free speech

Discussing, Debating, and Protecting Freedom of Expression

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FOR THE RECORD

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Spring 2018

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PURPOSE

In fall 2018, the new First Amendment Clinic will enable Cornell Law students to work on real cases involving free speech and freedom of the press.

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FORUM

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FROM THE DEAN

Dear Alumni and Friends:

A vibrant democracy and a dynamic university depend upon freedom of expression. Without the First Amendment's guarantees of freedom of speech, the press, and more, it's hard to imagine how the rule of law could take root or how the free exchange of ideas could blossom.

As a top law school within one of the world's leading universities, it makes sense that we take a leading role both protecting freedom of expression and enriching the broader conversation about the importance of free speech on campus and beyond. This issue of *Cornell Law Forum* magazine explores how Cornell Law School is at the vanguard of discussing, debating, and protecting freedom of expression.

I'm pleased to report that for the first time in our sixty years of legal clinics, Cornell Law students will now be able to participate in a First Amendment Clinic. As our cover story (p. 4) explains, students in the new clinic will litigate actual cases involving free speech and freedom of the press. The clinic will also conduct research and sponsor free-speech related programming for the campus community and beyond.

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Made possible by a generous grant from the Stanton Foundation and a major gift from Ambassador William vanden Heuvel '52, the First Amendment Clinic will launch this fall with a star-studded lineup of practitioners and scholars. Alumnus Mark Jackson '85, one of the nation's preeminent free-press attorneys, is the executive director. And guiding the clinic's work will be a steering committee of faculty members Michael Dorf, Nelson Tebbe, and Steven Shiffrin—all leading experts in their respective fields. I'm thrilled to be adding this new clinic to our array of experiential offerings.

The Law School is also helping the wider University community to explore the issue of free speech on campus (see article on p. 8). In partnership with Cornell University president Martha E. Pollack, this past year, the Law School sponsored the Free Speech Presidential Speaker Series, which brought renowned legal scholars to Cornell for campus-wide discussions about freedom of speech.

In the fall, we welcomed Erwin Chemerinsky, dean of the University of California,

Berkeley School of Law, as the inaugural speaker in the series. One of the nation's most knowledgeable and articulate legal experts on the First Amendment, Chemerinsky offered a passionate defense of a robust conception of freedom of speech on campus for both public and private schools.

Then, in April, the Law School hosted a debate on hate speech prohibitions between Nadine Strossen, the former president of the ACLU, now a professor at New York Law School, and Jeremy Waldron, a professor at New York University Law School. The ensuing discussion about the best ways to remedy hate speech, moderated by Professor Sherry Colb, was thoughtful and illuminating.

For the Faculty Essays portion of this issue (see page 16), we turn to two of our own experts for their views on contentious free speech issues. In "Is a Wedding Cake Speech?" Nelson Tebbe skillfully explains the freedom of expression issues at stake in *Craig v. Masterpiece Cakeshop, Inc.*, on which the Supreme Court will soon issue an opinion. And in "Disaggregating Campus Speech," Michael Dorf argues that free speech claims on campus depend greatly on the context, so that sometimes such speech requires extra protections, other times weaker, and sometimes it makes no difference.

The robust debate over speech on campuses is emblematic of the kinds of institutions and communities that universities are. Where else in our society do people from so many different backgrounds and with so many different points of view come together and live together and engage with one another? Universities stand apart for their embrace of engagement across all kinds of differences. And of course when that happens, we're going to have disagreements about the boundaries of appropriate speech.

How do we provide a supportive educational environment for students from different backgrounds, and at the same time, allow for the expression of different points of view? How do we deal with speech that we find hateful or even frightening? What are the rights of those who want to protest someone else's speech? I'm pleased to report that the Law School is playing a leading role in seeking answers to these important questions.

Respectfully,

Eduardo M. Peñalver

Allan R. Tessler Dean and Professor of Law
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Discussing, Debating, and Protecting Freedom of Expression

by CHRISTOPHER BROUWER

Is the First Amendment, that bedrock of our democracy, starting to show cracks?

Events of the past year—including bitter free-speech debates at college campuses and the president's regular condemnations of the news media—have legal scholars and ordinary Americans worried that freedom of speech and freedom of the press are under threat. A Knight Foundation report released in March found that only 60 percent of college students view freedom of the press as secure, down from 81 percent since a 2016 survey.

With concerns such as these in mind, Cornell Law School is launching a new First Amendment Clinic this fall. The clinic, which will be the Law School's sixteenth clinical program, will enable students to work on real cases involving free speech and freedom of the press.

"The critical role that lawyers play in defending and protecting a free and independent press has perhaps never been more important than at this moment in an increasingly divided America," says **Eduardo M. Peñalver**, the Allan R. Tessler Dean and Professor of Law.

Led by nationally renowned experts in First Amendment and constitutional law and theory and partially funded with a grant from the Stanton Foundation, the clinic will litigate and support cases that further the cause of free speech and aid the news-gathering process. In addition, the clinic will conduct research,

> ***As a lawyer who has spent his entire career representing journalists and news organizations, I have seen firsthand the critical role lawyers can play in defending and protecting a free and independent press—in all media—and in aiding the critical news-gathering function.***
>
> *— Mark Jackson '85*

policy analysis, and advocacy, as well as sponsor free-speech-related programming aimed at the wider campus community.

The executive director of the new clinic is **Mark Jackson '85**, former Dow Jones general counsel and one of the nation's preeminent attorneys specializing in freedom of the press. The day-to-day supervisor of the students and manager of ongoing cases is **Cortelyou Kenney**, who was hired in late April as the Stanton First Amendment Fellow.

"As a lawyer who has spent his entire career representing journalists and news organizations," says Jackson, "I have seen firsthand the critical role lawyers can play in defending and protecting a free and independent press—in all media—and in aiding the critical news-gathering function."

The mission of the clinic, according to Jackson, will be to protect the full gamut of journalists and media organizations. "The definition of a journalist and the definition of what a news outlet is have changed over the years," he says, "so that a blogger engaged in journalistic activity deserves the same kind of protections as others."

It was this shifting notion of what it means to be a journalist and a Moot Court case about free speech that got **David Katz '17** thinking

Cortelyou Kenney

Stanton First Amendment Fellow

Cortelyou Kenney is a rising star in the area of First Amendment impact litigation. A proactive and passionate advocate, Kenney has devoted her legal career and education to public service and freedom of expression. And this summer, she will leave her posts at Yale Law School to take the helm of Cornell Law School's new First Amendment Clinic. As the very first Stanton First Amendment Fellow, she will directly supervise clinic students and develop and manage ongoing cases.

"It's going to be a challenge for sure, but it's exciting," says Kenney. "I think getting a new project off the ground presents enormous opportunities to really shape something impactful that can help underserved populations . . . by meeting needs that are not presently being met by existing clinics."

She has already begun working with clinic executive director Mark Jackson '85 and the steering committee to develop the initial docket of cases.

"I like cultivating cases; that's the kind of lawyer I am," says Kenney. "Where I go and find a client who can partner with me to do a path-making lawsuit to fix a particular problem in the world."

Kenney is currently the supervising attorney at the Media Freedom and Information Access Clinic and staff attorney at the Collaboration for Research Integrity and Transparency (CRIT), both at Yale Law School. In these roles, she oversees open science cases focused on obtaining access to public health data. At CRIT, Kenney works to liberate important clinical data that could be used for public health purposes using the First Amendment and the Freedom of Information Act as tools. A particular area of focus is defending against cases that are using free speech as a weapon to upend FDA regulations.

Previously, Kenney was a Thomas C. Grey Fellow and lecturer in law at Stanford Law School. Prior to that, she was a fellow at the National Women's Law Center, where she worked on a cross section of issues affecting women's health and was an associate in the Appellate & Supreme Court practice group at Wilmer Cutler Pickering Hale & Dorr in Washington, D.C. She clerked for now Chief Judge Roger L. Gregory on the United States Court of Appeals for the Fourth Circuit and Judge Miriam Goldman Cedarbaum of the United States District Court for the Southern District of New York. Kenney received her J.D. from the Berkeley School of Law in 2009 and her A.B. from Dartmouth College in 2005.

about the need for a First Amendment Clinic while he was a 3L student.

"The lines that separate a journalist from a layperson have become blurry," says Katz, who was deeply involved with the Capital Punishment Clinic during his three years and took Constitutional Law with Professor Tebbe. "We have well-known journalists tweeting about their personal lives and amateur bloggers covering serious local issues, such as police brutality, in their free time. One big difference between the two is that the latter often lacks the legal resources to protect their free speech rights from government censorship."

> ***Part of me thought [Dean Peñalver] was just being polite. However, one day he told me that the clinic was actually happening, and I was stunned.***
>
> *— David Katz '17*

With these concerns on his mind, Katz mentioned the idea of starting a First Amendment Clinic to Dean Peñalver during a casual hallway conversation. Then, over the next few months, he said, it kept coming up in conversation.

"Part of me thought he was just being polite," says Katz. "However, one day he told me that the clinic was actually happening, and I was stunned. One of the great things about Dean Peñalver is that he takes students' ideas very seriously."

One of Peñalver's first steps was to seek help from **Mark Jackson**, who had recently retired from Dow Jones. Jackson, in turn, "took the idea and ran with it," says the dean. The pair worked together to create a steering committee composed of faculty members who are also leading experts in the First Amendment and constitutional law: **Michael Dorf**, Robert S. Stevens Professor of Law; **Nelson Tebbe**, Professor of Law; and **Steven Shiffrin**, Charles Frank Reavis Sr. Professor of Law, Emeritus. The steering committee members will oversee the work of the clinic and will also teach classes pertinent to the clinic's work.

The committee members and Jackson underscore that the clinic won't just be focused on aiding the news-gathering process and securing access to information. A big part of its work will be defending journalists or media outlets. This could mean defending them against efforts to obtain their sources. Or it could be defending them against lawsuits that are intended to punish, such as defamation cases.

Joining a Nascent Network

Jackson explains that the clinic will "think nationally, act locally." On the local level it will give particular emphasis to cases and clients operating in upstate New York, western Pennsylvania, and eastern Ohio. On the national level, the clinic will be part of a consortium of other clinics and nonprofits that is being formed under the auspices of the Reporters Committee for Freedom of the Press. The consortium, which will include other new clinics at Vanderbilt, Duke, and Arizona law schools, will act as a clearinghouse for journalists. Jackson is on the steering committee of the yet-to-be-named network.

"A lot of free speech efforts are located on either coast of the country, representing larger media enterprises. The clinic is only going to be useful if it doesn't duplicate other efforts and if it provides free legal services to media entities or individuals in our region that can't afford it."

Although current events are clearly spurring the launch of First Amendment clinics nationwide, Jackson is quick to point out that there has been a long-term need for such a program at the Law School.

"It's not just because of Trump that the First Amendment Clinic is useful or needed. These type of clinics are always needed and they're always a good idea," says Jackson. "The value of a free press and free speech is always worth defending and fighting for and has always been a challenge in this country regardless of which party or which people were in power. In fact, Obama

was very challenged in a First Amendment sort of way. He was not a great friend of the press."

The new clinic is partially funded by a five-year seed grant from the Stanton Foundation, which will cover about half the cost of the clinic. In particular, the grant enabled the clinic to hire a Stanton First Amendment Fellow, Cortelyou Kenney, who is responsible for monitoring ongoing cases and ensuring that the work is done in a timely and professional manner.

"Many thanks to the Stanton Foundation for making this dream a reality," says **John Blume**, director of Clinical, Advocacy, and Skills Programs at the Law School. "The new First Amendment Clinic is going to be a timely addition to our already vibrant array of live-client clinical and practicum courses. We are happy that we are going to have the opportunity to promote free speech and freedom of the press in upstate New York and the surrounding region."

The Stanton Foundation was founded in 2009 to continue the philanthropic work of broadcasting pioneer **Frank Stanton**. The president of CBS from 1946 to 1971, Stanton was a passionate advocate for free speech.

The new clinic is also being funded in part by a gift from Ambassador **William vanden Heuvel '52**, former deputy U.S. permanent representative to the United Nations, and U.S. permanent representative to the European office of the United Nations.

"The First Amendment is the guarantor of our democracy," says vanden Heuvel. "To have young lawyers trained in a practical environment to be guardians of freedom of speech and expression as we approach a new era of challenge is crucial. In establishing this clinic, Cornell Law School reaffirms its leadership in protecting the rule of law and constitutional democracy."

Next Steps

In the months since the new clinic was announced in December 2017, Jackson has been reaching out to editors and publishers at news outlets outside of the New York metropolitan area to ask what needs they may have and how the clinic could be helpful.

"I'm trying to establish those relationships so they know we are someone to call if they need us," says Jackson. "I also suggest they think about projects, investigative and otherwise, that we could work on in conjunction with them."

At this point, it's unclear exactly how many students will be able to participate in the clinic because it depends on the level of funding available. Dean Peñalver says the school is looking to its donors and alumni network to raise more money. "The success of this new clinic will depend upon the entire Law School community," he notes.

Katz predicts that Tebbe and Dorf, who are "both very popular professors," are going to "inspire students to participate in the new clinic and practice constitutional law."

For his part, Katz wishes the clinic had been available when he was a 1L. "I would have done anything I could have to be involved with it," he says. "Being involved in the clinic world was one of the most rewarding parts of being at Cornell." ■

The Hughes Hall Connection

Call it karma or coincidence, but when the Law School's new First Amendment Clinic opens this fall, it will be housed in the building named for Chief Justice Charles Evans Hughes, who wrote some of the Supreme Court's most important opinions on freedom of speech. Hughes, a professor at the Law School early in his career, surely would be proud to know that students in the new clinic will be studying his landmark cases as they litigate real cases of their own involving free speech and freedom of the press.

For example, Hughes wrote the majority opinion in *Near v. Minnesota*, in which the Court found that prior restraints on publication violate freedom of the press under the First Amendment. It was later a key precedent in *New York Times Co. v. United States* (1971), in which the court ruled against the Nixon administration's attempt to enjoin publication of the *Pentagon Papers*. That case was the subject of the recent, critically acclaimed movie *The Post*, starring Tom Hanks and Meryl Streep.

Exploring Free Speech on Campus

by SUSAN KELLY, CORNELL CHRONICLE

The Law School is leading the conversation about the importance of free speech on the Cornell campus and beyond.

In partnership with Cornell University president Martha E. Pollack, the Law School is sponsoring the Free Speech Presidential Speaker Series, which brings preeminent legal scholars to Cornell for campus-wide discussions about freedom of speech. The series was initiated by President Pollack as part of her effort to create a campus climate that is "more diverse and inclusive, and that expresses greater respect and understanding." The inaugural event in the series featured constitutional scholar **Erwin Chemerinsky**, dean of the University of California, Berkeley School of Law, who spoke on November 20, 2017. The second event, held April 10, 2018, was a conversation between **Nadine Strossen**, former president of the American Civil Liberties Union and professor of law at New York Law School, and **Jeremy Waldron**, professor of law at New York University Law School.

Strossen and Waldron Discuss Hate Speech

Two preeminent legal scholars agreed that hate speech is protected by the First Amendment under certain circumstances. But their opinions diverged on how most effectively to reduce hate speech incidents and their potential harmful impact.

Nadine Strossen and Jeremy Waldron brought differing points of view to the topic of hate speech April 10 in Myron Taylor Hall.

Sherry Colb, professor of law and Charles Evan Hughes Scholar at Cornell Law School, moderated the discussion.

Both Strossen and Waldron agreed that the First Amendment protects hate speech—but not when it satisfies what is known as the "emergency principle." When the hate speech poses a threat that can be averted only by suppressing the speech, it is punishable under U.S. law. "And the sad fact is a lot of hate speech does satisfy the emergency principle: it constitutes a general threat or targeted harassment or hostile environment harassment or an intentional incitement of imminent violence," Strossen said.

However, Strossen and Waldron disagreed about the best way to deal with hate speech. Strossen said the best remedy is free speech and counter speech, while Waldron advocated for laws that would prohibit hate speech.

Historically around the world these laws have disproportionally singled out the dissident views of minority speakers and groups, Strossen said. "That is not a coincidence. After all, these laws are enforced by the government, or by the university if we're talking about a public campus, which is accountable to the majority, not accountable to minority groups," she said.

Just as important as avoiding censorship laws is the need to resist hate speech with free speech," which I am convinced will do more to counter the scourge of hatred," Strossen said.

Waldron described the way legislators around the world have defined hate speech. (The United States is the only liberal democracy without laws or codes against it.) It's tempting, he said, to think we can define hate speech, as we do hate crimes, in terms of the motivation of the speaker.

But most advanced democracies do it the other way around: they prohibit speech that is likely to elicit, generate, incite, or cause hate, Waldron said. This type of legislation is "looking for the effect of speech and the impact that it's going have on the community, rather than it just being a cathartic expression of hatred by the person speaking," he said.

The campus context is different because it is a community of free inquiry, "a place for speaking," he said. And it is a place where, in living memory, mobs have screamed ugly epithets at members of some groups trying to get an education. "Campus administrators might reasonably think that they have to balance their obligations to free speech … with the possibility that the environment might be polluted, poisoned, in this way," he said.

TOP LEFT: Nadine Strossen with Professor Sherry Colb in the background
ABOVE: Jeremy Waldron

Strossen countered by saying India, for example, which has laws prohibiting hate speech, has seen many examples of politicians launching hate speech charges against their adversaries. Ironically, the laws have done more to stir up intercommunal violence than to alleviate it, she said.

Waldron pointed out that many countries have laws that prohibit group libel, such as defamation of a minority group. These laws offer the basic assurance of inclusion in society for all members, he said.

Chemerinsky Says Campuses Must Protect Free Speech—Even Hate Speech

Colleges and universities must create supportive academic environments for all students while also upholding free speech—even if that speech includes hateful ideologies, said renowned constitutional scholar **Erwin Chemerinsky**.

"I strongly feel that colleges and universities have the duty to be an inclusive environment for all students, but I don't think that can be achieved by censoring speech," said Chemerinsky, dean of Berkeley Law School, who spoke November 20 in Alice Statler Auditorium.

Colleges and universities must create supportive academic environments for all students while also upholding free speech—even if that speech includes hateful ideologies, said renowned constitutional scholar Erwin Chemerinsky.

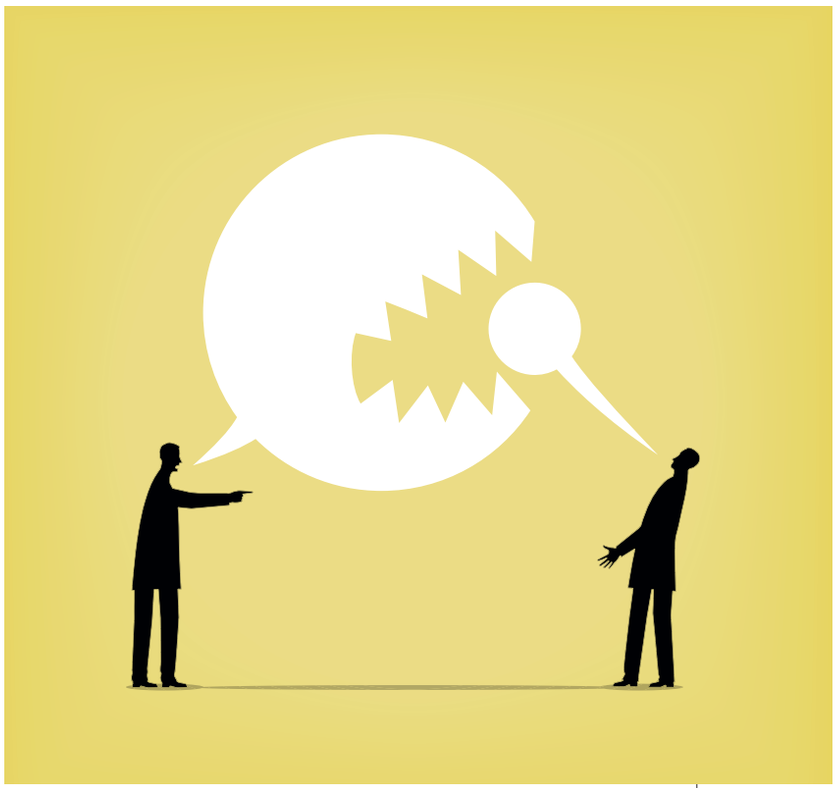
Eduardo Peñalver, the Allan R. Tessler Dean of Cornell Law School, introduced Chemerinsky and moderated a Q&A session after his lecture.

Students in the 1960s advocated for their right to speak freely, Chemerinsky said, whereas today free speech issues often arise when outside speakers come to campuses, sometimes to communicate an offensive agenda.

The current law says all ideas and views can be expressed on public university campuses. "Even if it's very offensive speech, it's still protected by the First Amendment," he said. The amendment does not apply to private universities—although Chemerinsky thinks they should also follow the principle, he said.

Many scholars argue hate speech should not be protected, especially when it threatens minority students. Chemerinsky disagrees, he said. "The law is clear: hate speech is protected by the First Amendment." For example, in 1977 the Supreme Court ruled the Nazi Party had the right to march in Skokie, Illinois, even though most of the residents of that town were Jews and Holocaust survivors.

Erwin Chemerinsky with Dean Peñalver in the background



"The First Amendment is ultimately based on a faith that we're better off allowing all ideas to be expressed than [allowing] our government officials to punish some of them," Chemerinsky said. "I have to say I generally share that faith, but I have some doubts too." ■

And in the 1990s, more than 350 universities and colleges adopted so-called hate-speech codes. However, Chemerinsky said, "Every one to be challenged in court without exception was declared unconstitutional."

Why is vile speech protected? In part because hate speech is hard to define in legal terms, he said. He cited the University of Michigan's now-defunct hate speech prohibition as an example; every action enforcing it was brought against African American and Latino students—the very individuals the prohibition was meant to protect, Chemerinsky said.

Can students legally drown out a speaker with whom they disagree? No, he said. The right to free speech does not include the right to disrupt the speech of others. "Otherwise there would always be a heckler's veto," he said. "The only speech then we would ever hear is that which is sufficiently noncontroversial that no one wants to stop it."

History has shown restricting viewpoints on campus can be a dangerous practice, he said. In the 1950s, many universities tried to fire professors for allegedly being Communists. In the 1960s, professors and students were frequently censured for their anti-war and civil rights protests.

Erwin Chemerinsky

"Lawyers in the Best Cents" Cornell Law Grads See Debt Falling and Jobs Calling

by IAN MCGULLAM

Over the past five years, Cornell Law has boosted financial aid while maintaining one of the very best job placement rates of any law school.

Water is wet. Ithaca is gorges. Law school is expensive.

For prospective law students staring down a sticker price that tops $60,000 a year, all of these truths seem equally self-evident. And they're not wrong.

Look beyond the raw tuition cost, though, and the picture gets rosier, and the debt payments a bit less scary. A law degree from Cornell is still a major investment for most students, but, now more than ever, it's an increasingly safe one.

Over the last five years, per capita student debt at Cornell Law School has dropped by nearly 20 percent, driven by financial aid spending that has nearly tripled. Meanwhile, student debt at Cornell Law's eight closest peer schools has remained static over the same period, falling by only 0.17 percent.

"The declining student debt of our graduates is something that distinguishes Cornell Law School from many of our peers," says **Eduardo M. Peñalver**, the Allan R. Tessler Dean and Professor of Law. "It reflects the impact of our increasing financial aid support, as well as our efforts to keep tuition increases under control. Coupled with our generous loan forgiveness program, declining debt loads mitigate the impact that debt can have on limiting student career options after graduation."

However eye-catching debt is, it's only half of the equation. Recent Cornell Law graduates have achieved impressive success in the job market, with 97 percent of last year's graduating class finding full-time work in positions requiring bar passage. That success was a major factor in the loan financing company SoFi naming Cornell Law School one of the best values in the nation in 2017. SoFi reported that recent Cornell Law graduates made the highest salaries of any school's alums, earning an average of more than $183,000 three years out of law school.

"There's a huge emphasis on return on investment in law school, and it's my pet peeve in a lot of ways because there is no strict return on investment in education. It's a lifelong benefit that's very difficult to quantify," says **Monica Ingram**, the Law School's associate dean of admissions and financial aid. "But in terms of those who want to apply these business principles to law school, we work really hard for them to be able to showcase that it's an excellent investment, and one that, even if a student were forced to take out the full cost of attendance, would be something that they could recoup."

Despite the school's location in "centrally isolated" Ithaca, Cornell Law grads in the class of 2017 ranked third nationally for placement at the largest law firms. **Brandon Bias '18** is continuing that trend. A merit scholarship helped Bias afford attending the Law School, where he became an articles editor on the *Cornell Law Review*. Following his graduation this May, he'll be starting work at Davis Polk & Wardwell in New York City. "His employment prospects in the next ten years are much better than mine," joked Ingram.

Things looked much less certain when Bias arrived at the Law School three years ago, though. The product of a blue-collar household, Bias was the first person in his immediate family to graduate from college. He dodged student debt during his undergrad years thanks to an athletic scholarship. However, when he was accepted by Cornell Law School, Bias initially did not receive financial aid, and had to decide whether the up-front cost of attending Cornell full freight was worth it.

"I really bit the bullet and just looked at the career outlook and the type of salary I could make to pay my debts off," Bias said. "It just made so much more sense to come here and roll the dice and see if I could get some money. And I knew a lot of that would be predicated on my doing well, and I just made sure that was my priority, to be able to have the opportunity to possibly get a merit scholarship later on." Bias's hard work as a 1L paid off: going into his second year, Cornell granted him a $20,000 scholarship.

More financial aid spending is the most obvious way to reduce debt, but Ingram pointed to a number of initiatives aimed at helping students by changing how that money is spent. Since she came to Cornell in 2015, her office has been refining its projections for the cost of attending the Law School, and it's doubled down on counseling students on how not to get in over their heads, and on how much they really need to borrow. "I think it makes a subtle difference in terms of reaching out to students and encouraging them, if they have money that they've taken out and they're not going to use, to return it to the lender so they don't have to take more out unnecessarily," Ingram said.

Over the past year, the Law School has been testing out a new plan to reapportion how students receive their scholarship money. Previously, financial aid recipients split their award evenly over their three years at Cornell, but that doesn't take into account the tens of thousands of dollars students doing summer associateships at big firms can expect to make during their 2L summer. So, the Law School is currently experimenting with giving students most of their scholarships in their first two years, when it's most needed. "We're trying to be creative, looking to some of our peers for best practices, trying to reallocate the distribution of scholarships for those who receive it so it can mitigate the type of debt they've taken out earlier in their education," said Ingram. Students who work as summer associates can put those salaries toward the third year and hopefully borrow less, while even students who aren't making as much money over the

> ***We're trying to be creative, looking to some of our peers for best practices, trying to reallocate the distribution of scholarships for those who receive it so it can mitigate the type of debt they've taken out earlier in their education.***
>
> *— Monica Ingram*

summer will end up paying less in interest if they can put off taking more loans until their last year. If it proves successful, the trial program could be extended into future years.

Not every student is looking to go into corporate law, but that doesn't mean that they have to face a lifetime of debt payments. **Mary-Kathryn Smith '19** worked on capital punishment issues in her home state of North Carolina before matriculating at the Law School, and as she puts it, "I've just kept narrowing and narrowing my interest" since arriving in Ithaca. Her 2L year has been especially transformative, including opportunities to interview clients' families in Tanzania as part of Professor **Sandra Babcock's** International Human Rights Clinic and to work on a death penalty appeal in South Carolina with Professor **John Blume** as part of the Capital Punishment Clinic. "Part of why I'm so glad I came to Cornell is that the death penalty expertise here among the top law schools, I think, is unrivaled," she said. "We just have such a powerhouse team of professors here who know so much about the field."

Applying to law schools, Smith didn't have any monetary support from her family to fall back on, so finances were near the top of her mind. "I knew that I wanted to do public interest. I also knew that I'm a very risk-averse person, and that if I went to a school where I was paying the full tuition, or anything close to it, I would inevitably freak out and go into Big Law," she said. "So I went into the application process saying, 'I want to go to a good school and I want a full scholarship or something close to it.' That was always the goal: to do public interest and to feel like I wasn't just doing it, but that I was being smart about it."

Everything changed when, about a month after getting her acceptance letter from Cornell, she was invited to apply for the Charles Evans Hughes Scholarship, a recently created merit-based program at the Law School that pays full tuition for a select number of students. Smith had already been impressed by Cornell, but being selected as a Hughes Scholar tipped the balance, and has let her pursue her dream of public service without worrying that it will sabotage her financial well-being. "The scholarship really changed my life," Smith said. "I'm thankful every day that I got it."

"I really felt like once I got to Cornell, they would be watching out for me. They understood why I was there." ■

Applying to law schools, Smith didn't have any monetary support from her family to fall back on, so finances were near the top of her mind. "I knew that I wanted to do public interest. I also knew that I'm a very risk-averse person, and that if I went to a school where I was paying the full tuition, or anything close to it, I would inevitably freak out and go into Big Law," she said.

ABOVE LEFT: Brandon Bias '18 ABOVE RIGHT: Mary-Kathryn Smith '19
OPPOSITE: Monica Ingram

Is a Wedding Cake Speech?

by NELSON TEBBE ■ COLLAGE *by* ROBIN AWES EVERETT

FACULTY ESSAYS *on* TIMELY LEGAL TOPICS

Professor Nelson Tebbe explains the freedom of expression issues at stake in *Craig v. Masterpiece Cakeshop, Inc.*, which is before the U.S. Supreme Court.

When a baker provides a wedding cake for a reception, is she or he engaged in expression? Before June, the Supreme Court will decide *Craig v. Masterpiece Cakeshop, Inc.*, where that question is presented, among others. It is particularly consequential because the interest on the other side is equal citizenship guaranteed by a core civil rights law. Depending on how the opinion is written, it could affect both the First Amendment and equality law for generations.

Here's the background. **Charlie Craig and David Mullins** were planning a wedding reception near their home in Colorado. (The couple planned to marry in Massachusetts and celebrate with family and friends afterward in Colorado, where the civil marriage laws then still excluded couples of the same sex.) On the recommendation of their wedding planner, they visited Masterpiece Cakeshop, in Lakewood, Colorado, where they met with **Jack Phillips**, its owner and primary baker. Craig's mother, **Deborah Munn**, went with them. The couple sat down with Phillips, introduced themselves, and explained that they were looking for a cake for their "wedding."

Before they could say anything more, they were told that Phillips would not help them because of his religious opposition to marriage between people of the same sex.

After the couple brought their legal challenge, Colorado found that Phillips's company had violated the state's public accommodations law. Under that law, businesses that are open to the public may not discriminate against customers on the basis of protected characteristics, including race, religion, sex, and sexual orientation. Colorado concluded that Masterpiece, a corporation, was open to the public and had discriminated against Craig and Mullins on the basis of their sexual orientation. Phillips argued that both he and the corporation were protected by the free exercise and free speech provisions of the First Amendment, but

The First Amendment guarantees that people cannot be compelled to utter messages with which they disagree. On the other hand, a wedding cake may not convey any message at all—or at least no message of the baker's, as opposed to the couple's.

those arguments did not prevail in the lower courts. That ruling was not surprising. Lower courts considering wedding vendor cases have overwhelmingly refused to create exemptions from state civil rights laws.

In the Supreme Court, Phillips and Masterpiece stand a better chance of succeeding on their speech and religion claims. Although I coauthored an amicus brief on the religious freedom question, I will confine myself to the speech issue, in keeping with the theme of this issue of the *Forum*. In essence, there are two ways to think about the question: either asking whether the cake expresses a message, or considering the question regardless of whether expression is involved. Let's consider these two possibilities in turn.

First, is a wedding cake expressive? Jack Phillips considers himself an artist, and he maintains that providing a cake would send a message of endorsement of Craig and Mullins's marriage. According to Phillips, he has no animus toward LGBT citizens as such, and he would be happy to serve them in other contexts. But he cannot in good conscience bake a wedding cake for their celebration, just as he also refuses to provide confectionaries for Halloween. His lawyers even acknowledge that, consistent with the Constitution, he could be required to sell an off-the-shelf cake, but they maintain that he was being asked to provide a custom creation. And the First Amendment guarantees that people cannot be compelled to utter messages with which they disagree.

> ***The First Amendment protects his right to say what he wishes. So Phillips could exclude all cakes that carry the words "Marriage equality is just" because he would be rejecting that sentiment no matter who asks him to express it. His problem here, however, is that he rejected the couple not based on the words or meanings they wished to convey, but instead based on their identity.***

On the other hand, a wedding cake may not convey any message at all—or at least no message of the baker's, as opposed to the couple's. Cornell professors **Michael Dorf** and **Steven Shiffrin**, along with UCLA professor **Seana Shiffrin**, have filed an amicus brief where they argue that wedding cakes do not carry any message that contradicts Phillips's views. They distinguish a previous case where Massachusetts sought to require organizers of an Irish-American Day parade to include an LGBT group, because the state was altering the organizers' actual message. But here, Colorado was simply requiring Phillips and the company not to engage in discriminatory conduct, wholly apart from any message.

At oral argument, the justices asked several questions of Phillips's lawyer that exposed some of the difficulties in drawing the line between expressive and nonexpressive wedding services. The lawyer argued that while custom floral arrangements and the invitation are expressive, hair dressing and makeup artistry are not. When she tried to maintain that the chef who creates the rest of the food for the wedding is not engaged in an expressive endeavor, but the baker is, Justice Kagan expressed surprise. And she was not alone. It is safe to say that several of the justices seemed skeptical that such a line could be drawn in a principled manner.

But Colorado has a second argument, namely, that the couple should prevail regardless of whether the cake is expressive—that is, even assuming that it does carry a message. How could that be? Professors Dorf, Shiffrin, and Shiffrin explain that what Colorado prohibits is exclusion of customers because of their sexual orientation. That is prohibited regardless of whether the cake is expressive, and even regardless of whether it carries an explicit message endorsing marriage equality. What Phillips may do, however, is refuse to transmit an expression with which he disagrees. The First Amendment protects his right to say what he wishes. So Phillips could exclude all cakes that carry the words "Marriage equality is just" because he would be rejecting that sentiment no matter who asks him to express it. His problem here, however, is that he rejected the couple not based on the words or meanings they wished to convey, but instead based on their identity. That he excluded only LGBT people in certain settings (weddings) is of no moment, under settled law.

This second argument was also endorsed by Colorado in its brief to the Court, and by prominent First Amendment authorities such as **Floyd Abrams** and **Laurence Tribe**. It makes sense of another circumstance in the case, namely, that a customer named **William Jack** tried to get other bakers to provide wedding cakes that bore messages supporting traditional marriage, along with biblical quotations. When the bakers refused, he reported them to Colorado authorities. But the state refused to take action, saying that the bakers rejected the traditionalist cakes because of their message, and not because of William Jack's religious beliefs. That makes perfect sense if public accommodations may exclude messages, but not customers. (They may also be restricted in speech that is incidental to discriminatory conduct, such as a sign in the shop widow that reads, "No same-sex couples served.") It also makes sense of a separate decision, where a court protected the ability of a T-shirt business to exclude shirts that bore gay pride messages, regardless of who created or wore the shirts.

This latter argument also encountered some skepticism from the justices at oral argument. For example, **Justice Alito** asked whether it's always possible to separate the meaning of a message from the context of the customer. He envisioned a couple that requests a cake saying, "November 9 is the best day ever," because it's their anniversary, as opposed to someone who wants exactly the same cake in order to celebrate Kristallnacht.

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So it is impossible to say whether either of the free speech arguments will prevail. Quite possibly, the case will be resolved on religious freedom grounds instead. What does seem certain is that the decision will be eagerly anticipated, not only by the Cornell professors who filed influential briefs, but by everyone interested in the future of the First Amendment and antidiscrimination law. ■

Disaggregating Campus Speech

by MICHAEL DORF ■ COLLAGE *by* ROBIN AWES EVERETT

FACULTY ESSAYS *on* TIMELY LEGAL TOPICS

Professor Michael Dorf explores how free speech claims on campus depend greatly upon the context in which the speech occurs.

Lately, university campuses appear to be sites of both too much free speech and too little free speech. A white supremacist rally last summer in Charlottesville, home of Thomas Jefferson's beloved University of Virginia, sparked justifiable outrage. Meanwhile, conservative speakers or their hosts have found themselves under literal attack at Middlebury College, UC-Berkeley, and elsewhere. Cornell too has found itself embroiled in controversy, occasioned by incidents involving racist speech in Ithaca.

All institutions must grapple with how to reconcile commitments to freedom of speech and to creating inclusive, welcoming communities for everyone, but universities appear to have a special burden, because free speech is especially important to freedom of thought and research, which are the raison d'être of modern universities. Does it follow that we should place a thumb on the scale on the side of freedom of speech when these issues arise in the university setting?

Yes and no. Free speech issues might be resolved differently in a college or university (what I'll call "campus") setting from how they might be resolved in general, but the difference the campus setting makes depends on the question. In some contexts, the fact that speech claims are made on campus should make them stronger relative to competing claims; in other contexts, the fact that speech claims are made on campus should make them relatively weaker; and in still other contexts, the campus setting should make no difference.

That might not seem like much of an insight, but it is nonetheless worth highlighting, because there is a tendency in public debate about campus speech for conservatives to accuse liberal academics of hypocrisy—of wanting to deny conservatives freedom of speech (by campus speech codes, say) in the one setting where it should be sacrosanct. There may indeed be hypocrisy afoot (on the part of liberals, conservatives, and/or others), but the fact that some speech claims are weaker in virtue of occurring in the campus context is not necessarily evidence for that fact. The difference that the campus context makes is multivalent.

Let me state my question precisely: Whatever one thinks is the ideal approach to a free speech question when it arises in a non-campus setting, how should that approach differ, if at all, when the question arises in a campus setting?

By "ideal" I do not mean an ideal interpretation or construction of the First Amendment or any other legal provision, although I shall refer to First Amendment doctrine as a point of reference. I mean something like what any particular reasonable person

Lately, university campuses appear to be sites of both too much free speech and too little free speech.

would think is an appropriate approach, all things considered. Because I am not asking a constitutional question, I won't distinguish between public colleges and universities (to which the First Amendment applies of its own force) and private ones (to which it does not apply).

I shall note characteristics of the campus context that, relative to the non-campus setting, count for, respectively, (A) extra protection for speech, (B) less protection for speech, and (C) the same protection for speech.

A. Extra Protection for Speech

Colleges and universities are havens of academic freedom. In recent years, some people have questioned the need for tenure and its efficacy in promoting academic freedom. It probably won't surprise anyone to hear that I, as someone with tenure, think it's a defensible institution. Let us put tenure aside, however. Although tenure is the chief mechanism by which colleges and universities protect academic freedom, academic freedom should be respected by colleges and universities even when a faculty member lacks tenure.

Suppose that an untenured faculty member of a college or university writes a blog on which she expresses controversial views. Despite the lack of tenure, she should not be subject to any adverse consequences because of the views she expressed there. Partly that is just a matter of jurisdiction. I would reach the same judgment outside the university context. For example, I would not want a veterinary practice, hardware store, or floral shop to discipline employees for expressing politically unpopular views on their own time.

However, academics should get special protection. The veterinary practice, hardware store, and floral shop all have business interests that are substantial enough to justify the firms in insisting that the employee disassociate herself from the firm. If an outspoken blogger identified herself as "nighttime manager of the Acme Hardware Store on Seventh Street," I would think that Acme should be able to tell her to remove the Acme affiliation from her blog. By contrast, Cornell should not be able to insist that I remove the Cornell affiliation from my blog.

Why not? Because people understand that the views expressed by a professor are not institutional views. To be sure, people also probably understand that the views of Acme's nighttime manager about non-hardware-related matters do not reflect Acme's views, but one of the very reasons for the existence of the college or university is to encourage robust debate through uninhibited expression of views, including controversial ones. Having people out there affiliated with your institution saying controversial and unpopular things simply goes with the territory of running a college or university.

I have thus far articulated the idea of academic freedom as protecting what we might think of as extramural speech. It is even more central to scholarship. Galileo should be our poster child. Although Renaissance Italian universities were the precursors to modern universities, they did not embrace academic freedom in its full modern sense. Even so, Galileo mostly ran into trouble with the church rather than with his colleagues as a university professor.

Although tenure is the chief mechanism by which colleges and universities protect academic freedom, academic freedom should be respected by colleges and universities even when a faculty member lacks tenure.

How far have we come since Galileo's time? Far, but maybe not far enough. Even today, colleges and universities do not allow for ideal academic freedom because of disciplinary conventions and departmental autonomy. One cannot be fired for publishing Keynesian work in a Hayekian economics department (or vice versa), but good luck getting hired in the first place. Such ideological reproduction is a genuine problem, I admit, but the crucial point is that, even with ideological and disciplinary influence, campuses do and should provide for greater opportunities to promote dissident views than other institutions, such as for-profit businesses.

Academic freedom also properly extends to the classroom setting. This is not uniquely true of higher education, as teachers in primary and secondary school need freedom to explore diverse ideas. So do students. But, for a variety of reasons that I'll explore next, the classroom setting is a double-edged sword.

B. Less Protection for Speech

The classroom context is a structured forum that appropriately allows for some limits on speech that would be inappropriate off campus. If a citizen wants to wear a T-shirt with the slogan "Global warming is a Chinese hoax" or "Vaccines cause autism," no speech-respecting society would forbid her from doing so. However, if an exam in a class on environmental science or epidemiology poses a question seeking a balanced appraisal of the evidence regarding climate change or autism, a student can appropriately be marked down for spouting ideological propositions without disciplinarily relevant support.

Classrooms are also different in another way. When you take a class you have classmates who will sometimes say things with which you disagree. That is to be expected and encouraged. However, there is a line between a strong statement of views and blatant disrespect. Neo-Nazis and Klansmen may have a right to use racist epithets as part of an otherwise peaceful march or rally, but a student should have no right to use such epithets in class. Like other structured settings, a classroom properly has rules of decorum and relevance that restrict speech in ways that would not be appropriate (or at least would be less appropriate) in general.

Campuses are not just places for faculty and students to teach, learn, and study. They are also homes. This is obviously true with respect to dormitories, but even students who live off campus, as well as students who live on campus but are not in their dorm rooms at any given time, properly can expect to experience at least part of the campus as a place of repose. Just as we might think that a right to picket applies differently in a business district than in a residential neighborhood, so we might think that students are entitled to be shielded from unwanted messages, at least some of the time and in some places on campus.

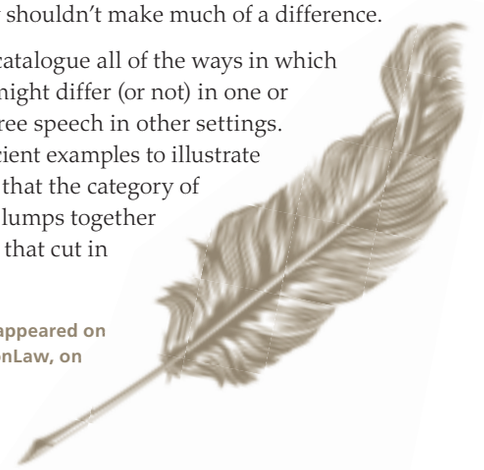
That point was expressed, admittedly in an incendiary way, by one of the Yale students who yelled at a Silliman College administrator during the now-infamous 2015 Halloween costume controversy. He told the administrator that it was the latter's "job to create a place of comfort and home for the students who" lived in the residential college he directed. The administrator disagreed.

They were both right. Residential colleges are supposed to be living spaces as well as centers of social and academic life in which young minds grapple with challenging ideas. In that regard, a residential college is a microcosm of a college or university as a whole. Because it is in part a home, students should be entitled to some greater privacy and ability to shut out unwelcome messages; but, because it is not only a home, at least in some times and some places on campus students should not be entitled to quite the level of protection from unwanted messages that we think everyone is entitled in their home.

C. Same Protection for Speech

In some respects, a campus is just like the rest of the community. Campuses typically include open spaces that look and function like parks. They often have streets and sidewalks. Events like rallies, protests, and marches seem no more or less appropriate in a campus setting than in any other setting with similar physical characteristics. This will be especially true where the target of a rally, protest, or march is college or university administration. Just as there is and ought to be a core right of citizens to rally near the statehouse to protest a pending bill to lower the minimum wage, say, so students and their supporters should have a core right to rally outside the university administration building to protest a proposed tuition hike. Of course, such speech can be subject to reasonable time, place, and manner restrictions both on campus and off. I generally find the Supreme Court's First Amendment time, place, and manner framework sensible, even though I don't agree with every aspect of it, but my point is that whatever one thinks about it, in this respect the campus setting probably shouldn't make much of a difference.

I have not attempted to catalogue all of the ways in which free speech on campus might differ (or not) in one or another direction from free speech in other settings. I hope I have given sufficient examples to illustrate the basic point, which is that the category of "free speech on campus" lumps together many different concerns that cut in different directions.



A version of this essay first appeared on Professor Dorf's blog, DorfonLaw, on November 17, 2017.

Kevin Haroff '81 Helps California Fight Global Warming

Kevin Haroff, J.D./M.B.A. '81, is among the most highly regarded environmental litigators on the West Coast. A partner at Marten Law, in San Francisco, he has been cited by both *Chambers USA* and *Best Lawyers in America* for his expertise and experience in handling complex environmental and land use cases.

As we confront a warmer climate, water allocation is going to be one of the biggest issues we face throughout the western United States.

— Kevin Haroff '81

In addition to maintaining an active law practice, Haroff is a member of the city council of Larkspur and a past mayor of the municipality, which is in Marin County, north of San Francisco. He also serves on the board of directors of MCE Clean Energy, California's first community choice aggregation (CCA) retail electricity provider. By aggregating the buying power of individual customers and purchasing energy on their behalf, CCAs are able to lower costs for customers and offer them greener choices, he explains.

"MCE helps California meet its ambitious greenhouse gas reduction goals by delivering renewable energy to customers throughout its Northern California service area," says Haroff. "At the same time, we are able to sell electricity at rates that are competitive with those charged by the local regulated power utility," he notes.

"MCE has power purchase agreements with some of the largest wind and energy suppliers in California, and it has shown that renewable energy is now an economical choice," Haroff says. "This year our revenues are projected to be over $400 million. Not bad for a company that didn't exist just a few years ago."

Haroff also has contributed to California's decades-long effort to manage the Sacramento and San Joaquin River Delta and San Francisco Bay Estuary—called the Bay Delta—the

state's single largest source of drinking water. As a partner at Morrison Foerster, Haroff represented one of the state's largest urban water agencies, the Santa Clara Valley Water District, which serves nearly two million people in Santa Clara County, including much of Silicon Valley.

Santa Clara, along with the state's Central Valley and Southern California, is heavily dependent on water from the Bay Delta, he says. "It's what makes our state green," Haroff explains. "However, the diversion of water out of the Bay Delta historically has had adverse impacts on several endangered species of fish, including native salmon.

"In the 1990s, users of municipal waters, federal and state agencies, and other stakeholders worked hard to develop a proposal to help manage the system and make sure there was enough water both to achieve needed environmental benefits and to keep it healthy and flowing in people's taps," says Haroff. Those efforts led to an initial plan signed by California's governor in 1996. But the process became embroiled in litigation that eventually went to the Supreme Court of California, where environmental documents that Haroff and others had supported were validated in 2008.

"That was a terrific outcome," he comments. "The problem is that it probably wasn't enough. As we confront a warmer climate, water allocation is going to be one of the biggest issues we face throughout the western United States."

Back in 1979 when Haroff enrolled in the Law School's J.D. program as one of its first transfer students, environmental issues were far from his mind. Hoping to become an antitrust lawyer, he shifted to Cornell's joint degree program in law and business to broaden his skill set. Favorite courses included Professor **Robert Summers's** legal philosophy seminar and Professor **Harry Henn's** corporate law class. By graduation, Haroff had been offered and accepted a job with the U.S. Federal Trade Commission and was looking forward to moving to Washington, D.C. But a federal hiring freeze forced a change in plans.

"Most jobs for law school graduates had already been filled, so I went looking for whatever I could find," he recalls.

He ended up at a large corporate law department, which he credits with introducing him to a broad range of environmental law issues. The experience also provided "a fantastic education on how to work with planning commissioners, supervisory boards, and other government officials to move projects forward," Haroff says.

Now, he's preparing for a new chapter in his career. "Over the years I've done a lot of mediation as an advocate for different parties and found it rewarding," says Haroff. He hopes to use his skills to pursue a mediation practice that focuses on complex environmental, commercial, and public policy disputes.

> ***My Cornell education has helped me understand the nuances of law, business, and society, which has made me a better lawyer and person.***
>
> *— Kevin Haroff, J.D./M.B.A. '81*

Olive Thaler '95, who first worked with Haroff when she was a summer associate at Morrison Foerster in 1994 and later joined the firm, comments: "Kevin has managed to balance a complex environmental law practice with community service. He is on the executive board of MCE Clean Energy and is becoming a mediator, all of which I've found impressive. He really enjoys his work and is a fantastic attorney. It has been nice seeing the progression of his career."

Active as a Cornell volunteer as well, Haroff has organized Law School and university events on the West Coast and served on the Law School's Alumni Association Executive Board of Directors.

"My Cornell education has helped me understand the nuances of law, business, and society, which has made me a better lawyer and person," he says. "I can't think of a better place to get that kind of enriching educational experience than Cornell." ■

~LINDA BRANDT MYERS

Philana Poon '92 Leads Legal and Compliance for Asia's Largest Not-For-Profit

Having attended college in Toronto and earned a law degree in Ithaca, **Philana Poon '92** didn't expect to find herself back in Hong Kong, where she was born. "Nothing is ever straightforward, and things don't end up as planned," says Poon, who works as an executive director of the Hong Kong Jockey Club, where she leads the company's legal and compliance division. "When I went to Cornell, I never planned on working in Hong Kong. But when I graduated, there was a very difficult market in the United States, while Hong Kong and China were booming with the opening up of foreign direct investments in China. So when the opportunity arose at Baker McKenzie, I took it. I followed the flow back to Hong Kong, and I'm very fortunate I did."

Following those two years as an associate at Baker McKenzie in Hong Kong, Poon spent three years at Lovells (now Hogan Lovells). Next, deciding to move in-house, she took a job as in-house counsel at Hong Kong Telecom (HKT), which had just lost its monopoly international telecommunications license in Hong Kong. It was an exciting period as HKT began expanding into new markets in Southeast Asia and Poon took on the challenge of understanding regulatory restrictions across the entire region. A takeover of Hong Kong Telecom by PCCW in 2000 and the end of the Internet bubble added further challenges to life as an in-house counsel.

> ***Nothing is ever straightforward, and things don't end up as planned. When I went to Cornell, I never planned on working in Hong Kong.***
>
> *— Philana Poon '92*

"Those were hectic times, so it was quite interesting to be on the inside," says Poon. "I was at PCCW-HKT for seventeen years, and I was really glad to have made the switch from external counsel to in-house counsel. When I was external, the companies I worked with would only engage me for a particular project, so my understanding of the bigger picture was very limited. But when I went in-house, I understood the overall situation the company faced and the drivers underlying their actions. That gave me a much fuller picture of what was going on and a lot more knowledge, which turned out to be very worthwhile."

With that fuller picture, Poon began taking on new work as an independent director, first at AZ Electronic Materials (2012–2014), a company formerly listed on the London Stock Exchange that produced high-tech products for pharmaceutical companies; then at Forgame Holdings (2013–present), a Hong Kong listed company that develops cloud-based games and financial technology; and most recently at Asia Satellite Telecommunications (2018–present), a Hong Kong listed company that is Asia's leading satellite operator. Then in 2015, with what she calls "a little bit of luck," Poon landed a job as an executive director of the Hong Kong Jockey Club.

Founded in 1884, the Hong Kong Jockey Club is both a world-class racing club and a not-for-profit with an integrated business model that includes sports wagering, entertainment, and community interaction. With nearly 25,000 employees, it's the largest single taxpayer in Hong Kong, and in the past year, the club has donated about US$1 billion to the community, making it the largest charitable benefactor in Asia, where its areas of support focus on the arts, sports, youth, and the elderly.

"It's a very old and establishment institution, one that's steeped in tradition from both Britain and China," says Poon, who has spent these first two years heading the company's legal and compliance division and corporate secretariat "Like most corporations in Hong Kong, we're thinking about ways to expand our business globally, but at the same time, we're not purely profit-driven. We have a social conscience

and a very strong sense of wanting to help better society. We're very community-focused, and having worked several years for a bottom-line-driven organization, it's refreshing to have a perspective that's much wider. We're really taking a more holistic view, thinking about how we can impact society and help create a better place to live."

Poon credits Cornell Law School with training her to think, analyze, and articulate her point of view, strengths she uses every day at the Jockey Club and in her work as an independent director, where she sees herself as part of a trend toward increased board diversity and participation by women. And though Poon has a long list of achievements since graduating from Cornell Law School, she feels strongest about having maintained a balance between career and family, with two daughters who are planning to attend college in the United States.

"It's hard being a working mother," says Poon. "I'm proud that I've been able to maintain the balance between having a family and having a career, and that I have two wonderful kids. My husband has been very supportive, but I think it's always more difficult for women. We try extra hard to be as good as the men, to not ask for anything less than what is expected of a male employee, and still be a good mother. It's never easy to be a mum with a full-time career, to do both to a standard where you can be happy with what you've done. So I've struggled with those competing demands on my time—it's been very worthwhile, but it's definitely a struggle. And that's the thing I'm proudest of, my biggest accomplishment." ■

~KENNETH BERKOWITZ

I'm proud that I've been able to maintain the balance between having a family and having a career . . . but I think it's always more difficult for women.

— Philana Poon '92

Charles Adelman '73: Practice with a Passion

"I did not know I would become a tax lawyer," says **Charles "Charlie" Adelman '73**, "but I quickly found that my affinity for word games, ability to think in three (or more) dimensions, and a fine appreciation of the absurd made it my ideal area." The fit was so good, in fact, that Adelman practiced tax law for almost forty years.

His path toward that career started with another good fit: Cornell Law School. "As a first-year law student, everything gelled, and I really felt like I had found my calling," Adelman recalls. "I found the classes extremely intellectually stimulating, and I especially enjoyed the bonds formed with classmates who were sharing a common experience."

His Cornell experience was also shared with his fiancée, and soon wife, **Debbi Adelman**. The two were also undergraduates at Cornell University, and Debbi entered the Graduate School the year after Charlie began law school. They lived together first by Cayuga Lake and then as house parents of the Sigma Delta Tau sorority. Adelman describes the time as "idyllic."

Passion, Warmth, and Intellectual Rigor

Adelman says that he feels indebted to his law professors, whom he characterizes as "intellectual giants, who challenged us and shaped our minds to think logically and critically. . . . [Their] love of the law and skill in conveying that passion shaped our development. Each was unique, but each conveyed personal qualities worthy of emulation that, in combination, I hope I reflected in my legal practice."

He adds, "I probably owe my greatest debt to Professor **Robert S. Summers**, for whom I was a research assistant between my first and second years. His passion, warmth, and intellectual rigor were the qualities that stayed with me the most over my career."

On top of his studies, Adelman worked as co-managing editor of the *Cornell Law Review*, developing writing skills, precision in sourcing factual and legal arguments, and the ability to work under pressure as part of a team, all of which would serve him well in his professional life.

I quickly found that my affinity for word games, ability to think in three (or more) dimensions, and a fine appreciation of the absurd made tax law my ideal area.

— Charlie Adelman '73

In Practice

From Ithaca, the Adelmans moved to New York City, where Charlie began work with Cadwalader, Wickersham & Taft, thanks to an interview with Cadwalader lawyer and fellow Cornell Law School alum **David W. Feeney '63**, who became his mentor. At the firm, Adelman encountered a passion and intelligence that mirrored his experiences with the faculty at the Law School. He stayed for the rest of his career.

"I am probably most proud of earning the trust of my superiors as a young attorney to develop the tax aspects of the firm's practice in mortgage-backed securities and structured finance, enabling me to become a national expert as the firm became a powerhouse in that area," he says.

Over his many years in practice, Adelman focused on the tax aspects of investment vehicles and financial instruments, including mortgage-backed and asset-backed securities. He contributed numerous pieces of writing to the field, including the chapter "Taxation" in *Mortgage and Asset Backed Securities Litigation Handbook*, ed. T. Franklin and T. Nealon (2009), and served on committees of the American Bar Association and the New York State Bar Association, the Regulatory Committee of the Commercial Mortgage Securities Association, and the Tax Committee of the American Securitization Forum.

> ***The ability to provide input and interact with my fellow alumni and the administration is one of the chief ways of expressing my gratitude to the Law School.***
>
> *— Charlie Adelman '73*

The Art(s) of Giving Back

While practicing, Adelman made time for his love of the arts, primarily ballet and classical music. Since retiring in 2013, he has become involved full-time in these areas, serving on the boards of the Miami City Ballet and the Joyce Theater Foundation and on the Committee for the Jerome Robbins Dance Division of the New York Public Library for the Performing Arts. He and Debbi are also supporters of numerous dance companies and choreographers.

Adelman remains invested in Cornell Law School as well. At the urging of Feeney, he became a member of the Dean's Special Leadership Committee in 1997, a commitment that has continued for twenty-one years and included a stint as co-chair. He appreciates the committee as a channel of communication with the Law School's deans, observing, "Each has honored and found value in the alumni perspective regarding the issues facing the Law School over that remarkable length of time." He also serves on the Law School Advisory Council and completed a term as national chair of the Cornell Law School Annual Fund 2013. In 2000, he and Debbi established the Charles M. Adelman and Deborah G. Adelman Scholarship Fund.

Says Adelman, "The ability to provide input and interact with my fellow alumni and the administration is one of the chief ways of expressing my gratitude to the Law School." ■

~OWEN LUBOZYNSKI

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BRIEFS

Annelise Riles Receives Lifetime Achievement Award

Annelise Riles, professor of anthropology in the College of Arts and Sciences and the Jack G. Clarke Professor of Far East Legal Studies, has received the Anneliese Maier Research Award for lifetime achievement across the social sciences and humanities from the German government and the Alexander von Humboldt Foundation.

> ***This award is well-deserved international recognition of Annelise's contribution to legal scholarship at the intersection of law, the humanities, and social science.***
>
> *— Eduardo M. Peñalver*

According to the committee, the Maier Award is in recognition of Riles's "outstanding achievements in academic research." It includes a prize of 250,000 euros "to carry out groundbreaking research in cooperation with specialist colleagues in Germany." The award will be presented September 12 at a three-day symposium in Germany, during which Riles will deliver an invited lecture.

Eduardo M. Peñalver, the Allan R. Tessler Dean and Professor of Law, noted, "This award is well-deserved international recognition of Annelise's contribution to legal scholarship at the intersection of law, the humanities, and social science."

Riles, who is also director of the Clarke Program in East Asian Law and Culture, focuses on the transnational dimensions of law, markets, and culture across the fields of private law, conflict of laws, financial regulation, and comparative legal studies. She has conducted legal and anthropological research in China, Japan, and the Pacific and speaks Chinese, Japanese, French, and Fijian. She has published on topics including comparative law, conflict of laws, financial regulation, and central banking.

~LINDA B. GLASER

Professor Riles

Cornell Hosts Conference on Empirical Legal Studies

Nearly 250 scholars from around the world converged at Cornell Law School for a conference showcasing research that uses empirical legal studies in fields ranging from politics to medicine. Researchers presented 105 papers at the Conference on Empirical Legal Studies (CELS), held October 13–14 at Myron Taylor Hall. It was the second time Cornell Law School has hosted the annual conference.

"In the field of empirical legal studies, CELS remains the gold standard and every year attracts the most prominent and influential empirical legal scholars from around the world," said **Dean Peñalver**.

For this year's conference, Peñalver said more than 300 papers were submitted by scholars from more than twenty-five countries who specialize in more than twenty different disciplines. A committee of Cornell Law School faculty selected the papers presented at the conference.

Cornell Law School has strong ties to the empirical legal studies movement because of the large number of faculty members who work in the field. The late **Theodore "Ted" Eisenberg**, who was the Henry Allen Mark Professor of Law, is considered one of the founders of the movement.

"Ted was the spark for empirical legal research throughout the world, but his presence here at Cornell helped to foment and grow a vibrant culture for empirical legal studies among the faculty here at the Law School," said **Dawn Chutkow**, visiting professor of law and executive editor of the *Journal of Empirical Legal Studies*. "You can see the fruits of that today."

Fourteen professors from Cornell Law School were involved in organizing, presenting, or commenting on papers presented at this year's conference, Chutkow said.

> ***You just get people from all over the world and from all different disciplines all sharing this common set of interests and this common language of speaking in terms of what the data can tell us.***
>
> *— William Hubbard*

FROM LEFT: Professors Hans, Heise, Rachlinkski, Stiglitz, Chutkow, and Schwab at the Conference on Empirical Legal Studies

In honor of Eisenberg, a poster contest was created to recognize outstanding scholarship at the conference. Members of Eisenberg's family presented this year's award to **Greg Buchak**, a law and doctoral student in economics at the University of Chicago. His poster explored the motivations of people who anonymously offer loans on Reddit, the social media site.

The selection of Buchak as the winner of the poster contest is representative of the types of researchers who are attracted to the empirical legal studies field. Chutkow said this type of research, which uses data analysis to explore legal issues, tends to draw scholars who have law degrees as well as Ph.D.s in other disciplines such as political science, economics, psychology, and sociology.

William Hubbard, a University of Chicago law professor who accepted the award for Buchak, said CELS is one of the highlights of the year for him. "You just get people from all over the world and from all different disciplines all sharing this common set of interests and this common language of speaking in terms of what the data can tell us," he said.

Kristen Bell, a fellow at Yale Law School, said she found the conference helpful in gaining feedback on a paper she presented on an empirical analysis of youth offender parole decisions in California. "I think people have a real mix of being supportive and finding the best in each piece while also offering constructive criticism so that the author can improve, which is exactly what a conference should do," she said.

2018

Professor Kalantry Discusses New Book on Sex-Selective Abortion Laws

Over the past decade, eight states have banned abortions motivated by sex selection, and nearly half of all state legislatures have introduced bills that would prohibit the termination of pregnancies based on the sex of the fetus. However, this legislation is based on a misleading interpretation of statistical information and has the potential to unleash a wave of restrictions on abortion rights, says **Sital Kalantry**, clinical professor of law and author of the new book *Women's Human Rights and Migration: Sex-Selective Abortion Laws in the United States and India*.

"While I think that the laws are likely unconstitutional, if the question ever reaches the Supreme Court and the Court finds the bans to be constitutional, it will open the door to many other restrictions that create categories of acceptable and unacceptable motives," Kalantry said at a celebration of her book on October 6 at Myron Taylor Hall.

State legislative proposals emerged after a 2008 article in the *Proceedings of the National Academy of Sciences* reported that there was a male-biased sex ratio among U.S.-born children of Chinese, Korean, and Indian parents. The authors of the article suggested that the deviation found in the 2000 U.S. Census was comparable to that documented in China, India, and South Korea.

Professor Kalantry

Kalantry, however, said that sex-selective abortions are not a widespread problem in the United States, and what the data suggest is that there are a few thousand "missing" Asian American girls—either because of the abortion of female fetuses or the use of assisted reproductive technology such as in vitro fertilization and sperm sorting. By comparison, Kalantry said, there are more than 60 million girls "missing" just in India.

In India, however, the motivation for parents who select for sex is to ensure a male heir while at the same time having fewer children. This practice has been driven by several factors, including the offering of dowries by families of girls, fewer economic opportunities for girls, and the need for male sons to provide for their parents when they age, Kalantry said.

Pointing to the different motivations for sex-selective abortion in India and the United States, Kalantry argues there should be a new methodology for policy makers and activists to evaluate such cross-border practices. In her book, Kalantry proposes what she calls a transnational feminist legal approach, which would examine the societal context, individual motives, and other factors in both the country of origin and the migrant-receiving country.

"In Kalantry's analysis, the impact on the population determines whether it is appropriate to regulate or not," said **Sherry Colb**, professor of law and Charles Evans Hughes Scholar. "In India, Kalantry concludes it is appropriate to regulate because of the impact on the population. In the United States, it's not. This is a very useful lesson because our law simply does not take impact seriously enough."

Immigration Innovation Challenge Expands Access to the Legal System

On November 28, Cornell Law School held its inaugural Immigration Innovation Challenge, representing the culmination of students' work this semester in the new Technology, Innovation, and the Law Clinic.

"This clinic is a unique opportunity to combine law and technology," says clinic director **Stephen Yale-Loehr**. "The students worked with nonprofits to build expert legal systems that promote access to the legal system for immigrants."

The clinic's nine students worked in teams of three to

create and present applications. Evaluating the apps were judges **Thomas Bruce**, cofounder and director of the Legal Information Institute (LII); **Craig Newton**, associate director for content at LII; **Charles Whitehead**, the Myron C. Taylor Alumni Professor of Business Law and director of the Law, Technology, and Entrepreneurship Program; and **Kevin Mulcahy**, vice president of Education and Community Programs at Neota Logic, which provided the software platform used by the students.

Taylor Davis, **Michael Chou**, and **Mason Roth**, in collaboration with Cornell's School of Industrial and Labor Relations, created an app for New Immigrant Community Empowerment (NICE), an organization that helps day laborers find work in New York City. The day laborers served by NICE can use the app on their cell phones to track and report information on payment and work environments, as well as to rate their employers.

Radin Ahmadian, **Pranoto Iskandar**, and **Stephanie Jurkowski** worked with the Immigration Advocates Network to make a family and financial preparedness app for people facing the risk of deportation. An estimated eleven million immigrants are currently at risk of deportation from the United States.

Working with **Sue Chaffee** of Catholic Charities Tompkins/Tioga, **James Redman**, **Jenna Scoville**, and **Francis Cullo** tackled the daunting Form *I-130, Petition for Alien Relative*. This complicated form is a green card application that a U.S. citizen or green-card holder submits on behalf of a close relative; between 250,000 and 300,000 *I-130* petitions are filed every year. The students sought to streamline the process, guiding petitioners through the form's questions with clear, simple language.

The judges chose winners in three categories, announced by Mulcahy. Best User Interface was awarded to the family preparation team, whose application, Mulcahy observed, "looks like it was done by a design shop." Best Leveraging of Technology was awarded to the *I-130* team, in part for their initiative in designing a companion app for a wider audience. Best Overall went to the NICE team, "because it is nice," said Mulcahy. "We know you had a lot of stakeholders to appease, and you did a great job."

Participants in the inaugural Immigration Innovation Challenge with Professor Yale-Loehr (fifth from right)

Book Celebration Delves into Professor Chafetz's *Congress's Constitution*

On November 10, members of the Cornell Law School community gathered in the MacDonald Moot Court Room to celebrate the release of *Congress's Constitution: Legislative Authority and the Separation of Powers* (Yale University Press, 2017) by Professor **Josh Chafetz**. The author was joined by a panel of commentators, with Professor **Aziz Rana** as moderator.



FROM LEFT: Professor Chafetz, David Alexander Bateman, and Professor Rana

Leading experts have called the book "pathbreaking," "timely," and "a major contribution" for its examination of the full range of Congress's powers. Panelist **David Alexander Bateman**, assistant professor in Cornell's Department of Government, added that *Congress's Constitution* "gives the reader a wonderful sense of the politics of interbranch disputes, the stakes involved, and perhaps most importantly, their often extremely public character."

Challenging Chafetz's emphasis on judicious engagement with the public sphere as a source of political power, Bateman cited instances in which Congress, or at least a faction of it, prevailed by not engaging with the public or failed because of the structural power of the executive branch. Bateman concluded, however, that the book does provide an outline of how Congress could "rise to the occasion" and use its powers to check the other branches, as well as a historical justification for why it should aggressively use those powers.

Leading experts have called the book "pathbreaking," "timely," and "a major contribution" for its examination of the full range of Congress's powers.

Speaking next, **Curtis A. Bradley**, the William Van Alstyne Professor of Law at Duke University School of Law, discussed some structural elements of Congress that would complicate any effort to bolster its leverage in interbranch conflicts. He observed that Congress is not a monolith but rather a collection of factions and individuals, often with competing agendas.

David Pozen, professor of law at Columbia Law School, examined some of the questions raised by Chafetz's "discursive" approach. On the matter of judicious engagement, for instance, he asked, "Is it really plausible that judiciousness is what the American public tends to reward? . . . Last I checked, we have a wildly undisciplined, intemperate, and, in the view of many, a moral monster in the White House."

Chafetz closed the event with a response to the panelists and some additional thoughts. He mentioned that the conclusion of *Congress's Constitution* was something of an implicit rejoinder to the trend, in recent literature, of proposing that the separation of powers be eliminated in favor of a more parliamentary system. "That forces decision making onto a flat plane," Chafetz said. He suggested that the virtue of the U.S. system is that it allows for contention, negotiation, and shifting power dynamics. "The policy and politics that result from that are going to be unsatisfying to everyone, and that's great. No one is ever going to win a final political victory."

Julie Jones '94 Will Be First Woman to Chair Ropes & Gray

On her very first day of class at Cornell Law School, Julie Jones '94 experienced a heart-stopping moment familiar to countless alumni who have braved the school's rigorous instruction style: she was called on during a round of Socratic questioning by Professor **Faust Rossi** in his civil procedures class. Jones may have been on the spot, but she was also thoroughly prepared—a trait she remains known for to this day. It's one of the reasons she has achieved so much, including, this year, being named as the next chair of global law firm Ropes & Gray. She'll be the first woman to hold that position in the firm's 152-year history.

"I had the benefit of studying under some real legends," Jones observes, citing **Robert Hillman** and **George Hay**, among many others. Then there was **James Henderson**, who taught her first-year torts class. "Something about the way he taught was so inspir-

ing," she remembers, adding, "I have such gratitude for the school and the faculty. I was very well prepared."

After graduating, Jones headed to Ropes & Gray, where she quickly found that the firm's culture and dedication to talent development were a perfect fit for her. She's been there ever since, making partner in 2003, serving as head of Ropes & Gray's securities and public companies group from 2006 to 2011, and, currently, serving as a member of its policy committee.

Over the years, Jones has become one of the world's leading private equity attorneys. She has led multibillion-dollar-deal teams and guided blockbuster deals across multiple industries.

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As the first woman in this role, Jones welcomes the opportunity and the duty to be an example to other women of what they can achieve. And, as always, she's excited to compete with other top firms: "Bring it on!"

Law School Panel Debates the Problem of Boorish Behavior

A panel of scholars from the fields of law, economics, and philosophy gathered at Cornell Law School to debate a growing problem in American public life: Is it possible to prevent people who regularly engage in boorish and self-entitling behavior from crippling our institutions in government, the financial services industry, and the broader economy?

The topic and title of the colloquium—Brats, Bros, Boors, and Tyrants: Asshole-Proof Governance from Firms through Industries to Polities—were developed by the organizer of the November 29 event, Robert Hockett, the Edward Cornell Professor of Law.

"The problem of 'a-h-ery' has clearly become a conspicuous social, political, and economic problem," Hockett said. "Arguably it had been a political problem even before obstructionism became the order of the day in Congress, but in the last couple of years it seems to have reached a fever pitch in nearly all spheres of our lives."

The colloquium began with **Aaron James**, a professor of philosophy at University of California Irvine and author of *Assholes: A Theory*, defining an asshole as someone "who allows himself special advantages in cooperative life with an entrenched sense of entitlement that immunizes him against the complaints of other people."

Professor Hockett speaks at the Brats, Bros, and Boors colloquium

One industry that has epitomized this behavior on a systemic scale is the financial services sector, said **Saule Omarova**, professor of law. The industry seems to attract a high number of individuals—the infamous Masters of the Universe and Wolves of Wall Street—who feel morally entitled to pursue personal enrichment by any means necessary, she said.

"Investment bankers don't think of being an asshole as something bad—it's viewed as a good thing," Omarova said. "They wear that label with pride and bravado, because to them, it literally means being above the rules applicable to ordinary working people."

This behavior was on full display in the run-up to the 2008 financial crisis, when Wall Street executives promoted

high-risk speculative trading and defrauded customers, Omarova said. Breaking this pattern would require structural reforms, such as splitting up large financial enterprises that are most likely to benefit from public bailouts, she said.

In most companies, being viewed as someone who is self-important can often derail your career, said **Robert Frank**, the Henrietta Johnson Louis Professor of Management at Cornell's Johnson Graduate School of Management.

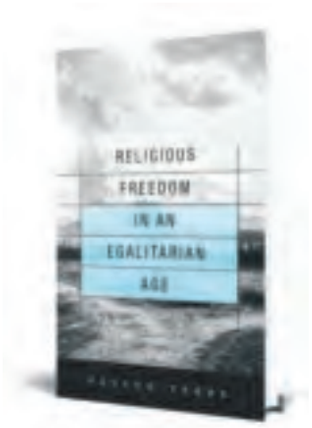
In the political arena, said **Aziz Rana**, professor of law, the primary purpose of the American Constitution was to address the "a-h" problem by creating political structures whose checks and balances would prevent tyranny. Nevertheless, the system did not prevent the rise of socioeconomic elites who could use their material resources and power to control the levers of government.

"Trump in many ways both epitomizes the conversation we're discussing and is a symptom," Rana said. "The problem continues to be the way in which we have a political system that empowers minority rule, disenfranchises large numbers of people, and creates various veto points that mean that popular forms of legislation are impossible to get through the political process."

Law School Celebrates Professor Nelson Tebbe's Book *Religious Freedom in an Egalitarian Age*

In May or June, the U.S. Supreme Court is expected to decide *Masterpiece Cakeshop, Ltd. v. Colorado Civil Rights Commission*, the latest high-profile face-off between religious freedom and antidiscrimination in the American legal landscape. Some question whether such conflicts can be resolved with legal reasoning at all. Professor Nelson Tebbe has answered those skeptics in *Religious Freedom in an Egalitarian Age* (Harvard University Press, 2017), celebrated at the Law School on November 17 with a panel of commentators moderated by **Steven Shiffrin**, the Charles Frank Reavis Sr. Professor of Law, Emeritus.

Speaking first on the panel was **Micah Schwartzman**, the Joseph W. Dorn Research Professor of Law at University of Virginia School of Law. "In an era of fake news and a post-truth society full of . . . political bullsh** . . . it can be tempting to give in to skepticism and cynicism about reasoning with our fellow citizens," he observed, "but I think that's a conclusion we ought to resist, both because it is self-fulfilling and because it leads to a politics that is deeply illiberal, one in which we're governed, not by reasons that we can understand, but by crass assertions of power."



He added, "The way to resist critics of reason-giving and of public justification is to give reasons and to offer public justifications for our view, and then to invite others to respond in good faith—and that is exactly what Nelson does in his book, which is an exemplar of moral and legal reasoning."

Douglas NeJaime, professor of law at Yale Law School, focused on Tebbe's chapter about public accommodation, which addresses an antidiscrimination case similar to *Masterpiece Cakeshop* in which a same-sex couple was refused wedding-related services by a conservative vendor. NeJaime elaborated on Tebbe's arguments using

> ***The way to resist critics of reason-giving and of public justification is to give reasons and to offer public justifications for our view, and then to invite others to respond in good faith—and that is exactly what Nelson does in his book.***
>
> *— Micah Schwartzman*

Professor Tebbe

social-science concepts of stigma and minority stress. "A prejudiced event may be perpetrated by one person, but it carries a symbolic message of social disapproval," he said. "These events have a powerful impact precisely because they convey deep, cultural meaning."

NeJaime cited research indicating that LGBT individuals fare better in regions where social and legal conditions are more hospitable, suggesting that antidiscrimination law plays a role in reducing minority stress, whose far-reaching consequences include impacts on psychological and physical health.

"The hotter our politics become, the more one has to be grateful for a book that models a certain form of community by reason and argument the way this book does," said **Reva Siegel**, the Nicholas deB. Katzenbach Professor of Law at Yale Law School.

U.S. Court of Appeals for the Armed Forces Holds Argument at Cornell Law School

On November 8, the United States Court of Appeals for the Armed Forces held a hearing at Cornell Law School for the first time. The court heard an argument in the MacDonald Moot Court Room in a case involving a U.S. Air Force captain who alleged that a military agent exceeded the scope of a warrant during a search of his office. During their daylong visit, the court's judges met with students and faculty, and two judges guest-taught in a constitutional law class.

The case before the court was an appeal filed by Captain **Tyler G. Eppes**, who pleaded guilty in 2015 to conspiracy, making false official statements, larceny, fraud, and conduct unbecoming an officer. A military judge sentenced Eppes to ten years of confinement, ordered him to pay $64,000 in fines, and dismissed him from the Air Force.

At the trial level, the government alleged that Eppes had spent six months planning his own wedding, fraudulently claiming that it was an official government function. During that time, Eppes submitted travel vouchers to the government for expenses related to the wedding and used a government computer to plan the event, according to the prosecution.

While investigating the case, the Air Force Office of Special Investigations requested authority to search Eppes's person, personal bags, and vehicle. In February 2013, a military magistrate issued a warrant to search Eppes's person and vehicle, but not his personal bags.

BELOW LEFT: Angelica Nguyen '18 (left) and Professor Blume

But during the investigation, military agents did search his personal bags, which contained various documents they identified as evidence of travel and insurance fraud.

At the November 8 argument, in addition to arguments by attorneys representing Eppes and the government, Cornell Law student **Seantyel Hardy '18** argued as a friend of the court. She and another law student, **Angelica Nguyen '18**, had drafted an amicus brief under the supervision of Professor **John Blume**, the Samuel F. Leibowitz Professor of Trial Techniques at the Law School.

Hardy argued that the search of Eppes's personal bags in his office violated the Fourth Amendment and that no exception to the exclusionary rule applied to the evidence seized. She said the search exceeded the scope of the warrant, which specifically authorized a search of only his person and his car.

"This exceeds the scope of the warrant in a materially broad way, given that they first tried to get authorization to search the bags and failed to get authorization, and then they conducted the search in a way that they wanted to conduct the search, rather than conducting the search they were authorized to conduct," Hardy told the court.

Daniel Alpert Joins Cornell Law School as Senior Fellow in Financial Macroeconomics

Daniel Alpert, a leading author and commentator on economic policy, will join Cornell Law School as a senior fellow in financial macroeconomics and an adjunct professor of law. Alpert will work within the Clarke Program on the Law and Regulation of Financial Institutions and Markets, which is part of the Jack G. Clarke Institute for the Study and Practice of Business Law.

Daniel Alpert

Alpert is a founding managing partner at Westwood Capital and its affiliates. He has more than thirty-five years of international merchant banking and investment banking experience and is considered a pioneer in securitizations and other innovative financing techniques. Since the financial crisis that erupted in 2008, Alpert has become a widely sought-after and cited author on economic policy. With Cornell law professor **Robert Hockett** and NYU economics professor **Nouriel Roubini**, he coauthored *The Way Forward* for the New America Foundation in 2011, a book that received much attention from members of the U.S. Congress as well as from the *New York Times*, *The Atlantic*, *Foreign Affairs*, *NPR*, and other media. His 2013 book, *The Age of Oversupply: Overcoming the Greatest Challenge to the Global Economy*, is cited as one of the best diagnoses of the world's economic ills in the new millennium.

Robert Hockett, the Edward Cornell Professor of Law and codirector of the Clarke Program on the Law and Regulation of Financial Institutions and Markets, says that "with the coming of **Dan Alpert** to Cornell, several great 'brands' at the intersection of law, finance, and macroeconomics join forces. The combination of practical knowledge and theoretic sophistication available at Cornell is now unsurpassed."

In this new partnership, Alpert will work closely with Hockett and other members of the Clarke Program—codirector and professor of law **Saule Omarova**, senior fellow Paul McCulley, and research fellow **Rohan Grey**—in conducting research and producing scholarship on both national and global financial and monetary matters.

"Cornell's unique commitment to research and study at the intersection of law, finance, and economics is enormously important, as it addresses all of the most pressing political and socioeconomic concerns of our day," says Alpert.

James Dabney and *TC Heartland*: From Cornell Rehearsal to Supreme Court Victory

If you're going before the Supreme Court, any edge helps. Luckily, when **Professor James W. Dabney '79** was preparing his case as lead counsel for the petitioner in *TC Heartland LLC v. Kraft Foods Group Brands LLC* and needed some federal civil procedure experts, he could just turn to his neighbors in Myron Taylor Hall.

The arguments that Dabney brought to bear in *TC Heartland* were tested and refined before a moot court held at Cornell on March 20, 2017, just a week before the Supreme Court heard oral arguments in the case. The Law School collaboration bore fruit: the justices ruled 8-0 in favor of

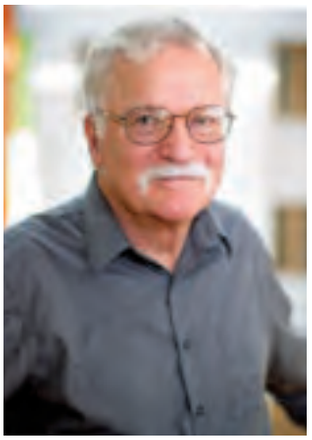
Professor Dabney and students on the Supreme Court steps

TC Heartland, the Indiana-based food company that Dabney's legal team represented.

"It really was an exceptional opportunity for academe and practice to fuse," said Dabney, an adjunct professor at the Law School since 2002 and co-head of Hughes Hubbard & Reed's intellectual property practice group.

TC Heartland boiled down to a question of venue. For the two-and-a-half decades prior to the Supreme Court's May 2017 decision, companies could be sued for patent infringement wherever they did business—in the modern world, basically anywhere—under a precedent stemming from a 1990 decision of the U.S. Court of Appeals for the Federal Circuit, a specialized court that handles patent appeals. However, in its opinion in *TC Heartland*, the Supreme Court endorsed Dabney's argument that the Federal Circuit had erred in its interpretation of the patent venue statute for more than twenty-six years and had wrongly denied a petition by TC Heartland to move the venue of a lawsuit filed against the company to Indiana.

As Dabney was preparing briefs for *TC Heartland*, he got to talking about the case with Professor **Kevin M. Clermont**. They had a long history together—before they became colleagues, Clermont had



Professor Clermont

actually taught Dabney when he was attending Cornell as a law student in the late 1970s. One thing led to another, and soon Dabney was honing his arguments before a moot court they set up in Professor **Oskar Liivak's** patent law seminar.

"I couldn't think of a more productive, a more valuable moot court experience on a venue issue than to be grilled by these leading academic professors of federal civil procedure," Dabney said. "I received questions on that Monday that I found much more difficult than any of the questions I received from the actual justices."

Besides Clermont and Liivak, the moot also included **Michael C. Dorf**, the Robert S. Stevens Professor of Law and an expert on federal courts; and **Zachary D. Clopton**, assistant professor of law, who, like Clermont, specializes in federal civil procedure. According to Clermont, the diverse expertise the Cornell professors brought to bear was vital.

The legal doctrine is obscure, but it had major consequences for patent litigation. "The broad reading of the statute that had been applied for the last twenty-five years had resulted in incredible forum-shopping, where plaintiffs' lawyers were bringing all these cases in incredibly unfavorable spots for defendants," said Clermont. "In particular, they were bringing them in the Eastern District of Texas, where the federal court had gone out of its way to make a plaintiff-friendly setting."

Hoori Kim '18 was in Dabney's conflicts in patent law and practice class last spring, and remembers excitedly reading through the *TC Heartland* briefs in class as her professor filed them, and watching him present his arguments at the Law School moot. "We got to see from him how real lawyers practice," she said.

> ***Down the line, someone might look at TC Heartland and say, 'Ten years ago, this case was decided and that's why we do things the way we do now.' We actually saw that happening before our eyes.***
>
> *— Hoori Kim '18*

"It was really interesting to be in the midst of the law changing completely," she said. "Down the line, someone might look at *TC Heartland* and say, 'Ten years ago, this case was decided and that's why we do things the way we do now.' We actually saw that happening before our eyes."

~IAN MCGULLAM

Barry Rashkover '86 Lectures on the Complexities of Internal Investigations

"You're looking for misconduct, you're developing interesting fact patterns, you're interviewing witnesses, you're assessing whether people are telling the truth, and you're looking for where the bodies are buried," said **Barry Rashkover '86**. "It can be a very exciting, interesting practice, but there are a lot of twists and turns and a lot of traps for the unwary."

Rashkover was speaking of the practice of conducting internal investigations as an outside counsel. He was addressing members of the Cornell Law School community on February 21 in the Macdonald Moot Court Room as he delivered "Commencing and Conducting the Internal Investigation: What Must Be Considered?" presented by the Dean's Distinguished Lecture Series and sponsored by the Henry Korn Lecture Series.

Rashkover is one of two leaders of Sidley's Securities & Derivatives Enforcement and Regulatory practice, which recently received the 2016 *Chambers USA* Award for "Financial Services and Securities Regulation." He defends companies and individuals in investigations and enforcement cases brought by government agencies and other regulators. Before joining Sidley, Rashkover was a senior official in the U.S. Securities and Exchange Commission's Enforcement Division.

He began his lecture by covering some of the basics of internal investigations, which are a fairly common practice for companies handling potential misconduct brought up by a whistle-blower, an auditor, a media report, or an enforcement agency. The company may respond to the results of the investigation by restating faulty financial reports, disciplining or firing employees involved in misconduct, and/or self-reporting findings to regulatory authorities.

Rashkover went on to explain some of the potential complications an investigator might face as they navigate reams of evidence, dozens of witnesses, and a variety of outside stakeholders. He noted that enforcement agencies like the SEC, along with the client company's external auditors and perhaps counsels involved in any parallel private litigation, will have demands and expectations that must be managed.

He noted that, during the course of an investigation, a lawyer may encounter strong pressure or resistance from individuals within the client company who have their own ideas about whether and/or how misconduct occurred. Rashkover's concluding piece of advice: Be brave.

Professors Debate the Efficacy and Origins of the Electoral College

"Should We Ditch the Electoral College?" was the name of a debate held on February 20 at Myron Taylor Hall at which two law professors squared off on whether the elected body that chooses the American president should continue to exist. The event, hosted by the Cornell Law School Federalist Society and the Cornell law student chapter of the Ameri-

ABOVE: Barry Rashkover '86
RIGHT: Professor Hockett (second from left) and Richard Duncan '76 with students.

can Constitution Society, featured **Richard Duncan '76**, the Sherman S. Welpton, Jr. Professor of Law and Warren R. Wise Professor of Law at the University of Nebraska College of Law, and Cornell Law School's **Robert Hockett**, the Edward Cornell Professor of Law.

Duncan argued that the Electoral College was developed in light of the need for a "structural self-defense mechanism" for small-population states that feared political domination by larger states. In the Electoral College, each state receives a number of electoral votes based on its combined number of senators and representatives, Duncan noted. However, in cases where no single candidate wins enough electoral votes to claim the presidency, the Constitution gives the House of Representatives the power to decide the election, allotting one vote to each state's delegation.

"State equality, one state one vote, was the goal of the small states," he said.

Hockett contributed an alternative perspective, arguing that key founders Alexander Hamilton and James Madison intended for the president to be elected by, and to represent, all of the American people instead of the states. He said their view was largely due to the concept that "the president was meant to . . . act on behalf of the entirety of the American population, not on behalf of states."

Professor Grimmelmann

Hockett also said that small states, and the power of states, are not necessarily protected by the Electoral College today. Citing the Trump campaign's strategic focus on swing states, he said candidates generally pay more attention to these states, regardless of their size.

"The Electoral College as we have it now . . . works in a manner that basically gets the candidates to spend a great deal, certainly disproportionate, time, in Ohio, in Pennsylvania, in Florida, maybe in Colorado," he said. "There's really not that much need to pay that much attention to, or spend that much time in, other states, be they small or large, be they generally Republican or generally Democrat[ic]."

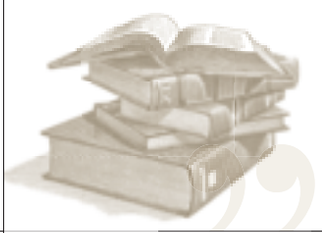
~BREANNE FLEER
Cornell Daily Sun

James Grimmelmann Discusses the Legal Effects of Computer Programs at Tech/Law Colloquium

Defining a theoretical strategy to interpret software in court cases has become a common dilemma as judges are increasingly presiding over cases that involve computer programs. **James Grimmelmann**, the first Cornell Law School professor based at Cornell Tech, offered a theoretical model to determine the legal effects of computer programs in a public lecture on October 24 at Gates Hall. His talk was the sixth in Cornell University's Tech/Law Colloquium Speaker Series, which explores emerging technologies and the legal and policy challenges surrounding them.

Interpreting the legal intent of software is a complex process because court cases involving software often do not align with existing laws.

—James Grimmelmann



Interpreting the legal intent of software is a complex process because court cases involving software often do not align with existing laws. As an example, Grimmelmann discussed a case in which two video poker players took advantage of a software bug on a Game King machine in two casinos to change the payout multiplier and increase their winnings tenfold. The players were indicted for hacking into the software on video poker machines in Nevada and Pennsylvania in 2013, but the U.S. attorney later dropped the charges. "The defendants raised a serious question about whether it was actually a crime or not," Grimmelmann said.

Cases such as the video poker prosecution that involve computer programs present a dilemma for the courts. While courts are familiar with wills, contracts, statutes, regulations, and other legal texts, it is not clear how courts should handle texts written in programming languages like C and Python.

"The question that we're concerned with is, what do we do when that text consists of a computer program, when it's software shaping people's rights?" Grimmelmann said.

"Which of these theories is the right one for a given context depends on the context," Grimmelmann said. "In general, we're going to want literal functional meaning in cases where it's really important to have precise agreement. Ordinary meanings make more sense in cases where users are involved and users are making choices about what to do with the program."

In the video poker case, Grimmelmann said, ordinary functional meaning is a better theory to analyze the players' hacking of the Game King machine. "I think we can all recognize that what the players found was not part of the rules of online poker," he said. "The payout multiplier is a bug that will be fixed in the next version of the software on that machine as soon as the gaming commission approves it."

Doug Lasdon '81 Reflects on Four Decades Representing Poor People in New York City

"I was not trying to start my own agency. . . . Representing homeless people for a year, maybe two, and then going off and getting a real job—that was what was on my mind," says **Doug Lasdon '81**, who founded the Urban Justice Center in 1984 and continues to direct it. He was back at the Law School as a distinguished practitioner in residence this fall semester, and on November 9, he delivered "A Lawyer's Life: Reflections on Nearly Four Decades of Representing Poor People in New York City" as part of the Dean's Distinguished Lecture Series.

Lasdon began his lecture by thanking three of his former professors at Cornell Law School: **Kevin Clermont**, **E. F. Roberts**, and **John Barceló**.

"As I think back about these and other professors," he said, "it is not any particular lesson they taught but who they were as people and as teachers that I still remember best."

When Lasdon graduated from law school in the early 1980s, New York City was experiencing a surge of homelessness, with thousands sleeping on the streets. Lasdon became involved with people and organizations working to help the homeless and, with the aid of a grant, was able to launch his own project: a one-person legal services operation based in a burned-out, unheated building in East Harlem. This was the beginning of the Urban Justice Center.

"I was the only lawyer going to soup kitchens, talking to homeless people, and, frankly, sitting down and having lunch with them, and that's where I really learned of their problems," he said.

> ***I was the only lawyer going to soup kitchens, talking to homeless people, and, frankly, sitting down and having lunch with them, and that's where I really learned of their problems.***
>
> *— Doug Lasdon '81*

TOP: Doug Lasdon '81
ABOVE: Doug Lasdon '81 and Stephen Yale-Loehr

Lasdon recounted some of the Urban Justice Center's major cases, including victories for young adults transitioning out of foster care, for married homeless couples, and for can collectors. The center now runs twelve projects with a staff of 200. Lasdon recruits advocates dedicated to particular issues, who then raise their own money and have control of their own projects.

"It's been a great career," Lasdon concluded. "I've done meaningful work, I've had a lot of fun, I've met great people, and I work in a great community. So it can be done, and you can enjoy it."

Leonard Leo '89 Discusses Judicial Selection

What judicial philosophy drives the selection of federal judges? Cornell students and faculty heard insights from someone intimately familiar with the current selection process. **Leonard Leo '89**, executive vice president of the Federalist Society, serves as **Donald Trump's** adviser on Supreme Court and judicial nominations. On October 18, he visited the Law School to deliver "Judicial Selection and Virtue," presented by the Dean's Distinguished Lecture Series and Cornell Law School's Federalist Society, which Leo founded while a law student.

"The goal of the lecture series," said **Dean Peñalver**, "is to bring our most successful and interesting graduates back to campus to speak with students over lunch. Leonard Leo certainly fits the bill." Peñalver noted that "by some accounts Leo is responsible for one-third of the justices on the U.S. Supreme Court" because of his role as an influential adviser to two U.S. presidents.

"It's heartening to me that I can say today what I would have said thirty years ago," Leo began. "Cornell Law School is committed to academic freedom, intellectual diversity, and unbridled, truth-seeking inquiry."

Leo went on to discuss one of those judicial philosophies with which he disagrees: the "judicial overreach" that he says is championed by progressives. "Liberals have sought to invest in the Supreme Court something very close to absolute power," he said, citing examples of "overreach," including the rulings in *Roe v. Wade* and *Obergefell v. Hodges*, the 2015 case on same-sex marriage.

Addressing what he saw to be the causes of "judicial overreach," Leo identified as a prime suspect the legal realist school of the early twentieth century, which he said viewed the law as a means to social ends. He lauded such opponents of this approach as Justice **Antonin Scalia**, as well as judges appointed by Presidents **Ronald Reagan**, **George H. W. Bush**, and **George W. Bush**.

As for the current administration, Leo averred, "Our forty-fifth president is, based on my experience, a man with an eye for opportunity, and he sees that chance history has given him to change the American judiciary."

Leo praised Justice **Neil Gorsuch**, whose selection and confirmation process he helped manage, for embodying the prudence, justice, temperance, fortitude, and fierce, American independence that make for a good judge. "The great news," he concluded, "is that I think a great many more [like him] are on the way."

Netflix Series The Confession Tapes Features a Client of Cornell Law School's Innocence Clinic

The new Netflix series *The Confession Tapes* features a client of Cornell Law School's Innocence Clinic. Episode 3 ("A Public Apology") details the arrest of clinic client **Wesley Max Myers** after his girlfriend was found murdered. After insisting he was coerced into confessing, it was years until DNA evidence proved Myers's innocence. All episodes in the series, including this one, are currently streaming on Netflix.

LEFT: J. Michael Diaz

J. Michael Diaz '02 Appointed to Washington State's King County Superior Court

After graduating from Cornell Law School in 2002, little did **J. Michael Diaz** know that less than twenty years later his commitment to civil rights and his community would earn him an appointment to the largest trial court in Washington State, King County Superior Court.

"[Governor Inslee's] appointment honors the sacrifices my parents made when they immigrated from Peru with nothing but the shirts on their backs," said Diaz. "It allows me to serve my community, which has given my family so many opportunities."

Diaz began his legal career as an associate at Fulbright & Jaworski (now Norton Rose Fulbright) in Houston, Texas, and then moved on to Yarmuth Wilsdon Calfo in Seattle, litigating commercial and white-collar matters. In 2008, Diaz joined the U.S. Department of Justice (DOJ) as an assistant U.S. attorney, and in 2011, he founded the Civil Rights Program for the Seattle U.S. Attorney's Office.

"In addition to meeting my wife and some of my best friends at Cornell," says Diaz, "the Law School prepared me professionally and spurred my interest in public service in all its forms."

Now in Its Eighth Year, Transactional Lawyering Competition Generates Strong Interest

On November 11 and 12, 2017, forty-four Cornell Law School students devoted their weekend to competing in the eighth Transactional Lawyering Competition—essentially a "moot court" for students who are interested in becoming deal lawyers. The competition is the culmination of the introduction to transactional lawyering class taught by **Celia Bigoness**, assistant clinical professor of law. It is one of the only intramural competitions of its kind in the country.

"The competition gives the students a unique opportunity to put into practice the concepts that they've been learning in class throughout the semester, ranging from deal structuring to risk allocation to negotiation skills and strategies," says Professor Bigoness. "And even more important, thanks to the extraordinary work of our alumni who participate in the competition, the students receive detailed, real-time feedback on their performance throughout the weekend. Because of this feedback, the progress that the students show over the three rounds of negotiation is amazing."

Divided into twenty-two two-person teams, representing the buyer or seller, participants engaged in mock negotiations over the purchase and sale of a hotel facility in upstate New York. They were judged by a distinguished panel of thirty deal lawyers from around the country, most of them Cornell Law School alumni. Each team also received twenty minutes of direct feedback from the instructor-judges following each round of negotiations. They were judged on the basis of their mark-up of a modified purchase agreement and their ability to negotiate effectively on behalf of their respective clients. Students were required

Participants in the 2017 Transactional Lawyering Competition

to complete the introduction to transactional lawyering course in order to participate in the competition.

Partners on the winning seller team were **Kristina Hurley '19** and **Nico Weisman '19**. **Huichuan Xu '18** and **Wentian Xie '18** were partners on the winning buyer team.

Federal Judge Who Blocked Trump's Travel Ban Speaks at the Law School

U.S. District Judge **James Robart**, who blocked President **Donald Trump's** first travel ban, told students and faculty at Cornell Law School that he believes the president was out of line when he referred to him as a "so-called judge."

The day after Robart granted a motion for a temporary restraining order on February 3, 2017, blocking the president's travel ban, Trump tweeted: "The opinion of this so-called judge, which essentially takes law-enforcement away from our country, is ridiculous and will be overturned!"

"I think the president has every right to criticize judicial opinions," Robart said. "He's a citizen, and he's the president." But "he should not use the phrase 'so-called judge.'" This led the president's Twitter followers to think "I was not ever nominated and confirmed by the Senate or I was somehow acting outside my judicial role. That's something that I do have a problem with."

Robart was nominated to a seat on the U.S. District Court for the Western District of Washington by President **George W. Bush** in 2003. He was one of five judges to visit Cornell Law School to judge a moot court competition focused on the travel ban.

In his October 27 talk, which was marked by candor, Robart said, "I am not embarrassed to say that I was selected by President George W. Bush." But thinking the president who appointed a judge will predict the judge's rulings is dangerous. "We swear to follow the Constitution, not an individual president."

James Robart

Robart said he blocked Trump's first travel ban for several reasons, including his belief that the ban violated federal law and his determination that Trump's initial executive order lacked a factual basis for imposing a travel ban.

Robart said he blocked Trump's first travel ban for several reasons, including his belief that the ban violated federal law and his determination that Trump's initial executive order lacked a factual basis for imposing a travel ban. "One of the things that's relatively unique about this first executive order is the fact that it doesn't have much by way of factual support," Robart said. "The reason for that is we now know that it was not vetted by any of the other government agencies."

Matthew Battaglia '19 (left), Professor Siegel, Christina Kim '18, and Elizabeth Sullivan '18

Securities Law Clinic Team Wins Mock Arbitration Competition

A team of three students—**Christina Kim '18**, **Elizabeth Sullivan '18**, and **Matthew Battaglia '19**—from Cornell Law School's Securities Law Clinic took first place in the mock arbitration competition at the Securities Dispute Resolution "Triathlon" held in New York City October 14–15, 2017.

At the event, cosponsored by the Financial Industry Regulatory Authority (FINRA) and St. John's University School of Law, teams from twenty law schools competed in three alternative dispute resolution competitions of negotiation, mediation, and arbitration, all in the context of an emerging securities law issue.

Judges of the event were experienced securities lawyers and other professionals who serve as current FINRA arbitrators and mediators.

Adjunct Professor **Birgitta Siegel** coached the clinic students, who spent seven weeks researching relevant law and practicing advocacy skills prior to embarking on the weekend-long competition. Clinical Professor of Law **William A. Jacobson** directs the clinic, where students learn fundamental investigatory and advocacy skills within the context of laws governing financial investments.

This competition is called "Triathlon" for good reason, according to Professor Siegel. "It required students to accept tough time commitments for seven plus weeks to explore the unresolved legal issues presented," she said, "and of course to practice, practice, practice the multiple skill sets needed for each phase of the competition."

Cornell Law Students Win Best Draft Award at 2018 Regional Transactional LawMeet

Two Cornell Law School students won the Best Draft award at the 2018 Regional Transactional LawMeet held at Georgetown University Law Center on February 23, 2018. The students, **Wentian Xie '18** and **Eric Xu '18**, were representing Cornell Law School at the Transactional LawMeet after having won the Best Buyer's Counsel award a few months earlier at the 2017 Cornell Transactional Lawyering Competition. The Transactional LawMeet, an annual competition for law students interested in transactional practice, requires student teams to draft and negotiate the contract for a simulated stock purchase transaction. Xie and Xu were competing against teams from twelve other law schools at the Georgetown Regional Transactional LawMeet.

Xie and Xu are participating this semester in the new J.D. program at Cornell Tech on Roosevelt Island in New York City.

Eric Xu ' 18 (left) and Wentian Xie '18

Labor Law Clinic Receives Friend of Labor Award on Labor Day

On Labor Day, the Cornell Law School Labor Law Clinic and its founding director, Professor **Angela Cornell**, received the Friend of Labor Award for their service to the Ithaca area labor community. The award, which was given by the Mid-State Central Labor Council and Tompkins County Workers' Center, acknowledges their work "in providing critical legal advice, support, and representation for local labor unions and terminated workers."

The Labor Law Clinic was started in 2005 to advance workers' collective rights and freedom of association. In the clinic, students have the opportunity to deepen their understanding of traditional labor law and practice as well as to develop lawyering skills through their case work. Professor Cornell said the award is a tribute to the significant effort of many hard-working and dedicated students who are at the front of all of the clinic's work.

Justice of the Supreme Court of India Lectures on the Indian Constitution

"An hour, or even a lifetime, is insufficient to exhaustively discuss the Indian Constitution," Hon. **Jasti Chelameswar** observed as he addressed members of the Cornell Law School community on October 16. "This is therefore but a brief introduction, designed primarily for students of law who may not be familiar with the document which governs the life and fate of one-sixth of the human population."

Chelameswar was at the Law School to deliver a lecture on the topic "Fundamental Rights under the Indian Constitution," presented by the Berger International Legal Studies Speaker Series and the International Human Rights: Policy Advocacy Clinic and cosponsored by the South Asia Program. Chelameswar, who has served on multiple state and regional high courts in India, has been a justice of the Supreme Court of India since 2011.

In his lecture, Chelameswar observed that the Indian Constitution, though considerably bulkier than the U.S. Constitution, was strongly influenced by the older document and is bound by an analogous mandate. "The intended beneficiaries of both the constitutions are the people of two great nations," he said. "The ultimate purpose of both the constitutions is to secure ordered liberty of the people."

Chelameswar concluded, "In this lecture, I have spoken about the source, scope, purpose, and the limitations of rights. But what makes these particular rights, of all other rights, special or fundamental is that they are the building blocks which elevate humans from merely existing to living."

Students Argue Trump's Travel Ban in 2017 Cuccia Cup Competition

The winning team of the 2017 Cuccia Cup Moot Court Competition was **Laurel Hopkins '18** and **Alex Weiner '18**, who argued for the petitioner, and the runner-up team was **Hillary Rich '19** and **Charlie Sim '19**, who argued for the respondent.

Held October 28 in the MacDonald Moot Court Room, the 2017 Cuccia Cup problem was based upon the second iteration of President Trump's travel ban.

ABOVE: Hon. Jasti Chelameswar LEFT: Hillary Rich '19 (left) and Charlie Sim '19 BOTTOM LEFT: Alex Weiner '18 BOTTOM RIGHT: The winning team of Laurel Hopkins '18 and Alex Weiner '18 stands behind the panel of judges.

Recent Grad Named Fellow at Farmworker Legal Assistance Clinic

In February, recent graduate **Jordan Manastas '15** joined the Law School's Farmworker Legal Assistance Clinic as an Equal Justice Works Fellow.

Manastas is one of twelve attorneys chosen to serve at select nonprofit legal organizations as part of the New York State Family Security Project (NYSFSP).

NYSFSP is part of a broader state initiative known as the Liberty Defense Project, which was announced by Governor Cuomo in March 2017, in response to the surge in demand for help that is overwhelming nonprofit organizations serving immigrants.

The Equal Justice Works Fellows will help foster family security and community education through the delivery of high-quality legal services to immigrant families across New York. Specifically, Manastas will serve low-income immigrant workers and immigrant youths, particularly those who have been abused, neglected, or abandoned by one or both parents.

Students Examine Customary Law Up Close on South Africa Trip

This past winter break, sixteen students enrolled in Professor **Muna Ndulo's** Law and Social Change: Comparative Law in Africa traveled to Johannesburg, South Africa, for the experiential portion of the course. During the three-week trip, students collaborated with faculty and students at the University of Johannesburg to examine, analyze, and explore firsthand the interplay of law and society.

According to Ndulo, the course's combination of academic classroom learning and field experience provides an innovative approach to learning about the law, societies, cultures, and challenges of postapartheid South Africa. Now in its fifth year, the course focuses on the plural law systems that are widespread throughout Africa,

ABOVE: Jordan Manastas '15 (fifth from left) with other Equal Justice Works Fellows RIGHT: Students in Professor Ndulo's Law and Social Change class

A course like this one challenges students to adapt, a quality that is essential in the current global environment. It also gives them the opportunity to navigate different cultures, acquire intercultural understanding, and foster relationships that broaden their social and professional circles.

— Muna Ndulo

where customary law developed from indigenous practices that coexisted with British common law and other legal systems that had been imported by European colonizers. The course continues to attract Cornell students interested in learning how the law (specifically in South Africa) can be harnessed to bring about social, economic, and political change.

"A course like this one challenges students to adapt, a quality that is essential in the current global environment," says Ndulo, the Elizabeth and Arthur Reich Director, Leo and Arvilla Berger International Legal Studies Program and director of the Institute for African Development. "It also gives them the opportunity to navigate different cultures, acquire intercultural understanding, and foster relationships that broaden their social and professional circles."

TOP: Cornell Law students at a primary school in Limpopo Province, South Africa
BOTTOM: Cornell Law students at the Mandela House in Soweto, South Africa

FACULTY SCHOLARSHIP

Sandra Babcock, Clinical Professor of Law

"International Law and the Death Penalty: A Toothless Tiger, or a Meaningful Force for Change," Margaret M. DeGuzman and Diane Marie Amann, Eds. ***Arcs of Global Justice: Essays in Honour of William A. Schabas*** **89 (2018)**

Over the last several decades, the world has made great strides towards universal abolition of the death penalty. Since the Universal Declaration on Human Rights was adopted in 1948, nearly one hundred countries have abolished the death penalty as a matter of law. European and Latin American nations have been on the forefront of abolitionist efforts, but anti-death-penalty sentiment is not limited to those regions; support for the death penalty is waning in Africa and Southeast Asia as well. All but one or two nations claim to no longer execute minors, and many of the world's leading executioners have greatly reduced the number of crimes for which the death penalty can be applied. The General Assembly of the United Nations has now passed four resolutions in favor of a universal moratorium on capital punishment, and each has been supported by a greater number of countries—even those that were previously considered staunch supporters of the death penalty. But despite these encouraging prognoses, the death penalty remains rooted in a significant number of nations. Even in countries that have abstained from carrying out executions under an unofficial moratorium of sorts, courts continue to sentence individuals to death. This essay examines the potential of international law to promote abolition and the challenges that prevent the full realization of that potential.

Cynthia Grant Bowman, Dorothea S. Clarke Professor of Law

"How Should the Law Treat Couples Who Live Apart Together?," ***Child & Family Law Quarterly*** **335 (2017)**

Committed couples who do not share a residence, commonly called 'LATs' (for Living Apart Together), have been little studied by family law scholars in the United States. After describing the literature on this phenomenon by British, European, Canadian, and Australian scholars, this article provides new data about LATs in the United States. It presents the results of two new surveys, one of respondents in New York State and one U.S.-wide study, along with information gleaned from qualitative interviews of LATs. These data show that LATs are as prevalent in the United States as elsewhere and provide information about their lifestyle, their reasons for living apart, their economic relationships, and the family-like functions LATs undertake for each another. The article then discusses whether the U.S. legal system should recognize LAT relationships and, if so, for what purposes, concluding that certain legal rights should be extended to LATs, limiting them in most instances to those designed to aid their mutual caretaking, not those premised on economic interdependence.

Stephen P. Garvey, Professor of Law

"Agency and Insanity," ***Buffalo Law Review*** **66 (2018)**

This article offers an unorthodox theory of insanity. According to the traditional theory, insanity is a cognitive or volitional incapacity arising from a mental disease or defect. As an alternative to the tradition-

al theory, some commentators have proposed that insanity is an especially debilitating form of irrationality. Each of these theories faces fair-minded objections. In contrast to these theories, this article proposes that a person is insane if and because he lacks a sense of agency. The theory of insanity it defends might therefore be called the lost-agency theory.

According to the lost-agency theory, a person lacks a sense of agency when he experiences his mind and body moving but doesn't experience himself as the author or agent of those movements. The title character in the movie *Dr. Strangelove* suffered from what's known as alien hand syndrome. People suffering from this syndrome experience the moving hand as their hand but don't experience themselves as the author or agent of its movements. The lost-agency theory portrays insanity as alien hand syndrome writ large. The insane actor is like someone possessed by an alien self. He's not in charge of his mind or body when he commits the crime.

The lost-agency theory portrays insanity as alien hand syndrome writ large. The insane actor is like someone possessed by an alien self. He's not in charge of his mind or body when he commits the crime.

Valerie Hans, Professor of Law

"From Meaning to Money: Translating Injury Into Dollars," ***Law and Human Behavior*** **(forthcoming)**

Legal systems often require the translation of qualitative assessments into quantitative judgments, yet the qualitative-to-quantitative conversion is a challenging, understudied process. We conducted an experimental test of predictions from a new theory of juror damage award decision making, examining how 154 lay people engaged in the translation process in recommending money damages for pain and suffering in a personal injury tort case. The experiment varied the presence, size, and meaningfulness of an anchor number to determine how these factors influenced monetary award judgments, perceived difficulty, and subjective meaningfulness of awards. As predicted, variability in awards was high, with awards participants considered to be "medium" (rather than "low" or "high") having the most dispersion. The gist of awards as low, medium, or high fully mediated the relationship between perceived pain/suffering and award amount. Moreover, controlling for participants' perceptions of plaintiffs and defendants, as well as their desire to punish and to take economic losses into account, meaningful anchors predicted unique variance in award judgments: a meaningful large anchor number drove awards up, and a meaningful small anchor drove them down, whereas meaningless large and small anchors did not differ significantly. Numeracy did not predict award magnitudes or variability, but surprisingly, more numerate participants reported that it was more difficult to pick an exact figure to compensate the plaintiff for pain and suffering. The results support predictions of the theory about qualitative gist and meaningful anchors, and suggest that we can assist jurors to arrive at damage awards by providing meaningful numbers.

Michael Heise, Professor of Law

"From No Child Left Behind to Every Student Succeeds: Back to a Future for Education Federalism," ***Columbia Law Review*** **117, no. 7 (2017)**

When passed in 2001, the No Child Left Behind Act represented the federal government's most dramatic foray into the elementary and secondary public school policymaking terrain. While critics emphasized the Act's overreliance on standardized testing and its reduced school-district and state autonomy, proponents lauded the Act's goal to close the achievement gap between middle- and upper-middle-class students and students historically ill served by their schools. Whatever structural changes the No Child Left Behind Act achieved, however, were largely undone in 2015 by the Every Student Succeeds Act, which repositioned significant federal education policy control in state governments. From a federalism standpoint, the Every Student Succeeds Act may have reset education federalism boundaries to favor states, far exceeding their position prior to 2001.

Parents' calls for greater control over critical decisions concerning their children's education and schooling options may eclipse state and federal lawmakers' legislative squabbles over educational federalism.

While federal elementary and secondary education reform efforts since 2001 may intrigue legal scholars, a focus on educational federalism risks obscuring an even more fundamental development in educational policymaking power: its migration from governments to families, from regulation to markets. Amid a multidecade squabble between federal and state lawmakers over education policy authority, efforts to harness individual autonomy and market forces in the service of increasing children's educational opportunity and equity have grown. Persistent demands for and increased availability of school voucher programs, charter schools, tax credit programs, and homeschooling demonstrate families' desire for greater agency over decisions about their children's education. Parents' calls for greater control over critical decisions concerning their children's education and schooling options may eclipse state and federal lawmakers' legislative squabbles over educational federalism.

Robert A. Hillman, Edwin H. Woodruff Professor of Law

"Article 2 of the UCC: Some Thoughts on Success or Failure in the Twenty-First Century," ***William & Mary Business Law Review*** **(2018)**

The volume of litigation on Uniform Commercial Code Article 2, along with the rise of e-commerce, raises the question of whether Article 2 can succeed in the twenty-first century. There are, of course, many ways to measure success or failure of legislation. One strategy, applied here, is to evaluate Article 2 against the UCC's ambitious "purposes and policies" of simplifying, clarifying, and modernizing commercial law, supporting commercial practices, and promoting uniformity of the law among the states. In doing so, Hillman asks three questions that help determine when particular sections of Article 2 impede these goals and are ripe for revision:

1. Does Article 2 continue to generate litigation?
2. Does Article 2 keep up with twenty-first-century technology?
3. Does Article 2 impede twenty-first-century commercial practices?

These questions are obviously related. Based on the analysis, Hillman identifies some problematic Article 2 sections, and some that need no tinkering. In the conclusion, he briefly considers next steps if the climate for revision of the article is renewed.

Odette Lienau, Professor of Law

"Law in Hiding: Market Principles in the Global Legal Order," ***Hastings Law Journal*** **68, no. 3 (2017)**

Standing in the background of the global legal order are a range of what might be called "market principles" or "market givens"—collective presentations or beliefs about how markets work—which are treated as objective descriptions at a particular time and place. This article argues that such market givens should be understood as a kind of "law in hiding," shaping the policy space available to states and other actors and affecting global legal developments in important but unrecognized ways. Drawing on examples from global financial law, rules on capital mobility, and sovereign debt practices, the article demonstrates how market principles can provide the real substantive content for conventionally recognized law, effectively counter official law, and act as powerful rules in the absence of clear legal standards. Lienau further considers why "law" is a suitable categorization for these market principles, adopting a broad definition that derives from and pushes forward recent international legal scholarship. She contends that deliberately incorporating market principles into our understanding of the global legal order would be not only theoretically plausible but also productive, especially by expanding the field of legal work and activism and by raising important questions about lawmaking mechanisms, accountability, and norm coherence. I also suggest that market principles have thus far escaped attention from lawyers in part because of tendencies and assumptions in multiple variants of international legal scholarship itself.

In highlighting how market principles play a role in the

global legal order, Lienau does not intend to grant them the legitimacy or presumptive obedience sometimes associated with the label "law." Indeed, her motivation draws in part from a concern with the capacity of these market principles to effectively undermine policy options that may lead to better outcomes. Her goal, instead, is to place them as squarely as possible at the center of legal analysis and critique and therefore to level the playing field between these market principles and other types of principles and values we may care about.

Jeffrey J. Rachlinski, Henry Allen Mark Professor of Law (with coauthor Andrew J. Wistrich)

"Judging the Judiciary by the Numbers: Empirical Research on Judges," ***Annual Review of Law and Social Science*** **13 (2017)**

Do judges make decisions that are truly impartial? A wide range of experimental and field studies reveals that several extralegal factors influence judicial decision making. Demographic characteristics of judges and litigants affect judges' decisions. Judges also rely heavily on intuitive reasoning in deciding cases, making them vulnerable to the use of mental shortcuts that can lead to mistakes. Furthermore, judges sometimes rely on facts outside the record and rule more favorably toward litigants who are more sympathetic or with whom they share demographic characteristics. On the whole, judges are excellent decision makers, and sometimes resist common errors of judgment that influence ordinary adults. The weight of the evidence, however, suggests that judges are vulnerable to systematic deviations from the ideal of judicial impartiality.

Jed Stiglitz, Associate Professor of Law, Jia Jonathan Zhu and Ruyin Ruby Ye Sesquicentennial Fellow (with coauthor John M. de Figueiredo)

"Signing Statements and Presidentializing Legislative History," ***Administrative Law Review*** **(forthcoming)**

Presidents often attach statements to the bills they sign into law, purporting to celebrate, construe, or object to provisions in the statute. Though long a feature of U.S. lawmaking, the president has avowedly attempted to use these signing statements as a tool of strategic influence over judicial decisionmaking since the 1980s—as a way of creating "presidential legislative history" to supplement and, at times, supplant the traditional congressional legislative history conventionally used by the courts to interpret statutes. This article examines a novel dataset of judicial opinion citations to presidential signing statements to conduct the most comprehensive empirical examination of how courts have received presidential legislative history to date. Three main findings emerge from this analysis. First, contrary to the pervasive (and legitimate) fears in the literature on signing statements, courts rarely cite signing statements in their decisions. Second, in the aggregate, when courts cite signing statements, they cite them in predictably partisan ways, with judges citing presidents' signing statements from their own political parties more often than those of the opposing parties. This effect, however, is driven entirely by the behavior of Republican-appointed appellate jurists. Third, courts predominately employ signing statements to buttress aligned statutory text and conventional sources of legislative history, and seemingly never rely on them to override contrary plain statutory text or even unified traditional legislative history. This suggests that signing statements have low rank among interpretive tools, and courts primarily use them to complement rather than substitute for congressional legislative history. In this sense, presidents have largely failed to establish an alternative corpus of valid interpretive material. ■

Though long a feature of U.S. lawmaking, the president has avowedly attempted to use these signing statements as a tool of strategic influence over judicial decision making since the 1980s.

Law School Alumni Launch Networking Opportunities

In Cornell Law School's ongoing campaign to expand programs for professional development, six new alumni groups have begun offering opportunities for mentorship and support: the Cornell Alumni Network of Asian Lawyers, the Cornell Black Lawyers Alumni Network, the Cornell International Lawyers Alumni Network, the Cornell Network of In-House Lawyers, the Latino Lawyers of Cornell, and the Mary Kennedy Brown Society.

First and foremost, our mission is to support alumni with networking and mentorship, whether that's through panels, mock interviews, or public events.

— Andrew Hahn Sr. '86

"First and foremost, our mission is to support alumni with networking and mentorship, whether that's through panels, mock interviews, or public events," says **Andrew T. Hahn Sr. '86**, who founded the Asian lawyers network with **Frances Wang '17**. "After graduation, work and family become focal points for most of us. We concentrate our

TOP: Allison Harlow Fumai '02 (second from right), president of the Mary Kennedy Brown Society, with members of the Women in Law panel at Reunion 2017.
BOTTOM: Andrew Hahn Sr. '86 (sixth from left, back row) at a 2018 student/alumni mixer in New York City that he hosted.

energies on being good at our jobs, and we don't think about the institution that got us there in the first place. Groups like ours can keep people engaged in the life of the Law School by working closely with current students and introducing alumni to one another."

want to create a group to help them do great things with their law degrees and their lives."

All six networks focus on increasing alumni activity, developing mentoring relationships, fostering connectivity between alumni, providing career support, and promoting the Law School's diversity and development efforts. Four of the networks—Asian, black, international, and Latino lawyers—are also open to Cornell University alumni.

"Latino Lawyers of Cornell brings together our Latino alumni community regardless of whether they attended Cornell Law School or any of the other Cornell colleges, and the diversity of our membership is enriched due to this," says **Maria Fernandez '92**, president. "Latino Lawyers allows us to network, support the Cornell Law students, and celebrate our alumni. In that vein, we're very proud that one of our members, **Eric Gonzalez**, became the first Latino elected to serve as district attorney in New York State in November 2017."

The Mary Kennedy Brown Society, named after the first woman to graduate from Cornell Law School in 1893, sees itself as a bridge that begins at the Law School and extends into the working world. "Even though women are coming out of Cornell Law at the same rate as men, a lot of women don't stay in the job force and don't stay within Big Law," says **Allison Harlow Fumai '02**, whose group also works with the on-campus Women's Law Coalition. "We think it's important to show women that there are a variety of career opportunities in pursuing the law, and ultimately, we

TOP: Members of Latino Lawyers of Cornell during a Day of the Dead celebration BOTTOM: A gathering of the Cornell Black Lawyers Alumni Network in Washington, D.C. Past president Eric Elmore '89 is on the far left. Current president Natalya Johnson '10 is second from the right.

TOP: A gathering of the Latino Lawyers of Cornell alumni group. President Maria Fernandez '92 is third from the left.

"Since our inception in 2014, the Cornell Black Lawyers Alumni Network has succeeded beyond our wildest dreams to reconnect our alumni community to Cornell and to each other," adds past president **Ernest Eric Elmore '89**. "We are especially grateful that we were able to establish the George Washington Fields LL.B. 1890 Law Scholarship—named in honor of a former slave and the first African American to graduate from the Law School—to support diverse students at Cornell Law School." **Natalya Johnson '10** is the current president of the black lawyers network.

In the coming months, all six groups are working to expand their membership, host events, and increase their services. "None of these organizations works in isolation," says **Daniel Duval '02**, president of Cornell Network of In-House Lawyers, who transitioned from outside to in-house counsel ten years ago. "There's a lot of overlap between these communities, which is how it's meant to be, creating opportunities to cosponsor events and build community across multiple affinity groups. These are channels in which Cornell lawyers can connect with other Cornell lawyers for mutual benefit, and what distinguishes these groups is the connection to Cornell and the foundational experiences we all share. That helps to build stronger, long-term networking and mentoring relationships, because as Cornell Law alumni, we already have so much in common."

Development News

Alumni and friends directed significant philanthropy to Cornell Law School during the first half of fiscal year 2018, including strong support of the **Law School Annual Fund**. At the close of business on December 31, 2017, the Law School had received more than $1.7M in current-use, unrestricted cash gifts from more than 1,200 donors. That amount reflects an increase of almost 6 percent from last year's midterm dollar total and 5 percent from last year's midterm donor total.

Planned gifts continued to be a popular method of gift making. In November 2017, the Law School was advised that the late **Gray Thoron**, legendary Cornell Law professor, had established several outside trusts that would benefit his heirs during their respective lifetimes, and eventually bring more than $8M to Cornell Law School as endowment funding for professorships. Gray Thoron served as dean of the Law School from 1956 to 1963 and continued as a member of the faculty until 1987, when he took emeritus status. He earned his undergraduate and law degrees at Harvard, practiced at Sullivan & Cromwell in New York, and served in the U.S. Army during World War II. He received the Silver Star, the Bronze Star, and the Purple Heart with Oak Leaf Cluster during his military service. During his deanship, Thoron succeeded in raising faculty salaries to the standard of other preeminent law schools. Gray Thoron passed away in 2015.

Mark Evans '68 designated a prospective bequest to the endowment fund of the Class of 1968 Walter E. Oberer Memorial Scholarship. Evans established this planned gift in honor of his 50th Reunion and in recognition of longtime professor **Walter Oberer**, who taught Contract Law. "Walt Oberer was by far the most effective teacher I ever had," said Evans. "This bequest acknowledges with gratitude the profound effect he had in expanding my mind, developing my self-confidence, and equipping me for the practice of law. Those of us who were fortunate enough to take his first-year class learned far more than contracts; we learned how to think like lawyers."

A second bequest from the estate of **Lorene J. Bow '52** came to the Law School as a new gift to the endowment of the Joergensen-Bow Law Scholarship, which an initial bequest established last year. The second Bow bequest is nearly $1.3M, and the total value of the Joergensen-Bow Law Scholarship endowment stands at more than $2.4M.

Scholarships benefited also from the present generosity of alumni and friends. **Arnold M. Potash '61** established the Potash Family Scholarship to provide an annual grant to a student enrolled in the J.D. program, at the discretion of the Allan R. Tessler Dean. Potash is a double-degree Cornellian, having taken his A.B. in 1958. He is a partner at Perelmutter, Potash & Ginzberg, in Connecticut, where he practices in many areas of litigation, including family law, personal injury, arbitrations, and corporate law. **Larry** and **Michele Pulec**, parents of the late **Karina Lynn Pulec '13**, endowed the Karina Lynn Pulec J.D. 2013 Memorial Scholarship to memorialize their daughter's name and her dedication to the law. Pulec was an associate at Hogan Lovells, in Denver, Colorado, when she died as a result of injuries suffered in a hit-and-run accident in October 2016. Her untimely passing shocked and grieved her family, friends, and Cornell classmates.

Gretchen Ritter, A.B. '83, the Harold Tanner Dean of Cornell's College of Arts and Sciences, joined with her siblings to dedicate a Law Library carrel in memory of their father, **Hon. David S. Ritter '59**. The family's gifts are apportioned to the Law Annual Fund as well as the Library Carrel Fund. Judge Ritter was an honors graduate of Cornell Law School, a former district attorney for Orange County, New York, and a longtime member of the Judiciary of New York. He served as county court judge, N.Y. State Supreme Court judge, administrative judge of the ninth judicial district, and, from 1990 to 2010, associate justice of the Second Department of the Appellate Division. Ritter passed away in August 2017.

Beginning in the fall 2018 term, distinguished jurists will make biannual visits to Cornell Law School, thanks to a gift from an anonymous donor. The Cornell Law School Distinguished Jurist Lecture Series will bring esteemed jurists to Myron Taylor Hall to speak on significant matters of law, of their own choosing. The Distinguished Jurist Lectures will be open to all members of the Cornell Law School community and the general public. ■

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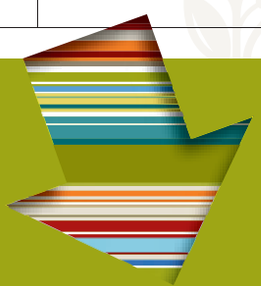

Class Notes are Online

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

In Memoriam

William AuKamp, LL.B. ’61

David S. Buckel ’87

Edward Vk Cunningham ’62

Rudolph De Winter, LL.B. ’53

Ari John Diaconis ’14

David A. Goldstein ’58

Christopher M. Griffith ’00

Leonard Gubar ’60

Elliott W. Gumaer ’58

Alan L. Hellman ’73

Hon. Philip H. Hoff, LL.B. ’51

Frederick E. Machmer Jr. ’65

Gary N. Mager ’95

Donald J. Mark, LL.B. ’53

Sherman Moreland III ’54

James M. O’Hara, LL.B. ’63

Steven A. Pardes ’73

Kenneth A. Payment, LL.B. ’66

Paul M. Rosen ’68

Donald L. Schoenwald, LL.B. ’55

John Albert Sebald ’59

Eugene S. Stephens ’58

Alan R. Taxerman ’79

Neil H. Tiger ’78

William S. Wachenfeld ’78

Abdul W. Wohabe ’63

Hon. Paul J. Yesawich, LL.B. ’51

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The Class of 1985 Scholarship Fund

Josh Dulberg

J.D. Candidate, Cornell Law School 2019
Class of 1985 Scholarship Recipient

The Class of 1985 Scholarship not only enabled me to pursue my passion free of financial burden, but also demonstrated the Law School's belief that I could succeed in that pursuit. I will be forever grateful for the Cornell Law alumni who made this possible and hope to someday do my part to pay it forward.

Taylor Reynolds

J.D. Candidate, Cornell Law School 2018
Class of 1985 Scholarship Recipient

I am grateful to the Class of 1985 not only for their essential financial support, but also for their encouragement and investment in me as a member of the Cornell Law family. It is motivating to know that I have a class of lawyers "in the best sense" behind me who care about my future and who have already paved a way forward.

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Lawyers in the Best Sense

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