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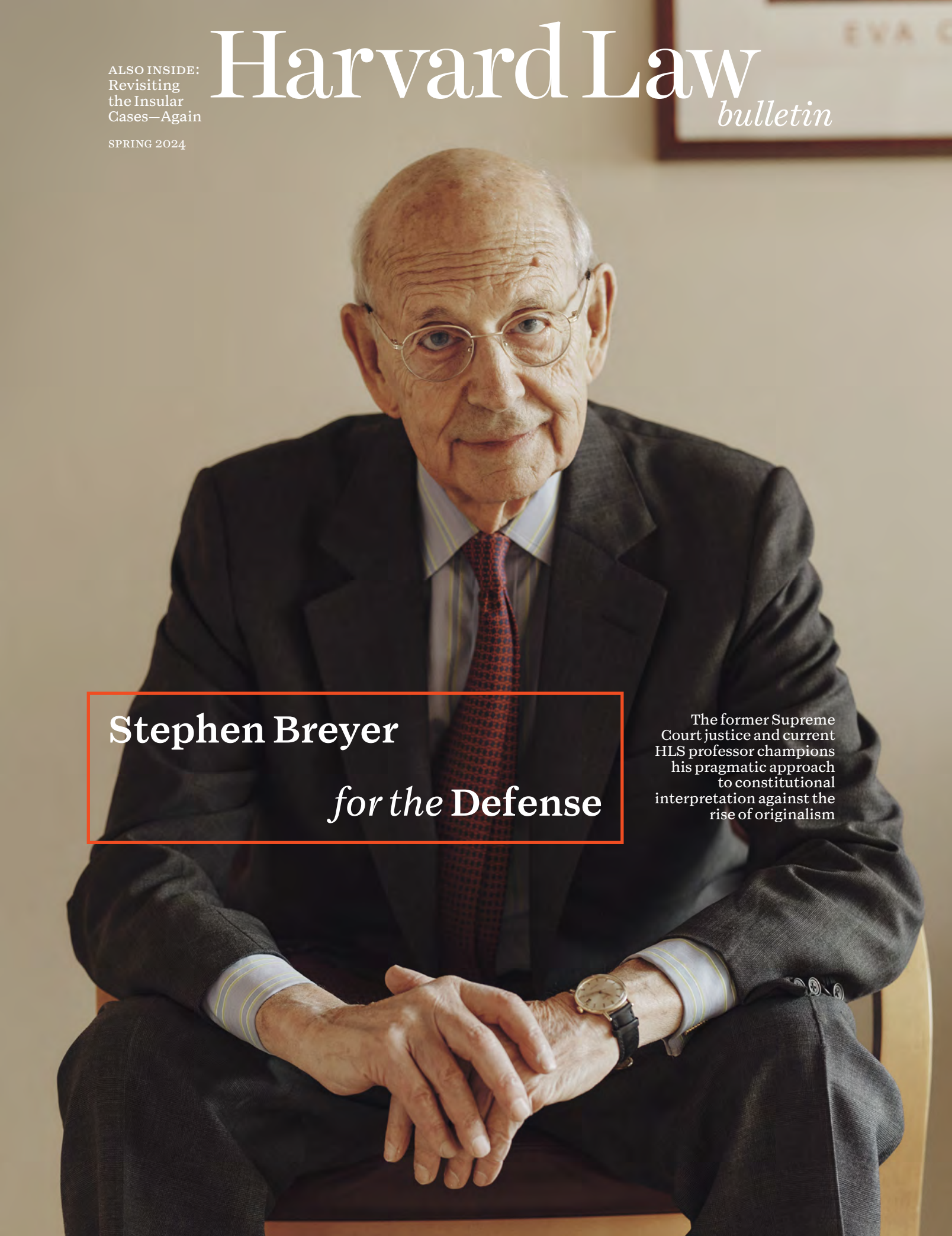


Stephen Breyer *for the* Defense

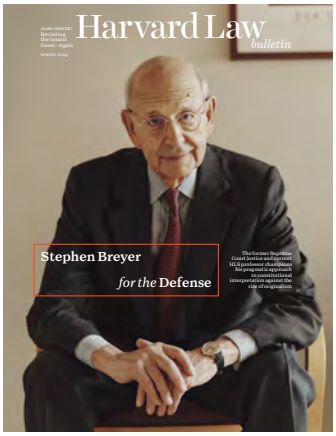
The former Supreme Court justice and current HLS professor champions his pragmatic approach to constitutional interpretation against the rise of originalism

The LL.M. program, says one of its graduates, Geneviève Chabot '11, "contributes to increasing the level of exchange between nations."

PHOTOGRAPH BY DEREK SHAPTON

Randolph McLaughlin '78 pioneered a strategy to get justice for victims of the Klan.

Asha Jain '26, who holds a master's in aerospace engineering, has been focused on satellite reentry, one of the issues she sees as ripe for legislation.



Cover photograph by Tony Luong

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(TOP) LORIN GRANGER; (TOP RIGHT) JESSICA SCRANTON

Campus Leadership in Transition

Professor John C.P. Goldberg is serving as interim dean while John F. Manning takes on the role of interim university provost

On March 1, interim Harvard President Alan M. Garber announced that John F. Manning '85, Morgan and Helen Chu Dean and Professor of Law, would take a leave from leading the law school to serve as interim university provost, and that John C.P. Goldberg, Carter Professor of General Jurisprudence, would take on the role of interim law school dean, beginning March 18. Garber praised Manning as an outstanding dean, eminent scholar of public law, and trusted adviser. "He is an ideal individual to advance several key university initiatives, including forthcoming efforts to explore institutional neutrality and how best to nurture an atmosphere of open inquiry, respectful dialogue, and academic freedom essential to academic excellence," he said.

"I am grateful to interim President Garber for the opportunity to serve Harvard as interim provost," said Manning. "Harvard enabled me, as a first-gen student, to live a life that neither my parents nor theirs could have dreamed of. It feels so important at this critical time for those who love this institution to be there to help."

Garber also expressed admiration for Goldberg's integrity, generosity, rigorous academic work, and broad institutional service, and gratitude for his willingness to take on the interim law school deanship. "I have benefited from John's thoughtful counsel through his participation on the Provost's Advisory Committee and look forward to collaborating with him more closely," he said.

"It's truly an honor to be asked by President Garber to serve as interim dean of Harvard Law School," said Goldberg. "During this period, I will, in the spirit of Dean Manning, do everything I can to support our amazing students, faculty, staff, and alumni."

John Goldberg

John Manning

INTERIM DEAN JOHN GOLDBERG

A leading scholar in tort law, private law, and legal theory and a member of the law faculty since 2008, Goldberg previously served as deputy dean from 2017 to 2022. During that time, he worked closely with Manning on overseeing curricular reform, developing the school's response to the COVID-19 pandemic, and other initiatives.

"The entire law school community is lucky to have the highly respected John Goldberg at the helm right now," said Martha Minow, 300th Anniversary University Professor and former Harvard Law dean. "He brings not only extensive knowledge and experience in law school administration, but also award-winning scholarship in legal philosophy and torts, great wisdom sought both within and beyond the legal profession, the energy of a top tennis player, and a fine sense of humor."

Recognized for his dedication to teaching and mentoring, Goldberg has taught numerous first-year and upper-level courses, including Civil Procedure, Constitutional Law, Contracts, Criminal Law, and Torts. Before joining the Harvard faculty, he taught and served as associate dean for research at Vanderbilt Law School.

As well as serving as deputy dean and a member of the Provost's Advisory Committee, Goldberg was first chair of the university's Electronic Communications Policy Oversight Committee. Within the law school, he has been heavily involved in appointments and other matters.

"In addition to being an outstanding scholar in his own right," said Randall Kennedy, Michael R. Klein Professor of Law, "John Goldberg has shown himself to be one of those pillars of the community who can be relied on to do the unglamorous work that is often overlooked but absolutely essential. He will be a thoughtful, skillful, inspiring leader of the law school."

Goldberg also serves as an associate reporter for the American Law Institute's Fourth Restatement of Property, an adviser to the Third Restatement of Torts, and a co-editor-in-chief of the Journal of Legal Analysis, and is a member of the editorial boards of the Journal of Tort Law and the journal Legal Theory.

Before entering the legal academy, Goldberg clerked for Judge Jack Weinstein of the Eastern District of New York and for Supreme Court Justice Byron White. He earned a B.A. from Wesleyan, an M.Phil. in politics from Oxford, an M.A. in politics from Princeton, and a J.D. from New York University School of Law, where he served as editor-in-chief of the NYU Law Review.

(TOP) MARTHA STEWART; (BELOW) JESSICA SCRANTON

This article has been adapted from the Harvard Gazette.

‘Freedom Is a Constant Struggle’

On the 70th anniversary of *Brown v. Board of Education*, experts at Harvard Law School discuss the future of racial justice / By Jeff Neal

Inaugural Belinda Sutton Symposium

Although the United States Supreme Court’s 1954 decision in *Brown v. Board of Education* has often been considered “the greatest case in 20th-century constitutional law,” legal historian and constitutional law expert Tomiko Brown-Nagin recently pronounced herself as “conflicted about these claims.”

“Why?” asked Brown-Nagin, dean of the Radcliffe Institute for Advanced Study and Daniel P.S. Paul Professor of Constitutional Law at Harvard Law School. “Because I’m afraid that the rhetorical significance we attach to *Brown* is overstated — a partial truth at best, and a way of convincing ourselves that we are better than the evidence shows we actually are regarding matters of race and inequality.”

Her comments came during a daylong series of discussions and presentations at Harvard Law School titled “Charting the Aftermath of Equality: Brown, SFFA & the Continuing Struggle for Racial Justice.” The April 11 gathering marked the inaugural Belinda Sutton Symposium, an annual lecture and conference series honoring Belinda Sutton, a woman who was enslaved by Isaac Royall Jr., whose 1781 bequest to Harvard College funded a professorship that helped to establish Harvard Law in 1817.

Established by Dean John F. Manning ’85 in 2022, the series is organized by Guy-Uriel E. Charles, the Charles J. Ogletree Jr. Professor of Law and faculty director of the Charles Hamilton Houston Institute for Race and Justice.

In his welcoming remarks, interim Harvard Law Dean John C.P. Goldberg paid tribute to Sutton’s perseverance. After having labored in servitude for Royall for 50 years, she launched a historic series of petitions with the Massachusetts General Court to claim a pension from his estate. Although remarkably she convinced the Legislature to grant her a lifetime annuity, only one payment was made. “Belinda Sutton’s eloquent appeals for a small measure of recompense,” said Goldberg, “served as a testament to her noble fight against oppression and her dignity, and to the fortitude of human spirit in the face of terrible adversity and grotesque injustices.”

The event was also dedicated to the memory of Charles J. Ogletree Jr. ’78, who passed away last year. “Professor Ogletree’s hugely important and influential work as an educator and mentor to generations of students, his establishment of the [Charles Hamilton Houston] Institute, and his active participation in litigation and public debates over issues of racial justice are an inspiration to anyone concerned with the challenges we face in moving toward justice and equity,” Goldberg said.

‘Let’s Get to Work’

“I, for one, am a passionate believer in education as a path to social mobility and equal opportunity,” said Tomiko Brown-Nagin at the end of her remarks. “And I am an eternal optimist and undeterred. So, I say, let’s get to work, realizing, as the great civil rights leader Ella Baker said, freedom is a constant struggle.”

Professor Guy-Uriel Charles, organizer of the symposium, with panelist Jerry Kang ’93

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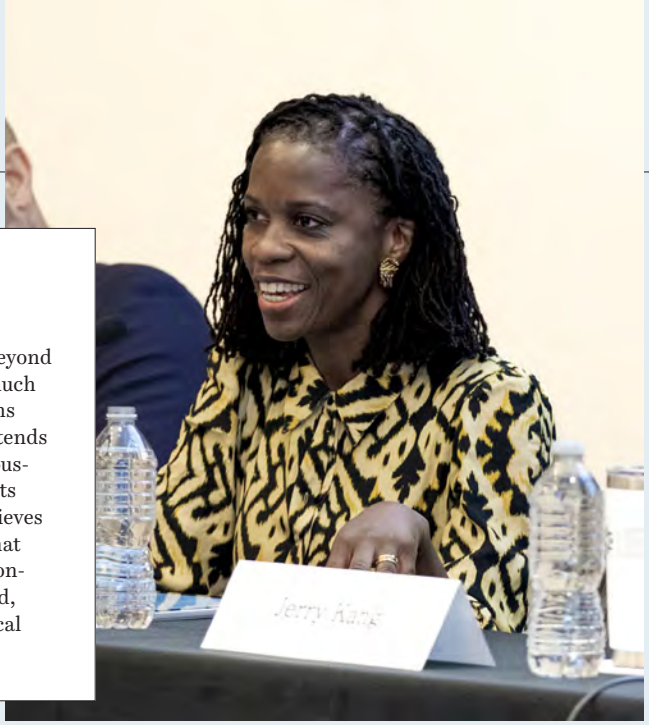
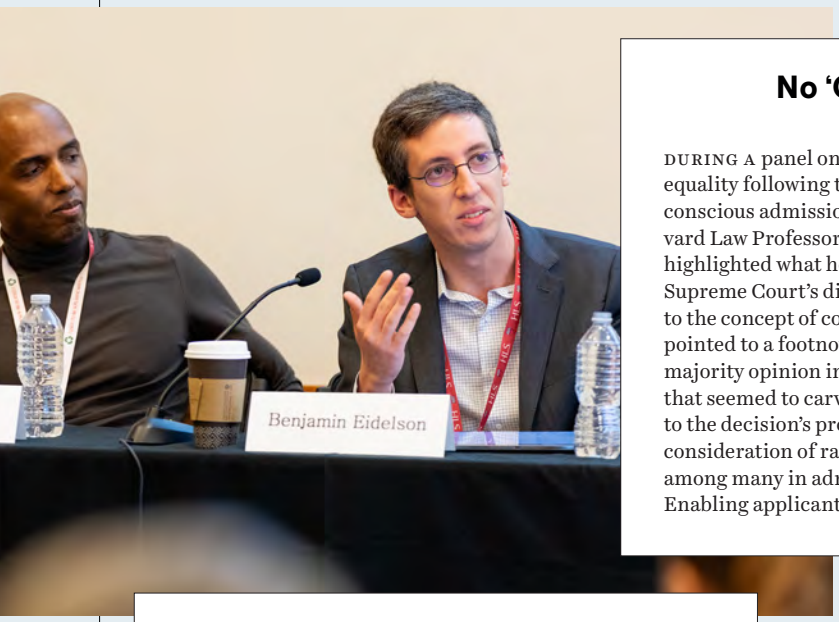
PHOTOGRAPHS BY LORIN GRANGER



‘A Political Project’

IN THE symposium’s first panel discussion, titled “How Did We Get Here?,” Columbia Law’s **Olatunde C. Johnson** said that she sees the debate about the role of race in America as being more than just about law or court decisions, but rather part of a “political project.”

Well-funded opposition to programs like affirmative action, she argued, is about “social arrangements that go well beyond race. And the project goes much further than elite institutions and affirmative action. It extends to environmental justice, housing … even [to] the civil rights project.” Ultimately, she believes it is targeting “everything that constitutes the ‘Second Reconstruction.’” Where, she asked, is the “countervailing political project?”



No ‘Coherent Conception of Equality’

DURING A panel on the question of equality following the demise of race-conscious admissions programs, Harvard Law Professor **Benjamin Eidelson** highlighted what he believes is the Supreme Court’s disjointed approach to the concept of colorblindness. He pointed to a footnote in Justice Roberts’ majority opinion in *SFFA v. Harvard* that seemed to carve out an exception to the decision’s prohibition against any consideration of race as even one factor among many in admissions decisions. Enabling applicants to discuss in their application essays “how race affected his or her life, be it through discrimination [or] inspiration,” said Eidelson, sounds like a tacit acknowledgment that race still plays a role in the otherwise colorblind world the Court says it sees.

“They have no coherent conception of when acknowledging the social reality of race is OK and when it’s not,” he said. “And so, they’re kind of in a predicament. … And it seems to me like a very hard problem that doesn’t reflect a coherent conception of equality.”

‘The Traditional Requirement of Actual Injury Should Be Reinstated’

A RETURN to a more traditional notion of standing would be an important step when considering a path forward after *SFFA v. Harvard,* said **Rachel F. Moran,** Texas A&M University professor of law. She noted that the plaintiff in the affirmative action case was not required to show they’d suffered an injury-in-fact. Instead, the organization was granted standing — the right to sue — based on the presumption that its never-named members were part of a protected class that had been “stigmatized.”

“It seems to me that there is a very plausible argument that the traditional requirement of actual injury should be reinstated,” Moran said. “If that happens … I think it would be very difficult for any particular applicant to show actual injury,” thereby reducing the risk of future litigation for colleges and universities.

A New Minority Class in Need of Protection

"IN JUST the last five years, the Court has overruled extant precedents on issues that range from abortion and jury convictions to property rights and public unions," and narrowed many others, said NYU Law Professor **Melissa Murray**, during the day's keynote address. Many have argued that the conservative majority has abandoned the concept of stare decisis, or deference to prior decisions, to achieve their politically driven ends. While Murray said she doesn't necessarily disagree, she offered a more nuanced explanation. In short, she said, a majority of justices believe that decades of Court decisions, beginning in 1953 when Earl Warren became chief justice, have created a new minority class in need of protection.

Instead of women or people of color, she said, "these groups the Court seems to be in the process of recasting as minorities seem to be Christian conservatives, working-class whites, and, more generally, white people."

'A Focus on Class Will Not Insulate Reform Efforts from Challenges'

IN A panel focused on efforts to reform education to achieve equal access without considering the race of applicants in the admissions process, **Osamudia James** of the University of North Carolina School of Law was among those who argued that "a focus on class will not insulate reform efforts from challenges."

"Class-informed plans responsive in part, as they necessarily must be, to racial disparities will be challenged as racial discrimination," James said. "School boards, administrators, policymakers honest enough to acknowledge the connections between race and class disparities will have their observations used against them in litigation. ... And even those admissions policies that produce economic, demographic, and gender diversity in addition to racial diversity may not pass muster if a claim of intentional discrimination or even just disparate impacts is made."

'The Stakes of Our Moment'

IN CLOSING remarks, HLS Professor **Kenneth Mack '91** told the audience, "We should understand the stakes of our moment, or the context in which our conference gathers, as, in fact, an attack on the ... role of race in basic things that everyday Americans need to participate in the life of our society — not only schooling, but employment, voting, and many other things."

See full coverage of the symposium at bit.ly/BSutton-Symposium

Legislating the Final Frontier

Asha Jain on satellites, sustainability, and space law / By Julia Hanna

Asha Jain '26 started using power tools and saws at a young age. "In first grade, I knew how to drill," she says. For Jain, it was just part of a deep-seated penchant for building things that was encouraged through her involvement with Odyssey of the Mind, a team-based problem-solving program. "I thought it was awesome that we could build a conga-line dancing robot that looked like an armadillo," says Jain, who grew up outside Dallas. "That experience gave me a lot of confidence in the career path I chose."

By the time she was in sixth grade, Jain knew that she wanted to be a space engineer. She majored in aerospace engineering at the University of Texas at Austin and spent a semester studying in France at CentraleSupélec. There, she got involved with a group of students building a satellite to be launched by CNES, the French space agency. "They had a space law problem," Jain says. In the world of satellites, what goes up must come down; the students needed to understand the requirements around "deorbiting" the satellite when its work was done. "I started researching the European policies, all of which were requirements for licenses, not laws," she recalls. The situation was complicated by the fact that the satellite was launching on a U.S. rocket — so U.S. regulations applied as well. From her research, Jain wrote a paper on the status of space debris regulation worldwide.

"There are more than 40,000 objects in space right now," says Asha Jain. That number is expected to grow to 100,000 within 10 years.

Harvard asks what the law should be, says Jain, a question front and center for her when it comes to space.

For Jain, an early encounter with the nascent field of space law drew her to Harvard Law, where as a 1L she's served as events coordinator of the Space Law Society. (Karl Kensinger, special counsel of the Federal Communications Commission's Space Bureau, was a recent speaker.) It's a field brimming with possibilities for development and innovation, says Jain. The U.N.-sponsored Outer Space Treaty has provided the general framework for space law since 1967, stating, for example, that exploration of outer space should be in the interest of all countries and not subject to claims by individual governments. In 2020, however, an executive order by President Trump encouraged U.S. advancements in mining the moon and asteroids for precious metals. The move was criticized globally, but a few other countries followed suit, demonstrating the free-form, uncharted aspect of regulating an area that is still being explored and understood.

"Space has always been hotly connected to political fever and nationalism," Jain says. "I believe the best path going forward is to develop some compliance, coordination, and development of norms that appeal to the global, common interest of operating in space."

Key aspects in that regard are safety and sustainability, which brought Jain back to the question of satellites and what happens when they reenter Earth's atmosphere — a topic she studied as a master's student in aerospace engineering at MIT. "There are more than 40,000 objects in space right now," she says. That number is expected to grow to about 100,000 over the next 10 years, which makes questions around regulating space debris and satellite reentry even more pressing.

The unpredictability of how and when a satellite will reenter Earth's atmosphere is not yet a significant safety concern, but Jain points out how that will change over the next 10 to 15 years as the private sector establishes more and larger satellite constellations. "When you reach the level of 100,000 satellites, that will result in an estimated 54 'deaths' per day," she says. "So now you have two unpredictable fireballs coming to Earth every hour. Eighty percent disintegrate into particles with no impact concerns, but some parts do survive, and we don't have a good grasp on when they survive and why."

It's a more costly proposition, but with additional fuel and monitoring, satellite reentry can be controlled, as is current practice with rockets. For that reason, it's an area ripe for legislation, and one where Jain can see a career path through a role at the FCC or the Department of Commerce (the two governmental bodies with the most engagement in this area to date) and then potentially as a U.S. negotiator at the United Nations or International Telecommunication

MARK GARLICK/GETTY IMAGES/SCIENCE PHOTO LIBRARY

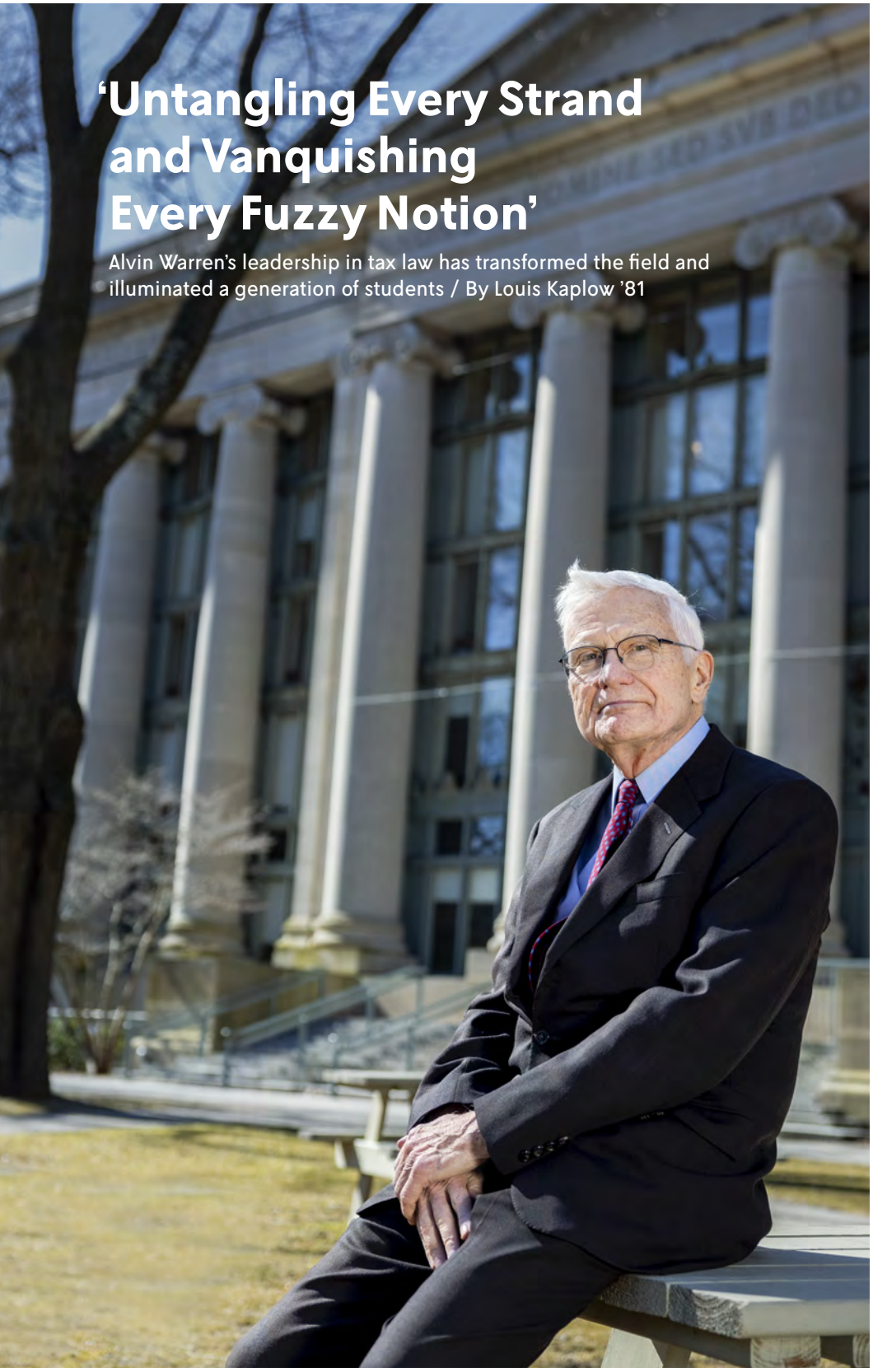
Asha Jain came to Harvard with a master's in aerospace engineering from MIT.

Union (the international version of the FCC). "You're going to have to pull on different threads to establish international norms," she says. "I believe the primary impetus will come from the understanding that sustainability is not just good for the environment — we will actually lose our ability to continue operating in space and deriving value from it if we ignore these issues."

Jain spent last summer working as an engineer at SpaceX and will return there this year to the company's policy side, working with the FCC in its examination of SpaceX's satellite sustainability operations. She could see herself joining a smaller venture after earning her law degree. "When it comes to startups, space has immense power to help meet the U.N.'s 2050 climate goals," she says. "The majority of our weather data comes from space; there are still opportunities to translate that information into tangible actions to benefit people on the ground."

This year, however, she's been fully focused on the 1L experience. "The caliber of minds I've been exposed to has pushed me to think beyond my position," she says. "The other thing I love," she says, is that Harvard asks "what the law should be, not what the law is — and that is a question I'm asking all the time in space, where there are still so few laws."

PHOTOGRAPH BY JESSICA SCRANTON



‘Untangling Every Strand and Vanquishing Every Fuzzy Notion’

Alvin Warren’s leadership in tax law has transformed the field and illuminated a generation of students / By Louis Kaplow ’81

I first met — no, saw — Al Warren in the fall of 1979, while I was sitting on the floor in the back of one of our large lecture halls, watching him teach basic tax. Why was I there?

I was then a 2L, pursuing in parallel a Ph.D. in economics, and hoping to become an academic, indeed, with taxation as one of my fields. I was then taking basic tax from the eminent Stanley Surrey, but one of my classmates (now my wife, whom I always listen to) kept telling me about her amazing tax prof who was visiting from Penn. So, I had to see for myself.

I remember that class to this day, the best I’ve ever seen and something I could never hope to match. It was lively. Engaging. But most of all, it was clear. The examples were vivid, to capture the mind and implant in the memory, and they were precise. The simple numbers on the blackboard, the story, the whole package. No wonder that, for over four decades, Al Warren’s tax classes were often oversubscribed and always adored.

Alvin C. Warren, who is retiring at the end of spring semester, has been the Ropes & Gray Professor of Law at Harvard Law School, where he has taught since 1979. In 2016, Al received the National Tax Association’s Holland Medal, the lifetime achievement award in the field. This honor primarily reflects Al’s contributions to the scholarly community. The same clarity in thinking and communication that I saw that day in the classroom is a signature of his writing. Its other notable feature is the way he always gets to the bottom of things, untangling every strand and vanquishing every fuzzy notion, bringing the captive into sharp focus so that it can then be embraced, rejected, or at least subjected to intelligible disagreement.

Al has taken on some of the big-

PHOTOGRAPH BY JESSICA SCRANTON

gest and most complex questions in the field. He was a leading player in the ongoing debate about whether income or consumption was the most appropriate base for personal taxation. This choice is incredibly important for administration because the difference between the two tax bases, involving how to tax capital income and related changes in wealth, accounts for most of the complexity in modern tax systems. It has efficiency implications regarding incentives to work and save. And many, including Al, also see this choice as central to the fairness of the tax system.

Al's clarity and analytical depth have also illuminated our understanding of the relationship between corporate and shareholder taxation, including in his prominent project with the American Law Institute. Recognizing the intimate connection between the two subjects (after all, corporations are not real people but mere artificial entities that act on behalf of their owners, the shareholders), Al was one of the pioneers involved in working out how various systems might be devised to better integrate the two systems and then in analyzing the virtues and shortcomings of the different options.

International taxation, itself often involving interactions between the taxation of corporations and their shareholders, is a daunting subject not only because of its practical complexity but also because of the interests of competing sovereigns. Here Al focused on problems of discrimination, including as it is addressed in the European Union. Al also took on, even before it was cool, the highly complex subject of the taxation of financial contract innovation that surged decades ago and continues unabated.

I am most personally grateful for Al's interpersonal and institutional contributions. When I joined the Harvard Law School faculty in 1982, Al became my instant mentor. Not only did he give comments generously, but his encouragement — the way he delivered it — made a big impression.

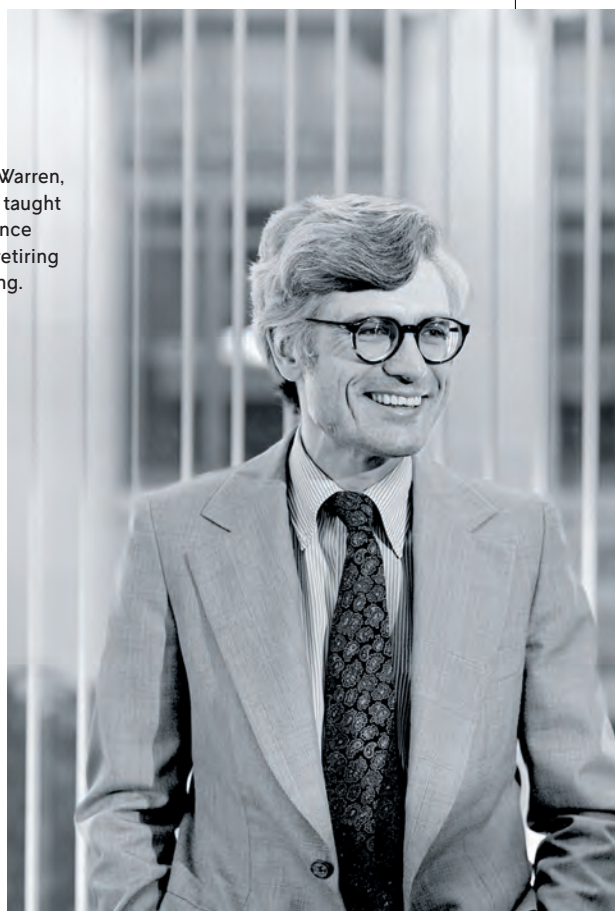
"No wonder that, for over four decades, Al Warren's tax classes were often oversubscribed and always adored."

More broadly, Al was the chair of the HLS tax department for four decades. Some might ask: What tax department? HLS has no departments. True enough. But in many respects, HLS needed one and Al created and successfully ran it his entire time here. He did all the things we really needed — which includes feeding into the decanal team assembling course schedules each year — and nothing else! We had exactly the necessary number of meetings or other communications, with Al as the hub. Everything happened that needed to happen, and always on time.

One of Al's most important contributions has been to the broader academy of tax law professors. For decades, Al ran a small annual conference. The attendees were leading and rising junior scholars. Half presented papers (assembled in a hefty volume that all read in advance) and half were designated commentators, a task taken very seriously. These gatherings created a regular, intensive exchange of ideas among top academics on important subjects in the field. They introduced these ideas to other professors earlier in their careers, bringing them into the orbits of the broader discourse. And, if you were writing a paper you hoped to present in this forum, the incentives to do your best work could not be higher. This audience would read more carefully and criticize more thoughtfully than anyone who would come later; subsequent publication was a detail. One more thing: At every session, on every paper, Al delivered a pointed list of questions and comments. Some were deep and substantive, but most notable were the many constructive suggestions offered to the more junior participants about how to improve their work.

The recurring themes are clear, as clear as Al Warren himself: Getting it right. Communicating crisply. Encouraging others. Giving generously.

Louis Kaplow '81 is the Finn M. W. Caspersen and Household International Professor of Law and Economics at Harvard.



JOHN CHAPIN

Alvin C. Warren, who has taught at HLS since 1979, is retiring this spring.

Fighting Injustice in the Courts and on the Page

As director of the Harvard Immigration and Refugee Clinical Program, Sabrineh Ardalan is helping students take on individual asylum claims and a broken system / By Colleen Walsh

Sabrineh Ardalan's phone call with her client, a man detained in the U.S. for more than a year as his asylum claim ground through the courts, was running long. For months, she and a dozen Harvard Law School students had been working on all aspects of his case: representing him before a judge, trying to secure his release from detention on bond, and filing an appeal when his initial application was denied.

After hanging up, Ardalan '02 was hopeful — and frustrated. She knew her students were doing everything they could. But she was also well aware of the harmful consequences of long-term confinement.

"It's the repeated, compounding injustices of the system," she said, "keeping somebody detained who has already suffered so much and forcing him to suffer more in detention with medical and mental health conditions that are being exacerbated."

Ultimately, the emotional and physical toll of detention became too much for their client, and he asked Ardalan to withdraw his appeal.

"It is devastating," Ardalan admitted. "But it makes me even more committed to ending detention and trying to change the system."

Fighting injustice is Ardalan's driving ethos and her main mission as director of the Harvard Immigration and Refugee Clinical Program, a longtime law school initiative supporting the rights of immigrants and refugees. As head of the program and a clinical professor of law, Ardalan has worked closely with students for years helping individuals find a life free from fear and trying to bring change to a system in need of fixing, even, she says, if that means simply ensuring it does what it's meant to do. "If we do nothing more than stand by the treaties that we've incorporated into U.S. law, we'd be actually protecting so many more people," said Ardalan. "But at every turn there's a new attempt to undermine and eviscerate asylum."

Immigration in the United States has long been a political flashpoint, from the anti-immigrant Know Nothing party in the 1850s; to President Ronald Reagan's Immigration Reform and Control Act in 1986 that both offered legalization to undocumented migrants who entered the country prior to 1982, and clamped down on employers who knowingly hired

undocumented workers; to actions of the most recent presidential administrations. Beginning in 2012, President Barack Obama '91 shielded hundreds of thousands of children of undocumented immigrants from deportation with his Deferred Action for Childhood Arrivals program, but he was also criticized for formally removing more people than any other president in U.S. history up to that point. In 2015, Donald Trump introduced his plans to crack down on immigration, later issuing a range of executive orders from the White House that narrowed humanitarian protections, increased enforcement, and made legal immigration more difficult. Since taking office, President Joe Biden has tried to overturn some Trump-era restrictions, but challenges remain. To help expedite cases involving immigrants entering the United States along its southern border, he created the Dedicated Docket program in 2021, but many, including Ardalan, argue the program has had the opposite effect.

A 2023 report that Ardalan wrote with Clinical Instructor Tiffany Lieu and several law school students highlighted the flaws in the Dedicated Docket program's Boston proceedings. They called out the unpredictable timing of court hearings, the backlog of cases that makes it hard for clients to find representation, and the general confusion surrounding the program that has led to missed hearings, resulting in deportations. "As this report reveals," they wrote, "the proceedings for these thousands of immigrants are neither fair nor expeditious."

In February, students working under Ardalan's supervision wrote another report with the Crimmigation Clinic, directed by Assistant Clinical Professor Phil Torrey, based on more than six years of Freedom of Information Act litigation initiated by the two clinics. That litigation has shined a light on the government's practice of holding immigrants and refugees in solitary confinement. "We are finally getting documents that show just how horrific the conditions are, how many thousands of people have been held in solitary and for how long — in some cases, years," said Ardalan. "We are really hoping our litigation and advocacy work will help tackle these kinds of systemic issues."

Ardalan says the clients she and her students work with inspire her every day.

The child of Iranians who were unable to return to their country following the 1979 revolution, Ardalan grew up in Washington, D.C., where politics and human rights violations were the frequent topic of dinnertime discussions. As a teen, she worked on a newsletter about democracy in Iran produced by her parents and dreamed of becoming an interpreter for the U.N. (she speaks English, French, Farsi, and Spanish). In college, she concentrated in history and international studies, and began planning for a career in human rights or international affairs. "I never had law school in my head," she confessed.

But during a post-college fellowship at the Carnegie Endowment for International Peace, she worked with two lawyers. "They were very focused on the fact that law school would give me the tools to do lots of different things," she said. "And it was because of their advice that I ended up applying."

On campus Ardalan quickly created community with a group of like-minded public interest students. She found a second home at the Office of Public Interest Advising and gained a lifelong mentor in Deborah Anker LL.M. '84, founder of the Immigration and Refugee Clinical Program. Anker supervised Ardalan's clinical work at the Greater Boston Legal Services Clinic. "That was really a formative experience," Ardalan said of her time working with Anker.

It was just one of many. At Harvard, Ardalan also worked with the International Human Rights Clinic and the Criminal Justice Institute. She joined Harvard Defenders and the Ghana Project, working with the Legal Resources Centre in Accra.

But perhaps her most formative law school experience involved securing asylum for someone fleeing political persecution in Uganda. "Building trust and having the privilege of learning the life story of this man was just incredibly powerful," she said. "It really cemented for me how inspired I feel getting to work with people and advocate for them directly."

After graduation she worked at a firm and The Opportunity Agenda, a nonprofit co-founded by HLS colleague Alan Jenkins '89, and held clerkships at a U.S. district court and a U.S. circuit court of appeals. Then, eager for something more long term, she began considering a career in clinical teaching. Anker encouraged her to apply for a clinical teaching fellowship at Harvard, and Ardalan never looked back. Today she says she can't imagine being anywhere else, working with immigrants, advocating for systemic change, and training the next generation of students to become leaders in the field, all while learning as much from them as they do from her.

"I love working with students. They bring so much creativity, enthusiasm, new ways of tackling problems, and hope and dedication — all the things you need to do this work," said Ardalan. "They take the lead on everything, from the FOIA litigation, to writing reports, to meeting with clients, to bond hearings, all of it. They're incredible advocates, and I feel so lucky to get to work alongside them and our clients who inspire me every day."

Sabrineh Ardalan's students have been involved in efforts to spotlight the U.S. government practice of holding refugees and immigrants in solitary confinement.

PHOTOGRAPH BY JESSICA SCRANTON

How to Live Life as a Win–Win

Robert Mnookin has had a force multiplier effect in the field of negotiation and dispute resolution / By Drew Tulumello '96

Thirty years ago, I traveled to Holland with Bob Mnookin ['68] for a conference on negotiation and dispute resolution. He was the keynote speaker, and I, then a law student, remember him at the podium delivering an energetic introduction in flawless Dutch that delighted the crowd and elicited a rousing ovation. That is Bob — brilliant, funny, eager to collaborate with others and to meet them on their terms. Those qualities distinguished a more than three-decade teaching career at Harvard Law School, which ended last fall. Bob's academic legacy is singularly impressive, but his personal qualities are what I will always remember.

Bob's genius as a scholar was his interdisciplinary approach to the field of negotiation. No academic did more to integrate the insights from multiple disciplines — including behavioral economics, social psychology, cognitive psychology, game theory, industrial organization, institutional economics, and family law (to name a few) — into the study of conflict resolution. Those of us who knew him used to joke that Bob secretly wanted to be an economist *and* a psychologist *and* a diplomat, such was his appetite to draw from other fields. Before coming to Harvard permanently in 1993, he co-founded the Stanford Center on Conflict and Negotiation. At Harvard, he helped cement the Program on Negotiation's status as the leading multidisciplinary center for the study of dispute resolution in the world. Bob's courses consistently featured guest speakers who were giants in diverse fields. The seminars he hosted with Thomas Schelling, Howard Raiffa, Robert Putnam, Robert Wilson, Lee Ross, and James Sebenius (among many others) were transcendent intellectual experiences.

"Bob was determined to promote a new generation of negotiation scholars."

Few, if any, academics collaborated so deeply on scholarship with colleagues and students. Bob's most acclaimed law review article (and still one of the most cited of all time) was "Bargaining in the Shadow of the Law: The Case of Divorce," which, naturally, he co-wrote with a former graduate student and then fellow law professor Lewis Kornhauser. When I was a 2L, Bob invited me and fellow 2L Scott Peppet to co-write the book "Beyond Winning: Negotiating to Create Value in Deals and Disputes," which Harvard University Press published in 2000. In all, Bob co-wrote more than 50 books and articles with other academics and students. He consistently demonstrated that collaboration and teamwork enhance academic excellence and the pursuit of truth.

Bob's generosity in sharing authorship also helped launch numerous academic careers. Bob was determined to promote a new generation of negotiation scholars. He is deeply committed to advancing human understanding of conflict resolution, and to teaching practical and concrete skills to help people improve at it. He understood that training others to be academics and teachers would have a force multiplier effect on the field. That proved true. At many law schools today, the professors teaching negotiation and dispute resolution are former co-authors with Bob or students of his.

Bob also is a gifted and funny teacher. The Negotiation Workshop he led became an essential winter-term course. The class was immensely popular and well regarded because it was multidisciplinary, interactive, and practical. In an academic discipline occasionally criticized for its naivete, students trusted Bob because he has real-world credibility. He served as co-arbitrator in the infamous multiyear intellectual property war between IBM and Fujitsu, and he successfully mediated bitter labor strife with the San Francisco Symphony and its musicians. Bob's acumen at blending theory and practice showed students that they too could hold their own yet seek the common good even in ruthlessly competitive environments.

Bob's personal attributes have been especially inspiring. He is intellectually fearless, open-minded, and enthusiastic to learn. I remember sitting with him once in the Science Center café, outlining the chapter titles of our nascent book, and he literally hooted aloud as ideas began to coalesce. When Bob was enthusiastic, you (and those nearby) knew it. He also questioned and tested longstanding premises in his field — and he was not afraid to ruffle feathers. Yet

Robert Mnookin, who joined the Harvard Law School faculty in 1993, retired last fall.

he was never dogmatic. If someone had an intriguing idea, Bob was the first to celebrate it.

Most importantly to me, Bob exemplified how to live life as a "win-win." He has been married to his college sweetheart Dale for more than 60 years. They have two daughters (who are both extraordinarily successful in their own right) and four grandchildren. Anyone spending time with Bob and Dale can feel the devotion and warmth they have for each other and the fun they have together. That warmth radiated to law school students. Over the years, Bob and Dale welcomed many students into their home, acting as surrogate parents and inquiring about their lives outside the classroom.

Bob's intellectual contributions will reverberate for years. His reflections on Jewish identity and analysis of Israeli-Palestinian issues have particular resonance today. For all his academic accomplishments — undergraduate and law degrees from Harvard, Fulbright scholar, Supreme Court law clerk, distinguished professor at Stanford and Harvard for five decades — Bob's greatest legacy is that he modeled how to live life right. His personal example will sustain those of us fortunate to have shared time with him at Harvard.

Drew Tulumello '96 is a litigation partner at Weil, Gotshal & Manges.

PHOTOGRAPH BY TONY LUONG

"Deals: The Economic Structure of Business Transactions," by Michael Klausner and Guhan Subramanian J.D./M.B.A. '98 (Harvard University Press)

Business transactions have an underlying order despite being known for their complexity, voluminous documentation, and impenetrable legal language, write Guhan Subramanian, professor at Harvard Law School and Harvard Business School, and Michael Klausner, a Stanford Law School professor. Using examples from the business world, their book includes chapters on negotiation and bargaining power; challenges parties face in advance of a deal; how parties can verify performance after they begin implementing a deal; and possible exit mechanisms if a party wants to withdraw. Writing for law and business students as well as practitioners in law, finance, and business, the authors seek to show how to maximize the joint interests of parties involved in a transaction.

"Of Law and the World: Critical Conversations on Power, History, and Political Economy," by David Kennedy '80 and Martti Koskenniemi (Harvard University Press)

Presented as a series of seven conversations between Harvard Law School Professor David Kennedy and Martti Koskenniemi, professor of international law *emeritus* at the University of Helsinki and visiting professor in human rights at Harvard Law, the book explores topics such as how to define what international law is, law in the political economy of the world, and international law and power. The authors, who taught a course together in the fall semester at Harvard Law, discuss their own history with and research into international law as well as other literature in the field. Connected over four decades of experience in the international realm, they offer critiques of law in global affairs while acknowledging, as Kennedy remarks, "how much remains to be figured out" in a rapidly changing world.

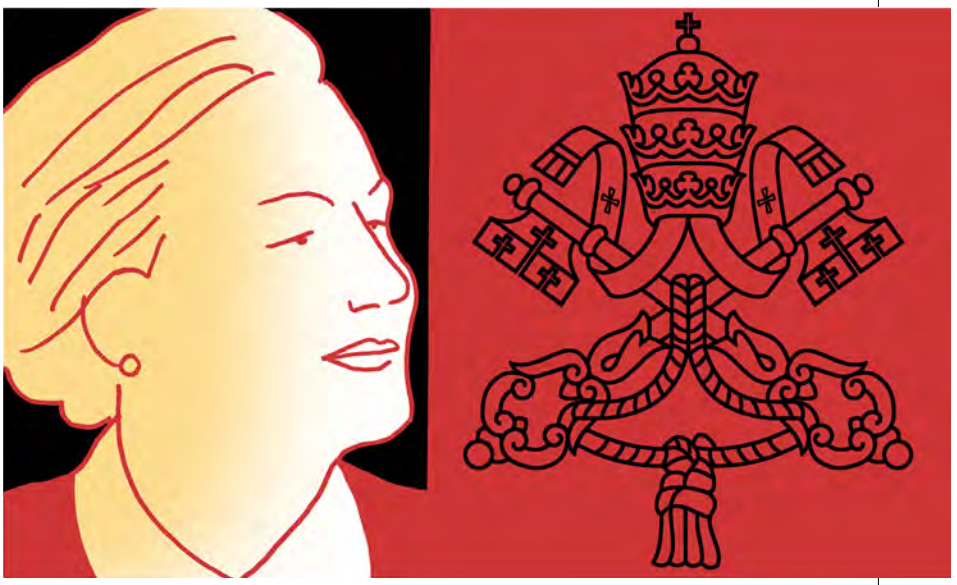
"How to Become Famous: Lost Einsteins, Forgotten Superstars, and How the Beatles Came to Be," by Cass R. Sunstein '78 (Harvard Business Review Press)

In the early 1960s, music magazines debated which group was better: the hugely popular Dave Clark Five or an up-and-coming band called the Beatles. There's not much debate about that now, but, according to University Professor at Harvard Cass Sunstein, those who have gained lasting fame aren't necessarily better than those who are lesser known. Although there is no recipe for how to become famous, he writes, there are factors that can contribute to it, such as quality (which is open to interpretation), tireless champions (the Beatles, for example, had their manager Brian Epstein), the zeitgeist, and a compelling life story. His analysis of fame ranges from why talented people like 19th-century poet Leigh Hunt are lesser known than some of their contemporaries to why the names Houdini and Ayn Rand are still familiar to so many today.

ILLUSTRATIONS BY GIOVANNI ALBERTI

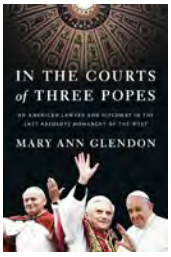
An Outsider Inside the Vatican

Mary Ann Glendon recounts her more than 20 years working with the Holy See / By Lewis I. Rice



An Italian friend of Mary Ann Glendon's advised her that the first thing to understand about the Vatican is that it is a court, the Roman Curia, headed by one man with supreme authority. As Glendon quips, she was one of the "few ladies" serving in a court with "many lords," a member of the laity "in a culture dominated by clergy, an American woman in an environment that was largely male and Italian, and a citizen of a constitutional republic in one of the world's last absolute monarchies."

In her book "In the Courts of Three Popes: An American Lawyer and Diplomat in the Last Absolute Monarchy of the West" (Image), Glendon, Learned Hand Professor of Law *Emerita* at Harvard Law School, shares her experiences with the Holy See and her observations on how "three very different popes" navigated the challenges of a rapidly changing world.



Glendon touches upon her childhood in western Massachusetts and her path to a professorship at Harvard before turning to her assignment to lead the Vatican delegation to the United Nations' Fourth World Conference on Women in Beijing in 1995. After studying essays and talks by then-Pope John Paul II that she found adopted the language of modern feminism, she gave an opening statement calling attention to women's inadequate primary health care, as well as poor nutrition and sanitation, which she contends were underemphasized because of the conference's "fixation" on reproductive health. She also relates warm personal encounters with John Paul II, who dreamed of "a reinvigorated Church whose presence would be more meaningful in a world that had profoundly changed since Vatican II," the Second Vatican Council in the 1960s that sought to modernize the Catholic Church.

During the papacy of Pope Benedict XVI, Glendon was nominated by President George W. Bush in 2007 to become the U.S. ambassador to the Holy See. Her life changed drastically, as she was guarded by security personnel and was on call around the clock. Benedict expressed views about religion in public life and safeguarding traditional marriage that mirrored Bush's, according to Glendon. She also discusses the pope's visit to the United States as well as Bush's visit to the Vatican. That the president and pope met three times in a little over a year, she writes, was indicative of the closeness of their relationship.

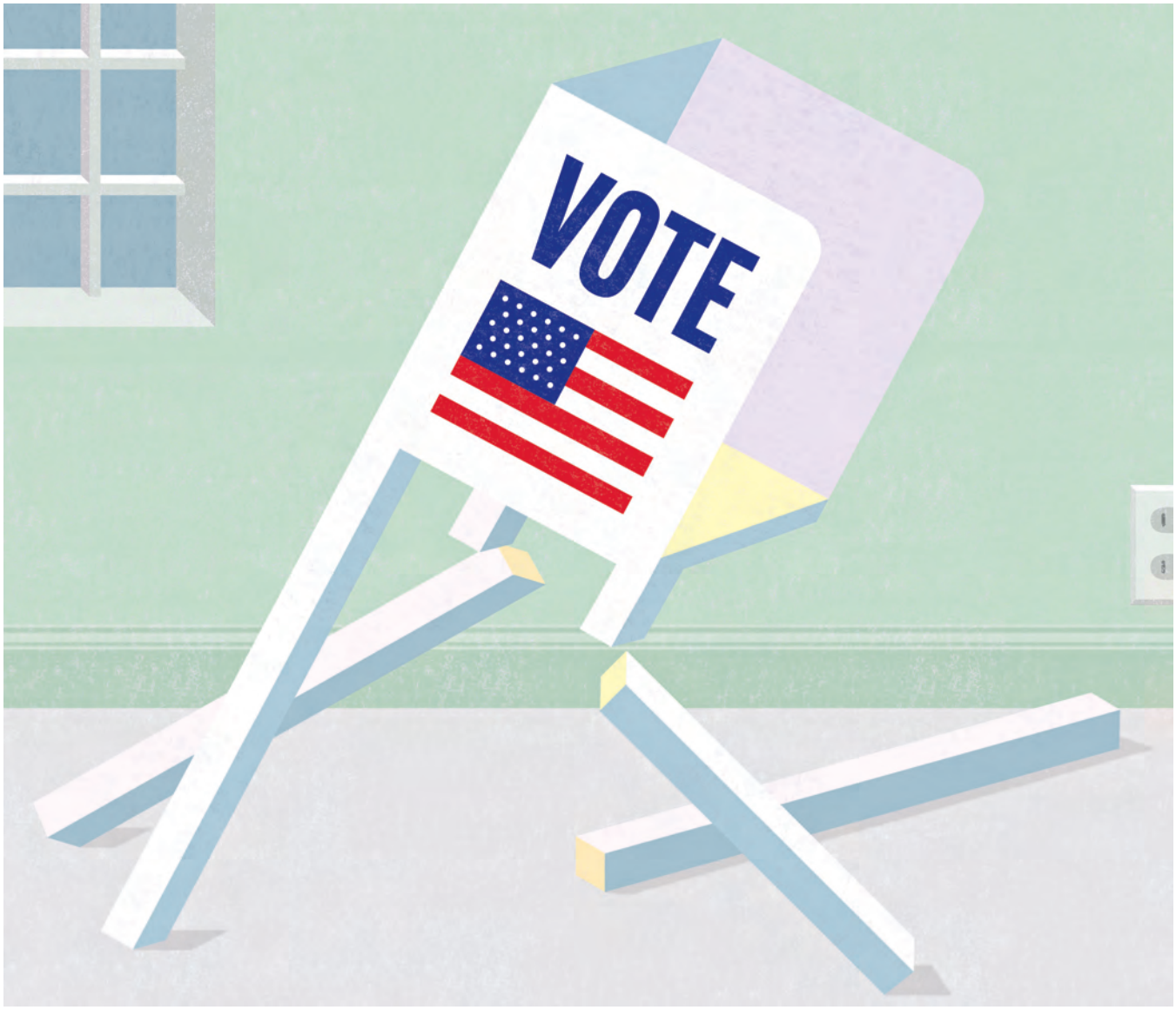
In the wake of Benedict's retirement in 2013, Glendon was appointed by Pope Francis to a commission charged with assessing the scandal-ridden Vatican Bank. Shortly thereafter, her husband, Edward, died unexpectedly. She threw all her energy into her work amid her grief and shock, she writes, although her more than four years on the commission were "spent in often fruitless labor on reform" of the institution.

After her years of service, Glendon acknowledges that the Curia "still has a long way to go" to achieve complementarity between clergy and laity, and between men and women. And she shares her belief that Catholics worship not a church or its ministers but a loving God.

ILLUSTRATION BY ANTHONY RUSSO

Democracy in the Balance

Lawrence Lessig warns of threats to overturn the results of the next presidential election / By Lewis I. Rice



During President Donald Trump's speech on Jan. 6, 2021, when he urged his followers to march to the U.S. Capitol, he said: "I hope Mike is going to do the right thing." The "right thing," from his perspective, was for his vice president, Mike Pence, to determine which votes in the Electoral College should count and reject those votes that would prevent Trump's reelection, based on a novel legal interpretation that the U.S. Constitution granted him that authority. It was, according to

ILLUSTRATION BY MELINDA BECK

Lawrence Lessig, Roy L. Furman Professor of Law and Leadership at Harvard, "the dumbest possible strategy ... that was certain to fail."

But, according to Lessig, other strategies to overturn an election may succeed on Jan. 6, 2025.

In their new book, "How to Steal a Presidential Election," Lessig and his co-author, Matthew Seligman, a fellow at the Constitutional Law Center at Stanford Law School, outline legal approaches that could be employed in a contested 2024 presidential election and ways to fix the flaws that endanger a fair result.

The book began to take shape at Harvard Law School before the 2020 election, when the authors taught a seminar called War Gaming 2020. In it, students examined the Electoral Count Act of 1887, which set out the procedures for counting electoral votes for the presidential election, to answer the question, as the book puts it, "[H]ow could you hack the rules to get a result different from what the election should legitimately yield?"

The authors chose to expose those "hacks" not, of course, to encourage people to employ them. In an interview, Lessig said he expects that those who might seek to overturn legitimate election results will, given more time, prepare more effective strategies than were employed in the frenzied days leading up to Jan. 6, 2021. He is drawing attention to those threats so that people will be ready to combat them.

The authors outline vulnerabilities in our system and steps to try to address them.

"We want people to recognize there are people who are thinking about how to steal a presidential election, and we need people thinking on the other side," said Lessig. "Our thinking was: Let's just lay it out. Let's give everybody a chance to understand it and unpack it. And then be prepared."

Chapters of the book analyze different schemes to steal an election and their chance for success. After making a case against the theory that the vice president has any constitutional authority in the counting of electoral votes, the authors uncover what they see as more serious threats. One is what they call "faithless electors," whereby presidential electors could be induced to vote for a different candidate from the one they pledged to vote for. While the Supreme Court ruled that states could compel electors to vote for the candidate for whom they pledged, not all states have implemented such rules and, in those that have, electors' votes could still be counted even if they defied those rules. Another strategy, they write, involves rogue governors certifying electors who vote contrary

to the popular vote in their state. State legislatures also could change the results, by determining that they are the final judge of election results or even canceling the election and choosing state electors themselves. The most dangerous strategy that likely has the greatest chance to flip the outcome, according to the authors, is for state legislatures to require electors to cast votes based on the legislatures' direction, a maneuver that would currently be legal.

The authors outline steps to fix the flaws in presidential democracy, including Congress strengthening the Electoral Count Reform Act of 2022. Yet, they acknowledge that while fixing flaws may decrease the opportunity to exploit the rules, it cannot address a lack of good faith. The flaws, after all, have not caused real trouble until recent times.

"It really was never necessary to actually understand the rules carefully because good faith or goodwill would always fix any problem," Lessig said. "Congress was never going to rely on these arcane rules to pick somebody who wasn't actually the president. Now you need to know these arcane rules. Now you need to really understand what moves could be made, and how to muster protection against those rules."

The system was also vulnerable during the presidential election of 2020, but the nation was saved, according to Lessig, by Republican officials in states such as Georgia and Arizona who recognized that the results were clear. Yet the closer the election is in 2024, the greater the risk, he said: "If you get it extremely close, especially if it's one state that's deciding it, that's where we think there's enormous anxiety, and especially if they've done a good job in building the predicate for believing the election was just not fair."

As a longer-term solution, Lessig advocates changing the system to elect the president through a nationwide popular vote or to allocate all states' electors based on a proportional vote (done now by only Maine and Nebraska) rather than winner-take-all, which results in a small number of swing states deciding the election. The way Americans elect the president is among many problems plaguing our system of democracy, according to Lessig, who also points to campaign funding, gerrymandering, voting access, and the Senate filibuster.

"We won't get anything serious done in America through our government unless we fix this problem," he said. "There is no chance for sensible policy in the face of the corruption inside of our democracy right now. I don't know whether it's possible or not. ... I just know what we have to achieve, and we have to fight as hard as we can to get there."

A Guide to Living With Perplexity

Reflecting on God, Israel, and family, Noah Feldman grapples with the complexities of what Judaism means today / By Lewis I. Rice

Noah Feldman has heard it said many times: "I'm a bad Jew." He's sometimes felt the same way himself. He understands the impulse to assign that label to someone who may not fulfill the many obligations and responsibilities that are part of Jewish tradition. But to those who question their own or others' Judaism, he offers a response that he knows not all Jews will agree with: There are no bad Jews.

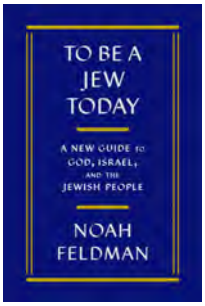
"People can be Jewish in a whole range of different ways that are all valid," he said. "If you're being loving and struggling with what it means to be Jewish, and with God as you do or don't understand the divine, and with Israel, and with Jewish peoplehood, then you're a good Jew."

In his new book, "To Be a Jew Today: A New Guide to God, Israel, and the Jewish People," Feldman, Felix Frankfurter Professor of Law at Harvard, seeks to illuminate contemporary Jewish life and ideas in all their complexity, including beliefs about Jewish identity, intermarriage, and Zionism in the context of the modern state of Israel. It is "a guide to living with perplexity" presented by someone who has spent his life immersed in Jewish tradition and thought.

While he contends that there are no bad Jews, he outlines how Jews can hold very different beliefs about God and religious practice. He divides those belief systems into four groups: traditional, as practiced by ultra-Orthodox Jews, who shape their lives around God's word; progressive, who emphasize social justice and the equality of humans before God; evolutionist, who are faithful to tradition and God while accepting that Jewish law can evolve; and godless (or "bagel-and-lox Jews," as he affectionately calls them), who feel a cultural but not religious connection to Judaism.

When describing the Jewish people as a family, Feldman asks readers "to embrace both the love and the crazy."

Though their worldviews are so different from each other that they seem to have little in common, Feldman argues that all Jews share an inexorable bond: They are part of a large extended family, defined not only by blood ties but also by chosen relationships.



When thinking of the Jewish people as a family, with the variety of experiences that occur in every family, he asks his readers "to embrace both the love and the crazy, the joyful support and the enraged dysfunction."

Like in any family, Jews can certainly disagree with each other, particularly about Israel, which, he argues, "has become a defining component of Jewishness itself." Traditionalists, who in the past rejected Zionism as a "secular heresy," have increasingly come to identify with the modern state of Israel and feel solidarity with its right-wing politicians, he writes. Older progressives tend to be liberal Zionists who love Israel even as they are critical of it, while those younger doubt the capability of Israel to be a liberal democracy. This generational divide intensified after the Hamas attacks on Israel on October 7, said Feldman, who at that time had finished the book but rewrote portions to reflect the reaction: "I emphasized the theme of intergenerational trauma and pain, because I saw it so powerfully in the aftermath of October 7."

On another contentious topic, intermarriage, Feldman recognizes the distress of some Jewish parents whose children marry non-Jews and the desire for Jewish tradition to endure into future generations. He also explores the tension in discouraging intermarriage amid societal expectations that we should be free to marry whomever we happen to love, writing that "there is something troubling about saying that I can only love someone if the person is part of my Us, not if the person is part of my Them."

"I don't know anybody really who genuinely would say that they love their children less because of their different Jewish decisions they've made," said Feldman. "Just living it out enables you to experience that in ways that are both sometimes very beautifully surprising and sometimes somewhat painfully surprising."

The book landed on The New York Times bestseller list soon after it was published in March, a readership Feldman jokes he has not been accustomed to with his

In his new book, Noah Feldman seeks to illuminate contemporary Jewish life and ideas in all their complexity, including beliefs about Jewish identity, intermarriage, and Zionism.

previous nine books, in areas such as constitutional studies and Middle East affairs. People have turned to his latest book in a fraught time to be a Jew, he said, adding that readers also seem receptive to his message urging empathy across differences in the Jewish community.

"I tried really hard in the book to communicate a message of inclusivity and commonality, even as I acknowledge deep and meaningful disagreements that exist," he said. "And I optimistically think that there is an interest in hearing that message in a moment where there's just so much division in general in the world."

Writing the book helped him explore the ways Judaism is central to his life, he said, as well as the ways beliefs and attitudes have shifted — including his own (he notes that he has identified at some point in his life with nearly every view he discusses in the book). As a child, Feldman studied Hebrew and Torah at Maimonides School, a Modern Orthodox school in Brookline, Massachusetts, and spent time in Israel with his family and on his own. As an academic, he has directed the Julis-Rabinowitz Program on Jewish and Israeli Law since its establishment at Harvard Law School in 2015. He believes he couldn't engage in legal topics the way that he does if he hadn't studied Jewish law. His commitment to the Constitution and his country has been shaped by his exposure to the Jewish tradition. His Jewishness, he said, goes to the core of who he is.

ILLUSTRATION BY LUCY JONES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Stephen Breyer for the Defense

In a new book, the former Supreme Court justice and current Harvard Law School professor champions his pragmatic approach to statutory and constitutional interpretation against the forces of textualism and originalism

By Jeff Neal | Photographs by Tony Luong

In 1819, United States Supreme Court Chief Justice John Marshall offered a framework for understanding the U.S. Constitution and its role in our nation. Decrying the "baneful influence of … narrow construction" in his landmark opinion in *McCulloch v. Maryland*, Marshall interpreted the Constitution's "necessary and proper" clause to confer on Congress the power to adopt measures in pursuit of the general welfare (such as the creation of a national bank) even when the text of the document does not explicitly authorize such measures.

"Let the end be legitimate," Marshall wrote for the majority, "let it be within the scope of the Constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited, but consist with the letter and spirit of the Constitution, are Constitutional."

Down to the present day, *McCulloch* is emblematic of a pragmatic approach to constitutional interpretation.

And it is a perspective that lives on in one of its leading modern proponents, Stephen Breyer '64, who served as an associate justice of the Supreme Court for 28 years, retiring in 2022. Now Breyer is the Byrne Professor of Administrative Law and Process at Harvard Law School, where he previously taught law from 1967 to 1980, and his latest book, "Reading the Constitution: Why I Chose Pragmatism, *Not* Textualism," offers a comprehensive argument for a version of the approach to judging articulated by Marshall in *McCulloch*.

It is also a sustained, yet unfailingly civil, assault on pragmatism's modern-day jurisprudential nemeses, constitutional originalism and its cousin, statutory textualism. By basing much of his critique on Marshall — whose words and decisions he cites more than those of any other justice except Antonin Scalia '60 — Breyer takes an ironically originalist approach to his attempts to dethrone the relatively new but increasingly ascendent method of legal interpretation which, itself, aims to divine meanings from historical records (such as they are) as to how the Constitution was understood by those who have framed it.

"Law is tied to life, and a failure to understand how a statute is so tied can undermine the human activity that the law seeks to benefit."

Reading Breyer's prose can feel like sitting in a law school class with a profoundly knowledgeable, deeply humane, and perfectly patient teacher guiding students through a plethora of precedents, each chosen to make a particular point. The solo author of seven books, Breyer is as quick to quote baseball legend Yogi Berra as he is a French philosopher like Montaigne, not to mention justices and judicial opinions he admires from across the Supreme Court's 234-year history. And he is fond of a quote by the late Harvard Law Professor Paul Freund '31 S.J.D. '32 in which the constitutional scholar asserted that the Court "should never be influenced by the weather of the day but inevitably … will be influenced by the climate of the era."

Like Caesar's Gaul, the 263-page text is roughly divided into three parts. The introductory chapters outline Breyer's preferred path of purpose-oriented judging (sometimes dubbed "purposivism," a label that Breyer conceded in a recent interview with the Bulletin is "awkward to say" but also "captures the idea"). The account of purposivism is developed in contrast to the originalist and textualist approaches favored by his former Court colleague Scalia and the late justice's growing assemblage of acolytes. Breyer then delves deep into how these two competing judicial philosophies manifest their relative merits and deficiencies in the related, but distinct, realms of statutory and constitutional interpretation.

In the process, Breyer takes on such troublesome topics — at least for legal scholars — as stare decisis, the nondelegation theory, the major questions doctrine, and *Chevron* deference. He also outlines his disagreements with the Court's majority in a recent string of highly divisive decisions, including cases touching on the Second Amendment, abortion, and the environment.

STATUTORY INTERPRETATION: "TELL ME WHY"

According to Breyer, pragmatic or purpose-oriented judges "will first and foremost put considerable weight upon the purposes that a statutory phrase seeks to achieve" based in part on what "a reasonable legislator" would have thought at the time. They will also consider the consequences of their decision, including whether it will upend long-understood precedent and practice. After all, he writes, "law is tied to life, and a failure to understand how a statute is so tied can undermine the human activity that the law seeks to benefit."

Breyer believes this approach holds significant advantages over textualism. "For one thing, we live in a constitutional democracy," he writes. "We elect legislators. And those legislators will normally try to achieve the objectives that those who elected them desire. When a court interprets statutory language in a way that is consistent with its basic objectives, that court is more likely to implement what the legislator believes his or her constituents desire, which is a worthy goal in a constitutional democracy."

This, he argues, will enable citizens to more accurately judge whether their elected representatives have advanced the popular will. An added benefit, he

Stephen Breyer in his Harvard Law School office

believes, is that the "statute will likely work better for those whom it affects. After all, that is the crux of the legislator's purpose."

Breyer and like-minded judges use a series of tools to discern legislative purpose when interpreting unclear laws. While they always begin by examining the text — "If the text says fish, that doesn't mean chicken," he quipped — they also avail themselves of other sources, including legislative history.

The key question, Breyer believes, is: "Why?" Why did Congress pass this law, what did legislators hope to achieve, and how does the language they adopted advance that goal in purpose and outcome?

This is not a new approach to the law, he notes, nor was it invented by the Marshall Court. Breyer cites a host of historical authorities, from the medieval theologian Thomas Aquinas to the famous English jurist Sir William Blackstone, as well as a long list of his renowned predecessors on the Court, including Louis Brandeis LL.B. 1877 and Oliver Wendell Holmes Jr. LL.B. 1866, as having supported this view.

Breyer argues that textualists, by looking almost exclusively to the language of a given law, make a handful of "important promises," none of which, he believes, they can reasonably expect to keep.

"First," he writes, "the textualist believes that, comparatively speaking, textualism will suggest that there is a *single right answer* to interpretative problems." Second, textualism claims to eliminate the likelihood that judges will impose their own biases. Third, adherents maintain that "sticking to the text will help the legislator as well as the judge," by making plain how courts will interpret legislative language. The final pledge, he explains, is that "the textualist system is a fairer system," one that is easier to understand and more equitably administered.

So, what's the problem, according to Breyer? Among many other concerns, "I have found the legal world too complex, too different from the world the textualist assumes, to believe that the theoretical virtues the textualists mention can justify the textualist approach," he writes. His skepticism, particularly about the aid textualism will lend legislators, comes from his years working on Capitol Hill as a top aide to U.S. Sen. Ted Kennedy, where he witnessed at close quarters the legal sausage being made, a process that 19th-century Prussian Chancellor Otto von Bismarck found so unappetizing that he famously urged lovers of law or liverwurst to avert their gaze.

CONSTITUTIONAL INTERPRETATION: ENTER ORIGINALISM

Another highlight of Marshall's opinion in *McCulloch*, Breyer writes, was its commitment to the idea that the Constitution must remain a workable guide "for ages to come, and consequently, … be adapted to the various crises of human affairs," words that he

notes are today enshrined on the lower Great Hall of the Supreme Court Building. Breyer explains that Thomas Jefferson and his successor as president, James Madison — often hailed as the "father of the Constitution" — tended to agree with Marshall's statement, despite otherwise being two of the chief justice's most fearsome political foes. Even Chief Justice William Rehnquist, no faint-hearted liberal, referred to the Constitution as a "workable governing charter," notes Breyer, who served with him for more than a decade.

Originalism — which Breyer defines as "a form of textualism that … consists of the principle or belief that a text should be interpreted in a way consistent with how it would have been understood or was intended to be understood at the time it was written" — has recently eclipsed more traditional techniques of interpretation.

Breyer argues that textualists, by limiting themselves to the language of a law, make "important promises" they can't expect to keep.

Breyer guides readers through a series of recent cases decided on originalist grounds, beginning with the 2022 decision in *New York State Rifle & Pistol Association Inc. v. Bruen*. In that case, the Court was asked to decide whether the Second Amendment guarantees the right of individuals to carry handguns outside their homes (the Court had ruled in favor of in-home possession in 2008). In a 6-3 decision from which Breyer dissented, the Court held that it does.

Breyer believes *Bruen* and other recent rulings reveal at least three major flaws in the originalist approach. First, he writes, "too often originalism is impractical, because judges are not historians," noting that many professional historians have declared that the Court's majority opinion misstates the historical record on which their ruling in *Bruen* rests. Another problem, he believes, is that originalism's intentional blindness to the consequences of judicial judgments "threatens the workability of our constitutional system and impinges on the ability of democratic legislatures to create modern solutions to modern problems."

Finally, citing the Court's decision in *Dobbs v. Jackson Women's Health Organization* to unravel a half century of precedent stemming from *Roe v. Wade*, Breyer highlights the fact that depending on the original intent of the limited number of individuals who had a political voice in pre-modern America excludes from consideration the needs and views of much of the population, both then and now. The so-called "people," writ large, he and Justices Elena Kagan '86 and Sonia Sotomayor have emphasized, "did not ratify the original Constitution in 1788 or the Fourteenth Amendment in 1868. White men did."

ABANDON STARE DECISIS? "THAT WAY LIES CHAOS."

Breyer saves some of his harshest criticisms (harsh by his standards) for a chapter titled "Legal Stability: Stare Decisis," which explores threats to the long-standing principle that courts should in most cases follow existing precedents. As he said, "stare decisis means that you only rarely — sometimes, but rarely — overturn a preceding case. But if you do that very often, the law will become unstable." While the Court has rightly overturned some precedents, he says — with *Brown v. Board of Education*'s overruling of *Plessy v. Ferguson*'s "separate but equal" regime being the oft-cited example — such instances are, to Breyer, the rare and exotic specimens that serve to confirm the condition and desirability of legal homeostasis.

To Breyer, "stare decisis does not exist simply to protect precedent that is right; it keeps the law stable by preventing the continuous reexamination of precedent that may well be wrong." He adds, "The fact that judges think an earlier case was incorrectly decided cannot be, and never has been, a strong basis, by itself anyway, for overruling an earlier case."

In time, consistently ignoring that principle, as the Court has been accused of doing recently in several high-profile cases, would, Breyer believes, involve picking and choosing precedents to overturn for "purely subjective" reasons and would undermine the rule and stability of the law. "[I]f the *only* basis for overruling an earlier case is that an originalist judge, applying originalism to the earlier case, concludes that it was wrongly decided, then many, many earlier cases will be candidates for overruling (at least in the mind of that judge)," he writes.

"That way lies chaos," he concludes.

THE FUTURE OF PRAGMATISM: "I'M NOT DEAD!"

During a scene in the 1975 comedy "Monty Python and the Holy Grail," a rickety cart piled with possible plague victims trundles through a miserable medieval village, followed by a man clanging a cowbell and calling out, "Bring out your dead!" As a villager attempts to hand over a seemingly lifeless body he'd slung over his shoulder, the exchange is interrupted when the supposed corpse exclaims, "I'm not dead!" An argument then ensues among the three men about the degree to which the reluctant death-wagon passenger is, or is not, beyond saving.

In many ways, it feels much like the debate that has been unfolding among members of the Supreme Court since at least 1986, when originalism's fiercest advocate, Justice Scalia, first took his seat on the nation's highest bench. The question today, as with Monty Python's reluctant corpse-to-be, or even

Mark Twain when he reportedly stumbled upon his premature obituary in 1897, is whether reports of purpose-oriented judging's death are greatly exaggerated, as Breyer hopes.

In his final chapters, Breyer ponders whether we are living through the latest of several major methodological paradigm shifts on the Court since the dawn of the 20th century. The first, he says, came in a 1905 case called *Lochner v. New York*, which inaugurated and gave its name to an era of favored laissez-faire treatment of business and its priorities. The next arrived with the Great Depression, when the Court adopted a new approach, often termed "judicial restraint."

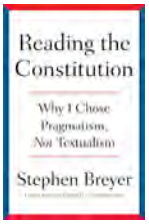
The most recent turn was instigated by Chief Justice Earl Warren, under whose leadership in the late 1950s and 1960s the justices arguably abandoned judicial restraint and adopted a philosophy focused on protecting human rights and "equal dignity before the law." The Warren Court ushered in a series of landmark decisions that banned forms of racial segregation (*Brown* and *Loving v. Virginia*), guaranteed criminal defendants' rights (*Miranda v. Arizona* and *Gideon v. Wainwright*), expanded free speech protections (*New York Times Co. v. Sullivan*), and gave constitutional protection to certain reproductive rights (*Griswold v. Connecticut*), among many others.

Breyer said that he views the rise of textualism and originalism as a reaction to this last turning point in judicial methodology. "People thought, Well, they've gone too far and they're just doing whatever they want." While the reaction is understandable and was perhaps predictable, Breyer fears the pendulum is swinging too far back in the other direction.

"The novel part of it, I think, is to say we're only going to look at the text," he added. To him, it is impossible to rely exclusively on the text "and also have laws that reflect what Congress is trying to do … to better the condition of this group of people or that group of people or … in the Constitution to maintain certain values: democracy, human rights, equality, rule of law, separation of powers, and [ensuring] no one becomes too powerful."

Breyer believes his pragmatic approach is both true to the founders' wishes and best adapted to ensuring a workable system of government. "It's an effort to maintain those basic values … as Marshall wanted done, and also to see that the law works well. I don't think textualism and originalism are very good at that. And I fear that they could lead us in the wrong direction," he said.

But alongside fear, Breyer, ever the optimist, harbors hope. While conceding that evidence of a historic inflection point is growing, particularly in such decisions as *Dobbs*, he also cites recent rulings made on grounds other than textualism or originalism, including *Allen v. Milligan*, an Alabama voting rights case in which the justices relied on "elements of legislative history and purpose, and not simply textualist or linguistic factors," to decide that the state's newly redrawn congressional map discriminated against Black voters.



Breyer believes his pragmatic approach is true to the founders' wishes and best for a workable system of government.

Time, Breyer believes, is on his side. Learning how to be a justice takes years, he writes. And he suspects that several of his former Court colleagues may, over time, come to see the idea of upholding the rule of law, and the public's resulting confidence in it, as more animating than rigid adherence to textualism or originalism.

Breyer's new book, it seems, might be an effort to tip the odds that his prediction will come true in his favor. "I've been a judge for 40 years — 28 on the Supreme Court [and] about 14 on the court of appeals," he said. "It's been my job. And over time, … whether you're an engineer, or a doctor, or a salesman, or whatever you are, you've learned something, … you have approaches, you think this is a better way of doing it, this is not such a good way of doing it. And so, I thought I would try to sit down and just try to write out what I felt I've learned over the years, so that other people could read it, we hope, maybe benefit, or maybe not — that's up to them."

Reexamining the Insular Cases.

Again.

PUERTO RICO

GUAM

AMERICAN SAMOA

NORTHERN MARIANA ISLANDS

U.S. VIRGIN ISLANDS

There are roughly 3.5 million residents in the five permanently inhabited, unincorporated territories still governed by the United States.

Harvard scholars weigh in on the history and future of a set of seminal Supreme Court rulings that dictate how the Constitution applies to U.S. territories

BY COLLEEN WALSH

Harvard Law Visiting Professor Luis Fuentes-Rohwer wants law students to know about the Insular Cases, "just as they learn about *Plessy v. Ferguson*."

AS A COLLEGE EXCHANGE STUDENT, I was living in France in 1988 when I became eligible to vote in my first U.S. presidential election. I dutifully sent away for my absentee ballot, carefully filled in my selection, and happily sealed up the manila envelope and dropped it in the mail, content that I had fulfilled a key part of my responsibility as an American citizen.

Had I chosen to remain in France and declare residency there, I would have been able to continue to vote from abroad. But had I moved permanently to Puerto Rico, I would have been out of luck. Even as a U.S. citizen, and even though the Caribbean island is an official possession of the United States, I would have been unable to vote in federal elections, just like Puerto Rico's 3.2 million full-time residents today.

In the Insular Cases, the Court held that the U.S. could rule Puerto Rico and other territories largely without regard to the Constitution.

The problem stems from the Insular Cases, a series of decisions handed down by the United States Supreme Court beginning in 1901 that limited the scope of constitutional protections to the people of Puerto Rico, Guam, and the Philippines, territories annexed by the U.S. in 1898 following the Spanish-American War.

In addition to denying residents certain rights through a newly minted legal theory that designated the territories "unincorporated," or not part of the United States, the rulings allowed Congress to consider such territories unincorporated indefinitely, said Harvard Law School Visiting Professor Luis Fuentes-Rohwer, keeping them in a perpetual state of flux.

"Until Congress decided they were incorporated, they would just remain in limbo, in this other state," said Fuentes-Rohwer. "And once you did that, the argument was the Constitution applied differently, if at all."

Fuentes-Rohwer has added his name to the growing list of advocates who, in recent years, have called for the Court to reverse its precedents in the Insular Cases, and thereby expand the rights of the roughly 3.5 million residents of the five permanently inhabited, unincorporated territories still governed by the United States: Puerto Rico, Guam, American Samoa, the Northern Mariana Islands, and the U.S. Virgin Islands. In recent years, Raúl M. Grijalva (D-Ariz.) has introduced a congressional resolution with other members of Congress calling for the Insular Cases to be overturned. He did so most recently in April 2023, just eight months before the 125th anniversary of the signing of the Treaty of Paris, which ended the Spanish-American War. The Supreme Court's decisions in the cases, they wrote, "rest on racial views and stereotypes from the era of *Plessy v. Ferguson*," the 1896 Supreme Court ruling that allowed "separate but equal" accommodations for white and Black people. These characterizations, they wrote, "have long been rejected, are contrary to our Nation's most basic constitutional and democratic principles, and should be rejected as having no place in United States constitutional law." The resolution has been referred to the U.S. House Committee on Natural Resources' Subcommittee on Indian and Insular Affairs.

Critics complain it's unfair that residents of certain U.S. territories continue to lack access to citizenship, voting rights in federal elections,

certain federal benefits, and the ability to govern themselves, and even in some cases to maintain possession of their land. But the Court hasn't signaled whether it plans to significantly change the doctrine anytime soon, despite some pushback from certain justices in recent years.

The current legal landscape

In 2019, lawyers representing residents of Puerto Rico asked the Court to throw out the early 20th-century decisions, in a suit that challenged an oversight committee created by Congress to help manage the island's debt. The justices declined, noting that the case before them was squarely focused on questions central to the Appointments Clause of the U.S. Constitution with no relevance to the Insular Cases.

Three years later, Justice Neil Gorsuch '91 agreed with the 2022 majority ruling in *United States v. Vaello Madero*, which held that residents of Puerto Rico were not entitled to receive Supplemental Security Income benefits, noting that Congress has "not required residents of Puerto Rico to pay most federal income, gift, estate, and excise taxes. Congress likewise has not extended certain federal benefits programs to residents of Puerto Rico." But Gorsuch also issued a sharp rebuke, writing in his concurring opinion: "A century ago in the Insular Cases, this Court held that the federal government could rule Puerto Rico and other Territories largely without regard to the Constitution. It is past time to acknowledge the gravity of this error and admit what we know to be true: The Insular Cases have no foundation in the Constitution and rest instead on racial stereotypes. They deserve no place in our law." In her dissenting opinion, Justice Sonia Sotomayor agreed with Gorsuch's view, noting that the Insular Cases were "premised on beliefs both odious and wrong."

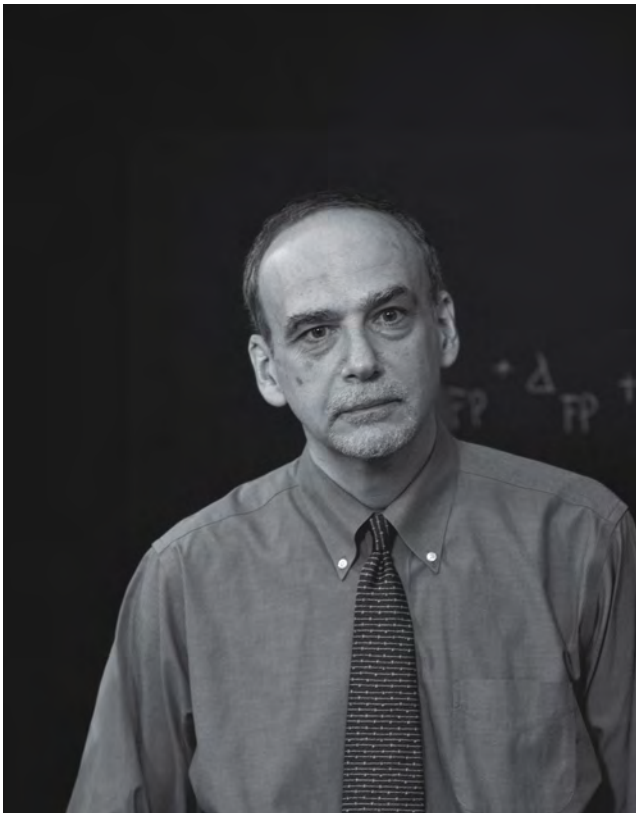
But only six months later, the Court declined to take up *Fitisemanu v. United States*, in which plaintiffs asked the Court to both overturn the Insular Cases and rule on whether people born in United States territories are entitled to birthright citizenship under the 14th Amendment's Citizenship Clause. To help understand what might come next in the debate, scholars say it's important to understand how the rulings initially came to be.

A historical perspective

Following the signing of the Treaty of Paris on Dec. 10, 1898, many policymakers thought the U.S. should model itself after the European powers that had colonized large swaths of the world, while others maintained it should do nothing of the kind. Both arguments, say historians, were saturated with racist attitudes about either who needed governing, or who should or could belong to an expanding American nation.

Against that political backdrop, lawyers began developing legal theories that addressed how U.S. imperialism could be treated under the Constitution, said Gerald L. Neuman '80, J. Sinclair Armstrong Professor of International, Foreign, and Comparative Law at Harvard. Informing that legal discourse, he said, were views expressed in the Harvard Law Review, including those of then-Harvard government professor (and later president) Abbott Lawrence Lowell LL.B. 1880, who introduced the idea of a territory that would be subject to some provisions of the Constitution but not others.

Neuman believes Lowell's reasoning is reflected in the Court's 5-4 decision in the 1901 case



For some territories, Professor Gerald Neuman sees a potential path between statehood and full independence. "You can repudiate the rationale of the Insular Cases. But maybe you don't overrule it in the sense of turning back the clock to the 19th century."

P. 28 JAMES BROSHER/INDIANA UNIVERSITY; P. 29 PHIL FARNSWORTH

Downes v. Bidwell, in which the Court held that, although Puerto Rico belonged to the United States, it was not part of the U.S., and therefore not always subject to the same constitutional protections. The doctrine that the *Downes* ruling inspired, said Neuman, cemented the idea "that there are territories incorporated into the United States and territories that are unincorporated where the Constitution does not apply the same way."

What the future holds

Scholars agree the path ahead is less than clear and that it may differ sharply depending on the individual territory. The Court could officially overturn the Insular Cases, rejecting their racial underpinnings, colonialist impulses, and the distinction they drew between incorporated and unincorporated territories, thus helping chart a path toward greater self-determination and participation in national government. But problems would remain.

Even if the Court overturned the cases, rejecting their racial underpinnings, the path forward for the five territories is far from clear.

"Incorporated territories don't have voting members of Congress, and Congress can enact whatever laws it wants in incorporated territories," said Neuman. "Such territories do get the full protection of the Bill of Rights, but a lot of the problems of nondemocratic governance would be the same if these cases were overruled."

Many people think statehood could be a solution for Puerto Rico, where the current population outnumbers that of 18 U.S. states and the District of Columbia. The most recent nonbinding referendum on the island was held in November 2020, with 52% of those who voted opting for statehood. The Puerto Rico Status Act, introduced in Congress in 2023, aims to offer the island territory the option of voting for sovereignty in free association with the U.S., independence, or statehood.

For residents of other territories, a change in the status quo may be a less appealing possibility. In the 1970s, the Northern Mariana Islands chose not to seek independence from the United States, maintaining its relationship, many speculated, because of its proximity to China and the protections the U.S. could offer. And many in American Samoa have rejected the idea of U.S. citizenship, fearful it could disrupt their cultural traditions, and even affect rights to their land.

Neuman sees a potential path between statehood and full independence. "You can criticize the Insular Cases; you can repudiate the rationale of the Insular Cases. But maybe you don't overrule it in the sense of turning back the clock to the 19th century. Rather, you move forward into the 21st century, further developing what it means to have a separate kind of territorial relationship with the United States.

"The idea that interests me in this regard is the question of whether there can be a binding agreement between the territory and the national government that Congress cannot break by legislation. There are some cases suggesting that that may be true of the compact between the Northern Mariana Islands and the United States. … That might be a way of finding an intermediate solution."

Changing the curriculum

One important part of the path forward, according to some legal experts, is making more people aware of the cases, in particular budding lawyers. Many scholars have long been pressing for the cases to be considered a key part of law school curriculum.

In his 2000 paper "Why the Canon Should Be Expanded to Include the Insular Cases and the Saga of American Expansionism," Sanford Levinson, a visiting professor at Harvard Law, noted that his own education — including his graduate studies at Harvard, his legal training at Stanford, and even his early teaching involving constitutional law — didn't include the influential rulings. He suspected, he wrote, "my story is not in the least unusual."

In fact, at the start of a 2014 Harvard Law event dedicated to reevaluating the Insular Cases, then-Dean Martha Minow confessed she had never heard of them in law school, and that a goal of the conference was to help bring them into the light.

Fuentes-Rohwer's story was the same. "I went to law school in the early '90s," he said, "and we never heard of them."

JESSICA SCRANTON

Harvard Law Professor Guy-Uriel Charles taught a seminar with Luis Fuentes-Rohwer last fall called American Empire: Puerto Rico and the United States Territories.

He is hoping to change that. In 2021, Fuentes-Rohwer introduced a course on the cases at the Maurer School of Law at Indiana University, and last fall, he and Harvard's Guy-Uriel E. Charles, Charles J. Ogletree Jr. Professor of Law, taught a seminar at Harvard called American Empire: Puerto Rico and the United States Territories. The class examined a range of constitutional law questions and issues using the Insular Cases as their starting point.

"We feel very deeply that law school students should learn about the Insular Cases, the way they learn about *Plessy* as a way to *Brown v. Board of Education*," said Fuentes-Rohwer, who is also working on a documentary about the status of the U.S. territories. "We want to bring light to a problem that people don't know about, that law students don't know about, that my colleagues don't know about."

Fuentes-Rohwer, who also uses the cases to teach students about racism, judicial behavior, and precedent, hopes one day the Court will reject the rulings as it ultimately rejected *Plessy* and the 1944 landmark decision *Korematsu v. United States*, which upheld the forcible internment of Japanese Americans during World War II.

"The language in the Insular Cases actually goes further in showing that the people in the territories are considered lesser humans, uncivilized — and not worthy of anything," he said, "including, of course, citizenship."

The power of shame

Fuentes-Rohwer and Charles think lessons from the Civil Rights Movement can help shine a light on the road ahead. In their 2021 paper "The Shame of the Territories," they outline the role "shame can play in constitutional interpretation and changing constitutional norms and jurisprudence."

Many legal scholars believe the Insular Cases violate multiple constitutional protections, top among them two foundational amendments to the Constitution approved after the American Civil War to ensure the citizenship rights of people upon whom the nation had inflicted a "previous condition of servitude." These include full citizenship for anyone born in the U.S.; guarantees of life, liberty, and property except through due process of law; and equal protection for all.

"We had a 14th Amendment, we had a 15th Amendment, we had a commitment to racial equality, but for so long that commitment failed to reach people on the ground. The right to vote meant nothing for 95 years until Birmingham, until Montgomery, until Selma, until the country was shamed to act," said Fuentes-Rohwer. "In our paper, we analogize to that moment and say presumably the only way we move forward on the territories is via shame, via a similar campaign and similar social movement, because the tragic nature of the territories is that most people don't even know they exist.

"Until people are brought to understand that the U.S. Constitution is condoning colonialism, treating people as second-class citizens … until they're made aware of that," he said, "nothing is going to change."

International Justice Corps

Harvard Law School LL.M. graduates form common bonds and bolster the rule of law around the globe

BY ELAINE MCARDLE

It would be difficult to assemble a student body with a wider breadth of backgrounds and lived experience than that of the Harvard Law School LL.M. program, which this year celebrates its 100th anniversary. The centennial Class of 2024 includes 180 students representing 69 countries and jurisdictions, from Argentina to Zimbabwe.

But even with so much variety among them, the program's participants over the years have shared certain key qualities, according to alumni.

"Open-mindedness," says Geneviève Chabot LL.M. '11, a special legal counsel for the Supreme Court of Canada, who has also served as a trial judge in Belize. "These are students open to the world and open to other ideas, open for their ideas to be challenged and fleshed out and discussed and put to the test."

"A thirst for comparative knowledge," says Zaid Al-Ali LL.M. '01, an expert in constitution-building based in Tunisia. "They're all trying to learn from their U.S. professors, their U.S. peers, and their foreign peers as well, with a view to deepening their own knowledge and understanding of their own systems of law and how they can be improved."

"Everyone had an incredible story," says Grigory Vaypan LL.M. '13, a Russian human rights lawyer, "success stories, or stories of overcoming challenges because they all [are] people of determination — Harvard people of determination. That's what distinguishes them."

As Harvard Law celebrates a century of the LL.M. program, the Bulletin takes a look at the varied careers of five graduates from the past 25 years.

Photograph by Neil Hanna

Zaid Al-Ali LL.M. '01, TUNISIA

'I had to go to Iraq and try to be involved in the effort to try to rebuild our country'

Born in exile to Iraqi parents, Zaid Al-Ali LL.M. '01 wants people around the world to have the opportunity to thrive in their home countries so they aren't forced by circumstances to leave.

"The real tragedy is when people feel compelled to emigrate, despite the fact they don't want to, because of conflict, poverty, misgovernance, corruption," and other factors, says Al-Ali, who is based in Tunisia with the International Institute for Democracy and Electoral Assistance.

As senior programme manager working on drafting constitutions in the Africa and West Asia region, Al-Ali helps Arab countries improve their governance and create stable, peaceful societies. He has implemented projects and provided support to reform initiatives in Iraq, Egypt, Libya, Yemen, Sudan, and other nations. He also led the establishment of the Arab Association of Constitutional Law, the region's first network of constitutional experts.

These days, due to the ongoing conflicts in North Africa and the Middle East, he increasingly spends his time advising governments on negotiation strategies and drafting peace agreements.

Educated in the law in London and Paris, he was working in international commercial arbitration when the U.S. invaded Iraq in 2003.

Given his family ties, says Al-Ali, a citizen of the U.K. and Iraq, "it was obvious to me that I had to go to Iraq and try to be involved in the effort to try to rebuild our country and help put things back together. As a legal adviser to the U.N. in Iraq, he worked with the Iraqi Constitutional Committee on the politically fraught process of drafting and implementing a new permanent constitution.

The results in Iraq were far from what he and others had hoped for. But he developed expertise in the highly specialized field, and in 2007 he led a team of lawyers advising the government of Bosnia and Herzegovina on its new constitution. When the Arab Spring erupted in 2010-11, he joined International IDEA "to try to help other countries not repeat the mistakes that were made in Iraq," he says. And when Libya, Syria, and Yemen, and other nations, devolved into full-blown conflict, he offered to help negotiate settlements and draft peace agreements.

Al-Ali matriculated at Harvard Law to broaden his perspective on the law, particularly on its economic underpinnings. He found his fellow students "exceptional" and remains very close with not only LL.M.s but J.D. students he met, saying he compares legal problems he's grappling with to what they're encountering in Latin America, in Asia, and throughout Africa. And he carries with him every day — and shares with his colleagues — advice he got from Joseph H.H. Weiler, then a professor at HLS, that while it's important to understand economics and politics, "ultimately, we are lawyers," and it's legal advice that clients rely on.

Harvard's LL.M. program is worth celebrating, Al-Ali says, because of its contributions to comparative law and the students' life experiences. "It's made it much more possible for people like me and many, many others to interact with people from different jurisdictions and different legal backgrounds all over the world, to enrich our own understanding of the problems we're dealing with and the sorts of solutions that can be brought to these problems," he says. The ultimate goal, according to Al-Ali, should be improving people's lives, whether it's in relatively prosperous places or less advantaged ones, like the countries where he has worked.

Zaid Al-Ali works to help Arab countries improve their governance.

Geneviève Chabot
LL.M. '11, CANADA

On the bench in Belize, the Canadian lawyer put into practice what she learned at Harvard Law

Geneviève Chabot is now a special legal counsel at the Supreme Court of Canada.

From her earliest days as a law student at the University of Ottawa, Geneviève Chabot LL.M. '11 wanted to become a judge. Still, she never imagined that her first stint on the bench would be not in Canada but 3,500 miles away, on the High Court of Belize.

"It was a stroke of luck, just a wonderful thing that happened to me," says Chabot, who from 2022 to 2024 presided over civil cases in Belize before returning this February to Ottawa.

After earning an LL.M. at Harvard Law, Chabot worked in civil litigation and human rights roles in the Yukon. In late 2021, she was completing a four-year term as deputy chief commissioner at the Canadian Human Rights Commission, where she assessed complaints of discrimination and harassment. On the lookout for opportunities that would support her interest in becoming a judge, she came upon an unusual new project in Belize.

Due to the COVID-19 pandemic and other factors, the Belize judicial system was struggling with a large backlog of cases. The Commonwealth Secretariat, an association that promotes the rule of law among its 56 member nations, was recruiting lawyers from outside Belize to sit as judges for a short period. In January 2022, Chabot departed frigid Ottawa for the tropical climes of Belize City. There, she and three other lawyers — from Canada, New Zealand, and Jamaica — served as judges (half of them on the civil side and the other half on the criminal) and heard appeals from magistrate courts.

Her training at Harvard Law, where she'd focused on comparative constitutional law and public law, proved invaluable. "When I arrived in Belize, I noticed that the body of jurisprudence is quite small," in large part because the country has only around 400,000 people, she recalls, but "I had a lot of very important public law decisions to make, and some of them had constitutional implications." To help her interpret the Belizean Constitution, she analyzed the constitutions of South Africa, Australia, England, and Canada. "I had to put into practice what I learned at Harvard and, from a practical level, make decisions based on comparing similar provisions in different constitutions around the world," she says.

The LL.M. program "contributes to increasing the level of exchange between nations," she says. "What I really enjoyed was having those discussions around coffee or drinks about law in other countries, the different approaches in different countries, and how those approaches can influence your job in your own country and the law in your own country."

Upon returning to Ottawa in early 2024, she assumed another newly created role: She is one of three special legal counsel at the Supreme Court of Canada, where she provides legal advice to the justices on complex issues and helps write decisions. And, eager to reconnect with classmates and meet other alumni, she plans to be back in Cambridge for the 100th anniversary celebration of the LL.M. program in the fall of 2024.

Photograph by Derek Shapton

Karla Quintana-Osuna LL.M. '08, MEXICO

Searching for the disappeared: 'You never accomplish what you hope to, especially when you are talking about human rights violations'

More than 309,000 people have gone missing in Mexico since 1952 — victims of drug cartel violence, government-sanctioned disappearances, human trafficking, domestic violence, or causes unknown. Until very recently, they were unaccounted for. But in 2018, the Mexican government created the National Search Commission to address the disappearances and placed human rights expert Karla Quintana-Osuna LL.M. '08 at the helm.

From 2019 to 2023, Quintana — who has an extensive background in human rights work, including as a former litigator before the Inter-American Court of Human Rights — served on the National Commission for the Search of Missing Persons. Working with many local and state agencies, the organization has located over 62% of the missing, most of them alive.

But another 115,000 remain unaccounted for, including in the infamous case of 43 students from a rural teachers college who disappeared in 2014. As of today, only small amounts of the remains of three of them have been found. It's unclear how they died or where the other missing students are.

But because of Quintana's team, it is now known that more than 4,000 clandestine graves have been found in Mexico since 2007. After building the commission from the ground up (it had no telephones, computers, or internet access when she arrived), she led her team to create a systemized and public registry of the missing that is fed by multiple institutions around the country, and she brought together a group of multidisciplinary experts to analyze the context and patterns of disappearances. "We not only have to understand who we're looking for," she explains, "but why and where they are being disappeared."

In 2021, she and then-Undersecretary for Human Rights Alejandro Encinas persuaded President López Obrador to allow the U.N. Committee on Enforced Disappearances to visit Mexico. The committee determined that those responsible for disappearances are almost never brought to justice. Working with the families of the disappeared and the U.N. committee, Quintana and her team successfully lobbied for the creation of the national Center for Human Identification. "That was a very important step, politically speaking and in terms of the scope of what the commission is able to do," she says.

The work is often very dangerous. "What happens when there are criminal groups in certain areas where you have to go search for the disappeared? You have to bring in special security forces, you have to bring the Army, you have to bring the Marines, you have to bring the local or state police, you have to coordinate all that in order for you to have a better chance to find someone alive," she says. Despite the danger, the hope of finding answers for the families of the disappeared, she says, "gives you more impulse to do the job."

Quintana resigned in 2023 over a disagreement with the government on how to tally the number of disappearances. Working with El Colegio de México and the Ford Foundation, she's now writing a book about her work building the commission and, more broadly, about what she calls the "disappearance, forensic, and justice crisis" around the work.

Was she able to accomplish what she'd hoped? "You never accomplish what you hope to, especially when you are talking about human rights violations," Quintana says. "I think we were able to start building an institution, to start building possible answers" from a public policy perspective. Still, she notes, "if you ask this question to family members, they'll probably tell you no. As long as you don't find their loved one, they will normally say no," a response she says is understandable.

As a student at Harvard, one of the most important lessons she learned was from Professor David Kennedy '80, an expert in international law. "He was very, very critical of human rights work," she recalls. She came to realize that "he was trying to make human rights defenders see things from outside their very small group, and that's very helpful. We knew we had to build better answers to our arguments."

Karla Quintana-Osuna is working on a book about the National Search Commission and the "disappearance, forensic, and justice crisis."

Photograph by Jodi Hilton

Grigory Vaypan LL.M. '13, RUSSIA/U.S.

'Making sure that Russia is a rule of law country is for me an essential part of being a Russian citizen'

The death of Russian opposition leader Aleksei Navalny in February 2024 came as a blow to many, including Grigory Vaypan LL.M. '13, a Russian human rights lawyer who has devoted his career to trying to strengthen democracy and the rule of law in his home country.

"It's a very tragic moment, one of the worst days for Russia in the entire post-Soviet 30 years," says Vaypan, who spoke to the Bulletin about a week after Navalny died in a Russian prison. His generation, Vaypan says, grew up with Navalny as "one of the thought leaders and moral leaders who inspired us all so much, myself included, to do things for the benefit of the Russian society." And Navalny, a lawyer, "was one of the people who inspired me to do public interest lawyering," Vaypan adds.

As a law student at Moscow State University, Vaypan witnessed what he says was massive fraud while acting as an election observer. He recounted being kicked out of a polling station by two police officers and losing a court case challenging the election results. "Making sure that Russia is a rule of law country is for me an essential part of being a Russian citizen."

Vaypan and his now-wife, Aleksandra Ivlieva LL.M. '13, were admitted to the LL.M. program together. It was "a transformative year for me," he says. "It really inspired me to go back to my country to do public interest lawyering." He was "exposed to the history of U.S. social justice movements, U.S. strategic impact litigation — things we don't really have so much of at home," he says. And he interacted with students with experience in volunteering and clinical programs. "This really opened my eyes to the role lawyers can play in society."

He especially loved Langdell Hall, "a place of reflection for me," he says, where he was able to prepare himself to "go out and change the world."

After graduating, Vaypan worked at a Moscow NGO, the Institute for Law and Public Policy, helping to launch a strategic litigation program to try to persuade the Russian courts to uphold democratic norms. In 2020, he joined Memorial, Russia's oldest human rights group, where he and others sought redress for victims of human rights abuses in the Soviet era and today. But in 2021, the government forced the dissolution of Memorial in Russia. He ended up leaving his home and eventually working remotely from D.C. for Memorial in exile, part of "a loose network of people scattered around the globe yet still a team."

Vaypan says that he, Memorial colleagues, and many others will be advocating for more information about the circumstances of Navalny's death. He hopes that Russian civil society and people around the world will join them in demanding an independent international investigation.

"It's important to me because it's my country," says Vaypan. "I am a member of the first post-Soviet generation. We were the first generation born in a country that had just freed itself from totalitarianism."

But he and his colleagues came to realize, he says, "that the oppressive system has never gone away." We need to do something, he adds, to make sure Russia is free, democratic, and a good neighbor to nearby countries and to the rest of the world.

In March, Vaypan, who also holds a Ph.D. in international law from St. Petersburg State University, returned to Harvard Law as part of the Visiting Researcher Program, where he is focusing on transitional justice for Russia post-Vladimir Putin. "It's futurology," he says, with a smile.

Grigory Vaypan returned to campus this spring, focused on transitional justice for Russia.

Photograph by Jodi Hilton

Kazuhiro Yanagida in Tokyo

Kazuhiro Yanagida LL.M. '03, JAPAN

Harvard Law strengthens the ability to challenge existing systems

Kazuhiro Yanagida LL.M. '03 was a practicing lawyer in Tokyo with one Master of Laws degree from Waseda University in Tokyo already under his belt when he entered the LL.M. program at Harvard, eager to study the intersection between international civil litigation and dispute resolution.

Having already spent a year at Harvard Law as a visiting scholar in the East Asian Legal Studies Program, Yanagida had made friends with two J.D. students, with whom he roomed during the LL.M. program. His education, he recalls, came from them and his LL.M. cohort as well as from formal lessons.

"One of the unique qualities of HLS is that the school has a diverse and talented body of students, and they learn from each other by communicating both in and outside of classes," says Yanagida.

Yanagida felt fully absorbed into the Harvard Law community, in large part due to his roommates, Thomas E. Kellogg '03, who today is executive director of the Center for Asian Law at Georgetown Law, and Joshua Bloodworth '03, a deputy general counsel at the New York City Department of Housing Preservation and Development.

"They are very outgoing," says Yanagida. "They introduced a lot of their friends to me," he recalls, showed him around Cambridge, took him on ski trips. Yanagida remains in touch with them, and they have on occasion worked together, he adds, another benefit of being an LL.M. program graduate.

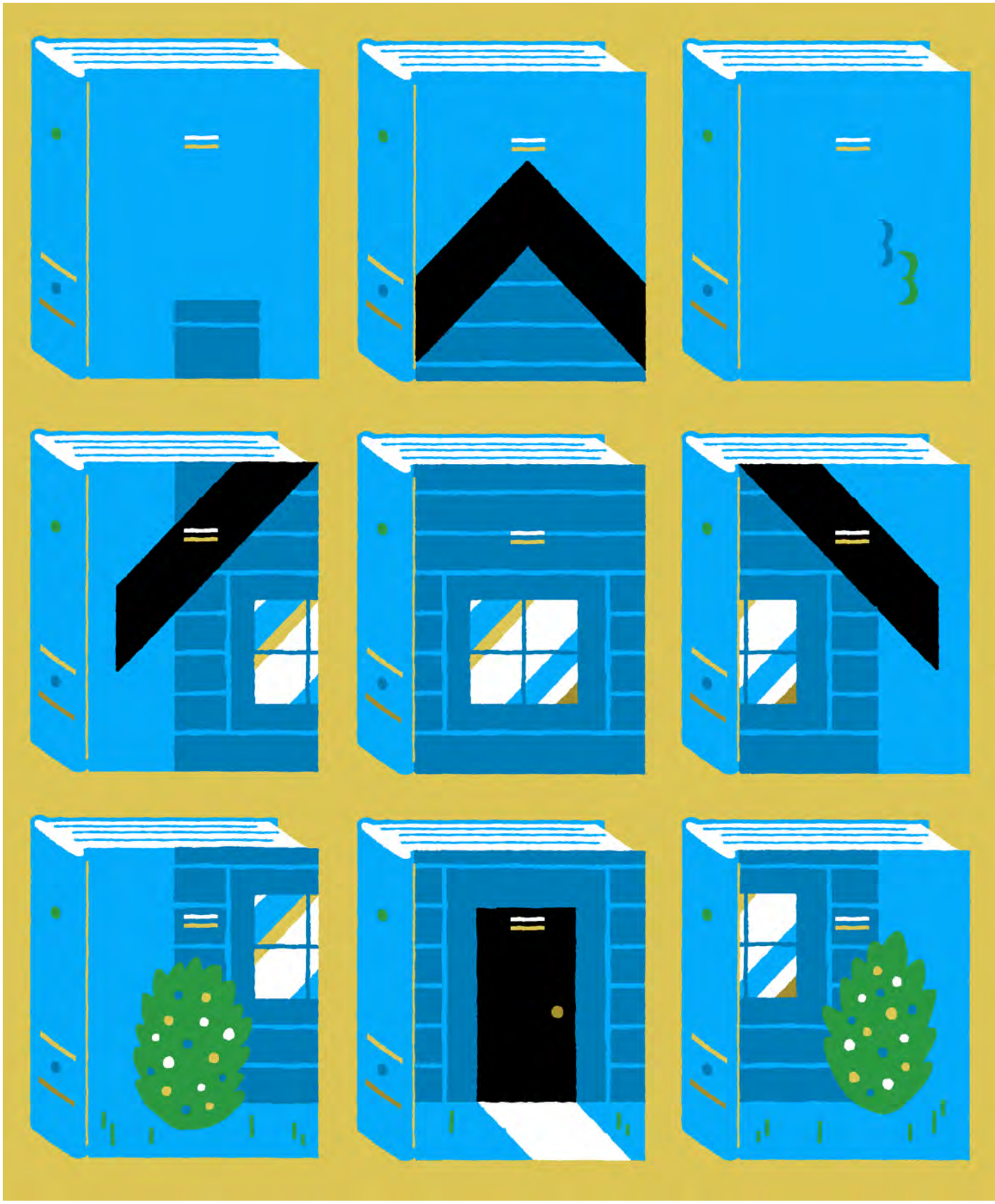
Yanagida, who is managing partner at Yanagida and Partners in Tokyo, focuses on bankruptcy and the resolution of international disputes. He says bankruptcy law is a field that combines a number of his interests, from helping nonperforming companies get on their feet, to out-of-court workouts, to bankruptcy litigation, to mergers and acquisitions. He has also worked for the International Monetary Fund and the World Bank in that area, and he occasionally moderates an IMF program in Singapore for lawyers and lawmakers from around Asia, helping to develop best practices for efficient systems of insolvency, especially in developing countries.

Yanagida's father is Yukio Yanagida LL.M. '66, and based on the model he experienced while studying in Cambridge, he was deeply influential in reshaping legal education in Japan. Among other things, the new system puts more emphasis on practical training, which the younger Yanagida says is a positive development.

A member of the HLS Leadership Council of Asia and secretary of the Harvard Law School Association of Japan, he says the most important skill he learned in the LL.M. program was critical thinking, which burnished his ability to challenge existing systems in order to improve them. And, he adds, "Harvard is always changing, trying to be a better educational institution," and that inspires him to do the same in his career. "It's always important to adjust yourself or adjust the system to the world, which keeps changing."

A celebration of the 100th anniversary of the HLS LL.M. program will be held on HLS campus on Sept. 27 and 28, 2024. To register:

Photograph by Christopher Jue/Getty Images for Harvard Law School



RESTATEMENT TO THE RESCUE

HARVARD LAW PROFESSORS WORK TO BRING CLARITY AND COHESION TO PROPERTY LAW

by Lana Barnett '15 | Illustrations *by* Adam McCauley

EARLY IN their 1L year, all law students see or hear mention of something called a "Restatement." They learn, for example, that basic rules of contract formation are set out in something called the Restatement of Contracts, or in something different called the Second Restatement of Contracts. Most new law students find these references mysterious. "I remember in Torts, just writing 'Restatement' followed by, like, 75 question marks in my notes," said Molly Brady, Louis D. Brandeis Professor of Law at Harvard.

Now, however, Brady is part of a team of professors striving to accomplish what three prior generations of scholars were unable to do: create a comprehensive Restatement in another area of law — property. The project, helmed by Harvard's Fessenden Professor of Law Henry E. Smith, which could take up to 20 years to complete, promises to provide a single, overarching, and fully cohesive repository of American common law covering the complex, sometimes archaic, and seemingly unrelated topics under the heading of "property" that have baffled first-year students and bar exam-takers alike for more than a century.

"It feels like a once-in-a-generation experience to be involved in the drafting of this major project and to try to see it through."

For the record, Restatements are multivolume treatises published by the American Law Institute, an independent organization founded in 1923 by leading lawyers and scholars of the time to aid the cause of clarifying and improving the law. Each Restatement aims to organize and present in a systematic manner the legal rules and principles in a particular area of law, such as agency, contracts, family law, property, or torts. And each is shepherded through the ALI's elaborate development process by one or more persons designated as reporters.

Smith, appointed by the ALI as the reporter of the Fourth Restatement of Property, is taking on the task assisted by a cadre of approximately a dozen associate reporters. The team is the largest ever to work together on a single Restatement project overseen by a single reporter, and includes two other faculty members from Harvard Law School: Brady and John C.P. Goldberg, Carter Professor of General Jurisprudence and interim dean.

"It is pretty remarkable to have three reporters from one school all working on one project," Brady said. "The property professors here think the subject really matters and there is a lot that connects these areas."

According to Smith, a Restatement has a "special place in the law," somewhere between a legal code and a treatise, and is explicitly aimed at judges. A typical treatise can advance the views of just one or a handful of authors; the Restatement, by contrast, purports to capture a more objective truth distilled through the efforts of dozens of individuals.

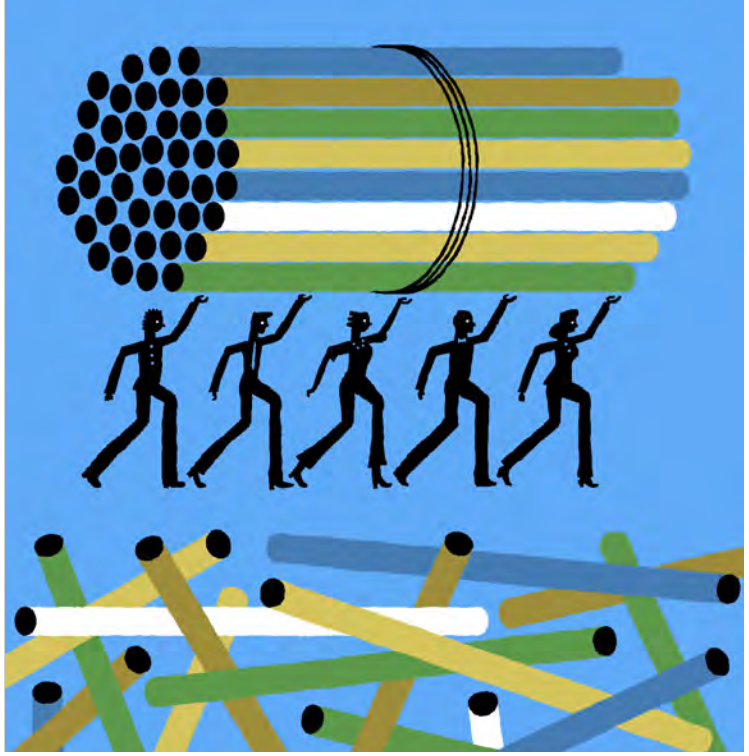
The associate reporters engage in a multistep process that distinguishes the Restatement from a typical legal treatise and lends it additional credibility. Drafters write portions which are reviewed and revised internally before being submitted to a larger advisory committee. The committee, consisting of scholars, judges, and practitioners specializing in property law, provides detailed feedback necessitating another round of edits. Later, the chapters are disseminated to a wider ALI council for a more generalist perspective and, finally, submitted for approval by the ALI membership at large.

"It's a bit like Wikipedia, in the sense that it's based on crowdsourcing, although not from the world but from lawyers and judges and legal academics rather than a single author," said Goldberg.

Once portions of the Restatement are approved by the full ALI membership, they are published in a semidraft form on legal databases, awaiting finalization when all the remaining volumes of the work will be completed, cite-checked, paginated, and cross-referenced. Only then will the ALI produce a physical, bound version at a future, unknown date that Smith hesitates to estimate.

THE HISTORY OF RE-RESTATING PROPERTY

IN 2014, just before he embarked on this herculean task, Smith co-wrote with Columbia Law School Professor Thomas Merrill an article titled "Why Restate the Bundle? The Disintegration of the Restatement of Property." It criticized the ALI's failed attempts, over the course of 17 volumes published over 75 years, to produce a complete Restatement of the law of property, and blamed the failure largely on the



Wesley Newcomb Hohfeld, a 1904 Harvard Law graduate, originated a conceptual scheme of property law often referred to now as the "bundle of sticks."

disjointed nature of the prior attempts, as well as excessive liberties taken by prior reporters, who had drafted Restatements that aimed to push the law in particular directions, rather than capture the state of the law as it was.

The article posed the question of whether it would be possible to resolve these issues by appointing "a new cadre of reporters, instruct[ing] them to stick to restating the law without advocating sweeping reforms, and produce, at long last, a complete Restatement of Property." Smith and Merrill, now also serving as an associate reporter on the Fourth Restatement, answered: "We doubt it."

To understand the challenges of pulling together a comprehensive treatise on property law, one must go back in time to the origins of property law as a discipline. In the early 20th century, Wesley Newcomb Hohfeld, a 1904 Harvard Law graduate and professor at Yale University, originated a conceptual scheme of property law often referred to now as the "bundle of sticks" or "bundle of rights." In that framework, property law could best be understood as a formless, unconnected set of distinct legal rights and privileges. "The whole tenor of theory in the 20th century was not to see themes in property, and to express skepticism that there was anything really holding [the bundle] together," Smith explained.

The First Restatement of Property was published in five volumes between 1936 and 1944 and concerned itself mostly with interests in land; personal property was not addressed at all. The Second and Third Restatements included volumes on topics that had been initially overlooked, such as landlord/tenant law and the law of mortgages. But major holes remained. Some topics that are considered bread-and-butter for property courses and bar exams have never made it into the Restatement of Property at all: Adverse possession, eminent domain, recording acts, bailments, and zoning will all be addressed, for the first time, in the Fourth Restatement.

Smith isn't the first Harvard professor to lead the way. The Second Property Restatement was spearheaded between 1970 and 1992 by Harvard Law Professor A. James Casner. But Casner, unlike Smith, aimed to use the publication to advance reforms to the law, and publication of the Second Restatement's limited volumes was delayed by disputes between Casner and the ALI's advisory committee, which pushed back on many of his proposals. The result was a treatise that satisfied neither reformers nor traditionalists, and which again left significant gaps in coverage.

The prior Restatements' lack of cohesion applied to its authors as well. Previously, the ALI recruited an assortment of professors to draft volumes without significant cooperation between the authors or a commitment to a single overarching approach. The result was a fragmented set of summaries that failed to advance a unified vision of property law, ultimately dooming the Restatement of Property to much-reduced relevance. Unlike the Restatements of Torts and Contracts, which have been frequently relied upon by judges and lawyers, the work on property largely fell by the wayside, attracting only a fraction of the attention that its sister publications have received. In 2014, internal data at the ALI, which generates revenue based on the frequency with which its treatises are downloaded on Westlaw, showed that the Restatement of Property produced only a quarter of the royalties earned by the Restatement of Contracts, and only 15% of the royalties from the Restatement of Torts.

A SKEPTIC TURNED SHEPHERD

ONCE THE author of an article panning the Restatement of Property, Smith soon found himself in the surprising position of leading a possibly decades-long project to revive it. When

the director of the ALI asked him, in 2015, to serve as the reporter of the Fourth Restatement, Smith saw an opportunity to rise to the many challenges he had identified. "My qualms, while I still stand by their validity, don't preclude doing this," he said.

The Fourth Restatement aims to overcome the obstacles that have previously prevented comprehensive treatments. While covering areas long omitted, it will leave certain subjects, such as trusts and intellectual property, for other scholars to tackle. The reporters also share the goal of faithfully adhering to the law as a general matter, while offering a targeted selection of suggested reforms that may appeal to judges.

As a single resource for judges across 50 states, this will require summarizing rules that are similar across most jurisdictions, while acknowledging areas in which states apply different rules and, where appropriate, suggesting why a majority or minority rule may be better from a policy perspective. "Law obviously isn't static," Goldberg explained. "It's sometimes appropriate for a reporter, as long as they're candid, to say, Look, the majority rule is X, but this Restatement offers a different rule, and here's why."

Although formerly a skeptic, Smith, with his team, aspires to produce a work laying bare a cohesive architecture of property law.

Although he was a skeptic in the past, Smith has convinced fellow professors to dedicate years of their lives to the project by advancing his vision of a singular document that lays bare the cohesive architecture of property law: not a bundle of sticks, but a true structure. "It feels like a once-in-a-generation experience to be involved in the drafting of this major project and to try to see it through," said Brady.

Brady, who is currently working on a chapter concerning common-interest communities such as condos and co-ops, has found that her research has unearthed layers of a subject she had presumably already mastered.

"This has really forced me to learn a lot more about a subject that I've taught for years, because it's so much deeper than what you might just glance upon in a first-year property course," Brady said. Researching the concept of inquiry notice, for instance, led her to work on a law review article exploring the origins and treatment of neighborhoods across property doctrine.

Goldberg, an expert in tort law, was recruited to draft chapters covering topics that sit at the intersection of property and tort, such as nuisance and trespass. He enjoys the intellectual challenge of trading the norms of legal scholarship — namely, crafting creative arguments aimed at other scholars — for the constructive goal of providing clear, well-researched, and carefully considered answers to judges and others. "Participating in the Restatement has given me some confidence that when I as a scholar rely on other Restatements, I am relying on serious, carefully wrought work," he said.

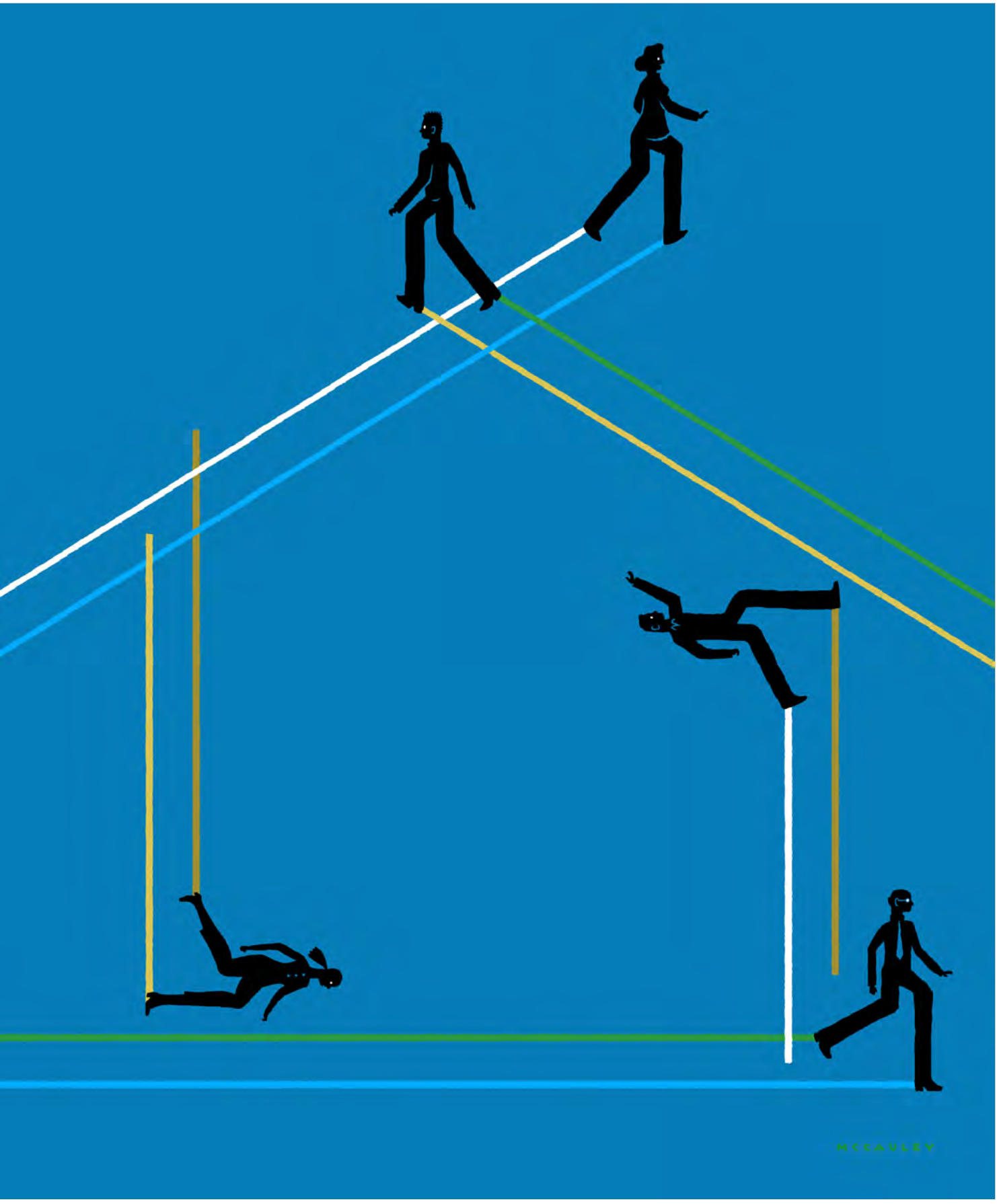
The goal is to make a document that lasts — one that effectively covers the "old and dusty" portions of property law dating back to rules developed in medieval England, while also codifying general principles, such as the nature of possession, that can extend to new problems, such as the law of trespass as it applies to drone overflights. But making a lasting document, said Smith, requires the humility of recognizing that "a Restatement is not the last word, nor are courts' decisions."

That means identifying areas that are ripe for legislative solutions, such as the law of aerial trespass, and leaving room for guiding principles rather than strict rules aimed at narrow or novel topics.

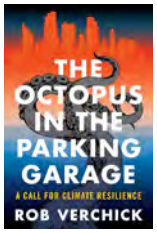
"A Restatement that tied itself to particular questions and tried to answer them in a particular way would get dated fairly quickly," Smith explained.

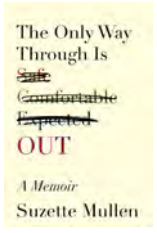
And most importantly, the reporters note, the Restatement needs to be cohesive and coherent. Ever since the advent of the "bundle of sticks," property law has failed to find its footing as a distinct subject area governed by unifying themes or concepts, says Brady. She believes that this incoherence, woven into the very fabric of how scholars, students, and practitioners have thought about property law for over a century, has diminished the field's stature. A number of leading law schools have, for example, dropped the subject from their mandatory 1L curricula.

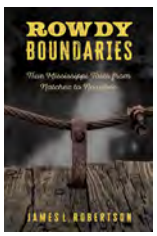
Brady views the Fourth Restatement as an opportunity to turn things around. "I see all of these things as connected. It's hard to convince students to go into a field if it makes no sense, or is difficult for no reason, or is a grab bag of topics, and that leads to fewer people around to defend and to clarify the importance of it," said Brady. "But this subject is everywhere, and the subject matters."


MCCAULEY

A Selection of Recent Alumni Books







"All We Were Promised," *by Ashton Lattimore '13 (Ballantine Books)*

First-time novelist Ashton Lattimore, an editor-in-chief at Prism, a nonprofit news outlet focusing on communities of color, tells the story of three Black women coming together to fight slavery in 1837 Philadelphia: Charlotte, who escaped slavery in the South but must hide her identity from slavecatchers; Nell, an abolitionist from a wealthy Black family; and Charlotte's friend Evie, who strives to escape after arriving in the city with the wife of the plantation owner. With the novel, the author highlights the country's largest free Black community at the time and the real-life story of Pennsylvania Hall, an abolitionist meeting house in the city that was burned down by a pro-slavery mob shortly after it opened.

"The Octopus in the Parking Garage: A Call for Climate Resilience," *by Rob Verchick '89 (Columbia University Press)*

Lawyer and climate disaster specialist Robert Verchick thinks we need to be working toward climate resilience or building the capacity "to manage and recover from a climate impact in a way that preserves a community's central character," he writes. Verchick shares lessons learned from his field research, including from a kayaking trip through Louisiana's bayous and a diving expedition off Key Largo with citizen scientists working to restore coral reefs, and argues that mitigating the toll from our warming planet, particularly on historically disadvantaged communities, must happen at local and national levels and requires both governance and social cooperation. In addition to offering climate resilience examples from the past and present, he recommends a list of actions anyone can take to face the climate crisis.

"The Only Way Through Is Out," *by Suzette Mullen '87 (University of Wisconsin Press)*

From the outside, Suzette Mullen ostensibly had an idyllic life, with a good husband, two successful adult children, and a beautiful home. But she was harboring a secret: She was gay and in love with her best friend. In her memoir, she recounts her journey from revealing her true self to her husband, and later to other family members and friends, to ending her marriage and establishing a new life with a

ILLUSTRATION BY ARD SU

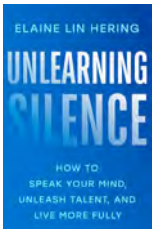
new girlfriend. She came to understand that she had lived a life, she writes, "where I played small and safe" and learned that it is never too late for a new beginning.

"Rowdy Boundaries: True Mississippi Tales from Natchez to Noxubee," *by James L. Robertson '65 (University Press of Mississippi)*

James Robertson takes the reader on a journey around the state he called home and where he'd traveled for eight decades in a narrative that was published last October, two months before he died. The former Mississippi Supreme Court justice showcases Mississippi-born luminaries such as author Richard Wright, crusading journalist Ida B. Wells, and the first woman elected to the state Legislature, Lucy Somerville Howorth. He also delves into historical events like the Mississippi Married Women's Property Act of 1839 and Freedom Summer of 1964. While Robertson addresses the troubled history of the state, he also shares "more than a few pages in Mississippi's stories that do us proud."

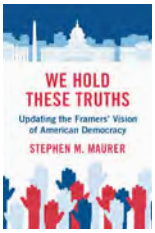
"Superconvergence: How the Genetics, Biotech, and AI Revolutions Will Transform Our Lives, Work, and World," *by Jamie Metzl '97 (Timber Press)*

Our ability to reengineer biology gives us the potential to lead healthier, longer lives and produce the resources we need while preserving the planet, according to Jamie Metzl, a senior fellow of the Atlantic Council. But the technology could also harm or even destroy us, he adds. "A bioengineered future is coming whether we like it or not," writes Metzl. "The essential question for us is how we can best shape it." He attempts to answer that question in his new book, which examines changes that could occur through science and technology in health care, agriculture, and the economy. He also warns about what could go wrong, including a global pandemic or bioterrorism.



"Try to Love the Questions: From Debate to Dialogue in Classrooms and Life," *by Lara Hope Schwartz '98 (Princeton University Press)*

News stories often portray a fraught atmosphere for free expression on college campuses. Yet colleges can bring people together in conversation like nowhere else, contends Lara Hope Schwartz. "[T]he protests, the friction, and the institutional infighting over how best to fulfill our missions and protect our communities are not signs of sickness," she writes. "They are signs that we are trying." The author, the founding director of the Project on Civic Dialogue at American University, offers a blueprint for productive and enriching conversations across differences. She outlines rules and norms that govern academic and civic discourse and how to communicate to be understood, with discussion questions and classroom exercises supplementing each chapter.



"Unlearning Silence: How to Speak Your Mind, Unleash Talent, and Live More Fully," *by Elaine Lin Hering '10 (Penguin Life)*

Having emigrated from Taiwan to the United States, Elaine Lin Hering learned growing up that staying silent can feel like the safest choice when other people may not welcome your voice. But it comes at a cost, she writes: "When you've learned to live with silence, you forget the possibility of what could be." In the first part of her book, she outlines the ways in which we silence ourselves and others, drawing on case studies, research, and personal examples. Then she provides practical strategies for using your voice and creating a supportive environment. Unlearning silence can be difficult and uncomfortable but will ultimately allow people to thrive, she writes.

"We Hold These Truths: Updating the Framers' Vision of American Democracy," *by Stephen M. Maurer '82 (Cambridge University Press)*

The essays written by Alexander Hamilton, James Madison, and John Jay that constitute the Federalist Papers can be seen as a blueprint for how Americans think government should function, according to Stephen Maurer, an *emeritus* professor at the University of California, Berkeley. In his book, he explores the government the Framers designed, and he attempts to extend and improve arguments of the Federalist Papers based on societal changes since it was first published serially from 1787 to 1788. Topics covered include the evolution of media in the era of the internet and increasing polarization; the use of gerrymandering for party advantage; the Framers' division of state and federal responsibilities; presidential war powers; and how courts can deter abuses by the president and Congress.

"Why Flying Is Miserable: And How to Fix It," *by Ganesh Sitaraman '08 (Columbia Global Reports)*

Air travelers often contend with delayed and canceled flights, high ticket prices, and cramped seating. The causes can be traced to airline industry deregulation in 1978, which led to multiple bankruptcies and government bailouts of airlines, according to Ganesh Sitaraman, a law professor at Vanderbilt. He details the history of the industry, starting when the government subsidized its creation, and describes the regulatory framework in place from 1938 to 1978 and the problems that ensued as the result of deregulation. The reforms he proposes, which treat airlines like public utilities rather than ordinary consumer products, aim to increase access to air travel, eliminate bailouts and bankruptcies, and facilitate fair and transparent pricing. "[I]n a democracy, we the people get to choose how we live and how our industries are governed," he writes. "And we can choose to have an airline industry that reaches more places, at fair prices, and with a higher quality of service."

Taking on a Challenge

Ann Pfohl Kirby describes her time as part of the first class at Harvard Law to admit women

BY COLLEEN WALSH

Overcoming obstacles is in the Pfohl Kirby genetic code.

So, it's no real surprise **Ann Pfohl Kirby '53** has never made a fuss about being one of the first female students at Harvard Law School. For the Illinois native, Harvard wasn't daunting; it was merely a natural extension of her desire to become a lawyer and get the best education she could.

"I liked the challenge," Kirby said, recalling how she had been studying law at New York University in 1949 when her college roommate told her Harvard had begun accepting women. She immediately applied and was admitted. "I was certainly prepared for the challenge," added Kirby, who returned to campus for an April event honoring the 70th anniversary of the first class of women graduates. "And I wanted to take it on."

Taking things head on, it turns out, is something of a family tradition.

In the 1890s, Kirby's great-grandmother purchased and briefly ran her deceased husband's business while raising five children. Some decades later, Kirby's father, Louis Pfohl, was surprised when an audacious acquaintance named Pauline Mathis called his fiancée "a flirt" and perhaps not well-suited to a serious man "who wanted to get someplace in life."

"I guess it made my father start to think about it," said Kirby, "and he ended up marrying my mother, Pauline, instead."

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Ann Kirby was one of 14 women in the pioneering Class of '53.

PHOTOGRAPH BY JODI HILTON

1954

➔ 70TH REUNION OCT. 25-27, 2024

1955

HERBERT HILLER writes: "Since November 2022, I have published The Climate Traveler blog hosted by Medium at herbhiller.medium.com. I post the first and third Thursday of each month. Access is free. Each posting consists of informed opinion about news that sheds light on the transition from mass travel to travel as climate action. Reads are usually six minutes."

1956

Senior U.S. District Court Judge **RYA W. ZOBEL** was the 2023 winner of the highest honor of the National Judicial College, the Sandra Day O'Connor Award. Presented at the Library of Congress in Washington, D.C., in November, the award recognizes a judge or former judge who has demonstrated extraordinary service and commitment to justice. Zobel, who remains active on the United States District Court for the District of Massachusetts, became the first woman appointed to the federal bench in New England after being nominated by President Jimmy Carter in 1979. Zobel grew up in Nazi Germany and was 14 when she and her brother escaped East Germany. Within three years of arriving in the United States, having just learned English, she attended Radcliffe College and went on to Harvard Law, one of only 13 women in her class of more than 500. Last spring Zobel was recognized with the Harvard Medal. The many other honors she has received include the American Bar Association's Margaret Brent Award, which celebrates remarkable women lawyers, and the Edward J. Devitt Distinguished Service to Justice Award, the highest honor bestowed upon a federal judge. It is estimated that Zobel has issued about 2,000 decisions; even in her current status as a senior judge, she continues to manage about 150 cases, civil and criminal.

1959

➔ 65TH REUNION OCT. 25-27, 2024

1964

➔ 60TH REUNION OCT. 25-27, 2024

DICK KLEIN sent the news that the third edition of his Thompson Reuters trial practice book for lawyers, "Trial Communication Skills," has been published. It was written with Julius Fast, the author of the first "Body Language" book, and the new edition covers communicating in AI, remote communication, communicating with different cultures, communicating across generations, and more.

1967

S. MASON PRATT retired after 47 years of practice with Pierce Atwood in Portland, Maine, and became a writer, publishing his first novel, "The Truth About Hannah White," a Maine North Woods murder mystery, in 2015. In March he wrote: "I am just now publishing my second novel, a Maine North Woods spy thriller, 'On the Knife Edge,' based, in part, on the tragedy of the El Faro, a container ship that sank off the Bahamas on Oct. 1, 2015, with all 33 lives lost, including five graduates from Maine Maritime Academy."

"Since November 2022, I have published The Climate Traveler blog"

1968

DAVID DRACHSLER writes that he's had two articles published recently: "LSC Funding Restrictions Deny Pretrial Detainees Access to Justice," Taking the Stand, Washington Lawyer, November-December 2023, and "Utilization of Healthcare and the Commerce Clause," Indiana Health Law Review (online edition), Jan. 9, 2024.

1969

➔ 55TH REUNION OCT. 25-27, 2024

LAWRENCE FROLIK, professor *emeritus* at the University of Pittsburgh School of Law, was a visiting professor at Stetson University College of Law in Gulfport, Florida, in the spring semester

'What I Learnt There Has Been My Faithful Companion'

Dispatch from Rome

GIOVANNI VERUSIO LL.M. '56 writes that 68 years after he graduated, he still receives the Bulletin in Italy and reads much of it with interest. "In turn, I would like to update you somewhat about what I have been doing since. I am now nearly 92, sadly a widower, but in good health if not exactly kicking (my legs are not what they were). I practiced law in Rome for 63 years, until I was 89, when I decided that enough was enough. Three years ago, I was honoured by the Rome Bar on the occasion of my 60th year of membership; not many reach that far." Verusio's sixth book, "A lawyer's life" (written in Italian), is just being published. He is now doing research for another book on three wars fought in South America during the second part of the 19th century and in 1932.

"Besides practicing law, and writing books," he writes, "my hobby has been ethnography: Since 1960, when I took part in the expedition of the University of Florence in the Hindu Kush (Kafiristan), I have participated in 38 others, ranging from the North Pole to Cape Town, from Viet Nam to New Zealand, from Bolivia and Chile to Alaska, and three in the Amazon Forest (lots of ghastly insects)." Verusio adds, "I have always been proud of my days in HLS, and what I learnt there has been my faithful companion during my whole life."

of 2023 and taught a first-year class in torts. In January 2024, he was awarded the Lifetime Achievement Award by the Section on Aging and the Law of the Association of American Law Schools at the annual meeting. Frolik was honored for his distinguished career of teaching, service, and scholarship in the field of elder law. The seventh edition of his casebook, "Elder Law: Cases, Materials, and Problems," was published in March 2024.

"Life after my retirement from the bench 10 years ago has been reasonably full and just became fuller with the addition of our first grandson"

1970

PETER BUCHSBAUM writes: "2023, terrible in many ways, resulted in deepening my involvement with Jewish organizations. In May in Israel I was elected to the executive board of the World Union for Progressive Judaism, which encompasses millions of Reform and progressive Jews on six continents. Then, in December I was appointed to the Commission on Social Action of the Union for Reform Judaism, which is the U.S. organization of Reform synagogues. I continue to write on affordable housing issues, and to serve on nonprofit boards dealing with housing and domestic violence issues in New Jersey and in Maine, where we spend about five months a year. So life after my retirement from the bench 10 years ago has been reasonably full and just became fuller with the addition of our first grandson in January 2023. Looking forward to our 55th Reunion in 2025 since I had to miss the delayed 50th due to COVID."

MARTIN REDISH, the Louis and Harriet Ancel Professor of Law and Public Policy at Northwestern Pritzker School of Law, was recently included in HeinOnline's list of the 50 most cited legal scholars of all time. His latest book, "Due Process as American Democracy," was published by Oxford University Press this year.

1971

JOHN WELCH, counsel in Wolf Greenfield's trademark and copyright practice, received the International Trademark Association's 2023 President's Award. The award is given annually to one or more individuals who have, over the course of their careers, made a lasting impact on INTA and its mission and who have had a profound impact on the global trademark community.

STEVE WHELAN writes that he is a member of the Legal Advisory Council of the Academic Freedom Alliance, along with HLS Professor **JEANNIE SUK GERSEN '02** and former ACLU President **NADINE STROSSEN '75.** "The AFA was created to provide legal representation to faculty members across the country who are threatened with disciplinary action arising from their protected speech," he adds.

1972

St. Louis-based Thompson Coburn partner **LARRY KATZENSTEIN** was the 2023 recipient of the National Association of Estate Planners & Councils' Hartman Axley Lifetime Service Award. The award honors those who have been highly active in the estate planning community. A nationally recognized authority on estate planning and charitable giving and an adviser to charitable organizations locally and nationally, Katzenstein is a frequent speaker to professional groups, including American Law Institute estate planning programs and other national tax institutes. He also serves on the board and rates committee of the American Council on Gift Annuities. In addition, he is active as a board member and as general counsel to several local charities, including the St. Louis Symphony Orchestra, which he conducts in an annual concert for clients and friends. His most recent concert included the Shostakovich Symphony No. 1.

1974

➔ 50TH REUNION OCT. 25-27, 2024

JEREMY FOGEL, executive director of the Berkeley Judicial Institute at Berkeley Law School, wrote in December 2023: "Our article on law clerk diversity (my co-authors are Professor Mary Hoopes from Pepperdine Law School and Justice Goodwin Liu of the California Supreme Court), based upon in-depth interviews of 50 active United States circuit judges, has been published in this term's Harvard Law Review. I never imagined, when I was a lowly and alienated 1L, that one day I might write that sentence. In a similar vein, I never imagined that I would be recognized by the American College of Trial Lawyers for my efforts to emphasize the importance to judges of emotional intelligence, but it happened. I'm beyond grateful to the ACTL to have been honored by their Gates Litigation Award earlier this year."

RON WEAVER retired from Stearns Weaver Miller last December. Over 40 years, he played a large role in establishing and growing the firm's Tampa, Florida, presence from just two people to an over 50-person office. He represented landowners, development companies, and local governments in environmental, land use and property rights law, real estate acquisition, and financing matters. Weaver's involvement in philanthropic organizations, he writes, included his founding, in 2008, of CareerRebound (formerly known as Real Estate Lives), a not-for-profit organization that helped support those in real estate and related industries affected by the Great Recession — more than 4,300 unemployed people to date.

1979

➔ 45TH REUNION OCT. 25-27, 2024

NORMAN ANKERS is in his eighth year as a litigation partner at the Detroit office of Foley & Lardner and his 20th year in academia, where, for the last 12 years, he has been a professor at the University of Michigan Law School, teaching courses in conflict of laws, the law of evidentiary privilege, electronic and class-action discovery, and trial advocacy.

FRANK HOLLEMAN has joined the American College of Environmental Lawyers as a fellow. A former deputy secretary of education under President Clinton, Holleman joined the Southern Environmental Law Center in 2011. He now leads the center's regional litigation and policy work on coal ash pollution and is involved in other SELC programs related to clean energy, water protection, and wildlife.

1980

Last September, Ukrainian President Volodymyr Zelensky awarded **ELI ROSENBAUM** the Order of Merit, conferring the title Chevalier of the Order of Merit, for his work leading the U.S. Justice Department's efforts to pursue justice on behalf of Ukrainian victims of Russian aggression, war crimes, and crimes against humanity. U.S. Attorney General **MERRICK GARLAND '77** subsequently selected Rosenbaum, whom he had appointed in 2022 as the Justice Department's counselor for war crimes accountability, as the sole 2023 individual recipient of the Attorney General's David Margolis Award for Exceptional Service, which is the Justice Department's highest award for employee performance. Rosenbaum retired from federal service in January.

1981

ROBERT P. GEORGE received an inaugural 2023 Barry Prize for Distinguished Intellectual Achievement from the newly established American Academy of Sciences and Letters. George is the McCormick Professor of Jurisprudence, professor of politics, and director of the James Madison Program in American Ideals and Institutions at Princeton University. A specialist in moral and political philosophy, constitutional law, bioethics, and the theory of conscience, he has served as chairman of the U.S. Commission on International Religious Freedom, the U.S. Commission on Civil Rights, and the President's Council on Bioethics. George writes that HLS Professor **RUTH OKEDIJI LL.M. '91 S.J.D. '96** also received a Barry Prize last year.

Last September, Ukrainian President Volodymyr Zelensky awarded Eli Rosenbaum the Order of Merit

Off to the Races and Back Again

Scott Kline surpasses his goal of running one marathon in each of the 50 states

This past April, **SCOTT KLINE '88**, at age 61, completed the Boston Marathon, for the second time — something that anyone could be proud of. But for Kline it was a recovery run of sorts. Last October, he reached a long-term goal of running a marathon in all 50 states.

Kline first ran the Boston Marathon as a law student in 1987, when he was 25, he wrote to the Bulletin. Some 25 years later he decided it was time to start running again. He'd retired from his job as a technology executive and practicing lawyer to spend more time with his kids. "My children were tied up in school during the day. None of my friends were retired. My wife was still working." He needed a project. "I don't really love running," he wrote. "I thought marathon training would be something I could do on my own to stay out of trouble and be healthy for several hours a day."

Kline, who lives in Texas, decided he would give the Dallas Marathon a try, and signed up for the 2013 race. It got canceled because of an ice storm. Undeterred, he flew to Las Vegas that weekend and ran the Hoover Dam Marathon instead. "I was disappointed with my performance, so I signed up for another one, and then another one, etc." He was off to the races. "I started to bring my times down and met some really lovely and interesting people," he wrote.

By 2018, Kline got the idea for his project: to run a marathon in every state (he had run in nine so far). By that time his wife, Michele Schwartz, had retired and begun traveling with him. Kline went into overdrive. Between September 2021 and June 2023 alone, he ran 21 marathons, his "most crowded schedule."

"I don't think of myself as particularly tough or driven. ... But I guess I am pretty resourceful."

Needless to say, it was not easy. In January 2023 he was running the Maui marathon (in state no. 43). He ended up fracturing a bone in his foot and hobbling the last 13 miles. But he has never not finished a race. "I don't think of myself as particularly tough or driven," Kline reflected, "but I have overcome a lot of bad circumstances. I guess I am pretty resourceful." In October of last year, in Hartford, Connecticut, he ran in his 50th state.

Then in April, Kline came back to Boston to close the loop. He estimates that he and his wife have now traveled well over 100,000 miles.

1982

STUART W. DAVIDSON was named among the 2023 "Best of the Bar" by the Philadelphia Business Journal for his decades of advocacy on behalf of labor unions and workers. A partner at Willig, Williams & Davidson, he represents public and private benefit funds and serves as chief counsel to large regional and local unions along the East and Gulf coasts and in the Chicago area. He has also played key roles in the development of new and progressive benefit structures with the pension and health and welfare plans he represents.

KEITH JAMES was re-elected as mayor of West Palm Beach, Florida, for another four-year term. James is the first mayor in the city's 130-year history to have been re-elected without opposition. He was sworn in on April 6, 2023.

1984

→ 40TH REUNION OCT. 25-27, 2024

1985

BARRY MACHLIN has retired after 38 years of legal practice in international project finance. He was an equity partner of both White & Case and Mayer Brown and was the team lead on transactions in more than 70 countries, including representing the Panama Canal Authority on the landmark Third Set of Locks Expansion Project. Machlin has launched an infrastructure and project finance advisory firm called 1645 Advisors LLC, focused on strategic transaction structuring advice and training programs in the infrastructure and project finance sectors.

1987

Pittsburgh lawyer **RODNEY R. AKERS**, retired deputy general counsel in the Governor's Office of General Counsel, received the Pennsylvania Bar Association Government Lawyer of the Year Award in November 2023. Appointed deputy general counsel in 2007, Akers served four Pennsylvania governors in that capacity until March 2023. Some

Ann Pfohl Kirby (continued from page 46)

When asked what she thought about the fact that women students now outnumber men at Harvard Law School, Ann Kirby had a simple reply, "I say more power to them."

Kirby's father worked as an architect in Chicago and pursued his law degree at night. In 1932 he moved his wife and young daughter Ann to Queens, New York, to become lead designer for the Otis Elevator Co. in Manhattan. But he was restless. "He was an entrepreneur right from the start," and eager to strike out on his own, said Kirby in a 2021 interview. Pfohl eventually opened his own industrial design factory in Flushing, with his wife as his assistant, later relocating the facility to Long Island City, where he became a plastics pioneer. Pfohl knew education had been a key to his success and urged his children to make the most of their time in class; Ann, like her siblings, listened. She was a strong student with good grades in high school and college, and even scored better than her father on an early practice LSAT. "He didn't know whether to be upset or not, but mine was a lot higher than his," said Kirby, adding how much she admired what her father had accomplished and that he "stood behind me, whatever I wanted to do." That included her decision to go to Harvard.

Although Kirby was unbothered by being one of the first 14 women to attend Harvard Law School, she knew she stood out. As the only woman in one of her classes, the professor called on her every day, she remembered, not so much to test her but simply to hear what she had to say. "It intrigued them to call on a woman and see how she answered," said Kirby, adding, "I relished it."

Kirby's fearlessness and determination have long been an inspiration to her own family, said Paula Kirby, her daughter who graduated from Duke University and earned a master's degree at Middlebury College and a business degree from INSEAD. Today, she is the managing director of the family business, Plaxall Inc., which has transitioned away from plastics to real estate development.

"She was never angry about being one of the only women in the room at times; she was really proud of it and enjoyed it," said Paula Kirby. "And that gave all of us a really positive attitude about our approach to different educational options." Four of Ann Pfohl Kirby's seven children became lawyers, and two attended Harvard Law School, as did her brother and niece. Her eldest daughter became an anesthesiologist. And the educational drive continues in the next generation — currently one granddaughter is at Harvard College and two are studying engineering at MIT.

Like many women of her era, Kirby struggled to find a job after she graduated. Undeterred, she headed to New York and began knocking on the doors of Wall Street firms. "They liked to interview me even though they had no intention of hiring me," said Kirby. "They just wanted to see what I was like. You learned to go along with that and not get too excited that you weren't going to be offered a job at the end of it."

Eventually, she was hired by the firm Sullivan & Cromwell, where she worked for about a year until she fell in love with William J. Kirby '52. The firm told them they couldn't both work after they were married, so she left to raise their children, eventually joining the family business in Long Island City working on contracts and leases and other legal matters.

Looking back on her life and career, Kirby said she has no regrets. She enjoyed her work and raising a family and continues to firmly believe in the power of education. In a 2018 interview she said, "When you educate a woman, you educate a generation."

"Children often follow what their parents are doing, or they feel open to do it, in any case," Kirby added recently. "And that was true in our family, too."

When asked what she thinks of the fact that women students now outnumber men at Harvard Law School, Kirby had a simple reply.

"I say more power to them."

of his principal areas of legal expertise are information technology, intellectual property, regulatory compliance, electronic discovery, and contracts. His other service has included special counsel to Pittsburgh's Department of Law and chief counsel to the Patient Safety Authority, Pennsylvania Historical and Museum Commission, and Pennsylvania Council on the Arts. An adjunct professor at University of Pittsburgh Law School for more than 19 years, Akers also recently accepted an adjunct professor position at Carlow University.

JOHN FISHER GRAY and his wife, Elizabeth, are among the founders of Autism Delaware, which is celebrating its 25th anniversary. Gray continues to serve as an officer and board member. He writes: "Started in 1998 by a handful of families gathered around a kitchen table, today Autism Delaware has a staff of more than 100, providing statewide, daily services to families and individuals affected by autism. With a modest annual budget of just over $6 million, the staff at Autism Delaware work diligently to field more than 8,400 support calls from the community every year, as well as provide employment opportunities for 150+ adults living with autism. Through family guidance, job skills training for adults, and numerous social and recreational events held throughout the year, Autism Delaware strives to make the First State, and the world beyond, a more inclusive place for those living with autism."

1988

LUC FRIEDEN LL.M. was appointed prime minister of Luxembourg in November 2023 after winning the general elections in his country.

1989

➜ 35TH REUNION OCT. 25-27, 2024

1990

In February, **CHARLES FACKTOR** wrote: "Classmates, I have retired; no more fame and fortune for me. I have four kids and four grandchildren and another on the way. You can find me in Holly Springs, North Carolina, or on Facebook."

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1991

PETER H.F. BEKKER LL.M.'s new book, "Arbitration of International Disputes in New York," has been published by JURIS (bit.ly/arbitration-book). Bekker writes: "It is the first, and most up-to-date, book about international arbitration in New York written by a single author with a dual background as an arbitration professor and practitioner. The book celebrates New York as a leading hub for international arbitration and seeks to make New York arbitration accessible to a wider audience. The book contains a Foreword by the Hon. **CHARLES N. BROWER '61**."

1994

JON DAUPHINÉ is CEO of the Foundation for Financial Planning, an organization whose mission is to expand the provision of pro bono financial advice and planning to underserved people. In December, he wrote: "We've been growing the pro bono movement in financial advice, persuading thousands of certified financial planners to get involved and provide their services for free to people in need. This fall, we released a report that I wrote on the most comprehensive research ever done on pro bono in this field." It found, he added, that "70% of the almost 1,200 financial advisors we surveyed said they wanted to see advisory firms become more like law firms in their support for pro bono." He said he hoped the report "will drive increased volunteerism and engagement across the financial advisory profession and in turn enable us to reach many thousands of additional families." After the report's release, Dauphiné was named to the InvestmentNews "Hot List" of 100 "movers and shakers" who are propelling the financial advice profession forward.

1998

SARA E. COLÓN–ACEVEDO LL.M., an attorney at Jackson Lewis in San Juan, was featured in the 11th Edition of "The Best Lawyers in Puerto Rico." Jackson Lewis is a national law firm focusing on labor and employment law, and Colón-Acevedo was recognized for her work in those areas.

ROGER A. FAIRFAX JR. has been appointed dean of the Howard University School of Law, effective July 1, 2024. He currently serves as dean of the American University Washington College of Law. Prior to academia, he practiced with O'Melveny & Myers in Washington, D.C., and served as a trial attorney in the U.S. Department of Justice's criminal division. Fairfax's scholarship has been published in numerous books and journals, and he has taught courses and done research on criminal law and procedure, professional responsibility and ethics, criminal justice policy and reform, and racial justice. He currently serves on the boards of the National Institute for Trial Advocacy and the Lawyers' Committee for Civil Rights Under Law.

2003

PEGGY S. CHEN has been promoted to special counsel in the trial practice group at Duane Morris. She practices in intellectual property law and litigation with a primary focus on copyright, trademark, and trade dress litigation and complex commercial litigation.

2004

WARDA HENNING LL.M. was appointed U.N. senior political adviser at the U.N. Department of Political and Peacebuilding Affairs in New York.

MIKE SCHECHTER has become a partner at Ashburn & Mason in Anchorage, Alaska, where he has lived for the last 10 years. He advises clients on real estate, aviation, and land use matters while maintaining a healthy litigation

practice. Schechter and his wife, Kate, are the proud parents of twin kindergartners Zoe and Maximus.

2005

LAWSON FITE is a new shareholder in Schwabe's Portland, Oregon, office and practices in the firm's natural resources industry group, where he guides clients through environmental regulation, compliance, permitting, and litigation. He has argued in state and federal trial and appellate courts.

In January of 2023, after nearly 15 years practicing immigration law, **MONICA EAV GLICKEN** became the executive director and general counsel of the Public Law Center, a nonprofit, pro bono law firm providing free legal services to low-income and vulnerable communities across Orange County, California, including immigrants, veterans, seniors, children, survivors of trafficking, and survivors of domestic violence. PLC also provides legal support to Orange County emerging nonprofit organizations and microbusinesses.

2007

ERIKA HAROLD, executive director of the Illinois Supreme Court Commission on Professionalism, is a 2024 recipient of the Earl B. Dickerson Award from the Chicago Bar Association. The award, named for a prominent Chicago lawyer and civil rights activist, honors minority lawyers and judges whose careers in the law emulate the courage and dedication of Dickerson in making the law the key to justice for all in our society. As executive director, Harold leads the Commission on Professionalism's extensive educational programming, which is focused on advancing civility, integrity, and inclusion among Illinois' lawyers and judges to build confidence in the justice system. Before joining the commission, she was a commercial and civil litigation attorney at Meyer Capel in Champaign, Illinois. A member of the teaching faculty for Harvard Law School's Trial Advocacy Workshop for the past seven years, she is currently leading the Commission on Professionalism's Bullying in the Legal Profession initiative, believed to be one of the first wide-scale research projects on this topic in the U.S.

Appointed assistant professor of commercial law at the Law School of the National and Kapodistrian University of Athens, the oldest law school in Greece

2010

POLINA TULUPOVA LL.M. has been promoted to counsel at Latham & Watkins in New York. A member of the capital markets practice and corporate department, she advises clients on a full range of equity derivatives and equity-linked transactions, including convertible notes, structured share-repurchase transactions, hedging and monetization transactions, and margin loans.

2011

As a new partner at Farella Braun + Martel since earlier this year, **GREG LESAINT** advises operating companies, private funds, lenders, entrepreneurs, and others in complex transactions, corporate governance matters, and succession planning. He works across multiple industries, including technology and software, wine, real estate, and professional services. In addition, LeSaint serves on the pro bono advisory board for the nonprofit Swords to Plowshares.

MIGUEL LOPEZ has been elevated to shareholder in the New York office of Littler Mendelson. His litigation practice focuses on high-stakes disputes concerning trade secret misappropriation, restrictive covenants, and other unfair competition claims.

DAVID SIMON LL.M. joined Northeastern University School of Law as an associate professor in 2023.

2012

BRANDON JOHNSON has joined Davis Wright Tremaine as a partner in Washington, D.C. His practice focuses on advising technology and telecommunications companies on transactional and regulatory matters, particularly in the areas of cloud communications, the Internet of Things, and emerging technologies.

ALEXANDER ROKAS LL.M. writes that he has been appointed assistant professor of commercial law at the Law School of the National and Kapodistrian University of Athens, the oldest law school in Greece, and that his most recent book, "The management of the group of companies as a right and duty of parent company" (in Greek), was published in 2022.

GRANT STROTHER has been promoted to counsel at Latham & Watkins in the San Francisco Bay Area. A member of the complex commercial litigation practice and the litigation and trial department, he represents clients in complex business litigation, licensing disputes, and insurance recovery matters.

2013

JILLIAN N. LONDON has been promoted to partner (litigation) at Gibson, Dunn & Crutcher in Los Angeles and represents media, entertainment, and technology clients.

CYNTHIA CHEN MCTERNAN, a partner at Gibson, Dunn & Crutcher since January, works in the firm's Los Angeles office and represents clients in high-exposure complex commercial actions, class actions, and mass actions, with a focus on consumer protection and employment matters.

SVITLANA STAROSVIT LL.M. S.J.D. '22 helped to organize the "Stand Tall for the Rule of Law" Summit that took place in Lviv, Ukraine, over three days in December 2023, marking the 75th anniversaries of the Universal Declaration of Human Rights and the Genocide Convention. It brought together 75 international law experts and 75 Ukrainian counterparts (including Starosvit, who was a discussant at one of the summit sessions) to commemorate the treaties and reaffirm commitment to fundamental principles of international law. "We tried to design the program to ensure

Got engaged inside the Haleakalā volcano in Maui

the discussion of urgent legal questions but also with an eye to long-term collaborative research projects," she writes. "I appreciate all the international lawyers who bravely joined us." Starosvit, who worked as a lawyer at Ukraine's Ministry of Justice and Ministry of Foreign Affairs earlier in her career, is an international law fellow with the American Society of International Law.

2014

DAVID DELMAR has joined The Watson Firm in Dallas, which provides legal services for master-planned, mixed-use, and resort communities, and he provides real estate services such as acquisition, sale, leasing, land use, and development. Previously, Delmar was a real estate attorney in the Dallas office of Polsinelli.

ZACHARY EDDINGTON has been promoted to counsel at Latham & Watkins in Washington, D.C. A member of the white-collar defense and investigations practice and the litigation and trial department, he advises clients in matters before the Committee on Foreign Investment in the United States and advises clients on CFIUS issues.

BENJAMIN HARMON has been named to the partnership at Lightfoot, Franklin & White in Birmingham, Alabama. He represents clients in matters including general commercial and environmental defense litigation, and his clients include leading companies in the financial services, consumer goods, health care, and telecommunications sectors. Harmon currently serves on the board of the Alabama Appleseed Center for Law & Justice and frequently takes on pro bono cases through that organization representing individuals appealing lengthy prison terms for low-level crimes due to Alabama's Three Strikes Law.

ALISON T. ROSENBLUM is now special counsel in the health law practice group at Duane Morris in Chicago. She advises owners, operators, and managers of senior housing communities on regulatory and licensing matters and the drafting of transaction documents in connection with multistate transactions. In addition, she advises a variety of health care providers on legal topics such as state and federal regulatory compliance matters, clinical research-related issues, and fraud and abuse.

RYAN C. STEWART has been promoted to partner in the labor and employment practice group of Gibson, Dunn & Crutcher in Washington, D.C. He represents clients in a wide range of employment matters, including those involving wage-hour and discrimination laws, whistleblower protection statutes, and noncompetition agreements.

2015

DAVID KIM has joined IP boutique Friedland Cianfrani in Irvine, California. "After years of working in Biglaw, I'm enjoying the collaborative atmosphere and helping to grow a new firm," he writes. The firm was co-founded by **MICHAEL FRIEDLAND '91** in 2023.

EMILY WHITCHER and **ANDREW BLYTHE**, who met in Section 4 at HLS, got engaged inside the Haleakalā volcano in Maui on Nov. 26, 2023. They both work as associates at Gibson, Dunn & Crutcher.

2016

Last year **JESSICA RANUCCI** won a Rising Star Award from the National Consumer Law Center, given to attorneys in practice for 15 years or fewer who have made major contributions to consumer law within the past two years by trying or settling a case of great success and significance. Ranucci is a supervising attorney in the New York Legal Assistance Group's Special Litigation Unit, which focuses on federal court class actions benefiting low-income consumers. In addition to successfully litigating cases related to student loans, predatory for-profit schools, and debt collection with multimillion-dollar judgments, she has served on three U.S. Department of Education negotiated rulemaking committees as a representative of consumer advocates and legal aid organizations representing student loan borrowers.

CHARLES REESE has become principal at Fish & Richardson, where he focuses his practice on patent and trade secret litigation. His cases cover matters from ultra-high-resolution X-ray microscopes to 5G cellular networks and pharmaceuticals.

2017

SAMUEL H. DATLOF has joined the labor law practice group of Willig, Williams & Davidson in Philadelphia as an associate. Previously, he advocated for immigrant workers as the lead employment attorney at Justice at Work Pennsylvania, representing clients in employment disputes, immigration services fraud matters, and a range of immigration applications.

2019

SAM GARCIA was named to 2024's Forbes 30 Under 30 list in the venture capital group. He is currently a partner at Amplo, a venture capital fund, where he leads the Seed/Series A practice. Garcia has sourced and led investments in 13 companies, including Lightyear, Aryeo (acquired by Zillow), Flume, ReMatter, and Focal Point. A member of seven boards of directors, he is also the vice president of SomosVC (formerly LatinxVC), an organization that aims to increase the representation and influence of Latinx investors in the industry. This spring semester he taught the course Applying Legal Skills to VC Business Diligence at HLS.

2020

ERIN FORMBY has joined Reynolds Frizzell in Houston as an associate. A trial attorney, she represents clients in a variety of industries in complex business litigation matters and disputes.

In the ’80s, Randolph M. McLaughlin and his colleagues devised a strategy that helped bankrupt the Ku Klux Klan. He continues to pursue creative approaches to civil litigation

Doing Well and Doing Good

BY RACHEL REED

In 1980, five Black women in Chattanooga, Tennessee, were wounded when local members of the Ku Klux Klan shot at them from a moving car as the women were waiting for a taxicab. Although the assailants were eventually arrested and charged with attempted murder, two of the men were acquitted by an all-white jury. A third attacker was convicted on lesser charges and sentenced to nine months in prison.

Randolph M. McLaughlin ’78, who worked at the Center for Constitutional Rights in New York City, heard about the case as protests against the verdicts erupted across the Southern city. As a relatively new attorney, McLaughlin with his colleagues agreed to represent the women — dubbed the Chattanooga Five — in a civil lawsuit against the Klansmen, in the hopes of achieving some measure of justice for the victims.

McLaughlin and his team decided to deploy a novel legal strategy they had devised based on a Reconstruction-era statute — a successful approach that would become a blueprint for others hoping to bankrupt and destroy the hate group.

This penchant for creative lawyering and for innovative civil rights work was not unusual for McLaughlin, who is now a professor at Pace University’s Elisabeth Haub School of Law and co-chair of the civil rights practice group at Newman Ferrara in New York.

In fact, it has defined his career.

Randolph McLaughlin and his team used a Reconstruction-era law to bring a civil suit against Klansmen.

LEGAL AMBITIONS

As far back as McLaughlin can remember — since middle school, at least, he says — he knew he wanted to be a lawyer. As a kid, he was a fan of television shows illustrating how integral lawyers were to society, how they could help people. Among his favorites was “Judd, for the Defense,” a legal drama about a defense attorney who accepted difficult cases dealing with controversial topics.

As a high school student in the late 1960s, McLaughlin again witnessed how the law could effect change, in an era when radical attorneys were leading the charge

against racism, discrimination, and segregation. "At this time, civil rights lawyers were all over the news," he says. "And chief among them, in my mind, was William Kunstler."

Kunstler, a civil rights and anti-war attorney who co-founded the Center for Constitutional Rights, had become known for his defense of the Chicago Seven — young activists indicted for protest activities during the 1968 Democratic National Convention.

McLaughlin was determined to work with Kunstler someday. As a student at Harvard Law School, he absorbed all he could about constitutional law, civil rights, and labor law. The course he took on race and racism in American law with Derrick Bell, the legendary civil rights attorney and the law school's first tenured Black professor, was especially eye-opening and motivating, he recalls.

"I'll never forget when Bell talked about how, in the school desegregation fight, the folks who sued knew that the change they wanted to see would not happen for them. They knew that they were sacrificial lambs, that their children were being sacrificed for the greater good," he says.

It was crushing to consider the Black children sent into schools in Little Rock, Arkansas, or Boston, or elsewhere in the country, who were harassed, beaten, and pelted with racial slurs, he says. "That really made me angry — to sacrifice children. They shouldn't have had to go through that. We should have sacrificed ourselves for them, not the other way around."

It was also at Harvard that McLaughlin had an opportunity to meet his legal idol: William Kunstler.

Kunstler had come to the law school to deliver a talk, one that McLaughlin says left him stunned: "He said something that really shocked me. He said, 'We drink racism in with our mother's milk.' He also said, 'I need Black lawyers to work alongside me, because you will understand these issues in a way maybe I can't.'"

Afterward, McLaughlin was among the last people in the room as he approached the stage. "Don't ask me how, because to this day, I don't remember how I got up there," he says. "There were all these Black Panthers, Native Americans, and other activists there — and then there was little old me."

He told Kunstler that he wanted to build a career like his. "And he responded by telling me to look him up when I got to New York — so I did." Kunstler gave McLaughlin his first job out of law school, at the Center for Constitutional Rights, where he taught him how to be an effective trial lawyer — and where McLaughlin encountered one of the first consequential cases of his career.

"We literally had to write this case out of whole cloth."

A PLAN TO DEFEAT THE KLAN

When the center took on the Chattanooga Five as clients, McLaughlin knew that the suit was not only an opportunity to achieve justice for the women, but also a chance to halt further terrorism against the city's Black residents.

Conceiving the strategy, he insists, was a group effort. But McLaughlin, who had studied history in college, had a personal interest in the post-Civil War and Reconstruction eras. "After the Civil War was over, some Southerners took off their grey uniforms and put on white robes," he says. "They were using guerrilla tactics to terrorize. And we're not just talking former soldiers: We're talking judges, jurors, cops, sheriffs — they were all Klansmen."

To empower the government to protect the civil rights of Black Americans, Congress passed the Ku Klux Klan Act of 1871, the third of three so-called Enforcement Acts, all aimed at guaranteeing the basic liberties enshrined in the 13th and 14th Amendments, including the freedom to vote and equal protection under the law. "It gives the victims of Klan violence the ability to sue their terrorists, where there is a conspiracy with two or more to interfere with civil rights," says McLaughlin.

Although the statute had been used before in criminal prosecutions of the Klan, McLaughlin and his team were the first to apply it in civil court. "We literally had to write this case out of whole cloth, because there was nothing for us to base it on," he says.

The idea worked, and McLaughlin and his colleagues won their landmark case, obtaining monetary damages and a moral victory for the Chattanooga Five. But just as important, the team won an injunction which permanently barred the Klansmen from further violence. "After this injunction was issued, there has not been, to my knowledge, one single incident of Klan violence in Chattanooga," he says.

After the case was over, McLaughlin wrote a book outlining for other attorneys his team's litigation strategy — an approach that was used recently against organizers of the 2017 "Unite the Right" rally in Charlottesville, Virginia. (His story is also the subject of a new short film, "How to Sue the Klan.")

"Essentially, this statute was used to bankrupt the Klan all across the country," says McLaughlin. "The Klan is no longer a real force to be reckoned with. We have other groups now, but the Ku Klux Klan is pretty much gone."

DEFINING A CAREER

That early triumph set the tone for McLaughlin's legal work. Since then, he has used civil litigation to

LORIN GRANGER

battle police misconduct, attacks on voting rights, illegal searches and seizures, labor law violations, and more. Beyond his work with the Chattanooga Five, he says he is particularly proud of two cases.

The first, against the town of Hempstead in New York, challenged the municipality's at-large system for Town Board elections, which McLaughlin argued disenfranchised Black and Latino voters and violated the Voting Rights Act. The courts eventually agreed, forcing the town to modify its system and setting an important precedent in the 2nd Circuit Court of Appeals. "We used that case for the next 20 years to file one suit after another against one municipality after another for similar transgressions," he says.

In another life-changing case, McLaughlin helped victims of childhood sexual abuse take advantage of a New York state law that allowed them to sue their alleged abusers even after the limitations period for such claims had passed. The lawsuit, filed against a former teacher, ended in a settlement — and an eventual federal indictment. "Sitting and listening to these young women describe what had happened to them, what they had gone through, was the most gut-wrenching thing I've ever been involved in," he says. "To get a settlement for these women, and to know that this man is going to prison for a very long time, was very satisfying."

Today, as an attorney, McLaughlin continues to pursue cases with an impact, something he also encourages his students to do as a professor of law. And like Judd, the TV lawyer, and William Kunstler, his old mentor, McLaughlin still refuses to shy away from difficult cases. "I want to show that with civil rights work, if you are careful about the cases you select, you can do good and do well at the same time," he says.

D.Y. Chandrachud came to Harvard Law from India to forge his own path. He found it close to home

The Son Also Rises

BY LEWIS I. RICE

Dhananjaya Y. Chandrachud LL.M. '83 S.J.D. '86 wanted to study at Harvard Law to broaden his knowledge of the law and its relationship to other disciplines such as history and political science. He also had a personal reason. His father, who was then chief justice of the Supreme Court of India, encouraged him to study abroad rather than practice law in India to avoid the possibility of gaining an unfair advantage because of his father's position. By the time Chandrachud returned to India after his graduate studies and a stint at a U.S. law firm, his father had retired.

"I came back to the profession in India at a time when I had to stand on my own feet and then succeed in the open marketplace for legal services," he said. "In that sense, it was harder than it could have been, but I think it was more satisfying as a result."

"Our constitution has a defining vision of a gender-equal society."

This may be especially true because Chandrachud has reached the pinnacle of the legal profession in his country: He has become, like his father, chief justice of the Supreme Court of India.

He has put his own stamp on the supreme court, with rulings that broaden women's and privacy rights as well as his support for initiatives to livestream cases to the public and translate judgments into multiple languages spoken in India.

His tenure "has been characterized by a tireless commitment to justice, innovation, and inclusivity," said Anurag Bhaskar LL.M. '19, who served as Chandrachud's law clerk and is now deputy registrar of the supreme court.

Though he followed in his father's footsteps, Chandrachud has called himself an "accidental lawyer." He had planned to pursue a career in economics and enrolled in the Delhi School of Economics. His classes there happened to start later in the semester than the law courses at Delhi University, so he attended some law classes while he waited. And he soon realized that the law was his calling.

That decision was reinforced at Harvard Law, which, he said, "completely reshape[d] my values, my approach to the law, thinking about the law." Last year, he returned to campus to accept Harvard Law School Center on the Legal Profession's Award for Global Leadership. As a student, he was exposed to "amazing teachers" such as Laurence Tribe '66 and Arthur von Mehren '45 in classes on constitutional law and conflict of laws, respectively. In addition, through writing his thesis on affirmative action policies, he had occasion to consider carefully this important and hotly contested issue, concluding that their use is compatible with a strong commitment to meritocracy.

He benefited from the experience of working in the United States at a time, he says, when there were few lawyers from India practicing in U.S. firms. But Chandrachud always knew he

would return to India, both to support his aging parents and to contribute to his home country. There he gained substantial courtroom experience as a solo practitioner and taught constitutional law before he was appointed a judge on the Bombay High Court in 2000, then chief justice of the Allahabad High Court in 2013. He was elevated to the supreme court in 2016 and is now the longest-serving judge in India.

India's Supreme Court seats more justices (34) and handles substantially more cases (about 52,000 last year, part of a large backlog of cases at all court levels in India) than its counterpart in the United States. Like the U.S. Supreme Court, it rules on many legal questions with major societal implications. That includes cases in which Chandrachud has supported the right of free speech for the media and protesters; women's access to military and religious institutions; and protection from sexual harassment. In another case, the court struck down as unconstitutional a law criminalizing adultery — a decision, he wrote in a concurring opinion, "to ensure that patriarchal social values and legal norms are not permitted to further obstruct the exercise of constitutional rights by the women of our country." In a minority opinion in another case, he asserted that same-sex couples should be allowed to form civil unions.

D.Y. Chandrachud has put his own stamp on the court, including with rulings that broaden women's rights and privacy rights.

"Our constitution has a defining vision of a gender-equal society," he said. "And gender is not just in binary terms but having a society which is equal for all gender affiliations and sexual orientations."

Chandrachud's perspective has been shaped through exposure to people of all backgrounds and by his wife, whom he calls "an amazing feminist." Justices must follow the constitution, he says, but also keep an open mind and learn from other people.

"It goes beyond just a theoretical understanding of the constitution into understanding the real lived experiences of human beings," Chandrachud said. "That's when you put yourself in their shoes and understand where they come from. If you don't do that, you're constantly only evaluating them, as opposed to putting yourself in their position and understanding law in life from their perspective."

In India, justices must retire upon reaching age 65, which for him will be the end of 2024. His goals for his remaining time on the court include reducing the case backlog and building a more diverse judiciary. In retirement, he hopes to teach and pursue hobbies like music. Most importantly, he wants to do what he has always tried to do: "give back to society and share all that I've received from being a citizen of our nation and hopefully make our society a little better place to live in."

RAJ K RAJ/HINDUSTAN TIMES VIA GETTY IMAGES

Kim Miner is using her experience with the Boston Red Sox to bring professional women's soccer to Boston

Charting a Path

Kim Miner is chief of staff and chief legal officer at Boston Unity Soccer Partners.

BY COLLEEN WALSH

Thinking back on the soccer days of her youth, **Kim Miner '15** remembers "mostly ending up on the ground." So, she switched to softball, she said, where "contact was limited."

It was a wise choice. Miner excelled at the sport, eventually becoming a varsity pitcher in college, but she never lost her interest in the beautiful game. Her sister played in goal, and Miner supported her from the sidelines. She also supported another group of young soccer players making their mark on and off the field.

"It was the Mia Hamm, Brandi Chastain generation," said Miner, recalling two standouts on the U.S. women's national team that won the World Cup in 1999. "I remember watching all of them be so strong and seeing fans of all different backgrounds get behind them and have such tremendous interest and appreciation for what they were doing. As a young person, seeing that and expecting that to be the norm was really impactful."

Today, Miner is helping new generations, young and old, embrace women's professional soccer. In November she became chief of staff and chief legal officer of the new Boston team in the National Women's Soccer League that is set to begin play in 2026. As part of her job, Miner will be responsible for making sure White Stadium in Boston's Franklin Park — the team's future home pitch — is ready for kickoff in two years. Fortunately, she knows exactly what it takes to get a professional sports venue up and running.

At Harvard Law, Miner balanced her studies with work for the Red Sox, gradually taking on special projects for its then-President and Chief Executive Officer Larry Lucchino. After graduation she joined WilmerHale's corporate practice for a year before teaming up again with Lucchino from 2016 to 2023, ultimately becoming executive vice president and general counsel for the Pawtucket Red Sox, the major league team's Triple-A affiliate based in Rhode Island. With Lucchino, the team's chairman and co-owner, Miner was instrumental in trying to secure a new ballpark for the club. When a financing deal languished at the Rhode Island Statehouse, the team began talks with other suitors, and chose to relocate to Worcester in 2021. Miner helped solicit feedback from residents and helped negotiate and oversee the development of a new downtown ballpark for the rebranded WooSox.

> Being a young female lawyer in a position of authority had its challenges.

She admits her time in baseball wasn't always easy, but it was invaluable.

"I had no peers to talk to at other teams at the minor-league level about creating a legal department from scratch, and being a young female lawyer in a position of great authority presented all kinds of challenges," she said. "It was getting people to understand the value I could add and developing systems and all the things that go into creating an effective legal department. It was difficult, but the experience developed my skills at an accelerated pace."

Miner also credits Harvard with helping prepare her for a career in professional sports. She studied with sports law expert and Harvard Lecturer on Law Peter Carfagna '79; cross-registered in Harvard Business School classes; and took part in Harvard Law's mediation and negotiation programs. She also enrolled in an advanced legal writing class her 3L year whose lessons still reso-

nate. "Being a general counsel, you're constantly creating different agreements, and you might be starting with a blank sheet of paper," said Miner. "I felt like that class prepared me really well for much of what I do now."

Miner used law school parlance to describe a typical day helping lead the new soccer franchise while wearing two different hats: "I'm issue spotting all over the place," she said, whether it's in a contract negotiation, a development deal, a permitting process, or a hiring decision. "There are opportunities throughout the day where I can call on my legal experience," she said, "but I'm also very much focused on the overall strategy and building out of the club."

For Miner, a key to the Boston team's success will involve developing strong connections with fans, and with the wider community. She considers the league's four-year media deal with CBS Sports, ESPN, Prime Video, and Scripps a major plus that will help solidify the team's fan base.

Equally important will be the transformation of White Stadium (built in 1945), with input from the community, into a state-of-the-art facility for professional women's soccer and local high school teams. While the plan to rehabilitate the venue has encountered opposition from some members of the public, Miner believes the restoration of the historic stadium will ultimately enhance the fan experience and benefit the local community by supporting Boston Public Schools' student-athletes, teams, and coaches, who rely on it for their sporting events.

"Developing natural connections in the community and making sure that you are reflecting their priorities is so critical," said Miner. "I am always keeping an eye on that, and it's present in everything we do."

P. 58 WORCESTER RED SOX. P. 59 GEORGE SIMIAN

Charles Fried: 1935–2024

Former U.S. solicitor general and longtime Harvard Law School professor

In a surprise tribute, dozens of Harvard Law faculty and former students crowded into a classroom on Nov. 28 to honor Charles Fried as he taught his last class after more than six decades at Harvard Law School. Dean John F. Manning '85, Morgan and Helen Chu Professor of Law, who is now interim university provost, thanked Fried for his intellectual leadership and influence on thousands of Harvard Law students.

Fried, visibly moved, expressed how much he enjoyed teaching and thanked his colleagues and then added: "As nice as this has been, I did prepare a lesson for today that I do intend on teaching."

Charles Fried, a consummate professor, renowned lawyer and legal philosopher, and beloved colleague, died on Jan. 23. He was 88.

"Those who knew him well will not soon forget Charles' unfailing kindness, generosity, brilliance, wisdom, warmth, and wit. Words cannot express how integral Charles has been to our Harvard Law School community, as a teacher, a scholar, an interlocutor, an institutional contributor, a mentor, and a dear friend to so many of us," said Manning. "Charles was a

Charles Fried, Beneficial Professor of Law, taught at Harvard Law School for more than six decades.

great lawyer, who brought the discipline of philosophy to bear on the hardest legal problems, while always keeping in view that law must do the important work of ordering our society and structuring the way we solve problems and make progress in a constitutional democracy."

Beneficial Professor of Law, Fried first joined the Harvard Law faculty as an assistant professor in 1961. Apart from his years of government service, his intellectual home and life were at Harvard Law School.

Retired Supreme Court Justice Stephen Breyer '64, currently Byrne Professor of Administrative Law and Process at Harvard, was a student in the first class Fried taught at the law school and described him as a scholar who loved ideas. "He was ebullient. He had a good sense of humor. From the time I was a student in his first class here (Criminal Law, 1961) until today, I was fully aware that he loved teaching, and helping, both his colleagues and his students. ... The Harvard Law School will much regret the loss of one of its 'pillars.'"

Cass Sunstein '78, Robert Walmsley University Professor at Harvard, said: "Charles was a brilliant scholar, of course, and like the best athletes, he made everyone around him better. He was also the kindest and gentlest soul — and he made everyone around him kinder and gentler, too. Let's remember that, and also his sense of mischief and delight, which makes me smile on a day of grief."

Fried's wide-ranging scholarly and teaching interests drew on connections between normative theory and the concrete institutions of public and private law.

He became nationally prominent when President Ronald Reagan nominated him as the 38th U.S. solicitor general. Fried served as solicitor general from 1985 to 1989 and represented the Reagan administration in 25 cases before the Supreme Court. In 1995, then-Massachusetts Gov. William Weld '70, a former student of Fried's who had served with him in the Reagan administration, nominated him as associate justice on the Supreme Judicial Court of Massachusetts, where he served until 1999.

Fried at Harvard Law School in 1978

JOHN CHAPIN

His staple courses in recent years were First Amendment and Contracts, but over the past six decades he also taught Commercial Law, Constitutional Law, Criminal Law, Federal Courts, Labor Law, Roman Law, Torts, and Appellate and Supreme Court Advocacy. With the aim of making contracts law accessible to a broader audience, in 2015 he built a successful online course called ContractsX.

During his time as a teacher, Fried argued several major cases in state and federal courts, most notably *Daubert v. Merrell Dow Pharmaceuticals, Inc.,* in which the U.S. Supreme Court established the standards for the use of expert and scientific evidence in federal courts.

A prolific author, he wrote books including "An Anatomy of Values" (1970), "Right and Wrong" (1978), "Contract as Promise" (1981), "Order & Law: Arguing the Reagan Revolution" (1991), "Making Tort Law" (with David Rosenberg) (2003), "Saying What the Law Is: The Constitution in the Supreme Court" (2004), "Modern Liberty" (2007), and "Because It Is Wrong: Torture, Privacy and Presidential Power in the Age of Terror" (with his son, Gregory Fried) (2010). At the time of his death, Fried was working on a book titled "Why I Changed My Mind," which explored why and how Mikhail Gorbachev and James Madison, among others, had had changes of heart on important questions.

Born Karel Fried in Prague on April 15, 1935, he fled Czechoslovakia with his family, who were Jewish, in 1939, in advance of the Nazi invasion. Joseph Stalin's rise to power in Russia and the fall of the Iron Curtain made it impossible for them to return. The family moved to New York in 1941, and Fried became a U.S. citizen in 1948, at the age of 13. In a 1990 Harvard Law Bulletin interview, Fried said that when the Communist government in Prague fell in 1989, he made up his mind "to do whatever I could to help Czechoslovakia's 'velvet revolution' fulfill its promise to its people of liberty, dignity, and prosperity." He was among several European and American lawyers who advised the Czech government on its new constitution.

Fried earned a B.A. in comparative literature and philosophy from Princeton University; bachelor's and master's degrees in law from Oxford University; and a J.D. from Columbia Law School. He clerked for Supreme Court Justice John Marshall Harlan II before joining the Harvard Law School faculty.

He is survived by his wife Anne (Summerscale) Fried, his son Gregory, his daughter Antonia, and his grandchildren.

1940–1949

CHARLES T. MUNGER '48
Nov. 28, 2023

GEORGE M. "TIM" COBURN '49
Feb. 10, 2024

ROBERT D. HOLMES '49
Dec. 30, 2023

1950–1959

HOMER H. HEWITT III '50
Jan. 15, 2024

MELVIN A. DOW '51
Oct. 18, 2023

ROBERT EHRENBARD '51
Oct. 1, 2023

BERNARD NEMTZOW '51
Sept. 4, 2023

HOWARD E. SMITH JR. '51
Sept. 10, 2023

BURTON CAINE '52
Dec. 7, 2023

SIDNEY KESS '52
Sept. 1, 2023

RONALD P. KLEIN '52
April 3, 2023

PARKER G. MONTGOMERY '52
Oct. 18, 2023

ROBERT OPPENHEIMER '52
Oct. 19, 2023

PETER T. RADO '52 LL.M. '53
Dec. 4, 2023

GERALD RUBIN '52
Jan. 31, 2022

DANIEL L. SKOLER '52
Nov. 19, 2023

RICHARD COLASURD '53
Nov. 16, 2023

HAROLD N. GODLIN '53
Jan. 10, 2024

HERBERT C. KLEIN '53
Nov. 24, 2023

ALAN LINDSAY '53
Feb. 14, 2024

RAYMOND H. SUTTLE '53
June 24, 2023

JOHN LEMOYNE ELLICOTT '54
Jan. 15, 2024

JAMES C. HEIGHAM '54
Nov. 3, 2023

HENRY M. KAUFMANN '54
March 22, 2023

DAVID P. LIGHTHILL '54
Dec. 18, 2022

HIRAM M. NOWLAN JR. '54
Nov. 14, 2023

PETER H. SCHIFF '54
Nov. 1, 2023

DOUGLAS G. CORDERMAN '55
Oct. 30, 2023

ROBERT S. CUMMINGS '55
Aug. 4, 2023

RICHARD J. CUTLER '55
Feb. 15, 2022

RICHARD D. KAHN '55
Nov. 17, 2023

JOHN KAUFFMANN '55
Oct. 27, 2023

EDWARD E. "TED" PHILLIPS '55
Jan. 18, 2024

ALBERT I. BOROWITZ '56
Jan. 28, 2023

ALBERT B. ELLENTUCK '56
May 1, 2023

HAROLD PILSKALN JR. '56
Jan. 31, 2024

DAVID L. ROSE '56
Sept. 21, 2023

RICHARD SESERMAN '56
Dec. 29, 2023

ARTHUR J. STONE, Q.C. LL.M. '56
Nov. 13, 2023

RICHARD B. TREANOR '56
Jan. 20, 2022

STANLEY J. ARONOFF '57
Jan. 31, 2024

DAVID BUTLER '57
Aug. 13, 2023

ROY E. GAINSBURG '57
Dec. 9, 2023

FRANK N. GALLAGHER '57
Dec. 4, 2023

NORMAN HYMAN '57
Jan. 18, 2022

OSCAR H. SCHACHTER '57
June 5, 2023

PAUL F. SCHLAIKJER '57
Jan. 5, 2024

HENRY L. SCHWEICH '57
Dec. 4, 2023

BURT J. ABRAMS '58
June 18, 2022

JEAN G. CASTEL S.J.D. '58
Dec. 30, 2023

RICHARD A. DEBS '58
Jan. 28, 2024

JORDAN A. FIFIELD '58
Feb. 4, 2024

STANLEY C. HATCH '58
Sept. 27, 2023

ANN HOLLAND '58
Aug. 29, 2020

ELLIOTT MANNING '58
Sept. 10, 2023

ROBERT W. MARRION '58
Dec. 9, 2023

PAUL MERLIN '58
Sept. 4, 2023

A.K.H. MORSHED LL.M. '58
Nov. 23, 2023

JAMES C. PARAS '58
Oct. 15, 2023

IRA RABKIN '58
Nov. 23, 2023

LENARD S. ZIPPERIAN LL.M. '58
May 28, 2022

DONALD N. BILLINGS '59
May 12, 2023

DAVID C. DAVIES '59
Nov. 12, 2023

CHARLES B. HOCHMAN '59
June 10, 2023

FREDERICK M. JOSEPH '59
Jan. 27, 2024

ROBERT H. KUBAL '59
Feb. 2, 2024

JOHN B. WINSTON '59
June 1, 2023

1960–1969

WILLIAM J. GRINKER '60
July 1, 2023

NORMAN H. KRAUSE '60
May 12, 2023

PATRICK D. MCANANY '60
Feb. 7, 2024

DAVID A. RAKOV '60
Oct. 1, 2023

STEPHEN B. RUBIN '60
Nov. 26, 2023

S. ROBERT JELLEY '61
Jan. 3, 2024

WALDRON KRAEMER '61
Oct. 6, 2023

PAUL D. LUNDE '61
Jan. 24, 2023

ANDREW L. NICHOLS '61
Oct. 20, 2023

CHARLES E. PENNOYER '61
Nov. 27, 2023

SHELDON R. SHAPIRO '61
Oct. 25, 2023

HAROLD P. STARR '61
Aug. 23, 2023

JOHN VANDERSTAR '61
Dec. 6, 2023

SIDNEY J. BERNSTEIN '62
Dec. 5, 2023

FRANCIS H. FOX '62
Sept. 6, 2023

PAUL M. HITTELMAN '62
Nov. 10, 2023

DAVID M. SALTIEL '62
Sept. 4, 2023

DAVID L. WEST '62
Aug. 10, 2023

RICHARD A. ABELES '63
Nov. 15, 2023

EDWIN H. AMIDON JR. '63
Dec. 26, 2023

RUSSELL W. BOGDA '63
Oct. 11, 2023

WELD S. HENSHAW '63
Oct. 4, 2023

ALLEN S. JOSLYN '63
Nov. 24, 2023

MICHAEL A. LEVIN '63
Nov. 13, 2023

GEORGE A. PELLETIER JR. LL.M. '63
May 13, 2021

DAVID L. "SWEDE" PETERSON '63
May 12, 2022

PETER A. SEARS '63
Oct. 30, 2023

JOHN A. WALLACE '63
Nov. 15, 2023

JOHN S. BLISS '64
Feb. 1, 2023

ALBERT K. BUTZEL '64
Jan. 26, 2024

THOMAS J. CORRADINO '64
Sept. 9, 2023

MARTIN R. GANZGLASS '64
Sept. 29, 2023

DANIEL P. LEVITT '64
Nov. 7, 2023

SPENCER NETH '64 LL.M. '66
Nov. 10, 2023

KEVIN P. PHILLIPS '64
Oct. 9, 2023

EDWARD F. ROVER '64
July 18, 2023

LAWRENCE JAY WEINER '64
Dec. 21, 2023

ROBERT S. BENNETT LL.M. '65
Sept. 10, 2023

PHILIPP L. BROCKINGTON '65
Nov. 5, 2023

L. RUSSELL CARTWRIGHT '65
Oct. 8, 2023

WALLACE H. GLENDENING '65
July 31, 2023

LAWRENCE M. HERRMANN '65
Dec. 13, 2023

WALTER V. MCLAUGHLIN JR. '65
Aug. 24, 2023

JAMES L. ROBERTSON '65
Dec. 10, 2023

EDWARD M. STADUM '65
Jan. 3, 2023

KIT TAPERS WALLINGFORD '65
Nov. 27, 2023

DUANE F. WURZER '65
April 21, 2023

DON W. CROCKETT '66
Sept. 26, 2023

BLAKE T. FRANKLIN '66
Jan. 2, 2024

RIDGWAY M. HALL JR. '66
Oct. 20, 2023

DALE G. HIGER '66
Dec. 19, 2023

ROBERT J. SMOLENSKI '66
April 15, 2023

RICHARD B. STEWART '66
Nov. 3, 2023

DANIEL S. EBENSTEIN '67
Sept. 25, 2023

RICHARD L. HUBBARD '67
Dec. 3, 2023

STANLEY SLOSS '67
Aug. 1, 2023

HANS-PETER GASSER LL.M. '68
Dec. 4, 2023

DAVID GERNANT '68
Jan. 7, 2024

HYMAN J. LEE JR. '68
Dec. 9, 2023

HENRY J. "JARY" WALLACE JR. '68
Dec. 11, 2023

STEPHEN A. COWAN '69
Dec. 26, 2023

ROBERT D. CRANGLE SR. '69
Dec. 13, 2023

MICHAEL H. LEVIN '69
Jan. 2, 2024

PERCIVAL D. PARK '69
Dec. 2, 2023

1970–1979

THOMAS CURTISS JR. '70
Dec. 23, 2023

SANFORD W. HARVEY JR. '70
Dec. 20, 2023

PHENG T. TAN LL.M. '70 S.J.D. '72
Nov. 16, 2023

HARRY L. WITTE '70
Jan. 5, 2024

JAMES S. BRYAN '71
Feb. 11, 2024

RICHARD L. FARREN '71
Dec. 3, 2023

ALFRED KIM GUGGENHEIM '71
Aug. 23, 2023

LAUREN S. KAHN '71
December 2023

RICHARD G. LYON '71
Dec. 22, 2023

JAMES S. DITTMAR '72
Jan. 3, 2024

STANFORD A. HINES '72
Aug. 8, 2022

DAVID S. ATLAS LL.M. '73
April 28, 2022

BRUCE P. BARTEN '73
Sept. 23, 2023

ROY B. CAZARES '73
Jan. 9, 2024

DON R. HANMER '73
Nov. 6, 2023

STEVEN C. HESS '73
Feb. 1, 2024

H. GLENN SCAMMEL '73
Oct. 29, 2022

E. JOSEPH HAMMOND '74
Sept. 26, 2023

DAVID C. HOLLRAH '74
Oct. 20, 2023

LANCE R. RODGERS '74
Nov. 30, 2023

MARSHALL S. SHAPO S.J.D. '74
Nov. 17, 2023

JOEL D. EATON '75
Jan. 3, 2024

MARC S. COOPER '76
Oct. 26, 2023

WAYNE F. FOSTER '76
Sept. 11, 2023

KENNETH R. KREILING LL.M. '76
Feb. 2, 2024

BURTON E. ROSENTHAL '77
Dec. 11, 2023

STEVAN A. SANDBERG '77
Oct. 30, 2023

JERRY L. LOVEJOY '78
Nov. 15, 2023

RONALD M. SOIEFER '78
Nov. 2, 2023

SATURNINO E. LUCIO '79
Dec. 4, 2023

1980–1989

RICHARD B. BERNSTEIN '80
June 26, 2023

NATALIE RUMER LL.M. '81
April 17, 2022

KENT E. SUTHERLAND '82
Jan. 16, 2024

DANIEL G. CEDARBAUM '83
July 2, 2021

STEPHEN PRESSER '84
March 26, 2023

RAJEEV M. TALWANI '85
Nov. 29, 2023

FRANCES L. ANSLEY LL.M. '88
Jan. 15, 2024

1990–1999

KIM C. CLARK '95
Jan. 5, 2024

PAMELA D. MEEKINS '97
Dec. 24, 2023

2000–2009

ANJAN CHOUDHURY '04
April 3, 2022

JORDAN BARRETT ELLIS '06
Dec. 10, 2023

JASON D. GILLUM '07
Aug. 15, 2023

2010–2019

JAMES G. MOXNESS II '13
Sept. 16, 2023

CHRISTOPHER DANELLO '17
Sept. 26, 2023

2020–2024

MITCH EAST LL.M. '22
March 17, 2024

ONLINE

Visit the In Memoriam section at bit.ly/inmemspring2024 for links to available obituaries.

David Herwitz: 1925–2024

Scholar of tax and business law

David R. Herwitz '49, Royall Professor of Law *Emeritus*, died April 8, 2024. He was 98. A scholar of tax and business law, Herwitz, who taught on the Harvard Law faculty for more than 50 years, is remembered as a beloved teacher, colleague, and mentor.

"He taught oversubscribed business-related courses, using humor and anecdotes to make them accessible while emphasizing the ethical dimensions of legal practice," said John C.P. Goldberg, interim dean and Carter Professor of General Jurisprudence at Harvard Law School. "Long before law schools embraced problem-based pedagogy, generations of students and lawyers learned from his classes how to exercise thoughtful judgment and help clients achieve their goals."

"David Herwitz was my teacher, my colleague, and my friend," said John Manning '85, Harvard's interim provost and Morgan and Helen Chu Dean and Professor of Law. "I first got to know him when he taught me accounting in a lively, fun, and engaging way that I still remember vividly 40 years later. He was also one of the sweetest, most generous colleagues you could ever hope to know, and he loved Harvard Law School. We will really miss him."

Elizabeth Bartholet '65, Morris Wasserstein Public Interest Professor of Law *Emerita*, who also took accounting with Herwitz, said, "I knew him then and forever after as one of the most caring and warm people I have known during my HLS career."

David Herwitz taught at Harvard Law School for more than 50 years.

"He knew not only how to integrate the technical details of tax law, accounting, and corporate and securities laws but also how to be guided by integrity and wisdom," said Martha Minow, 300th Anniversary University Professor. "He also was personally kind and devoted to mentoring each new generation."

"The influence of a great teacher like Dave Herwitz brings him nearer to immortality than most of us get," wrote Ted J. Fiflis '57 in

a 2006 article in the Harvard Law Bulletin on the occasion of Herwitz's retirement. Fiflis, who taught accounting as well as corporate and securities law at the University of Colorado Law School, credits Herwitz with having opened his "mind wide to the vast excitement and significance of this seemingly prosaic language of business."

Another alumnus of Herwitz's accounting class, Laurence Tribe '66, Carl M. Loeb University Professor *Emeritus*, offered similar sentiments: "I can't say I came to love the subject, but I came to love the professor. He kept in close contact with me, was a helpful and warm guide throughout my academic career, and, after his retirement, made sure that he and his marvelous wife, Carla, paid close attention to me and my partner, Elizabeth. To say I'll miss his wisdom and charm would be an understatement."

David Wilkins '80, Lester Kissel Professor of Law, recalls the first time he spoke to Herwitz. Wilkins was in his office the summer before he taught his first class, feeling nervous about the prospect, when there was a knock on the door. "It was Davey Herwitz inviting me and my wife to dinner at his house in Swampscott," he recalled. It was only after they arrived that it sunk in that the sole purpose of the evening was for Herwitz and Carla (also a lawyer and Harvard Law School graduate), to welcome them to the community, said Wilkins. "Davey and Carla had made something of a tradition of hosting such dinners for new faculty when the law school was a smaller and more homogenous place."

"That was Davey," Wilkins said. "A man steeped in tradition with so great a command of the King's English that even the least attentive faculty colleague stopped and listened when he spoke in faculty meetings for the pure joy of hearing his exquisite — and exquisitely Boston-accented — erudition. And yet a man who knew that the best way to preserve the traditions he loved in the school and profession to which he dedicated his life was to welcome the very newcomers who would inevitably bring change."

Herwitz began his undergraduate studies at the University of Wisconsin before transferring to MIT and receiving an S.B. in 1946. As a student at Harvard Law School, he served on the Board of Student Advisers and the Harvard Law Review. After graduating in 1949, he worked briefly on the U.S. Tax Court before entering private practice at the firm Mintz, Levin.

Herwitz was a lecturer at the Northeastern University School of Law before he joined the Harvard Law faculty as an assistant professor in 1954. He was named a professor at Harvard Law three years later, becoming Austin Wakeman Scott Professor of Law in 1980 and then Royall Professor of Law in 2003, before retiring in 2006.

For three years, beginning in 1961, he was a consultant to the U.S. Treasury Department working with tax expert Stanley Surrey, then assistant secretary of the Treasury. Herwitz also played an important role in developing the law school's offerings in international taxation, including being involved in the International Tax Program, which trained tax officials from around the world. And starting in 1984, he served for many years as director of the school's Program of Instruction for Lawyers, which brought attorneys from across the country and eventually around the globe to the school for sessions focusing on new developments in a range of fields and in the legal profession.

In 1978, Herwitz co-wrote "Accounting for Lawyers," which focused on accounting issues that frequently arise in the practice of law. The sixth edition of the book was published only two years ago, when he was still a co-author. He also wrote "Business Planning: Materials on the Planning of Corporate Transactions."

Herwitz is survived by his wife, Carla Barron Herwitz '55; a son, Andrew; and three grandchildren.

Herwitz (left), talking with students.

P. 62 BRADFORD HERZOG; P. 63 MYRON BELDOCK/HARVARD LAW SCHOOL HISTORICAL & SPECIAL COLLECTIONS

Austin and Langdell — a look at two of the law school's iconic buildings

Then & Now

BY LINDA GRANT

"I like the squeaking floors, the groaning of floorboards underfoot. They conspire to suggest the passage of many feet before. Austin with its vast lecture rooms, its rabbit warrens above, and odd-shaped burrows below, is always reminding one that to be a Harvard Law student is not a new thing."
—Sabin Willett '83, from "Austin Hall After a Century," Harvard Law School Library, 1983

Hitting the books in Austin Hall's Reading Room, the location of the school's library for almost 50 years, now the site of the Ames Courtroom

AUSTIN HALL

BY THE LATE 1870S, Harvard Law School had outgrown Dane Hall, its home in Harvard Yard since 1832. Christopher Columbus Langdell LL.B. 1853, the school's first dean, commissioned architect Henry Hobson Richardson to create a new building that featured large amphitheater-style classrooms designed for teaching using the case method, a pedagogy that Langdell originated.

Completed in 1883, Austin Hall was the first building constructed on the law school campus, and today it is one of the oldest buildings in continuous use for law teaching in the United States.

The floral design on the building's exterior inspired the design of Harvard Law School's current shield.

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LANGDELL HALL

TWO DECADES after the opening of Austin Hall, Harvard Law School Dean James Barr Ames LL.B. 1872 commissioned a new building to accommodate the law school's growing population and library.

Langdell Hall, which opened in 1907, was designed with Ionic columns reminiscent of the school's earlier home in Dane Hall. The building was named after Christopher Columbus Langdell, dean of Harvard Law School from 1870 to 1895.

Langdell's Caspersen Room displays rare books, manuscripts, and memorabilia documenting the history of the law.

Today, the library's collection features over 170 languages and contains over 2 million items (physical and digital), including more than 100,000 rare books and the primary law from 240 jurisdictions across the globe, making it the most extensive academic law library in the world.

(TOP) In 1918, 11 years after Langdell opened, students heading into the library might have caught a glimpse of members of the U.S. Naval Radio School taking part in a drill on Holmes Field.

(ABOVE) For many decades, a single-person elevator in the center of the Reading Room on Langdell's fourth floor connected the circulation desk with book stacks in the basement. The top of the former elevator now serves as a table close to its original location.

(LEFT) In 1928 and 1929, the north and west wings were added, more than doubling the building's space.

To view the Then & Now Harvard Law School campus series, go to: bit.ly/Thenandnow-hls-campus

Harvard Law Bulletin

Harvard Law School
1563 Massachusetts Ave.
Cambridge, MA 02138

With spring in the air, can summer be far behind?
Celebrating the last day of classes

Photograph by Martha Stewart