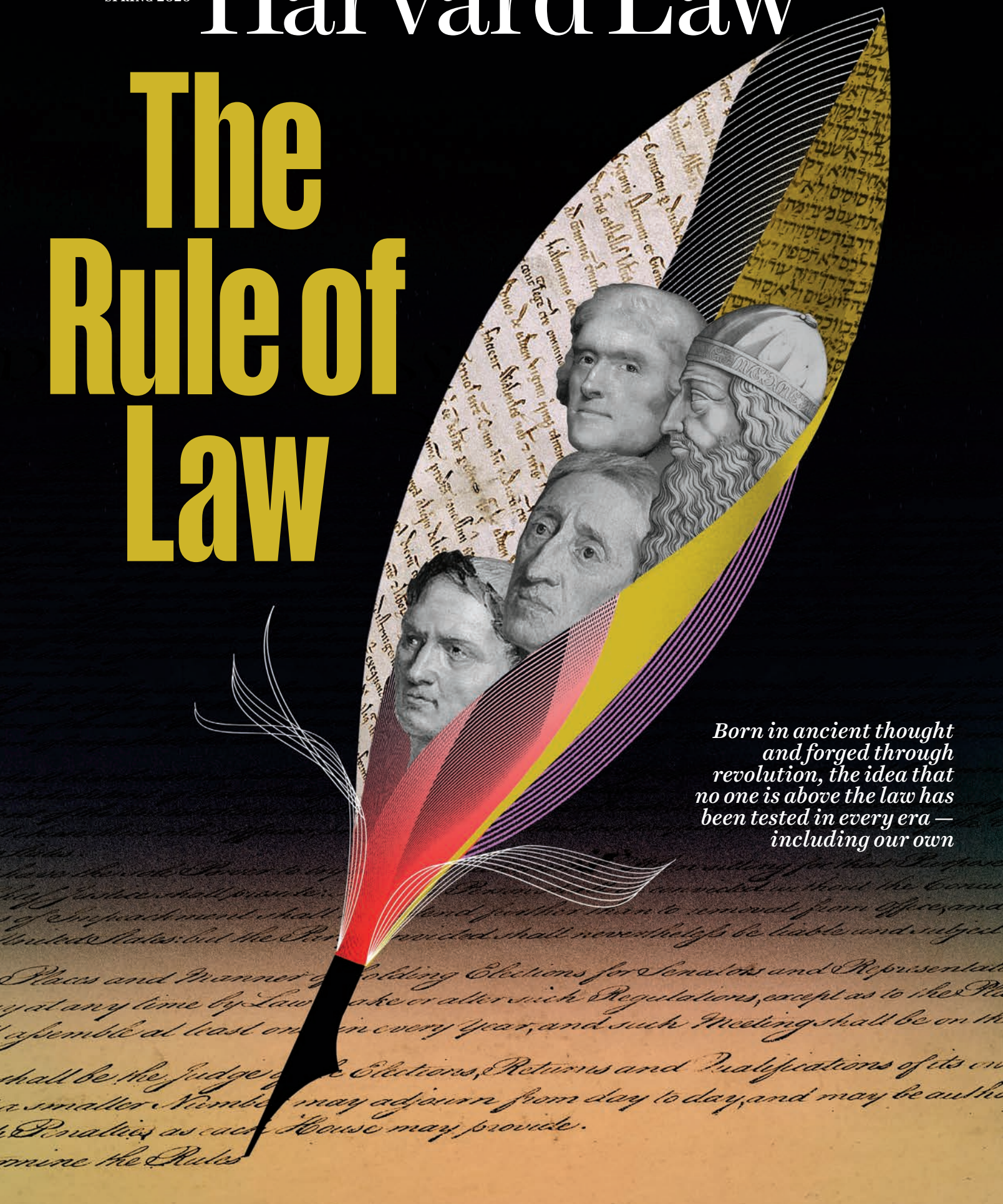
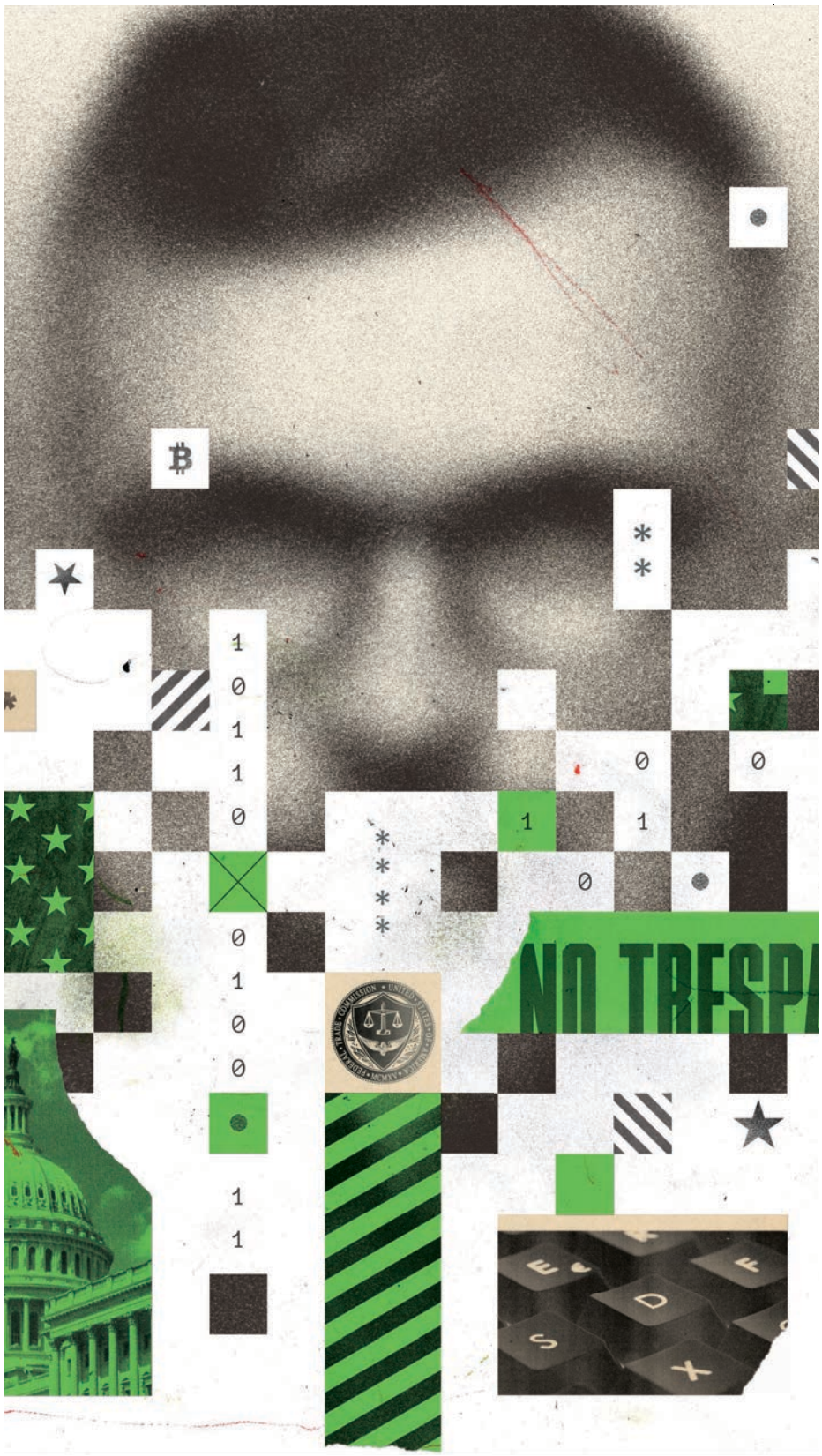
SPRING 2026 Harvard Law bulletin

The Rule of Law



Born in ancient thought and forged through revolution, the idea that no one is above the law has been tested in every era — including our own



Page 38: Defending against rising cyberattacks relies on a patchwork of laws, partnerships, and luck.

(RIGHT) VERNON LEWIS GALLERY/STOCKTREK IMAGES; (BELOW, LEFT) JOHN GILLOOLY

Page 17: U.S. Supreme Court Justice Ketanji Brown Jackson '96 was one of many speakers and panelists who visited the law school in recent months.

Page 18: After driving the British from Boston, George Washington became an honorary member of the Class of 1776.

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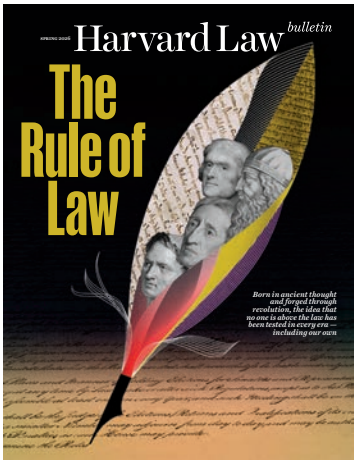
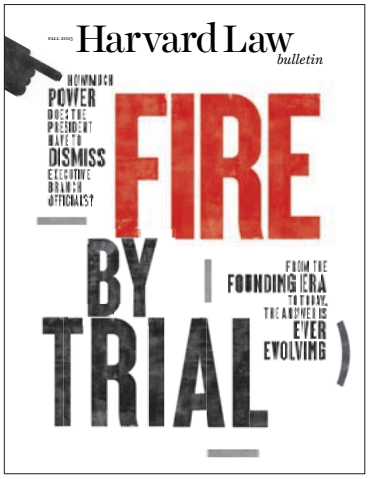


On the cover: Illustration by Brian Stauffer. Historic documents pictured are Magna Carta (left), the Torah (right), and the U.S. Constitution (bottom). Historic figures pictured are (from bottom left): Marcus Tullius Cicero, John Locke, Thomas Jefferson, and Aristotle.



THE ISSUE LIES WITH CONGRESS

The article profiling Professor Jill Lepore's book about the Constitution ["Frozen in Time," Fall 2025] suffers from two problems. First, its premise — namely, that the Constitution is effectively unamendable — is facially false. It's been amended 27 times. But the bigger flaw — a hypocrisy of sorts — is that for decades, so long as the Supreme Court was not controlled by conservatives, academia had little issue with the Constitution's "effective unamendability." Until relatively recently, academia — meaning the left — was content, if not comfortable, with the Supreme Court filling gaps and interpreting the Constitution. But now, lo and behold, with conservatives firmly established, it's a problem, apparently requiring the old parchment be scuttled altogether.

If Professor Lepore — or anyone — is genuinely concerned about the common man being left out of our democratic process, the issue is not with our Constitution, but with our Congress. As Harvard alumnus and former Nebraska Sen. Ben Sasse once put it, Congress has "self-neutered" itself, effectively abdicating its power to bureaucrats in the alphabet soup of agencies. He's right.

The common man elects — and can toss — legislators, but if they don't actually legislate, then the common man is left out of the process. The common man has no chance against industry lobbyists writing obscure regulations for agencies that effectively serve as law. It is "law-making" done in backrooms without votes or accountability.

So, for those actually interested in the common man being alienated, look to Congress, not the Constitution.

WILLIAM CHOSLOVSKY '94
Chicago

ON STATE SUPREME COURTS

As King Solomon, the wisest of all men, wrote in Ecclesiastes, "there is nothing new under the sun."

If you go back to 1977, you will find an article in the Harvard Law Review in which Justice William Brennan pointed out that there are substantive rights contained within state constitutions as to which state courts are the final arbiters.

Apart from that, I have a few critiques of your article ["The Courts of Last Resort," Spring 2025].

Your map of how state supreme court justices are selected may reflect whether a ballot lists a candidate's party, but it certainly does not reflect reality on the ground. Anyone who contends that the [spring 2025] election in Wisconsin was nonpartisan has been sleeping under a rock.

In addition, I find it ironic that you quote one of the justices of the Colorado Supreme Court to the effect that they should be responsive to the law rather than to the people — a proposition hard to contest — while at the same time, you almost reflexively decry an absence of racial and gender diversity on state supreme courts. (To the argument that judges will bring important different perspectives based on gender or skin color, my response is that within the pool of individuals at that level, these differences pale in importance by comparison with other elements of viewpoint diversity, knowledge, and intelligence. If you have any doubt, look at how liberals have vilified Justice Thomas for decades and how Justices Kagan, Sotomayor, Breyer, and Jackson, with very different personal backgrounds, so often have agreed with each other.)

I do appreciate the point that state supreme courts have more professional diversity than one finds in the federal judiciary, which I contend would be greatly improved if the appellate courts were stocked with lawyers who had financial and transactional experience, especially since a great deal of the workload of the federal courts is statutory analysis. (Full disclosure: I am a tax lawyer.)

ROBERT KANTOWITZ '79
Lawrence, New York

WE WANT TO HEAR FROM YOU. Write to Harvard Law Bulletin: *bulletin@law.harvard.edu; Harvard Law Bulletin, 1563 Mass. Ave., Cambridge, MA 02138. Letters may be edited for length and clarity.*

‘We don’t know what the risks are’

A Harvard Law School course aims to explore the law’s role in regulating AI — before it’s too late / By Rachel Reed

PHOTOGRAPHS BY LORIN GRANGER

One evening in early November 1988, a Ph.D. student from Cornell let loose a computer worm on ARPANET, a precursor to the internet.

The malware, which had been programmed to replicate itself, infected thousands of computers on the fledgling World Wide Web — an estimated 10% of those connected at the time — crashing or disabling machines and prompting many other users and institutions to go offline to prevent further attacks.

Legal Architecture for AI National Security Contingencies explores law’s capacity to reckon with AI.

The worm’s creator would later tell prosecutors that his intent had not been malicious, but rather experimental, and that his goal had been to probe security weaknesses of the burgeoning internet. For his success, he received three years of probation, several hundred hours of community service, and a fine. But the misguided test is remembered for another reason: It jolted early internet proponents into recognizing the need for organized cybersecurity defenses and

stronger laws against computer crimes.

Thirty-eight years later, as companies and organizations introduce a new technology with similar transformative power, artificial intelligence, into the rhythms of everyday life — at the checkout counter, at the doctor's office, in the courtroom, and even on the battlefield — experts are wondering what fresh dangers AI might pose, and whether American law is fully prepared to reckon with them.

"Many of the most difficult and important questions about AI aren't owned by anyone right now."

—Jonathan Zittrain

"We need to understand how best to assure that AI remains a safe and productive technology, one that we don't lose control of, or is not deployed in ways that are catastrophic," says Lawrence Lessig, the Roy L. Furman Professor of Law and Leadership at Harvard.

Those concerns are at the heart of a course Lessig created with Jack Goldsmith, the Learned Hand Professor of Law. Lessig says that the aim of their fall 2025 semester course, Legal Architecture for AI National Security Contingencies, was to explore the capacity of existing and future law to address problems caused by AI, without stifling innovation or running afoul of free speech and other protections.

Lawrence Lessig (left) and Jack Goldsmith (below) built the course around cybersecurity, surveillance, and preparedness.

Lessig sees several possible areas of national concern related to AI, a category that includes everything from chatbots such as ChatGPT to algorithms that control e-commerce, self-driving technology, medical imaging analysis, financial fraud detection, cybersecurity systems, and much more.

"There are threats we could call 'bad man' threats, which are those posed by people who gain access to the technology to deploy it for terrible, catastrophic purposes, such as bioweapons, or to disrupt economies, or to conduct massive fraud efforts," he says. "But the other big concern is what technologists refer to as the 'runaway threat' — the idea that as technologies become super intelligent, our capacity to control them can't be taken for granted."

Jonathan Zittrain '95, the George Bemis Professor of International Law, who worked with Goldsmith and Lessig on planning the course, says the time to start thinking about these issues is now.

"There is no agreement among experts on AI's current capabilities or its near-term trajectory, much less its longer-term developments and impacts," Zittrain says. "Many of the most difficult and important questions about AI aren't owned by anyone right now: how risky certain implementations and courses of development are; who should bear those risks, when they can affect everyone; how much we should anticipate and try to forestall problems versus seeing what develops and responding as more certainty settles in."

As China, the U.S., and other countries around the world jockey to develop the most advanced technologies, Lessig sees parallels with the nuclear arms race of the previous century. But he worries that nonproliferation might be even more difficult to achieve with AI, given that it is being advanced by not only nation states, but also private actors.

"With nuclear weapons, we understood what the threat was, and we understood how to identify who had them, and what it looked like to protect against unintended launches," Lessig says. "With this technology, we don't know what the risks are, and we don't know how to control them — or even if we can control them."

Zittrain says that above these questions hover meta concerns about how governments can and should respond. But he is confident that Harvard Law students are well positioned to help find the answers.

The course, taught by thought leaders with diverse perspectives, offers unique insights into a rapidly emerging field.

"Our students are among many who could play a vital role in limiting the risks and benefits and in coming up with creative ways to seek the best of the technology while avoiding regrettable surprises," says Zittrain.

Lessig and Goldsmith built their course around three key areas of law: cybersecurity, lawful governmental surveillance, and preparedness and response authorities in times of crisis. Harvard Kennedy School Professor Jake Sullivan also helped teach several classes, bringing an invaluable perspective as the national security adviser under President Joe Biden.

For students Rivka Kosowsky '27 and Sophia Heimowitz '27, the course was an exciting opportunity to study under Lessig and Goldsmith — "both big institutional thinkers," says Kosowsky — and a way to learn more about a rapidly emerging field.

"One of the reasons that I'm excited to be in law school at this specific point in time is because so much is changing in the law and in society, and I'm trying to take every opportunity that I can to learn about these changes as they actively unfold," Kosowsky says.

Heimowitz says that she appreciated the variety of perspectives shared by other students, the instructors, and the guest speakers who joined each class.

While some classmates were intimately familiar with AI, others, like her, were relative novices before taking the class. She says she came away with a better idea of how AI works, what laws already apply, and where there might be serious gaps in regulation.

"I am particularly interested in issues of authenticity and authentication, and what happens when AI is able to create forgeries that are indistinguishable," Heimowitz says. "What can you preemptively do to protect people's trust in institutions, when they can't tell if something is real?"

While AI may feel as though it is one, easily identifiable thing, Heimowitz says that the course made clear that the technology, and the problems it could unleash, are much more heterogeneous than many assume.

"I can see now that [the] AI problem is very disparate and diverse, and we will need to balance civil liberties with new and existing regulations if we want to tackle the problems ahead," she says. "I came out motivated that this is an issue that people need to care about."

Perhaps that is why Kosowsky believes that it is not a question of if, but how, AI will factor into her future career — and that of most of her law school peers.

"AI is everywhere, and will continue to be everywhere, and so I don't think that we will be able to avoid working in this space in the future," she says.

Lessig says he and Goldsmith, who plan to offer the course again, hope that students come away with a "context in which they can absorb what they need to learn to be able to attack the problems that they'll need to attack."

These problems might come sooner than we'd like, Lessig warns. "And right now, we're not ready to deal with the threat from this generation of technology."

Getting the Best from a Difficult Situation

By teaching people how to listen and communicate better, negotiation expert Sheila Heen wants to help them become the best version of themselves / By Colleen Walsh

Sheila Heen '93 conducted her first negotiation early in life as a child growing up in Nebraska. The negotiation involved her dad and a horse, and ultimately led to her first trip to Harvard.

For years, a pony had topped her birthday and Christmas lists, but never materialized. So, the determined 10-year-old made a bargain with her father. The terms were simple: If she saved up the money, he would let her buy the horse.

"He agreed, thinking, that's never going to happen," says Heen. She soon proved her father wrong. She got a paper route and, some months later, the horse. She took care of it in a barn down the road and eventually sold it to her sister so she could upgrade to a horse she could ride in competitions, ultimately winning the 4-H Western Riding Junior Championship. Later, as a teenager with less time for riding, Heen sold the horse, trailer, and equipment she had accumulated and used the proceeds to attend Harvard's Summer School between her junior and senior years of high school.

That summer was life-changing. "It just opened up a world I didn't have access to," says Heen, who went on to attend college in California but returned to Cambridge to attend Harvard Law School.

"If you're going to interact with other humans, you're going to use these skills."

Today Heen is the Thaddeus R. Beal Professor of Practice. She is also a deputy director of the Harvard Negotiation Project, part of the broader Program on Negotiation, where she has been developing negotiation theory and practice since 1995. In 2019, colleague and mentor Professor Robert Mnookin '68 and John F. Manning '85 — Harvard Law School's dean at the time — invited her to join the full-time faculty and take responsibility for the negotiation offerings, which would soon become required for graduation from Harvard Law School. Reflecting on her career, Heen traces its roots to her 1L year when she took her first negotiation class and never looked back.

"I just fell in love with the field," says Heen, who was struck by how the course taught her to see conflict in a new way, and by its teacher, the late Roger Fisher '48, founder of the Negotiation Project and a pioneer in the field who had returned home from World War II dedicated to finding better ways to deal with conflict.

"He was such an inspiration, and I felt I could do this every day for the rest of my life," says Heen, who would go on to become a teaching assistant for that class, where she met her future husband, John Richardson '92, and to teach Harvard-sponsored negotiation courses in Spain. After graduating, she opted for a staff position at the Negotiation Project over going to work for a law firm because she knew that with her first choice, she would "wake up every day excited to get out of bed."

Over three decades, that enthusiasm has never waned. Her work has expanded to include teaching advanced negotiation courses, workshops, and executive education programs, and co-founding Triad, a consulting firm that focuses on helping leaders build their capacity to navigate difficult issues. She has also written code-cracking books that inform everyone from political operatives trying to forge important deals with foreign counterparts, to mothers trying to convince children to wear coats in the cold, to CEOs trying to get the best out of themselves and their employees.

For Heen, the work has far-reaching implications. Whether it's in the legal realm, where lawyers negotiate on behalf of clients, or in daily life, where people negotiate everything from salaries to dinner destinations, she says being able to listen carefully and make your point clearly are key.

"That's the gift of this job, that I get to actually offer people analytical tools and help them hone interpersonal skills that they're going to need no matter what. ... If you're going to interact with other humans, you're going to use these skills," she says.

In her bestselling 1999 book, "Difficult Conversations: How to Discuss What Matters Most," Heen and co-authors Douglas Stone '84 and Bruce Patton '84 outline those skills. The authors examine why it's so hard to have difficult conversations, illuminate the underlying structure of all difficult conversations, and suggest steps people can take to approach and navigate them more successfully. The work delves into the psychology of challenging dialogue, including what each participant hears or wants to hear during fraught discussions, and provides readers with vital tips on how to avoid the pitfalls of emotional or defensive reactions and ways to build understanding and consensus. Now in its third edition, "Difficult Conversations" is in 28 languages and is used all over the world by practitioners, academics, mediators, therapists, and business leaders to focus on, as the title suggests, "what matters most."

PHOTOGRAPH BY JESSICA SCRANTON

Her second bestseller with Stone, "Thanks for the Feedback: The Science and Art of Receiving Feedback Well," came out in 2014 and was based on the kinds of difficult conversations that their clients have around giving feedback. But Heen and Stone flipped the script. "We thought about it for a long time and then one day Doug said, 'Hang on — in any exchange between giver and receiver, it's the receiver who's in charge; it's the receiver who's deciding what to let in, what sense to make of it, whether and how they are going to change.' And that's when the idea crystallized," says Heen. "The challenge and skills involved in receiving feedback are distinct leadership skills, and are crucial in a fast-changing world where adaptation and learning are key to success."

The lessons from Heen's books and her years of teaching and consulting are reflected in her current classes, where students look to unlock their negotiating skills by analyzing the latest research and literature, engaging with classmates in problem-solving exercises, and routinely practicing in-class negotiations based on real-life situations. They also adopt the negotiation strategy Heen calls "exploration," in which the purpose of a conversation shifts from "I want to persuade you that I'm right, to I want to understand why you see it so differently, and I want you to understand why I see it the way I see it." That stance doesn't mean that both parties have to agree, she adds, but it does ensure "we both better understand what the problem is, and why we see it so differently."

Heen also has integrated her negotiation teaching into the law school's orientation sessions for first-year students, helping them think expansively from their first days on campus. Even great advocates need additional skills to manage their most important conversations, she says. "Advocacy as a strategy for persuasion can be very helpful and effective if the person you're trying to pursue is neutral, like a judge or a jury. But when trying to persuade someone who already disagrees with you, advocacy is actually one of the least effective strategies you can use."

These are skills that leaders need to tackle the complex challenges we face, and the skills law school professors have a responsibility to provide, adds Heen, who loves being a key part of that process.

"What an amazing opportunity," she says. "I get to stand at the door and hand out equipment to students who go on to run the world."

Sheila Heen has written code-cracking books that inform everyone from political operatives to frazzled parents.

"The Changing Constitution: Constitutional Law in the Trump–Era Supreme Court," by Richard H. Fallon Jr. (Cambridge University Press)

According to Richard Fallon, "change is more nearly a constant than an anomaly in Supreme Court interpretation of the Constitution," but in recent years, we have seen "conservative changes of unprecedented scope and consequence." In his posthumously published book, the constitutional law professor, who died on July 13, 2025, examines the rise of originalism as a theory of constitutional interpretation as well as particularly important cases decided by the Roberts Court, including on freedom of speech and religion, the Second Amendment and the personal right to bear arms, and abortion. He also discusses cases circumscribing the power of Congress and granting the president sweeping authority. The "unhealthy state of our contemporary politics and culture" is too often reflected in recent Court decisions and divisions, he writes, but "I do not assume that our constitutional order is doomed to irreversible decline and an ultimate fall."

"The Art of Impasse–Breaking in Mediation: A Handbook for Mediators, Lawyers, and Other Conflict Resolvers," by David A. Hoffman '84 (American Bar Association)

In a manual designed as "a guide to the most useful moves that mediators make in their efforts to resolve intractable conflicts," David Hoffman offers advice for practitioners on breaking impasses in family, business, and employment cases. The John H. Watson, Jr. Lecturer on Law at Harvard, who practices mediation and arbitration as the founding member of Boston Law Collaborative, first discusses pre-mediation conferencing, coaching negotiations, and the emotional dimensions of conflict. He then details techniques that mediators can use to make progress, ranging from getting the right people at the table to using humor, silence, and even food. He also covers settlement agreements and offers case studies on different areas of conflict, such as divorce. If done well, the mediation process can enhance participants' listening skills, increase empathy, and lessen conflict, he writes.

"38 Londres Street: On Impunity, Pinochet in England, and a Nazi in Patagonia," by Philippe Sands (Alfred A. Knopf)

Philippe Sands, the Samuel LL.M. '55, S.J.D. '59 and Judith Pisar Visiting Professor of Law, chronicles the intertwined stories of Nazi war criminal Walther Rauff and Chilean dictator Augusto Pinochet and how both ultimately escaped justice. Through interviews with victims of the Pinochet regime and those who knew Rauff — who fled to Chile after developing "gas vans" that killed many thousands — the author seeks to substantiate the widespread belief that Rauff assisted Pinochet in murdering political opponents following Pinochet's coup in 1973. He also details the proceedings following Pinochet's 1998 arrest in London after being indicted for human rights violations, which Sands observed as a barrister for Human Rights Watch. After many months of appeals, Pinochet was deemed too ill to stand trial. Both men died unrepentant, and when it comes to their crimes, Sands writes, "impunity reigns."

"On Liberalism: In Defense of Freedom," by Cass R. Sunstein '78 (MIT Press)

Now more than at any time since World War II, liberalism is under attack, with many critics misrepresenting it, writes Harvard University Professor Cass Sunstein. In his new book, he aims to clarify what liberalism actually stands for, emphasizing its core commitments to freedom and pluralism. Citing thinkers ranging from English philosopher John Stuart Mill to Austrian-born British economist Friedrich Hayek, he outlines 85 core tenets of liberalism and includes chapters on freedom of speech; free markets and their limits; and the rule of law. In addition, Sunstein discusses "experiments of living," an ethos of liberalism that "values the dignity of every individual, who should be entitled to find his or her own way. Practitioners of liberalism may disagree on many issues, but they share the desire to bring opportunity to everyone," he writes.

ILLUSTRATION BY NADIA HAFID

‘Belief is the ultimate force multiplier’

A former intelligence officer for the Air Force and Space Force says ‘democracy is worth fighting for’ / By Rachel Reed

PHOTOGRAPH BY LORIN GRANGER

In the United States Air Force, a call sign — or nickname used over communications channels — is bestowed upon a pilot or officer by their peers.

During his half decade of military service, Kent Romney '28 was graced with the call sign Vlad, a nod to his knowledge of the Russian and Ukrainian languages — and an acronym for "very long atrocious diatribe."

The "diatribe" came during his military promotion ceremony, in which he swore an oath to defend the Constitution and then held forth on what the nation's founding document means to him.

"I'm romantic about this," he says. "The speech was about how inspiring it is that we were all there to defend the Constitution of the United States, because it's the Constitution that provides us the liberties and the rights and the privileges to be our best people."

Despite its teasing humor, the call sign reflects a serious truth about Romney. His service as an intelligence officer in the Air Force, and later Space Force, was motivated by the same thing that has pushed him to pursue law at Harvard: a deep commitment to democratic values and freedom.

"The rule of law is sacred and worth defending, just as our rights and the Constitution are worth defending," he says.

Romney grew up in Utah, the second of six children. Although he had no family connections to the military, as a boy, he found himself fascinated by American history, particularly World War II.

"I would watch eight-hour documentaries about the war like kids today watch 'Paw Patrol,'" he says.

"I have a unique perspective on the value of liberal democracy, and that it's worth fighting for."

Romney decided he would join the military someday. He says he didn't realize what this would mean until years later, when he was an undergraduate student at the U.S. Air Force Academy. "Looking back," he says, "I just wanted to serve my country."

After his first year at the academy, Romney, a Mormon, took a leave of absence to serve a two-year mission in Ukraine, a time that coincided with the period of protests in that country known as the "Revolution of Dignity," and the eventual ousting of its Russia-aligned president.

This was the formative experience of his life, Romney says, one in which he developed a deep connection with the country, its people, and their fight to control their democratic destiny.

"Parents were protesting in the street, chanting about how they were doing this for their children," he recalls. "I saw that they were willing to put everything on the line to fight for these freedoms that I took for granted as an American."

Romney's mission confirmed his desire to serve his own country, "[which] I viewed as the shining light of democracy, that I hope it can still be," he adds.

THE POWER OF INFORMATION

Returning to the academy, Romney considered several different paths in the Air Force, but he ultimately settled on intelligence, which involves the collection and presentation of critical information that guides military leadership.

"Sun Tzu, in 'The Art of War,' says, 'Know thyself and thy enemy, and 1,000 battles you will not lose.' Well, intelligence is the 'thy enemy' side," Romney explains.

His service landed him in Hawaii, first with the 8th Intelligence Squadron, where he led a crew of image analysts processing drone data from the Middle East, including images related to ISIS activity in Afghanistan.

"This required understanding whether something we were looking at was, say, a prayer rug or a rifle," he says. "This 'level zero' analysis is incredibly important, and the analysts I worked with had amazing expertise and took their jobs very seriously. I don't have to explain what a mistake here could mean."

Romney's next role was with the 15th Wing, where he analyzed data and created actionable intelligence reports for the unit's commander.

During his subsequent assignment, with the 19th Fighter Squadron, he created tactical intelligence used by fighter pilots and led three intelligence teams during a major international exercise in Micronesia.

That job could be stressful in its immediacy, Romney says, but it's also where he earned his call sign. "There's definitely a camaraderie that comes from being at the tactical level that doesn't come at the operational and strategic levels." By the beginning of 2022, his active duty was coming to an end, but he continued to work in military intelligence, returning to the 15th Wing to oversee tactics and training.

During that time, he also became worried about something far outside the 15th Wing's sphere — Russia's impending invasion of Ukraine. "The day the war started was maybe the worst day of my life," he says. "I had never felt fear like that."

Romney says he was horrified for his friends and acquaintances who had worked so hard for their nation and was shocked by the destruction inflicted on many of the places he had visited years before. He leapt into action, raising nearly $50,000 for humanitarian support for Ukrainians impacted by the war.

But he didn't stop there. "I went to my commander

Romney provided intelligence and training to members of the Ukrainian Armed Forces (above). Romney with his wife, Carli, and two of their children (left).

and said, 'This is exactly why I joined. Get me on a plane — I'll go anywhere.'"

Soon, Romney was on his way to Germany to provide intelligence and training to members of the Ukrainian Armed Forces, including information on long-range drone strikes and counter-jamming tactics. His American team consisted of several colleagues with a Ukrainian background or language skills, most of whom did not have experience in intelligence. But in the end, that didn't matter, he stresses.

"We all wanted to be there. We believed in the mission; we had a shared desire to help the people of Ukraine," he says. "I cannot emphasize this strongly enough — belief is the ultimate force multiplier when you have a fighting force."

"It was an amazing experience," he says. "This was exactly what I felt like I was born to do."

In 2023, Romney became the information campaign lead for the Air Force's new overarching strategy for agile combat employment — a way of deploying and positioning forces that doesn't rely on traditional large, fixed bases.

"The Air Force is still so accustomed to not being under threat when they're on the ground, but that is just not true anymore," he explains. "This is a reflection of the new geopolitical and military reality that there is no sanctuary in modern warfare."

Later, Romney shifted his focus to an even higher altitude — outer space — becoming the Space Force's very first director of information warfare for the Indo-Pacific. There, he led the command in crafting a space information warfare strategy for the region.

"This is a completely new domain of warfare, and the basic rules we have don't really apply in space," he says. "There was little precedent for the position — we were building the ship when it was in orbit, as they say — but I think we made great progress."

SHIFTING GEARS, BUT NOT DIRECTION

Even as he was leading intelligence operations against threats abroad, Romney was becoming increasingly worried about strife at home, including the risks of extreme political polarization.

"As Abraham Lincoln said, 'A house divided against itself cannot stand,'" he says.

Seeking a fresh challenge and a new way to support the Constitution he holds dear, Romney decided to pursue a career in law.

"I think I have a unique perspective on the value of liberal democracy, and that it's worth fighting for," he says. "I have seen that when we believe in it, it can produce miracles. And that's what I'm hoping to fight for as a lawyer."

Today, as a first-year student, Romney says he's grateful to be able to explore his interests at Harvard: "Harvard is not perfect, but we are a great American institution, an engine of American prosperity, and a defender of American values and the messiness of the American story."

Romney, a husband and father of three, is also thankful to Harvard for respecting his other, more personal commitments.

"Harvard took a chance on me, and I will always remember that," he says. "I'm a 'God, family, country' person — and the law school has really valued that."

Although he isn't yet certain what his career will look like after graduation, Romney is sure of this: Like his military career, it will be in partnership with others, in service to something greater than himself.

"My basic requirement when I work with people is that they believe in something, that they are not apathetic," he says. "When you have people who believe in something, that can take you anywhere."

COURTESY OF KENT ROMNEY

Charles Donahue: Man, *Magister*, Inimitable Scholar

Celebrating the retirement this spring of a polymath who has influenced the careers of countless students / By Elizabeth Papp Kamali '07

I first came to know Charlie as *magister* during my freshman spring at Harvard College in 1994, when I enrolled in his course on the legal and constitutional history of medieval England. Charlie had been living "One Harvard" decades before President Faust coined the phrase: Though primarily a law school course, his class was cross-listed in Medieval Studies, easing enrollment for undergraduates and GSAS students.

As a freshman, I was perhaps too naive about the course catalog to have recognized I might be getting in over my head. A good thing. From our earliest class discussions of such texts as Paul's epistle to the Romans — what a conflicted vision of law! — and Æthelberht's Code from the year 603 CE, I knew I had found my scholarly passion in premodern law. The texts were difficult, enigmatic, sometimes bordering on impenetrable, yet Professor Donahue seemed to think my classmates and I might have something useful to say about them. In weekly response papers I took my first tentative steps toward parsing primary source materials. The rest, as far as my choice of concentration and eventual career path goes, is (literally and figuratively) history.

In the classroom, *magister* Charlie, sporting a well-loved cardigan worn through at the elbows and his signature *sandalia cum tibialia* (ahem, Birkenstocks with socks), lectured to a captivated audience. In perhaps the second week of the course, he shook us out of our note-taking slumber by breaking into the Germanic verse of the Anglo-Saxon chronicler, recording the fateful events of the year 937 CE: "*Her Æþelstan cyning, eorla dryhten, beorna beahgifa, ond his broþor eac, Eadmund aeþeling, ealdorlangne tir geslogon æt sæcce sweorda ecgum ymbe Brunanburh.*" Law students and undergrads alike sat silently, mouths agape and pens hovering above notebook page, wondering what to make and what notes to take of this mysterious utterance. Charlie laughed, "This is English, people!" He then proceeded to deconstruct the passage word by word. I still have my handwritten notes. "*Her*" was just our word "here," and "*cyning*" simply "king," thus, "Here King Æthelstan … " By the time he reached the final phrases, we could all recognize the "sword's edge" of "*sweorda ecgum.*" It *was* English, and one sensed the collapsing of time and space between the early-10th-century chronicler and our late-20th-century classroom.

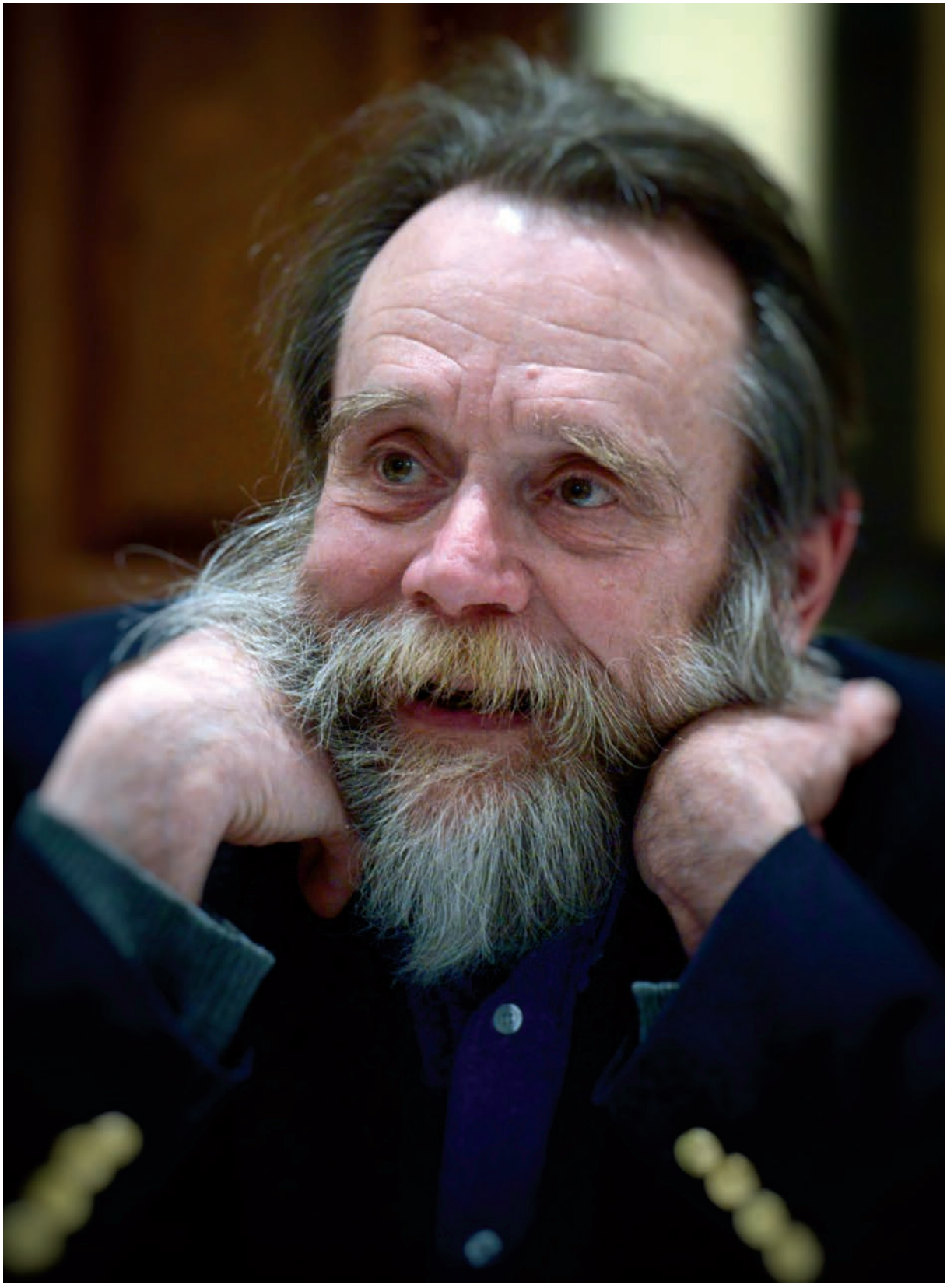
"Sometimes his lectures reached abstruse levels beyond our ken, … this reflected his profound respect for his students."

Charlie's dalliance with languages began in his childhood, when he boarded at Portsmouth Priory in Rhode Island, gaining his first exposure to Latin and Greek. He continued to learn languages well into his career, working on his Italian in advance of book-related travel upon publication of his magnum opus on the history of marriage law, and even learning some Hebrew decades into his teaching career to facilitate engagement with Talmudic law.

Though the voluminous course packs for his legal history classes were in translation, making them accessible to all, students swiftly learned the interpretive nuance that could follow from referencing the original language version of a primary source text. I suspect I am far from the only student spurred to enroll in further language study after taking a class with Charlie.

Charlie always had high standards for his students. At times his reading assignments were more than a mere mortal could reasonably manage, and sometimes his lectures reached abstruse levels beyond our ken, but all this reflected his profound respect for his students and their potential.

To take one example, during my junior year, he mentioned to me that the Harvard Law Library had in its collections a set of 14th-century manorial court rolls — records of a court for tenants of a lord's estate — that had not yet been studied in any depth. While the rolls were too scant to support a master's thesis or doctoral dissertation, Charlie suggested that they just might do for an undergraduate thesis. Furthermore, he observed, the rolls straddled the periods before and after the Black Death, thereby offering the possibility of studying



PHOTOGRAPH BY TONY RINALDO

the impact of cataclysm on the operation of a rural court. With his support, I secured funding to spend the summer in Houghton Library transcribing these terse Latin manuscripts.

At that time, the manor rolls were still just that — rolled up in scroll format — and I was given free rein to unfurl the pliant parchment as I deciphered the texts. I remember visiting Charlie's office with my penciled transcription attempts during those first weeks. He reviewed and corrected my work, encouraging me to charge on with what felt like an insurmountable task. Thanks to his patient mentorship, I learned how to read a 14th-century scribal hand and decipher Latin abbreviations, which opened new avenues not only for my senior thesis but also my future doctoral research with 13th- and 14th-century plea rolls.

Most of Charlie's classes — and I have taken most of them, from first-year Property in fall 2004 to the Roman Law class I audited in fall 2023 as I prepared to teach my own course on the topic — required a paper of modest length, typically five to seven pages. Students were encouraged to choose a primary source text as their focal point. A short paper for a Donahue class required research, rumination, writing, and revision in such temporal quantities to rival efforts devoted to a term paper several times its length. First drafts were handed over to Charlie, who returned them with several pages of single-spaced comments in Courier font. One might imagine him hunched over a typewriter preparing his memoranda, but then we all knew Charlie was coding before coding was cool, his choice of Courier simply hearkening to a bygone era. The notes themselves were at once corrective and collaborative, conveying his eagerness to engage with our chosen primary text and with the arguments we had crafted.

"His work explores the liminal space between the law of torts and the laws of contract, crime, and property."

I know my colleagues care deeply about their teaching. Nonetheless, I think it's fair to say no one here rivals Charlie in providing written comments. This is true of his short-paper memoranda, and of his feedback on law school final exams. My Property classmates may recall that our final exam included an issue spotter featuring Kublai Khan and property rights in Inner Mongolian caves. They may or may not remember that a few weeks after the exam, Charlie circulated a 13-page memorandum (yes, single-spaced, in Courier font) relaying his own attempt at writing an exam answer.

Given his devotion to his students, it is difficult to imagine how he made time for his own pathbreaking research, steeped in archives in England, Belgium, France, and beyond. Charlie has contributed immeasurably to the study of classical Roman law, Anglo-Saxon law codes, the medieval English common law, medieval canon law, the glossators and commentators of the *ius commune* tradition, the *lex mercatoria*, the fundamentals of property law, Magna Carta, and so much else. His work explores the liminal space between the law of torts and the laws of contract, crime, and property — a healthy reminder that the categories we convey to our first-year students have always been contested. His writings have illuminated the history of the legal profession, including the training of common lawyers and the ethical dilemmas faced by advocates and proctors in the medieval English ecclesiastical courts.

In trying to capture the essence of Charlie's scholarship, one marvels at his breadth and his fine-tuned attention to detail: the parsing of a phrase, the intervention into a longstanding argument over interpolation, the revisiting of research questions that he first encountered decades earlier, whether during his law studies at Yale or his time on the Michigan Law faculty before his permanent move to HLS in 1980.

One thread — the history of the law of marriage — began with his undergraduate studies at Harvard College, where he wrote a senior thesis on "Romeo and Juliet," and runs through decades of articles

After nearly a half century at HLS, Charles Donahue, legal historian, noted scholar, and influential teacher, retires this spring.

(LEFT) STEVE GILBERT; (RIGHT, TOP) JOHN CHAPIN/HLS HISTORICAL & SPECIAL COLLECTIONS; (RIGHT, BELOW) MARTHA STEWART

In 1995, Donahue, who first joined HLS as visiting faculty in 1978, was named the Paul A. Freund Professor of Law.

on such topics as witness proof, the experience of women plaintiffs in church courts, and the history of marital property. In a 2007 book, "Law, Marriage, and Society in the Later Middle Ages: Arguments about Marriage in Five Courts," Charlie combined analysis of what he calls the "interesting case" (i.e., a close reading of individual case narratives) with sampling and other quantitative methods to shed comparative light on the intersection of law and society in five different locales — York, Ely, Paris, Brussels, and Cambrai — all subject to the marriage rules promulgated by Pope Alexander III (1159-1181).

According to the Alexandrine rules, absent any impediment to marriage, an exchange of consent between man and woman produced an indissoluble marriage, even without parental involvement or ritual formalities. Such an indissoluble marriage could be created by an exchange of words of consent in the present tense or by an exchange in the future tense followed by consummation. Evidence from ecclesiastical trial records suggests that litigants knew the rules and crafted their legal strategies accordingly, particularly when a dispute arose over whether a couple had in fact contracted marriage. This holds true in both the English and Franco-Belgian contexts, although Charlie's data-driven analysis also reveals regional differences in the kinds of claims brought and remedies provided. Such differences may be explained in part by varying local culture and customs regarding marital property and inheritance, such as reliance on male primogeniture versus partible inheritance.

The book is a monument to the achievements possible when a scholar devotes his career to solving one set of mysteries, while also pointing out to future scholars remaining questions worth further archival investigation.

Though I have known about Charlie's now-imminent retirement for a few years at this point, I remain in denial. There must be another Donahue class I could take, another opportunity to listen in awe at the *magister*'s accumulated wisdom on a pocket of premodern law. Thankfully, I know I will still work with Charlie through, *inter alia*, the Ames Foundation, where he has served as editor or co-editor for manifold volumes of primary source materials so essential to the work of legal historians. Thanks to his coding prowess and tireless efforts as webmaster, such volumes are typically available online as well as in print.

In the coming years, his various "side projects" will keep him busy — that little matter of the 14th-century volume of the "Oxford History of the Laws of England" and the detailed cataloging of the contents of Harvard Law Library's medieval manuscripts (Charlie is a one-man metadata machine), to give only two examples.

While I have focused on his superhuman qualities as teacher and scholar, I close on the image of Charlie the man. He and Sheila recently entered their seventh decade of married life, their devotion to one another, their daughter Sarah, and their two grandsons a testament to the profound potential of the institution Charlie has long studied as a scholar. How fortunate HLS and its students have been to have him in the classroom for nearly a half century. How fortunate we will continue to be as he labors on in the medieval archives and in managing the modern platforms that, not unlike Charlie reading aloud from the Anglo-Saxon Chronicle, collapse time and space by making accessible the scribblings of medieval scribes in furtherance of the work of future legal historians.

Elizabeth Papp Kamali '07 is the Austin Wakeman Scott Professor of Law at Harvard.

"The text of the statute is not … the law."

During the 2025 Vaughan Memorial Lecture in November, **RICHARD EKINS,** *a law professor at the University of Oxford and Notre Dame Law School, argued that textualists' approach to statutory interpretation could lead to incorrect conclusions about the law and said legislative intent should be prioritized when interpreting the legal meaning of statutes.*

"It just can't be right that one district judge can stop a nationwide policy in its tracks."

At February's Rappaport Forum, legal scholars **JONATHAN H. ADLER** *(on screen), William & Mary Law School, and Kate Shaw (left), University of Pennsylvania, debated whether the increased use of the so-called "shadow docket" is a response to rising presidential power or a threat to the rule of law. The talk, moderated by HLS Professor Richard Re (right), covered the docket's evolution and how it might continue to shape the law and litigation.*

"We live in a time of uncertainty, of geopolitical change."

MARK WU *marked his appointment as the Henry L. Stimson Professor of Law on Nov. 3 with a talk on security internationalism, arguing that the U.S. should consider the lessons from Stimson's service as secretary of war during World War I, secretary of state under Herbert Hoover, and secretary of war again during World War II.*

"Public banking is revolutionary; it is also extremely old-fashioned."

In early November, HLS Professor **CHRISTINE DESAN** *co-hosted a summit on public banking as a tool for community development and economic justice. Using the Bank of North Dakota as a case study, the assembled experts analyzed the concept of moving banking and finance away from the private sector and toward the public good.*

"What we do as litigators is attempt to persuade a judge to rule in favor of our clients. … When you have the opportunity to work with a judge, you start to see what is persuasive from the judge's perspective … you know what arguments to make."

U.S. Supreme Court Justice **KETANJI BROWN JACKSON '96** *reflecting on what "extraordinary training ground" clerkships were for her career as a litigator, at the fifth Celebration of Black Alumni, on Sept. 12-14, where she received the Harvard Law School Association Award for being a "trailblazing jurist" and "steadfast defender of the Constitution."*

"If you shut the door to facts, you shut the door to the rule of law."

In February, former U.S. Justice Department Special Counsel **JACK SMITH '94** *(left) discussed his Harvard years, his long career as a prosecutor, and his belief in the rule of law with HLS Professor of Practice Alex Whiting (right).*

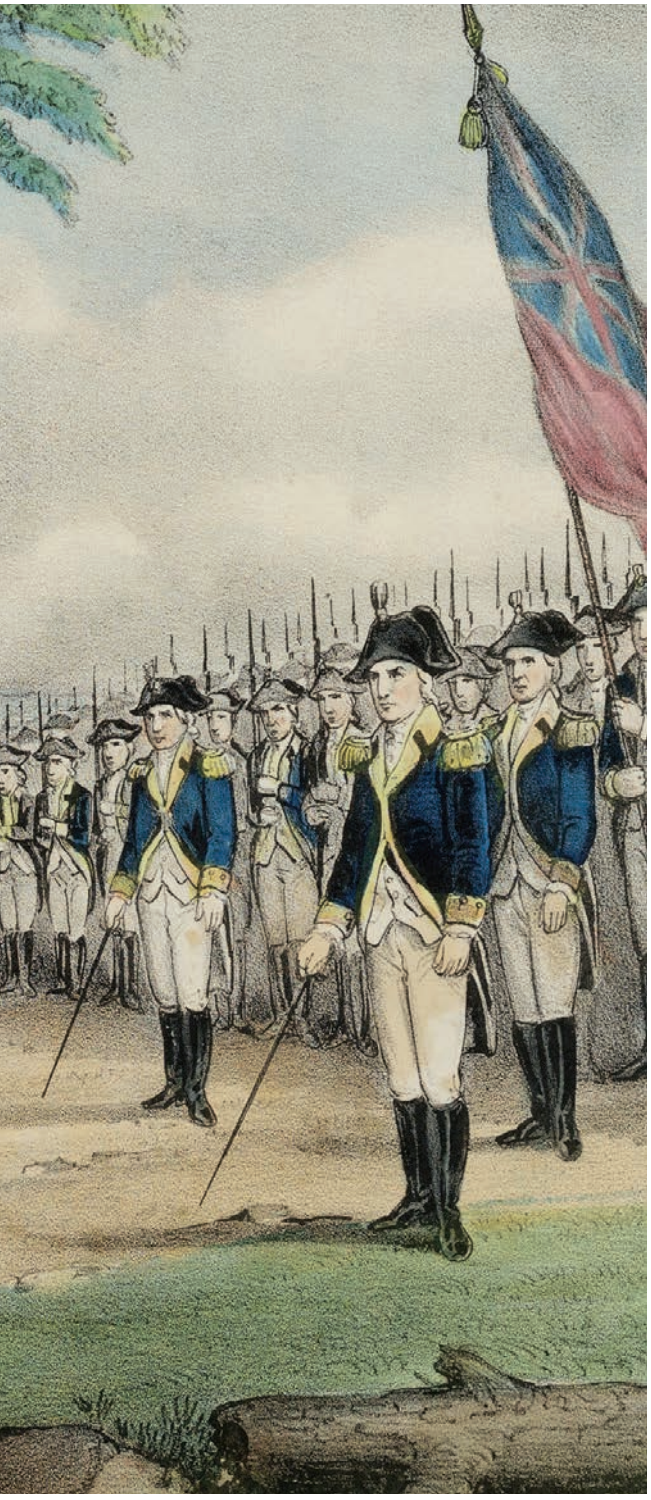
"To enforce the law means understanding which principles you care most about and how to vindicate them."

At a February forum titled "ICE, Federalism, and the Rule of Law," University Professor Emeritus Laurence Tribe '66 (right) and HLS Professor **NIKOLAS BOWIE '14** *(left) voiced deep concern about federal immigration enforcement actions in Minnesota and communities across the nation, but also praised public responses from the courts and community members.*

P. 16 (CLOCKWISE FROM TOP LEFT) LORIN GRANGER (2); JAMES RASAIAH; LORIN GRANGER; P. 17 (TOP) JOHN G. ILLOOLY; LORIN GRANGER (2)

Degree of Distinction

Harvard has been recognizing U.S. presidents with honorary law degrees for 250 years



(LEFT) PIERCE ARCHIVE LLC/BUYENLARGE VIA GETTY IMAGES; (RIGHT) HARVARD UNIVERSITY ARCHIVE/STEPHANIE MITCHELL/HARVARD STAFF PHOTOGRAPHER

Washington taking command of the American Army in Cambridge (Currier and Ives, 1876) (left). *Doctor Utriusque Juris:* Washington's Harvard degree, written in Latin.

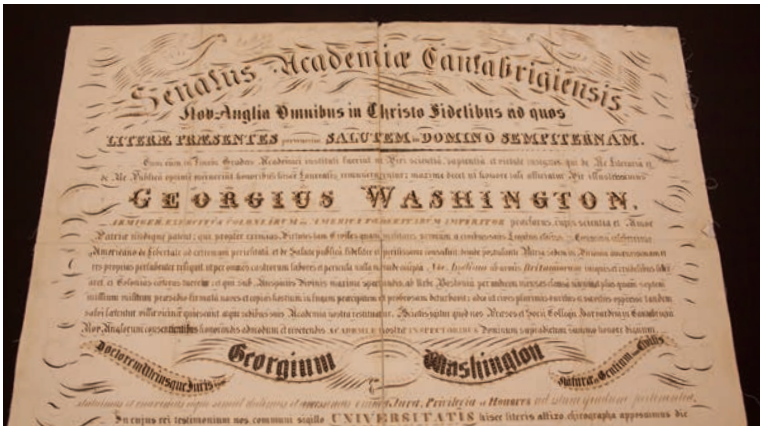
Everyone knows what happened 250 years ago: The Declaration of Independence was signed, and a nation was born. Less remembered is that another important document was issued on April 3 of that same year, when the President and Fellows of Harvard College voted to confer a Doctor of Laws degree on George Washington, then the commanding general of the Continental Army, making him the first non-Harvard alumnus to be so honored.

The honorary degree, written in Latin, commemorated Washington's success in delivering the University and New England "from the unjust and cruel arms of Britain" — a campaign so intertwined with Harvard that during the Siege of Boston, his army was quartered in the College's dormitories while students were relocated to Concord to continue their studies.

Harvard Law School wouldn't be founded for another 41 years, but Washington's commendation was soon followed by honorary law degrees for several others: John Adams (1781), who also received his undergraduate and master's degrees from the College; Thomas Jefferson (1787); and Samuel Adams (1792).

Benjamin Franklin had them all beat, however, having received an honorary degree from Harvard in 1753 — not a law degree but a master of arts.

Other U.S. presidents who have since been named honorary Harvard lawyers include: John Quincy Adams, George H.W. Bush, Dwight D. Eisenhower, Ulysses S. Grant, Rutherford B. Hayes, Herbert Hoover, Andrew Jackson, John F. Kennedy, James Monroe, Franklin D. Roosevelt, William Howard Taft, and Woodrow Wilson.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The American Revolution: A political argument. And a legal one.

On the 250th anniversary of America's independence, Harvard Law historian and legal scholar Bruce H. Mann argues that colonists were fighting to uphold English common law rights and traditions

BY RACHEL REED
PHOTOGRAPH BY MATT KALINOWSKI

The Declaration of Independence, July 4, 1776 by John Trumbull (1756–1843)

In 1761,

a lawyer named James Otis strode into a Massachusetts courtroom and laid out a fiery case in defense of his clients, a group of Boston merchants. His speech — witnessed by an admiring John Adams — took aim at writs of assistance, documents issued by colonial courts that enabled customs officials to search homes and ships without individual search warrants. Both Otis and Adams were Harvard graduates.

Calling the writs "instruments of slavery on the one hand, and villainy on the other," Otis clearly believed these measures were an affront to principles of freedom. But his arguments were also articulated in the language of the law. The writs, he said, were "the worst instrument of arbitrary power, the most destructive of English liberty and the fundamental principles of law, that ever was found in an English law-book."

Otis was not the only early American who wielded English law to argue first for a more favorable relationship between the colonies and Mother England, and then later to justify the establishment of a new republic.

In fact, in the decades preceding the Declaration of Independence — signed 250 years ago this year — many of the complaints made by American colonists were framed in terms of the law, not just politics, says Bruce H. Mann, the Carl F. Schipper, Jr. Professor of Law at Harvard. As the U.S. commemorates the semiquincentennial of its birth, the Harvard Law Bulletin spoke with Mann about how colonists regarded the law, where American law diverged from English common law, and an early rule-of-law lesson that still resonates today.

The grievances immortalized in John Trumbull's painting "The Declaration of Independence" were rooted in legal arguments.

When colonial and early Americans thought about "the law," what were they referring to?

First, you have to remember the American colonists were not a homogeneous group.

That said, colonists in New England, in particular, thought of themselves as English. They had grown up in the English common law tradition, and they had absorbed notions of English common law. For them, the law comprised things from vague notions from the English common law tradition, to more formal common law precepts, to statutes enacted by Parliament or the colonial assemblies. It was all operating within an English legal framework.

Were there differences between English law and law in the American colonies before the Revolution?

New Englanders in the 17th century recognized Old Testament notions of divine law, but that was not thought of as superseding common law. From the 17th into the early 18th century, people often tried to resolve conflicts through church disciplinary processes first. If that failed, they would turn to law. But it's not as though they thought there were two jurisdictions, so much as they considered these to be two sources of authority.

Also in New England, Scripture exercised particular influence in the area of criminal law, and more specifically, felonies. By the time of the 17th century, English law recognized about 50 different capital offenses, which rose to 200 by the beginning of the 18th century, although the people who were convicted of these offenses were not necessarily executed. But in early-17th-century Massachusetts, the only felony offenses punishable by death were those for which judges could find authority in Scripture, of which there were just 12.

There was also a very different set of punishments for general offenses in New England. Since there were no jails or prisons, people were more often subject to physical punishments, such as standing in the stocks, being whipped, occasionally even being branded. You didn't start to see prison sentences until after the Revolution.

On the other hand, all of this was still operating within the common law framework of due process. In other words, people were very picky about adhering to procedural regularity, and you can see that in some early cases.

Could you give us an example of what you mean by that desire for procedural regularity?

In 17th-century Massachusetts, there was a case

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involving a man who had repeatedly raped a young girl. People were outraged, and there were calls for him to be executed. But the judges refused to do so, because rape was not recognized in the Bible as a capital offense, and therefore it was not a capital offense in the statutes of the colony. That's a very early example of the power of adhering to basic principles of due process, even when the perpetrator committed a particularly heinous act.

How did disputes with Great Britain in the 1760s and 1770s reshape colonial views about what made law legitimate?

By that time, the American colonists had come to see themselves as even more British, in part because of the patterns of immigration, and also because of the significant expansion of commercial relations between British North America and Great Britain. You had merchants who operated on both sides of the Atlantic. In a sense, the two worlds were closer together — certainly culturally. But there was a difference in perspective: While the American colonists saw themselves as British, the British regarded them as simply colonists; they didn't really identify with them at all.

In the 1760s, Great Britain began more strictly enforcing its regulations on commercial trade in the colonies, in part to raise money. Great Britain was coming out of the Seven Years' War, called the French and Indian War in the colonies. During that war, Great Britain, with significant assistance from colonial militia, mostly removed France from North America. That had the effect of removing a foreign threat from the American frontier, but it was very costly. They reasoned that North Americans should help pay for the war, so they began levying taxes, starting with the Sugar Act and the Stamp Act.

The Americans were outraged. They saw themselves as loyal subjects, but here they were being taxed, even though they were not represented in Parliament. That's where the idea of "no taxation without representation" comes from. All this made the colonists start looking at Great Britain through a very different lens.

In the years leading up to the American Revolution, were the colonists' complaints against Great Britain framed purely in political terms, or did they try to deploy the law as well?

Before the Revolution, you had 15 years of intense debate and political pamphleteering about the proper structure of the British Empire, where sovereignty resided, and the power Parliament should have over the colonies. These were not simply political arguments; they were legal ones as well. Many of the participants were lawyers, such as John Adams. By engaging in this debate, many British North Americans saw themselves as upholding the highest traditions of the common law. The British were also using legal arguments in making their own case. Later, leading up to the Revolution, the colonists looked to the common law tradition, to Magna Carta, and even to Anglo-Saxon times for authority. For example, when the colonists said, "No taxation without representation," they were referring to ideas in Magna Carta and the English Bill of Rights.

So, you're saying that American colonists weren't looking to overthrow the law, but rather, wanted it to apply to them fairly?

One of the hallmarks of expanding settlement in mid-18th-century America, as the population spread from the coast into the backcountry, was that as the population moved, they wanted the law to follow. They wanted local courts. They didn't want to shuttle back to the coast to hear cases or record a deed or collect a debt. These were people who, as they expanded westward, saw themselves not as escaping law, but as bringing it with them. It was really only debtors who were running away from their creditors that were perhaps trying to move beyond legal process.

In general, though, there had always been something about the common law that sunk its influence into generations on both sides of the Atlantic. It represented something that people associated with due process, fairness, rights. And the political arguments in the lead-up to the Revolution reflect that as well.

Are there lessons about the rule of law from this period in American history that resonate today as we mark the United States' 250th anniversary?

In my view, it's that people have rights that are protected. People expect a legal system that will observe elemental due process, so that, in principle, everyone receives a fair resolution of their disputes. But it's important to recognize that too often in American history, you observe those principles more in the breach. For example, this was the case for Black Americans under Jim Crow, who, at least at the federal level, were supposed to have constitutional protection of their rights, and yet the federal government refused to intervene when the states were actively trying to oppress them.

"The colonists looked to the common law tradition, to Magna Carta, and even to Anglo-Saxon times for authority."

But the ideal survived, and that's what so much of the Civil Rights Movement was fighting for: a principle of legal equality. Leaders of the movement were determined to claim this principle for themselves against overwhelming opposition. Ultimately, if those ideals of legal equality had not existed in the first place, that struggle would have looked very different. It would have been impossible to frame it as a struggle for rights that were guaranteed to everyone.

A LEGAL TRAINING GROUND

For Harvard Law graduates, clerking delivers mentorship, skills, and a career-defining foundation.

By Colleen Walsh

Illustration by James Graham

As a child, Cameron Pritchett ’18 liked to talk and argue. But he never dreamed that those traits would lead him to the law and to the chambers of some of the nation’s highest and most influential courts.

Pritchett eventually went on to Harvard Law School and, after graduation, three federal court clerkships: at a district court, a circuit court of appeals, and, most recently, the U.S. Supreme Court. Each experience, he believes, made him a better writer, researcher, practitioner, and person. He credits his ties to Harvard professors and the law school’s Office of Career Services with helping him navigate the application process and secure the coveted roles.

“I’m just very thankful for all the mentors and great advice and guidance I received over the years,” says Pritchett, “and it started with my time at Harvard Law School.”

For many recent law school graduates, clerking for a judge or justice is central to their legal training, helping them hone their writing and research skills and offering exposure to a range of substantive areas of the law and procedural issues. The work can inspire young lawyers to consider careers on the bench or in public service. And the benefits go both ways. Jurists lean heavily on their legal assistants, relying on them for key research, often tasking them with crafting the first drafts of bench memos or opinions, and having them act as sounding boards.

In his chambers, Judge Amir Ali ’11 of the U.S. District Court for the District of Columbia relies on three full-time law clerks who work with him for one-year terms drafting judicial opinions and attending trials and hearings. He considers his clerks more than just “brilliant attorneys who produce great research and writing.”

“They are my counsel — people who advise me on the array of challenging and interesting issues that come up during the year,” Ali says. “I organize my chambers around the philosophy that even the very best work product gets better with teamwork and revision. And, by the way, that means I expect law clerks to revise my drafts and tell me when they think I’m wrong, too.”

The high-profile nature and location of Ali’s court mean he often hears cases involving the federal government. In his first days in office, he was tasked with

Cameron Pritchett ’18 had three federal court clerkships, including one with Supreme Court Justice Brett Kavanaugh.

assessing the legality of a range of presidential executive orders. It's high-pressure work, he says, and requires clerks with the right kind of temperament who can hit the ground running.

"I look for people who can bring brilliance and care to an environment with lots of competing demands," he explains. "That all goes best when it's done as a team, and with some laughs along the way. My clerks take the work very seriously, without taking themselves too seriously."

Ali also leans into the mentorship role, helping his clerks improve their decision-making, writing, and research skills while carving out time "to talk one-on-one about broader things. Often that includes how they're going to build a fulfilling legal career," he says, "and make the world a better place."

Judge Amir Ali '11, of the U.S. District Court for the District of Columbia, has three full-time clerks for one-year terms.

P. 26 JIMELL GREENE; P. 27 (TOP, RIGHT) U.S. DISTRICT COURT FOR THE DISTRICT OF COLUMBIA; (BOTTOM, RIGHT) JIMELL GREENE

GETTING STUDENTS READY

At the Office of Career Services, a designated team of advisers starts reaching out to 1Ls to familiarize them with the benefits of clerking and the application process. Students have access to a range of office-sponsored events, including panels with former clerks, discussions with judges, and information sessions on how to engage with faculty who can provide important recommendation letters.

Students also have hands-on advising tailored to fit their individual needs. Kirsten Solberg, director of judicial clerkships, and Elizabeth Blume and Alexandra McKinney, assistant directors of judicial clerkships, all clerked themselves and meet one-on-one with students and alumni interested in clerking to understand their goals and guide them through every step of the process.

The office also makes online resources available to students and alumni, including hiring updates, application timelines, and interview tips. About a third of each Harvard Law School class clerks. Since 2020, alumni have held more than 250 clerkships annually.

Though many students arrive at Harvard Law School knowing that they want to clerk, others may have had little exposure to the idea of working for a judge or justice. But whether the process involves introducing students to the system or encouraging them to think expansively about where to apply, Harvard advisers are ready to help.

"There are a lot of misperceptions about where you have to clerk or the value of clerkships," says Assistant Dean for Career Services Margie Boone. "Students tend to gravitate toward a couple of judges, and they just don't know the full spectrum of opportunities — and we want to change that."

Staff members often encourage students to consider parts of the country they may not have envisioned before, explaining that clerking can be transferable enough to help them achieve their goals, whether that's practicing corporate law in New York City, working in the public interest, or becoming a law professor. "We want to shine a light on all those opportunities that a student wouldn't otherwise know about," says Boone, adding that the office's main goal is "to provide access to every student who wants to explore clerkships."

One such student was Pritchett, who knew that a law degree could take him in many professional directions — toward mergers and acquisitions, securities work, a role as prosecutor or public defender, "and everything in between." But he arrived at Harvard far less familiar with the value of clerking. "I certainly didn't understand the concept of someone coming in and working for a judge full time," Pritchett says, "and

> Clerkships provide graduates with skills prized by employers looking to hire the best and the brightest.

that being a prestigious position."

He got up to speed thanks to Career Services resources and his law school connections. During office hours, his first-year torts professor, Richard Lazarus '79, told him how a clerkship would improve his research and writing skills, provide him with important mentors, and give him the kind of experience prized by firms and U.S. attorneys' offices looking to hire the best and the brightest. Lazarus also helped to identify judges who might be a good fit, including Judge Harry T. Edwards from the U.S. Court of Appeals for the District of Columbia Circuit, who hired the 24-year-old Pritchett right out of law school.

"Judge Edwards really took me under his wing," says Pritchett, "helping me to refine my writing ability, helping me to become more confident discussing particularly thorny and complicated issues." In addition, Edwards encouraged him to grade himself after every interaction, encounter, or writing assignment. "He taught me a lot of ways to be thoughtful and reflective about my performance and about how I can improve," says Pritchett, who also clerked at the district level and is now an associate at Gibson, Dunn & Crutcher.

> About a third of each Harvard Law School class clerks, either immediately after graduation or later.

For Pritchett, when it came to applying for a Supreme Court clerkship in 2020, Harvard again played a large role. The Office of Career Services, he says, "helped shepherd me through the process," and law professors wrote key recommendations. One particular connection proved instrumental. As a student, Pritchett had taken a class with Brett Kavanaugh, then a judge of the U.S. Court of Appeals for the District of Columbia Circuit, who became an important mentor and friend. Kavanaugh eventually rose to become an associate justice on the U.S. Supreme Court.

Kate Ford '19, an associate at Davis Polk & Wardwell, says she knew as a 1L how important clerking would be for her career.

"When I applied to the Supreme Court, it was even more of an honor that he thought enough of my abilities to give me an interview and then ultimately an offer," says Pritchett.

Pritchett says he took many lessons from his time working with Kavanaugh, including about the importance of using clear, concise prose. "I have adopted that and really implemented that approach in the way I write as a lawyer. I want everyone to understand very clearly what points we're trying to make on behalf of our clients."

Kavanaugh also inspired Pritchett to consider public service. "I don't know what exactly that looks like, whether it's as a prosecutor, as a judge, or [a run] for office," he says, "but I know that I definitely want to use the pedigree that I have been fortunate to obtain to help others."

MILES AWAY

For many young lawyers, including Susan M. Carney '87, now chief justice of the Alaska Supreme Court, a clerkship can open important doors.

Carney wasn't sure where she was headed after graduating in the late '80s until she saw a campus flyer promoting a clerkship thousands of miles away. "I had grown up with these amazing, breathtaking photographs of Alaska," says Carney, whose father had spent time in the Army, stationed south of Fairbanks at Fort Greely. "So, it was in my consciousness, I'm sure, more than for other people in Worcester [Massachusetts]."

In Alaska, Carney clerked for Chief Justice Jay Rabinowitz '52 of the Alaska Supreme Court, who later helped pave the way for her first job as a public defender. Carney would go on to become a lawyer with the state's Public Defender Agency and then the Office of Public Advocacy, with the example set by Rabinowitz — a longtime friend, mentor, and inspiration — never far from her mind.

"Jay was just part of the community. He would stop to talk to people on the street, and they would talk to him," says Carney, "and those are the things I still do today."

Her long track record of service meant she was a top prospect when a position on the Alaska Supreme Court opened up. "For about a month, every time I turned around, someone asked, 'Aren't you applying?' and I said 'No,'" recalls Carney, until one fateful night in 2016 when she opened a fortune cookie with the message "A great honor will be bestowed upon you in the coming year."

"So," she says, "I applied."

Now, when interviewing prospective clerks, Carney and her colleagues look for candidates who are sincere about wanting to relocate to a place "so far away and so different," who have editing and journal experience, and who would be a good fit in a small group.

Carney, who calls her clerks "absolutely critical," relies on them to write, edit, and above all master the facts of a case: "If I'm looking at a brief and this party is mentioning something that happened early in the case, and I know I read it somewhere, they have to be able to get back to me in an hour and tell me where to find it."

COURTESY OF KATE FORD

LOREN HOLMES / ANCHORAGE DAILY NEWS

Chief Justice Susan M. Carney '87, of the Alaska Supreme Court, credits her clerkship with then–Chief Justice Jay Rabinowitz '52 with helping to pave the way for her public service career in Alaska.

A LIFELONG MENTOR AND FRIEND

After working as a trial preparation assistant in the Rackets Bureau of the Manhattan District Attorney's Office, Kate Ford '19, now an associate at Davis Polk & Wardwell, knew how important clerking would be for her legal career when she arrived at Harvard in 2016. But she had little idea of how to apply, turning to the law school's experienced staff to help her navigate the process.

"I would have had no idea what a clerkship cover letter looked like or how/when/what I needed to apply to a clerkship," says Ford, "without Harvard's Office of Career Services."

With that help, Ford secured a clerkship with Judge Rowan D. Wilson '84 at the New York Court of Appeals in 2019. There she found the breadth of material — from cases about its jurisdiction in tribal disputes, to whether snowmobiles were permitted in protected areas of the Adirondacks, to juror misconduct in a murder trial — both overwhelming and exciting.

"The most valuable thing my clerkship on the New York Court of Appeals gave me was confidence that I can be asked a question that is completely new to me and trust myself and my research skills to get up to speed," says Ford, who later clerked for Judge Michael Boudin '64 of the U.S. Court of Appeals for the 1st Circuit in Boston.

While in New York, Ford also enjoyed working with clerks for other judges to build consensus on an opinion and discussing her views on a case with Wilson. If she and the judge disagreed about the best outcome, they would draft questions for oral argument, says Ford, "for the advocates to answer to resolve our standoff."

Wilson remains a close friend. He talked Ford through buying her first apartment, she says, and delivered a Broadway-themed speech at her wedding based on their shared love of musicals, making a special day "even more special."

Ford encourages anyone considering clerking to think carefully about the kind of person they are interested in working for instead of focusing on a particular location. She says she didn't decide to clerk in New York; she decided to clerk for Wilson.

"To the extent an applicant can be location-flexible to find the right fit," says Ford, "I really encourage it."

But no matter where students end up clerking — whether it's a trial court in an out-of-the-way location, an appeals court in a bustling metropolis, or our nation's highest court — Harvard is ready to help guide them.

"Our team elevates every application and helps the student think really strategically about what they want to get out of the clerkships, where they will get the best experience, and where to apply," Boone says. "It's really a remarkable process."


IN CONGRESS
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The Rule of Law

Born in ancient thought and forged through revolution, the idea that no person is above the law has been tested anew in every era. Harvard Law faculty examine this foundational legal principle

By Rachel Reed ▪ Illustrations by Brian Stauffer

In 1399, King Richard II of England was stripped of his crown by his cousin, Henry Bolingbroke, with the support of Parliament. The outgoing king, it was argued, had become increasingly autocratic, taking revenge on enemies, alienating nobles, and governing tyrannically.

After Richard's abdication, Parliament formally recorded the charges against him, both to justify the succession of Bolingbroke (now known as Henry IV) to the throne, and to frame his predecessor's deposition as a lawful act. Among the document's chief complaints was that Richard "expressly said, with an austere and determined countenance, that his laws were in his own mouth or, occasionally, in his own breast."

Nearly 600 years later, another Richard, this one former American President Nixon, spoke to journalist David Frost about decisions he had made in office. Despite insisting that he understood the chief executive to be bound by the law, Nixon argued that some actions taken by the president, such as those done in service of national security, are lawful. Full stop.

"When the president does it," Nixon famously said, "that means that it is not illegal."

Both Richards had, in effect, challenged a key principle of what has become known as the "rule of law" — the idea that no one, neither citizen nor city clerk nor king, is above the law.

The idea continues to underpin the American legal tradition, as it does that of many other nations. Today, the concept has taken on renewed prominence in disputes over presidential criminal immunity — most recently in *Trump v. United States* — with supporters and critics alike claiming the rule of law as a central principle.

But where does the concept come from, and what does it encompass? Harvard Law scholars are examining these and other questions, drawing on legal history, legal theory, and contemporary legal practice to illuminate how the rule of law has been understood — and contested — over time.

'A Government of Laws and Not of Men'

Harvard Law School Professor Noah Feldman points to a basic formulation found in the Massachusetts Constitution, which was authored by Harvard lawyer and patriot John Adams, and ratified in 1780.

"[The rule of law] provides that we be a government of laws and not of men," says Feldman, the Harvard Law School Arthur Kingsley Porter University Professor.

At minimum, Feldman says, the rule of law requires that crucial decisions made by government actors are "shaped, governed, and controlled to some degree by the legal rules that are established for them."

In the Anglo-American tradition, the rule of law has long been understood to require that rulers, along with the ruled, be subject to laws. It necessitates also that legal rules be publicly accessible and implemented through fair procedures, and that rule violations ordinarily give rise to meaningful forms of accountability. And while the rule of law does not preclude discretion in enforcing the law, Feldman says that where such leeway exists, it must be "because the legal system authorizes that discretion, rather than because someone just decides to extend it."

That means that the law, in principle, applies to everyone, with no categorical exceptions for the wealthy, powerful, or connected, Feldman says. In other words, no one is supposed to be above the law. "That's the aspirational part of the rule of law — that the system will follow the rules always, and not have deviations based on factors that aren't considered legitimate within the law."

An Evolving Norm

Although the phrase "rule of law" was popularized only as long ago as the 19th century, many of the ideas underpinning the concept are hundreds, perhaps thousands, of years old, and in the Western tradition have roots in sources such as the Hebrew Bible and the writings of ancient Roman and Greek thinkers like Cicero and Aristotle.

According to Elizabeth Papp Kamali '07, the Austin Wakeman Scott Professor of Law at Harvard, inklings of these ideas can be found in English legal thought by the 12th century. But Kamali says one of the first clear articulations of the concept that no person is above the law is found in the early-13th-century treatise "De Legibus Et Consuetudinibus Angliæ," also known as "Bracton's On the Laws and Customs of England" and commonly referred to as "Bracton."

Long attributed to Henry of Bratton, a 13th-century judge and cleric, but likely written at least in part by royal justices William of Raleigh and Martin of Pattishall, the work describes the English legal system as it existed at that time, including statutes, court decisions, and legal customs — and borrows extensively from Roman and canon law sources as well. Among the most famous of its maxims is *"Non sub homine sed sub Deo et lege"* — "Not under man but under God and law" — which is inscribed above the entrance to Harvard Law's Langdell Hall. The treatise further declares, "There is no *rex* [king] where will rules rather than *lex* [law]."

"In what may be a later addition to the treatise, Bracton indicates that, because the king is below the law, he ought to be bridled by his earls and barons if he is perceived to be acting lawlessly," Kamali says.

This notion came to the fore when King John was compelled by English barons angry at his highhanded ruling style to affix his seal to Magna Carta in 1215. Although John quickly revoked the charter — which promised key protections for barons and the church — the document was an important step in conceding some limitations on the monarch, Kamali argues.

She says that the famous charter, which was reissued by subsequent kings, also contains provisions fundamental to conceptions of due process. "A king can't simply declare, for example, 'I'm going to seize the properties of this person,'" she says. "Instead, Magna Carta insists there has to be some process that precedes a judgment of that kind."

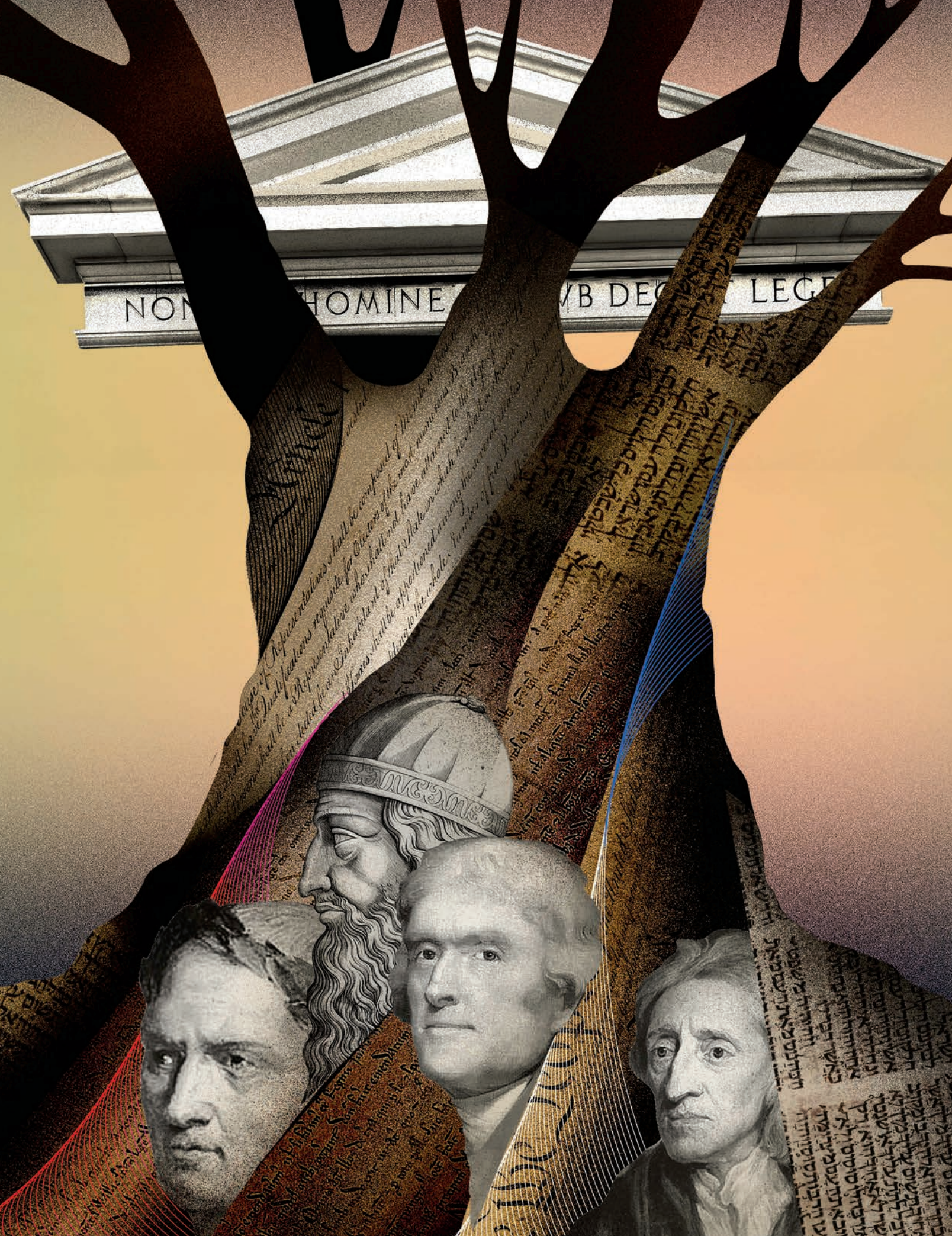
But there are tensions within Bracton and the reissuances of Magna Carta, Kamali adds. "There is no direct recourse to deal with violations by the king," she says. "Instead, you have to trust the fact that he will moderate his behavior because he is a vicar of Christ on earth, and also because God will eventually judge him." As the 13th century turned into the 14th, England's Parliament, which had primarily served as an ad hoc councilor to the king, gradually developed into a body capable of holding monarchs accountable, and occasionally deposing them. "Over the course of time the idea developed that Parliament could stand in judgment of a king, determining whether he has exceeded the bounds of his authority," Kamali says.

To this day, Parliament's stated purpose is "to check and challenge the work of Government, make and shape effective laws, and debate/make decisions on the big issues of the day." In other words, to create the law and hold everyone, including the nation's leaders, accountable to it.

The 17th and 18th centuries saw the dawn of the Enlightenment and an increased emphasis on natural rights, reason, and progress, which fostered new ideas about political authority. In her book "These Truths," Harvard Law School Professor Jill Lepore credits English barrister Sir Edward Coke with "resurrecting" Magna Carta in the 1600s as a political weapon against royal sovereignty. Coke helped cast the historic charter as a symbol of a long tradition of leaders constrained by law, she says. This resurrection of Magna Carta, Lepore writes, "explains a great deal about how it is that English colonists would one day come to believe that their king had no right to rule them."

Further conflicts followed. A believer in the divine right of kings, Charles I fought with Parliament over rulership, government finance, and religion, with the end results being the English Civil War (1642-1651) and his execution. After the Glorious Revolution of 1688, Parliament passed the English Bill of Rights, formally establishing Britain as a constitutional monarchy where the king could not rule without Parliament's consent. The king, it declared, was not above the law after all.

And in 1689, English philosopher John Locke argued that power flows not from the divine but from the governed themselves, who give their consent to secure fundamental rights such as life, liberty, and property. "Wherever law ends, tyranny begins," he wrote in "Two Treatises of Government" — words that would soon inspire the founders of the United States.


HOMINE
LEGE

People have long worked to build better systems of law and government, shaped by evolving ideas about liberty, fairness, representation, and equality.

A Revolutionary Idea

As the British colonists began establishing permanent communities in North America in the early 1600s, they brought with them English ideas about law and governance. But it's important to note that legal influences on early America also came from many other sources, says Bruce H. Mann, the Carl F. Schipper, Jr. Professor of Law at Harvard.

"The American colonists were not a homogeneous group," he says, pointing to significant influxes of English religious minorities, as well as Dutch, Germans, Scots-Irish, Swedish, and enslaved people from Africa, not to mention the Indigenous Americans these groups quickly displaced.

By the 1700s, expanded ties with England through immigration and commerce, along with British control of nearly all 13 colonies, meant that Americans had come to see themselves as more fully British than the earliest settlers had — a sentiment that was decidedly not shared by the British, Mann says.

As Great Britain began imposing trade restrictions and new taxes in the 1760s to alleviate debt it had accumulated defending the American colonies during the French and Indian War, Americans' perception of their situation changed. "The Americans were outraged," Mann says. "They saw themselves as loyal subjects, but here they were being taxed, even though they were not represented in Parliament. All of this made the colonists start looking at Great Britain through a very different lens."

In the period leading up to the American Revolution, the colonists framed their various complaints against the British in legal terms, arguing that Parliament and the king had exceeded their authority in the law, Mann says. In doing so, he adds, "many British North Americans saw themselves as upholding the highest traditions of the common law," which included rule-of-law principles.

But when these arguments ultimately failed, America's founders looked to the ideas of the Anglo-Saxons, Magna Carta, and John Locke, as well as the common law, to justify declaring independence from Great Britain, Mann says. "The arguments for the Revolution were not just political ones, but legal ones as well."

Feldman agrees. "The Revolution itself was revolutionary in the literal sense, because they were British laws, and the people who declared independence were claiming the right from natural law to break the British legal system," he argues.

Independence didn't mean a complete break from inherited principles, however. In fact, the founders embraced the ideal of the rule-of-law concept and elevated it in the U.S. Constitution. Unlike in the English system, where the monarch and later Parliament claimed sovereignty, Feldman says, the new American republic vested sovereignty in the people themselves, who then delegated authority to specific institutions. As Thomas Paine put it in 1776: "In America the law is king."

Above the Law?

While everyone in the fledgling nation was supposed to be subject to the law, as with many ideals, this one was often flouted. In early America, Mann notes, this was most notably the case with enslavers, whose authority over the men, women, and children they enslaved was, in theory, subject to various legal limitations. "But in practice," he says, "it was unlimited."

Likewise, although the Constitution sets limits on federal officials' exercise of power, and provides mechanisms, such as impeachment, to hold some of them to these limits, American presidents have also long faced accusations that they were acting "above the law," most often in response to official policies and acts, other times for personal misconduct, or a tangled combination of the two. Legal and constitutional challenges related to the former — official presidential actions — have typically been resolved over time through the courts or political mechanisms, such as elections or congressional impeachment. But a constitutional crisis can arise when these processes fail to generate consensus, Feldman says.

"In a constitutional crisis, neither side will acknowledge that the other is a legitimate actor under the Constitution to do what they want to do, and no one knows what's going to happen next," he explains.

As a prominent example, Feldman points to President Abraham Lincoln's suspension of habeas corpus during the Civil War, a move which was deeply controversial even among fellow Republicans. Taken as a war measure, the decision allowed the administration to hold people suspected of disloyalty in prison without trial. Lincoln's policy may or may not have violated constitutional strictures, though U.S. Chief Justice Roger Taney, writing in a federal court case called *Ex parte Merryman* (1861), certainly thought it had. But Congress stepped in to authorize suspension in 1863,

While few argue that presidents are or should be above the law, profound disagreements exist about the scope of executive power.

and Lincoln was never prosecuted for his actions.

That is the other way in which a chief executive may theoretically be subject to the law: in a personal criminal or civil case, an idea tested in the 20th century during Nixon's administration.

In 1972, during the Watergate scandal, Nixon participated in covering up a break-in at the Democratic National Committee headquarters by those working for his reelection campaign. A grand jury drafted an indictment against Nixon for obstruction of justice and other offenses, but prosecutors questioned whether they could charge the sitting president.

Ultimately, a 1973 Department of Justice memorandum concluded that indicting a president while in office would impermissibly interfere with the functioning of the executive branch. Instead, the impeachment process would have to suffice while Nixon was still president — a process that would surely have happened had Nixon not voluntarily relinquished his office in 1974, Feldman says.

"When Nixon resigned, that crisis was resolved," he says. President Gerald Ford's controversial decision to grant his predecessor "a full, free and absolute pardon" ended the possibility that Nixon might have been indicted and the question of presidential immunity tested in the courts.

In the late 1990s, President Bill Clinton, too, battled accusations of impropriety. In *Clinton v. Jones*, the Supreme Court made it clear that the president was not immune from civil litigation for conduct that occurred before taking office. Then, in 1998, Clinton faced threats of prosecution for obstruction of justice and perjury for lying about his relationship with White House intern Monica Lewinsky. The independent counsel investigating the allegations again deferred to the impeachment process rather than pursuing criminal charges.

In 2000, the Department of Justice issued a memo reaffirming its policy against criminally prosecuting a sitting president, while expressing the view that the chief executive might still be prosecuted after leaving office. But this would not be the final word on presidential immunity.

Presidential Power in Flux

Debates about the scope of presidential power and the capacity of legal institutions to hold modern presidents subject to the law during and after their time in office have recently flared with renewed urgency.

John C.P. Goldberg, the Morgan and Helen Chu Dean of Harvard Law School, points out that there is a difference between official actions that may exceed the powers of the presidency and administration officials' refusal to comply with specific court orders, at least when it comes to rule-of-law concerns.

"The former — when presidents and other officials push the boundaries of their authority — have been commonplace throughout U.S. history, and don't threaten the rule of law if courts can be relied on to determine the lawfulness or illegality of these actions," Goldberg says.

It's when chief executives try to thwart the judiciary that problems arise. "The failure to heed properly issued court orders is a more direct threat to the rule of law," Goldberg says. "It at least suggests that the executive branch will decide for itself what the law permits, which is closer to having no controlling law at all."

Today, the administration of President Donald Trump, who survived two impeachments during his first term, has reportedly faced more than 700 lawsuits targeting his administration's policies on issues ranging from immigration and the environment to trade, federal agencies, and more.

"There is this perception that Trump is really pushing the envelope of what is legally permitted," Feldman says.

So far, these controversies are being hashed out in the usual way — through the courts, which ruled against the administration 75% of the time in 2025, according to a New York Times analysis.

But while "the administration has not yet admitted to directly violating a court order," Feldman says, "there is a perception that the rule of law is in jeopardy, because of their overt attacks on judges, overt attacks on the legal procedure, and hints that if push came to shove, they might be willing to violate the law if it were absolutely necessary."

This concern was sharpened by the Supreme Court's 2024 decision in *Trump v. United States*, which arose from an indictment of then-former President Trump for allegedly conspiring to overturn the 2020 election results. In its decision, six of the Court's nine justices held that a former president is completely protected from criminal prosecution for conduct that was within the authority exclusively delegated to the office by the Constitution, and presumptively immune from prosecution for the exercise of powers shared with Congress.

The Court ultimately returned the case to the lower courts to consider the extent to which some of the president's actions were within his constitutional authority. The case was then dismissed after Trump won a second term in 2024, and experts disagree about the impact of the decision.

A Variety of Perspectives

Harvard Law scholars have expressed various perspectives about the Court's presidential immunity ruling and what it portends for the rule of law.

Feldman says that some degree of immunity for the chief executive is not inherently incompatible with the rule of law: Government officials are routinely shielded from civil suits for conduct consistent with established legal rules. But he worries about the implications if the Court's reasoning is pushed to its limits.

"If a government official, including the president, could overtly break all the laws and avoid all consequences of that, at some point, the law would no longer constrain that person, and then you wouldn't be in a rule-of-law system," Feldman says.

Goldberg and Fordham Law Professor Benjamin Zipursky share that concern. In "The Roberts Court Paradox," a 2025 article in Fordham Law Review, they argue that the Court, out of an exaggerated concern to provide very clear, bright-line rules, adopted an unduly broad rule of immunity when a more nuanced, standards-based approach would have allowed for some legal accountability for presidential crimes without interfering with the ability of presidents to perform their official duties.

Adrian Vermeule '93, the Ralph S. Tyler, Jr. Professor of Constitutional Law at Harvard, views the decision differently. He draws a distinction between the law's directive and coercive elements — that is, the president's obligations under the law versus the consequences for failing to follow it. Even if presidents are immune from criminal prosecution, Vermeule argues, they remain "subject to substantive legal obligations" and are therefore still bound by the law in an important sense. "His authority, even in an official capacity, is always subject to and indeed constituted by the law in its directive sense," he writes in a post on his Substack, "The New Digest."

Jack Goldsmith, the Learned Hand Professor of Law at Harvard, has argued that the immunity holding may be less consequential than critics fear. The decision's more significant impact lies in its related rulings on the president's exclusive removal power and exclusive power over investigation and prosecution, he writes in "The Presidency after *Trump v. United States*," published in the University of Chicago Law School's Supreme Court Review.

On the immunity question specifically, Goldsmith contends that norms of proper executive branch behavior — paired with the fact that lower-level officials remain subject to criminal prosecution — "are the main determinants of executive branch compliance with criminal law," as he said in a 2024 speech.

In his Supreme Court Review article, Goldsmith points out that many factors inform a president's compliance with criminal law. "One can certainly imagine a bad-man president engaging in widespread lawless criminal behavior," he writes. "But, unfortunately, the bad-man president had many tools to skirt the law before *Trump* [*v. U.S.*], to which its uncertain immunity ruling added relatively little."

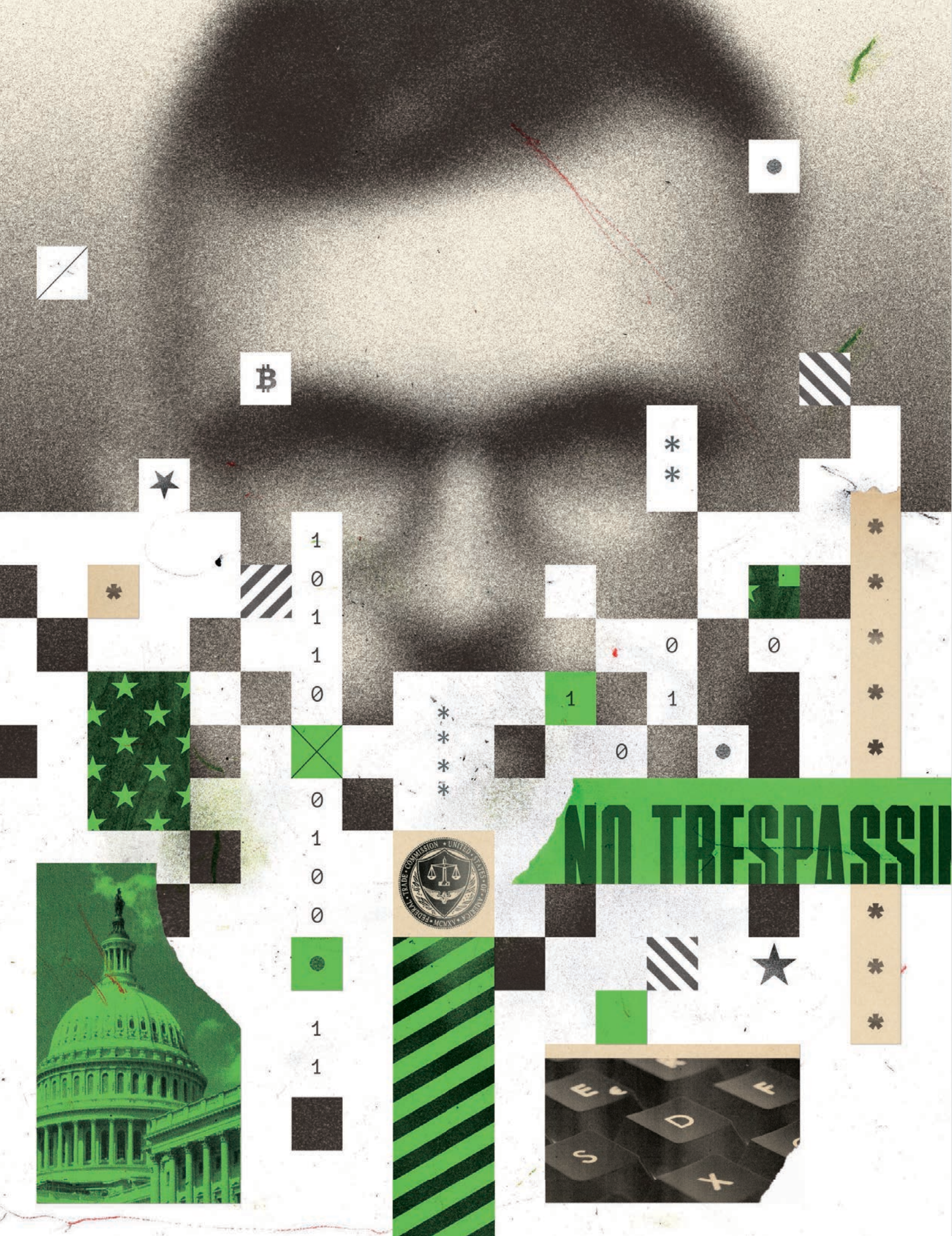
The Path Forward

For now, the full implications of the Court's decision remain to be seen. While few argue that presidents are or should be above the law, profound disagreements exist about the scope of executive power — and the extent to which they may be personally subject to criminal or other court processes for violating the law.

Still, many experts are likely to concur with at least one of Feldman's takeaways: Legal rules alone, he says, aren't sufficient to sustain a rule-of-law system. "You need practices, norms — you need moral values," he explains. "And if those are undermined, or they start to break down, then it's very difficult to sustain any form of government in a regularized way."

It is a lesson that echoes across the centuries, from Bracton to Nixon, from Magna Carta to the American Revolution to today. People have long worked to build better systems of law and government, shaped by evolving ideas about liberty, fairness, representation, and equality — in short, a commitment to the rule of law, including the idea that the law applies to even the most powerful among us.

As former U.S. Supreme Court Justice Anthony Kennedy '61 said in a 2019 speech, "The rule of law … is the only secure foundation for the freedom to which we must always aspire."


NO TRESPASSI

Security Breach

Defending our data against rising cyberattacks relies on a patchwork of laws and regulations, strong public - private partnerships — and a whole lot of luck

By Rebecca Beyer

Illustration by Blake Cale

It's

been more than a decade since the United States first publicly blamed another country for a cyberattack, an accusation detailed in a 31-count indictment against five members of the Chinese military who hacked into the systems of American nuclear, metal, and solar companies over a period of eight years.

That public attribution of economic espionage in 2014 marked a major shift for the United States, which had previously worked behind the scenes to address digital intrusions that came from beyond its borders, if it did anything at all. Part of the rationale for naming and shaming the perpetrators was to deter bad actors from carrying out future hacks.

Deterrence as a defense strategy, however, has so far proved to be something of a dud. Today, cyberattacks seem almost commonplace; breaches of public and private entities are everyday news. So-called ransomware attacks, in which hackers lock up an entity's system or files and demand payment to restore functionality, have proliferated. In 2024, in a federal indictment, a North Korean intelligence operative was accused of using the proceeds from ransomware attacks he'd carried out against hospitals to fund additional cyberattacks on government entities around the world, among them two U.S. Air Force bases. Other attackers, including groups sponsored by countries such as China and Russia, do not announce their presence; their goal is to stay hidden long enough to steal information that can later be used for financial or geopolitical gain. By hacking into U.S. telecommunications companies in 2024, China apparently intercepted surveillance data that was meant for law enforcement agencies.

Cyberattacks may be difficult to prevent, but that doesn't mean policymakers, governments, and the private sector have given up trying. Harvard Law School faculty and alumni who have worked on cybersecurity issues in their research and practice, some at the highest levels of the U.S. government, say protecting people and information from cyber intrusions requires a variety of approaches. Among them: the use of criminal and international law to hold bad actors accountable; a regulatory regime that requires companies to take steps to safeguard consumer information; and close cooperation between the private sector and the government to ensure an efficient and effective response.

"We don't say the fact that homicides are still committed means we should drop all our attempts to prevent them from occurring," says John P. Carlin '99, a partner at Paul, Weiss, where he is chair of the cybersecurity and data protection practice group. "What we need to do in the cyber context — and it's evolving and improving over time — is increase the costs [for the attackers] so that we can ultimately reduce the number of people being hit by these attacks."

SETTING AND ENFORCING LEGAL BOUNDARIES

In the case of an attack sponsored or carried out by another country, even when an indictment doesn't lead to an extradition or an actual prosecution, it can still serve an important purpose, according to Harvard Law Professor Kristen Eichensehr.

Eichensehr has written extensively about attribution of cyberattacks in the context of international law, including in a 2020 piece for the UCLA Law Review called "The Law and Politics of Cyberattack Attribution."

Attribution — in a criminal indictment, sanctions, or other official statements — she argues, is an important part of building international norms and what's known as customary international law, or law that is based on established practices rather than formal treaties or conventions.

"By outing government hackers in particular and condemning what they are doing, you begin to draw lines and bring clarity about what is permissible and what is impermissible," Eichensehr says.

Carlin agrees. Before he joined Paul, Weiss, he worked on cybersecurity matters in government, including as principal associate deputy attorney general in the Biden administration, assistant U.S. attorney general under President Barack Obama '91, and special counsel to the FBI director under President

John P. Carlin '99 (left) is chair of the cybersecurity and data protection practice group at Paul, Weiss. Harvard Law Professor Kristen Eichensehr (right) writes about the responsibility for cyberattacks in the context of international law.

(LEFT) PAUL, WEISS; (RIGHT) JESSICA SCRANTON

George W. Bush. He has written two books on the topic and has worked on some of the most high-profile cyberattacks in history, including North Korea's attack against Sony Pictures over its movie "The Interview," the ransomware attack on Colonial Pipeline in 2021, and that first indictment against the Chinese military personnel in 2014.

"If you allow someone to walk across your lawn continually, they earn the legal right to cross your lawn," he says. "In this case, we were allowing the Chinese to hack so noisily, they didn't care about being caught. We were creating an easement, creating a norm, which then has the force of international law."

That first indictment and others that have followed since, Carlin explains, were a kind of No Trespassing sign to China and the rest of the world.

Even if such signaling can't prevent an intrusion, it can often prevent something much worse: a decision by a state or nonstate actor to use what they've learned through a hack to inflict significant harm.

"Other states have not used the access they've had in the most destructive ways," Eichensehr says. "That's partly because the United States has some effective detection and defensive strategies, but it's also partly [due to] a lack of desire by other states to use their access in destructive ways. Public statements by the U.S. government about the kinds of behavior it considers out of bounds — and the consequences the United States would impose if states engaged in that behavior — may tamp down the likelihood of destructive actions."

REGULATING CYBERDEFENSES

The U.S. government also seeks to hold private companies accountable when their systems are breached.

Questions about whether and how to do so can be complicated, says Timothy Edgar '97, a lecturer at Harvard Law School who advised the National Security Council on privacy and cybersecurity issues from 2009 to 2010 and later helped Brown University launch its cybersecurity degree program.

"There's a general philosophy that you don't want to victimize a company twice," he says.

That said, some level of regulation is required.

"You can't regulate the hackers," Edgar says, "but you can require that companies assess their risk and implement a cybersecurity program that addresses and mitigates those risks."

At the federal level, the Federal Trade Commission has been an active player in the cybersecurity space, including through a 1914 law that prohibits "unfair or deceptive acts or practices." According to a report from the Atlantic Council in 2024, the agency has pursued 47 cases in the cybersecurity context using that

particular law in the past two decades or so.

Newer regulations and agencies also have put companies on notice. Congress created the Cybersecurity and Infrastructure Security Agency, which aims to coordinate responses to cyberthreats (although rules that would require companies to report cyber incidents and ransomware payments to that agency have not been finalized). In 2023, the U.S. Securities and Exchange Commission adopted rules that require public companies to disclose cybersecurity incidents within four days of determining that such an incident is "material." And the U.S. Department of Justice now mandates that companies safeguard government-related and "bulk" sensitive personal data on Americans.

Edgar says that voluntary efforts by corporations and others to improve their cybersecurity are far more important than government regulation. The federal government provides tools, among them the Cybersecurity Framework of the National Institute of Standards and Technology, to help companies to strenghten their own defenses.

In the United States, Edgar explains, there has always been "a balance between strong rules and protections and not wanting to infringe on privacy and civil liberties or on innovation and competition."

"Our whole approach has been less of a top-down approach and more cooperatively working with the private sector," he says.

Lecturer Timothy Edgar '97 (left) advised the National Security Council on cybersecurity. Longtime prosecutor Tracy Wilkison '96 (center) now advises clients on cybersecurity issues. HLS Professor Jonathan Zittrain '95 directs Harvard's Berkman Klein Center for Internet & Society.

INCENTIVIZING COOPERATION

Tracy Wilkison '96, a longtime federal prosecutor who served as the United States attorney for the Central District of California between 2021 and 2022 and now advises clients on cybersecurity matters as a senior managing director at FTI Consulting, says a big part of her outreach to companies as a prosecutor was trying to convince them to work with the federal government when they did experience a breach.

"We wanted them to know, 'We're your friend; we think of you as the victim,'" she explains. "'We're trying to get the real bad guys.'"

Not only does cooperation make identification and prosecution of perpetrators more likely, it can also reveal the full scope of a threat that may at first seem isolated or random. Carlin recalls the case of Ardit Ferizi, who hacked into a U.S. company and stole personally identifiable information, including about members of the U.S. government and military. He demanded a single bitcoin as ransom, worth about $500 at the time. After the company reported the crime, prosecutors learned that Ferizi had sold the information to a terrorist who called on his followers to target the individuals. (The terrorist was later reportedly killed in a U.S. drone strike; Ferizi was extradited from Malaysia and sentenced to 20 years in prison.)

"That shows how difficult it can be for a victim company to assess what the threat is or what actually

P. 42 (LEFT) COURTESY OF TIMOTHY EDGAR; (RIGHT) FTI CONSULTING; P. 43 LORIN GRANGER

occurred unless they talk to the government," Carlin says.

Figuring out how to share information between the government and private sector at scale and speed is still something the U.S. is wrestling with, he adds, although there have been improvements.

"It doesn't need to be all stick," he says.

The SEC's 2023 rules requiring disclosure of a cyberattack, for instance, make an exception for cases in which disclosing the hack would threaten national security or public safety. Because the U.S. attorney general must make such a determination, taking advantage of that carveout requires cooperation with the government.

PLANNING FOR THE WORST

Wilkison says she can remember the first cyberattack she dealt with as a prosecutor — a business email compromise in which the perpetrator was able to divert funds from one bank account to another.

"It was this whole new approach to the old crime of stealing money," she says.

Back then, the threat was novel and surprising. At this point, it's a known risk in an increasingly digital world.

Now that she's in the private sector, part of Wilkison's job is to help companies think through how they would respond to a cyberattack, including through "tabletops" during which high-level personnel respond to a simulated attack.

"You have to have a really good cybersecurity program and play it out: Who's in charge? How are we going to communicate this to our employees? Are we going to pay a ransom?" she says. "These are not decisions you can make in the moment."

Jonathan L. Zittrain '95, Harvard Law School's George Bemis Professor of International Law and faculty director of the Berkman Klein Center for Internet & Society, says security was sacrificed early in favor of flexibility and innovation in the design and architecture of personal computing devices and the internet.

"It's a genuine trade-off," he says. "To be able to have reprogrammable PCs connecting to an internet that can take you anywhere and connect you to anybody before you've even established who they are — that is both extremely cool, and also don't be surprised that you have a fundamental security problem. Any kind of answer is a mitigation, a kind of nibbling around the edges" unless people are walled off from the internet.

Zittrain says he argues instead for "resiliency."

"Instead of trying to achieve maximum security through lockdown, you should figure out how not to have your entire life's work trivially available if your password is compromised," he says.

Carlin, who has advised OpenAI on safety and security issues, has said he's optimistic that society can "innovate our way out" of cybersecurity risks, in part by designing protections on the front end of new technologies, rather than trying to patch up holes on the back end. Artificial intelligence may help — by making it easier for companies to detect anomalies in their systems — but it also may make it easier for bad actors to sift through compromised data for the most valuable information.

"This is a long-term cat-and-mouse game," Eichensehr agrees, "where the good guys are trying to constantly improve security and adversaries are constantly trying to breach security. We've been fairly lucky so far, but it's hard to tell how long that luck will last."

> **"This is a long-term cat-and-mouse game."**
> —KRISTEN EICHENSEHR

Leaving It All Out on the Field

From the locker room to the boardroom, Harvard Law alumni are changing the game in professional sports

BY COLLEEN WALSH // ILLUSTRATION BY OLIVER MUNDAY

In fall 2024, an article in Forbes explored the best path to working as a professional sports lawyer. The trajectory, it concluded, was clear.

"The surest way to become General Counsel of a professional sports team," wrote the author, "is to graduate from Harvard Law School."

Currently, there are dozens of alumni working for professional sports teams, including in the NBA, NFL, NHL, and MLB and MLS, many as general counsel and several as general or assistant general manager. And that's in addition to the many others at firms handling sports issues.

Promoting the Beautiful Game of Soccer

One Harvard Law graduate now devotes her energy to the business behind a sport she grew up following avidly.

Edna Falla-Quintanilla LL.M. '05 first attended law school at the Universidad del Norte in Barranquilla, Colombia, where the national soccer team trains and plays. She was deep in her studies at the time, but she says that today the excitement of the 1994 World Cup qualifying matches remains etched in her mind.

"That was really, really unforgettable, to experience those games," says Falla-Quintanilla, who received her J.D. in Colombia in 1999 and her LL.M. from Harvard in 2005. "It's one of those countries where everything really stops when [its team] is playing. Nothing [else] happens."

As head of FIFA's worldwide corporate legal operations, Edna Falla–Quintanilla LL.M. '05 is working with the Brazilian entity overseeing the 2027 Women's World Cup.

CAROLINA BARRANTES

Little did she suspect that she'd eventually work at FIFA, the organization that governs soccer around the globe, as head of its worldwide corporate legal operations working on everything from soccer programs in underserved nations to the Brazilian entity overseeing the 2027 Women's World Cup.

Falla-Quintanilla says she is not technically a sports lawyer but someone who works on "typical in-house legal matters." But those matters can have international implications. Case in point: As part of their work with the Women's World Cup, Falla-Quintanilla and her colleagues are working with the Brazilian government to implement some of the guarantees it included in its bid to host the tournament, such as providing a special tax regime, work permits, and visa procedures.

She credits Harvard Law with providing a grounding in common law and training for her 14 years as senior counsel, and then managing director, for FedEx's Latin American and Caribbean region, where she handled employment matters, aviation law cases, corporate compliance, contracts, and customs issues.

On any given day in her Miami FIFA office, Falla-Quintanilla might deal with Swiss corporate legal topics, legal issues in Morocco, and contract negotiations with Brazil. When handling criminal, civil, or commercial disputes for FIFA — some of them related to how soccer agents operate and are compensated, or the transfer of players from one club to another — Falla-Quintanilla and her team coordinate with outside counsel in different countries. The work means she must be fluent in a range of jurisdictional regulations. FIFA is a Swiss organization, but even though Switzerland is not part of the European Union, FIFA often argues cases before the European Court of Justice and other international courts because of its nature as the governing body for association soccer worldwide.

"It takes a lot of work to understand," she says, "but it's also incredibly exciting."

Since law school, Falla-Quintanilla's love of "the beautiful game" has only grown. Today, she gets to work with people who "breathe football in and out every day," and it's "really contagious." On "jersey Fridays" in her office, she wears her yellow Colombian team shirt with pride.

"There are few places that are more exciting to work right now than FIFA," she says.

A Sports Law Program with Connections

Many Harvard Law graduates who go on to careers in sports and entertainment credit Peter Carfagna '79 with their success. A lecturer on law and faculty supervisor of the school's Sports Law Clinic, Carfagna played football at Harvard College and later studied under Paul C. Weiler LL.M. '65, the Harvard Law professor who helped pioneer the field of sports law. Carfagna is now approaching his 20th year leading the Sports Law Clinic and teaches three related courses each year.

Carfagna was also the one who started pairing Harvard Law School students with those working in professional sports. It began almost two decades ago after a plea from an alum in need of help. "Mike Zarren '04, then the only lawyer at the Celtics, who is now their vice president of basketball operations and team counsel, called me up and said: 'I'm buried. Can you send me your best student, please?' That's how it all started," Carfagna says.

With his many contacts in the professional sports

world, today Carfagna helps to connect students eager to work in professional sports with internships and placements in the NBA, the NFL, MLB, MLS, and more. "The vast majority of HLS grads who are now working in the sports law area," he adds, "took one of my courses and participated in one or more of the placement opportunities that have been created over the years."

Running Point on Everything

Russell Yavner '14 says Carfagna was instrumental in helping him get his start.

"I quickly enrolled in his courses because I wanted to learn from him, his experience, and his expertise in sports and the law. His first course that I took was called Advanced Contract Drafting, and I still remember one of the questions on the final involved drafting a mutual indemnity provision in a sports contract context," says Yavner, senior vice president and deputy general counsel for business and basketball operations for the Brooklyn Nets and the Barclays Center. "Now that's part of what I do every day."

During his three years at Harvard Law, Yavner also wrote two papers on professional baseball with Carfagna, did two independent studies with him, and had three key internships facilitated by him.

"Those internships were the key to getting my foot in the door," says Yavner, who routinely hosts interns from Harvard Law. "Once I had that opportunity, things shifted in my mind. Growing up in Rhode Island, I didn't know anyone in the professional sports space, so I didn't think it was a real possibility. But with those internships I saw the path, and then when a job became available, I jumped at it."

In his current role, Yavner is involved in sponsorships, ticketing, and hospitality agreements for the Barclays Center and is responsible for negotiating contracts for more than 100 events held there each year in addition to professional basketball games. "We host concerts, college basketball, boxing, graduations, and comedy shows ... the list goes on and on, and each one requires its own contract," he says.

Yavner also handles labor law issues with the arena's unionized workforce, and drafts and negotiates employment agreements for the Nets coaches, management, and other front-office personnel. Managing the team's intellectual property, he says, falls within his purview, as does ensuring each team operated by the ownership group — the Nets plus the New York Liberty and the Long Island Nets — complies with lengthy league rule books. Litigation might involve anything from a fan who slips and falls to sponsors reneging on a deal. For Yavner, no two days are the same, and that's how he likes it.

"It's a wide range of responsibilities, and I enjoy that," he says. "I like that there are constantly new issues and new areas of the law to deal with, which keeps me on my toes."

Thinking of important moments from the past 10 years in his role, Yavner points to both the momentous and the more mundane. He'll never forget the excitement of watching the Liberty capture the first WNBA championship in franchise history in 2024, or the fear he felt when his boss told him during his first days on the job that he was going to become the organization's labor lawyer.

"It was terrifying at the time because I had a small sense of what I didn't know, and it was quite a bit," Yavner says. "And it just goes to show that you really can accomplish anything; it just takes time and the will."

Russell Yavner '14 (above top, right), senior VP and senior deputy general counsel for the Brooklyn Nets and the Barclays Center with Jeff Gewirtz, VP of Brooklyn Sports & Entertainment. Daniel Adler J.D./M.B.A. '17 (below), executive VP and assistant general manager for the Minnesota Twins.

From Cleveland Fan to Minnesota Mainstay

Daniel Adler J.D./M.B.A. '17 jokes that he "peaked as an athlete somewhere around the second grade," yet the interest in the business side of sports he developed as a teen and a Cleveland sports fan never faded. An internship with the New England Patriots right out of high school gave Adler a behind-the-scenes look at how a professional sports team operated and a window into professional athletes' psyches as he shuttled players from games to the airport.

"So many were just out of college and under an incredible amount of pressure to produce basically their life's work in a few short years," Adler says.

The internship helped him realize he was going to need a law degree. At the time, front offices of the NFL were much smaller, he says, and most people negotiating contracts and ensuring the team complied with the league's collective bargaining agreement had legal backgrounds.

> "Those internships were the key to getting my foot in the door."
>
> —Russell Yavner

At Harvard College, Adler studied economics and psychology, had summer internships with MLB and the Cleveland Browns, and in his senior year sat in on a class at Harvard Law taught by Carfagna called Representing the Professional Athlete. A family friend from Cleveland, Carfagna had helped Adler prepare for that first Patriots internship, and Adler recalls his influence as instrumental.

"I was really lucky to have had that experience before even starting law school, and frankly, that was

(TOP, RIGHT) COURTESY OF RUSSELL YAVNER; (BELOW) COURTESY OF DANIEL ADLER

a big part of the appeal of HLS and its sports law program," says Adler, adding, "I don't think there's a better place in the country for sports law."

In 2017 Adler, who had opted to pursue a joint law and business degree at Harvard to maximize his career options, became director of baseball operations for the Minnesota Twins. Now, he's executive vice president of baseball and business operations and assistant general manager. On his office shelf are a few law school books, among them some from Carfagna's courses. Adler says he often thinks back to Carfagna's class on the history of collective bargaining, calling it invaluable.

Derrick A. Davis Jr. '15 is general counsel at Angel City Football Club, an LA–based professional soccer team that competes in the NWSL.

"In this current role, I've spent a little time at the Major League Baseball office assisting some of the lawyers who work on those negotiations," he says. "And I am constantly thinking about, as one of 30 teams, what should we be pushing for and what questions should we be asking to make sure whatever changes happen will hopefully be good for the Twins, regarding league rules and regulations and collective bargaining."

In recent years, his role has involved overseeing the team's analytics department, some contracts and compliance work, and a little international scouting. He also uses his analytics knowledge to help managers make roster and draft decisions, and he recently began overseeing the organization's HR, IT, and business strategy groups.

> "I don't think there's a better place in the country for sports law."
>
> —Daniel Adler

During home games, Adler keeps a close eye on the action at the stadium, often slipping out for an inning or two to get his children ready for bed, ensuring he is back in time to see the final pitch. Though he grew up a Cleveland sports fan, there's no question where his loyalty lies today.

"Once you're working for a team," he says, "it's pretty easy to leave that early fandom behind."

Getting a Team Up and Running

Derrick A. Davis Jr. '15 grew up loving sports — he played baseball and sports video games, and faithfully followed New York teams. He dreamed of one day being a lawyer because, as his mother says, he liked to "talk a lot."

But he never imagined himself working in professional sports. Then a comment from a friend changed everything. After law school, Davis was working in mergers and acquisitions at Cleary Gottlieb Steen & Hamilton in New York helping to craft multibillion-dollar deals for companies including Google, 3M, and Stanley Black & Decker when a Cleary colleague told him she was headed to work in the NBA.

"I didn't even know that was a thing, and I thought, I've got to do that," recalls Davis. "From then on, I was set on working in sports as a lawyer."

Davis didn't take sports law classes at Harvard, but his corporate law background — including hammering out purchase agreements and examining a company's contracts, its executives, any pending litigation, and its real estate holdings and other assets — meant he was well positioned to jump to MLS in 2018 as one of the soccer league's main business and legal affairs lawyers. He calls the experience "the foundation to my career in sports."

At the time, a team of five or six lawyers represented the entire league, and because MLS is a single-entity organization, Davis was in on the ground floor with myriad issues, from negotiating sponsorships and broadcast deals to working on expansion efforts and the enforcement of league rules. His responsibilities also included helping the Mexican National Team secure sponsorships and stadium deals for their games in the United States, and arranging sponsorship deals for the United States Soccer Federation.

Davis also worked for TikTok and Relevent Sports — as well as OneTeam Partners, a joint venture founded in 2019 by the NFL Players Association, MLB Players Association, and RedBird Capital Partners.

During his OneTeam tenure, he represented the National Women's Soccer League Players Association in its first commercial rights agreement with the league and advised on certain aspects of collective bargaining agreement negotiations.

In his current role as general counsel at Angel City Football Club, a professional soccer team based in Los Angeles that competes in the NWSL, Davis is relying on his experience to bolster the team's success.

"I'm actually the first-ever lawyer that Angel City has had, which is exciting, because it brings us opportunities and challenges," Davis says. "I'm building a lot of infrastructure internally, making sure that we have our best processes and practices in place, so we are as efficient as possible, and I do anything and everything."

His work has included developing sponsorship deals for the team, negotiating local broadcast agreements with distributors, helping manage a multimillion-dollar renovation of the L.A. Rams previous practice facility into a training ground for the team, and negotiating the release of the team's new coach from his former club in Germany.

It's not always easy, says Davis, but the challenge is part of the fun.

"Anyone who has worked at a startup before can relate," he says. "When you're trying to build something new, it's exciting — the possibilities feel endless. And, of course, it can be tiring when resources are not unlimited. But growing something and being a part of a movement is also my favorite part of the job."

COURTESY OF DERRICK DAVIS

MARTHA STEWART

Q&A: Peter Carfagna ’79

The faculty supervisor of Harvard Law School’s Sports Law Clinic helps to prepare sports lawyers through classes and placements

What sports law classes do you teach?

In 2006 I was appointed by then-Dean Elena Kagan [’86] as the Covington Burling Distinguished Visitor and began helping teach classes with Paul Weiler [LL.M. ’65] — really considered the father of sports law. Since then, I have taught three classes: Examining the Legal History and Evolution of America’s Three “Major League” Sports: MLB, NFL and NBA; Representing the Professional Athlete; and Advanced Contract Drafting. Of those three, I think the contract drafting is the most broadly applicable for any future lawyer. Alumni come back to me over and over again just to tell me that, though they didn’t go into sports law, thanks to that class, they really know how to draft a contract.

How do those classes relate to Harvard Law School’s Sports Law Clinic, where you are the faculty supervisor?

The courses are really a springboard for law school students who are looking for a clinical placement with a professional sports team or organization. The students have to be in their second or third year and enrolled in at least one of those three classes. They are really a training ground.

Where are students placed today?

We had 68 placements last year through our clinic, which gives you a sense of how it has expanded. Many of our former students are now general managers, commissioners, assistant general managers, or assistant general counsel with MLB, the WNBA, the NBA, or the NFL, or run a sports law firm, and they are all eager to help, often by supervising students during J-term or even in the spring or fall semester. Many of those same graduates have received the “Distinguished Alum” award presented at our annual Sports Law Symposium that recognizes their success in the field and their continuing commitment to the Sports Law Clinic. They include Brandon Etheridge ’11, senior vice president and general counsel of the Baltimore Ravens; Jihad Beauchman ’09, executive vice president and general counsel at the San Francisco 49ers; Kim Miner ’15, chief legal and external affairs officer for Boston Legacy Football Club; and Megha Parekh ’09, executive vice president and chief legal officer of the Jacksonville Jaguars. The feeling is, “You were good to me; now I want to be good to you by sponsoring a placement or supporting the clinic in whatever way I can.” It really has grown organically. We also have some placements with international organizations. Last year, we sent four students to a college of soccer law at Wembley Stadium in London, and we had students working with sports law firms in Dubai and Beijing run by alumni.

Many [former students] also come back each year to address my classes or guest-lecture. We also have the Journal of Sports and Entertainment Law, a place where students can publish academic works related to the field, and the Committee on Sports and Entertainment Law that sponsors the annual symposium featuring many alumni working in the professional sports world and includes panel discussions and networking events.

Justice Anthony Kennedy reflects on his Supreme Court opinions and the events that shaped him

Liberty for All

BY LEWIS I. RICE

When **Anthony Kennedy '61** was a Harvard Law student, Dean Erwin Griswold '28 S.J.D. '29 asked him what course he'd teach if he became a law professor. "Almost any subject but constitutional law," he replied, believing that would not be relevant in his future legal practice. Little did he know he'd become not only a constitutional law professor but an associate justice on the U.S. Supreme Court whose opinions would become some of the most scrutinized in modern times.

In his new memoir, "Life, Law & Liberty," Kennedy takes readers inside his decision-making process in several groundbreaking cases and outlines his life beyond his 30 years on the Court.

Describing himself as greatly influenced by the culture of the American West and the value it places on liberty, Kennedy first established himself as a lawyer in his home city of Sacramento, California, taking over his father's legal practice after his sudden death. In his book, Kennedy emphasizes the ethical standards he lived by throughout his career. For example, in a custody case, he refused a client's request to claim that his wife was an unfit parent in the face of evidence to the contrary. "Law does not always come far enough to meet justice," he writes. "We must strive for it to do so."

As he was setting up his new practice and awaiting the birth of his first child, he was unexpectedly asked to fill a vacancy and teach a night class on constitutional law at a local law school. After some hesitation, he said yes, and that exposed him to "the relevance of constitutional law to our day-to-day lives." Practicing and teaching in the state capital, he came to know California Gov. Ronald Reagan, who in 1974 recommended Kennedy to President Gerald Ford for a seat on the U.S. Court of Appeals for the 9th Circuit. During Reagan's presidency, he nominated Kennedy to the Supreme Court.

Describing the "judge's mindset," Kennedy writes that he subscribed to neither an originalist nor a pragmatic judicial philosophy and that "each case can teach us about the constant principles of justice." He chafes at the view that he was the "swing" vote on close cases: "That term always bothered me. The cases swung, not me."

"Law does not always come far enough to meet justice. We must strive for it to do so."

ASSOCIATED PRESS

In the book, he shares his perspective on some of his most widely discussed decisions, including these:

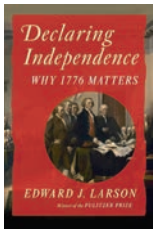
- Regarding the Court's controversial decision in *Citizens United v. FEC*, which found a statute limiting political spending by corporations and unions unconstitutional, he contends that the Constitution's strong commitment to free speech rights outweighs even serious concerns over the role of money in politics.

- Discussing *Obergefell v. Hodges*, he argues that the same "foundational precepts" of due process and equal protection that underwrote *Loving v. Virginia*'s 1967 ban on anti-miscegenation laws warranted the Court's decision to require states to recognize same-sex marriages. He also points out that the nation at the time of *Obergefell* "had undergone a transformative change in its awareness and understanding of same-sex relationships."

- In *Planned Parenthood v. Casey*, he voted not to overturn *Roe v. Wade*'s core holding, concluding that the Constitution prohibits government from imposing undue burdens on a woman's right to terminate a pregnancy before viability. Because Kennedy personally opposes abortion, he considered leaving the Court rather than issue a decision that recognized a right to engage in such conduct. But doing so, he writes, would have violated his oath to uphold the Constitution.

In 2018, at age 82 and after 43 years as a judge, Kennedy left the Court to spend more time with Mary, his wife of more than 60 years, and with his family. Reflecting on the Court's history, he acknowledges that justices are fallible, but, he writes: "The Constitution is not weak simply because we do not at once know the answer to a difficult problem. It is strong because we are always free to seek the right answer."

A Selection of Recent Alumni Books



"Automated Agencies: The Transformation of Government Guidance," *by Joshua D. Blank '02 and Leigh Osofsky (Cambridge University Press)*

Law professor Joshua Blank (University of California, Irvine School of Law) and his co-author outline problems that can occur when government agencies use automation like chatbots to advise the public. Backed by case studies and interviews with federal agency officials, the book shows that automated advice on issues such as taxes or student aid can be inaccurate, with no recourse for those who follow the faulty information. This can be particularly costly to vulnerable people who cannot afford legal counsel, the authors say. They offer recommendations "to make this landscape as transparent, legitimate, and equitable as possible," including allowing public input into designing the tools and building in the ability to challenge agencies when their automated advice deviates from the law.

"The Fall of Affirmative Action: Race, the Supreme Court, and the Future of Higher Education," *by Justin Driver '04 (Columbia Global Reports)*

The 2023 Supreme Court decision in *Students for Fair Admissions v. Harvard*, which effectively banned affirmative action in education by eliminating the consideration of race among other factors in admissions, has been profoundly misunderstood, according to Yale Law School Professor Justin Driver. He contends that the decision will create a less desirable admissions model for conservatives by inspiring minority students to submit college essays focused on racial victimhood. He also challenges liberals who have failed to confront objections to affirmative action, such as the critique that it stigmatizes Black beneficiaries. In addition, the author outlines ways universities can still pursue racial diversity on campus, including preferences for immigrants and for candidates from disadvantaged economic backgrounds and from local schools. Affirmative action should be celebrated for being "an engine of mobility that shaped and improved modern America," Driver writes, and, with that progress threatened by the *SFFA* decision, universities should commit to countering its effects.

"Coming Clean: The Rise of Critical Theory and the Future of the Left," *by Eric Heinze '91 (MIT Press)*

Critical theorists rightfully seek to educate the public on the history of oppression perpetrated by Western societies, Eric Heinze asserts. However, "to rail tirelessly against wrongdoing by the West with little to say about wrongdoing in the history of the left is to push a one-sided history that does more to entrench simplistic binaries than to overcome them," writes the professor of law and humanities at Queen Mary University of London. He cites examples of prominent leftists' commentary on issues ranging from Russia's invasion of Ukraine to the treatment of LGBTQ+ people in Cuba to show a pattern of support for autocratic regimes on the left. That erodes the lefts credibility, he writes, and provides an opening for the right to tell the story of the left's errors far more brazenly.

ILLUSTRATION BY ABBEY LOSSING

"Declaring Independence: Why 1776 Matters," *by Edward J. Larson '79 (W. W. Norton)*

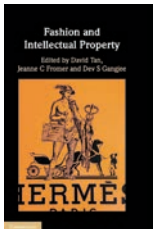
Pulitzer Prize-winning historian Edward Larson chronicles a year that inspired colonists to believe that America should become an independent nation. The professor of history and law at Pepperdine University writes that prior to 1776, most living in the colonies were content to live under British rule. But events of the year changed that, beginning with a New Year's Day fire ignited by a British Royal Navy cannonade in Norfolk, Virginia, and the January publication of Thomas Paine's "world-shattering" treatise, "Common Sense," calling for liberty from British rule. The author details other key developments, including the creation and adoption of the Declaration of Independence, in a year that "marked a turning point in the human quest for liberty and equality under popular rule within the context of national independence."

"Accelerating Startups: Lessons From Mentors," *by Michael J. Lyon '84 (Jump Start Books)*

Based on his experience as a mentor with the Creative Destruction Lab accelerator program at the University of Toronto and as general counsel of multiple startup companies, Michael Lyon's book offers practical guidance to startup founders or those considering becoming one. He examines the qualities someone needs to launch a startup, such as the ability to persevere through hardship, manage risk, and welcome feedback. Successful founders identify the right problem — and the product to address it — and can tell an effective story about the business, he writes. He also provides tips on raising money, handling legal issues, building a team, marketing, and generating revenue. For those who have experienced the challenges of being involved with a startup, he recommends that they mentor aspiring entrepreneurs, as he has done.

"The Look," *by Michelle Obama '88 (Crown)*

From the first time she picked out a dress as a little girl at Sears in Chicago, Michelle Obama learned "an enduring lesson in the power of clothes to shape not just how others view us, but how we feel about ourselves." Her new book presents her life's journey through fashion as she faced intense scrutiny of her appearance on the national stage, particularly as the first Black first lady. The more than 200 photographs showcase her style evolution (including her much-discussed bangs) through state occasions, international trips, and everyday moments. She observes that once she got people's attention for what she was wearing, they listened to what she had to say. "How you dress," writes Obama, "is a crucial part of how you discover and assert your identity and connect with your community and history."



"Black in Blues: How a Color Tells the Story of My People," *by Imani Perry '00 (Ecco)*

National Book Award-winning author Imani Perry explores "the mystery of blue and its alchemy in the lives of Black folk" through U.S. and world history, folklore, literature, and music. Her reflections begin in Africa, where craftspeople used indigo dye; the dye was also used in the slave trade in exchange for human beings. Other vignettes focus on how the color is integrated into the work of notable African American authors like Amiri Baraka and Toni Morrison, narratives surrounding blue-eyed Black people, Egyptian blue in Alabama, and the meaning of blues music. Perry, a Harvard University professor, learned to love the color in her grandmother's blue bedroom, a refuge from the dangers of the outside world for a Black person. "She taught me that we who have the blues also have beauty," she writes. "Both beauty and the blues, inside and out."

"Fashion and Intellectual Property," *edited by David Tan LL.M. '99, Jeanne Fromer '02, and Dev Gangjee (Cambridge University Press)*

The editors present a collection of essays exploring how intellectual property laws affect the multibillion-dollar global fashion industry. Sections of the book explore theoretical perspectives on the meaning of fashion and its role in contemporary society; how established intellectual property doctrines apply to fashion; business models that skirt intellectual property infringement; and issues related to the protection of traditional craftsmanship. The industry suffered massive losses because of the COVID-19 pandemic, the editors write, and fashion brands are now more likely to assert their intellectual property rights to protect their businesses.

"The Age of Extraction: How Tech Platforms Conquered the Economy and Threaten Our Future Prosperity," *by Tim Wu '98 (Alfred A. Knopf)*

In an age when the world has been transformed by technology such as smartphones and artificial intelligence, we are experiencing "a sense that as we augment humanity, we may, at the same time, have come to marginalize actual humans," writes Tim Wu, professor of law, science, and technology at Columbia Law School. Alongside this technological shift has come a sense of economic marginalization, as tech platforms are now designed to extract wealth from the broader economy, he writes. He explores why the internet revolution did not produce the widespread prosperity and democracy many predicted. To strengthen the broader economy, he calls for a "structural rebalancing" based on anti-monopoly policies designed to check tech platforms' aggregation of power.

Alice Austen's debut novel focuses on moral questions and human possibility

Place as Character

BY LORY HOUGH

Fiction writers often set their stories in cities and towns they know well. **Alice Austen '88** went one step further and set her new novel in a building she'd lived in for six years.

She even named the novel after the address: "33 Place Brugmann."

Located in Brussels, the building allows Austen to tell her story through the experiences of residents living in its eight apartments during World War II, starting in 1939 before the Nazis invaded the city, and ending in 1943 during the occupation. Each chapter is written in a different character's voice, such as Charlotte Sauvin, 4L, and Dirk DeBaerre, 2R.

For Austen, framing the narrative this way helped highlight a rising secrecy and mistrust among the neighbors — something she learned was common during the occupation after talking with two elderly women who lived in her building when she made it her home in the early 1990s.

"Given what I had learned about Number 33 while living there, I understood that the building was a microcosm of a city, a country, and a continent during one of the darkest times in modern history," she says. "Through the characters living there, I could tell a story about human possibility — for good and not. As I immersed myself in the writing and inhabited each character, what struck me is that, while we think we know how we would behave under similar circumstances, we don't. We

P. 54 BRAVE LUX. P. 55 DAMIEN DE WALQUE/TRAVEL READINGS

33 Place Brugmann, Brussels, Belgium

often surprise ourselves as much as those around us."

When she lived in the building, Austen was commuting from Brussels to Prague, where she worked as a senior attorney for Czech President Vaclav Havel and the republic's fledgling democracy.

"I heard a lot of stories about what had happened when the Soviets took over Czechoslovakia," she says. "And Havel had this idea that everyone was culpable. Anyone who didn't speak out at the time … was culpable. That was a powerful idea to me and so relevant to what I learned had happened in Brussels and the stories I was told."

As Austen researched the city's underground resistance movement, moral questions about truth and lies found their way into the novel, she says.

"If you hold the view that, well, it's wrong to tell a lie, then sometimes you may give up your neighbor. Your moralistic understanding of the world shifts," she explains. "All of this was very connected to the reasons I went to law school in the first place — this idea of justice and fairness. And I wish so much that these questions were not at the forefront of our society now, but unfortunately they are."

In the 1990s, Alice Austen was a senior attorney for Czech President Vaclav Havel.

Although this is Austen's debut novel, she has been a playwright for many years and has been writing since she was a child. When she was 13, living in Oregon with her family, she even took a creative writing class taught by author Ken Kesey after her English teacher, a "wild dropout from the East Coast," gave him one of her stories. Kesey gave her a spot in the class and something even more valuable: advice she's never forgotten.

"Through the characters … I could tell a story about human possibility."

"I think one of the most important roles for the mentor is you name someone and give them permission to go forward and do something," she says.

"Ken said to me: 'You're a writer; you need to write.' And that stayed with me. That was something I held close to my heart."

At Harvard Law, Austen wrote for the Harvard Human Rights Journal, which she co-founded, and then took creative writing classes at Harvard College with poet Seamus Heaney, who went on to receive the Nobel Prize in Literature in 1995.

"It was a real solace for me," she says. "I didn't love the study of law, but I got the hang of it finally. There's a specific way your brain has to work. And that's useful as a writer. You're arguing on behalf of clients. You also do that as a writer on behalf of your characters. There's this beautiful symmetry there."

Law school also helped with work habits.

"I have a certain discipline after having gone through that experience," she says. "There's a process of being in the box, so to speak. You get up and you do your work. And I do that with my writing. I recently was talking to a young writer and I said: 'Don't just write when you feel like it. You write when you don't feel like it. And if you don't feel like writing, edit. If you don't feel like editing, research.'"

Now living in Wisconsin, Austen is currently doing all three, including making final revisions to a screenplay about 18th-century physicist and mathematician Émilie du Châtelet and writing her next two novels, both set in places she has lived and worked: one in California's Central Valley in the 1970s and the other, a contemporary literary thriller, in New York City, Paris, and Prague. Place, she says, continues to be central in everything she writes.

"When I write a character, I walk in their shoes, and to do that, I must understand the terrain," she says.

"It's that idea of Churchill's that we shape our buildings and then they shape us."

Crisis management expert Reginald Brown combines legal acumen and empathy to guide leaders through their toughest moments

Calm in the Storm

BY JULIA HANNA

Growing up in Jacksonville, Florida, in the 1960s and '70s, **Reginald Brown '96** saw firsthand the disparate effects of law and public policy.

"It was a large deep-South community, and the schools and neighborhoods were still completely segregated for the most part," he recalls. Brown and his family lived on the Northside. His father, a merchant seaman, worked in the shipyards and on tankers, while his mother cleaned homes on the other side of the city.

Brown earned a spot in a magnet high school. "I was able to hang out with 43 kids who came from every imaginable economic background — and we're still friends today," he says. "The value of the legal framework that made that experience possible was obvious and important to me."

When he applied to Yale College, his admissions interview was with a local real estate lawyer. "I met him at the biggest building in town, and it was my first time in that building, which made an impression. Law seemed like a space where you could rise above your station in life and also drive positive change."

Based now in Washington, D.C., Brown is a partner in the firm Kirkland & Ellis, where he has worked since 2020 and where his focus on investigations-related guidance, strategic counsel, and crisis management frequently involves prepping clients for congressional hearings.

With a focus on strategic counsel and crisis management, Reginald Brown frequently prepares clients for congressional hearings.

"It's an opportunity to use the left and right sides of your brain. You're helping people think through how to convey their narrative, with the understanding that the legal aspect is not the only relevant factor," Brown says. "If you say the wrong thing from a public perception standpoint — not necessarily the wrong thing legally — you can lose your job, and your institution can lose years of progress. But if you nail it, you can move past that moment and build to something bigger and better."

Over his career, which has included 15 years as a partner at WilmerHale, Brown has advised senior executives in the financial, energy, health care, and tech sectors, including the CEOs of Meta, Google, and Chevron.

"The common thread is usually an individual or organization that doesn't have the luxury of time to develop a narrative for the court of public opinion, where you must sometimes resolve matters very, very quickly because the stock price or the CEO's job is at stake," Brown says.

Brown's work often brings him face to face with people going through the worst moment in their professional lives, putting a high EQ and strong interpersonal communication skills at a premium. Early work experiences helped him develop those qualities, from navigating cultural differences as a Peace Corps volunteer in Micronesia (where he studied for the LSAT by kerosene lamp) to working as the assistant to the CEO and vice president of corporate strategy for the financial giant Nationwide.

"I learned how to talk to a time-pressured executive with the right level of detail and the right level of the big picture," he says. The same was true when Brown worked as deputy general counsel for Florida Gov. Jeb Bush during that state's 2000 presidential election recount, and when he later served under White House Counsel Alberto Gonzales '82 during the administration of President George W. Bush.

Brown with colleagues and President George W. Bush, on Air Force One

Brown served as associate White House counsel and special assistant to President George W. Bush from 2003 to 2005.

"Both of those experiences were fertile training grounds for crisis management," Brown says. "You could see how even the smallest misstep could result in a loss of traction. So, you learn to sweat the small stuff while thinking about the big picture."

Beyond his crisis management work, Brown commits pro bono time to issues including education reform and LGBTQ+ rights. In addition to working in 2021 alongside Ken Mehlman '91 (who was Bush's campaign manager in 2004) to line up the Republican votes needed to pass the Respect for Marriage Act, Brown contributed an influential brief to the landmark 2015 case *Obergefell v. Hodges*.

"You learn to sweat the small stuff while thinking about the big picture."

"I've always thought part of the job of a lawyer is to address discrimination," he says. "Where children go to school is still largely determined by zip code and income, so education reform in particular will always be something I care about deeply."

Brown is quick to mention the people who helped guide him along the way. Aside from the many influential attorneys he met while working at the White House, and other leading lawyers such as Jamie Gorelick '75 and Mark Filip '92, he also cites the early impact of clerking for Joseph Hatchett, then a U.S. circuit judge in Tallahassee, Florida.

"He was a civil rights pioneer who attended Howard University in the 1950s," he says. "Joe took the bar exam in the same hotel as the rest of the students but wasn't allowed to stay there. He was a remarkable man, and that was a terrific year of learning and growth."

Brown now pays the favor forward, mentoring others, including last fall through the law school's Alumni in Residence Program. "The 30 minutes you give a complete stranger comes back to you in so many different ways," he says. "And watching someone grow and rise in the field is also pretty neat."

P. 57 AND 58 ERIC DRAPER/WHITE HOUSE PHOTOGRAPHER

As the leader of the organization March for Life, Jennie Bradley Lichter advocates for law and policy change

Leading the March

BY LEWIS I. RICE

When she was a freshman at the University of Notre Dame, **Jennie Bradley Lichter '09** took a long bus ride to Washington, D.C., to participate for the first time in the March for Life, an annual gathering of the pro-life movement. She would attend many more times, but during last year's event, nearly 25 years later, she was no longer in the crowd. She stood on stage to deliver remarks as the incoming president of the March for Life Education and Defense Fund.

The first time she attended the March was formative, she recalls, remembering being among thousands of young people "who all share your fundamental belief in the dignity of the human person." Now as president, she embraces her role as the public face of an organization she has been committed to for her entire adult life, driven by her belief that abortion is morally wrong because, she says, it involves deliberately ending an innocent human life.

"I'm very aware in this job of the way that I now have an opportunity to embody this beautiful organization and this incredible history of a social movement that has had the persistence to continue to show up in person in January in huge numbers for over 50 years," Lichter says.

President of the March for Life Education and Defense Fund, Jennie Bradley Lichter served in the first Trump administration.

"Contributing to the life of the church was incredibly appealing to me."

The March for Life was established to protest the then-recent *Roe v. Wade* decision, which in 1973 legalized the right to abortion nationwide. In the aftermath of the 2022 *Dobbs* decision that overturned *Roe*, the organization still advocates to change law and policy as individual states enact their own regulations on abortion, but it also is focused on convincing more people to accept its contention that abortion is immoral. Lichter also promotes the benefits of pregnancy resource centers that provide material assistance to pregnant women as well as parenting education and counseling. The movement will remain committed, she says, "until every baby is protected and every mom is supported to choose life."

Throughout her career, Lichter has worked in positions that align with her convictions. After two appellate clerkships and a stint as an associate with the firm Jones Day, she joined one of its clients, the Roman Catholic Archdiocese of Washington, as counsel. She would later serve as deputy general counsel for The Catholic University of America. Devoted to her faith, Lichter says, "The idea that I could use my legal skills to be contributing to the life of the church was incredibly appealing to me."

Between those jobs, she served in the first Trump administration starting in the fall of 2017 in the Office of Legal Policy at the Department of Justice, where she helped establish a religious liberty task force and worked on judicial nominations. Later, she became deputy director of the White House Domestic Policy Council, involved in policy initiatives on religious freedom, public funding for faith-based social organizations, and pro-life matters, among many others.

Lichter's career shows the variety of pursuits a law degree can prepare people for, she notes, something she learned from a young age. Her father, Gerard Bradley, who recently retired as a longtime professor at Notre Dame Law School, exposed her to a large community of attorneys. As she grew older, she understood the impact he had on his students and others in the legal community, because of both his teaching and his commitment to the causes and principles he cared about. "I like to think that I have inherited something of my dad's boldness and courage and determination," she says.

As the eldest of eight children (including three other lawyers),

P. 58 COLORADO MARCH FOR LIFE

she also learned early on how to be a leader. Her siblings all followed her to Notre Dame for college, but Lichter decided on a different environment for law school. She's glad she did, calling Harvard Law a great experience, with a vibrant intellectual life and myriad opportunities to pursue her interests. She was active in the Federalist Society and Harvard Defenders. Her background and perspective were different from those of many of her classmates, but even when they disagreed, they could talk with respect and understanding, she says. "Everyone in [my 1L] section was really good to each other, and that mutual support has still lasted." This year, she returned to HLS as a fellow of the Wasserstein Fellows Program, which brings public interest lawyers to campus to meet with students.

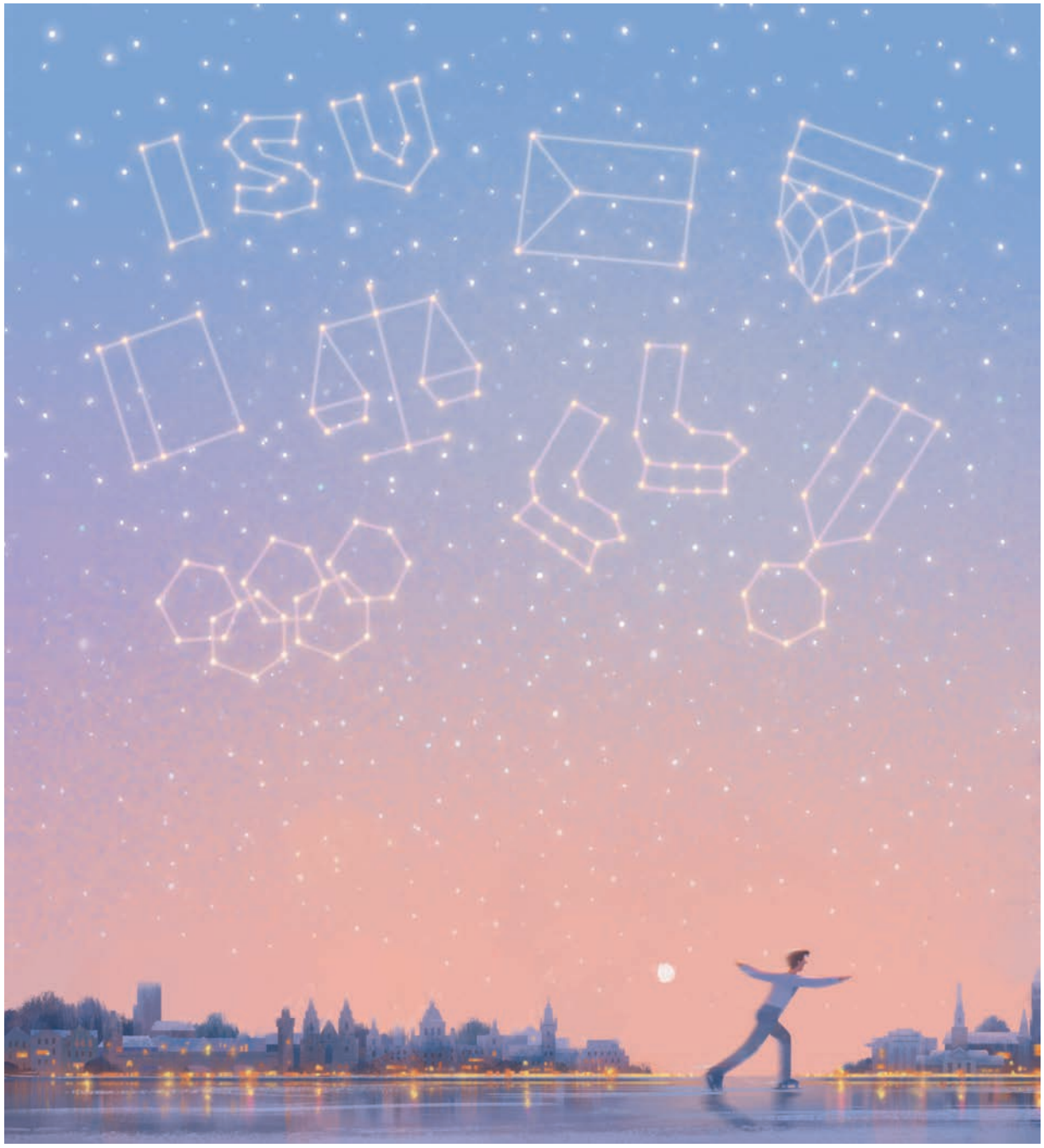
Lichter has settled in the D.C. area with her husband, Brian, an attorney who currently works as a cybersecurity consultant, and their three children. While she has always been pro-life, the "profound" experience of the birth of her first child, now 12, accentuated her sense of mission. He was born shortly before a March for Life event that she didn't attend because he was sick. As she was holding him, wishing she could be at the event, she remembers praying for other mothers.

"I was really bowled over in that moment by how tragic it is that our culture has driven a wedge between women and their children to such a degree that motherhood is often framed or experienced as something that gets in the way of flourishing for many women," she says. "Or that having a child or having a child at the wrong time is seen as a failure or a diversion from what women are really trying to accomplish."

She thought then that if she ever had a chance to do something to change that culture, she would.

PHOTOGRAPH BY LORIN GRANGER

Class Notes



Gliding through life: In his ninth decade, **Gerhardt Bubník LL.M. ’69** recounts his journey from Harvard’s first Czech law graduate to top legal adviser for the International Skating Union in a new memoir. (See his full class note on page 61.)

ILLUSTRATION BY ILEANA SOON

1956

➔ 70TH REUNION OCT. 23-25, 2026

1960

M. MELVIN SHRALOW wrote that he's living on his own in a retirement community.

1961

➔ 65TH REUNION OCT. 23-25, 2026

1962

WILLIAM M. WIECEK wrote that his book "The Dark Past: The U.S. Supreme Court and African Americans, 1800-2015" has been published by Oxford University Press. The book, he added, "offers a historical overview and interpretive guide to all the major cases decided by the U.S. Supreme Court that have affected the freedom and rights of Black Americans since 1800."

1963

TOM SCHAUMBERG, a Holocaust survivor, wrote that in December 2023 he was honored to be appointed to the negotiating committee of the Conference on Jewish Material Claims Against Germany, on which he has now served for two years. "The Claims Conference, in cooperation with the German government, has been able to distribute billions of dollars worldwide to support needy survivors of the Holocaust," he wrote. "While the number of survivors has declined, the needs of those still receiving care to allow them to live in dignity have grown. The chair of the committee, **STUART EIZENSTAT '67**, has had a prodigious influence on the outcome of these continuing, annual negotiations."

1965

STEVEN NELSON is author of the new book "Fire in a Wire: Electricity Empowers Human Evolution Beyond Homo Sapiens." He wrote: "Its premise is this: Just as controlling fire was a pivotal development in the evolution of archaic humans, so too is controlling electricity pivotal in the ongoing evolution of modern humans. Electricity is the new fire."

1966

➔ 60TH REUNION OCT. 23-25, 2026

ROBERT KAFIN wrote: "In 2025 I received both the George W. Perkins Award from Parks & Trails New York and a Lifetime Achievement Award from the Adirondack Council. The Adirondack Council also established the Bob Kafin Legal Fund to support efforts to protect and defend the Adirondack Park. Nice goodbye kisses from two organizations I led and served for decades."

1967

In October, **SUSAN ALEXANDER** wrote: "I just finished writing a manuscript telling my story of fighting for reproductive rights three years before the U.S. Supreme Court ruled in *Roe v. Wade*. In 1970 I initiated a challenge to the constitutionality of the Illinois abortion statute. With my co-counsel, we won a hard-fought victory striking down the statute, *Doe v. Scott*, 321 F. Supp. 1385 (N.D. Ill. 1971). Our victory, including a groundbreaking ruling allowing a teenage rape victim to get an abortion, was a watershed moment in women's history. The story of our lawsuit is one readers should know about because today reproductive rights have been sharply curtailed. The fear that enveloped American women in 1970 returned when the Court overturned *Roe v. Wade*. This book will help readers learn how hard it was to win those rights in the past and inspire them to fight hard to regain those rights. I'm now seeking an agent or publisher who will help me publish my story."

MICHAEL J. POLLACK, an entertainment lawyer who served as general counsel to major record labels for decades, wrote that he was inducted into the T.J. Martell Foundation Circle of Legends at the foundation's 50th anniversary gala in New York City last September, which raised $2 million for cancer research, according to Billboard. Among the others who were honored at the event was **CLIVE DAVIS '56**, a legendary music executive. The new award recognizes individuals who have championed the foundation's mission to bring the music industry together to fund cancer research.

"I am proud to have participated in my local 'No Kings' rallies. Democracy is still alive and well in America."

EUGENE VAN LOAN wrote that in October he attended his second "No Kings" rally in Peterborough, New Hampshire: "The rally, like its predecessor in June, was entirely peaceful and respectful. There were many ingenious signs, but my favorite read 'Nobody paid me to be here.' That epitomized the protesters, including myself." The lifelong New Hampshire resident, now in his 80s, noted that before these rallies, he had never attended a protest rally of any kind, including during the Vietnam War. "I loved America before and I love it now. But the fact that I still love America doesn't mean that I have to blindly go along with its current leaders or their policies. Donald Trump was elected to be a president of the United States, which means a leader who is delegated certain powers authorized by the Constitution, but who is also constrained from exercising other powers by that same Constitution. The Constitution does not give anyone a blank check. I am proud to have participated in my local 'No Kings' rallies. Democracy is still alive and well in America."

JOHN WOOD has published a book about his time working in the Massachusetts criminal courts, "From Shiftless to Shifty: My Forty-six Years as a Public Defender." In addition to walking readers through the stages of representing a client in a criminal matter, Wood describes how the legal community responded to the sometimes unorthodox way he dealt with his cases.

1969

GERHARDT BUBNÍK LL.M., longtime Prague attorney, who was also an international skating judge and a top legal adviser for the International

Skating Union, wrote that in October he was awarded one of the highest state distinctions by Czech President Petr Pavel, the Medal of Merit, for his work in the law and in the fight against doping in sports. He added that he is the first practicing attorney ever to receive such a distinction, although he has never held any high public office. Three months earlier, on the occasion of his 90th birthday, Bubník was also awarded the Medal of Merit by the Czech Bar Association. In 1997 he was awarded the Olympic Order, the highest distinction of the International Olympic Committee, for decades of work and the promotion of Olympism, the philosophy behind the Olympic Games. Two years later he received the Prize for the Fight against Doping in Sport, also from the IOC. In 2010 he was named an honorary member of the International Skating Union and awarded its Golden Badge. Bubník, still an active member of the bar, is an external lecturer in law at the law school of Charles University (founded in 1348) in Prague. A competitive figure skater early in his career, he stays active with cycling, golf, walking, and, until 2024, downhill skiing. In 2020 he published on Amazon.com an English version of his memoir titled "Law and Sport: My Passions: The Life Odyssey of Harvard's first Czech Law Graduate."

1971

➔ 55TH REUNION OCT. 23-25, 2026

LEW PAPER wrote that his book "Legacy of Lies," a historical thriller that revolves around Jimmy Hoffa's disappearance, was published in 2025, coinciding with the 50th anniversary of that event. "It focuses on the forces involved — Bobby Kennedy's vendetta against Hoffa when he was attorney general, President Richard Nixon's bid for re-election in 1972, and, last but not least, the Mafia. It's a fast-paced thriller which raises new questions about the reasons for Hoffa's abduction." Paper added, "The book was selected as a finalist for Best Thriller by the National Indie Excellence Awards."

"It's a fast-paced thriller which raises new questions about the reasons for Hoffa's abduction."

1972

LAWRENCE S. EBNER, founding member of Capital Appellate Advocacy and executive vice president and general counsel at the Atlantic Legal Foundation, received the John Appleman Award from the Federation of Defense & Corporate Counsel last summer. The award honors the law section chair who has made the most outstanding contribution to the advancement of the FDCC's educational goals through the work of their section. Ebner, chair of the federation's appellate law section since 2023, has been actively involved in creating FDCC publications and presentations, and networking opportunities, on a variety of appellate law topics.

RONALD KATZ received a George Parkin Distinguished Service Award from the Rhodes Trust in 2025. A former Rhodes Scholar and a member of the American Association of Rhodes Scholars Board since 2018, he has implemented international collaborative webinars; expanded alumni connections through a speakers bureau and other initiatives; and co-convened with the organization's associations in Germany, Australia, and India, on topics of global significance. Katz, who worked as a trial lawyer for over four decades, is now the author of a series of stories about "the Sleuthing Silvers," a baby boomer detective couple, which are published on his website (thesleuthingsilvers.com) and in two online publications. Katz was inspired to start a writing career while a fellow at Stanford University's Distinguished Careers Institute in 2016. He has also given the presentation "Becoming a Mystery Writer at Age 74" to numerous groups in person and on Zoom.

1973

MARK RUTZICK recently published "Breaking New Ground: The Untold Story of Early America's Jewish Electoral Pioneers — 1788 to 1920," based on seven years of his historical research. He wrote: "The book reveals an entirely unknown chapter in Jewish American political history — the accomplishments of 1,896 Jewish Americans who won 5,245 elections to federal, state, and local offices in 47 states between 1788 and 1920. It traces the almost miraculous path by which the new American nation reversed the colonies' exclusion of non-Christians from politics and, with some hiccups, allowed Jews and other religious minorities to seek elective political office. The book includes over 300 biographical profiles of leading Jewish elective officeholders throughout the country."

1974

JONATHAN BOCKIAN's debut novel, "What Was Forbidden," was published in October by Künraht Press. Set in the Venice Ghetto in 1672, this work of historical fiction, he wrote, is inspired by the memorial in a synagogue in the ghetto to a man who was "slaughtered like a lamb." The novel's tag line, he added, is "When faith, freedom and obedience collide, one woman risks everything to remain true to herself and to the brother she loved."

1975

JAN TING wrote that he and his two classmates **RAY MABUS** and **TONY CHAN** attended their 50th law school reunion last fall. All three classmates are now retired: Chan from his own Honolulu law firm; Mabus after serving as governor of Mississippi, U.S. ambassador to Saudi Arabia, and most recently U.S. Navy secretary; and Ting from Temple University School of Law, where he is now professor emeritus.

1976

➔ 50TH REUNION OCT. 23-25, 2026

1979

ROBERT LONG, a shareholder at Littler Mendelson (Chicago/Columbus, Ohio), has been elected to the firm's board of directors. He is the founder of Littler's business restructuring practice group.

ANDREW ROWEN's book "Isabel, Anacaona & Columbus's Demise: 1498–1502 Retold" was released in the fall. The sequel to his "Encounters Unforeseen: 1492 Retold" (2017) and "Columbus and Caonabó: 1493–1498 Retold" (2021), his latest historical novel tells, from Native and European perspectives, the story of the European subjugation of the Indigenous peoples of Española during what Rowen describes as the least studied period of the island's conquest.

1980

PETER LAWSON JONES wrote that his new film, "The Last Shop on Walnut," has been released. The story centers on Marvin Statler (played by Jones), who hasn't left his apartment above the lamp repair shop he owns for over 15 years and, suddenly forced to sell the shop, is confronted with ghosts of his past when a family member enters his life. Jones is an executive producer, co-producer, co-casting director, and co-legal counsel on the film. Read more about the film in this September 2025 Deadline story: bit.ly/PeterLawsonJones.

JEFFREY WOHL has joined the labor and employment group at Nilan Johnson Lewis in Minneapolis. He advises and defends clients in California and nationwide on wage-and-hour, discrimination, wrongful termination, and other matters. An accredited mediator with the U.S. District Court for the Northern District of California, he also regularly helps parties resolve high-stakes employment disputes. Before joining NJL, Wohl was a partner and chair of the San Francisco employment law practice at Paul Hastings.

1981

➔ 45TH REUNION OCT. 23-25, 2026

1982

RAYMOND ANGELO BELLIOTTI has published his 27th book, "Individualism and Community: The Startling Roles of Authenticity and Honor in Living Meaningfully" (Palgrave Macmillan, 2025).

Kilb has been working on developing the American Timelines Project to make U.S. legislative and executive primary sources more accessible.

JAMES B. MANN is now special counsel at Harris Beach Murtha, where he has joined the tax practice group, corporate practice group, and cannabis industry team. He has worked extensively in the renewable energy, financial services, cannabis, and health care sectors, and he counsels clients on complex corporate, partnership, and international tax issues. He is based in the firm's Rochester, New York, office.

1983

In the fall, the UC Davis Law Review held a symposium titled "Celebrating Dean **KEVIN R. JOHNSON**: Honoring a Legacy of Transformative Scholarship and Leadership." The longest-serving dean of the University of California, Davis School of Law, Johnson served for 16 years, through 2024. The symposium celebrated his contributions to and impact on the intersection of immigration law and race, leadership in legal education, diversity of the legal academy, and the advancement of justice through civil procedure. **CHRISTOPHER CAMERON**, **CHRISTIANA OCHOA '98**, and **RAQUEL ALDANA '97** participated in the event.

KRIANGSAK KITTICHAISAREE LL.M. published two books this spring: "War and Peace in Asia: International Law and Politics in Armed Conflicts" (NUS Press) and the second edition of his "International Human Rights Law and Diplomacy" (Edward Elgar Publishing). He wrote that the first edition of the latter book has also been translated into Farsi.

1986

➔ 40TH REUNION OCT. 23-25, 2026

1987

MARK PLOTKIN, a partner at Covington & Burling in Washington, D.C., received The American Lawyer's "Best Mentor – Law Firm" Award for 2025. The American Lawyer previously named him a Dealmaker of the Year in 2016 and again in 2019. Plotkin, who started his career with Covington in 1987, co-founded and co-chairs the firm's Committee on Foreign Investment in the U.S. practice. He also has been an adjunct professor of law at Georgetown University for many years.

1988

After almost four decades as a practicing disability civil rights attorney, **LINDA D. KILB** retired last fall from the Disability Rights Education & Defense Fund, where she was director of the organization's California Legal Services Trust Fund Support Center Program. Since her retirement, Kilb has been working on developing the American Timelines Project, a wide-ranging interdisciplinary history initiative to make U.S. legislative and executive primary sources more accessible. She welcomes connection and collaboration at Kilb.American.Timelines@gmail.com.

ALLEN K. ROBERTSON was the 2025 recipient of the National Association of Bond Lawyers' Frederick O. Kiel Distinguished Service Award, honored for his service to the organization spanning decades. Robertson is a public finance attorney at Robinson Bradshaw in Charlotte, North Carolina, which he led as managing partner from 2015 until last year. For more than 30 years, he has advised nonprofit health care providers and educational institutions on tax-exempt and taxable financings and strategic transactions.

1990

"As my contribution to making the world a little better," wrote **ANTJE JOHNSON**, "I'm teaching at a public charter school pursuing international baccalaureate certification for a newly added [Middle Years Program]. I teach the arts to middle schoolers, lead library skills classes for grades K-8, and operate as librarian. While we don't have the funds private IB schools have, our idealistic staff is working hard to thrive despite numerous headwinds. Located in a very rural part of Oregon, the school provides an opportunity for students (who get in via lottery) to lean into humanitarian

values and environmentalism. If you have suggestions for the new middle school library collection, send them my way!"

1991

➔ 35TH REUNION OCT. 23-25, 2026

In December, **SCOTT SHERMAN** wrote: "The Harvard Law School Association of Houston hosted a panel discussion with members of the Texas judiciary on the first year of the new Texas Business Court. I was pleased to serve as the moderator of the panel, which featured Texas Supreme Court Justice **JAMES SULLIVAN '06** and Texas Court of Appeals Justice **APRIL FARRIS '09**.

1992

AMEEK ASHOK PONDA, a partner at Sullivan & Worcester in Boston, wrote: "In March 2026 I began my term as president of the American College of Tax Counsel, which follows my service on the ACTC Board of Regents and roles as vice president and secretary-treasurer. This spring semester, I've resumed my role as lecturer on law with Harvard Law School. I also continue to enjoy my role as adjunct professor with the Boston University School of Law Graduate Tax Program, where I've been teaching for over 25 years. And in publication news, last year my essay 'Back to the Future for Taxation' appeared in the Summer 2025 issue of Daedalus, the online journal of the American Academy of Arts & Sciences, in which I speculated on the future of taxation from the year 2075."

1993

CATHY HAMPTON is now a partner at Greenspoon Marder in both the corporate and the entertainment and sports practice groups in the Atlanta office. Her practice focuses on brand partnerships and strategic counsel for athletes, creatives, and corporations navigating complex legal and business landscapes. As former city attorney for the city of Atlanta, Hampton offers private- and public-sector experience to her clients. She led an award-winning law department responsible for operations ranging from the city's water utility to Hartsfield-Jackson Atlanta International Airport.

"I have formed the national nonprofit BeSustained to support the well-being of public defenders."

1994

JASON LEVINE wrote that after a "rewarding and enjoyable" move into commercial litigation finance, he has returned to private practice. He's a partner in the antitrust and competition and litigation practice areas at Foley & Lardner in Washington, D.C.

1996

JENNY ANDREWS, a public defender in California since 1996, wrote in October: "I have formed the national nonprofit BeSustained to support the well-being of public defenders. BeSustained is currently conducting a national study of public defense well-being. I also work in California and nationwide as a trainer of zealous, client-centered, and resilient public defenders."

ANNALISA CIAMPI LL.M. wrote: "A professor of international law at Verona University since 2005, I am glad to share that I was appointed by Italy's minister for foreign affairs to serve as legal adviser to the Permanent Mission of Italy to the United Nations Office and other international organizations in Geneva. This fulfills a dream to put my expertise at the service of the Italian government, following my previous positions as independent expert within the EU and the U.N. My current work is focused on human rights and the Human Rights Council that Italy has recently rejoined as a member for the period 2026 to 2028."

STEPHEN COX is now managing partner of Robinson Bradshaw in Charlotte, North Carolina (taking the helm from **ALLEN ROBERTSON '88** last year). Cox joined the firm in 1997, became a shareholder in 2003, and began serving on the firm's board of directors in 2011. He represents business clients in the litigation and arbitration of complex commercial matters, focusing on construction, employment, and corporate governance disputes, and he regularly serves as an arbitrator and mediator.

1998

After becoming the fourth dean at Qatar University College of Law in 2022, **TALAL ABDULLA AL-EMADI LL.M.** was appointed a judge in Qatar International Court last year. Al-Emadi is a founding faculty member of Qatar University College of Law and an expert in energy law. Ten years after graduating, he returned to HLS as a visiting scholar and did research at the Harvard Law School Project on Disability.

ROGER BEARDEN became a partner at Bond, Schoeneck & King earlier this year and works in the health care practice in the firm's Albany, New York, office. His practice includes administrative and regulatory advocacy as well as litigation challenging agency actions that exceed statutory authority. In addition, he advises health and human services providers across developmental disability, mental health, substance abuse, and other services. Before joining Bond, Bearden held senior leadership roles in New York state government, including special counsel to the governor and executive deputy commissioner and general counsel for the New York State Office for People with Developmental Disabilities.

RACHEL KLEINBERG is now a partner in the tax practice group at Gibson Dunn in Palo Alto, California. She advises corporate and private equity clients on the U.S. federal tax aspects of a wide array of transactions. Prior to joining Gibson Dunn, Kleinberg led the West Coast tax practice and co-led the global tax practice at an international law firm.

In January, **MICHELLE LERNER** wrote: "After a 20-year career in public interest law (legal services, environmental, and animal law), I had to retire in 2017 due to disabling chronic illness. While practicing, I got an M.F.A. in poetry from the New School and periodically published poetry. Once I could no

longer practice law, I started focusing more on my writing. My debut novel, 'Ring' (Bancroft Press), came out last January [2025] and was long-listed for the 2026 Aspen Words Literary Prize for influential fiction addressing vital contemporary issues. This is a major U.S. literary award, previously won by **MOHSIN HAMID '97**. I also have a memoir coming out in October titled 'A Series of Opinionated Animals,' which is framed by my attendance at HLS. It includes the story behind my founding the student animal law group and lobbying for HLS's first animal law class."

ALEC WALEN is the author of "Punishment, Penalty, and Incapacitation: A Dignity-Respecting Model of Targeted Restrictions of Liberty for Liberal States." The book addresses questions about liberty, security, and state power and offers practical reforms for states seeking to respond to security threats. Walen is a Distinguished Professor at Rutgers Law School and co-director of the Rutgers Institute for Law and Philosophy.

2001

KEVIN COLAN joined Lowenstein Sandler in 2025 as a partner in its tax practice, based in the firm's New York office. He previously was a partner at Clifford Chance US in New York. He works with clients to devise tax strategies for mergers, acquisitions, and joint ventures of public and private companies, as well as advising on structuring investment management and their funds and investments. Colan is a former FBI special agent.

CHARLES "CJ" GELINAS has joined the corporate finance practice of Wilson Sonsini Goodrich & Rosati in New York. He represents issuers, underwriters, lenders, and borrowers in a wide range of digital asset-backed securities and structured products. Gelinas was previously a partner in the capital markets practice at Dentons.

CHRISTOPHER MCNEILL, a partner at Blank Rome, now serves as co-chair of the firm's Dallas office.

"My debut novel, 'Ring' ... was long-listed for the 2026 Aspen Words Literary Prize for influential fiction."

TOBY STOCK recently launched his own recruiting business, Stock Executive Search, though he remains a senior adviser to the National Constitution Center. His firm focuses on finding top talent for mission-driven organizations, primarily serving nonprofit and education clients. He and his wife and their two kids continue to live in Washington, D.C.

2003

ROD GANSKE is now a partner at Atlanta law firm Krevolin Horst. A member of the firm's litigation practice group, he helps clients resolve complex civil litigation matters with a focus on antitrust and procurement matters including bid protests. Prior to joining KH, he was a litigation partner at Alston & Bird.

2004

UCLA School of Law Professor **ANNA SPAIN BRADLEY**, an expert in international law, international dispute resolution, and human rights, has been appointed to the MacArthur Foundation Chair in International Justice and Human Rights at the law school.

2005

JENNIFER A. YASHAR joined Gibson Dunn's New York office in the fall as a partner in the real estate practice group. Her real estate commercial leasing practice focuses on headquarters and other complex leases on behalf of preeminent landlords and tenants.

2006

ADAM FEE joined Weil, Gotshal & Manges in the fall as a partner in the complex commercial litigation practice in Los Angeles. A former national security prosecutor in the U.S. Attorney's Office for the Southern District of New York, he advises Fortune 100 companies and high-profile individuals facing serious legal challenges.

2007

In the fall, the Texas Supreme Court appointed **ZINA BASH**, chief legal officer of Base Power Co., to a three-year term on the Texas Access to Justice Foundation board of directors. The foundation provides grant funding for civil legal aid in Texas. At Base Power, Bash was the founding attorney, charged with establishing the legal department of the energy technology company. She previously was senior counsel to the Texas attorney general and worked in the White House and for the U.S. Senate Judiciary Committee, in addition to clerking on the U.S. Supreme Court and the D.C. Circuit.

MATT BOCH of Kutak Rock in Little Rock was named the Lawrence L. Lasser Tax Judge of the Year for 2025 for his service as chief commissioner of the Arkansas Tax Appeals Commission. The award, presented jointly by the Lincoln Institute of Land Policy and the National Conference of State Tax Judges, recognizes special service to the public in dispute resolution tax matters.

SHAILESH "SHAI" SAHAY joined Bracewell's environment, lands, and resources department last year as a partner in the Washington, D.C., office. Sahay advises companies on major energy transition matters and engages in environmental compliance counseling, enforcement defense, and regulatory advocacy on all major federal environmental statutes. He was previously with Baker Botts and began his career as a staff scientist at an environmental consulting firm specializing in human health risk assessment.

2008

SHAHIEDAH SHABAZZ has joined Quarles & Brady's Chicago office as of counsel, advising developers and commercial landowners on local entitlement and zoning matters. She also provides regulatory and corporate counsel to state-licensed commercial cannabis companies.

GRACE SPULAK's story collection, "Magdalena Is Brighter Than You Think," was released in the spring and won the 2025 Autumn House Press Rising Writer Prize. She writes, "This book draws on my work as a former Skadden Fellow and public interest attorney over the past 15 years and my experiences living and working in rural New Mexico."

2012

Former federal prosecutor **JEREMIAH LEVINE** and Brian Procel, a veteran trial lawyer, have launched Procel Levine in Los Angeles, a litigation boutique with a nationwide practice representing both plaintiffs and defendants in high-stakes business disputes. As a federal prosecutor, Levine helped indict one of the largest white supremacist cases in the history of the Justice Department and prosecuted complex RICO matters and white-collar crime.

CORINNE SNOW has become a partner in the environmental and natural resources division at Vinson & Elkins in Washington, D.C. Her practice includes litigation challenging or defending federal regulations, regulatory compliance, internal investigations, and defense against government investigations and enforcement actions. Snow previously served as counsel and chief of staff in the Environment and Natural Resources Division of the U.S. Department of Justice.

2014

DANIEL BALMORI has been promoted to partner at Hogan Lovells, where he focuses his practice on complex commercial disputes in the health care and entertainment industries. In addition to his litigation practice, he devotes hundreds of pro bono hours each year to advising nonprofit public-private partnerships, helping transform underutilized public spaces into vibrant parks and inclusive community destinations.

MATTHEW MCCULLOUGH is a partner at Winston & Strawn in Silicon Valley and focuses his practice on high-tech patent litigation.

DROP US A NOTE! Send your news to: *bulletin@law.harvard.edu; hls.harvard.edu/classnotes; or by mail to Harvard Law Bulletin, 1563 Mass. Ave., Cambridge, MA 02138.*

Letters may be edited for length and clarity.

The court ruled in favor of the plaintiffs and ordered the government to make SNAP benefits available for millions of Americans

2016

ANDREA CLAY co-wrote "The Learning Hive: Leading Collective Innovation to Transform Education Systems," published by Teachers College Press in 2025. Clay is a director of legal strategy and policy at Columbia Law School's Center for Public Research and Leadership.

CHRIS CRAWFORD became partner at Fenwick & West in January. A corporate attorney based in the firm's Santa Monica, California, office, Crawford counsels technology companies and their founders through all stages of the startup life cycle, with a focus on complex and evolving blockchain-related legal matters.

A partner at Ropes & Gray in New York since November, **SHUDAN SHEN** guides private fund sponsors on fundraising across strategies, including fund-of-funds, buyout, secondary, and credit funds.

2017

MAX STRAUS is now a partner at Susman Godfrey in New York. He joined the firm as an associate after clerking on the U.S. Court of Appeals for the 7th Circuit, first for Judge **RICHARD POSNER '62** and then for Chief Judge Diane Wood.

2021

MICHAEL J. TORCELLO joined Democracy Forward as a senior staff attorney. Last year, he participated in argument on behalf of the plaintiffs in a Temporary Restraining Order hearing in *Rhode Island State Council of Churches v. Rollins*, urging the district court to order the government to provide urgently needed Supplemental Nutrition Assistance Program benefits. The court ruled in favor of the plaintiffs and ordered the government to make SNAP benefits available for millions of Americans.

HARVARD UNIVERSITY ARCHIVES

1950–1959

RICHARD C. HARPHAM '51
Aug. 25, 2025

SAMUEL KENRIC LESSEY JR. '51
June 2, 2023

THEODORE S. RAPHAEL '51
May 6, 2025

DAVID M. WATNICK '51
Oct. 6, 2025

ROBERT B. KRONER '52
Nov. 2, 2025

WILLIAM E. MEYER '52
July 18, 2025

HARRY B. ROSENBERG '52
April 6, 2025

KWOCK TIM YEE '52
Aug. 26, 2025

JOHN H. ESQUIROL JR. '53
Sept. 23, 2025

NICOLE E. KERNO LL.M. '53
Sept. 25, 2025

STUART "TIM" SYMINGTON JR. '53
July 16, 2025

M. GORDON EHRLICH '54
March 30, 2025

BURTON GORDON '54
April 7, 2025

JOHN E. KIRKPATRICK '54
Sept. 17, 2025

ESTELITO P. MENDOZA LL.M. '54
March 26, 2025

JOHN S. RODGERS '54
Oct. 12, 2025

PETER L. ALBRECHT '55
March 25, 2025

MILTON BORDWIN '55 LL.M. '59
May 8, 2024

JAMES J. CROWLEY JR. '55
July 17, 2025

STEPHEN L. GELBAND '55
Sept. 9, 2025

JOHN GRAHAM '55 ('56)
Aug. 23, 2025

HERBERT L. HILLER '55
Feb. 3, 2025

MILO C. JONES '55
May 10, 2025

WALKER LABRUNERIE '55
Oct. 7, 2025

WILLIAM N. LETSON '55
Oct. 5, 2025

WILLIAM C. ALDRICH '56
June 3, 2025

ALAN E. BANDLER '56
Nov. 22, 2025

PETER G. COLLIAS '56
Sept. 4, 2024

HOWARD A. SIEVEN '56
Sept. 4, 2024

JOHN A. WHITNEY '56
Oct. 12, 2025

RALPH S. BROWN JR. '57
July 19, 2025

MARK CRANE '57
July 29, 2025

EDWARD C. LEBEAU '57
May 27, 2025

THOMAS S. MONFRIED '57
Aug. 7, 2025

FREDERICK S. PAULSEN '57
Aug. 15, 2025

ROBERT L. CROSBY '58
July 9, 2025

PETER M. FISHBEIN '58
Sept. 25, 2025

IRWIN HALL '58
Nov. 6, 2024

J. ROBERT O'BRIEN '58
July 3, 2024

JOSEPH A. PAGE '58 LL.M. '64
Oct. 13, 2025

BENJAMIN L. ZELENKO '58
Nov. 16, 2025

JEFFREY M. ALBERT '59
April 14, 2025

ALAN S. GRATCH '59
Aug. 11, 2025

BYRON HAYES JR. '59
July 11, 2025

STEPHEN I. HOCHHAUSER '59
Dec. 28, 2024

CHARLES C. HUMPSTONE '59
July 14, 2025

JAMES P. KEHOE JR. '59
Aug. 1, 2025

WILLIAM B. KING '59
July 22, 2025

ANDREW F. LANE '59
March 27, 2025

JAMES E. PRATT '59
Nov. 1, 2025

JEROME S. SOWALSKY '59
Nov. 10, 2025

GUY C. WILSON '59
Oct. 4, 2025

1960–1969

SAMUEL L. "SANDY" BATCHELDER JR. '60
Aug. 21, 2025

DAVID P. BRUTON '60
July 25, 2025

WILLIAM C. HAYS '60
Sept. 23, 2025

LEE R. MARKS '60
July 8, 2025

CHARLES D. PEET JR. '60
Sept. 1, 2025

JOHN C. RICHARDSON '60
March 12, 2025

BRUCE SLOVIN '60
Aug. 10, 2025

BARTON "BARRY" VERET '60
June 6, 2025

PRESTON BROWN III '61
Aug. 30, 2025

ROBERT H. EDWARDS '61
Nov. 30, 2025

TOM J. FARER '61
March 3, 2025

ELIA GERMANI '61
April 14, 2025

PHILLIP E. GLADFELTER '61
April 6, 2025

JON V. HEIDER '61
June 10, 2024

EDWARD M. "MIKE" SHAW '61
July 21, 2025

WILLIAM S. SHEPARD '61
Aug. 21, 2025

DAVID E. BIRENBAUM '62
June 18, 2024

JOHN F. CANNON '62
Aug. 28, 2025

JEROME H. FARNUM '62
Dec. 6, 2024

N. MICHAEL HANSEN '62
July 25, 2025

KENNETH LAURENCE '62
Nov. 12, 2025

ROBERT A. PAUL '62
Nov. 15, 2025

JEROME S. RICE '62
Oct. 22, 2025

I. STEPHEN SAMUELS '62
Nov. 7, 2024

ARTHUR H. TRAVERS '62
July 31, 2025

JOHN P. WILSON '62
July 19, 2025

DAVID R. ANDERSON '63
Oct. 3, 2025

MERVYN L. HECHT '63
Aug. 4, 2025

SHELDON R. LEFKOWITZ '63
April 8, 2025

FRANK B. MORGAN '63
Oct. 24, 2024

PETER F. RIENT '63
Sept. 2, 2025

ANDREW M. SCHINDEL '63
April 16, 2025

JACK H. SCHUSTER '63
Aug. 27, 2025

PETER H. SEED '63
Sept. 26, 2025

JACK H. SPAIN JR. '63
Nov. 12, 2025

PHILIP M. SUAREZ '63
Sept. 7, 2025

PHILLIP R. TRIMBLE '63
Sept. 22, 2024

ROBERT T. ALTMAN '64
June 13, 2024

HARRISON C. "HAP" DUNNING '64
March 31, 2025

GREGOR F. GREGORICH '64
Oct. 20, 2025

WILLIAM A. MERRITT JR. '64
July 21, 2025

DOUGLASS A. RAFF '64
Nov. 17, 2025

FRANKLIN S. SCHWERIN '64
Oct. 31, 2025

STUART A. SMITH '64
Sept. 18, 2025

ALLEN I. YOUNG '64
Nov. 8, 2025

DAVID H. BRADLEY '65
May 21, 2025

GORDON F. GREGORY, Q.C. LL.M. '65
April 16, 2024

PETER R. HAYDEN, Q.C. LL.M. '65
Nov. 15, 2025

WILLIAM A.W. NEILSON LL.M. '65
July 8, 2025

RICHARD W. ZIEBARTH '65 LL.M. '67
March 18, 2024

JOHN E. BABIARZ JR. '66
July 30, 2025

SPENCER H. BOYER LL.M. '66
Nov. 14, 2025

FLETCHER E. "SANDY" CAMPBELL JR. '66
Aug. 11, 2024

GEORGE C. CHRISTIE S.J.D. '66
Nov. 4, 2025

KEVIN J. KEOGH '66
Dec. 11, 2025

NANCY N. DUBLER '67
April 14, 2024

ANDREW R. LAURITZEN '67
April 30, 2025

GARY L. ANDERSON LL.M. '68
Nov. 18, 2024

JAMES H. CHEEK III LL.M. '68
Aug. 27, 2021

GLENN E. FLOYD LL.M. '68
May 16, 2025

ARNOLD M. FRIEDMAN '68
July 29, 2025

GERALD GOLDMAN '68
July 20, 2025

RICHARD A. GOLDSTEIN LL.M. '68
Sept. 9, 2025

RICHARD C. TUFARO '68
Sept. 11, 2025

MICHAEL B. ELEFANTE '69
July 14, 2025

T.S. ELLIS III '69
July 30, 2025

ROBERT P. FREEMAN '69
July 20, 2025

WILLIAM R. HUDDLESTON '69
Sept. 15, 2024

DAVID R. LANDREY '69
Oct. 12, 2025

JAMES T. RANNEY '69
April 25, 2025

TIMOTHY D. ROBLE '69
July 8, 2025

H. RUTHERFORD "RUD" TURNBULL III LL.M. '69
March 17, 2025

1970–1979

ULYSSES W. BOYKIN '70
May 10, 2025

ANTHONY R. BUONAGURO '70
Sept. 14, 2025

ROBERT M. HAGER '70
July 3, 2025

JOSEPH D. HOWE LL.M. '70
Oct. 24, 2025

HERIBERT RAUSCH LL.M. '70
Oct. 14, 2025

CHARLES A. REES '70
March 27, 2025

ROBERT D. STUART '70
Jan. 17, 2025

ROBERT E. DENHAM '71
March 15, 2025

ROGER W. GREEN '71
Nov. 4, 2025

RICHARD S. HARMAN '71
July 3, 2025

EDWARD J. HAYWARD '71
Oct. 23, 2024

PETER W. BILLINGS '72
June 29, 2024

MELVIN M. COX '72
July 19, 2025

MOTLEB ABDULLA EL NAFISA LL.M. '72 S.J.D. '76
March 27, 2025

THOMAS M. SEGER '72
Aug. 3, 2025

ALICE W. BALLARD '73
Sept. 8, 2025

JOHN D. RASKIN '73
July 2025

LOUIS E. WOLCHER '73
Nov. 7, 2025

MICHAEL A. BUDIN '75
June 21, 2024

IRA CARP '75
May 22, 2025

EDWARD M. DUNHAM JR. '75
Oct. 7, 2024

STEPHEN P. FAUTEUX '75
Sept. 14, 2025

DIANE S. LINKER '75
Oct. 12, 2024

PHILIP A. BYLER '76
April 30, 2025

RICHARD W. OEHLER '76
June 6, 2025

C. CHRISTOPHER TROWER '76
Nov. 27, 2025

ROSEZELLA E. CANTY-LETSOME LL.M. '77
May 16, 2025

PAMELA A. MEMISHIAN '77
March 18, 2025

LAWRENCE S. ROBBINS '78
Nov. 2, 2024

KENNETH C. GLAZIER '79
Oct. 16, 2025

1980–1989

SCOTT E. BORG '80
July 31, 2025

ROLAND H. MONSON '83
July 7, 2024

FRANK E. DANGEARD LL.M. '85
Aug. 13, 2025

DAVID S. DOUGLAS '85
Nov. 16, 2025

DAVID A. COULSON '88
Sept. 8, 2025

1990–1999

NIGEL S. WRIGHT LL.M. '90
Sept. 30, 2025

JAMES BERNARD '92
March 2024

DUNCAN C. MACCOURT '94
Aug. 7, 2025

ESMOND V. HARMSWORTH '95
April 9, 2025

2000–2009

SUNNY CHU '00
July 26, 2025

COLIN P. AHLER '05
April 27, 2025

2020–2026

YEHOSHUA "JOSH" FRIEDMAN '26
August 2025

ONLINE

Visit the In Memoriam section at ***bit.ly/inmemspring2026*** *for links to available obituaries.*

Gallery

Harvard Law Library makes available the first complete online archive of Nuremberg Trials records

A Record for History

BY COLLEEN WALSH

Telford Taylor LL.B. 1932 (at podium), the U.S. chief of counsel, delivers the prosecution's opening statement during the Ministries Trial on Jan. 6, 1948.

"We must never forget that the record on which we judge these defendants today is the record on which history will judge us tomorrow."

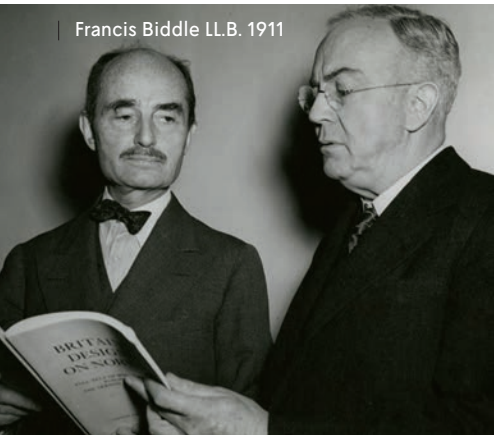
—ROBERT H. JACKSON

During his opening statement for the prosecution at the first of 13 Nuremberg Trials on Nov. 21, 1945, Robert H. Jackson, United States Supreme Court justice and U.S. chief counsel to the International Military Tribunal, declared one of the trials' most essential aims: "We must never forget that the record on which we judge these defendants today is the record on which history will judge us tomorrow." The Nuremberg Trials, considered by many to be the most significant series of criminal trials in history, were established to prosecute those in authority in the Nazi regime for war crimes and crimes against humanity and to create a permanent historical record and precedents for future legal recourse.

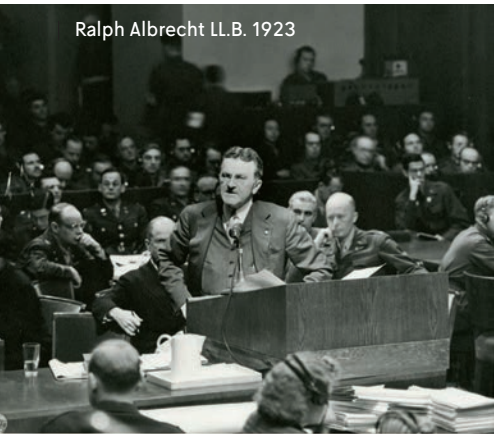
Harvard Law lawyers played pivotal roles in all aspects of the Nuremberg Trials, including Telford Taylor LL.B. 1932 (at the podium above), who served as chief of counsel in 12 of the trials; Benjamin Ferencz LL.B. 1943 (left, in top photo, at right), chief prosecutor of the ninth trial; Francis Biddle LL.B. 1911 (left, in middle photo, at right), the primary U.S. judge for the International Military Tribunal; and Ralph Albrecht LL.B. 1923 (at the podium, at right), an associate counsel for the tribunal.

In 1998, the Harvard Law Library began a pilot project to scan documents from Nuremberg's first trial, the Medical Trial. By 2014, new high-speed scanning technology and new continuing sources of funding made it possible to relaunch the Nuremberg Trials Project with the aim of digitizing, transcribing, and cataloging all 13 trials.

Benjamin Ferencz LL.B. 1943



Francis Biddle LL.B. 1911



Ralph Albrecht LL.B. 1923

Last November, Harvard Law School made the nearly complete set of evidentiary documents and trial transcripts from all 13 Nuremberg Trials publicly available online.

"The decades-long endeavor to digitize and, for the first time, to make these indispensable records available to the world is a testament to the power of universities to foster the search for truth by preserving and sharing knowledge," said John C.P. Goldberg, the Morgan and Helen Chu Dean and Professor of Law at Harvard Law School.

Harvard's full collection of 140,000 documents comprising more than 700,000 pages is the first complete, keyword-searchable online collection of the Nuremberg Trials records. Designed to make documents discoverable for users, Harvard Law School Library's Nuremberg Trials Project website includes a wide variety of documents available at the time of the trials, from transcripts to telegrams, and illuminates the politics of the Nazi rise to power, and the financing and economics of totalitarian war.

"These voluminous primary materials offer a trove of insights into the day-to-day operations of Nazi Germany and its pursuit of war and reprisal," said Harvard Law School Professor Jonathan Zittrain '95, vice dean for library and information resources.

"We believe when we make justice visible, we make it possible."

—AMANDA WATSON

Amanda Watson, assistant dean for library and information services, emphasized that the provision of open public access to the collection will ensure the preservation of historically accurate source data about Nazi Germany and potentially help close historical gaps.

"This collection stands as an answer to one of history's most critical questions: How can law rise to meet moments of international crisis?" Watson said. "Today, we ensure that answer is not locked away but available to all. We believe when we make justice visible, we make it possible."

CREDITS: (P. 68) UNITED STATES HOLOCAUST MEMORIAL MUSEUM, COURTESY OF NATIONAL ARCHIVES AND RECORDS ADMINISTRATION, COLLEGE PARK; (ABOVE, CLOCKWISE FROM TOP RIGHT) LORIN GRANGER (2); UNITED STATES ARMY SIGNAL CORPS/HLS LIBRARY NUREMBERG TRIALS PHOTO COLLECTION (2); BETTMANN ARCHIVE/GETTY IMAGES

Harvard Law Bulletin

Harvard Law School
1563 Massachusetts Ave.
Cambridge, MA 02138

Celebrating cuisine and culture
Student dancers show off their Bollywood–style moves at the annual Harvard Law School LL.M. International Party.
Photograph by Martha Stewart