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# CHICAGO LAW



The University of Chicago Law School Record

Fall 2020



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CHICAGO LAW

The University of Chicago Law School Record

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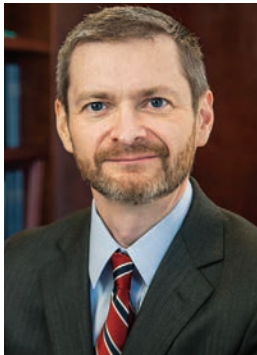
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# Message from the Dean

Dear Alumni and Friends,

This issue of *The Record* goes to press just as the Orientation for our incoming 1Ls, the Class of 2023, begins. As I write this, students have been arriving in scheduled waves for a socially-distanced check-in and to pick up materials in front of the Levin Reflecting Pool. Each year, it is energizing to welcome a new class of students, and in this moment of pandemic, it is especially heartening. Throughout the summer, the news has been filled with reports casting doubt on whether education should occur remotely or in person, whether faculty can teach effectively, whether students will want to attend, and even whether higher education remains viable. All of these concerns dissipate when you meet these terrific students. They are enthusiastic to begin the adventure of law school, excited to join our intellectual community, and eager to learn from our faculty. Despite the challenges of the pandemic, these students recognize that our Law School is distinctive among law schools and that the precious opportunity to obtain a University of Chicago education should not be delayed.



This issue of *The Record* highlights several ways in which the Law School has responded to the events of recent months, and notwithstanding the challenging times, how we have deepened our commitment to academic excellence. The pandemic prompted the Law School, like so many institutions, to convert formerly in-person activities into a remote format. You are likely aware that across the entire University, teaching and learning occurred remotely during Spring Quarter. In June, our graduation festivities, including the annual Hooding and Diploma Ceremony, which is a highpoint of every academic year, occurred remotely for the first time. While it was disappointing

not to celebrate in person, the remote format unleashed our creativity, and we congratulated our graduates on their accomplishment in a way that was new and as heartfelt as ever.

During the summer, police violence, large protests, and civil unrest commanded the attention of the nation. The Law School has the nation's leading experts on policing, and our experience with remote teaching in the spring allowed us to develop immediately a webinar event, "The Crisis in Policing," and follow it with an in-depth, seven-part series. The series displayed some of Chicago's best values: the deep knowledge of our faculty; a range of methodologies; original, even unconventional, views; open dialogue on socially important subjects; and serious and thoughtful exchanges. To those who question whether law schools can contribute to our nation, this series provided a strong reply. (If you have not already seen them, both our Hooding Ceremony and the policing discussions are available on our website.)

During the pandemic, the Law School did not pause in deepening its commitment to academic excellence. Two ways in which we did this especially stand out. We welcomed five new extraordinary colleagues to our faculty this summer: Professors Farah Peterson and Sonja Starr, and Assistant Professors Bridget Fahey, Hajin Kim, and Joshua Macey. As they follow in the footsteps of Soia Mentschikoff, Wally Blum, David Currie, and many others, these new colleagues have enormous shoes to fill. I am confident that they will continue our tradition of exemplary faculty who are both pathbreaking scholars and extraordinary teachers.

Our commitment to provide the best legal education enters a new chapter this academic year with the piloting of a revised 1L curriculum. In an era of relaxed standards at many schools, we continue to challenge our students. We do so because we believe an empowering education helps make possible the extraordinary achievements of our graduates. There is much to be said for not fix'n what ain't broke, but our 1L curriculum has not been altered in over 40 years. The careers of our graduates and the practice of law have changed enormously during that time. A faculty committee put over two years of effort into the question, and the result is just what you would expect from our faculty—rigorous, challenging, innovative, and best in class. It complements our quarter system extremely well, and other law schools will be hard pressed to match it. An incoming 1L just told me that he chose to attend the Law School in part because of the curricular innovation.

With stellar new faculty, an enriched curriculum, careful planning around the pandemic, and an environment of thoughtful discourse on important issues, you can understand why the incoming 1Ls are so excited to begin their legal educations at the Law School. The reasons for their excitement should encourage and inspire all of us. I wish you a safe and happy autumn.

Warm regards,

A handwritten signature in black ink that reads "Tom J. Miles". The signature is written in a cursive, slightly slanted style.

Thomas J. Miles

Dean and Clifton R. Musser Professor of Law & Economics

# THE UNEXPECTED EXPERIMENT

During the Shift to Remote Learning  
Last Spring, the Law School Community  
Found Opportunities amid the Challenges

By Becky Beaupre Gillespie

One day last spring, Professor Douglas Baird and Lecturer Christopher Sontchi introduced a guest speaker to the students in their corporate reorganization seminar. The University of Chicago had shifted to remote learning in late March in response to the coronavirus pandemic, so the previously scheduled visitor joined via Zoom. It worked out well: the guest, the principal debtor’s counsel in the Neiman Marcus bankruptcy, had just filed the high-profile case in Texas that morning, a development that almost certainly would have kept him from visiting an in-person class that day.

Which got Baird thinking: maybe this otherwise challenging academic quarter was also a chance to explore new practices and tap the full potential of remote platforms. The visitor, after all, was directly involved in a cutting-edge case that was relevant to the seminar—and he was able to offer insight as the case unfolded.

“He filed the case that morning, appeared for two and a half hours in our seminar in the afternoon, and then did his first-day hearing the next morning,” said Baird, the Harry A. Bigelow Distinguished Service Professor of Law. “So, first of all, he was able to tell us what was happening in real time. But secondly, it is not conceivable that in the [prepandemic] world, he wouldn’t have had to cancel at the last minute.”

It was a Spring Quarter without precedent, one that began with a quick pivot from classrooms to Zoom—a technical and logistical feat that occurred largely over the Law School’s two-week spring break—and ended with the school’s first-ever virtual Diploma and Hooding Ceremony. During the intervening weeks, faculty and students conducted what amounted to a vast and determined pedagogical experiment. They explored what it meant to teach and learn remotely, considered the implications of physical distance, and continuously refined their tactics—all while navigating a public health crisis few could have imagined months earlier.

“It was a massive undertaking—not distinctive to the Law School—that occurred across the planet,” said Randal C. Picker, the James Parker Hall Distinguished Service Professor of Law. “From talking to the students, I feel like we executed well. Our [Information Technology] team made a big effort. This is not a perfect substitute for being in the classroom, but it was pretty good.”

Students developed new routines and workspaces, some in Hyde Park and some in other states. Professors adjusted their teaching to maintain the emphasis on serious inquiry while also acknowledging needs created by the remote

platform and the crisis itself: COVID-19 vulnerability or infection, family and childcare needs, computer glitches, internet outages, and inescapable distractions. Grades were given pass/fail, classes were recorded, and some professors eliminated surprise from their cold call routines through advance warning, through rotations, or by seeking volunteers. They moved quickly to figure out what worked: some gathered students in small groups on Zoom to talk through ideas. At least one created a Google form so students could quickly and easily submit feedback. Baird, concerned that students in his first-year Contracts class might not speak up as issues arose, designated “a wing man”—an official interrupter—who became a repository for concerns requiring Baird’s attention. Adaptability, flexibility, and grace became key. Many grieved the temporary loss of traditions and physical spaces—in particular, students spoke wistfully of the Green Lounge—and there was no doubt that much of the community wished fervently for a return to in-person learning.

But the digital leap—and the shared foray into unfamiliar territory—also unleashed a torrent of new discoveries and opportunities. Clinical Professor Alison Siegler connected about 20 first-year students in her Criminal Procedure II class with remote pro bono work helping federal public defenders across the country address legal issues raised by the pandemic. Professors Adam Chilton and Will Baude held weekly virtual lunch talks to informally debate current issues, a popular series that sometimes drew more than 100 members of the community. (“Happy and grateful that you all put this together,” one student wrote in the Zoom chat box during the first talk, adding that she felt like she was back at the Law School.) Two clinic students delivered their first oral arguments before the US Court of Appeals for the Seventh Circuit remotely, one by Zoom and one by phone—experiences that helped them hone new skills. [See sidebar, p. 7.] Virtual Coffee Messes, in which participants rotated among randomly selected small groups via Zoom’s “breakout rooms,” gave students, faculty, and staff a chance to interact with new people.

“Part of why I love the Law School is that I was able to throw myself into the community, and so when things went digital, I wanted to keep that aspect alive,” said Kelly Gregg, ’22, who became a fixture at Coffee Mess, Wine Mess, lunch talks, and other virtual events. “The online Coffee Messes have been a really great way to meet faculty, staff, 2Ls, and 3Ls who I might not have talked to otherwise. During a normal Coffee Mess, I’d just sit in

the Green Lounge with my friends and maybe talk a bit to Professor [Saul] Levmore.”

Students continued to participate in class, sometimes in deeper, more robust ways.

“Despite all of the obstacles and distractions, many of the students were just as engaged as ever, if not more engaged,” Chilton said. “In my International Trade Law class, we had some of the best discussions on trade policy that I’ve ever had while teaching the course.”



*Claire Lee, the editor in chief of the Legal Forum, said journal editors tried to keep meetings efficient because everyone was already spending so much time on Zoom. The journal is planning a fall virtual symposium, “Law for the Next Pandemic.”*

As the quarter progressed, students and faculty developed a new level of comfort with video communication, sorting out issues with eye contact (do you look at the webcam or the faces on your screen?), audio etiquette (should you mute yourself when you’re not speaking?), and environment (do you use a virtual background or let others see where you live?) Some created new routines to account for what became known as Zoom fatigue, incorporating analog practices such as paper-and-pen notetaking, developing new hobbies, and scheduling occasional physically distant, masked meetups with friends.

Student organization leaders and journal editors became disciplined stewards of Zoom time, learning to choose carefully how and when to call online meetings.

“We’re mindful that people often have had a very long day of Zoom class,” said Claire Lee, ’21, the editor in chief of the student-run *Legal Forum*, which is focusing its next issue, and its fall symposium, on “Law for the Next Pandemic.” “We’ve shifted to email a lot of things we might have normally talked about in person, realizing that it’s not at the core of what we need to discuss. We’ve become more efficient, and when we meet on Zoom we focus on the big

things that we really do need to figure out together.”

The Law School’s clinical programs found ways to work remotely, meeting with students and clients by Zoom and phone, swapping documents by email, and appearing remotely in court. Several took on new projects to give students a chance to contribute to the unfolding crisis, addressing pandemic-fueled issues related to prisons, small businesses, utility access, immigration, human rights, and more.

The Law School’s tight-knit community, accustomed to debating ideas in the Green Lounge and striking up impromptu conversations in hallways, continuously looked for ways to connect: in addition to online lunch talks and Coffee Mess, students participated in virtual office hours, virtual appointments with staff in the Dean of Students and Career Services offices, and small-group meetings with faculty via Zoom.

“I have been very pleasantly surprised by how well all of my professors have adjusted and responded, because this is unprecedented for all of us,” said Alexandra Green, ’22. “There has just been a really nice network of support, both from our faculty and from each other. We have a classwide group chat—and the different [Bigelow] sections also have group messages—where we share reminders about assignments and ask questions and schedule times to go to [virtual] office hours together. Everybody is really aware of what a big shift this is, and we’re all just trying to be a little mindful and a little more gracious.”

Some professors even continued to share meals and coffee with students—each eating in their own space, in front of a Zoom screen. “It seems a little odd, but there’s a shared commonality of eating at the same time,” Picker said.

The community’s collegial and caring spirit showed itself in little moments throughout the quarter, like the day Professor Emily Buss, the Mark and Barbara Fried Professor of Law, staged a spontaneous hooding when she encountered Jennifer Herrmann, ’20, on the street in her graduation regalia. [See graduation story, p. 38.] Or when Elle D’Amore, a beloved member of the first-year class, passed away, and Professor Lior Strahilevitz invited her classmates to join him in sharing memories via Zoom—an impromptu gathering that drew more than 45 participants, including Elle’s parents. Or the night that 25 to 30 members of the Black Law Students Association (BLSA) met online to elect a new executive board; it was nice reminder of what they all meant to one another, several members said.

“It was the first time that quarter that many of us were all together,” said Green, who was elected BLSA president that night. “So even though it was a business-oriented

night, it was just so good to see everybody.”

Travis Gidado, JD/MBA '22, felt the same way about the BLSA elections. He also felt supported the day he emailed Professor Aziz Huq with a question about his Constitutional Law I class. Huq, the Frank and Bernice J. Greenberg Professor of Law, responded by asking for Gidado's phone number.

“We talked for about 10 minutes,” Gidado said. “Professor Huq didn't have to do that, but he did, and



Throughout Spring Quarter, Professors Adam Chilton (above) and Will Baude (opposite photo) held weekly virtual lunch talks to informally debate current legal issues.

it was amazing. Professors are experimenting with new ways of interacting with students, and it's appreciated because some students may be reluctant to engage these brilliant minds for any number of reasons, especially in a remote capacity. To see professors breaking down that barrier—whether it's through a forum that makes it easier for students to participate or by simply picking up the phone—is powerful and will only improve the educational experience moving forward.”

### Creating a New Classroom Dynamic

The classroom innovations, big and small, began almost immediately.

Strahilevitz, the Sidley Austin Professor of Law, replicated casual preclass conversations by using Zoom's breakout room feature to assign early arrivals to small groups. Clinical Professor Claudia Flores, the director of the Global Human Rights Clinic, created a remote speaker series to discuss human rights issues related to the pandemic. Professor Alison LaCroix, the Robert Newton Reid Professor of Law, posted certain key lecture details online so her students could focus on the discussion rather than on frantic notetaking. In addition to cold calls, Baird

asked for volunteers and then met via Zoom with the group the day before the discussion.

“I volunteered for a Thursday class, so Wednesday afternoon I and three others popped into a Zoom meeting with Professor Baird for 30 minutes to go over the material,” Gregg said. “I think the quality of our cold calls was higher because everybody had a chance to test the waters.”

And Picker, continuing a “Talk to Your Neighbor” segment that he uses in the physical classroom, periodically sent



students into breakout rooms to talk through the material.

“One thing we've become aware of is that you need to mix the modes up—you cannot be doing one thing for 65 minutes,” Picker said. “Talking to your neighbors in breakout rooms is one way of injecting active learning into the class.”

He paused.

“We underexperiment in education,” he continued. “This was a giant forced experiment—and I think it was good to try new things and see what would happen.”

There was value, he and others said, in reflecting on what is best practiced in person—and what might continue to work online, even once physical classes have resumed. He is among those to see remote platforms as an opportunity to broaden the circle of contributors and overcome the barriers of distance.

“I gave a talk at a conference in Peru this morning, which I recorded a week ago standing in a corner of our bedroom,” Picker said. “I didn't have to go anywhere—and getting to Lima's not easy, I've looked.”

The Law School will benefit long term from the insights gained during remote learning, Dean Thomas J. Miles said. “The focus on whether this technology is a perfect substitute for in-person misses the larger benefit of this rapid technological adoption,” said Miles, the Clifton R. Musser Professor of Law and Economics. “When the pandemic passes, much of our teaching will revert to the traditional in-person form, especially in our core courses.



But in electives and specialized offerings, it is likely that some remote teaching will continue. We have learned that technology allows us to bring into our educational community the voices, expertise, and perspectives that the burdens of travel normally deny us.”

From the beginning, students experimented, too. They identified setups that fit their personal preferences—determining, for instance, how to configure the screen, or sometimes two screens, to fit their notes, the reading assignment, and a Zoom window. They identified obstacles and explored strategies for succeeding in the remote format—insights that could inform their approach to digital communication in the future.

Hannah Abrahams, '22, for instance, realized that informal discussions—something that was difficult to find while quarantining alone in her Hyde Park apartment—are a valuable part of processing and absorbing new material. To compensate, she sought out new opportunities to test ideas, including during regular family FaceTime calls with her parents (teachers in Williamsburg, Virginia) and her sister, then a fourth-year medical student.

“I’ll try to explain a concept to a family member, and if at the end that they say, ‘I don’t know what language you’re speaking,’ then I know that I don’t know it well enough,” she said.

Gidado developed a trick for answering questions in class: he’d turn off the gallery view in Zoom to focus solely on the person speaking.

“Then it’s just me and the professor,” he said. “It feels like we’re having the conversation directly.”

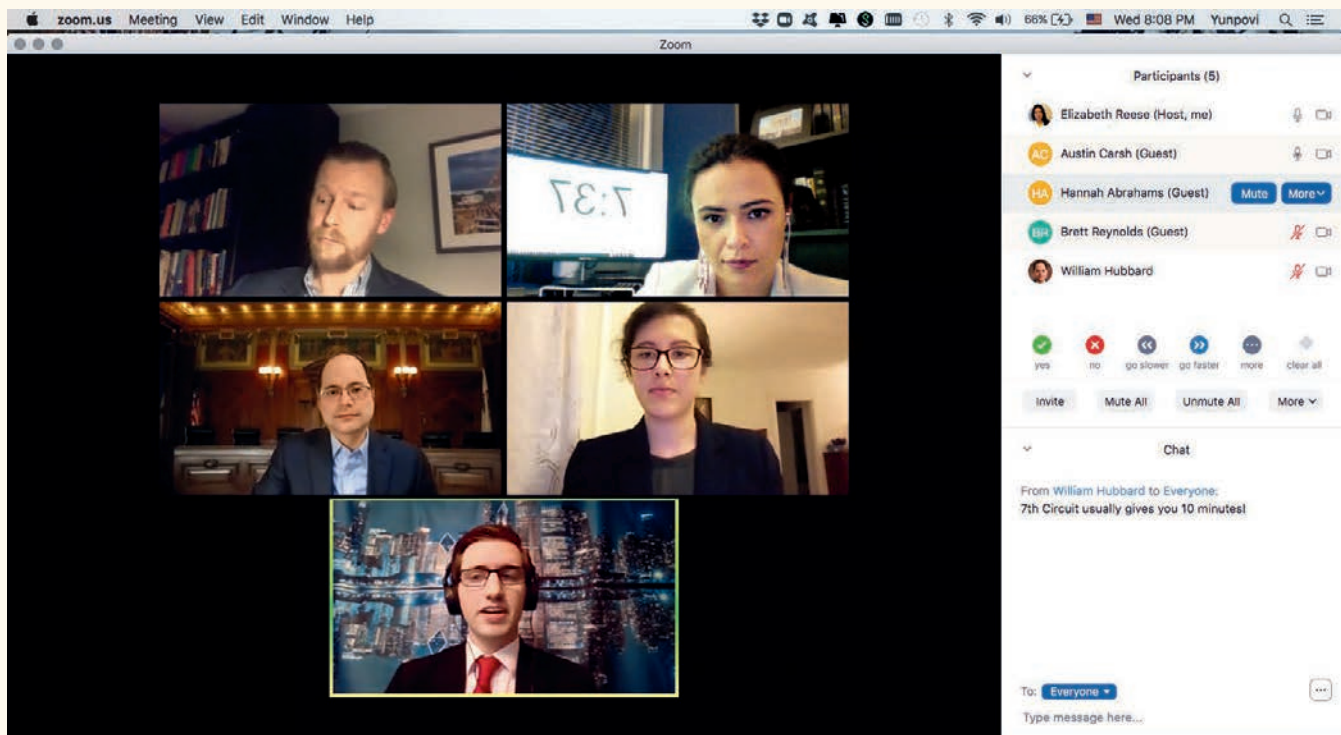
Some students needed to adapt to a new classroom rhythm. Lee, for instance, found that her pattern of engagement had changed.

“I think about things more, but I raise my hand a little bit less,” she said, echoing a point made by several of her classmates. “In the classroom, it’s just easier [to speak up]—someone asks a question and a long discussion might follow, but on Zoom, especially when there are so many people, it’s different.”

Hand raising on Zoom requires a bit more intention, said Joe Casavecchia, '20. Rather than spontaneously lifting an arm or jumping into a discussion, on Zoom students must click a “Raise Hand” button, wait for acknowledgment, and unmute themselves.

“It was a good thing and a bad thing—on one hand, it was harder for students to interrupt each other,” Casavecchia said. “On the other hand, it takes more to speak up.”

Professors looked for ways to stimulate discussion in the new format. In Lee’s Immigration Law class, for instance, Chilton changed things up one day by rapidly calling on



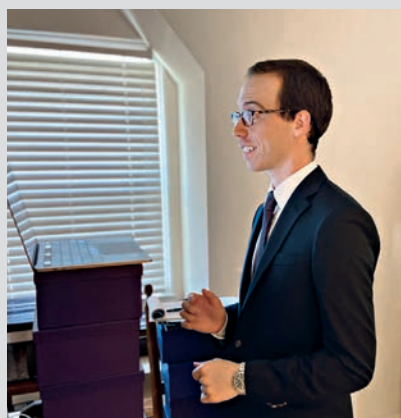
*This spring, 1L Moot Court was held via Zoom.*

# Arguing Before the Seventh Circuit—from Home

By Becky Beaupre Gillespie

On June 9, four days before he graduated from the University of Chicago Law School, Addison Bennett, '20, put on a suit for the first time in months, set up his laptop in the home office in his parents' Greenwich, Connecticut, home, and delivered an oral argument to a three-judge panel on the US Court of Appeals for the Seventh Circuit.

It wasn't what he had imagined for his first court argument: federal appellate judges on a Zoom screen, a laptop perched on boxes to keep the webcam eye level,



Addison Bennett, '20

appeal in a prisoner's rights case he had worked on for most of his 3L year as part of the Law School's Jenner & Block Supreme Court and Appellate Clinic.

Six days earlier, in Norfolk, Virginia, Deanna Hall, '20, had a similar experience—except her Seventh Circuit oral argument was via iPhone from her childhood bedroom. She wore a black dress even though nobody could see her, and she sat at her desk so she could access the files on her laptop as needed. Her parents, who before the pandemic had planned to visit Chicago for the hearing, listened to the livestream audio via the Seventh Circuit's YouTube channel, although they did so outside the house to avoid distracting their daughter.

"It was poetic, actually, to be able to practice law in my hometown," said Hall, who argued an appeal in a religious accommodation case for the Employment Law Clinic, which is part of the Law School's Mandel Legal Aid Clinic. "My parents were able to be a part of it and help me through the preparation process. They listened to moot arguments, and it was helpful to explain the case to people who weren't familiar with it."

his parents at the other end of the house guarding the doorbell and keeping the family pug, Captain, quiet.

"It was surreal—I was standing in the house I grew up in, talking to the Seventh Circuit," said Bennett, who was arguing an

For both recent graduates, the proceedings represented an additional twist in a quarter that will be remembered, at least in part, for all the milestones they experienced remotely—and the speed at which they learned to switch gears.

"First of all, delivering any oral argument in the Seventh Circuit is very challenging for students: it is often their first argument, and someone's rights will depend on the outcome of the case," said Randall D. Schmidt, the director of the Employment Law Clinic, who supervised Hall and assisted in



Deanna Hall, '20

mooting Bennett.

Few law students deliver oral arguments in a US court of appeals, and the opportunity arises most commonly from clinic work. To appear on behalf of a client in any court in Illinois, students must have a "Rule

711" student license and be accompanied by a supervising attorney, almost always a clinical professor. Typically, the students spend months briefing the case with classmates and then weeks practicing their arguments with professors and classmates. When the big day arrives, they sit beside their supervisors in the courtroom, and the panel of judges—and their nameplates—are in full view.

"When you're in person, you can see the judges right in front of you. It's easier to read how they're responding, and at a minimum you can tell who's speaking," said Clinical Professor Sarah Konsky, a director of the Jenner & Block Supreme Court and Appellate Clinic, who supervised Bennett and helped moot Hall. "With Zoom—or with phone—it's all very different."

Audio lags can lead to crosstalk, and arguing into a phone or webcam can feel awkward and unsettling.

Both Bennett and Hall had to train themselves to pause regularly so they wouldn't speak over one of the judges or miss the beginning of a question.

"A lot of the prep was geared toward getting Addison

ready for the Zoom technology,” said Konsky, who was on the Zoom call and was able to communicate with Bennett by text in between the opening and the rebuttal. “You have to wait a second or two to be sure somebody isn’t trying to jump in.”

Hall had listened to audio recordings of previous phone hearings to familiarize herself with the process, but she, too, had to navigate the novel experience more or less on her own: Schmidt emailed her during the proceeding—he was also on the call—but he was miles away in Chicago. She couldn’t pull the phone away from her ear, so texting wasn’t an option.

“Usually, we’d go to the courtroom early, see the panel, read the nameplates, and talk a little about the judges,” Schmidt said. “With [Hall’s argument], we knew who the judges were because they were posted before the argument, but Deanna had to figure out how to recognize the voices, which was hard.”

Bennett wondered whether he should watch the judges’ faces on his screen or focus his gaze on the webcam.

“I wanted to look at the judges to get a sense for what they were thinking—to see their expressions or whether they were leaning forward or getting ready to ask a question—but moving your eyes to a different box on a Zoom call takes an extra step,” said Bennett, who argued on behalf of the plaintiff-appellant in *Shaffer v. Lashbrook* before Judges Diane Sykes, Michael S. Kanne, and Michael D. Brennan. “I was so wrapped up in my argument that I wasn’t able to do much of that, so I ended up staring straight ahead at the camera and trying to simulate eye contact.”

Unexpected distractions, bad connections, and technological mishaps were sources of concern, too. Bennett worried that his dog would bark or the doorbell would ring; Hall hoped that nobody would be cutting the grass near her home. And neither knew whether they would argue by phone or Zoom until a week or two before their court date.

Hall, who argued as *amicus curiae* on behalf of the plaintiff-appellant in *Mohammed Mahran v. Advocate Christ Medical Center, et al.* before Judges Sykes, Amy J. St. Eve, and William J. Bauer, experienced one glitch: for about five seconds at the beginning of her three-minute rebuttal, her phone was muted.

“There was unusual silence on the other end, and just as I realized what had happened and was unmuting myself, one of the judges asked if I was still there,” Hall said. “But I came back to it and everything was fine.”

For Schmidt, the brief silence “seemed like a lifetime.”

“I’m thinking, ‘Oh my God, her phone has been disconnected. She’s lost the call,’” he said. “There had been all these emails [from the court]: ‘If you’re disconnected, call back at this number, and if you can’t get through, try this number.’ And then we were on the call, and there was this silence. I was thinking, ‘Do I now step in and do this rebuttal?’ My mind was racing.”

Both Hall and Bennett performed well despite the pressure and unusual circumstances, their professors said.

“Addison was fantastic,” said Konsky, who had another student, Andy Osborne, ’20, who argued a case in person earlier in the year. Osborne and four other students—Merav Bennett, ’20; Patrick McCusker, ’20; Brenna Ledvora, ’21; and Caroline Cordell, ’21—all worked on briefs in *Shaffer*. The entire clinic, including codirectors David Strauss, the Gerald Ratner Distinguished Service Professor of Law; and Matthew S. Hellmann, the cochair of Jenner & Block’s Supreme Court and Appellate practice, helped moot Bennett, as did Schmidt and other clinical professors.

“There was one we did where the whole clinic did their best impressions of Seventh Circuit judges asking very tough questions,” said Bennett, who only received one question. (The court ultimately ruled against his client, holding that the district court had not abused its discretion in dismissing the case.)

Hall’s preparation was similar: she was mooted by Schmidt; Lecturer in Law James Whitehead, an employment litigator who also supervises the Employment Law Clinic’s appeals team; and the three other students on the appeals team—Kamara Nwosu, ’20; Tyree Petty-Williams, ’21; and Michael Cardoza, ’20, who argued a case in person before the Seventh Circuit earlier in the year. Other clinical professors, including Konsky, also helped.

“I was pretty confident going into it, and I thought I did well,” Hall said.

“She did a really wonderful job,” Schmidt confirmed. (The court hadn’t ruled in *Mahran* as of September 1.)

Hall, who is working in the investment funds group at Paul Hastings’ Los Angeles office, and Bennett, who is clerking for Judge Andrew D. Hurwitz on the US Court of Appeals for the Ninth Circuit, were both thrilled to have had the experience.

“It was nerve racking, but I knew our briefing was solid thanks to everybody’s hard work, and I felt so incredibly supported by the team of students and faculty that helped prepare me,” Bennett said. “It was absolutely the highlight of law school.”

students—not in the tradition of a typical cold call but to seek out gut responses to a series of questions.

“It was more, ‘Do you think this is right? Do you think this is wrong?’” Lee said. It ended up being an energetic and fascinating discussion, and one that was easier to join.

Some students said that the altered rhythm opened up space for new intellectual pursuits.

“I’m more inclined to go down intellectual rabbit holes than would be the case if I had 50 other things to do, as was the norm prepandemic,” Gidado said. “For example, in Con Law I, which ended up being perhaps the most complicated class I took last quarter and also the most intellectually rich, I found



*Taking advantage of the community’s suddenly widespread use of Zoom, Professor Douglas Baird taught a short virtual demonstration on making hollandaise sauce.*

myself asking these larger questions about federalism and its underlying presumptions, which are particularly salient in this time of coronavirus. Right now, you see things like our penchant for individualism butting up against the need for collective action. And so much of that tension springs from the founding period.”

He ended up searching for additional material and engaging in conversation with Huq. “From an academic perspective,” he said, “it was really enriching.”

Still, there were frustrations. Among them: Gidado needed to figure out how to recreate the boost that comes from having classmates physically at your side.

“In the classroom, you might be on a really thorny cold call just trying to survive, and you’ll look around the room at your peers and receive nonverbal support in return. Sadly, you can’t do that as easily in a Zoom setting,” Gidado said. “So I learned you have to make an effort to reach out by text or via Zoom to say, ‘Hey, that was awesome!’ or ‘Well done!’” and be more intentional in displaying that camaraderie.”

Capturing the essence of a group—that feeling of being together and sharing ideas—was something students and faculty worked hard to approximate, though nearly everyone recognized that certain elements of the in-person experience could never be reproduced.

“There’s just so much energy when you walk into one of our big classrooms for a 1L class, and I like that—and I was surprised by how much I felt the absence,” LaCroix said. “In a physical classroom, you can tell when people are confused, and you can address it. There are plenty of times when I like to think I’m injecting some humor, but now I feel like I’m just throwing it out into the void. Students



*Professor Lior Strahilevitz used virtual Zoom backgrounds related to the cases he was teaching in Property, and he introduced students to his Siberian tabby cat, Walter Whiskers, during a class discussion of a landmark case involving a cat owner who sued her condominium association over its “no pets” policy.*

will tell me later that there were moments that were funny, but they’ll say, ‘If I laugh, I’m laughing alone in a room.’ So there’s just a different dynamic. Physical space matters a lot to how people experience things.”

### **Confronting Challenges, Finding Community**

To help recreate the feel of the classroom, Bigelow Fellow Elizabeth Reese at one point began asking her first-year legal research and writing students to unmute themselves. When that wasn’t enough, she kept iterating: she learned which students were most likely to visibly telegraph their reactions and tried to keep their faces on her screen. At one point, she even asked students to bump up the facial animation, consciously expressing themselves as they might in the classroom.

“At first I thought it seemed like an awkward request, but it wasn’t,” said Reese, who was in the first year of her two-year teaching fellowship when the pandemic began. “This is the

situation we're in. They want me to be a good instructor, and in order to be a good instructor, I need feedback."

The fact was, certain aspects of Spring Quarter were just really hard. There were childcare pressures for students and faculty with new babies, toddlers, or school-age children learning at home. (During one Zoom call, one professor asked another about the piece of paper dangling haphazardly from a string in the middle of the room. The second professor laughed as a child ran by waving a scarf with the family dog close behind. "Oh, that?" she said. "It's the sign that said, 'Please be quiet, Mom's on a call.'")



*Joe Casavecchia, '20, and his now-wife Emma were supposed to get married at the Grand Canyon on March 20 but were forced to cancel at the last minute. Instead, on the drive back, they stopped at a courthouse in Burlington, Colorado, and got married in the lobby in sweaters and jeans. "Your ability to adapt to changing circumstances is what will make you a great employee, a great spouse, and a great member of the community," he later told his classmates.*

The anxieties were persistent. Even before George Floyd was killed in Minneapolis in May, students worried about finances, COVID-19 infections, friendships, their families, and, of course, technology. LaCroix remembers a student's screen freezing as she answered a cold call in class. There was a general buzz of stress about those sorts of mishaps, and LaCroix said it was important to allay those fears.

"I just said, 'It's OK, I'll come back to you,'" she said. "The discourse existed in a different space, and it was important for everybody to work with that."

Early in the quarter, Abrahams spilled water on her MacBook in the middle of her Property class—destroying the laptop and knocking herself partly out of commission for several days while she waited for a replacement from Apple.

"The sunlight was in my eyes and, when I reached up to close my curtain, I just knocked my water bottle over,"

said Abrahams, who frantically emailed classmates and ultimately reached out to her professors and the Dean of Students Office. "It was nerve racking, and not my favorite day of quarantine."

It worked out, though. While she waited for the new computer, she was able to dial in to classes by phone and, later, watch class recordings.

For some, there were unexpected distractions.

"Just the other day, my parents' air conditioning unit went out completely out of nowhere," Green said in May, as she quarantined at home in Huntsville, Alabama. "The entire day



*Travis Gidado, JD/MBA '22, used the extra time in quarantine to "go down intellectual rabbit holes."*

we had a heating and air company in and out of pretty much every part of the house, drilling and cutting into walls and taking units out—it was a lot of noise."

She eventually cut herself a break and regrouped the next day.

Some students described a tightening of bonds that came from navigating a difficult situation together, sharing humor through lighthearted uses of

Zoom, and from seeing their classmates and professors at home, surrounded by personal items, pets, and children.

Students in LaCroix's classes, for instance, enjoyed the times she pulled out her daughters' US-map placemat to make a point about geography, and they became accustomed to the John Marshall bobblehead on the shelf behind her desk. Professor William Hubbard impressed Civil Procedure students by using his stylus to draw a map of the continental United States on Zoom's whiteboard feature. Strahilevitz used virtual Zoom backgrounds related to the cases he was teaching in Property, and he introduced students to his Siberian tabby cat, Walter Whiskers, during class discussion of a landmark case involving a cat owner who sued her condominium association over its "no pets" policy.

Professor David Strauss, the Gerald Ratner Distinguished Service Professor of Law, and Clinical Professor Sarah Konsky, directors of the Law School's Jenner & Block Supreme Court and Appellate Clinic, looked for ways to put their clinic students at ease, building in time to chat about lives and meet the pets who sauntered into view during meetings.

“At the beginning of the quarter, David and I decided that we needed to break the ice and get the comfort level up because there was just stress and anxiety and nervousness,” Konsky said. “We tried to deal with that head on, reminding the students that we understood what they were going through and that we wanted to support them, while also trying to keep things light.”

The six Bigelow Fellows worked to help first-year students adapt to the remote format for an important rite of passage: 1L Moot Court, during which first-year students argue a fictional case before a panel of alumni and faculty judges.

“I was worried that [doing this over Zoom] would be awkward, that there would be a lag between when a judge interrupted to ask a question and when the student stopped talking and that they might miss the beginning of a question,” Reese said. “Little moments like that can make all the difference in feeling like you’re in control of the oral argument. But all of it went well. Actually, it was *fantastic*.”

As the quarter drew to a close, several students said they had discovered new strength in themselves—an increased ability to weather uncertainty, to approach situations with flexibility, and to confront unexpected issues.

“The first week was really tough just because it was so different than it’s ever been before,” Lee said. “But now that we’re at the end of the quarter, it feels very normal. I have a dual screen set up at home. I have a system down for getting through the day.”

Casavecchia—who graduated and got married this spring—said the quarter “probably went as well as it could have.”

After his last day in class, he posted a note on LinkedIn, urging his classmates to keep things in perspective:

*Earlier today, I virtually attended my last class ever at the University of Chicago Law School. Professor Alison LaCroix ended class with a reminder that when studying legal history, context matters.*

*Context matters, a lot. And the context in which the Class of 2020 is graduating is unprecedented.*

*The upwelling of emotions brought upon by living through a global pandemic highlights the adaptability of humankind. As individuals and communities, over the last few months we’ve tapped into the reservoirs of goodness that sustain us. COVID-19 canceled my wedding, but we still got married. (Thanks Emma Robinson!!) It canceled my graduation, but we’re still graduating. Your ability to adapt to changing circumstances is what will make you a great employee, a great spouse, and a great member of your community.*

*When my classmates and I become hiring attorneys, I hope we remember to consider context and give weight to the challenges facing our applicants. Everyone in my network has been helpful beyond words this year . . . You have given me a relentless amount of hope for our futures.*

*I am indebted to all of you for your love and friendship.*

A few days later, Casavecchia and the rest of the Class of 2020 graduated. ■





# HOW COVID-19 COULD CHANGE THE LAW

## Faculty Members Discuss the Potential for Lasting Effects on Institutions and Society

By Claire Parins and Claire Stamler-Goody

The COVID-19 pandemic has tested, informed, and may even be changing the legal landscape. It has raised questions about how to best meet the needs of vulnerable populations and has underscored how different regulations can both help and hinder people and businesses. It has highlighted the need for clarity around competing issues—such as free speech and public health—as well as narratives around justice and welfare. It is spurring debates about government power, criminal justice reform, global trade, environmental regulation, immigration, and more.

These are some of the issues Law School faculty discussed late last spring when we asked how COVID-19 might change the law. We wanted to know what the pandemic had revealed about legal systems and structure, both in America and abroad, and whether the virus had changed their views on particular areas of the law, or of the law's scope and limitations.

Their responses varied, but one thing was clear: the consequences of the virus will be extensive, unpredictable, and extraordinarily powerful.



**SHARON FAIRLEY, *Professor from Practice***

One tremendously important and helpful outcome of the nation's response to the coronavirus pandemic, one that will have lasting implications, is the swift and significant reduction in city and county jail populations.



Overincarceration is and has been a pressing issue in criminal justice reform for years, if not decades. According to the ACLU, the United States accounts for 21 percent of the world's incarcerated population, yet only 4 percent of the world's total population. Criminal justice reform advocates have waged a largely uphill

battle trying to convince judges, prosecutors, and law enforcement officials that too many individuals are being locked up while awaiting trial on criminal charges.

Enter COVID-19. Finally, public officials had a real, personal incentive to reduce jail populations as quickly and as deeply as possible. Overcrowding and lack of access to hygiene made jails, and thus the entire justice system, a deadly breeding ground, putting the entire criminal justice system at risk. What's more, research and modeling made clear that there was a direct connection between the health of incarcerated persons and the collective health of communities. Correctional staff members risked infecting friends and family. Recent arrestees infected during a brief jail stay could infect countless others upon their release.

Since the pandemic really hit hard in March, officials have reduced populations in many city and county jail facilities by percentages as high as 30 and 40 percent. And these reductions have generally been achieved by adopting policies that enable the release of individuals that otherwise would have been held pending trial—policies such as releasing individuals who are pregnant or have health conditions and significantly lowering or doing away with bond payments. Notably, although some major cities have seen an increase in violent crime during this pandemic, such increase does not appear attributable to the reduced incarceration of pretrial detainees. Thus, after the pandemic is over, it will be very difficult for public officials to justify returning to the previous practices that led to higher rates of incarceration. The actions taken to reduce the jail population during the pandemic were just the right thing to do under any circumstances.

**GEOFFREY R. STONE, *Edward H. Levi Distinguished Service Professor of Law***

An interesting question posed recently concerns protests by those who object to the lockdowns imposed by mayors and governors across the nation. To what extent does the First Amendment give one a right to engage in protest



activities that pose health risks both to the protesters and, ultimately, to others? Although there are many reasons to restrict public protests, including concerns about noise in certain locations, blocking traffic, etc., the COVID-19–related protests posed challenging questions about whether the First Amendment gives

individuals a right to violate policies requiring masks, social distancing, and the like. Suppose, for example, 500 protesters want to gather together in front of city hall and refuse to wear face masks or to stay six feet apart, in part because those actions are meant as forms of symbolic speech? Can the authorities constitutionally disband the protest and arrest the protesters who refuse to comply? To my knowledge, none of these issues have resulted in litigation, but there are interesting ways in which the intersection of public health concerns and First Amendment rights have now come into conflict.

**EMILY UNDERWOOD, *Assistant Clinical Professor of Law, Bluhm-Helfand Director of the Innovation Clinic***

The COVID-19 pandemic is an opportunity to evaluate how efficiently certain US regulators perform, and whether gains in efficiency would undermine such



regulators' intended purposes. The Food and Drug Administration (FDA), for example, introduced the Coronavirus Treatment Acceleration Program (CTAP), which is intended to significantly accelerate the timeline for bringing to market new drugs to treat the virus. If CTAP is successful, then ostensibly the FDA

can draw lessons from CTAP to identify ways that its usual approval processes and standards can be relaxed or expedited without sacrificing efficacy. This is unlikely to happen with the FDA or any other regulator, as such regulators typically have every incentive to be as risk averse

as possible, and are resource constrained in a way that makes the CTAP measures impossible to implement on a permanent basis. If such regulators seize the opportunity, though, proper innovation would go a long way toward fostering innovation by small businesses and start-ups that may not otherwise have adequate runway to make it to market, improving our quality of life and helping the economy recover.

**ADAM CHILTON, Professor of Law,  
Walter Mander Research Scholar**

The coronavirus pandemic is going to weaken the United States' ability to attract the best international students and immigrants for years. The reason isn't just America's inability to contain the spread of the virus; the reason is the American government's seizing on the crises to alter long-standing immigration rules. Between March and



July 2020, the Trump administration announced nearly 50 changes to US immigration policy. Some of these were reasonable responses to the COVID-19 pandemic, like restricting international travel from countries particularly hard hit by the epidemic. But many of these changes were major restrictions on legal immigration that

appear to do little to address the current public health or economic crises that our country faces. These include a near-total ban on potential immigrants seeking new green cards, halting the issue of temporary work visas, and attempting to restrict the rights of international students to stay in the United States if their universities move to online classes. Though some of these policies have already been dropped, and more may be in the near future, the fact that they were issued at all will impact immigration to the United States long after the coronavirus pandemic subsides. The reason is that immigration to a foreign country is a long-term, speculative investment. People make their choices about where to invest—for instance, deciding what schools to apply for or what jobs to pursue—under the belief that immigration rules will be stable for years. But when there are quick, radical changes to those rules, it scares off the best future migrants for years.

**ELIZABETH KREGOR, Lecturer in Law,  
Director of the Institute for Justice  
Clinic on Entrepreneurship**

At the IJ Clinic on Entrepreneurship, we are hopeful—and resolute—that states and cities will expand temporary relief from needless restrictions that burden low-income



entrepreneurs. As states around the country have rushed to figure out how to deploy medical professionals to address the surge in patients, even if they did not have up-to-date licensures in that state for a specific practice, we hope our governments have seen the benefits of walking back occupational licensure. We have legislative proposals

at the ready for Illinois: sunrise and sunset review so Illinois would evaluate new and old occupational licensing laws closely to make sure they are actually needed to prevent public harm, as well as universal recognition measures for Illinois to recognize out-of-state licenses. We are also pushing for all levels of government to ease restrictions on entrepreneurs or workers with criminal backgrounds, whether they are applying for a loan, a license, or a job.

Some of the businesses that have been forced to close, like salons, barber shops, and massage therapy providers, are heavily regulated at the state and city level. And they can least afford to return to the legal status quo. Many regulations are costly, like requirements that a braider attend hundreds of hours of schooling or that a barber shop needs a special zoning permit that can cost thousands of dollars. Many regulations needlessly limit the creativity that entrepreneurs need to survive this harsh pandemic, like prohibitions on services in customers' homes or in mobile units. We need to strip away the rules that were put in place to preserve established businesses at the expense of newcomers, or we won't have many established businesses left.

Last, we want to carry forward the lessons we have learned about the possibilities of working from home. All over the country, local governments restrict home-based businesses in myriad ways. As entrepreneurs try to fuel a new economy, many may want or need to work from home. We hope local governments remove restrictions on how much space can be used in the home, whether the business can store inventory there, and more. In particular, we hope that states will lift limitations on cottage food producers, who include farmers making jam from surplus produce and bakers making bread (and making ends

meet) while staying home to care for family members. In Illinois, most cottage food producers can't sell anywhere but farmers markets, and we hope the law changes so customers can buy foods made in their neighbors' home kitchens online or on the front porch.

**RANDAL C. PICKER, James Parker Hall Distinguished Service Professor of Law**

The COVID-19 crisis has highlighted the importance of supply chains and the location of production facilities.



This is true for medical supplies like PPE and possible vaccines but also true for semiconductors and other key inputs. We are going to see more efforts by nations to ensure that they have domestic sources of production in key areas. We have already seen draft legislation of this sort for semiconductors, and the US

government and other governments have been active in supporting and arranging for supplies for possible vaccines. And individual firms will take parallel steps to diversify their production facilities.

**SONJA B. STARR, Professor of Law**

Our criminal justice system has responded to the crisis of COVID-19 in prisons and jails grossly inadequately. The pandemic has placed in stark relief the indifference



of American political leaders (and the constituents who elect them) toward the lives of people behind bars. People in prisons and jails are incredibly vulnerable to the spread of this disease, and the huge outbreaks we have seen in many facilities were accordingly entirely predictable and, indeed, widely predicted. This risk

could have been substantially limited with minimal public safety risk by taking steps to reduce unnecessary incarceration, perhaps via transfers to home confinement. Such steps would in fact have protected the public on balance, because outbreaks in prison are a huge threat to surrounding communities. But governors, courts, and corrections authorities have taken only fairly minimal actions. Depressingly, I think the lesson is that Americans cannot be brought to care much at all about the lives of incarcerated people even when protecting them might help to save our own lives.

**TOM GINSBURG, Leo Spitz Professor of International Law, Ludwig and Hilde Wolf Research Scholar, Professor of Political Science**

COVID-19 is going to accelerate the trend toward firmer borders in international relations, and the shift toward regionalism in trade and investment law, away from global institutions. This has already been developing, in part



because the US has turned against the World Trade Organization. We have already seen a rise in "national security" exceptions to principles of free trade, and the virus provides a further set of rationales for sealing borders in the name of public health. The General Agreement on Tariffs and Trade has rules for such claims, but they aren't

going to be very effective without an adjudicative body. The borderless world predicted in the 1990s looks like a faded dream. At the same time, the pandemic shows that international cooperation is more important than ever. We should strengthen the World Health Organization systems for early monitoring and adjust incentives to report early, but I doubt that will happen without US leadership.

**ROBERT WEINSTOCK, Assistant Clinical Professor of Law**

In the domestic environmental law space, COVID-19 has facilitated the weak enforcement posture and regulatory rollbacks of the current administration. In blanket and open-ended fashion, the US Environmental Protection



Agency waived environmental monitoring requirements on polluters and declared it would forgo enforcement of important environmental and public health protections. At the same time, the administration has taken advantage of the nation's focus on COVID-19 to maintain or even accelerate

its efforts to roll back environmental rules, such as pollution limits on power plants and automobiles, and to narrow significantly the universe of waters protected by federal law. This deregulation and refusal to enforce environmental laws harms low-income and people-of-color communities most—much like COVID-19 itself—exacerbating the long-standing fundamental weakness

of US environmental law when it comes to protecting vulnerable communities from complex and cumulative threats. And these public health and environmental inequities compound each other: being overburdened with industrial air pollution leaves a community with higher rates of asthma and other diseases, health maladies that make COVID-19 more deadly. These are trends we in the Abrams Environmental Law Clinic have followed closely and fought against, fights the current pandemic has made even more urgent.

**LISA BERNSTEIN, *Wilson-Dickinson Professor of Law***

As a scholar of supply chain and relational contracts, I believe the COVID-19 crisis will provide the type of shock that will let researchers learn a great deal about



contract governance, specifically the relative importance of the formal and relational aspects of these transactions. It will also reveal structural and contracting weaknesses in these relationships and, perhaps, point the way toward devising new contract governance and contract administration mechanisms. It is

impossible to know what insights studying this shock will lead to, but from the perspective of supply chain researchers, it should lead to a much deeper understanding of what makes supply chain relationships work.

**AMY HERMALIK, *Lecturer in Law, Associate Director of the Institute for Justice Clinic on Entrepreneurship***

The pandemic has and will continue to highlight racial and socioeconomic inequities, disparities, and segregation.



It is easy when looking at racial and socioeconomic inequities in our society to lose sight of how the law has helped to create and maintain those inequities, particularly when, in the present day, there is no “one” discriminatory law to blame for everything, but rather a panoply of problematic actions and failures to act.

For example, the story of why Black people in Chicago will be particularly hard hit by COVID-19 is one that goes back generations, implicates all areas of law, and

is also a result of what a myriad of present-day laws do and do not do. Housing laws, banking laws, workplace protections (and lack thereof), school finance and districting laws, environmental protections (and lack thereof), health care laws, municipal laws and fines and fees (ticketing, towing, etc.), voting laws, criminal laws, and what we have not done toward reparations and addressing persistent wealth gaps—all contribute to the racial segregation and inequities that will make COVID-19 deadlier and more harmful for Black Chicagoans.

The point is not to feel powerless in the face of this pandemic, but to recognize, in its highlighting of persistent racial and socioeconomic inequities, a chance to also highlight the need for legal changes that will help make our society more just, more free, and more prosperous. Change can start today. Find a place to help and dig in. It is an all-hands-on-deck moment. “How the pandemic will change the law” depends very much on how we individually choose to behave—what we lobby for, what we work toward, what we vote for. You hold part of that answer.

In the transactional law context, I will be focused on (a) laws governing employer-worker relationships and (b) tax benefits and other government relief efforts, like the Paycheck Protection Program. With respect to laws governing employer-worker relationships, we should be particularly concerned about incentivizing employers to provide safe workplaces and how such rules should be shaped in light of the massive power imbalance between employees and employers. With tax benefits and other government relief efforts that will—no doubt—be ongoing, we should be concerned with transparency, equity, access, and accountability. We have already seen issues with government relief outcomes and rules not accurately mapping on to who were touted as the intended recipients and justification for the funding in the first place. In the Paycheck Protection Program, we saw problems in who got cash first (small businesses being bumped to “the back of the line” by banks), who was allowed to apply for cash (a broadly-worded initial restriction on who could apply based on involvement with the criminal justice system), and how the initial structuring of the program (which included a requirement that 75 percent of the money be spent on payroll in order to be eligible for forgiveness) limited its usefulness to small brick-and-mortar businesses.

These disparities between what is claimed as the justification for a program and how it works in practice are extremely important. Holding the government to task for

the actual content and impact of programs is important and will be an ongoing struggle. Ensuring safe workplaces and fair, impactful government relief programs will be a significant part of determining whether the economic fallout from COVID-19 will further entrench racial and socioeconomic disparities.

**LEE FENNEL, *Max Pam Professor of Law***

Efforts to address COVID-19 vividly demonstrate the challenges that indivisibilities and nonlinearities present for law and policy. Governments and institutions would face a vastly simpler task if all phenomena obeyed



principles of proportionality, making it possible to dial back activity by a chosen increment and experience a precisely corresponding impact on health outcomes. Instead, threshold effects, critical mass dynamics, and high fixed costs produce a volatile concatenation of all-or-nothing decisions and sharp inflection points

rather than a smooth continuum of alternatives. Human interactions, life plans, and business models often cannot be readily scaled up and down. People's decisions are also tightly interdependent, so that choices made by relatively few can set off—or arrest—a cascade of further behavioral changes. As a result, adjustments in the regulatory environment can generate changes that are much larger or smaller than expected or intended. Law has always had to confront these kinds of issues, but the pandemic has brought them to the forefront by broadly disrupting the accustomed (and thus usually unnoticed) chunks into which the world is organized. What we learn in the course of grappling with these disruptions could help us anticipate and respond more effectively to similarly structured problems going forward.

**MARK TEMPLETON, *Clinical Professor of Law, Director of the Abrams Environmental Law Clinic***

COVID-19 has highlighted the ways in which low-income and many people-of-color consumers suffer from energy insecurity and instability. The work of the Abrams Clinic in and around Detroit, Michigan, has shown that the rates of energy reliability are lower in areas composed primarily of low-income and people-of-color residents.

Having reliable access to energy is especially important during the pandemic, when individuals are working from home or needing to educate their children from home.



People have also been getting laid off or have lost their jobs, and thus they may not have the income to afford their energy bills, leading to increased energy insecurity.

This crisis has revealed the immense need for energy assistance for low-income individuals and the need for an easier process for those individuals to qualify for this kind of assistance. It has also shown that state regulators need to remove barriers that keep these communities from having greater control over their own energy production and distribution, such as through community-based renewable energy projects and microgrids.

**MARTHA C. NUSSBAUM, *Ernst Freund Distinguished Service Professor of Law and Ethics***

The pandemic reminds us, or should, why Ernst Freund was right to urge the inclusion of normative philosophical analysis in the legal curriculum. Freund was thinking



of other issues, especially issues of inequality and social unrest, when he recommended that the new Law School should offer philosophy alongside more traditional forms of legal study. His issues, of course, are still urgently with us. But the pandemic, too, makes us see clearly the need for clear normative arguments

about justice and welfare, and for a philosophical understanding of emotions such as fear, anger, disgust, and hope. Without all this, how can we chart a sane course in unknown and perilous times?

**THOMAS J. MILES, *Dean and Clifton R. Musser Professor of Law and Economics***

The COVID-19 pandemic has brought much bad news, but I see several sources of encouragement for the future, one of which is a growing ability to withstand uncertainty—a quality particularly useful to lawyers. Each generation tends to compare itself to those who

follow behind, sometimes to note their perceived deficiencies. The pandemic is likely to develop a strength in the generation of students now entering colleges and



professional schools today: they are apt to be more comfortable than their forebears in making choices under uncertainty. Much attention has been given in recent weeks to whether students should defer their college or graduate school plans. This is an important and consequential decision.

When faced with uncertainty, the best choice is often to wait. With time, options may improve and more information may arrive, reducing uncertainty. There is also a cost to waiting, and for

students deferring their higher education, the pandemic has limited the attractiveness of gap years or alternative pursuits. In obtaining higher education, a student aspires to a professional career, the state of which would be delayed by education deferral. Admissions are likely to be even more competitive in the next two years, as a pileup of deferrals leaves fewer vacancies available for the rising cohorts of applicants. Recent generations have not had to face a choice of this sort, and having made the choice, today's generation is likely to have greater confidence in confronting future uncertainties. For law students—who will someday be lawyers guiding clients through difficult choices, or government or business leaders navigating uncertainty as they make decisions—this may well become a strength they carry through their careers. ■





# FIVE NEW SCHOLARS JOIN FACULTY IN ‘BANNER YEAR FOR HIRING’

BY BECKY BEAUPRE GILLESPIE

**F**ive new scholars, including leading experts in legal history and criminal law and three rising stars in American federalism, energy law, and environmental regulation, joined the University of Chicago Law School faculty on July 1. Their arrival marked the strongest hiring year in recent memory.

Professor Farah Peterson, a legal historian whose work focuses on statutory interpretation and judicial authority, taught at the University of Virginia School of Law for three years and was a visiting law professor at UChicago this spring. Professor Sonja B. Starr, who taught criminal law as a visiting professor at the Law School in 2015, brings a deep background in the use of quantitative analysis to examine the effects of criminal justice policies. A member of the University of Michigan Law School faculty since 2009, Starr spent six years as a codirector of the school’s Empirical Legal Studies Center. Her work often centers on disparities in policing, sentencing, and other aspects of criminal law.

Three entry-level scholars joined the faculty as assistant professors of law, bringing diverse interests and expertise. Bridget A. Fahey, a former US Supreme Court clerk and law firm associate, most recently spent two years as the George Sharswood Fellow at the University of Pennsylvania Law School, where her research focused on federalism. Hajin Kim, a former US Supreme Court clerk who received her PhD in September from Stanford’s Emmett Interdisciplinary Program in Environment and Resources,

explores topics at the intersection of environmental regulation, social psychology, and economics. Joshua C. Macey, a former financial analyst and federal appellate clerk, focuses on energy, corporate, and environmental law and the regulation of financial institutions; he most recently served as a postdoctoral associate and visiting assistant professor at Cornell Law School.

“Each of these new scholars brings exceptional intellect, energy, and teaching talent, and we are delighted to welcome them to our faculty,” said Dean Thomas J. Miles, the Clifton R. Musser Professor of Law and Economics. “I am also immensely grateful to the faculty appointments committee, whose devotion and hard work brought us these brilliant new colleagues—especially our cochairs Professor Jonathan Masur and Professor Lee Fennell.”

Added Richard McAdams, the Bernard D. Meltzer Professor of Law, who recently finished his two-year term as deputy dean: “We will remember 2020 for many reasons, but for the Law School, it is a banner year for the hiring of these spectacular new colleagues.”

Masur, the John P. Wilson Professor of Law, said he was grateful to “Dean Miles and everyone on the faculty who helped show [the three new assistant professors] that Chicago would be the ideal place for them to start their careers.”

“Within a few years, we fully expect that they will become thought leaders in their fields,” he said. “We also expect that they’ll become among the best teachers at the Law School. The rest of us will have to up our games just to keep pace.”

## FARAH PETERSON

Peterson's work focuses on 18th- and early-19th-century American legal history. In a piece due out in October in the *Yale Law Journal*, Peterson explains that the flexible, purposive approach to constitutional interpretation that is so often contrasted with a restrictive "originalist" reading is, in fact, as old as the document itself.



Farah Peterson

Another recent paper, "Constitutionalism in Unexpected Places," explores the Revolutionary-era belief that Americans were governed not only by the new Constitution but by unwritten commitments that predated the founding and, among other things, validated popular, or "mob," action in the streets.

"I make the argument that just because the founders wrote a constitution down doesn't mean they completely relinquished their old ideas about what the word 'constitution' means, and that included a direct role for the people," said Peterson.

Peterson has also written pieces that connect early American history to present-day events. In an *American Scholar* essay, "Black Lives and the Boston Massacre," Peterson explored crowd action by examining John Adams's successful defense of British soldiers who fired on a mob in Boston in 1770. The soldiers killed five people, including a Black man named Crispus Attucks, who is widely regarded as the first American killed in the Revolution. Adams's defense of the soldiers, Peterson wrote, relied in part on his characterization of the protesters as outside agitators and his ability "to convince the jury that his clients had only killed a black man and his cronies."

"Crowds have long been a part of the American story and have influenced how law has moved forward and developed. What's more, the color of the participants has always mattered. Race has always played a role when those in power are deciding whether crowd actions are legitimate protests or riots," Peterson said. "This amazing outpouring of emotion and patriotic intent that we see right now with people out marching for Black Lives Matter has a long history—so do the criticisms of it."

In another recent essay in *American Scholar*, "The Patriot Slave," Peterson took on the myth that large numbers of enslaved Black Americans essentially chose not to be free by supporting the patriot cause in the Revolutionary War.

In fact, four times as many joined the British in response to promises of emancipation, she explained.

"In this critical election year, candidates are once again vying for the 'black vote,'" Peterson wrote. "At the same time, some states, bowing to political and economic pressure, have begun to ease the stay-at-home restrictions that diminish the spread of COVID-19, a disease that is far from contained and that has proved disproportionately deadly to black Americans. It may therefore be time to review the history of a persistent national delusion: that blacks are happy to die for the liberty and prosperity of those who would keep us powerless and poor. We are not."

Alison LaCroix, the Robert Newton Reid Professor of Law and an associate member in the University's Department of History, said Peterson will "add tremendously to our faculty, especially in the areas of public law and legal history."

*"I have an obsession with the American story that is very like the obsession that many of us have with our own family history. We want to know everything about our families—the good, the bad, the things that have hurt us, the things that have helped us."*

— Farah Peterson

"Farah brings a formidable depth of knowledge, real creativity in choosing and shaping her topics, and an unparalleled ability to connect historical analysis with urgent modern-day issues of scholarly and public debate," LaCroix said.

Peterson holds both a JD and a bachelor's degree in history from Yale and a PhD in history from Princeton. She has clerked for US Supreme Court Justice Stephen Breyer and Judge Guido Calabresi on the US Court of Appeals for the Second Circuit.

She said her interest in history began in high school and grew from "a strong sense of patriotism and love of country that I expressed through examining its intricacies."

"I have an obsession with the American story that is very like the obsession that many of us have with our own family history," she said. "We want to know everything about our families—the good, the bad, the things that have hurt us, the things that have helped us."



When she started her PhD program, she realized that the stories she was most interested in telling were tied to the law.

“There is something very concrete about the history of American institutions and the way those institutions work on a citizen’s life,” she said.

Peterson, who said she was delighted to join the Law School’s “vibrant intellectual community,” will teach courses on legislation and American legal history, as well as a Constitutional Law workshop that she will teach with Professor Fahey.

Teaching, Peterson said, is an opportunity to carve out a space where both she and her students can “become more informed about not just history, but the things that history can reveal.”

“It can feel so dangerous to talk about important issues because it seems like every word is scrutinized,” she said. But in the classroom, she added, everyone is there to learn.

“That’s why they’re there,” she said. “And one of the things that I’m promising them is that they will leave my hands more sensitive, more informed, and better able to speak about things that matter to them.”

### SONJA B. STARR

Starr is known for innovative scholarship on injustice, including empirical studies on the expungement of criminal convictions and racial disparities in prosecution and a field experiment that examined whether “ban-the-box” policies, which prevent employers from asking applicants to disclose criminal history, actually encourage racial discrimination. She has also written about the challenges of empirically analyzing policing disparities and about equality concerns associated with the use of predictive algorithms by police and courts.

“Sonja is a tremendous hire for the Law School,” said Fennell, the Max Pam Professor of Law. “Her research brings cutting-edge empirical methods to bear on crucial issues of criminal justice and discrimination, and her energy and ideas will enrich our intellectual community.”

Omri Ben-Shahar, the Leo and Eileen Herzl Professor of Law and the Kearney Director of the Law School’s Coase-Sandor Institute for Law and Economics, called Starr’s work some of “the most interesting scholarship on the most important problem of criminal law—racial disparities.”

“Working in the field of law and economics, Starr is committed to exploring the many faces of social injustice,” Ben-Shahar said. “Her work has already changed how people think about sentencing, profiling, and employment discrimination.”

Starr’s interest in criminal law grew alongside her work in international human rights.

As an undergraduate at Harvard, Starr majored in social studies and served as captain of the debate team. After graduating summa cum laude, she worked for a year as a debate coach and then enrolled in Yale Law School, where she served as editor of the *Yale Law Journal* and spent



Sonja B. Starr

five semesters in the school’s Lowenstein International Human Rights Law Clinic, which she called “the center of my law school experience.”

It was over the course of three post-law school jobs that her interest in criminal law blossomed, driven in part by the people and the cases she encountered. Beginning in 2002, she clerked for Judge Merrick

Garland on the US Court of Appeals for the DC Circuit during a term that included a number of criminal law cases.

“The majority of the decisions I worked on were criminal law decisions,” she said. “That’s when I started thinking more about it.”

Conversations with those around her fueled the growing appeal of pursuing criminal justice: Garland is a former prosecutor, and other clerks shared her interests; one of them, J. J. Prescott, would become a frequent coauthor and a Michigan Law colleague.

During the year and a half that followed, Starr worked as a law firm associate specializing in Supreme Court litigation—a period of time that coincided with two landmark rulings on criminal sentencing: *Blakely v. Washington* (2004) and *US v. Booker* (2005). She and Prescott published a paper in 2006 examining the effects of *Blakeley*, and several years after that, Starr authored or coauthored several papers examining the impact of *Booker*.

She returned to international human rights in 2005, working for more than a year on the appeals chamber for the international criminal tribunals for the former Yugoslavia and Rwanda. When she returned to the States, she decided to pursue academia, first focusing on international criminal law tribunals and then expanding more broadly into criminal law.

“The more I started engaging in the US criminal law side of things, the more I was seeing that there are human rights issues in our own criminal justice system that are at least as worthy of attention,” she said.

Her scholarship often cites empirical research, and an initial desire to “become a better consumer” of that work led her to build her own expertise in quantitative analysis and ultimately to begin carrying out her own empirical studies.

At UChicago, Starr’s classes will include Sentencing as well as a seminar on the Collateral Consequences of Criminal Convictions, which will examine expungement and ban-the-box policies and other issues related to criminal records.

Teaching, she said, energizes her.

“The fresh perspectives of my students cause me to think in new ways about both about the legal material and the holdings of cases but also about the structural issues in our criminal justice system,” she said.

*“The fresh perspectives of my students cause me to think in new ways about both about the legal material and the holdings of cases but also about the structural issues in our criminal justice system.”*

— Sonja Starr

Starr, who participated last spring in the Law School’s Colloquium on the Crisis in Policing, said she is thrilled to be a part of the Law School faculty.

“The University of Chicago is unlike any other law school in the intensity of the feeling of community that it generates both for faculty and for students,” she said. “Everybody really takes the time to get to know each other . . . and it’s a place where people are encouraged to argue and debate with one another, to push each other to find the weak spots in their arguments, all in a way that makes each other stronger.”

#### **BRIDGET A. FAHEY**

Fahey’s roots as a federalism scholar began at the University of Chicago, where she earned a bachelor’s degree in political science in 2008. She knew even then that she wanted to pursue an academic career, and that she was interested in the structure of political and legal institutions.

“Federalism is such a rich and evolving field in both legal and political theory,” said Fahey, whose work centers on the interaction among domestic governments and the often unseen practices that emerge.

For instance, in one paper, she examined the federal

government’s practice of dictating which state officials are able to accept or reject offers to join cooperative federalism programs, a “consent procedure” that shapes how states make those decisions and, she argues, raises questions about the authenticity of state consent. In a paper published in June, “Federalism by Contract,” she examines the frequently undisclosed written agreements that formally coordinate



Bridget A. Fahey

activities among domestic governments. I try to tell the story of American federalism in all of its contemporary complexity.”

Sharing this with students is especially exciting, she said. “These are legal structures that are going to have a significant effect on the law in their lifetimes.”

Masur called Fahey “a brilliant scholar who has already done innovative work in constitutional law and federalism.”

“She has taken scholarship on federalism in novel and productive directions, which is an impressive feat for any scholar, but especially so for someone just beginning her career,” he said.

*“Like the broader University, the faculty at the Law School has a truly distinctive intellectual culture. I’m just delighted to be a part of it.”*

— Bridget Fahey

Fahey, who worked as a consultant at the Boston Consulting Group for three years after college, entered Yale Law School with an interest in pursuing legal academia. At Yale, she earned the Benjamin Scharps Prize for the best paper by a third-year student and the Potter Stewart Prize for the best moot court team, and served as an executive development editor on the *Yale Law Journal*. After a clerkship on the US Court of Appeals for the

DC Circuit, she clerked for Justice Sonia Sotomayor on the US Supreme Court and then worked as a litigator representing cities and Native American tribes.

Fahey said she is excited to return to the University of Chicago—an institution that “taught me to think.”

“It’s particularly special to return to a place that has been so influential to me,” she said. “Like the broader University, the faculty at the Law School has a truly distinctive intellectual culture. I’m just delighted to be a part of it.”

## HAJIN KIM

Kim started out interested in economics. In 2007, she earned a bachelor’s degree in the discipline from Harvard, where she focused on international trade and graduated summa cum laude before going to work as a consultant for the Boston Consulting Group.



Hajin Kim

But the year after college, she read Barbara Kingsolver’s *Animal, Vegetable, Miracle*, a nonfiction book that explores the environmental impact of factory farming as it details the Kingsolver family’s effort to eat only locally grown food for a year.

“It was kind of mind-blowing because when you study economics and particularly trade, you don’t think that much about those externalities—you think, ‘The government can take care of that with its carbon tax or pollution tax,’” Kim said. “It just made me realize that the market’s not quite working as expected . . . and I became very interested in environmental issues.”

She decided to go to law school, choosing Stanford so she also could pursue a joint master’s degree program in environment and resources. But two things happened: she loved her environmental studies and decided to pursue an interdisciplinary PhD alongside her JD—and she took a social norms class that “completely changed the way I think about the law.” Among other scholars, Kim read work by McAdams, who is the author of *The Expressive Powers of Law: Theories and Limits*, which examines why people obey the law. She began thinking about how norms impact behavior and how morality factors into the decisions people make.

“I decided I wanted to pursue this other path—I wanted to look more at the expressive function of law, not just

its coercive powers,” said Kim, who earned her JD from Stanford in 2014.

During law school, Kim interned at the Climate Action Reserve in Los Angeles, at the National Resources Defense Council in Beijing, and at a law firm in Menlo Park, California. After law school, she clerked for Judge Paul Watford on the US Court of Appeals for the Ninth Circuit and for Supreme Court Justice Ruth Bader Ginsburg in addition to continuing her doctoral work.

“Hajin Kim brings both tremendous raw intelligence and sophisticated technical training to bear on critical questions of environmental and corporate regulation,”

*“I decided I wanted to pursue this other path—I wanted to look more at the expressive function of law, not just its coercive powers.”*

— Hajin Kim

Masur said. “Through the application of new methodologies and modes of thinking, she has the capacity to make progress on issues of great importance that have long stymied other scholars.”

Much of Kim’s scholarship focuses on the way moral tests and moral opportunities influence behavior. With a moral test, she explained, one might feel terrible about doing the wrong thing, like cheating on a test, but not get a particular boost from doing the right thing. With a moral opportunity, one might get a tremendous boost from doing the right thing, like donating a kidney, but not feel all that bad if one doesn’t.

The differences in motivation fascinate her. Kim has explored whether stakeholders are less likely to reward firms for corporate social responsibility if the activities are mandatory rather than voluntary. She also used a negotiation experiment to compare the effectiveness of two policies aimed at cutting emissions: cap-and-trade policies, which essentially create a cap on allowable pollution and then have allowances under the cap that can be sold and traded; and pollution taxes, which place a price on the emissions a company produces each year. In her experiment, those negotiating a pollution tax reached the more environmentally protective results. That outcome suggests a psychological distinction between economically equivalent instruments, Kim said, and she plans further work to understand its mechanisms.

“We have all these new market-based instruments, such as cap-and-trade and pollution taxes . . . but we tend to think only about the financial incentives that underlie them,” Kim said. “We don’t think about the social and moral motivations that might also influence behavior. But these externalities are inherently societal harms, and so they are inherently other-regarding, and [it makes sense that] morality and reputational concerns are part of what drives behavior in this sphere.”

Kim said she looks forward to joining the “rich intellectual environment” of the Law School and to having the opportunity to teach.

“I love the dialogue and I love learning from students,” Kim said. “And it’s fun to think about the most effective way to communicate or persuade or get something across.”

### JOSHUA C. MACEY

It isn’t simply energy regulation itself that fascinates Macey—although it does, both for its salience in addressing climate change and for the insights it offers in “thinking about how regulation works and operates in the first place.”



Joshua C. Macey

He is also curious about the field’s lack of popularity among scholars.

“Energy is the epicenter of the struggle about decarbonization and climate change and yet it is a hugely understudied topic in the legal academy,” Macey said. “In the 1970s, energy regulation was actually quite popular and contributed to a dramatic

industry transformation . . . but now it’s fallen into this arcane, turgid backwater.”

That’s starting to change—and Macey, a 2017 graduate of Yale Law School, is a part of that.

His work combines administrative law, environmental law, energy regulation, and bankruptcy; for instance, he has explored how coal company bankruptcy proceedings can undermine federal environmental and labor laws and how Federal Energy Regulatory Commission (FERC) interventions have counteracted state clean energy policies.

“We thought energy law was a moribund field until we met Josh Macey,” Masur said. “He has amassed an incredible body of knowledge about the economics and regulation of energy markets, and he is bringing smart, creative thinking and new ideas to an area that is vitally

important but has long been overlooked.”

Macey, who earned his bachelor’s degree in English literature from Yale in 2012, graduated from the London School of Economics and Political Science with a master’s degree in political theory in 2013. He then worked for a year as a financial analyst at Morgan Stanley before enrolling in Yale Law School. As a law student, he worked on the Mortgage Foreclosure Litigation Clinic and served as editor of the *Yale Law Journal*.

After law school, he clerked for Judge J. Harvie Wilkinson on the US Court of Appeals for the Fourth Circuit, and then joined Cornell Law School as a postdoctoral associate and then a visiting professor.

*Macey “is bringing smart, creative thinking and new ideas to an area that it vitally important but has long been overlooked.”*

— Jonathan Masur

He enjoys engaging with students—“I learn as much from them as do they from me,” he said—and especially enjoys introducing them to energy law, something he had an opportunity to do at Cornell.

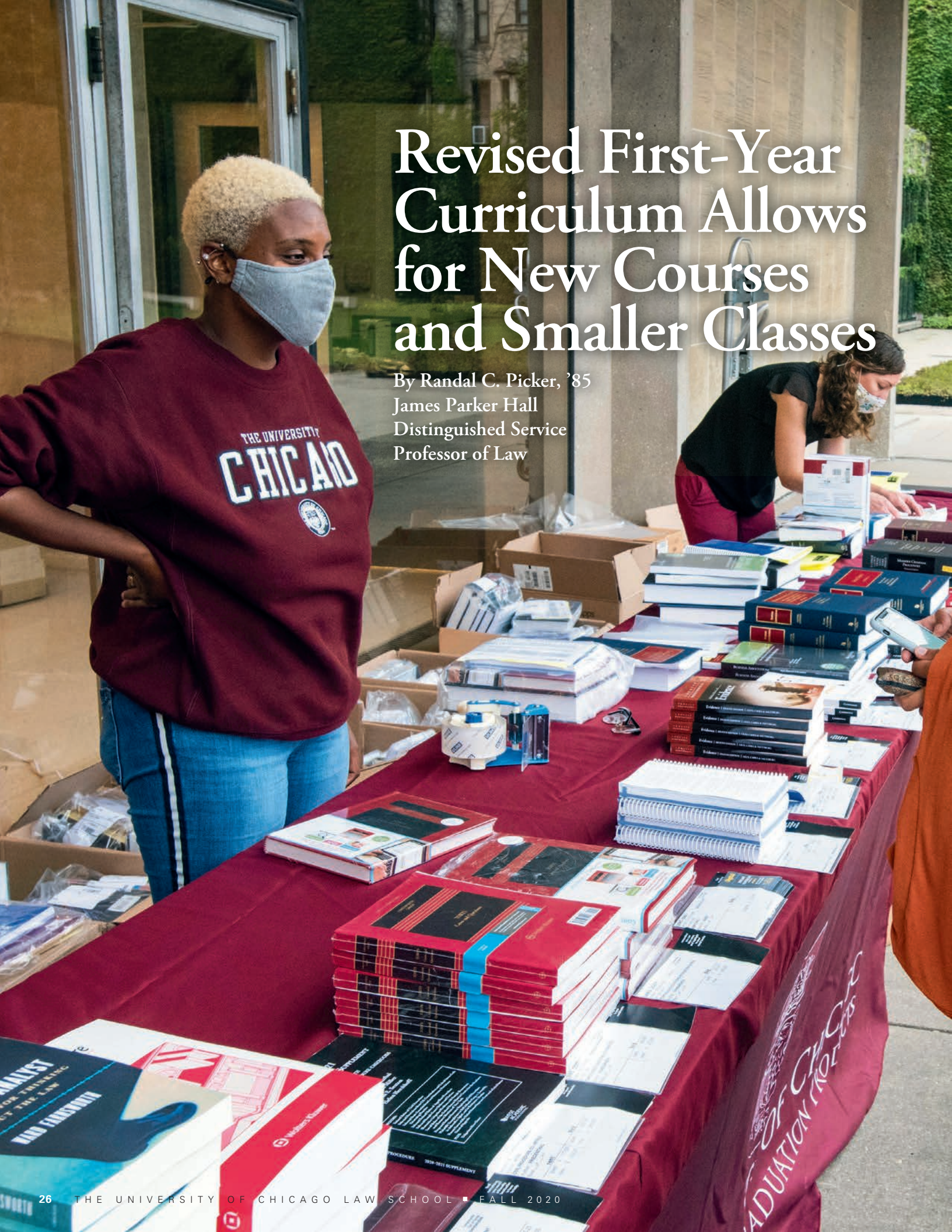
“I’ve had a few students who are now working for FERC,” he said. “Seeing them awoken to a new subject that they never thought would interest them—and then seeing them realize that it’s something they might want to pursue professionally—is very fulfilling.”

He hopes to build interest in energy law among his students and his new colleagues at UChicago.

“People joke that law professors walk around with copies of the Constitution in their hands. Hopefully I can convince my colleagues to carry a copy of the Federal Power Act,” Macey said, laughing. “That might be a bit aspirational, but I am hoping that my interest in arcane energy matters might be contagious and that some of the people who’ve done fascinating regulatory and economic work become increasingly interested in the somewhat crazy markets we have in the electricity sector.”

He looks forward to joining the “intense and collegial and collaborative academic environment” at the Law School.

“It’s apparent even from the summer workshops schedule how intense and exhilarating the intellectual environment is,” he said. “I’m totally thrilled to be a part of that.” ■



# Revised First-Year Curriculum Allows for New Courses and Smaller Classes

By Randal C. Picker, '85  
James Parker Hall  
Distinguished Service  
Professor of Law



I remember the first day of law school as if it were yesterday. It was the fall of 1982, and I was sitting in Classroom II waiting to take Property I from Professor Richard Helmholz. I wasn't really sure what to expect of law school—there were no lawyers in my family—and while I had read Scott Turow's *One L*, it was just a book after all.

Of course, whether this memory is accurate is a different question, but it is the memory that I have. My new classmates and I were nervous as we waited for class to start. Eventually Professor Helmholz came into the room and got situated behind the podium at the front. He looked up, pencil in hand, and asked if Mr. Butler was there. I assumed there had been a family emergency and the Law School needed to get a message to Jamie Butler. That seemed like the natural explanation given that Professor Helmholz had not welcomed us to the Law School, had not offered an overview of the class, and certainly had not introduced himself in an effort to make a group of nervous 1Ls more comfortable as we set off together on this three-year journey.

Of course, "Is Mr. Butler here?" was exactly how my now friend and colleague Dick Helmholz wanted to introduce us to the Law School. He asked Jamie to state the facts of the first case—possibly *Pierson v. Post*, but I am not dead sure of that—and we were off and running. As you know, the 1L year is powerfully formative. I teach upper-level courses—and I take those very, very seriously, as do my students—but the 1L year is the one that law students remember forever. They take that year into the rest of their legal education and then into their professional lives.

We made substantial changes to the 1L curriculum this academic year. Elements of the Law will remain the same, but the big five first-year classes—Civil Procedure, Contracts, Criminal Law, Property, and Torts—will each be shortened from two three-credit classes that span two quarters to a four-credit class that lasts one quarter. That will give us space to add three new classes to Spring Quarter: a constitutional law course, a legislation course, and a brand-new transactions course. Our view—our hope certainly—is that we are creating a 1L curriculum that reimagines what a broad liberal arts education in law should look like.

Roughly two years ago, Dean Thomas Miles appointed a committee to consider the 1L curriculum. I chaired the committee, and five of my colleagues (Professors Emily Buss, Richard McAdams, Jennifer Nou, Geoffrey Stone, and David Weisbach) joined me. The committee did a deep dive on our own history, and that history made clear that one does not make curricular changes lightly,

or, in the case of our Law School, very frequently. The last substantial, sustained change was made in 1977, and if you look at the curriculum from the very beginning—academic year 1903-1904—and work forward through the curriculum over the years, you are likely to see many of

the classes that you took at the Law School.

The committee assessed class offerings at other law schools, interviewed faculty members individually, held sessions with students, and took a rough draft of a possible curriculum to the Law School Council to gain alumni

<b>1L Course Schedule 2019-2020</b>		
<b>Autumn</b>	<b>Winter</b>	<b>Spring</b>
Elements of the Law (3 credits)	Property I (3 credits)	Property II (3 credits)
Civil Procedure I (3 credits)	Contracts I (3 credits)	Contracts II (3 credits)
Criminal Law I (3 credits)	Criminal Law II (3 credits)	Civil Procedure II (3 credits)
Torts I (3 credits)	Torts II (3 credits)	1L Elective (chosen from list of courses) (3 credits)
Legal Research and Writing (1 credit)	Legal Research and Writing (1 credit)	Lawyering: Brief Writing, Oral Advocacy and Transactional Skills (2 credits)
<b>1L Course Schedule 2020-2021</b>		
<b>Autumn</b>	<b>Winter</b>	<b>Spring</b>
Elements of the Law (3 credits)	Contracts (4 credits)	Constitutional Law Elective (chosen from list of courses) (3 credits)
Civil Procedure (4 credits)	Property (4 credits)	Legislation and Statutory Interpretation (3 credits)
Torts (4 credits)	Criminal Law (4 credits)	Transactional Lawyering (3 credits)
		1L Elective (chosen from list of courses) (3 credits)
Legal Research and Writing (1 credit)	Legal Research and Writing (1 credit)	Lawyering: Brief Writing, Oral Advocacy and Transactional Skills (2 credits)

**Constitutional Law Elective Options for Spring 2021 (tentative):**

- Constitutional Law I: Governmental Structure
- Constitutional Law III: Equal Protection and Substantive Due Process
- Criminal Procedure I: The Investigative Process

**1L Elective Options for Spring 2021 (tentative):**

- Comparative Legal Institutions
- Criminal Procedure II: From Bail to Jail
- Critical Race Studies
- Legal History of the Founding Era
- Jurisprudence I: Theories of Law and Adjudication
- Managerial Psychology
- Race and Criminal Justice Policy

feedback. We also held group meetings with the professors who teach or have taught the different 1L classes. Given schedules and the pressures of work, I think it's possible some of the groups had never met before en masse to discuss their approaches to teaching a particular 1L class. We also met with administrators at the Law School to make sure that we understood how the 1L curriculum mattered for admissions and for career placement.

Our new 1L curriculum emerged from that process. We saw a call for three key changes: a desire to bring constitutional law into the first year; a need to have 1Ls spend more time on statutes and the legislative process; and a more direct effort to capture the planning, design, and structuring process that lawyers engage in as well as focusing on appellate cases and Supreme Court opinions. I tell my students that they should think of themselves as institutional engineers, and we wanted a course that reflected that conception.

Of course, it is easy to want more, but the trick was to figure out how to create space for these new courses while still continuing to give our students the grounding of the traditional 1L year. The Chicago 1L year has been 12 courses of three credits each—four each quarter—plus the legal research and writing program taught by our Bigelow Fellows. Those 12 courses were two quarters each of Crim, Contracts, Civ Pro, Torts, and Property, plus Elements of the Law in the fall and an elective in the spring. In the new curriculum, the key move is to convert the two-quarter, three-credit courses to one-quarter, four-credit courses. This year, in the fall, 1Ls will take Elements for three credits, Civ Pro for four credits, and Torts for four credits, along with the legal writing program. In the winter, the 1Ls will have three four-credit courses: Contracts, Property, and Crim, plus the continuing legal writing course.

Those changes have three key advantages. First, students haven't been that thrilled to take a single exam at the end of two quarters, especially when they have had different professors each quarter. That structure goes away in the new curriculum. Second, and we discovered this in the middle of our process, by reducing the mandatory 1L classes by one-third—from six credits to four credits—we can reallocate teaching and begin moving 1L classes from two sections to three sections. That will make 1L class sizes much smaller, which we think will really enhance the classroom experience for the 1Ls. We are quite excited about that. And that will be particularly useful as the Law School takes a run at hybrid classes this fall while teaching through all of the disruptions created by the COVID-19 crisis.

Third, and finally, we have freed up space for a new Spring Quarter. Students will take four three-credit courses, plus legal writing. Students will choose one from a menu of con law classes and take a revamped version of our legislation class to ensure that all of our 1L students get a strong grounding in statutes and statutory methods. They will take our new 1L course organized around transactions. And they will take an elective class from a designated list of courses as they have done in prior years.

The 1L curriculum committee was really thrilled with the faculty meetings that we had to discuss our proposal. The scope of the changes here is substantial, and it would have been easy to back away in favor of a more circumscribed set of changes. But that wasn't the response from the faculty, and indeed, our colleagues seemed energized by the possibility of making broad changes to the 1L year. We think that students will get to see in the new 1L year more of the classes that drew them to law school in the first place. And of course students who want to pursue the traditional core 1L courses in further depth can do so through upper-level electives.

Fall Quarter is going to be extraordinary. Spring Quarter 2020 was a mad rush into Zoom. We felt as though we were walking away from everything that we knew about teaching into a completely new experience. That turned out not to be true: the core of my spring Platforms and Networks class was the same even though the medium of engagement was different.

And the same will be true of the upcoming fall. For 1L classes, it will be a grand dual adventure: new teaching methods and a new curriculum rolled into one. But even as the teaching tools evolve—as we move from the carefully sharpened number two pencils that Professor Helmholtz brought to our Property class to dual-monitor, hardwired-Ethernet Zoom hybrid classes—the core of the 1L curriculum will remain the same. The University of Chicago Law School has never been about taking the easy path. We are, as a community, willing to roll up our sleeves and engage with each other, the issues, and the material that makes law so exciting.

I know that our new 1L students are ready for that. We did some Zoom mini-Greenberg seminars with them over the summer—mine was on Apple and antitrust—and I could feel the excitement in the virtual room. As I told them then: were it not for the fact that I get to come to the Law School every year, I would feel a little jealousy for the experience that is before them. And I probably still do, as you really do get only one first day at the Law School. ■



# LAW STUDENTS SHARE PERSONAL STORIES OF RESILIENCE THROUGH BRIDGES

**T**ravis Gidado, JD/MBA '22, wanted a space where he and his classmates could examine how one's background shapes the Law School experience. The genesis of this interest is best explained by Gidado's essay on the pages that follow, but here's the upshot: in the fall of 2019, a small group of Law School students joined a pilot program aimed at using creative writing to unpack and share their personal stories.

They called themselves Bridges.

Led by Gidado with the support of two Law School departments—Diversity and Inclusion and Communications—the group met about twice a month during the academic year. Their prospective audience was the student body at large, as well as potential law students who might otherwise struggle to “see” themselves in law school, despite their successes. They wanted to be honest about their struggles and self-doubt, but they also wanted to show others how they had created paths forward.





Over eight months, they traded experiences and ideas, explored writing techniques that would help them share those perspectives with a broader audience, and worked through drafts of their essays with a writing coach. In the process, the Bridges team tackled difficult issues, such as race and identity politics, the stigma surrounding mental illness, and the fear of failure. They also challenged each other's self-perceptions and preconceived notions of the law school experience as a whole. Above all, they became a source of mutual support, kindness, and validation—even when disagreements arose.

“This was an experiment in every sense of the word, and I had no idea how it would evolve,” Gidado said. “Thankfully, I could not have envisioned a more honest, thoughtful, or open-minded cohort, and I’ll cherish the community we created together for the rest of my life.”

These are their stories.

# SPEAKING UP, BUILDING BRIDGES

By Travis Gidado, JD/MBA '22

“So what should his sentence be?” my Criminal Law professor inquired, scanning the classroom before revealing results from a poll he had previously circulated. Our class had examined the case of a Black boy who had grown up in Chicago surrounded by gun violence and poverty. His name was Robert Sandifer, and at age 11, he committed



Travis Gidado

murder after joining a local gang. In light of these facts, our task was to issue an appropriate ruling, and the outcome was striking: many of my peers were willing to send the child to jail for several years.

Why was I so stunned? Simply put, this wasn't the only case we'd been asked to consider.

The other scenario involved a white boy who'd been convicted of several sexual crimes against minors after growing up under similarly adverse conditions. But in that case, the class was much more lenient—there were fewer double-digit sentences and even some calls to let him walk free.

I looked around at my classmates—future law firm partners, judges, academics, and policymakers (many of them close friends)—and then raised my hand. I fumbled through an argument about social deprivation and second chances. A few others forcefully spoke of racism and implicit bias, but it wasn't enough to shake my anger and sadness. Once class ended, I walked home, put down my backpack, crawled into bed, and turned off the lights.

I knew the first year of law school was going to be tough along several dimensions; I was entering the most academically rigorous environment of my life to learn a complicated discipline. But I did not expect the little moments that would make it even tougher—the frequent reminders that I will live and work in a legal system that consistently undervalues or ignores Black lives. I learned that tort law in the United States frequently assigns lower monetary values to injuries suffered in Black communities. My Property professor also detailed the various ways common law reasoning worked with legislative statutes to systematically exclude Black families from owning land. In retrospect, that Criminal Law class was simply the apex of a

disheartening journey, and it was then I realized where the fundamental disjuncture arose: I came to law school to learn the law, and instead, I also was confronted with history.

When I awoke, I immediately called my best friend on campus. I ranted about the poll results, expressed my frustrations at how incomplete the discussion had been, and suggested that we needed to have a space outside class to examine these issues further. I felt it was not enough to share them in the comfort of our friend groups or affinity networks; after all, I had plenty of people I could call, but I knew I was not the only one who recognized the limits of the classroom. We only had so much time available to address the social import of legal issues in a nuanced fashion. From race and gender to sexual orientation and mental health, 1L exposed the unspoken realities of American legal practice, but “exposure” was as far as we ever got. If we wanted to engage with the deeper issues that would define our professional experiences beyond the application of laws to facts, we had to start now.

After three months of mulling over the idea and soliciting feedback from close friends, I emailed our dean of students with a lengthy proposal for a first-person writing program. It would give students an opportunity to reflect on their 1L year with peers who also sought a space for unpacking their unique perspectives. I never thought I would receive a response, but he replied the next day, thanking me for my suggestion and asserting that he would take it under advisement. Another follow-up email and several calls later, Bridges was born.

My whole life, I have struggled with questions that have no easy answers. It was what attracted me to law school, and I can confirm this is precisely what lawyers do every single day. However, the questions that will determine the future of the legal profession are not simply legal in nature. Each of us must come to terms with how our backgrounds will shape everything from the resolution of legal issues to the cultures that define courtrooms and law offices. For me, it was realizing that I would be forced to hold two distinct realities in one hand: I had to reconcile the pernicious bias that plagued legal practice with the incredible opportunities offered to a painfully small community of Black lawyers. Others would bring their own deep-seated challenges to the fore. In any event, I knew that we as young lawyers had to begin addressing these truths well before heavy caseloads, eager clients, and growing personal responsibilities curtailed our space for self-reflection.

Looking back, I could not save Sandifer from the results of our classroom poll, or from the cycle of violence and

disenfranchisement itself. Before we left class, my professor revealed that Sandifer had been murdered by his own gang to prevent him from revealing the group's secrets.

Later that summer, I received multiple offers from the nation's most prestigious law firms. And as of this essay's publication, there are courtrooms somewhere in America sentencing Black boys to extended jail time. The carceral state exists alongside my Big Law future, and these truths are self-evident yet hard to square. But this dichotomy is precisely why spaces like Bridges are so important: we must seize the rare opportunities we have to reflect, recognize the myriad complexities that undergird our daily lives, and engage with them as best as we can. The process of building Bridges has shown me the importance of going beyond myself and speaking up, even if it is unclear where that act may lead.

Thanks to Bridges, I hope that this journey will be easier for the next class of 1Ls—and future generations of UChicago lawyers.

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## AN UNEXPECTED EDUCATION

By Rachel Cheng, '20

I entered law school wearing labels I didn't even know I bore. Labels with which I had a complicated—if yet undefined—relationship. While I expected my legal education to shape my thinking, I did not expect that it would push me to articulate my own identity.



Rachel Cheng

I grew up in the western suburbs of Saint Louis, Missouri, a quiet area of two-story houses and middle-class families, cul-de-sac block parties, and mediocre public schools. Although mostly Caucasian and African American students populated my high school, I remained in a bubble with people very like me. My family belonged to a fairly conservative Chinese immigrant church. Each week, we attended a Friday night fellowship gathering and spent all day Sunday at church—sometimes quite literally, attending Sunday School in the morning and staying through dinner making dumplings with friends. It was a family church, the kind where everyone knew everyone else. Where an 80-year-old grandmother, her

daughter, and her married grandson attended together, and where, after her passing, her great-granddaughter continued to attend. From church and youth group, I was taught to love God and serve others, believe in creationism, and aspire to chastity. I learned about generosity and caring for the poor, though I never heard the term “social justice” until college. In church I felt safe. I made friends just like me—Chinese American girls with immigrant parents, struggling through girlhood and adolescence.

At home, I received a different kind of education. My mother, a devout woman, had a passion for teaching my younger siblings and me critical thinking. When we lingered in the kitchen to cook or eat a meal, she would ask what we thought about the sermon, or share something she'd heard on the radio or had seen in the news. From her instruction and example, I learned to reject blind faith and unconsciously play devil's advocate against any source that promoted unquestioned, one-sided opinions. Through our family conversations, I internalized a habit of interrogating the ideas I encountered.

I went to undergrad carrying this background of cultural conservatism undergirded with an instinct to question. While college provided an opportunity to expand my horizons, I did not have many conversations with people of clashing ideologies. Part of this was intentional—I shied away from conflict and veered from situations where I suspected uncomfortable conversations might arise. But the bigger reason was that I found myself again surrounded by like-minded individuals through a close-knit Asian Christian fellowship group. Because I found many people like me—Asian American, Christian women—I didn't dwell much on what these identities meant or have to explain my beliefs to others.

Then came law school. Unlike undergrad, where I found at least 20 students among the 7,000-plus who matched my general demographics, at UChicago, I met 200 classmates, none of whom appeared to share my particular intersectional identity. I soon became part of a community unlike any I'd known before. For the first time in my life, my friends and the people I talked to every day did not look like me or share my background, ethnicity, or beliefs. The very attributes that once created my safety and community became unfamiliar new labels with which I had to grapple—especially once I discovered their unexpected political dimensions.

I had never before deeply considered race and identity politics, or the ideologies that certain groups carried. But in law school, I began to feel this pressure. Classmates

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sometimes assumed I, as a woman of color, identified with mainstream liberal politics. Peers would confide in me with a tone suggesting this unspoken unity. I heard my peers of color offhandedly disparage Asian Americans or other minorities for being part of the conservative Federalist Society. Even though I didn't agree with their sentiments, I often hesitated to correct them. I felt ashamed and deceitful in my silence—like I was an imposter in the Minorities and People of Color social clique, yet was too cowardly to speak out. At the same time, I felt saddened hearing the condemnation underlying these assumptions. While I did not personally join any political organizations, the expectation of viewpoint conformity unsettled me.

As I wrestled with this discomfort, I recognized that I had a duty to speak up. If my views did not match people's expectations, I needed to explain—first to myself, and then to others—who I really was and what I believed. And I would have to do this through challenging conversations with my peers. Over and over, I dared myself to share a differing perspective, call out an ungracious assumption, or correct a misperception of my views. From discussions about absolute truth, evolution, and pluralism, to Chinese cooking, being an oldest sibling, and growing up in the Midwest, these conversations illuminated for me how my background shaped, and sometimes defined, my beliefs. Each time I voiced a contrary opinion and received respect instead of scorn, I gained confidence in articulating my convictions. Even when my views weren't accepted, I felt emboldened simply by making the argument.

This doesn't mean that it stopped being hard. I still dislike conflict and fear rejection. But my time in law school has shown me that I should not only interrogate my own views, but also share my views with other people. Through reflecting on these conversations, I now better understand how my particular identities—my faith tradition, race, experiences, and family background—shape my vision of the world as it is and as it ought to be. I have learned the importance of extending generosity to others by withholding assumptions about them. Because I know that I am more than the labels I bear, I believe that this is true of others too. And I see now that before I can become a competent legal professional, I have to first be willing to speak up for myself. These unexpected opportunities for personal growth are moments I treasure—they are the parts of my education I didn't know I was paying for, but which have made me a more confident and capable advocate.

## THE IMAGINARY JUXTAPOSITION

By Joseph Ludmir, '21

With every step, I approached that dull granite pool. The monotonous gray washed over the library. A drab beige saturated each classroom. The lockers previewed a daunting journey of navigating the monolith known as law school.

Law school, particularly the first year, presented a humbling puzzle. While brilliant professors roamed the halls, third-year students exulted in prestigious job offers, and classmates discussed their undergraduate endeavors in Egyptian archeology and nanoengineering, I as a 1L had to simply maintain my self-esteem.



Joseph Ludmir

On the first day of classes, I stood outside Classroom II as my textbooks lugged my backpack down. I entered to see a student in the front donning a perfectly ironed J.

Crew dress shirt, readying three devices for notetaking, and sipping what appeared to be home-brewed coffee from a shining thermos. I plopped down to a seat in the middle wearing a summer camp T-shirt, pulling out an old MacBook covered with stickers, and slurping a McDonald's iced coffee. With every swig, inadequacy replaced thirst.

As I proceeded through each day of classes, this inadequacy manifested as impostor syndrome. An example of this came toward the end of fall quarter, as I made my usual route to the library to continue outlining. I saw a few students in my Bigelow section (my orientation group) and whispered hello. After some pleasantries, I asked, "What are you up to?" One responded, "Taking practice test number three." I immediately retreated to my study space, panicking to combine my notes from week two into my outline.

My grades were satisfactory, but my internal voice was never satisfied. Median? *Why didn't you get above median?* Above median? *Why didn't you get FAR above median?* Below median? That's when I grabbed a bag of M&M's, put on some *Parks and Recreation*, and allowed Leslie Knope to provide me with comic relief.

I'm pursuing jobs in the public interest field, which means my job search differs from my peers seeking law firm jobs. In the summer between 1L and 2L, most of my

peers participated in On-Campus Interviewing, or OCI, which involved weeks of intense, rapid-fire interviewing by numerous law firms, followed hopefully by callback interviews and a job offer. I'd listen as they rattled off the names of law firms—so many I could barely keep track—and was ecstatic that my closest friends were getting jobs so early. However, for public interest students like me, the path was murkier and required more patience. Most public interest fellowships and employers don't even begin hiring until the end of 2L, a full year after OCI. Most of us don't know whether we have jobs until 3L, thereby requiring fortitude and stamina in knowing we're in a minute number of students still unemployed.

For my 1L summer, I decided to simultaneously complete a part-time legal internship in Los Angeles while working at my local overnight summer camp. As I stepped onto the familiar Malibu campsite, I felt comfortable for the first time in months. I felt secure. I felt confident in my ability. Whether it was crafting friendship bracelets, hollering camp cheers at the top of my lungs, or giving hugs to every (yes, every) fellow staff member, a familiarity and sense of fulfillment replaced months of persistent self-doubt. I had to wonder: would I ever fit into the fabric of this law school?

Fast forward to my 2L year. After a riveting seminar on divorce law, I met with my professor. We began talking, and she said, "You know, Joseph, you really have such nuanced contributions in class. You should pursue a career in family law." I was shocked. Feedback at law school primarily consisted of three-digit numbers, and I consistently doubted my ability when those numbers proved subpar or even on par. I had waited two years for this direct validation to finally feel comfortable in my aptitude within the University of Chicago Law School community. I wondered why I had agonized over every performance marker. Why my grades seemed deficient, why my employment track was disquieting, why my studying habits were distressing.

The answer hit me: I had spent two years comparing myself to the *best* of every single other student. I had cherry-picked moments where I perceived others were thriving and assembled them to manufacture a fictitious law student who never struggled. For two years, I desperately attempted to catch up to that student. The thing is, that student never existed.

The J. Crew model from Classroom II? He was equally nervous about the first day of classes.

The outline "gunner" from the library? He was completing his outline early to better care for his children during exams.

One of the students who seemed omniscient about the OCI process? She wanted to ensure herself a job offer after struggling the first quarter of law school.

As for me, I no longer feel puzzled by the Law School. I've embraced who I am and the path I'm pursuing. I'm the president of the Law Students Association (our student-body government) and am in the midst of applying to several different public interest postgrad programs scattered throughout the world. I now feel a spectacular energy in not knowing exactly what my path will look like, because I trust myself to figure it out. We all have that natural yet subtly destructive tendency to compare ourselves. It's tempting, especially when entering law school, an institution few of us know intimately before matriculation. I have fought a deep-rooted inclination to discredit my law student identity in whether I could ever thrive as a lawyer. However, the moment I ceased comparison and actually trusted myself, the law school transformed from a puzzle into a boundless opportunity.

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## FINDING STRENGTH IN ASKING FOR HELP

*A note: The following essay was written by an upper-level law student who has chosen to omit her name because mental illness still carries a stigma in our culture and in the legal profession. She is not ashamed of her diagnosis: she speaks openly with friends about it and discloses it when required. She hopes that one day she will be able to speak freely without worrying that it might jeopardize her reputation or career.*

Deadbolt, lock, doorknob. Deadbolt, lock, doorknob. It was my first week of law school, and I had been standing at my front door for 30 minutes testing the knob to make sure the door was locked. It was past midnight, and I'd already spent nearly an hour checking the dials on my oven, making sure nothing was touching my radiators, and pushing at my fridge door to make sure it was closed, but I couldn't go to bed until I was sure the door was locked. Rationally, I knew that my door had been locked since the first time I flipped the deadbolt, but the voice in the back of my mind kept whispering, "What if . . . ?" I couldn't walk away. All I could do was repeat my movements, hoping that my mind would eventually be satisfied.

I've known since college that I have obsessive-compulsive disorder, though for a long time I tried to turn a blind eye to it. At some point, you realize that spending 30 minutes

to check the appliances in your apartment before you can walk out the door is not healthy behavior. The idea of getting help, though, scared me to death. Not because of any innate fear of psychiatric medicine or therapy, but because I feared what an official diagnosis would do to my reputation. I would lay in bed late at night and scroll through the character and fitness portions of different bar exams, wondering if acknowledging my disorder would keep me from practicing as a lawyer.

Questions like number 34 on the New York State Bar Exam stoked that fear: “Do you currently have any condition or impairment including, but not limited to, mental, emotional, psychiatric, nervous or behavioral . . . which in any way impairs or limits your ability to practice law?”

What would I even answer? I didn’t think OCD would impact my legal practice, but would the bar disagree? And if I did answer yes and disclose that I saw a therapist or psychiatrist, the Committee on Character and Fitness could then request my treatment records. I had never seen a therapist for help, but I already knew that anything I said in those private sessions might have to be disclosed to my professional organization in order to decide whether I was too unstable to practice law. Being a lawyer was my dream, and the idea of jeopardizing that dream for the sake of therapy was unbearable. I felt that my career was worth so much more than my mental health, and I vowed to keep my OCD quiet for the sake of being a good law student.

As I started law school, though, my symptoms grew less manageable. I had to wake up an hour early just to give myself enough time to perform my compulsions and still be on time to class. I would spend an hour each night checking my oven, radiators, doors, and refrigerator, unable to dismiss the feeling that something terrible would happen while I was asleep. I was so afraid of intruders breaking into my apartment that I would keep myself awake until late at night. I was so convinced that my apartment would burn down if I wasn’t home that I could barely leave the house.

During orientation, the Legal Assistance Program came to the law school and gave a presentation that shook me to my core. The presenter displayed a chart showing that a significant portion of lawyers deal with mental illness and substance abuse. The next chart, though, showed that a large majority of the lawyers surveyed expressly stated that they would not seek treatment for their condition. Sitting in those auditorium chairs among nearly 200 other people I barely knew, I felt ashamed. I was part of that pie chart. The presenter on the stage kept repeating one phrase:

“Don’t be a statistic.”

But I already was.

It was other law students who helped me gain the courage for treatment. While I was simmering in shame, other students were speaking openly. One of my friends mentioned that she had a therapy appointment the next day; another student mentioned on Facebook how helpful



the counseling center could be; a different friend told me about experience with psychiatric medication. I started to realize that these other students whom I admired also had to manage mental health, and that doing so wasn’t shameful. Hearing people speak about therapy as a normal everyday occurrence helped me see it as a tool I could employ, instead of a frightening experience that would ruin my dreams of being a lawyer. Quietly, I made an appointment at the University’s counseling center.

From there, I began medication, went through therapy to improve my symptoms, and slowly began to realize that I, too, could share my story. I try to give back to those around me by talking more openly about mental health. Having others normalize treatment was essential for me, and I hope to also help normalize mental wellness for other students who may be feeling alone or ashamed. Although recovery and treatment is an ongoing process that has been difficult, I know that talking about such difficulties can help others realize that having a mental illness is not mutually exclusive with being a good student or a successful lawyer.

The stigma of mental illness in our culture and, to a greater extent, in our profession, is alive and well. Even I am reluctant to publish this piece with my name due to worries

about career impacts. However, for other incoming, current, or former law students dealing with mental illness: You are not alone. I encourage all law students to focus on mental wellness, reach out for support when needed, and look for others who share your experiences. You'd be surprised by how many of your peers deal with similar problems. I still worry about what others might think of me once they know about my OCD, but the potential career benefits of avoiding help are never enough to justify the pain and anxiety that my untreated OCD caused me. I refuse to sacrifice my mental health for the sake of my career. In fact, I truly believe that my efforts at healing will help me be a healthier, happier, and more successful lawyer. Of all my accomplishments during law school, my recovery journey is the one I'm proudest of.

Tonight, I'll check my door to make sure it is locked. Deadbolt, lock, doorknob. After a minute, though, I'll be able to walk away.

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## FAILING FORWARD

By Victor Cedeño, '21

People always hear what they want to hear—especially when it's something negative about themselves. This year, I entered the Law School's Hinton Moot Court Competition, and when I didn't advance to the semifinal



Victor Cedeño

round, the word I heard was “failure.” It was especially crushing because I had prioritized the competition above all else. I checked the results email multiple times, sure my name was there somewhere. Once I was certain there wasn't a mistake, the doom and gloom set in. The moot court competition was the activity in law school where I wanted to excel above all others. I'm a married student, and we were expecting our first child. Law school can be a black hole: if you allow it to, it will consume all of your time and energy. As I juggled doing extra chores with my wife Allie struggling through her pregnancy, while also preparing for our baby, I didn't have the luxury of pulling all-nighters on schoolwork every week. I had to be very careful where I went “all out.” That competition was it. And I failed.

The problem was not that I was disappointed with not making the cut. The problem was the way that

disappointment quickly—though briefly—poisoned every other aspect of my law school experience. Can I cut it in Big Law? Is there anywhere in law school I'll excel? Did I even make the right choice to attend law school? Thankfully, I caught myself before further spiraling.

“Don't believe everything you think,” I told myself. I called my good friend and shared the news. He reacted as though I had just been dumped by someone he knew was wrong all along: “They messed up, those judges don't know what they are doing, you are a boss and you'll show them.” (I'm paraphrasing and using toned-down language.) That's when I realized that there was something funky about the image of myself I was conjuring. True, I had not achieved my goal. But that was hardly the first time. The dean had yet to call me to inform me that I was no longer welcome at the Law School.

I asked myself: What would I tell a good friend who had just failed to reach a goal?

I would ask that person to take a step back and be more objective. I would point out that he had yet to fail a class, and in fact had done rather well academically. (And the truth is, I have done well, and I'm proud of this.) I would remind him that he already has great job prospects. (I'm excited to work for a wonderful law firm this summer.) I would point out that being at the University of Chicago Law School is itself an accomplishment—there is a stack of rejections many times larger than the class of incredible people in the hallways. (My classmates truly are some of the most impressive people I've ever met.) I would remind him that balancing law school and a family without losing your mind is cause for celebration. (My wife and I welcomed our son three weeks before finals, and I still did fine!)

Failure is part of growth, as are missteps and embarrassments. The problem most law school students face is that we overemphasize failure and quickly forget our accomplishments. It sometimes feels as though life started at law school, when in reality, our success as attorneys and professionals will depend on everything we did before, during, and after these three years. We shouldn't fall prey to negative confirmation bias.

I can only become a great attorney by challenging myself. I've committed to participating in the moot court competition again and taking on challenging clinics and classes. I expect this will not be my last disappointment while in law school, or as a lawyer. However, next time I find myself looking for my faults, I'll think about what a rational friend would tell me, put things in perspective, and get back to work. ■

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# THE LAW SCHOOL



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# A GRADUATION LIKE NO OTHER

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THE UNIVERSITY OF CHICAGO LAW SCHOOL CLASS OF 2020 CELEBRATED ITS GRADUATION AS NO CLASS HAS BEFORE: WITH A VIRTUAL DIPLOMA AND HOODING CEREMONY IN THE MIDDLE OF A GLOBAL PANDEMIC. THE LAW SCHOOL AIRED THE CEREMONY ON SATURDAY, JUNE 13, AFTER THE UNIVERSITY-WIDE VIRTUAL CONVOCATION. THE HISTORIC HOODING CEREMONY INCLUDED A SLIDE DEDICATED TO EACH GRADUATE AND MESSAGES FROM NOTABLE ALUMNI, FOUR FACULTY HOODERS, AND DEAN THOMAS J. MILES.

ACROSS THE COUNTRY, THE NEW LAW SCHOOL GRADUATES CELEBRATED THE DAY PRIVATELY WITH FAMILY AND SMALL GROUPS OF FRIENDS. YOU CAN WATCH THE VIRTUAL CEREMONY, VIEW THE HOODING CEREMONY BOOKLET, AND SEE MESSAGES FROM FACULTY, STAFF, AND STUDENTS FROM OTHER CLASSES ON THE CLASS OF 2020 KUDOBOARD AT [HTTPS://WWW.LAW.UCHICAGO.EDU/GRADUATION](https://www.law.uchicago.edu/graduation).



## REMARKS BY DEAN THOMAS J. MILES

*Note: Dean Thomas J. Miles, the Clifton R. Musser Professor of Law and Economics, spoke twice at the beginning of the virtual Diploma and Hooding Ceremony: he delivered formal remarks that were filmed several weeks in advance in graduation regalia, and he offered an introduction that was filmed in the Green Lounge days before the ceremony. Both are included here.*

## INTRODUCTION

**M**embers of the Class of 2020, congratulations on your graduation from the University of Chicago Law School. We're tremendously proud of your accomplishment, and we're eager to celebrate with you during this remote hooding ceremony. We wish we could celebrate with you and with your family and friends in person, but the COVID-19 pandemic prevents us from doing so.

Two months ago, when it became clear that we would not be able to hold the hooding ceremony in person, we thought hard and imaginatively about how we could make a remote ceremony special and meaningful. And then we got to work. We planned. We developed. We assembled the ceremony over the course of two months.

In the ceremony that follows, you will see greetings and messages from faculty, from friends of the Law School, and from me. In order to have a smooth-running ceremony, to accommodate schedules, and to maintain social distancing as we prepared this ceremony, some of the messages were prepared in advance. The messages therefore do not reference the brutal killing of George Floyd and the events that have shaken our country over the past two weeks. These events come after the

repeated similar deaths of other African Americans and the disproportionate impact of the COVID pandemic, economic turmoil, and upheavals in many cities.

As I wrote in my message to the Law School community last week, it is a particularly hard moment for our country. Police brutality and racism are insidious and unacceptable, and they raise profound questions about law, race, and justice. I also expressed the hope that the events will inspire a renewed sense of dedication to equal justice under law, and that I look forward to what our graduates will accomplish in restoring public trust and advancing equal justice under law.

Please know that the constraints of assembling this ceremony don't diminish in any way the greetings, the messages of congratulations, and the best wishes for the future, or make them any less heartfelt, enthusiastic, or



*Despite not being together, many students celebrated with small groups of family and friends, and some took photos in their regalia. Leena El-Sadek, '20, marked the day with family in Terry, Mississippi. "My sister hooded me, and I thought that was most appropriate as she was the first person who knew I wanted to go to law school, and she was the first person to support my decision."*



hopeful. Graduation from the University of Chicago Law School is a tremendous accomplishment. It deserves a moment—more than a moment—of celebration.

Class of 2020, you have learned a lot. You have achieved a lot. Congratulations. Enjoy the ceremony.

### DIPLOMA AND HOODING CEREMONY REMARKS

Members of the class of 2020, family, friends, welcome to the 22nd Annual Hooding Ceremony of the University of Chicago Law School, Remote Edition. I'm Tom Miles, dean of the Law School. Welcome. Today is a day to celebrate the accomplishments of the class of 2020.

You, the members of the class of 2020, have accomplished a great deal. It was not long ago that you first came to law school and went to your very first class. That class may



Earl Dickerson, 1920

have been your first in a graduate program and your first encounter with the Socratic method. You may remember approaching that first class with a sense of excitement, curiosity, even anxiety.

In that first class or shortly thereafter, you encountered a reservoir that flooded a neighboring mine. You encountered a group of shipwrecked voyagers who resorted

to cannibalism. And you encountered an automobile distributor that sought to avoid litigation in Oklahoma.

Your encounters with these characters and many others were then the focus of your close study, and perhaps were sources of confusion, even frustration. Now, these characters prompt a nod of recognition and perhaps a touch of nostalgia. The fact that they now prompt nostalgia and the fact that the Socratic method no longer makes you nervous indicates how much you have learned and how much you have grown in your time at the Law School.

You have learned a great deal of the law itself. You learned legal doctrine. Between now and the bar exam—still July in some states, September in others, October in a few—you will surely learn much more of the content of law. But much of your learning at the Law School was not about specific points of doctrine. Rather, you learned how to think about legal problems, how to interpret legal texts, how to engage in common law reasoning, how

to disentangle thorny legal problems, and how to find solutions that would have benefits for all involved.

You have learned to approach legal questions with a rigorous thought and careful reasoning and to examine questions from multiple perspectives. An analytical approach requires an openness to ideas and a commitment to subject those ideas to careful scrutiny. This dedication to, and indeed joy in, serious analytical inquiry has long been the hallmark of the University of Chicago lawyer.

With the conferral of your degrees, you become a University of Chicago lawyer, too. But to the extent that you have already dedicated yourself to serious analytical inquiry and law, and the fact that you are here today suggests you have already been transformed into that University of Chicago lawyer. You are no longer the student



Patsy Mink, '51

who is apprehensive or confused about the shipwrecked voyagers, the flooding reservoir, or the site of the automobile distributor's litigation. You are now a lawyer equipped to think about and to tackle the hardest cases.

Now, just as you were about to complete law school and become that lawyer, just as you were about to enjoy your last quarter and perhaps savor a bit of that accomplishment, an unexpected crisis emerged. Crises in public health and now in the economy have rippled across the country, indeed, across the globe, and are testing all of us and our institutions.

For some of us, the disruptions have been modest inconveniences. We've all had to learn Zoom. For others of us, the impacts have been severe, ranging from financial turmoil to personal tragedy. For all of us, our ways of living and working have changed significantly and are likely to remain changed at least for some time.

This was a time that was meant to celebrate your accomplishment. But now, it's a moment of uncertainty about the future. On this day, as you graduate from the Law School, I believe that you should have a sense of accomplishment because you have a reason to celebrate, and you should feel confidence in the future.

Your achievement as a graduate of the Law School is well earned. You transformed yourself into that University of Chicago lawyer, and this transformation didn't happen without effort, and it didn't happen overnight. Instead, it

happened over many days and many nights of study and discussion with your faculty, with your classmates. All the hours that you spent in the classroom and recently on Zoom, and in the clinics, in dialogue with faculty.

The hours you spent in library carrels and in conference rooms, in the Green Lounge, in the journal offices, studying, outlining, writing, rewriting, rewriting again, discussing, arguing, and ultimately thinking are what transformed you. It was hard work. You did it. Congratulations.

The fact that you have done it should give you confidence in the future despite all the current uncertainties. The current moment is unprecedented in many ways, but it is not the first time that our graduates have met with an unexpected crisis and triumphed.

Consider, for example, Earl Dickerson, the first



*"The fact that you're not all gathered in one place for this, it doesn't in any way take away all your achievement," Senator Amy Klobuchar, '85, said in the graduation video. "You're celebrating your degrees, but we're also celebrating where you're headed next. At a time when we will see more legal and moral issues—and decisions, hard decisions—coming out of this pandemic and in the midst of this pandemic . . . that's why we need you."*

African-American JD graduate of this Law School, whose graduation occurred a century ago this year. Dickerson faced many obstacles in obtaining his education.

Dickerson had to overcome the racism of his time. His graduation occurred nearly 35 years before the Supreme Court's decision in *Brown v. Board*. But his graduation was only 25 years after the decision in *Plessy v. Ferguson*.

But Dickerson also had to overcome an unexpected crisis—World War I. Dickerson's education at the Law School was interrupted by World War I, and he served in that war. After he graduated, he went on to become a leading civil rights lawyer and a leading businessman.

Or consider Patsy Mink, class of 1951. Mink was a Japanese-American woman from Hawaii at a time when the Law School had very few women students. When she graduated, she unexpectedly faced the reality that no law firm would hire a married woman. Mink launched her own practice. She entered politics. She was elected to Congress, where she served for many years. Among her accomplishments in Congress was the authorship and passage of Title IX, a piece of landmark legislation that prohibits sex discrimination in education.

Dickerson, Mink, and so many other graduates of our Law School have encountered unexpected crises and obstacles, and have succeeded despite them. As much as large external forces—be they wars, social structures, pandemics, or something else—change our lives in



*FCC Commissioner Ajit Pai, '97, said even if graduates don't remember every detail from every class, they will leave with an "ability to think, write, and speak clearly; [a] willingness to work hard; and [an] intellectual curiosity about the world."*

unexpected ways and visit tragedies upon us, the lives of our past graduates reaffirm the power of the individual to overcome these forces. More than that, they demonstrate the power of the individual to shape our world for the better despite the unexpected crises and obstacles.

Now, as you graduate, we find ourselves in another moment of crisis and uncertainty. Your careers may take many paths. Clerkships, government service, Big Law, small law, public interest, or business. Whatever your path, rigorous, analytical minds and sound judgment, judgment that you developed here at the Law School, will be sorely needed at this moment and in the future.

It's unlikely that your professional work will directly involve shipwrecks, flooding reservoirs, or automobile distributors. But your professional work is certain to

**During the virtual ceremony, the four faculty hooders—Genevieve Lakier, Saul Levmore, Jonathan Masur, and Emily Buss—offered the graduates some parting words, taking turns reading the sections.**

Class of 2020, you are graduating under such difficult circumstances—but you are graduating! And that is a sign of your grit and determination, your ability to make it across the finish line even when the wind is against you. These are the qualities that make great lawyers. The honor you have given us reminds each of us that we have learned as

that opportunity at some point soon.

Please know that we are celebrating you with redoubled gusto from afar. We urge you not to let your lasting memory of the Law School be these past three months. Think, instead, of the months and years before then. Think of the classes, the conversations, and all of the good times you have shared.



*Genevieve Lakier*



*Jonathan Masur*



*Saul Levmore*

much from you as you have from us. The best part of being a hooder is getting to say congratulations and goodbye to each and every one of you as you cross the stage. As your hooders, we are very sorry to miss the chance to look you in the eye in appreciation and celebration and to lay a hood on your shoulders. As members of the faculty, we are sorry to miss the chance to meet your friends and family, to share with them how much you have brought to the Law School and to thank them for all the support they have given you. We don't know how many of you will miss saying goodbye to any of the four of us, but we know that you regret losing the chance to say goodbye to one another and to the school. We hope very much that you will have



*Emily Buss*

We are eager to see where you go from here. Come back and see us. Go out there and learn more; it never ends, and it will make you a more interesting person day after day. We hope you find careers that make you wake up each day looking forward to work, just as we have looked forward to teaching you. Remember, although you may feel far away, you are and always will be a member of the UChicago Law School community. You are not alone. We'll be thinking of you as you cross the virtual stage to receive your virtual hoods and to commemorate your very real accomplishments. As a lawyer, you have the power to do so much good. Use that power wisely, and keep in touch.

Congratulations, Class of 2020!

involve large and thorny problems, especially at these times. The distinctive characteristics of the University of Chicago lawyer should serve you well in tackling them.

Continue to learn hard and think hard and analyze those thorny problems closely. Your education does not end when the ceremony concludes or when you leave the bar exam in July, or September, or October. The contributions that you can make for your clients and for our world are just beginning.



What it means to be a University of Chicago lawyer has been defined not only by the education that we provide in the Law School. It is also defined by the work of our graduates—Dickerson, Mink, and so many others. Although you may not have known it directly, their professionalism, the quality of the work that they did, and their accomplishments are what helped draw you to the Law School. We are glad you came.

Now, it is your turn to shape what it means to be a University of Chicago lawyer. You're about to have that label, University of Chicago lawyer, forever attached to your professional life. Although your educational program concludes today, your association with the Law School is happily permanent. We have a great confidence in all of you and what you will accomplish with what you have learned here. Today, we celebrate your accomplishment, and we look forward with confidence to your—to our—future. We're proud of you. Now, go out and make us proud again. Congratulations.





After watching the Law School's virtual event, Savannah West, '20, (shown above) and two classmates, Kamara Nwosu, '20, and Imara McMillan, '20, celebrated at a front lawn ceremony in Chicago's Jackson Park Highlands neighborhood that was arranged by West's mother. Professor Herschella Conyers, standing on a stage that was decorated by West's preschool teacher, hooded each of the three women. Illinois Lieutenant Governor Juliana Stratton, the state's first Black lieutenant governor and a family friend, offered the graduates a few words. "You three are entering this profession at a time when we need it—I'm not going to say more than ever, because we've needed it—but at this moment, we need you."



Kate Forrester-Quek, '20, on the balcony outside the apartment she shares with her husband. "I watched convocation and the Law School hooding ceremony at home with my husband, with my parents and my brother on video chat," she said. "My husband hooded me when my slide came up!"



Chicago Mayor Lori Lightfoot, '89, told graduates: "Both in and outside your careers, you have a responsibility to take your education and use it to think critically, ask questions, serve your communities, advocate for those who cannot advocate for themselves, and use the power of your position to fight for what's right."



Amiri Lampley, '20, had an intimate hooding ceremony and celebration with her immediate family at her home church in Madison, Alabama, where her uncle is the pastor. "My mom hooded me, which was a very emotional moment for me because she raised me as a single teen mom and was the first to complete a bachelor's and master's degree in our family," Lampley said.





*Christine Liu, '20, celebrated with her two roommates. "We started 3L as roommates and got to end our year together as well (even if it wasn't anything like we had imagined it)," she said.*



*Charlie Capps, '20 (shown holding his 3-month-old son Charlie Jr.), watched the virtual ceremony with his wife, Shelly. His parents watched the ceremony from St. Louis, and Shelly's parents watched it from Washington state. Charlie and his wife finished the day with a chocolate cheesecake that Shelly had baked.*





Kelsey Dayton, '20, celebrated with her family at home in Sonoma County, California. "We had a dinner of my favorite foods and then we talked with my extended family on Zoom, because they had been able to watch the ceremony too from around the country," she said.



Jen Herrmann, '20, and Professor Emily Buss, who are neighbors, staged an impromptu hooding ceremony several days before graduation. Herrmann, dressed in her regalia, was heading to Rockefeller Chapel to take photos with friends when she encountered Buss, one of the four faculty hooders. "She happened to be out on her stoop when I passed by," Herrmann said. "As we chatted, I said, 'It's a shame you can't hood me,' to which she responded, 'Well . . . do you want me to?'" As Buss bestowed the hood, neighbors applauded.





*"Years from now, you're going to remember that you reached the finish line in 2020," said Chief Judge Rebecca Pallmeyer of the US District Court for the Northern District of Illinois.*



*Judge James C. Ho, '99, of the US Court of Appeals for the Fifth Circuit, told graduates to "always place cause over self."*

UChicago Law School Retweeted

**Lior Strahilevitz** @liorjs · Jun 13  
James Cole '95, the former Deputy Secretary of Education, speaking about the terrific education our graduates have received and given each other. #uchilawgrad



2 1 6

UChicago Law School Retweeted

**Jonathan Masur** @jonathanmasur · Jun 13  
Many congratulations to the @UChicagoLaw Class of 2020! I will always remember your brilliance, your diligence, and your perseverance in the face of everything thrown at you. I will miss you all very much. Let's make sure to see each other in person again soon.

4 45

UChicago Law School Retweeted

**William Baude** @WilliamBaude · Jun 13  
Students @UChicagoLaw have always had a reputation for being the toughest, but this final quarter proved it. I'm proud of you, and I'll miss you. #UChiLawGrad

1 7 82

UChicago Law School Retweeted

**William H. J. Hubbard** @WHJHubbard · Jun 13  
Congratulations @UChicagoLaw Class of 2020! Thrilled to watch the virtual hooding ceremony and read your words of farewell and inspiration. HT to David Raban: "Process matters." #uchilawgrad

1 16

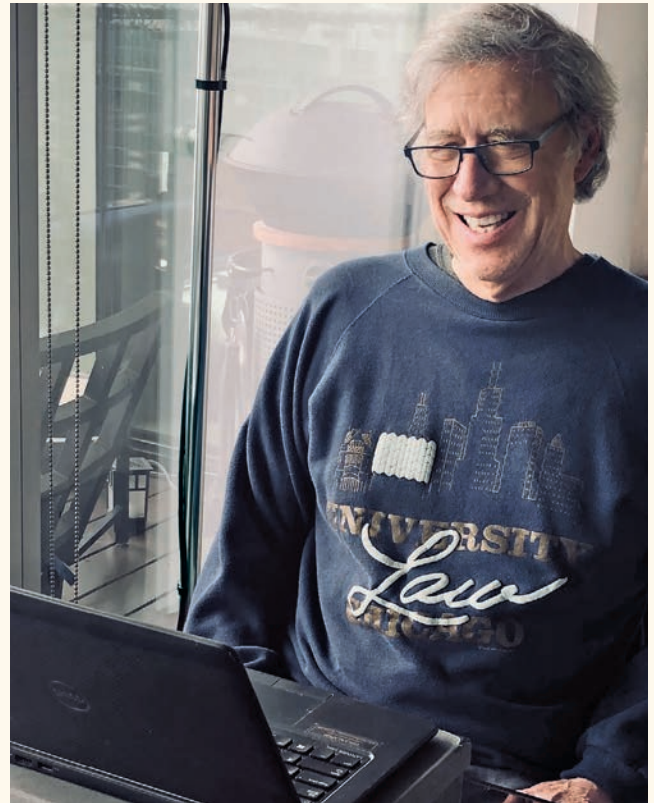
UChicago Law School Retweeted

**John Rappaport** @JohnMRappaport · Jun 13  
Whether it's next year's commencement or a not-too-distant reunion, I hope you will come back and see us, @UChicagoLaw Class of 2020. We will miss you! Many congratulations for your successes in these trying times. Proud of you all. #uchilawgrad

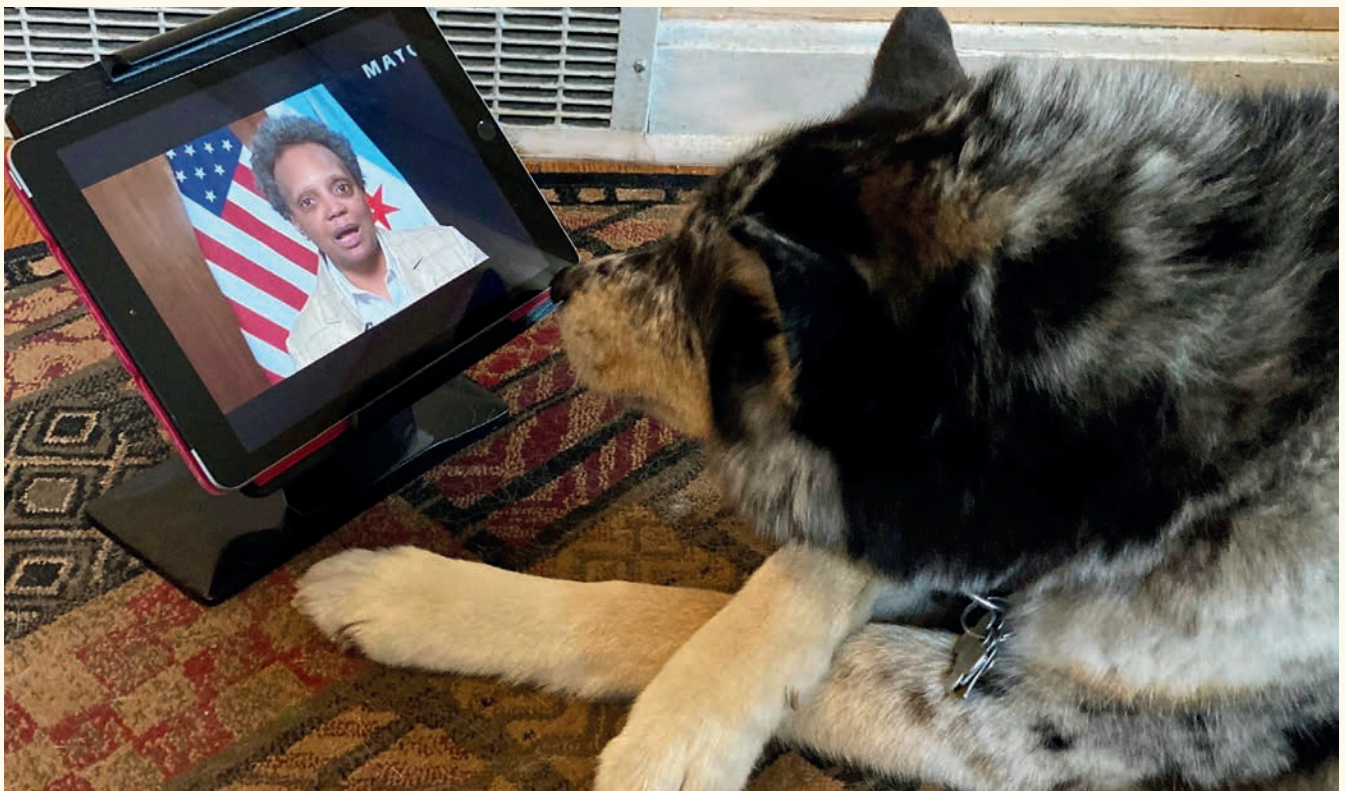
3 28

**UChicago Law School** @UChicagoLaw · Jun 13  
Dean Miles: "Now it is your turn to shape what it means to be a University of Chicago lawyer... We're proud of you; now go out and make us proud again." #uchilawgrad

1 16



Professor Geoffrey Stone watches the virtual ceremony from home.



Professor Lee Fennell's dog joins her in watching the virtual graduation ceremony from home.

## Law School Scholars Share Expertise on the Crisis in Policing

Less than three weeks after George Floyd's brutal killing by Minneapolis police, the Law School convened a virtual colloquium to examine the crisis in policing—a conference that led to a robust seven-part discussion series over the summer. Both were part of a comprehensive response by Law School scholars, many of whom have been at the forefront in pushing for reforms through both academic research and clinical advocacy.

“These are complex challenges, and to meet them we need expertise from people who have closely studied issues of policing as well as those who have worked to make policing more fair,” Dean Thomas J. Miles said. “Universities are in a distinct position to provide this knowledge and to serve as a venue for thoughtful and meaningful discussions.”

The Law School's faculty includes top experts on policing, criminal justice, and race and the law. Through their research, some have examined and developed key insights on use-of-force policies, accountability and oversight systems, the doctrine of qualified immunity, the ways in which police unions and municipal insurers can influence police misconduct, and more. Clinical faculty members have worked on groundbreaking litigation exposing racial bias in policing, improving legal standards for people seeking discovery about racial discrimination by police, protecting police misconduct records from destruction, and more.

Below is a roundup of just a few recent contributions by Law School professors. To read more about faculty work in this area—including recent media appearances and complete video from the June colloquium and the summer discussion series—please visit <https://www.law.uchicago.edu/topics/policing>.

### COLLOQUIUM ON THE CRISIS IN POLICING

The virtual conference was organized by then-Deputy Dean Richard McAdams, the Bernard Meltzer Professor of Law and a leading expert on criminal law, criminal procedure, and criminal justice. Participants included Professor John Rappaport; Clinical Professor Craig Futterman, director of the Civil Rights and Police Accountability Clinic; Professor from Practice Sharon Fairley; Associate Clinical Professor Claudia Flores, director of the Global Human Rights Clinic; Aziz Huq, the Frank and Bernice J. Greenberg Professor of Law; Clinical Professor Herschella Conyers, director of the Criminal and Juvenile Justice Clinic; Mary Anne Case, the Arnold I.

Shure Professor of Law; Jonathan Masur, the John P. Wilson Professor of Law and the director of the Wachtell, Lipton, Rosen & Katz Program in Behavioral Law, Finance and Economics; Clinical Professor Alison Siegler, director of the Federal Criminal Justice Clinic; and Professor Sonja Starr, who joined the faculty on July 1. Watch the event at <https://www.law.uchicago.edu/recordings/colloquium-crisis-policing>.

### SUMMER DISCUSSION SERIES

The seven-part series was moderated by Emily Buss, the Mark and Barbara Fried Professor of Law, whose work centers on children in the juvenile justice system. The series kicked off on July 1 with Professor Dhammika Dharmapala and Starr discussing “Social Science Perspectives on Racial Disparities, Policing, and Crime.” The other sessions included: Fairley and Masur discussing “Civilian Control and Discipline of Police, Public and Private”; McAdams and Case on “Police Culture, Training, and Unions”; Flores and Rappaport discussing “Police: Hiring, Certification, and Use of Force Policies”; Huq and Siegler on “Race, Equal Protection, and Policing”; Conyers and Rappaport discussing “Policing and Substantive Criminal Law: Over-criminalization and Police Defenses”; and Futterman and Professor Will Baude on “Civil Lawsuits and Qualified Immunity.” Watch recordings of the discussions at <https://www.law.uchicago.edu/discussion-series-policing>.

### ADVOCATING FOR ACCOUNTABILITY

In June, the Civil Rights and Police Accountability Clinic, led by Futterman, won an important case before the Illinois Supreme Court that saved thousands of police misconduct records from being destroyed. The Fraternal Order of Police had argued that its contract called for the destruction of complaint records older than five years. The court in a 7-1 ruling disagreed, saying that state law, which requires the preservation of important documents that belong to the public, overrides the language in the union contract. Futterman, a leading advocate for police accountability, has been involved in other recent efforts. Among them: his clinic won a federal consent decree over the Chicago Police Department on behalf of a community-based coalition to address patterns of civil rights violations; the coalition convened public hearings in federal court on police violence against people who participated in the protests in Chicago this summer; his clinic is seeking the overhaul of the Chicago Police Department's search warrant process; he is on a community working group that is making recommendations to rewrite Chicago police policies on the use

of force; and the clinic brought a mandamus action to enforce the right of people detained in police stations to access a phone and counsel.

#### **RESEARCH ON WANDERING OFFICERS, COLLECTIVE BARGAINING, AND MORE**

Rappaport and a co-author released “The Wandering Officer,” one of the largest quantitative studies of police misconduct and the first to systematically examine the practice of hiring police officers who had been fired by another law enforcement agency. The authors analyzed data on 98,000 full-time police officers in Florida over a 30-year period and found that those who had been fired for misconduct from another agency were more likely to be fired again and more likely to face complaints for violent or sexual conduct. The research showed that at any given time about 1,100 “wandering officers” were re-employed by other agencies across Florida, accounting for about 3 percent of all full-time officers in the state. In addition, he, Dharmapala, and McAdams wrote “Collective Bargaining Rights and Police Misconduct: Evidence from Florida.” In that work, they found that extending collective bargaining rights to sheriffs’ deputies in Florida led to a 40 percent increase in violent misconduct. Earlier this year, Rappaport—who has extensively studied the role of private insurers in regulating police misconduct, a topic he spoke on at the annual Emeritus Lecture—also released research on police liability insurance claims that suggests that police behavior may not be getting worse, but rather society is becoming less tolerant of policing harms. All of these works have been cited in recent media coverage.

#### **GROUNDBREAKING LITIGATION**

Siegler, who led the Federal Criminal Justice Clinic’s groundbreaking fake stash house litigation, which exposed racial discrimination in an entire category of federal criminal cases, discussed the litigation in a forthcoming paper she co-authored with William Admussen, ’20. The clinic’s fake stash house litigation improved the legal standard in three federal courts of appeals for people seeking discovery about race discrimination by police, and in “Discovering Racial Discrimination by the Police,” Siegler and Admussen argue that a similar standard should be adopted by state and other federal courts. The clinic was also honored earlier this year with the 2020 CLEA Award for Excellence in a Public Interest Case or Project for spearheading the litigation, which challenged the practice by the federal Bureau of Alcohol, Tobacco, Firearms, and Explosives of luring unsuspecting people of color into schemes to rob non-existent drug stash houses.

#### **STUDYING POLICE OVERSIGHT**

Fairley earlier this year released research showing that systems of police accountability and oversight were growing nationwide but continue to face challenges. Her report is based on a 2019 study of 100 American cities and is accompanied by an interactive website where visitors can learn about the civilian oversight agencies operating in each of the 100 cities, including the oversight functions they provide, a description of their mission, and the year they were formed. Before joining the Law School, Fairley, a former federal prosecutor, was involved in Chicago police reform efforts, serving as chief administrator of the Independent Police Review Authority and later creating and building Chicago’s Civilian Office of Police Accountability.

#### **EXAMINING USE-OF-FORCE POLICIES**

Research by the Global Human Rights Clinic, led by Flores, found that police department use-of-force policies in the nation’s 20 largest cities fail to meet international human rights standards. Clinic students reviewed the 2018 police department policies in the 20 largest cities of the United States and graded them using a system developed from international human rights law and standards on police lethal use of force. The report, “Deadly Discretion: The Failure of Police Use of Force Policies to Meet Fundamental International Human Rights Law and Standards,” recommended steps Congress, state legislatures, and police departments should take to bring police use-of-force policies into compliance with human rights standards. Note: The clinic, formerly known as the International Human Rights Clinic, has been renamed.

#### **A LOOK AT QUALIFIED IMMUNITY**

In media interviews and at the Law School’s speaker series, Baude discussed qualified immunity, the US Supreme Court legal doctrine that shields police from most civil lawsuits and is seen by some as an impediment to police accountability. In his 2018 paper, “Is Qualified Immunity Unlawful?” Baude argued that the doctrine lacks legal justification. In interviews this summer, he argued that reforming or abolishing the doctrine would send the message that police are not above the law.

To read more about faculty work in this area—including recent media appearances and complete video from the June colloquium and the summer discussion series—please visit <https://www.law.uchicago.edu/topics/policing>.

## A Message from the Associate Dean of External Affairs

Dear Alumni and Friends,

Despite the uncertainty of this time, the Law School remains committed to our tradition of rigorous inquiry and our mission of academic excellence. From remote learning to virtual community forums, our faculty and students continue



*Carolyn M. Grunst*

to seek engaging opportunities that bring Law School values to life. Now more than ever, the dedication and support from our alumni community continues to have an astounding impact on all facets of the student experience.

Because of your overwhelming generosity this year, we were able to provide financial support for our students' immediate needs such as emergency travel, critical technology that ensured access to remote learning, housing and food security, and other unexpected burdens. With your continued support, we are confident that our students will continue to receive an invigorating education and an unparalleled experience similar to the one you had.

Thank you for standing with us as we persist through the unforeseen challenges caused by this public health crisis. We are always thankful for the continued partnership of our alumni and friends, but your generosity is particularly meaningful to our faculty, students, and staff during this challenging time. Your contributions and support reaffirm the strength of our incredible community and, for that, we are extremely grateful. We look forward to the day we can gather with you in person and celebrate the impact you have had—and will continue to have—on the Law School.

With Gratitude,

A handwritten signature in black ink that reads "Carolyn M. Grunst".

Carolyn M. Grunst

Associate Dean of External Affairs

## Reunion Weekend 2020

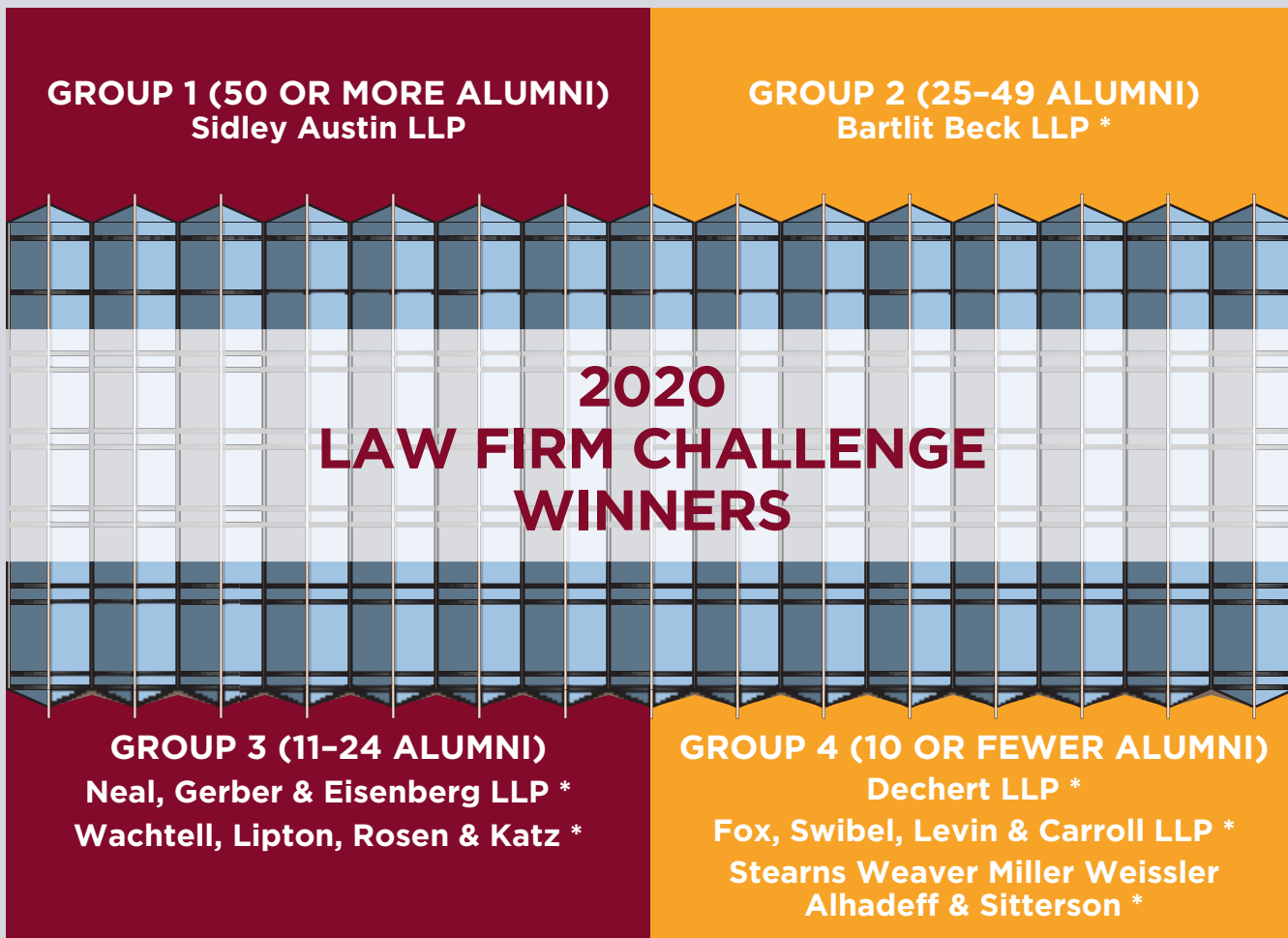
We are so thankful for your support. We know that every year, Law School alumni look forward to gathering together, and we share the disappointment at not being able to celebrate this year.

However, we are tremendously excited to celebrate your reunion in 2021!

**Dollars Raised:  
\$5,497,858**

**Participation:  
28.5%**

**Number of  
Reunion  
Committee  
Members: 119**



\* Firms with 100% participation

The Law School would also like to recognize Dorsey & Whitney LLP, which had at least two-thirds of alumni make a gift to the Law School. Thank you to the 57 firms that participated this year!

Looking to enroll your firm in Law Firm Challenge 2021, inquire about becoming a Firm Representative, or want more information? Please contact Jamie Hillner in the Office of External Affairs at [jhillner@uchicago.edu](mailto:jhillner@uchicago.edu) or 773.702.2694.

## 2020 Class Gift Campaign

Before the many unforeseen events in early spring, the Campaign hosted a very successful kickoff reception in River North with more than 100 attendees. With part of the school year taking place virtually amidst the COVID-19 pandemic, the Class of 2020's accomplishments are especially impressive. On behalf of everyone at the Law School, thank you again for your support and we are excited for your future involvement as alumni!

**Congratulations to  
the Class of 2020!  
40% Participation**



# Alumni

## In Memoriam

### 1940

#### Harold I. Kahen

March 30, 2020

Kahen began his career as an attorney at the US Securities and Exchange Commission, and later specialized in civil practice at Loeb & Loeb. He taught at Hofstra University Law School in the early 1970s and was active in the bar associations in the state and city of New York. Kahen lived in New York City.

### 1949

#### Urchie B. Ellis

February 13, 2020

Ellis's undergraduate years in the College were interrupted by three years of service in the US Army during World War II. A specialist in railroad law, he retired from the Richmond, Fredericksburg & Potomac Railroad Company as vice president of law. Ellis was a longtime resident of Richmond, Virginia.

### 1951

#### Robert G. Schloerb

December 18, 2019

A World War II veteran, Schloerb fought in the Battle of the Bulge and earned a Purple Heart. He joined the firm later known as Peterson & Ross after earning his JD. He was a member emeritus of the University of Chicago Board of Trustees and also served on the boards of the University of Chicago Medical Center and the Baptist Theological Union. Schloerb lived in Chicago.

### 1952

#### William O. Newman

March 25, 2020

Newman earned his undergraduate degree at Cornell University and served in the US Navy. He worked for many years at the company most recently

known as Quamco, Inc., from which he retired as vice president, secretary, and general counsel, and was active in his community and church. Newman lived in Bloomfield, Connecticut; Vero Beach, Florida; and Weekapaug, Rhode Island.

### 1954

#### Harlan M. Blake

January 23, 2020

Blake served in the US Navy during World War II and was assistant dean of the University's Downtown College before enrolling in the Law School. He later taught at Columbia University Law School, where he was the Arthur Levitt Professor Emeritus of Law. An antitrust expert, Blake authored a number of publications and was a frequent consultant to the Federal Trade Commission and congressional committees. He lived in New York City.

#### Leo Feldman

June 15, 2020

Feldman was active in law practice for more than 65 years. After retiring from the Chicago firm of Teller, Levitt & Silvertrust, where he was a partner, he began volunteering for Chicago Volunteer Legal Services. He was a resident of Skokie, Illinois.

### 1955

#### Julian R. Ettelson

May 1, 2020

Ettelson earned two bachelor's degrees and an MBA from the University in addition to his JD. He served in the Judge Advocate General's Corps, was a prosecutor for the Internal Revenue Service, and worked as a financial executive in multiple industries. A lifelong learner and avid traveler, he was a resident of Tucson, Arizona.

#### Rita K. Nadler

April 8, 2020

Nadler earned her BA at Smith College and practiced law for more than 50 years. She lived in Montclair, New Jersey.

### 1956

#### Lawrence Rubinstein

April 6, 2020

Rubinstein also earned his undergraduate degree at the University. He was a longtime resident of Glencoe, Illinois.

### 1957

#### Fredrick A. Yonkman

January 9, 2020

Yonkman served in the US Army Counterintelligence Corps during the Korean War. He worked at a number of organizations, including law firms in Boston and New York City, Dun & Bradstreet, and American Express. Yonkman taught international law at Georgetown University and was also a management consultant in finance and law. He served on many private and nonprofit boards and volunteered in support of people experiencing homelessness. He lived in St. Augustine, Florida.

### 1958

#### Charles F. Custer

January 21, 2020

Custer and his wife owned two small businesses in Chicago when he decided to enroll in the Law School; he ultimately led the investment services group of the law firm Vedder Price Kaufman & Kammholz. He was a longtime member of the Quadrangle Players and the Cliff Dwellers Foundation for the Arts, and lived for nearly five decades in Hyde Park near the University.

### 1959

#### Robert L. Doan

April 26, 2020

Doan served in the US Air Force and earned bachelor's and master's degrees in physics before enrolling in the Law School. He served as assistant general counsel for Union Carbide Corporation and as deputy general counsel and acting general counsel at the New York City Housing Authority Law Department. He was a longtime volunteer leader in his church and lived in Washington, DC.

### 1960

#### Roger H. Bernhardt

December 7, 2019

Bernhardt earned two bachelor's degrees and a master's degree at the University in addition to his JD. He taught for 50 years at Golden Gate University School of Law, and was the longtime editor of the *California Real Property Journal* as well as the author of numerous books and articles on real estate law. Bernhardt lived in San Francisco.

#### Monroe G. McKay

March 28, 2020

A US Marine Corps veteran, McKay was a graduate of Brigham Young University. He worked at the firm of Lewis and Roca before moving with his family to Malawi, where he served as director of the US Peace Corps. Later, he taught at Brigham Young University Law School and was nominated by President Jimmy Carter to the US Court of Appeals for the 10th Circuit; he served as the court's chief judge before assuming active senior status.

#### Arthur Winoker

April 14, 2020

Winoker earned a bachelor's degree at Cornell University before enrolling in the

Law School. He was a vice president at Chemical Bank in New York City, where he headed the company's real estate department, and at National Westminster Bank. A die-hard fan of the New York Mets, Winoker lived in Nanuet, New York, and loved returning to Chicago for Law School reunions.

## 1961

### Donald C. Dowling

April 12, 2020

Dowling worked in private practice before accepting an appointment as a National Defender Fellow at the Law School; he later moved to Florida, where he served as chief trial attorney in the Office of the Public Defender in Palm Beach County before starting his own practice and then becoming a partner in the firm of Spinner, Dittman, Federspiel & Dowling. He lived in the village of Golf, Florida.

### Charles E. Kopman

April 1, 2020

A graduate of Yale University, Kopman practiced law in St. Louis, Missouri, for 60 years. He was a devoted environmentalist, serving as chair of the Nature Conservancy of Missouri and as a trustee of the Missouri Botanical Garden. He delighted in his work as a volunteer tutor for elementary school children and loved hiking, art, and music.

### Butler D. Shaffer

December 29, 2019

Shaffer earned two bachelor's degrees from the University of Nebraska before enrolling in the Law School. He practiced and taught law in Nebraska and Colorado before moving to California, where he was a professor at Southwestern Law

School in Los Angeles for 40 years. Shaffer wrote several books and a weekly newspaper column for Freedom Communications.

### David M. Wittenberg

January 10, 2020

Wittenberg earned his undergraduate degree at the Ohio State University and an LL.M. in taxation at New York University. He lived in Illinois.

## 1962

### Thomas E. Flanagan

May 31, 2020

Flanagan earned his undergraduate degree at Loyola University and practiced civil law in Chicago before serving for 36 years as a judge in the Cook County Circuit Court.

## 1964

### Edward M. Burgh

May 1, 2020

Burgh earned his undergraduate degree at the University. An attorney and certified public accountant, he was the author of *The State and Local Taxation of Insurance Companies*; he founded the Insurance Tax Conference and taught at Loyola Marymount and Southwestern law schools. An avid traveler and outdoorsman, Burgh was a longtime California resident.

### Allen R. Faurot

April 14, 2020

Faurot was a graduate of Stanford University and served in the US Navy in Japan. After earning his JD, he worked as an attorney in New York City before joining the Ford Foundation as its director of special investments. After his retirement, Faurot was a sailing instructor at the US Naval Academy and served as executive director of the US Naval Sailing Foundation.

### Alan R. Orschel

June 1, 2020

Orschel, a graduate of Dartmouth College, was president of his Law School class. He began his legal career as a clerk to Judge Joseph Drucker of the Illinois Appellate Court and later practiced law in Chicago at Crowley Barrett & Karaba. He was a dedicated volunteer, serving as president of the Bureau on Jewish Employment Problems and as a board member, and later board president, of St. Francis Xavier School in Wilmette, Illinois, where he lived.

### David B. Sarver

January 15, 2020

Sarver helped write the Illinois tax code before joining the Minneapolis, Minnesota, office of the accounting firm Laventhol & Horwath as a partner and head of the tax department. He later moved to California, where he ran a private family office. Sarver loved the outdoors and especially loved trout fishing.

## 1965

### Lawrence T. Hoyle

November 30, 2019

Hoyle, a graduate of Duke University and a US Marine Corps veteran, began his career as a Philadelphia trial attorney at Schnader Harrison Segal & Lewis, started his own firm, and later returned to the Schnader firm. Hoyle traveled to Mississippi to work with the Lawyers' Committee for Civil Rights Under Law and served as executive director of the Pennsylvania Crime Commission. He was a member of numerous boards, including those of the Public Interest Law Center of Philadelphia, the Academy of Natural Sciences

of Philadelphia, and the Fox Chase Cancer Center; he was also a member of the Law School's Visiting Committee.

## 1966

### Howard B. Abrams

January 27, 2020

Abrams, a graduate of the University of Michigan, was emeritus professor of law at the University of Detroit Mercy. He was the author of *The Law of Copyright* and held a number of positions related to that field, including serving as a trustee of the Copyright Society of the USA and president of the Intellectual Property Law Institute. Abrams lived in Huntington Woods, Michigan.

### Frank K. Heap

December 17, 2019

Heap earned his undergraduate degree at Northwestern University and practiced tax law in Chicago, arguing a number of cases before the US Supreme Court and retiring as a senior partner at the firm of Bell Boyd & Lloyd. An avid traveler, fisherman, and hunter who led safaris in Africa, Heap was a resident of Illinois and Palm Desert, California.

### Neil M. Levy

2020

Levy was a graduate of Cornell University. He was a professor and dean at Golden Gate University School of Law for more than 35 years; he also worked as a legal services attorney, founded two legal journals, and edited the six-volume *California Torts*. Levy was a lifelong traveler and a writer of travel guides, mysteries, poetry, and flash fiction.

## 1967

### John D. Barr

November 29, 2019

Barr was a graduate of Reed College, where he earned a Fulbright Scholarship. He practiced law in northern California for more than 50 years, founding the firm of Barr and Mudford in Redding. Barr contributed significantly to a number of local cultural and social services organizations and was an accomplished musician who frequently performed at venues in Redding.

### William F. Moran

December 9, 2019

Moran served in the US Army in Vietnam, where he was awarded the Bronze Star, two Army Commendation Medals, and the Vietnamese Cross of Gallantry. A longtime public servant, he served as a judge of the Court of Common Pleas in Northampton County, Pennsylvania, for more than two decades and was instrumental in starting the Northampton County Juvenile Justice Center. He was active in many legal and community organizations and loved to travel. Moran was a resident of Bethlehem, Pennsylvania.

### Thomas R. Shanle

December 11, 2019

After earning his JD, Shanle worked as a staff attorney for the Santa Cruz County Legal Aid Society and as a research attorney for the Third District Court of Appeal in Sacramento, California. He later worked in private practice and for Comerica Bank. An avid athlete, sports fan, traveler, and cook, Shanle lived in Santa Cruz, California.

## 1972

### James E. Spiotto

February 27, 2020

Spiotto, an expert in municipal bankruptcy, was a partner at the Chicago firm of Chapman and Cutler for more than 30 years before becoming managing director of Chapman Strategic Advisors. He was a leader in several industry-related organizations, including the Civic Federation, the Society of Municipal Analysts, and the Center for Municipal Finance at the University's Harris School of Public Policy. Spiotto was a resident of Lincolnwood, Illinois.

## 1973

### James Barrett Jacobs

March 19, 2020

A graduate of Johns Hopkins University, Jacobs earned a PhD in sociology at the University after completing his JD and was an expert in criminal law, criminal procedure, and criminal justice. He was the Warren E. Burger Chair of Constitutional Law and the Courts at New York University School of Law, where he taught for nearly 40 years and established the Center for Research in Crime and Justice. He was the author of 17 books, including *Stateville: The Penitentiary in Mass Society*, and served on the boards of criminal justice organizations that included the American Society of Criminology and the National Institute of Corrections.

### William H. Tobin

April 22, 2020

Tobin was a graduate of Harvard College and served in the US Army in Vietnam. He practiced law in Chicago and Hammond, Indiana, and was a master gardener who volunteered for a number of gardening organizations and

the Lincoln Park Zoo. He loved history, folk music, Irish culture, and bagpipes. Tobin lived in Bristol, Rhode Island.

## 1975

### Walter C. Greenough

June 3, 2020

Greenough was a graduate of Amherst College. He spent his career as a corporate litigator at the Chicago firm of Schiff Hardin, where he was well known as a mentor to younger attorneys. Greenough was a committed volunteer, serving as chairman of the Winnetka Caucus and as a member of its Zoning Board of Appeals and on the board of the Northlight Theatre in Skokie, Illinois. He lived in Winnetka, Illinois.

## 1976

### Nan M. Gold

2020

Gold, who also held a master's degree in pastoral studies from Loyola University, was a divorce attorney in Illinois for 20 years and cofounded the Lilac Tree Center for Divorce Resources in Evanston. She later moved to Louisiana to work as a paralegal; after Hurricane Katrina, she settled in Longmont, Colorado.

### Rodney T. Hartman

May 15, 2020

Hartman earned his undergraduate degree at Tulane University. During his career as an attorney, he represented the Lodge Grass School District before the US Supreme Court. A devoted fan of crossword puzzles and sports (especially the Chicago Cubs), he was also active in community organizations in his hometown of Billings, Montana.

## 1979

### David Youngerman

November 14, 2019

Youngerman earned his undergraduate degree at the University of Rochester. He was a longtime mediator who was named Citizen of the Year by the Wilmette, Illinois, Chamber of Commerce and received the Wilmette Rotary Club Unity of Diversity Award. He was an active member of Congregation Hakafa and sang in its choir for 20 years.

## 1990

### Marc W. Rappel

2020

Rappel earned his undergraduate degree at Southern Methodist University. After earning his JD, he joined the firm of Latham & Watkins, from which he retired as a partner. In retirement, he continued to provide consulting services in areas that included litigation and contract negotiation. He lived in the Los Angeles, California, area.

### Catherine A. Van Horn

December 16, 2019

A graduate of Indiana University, Van Horn worked for the Internal Revenue Service and as a reporter for the *Kokomo Tribune* before practicing law in Illinois and Florida. She served as president of Women in Communications chapters in Florida, Illinois, and Indiana, and as a board member of the American Law Association. Van Horn lived in Michigan City, Indiana.

## 2004

### Timothy Delgado

March 8, 2020

Delgado was an assistant US attorney for the Eastern District of California. He lived in Granite Bay, California.

## Contagious Compassion: Elle D'Amore, '22, 1993-2020

Elle D'Amore, '22, once sent a weighted blanket to a friend who was having trouble sleeping. Another time she ordered flowers for a grieving family she barely knew. And when she'd show up at a friend's home, she'd often insist on bringing an entire cheese board or multiple desserts.

"She couldn't arrive any other way," said Caroline Ferguson, '22, the recipient of the weighted blanket. "She



Elle D'Amore, '22

wanted to be sure all of the guests, even if they weren't her guests, felt taken care of, no matter the cost to her."

Potential friends were everywhere for D'Amore, who entered the Law School in 2019 and quickly became one of the most active members of her class.

"She would reach out and talk to anybody and everybody," said Kelly Gregg, '22. "There were no strangers at the Law School, or

probably anywhere, for Elle."

"Elle D'Amore had a tremendous impact on her classmates and professors, and our entire community grieves the loss of an extraordinary student and friend," said Dean Thomas J. Miles. "Elle engaged fully in the life of the Law School, and we are grateful for her deep commitment and compassion. Our most heartfelt sympathies go out to her family and to all who knew her."

D'Amore was enrolled in the Law School's Doctoroff Business Leadership Program, and last fall she participated in the inaugural Pre-Orientation Program. She was a member of the Law Women's Caucus, the Hemingway Society, the Women's Mentoring Program, and the Impact Initiative. Last spring she was elected to serve as a 2L representative to the Law Students Association (LSA), and friends said she hoped to use that platform to improve access to disability and mental health resources on campus.

D'Amore also had been selected to serve as an Orientation Leader in the fall. Friends said it was a good fit for someone who excelled at rallying her peers, be it to generate support for a cause, to champion an idea, or simply to drum up interest in another round of drinks.

"Elle was such a special person," Dean of Students Charles N. Todd said. "She loved her time at the Law School and loved building community. She told me how

excited she was to be an Orientation Leader and help welcome the next class to the Law School. I feel very lucky to have known her this year, and I know that her classmates and professors feel the same."

Gregg said that at least two professors have remarked that the Class of 2022 seems particularly close, friendly, warm, and supportive—and Gregg can't help but think that D'Amore was a catalyst.

"Elle played a disproportionately huge role in shaping our class's culture and building that sense of community," she said.

She was exceptionally happy, her friends said, and she seemed determined to share it. Her classmates tell story after story about her instinctive generosity: the empathetic word that came at just right moment, the "just because" gift that arrived out of the blue, the ease with which she gave of herself to others.

Jonathan Concepcion, '22, once complimented a pillow on D'Amore's couch, telling her it was the "most comfortable thing I had ever touched." A few weeks later, she surprised him with a blanket made from the same material.

When the last Coffee Mess of Winter Quarter was curtailed because of the growing coronavirus pandemic, she swung by Medici and picked up a plate of pastries to share in the Green Lounge.

"She decided to hold her own Coffee Mess—she was just there handing out pastries," Concepcion said. "You just don't get many friends like Elle in life."

Professor Saul Levmore, who had D'Amore in his Torts class, and later in his Business Organizations class, remembered her as someone who was "so loved, talented, smart, and forward looking."

He came to know D'Amore well, even meeting her parents and once having dinner with D'Amore and several of her friends. He spoke with her just a few days before her death.

"One of Elle's last words to me was that she was trying hard to be optimistic about her future ... it is a way of thinking that I hope she has passed on to her teachers and her friends," Levmore said. "When I think about the great personal and professional promise that is now gone, it reminds me, as I hope it does her friends and classmates, that they must strive to make the best of their lives. I think my interactions with Elle helped me appreciate her friends and her parents (and even my own life) even more than I would have otherwise."

*A more detailed obituary of Elle is available at <https://www.law.uchicago.edu/news/contagious-compassion>*

**Class Notes Section – REDACTED**

*for issues of privacy*

# From the South to the Midwest, a Commitment to Environmental Law

Just a few years after he graduated from the Law School, Byron Starns, '69, found himself representing the state of Minnesota in what would become one of the longest and most consequential environmental enforcement trials in American history. The case



*Byron Starns, '69*

helped propel Starns to a distinguished career largely focused on environmental issues.

He first got involved with the case, *US v. Reserve Mining*, just after joining the Minnesota attorney general's office. The fact that he was in that office at all is an early testament to his tenacity. He had interviewed on campus with the AG's office during his second year but been turned down. "Among other things, I had

grown up in the South, and I don't think they really believed that a guy from the South would want to make a long-term commitment to living in Minnesota," Starns recalled. Undaunted, he later drove to Minneapolis, asked again for the job, and got it.

The trial began in 1973. Starns, as Minnesota's lead counsel, appeared in court virtually every day for nearly 10 months. As the only trial attorney on the government side who argued appeals, he argued before the US Court of Appeals 11 times. "I got more experience from that case in one year than I might have seen in 10 years," he said. "More importantly, the decision established several important principles of environmental law, including the most fundamental one of all, that the government has the right to regulate pollution, and that it can apply the precautionary principle to require mitigation of potential risks. We pretty much take those things for granted today, but they were new legal ideas back then."

While he was still working on the Reserve Mining trial and several other cases, Starns was appointed as Minnesota's chief deputy attorney general, responsible for managing the 150-lawyer office.

After filling that position for about four years, in 1979 he joined the firm where he is still practicing today, Stinson LLP (Leonard, Street, and Deinard at the time he joined). Among other things, his cases at Stinson have established principles of law related to the scope and timing of environmental impact statements, remediation of Superfund sites, and payments by utilities to alternative energy suppliers. He has also handled complex litigation in other areas of law, including antitrust, consumer protection, and intellectual property.

"I got two kinds of education at the Law School," he recalled. "When I came up to Chicago by train for the start of classes, it was the first time I'd been in a big northern city. I learned a lot about Chicago and its people when I drove a city bus as my summer job after our first year, and it was a time of significant social unrest. At the same time as my eyes were being opened societally, the academic side of my life was electrifying. With no lawyers in my family, I was learning what the profession meant, and I was learning it from many of the smartest people I had ever met—not just the amazing faculty, but my fellow students, too. I couldn't have come to the Law School except for a scholarship I received, and I was pinching myself every day to make sure it all was real."

As he considers the possibility of retiring—one side of that consideration includes several important cases he's been handling for many years that he would like to see through to their conclusions, and the other side includes six grandchildren in far-flung locations for him and his wife to visit—he has some advice for the next generations of lawyers. "Overall, good lawyering is about relationships, teamwork, and understanding yourself and others, and at least in my career, those have been some of the most enduring sources of enjoyment and satisfaction," he said. "Today, we're becoming very transactional, commodifying our work and often reducing it to dollars and cents. There are a lot of money pressures on young lawyers today, from paying back loans to meeting billable-hours requirements, but I hope they'll be sure that they are building relationships and savoring them, because your life and your career are too short not to."

# Finding the Beauty in a Career Focused on Ethics

As senior vice president and chief ethics officer of L'Oréal Group since 2007, Emmanuel Lulin, LL.M. '89, has contributed to establishing the group's industry leadership in business ethics. Earlier this year, the Covalence EthicalQuote Reputation Index placed L'Oréal first among more than 6,600 international companies for its ethical



*Emmanuel Lulin, LL.M. '89*

reputation, and this year also marked L'Oréal's 11th recognition by Ethisphere as one of the world's most ethical companies. Based in Paris, L'Oréal is the world's largest personal care company, with 2019 revenues of more than \$3 billion and more than 88,000 employees.

"I might not always have known it, but I feel that this is the kind of job I was destined to

hold, and I am fortunate to hold it at a company that is 100 percent committed to being ethical in all that it does, and to fostering ethical behavior in any context where L'Oréal exists," he said.

When he was just a teenager, Lulin worked with the Nazi hunters Serge and Beate Klarsfeld to seek justice for Holocaust victims. Going into several countries to dig out information, his work contributed to exposing atrocities and their perpetrators and to the discovery of the Auschwitz Album, which is virtually the only known pictorial evidence of the extermination process inside the German concentration camp. "You could say that that experience put me on an expressway to maturity," he remarked.

After earning law degrees in France, where he had grown up, he came directly to the Law School to pursue his LL.M. degree. "I went to Chicago partly because of the Law and Economics program," he recounted. "I thought it would be valuable for that perspective to be more widely understood and practiced in Europe. And I also went because I knew the Law School would push me and challenge me—which it did, in many important ways."

Ten years with a top-tier firm followed his graduation, and then he decided that he wanted to work inside a company, where he would have a more direct say in what happened and be responsible

for lasting results. He joined L'Oréal as its general counsel for human resources in 1999 and led the creation of the office of the chief ethics officer in 2007.

"Any company can have policies and regulations about ethics," he said. "Most of them are window dressing. It's behavior that matters—it's whether or not everyone walks the talk." His measures to make that happen have been bold. For example, each year the company holds an Ethics Day, during which employees can submit questions to CEO Jean-Paul Agon. Last year, more than 60,000 employees participated and more than 7,000 questions were submitted. Employees electronically rank the questions and Agon personally answers the highest vote getters throughout the day. The company sends a letter to every employee each year disclosing how many cases of sexual harassment, bullying, and discrimination have been substantiated, in whole or in part, and disclosing what corrective measures have been taken.

Lulin has personally visited L'Oréal subsidiaries in more than 65 countries. "Nothing beats personal contact to show that we are serious about everyone living our values," he said. The company's ethical principles have been distilled to four—integrity, respect, courage, and transparency—and to drive them home, Lulin led the publication of a book of quotes, maxims, and proverbs contributed by employees from around the world that encapsulate the company's ethics.

"Being ethical is not just the right thing to do, it's also good for business," he said. "It creates trust, and trust is an extremely valuable thing in today's fractured world. We need the trust of our employees, our customers, our suppliers, our shareholders, and any other person or entity we interact with. Ethics is one of the best long-term investments." Committed to spreading that idea, over the past five years he has presented classes in ethics at more than 100 organizations and been interviewed or featured more than 100 times in business publications worldwide.

"All lawyers know that there are things that are lawful but awful, and we know that in these fast-moving times the law is not always the most reliable guide for proper action," Lulin said. "I have the immense privilege of thinking about ethics every day, and of helping colleagues to recognize and do what is right and sincere. It's my life's journey, and I couldn't be happier than to be on that journey."

# Serving the Public from the Executive Branch to the Bench

In September of last year, Neomi Rao, '99, was sworn in as a judge on the United States Court of Appeals for the District of Columbia Circuit.

"I am grateful and honored to have this opportunity to serve the public," she said. "It's a steep learning curve, as my colleagues told me, but I think my varied experience has helped prepare me for the role." Her experience includes service in all three branches of the federal government, a substantial academic career, and time in

private practice.

Before joining the court, Rao was the Administrator of the Office of Information and Regulatory Affairs, the White House agency that reviews regulations and regulatory policy throughout the federal government. "I loved being the regulatory czar," she recalled. "There were important issues before us every day, and we worked with agencies to make regulatory policy work better for the



*Neomi Rao, '99*

American people. The practical work dovetailed with my scholarship on the nature and limitations of the administrative state."

In 2015, she founded the Center for the Study of the Administrative State at the law school where she had taught since 2006, the Antonin Scalia Law School at George Mason University. "The Center was the first organization committed to considering the constitutional and legal foundations of the administrative state," she said. "It was satisfying for me to engage diverse scholars who were studying those issues in submitting draft papers and participating in roundtables and conferences. I started the Center with no staff and a minimal budget, and I'm very pleased to see the prominence it has gained over the years."

She also taught a seminar at Scalia Law School with Justice Clarence Thomas, for whom she had clerked. "Justice Thomas is a wonderful mentor and friend, remarkably warm and caring," she said. "He is a jurist with courage and an unwavering commitment to the rule of law."

Before her year clerking for Thomas, she held a Court of Appeals clerkship and then worked for a year as counsel to the Senate Judiciary Committee. About her time at the Judiciary Committee, she said: "It's very hard—I would say impossible—to understand Congress as an institution unless you have worked there. That experience informed my scholarship and my practical understanding of separation of powers."

After her clerkship with Thomas, she and her husband—her Law School classmate Alan Lefkowitz—relocated to London for three years, where she worked with an international law firm and also was a primary contributor to the International Bar Association's guidelines on conflicts of interest, the first such standards in the field. Returning to the US, she took a job in the White House as associate counsel and special assistant to President George W. Bush, where among other things she analyzed legal issues across a range of policy matters, handled separation of powers disputes, and assisted in the selection and confirmation process for judicial nominees, including Chief Justice Roberts and Justice Alito, as well as her predecessor on the Court of Appeals, then-Judge Brett Kavanaugh.

Discussing her time at the Law School, she said: "One thing I have particularly appreciated during my career is how professors at the Law School pushed us to understand the strongest arguments on all sides of a case. They emphasized law as law, as distinct from other types of reasoning. I'll never forget sitting in my first-year property class with Professor Helmholtz. It was terrifying to be cold called and to wonder if I would survive the experience." She did more than just survive, serving as an editor on the *Law Review* and graduating Order of the Coif.

"The Law School provided an invaluable education and many lasting friendships," she said, but she puts one item at the top of her gratitude list: "It was at the Law School that I met my wonderful, brilliant, amazingly supportive husband."



# Following Many Right Paths Makes Connections and Supports Others

In addition to her high-level legal responsibilities at Accenture in Chicago, Dana Michelle Davenport, '07, has three other big jobs—our four, or five, depending on how you count.

At Accenture, she's the colead of the firm's global sourcing team, handling procurement matters with a staff of about 20 lawyers around the world. Late-night and early-morning calls and other interactions with far-flung staff are an integral part of her responsibilities. Along with that demanding regimen, she's a single parent to her special-needs son Trey, who is 11 years old, and her daughter Lena, who is 9. They live about 25 miles outside of Chicago, which can make for long commutes on the days she's required to be in the office, but those days are rare.



Dana Michelle Davenport, '07

"Accenture is a great place to work in many ways," she said, "including its early adoption, even before the pandemic, of policies and systems that support working from home."

In addition to her work and family responsibilities, there's her television and radio presence, which includes hosting two regular shows, *Dana Being Dana*—of which there have been more than 125 hour-long episodes—and *Finding Common Ground*, which began during the tumult that followed the killing of George Floyd and addresses the impacts of current events on diverse populations, seeking collaborative solutions through frank interactions among Davenport's guests. Both of her television shows are broadcast by Naperville Community Television, and they reach substantial additional audiences through podcasts and social media outlets. (You can watch or listen to her shows at [www.nctv17.com](http://www.nctv17.com).)

She's also the cofounder and director of the Homecoming Challenge, an alumni giving initiative that has reached more than 40 college campuses to bring graduates into informal mentoring relationships with current students. Having acquired a national corporate sponsor this year, the Challenge is poised to continue expanding.

"I know I'm a high-energy person," Davenport said, "and I know I'm a high-commitment person. I stay as open as I can to ways that I can encourage, connect, and inspire others to live their very best lives." She's had a passion to help others since she was very young, standing up to injustice on her grade-school playground. "I was good with words and I cared about justice," she recalled. "People often told me I should be a lawyer." At the Law School, her determination to help others led to her receiving the Edwin F. Mandel Award for the quality and extent of her contributions at the Juvenile Justice Clinic.

She said that the Law School has benefitted her in many ways. In addition to the capabilities that enable her to succeed at her Accenture position and the inspiration she derives from seeing so many classmates thriving in traditional and nontraditional careers, she said: "I'm using so many skills that were developed and sharpened at the Law School in my journalistic work, particularly on *Finding Common Ground*, where the issues are deep and feelings are strong. Understanding the core of an issue, asking the right questions, communicating clearly, honoring other viewpoints—I got deep training in all that from UChicago."

"What they say is true," she added. "A UChicago Law School education is great preparation for whatever a person might want to do."

As satisfied as she is with the commitments she is currently undertaking, Davenport is potentially facing some choices about her future. The rare combination of gravity, empathy, and levity that she brings to her broadcasts has led many people—fans and media professionals alike—to encourage her to pursue more far-reaching outlets for her talents. And the Homecoming Challenge is a compelling program that has national potential and is very attractive to potential sponsors.

"My family and my job will always come first," she says, "but there's a big world out there, and I'm not one to shy away from a chance to step out into it and take on new challenges. If there are people I can help, connections I can create, and divides I can help to bridge, I'm going to be there as much as I can. I think that's in my DNA—it's just Dana being Dana."

# A Dedication to Advocacy Leads to Early Dream Job

Samira Nazem, '10, has described her current position at the Chicago Bar Foundation as “my dream job—an opportunity I feel like I’ve been working toward since my earliest days at the Law School.”

As the foundation’s director of pro bono and court advocacy, a lot of the advocacy side of her work is directed at finding new ways to help pro se litigants navigate the court system. “At least 60 percent of people involved in Cook County civil proceedings represent themselves, so we have a big responsibility to help make that as easy as possible for them,” she said. Because the courts’ required electronic filing system can be nightmarish for pro se litigants, Nazem and others successfully lobbied for exemptions from e-filing to protect vulnerable litigants—including those with limited access to technology, limited English, or disabilities—from facing additional barriers to accessing the courts. She has worked closely with many other groups to improve and expand court-based assistance that now includes a resource center for people without lawyers, help desks staffed by pro bono and legal aid attorneys, more straightforward written materials, and better-trained courthouse staff.

In partnership with a Harvard technology lab, she led the creation of a virtual reality experience to help self-represented litigants be better prepared for their courtroom appearances. “Almost every project we work on involves advocating, coordinating, and collaborating with outside partners including courts, judges, clerks, private attorneys, and legal aid organizations,” she said. “There’s never a dull moment.”

On the pro bono side of her responsibilities, in addition to working closely with firms and legal aid lawyers to promote and support pro bono activities, her office developed a website for posting pro bono opportunities (<https://cbf.joinpaladin.com>) and successfully advocated for a rules change that allows attorneys whose bar



*Samira Nazem, '10*

registrations are from outside Illinois to provide pro bono service through a legal aid organization.

Before she took on her present job, Nazem was the first person in the Illinois court system to hold the position of self-represented litigation specialist. Dealing with the state’s very diverse jurisdictions, she established a statewide network of local court personnel who would be ambassadors for improved services to pro se litigants. “I wasn’t going to get far by saying ‘I’m from Chicago and I’m here to help you’—and I knew in any event that I didn’t have all the answers for these very varied situations—so we built a highly collaborative network of people on the ground who could share their accomplishments and best practices and apply them to their local situations,” she said.

In the job she held before that, she was a staff attorney and the pro bono coordinator at the Lawyers’ Committee for Better Housing, after having worked for a year after graduating from the Law School as a staff attorney at the Chicago Housing Authority. “As the pro bono coordinator at the lawyers’ committee, I loved having the opportunity to introduce many attorneys to the crazy world of housing law practice that impacts so many thousands of lives,” she said. “When you see a pro se cattle call for eviction proceedings, for example, you have to be pretty jaded not to think that there’s something wrong with this picture.”

While she was at the Law School, Nazem served a yearlong internship with the Legal Assistance Foundation that was focused on housing issues, and she participated in the clinical seminar on poverty and housing law. In addition to equipping her with experience and subject-matter expertise that helped start her public-interest career after graduation, she says the Law School was crucial in another way: “A lot of my jobs have involved listening and influencing, because I often don’t have direct authority over other people. I’ve had to build relationships and learn to work with people with many competing priorities and differing viewpoints. At the Law School, I had three invigorating years of learning how to interact with people with different opinions, attitudes, and styles. I’m appreciative for that learning every day.”



## MEET THE CLASS OF 2023

88 Undergraduate Institutions

46 Undergraduate Majors

40 States Represented

46 Theses

20 Graduate Degrees

21 Languages Spoken

### FUN FACTS:



205+ internships for institutions including AARP, AMC Networks, Amnesty International, Bloomberg News, Capital One, Commission on Human Rights, Congress, Consulate General of Korea, Deloitte, Department of Treasury, Disney, Guggenheim Museum, House of Lords, Microsoft, USAID, Washington Post, the White House

46 research assistants

20+ published authors

12 musicians

7 Eagle Scouts

7 athletes (track, swim, baseball, water polo, track, football, squash)

5 AmeriCorps alumni

4 Fulbright scholars (Argentina, India, Laos, Spain)

4 cofounders of public interest organizations

5 dancers (ballet, modern, Irish dance, swing dance, tango)

3 CEOs

2 painters

2 sports TV/radio anchors

1 actress in Russia

1 US Army-certified expert marksman

1 owner of custom sneaker business

1 chemical engineer

1 commercial fisherman

1 beatboxer

1 certified distinguished level bartender

1 amateur pilot

1 black belt

1 ranch hand



# SAVE THE DATE

## Earl B. Dickerson Centennial Conference



Friday, October 30, 2020, on Zoom

Register at <https://www.law.uchicago.edu/dickersoncentennial>

The virtual event will bring together a distinguished group of academic lawyers and historians to contextualize the life, work, and legacy of the Law School's first Black JD graduate. Organizers hope to hold a second event on April 17, 2021; please check the website for up-to-date details.