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LawSchoolRecord.Editors@chicagounbound.edu

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CHICAGO LAW

The University of Chicago Law School Record

Spring 2016



THE LAW SCHOOL'S 15TH DEAN:
THOMAS J. MILES

CLINIC PROJECT SEEKS CLEMENCY
FOR COMBAT VETERANS

CELEBRATING THE UNIVERSITY'S
125TH ANNIVERSARY

ALUMNI AND STUDENTS KEEP IT
IN THE FAMILY

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Annina Fabbioni
Associate Dean for External Affairs

Editor
Marsha Ferziger Nagorsky, '95
Associate Dean for Communications

Assistant Editors
Ann Fruland
Becky Beaupre Gillespie
Claire Stamler-Goody

Class Notes Editor
Magdalena Mahoney

Record Online Editor
William Anderson

Class Correspondents
71 Affable Alumni

Contributing Authors
Omri Ben-Shahar
Ann Fruland
Jerry de Jaeger
Alison LaCroix
Jeremy Manier
Robin I. Mordfin
Becky Beaupre Gillespie
Marsha Ferziger Nagorsky, '95
Martha C. Nussbaum
Claire Stamler-Goody

Contributing Photographers
Ringo Chiu
Salen Churi
Lloyd DeGrane
Jean Lachat
Claire Stamler-Goody

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Office of External Affairs
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www.law.uchicago.edu
telephone: (773) 702-9486
fax: (773) 702-9628

Comments? Please write to Marsha Nagorsky at m-ferziger@uchicago.edu.

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Message from the Dean

Dear Alumni and Friends:

A new dean is always experiencing firsts: the first official event presided over, the first meeting with alumni, the first holiday party or CLF Auction or Law School Musical or graduation as dean. A substantial part of a dean's first few months is learning the inner workings of the Law School, such as how large events are run behind the scenes or the details of fundraising.

Being involved in the creation of the *Law School Record* for the first time has been very interesting—working with our team to decide what topics to dive into deeply and share with all of you, and, of course, writing my first Dean's Message. As you will see inside, this issue is full of content that shows why I am so pleased to be your new dean and why I am justifiably confident about the future of our Law School.



I am getting to know students in a whole new way in this role and enjoying how they interact with all parts of our educational endeavor. Two stories in this issue showcase different aspects of our extraordinary clinical programs. One focuses on our newest clinic, which is working at the forefront of legal issues with start-ups in Chicago and elsewhere. The Innovation Clinic gives our students the experience of working with entrepreneurs and early-stage investors from across campus and across the country. The other story looks at a new program from our long-established Mental Health Advocacy Clinic that engages with complex issues of blame and punishment that are at the heart of our legal system. The range of topics covered in our clinics astounds me, and I am very proud of the practical experiences and strong belief in pro bono work that our students take with them into their legal careers.

Our faculty continue to be the most active and influential legal scholars in the country. It has become almost a cliché to talk about their exceptional intellectual engagement with the most important legal issues of our day, but cliché or not, it is our core strength. As you will see in this issue, our faculty members—across many legal disciplines—continue our long tradition of dialogue with other parts of the University in their interdisciplinary work, which we celebrated at the Law School's panel for the 125th anniversary of the University. You can also read about how we bring scholars from all over the University to the Law School in certain areas of research, such as our housing-focused Kreisman Institute.

As I've been settling into this deanship, I've greatly enjoyed traveling the country and introducing myself to our alumni and friends (for those I have not met yet, you can read a bit about my priorities and background in the Q&A on page 2). I have been struck by the closeness of the network formed by our community—I have enjoyed hearing stories from alumni about the professors who danced at their weddings, the classmates who are godparents to their children, and the bond they feel with the UChicago Law attorneys they work with in their practices. I hope you will also enjoy reading, as I did, about our many current students who have familial connections with alumni—some for three or four generations! These stories give me a wonderful perspective when I read the Class Notes, a feature of the *Record* that so many alums tell me that they read first.

There is so much to celebrate at the Law School, and also so much more that we can do together. I look forward to meeting you on the road or at the Law School and sharing many more issues of the *Record* with you.

Warmly,

A handwritten signature in black ink that reads "Thomas J. Miles". The signature is written in a cursive, flowing style.

Thomas J. Miles



“THIS IS A MOMENT TO BUILD ON OUR STRENGTHS”: A DISCUSSION WITH DEAN THOMAS J. MILES

THOMAS J. MILES FOUND HIS INTELLECTUAL HOME AT THE UNIVERSITY OF CHICAGO. HE EARNED HIS PHD HERE, AND HE JOINED THE LAW SCHOOL FACULTY IN 2005, A YEAR AFTER ARRIVING AS AN OLIN FELLOW IN LAW AND ECONOMICS. IN THE PAST DECADE, THE LAW SCHOOL'S CULTURE HAS INFLUENCED HIM IN PROFOUND WAYS: IT TAUGHT HIM THAT THE BEST SCHOLARS AND LEADERS WELCOME TOUGH QUESTIONS, THAT THE INTERSECTION OF DISCIPLINES CAN CREATE FASCINATING LINES OF INQUIRY, AND THAT A SMALL FACULTY BENEFITS FROM THE ABILITY TO ENGAGE CONSTANTLY AND INTENSELY. IT WAS AT THE LAW SCHOOL THAT MILES DISCOVERED THAT HE LOVES TO TEACH.

ON NOVEMBER 1, MILES, THE CLIFTON R. MUSSER PROFESSOR OF LAW AND ECONOMICS, BECAME THE LAW SCHOOL'S FIFTEENTH DEAN,

TAKING THE HELM AT THE VERY PLACE THAT HELPED SHAPE HIS VISION, IDEALS, AND DEDICATION TO RIGOROUS INQUIRY. NOW HE WILL HELP SHAPE THE LAW SCHOOL, BUILDING ON RECENT SUCCESSES FROM NEARLY EVERY CORNER: POWERFUL NEW INITIATIVES, A FACULTY THAT IS LARGER AND STRONGER THAN EVER BEFORE, A DIVERSE STUDENT BODY, AND AN ALUMNI BASE THAT IS ENGAGED, AND THAT HE HOPES TO ENGAGE FURTHER.

WITH THIS FOUNDATION IN MIND, MILES SAT DOWN WITH ASSISTANT DIRECTOR OF COMMUNICATIONS BECKY BEAUPRE GILLESPIE IN EARLY DECEMBER TO DISCUSS THE LAW SCHOOL'S FUTURE, THE KEYS TO ITS STRENGTH—AND THE WONDERS OF NATURE THAT CAN BE SEEN FROM THE LAIRD BELL QUADRANGLE, IF ONE KNOWS WHEN AND WHERE TO LOOK.

GILLESPIE: I know it's only been about a month since you became Dean of the University of Chicago Law School, so let's start by looking toward the future: what most excites you about the months and years ahead?

MILES: I am a product of the University of Chicago, and what makes the University as a whole—and particularly the Law School—an incredibly special place is its commitment to both outstanding scholarship and outstanding teaching. I am most excited about making sure that we continue to preserve, nurture, and foster those two values.

GILLESPIE: What do you hope to accomplish as dean?

I see a parallel between our approach to scholarship and how we think about leadership in the Law School. We have to welcome close evaluation and tough questions.

MILES: I'm very fortunate because [Interim Dean] Geof Stone and, of course, [former Dean] Michael Schill left the Law School in terrific condition; this is a moment to build on our strengths. Three broad priorities are our students, faculty, and alumni. Our students have never been more qualified, and we want to continue that. Our entering classes have never been more diverse, and we want to continue to expand and build on that. Generous scholarship programs such as the Rubenstein Scholars Program have been crucial in ensuring that we have the most qualified and intellectually curious students. With respect to faculty, we've grown to 38 full-time faculty members, which is an all-time high. In growing the size of the faculty, we have added truly outstanding colleagues who excel both as scholars and teachers. This growth has reinforced the Law School's robust culture of engagement. Our culture is a key to our strength. It is why our faculty are such productive and great scholars and why they're such effective teachers—it is a small faculty, and they engage with each other continuously. A third priority is alumni, and we plan to continue to engage with them in person as we always have—for instance, through Reunion events, First Monday events at the beginning of every Supreme Court term, and visits by alumni who mentor

and speak to our students. But we also are exploring ways to use technology to share the intellectual life of the Law School with our alumni. For instance, this summer Randy Picker [the James Parker Hall Distinguished Service Professor of Law] taught a MOOC, "Internet Giants: The Law and Economics of Media Platforms," which enrolled more than 12,000 people from around the world. An exciting part of the design was a special layer for university alumni; this is one way we help ensure that intellectual engagement doesn't end at graduation.

GILLESPIE: Speaking of culture, how has UChicago shaped you as a scholar, a thinker, and a leader?



Dean Thomas J. Miles

MILES: Well, most directly, it convinced me that I wanted to spend my career doing law-and-economics scholarship and, particularly, that I wanted to focus on empirical analysis. At a more general level, the UChicago culture has influenced the way I think about and evaluate scholarship: I value scholarship that is analytical and clearly reasoned. One of the things I most enjoy about our workshops at the Law School is the way in which we question and interrogate the line of argument when a speaker presents a paper. It is deeply satisfying to see and participate in that questioning, and it has shaped the way I evaluate scholarship. It is often said that the response to a tough and challenging question should be, "Thank you." I think about leadership in the same way: We have high expectations for what we want from our leaders, and faculty are not shy about letting leaders know when they have not met expectations. That's the only way to improve, and the only way to know a direction we're taking is the right one. I see a parallel between our approach to scholarship and how we think about leadership in the Law School. We have to welcome close evaluation and tough questions.

GILLESPIE: In recent years, the Law School has invested resources in business and leadership programming, most notably through the Doctoroff Business Leadership Program—which offers those students a core business curriculum taught by leading Booth faculty, as well as internship, mentorship, and enrichment opportunities—and the Kapnick Leadership Development Initiative, which uses the robust ideas of brain science to help all 1L students develop the interpersonal skills necessary to build effective relationships as lawyers. What do you see for the future of these programs?

MILES: Both of these programs give our students a set of skills and experiences that prepare them for long careers in which they will work collaboratively and move into leadership roles in business, government, and law. The Doctoroff Business Leadership Program is in its third year and already has generated significant excitement. Business leaders, many of them alumni, have generously served as mentors and have applauded our students. The students have acquired a deeper understanding of the business context for legal questions that arise. The number of applications to the program has risen sharply;

the word is out. With respect to the Kapnick Initiative, faculty say they've noticed that the 1L students are much more willing to speak in class. As a result, the classroom dynamic is more positive and more effective; we can focus more clearly on the ideas and the legal content. The first cohort of students who participated in the Kapnick Initiative have just completed the interview process for their summer 2L jobs, and the feedback we've received from hiring partners has been enthusiastic. They have noticed a distinct change in our students—they are more professional, they are more confident. One hiring partner, a graduate of the Law School, said that he had been interviewing students for summer positions at UChicago and other elite law schools for more than a decade, and although our students have always been good, they've never been *so* good.

GILLESPIE: That must have been fantastic to hear.

MILES: It's fantastic and gratifying. We have had immediate returns and immediate success with both the Doctoroff Program and the Kapnick Initiative that has been noticed by our students, our faculty, and our alums. Both programs are new to the Law School but are very



In one of his first public appearances as Dean-designate, Miles introduces FBI Director James Comey, '85, to a packed Law School Auditorium.

much in keeping with the Law School's interdisciplinary tradition. Both of these programs also have brought us closer to Booth, and we are looking forward to strengthening and deepening these collaborations.

GILLESPIE: The Law School's public interest program has also been an area of growth in recent years with the addition of donor-funded postgraduate fellowships and the popular Pro Bono Service Initiative, among other things. How would you like to see the public interest program continue to grow—and why is this an important investment?

Just as we have many students who pursue business law, we have students who pursue public interest work—and it is equally important that we serve their needs.

MILES: Just as we have many students who pursue business law, we have students who pursue public interest work—and it is equally important that we serve their needs. Students who pursue careers in public interest immediately after graduation face unique challenges, and we help them meet these challenges in three ways: support for summer public interest employment, loan forgiveness after graduation, and postgraduate public interest fellowships. We are committed to continuing these three forms of support. Support for summer public interest employment gives students the opportunity to experience public interest work, gather information to help them make decisions about their future path, and make valuable connections. Loan forgiveness is an important element in many students' decisions to pursue public interest because salaries are, of course, lower than in the private sector. We are fortunate to have seven postgraduate fellowships: the James and Patrice Comey Fellowship Fund, the Barbara and Mark Fried Fund for Public Interest, the Mikva Fellowship Program Fund, the Lillian Kraemer Post-Graduate Public Interest Fund, the Steve Marenberg and Alison Whalen Public Interest Fellowship Fund, the Charlotte Von Hoene Fellowship Fund, and the new Mark Claster Mamolen Post-Graduate Fellowship to Support Public Interest Work to Promote and Defend the Rights of Women. These have become an important bridge from graduation to permanent employment

in public interest, and we hope to expand these opportunities. Fellowships like these are increasingly *the* career path into public interest. Most often the fellowship leads our graduate to permanent employment with the host organization; 100 percent of our students who have had these fellowships have pursued public interest careers. We're proud of the success, and we hope to provide our students more of these opportunities.

GILLESPIE: Let's talk briefly about the field in which your own scholarship is based. The Coase-Sandor Institute



Dean Miles enjoys attending the annual CLF Auction.

for Law and Economics has been particularly innovative in its use of empirical analysis—applying economic tools outside of the traditional areas and using them to examine different aspects of law, society, and human behavior. Is this a significant shift?

MILES: The Coase-Sandor Institute has been an enormous boon to the Law School. One particular area of success has been the support it provides for faculty doing empirical or quantitative research. In the past decade—and I think this is related to the influx of PhD/JDs into legal academia—there has been a greater emphasis on empirical legal scholarship. In law and economics there has always been a fair amount of empirical scholarship, but even that has blossomed in the past few years.

GILLESPIE: What do you see in the coming years for Coase-Sandor? What are your goals for the Institute?

MILES: We, of course, want to continue the research support. Coase-Sandor also provides terrific support for academic conferences, hosted by our faculty members across a whole range of topics, and that will continue. In addition, Coase-Sandor has also been creative and entrepreneurial in developing its Summer Institute in Law and Economics. Professor Omri Ben-Shahar created this project to bring in scholars from other countries and introduce them to the ideas of law and economics—and

where better to learn these ideas than the birthplace of law and economics? It allows scholars to take these ideas that have been so influential in America back to their home countries, and it raises the profile of the Law School internationally among legal academics and among the next generation of lawyers there.

GILLESPIE: And this year the Summer Institute reached scholars from more countries than ever before—tangible evidence of the spreading influence of law and economics, right?

MILES: Yes, and it has been gratifying to see that growth. We will continue to foster that growth—and do it in a way that allows these people who are already legal scholars, but don't know about law and economics or haven't been exposed to it in a systemic way, to be able to learn these tools and take these ideas that have been so influential in American academia back to their home countries.

GILLESPIE: The clinics have had a big year, too. What thoughts do you have about their growth?

MILES: The clinics are at a great moment: every student who wants a clinical experience can have a clinical experience, and we have several new clinics, the newest of which is the Innovation Clinic, headed by Salen Churi [Assistant Clinical Professor of Law and Bluhm-Helfand

Director of the Innovation Clinic]. (See story on p. 32.) Another example is the work [Clinical Professor] Craig Futterman has been doing through the Civil Rights and Police Accountability Clinic and through his work with [the Invisible Institute's] Jamie Kalven to create an astonishing database of citizen complaints about police misconduct in Chicago. It has had enormous influence, as has his work in securing the release of the video showing the shooting of Laquan McDonald. We've seen the Superintendent of Police relieved of his duties, and we've seen the creation of a new Police Accountability Task Force that includes another clinician, Professor Randolph Stone, and one of our alums, Lori Lightfoot, '79.

GILLESPIE: Will you continue to teach as dean?

MILES: Not this academic year because I'm taking on these new responsibilities, but I plan to teach next academic year and thereafter. We will decide which course later this year, but the expectation is that it's going to be a 1L course so that as many students as possible have an opportunity to meet me and to be taught by the dean.

GILLESPIE: What do you most value about working with students?

MILES: One of the most wonderful surprises when I joined the faculty was finding out that teaching is not



Once Dean Miles settles into his new responsibilities, he is eager to get back to teaching.

only challenging and intellectually engaging but also a tremendous amount of fun. And it's fun because our students are so engaged and take the discussion and evaluation of ideas so seriously—it really makes it a joy. I'm eager to go back into the classroom and teach them as dean. One of the hardest things in thinking about the deanship was the fact that I would teach less.

GILLESPIE: So what motivates you on a daily basis? When you wake up in the morning, what gets you out of bed and keeps you moving forward?

MILES: Thinking about what I can do *today* to make the Law School better. Right now, the Law School is in a

Right now, the Law School is in a terrific place—but we can make it better still. So I think: what can I do today?

terrific place—but we can make it better still. So I think: what can I do *today*? There are so many different ways to do that. We can make teaching better for students and we make the curriculum better for students. We can facilitate faculty scholarship and engage our graduates. We can take the ideas that have been born and developed here in the Law School and share them with the wider world or the wider community, whether that's the academic community or the world as a whole. When we can walk out of the building at the end of the day and say we did one of those things—that's an accomplishment. So when I wake up in the morning, I think: Can we do some of that today? That's what motivates me.

GILLESPIE: Let's talk a little bit about the path that led you here. It started with an interest in law, and then an interest in economics. What drew you to these fields?

MILES: In undergrad, I majored in political science and always thought I would go off to law school and become a lawyer. But the more political science I studied, the more interested I became in economics, because economics seemed so crucial to understanding what was happening in politics. After graduating, I worked at the Federal Reserve Bank of Boston for a couple of years, and I assisted economists who were using the tools of economics and statistics to analyze regulatory problems. That was fascinating—both their ability to use the concepts of economics to generate predictions about what the effects of regulation would be, and then to use tools

of econometrics, or statistics, to go out and test those predictions and see if they were borne out. That really turned my head and made me think, *I want to get a PhD in economics*. I was drawn to the work of the late Gary Becker [University Professor of Economics and Sociology] and I wanted to come to UChicago; I was lucky enough to come here and study under Becker, as well as great people like Bill Landes [Clifton R. Musser Professor Emeritus of Law and Economics and Senior Lecturer] and Steven Levitt [William B. Ogden Distinguished Service Professor, Economics Department and the Law School]. Once I'd finished my coursework and began to think about research questions of my own, I was increasingly drawn to questions that had originally motivated me: the effects of regulation, the effects of law. And I realized that, in order to study those questions in an effective way—in a way that would really make a contribution to scholarship and to knowledge—I needed to know more about law, too.

GILLESPIE: So you came full circle, back to that early interest in law.

MILES: I came full circle—and I decided to go to law school. As we know, it has become increasingly common for elite law schools to fill their ranks with interdisciplinary scholars who have both a JD and a PhD in economics or history or other field; I'm one who chose that path.

GILLESPIE: Before we wrap up, we'd like to hear a little bit about who you are outside of the Law School. What do you like to do when you're not working? I've heard that you're a bird watcher.

MILES: When I'm not working I enjoy getting outdoors, hiking, and observing the natural world. For reasons even I don't understand, I've always found birds fascinating. So, yes, I consider myself a "birder" or bird watcher.

GILLESPIE: So what kinds of birds do we see here in Chicago besides the obvious ones? Are there some more unusual ones that you've spotted that maybe the average person wouldn't know that we get here in Chicago?

MILES: Chicago is a great place for birds. It's on a major migratory route. The lakefront, such as Jackson Park, provides superb opportunities to observe birds and wildlife. Even at the Law School, nature is evident. I've seen a Cooper's hawk bathing in the fountain, a peregrine falcon snacking on a pigeon on the loading dock, and one winter night a coyote trotting along the Midway.

GILLESPIE: That's really neat—beauty right outside our doors.

MILES: There's much to see even in our highly urbanized area. ■



THE HARDEST STORIES TO TELL: WHAT AN INTENSE NEW CLINIC PROJECT IS TEACHING SEVEN STUDENTS ABOUT WAR, MERCY, AND THE FRAILTIES OF THE HUMAN MIND

BY BECKY BEAUPRE GILLESPIE

Driving through Fort Leavenworth last November in her rented sedan, Kathleen Kinsella, '16, noticed two things: First, the US Army base, tucked in the northeastern corner of Kansas along the Missouri River, was gorgeous. It was a vibrant autumn tableau of burr oak, cottonwood, catalpa, and sycamore trees sharing a hilly campus with historic buildings, some dating to the nineteenth century. And second, there were armed soldiers at the gate and what appeared to be human-shaped targets visible from the road. She'd never been to a prison or on a military base, and she felt unsettled, out of place, and overwhelmed as she headed to the United States Disciplinary Barracks, the maximum-security military prison in which her client was serving a life sentence.

So much of what lay before Kinsella was unfamiliar, unknowable, and daunting. But her discomfort was matched by a steady determination and—this part surprised her—by a growing acceptance that justice sometimes inhabits the viscid gray area between right and wrong. In a few months, she was going to ask President Obama to grant clemency to Calvin Gibbs, the former soldier convicted of murdering three Afghan civilians and saving their body parts as trophies—a situation, she would argue, that is inexorably rooted in the agonies of modern war and the nation's failure to adequately meet the mental health needs of those it sends into combat.

It wasn't a typical Law School clinic project: the work

was a thistly blend of military law, mental health advocacy, and executive clemency—and the seven clients, including Gibbs, had already lost much of what they had to lose. (It should be noted, however, that Gibbs is appealing his conviction, something Kinsella would need to consider as she wrote the clemency petition. Gibbs has consistently said that he was acting in self-defense.) This wasn't a man who would command easy sympathy; two other soldiers who pleaded guilty to the murders testified that Gibbs had been the mastermind behind their "thrill kill" team, a claim he denies but that was the focus of countless media stories and a 2013 documentary film, *The Kill Team*. Despite all this, Kinsella's job wasn't to say he'd done nothing wrong; it was to explain how he became the kind of man who collects human body parts, a detail he doesn't deny. She needed to tell the bigger story, the one most people can't or don't want to see, the one that makes us wonder what *any* of us might do if pushed to unthinkable extremes.

For now, though, her mission was simpler: to meet her client, build trust, and take notes. Except the sergeant who greeted her told her she couldn't bring her laptop into the meeting room, an unexpected hiccup in an already strange day. More significantly, he said Gibbs wouldn't see her. When the guards had gone to get him, he'd accused them of lying and had refused to leave his windowless room in solitary confinement.

And so Kinsella, still feeling unsettled, waited.

* * *

Clinical Professor Mark Heyrman understood the steep odds and considerable challenges when he agreed last year to add the Combat Clemency Project to the Law School's Mental Health Advocacy Clinic, which he has directed since 1978. The project, brought to him by a military defense lawyer he knew from mental health policy work, would involve representing combat veterans who had been convicted of at least one homicide while deployed in

“WE CAN’T HIDE OUR NATIONAL SHAME FOR CRIMES LIKE THESE BY PINNING IT ON ONE SOLDIER AND CALLING HIM A ROGUE AND A COLD-BLOODED KILLER INSTEAD OF RECOGNIZING THE LARGER SYSTEMIC PROBLEMS THAT CONTRIBUTED TO THESE CRIMES.”

— MICHAEL LOCKMAN, '16

either Afghanistan or Iraq. In each case, the lawyer said, it appeared that the client suffered from post-traumatic stress disorder, traumatic brain injuries, or both—crippling war souvenirs that had gone undetected or untreated but had set the stage for their crimes. From Heyrman's standpoint, this was an opportunity to deliver a modicum of relief to men whose years of sacrifice had been eclipsed by the worst moment of their lives, to teach students some of the hardest lessons of advocacy, and to highlight the devastating toll of combat on the human psyche.

“We owe more to our veterans than to just use them in our wars, traumatize them, and throw them away when they behave badly,” Heyrman said one day last fall as the project was just getting underway. “Even if their crimes are very serious, we owe them more. We need to look at ourselves in the mirror—we need to be sure we are treating these veterans fairly and with mercy.”

Although Heyrman is an expert in mental health law, neither he nor his students had experience with military law, which operates under the Uniform Code of Military Justice and prosecutes via court-martial rather than the civilian court system. Nor did they have experience with

executive clemency, a hard-to-predict process in which the President might issue a pardon, shorten a sentence, or do nothing—choices he isn't required to explain or even act on in a specific timeframe. The clients' stories would be tough to hear and tougher to tell. How do you request mercy for a guy who killed when he was supposed to protect? Executive clemency is a slim proposition even when the client garners sympathy; these cases, quite simply, were long shots—and ones that might well invite criticism and backlash. What's more, Heyrman and his students wouldn't even have peers to whom they could turn for advice: the Combat Clemency Project is the only law school initiative of its kind anywhere in the country.

To understand why Heyrman said yes—and why his students, some of whom initially were unsure, said yes—it is important to understand that war has changed. Although it has long been recognized that combat affects the human brain—even before PTSD became an official diagnosis, terms like shell shock and soldier's heart were used to describe the psychological wounds of war—concern has surged alongside mounting stories of veteran suicides. In fact, in December, two months after the *New York Times* reported on a group of Marines with a suicide rate 14 times that for all Americans, Congress passed a bill requiring the Departments of Defense and Veterans Affairs to study the long-term effects of combat on the mental health of veterans. The wars in Iraq and Afghanistan—where combat missions have formally ended but troops remain—were grueling in ways most of us can't imagine. There, the enemy isn't in uniform and isn't always recognizable; it can be anyone, even women or children. Combat troops must be on constant alert, sometimes around the clock, and they're forced to make snap judgments about danger—calls they don't always get right. They encounter mind-numbing violence and repeated exposure to brain-injuring improvised explosion devices, or IEDs.

“It's almost hard to imagine from here, in pretty-safe America, what it's like to be in a combat situation where any minute you can be killed,” Heyrman said. “Even when you're back in your barracks, your barracks can be overrun. You can be shot by a sniper from a mile away when you're just going to the latrine or getting food for dinner.”

For combat soldiers, death is front-of-mind; one student said her client had gone grave shopping with his dad before his third deployment. Despite all this, numerous barriers have kept combat service members from getting adequate mental health care, Heyrman and his students said, including an ingrained belief that “real” soldiers are tough and unbreakable, an ethos that prevents some from seeking help.

“If our clemency petitions succeed, we’re going to send two loud messages to the American public, to the military community, to the international community,” said Michael Lockman, ’16. “First, that we need to start treating our soldiers like human beings and not like machines of war. And second, that we can’t hide our national shame for crimes like these by pinning it on one soldier and calling him a rogue and a cold-blooded killer instead of recognizing the larger systemic problems that

EACH OF THESE STUDENTS HAS BEEN ABLE TO “SEE THE HUMANITY IN SOMEONE WHO DID SOMETHING BAD. IF YOU CAN DO THAT WITH EVEN ONE HUMAN BEING IN YOUR LIFE, THAT’S PRETTY GOOD. IT WIDENS YOUR EMOTIONAL HORIZON.”

— MARK HEYRMAN

contributed to these crimes. Robert’s crime was a product of the wars that were fought in our name.”

Lockman’s client is former Staff Sergeant Robert Bales, who is serving life in prison without parole for murdering 16 Afghan civilians, eight of them children, in the deadliest war crime by an American soldier since the My Lai massacre in Vietnam. The crimes were unfathomable: in a rage late one night, he walked to two separate villages in Kandahar province in southern Afghanistan and opened fire, returning to the base in between to reload. The youngest victim of his rampage was 2. But also horrifying were the experiences that came before. Bales, who joined up after 9/11, had been deployed four times, three times to Iraq and once to Afghanistan. The tours were punishing, sometimes consisting of 16-hour missions day after day, deadly firefights, and IED explosions that maimed and killed fellow soldiers. Bales himself had been blown up multiple times and suffered multiple TBIs, or traumatic brain injuries. He’d been showing signs of paranoia and at one point was diagnosed with PTSD but had essentially talked his way out of therapy. To cope, he’d been drinking and taking sleeping pills and steroids. Several days before the massacre, an IED buried near a dead tree had blown the leg off another service member, and in his rage, Bales had spent hours destroying the tree. By

the night of the murders, Bales said, he hadn’t slept in days.

One could say that none of this backstory matters, not when 16 innocent people died. But therein lies the complexity. Bales, after all, is more than his most grisly failure—and, as Lockman sees it, America’s ability to prevent repeats may well rest in our ability to recognize that calling Bales an aberrant monster is dangerously simplistic. It robs us of our chance to care for other combat soldiers before similar crimes occur.

This is part of the cognitive leap that lies at the very heart of the project, one Heyrman describes this way: “How can you think someone is a nice guy who killed 16 people?” The answer is that you don’t try to separate the two; instead, you develop the emotional strength necessary to see that they’re both true.

“I listened to Bales’s story in extreme, minute-by-minute detail, and it’s a horrible story,” said Heyrman, who visited Bales at Fort Leavenworth before the project began. “But it’s a horrible story in which you’re hearing about innocent people dying, and you’re hearing it from the mouth of the person who killed them. It was painful for me, and it was painful for him, and that’s as it should be. At the end of the day, I was just completely exhausted—and not from the travel.”

This would be an important part of the experience: each student would have to meet his or her client in person. The clinic had outside funding to pay for one trip per student, so six would visit Fort Leavenworth and one, whose client is out on parole, would meet her client in Memphis, Tennessee. Three former Judge Advocate General’s Corps attorneys, including the lawyer who initially brought the idea to Heyrman, would serve as volunteer advisors; they’d bring the clients and the military-justice expertise. The clinic’s social worker, Michelle Geller, would share information on secondary trauma and be available if students found themselves grappling with unusual distress.

But to be sure the students really understood the project, Heyrman introduced it by holding what several people called the most intense lunch talk they’d ever attended. On October 2, Bales’s wife, Kari Primeau, and the paroled client, Michael Williams, stood before a packed Law School seminar room and shared their stories. Williams, deeply emotional, spoke of the intense training he received after joining up at 19, and of the daughter who was born while he was awaiting court-martial. He said he only saw her five times during his decade in prison. “When she sees me,” he told the audience, “she calls me Mike.” Primeau described the Bales she knew: the loving husband who

supported her pregnancy from afar, reading *Parenting with Love and Logic* and discussing the chapters with her over the phone; the doting father who missed his kids; the exhausted soldier who seemed like a different person when they'd Skype during his fourth and final deployment. She talked about her daily struggle to make sense of his crimes.

One by one, the students told Heyrman yes, they wanted in. There were seven: Kinsella, Lockman, Eamonn Hart, '16, Hayley Altabef, '17, John White, '16, Kayla Gamin, '16, and Stephanie Spiro, '16.

THIS IS PART OF THE COGNITIVE LEAP THAT LIES AT THE VERY HEART OF THE PROJECT, ONE HEYRMAN DESCRIBES THIS WAY: "HOW CAN YOU THINK SOMEONE IS A NICE GUY WHO KILLED 16 PEOPLE?" THE ANSWER IS THAT YOU DON'T TRY TO SEPARATE THE TWO; INSTEAD, YOU DEVELOP THE EMOTIONAL STRENGTH NECESSARY TO SEE THAT THEY'RE BOTH TRUE.

"This will be a valuable experience for them," Heyrman said in October. "As Kari Primeau said, that one day for her does not define Robert Bales, and it seems to me that students need to understand that these kinds of things could happen to almost anyone. If you really want to live in the world and understand how difficult the world is, you have to be willing to open yourself up to a complicated and painful understanding of the horrible things that happen."

Truth be told, for some of them this wasn't exactly a selling point.

* * *

Kinsella initially told Heyrman no.

She was a part of the Mental Health Advocacy Clinic and had written a paper on PTSD last year, and when he first mentioned last spring that he might launch a project involving the mental health of combat veterans, she was intrigued. But when he presented the details in the fall, she was reluctant to participate. She'd worked with refugees, even traveling to Lebanon, as part of the

International Refugee Assistance Project. She simply couldn't wrap her brain around the idea of advocating for someone who had been convicted of killing Afghan or Iraqi civilians.

"I was really conflicted," she said. "It was a big moral issue for me."

But after the lunch talk, Kinsella softened. "These men are human," she said. "They went to war because we, as Americans, asked them to. Many suffered trauma and then went back again without adequate mental health treatment. And once they committed these crimes, we threw them to the wolves."

She went back to Heyrman and told him she was in. Which is how she wound up at Fort Leavenworth the Monday after Halloween, waiting for two hours until Gibbs finally decided to see her.

When he did, they settled into a small office—Gibbs with his hands shackled at his waist until Kinsella gave the guards the OK to release them, Kinsella seated in front of a red emergency button—and began to talk. She never felt threatened, but she worried about pushing too hard, and about finding the right balance between professional demeanor and empathy. It was a hard and intense day—and one that didn't even include the most disturbing details of his combat experience, which would come out weeks later over the phone.

But it was enough to get her started—a chance to meet the human, not the villain of the court-martial transcripts. It was also a chance to talk strategy face to face.

Each student, of course, had to decide what kind of clemency to request. Options included a full pardon, which is an act of official forgiveness in which the petitioner accepts responsibility for the crime but the remaining punishment is waived, or some form of commutation, such as an immediate release or a reduction in sentence with eligibility for parole. Clemency does not imply innocence, though a pardon removes civil disabilities, such as restrictions on the right to vote, hold state or local office, or sit on a jury. Kinsella was planning to request for Gibbs a reduced sentence, earlier eligibility for parole, and mental health treatment.

She also needed to figure out how to address Gibbs's appeal, because, technically, the clemency process is reserved for those who have exhausted all judicial and administrative appeals. Although Gibbs admitted to taking the body parts—fingers and a tooth—he has consistently said he was innocent of murder and that he believed the killings happened in legitimate combat situations. Kinsella, who was

still awaiting a full psychiatric report when the magazine went to press, hoped to argue that Gibbs suffered from “hypervigilance,” a symptom of PTSD in which the sufferer perceives threats as greater than they are.

Even if he had committed murder, she would argue, his mental health had been severely compromised—both by his experiences in combat and by a childhood so troubled that it contributed to the mental illness that should have been detected had he been more rigorously screened. What he needed now, she said, was treatment. “His notion of self-defense was excessive because it was caused by a mental illness that stemmed from violent events

during war,” Kinsella said. “He deserves mercy.”

Kinsella wasn’t the only one who had to take an appeal into account. Some students had to explain the urgency of their requests or ask for waivers, which are rarely granted. But the odds in an executive clemency case are always long: the vast majority of petitions are denied or closed without presidential action. As of February 9, 2016, Obama had received 2,289 petitions for pardons and 19,154 requests for commutations—and he had only granted 70 pardons and 187 commutations. The majority of the commutations had been granted since 2015, many as part of a push by the Obama administration to increase the

FIGHTING MANDATORY MINIMUMS

By Claire Stamler-Goody

Eugene Haywood—a client of the Law School’s Federal Criminal Justice Clinic (FCJC)—had served nearly fifteen years of his mandatory life sentence for a nonviolent drug crime when President Barack Obama commuted his sentence. With thousands of clemency petitions pending and thousands more already disqualified, obtaining one of the 187 commutations that Obama granted in the past seven years was more than a long shot. But the gravity of the FCJC winning this case goes far beyond beating the odds—by proving that Haywood didn’t deserve life in prison, the clinic also underscored the need for sentencing reform.

In taking on Haywood’s case, Assistant Clinical Professor Judith Miller, who works in the FCJC, hoped to use the clinic’s expertise on federal sentencing to help one indigent client obtain clemency. The case, Miller said, would also serve the FCJC’s broader mission of promoting fairness in the criminal system.

“Eugene is one of many people sentenced to far-too-lengthy prison terms—people who have done wrong but who were also victims of an unjust system.” Because Haywood had been convicted of drug crimes twice in the past, federal law allowed the prosecutor to force the judge to impose a sentence of life imprisonment.

Although Obama addressed the issue of oversentencing for these 187 people, the broader problem cannot be fixed through clemency alone, Miller said.

“The pardon power is an important constitutional power, but we shouldn’t have to depend on individual acts of mercy to solve what is really a systemic problem.” A first step to solving the problem systemically, Miller added, would be passing one of the sentencing reform bills currently pending in Congress.

Since fall of 2014, five students in the FCJC have worked on Haywood’s case. This clinic gives students the opportunity to represent indigent clients charged with federal crimes, allowing them to write motions and briefs, examine witnesses, negotiate with prosecutors, and argue before federal judges.

“Students were integral at every moment during this case,” Miller said. “Eugene completely turned his life around, but helping him show that to the pardon attorneys required an enormous amount of dedication and insight from the students.”

Grace Goodblatt, ’16, got involved in the FCJC in 2015, building off of the case that previous students began a year earlier. Working on the petition, Goodblatt said, required countless interviews with Haywood and those who knew him, ultimately telling the story of a man who didn’t deserve to be in prison for life.

“We were a team—it was a lot of work and there were a lot of hands on deck, so it felt very much like we were all in the trenches together. It was a really rewarding experience that I feel lucky to have been a part of,” Goodblatt said.

Students’ involvement in the clinic, Miller said, shows them that practicing law is not only research, writing, and appearing in court. “It is taking responsibility for your client and feeling the weight of that when you go to sleep at night and when you wake up in the morning. We want our students to learn how to take this seriously without having it be overwhelming.”

The magnitude of this victory and its impact on Haywood is something Miller hopes students will take with them after law school. “This case ended with our client being freed from prison—it’s a once in a lifetime experience.”

exercise of clemency power, particularly in shortening the sentences of nonviolent drug offenders—a mission that didn't apply to the veterans' cases but had resulted in a victory for the Law School's Federal Criminal Justice Clinic late last year. (See sidebar on p.13.)

What's more, although the President has the sole authority to grant clemency, a power laid out in Article II of the US Constitution, he's the generally last person who reads a petition. With court-martial convictions, the petition goes first to the secretary of the military branch with original jurisdiction; in the case of Gibbs, Bales, and the other Combat Clemency clients, that's the Secretary of the Army. From there, it can go to the Office of the



Pardon Attorney at the US Department of Justice, where it must be signed by the Deputy Attorney General before going to the White House counsel's office. At each stop, there are multiple layers of review, as well as input from prosecutors and the judge on the case. There is no formal timeline, and the President isn't constitutionally obligated to adhere to the administrative procedures or even act on the petition. As a result, a clemency petition, in many ways, is wide open: there is no case law to cite, no legal argument to make, and little in the way of strict guidance. It is, as Heyrman puts it, pure persuasion.

"That's a different kind of persuasion than relying on precedent and saying: this case is like that older case," John White, '16, said. "It's about bringing humanity to your client, and it's about bringing the real world to the facts that you have. The hardest part of this is knowing what an uphill battle we have. There are thousands of clemency petitions, and it is difficult to know that the numbers are not in our favor. But that's also motivation for us to do the best work we can."

White's client was Clint Lorange, a former first lieutenant in the Army who was convicted of two counts of unpremeditated murder and one count of attempted

murder for ordering soldiers in his unit in Afghanistan to open fire on a motorcycle carrying three men.

"We know that Clint did something wrong, and that has to come out," White said. "This isn't like setting up the facts section in a brief. You really are telling a complex story where, at the end of the day, your client did something wrong and you have to explain why. So, what I'm trying to do is explain what led Clint to make the decisions he made, and there's a story there. Before he committed those crimes, he'd only had about 36 hours of combat experience, and he'd only been platoon leader that long. He came into that position because the previous platoon leader was seriously wounded. So this was a guy who was inadequately trained,

who came into a unit that had been devastated by casualties, that was on combat-stress relief . . . and he made a really inappropriate judgment call."

White was thoughtful as he talked about the case and the ways in which the project had forced him to think.

"This is what lawyers are trained to do—to find the complexity in a situation and be able to tell a story that reaches the complexity," he said.

That was the key: "We don't have a shot," he said, "if we don't tell both sides of story."

* * *

To tell these stories well, the students had to be willing to ease into the dark corners and see the things other people didn't want to see. It was frustrating: the more information they uncovered, the harder it became to offer easy explanations, especially when the details disrupted the order they were trying to impose: "hero" versus "monster," "good" versus "evil." Actions might be either right or wrong, but the truth of a person, they discovered, was more difficult to discern. To get close, they sometimes needed to hold contradictory ideas in the same hand, or to accept a set of facts for which they had no personal frame of reference. This was the meat of their work.

From the beginning, Lockman pushed himself to understand Bales. He'd *wanted* the challenge of taking on the most notorious client and working out the right strategy; he'd put Bales as his first choice when they were getting matched with clients. And so he pored over thousands of pages of materials—resisting the urge to write Bales off as a “monster”—and immersed himself in the details of Bales’s combat experiences, his motivations and reputation, his family life.

“It’s very easy to look at this case and to turn away in disgust and horror,” Lockman said. “But that’s the easy way out. The harder but more productive way to look at Robert’s crime is to try and learn from it to improve

“Robert Bales was an American hero.”

That was the dichotomy Lockman sought to capture. It was one that drove right at the heart of the policy issue: if someone like Bales can snap, doesn’t that mean that anyone who is subjected to extreme conditions could? Might this tragedy have been prevented if Bales had received more aggressive mental health screening and treatment?

These were the questions that drove Lockman, along with the knowledge that the clemency relief he sought—a reduced sentence that would make Bales eligible for parole in either 10 or 20 years, as well as immediate access to mental health services—could make a big difference for Bales. But to even have a shot at accomplishing these things,

military mental health: locking Robert away for the rest of his life will not bring his victims back. Large-scale military mental health reform, however, can have a significant effect on preventing similar crimes from occurring in the future.”

During his visit to Fort Leavenworth at the end of October, he and Bales focused on more than the killings. In some ways, the puzzle of Bales’s crimes—and the broader picture of systemic failure that Lockman was committed to addressing—was best understood through what came before: the concussions, the exhaustion, the fighting. His constant focus on staying alive.

“If you isolate the framework to the morning of March 11, 2012, between the hours of 12:30 a.m. and 4 a.m., you’re going to see a horrific picture,” Lockman said. “It’s important for me, and for the public, to take a step back and look at the bigger picture, the confluence of factors that led to the crime. We cannot ignore the gravity of the crimes that occurred. Robert certainly doesn’t ignore it. But the compelling question is *how* a crime like this could ever occur. This wasn’t a crime committed by a soldier who had a previous history of illegal violent conduct.”

Lockman paused.

“Until the morning of March 11, 2012,” he said,

he had to think in terms of mercy, not justification.

“No matter what we are able to achieve,” Lockman said, “whether for Robert, or for military mental health policy, Robert’s crime in Kandahar will always remain a great tragedy.”

Hayley Altabef, ’17, had similar struggles early on: she wanted to get to the bottom of what had happened, to figure out who was right. Her client was Williams, the parolee. He had been convicted of one count of premeditated murder and one count of unpremeditated murder in the 2004 deaths of unarmed Iraqi civilians who had been killed during house-to-house searches in the Baghdad suburb of Sadr City, which at the time was the site of frequent skirmishes. During the court-martial, prosecutors painted a picture of a rogue soldier. In one case, they said Williams had removed handcuffs from a man before shooting him twice. But Williams told a different story: he said he’d fired after seeing the man reach for his weapon—a split-second decision made in an extreme environment. For a long time, Altabef went back and forth—did Williams shoot an unarmed man intentionally, or not? (The unpremeditated murder conviction was connected to an event that same day in which Williams ordered another soldier to fire.)

“It changes throughout the day for me,” Altabef said in early December, shortly after she’d finished reading 642 pages of court-martial documents. “I’ll think, ‘I don’t believe that witness,’ and then I’ll read the next thing and think, ‘Well, now I don’t know.’”

But by late January, she’d shifted her thinking away from trying to figure out or judge the events of 2004; the court-martial had already done that. “I’ve stopped thinking, ‘Did he do this? Should he have been punished?’ As I’ve been writing, I’ve had to throw all of that out the window and start from: What Mike did was wrong, he’s been adequately punished, now what?” Altabef said. “Now I don’t think about

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— JOHN WHITE, ’16

what was right in 2004—I think about what’s right in 2016.”

In 2016, Williams is struggling to build a life and, most importantly, to build a relationship with a daughter, now 11, who was born while he was awaiting his court-martial. A pardon wouldn’t erase the crime, but restoring some of his rights might help in an ongoing custody battle, and it might help him build credibility in the eyes of the child he is trying to know. “This would go a long way in helping her put his offenses in context,” Altabef said. “Having a pardon would be huge—he’d be able to say, ‘I did something horrible, but the President has forgiven me.’”

These are the two sides of her client that Altabef gradually learned to reconcile: the loving father who told her over barbecue in Memphis how much he longed for a relationship with his daughter—and the man who had been convicted of murder. Williams himself was still visibly grappling with his situation when he spoke at the Law School in October. The military, he explained, had trained him to kill, and that training had changed him.

This was the source of an ongoing struggle, one that may well offer insight into his mental health: it was hard, he told the audience, to feel remorse.

* * *

“I have a unique skill . . . and it was a skill that would actually make me a very great soldier,” Williams said quietly the day he visited the Law School. “I’m very good at killing.”

The seminar room at the Law School was packed. Bales’s wife, Kari Primeau, had gone first. Then Williams, dressed in a suit, his hair gelled and combed, stood to speak. He looked visibly distraught.

“I seem emotional today not for all the killing that I did,” Williams said, his voice cracking, “but because I don’t feel any remorse.”

His words hung in the air after he spoke them—nobody coughed, nobody moved. It was a poignant moment, but it also was something Altabef didn’t want others to misunderstand: his comment wasn’t a refusal to accept responsibility. He fully understands that his actions were against the law, she said; he served his time and is focused now on becoming a contributing member of his community. His struggle isn’t about what he knows, it’s about how he *feels*—something that Altabef said has been compromised by his trauma.

“That kind of intimate remorse just may not be possible for him after what he’s been through,” she said. “That’s something war did to him.” Moreover, at the time of his crime, he believed he was doing the right thing for his squad—he was doing what he’d been trained to do.

“I think it is incredibly complicated to delineate between sanctioned and unsanctioned violence while at war, especially when combat training teaches that a soldier’s singular goal is to kill the enemy,” she said. “In my mind, under these particular circumstances, whether Mike feels personally remorseful is less important than him understanding why his actions were wrong.”

Altabef also needed to contend with the timing of Williams’s release in 2014. Technically, petitioners do not become eligible to apply for a presidential pardon until five years after release from confinement, a rule “designed to afford the petitioner a reasonable period of time in which to demonstrate an ability to lead a responsible, productive, and law-abiding life,” according to the US Department of Justice. But if he waits, he will have missed years with his daughter—his primary reason for seeking mercy.

“Then it lacks a lot of its personal meaning for Michael,” Altabef said. And that’s what she’d argue.

A pardon, of course, would do even more: by restoring his

civil rights, a pardon would help Williams overcome daily obstacles by making it easier to get a credit card or rent an apartment. “It would also serve as a powerful statement about how the United States treats its veterans,” Altabef said.

As the months wore on, the students gradually worked out their strategies and sorted out challenges—procedural and strategic, cognitive and emotional. Students sometimes found themselves frustrated or nervous or unsure, but they also found that they’d gained new skills.

“They had to come to grips with how to deal with their shifting emotions about their clients,” Heyrman said. “All human beings start with: murder is wrong. And although

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I THINK ABOUT WHAT’S RIGHT IN 2016.”
— HAYLEY ALTABEF, ’16**

none of them will abandon that, they have all been able to take one person and see the humanity in someone who did something bad. If you can do that with even one human being in your life, that’s pretty good. It widens your emotional horizon.”

* * *

It took Gibbs months to open up to Kinsella and tell her what he’d seen. He’s fairly traditional, and Kinsella suspects he was “trying to protect me as a woman.” She finally convinced him that to help, she needed to know. His experiences at war had changed him, just as harrowing events in childhood—including contact with a drug dealer who cut the fingers from those who didn’t pay—had changed him. This was all part of his bigger story, the one it was Kinsella’s job to tell.

And so Gibbs told her about the day in Iraq when several

soldiers decided to take a flatbed truck back to base for supplies. At the last minute he decided not to go, and his friend, a fellow soldier, took his place. A block out, the truck exploded. The soldier who took his place died.

Another day, during a street patrol with his unit in Iraq, they saw a car approaching quickly. They signaled to it to stop, but when it swerved toward them, they opened fire. When the car stopped, they looked at the bodies inside: a pregnant woman in the passenger seat, shot through the stomach, two infants in her lap, one dead with intestines spilling out, the other alive. The driver’s brain was splattered everywhere.

He still smelled of alcohol.

Kinsella stopped there; it was hard to retell it without getting emotional. Gibbs had learned to protect himself from the hurt of his stories, and he’d warned Kinsella: “I’m going to tell you these stories without any emotion,” he said. “I don’t want you to think I don’t feel anything, it’s just that I *can’t* feel anything.”

As Kinsella finished the petition in February, Gibbs was still in solitary. She’d learned that it was not an uncommon spiral for inmates with mental health issues: behavior stemming from the condition would land them in solitary, and solitary would exacerbate the condition. It’s why her petition, like most of the others, included a request for mental health services. There was no doubt in her mind that Gibbs needed help. She hoped she would be a part of getting him that help.

In the end, Heyrman said, their success will most likely depend on how President Obama feels about the broader issue and whether it fits with his feelings about the wars and his own legacy. But whatever happens, Heyrman said he was glad that the Mental Health Advocacy Clinic took on the cases—and that the seven students were willing to take on such immense challenges. It was clear as he reflected on the past months that he was proud of them.

“It’s been an overwhelming experience—these cases have been intense, and they’ve imposed a different sort of responsibility on us,” Heyrman said. “Clemency is an act of grace by the President. It’s about whether the President thinks it’s a good idea to grant mercy. That makes you think about all kinds of ideas: how our country should work, how the President should behave, and how we as a country should think about things. We don’t often think that way in law school.”

At press time, the Combat Clemency Project students were preparing to submit their petitions. To find information on clemency petitions that have been granted, visit www.justice.gov/pardon/clemencyrecipients. ■

HOUSING HEATS UP AT CHICAGO

By Robin I. Mordfin

In March 2011, the last building in one of Chicago's largest high-rise housing projects, Cabrini-Green, was demolished, marking the end of an era of high-density public housing that was widely viewed as a tragic failure of public policy. But how have the tens of thousands of former Chicago public housing residents relocated from Cabrini-Green and other demolished projects fared, and what have the results meant for the city? School of Social Service Administration Professor Robert Chaskin and his coauthor Mark Joseph of Case Western Reserve University provide answers in their book *Integrating the Inner City: The Promise and Perils of Mixed-Income Public Housing Transformation*. *Integrating the Inner City* is the result of



six years of field work conducted by the authors and their research team. “The book takes a close look at the CHA’s Plan for Transformation. The plan was to demolish most of the most distressed large-scale public housing complexes and replace them with newly constructed mixed-income developments,” Chaskin said. “The idea was to address the problem of concentrated urban poverty and the failures of public housing in the city by integrating public housing residents into these new communities or into other neighborhoods by expanding the provision of vouchers to subsidize their housing in the private market. The book is organized around this question of integration, how it is playing out, and to whose benefit. We also look at the policy as a whole, the ideas that drive it and how it is rolling out, the extent to which its goals are being met, and the reasons behind these outcomes, as well as suggest some alternative responses.”

Chaskin is one of thirteen members of an interdisciplinary working group established by the Law School’s Kreisman Initiative on Housing Law and Policy, and his work offers just one example of how housing research is heating up around campus as scholars identify problems, frame questions, and formulate solutions. Since the autumn of 2013, these researchers have been sharing their projects and ideas through the Kreisman Initiative on Housing Law and Policy, which was made possible by a substantial gift from David Kreisman, AB ’60, JD ’63, and his wife, Susan. The Kreisman Initiative

is interdisciplinary at its core: it is codirected by Lee Fennell, Max Pam Professor of Law and Ronald H. Coase Research Scholar, and Benjamin Keys, Assistant Professor at Chicago’s Harris School of Public Policy. “We are working to bring together all the research on housing that is happening on campus,” explained Fennell. “Working group members are not only doing their own research, but also thinking about its significance in the real world; we are engaging not only with academics but also with practitioners and policymakers.”



Joel Kim, ’16, was a Kreisman Summer Fellow at the National Housing Law Project in San Francisco.

At the Harris School of Public Policy, Assistant Professor Benjamin Keys, who codirects the Kreisman Initiative, is working with fellow working group member and Booth Professor Amit Seru to determine how Fannie Mae and Freddie Mac affect the regional distribution of prices and risk. “We are considering how they set their guarantee fees, and the way they basically subsidize riskier markets at the expense of safer housing markets,” Keys explained. “This inquiry is getting a lot of academic attention, as well as media and policy attention.”

Keys and Seru are also examining how the mortgage market is actually a way by which monetary policy is transmitted to households. Since the interest rates the Federal Reserve Bank sets affect mortgage rates, these in turn link to credit card rates and other sorts of debt. “When there are low mortgage rates, we see lower credit card debt and an increase in auto loans. It is interesting to see the stimulative effect of low interest rates on consumer behavior,” Keys added.

The housing research of the Kreisman working group and other Chicago researchers is available on the Kreisman Initiative website as a Working Paper series. Recent papers include Keys and Seru’s work with Booth Professors

Erik Hurst and Joseph Vavra from 2015 on the subject “Regional Redistribution through the Mortgage Market” and a paper on mortgages by Booth Professors Atif Mian and Amir Sufi. Mian and Sufi, who are the authors of the much-discussed 2014 book *House of Debt*, consider in their new working paper why mortgage fraud exploded



Professor Lee Fennell

from 2002 to 2005. Other research available on the site includes work from professors and lecturers at the Law School and the College on affordability, the bailout of Fannie and Freddie, interest rates and equity, urban spaces and property rights, and a number of other topics.

One recent paper is the work of Leo and Eileen Herzel Professor of Law Omri Ben-Shahar with Kyle Logue of the University of Michigan, “The Perverse Effect of Subsidized Weather Insurance.” The article explores the unintended effects of subsidized property insurance in hurricane- and severe-weather-heavy areas. The authors demonstrate that underpriced insurance facilitated enormous development along catastrophe-prone regions, especially in the waterfront areas of Florida. They also dispel the widely held belief that such subsidies are necessary to help middle class and struggling homeowners. Instead, they show, the bulk of the subsidy goes to affluent people.

Plans for additional inquiry are also underway. The Kreisman gift has made it possible to make a data purchase of more than two million credit records covering 2001 to 2014 that will facilitate research in a number of different areas. Keys, along with Booth Professor Neale Mahoney, will be the first to use the data, but other housing researchers at Chicago will potentially be able to use the data for additional projects. “Of course, this is anonymous data with great geographic information that will allow us to study the buying and selling of homes, and to look at the debt dynamics that go with physical relocation,” Keys said. Keys and Mahoney will also work to better understand the “debt spiral” that leads to bankruptcy or foreclosure. Their goal is to make it possible to identify people in trouble earlier and get them the help they need.

In other work, Professor Kathleen Cagney of the Department of Sociology is studying the Lakeside Development, a planned community to be built on

the old U.S. Steel Plant Southworks site. The 600-acre development is to be the largest planned community in the country and will feature 15,000 residential units as well as retail space, restaurants, parkland, a new high school and a full-service marina. This development was the focus of a Kreisman breakfast event last year that included discussion of the respective roles of tax increment financing, affordable housing policies, and community benefit agreements.

Unsurprisingly, concerns about displacement and the effect of such an enormous project on the South Side community are at the forefront, all of which are central to Cagney’s interests. “Typically, what you would see is it would be a three or five block radius where some building would be razed and there would be some sort of exodus or replacement of population, but that is not the nature of the beast here,” Cagney told *South Side Weekly*. “One could make the argument that there might be spillover that could lead to gentrification or replacement of populations at the circumference of the site.”



Gail Schechter of Open Communities speaks on the Suburbanization of Poverty.

But the Kreisman Initiative is not just about spurring cutting-edge research, it is also about providing venues at which researchers can share ideas. Last November, for example, the Initiative held a lunch session on the impact of urban development on low-income housing, a topic that is particularly relevant to the city of Chicago. Panelists included anthropologist Jesse Mumm, Clinical Professor of Law Jeff Leslie, and Adam Gross, ’95, director of affordable housing at BPI, as well as Ameya Pawar, the 47th Ward alderman. In April, another lunch talk that focused on the suburbanization of poverty included Charles Witherton-Perkins, the director of planning and urban development for the Village of Arlington Heights,

and Gail Schechter, the executive director of Open Communities, an organization that promotes inclusive communities in Chicago's North Shore suburbs. "The different points of views about where people live, how they live, and where they want to live were absolutely fascinating," commented Coase-Sandor Institute executive director Joseph Burton. "Everyone who attended, including the panelists, learned something new."

On December 3, Chaskin and Joseph's new book, *Integrating the Inner City*, was launched at the Newberry Library at an event that continued the theme of community engagement. The launch, which was cosponsored by the Kreisman Initiative, included a conversation between the authors and Chicago Public Radio host Natalie Moore and a video featuring the work of a group of Chicago Housing Authority residents aged 14 to 21, some of whom were in attendance at the event, who represent communities across Chicago.

The Kreisman Initiative will also be holding its first major academic conference June 3-4, 2016. The

conference will focus on evidence-based innovation in housing law and policy and, in keeping with the values of the University of Chicago, will be interdisciplinary. It will include both theoretical and empirical contributions that will offer policy-relevant insights into how best to shape the future of housing and housing finance.

"We will bring together many of the best minds working on housing right now in the United States," explained Fennell. "They will bring cutting-edge research to the question of what the future of housing should look like. But the event won't just be for academics; we will also bring together a range of commentators, including practitioners and policy makers." Panels will include papers on residential property values, affordability and discrimination, and housing market risk. Twelve high-profile academics are confirmed participants, including Sidley Austin Professor of Law Lior Strahilevitz, Ian Ayres (Yale), Raphael Bostic (University of Southern California), Matthew Desmond (Harvard), Ingrid Gould Ellen (New York University), Richard Epstein (New York



Students attend a panel on *Vibrant Communities* featuring developers and public housing advocates.

University), William Fischel (Dartmouth), Christopher Mayer (Columbia), Georgette Chapman Phillips (Lehigh University), David Schleicher (Yale), Stephanie Stern (Chicago-Kent), and Susan Wachter (University of Pennsylvania). The papers prepared for the conference by these academics and their coauthors will be collected in a volume that is under contract to be published by Cambridge University Press, both in print and as an online open-access book.

The Initiative has also been holding a series of interdisciplinary events for students and the public. These events provide forums in which research and real life issues can be examined by experts and stakeholders. Topics range across the housing spectrum, from the controversial Supreme Court decision on eminent domain in *Kelo v. City of New London* to a discussion about challenges facing Chicago's Pilsen neighborhood, an urban area dealing with policy issues related to gentrification.

Other policy-relevant housing work is underway at the Law School Clinics. Mark Templeton, director of the Abrams Environmental Law Clinic, has a group of students working with energy efficiency entrepreneurs to reduce barriers to market-based solutions that will make energy use more efficient in new and existing housing stock. "A lot of people are not sure how much energy-

efficient upgrades would cost, and they also don't have cash to make the changes," Templeton explained. "The idea is these companies would provide an audit for a home, they would upgrade the house, and the owners would pay a fixed monthly payment over time to the company to recoup the costs of the upgrade."

The clinic is advocating for utilities to release energy usage information after putting appropriate privacy protections in place. "In a world of smart meters, the utilities have a lot of information that could be aggregated or otherwise made anonymous, and that data could be shared in a way that would allow entrepreneurs to understand which upgrades pay for themselves and to identify neighborhoods where outreach for these upgrades would be worthwhile," Templeton added. Thus, students and professors have developed a model law and model rules that would balance privacy concerns with the benefits of increased access to this information by third parties that have a legitimate purpose.

At the Housing Initiative Clinic, Director of Clinical and Experiential Learning Jeff Leslie supervises 10 to 12 students each quarter who work with organizational clients to review land acquisition, construction, and financing contracts, as well as provide legal counsel and negotiation assistance.

"We work with affordable housing developers and



An expert panel including Professors Omri Ben-Shahar and Mark Templeton discusses public and private solutions to infrastructural challenges presented by climate change.

tenant groups as well as nonprofits that work on building and rehabbing, the point of which is to work to produce needed affordable housing,” Leslie explained. The Clinic is involved in the CHA Plan for Transformation, and the



Professor Benjamin Keys

students and professors are working to help the process along in a way that is most beneficial to their clients. For example, while developers are mostly interested in erecting one- or two-bedroom units, the clients are looking for units that are suitable for larger families.

“The clients are very interested in not having segregation in the new developments. We are working with them to carefully scrutinize the management and resident-services companies,” Leslie added. “There is a lot of racial and class tension and perceptions of uneven treatment by security and management. It is essential that the residents have a voice in the partnership that is creating these developments.”

The Clinic is also helping nonprofits find new ways to stimulate investment in the areas under redevelopment, many of which suffered badly during the crash, by designing finance packages that make it easier for those who already own in the neighborhood to buy more property. They are also looking to find a way to convert receiverships into interests that could be turned around for moderate-income home buyers.

The students of the Clinics have the opportunity to work as lawyers do and can take those skills with them into any type of position in their futures. Additional students are also getting hands-on housing experience. Four students, two from the Law School and two from Harris, had the opportunity to participate in summer housing internships that were made possible by the Kreisman gift. Harris student Cecelia Black researched the Plan for Transformation at the Center for Tax and Budget

Accountability, a think tank in Chicago.

“My work focused on the plan’s two main goals, to change the CHA’s role from manager and owner of public housing to that of a public housing investor with the intention of transitioning much of the ownership to the private market, and to redevelop or rehabilitate 25,000 units by 2009. They have only delivered 19,000 at this point,” Black said. “We documented how CHA failed to meet its delivery goal and the subsequent policy changes related to the plan.”

Black’s work inspired her to further pursue her goal of working in community organizing and advocacy after she graduates. “The CTBA gave me a good opportunity to translate skills from my Master of Public Policy program into accessible policy explanations for anyone to understand.”

Second-year law student Michaela Kabat spent her summer at the Lawyers’ Committee for Better Housing. “I chose to go there because I have lived in a lot of gentrifying neighborhoods. I felt partly responsible for the changes in those neighborhoods and wanted to do work on behalf of low-income tenants,” Kabat said. She worked on the Tenants and Foreclosure project, which works with renters in buildings that are going through foreclosure but are not owner occupied.

“This is a huge issue in Chicago and in a lot of neighborhoods near the University, like Woodlawn,” Kabat explained. “I spent a lot of time doing phone counseling, helping tenants who had questions about the process and wanted to know their rights.” Many did not know about the Keep Chicago Renting Ordinance, which requires successor owners to extend the lease of tenants or offer them \$10,000 to move. She also conducted research to assist the organization with affirmative litigation related to the ordinance and did in-person intakes of people dealing with eviction.

Bringing greater attention to housing, which represents 18 percent of the nation’s economic activity, is one of the goals of the Kreisman Initiative, and it is clear that it is already influencing the future. 3L student Mara Easterbrook recently accepted the BPI’s Polikoff-Gautreaux Fellowship, named after alumnus Alexander Polikoff, ’53. Easterbrook will spend two years as an integral part of the BPI staff of attorneys and policy analysts who are working on housing issues. The students and researchers of the University have brought housing to the forefront and plan to keep it there. As Professor Keys put it: “We are making Chicago a destination for housing-related research. When the best researchers in the field think about what is cutting edge, they will see it being done at Chicago.” ■



OUR INTERDISCIPLINARY LEGACY: THE UNIVERSITY OF CHICAGO AT 125

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125
1890-2015

In October 2015, the University of Chicago celebrated its 125th anniversary. More than 35 events were organized during the fall quarter by nearly every department on campus to celebrate the rich intellectual history of the institution and evolution of its divisions, schools, and other units. On October 2, 2015, Martha Nussbaum, Ernst Freund Distinguished Service Professor of Law and Ethics; Alison LaCroix, Robert Newton Reid Professor of Law; and Omri Ben-Shahar, Leo and Eileen Herzel Professor of Law and Kearney Director of the Coase-Sandor Institute for Law and Economics, spoke to a standing-room-only crowd on “The Law School’s Interdisciplinary Legacy.” The Record is pleased to publish the edited transcript of each professor’s remarks here. To hear the audio of the entire talk, including the Q&A, visit the online version of this story. To read more about the University’s 125th anniversary celebration, visit 125.uchicago.edu.

MARTHA NUSSBAUM:

When University of Chicago President William Rainey Harper set out, in 1902, to incorporate law into our young university, he initially thought not of a law school, but of a research department of jurisprudence. He feared that a genuine professional school would be too intellectually thin to contribute to ongoing debates about the goals of our society and the nature of social justice. And indeed, as practiced at that time at Harvard and elsewhere, legal education was both thin and narrow. It had little to say about broader social questions. However, Harper’s leading advisor on law, Ernst Freund, then a professor in our Department of Political Science and the main architect of our law school, persuaded Harper that things could be otherwise.

Freund, a German Jewish political scientist with degrees in both political science and law, was a distinguished scholar who had practiced law for some time. He was the first eminent legal thinker to argue that the free speech rights of dissidents are protected by the First Amendment (a position that is by now universally accepted but that was considered pretty shocking in 1918, when he advocated it). He was the main creator of modern administrative law. He also opposed the mass deportation of immigrants (on tap in the ’20s as now), defended the innocence of Sacco and Vanzetti, wrote a large book on

The Police Power, and was a pioneering spokesperson for racial equality. Already in 1916 he wrote: “Race remains a sinister distinction which the law has not fully overcome.”

Freund was interested in social progress and social rationality in a very general way, but he thought that lawyers held the key to rational and responsible policy making. In 1921 he wrote: “Our legislatures . . . cannot be expected to act intelligently, unless there is abroad among the legal profession a sense of what both liberty and justice demand in the matter of political legislation.”



Martha Nussbaum

Contacted by Harper about the future of law in the University, Freund argued that the University of Chicago should not content itself with creating a research department of jurisprudence. Instead, it should think of a new and richer way of training lawyers for the profession. Our country, he argued, needs lawyers who can think broadly about social issues, and what they need from their education includes both excellent technical legal instruction and also the input of social science and political philosophy. He emphasized the importance of public law, which was at that time not taught in major law schools. This type of study was not just for researchers, but for practitioners themselves, so that they could serve the public good with a widely informed and critical perspective. He wrote:

Unless . . . a university law school explores all the resources of law, learns from history, and inspires itself by university ideals, it does not do its full duty to the legal profession; but if, inspired by these ideals, it succeeds in broadening and deepening the law-consciousness of the legal profession, and indirectly thereby of the community, that will . . . be the most valuable contribution that a university can make to law and to legal science.

Harper agreed, with the result that the first curricular proposal for the new law school, drafted by Freund, included a good deal of constitutional law and administrative law, along with criminology, experimental psychology, comparative politics, and the history of political ethics. Interestingly, both constitutional and international law were required in the first year.

There were hiccups along the way. As his first dean, Harper hired a scholar trained at Harvard, who did not like Freund or his ideas, which he referred to as “foreign



Ernst Freund

ideas”—despite the fact that Freund, though educated in Germany, was actually born in New York and had practiced law in the US for some years. I am guessing that this reference to “foreign ideas” was a coded way of alluding to a distaste for Jews, a prevalent sentiment. Freund was the first Jewish law professor in the US and one of the few Jews prominent in social science anywhere in the country. (We see here something very interesting about Harper, who entrusted his cherished plan to someone who would not even have been appointed to any post in most universities at the time.) So the Harvard man fought with Freund, and came to Chicago with a guarantee that he, not Freund, would run the show. And yet, at the end of the day, when the new school opened in 1902, its curriculum was basically the plan that Freund had designed, and Freund was firmly ensconced as a leading faculty member. At the first convocation, President Harper defended Freund’s ideas in Freund’s characteristic language, saying that legal training is incomplete unless it includes “a clear comprehension of the historic forces of which [laws] are the product, and of the social environment with which they are in living contact. A scientific study of law involves the related science of history, economics, philosophy—the whole field

of man as a social being.” (I note that this last phrase was quoted by a then-member of our 2L class, now a second-year associate at Kirkland & Ellis, in a published letter to the editor in the *New York Times* responding to a critique of interdisciplinarity the *Times* had published in an op-ed.)

The Law School continued on its course, unswerving. Freund’s subsequent rise to national eminence with his work on the First Amendment, hailed by Learned Hand and ultimately even by Holmes, only deepened his influence. In 1932 at the age of almost seventy, in a

The Freund plan, as we may call it, has only deepened and broadened from that time until the present day, gradually attracting imitators around the country.

convocation speech looking back at the history of the Law School, he judged that his ambitious interdisciplinary plan had been successfully achieved.

The Freund plan, as we may call it, has only deepened and broadened from that time until the present day, gradually attracting imitators around the country. It explains why philosophers, psychologists, economists, political scientists, and other scholars from “outside” fields, or with dual degrees, now teach in law schools and why many law schools encourage law students to take courses outside the law school—though ours much more successfully than others because of our low quotient of bureaucracy and our uniform calendar.

Now I need to say something about the particular role of philosophy, my own discipline. The role of philosophy in our law school, from the beginning, has not been limited to analytic jurisprudence, although that is important and is ably taught. Freund already favored a broader study of normative theories of political ethics and social justice. He saw human progress as depending on the broadening of a sense of justice and pushing the boundaries of justice into new areas, such as race and immigration. At his memorial service, social activist and thinker Jane Addams said: “He was probably the finest exponent in all Chicago of the conviction that as our sense of justice widens it must be applied to new areas of human relationships or it will become stifled and corrupt.” So our philosophy

curriculum contains a marked emphasis on social and also global justice, including this year a law-philosophy workshop devoted to race, including a regular course on feminist philosophy, and including a variety of other courses touching on theories of justice and normative ethics. Some of this teaching is itself cross-disciplinary: I regularly coteach with legal economist David Weisbach a course on global inequality. And it is designed to cross political lines as well: this year I’m coteaching a seminar on Public Morality and Legal Conservatism with my conservative (?) colleague Will Baude.

Another distinctive feature of our philosophy curriculum is the cross-fertilization of different sorts of students: PhD students in philosophy and political theory are in the same classes as law students, which is very good for both.

Today the Freund-Harper idea has come under attack. What’s in the air—in a new curriculum designed by alumni at NYU; in an op-ed in the *New York Times* by two leading legal educators, one the Dean at Northwestern; and, more informally, in numerous law schools I’ve recently visited—is the idea that we cannot afford the old three-year



William Rainey Harper

curriculum, with its invitations to elective courses and hence to interdisciplinarity. Given the general courses that a legal education must include, dropping the third year offers no time for interdisciplinary electives, but the new wisdom is that this would be no loss.

Now of course the issue of cost is huge, and I do not mean to brush it aside. Means follow ends, and we must first get clear about whether, and why, our traditional goals are valuable—as the experts from NYU and Northwestern say they are not.

I believe we should answer today’s attackers in just the way Freund and Harper answered their critics. Our society is not perfect, to put it mildly. Nor are its laws perfect. Lawyers should not just be instruments of the status quo, obeying its norms without reflection. (That’s basically what I think the two-year curriculum produces.) They should be independent and critical participants, who work to shape a future that is better than the past. Far

more than many nations, ours has in fact realized broad social objectives through lawyering. Both the Civil Rights movement and the feminist movement offer stirring examples of how lawyers who think outside the box can do something major that benefits us all. When I work with the women’s movement in other countries, it is striking that there is not always the same confidence in lawyers and law. We’ve done something fine, and we’ve done it because of interdisciplinarity, and the inclusion, I’d say, of philosophy within that interdisciplinarity. But nothing is really “done,” it is all vulnerable efforts in progress, easily set back. So I believe we need to fight to preserve the interdisciplinary legal education that the University of Chicago basically created, and fight to keep it in a form in which the philosophical study of justice, equality, liberty, race, gender, and much more will play a central role.

ALISON LACROIX:

I’d like to shift to another interdisciplinary mode with an equally long lineage here at the University—legal history, in particular constitutional history.



Alison LaCroix

Many of the University’s early leaders emphasized the importance of history for their commitment to interdisciplinarity. In 1898 Chicago lawyer Adelbert Hamilton delivered a report to William Rainey Harper at Harper’s request entitled, “Suggestions as to Organizing a Law Department in the University of Chicago.” Hamilton wrote, “It will not be easy to secure; in fact, it will probably be impossible to secure in Chicago alone a faculty that can teach the outline of work I put before you, especially the more advanced parts of it dealing with international, constitutional and administrative law, and with comparative law, Roman law, and legal history. Certainly there’s no

faculty organized here at present so as to do the work desired with fairness, ability and distinction.”

One of the people that William Rainey Harper brought in to

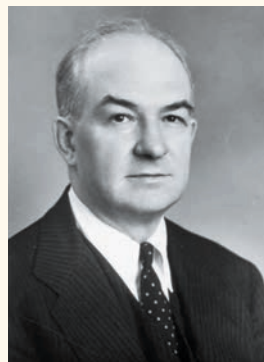


Andrew McLaughlin

solve this problem was a constitutional historian, Andrew McLaughlin. McLaughlin came from the University of Michigan’s history department in 1906. Here at Chicago, he was a professor in the history department as well as its longtime chair.

McLaughlin was incredibly prolific, and his work reached a popular audience.

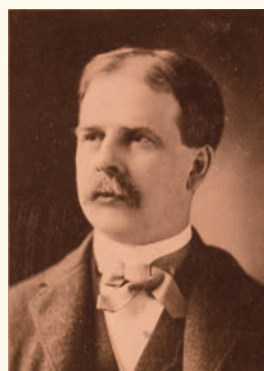
His magnum opus was *A Constitutional History of the United States* (1935), which won the Pulitzer Prize. In that book, McLaughlin offered the controversial thesis that the US



William Winslow Crosskey

Constitution was an adaptation of the informal constitution of the British Empire. McLaughlin argued that the Americans had institutionalized and legalized the practices of the prerevolutionary British imperial system. In contrast to much constitutional history that takes the US Constitution as its point of origin, McLaughlin pushed backward into the colonial period to ask about the practices and theories of earlier decades.

After McLaughlin, William Winslow Crosskey took constitutional history to the Law School side of the



Adelbert Hamilton

University. Crosskey is an endlessly fascinating figure. He began by teaching courses in public utilities and taxation, but he was drawn by the siren call of the constitutional history. He didn’t have advanced training as a historian, but his master work is one that is still debated, *Politics and the Constitution in the History of the United States*.

Crosskey was a controversial

figure in his lifetime. In *Politics and the Constitution*, Crosskey took a radical view of the Commerce Clause. He was writing in the aftermath of the New Deal, so this was a topic of important political and legal debate. Crosskey argued that Congress had broad power to regulate commerce, including commerce within the states. Crosskey conducted extensive primary source research: pamphlets, debates of ratifying conventions, letters, and correspondence. He was also an early originalist, so he engaged in a close reading of the text of the Commerce

“The Don Quixote of Chicago breaks far too many lances in his onslaughts upon the windmills of constitutional history to permit detailed review of each adventure.”

Clause. He also analyzed the meaning of words and phrases used in the text based on sources from the 18th and 19th centuries. Crosskey argued that the dominant view of the commerce power had no basis in text, original public meaning, original intent, or practice in the early period of the Republic. “Arguments for a limited commerce power were manifestly absurd, unsound, far-fetched, and fantastic,” he wrote.

As one might imagine, Crosskey’s bold claims elicited strong reactions from many of the great scholars of the day. The historian Arthur Schlesinger, Jr., who was likely sympathetic to Crosskey’s project given his own political views and his association with President Roosevelt, called *Politics and the Constitution in the History of the United States* “perhaps the most fertile commentary on the constitution since the Federalist Papers.” That’s quite a claim.

In contrast, Henry M. Hart’s review in the 1954 *Harvard Law Review* began with this sharply worded line: “The Don Quixote of Chicago breaks far too many lances in his onslaughts upon the windmills of constitutional history to permit detailed review of each adventure.” Disturbing enough, but he continues on the next page. “In the precise pattern of the Knights of La Mancha, the Knight of Hyde Park has constructed a never, never world of his own, the charm of which, if it has charm, lies its occasional illumination of the paradoxes and foibles of the real world.”

In a memorial essay after Crosskey’s death, Harry Kalven

provided an astute assessment of Crosskey’s work: “As a scholar he attempted nothing less than a Copernican Revolution in American constitutional law. He relied on two unexceptional principles: first, that the Constitution must be read as a whole and must make sense as a whole, and second, that the words change their meaning over time and that the Constitution should therefore be read with an understanding of 18th-century usage.”

Today, many constitutional historians in law schools, especially those of us who study the 18th and 19th



David Currie

centuries and the history of constitutional interpretation, recognize that Crosskey had a formidable body of primary source research and that his methods were, in some cases, laudable even if, perhaps, they were driven in some cases by his views about the politics of the day.

I will conclude with another figure in this group of constitutional historians at the University of Chicago. This is, of course, David Currie, familiar to many in this room as a teacher, an author, and a colleague. David Currie was a member of the faculty for 45 years, from 1962 until his death in 2007. Like Crosskey, he did not have advanced

training in history, but it seems fair to say that no one would ever have dreamt of calling him the Don Quixote of Chicago. Indeed, if there's a recording circulating on the Internet of you reading the Constitution of the United States aloud, that alone establishes you as a towering figure in constitutional history.

David Currie's two series on constitutional history—again, still widely read, widely cited, and mined for their rich detail and analysis—are *The Constitution in the Supreme Court* and *The Constitution in Congress*. He also wrote a short book, *The Constitution of the United States: A Primer for the People*. He, like Crosskey and McLaughlin, intended to reach a broader audience with this constitutional history, which is also worth remembering today, when constitutional discourse all too often seems reserved for the pages of law reviews.

Crosskey, McLaughlin, and Currie were not antiquarians, even in a period when many historians in law schools were. They were all deeply engaged in the methodological, substantive, and interpretive debates of their day. They aimed their work to reaching a broader, educated public. Here's McLaughlin's preface of *The History of the Constitution of the United States*: "I have sought above all to make it concrete and not abstract, to associate constitutional principles with actual political and social conditions and with actual controversies reaching far beyond the courtrooms." Here I can hear the echoes of Freund as well. But then, a startling statement from a constitutional historian and expert: "The most important question during the first three-fourths of the century under the Constitution was the question whether the nation would survive, continue to live as an undivided whole. The most significant and conclusive constitutional decision was not rendered by a court of law, but delivered at the famous meeting of General Grant and General Lee at Appomattox." That's not what we tend to think of a legal source, something from the *Federal Reports*. McLaughlin goes on, "This is only an illustration of the fact that not judicial pronouncements, but great controversies discussed and rediscussed by statesmen and the common people are or may be" (that little hedge, he really was a lawyer) "the crucial matters."

The tradition of vibrant constitutional history at Chicago dates from the university's founding. Today, historical approaches to constitutional law abound on the faculty, among colleagues who are self-identified legal historians and also among public-law scholars more generally. We have a rich dialogue with colleagues in departments across

the Midway, many whom focus on legal history in various forms. That long tradition studies history for its own sake and also employs it as an interpretive method that can shed light on modern doctrinal questions.

OMRI BEN-SHAHAR:

How do I talk about law and economics and say something you don't already know? I'm not going to speak about the history of law and economics or the enormous influence that Chicago Law and Economics had on legal academia



Omri Ben-Shahar (left) speaks with Jim Hormel, '58, after the panel.

and American law, because many of you probably know it better than I do, and I cannot add anything interesting to that. So I thought maybe I'd do the kind of Steve Jobs/Tim Cook thing: I'll show you the new models. What's going on today—things that you don't know about—and how



Anup Malani

exciting they are. The problem here again was that there was just too much. I don't have one iPhone 7 to show, I have a lot! So these are things that are representative, but by no means exhausting what's going on.

One thing about law and economics in Chicago is that it's no longer just law and economics; it's law, economics, and something else. How can we take the tools of this well-developed integration, the economic analysis of law, and apply it outside the traditional areas? One of the most exciting things is the project that my colleague Anup Malani is leading. He is doing a real-life, full-scale, large-stake experiment on how effective the delivery of health insurance is. There was a reform in India a few years

ago that provided free health insurance to people below poverty level (something similar to Medicaid) but only to those people, and not to others. The question that any society wrestles with is whether universal or government-provided insurance is worth giving to everyone. There are many ways to answer it, and we have been immersed in this conversation in the US in the last decade, but one way to decide is to see

A constitutional lawyer can do sophisticated statistical regression analysis as part of the unique approach in Chicago.

whether doing it improves health and financial outcomes for people and, if so, by how much. Professor Malani is the lead researcher in a research team that measures such effects. He created a randomized study with 12,000 participants who are given the different version of the health plan available to the poor. Some participants receive the same deal, namely free insurance from the same program. Some of them receive the option to enroll in it, but they have to pay; and some receive money that would allow them to enroll, but they can decide whether to use the money for other purposes.

Following the health outcomes is a long-term process—this study can continue for a generation, so, who knows, maybe Malani would one day bequeath the study to a junior scholar

to take over. Think how interesting it would be to find out what happens across these groups. Nothing like this has ever been done: testing in real life in a randomized study with the right controls and the right economics and statistical methods, what are the effects of health insurance! I find it mindboggling, interesting, and important.

Law and economics in Chicago is also expanding outside the traditional areas and the traditional practitioners. My colleague Aziz Huq, a constitutional law scholar, has contributed to the legal debates over Guantanamo detainees, whether they are held too long, and what determines the duration of their captivity. He decided to exploit a social science method that people in his field rarely utilize: data. Where did the data come from? Fascinatingly,



Aziz Huq

from WikiLeaks! WikiLeaks leaked all the files that the government has on each one of the detainees so we know how long they were held and everything else that we can know about them. Huq used statistical methods to see if we can determine what explains the duration of their detention. He did not have the full set of statistical skills necessary for such a study, but at the Coase-Sandor Institute we have a statistics lab. The Institute employs three postdocs trained in statistics who work full time to serve the needs of the faculty in running



statistical tests. One of them worked with Professor Huq to analyze the data. It turns out that the longevity, for example, is not influenced by the nationality of the detainee (something that many people thought) but, encouragingly, it is influenced by measures of the riskiness to American security. These are the kind of things that before could only be conjectured or hypothesized and now can be measured. A constitutional



Adi Leibovitch

lawyer can do sophisticated statistical regression analysis as part of the unique approach in Chicago.

There is no empirical lab like this in any other law school, and the majority of our faculty have been using it. The plan is to set up an additional lab to do experimental analysis, because another trajectory of law and economics is laboratory testing. Psychologists have been doing this for a long time, so why not law professors? Many of us don't know how to do experiments right, and for that we need an experimental psychology lab. It is my hope that we would also hire a law and psychology professor to teach at the Law School and oversee such a laboratory.

A few more quick examples. One is work that is being done by a student of mine, Adi Leibovitch, so I can brag about her. She came up with a psychological conjecture that judges are affected by their caseload. For example, if a judge sees a very repugnant defendant, the judge might treat others that come afterwards more leniently because their relative conduct seems less egregious. The judge's personal benchmark changes based on the caseload. This is a plausible idea, but can you test it? There is a kind of contrast effect that has been tested in the lab, but many people would reject the application of this to real judges. Based on dedicated and enormously helpful supervision she received from Professor William Hubbard on how to do the statistical analysis, Adi Leibovitch managed to identify a substantial contrast effect. The judges who in the early stages saw more severe cases turn out to give more lenient sentences overall, and the magnitude of the effect is large. This paper is in the process of passing rigorous peer review, which is part of the publication process of our *Journal of Legal Studies*.

Last, I will mention a project that I am a part of myself. A few years ago I was appointed by the American Law Institute to be a Reporter on a new Restatement project. The Second Restatement of Contracts was very successful and, along with my colleague Oren Bar-Gill of Harvard,

we were asked to draft a new Restatement of Consumer Contracts. Consumer contracts turned out to have many new rules that deviated from traditional contract doctrine, but their reception among judges and academics was very controversial. For example, Judge Frank Easterbrook was the author of several opinions, very influential, but also strongly resisted by scholars and by some other courts. In the past two decades there have been several efforts on the national level to try to provide a more uniform line of rules in consumer contract law. These efforts have generated reform drafts, but courts have never used them and states have never enacted them. They've failed, and so when I was asked by the ALI to do yet another one of these uniform law projects, I thought, well, it's going to be fun and I'll meet interesting people, but it's not going to be useful. I thought, what would a law and economics person do differently? Along with Bar-Gill (and with Professor Florencia Marrota-Wurgler of NYU, who joined us) we decided to invent a new type of restatement format. Instead of providing a Restatement that articulates the leading principles based on the reporters' expertise and their personal determination of which cases are important, we decided to do statistical analysis—to measure quantitatively which decisions and precedents have been followed more often by courts in the US. Which precedent wins this ballot of subsequent courts? Which ideas prevail? Do Judge Easterbrook's decisions acquire a majority following, or are they largely rejected? With the aid of a regiment of research assistants, we read all American consumer contract cases and coded them into a spreadsheet. (That's what RAs are becoming, coders of zeroes and ones.) We're finding striking results—that particular precedents are followed by a large (and unanticipated) majority of states. When I showed Judge Easterbrook how successful his decision has been, he was surprised—since so many scholars in academia criticized it. It turns out that has a following rate of over 75 percent across states, and so the Restatement adopted his rule. Similarly, other rules in this Restatement of Consumer Contracts are supported by a statistical measure of how much they are followed, and we did not take the liberty of stating rules that follow minority positions. My sense is that there was quite a lot initial resistance at the ALI, but their leadership saw the value of such an approach, and they are now open to its use in other restatement projects.

This is just a taste of different directions in which our law and economics approach is developing to give you a sense of how valuable and relevant it continues to be. ■



REPRESENTING THE BLEEDING EDGE: UCHICAGO LAW'S NEW INNOVATION CLINIC

BY ROBIN I. MORDFIN

Chicago has long been a great industrial city, and in recent years it has become a hotbed of venture capital and tech start-ups. Students at the Law School now have an opportunity to work directly in these emerging fields through the new Innovation Clinic. While many successful alumni have gone on to work with, and to themselves become, entrepreneurs after graduation, students now have the opportunity to begin such work while still at the Law School as participants in the new Innovation Clinic. The Clinic provides opportunities for students to jump into the myriad different legal challenges these enterprises face.

“I’ve had the chance to work with not only small, growing start-ups, but also with more established start-ups and venture funds, working on issues that nobody has ever dealt with before,” explained Clinic student Noah Driggs, ’17. “I probably would never have had the chance to do such work elsewhere while in law school.”

The clients of the Innovation Clinic are the companies and investors of the University’s Chicago Innovation Exchange, which helps scholars and entrepreneurs to turn their ideas and technological breakthroughs into viable businesses. The purpose of the new clinic, which opened in Fall 2015 under inaugural Bluhm-Helfand

Director Salen Churi, is to help provide the specialized legal guidance these fledgling enterprises require. “Our student teams work directly with the start-ups housed at the CIE, offering them high-quality legal services, a relationship that is a win-win for both the students and the entrepreneurs,” he explained.

But the desire for establishment of the Clinic actually came from the students themselves. “We really wanted to harness the enormous student demand for direct involvement with early-stage companies, particularly in the technology space,” Churi said. Fortunately, alumna Leslie Bluhm, ’89, and her husband, David Helfand, who is a Booth graduate and copresident of Equity Group Investments, gave a generous gift to the Law School to support student participation in entrepreneurial activities.

Unsurprisingly, when the Clinic was announced the response was overwhelming. Churi was initially hoping to bring only three students into the Clinic for the first quarter, but that number quickly grew to seven because so many Law School students applied to the lottery. The student slots for the Clinic are full for the winter quarter as well.

Churi has made great efforts to make sure that the students’ individual goals are met by tailoring the work of students to their specific interests and experience. They



Innovation Clinic students Antonio Senra, Matt Klomparens, Jimmie Zhang, and Richard Deulofeut-Manzur, all '17, work with entrepreneurs from ReliefWatch, a startup that helps health organizations in the developing world track their inventory.

each work directly with entrepreneurs and attend weekly meetings to review what has been accomplished and to strategize about what comes next. The Clinic also provides additional services directly to the Exchange. Churi holds office hours at the Exchange to allow new business owners to come in to ask questions and for advice. And attorneys at partner firm Perkins Coie work with the Clinic to provide workshops for Exchange entrepreneurs as well as serving as a knowledge bank for the Clinic. As Churi noted, “We provide what we can for free, but for other things, they need to go to a firm to get the help they need, such as a patent prosecution situation. But we can help them to figure out when that is necessary, and point them in the right direction when and if that time comes.” Some clinic students are also working as “venture associates” with the UChicago Innovation Fund at the Exchange. Those students have the chance to dig deep on new companies by going through the whole due diligence process from a business perspective. As part of this work they also learn from seasoned professionals about how such companies are evaluated, and they gain unique insight into the minds of both the investors and the entrepreneurs and begin to comprehend their incentives

and the problems they face. “To my knowledge, no one else has law students doing work like this,” Churi stated.

Before work can even begin with a company, an intake process is used to determine the Clinic’s role in advising the start-up. Antonio Senra, ’17, engaged in this process, which is similar to those that both law and VC firms have for potential clients. “I led phone conversations with several start-up CEOs. The goal was broad—to determine the start-up’s legal needs. I had full discretion to steer the call in whatever direction I wanted. We cover topics such as the start-up’s legal issues, business model, and the entrepreneur’s personal story,” he said.

Once a start-up is accepted into the Clinic, students begin to offer the range of legal services that early-stage companies require, including advice on contracts and assistance with the ins and outs of obtaining financing. However, regulatory issues are also prevalent, and students wanted significant experience in that area. Churi reached out to Bradley Tusk, ’99, of the venture capital firm Tusk Ventures. Tusk, who assisted Uber with regulatory strategy, agreed to offer students in the Innovation Clinic the opportunity to work with their “bleeding edge” (ultra-new, undefined market) technology companies.



Innovation Clinic students with Director Sal Churi (third from right) in the conference room of the Chicago Innovation Exchange offices.

“We are incredibly lucky to have access to that kind of work, to have opportunities for students to work for companies that are sitting on the edge of innovation and that are coming up against legal and regulatory issues that do not fit today’s businesses,” Churi remarked. These companies must often determine whether it is worthwhile to change their structure and goals to comply with old regulations. This may be the right decision based on the type of business, or they might want to seek to change the regulations themselves, which requires an entirely different



Elena Moreno, '16, and Richard Deulofeut-Manzur, '17, collaborate on a Clinic project.

approach and very different work. “It’s very exciting for the students to help them make these decisions and to do the work that goes with those decisions. They are learning a tremendous amount about the world of innovation,” Churi added. “As innovative companies continue to disrupt old models, demand for innovative lawyers in this space will grow dramatically. My ambition is for our students to be at the vanguard of this burgeoning area.”

Fortunately, Tusk Ventures Managing Director Bob Greenlee, '99, is very happy with the work the students are doing for his firm. “We—and our start-up clients—have had our expectations far exceeded by our relationship with the Innovation Clinic. We have been impressed by both the professionalism of the Clinic and its students and the team’s ability to understand start-ups’ needs for adaptability and responsiveness,” Greenlee noted, “and our clients have been blown away by the level of sophistication students of the Law School bring to their regulatory challenges.” The Innovation Clinic also plans to offer students the opportunity to work with other cutting-edge disruptive companies with unique regulatory challenges.

Such endeavors completely fascinate Churi. A 2011 Law School graduate, he worked at both Sidley Austin

and Kirkland & Ellis, where he specialized in mergers and acquisitions and corporate law with fast-growing technology companies. But a part of him wanted to pass skills and knowledge on to others, so in 2013 he came back to teach at the Institute for Justice Clinic on Entrepreneurship, where he worked on overcoming the regulatory barriers and other legal challenges that small businesses face. “I have always been passionate about technology, and while I loved my work at the IJ Clinic, the Innovation Clinic has been a unique opportunity because it allows my students to help



Churi speaks with students and entrepreneurs at the CIE offices.

build the future alongside disruptive start-ups and venture capitalists,” Churi added.

Churi has big plans for the future of the Clinic. In years to come, he would like to grow the Clinic to include 15 or 20 students at a time, which would probably require the addition to the leadership team of a fellow trained to supervise students. He and the Law School are also working to build out an annual “Silicon Valley Trek,” an immersive trip to Silicon Valley to introduce students to entrepreneurs, venture capitalists, executives, and corporate lawyers, providing students with direct access to the Silicon Valley ecosystem and leveraging the Law School’s broad and accomplished alumni base in the region.

In the meantime, the Clinic is already achieving its initial goals to help students to gain experience in the world of venture capital investment and entrepreneurship, and the students could not be enjoying it more. Clinic participant Lisa Richards, '17, not only enjoys Clinic time, but the time that follows. “After our weekly meetings, my classmates and I do not rush off to our next class or study group—we usually hang out in the hallway to talk about our projects and what’s happening in the tech world,” Richards said. “We’re genuinely interested in this stuff, and we like talking about it and learning from each other.” ■

ALL IN THE FAMILY: ALUMNI AND STUDENT CONNECTIONS AT THE LAW SCHOOL

By Ann Fruland

Each year at orientation, the Law School hosts a panel for the spouses of the new Law School students. And each year, the panelists try to explain what it is like to attend the Law School: the rigors and demands of coursework, the thrill of learning from extraordinary faculty, and the extreme sense of accomplishment upon graduation. Without fail, someone on the panel comments, “You really only understand it if you’ve gone through it yourself.”

At any given time, a few of our students are lucky enough to have someone in their family

who already understands. Of the more than 11,000 living alumni, approximately 11 percent have a relative who also has a UChicago Law degree, including grandparents, parents, aunts, uncles, siblings, and cousins, bringing this tight-knit community a little closer to home.

In the classes of 2016, 2017, and 2018, sitting in our classrooms right now, 20 students have an alum (or four!) in their family. These stories shed a little light, and a few anecdotal memories, on the unique bond that exists between those students and the Law School alumni on their family tree.

SANDRA E. STRASSMAN-ALPERSTEIN, '90, VOLUNTEER LEGAL AND LEGISLATIVE ADVOCATE FOR EDUCATIONAL OPPORTUNITIES FOR STUDENTS WITH DISABILITIES ON A NATIONAL, STATE, AND LOCAL LEVEL, AND HER SON, DANIEL ALPERSTEIN, '16

Sandra: Daniel and I both participated in the *University of Chicago Law Review* and share some professors in common—Professor David Strauss and Professor Geof Stone. However, Daniel has been able to participate in

many other clinical and social experiences, as the Law School has grown and diversified. Also, we both enjoyed the Law School musicals immensely!

I have wonderful memories from my Law School days. From the professors, to the students, to the campus itself, the Law School has been and will always be an integral part of my identity. I am proud beyond belief to be a

UChicago Law School graduate, and thrilled that my oldest son is following in my footsteps!

Daniel and I think so much alike that I always knew he would make a good lawyer. It has been wonderful being able to share in his law school experience. I can relate to so much that Daniel has experienced. It's almost like reliving my own law school days!



Sandra E. Strassman-Alperstein, '90, and Daniel Alperstein, '16

My degree opened doors for me at the start of my career, and then kept those doors open even after taking a break for raising a family. Being a graduate of UChicago Law School gave me a level of credibility in the profession that allowed me to pursue my personal goals, while still being able to practice law along a very nontraditional path.

Sandra's Memory Lane

One of my best memories is of my two best friends and me studying together for finals. We would sit at the table with a bowl of Jelly Bellies (for study breaks) and then end the evening of studying with a game of hearts. I kept in touch with these girlfriends, who both stood up at my wedding, and while one of them sadly passed away, I am still in touch with the other one.

Daniel: Being able to talk to my mom about her time here certainly helped me understand the school better and made it a focus of my applications, though given that it is a top school, I wanted to attend anyway!

This is a fascinating community where people with all different backgrounds, interests, and areas of study can share their views and ideas while pursuing the same goals. The University fosters this open community and has been very valuable, in my opinion.

It has been special for us to be able to compare our experiences, which gives us the unparalleled ability to see how the Law School has changed (or stayed the same).

ALEX GROSS, '16, AND HIS GRANDFATHER, LESLIE A. GROSS, '49

Alex: The fact that my grandfather went to the University of Chicago was what made me really consider leaving the west and made this one of my top choices before I even began the application process. However, it was the school that sold itself. The small size and access to professors, combined with the academic rigor, drew me more than the fact that my grandfather attended.

Aside from being a great place to launch my career, the Law School feels that much more special because it is the institution that

my grandfather attended. It feels nice to go to a school that carries such a reputation while at the same time having a familial connection.

I never knew my grandfather, and from what I understand we have somewhat different personalities. Attending this school makes me feel connected to him in a way that I never had the chance to—not only that we have something in common (aside from our love of cars), but also our drive for education, profession, and our soon-to-be alma mater.



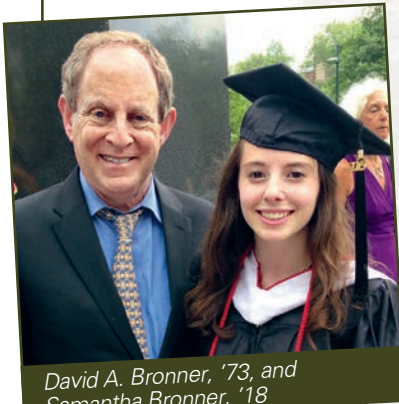
Alex Gross, '16



Leslie A. Gross, '49

DAVID A. BRONNER, '73, PARTNER AT NIXON PEABODY, AND HIS DAUGHTER, SAMANTHA BRONNER, '18. (DAVID'S SON AND SAMANTHA'S BROTHER, BENJAMIN, IS ALSO A STUDENT THE UNIVERSITY, STUDYING AT THE BOOTH SCHOOL OF BUSINESS.)

David: Good stories always start with a girl! I had a girlfriend whose sister was dating a law professor at NYU. He said, if he had the choice again, he would go to Chicago. The classes are small and the faculty is outstanding.



David A. Bronner, '73, and Samantha Bronner, '18

Samantha decided to go to law school, and Chicago was her first choice. Given my background and affiliation, it was a major factor in her decision.

She asked me to read her application essays and give my feedback. Lo and behold, she said she wanted to be a mergers and

acquisitions lawyer, like me. I was blown away!

Since then, I've been sharing with Samantha what the life of an M&A lawyer is versus that of a litigator, and what I've gained over the years. We talk about her professors, assignments, cases, and she bounces things off me.

I'm reliving my Law School days from a different vantage point. Having practiced all these years, I'm

enjoying the experiences she's sharing with me, and I'm getting a lot out of her experiences by just learning what she's going through.

We're a Chicago family through and through.

David's Memory Lane

I drove out from New York and arrived in the bursar's office a few days before class. I was in line to have dinner at the dorm. I asked the guy behind me if he was a 1L too. He said yes, so we decided to eat together.

We sat down and he proceeded to tell me that he went to Swarthmore, had just published his third book on economics, and he was coaching the debate team for the University. Those were just some of his accomplishments.

That night, I called my parents and said, "If they're all like him, I'm in big trouble!" It turned out to be Frank Easterbrook, '73, a giant in the judicial world. Frank was appointed circuit judge in the US Court of Appeals for the Seventh District, the youngest federal appellate judge since 1892, and became its chief judge in 2006.

Samantha: Growing up, I loved hearing my father's stories from his time at the Law School. I feel grateful that I now have a chance to follow in his footsteps, both in attending the Law School and in pursuing transactional law. Each day at the Law School has brought forth countless academic and professional opportunities. I am glad that I get to share my experiences here with my father and count on him as a source of support.

GREAT GRANDFATHER

MOTHER

COUSIN

GREAT UNCLE

AUNT

RELATIONSHIPS REPRESENTED IN THE CURRENT STUDENT BODY'S CONNECTIONS

FATHER

BROTHER

GRANDFATHER

UNCLE

LAURA FOX, '87, WHOSE CAREER INCLUDED TIME AT DISNEY AND DREAMWORKS, AND HER NEPHEW, ANDREW PARKER, '17. LAURA'S FATHER, JACOB L. FOX, AB '42, JD '47, AND GRANDFATHER, JACOB LOGAN FOX, 1913, ALSO ATTENDED THE LAW SCHOOL.

Laura: Andrew and I have many shared experiences, in general and also at the Law School. He actually lived in the same off-campus apartment as I did while at the Law



Laura Fox, '87, and Jacob L. Fox, '47

School, we both attended the University of Michigan for our undergraduate degrees, and he will be clerking at the same firm that I did. We also both had Professor Baird. He's having a fantastic experience.

As I see Andrew developing, I know that the very nature of the institution, intellectual without being pretentious, is

going to be a critical aspect of his career too. It's unique in so many ways, and it felt like home.

Andrew: My aunt Laura has been a great mentor in this capacity—she also transitioned from law to business during her career. Today she wears many hats in philanthropy. I've had many conversations with Laura about success in law, business, and having fun along the way.

Laura and I both had the pleasure of having

Professor Baird for a 1L class. I had the unique pleasure of being the first student cold-called on the first day of his class. After a less than articulate answer, Professor Baird proclaimed it "spirited, but wrong." Both Laura and I consider Professor Baird among our favorite professors, and he still remembers her.

We like to talk about obscure cases from 1803 during

Thanksgiving! Just kidding, we rarely do that. But it has been great to have someone to talk to about the trials and fun of law school. It's incredible that not only did we have some of the same professors, but also to mention her name and they still remember her.



Andrew Parker, '17



Jacob Logan Fox, 1913

ANN K. ADAMS, '93, ASSOCIATE VICE PRESIDENT FOR RESEARCH AT NORTHWESTERN UNIVERSITY, AND HER COUSIN, LAURA CASSELBERRY, '17

Ann: I was on campus this winter for a week-long leadership program. I met up briefly with Laura, but she had to go soon thereafter. She was having lunch with Randy Picker, and I thought, I never had lunch with any professors!

When Laura decided that she was going to apply to the Law School (the only school she applied to), she asked me to review her essay and I remember thinking how fabulous it would be to have her go and how lucky they'd be to have her. It made me feel so proud, and I'd like to say I influenced her a little!

Right before Laura was interviewing for 1L summer internships, we were having a conversation about what she was hoping to do after law school. Having come from Teach for America, she has a strong sense of social justice and equality, so it's nice that, now more than ever, the path from a top-tier law school doesn't necessarily have to lead to a top-tier law firm. The Law School offers students like Laura the opportunity to have the courage to veer from the traditional path.

Ann's Memory Lane

The faculty member who was most impactful to me was Elena Kagan. I say that because I've now taught some classes, not that I compare myself to her by any means. That was her first year teaching and I remember her telling us how many hours she took to prepare for each course. My key takeaway, which I still use: don't walk in to any situation unprepared, which is a really great lesson.

Watching her career from afar, when she became a Supreme Court justice, I wrote her a congratulations note and she wrote back, crossing out "Ms. Adams" and writing "Ann." I give her credit for having taught me that humility and genuineness in relationships, and how you act in the workforce, is ultimately so much more important than some of the trivial things people get hung up on.



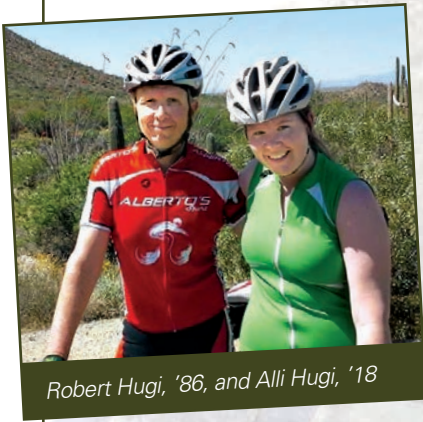
Ann K. Adams, '93



Laura Casselberry, '17

ROBERT HUGI, '86, RETIRED, SPECIAL COUNSEL AT MAYER BROWN LLP, AND HIS DAUGHTER, ALLI HUGI, '18

Robert: The biggest difference so far between our Law School experiences is that Alli is living in Hyde Park, whereas I lived on the north side and commuted down. I got married the summer before I started at the school, and the north side was more convenient for my wife.



Robert Hugi, '86, and Alli Hugi, '18

As a commuter and a slow friend-maker anyway, I really had minimal contact with my classmates, outside of class time and a couple of short-lived study groups first year. My main Law School buddy was also married and living on the north side. We carpooled.

Single and living in Hyde Park, Alli is much more a part of the Law School community than I was.

Since Alli decided to attend the Law School, I have thought back about my years there more than I had done for quite a while. Those were some pretty good years, both in terms of the educational experience and what else was going on my life. Looking back has been fun.

Robert's Memory Lane

In Civil Procedure with Richard Posner we read a case about a Supreme Court decision on a constitutional (I think) challenge to one of the rules of federal civil procedure. Posner asked why the Court had decided to accept the case, since the Court itself had approved

the rules not long before the case was brought, and presumably had considered the legality of the rules in the approval process. He made us guess for at least two whole sessions and was never satisfied with any of our answers, nor did he ultimately give us one of his own. We moved on, and I remember worrying that the question would come back on the final exam. It didn't. That was probably the most *Paper Chase*-like experience I had at the Law School.

In my third year I worked part time for Mayer Brown. Winter quarter I had Federal Securities Law with Easterbrook, which was my only afternoon class. To spend more time on the job, I skipped all but a few of the class sessions. I studied like mad for the final but was so nervous about how I might have done that I took an extra class in the spring so that I would have enough credits even if I flunked Federal Securities Law. Easterbrook was the last to post grades of any of my winter classes. I passed (with flying colors, actually) and gratefully dropped the extra class.

Alli: Based on friends at other law schools, there is definitely a unique Chicago-style way of teaching the law, which I have been impressed by so far and which I think shows us an interesting, distinctive way of approaching the law, which is fun to share with my dad.

I like being able to talk about professors or readings or events and have my dad be able to strongly relate; similarly, I enjoy being able to picture his Law School days and to frame his stories based on my now firsthand experience.

My dad's postfinals routine was listening to John Coltrane and smoking a cigar—I hope to be cool enough to do the same one of these quarters.

STUDENT/ALUMNI CONNECTIONS BY CLASS:

SIGRID JERNUDD, '12, AN ASSOCIATE AT HUGHES, HUBBARD & REED, LLP, AND HER NEPHEW, STEN JERNUDD, '17

Sigrid: One of the reasons I enjoy hearing about Sten's time at the Law School is that we have had quite different experiences so far! However, the Law School is small enough that we have had a lot of the same professors, and it is very interesting to hear his perspective—especially when we disagree!

When he started in 2014, I had only been out of law school for two years, and I feel much more connected to the school being able to get updates on what has (and hasn't!) changed, and the staff and

faculty. It definitely makes me feel more connected to the Law School. I was also able to feel like more use was being made of three years of outlines!

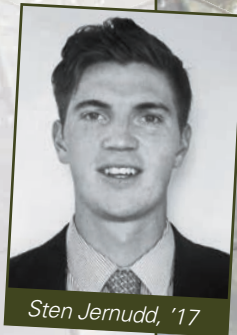
Sigrid's Memory Lane

The Law School musical was consistently one of my favorite law school experiences. I played Martha Nussbaum for three years running, in a series of outrageous dresses and a short blonde wig. I wish I still had that wig!

Also, I studied in the same chair in the library for most of my law school career. I would like to see if anybody else has claimed that spot! It was a good one!



Sigrid Jernudd, '12



Sten Jernudd, '17



DAVID GREENBERG, '81, MEMBER OF THE EXECUTIVE COMMITTEE AT LRN INC., AND HIS COUSIN, JAKE GREENBERG, '17

David: Jake and I have both had the pleasure and challenge—36 years apart—to have Richard Epstein for a first-year class.



David Greenberg, '81

I'm so delighted Jake came to Chicago. He's going to be a great lawyer because he's got the kind of raw material that Chicago is best at molding.

Understanding the law and being able to talk to lawyers has been an essential aspect of every job I've had.

The UChicago Law degree gave me credibility in the Congress, in the European Union, and in corporate boardrooms.

David's Memory Lane

I'm the famous (infamous) student who spent his third year working in Washington, DC, for the Consumer Federation of America when I was supposed to be in class. I was almost expelled, but the way that Dean Casper dealt with the issue was incredibly fair and just. I was ordered to be in class every day for the spring quarter and was called on nearly every day. I learned a lot that quarter—about the law and life. I also got the only two 80+ grades in my Law School career.

Jake: Having my eyes set on other schools originally, David thought that my personality was a better fit for the kind of academic rigor and economic/analytic approach to the law that University of Chicago espouses. He also knew that with my desire to live in the Midwest after law school, perhaps no other school carried as much significance and prestige as the University of Chicago. His excitement for the school made me equally excited when I received my acceptance.

There is always something to obsess a bit about during these three (or four if you count the admissions process) years. David has always kept things in perspective. Before I received an acceptance, he was kind enough to let me know that if I didn't get in, there would be other options (though he never did say equally valuable ones). When I had no idea what expectation damages were and thought that maybe this was all a mistake, David was the one who told me that this sentiment is not unique. As OCI approached, David gave both support and real advice about firms, questioning what I really wanted to do, and encouraged me to not choose a firm based on its name alone. David has provided a "this too shall pass" view that is immensely valuable to any student who gets caught up in the newest, ultimately transient, apocalypse.



Jake Greenberg, '17

DO YOU HAVE A FAMILY CONNECTION WITH A UCHICAGO LAW STUDENT? WE WOULD LOVE TO HEAR FROM YOU! SEND YOUR STORY TO ANN FRULAND, ASSISTANT DIRECTOR OF DEVELOPMENT COMMUNICATIONS, AT AFRULAND@UCHICAGO.EDU.

BRADEN PARKER, '16, AND HIS BROTHER, KIMBALL PARKER, '13, FOUNDER OF THE WEBSITE WWW.COCOUNSEL.CO. BRADEN AND KIMBALL'S GRANDFATHER, DOUGLAS H. PARKER, WAS A HARRY A. BIGELOW TEACHING FELLOW, 1952-1953.

Braden: I am very close to my brother, Kimball, and he was my strongest influence in applying and attending the Law School. He made great friends and regularly told me about concepts he learned in class that “blew his mind.”

I often tell my wife how lucky I am to attend such a great school. I really enjoy classes and the exchange of ideas. I have become a better student and

a better person while surrounded by intelligent students and professors with such high integrity.

Braden's Memory Lane

I am very close to my grandfather. I got to know the Law School while creating a Wikipedia page for him. He has very fond memories of his time teaching at the Law School and it launched him into a long and successful academic career. My grandparents were both emotional when I decided to attend the Law School.

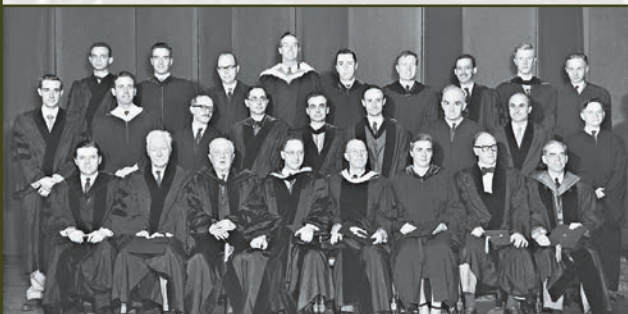
In the library on the third floor is a photo of the Law School faculty during the 1950s. A young version of my grandfather is in the back row surrounded by some of the greatest legal minds of the previous century. I feel very proud walking past the photo and seeing my grandfather.



Braden Parker, '16 (center), and Douglas H. Parker, (right).



Kimball Parker, '13



Douglas H. Parker is in the middle of the back row with four people on each side.

HAYDEN MILLER, '16, AND HIS GREAT-GRANDFATHER, JAMES J. MAGNER, 1923

Hayden: It was certainly appealing to know that my great-grandfather attended UChicago Law. It's nice that there is a connection. My grandmother (James's daughter) was ecstatic!

I think that his career was exemplary in two ways.

He was an attorney who lived for the law; everywhere he went and in every opportunity that he had. He appeared before the Supreme Court twice as well as in federal appellate courts and in Lincoln's courtroom; these were moments of extreme pride for him.

They represented accomplishments that went beyond making money or winning accolades. For him, it was about being able to contribute to the law in a meaningful way.

He took advantage of opportunities that were presented to him. He didn't go into practice with a certain expectation of where his career was going to go. He continually showed that he was someone willing to learn.

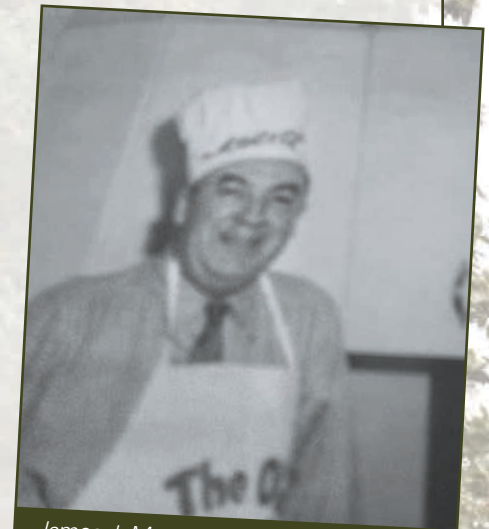
These are two traits I hope to emulate in my career.

Hayden's Memory Lane

James worked for the *Chicago Tribune* while he attended the Law School to help pay for his education. He edited the sports column there. He was a member of Sigma Alpha Epsilon fraternity as well as the debate club. He made lifelong friends at the Law School. One of his best friends was someone who escaped the Russian Revolution and became an atomic physicist.



Hayden Miller, '16



James J. Magner

**ADRIANNE ROSENBLUTH, '16, COUSIN OF
TOM FITZGIBBON, '04, EDWARD LEVI, '35, JULIAN LEVI, '31,
AND BERNARD MELTZER, '37**

Adrienne: When I ultimately decided on coming to Chicago, family was a big part of that decision. It's really special to go to a school that meant so much to my relatives and that they had such a big part in shaping. I love having this special bond with both my family and the school, and I would never have that at another school. John Levi, LAB '65, Edward Levi's son,



Adrienne Rosenbluth (right) with her father and grandmother

is a partner at Sidley and lives in Chicago. He has been so helpful during my time at the Law School, and I couldn't be more grateful to have him here.

I've always deeply respected the school's commitment

to ideas and producing excellent thinkers, and I believe Bernie and Ed embodied and furthered that goal.

I've had a couple classes where the professor references Ed or Bernie. I remember I was so nervous before taking my Property exam 1L year. When I anxiously opened the test, I saw that Bernie was a character on the exam, wreaking havoc, and that made the exam a lot more fun. Bernie and Ed didn't just go to UChicago for law school, but also for undergrad, and came back as faculty. They're clearly very beloved, and I'm so lucky to get to continue in that tradition.

John G. Levi, LAB '65, on behalf of his father,

Edward: Dad would be very proud that a family member, particularly on my mother's side, is attending the Law School.

Adrienne's loved her time at the Law School. She's effervescent and upbeat. She's had an extraordinary experience.

Dad was very concerned about access to justice and the ability of the law to serve low-income folks. He was very much at the forefront of establishing the Mandel Clinic. I know that Adrienne is thinking about a career in

public service and that she's committed to helping folks. I know how fortunate she feels to attend the University of Chicago Law School.

Dad would be so proud of what the Law School is today and its standing across the world as one of the leading institutions of legal education. It's a remarkable place and has turned out many wonderful people. That students like Adrienne want to come and spend three years at the Law School would make him so proud.

John's Memory Lane

When I decided to go to law school, I wasn't allowed to apply to Chicago. My father wouldn't let me. Who would want to be grilled in class by people, now your professors, you'd known your whole life!

I grew up in Hyde Park. My very early recollection of the Law School is from the mid-1950s. I would accompany my dad, who was dean of the school at the time, down to the old law building, Stuart Hall. He would have me dust the desks in the outer offices, primarily to keep a seven-year-old kid occupied on a Saturday morning.

Dad would always have 3L students over for dinner. We looked forward to that function at our house. I would pass the hors d'oeuvres. This was in the 1950s and early 1960s.

I'm probably one of the few people that is still around today who attended the cornerstone laying of the new law building in 1958. I was probably 11 years old.

The Meltzers lived five houses down. Bernie was a prince of a person. He taught Labor Law and Evidence. In his living room, with the kids, it was always the Socratic method. We were in and out of his house all the time.

The Law School faculty were the mentors of my youth. They were important people in my development and one of the reasons I became a lawyer.

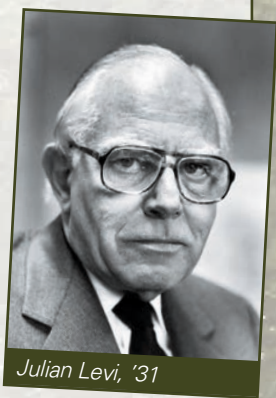
Dad always thought that he was surrounded by the most phenomenal colleagues at the Law School. It was an extraordinary institution and the faculty represented the best legal minds of the county.



Edward Levi, '35

When he became dean in 1950, you're talking about a period right after WWII, they were rebuilding enrollment and faculty across the University. He was determined to build a tremendous institution and would look back with enormous pride in what UChicago Law has accomplished and the remarkable faculty they've put together. The students that have gone through the school and continue to do so have gone on to be at the very top of the legal profession.

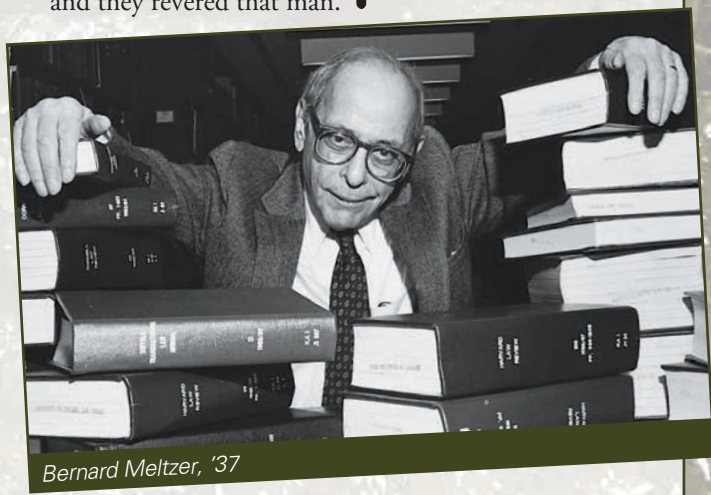
Even as dean, he continued to teach. He loved teaching Elements of the Law and Antitrust. We were never allowed to attend any of his classes, because he was surprisingly nervous. He regarded each class with a matter of significance and spent hours preparing for each class. He'd always have butterflies in the morning before classes. He would say, "I'm facing 150 of the brightest minds in the country, so I have to be on my toes."



Julian Levi, '31

After graduating from the Law School, Bernie and Edward went to Washington, DC, during the war and were roommates. They came back to Chicago and married sisters (Kate Sulzberger Levi and Jean Sulzberger Meltzer).

Bernie Meltzer was an institution. He taught past the time of my father and cared so deeply for his advisees. Having them to dinner, and on occasion, I would be invited to drop by too. I continue to run into folks all over the country who had Bernie, or were his advisees, and they revered that man. ▀



Bernard Meltzer, '37

ALUMNI WITH A CURRENT STUDENT CONNECTION ARE FROM THE CLASSES OF:

- 1920
- 1923
- 1935
- 1937
- 1951
- 1952
- 1957
- 1961
- 1973
- 1977
- 1981
- 1983
- 1986
- 1987
- 1988
- 1989
- 1990
- 1991
- 1993
- 2012
- 2014

Books by Alumni Published 2015

Nikhil Abraham, '11

Coding for Dummies (For Dummies)

A one-stop guide to building a foundation of knowledge in writing computer code for web, application, and software development.

Timothy Allen, '98

Diffuse Malignant Mesothelioma (Springer)

This volume, written by a JD/MD, is a concise yet comprehensive resource for clinicians involved in the management of one of the most widely recognized and feared cancers in the world.

Tom Bator, '86

The Boston Trustee: The Lives, Laws, and Legacy of a Vital Institution (David R. Godine) (with Heidi A. Seely)

The history and background of a unique Boston institution: the men and women who serve as individual professional trustees, controlling billions of dollars in assets.

Donald Bingle, '79

The Love-Haight Casefiles (WordFire Press) (with Jean Rabe)

The first novel in an urban fantasy series about two attorneys crusading for the rights of Other-Than-Humans in San Francisco's Haight-Ashbury district.

Gene Caffrey, '70

Shock Treatment (CreateSpace Independent Publishing)

The first in the Owen Delaney mystery novel series finds Delaney investigating two Philadelphia deaths that only he believes are murders.

Junayed A. Chowdhury, '11

Corporate Tax Law and Practice (Mullick Brothers)

A single and comprehensive source for all lawyers advising on the law of corporate taxation in Bangladesh, including decisions of the Supreme Court of Bangladesh and the Taxes Appellate Tribunal.

John Cratsley, '66

LexisNexis Practice Guide: Massachusetts Alternative Dispute Resolution (LexisNexis)

This book provides step-by-step guidance to fulfilling the Massachusetts attorney's duty to discuss ADR with clients, selecting the appropriate type of ADR, and participating in that ADR.

Daniel Daeniker, '96

Fusionsgesetz (2nd ed., Schulthess) (with Rolf Watter, Nedim Peter Vogt, and Rudolf Tschäni)

This is a new edition of the standard treatise on the Merger Act, emphasizing practical aspects of German transactions and drawing on a variety of transactions under the Act.

Isabelle Demenge, '97

The Leap and Hop Series, Paris and Myanmar (Asia One Books)

Two new entries in this series of cultural travel adventure books for children aiming to turn grown-up trips into fun adventures for kids.

Steve Fiffer, '76

Jimmie Lee and James: Two Lives, Two Deaths, and the Movement That Changed America (Regan Arts) (with Adar Cohen)

The story of the 1965 killings of two civil rights activists that inspired the Selma-to-Montgomery marches and became the driving force behind the passage of the Civil Rights Act.

Michael Gerhardt, '82, and Abner Mikva, '51

Legislative Process (4th ed., Wolters Kluwer) (with Eric Lane)

For the fourth edition, Gerhardt joins as an editor of this casebook about American legislative institutions and the processes they employ to consider and enact legislation.

Mary Ann Glendon, '61

Comparative Legal Traditions in a Nutshell (3rd ed., Thomson/West)

An introduction to comparative law from the American lawyer's perspective, this new edition includes important recent changes in the United Kingdom and European Union.

Larry M. Goldstein, '79

Patent Portfolios: Quality, Creation, and Cost

This resource is directed specifically to people who manage patent portfolios or who advise others on the management of patent portfolios.

Aristides Hatzis, '94, '99

Law and Economics: Philosophical Issues and Fundamental Questions (Routledge) (edited with Nicholas Mercurio)

This analysis of the philosophical and methodological assumptions of the economic analysis of law proposes alternatives and discusses old and new applications.

Michael Herz, '82

A Guide to Judicial and Political Review of Federal Agencies (American Bar Association)

This book provides a thorough overview of the law of judicial and political control of federal agencies, with a primary focus is on the availability and scope of judicial review.

David Hilliard, '62

Trademarks and Unfair Competition (10th ed., LexisNexis) (with Joseph Nye Welch and Uli Widmaier)

The tenth edition of this widely used casebook provides an in-depth presentation and analysis of trademark law today and a synthesis of the current and developing law.

Linda Hirshman, '69

Sisters in Law: The Singular Friendship of Sandra Day O'Connor and Ruth Bader Ginsburg (HarperCollins)

A dual biography of the first two women on the US Supreme Court, this book combines legal detail with warm personal anecdotes, bringing these very different women into sharp focus.

James Jacobs, '73

The Eternal Criminal Record (Harvard University Press)
An in-depth look at the pervasive effect and long reach of having a criminal record in America, including the problems of erroneous record keeping and failure to recognize the rights of convicted persons.

Bart Lee, '71

California Drought Gardening: How to Save Your Gardens, Lawns, Landscaping, and Even Houseplants from the Drought (3rd ed., Greenthumbs Press)
This book shows how to save gardens and landscaping in drought conditions with techniques to save water and how to apply it best to various plants.

Neil Levy, '66

Short Stuff—The Sequel: Flash Fiction, Haiku, and Aphorisms (Red Oak Tree Press)
This second volume is a combination of very short stories, haiku, and wise observations, often about travels to Latin America and Southeast Asia.

Judith Weinsall Liberman, '54

The Little Songbird (Dog Ear Publishing)
Fifteen Fables (Dog Ear Publishing)
Twelve More Fables (Dog Ear Publishing)
The Bird Who Went to Heaven (Dog Ear Publishing)
A Parakeet for Eric (Dog Ear Publishing)
Tales of Human Foibles (Dog Ear Publishing)
In the Military Cemetery (Dog Ear Publishing)
The Girl and the Pigeons (Dog Ear Publishing)
More Tales of Human Foibles (Dog Ear Publishing)
Michael and the Flag (Dog Ear Publishing)
Liberman, a prolific author, writes the texts and guides the illustrators for her picture books.

George W. Liebmann, '63

The Fall of the House of Speyer: The Story of a Banking Dynasty (I. B. Tauris)
The dramatic story of the end of the Speyer banking dynasty, which at the turn of the twentieth century was the third-largest investment banking firm in the United States.

Santiago Maqueda Fourcade, '14

Tratado de la regulación para el abastecimiento (Editorial Ábaco de Rodolfo Depalma) (with Santiago M. Castro Videla)
Using a law and economics approach, this book studies the economic regulation of private property and economic freedom in Argentina.

Timothy J. Mullin, '73

Serious Smith & Wessons (Collector Grade)
This history of the N-frame Smith & Wesson revolver and analysis of its cultural significance is the third in a series on Smith & Wesson revolvers.

365 Guns You Must Shoot: The Most Sublime, Weird, and Outrageous Guns Ever (Zenith Press)
This fully illustrated collection of the 365 most iconic guns in world history situates them in proper historical context and provides unique specifications for each one.

Philip A. O'Connell Jr., '83

The Sound of Silk (Createspace Independent Publishing)
This historical novella, set in the alleys of old San Francisco and the silver mines of the Sierras, tells of the downfall of William Ralston, "the man who built San Francisco."
Manhattan Madonna and Other Stories (Createspace Independent Publishing)
A collection of short stories written over many years, with settings that range from contemporary New York to nineteenth-century France.

Sebastián Ramos Olano, '12

Contratos: Su Redacción y Modelos (La Ley Uruguay)
A contract-drafting tool for lawyers and notaries focused on the interests of clients and their businesses.

G. Christopher Ritter, '81

Creating Winning Trial Strategies and Graphics (2nd ed., ABA)
This book provides trial lawyers with a process they can use to simplify their cases by filtering out what is distracting or unimportant.

Richard F. Scott, '52

The International Legal System—Cases and Materials (7th ed., Foundation Press) (with Mary Ellen O'Connell, Naomi Roht-Arriaza, and Daniel Bradlow)
Investigating the interlinkages of international, national, and regional law, this casebook prepares students for the global legal marketplace.

Winnifred Fallers Sullivan, '76

Politics of Religious Freedom (University of Chicago Press) (edited with Elizabeth Shakman Hurd, Saba Mahmood, and Peter G. Danchin)
The fruits of the three-year Politics of Religious Freedom research project, this volume challenges existing understandings of religious freedom and examines reasons for persecution.

The preceding list includes alumni books published in 2015 that were brought to our attention by their authors. If your 2015 book is missing from this list, or if you have a 2016 book to announce, please send a citation and brief synopsis to m-ferziger@uchicago.edu. We look forward to including these books in the next Alumni Books column (Spring 2017).

Understanding Judicial Reputation

In his new book, Professor Tom Ginsburg uses economic analysis to explore how reputation impacts judges' behavior.

When the US Supreme Court declared same-sex marriage a constitutional right in the landmark *Obergefell v. Hodges* ruling last June, Justice Anthony Kennedy wrote a majority opinion that was overflowing with sweeping elegance—as if, Professor Tom Ginsburg observed, “it were written for the ages.”

It was also as if Kennedy, widely viewed as sensitive to gay rights, hoped to solidify the legacy that had been building since his 1996 pro-gay rights majority opinion in *Romer v. Evans*. He seemed to care what the American people thought.

“His audience was ordinary Americans as he made the case for dignity [in *Obergefell*], and that’s a very different audience than if he were directing his opinion at the lawyers and the courts,” said Ginsburg, the Leo Spitz

Professor of International Law and the Law School’s deputy dean. “If he’d done that, he would have framed the issue in terms of our traditional structure for analyzing equal protection claims, and that is absent from the opinion. This suggests that he knew what he was doing, and that he was speaking quite directly to the public.”

The fact is, image and perception matter in today’s media-driven, globally connected world, and this is particularly true for judges, Ginsburg argues in his new book, *Judicial Reputation: A Comparative Theory* (University of Chicago Press), coauthored with economist and Texas A&M School of Law Professor Nuno Garoupa. Courts and judges around the world rely on their reputations—both within the profession and, increasingly, among the general public—to establish influence, legitimacy, and compliance. Without it, they’d struggle to do their jobs.

“Judges famously lack the purse and the sword: they don’t have money and they don’t have political or military power, so the only way they can convince people to obey their decisions is if they have a good reputation,” Ginsburg said.

But how those reputations develop isn’t well understood,



and Ginsburg and Garoupa have developed a new framework that uses economic analysis to explain judicial behavior in a way that the more common focus on legal origins and tradition does not. Their approach is predicated on principal-agent theory, or the idea that an informational asymmetry occurs because judges act as agents on behalf of a society that, in general, is unequipped to adequately assess their performance.



instance, countries like France and Japan have “career” judicial systems, where judges join the profession relatively early and advance as they build reputations among those inside the profession, and countries like the United States have “recognition” systems, where judges tend to join the bench after attaining a good reputation more broadly. Because of these and other variations, reforms in a struggling judiciary depend on a solid understanding of how the actors within that system interact.

In the book, the authors examine how different institutional configurations balance individual reputation and the profession’s collective reputation; how they find an optimal, locally appropriate balance between different audiences; and how reputational concerns shape judicial behavior. They also investigate the dynamic nature of judicial structures, which are formed and reformed to meet shifting goals. The rising influence of media exposure, for instance, has spurred a shift toward cultivating external audiences, even in countries where the dominant emphasis has been on building individual reputations among an internal audience.

One of their targets is the traditional distinction between civil and common law. “The interaction between internal and external constituencies is dynamic, and so tradition alone cannot explain the configurations that we observe,”

“Judges are not gods on high, but they are people with more expertise acting on behalf of people with less expertise, and this makes it hard for us to monitor them,” Ginsburg said. “Reputation is a way of providing a shorthand for that monitoring problem.”

But which reputations matter depends on the institutional design of each judiciary. For

the authors write in the book’s introduction. “We are in an era of nearly continuous institutional tinkering with judicial structures that goes far beyond what was found in earlier eras. Countries are reforming judicial administration, legal procedure, and even constitutions at a rapid rate.”

In many developing countries, the authors argue, judiciaries have found themselves trapped in a reputational spiral: pervasive corruption has damaged the court system’s reputation, which has led to a reduction in resources, which has led to poorer performance, which has further diminished the reputation. This happened in Kenya, and the government responded by trying to break the cycle: in the new constitution adopted in 2010, they created a system for vetting judges.

“They brought in outside judges from other parts of Africa to help perform the vetting,” Ginsburg said. “They were basically asking if these judges were ‘fit’ for the new Kenya. That got rid of some of the worst judges. It was a way of cleaning house and trying to restore the collective reputation. But of course those opportunities are few and far between.”

But there are other opportunities for reform, and this is where the authors’ work can help: it offers a framework for predicting how particular reforms will impact a judiciary.

“As a simple policy matter, if we want to provide advice to judiciaries in developing countries as to how to improve their reputations, we have to know something about how the reputation is produced,” he said. “Let’s use this framework to try and understand what the likely effects of a particular reform are going to be, and what the unintended consequences are likely to be. It might help us reason our way to better reform.”

The authors discuss a number of reforms aimed at ensuring both individual judicial accountability—including transparency, performance-based compensation, and competition for individual judges—as well as ones aimed at improving collective effort, such as random *de novo* appeals and the ability to rent judiciaries from other countries.

But Ginsburg points out that no universal reform is right for every country. Instead, he hopes the framework will open up new space for academic debate and strategic real-world experiments like the one in Kenya.

“It would be very nice to see more experimentation with judicial organization to try and improve performance,” Ginsburg said. “We’d like to see discussions of judging that are more theoretically informed, particularly in the comparative law context. There’s a lot of data out there—let’s try to understand what judges are doing by understanding the position they’re in.” ■

Welcoming a Dean with Purpose, Drive, and Determination

A Message from the Law Campaign Cochairs

Last fall we were delighted to welcome Tom Miles as the newly appointed dean of the Law School. We have enjoyed getting to know him and are impressed with his keen intellect, thoughtful judgement, and warm nature.

When Tom's appointment was announced in early October, he had just a few short weeks to transition under the guidance of Interim Dean Geof Stone before being launched into his new role on November 1. He quickly proved that his decade of experience on the faculty, and the roles he held prior to coming to the Law School (read more about Tom on page 2), worked greatly to his advantage and stand him in good stead as dean.



Debra A. Cafaro, '82

Tom made meeting with alumni a top priority immediately. In his first 100 days, Tom has been broadly engaged in alumni receptions around the country, law firm visits, and individual meetings with our closest supporters. Early indicators suggest that he will be a very engaged and external dean. He is eager to hear from alumni about our vision and hopes for the Law School as he begins to set the course for the coming years.

Tom speaks purposefully about his motivation for becoming dean. It is his goal to see our many new programs and initiatives flourish and grow while maintaining our core values. Tom has experienced our school's vibrancy and understands how critical it is to maintain our momentum. As alumni, our continued support of the Law School through the Inquiry and Impact Campaign, the most ambitious and comprehensive in the University's history, is essential.

Recent Highlights

The University of Chicago Campaign: Inquiry and Impact

- The University has raised \$2.9 billion, more than half of our \$4.5 billion goal.
- The Law School is 95 percent of the way to our ambitious goal of \$175 million.
- Having already connected with nearly 65,000 people, we have reached unprecedented levels of engagement and endorsement from our alumni and friends, getting closer to the University's ambitious, companion goal of engaging 125,000 alumni throughout the duration of the campaign.

Because our ambitions for the Law School remain far-reaching, Tom will be working closely with members of the Campaign Cabinet to make the case for those areas where we need ongoing and additional support, ensuring that the Law School remains a community like no other.

As fellow alumni, we recognize the many, many ways you contribute your time and resources to the Law School. You are adjunct faculty members, guest speakers, board and advisory council members, reunion and regional committee volunteers. You attend our events and send in your class notes, and you continually refer great students to apply and enroll at the Law School, which is especially important.

For all of the ways in which you serve as ambassadors for our Law School, we thank you!

Sincerely,
Dan Doctoroff, '84
University Trustee

Debra A. Cafaro, '82
University Trustee

Campaign Cabinet Members

Mr. James David Abrams
Ms. Debra A. Cafaro
Mr. Thomas A. Cole
Mr. James Brien Comey
Mr. Terry D. Diamond

Mr. Dan Louis Doctoroff
Mr. Adam Oliver Emmerich
Mrs. Jeanne Boxer Ettelson
Mr. John Roger Ettelson
Mr. Steven B. Feirson
Mr. Daniel B. Greenberg

Mr. Joshua S. Kanter
Mr. Timothy Lane Porter
Ms. Carla Volpe Porter
Mr. Stephen Laurence Ritchie
Ms. Miriam Rosenberg Ritchie

REWIND REPORT

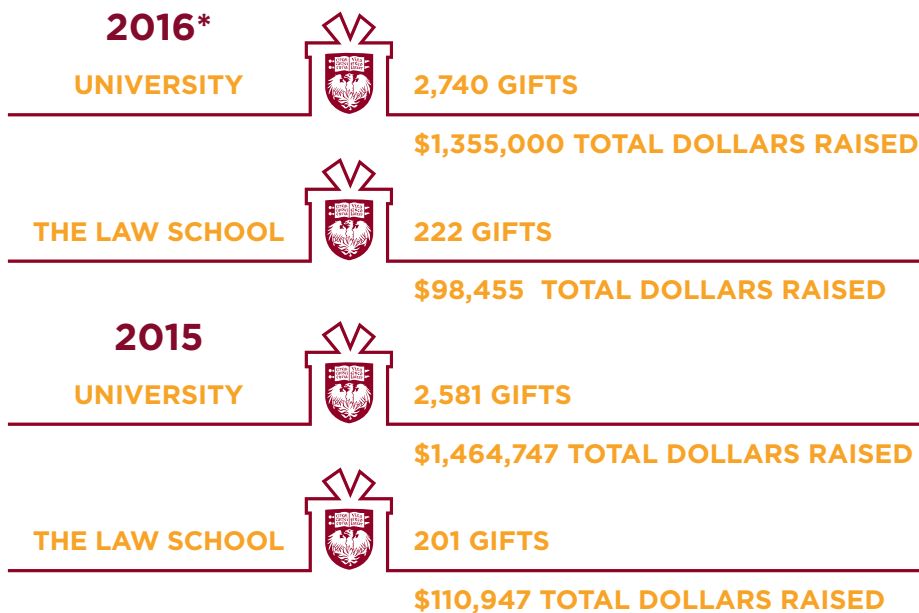
Giving Day at The University of Chicago: February 24-25, 2016

On any given day, each one of us has just 24 hours to make a difference in the world.

From 12 pm on February 24 to 2 pm on February 25 the Law School participated in the University of Chicago's annual Giving Day. Over this period our alumni and friends supported our students, school, and UChicago's greatest priorities. And through the University of Chicago Campaign: Inquiry and Impact, you supported UChicago's continued leadership in discovery and education.

A THOUSAND THANKS TO EVERYONE!

Our BIGGEST Day of Giving



Matching Challenge

The Law School was generously supported by Dan Booker, '71. He offered a \$150 match on any gift made to the Law School Annual Fund that day (up to a total of 225 gifts matched, or a total of up to \$35,000). Thank you, Dan, for inspiring others to give to the Law School!

You Can Still Make an Impact!

Gifts after 24Hour Impact can still make a difference and are appreciated. We are still accepting gifts.

To make a gift, visit give.uchicago.edu/law or call 773.702.9629.

Thank you!

To all who donated or plan to do so, as well as our social media ambassadors, you have our most sincere thanks! The Law School will continue its tradition of excellence because of you.

*Current as of 2/29/16

LAW SCHOOL GIVING STARS OF 2016

Best Class Participation (Dollars Raised):
Class of 1971—\$36,000

Class with the Most Gifts:
Class of 2014 with 16 donors

Number of First Time Donors: 18

Giving Geography
102 Cities
9 Countries
4 Continents



Average Gift: \$443

Largest Gift:
\$5,000 (not including Mr. Booker's matching gift)

Gifts from Young Alumni (2006-2016):
66 from 65 alumni

A Lasting Legacy for Business and Law: Honoring a University of Chicago Giant

The Howard G. Krane Distinguished Visiting Professorship in Business has been created by an endowment from Mr. Krane's daughters—Hilary Krane, '89, and Marie Krane—and their families. The position will typically be held by a faculty member from the Booth School of Business who will teach at the Law School; the current Krane Distinguished Visiting Professor is Dr. Emir Kamenica.

Hilary Krane says: "Honoring our father through this



Hilary Krane, '89, Howard Krane, '57, and Marie Krane.

professorship is fitting for so many reasons. He loves the Law School and the University, and has served them both with deep commitment for many years.

Professionally, his exemplary career at Kirkland & Ellis is focused on helping businesses succeed. He taught business law at the Law School for many years as an adjunct faculty member. So a cross-campus collaboration to further strengthen the Law School's business-related curriculum is a very appropriate tribute to him."

"On a more personal level," Ms. Krane adds, "my sister and I wanted to memorialize our gratitude to him for being a great, loving, and wise father and a guide, teacher, inspiration, and role model to us and so many others."

Howard Krane graduated from the Law School in 1957. He joined Kirkland & Ellis that same year and has been with the firm since then, serving as a managing partner for many years. A member of the American Academy of Arts and Sciences and the American Law Institute, he has received numerous awards for professional excellence and service, including a national diversity award for supporting and mentoring women attorneys.

His service to the Law School includes several terms on the Visiting Committee, which he often chaired; more than fifteen years teaching business planning; providing counsel to many deans; chairing a capital campaign; and leading the creation in 1984 of the Kirkland & Ellis Professorship in

Law, which is currently held by Eric Posner.

He chaired the University of Chicago's board of trustees from 1992 to 1999, and is now an emeritus trustee. At the University of Chicago Medical Center, he served as a trustee and board chair and is now a life trustee. He served on the visiting committee of the University's Center in Paris (the headquarters for the University's research and teaching community in Europe). In 2001, he was awarded an honorary Doctor of Laws degree from the University.

Gerhard Casper, who was dean of the Law School and provost of the University, recalls: "I knew no alumnus who was more convinced of the outstanding quality—one might even call it all-around superiority—of the University of Chicago Law School than Howard Krane. Howard's confidence in the quality and rigor of the Law School and the University to which it belongs was infectious. It was natural for me to ask him to chair the first capital campaign for the Law School since Edward Levi had raised the money for the Saarinen building. Howard and I met frequently for lunch and held wide-ranging discussions about our institution, about law practice, about the state of politics. I have met few people who care with the same questioning intensity as Howard about the institution for which they have responsibility."

Professor Geoffrey Stone, who also served as dean of the Law School and provost of the University, says, "Howard Krane's service to the Law School and the University cannot be overstated. In both capacities, he has always been a thoughtful, engaged, and dedicated advisor. During my time as dean, Howard was always there to offer guidance, support, and great wisdom."

Hilary Krane, who is senior vice president and general counsel at Nike and has continued her father's practice of serving the Law School in many ways, says: "My father attended the Law School on a scholarship, and he often told us that he viewed that as an investment the Law School had made in him at a time when the return on that investment was uncertain. To him, that created an obligation to share the fruits of that investment with the Law School, and to repay the Law School for the opportunities that his education afforded him. My sister and I also benefitted from those opportunities, and we, along with our families, are glad that Howard Krane's name is now honored so appropriately at the school that he loves so much."

Shared Values of Law School and Devoted Alumnus Supported by Generous Bequest

A generous bequest from Mark Cluster Mamolen, '77—one of the largest unrestricted endowments that the Law School has ever received—is funding new and important initiatives that are consistent with his lifelong values and interests. The initiatives, identified in collaboration with Mr. Mamolen's family, support the Law School's commitments to recognizing excellence in its faculty and students, attracting the best students, and supporting public service careers.



Mark Cluster Mamolen, '77

An engaged and influential alumnus, Mr. Mamolen was named a life member of the visiting committee—one of only five people to have received that honor. A generation of deans counted him as a friend and a trusted advisor. Michael Schill said, "I regularly sought Mark's counsel and always looked forward to our meetings," and Saul Levmore recalled

that Mr. Mamolen was "always willing to learn and see the world a little differently, and he was unfailingly supportive when our goal involved improving the student experience."

Mr. Mamolen's sister, Julie Bleicher, says that the Law School was a regular presence in her brother's life: "Mark never stopped expressing his appreciation for the ways that his time at the Law School changed his life and helped make it possible for him to do things that otherwise he might only have dreamed of doing. Even in his later years, a week wouldn't go by when he didn't have something enthusiastic to say about what he had learned from Walter Blum or Bernie Meltzer or Richard Epstein—or from some young faculty member he had just met on a visit to the Law School."

After Law School, Mr. Mamolen joined Pritzker & Pritzker, the merchant bank for the wealthy Chicago family, as the principal nonfamily financial advisor to Jay Arthur Pritzker. In 1995 he created his own investment company, Carl Street Partners. He served on several prominent corporate boards and advised many corporate leaders.

"My brother was independent-minded and entrepreneurial in all ways," Ms. Bleicher recalls. "He

wanted to live life on his own terms, and live it to the fullest. He wanted to do things he loved doing and to be a whole person—'the whole package,' as he put it. Ideas sizzled for Mark. He was the epitome of a lifelong learner, and he also gave very generously of his time to mentor many young people, often from disadvantaged backgrounds."

Through Mr. Mamolen's bequest, two faculty members are recognized for exceptional contributions in a field related to business law and provided with substantial stipends to pursue their scholarly interests. Professor Anthony Casey has been named the Mark Cluster Mamolen Teaching Scholar, and M. Todd Henderson is the Mark Cluster Mamolen Research Scholar. A prize for students recognizes special achievement in a course related to business law. Last year six students won Mamolen Prizes, which includes a cash award.

A scholarship fund will provide as many as three full-tuition three-year scholarships for each entering class. The Mamolen Scholars will be selected based on a combination of merit and need, so that highly talented students who might not otherwise be able to attend the Law School will have the opportunity to do so. And through the Mark Cluster Mamolen Post-Graduate Fellowship to Support Public Interest Work to Promote and Defend the Rights of Women, recent graduates can receive a sizable one-year grant that will enable them to pursue the advancement of women's rights at an organization anywhere in the world.

Dean Miles observes, "The applications of Mark Mamolen's bequest to reward excellent faculty members, strengthen business programming, recognize student achievement, support deserving applicants, and allow for nonmainstream careers are all consistent with who I understand him to have been as a person. Having heard so much about him from so many who greatly admired him, I regret that I will not directly experience the sparkle of his energy and innovative thinking—but his presence is all around us now through these initiatives, and he will be called to mind on many occasions."

Ms. Bleicher says, "Mark often told me that he had no regrets. He lived the life he wanted. As much as he thanked the Law School for helping him do that, my family thanks him for the example he provided of a life fully lived. We, and particularly my children to whom he was a wonderful uncle, miss him terribly, and I'm glad that his bequest is being used to so thoroughly honor his life."

Alumni

In Memoriam

1940

Joseph Lazar

May 15, 2015

1947

Herbert Edward Ruben

July 31, 2015

Ruben was a resident of Rye Brook, New York.

1948

Robert L. Weiss

August 26, 2015

Before he attended the University, Weiss served in the Army during World War II and was awarded the Légion d'Honneur—France's highest decoration—as well as the Croix de Guerre, the Silver Star, and two Purple Hearts. After earning his JD, Weiss spent 50 years practicing law in Portland, Oregon, and was known as a mentor to younger lawyers. He was the author of *Fire Mission*, a memoir of his wartime experience, and also wrote fiction, plays, and poetry.

1949

Haskel L. Hoffenberg

September 15, 2015

Hoffenberg enrolled in the Law School after serving in the Army and the Office of Strategic Services during World War II. He practiced antitrust law in the United States and served as counsel to a corporation in Brazil for a number of years. In the early 1960s, upon his return to New York City, Hoffenberg founded the import-export company Latin American Resources. Later, he focused on his work as a collector and dealer of 19th-century Latin American photography.

Richard Orlikoff

December 10, 2015

Orlikoff attended the Law School on the GI Bill following his service in World War II. During the anti-Communist scare of the 1950s, he was a vocal advocate for the rights of those with unpopular political opinions and was also active in political organizations that included the Independent Voters of Illinois. He cofounded the Chicago law firm of Orlikoff and Flamm, where his clients included independent theater operators, newspaper distributors, the *Hyde Park Herald* newspaper, and the Compass Players theater group.

1951

Charles Pressman

October 2, 2015

Pressman earned both an undergraduate degree and a JD from the University. He was a founder of Chicago's Pressman & Hartunian law firm, which specialized in consumer fraud, civil rights, and employment discrimination cases, including the *Zipes v. Trans World Airlines* class-action suit decided by the US Supreme Court. He also served as director of the Chicago chapter of the American Civil Liberties Union. Pressman left his firm in the early 1980s but continued to practice law for many more years.

1953

Marvin Chirelstein

February 16, 2015

Chirelstein, professor emeritus at Columbia Law School, was a well-known scholar in the fields of federal taxation, corporate law, and contracts. He worked briefly at Columbia after earning

his JD, then worked for the US Department of the Treasury, Rutgers School of Law, and Yale Law School. He returned to Columbia in 1981 and spent the rest of his career there. Three textbooks authored by Chirelstein—*Concepts and Case Analysis in the Law of Contracts*; *Federal Income Taxation: A Law Student's Guide to the Leading Cases and Concepts*; and *Cases and Materials on Corporate Finance*—have been cornerstones of US legal education courses for decades.

1956

George Miron

August 12, 2015

1961

James C. Conner

November 19, 2015

A graduate of Cornell Law School, Conner had served as a law clerk to the Honorable Elbert P. Tuttle of the US Court of Appeals for the Fifth Circuit and attended the University of Aix-Marseilles in Aix-en-Provence, France, before earning a Master of Comparative Law degree from the University of Chicago. The founder of two law firms, he practiced law in Philadelphia and in Washington, DC; he also worked as senior counsel at the International Finance Corporation (the private financing arm of the World Bank) and was an attorney in Singapore with the English law firm Freshfields before his 1998 retirement.

Robert W. McCray

July 19, 2015

McCray was a resident of Evanston, Illinois.

Christopher M. Mould

July 10, 2015

Mould's long career in public and nonprofit service began in 1965 when he joined the US Department of Justice as a principal negotiator and conciliator for race and civil rights in the department's Community Relations Service. He later helped to develop President Lyndon Johnson's Model Cities Program in the Department of Housing and Urban Development and was an organizer of the National Urban Coalition. Mould was the first director of the US Office of Voluntary Action, where he later supervised the Peace Corps, VISTA, SCORE, and the Foster Grandparents program. From 1973 until his retirement in 1997, Mould held leadership roles with the YMCA of the USA.

1962

Gerald A. Cohn

November 26, 2015

Cohn practiced law in San Francisco, California, for many years and taught at Stanford Law School in the 1970s. He also spent 17 years as a special master in the US District Court for the Northern District of California.

Thomas B. Rutter

September 27, 2015

After earning his undergraduate and JD degrees from the University, Rutter joined the Philadelphia law firm of Schnader Harrison Segal & Lewis LLP. He cofounded

the firm Litvin & Rutter in 1969; the firm became Thomas B. Rutter Ltd. in 1972. An accomplished trial attorney, Rutter took on cases that included everything from death-penalty defense to corporate taxation and professional malpractice. While practicing, he served two years as a judge pro tempore for the Philadelphia County Court of Common Pleas. In the early 1990s, he started ADR Options Inc., one of the first alternative dispute resolution groups in Philadelphia, and often served as a court-appointed mediator.

Laurin A. Wollan Jr.

July 4, 2015

After receiving his JD, Wollan went on to earn an MA in Public Administration from the University of Illinois. He began his career teaching political science at Millikin University before embarking on a legal career that included corporate practice as well as time spent as the assistant state's attorney in Sangamon County, Illinois, and as an attorney in the US Department of Justice. For three decades, Wollan was a professor of criminology and criminal justice at Florida State University in Tallahassee; he coauthored *Introduction to Law Enforcement*, a widely used textbook.

1963

Norland K. Hagen

June 30, 2015

Hagen was a resident of Missoula, Montana.

W. Thomas Huyck

July 10, 2015

Huyck worked as a prosecutor in Chicago for the US Department of Justice and the office of the US Attorney. He later went into private practice, where he specialized in employment law and litigation. In 1984, he successfully argued *Liparota v. United States* before the US Supreme Court.

1964

Guy H. Leekley

September 4, 2015

A resident of Weaverville, North Carolina, Leekley was a teacher, a poet, and an accomplished translator of the *Tao Te Ching*.

1965

Kenneth L. Pursley

October 21, 2015

Pursley cofounded the Givens Pursley law firm in Boise, Idaho, in 1977. He retired from the firm—now one of the largest in the state—in 2005, after which he started a real estate investment and development company.

1967

James G. Hunter

June 20, 2015

After earning his JD, Hunter joined the Chicago law firm of Kirkland & Ellis, where he practiced for several years before enlisting in the Navy and serving in Vietnam as an officer in the Judge Advocate General's Corps. In 1976, he cofounded Hedlund, Hunter & Lynch (which later merged with Latham & Watkins). Hunter retired from practicing law in 2004.

1968

Paul Heinz Keck

October 16, 2015

1969

Alfred Elliott

December 25, 2014

Elliott, who was known as Alfred Volkuwitz while at the Law School, practiced corporate law in Chicago for more than two decades, including many years as a partner in the firm now known as Schiff Hardin. He spent his retirement in Kansas City, Missouri.

Stanley A. Sitnick

December 8, 2015

Sitnick spent nearly all of his career in Oregon, working first at Multnomah County Legal Aid and then as director of litigation at Oregon Legal Services. He shifted his career to the field of mediation, becoming the director of the Clackamas County Dispute Resolution Center. He also taught mediation principles and techniques in Portland State University's Conflict Resolution program and in communities in Namibia, England, and China. In 2009, he received the Sid Lezak Award for Excellence from the Oregon Mediation Association.

1970

Joel L. Gomberg

June 2, 2015

After earning his JD, Gomberg worked for California Rural Legal Assistance in Gilroy, California. When the

California Agricultural Labor Relations Board was created in 1975, he took a position there as an administrative law judge, where his experience in Gilroy informed his work toward justice for agricultural workers and stability in labor relations. His last job was as an administrative law judge with the California Workers Compensation Appeals Board.

1974

Stephen Lee Speicher

December 5, 2015

Speicher began practicing law in Lincoln, Nebraska, in 1982. He served as president of the American Association of Visually Impaired Attorneys, was a member of the American Council of the Blind, and helped to advise the Library of Congress on its Braille and audiobook collections.

1978

Jerry B. Wallack

September 4, 2015

Wallack was managing partner and founder of Kutak Rock LLP's Chicago office, where he was instrumental in developing bond issuer clients in the City of Chicago and at the state level. He earned an AB from Oberlin College and an AM from the University of Chicago.

2001

Grace Jee Chang

December 30, 2014

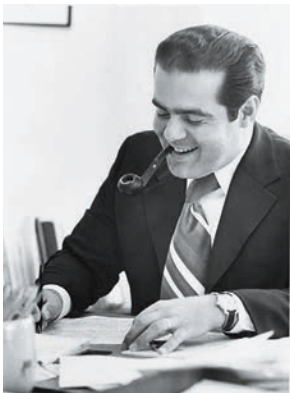
Chang loved to travel and write; she spent six months in Greece writing a book on race relations and enjoyed trips to countries that included Spain, Italy, Turkey, and Costa Rica.

Justice Antonin Scalia, 1937-2016

During US Supreme Court Justice Antonin Scalia's return visit in 2012 to the University of Chicago Law School, where he taught for five years, a law student asked him what was the most important issue that had not yet come before the Court.

Scalia paused before responding, "What is the meaning of life?" It was a fittingly expansive answer from a justice known for his wit, keen intellect, and the belief that many of the most important questions, in life and public policy, are outside the Court's authority.

Scalia, a defining figure in modern conservatism who



Antonin Scalia

was also known as a gracious colleague and teacher, died unexpectedly on February 13 during a hunting trip in Texas.

"The Law School mourns the passing of Justice Antonin Scalia, our former faculty member, whose theories of statutory and constitutional interpretation have been among the most influential ideas in law in the last half century," Dean Thomas J.

Miles said. "Justice Scalia's connections to the Law School were many and deep. After he left the faculty and later was appointed to the Court, Justice Scalia was a mentor to dozens of our graduates whom he hired as his law clerks. He was also the father of a distinguished graduate of the Law School, Eugene Scalia. The power and clarity of Justice Scalia's reasoning, as well as his lively writing style, ensure that his judicial opinions will be widely read and widely debated for many years to come."

At the University and in his thirty years of service on the Court—the longest of any current justice—Scalia was known as a standard bearer for originalism, an approach to constitutional interpretation that focuses on the text's meaning as people at the time would have understood it. Professor Geoffrey R. Stone, who was a young faculty member when Scalia arrived at UChicago in 1977, described "Nino" as "tough, brilliant and kind." He said Scalia's positions have often prevailed, though his originalist philosophy has not become as widespread as Scalia might have hoped.

"He was a brilliant analyst, an extraordinary writer, and fervently committed to his views," wrote Stone, the Edward H. Levi Distinguished Service Professor of Law. "In the end, I suspect Nino's greatest disappointment was

that he could never persuade his colleagues to embrace his originalist vision of constitutional law."

A graduate of Georgetown University and Harvard Law School, Scalia taught at the University of Virginia and served in the Nixon and Ford administrations before coming to UChicago. He helped organize the Law School's first chapter of the conservative Federalist Society in 1982—one of the society's first three chapters nationwide—and served as its first faculty advisor. The subjects that he taught included administrative law, and Stone recalled that he was an engaging and witty participant in a monthly poker game. Scalia was nominated to the Court by President Ronald Reagan in 1986, four years after Reagan appointed him to the US Court of Appeals for the District of Columbia. He was known as a gifted writer and a brilliant participant in oral arguments, often using historical evidence as an aid in determining the original meaning of laws and the Constitution. He cast his originalist approach as a safeguard against ideologically motivated decisions and a limit on the temptation for unelected judges to give themselves more power at the expense of elected representatives.

"Justice Scalia's powerful arguments for originalism and textualism changed the way all Justices, liberal and conservative, approached cases," said Aziz Huq, the Frank and Bernice J. Greenberg Professor of Law. "One of his great victories is that many tenets of his approaches to legal problems are now conventional wisdom. And for better or worse, Scalia's pungent and forceful opinions did not merely appeal to law professors or other jurists. Rather, he spoke directly to the public, making him, in a sense, one of the democratic Justices of our age."

Added William Baude, the Neubauer Family Assistant Professor of Law: "Justice Scalia had a gigantic influence, and he inspired a generation of law students to see the importance of legal craft. He was brilliant and witty, but even more important, he had integrity. Some of his most important opinions—in sentencing, trial rights, and government searches, for example—upheld the rights of criminal defendants toward whom Scalia was not particularly sympathetic. But he took pride in trying to follow legal principle regardless of whether he liked the results."

Scalia's legacy at the Law School includes strong family connections. His son Eugene Scalia, '90, served as editor-in-chief of the *University of Chicago Law Review* and has sometimes taught courses at the Law School since graduating.

In addition to Eugene, Scalia is survived by his wife of 56 years, Maureen McCarthy Scalia, their eight other children, and numerous grandchildren.

Gary H. Palm, '67, 1942-2016

A professor in the Mandel Legal Aid Clinic for thirty years, a tireless advocate for clinical legal education, and a formidable litigator, Gary H. Palm, '67, Professor Emeritus of Law, passed away on February 14, 2016. He was 73.

"For almost three decades Gary was the face of clinical legal education not only at Chicago but throughout the United States," said Randall Schmidt, '79, Clinical Professor of Law, who was both a colleague and student of Palm's. "He fought fiercely for both the rights of his clients and clinical teachers. He was a mentor and role model to



Gary H. Palm, '67

hundreds of law students and clinical teachers, including me. He will be missed."

"Gary Palm was a pioneer in clinical education," said Douglas Baird, Harry A. Bigelow Distinguished Service Professor of Law and former dean of the University of Chicago Law School. "His leadership of the Mandel Legal Aid Clinic brought distinction to the Law School, and his hard work was instrumental in creating the Kane Center."

In 1970, Palm became Assistant Professor of Law and Director of the Law School's Edwin F. Mandel Legal Aid Clinic, returning to his alma mater and the clinic he worked in as a student. Under his direction, the attorneys transformed the clinic to focus on impact litigation and community-based advocacy with a deep emphasis on clinical education for law students. He and his fellow clinical faculty members offered one of the first trial practice programs taught through trying actual cases in courts under the Illinois student Practice Rule. The Mandel Clinic grew under his leadership to become a vital advocate and legal representative for the indigent, and remains so today.

In a retrospective on the first fifty years of the Law School's Clinic, Tom Stillman, '68, who worked as a clinic attorney with Palm, said, "Gary came in with a commitment from the Law School to create a more formalized teaching model. When I got back to the Clinic as a teacher, things had changed. Students were interviewing clients on their own, discussing the cases with the attorneys, and then they would both go to court. It was no longer that the case belonged to the lawyer and you were there to help out. It was more like the case belonged to the

students and the attorneys were there to help out."

While continuing to direct the clinic for twenty years, Palm also practiced employment discrimination law for plaintiffs and engaged in welfare-to-work advocacy for clients seeking job training benefits and child support enforcement. At the Law School, he taught Trial Practice, Section 1983 Civil Rights Litigation, and Public Interest Practice. Palm and his students won many important cases in the federal and state courts including *Logan v. Zimmerman Brush Co.*, in which the United States Supreme Court, in a unanimous decision, reversed the Illinois Supreme Court on due process grounds with four judges concurring on equal protection grounds.

Palm was also a staunch advocate for clinical faculty and clinical legal education during and after his time at the Law School. He worked with clinical professors around the country on programmatic and curricular advances to improve clinical legal education. He also served as the first clinical teacher on the ABA Accreditation Committee and served for six years on the Council of the ABA's Section on Legal Education and Admissions to the Bar.

Palm graduated from Wittenberg University and the Law School. During his time as a student at the Law School, Palm volunteered in the Mandel Legal Aid Clinic and was elected to the Order of the Coif. He practiced law for three years at Schiff, Hardin and Waite.

In his later life, Palm continued his work on behalf of those in the city of Chicago most in need of assistance, often tenaciously litigating cases that others would not. Among his accomplishments in recent years is the landmark case of *Palm v. 2800 Lake Shore Drive Condominium Assoc.*, which clarified the state's authority in "home rule" cases and settled an important but difficult-to-challenge point of condominium law.

Palm's transformative role at the Law School and in the Mandel Legal Aid Clinic will be long remembered by generations of faculty and students. "Gary Palm transformed clinical education at the Law School and across the country," said his long-time colleague Mark Heyrman, '77, Clinical Professor of Law. "He cared deeply for his clients and his students. During his many decades at the Law School, he inspired generations of students to care about pro bono work and to engage in efforts to reform the law."

"Everywhere I traveled," said Saul Levmore, William B. Graham Distinguished Service Professor of Law, "I encountered graduates who looked back on their experiences with Gary as the very best and most valuable part of their Chicago education."

Career Anatomy: From Novice Advisor to Dedicated Philanthropist

1938-1962

In 1964, a Bear changed the life of Donald Ephraim, '55. After service in the army, Ephraim, who is also a CPA, had settled into a successful law practice, principally focused on taxes and estate planning. One of his clients was the Chicago Bears' star wide receiver Johnny Morris. When a Chicago television station offered Morris a sportscasting job, he asked Ephraim to represent him in the negotiations. "I've never done anything like that before," Ephraim told Morris, "but I'd love to try."



Donald Ephraim, '55, with long time clients Ebert and Siskel

Morris was pleased with the results, and the rest became broadcast history. Ephraim and the Chicago firm he founded, Ephraim & Associates, went on to represent a very long list of major Chicago celebrities, many of whom enjoyed prominent national careers with Ephraim's guidance. They included Roger Ebert, Gene Siskel, Bill Kurtis, Jane Byrne, Jack Brickhouse, and Tom Skilling.

"I was young enough and dumb enough not to know the rules of those negotiations, which were mostly that the talent should be grateful to the network for the opportunity and not ask for too much in compensation, perks, and privileges," Ephraim recalls. "It was very one-sided. I took positions that the broadcasters didn't always like, but usually we reached an agreement that worked out very well for my clients."

In his autobiography, Roger Ebert remembered some of Ephraim's strengths: "Don was legendary for his attention to detail and once sent back a contract to Disney after finding that they had taken two-

thirds of a cent and rounded it down instead of up. 'It's the principle of the thing,' he said, with an indignation I sometimes thought was acting. 'If they go to the trouble of rounding it down, we can go to the trouble of rounding it up again.'"

Retired now from Ephraim & Associates, which is led these days by his two lawyer sons, David and Eliot (his third son, Eric, is a CPA and senior bank executive), Ephraim devotes his time to enjoying life, abundant philanthropy, and community service. His recent philanthropy toward the Law School includes creating the Donald M. Ephraim Prize in Law and Economics, to be awarded annually by the Coase-Sandor Institute for the best treatise in the field from a worldwide competition; and leadership in creating a scholarship fund as a fifty-fifth reunion gift from his class. Among many other things, he also funds a scholarship offered by the National Academy of Television Arts and Sciences (NATAS) and is the chairman of, and provided the principal endowment for, the Donald M. Ephraim Palm Beach Jewish Film Festival, a cultural highlight that is now in its twenty-sixth year.

He served in local and national leadership positions at NATAS, and was recognized with its top honor, the Governor's Award. He's a director or trustee of organizations that include the Mandel Jewish Community Center of Palm Beach and the Palm Beach County Cultural Council, which distributes more than three million dollars annually to individual artists and arts and culture organizations.

"I attended the Law School when many of the most storied professors were there: Llewellyn, Mentschikoff, Meltzer, Katz, Blum, and others," he says. "They were just as great as legend says they were, and—just as things still are today with the current faculty—they didn't just teach, they were mentors, and often great raconteurs outside of class. My classmates were very special, too. I stay in touch with many of them. Law school was a great experience that has enhanced my life for more than sixty years."

Now fully recovered from back ailments that had confined him to a wheelchair not that many years ago, he reports that life is very good: "I wake up every day thankful for my good health. I'm very proud of my children and deeply love my six grandchildren, and I have a wonderful significant other in Maxine Marks. I wish everyone the same good fortune that I have enjoyed."

Founding Partner Advocates for Women in the Legal Profession

Stephanie Scharf, '85, is a cofounder of Scharf Banks Marmor LLC. The firm, which was formed in 2012, is the largest women-owned firm in Chicago and is one of fewer than 30 women-owned law firms throughout the United States to have more than 10 employees.

Scharf, who has advocated for women in the legal profession throughout her career, says there were two primary motivations for



Stephanie Scharf, '85

forming Scharf Banks Marmor: "My partners and I believe that we can deliver high-caliber legal services cost effectively, provide clients with the kinds of professional relationships they seek from a firm, and do that in a satisfying collegial work environment. We also wanted to show that a women-owned firm can practice with the best of all the other firms that are out there."

"Starting a new law firm is a scary thing," she says. "A lot can go wrong financially, professionally, and personally. It's not something I would have done if I hadn't believed that we could offer distinctive value to clients and also create great working lives for everyone at our firm."

Scharf came to the Law School after earning a PhD in behavioral sciences from the University of Chicago. "I had thought that I was going to be an academic, but I found that I didn't have an academic temperament; I was drawn to more action." Her six years with the University's acclaimed National Opinion Research Center, while she was a graduate student and afterward, helped her succeed as a lawyer. "We were doing top-flight, scientifically sound quantitative research," she says. "I learned how to get to the heart of things empirically, and I learned how to present data clearly and persuasively."

She says there were two things about the Law School, and the University in general, that made a big difference in her life: "First, there was the commitment to interdisciplinary learning—no structures that prevented people from learning from each other. And there was no status system: it was ideas that mattered, and everyone was on

an equal footing as long as they could hold their own in the realm of ideas. Those great qualities open up worlds of possibilities."

She began her career at Kirkland & Ellis, where she would remain for ten years and become a partner. It was during her time there that she experienced an important realization: "All my women lawyer friends were disappearing. Practicing law wasn't working out as well for them as they had expected." She joined the National Association of Women Lawyers, rising to become its president and launching several high-impact initiatives that included the Annual Survey of Women in Law Firms. "My background in social science research helped me to create studies that no one could dismiss," she says. "The facts were right there." For the American Bar Foundation and the American Bar Association, she recently completed an innovative empirical survey about women as first chairs at trial. She is a past commissioner of the ABA Commission on Women and a member of the board of DirectWomen. She has received awards from the *National Law Journal*, the Chicago Bar Association, and others recognizing her contributions to the advancement of women in the legal profession.

Scharf joined Jenner & Block, where she practiced for 12 years, as a partner in 1995 and was with a New York firm for several years before forming Scharf Banks Marmor. She and her husband, Jeffrey Mandell (a criminal defense lawyer), have raised two children, a son who is an entrepreneur and a daughter who will graduate this year from Northwestern Law School.

Her law firm continues to grow. She says, "We are bringing on great talent, enjoying the luxury that a small firm has to hire experienced lawyers. Technology enables us to work more efficiently, minimize layers, and partner effectively with other firms to staff some larger projects. And we will only grow as fast as we can retain our core values."

"The scary part of leading a new firm is mostly over now," Scharf says. "The satisfactions confirm a personal belief that was very strongly reinforced by my time at the University: To be true to yourself, you have to be brave."

Reinventing and Redefining a Major In-House Legal Department

In 2014, Bjarne Tellmann, '95, was named senior vice president and general counsel of Pearson PLC. With headquarters in London and New York and more than 40,000 employees in more than 80 countries, Pearson is the world's largest company in many fields, including general publishing, textbook publishing, digital learning technologies, and private English-language instruction.

When Tellmann joined Pearson, the company was engaged in a major transition from a decentralized holding company to a vertically



Bjarne Tellmann, '95

integrated organization. The previous structure had often resulted in attorneys serving their functional or geographic units without a holistic view of the organization's needs. "We really had about ten separate legal departments, which were reporting to local management and not to a single corporate GC—with all the risks and inefficiencies associated with that," Tellmann says.

His charge was to fully rethink and reconfigure the way that legal services are provided. With his team, he identified five key dimensions to address. He says: "We had to wholly revamp the organizational structure of the legal department, creating a global matrix to get our people as close to the business as possible. We had to rethink the department's mission and its strategic priorities, committing to become less reactive and more pragmatic, proactive, and protective of the business. We had to implement five major new technologies that would help us be more effective and efficient, and we had to get a much better handle on our global risk exposure."

He is also reinventing the way that Pearson engages with outside counsel. "We were top-heavy on outside spend," he observes. "So much is happening in the profession to make possible new kinds of relationships; we have a duty to closely examine all of our relationships and maximize their payoff." In the UK, he instituted a series of panels at which firms pitched their services to Pearson.

"It was a great experience," Tellmann says. "They came bearing gifts, saying they could do great things if we gave them the chance. We saw what an array of excellent firms is out there for us, and we learned a great deal about how to work most effectively with them." Similar panels are scheduled for the US.

Also charged with finding annual cost savings of two million dollars, he exceeded that expectation with savings of more than seven million dollars in his first 18 months. For the innovations he has led at Pearson, he was named to *The Lawyer* magazine's "Hot 100" list in 2015.

The son of a Norwegian diplomat, Tellmann lived all around the world as he was growing up. By the time he came to the Law School, he spoke five languages and had earned a martial arts black belt, played leading roles in a film and on television, and received a master's degree from the London School of Economics. He describes his experience at the Law School as "completely mind-altering": "So much of what I had previously experienced, studied, and observed came together for me at the Law School. One after another, great professors showed how the law is a richly woven tapestry, a confluence of so many things, including human nature, the arts, incentives, and centuries of thinking about how society and its organizations can best be structured and regulated. There were so many moments when complexity was resolved into stunning clarity."

His experience after the Law School also helped prepare him for his current responsibilities. During the 13 years before his appointment at Pearson, he held top legal positions at Coca-Cola, including time overseas as the chief legal officer for the Asia-Pacific region and several years at corporate headquarters, managing an 80-person team deployed across four continents.

Now, as he leads the reinvention of the 200-person legal department of a nine-billion-dollar global company, Tellmann says, "There are plenty of challenges and almost uncountable opportunities to keep learning how to do things better. Thanks to the perspectives and skills that I started developing at the Law School, I am confident that we're going to succeed."

Applying Law School Skills in Silicon Valley Customer Service

Tom Eggemeier, '97, became president of Genesys last fall. The largest privately held software company in Silicon Valley, Genesys does business in more than 100 countries, helping companies improve their online, email, and voice interactions with customers. Its clients include Apple, Airbnb, and Emirates Airline.

"A customer's experience with a company is a critical factor in creating brand loyalty, and that's a major business battleground today, when consumers are far less brand loyal than they once were," Eggemeier says. "We match individual customers' information with a company's communications and services, so people are far more likely to get the help or information they need quickly, smoothly, and accurately."



Tom Eggemeier, '97

He gives an example: "Let's say that you're an air traveler who speaks only French. You're in Tokyo, your flight is canceled, and you need to rebook. When you call for that new reservation, you would typically expect to reach a Japanese-speaking agent and then experience a chain of frustrating, time-consuming interactions before getting to someone who could help you. With Emirates Air, for example, it's different. In the best of cases, our software will identify you as French-speaking when you call, based on your cell phone number and the profile Emirates has of you, and you will automatically be routed directly to a French-speaking agent. At a minimum, the agent you reach will see your profile, realize immediately that you speak only French, and be able to very quickly connect you to a French-speaking agent."

"It's a win/win," Eggemeier says. "The customer gets unexpectedly great service, and the company saves time and money. And you can be very sure that that customer will tell plenty of other people about that amazing experience, which builds the brand and attracts more customers."

Eggemeier started working in tech not long after he graduated,

having quickly realized that law firm life was not for him. "I summered at two big firms, and just didn't like it much. The firms were great and the people were great, but I wasn't really happy. After graduating, I tried a smaller firm, but within a year I was ready to do something else." A friend who worked at Compaq told him that the company was hiring. "It was a time in Silicon Valley when if you had a pulse, you could get a job," Eggemeier recalls. "I had a pulse. They put me in marketing, and I found that I liked it."

Four years later he joined Alcatel, and eight years after that he became the company's senior vice president of enterprise global sales, based in Paris and traveling nearly every other week throughout Europe, the Middle East, Africa, Latin America, and Asia. Genesys, which had been a software division within Alcatel-Lucent, became a standalone company after its acquisition by the private equity firm Permira, and Eggemeier went with the company, serving as senior vice president for four years before stepping into his current leadership role.

"People ask me whether I would still have gone to Law School, given the way my career turned out, and I answer that with an unequivocal yes," Eggemeier says. "Every day I apply skills I learned there: analyzing problems, speaking and writing clearly, listening closely to others, recognizing and weighing risks and opportunities, and so many other things. If I had it to do over, I might also have gotten an MBA, but for sure I wouldn't have missed out on what the Law School gave me."

"There's another way, maybe more subtle, in which my Law School experience helped me," he adds. "At Genesys, we create and power the world's best customer experiences with a focus on highly personal and individualized interactions. Perhaps uniquely among law schools, Chicago has those qualities—faculty and administrators know you as an individual, and you have open-door access to all the attention and information you want, completely focused on you and provided by great subject-matter experts. That's the way our customers want their customers to feel. I was fortunate to grow up seeing an intense customer-service ethic in my parents and grandparents, but the Law School really locked it in, and it has helped me throughout my career. Brand loyalty? The Law School sure earned that from me."

Latino Media Leader Directs Expertise toward Community Service

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Vincent Cordero, '99, is the chief operating officer of HBO Latin America. After graduating from the Law School, he began his media career with Univision, becoming one of the youngest general managers in Chicago television history, and continued at 21st Century Fox in Los Angeles as executive vice president and general manager of Fox Deportes, where he led the network's ascent to become the number-



Vincent Cordero, '99

one-rated Latino sports cable network in the United States.

At Univision, he enacted extensive community-service campaigns, including voter registration and engagement programming with the Chicago Board of Elections, as well as college readiness and access programming and town halls with the Chicago Public Schools. Such efforts earned Cordero recognition by *Crain's Chicago Business* as one of the city's

top "40 Under 40." *Broadcasting and Cable* recognized Cordero as one of the "Next Wave of Leaders," describing Univision under his leadership as "a lifeline for the Chicago Latino community." At Fox, he launched college access town halls and a PSA campaign with the Hispanic Scholarship Fund that aired across the country on the 21st Century Fox networks. The National Association of Multi-Ethnicity in Communications recognized Cordero as a "Next Generation Leader" and awarded him its Corporate Diversity Leadership Award.

Cordero was raised in south Los Angeles, by three women to whom he says he "owes everything"—his mother, grandmother, and great-grandmother. He shares: "Growing up in my neighborhood was not easy. But as Nietzsche said, 'What doesn't destroy you makes you stronger.' I knew I was an agent of my own destiny, that I would dream big and commit myself to make a difference in the world."

The first in his family to attend college, he graduated magna cum laude from UCLA with a triple major in philosophy, political science, and Chicano studies.

While interning for California congressman Xavier Becerra during his second summer at the Law School, Cordero met Henry Cisneros,

the former San Antonio mayor and former HUD secretary who was then Univision's COO and president. Cordero had an epiphany: "Ideas shape the world. Media shapes ideas. Therefore, media shapes the world." Ultimately, Cordero interviewed with Cisneros and industry legend Jerry Perenchio, who was then Univision's CEO and chairman.

After graduating from the Law School, Cordero began at Univision as an executive trainee in Los Angeles and assumed the role of vice president and general manager of the Chicago television station duopoly just five years later. Under his leadership, the channel received nearly 40 Emmy nominations, and its nightly Spanish-language news program became Chicago's number-one-rated news show in any language. At Fox Deportes, Cordero's team launched what would become the number-one-rated Latino sports news show in the United States; expanded the portfolio of live event content, including the NFL, UFC, Golden Boy Boxing, and NASCAR; and made television history by being the first US Spanish-language network to air the NFL Super Bowl live.

"I fell in love with Chicago the first day I came to visit the Law School as a prospective student," Cordero says. "I was thrilled to return in my professional career and contribute to the life of such a great city." He attributes his professional success to his mentors, colleagues, and Law School training: "I believe we are all called to be our best, and everyone at the Law School, faculty and students, propelled me in that direction. When you graduate, you know you have been taught and tested by some of the best minds in the world—not to mention US President Barack Obama, who was a professor. You are equipped to succeed and realize your dreams."

At HBO Latin America, his team's accomplishments include increasing advertising sales by record amounts and implementing the technological underpinnings of the new standalone HBO GO online subscription service that the company is introducing throughout Latin America.

"Media is the ever-evolving business of creative story sharing. It inspires and informs the imagination," he says. "The transformative opportunities are limitless. I am eternally grateful to Chicago and the Law School for empowering me to achieve my dreams and make a difference."

Polivation Expert Leads at White House and in Drone Policy

Lisa Ellman, '05 JD, '05 MPP, is a partner at Hogan Lovells in Washington, DC, where she cochairs the firm's global Unmanned Aircraft Systems Practice Group, which addresses legal and policy issues related to commercial drones in the United States and around the world.



Lisa Ellman, '05

She first became involved with drone policy during the five and a half years that she served at high levels of the Obama administration, when she was asked to lead a Department of Justice assessment of domestic drone policy. In that role she participated on a federal interagency working group dealing with drone policy and helped craft the 2015 White House Presidential Memorandum on drone policy, which established protections related to the federal government's domestic use of drones and created a multistakeholder process to consider similar issues in the context of commercial and private drones.

"It's hard to think of a sector that isn't affected by drone policy," Ellman observes. "It's a large and complex ecosystem. Our clients at Hogan Lovells include broadcasters, farmers, realtors, energy producers, engineers, manufacturers, technology companies, and many more types of businesses."

Last year, for her leadership in this emerging area, *Fortune* magazine included her in its "Most Powerful Women" series, and her other graduate-level alma mater, the Harris School of Public Policy, recognized her with its "Rising Star" award as an outstanding graduate under 40 years of age. Her insights about drone policy are frequently reported in major media outlets.

She has applied her acumen in many other policy realms as well. Working as a research assistant to Cass Sunstein while she was a student, she coauthored a paper and a book with him about the effects of federal judges' ideologies on their decisions. In 2004, she took time off from the Law School to become one of a small group who advised Elizabeth Edwards, the wife of then-vice-presidential

candidate John Edwards, on policy matters, coordinating with the campaign's staff and also collaborating with Mrs. Edwards in developing policy positions and recommendations.

When Barack Obama invited her in 2007 to join his presidential campaign as a policy advisor, things kicked into an even higher gear. "For about nine months in 2007 and 2008, I lived out of a suitcase, traveling the country and learning how the people I met were affected by a very broad range of federal policies," she recalls. After the election, she served on Obama's transition team, then took on the responsibilities of being the legal director of the presidential personnel office, and then joined the Justice Department's Office of Legal Policy.

In 2011, she was detailed to the White House to lead the president's Open Government Partnership initiative, which aimed to promote public participation in government, improve government transparency, and increase innovation in the delivery of government services. It was during that time that she coined the word *polivation* to describe the process of creating an effective balance between innovation and governmental policy-making. "Policy-makers need to promote innovation, and innovators need to work with policy-makers," she says. "Polivation requires all parties to bring their expertise to the conversation while respecting the perspectives of others. That can be a challenging thing to accomplish, but learning to do it well is essential for society to make the best use of new ideas and technologies."

"I learned a lot about the value of substantive dialog from my time at the Law School," Ellman reflects. "I was the president of the Law School Democrats. There weren't all that many of us, and I learned not just to defend my views, but to really pay attention to the thinking of others who saw things differently. I also learned a lot at the Law School from faculty with many different viewpoints—from Geof Stone, Richard Posner, Martha Nussbaum, and Abner Mikva, to name just a few. There's no ideological monopoly on wisdom, no way of thinking about issues that doesn't have potential value. When I was a policy advisor, I had to think on behalf of all of the American people, and as a practicing attorney in a complex emerging field, I need to be able to see all sides in order to represent my clients most effectively. The Law School helped me learn how to do those vital things."

JD/MD Impacts National, Global Public Health Regulation

2006-2007

Last year, Nirav Shah, '07 JD, '08 MD, was appointed to the cabinet of Governor Bruce Rauner as the Director of the Illinois Department of Public Health. Charged with protecting the health and wellness of the people of Illinois, the agency has a budget of more than 500 million dollars, manages more than 200 programs, and has more than



Nirav Shah, '07

1,000 employees.

"This is my dream job," Shah says. "To have it this early in my career was kind of stunning at first, and it's still very demanding, but my training and experience are serving me well."

Shah entered medical school at the University of Chicago in 2000 with the intention of becoming an academic in the medical field. His career focus shifted when he took a hiatus from his studies beginning in 2001 to serve a fellowship in Cambodia, working as an economist on public health issues. "I was uniquely *unqualified* for what I was expected to do when I arrived in Cambodia," he recalls. "I suppose the good news for me was that the country's health system had fallen into such complete disrepair that anything I could do helped." Among other things, he tackled disease outbreaks, conducted cost-effectiveness studies, fought against counterfeit drugs, and worked to root out the corruption that had become pervasive in the system. By the end of his time there, he held the title of Chief Economist within the Ministry of Health.

When he returned to Chicago, it was with a strong determination to become a highly effective public health leader. Attending law school made sense in that context. "Ever since I had first met Richard Epstein, during my first year in med school when we had a common interest in medical ethics, he had been telling me that I should study law in addition to getting my medical degree," Shah recalls. "I realized how right he had been. Most modern public health issues come down to two things: regulation, and compromise or deal

making among many competing interests and stakeholders. There's no place where regulation is as richly understood as it is at the Law School, and there's no place that prepares you better to reach optimal negotiated outcomes."

He continued to work with the Cambodian government during law school and as he completed his last year of medical school, traveling to Cambodia on occasion but mostly interacting over Skype. He was able to communicate at long distance because he had become fluent in the Cambodian language, Khmer. At the Law School, he won the Hinton Moot Court Competition and was a John M. Olin Scholar in Law and Economics.

After his graduation from medical school, Shah joined Sidley Austin in its global life sciences practice. He credits the firm for adding a crucial finishing touch to his preparation: "For all the great things I learned at the Law School and the med school, Sidley taught me something just as vital—how a true professional acts in the world. That included so many things—how to communicate with others, how to handle disagreement diplomatically, when to speak out and when to hold back, how to negotiate, how to write a business letter and a memo, how to run an effective meeting. No one sat me down to teach me that; I learned it by example, from observing the consummate professionals at Sidley. I realized from my mentor at Sidley, Paul Kalb, that ultimately, if you don't possess those skills, no one cares how smart you are or how good your ideas might be. You have to make effective human contact to get things done. I have been very happy to see that since I graduated, the Law School is incorporating excellent preparation of this type into the curriculum, through the Kapnick Leadership Development Initiative and other offerings."

"The Illinois Department of Public Health has a weighty responsibility, to serve all citizens of Illinois with a focus on helping those who are most disadvantaged," Shah observes. "Every day as I pursue that responsibility I benefit from the brilliant legal scholarship and wise counsel that were imparted to me at the Law School."

Class Notes Section – REDACTED

for issues of privacy

Reunion Weekend Events April 29-May 1, 2016

FRIDAY, APRIL 29, 2016

- 12:00–2:00 p.m. **Loop Luncheon** featuring Professor Justin Driver
The Standard Club | 320 South Plymouth Court
- 2:30–4:00 p.m. **Highlights Tour: Art Institute of Chicago**
159 East Monroe Street
- 4:30–6:00 p.m. **Alumni Clerkship Reception**
The Gage | 24 South Michigan Avenue
- 6:00–8:00 p.m. **All-Alumni Wine Mess**
Chicago Cultural Center | 78 East Washington Street
- 7:00–9:30 p.m. **APALSA Networking Dinner**
Petterino's | 150 West Randolph Street
- 7:00–9:30 p.m. **BLSA Alumni Recognition Dinner**
Chicago Cultural Center | 78 East Washington Street
- 7:00–10:00 p.m. **Class of 1966 Reception**
University Club of Chicago | 76 East Monroe Street
- 7:30–10:00 p.m. **LLM Class of 1996 Dinner**
The home of Roberta Evans, '61 | 5000 South East End Avenue
- 8:30–10:30 p.m. **All-LLM Alumni Dinner**
Wildfire | 159 West Erie Street

SATURDAY, APRIL 30, 2016

- 8:15 & 8:30 a.m. **Shuttles from the Gleacher Center to the Law School**
450 North Cityfront Plaza Drive
- 9:00–10:00 a.m. **Coffee and Breakfast**
- 9:00–9:45 a.m. **Transitions Panel**
- 10:00–11:00 a.m. **Town Hall Meeting with Dean Thomas J. Miles**
- 11:15 a.m.–12:15 p.m. **Faculty Masterclass with Emily Buss, and David A. Strauss**
- 12:15–1:30 p.m. **Picnic Lunch**
- 12:30–1:30 p.m. **University of Chicago Admissions Lunchtime Panel:**
Booth, the College, and the Law School
- 1:30, 2:00 & 3:00 p.m. **Shuttles from the Law School to the Gleacher Center**
- 1:45–3:00 p.m. **Bus Tour of Hyde Park**
- 4:30–6:00 p.m. **Law Journals Reception**
Hub51 | 51 West Hubbard Street
- 5:30–6:30 p.m. **Reunion Committee Reception** *by invitation only*
Joe's Seafood and Stone Crab | 60 East Grand Avenue
- 7:00–10:00 p.m. **Reunion Class Dinners**

SUNDAY, MAY 1, 2016

- 10:00 a.m.–12:00 p.m. **All-Alumni Brunch**
Signature Room at the 95th | John Hancock Center | 875 North Michigan Avenue
- 10:00 a.m.–12:00 p.m. **Class of 1976 Brunch**
The home of Anne Kimball, '76

REUNION WEEKEND APRIL 29-MAY 1, 2016

FOR MEMBERS OF THE CLASSES OF

1966, 1971, 1976, 1981, 1986,

1991, 1996, 2001, 2006, 2011

