colleen Cowgill '15

Johanna Fernandez '15

William Grigg '15

Amanda Minikus '15

Christopher Sanchez '15

Shane Williams '15

Stanley E. Gould Prize for Public Interest Law

Katherine Hinderlie '15

Zoe Jones '15

Shaun Martinez '15

Erin Van Vleck '15

Seymour Herzog Memorial Prize

Michael McCarthy '15

Harold Oaklander Prize

Margaret Toohey '16

Andrianne S. Payson '00:
Building Power Plants and Scholarships

For **Andrianne S. Payson '00**, a partner at DLA Piper, the blackout that struck the Northeast in 2003 was a perfect illustration of why her work in the energy sector is valuable. "I think that's when it became pretty obvious to most Americans that without electricity, literally everything comes to a standstill," she says.

. . . over the years, particularly after I made partner, I realized that because there are so few black woman partners to begin with, I do have an obligation to speak out, to mentor, and to give advice to younger women coming up behind me, particularly those at Cornell.

— Andrianne S. Payson '00

It took a bit longer for the lightbulb to turn on about getting involved with her alma mater. But Payson has certainly made up for lost time in the past several years, spearheading the creation of a new scholarship fund by the Cornell Black Lawyers Alumni Network (CBLAN) and throwing herself into events aimed at helping students, especially women and people of color, get the most out of Cornell Law School.

"For a long time I never really viewed myself as someone that others would necessarily look up to. I just thought, I'm just doing me and I'm doing the best that I can do, and if someone asks for my advice, I'm willing to share it," says Payson. "But over the years, particularly after I made partner, I realized that because there are so few black woman partners to begin with, I do have an obligation to speak out, to mentor, and to give advice to younger women coming up behind me, particularly those at Cornell."

At DLA Piper, and before that working at LeBoeuf, Lamb, Greene & MacRae (later Dewey & LeBoeuf), Payson has spent the last decade and a half doing mergers and acquisitions and project finance work for utility companies, independent power producers, and private equity firms that deal in power generation assets or build or expand power plants. Besides working in the United States, she frequently travels to sub-Saharan Africa, where she has represented local utilities in Ghana, Nigeria, South Africa, and Mozambique, as well as Western firms looking to get into that region. "I see how much having the ability to turn the lights on and how electricity really fuel growth for an economy, particularly one in an emerging market," she says. "It just makes a huge difference."

Payson says her interest in the energy sector was inevitable after growing up in Trinidad, where petroleum extraction makes up a large portion of the local economy. "I've pretty much always heard about oil and gas issues, and was always constantly aware of the current price of a barrel of oil,"

she says. "So I was pretty much raised with an energy sector head."

After moving to the United States for her undergraduate degree and becoming a certified public accountant, Payson worked for a few years at PricewaterhouseCoopers auditing energy companies. She was thinking of going to business school, but a regulatory lawyer at one of the utilities she was auditing convinced her that with the industry facing all sorts of legislative challenges stemming from deregulation, law school would serve her better. Plus, Payson says, "I think he figured out that my personality was probably better suited to being a lawyer than having an M.B.A." At Cornell, Payson says she received a solid grounding in transactional law, as well as the bonus of meeting her husband, **Anderson R. Livingston, M.B.A. '99**.

After Payson graduated, she would occasionally give advice to Cornell law students that professors had pointed her way, and she came back to Ithaca to participate in a conference on minorities and the law. However, she says, "for quite some time I really wasn't that active." That all changed in 2013, when **E. Eric Elmore '89** and **Laura Wilkinson, J.D. '85/M.B.A. '86** decided that it was long past time for African American lawyers educated at Cornell to have an alumni network of their own. Payson attended a CBLAN interest session in Washington, D.C., and was so impressed by the group's organization and dedication that she agreed to hold another session back at her firm in New York City. Fast-forward a bit, and Payson is a member of CBLAN's executive board and chairs the development committee.

One of CBLAN's most exciting initiatives has been the endowment of a scholarship to honor **George Washington Fields**, an ex-slave who in 1890 became the first black person to graduate from Cornell Law School. When Payson spoke to the *Forum* at the end of February, she said that CBLAN was more than 90 percent of the way toward its initial fundraising goal of $100,000. She says that the network is eventually hoping to triple that and is aiming to award the first scholarship, which will go to a minority student, in 2018.

Peter Cronin, associate dean for alumni affairs and development, praises Payson's effective work on the G. W. Fields Scholarship. "I think we are very excited about the opportunities that CBLAN presents for the Law School, its alumni and its students, not only for the interaction between the Law School's students and its black alumni but also between our students and the black alumni of Cornell's undergraduate colleges who have pursued legal education and who can serve as valuable mentors and role models for our students," he adds. "We see this as a model that can be replicated with other affinity groups and underrepresented constituencies."

Andrianne Payson serving as an instructor-judge at the Law School's Transactional Lawyering Competition

> ***When you graduate, don't wait too long to get involved with Cornell.***
>
> *— Andrianne S. Payson '00*

For the past two years, Payson has also served as an instructor-judge at the Law School's Transactional Lawyering Competition. "It's great to see how much experience the students get really early on in their law school careers in terms of thinking through corporate issues," she says, and adds that she values the chance to connect both with students and with other alumni judging the competition.

Professor Charles Whitehead, the competition's founder, says that lawyers like Payson, "who are right smack in the middle of their practice," are ideal to judge the competition. "First and foremost, I'm looking for really good transactional people," Whitehead says. "If I can find a woman, and a woman of color, well then, even better, because we have students who are women and women of color in the competition, and having someone who can speak to the practice from that

perspective . . . makes the competition just that much more valuable."

Payson also traveled to Ithaca in March 2014 to participate in "Raising the Bar: Careers & Experiences of CLS Alumnae," an event hosted by the Women's Law Coalition to allow female Law School graduates to share their experiences. Payson says she welcomed the opportunity to answer tough questions with tough answers. "When you're coming in the door and you're a young lawyer, if you want to develop a reputation for yourself . . . and if you want to be perceived as a go-to person, someone who's dependable and reliable, it may mean you have to work a lot more than others may choose to work," she told students. "And so when people ask me, 'Did you have work-life balance?' I just tell them flat out, 'I really didn't in my early years.' But that was my own call, that was a decision I made."

Payson is similarly blunt with her advice for current Law School students. "Law school is really expensive. It's too much money and too much debt to go through unless you definitely want to practice law," she says. "You've got to be the master of your own fate. You have to take charge of your own career. Learn the basics. Seek out training and mentors."

And one more thing: "When you graduate, don't wait too long to get involved with Cornell."

~IAN MCGULLAM

Takayuki Kihira, LL.M. '06: *Makes Use of a "Global Mind-Set"*

During the upcoming 2015–16 academic year, **Takayuki Kihira, LL.M. '06**, will visit Cornell Law School to teach a course on global M&A transactions. In addition to sharing his experience in cross-border M&A in the United States, Europe, and Asia, Kihira, who lives in Tokyo, hopes to provide students with guidance on Japanese commercial practice, including insight into some of the jurisdiction's unique corporate culture and governance rules.

It was an interest in deepening his own understanding of laws and practices in different jurisdictions that led Kihira to study at Cornell. He had been a practicing M&A lawyer in Japan with Mori Hamada & Matsumoto, one of the few full-service international law firms in the country, for four years when he opted to pursue an LL.M. program in the United States, a common move for Japanese business lawyers. Attracted to Cornell's beautiful campus, with its surrounding lake and gorges, as well as to the school's Ivy League stature, Kihira pursued his education at the Law School.

In addition to the courses he took in corporate law and securities regulation at Cornell, Kihira distinctly remembers a class on initial public offering (IPO) offered jointly by the Law School and the Johnson School of Management. "The

class focused on the practical aspects of the IPO process, and hence it was very helpful in understanding IPO practice in the U.S.," he says.

Kihira also notes the value of the LL.M. program's diversity: "It was a pleasant experience to meet with students from various jurisdictions and cultural backgrounds. It has helped me in communicating with many international clients and also negotiating with counterparties in cross-border transactions."

He adds, "With increasing globalization, there will be more and more international transactions. In dealing with multijurisdictional issues, lawyers need to communicate and negotiate with a global mind-set. Cornell Law is a great place to learn not only laws but also various cultures and different styles of communications, to gain the mind-set it takes to become an international lawyer."

After graduating from the Law School, Kihira passed the New York State bar exam and practiced with Shearman & Sterling in New York City. Working with the M&A group and Finance group, he advised many of the firm's international clients.

Kihira then returned to Japan and is now a partner at Mori Hamada & Matsumoto, where he practices in the areas of mergers and acquisitions, corporate and securities laws, and international commercial transactions.

Kihira has been selected by various media as a recommended lawyer in the corporate

and M&A sector. Most recently, he is listed as a recommended lawyer in the 2015 Asia-Pacific-wide rankings by Chambers, as well as in the fifth edition of "The Best Lawyers in Japan" by Best Lawyers.

"I have been successful in leading many clients on various transactions involving difficult negotiations both commercially and culturally," says Kihira. "Japanese companies face various challenges worldwide in the global economy, and I am grateful for those opportunities to assist our clients in dealing with cross-border transactions."

He notes also, "Recently, the M&A trend in Japan has been outbound investments and acquisitions by Japanese companies to expand their markets globally, primarily due to the shrinking population in Japan. Those transactions involve various multijurisdictional legal issues, and it is exciting to find solutions to those issues in collaboration with the top-tier local law firms in each jurisdiction."

In addition to his legal practice, Kihira teaches M&A and Finance at Chuo University Law School in Japan. He has lectured for Cornell Law School's Clarke Program Colloquium Series and for University of St. Gallen's Executive M.B.L.-HSG program. His recent publications include *Chambers Legal Practice Guides: Corporate M&A, Japan, 2015* (Chambers and Partners, 2015) and *Corporations and Partnerships in Japan* (Wolters Kluwer Law & Business, 2012), as well as web articles for the Practical Law Company.

Kihira's continuing relationship with Cornell Law School goes beyond his upcoming visiting professorship. An active member of the alumni community

> ***We have many Cornell Law graduates in Japan who work as international lawyers like myself or as in-house counsel with Japanese or global corporates. In the global economy, it is essential for Japan to have more access to the international community, and in that regard, a strong relationship with a top-tier U.S. law school like Cornell is important. We also hope to proactively advertise various aspects of Japan, including the culture, commercial practice, and so on, to the global world.***
>
> *— Takayuki Kihira, LL.M. '06*

Takayuki Kihira speaks at the Law School in 2013

Kihira with Professor Annelise Riles

in Tokyo, home to one of the Law School's largest alumni bases, he helped to organize a reception for **Eduardo M. Peñalver**, the Allan R. Tessler Dean and Professor of Law, in Tokyo on February 24. More than fifty alumni attended the event. (The Tokyo alumni event will be covered in the fall issue of *Forum*.)

"We have many Cornell Law graduates in Japan who work as international lawyers like myself or as in-house counsel with Japanese or global corporates," says Kihira. "In the global economy, it is essential for Japan to have more access to the international community, and in that regard, a strong relationship with a top-tier U.S. law school like Cornell is important. We also hope to proactively advertise various aspects of Japan, including the culture, commercial practice, and so on, to the global world." Kihira was glad for the opportunity to welcome the dean to Tokyo, "so that the alumni community will be reinforced and make further contributions to Cornell Law."

~OWEN LUBOZYNSKI

Lawrence Kurlander '64:

Looks Back on Three Careers (and Counting)

Lawrence Kurlander's first weeks at Cornell Law School were not without some trepidation. Surrounded by classmates from Ivy League universities, this graduate of small liberal arts school Alfred University feared that he wouldn't be able to hold his own. It turns out he had nothing to worry about.

"Once I got into the rhythm, I really had a great experience," says Kurlander, adding that spending weekends with his wife, who was finishing her own degree at Alfred, helped him through the transition. He recalls a legal education both very broad and deep, one that unfolded not only in the classroom but also, for instance, during the brown-bag lunches he shared with classmates as they debated cases.

Kurlander was especially influenced by two faculty members. **Professor Rudolph Schlesinger** he remembers not for any particular class or assignment but for his approach. "His impact was in the way he looked at things," says Kurlander. "There was such enormous integrity in everything the guy did."

Then there was **Professor David Curtiss**, who taught criminal law and who was instrumental in helping Kurlander land an internship in the Manhattan district attorney's office between his second and third years of law

Kurlander's time as DA was characterized by innovation. His office was the first in the country to aggressively prosecute drunk driving, a move that met with great resistance from the legal community. Critics argued that the approach would overwhelm the system. Contrary to these fears, the policy "was enormously successful," says Kurlander. "Now it's taken for granted all over the country, and deaths from drunk driving have plummeted."

school—crucial preparation for a position he would pursue, and win, years later. He remarks, "I'm eternally grateful to Professor Curtiss for the opportunity."

It is not only the professors he knew fifty years ago who have endeared the Law School to Kurlander, but also someone he just met: **Eduardo M. Peñalver**, the Allan R. Tessler Dean and Professor of Law. "The new dean has really captured my imagination," he says. "He has rejuvenated my interest in Cornell."

Kurlander credits the Law School with allowing him to have three separate careers. The first, spanning about eleven years, was as a practicing attorney in Rochester, New York. During this time, he became partner in a small law firm, where he dealt mostly with civil litigation and business law.

In 1975, his second career began when he was asked to run for district attorney of Monroe County. Noting that he was a Democrat running for an office that no Democrat had ever held, Kurlander says, "No one in their right mind would've thought I would win." Against the odds, he did.

Kurlander's time as DA was characterized by innovation. His office was the first in the country to aggressively prosecute drunk driving, a move that met with great resistance from the legal community. Critics argued that the approach would overwhelm the system. Contrary to these fears, the policy "was enormously successful," says Kurlander. "Now it's taken for granted all over the country, and deaths from drunk driving have plummeted."

In his "spare time," Kurlander is a passionate fisherman. He's shown here with close friend Tom Fricano and their catch of the day.

He broke from the status quo in other ways as well, including through his attention to gender diversity. When he was elected, Monroe County had never had a female assistant district attorney. By the time he left, the office employed eleven. "And they went on to do great things," he observes, noting that all had distinguished careers, including one who became presiding judge of the county court. Among these and other accomplishments, says Kurlander, "perhaps the thing I'm most proud of is that we removed politics from the district attorney's office."

Kurlander stepped down in 1981, adhering to a campaign promise to serve only two terms. This was not the end of his career in criminal justice, however. When **Mario Cuomo** was elected governor of New York in 1982, his first appointment, to the newly created position of director of criminal justice, was Lawrence Kurlander.

Kurlander recalls that the greatest challenge of his five-year tenure in the position came just eight days after he had begun, when a major prison riot broke out at Sing Sing. "Nobody remembers that prison riot, because we handled it very differently from the [1971] Attica prison riot," he says. Following the resolution of the incident, he spent the next year and a half writing a report that became a model analysis of prison riots and their causes.

The end of Kurlander's time as director of criminal justice marked the beginning of his third career, as a corporate executive. From 1987 to 2002, he served as a senior executive first at American Express, then at RJR Nabisco, and finally at the Newmont Company. A major interest of Kurlander's during this time was corporate responsibility, in particular the "social license" a company receives from the communities where it operates.

Overlapping this corporate career was a diplomatic one. Kurlander was appointed by both **President Clinton** and **President George W. Bush** as honorary consul to Uzbekistan, serving in the position for twelve years.

In 2002, Kurlander retired from Newmont. "I promptly discovered," he says, "that I had failed retirement." During the roughly twelve years of "retirement" he's enjoyed so far, he has cofounded and helped to run three businesses and, along with five other volunteers, spent six years establishing a highly regarded hospital in an underserved community in rural Georgia. With his interest in his alma mater reignited, he also plans to increase his involvement with Cornell in the years ahead.

"I've really been blessed," says Kurlander, reflecting on the highlights of his career, the people he has met, and his close-knit family, including wife Carol, three children, and eight grandchildren. "It's just been a great trip." ■

~OWEN LUBOZYSNKI

Cornell Law Team Wins New Hearings for Juveniles Serving Life without Parole in South Carolina

All juvenile offenders serving life-without-parole sentences in South Carolina won the right to new sentencing hearings this past November, thanks to eight Cornell Law School students and their professors in the school's first Juvenile Justice Clinic.

> ***The student involvement was really extensive. They did most of the legwork and in the process got to see what it's like to try to build something like this from the ground up. They got to meet these people and put faces and stories and personalities to this list of names of clients. And as they went through the process we could see that they knew they were doing important work and connecting with it.***
>
> *— Keir Weyble*

The clinic began two years earlier, in the fall of 2012, just months after the U.S. Supreme Court ruled in *Miller v. Alabama* that "children who commit crimes are different than adults, for sentencing purposes," says **Professor John Blume**, who led the clinic with colleagues **Keir Weyble** and **Sheri Lynn Johnson** in an effort to put that High Court ruling into practice.

Professor Blume

Professor Weyble

Professor Johnson

The idea, which most of the developed world adheres to, has gained wider acceptance in the United States in recent years, in part because of new research into the development of the adolescent brain.

In the 2012 *Miller* ruling, the U.S. Supreme Court concluded, in effect, that, "juveniles are different in ways that directly affect their culpability," explains

Blume. "The court said that 1) young people are more vulnerable to negative influences and outside pressure because they have limited control over their environment; 2) they're less mature and their brains are still developing, thus they're more likely to behave impulsively; and 3) their character isn't as well-formed as that of adults, so it's hard to tell whether any particular act [they might have committed] is a product of their character or the circumstances," Blume says.

Because of those factors, "the High Court said that any sentencing proceeding involving a juvenile offender in which life without parole is an option needs to be individualized and analogous to sentencing procedures we use in capital cases," Blume clarifies.

That was a red flag to Blume and Weyble, both of whom have practiced law extensively in South Carolina. "We knew that past sentencing practices for juvenile offenders in that state looked nothing like [what] *Miller* said juvenile sentencing hearings should look like before a sentence of life without parole can be imposed," Blume recalls. He and Weyble were also concerned because the state lacked a central state-wide public defender system or any entity that could systematically litigate the implications of *Miller* for juvenile offenders there.

"We decided to step in and try to fill that justice gap," says Blume. With help from the Cornell law students in their Juvenile Justice Clinic, "we filed Freedom of Information Act petitions to identify all the inmates who had been sentenced to life without parole as juveniles," says Blume. "We collected information about all their cases, sentencing transcripts, and records. [We] talked to the trial lawyers. And the students interviewed the juvenile offenders and their families."

Following that, "we filed a class petition for a writ of certiorari in which we asked the South Carolina Supreme Court to order new sentencing hearings for all those juveniles because when they were first sentenced their hearings lacked the individualized consideration that took into account their characteristics of youth, as required by the U.S. Supreme Court in its 2012 *Miller* ruling," Blume explains.

(FYI: Unlike many states, South Carolina allows petitioners to file directly in the state supreme court.)

"The student involvement was really extensive," says Weyble. "They did most of the legwork and in the process got to see what it's like to try to build something like this from the ground up. They got to meet these people and put faces and stories and personalities to this list of names of clients. And as they went through the process we could see that they knew they were doing important work and connecting with it."

Suzy Marinkovich '13, who worked on the lead petitioner's case, says, "My client had pled to life without parole at age seventeen in 1997, a time when juveniles could still receive the death penalty in the United States. By the time I visited him and his family and friends, he was in his early thirties and they had all but lost hope. It was extremely special to be the person who got to tell them about *Miller* and how we hoped it would help," says Marinkovich, who is now an associate with a New York City law firm.

Suzy Marinkovich '13

Lisa Schmidt '13

Jessica Hittelman '13

Katherine Ensler '13

"Very few people would say that their teenage self represents who they are today, and the petitioners in this case are no different," says **Lisa Schmidt '13**, a former Juvenile Justice Clinic student who is now a law clerk to the **Hon. Jonathan W. Feldman**, a federal judge in New York's Western District. Learning about the inmates she discovered that "many had changed themselves, becoming model members of the prison population, and they did so without the hope of getting anything in return."

But the real payoff came on November 12, when the South Carolina Supreme Court ruled 3 to 2 that the juveniles' life-without-parole sentences were

cruel and unusual punishment in violation of the U.S. Constitution's Eighth Amendment and the corresponding provision in South Carolina's constitution.

A key aspect of the November 12 win? "The ruling in our favor states that every juvenile sentenced to life without parole in South Carolina is entitled to move within the next year to be resentenced in proceedings that comply with the Supreme Court's mandate in *Miller*," says Blume.

Jessica Hittelman '13, now an associate with a New York City law firm, worked on the case of someone sentenced to life without parole for a crime he committed at age fifteen. "His story really affected me," she says. "I felt I'd never seen something so patently unfair. In Eighth Amendment cases, the courts frequently note that the Constitution's prohibition against cruel and unusual punishment must reflect our 'evolving standards of decency.' I think this case reflects a big evolutionary step for our justice system."

Katherine Ensler '13, another clinic alumna, who is now a public defender for Pennsylvania's Eastern District, says, "The South Carolina Supreme Court's decision allows our clients to finally receive the individualized sentencing that any person, particularly any juvenile, should receive when facing a possible sentence of life without the possibility of parole, the penultimate punishment in South Carolina—and the ultimate punishment for juveniles."

While an appeal of the South Carolina Supreme Court ruling by the state's district attorney is possible, Blume surmises that its chances aren't strong in light of the U.S. Supreme Court's *Miller* ruling and related cases.

In the meantime, "We'll be working with lawyers on the ground in South Carolina to make sure all these people who were juveniles when they were sentenced to life without parole get adequate representation in adequate hearings at the next stage," Blume says.

"I'm optimistic about resentencing for the young man I've agreed to represent. In many ways he personifies the kind of rehabilitation, the potential for change, that is a driving force behind *Miller* itself," says Weyble. "He was fifteen years old at the time of the crime and was not the shooter. He has been in prison now for about seventeen years with a spotless institutional record. He has a very supportive family. And he shows no sign of posing a danger to anyone."

But when the subject of eliminating life without parole for juvenile offenders comes up, supporters can expect noisy opposition and vitriolic rhetoric from some quarters, Weyble says. "There's a vocal and firmly committed lock-'em-up-and-throw-away-the-key segment of the population out there," he observes.

Rethinking Sovereign Debt: Professor Odette Lienau's New Book Celebrated at Law School

On Friday, September 5, members of the Cornell community gathered in the MacDonald Moot Court Room to celebrate the publication of **Professor Odette Lienau**'s book, *Rethinking Sovereign Debt: Politics, Reputation, and Legitimacy in Modern Finance* (Harvard University Press, 2014).

An examination of the norm of sovereign debt continuity, the book challenges the conventional wisdom that all states, including those emerging from a major regime change, must repay debt or suffer reputational consequences. Lienau contends that this practice is not essential for functioning capital markets, and she locates the twentieth-century consolidation of the repayment rule in contingent actions taken by government officials, international financial institutions, and private market actors.

The book celebration, moderated by **Professor Jens David Ohlin**, featured a panel of scholars who delved into some of the finer points of Lienau's arguments. Before they began, Lienau provided an overview of the book and its genesis. She identified three assumptions underlying the prevailing attitude toward sovereign debt continuity: 1) that the rule of debt continuity is apolitical, 2) that the rule is required by the reputational mechanism that

Professor Lienau

underpins capital markets, and 3) that powerful creditors would not accept any other approach. "The smugness of this narrative annoyed me," Lienau said. Her goal, then, was to challenge that narrative through both theoretical and historical analysis.

Following Lienau's introduction, the audience heard from **Jonathan Kirshner**, Stephen and Barbara Friedman Professor of International Political Economy in the Department of Government at Cornell University. "I'm more of a constructive and

> ***I think she's opened up a whole new and much larger area for legal scholarship on sovereign debt. And furthermore, this intellectual space is much more interesting and ambitious and challenging than most of what's been written on the topic.***
>
> *— Adam Feibelman*

respectful disagreement and criticism kind of a guy, and so opening with praise is a painful experience for me," Kirshner admitted. "But I must open with praise, because I was so impressed by the book, which offers a sweeping command of diverse, thoughtfully and appropriately selected cases while ranging freely across disciplinary boundaries—and as such is a model of excellent and provocative scholarship. I would urge, in particular, younger scholars to look to it as what one might aspire to."

Though he went on to praise the book's contribution to the understanding of reputation in international relations, its exploration of heterogeneity in creditor interests and behavior, and its emphasis on exposing the myth of the apolitical economic policy, Kirshner did have the opportunity to end with some "respectful disagreement," challenging what he saw as Lienau's overly optimistic take on the prospects for a shift in the debt continuity norm.

Robert Howse, Lloyd C. Nelson Professor of International Law at New York University School of Law, spoke next, lauding Lienau's book as reading "like a ripping tale [that] combines very deftly conceptual and theoretical analysis . . . with a brilliant and compelling historical narrative and a very shrewd policy analysis." Howse went on to examine the interplay between Lienau's arguments and a case study currently in the headlines: Argentina's default on its national debt after a number of "vulture fund" creditors declined to buy into a debt restructuring option offered by the country's government. Howse noted that the willingness of the vast majority of Argentina's creditors to accept the restructured debt, and the continued willingness of creditors to lend to Argentina even after the "nuclear event" of default, supported Leinau's argument against the assumption that the market will invariably enforce the rule of repayment.

The final panelist of the event was **Adam Feibelman**, associate dean for faculty research and Sumter Davis Marks Professor of Law at Tulane University Law School. Addressing Lienau's work from the angle of commercial law, Feibelman said, "I think she's opened up a whole new and much larger area for legal scholarship on sovereign debt. And furthermore, this intellectual space is much more interesting and ambitious and challenging than most of what's been written on the topic." Noting that legal scholarship on sovereign debt is a very young field, thus far more active mostly during flurries of activity connected to particular events in international finance, he expressed excitement at the book's deeper, more fundamental exploration of the field's underlying concepts.

Speaking to the book's implications, Feibelman concluded, "[It] makes a very compelling argument, in my own view correct, that historical . . . counterexamples to the norm of debt continuity and state succession, and the recent ascendancy of competing underlying theories of sovereignty, should, at the very least, diminish our confidence in the inevitability of the norm of state continuity and debt repayment."

"I really appreciated the speakers' comments, and also the participation of faculty colleagues and students," says Lienau. "It was a great discussion, and incredibly helpful for me to hear initial responses to the book and think through possible avenues for future research."

Students Put Their Education to Work for Refugees

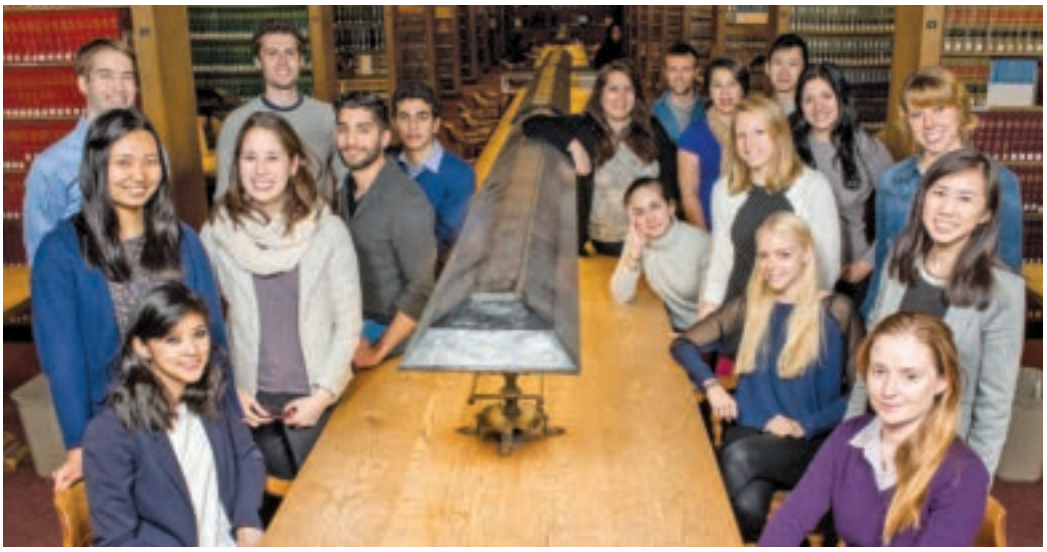
Members of the Cornell chapter of the Iraqi Refugee Assistance Project (IRAP) have been hard at work helping refugees from some of the world's most dangerous places. In addition to providing ongoing support for clients seeking visas, the chapter sent participants to Jordan this January to assist with intake for refugees there.

IRAP is a student-run organization that helps refugees from the Middle East displaced by war or conflict resettle in the United States and other countries. Members work with immigration attorneys to research legal problems faced by refugees, prepare visa applications, and appeal denied applications. IRAP casework is very broad, including not only Iraqi/Afghan interpreters working with U.S. and Coalition Forces but also refugees from other conflicts throughout the Middle East.

"Most of the refugees we work with are former military translators, many of whom put themselves in harm's way to assist service members overseas,

and who are now targeted for having worked with Americans or Coalition Forces," says **Chelsea Gunther '16**, director of the Cornell IRAP chapter. "They face many obstacles accessing the various visa pipelines available to them, and IRAP fills this need for legal assistance."

With assistance from faculty advisers **Elizabeth Brundige**, executive director of the Avon Global Center and assistant clinical professor of law, and **Susan Hazeldean**, associate clinical professor, IRAP participants were able to partner with law firms Nixon Peabody and Hughes Hubbard to help six clients, including five former military interpreters, apply for visas to the United States through the Special Immigrant Visa (SIV), P2/DAP, and UNHCR refugee resettlement programs. This semester, in part with the assistance of **Stephen Yale-Loehr**, adjunct professor of law, and the firm Miller Mayer, IRAP began work with two additional clients.



Members of the Cornell Law School chapter of the Iraqi Refugee Assistance Project

In spite of the ongoing unrest in Iraq and the temporary closure of SIV applications in Afghanistan this past summer, one of Cornell's clients has already been approved for a visa and resettled, and the team continues to work for resettlement of the remaining seven clients.

Natasha Menell is among the students involved in the visa project. "Our client had an interview scheduled the week that ISIS invaded Iraq," she says. "When American non-essential personnel were evacuated, his interview was cancelled. Since then, he and his family have been displaced and are traveling through Kurdistan." Menell and her collaborators have been advising their client about options for continuing his refugee application were he to leave Iraq. With interviewing recently resumed but slowed by a long backlog, they are working on getting his application expedited.

"Direct client contact has lent context to my law school experience," says Menell. "Hearing about the threats that our client faces and knowing that I have a role to play in helping him get out of that situation reinforced the gravity of real-world legal work."

Katherine Chew, another IRAP member, is currently drafting a letter to the United Nations High Commissioner for Refugees on behalf of a client who does not meet the SIV requirements of the U.S. government, but is pursuing resettlement in another country. "My mother was a refugee of the Vietnam War," she says.

> ***Most of the refugees we work with are former military translators, many of whom put themselves in harm's way to assist service members overseas, and who are now targeted for having worked with Americans or Coalition Forces. They face many obstacles accessing the various visa pipelines available to them, and IRAP fills this need for legal assistance.***
>
> *— Chelsea Gunther '16*

"Hearing about her experiences before she arrived in the United States and the opportunities that opened up to her as a result of obtaining refuge here has inspired me to help other individuals and their families in vulnerable situations."

In addition to ongoing client work, IRAP at Cornell also sent five students on the national chapter's trip to conduct intake at refugee camps in Jordan this January. **Mostafa Minawi**, of Cornell's Ottoman and Turkish Studies Initiative, worked with **Laura Spitz**, associate dean for international affairs, to secure $10,000 from Cornell's Mario Einaudi Center to enable the students' participation.

Carolyn Wald was among the trip participants. She says that the students spent their first few days in Jordan meeting with NGOs involved in refugee work there. They were then trained to do intake work, with guidance from The Center for Victims of Torture, which covered such areas as how to interview traumatized refugees with respect and sensitivity. Wald's group met with five Sudanese roommates at their home to determine what problems they were facing and what kind of assistance could be sought for them. They also conducted an interview with a Syrian man who had fled the civil war.

"Sudanese refugees in Jordan face uniquely difficult circumstances, and several of the men we spoke with had experienced truly unspeakable horrors as a result of the conflict in Sudan," says Wald. "It was incredibly humbling to be invited into their home and to have the men share their deeply personal and traumatic experiences with us. That intake in particular drove home for me the level of trust and confidence placed in us as lawyers, and I felt the full weight of the responsibility that comes with that trust."

Cornell's IRAP chapter presented a panel on refugee rights in the Middle East, which featured IRAP's legal director, **Steve Poellet**, and student participants. The panel was co-sponsored by the Clarke Initiative for Law and Development in the Middle East and North Africa and the Ottoman and Turkish Studies Initiative.

Professor Joseph Margulies Involved in Landmark Ruling on CIA "Black Site" Program

On July 24, the European Court of Human Rights (ECHR), one of the world's preeminent human rights tribunals, delivered a landmark judgment on a case brought by **Abu Zubaydah**, a terrorism suspect at one time detained at a secret CIA prison in Poland. The court ruled that Poland had violated Zubaydah's rights by allowing his detention and torture.

"The court is meticulous but unequivocal. There is no legalistic parsing of the sort we have come to expect in this country. Torture it was, and torture is what the court calls it," says **Joseph Margulies**, visiting professor of law and government at Cornell University and counsel of record for Zubaydah, whose interrogation at the Polish facility prompted the Bush administration to draft its infamous "torture memos."

Professor Margulies speaks at a 2014 forum

The facts of the case, as Margulies explains, are thus: "Abu Zubaydah was brought from Thailand to Poland in December 2002, where he was held in a secret CIA prison opened with the knowledge and connivance of senior Polish officials, who knew full well the risk that Zubaydah (and the other prisoner brought there at the same time) would be tortured and detained beyond the law. He was in fact tortured there, and held illegally, until September 2003, when he was taken to another CIA black site." Zubaydah is currently incarcerated at the U.S. prison in Guantanamo Bay, where he has been held without charges since 2006.

The judgment by the ECHR is the first by any court to address the legality of Europe's role in the CIA's "black site" program, a worldwide network of secret prisons where suspects were detained and tortured. In its response to the decision, the White House refused to confirm any purported locations of black sites, insisting that the "overriding point" was that the program no longer existed.

Describing the black site program as an intricate, far-reaching web connecting

Washington to many foreign capitals and intelligence services, Margulies calls the court's ruling "a rebuke of the entire criminal conspiracy that was the 'extraordinary rendition program.'" And he adds, "The inescapable logic of the decision is that all states who played a role to facilitate the CIA program, and not just those which allowed the CIA to open a site, also acted illegally and can be held to account." Though the ECHR's July ruling addresses only Poland's role in the black site program, similar cases against Romania and Lithuania are pending before the court.

Nonetheless, Margulies cautions against expecting too much too quickly from this decision. "Despite my presence in the Law School, and my role as Abu Zubaydah's lawyer, I am not a big believer in the law as we commonly describe it," he says. "That is, I don't think a legal judgment, in and of itself, produces much of anything in the most contentious cases. But a legal judgment contributes to a narrative and a sense of legal consciousness in the public about what took place, whether it was right or wrong, and whether it was consistent with our professed identity. The ECHR judgment is thus part of a very long-term struggle to create and capture a narrative about who we are as a country. In that respect, it matters a great deal, but that is very different from saying it will lead to immediate, concrete results."

For the past twelve years, Margulies has been at the forefront of the effort to prevent abuses in the post–9/11 era. He was lead counsel in *Rasul v. Bush* (2004), which established the right of U.S. courts to determine the legality of imprisoning foreign nationals at Guantánamo, and *Munaf v. Geren* (2008), which established federal court jurisdiction over Americans imprisoned by the United States overseas. His most recent book, *What Changed When Everything Changed: 9/11 and the Making of National Identity,* was published in 2013 by Yale University Press.

A 1982 graduate of Cornell, Margulies joined the Cornell faculty at the start of the 2014–2015 academic year, with a joint appointment in the Law School and the Government Department. He will teach one class per year at the Law School, in either civil rights or criminal justice, and also plans to be available as a mentor to students who are interested in national security and criminal law, and in the law as an instrument of progressive social change.

LGBT Clinic Files Suit on Behalf of Transgender Inmate

In 2013, while incarcerated in a New York State men's prison, transgender woman **LeslieAnn Manning** says that she was raped by another inmate. On January 5, Cornell Law School's LGBT Rights Clinic and the Civil Rights Clinic at Cardozo School of Law filed a federal civil lawsuit in the Southern District of New York on her behalf.

> ***As Ms. Manning's case shows, there are still LGBT people who face life-threatening violence just because of their sexual orientation and gender identity. We are working to make sure every LGBT person is able to live with dignity and safety, free from discrimination and violence.***
>
> *— Susan Hazeldean*

Manning's suit names multiple corrections officials, claiming they placed her in a dangerous, unsupervised area knowing she would face harassment, abuse, and rape from other inmates. She alleges that this treatment violated her rights under the Eighth Amendment of the U.S. Constitution.

Twenty years ago, the U.S. Supreme Court decided a case in which a transgender prisoner, **Dee Farmer**, alleged deliberate indifference to her safety when she was raped in a men's prison. In that case, *Farmer v. Brennan,* the Court affirmed that where prison officials are deliberately indifferent to a substantial risk of serious harm to a prisoner, they violate her Eighth Amendment rights.

Manning, her lawyers assert, was obviously at risk of sexual assault because she is a transgender woman who is also physically weak and frail as a result of several chronic health problems. Yet, New York State required her to work in an area of a men's maximum-security prison where prisoners were not under adequate correctional staff supervision.

"We decided to pursue this case because so many LGBT people are victims of sexual violence, especially in prison settings, and it needs to stop," says

Professor Hazeldean

Susan Hazeldean, director of the LGBT Clinic and co-counsel on Manning's case. "Rape cannot be tolerated in prison or any other place. No person should face sexual violence, and being subjected to rape should never be the punishment for any crime. We hope that by bringing this case we can win redress for Ms. Manning and raise awareness about this critical issue. Ultimately, we hope we will encourage positive change."

Zach Dugan '15 was one of the clinic students who worked on Manning's case. In collaboration with a fellow student, he worked on the complaint to initiate the lawsuit. With input from Cornell Law and Cardozo Law, he also wrote letters to the Department of Corrections and Community Supervision (DOCCS) seeking proper medical treatment for Manning. "I think the most important thing I learned was how uncaring the correctional system is," he says. "Some of the medical requests were so simple . . . it was surprising that

Zach Dugan '15

DOCCS seemed to do anything it could to avoid helping Ms. Manning."

"The Cornell LGBT Clinic is one of only a handful of law school clinics dedicated to fighting for LGBT rights," notes Hazeldean. "While we have made tremendous strides toward LGBT equality over the last few years, there is still so much work to be done. As Ms. Manning's case shows, there are still LGBT people who face life-threatening violence just because of their sexual orientation and gender identity. We are working to make sure every LGBT person is able to live with dignity and safety, free from discrimination and violence."

Dugan says he would recommend the clinic to other students. "Though it was often more work than an average class, that work will have real-world outcomes and will hopefully benefit Ms. Manning and our other clients," he says. "I have been in school for eight years now, and it was very motivating knowing that the work done and knowledge gained would result in more than a simple letter grade on my transcript. The work that the clinic does helps people who would likely not receive help from other sources."

New Class Takes Advocacy Skills to the Next Level

There's moot court—and there's "moot court on steroids," which is how people describe a new course cotaught by **John Blume** and **Hon. Richard C. Wesley '74**. Formally called Federal Appellate Practice (FAP), the 3L class takes advocacy skills to the next level, culminating in oral arguments before the U.S. Court of Appeals for the Second Circuit in New York City.

"It's very intense," says Blume, the Samuel F. Leibowitz Professor of Trial Techniques and Director of Clinical, Advocacy, and Skills Programs. "It's all about learning by doing, developing the skillset that would make them successful federal appellate lawyers. That's our goal, and the most exciting parts for me are working closely with students and watching them push past their comfort zone. We see who they really are, and they get a real sense of what it's like to prepare for an appeal. It's total immersion."

Unlike the nonsteroidal version, which Blume also supervises, FAP tackles twelve cases currently on the docket of the Supreme Court, with each student taking a turn as petitioner, respondent, co-counsel, and judge, choosing between a range of cases from criminal procedure to antitrust, constitutional, election, and labor law. Toward the beginning of the course, they're given a quick exercise with a motion to file, a paragraph of facts on the case, and ten minutes to prepare their oral argument; toward the end, they're each asked to submit a written brief in a pending Supreme Court case.

"We want them to finish with a good understanding of what it takes to be an appellate litigator," says Wesley, who has been a judge of the U.S. Court of Appeals for the Second Circuit since 2003; before that, he served on the New York Court of Appeals (1997-2003, appointed by Governor George Pataki), the Supreme Court Appellate Division (1994-1997, appointed by Governor Mario Cuomo), and the New York Supreme Court (1986-1994). "We want them to think about expressing themselves clearly, both orally and in written briefs, and how to present their argument. We drive home the fact that every case is really a story about human conflict, whether it's a contract involving multinational corporations or a criminal case involving a physical assault. To make their argument compelling, they need to see the big picture and express it as a story. And they do. They really get it."

Students in the Federal Appellate Practice class pose with Dean Peñalver, Professor Blume, and Judge Wesley at the U.S. Court of Appeals for the Second Circuit.

For **Christopher Sanchez '15**, the turning point came when he watched a video of his first oral argument. He looked nervous, his voice was too quiet, and he didn't answer all the judge's questions. By his second attempt, all that had changed, and by his third attempt, arguing before a panel of Second Circuit judges in the Thurgood Marshall U.S. Courthouse, he was ready. "I went into the Second Circuit with a lot more confidence than I had before," says Sanchez, who plans to become a public defender, and received an Exemplary Public Service Award earlier this year. "Those oral arguments had really transformed me. I knew I could do this."

The case was *Warger v. Shauers*, which hinged on a question of alleged misconduct by a jury foreperson: Could deliberations be admitted as evidence the foreperson had lied during selection, and had exerted "improper outside influence" to sway the verdict in Shauers' favor?

Christopher Sanchez '15

It was definitely the best class I've taken at Cornell. It was the most difficult, but also the most rewarding.

— Christopher Sanchez '15

"I did a lot of research on how the rules of evidence were actually made, so I could talk about whether or not Congress had intended to block this kind of evidence," says Sanchez. "That made me much quicker on my feet. I was able to answer all the judges' questions, and by the end, one of the judges said he'd be happy to have me and my opposing counsel in his courtroom at any time, and that we'd done better than a lot of attorneys they see on a daily basis. Given where I started in the class, that was very remarkable."

"It was definitely the best class I've taken at Cornell," he continues. "It was the most difficult, but also the most rewarding."

Professors Omarova and Hockett Testify before Two Senate Subcommittees

On November 21, Cornell Law School professors **Robert C. Hockett** and **Saule Omarova** simultaneously testified before two separate Senate committees investigating concerns that have recently emerged in connection with the financial services industry.

Omarova testified before **Senators Carl Levin** and **John McCain** of the Senate Subcommittee on Investigations. The committee has been investigating the recent expansion of large financial holding companies into the physical commodities markets—a concern brought to public attention by Omarova's scholarship. Omarova highlighted the ways in which this expansion undermines the traditional American regulatory principle pursuant to which banking is kept separate from nonbanking commercial activity. She also showed that attempts by lobbyists to legitimize these new forms of conglomeration all ignore American banking law and history.

Hockett, the Edward Cornell Professor of Law, testified before the Senate Subcommittee on Financial Institutions about recent allegations of laxity on the part of the Federal Reserve Bank of New York in regulating the large financial institutions operating within its jurisdiction. Read more about Hockett's testimony on page 15.

Professor Omarova testifies before the Senate Subcommittee on Investigations

Omarova also showed that attempts by lobbyists to legitimize these new forms of conglomeration [the recent expansion of large financial holding companies into the physical commodities markets] all ignore American banking law and history.

This was likely the first time that more than one Cornell law professor testified before Congress on multiple matters during a single day. Hockett and Omarova, who collaborate frequently on projects of joint concern, compared notes on their sessions later in the day and began planning their next coauthored article together.

Professor Hockett

Students Flex Deal-Making Muscles in Fifth Transactional Lawyering Competition

From November 9 to 10, Myron Taylor Hall resounded with the sounds of deals being hammered out as sixty students competed in the fifth annual Cornell Law School Transactional Lawyering Competition, the only contest of its kind in the country. The competition is the culminating experience of the Introduction to Transactional Lawyering course. Students put into practice, in front of more than thirty alumni and other distinguished transactional lawyers and businesspeople acting as adjunct instructor-judges, what they learn in the classroom about structuring deals. The contest was presented by the Clarke Institute for the Study and Practice of Business Law and the Cornell Business Law Society.

Professor Charles Whitehead, the Myron C. Taylor Alumni Professor of Business Law, created the competition to address what he saw as a fundamental disconnect. "The standard law school curriculum is based on cases, very often appellate cases, so students become familiar with the corporate transactional world through litigation," Whitehead says. "Well, often if a lawsuit is filed, it means that it is a 'failed deal.' And that tends to be only a small fraction of the deals that get done. So, the idea was to help students better understand how to go about thinking through and structuring deals outside the courtroom."

This year, the transactional lawyering class was cotaught by Whitehead and **Professor Celia Bigoness**; Bigoness will be joining the Law School's Lawyering Program next fall, but agreed to come on board early as an adjunct professor to lend students the benefit of her seven years of transactional experience at Sullivan & Cromwell. "It's really unique among law schools in giving students the opportunity to test out what they've learned with real-life practitioners who are able to give them feedback on the spot," Bigoness says of the competition. "They had the theory, they knew what they were doing. But to be able to put it into practice and see how they do in real life, where you have to think on the spot and learn from the other side facts and issues that you hadn't learned previously and how do you react to that on the spot while protecting your client's interests, that's extremely valuable."

Students were assigned to negotiate the sale of a recycled coated paper manufacturing plant in upstate New York for the most recent contest; as in previous years, the deal is based on one negotiated by Whitehead prior to entering academia. Early in the term, two-student teams designated as buyer's or seller's counsel each receive case statements,

a scaled-down purchase agreement, and instructions from their "clients," and then produce a markup about a week before the competition. On the big weekend, they disperse throughout the Law School and, over three rounds of negotiations with different opposing teams, hash out the best deal they can, with the instructor-judges both adjudicating and giving advice.

By Sunday afternoon, the field had been whittled down to two competing teams: **Allison Eitman '16** and **Wayne Yu '16**, representing the buyer, and **Keith Forbes '16** and **Lynn Thomas '16**, representing the seller. One of the instructor-judges who heard the final round of negotiations, **David Furman '86**, said, "I was very heartened by the level of commitment by the students and the level of sophistication of both the markups and the negotiation itself." He added, "Often law schools focus on litigation-oriented clinics and programs, and it's terrific to see that Cornell Law School is fostering the other side of the practice, namely corporate transactional lawyering skills." The other two judges of the final round were **William Casazza '85** and **Adele Hogan '85**.

Yu said that the example the instructor-judges provided was invaluable. "Every judge takes it from a different perspective, so you're gaining different insights from everybody, who have different ways of making deals," he said. "Some may be really aggressive, some may be really passive, and during the competition some at times would interject and just kind of push you towards a beneficial solution with creative ideas and solutions you might not have thought about." Eitman, Yu's fellow buyer's counsel, agreed that heeding the instructor-judges' advice was vital to their success in the competition. "I think listening is a really important skill on top of speaking at the negotiation table," she said.

Whitehead noted that he's grateful for the continued

> ***It's really unique among law schools in giving students the opportunity to test out what they've learned with real-life practitioners who are able to give them feedback on the spot.***
>
> *— Professor Celia Bigoness*

TOP: Professor Whitehead BELOW LEFT: Tara Param '16 BELOW RIGHT: Soeun Park '16 (left), Jee Hyung Kim '16, and Deborah McLean '78 BOTTOM: Kailash Gupta '16 (left) and Taylor Sarkaria '16

ABOVE: Katherine Ward Feld '83
TOP: Joshua Nathan '91 (left) and Dean Fournaris '91

support of alumni acting as instructor-judges and is "always looking for new judges, people who have got strong transactional experience."

The BLI was established in 2007 by a founding gift from **Jack G. Clarke, LL.B. '52** and his wife, **Dorothea S. Clarke**. It provides a locus for law faculty with particular expertise in such areas as securities regulation, financial institutions, international economic law, intellectual property, transactional lawyering, business organizations, and ethics and corporate culture.

INSTRUCTOR-JUDGES:

John Alexander '71
(Sayles & Evans)

David Boehnen '71
(Dorsey & Whitney)

John Calandra '91
(McDermott Will & Emery)

William Casazza '85 (Aetna)

Robert Feiner '85
(Feiner Wolfson)

Todd Feinsmith '91
(Pepper Hamilton)

Dean Fournaris '91
(Wiggin & Dana)

David Furman '86
(Gibson, Dunn & Crutcher)

Joel Hartstone '70
(Stonegate Capital Group)

Denise Hauselt '83
(formerly Corning)

Sarah Hewitt '82
(Schnader Harrison Segal & Lewis)

Adele Hogan '85
(Hogan Law Associates)

Jim Kaput '86
(Zebra Technologies)

Sandra Lambert '80 (Kadant)

Thomas Malone '05
(Latham & Watkins)

Ira Marcus '74 (Saiber)

Deborah McLean '78
(Nixon Peabody)

Ray Minella '74
(Cornell Law School)

Joshua Nathan '91
(Private Practice)

Brendan O'Connor '05
(Honeywell International)

Dale Okonow '83
(The Watermill Group)

Adrianne Payson '00
(DLA Piper)

Jay Rakow '77 (ProCon.org)

Elke Rehbock '04 (Dentons)

Mack Rossoff
(Rossoff & Company)

Stanley Schwartz '69
(Orloff, Lowenbach, Stifelman & Siegel)

William Shiland '83
(Rexford Management Company)

Andy Stamelman '83
(Sherman Wells Sylvester & Stamelman)

Al Uluatam '91
(State Street/Global Treasury Legal)

Mark Underberg '81
(Cardozo School of Law)

Stephen Urban '90
(Connell Foley)

Sara Werner (Dentons)

Meridian 180 Establishes Asian Base

On November 28, in a major milestone, Cornell Law School's Meridian 180 announced its first institutional partnership in Asia: the establishment of a Korean Center at Seoul's Ewha Womans University, the world's largest female educational institution and one of the most prestigious universities in the country.

"With this new partnership, we are deepening our existing relationship with one of Korea's premier academic institutions," said **Eduardo Peñalver**, the Allan R. Tessler Dean and Professor of Law. "At Cornell Law School, we are committed to training lawyers who can practice law on a global stage. Meridian 180 is a wonderful illustration of the Law School's global reach and, more specifically, of its long-standing and strong ties to Asia."

"This is a momentous event for both Meridian 180 and Ewha Womans University," said **Eunice Kim**, professor of law and special advisor for international affairs to the president of Ewha Womans University. "For Meridian 180, having an Asian base marks its transformation into a transnational organization with a multinational operation."

Launched at Cornell Law School in 2012, Meridian 180 has created a nonpartisan community of academics, practitioners, and policy makers who meet online and in person to discuss issues facing the

Asia-Pacific region. With more than 650 current members exchanging ideas in English, Chinese, Japanese, and Korean, Meridian 180 calls itself "comparative law in practice," with the goal of fostering cross-cultural dialogue, building an intellectual infrastructure, and developing solutions to challenges around the Pacific Rim.

"This was a crucial step in the growth of our project," said **Annelise Riles**, the Jack G. Clarke Professor of Far East Legal Studies, director of the Clarke Program in East Asian Law and Culture, and director of Meridian 180. "We knew we couldn't build our Korean membership, make an impact on local policy debates, or ensure the issues we'd identified were the right ones, without having an institutional base in Seoul and a committed local involvement on an almost hour-by-hour basis. As a result of this agreement, we expect our membership to grow substantially in the near future, and that these new members will take an active role in shaping the agenda for Meridian 180."

Professor Riles

Led by Kim, the Korea Center will host its first international conference, "Democracy in an Age of Shifting Demographics," on March 31. Organized by Riles, Kim, and Ewha Law professors **Kyungsok Choi** and **Wonbok Lee**, the conference will include participants from Australia, China, Japan, Korea, and the United States. In the coming months, the Korea Center will focus on creating a multidisciplinary think tank in Seoul, and will help launch a joint exchange program allowing faculty and students from Ewha Law and Cornell Law to teach and learn at each other's institution.

"Through this partnership, Meridian 180 hopes to firmly establish our presence in Korea, and to build a new model for global partnerships between law schools," says **Naruhito Cho**, lead fellow at the Clarke Program in East Asian Law and Culture. "Our goal is to create a platform where the world can see what's really at stake right now in Korea—as opposed to what the conventional news and academic research portray—and to enhance international, interdisciplinary, and interprofessional collaboration among intellectuals in Korea and beyond."

> ***We knew we couldn't build our Korean membership, make an impact on local policy debates, or ensure the issues we'd identified were the right ones, without having an institutional base in Seoul and a committed local involvement on an almost hour-by-hour basis. As a result of this agreement, we expect our membership to grow substantially in the near future, and that these new members will take an active role in shaping the agenda for Meridian 180.***
>
> *— Professor Riles*

Cornell Law Review Event Provides First Commentary on the *Restatement of Employment Law*

On November 21, the *Cornell Law Review* held its fall 2014 symposium, an examination of the *Restatement (Third) of Employment Law*. The *Restatement*, essentially a nonbinding codification of current employment law, is a twelve-year project by the American Law Institute, which released the final version in May 2014. The *Law Review*'s symposium constituted the first formal commentary of the publication.

Convening scholars, practicing lawyers, and judges, the symposium provided a forum for analyzing and critiquing the various chapters of the *Restatement* from a variety of perspectives. Work by the symposium participants will be published in volume 100, issue 6, of the *Cornell Law Review.*

The final of the event's four panels featured three judges: **Marsha S. Berzon** of the U.S. Court of Appeals, Ninth Circuit; **Christine M. Durham** of the Utah Supreme Court; and **Lee H. Rosenthal** of the U.S. District Court for the Southern District of Texas. The panel was attended by symposium participants as well as Cornell Law students and faculty, and the judges took questions throughout.

"I want to credit the *Law Review* for having the brilliance to bring before you a perfect range of perspectives on the subject [of the challenges of employment law]," said Rosenthal, observing both the contrasts among the jurisdictions of the panelists and their experience with employment law. "We've seen how this field of law has evolved."

Judges Lee Rosenthal (left), Marsha Berzon, and Christine Durham

The panelists, who had all served as advisers on the *Restatement* project, discussed the publication's significance, examining both its utility and its limitations as a tool for judges.

Rosenthal began with a brief overview of what a *Restatement* is, its distinction from other approaches, and some of the challenges involved in the process, posing the question, "How does this single work accommodate the huge variety of jurisdictional variations, the huge variety of kinds of employment relationships, kinds of employees, and the mix of common law and statutory approaches to all those problems?"

Berzon took up the theme of the interplay between statutory and common law. As a federal judge, Berzon deals largely with statutes, and she wondered aloud whether the *Restatement* should have included some recognition that the body of federal and state employment-law statutes functions as a kind of common law. She also mentioned that she is probably the first federal appellate judge to cite the *Restatement* in a public decision, in a case involving a retaliatory-discharge whistleblower claim.

Durham addressed chapter five of the *Restatement,* which deals with wrongful discharge in violation of public policy. She also spoke to some of the benefits of *Restatements* in general, including their doctrinal organization, their identification of issues in the field, and their identification of areas that are open and evolving.

"I do not agree with many of the critics of the *Restatement,* who claim that it's freezing employment law in a bad place," said Durham, pointing out that judges can choose whether and how much to adopt the work. She also suggested that any slowness in the evolution of employment law is arguably due to the caution of state judges. All three panelists recognized the usefulness of the *Restatement* as a compendium of existing employment law and a jumping-off point for research.

As the panel drew toward its close, Rosenthal reflected on the creation of the *Restatement*. "I wish all the students here could see this process. . . . This is one of the very few areas in which members of the academy, practicing lawyers, and judges come together," she said. Added Berzon, "I was entirely new to the process, and I found it exhilarating."

Cornell Law Students Help Tompkins County Become Fourteenth Locality to Declare Freedom from Domestic Violence a Human Right

On November 18, the Tompkins County Legislature unanimously adopted a resolution recognizing that freedom from domestic violence is a fundamental human right. On December 8, the Ithaca Town Board passed a similar resolution. Cornell Law School's Global Gender Justice Clinic and Avon Global Center for Women and Justice, together with the Advocacy Center of Tompkins County, proposed the resolutions, which acknowledge that "domestic violence is a human rights concern" and call upon state and local governments to "continue to secure this human right on behalf of their citizens."

In adopting the resolution, Tompkins County became the fourteenth locality in the nation and the first rural community to adopt such a resolution. In doing so, it joins a growing number of local governments, such as those in Albany, Boston, and Chicago, that have recognized that freedom from domestic violence is a human right. All of these resolutions have been passed in the last three years—evidence of fast-growing momentum in this nationwide movement.

Across the country, more than one in three women and one in four men experience rape, physical violence, or stalking

Carolyn Matos '15

Josh Baldwin '16

Joanne Joseph '15

by an intimate partner. Despite Tompkins County's small size, there has been an average of 147 reported cases of domestic violence annually between 2010 and 2013. The number of unreported cases is undoubtedly much higher. In 2013 alone, the Advocacy Center of Tompkins County answered 2,055 calls on its domestic violence and sexual assault hotline and served 212 new survivors of domestic violence.

Recognizing the pervasiveness of domestic violence and its devastating consequences, the resolution affirms that domestic violence is a human rights issue that governments have a responsibility to prevent and address. "By adopting this resolution, Tompkins County has recognized that domestic violence is not just a private matter—it is a societal issue that requires a societal solution," said **Joanne Joseph '15**, a member of the Global Gender Justice Clinic and one of the coauthors of the resolution. "The resolution also creates opportunities for shared strategies and collaboration in an effort to address this devastating human rights problem, which is both intensely local and deeply global."

Looking forward, the Global Gender Justice Clinic and Advocacy Center hope to see the adoption of similar resolutions by other local legislative bodies, including the City of Ithaca Common Council and the Tompkins County Council of Governments.

Dorf Remains Reigning Champion of the Faculty Pie Eating Contest

In the week before Thanksgiving, five brave and hungry participants, **Professors Bradley Wendel**, **Charles Whitehead**, **Michael Dorf**, and **Celia Bigoness** and **Dean Eduardo Peñalver** took to eating pie to fundraise for the Law School's Spring Break Service Trip.

This year's Faculty Pie Eating Contest, appropriately dubbed the "Hungry Games," featured an intense showdown in front of a packed crowd of students, faculty, and staff. With blueberry and pumpkin pie on the table and ponchos at the ready, the competition was under way to see who could consume the most pie in an allotted amount of time. Extra time was given to each professor based on the amount of donations in their name.

After weighing the pies, it was clear that the reigning champion, Dorf, once again held on to his esteemed title of Faculty Pie Eating Champion. Commenting on his win, Dorf said, "There is something very wrong with me that I felt sufficiently motivated to eat enough pie to win three contests in a row. Either that or I really like pie."

TOP LEFT: Celia Bigoness LEFT: Bradley Wendel ABOVE: Repeat champion Michael Dorf

Ari Melber '09 Addresses the Impact of Social Media on Civil Rights and Civil Liberties

On November 17, while a grand jury in St. Louis County was deciding whether to indict police officer **Darren Wilson** in the death of **Michael Brown**, **Ari Melber '09** was talking about the ways that news media were affecting the case.

"In the pre-Internet era, there were prerequisites for internal and external accountability, checks and balances that prevented political and public pressure from exerting force on the law," said Melber, who hosts the MSNBC daily news program *The Cycle*. "The networked world we now live in has totally disrupted that precedent. The nature of the Internet is such that people no longer have to rely on the *New York Times* or the television networks for information. There are a lot more people in the game, who may not view the case from a legal perspective, but who still have a powerful platform to affect public discourse."

"Are we in a different place legally," he asked, "because we're in a different place technologically?"

Speaking at Myron Taylor Hall on the topic "Civil Rights and Civil Liberties in a Networked Era," Melber referenced Brown and **Trayvon Martin** as examples of local news that quickly expanded to become international phenomena. In both instances, social media dramatically amplified the impact of the young men's deaths, mobilizing public protests and forcing the mainstream media to cover every possible angle of each story. That focused unprecedented attention on the legal process, with even the president of the United States entering the discussion, and placed enormous pressure on the government to return a guilty verdict—whether or not the evidence in court matched the evidence in the court of public opinion.

Ari Melber '09

> ***The nature of the Internet is such that people no longer have to rely on the* New York Times *or the television networks for information. There are a lot more people in the game, who may not view the case from a legal perspective, but who still have a powerful platform to affect public discourse.***
>
> *— Ari Melber '09*

For Melber, that represents a fundamental difference in the way the law operates in the Internet era, which is reflected in the prosecution's decision to present all witness testimony to the Brown grand jury. Even if it's still too early to fully comprehend social media's impact on the results, "This is a foundational change," Melber said. "It's a new flavor, a new sizzle on the pressures that have always been there."

Then, taking questions from the audience, Melber talked about his path from Cornell Law student to television journalist, with stops along the way as a First Amendment lawyer at Cahill Gordon & Reindel, a correspondent for *The Nation*, and a guest host on MSNBC's *All in with Chris Hayes, The Last Word with Lawrence O'Donnell,* and *The Rachel Maddow Show* before becoming a cohost on *The Cycle,* where he covers the intersection of law and politics, including an upcoming story on Ferguson.

"I think we're all able to better participate in social media conversations about Ferguson after hearing Ari Melber's talk," said **Ryan Madden**, president of the Cornell chapter of the American Constitution Society, which sponsored the presentation. "ACS believes the law should be a force to improve the lives of everyone, and that necessarily means engaging people both inside and outside the legal profession."

Professor Valerie Hans Elected President of the Law and Society Association

Professor Valerie Hans, one of the nation's leading authorities on the jury system, has been elected president of the Law and Society Association for a two-year term beginning in June 2015.

"It's an incredible honor and means a great deal to me to be elected president," says Hans. "I went to my first meeting many years ago, when I was a

Professor Hans

graduate student in psychology and law. That first meeting and many subsequent ones opened my eyes to the richness and breadth of the interdisciplinary study of law."

Trained as a social scientist, Hans has carried out extensive research and lectured around the globe on juries, jury reforms, and how to incorporate social sciences into law. She is the editor or author of six books and over 100 research articles. Her current projects focus on developing a new theory of damage awards and researching the jury's role in the death penalty. Her work also includes the introduction of juries and other forms of citizen participation in countries such as Japan, Russia, and Taiwan.

"It is a deserved tribute to her status as a leader in the use of social science methods to deepen our understanding of how the law works," says Peñalver. "Cornell Law School is proud to be the birthplace of Empirical Legal Studies. Hans's work demonstrates our continuing commitment to that tradition."

Founded in 1964, the Law and Society Association is an interdisciplinary scholarly organization that supports and promotes social scientific, interpretive, and historical analyses of law across multiple social contexts. The association is committed to bringing together present and future scholars across disciplines and across international borders to recognize outstanding examples of sociolegal research and to assist members in developing their academic careers. Furthermore, the association is dedicated to promoting the study of law as part of a liberal education to address important public issues.

Hans says that her long-term participation in the LSA has helped her avoid taking a narrow approach to her research. As an example, she points to an LSA initiative that encouraged people to form global research groups, which gave her valuable insights. "I've learned so much from judges, lawyers, and researchers from other countries about law and legal reforms," says Hans. "I have a better appreciation for America's jury system by learning about alternative ways that other countries employ citizens in legal decision making, such as lay magistrates and mixed courts."

Hans says she looks forward to leading the association over the next two years and hopes to encourage productive discussion about the future of sociolegal studies and the changing legal landscape.

Sandra Park Develops a Domestic Strategy for Gender Justice

In the decades since the passage of the Beijing Declaration that "women's rights are human rights," **Sandra Park** has seen progress made all over the world. But as an attorney in the Women's Rights Project of the American Civil Liberties Union, she's remained focused on the United States, where domestic violence is rarely seen as part of that larger dialogue.

"We often think of women's rights violations as something that happens elsewhere," said Park, speaking on October 9 at Cornell Law School. "Even within the legal community, we see ourselves as providing a service to individuals, rather than using a human rights framework to cast domestic violence as a broader issue of fundamental human rights."

In "Bringing Human Rights Home: Women's Human Rights Advocacy in the United States," Park discussed some of her recent cases. In *Lenahan v. United States,* Park represented **Jessica Lenahan** before the Inter-American Commission on Human Rights, arguing that her client had been discriminated against when the police of Castle Rock, Colorado, failed to enforce a restraining order against her husband, who then abducted their three daughters.

The commission agreed. There was a clear history of abuse, a clear need for the restraining order, and a clear lack of diligence in protecting the three young girls, whose dead bodies were found later that night. Citing "systemic failures," the commission found the U.S. government in violation of the Organization of American States' American Declaration, denying the mother her rights as a victim of domestic violence, and denying her children their right to life, their right to protection, and their right to equality before the law.

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Sandra Park (top right) poses with students and staff from the Avon Global Center and Global Gender Justice Clinic

In *Briggs v. Norristown,* Park filed suit against a Pennsylvania city that encourages landlords to evict tenants for three incidents of "disorderly behavior," which is defined so broadly that it includes calls to the police to report domestic violence. In response, Norristown quickly repealed the law, which is similar to "nuisance ordinances" in many other cities, then enacted a second, virtually identical law.

Again, Park argued that the law effectively punished victims of domestic violence, violating their First Amendment right to petition the government; the Violence against Women Act, which prohibits victims of abuse from being punished for crimes committed against them; and the Fair Housing Act, which prohibits discrimination based on sex. Again, Park won, with Norristown repealing its second ordinance, promising not to pass another that would punish tenants for calling the police, and paying **Lakisha Briggs**—who'd been airlifted to the hospital after the last beating by her ex-boyfriend, then threatened with eviction—$495,000 in compensation and attorney's fees.

For Park and the ACLU, it's all part of a strategic shift to reenvision women's rights as human rights, "holding governments and institutions accountable in condoning or failing to prevent gender violence." That includes working with survivors of military sexual trauma, which is also a part of Park's portfolio, and a movement toward local resolutions against domestic violence, including one that's currently being drafted by students in Cornell's Global Gender Justice Clinic, which cohosted the lecture with the Avon Global Center for Women and Justice and the Cornell Advocates for Human Rights.

"Sandra Park's thought-provoking remarks covered many of the issues that the Avon Global Center and Global Gender Justice Clinic are seeking to address in the United States and globally," said **Liz Brundige**, who directs the center and clinic. "Understanding these issues as human rights highlights the responsibility of governments to respond and opens important new avenues for advocacy. We look forward to continuing to work together with the ACLU Women's Rights Project and other partners to bring human rights home."

Fatmata Kabia '15 Launches Campaign for African Girls' Magazine

Third-year Cornell Law School student **Fatmata Kabia** and her twin sister, **Mariama**, began *Memunatu* magazine in 2011 when they were undergrads at the University of Pennsylvania. The magazine, aimed at underserved girls in West Africa, promotes literacy, leadership, and empowerment.

The Kabias, who are Sierra Leonean Americans, hosted a launch event for their campaign on October 23 in Myron Taylor Hall. They were working to raise $30,000 to help with writing, production, and distribution of their February 2015 issue focused on Ebola. The sisters hoped to capitalize on Giving Tuesday, December 2, a global initiative to promote giving following Black Friday and Cyber Monday, when social enterprises are featured on the Indiegogo site.

"This issue will focus not only on the crisis, but also on how girls can take action," says Fatmata Kabia. "Part of this Ebola issue will include a section on teen stories, where girls can share their impressions and experiences in dealing with the epidemic. We believe that this is a particularly good time for girls to lend a voice on the issue so that they can really frame the narrative in their own way."

Fatmata Kabia traces her interest in magazines to her childhood, and more specifically to her love for *Scholastic News,* a

Fatmata Kabia '15

classroom publication on math, the social sciences, and social events. Like *Scholastic News, Memunatu* is meant to encourage inquisitive reading outside the classroom.

The Kabias drew a connection between their shared passion for magazines and the literacy discrepancy between boys and girls in their parents' home country of Sierra Leone and West Africa as a whole, especially among children in the ten-to-seventeen age range.

"We knew that we loved reading magazines but didn't know how to make one. We were able to attend informational interviews at Condé Nast publishing, which helped us to understand what it took to create a magazine," Fatmata Kabia said. The quarterly magazine is published and distributed to secondary schools in Sierra Leone and comes with a teachers' guide.

Fatmata Kabia stressed the importance of volunteer involvement. "Volunteers really are the core of the team," she said. "With this launch, we seek to expand our volunteer base and get people excited about the issue."

She credited her Cornell Law School experience as having a major impact. "Many members of on-campus human rights and various affinity groups have had diverse experiences. Bouncing ideas off of members of these organizations has been extremely helpful," she said. "The interdisciplinary nature of the Law School has really helped with this project."

The Kabia sisters have been recognized as Echoing Green semifinalists, Harvard Business School New Venture Competition semifinalists, and Dell Social Innovation fellows.

U.S. Death Penalty Is Broken, Judge Says

The death penalty may not discourage criminals from committing murder and is very expensive, said **William A. Fletcher**, a judge of the U.S. Court of Appeals for the Ninth Circuit, on November 4 at Cornell Law School.

"It has now been almost forty years since the court's decision in *Greg v. Georgia*," said Fletcher about the case that struck down mandatory executions for certain types of murders. Despite this, the United States remains the "only industrialized Western country that still has the death penalty."

Among the issues that shaped his viewpoint on the death penalty, Fletcher cited cost: "The death penalty is extremely expensive. It costs more to execute a person than to keep him in prison for life." Referencing a recent study, Fletcher said, "From 1978 through 2011, California spent $4 billion more in cases imposing the death penalty than it would have spent if, in those same cases, it had merely imposed life in prison without the possibility of parole."

Judge William A. Fletcher

Further, Fletcher said, "numerous studies [show that we] do not know whether the death penalty actually deters homicide." Different studies have come to differing conclusions, but the bottom line, Fletcher said, is that we still "do not know if there is a deterrent effect" to the death penalty.

Panel Discusses Women's Reproductive Rights after *Burwell v. Hobby Lobby* Supreme Court Ruling

On June 30, the Supreme Court ruled five to four "that requiring family-owned corporations to pay for insurance coverage for contraception under the Affordable Care Act violated a federal law protecting religious freedom," summarized **Adam Liptak** in the *New York Times* the day of the ruling. **Justice Ruth Bader Ginsburg** called it "a decision of startling breadth," in her dissent, Liptak noted.

The case involved the Hobby Lobby Stores, a U.S. chain of about 572 arts and crafts stores. Its leaders—cofounders David and Barbara Green and their family—asserted that their religious beliefs prohibited them from paying for insurance for their female employees under the Affordable Care Act because it covers such forms of contraception as a "morning-after" pill. The family brought suit under the 1993 Religious Freedom Restoration Act.

On October 1, a stellar panel of law and women's reproductive rights experts met in Myron Taylor Hall to talk with law students about the broad implications of the ruling. Panelists included **Susan Herman**, president of the ACLU; **Julianna Gonen**, director of government relations for the Center for Reproductive Rights; and **Leslie Danks Burke**, attorney and board member of Planned Parenthood Advocates of New York State.

Nelson Tebbe, visiting professor at Cornell Law, who moderated, began by stating that "too often the Hobby Lobby case has been treated as if it were about antidiscrimination or LGBT rights, but really it's most centrally about reproductive freedom and women's rights."

"We were told the ruling is limited to closely held corporations," commented Gonen, "but it has the potential to affect a lot of people, and reinforces this 'otherness' of women's health care needs."

Herman, who asserted that the ACLU had a long history on both sides of the issue, went on to state emphatically, "Once you grant that an employer can impose his or her religious views, it opens the door to an unmarried woman being fired because she is pregnant or a pharmacy refusing to fill a prescription for birth control. Religious directives shouldn't trump women's health."

> ***Once you grant that an employer can impose his or her religious views, it opens the door to an unmarried woman being fired because she is pregnant or a pharmacy refusing to fill a prescription for birth control. Religious directives shouldn't trump women's health.***
>
> *— Susan Herman*

Danks Burke warned that the *Hobby Lobby* decision could be a predictor of tougher battles to come involving further restrictions to women's reproductive rights.

"We were incredibly lucky to get such high-caliber speakers," said **Carolyn Wald**, president of Cornell Law Students for Reproductive Justice, a sponsor of the event, which drew a crowd of about 116, almost half of them male, she said.

"We were glad to see that women's reproductive rights are important to so many."

"All three panelists and Professor Tebbe challenged the law students to thoughtfully discuss the *Hobby Lobby* decision," noted **Amelia Murphy**, president of the Women's Law Coalition, which cosponsored. Other sponsors were the Cornell American Constitution Society and Cornell Advocates for Human Rights.

Panelists Herman (left), Gonen, and Burke and Professor Tebbe, moderator

South Korean Statesman/ Scholar Soo-Hyuck Lee Seeks Solutions to His Country's "Long Division"

Korea has been a divided country for seventy years. Is reunification still possible, and if so, what would need to happen to make it happen? Those were among the intriguing questions that **Soo-Hyuck Lee**, former deputy minister of foreign affairs and trade of the Republic of Korea—familiarly known as South Korea—posed when he delivered the Law School's prestigious 2014 Clarke Lecture last October 6 in Myron Taylor Hall.

Introduced by **Dean Eduardo Peñalver** and **Professor Annelise Riles**, director of the Law School's Clarke Program in East Asian Law and Culture, Lee is currently chair and professor at Dankook University and dean of its Human Resources Development Center and Humanities Academy. He was South Korea's representative in negotiations with North Korea and the architect of the six-party talks among North Korea, South Korea, China, the United States, Russia, and Japan. The talks, which aimed to resolve the conflict on the Korean Peninsula after North Korea withdrew from the Nuclear Nonproliferation Treaty in 2003, were disbanded in 2009 when North Korea pulled out.

Some history: When World War II ended in 1945, the United States and the Soviet Union took over Korea's trusteeship from a defeated Japan, with the plan to depart once a free and independent Korean government was established. But, predictably, the two superpowers favored different forms of governance and different Korean candidates. The conflict led to the Korean War in 1950, which ended, in 1953, with two Koreas, pro-Western and capitalist in the south, pro-Soviet and Communist in the north.

In the south, a democratic republic emerged, with such economic success in recent years that it has been called one of Asia's four "tigers" (the others are Singapore, Hong Kong, and Taiwan). The north, which got help from the Soviets in building its large nuclear arsenal, became a tightly controlled dictatorship under three generations of the ambitious Kim family, which has ruled North Korea since 1948.

One certainty: "We can't expect reunification as long as the Kim family is in power and maintains its tight control," Lee said. But, he added, pragmatically speaking, the North Korean regime is not likely to collapse anytime soon, regardless of whether the country's current ruler, Kim Jong-un, holds onto power or not.

Lee, who was formerly South Korea's ambassador to Germany, noted that it too was a divided country—sliced in two in 1945 in the aftermath of World War II following the defeat of Hitler's Third Reich. It took forty-five years and Soviet Union leader Mikhail Gorbachev's perestroika policy to bring about reunification there, Lee said. "The UK, France, and most other countries opposed it, but finally they were forced to accept it."


Soo-Hyuck Lee

> ***South Korea's strategy is to prepare military capability and make North Korea fearful of total war," Lee commented. "And North Korea's is to create North Korean phobia. The dilemma is its ultimate weapon might ultimately be useless.***
>
> *— Soo-Hyuck Lee*

While Lee said he was tempted to draw parallels between Germany and Korea, there were too many differences to do so. "Can we find such a man [as Gorbachev] in North Korea or China?" he asked. "Would China accept it [a reunified Korea]? Leave soldiers to enforce it? Or would an alliance between the U.S. and South Korea support it? Such an alliance won't arrive so quickly," he cautioned.

But the biggest obstacle to reunification remains North Korea's nuclear capability, Lee said. "We hope that North Korea will dismantle their nuclear program, and that will lead to reunification," he said, but it might take decades.

Meanwhile, "North Korea promised the U.S. that it would freeze all of its nuclear programs but didn't keep those promises," he noted. In a quiet but firm voice, he told the audience that, since signing a disarmament agreement, "North Korea has conducted nuclear tests three times and long-range missile tests three

times. They have increased their nuclear capability in terms of quantity and quality and have rebuffed sanctions and demands to stop." The reason given? "They need their nuclear capability for their survival."

Might North Korea ever actually use its nuclear weapons against South Korea if it felt threatened? "It's not either-or, it's multidimensional," Lee explained. "Stability in North Korea is of utmost interest to China. Traditionally, balance of power, not aggression, has been the best way to achieve it," he said. "China may need North Korea for the present. If so, the U.S. may want to keep its soldiers on the Korean Peninsula."

"South Korea's strategy is to prepare military capability and make North Korea fearful of total war," Lee commented. "And North Korea's is to create North Korean phobia. The dilemma is its ultimate weapon might ultimately be useless."

The good news: "Some of these long and patient negotiations might lead to solutions," said Lee hopefully.

LL.M. student **Tedi Dobi '15**, from Albania, who has spent time in North Korea, said about Lee's talk: "It's interesting to hear an account from an expert who has direct relations with the authorities in North Korea and comes from a similar culture. Normally, what we hear about North Korea in the media is filtered."

Sanford Levinson Opens Yearlong Lecture Series

In a bridge to the broader university community, Cornell Law helped inaugurate the multidisciplinary John E. Sawyer Seminar on Political Will with a talk by **Sanford V. Levinson** in the new academic wing. Based on a lecture published last summer in the *Saint Louis University Law Journal,* "Who Counts?" "Sez Who?" raised essential questions about the nature of political representation, beginning with the Constitution's three-fifths compromise and continuing into the present with voter identification laws and the referendum for Scottish independence.

"Every counting rule implies an exclusionary rule," said Levinson, the W. St. John Garwood and W. St. John Garwood Jr. Centennial Chair and Professor of Government at the University of Texas School of Law, who has written extensively on American legal and political history, including the landmark *Our Undemocratic Constitution: Where the Constitution Goes Wrong (and How We the People Can Correct It).* "Eligibility to vote is not a natural quality. Everyone is gaming the system, trying to manipulate the outcome."

Organized by eight Cornell faculty members, including **Associate Professor Aziz F. Rana** who moderated the opening event, the series will feature experts in anthropology, comparative literature, history, law, and political theory, each covering a different aspect of the overarching theme of "political will."

Sanford Levinson kicks off the John E. Sawyer Seminar on Political Will.

"Professor Levinson's lecture was a fantastic way to begin the year," says co-organizer **Elizabeth Anker**, an associate professor in the English Department and associate member of the Law School faculty. "The notion of will is central to numerous interrelated legal and political constructs, including democracy, constitutionalism, popular sovereignty, and law itself."

The John E. Sawyer Seminar on Political Will is primarily sponsored by the Andrew W. Mellon Foundation, with additional support from Cornell Law School's Robert S. Stevens Lecture Fund and the Cornell Society for the Humanities.

Cornell Law Students Write Handbook on Juvenile Justice in Zambia

At an event in Lusaka, Zambia, on August 6, Cornell Law School and the Center for Law and Justice released a new handbook for judicial officers and legal practitioners on juvenile law in Zambia. Produced by the Avon Global Center for Women and Justice and the International Human Rights Clinic, both of Cornell Law School, and the Center for Law and Justice, the *Handbook on Juvenile Law in Zambia* is the first-ever practice guide on Zambian juvenile law.

The handbook was coauthored by **Chris Sarma '15** and **Amy Stephenson '15**, Cornell Law School J.D. candidates who work in the International Human Rights Clinic. They were

supervised by **Liz Brundige**, assistant clinical professor of law and executive director of the Avon Global Center, and **Tinenenji Banda '15**, a co-founder and director of the Centre for Law and Justice, a Zambian organization that works to protect and promote the welfare of children and juveniles. Banda is a J.S.D. candidate at Cornell Law School.

At the event, hosted by the Law Association of Zambia, a panel of Zambian juvenile law experts drawn from magistrates, prosecutors, and the police reflected on the handbook's insights and discussed strategies for addressing the challenges that prevent juveniles from accessing justice through the courts. Cornell Law School professor **Muna B. Ndulo**, director of the Institute for African Development, moderated the panel.

Quoting **Nelson Mandela**, Ndulo pointed out that "there can be no keener revelation of the society's soul than the way in which it treats its children." He observed, "It is shameful that after fifty years of independence, the Zambian justice system does not have adequate facilities to help reform children that come into conflict with the law. It means that in the post-independence era absolutely nothing has been done in terms of creating new infrastructure."

Ndulo emphasized the need for the community to take responsibility for these juveniles and for better public education.

"I wouldn't worry about who is causing the problem because society must take responsibility," he said. "It's very important to look at the comparative experience, as to what others are doing. There is nothing wrong with looking elsewhere. Many of the issues raised here are not specific to Zambia."

Amy Stephenson '15 and Chris Sarma '15 present the *Handbook on Juvenile Law in Zambia*.

Zambia's domestic laws grant children and young people special legal protection, yet many remain vulnerable and are unable to access the protection to which they are entitled. Magistrates, prosecutors, and legal practitioners representing juveniles grapple with enormous backlogs, lack research capacity, and do not have access to statutory updates or relevant case law. As a result, juveniles in contact with the law, including child victims of abuse, are denied justice. The handbook addresses this gap by providing a compilation and analysis of Zambian juvenile law, which governs juveniles who come into contact with the law as defendants, witnesses, or victims.

In his foreword to the new publication, **Mumba Malila**, attorney general of Zambia, wrote, "This handbook serves as a reminder that legal practitioners, judicial officers, and citizens alike are responsible for protecting the rights of juveniles." He urged these groups to "make frequent use of this handbook" in order to "help ensure that juveniles in Zambia are able to access justice through the courts."

"Judges, magistrates, prosecutors, and lawyers have a range of tools at their disposal to protect the rights of juveniles," Brundige explained. "For example, international law standards counsel against juvenile detention while a new Zambian statute enables magistrates to issue orders of protection that shield juveniles from abuse. Understanding and applying these tools is critical to ensuring that all children and young people have meaningful access to justice."

A Passion for Legal Research: Bitner Fellow Jingwei Zhang, LL.M. '11

In August 2013, **Jingwei Zhang, LL.M. '11** of Shanghai, China, returned to Cornell Law School as the 2013 Bitner Research Fellow for the Cornell Law Library. Having become interested in the role and function of the Law Library during her time at Cornell, Zhang had gone on to pursue a Master of Library and Information Science from Rutgers University. As the Bitner Fellow, her experience and understanding of the student perspective in the research context proved to be an invaluable asset.

Zhang began her fellowship shadowing the work of Cornell Law librarians, immersing herself in all aspects of the Law Library's operations. She performed reference and circulation services along with creating various research guides designed to help first-year and international students become familiar with the Law Library. She also expanded her work beyond traditional library roles by collaborating with the Legal Information Institute to develop a Chinese-language component of its online legal encyclopedia, *Wex*. She also assisted in teaching the research portion of the LL.M. curriculum.

Zhang concluded her fellowship by conducting a Law Library workshop in January 2014, exhibiting her work and discussing the information needs of the student body, particularly those with diverse cultural

Jingwei Zhang, LL.M. '11

backgrounds. Highlighting the challenges and barriers international students face when arriving on campus, Zhang outlined a plan to meet their information needs through proactive engagement, encouragement, and small group or individual instruction.

The Bitner Research Fellowship was established in 2001 to provide opportunities for foreign and U.S. librarians and researchers to receive, from expert Cornell Law Library specialists, instruction in effective legal research methodology. The endowment is funded by **Lorraine and Richard Gilden '71**, the daughter and son-in-law of **Professor Harry Bitner**, Cornell Law Librarian from 1965 through 1976.

Professor Angela Cornell Delivers High-Level Talks on Labor Law and Alternative Dispute Resolution in Mexico

Professor Angela Cornell, director of the Labor Law Clinic, recently returned from a week of talks in Mexico at the request of the U.S. Embassy. She was asked to speak on labor law and alternative dispute resolution. Her presentations primarily focused on the practice of labor dispute resolution in the United States and international labor norms. The legal system in Mexico is undergoing a major transformation from an inquisitorial to an oral adversarial model, but it will not include a jury system. She described the oral process used in the United States and some of its advantages.

The talks began in Guadalajara, Mexico's second largest city. She spoke at the Panamerican University and at an event organized by the State Labor Secretariat, which included in the audience representatives from the Board of Arbitration and Conciliation and other labor law administrators, lawyers, students, and judges. On day two, she flew to Mexico City where she spoke to law students and professors at a university and think tank. At the invitation of **Judge Guillermo Campos Osorio**, the director general of the National Association of Appellate Judges and District Judges of the Mexican Supreme Court, she addressed the Council of the Federal Judiciary (Consejo de la Judicatura Federal).

Professor Angela Cornell in Mexico

The legal system in Mexico is undergoing a major transformation from an inquisitorial to an oral adversarial model, but it will not include a jury system.

The next two days were spent participating in an International Seminar on Social Dialogue and Labor Negotiation organized by the Board of Conciliation and Arbitration of Mexico City, where Cornell gave presentations on collective negotiation and the power of social dialogue, and on the private dispute resolution process in the United States and the role of an arbitrator in the resolution of labor disputes. "The conference provided a great opportunity to interact with Mexican labor lawyers, administrators, and professors to share best practices in the United States," says Cornell. "It also gave me a chance to learn more about the Mexican system and the dramatic changes that are taking place there in the justice system."

Below is an excerpt taken from an article that appeared in *Jalisco,* translated to English.

"The Secretary of Labor and Social Security in coordination with the U.S. Consulate organized a talk entitled 'Alternative Dispute Resolution in the Labor Context' by Professor Angela Cornell. The head of the Division of Labor and Social Security from the Mexican State of Jalisco, **Eduardo Almaguer Ramirez**, said that this type of exchange of information with a country like the United States contributes in a beneficial way to the implementation of new legal systems in Jalisco and will have a positive impact on the application of the law. The Consul General of the United States, **Susan Abeyta**, was also in attendance at the event." ■

Joel Atlas, clinical professor of law and director of the Lawyering Program, along with Lara Freed, clinical professor of law, presented a workshop at the University of Pennsylvania Law School's December 2014 "Innovations in Legal Writing" conference. The workshop, entitled "A Model for Teaching Fact Application," provided a structured method and examples for teaching law students how to employ rule-based and analogical reasoning.

In the fall, Professor **Sandra Babcock**, clinical professor of law, served as the Fulbright-Toqueville Distinguished Chair at the Université de Caen Basse-Normandie, in France. She is the first clinical professor to be named a Fulbright-Tocqueville chair. At the Université de Caen, Babcock taught a seminar on gender rights and directed the human rights clinic, which prepared a report for the UN Committee on Economic, Social, and Cultural Rights regarding Morocco's violations of the ICESCR in the non-self-governing territory of Western Sahara.

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Babcock also carried out comparative research on clinical legal education in France and the United States, and gave academic lectures on clinical education to faculty and students at the Université de Caen, the Université de Tours, and the Université de Paris-Nanterre. She also gave three public lectures on the death penalty in the cities of Caen, Tours, and Paris, and completed an article for the École Normale Supérieure entitled "Le droit international et la peine de mort: Dans le flou entre la théorie et la pratique."

In October, **John H. Blume**, professor of law and director of Clinical, Advocacy, and Skills Programs and the Cornell Death Penalty Project, was named the Samuel F. Leibowitz Professor of Trial Techniques. The same month, he presented a forthcoming article, "The Shackles of Individual Ethics," at a faculty workshop at the University of South Carolina School of Law. In November, along with Professors Weyble and Johnson, Blume obtained a favorable decision from the South Carolina Supreme Court in their class action challenge (*Aiken v. Byars*) on behalf of all juveniles sentenced to life

without parole in that state. In January, Blume argued a capital postconviction appeal in the South Carolina Supreme Court challenging a jury instruction informing jurors that they were not to consider mercy in determining whether to sentence the defendant to life imprisonment or the death penalty. Blume also published two articles, "A Tale of Two (and Possibly Three) Atkins: Intellectual Disability and Capital Punishment Twelve Years after the Supreme Court's Creation of a Categorical Bar" (with Professor Johnson, Paul Marcus, and Emily Paavola), in the *William & Mary Bill of Rights Journal,* and "The Unexonerated: Factually Innocent Defendants Who Plead Guilty" (with Rebecca Helm), in the *Cornell Law Review,* as well as a number of blog posts and editorials related to capital punishment.

Cynthia Grant Bowman, the Dorothea S. Clarke Professor of Law, gave a presentation during the fall Law School orientation about Mary Donlon Alger, the first woman editor of the *Cornell Law Review* and of any law review in the United States. Bowman also represented the Finger Lakes chapter of the Women's Bar Association of the State of New York at meetings of the state-wide committee on family and matrimonial law in New York City in September and in Albany in November. With Professor Ndulo, she cotaught a course on law and social change in Africa that involved a three-week study tour in South Africa over winter break. In January, Bowman was also one of five law professors invited to a meeting at the White House to discuss campus sexual assault policies.

Legal Information Institute (LII) Director **Thomas R. Bruce** spent the fall semester working with unsupervised topic modeling, a machine-learning technique that allows fully automated categorization of large document corpora (such as the entire output of the federal courts) with a high degree of accuracy. In November, Bruce and LII Associate Director for Technology Sara Frug presented work at an NSF-sponsored workshop for a select group of political scientists working with legislative text and computation, hosted by the University of Washington. The LII itself was pleased to host longtime LII friend Ed Walters, the CEO of Fastcase, for a series of presentations on the law of robots in early October.

Elizabeth Brundige, executive director of the Avon Global Center for Women and Justice and assistant clinical professor of law, launched a new Global Gender Justice Clinic this fall. Among other projects, clinic students drafted a local government resolution recognizing that freedom from domestic violence is a human right. Together with the Avon Global Center and Advocacy Center of Tompkins County, they successfully advocated for the resolution's adoption by the Tompkins County Legislature and Ithaca Town Council. The clinic and Avon Global Center also cohosted, with the University of Nairobi's International Human Rights Clinic, a stakeholders' workshop in Kenya that examined and developed an action plan to address the problem of sexual violence in Kenyan schools.

Under Brundige's direction, the clinic filed a petition before the Inter-American Commission on Human Rights on behalf of seven former service women who were raped, sexually assaulted, or sexually harassed while serving in the U.S. military. The petition argues that the United States violated the petitioners' human rights by subjecting them to retaliation for reporting the incidents and denying them meaningful access to judicial remedies. With the ACLU and other partners, the clinic submitted a shadow report on military sexual violence to the UN Committee against Torture and engaged in advocacy in connection with the Committee's review of the United States' compliance with the international Convention against Torture. The

With Professor Bowman, Brundige published "Child Sex Abuse within the Family in Sub-Saharan Africa: Challenges and Change in Current Legal and Mental Health Responses" in the* Cornell International Law Journal. *The article argues that incest targeting children is prevalent and vastly underreported in African countries, and government responses to it have long been inadequate.

Committee issued concluding observations based on its review, which included several of the clinic's proposed recommendations.

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In September, **Femi Cadmus**, the Edward Cornell Law Librarian, associate dean for library services, and senior lecturer in law, attended a digital scholarship repository meeting of peer law school libraries at the University of California, Berkeley School of Law. She also attended the fall executive board meeting of the American Association of Law Libraries (AALL) in Chicago, and in October was AALL board representative and speaker at the annual meeting of the Mid-America Association of Law Libraries, also in Chicago. In November, Cadmus attended the fall board meeting of NELLCO, an international consortium of law libraries, in Boston. In January, she was one of three representatives of NELLCO at a collaborative exploratory meeting in Washington, D.C., together with representatives of the Legal Information Preservation Alliance and the Mid-America Law Library Consortium.

Cadmus proposed and developed a new summer college continuing education course, Foundations in American Law, open to high school juniors and seniors, which will be taught by the Law Library faculty in summer 2015. She also published an article, "Five Steps to Successfully Developing a Law Practice Technology Course," in *Trends in Law Library Management and Technology*.

In November, the Law Library hosted the fall meeting of the Northeast Foreign Law Libraries Cooperative Group, which was attended by foreign and international law librarians from Columbia, Fordham, Georgetown, Harvard, Penn, NYU, and Yale. Also in the fall, Maropene Ramabina, a law librarian from the University of Venda, South Africa, visited the Cornell Law Library as the 2014 Bitner Research Fellow. The Bitner Research Fellows program provides opportunities for foreign librarians and researchers to learn about effective legal research methods and law librarianship from expert Cornell Law School librarians. The endowment funding this opportunity is a tribute to the late Professor Harry Bitner, Cornell Law Librarian, who started the first formal legal research course at Cornell Law School.

Cadmus proposed and developed a new summer college continuing education course, Foundations in American Law, open to high school juniors and seniors, which will be taught by the Law Library faculty in summer 2015.

Dawn M. Chutkow, visiting professor of law, published "The Chief Justice as Executive: Judicial Conference Committee Appointments" in the *Journal of Law and Courts*. Chutkow's article is the first comprehensive empirical study of chief justice appointments to the Judicial Conference committees of the United States Courts, entities with influence over substantive public and legal policy. The results suggest political dynamics at work within the Judicial Conference, concluding that partisan alignment with the chief justice increases a judge's chances of committee service.

Sherry F. Colb, professor of law and Charles Evans Hughes Scholar, gave a presentation this past October at the U.S.C. Law School Center for Law, History and Culture (CLHC) Workshop Series. The presentation identified a third harm involved in denying women access to abortion, a harm suffered in common with the mammals whom people use as sources of dairy products. The harm at issue violates an interest distinct from the usual interests invoked in favor of reproductive rights, the latter having to do with bodily integrity and a right not to have unwanted children in one's life.

Colb has continued to write and publish biweekly columns on Justia.com's legal commentary site, Verdict (Verdict.Justia.com). Her recent columns include several discussions of cases before the Supreme Court, such as "The Supreme Court Considers 'True Threats' and the First Amendment," "The Supreme Court Considers *Warger v. Shauers*: How Insulated Are Jurors from Having to Testify about Deliberations?," "What Will the Supreme Court Say about Searches of Hotel Guest Records?," and "The U.S. Supreme Court Revisits Hearsay and the Sixth Amendment." Other columns take up controversial issues regarding sexuality and consent, including "When Does an Alzheimer's Patient Lose the Capacity to Consent to Sex?," "Making Sense of 'Yes Means Yes,'" and "Is It Arbitrary to Distinguish Incest from Homosexuality?" Still others examine conflicts between equality, individual freedom, and protection of the vulnerable, such as "Singling Out Jewish Kaporos for Criticism" and "Examining the Sixth Amendment Right to Self-Representation."

Colb has also written blog posts on Dorf on Law (DorfOnLaw.org). Recent posts include "Alzheimer's Disease and Sexual Disgust"; "True Threats, Motives, and Intentions"; "Is a Patently False Statement Necessarily a 'Lie'?"; "Third Party Searches"; "'Yes Means Yes' and Preponderance of the Evidence"; "Witness Incompetence"; "Thinking about Hypocrisy"; "The Meaning of 'Harmless' in Describing Sexual Offenses"; and "Refusing Counsel and Refusing Medical Treatment."

Samuel Dahan, the Rudolf Schlesinger Visiting Assistant Professor, coauthored "Comparative Legal Methodology of the Conseil d'État: Towards an Innovative Judicial Process?" (with A. Bretonneau), a chapter in the volume *Courts and Comparative Law* (Oxford University Press), about the influence of comparative law, and especially U.S. law at the French supreme court. Specifically, the chapter discusses the role of the Post-Graduate Clerkship for French Judicial Service, a fellowship through which Cornell Law School sends a law researcher to assist the comparative law unit at the Conseil d'État. Dahan also published "Whatever It Takes? Regarding the OMT Ruling of the German Federal Constitutional Court" in a special issue of the *Journal of International Economic Law* in honor of Professor John H. Jackson, director of the Institute of International Economic Law and University Professor at Georgetown University Law Center. Dahan is also author of "The Legal Framework for New Economic Governance and Its Implications for Wage Policy," in the forthcoming *Cambridge Yearbook of European Legal Studies*.

At an October conference at the University of Chicago Law School, **Michael C. Dorf,** the Robert S. Stevens Professor of Law, presented the results of an empirical study that measured the "chilling effect" of late-term abortion restrictions on legal abortions. The conference paired constitutional scholars with empiricists to investigate factual propositions that have been assumed by the Supreme Court in its constitutional decisions. The study, coauthored with Princeton University political scientist Brandice Canes-Wrone, will be published in the *New York University Law Review*.

Dorf also began work with an interdisciplinary team of Cornell researchers examining how antismoking messages are perceived by young, low-income, and low-education groups. The team has a $3 million grant from the National Institute of Health and the U.S. Food and Drug Administration. Dorf is contributing expertise on the First Amendment issues surrounding labeling requirements.

Dorf's work for broader audiences continues to appear biweekly on Verdict (Verdict.Justia.com) and two to three times per week on his blog, Dorf on Law (dorfonlaw.org). Highlights of the fall semester included columns and blog posts on the certiorari denials in same-sex marriage cases, the legality of measures to contain Ebola, the nonindictments in Ferguson and Staten Island, and the president's immigration policy.

In September, **Cynthia R. Farina**, the William G. McRoberts Research Professor in Administration of the Law, addressed Canadian regulators and lawmakers at the Canadian Institute for the Administration of Justice's national conference, "Nudging Regulations Designing and Drafting Regulatory Instruments for the 21st Century." Her presentation, "Leveling the Playing Field: Using the Internet to Get Broader, Better Public Participation in Rulemaking," built on the work of CeRI's RegulationRoom project to explore when, and how, technology can be used to overcome obstacles to effective public commenting.

Throughout the fall semester, Farina and students in the e-Government Clinic worked with researchers from Cornell's ILR School to help a large teacher's union engage its members in online deliberation on the challenges and possible solutions facing public schools. With coauthors Dima Epstein and Josiah Heidt '11, Farina published an article analyzing the use and value of storytelling by new rulemaking participants, "The Value of Words: Narrative as Evidence in Policymaking," in the peer-reviewed interdisciplinary journal *Evidence & Policy*.

Farina was reappointed to a third term as one of forty public members of the Administrative Conference of the United States, a federal agency that makes research-based recommendations to Congress and the president for improving regulation. She also served as one of the civil society evaluators of the Obama administration's compliance with commitments in the U.S. Open Government National Action Plan.

Clinical professor of law **Lara Gelbwasser Freed**, along with Joel Atlas, clinical professor of law and director of the Lawyering Program, presented a workshop at the University of Pennsylvania Law School's December 2014 conference, "Innovations in Legal Writing." The workshop, entitled "A Model for Teaching Fact Application," provided a structured method and examples for teaching law students how to employ rule-based and analogical reasoning.

Stephen P. Garvey published several pieces during the spring semester. Among them were two articles: "Reading *Rosemond*" (12 Ohio St. J. Crim. L. 233 [2014]) and "Authority, Ignorance, and the Guilty Mind" (67 SMU L. Rev. 545 (2014)). Garvey also contributed a chapter titled "Injustice, Authority, and the Criminal Law" in the recently published book *The Punitive Imagination: Law, Justice, and Responsibility,* edited by Austin Sarat.

Valerie Hans, professor of law, visited Taipei, Taiwan, on two occasions: first, to advise judges about a proposal for an advisory jury system that would complement judicial decision making, and second, to meet with jury scholars from around the world to exchange and discuss recent research. The jury conference, held at Academia Sinica, was organized by K. C. Huang, who received an LL.M. from Cornell Law School.

In November, Hans traveled to Buenos Aires to address a conference focused on the world's newest jury systems, introduced during the past year in two Argentine provinces. A book including Spanish translations of some of her jury research, *El juicio por jurados: Investigaciones sobre la deliberacíon, el veredicto y la democracia,* was formally presented at the conference. The translation was supervised by University of Buenos Aires professor Andrés Harfuch, a visitor to Cornell Law School in spring 2014. While in Argentina, Hans also had the chance to talk with judges, lawyers, legislators, and public interest advocates about jury practices in other countries and their relevance for the new systems in Argentina. She hopes to begin research on the Argentine jury in 2015.

Hans was thrilled to be elected president of the Law and Society Association, an interdisciplinary scholarly group. She begins her two-year term in June.

In the fall, she completed a new coauthored book, *The Psychology of Tort Law* (with Jennifer K. Robbennolt), which will be published by NYU Press. Several years in the making, the book explores multiple dimensions of tort law and tort litigation from the perspective of psychological science. Drawing on both authors' experiences teaching and researching tort law, *The Psychology of Tort Law* examines psychological assumptions underlying tort doctrine, describes empirical research

on decision making in tort cases, and makes recommendations about tort law practice. Hans is continuing her empirical research on torts in ongoing projects on money damages and on implicit bias in tort decisions.

In a special memorial section of the *Cornell Law Review,* Hans had the opportunity to share some reflections on her cherished colleague and longtime research collaborator Theodore Eisenberg, who died this past year. One of their articles together, on victim gender and the death penalty, was coauthored with Sheri Johnson, John Blume, Martin Wells, Amelia Hritz (1L), and Caisa Royer (1L) and was published in 2014. Another, on judge-jury differences in capital cases, was published in the *Journal of Empirical Legal Studies* in 2015.

In October, **George A. Hay**, the Charles Frank Reavis Sr. Professor of Law and professor of economics, went to Canberra, Australia. He was one of three international "experts" invited to attend a two-day workshop and to comment on the Draft Report of the Australian government's Competition Policy Review Commission, calling for a substantial overhaul of Australia's antitrust laws. Among the Commission's proposals was a recommendation to replace the current version of Australia's equivalent to Section 2 of the Sherman Act, which features a "misuse of market power" test, with a test which asks whether a firm's conduct would likely lead to a substantial lessening of competition. Hay applauded the elimination of the misuse test, but expressed reservations about how the proposed new test would be interpreted and made suggestions designed to make sure that the new test would work appropriately.

Another proposal would institute a prohibition against "price signaling" in certain conditions. Hay was generally skeptical about the need for such a prohibition and questioned whether the specific language that would be used in the test might make matters worse.

During the fall semester **Michael Heise**, professor of law, helped organize and participated in the Ninth Conference on Empirical Legal Studies, hosted by the University of California, Berkeley School of Law. Heise is a founding director of the Society for Empirical Legal Studies, which sponsors the annual conference. Heise's contribution to the memoriam to Theodore Eisenberg, "Following Data and a Giant: Remembering Ted Eisenberg," was published in the *Cornell Law Review* (2014). His participation in Fordham University School of Law's annual Cooper-Walsh Symposium will culminate in the publication of "Education Rights and Wrongs: Publicly Funded Vouchers, State Constitutions, and Education Death Spirals," in the *Fordham Urban Law Journal*. Finally, Heise's article "Lost Ground: Catholic Schools, the Future of Urban School Reform, and Empirical Legal Scholarship" is forthcoming in the *Texas Law Review* and "Plaintophobia in State Courts Redux? An Empirical Study of State Court Trials on Appeal," cowritten with the late Ted Eisenberg, is forthcoming in the *Journal of Empirical Legal Studies*.

Heise's contribution to the memoriam to Theodore Eisenberg, "Following Data and a Giant: Remembering Ted Eisenberg," was published in the Cornell Law Review.

In October, **Robert A. Hillman**, the Edwin H. Woodruff Professor of Law, was the lunchtime speaker at a conference at Temple Law School celebrating the career of Bill Whitford, a leading Law and Society scholar. Hillman's comments focused on Whitford's contribution to understanding the leading promissory estoppel case, *Hoffman v. Red Owl Stores*. The comments will be published in the *Temple Law Review* and are entitled "Precedent in Contract Cases and the Importance(?) of the Whole Story."

In November, at Cornell Law School, Hillman participated in a conference on the American Law Institute's new *Restatement of Employment Law.* Hillman's comments, "Drafting Chapter 2 of ALI's Employment Law Restatement in the Shadow of Contract Law: An Assessment of the Challenges and Results," will be published in the *Cornell Law Review.*

Hillman completed work on volume 4 of the treatise, *White, Summers, and Hillman, Uniform Commercial Code,* which will be published in 2015. The pocket parts to the treatise were published in November.

Hillman's tribute to his colleague, and wonderful friend for over forty years, Ted Eisenberg, was published this fall in the *Cornell Law Review.*

William A. Jacobson, Clinical Professor of Law and Director of the Securities Law Clinic, chaired the 2014 Securities Law Seminar as part of the annual meeting of the Public Investors Arbitration Bar Association, of which he is also a member of the board of directors. Jacobson gave a presentation at the annual meeting on arbitration law updates, covering recent developments in the law of arbitration. He is also a coauthor of the 2014–2015 edition of the *Securities Arbitration Desk Reference* (Thomson Reuters), which was published in the fall.

Sital Kalantry, clinical professor of law, published an article evaluating the effectiveness of bans on sex-selective abortion in the United States. The article (which was coauthored with economists) appeared in *Forum for Health Economics and Policy,* a peer-reviewed journal. She and her coauthors found that the bans adopted in Pennsylvania and Illinois almost two decades ago were not associated with changes in at-birth sex ratios. The findings of the article are relevant to current policy debates in the United States as a bill is pending in the U.S. Congress (as of January 2015) to ban abortions if they are sought for sex-selective purposes.

In June, Kalantry presented an article at the Association of American Law Schools' annual meeting comparing Indian antirape laws (which are gender specific) to American antirape laws (which tend to be gender neutral). She wrote several blog pieces for the *Chronicle of Higher Education, Huffington Post,* Law Professor Blogs' Human Rights at Home Blog, and *IntLawGrrls*. Her pieces focused on the European Court of Human Rights decision in the France face-veil ban case, racism post–September 11 in the United States, and a response to critiques of international human rights clinics.

Reports authored by participants in Kalantry's International Human Rights Clinic were cited in several media outlets, including *Psychology Today* and *India Abroad.* This past semester, Kalantry also provided research assistance for a report released by the Law Commission of India, which is a government entity, on how to reduce delays in adjudicating court cases in India.

Kalantry published an article evaluating the effectiveness of bans on sex-selective abortion in the United States. The article (which was coauthored with economists) appeared in* Forum for Health Economics and Policy, *a peer-reviewed journal. She and her coauthors found that the bans adopted in Pennsylvania and Illinois almost two decades ago were not associated with changes in at-birth sex ratios.

Associate dean and dean of students, **Anne Lukingbeal**, represented the Law School at the meeting of the New York State Bar Association's Committee on Legal Education and Admission to the Bar in New York City in September. She attended a meeting of the ABA Accreditation Committee Foreign Programs Subcommittee in Chicago in October. Also in October she hosted the deans of students from peer schools in Ithaca for their annual two-day meeting.

In November Lukingbeal shared her colorful recollections of her thirty-seven years at Cornell Law School with the Advisory Council in a presentation titled "Changes at Cornell Law School."

Peter W. Martin, the Jane M. G. Foster Professor of Law, Emeritus, participated in the 2014 Law Via the Internet Conference held at the University of Cape Town, South Africa, moderating the first plenary session and presenting

a paper entitled "If Governments Do an Adequate Job of Making Law Accessible Is There Any Meaningful Role Left for LIIs?" Prior to the conference, he spent several days in Lusaka, Zambia, working with the Southern African Institute for Policy and Research (SAIPAR), host of the Zambia Legal Information Institute. He conducted a workshop organized by SAIPAR and the Law Association of Zambia concerning the use of the Internet in the practice of law. (By virtue of a 2014 legislative change, Zambian lawyers are finally able to have websites.) He also conducted a workshop on use of Internet-based legal resources for representatives of non-governmental organizations, sponsored by the Zambian Governance Foundation for Civil Society. In Ithaca, Martin prepared the 2014 edition of his *Introduction to Basic Legal Citation,* published on the Internet and in multiple e-book formats, and continued to blog at http://citeblog.access-to-law.com/.

In August **Muna B. Ndulo**, professor of law, the Elizabeth and Arthur Reich Director of the Leo and Arvilla Berger International Legal Studies Program, and director of the Institute for African Development, moderated an expert panel on juvenile justice in Lusaka, Zambia, to mark the launch of a handbook on juvenile justice. The handbook was developed by Cornell Law School's Avon Global Center for Women and Justice, and the Center for Law and Justice, and prepared by Cornell students Christopher Sarma and Amy Stephenson under the supervision of Professor Liz Brundige and J.S.D. student Tine Banda. The handbook is a compendium of laws affecting juveniles in the criminal justice system in Zambia and has been well received by judges and prosecutors. Also in August Ndulo led a public discussion on the question, Is the International Criminal Court (ICC) targeting Africa? The discussion, held in Lusaka, Zambia, was organized by the Law Association of Zambia and the Southern African Institute for Policy and Research (SAIPAR). Ndulo argued that there was no empirical evidence to support the view that the ICC is targeting Africa, pointing out that the majority of the African cases before the ICC are referrals by African states themselves, and the rest are referrals by the United Nations Security Council.

Ndulo argued that the excessive concentration of power in the executive is arguably one of the greatest impediments to the promotion of constitutionalism and the rule of law in Africa. He explained that an independent judiciary is the bedrock of the institutionalization of accountability in governance, and that Africa requires independent judiciaries and judiciaries that believe in the values of the independence of the judiciary.

In September Ndulo attended the Second Stellenbosch Annual Seminar on Constitutionalism in Africa (SASCA), which explored comparative perspectives on the theme of separation of powers and constitutionalism in Africa. At the conference he delivered a paper entitled "An Overview of Judicial and Executive Relations in Africa." He argued that the excessive concentration of power in the executive is arguably one of the greatest impediments to the promotion of constitutionalism and the rule of law in Africa. He explained that an independent judiciary is the bedrock of the institutionalization of accountability in governance, and that Africa requires independent judiciaries and judiciaries that believe in the values of the independence of the judiciary.

In October Ndulo traveled to Gaborone, Botswana, to join the Faculty of Law at the University of Botswana in reviewing the LL.B. curriculum. He held meetings with faculty and exchanged observations on the curriculum and how it could be improved. The same month Ndulo attended a conference to honor the late Professor William McClain at the University of Cape Town on the theme of the interplay of customary law rights in land and legal pluralism. As keynote speaker at the conference, Ndulo spoke on the future of customary law in African legal systems, tracing the role and place of customary law in African countries from colonial days to the present. He argued that what survives as customary law today is official customary law as recorded by the former colonial powers.

It is distorted and tends to serve the interests of men. Ndulo called for reform in his address, arguing that in order for reform to be deliberate and comprehensive it should be spearheaded by Parliament.

In November Ndulo was a commentator on two panels at a symposium organized by New York Law School in New York City to mark twenty years of South African constitutionalism and focusing on constitutional rights, judicial independence, and the transition to democracy. The conference reviewed South African constitutional law jurisprudence since the establishment of the Constitutional Court of South Africa in 1994. From November 30 to December 3 Ndulo participated in a technical workshop on design options for constitutional processes, held in Khartoum, Sudan. The meeting was organized by the Max Planck Institute in collaboration with the EU and was attended by stakeholders from Sudan. The impetus for the meeting was President Bashir's statement that he was open to national dialogue about constitutional reforms in the Sudan. The meeting explored options available to any country wishing to develop a new constitution. In his address to the workshop Ndulo explained the best practices in constitution making and how these could be used in Sudan, while emphasizing that constitution making must be context driven.

Jens David Ohlin, professor of law, published *The Assault on International Law* (Oxford University Press). The book asks why states should comply with international law when there is no world government to enforce it. The United States has a long history of skepticism toward international law, but the attacks of September 11 ushered in a particularly virulent phase of American exceptionalism, as the United States drifted away from international institutions and conventions. The root of this movement is a coordinated and deliberate attack by theorists who claim that since states are motivated by self-interest, compliance with international law is nothing more than high-minded talk. These abstract arguments provide a foundation for dangerous legal conclusions: that international law is largely irrelevant to determining how and when terrorists can be captured or killed; that the U.S. president alone should be directing the War on Terror, without significant input from Congress or the judiciary; that U.S. courts should not hear lawsuits alleging violations of international law; and that the United States should block any international criminal court with jurisdiction over Americans. These polemical accounts have ultimately triggered the United States' pernicious withdrawal from international cooperation. In *The Assault on International Law,* Ohlin exposes the mistaken assumptions of these "New Realists," in particular their impoverished utilization of rational choice theory. In contrast, he provides an alternate vision of international law based on an innovative theory of human rationality. According to Ohlin, rationality requires that agents follow through on their plans and commitments even when faced with opportunities for defection, as long as the original plan was beneficial for the agent. Seen in the light of this planning theory of rational agency, international law is the product of nation-states cooperating to escape a brutish state of nature—a result that is not only legally binding but also in each state's self-interest.

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During the fall semester, **Jeffrey J. Rachlinski**, the Henry Allen Mark Professor of Law, presented his research on the psychology of judicial decision making to numerous groups of judges. The work collectively shows how judges' unconscious cognitive processes leave them vulnerable to making inaccurate judgments and invidious judgments based on the race and gender of litigants. Rachlinski presented his research to federal district court judges, new bankruptcy judges, Canadian trial judges, state court trial judges in New York City, and newly elected judges in Texas. He also presented the work to conferences of judicial educators from the Federal Judicial

Center and the National Association of State Judicial Educators, as well as at faculty workshops at the University of Toronto and Florida State University.

Annelise Riles, the Jack G. Clarke Professor of Law in Far East Legal Studies, director of the Clarke Program in East Asian Law and Culture, and professor of anthropology, delivered "From Comparison to Collaboration: Experiments with a New Scholarly and Political Form" in December at the Copenhagen Business School, and in January at Dickson Poon Transnational Law Institute, Kings College London, as the inaugural Transnational Law Signature Lecture. In December, she also presented "New Approaches to International Financial Regulation: What Legal Scholars and Policymakers Can Learn from Critical and Anthropological Studies of Knowledge, Contestation, and Practice," a public lecture sponsored by the Centre for Globalisation and Governance, University of Hamburg.

In January, Riles participated in a meeting in Paris of the Scientific Council of the International Panel on Social Progress, an international organization tasked with synthesizing the findings of social science on all aspects of human progress in order to inform development agendas for the next two decades.

Riles also published "Is New Governance the Ideal Architecture for Global Financial Regulation?" in the edited volume *Central Banking at a Crossroads: Europe and Beyond* (Anthem Press).

The Edwin H. Woodruff Professor of Law, Emeritus, **E. F. Roberts**, continues to plug away at his unbook. Of particular interest to him is that global warming is occurring even though at some times areas may turn out to be cooler than might be expected. Instead of climate change we ought perhaps to speak of climate anarchy. Someone who takes the recent coolness in New York, for example, as the proof in the pudding that global warming is a myth might decide to become a permanent snowbird and the proud owner of a shorefront condo in Naples, Florida, only to find the foundations of his building being washed away by increasingly higher tides. Planners might consider putting vast areas of tidelands under "no residential use" restrictions but for the relatively recent constitutional brain wave that suggests this might constitute a compensable taking, raising the specter that money might have to be found to finance such an expedient. Ought planners, and environmentalists for that matter, to begin to envision themselves engaged in a defense of the homeland project so as better to be able to compete for funds with the powers that be in the warfare state we inhabit?

But if two persons can oversee an entire automated automobile assembly plant, ought we not to begin to apply such measures to law firms, programming robots in this electronic age to do much of the everyday drudge work?

— E. F. Roberts

The economists like to talk about creative destruction when it comes to the losses inflicted by progress. Roberts learned in very early childhood that this phrase masks the fact that this phenomenon hurts real people in their everyday lives. Way back when, his mother played piano in a motion-picture house showing silent movies, and then along came the talkies and the family lost part of their income during the Great Depression. In academia we tend to ignore this inconvenient fact, set in our upper-middle-class postures and somewhat oblivious to the woes of the working class. But if two persons can oversee an entire automated automobile assembly plant, ought we not to begin to apply such measures to law firms, programming robots in this electronic age to do much of the everyday drudge work? Here we are met with something actually happening and having an impact on the employment prospects of law students and law professors. And it brings up the interesting conundrum of whether these middle classes can any longer expect to lobby the political class to enact any Luddite-style relief for them. In another constitutional brain wave, after all, the contribution of money to politicians has become an exercise of free speech, and that mysterious 1 percent of the very richest

among us can be counted upon to checkmate anything that jeopardizes profits.

Such musings are designed to suggest that we are living in a society that has itself become anarchical, a habitat not conducive to the rule of law over the long run. That eccentric genius W. B. Yeats caught the flavor of such a world in post–Great War Ireland in the first part of his poem *The Second Coming.* Curiously enough, recent events might give one pause if he or she reflected on the second part of the same work.

Stewart J. Schwab, professor of law, spent most of the fall semester on a postdean sabbatical in China. He taught a four-week course on law and economics at Peking University, and also lectured at East China University of Political Science and Law, Northwest University of Politics and Law, Sichuan University, Zhejiang University, and Zhongnan University of Economics and Law on the American style of legal education, empirical legal studies, and whistleblower law. He was accompanied by sons Quintin and Soren, who had avidly learned Chinese as Cornell undergraduates and helped as guides and translators.

With his coreporters, Schwab completed the twelve-year project for the American Law Institute on the restatement of employment law. In November, the *Cornell Law Review* convened a symposium assessing the restatement of employment law, with articles to be published in an upcoming issue.

In December, Schwab returned to Israel for eleven days, participating on a committee for the Israel Council for Higher Education that is writing a report assessing all the law schools in Israel.

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Wendel's book explores some of the frequently discussed issues in theoretical legal ethics—not technical legal questions about conflicts of interest, confidentiality, and similar issues, but philosophical questions concerning the justification of actions taken by lawyers that would ordinarily be considered wrong if undertaken by nonprofessionals.

Professor of law **W. Bradley Wendel**'s book, *Ethics and Law: An Introduction,* was published in October 2014 by Cambridge University Press. The book is one in a series intended for students of practical ethics (others in the series include ethics in business, the environment, war, the media, and finance). Wendel's book explores some of the frequently discussed issues in theoretical legal ethics—not technical legal questions about conflicts of interest, confidentiality, and similar issues, but philosophical questions concerning the justification of actions taken by lawyers that would ordinarily be considered wrong if undertaken by nonprofessionals. One of the central claims of the book is that legal ethics cannot be understood apart from jurisprudence and political philosophy, so Wendel also considers traditional questions in those disciplines on the nature of law, the relationship between law and morality, and the obligation to obey the law. The publisher hopes the book will be useful to students in countries around the world whose legal professions share the heritage of English common law.

Wendel also published, in the journal *Legal Ethics,* a review of a recent book by Dean Robert Vischer (of the University of Saint Thomas School of Law) on the ethics of Martin Luther King Jr., and contributed the foreword to the annual ethics symposium in the *Fordham Law Review.*

Charles K. Whitehead was elected by the university trustees as the Law School's first Myron C. Taylor Alumni Professor of Business Law.

Whitehead completed work on several pieces for publication. His chapter, "Debt and Corporate Governance," will appear in the forthcoming *Oxford Handbook of Corporate Law and Governance.* The chapter describes the effect of debt instruments on corporate management, and illustrates how change in the financial markets has affected the role of debt in influencing corporate conduct.

Whitehead also completed work on a forthcoming paper, provocatively entitled "Size Matters: Commercial Banks and the Capital Markets," to be published in the *Ohio State Law Journal.* In it, Whitehead analyzes the effect of the repeal of the Glass-Steagall Act on the capital markets. To date, legal scholarship has focused on the repeal's effect on commercial banks leading up to the financial crisis. This paper fills a gap in the analysis by describing how the banks' newfound ability to compete in the capital markets, using their sizeable balance sheets, increased risk taking and leverage by investment banks and contributed to the financial crisis.

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In addition, Whitehead and a coauthor completed a paper, entitled "Rethinking Chutes: Incentives, Investment, and Innovation," on the positive value of golden parachutes (or "chutes"). A chute typically pays its beneficiaries upon involuntary termination following a change in control of their employer. Since chutes are triggered by a change in control, much of the conventional analysis has been confined to their effect at or about the time of a takeover. In fact, as the paper explains, chutes are important regardless of whether a firm is acquired, since they assure CEOs and others that they will realize the long-term value of their work, providing them with an incentive to make investments today that may not be realized until the future.

This fall, Whitehead, with Professor Bigoness, moderated the fifth annual Transactional Lawyering Competition, the country's only intramural "moot court" for students interested in exploring a transactional career. The competition included sixty student competitors and over thirty adjunct instructors, most of whom are Law School alumni.

In addition, Whitehead was a visiting professor at Yaroslav Mudryi National Law University and the V.N. Karazin Kharkiv National University, Faculty of Law, both in Kharkiv, Ukraine, where he taught classes on corporate law, mergers and acquisitions, and the capital markets. He also lectured at law schools in the United States, including Vanderbilt University School of Law and the University of Pittsburgh School of Law.

During the fall semester, his media appearances included interviews in the *Financial Times,* the *Wall Street Journal,* and Reuters. ■

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Advisory Council Opens Proskauer Plaza

October's meeting of the sixty-member Cornell Law School Advisory Council included three firsts: the first time **Eduardo Peñalver** formally met with the council, the first time many of the council members met Dean Peñalver, and the first time any of them walked through the newly named Proskauer Plaza.

LEFT TO RIGHT: Stuart Bressman '85, Arnie Jacobs '64, Eduardo Peñalver, A.B. '94, Paul Salvatore '84

> ***We heard about the beautiful renovations going on at the Law School and saw that there were opportunities to help. This particularly fine piece of real estate, in front of the new entrance to the Law School, caught our attention. For many years, the Law School didn't have a proper main entrance. Now it does, and we're proud to be a part of it.***
>
> *— Paul Salvatore '84*

"Behind me, just outside this impressive new entrance, is Proskauer Plaza," said the Allan R. Tessler Dean and Professor of Law, Eduardo Peñalver, as he welcomed council members in the Law School's new lobby. "Proskauer Plaza, the new exterior entryway to Myron Taylor Hall, is one of the excellent new spaces created by the first phase of an ambitious plan of construction initiated, supervised, and carried to completion by my predecessor. None of this would have been possible without the support of our alumni."

"We heard about the beautiful renovations going on at the Law School and saw that there were opportunities to help," said Proskauer partner **Paul Salvatore '84**, who also addressed the audience. "This particularly fine piece of real estate, in front of the new entrance to the Law School, caught our attention. For many years, the Law School didn't have a proper main entrance. Now it does, and we're proud to be a part of it."

The gift came from ten Law School alumni working at Proskauer: **Eric Blinderman '99**; **Stuart Bressman '85**; **Arnie Jacobs, LL.B. '64**; **Jerold Jacobson '65**; **Stuart Kapp '89**; **Stanley Komaroff '58**; **Ron Papa '79**; **Pau Salvatore '84**; **Ron Sernau '86**; and **Allan Weitzman '73**. It was the firm's most recent gift to Cornell, and, in following the Proskauer Rose Employment and Labor Law Assistant Professorship and the Proskauer Rose Classroom at the School of Industrial and Labor Relations, the third overall.

"Cornell alums have been active at Proskauer for many years," said **Franci J. Blassberg '77**, chair of the Advisory Council. "Proskauer is a great firm, and its lawyers have made many important contributions to the Law School. This extraordinary gift comes to the Law School at a very exciting time, during this generational shift in the Law School leadership."

During the Advisory Council's three-day meeting, Dean Peñalver introduced two new faculty members: **Nelson Tebbe**, currently visiting from

Brooklyn Law School; and **Gerald Torres**, the Jane M. G. Foster Professor of Law. He also spoke of the ongoing progress at Cornell Tech in New York City in connection with the new master's degree in law and technology; the joint J.D./M.B.A. program offered in cooperation with the Johnson Graduate School of Management; and incoming Cornell University president **Elizabeth Garrett**, who will be a tenured faculty member in the Law School.

"We have a new dean introducing some very positive new initiatives, and our council members were incredibly responsive," said Blassberg. "We have a group of excited, engaged alumni. We're very proud of our Law School and of our new dean, who's building on the good work that **Dean Schwab** did for many years. These next years are going to be transformational, and I know that Eduardo will be a terrific leader."

Twelve Sworn into the United States Supreme Court Bar

On November 12, 2014, the Cornell Law School Alumni Affairs Office hosted its annual group admission to the United States Supreme Court Bar Association. Twelve alumni raised their right hands and pledged to uphold their office as newly sworn-in members of the bar. The ceremony commenced at 10:00 A.M. in the courtroom of the U.S. Supreme Court in Washington, D.C. The newly admitted members were **Rebecca Prentice '82**, **Mike Brizel '80**, **Emanuel Tsourounis '03**, **Diana Adams '04**, **Andrew McGaan '86**, **Gary Greene '89**, **Monica Lewis Johnson '98**, **Charles Matays '71**, **Katherine Ward Feld '83**, **Mary Gail Gearns '85**, **Alex Camacho '84**, and **Pamela Rollins '82**. The Alumni Affairs Office thanks **Laura Wilkinson '86** for moving the party forward in court.

The two-day event included a special dinner for alumni inductees and their guests on the eve of the ceremony at The Monocle Restaurant on Capitol Hill; a breakfast on the morning of at the court; an opportunity to attend the day's oral argument; and a private docent lecture in the courtroom afterward. At the dinner, current Law School students **Li-tsung "Alyssa" Chen '15** and **Daniel Rosales '15** presented the two arguments that would be heard the following day in court. Alyssa and Dan are the student leaders of the *Legal Information Institute Supreme Court Bulletin,* a student-run journal that publishes previews of all pending Supreme Court cases. The *Bulletin* is posted online and sent via e-mail to thousands of subscribers.

After this presentation, Dean Peñalver invited the group to vote on the outcome. As president of the Cornell Law School Alumni Association, **Katherine Ward Feld, M.B.A. '82/J.D. '83**, noted, "This was a once-in-a-lifetime opportunity to sit next to the attorneys' desks at the U.S. Supreme Court, see the judges' facial expressions, be well briefed by two Cornell Law School students the night before, and conclude with an excellent historical commentary by a docent."

The 2015 swearing-in is scheduled for Wednesday, October 7, 2015. If you are interested in being part of this prestigious group, please contact Kristine Hoffmeister, director of alumni affairs, at ksh54@cornell.edu.

The group in the East Conference Room of the Supreme Court building. FROM LEFT TO RIGHT: Diana Adams '04, Rebecca Prentice '82, Gary Greene '89, Charles Matays '71, Daniel Rosales '15, Andrew McGaan '86, Dean Eduardo Peñalver, Laura Wilkinson '86, Alex Camacho '84, Alyssa Chen '15, Emanuel Tsourounis '03, Pamela Rollins '82, Katherine Ward Feld '83, Michael Brizel '80, Mary Gail Gearns '85, and Monica Lewis Johnson '98

New York City's Top Attorney Speaks to Curia Society

As the U.S. Attorney for the Eastern District of New York, **Zachary W. Carter, A.B. '72**, handled a long string of high-profile cases, prosecuting the teenager who killed **Yankel Rosenbaum** during the Crown Heights riots, the policemen who beat immigrant **Abner Louima**, and the real-life Wolf of Wall Street, stockbroker **Jordan Belfort**. In January 2014, Carter became corporation counsel of New York City, and in October 2014, he came to the Curia Society's 84th annual dinner to talk about his new role.

"As attorneys, we're taught to zealously advocate for our clients, but as a public official, you have an obligation to temper that advocacy by thinking about the impact of every issue on every side," said **Adam Gasthalter '07**, who emceed the event at midtown's Harmonie Club. "Mr. Carter has had an interesting, complex career, both past and present, which made for a good discussion, a rousing question-and-answer session, and a very lively evening."

The program began with an introduction by **Eduardo Peñalver**, the Allan R. Tessler Dean and Professor of Law, who congratulated the Class of 2014 alumni who'd passed the bar exam earlier that day, and talked about the main goals in his tenure as dean, including

CLOCKWISE FROM ABOVE: Zachary W. Carter, AB '72, Corporation Counsel of New York City; attendees at the the 84th Annual Curia Society Dinner; Adam Gasthalter '07 (dinner emcee), Zachary Carter, Dean Peñalver, and Jonathan Hochman '88 (cochair of the Curia Society Committee)

Since most of us practice in New York, getting an inside view of the Corporation Counsel's practice was exciting. I love attending the Curia dinners because you can feel the camaraderie in the room. Old connections are refreshed and new ones are forged. It's clear that everyone wants the best for you and the young alumni.

— Melissa Cabrera '13

the growth of the LL.M. program in New York City. Peñalver praised Zachary Carter—who has been described by **Mayor Bill de Blasio** as "a fighter and a conscience for this city throughout his career"—as a passionate advocate for equal justice, who fits well with the traditions of the Law School and the university.

In "Protecting the City and Civil Liberties and the Role of the Corporation Council Office," Carter spoke about balancing interests around the city and providing the legal framework to support the mayor's policy initiatives. Then, taking questions from around the room, he talked about New York's response to Ebola, his strategies for high-stakes negotiations, and the importance of remembering that, in any given case, he will have constituents on each side of the courtroom.

"It didn't feel scripted," said **Melissa Cabrera '13**, who was attending her second Curia dinner, following last year's evening with judges **Alison Nathan '00**, **Anne M. Patterson '83**, and **Loretta A. Preska**. "It felt very personal. He told us about his experiences as a black man in New York City and how he had been affected by public policy. Since most of us practice in New York, getting an inside view of the Corporation Counsel's practice was exciting. I love attending the Curia dinners because you can feel the camaraderie in the room. Old connections are refreshed and new ones are forged. It's clear that everyone wants the best for you and the young alumni."

"It is always an enjoyable get-together, giving us opportunities to reconnect with old friends and meet new ones and to listen to speakers with a broad range of experiences within the legal profession," said **Sally Anne Levine '73**, who has been attending Curia events since the mid-1970s.

For Levine, welcoming GOLD alumni—Graduates of the Last Decade—is an important part of Curia's spirit and of continuing its tradition. Founded on campus in the 1930s as a response to legal fraternities' routinely excluding Jews, Curia has always been open to all. After the Second World War, it began a second life when Jewish alumni in New York City restarted the society by holding annual dinners, which continue to this day.

"I thought this year's speaker was one of the best," said Levine, who emceed the 1993 dinner that featured then-governor **Mario Cuomo**. "I particularly liked Zach Carter's philosophy that he is responsible to all citizens of the city, and therefore has a responsibility to all parties in his cases. Having been a Cornell undergraduate and having vivid memories of campus events in 1969, I laughed when Carter, my contemporary, also having been a Cornell undergraduate but receiving his J.D. from NYU, joked that he would not have been admitted to Cornell Law School because he majored in building takeovers! It was an especially lovely evening and a wonderful way to see people of different generations and perspectives, all members of the Cornell Law School community."

Dean Peñalver Meets with Alumni from Coast to Coast

During his first month as the Allan R. Tessler Dean, staff members presented **Eduardo Peñalver** with a schedule of alumni meetings. They hoped they hadn't booked too many trips. "This is great," said the new dean, who then delivered the punchline: "Where's the rest of it?"

So the staff returned to the drawing board. By the time they'd finished reworking the schedule, it included alumni events in Buffalo, Century City, Chicago, Dallas, Los Angeles, Miami, Naples, New York City, Maplewood, New Jersey, Palm Beach, Palo Alto, Rochester, San Francisco, and Washington, D.C., along with spring trips to Boston, Buenos Aires, Chicago, Hong Kong, Santiago, and Tokyo.

"He was passionate about extending contact with those of us on the West Coast," said **Stephanie Sharron '92**, who hosted a lunch in Palo Alto and a reception in San Francisco. "It's important for alumni to feel the presence of the Law School, and because the dean is so personable and approachable, it's easy to experience that connection in a personal way. Having Eduardo come to the West Coast so soon after his appointment was really a treat, and it gave alumni a chance to have those direct, one-on-one conversations that are so productive."

There was plenty to talk about: raising money for full-tuition scholarships, fostering interactions between students and professors, growing the faculty, opening Cornell Tech in New York City, developing an LL.M. program in law and technology, and building networks between alumni, and between alumni and students.

Wherever Dean Peñalver traveled, praise followed.

"Articulate, engaged, energetic," said **Robert Wrede '69**, who hosted the Los Angeles lunch. "He has a clear desire to take Cornell Law to the next level, and he communicated beautifully with all the attendees, answering questions directly and to the point, as you'd expect from a lawyer with his qualifications. He's a very dynamic individual who's highly skilled at developing good personal relations—as is Dean Schwab. It was a very friendly interchange between alumni and the new dean, who is as impressive as a person as he is as a professional."

"He's young, he's dynamic," said **Joseph Calabrese '81**, who hosted a reception in



LEFT TO RIGHT: Stephanie Sharron '92 and Dean Eduardo Peñalver in San Francisco; Alumni reception in the home of Lee Weintraub '70 and Teresa V-F Weintraub in Coral Gables, Florida; Joseph Calabrese '81 and Dean Peñalver in Century City, California

Century City. "He has a very compelling combination of factors, from idiosyncratic pursuits like piloting planes and raising chickens to a rock-solid academic and judicial background, from Cornell to Yale to Oxford to the Second Circuit to the Supreme Court. He comes at issues from a fresh perspective, which resonates really well with our alumni."

At Rochester's Genesee Valley Club, where attendees ranged from the Class of 1952 to the Class of 2010, alumni asked about the effect of the new academic wing, the growth of the endowment, the state of the job market, and what they could do to help the current generation of students.

"It was a very active question-and-answer session, because most of the people there had been in private practice, or worked for government, or worked for legal aid," said host **Duncan O'Dwyer '63**. "The dean had answers for all of them, and when he spoke, it wasn't just as an academician. The new dean can certainly hold his own with any of our law school competitors when it comes to scholarship, but more than that, he was very human, very warm to all the graduates in attendance. When I meet someone of that caliber, it's very exciting, because I know he's going to do a great job for Cornell Law."

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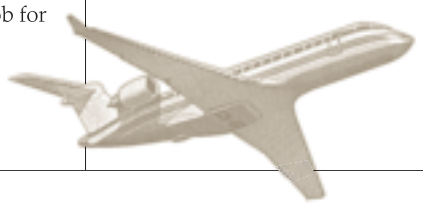
>
> *— Duncan O'Dwyer '63*

On the last leg of this first tour, Dean Peñalver hosted a full house at the New York Annual Luncheon, held at the New York Yacht Club on January 30. In "The Rule of Law and the Value of Legal Education," he summed up the challenges facing the Law School in a state-of-the-profession address that spelled out his vision for the coming years.



"He knew his audience, and knew that people wanted to talk about what's really happening in the field," said **Jocelyn Getgen '07**, who has known Eduardo Peñalver since her days at the International Human Rights Clinic. "It was a well-positioned talk, a call to Cornellians to give back to their school. He's positive that Cornell will weather this storm and that this time presents a great opportunity for innovation."

"He envisions a school where anyone can study, regardless of background or economics, and go on to do whatever it is they want to do, inside or outside the legal profession," continued Getgen. "It was inspiring to hear him talk and see him taking the reins. People were really energized to see him, and you could feel that energy in the room."

TOP: New York Annual Luncheon at the New York Yacht Club **MIDDLE LEFT TO RIGHT:** Anne Lukingbeal and Annie Wu '01; Ned Schodek '02, Randal Goldstein '01, Daniel Mulvihill '01, and Ian Yankwitt '93; New York Annual Luncheon at the New York Yacht Club **BOTTOM LEFT TO RIGHT:** Natalya Johnson '10 talks with other Law School grads; William Barrett '92 and Nora Ali '15

Alumni Panelists Share Tips for Life after Law School

The participants came from large firms and small firms, investment companies and government offices, but whatever their differences, the alumni panelists at October's "Tips for Successfully Navigating Your Legal Careers" agreed on the best ways for law students to find their own paths.

> ***Experience as much as you can, as widely as you can. Then dig down at your firm to become an expert at something that makes you invaluable.***
>
> *— Ladd Hirsch '83*

"You've got to be flexible," said **Christopher G. Hogg, LL.M. '81**, who graduated from the Law School planning to become a litigator. He discovered, however, that working in a big law firm wasn't what he wanted, so he shifted into banking. He worked for twenty-three years at Goldman Sachs before moving to Bank of America, then to Macquarie Capital as managing director of FIG capital markets, and most recently to InCapital. "When opportunities come, don't hesitate."

"Network," said **Monica Lewis Johnson '98**, currently vice president and general counsel at Shoes for Crews, an industry leader in slip-resistant footwear for food service, hospitality, health-care, and industrial employees. "Networking isn't just getting out and meeting people. It's holding onto those contacts and reaching out to them again and again."

For Johnson, who described herself as "a classic introvert," networking made all the difference as she climbed the ladder from staff counsel at H&R Block to associate corporate counsel at Springs Global, the world's largest textile manufacturer, to senior attorney at Burger King. With every step, Johnson made sure to gain as much experience as possible, working in as many fields as she could, expanding her portfolio, and maintaining her connections to all the people around her.

> ***Find a mentor, a guardian angel, and develop that relationship.***
>
> *— E. Eric Elmore '89*

"Find a mentor, a guardian angel, and develop that relationship," said **E. Eric Elmore '89**, a senior antitrust attorney at the Federal Trade Commission, who served as the lead attorney in *FTC v. Arch Coal* and has investigated mergers and acquisitions in coal, plastics, metals, electronics, and computers. Those connections—along with memberships in the American Bar Association, the National Bar Association, Cornell University Council, the Cornell Black Alumni Association, and Alpha Phi Alpha fraternity—have been important throughout his career, from his time as a special assistant U.S. attorney in Washington, D.C., to the present.

"Go wide, then deep," said **Ladd Hirsch '83**, senior litigation partner at Dallas's Diamond McCarthy, where he spent years handling negotiation, arbitration, and litigation in a broad array of industries before focusing his practice on business divorce. "Experience as much as you can, as widely as you can. Then dig down at your firm to become an expert at something that makes you invaluable."

Following these remarks, moderator **Allison Harlow Fumai '02** passed the microphone to the audience, where it traveled from hand to hand as visiting alumni board members added their advice: Don't burn bridges. Handle transitions gracefully. Treat everyone you meet with complete respect. From day one, think your elevator speech. Plan your financial future. Earn people's trust, because the only way to get business in life is from people who trust you.

Then the microphone returned to the panelists for a few last words. "You are the director of the movie that is your life," said Mr. Hirsch. "Rather than letting others make your decisions, you get to decide what you want your movie to be."

BENEFACTOR NEWS

Stephen C. Robinson '84 Endowment Fund Supports Public Interest Law

The Honorable **Stephen Craig Robinson**, formerly U.S. District Court judge for the Southern District of New York, established an endowment fund to provide financial assistance to graduates of Cornell Law School who practice law in the public interest. The Stephen C. Robinson Public Interest Low-Income Protection Endowment Fund supplements the modest salaries of these alumni with an annual grant designed to enable them to repay their student loans and meet their costs of living. Like all awards made by the Public Interest Low Income Protection Plan (PILIPP), Robinson Endowment grants are calculated on a case-by-case basis according to a formula that takes account of each recipient's annual salary, tax obligation, monthly expenses (rent, food, etc.), number of dependents, and level of personal debt related to education. By creating a permanent endowment in support of PILIPP, Robinson is helping Cornell Law graduates balance their service as public interest attorneys with meeting their financial obligations.

Robinson presided as a federal district court judge from 2003 to 2010, having been nominated by President **George W. Bush**. While on the bench, Judge Robinson handled a full range of civil and criminal cases. Prior to his judgeship, he served as U.S. attorney for the District of Connecticut, a position to which he was nominated by President **Bill Clinton**. Earlier (1993–1998), he was principal deputy general counsel and special assistant to the director of the Federal Bureau of Investigation and in that capacity worked on the investigation of the Oklahoma City bombing. As an assistant U.S. attorney for the Southern District of New York from 1987 to 1991, he prosecuted white-collar matters, securities fraud, and narcotics cases. In 1990, Robinson was awarded the Department of Justice's Director's Award for Superior Service. In 2010, he joined Skadden, Arps, Slate, Meagher, & Flom as a partner based in the firm's New York City office. In his private practice, Robinson focuses on a variety of litigation matters, including corporate internal investigations, government enforcement matters, commercial disputes, and monitorships. He is a 1981 graduate of Cornell's College of Arts & Sciences as well as a member of the Law School Class of 1984.

Jonathan Zhu '92 and Ruby Ye Endow New Professorship

Jia "Jonathan" Zhu '92 and **Ruyin "Ruby" Ye** have formalized a gift commitment to endow a new professorship in Cornell Law School. The Jonathan and Ruby Zhu Professorship will be conferred at the discretion of the Allan R. Tessler Dean of Cornell Law School to "an outstanding faculty member who is in the Law School or who will be recruited externally." Any area of research and teaching comprehended by legal academia may be associated with the Zhu Professorship, thus making it adaptable to changes in the scholarly environment. Cornell's Board of Trustees approved the Zhu Professorship in January of this year. As the endowment threshold is expected to be reached in 2019, the Law School looks forward to having the inaugural Jonathan and Ruby Zhu Professor named sometime that year.

Jonathan (Jia) Zhu is a managing director of Bain Capital and joined the firm's Hong Kong office in that capacity in 2006 after having been an investment banker at Morgan Stanley. Zhu led all of Bain Capital's investments in China and serves on the boards of directors of many publicly listed companies. While at Morgan Stanley, Zhu was CEO of the firm's China business and handled the listing of China Construction Bank, as well as the IPO for China Unicom. He joined Morgan Stanley in 1995 after having practiced law for several years as an associate of Shearman and Sterling.

Zhu received his B.A. from Zhengzhou University in China, an M.A. from Nanjing University, and his J.D. from Cornell Law School. He has served as a member of Cornell University Council (2010–2014) and continues as a board member at Nanjing University.

Jonathan Zhu's wife, Ruyin "Ruby" Ye, received a Ph.D. in biochemistry and an M.S. in organic chemistry from Cornell and holds a B.A. from the University of Utah. Ruby and Jonathan also have funded the Jia "Jonathan" Zhu and Ruyin "Ruby" Ye Sesquicentennial Faculty Fellowship in Cornell Law School since 2011.

Christopher M. Todoroff '87 Leadership Gift Creates Class of 1987 Scholarship

A leadership gift commitment by **Christopher M. Todoroff '87** and his wife, **Melanie**, have established an endowment fund for the Law School Class of 1987 Scholarship. In combination with an additional five-year pledge to support the Law School's Annual Fund, Mr. Todoroff's gift will provide unrestricted current-use monies immediately, as well as an annual scholarship grant once that endowment has attained its naming threshold. The Class of 1987 Scholarship will be awarded at the discretion of

the Allan R. Tessler Dean to a J.D. candidate at Cornell Law School. Free of additional awarding criteria, the Law School Class of 1987 Scholarship is among the most flexible available to provide tuition-assistance to Cornell Law students. Classmates of Chris Todoroff who look forward to the Class of 1987 Scholarship's inaugural award are encouraged to make a gift to the scholarship's endowment fund. The Law School will confer the scholarship at the beginning of the academic year after the endowment threshold is reached.

Chris Todoroff is a senior vice president and general counsel of Humana and has held these offices since 2008. Previously, he served as vice president and corporate secretary of Aetna, having joined Aetna's legal department in 1995. At the Law School, Chris was an editor of the *Cornell Law Review.*

Eric B. Fastiff '95 Supports Building Project

Eric Fastiff '95 helped to move the Law School's long-term construction project forward by providing a gift to name a study carrel in the Law Library. Traditionally a favorite giving option among alumni, named carrels and chairs include the installation of an engraved plaque naming the donor. Fastiff has chosen to honor his great-grandfather **Marcus Barmon**, Class of 1898, and his great-great uncle, **Daniel Webster Barmon**, Class of 1894, by naming the carrel for them.

Eric Fastiff is a partner at Lieff Cabraser Heimann & Bernstein, in San Francisco, and chair of the firm's Antitrust and Intellectual Property Practice Group. He has practiced commercial litigation for the past sixteen years, working on numerous cases involving the food, technology, finance, home furnishing, natural resources, and music industries. He also represents businesses in commercial disputes with their suppliers and competitors. His clients include governments, businesses, individuals, and consumer groups.

Established Funds Attract New Gifts

Endowed funds previously established in the Law School have attracted new gifts during the first half of the 2015 fiscal year. Notably, **Dr. Harold Oaklander, B.S. '52**, has made a new gift to the endowment of the Harold Oaklander Public Interest Fellowship to Advance Justice and Public Policy against Persistent Unemployment, which he established just last year. The Oaklander Fellowship endowment is expected to make as many as six annual fellowship grants to Cornell Law School students working in unsalaried legal jobs in the public sector. Also augmenting an established fund is a planned gift from **Thomas M. Jones '75**, who has designated a future bequest from his estate to the Thomas M. Jones Business Law Institute Fund. An equivalent future bequest to Cornell's Johnson Graduate School of Management, of which Tom Jones is a 1971 M.B.A. graduate, reflects the range of his Cornell training, as well as his professional expertise. The Jones BLI fund, established during the 2014 fiscal year, supports programming of the Jack G. Clarke Institute for the Study & Practice of Business Law, including costs associated with conferences, guest speakers, the Transactional Lawyering Competition, and other activities. Tom Jones is a partner at McDermott Will & Emery, in the firm's Chicago office.

Other funds new in fiscal 2014 that continue to grow are The Norma and Stewart J. Schwab Scholarship and the Theodore Eisenberg Memorial Fund for Empirical Legal Studies. The Schwab Scholarship honors **Norma** and **Stewart Schwab**'s decade of service to Cornell Law School: 2004–2014. The Eisenberg Memorial Fund honors the innovative research of the late **Theodore Eisenberg** in applying "big data" statistical methodologies and insights to legal processes and how scholars understand them.

Thomas J. Heiden '71 Endows Scholarship

Through a gift of endowment principal, **Jane** and **Tom Heiden** have established the Jane W. and Thomas J. Heiden J.D. '71 Law Scholarship in support of the Charles Evans Hughes Scholars initiative. As conceived of and championed by **Eduardo M. Peñalver**, the Allan R. Tessler Dean of Cornell Law School, Charles Evans Hughes Scholars will receive scholarship grants sufficient to meet the annual cost of tuition for the J.D. program—$59,360 for the 2014–2015 academic year. In establishing the charter endowed fund to support a Hughes Scholar, Tom and Jane Heiden are endorsing a core priority of Dean Peñalver: cost-of-tuition underwriting for the most academically meritorious Cornell Law School students.

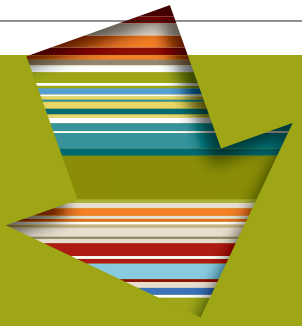
As a global chair of the Product Liability, Mass Torts &

Consumer Actions Practice of Latham & Watkins, in Chicago, Tom Heiden focuses on difficult and high-profile lawsuits, including toxic tort, high-stakes energy, utility, resource, and business contract, and tort disputes. Tom is also an instructor for NITA and law school trial advocacy programs, and appears often on CNN's "Big Trials of the Day" segment. At Cornell Law School, he has taught Intensive Basic Trial Advocacy, a "learning by doing" short course for future litigators.

Michael Brizel '80 Endows New Scholarship

A gift commitment from **Michael A. Brizel '80** established a new scholarship fund in Cornell Law School during the first half of the 2015 fiscal year. The Michael A. Brizel Scholarship will provide a scholarship to a student enrolled in the J.D. program. First preference will be given each year to a Cornell Law School student who has a stated interest in studying labor and employment law with an intention of representing management. Financial assistance from the Brizel Scholarship will help to support recent increases in the amount of financial aid offered to prospective Law School students.

Mike Brizel is executive vice president and general counsel of FreshDirect, an online fresh-food grocer, and in those capacities leads the company's legal department and is responsible for corporate governance, community and government affairs, food safety, consumer and data protection, and workplace safety and security. Before joining FreshDirect in 2014, he was executive vice president, general counsel, and chief ethics and compliance officer of Saks. Brizel is a member of the Dean's Special Leadership Committee. ■



Class Notes are Online

Search for news on your classmates and other Cornell Law School alumni.

You can also submit your own notes through the Law School website:

lawschool.cornell.edu/alumni/classnotes/index.cfm

CORRECTING THE RECORD

Despite the best efforts of Law School Development, the names and gifts of four alumni were omitted from the comprehensive report of cash gifts made to the Law School during Cornell's 2014 fiscal year. As a result, these individuals were not named on either Donor Honor Roll that appeared in last fall's publication, *Foresight & Generosity: The Year in Philanthropy—2014*. We apologize to these donors for this error, which was a result of an unknown flaw in the data-retrieval algorithm that generates the year-end report.

To correct the record, we recognize these individuals here and thank them for their ongoing support of the Annual Fund for Cornell Law School. Their respective names and gifts should have appeared as follows:

John G. Cooney, A.B. '75, M.B.A. '79, J.D. '79, at the "Up to $499" level

Gary H. Rushmer, A.B. '64, M.B.A. '65, J.D. '68, at the "Up to $499" level

Roger R. Valkenburgh J.D. '75, at the "Up to $499" level

Peter Zwanzig, M.B.A. '75 / J.D. '75, at the "Up to $499" level

Law School Development regrets the omission of these names and gifts from the Donor Honor Rolls for fiscal 2014. We continue to aim at 100 percent accuracy in reporting all cash gifts made to Cornell Law School during fiscal 2015.

In Memoriam

Andrew C. Bailey, L.L.B. '48

Arthur Harold Bernstein '50

James H. Biben '58

Donald M. Blake, L.L.B. '51

John C. Britting, L.L.B. '53

Selby V.I. Brown, L.L.B. '56

John W. Bryant, L.L.B. '48

Mahlon H. Card '42

Vincent D. Cardone, L.L.B. '48

Bruce Carswell, L.L.B. '54

Dennis H. Cleary '74

Edward I. Cohen '68

Donald D. Cole '51

Martin S. Cole, L.L.B. '56

Honorable Edward M. Davidowitz, L.L.B. '59

Donald S. Day '48

Richard E. Gordon, L.L.B. '56

Morton P. Hyman '59

Robert H. Kannan '64

Alexander W. Luckanick '67

Joseph M. Mandel '39

George Marcus '50

Irwin S. Meyer '66

David S.C. Mulchinock '70

Gabriel I. Rosenfeld '51

Kenneth A. Rothschild, L.L.B. '53

Mortimer Ryon '57

Julius W. Sbedico '53

Andrew J. Schroder III, L.L.B. '62

George N. Wakelee Jr. '51

Honorable Louis B. York '63

William S. Zielinski, Jr. '49

FORUM

Spring 2015
Volume 41, No. 1

Richard D. Geiger
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PHOTOS AND ILLUSTRATIONS

Cayuga Press of Ithaca
PRINTER

The editors thank the faculty, staff, alumni, and students of Cornell Law School for their cooperation in the production of this publication. Select articles in the "Briefs" section reprinted courtesy of *Cornell Chronicle*.

Cornell Law School publishes *Cornell Law Forum* two times per year. It is an eco-friendly publication. Business and editorial offices are located in 119 Myron Taylor Hall, Ithaca, NY 14853-4901 (phone: 607-255-6499; email: brouwer@cornell.edu).

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