

Summer
2022

Harvard Law

bulletin

The

116th

Justice

of the

Supreme Court

Ketanji Brown Jackson '96



**Power
to the
People**

20

*With Beyond Legal Aid, Lam Ho '08
establishes a new model for a
public interest law organization*

**'One Generation ... from
Segregation to
the Supreme Court'**

24

*Ketanji Brown Jackson '96
becomes the first Black woman
to serve on the Court*

**Practicing Law in
the Wake of
a Pandemic**

30

*'Everyone is struggling to
understand what this new world is
going to look like'*

Lam Ho launched
what would become
Beyond Legal Aid
with a seed grant
from the HLS Public
Service Venture Fund.



NOLIS ANDERSON

2

LETTERS

*A novelist remembers
an explorer*

3

LIGHTBOX

The art of social media

4

INSIDE HLS

*Vote of confidence;
The value of debate;
State of the union?;
Reckoning with history*

14

WRIT LARGE: FACULTY BOOKS

*A blast from the past;
The civil rights queen
and her court;
Faculty books in brief*

38

HLS AUTHORS

*Recent alumni titles, from
'American Shtetl' to
'South to America'*

40

CLASS NOTES

*'A good time to serve
one's country'; At the top of
his game; Making herstory;
An ounce of prevention*

50

IN MEMORIAM

52

GALLERY

Commencement x 3



JESSICA SCRANTON

Professor Guy-Uriel Charles'
Election Law course examines
doctrine and considers "the way
things ought to be." Page 4



Photo by Kent Nishimura/Los Angeles Times via Getty Images

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**REMEMBERING LLOYD WEINREB:
1936–2021**

In 1968 I was a second-year law student and my wife was in her final year at Radcliffe. It was the middle of a very cold winter and a raging snowstorm. It was the night we had invited one of my Harvard Law professors, Lloyd Weinreb, to dinner.

I did not know any other students who had ever invited one of their HLS professors to dinner. But wasn't it time to try something new? The whole university was a boiling mess, the beginning of radical change, long overdue.

Now, looking out the window, I saw the traffic had stopped on Mount Auburn Street. White blankets of snow were waving in the street lights.

"There is no way Professor Weinreb is coming to dinner tonight," my wife said. And just like that, the telephone rang. "See?" she added.

"I just wanted to check if dinner was still on," Professor Weinreb said.

"Yes, but I don't think you can make it," I said. "Nothing is moving."



WRITE to the Harvard Law Bulletin: bulletin@law.harvard.edu; 1563 Massachusetts Ave., Cambridge, MA 02138. Letters may be edited for length and clarity.

"But dinner is still on?"

"Sure," I said.

Twenty minutes later, I saw two figures trudging up Mount Auburn in the snow, the streetlights flickering. They were the only living things in sight, the two of them like explorers right in the middle of the street.

You are going to remember a professor who braves the biggest snowstorm in a decade to come to dinner with a student he barely knows. Professor Weinreb was an explorer.

JOHN JAY OSBORN JR. '70
San Francisco

'ENVY DOES NOT BEGIN TO DESCRIBE MY FEELINGS'

The most recent issue (Winter 2022) brought joy and redemption to this 1964 graduate. As a mere foot soldier in the trenches of the law all these years (now retired), I previously could only marvel at the accomplishments of my former classmates as the Bulletin trumpeted their achievements as,

among other things, captains of industry, leaders of government, civil rights icons, and travelers to space on the last space shuttle (well, almost). Envy does not begin to describe my feelings.

To my disbelief, however, the Winter 2022 issue warmed the mundane cockles of my heart, as it contained no mention of anyone in the Class of 1964. Is it possible that this elite group contained no one with any recent accomplishments worth noting? Were they just living normal lives for a period of time and just getting along in life? My jealous heart runneth over.

ERNEST S. GOULD '64
Los Angeles

TIMES V. SULLIVAN PROVIDES ESSENTIAL PROTECTION

Robert Kantowitz makes some provocative comments about First Amendment rights in his letter (Letters, Winter 2022 issue) on the Pentagon Papers article (from Summer 2021 issue). But his analysis veers off course when he conflates the rights of freedom of speech and freedom of the press, as if the latter was merely a subset of the former. Just as the "Religion" portion of the First Amendment incorporates two related but separate clauses, so does the "Speech" section. Freedom of speech and freedom of the press are not identical, and to a great extent not overlapping. But Mr. Kantowitz does not feel the press "deserves special solicitude."

The authors of the Bill of Rights believed that freedom of the press was critically important to the success of our republican government. For that reason, freedom of the press was singled out for inclusion among the specific enumerated rights of the First Amendment, the only private industry included, and indeed the only private industry mentioned in the entire Constitution. But ascribing → PAGE 19

Gallery

The Pentagon Papers Case Today
Does the First Amendment still protect the press when it lawfully receives classified information unlawfully obtained?

By Lincoln Caplan '76

The First Amendment shields the press, Justice Hugo L. Black wrote 59 years ago in a concurring opinion in the Pentagon Papers case, as the press can "have the secrets of government and inform the people." In that historic ruling, the Supreme Court got an end to a temporary injunction against publication of the Defense Department's secret history of the American involvement in the Vietnam War.

The Court allowed The New York Times, The Washington Post, and other newspapers to carry on publishing excerpts from the papers' 70,000 pages, revealing how the government used secrecy to deceive the American people about the extent of its military role in the war. The advocates for the Times and for the government were eminent members of the Harvard Law School community: alumnae Alexander M. Bickel, J.D., '54, a Yale Law School professor and former General Edwin N. Griswold, J.D., '38 & J.D., '39, who won HLS degrees from 1946 to '51 and he joined the Justice Department. The ruling legitimized the media's status as what Justice Brandeis 1. Keller called "the people's public square."

The ruling rests on the principle that free speech, embodied in a free press, is an essential element of American democracy. Except when publication would do grave and irreparable harm to the nation, the risk of damaging democracy by publishing information is preferable to the risk of withholding it by allowing the government to decide what citizens know. When agreement for itself compels the government for the people, the interests of power displace the rule of law: democracy takes over democracy.

The government based its case against the newspapers on the Espionage Act of 1917. That did not amount to a curial spring by punishing disclosure to foreign enemies of secrets about national security. In 1965, two years after the Pentagon Papers decision, the Columbia Law Review published an influential

analysis of the Espionage Act, explaining the law's "fundamental problem" is it is "in many respects incompatible" in a concurring opinion in the case, Justice Brandeis. While he had read something into the law, suggesting that it might be a crime for a newspaper to publish information classified as secret — and suggesting that the paper could be punished for doing so. The justices called White's opinion "the most astounding admission" — "a knowledge pointed at newspapers and reporters who publish foreign policy and defense secrets."

That got me also pointed at London. The Justice Department charged Daniel Ellsberg with espionage and theft for leaking the Pentagon Papers to the Times. At his trial in Los Angeles, Ellsberg was represented by Leonard Boudin, a renowned constitutional lawyer who was a visiting lecturer at HLS, and Charles H. Townes, '61, then a junior professor at HLS, now in his 50th year teaching at the school. Their first meeting had been conducted and sentenced to prison if another secret had not become public — the burglary of the office of Ellsberg's psychiatrist in search of evidence against him at the behest of President Richard M. Nixon. Those "interviews" as the judge called the incident, led to the end of Ellsberg's case and helped propel the end of Nixon's presidency. But it did not restrict the government's authority to prosecute future whistleblowers.

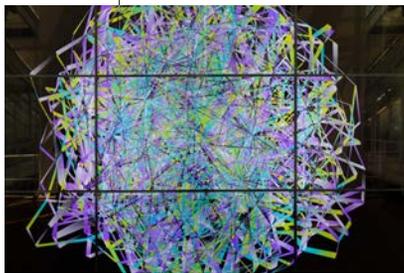
In 1976, a federal trial court applied White's logic from the Pentagon Papers case and convicted James Earl Ray, a government analyst, for espionage and theft for providing John DeLoach, closely with photographs taken by a CIA spy satellite of the Soviet's first nuclear powered aircraft carrier. Ray's lawyer portrayed him as a whistleblower, who let the Western world know about the Soviet carrier. The lawyer contended that the issue of publication outweighed the harm, since the Soviet already knew



‘Living by Protocol’

An exhibition on the many ways social media influences and structures our lives, for good or ill, was on display at the Harvard Art Museums this spring. Organized by metaLAB (at) Harvard & FU Berlin — a project of the Berkman Klein Center for Internet & Society at Harvard Law School and the Freie Universität Berlin — it was curated by metaLAB principals Kim Albrecht and Sarah Newman and supported by the David Bohnett Foundation.

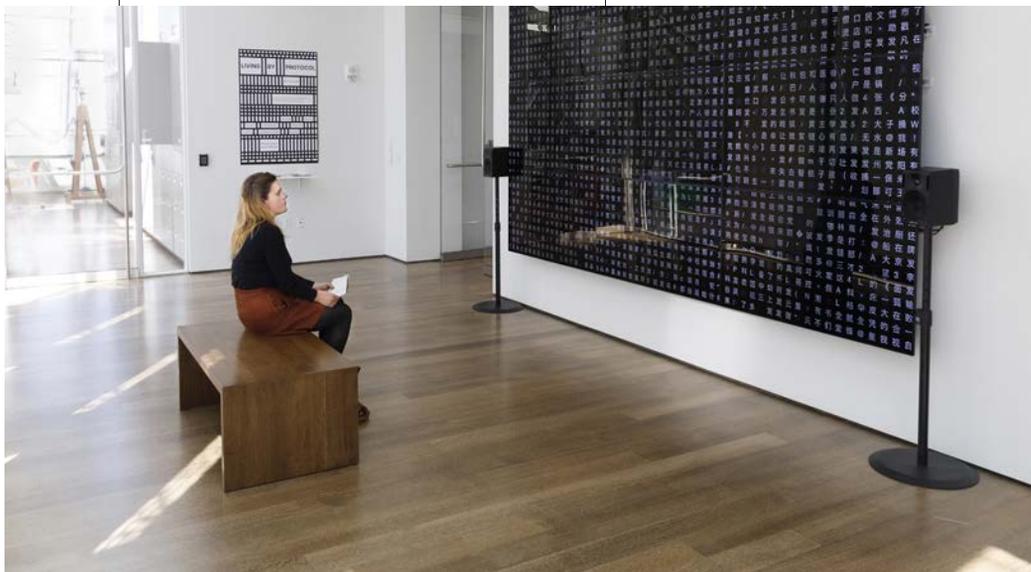
Mirabelle Jones’ “Artificial Intimacy” presents LGBTQAI and BIPOC people conversing with a chatbot version of themselves based on their social media profiles. It questions the values embedded in voice assistant programs and the depth of personal information collected in a user’s social media profile.



Kim Albrecht, “Post_Networks” (above). “What I am visualizing is not the network itself but the past traces of the algorithm,” says Albrecht. “You see colors that are overlapping, emerging, and filling the space, but you never see the actual network. Only where it has been.”



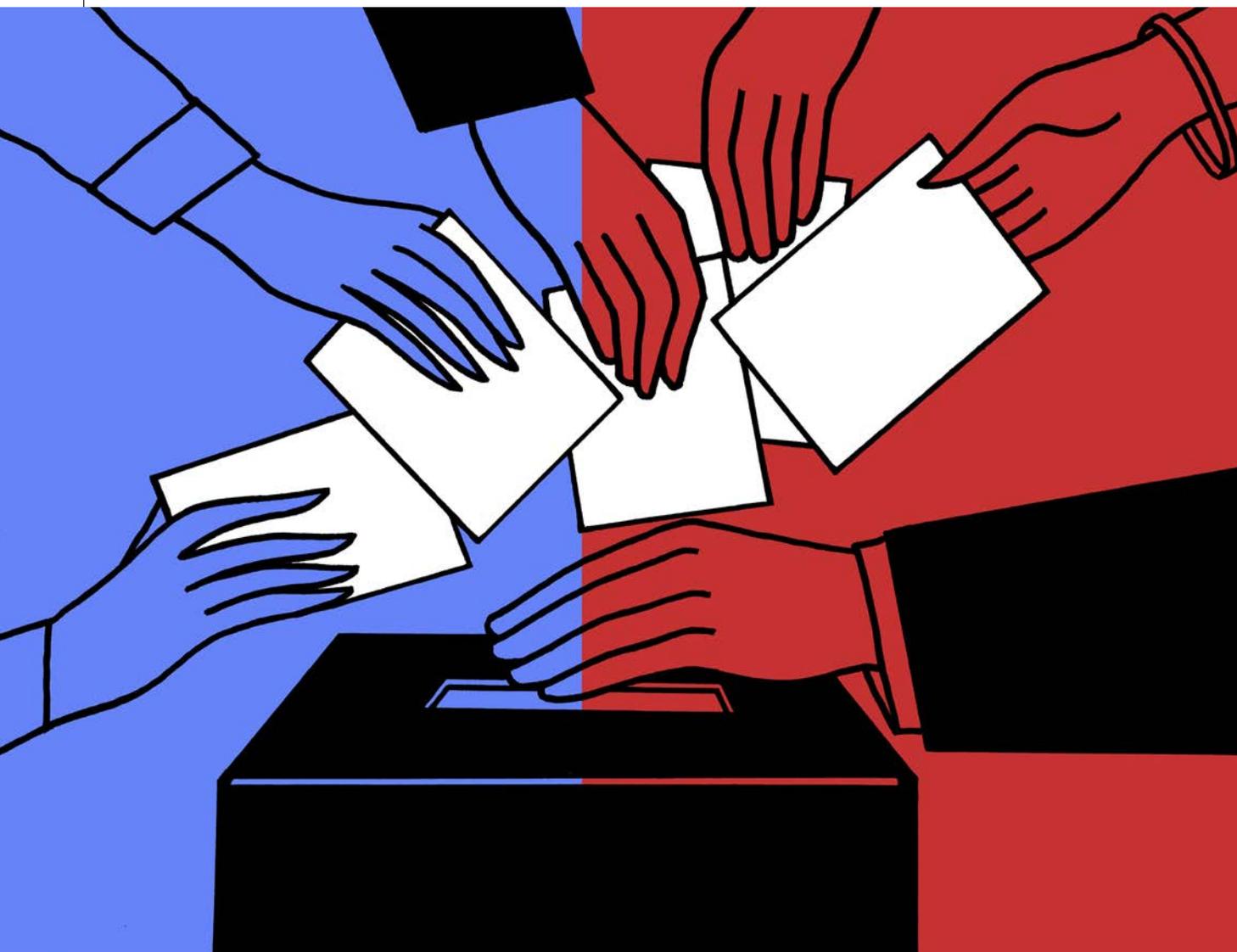
Art that explores social media and its influence



“Unerasable Characters II” (above and left) by Winnie Soon displays in a grid pattern the daily censored tweets from one of China’s largest social media platforms.

Vote of Confidence

An election law course examines doctrine and asks students to consider ‘the way things ought to be, and how to make them happen’ / By Rachel Reed



Who is allowed to vote — and how?

Even in politically polarized times, nearly everyone can agree on the sanctity of elections and the importance of civic participation, yet those two simple questions have many possible responses, each with profound implications for the United States. And as

“How could you hold your politicians accountable if they are making it harder for you to vote?”

renewed debate over voting rights, election security, and redistricting has begun to play out in state legislatures, on Capitol Hill, and in the courts, how we answer them will be critical to the future of American democracy.

“Our politics are affected by our constitutional

structure, our legal structure,” says Guy-Uriel Charles, the Charles Ogle-tree, Jr. Professor of Law at Harvard Law School. “For people to get what they want — for people to engage in self-governance — they have to understand and address those rules and the questions and problems that constrain their ability to govern themselves.”

These rules formed the basis of Charles’ Election Law course this past spring. The class examined the U.S. election system, including the structure and theory of the democratic republic, the history of suffrage and voting rights, the party system, and campaign finance concerns.

“How could you hold your politicians accountable if they are making it harder for you to vote? How could you hold them accountable if you can’t contribute monetary resources and funding for campaigns? How could you hold them accountable if your district is gerrymandered? Those are the types of questions that election law addresses, and they’re core to any modern democracy,” he says.

While Charles co-wrote the course’s casebook, his goal was to move beyond pure doctrine. “We are trying to paint a picture of what type of democracy we want and law’s role in facilitating that democracy, instead of simply describing the type of legal system that we have,” he says. “We’re asking really difficult questions, and we’re thinking much more normatively about the way things ought to be, and how to make them happen.”

This mix of doctrine and debate appealed to Zachary Goldstein ’23. “Professor Charles is super engaging, because he’s good at balancing the black letter law with why it all matters,” he says.

Take the Voting Rights Act of 1965, which outlawed racially discriminatory voting practices. Two notable cases decided in the last decade, *Shelby County v. Holder* (2013) and *Brnovich v. Democratic National Committee* (2021), have narrowed the voting law’s scope. In class, discussion of those cases “resulted in a broader conversation about where we go from here, including what tools voting rights advocates should be focusing on if they are hoping to accomplish the same goals with a more limited toolkit,” Goldstein says.



Guy-Uriel Charles

Courtney Brunson ’22, who will work for a firm that focuses on political and voting law after graduation, enrolled in the course to develop a foundational understanding of the issues. “As someone who cares about the current state of American democracy, I wanted to more broadly explore the curiosity I had about what actual laws, procedures, and rules we had around how we navigate the rights of citizens, candidates, and other groups who participate in the elections process,” she says.

DEBATING A BETTER DEMOCRACY

Of course, reasonable minds can — and do — disagree about how to best structure our electoral system, and Charles says respectful discussion was a crucial component of each class. “We’ve had some really amazing discussions this semester,” he says. “I tend to express a strong view, partly because I want clarity on the question, but also to provide something for the students to react against. And my favorite discussions are the ones in which students respond in ways that challenge and refine my own thinking on things.”

For many students, the course was also a valuable opportunity to discuss voting rights and election law issues in real time. “There is a current case out of Alabama that might completely change how the Supreme

Court interprets racial gerrymandering and the Voting Rights Act, and we were able to discuss that during class,” says David Scharf ’23. “It was really fascinating to be in this course while that was happening.”

With a firm grounding in the history of election law, students are better prepared to tackle the pressing problems of today, says Charles. “What do we do about the Voting Rights Act, now that the Supreme Court has struck down some of its important provisions? We also have a campaign finance system that is dysfunctional. And how should we think about gerrymandering? Big questions are now on the table, and we are in many ways rethinking the fundamental architecture of American democracy.”

It’s a rethinking with implications for all Americans. “Electoral outcomes are not merely a reflection of the

“We are trying to paint a picture of what type of democracy we want and law’s role in facilitating that democracy.”

electorate’s preferences,” says Brunson. “They are a reflection of how the systems are created, the forms of preferences are aggregated, and the rules of these processes are implemented.”

A functional democracy, says Scharf, depends on the ability of people to participate in the political process. “Generations of people have fought for the right to vote, whether it was the formerly enslaved, women, poor Americans, minority Americans. It’s so important that people show up to the polls and express their voice, and make sure that legislators are listening to them.”

And Charles’ course made it clear that the stakes are high. “In the U.S. and globally, we are in this moment of democratic backsliding,” says Goldstein. “The issues of election law, voting rights, democratic reform, and democracy more broadly are especially important now. It feels like an important moment to think about how we stop the backsliding, but also how we move forward to rebuild trust in democratic institutions.”

A FOCUS ON DEMOCRACY: HLS Clinics and Classes

The Election Law Clinic, led by Ruth Greenwood, visiting assistant clinical professor, focuses on voter suppression, gerrymandering, and the challenges money poses to democratic participation.

Students in the **Democracy and the Rule of Law Clinic**, led by Professor of Practice Larry Schwartztol, work with Protect Democracy, a nonpartisan nonprofit dedicated to addressing challenges to American democracy. The clinic’s focus includes efforts to protect the electoral process from attack and the pursuit of reforms to renew and improve American democratic institutions.

In **A Democracy Initiative**, a seminar taught by Professor Lawrence Lessig and University Professor Danielle Allen, students will work on a series of reforms that might be offered as a referendum or initiative designed to address representative democracy’s existing flaws in Massachusetts.

Visiting Professor David Fontana’s reading group, **The Crisis Facing Democracy**, will examine related current challenges in the U.S., looking to scholars and practitioners for analysis and possible solutions.

American Democracy, taught by Professor Roberto Mangabeira Unger LL.M. ’70 S.J.D. ’76 and John Stauffer, Harvard Professor of English and of African and African American Studies, explores the past, the present, and especially the future of “the American experiment.”

In **Law & Democracy: The Incomplete Experiment**, Lecturer on Law Stephanie Robinson ’94 moves beyond representations of democratization as the quest for universal suffrage and fair elections to “a more fluid, real-time construct of competing interests, negotiated outcomes, stressed and malleable institutions, and tumultuous changes.”

The Judicial Role in a Democracy Workshop, taught by Visiting Professor Rosalie Silberman Abella, retired justice of the Supreme Court of Canada, considers the fact that justices in constitutional democracies assume a role that entangles them in the most contentious political issues of their day. Students in the workshop will focus on the purposes of that role and its constraints.

Reckoning with a Painful Legacy

Harvard issues report on the university's connections to slavery



COLLECTION OF THE MASSACHUSETTS HISTORICAL SOCIETY

A report issued in April by the Presidential Committee on Harvard and the Legacy of Slavery recounts in detail the many ways Harvard University participated in, and profited from, slavery, and the long history of discrimination against Black people by the university long after slavery was abolished by the 13th Amendment.

The Presidential Committee on Harvard and the Legacy of Slavery was established by Harvard President Larry Bacow '76 in 2019. It is chaired by Tomiko Brown-Nagin, Radcliffe Institute dean and Harvard

The Presidential Committee on Harvard and the Legacy of Slavery report details the university's many ties to slavery.

Law School professor. University Professors Annette Gordon-Reed '84 and Martha Minow, the school's former dean, are also members.

The committee's more than 100-page report details Harvard's many ties to slavery and its legacy and lays out seven recommendations for moving forward, all of which were accepted by Bacow. The Harvard Corporation has established a \$100 million fund to implement the recommendations and to establish an endowment to sustain the work in perpetuity.

"We are an institution of higher education dedi-

icated to research and to the dissemination of knowledge,” Brown-Nagin told *The Harvard Gazette*. “We are also, in our own motto, dedicated to truth. What we have done here is pursue truths that are painful. But the reality is that even when the truth is painful, we must seek it, we must divulge it, we must set an example of pursuing truth. And that is what we’re doing through the scholarship in this report.”

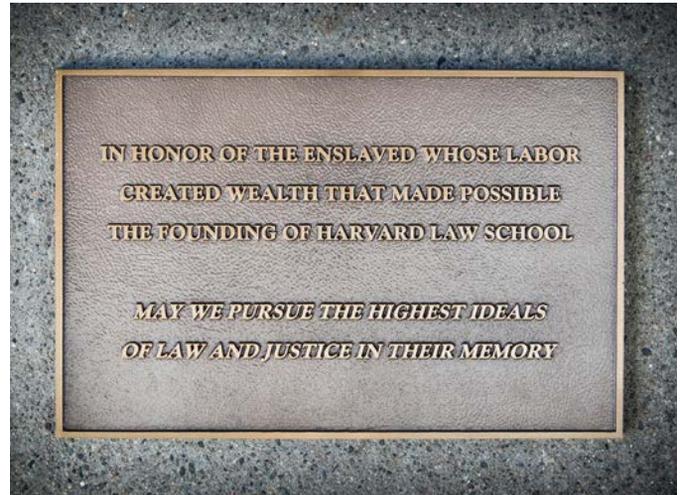
“We lead with a commitment to leveraging expertise in education to try to address systemic inequities that affect descendant communities in this country and beyond,” she added. “The remedies are designed to last in perpetuity ... [and] will enable generations of students, faculty, and staff to participate in bringing to life our commitment to addressing the legacies of slavery.”

In a statement to the Harvard Law School community shortly after the release of the committee’s report, Dean John F. Manning ’85 announced several immediate initiatives to commemorate and honor the enslaved people whose labor generated wealth that contributed to the school’s founding and to better understand the legacy of slavery and the unfinished business of advancing racial justice.

“Though it is difficult, indeed heartbreaking, to read in cumulative detail the pervasive and grievous wrongs committed here at our university, only by honestly reckoning with this history can we together find new ways to make meaning of our past,” wrote Manning. “We must also do these things in part because of the distinctive roles that law and the legal profession, at their best, can play in furthering the highest ideals of law and justice.”

Manning also focused on the law school’s own connections to slavery. “Based on findings earlier this century by scholars studying Harvard Law School’s history, this community has grappled for more than a decade and a half with the painful history associated with our founding,” he wrote, referring to the 1781 bequest to Harvard College from Isaac Royall Jr., who earned his wealth from the labor of enslaved people. Royall’s donation funded a professorship that was ultimately transferred to, and contributed to the establishment of, the fledgling law school in 1817. “If we are to be true to our complicated history,” Manning wrote, “we must shine a light not only on the many good things our institution has contributed over two centuries, but also on our failings and our wrongs.”

The dean announced three initial steps. First, in commemoration of Belinda Sutton and other enslaved people who labored on Royall’s estate in Medford, Massachusetts, the courtyard adjacent to Harkness Commons has been renamed the Belinda Sutton Quadrangle, which will be transformed into a place



Drew Faust, then Harvard president, and Annette Gordon-Reed unveiling a memorial on the HLS campus to the enslaved people whose labor generated wealth that contributed to the school’s founding

to gather and reflect and will become home to an art installation honoring Sutton, who lodged a historic series of legal petitions with the Massachusetts General Court to claim her rightful pension from the Royall estate after her emancipation. The art installation will highlight her voice and moral clarity.

Second, the law school will sponsor, in alternating years, the Belinda Sutton Distinguished Lecture and the Belinda Sutton Academic Conference, which will be administered through the school’s Charles Hamilton Houston Institute for Race and Justice. It will, Manning wrote, “feature speakers and topics that advance our understanding of the legacy of slavery and expropriation and the ongoing pursuit of racial justice.”

Finally, the endowed chair funded by Royall’s origi-

nal bequest and most recently held by Professor Janet Halley, has been retired. Manning noted that through her scholarship and teaching, Halley “has heightened awareness of the Royall family’s involvement in the history of enslavement in Colonial Massachusetts and Isaac Royall Jr.’s connection to HLS.” The dean announced that Halley has resigned from the Royall Chair and that it will never be occupied again.

To continue Halley’s important work, wrote Manning, the law school will seek to build a closer relationship with the Royall House and Slave Quarters in Medford, and will work with the museum “to identify opportunities to provide support, further common research interests, and plan regular occasions for students, staff, and faculty to visit the museum for reflection and learning.”

The report of the Presidential Committee on Harvard and the Legacy of Slavery built on the efforts of Harvard scholars and students who have worked to uncover the university’s ties to slavery in recent decades. In the portions addressing Harvard Law School, it cites Halley’s exploration of the history

Harvard Law School will continue to work with the Royall House and Slave Quarters museum in Medford, the former home of Isaac Royall, HLS benefactor, to advance research into enslavement in Colonial Massachusetts.

of the school’s slave-owning benefactor, which drew on the research of Professor Daniel Coquillette ’71 and helped spur student protests decrying the law school’s shield that was modeled on the Royall family crest. As dean, Minow established a committee that recommended the shield be retired. Dean Manning established a working group led by Gordon-Reed to research and develop the school’s current shield. In 2017, Harvard Law School dedicated a memorial on campus to the enslaved people whose labor generated Royall’s wealth.

Minow, in addition to having served on the panel that did research for and wrote the university report, is chairing the implementation committee. The work, she said, will take perseverance. “Any effort to confront and reckon with the past requires knowing the past and knowing the legacies of the past into the present,” she told the Gazette. “This is foundational work for the work to come,” she said of the report, adding of the implementation committee: “Success here will not happen next week; it is about the long haul.”



P. 8 LORIN GRANGER (TOP), ION CHASE (BOTTOM); P. 9 DADEROT/WIKIMEDIA COMMONS

Up for Debate

A new book by a Harvard Law student provides a roadmap for 'better disagreements' / By Rachel Reed



MAIN CLAIM: *Debate is an important part of a democratic society.*

REASON: *It helps us understand one another and ourselves — and, ultimately, encourages the empathy necessary to make decisions together.*

EVIDENCE: *Bo Seo's book, "Good Arguments: How Debate Teaches Us to Listen and Be Heard"*

In the world of formal debate from which Harvard Law School student Bo Seo '24 hails, disagreement is not a faux pas, something uncomfortable to suppress or avoid. Instead, it's the whole point.

By learning the tactics of formal debate and applying them to all kinds of arguments — from political clashes to everyday tiffs — we can practice empathy, build a case, and maybe change a few minds, Seo says. "What I'm trying to do is illuminate the physics that I think underlies our disagreements. Once that becomes clear, we can start the work of disagreeing better, and also harnessing the power of disagreement."

In "Good Arguments," Seo, whose family immigrated to Australia from South Korea when he was 8, traces his journey from a quiet kid who shied away from discord to a two-time world champion debater and former coach of the Australian national debating team and the Harvard College Debating Union.

"The project of trying to disagree better, and to make our differences work for us, rather than against us," he says, "began for me as a work of cultural translation — of moving to a new country where I didn't speak the language and going through the process of trying to fashion a life around agreement, seeing the limits of that, and then inching toward the possibilities of what disagreement can do."

Alongside his compelling personal story are Seo's hard-won lessons on how to better construct, comprehend, and participate in formal — and informal — arguments. "Debate is not the only way in which we should disagree," he says. "But it's a toolkit that everyone should have as part of a political and civic education."

After graduating from Harvard College, where he won the World Universities Debating Championship, Seo earned a master's degree at Tsinghua University in Beijing, then returned home to work as a political reporter for the Australian Financial Review. He also began thinking about writing a book — one tailor-made for a world awash in hostile and bad-faith arguments.

"Debate reminds us, at a time when the will to quarrel is ascendant, that the skills of argument should carry the day," says Seo. "We are seeing now the limits of what earnest belief or sincerity alone can do. What

we need is for the skill of disagreeing, which we have allowed to atrophy, to make a comeback."

Many pre-eminent public figures have experience as formal debaters. But one need not be a public figure to understand or benefit from the skills of persuasion, Seo insists — after all, children learn to do it. It starts with approaching an argument with humility. "One thing I love about disagreement is that it requires making yourself vulnerable. It's appearing in front of another person as yourself — 'This is what I believe. Now what do you think?'" he says.

Formal debates often ask participants to take positions with which they disagree, says Seo. By forcing ourselves to consider why our opponents believe what they do, we may construct better arguments of our own. We may even find ourselves agreeing with the other side, he adds. "It shows that empathy is a kind of practice, a series of actions, rather than a trait or a virtue you inherently possess."

We can learn another lesson from formal debate's provision of time for all speakers — even those who might normally stay quiet. "Debate reminds us to pay attention to the silences that are in our society, that silence is not always peace," says Seo. "Simply getting along can sometimes be the enemy of something deeper — intimacy or real understanding. Or even mutual progress."

And whether a debate solidifies one's original position or moves one closer to the other side, something important has happened, he says. "Imagine if we viewed conviction as something that emerged out of discussion, as a sort of payoff. It will probably be a bit more equivocal. It will likely have more qualifications. But we should not mistake nuance for weakness."

Today, as a student at Harvard Law School, Seo once again gets to make arguments. This time, they are necessarily constrained by things like precedents and norms, limitations he appreciates. His goal is "not to be a clever lawyer, [but] to be a good lawyer," he says. "Part of that means you're not just coming up with arguments for the sake of it. It requires judgment. In some ways, there's a consonance with the kinds of arguing that I've done before, but I am also having to learn the craft anew."

Debate is difficult, but it is also worthwhile, argues Seo in his book. It is a way of hearing one another, of working through complicated and sometimes painful ideas together, of finding solutions. "Not every disagreement will be a revelation, but maybe the next one will be," he says. "And as long as we get into the habit of managing our disagreements — that's another way of saying 'managing our differences' — there is a lot of hope in that."

"One thing I love about disagreement is that it requires making yourself vulnerable," says Bo Seo.

State of the Union?

Recent organizing victories are significant, says Sharon Block, yet this remains 'a very challenging time for the labor movement' / By Aysha Bagchi

American support for labor unions is on the rise. An August 2021 Gallup poll found that 68% of Americans approve of labor unions, marking the highest rating on this topic the firm has measured since 1965. Workers have voted to unionize at dozens of Starbucks locations as well as one of Amazon's Staten Island warehouses. Meanwhile, workers across the country have begun to demand changes to their working environments in the wake of the COVID-19 pandemic, amid what some have called the Great Resignation.

Sharon Block, executive director of Harvard Law School's Labor and Worklife Program, spoke with the Bulletin about what these changes could mean for the future of the labor movement. After leaving the school for more than a year to serve as acting admin-

One of the most exciting things about the recent unionizations, says Block, is that they were in workplaces that people had said were unorganizable.

istrator of the White House Office of Information and Regulatory Affairs, Block has returned as a professor of practice in addition to resuming her directorship of the program. In a wide-ranging interview, she argues that unions are many people's most immediate experience of democracy, and weakness in the labor movement may in turn weaken political democratic institutions.

Do you see recent unionizing efforts at major companies like Amazon, Starbucks, and Apple as the start of a significant change for the labor movement?

I am certainly hopeful that this is somewhat of a turning point. Companies like Amazon, Starbucks, and Apple have such a significant public presence that when workers in other companies see successful organizing campaigns there, they are inspired. One of the most exciting things about Amazon and Starbucks is that they are workplaces that people said were just unorganizable — and workers have proved that wrong.

Look at Starbucks. Three in Buffalo had union elections. And at last count, there were about 200 organizing campaigns going on. In more than 150 Starbucks stores, the workers have successfully unionized, and they've only lost 23 elections. It's like a wave. You can watch the Starbucks wave going across the country. So, that's a very current example of how these things can build.

What factors do you think are driving these unionization efforts?

There is an emotional component to it, but I think it's more than that. We have a tighter labor market than we've had in a very long time, and I think that gives



workers more confidence in taking the risk. And, to be clear, in this country, under the National Labor Relations Act — a law that’s very weak — it is a risk for workers to put themselves out there and be an active participant in an organizing campaign. In a tight labor market, maybe that’s not quite as scary.

There’s also been data coming out recently from the Pew polls and the Gallup surveys that indicate more support among the general public for unions now than there’s been in decades. Younger workers are even more supportive of unions than the general public. Some of these places where we’re seeing these organizing campaigns also have relatively young workforces. I think there are a lot of elements that are hopefully making this a particularly auspicious time for a wave of organizing.

What would you tell CEOs who oppose unionization?

It’s always seemed ironic to me when companies and management see unionizing as a threat or a hostile act, because, especially in a tight labor market, you’ve got employees who — if they didn’t care about the company, and they didn’t like their labor conditions — could go somewhere else. These workers are saying: “I don’t want to go somewhere else. I want to stay at this company and I want to make it better.” Enlightened management can take a step back and recognize that it actually is a commitment to the company to want to unionize. It’s wanting to be part of solving problems.

What I would want to tell them is just take a breath and try to see it as an opportunity. In most workplaces, nobody knows the core of the business better than the people who are actually doing the work. A barista knows what it takes to get the customers the coffee that they want, in the most expeditious way possible, because that’s a barista’s job. Seeing unionization as a way to hear from those people who know and care about your business can really shift that perspective.

You and Professor Benjamin Sachs created a labor-related project at Harvard Law School called Clean Slate for Worker Power. What do you hope to achieve through it?

It’s an ongoing project, and it’s one reason why I’m so excited to be back here at Harvard Law School. In January of 2020, we put out recommendations providing a vision for comprehensive labor law reform. We followed that up in the beginning of the pandemic with recommendations for reforms that were partic-

“My hope is that workers bank power for when things aren’t as good and build unions to protect themselves.”



Sharon Block

ularly adapted to workers’ being able to have more say in how they can be protected during the pandemic. We helped groups that are working at the state and local levels on projects that are empowering for workers. Now that I’m back, we’re looking at what the next stage of Clean Slate will be.

One piece that has been consistent through the whole project is focusing on the importance of labor law in achieving racial justice. We’re hoping by the end of the year to have even more recommendations about how labor law should adapt to advance racial justice. When the National Labor Relations Act was enacted in the 1930s, Congress was thinking about big factories for the most part, and they enacted a labor law that would fit that kind of workplace. If you look at where people work — especially the low-wage sectors in which marginalized populations, including people of color, disproportionately work — the labor law is particularly ill equipped to empower workers. It becomes important to ensure that you have a labor law that works well and will empower workers in all sectors, but particularly in sectors where the most vulnerable workers are.

How do you think the pandemic has impacted workers’ rights and protections?

We will learn a lot more now as some of the worst parts of the pandemic start to subside. But one of the things that seems obvious is more people are working from home. What does that mean for organizing? What does that mean for the way that management and labor interact?

→ PAGE 19

A Blast from the Past

Adrian Vermeule proposes an approach to constitutional interpretation rooted in classical legal tradition



Constitutional scholar Adrian Vermeule's new book, "Common Good Constitutionalism," offers a fundamental critique of both leading approaches to the debate over constitutional law and interpretation. Although proponents on either side may not agree wholeheartedly with the main thesis, some may be intrigued by his bracing critiques of the other side's approach to the law.

Adrian Vermeule rejects the two leading approaches to constitutional interpretation for a third way.

In 184 pages of closely argued text, Vermeule '93, the Ralph S. Tyler, Jr. Professor of Constitutional Law at Harvard Law School, says that today's two leading methods of constitutional interpretation — which he refers to as originalism and legal progressivism — have failed the nation and betrayed the founders' true intent. To solve this problem, he urges a return to the founders' vision of the law and

what they hoped it would achieve, namely, a prosperous and well-ordered community as the precondition for the successful exercise of individual liberties.

In rejecting the two approaches to constitutional interpretation favored by modern jurists, Vermeule points to a third way of reading America's founding charter, one he says is grounded in a classical Western legal tradition stretching back to the Old Testament and running through the Roman Empire and medieval Europe, and all the way up through the beginning of the 20th century, when it fell out of favor.

But first, Vermeule's assessment of today's two competing methods of constitutional interpretation. While the "two views are locked in what seems to be a kind of ongoing struggle," he said in a recent interview, "they actually have a great deal in common." Both traditions, he added, "fundamentally see law as positivist. That is, they see law as the command of some authorized lawmaker. They think that law need not have any reference to the flourishing of the community as such. And in this way, they both are radical departures from the mainstream Western legal tradition."

Vermeule's proposed solution — common good constitutionalism — would be a return to what he said is a classical view that "supposes that the law is ordered, purposed to promote the common good of the whole community, which is the flourishing of

the political community as such. That is, that our goods as individuals can't be enjoyed unless they are enjoyed as part of a broader, healthy, well-functioning political community."

Vermeule believes that the contemporary fear that prioritizing the common good of the polity represents a threat to individual rights is wrongheaded. "A lot of moderns instinctively place in opposition the individual good to what they think of as the collective good," he said. "And they think that a central problem of constitutionalism is to decide when the collective good should override the individual good. That is not how classical law sees it. The shared good of living in a flourishing community is itself a critical good for individuals, and, indeed, is perhaps their highest good."

Given his appreciation for ancient sources of law, it is perhaps not surprising that Vermeule invoked the words of the medieval philosopher and theologian Thomas Aquinas, himself citing an even more classical source: "The individual good is impossible without the common good of the family or state. Hence, Valerius Maximus says of the ancient Romans that 'they would rather be poor in a rich empire than rich in the poor empire.'"

But after many years of testing different approaches to the law, how would a return to this classical legal tradition work today? Vermeule offers several examples.

For instance, he says the current doctrine of standing — under which plaintiffs must have suffered a personal injury in fact before being allowed to sue in federal court — would be turned on its head. "This is completely contrary to the



Adrian Vermeule

He cites "the classical idea that the health of the communities itself is good for individuals."



traditional vision and concept of the common good," he argued. "The modern law of standing tries to discourage people from bringing suits to promote public purposes or the public interest and tries to encourage them only to bring suits to represent private or selfish individual interests. And from my standpoint, that's backward."

For a model of how courts should apply common good constitutionalism, he says one need look no further than the 1926 case *Village of Euclid v. Ambler Realty*, in which the Supreme Court for the first time upheld "recognizably modern zoning laws." Vermeule notes that the Court recognized these are precisely the kinds of ordinances necessary "to promote the common flourishing of communities, [because] it is impossible for each of us to enjoy our individual property in the right way unless it occurs within an orderly scheme of the communities' arrangement."

"The case also shows that, through the development of the

administrative state, we are not overriding individual rights or interests for collective purposes," he said. "We are trying to promote the flourishing of individuals by recognizing that they live in a community which has to flourish if they are to flourish."

The ongoing COVID-19 pandemic offers another illustration of how prioritizing the common good of the community might have changed the way public health measures like masking were considered by courts. Citing Justice John Marshall Harlan's 1905 decision in *Jacobson v. Massachusetts* authorizing state-imposed vaccination requirements, Vermeule said restrictions designed to stop the spread of disease "are very much in accordance with the classical perspective and with our law going right back to the beginning."

"This is another case where you hear a lot of what I take to be a kind of invented tradition, arguing that [restrictions designed to stop the virus] are a betrayal of our founding liberty," he said. "In fact, it's quite the opposite — that they represent the founding perspective that the good health of individuals can only be enjoyed in a community in which infectious disease is not running rampant. So, I see it as another actual illustration of the classical idea that the health of the communities itself is good for individuals."

Mask mandates and compulsory vaccinations are only two of the many hotly disputed modern ideas of individual rights Vermeule says are out of step with the Constitution and the legal traditions on which it is based. As his colleague Professor Jack Goldsmith wrote, "Common Good Constitutionalism" is a bolt from the blue that challenges conservative and progressive constitutional law paradigms alike. It is destined to infuse, and to reorient."

The Civil Rights Queen and Her Court

Tomiko Brown-Nagin's book recounts the remarkable — and too little-known — life and achievements of civil rights lawyer and judge Constance Baker Motley / By Lewis I. Rice

When she was a small child, Tomiko Brown-Nagin learned about Thurgood Marshall, who as a Supreme Court justice was featured in encyclopedias she read. It wasn't until college that she learned about Constance Baker Motley, and only in a cursory way. Yet Motley, like Marshall, also played an integral role on the *Brown v. Board of Education* case and with the NAACP Legal Defense and Educational Fund, and was the first Black

Tomiko Brown-Nagin's new book tells the story of a "transformational lawyer, a trailblazing woman, and an exceptional African American."

woman to serve as a federal judge, among her many other singular achievements.

Decades later, the story of Motley is still little known. And Brown-Nagin, the Daniel P.S. Paul Professor of Constitutional Law at Harvard Law School, who serves as dean of Harvard Radcliffe Institute, wanted to do something about that. Her previous book, "Courage to Dissent," on the history of the civil rights struggle in

Atlanta, included a chapter on Motley's work as lead counsel on an Atlanta school desegregation case. Shocked by how little attention Motley had received, Brown-Nagin started researching every aspect of Motley's life, including by interviewing her colleagues and family members. The 10-year process of uncovering the story of a "transformational lawyer, a trailblazing woman, and an exceptional African American" culmi-



nated in her new comprehensive biography, “Civil Rights Queen: Constance Baker Motley and the Struggle for Equality.”

It is a story of how Motley, “without making much fuss,” grasped opportunities based on her qualifications and talent while facing obstacles and discrimination because of her gender and race. Born in 1921, Motley grew up in New Haven, Connecticut, the child of West Indian immigrants who taught her “to think of herself as special.” She had no opportunity to pay for higher education until a benefactor who heard her give an impassioned speech offered to pay for college and the law school education that she believed would help her make her mark on society.

Indeed it did, as, after graduating from Columbia Law School, Motley joined the NAACP Legal Defense and Educational Fund and was the only woman whose name appeared on the *Brown* case briefs. She also argued groundbreaking civil rights cases such as the fight to desegregate the University of Mississippi and on behalf of the Children’s Crusade protesting segregation in Birmingham. Motley won nine of 10 cases before the Supreme Court that “remade American law and society.” Yet she was still paid less than men at the organization and was passed over to lead it when Marshall left to become a judge on the U.S. Court of Appeals, a decision she blamed on gender discrimination.

Motley later became the first Black woman elected to the New York State Senate and the first appointed as a federal judge, to the U.S. District Court in New York City by President Johnson in 1966. Yet she was never nominated to the U.S. Court of Appeals because of opposition to her, which “illustrated the enduring paradox of her career,” Brown-Nagin writes. “After her record of extraordinary



Tomiko Brown-Nagin

achievement, she hit a roadblock that illustrates the broader dynamic of exclusion amid access in her life, and the ongoing challenges faced by outsiders.”

Brown-Nagin highlights that paradox in Motley’s judicial career. Despite the expectations by many in the legal world that she would be biased on behalf of defendants, Motley’s decisions were careful and even-handed, the author contends, with only a handful of her more than 2,500 judicial cases pushing the law in favor of the disadvantaged. At the same time, she was critiqued by some outsiders for being part of the power structure.

“She was able to achieve quite a lot in every inside position that she occupied,” Brown-Nagin said in an interview this past spring. “And if one tries to keep score, I think that she turns out looking much better than some of these agitators who are critiquing her for daring to be a part of the system.”

While Motley, who died in 2005, never upended the system as a judge, she nevertheless effected profound change, including increasing access to higher

“I hope that Motley would teach that one can both be successful and demonstrate great humanity,” said Tomiko Brown-Nagin.

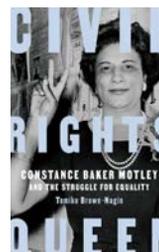
education for African Americans as a civil rights lawyer as well as paving the way for other women and people of color on the bench, including Ketanji Brown Jackson ’96, who has just become the first Black woman on the Supreme Court. For Brown-Nagin, the confirmation hearings for Jackson recalled Motley’s contentious confirmation hearing more than 50 years ago; both of them included critiques of the nominees’ practice backgrounds.

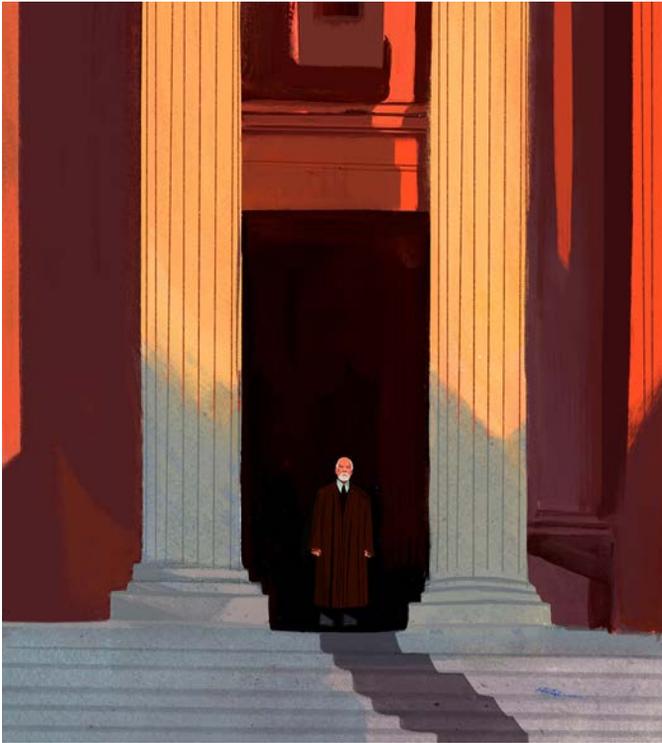
“As a lawyer and historian deeply familiar with this professional realm, and with the history of race and gender in America, I would have predicted that despite her achievements, Judge Jackson would have encountered some pushback,” she said. “But I would not have predicted the extent of the pushback and the extent of continuity between her experience and Judge Motley’s experience.”

If Motley had gotten the chance to serve on the Supreme Court, Brown-Nagin believes she would not have been deeply ideological but would have contributed her expertise on issues of inequality. As a person who believed in decorum and civility, she also would have brought great honor to the Court, she added.

Brown-Nagin hopes that current and future generations will learn Motley’s story, which showcases her resilience and the many different ways one can make contributions over the course of a career, she said. And her great dignity and commitment to leading an ethical life should be a model for others.

“I hope that Motley would teach that one can both be successful and demonstrate great humanity,” said Brown-Nagin, “and I would be very pleased if people who read the book can take away that lesson.”





“The Hughes Court: From Progressivism to Pluralism, 1930 to 1941,” by Mark Tushnet
(Cambridge University Press)

Mark Tushnet focuses on the Supreme Court era best known for President Roosevelt’s court-packing plan, a response to rulings that determined that New Deal legislation was unconstitutional. The comprehensive analysis of the Court and its decisions under Chief Justice Charles Evan Hughes covers cases chronologically and thematically, including how they affected economics and civil rights during the era. While in large measure a progressive Court committed to a vision of activist government, the Hughes Court also could be reactionary, Tushnet, a professor *emeritus* at HLS, writes. He contends that the tenure of the Hughes Court led to a new approach to government, which he calls “interest-group pluralism,” that transformed constitutional law in the years that followed.

“Missing the Target: Why Stock–Market Short–Termism Is Not the Problem,”
by Mark Roe ’75 (Oxford University Press)

People from both political parties are concerned about how much emphasis is placed on achieving immediate stock market gains rather than future earnings and growth, with Democrats saying “short-termism” costs jobs and environmental sustainability and Republicans arguing that it harms economic performance. Both sides are wrong, says Professor

Mark Roe, who teaches corporate law and corporate bankruptcy at HLS. He argues that making corporations more long-term focused will have little impact on these issues. For example, a lack of corporate respect for the environment is due to the ability to pass the cost of environmental damage on to others, not to individual firms’ shortened time horizons. He notes that “a firm can be long-term and selfish, or it can be short-term and generous.”

“The United States’ Defend Forward Cyber Strategy: A Comprehensive Legal Assessment,”
edited by Jack Goldsmith (Oxford University Press)

During the previous decade, the United States became vulnerable to cyberattacks, writes HLS Professor Jack Goldsmith, because of concerns that responding to the attacks might lead to escalation and because of perceived legal constraints. After a series of hostile cyber-operations against the U.S., the Defense Department in recent years implemented a “Defend Forward” strategy, a more assertive policy that involves action against cyber-infrastructures of adversaries. The volume brings together legal and policy experts to provide the first comprehensive account of the strategy and its legal implications. Chapters examine the history and theory of Defend Forward, Congress’ role in authorizing its operations, and the constitutional issues it brings up, as well as international law issues.



such importance to the press relied on an enormous assumption — that a vibrant, thriving, and economically sustainable press industry would always exist.

There is no denying that the internet’s democratization of publishing has made it more challenging for Americans to discern legitimate news reporting sources (“the press”) from biased, subjective, and even deceptive opinion platforms. But that doesn’t compel throwing up our hands in surrender. False or “alternative” facts and false news, like other deceptive content, are not protected by the First Amendment. And the task of differentiating the press from the chaff is not impossible. Citizens who read beyond what their smartphone screens show them can tell the difference. Our courts have also demonstrated this ability in cases such as *Bollea v. Gawker*.

Mr. Kantowitz sees a solution by making fake, sensationalist, and voyeuristic news poseurs more vulnerable to legal liability. He forecasts that “within the coming few years *New York Times Co. v. Sullivan* will be overturned or eviscerated ... because its test is no longer practical.” To me, that would be the worst possible outcome — removing the single most important bulwark protecting the press from the revenue depletion of constantly responding to bad-faith, politically motivated, and meritless lawsuits, as we saw occur in the aftermath of the 2020 presidential election. Opening the legal liability gates by getting rid of *Sullivan* would likely result in the complete destruction of the press, accomplishing what has been the far-right’s objective all along. That outcome could produce an even more serious result: a mortal wound to the citizenry’s ability to think for themselves and speak truth to power.

CURT KRECHEVSKY ’82
Wellesley, Massachusetts

Another thing that I’m very interested in is looking at workers who at the beginning of the pandemic were deemed essential and got a lot of attention and support. It feels like a lot of people have forgotten about those workers, who are as essential today as they were at the beginning of the pandemic. We want to look at how the law can adapt to ensure that they never feel inessential again.

It’s just a fascinating time: the intersection between a tight labor market and increasing organizing, all of these shifts that happened as a result of the pandemic and trying to figure out which of them will be continuing features of the experience of work in this country and which will fall away.

Do you worry about certain unions getting too powerful?

No, I don’t, because unions are democratic institutions. There are checks and balances on unions to ensure that they’re serving the interests of their members. And if they’re not, then the members have the ability to say they no longer want representation or that they want different leadership. And the law actually protects the union members’ right to have a say in who leads the union and whether contracts are ratified or not. It’s very different from corporations, which generally are not democratic institutions. Of all the things that I worry about, unions being too powerful is not on my list.

What is the state of the labor movement today and what might it look like in the future? How do you situate this moment?

We don’t really know how big this increase in organizing is going to be, but if you take even a half-step back, it’s a very challenging time for the labor movement. Union density — the percentage of workers who are represented by a union in the workforce overall, and particularly in the private sector — is extremely low and has been declining for years. At the same time, as I mentioned, very reputable public opinion surveys are telling us that record numbers of people support unions, think

highly of unions, want to be in a union. And so, we have this gulf between people who do want to be in a union and people who have a union. That delta tells me that we have a profound problem in the law that is supposed to enable workers to make the desire to have a union into a reality.

The labor movement is an incredibly important institution in this country in terms of thinking about the crisis of democracy that we have. For many people — and there are still millions of people in unions — it’s the most immediate experience of democracy; it’s very affirming of democratic principles to be in a union. In fact, some of the weakening of our political democratic institutions may be tied to the weakness in our labor movement. I think everybody should be concerned about the viability, the health, the resiliency of the American labor movement. Part of protecting our democracy is protecting our labor movement.

What do you see as the biggest obstacle for the labor movement today?

The weakness of the law. The reality is that it’s really hard to unionize in this country. And it is really hard for workers — even those who have unions — to build sufficient power to countervail corporate power. And it takes a lot of courage to put yourself on the line because it is too easy for employers to get away with threatening, coercing, or firing pro-union workers. There are a lot of good employers who want to do the right thing. But the reality is that the penalties under the National Labor Relations Act are so weak that they don’t create enough of a disincentive for employers who aren’t committed to doing the right thing.

But with a tight labor market and as workers feel like they’ve got more security, my hope is that they bank that power for the days when things aren’t as good and build unions to protect themselves for the future. We’ll see if that gives people that added confidence to do something that, sadly, under the law, is a risky proposition.



With the organization
Beyond Legal Aid,
Lam Ho '08 establishes
a new model for
public interest law

By Lewis I. Rice

Photographs by
Nolis Anderson

POWER

TO
THE
PEOPLE

LAM HO '08 was sitting in a conference room in an office building in downtown Chicago looking out at a view of Millennium Park and the city's famous Bean sculpture. He had achieved his goal of working for a public interest legal organization. But something was missing, and he found himself pondering whether law was truly the right path for him.

The problem wasn't the organization that he worked for, which focused on advancing the rights of people with disabilities, says Ho. The problem was that he didn't actually see an organization that matched his vision of what lawyering should be.

Instead of leaving the law, he discovered that he could create that organization himself. From that conference room, in the spring of 2013, he called Judy Murciano, associate director of the Bernard Koteen Office of Public Interest Advising at Harvard Law School, who had helped him get his fellowship with Chicago's Legal Assistance Foundation, which brought him to the city after he graduated. When he explained his concerns, she encouraged him to apply for a seed grant through Harvard Law School's recently created Public Service Venture Fund, which awards initial funding to innovative projects that further the public good. With the grant that followed, Ho launched what would become Beyond Legal Aid, which has, under his vision as founder and executive director, upended the concept of how a public interest legal organization operates.

His model is built around community partnerships and empowering the people they serve. Beyond Legal Aid operates community law offices within local organizations, helping community members (Ho's preferred term, rather than "clients") as they deal with issues ranging from housing to workers' rights to immigration. Beyond Legal Aid attorneys don't decide which cases to take; the organizations they partner with do. In fact, community partners and members participate in all aspects of the legal process, even reviewing and editing court filings. In addition, Beyond Legal Aid, as its name suggests, assists with many nonlegal strategies to support community members, including organizing and direct action.

"We take on cases that other organizations have rejected," Ho says, "because we're not just using the law. We're using all these other strategies."

The community-driven approach of Beyond Legal Aid drew Elizabeth Arumilli '09 to serve on its board, for which she works primarily on development. She understood through her own experience as an AmeriCorps volunteer that outsiders need to work in collaboration with community members to effect change. She didn't know Ho in law school, but throughout her six years on the board, she has seen him build the organization and expand to more than 20 partnerships.

"He brings the qualities that you absolutely need in a leader. He's inspirational. He has a vision," Arumilli says. "He also knows how to reach out to people," she adds. "The most essential thing for Beyond's model is being able to reach out to the community partners."

A special counsel for the Commodity Futures Trading Commission in Chicago, Arumilli says her association with Beyond Legal Aid also has provided perspective on her own work.

"From early in my career, looking back, sometimes I was shocked by my clients and how much they knew, and I should have listened to them more closely instead of thinking I was the expert on everything. Being humble and knowing that the clients have something very important to contribute is something that Beyond reminds me of all the time."

HO'S PHILOSOPHY OF serving the public as a lawyer was shaped by his experience as a community organizer before law school. He recalls working with lawyers, including on issues of access to care for people with HIV and AIDS. They were committed and cared about the cause, but they were so focused on filing lawsuits and taking charge of the cases that they neglected to collaborate with the workers on the ground like him.



HO'S MODEL IS BUILT AROUND COMMUNITY PARTNERSHIPS.

At HLS, he was president of the Harvard Legal Aid Bureau and completed more than 3,200 hours of pro bono work, the most in his class. He thought he had done everything possible to prepare to be a community lawyer, which culminated in the postgraduate fellowship with the Legal Assistance Foundation. He was working for the Lawndale Christian Community Church in Chicago and created 10 community-based legal clinics. But toward the end of his fellowship, as he was trying to extend funding, he was unprepared when his contact at the church introduced him to a community member who Ho was told would be taking over the legal clinic project. Ho's contact told him the community appreciated his work, but that what they needed was a program focused on youth involvement with the criminal justice system, which Ho couldn't

provide because of the Legal Assistance Foundation's funding restrictions. And they wanted one of their own to help create it. Although Ho did his best to be gracious and helpful to his replacement, he felt hurt and even angry that no one had given him any warning. But looking back, he sees the situation very differently.

"I should have been so happy that the community took charge, and they were going to create their own resource," he says. "I didn't actually build the relationship as well as I thought I had. I didn't develop the trust that was needed for the community."

That experience, which he considers the origin story of Beyond Legal Aid, helped him realize that in order to serve a community, you must empower it. But his path to becoming the community lawyer — and person — he turned out to be started much earlier in his life.

Ho's family emigrated from Vietnam to the city of Brockton, Massachusetts, when he was 6 years old. He slept in a bed with his sister and two cousins in a small apartment, the family relying on welfare and soup kitchens to survive. He remembers the government-provided cheese he had to eat that made him sick, never having eaten dairy products in Vietnam.

Ho had much to overcome in his childhood, but he considers himself lucky. He was able to escape poverty and hardship and can understand, more than most, the challenges that many community members face. He appreciates the saying: "He who walks in from the rain is least likely to go back out." It's not that he's unwilling to step out into the rain. It's that he has a deep awareness and empathy for how hard it is.

"That's something that's really difficult, when you're in a position of privilege, to understand," says Ho. "And that's where the sense of gratitude and responsibility comes from."

'One

G e n e r a t i o n

... from

S e g r e g a t i o n

to the

S u p r e m e

Court'



KEVIN DIETSCH/GETTY IMAGES

Ketanji Brown Jackson '96
becomes the first Black
woman to serve on the Court
By Elaine McArdle

Ketanji Brown Jackson '96 took a historic step on June 30, when she was sworn in as the 116th justice of the Supreme Court of the United States, the first Black woman to ascend to the nation's highest court.

"I have dedicated my career to public service because I love this country and our Constitution and the rights that make us free," Jackson said at the White House on April 8. "It has taken 232 years and 115 prior appointments for a Black woman to be selected to serve on the Supreme Court of the United States. But we've made it. We've made it. All of us."

A day earlier, the U.S. Senate voted 53-47 to confirm Jackson to replace retiring Justice Stephen G. Breyer '64, for whom Jackson had clerked two decades earlier. As she stood on the South Lawn with President Joe Biden, who nominated her, and Vice President Kamala Harris, Jackson said, "We have come a long way toward perfecting our union. In my family, it took just one generation to go from segregation to the Supreme Court of the United States."

It also took a supremely illustrious career. An honors graduate from Harvard College and Harvard Law School, where she was an editor on the Harvard Law Review, Jackson clerked for Massachusetts U.S. District Court Judge Patti B. Saris '76, Judge Bruce M. Selya '58 of the U.S. Court of Appeals for the 1st Circuit, and Justice Breyer. She was an appellate lawyer in the Office of the Federal Public Defender in Washington, D.C.; worked as litigator with a private law firm; and served as assistant special counsel to, and later, a vice chair and commissioner on, the U.S. Sentencing Commission. In 2013, President Barack Obama '91 appointed Jackson to be a judge on the U.S. District Court for the District of Columbia. In 2021, President Biden appointed her to the U.S. Court of Appeals for the D.C. Circuit, replacing Merrick Garland '77 when he became attorney general of the U.S.

During her Supreme Court confirmation hearings, Jackson — who had been confirmed three times previously by the Senate, for her position on the Sentencing Commission and the two federal judgeships — "handled herself with such grace, and perseverance and focus" over three grueling days of an often-contentious hearing, said Kimberly Jenkins Robinson '96, her law school roommate.

Only once did Jackson give a glimpse into the extraordinary pressure she was under, when Sen. Cory Booker invoked Harriet Tubman, who relied on a star to guide and inspire her as a conductor on the Underground Railroad. "Today, you're my star. You are my harbinger of hope," Booker told Jackson. "This country is getting better and better and better, and when that final vote happens and you ascend onto the highest court in the land, I'm going to rejoice. And I'm

going to tell you right now, the greatest country in the world, the United States of America, will be better because of you." At that, Jackson, who'd remained a picture of composure, pulled out a tissue and discreetly dabbed her eyes.

Lisa Fairfax '95, a law professor at the University of Pennsylvania who was a college roommate of Jackson's and is one of her closest friends, introduced Jackson at the start of the hearings. "Her excellence, not just in pedigree and resume and experience, but the way she carried herself throughout the process, only confirmed what we all thought she was: brilliant," said Fairfax.

After the Judiciary Committee deadlocked 11-11, Jackson's confirmation went to the full Senate, where three Republicans — Sens. Mitt Romney '75 of Utah, Susan Collins of Maine, and Lisa Murkowski of Alaska — voted with Democrats to confirm Jackson. At a campus event organized by HLS Student Government, the Harvard Black Law Students Association, and the Harvard Women's Law Association, dozens of students erupted in cheers when the vote was announced.

After the hearings, Nina Simmons '95, a New York City lawyer who roomed in college with Jackson along with Fairfax and Antoinette (Sequeira) Coakley '95, asked Jackson how she was feeling. "She said, 'It's a lot — it's just a lot,'" recalled Simmons. "I think she meant that from a historical perspective and a personal perspective, she understands she has a great responsibility and how historic this moment is, and she does not take that lightly."

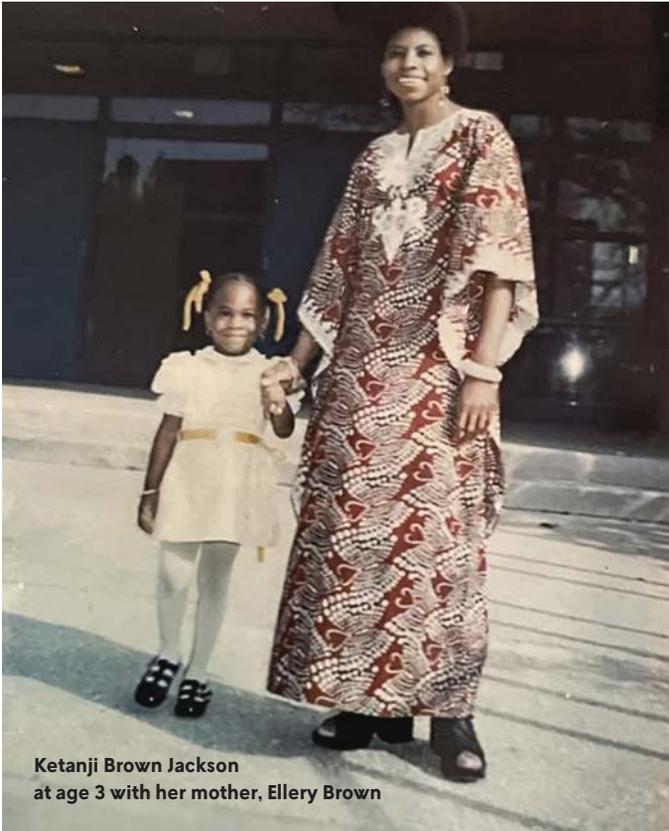
WHAT SHE'LL BE LIKE AS A JUSTICE

Harvard Law School Professor Carol Steiker '86, herself a former public defender and a teacher of Jackson's when the latter was a first-year student, said she is "delighted that someone with that professional background will be on the Court," because "it's just very hard for other people who have not had the intimate experience of representing people facing criminal charges" to have the perspective of understanding the real-life implications. Over a third of those serving on the federal judiciary are former prosecutors, while less than 7% were public defenders, according to a 2021 study by the Cato Institute.

Stephen Rosenthal '96 was a classmate of Jackson's in middle and high school in Miami, then at Harvard College and Harvard Law School. "The justices of the Supreme Court will see in Ketanji an incredibly serious, thoughtful, nuanced person who can be very forceful in her convictions, but also very reasonable and pragmatic in the way she approaches an issue," said Rosenthal. Breyer, too, was a pragmatist, he said,



Jackson speaking at the White House ceremony after her appointment to the Court was confirmed by the Senate 53-47



Ketanji Brown Jackson
at age 3 with her mother, Ellery Brown

but Jackson brings a “very different life experience,” as a Black woman in America and through her varied experiences with the criminal justice system.

Before she became a household name as a Supreme Court nominee, Jackson was best known as the judge who ordered former White House Counsel Don McGahn to testify before the House Judiciary Committee, after then-President Donald Trump argued that McGahn, as a former presidential adviser, had absolute immunity from doing so. Jackson rejected that argument, famously writing, “Presidents are not kings.” During her confirmation hearings, she was asked about those words, and explained, “Our constitutional scheme — the design of our government — is erected to prevent tyranny.”

Jackson won’t change the ideological makeup of the Court, which now has a “6-3 supermajority of conservatives,” even though Chief Justice John G. Roberts Jr. ’79 sometimes abandons the other conservatives, said Richard C. Schragger ’96, a professor at the University of Virginia School of Law, who has remained friends with Jackson since their days together on the Law Review. Schragger believes that Jackson, like many others, is concerned that the Court has become too politicized, which is affecting public trust in the institution, and feels that she will be attentive to this challenge.

“I can only imagine what it must be like on the Court right now, especially in the wake of this leak of the draft opinion overruling *Roe v. Wade*,” said Steiker in a May interview. “It’s going to be very tense,

I imagine. But I think the student that I remember, and the incredibly impressive judge whom we all saw on our televisions during her confirmation hearings, is someone who is going to be able to avoid as much as possible that kind of ... animosity that seems to pervade political divisions everywhere.”

Rachel Barkow ’96, vice dean and professor at New York University School of Law, who also served with Jackson on the Law Review and later on the Sentencing Commission, added: “What we absolutely can be certain of is she will be thorough, fair and unbiased, and very careful. She’s not a flamethrower, so don’t expect her to become some kind of firebrand on the bench. I think she meant it when she said [during the hearings] that she is a very careful reader of text. She’s an originalist, as she said; she cares about the original meaning and history of the Constitution; and she has respect for precedent. The only time we had a difference of opinion on the Sentencing Commission, I came out in favor of the defendant and she came out in favor of the government. That’s an indicator that she’ll go where she thinks the law requires her to go even if she doesn’t agree personally.”

‘BELIEVING IN THE PROMISE OF AMERICA’

Born in Washington, D.C., Jackson was raised in Miami. Both of her parents were schoolteachers before her father went to law school and became attorney to the Miami-Dade County School Board, and her mother became a high school principal who was beloved, according to Rosenthal.

During their early years in college, Jackson sensed that her group of friends needed a break and invited them all to her parents’ home in Miami. “I think all of us were exhausted, feeling out of ourselves, not feeling comfortable, necessarily, with our Harvard experience,” recalled Simmons. “Her parents really took us in and made us feel at home and kind of loved us up. We got some of the strong support that she had her whole life.”

Another great supporter is her husband, Dr. Patrick Jackson, a surgeon whom Jackson began dating when they were undergraduates. “I remember Patrick coming to visit her” at the dorm at HLS, while he was in medical school, recalled Njeri Mathis Rutledge ’96, another friend from law school, now a professor at South Texas College of Law Houston. “He was downstairs, and I heard him say, ‘I love you, Ketanji.’ There was something so sweet about that moment that I’ve always remembered it.” The Jacksons have two daughters, Talia and Leila, who are “wonderful” and “level-headed,” said Simmons, “and that goes to not only their parents but their grandparents on both sides.”

Jackson was always “an incredibly dedicated stu-

22 of the U.S. Supreme Court's 116 justices (nearly 19%) attended Harvard Law School

dent,” said Rosenthal, who was vice president of their high school senior class while Jackson was president. “She was far and away the most successful member of our fairly illustrious speech and debate team,” he added, gaining a statewide and then national reputation, including during national competitions, some of which were held at Harvard. She was the kind of law student who read not only all the readings and recommended readings, but also all the footnotes and references in the footnotes, said Fairfax.

When Jackson was a trial court judge, Rosenthal’s law firm lost a case before her, and he argued the appeal. “Because she did such a good job in her opinion, it was like a nightmare to try to handle as the appellant,” recalled Rosenthal. “I lost the appeal, as I knew I would.”

“She’s extremely intelligent, probably one of the smartest people I know,” said Simmons, adding that parallel to her intellect, there’s an equally strong human side to Jackson: “She’s very warm and very funny. She does great impressions. She is hilarious. She’s a great dancer and she’s a fantastic singer with a great voice,” she said. Rosenthal and Jackson performed together in an improv comedy troupe in college, and Simmons recalled a college event where Jackson sang a Billie Holiday song wearing a flower in her hair like Holiday. “It was extremely powerful,” Simmons said. Not only is Jackson exceptionally talented but she’s “very humble about that. It’s that balance that so impresses people.”

Her friends also emphasized her kindness. Minutes before their lengthy 1L civil procedure final exam, Jackson reminded Rutledge to bring extra pencils and a cushion. “She cares about other people,” said Rutledge. When Jackson was going through the Judiciary Committee process for her first judgeship, Simmons was diagnosed with cancer. “She just appeared on my doorstep in the middle of everything she was going through,” she said. And during the grueling Supreme Court nomination hearings in April, Simmons and other close friends were texting with Jackson. “We were trying to keep her spirits up, and she’s asking about our families and our kids,” Simmons said. “That’s how she’s always been.” In early May, Fairfax was visiting Jackson, and instead of discussing the historic nature of Jackson’s confirmation or the enormous demands of her new position, “We spent most of the time talking about me and catching each other up on our families,” Fairfax said. “That’s typical of Ketanji.”

Jackson has been an elected member of the Harvard Board of Overseers and, before that, an elected member of the Harvard Alumni Association, so her “roots and her engagement with Harvard run deep,”

said Roger Fairfax ’98, dean of American University Washington College of Law, who knew Jackson at HLS and is married to Lisa Fairfax.

When Jackson’s name began to surface as a possible nominee this winter, Simmons and others gathered, in just three days, hundreds of signatures of support from Harvard alumni. “Many people really love her,” said Simmons.

“I just feel like a lot of people wish her well,” said Schragger. “It’s nice to see someone from Harvard Law School Class of ’96 be appointed to the highest court in the land, and I can’t imagine a better person than her to do it. ... It’s good for us and it’s good for the country.”

At the White House, following her confirmation, Jackson mentioned with gratitude the people who had written to her since her nomination was announced, including many children. “[O]ur children are telling me that they see now, more than ever, that, here in America, anything is possible. They also tell me that I am a role model, which I take both as an opportunity and as a huge responsibility.

“I am feeling up to the task, primarily because I know that I am not alone,” Jackson said. “I am standing on the shoulders of my own role models, generations of Americans who never had anything close to this kind of opportunity but who got up every day and went to work believing in the promise of America — showing others through their determination and, yes, their perseverance that good, good things can be done in this great country.”

“To be sure, I have worked hard to get to this point in my career, and I have now achieved something far beyond anything my grandparents could have possibly imagined,” Jackson said. “But no one does this on their own. The path was cleared for me so that I might rise to this occasion. And in the poetic words of Dr. Maya Angelou, I do so now while ‘bringing the gifts my ancestors gave. I am the dream and the hope of the slave.’

“So as I take on this new role, I strongly believe that this is a moment in which all Americans can take great pride,” she said. “And it is an honor, the honor of a lifetime, for me to have this chance to join the Court, to promote the rule of law at the highest level, and to do my part to carry our shared project of democracy and equal justice under law forward, into the future.”



By Elaine McArdle

Illustrations by Melinda Beck

Practicing Law in the Wake of a Pandemic

*'Everyone is struggling to
understand what this new world is
going to look like'*

W

hen the COVID-19 pandemic brought the global economy to a near halt in March 2020, lawyers — like everyone else — wondered how the crisis would affect not only their health and personal lives but also their work lives.

For private law firms, there were fears the crisis would significantly impact their financial security. Would

legal work dry up? Would there be widespread layoffs at law firms? To the surprise of almost everyone, 2020 ended up being the best year that many law firms had ever had — followed by an *even better* year in 2021. Per-partner profits at the largest U.S. firms rose 13% in 2020, according to Am Law’s annual report, and close to 20% in 2021. Lawyers found themselves billing more hours than ever before under once-unthinkable circumstances, including working from home during lockdown and litigating trials online.

At the same time, the pandemic created

“turbocharged,” Wilkins says, by the pandemic and other events that year, including the murder of George Floyd.

As a result, companies, government entities, and individuals turned to lawyers for help on things like the government stimulus packages that drove trillions of dollars into the economy, the wave of bankruptcies that took place during the pandemic, labor and employment matters, and the pressure companies have increasingly faced from stakeholders to take a formal stand on issues of public note.

“All of these issues are landing on desks of lawyers in law firms, in-house legal departments, and government offices,” says Wilkins. “The pandemic and related issues have highlighted the importance of law and lawyers — in fact, the rule of law has never been more important.”

J. Tracy Walker IV ’90, managing partner at McGuireWoods, which has 21 offices in the U.S. and abroad, has experienced some of the trends

Wilkins describes. While deal work and litigation were down through most of 2020, deal work picked up considerably toward the end of that year, and the firm saw increased demand throughout 2020 from many of its longstanding clients, particularly those in heavily regulated industries such as big

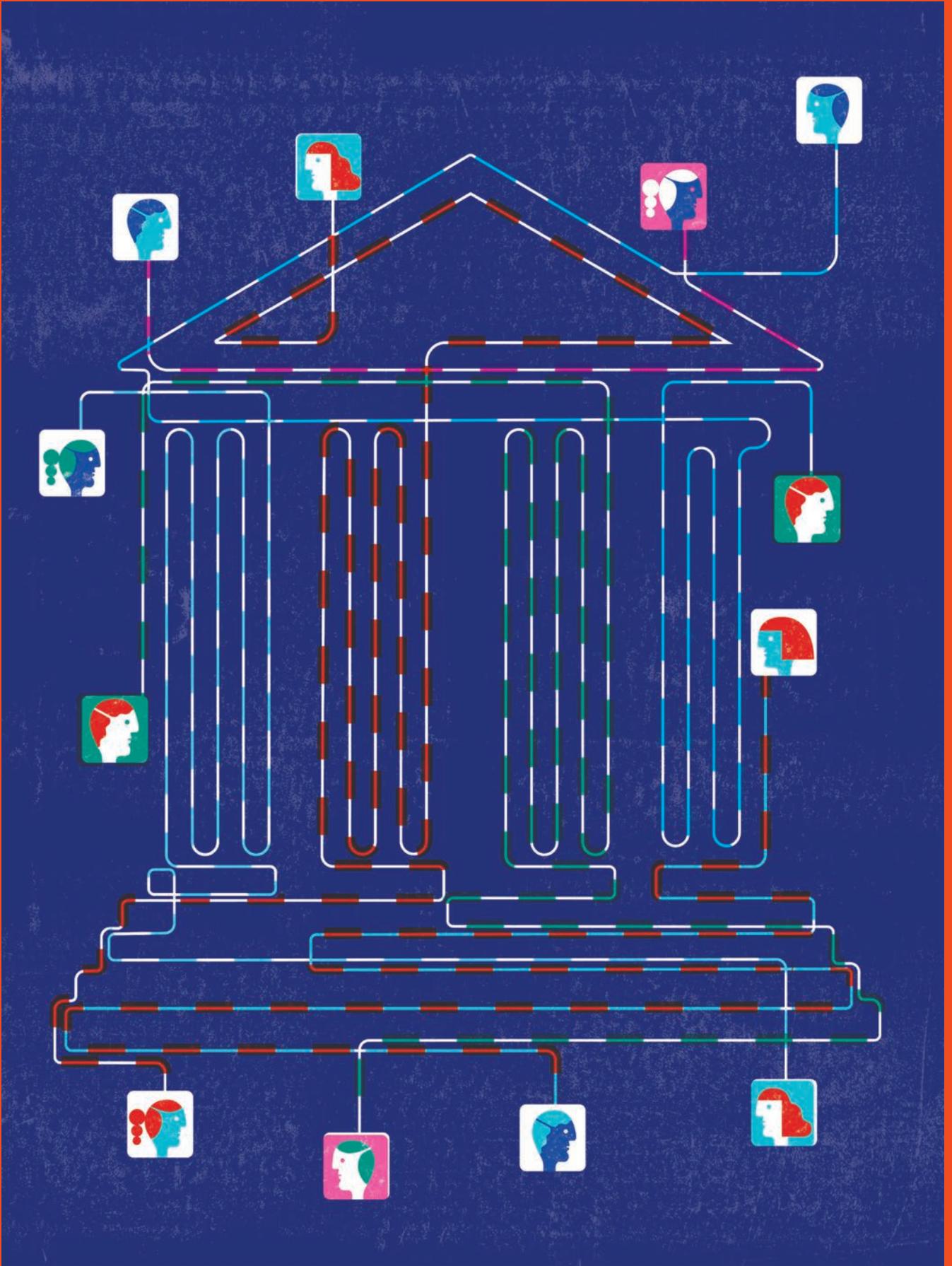
banks and utilities, Walker says. And 2021 saw a “huge uptick” in many practice groups including private equity, health care, debt finance, securities, and employment litigation. The demand for the firm’s services “was so high that we had significant concerns about lawyer burnout,” he says.

Demand for pro bono and low-cost legal services put immense pressure on the public interest sector as well. “The intense stresses of the pandemic — the fear, the isolation, the losses of jobs, routines, and people — were especially difficult for people in our client communities,” says Esme Caramello ’99, faculty director of the Harvard Legal Aid Bureau and a clinical professor of law. “People who were barely able to afford rent to begin with now really had no way to pay it; people with moldy and roach-infested apartments had to stay inside them 24 hours a day; tensions rose in already-violent relationships; co-parenting became fraught because of fears of spreading a deadly disease; and low-wage immigrant workers

Seismic events have intersected in recent years and contributed to huge demands for legal services.

enormous pressure for the services of legal aid organizations that provide free or low-cost legal representation. According to the HLS Office of Clinical and Pro Bono Programs, the number of inquiries from people seeking legal aid has more than tripled since 2020.

In the past several years, seismic events have intersected in powerful ways and contributed to huge demands for legal services, says Professor David Wilkins ’80, faculty director of the Harvard Law School Center on the Legal Profession, a research organization dedicated to providing a deeper understanding of the rapidly changing global legal profession. He cites the global health crisis; a complex global economic crisis born of the pandemic and other disruptions including the war in Ukraine; and increasingly urgent calls around the world for social and racial justice, sustainability, and economic equality. Globalization, technology, and demands for social justice — significant trends before 2020 — became



became even more vulnerable to mistreatment in the workplace when so little work was available.”

Government aid programs during the pandemic, including unemployment and rent assistance programs, were “desperately needed,” adds Caramello, but difficult to navigate without a lawyer’s help.

“As levels of social and economic uncertainty rise, lawyers — both private and public sector — are increasingly called upon to help their clients and their organizations navigate those uncertainties to achieve their economic and policy goals,” says Scott Westfahl ’88, director of HLS Executive Education. In the executive education programs over the past two years, “private- and public-sector lawyers have been sharing with us that they have never felt more stretched, or more needed, in their organizations. General counsel and law firm leaders are expressing that they are both exhausted but also proud of the impact they have been able to have in the past two years.”

The toll it takes

Though perhaps not facing the challenges of those most severely impacted by the pandemic, many lawyers nonetheless found themselves, at its height, working from home, supervising children unable to go to school, and dealing with health issues, their own or others’. And even before that, the younger generation of lawyers, like other millennials, was already resisting long-entrenched elements of practicing Big Law, such as brutally long hours. Over the past two years, leaders in the legal industry have worried more about how to attract and retain top talent.

In particular, Westfahl notes, some of the partners he’s spoken with have emphasized that they must address the “record attrition rates, burn-out, and mental health and family challenges that working remotely imposed on their associates,” adding, “What we’re concerned about is sustainability” from a quality-of-life perspective. In the fall, Wilkins and Westfahl are launching a new HLS Executive Education program, “Leading the Law Firm of the Future,” where they will be providing frameworks and ideas for law firm leaders to adapt their business models toward what they are calling “sustainable profitability,”

says Westfahl. In other words, profitability must be reconciled with a healthy working environment.

For lawyers, the challenges wrought by the past two years give us “an exciting opportunity to be engaged in really the most pressing issues facing our world today,” says Wilkins, who is vice dean

For a profession known for its resistance to change, the shift to virtual legal practice was swift.

for Global Initiatives on the Legal Profession at Harvard Law School. “But it’s also a challenge because lawyers and law firms or legal departments have had to fundamentally adapt and change the way in which they’ve always operated” — primarily, by working remotely instead of in an office with colleagues, holding meetings online, and learning how to try cases and present hearings effectively via Zoom or other online platforms.

“Ultimately, I think it’s going to be an exciting time for our students and graduates because I think there’s going to be a lot of change,” Wilkins says. “A lot of that will be good and exciting change — although, like all changes, it may have its painful and rocky moments.”

As many companies and schools have returned to in-person life, Wilkins and others at CLP are examining which innovations from these past few years are worth retaining. Moving some aspects of the judicial process online, for example, can help to make justice more affordable and accessible. But does that mean *all* courts should migrate online?

“Everyone is really struggling to understand what this new world is going to look like, and there’s no answer,” at least not yet, he says. “At the Center on the Legal Profession, we are trying to do a number of things we hope are helpful.”

There’s one thing of which Wilkins is certain. “No one,” he says, “thinks we’re going to go back to the way it was in 2019.”

Adapting to online adjudication

For a profession renowned for its resistance to change, the transformation from in-person to

virtual legal practice was surprisingly swift. In April 2020, the federal Coronavirus Aid, Relief, and Economic Security Act authorized federal courts to hold civil and some criminal proceedings by teleconference. A month later the U.S. Supreme Court took the unprecedented step of hearing oral arguments via telephone.

According to empirical studies, judges and lawyers report being satisfied, for the most part, with video hearings during the pandemic, says Richard Susskind, an international expert on the legal profession and author of “Online Courts and the Future of Justice,” who collaborates frequently with Wilkins and others at the Center on the Legal Profession. On the other hand, online court proceedings were hard to access for many who don’t have the needed technology, including elderly people and low-income populations. Online litigation rules were also constantly changing, and the courts were moving slowly in the online format, says Caramello, so getting an abuse

harder to manage witnesses during cross-examination when you’re not in the same room.

Kathleen Sullivan ’81, a partner at Quinn Emanuel and chair of the firm’s national appellate practice, has engaged in a number of online appellate arguments since the beginning of the pandemic. She agreed that online oral advocacy offers some advantages. Having to fly across the country for a 15-minute oral argument is inefficient and costly for clients, she said in the webinar, and collaboration within a legal team, including sharing real-time impressions of the argument in order to make on-the-spot adjustments, is much easier online. Still, the advantages should be weighed against what’s lost. A Zoom or Teams hearing simply can’t match what Sullivan, quoting Susskind, calls the “majesty” of the courtroom setting, which impresses upon everyone, including the litigants, that their case is important.

Understanding the implications of that loss of formality also concerns Sanjana Parikh, a 2020 graduate of the University of California, Berkeley School of Law, who, as an exchange student at Harvard Law School in spring 2020, took the Legal Profession seminar taught by Wilkins and Bryon Fong, executive and research director of

As the legal landscape expands, many young lawyers are questioning the traditional trajectories of success.

protection order or child support, for example, was “nearly impossible without a lawyer.” With legal aid organizations stretched thin, online adjudication may not, in reality, provide increased accessibility for everyone.

As the world tiptoes back from the worst of the pandemic and returns to some semblance of normalcy, industry leaders are working to identify which aspects of their work are best done in person and which are done well in the virtual world, “sometimes even better than in real life,” says Wilkins.

Litigators at WilmerHale, an international law firm with 1,000 lawyers, participated in a number of virtual civil trials in 2020, according to Jamie Gorelick ’75, a partner at the firm and deputy attorney general in the Clinton administration. “I really like oral argument online. It has advantages that outweigh the disadvantages, but trials are tough,” in part, Gorelick explained in a 2020 webinar presented by CLP, because it’s much

CLP. The class studied Susskind’s book on online courts, in which he argues that greater use of technology, including virtual courts, would greatly reduce case backlogs and improve access to justice.

Parikh, now an associate in the technology transactions and data privacy practice at Latham & Watkins in Washington, D.C., wrote a paper for the class that raised concerns about Susskind’s proposal. While she isn’t opposed to online court proceedings, she urges that their look and design be carefully considered — with input from jurists and lawyers (a point with which Susskind agrees) to retain the respect for the judicial system. “The visible markers that this is a temple or a hall of justice, a place where justice will be done, where people are treated equally — all of that, the black background on Zoom fails to capture,” she says.

Susskind doesn’t propose a full-bore replacement of all in-person courts but argues that for many kinds of cases, online courts — where the

judge, lawyers, and litigants are all online — make a lot of sense. But judges and lawyers have traditionally been resistant — until the pandemic. At least 160 jurisdictions have been running courts remotely since the pandemic started, he notes. “I have no doubt that COVID has opened people’s minds to new ways of working, and changed some minds,” says Susskind, technology adviser to the Lord Chief Justice of England and Wales.

Still, he adds, “It’s an oversimplification to say, without qualification, that [the pandemic] has fundamentally accelerated the uptake of technology.” Videoconferencing has been used in some courts since the 1980s, he points out, and he sees today’s online adjudication not as a technological breakthrough but as simply doing the same things in a different way. True technological breakthroughs in the legal industry — such as the use of artificial intelligence — have been backburnered for the time being because of the pandemic, says Susskind.

‘The most exciting time in the world to be a lawyer’

What is safe to say is that as the legal landscape expands, many young lawyers are questioning the traditional trajectories of career success. “The market for top talent has never been as global or as transparent as it is now,” says Westfahl. “In a global and transparent market,” he adds, people “can vote with their feet and move to other positions where they are more likely to find more of the balance they want. What we are also seeing is that more of them are opting to start their own businesses, which is a lot easier to do now with lower-than-ever barriers to entry for startups.”

“I think today’s best HLS graduates are not only looking for meaningful work to do but also conscious of the overall impact of the institutions in which they are working,” says Caramello. “To retain them for more than a few years, law firms will need to prioritize internal work on diversity, equity, and inclusion and reduce the work hours to give young lawyers a chance to build rich lives outside of work. They’ll also need to significantly improve their structural support for pro bono and social justice work and think harder about what they might refuse to do on behalf of paying clients.”

“I think the emergence of issues around sus-

tainability and social justice and stakeholders is being driven in large part because millennials and now Gen Z are ascending into top positions throughout every aspect of our society,” says Wilkins. “This provides a space for new ideas and new approaches to solving what have been incredibly complex, intractable problems in our world, and a new energy around trying to find solutions.”

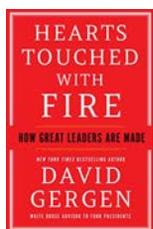
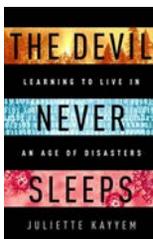
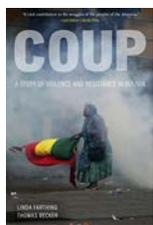
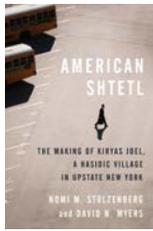
This past spring, Westfahl and Farayi Chipungu, an adjunct lecturer at the Harvard Kennedy School of Government, co-taught the first-ever Adaptive Leadership course at Harvard Law School. Adaptive leadership “is particularly useful in times of uncertainty because it distinguishes between technical challenges — where expertise exists and you invest time, money, and resources to solve the challenge — and adaptive challenges, where the world is changing, and addressing the challenge requires a very different framework of leadership,” says Westfahl. “Our profession now faces many challenges that are much more adaptive than technical, such as how to create a more sustainable law firm business model, what the new world of work should look like, or how to make real progress on advancing diversity, equity, and inclusion across our profession.”

The good news, he says, is that the disequilibrium in the system caused by the disruption of the past few years has enabled more people to challenge the way things have always been done. At Kirkland & Ellis in Chicago, for example, Jaisel Patel ’20, who works in the area of mergers and acquisitions, works three days in the office and two days from home, an arrangement perhaps unimaginable at most big firms before the pandemic proved it was feasible. Though Patel says he is “not working less, necessarily,” the flexibility of working some days from home makes for much better work-life balance. “It’s been great,” he says.

Westfahl says he is “optimistic that we’ll see increasing progress on workplace flexibility, new business models, and greater advancement of women and people of color into leadership roles, in part because of the disruptions we have been facing.”

Wilkins agrees. “I tell my students,” he says, “that it’s the most exciting time in the world to be a lawyer because you can be part of these transformations.”

Recent Alumni Books



“American Shtetl: The Making of Kiryas Joel, a Hasidic Village in Upstate New York,” by Nomi M. Stolzenberg ’87 and David N. Myers (Princeton University Press)

Incorporated in 1977, the village of Kiryas Joel was designed as a strictly observant Jewish community that rejected secular society. Yet despite being modeled after the Jewish communities of pre-World War II Europe known as shtetls, Kiryas Joel remains rooted in the landscape of America, write the authors, a result of “unwitting assimilation.” The book chronicles how the community became entwined with more sweeping claims for religious liberty and more recently mirrored the political stances of the evangelical right, particularly in protests against COVID-19 pandemic restrictions. The story of Kiryas Joel, they write, “illuminates the deep tensions between competing visions of law, politics, and religion that so roil public life in this country today.”

“Bittersweet: How Sorrow and Longing Make Us Whole,” by Susan Cain ’93 (Crown)

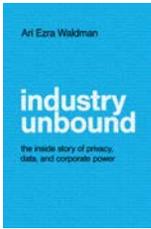
Author of the book “Quiet,” a celebration of introverts, Susan Cain turns to an appreciation of the bittersweet, which she describes as “a tendency to states of longing, poignancy, and sorrow; an acute awareness of passing time; and a curiously piercing joy at the beauty of the world.” Her love of listening to sad Leonard Cohen songs in her dorm at Harvard Law spurred her to consider the mysterious power of melancholy, and to explore questions including whether creativity is associated with sorrow and longing, and how we cope with lost love. She also examines the “tyranny of positivity” in American culture and how to transcend it. Cain ends the book by contemplating the ultimate bitter-sweet reality: our mortality, which connects us all.

“Coups: A Story of Violence and Resistance in Bolivia,” by Linda Farthing and Thomas Becker ’08 (Haymarket Books)

After 14 years of governance by the Movement for Socialism in Bolivia (or MAS, as the party is known), which the authors contend helped improve health, education, and incomes in the historically poor country, the military and police forced its leader Evo Morales to resign in the aftermath of a dispute about the 2019 election, leading to the installation of a new government. Linda Farthing, who covered these events as a journalist, and Thomas Becker, who documented abuses by the new government for Harvard Law School’s International Human Rights Clinic, chronicle the history of MAS; the aftermath of what they document as a coup, including a massacre of protesters; and the victory of new MAS leadership in a 2020 election. The events in Bolivia also highlight the rise of authoritarian movements and the threats of coups elsewhere, they write.

“The Devil Never Sleeps: Learning to Live in an Age of Disasters,” by Juliette Kayyem ’95 (PublicAffairs)

A former assistant secretary of Homeland Security now on the faculty at the Harvard Kennedy School, Juliette Kayyem is an expert on crisis management and disaster response. In an era of recurring catastrophes, we all need to be experts now, she argues, and offers advice on how to respond to the disasters that will inevitably come but whose severity we can mitigate. Citing examples ranging from a cyber-attack against Sony to the Deepwater Horizon explosion, she shows the consequences of failing to train or prepare for contingencies. We’re hampered by the “preparedness paradox,” which causes us to think that successful measures



seem like a waste of time, such as when disaster was averted by preparing for Y2K technology failures. Yet she counsels that we must learn to accept that a day without a disruption is not the norm, and overreacting is far less of a problem than underreacting.

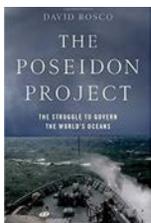
“Hearts Touched with Fire: How Great Leaders are Made,”
by David Gergen '67 (*Simon & Schuster*)

Calling for new, fresh leaders to step into our civic life, David Gergen shares what he has learned about the development of leaders through his half century in the public arena, including as an adviser to four presidents. Now professor and founding director of the Center for Public Leadership at the Harvard Kennedy School, he offers advice on establishing core values and principles, and on surviving “crucibles” that one will inevitably experience. Using examples ranging from John Lewis to young activists like Greta Thunberg, he also touches on the tools and skills leaders need for success. While character and courage are crucial for leadership, Gergen writes, so too are having an understanding of history, an integrated life, and a sense of humor.



“Industry Unbound: The Inside Story of Privacy, Data, and Corporate Power,” by Ari Ezra Waldman '05 (*Cambridge University Press*)

Based on several years of fieldwork, including interviews with many employees of technology companies who influence privacy practices, the book argues that professionals in the industry tell the public they care about privacy while undermining it in practice. Ari Waldman chronicles how technology companies stifle privacy and normalize anti-privacy practices, making it difficult for consumers to adopt their preferences for how their own information will be shared. Framing privacy as a “democratic tool of resistance to corporate power,” the author calls for enacting “new and radically different” privacy laws that will change how technology companies operate and for professionals within the industry to focus on their responsibilities to consumers.



tol Police Officer Eugene Goodman, whose selflessness and love of country give him hope for America's future.

“The Poseidon Project: The Struggle to Govern the World's Oceans,” by David Bosco '01 (*Oxford University Press*)

For centuries, the oceans have been managed under the doctrine of “freedom of the seas” — typically meaning that they are governed differently from land and subject to unimpeded access. Yet that freedom is eroding, writes the author, with sovereign nations exerting more control. David Bosco chronicles the history of the laws of the sea and shows how more recent competition for resources has pushed both governments and private entities farther off the coast. “Over the centuries, the oceans have become comprehensible, accessible, and exploited in ways that earlier generations could scarcely contemplate,” he writes. In the future, disputes over resources may intensify while governments may advance new efforts to protect the oceans.

“The Proof: Uses of Evidence in Law, Politics, and Everything Else,” by Frederick Schauer '72 (*Harvard University Press*)

From the trivial, such as whether Elvis Presley is still alive, to impactful matters such as the safety of COVID-19 vaccines, people often question what is a fact. The question is important in its own right but even more so because the answer provides the foundations of our personal choices and public policy, writes Frederick Schauer. Using examples ranging from art authentication to climate change, the professor of law at the University of Virginia explores how we determine what is or what is not a fact, often based on the testimony of others. How much evidence we have matters when assessing facts, he writes, yet sometimes, when people are motivated to draw a certain conclusion, they simply see what they want to see.

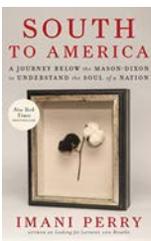


“South to America: A Journey Below the Mason-Dixon to Understand the Soul of a Nation,” by Imani Perry '00 (*HarperCollins*)

A native of Alabama, Imani Perry, now a Princeton University professor, returns to the South to consider its past and present and its influence on the rest of the nation. The South she surveys includes places as disparate as Tobacco Road in the Bible Belt; Atlanta, the “king of the South,” a center of Black music and culture; and Florida from Jacksonville to South Beach. Revealing moments include encounters with a Confederate reenactor in Harper's Ferry and a docent in a historic museum home in Maryland who whispers the word “slavery” to Perry, a Black woman. Paying attention to the South, she writes, “allows us to understand much more about our nation, and about how our people, land, and commerce work in relation to one another, often cruelly, and about how our tastes and ways flow from our habits.”

“Midnight in Washington: How We Almost Lost Our Democracy and Still Could,” by Adam Schiff '85 (*Random House*)

Starting with a description of his experience at the Capitol building during the Jan. 6 insurrection, U.S. Rep. Adam Schiff, a Democrat from California, details his life before politics and the stances he took that made him a self-described “liberal lightning rod” during the Trump presidency. The book includes accounts of his work on investigations into alleged Russian interference in the 2016 presidential election and his role in the first impeachment proceeding against President Trump. While lamenting today's political discourse and criticizing the current state of the GOP, he praises public servants like Alexander Vindman and Capi-



Class Notes



Langdell Hall in the pink



| 1952

→ 70TH REUNION OCT. 28-30, 2022

| 1957

→ 65TH REUNION OCT. 28-30, 2022

| 1958

PHIL ZEIDMAN recently retired after an “uncommonly lucky and rewarding career” which allowed him to practice law, be involved in politics, and travel. He started out in government service for 10 years and then was in private practice for 54, many of those in a firm bearing his name. He writes that his definition of “retiring” includes finishing several projects for his most recent firm and continuing in a number of board and bar association positions, but he also wants to spend more time with his grandchildren and travel often with Ginger to his retreat in the Florida Panhandle. Grateful to his firm for “providing a supportive and congenial home for decades,” Zeidman says he hopes to continue to have lunch with his longtime partners — and keep crossing paths with many HLS friends as well.

| 1962

→ 60TH REUNION OCT. 28-30, 2022

| 1964

After a long career as senior partner at the Canadian law firm Stikeman Elliott in Toronto and Washington, D.C., and then CEO of Molson Inc., **JAMES ARNETT LL.M.** has published his first novel. He writes: “It’s historical fiction but a true crime story called ‘Bean Fate,’ involving rum-running from Saskatchewan to Chicago during Prohibition. An unsolved murder of a member of the prominent Bronfman family inflames the public’s suspicions about the links between the Canadian politicians and the Chicago Mob. But when a rookie cop gets too close to the truth, he’s pulled off the case. Then he goes rogue.” See more at www.jamesarnett.ca.

“Licorice Pizza,” the coming-of-age movie released last year and directed by Paul Thomas Anderson, is also a paean to Los Angeles’ San Fernando

Valley of the early ’70s. It incorporates local landmarks, such as Papoo’s Hot Dog Show, but also landmark locals, including a lawyer and city councilman running for mayor named **JOEL WACHS**, played by Benny Safdie. In addition to conveying the charisma of the young politician, the movie also makes it clear that Wachs was gay and, at the time, closeted. The real Joel Wachs, who graduated from Harvard Law School in 1964 and went on to serve as city councilman in Los Angeles for 30 years, sent news to the Bulletin of his portrayal in the movie. Wachs, who now lives in New York, where he is president of the Andy Warhol Foundation for the Visual Arts, came out in 1999 at age 60. He said in a story in the Los Angeles Times that during the period depicted in the film, “the suppression was enormous. ... So much has changed since then, for the good.”

| 1967

→ 55TH REUNION OCT. 28-30, 2022

COLIN MCNAIRN LL.M.’s latest book, a collection of light verse titled “Signs of the Times: Through Reimagined Nursery Rhymes,” has been published by Kelsay Books of American Fork, Utah.

GEORGE VRADENBURG, former senior executive at AOL, CBS, and Fox, is leading a crusade to combat Alzheimer’s disease. After losing his mother-in-law to the disease in the 1990s, he founded the advocacy group *UsAgainstAlzheimer’s*. Now, under his leadership, the Davos Alzheimer’s Collaborative, a \$700 million, six-year effort launched at the World Economic Forum’s Davos Agenda 2021, is the first global effort of its kind and links research, clinical trials, and health systems to help in the fight against Alzheimer’s. “The Davos Alzheimer’s Collaborative is an unparalleled movement in size and scope that is making tangible progress combating this devastating disease,” writes Vradenburg. “This is not only a mission of mercy for those struggling with Alzheimer’s; it is essential to achieving a future of healthy aging that will be required for economic growth, stabilizing societies

and rescuing health care systems in danger of being overwhelmed by this costly disease.” To learn more, contact Vradenburg directly at Vradenburg@aol.com or visit www.davosalzheimerscollaborative.org.

| 1970

→ 50TH REUNION OCT. 28-30, 2022

Soccer is the world’s most popular sport but not the United States’. In his new book, “Soccer in American Culture: The Beautiful Game’s Struggle for Status” (University of Missouri Press), **G. EDWARD WHITE** delves into why the sport failed to capture America’s attention in the past while also exploring its burgeoning popularity since the late 20th century. White, a professor at the University of Virginia School of Law, is author of 19 other books, including works on law and history and another sports-related book, “Creating the National Pastime: Baseball Transforms Itself, 1903-1953.”

| 1971

→ 50TH REUNION OCT. 28-30, 2022

Now retired after a career as a federal prosecutor, large-firm litigator, pioneer in legal project management, and author of several successful nonfiction books, **DOUGLAS B. RICHARDSON** has just published his debut novel, “Down Wind and Out of Sight” (Archway Press). “The novel is a genre-bender,” Richardson writes, “on one hand a suspense thriller loaded with startling plot twists and quirky science, on the other a compassionate study of a ‘found family’ — of emotionally challenged recluses living illegally on a vast northern Chesapeake Bay estate. Action fans will be well-rewarded, sophisticated readers will be engaged by its psychological depth, and folks who like to be shocked will really be shocked.” He adds: “[I did] a series of book-signing events in Qatar, India, and England for [the] novel. In many ways, life as a 75-year-old debut novelist is more challenging than my career as a federal prosecutor and decades as a legal consultant. Writing the novel was easy compared with the demands of marketing and publici-



ty in the digital age. Glad the second novel is now done!”

1972

→ 50TH REUNION OCT. 28-30, 2022

1974

HOWARD BROD BROWNSTEIN, president of The Brownstein Corporation, has been named by the National Association of Corporate Directors as NACD Directorship Certified. NACD-certified directors signal to boards, investors, and other stakeholders that they possess the highest commitment to continuing director education available in the United States. Brownstein has served as an independent corporate board director for over 40 years.

HAROLD KIRTZ writes: “I am currently the longest-serving attorney at the Federal Trade Commission. I started right after law school in 1974, in Washington, D.C., in the Bureau of Competition before transferring to a managerial position in 1978 in the Atlanta Regional Office. After 19 years in management, I took a senior litigator position in 1997 and have litigated primarily consumer fraud cases since then. It has been a great career! My wife, Janis, and I have resided in Atlanta now for 44 of our 52 married years; Janis has been a lawyer and executive in several real estate companies here — and is still going strong. I have also been active in the Jewish community as, among other things, president of our synagogue, president of the largest Jewish high school in Atlanta, president (several times) of the Jewish Community Relations Council of Atlanta, and a writer of occasional op-eds locally. Our son and daughter-in-law live in Tampa, are both physicians, and have our two very adorable grandchildren.”

1976

JAMES D. ADDUCCI has been elected to the board of directors of the firm of John Dickinson Schneider. He continues to serve as the general counsel of that company. JDS is the parent company of Hollister Incorporated,

“I am currently the longest-serving attorney at the Federal Trade Commission.”

which develops, manufactures, and markets medical products globally, and KMT Medical, a global provider of home care services to consumers. Adducci also serves on the boards of Hollister and KMT.

LEE E. MILLER, an adjunct professor in human capital management at Columbia and USC, has been named a senior fellow at the Human Capital Center for the Conference Board, a nonprofit business membership and research group organization. “It counts over 1,000 public and private corporations and other organizations as members, encompassing 60 countries,” Miller writes.

1977

→ 45TH REUNION OCT. 28-30, 2022

1979

ARTHUR BRYANT received the Southern Trial Lawyers Association’s highest honor, the War Horse Award, during the association’s annual Mardi Gras Conference in New Orleans in February. Honorees are nominated by fellow members of the STLA and are recognized for being great courtroom advocates who also give of their time, energy, and money to state trial lawyers associations and other organizations working for justice — lawyers who are “true characters of their time.” Bryant is a partner at Bailey & Glasser in Oakland, California.

ADRIAN SPRATT writes that his novel, “Caroline,” was published this year: “What might initially interest lawyers about ‘Caroline’ is its depiction of how the blind protagonist, a young lawyer named Nick Coleman, functions at a law office and the problems he experiences as a result of assumptions about his disability. This aspect of the novel is loosely related to my own experiences as a blind lawyer and those of others I’ve known. That said, the novel’s focus is not on disability. My objective was to put a disabled character in mainstream society and tell a mainstream story around him.” Spratt invites anyone interested to check out the Kirkus book review: “The author ... unravels the slow processes by which friends, family members, and lovers

change one another, writing in prose that’s psychologically exacting but infused with poetic resonance.”

1980

2022 has been a busy year for **PETER LAWSON JONES**, who sent an update in April. His third play and first commissioned work, “The Phoenix Society,” premiered in May at Playwrights Local in Cleveland. Two Voyage Media narrative podcasts in which he performs, “Mahalo with a Bullet” and “Murder at Rock Creek,” recently debuted. He appeared in an NBA Playoffs commercial, and he performs on two songs on “Fried Potatoes & Onions,” an album released in April by the Cleveland Treatment Center. For more info on Jones’ acting and writing career, go to www.peterlawsonjones.com.

1982

→ 40TH REUNION OCT. 28-30, 2022

1983

In April, **BENJAMIN G. DAVIS** wrote: “I was just officially informed by the ambassador to the United States from France that the French Republic has granted me the Chevalier rank in the Ordre des Palmes Académiques for services rendered to France, its language, and its culture in the United States. An amazing thing to happen and very moving for me who lived in France 17 years. This decoration dates back to 1808 and is a national order bestowed by the French Republic that recognizes those who have rendered eminent service to French education and have contributed to the prestige of French culture.”

1985

SCOTT BAKAL, a cross-border tax attorney, has joined Greenberg Traurig’s Fort Lauderdale, Florida, office. He was previously with Neal Gerber Eisenberg in Chicago, where he was a partner and co-chair of the firm’s taxation practice group.

1987

→ 35TH REUNION OCT. 28-30, 2022



SEND US YOUR NEWS!

Submit class notes to bulletin@law.harvard.edu. The deadline for the next issue is Nov. 11, 2022.

Clark Maser earns France's highest honor for World War II heroism

'A Good Time to Serve One's Country'

Clark W. Maser '51 still remembers his first sight of Europe on Oct. 20, 1944 – the eerie black rock of British Gibraltar framed against the glittering lights of the Spanish towns in the distance.

But the 19-year-old Chicago native wasn't on holiday. Slight and bespectacled, Maser was riding in an overloaded troop transport, on his way to Marseille to help liberate France from Nazi occupation.

Seventy-seven years later, at a ceremony in Cambridge, Massachusetts, this spring Maser was proclaimed a knight of the Legion of Honor. During the event held at the official residence of France's consul general for Boston, Consul General Arnaud Mentré summed up Maser's contributions. "You are a true hero for the United States, but you are also a hero for us, the French people," he said.

Looking around the crowd assembled to honor him, including his son, Minot Maser, the 96-year-old veteran displayed both pride and surprise. "I never realized I would end up here," he said.

Despite the passage of time, Maser remembers sailing into Marseille's harbor, peering at the scuttled ships littering the channel and the large piles of rubble and twisted metal where docks and buildings had previously stood. A member of the 103rd Infantry Division, he was soon marching 20 miles inland to join the fight, commenting later that he had been so tired that he'd slept as he walked.

But before he experienced combat, he took advantage of the opportunity to absorb some local culture, a production of "La Traviata," his first opera. His most vivid memory of the performance was how emaciated the performers were after the years of occupation.

During the long trip across the Atlantic, Maser had volunteered to use his eighth grade French to translate for his superiors. That, combined with his background running track in high school, made him an ideal company messenger.

But Maser's time in France proved to be brief, painful, and heroic. Little more than a



Veteran Clark Maser says he's glad he had the opportunity to do his part.

month after they landed, his company was attempting to liberate Itterswiller, an Alsatian village in the hills along the Vosges Mountains. As Maser ran messages back and forth, he saw many of his 160 comrades killed as Nazi mortars, set to explode in the trees above, rained deadly shrapnel on their heads.

Soon Maser himself was struck twice, once in each thigh, an experience he compares to being "rammed by a telephone pole." When a team of medics attempted to carry him back to a field hospital, he was hit again.

Shipped home, he was awarded a Purple Heart and a Bronze Star.

He attended college on the GI Bill at the University of California, Berkeley. Upon graduation, Maser moved across the country to Cambridge to study law. At Harvard Law School, he says, his favorite professor was

Archibald Cox '37, who later gained fame as the Watergate special prosecutor.

Maser then moved to San Francisco to practice his chosen profession. What did he love about the law? "I just thought that people weren't as well treated as they could have been. I always tried to bend over backward to give them advice." During a long career, he represented clients as different as Shirley Temple Black and U.S. Steel. Having picked up in France a lifelong interest in international relations, Maser also joined the Northern California World Affairs Council, eventually serving as its president.

Of his time in France, Maser says that he is glad he had the opportunity to do his part and that "it is always a good time to serve one's country." Today, he advises others to "seek those opportunities whenever you can."



... author of the book “How Creativity Rules the World: The Art and Business of Turning Your Ideas into Gold.”

Professor **WALTER A. EFFROSS** of American University has published the third edition of “Corporate Governance: Principles, Practices, and Provisions.” He writes that more information is available at <http://www.board-readiness.com> and at <http://www.not-an-algebra-book.com>.

| 1991

In December 2021, **MICHAEL K. FRIEDLAND** was named co-chair of Knobbe Martens’ litigation department. He has litigated patent and trademark cases with the firm for 25 years in its Orange County, California, office.

“After almost eight years in the Civil Recovery Section of the Oregon Department of Justice,” wrote **TIM SMITH** this spring, “I have transferred to ODOJ’s Antitrust and False Claims Unit. I have been assigned to several multistate investigations including the MDL litigation related to Google’s Play Store. After 30 years juggling multiple clients, I am enjoying the opportunity to focus on one client — the AG. I am also the proud parent of a law student — my son Jake is a 1L at UCLA Law, who will be externing this summer with LA County Superior Court Judge Alexander Giza. My son Kevin is getting married this coming October and hopes to complete his Ph.D. in electrical engineering in 2022 at UC Santa Barbara. My wife, Liz, has been teaching religion at the Franciscan Montessori Earth School for more than 25 years. If you find yourself in Portland, Oregon, please look me up.”

| 1994

JASON LEVINE has become an investment manager and legal counsel at Omni Bridgeway, a leading global commercial litigation finance company. Among other responsibilities, he heads Omni Bridgeway’s Washington, D.C., operations and leads its antitrust litigation initiative.

| 1995

GREG WALLER has been appointed general counsel at Hunton Andrews Kurth. His practice includes com-

mercial litigation, products liability cases, corporate investigations, and white-collar criminal matters. He was previously the firm’s assistant general counsel and co-lead of its commercial litigation practice for four years.

| 1996

KATRINA CAMPBELL is entering her third year as an assistant professor of professional practice at Rutgers Business School and owner of Campbell Ethics Consulting, through which she provides ethics, compliance, and investigation services to international development organizations, NGOs, and the private sector. “I am living my dream of owning my own business and working to help foster ethical cultures in international organizations,” she writes. An article Campbell co-wrote for the Society of Corporate Compliance and Ethics magazine, COSMOS, “When is racism misconduct?” was published in February 2022.

JANE MUIGAI LL.M. founded The Toolkit iSkills in 2014, to equip jobless young women and men in Kenya with globally competitive skills in areas such as renewable energy, organic farming, mining, and gas exploration. Earlier this year she was interviewed in The Nairobiian about her organization’s work, and she shared the Q&A. “The Kenyan youth no longer competes with a fellow from the next village. Their competition are their age mates in Asia, Europe and the USA,” she said in the interview. Earlier in her career, Muigai worked for the United Nations Refugee Agency in conflict zones across the world.

LANG WISEMAN, former deputy governor and chief counsel to Tennessee Gov. Bill Lee, has joined Baker Donelson as a shareholder in the firm’s advocacy department in Nashville.

| 2000

MICHÈLE ALEXANDRE has become dean of Loyola University Chicago School of Law. She has worked in higher education for two decades, previously serving as dean and professor at Stetson University College of Law. Her career and scholarship have been devoted

to civil rights law, including issues of sustainability, economic independence, race and gender equity, and social justice, and she has also served as a civil rights attorney with Chestnut Sanders Sanders Pettaway Campbell & Albright in Selma, Alabama.

MARIA BRITO LL.M. is author of the book “How Creativity Rules the World: The Art and Business of Turning Your Ideas into Gold.” A former corporate lawyer, she is now a New York-based contemporary art adviser, author, and curator, and her guide is intended to help readers in any industry or occupation increase their creativity so they can thrive. In 2019, in addition to curating two exhibitions — one in Beirut, Lebanon, and the other in New York City — she both launched “Jumpstart,” a comprehensive online program on creativity, and created and hosted “The ‘C’ Files with Maria Brito,” a TV and streaming series on the PBS station ALL ARTS.

| 2001

CHRISTOPHER M. BRUNER is the author of “The Corporation as Technology: Re-Calibrating Corporate Governance for a Sustainable Future.” He is the Stembler Family Distinguished Professor in Business Law at University of Georgia School of Law in Athens.

| 2003

BRIAN FINROW is co-founder and CEO of Lumen Bioscience. Among other programs, Lumen is now running clinical efficacy trials for *C. difficile* infection and infant diarrheal diseases, both major global health threats. The company develops antibody-based drug cocktails — a new approach to grappling with antibiotic-resistant enteric bacterial infections, which kill more than 800,000 children per year in low- and middle-income countries.

| 2004

DEREK DOMIAN has been elevated to director at Goulston & Storrs in Boston, where he continues to focus his business litigation practice on complex commercial, real estate, leasing,

National Football League referee Ron Torbert reaches the pinnacle of his profession: officiating the Super Bowl

At the Top of His Game

Ron Torbert '88 had been preparing for this moment for more than 30 years. After countless hours of experience, study, and training, he had just one thing on his mind as the biggest event of his professional life was about to kick off.

Don't screw up the coin toss.

Among his responsibilities, announcing whether a coin landed on heads or tails was hardly going to be the biggest challenge Torbert could face as the referee for Super Bowl LVI in February. But as he stood with Cincinnati Bengals and Los Angeles Rams players in SoFi Stadium awaiting the start of the most-watched sporting event of the year, he was eager to get past the pageantry and get to what led him to this stage as more than 100 million people tuned in: the game he loves.

"Get through the coin toss, get through that opening kickoff, when all the flashbulbs are going off in the stadium, and then it becomes a football game," he said.

He earned his first Super Bowl refereeing assignment after working as an official in the NFL since 2010 and, prior to that, at the college and high school levels. While he grew up a football fan in Youngstown, Ohio, the idea of being an official never occurred to him until he began his legal career after graduating from Harvard Law School. Torbert had recently started at the Dykema firm in Michigan when a colleague who was leaving for a position in another state asked him if he'd like to take his spot on a high school football officiating crew. Torbert says he balked at first; after all, he didn't know anything about being an official. But he agreed to watch the crew work a game and decided he would give it a try.

"I just fell in love with it," said Torbert. "It was a chance to have one of the best seats in the house at a football game. There's a challenge in understanding the rules, understanding how they should be applied, being part of managing the game, dealing with players and coaches that may not agree with what you've done. Maybe it felt familiar to what I



"Get through the coin toss, get through that opening kickoff," Ron Torbert said, "and then it becomes a football game."

was doing in the practice of law. Skills that I learned and developed in one of those jobs, I could translate to the other."

In his legal career, he practiced commercial litigation and became an equity partner at Dykema, then moved to the construction firm Barton Malow, also in Michigan, as VP and general counsel. He also served on the board of the Legal Aid and Defender Association of Detroit, inspired by his experience as president of the Harvard Legal Aid Bureau while he was at HLS.

At the same time, he progressed through the officiating ranks. After 10 years officiating high school, he was hired for Division II college football and later the high-profile Big Ten Conference. The NFL, which sends scouts to evaluate officials in college, then asked him to fill an open position.

During the season, officiating is a seven-day-a-week job for Torbert. In addition to calling the game, he studies film and evaluates his and his crew's performance. He also

works out three to five times a week to be able to keep up with some of the fastest and strongest athletes in the world. "We need to be athletes as well," he said, "because knowing the rules is one thing, but if you really want to apply them properly, you've got to be in the right position."

In 2019, Torbert left his job at Barton Malow and moved to Maryland to be closer to his daughter and new grandson. He credits his former employers for accommodating his schedule during the football season and his wife, Melanie, for her support and the sacrifices she's made when he couldn't spend as much time at home as he wanted. He may practice law again in the future but for now will spend more time with his family and recharge for the next season. At age 58, he jokes that he keeps getting older while the players stay the same age. But he plans to keep refereeing as long as he is still healthy and still excited to watch the sport he loves from one of the best seats in the house. —LEWIS I. RICE



... founded a nonprofit in Atlanta called One People Flags, Inc., which “provides free American flag sets”

professional liability, and intellectual property disputes. He represents clients in state and federal courts at the trial and appellate levels, as well as before arbitrators, mediators, and regulatory bodies, and he routinely advises clients outside of these venues on prelitigation strategies that serve their business interests.

WILL STEPHENS has become one of two assistant deputies in the Public Advocacy Division for the D.C. Office of the Attorney General, the District of Columbia’s elected attorney general’s office, where he helps oversee all of OAG’s affirmative public interest litigation — including civil rights, consumer protection, elder justice, workers’ rights, housing advocacy, nonprofit enforcement, and antitrust.

YOHANNES TSEHAI recently served as a senior adviser to President Sahle-Work Zewde of the Federal Democratic Republic of Ethiopia, Ethiopia’s first female president. He is now the Ethiopia country representative for MFS Africa, a digital payment company. Earlier, Tsehai was the founding managing partner of Veritas Consulting, a management consulting firm in Ethiopia. Before founding Veritas, he served as the chief of staff and legislative director for U.S. Congresswoman Sheila Jackson Lee and was a litigator at Cleary Gottlieb Steen & Hamilton in New York.

| 2007

In April, **ERIKA HAROLD** became the executive director of the Illinois Supreme Court Commission on Professionalism. A 2018 Illinois attorney general candidate, she was previously a commercial litigation attorney at Meyer Capel in Champaign, Illinois, and she has served on the teaching faculty of HLS’s Trial Advocacy Workshop. Harold was named Miss America in 2003.

JUDITH SHOPHET SIDKOFF has been promoted to partner in Dentons’ Los Angeles office. A member of the firm’s litigation and dispute resolution practice group as well as its consumer products representation and services practice group, she focuses on complex commercial litigation, class ac-

tions, and CPSC regulatory work. She is also a national committee member of the firm’s WomenLEAD and serves on the U.S. Associates Committee.

| 2008

BLAIR KAMINSKY, a partner at Howell Shuster & Goldberg since 2017, has joined the litigation boutique’s four-person management committee. In addition to representing clients in high-stakes complex commercial litigation and investigatory matters, she co-leads the firm’s marketing and recruiting efforts and is a co-founder of its diversity and inclusion committee.

| 2010

LAKEISHA CATON has been elevated to partner at Pryor Cashman in New York and is a member of the firm’s labor and employment group and litigation group.

Pierce Atwood partner **KYLE J. GLOVER** has been named leader of the firm’s technology transactions and outsourcing practice. His work with purchasers of outsourced services, information systems, and technology includes guiding clients throughout the deal and dispute life cycle, negotiating contracts with national and international services vendors, and providing advice to clients on negotiation strategy and deal design. Formerly a faculty member of the Harvard Negotiation Institute and a lecturer on law on negotiation at HLS, he is currently a member of the Harvard Mediation Program Advisory Board and an adjunct professor at Georgetown Law, where he teaches a course on multiparty negotiation.

AARON LEVY has been promoted to partner at Sheppard Mullin and is a member of the firm’s finance and bankruptcy practice group based in the New York office. He is also a member of the derivatives and structured products team. Levy represents major banks, broker-dealers, asset managers, investment funds, and end-users in a range of derivatives and structured products transactions.

ALANA ST. AUDE, a banking and finance lawyer, has joined Goldman

Sachs as vice president, senior counsel in the Asset Management Division.

PABLO SVIRSKY, a partner at Faegre Drinker in Indianapolis, has been named co-leader of the firm’s Diversity Collective. Faegre Drinker’s Diversity Collective develops and strengthens connections between the firm’s self-identified diverse attorneys and consulting professionals. Svirsky advises and supports companies on corporate matters from large M&A transactions to simple commercial contracts. In addition, he represents clients in divestitures, supply and distribution agreements, service contracts, and business formation.

| 2011

KATHRYN C. APPLING has joined Blank Rome as of counsel in the firm’s real estate practice in New York. She represents private equity funds, developers, financial technology companies, and others in structuring and negotiating complex joint ventures, acquisitions and dispositions, financings, and restructurings. She was previously with Bryan Cave Leighton Paisner.

ELIZABETH DORSI has become partner at Farella Braun + Martel in San Francisco. She represents clients in disputes ranging from pre-litigation conflict resolution to high-stakes civil litigation in state and federal trial courts, on appeal, and in arbitration. Her practice focuses on complex litigation with an emphasis on unfair competition, false advertising consumer class actions, breach of contract claims, and trust and estate litigation. Dorsi serves on the executive committee of the Harvard Law School Association of Northern California.

| 2012

J. HILLYER JENNINGS writes that he recently founded a nonprofit in Atlanta called [One People Flags, Inc.](https://www.onepeopleflags.org/), which “provides free American flag sets for display on homes of veterans and low-income families across the country in order to unite our communities under a banner that belongs to all of us.” More information can be found at <https://www.onepeopleflags.org/>.

Ayesha Malik paves the way for women on Pakistan's Supreme Court

Making Herstory

In January 2022, **Ayesha Malik LL.M. '99** made international news when she became the first woman in Pakistan's 75-year history to ascend to the nation's highest court. The attention she received was overwhelming. Being the "first," she explained in an interview for the Bulletin, meant she was responsible for not only opening the door to the possibility of women serving on Pakistan's Supreme Court, but also ensuring that the door stays open for others to join her. "This is not a burden," she said. "This is my calling."

Her appointment was met with mixed reactions: relief and joy from advocates who noted that women account for less than 5% of judges sitting on Pakistan's high courts, and critical opposition from some members of the nation's legal community, who threatened to strike if Malik was elevated ahead of more senior male colleagues. Ultimately, support from Pakistan's Chief Justice Gulzar Ahmed helped secure a 5-4 vote from Pakistan's judicial commission to approve Malik's nomination.

Malik never envisioned herself as a judiciary trailblazer. As a child, she had imagined being a Perry Mason-like criminal defense lawyer. Upon becoming a litigator, she discovered that there were few women arguing cases in court, and even fewer hearing them from the bench. "I realized that the profession needs more women for the scales to be balanced," Malik said.

She was guided by advice from her father, who had encouraged her, she said, to "make a difference and make my presence felt." She began her career in corporate law and litigation at two firms in Karachi, and later taught banking law at the University of the Punjab and mercantile law at the College of Accounting and Management Sciences in Karachi. She was a law firm associate when she decided to pursue an LL.M. to gain acceptability and visibility in a profession that had historically excluded women. "I was able to instill confidence at work simply because I studied at HLS," she said. Malik noted that when she later joined the Lahore High Court in



Ayesha Malik has used her position, inside and outside the courtroom, to advocate for women in the legal system.

Pakistan's Punjab region and became its only female justice, people would just as frequently comment that she was also the Court's only Harvard Law School graduate.

During Malik's 10 years on the High Court, she heard a variety of cases on matters ranging from the enforcement of international arbitration in Pakistan to the environment. She also served on a national committee overseeing case management and as a member of a federal board that reviews cases involving foreigners detained in Pakistan.

But she garnered international headlines last year when she issued a 30-page ruling outlawing the use of virginity tests and hymen examinations in sexual assault cases. Such practices, she wrote, have no forensic value,

violate Pakistan's Constitution by discriminating on the basis of gender, and "[offend] the dignity of the female victim."

It is no coincidence that women's voices helped outlaw the practice, which the Punjab government had considered abolishing but ultimately failed to take up. In a virtual talk hosted this spring by the HLS Women's Law Association, Malik explained that her unique position allowed her to "call out discrimination" and "point out where the system totally ignores women and the needs of women."

Malik has used her position both inside and outside the courtroom to advocate for women in the legal system. She chaired a federal committee addressing issues relating to female judicial officers and initiated the Punjab Women Judges Conference in 2016, which helped lead to the introduction of courts aimed specifically at addressing gender-based violence, a gender equality policy

at the Lahore High Court, and waiting rooms for women and children in courthouses. As a board member of the Punjab Judicial Academy, she has also trained judges locally and internationally on managing more gender-sensitive courts.

As the sole female member of Pakistan's highest court, Malik will continue to gain attention as a woman in a space that previously had none — but she hopes she won't be alone for long. "Bringing a different perspective and diverse reasoning creates greater public trust and confidence because it is reflective of the composition of society," Malik said. "So while today I am one, hopefully in the future there will be more." —LANA BARNETT '15

STEVE JUGLE has joined the Houston law firm Alavi Anaipakos. He represents clients in high-stakes intellectual property cases and business disputes.

New Sheppard Mullin partner **ERICA KRAUS** is a member of the firm's corporate practice group and health care team and is based in its Washington, D.C., office. She represents health care entities in regulatory compliance matters, including with respect to federal and state fraud and abuse laws and reimbursement requirements.

DAVID ZINS has become a partner at Morrison & Foerster in Los Angeles. He is a member of the firm's litigation department and part of its employment and labor group, and his practice focuses on advising and defending employers in wage-and-hour class, collective, and representative actions. He also represents and defends employers facing other employment-related claims and maintains a counseling practice.

2013

SAMANTHA HEATON was recently promoted to shareholder at business law firm Winthrop and Weinstine in Minneapolis, where she is part of the estate planning practice area. She represents clients in connection with preparing comprehensive estate and gift plans that are implemented through wills, trust agreements, and related documents. She also represents high-net-worth individuals and families in charitable gift planning; tax planning; and probate, trust, and estate administration.

EMILY M. SAVNER has become special counsel in the litigation department at Jenner & Block in Washington, D.C., and is a member of the firm's investigations, compliance, and defense practice. Previously a trial attorney in the U.S. Department of Justice's Civil Rights Division for six years, she represents and advises a wide range of companies in connection with governmental and internal investigations. Her pro bono practice includes helping clients raise constitutional claims in post-conviction proceedings.

2014

New Jenner & Block partner **KATIE B. JOHNSON** is a core member of the government controversies and public policy litigation practice in the Washington, D.C., office. She is also a member of the firm's investigations, compliance, and defense as well as its congressional investigations practices. She represents companies and institutions facing multifaceted government investigations. Prior to joining Jenner & Block, Johnson spent six years in the executive branch, including as personal aide to President **BARACK OBAMA '91** from 2009 to 2011.

PENG LIN has been elevated to principal at Fish & Richardson. He concentrates his practice on patent prosecution and counseling, opinion work, due diligence studies, and patent portfolio development and management.

TONY ROWLES has been elected partner at Irell & Manella in Newport Beach, California, and focuses on high-tech patent litigation and counseling. Rowles has a B.S. in electrical and computer engineering from Carnegie Mellon University, and prior to law school he worked as an engineer in the defense industry and helped develop robotic solutions to retail inventory management as a researcher on Intel's "Future of Retail" project. Before college, he served as an intelligence analyst in the U.S. Army.

MATTHEW SHAPANKA writes: "I was appointed in February 2021 as chief counsel to the U.S. Senate Committee on Rules and Administration chaired by Sen. Amy Klobuchar (D-Minn.). In that role, I work on matters involving voting rights and campaign finance legislation, investigating the Jan. 6, 2021, attack on the U.S. Capitol, and the rules and regulations that govern the Senate. Since graduating from HLS, I have also worked in private practice as an election lawyer and policy adviser in Washington, D.C. In May 2021, my wife, Megan, and I welcomed our first child, Ben."

2016

Social justice advocate, leader, and educator **ARIEL SIMMS** has been named



... his new book, "25 Million Sparks: The Untold Story of Refugee Entrepreneurs," was named to Financial Times' Business Books of the Month.

president and CEO of the disability advocacy nonprofit RespectAbility. In addition, Simms is a scholar in residence with the Philosophy and Religion Department at American University and serves on the board of directors for the Disability Rights Bar Association. Prior to joining RespectAbility, they led The Arc of the United States' equity work as the director of access, equity, and inclusion. Simms also led recruitment and onboarding efforts for new chapters and nonprofit associate members as the director of chapter growth and affiliate relations.

2018

LARK TURNER and **PETE DAVIS** welcomed son Francis Shelton Davis on April 1, 2022.

2019

C. WILLIAM COURTNEY, an associate at Maynard Cooper & Gale in Birmingham, Alabama, has been selected for a clerkship with Justice Clarence Thomas of the Supreme Court of the United States. He will serve as one of Justice Thomas' four clerks for the 2023 term. Courtney is a member of Maynard's insurance and financial services practice, which defends national and global companies in high-stakes cases involving claims of fraudulent sales practices, bad faith, and breach of contract and fiduciary duty.

ANDREW LEON HANNA writes that in May his new book, "25 Million Sparks: The Untold Story of Refugee Entrepreneurs," was named to Financial Times' Business Books of the Month. In it, he tells the story of three Syrian women entrepreneurs in the Za'atari refugee camp in Jordan and of the broader global refugee entrepreneurship phenomenon they represent. Back when Hanna was a 3L at HLS, his proposal for "25 Million Sparks" won the 2018 Bracken Bower Prize from the Financial Times and McKinsey & Company for the best business book proposal from an author 35 or under. He says that he was inspired to write the book in part by his parents, Nosshey and Afaf Hanna, who immigrated to the U.S. from Egypt three decades ago.

Justin Herdman aims to solve problems before they make headlines

An Ounce of Prevention

After **Justin Herdman '01** graduated from Harvard Law School, the Ohio native moved to New York to begin his career at the Manhattan District Attorney's Office. One week after he started, he stood and watched as the World Trade Center towers burned and collapsed. As he looked upon crowds covered in dust and plaster, Herdman wondered how he could help. In the days that followed, he tried to volunteer to clear the rubble but was turned away because he lacked the necessary skills. "I felt very, very helpless and unable to contribute, and I never wanted to feel that way again," he said.

Herdman had already spoken to recruiters about joining the military prior to Sept. 11, but the tragic event is why he has remained a military reservist for nearly 20 years, first as a Navy intelligence officer and currently as a lieutenant colonel and judge advocate in the U.S. Air Force Reserve. Now, he said, "I know how I would contribute if something like that happens again, and I know how I can contribute day to day in supporting our country."

Herdman, the first person in his family to go to law school, was drawn to public service, and specifically prosecutorial work, after studying abroad in Russia as a college student in the mid-'90s. As part of his coursework, he observed criminal proceedings in Moscow and was struck by the lack of protections afforded to the accused. "I walked away thinking that our criminal justice system, as imperfect as it is, has a lot of merit compared to what is going on elsewhere in the world," he said.

Early on, Herdman learned that in the U.S., prosecutors can exercise more discretion than any other individual in a case or courtroom. At Harvard, classes taught by Alan Dershowitz and Charles Ogletree '78, followed by both prosecutorial internships and a semester-long clinic as a student defense attorney, cemented his commitment to practicing criminal law.

After four years at the D.A.'s office, Herdman moved back to Ohio, where he alternated between private practice and prosecuting



Justin Herdman's career has included working to prevent hate crimes and terrorism.

threats to national security, including domestic terrorism, as an assistant U.S. attorney. As a federal prosecutor, he learned that obtaining convictions after terrorist acts occur is easy, given the gravity of the offenses, but they amount to too little, too late. "You've already lost at that point," he said. The harder task, he says, is to identify and stave off threats before they manifest.

From 2017 to 2021, Herdman served as the U.S. attorney for the Northern District of Ohio. In that role, he garnered national attention in August 2019 when he announced charges against a white nationalist who had made threats against a Jewish community center. Herdman addressed his comments directly to white supremacists, warning them that while the Constitution "protects your right to speak," making threats or carrying out violence "in the name of a nonsense racial theory" would be met with a swift response from law enforcement. He spoke out, he says, because he was perturbed by the dangerous turn he had witnessed in public discourse, including numerous threats against public officials, and specifically wanted to inspire on-the-ground members of law enforcement to respond to inchoate threats.

As a U.S. attorney in an epicenter of the opi-

oid crisis, Herdman championed efforts to reduce overdose deaths, particularly from drugs laced with fentanyl. His office partnered with established needle exchange programs to provide fentanyl test strips and erected billboards warning of the dangers of fentanyl in cocaine. Though acknowledging that a prosecutor's office can do only so much to address a public health crisis, Herdman felt obligated to contribute whatever ideas or funding his office could in addition to traditional prosecution. "This is not a supply-driven problem," he said, noting that he didn't lose sleep at night because they were arresting drug dealers; he had trouble sleeping "because we couldn't do anything to staunch the demand."

Herdman is now a partner at Jones Day in Cleveland, where he focuses on government investigations and criminal litigation, including co-chairing a task force aimed at identifying areas where the firm can bring impact litigation that could meaningfully reduce hate crimes and violence.

In private practice just as in public service, Herdman said, clients and citizens expect the same thing: "Lawyers are supposed to be problem solvers, and that means identifying problems before they are at your doorstep."
—LANA BARNETT '15

Alan Stone 1929–2022

For more than 50 years, he invited Harvard students to answer life's difficult questions

Alan A. Stone, the Touroff-Glueck Professor of Law and Psychiatry *Emeritus* in the Faculties of Law and Medicine at Harvard, died Jan. 23. He was 92.

Trained in psychiatry and psychoanalysis, Stone was a dominant figure in the ethics of psychiatry. He was also a powerful voice for ethics in the legal and medical systems during his more than five-decade teaching career at Harvard.

“Alan’s wisdom, honesty, insight, fearlessness, compassion, and intellectual and moral integrity helped him reshape both law and medicine on vital questions arising at the intersection of both fields. Though not a lawyer, he had deep insights about law — and helped the lawyers around him gain richer understandings about our work and our profession,” said Dean John F. Manning ’85.

Stone’s writings encompass more than 100 books, chapters, and articles, many of which have been influential in the legal and medical professions, some directly influencing Supreme Court opinions. His landmark book, “Law, Psychiatry, and Morality,” explores how moral reasoning can elucidate problems of law, ethics, and the treatment of the mentally ill and has been widely cited.

Stone entered the field of law at a time of challenge to the assumption that psychiatry and psychoanalysis were value-free sciences, and he spent his career examining the moral implications of psychiatry.

During Stone’s tenure with the American Psychiatric Association, which included serving as president, he successfully lobbied to have homosexuality removed as a psychiatric diagnosis from the “Diagnostic and Statistical Manual of Mental Disorders.”

In his keynote address at the American Academy of Psychiatry and the Law’s annual meeting in 1982, he argued that psychiatry was burdened with hidden moral biases, and he was sharply critical of the prevailing ethics standards of forensic psychiatry. His critique was later described as having “reverberations on a national scale.”

Stone enrolled at Harvard College in 1946 as an economics major, with the intention of going to law school. A sophomore-year course which explored the phenomenon of conversion sparked his interest in psychology and he graduated with a degree in social relations. A starting lineman on the Harvard football team, he wrote his senior thesis on “Violence and Aggression in Football.”



“For half a century, Alan Stone illuminated desires, fears, passions, and emotions of human beings that are so central to law.”

He went on to earn an M.D. from Yale Medical School in 1955, and trained in psychiatry at McLean Hospital in Massachusetts. He completed his psychoanalytic training at the Boston Psychoanalytic Society and Institute.

Stone’s focus on law began when, in 1965, Professor Alan Dershowitz invited him to co-teach Psychoanalytic Theory and Legal Assumptions at HLS. They went on to co-teach Psychiatry and the Law.

In 1968, Stone took a yearlong sabbatical to study law and shifted his primary focus from medicine to law. He was named a professor of law and psychiatry in the Faculty of Law and the Faculty of Medicine at Harvard in 1972.

At HLS, he designed a law and medicine curriculum. His interests included the right to treatment, economics of the medical profession, ethics of forensics, right to die, and political misuse of psychiatry.

During his 50-year tenure at Harvard, his courses expanded to cover topics including law and literature and film. One of his most popular courses, Justice and Morality in the Plays of Shakespeare, included a staged trial of Hamlet, sometimes with U.S. Supreme Court Justice Anthony M. Kennedy ’61 presiding.

He also contributed film reviews to the Boston Review, a collection of which were published in 2007 as a book, “Movies and the Moral Adventure of Life.” Another volume, “The Abnormal Personality Through Literature,” illustrated sociopsychological manifestations and effects of mental illness through excerpts from world literature.

“For half a century, Alan Stone illuminated desires, fears, passions, and emotions of human beings that are so central to law — while he also involved students, colleagues, and readers in his deep and searching explorations of literature, films, and life’s meaning,” said Martha Minow, University Professor and former HLS dean.

“To put it in movie-review terms, Alan’s life was a tour de force,” said Jon Hanson, the Alan A. Stone Professor of Law. “The greatest privilege of holding [the chair] are the frequent reminders it provides me of him, of how he lived, and of who I aspire to be.”

1940-1949

MARSHALL A. JACOBS '43
April 26, 2014

FRANK T. GRAY '48
Nov. 27, 2021

EDWARD J. GREENFIELD '48
Aug. 26, 2021

FREDERICK S. "FRITZ"
CASSMAN '49
Jan. 20, 2019

PETER DORSEY '49
Sept. 12, 2021

A. LINWOOD HOLTON JR. '49
Oct. 28, 2021

THEODORE PROPP '49
Jan. 7, 2022

SYDNEY ROTHSTEIN '49
Oct. 14, 2021

1950-1959

LAWRENCE GOLDBERG '50
Nov. 22, 2021

C. EDWARD HARTMAN II '50
Jan. 15, 2021

MAURICE S. SPANBOCK '50
June 5, 2021

JEROME ACKERMAN '51
Dec. 8, 2021

FREDERICK R. ADLER '51
Jan. 24, 2022

GEORGE A. BROWN '51
Oct. 10, 2021

MARTIN C. CARROLL '51
April 4, 2019

PHILIP E. SILBERBERG '51
Feb. 27, 2022

THOMAS T. THOMPSON '51
Dec. 15, 2021

WALTER N. KAUFMAN '52
March 20, 2022

IVER C. MACDOUGALL '52
Sept. 15, 2021

ROBERT J. MISEY '52
Jan. 26, 2022

DANIEL M. SKLAR '52
Feb. 11, 2018

MALCOLM B. BAYLISS '53
('55)
Jan. 12, 2022

WILLIAM B. GRANT '53
Nov. 19, 2021

RODOLPHE HAMEL '53
Jan. 10, 2022

PETER S. HERMAN '53
Oct. 6, 2021

JOHN G. KUNIHOLM '53
Jan. 24, 2022

JOACHIM A. WEISSFELD '53
Nov. 4, 2021

STEPHEN K. WEST '53
Dec. 17, 2021

ARNOLD F. CIACCIO '54
Nov. 1, 2021

AVRAM J. GOLDBERG '54
Jan. 30, 2022

S. DAVID HARRISON '54
Sept. 14, 2021

JOHN T. "TIL" HAZEL JR. '54
March 15, 2022

RICHARD M. MARKUS '54
Nov. 24, 2021

WILLIAM E. NORGREN '54
Nov. 2, 2021

ALLEN RODMAN '54
Jan. 28, 2022

JEROME SCHLAPIK '54
April 2, 2021

CLIFFORD F. GADDDY JR. '55
Dec. 9, 2020

ROBERT S. MEDVECKY '55
Dec. 4, 2021

EDMOND L. SIKOROVSKY '55
Dec. 17, 2021

JOHN DAVID STONER '55
Oct. 20, 2021

LESTER L. WARD '55
Oct. 21, 2021

CHARLES L. CONVIS '56
Jan. 7, 2022

RICHARD D. ESBENSHADE '56
Sept. 14, 2021

WALLACE M. KAIN '56
Oct. 16, 2021

RUDOLPH KASS '56
June 4, 2021

CHARLES A. KELLY '56
Aug. 10, 2021

DAVID OSNOS '56
Jan. 9, 2022

MARCIA B. SMITH '56
Oct. 3, 2021

NORMAN F. BURKE LL.M. '57
Sept. 16, 2021

JOHN M. GLENN '57
Sept. 18, 2021

RONALD J. LEHRMAN '57
Feb. 9, 2022

RICHARD H. MILLER '57
Sept. 18, 2021

THEODORE M. PEASE JR. '57
Nov. 15, 2021

NELSON D. RODES JR. '57
Dec. 1, 2021

GERY W. SPERLING '57
Feb. 22, 2020

ADLAI E. STEVENSON III '57
Sept. 6, 2021

BERTON B. SUBRIN '57
Jan. 9, 2022

GEORGE C. TOWNER JR. '57
Oct. 25, 2021

HERBERT M. FRANKLIN '58
Nov. 16, 2021

ROBERT C. SHOEMAKER JR. '58
Sept. 12, 2021

CARL ANGELOFF '59
Jan. 17, 2022

ALAN S. GANZ '59
Oct. 31, 2021

MONTAGUE H. HACKETT JR. '59
Jan. 1, 2022

JOHN E. HAVELOCK '59
Aug. 31, 2021

JOSEPH ANTHONY S. LENA '59
Nov. 16, 2021

MILO E. ORMSETH '59
Oct. 15, 2021

ALEC A. PANDALEON '59
Dec. 31, 2021

JAMES M. RAE '59
Dec. 15, 2021

ROBERT S. ROBIN '59
June 24, 2019

1960-1969

JAMES E. ANDERSON '60
Jan. 9, 2022

ROBERT H. S. FRENCH '60
Nov. 2, 2021

THEODORE R. GROOM '60
Nov. 26, 2021

LEWIS L. WHITMAN LL.M. '60
Nov. 14, 2021

JEROLD ZIESELMAN '60
May 3, 2021

JOHN J. DOLAN '61
Dec. 7, 2021

EDWARD L. EPSTEIN '61
Oct. 7, 2021

BENJAMIN M. GOTTLIEB '61
Sept. 4, 2021

DAVID E. GROSSMAN '61
Jan. 28, 2022

EDWARD KLAGSBRUN '61
Feb. 9, 2022

STEPHEN J. KUSHEL '61
Dec. 31, 2021

JAMES VAN R. SPRINGER '61
Jan. 26, 2022

CARL B. STERZING JR. '61
Oct. 9, 2021

MATTHEW J. ZINN '61
Sept. 28, 2021

PAUL N. CRANE '62
Oct. 19, 2021

HAROLD C. DONEGAN '62
Oct. 15, 2021

DALE R. HARRIS '62
Jan. 16, 2022

GILBERT S. MERRITT JR.
LL.M. '62
Jan. 17, 2022

JAMES M. MURPHY '62
Oct. 12, 2021

GEORGE E. PIKE JR. '62
Oct. 11, 2021

RICHARD M. SCHILLING '62
Dec. 12, 2021

JOSEPH A. BRODER '63
Nov. 16, 2021

LEO M. KRULITZ '63
Oct. 16, 2021

PETER MACDOUGALL '63
Oct. 27, 2021

WILLIS E. O'LEARY LL.M. '63
Nov. 21, 2021

NICHOLAS S. ZOULLAS '63
Dec. 23, 2021

IRWIN L. "RED" FACHER '64
Nov. 22, 2021

ARTHUR B. LOCKE '64
Jan. 30, 2022

PHILIP C. SCHNEIDER '64
April 10, 2022

WILLIAM A. TRUSLOW '64
Dec. 4, 2021

JOHN E. FICK '65
Sept. 10, 2021

SARAH DUNLAP GALBRAITH
'65
Feb. 17, 2022

GEORGE H. HETTRICK '65
Nov. 24, 2021

SHELDON A. JONES '65
June 9, 2022

MARJORIE FINE KNOWLES '65
Sept. 24, 2021

ALLEN A. SCHUH '65
Dec. 28, 2021

DAVID C. TROWBRIDGE '65
Dec. 14, 2021

JAMES F. WHIPPLE '65
July 13, 2021

ROBERT RAYMOND ELLIOTT
'66
Sept. 20, 2021

ARTHUR H. LATIMER '66
Oct. 9, 2021

JAMES E. BOND '67
Sept. 16, 2019

JEFFERSON B. HILL '67
Sept. 29, 2020

ROBERT W. MEREDITH '67
Aug. 30, 2021

LUCIEN MOREAU '67
Jan. 15, 2022

RICHMOND W. RUCKER '67
Sept. 12, 2021

DENNIS B. BLACK '68
Jan. 12, 2022

FREDERICK H. EPPENBERGER
'68
Jan. 27, 2022

LOWELL SCHECHTER '68
('69)
Dec. 26, 2019

RICHARD T. SEYMOUR '68
Sept. 17, 2021

RICHARD J. WELLS '68
Dec. 22, 2021

JOHN M. VINE '69
Dec. 1, 2021

1970-1979

EURICH Z. GRIFFIN '70
Sept. 30, 2021

CARL A. A. HOLM LL.M. '70,
Q.C.
Dec. 29, 2021

LEON B. KELLNER '70 ('71)
Oct. 5, 2021

JOHN TERAKEDIS JR. '70
Oct. 27, 2021

WILLIAM LAURENS WALKER
S.J.D. '70
April 13, 2022

JULIAN J. FOWLES '71
Feb. 5, 2022

IRA A. MCCOWN JR. '71
April 19, 2021

G. DARRELL BERGLUND '72
Dec. 31, 2020

DAVID K. FORD '72
Aug. 26, 2021

ROBERT W. GARRETT '72
Nov. 18, 2021

GREGORY K. PILKINGTON '72
May 18, 2019

WILLIAM P. GOLDEN '73
Dec. 15, 2021

ALAN C. MENDELSON '73
Oct. 8, 2021

JOHN F. WOODS '73
March 18, 2021

MARY CAMPBELL GALLAGHER
'74
Oct. 25, 2021

LEWIS H. "HARRY" SPENCE
'74
Aug. 15, 2021

GREGORY CHURCHILL '75
Feb. 19, 2022

JAMES K. GENDEN '75
Jan. 13, 2022

RICHARD B. STOLLER '75
Sept. 18, 2021

DAVID L. WILLS '75
Nov. 5, 2021

ELLIOT N. SMITH-CHRISTIAN
'76
Nov. 20, 2021

JOHN M. PETERSON JR. '77
Oct. 7, 2021

JESSE M. WEINER '78
March 5, 2020

1980-1989

H. MILES COHN '80
Nov. 9, 2021

DANIEL COOLIDGE '80
Sept. 3, 2021

PAUL DAVID RICHARDSON
II '80
Dec. 28, 2021

MARTIN B. ROBINS '80
Nov. 24, 2021

JAMES B. HICKS '81 ('82)
Aug. 21, 2014

BRUCE A. KINN '81
Nov. 15, 2021

THOMAS R. STEPHENS '84
Sept. 17, 2021

ADAM JEROME MYERS III '85
Oct. 15, 2021

KIRSTI HANNELE NIINISALO-
SNOWDEN LL.M. '85
July 9, 2021

JOHN S. RUSSELL '85
Nov. 30, 2021

ERIC Z. LUCAS '86
Sept. 11, 2021

STEVEN E. PRICE '87
April 2021

N.B. FORREST SHOAF '87
Sept. 29, 2021

LUCINDA A. SIKES '89
Sept. 19, 2021

1990-1999

DAVID H. MARTIN '92
Sept. 23, 2021

SYDNEY ALTMAN '93
April 20, 2021

HAROLD JOHNSON LL.M. '96
Feb. 9, 2022

JEFF P. THOMAS '97
Oct. 12, 2021

2000-2009

SHAWN P. TRAVIS '01
Sept. 23, 2021

CHRIS-TIA E. DONALDSON '03
Nov. 13, 2021

Commencement x 3

A celebration of three Harvard Law School classes



Class of '22's Section 1, with their leader, Professor Ruth Okediji LL.M. '91 S.J.D. '96



Dean John F. Manning '85 congratulates a '22 graduate, plus one.

During the last week of May this year, three Harvard Law School classes celebrated a long-awaited Commencement. Members of the Class of 2022, who received their diplomas from Dean John F. Manning '85 on the 26th, were followed over the weekend by returning graduates from the Classes of '20 and '21, whose in-person Commencement exercises had been postponed due to the pandemic. They heard words of wisdom from speakers including former Attorney General Loretta Lynch '84 and Sen. Elizabeth Warren. And they shared the celebration with friends and family members of all ages.



Members of the Class of '22 in Harvard Yard



Sen. Elizabeth Warren participated in a Q&A with Professor Elizabeth Papp Kamali '07.



Graduates from 2020 and 2021, on their way to the Tercentenary Theatre



Ready to celebrate

Harvard Law Bulletin

Harvard Law School
1563 Massachusetts Ave.
Cambridge, MA 02138

Nonprofit Org.
U.S. Postage Paid
Burlington, VT
05401
Permit 347

Springing Back Hundreds of alumni returned to campus at the beginning of June for the first in-person HLS Reunion since October 2019.

