

When

They don't all want to be immigration lawyers, but this year, hundreds of Harvard Law School students, like Mana Azarmi '17, have made immigrant rights their business.

Harvard Law

bulletin

we're

needed,

we'll

show

up'



When David Lopez '88 won a victory on behalf of a Somali client who'd been fired for wearing a hijab, he says he was tapping into "quintessentially American values."

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JESSICA SCRANTON

Since coming to HLS, Tess Hellgren '18 has immersed herself in advocacy for immigrants: from detention centers at the southern border to asylum hearings in Boston.



MARK OSTOW

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Two professors, six students, three rooms

Harvard Law Bulletin

ASSISTANT DEAN FOR COMMUNICATIONS
Robb London '86

EDITOR
Emily Newburger

MANAGING EDITOR
Linda Grant

EDITORIAL ASSISTANCE
Michelle Bates Deakin
Marissa Marandola '19
Christine Perkins
Lori Ann Saslav

DESIGN DIRECTOR
Ronn Campisi

Editorial Office
Harvard Law Bulletin
1563 Mass. Ave.
Cambridge, MA 02138
Email: bulletin@law.harvard.edu

Website:
today.law.harvard.edu/bulletin

Send changes of address to:
alumrec@law.harvard.edu

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Naz K. Modirzadeh '02 is founding director of the HLS Program on International Law and Armed Conflict. She discusses its new report on international law and wars that seem to have no end.

JESSICA SCRANTON



HENRY STEINER '55

"Outskirts of Kingston, Jamaica" is among the photos included in the new book by Professor Emeritus Henry Steiner '55, "Eyeing the World."

By Emily Newburger

‘What justice demands of us, no one person can do alone.’

MARTHA MINOW became Harvard Law School’s 12th dean in 2009, after teaching at HLS since 1981. During her tenure, the school’s clinics and public service activities have grown substantially; the faculty, staff, and student body have become increasingly diverse; and students, staff, and faculty have pursued innovation and entrepreneurship. She has overseen the development of dynamic new spaces, including a campus crossroads; strengthened ties to the profession and connections to the university; and led the largest alumni reunion—and the most successful fundraising year—in the school’s history. In January, Dean Minow announced her intention to step down at the end of the academic year. This spring she spoke with the Bulletin about the institution she loves, the future of legal education and what she looks forward to next.

BULLETIN: When you first became dean, what was your top priority?

MINOW: It was 2009, the time of a global financial disaster. The endowment of the university declined by 30 percent; law firms and public interest offices let lawyers go and shrunk hiring. The first decision on my desk was whether to proceed with constructing a building; it was already designed, contracts were signed, and the construction was ready to go, but the funding and future prospects for funding made proceeding risky. Whether to proceed with the building was emblematic of the larger question of the school’s future.

I made the decision to go ahead. It was the right decision, and it has been transformative. I’m grateful to Elena Kagan, Dan Meltzer, and all the people who designed and built the Wasserstein Hall, Caspersen Student Center, Clinical Wing Building—the WCC. The superb facilities team pursued some value engineering, finding ways to make the building more cost-effective. Now, the beautiful space magnifies our very best resource, which is our people. Students, faculty, and staff now easily and eagerly move in and out of clinics, classrooms, activities, and meals, as all are now under one roof; it is enticing to spend more time with each other. I also made the decision to tear down part of Pound—I like to call it half-Pound—so that we’d have a crossroads on campus, which we’d never had before.

I believe, with Jane Jacobs [author of “The Death and Life of Great American Cities”], that the serendipitous meeting of diverse people is the engine of creativity. With the crossroads and the building, people bump into friends and meet new people, and ideas and discussions grow.

What’s one of the things you’ve accomplished that you’re proudest of?

Nobody can be in this role without being part of a team, and all the great developments over the past eight years reflect the extraordinary efforts and talents of a lot of people. I’m really proud that we have not only stabilized financially, but we have invested considerably more in financial aid, in loan forgiveness and in clinics. With 80 percent of students now engaged in clinical work, with many new clinics and new clinical faculty, the law school every day is pursuing justice, as well as studying law. Strengthening diversity along many dimensions—for our faculty, and our students, and our staff—has been a priority. We’ve been building better ties to practice, to business and innovation, to policymaking locally and globally—while also strengthening collaborations across the university, and indeed across the world. It is thrilling to see new initiatives in criminal justice, corporate accountability, health policy, environmental law, food safety and quality, animal law, Islamic legal studies, and many other fields. It is a particular joy to have 40 new and wonderful faculty colleagues.

If you think back on your deanship, is there one image that most fills you with joy?

We just had the Freedom Seder, which is put together by students. The year after Dr. Martin Luther King was killed, the tradition of the Freedom Seder began as a collaboration between Jewish and black groups, and now many other students are involved. Sitting in that room with so many people with such different backgrounds, all talking about journeys, challenges, narratives of exodus, and freedom, and what we have to learn from



Martha Minow became dean of Harvard Law School in 2009, after 28 years on the faculty. “There were so many treasures of the school I didn’t know,” she says, “so many extraordinary people to make it all work.”

each other—that’s pretty powerful.

Another powerful memory is our moot courts. To see students, whom I remember welcoming as 1Ls, rise to the occasion as dazzlingly effective finalist oralists, and to hear judges who report, “You’re as good as the very best who appear before us,” this is moving and meaningful.

Then there is the library session we just held, “Notes and Comment,” where faculty and students, assisted by library staff, met in a kind of “speed-mentoring,” with intense explorations of students’ new ideas for scholarship. It was fabulous.

And here is one more image. A room in the WilmerHale Legal Services Center in Jamaica Plain is now decorated with the artwork of elementary

school students who had been invited to portray what justice looks like in their neighborhoods; our students mentored those students, and helped explain how they provide legal services in the community.

You directed the Admissions team to seek more admitted students with work experience and more military veterans, and you encouraged admission of more women, more students of color, and more students from other countries. How do these developments change the way law students learn and what they do here?

The growing diversity of all kinds in the composition of our student body complements and enhances large changes in the way we teach and learn—in a more collaborative

environment in which experience, knowledge of the world, and differences in background and perspective make us stronger and better. We now have over 250 classes offered in settings of 25 or fewer students, and we are more focused on collaboration, problem-solving skills, and hands-on learning, enabling individuals to grow and also to learn from one another. One new kind of offering is lab courses. Students work alongside a faculty member pursuing an interest or project; students participate by producing their own work while collaborating on a larger effort, which may be a blog or research, and those

→Minow was recently profiled by Lincoln Caplan '76: bit.ly/Minow-feature2017

efforts have attracted interest and attention among judges, policymakers, and journalists. Lab course projects, such as the labor law blog and the anti-corruption blog, have become resources in their fields and beyond, reflecting the talents of the students and involvement of faculty. We have students who are extraordinary—we always have. Their initiative, questions and passions give me hope every day.

You've been instrumental in supporting initiatives that help prepare students for the changing legal profession and new opportunities to use legal training in varied settings. What do you see as the next big challenge for legal education?

What it means to be a lawyer will differ more 20 years from now than today differs from 20 years ago, due to digital resources, globalization, and the acceleration of changes across industries and societies. We support and encourage innovation here because we know one thing for sure: For the rest of their lives, current students will learn continually and reinvent themselves, in order to serve clients, create and run enterprises, and tackle social problems. This calls on us to help people—students, faculty, staff, alumni—learn how they learn, how to be self-reliant, and to think about what should endure amid disruption and innovation. How can artificial intelligence improve access to justice? How can analysis of big data assist democracy? What does fairness look like as people from different societies compete and collaborate? Working in teams, working with and designing technologies, deploying the languages of finance and statistics, gaining competence with cultural differences will all be key, as will be comfort with risk, uncertainty, and change.

Our students are bringing legal skills to Harvard University's Innovation Lab, and they are also innovators themselves. It is terrific to see them competing—and prevailing!—in campuswide, and global, competitions, generating new



ideas and new ventures. Those skills and ways of thinking will be invaluable in the future.

Our Library Innovation Lab is a wonderful model. Among its innovations is H2O, a collaborative digital casebook platform. Another is Perma.cc, a way to preserve otherwise disappearing online resources with a protocol allowing libraries, courts and other institutions around the world to share the task. Financing legal education and higher education so young people from any background can attend and can pursue their dreams is a vital challenge, and so is devising workable business models for legal services for poor and middle-class people.

You've fostered connections across disciplines. I wondered where that impulse came from for you, and why it's fruitful for the law school.

In 1987, I published an article called "Law Turning Outward," in which I looked at the explosion of legal scholarship using other disciplines, such as economics, literature and sociology. These developments have only expanded since then. This reflects the fact that increasing numbers of people are combining other graduate programs with legal education.

Serious problems tend to be too big and complex for any one discipline to provide adequate responses. Law schools have obligations not simply to serve society as it currently is, but also to envision and advance its future. For that, we need the tools that allow for external critique as well as internal critique of the law. We continue to have great scholarly energy directed at making sense of legal doctrine and legal institutions. A real virtue of our size is that we can support a strong portfolio of many different kinds of scholarship. Bringing other disciplines to bear only deepens our understanding of the legal system. History, economics, psychology, philosophy, anthropology, comparative and international studies—these are fantastic resources. The large number of faculty and students with advanced training in other disciplines enriches our conversations, our understandings, and our imaginations.

Empirical study of law, using quantitative and qualitative approaches, allows us to ask: How well are we doing? How well does a given rule or practice work? Who is helped and who is not? Does a particular institution work? Do people really need a lawyer in situations when it might

“Law schools have obligations not simply to serve society as it currently is, but also to envision and advance its future. For that, we need the tools that allow for external critique as well as internal critique of the law.”

be just as effective to give them access to easily understandable information about the law? The same rigorous techniques that helped medicine develop—evidence-based assessments—guide scholarship here and elsewhere. This means looking at experience with particular laws, regulations, institutional designs and social norms. There’s great promise here in making genuine improvements, based on facts rather than intuitions or ideologies.

You mentioned history. As we get ready to celebrate the school’s bicentennial, what in particular do historians bring to the training of future lawyers?

To be able to imagine how the world could be different from the way it is, this is what study of history, comparative law and even science fiction can offer. Historians help us see continuity and change, and to take a long view is really invaluable. Short-term thinking gets us into lots of trouble. Harvard now has the most extraordinary group of legal historians. To read their work, and to hear students informed by their teaching, is to gain understanding of unanticipated effects of laws from ancient Greece, early Chinese society, and medieval Europe, to the founding era of the U.S. Constitution, the 19th century, and the 1960s in the United States. History helps us see the influences of personality and external forces like war and economic change; history allows us to address mistaken judgments, and to understand why others stand the test of time.

You’ve spoken about your vision of HLS as not just a law school, but a justice school. I’m wondering if that’s something that can be realized, or if it always has to be aspirational.

I have long wondered why we call the enterprise a law school and not a justice school. Look, medical schools are not called health schools. But we need to remember that the point of law and the point of medicine are to serve

society, not simply to advance expert knowledge systems and the states of those with expertise. What justice does and should mean is a debate, and we need to have it.

It’s a plus, not a minus, to see different people from the school on opposite sides of the same litigation and on opposite sides of many debates. Justice advances when we engage in the debate, and by pressure from many different perspectives.

My friend Avi Soifer, dean at University of Hawaii, evocatively describes justice not as a place, but as a direction, like north. Lawyers do not have a monopoly on knowledge about what justice is or can be. But lawyers, at our best, help to construct the conversations around what justice should be and which processes can best promote it. More than ever I think we need to draw on the capacities lawyers have to frame meaningful debates and conversations, to promote reasoned and respectful discussions, to test alleged facts, and to enable people with differences and disagreements to live, work, and flourish together.

Lawyers also have an ability to take problems down to their core, take them apart and come up with many approaches toward achieving desirable goals. When we work to persuade, we develop understandings of the intents and desires of others. What justice demands of us, no one person can do alone.

What are you looking forward to in the next chapter of your career?

I love teaching and learning with students, and I love scholarship. I have taught each semester while serving as dean and I’ve been able to do a little scholarship, but I will be happy to be able to do more of both. I am also looking forward to being more engaged in issues in the larger world, the freedom to speak in my own voice and the time to work on the causes that I care about.

What books are waiting for you on your nightstand?

Right now, “Wonderland,” by Steven Johnson, which explores how great inventions emerged from seeming amusements; “Power Play,” by Asi Burak and Laura Parker, which examines video games, like those released by Justice Sandra Day O’Connor’s iCivics, that are designed to try to produce social change; Gish Jen’s “The Girl at the Baggage Claim,” examining the cultural differences between the East and the West; and Eric Weitz’s “Weimar Germany,” tracing the seeds of Nazism.

What do you wish people knew about Harvard Law School?

Even though I became dean after 28 years on the faculty, there were so many treasures of the school I didn’t know, so many extraordinary people to make it all work. We are a place of deep and diverse research programs; an extraordinary library now digitizing its extensive and unique materials; rigorous and compassionate staff ensuring a caring community, environmental sustainability, and cost-effective facilities; so many innovations in teaching and in delivering legal services; such intriguing cross-fertilization—between human rights and environmental advocacy, between veterans legal assistance and computer programming. And it is a community of caring people, helping one another during difficult times, celebrating life passages, nurturing capacities as artists, athletes, advocates and satirists. So many people join the staff and stay for a long, long time. So many students make friends with people who differ in views and backgrounds. Each day holds moments to relish and cherish.

If you had one piece of advice for your successor, what would it be?

Listen.

War Powers: A (Judicial) Review

Judge David Barron explores the history of wartime powers and conflict



THE POST-9/11 WAR ON TERROR WAS ONLY 3 YEARS old when David Barron '94 began researching whether presidents enjoy as much unfettered power to conduct wars as was assumed by many at the time.

The question soon became more than academic for Barron, then a Harvard Law professor who took a leave to help lead the Justice Department's Office of Legal Counsel at the start of the Obama administration. The thorny issues he addressed included whether the U.S. military could target a U.S. citizen in a drone strike abroad.

David Barron's "Waging War" has been called "a nuanced portrayal of the separation of powers as lived on the ground over time."

A dozen years after he began, Barron, now a judge on the U.S. Court of Appeals for the 1st Circuit and a visiting professor at HLS, has published the results of his research in a book titled "Waging War: The Clash Between Presidents and Congress 1776 to ISIS" (Simon & Schuster).

The book has already won the 2017 William E. Colby Award, which honors a "major contribution to the understanding of military history, intelligence operations or international affairs."

"It's an extraordinary book and a really rich and nuanced portrayal of the separation of powers

as lived on the ground over time,” said Daphna Renan, assistant professor at Harvard Law School, who served in the Office of Legal Counsel and last fall hosted Barron’s campus book talk.

Barron, who spent 14 years on the HLS faculty, first shared his findings in two seminal Harvard Law Review articles co-written with Martin Lederman, a Georgetown University law professor and his deputy at OLC.

Barron said he purposely decided to write the book as a narrative, laying out the flash points and main characters in the conflict between Congress and commanders in chief.

“I thought it would be important for lay readers, nonlawyers, to be able to understand that history, which I don’t think had been fully told,” Barron said. “Also, I got less interested in the legal answer and more interested in the practice of how presidents and their legal advisers manage and cope with the dilemmas that emerge in the run-up or during war, when Congress, rather than being silent, make their voices heard.”

He begins with Gen. George Washington’s decision to adhere to the wishes of the Continental Congress, opting not to burn down New York City in the face of the advancing British Army in the summer of 1776.

He ends with a brief first-person account of his own time in the Justice Department advising President Obama ’91. On his first day on the job, Barron discovered a then-still secret memorandum left by his predecessor in a plain manila envelope. The memorandum disavowed a series of legal opinions issued after 9/11 that laid out a particularly aggressive allocation of war-making authority to the president at the expense of Congress. Barron found a “surprisingly constant practice,” albeit one that’s sometimes breached, of presidents being wary of simply asserting unchecked power to decide how a war should be fought. At the same time, Congress is wary of giving up its right to have a say or provoking an all-out constitutional showdown.

“In some ways, it’s almost a dance with two partners in which neither one fully wants to take the lead,” Barron said. “That dynamic is a healthy one and is vital to allowing separation of powers and checks and balances to survive over centuries of conflict.”

Barron devotes only a few pages to his own 18 months at the Office of Legal Counsel, and the book isn’t intended to be about his time in office. Nevertheless, his tenure there helped provide a new perspective, and he couldn’t help but identify with some of the presidential advisers who preceded him.

“There’s a certain familiarity to seeing the law-



Barron decided to write his book as a historical narrative, laying out the flash points and main characters in the wartime conflicts between Congress and commanders in chief.

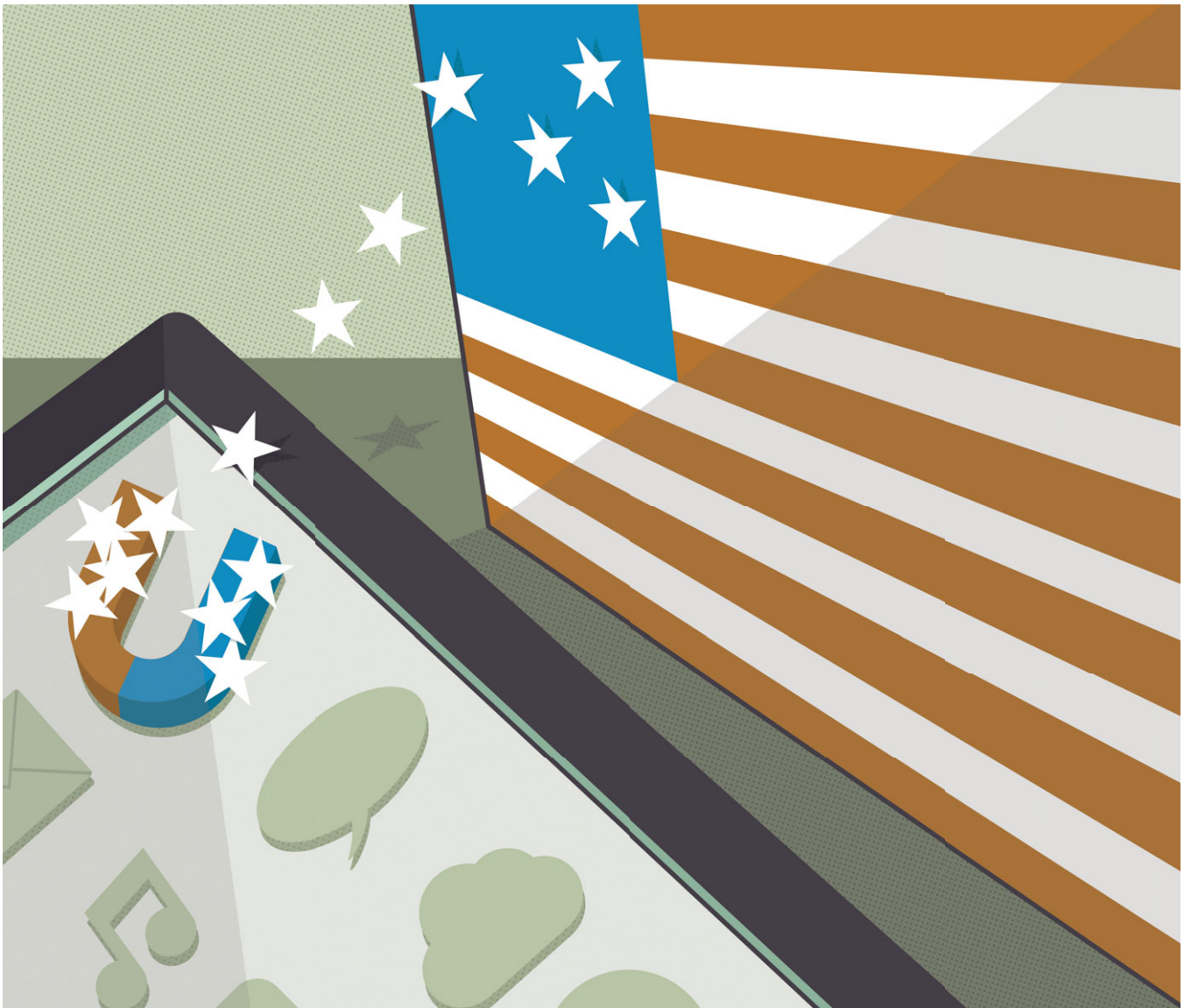


yers confronting those questions in different eras. Those contexts are very different, laws develop in different ways, people working today have the benefit of historical outcomes that preceded them, and there’s also new pressure and a difficult legal culture and different kinds of weaponry,” Barron said. And yet, “through it all, there is a real familiarity in the kinds of time pressures those lawyers faced, questions of judgment they were required to make that made the project particularly interesting to work on.”

Barron said the war on terror remains “an unusual or distinct phase” in the nation’s history, one marked by a decade of fighting pursuant to a general authorization to use military force.

“That’s just an unusual circumstance in our history,” Barron said. “There’s no obvious end to that authorization, and yet its contours aren’t entirely clear and questions about how to conduct this conflict which have been authorized in general terms are recurrent and likely to continue to be recurrent, which makes the question of who controls the conduct of war more salient.”

Barron, who was appointed to the 1st Circuit in 2014, is reluctant to forecast how that conflict may play out in the future, given his latest role as federal judge. “One thing about being a judge: That’s not for me to make those kinds of predictions,” Barron said. —SETH STERN ’01



Common Threat

Sunstein urges people to consume more diverse information for the good of our democracy

AUTHOR OF THE BEST-SELLING “Nudge,” about influencing people’s behavior for their benefit, Professor Cass Sunstein ’78 has just published a new book titled “#republic: Divided Democracy in the Age of Social Media.” It seeks to bring together people who are increasingly polarized by consuming information that conforms to their political beliefs and social groups. Sunstein, who served as administrator of the White House Office of Information and Regulatory Affairs in the Obama administration, argues in the book that self-insulation facilitated by the

internet and social media has harmful consequences for our democracy—one of several topics he covered in a recent interview with the Bulletin.

You previously wrote about some of the same issues you address in your new book in “Republic.com” (2001) and “Republic.com 2.0” (2007).

What’s changed since the publication of those books?

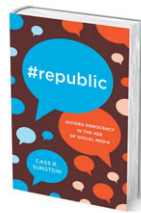
The rise of social media! Facebook and Twitter now have a major role in political debate, and that adds a new element to our democratic system. Most of all, it simplifies

In “#republic,” Cass Sunstein argues that the internet and social media facilitate the creation of echo chambers, which make it harder to solve social problems. ▲

the creation of echo chambers, which is a real problem. The earlier books explored the problem of self-sorting, but with social media, that problem really requires a different kind of analysis. There is a real connection here with the problem of mutual misunderstanding and with failures of problem-solving.

Can you expand on the effects of the echo chambers and the dangers?

If you live in an echo chamber, you won't exactly expand your horizons, and you are likely to get a narrow and distorted understanding of both politics and culture. Take the issue of regulation: If you think that it is necessary to control powerful interests, or instead that it is a harmful way of expanding government power, you are not going to be able to make progress on, for example, safety on the highways. And if many people live in echo chambers, it won't be easy to solve social problems. Call it Hamilton's nightmare: Hamilton prized the "jarring of parties," but that was because he thought it would promote circumspection and deliberation. Sometimes that happens, but echo chambers make it less likely. People need to learn from one another. There's a ton of information out there and it is best if it is shared across "tribes." If you speak to like-minded others, you will probably get more confident and more extreme—and your group will get more unified. A unified, confident and extreme group is not likely to play well with others. And when there are many such groups, self-government may not function so well. Some of the problems in modern American government are a product of relentless self-sorting.



→ “A unified, confident and extreme group is not likely to play well with others.”

How can people be “nudged” to consume information that’s outside of their echo chamber?

Facebook could help by improving its News Feed. How about a serendipity button, by which people could choose to see a random sample of perspectives, and also topics? Or an opposing viewpoints button, by which people could choose to see views that they disagree with? Lots of people are working on creative ideas of this kind.

Some research indicates that people are unwilling to accept facts that diverge from their preconceived notions. What influence do you think alternative information will have on people who have already formed opinions about issues?

If you are really committed to a view—say, that dropped objects fall, or that the Holocaust happened—you won't be affected by alternative views. But on many questions, people do listen, especially if those who offer new views have some credibility (say, because they are experts, or because they would not be expected to have those views). If people have deeply entrenched views about climate change, for example, of course they will be skeptical of people who cast doubt on those views. But on many issues, our views are not so entrenched, and some sources have real credibility to us—say, because they are evidently specialists on climate science, or because something in their background and history suggests that we ought to listen carefully to them. Consider here the idea of “surprising validators”—not an elegant term, but when people hear someone who surprisingly endorses a particular perspective (whether left or right), they start to listen more closely.

For decades, the government mandated a Fairness Doctrine in order to

air opposing views. Does government have a role in ensuring that people are exposed to different viewpoints? What about the responsibility of private entities that share information with a wide audience?

I think the government should stay out of the censorship business, though subsidizing public broadcasting seems pretty reasonable to me. Facebook does have public responsibilities, and it seems to be thinking pretty hard about them. It should not just be providing people with information cocoons.

As someone who worked in the Obama administration, what information do you expose yourself to that may be contrary to your worldview, and how does this exposure affect you?

I regularly read *The Wall Street Journal*, *National Review*, and *The Weekly Standard*—and the nonpolitical *American Economic Review*, *The Economic Journal*, *Judgment and Decision Making*, *Journal of Risk and Uncertainty*, and *The Quarterly Journal of Economics*, which have diverse findings on various issues—and [the writings of] law professors who don't much like the Obama administration. My own views are pretty eclectic (meaning that I diverge from Democratic orthodoxy on many issues), and I try to read a lot from left, right, and center.

What can be done within the limits of the First Amendment to neutralize fake news?

You'd need a whole law review article on that one; the doctrine is not simple. For good reason, there are sharp constitutional constraints on the government's ability to censor news, even if it deems it fake. The main responses should come from the private sector, not government. To be sure, the free speech principle allows control on libel (within limits). —LEWIS I. RICE

In Brief



“Free Speech Beyond Words: The Surprising Reach of the First Amendment,” BY PROFESSOR MARK V. TUSHNET, ALAN K. CHEN AND JOSEPH BLOCHER (NYU)

The concept of speech is typically defined as the communication of thoughts in spoken words. Yet the authors note that First Amendment protection of speech is far broader, covering nonrepresentational art, instrumental music, and even nonsense—individual topics that Tushnet, Chen, and Blocher focus on (in that order) in the book. The premises behind this protection, they write, “raise difficult questions about the possibilities and limitations of law and expression.” The authors examine how a Pollock painting, a Schoenberg composition, a Carroll poem, and other forms of expression such as dance can be treated as speech under the law and why protecting them matters.

“Nudging Health: Health Law and Behavioral Economics,” EDITED BY PROFESSOR I. GLENN COHEN '03, HOLLY FERNANDEZ LYNCH AND CHRISTOPHER T. ROBERTSON; FOREWORD BY PROFESSOR CASS R. SUNSTEIN '78 (Johns Hopkins)

Cohen, faculty director of the Petrie-Flom Center; Lynch, the center’s executive director; and Robertson, a professor at University of Arizona’s College of Law, edit essays that focus on how health law and policy can—or should—use incentives and

penalties to influence behavior affecting health. Topics include whether incentives motivate healthy behavior, how clinicians can improve patient decision-making, and default mechanisms, such as requiring people to opt out rather than opt in to organ donation. In the context of health care, as Sunstein, author of the influential “Nudge,” writes in the foreword, paternalism may be considered objectionable, but people may also seek direction and help for their health care decisions.

“The Wisdom of Finance: Discovering Humanity in the World of Risk and Return,” BY PROFESSOR MIHIR A. DESAI (Houghton Mifflin Harcourt)

For those people who consider finance all about numbers—often presented in inscrutable charts and graphs—Desai has news for you. It’s also about stories. The HLS professor (also a professor of finance at Harvard Business School) tells some of those stories in a book about the insights that popular culture, philosophy and literature provide about markets: how Mel Brooks’ “The Producers” demonstrates the principal-agent problem or what Jane Austen teaches us about risk management, for example. The book also shows what finance can tell us about humanity: what bankruptcy teaches about reacting to failure or how the Capital Asset Pricing Model shines a light on the value of relationships. “[V]iewing finance through the prism of the humanities,” he writes, “will help us restore humanity to finance.”





A Professor's Portfolio

With a new book of photographs, the founder of HLS's Human Rights Program presents faces and places he's encountered in his career

FOR MORE THAN A half-century on the faculty of HLS, Professor Emeritus Henry Steiner '55 has focused on international human rights, including as the founder of the school's Human Rights Program. During that



time, he has also focused his camera on countries around the world. He shares his deep passion for photography in a new book, "Eyeing the World." It reflects both his artistic eye and the dignity of the people he championed—ordinary people participating in activities that engage us all, he writes. The book also contains shots of nature and architecture, with stories of how he discovered the scenes he captured.



TRIBUTE

A Moral Adventure in the Law

For more than 50 years, Alan Stone has invited students to answer life's difficult questions



By Duncan C. MacCourt '94

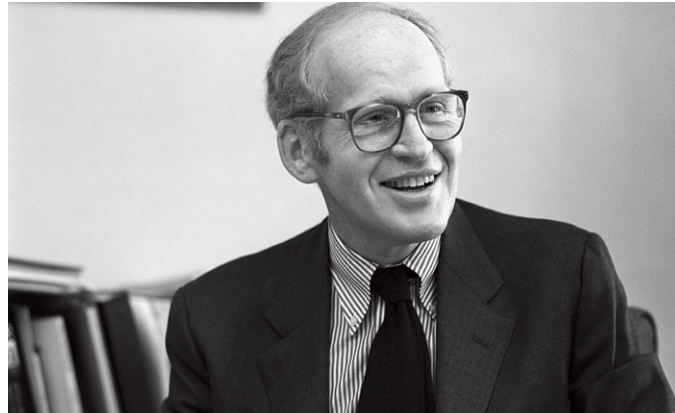
SEVERAL YEARS AGO, ALAN STONE asked me to co-teach a course with him. When I asked what we should teach, rather than give explicit direction, he said with a broad smile on his face: "Let's teach what is fun for us! If we have fun, the students will have fun and they will learn." As Alan approaches retirement at the end of June, I think this anecdote illuminates his joyful and generous journey—as a teacher, a listener and a leader across disciplines.

In Alan's classes, his delight in teaching is palpable, and the topics can be startling. I remember as a 2L that discussion in his courses seemed different than in my other classes. It was not only a dialogue about doctrines and arguments but a vehicle to go beyond the law into culture, politics, and sometimes, ultimately, the moral challenges and meaning of life. At a time when barriers between outside disciplines and the law were breaking down, it was not unusual in an Alan Stone class to hear him discuss Kant, Freud, and the psychological motivations behind an opinion. Then he would shift into a practical discussion of the economic consequences of an opinion or the underlying policy issues. I remember vividly his analysis of Justice Brennan's dissent in *Cruzan*. Alan argued that, beyond the manifest content, one could discern

Duncan C. MacCourt '94 is an associate medical director at McLean Hospital, an instructor at Harvard Medical School and a lecturer at Harvard Law School.

Since 1982, Alan Stone has been the Touroff-Glueck Professor of Law and Psychiatry in the Harvard faculties of law and medicine. ▶

→ In Alan's classes, his delight in teaching is palpable, and the topics can be startling.



Brennan's latent fear of his *own* death. In addition to learning the law, my classmates and I were asked to consider the moral and existential implications of what we were studying, and to apply these to ourselves as well as to society, always guided and prodded by a smiling, enthusiastic, and, above all, fascinated teacher.

Trained in psychiatry and psychoanalysis, Alan was a tenured professor at Harvard Medical School and director of the McLean psychiatric residency when, in 1965, Alan Dershowitz invited him to co-teach Psychoanalytic Theory and Legal Assumptions at HLS. The course was a hit and inaugurated a long friendship between the two men, who next taught Psychiatry and the Law together. In 1968, Alan obtained a yearlong sabbatical to study law, and this experience helped him to find his "intellectual home" at the law school. Shifting his primary focus from the medical school to HLS, and seeing a need for a law and medicine curriculum, Alan eventually taught the Psychiatry and the Law and the Psychoanalytic Theory courses on his own. (In the latter course, which I took, we read more Freud than I had anywhere else at Harvard.) He also taught Clinical Dimensions of Mental Health Law and the extremely popular Law and

Medicine, among others. Since 1982, he has been the Touroff-Glueck Professor of Law and Psychiatry in the faculties of law and medicine.

Over his 50-year career, Alan has become fast friends with many HLS colleagues, meeting for congenial meals and reading groups, sharing ideas about such topics as philosophy, history, and civil rights. During that time, Alan's courses have expanded to cover topics including law and literature, film, and violence. They are popular and often oversubscribed, such as Justice and Morality in the Plays of Shakespeare. (Alan has regularly staged a trial of Hamlet, sometimes with Justice Kennedy presiding.) Recent offerings include teaching concepts of identity through the works of Philip Roth and the short stories of Alice Munro.

Alan's writings encompass over 100 books, chapters, and articles, many of which have been influential in the legal and medical professions, some directly influencing Supreme Court opinions. His landmark book "Law, Psychiatry, and Morality," for example, explores how moral reasoning can elucidate problems of law, ethics, and the treatment of the mentally ill and has been widely read and cited. His interests are too many to mention but have included the

right to treatment, economics of the medical profession, ethics of forensics, right to die, and political misuse of psychiatry. He is also a contributor to the Boston Review and has collected his film reviews from that publication in “Movies and the Moral Adventure of Life.” His book “The Abnormal Personality Through Literature” has had 22 printings.

Alan remains active in our nation’s political and cultural life, often arriving at positions both unexpected and controversial. A past president of the American Psychiatric Association and a former member of its board, he successfully lobbied to have homosexuality removed from the

Upon Alan Stone’s retirement at the end of June, the professorship in his name will be formally instituted at HLS. Endowed in 2007, it has temporarily been called the Alfred Smart Professorship, named for Stone’s father-in-law. Professor Jon Hanson is the inaugural holder.

“Diagnostic and Statistical Manual of Mental Disorders.” On the Waco Commission, he was the sole dissenting member, critical of the government’s assault. His examinations of Soviet and Chinese psychiatry have resisted simplistic dismissals of his colleagues there. And his 1995 address to the American Psychoanalytic Association argued that while analysis has failed as a treatment for mental illness, it can still relieve our “ordinary suffering,” a courageous and unpopular position.

When I asked Alan to name his major accomplishment at HLS, he said “to bring humanism to the law school.” This seems apt. Certainly, by expanding the curriculum, he expanded

our conceptions of not only the law and its actors, but also what it means to be human. But perhaps as important, Alan is extremely generous, kind and, I would say, humane. I have been privileged to be his student and research assistant and to teach several reading courses with him, and I marvel at how skillfully he guides students, gently prodding and exploring with them, encouraging not only the class superstars but also the more timid or struggling. Alan invites students to join him in intellectual inquiry and is more interested in understanding a student’s point of view than in getting him or her to agree with him. He delights in engaging his colleagues and friends at HLS, too, often greeting them with warm words of encouragement and praise in the dining room, in offices, or even passing in the elevators.

Alan’s open and receptive persona has earned him the trust of many students beyond the classroom. Some have sought his advice when confronted with difficult problems in school or their personal lives. I myself have repeatedly consulted him regarding my own career choices and teaching decisions. His approach is not to reach a predetermined conclusion or tell me what to do. Rather he says what he thinks and supports my capacity to ask myself hard questions and answer them honestly. Alan believes that the meaning of life is to be found in answering, or attempting to answer, the moral challenges life poses. Such an endeavor requires what he calls “moral courage.” And by modeling this courage in his own life and career, Alan teaches that, while one may not find the expected or desired answers—or even be satisfied or happy with them—one will certainly be alive.

LAW HACKS

Coding for Justice

A new technology fellowship multiplies the impact of Harvard’s legal clinics

IT TAKES A LOT OF PREPARATION to rev up a new case. That’s true in all law offices, including Harvard’s legal clinics. As a clinical law student who was cross-enrolled in an undergraduate computer science course, Jeffrey Roderick ’17 wondered whether he could streamline the process through technology. “Automating certain tasks can help students spend more time in clinics doing what they signed up for, which is to intelligently and creatively represent their clients,” Roderick says. He had the perfect person to turn to for guidance: William “Bill” Palin, Harvard Law’s inaugural Access to Justice/Technology Fellow.

With Palin’s help, Roderick developed a prototype that automates client intake and prepares the initial boilerplate documents that get a case rolling. Roderick estimates that the tool saves five to six hours per case, leaving more time for investigative fact-gathering and legal research.

That’s just one example of how Palin’s presence on campus is improving the ability of HLS’s clinics to represent disadvantaged clients.

A 2012 graduate of Suffolk Law School, Palin opened a solo practice in Cambridge. He added “software developer” to his resume after teaching himself to code with books borrowed from the Cambridge Public Library. He was creating award-winning legal apps, guest-lecturing at

Bill Palin imagines and builds technology to help HLS clinics expand access to justice.



Yale Law School, and teaching at Suffolk Law and MIT before he came to Harvard Law School in September 2016. His task: to launch a project called “Developing Justice,” a response to the shortage of affordable legal services for poor and middle-class people who face eviction, child custody and support disputes, foreclosure, consumer fraud, and denials of benefits. Palin’s role is to imagine and custom-build technology that brings efficiencies to legal aid practice, boosts client advocacy, and expands the actionable

knowledge of legal clinicians.

“I am embedded within 18 clinics and 11 student practice organizations to do what I did in my practice, which was to develop tools to become a better attorney. To work faster. To think about things differently in a profession that doesn’t normally do this,” Palin says.

The fellowship is the brainchild of Dean Martha Minow, who serves as vice chair of the national Legal Services Corporation. “Rights are not self-enforcing, and yet so many people lack access to the help necessary

→ “Technology cannot close the justice gap, but it can narrow it considerably.”

—Dean Martha Minow

to make justice real,” she says. “In Massachusetts alone, nearly 1 million people qualify for legal aid. Yet, for lack of resources, legal services turns away 64 percent of them each year. Technology cannot close the justice gap, but it can narrow it considerably. Harvard’s legal clinics will work smarter and more efficiently with the tools being developed by the Access to Justice/Technology Fellow.”

Embedding a lawyer-coder within legal clinics “is a relatively novel approach,” says Clinical Law Professor Christopher Bavitz, managing director of the HLS Cyberlaw Clinic. “Bill really has his fingers on the pulse of what is possible.”

Palin’s method is to begin by zooming out. “‘Tell me your tech problems.’ That is not the question that Bill asks,” says Clinical Law Professor Daniel Nagin. “He asks, ‘What are your goals? What are you trying to accomplish? What are the most important parts of your mission? What are the things that are slowing you down? What would help you expand access to justice in your practice area?’” says Nagin, vice dean for experiential and clinical education, and faculty director of the Wilmer-Hale Legal Services Center and its Veterans Legal Clinic.

Questions like that reveal potential. For example, those working at the Predatory Lending and Consumer Protection Clinic knew that the “vast majority of people sued on consumer debts are not represented by lawyers,” according to Roger Bertling, senior clinical instructor at the clinic. But they wanted to find out “the depth of that problem and develop ways to meet those needs,” says Bertling. Palin is gathering statistics and doing the number-crunching that will help craft evidence-based legal solutions.

Harvard Law's Project on Predatory Student Lending is working on behalf of students defrauded by ITT Tech, a now-bankrupt for-profit college chain. The project was gathering testimony of defrauded students into letters mailed to members of Congress. Palin upped the ante. He created a Twitter app that sends out individualized tweets with the relevant Congress member's Twitter handle, a powerful quote and a link to the constituent-student's letter. Since Jan. 22, about 12,000 tweets have gone out.

He developed a tool for a project in which names had to be redacted from thousands of pages of documents. Manually, the job would have taken upwards of three weeks. Palin's code got it done in five minutes.

He built a labor-saving website that improved the campuswide system for soliciting, scheduling, and contacting translators and interpreters. And, he's constructed a widget that alerts advocates when changes are made to a U.S. Department of Veterans Affairs online manual.

Palin's fellowship ends in 2018. "If I leave and there is a community doing this and generating tools and understanding and getting people to think differently about technology, I think that would be a tremendous success," he says.

That's already happening: Law students who are interested in technology are gravitating to him. "Bill has really provided a home for that group of students," says Clinical Law Professor Esme Caramello '99, faculty director of the Harvard Legal Aid Bureau. "This part of the legal profession is exploding right now, and it has been so important for Harvard to have a place where these students can go for training and guidance." —JERI ZEDER

IN THE CLASSROOM

Bringing Boardroom Experts to the (Seminar) Table

A corporate boards and governance course gives students insight into the nuances of high-level decision-making

A corporate governance class where theory meets practice

IMAGINE THAT YOU'RE ON THE board of IBM, and the opportunity comes to partner with the Bill & Melinda Gates Foundation to counter infant mortality. A no-brainer, right? Not necessarily, if you have shareholders to satisfy and a bottom line to maintain.

This is the kind of hypothetical that Harvard Law students regularly ponder in Corporate Boards and Governance, a class taught by Hillary A. Sale '93, which brings in a range of high-profile visitors to share their experience with students.

Sale, a professor of law and of management at Washington University in St. Louis, has been the Sullivan & Cromwell Visiting Professor of Law at HLS this spring. During a session of the class in early March, the students got expert guidance from H. Rodgin Cohen '68, senior chair of Sullivan & Cromwell, and Melissa Sawyer, a partner in the firm. Both have done some top-level troubleshooting: Cohen brokered the deal that put Fannie Mae and Freddie Mac under federal conservatorship, and then counseled the biggest of Wall Street's giants (Lehman Brothers, AIG, Goldman Sachs, and JPMorgan Chase among them) during the financial crisis of 2008.

Sawyer is a leading adviser on corporate governance, having worked on some of the notable

mergers of recent years, including AT&T's pending acquisition of Time Warner Inc. As she told the class, "A merger is the moment in a company's life that really puts in stark relief the potential for conflict and cooperation between shareholders and management teams."

That week, the class took on the charged atmosphere of a boardroom as the students, who'd studied the hypotheticals, engaged in a lively back-and-forth with the guest lecturers. "It's where theory meets reality," Sale said. Students are divided into teams and work together on projects, submit their reports, and then receive peer reviews in and out of the classroom. "The class is really about taking the academic research and seeing how it applies to board decision-making. The students read and discuss academic papers and carry that into team-based projects," Sale said. Other guest lecturers this spring have included Debra Lee '80 (CEO of BET Networks and on the boards of Marriott and Twitter), Deirdre Stanley '89 (EVP and GC of Thomson Reuters), and Rebecca Onie '03 (co-founder and CEO of Health Leads).

In the Gates Foundation hypothetical, the class ultimately decided in favor of the investment. But the reasoning went beyond simple conscience and into practicality. Cohen began by asking,



only half-jokingly, whether “corporate social responsibility” is an oxymoron. “There are a lot of social activists there, but why would a shareholder care about that? What’s in it for them?” Sawyer asked. One student replied that it’s about the corporate image, what it says about the management of employees and the way you structure your product.

Cohen confirmed that image is a strong concern. “There are three aspects of social responsibility that can be squared with a director’s legal duty to the shareholders,” he said. “The first is that your most valuable asset is your reputation—you lose that, you’re in deep trouble. The second is the appeal to millennials: You want to be seen as a company of choice. And if you’re viewed as not socially responsible, you’re going to restrict the bright young people that you’re able to attract. And

Hillary Sale '93 (top row, right) brought a range of guest lecturers to her class, including H. Rodgin Cohen '68, senior chair, Sullivan & Cromwell (middle row, center), and Rebecca Onie '03, co-founder, CEO, Health Leads (top row, left).

the third is that there are now major funds set up to invest in socially responsible companies.” Still, Sawyer cautioned, every responsible investment doesn’t automatically get greenlighted. “Most of the Vanguards and BlackRocks of the world look at this on a case-by-case basis.”

The other hypothetical during the afternoon discussion focused on how the board should be structured as the current members transition out.

The composition of a board has become a higher-profile issue lately, Cohen said. “In the last 15 years, we have seen an increasing focus on this people factor. With the fiascos at Enron and WorldCom, there were clearly major failures in leadership. They now want boards to be more sophisticated, more involved, more expert.” Sawyer also challenged students to think about why they presumed a board needs frequent turnover.

The question of diversity came up as well. While most boards aim for gender and ethnic diversity, other issues have come into play—for instance, Sawyer pointed out that sexual orientation has only lately begun to factor in. Some boards are aiming for younger membership, which can lead to concerns about ageism. Sawyer said that Starbucks lately became the first major company to put a millennial on its board. “They wanted someone from the tech industry who had experience running a startup, and to get that, you have to go young.”

As Cohen pointed out, there are no definitive answers to any of these questions. But the interchange proved enlightening on both sides. As he told the class: “The answers that you gave were clearly thoughtful. But what I would say most impressed me is how much they made *me* think as well.” —BRETT MILANO

ASK THE PROFESSOR

War or Peace?

Naz Modirzadeh on why international law may not have the answer

PRESIDENT GEORGE W. BUSH'S 2003 "mission accomplished" speech is one recent example of not knowing when a war is over. According to a new report by the Harvard Law School Program on International Law and Armed Conflict, or PILAC, the question of when a war has ended has only gotten more complex, and in many situations, international law does not necessarily provide enough guidance. The Bulletin spoke with Professor of Practice Naz K. Modirzadeh '02, PILAC's founding director and co-author of the report "Indefinite War: Unsettled International Law on the End of Armed Conflict," about the implications of this failure of law.

What was the genesis of this report?

In 2014, when PILAC was founded, many were anticipating that President Obama would soon end the war in Afghanistan. And in talking with members of the armed forces in various allied countries as well as with scholars and NGO legal staff, we realized that there did not seem to be a shared understanding of when we would know that the conflict was over. Some people argued it would be when all detainees were released. Others argued it would be when the fighting was over, and others argued it would be when the enemy had been completely defeated. We were somewhat surprised by that, and we increasingly found, as we looked into the research, that while some scholars had identified and addressed this problem already,

"Indefinite War: Unsettled International Law on the End of Armed Conflict" was written by Dustin A. Lewis, PILAC's senior researcher; Professor Gabriella Blum LL.M. '01 S.J.D. '03, its faculty director; and Naz K. Modirzadeh '02, its founding director, with help from 10 student researchers.

For more than a decade, Naz Modirzadeh has carried out legal research and policy work concerning armed conflict situations. ▶

there was a real gap in applied research in international law on this question.

Has international law always struggled to define whether or not an armed conflict exists, or has the gap between the law and current types of warfare grown?

Part of the problem here is that within the law there are two types of armed conflict. One is called international armed conflict, and it is the very clear and quite thick set of rules that apply to wars between states. Then there is a kind of armed conflict that we call non-international armed conflict. In general, this was always thought of as a government fighting against rebels or insurgents within their own territory. And there were far fewer rules created within international law applicable to that kind of conflict. What's new seems to be that the United States and a number of other governments are increasingly involved in non-international armed conflicts in other countries. For example, in Somalia, in Afghanistan, in Iraq, in Syria, the U.S. and many of its allies do not think of themselves as in an armed conflict against the state, but they *are* in an armed conflict against an armed group. What does it mean if the law does not answer the question of how these conflicts end?

Are there specific ways that international law governing conflict needs to shift to encompass new realities or definitions of conflict?

We are very careful to not take prescriptive policy positions. Our sense is that it's valuable for institutions like HLS to engage in rigorous research in international law and its practical application, but to avoid advocating for particular approaches or particular outcomes. Our sense is that there is a lack of

law here, and perhaps a lack of creative legal thinking on how to address this problem. Our view is that this area needs a lot more thought, a lot more analysis, and perhaps a greater appreciation of the high stakes of not having a legal answer to this question.

Who is responsible for figuring out the question?

The most formal legal answer is that this is a problem that has to be solved by states. If states are the ones who create and interpret and apply international law, then they are the ones that have to recognize that this is a weakness and come up with a solution to it. More broadly, this is such a high-stakes issue that you really need to make sure that the conversation around how we solve this problem is an inclusive one, a global one, and takes into account the concerns of many states who may not be involved in the so-called war on terror but are very much affected by armed conflict, by non-international armed conflict specifically, and may benefit from deep thinking on the question of how law understands when wars end.

What are the stakes?

International law is far less tolerant of violent harm in situations other than armed conflicts. For example, use of lethal force is inherent to waging war, whereas in law enforcement governed by international human rights law in peacetime, the use of lethal force may only be used as a last resort. The most significant stakes in whether an armed conflict continues to exist or has ended concern the legal parameters pertaining to protecting civilians; starving, detaining, and killing an enemy; incidentally killing civilians who are not directly participating in hostilities; destroying an

adversary's property; damaging the natural environment; occupying foreign lands; and allowing access for humanitarians.

How would citizens and countries benefit if there were a clearer conception of international law on these issues?

One dilemma that international law faces is perhaps a deepening sense of skepticism about

whether international law actually *can* achieve any of these laudable goals around ending conflict. As we look at a tragic situation like Syria, I think there are many who think, What would be the point of developing more international law if we have such a hard time enforcing the law that we already have? But the lives of people in places that are affected by war are tremendously

affected by the question of whether or not we know when armed conflicts end, and when we know that the laws of armed conflict cease to apply. You also, I think, can argue that citizens have an enormous interest in hoping for an understanding that peace is achievable, and that wars do end, and that when they end, life should change.

—KATIE BACON

→ How do we know when an armed conflict is over?



BY ERICK TRICKEY
Photographs by Jessica Scranton

P A T H W A Y S

The third Celebration of Latino Alumni brought more than 200 HLS alumni and guests back to campus in March to reconnect, talk and contemplate the theme “Latino Leadership: Embracing the Challenge.” The Bulletin interviewed five alumni about their paths to prominence in government, the courts, and business, as well as what they’ve learned and what they’re working on now.

U P W A R D



Christine M. Arguello '80

After decades as a litigator and then a law professor, Christine Arguello '80 was named a federal judge in the District of Colorado in 2008. In 2014, she co-founded LAW SCHOOL... Yes We Can (Sí Se Puede), a law school pipeline mentoring program for Colorado high school graduates.

A federal judge shares the seven words that turned her life around.

On the role of mentors in her own education:

In high school, when my classmates scoffed and laughed at my plans to attend Harvard Law School and almost destroyed my ambition for it, my English teacher stopped me in the hallway and said, "Chris, I know you can do it." Those seven

← [CONTINUED]

words turned me around. I said, “I *will* do it.”

On coming to Harvard from Colorado in 1977:

It was a real culture shock. I’m a very small-town girl. I’d never really traveled outside Colorado, except to northern New Mexico to visit my grandparents. My husband and I couldn’t understand the Boston accent. There was no Hispanic food to be found anywhere. We had to have care packages sent from Colorado with powdered red chili and frozen green chili. I describe it as the three best years of my life and the three worst years of my life.

HLS, the best years:

I was thrilled to meet so many people from so many different aspects of life, all of whom were very accepting of me. I did not feel that they looked down on me because of where I came from or because my parents didn’t even have a high school education. That’s why I go back to virtually every reunion—for Hispanic alumni, for my class reunions.

HLS, the worst years:

The first year was very demoralizing. I started to question whether I had the smarts to be in Harvard. It was like I was trying to learn this foreign language that I could not crack the code of. It taught me the most important lesson of my life: It’s OK not always to be the best, as long as you gave it your best. I learned at Harvard that it was no longer about the grade. It was about the education, the knowledge, the experience.

At the Celebration of Latino Alumni, she spoke on a “pathways to the bench” panel:

The most valuable asset you possess is your reputation. You cannot sell your soul for your clients or money. You have to do what is right and treat people right. Because when the FBI goes out to do their background checks, if you don’t live your life right, if you’re not that professional, you’re not going to get an appointment—especially to the federal bench—because there’s so much scrutiny.

On obstacles to success as a Latina:

This still happens to young Latinas today: There’s not an emphasis on women in the Hispanic culture to go on to higher education. My dad even told me this—how going to Harvard was going to ruin my marriage, how men do not like wives being better-educated or making more money than them. My husband got that from his friends, too. He had enough self-esteem that his response to them was, “It’s not her money or my money—it’s our money.”

Advice for overcoming career obstacles:

You can’t wait for a mentor to find you. You have to find them. You have to be assertive enough to take your career in your own hands.

Her goals for the law school mentoring program she co-founded:

We try to give [the students] the same advice we wish we’d had. We talk to them about what is needed for a law school application, so that from freshman year in college, they’re thinking of what they need to do. If they go on to become lawyers, hopefully they’re going to come back to Colorado.

David Lopez ’88

After 12 years as a trial lawyer for the Equal Employment Opportunity Commission in his native Arizona, David Lopez ’88 spent six years as the EEOC’s general counsel. He left the federal government in December 2016 to become a partner with the law firm Outten & Golden and run its new Washington, D.C., office, where he focuses on anti-discrimination litigation.

**“I DESCRIBE [HLS] AS THE THREE BEST YEARS OF MY LIFE AND THE THREE WORST YEARS.”
—CHRISTINE ARGUELLO**

His parents were involved in Cesar Chavez’s farmworkers movement:

My most prominent childhood memory was handing out flyers for the United Farm Workers, to boycott grapes at Safeway. I hated every single minute of it. There would sometimes be hostility, marching and screaming. I was a quiet kid. I wanted to be left alone with my baseball cards and my books. I would always ask my parents, “Why can’t we be normal, like the Brady Bunch?” They would always say, “*Mi hijito*”—my son—“you have an obligation to leave the world a better place.”

How Martha Minow influenced him:

As a civil procedure professor, Dean Minow taught very broad concepts that helped me understand the law. She assigned an article called “Can Lawyers Love?” The premise was that litigators have a hard time in interpersonal relations, because the skills you need as a litigator are pretty much antithetical to the skills you need to be successful in a relationship. I always remember that, because I’ve been married for 26 years. So I’ve told her, “I may not have done great in your class, but I’ve been married for a long time.”



On HLS and merit:

Practicing in federal court in Arizona, I don't think the name Harvard Law School ever left my lips. It was very much a meritocracy. You lived and died on how well you advocated in federal court. The Harvard Law School network that I think was so helpful in Washington was actually nonexistent during my 12 years in Arizona.

His connection to Boston and Harvard:

Every year, we spent summers in Boston, because my wife is from Jamaica Plain. I'd always go to Harvard Law School. I'd take the kids. I'd show them Story Hall, and tell them how I lived there, and was peer-pressured into going to a party where I met their mother.

Case he tried in Arizona for the EEOC that he's proudest of:

His parents told him when he was a child, "You have an obligation to leave the world a better place."

The Alamo rental car case was the first backlash discrimination case filed by the EEOC. It involved a teenage Somali refugee, working as a customer service representative, who was fired for insisting on wearing a hijab in observation of Ramadan. We tried it to a jury and won a significant damage award, including significant punitive damages, because we were able to tap into some quintessentially American values of religious freedom and inclusiveness. The defense may have been banking on some anti-Muslim backlash, but what happened was a recognition that these are values as old as the Mayflower in this country.

While he was general counsel, the EEOC won a similar case against Abercrombie & Fitch, on behalf of a young woman rejected for a job because she wore a headscarf:

I think that was a major case,

because there were amicus briefs filed from across the spectrum. Every denomination—Orthodox Jewish groups, Christian groups—all weighed in and came together.

At the CLA, he hosted a panel on Latino civil rights:

With the Trump administration, there's a lot of concern in civil rights and human rights communities about turning back the clock. There does appear to be a lot of scapegoating going on. I think people are very concerned about issues of discrimination, about the exacerbation of social division. But even more fundamentally, there's a concern about the degradation of our democratic institutions: checks and balances, freedom of press, and the independent judiciary. There's a lot of concern that they're under attack and that it's important to push back.



Joaquin Castro '00 and Julián Castro '00

U.S. Rep. Joaquin Castro '00 was elected to Congress in 2012 after 10 years in the Texas Legislature. His identical twin brother, Julián Castro '00, served as mayor of San Antonio from 2009 to 2014 and as U.S. secretary of Housing and Urban Development from July 2014 to January 2017.

Julián Castro started running for San Antonio City Council in his third year at HLS:

I had a map of the district up in my dorm room in Shaw Hall. We started by inviting classmates to attend a little fundraiser, where people chipped in \$25 each, at a classmate's rented house somewhere on Mass. Ave. I think it was in late March 2000.

The brothers on memorable HLS professors:

JOAQUIN CASTRO—Anne-Marie Slaughter ['85] had a great way with the students. Especially the first year, there was a lot of anxiety with the Socratic method. She eased the tension. She seemed to understand people were going through a tough time.

JULIÁN CASTRO—The people I was most taken by were [Morton] Horwitz ['67], who taught torts, and [Martha] Minow, who taught civil procedure, [because of] their respect for the intellectual capacity of the students. They were also giving of themselves, answering questions and making themselves available.

Professor Laurence Tribe '66 helped Joaquin Castro challenge President Trump's enforcement of his January travel ban:

I prepared a resolution that said there should be an investigation by the Department of Justice into whether the president ordered Customs and Border Protection to willfully ignore

the [federal district] court order [that] put a freeze on the president's executive order. Customs and Border Protection put out a statement that basically said, "We're going to keep doing what President Trump asked us to do." There was anecdotal evidence at the airports that they were still detaining people and wouldn't let people see their lawyers.

My point was that if the president in fact ordered CBP to ignore the court's order, then the Congress should censure the president as a clear warning. And if the president does it again, the Congress has no choice but to move to remove him, because the courts, separation of powers, and checks and balances must be respected. I ran the resolution by Professor Tribe. [He] was really helpful in giving me his guidance.

Priorities for Democrats when it comes to the immigration issue over the next four years:

JULIÁN CASTRO—The number one task is to tell the stories of the people who are impacted by draconian immigration enforcement. With DACA [Deferred Action for Childhood Arrivals], it's only because of those stories, and people realizing these are morally blameless individuals, that the Dreamers are, for now at least, still more protected than other undocumented immigrants.

JOAQUIN CASTRO—First, continuing to fight for the millions of immigrants who are productive, peaceful people who have raised their families and stayed out of trouble. Also, determining whether the White House is going to be willing to compromise on immigration. Many of us pushed for a path to citizenship for many undocumented immigrants. That looks much less likely now, but President Trump has at least hinted at a path to legalization for some. [That means] tough choices for Democrats, if President Trump puts a proposal on the table that offers a path to legalization for some and not others.

**"WE HAVE TO MAKE SURE WE DON'T GIVE UP ON ANY GROUP OF PEOPLE."
—JULIÁN CASTRO**

Joaquin Castro on his recent work on the House Intelligence Committee:

We're in the eye of the storm, with everything going on over the investigations with Russia's interference in the 2016 presidential election. Every day, there is work to be done.

Julián Castro on the price of housing:

We have a rental affordability crisis in the United States. It used to be the usual-suspect cities: Boston, San Francisco and New York. Now, it's everywhere. A growing share of American families pays more than 50 percent of their income on rent. The home ownership rate is at one of its lowest levels in 40 years. If the story 10 years ago was that it was too easy for someone to get a home loan, the story today is that it's actually too difficult for responsible people who have decent credit to get a home loan. Cities can use zoning and planning regulations to make it easier to develop more affordable housing and to combat a NIMBY-ism that often obstructs it. [MORE] →

The twin brothers, Julián and Joaquin (left to right), came to HLS with public service in mind.

Joaquin Castro on why Trump won:

Donald Trump has a rogue charm. He spoke in a blunt way to the economic angst in many parts of the country. But he also divided people based on race, class and many other ways. He won the election mostly based on his rhetoric and personality.

What Democrats need to do to start winning again:

JULIÁN CASTRO—We need to get out there to every part of the country better. The new DNC [Democratic National Committee] chair, Tom Perez—who also is an alum of Harvard Law School—has committed to ensuring that the party competes everywhere. We need to deliver a message of opportunity for everybody.

JOAQUIN CASTRO —We have to make sure we don't give up on any group of people, whether it's rural voters, white voters, or anyone else. The Democratic Party has to approach everyone and explain how it intends to help create opportunity for them.

JULIÁN CASTRO—You can't leave anybody out. You have to expand your outreach. You also can't throw overboard the vision that we had before. That's the line the party is going to have to navigate.

Julián Castro's plans, now that he's out of office:

I was working on a memoir for Little, Brown before I went into the Cabinet. I need to revise some and write about my last two and a half years in D.C. I'm back on the speaking circuit, using my voice on issues I care about. Right now there's a sense out there that everybody has to pitch in, no one can be quiet, because we're seeing a lot of unprecedented abuses of power in Washington, D.C.

Kim M. Rivera '94

The chief legal officer and general counsel for HP Inc., Kim Rivera '94 has advised Fortune 500 companies for more than 20 years. She often speaks on the topics of female leadership and diversity in corporations and the law. Raised in Paraguay and Puerto Rico, and orphaned at 15, she came to HLS after graduating from Duke University.

Early influences in her life:

The adult who helped me the most was my mother. My father died when I was just a baby. My mother died when I was 15. The most important thing she imparted to me was that it was vital that I get the absolute best education that I could, and that my final destination should be the United States.

Memories of HLS:

Harvard was the first place where I was genuinely exposed to people who were both incredibly smart and really diverse. It was unbelievably exciting and unbelievably intimidating. The early '90s was a fairly contentious time at the law school—very fractured, very divided, very politicized, very aggressive. It had an air of combativeness to it the entire three years.

Advice that has shaped her career:

I credit that first general counsel who hired me with changing the way I thought about a corporate career. He said that with corporate careers, sure, you have to have substantive expertise. But being a general counsel, a house lawyer, is as much about your business acumen, how astute a manager and leader you are, how smart you are, how agile you are, and how fast you can learn and apply your practical judgment and your expertise to solving problems.

On resilience in corporate work:

In the corporate world, things move very fast. A lot of change happens. You have to be willing to take some level of risk. You have to be agile in how you think, make good decisions on a shortened horizon, and figure out how to outmaneuver and outperform other competitors and other people. You are going to make mistakes. If you don't have resilience, if you can't make a mistake, take it in stride, learn from it, apply that lesson, and keep moving forward, it's very hard to have what I think of as a long and successful career.

How to build resilience:

You have to start with trying to be self-reflective. Know and understand yourself, what motivates you, and what might be driving you to feel certain ways. Try to keep a broad perspective. Setbacks and failures never feel good, but expect them to happen in the course of your career, and think of your career as a 30- or 40-year horizon. I always look for the lesson in something, even when it's difficult or painful or upsetting or embarrassing. My mind is always searching for a way to extract some building block from it.

On focusing on people, not the job:

A big moment in my career was when I stopped picking jobs and started picking people. When I

**“A BIG
MOMENT IN
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WAS WHEN
I STOPPED
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STARTED
PICKING
PEOPLE.”
—KIM
RIVERA**



started looking at who my bosses would be, who my colleagues would be, what working with them would be like, what I would learn from them, how I would grow, it completely transformed my career choices and how I felt and thought about my work.

Her advice for women aspiring to leadership:

I tell young women all the time: Invest in the relationships you build, not just at work, but outside work. They always seem like extra effort, extra time, especially for those of us who

If you can't make a mistake and learn from it, she says, it will be hard to have a long and successful career.

have families and children. But every great opportunity I have had in my career came as a result of networking, discussions and relationship-building. It's not a luxury. If you want to have a very long, successful career, you have to do a little of it all along the way.

Neil Gorsuch '91

made

friends

across

the

political

spectrum

at HLS

Judicial

Temperament





BY SETH STERN '01

U.S. Supreme Court Justice Neil Gorsuch '91 arrived at Harvard Law School in the fall of 1988. The fourth-generation Coloradan and recent Columbia University graduate quickly found like-minded fellow students in the Harvard Federalist Society, the conservative legal networking group founded six years earlier, and among the members of *Journal of Law & Public Policy*.

He sought a community of another kind inside a Victorian-era house with a mansard roof a couple of blocks from campus at 44 Follen St., the Lincoln's Inn Society.

Here, Gorsuch found not just a place to socialize and decompress from the rigors of law school, but also a place to live his 3L year. He and his six housemates worked out in the basement gym and played pool on the house billiards table. They shared Thursday night dinners and hosted Sunday morning brunches for friends, as well as throwing the occasional party.

The social club gained some unwanted attention for those parties during Gorsuch's time when neighbors complained about noise and discarded trash, contacting the city council and licensing commission.

Gorsuch, a member of the Lincoln's Inn board that scaled back the parties in response to these complaints, downplayed the potential impact of the changes, telling the *Harvard Law Record* at the time that members were more attracted to it as "a place to hang out."

Gorsuch himself was not much of a partier in law school, said Matthew Kairis '91, who met him while moving into the Ames dorm their first year. Kairis vividly remembered a late Saturday night visit when he found Gorsuch sitting in a chair with a scotch in one hand and a book in the other. Gorsuch was reading legal theory for fun.

Gorsuch always seemed to have a scholarly—even judicial—air about him, according to law school friends. Similarly, many other classmates later remembered another member of the Class of 1991—Barack Obama—as presidential timber.

Both Gorsuch and Obama had a knack for making friends across the political spectrum, said Adam Charnes '91, who was in the same 1L section as Gorsuch and has remained friends with him ever since. Charnes also worked with the former

On April 10, Neil Gorsuch '91 became the 113th Supreme Court justice. In a ceremony in the White House Rose Garden, as President Donald Trump looked on, Justice Gorsuch vowed "to be a faithful servant to the Constitution and the laws of the nation." ▲

president on the Harvard Law Review and said Gorsuch and Obama shared the skill of “building bridges to everybody.”

Perhaps that explains why even before President Donald Trump announced his pick for the Supreme Court on Jan. 31, Norm Eisen '91, who served as Obama's ethics czar and has had little good to say about the new administration, took to Twitter to praise Gorsuch as “a great guy.”

Gorsuch replaces Justice Antonin Scalia '60, who died suddenly in February 2016. President Obama had nominated D.C. Circuit Judge Merrick Garland '77 to fill the vacancy last March, but Republican senators refused to consider the nomination.

Law school friends recalled that Gorsuch sometimes talked about politics, and it was clear during the 1988 presidential race between George H. W. Bush and Michael Dukakis '60 that he knew more about how Washington worked than most 1Ls.

Ken Mehlman '91, a 1L sectionmate, remembered bonding over a common interest in public policy and talking about events reshaping the larger world during their time in law school, such as the fall of the Berlin Wall and the start of the first Gulf War.

Rarely, though, did friends recall him talking about his mother's experiences in Washington, D.C. Anne Gorsuch Bur-

ford, a former Colorado state legislator, served as the first woman to head the Environmental Protection Agency. She resigned in 1983 after a rocky tenure. At the time, Gorsuch was attending high school at a prep school in the D.C. area.

“It took me two and a half years before I even realized he came from a politically important family,” said Bob Kroll '91, who became friends with Gorsuch during their 1L year and spent time with him at Lincoln's Inn.

Gorsuch was more likely to talk about his love for Colorado and the outdoors. (In a 2009 speech at Harvard Law School as part of the Traphagen Distinguished Alumni Speakers Series, he said, “Jogging last night down the Charles as the sun set evoked many happy memories.”)

He returned to Washington after two years at Oxford as a Marshall scholar, where he earned a legal philosophy degree and met his future wife, Louise.

He clerked for Judge David Sentelle on the U.S.

Court of Appeals for the D.C. Circuit and then Justice Anthony Kennedy '61. He then joined Kellogg, Huber, Hansen, Todd, Evans & Figel, where he focused on trial work until 2005, when he joined the Justice Department, serving as a top deputy during the presidency of George W. Bush.

In 2006, he returned to Colorado after his confirmation as a judge on the U.S. Court of Appeals for the 10th Circuit.

Today, 44 Follen St. is a duplex of luxury townhouses. Lincoln's Inn sold its home of 62 years in 2009 as membership declined and the cost of maintaining the old building grew too burdensome.

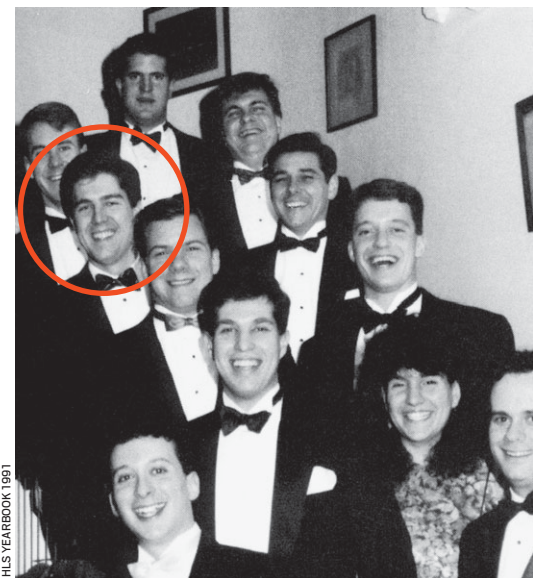
Gorsuch has stayed in touch with the friends he made there. Many of them came together for a reunion in Washington and a private tour of the White House after Mehlman became chair of the Republican National Committee under President George W. Bush.

Charnes, Kairis, Mehlman and Kroll, as well as Eisen, joined 52 other classmates who signed a March letter supporting Gorsuch's nomination to the Supreme Court.

“Some of us supported Hillary Clinton, others voted for Donald Trump, while some of us supported third-party or write-in candidates. Some signatories believe in a more active judiciary, while others believe in judicial restraint,” the letter said.

“What unites us is that we attended law school with Judge Neil Gorsuch—a man we've known for more than a quarter century—and we unanimously believe Neil possesses the exemplary character, outstanding intellect, steady temperament, humility and open-mindedness to be an excellent addition to the United States Supreme Court.”

Gorsuch was confirmed on April 7 after a Democratic filibuster led by Senate Minority Leader Charles Schumer '74 prompted Republicans to change Senate procedures and eliminate the filibuster for Supreme Court nominations. Democratic senators had voted to eliminate it for lower court and executive nominees in 2013.



Gorsuch has stayed in touch with many of the friends he made while living at 44 Follen St., home to the Lincoln's Inn Society.

*A law school friend remembers finding Gorsuch on a Saturday night—
a scotch in one hand and a book in the other—reading legal theory for fun.*

Open to Debate

*The Federalist
Society hosts its first
alumni symposium*

IN MARCH, the Harvard Federalist Society, an organization of conservatives and libertarians espousing individual freedom, limited government, and judicial restraint, held its first alumni symposium on campus.

Attended by more than 70 alumni and students, the symposium featured a talk by Don Willett, a justice on the Supreme Court of Texas, and prerecorded remarks from Sen. Ted Cruz '95. There were also panels: on state solicitors general, including alumni now in that role; national security, with alumni experts from government and the private sector; and law schools and bar, with Judge Laurence Silberman '61, U.S. Court of Appeals, D.C. Circuit, and Judge Reena Raggi '76, U.S. Court of Appeals, 2nd Circuit (see profile of Raggi on Page 51).

In another session, Dean Martha Minow held a wide-ranging conversation with event co-organizer Megan Brown '02, a partner at Wiley Rein. "No organization has had a more positive and constructive impact on the Harvard Law campus than the Federalist Society," Minow said. Responding to a question about a potential chilling effect on intellectual debate on campus, Minow said that faculty encourage debate across the political spectrum but the rise of social media has caused many students to worry that if they express unpopular opinions, what they say will become public and that will hurt their careers. She added that she has been engaged in recruiting conservative and libertarian faculty to bring greater ideological diversity to the classroom.

In an interview, Brown said she and other alumni are concerned that the law school environment is not always conducive to airing different perspectives on important issues. One of

the benefits of the Federalist Society, she said, is that it offers "real intellectual diversity about different judicial philosophies and the idea that there's not a monopoly on the right way to think about the law. They do such a good job of bringing debates and speakers to campus who wouldn't otherwise be here."

Indeed, Trenton Van Oss '17, president of the Harvard Federalist Society this year, noted that even within the organization, members have diverse points of view, particularly in a year like 2016, "when conservatives

and libertarians had all sorts of opinions on the presidential election and where the country is headed." The symposium, he added, was a chance for current students to connect with alumni and seek career advice.

Elisebeth Collins '00, a member of the Privacy and Civil Liberties Oversight Board, an independent executive-branch agency, who spoke on the national security panel and also helped organize the event, hoped she and other alumni could help students make a smooth transition into practice and understand their options for finding fulfilling and motivating work. Her own experience as a student was enhanced by the Federalist Society, which she calls one of the most important organizations in the law today.

"I loved the challenge of ideological diversity and finding the community of folks who were not within the mainstream of the faculty at the time," she said. "The opportunities are there for anyone—if you're a little proactive, you'll find your community here. And I was very lucky to make lifelong friends and lifelong professional relationships."

—LEWIS I. RICE

From left:
Lawrence
VanDyke '05,
solicitor general of Nevada;
Andrew Brasher '06, solicitor general of Alabama; Paul Watkins '06, chief counsel, civil litigation, Arizona attorney general's office; Lee Rudofsky '05, solicitor general of Arkansas
▼



Regime

*President Donald Trump
taps alumni for White
House and agency hires*

Change

JUSTICE NEIL GORSUCH '91 is far from the only Harvard Law School graduate President Donald Trump has nominated since his inauguration. Harvard Law alumni have already started work within the senior ranks of the White House staff and Cabinet agencies. Others are awaiting confirmation.

In late April, the Senate confirmed R. Alexander Acosta '94 as secretary of labor. The dean of Florida International University College of Law, Acosta served as a member of the National Labor Relations Board early in George W. Bush's administration. He went on to be confirmed as assistant attorney general overseeing the Justice Department's Civil Rights Division and as the U.S. attorney in Miami.

In January, former Congressman Mike Pompeo '94 was confirmed as director of the Central Intelligence Agency. Pompeo graduated first in his class at the U.S. Military Academy at West Point and then served five years in the U.S. Army and later founded an aerospace company. In 2010, he was elected to the House of Representatives, where he served three terms representing a south-central Kansas district and as a member of the House Intelligence Committee.

Alumni are slated to occupy both the number two and three slots at the Justice Department under Attorney General Jeff Sessions. Rod Rosenstein '89, who served as the U.S. attorney in Maryland under both Presidents George W. Bush and Barack Obama '91, was confirmed as deputy attorney general in April.

Rachel Brand '98, the associate attorney general nominee, served as an assistant attorney general overseeing the Office of Legal Policy and as an associate White House counsel under President Bush. Brand has served as a member of the Privacy and Civil Liberties Oversight Board since 2012.

Another alumnus, Sarah Isgur Flores '08, is director of the Justice Department's Office of Public Affairs. She previously worked in the Republican National Committee's communications office and as deputy campaign manager for Carly Fiorina's 2016 presidential campaign.

Jeffrey Rosen '82 was nominated to be the deputy transportation secretary. He served as the department's general counsel between 2003 and 2006 and then as general counsel and senior policy adviser for the Office of Management and Budget.

The ranks of the White House Counsel's

office includes Stacy Cline Amin '04, John Bash '06, Annie Donaldson '11, Greg Katsas '89, Mike McGinley '09 and Schuyler Schouten '07. Schouten, previously an associate at Davis Polk & Wardwell, had also worked with former Secretary of State Henry Kissinger, who wrote a letter of recommendation for him, according to the Associated Press.

Katsas, one of White House Counsel Don McGahn's four principal deputies, was previously a Jones Day partner who helped lead the Trump Justice Department transition team. He headed the Justice Department's Civil Division and served as acting associate attorney general under President George W. Bush.

Amin worked as chief counsel for the U.S. Senate Committee on Health, Education, Labor and Pensions and as counsel on the U.S. House Energy and Commerce Committee. She was previously an associate at Sullivan & Cromwell and Caplin & Drysdale.

Bash comes to the White House from the solicitor general's office, where he argued 10 cases before the Supreme Court.

Donaldson, who was an associate at Jones Day and Squire Patton Boggs, worked on the presidential campaign of Mitt Romney J.D./M.B.A. '75 in both 2008 and 2012.

McGinley, who clerked for Gorsuch on the U.S. Court of Appeals for the 10th Circuit, worked at Jones Day and Bancroft before becoming a partner at Kirkland & Ellis last October.

Also serving at the White House is Zina Bash '07, who worked on the presidential campaign of Sen. Ted Cruz '95 and as a counsel to Sen. John Cornyn. She is now a staff member on the Domestic Policy Council.

Avi Berkowitz '16 is a special assistant to the president and assistant to Trump's son-in-law and senior adviser, Jared Kushner. Berkowitz hosted a talk show, "Trump Tower Live," that streamed on Facebook during the 2016 presidential campaign.

Kenneth Juster J.D./M.P.P. '79, the deputy assistant to the president for international economic affairs, previously served as senior adviser at the State Department under President George H. W. Bush and as under secretary of commerce between 2001 and 2005. He was most recently a partner and managing director at Warburg Pincus, a global investment firm. —SETH STERN '01



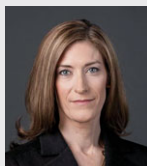
ACOSTA



POMPEO



ROSENSTEIN



BRAND



FLORES

‘When we’re needed, show up’

They don’t all want to be immigration lawyers, but this year, hundreds of Harvard Law School students have made immigrant rights their business

BY LATRIA GRAHAM
Photographs by Mark Ostow

we'll

It began with the stroke of a pen: President Donald Trump's signature on a January executive order banned entry into the U.S. by people from seven predominantly Muslim countries. Travelers were detained at airports. Students were unable to return to their schools. Impending travel for an Iranian baby's heart surgery in Oregon hung in the balance. With airports in chaos and little information about their loved ones, families separated by the executive order pleaded on camera for the opportunity to reunite, awaiting a resolution many of them were unsure would come.

Then the lawyers showed up. They arrived at Boston's Logan Airport carrying their laptops, turning airport terminal tablespots into makeshift offices, handwriting a habeas corpus petition for each individual in need. Law students clustered around a power outlet to coordinate the effort. Within 24 hours, attorneys around the nation were questioning the legality of the president's action.

In Cambridge, the Harvard Immigration and Refugee Clinical Program hummed with activity late into the night as students worked on amicus briefs and human rights abuse documentation for clients. Founded and directed by asylum scholar and Clinical Professor Deborah Anker LL.M. '84, the Harvard Law program has involved students in the direct representation of asylum seekers and refugees for more than 30 years. In the wake of the November election, it mobilized to strengthen protections for that population.

More than 400 students enrolled at Harvard have now joined the HIRC-based immigration awareness effort, called the Immigration Response Initiative. Assignments range from local community outreach in the form of webinars and information sessions for undocumented people, to legal research, litigation support, and legislative advocacy. Some of the students involved in the initiative had never considered practicing immigration law. Others have been familiar with the realities of immigration since childhood. Here are some of their stories.



Nathan MacKenzie '17 was inspired by what he saw in Logan's Terminal E, but his interest in immigration law began not at an airport, but on a boat—during his nine years in the Coast Guard.

“If we picked up Haitian folks in a homemade raft, 99 times out of 100 they would be back in Haiti the next day without any sort of interview or any sort of adjudication,” he recalls. “I thought that there was something just fundamentally unfair about the way that the Coast Guard was used to deny people the due process that they would receive if they reached U.S. soil.”

There's 80 miles of open ocean from the Dominican Republic to Puerto Rico, and sometimes cutters like MacKenzie's would arrive too late to save the migrants crossing the Mona Passage in their homemade boats. Occasionally the makeshift vessels would overturn and some of the occupants would drown. “You see what people are willing to put themselves through to try to get here, and then you see how the law treats them. For a nation of immigrants we're not very forgiving of people trying to immigrate now. Unless you happen to meet very specific requirements, you're almost undoubtedly deported,” he says.

At HIRC, MacKenzie has worked on two amicus briefs. The first was filed in support of *Darweesh v. Trump*, a challenge to the January travel ban on behalf of two Iraqis detained at Kennedy Airport and threatened with deportation by the U.S. government, even though they had valid visas to enter the United States. The plaintiffs argued that their detention, based solely on the executive order, violated their Fifth Amendment procedural and substantive due process rights as well as U.S. immigration statutes. MacKenzie was also part of the research team working on legal arguments about how courts should interpret certain provisions of the Immigration and Nationality Act for the amicus brief submitted in the case *International Refugee Assistance Project v. Trump*, a legal challenge to the executive order's drastically reduced cap on immigration.

MacKenzie sees his work with the clinic as a cornerstone of his development as a lawyer because of its ability to teach empathy. “HIRC is important because it teaches incredibly privileged law students, who are about to get cloaked in even more privilege, humility and compassion,” he says. “You're dealing with people who are seeking asylum—some of them have suffered so much that they fall within the definition of what the entire world has said is an unacceptable situation.”

“I hope that every law student goes through a similar program so that they learn some humility. You might be a big shot someday, but everyone

that we're dealing with is a person. They are worthy of respect and worth being treated with dignity.”



Aparna Gokhale '17 grew up in Flushing, New York, one of the most diverse communities in the United States. Her family emigrated from India when she was 7 years old, and when she decided to pursue law, she wanted to address issues that affected her neighborhood. “Many of my friends are immigrants or first-generation Americans,” she says. “Being tapped into [that] community means always being aware of what's going on in immigration, and that's why I got involved in the clinic.”

Many of Gokhale's activities on campus have revolved around issues of racial justice and inclusion as well as racial equality in education. Her work for HIRC has involved asylum seekers. Her goal, she says, has been to promote equality for immigrants coming into the country, regardless of their backgrounds. “The stories you see on television are often [about] exceptional immigrants,” according to Gokhale, and the message is that we need immigrants because they are doctors or engineers. That is juxtaposed with the depiction of the “villainous immigrants” who would be stopped by a wall or detained and deported by Immigration and Customs Enforcement. “These are larger-than-life caricatures on both ends of the spectrum,” she says, “and it does a disservice to communities of hardworking people trying their best to make a good life for themselves and their families.”

In her work as a law student and lawyer, Gokhale wants to bridge the gap she sees between what the legal community provides and the power of communities when they mobilize and advocate for themselves. She credits HIRC's holistic approach, including competency conversations and trauma-sensitive interviewing tools, with providing her with some of the skills she feels she will need. After graduation Gokhale will return to New York City to work in corporate litigation, but she also plans to continue doing asylum work on a pro bono basis.



“Now that I’ve gone through the legal immigration process and this complicated complex of forms and files and having to navigate this maze without anyone getting in trouble or having to leave the country—it’s not as easy as particular outlets of the media might make it out to be.”

Andrew Hanson '17 wasn't enrolled in HIRC, but after getting involved with the amicus brief in support of *Darweesh v. Trump*, he went on to work on other Immigration Response Initiative assignments as they came through on the law school's listserv.

Hanson, who served in the Marine Corps, has spent much of his time at Harvard Law studying national security. The executive order brought up related issues. “I’d taken some classes where we talked about the broad authority that the executive branch has and the discretion afforded to the president under the Immigration and Nationality Act when it comes to national security,” Hanson says. “I wanted to understand what some of the

challenges to this type of authority [are], like the Equal Protection and Due Process clauses.”

There is also personal motivation for Hanson's involvement in HIRC. “My wife is an immigrant. All of my in-laws are immigrants,” Hanson says. His wife, who emigrated from Mexico, is now a naturalized American citizen. “There are definitely members of my family who, because of this administration and the policies and approaches that they’re taking, fear for their future,” he adds. “Working on the issues with the clinic allowed me to use my expertise to ease some of the fear.”

While Hanson plans to work in white-collar defense after graduation, “there’s a vibrant, active pro bono sector at many of the big private firms,” he says, “and that’s something that I want to incorporate into my work, to help people that are like my wife or in-laws.”



“I was advised that if I was going to do this type of work, I needed to see what was happening at the border,” recalls **Tess Hellgren '18**. Last summer that is where she went, dividing her time between New Mexico and Texas, working to represent detained immigrants.

Hellgren spent part of her summer in Dilley, Texas, at the South Texas Family Residential Center, a 2,400-bed facility that holds undocumented asylum seekers, mostly women and children. It is the largest immigrant detention center in the United States.

The experience made it clear to her, she says, that the problem didn't start with the current administration. The family detention center was opened in 2014 by President Barack Obama '91 to staunch the flow of undocumented immigrants fleeing northern Central America.

“We saw mothers and children locked up, and it just doesn't fit with any notion of justice,” she states. “All they've done is cross the border to try to make a better life. Many of them are so traumatized, either in their home country or by events that happened on their way to the United States, and the way we reward their survival is by locking them up.”

As she helped to prepare women and children for their asylum interviews, Hellgren listened to them describe the poverty, exploitation and extreme violence they were fleeing.

When it was time to return to Cambridge, she took what she learned along the southern border and applied it to her studies at HLS. This year at HIRC, Hellgren was able to represent a client at her immigration court asylum hearing. She prevailed.

“The feeling when you win a case, to be able to tell your client that they're able to live their life in this country, is empowering. To have some victories like that, especially in an immigration context ...” Her words trail off. “There's such a need.”

Hellgren isn't sure what the next executive order will bring. She notes that the clinic was doing a lot of work before the election, and she knows they'll continue pushing the immigration advocacy conversation forward, with added urgency: “When we're needed, we'll show up.”



The Immigration Response Initiative “came out of conversations HIRC attorneys had with clinicians at other universities,” says **Amy Volz '18**, a co-organizer of the initiative. “We created this list where people could sign up online. [There are] 10 different projects, and within that first week we had 300 people,” she recalls.

The projects include helping local college students renew their Deferred Action for Childhood Arrivals applications, doing legal research to help clients prepare for potential litigation and engaging in local legislative activity. One project involves a series of Know Your Rights workshops. “We're working with organizations within the Boston community,” says Volz. “They're working with groups who know the populations and where the work is most beneficial. Yesterday we went to an elementary school in Somerville to do a Know Your Rights presentation with parents. It provides the chance to reach a large number of people, even though you couldn't take them all on as clients because of resources.”

After graduation, Volz plans to continue serving clients in immigration matters. She is frustrated by the way people talk about immigration: “I think there's a lack of empathy and understanding of people's personal stories, and reasons why they're coming—either as families or sending their children. What would make a parent send a child through this process unaccompanied?”





When **Jin Kim '18** was 13, his family emigrated from Seoul, South Korea, and settled in Georgia, just months before the Sept. 11, 2001, attacks: “I was the only one in my family who spoke English, and when it came to immigration proceedings and paperwork, even as a middle school student, I had to deal with all that. I remember a sense of hopelessness because of the nation’s fear of us.”

Kim understands what it’s like to undergo vetting by the Department of Homeland Security and to be left in limbo. “I remember calling the immigration hotline to inquire about the status of my family’s application after my grandfather passed away in Korea,” he says, “and it was like the answer was, ‘You just have to wait and see.’” They waited, but the application process was so delayed after the 9/11 attacks, they couldn’t leave the United States to attend the funeral.

He believes his experience helps him understand what immigrants are going through now: “You don’t know what executive order is going to come out tomorrow. We’re at that point in time where immigrants don’t really know what’s going to happen to their lives. It brings a sense of hopelessness.”

Kim wasn’t surprised when the first executive order was signed—HIRC was already working on a way to unravel the travel ban. “Sabi Ardalán [’02, assistant director of HIRC and assistant clinical professor of law] was able to get a copy of the first order, a few days before it came out, through the distribution list of immigration professors and lawyers. She gave me a copy and I started reading it, so we could find a way to challenge it.”

He helped with an amicus brief supporting one of the legal challenges. He also contributed to a petition to the Inter-American Commission on Human Rights for an emergency hearing on the Trump executive orders. By the spring, he was enrolled in the clinic, working on several asylum cases. When the hearing was granted, he and another HIRC student traveled to Washington to testify in front of the commission.

Kim and Malene Alleyne LL.M. ’17 spoke in particular about the Safe Third Country Agreement, which allows Canada to turn away asylum seekers entering from the United States on the premise that the U.S. is a “safe country of asylum,” a premise which the clinic argues is now false. They also described the climate of fear generated by the Trump executive orders and testified that their clients don’t feel they can leave their houses for fear they will be taken into custody and deported.

“The work we do may seem like it doesn’t impact everyday U.S. citizens, but some aspect of their

lives has been or will be touched by immigration law. Before the executive orders I think people overlooked

immigration, but at some point in their family history, because of how this country was founded,

we’ve all been impacted by the immigration system.”

When **Mana Azarmi '17** decided to attend law school, she chose Harvard because of the scale and breadth of topics covered in its clinical programs, and the institution's willingness to devote resources to programs that are in the public interest.

The daughter of Iranian immigrants, Azarmi is interested in shielding minority communities from government encroachment on their civil liberties. Her studies have tied together immigrant rights and privacy law, with a particular emphasis on surveillance practices. "In times of national crisis, [these] are two areas of law that are ripe for abuse," she states. Azarmi is interested in everything from how ICE monitors immigrant communities to what they do with data collected from surveillance.

She has also focused on the unregulated activities of data brokers, companies that aggregate information about individuals from their public records, social media and web browsing history. Brokers often sell data like consumer purchase histories to advertising and marketing companies, but these middlemen can sell these data-

aggregated profiles to government agencies, circumventing potential First Amendment violations and undermining constitutional protections against unlawful searches. These agencies may use this questionable data to flag people as terrorists or affiliated with terror groups. "That may delay their applications for years, and they won't be informed why," she says.

Azarmi has completed two semesters of clinical study at HIRC, with a focus on the area of "cimmigration"—at the intersection of criminal law and immigration law. Her work was guided by Lecturer on Law Phil Torrey, HIRC's managing attorney, who filed an amicus brief this spring in *Commonwealth v. Sreynuon Lunn*, on the question of whether Massachusetts police can detain and arrest someone for a U.S. immigration violation.

This semester, she has helped with the briefs submitted by HIRC, including the one in support of *International Refugee Assistance Project v. Trump*. According to the brief, the cap on refugees would violate the Refugee Act of 1980. While studying for the bar exam, Azarmi will pursue work related to her interest in privacy and surveillance practices that impact immigrant communities. "Things aren't going to get better for immigrants until people demand that things get better for immigrants," she says.

"Having clinical instructors like Sabi Ardalan and Phil Torrey and seeing how they interact with clients, watching the amount of respect they have for everyone and how patient they are—they're phenomenal people to learn how to be a lawyer from."





*Secondary
school
students
in Bhutan
today may
become tomor-
row's lawyers*



PHOTOGRAPH BY
ADAM DEAN/THE NEW YORK
TIMES/REDUX

THE LAW

AND



HAPPINESS

IN



B H U T A N

*A new law school
in the Land of the
Thunder Dragon*

BY

JULIE H. CASE



AMONG the rugged
mountains and
the swiftly
flowing rivers of Bhutan,
new legal institutions are
taking root. Soon this small
country—with just over
750,000 inhabitants—will
open its first law school.

In recent years, the Himalayan nation, wedged between China and Tibet to the north and India to the south, has undergone significant political and cultural transformations. In 2006, the nation's fourth king, Jigme Singye Wangchuck, announced that he would step down in favor of his son and he set in motion the drafting of a new constitution to replace an absolute monarchy with a constitutional one. In 2008, a new constitution was ratified. Now, nine years later, the Jigme Singye Wangchuck School of Law will open its doors to its first class in July.

Envisioned by the current king to honor his father and his father's guiding development philosophy for Bhutan, which he called Gross National Happiness, or GNH, Jigme Singye Wangchuck School of Law will operate under the motto

"Justice, Service, Wisdom."

GNH may sound a bit hedonistic to some, but its origins are Buddhist. It makes collective happiness the goal of government and emphasizes harmony with nature and traditional values. Where the United States has its "life,

liberty and the pursuit of happiness," Bhutan has the four pillars of GNH—economic self-reliance, environmental conservation, cultural preservation and promotion, and good governance.

"The school is the means of bringing GNH and justice to fruition," says Princess Sonam Dechan Wangchuck LL.M. '07, honorable president of Jigme Singye Wangchuck School of Law.

Another Harvard Law School graduate, Stephan Sonnenberg '06, has also been working to realize that goal. A former clinical faculty member at Harvard Law School, he was teaching at Stanford when he stumbled upon a notice that a school in Bhutan was looking for someone to start a clinical program. Bhutan had been on

Sonnenberg's bucket list for years, albeit mostly for the country's mountains and renowned beauty. He joked with his wife about applying for the position, and she called his bluff. The couple and their two children have now been living in Bhutan since July 2015, and he has been helping to design the school's curriculum and will teach alongside 10 other faculty members.

Together, Princess Wangchuck, with Sonnenberg and the rest of the faculty, are hoping to create lawyers who will simultaneously uphold the Bhutanese constitution, legal institutions, and laws, and also serve the people, all without disrupting approaches for settling disputes that have worked effectively for generations. For example, there is a tradition in civil disputes of a *barmi*—a community elder, a wise uncle, a friend—an adviser in your corner. The idea is not to replace this cultural tradition with a new class of lawyers, says Sonnenberg; rather the hope is that lawyers will complement it.

PREVIOUSLY, lawyers were typically educated abroad. They returned to spend one year training in Bhutanese law and in Dzongkha, which is the official language of the courts and government offices across Bhutan. Most lawyers went on to serve in government. Now Princess Wangchuck, Sonnenberg and colleagues hope to educate the next generation of lawyers in a very Bhutanese kind of law school.

"How do you build a legal culture that takes the best of what is commonly taught in law schools around the world, in terms of rule of law and justice, fairness, human rights, and also retain the best of a very nonlitigious society?" asks Sonnenberg, whose work has focused on conflict analysis and resolution, human rights, and humanitarian and development assistance.

A Western definition of human rights doesn't fully encompass the sense of justice people want in Bhutan, says Sonnenberg. The society is based on Buddhist principles, and the crime rate is exceptionally low. "It's almost like it's an insult to karma to lock your car door," he says.

The new school is unlike most in the United States in a variety of ways. JSW Law students will be undergraduates and gain a liberal arts education at the same time as they are being trained in advocacy. In July, rather than launching into contracts or torts, they will start with a "transitions" course designed to introduce them to the idea of a classroom where students are encouraged to ask questions, challenge and engage.

"If we want to do anything like the Socratic

Bhutanese society is based on Buddhist principles. The crime rate is exceptionally low. "It's almost like it's an insult to karma to lock your car door."



Princess Sonam Dechan Wangchuck LL.M. '07 is honorable president of Jigme Singye Wangchuck School of Law, named after her father, the fourth king of Bhutan.



Stephan Sonnenberg '06 has been helping to design the law school's curriculum and will be one of the 11 faculty members.



JSW School of Law will welcome its first class of students in July in a temporary site in Thimphu. A permanent campus in Paro, to the west, is under construction (pictured above, last fall).

Their first year, all students will take a class called Human Rights and Human Duties. “It’s really positing human dignity as the core of the rule of law.”

method, we need to make sure that the students realize that pushing back against a professor is not a sign of disrespect,” says Sonnenberg.

In the fall, students will study tort law (including restitution), economics, philosophy, legal composition and rhetoric. Students will also take a class called Human Rights and Human Duties; Sonnenberg thinks of it as a human dignity class and sees it as central to the curriculum.

“It’s really positing human dignity as the core of the rule of law, or the core of why you would even think about a legal system, or have a legal system,” he says. “It’s sort of a cross between philosophy and law, and we’re framing it as a broad course that can situate students as ethical lawyers.”

Also required are a mediation/arbitration class and a negotiation class. Experiential

learning, including moot court; a 12-month law clinic where students can choose to focus on alternative dispute resolution and conflict management, human dignity, or small-business entrepreneurialism; and

an externship will consume 20 percent of the students’ total time, which is unique among law schools in the region. There’s a hope among the faculty and founders of the school that there will be a strong public interest orientation among the lawyers it produces.

Last year, officials from the school traveled all over Bhutan visiting secondary schools to

recruit students. “I had phobias of us attracting only one kind of student,” says Sonnenberg of the applicants, “and it’s totally the opposite.”

In fact, the 25 students accepted represent 15 of the nation’s 20 *dzongkhags*, or districts, and most of the students come from Bhutan’s far east, a three-day drive from the capital city and the school’s temporary home, Thimphu. (A permanent campus is being built in Paro, to the west.) The class is almost evenly split across gender lines. Twenty-eight percent are the children of farmers, and only one or two students have a lawyer in the family.

“I met a lot of them during interviews,” says Sonnenberg. “They were sharp and critical and engaged with us. It’s going to be a unique classroom.”

PRINCESS

Wangchuck sees what is taught in the school’s classrooms as important not just to its students, but also to the wider world: “JSW School of Law will produce a generation of responsible and able lawyers who will contribute to enabling a just and content society. The Bhutanese value of harmony will be reinforced and exercised through alternative dispute resolution. Our value of coexistence will be propounded through sustainable development law and respect for nature through our environmental law programs. We will develop these areas and take forth lessons and good practices not only for Bhutan, but also for all who could benefit.”

“Law and happiness, we believe, are not opposed to each other,” she says.

UNFAZED

Reena Raggi looks back at 30 years on the federal bench

When **Reena Raggi** graduated from Harvard Law School in 1976, the student body was only 20 percent female. But Raggi, who went on to serve 30 years on the federal bench—on the District Court for the Eastern District of New York from 1987 to 2002 and since then on the U.S. Court of Appeals for the 2nd Circuit—never thought of herself as a Harvard pioneer.

“I think we knew that the generations before us had faced more significant challenges,” said Raggi, who graduated from Wellesley College before entering HLS. “Perhaps having come from a women’s school, I had become used to women running everything. We were the first class to be housed in what were then called the new dorms, and that was more a new experience for the male students—they weren’t used to having women among them. But I never encountered anything in the classroom that made me feel we were being treated differently than men,” said Raggi, who returned to HLS in March to judge the Ames Semi-Finals. While she was on campus, she also participated in a Q&A with Dean Martha Minow.

Raggi said her post-Harvard career path “wasn’t that untraditional.” After clerking in the 7th Circuit for two years, she moved from private practice to prosecution. Yet it did involve a number of firsts: She was the first woman to head both the Eastern District of New York’s narcotics unit and its corruption unit, and later the first woman named U.S. attorney in any of the four federal prosecutors’ offices in New York. “Narcotics is quick responses,

Since 2002, Judge Reena Raggi ’76 has served on the U.S. Court of Appeals for the 2nd Circuit, and prior to that, she served on the District Court for the Eastern District of New York.



middle-of-the-night phone calls,” she said. “You have agents who want to know if they can go right in or need a warrant, and you need to prepare in advance so you can answer questions on the fly. Public corruption is more steady investigation, putting the pieces of the puzzle together. You didn’t want to go to trial unless you were sure you could hit the bull’s-eye; you didn’t want to be in the papers every day if you couldn’t.”

Just 10 years out of HLS, Raggi was nominated by President Reagan to serve as a district judge in the Eastern District of New York. On that court, she tried cases that made headlines—and in one case, sent shock waves through New York. *United States v. Schwarz* was a civil rights case related to the physical and sexual assault of Haitian immigrant Abner Louima while in police custody in 1997; Schwarz was accused of luring

Louima to the room where the assault took place. Taking over the case after the death of Judge Eugene Nickerson, Raggi found it to be “a very challenging case, because nobody had actually seen the assault. We needed to know that the jurors could put aside their biases, both pro and con.” They ultimately reached a split verdict with Schwarz found guilty of perjury. She denied a request for leniency and gave him the maximum sentence of five years.

Another high-profile case she tried, *United States v. Gazi Abu-Mezer*, involved domestic terrorism—before the Sept. 11 attacks. The defendant nearly succeeded in planting pipe bombs on a New York subway train.

“He was a very challenging defendant,” said Raggi. “His trial was making a political statement, using the courtroom as theater. And the defense attorneys came

up with a theory under which he would be acquitted. But he insisted on taking the stand himself, and admitting he had made the bombs—even saying that he meant to kill as many Jews as possible. You could see he had no interest in acquittal, and I gave him life imprisonment.”

When asked to recall a more lighthearted moment on the bench, she referred to a criminal case where the defendant pleaded guilty, which required a “litany” of follow-up questions. Asked if he’d taken drugs within the past 24 hours, the defendant shot back “No, sweetheart”—which caused one of his attorneys to elbow him in the ribs. Judge Raggi was unfazed: “When you’re looking at someone who can put you in the slammer for 20 years, there are worse things you can call them than ‘sweetheart.’” —BRETT MILANO

A MOTHER'S VOICE

Joel Motley revisits the life story of his mother, a civil rights pioneer, through film



Joel Motley '78 with his mother, Constance Baker Motley, circa 1962.

Even when he was 5, **Joel Motley III** knew his mother was doing important work. He'd see her on the national news and kiss the TV.

His mother, Constance Baker Motley, a lawyer for the NAACP's Legal Defense Fund, was traveling across the South, challenging segregated schools. As Motley grew up, he watched his mother win historic victories for black students, from the Little Rock Nine to James Meredith in Mississippi. As a little boy, he even went along while she was working on Meredith's case and stayed in the home of Medgar Evers, the

field secretary of the NAACP in the state. Motley saw her go on to become the first black, female Manhattan borough president, New York state senator and federal judge.

Now, Motley '78, an investment banker, providing advice on capital markets to developing countries and co-chair of the board of Human Rights Watch, has co-produced a short film about his late mother, "The Trials of Constance Baker Motley," which screened at HLS in the fall.

His documentary traces his mother's life from her child-

hood in Connecticut through her nearly 20 years as a civil rights lawyer. Co-produced with Motley's neighbor, filmmaker Rick Rodgers, it debuted in 2015 at the Tribeca Film Festival and won the Audience Award for best documentary short at the Austin Film Festival. It intersperses news footage with Motley's interviews with his mother's former clients, including Meredith, Harvey Gantt, and Charlayne Hunter-Gault, the first black students to attend the University of Mississippi, Clemson University, and the University of Georgia, respectively.

"The interview with Charlayne is the one that always brings tears to my eyes, every time I watch it," Motley says. Hunter-Gault, now a retired broadcaster, recalls a time when Motley's mother opened up to her, saying she wanted to be home with her son and husband, but had a job to do: getting Hunter-Gault into school in Georgia. "She captures the whole work-life balance my mother had to navigate," Motley says. His mother never spoke of that tension with him, but "I picked it up intuitively," he adds.

Motley has shown the documentary to a gathering of black and Latino federal judges, including U.S. Supreme Court Justice Sonia Sotomayor. He was surprised to meet a black, female federal judge who didn't know his trailblazing mother's name. "The sands of time can take anyone out," he says.

Motley has given several interviews to HLS Professor Tomiko Brown-Nagin, who's writing a biography, "Constance Baker Motley: The Honor and Burden of Being First."

"She was a very dignified person," Brown-Nagin says. "There seems to be something of the mother in the son, in the way he carries himself. In getting to know him, one is also getting to know the mother and her values, and her strong sense of history."

By making the film, Motley fulfilled a long-suppressed dream. Inspired by an HLS grad he met who'd become a movie producer, Motley told his parents on the night of his law school graduation that he'd like to do the same. "They both just burst out laughing," he says. "But it was nervous laughter, because it sounded so crazy. They thought I couldn't be serious. I wasn't serious enough to overcome this derision, so I set my dream aside."

Motley thought he knew his mother's story, but he came to new insight into her life by making the film. Listening to recordings of his mother being interviewed for a Columbia University oral history, he reached a deeper understanding of her decision to turn her career toward politics in New York after Evers was murdered just outside his home in Mississippi. "Looking back," he says, "I now realize that she thought, if it's that dangerous, where I could've been killed, my son could've been killed, maybe I need to start thinking about doing something else."

It was eerie to listen to his mother's voice again. "Ten, 12, 14 hours of her telling her story, and it's clear as day," Motley says. "And when I started listening to [the recordings], she was dead five years already. And you listen to it, and it's so clear, you think, Why can't I just call her on the phone?" —ERICK TRICKEY

THE DEALMAKER

Top M&A attorney Faiza Saeed is Cravath's presiding partner

Faiza Saeed '91 arrived at Cravath, Swaine & Moore's New York office as a summer associate in 1990, convinced that the prestigious law firm would be just a way station on her journey home to the West Coast.

She never left. Saeed returned to Cravath soon after graduation, beginning a distinguished career as an M&A lawyer, corporate adviser and, as of the start of this year, the first woman ever to serve as the firm's presiding partner.

In 2015, only three top U.S. law firms were headed by women, according to a National Association of Women Lawyers study. "Whether you look at law firms or banks or corporations, it's been a slower path with lower numbers of women in senior positions," Saeed said. "One can only hope at some point that starts to accelerate."

Cracking the secrets of the human genome rather than shepherding corporate takeovers captured Saeed's imagination when she was growing up in northern California, the daughter of Pakistani immigrants. She started out as a molecular biology major at the University of California, Berkeley, before taking a few economics courses convinced her to double major in both fields and think about a career in business.

Her quantitative background made corporate and transactional work "naturally more appealing" once she opted for law school. As a Cravath associate, she rotated through different corporate practice areas before concentrating on mergers and acquisitions and developing a focus on media deals, as a wave of consolidation began in the late 1990s.

Her list of mega deals includes

Vivendi's \$46 billion merger with Seagram, and she's long advised Time Warner, from its merger with AOL in 2000 through its pending \$109 billion sale to AT&T. (Saeed doesn't do only media transactions: she recently represented Precision Castparts Corp. in its \$37 billion sale to Berkshire Hathaway.)

Saeed has developed a reputation for an understated style and for staying calm no matter how high the stakes. "She just exudes this aura of calm professionalism," said Daniel Slifkin '91, who has also spent his entire career at Cravath after starting out in the firm's 1990 summer associate class, which also included Neil Gorsuch '91, appointed by President Donald Trump to the U.S. Supreme Court.

Slifkin, who heads Cravath's litigation department, recalled working with Saeed on a matter involving Starbucks and its CEO Howard Schultz. (She advised the coffee chain on its 2012 acqui-

sition of Teavana, among other matters.)

"It has always been obvious that her clients trust her completely and they so value her advice even at the highest levels of corporate America," Slifkin said.

HLS Professor Robert Clark '72 has observed Saeed up close as a member of Time Warner's board of directors. "Her understanding of the law is very rich and deep, but she can communicate it very simply to the board of directors, almost like a teacher's gift," said Clark, who also regularly invites Saeed to speak to his M&A class.

Saeed says it's hard to single out any particular deal but considers her work with DreamWorks "very special"; she was there at the company's formation in 1994 and worked with founders Jeffrey Katzenberg, Steven Spielberg, and David Geffen from its animation studio's 2004 IPO through its sale to Comcast in 2016 for \$4.1 billion. "For more than 20 years, Faiza has been one of my most

trusted advisers," Katzenberg told *The New York Times*.

Nevertheless, Saeed said she's never been tempted to go in-house. "I really like the variety of being an outside adviser," she said. "You get to see so many different businesses and develop so many different relationships. For me, I find that more interesting and exciting."

Saeed plans to spend the majority of her time on her practice while leading the 512-lawyer firm with offices in New York and London.

"Cravath is a very consensus-driven organization, so in some ways it takes a great deal of time because it is very much about hearing other points of view and collectively building a consensus," she said. "But at the same time, it's a very cohesive culture and it's a very flat partnership, so I actually think, in terms of keeping that balance and keeping an active and robust practice, it will be achievable." —SETH STERN '01



Faiza Saeed '91 has developed a reputation for an understated style and for remaining calm no matter how high the stakes.

TOURNAMENT OF CHAMPIONS

Ames winners argue all sides in a case before Supreme Court

In January, it was as if the U.S. Supreme Court were playing host to a tournament of champions for past winners of the Ames Moot Court Competition.

The three attorneys who argued *Midland Funding, LLC v. Johnson* had all been on teams that won the Ames Competition within four years of each other at Harvard Law School.

The setting was familiar for two of them: **Sarah Harrington '99** of the U.S. solicitor general's office and **Kannon Shanmugam '98**, who argued for the petitioner, were each making their 19th appearance before the high court. (Both Harrington and Shanmugam returned a 20th time later in the term.)

In contrast, **Dan Geyser '02** made his debut in the case addressing a question involving the Fair Debt Collection Practices Act and bankruptcy code, although he'd previously argued before most of the federal circuits.

"It's still the same type of exercise, a conversation with incredibly bright jurists, but it's obviously a little bit different in terms of the Court's focus and the setting," said Geyser, a Dallas-based partner at Stris & Maher, a firm founded by three Ames finalist teammates: Peter Stris '00, Brendan Maher '00 and Elizabeth Brannen '00.

Geyser's Ames teammate Justin Dillon '02 happened to notice the coincidence while visiting the law school campus to teach a trial advocacy class. Dillon, a partner at KaiserDillon in Washington, D.C., says he still can't believe his name is on a plaque of Ames winners in Langdell Library and goes to look at it every time he's on campus.

Harrington and Shanmugam similarly remember Ames as a formative moment in law school and their subsequent careers.

Harrington remembers the Ames Competition as her first chance to do appellate litigation and write a brief.

"I really enjoyed it; we had a great time," said Harrington, who began her career in the Justice Department's Civil Rights Division before moving to the solicitor general's office in 2009. "The lasting friendships were the best thing I got out of the experience."

Shanmugam, who preceded Harrington at the solicitor general's office, remembers Ames as "by far the best experience I had at the law school"—one that got him thinking about a career in appellate litigation. His career has included clerkships for both 4th Circuit Judge J. Michael Luttig and Justice Antonin Scalia '60 and stints at both Kirkland & Ellis

and Williams & Connolly, where he's now a partner.

Both Harrington and Shanmugam keep the quill pens given each time they argue before the Court close at hand in their offices. Harrington has hers in a flower vase on her desk, which she said is "getting kind of full right now." Shanmugam stores them in a mug in a corner of his office.

Harrington says she doesn't get as nervous as she did the first time but arguing before the Supreme Court will never be "old hat."

"I don't think I'll ever stop feeling nervous or excited about it," said Harrington. "It's an intimidating setting no matter how many times you've been there."

Similarly, Shanmugam said, "It becomes more familiar, but it's never easy and it's always a challenge." Before each argument, he does two moot courts and

carves out two to three weeks of intensive preparation.

Harrington and Shanmugam had previously squared off in a 2014 case. In the audience that day were all six members of Harrington's Ames team, including Adam Szubin '99, who recently served as the acting secretary of the Treasury.

Harrington also argued on the same side as classmate Danielle Spinelli '99 earlier this year in a different case.

"The community of regular Supreme Court practitioners is pretty small, so the more you do it, the higher the chances you'll run across the same people again," Harrington said. "It's always fun when you have a friend on your side or the other side."

Shanmugam said Geyser "did a superb job for his client; so did Sarah. I thought they were terrific. I hope they weren't too terrific." —SETH STERN '01



For many HLS students, the Ames Competition will be the one time they argue before a Supreme Court justice. For others, it's just the beginning.

BASKETBALL STARS' GO-TO GUY

Alex Spiro has carved out a niche in his celebrity-filled practice representing NBA players

When Thabo Sefolosha of the NBA's Atlanta Hawks was arrested in New York for resisting arrest in 2015, he hired **Alex Spiro '08** as his defense attorney.

The Sacramento Kings' Matt Barnes retained him after an alleged assault at a nightclub last December, and so did ex-Knicks star Charles Oakley following an altercation at Madison Square Garden in February.

Spiro has emerged in short order as the go-to lawyer for professional basketball players who get in trouble with the law in New York. It is just one slice of Spiro's practice summarized by sports and culture website *The Ringer* as "the rich, the famous, and the restless."

"He's earned the reputation as the go-to guy honestly because he's been quite effective in his prior representations," said Clinical Professor of Law Ronald Sullivan '94, who has worked with him on several criminal defense cases. "If I were a professional athlete, Alex would be in my Rolodex in case I ever got in trouble."

Spiro, who grew up in the Boston area, studied psychology at Tufts and worked with teenage Asperger's patients at McLean Hospital before attending HLS. After graduation, he became a prosecutor in the Manhattan district attorney's office, where he stayed for four and a half years.

In 2013, he jumped to a New York criminal defense firm run by Benjamin Brafman, known for his celebrity clientele. Spiro quickly developed his own list of cases, which generated frequent mentions in the *New York Post's* Page Six gossip column.

Spiro said representing NBA



Alex Spiro's practice has been summarized as "the rich, the famous, and the restless."

players is still a "very small percentage" of his caseload. Other notable clients have included rap star Bobby Shmurda, who accepted a plea deal for weapons possession, and the late Aaron Hernandez, former New England Patriots tight end, who was acquitted in April of a Boston double murder after being convicted of a separate murder in 2015.

"But it is true that I've had a series of them and been somewhat integrated into the NBA through those cases," Spiro said. "In any of those worlds—if you represent several NFL players, which I have, or piano players, which I haven't—once you've gotten into an insulated group, if you do a good job and treat people the right way, it's more likely that group is going to trust you to come back."

Spiro has enormous confidence and personality, said his class-

mate and friend Yared Alula '08, who worked for the NBA players' union and is now senior counsel for the PGA professional golf tour. "Athletes would obviously find him competent, but also somebody they would like as well."

Since 2012, at Sullivan's invitation, Spiro has shared his expertise with HLS students through the Trial Advocacy Workshop. He is also chair of the legal advisory council for the Fair Punishment Project, an HLS initiative that seeks to highlight problems in the criminal justice system that result in excessive punishments.

Sullivan attributes Spiro's success to "native smarts and honed trial skills" and an ability to navigate the unique challenges of high-profile cases. "The glare of the spotlight makes every aspect of these sorts of cases more difficult," said Sullivan, who has worked with Spiro on both the

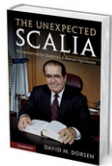
Shmurda and Hernandez cases.

Sullivan singled out Spiro's work in defending Sefolosha, who was among the bystanders arrested by New York City police outside a nightclub, where fellow NBA player Chris Copeland was stabbed in the stomach. Police officers knocked Sefolosha to the curb and broke his leg in the process before charging him with resisting arrest.

Sefolosha rejected a plea offer and insisted on going to trial, where Spiro argued the police improperly targeted his client because he was African-American. Sefolosha was acquitted of all charges and subsequently filed a civil suit against the NYPD.

"Many lawyers would tend to skirt the issue or not deal with it directly, but Alex is unafraid to take issues head on when they impact his clients," Sullivan said. —SETH STERN '01

Selected Alumni Books and Films



“American Justice 2016: The Political Supreme Court,” **BY LINCOLN CAPLAN '76 (Penn)**
 Calling the term that ended in 2016 perhaps the best one in the last half century to focus on the Supreme Court as a political institution, Caplan analyzes key cases during that term. They include one ending in a 4-4 deadlock whose effect was to affirm a lower court ruling that blocked the Obama administration’s plan to spare unauthorized immigrants from deportation. It was an instance, Caplan writes, in which politics and law could not be differentiated and which made judges appear to be “politicians in robes.” He also examines the history of the Court as a political institution and proposes ways to strengthen the Court’s legitimacy, including appointing justices for 18-year terms.

“Going Public: My Adventures Inside the SEC and How to Prevent the Next Devastating Crisis,” **BY NORM CHAMP '89 (McGraw-Hill)**
 Having left a hedge fund position in order to make a difference in public service, the author recounts his five years working in the Securities and Exchange Commission starting shortly after the financial crisis of 2008. Champ outlines how an organization that had become “insular and ill-equipped” improved during his tenure as director of the Division of Investment Management and proposes reforms to bolster the security of the financial system. The experience left him convinced of the importance of a federal investors watchdog to the growth of the U.S. economy.

“Untouchable,” **A DOCUMENTARY CO-PRODUCED BY REBECCA RICHMAN COHEN '07 (Blue Lawn Productions)**

The film looks at the pain caused by sex offenders, but it also questions the laws that can force them to live as pariahs. It is framed by the story of a powerful lobbyist in Florida who advocates for tough laws in response to his daughter’s abuse at the hands of a nanny. It also features the stories of convicted sex offenders blocked from housing and frequently sent back to prison for probation violations even when they don’t re-offend. Cohen, an Emmy Award-nominated documentary filmmaker, is also a lecturer on law at HLS.

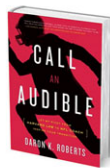
“The Unexpected Scalia: A Conservative Justice’s Liberal Opinions,” **BY DAVID M. DORSEN '59 (Cambridge)**

According to the author, the justice known for his outspoken and sometimes pointed conservatism was responsible for more than 100 opinions that could be considered liberal, such as those deferring to individual rights. Dorsen, who first became friends with Antonin Scalia '60 when they were students at HLS, uses the late justice’s writings to explore his judicial philosophy and how it could accommodate liberal opinions “he did not want to write.” The author (who has also written a biography of Judge Henry Friendly LL.B. 1927) contends that Scalia’s interpretation of originalism led him directly to opinions that clashed with his personal views, a hallmark of a principled jurist.



“Four Seasons of Loneliness: A Lawyer’s Case Stories,” **BY J.W. FREIBERG ’83** (*Philia*)

The author draws on an unusual combination of expertise—in loneliness and the law—to craft portraits of clients in different stages of life, who themselves represent a condition that engulfs an increasing number of people. He profiles an abused child, a man long imprisoned in solitary, a long-distance trucker who failed to connect with others and a dying man still mourning a lost love from decades before. A social psychologist, Freiberg writes that loneliness threatens our overall health, and we should take steps to ensure it doesn’t prevail.



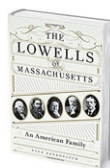
“Exit West,” **BY MOHSIN HAMID ’97** (*Riverhead*)

Hamid’s fourth novel is a love story and a story of displacement and connection, both realistic and fantastical. Its protagonists Nadia and Saeed meet in a city under siege—under threat from its own government and from militants’ violent resistance. In the midst of growing desperation, there are rumors of doors that provide passage away from the violence to faraway places, doors that could be walked through at a price that goes well beyond money. “It was said in those days that the passage was both like dying and like being born,” Hamid writes.



“Eyes Wide Open: Overcoming Obstacles and Recognizing Opportunities in a World That Can’t See Clearly,” **BY ISAAC LIDSKY ’04** (*TarcherPerigee*)

Lidsky lost his sight by the time he was 25 years old, but he gained insight that has served him through Harvard Law School, clerkships with two Supreme Court justices, a successful business venture, marriage and fatherhood. Combining self-help, neuroscience, and memoir, the book explores the growth and revelations gained through the author’s blindness caused by a degenerative eye disease diagnosed at age 13. He writes of his fear of going blind and coming to accept and embrace his blindness while overcoming the pity and anxiety of others. Through the lessons of that experience, he shares “practical ways to open yourself to new learning, unexplored opportunities, and your true potential.”



“Call an Audible: Let My Pivot from Harvard Law to NFL Coach Inspire Your Transition,” **BY DARON K. ROBERTS ’07** (*River Grove*)

In football terminology, an “audible” happens when the quarterback changes the play at the last minute. Roberts knows the term well from his football experience and his own life, which he recounts in his book detailing his choice, shortly before graduating from Harvard Law School, to eschew a well-compensated legal career and seek a nonpaying job at the lowest rung of professional coaching. Eventually rising to prominent stints coaching in the NFL and at the college level, he offers lessons for others considering drastic changes, including embracing menial work that may lead to greater opportunities.



“Fake Smiles: A Memoir,” **BY TONY ROGERS ’66** (*TidePool*)

Like a lot of young people in 1968, Rogers loathed the new president, Richard Nixon, and couldn’t understand how anyone supported him. Unlike other people, however, Rogers’ father, William P. Rogers, was soon to be named secretary of state in the Nixon administration. That was just one fundamental disagreement the author faced with his father, and his book captures their often uneasy relationship and eventual détente. It also captures the tenor of the times, represented by some of the famous visitors in the Rogers household, including Robert Frost, Joseph McCarthy and the president himself.

“The Lowells of Massachusetts: An American Family,” **BY NINA SANKOVITCH ’87** (*St. Martin’s*)

Through each generation since 1639, the Lowell family has made its mark on American society, living the family motto, *Occasionem Cognosce* (Seize the Opportunity). Based on research largely from Harvard archives, the book is the first to offer a comprehensive examination of this history, from patriarch Percival Lowle landing in Boston from England to the death of poet Amy Lowell in 1925. Steeped in the values of ambition and duty, the family produced prominent religious, literary, legal, business, and political figures and left a “stunning legacy of productivity and creativity,” Sankovitch writes.

“A Really Good Day: How Microdosing Made a Mega Difference in My Mood, My Marriage, and My Life,” **BY AYELET WALDMAN ’91** (*Knopf*)

After years of experiencing mood problems that were not resolved by prescription medication, Waldman turned to what appeared to be a radical solution: LSD. She chronicles her experiences over 30 days taking doses of the drug low enough not to cause hallucinatory effects but which she found did help alleviate negative emotions, increase insight and provide many really good days. In addition to sharing her perspective as a wife and mother seeking to improve her mental health and relationship with her family, she explores public policies surrounding LSD, and argues that more research is needed on a drug with potential to better lives.

“The Taming of Free Speech: America’s Civil Liberties Compromise,” **BY LAURA WEINRIB ’03** (*Harvard*)

Weinrib argues that civil liberties once were thought to be a radical notion, connected to workers agitating for their rights through boycotts and strikes. The transformation of that vision during the years between World Wars I and II is the subject of her book, which focuses on the American Civil Liberties Union’s role in the process. According to Weinrib, who serves on the faculty at the University of Chicago Law School, the ACLU shifted from primarily supporting the labor movement to championing personal freedom and democratic debate, a stance that gained adherents from the political right seeking to protect business interests. The compromise, she contends, had ramifications that still linger today.



IN MEMORIAM

1930-1939

NOEL HEMMENDINGER '37
Jan. 3, 2017

1940-1949

ALBERT H. SLATE '40
Jan. 20, 2016

FRED J. WIEST JR. '40
Jan. 18, 2017

JONATHAN L. "JOCK"
 COLLENS '41
2016

WILLIAM JORDAN JR. '42
Jan. 31, 2017

HARVEY COHEN '43 ('47)
May 27, 2016

PHIL C. NEAL '43
Sept. 27, 2016

RALPH J. PALMER '43 ('47)
Nov. 6, 2013

ROBERT H. WYSHAK '47
December 2016

EDWARD APTAKER '48
Feb. 15, 2017

BOURNE BEAN '48
Nov. 1, 2016

DONALD S. BOWIE JR. '48
Dec. 2, 2016

HAMILTON "DES"
 DESAUSSURE '48
Feb. 23, 2017

LAZAR EMANUEL '48
2011

ROBERT F. FUCHS '48
Dec. 15, 2016

SAMUEL M. GILMAN '48
Jan. 27, 2017

F. HASTINGS GRIFFIN '48
Sept. 18, 2016

JEROME A. KLEIN '48
Aug. 22, 2016

ALBERT LEBOWITZ '48
Sept. 24, 2016

BYRNE LITSCHGI '48
Jan. 31, 2017

WILLIAM C. MURPHY '48
Nov. 25, 2016

PAUL F. PERKINS '48
Nov. 6, 2016

LIONEL H. PERLO '48
Feb. 27, 2017

JOHN P. POLLOCK '48
Jan. 1, 2017

WILLIAM L. RIETH '48
Dec. 27, 2016

HARVEY M. SPEAR '48
Jan. 22, 2017

JOSEPH A. SUOZZI '48
Oct. 16, 2016

PAUL N. TEMPLE '48
Nov. 29, 2016

BRYANT K. ZIMMERMAN '48
Sept. 21, 2016

E. THAYER DRAKE III '49
Nov. 14, 2016

J. BRUCE DUNCAN '49
Feb. 3, 2017

WILLIAM M. ELA '49
Sept. 1, 2016

ROBERT L. FOREMAN JR. '49
Jan. 22, 2017

WILLIAM S. MYERS JR. '49
Feb. 18, 2017

ALVIN SILVERMAN '49
Dec. 28, 2016

JOHN P. WEITZEL '49
Dec. 8, 2016

1950-1959

HUNTER M. BENNETT JR. '50
Sept. 1, 2016

BRUCE BOLTON '50
Dec. 6, 2016

BERNARD A. FRIEDMAN '50
Sept. 12, 2016

ROBERT W. LEINER '50
Oct. 19, 2016

ALEX NAIMON '50
March 1, 2014

HENRI J. ADER LL.M. '51
March 2, 2017

EDWARD BLAU '51
Jan. 31, 2017

WILLIAM E. EASTON '51
Nov. 24, 2016

DWIGHT W. FAWCETT '51
Jan. 13, 2017

PHILLIP J. NEXON '51
Dec. 21, 2016

LEONARD B. SAND '51
Dec. 3, 2016

WILLIAM W. SCHWARZER '51
Jan. 28, 2017

ARTHUR SMITH '51 ('52)
July 29, 2016

HOWARD P. STALEY JR. '51
Jan. 11, 2017

ALVIN L. ARNOLD '52
Sept. 9, 2016

LEONARD I. GARTH '52
Sept. 21, 2016

TOTTON P. HEFFELFINGER
 II '52
Jan. 30, 2017

KENDALL E. HOBBS '52
Nov. 5, 2016

TIMOTHY J. HOWES '52
Dec. 12, 2016

VESTER T. HUGHES JR. '52
Jan. 29, 2017

JOHN R. HUPPER '52
Nov. 24, 2016

JOHN M. RICHMAN '52
Jan. 7, 2017

NICHOLAS U. SOMMERFELD
 '52
Oct. 19, 2016

CARROLL L. WAINWRIGHT
 JR. '52
Sept. 26, 2016

RUSSELL L. BRENNEMAN
 JR. '53
Oct. 10, 2016

H. ROBERT FEINBERG '53
 ('54)
Sept. 4, 2016

EDWIN D. LEDBETTER '53
Oct. 22, 2016

CLINTON B. "BILL"
 TOWNSEND '53
Dec. 8, 2016

SHELDON N. WITT '53
Sept. 20, 2016

NORRIS W. DARRELL '54
Dec. 12, 2016

H. STEWART DUNN JR. '54
Sept. 27, 2016

DANIEL MANDEL '54
Sept. 14, 2016

JOHN T. NOONAN JR. '54
April 17, 2017

BRANKO VUKMIR LL.M. '54
March 28, 2014

JAMES E. GRIFFIN '55
Jan. 3, 2014

RICHARD E. HEATH '55
Jan. 7, 2017

JOHN H. NOBLE '55
Sept. 11, 2016

ARTHUR M. SCHREIER '55
December 2016

WILLIAM A. SEAVEY '55
Sept. 21, 2016

EDWIN S. SHAPIRO '55
Jan. 25, 2017

JOHN A. CORRY '56
Dec. 26, 2016

ROY A. CRAIG JR. '56
Oct. 11, 2016

HARRY A. DAVENPORT III '56
Feb. 24, 2017

FRANK DIAZ LL.M. '56
Nov. 30, 2016

J. FRAZER DURRETT JR. '56
Sept. 4, 2016

GERALD W. GORMAN '56
Sept. 24, 2016

EDGAR F. GROSS '56
Oct. 16, 2016

AVRAM G. HAMMER '56
Dec. 17, 2016

ROBERT L. LARSON '56
Sept. 29, 2016

MICHAEL SCANLAN '56
Jan. 7, 2017

GEORGE L. SUTTON '56
Jan. 15, 2017

IRVING J. VEROSLOFF '56
Oct. 22, 2016

MITCHELL BLANKSTEIN '57
May 23, 2016

C. ALLEN ELLIS '57
Dec. 18, 2016

RICHARD A. HIGGINS '57
Oct. 19, 2016

JAMES A. PORTER '57
Sept. 14, 2016

E. BLYTHE STASON JR. LL.M.
 '57
June 26, 2015

BRUCE J. TERRIS '57
Feb. 3, 2017

THOMAS J. BAIN '58
Dec. 5, 2016

ALAN E. BOROFF '58
Sept. 13, 2016

WILLIAM H. GOODHART, Q.C.
 LL.M. '58
Jan. 10, 2017

JOSEPH W. MORRISSEY JR. '58
Jan. 5, 2017

PAUL A. POWELL SR. '58
Oct. 11, 2016

H. RICHARD SCHUMACHER
 '58
Oct. 27, 2016

CALVIN E. VAUBEL '58
June 4, 2016

DAVID O. WELCH '58
Oct. 29, 2016

RALPH BRAGG '59
Feb. 13, 2017

ANSEL B. CHAPLIN '59
Jan. 27, 2017

JOHN S. ERICKSON '59
Sept. 8, 2016

WILLIAM A. SCHAFFER '59
Feb. 5, 2017

1960-1969

ARCHIBALD S. ALEXANDER
 JR. '60
Nov. 28, 2016

GEORGE F. BERNARDIN '60
Feb. 18, 2017

ARNE R. JOHNSON '60
Nov. 10, 2016

HENRY V. "HANK" KENSING
 '60
Oct. 24, 2016

PATRICK L. MCLANE '60
Jan. 15, 2017

G. GALE ROBERSON JR. '60
Sept. 12, 2016

ROBERT J. WALTON '60
Sept. 7, 2016

DAVID W. ADAMANY '61
Nov. 10, 2016

HARRIS J. AMHOWITZ '61
Aug. 27, 2016

LEO A. BYRNES JR. '61
Jan. 27, 2017

SANFORD I. FREEDMAN '61
Nov. 14, 2016

JEROLD L. PERRY '61
Dec. 22, 2016

RICHARD C. THOMSON '61
Feb. 13, 2017

RUSSELL A. WINSLOW '61
Oct. 15, 2016

STANDISH BRADFORD JR. '62
Sept. 15, 2016

NANCY J. CRIBBS '62
Oct. 17, 2016

SURENDER N. KUMAR LL.M.
 '62
Dec. 2, 2016

HOWARD H. LEWIS '62
July 28, 2016

MICHAEL J. EZGAR '63
Sept. 5, 2016

JANET RENO '63
Nov. 7, 2016

PETER A. DONOVAN LL.M. '64
Feb. 25, 2017

DAVID H. BONHAM LL.M. '65
Sept. 11, 2016

JERRY D. HANSCUM '65
Oct. 27, 2016

GERALD L. JENSEN '65
Dec. 5, 2016

FRANK E. MORRIS '66
Aug. 31, 2016

GEORGE W. K. SNYDER JR. '66
Feb. 17, 2017

FREDERICK A. LAUX, Q.C.
 LL.M. '68
Oct. 1, 2016

PETER J. SGARBOSSA '68
Feb. 18, 2017

DONALD S. SNIDER '68
Oct. 17, 2016

ELLIOTT S. TOPKINS '68
Sept. 16, 2016

RICHARD D. HALL '69
Nov. 8, 2016

LOUIS H. HAMEL JR. '69
Sept. 4, 2016

IRVING A. RACHSTEIN '69
Feb. 17, 2017

FRANK P. SLANINGER '69
Nov. 30, 2016

1970-1979

JOHN M. BAIGENT LL.M. '70
Dec. 3, 2016

RONALD I. TISCH LL.M. '70
March 17, 2015

CLARENCE M. DITLOW III
 LL.M. '71
Nov. 10, 2016

WALLACE W. SHERWOOD
 LL.M. '71
June 10, 2016

RICHARD R. HILL '72
Jan. 18, 2017

HENRY A. BEYER '73
Nov. 8, 2016

BRUCE I. CAMPBELL '73
Dec. 21, 2016

LAWRENCE B. LITWAK '73
Dec. 30, 2016

ARNOLD P. PROSPERI '73
March 5, 2016

ROBERT B. SOMMER '73
Sept. 19, 2016

DENNIS R. LUNA '74
Dec. 28, 2016

LAWRENCE C. PATRICK JR. '75
Jan. 12, 2017

PAUL D. SALMI '75
Jan. 7, 2017

NORMAN J. SINGER S.J.D. '75
Oct. 31, 2016

DAVID J. SLAWKOWSKI '75
Dec. 1, 2016

STEVEN E. HENGEN '76
Dec. 20, 2016

GEORGE U. LANE JR. '76
July 14, 2012

ARTHUR N. LERNER '76
Nov. 8, 2016

DIANE M. HIGGINS '77
Nov. 27, 2016

DAVID S. KING LL.M. '77
Nov. 15, 2016

WENDELL ROBERT CARR '78
Nov. 21, 2016

1980-1989

CAMILLE E. ACEVEDO '81
Dec. 29, 2016

RUBEN PEREZ '81
Dec. 13, 2016

ANDREW D. KAIZER '83
Oct. 23, 2016

MICHAEL E. LYTTON '83
Dec. 5, 2016

LOUIS J. SCERRA JR. '83
Nov. 23, 2016

L. HOPE LEWIS '86
Dec. 6, 2016

ANNE FRANCES LEPIE '87
Jan. 13, 2017

PHILIP A. GUENTERT '88
Nov. 7, 2016

WILLIE J. LOVETT JR. '88
Jan. 30, 2017

JUAN D. JARAMILLO ORTIZ
 LL.M. '88
Dec. 14, 2016

1990-1999

DEBORAH J. BROYLES '93
Sept. 10, 2016

SUSAN K. HEINTZ '99
June 15, 2012

2000-2009

HONG "PAUL" LIN '02
May 29, 2015

AARON B. LAMB '04
Dec. 11, 2016

2010-2016

MELISSA PROCTOR '14
Sept. 10, 2016

Visit the In Memoriam
 section online at bit.ly/inmemspring2017 for links to
 available obituaries.

William T. Coleman Jr. '46: 1920-2017

Legal and Civil Rights Pioneer



WILLIAM T. COLEMAN JR. '46, THE FORMER SECRETARY OF transportation and one of the lead strategists and co-authors of the legal briefs for the appellants in *Brown v. Board of Education*, died March 31.

A pioneer in the struggle for civil rights, Coleman was a member of Thurgood Marshall's legal team at the NAACP Legal Defense Fund, where he was instrumental in the school desegregation efforts that culminated in the *Brown v. Board of Education* decision in 1954. In the 1960s, he was co-counsel in *McLaughlin v. Florida*, in which the Supreme Court overturned a Florida law that prohibited an interracial couple from living together. The case became a precedent for the landmark 1967 ruling in *Loving v. Virginia*, in which the Supreme Court held that anti-miscegenation statutes were unconstitutional.

Harvard Law School Dean Martha Minow said: "Bill Coleman was truly not just one of the greatest lawyers, but one of the greatest Americans. His life and work are part of the fabric of the nation. Courageous and brilliant in his advocacy for civil rights, exceptionally wise as a counselor to presidents, clients, and generations of lawyers, he had superb judgment and character. We will cherish his life of extraordinary purpose, achievement and consequence."

Coleman entered Harvard Law School in 1941, but his education was interrupted by almost three years of service

in the United States Army Air Forces. He graduated first in his class and was one of the first black editors of the *Harvard Law Review*.

After graduating from HLS, Coleman served as a law clerk for Judge Herbert F. Goodrich LL.B. 1914 of the U.S. Court of Appeals for the 3rd Circuit, and he became the first black law clerk for the United States Supreme Court when he clerked for Justice Felix Frankfurter LL.B. 1906.

Despite his clerkships and his academic achievement, he was repeatedly rejected by white-shoe firms in Philadelphia. When he was finally accepted by a firm in New York—Paul, Weiss, Rifkind, Wharton & Garrison—it was the first time ever that a major law firm in New York City had hired a person of color as an associate.

Coleman also worked on behalf of several presidents, including as secretary of transportation under President Ford. Among his accomplishments were helping get the bankrupt Penn Central Railroad out of financial difficulties, overseeing the interstate highway building program, and supplying the money to build subway systems in Atlanta and Washington, D.C. He also served as assistant counsel for the Warren Commission and was a member of President Eisenhower's Committee on Government Employment Policy.

He later returned to private practice when he joined the law firm of O'Melveny & Myers, where he was a senior partner. Coleman also served on the boards of PepsiCo, IBM and Chase Manhattan Bank.

One of his most notable achievements was helping to desegregate the military. In 1945, he was part of a legal defense team that represented an all-black bombardment group denied access to an officers' club because of their race. Theodore Berry, future mayor of Cincinnati, served as lead defense counsel and Coleman assisted, finding a 1919 statute that established that all officers' clubs were open to every officer on the base. The incident led to President Truman issuing an executive order that mandated integration of the armed forces.

Among his honors, Coleman was awarded the Presidential Medal of Freedom, the nation's highest civilian honor, by President Clinton. In addition, Coleman received the Harvard Medal from the Harvard Alumni Association, the Harvard Business School Distinguished Service Award and the HLSA Award. He served as a member of the Harvard Law School Dean's Advisory Board and co-chaired the Harvard Law School Campaign for the Third Century.

In a 2010 talk at the law school, Coleman discussed his memoir, "Counsel for the Situation: Shaping the Law to Realize America's Promise" (Brookings Institution Press), and told a packed room that there is still work to be done to fulfill the promise of civil rights in this country.

—LEWIS I. RICE

*What's
happening
in
your
HLSA?*

HLS and HBS Alumni Participate in Joint Symposium

“Private Interests, Public Issues,” a daylong series of interdisciplinary panel conversations about capitalism, democracy, and global affairs held in the fall at the Harvard Club of New York City, brought together Harvard Law School and Harvard Business School graduates, marking the first-ever joint alumni conference between the two schools.

The symposium’s goal was to inspire dialogue about the divisions and symmetries between public issues and private interests as experienced by alumni in their professional lives. Former secretary of the U.S. Department of Housing and Urban Development Julián Castro ’00 delivered the keynote address. The Harvard Law School Association of New York City and the Harvard Business School Club of Greater New York co-hosted the event.

According to Co-Chair Salvo Arena LL.M. ’00, president of the HLSA of New York City, the event sought to establish a template for future collaborations between alumni of the two schools, with the goal of strengthening ties and sharing experiences from the legal and business worlds.

“The truth is that all of us share the same fundamental values, educational principles and integrity that we learned at Harvard,” said Arena. “Through Harvard we get the opportunity to meet; through Harvard we stay connected; through Harvard we can make a difference in the world.”



Symposium panels (like the one pictured above) featured a range of high-profile alumni with experience in business, finance and government.

Judge Robert L. Wilkins described the years of effort culminating in the the National Museum of African American History and Culture.



For the latest HLSA events, visit the new alumni portal: <http://www.alumni.law.harvard.edu/>. Check out how easy it is to view the global calendar of events or find a club or shared interest group. Log in today to create a profile and start connecting!

Wilkins on the ‘Long Road to Hard Truth’

The HLSA of San Diego hosted D.C. Circuit Court of Appeals Judge Robert L. Wilkins ’89 at the offices of the San Diego law firm Seltzer Caplan McMahon Vitek for a conversation in



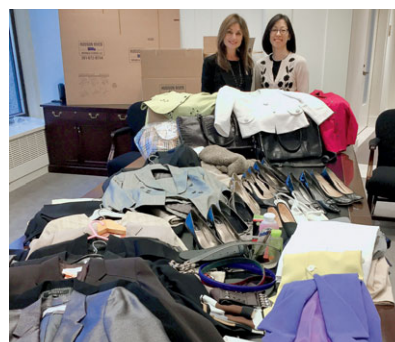
March. Dan Eaton ’89, who is president of the San Diego HLSA chapter and a partner with the firm, interviewed the judge in front of a group of alumni and guests, including San Diego Superior Court Judge Yvonne Campos ’88 and Rana Sampson ’89, a vice president of the Union Bank.

Wilkins described his efforts in the establishment of the National Museum of African American History and Culture on the Mall in Washington, D.C. He credited Congressman John Lewis of Georgia and then Sen. Sam Brownback of Kansas for their persistence in shepherding the legislation that authorized the museum. Wilkins has written about the 100-year journey to get such a museum built in his recently published book, “Long Road to Hard Truth,” which he spoke about at HLS last fall.

Steve Berenson ’89 LL.M. ’98, professor at Thomas Jefferson School of Law, asked Wilkins about the impact of his HLS education. Wilkins said: “At Harvard Law School, I came to have a sense of myself and the possibilities of what I could do.” HLS “helped me to think big and think outside the box and know that there was nothing wrong with that.”

Dress for Success

In January, the Harvard Law School Women’s Alliance organized a donation drive of women’s professional clothing and accessories, co-sponsored by Winston & Strawn, for Dress for Success.



The organization provides women with a network of support, professional attire and development tools. Pictured left are Bea Krain Drechsler ’87, board member of the HLS Women’s Alliance and co-chair of the New York chapter, and Caroline Yoon ’97.



200 IS A BIG BIRTHDAY!

JOIN THE CELEBRATION

Two hundred years ago in a small building in Harvard Square, Harvard Law School got its start (see story on Page 68). 2017 marks the school's bicentennial, and you are invited to join in a yearlong celebration at events and programs offering opportunities to focus on HLS's history, its future, and the roles of law and the legal profession in addressing the complex challenges facing the world.

For more information, contact the Office of Communications at hls200@law.harvard.edu.

ON-CAMPUS EVENTS INCLUDE:

Sept. 15-16, 2017

HLS in the Arts

A communitywide arts festival showcasing the talents of members of the HLS community in music, literature, film, dance and the visual arts.

Oct. 26-27, 2017*

HLS in the World

A bicentennial summit featuring leading lawyers from around the world and panel discussions devoted to legal and policy issues of pressing importance.

April 20-22, 2018**

HLS in the Community

An exploration of the school's local and global contributions of service and pro bono work, including an open house featuring law school clinics—and a challenge to the entire HLS community to further expand access to justice.

THE SCHOOL HAS LAUNCHED A NEW WEBSITE FOR ALL THINGS BICENTENNIAL

200.hls.harvard.edu

It will be updated regularly, but it already provides myriad opportunities for perusing, including:

EVENT LISTINGS

STORIES OF THE HLS COMMUNITY, past and present

MULTIMEDIA COLLAGES of HLS moments and people

TIMELINES of the school's evolution and growth

A TRIVIA CHALLENGE to test your knowledge of HLS ephemera.

HLS STORYKIOSK

You are invited to share your own recollections of HLS through the **HLS Storykiosk**—short video recordings that may be featured on the HLS200 website. You can view a sample of stories already shared by alumni at bit.ly/HLSstories and then record a video of your own on your phone, tablet, or computer at bit.ly/Stories2017.

*Events will run in conjunction with Fall Reunions 2017 for classes of 1957, 1962, 1967, 1972, 1977, 1982 and Emeritus Club. **Events will run in conjunction with Spring Reunions 2018 for classes of 1988, 1993, 1998, 2003, 2008 and 2013.

HARVARD
LAW SCHOOL

1817-2017

MOVED TO QUESTION
PREPARED TO REASON
CALLED TO ACT

HLS
200

Dariusz Mioduski still remembers how he began the most important essay of his life: “Five years ago I came to this country without knowing the language, and today I’m putting my signature on this application to Harvard Law School.” That hopeful step led the Polish native to an adventurous career. Mioduski started out working on international M&A and project finance with Vinson & Elkins in Houston and White & Case in New York, later returning to Warsaw to launch London-based CMS Cameron McKenna’s new energy and infrastructure practice. In 2007, he became CEO of Kulczyk Holding, a private investment company. Six years later he formed his own Radwan Investments, and became part owner of Poland’s top football club.

and interaction among students—that’s what makes Harvard Law School special.

After graduation, you began practicing in Houston, but soon you were working in Warsaw, too. Was that always your intention, to return to Poland?

I never thought I’d go back. It was unimaginable, that the country could go through such incredible change, that Communism would fall apart. What followed was a dark time, but 10 years later, when I was a young associate, Poland was transformed, and the U.S. law firm I was working for was opening an office there. Soon I was traveling back and forth between the two countries.

When I was a midlevel lawyer, I started to work with big American and European companies coming to Poland. I was overseeing projects that someone of my experience normally was not ready to run. But from a cultural and language standpoint, and with my understanding of the structures and transactions involved, I was in a good position to work as a strategic adviser. I built a new energy practice, of 25 lawyers. I was also involved in developing energy law, working with experts to determine how the energy sector would function and be governed.

What was it like, living and working in Poland again?

I had a close group of friends, from Germany, Italy, the U.S., other Poles as well, working in

Please tell us what you’ve been working on lately, especially in the world of football—soccer to Americans.

My situation is quite dynamic! Just in the last two weeks [in April] I’ve taken on a bigger role at Legia Warszawa [Warsaw], a club similar in stature to the Yankees in the United States. For three years, I’ve owned 60 percent of Legia, as nonexecutive chairman. Now I am 100 percent owner, president and CEO. This will be taking me away from board work and transactions and into full-time operational running of the club.

Did you play soccer when you were a kid?

I played basketball, not soccer so much. I love playing all kinds of sports, and I’m a keen observer of them—not only watching, but also understanding how the business side works. The idea crossed my mind even when I was a kid that someday I’d like to own a team.

Before coming to Harvard Law School, you lived in Texas and went to college there. What

drew you from Poland all the way west to Texas?

My family left Poland in 1981. I was 17. We went to Houston because my father’s brother had lived there. There was some family history of opposition and resistance; it was the era of Solidarity. We had tried to escape before but couldn’t under the Communist authority’s control. Then a window opened, just a few months before martial law was declared, and we succeeded in getting out. We left for a “two-week vacation” from which we didn’t return.

What was it like, taking that plunge, into such a different country, culture, political system?

Like millions of other immigrants, we came to the U.S. with nothing. My parents, both engineers, had high positions in their companies, in Poland, but in Houston they were car mechanics, cleaning houses, baby-sitting, whatever they could work at, just to survive. I went to a regular high school in Houston, immediately needing

English. That experience, of having to depend on myself, shaped how I think, what my values are.

What made you decide on law school?

Even while I was still living in Poland I had thought about the law—not necessarily to become a lawyer, but as a discipline that would give me options. When the letter came from Harvard Law School, telling me I was accepted, it was a highly emotional moment for me and my family, one I will never forget.

Seventeen percent of the HLS J.D. Class of 2019 is international. The percentage was small when you were a student. Did you feel like you stood out as a newcomer to America?

Actually, though I spoke with an accent, I felt at home at Harvard Law School. I never felt I was an outsider. I was not a guy who would spend all his time studying, so I took advantage of activities. I played basketball at Hemenway; I had great friends. My classes were always stimulating. That high intellectual level



“The school encouraged my belief that anything is possible. That is how I live my life, doing things that are not always typical of a legal education.”

different sectors but all of us experiencing this amazing openness. Poland had become a place where I felt there were no barriers to what you can do.

What made you decide to shift from law to business?

In 2007, a friend and top entrepreneur asked me to restructure and run his empire. I became CEO [of Kulczyk Holding], working on natural resources, the energy sector, infrastructure. I traveled to Africa, Asia, the Middle East, investing and building companies. I met incredible people all over the world.

And then in 2013 you went out on your own.

I like to be my own boss. I’ve invested in some very exciting projects, in technology and new services. Two or three of them may turn out to be significant—I hope!

Why have you decided to devote yourself to football?

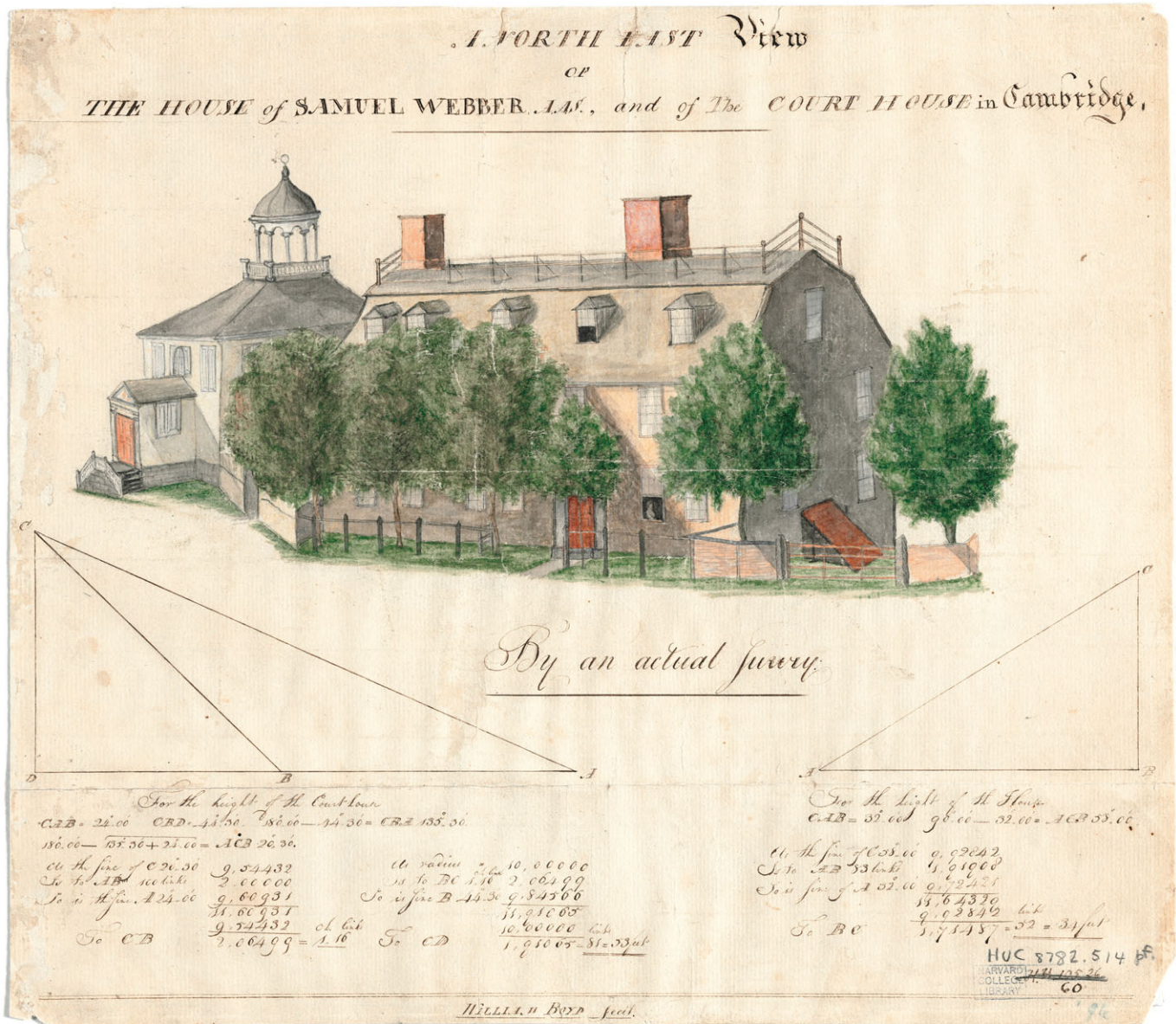
All the many parts of my professional life have prepared me for this challenge. Legia operations touch on everything from media to marketing, technology, finance, social responsibility, even managing expectations, of what the club can achieve. The importance

that the club has in fans’ lives is so high: it represents values and traditions; it touches on politics, the very fabric of the local community. Owning a club is not necessarily profitable, and I still have people ask me: “Why are you involved in this? What for?” But there isn’t a project or business I want to do more. The next few years of my life will be dedicated to making Legia Warszawa an elite European club.

You’ve served for two years so far on the HLS Dean’s Advisory Board. What inspires that commitment?

If I can help the best legal institution in the world to be better, not just in the U.S., but globally, and to admit people regardless of whether they have money, I want to do so. After all, even though I didn’t have the highest scores, and my English wasn’t very good, the law school saw something in me, and took a chance on me. The school encouraged my belief that anything is possible. That is how I live my life: doing things that are not always typical of a legal education, and never afraid to take the opportunities life presents.

GALLERY | *Two professors, six students, three rooms*



A look back at the beginning of Harvard Law School

“NOTICE IS HEREBY GIVEN THAT a law school is established at the University to commence on the first Wednesday in October next,” began the Aug. 9, 1817, advertisement in Boston’s Columbian Centinel, one of many newspapers and journals that touted the opening of a new law school, in Cambridge, Massachusetts.

It promised a program unlike

any that had been offered in the nation before—bringing intellectual rigor to the study of law, “under the patronage of the University,” while still preparing graduates for practice in the profession.

Candidates for admission, announcements read, “must be graduates of some college,” or qualified after “five years study in the office of some Counsellor.”

College House Number 2 was the first home of Harvard Law School. It was located north of the present Harvard Coop building. The law school occupied three rooms of the house on the first floor.

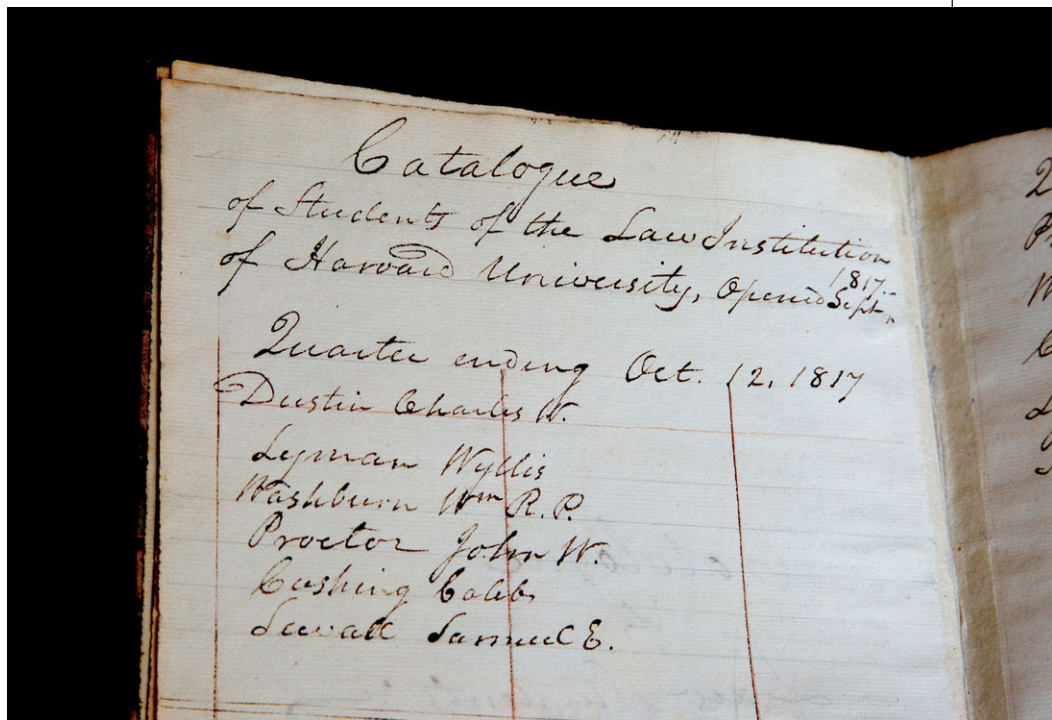
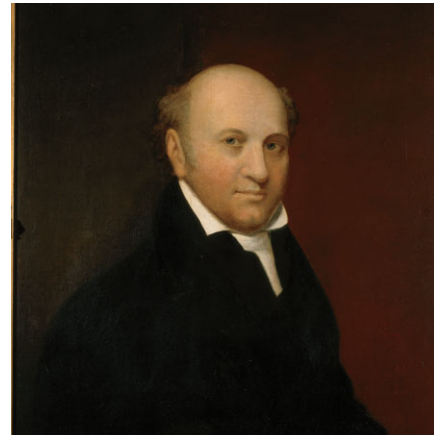
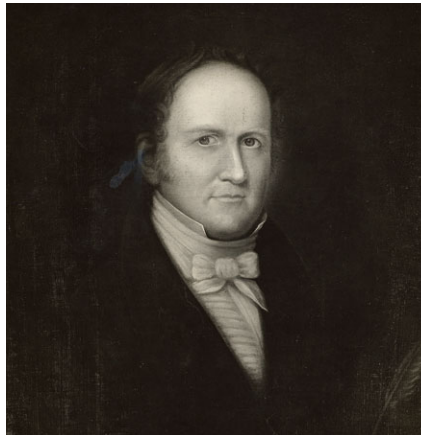
Those students who remained at least 18 months at the “University Law School” or “passed the residue of their noviciate” would be granted the new Bachelor of Laws degree.

By October, Charles Moody Dustin, a 20-year-old from Gardiner, Maine, was the first to enroll in the school. He was joined by five other young men over the course of the year.

Asahel Stearns, the first University Professor of Law, did most of the teaching and shouldered the day-to-day duties of running the school—everything from obtaining books for the library with the meager funds allotted him, to taking care of students who fell ill. He was an experienced practitioner who served as the district attorney of Middlesex County, credentials that enabled him to assess a young future lawyer's readiness to practice. In addition to attending lectures, students took part in moot courts and debates and completed written assignments.

The six students attended classes on the first floor of College House Number 2, a two-story brick building in Harvard Square. Space was tight. One room served as a lecture hall, student meeting space and library. Stearns' faculty office doubled as his law office. (Because his salary consisted of the tuition paid by the students, maintaining a private practice was a financial necessity.) There was also a closet-sized space designated for a librarian (but no money to hire one). Although not ideal, the building had at least one advantage—it was close to the Middlesex County Courthouse, which gave students easy access to observing court proceedings.

Students also attended a series of lectures offered by Massachusetts' Chief Justice Isaac Parker, the senior member of the law faculty, on topics ranging from U.S. constitutional law to natural law. Parker was the first holder of the Royall Professorship of Law, endowed in 1815 through the bequest of the family of Isaac Royall, a wealthy Antigua plantation owner and slaveholder. Initially, Parker was charged with offering lectures in law to Harvard undergraduates, an experience that confirmed



Asahel Stearns (top left) and Isaac Parker (top right) were the first two HLS professors. Parker, the chief justice of the Massachusetts Supreme Court, is credited with the pioneering idea for a separate school of law at the university. Stearns served as University Professor of Law at Harvard Law School from 1817 to 1829.

An HLS catalogue (above) lists the names of the school's first six students. Caleb Cushing's career included serving in Congress and as U.S. attorney general. Samuel Edmund Sewall became an abolitionist who defended many individuals who had escaped slavery. Less is known about the other four students: Charles Moody Dustin, the first HLS graduate; Wyllis Lyman; William R. P. Washburn and John Waters Proctor.

for him the merit of creating a professional law school at the university.

On May 14, 1817, Parker outlined his plan for a law school in a letter to the Harvard Corporation and proposed that they vote on establishing a professional school at the university “under the immediate care of a learned lawyer, whose attention would be principally directed to the instruction of his pupils [which] would afford opportunities for laying a foundation of professional knowledge.” The plan was approved on June 12, 1817, which could be considered the birthday of Harvard Law School.

—LINDA GRANT

What's **Your** Story?



Share your recollections of Harvard Law School as part of our **Storykiosk project**: short video recordings by alumni that may be featured on the HLS bicentennial site.

You can view a sampling of stories already recorded at bit.ly/HLSstories.

To participate, go to bit.ly/Stories2017.