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# CHICAGO LAW



The University of Chicago Law School Record

Fall 2022



## Shining a Light on the Data Economy

The Hottest Ticket in the Tax World

How a Law School Project Became an Aerospace Innovation

Remembering Kenneth W. Dam, 1932-2022

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CHICAGO LAW

The University of Chicago Law School Record

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# Message from the Dean

Dear Alumni and Friends,

The study of law has some unchanging aspects. Every student at the Law School learns about Mrs. Palsgraf, the hand with the skin graft gone awry, and the fox who escaped one pursuer only to be captured by another. Cases and legal materials such as these are classics. At the same time, our faculty offers fresh ideas that address emerging challenges in our world and exert immediate influence. How can this mix of unchanging and dynamic co-exist?



The answer, I believe, lies in our longstanding commitment to asking foundational questions, and the legal classics help to do this. Since its founding, the Law School has been dedicated to interdisciplinarity, the use of tools and methods from other fields to help advance the rigor of our analysis. This combination—a devotion to serious inquiry in law and an openness to a multiplicity of methods—has time and again produced field-defining scholarship from our faculty and prepared our students for extraordinarily varied and accomplished careers.

This issue of *The Record* illustrates the power of these values. The rise of Big Data, AI, and their associated algorithms, or as some have called it, the “data economy,” present a host of factual, legal, and ethical questions. By asking fundamental questions and relying on multiple methods, our faculty is tackling the most important questions presented by this new phenomenon, and their analyses have far-reaching influence on the academy and policy.

Professor Lior Strahilevitz led cutting-edge research that was the first in the world to show the effectiveness of manipulative online tactics known as dark patterns; he is now frequently called upon to advise lawmakers and regulators here and abroad. Assistant Professor Bridget Fahey enabled us to more clearly see the scope of intergovernmental data sharing and raised important new questions about how this could affect our federalist structure. And Professor Omri Ben-Shahar has introduced new paradigms of thinking about how we use and regulate data, work that includes a fascinating account of how we might use data-fueled algorithms to someday “personalize” the law.

While the data economy brings us to the cutting edge, our faculty has long had influence on the worlds of practice, business, and policy. Look no further than this issue’s article on the Law School’s annual Federal Tax Conference. The conference celebrates its 75th anniversary this November. While the Federal Tax Conference is slightly older than the Rolling Stones, its tickets sell out even faster.

The education at the Law School has consistently produced alumni whose careers defy boundaries and shape our world. In this issue, I am pleased to share a story about an alumna who helped create the world’s first centralized collision avoidance platform for space using an idea she developed in a Law School course.

The vibrancy of our Law School requires a constant search for the next generation of great thinkers, and this issue provides an exciting update on this, too. In July, we welcomed Adriana Robertson, an innovative business law and finance scholar who joined us from the University of Toronto Faculty of Law and has been named the inaugural Donald N. Pritzker Professor of Business Law; Jacob Goldin, a top scholar of tax law and policy who joined us from Stanford Law and who has been named the inaugural Richard M. Lipton Professor of Tax Law; and rising star Adam Davidson, ’17, who attended the Law School as a Rubenstein Scholar and taught legal research and writing as a Harry A. Bigelow Teaching Fellow. Each exemplifies University of Chicago values and promises to invigorate our community with their innovative work, independent thinking, and energetic teaching. As we embark upon another academic year, we look forward to bringing the classics, such as Mrs. Palsgraf, as well as the innovations, such as the data economy, to a new generation of Chicago law students. I wish each of you a happy and healthy autumn, and I thank you for being a part of our distinctive community.

Warmly,

A handwritten signature in cursive script that reads "Thomas J. Miles". The ink is dark and the signature is fluid and legible.

Thomas J. Miles

Dean, Clifton R. Musser Professor of Law and Economics


# SHINING A LIGHT ON DATA

From Dark Patterns to Intergovernmental Data Markets, Law School Scholars Are Changing How We Think About Technology, Privacy, and Society

By Becky Beaupre Gillespie

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**P**rofessor Lior Strahilevitz was tired of dodging dark patterns, the manipulative online sales tactics aimed at bamboozling consumers into saying yes to purchases, mailing lists, and services they would later regret. He wondered how many people were being duped.

The Internet had evolved into a minefield of hoodwink and hustle: The options to say “yes” or “maybe later” but never “no.” The confusing language: does a “cancel” button beneath “Are you sure you want to cancel?” allow you to *proceed* with your intended cancellation or does it *cancel* the cancellation? The ploy known as confirmshaming (“No thanks, I hate saving money!”), not to mention the hidden costs, preselected responses, sneaky subscription sign-ups, claims of scarcity, and goading urgency—all of it meticulously designed to exploit our psychological vulnerabilities with exacting precision.

Dark patterns, Strahilevitz thought, were annoying at best and deeply disturbing at worst: marketers now have the ability to collect massive amounts of data on which methods work best on which consumers by repeatedly deploying “A” and “B” versions of their tactics—a rapid-speed fine-tuning process that, so far, exceeds what the law is equipped to regulate.

“It’s a game of Whac-A-Mole—the people developing the dark patterns are always ahead of the people trying to stop them,” said Strahilevitz, who has studied data and privacy since he joined the Law School faculty 20 years ago. “It’s incredibly cheap and easy for programmers to change the design of a website or an app in order to do this A/B testing. And there’s a danger [because] it takes advantage of cognitive biases and exploits human weakness.”

Which is why, in early 2019, Strahilevitz and his then student, Jamie Luguri, ’19, who earned her PhD in psychology from Yale in 2015, employed some dark patterns of their own, running two experiments in which they essentially tricked hundreds of survey respondents into signing up for fake identity theft protection. (The respondents, who believed their own money was at stake but never made an actual payment, were debriefed at the end.)

The resulting paper, published in 2021, was the first in the world to prove the shocking effectiveness of dark patterns, marking an important step in efforts to mitigate the harms and serving as a striking testament to the power of interdisciplinary collaboration and empirical research. Within months, Strahilevitz, the Sidley Austin Professor of Law, was a go-to source for state, federal, and international governments seeking to understand and regulate the fast-evolving practice.



“The paper ended up being more impactful, both in the United States and around the world, than anything else I’ve ever written,” said Strahilevitz, who has advised the Federal Trade Commission, California privacy regulators, and the United Kingdom Competition and Markets Authority, among others. “Sometimes the best scholarship comes from feeling like there’s a problem in the world.”

Personal data—and the ability to aggregate it, trade it, and code algorithms with it—is power, and the ways in which that power is used and regulated has become a defining issue of our time. Law School scholars, long known for their willingness to take on complex



Jamie Luguri, '19, and Professor Lior Strahilevitz

challenges, are at the forefront of efforts to understand the implications and address the tangle of questions facing regulators and policymakers. Through books, papers, and conferences, they are identifying emerging issues, laying the groundwork for future debates, and helping shape new laws and regulations—often drawing on multiple disciplines, innovative research, and the signature rigor of UChicago thinking.

Professor Omri Ben-Shahar, for instance, has convened leading experts at international symposia and examined data and privacy in his own papers and books. He reimagined data regulation as a project that focuses on societal rather than personal impacts, proposing a “data pollution” paradigm that would mirror environmental regulations—a contribution aimed at spurring new, and he hopes more productive, ways of thinking about data

markets. In a 2021 book, *Personalized Law: Different Rules for Different People* (Oxford University Press, coauthored with Ariel Porat), he explored a potential upside of personal data collection, writing about the ways in which prediction algorithms might be used to apply the law more equitably.

Assistant Professor Bridget Fahey offered new insights about how the federal government, states, and cities collect, share, and jointly manage the data they collect about their constituents. Earlier this year, she uncovered the existence of a rapidly growing and largely unregulated intergovernmental data market—a deep dive that explored not only concerns about accountability, transparency, and individual privacy but raised questions about its potential to affect our federalist structure. Although many Americans might assume that the data a government collect for a given purpose will be used only by that entity and for that purpose, Fahey’s article, “Data Federalism” (*Harvard Law Review*), showed that our governments trade, sell, and barter the data they collect about their constituents.

And the Luguri and Strahilevitz paper “Shining a Light on Dark Patterns” (*Journal of Legal Analysis*) contributed key information just as efforts to address the sneaky tactics were ramping up worldwide. Their findings were revelatory: users exposed to aggressive dark patterns were nearly four times as likely to subscribe to the (fake) service as those in the control group, a startling success rate. Those exposed to mild dark patterns were more than twice as likely to sign up. But the mild-tactic group was also less likely to react with anger and backlash—an insidious combination that makes less overt techniques a sweet spot for those looking to manipulate consumers. (This was among the insights Strahilevitz shared when advising California regulators as they prepared to implement a sweeping privacy law that takes effect in the state next year.)

In each case, the research enabled scholars—and, in some cases, their student collaborators—to help society adapt to a changing world in ways that are not always possible in other fields.

“I left psychology and came to law school because I wanted to do work that would get translated to the real world,” Luguri said. “This project really showed the way legal scholarship [can accomplish that]. We ran a study and suddenly people were paying attention to the issue, including people who have the ability to figure out how to regulate it.”

## Groundbreaking Research Fueled by UChicago Values

Law School scholars are particularly well suited to the complex issues related to the data economy, topics that touch many areas of law and raise compelling questions about American society, said Dean Thomas J. Miles, the Clifton R. Musser Professor of Law and Economics.

“Our colleagues’ pathbreaking work on the data economy is an inspiring example of our faculty’s ability to define and shape entire fields,” Miles said. “Our faculty is accomplishing this in a distinctively Chicago way: focusing on important new social and legal developments,

*“It was a moment of joy as a scholar and horror as a citizen—consumers have been taken to the cleaners for so long, and we’d discovered something previously known only within the firms that created these dark patterns.”*

— Lior Strahilevitz

discovering and disseminating new evidence, drawing on ideas and methods from other disciplines, and offering a wide range of perspectives. It is no surprise that our faculty’s ideas on the data economy are having an immediate impact across the academy as well as on policy and the law.”

Strahilevitz, Ben-Shahar, and Fahey, of course, are not alone; other Law School scholars have trained their expertise on issues related to the data economy in recent years. In his 2018 book, *Radical Markets: Uprooting Capitalism and Democracy for a Just Society* (Princeton University Press, coauthored with E. Glen Weyl), Professor Eric Posner, the Kirkland & Ellis Distinguished Service Professor of Law and an expert on market systems, pitched the creation of data labor unions that would enable people to be paid for sharing the personal data that collectively powers the digital economy. Professor Randal C. Picker, the James Parker Hall Distinguished Service Professor of Law and an expert on the regulation of platforms and networks, has written and spoken on

competition and digital markets. For instance, at a 2019 conference in Paris, he discussed how traditional ideas about competition and pricing might not fit online markets in which users essentially “pay” for a service by giving up personal data. (“If you’re paying in data, how do you know how much you’re paying?” Picker told the audience. “I just handed €2 to someone for this Diet Coke, and I knew exactly how much I was paying. But how much did I ‘pay’ this morning to Twitter in data when I was posting a bunch of tweets about this conference? I just don’t know.”) And in a 2021 paper, “The Public Trust in Data” (*Georgetown Law Journal*),

*“We ran a study and suddenly people were paying attention to the issue, including people who have the ability to figure out how to regulate it.”*

— Jamie Luguri, ’19

Professor Aziz Huq, a scholar of US and comparative constitutional law who has written extensively on issues related to equality and democratic backsliding, proposed the creation of public trusts that would address harms—such as privacy losses, economic exploitation, and structural inequalities—caused by the collection of personal and locational data. The trusts, to be managed by the state, would recognize the collective interest in how personal data is used.

These works reflect quintessential UChicago values: pushing against boundaries, questioning accepted thinking, and stretching across disciplines. Many also incorporate labor-intensive research.

When Fahey, for instance, interrogated how our governments legally structure their varied and sprawling data transfers, she found that those exchanges were not regulated by statutes or administrative regulations but instead by an unusual kind of contract—what she termed “intergovernmental agreements.” Those agreements specify what information each government will surrender to the other, the terms of use, and any restrictions on further transfer. They are also often the only legal document that has the capacity to protect the privacy interests of the data’s subjects.



To better understand the legal frameworks those documents created, Fahey devoted months to collecting intergovernmental data agreements—digging through the minutes of city council meetings, scouring the depths of agency websites, and filing Freedom of Information Act requests.

“Intergovernmental agreements are often informally negotiated between the federal government and the states,” said Fahey, an expert in federalism. “They are not a robust form of public lawmaking that can transparently and democratically account for the profound interests at stake when sensitive data changes governmental hands.”



Professor Bridget Fahey

In addition to publishing their own work, Law School scholars have played an important role in larger conversations about technology, privacy, and the data economy. Strahilevitz, for instance, chaired the Subcommittee on Privacy and Data Protection for Chicago Booth’s George J. Stigler Center’s Committee on Digital Platforms in 2019, contributing to both a conference and the resulting white paper, whose coauthors included Luguri and Filippo Lancieri, JSD ’21. Ben-Shahar, the Leo and Eileen Herzel Professor of Law and the Kearney Director of the Coase-Sandor Institute for Law and Economics, spearheaded several symposia in recent years, among them “Legal Challenges of the Data Economy” in Paris in 2019, “Big Data and the Law” in Paris in 2017, and “Contracting over Privacy,” co-organized with Strahilevitz, at the Law School in 2015. The data economy, Ben-Shahar told the Paris audience in 2019, had introduced “new possibilities that

are sometimes hard to resist”—and those possibilities demanded study and discussion.

“Dialogues like this,” he told the assembled experts, “are intended to help us figure out whether we want to forge ahead or maybe pause and hold on to some of the more traditional ways in which we regulated our society.”

For many Law School scholars, these concerns are of paramount concern because they involve foundational values: equality, power, and how we function as a nation. As a result, many of the questions are ones without easy answers, Ben-Shahar said. And despite recent growth, he added, we are only at the beginning—and our response may well require shifts in thinking that can be informed by legal scholarship.

“The use of Big Data and artificial intelligence is only going to grow, and rapidly,” he said. “Many of the regulatory solutions may be outdated by the time they are enacted. This is why part of my research focuses on how the law itself, and law enforcement agencies in particular, could also deploy the tools of data science to improve their performance.”

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### Imagining the Future

Ben-Shahar is the first to say that much of his recent data economy work has a “science fiction” feel to it.

He can envision a world in which personalized speed limits are delivered directly to each driver and consumer protections target those who need them most, all thanks to predictive algorithms fueled by large databases of personal information. The privacy trade-offs, he argues in *Personalized Law: Different Rules for Different People*, are worthwhile if they advance equality and save lives.

“Think how this is used by private markets to save lives,” he said. “Auto insurers, for example, offer drivers the option to install tracking devices that measure how people drive and charge them according to their safety score. Studies show that this technology reduces fatal accidents by over 30 percent—12,000 lives can be saved every year by nothing more than a data program. Why should the state of California bar such excellent innovation?” (California, he noted, prohibits the use of these data-collection devices in auto insurance.)

Ben-Shahar can also envision a world in which we primarily regard the collection of data not as a threat to individual privacy, but as a pollutant similar to the toxic emissions of a car or factory—one that harms the ecosystem more than any single person whose data is shared.

“A central problem in the digital economy has been largely ignored: how the information given by people

affects others, and how it undermines and degrades public goods and interests,” he wrote in his 2019 paper “Data Pollution” (*Journal of Legal Analysis*), citing prominent examples such as massive leaks of consumers’ personal financial data and consulting firm Cambridge Analytica’s use of Facebook data to target and potentially sway voters during the 2016 election.

But this collective interest in data markets is tricky—and it will likely get trickier as technology continues to evolve. First, it isn’t all *negative* interest. There are potential benefits mixed in with the challenges: the ability to track the spread of disease during a global pandemic, solve

*“If the public understood the infrastructure of [intergovernmental] data sharing more crisply, it would find much more to be concerned about.”*

*— Bridget Fahey*

crimes, or—perhaps someday—custom-tailor the law. Not everyone will agree on how to balance those interests.

Second, threats to democracy, equality, and society feel distant and nebulous. Threats to our personal privacy, on the other hand, feel . . . personal.

“That’s what we focus on and feel afraid of—the idea that information about our personal habits, attributes, histories, preferences, and tastes is being taken from us,” Ben-Shahar said. “It’s creepy.”

But there is evidence that despite our handwringing—Facebook knows which products we like! Our Fitbits know when our heart rates rise! Our iPhones know where we’ve been!—we don’t *actually* care as much as we say we do. Most of us, after all, routinely and knowingly trade our individual privacy for conveniences, entertainment, and other relatively small perks. Researchers call this discrepancy between stated intention and actual behavior the “privacy paradox.” Among the papers that hinted at it was one published in 2016 by Strahilevitz and his former student Matthew Kugler, ’15. They found that even when consumers rated a practice as highly intrusive, they believed themselves to have authorized the intrusion—even if the privacy policy they signed was vague. Moreover, according to that paper, “Is Privacy Policy Language Irrelevant to

Consumers?” (*Journal of Legal Studies*), few consumers were willing to pay for an alternative service that would allow them to avoid the intrusion.

“There’s this prevailing sense in society that there is a problem with data privacy, and yet people behave as if there isn’t,” Ben-Shahar said. “So maybe the problem is not about the private sphere. Maybe it’s not that our own lives will be destroyed or diminished or devalued [when we allow access to our personal data]. Maybe it’s a problem with the entire environment, a problem that’s about the public sphere.”

In fact, he and others have argued, the societal costs of personal data collection often exceed the sum of the individual costs.

Ben-Shahar points to the Cambridge Analytica scandal as illustration. An attempt to sway an election by targeting voters through data-driven advertising creates collective effects; in 2016, he said, those effects were felt by the “entire electoral and political environment.” Many of the individual voters, however, regarded themselves as personally unharmed.

“Our social ecology gets polluted by how our data are being used,” Ben-Shahar said. “[Many of us] feel this general discomfort—we don’t feel injured, and we can’t exactly put our finger on what the worst thing is, but there seems to be a collection of bad things that are brewing.”

The discomfort, he hypothesized, isn’t about our personal space, it’s the nagging sense that our societal structure is at risk.

Ecosystem involvement is further evident, he said, in the failure of private law to meaningfully regulate the data economy. Tort law has fallen short because, often, individual harms are neither immediate nor visible, the external harms are too widespread to control through typical remedies, and costs are difficult to measure. Contract law has fallen short because agreements between individuals do not capture collective costs—and because people do not always make rational choices, particularly when faced with manipulative choice architecture. Mandated privacy disclosures rarely work because people do not read them.

“We’ve been asking the wrong questions, and we’ve been using the wrong legal tools,” Ben-Shahar said.

“We have to rethink the harms the data economy creates and the way they have to be regulated,” he has written. “Social intervention should focus on the external harms to society at large from collection and misuse of personal data, rather than restrict its focus to privacy and data security. Perhaps it is time for an ‘environmental law for data protection.’”



Professor Omri Ben-Shahar has been writing about data and privacy for years. In his 2014 book, *More Than You Wanted to Know: The Failure of Mandated Disclosure*, he argued that disclosures, including the consent forms people sign before giving up their personal information, are useless because nobody reads them. One reason, as shown here with a printed version of a disclosure: they are far too long. He argues that regulations should focus on societal impacts rather than individual privacy.

He advocates thinking about data sharing in terms of “emissions”—externalities that can be regulated much as we regulate environmental pollution. That could include strict limits on certain types of data activity, Pigouvian data taxes, and a compensation structure to address “data spills.”

His model’s focus on societal impacts also allows for the consideration of “data greens”—the potentially beneficial side effects, such as data-driven personalization.

But personalized law, for all its potential, is the part society may not be ready to ponder—yet. In addition to requiring technology that isn’t fully available and a consensus around the structure, content, and goals of the

*“The use of Big Data and artificial intelligence is only going to grow, and rapidly.”*

*— Omri Ben-Shahar*

predictive algorithms, personalized law would require a certain amount of comfort with privacy trade-offs. The most effective, accurate, and fair tailoring would likely require a lot of algorithmic input; otherwise, each individual piece of information would carry too much weight, allowing for inaccuracies and manipulation.

“Personalized law—that’s asking a lot of my audience,” he said with a chuckle. “It’s a brave new world and there would be a lot of problems to consider.”

His intention, however, isn’t to provoke but to prepare: ideas that feel futuristic now might not always feel that way. His goal is to create a longer runway by introducing the ideas now, before we need to make decisions.

After all, the news has been filled in recent years with revelations that remind us—sometimes quite jarringly—how powerful data markets have become and how deeply we need to examine the many implications.

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### **Understanding a New Source of Government Power**

In 2019, a story appeared on the front page of *The Washington Post*: agents from the Federal Bureau of Investigation were using facial recognition technology to scan the civil driver’s license photos of hundreds of millions of Americans without their knowledge or consent. Neither Congress nor state legislatures had authorized the

data-sharing effort, which granted the federal government access to state DMV records.

A furor erupted, with Democratic and Republican lawmakers, civil rights advocates, and others expressing shock at the size and secrecy of the database, the use of civil data for criminal investigations, and the experimental nature of the FBI’s facial recognition technology.

Fahey, who joined the Law School faculty in 2020, recognized the story as part of a larger picture that was unfolding—one in which data are quietly traded, concentrated, and amplified across levels of government with potentially enormous implications.

Intergovernmental data markets, in turn, allow them share and pool their respective data stores into ever larger compilations,” Fahey explained.

“Instead of Chicago police officers having access just to data collected by the Chicago Police Department, for example, they have access through an intergovernmental data pool to data collected by police officers in jurisdictions throughout the country,” she said. “Data exchange multiplies governmental power.”

The data often move easily and quietly—until there’s a dispute between governments, as happened when the federal government tried to force “sanctuary cities” like Chicago to

*“Our colleagues’ pathbreaking work on the data economy is an inspiring example of our faculty’s ability to define and shape entire fields. Our faculty is accomplishing this in a distinctively Chicago way: focusing on important new social and legal developments, discovering and disseminating new evidence, drawing on ideas and methods from other disciplines, and offering a wide range of perspectives.”*

*— Dean Thomas J. Miles*

Individual data, after all, become far more powerful in aggregate, and often move in ways people might not expect. For instance, data collected by a city social service entity may make its way into a federal immigration database. Data collected by state election officials may be shared with dozens of sister states. The federal governments, states, and cities even create joint “data pools”—databases to which they all contribute and which they all jointly manage.

Although the risks of data aggregation have been scrutinized in the private sector, where corporations routinely sell the data they collect about their customers without their consent, the sale and trade of data among governmental entities had largely escaped notice until Fahey’s article.

From a constitutional federalism perspective, this cross-governmental data exchange is conceptually challenging, she said, because the basic goal of federalism is to divide power among many different governments. But where data power is concerned, Fahey worries that federalism is facilitating the concentration of governmental power, not its division.

“Federalism multiplies the number of governmental entities that can access and collect individual data.

share data with Immigration and Customs Enforcement, or until the public discovers an exchange that strikes people as particularly invasive.

Fahey’s work suggests that the rare examples that gain public notoriety are only the tip of the iceberg. “If the public understood the infrastructure of this data sharing more crisply, it would find much more to be concerned about,” she said.

Her work, she hopes, will offer a framework for understanding the issue as it continues to evolve. Among the positive feedback she has received has come from researchers who also struggled to track down data that were being shared among governments; her efforts to gather examples of intergovernmental data agreements have proven both illuminating and validating.

Her future projects in this area involve deeper investigations of both crime and immigration data sharing, as well as an exploration of how the technology behind governmental data sharing works, a project that could include collaboration with experts in computer science.

This sort of interdisciplinary exploration is part of what makes the Law School’s contributions so rich. Strahilevitz, too, has collaborated recently with several computer science

professors at Chicago as well as an economist researching consumers' behavioral responses to data breaches.

And, of course, he has collaborated with social psychologists. Dark patterns, after all, find their power partly in technology—and partly in the recesses of the human mind.

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## The Intersection of Law, Experimental Psychology, and Computer Science

Strahilevitz still remembers when Luguri shared with him the results of their first dark patterns experiment.

It was a moment many months in the making, and one that began almost as an afterthought. At the time, Strahilevitz had some other privacy projects underway, including one involving Luguri. First, they were working together on a paper, “Consumertarian Default Rules” (*Law and Contemporary Problems*, 2019), which included an original study of consumer privacy expectations. In addition, Strahilevitz was chairing the Subcommittee on Privacy and Data Protection for the Stigler Center's Committee on Digital Platforms, and he and others were interested in including something about dark patterns. The question was, where and how would they gather new information?

Dark patterns were of growing interest to academics, but the body of research was still young. Most of the existing literature was written by computer scientists who had developed algorithmic tools for detecting them.

“From a psychology perspective, there hadn't been much work yet on the effectiveness of dark patterns, and there wasn't a lot of legal literature that explored what existing laws could do and what additional laws might be needed,” Strahilevitz said. “People inside these companies [that create dark patterns] knew a lot about them, but of course they weren't telling the world what they knew.”

As Strahilevitz brainstormed with subcommittee colleagues, it occurred to him: the privacy preferences questionnaire he and Luguri were developing for “Consumertarian Default Rules” provided a perfect cover story for testing the effectiveness of dark patterns. They could build their experiment into that survey.

Strahilevitz was no stranger to either social psychology or student collaboration. Several years earlier, he had invited Matthew Kugler, '15, then a JD student with a PhD in social psychology from Princeton, to team up. (Among their joint works was the 2016 paper about vague privacy policy language, the one that revealed consumers' tendency to believe they were agreeing to intrusion.)

When Strahilevitz met Luguri—who during her time at the Law School helped develop the Law School's Psychology and Law Studies Lab—he found another terrific collaborator.

She was curious and brilliant, and her psychology training was, as Strahilevitz put it, “world class.”

Drawing on the expertise she had developed as a doctoral student at Yale, she and Strahilevitz designed an experiment that would test people's actual behavior when unknowingly faced with dark pattern marketing. It worked



*Professors Ben-Shahar and Strahilevitz before their 2015 conference, “Contracting over Privacy.”*

like this: At the end of the privacy preferences survey, the participants were told that their responses identified them as people who really cared about privacy. That's when the survey became—or seemed to become—a sales pitch for an identity-theft protection service. Offers were delivered in one of three ways: through aggressive dark pattern marketing, through mild dark pattern marketing, and, for the control group, through a neutral offer that lacked manipulative tactics.

Luguri conducted the empirical analysis and then shared the results with Strahilevitz: aggressive dark patterns worked almost four times as well as the neutral offers, and the mild dark patterns worked more than twice as well but without significantly alienating consumers the way the aggressive tactics did.

“You spend four or five months planning an experiment and when you launch it, you never know what you're going to get. When the results of this first experiment came through, we just had this moment of, ‘Wow, this

is going to make a big impact once we tell everyone,” Strahilevitz said. “It was a moment of joy as a scholar and horror as a citizen—consumers have been taken to the cleaners for so long, and we’d discovered something previously known only within the firms that created these dark patterns.”

Interested in supplementing these findings with additional insight, Strahilevitz and Luguri conducted a second experiment before completing their paper. That one yielded data about which dark patterns worked best—and it replicated a surprising finding from the first experiment: when dark patterns manipulate a consumer into making a purchase, *the cost of the service doesn’t matter*. Even a substantial increase in price—from \$8.99 to \$38.99 per month, for instance—fails to dampen the effects of the dark pattern. (This surprised Strahilevitz, who has written a number of law and economics papers, more than Luguri, with her psychology training.) The experiments also produced other important information, including that less educated consumers were most vulnerable to dark pattern tactics.

The findings quickly drew attention not only from the media and other academics but from lawmakers and regulators working to address the use of dark patterns. That spring, Strahilevitz discussed the work with the Federal Trade Commission, which had been working to ramp up enforcement. The following fall, the FTC released a policy statement warning of legal action against companies with sign-up processes that failed to provide clear information, obtain consumers’ informed consent, or make cancellation easy.

Strahilevitz also spoke with California privacy regulators working to develop the state’s first regulations on dark patterns, a legal development that is expected to have national implications. In addition to informal conversations, in March 2022, he testified about the dangers of dark patterns before the board of the California Privacy Protection Agency as they prepared for the January 2023 implementation of the California Privacy Rights Act (CPRA). The CPRA, a ballot initiative that was approved by California voters in 2020, treats consent secured via dark patterns as legally ineffective. The accompanying regulations, due out this year, are expected to curb web designs that might interfere with a user’s ability to make clear decisions about their data.

“The stuff that’s happening in California is really important, and not just because California would be the fifth biggest economy in the world if it were its own

country, but because a lot of technology companies are making the decision to give consumers in all 50 states the same kind of Internet that California’s going to get,” Strahilevitz. “Most companies don’t want to have multiple versions of their platform or their website or their app. So all eyes should be on California right now.”

Dark patterns have been a hot topic around the world in recent months: in July the European Parliament approved the Digital Services Act, which would prohibit dark patterns. Following ratification by the Council of the European Union, the new provisions will go into effect in 2024. In addition to his work in California, Strahilevitz has been called upon to share his research numerous times. In May 2022, he served on a panel discussing dark patterns before the United Kingdom Competition and Markets Authority, and next year he will present his research before the UK’s Financial Conduct Authority. In addition, earlier this year, Strahilevitz and a reading group of UChicago law, public policy, and graduate computer science students provided comments to the European Data Protection Board about proposed dark pattern regulations. He also helped draft portions of the bipartisan American Data Privacy and Protection Act (ADPPA), which the House Energy and Commerce Committee approved in July by a margin of 53–2.

The success of the dark patterns work, Strahilevitz said, underscores the powerful impact of a Law School culture that prizes interdisciplinary inquiry, innovation, and an openness to student collaboration. Strahilevitz continues to talk with Luguri, who now works as a litigation associate in the Los Angeles office of Munger, Tolles & Olson, and with Kugler, who is now a tenured professor at Northwestern Pritzker School of Law. Strahilevitz also continues to engage current students interested in work related to law and technology. This academic year, he will teach an Advanced Topics in Privacy and Data Security seminar with Aloni Cohen, a UChicago assistant professor of computer science and data science, that brings law students together with students working toward PhDs in computer science.

The opportunities to collaborate and discover have been invigorating, but perhaps most gratifying has been the opportunity to help address a pressing issue.

“It’s been really neat to have done a piece of academic research that’s not only well regarded by professors but also speaks to the world that we live in,” Strahilevitz said. “It’s helping policymakers and regulators try to build a better Internet.” ■

# THE 'COMIC-CON OF TAX'

**HOW A 75-YEAR-OLD LAW SCHOOL-SPONSORED TAX CONFERENCE BECAME THE HOTTEST TICKET IN THE TAX LAW WORLD**

**BY CHRISTINE FOSTER**

**T**he hype begins midsummer when the “save the dates” hit inboxes around the globe.

If you are lucky enough to get that email—this year just 374 people made the list—you know to jump when tickets go on sale. There are only 134 spots. Last year they sold out in *three minutes flat*.

This sought-after event isn't a rock concert or a Hollywood premiere. It is the hottest ticket in the tax law world—an annual University of Chicago Law School-sponsored event that draws top scholars, leading practitioners, and key government officials for two days of discussion about the field's most critical issues. This is where the experts convene to talk about the implications of new developments like cryptocurrency, where government officials gather feedback that can help shape policy, and where top tax minds ponder how they would reinvent the taxation of international transactions if they could scrap the system and start over from scratch.

“I call it the Comic-Con of tax,” joked Rachel Cantor, '00, a Kirkland & Ellis partner who has chaired the event for two years, referring to the popular comic book convention that draws thousands to San Diego each year.

Welcome to the Federal Tax Conference, a storied event that celebrates its 75th year this November—a longevity made rich, and made possible, by the personalities, expertise, and intellectual rigor of the Law School.

The Federal Tax Conference began in the late 1940s, as America boomed with post-World War II optimism. For almost 50 years it thrived under the dynamic leadership of legendary Law School Professor Wally Blum, one of the most important and innovative tax law scholars of the mid-20th century. Since then the conference has morphed like a chameleon, adapting to challenges ranging from Blum's death to the growth of competing conferences to the worldwide COVID-19 pandemic.

The event still lures tax professionals with classic University of Chicago intellectual engagement. Ideas aren't merely presented, they are vigorously critiqued. The resulting papers are published each year in a special volume of the journal *TAXES*, where they allow practitioners to grab the eyes of Treasury and Internal Revenue Service officials and potentially shape policy.

“We're getting a chance to express our opinions and our beliefs, based both on what we know about how clients

work and what they want and on our own views about what constitutes abuse and what does not. We also get to discuss which proposed reforms are likely to work (or fail) and why,” said Julie Roin, the Seymour Logan Professor of Law and the conference’s faculty advisor since 1998.

Even for those who will never garner a coveted invite, these topics matter. As Roin points out, “tax law is relevant to *every* business transaction.”

### **A LONG HISTORY SHAPED BY A LEGEND**

Every iconic event has a de facto historian and, for the tax conference, it is Sheldon I. Banoff, ’74, a past conference planning committee chair who last spring published a 22,000-plus-word treatise in *TAXES* magazine on the event, complete with 212 footnotes. (“I am the Methuselah of the conference members,” Banoff quipped. “I’ve been going for 930 years, just like Methuselah.”)

Banoff’s deep dive into the conference history found that the initial event wasn’t even connected to the Law School; it actually began as a University of Chicago business school gig.

“Back in the ’40s, the School of Business was more at the cutting edge for tax-related matters than was the Law School, which had all the different areas of law to contemplate,” Banoff hypothesized.

But by the second year, the wondrous Walter J. Blum, AB ’39, JD ’41, entered the picture. Blum—who is remembered fondly for his biting sense of humor, his super-Socratic techniques, and his enormous collection of distinctive ties (Professor Geoffrey Stone, ’71, a former Law School dean, still has a Blum tie he purchased at an auction displayed on a shelf in his office)—was already a respected scholar. “Wally” became synonymous with the tax conference, serving as the faculty advisor from 1949 until his death in 1994. Everything from that time bears his fingerprints.

Blum joined the planning committee, which shifted the conference from one day a week for five consecutive weeks to three days in a row. A robust 400 or 500 tax lawyers, academics, and government officials attended during that era, enough to fill about half of the cavernous auditorium in the Prudential Building. Blum also convinced *TAXES* magazine to start publishing papers from the conference.

From the start, the conference and the intellectual work produced there mattered. Robert R. Wootton, a retired Sidley & Austin partner and Emeritus Professor of Practice at Northwestern Pritzker Law School, first attended in 1986. He said tax lawyers collected complete sets of *TAXES* the way other people collected *National Geographic* volumes.

“It was unique in all of the country in putting together extraordinarily useful, deep, well-researched articles by

leading practitioners,” Wootton said. “To be asked to write a paper for the Chicago tax conference was a big damn deal. And people said yes an awful lot more than they said no.”

The standards, from early on, were supremely high.

“Wally’s goal was to have the best tax conference with the best speakers,” remembered Howard Krane, ’57, a retired Kirkland & Ellis partner who first attended the conference in the late 1960s. “[He thought] we should do only cutting-edge material and only with speakers from throughout the country. [It was] not limited to Chicago speakers, which I think was a really brilliant decision . . . Without the cutting-edge material you couldn’t get the good speakers, and without the good speakers you couldn’t get people to come and see it.”

**“[W]E STARTED GETTING CALLS FROM PEOPLE WHO WONDERED IF THEY COULD BE INVITED. PEOPLE SAID, ‘YOU KNOW, EVERYBODY WHO’S ANYBODY IS IN CHICAGO.’”**

Even though others served as chair of the planning committee, including Krane for a stint in the 1970s, it was Wally’s world. “As long as he was there, it was his prerogative, it was his committee, and he was the boss,” Krane said.

Eventually, however, the world began to change in ways that tested the conference. A new publisher bought *TAXES* magazine and wondered why the magazine took on the work of publishing the tax conference papers, chasing down authors long after the stated deadline. And the beloved Blum died of cancer in December 1994, without an obvious heir to the faculty advisor role. The conference muddled along, but by 1998, planners wondered: would the event survive?

Jeffrey T. Sheffield, BA ’76, a partner at Kirkland & Ellis and then the tax conference chair, worked to steady the ship. He met with the new publisher of *TAXES* and negotiated new timing for the annual publication of the tax conference papers, giving those preparing papers more time to get them in. On the Law School side, the key was finding a new faculty advisor to fill Blum’s big shoes.



“There had to be a reengagement by the Law School,” recalled Professor Douglas Baird, who was the dean at the time. “It is all very well to say how important it is, but that’s not the same thing as finding people on the ground who were going to be invested in it.”

Fortuitously, Julie Roin was hired in 1998 and has been the faithful faculty liaison ever since.

### **OVERCOMING OBSTACLES IN A NEW ERA**

More challenges were just around the corner, however. States established continuing legal education requirements for their bars, and the Practising Law Institute expanded its offerings, creating competition that ate into the conference’s audience. By the turn of the millennium, attendance dwindled from hundreds down to dozens, some of them government officials who were there on free passes. As Wootton took over as chair, it was clear something needed to change.

“Quite frankly, it was sort of dying, and the reason that it was sort of dying is it had become more or less a continuing legal education-type conference, and the tax bar just had a million of these continuing legal education conferences. There was no particular reason to think, ‘I’ll go to the University of Chicago’s federal tax conference,’” Roin remembered.

That year’s planning committee, guided in part by

the ideas of then-outgoing chair Robert H. Aland, brainstormed and completely reinvented the event. They doubled down on the sweet spot in between practice and academia that other conferences missed. They moved it to the Gleacher Center (the downtown home of the University of Chicago’s Booth School of Business), which features a large, tiered classroom-style auditorium, better for facilitating audience engagement. The conference is also now just a day and a half, making it doable for attendees to fly in from across the country and even from OECD countries, mostly the United Kingdom.

Audience engagement became a more intentional focus. At the Prudential, it was more a spectator event. Now speakers rarely go more than 15 minutes before the audience jumps in to critique their argument.

“I think one of the issues that we found with the conference before the reformat was that even if the room was filled with tax geniuses, if they hadn’t had the chance to think about what the author had just said—the papers were often quite dense, and they were brilliantly presented by top practitioners in the country—it [could be] a little difficult to stick up your hand,” Wootton recalled. “So what we wanted to do is to get people [in the audience] who were equally capable, who had really worked with the author and

*Professor Walter Blum served as the conference’s faculty advisor for nearly five decades.*



were prepared to make some comments. Just sort of loosen it up a little bit, [to create] a little back and forth between the speaker and the commenter and then, explicitly, to give time—lots of time—to the people in the audience.”

The new audience was special, too. That first-year list included tax superstars such as Harvard Law Professor Alvin C. Warren Jr., '69, and Peter C. Canellos, who is known as the dean of the New York tax bar. (The conference has never been territorial about only having Law School affiliates either as presenters or planning committee members). The committee members made personal calls inviting participants to this revamped event.

## **“WALLY'S GOAL WAS TO HAVE THE BEST TAX CONFERENCE WITH THE BEST SPEAKERS.”**

“It brought me to tears,” Wootton said. “[Canellos] said, ‘Of course I will come. I want to honor Wally.’ It was really Walter Blum that in some respects pulled it together years beyond the grave, because people thought that highly of him and what he had created.”

Finally, the committee hung on to what worked well—the world-class papers published annually in *TAXES*.

“It was a tremendously successful conference because everyone had a great time,” Roin said. “It was from both a substance standpoint and a social and a professional standpoint, just really great. By year two, we were turning people away.”

“Like the Chicago River, the flow kind of reversed, and we started getting calls from people who wondered if they could be invited,” Wootton recalled. People said, “You know, everybody who’s anybody is in Chicago.”

### **MAKING AN IMPACT TODAY**

The almost two decades since the reboot have just built on that success. The rock-star tax audience includes key government officials who seek feedback from those in attendance that can actually shape policy.

“One of the interesting things about this conference is that the government representatives actually ask questions rather than just recite prefixed speeches,” says Paul D. Carman, the current conference chair and partner at Chapman and Cutler. “This is a conference for people where the government is actually trying to figure out what it should do on difficult issues. [Government officials] don’t always do what we [the lawyers] want them to do, but they listen and they engage. And rather than just saying, ‘This is what

the regulation says,’ the conference is an opportunity to really have input in the process of their development.”

A recent example of this is cryptocurrency, for which there is little law so far. A panel last year tackled that topic. A Treasury official in the audience opined that when you have a split of crypto, it is income *on* the property, similar to rental income on real estate. The lead speaker argued that a split is a division *of* property, like when an owner splits a piece of real estate, but has not yet sold it and therefore does not yet owe taxes. The difference between “on” and “of” makes the difference between whether it was ordinary income or no income at all.

“I don’t know if the legal analysis moved, but it became much more clear what the issues were,” Carman recalled.

These legal issues get hashed out amid whatever new challenge the world throws at the venerable conference. The most recent test was the COVID pandemic. When things shut down in March 2020, the planning committee was just firming up topics for the following fall.

“This was obviously uncharted territory,” said Cantor, who was the chair for both 2020 and 2021. The fall of 2020 ended up being a successful virtual event, with many of the same things that make the in-person event so magical—a select guest list and robust audience engagement, even on Zoom.

“It was still early enough that people would engage in that,” Cantor said. “I think as the pandemic wore on . . . that became harder and harder to do well.”

By 2021, many folks were desperate for in-person engagement, but also remained wary of the risks of the virus. Cantor and her committee, clear that the appetite for more Zoom conferences was waning, pushed forward with a fully in-person conference. The conference fell fortuitously in between the Delta and Omicron surges and, with a fully masked audience, went off without a hitch.

“There were a bunch of people who said they weren’t going to go to dinner because people were worried about it, and then a whole lot of them asked to come to dinner anyway. They were like, ‘This is great. We are in person. It’s wonderful.’ But it took a really long time to plan. There was just constant uncertainty,” Cantor recalled.

What remains certain—after 75 tumultuous years—is that the magic of the tax conference is a quintessential University of Chicago story.


“Scarcity drives your price up,” Cantor said. “There’s no question that everybody in that room knows that they got the hot ticket and they’re thrilled to be there because it’s exciting to be one of the chosen ones who gets to be in the room.” ■

# THE MAKING OF AN ENTREPRENEUR

**A Law School course helped create the world's first centralized collision avoidance platform for space. It also helped shift one student's career path.**

By Becky Beaupre Gillespie





Heading into her third year of Law School, Holly Highfill, '21, was on track to become a transactional attorney. She was not planning to launch a start-up company aimed at preventing satellite collisions in space and then selling it to a space simulation and analytics company, Slingshot Aerospace. She certainly did not think that an idea she helped develop in a Law School class would, less than a year later, become a platform used by companies operating more than half of the world's satellites, or that she would begin her career in the aerospace industry.

But in late 2021, there she was: speaking at NASA, traveling to Dubai for a high-profile gathering of the global space community, and meeting regularly with satellite operators. By then, she was the director of customer engagement and strategy for Slingshot Aerospace, the company that acquired her start-up.

"Sometimes I'll be talking to these operators—people I knew from doing customer research at the very beginning when I was still a student, people who knew me when I knew nothing—and think about how I've come to speak their language and understand their pain points and want to make a difference for all space operators," Highfill said.

"I am working so much right now building this product but I am having the best time of my life."

Highfill's trajectory might not have been her initial plan, but, looking back, she says her journey unfolded naturally, her interest and knowledge building as she progressed from one University of Chicago opportunity to the next. Everything she needed was right on campus: courses on entrepreneurship, the Law School's Innovation Clinic, programs through the University of Chicago's Polsky Center for Entrepreneurship and Innovation, and mentors at the Law School and across campus who helped her see the possibilities and then chart a path toward them.

"It was a holistic experience," she said. "Even though [the UChicago opportunities] were not a formal package—I sought each one out—they allowed me to see the start-up world from every important perspective that I needed."

At first, her goal was to learn about the entrepreneurial experience so she could better serve her future clients. She took Applied Entrepreneurship as a second-year law student in the winter of 2020. She participated in two cycles of Polsky's George Shultz Innovation Fund Associates Program, a venture capital apprenticeship in which an interdisciplinary group of students and postdocs perform due diligence on innovative ventures. In autumn 2020, she enrolled in the Innovation Clinic, which offers students a chance to counsel start-ups and venture capital firms.

Then, also in the autumn of 2020, she took Hacking for Defense, a cross-disciplinary class taught by Todd Henderson, the Michael J. Marks Professor of Law, and Will Gossin, an adjunct assistant professor of entrepreneurship at the Booth School of Business and a lecturer at the Harris School of Public Policy.

Henderson, whose expertise includes business law and entrepreneurship, sees great value in teaching law students like Highfill to think like entrepreneurs. That exercise, he argues, triggers innovation—potentially unleashing new ideas about the world, the law, or even themselves.

“I wanted the law students to be mentally disrupted, to [shift] their mode of thinking,” Henderson said.

Gossin, a former therapist who founded two start-ups before teaching at UChicago, says there’s great power in entrepreneurs’ ability to withstand uncertainty and to engage deeply and empathetically with other people and their challenges. His mission is to cultivate that mindset among interested students and look for chances to bring the University’s signature intellect to bear on difficult real-world problems.

Hacking for Defense, a US Department of Defense-

sponsored course in which students team up to develop innovative solutions to DoD challenges, seemed to both Henderson and Gossin like a perfect fit. They brought the course, now taught at 55 universities across the country, to UChicago in September 2020 and opened it up to graduate students across campus.

That quarter, they assigned Highfill to work on a team devoted to preventing satellite collisions in space. In the 10 weeks that followed, Highfill learned to grapple with complicated new concepts and to pitch hypotheses knowing they likely would be proven wrong. She collaborated with teammates, listened to feedback that punctured her assumptions, and rebounded when early ideas flopped.

Somewhere along the way, she started seeing herself not just as someone who could work *with* entrepreneurs but as someone who could *be* an entrepreneur—and maybe already was.

Hacking for Defense had disrupted her thinking, and her plans.

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Before the autumn of 2020, “entrepreneur” was a label Highfill largely had reserved for other people.



Henderson and Gossin have continued teaching Hacking for Defense. One of the 2021 teams, which included Jacqueline Horwitz, '22, worked on a project for the US Army centered around delivering value-based care and optimizing resources in the diagnosis of heart murmurs. The team is shown with their sponsor (center), Dr. Joseph May, Chief of Pediatrics at Walter Reed. This fall, Highfill will visit the Hacking for Defense class to talk about adopting an entrepreneur’s mindset.

“My parents are actually small business owners—they own a small septic system company in Santa Barbara,” Highfill said. “I didn’t think that I had the ‘entrepreneurial spirit’ that my mom has. I’d always liked having a framework and rules. That’s what the law was for me: you’ve got a set framework, but you can be creative around it.”

Early in law school, she thought litigation was her preferred path and spent her first summer as a judicial intern. But as her interest in business began to build, she shifted toward transactional work. She spent the summer of 2020 working for a law firm in Los Angeles and looking for experiences that would help her better represent innovators and business owners.

The chance to collaborate and innovate drew her to Hacking for Defense that fall, and so did the instructors: she’d had Henderson and Gossin for Applied Entrepreneurship, a class she’d loved. She was eager to study with them again.

There was something else, too: the space project, which she’d seen among the list of potential assignments, fit an interest she’d nurtured for years. She had pictured herself

eventually working in the aerospace industry, perhaps in government affairs at SpaceX, and she’d sought out opportunities to think about space law. During her second year in law school, she wrote a piece for the student-run *Chicago Journal of International Law* on the international legal issues connected to asteroid mining and international trade law. That assignment confirmed her fascination.

The Hacking for Defense project sounded captivating. Students on the space team were tasked with figuring out how to efficiently connect the operators of the world’s roughly 4,000 active satellites so they could share information about potential collisions—a safety and security concern that didn’t yet have a workable solution even though the number of satellites is expected to skyrocket to about 100,000 in the next decade. Operators, she would later learn, generally relied on Google searches and email to find one another when serious concerns arose.

“I saw this class and the problem and thought, ‘OK, I *have* to do this,’” Highfill said.

Hacking for Defense, which is run by the DoD’s National Security Innovation Network (NSIN), provides a menu of challenges faced by the military and intelligence



Holly Highfill, '21, (right) with Audrey Schaffer, then the director of space strategy and plans in the Office of the Secretary for Defense. Schaffer was the agency sponsor who guided Highfill’s Hacking for Defense team in 2020.



Highfill in 2021 at the National Space Symposium in Colorado Springs with Jerry McIntyre, MBA '21, a Stellatus Solutions co-founder who now works for the satellite refueling company Orbit Fab. Orbit Fab was one of Slingshot Beacon’s early adopters.

communities and invites its instructors to choose the projects best suited to their schools and students. In addition to the satellite project, UChicago students have focused on challenges related to cybersecurity, gender equity in the military, the use of microbes in manufacturing, and more.

“We’ve tried to select [projects] that were well fitted

to UChicago . . . and the NSIN people told us after this quarter that within the network we now have a reputation for picking the most ambiguous, complex challenges,” Gossin said in late 2021. It’s no accident, he added: the strong culture of interdisciplinary collaboration and rigorous inquiry makes UChicago students particularly well suited to complex innovation.

## The Power of Innovation and Alumni

### Innovation Clinic Students Experience Bay Area Start-up Culture during Law School’s Inaugural Innovation Trek

By Sraavya Poonuganti, '23

When I registered for the Innovation Clinic last autumn, I never imagined that I would end up sitting in the very room in Palo Alto, California, where Google became a company.

But in March, there I was with 11 of my clinic classmates, at the law firm of Wilson Sonsini Goodrich & Rosati, which has represented Google for years, including when it incorporated in 1998 and later in its 2004 IPO. We were listening to Kimball Parker, '13, demonstrate how technology can scale a service for consumers through his company, SixFifty, a subsidiary of Wilson Sonsini that uses artificial intelligence to write legal documents for commonly needed matters such as employment and data privacy terms.

The session was part of the Innovation Clinic’s inaugural Innovation Trek, a three-day trip to the San Francisco

legal specialties within the Bay Area; and connected with professionals at networking events. For me, it was incredible learning about how expansive and connected the UChicago network is in the Bay Area. Often, the panelists were just as excited to meet and learn from each other as they were to mentor and speak to us.

This immersion was what Wilson Sonsini Managing Partner Douglas Clark, '89, had in mind when he funded the Trek through a generous gift to the Innovation Clinic.

“The Valley reflects the cycles of disruption, innovation, and change present in this type of work,” Clark said in his Trek opening remarks. “With what’s happened during COVID, it has reminded me of how much innovation matters. Without [it], our employees could not stay connected with each other.”

The Innovation Clinic, led by Associate Clinical Professor and Bluhm-Helfand Director Emily Underwood, offers students the opportunity to gain experiential credit by providing pro bono transactional and regulatory legal expertise to high-growth start-ups and venture capital firms mostly in the Chicago area.

“The goal of the Trek is for the [Clinic] students to bridge what they’ve learned in the classroom with the real world,” Underwood emphasized in her Trek opening remarks. “The Innovation Trek will give these students an opportunity to develop relationships and learn from experts in these industries and widen their apertures for what is possible in their careers.”

I was cautiously optimistic about the Trek. As a recent transfer, I was excited about the incredibly unique opportunity. On the other hand, I was struggling with the classic law school conundrums. What does legal work look like outside of the traditional law firm space? How do I know if I want to do transactional or litigation work? How will that choice shape the rest of my career? What value do I add as an attorney at a start-up or venture capital firm? These were some of the questions I was hoping to get answered during the course of this experience.

For the first day of the Trek, we were hosted by Wilson Sonsini at their Palo Alto headquarters. After opening



*Clinic students and their professor on the rooftop at Cloudfare San Francisco. Front row, from left: William Ladas, '22; Rhémé Sloan, '23; Mitchell Zia, '23; Associate Clinical Professor Emily Underwood; Sraavya Poonuganti, '23; Andrew Zeller, '22; and Ji-Hong Sohn, '23. Back row, from left: Michael Morgan, '22; Arielle Ambra-Juarez, '23; Elizabeth Aiken, '23; Michael Kawas, '23; Priya Suri, '23; and Delaney Prunty, '22.*

Bay Area that was designed to immerse us in high-growth start-up culture. Together, we met with founders, entrepreneurs, investors, and in-house and external legal counsel in cybersecurity, cryptocurrency, life sciences, social media, software, and other industries, many of them University of Chicago Law School graduates. We visited law firms, start-up accelerators, and start-up headquarters; attended panels highlighting different industries and

In class, Henderson and Gossin communicate a clear ethos that drives their approach.

They believe that difficult issues that are typically the domain of governments can often be addressed more efficiently through entrepreneurial innovation. They also believe that most solutions require a deep understanding of future users' real-world needs and that success is often

preceded by failure. Their students use a lean entrepreneurial method that involves jumping to an initial conclusion, forming a hypothesis, testing it with experts, and then iterating based on that feedback. Having one's hypothesis questioned—or torn to shreds—is an efficient way of surfacing hidden assumptions, eliminating faulty conclusions, and zeroing in on effective solutions, Henderson said.

remarks and networking with attorneys over breakfast, the day kicked off with a fireside chat with two Law School graduates who work on the Coinbase in-house counsel team. Paul Grewal, '96, chief legal officer of Coinbase, talked to us in particular about his extensive background working in BigLaw, the judiciary, and as in-house counsel at a large company to illustrate how versatile a Law School degree and University of Chicago education can be.

Next, we heard about the early-stage founder experience in Silicon Valley from two founders. When asked how attorneys and law graduates can play an important role in start-ups, speakers noted that attorneys should be more solutions-oriented rather than process-oriented. After networking with the panelists over lunch, we focused in on more industry-specific panels and requisite regulatory work relating to cryptocurrency, life sciences, and legal technology. The day concluded with a networking happy hour hosted by the law firm Gunderson Dettmer.

On the second day of the Trek, we visited Cloudflare Inc.'s headquarters in downtown San Francisco. We kicked off the day with a fireside chat with Jared Grusd, '00, current chief strategy officer at Chime Inc. He talked about his experience working at various high-growth companies like Google, Spotify, and Snap Inc.

The day continued with panels about venture investing and the cybersecurity industry. Peter Werner, '01, partner and cochair of Cooley LLP's global emerging companies and venture capital practice group, emphasized in the venture panel that "we need more connectivity between the Law School and California." We concluded the day talking about Cloudflare with three Law School graduates who work at the start-up in various capacities, ranging from special projects to general counsel to public policy roles, and having mentoring roundtables with junior attorneys working both at law firms and in house. One theme that emerged was the need for emerging companies and venture capital lawyers to play "more offense than defense" and to familiarize themselves with the business sides of the companies that they represent or are a part of in order to add more value.

On the last day, we went on a site visit to the StartX

Accelerator in Palo Alto. StartX is unique compared to other Bay Area accelerators because they do not take any equity in the start-ups they admit into their program. Rather, StartX is a nonprofit that focuses on building relationships and creating spaces for founders to work and bounce ideas off each other to promote mutual growth in their start-up companies.

Throughout all of the panels and networking events, two main pieces of advice were repeated over and over again. The first was not to underestimate the power of the UChicago Law School network in the Bay Area. Many of the attorneys we spoke to obtained their Bay Area opportunities by staying in touch with and reaching out to fellow graduates.

"People, especially from the Law School, tend to fan out and go on to do very interesting things, so keep making connections," said Alex Dwyer, '00, senior vice president, special projects at Cloudflare.

The second is to be open to new and unfamiliar opportunities and always be willing to learn something new. We were encouraged to seek out "messy" opportunities that are rife with learning experiences and unique problems to quickly grow our skillsets as junior lawyers, rather than shying away from complicated transactions or regulatory issues.

I learned not to view a law degree, especially one from UChicago, in such a narrow focus. There is a wide range of utility in that degree, including in taking advantage of and constantly building a network and connections with fellow graduates, many of whom are increasingly eager to give back and mentor current and former students. One of the greatest pieces of advice I received while networking on the Trek was to not discount oneself from a new opportunity; people will always value someone willing and able to produce great work and add something new. As I flew back to Chicago, thanks to this Trek and the people I met, I came home with a new sense of optimism and open-mindedness with respect to my future legal career.

*Sraavya Poonuganti, '23, is a student attorney in the Innovation Clinic and the managing editor of the Chicago Journal of International Law. During the summer of 2022, she worked in Cooley LLP's Chicago office as a summer associate.*



That autumn, Highfill and her teammates spent much of their time interviewing satellite operators as part of the customer discovery process that Henderson and Gossin emphasized. Her team included five other students, among them Kishen Raghunath, MBA '20, an aerospace engineer who was finishing up his studies at Booth. He would become her partner in launching Stellatus Solutions, and, later, her colleague at Slingshot Aerospace. They and their teammates were guided by an agency sponsor—Audrey Schaffer, who was then the director of space strategy and plans in the Office of the Secretary for Defense. Schaffer is now the director for space policy for the White House National Security Council.

Highfill, Raghunath, and their classmates aimed for 10 interviews per week, learning to ask the right questions and listening carefully to the answers, particularly ones that dismantled their existing hypotheses.

Law students, Henderson said, generally struggle with that part.

“They don’t like jumping to conclusions—they say, ‘OK, give me six months and Westlaw and I will write up a brief and tell you what the answer is,’” Henderson said. “But that’s not the way entrepreneurship works. You have to be really comfortable with uncertainty and with being proven wrong.”

Highfill was no exception. She was uncomfortable not having the answers.

“I had to learn to marinate in the uncertainty,” she said. “That was a major part of my growth.”

Her professors pushed her to become “comfortably uncomfortable,” poking holes in her hypotheses and pointing out areas that seemed to lack answers.

“I appreciated every ounce of honesty,” she said. “It can be hard to hear, though, when you’ve never done this before.”

At the end of the quarter, Highfill, Raghunath, and the rest of the team presented their prototype in class: a centralized communication channel for satellite operators that could be hosted by a trusted, nongovernmental third party—an idea that reflected the concerns potential customers shared about government interference in an international issue.

When they finished, members of the team considered individually whether to further pursue the idea. Highfill was pretty sure they had something of value—a deep trove of customer discovery, rich contacts among satellite owner-operators, and a prototype for a communications platform—but building out the project would take a lot more work.

Highfill was invested by this point, and the uncertainty and risk didn’t bother her as much as it once had.

Her vision for her future was changing, too. She and Raghunath decided to move forward, participating first in Polsky’s seven-week, National Science Foundation-sponsored Innovation Corps program and then applying to the highly selective Edward L. Kaplan, '71, New Venture Challenge that spring.

“Her mindset had shifted—I think it was through that customer discovery and the entrepreneurial problem-solving,” Henderson said in 2021, thinking back on Highfill’s growth. “I tell all my students: ‘You think you’re

*“I had to learn to marinate in uncertainty. That was a major part of my growth.”*

*—Holly Highfill, '21*

[just] here studying law . . . but you’re really studying yourself.’ During [Applied Entrepreneurship], Holly learned what it means to be an entrepreneur, and she learned that it was something she liked and something that she might be good at. It turned out [in Hacking for Defense] Holly was good at it in a way that she hadn’t expected. In part, that’s because there was a way of thinking that she didn’t know about before.”

Once she and Raghunath decided to take the next steps, things began to move fast.

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This was the benefit of undertaking a project like this at the University of Chicago Law School: Highfill had mentors who pushed her in new directions and the right combination of resources to support her along the way.

“We have an interesting combination of intimacy and vastness here,” Henderson said. “The Law School is small enough that faculty can be highly collaborative and accessible to students, but we’re part of this ecosystem that has this vast reach and lots of different parts and services and opportunities.”

The Law School’s commitment to business and innovation has grown in the past decade, giving students a wide variety of opportunities to develop key skills and plug in to the growing array of resources around campus. Students can participate in the Kirkland & Ellis Corporate Lab Clinic, the Innovation Clinic, and the Institute for Justice Clinic on Entrepreneurship. They can pursue the certificate-granting Doctoroff Business Leadership

Program, which brings top Booth professors into the Law School to teach business courses that are specifically designed for law students, as well as cross-campus opportunities with Polsky and Booth's Rustandy Center for Social Sector Innovation. They can take a variety of classes focused on innovation, entrepreneurship, and business law, join the student-led *University of Chicago Business Law Review*, and earn a dual degree from the Law School and Booth through either a four-year JD/MBA program or an accelerated three-year program.

Highfill chose the opportunities she needed, at each stage that she needed them.

In the winter of 2021, after completing Hacking for Defense, Highfill and Raghunath teamed up to form Stellatus Solutions with four UChicago students who were interested in the next steps: Alex Hernandez, BA '21; Guy Karim Caland Puymartin, MBA '21; Raheel Syed, MBA '21; and Jerry McIntyre, MBA '21. Highfill became the CEO. The group spent seven weeks as a part of I-Corps, engaging in additional customer discovery, identifying needs, and building the beginnings of a business model before applying to the New Venture Challenge, a leading accelerator program that has helped launch companies like GrubHub. As a part of the NVC, they developed their financial strategy and practiced pitching their idea to investors. (Gossin notes that Hacking is taught in the fall so that programs like I-Corps and the NVC are available for those interested in further developing their proposals.)

Throughout the process, Highfill sought the guidance of UChicago mentors, including Henderson and Gossin; Melissa Byrn and Ellen Zatkowski at I-Corps; the NVC's faculty director Steve Kaplan; and Waverly Deutsch, an adjunct professor of entrepreneurship.

Highfill also turned to Clinical Professor Emily Underwood, the director of the Law School's Innovation Clinic [see sidebar for more about the IC]. The clinic, Highfill said, was integral in helping her learn what documents she needed to form a company—and Underwood was, and continues to be, an important advisor.

"At one point I was about to have a call with all of my cofounders where we needed to discuss what our ownership percentages should be, and that's a tough conversation," Highfill said. "I talked to her personally about navigating that conversation. It was all about how you explain your worth to other people on your team."

Stellatus Solutions became one of 30 teams selected for the NVC, though they were cut before the final round of the competition.

By that point, though, they were on the verge of a new opportunity. One of the satellite operators the Stellatus team had interviewed knew the CEO at Slingshot Aerospace, Melanie Stricklan.

"He said, 'I think you guys are doing similar work, and I think you guys should have a chat,'" Highfill said. "Mel reached out to me that same day, and then we talked on a Saturday afternoon. It was right after the NVC, we hadn't made the finals, and we were like, 'Okay, what are we going to do now?' We had jobs lined up, so we were kind of at a crossroads. Do we go for VC dollars right now? Do we try to get funding to start building the software? And then this relationship with Slingshot came into place—and everything aligned. They had the software engineers that we needed and they were more established. But we had months of customer discovery and a business plan. We knew exactly how to build it."

Henderson still remembers the call from Highfill. It was just a few days after she'd let him know that they hadn't made the final round of the NVC.

"She called me up and said, 'Yeah, Slingshot wants to buy our company,'" he said. "I was surprised—to go from zero to 100 miles an hour in that short period of time is really just phenomenal."

But it also made sense, Henderson and Gossin both said: Highfill brings a special combination of attributes to the table.

"The first is that she makes strong assertions, but there's a second magical one—something that's always required but that we don't often get—and it's that she's open to and curious about what she's missing," Gossin said.

Highfill, in other words, is willing to be wrong.

"In addition to those two things, she also is a hyperorganized manager," Gossin added.

In June 2021, Slingshot Aerospace acquired Stellatus for an undisclosed sum and offered Highfill and Raghunath positions on their team. That August, the company launched Slingshot Beacon, the world's first centralized collision avoidance communications platform for space. Some of the world's largest satellite owner-operators signed on as early adopters.

Highfill says none of this could have happened had she not pursued UChicago's entrepreneurship offerings.

"This is all because I took those courses where I had to go out of my comfort zone and pitch an idea and have it torn apart—and in a safe environment with a bunch of extremely intelligent people," she said. "That changed [my path] forever. Now I can't imagine being in any other role. I am living my dream." ■

# KENNETH W. DAM, 1932–2022

LONGTIME LAW SCHOOL PROFESSOR SERVED AS UNIVERSITY PROVOST,  
DEPUTY SECRETARY IN THE DEPARTMENTS OF STATE AND TREASURY

By Becky Beaupre Gillespie

**K**enneth Willard Dam, '57, a former University of Chicago provost, former deputy secretary in the US departments of Treasury and State, and a longtime Law School professor, died on May 31. He was 89.

Dam, the Law School's Max Pam Professor Emeritus of American and Foreign Law, was one of the nation's foremost scholars in domestic and foreign economic law. He devoted much of his career to public policy, and in addition to his academic and government work, served in top corporate and nonprofit posts, on the boards of numerous organizations, and as a senior fellow at the Brookings Institute. His academic career, which was spent entirely at the University of Chicago, was focused on law and economics, and he directed the Law School's law and economics program for many years.

He was the fourth provost of the University of Chicago, serving from 1980 until 1982, when President Ronald Reagan asked him to serve as deputy to US Secretary of State George Shultz, former dean of what is now named the University of Chicago Booth School of Business.

"Ken Dam was a brilliant scholar, a devoted public servant, and a gracious colleague," said Dean Thomas J. Miles, the Law School's Clifton R. Musser Professor of Law and Economics. "His decades of contributions to the Law School, the University of Chicago, and our nation are deeply appreciated and will be long remembered. On behalf of the entire community, I extend our deepest sympathy to Ken's family and friends."

Former University of Chicago President Hanna Holborn Gray, the Harry Pratt Judson Distinguished Service Professor Emeritus of History, under whom Dam served as provost, remembered Dam as "a good friend and a

wonderful citizen of the University, always willing to work constructively on its behalf and never claiming credit while doing so much good."

"He and I worked closely together when he was provost. He loved the job because it allowed him to learn so much



about the breadth of the University and its programs, to discover so many interesting people and such a range of ideas, to understand the complex issues that arose every day," Gray said. "The most fair-minded of men, he brought an admirable calm and exceptional judgment to it all. I was very lucky to have enjoyed two years of this partnership before Ken left to serve as Deputy Secretary of State to George Shultz and further to fulfill his ideal of public service."

Dam, who was born in Marysville, Kansas, in 1932, grew up on a farm and attended the University of Kansas. After graduating in 1954, he headed to the University of Chicago Law School. After earning his JD, he clerked for US Supreme Court Justice Charles E. Whittaker, then embarked on a broad, decades-long career that would include law firm practice, corporate work, government service, and academia.

Dam served as deputy secretary, the second-ranking official, in the Department of Treasury from 2001 to 2003 and in the Department of State from 1982 to 1985. In 1973, he was executive director of the White House Council on Economic Policy, where he was responsible for coordinating US domestic and international economic policy. From 1971 to 1973, he served as assistant director for national security and international affairs in the Office of Management and Budget.

His academic career began earlier, when he joined the Law School as an assistant professor in 1960. He served as a member of the faculty, with various leaves of absence, for the rest of his life. Dam was named a professor of law in 1964 and the Harold J. and Marion F. Green Professor of International Legal Studies in 1976. He directed the



Law School's law and economics program between 1978 and 1980 and between 1995 and 1999. Between 1992 and 2004, he was the Max Pam Professor of American and Foreign Law (with a leave for government service between 2001 and 2003). In 2004, after returning from the Department of Treasury, he became a senior lecturer and the Max Pam professor emeritus.

Most of Dam's academic work centered on law and economics, particularly with respect to international issues. His publications include a number of books, including *The GATT: Law and International Economic Organization*; *Economic Policy beyond the Headlines* with George P. Shultz; and *The Law-Growth Nexus: The Rule of Law and Economic Development*.

"Kenneth Dam's extraordinary career as a scholar, University provost, and public servant will be rightly

celebrated, but what I will remember most are Ken's personal qualities, his warmth and kindness as a faculty member and mentor," said Vice Provost Daniel Abebe, the Harold J. and Marion F. Green Professor of Law. "Ken was always generous in sharing the deep wisdom gained from many years of distinguished service, and I am grateful to have been his colleague."

Geoffrey R. Stone, '71, the Edward H. Levi Distinguished Service Professor of Law, knew Dam for more than five decades, beginning when Stone was a student in Dam's Antitrust class.

"He was a thoughtful and highly respected professor," Stone said, adding that after he joined the Law School as an assistant professor in 1973, Dam was "a lively and helpful colleague and a brilliant scholar."

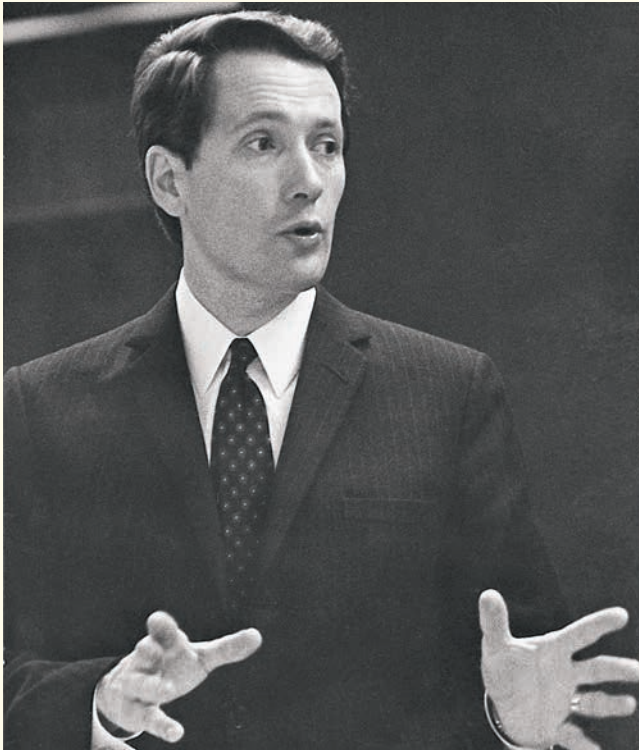


Both Stone and Dam served as provost of the University—Stone from 1993 to 2002—and it was during Stone's time as dean of the Law School that Dam returned to the faculty after more than a decade in different roles.

"Ken and I had many interesting interactions during the course of his (and my) career," Stone said. "He was a truly exceptional teacher, colleague, and scholar, who represented the very best of our Law School's values and aspirations."

Added Douglas Baird, a former dean and the Harry A. Bigelow Distinguished Service Professor of Law: "A law and economics pioneer, a masterful teacher, and a distinguished statesman, Ken Dam was for six decades one of the Law School's closest friends and its deans' wisest counselors."

Senior Lecturer Richard Epstein, the James Parker Hall Distinguished Service Professor Emeritus of Law, said that he and his wife, Eileen, enjoyed a decades-long friendship with



Dam and his wife, Marcia, that began shortly after meeting them. Their three children grew up in Hyde Park at roughly the same time as the Dam's children, Eliot and Charlotte.

"It took only a short period to realize that Ken was a man of great knowledge and judgment, impeccable behavior, and a standard of excellence that marked every aspect of his life," Epstein said. "It was always a great source of pleasure to watch how his ever-adventurous wife, Marcia, brought out the best in the more cautiously minded Ken. It was a pleasure to work with him at the Law School, and a real treat to see the way he negotiated the many pitfalls of university government when he served as provost. Eileen and I extend our best wishes to Marcia, Charlotte, and Eliot in this most difficult time. They can be assured that Ken has a secure place in the legacy of the University and in the life of the nation that he served so well for so many years."

Dam's other activities include serving as IBM vice president for law and external relations from 1985 to 1992, and as president and chief executive officer of the United Way of America for a six-month period in 1992, when he was chosen to clean up a scandal in that



organization and put in place a new system of governance. His law firm practice included two years as an associate at Cravath, Swaine & Moore in New York between 1958 and 1960 and various periods of service as of counsel or as a consultant to Kirkland & Ellis between 1961 and 1996.

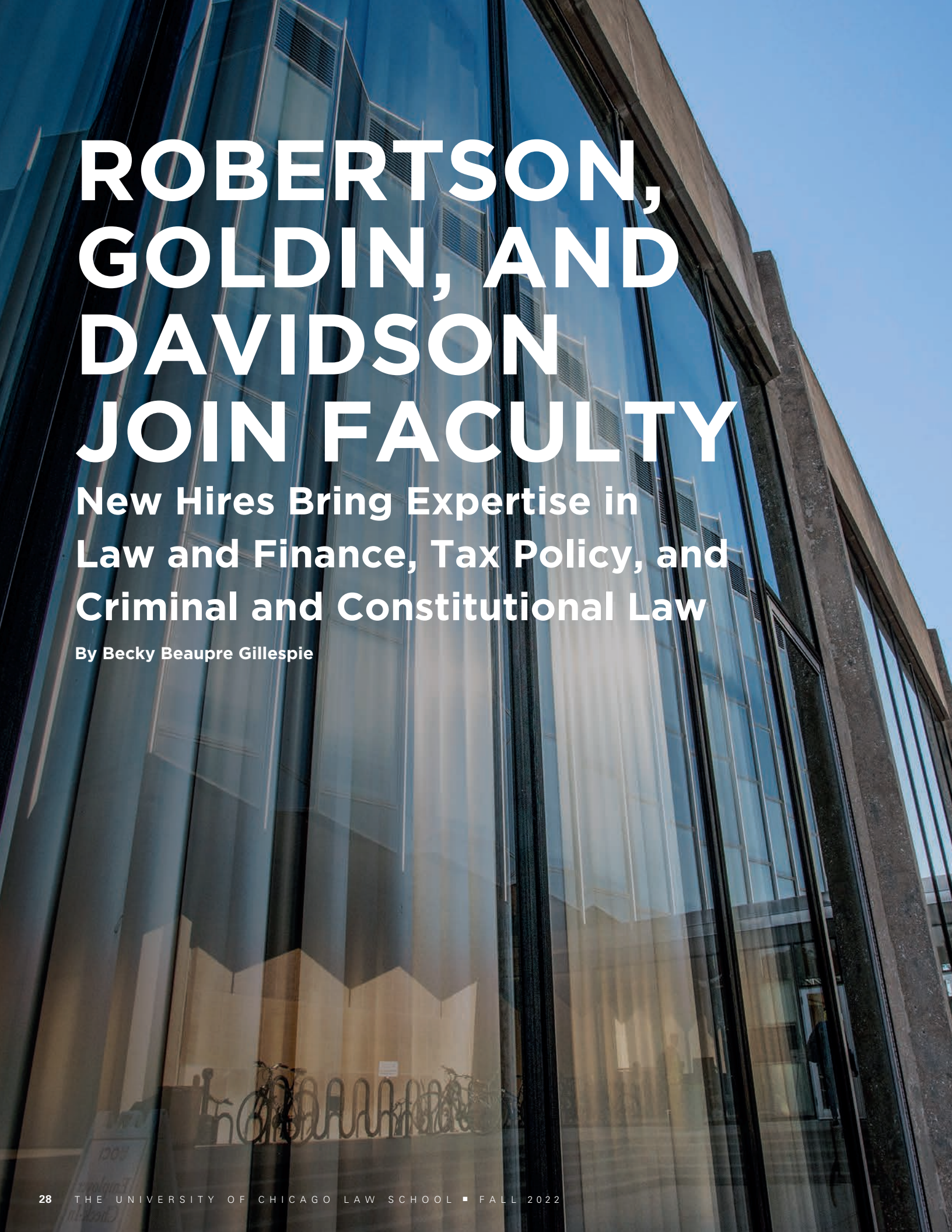
He had extensive experience as an arbitrator, including five years as the system arbitrator for professional basketball between 1996 and 2001 and again in 2012.

He was an honorary member of the board of the Brookings Institution. He also was a board member of the Committee for Economic Development, a member of the Shadow Financial Regulatory Committee, and chairman of the German-American Academic Council. He was a board member of a number of nonprofit institutions, including the Council on Foreign Relations in New York and the Chicago Council on Foreign Relations. He served for 13 years on the board of Alcoa and was a member of the advisory board for BMW of North America for five years in the 1990s.

Dam is survived by his wife of 60 years, Marcia; their son Eliot; daughter Charlotte; and grandchildren Benjamin and Fiona. ■



*Kenneth Dam (far left) with eight colleagues in a photo that appeared on the cover of the 1978 Glass Menagerie. Standing beside Dam, from left: William Landes and Walter Blum. Seated: Douglas Laycock, Gareth Jones, and Edmund Kitch. Standing, to the right of the sign: Bernard Meltzer, Geoffrey Stone, and James B. White.*



# ROBERTSON, GOLDIN, AND DAVIDSON JOIN FACULTY

New Hires Bring Expertise in  
Law and Finance, Tax Policy, and  
Criminal and Constitutional Law

By Becky Beaupre Gillespie



**T**hree innovative new scholars joined the University of Chicago Law School faculty on July 1, bringing expertise in law and finance, tax policy, and criminal and constitutional law. Among them are two scholars who use empirical law and economics to examine difficult questions with real-world implications, and the third, an entry-level hire, was a Harry A. Bigelow Teaching Fellow whom Law School colleagues have hailed as a rising star.

Adriana Robertson, a law and finance scholar whose cutting-edge empirical work has contributed important insights into how humans interact with financial markets, joined the faculty as the inaugural Donald N. Pritzker Professor of Business Law. She was the Honourable Justice Frank Iacobucci Chair in Capital Markets Regulation at the University of Toronto Faculty of Law and the head of research and policy at the Capital Markets Institute at the university's Rotman School of Management. She holds both a PhD in finance and a JD from Yale.

Jacob Goldin, an expert in tax policy whose scholarship brings the tools of law and economics to bear on pressing societal issues such as childhood poverty, joined the faculty as the inaugural Richard M. Lipton Professor of Tax Law. [See page 46]. He was a professor at Stanford Law School and holds a PhD in economics from Princeton and a JD from Yale. He has been a faculty research fellow at the National Bureau of Economic Research since 2018.

Adam Davidson, '17, who taught legal research and writing at the Law School as a Bigelow Fellow between 2020 and 2022, joined the faculty as an assistant professor of law. As a student, Davidson held a Rubenstein Scholarship. His research interests include using the tools of criminal law and constitutional law to examine questions related to police and prison reform.

"Adriana Robertson, Jacob Goldin, and Adam Davidson are brilliant scholars whose ideas, energy, and collegiality will enliven our intellectual life and whose superb teaching will make the learning environment even richer for our students," said Dean Thomas J. Miles, the Clifton R. Musser Professor of Law and Economics. "The Law School is the birthplace of law and economics, and it is fitting that Professors Robertson and Goldin will be a part of the rigorous interdisciplinary culture that has given rise to some of the most important work in this field. Adam Davidson, a graduate of the Law School who has excelled as a Bigelow Fellow, has developed creative and original insights about our criminal justice system. We are excited to welcome all three as colleagues, and I am extraordinarily grateful to our faculty Appointments Committee, led



by Professors Jennifer Nou and Adam Chilton, for their dedication and tireless efforts.”

Professor John Rappaport, who writes and teaches about the criminal justice system and who taught Davidson as a student, called Davidson a “creative and independent thinker.”

“This was evident during his time as a student here and manifests now in his academic scholarship,” Rappaport said. “I’m always eager to see what he comes up with next. We’re lucky to have him as a continuing part of our intellectual community.”

Chilton said that Robertson and Goldin will help the Law School build on its already strong reputation in law and economics.

“We were arguably already the strongest faculty for empirical law and economics—that is, the branch of law and economics interested in using quantitative data—but with the addition of Goldin and Robertson, our lead in this area is no longer debatable,” Chilton said.

#### **ADRIANA ROBERTSON**

Robertson, who visited the Law School in the autumn quarter of 2019 as the Daniel R. Fischel and Sylvia M. Neil Distinguished Visiting Assistant Professor of Law, majored in economics as an undergraduate at the University of Toronto before heading to Yale Law School. There, she discovered a passion for business law and decided to pursue a PhD in finance from the Yale School of Management alongside her JD.

Through her scholarship, she often seeks to move past preconceived understandings to better understand the way the world actually works, for instance by challenging assumptions about investor behavior.

“It’s really important for us as legal scholars to understand the world,” Robertson said. “There are pieces in corporate and securities law where we don’t always understand what’s going on. We have assumptions or heuristics that we rely on, and we all think, ‘Well this is true,’ and then we build these normative arguments around them. But sometimes we’re wrong. And sometimes we haven’t necessarily interrogated our priors well enough.”

In one paper, “What Matters to Individual Investors? Evidence from the Horse’s Mouth” (*The Journal of Finance*, February 2020), Robertson and a coauthor surveyed a representative sample of 1,013 US individuals about how well leading academic theories describe their financial beliefs and decisions.

“There are all these different models in finance [that seek to explain] why stocks earn more than Treasuries—there

has to be some kind of risk there that people are getting compensation for,” Robertson said. “What exactly is that risk? And it turns out that . . . in 50 years of theoretical finance, we don’t actually have a very good answer to that. We have lots and lots and lots of different models, but it’s hard to directly compare how successful one model is against another for a variety of reasons. So what we thought was, ‘Let’s ask people and see what they say.’”

Robertson and her coauthor spent years developing the survey, a process that included running drafts of their questions by scholars who had explored each of the different models and then piloting the survey so they could test the effectiveness of their questions.

The results offered insight into what factors individuals consider when deciding what fraction of their portfolio to invest in stocks as well as how individuals consciously perceive themselves to be making financial decisions. One factor that emerged—a desire to have cash on hand for routine expenses—had not even been included in the pilot survey.

“One of the things that I learned from this is it’s important to keep an open mind about how people in the real world think about these problems,” Robertson said. “Often there is a difference between how the real world thinks about something and how scholars think about something.”

In a later paper, “Millionaires Speak: What Drives Their Personal Investment Decisions?” (*Journal of Financial Economics*, September 2021), Robertson and three coauthors examined how well leading academic theories describe the motivations and beliefs of high-net-worth individuals. The responses of the wealthy, they found, were surprisingly similar to those of average households—though the wealthy were less driven by discomfort with the market, financial constraints, and labor income considerations. They also found that the wealthy tend to rely a lot on financial advice.

“It tells us something about the way we should be thinking about regulation of investment advisors, and that’s an important area that doesn’t get a ton of scholarly attention,” Robertson said.



*Adriana Robertson*

Nou praised Robertson’s work and said she was “incredibly excited and fortunate” to welcome Robertson as a colleague.

“She is easily one of the most innovative scholars in business law and finance, with important insights on measures that other scholars often take for granted and empirical work informing cutting-edge legal topics,” Nou said. “Her wide-ranging intellect and ideas will strengthen our faculty, while her gifts as a teacher will dazzle our students.”

*“It’s important to keep an open mind ... Often there is a difference between how the real world thinks about something and how scholars think about something.”*  
—Adriana Robertson

Added Chilton: “Adriana Robertson has quickly emerged as a leading scholar of corporate law and finance. What sets Robertson’s research apart is that it critically reexamines aspects of corporate finance that many other scholars have simply taken for granted. This approach to identifying research projects, and her technical sophistication, had many of the country’s leading law schools trying to recruit her. We’re lucky [that she joined] our faculty instead.”

Robertson said she was drawn to UChicago’s culture, which she said is “such a rich scholarly environment.”

“The intellectual environment at the University of Chicago is really remarkable,” she said. “It’s a combination of really warm and friendly but also very serious and intense. Being able to balance that is really remarkable.”

#### **JACOB GOLDIN**

Goldin, who visited the Law School as an assistant professor during the winter quarter of 2021, said tax policy is a natural fit for his academic interests. He appreciates the rigor of engaging in a complex area and then connecting that work to critical policy issues, such as whether to expand the Child Tax Credit or mandate health insurance.

“Tax is one of these areas that’s so important in people’s day-to-day lives, especially in the United States where we operate so many social programs through the tax code,” said Goldin, who after law school clerked for Judge Richard

Posner on the US Court of Appeals for the Seventh Circuit and then worked for a year as a legal advisor in the Office of Tax Policy at the US Treasury Department.

“And [tax is] fun for me because it’s a technical area where you spend a lot of effort trying to understand what’s going on—and then once you understand it, there’s this really nice payoff where you can connect it to the policy issues you care about,” said Goldin, who majored in economics and government as an



Jacob Goldin

undergraduate at Wesleyan University before heading to Princeton and then Yale.

Goldin’s work often focuses on the taxation of low-income households, an area that has interested him for years. As a student, he was struck by research that revealed just how transformative support for low-income children could be. Those programs “often have bigger effects on children’s

lives than I had realized,” he said.

In recent scholarship, Goldin focused on the Child Tax Credit, which was created in 1997 to combat child poverty and was temporarily expanded in 2021 as part of the federal COVID-19 stimulus package. Through his work, Goldin examined the net fiscal cost of the expansion and, in “Who Benefits from the Child Tax Credit” (*National Bureau of Economic Research*, October 2021), he and a coauthor examined data under pre-2021 rules to highlight stark racial disparities in CTC eligibility and benefits. Their analysis showed that most of the nation’s poorest children—those living in households in the bottom decile of the national income distribution—were completely ineligible for the CTC and that the majority of filers in the bottom 30 percent were eligible only for a partial credit.

Goldin has also used empirical analysis to demonstrate a link between increased health insurance enrollment and a decrease in mortality. In “Health Insurance and Mortality: Experimental Evidence from Taxpayer Outreach” (*The Quarterly Journal of Economics*, February 2021), Goldin and his coauthors studied the impact of an informational letter that the IRS sent to households that had paid a tax penalty for not enrolling in the Affordable Care Act.

That intervention, they discovered, led both to increased insurance coverage in the following two years as well as reduced mortality among middle-aged adults. He and his coauthors were honored for this work with a National Institute for Health Care Management 2022 Research Award. NIHCM awards recognize the contributions of researchers and journalists who bring to light new evidence that advances the health system and the health of Americans.

In another paper, “The Effects of Pretrial Detention on Conviction, Future Crime, and Employment: Evidence from Randomly Assigned Judges” (*The American Economic Review*, February 2018), Goldin and coauthors used data from administrative court and tax records to show that pretrial detention significantly increases the probability of

*“Tax is one of these areas that’s so important in people’s day-to-day lives, especially in the United States where we operate so many social programs through the tax code.”*  
—Jacob Goldin

conviction, largely because defendants were more likely to plead guilty. Pretrial detention did not have a net effect on future crime, they showed, but it did lead to a reduction in both formal employment and the receipt of public assistance. It was some of the first evidence that showed why pretrial detention impacts defendants.

“Jacob Goldin not only has the most impressive publication record of any young law and economics scholar, but his research is also noteworthy for being directly linked to some of the country’s most important current policy debates,” Chilton said. “For instance, Goldin’s research has made important contributions to debates on criminal justice reform, the importance of health insurance, and reducing poverty. Goldin’s work thus exemplifies how law and economics can be used to both identify and solve some of society’s most important problems.”

Goldin said he was drawn to the Law School’s intellectual culture and to the high level of engagement among faculty.

“The faculty here are genuinely excited about research and about helping to improve each other’s work,” he said.

“It’s a place where every day you can come in and learn a ton from talking with your colleagues. I’m very excited about that.”

Goldin, who will teach classes on tax law, said he is looking forward to working with UChicago students, whom he found to be “smart and enthusiastic about learning.” Tax, he said, is particularly satisfying to teach.

“Students come into tax thinking it’s a class that they should take, but they aren’t always so excited about it,” he said. “But they quickly realize that all these other social policy questions they’re interested in are tied integrally to tax. So it’s a fun class to teach.”

#### **ADAM DAVIDSON**

Davidson, who attended the Law School on a prestigious, full-tuition Rubenstein Scholarship, still remembers a conversation he had while eating lunch with Professor Lior Strahilevitz the summer before his 1L year. Davidson, who graduated from Ohio State University with a bachelor’s degree in theater, told Strahilevitz a story about finding his path after college. He had been taking a class to prepare for a job as a pharmacy technician—a job he hoped might pay the bills as he pursued theater in New York or Los Angeles—when he began researching election law in his free time, just for fun.

“I stumbled across a *Harvard Law Review* article, and thought, ‘Well, this is kind of interesting—this could be for me,’ and then spent the next one and a half or two years preparing to go to law school,” Davidson said. “When I told Professor Strahilevitz that story, he said, ‘The only people I know who do that are academics.’ And that really planted the seed in my mind.”

At the Law School, Davidson was a student in the Federal Criminal Justice Clinic, where he contributed to the influential “fake stash house” litigation, a years-long project that resulted in plea deals for 43 individuals who had been accused of robbing nonexistent drug stash houses, saving them hundreds of years in prison. He served as articles editor on the *University of Chicago Law Review*, academic chair of the Black Law Students Association, and vice president of external affairs for the American Constitution Society. When he graduated, he was given the Ann Watson Barber Outstanding Service Award, which honors exceptional contributions to the life of the Law School.

In the three years that followed, Davidson clerked for Judge James S. Gwin of the US District Court for the Northern District of Ohio, Judge Diane P. Wood of the US Court of Appeals for the Seventh Circuit, and Judge

Guido Calabresi of the US Court of Appeals for Second Circuit before returning to the Law School to teach legal research and writing as a Bigelow Fellow.

His time at the Law School, both as a student and as a Bigelow Fellow, instilled in him a willingness to “read broadly and engage broadly,” he said.

In other places, “it can be easy to set your sights on a narrow research path and just stay in that lane,” Davidson said. “But at the Law School people are willing to talk to you and bring their expertise to the table—and because they’re willing to do that, it forces you to grapple with difficulties and criticisms and complications that otherwise you might not have been privy to.”



Adam Davidson

Through his scholarship, Davidson examines complex issues related to the criminal legal system, including issues related to police and prison abolition. “I’m very much motivated by what some people call the positive vision of abolition, which [is not about] just needing to tear down prisons or get rid of police, but to create a world where police and prisons wouldn’t be the answer to the problems that we’re trying to solve,” Davidson said. “And part of that is trying to figure out what that looks like, particularly from the vantage point of governmental institutions and constitution law. That is something that very much intrigues me.”

One forthcoming paper, “Managing the Police Emergency,” explores the possible use of emergency managers as a tool of police reform.

“The real power behind [the idea] is that you are removing all of these vetogates and choke points in the decision-making of local and state government and instead putting that power into one person who can hopefully take steps to fix what, in some cases, is a terribly broken department,” Davidson said.

Much of the paper is descriptive, examining the benefits and challenges of such a move, such as whether it would have enough support in state legislatures and how effective emergency managers could be in addressing internal police

culture. But it is also normative, he added, because “much of it is about our need to do *something*.”

“It may not be the best tool, but it’s certainly one of the most powerful tools that we have,” he said. “We should at least consider what it would look like.”

Another work in progress, “The Pyrrhic Victory of Abolishing Qualified Immunity,” challenges the idea that police accountability efforts would be considerably strengthened by abolishing qualified immunity, a court-created doctrine that protects government agents from all but the most extraordinary claims of misconduct.

“All that you’re doing when you get rid of qualified immunity is forcing the judiciary to make substantive constitutional law decisions, and there’s of course no

*“I’m very much motivated by what some people call the positive vision of abolition, which [is about creating] a world where police and prisons wouldn’t be the answer to the problems that we’re trying to solve.”*

*—Adam Davidson*

guarantee that those decisions are going to be pro-civil rights,” he said.

Chilton called Davidson “one of our law school’s most impressive recent graduates.”

“He is quickly emerging as one of the most creative and critical thinkers about the new criminal justice abolition movement,” Chilton said. “We’re lucky that Adam is launching his academic career at the University of Chicago.”

Davidson said he is looking forward to joining the faculty as an assistant professor.

“There’s just such an active intellectual culture here,” he said. “It’s been a pretty regular occurrence that I’ll have what I think is going to be a 10- or 15-minute meeting with someone that turns into an hour-plus, because we end up talking about an idea or what one of us is researching and then seeing a connection. And so I very much look forward to that continuing.” ■

# FINDING A WAY FORWARD

## CLINIC STUDENT DESCRIBES WORKING ON HISTORIC \$14 MILLION WRONGFUL

### CONVICTION SETTLEMENT WITH CLIENT WHOSE

### LIFE PARALLELS HIS OWN

By James Jones, '22

Corey Batchelor was only 19 when Chicago police detectives arrested him in June 1989 and coerced him into confessing—falsely—to robbing and murdering the wife of a retired Chicago police officer. This “square little kid” from Chicago’s South Side had no prior experience with the police and was guilty of nothing other than loving music, dreaming of becoming a DJ, and desiring to go away to college. Ultimately, DNA evidence would exonerate Mr. Batchelor, and a civil rights lawsuit brought by Mr. Batchelor and the Law School’s Civil Rights and Police Accountability Project would result in a \$14 million settlement—the single largest wrongful conviction settlement per year of incarceration in Chicago history.

I worked on this historic lawsuit as a student in the clinic. And I saw pieces of my own story in Mr. Batchelor’s. His young life, before the arrest and before the 15 years he spent in prison, was not that different from my own.

In September of 2020, as a second-year law student, I joined a team of lawyers and law students, led by Clinical Professor Craig Futterman and lawyers at the Loevy & Loevy civil rights law firm, that was fighting to achieve some measure of justice for Mr. Batchelor. In January 2022, we won the \$14 million settlement to Mr. Batchelor and his childhood friend and coplaintiff, Kevin Bailey, who was also wrongfully convicted as a result of similar abuse by the same detectives who beat Mr. Batchelor. These detectives worked at the Chicago Police Department’s Area 2 Headquarters with police commander Jon Burge, who was known for his use of torture, physical abuse, and coercion to extract confessions from Black Chicagoans in CPD custody.

Joining the team working on Mr. Batchelor’s case felt like jumping onto a moving train. The case was well into discovery, and there were many documents I had to review to catch up. As I began poring over files, I realized that working on Mr. Batchelor’s case would be both a professional learning experience and something deeply personal. The case file painted the picture of a young Black male growing up with his family on the South Side of Chicago. A story similar to my own. It revealed a history

of trauma, abuse, and racism on the South Side of Chicago, where I grew up. I currently live in the Roseland-Pullman neighborhood, just a few blocks away from CPD Area 2 Headquarters, the now-infamous “House of Screams” where the abuse of Mr. Batchelor and the torture of so many other young Black men took place. Reading through the case documents was like a history lesson about patterns of abuse that have occurred in my neighborhood.

As I dug in, it quickly became clear to me that practicing law is a team sport. Professor Futterman’s leadership and guidance were invaluable. Each clinical meeting included strategy sessions in which our team would ponder difficult questions about how specific facts and evidence in our case could help or harm our goal of winning Mr. Batchelor’s case. Through these strategy sessions, Professor Futterman taught us the importance of thinking creatively, anticipating opposing arguments, and preparing thoroughly. Our clinical team would often join larger meetings with civil rights lawyers from Loevy & Loevy and the People’s Law Office, a Chicago firm that focuses on civil rights. My time reviewing documents and participating in depositions helped me understand the volume of pretrial discovery. The memos, legal briefs, timelines, and witness charts I read and composed illustrated the complexity of litigation and showed me how much work lawyers, and law students, must devote to preparing for trial.

In May of 2021, I had my first chance to meet the client I had only known through court and medical documents. During a four-hour interview, Corey spoke openly about his experiences. Corey discussed being a young person in prison and described how “you’re on your own” despite the family you have on the outside. He spoke about the dreadful conditions of prison life and about unmet basic needs like dental care. He spoke about being unable to obtain a temporary release to attend his grandmother’s funeral. Corey also discussed his experiences and struggles after his release from prison. Corey didn’t return to his life as a 19-year-old with dreams in front of him, but to a world of limited opportunities for work, housing,

and school—marked as a convict. Even though he was no longer living behind bars or locked up in solitary confinement, Corey has never felt free. He talked about his struggles finding employment and a place to live, how experiences from prison still haunt him, and the dreams he wishes he had achieved. Our client interview was a powerful reminder of the human aspect of being a lawyer.

As a young Black male who grew up on the South Side of Chicago and still lives on the far South Side, I see many parallels between Corey’s story and mine. As a 19-year-old kid, I, like Corey, didn’t have experience with the criminal justice system. I had no lawyers in my family who could guide me if I was coerced into confessing to a crime I didn’t commit. Corey is passionate about music and, before his wrongful imprisonment, had dreams of being a DJ. I also have a passion for music and attended Chicago’s first public performing arts high school, the Chicago High School for the Arts (ChiArts), where I focused on piano performance.

On the day of the murder, Corey walked to a park and called a university to ask about financial aid, just as I had made similar calls as a teen in the hopes of attending college. In a way, Corey is me, had my dreams of going to college been stolen. And I am him, had he been able to go off to college and chase his dreams. As a poor Black kid from the South Side of Chicago, most people wouldn’t have looked at me at 19 years old and seen a future lawyer.

I often wonder what amazing things Corey would have achieved if his youth wasn’t stolen from him. I often

wonder how Corey would have surprised the world.

We met with Corey for more than three hours on the day that we finalized the settlement. Perhaps for the first time since he was that “square little kid,” Corey began to set goals and imagine a future over which he had real agency. After the meeting, Professor Futterman told us, “This is the first time that I have ever seen Corey imagine being free.”

As I begin to look beyond law school to passing the bar and beginning my legal career, the experiences I’ve had working on Corey’s case and serving as a student in the Mandel Legal Aid Clinic will remain with me. Being a member of “Team Batchelor” has shown me the determination, sacrifice, and hard work necessary to create change in our legal system. It also reminded me of the humanity of lawyering and many of the reasons I wanted to go to law school.

No amount of money can give Corey back the years of his youth that he lost in 1989. However, I am proud to have played a role in helping Corey obtain a historic settlement that can help him find a way forward. ■

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*James Jones graduated from the University of Chicago Law School in June 2022 and will join Winston & Strawn LLP as a litigation associate after completing a Public Interest Law Initiative (PILI) Fellowship at Lawyers for the Creative Arts. He spent two years working on the Civil Rights and Police Accountability Project, which is part of the Law School’s Mandel Legal Aid Clinic.*



Corey Batchelor



James Jones



# UNIVERSITY of CHICAGO LAW SCHOOL GRADUATION 2022

## REMARKS OF EMILY NICKLIN, '77, PARTNER, KIRKLAND & ELLIS LLP

### ON THE DISTINGUISHED ALUMNA AWARD

I told Tom walking over here that I knew I have been asked to speak to you all, but I was unaware that there was going to be an award involved. And I kind of had the same reaction to that you see in the Three Stooges, where they come into a room— it is usually a lawyer's room, a conference room— and the lawyers stand up and say, "Gentlemen! Gentlemen!" and they turn around to see who is coming in. That is how I feel about this.

### THE SETTING

Because let me tell you something: I have sat in this Chapel. I have sat in this Chapel as a graduate of the Law School. I have sat in this Chapel as a family member—a mom and also an aunt. And I have sat in this Chapel now as a speaker, which I regard as a sort of revenge, but the

best role was actually being the family, being the mom.

So really, before I start digging into these graduates, congratulations to you family members out there. You really did the work. Nice job.

### INTRODUCTION

And now I will tell you that when Tom Miles asked me to speak, I said "yes" without reflecting at all on what I might say. As a trial lawyer and as a mom, I seize the mic whenever possible. In my view, he who pauses is the listener. But having accepted, I developed anxiety for two reasons:

First, it came to my attention that here at the university I will be followed by a faculty speaker, who this year really, someone save me, is Frank Easterbrook, who has the advantage, so many advantages, but the one that I focused on was the advantage of knowing this audience of students,

who have been in the years-long habit of paying to listen to him, whereas in my practice, judges and jurors listen to me only because they are paid to do so by taxpayers, and witnesses listen to me only because they are under subpoena.

Second, I remembered that most graduation speeches give advice, right? So they thus combine the qualities of being platitudinous with being unmemorable. Think of Shakespeare's *Hamlet*, when Polonius gives advice to Laertes who is about to embark, who is leaving: imminent departure for foreign lands and studies, to which we owe such memorable observations as "Neither a borrower nor a lender be" and "Give every man thine ear, but few thy voice," and "To thine own self be true. . . ."

But I got over these concerns, and I am here to give you advice, which I learned to do best as a mom actually. Like my kids, you might find some of it mildly interesting. You will definitely find some of it boring. And you will certainly forget it within a week. (Why should you be different from the children?) Nonetheless, I am invested in you because you now graduate from the same remarkable Law School that I did and that enabled me as you now have been enabled. And you look like a fairly promising bunch to me: I think you are going to grow up to be quite influential. Movers and shakers, as they say.

So, I have decided to tell you what I think, and it would not surprise you that my children could never stop me either.

So, I am going to talk first about the beginnings of your soon-to-be-remarkable careers, where you will have a

chance to do things in the external world that will allow you to become a legend in more than your own mind. Second, I am going to talk about the long view—for you and the world. (This won't take too long.)

### THE FIRST FEW YEARS

Now, the first few years, the beginning of your careers, you will struggle to appear to know what you are doing, to hide your fear that you are about to irretrievably screw it up. You will reverberate like a pneumatic drill—at least inwardly, hopefully not outwardly and visibly. And you will learn to appreciate the perspicacity of the observation—I think by Yogi Berra—that in theory, there is no difference between theory and practice, but in practice, there is. In short: what is about to happen to you will be nothing like Law School.

Now, during this time, a small voice (not always small) inside you will insistently say: "Stop it. Stop it now. Don't volunteer for—fill in the blank—this or that assignment. You have never done that before. You don't know how to do it and you don't know what you are doing."

And my advice to you is: turn down your hearing aid. Do the stuff that you have never done. If you're gonna be a trial lawyer, sign up to dig up the facts, find the witnesses, read the documents, get the evidence, cross-examine whomever you must. If you are going to be a deal lawyer, get into negotiations, walk the client through the deal decision points that have been worked out so far.





This is a people profession. It's even supposed to be a helping profession. So get to where the people are—the clients, the courtrooms, with the judges and the jurors and the bailiffs and the court reporters (make friends with the last two of these, they really are the most important people). Go where the facts are, whether at companies or in government. Like they say in *Hamilton*, get into “the room where it happens.”

Do not, *do not*, hide out in your office, writing nasty legalistic letters or swapping endless drafts of briefs or deal documents with your erstwhile classmates who are soon-to-be adversaries or cocounsels.

Do not write endless legal research memos that are like nautilus shells, with a whirl in the center that is symmetrical, and make me think of the sea and lead to nowhere in particular.



Do not make endless “work stream lists” for projects or deals that you hope that no one will actually ask you to do.

Do not become the go-to person for the cut-and-paste of prior due diligence or ancillary deal documents.

Do not form the view that staying in your office is the best (or only) path to becoming a judge, provided that you can work in a little politics. Too many judges today first saw the inside of a courtroom when they were being measured for their robes, and in my view that is bugging up a lot of things.

This is a people business. Get out to the people. You get the idea?

Now, as I said, this will make you anxious. And this just in: That anxiety will never go away, because if you are doing the work right, what you are doing is important to the people with whom you are interacting—to your clients, it will be unbelievably important. You will be all



that stands between them and dishonor or loss of funds or loss of liberty. They will arrive to see you—plaintiffs, defendants, whomever—at best they are misunderstood and at worst they are in so much trouble it is not clear that you are able to dig them out of that hole. But, what you are doing is important, so you will always be somewhat anxious about it, even after you are experienced.

But here is the good news, you will still get butterflies in your stomach when you go into the courtroom, when you pick the jury, when you go to negotiate the deal, when you stand up in the Supreme Court—but the butterflies will fly in formation.

For those of you brimming with confidence (and I know you are out there because my son graduated from the Law School and he was one of you), I have different advice, and for that I have only an illustration from the great

French actress Sarah Bernhardt (look her up if you don't know who she is).

Sarah Bernhardt was a martyr, a martyr to stage fright. She would stand in the wings before every performance, throwing up in a bucket. One day, or evening, she was doing this before going on as Phaedra (or whatever). And, she was standing next to two supernumeraries. You know what supernumeraries are? They are those people in the play or the opera who march in carrying spears and wear helmets with fringes and with broom bristles on the top, and then they hold the spears when they stand in the back and say nothing. Those are supernumeraries. She was standing next to two supernumeraries, one of whom said to the other: “I *never* get stage fright,” and Bernhardt turned around and said, “Don't worry. When you're good, you will.” Remember that. You get the idea.



Now I do not say that taking these risks, pushing yourself, means you will always succeed. It will be messy. You won't always succeed. But it is good for you. It will teach you to fail. It will teach you to lose. It won't kill you. You will get up one more time than you are knocked down. And that actually is the essence of being a champion, and it is certainly the essence of performances in courtrooms. You can't climb into the ring without getting punched in the face, at least occasionally. But you just hope that when you're finished, *all* the blood on the floor isn't yours. Doing this, among other things, will teach you, if you haven't already learned from the many experiences you have had, to be resilient. And it will teach you to be hard on your opinions, because you are going to find out how often you're wrong. It is not a straight line from God's lips to your ears. So, question your

conclusions, your biases, your privilege, your arguments. This will save you in a lot of ways, make it likely you will win over time. Try to remember what Mark Twain said, "It ain't what you don't know that gets you into trouble. It's what you know for sure that just ain't so."

Take the risks. Go out there. Fight. Win. Lose. Survive.

### THE LONGER VIEW FOR YOU, AND THE WORLD

Now, switching to the longer view, whose relevance is immediate (so don't fall asleep), but more enduring, because some things haven't changed, although some things have, although not nearly enough, so listen up.

Here are the things that have changed at least in the microcosmos of this Law School.

I graduated almost half a century ago. I came direct from sixth grade. Jimmy Carter was president. No lie. The first



*Star Wars* movie was released my final week of third year. I went to see it after my creditor's rights exam.

And when I graduated, the faculty here was 100 percent white, 100 percent male, and I am quite sure they had all completed their orthodonture. The student body was mostly a mirror of that Law School faculty: almost all of them were white, almost all of them were male, and all had bright, shiny smiles. In my class, less than 10 percent of us were women; less than 1 percent identified as persons of color. I mean, there was one person. I guess we were admitted because we also had the orthodonture thing down. So we met two of the three requirements for getting in.

But today things have changed. The faculty is 60 percent male and 40 percent female; 12 percent identify as persons of color. Today, the student body is only half male; the remainder being women and other. And 37 percent of students identify as persons of color.

I would call this a good start. But there is still a long way to go, and I hope you all will continue to press for—to lead—change.

Because, in your roles, even in this advanced, changing, progressing world, you should each bear in mind: one thing you know, you got here—in part—by being very intentional. You are very intelligent. You are very hard working. That's why we are congratulating you and that's why we are celebrating your achievements today. You have been very intentional about your life so far—it hasn't been all beers at Jimmy's or Ida Noyes's pub, or Thursday nights out at Bar Review. Nor have you only been hiding out during the pandemic; you are back in your rooms in front of your computers, working.

But recognize: you should be very intentional now about what you set as your lifelong goals. And that is because, more than almost anyone on the planet, you are likely to reach those goals.

This is true for a whole bunch of fortuitous reasons, which is the fancy way of saying: you are all incredibly lucky.

You are lucky to live in a mature, if challenged, worldwide empire—one of only two on the planet.

You are lucky that this empire is the one that is a democracy governed by the rule of law. (At least currently. You all are going to have to work on that. Don't laugh.)

You are lucky to have abundant social capital: the human network of your classmates and your teachers and professional mentors who accompanied you thus far and who will remain in your life, if you treat them well.

You are incredibly lucky to have been born into a nice family who encouraged you to succeed in all you did and

who helped you to get educated, to go to Law School and college and all.

Or if you were born into a not-so-nice family, you are *still* lucky in that you happen to be made of the sort of DNA that brought you to this place where you eventually got educated, went to college, and graduated from Law School.

So you pulled yourself up by your bootlaces, as they say. But you are still lucky, 'cause you did not make your DNA. And those were not even your bootlaces. So, you are now capping this long string of incredible luck with finishing your professional education and getting an prestigious and enabling law degree.

And you are likely to accumulate a lot of power and authority as a result of all that luck.

Try to remember this as you all move forward.

Because it should spur you to some particular conduct in this world, which brings me to really the last part of my advice.

Which is: given all this good fortune, this luck, you will not be surprised that I profoundly wish for you that you remember and bear in mind in the heights of your astonishing success that you are like a turtle in a tree. You didn't get there by yourself. And so, this means, in turn, you must *lift while you climb*. You must, as they say, give back.

You could give back to those who are on the same path. I understand that about 80 percent of you got some scholarship help here. You could start with that, for example. But, you should also give back to the world that has made you so fortuitously privileged.

Especially as you are *lawyers*, you are gonna have *lots* of opportunities to do this. Why? Because law is often used by the powerful to oppress. This may have come to your attention. You can change that. You can spend some—or all—of your time, your brains, and your energy to comfort the afflicted and to afflict the comfortable.

What do I mean when I say comfort the afflicted? Back to the people business. Go to the border crossing and the immigrant detention center. Go to the prison. Go to the homeless shelter. Go to domestic violence shelter. As one lawyer who works all the time (full time) in such venues told me: "Prayers help, but prayers and a lawyer help more." There are a lot of folks who need lawyers to represent them: energetic, creative, smart lawyers, like you.

And afflict the comfortable because there are government agencies, legislatures, and especially private actors that make mistakes and use or break the laws to wound the planet, to damage the environment, to injure public health, to keep kids out of school programs because they are different, or to deny people access to pretrial release,

or to expose people to violence in their schools or in supermarkets, or in hospitals, or to deny people access to the ballot or access to health care. I know, whether or not you agree abortion is health care, whenever a government makes a decision about who gets care—whether it is family planning or vaccination or hospitalization when ill—this matters. It matters to the health of society and it should matter to you.

You can do something about all these things because whatever your politics or your social values, you have the skill sets, the brains, the energy, and the social clout to do something about these issues.

So *don't* spend all your time making the world a safer place for the *Fortune* 500, or Big Tech, or robber baron tech disrupters, or the parasitic remora who hang on their shark-like sides: the private equity investors, corporate raiders, and big financial firms. And don't hang around too much with their kissing cousins: prosecutors and powerful government officials. Just to mention a few of the people who will rove the halls you will soon occupy:

major law firms and companies and legislatures and state houses and city halls and government offices.

These are the persons you may become, especially if you don't leaven your life with some public service. Although I should say that if you came just for the money, you missed the turnoff at 57th Street for Booth. And you can see what my view is: don't just be *their* lawyers. Okay? You can do more than help this nation decide which group of middle-aged guys gets to keep the money. Because it is not true that money is life's report card, and it is not true that power is life's report card. As Einstein said: "Try not to become a person of success, but rather a person of value."

### **FOR NOW AND ALWAYS: WHAT WOULD IT MEAN TO BE A PERSON OF VALUE?**

So, as the years go by, you will get two things out of taking my advice, at least two. (The children haven't done it so far but I have not given up. My mom says I haven't broken their spirit, but I haven't stopped trying either.)

First, the amount of satisfaction you will get if you lift



up others while you climb is immense. Whatever the world gives you in power and treasure because of your accomplishments will be dwarfed by how good it will make you feel to be in the end of this business that involves justice and fairness and making the world a better place.

Second, as your power and authority and stature grow, try to remember that what is *allowed* is not the same as what is *wise* (let alone what is *good*). Because as you get older and more and more experienced, you will be in the position to advise people on grey areas. The decision is the clients', but their decision should be informed, and the information comes from you. And the question will be not what is allowed, but what is wise. You will get the ability to give advice on that subject but you are gonna

have to work at it by having the values I talked about and engaging in the conduct I described.

### CONCLUSION

So, be prepared to navigate those grey areas as you get older and to give that advice. To treat everything, all the client matters, as though they are really important, 'cause it is to them. To deal with the butterflies in your stomach and to enjoy this hard and good work you are about to do. I am going to close by saying to you what I used to say to the kids when I sent them off to school every morning, (which is something I actually stole from a Spartan mother when she sent her child off to battle): "I have told you what I can. Now, come back with your shield—or on it."



## REMARKS OF THE HONORABLE FRANK H. EASTERBROOK, UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT AND SENIOR LECTURER IN LAW

I speak today as a member of the faculty, but what I have to say is informed by the fact that I have been a law clerk, an appellate advocate, an economic consultant, a teacher, a scholar, and a judge over the course of 49 years since graduating from this Law School. This combination gives me a rare perspective on the legal process.

I want to use my brief time to disparage a view that is common in the press, the halls of Congress, and even the legal academy—the attitudinal model of judicial behavior, which asserts that decisions reflect the judges' background and politics (or perhaps the views of the President who appointed them), rather than any discrete legal doctrine.

We have about a month to go in the Supreme Court's current term. Many 5–4 or 6–3 decisions are impending.

The press will bemoan the justices' inability to agree and assert that politics or the justices' ideology explain the divisions. Those of you who have encountered the attitudinal model in class will nod sagely. You, and the press, will be wrong.

Suppose the justices who are usually called "conservative" were to resign tomorrow and be replaced by President Biden. The reconstituted Court still would find lots of cases to be hard. It would grant review of those hard cases and decide many of them five to four. Cases that the Roberts Court finds hard and decides 5–4 or 6–3, this hypothetical Court would find easy and decide 9–0; lawyers would stop presenting those disputes. But they would bring more and more of the issues that divide the new Court. That's

exactly what *did* happen on a Court dominated by justices appointed by President Franklin Roosevelt.

To those who specialize in economic analysis of law, the effect is known as selection pressure in litigation. The choices made by lawyers, and the judges themselves, ensure substantial disagreement even when there is no ideological difference among the judges—which also makes it hard to blame politics for the disagreement we actually observe. The rate of disagreement among the Justices has been stable for more than 80 years. The Court had the same rate of dissent in 1945 as today, though in 1945 eight of the nine Justices had been appointed by a single president. Selection pressure is responsible for this stability.

Turn from law to science. Is Pluto a planet? Astronomers answered no by a closely divided vote. Is Einstein’s theory of

general relativity right, or should it be replaced by modified Newtonian dynamics? Should string theory replace the approach known as the standard model? Scientists disagree about these and many other questions. There’s no need to resort to ideology or politics to understand disagreement among specialists who tackle a discipline’s hardest questions—which is what the Supreme Court does.

Given selection pressure in litigation, the puzzling feature of the judicial system is *agreement*. There is much more agreement than the attitudinal model—or anyone who has read Wittgenstein and other language skeptics—can explain.

Judges of my court agree in 97 percent of all appeals. The Supreme Court regularly decides about 40 percent of its cases unanimously. Last term the figure was 43 percent



unanimous and another 15 percent with just one dissent, a total of 58 percent lopsided. That's impossible to explain by noting that six justices were appointed by presidents of one party and three by presidents of another. And these are the hardest cases in the legal system, which usually reach the Court because judges of other courts were at odds.

It isn't just technical disputes that end unanimously. Consider *Perry v. Perez*, a reapportionment case that concerned how many districts in Texas would be drawn to favor Hispanic candidates. All nine Justices rejected the contentions of both the Obama Administration (representing the political Left's perspective) and the State of Texas (espousing the Right's perspective). Both state and national politicians, and editorial writers, had strongly disagreed about what should be done in *Perry*; the justices resolved the case unanimously.

Here's another example. Two weeks ago the justices considered whether a business can be said to waive a contractual right to arbitration by litigating against one of its workers before invoking the contract. The court of appeals said that arbitration is a favorite of the law, so waiver is possible only if the other side is prejudiced, and mere delay differs from prejudice. That appellate decision had substantial support elsewhere—nine of the eleven regional circuits had taken the view that, because federal law favors arbitration, only prejudice allows a finding of waiver. The case presented a political conflict too: the Left today decries contracts that force employees into arbitration, while the Right tends to support arbitration. (This is the reverse of the historical stance. It used to be unions that demanded arbitration.) So we have a legal conflict and a political conflict in the same case. The result: a unanimous antiarbitration decision, written by Justice Kagan, holding that arbitration is *not* protected by special rules but must be resolved according to the normal law of contract.

I'm speaking today as a member of the faculty, and it may be appropriate to contrast my jurisprudence with that of Circuit Judge Wood, another faculty member. It turns out that we agree on legal issues almost all of the time, even though she is a liberal Democrat while I am a libertarian. Or think of Justice Kagan, the former Chicago faculty member who sits on the Supreme Court. She agrees with Justice Thomas 46 percent of the time—that is, agrees in both result and reasoning—while agreeing with Justice Sotomayor 81 percent of the time. To put this differently, one Justice appointed by President Obama agrees with the other only 35 percent more often

than with the Justice she disagrees with the most. The party-based differences in voting behavior that we see in Congress are *much* greater.

Another form of political conflict deserves attention. Commentators in the press and the legal academy routinely declare that the current Supreme Court is a captive of the business lobby and decides cases according to what serves corporate rather than individual interests. For the past few years I've been gathering data on that topic. The Court's actual results tell a different story.

Most business cases are decided without dissent (9–0 or 8–0). Of the cases I classified as business decisions, fully 60 percent were unanimous, higher than the unanimity figure for other kinds of cases. Another 5 percent had only one dissent. So 65 percent of all business cases led to a consensus. That isn't how Congress behaves on business issues.

Political scientists and the press usually want to evaluate liberal versus conservative outcomes. I treat a decision as "liberal" if consumers, employees, investors, or the government prevail over a business, or if a smaller business wins over a larger one. What has happened in the most recent terms? I counted 61 liberal decisions, 65 conservative decisions, and the rest not classifiable. Are all of you still fixed to your seats? You all know that the Supreme Court is conservative, right? But liberal and conservative business decisions are equally likely. That's what should happen if they are making apolitical decisions about which cases to accept, and handling their docket based on law rather than politics.

Something other than ideology produces a remarkable degree of consensus in the legal system's toughest cases. Justices reach agreement even when selection pressure says they shouldn't be able to. You therefore should think better of the judicial system than the editorial pages do. In the United States, the Rule of Law really does differ from a Rule of Judges.

Neutrality is a comfort to all who must stand before a court, and to all of us who favor equal justice under law. You should keep this in mind as you encounter the legal system, whether as a participant or as a reader. Those of you graduating today can look forward to a career in a professional discipline, not just to a career in politics by another name. Doubtless some judges behave like politicians some of the time, but all politicians behave like politicians all of the time. The difference is considerable and provides the makings for rewarding careers. I wish you all the best. ■



## Gift from Richard M. Lipton, '77, Creates New Chaired Professorship

By Gerald de Jaager

A generous gift from Richard M. Lipton, '77, and his wife, Jane, has created a new chaired professorship at the Law School, the Richard M. Lipton Professorship in Tax Law.



Richard M. Lipton, '77

Mr. Lipton, who is senior counsel at Baker & McKenzie, is not only one of America's preeminent tax attorneys, he is also a prolific writer about taxation issues, and a long-serving leader within the legal profession. He taught a course on partnership taxation at the Law School for many years as an adjunct faculty member.

He cited a distinctive reason for his gift: "I was fascinated by tax issues from the time I was very young—maybe 11 or 12 years old. I would scour the *Wall Street Journal* every day for stories about taxes. So when I eventually came to the Law School, I knew what I wanted to do. Professor [Walter] Blum showed me how to do it—how to understand and think about tax law—but that wasn't all he did for me. He was a great mentor, and he helped me land the position as a clerk at

the federal tax court that gave my career a running start."

"Through this gift," he continued, "I want to help the Law School attract and retain the kind of faculty, like Wally Blum and so many others, that has always made UChicago such a special place—men and women who are not just world-class academics, but who are committed to guiding and assisting students to make the most of their abilities and their aspirations."

Dean Thomas J. Miles said he was "enormously grateful to Dick and Jane Lipton for this important gift, which honors not only Dick's extraordinary contributions to the field but the Law School's tradition of eminence in the area of tax law."

"Dick Lipton is an enthusiastic advocate for the study of tax law, one of the nation's foremost tax practitioners, and a champion for academic excellence at the Law School," said Miles, the Clifton R. Musser Professor of Law and Economics. "The Lipton Professorship ensures that the Law School will always have an accomplished tax scholar teaching and inspiring our students, just as the legendary professors who taught Dick helped inspire his magnificent career."

Lipton has served as tax counsel in many of the largest transactions in the country, with a primary focus on partnerships and real estate. Based in Chicago for most of his career, he had prominent roles in major transactions

## 2021-22 Fundraising Highlights

**3,820 Alumni, friends, and students who made gifts to the Law School**

**\$4.2M Annual Fund Dollars**

**\$30.6M Total Dollars**

## Giving Day 2022

The Law School celebrated its most successful Giving Day to date this past spring.

Thanks to the support of a record-breaking 374 members of the Law School community and the generosity of our alumni challengers, we collectively raised nearly \$340,000 over the course of just one day.

We could not have reached our ambitious goal without more than 215 alumni, 63 faculty and staff, 68 students, and 40 friends coming together to fuel the future success of our institution. We would also like to extend a special thank you to our challengers, Doug Clark, '89, and Ian Edvalson, '95, for their enthusiasm and generosity.

## 2022 Reunion

*We are so thankful for your support. We are excited to celebrate Reunion 2023!*

**\$9.5M: Dollars raised by Reunion classes**

**36%: Reunion celebrants who made a gift**

related to the Sears Tower and the John Hancock Building, among many others. His practice has also led to his involvement with top-tier professional sports franchises in football, basketball, baseball, and soccer. He has been at Baker & McKenzie for almost 20 years, after previously heading practice areas at McDermott, Will & Emery and Sonnenschein, Nath & Rosenthal.

He holds a record that is unlikely to be surpassed, having contributed a substantive article to the *Journal of Taxation* in 101 consecutive months. His career output of journal articles exceeds 300, and he is the coauthor of two treatises, on passive activity losses and partnership taxation. “As it happens,” he explained, “I like to write on airplanes, and I was almost always on an airplane. I got past 10 million frequent-flyer miles pretty quickly in my career, and that has resulted in a lot of writing.”

He is currently a member of the Board of Governors of the American Bar Association, and he has served in ABA leadership roles for more than 30 years, including as chair of the ABA Tax Section and the Tax Section’s representative to the ABA House of Delegates. As head of the Tax Section he expanded its pro bono activities and its young lawyers forum, inaugurating the Law Student Tax Challenge that today attracts more than 100 teams of student competitors.

“I urge everyone, and particularly lawyers who are building their careers, to get involved with the ABA,” he said. “What I learned there, and the relationships I created

there, are really at the heart of my career.”

He is also a past chair of the American College of Tax Counsel, and he chaired the federal tax committee of the Chicago Bar Association.

Based now in Dallas, he describes himself as “semiretired,” which means that in addition to helping clients he has time to engage his passion for golf with a round most mornings, often with his wife. As pandemic restrictions lift, they are looking forward to resuming the extensive world travel they have enjoyed for many years, and there are four children and four grandchildren to spend time with.

“My gratitude to the Law School begins with the fact that someone saw enough potential in me to accept me despite college grades that could kindly be described as mediocre,” he said. “I did have very good boards and strong references, thank goodness. And my gratitude continues with appreciation for the greatest intellectual experience of my life, provided by faculty and by my brilliant classmates.”

“I have been fortunate enough in my career to teach at the Law School and to mentor younger lawyers at my law firm. There is some simple advice that I give to all young lawyers: Assume nothing, and don’t panic. The first of those could perhaps be the short version of the Law School’s most valuable lesson, and I frequently needed the second when I was there. Both of them, combined with good fortune and a phenomenally supportive wife, have been keys to a life and legal career that I have thoroughly enjoyed.”

## Law Firm Challenge

### 2022 Law Firm Challenge Winners

Group 1 (40 or more alumni)

**Sidley Austin**

Group 2 (21-39 alumni)

**Bartlit Beck**

Group 3 (11-20 alumni)

**Wachtell, Lipton, Rosen & Katz\***

**Neal Gerberg & Eisenberg\***

Group 4 (10 or fewer alumni)

**Dechert\***

**Fox, Swibel, Levin & Carroll\***

**Stearns Weaver Miller Weissler Alhadeff & Sitterson\***

*Congratulations to these firms for securing your place in first and thank you so much to all those who participated!*

*\* Firms with 100 percent alumni participation.*

# Alumni

## In Memoriam

**1947**

**Marshall Forrest**

*January 12, 2022*

Forrest was an alumnus of Princeton University and Northwestern University; he served in the US Army Signal Corps during World War II. He practiced law in Bellingham, Washington, and later served as a judge in Whatcom County Superior Court and on the Washington State Court of Appeals. He also served in the state legislature and on the state gambling commission, and was a trustee of Western Washington State College.

**1948**

**Arthur H. Simms**

*March 3, 2022*

Simms earned a bachelor's degree from the Wharton School at the University of Pennsylvania and served in the US Army during World War II. He spent nearly three decades on the Civil Aeronautics Board, eventually serving as director of the board's Bureau of Economics, and also worked at the US Office of Rail Public Counsel before practicing in the private sector. He lived in Bethesda, Maryland.

**1953**

**Jost J. Baum**

*May 26, 2020*

A native of Germany, Baum served in the US Army before earning his undergraduate degree at the College and studying further at the London School of Economics. In the 1960s, Baum served as chief legal counsel for a number of publicly traded companies. Later, he taught law at Santa Clara University, where he founded the school's JD/MBA program and its summer study abroad program. After his retirement, Baum studied art at Stanford University and volunteered as a docent at its arts center.

**Ken D. Koenig**

Koenig was a graduate of the College.

**1955**

**Joseph S. Lobenthal**

*May 5, 2021*

Lobenthal spent a year in Frankfurt, Germany, as part of an exchange program while at the Law School. He served as an attorney in the US Navy and later had his own practice in New York City. He wrote books that included *Growing Up Clean in America* and *Power and Put-on: The Law in America*, as well as a number of articles. He also taught at the New School for Social Research.

**1956**

**Michael L. Igoe Jr.**

*January 9, 2022*

Igoe was an alumnus of Georgetown University and served in the US Army before enrolling in the Law School. He was a partner in the Chicago firm of Vedder Price, spent nearly three decades as secretary of the Cook County Board of Commissioners, and was special counsel to the Illinois secretary of state. He served on a number of nonprofit boards, including those of the Chicago Theological Union, the Chicago Symphony Orchestra, and the Jesse White Scholars Foundation, and was active in nature conservation efforts. Igoe lived in Chicago.

**1957**

**Kenneth W. Dam**

*May 31, 2022*

*See story on page 24.*

Dam, the Law School's Max Pam Professor Emeritus of American and Foreign Law, was a graduate of the University of Kansas. He practiced law in New York City before returning to the University, where he both taught and served as provost. One of the nation's foremost scholars in domestic and foreign economic

law, Dam had a long career in public service, including serving as deputy secretary of state in the Reagan administration and deputy secretary of the Treasury under President George W. Bush. Additionally, he was an arbitrator in collective bargaining negotiations in the National Basketball Association and the National Hockey League. He served as the interim president of the United Way of America, cochair of the Aspen Strategy Group, chair of the German-American Academic Council, steering committee member of the Bilderberg Group, and director of the Alcoa Corporation and BMW.

**Terrance Sandalow**

*January 29, 2022*

Sandalow, a graduate of the College, clerked for Judge Sterry Waterman of the US Court of Appeals for the Second Circuit and Justice Potter Stewart of the US Supreme Court. He taught at the University of Michigan Law School for more than three decades and served as its dean. His many writings included legal essays as well as the brief submitted to the Supreme Court in the 1975 *Bakke* case on behalf of the American Association of University Professors. Sandalow loved travel, Scrabble, walks in the woods, and reading.

## 1958

### **Jerome B. Bohman**

*January 1, 2022*

Twice drafted by the Cincinnati Reds, Bohman earned his undergraduate degree and played baseball at the University of Dayton before serving in the US Army. He practiced law in Dayton, Ohio, for more than 50 years, and was very active in the community, volunteering at his church, the YMCA, local nonprofits, and the Aullwood Audubon Center. He supported many arts organizations and loved reading, running, and classical music. Bohman was a resident of Dayton.

### **Peter O. Steege**

*December 8, 2021*

Steege was an alumnus of Wesleyan College. He served as a judge in the Pennsylvania Courts of Common Pleas and was eventually senior judge in Beaver County, where he also served as president of the county bar association. His other volunteer work included serving as board president of the local medical center and as a faculty advisor to the Pennsylvania society of the National Judicial College. Steege lived in Baden, Pennsylvania.

## 1959

### **Donald G. Buonomo**

*January 29, 2022*

Buonomo was a graduate of Colby College. After earning his JD, he joined his father's law practice in New York State. He was a Boy Scout leader and outdoorsman and served on the Armonk Volunteer Fire Department; he loved to travel, collect antiques, and research genealogy.

### **Howard M. Turner**

*April 24, 2022*

An alumnus of the College, Turner focused his 60-year law practice on construction law. He was a charter member of the Society of Illinois Construction Attorneys and taught at the John Marshall Law School. His textbook, *Turner on Illinois Mechanics Liens*, is considered the authoritative source for Illinois mechanics lien law; he also authored a number of articles and book chapters. Turner was active in his synagogue and founded its Ba'al Korei Institute to promote Torah reading.

## 1960

### **Joseph H. H. Kaplan**

*January 5, 2022*

Kaplan earned his undergraduate degree at Johns Hopkins University and served in the US Army, Army National Guard, Air Reserve, and Naval Reserve. He was administrative judge and chief judge of the Circuit Court of Baltimore City, where his notable accomplishments over three decades included resolving Maryland's savings and loan crisis in the 1980s and brokering a settlement that allowed the Camden Yards development to proceed. He volunteered with a number of organizations, including the Baltimore City Historical Society, the Baltimore Bar Foundation, and Big Brothers Big Sisters of Central Maryland.

## 1962

### **Richard P. Komyatte**

*February 1, 2022*

Komyatte was a graduate of the University of Notre Dame. He spent several years working at a civil law firm before opening his own practice in Highland, Indiana. He volunteered in many roles at his church and on a number of nonprofit boards, including those of Catholic

Charities, Lake Area United Way, the Calumet College of St. Joseph, and his local community foundation. Komyatte helped establish the Indiana Pro Bono Commission and Indiana Legal Services and served on the board of the Indiana State Bar; he was recognized with several awards for his service.

## 1965

### **Donald T. Dickson**

*January 18, 2022*

An alumnus of Carleton College, Dickson also earned a PhD at the University of Michigan. He was a professor in the Rutgers University School of Social Work for more than 35 years; there, he created a combined MSW/JD program, directed the PhD program, and developed a course on law and social work. He authored several articles and the book *Law in the Health and Human Services*. Dickson was awarded an Antarctic Service Medal from the National Science Foundation in recognition of valuable contributions to exploration and scientific achievement under the US Antarctic Program. He lived in Florida.

## 1967

### **Wayne A. Kerstetter**

*February 17, 2022*

Kerstetter earned his undergraduate degree at the College. He worked for the Chicago Police Department, served as the New York Police Department's assistant deputy commissioner, and was superintendent of the Illinois Bureau of Investigation before joining the Criminal Justice Department at the University of Illinois—Chicago, where he taught for more than 25 years. Kerstetter was an accomplished sculptor and after retiring enjoyed boating, fishing, and studying Native American history. He was a resident of Marco Island, Florida, and Beverly Shores, Indiana.

### **Philip W. Moore III**

*February 19, 2022*

A graduate of Harvard University, Moore was a civil rights worker in the Mississippi Summer Project, registering Black voters in Jackson, Mississippi. He served as executive director of the Project on Corporate Responsibility, which began as the "Campaign GM" project, and later taught history and law. He was an avid tennis player and Chicago Cubs fan, and enjoyed reading, writing, boating, music, dancing, and the *New York Times* crossword. Moore was a resident of Charlevoix, Michigan.

## 1968

### **David Thorpe Cumming**

*February 8, 2022*

Cumming was a graduate of Brandeis University. He practiced law in New York State and Colorado, and later worked in insurance at Leucadia National Corporation and CNA. After his retirement, he was a technology investor and entrepreneur. He read and wrote mystery novels, maintained a political news blog, and counted wine, chess, crossword puzzles, cycling, and skiing among his hobbies. Cumming lived in Holladay, Utah.

## 1969

### **Elizabeth M. Taylor**

*June 12, 2021*

Taylor was a resident of New York City.

### **Henry J. Underwood Jr.**

*March 9, 2022*

A University of North Carolina alumnus who also earned an LLM at the London School of Economics, Underwood was managing partner of Defrees & Fiske in Chicago, led its 2009 merger with Howard & Howard, and headed the combined firm's Chicago office. He was a longtime supporter and board member of Altus Academy middle school in Chicago's Lawndale neighborhood and was active in his church. He loved dogs, golf, gardening, and wine. Underwood lived in Chicago.

## 1970

### **Eugene I. Caffrey**

*January 9, 2022*

Caffrey taught high school French and owned an ice cream truck after his graduation from Seton Hall University. He worked for the Philadelphia firm of Montgomery McCracken before leaving the law to become an entrepreneur and the author of a series of mystery novels. Caffrey lived in Florida and Chestnut Hill, Pennsylvania, where he was a longtime community volunteer, leading the Chestnut Hill Realty Trust and volunteering for the Chestnut Hill Youth Sports Club, the Crefeld School, and Friends of the Wissahickon.

## 1971

### **Russell Francis Kurdys**

*January 30, 2022*

Kurdys was a resident of Pittsburgh, Pennsylvania.

### **Elizabeth H. Tockman**

*June 19, 2022*

Tockman earned a bachelor's degree at American University. Passionate about public service and civil rights, she practiced law in Baltimore, Maryland, working for a number of local and state agencies on issues that included workplace discrimination and the foster-care system. She later served as general equity master in the Maryland Judiciary. She enjoyed international travel, reading, and editing her community's monthly newsletter. Tockman lived in Tampa, Florida.

## 1972

### **Arthur Leon Beamon**

*February 10, 2022*

Beamon was a graduate of the US Air Force Academy and earned a master's degree at George Washington University. He worked for nearly three decades at the Federal Deposit Insurance Corporation, retiring as associate general counsel in its legal division. He lived in Washington, DC.

### **James Richard Reilly Jr.**

*April 4, 2022*

Reilly earned a bachelor's degree from Illinois College. He practiced law with the firm of Foreman, Rammelkamp, Bradney, and Hall in Jacksonville, Illinois; worked as the Jacksonville city attorney; and was elected to the Illinois General Assembly. He was chief executive officer of the Metropolitan Pier and Exposition Authority, chair of the Regional Transportation Authority, CEO of the Chicago Convention and Tourism Bureau, and chair of the Illinois Capital Development Board. Reilly was a devotee of trains, both real and model, and a supporter of arts organizations and nonprofits around the state.

**1973**

**Donald Samuel Parker**

*February 7, 2022*

Parker was a graduate of Wesleyan University. He was an associate at the New York firm of Cahill Gordon & Reindel and went on to work for a number of corporations, including Unilever, Sprint International, and Global One Communications. In retirement, he continued to consult for select clients and served on the board of the Washington, DC, nonprofit Jubilee Jobs. He enjoyed discussing politics, following college football, and listening to music. Parker lived in Alexandria, Virginia.

**1975**

**Sidney B. Chesnin**

*March 15, 2022*

Chesnin was an airborne infantry officer in the US Army; he completed an undergraduate degree at the College and a master's degree in political science at Yale University before earning his JD. He worked for Legal Aid Chicago and the US Equal Employment Opportunity Commission. Fluent in seven languages, Chesnin pursued hobbies that included sailing, dancing, horseback riding, pool, and target shooting. He was a resident of Dallas, Texas.

**1977**

**Carl E. Witschy**

*November 1, 2020*

Witschy was a partner in the global law firm Latham & Watkins. A lover of dogs and a devoted University of Illinois fan, he lived in Oak Park, Illinois.

**1980**

**Alice Melissa Stuart**

*February 9, 2022*

A graduate of The Ohio State University, Stuart was an attorney at the New York City law firm LeBoeuf, Lamb, Greene & MacRae. She enjoyed genealogy and was a board member of the Society of Mayflower Descendants in the state of New York and a member of the Daughters of the American Revolution. An accomplished magician, she was also a life member of the Society of American Magicians. Stuart lived in Monticello, New York.

**1981**

**Paul Stanford**

*January 28, 2020*

Stanford was a resident of Indianapolis, Indiana.

**1987**

**John A. Summers**

*March 16, 2022*

Summers served as a radar technician in the US Air Force. He was an accomplished musician who played bass guitar with blues pioneer T-Bone Walker and is featured on the album *Fly Walker Airlines*. He earned a degree at Jarvis Christian College and practiced law in Phoenix, Arizona, while continuing to perform music.

**1997**

**R. Carter Kirkwood IV**

*April 7, 2021*

Kirkwood was an alumnus of the University of California–Los Angeles. After earning his JD, he worked for the Committee on Oversight and Reform in the US House of Representatives before joining the Los Angeles firm Irell & Manella. He later left his practice to found Docuthentic, a document management technology company. Kirkwood enjoyed mountain biking, fly fishing, and barbecuing. He was a resident of Concord, Massachusetts.

**2007**

**Johnathon P. Hardaway III**

*January 15, 2021*

Hardaway earned a bachelor's degree at Howard University and an MBA at the Tepper School of Business at Carnegie Mellon University. He practiced sports law at Williams & Connolly in Washington, DC, and was later a partner in Lord & Hardaway, with offices in Washington and New York state. He represented clients in a broad range of civil, criminal, and commercial matters, and was also an agent for players in the Canadian Football League and the National Football League.

**2013**

**Dustin Arthur Liddle**

*May 16, 2022*

Liddle held an accounting degree from the University of Oregon and worked as a certified public accountant before enrolling in the Law School. While enrolled, he worked as a summer honors law clerk at the US Securities and Exchange Commission and as a legal extern for the Internal Revenue Service. He practiced law at Hawley Troxell and Perkins Coie in Boise, Idaho, and Karnopp Petersen in Bend, Oregon, and was active in animal rights and environmental causes. He lived in Boise.

**Class Notes Section – REDACTED**

*for issues of privacy*

# Judging a Variety of Cases with Compassion and Empathy

Helen Toor, '82, has served on Vermont's Superior Court since 1999, and the state's legislature voted earlier this year to retain her on the court for six more years. The Superior Court is the state's trial-level court.

"This is a great job and I love it," she said. "In fact, I feel very



*Helen Toor, '82*

fortunate to be able to say that I have enjoyed every job I've had since law school." She came to the bench from 10 years as chief of the civil division of the US Attorney's Office for the District of Vermont, and that followed seven years in New York City, first as a law firm attorney and then as a staff attorney with the US Attorney's Office for the Southern District of New York.

"I had been at the Southern District for a couple of years when the Vermont office was expanded from one division to two, creating a new civil division," she recounted. "They asked whether anyone in the Southern District's civil division would be interested in heading up that new Vermont division, and I jumped at the chance. I have loved Vermont ever since I came here to get my undergraduate degree from the University of Vermont."

Vermont's Superior Court judges can be assigned to any of the state's 14 counties for a period that is typically one or two years, and they can be assigned to handle civil, criminal, or family-court matters. "The diversity in this job has been phenomenal," Toor said. "Different locations, different areas of law, and vastly different types of cases, from ones that are pretty routine—although not to the parties involved—to ones with complicated and challenging legal issues."

These days her seniority helps her get assigned to the civil division most of the time. "I particularly enjoy civil cases because there is so much variety," she said. "Medical malpractice and large-scale business disputes—trade secrets cases, for example—often involve expert witnesses who are essentially educating me in entirely new areas. It can be fascinating!"

She comes from a scholarly family—her father was the dean of Carnegie Mellon's engineering school and her mother earned a PhD in chemistry. "My father did a lot of significant things, like starting Carnegie Mellon's first department of engineering and public policy and working hard to attract more women and minority students to the engineering school, and my mother was—and still is—a strong, independent woman," she said. "They gave me a belief that I could, and should, make a difference in the world."

She said that two experiences at the Law School were particularly important to her. One was participating in the Mandel Clinic. "Gary Palm ['67] was an amazing teacher, and it was through the clinic that I went inside a jail for the first time, an occasion I'll never forget and one that has affected my judging," she recalled. The other formative experience was the Bigelow writing program. "It was vexing to learn that my writing wasn't as good as I thought it was, but I believe that communicating clearly became one of my strengths, and it's a very important one in my current job," she said. "People—especially those without lawyers—are more likely to understand and accept decisions that aren't garbled by legalese." She also writes an occasional newspaper column informing readers about the court system.

In 2014 she led the creation of a program that provides pro bono attorneys to people facing eviction, and early in the pandemic she halted eviction proceedings in the county where she was serving (the state's largest county) even before the legislature acted. Her calm and empathetic demeanor on the bench is often remarked on, and it is memorialized in a YouTube video, "Judge vs. Angry Plaintiff," that has been viewed more than 70,000 times. "Compassion and empathy are key elements of doing this job well," she said.

Kayaking, hiking, and gravel biking are among her preferred free-time activities, and she keeps a file of new things she might do when she retires. "The file is pretty big now," she said, "but I'm not quite ready to say goodbye to the bench yet!"



# Helping the Wrongly Convicted with Her Law School Network

Two books out this year from Valena Beety, AB '02, JD '06, reflect the commitments that have guided her career for the last 13 years. She's the author of *Manifesting Justice: Wrongly Convicted Women Reclaim Their Rights*, and the coeditor of *The Wrongful Convictions Reader*. Now deputy director of the Academy for Justice at Arizona State University's Sandra Day O'Connor College of Law, she was



Valena Beety, AB '02, JD '06

a staff attorney at the Mississippi Innocence Project and the founding director of the West Virginia Innocence Project.

Joining the first of those projects, in Mississippi, marked a big career turn for her. "I came to the Law School knowing that I wanted to be a prosecutor," she said. "I had served as an advocate for rape victims as an undergraduate, and I saw how violence impacts survivors. I thought prison was the answer, and that I could be a protector."

When she joined the US Attorney's office in the District of Columbia in 2008, it wasn't like she had thought it would be. "I saw how often prosecutions failed to help victims, and how frequently they relied on false information, dishonest forensics, and police misconduct," she recalled.

She left for Mississippi the next year to be a protector of a different kind, working at the innocence project there for almost three years before she was hired to create and direct the West Virginia Innocence Project at the West Virginia University College of Law. During her seven years there, she built a strong connection with UChicago Law, bringing on four graduates to work on the project through the Justice Franklin D. Cleckley Fellowship. "I feel so gratified by the work those graduates have done after their fellowships," she said. "Two of them are now working as federal public defenders, and two are working at exoneration projects."

She has sustained her relationships with the Law School, including serving on the Law School Council and participating on reunion committees. She said that she still reaches out to Geoffrey Stone, '71, and Herschella Conyers, '83, for advice: "They were amazing mentors and role models for me when I was in Law School, and they still are today," she said. She noted that she was strongly affected by the Stonewall Fellowship she received at the Law School, because that fellowship had been established by James Hormel, '58. "I felt such admiration for all that Jim Hormel did for the LGBTQ+ community, including his founding of the Human Rights Campaign, which ultimately was a big factor in why today I can be married to my wife." Her wife, Jennifer Oliva, is a professor at UC Hastings College of Law.

The center that Beety helps lead at Arizona State, where she also holds a professorship, focuses on connecting research with criminal justice policy reform. In her teaching and writing she advocates for broadening the understanding of what constitutes a wrongful conviction, applying a standard of manifest injustice that goes beyond factual innocence. "There are vast numbers of less than perfect, less than 'factually innocent' people whose convictions have been obtained through corruption, junk science, racism, and other legally dubious means," she said. "We need to get over the narrative of finality in criminal convictions and shift the basis for reviewing convictions from proving factual innocence to considering all of the factors that went into a person's incarceration."

Beyond her new books, she is a prolific writer and frequent speaker. "So many things are motivating me these days," she said. "I think it's more important than ever for me to be visible as a queer woman at this time when women and queer people are particularly susceptible to injustice; I think the legitimacy of the legal system is endangered; and I have seen truth being swept aside by emotional narratives fueled by lies and fears. I do the work because I love what I'm doing. There's a Rumi quote that I keep coming back to: 'Let the beauty of what we love be what we do.'"

# Protecting Free Expression and Serving the Public

In the later months of 2020, Sean Cooksey, '14, was nominated by President Trump, confirmed by the Senate, and sworn in as a commissioner of the Federal Election Commission, the youngest commissioner in the agency's 47-year history.

"The FEC is the only agency solely charged with regulating the exercise of a constitutionally protected right, our First Amendment freedom of speech," he said. "It's a very sobering responsibility."



*Sean Cooksey, '14*

He said that his first days at the Law School were intimidating. His college years had been at Truman State University in his home state of Missouri. "I applied to only three in-state colleges, and I chose the least costly one," he said. "Then at the Law School I found myself among all these brilliant students from backgrounds

so different from mine, who had gone to the kinds of prestigious colleges I had never even considered."

His transition was eased by a lunch that Douglas Baird hosted at the Quadrangle Club for a small group of first-year students. "We got to know each other and talked about normal conversational things like our families and the architecture of the main campus," he said. "I felt more like I belonged after that."

He served as a managing editor of the *Law Review*, graduated Order of the Coif, and then clerked at the Fifth Circuit Court of Appeals, after which he joined the Washington office of Gibson, Dunn & Crutcher. "I liked Gibson Dunn and enjoyed my time there, but I had decided that I wanted to work in government or some other form of public service, so on the day that I paid off the last of my student debt, I started looking for a new job," he said.

His friend Prerak Shah, '10, told Cooksey of an opening in the office of Senator Ted Cruz, and Cooksey landed the position of deputy chief counsel there. Toward the end of Cooksey's first year with Cruz,

Josh Hawley won election to the Senate from Missouri. Cooksey sought a position with him and was named general counsel, serving for two years until his FEC appointment. "My home state senator—what more could I ask for? It was two exciting and fulfilling years, working on a very broad range of policy issues, and the Senator was a great mentor," he said. Because both Cruz and Hawley served on the Senate Judiciary Committee, Cooksey had a substantial role in shepherding the Supreme Court confirmations of Justices Kavanaugh and Barrett.

Before he joined the FEC along with two other new commissioners, the agency had been lacking the quorum necessary to even hold meetings for most of the 2020 election cycle. It had a backlog of more than 400 cases. Meetings were held remotely, making it difficult to build the collegiality required to make decisions in the six-member body where no party is allowed to hold more than three positions. Adding a personal note to the tumult, he and his wife Elyn welcomed their first child, George, just 10 days after Cooksey was sworn in. "There were a lot of hectic days and months in the beginning, but the Commission has mostly dug out from the backlog now, and my colleagues have done a great job of creating a collaborative culture," he said.

He sees an important connection between his UChicago experience and his FEC responsibilities. "The Law School's strong commitment to open inquiry and the free expression of ideas, no matter how unusual or unpopular they might be, dramatically increases the quality of students' growth and learning and ultimately helps lead to better decision-making. That same commitment is foundational for our democracy, for the same reasons. Politics is not patty-cake; it's rough and tumble—a contact sport—and at the FEC, I'm a referee. Like the best referees, my role is to enforce the rules so the game is played fairly while interfering as little as possible with the flow of the action. However well I am able to meet that standard, I credit the Law School for helping me do that."

## WHERE ARE THEY NOW? THE CLASS OF 2022

### ALABAMA

#### Birmingham

##### Caroline Freeman

Hon. William Pryor, 11th Cir.

##### Hallie Saunders

Hon. Kevin Newsom, 11th Cir.

### ALASKA

#### Anchorage

##### Daniel Lastres

Ocean Conservancy

### ARIZONA

#### Phoenix

##### Kelly Gregg

Hon. Andrew Hurwitz, 9th Cir.

##### Angel Lockhart

Hon. Ann Timmer, Ariz. S. Ct.

### ARKANSAS

#### El Dorado

##### Conley Hurst

Hon. Bobby Shepherd, 8th Cir.

### CALIFORNIA

#### Caruthers

##### Viran Batth

Batth Farms

#### Irvine

##### Nancy Sheu

Rutan & Tucker

#### Los Angeles

##### Joshua Ellis

Kirkland & Ellis

##### Irene Jeon

Kirkland & Ellis

##### Silvia Moreno

Kirkland & Ellis

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##### Rosa Chong

Gibson, Dunn & Crutcher

##### Austin Feuer

Sullivan & Cromwell

##### Dylan Platt

Mayer Brown

#### San Diego

##### Samuel Capparelli

Hon. Kenneth Lee, 9th Cir.

##### Samantha Silva

Jones Day

##### Cullen Tyndall

Latham & Watkins

##### Tyler Wood

Hon. Kenneth Lee, 9th Cir.

### San Francisco

##### Eleanor Brock

Keker, Van Nest & Peters

##### Travis Gidado

Kirkland & Ellis

##### Rebecca Hansen

Hon. Vince Chhabria, N.D. Cal.

##### Sicily Kiesel

Jones Day

##### Yanna Lee

Covington & Burling

##### Itka Safir

Fenwick & West

##### Mikaila Smith

Hon. Leandra Kruger, Cal. S. Ct.

##### Alberto Tohme

Fenwick & West

##### Spencer Velarde

Kirkland & Ellis

##### Joshua Yasmeh

Cooley

### COLORADO

#### Denver

##### Alexander Meade

Hon. Allison Eid, 10th Cir.

### DELAWARE

#### Wilmington

##### Alonso Aquije

Hon. Craig Goldblatt, D. Del. [Bankr.]

### WASHINGTON DC

##### Anna Boardman

Sidley Austin

##### Wilson Boardman

Latham & Watkins

##### Angela Chang

Skadden, Arps, Slate, Meagher & Flom

##### Jennifer Chang

Arnold & Porter Kaye Scholer

##### Alexandra Cullen

Simpson Thacher & Bartlett

##### Katya El Tayeb

White & Case

##### Natalie Griffin

Reichman Jorgensen Lehman & Feldberg

##### Richard Howell

Jones Day

### Megan Ingram

Fried, Frank, Harris, Shriver & Jacobson

##### Carol Kim

White & Case

##### Andrew Leonard

Cooley

##### Betsy Ojo

Gibson, Dunn & Crutcher

##### Jason Petty

Sidley Austin

##### Alec Sandler

Legal Aid of the District of Columbia

##### Fleet White

Covington & Burling

##### Zachary Reger

U.S. House of Representatives, Office of the Legislative Counsel

### FLORIDA

#### Fort Lauderdale

##### Savannah Mora

Boies Schiller Flexner

#### Miami

##### Miles Dearden

Greenberg Traurig

##### Natalie Granda

Hogan Lovells

#### Tallahassee

##### Clare Downing

Hon. Jamie Grosshans, Fla. S. Ct.

### GEORGIA

#### Atlanta

##### Joshua Fox

Alston & Bird

#### Cleveland

##### Sara Maier

Enotah Circuit Public Defender

### GUAM

#### Hagatna

##### Jacob Pavlecic

Supreme Court of Guam

### ILLINOIS

#### Chicago

##### Hannah Abrahams

Ascend Justice

##### Francesca Alamo

Baker McKenzie

##### Blake Altman

Greenberg Traurig

##### Marisa Ball

Perkins Coie

##### Kathryn Banks

Sidley Austin

### Nena Benavides

Hon. Gary Feinerman, N.D. Ill.

##### Jordan Block

King & Spalding

##### Brian Bornhoft

Jenner & Block

##### William Boudreau

Latham & Watkins

##### Alexandra Bright

Katten Muchin Rosenman

##### Mitchell Caminer

U.S. Court of Appeals for the Seventh Circuit, Staff Attorney's Office

##### Ryne Cannon

Hon. Michael Scudder, 7th Cir.

##### Austin Carsh

Kirkland & Ellis

##### Griffin Clark

Kirkland & Ellis

##### Jason Clayton

Hon. Frank Easterbrook, 7th Cir.

##### Sterling Coleman-Selby

U.S. Court of Appeals for the Seventh Circuit, Staff Attorney's Office

##### Tony Dechario

Greenberg Traurig

##### Lazaro Donis Munoz

Katten Muchin Rosenman

##### Jake Ferzacca

Winston & Strawn

##### Julian Gale

Jones Day

##### Meera Gorjala

ArentFox Schiff

##### Alexandra Green

Sidley Austin

##### Alexandra Hale

First Defense Legal Aid

##### Jacqueline Horwitz

Kirkland & Ellis

##### Felix Jen

Kirkland & Ellis

##### Yiwei Jiang

Latham & Watkins

##### Kimberly Johnson

Hon. Robert Gettleman, N.D. Ill.

##### James Jones

Winston & Strawn

### Crofton Kelly

Baker McKenzie

##### Elise LeCrone

Hon. Joan Lefkow, N.D. Ill.

##### Gwendolyn Lemley

ArentFox Schiff

##### Connor Mallon

Baker McKenzie

##### Henry Melville

Sidley Austin

##### Alexander Minuete Lovrine

Katten Muchin Rosenman

##### Jacob Mitchell

Willkie Farr & Gallagher

##### E.J. Morera

Kirkland & Ellis

##### Rachel Murphy

U.S. Department of Labor

##### Elena Musz

Hon. Rebecca Pallmeyer, N.D. Ill.

##### Molly Nelson

Latham & Watkins

##### Maria O'Keeffe

Steptoe & Johnson

##### Parth Patel

Foley & Lardner

##### Julia Petsche

Mayer Brown

##### Delaney Prunty

McDermott Will & Emery

##### Victoria Rose

John Howard Association

##### Laura Russell

Neal, Gerber & Eisenberg

##### Kathleen Schmidt

Skadden, Arps, Slate, Meagher & Flom

##### Karishma Shah

Perkins Coie

##### Samantha Sherman

Hon. Diane Wood, 7th Cir.

##### Louise Simpson

Paul Hastings

##### Spencer Slabaugh

Sidley Austin

##### Rachel Smith

Hon. Frank Easterbrook, 7th Cir.

##### Michael Springer-Ingram

Hon. Rebecca Pallmeyer, N.D. Ill.

##### Lauren Spungen

Hon. Deborah Thorne, N.D. Ill. [Bankr.]

##### Summer Stevens

Paul Hastings

## WHERE ARE THEY NOW? *continued*

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U.S. Court of Appeals for the Seventh Circuit, Staff Attorney's Office

### Amanda Van Auken

Kirkland & Ellis

### Claudia Wang

Latham & Watkins

### Steven Wickman

Arnold & Porter Kaye Scholer

### Ellen Wienczek

Hon. Michael Scudder, 7th Cir.

### Chloe Zagrodzky

Hon. John Kness, N.D. III.

### Andrew Zeller

Kirkland & Ellis

## KANSAS

### Topeka

### Sean Beecroft

Hon. Toby Crouse, D. Kan.

### Jeffrey Murphy

Hon. Jacy J. Hurst, Kan. Ct. App.

## LOUISIANA

### Baton Rouge

### Amber Stewart

Hon. Brian Jackson, M.D. La.

## MASSACHUSETTS

### Boston

### Sarah Cohen

Greater Boston Legal Services

### George Colligan

Kirkland & Ellis

### Evan De Ycaza

Goodwin Procter

### Ross Ewing

Gunderson Dettmer

### Simon Jacobs

Hon. Scott Kafker, Mass. S. Ct.

### Katherine Luo

Foley Hoag

### Kelly McGee

Hon. F. Dennis Saylor, D. Mass.

### Jasper Primack

Hon. F. Dennis Saylor, D. Mass.

### Carol Zhang

Jones Day

## MINNESOTA

### Minneapolis

### Jordan Kleist

Jones Day

## NEW YORK

### New York

### Willy Aquino

Skadden, Arps, Slate, Meagher & Flom

### Edmund Bannister

Gibson, Dunn & Crutcher

### Alexander Beer

Paul, Weiss, Rifkind, Wharton & Garrison

### Isabella Bergonzoli

Jaramillo

Kirkland & Ellis

### Nicole Briones

Kirkland & Ellis

### Garry Canepa

Willkie Farr & Gallagher

### Tawkir Chowdhury

Gibson, Dunn & Crutcher

### Jonathan Concepcion

Skadden, Arps, Slate, Meagher & Flom

### Lina Dayem

Cleary Gottlieb Steen & Hamilton

### Emma Gilmore

Latham & Watkins

### Salim Hafid

DigitalOcean

### Kiyon Hahm

Cravath, Swaine & Moore

### Nicholas Hallock

Hon. Amalya Kearse, 2d Cir.

### Jacob Johnson

Gunderson Dettmer

### Briana Katinic

Kirkland & Ellis

### Rachel Katzin

Gibson, Dunn & Crutcher

### Lyudmila Kirichenko

Cravath, Swaine & Moore

### Rekha Korlipara

Debevoise & Plimpton

### Kyle Kreider

Davis Polk & Wardwell

### Dashia Kwok

Simpson Thacher & Bartlett

### Kelsey Laabs

Cravath, Swaine & Moore

### Thomas Lawton

Skadden, Arps, Slate, Meagher & Flom

### Jennifer Lin

Sidley Austin

### Kimberly Liu

Morgan, Lewis & Bockius

### Benjamin Mann

Morgan, Lewis & Bockius

### Mark Marzioti

Simpson Thacher & Bartlett

### Keila Mayberry

Sullivan & Cromwell

### Alexander McNamara

Davis Polk & Wardwell

### Sophie Mirzaian

Debevoise & Plimpton

### Ryann Moelis

Davis Polk & Wardwell

### Kelsey Nelson

Davis Polk & Wardwell

### Remilekun Ogunsanya

Milbank

### Daniel Oppenheimer

Skadden, Arps, Slate, Meagher & Flom

### Ryan Peaslee

Davis Polk & Wardwell

### Marissa Piccolo

Paul, Weiss, Rifkind, Wharton & Garrison

### Nicholas Sardi

Lazard

### Alan Steiner

Cravath, Swaine & Moore

### Leonor Suarez

Kirkland & Ellis

### Daniel Sung

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### Caitlan Sussman

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### Amy Tang

Gibson, Dunn & Crutcher

### Ryan Wheless

Skadden, Arps, Slate, Meagher & Flom

### Candice Yandam

Paul, Weiss, Rifkind, Wharton & Garrison

### Erik Zimmerman

Weil, Gotshal and Manges

### Julie Zheng

Latham & Watkins

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### Dylan Moore

Hon. Robert Numbers, E.D.N.C.

## OHIO

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Cozen O'Connor

### Anthony Leyh

Dechert

### Henry Walter

Hon. Stephanos Bibas, 3d Cir.

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### Alec Mouser

Hon. Jay Richardson, 4th Cir.

## SOUTH DAKOTA

### Sioux Falls

### Kyra Cooper

Hon. Jonathan Kobes, 8th Cir.

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### Benjamin Schroeder

Hon. Andrew Oldham, 5th Cir.

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### Stephen Ferro

Hon. Kathleen Cardone, W.D. Tex.

### Eric Singerman

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### Anthony Alessi

Hon. Kenneth M. Hoyt, S.D. Tex.

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### Christian McGuire

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Vinson & Elkins

### Suzannah Ranzo

Simpson Thacher & Bartlett

### Luke Riel

Simpson Thacher & Bartlett

### Christine Robb

Simpson Thacher & Bartlett

### Bailey Swainston

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### Kaylee Yocum

Simpson Thacher & Bartlett

## UTAH

### Salt Lake City

### Michael Morgan

Kirkland & Ellis

## VERMONT

### Burlington

### Liam Brown

Hon. Beth Robinson, 2d Cir.

## WISCONSIN

### Milwaukee

### Tamara Skinner

Hon. Michael Brennan, 7th Cir.

## LOCATION TBD

### Natasha Wiltz

Federal Communications Commission

## INTERNATIONAL

### London, UK

### Ariel Aiah

Allen & Overy

### Sophie Desch

Freshfields Bruckhaus Deringer

## MEET THE CLASS OF 2025

94 Undergraduate Institutions

47 Undergraduate Majors

35 States Represented

29 Post-Graduate Degrees

50+ Theses and Dissertations

75% have Post-Undergraduate Work Experience

150+ Internships

25 Countries Lived/Worked In

38 non-English Languages Spoken (American Sign Language, Amharic, Arabic, Armenian, Cantonese, Farsi, French, German, Gujarati, Haitian Creole, Hebrew, Hindi, Hungarian, Indonesian, Italian, Japanese, Kichwa, Korean, Latin, Mandarin, Marathi, Persian, Polish, Portuguese, Quechua, Russian, Shanghaies, Spanish, Sudanese Arabic, Tagalog, Tamil, Tamil Kannada, Taiwanese, Toisanese, Turkish, Ukranian, Urdu, and Vietnamese)

### FUN FACTS

33 musicians

15 varsity athletes

10 Eagle Scouts

9 PhDs (completed or in progress)

6 Fulbright Scholars

3 podcast creators

2 award-winning marching band members

2 licensed private pilots

2 Marshall Scholars

1 playwright

1 NASA Small Business grantee

1 latte artist

1 SAG-AFTRA actor

1 Houston Grand Opera performer

1 former member of the Israeli Women's National Lacrosse Team

1 documentary filmmaker

1 software company founder

1 constructor of a tiny house on wheels

1 US National Figure Skating Team member

1 circus arts performer

1 co-founder of Massachusetts Vaccine Finder

1 young adult novel published author

1 QVC food stylist



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