

THE MAGAZINE OF NORTHWESTERN PRITZKER SCHOOL OF LAW

NORTHWESTERN LAW REPORTER

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SPRING 2019

The Clinic at

The Bluhm Legal Clinic
celebrates five decades
of training lawyers and
fighting for justice

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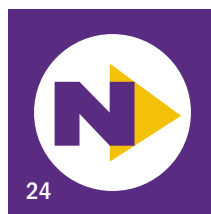
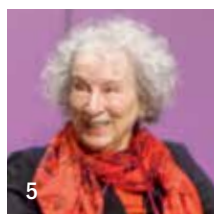
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FROM THE DEAN



In this issue of the *Reporter*, we are celebrating a significant milestone in the Law School's history: the 50th anniversary of our Bluhm Legal Clinic. Clinical education at Northwestern dates back to the Law School's beginnings. John Henry Wigmore, dean of Northwestern Law from 1901 to 1929, was a passionate proponent of legal aid. In 1910, he partnered with the Chicago Legal Aid Society to establish an innovative program that evolved into our modern legal clinic. In 1969, the Clinic as we know it opened its doors in the basement of what was then Thorne Hall, with only two staff attorneys. Today, the Bluhm Legal Clinic is transformed. In addition to 30-plus attorneys working across 14 centers, 90 percent of our JD students (or more than 200 per

year) participate in a clinic. It is easy to understand why.

Our Clinic serves individuals in need, from teenagers facing the juvenile legal system to entrepreneurs seeking affordable legal advice. In partnership with communities from North Lawndale to Nigeria, our Clinic reforms social policy in areas ranging from environmental regulation to international human rights. Our Clinic educates students through intense, individualized, and practical supervision and training.

The Bluhm Legal Clinic is integral to our students' experience, both because we are teaching them to be lawyers and also because we instill in them the value and duty of public service. In the Clinic, students hone their skills, follow their passions, and change the world for the better. They carry the Clinic's mission forward as they graduate and join the legal profession, at the vanguard of ethically minded, socially conscious lawyers in the 21st century.

Our Clinic is one of the foremost legal clinics in the country and a great source of pride for the Law School, thanks to the hard work and dedication of faculty, staff, students, and alums. In a 1917 editorial in the *Illinois Law Review*, Dean Wigmore wrote, "What does a clinic do? It combines two things, education and charity; and it combines them effectively, without loss to either." The Clinic's core mission of educating students while pursuing social justice is as pressing today as it has always been. So while we commemorate the accomplishments of the last 50 years, we are also looking toward the next 50. I hope you will join us at the fall celebration of our wonderful Bluhm Legal Clinic.

Kimberly A. Yuracko
Dean and Judd and Mary Morris Leighton
Professor of Law

NOTEWORTHY

Redish and Brill Debate the First Amendment and Commercial Speech

Should we amend the First Amendment?

That provocative question was at the center of the October 17 debate between Martin Redish, Louis and Harriet Ancel Professor of Law and Public Policy, and Steven Brill, who founded *The American Lawyer* and the cable channel Court TV and is the author of the recent best-seller *Tailspin: The People and Forces Behind America's Fifty-Year Fall — and Those Fighting to Reverse It*. In a packed Lincoln Hall, Professor Jason DeSanto moderated a lively discussion where the two articulated their views of how the First Amendment should be interpreted as it relates to commercial speech, and what the consequences of different interpretations might be.

"I think most of [Redish's] legal analysis is not only correct, but is trailblazing," Brill said. "It's just that the trail that got blazed has helped to destroy this nation."

Brill believes the interpretation of the First Amendment supported by Redish's scholarship has led to commercial speech protections that have had severe consequences, pointing to the relationship between megadonors and politicians and the ability of drug companies to advertise potentially harmful off-label uses of their products as examples.

"Steve's fundamental mistake is to mix constitutional apples with political oranges," Redish, who sat for interviews with Brill for his book, said. "The First Amendment is not a strategic outgrowth of your political ideology. Steve says the results of my theory have been to cause harm. I'm not totally in disagreement with that, but that's not really the issue."

Redish's 1971 article, "The First Amendment in the Marketplace: Commercial Speech and the Values of Free Expression," presented, for the first time, a detailed theoretical argument to support

the position that commercial speech is deserving of substantial constitutional protection under the First Amendment guarantee of free expression. Redish developed the concept of "private self-government," expanding on renowned philosopher Alexander Meiklejohn's theory of self-governance, that in order for democracy to work, we must have an informed electorate, and therefore cannot place limits on the information people are able to receive when making political decisions. Redish argued that the same principle logically should apply to the many decisions individuals make in their own lives and, as such, commercial speech ought to be treated just as political speech had been under the First Amendment.

The Supreme Court adopted this line of thinking in 1976 in *Virginia Pharmacy Board v. Virginia Consumer Council*, a case brought by Ralph Nader on behalf of pharmacies wanting to advertise discount drug prices, something that had previously

been prohibited by the pharmacy board. The Court decided previous restrictions on commercial speech limited the "rights of listeners," meaning that consumers in Virginia had a right to hear that they could save money on their medicine.

"You're right about the First Amendment, which is why we need to change the First Amendment," Brill said, adding that he would like to see a constitutional amendment limiting the amount of money that can be contributed to or spent by a candidate on a political campaign.

"The First Amendment can't be changed to reach the political results he likes," Redish replied. "The more you restrict money, the more you restrict communication. The candidate who spends the most money doesn't always win. Donald Trump didn't rely on money, he relied on celebrity. Sometimes money can cancel out celebrity. Are there harmful consequences from this? Absolutely. But I consider the cure a lot worse than the disease." ■

Jason DeSanto (left) moderates a debate between Martin Redish (center) and Steven Brill



ABA's *The Tax Lawyer* Releases First Issue Under New Northwestern Law Partnership

In December, *The Tax Lawyer*, the ABA Tax Section's flagship journal, released its first issue since naming Northwestern Pritzker School of Law's LLM Tax Program its new educational affiliate.

The ABA Tax Section announced last spring that it would end its 50-year partnership with Georgetown Law and start working with Northwestern's Tax Program, which has ranked fourth annually in *U.S. News and World Report* since 2005, only three years after the program's establishment. Professor David Cameron, associate director of the LLM Tax Program, now serves as faculty editor of the journal.

"We believe this new relationship offers enhanced opportunities for the Section, and a new vision for *The Tax Lawyer* that will serve our members for years to come," said Section Chair Karen L. Hawkins in a press release announcing the new partnership.



The Tax Lawyer student editorial board members (from left) Katie Cooperman, William Walsh, Charles Filips, Alyssa Depew, and Nicholas Bjornson with faculty editor David Cameron (right).

Cameron, along with Professor Philip Postlewaite, director of the LLM Tax Program, recognized the opportunities the journal would bring — both to attract top talent to the highly ranked program and to provide an exceptional learning opportunity for students.

"It's a very practitioner-oriented journal," Cameron says. "The authors are writing about issues that practitioners are confronting currently, which is perfect for students. Their work on this journal will introduce them to topics that they are going to confront when they're out there in practice."

The journal has a student editorial board of five, all of whom receive full scholarships to Northwestern Law, and a staff of an additional 12 students, which means more than one-third of the LLM Tax Program's approximately 40 full-time students end up participating.

Charles Filips (LLM Tax '19), one of the student editors, decided to apply to Northwestern's LLM Tax Program after taking on many

tax assignments at Kemp Klein Law Firm in Detroit.

"I didn't apply with the specific intent of doing the journal, it was something that I found out [about] after the fact. But the scholarship attached to the journal made the decision easy. And it's been cool to immerse myself in an area that I have spent some time in and want to keep doing. It makes it easier to do the work."

Balancing editorial responsibility with the yearlong program isn't easy, but it's good preparation for the real world, says editor Katie Cooperman (LLM Tax '19).

"It's definitely an intense program, so it's hard to fit everything in a day, but having been in practice for six years, that's a pretty realistic expectation of what your life is going to be like," says Cooperman, who worked at Hogan Lovells before enrolling in the program. "In terms of time management and prioritization, it's fostering a useful skillset for us to have as we enter or re-enter the workforce."

Students say that working on articles by some of the biggest names in tax law make the long hours worth it. For example, the Fall 2018 issue features articles by Michelle Jewett, partner at Stroock in New York City, discussing the circumstances in which a transaction will be treated as a redemption rather than a sale of a partnership interest; Jeffrey Hochberg, partner at Sullivan & Cromwell in New York City, examining recently promulgated regulations that address the tax implications of contracts that reference a financial index; and Monica Gianni, of counsel at Davis Wright Tremaine in Seattle, criticizing the OECD's failure to respond to tax issues arising in the digital economy.

The fall issue also includes an article by Herbert Beller, a senior lecturer in Northwestern's Tax Program, recommending amendments to Section 355's requirements applicable to corporate spin-offs. Beller, a former chair of the ABA's Tax Section, was instrumental in bringing *The Tax Lawyer* to Northwestern Law.

"The people who tend to publish in this periodical are the preeminent tax minds in the country," says William Walsh (LLM Tax '19), another editor. "Getting familiar with who those people are is really beneficial because they're going to be the authors that you meet at conferences or the attorneys you might do business with one day."

The collaboration with the ABA Tax Section offers the editors — all of whom had journal or law review experience during their JD programs — extra support as they delve into highly technical and often unfamiliar topics.

"The fact that it is in conjunction with the ABA, you have this whole other resource," says Nicholas Bjornson (LLM Tax '19).

"You're learning, not just editing and fixing stuff. And it's not just practitioner-focused or scholarly, you get the best of both."

The Tax Lawyer is available online at www.americanbar.org/groups/taxation/publications/tax_lawyer_home/. ■



From left: Deborah Tuerkheimer, Margaret Atwood, and Angela Lawson discuss *The Handmaid's Tale* at the Law School.

Author Margaret Atwood Speaks on Women's Status Around the World

Margaret Atwood, author of *The Handmaid's Tale*, spoke at Northwestern Pritzker School of Law in October about the implications her 1985 dystopian novel has on our contemporary world as part of the One Book One Northwestern program.

Atwood has long been a literary titan, but “current events have polished the oracular sheen of her reputation,” wrote *The New Yorker*. With the red cloak and white bonnet of the “handmaid” appearing across the country, from the halls of Congress to street protests, Atwood has been traveling the world to talk about her cautionary tale, human behavior, politics, religion, fertility, the #MeToo movement, and myriad other issues. At Northwestern, little more than a week before the 2018 midterm elections, she distilled it all down to a simple and timely message:

“The power that you have within the system is to vote. People have risked their lives for centuries to achieve a system where people have this power.”

Set in a dystopian future in which the U.S. government has been overthrown by a theocratic authoritarian regime that uses fertile women as handmaids to bear children for the all-controlling ruling class, *The Handmaid's Tale* is a modern classic that explores the politics of religion and gender and offers a warning about a future the author hopes will never come to pass.

At the Law School, Atwood was joined in conversation by Deborah Tuerkheimer, Class of 1940 Research Professor of Law, who specializes in law and legal theory surrounding sexual assault,

and Angela Lawson, associate professor of clinical obstetrics and gynecology and psychiatry at the Feinberg School of Medicine.

“I’m an optimist,” Atwood said, offering hope for the future. “It’s not religion that is the problem. It is the misuse of religion that is the problem.” She compared the current U.S. political and social environment to France before the French Revolution, adding that, in both cases, “too much money and power are concentrated at the top.”

The Handmaid's Tale has been translated into more than 40 languages; it has been made into a film, an opera, a ballet and, of course, is the inspiration for the MGM/Hulu original series that received rave reviews and won Emmys, Golden Globes, and Critics’ Choice Awards.

Atwood started writing the novel in West Berlin in 1984, prior to the fall of the Berlin Wall, when the threat of a militaristic authoritarian superpower was all too real. At the time, she was unsure if she would be able to persuade American readers that the U.S. had been transformed from a liberal democracy into a theocratic dictatorship. Today, in the wake of the Women’s March and the #MeToo movement, heightened anxieties, and the proliferation of extremist views, the patriarchal society Atwood creates in the novel feels, to some, like a warning.

The Handmaid's Tale is not a prediction, Atwood states in a new introduction to the book. “Let’s say it’s an antiprediction: If this future can be described in detail, maybe it won’t happen. But such wishful thinking cannot be depended on either.” ■

Speta Takes Over as Host of *Planet Lex* Podcast

James Speta, vice dean and Harry R. Horrow Professor in International Law, has stepped in as the new host of *Planet Lex: The Northwestern Pritzker School of Law Podcast*. He took over for former dean and previous host, Daniel B. Rodriguez, in October.



“I’m thrilled to take the reins as host of *Planet Lex*,” Speta says. “Dan Rodriguez established *Planet Lex* as a podcast that takes a critical look at the myriad legal issues affecting society today — while also having a little bit of fun — and I am determined to continue engaging in conversations that are surprising, informative, and relevant.”

Recent guests have included Michael S. Kang, William G. and Virginia K. Karnes Research Professor of Law, in an episode about election law and gerrymandering; ABC News Supreme Court correspondent Kate Shaw (JD ’06) and former *Bloomberg Business Week* editor-in-chief Megan Murphy (JD ’00) in an episode about media and the law; and Laura Nirider and Steven Drizin, co-directors of the Center on Wrongful Convictions, in an episode about false confession and the legal proceedings covered in the second season of *Making a Murderer*.

To listen to all episodes of *Planet Lex*, subscribe via iTunes or RSS, or download the free Legal Talk Network app for iPhone or Android. ■

Master of Science in Law Program Launches Online Degree

On August 27, the first cohort of Northwestern Pritzker School of Law’s new online Master of Science in Law (MSL) program officially began its courses. As with the on-campus version, the online MSL program provides practical, business-centered legal training to science, technology, engineering, and mathematics (STEM) professionals. The decision to bring the MSL program online is the latest move by the Law School to expand its many curricular and programming initiatives at the intersection of law, business, and technology, as well as to better accommodate working professionals and international students.

“The MSL program has been an exciting and novel endeavor from the start,” says program director Leslie Oster. “We are thrilled that the online version extends the reach of this degree and makes it more accessible to STEM professionals around the country and around the world.”

The first cohort, consisting of 30 students from a variety of diverse backgrounds, will now spend the next two to four years deepening their understanding of law and business within the STEM context.

The online program operates on the semester system, with each semester divided into two eight-week terms to allow students to choose between a rich and varied selection of course offerings. All students begin the program with two of their required classes: Legal and Regulatory Process taught by Daniel B. Rodriguez, Harold Washington Professor, and Business Torts taught by Professor James Lupo. Future classes will cover a range of topics in MSL subject areas: business law

and entrepreneurship, IP and patent design, and regulatory analysis and strategy.

Alyssa Dyar, a learning engineer with Northwestern IT’s Teaching and Learning Technologies team, worked closely with partners in the Law School to assist in the development of these courses. Forty instructional videos were produced for the first round of courses, with another 75 on the way for subsequent offerings. Beyond the instructional videos, a great deal of thought went into optimizing the course design to incorporate a combination of synchronous and asynchronous activities, including regular engagement with instructors and peers.

“We are really excited about the array of academic and professional experiences our online students will bring to the MSL classroom,” says Dyar. “It is our hope that the live synchronous sessions, online discussion boards, and group activities will provide rich opportunities for these students to connect with each other and explore how the course content relates to their professional and personal lives.”

Professor of Practice Susan Provenzano had some early praise for her experience as the instructor of the online orientation. “The [Canvas] discussion board has been so valuable for gaining real insight into how the students are learning and engaging with the material. That level of insight just isn’t possible to get in the residential program. It’s been really enlightening.” ■

This story first appeared on the website for Digital Learning: Educational Innovation Across Northwestern.



From left: Jasmine Armand (JD '20), Hane Kim (JD '20), Christina Lopez (JD '19), Brian Ingram (JD '20), and Bianca Serrato (JD '18)

Students Pitch Legal Industry Diversity “Hacks”

Five Northwestern Pritzker School of Law students participated in the 2018 Fall Diversity in Law Hackathon, working with firm and in-house attorneys and diversity and inclusion expert advisors to brainstorm innovative ways to address diversity and inclusion in the legal industry. The 10 teams — each comprised of attorneys, one expert and one student — presented their “hacks” to judges at a *Shark Tank*-style November pitch event at UC Hastings College of the Law. Five students from UC Hastings also participated in the event, which was organized by Diversity Lab.

Northwestern Law participants included Jasmine Armand (JD '20), Bianca Serrato (JD '18), Christina Lopez (JD '19), Hane Kim (JD '20) and Brian Ingram (JD '20). Daniel B. Rodriguez, Harold Washington Professor, served as a judge, while Alyson Carrel, assistant dean of law and technology, and Juliann Cecchi, assistant dean of external partnerships, both served on the Hackathon advisory board.

“Our students were poised, professional, and amazing contributors to each of their teams,” Cecchi says. “All of them are passionate about increasing diversity in the legal profession — something we can all be proud of.”

Serrato’s team, which proposed an enhanced sponsorship program to help close the diverse leadership gap, came in second place. Kim’s team, which developed a three-step program to help firms and legal departments understand issues of pay equity, tied for crowd favorite.

Other pitches included an app that delivers “bias-busting” reminders at crucial points throughout the hiring process; an online, real-time platform to increase access to influential people and events at law firms and legal departments; and an inclusion rider to be used as an addendum to corporate legal department requests for proposals (RFPs).

In advance of the November pitch event, the teams spent three months developing their concepts and learning about diversity challenges in the legal industry. They first met at the kick-off event in July, hosted by Northwestern Law, where the teams got to know each other, participated in team building exercises, and each team chose a diversity and inclusion challenge to address with their hack.

Diversity Lab will work with the winning teams to develop and implement their ideas in the coming years. ■

U.S. Court of Appeals for the Federal Circuit Holds Oral Arguments at Northwestern Law

On October 3, the U.S. Court of Appeals for the Federal Circuit held oral arguments for three cases at Northwestern Pritzker School of Law’s Thorne Auditorium as part of its October 2018 session in Chicago.

The Federal Circuit regularly hears arguments outside of Washington, D.C. as part of its nationwide jurisdiction and statutory requirement to provide “reasonable opportunities to citizens to appear before the court.” Northwestern Law joined other Chicago-area law schools and the federal courthouse in hosting the Federal Circuit.

Judges Evan J. Wallach, Jimmie V. Reyna, and Richard G. Taranto heard arguments in one federal employee dispute and two patent cases, *Jenkins v. MSPB*, *Product Association Tech. v. Clique Brands Inc.*, and *Hamilton Beach Brands, Inc. v. f’real Foods, LLC*. After the three arguments, the judges stayed for a Q&A hosted by David Schwartz, Stanford Clinton Sr. and Zylpha Kilbride Clinton Research Professor of Law.

“It was an honor that the Federal Circuit conducted oral arguments in three cases at Northwestern. There is truly no substitute for students to hearing real lawyers argue live cases,” Schwartz says. “Afterwards, during the student Q&A session, the judges provided great practical advice about oral arguments, briefing, and how they approach deciding cases.” ■

300+

The number of Law School students and faculty who volunteered as poll-watchers, election judges, and more during the Day of Civic Service held on Election Day.

NOTEWORTHY



“As a female lawyer, it struck me that nonlawyers watching the dramatization of Ginsburg’s advocacy may think that helping

women with their legal problems requires an appellate superstar like Ginsburg. It does not. ... Appellate advocacy like that depicted in *On the Basis of Sex* plays an important role in protecting and advancing the rights of women, but the vast majority of women with civil legal problems need help with issues at the bottom of the legal food chain: debt collections and credit issues, landlord-tenant disputes and evictions, and domestic relations law.”

—Professor Dana Hill, “We Don’t All Have to Be Ruth Bader Ginsburg,” *Rewire.News*, 12/24/18



“A fundamental regulatory failure — not issuing enough taxi licenses — created the business opportunity

for Uber and Lyft. Indeed, these app-supported services have brought great benefits to the public, including lower prices and greater availability. Maybe cap advocates are right that there is some more congestion (although that seems unlikely), but even if true, much better options are available than a cap. Indeed, from all appearances, ‘congestion’ seems in part a cover for an attempt to ‘help’ taxi drivers, which will come at the expense of the public.”

—Professor Jim Speta, “Why Chicago Shouldn’t Throttle Uber and Lyft,” *Crain’s Chicago Business*, 8/21/18

ON THE RECORD

—Professor Deborah Tuerkheimer in “Utah refused to prosecute four sexual assault cases, so the alleged victims set out to do it themselves,” *Washington Post*, 10/22/2018

“The problem with prosecutors is that they’re not just thinking about legal sufficiency, they’re thinking about convictability. Often, jurors are unpersuaded because of biases and rape myths. When prosecutors take that into account in charging decisions, even anticipatorily, they’re embedding them into the system.”



“Central banks should think more boldly about diversity, by welcoming not just more women and people of color, but also more people with real-

world economic and business expertise, rather than only PhDs. Central bankers already meet regularly with academics and financial institutions such as Goldman Sachs. Why not also meet with civil society groups that critique their work?"

—Professor Annelise Riles, “The Secret Lives of Central Bankers,” *The New York Times*, 10/20/18



“While DOJ documentation supports the call for change, it’s not enough to merely document the harm CPD has imposed

upon Chicago. True healing requires changing police systems and policies. And that the proposed ordinance for a Civilian Police Accountability Council — an elected body of Chicago residents that would push to keep city police in check — becomes law. This idea might sound radical, but the reality is that elected boards control part or all of many state functions — from education to the judiciary, from water reclamation to the county sheriff. Why shouldn't a civilian board be permanently responsible for ensuring that law enforcement stop abusing city residents? Policing is not more specialized than education or water purification. Those who reject community control of the police are likely too invested in the police existing to control the community."

—**Professor Sheila Bedi**, with Notre Dame Professor David Anderson Hooker, “Chicago’s policing problem is systemic. Truth and reconciliation are needed,” *USA Today*, 10/11/2018

“Trustees of pensions, university endowments and trust funds are facing renewed pressure to do social good while investing other people’s money. It isn’t only student activists but the United Nations and even BlackRock CEO Larry Fink who argue that environmental, social and governance investing, or ESG, will do good for the world while improving returns for beneficiaries. Thousands of investment managers have pledged to abide by a U.N.-sponsored statement of ESG principles. Yet the zealous push for fiduciaries to embrace ESG faces barriers under longstanding American law — with good reason. In general, the law says little about what people may do with their own money. But it has much to say about what trustees and other investment fiduciaries do with their beneficiaries’ money.”

—Professor Max Schanzenbach,
with Harvard Law Professor
Robert Sitkoff, “Investing for
Good’ Meets the Law,” *Wall
Street Journal*, 12/9/18



It Doesn't Have To Be So Hard

How Northwestern Law faculty, alumni, and students are addressing mental health, and vowing to create healthier and happier attorneys.

By Claire Zulkey

"Mister Hart, here is a dime. Call your mother. Tell her there is serious doubt about you becoming a lawyer."

The Paper Chase, the 1973 film with iconic scenes of demeaning professors and classmates pitted against each other, is entertainment that depicts a dark truth: for some individuals, the stresses of law school (and the legal profession) can lead to depression, anxiety, substance abuse, and worse.

In 2016, the American Bar Association partnered with the Hazelden Betty Ford Foundation to study the rates of substance use and other mental health concerns among lawyers. Its findings were harrowing: 28 percent of attorneys struggled with mild or higher levels of depression, 19 percent showed symptoms of anxiety, and 23 percent admitted to feelings of stress. Looking over the course of a lawyer's career, the numbers are even more striking. A full 61 percent reported concerns with anxiety at some point in their career, and 46 percent reported issues with depression.

The following year, as a response to these findings, the National Task Force on Lawyer Well-Being issued a report of practical recommendations for positive change. In July 2018, the Chicago Bar

Association (CBA) created a new wellness committee, while student leaders at top law schools around the country, including Northwestern, issued a letter pledging more mental health support. “Improving wellness and advancing legal education are synchronized interests; by promoting one, we promote the other,” wrote the student leaders. “Addressing mental health issues today within our communities will not only make us happier and healthier individuals, but also better students and members of the legal profession.”

Starting the conversation

Northwestern Law, like all law schools, is certainly demanding. But the administration works hard to minimize the culture of competition that’s so often a source of student stress. “When I was in law school, *The Paper Chase* stories never came to fruition — people were totally supportive and happy to help,” says Kevin Agnew (JD ’07), adjunct professor in the Center on Negotiation and Mediation. That’s still the case today, he says. “The school wants students to feel healthy; there’s not an atmosphere of hypercompetitiveness.”

Each year, during new student orientation, Sean Serluco, a Counseling and Psychological Services (CAPS) liaison dedicated to the Law School, tells students how they can take advantage of the services it provides, including individual therapy in consultation with faculty and administration. Along with Susan Spies Roth (JD ’06), associate dean and dean of students, Serluco helps debunk myths that could deter students from utilizing psychological services. They may be worried, for instance, that seeking help could become an issue with the “character and fitness” part of the bar exam. “Students might think, ‘If I go to CAPS, I’m not going to be admitted [to the bar].’ But that couldn’t be further from the truth,” Roth says, noting that most jurisdictions don’t ask about mental health at all, or ask only whether an individual has a

mental health issue that will impede their ability to practice law. Her anecdotal observation: “If you meet 10 lawyers, nine of them have been or are currently in therapy.”

While CAPS offers ongoing counseling, it also hosts Let’s Talk sessions, where students can drop in for an informal consultation and get referrals to local mental health providers with whom “they can stay connected as they transition into law practice,” Roth says.

Shannon Bartlett, associate dean of inclusion and engagement, helps ensure that minority students are aware of the counseling available for issues unique to them, like microaggressions or stereotype threat. “We try to normalize help-seeking behavior and help students realize that these are things we all struggle with, whether you’re a 1L or a 40-something in a senior role,” says Bartlett. She notes that members of certain minority or international communities don’t always embrace mental health resources. “Historically, people who were providing those resources weren’t well-versed in the specific experiences of members from marginalized or under-represented communities,” she says.



Students might think, ‘If I go to CAPS, I’m not going to be admitted [to the bar].’ But that couldn’t be further from the truth. If you meet 10 lawyers, nine of them have been or are currently in therapy.



Melissa Moreno (JD ’19), the 2017–2018 Student Bar Association President who signed the open letter from law school leaders, praises the school’s increased emphasis on destigmatizing discussions about mental health and proactively connecting students with help. “The administration is making sure that the work doesn’t just fall on students,” she says.

Strength in numbers

As the founder and co-president of the Students Mental Health Alliance (SMHA), Luke Finn (JD '20) educates his fellow students about the resources available to them, including faculty-led mindfulness sessions, relaxation apps like Mindspace and Breathe, and the ever-popular pet study break. (“Go relieve pre-finals stress by spending time with some animals who won’t judge you!” reads a November email from the SMHA.)

Finn has extensive experience in high-stress workplaces, including spending 18 months in



You come to law school and you don’t have any friends, and you have this idea that everyone around you is your competitor. It’s scary to say, ‘I have no idea what’s going on.’

combat zones while working with human rights activists in rural Colombia. When he returned to his home in East London, he endured a “breakdown,” he says. “I needed to learn about mental health and take it seriously. I was coming from this working-class masculine background where to talk about mental health was very suspect, but I was at the point where I felt like, ‘This is the only way.’”

With the help of mental health professionals, Finn learned self-care techniques he describes as “life-changing,” so he was excited to share

them with his classmates. “In law school, the people in your class are a community. You look out for one another,” he says.

One of the biggest struggles facing new law students, Finn says, is isolation. “You come in and you don’t have any friends, and you have this idea that everyone around you is your competitor. So it’s scary to say, ‘I have no idea what’s going on.’” But when he founded the SMHA his first year, “the moment it was set up we were overwhelmed with applications.” The SMHA also partnered with the Illinois Lawyers Assistance Program (LAP), in hopes of empowering students to help themselves after they graduate.

Change is coming

Some critics claim the newfound attention to lawyer well-being is a Band-Aid for a larger issue within the field. Taking a perfunctory CLE course on mental well-being won’t make a difference when there are hours to bill, they say while decrying today’s law students and young lawyers as wimps. “Young people get a lot of flak for being snowflakes or too sensitive,”

says Bartlett. “But when you look at the stats, for decades [the legal community has] had one of the highest rates of substance abuse and depression. That isn’t just young people. That’s throughout the profession, people of all different ages.”

Left unaddressed, certain aspects of the profession, including student debt, could continue to cause anxiety and pressure. Compared to when she was in law school, Bartlett says the market has changed considerably. “There is a lot of pressure on [students] to get the best grades they can because there are fewer positions available.” She has seen students graduate carrying \$200,000 in student debt. “That’s an incredible burden to bear,” she says. “Particularly if you’re worried about job placement. It’s not just ‘I got a bad grade in this class.’”

Then there this is the stress about the stress. “I see it with my students all the time,” says Agnew. “The expectation that law school is going to be stressful is a self-fulfilling prophecy.”

And sometimes the stress is warranted. “Some of the biggest anxiety I had was about pro bono cases because the stakes felt so much higher. Someone could get the death penalty,” says Bartlett. “I would wake up in the middle of the night, thinking, ‘Oh my God. Was the font in the footnotes right? And what if it’s not and my brief gets kicked and my client stays in prison for something they didn’t do because I didn’t do my job right?’”

Bartlett points out that by nature, high-achieving students like those at Northwestern Law are in the school partially because of their relationship with stress. “You don’t get into elite law schools like Northwestern Law unless you’re motivated by a certain level of anxiety,” she says. “You want to do well, and put your best foot forward. But what can also happen is that the anxiety strays from being healthy and motivating and you can become paralyzed.”

But Bartlett sees change on the horizon. “The thing I really respect about young people today is a willingness to say ‘We’re not going to do it this way,’” she says. Take, for example,

the increasing number of fathers who want to be more present in their children’s lives. Legal employers are being forced to adapt accordingly, since more and more young attorneys are realizing they have options.

Agnew, a career coach at Kirkland & Ellis, says that firms are increasingly realizing that a positive, less cut-throat atmosphere is neces-



Young people get a lot of flak for being too sensitive. But for decades [the legal community has] had one of the highest rates of substance abuse and depression. That isn’t just young people. That’s throughout the profession, people of all different ages.



sary to retain and nurture top legal talent. “There’s a much clearer link between fostering a more positive work environment and the results it has on productivity and engagement,” says Jonathan Beitner, who chairs the CBA’s Mindfulness Committee and helped develop the CBA’s Wellness Committee. In what he describes as “the golden age of neuroscience,” his group harnesses knowledge about bigger issues like depression and addiction and uses it to address some of lawyers’ most pressing stressors, like the anxiety of networking or the demands of clients.

At Northwestern Law, Finn continues to spread awareness of the SMHA, connecting with other student groups like OUTLaw and the Black Law Students Association. “By the time I leave Northwestern, I hope that the Students Mental Health Alliance is part of the fabric of the school,” he says. “Just having the words ‘mental health’ in the atmosphere has a big impact. A lot of people feel alone or don’t know how to deal, so the fact that the SMHA exists at all is a pretty big deal.” ✚

Investigating the Interplay of Science and the Law

In the fall issue of *Daedalus, Journal of the American Academy of Arts and Sciences*, Professor Shari Diamond examines the relationship between two interdependent disciplines.

By Rachel Bertsche

Attorneys and judges are not the only important actors in the U.S. legal system. Laypersons and experts also play key roles. Important questions about how these groups — most notably juries and scientific experts — interact with the legal system have long been at the heart of Shari Diamond’s research. How do juries reach decisions? How can scientific evidence best be communicated to triers of fact? What would make knowledgeable scientific experts more inclined to assist in legal proceedings? “Science & the Legal System” was the focus of the Fall 2018 issue of *Daedalus, Journal of the American Academy of Arts and Sciences*, which Diamond co-edited.

An attorney and social psychologist, Shari Seidman Diamond, Howard J. Trienens Professor of Law and a research professor at the American Bar Foundation, was inducted into the American Academy of Arts and Sciences (Academy) in 2012. The Academy, founded in 1780, is one of the oldest learned societies in the country, with an elected membership of distinguished thinkers from a wide range of disciplines. Diamond, who has been teaching at Northwestern Law since 1999, is one of the faculty’s most-cited scholars, and is perhaps best-known for her scholarship related to jury decision-making. Her scholarly writing has been cited by the U.S. Supreme Court and she has conducted unique research studying the behavior of jurors during actual civil jury deliberations. “The deliberations project, more than anything else, has convinced me of the importance of what happens in the jury room,” she says.

More recently, Diamond has turned her attention to another aspect of legal decision-making: the intersection between science and the legal system. “I had been dismayed by questionable claims of scientific expertise I’d seen in court, and also in the cases I read for my Scientific Evidence course,” she says. In a meeting with former Academy President Jonathan Fanton, Diamond suggested



that the members of the Academy would be an excellent group to help her tackle some of the questions about the interactions between scientists and the legal system. “Members of the Academy include distinguished scientists and engineers, and so I wondered, are they regularly being asked to provide relevant evidence for resolving legal disputes? Are they willing to engage? What are their interactions with the legal system overall and their reactions to those interactions?”

These questions were also informed by Diamond’s own experience as an expert witness — she has testified about deceptive advertising and survey research in trademark cases. “I wanted to understand whether there were problems not just with getting researchers to participate in hearings, but also in making what they present in the legal system more understandable to the decision-makers, both judges and jurors.”

Her interest in this topic coincided with an initiative the Academy was launching on the public face of science, and so Diamond received support to start working on what would become a *Daedalus* issue with contributions from top legal and scientific minds, including an article that she wrote with her co-editor of the issue, Richard O. Lempert, Eric Stein Distinguished University Professor of Law and Sociology, emeritus, at the University of Michigan.

In working on a journal issue about the interplay of science and the legal system — “two fields [that] are in many ways culturally distinct,” the editors write — Diamond and Lempert were determined from the outset to weave the two disciplines together.

“We wanted to cover the range of issues that science and the legal system were grappling with, and we also wanted to have the articles written, whenever possible, by pairs of scientists and legal scholars,” Diamond says. Those pairs included Jed S. Rakoff, senior United States district judge of the United States District Court for the Southern District of New York, and Elizabeth Loftus, one of the nation’s leading experts on human memory and distinguished professor of psychological science and the law at University of California, Irvine School of Law, who wrote “The Intractability of Inaccurate Eyewitness Identification;” and Daniel Rubinfeld, professor of law at NYU Law School, and Joe Cecil, senior research associate and project director in the division of research at the Federal Judicial Center, who wrote about the challenges that scientific evidence pose for judges and juries. These interdisciplinary pairings were especially important because promoting mutual understanding across the science-law divide could be a first step toward progress. “A greater appreciation for the other culture could go a long way,” Diamond says.

In their own article, “When Law Calls, Does Science Answer? A Survey of Distinguished Scientists and Engineers,” Diamond and Lempert describe the results of a survey conducted with the cooperation of the Academy, which questioned distinguished scientists and engineers about their views of the legal system, including what motivates them to participate (or not) in lawsuits when asked, and their experiences when they do. While the majority of the 366 experts they surveyed had been asked at some point to serve as expert witnesses, and most of them agreed to do so at least once, some expressed doubts about legal procedures and responded

positively to suggested changes, including presenting opposing expert testimonies back to back during trials, or having opposing experts produce a joint report calling out areas of agreement and disagreement. Scientific evidence is complicated, after all, and non-scientists — whether judges or jurors — often find it challenging to understand and apply.

“My particular interest right now is in enabling opposing experts to clarify the issues of disagreement between them,” Diamond says. “Why should the decision-makers — the judges and jurors — have to sort through completely different presentations often separated by days of other testimony? Why can’t some greater effort be made to identify their areas of agreement and disagreement? A good attorney who is well-prepared can help with that, but structurally our procedures tend to undermine direct engagement by putting expert presentations in separate silos. That approach is not productive if you are trying to come up with informed answers.”

Doing the research and creating the edited issue gave her a multi-year opportunity to think hard about the variety of interactions between law and science on topics ranging from fingerprints to solitary confinement. “Fortunately, with the Academy’s help, we were able to enlist precisely the authors we wanted and to meet with them at the Academy in Cambridge in the summer of 2017 to discuss first drafts. We then spent the next year editing.” The result is a collection of articles that Diamond sees as a strong step to bridging the law-science divide. “We raised timely issues that affect cases being heard in courtrooms around the country,” she says. “But we also provided some real reason for optimism about the future relationship between science and law.” ●

An Excerpt from the Introduction of *Daedalus*, Volume 147, No. 4, “Science & the Legal System”:

As the trial system and the law of evidence [have] developed, courts and juries have [struggled] to make use of the conflicting expert advice they receive. Judges and juries, lacking the scientific knowledge of experts, both face difficult challenges in understanding and applying expert scientific testimony. Not surprisingly, they occasionally get the science they are supposed to evaluate wrong, and what the legal system has accepted as sound science has not always withstood the test of time.

How well factfinders do in

understanding and applying science is a matter of some controversy, but it is not the only issue that arises at the interface of law and science. The two fields are in many ways culturally distinct. Good science often involves the withholding of judgment until more evidence has accumulated. The law requires that decisions be reached upon the conclusion of trials regardless of gaps in the available evidence. Science seeks empirical truths regardless of their implications, and scientists ideally share in a

common truth-seeking mission. Litigants aim at persuading a judge or jury to favor their side regardless of where the truth lies; harsh questioning and emotional appeals are not out of bounds if they serve that end, even when it is scientists being questioned. Often in modern litigation, the law must be informed by scientific evidence as communicated by the views of the scientists who present it. These are typically experts chosen and paid by parties because, regardless of the law’s needs, scientists, with rare exceptions, cannot be forced to contribute what they know. Science is in principle always open to revision as additional evidence accumulates. The law

can be slow to change and its treatment of science may be determined by precedent, even when a scientific consensus recognizes that the science that supported the precedent is no longer regarded as sound. ●



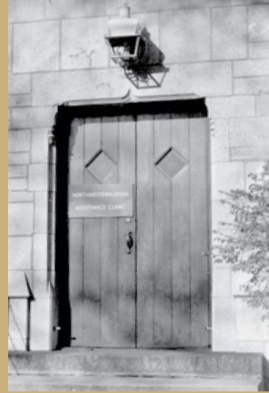
The Clinic at





By Amy Weiss

The Bluhm Legal Clinic celebrates five decades of training lawyers and fighting for justice



In the late 1960s, inspired by the civil rights movement, a small group of law students proposed starting a clinic to provide legal services to Chicago's underserved communities. Over the next

50 years, that clinic grew from two attorneys and approximately 20 students in the basement of a building that no longer exists, to one of the most comprehensive clinical programs in the country, with more than 30 attorneys and 200 students per year, occupying an entire floor of a Lake Shore Drive high-rise.

"What started as the brainchild of a few motivated students and faculty members has become a foundational pillar of our Law School," Dean Kimberly Yuracko says. "I'm thrilled to celebrate the thousands of lives — those of both clients and students — impacted by the Clinic over 50 years. While serving our community, students are gaining unparalleled real-world experience that propels them into their careers."

The yearlong celebration isn't solely about reflecting on all the Clinic has accomplished, but using those accomplishments to inspire continued success.

"For 50 years, the Bluhm Legal Clinic's commitment to our twin missions of teaching excellence and social justice has led us to work with Northwestern Law students on wrongful convictions, healthy environments, human and civil rights, juvenile justice, and more," Clinic Director Juliet Sorensen says. "At this half-century milestone, we renew our commitment to our twin missions — more relevant today than ever — and look to the future."

In the following pages, the *Reporter* reflects on snapshots of the Clinic's history.



Northwestern Clinic Contributes Legal Assistance to Public

A free legal assistance clinic opened to the public last week in Thorne hall, 351 E. Superior st., on Northwest university, Chicago campus.

Provided thru the service is legal counseling on housing, credit, divorce, and criminal problems. The attorneys also refer persons seeking assistance to social agencies for aid in other than legal problems.

Operating the service is Gary Laser, clinic director, and two fulltime attorneys. Some 50 Northwestern law students are assisting.

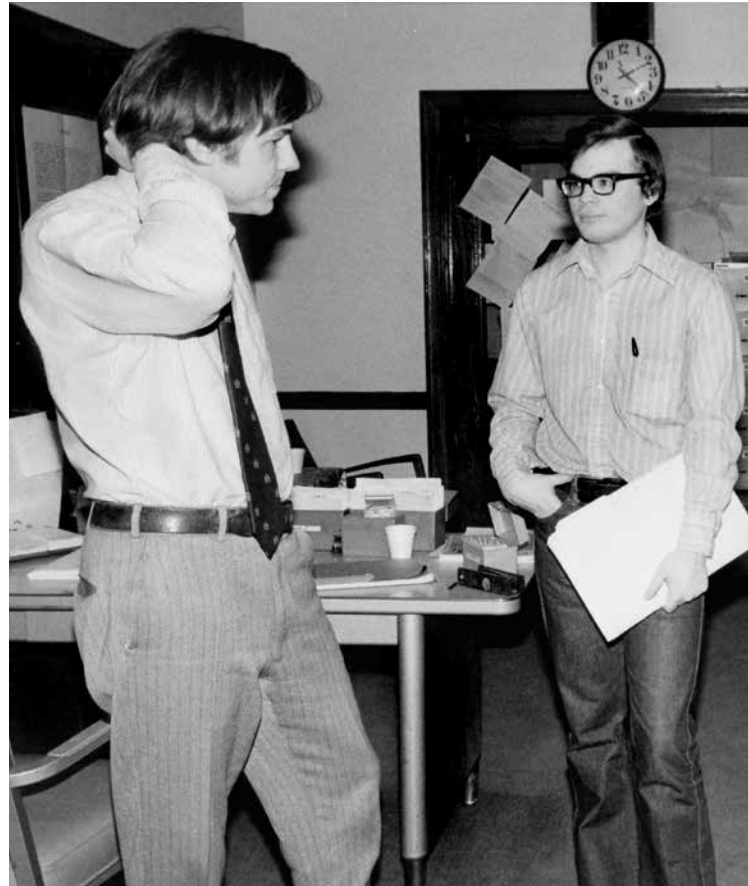
\$75,000 Grant

Finances for the clinic are being provided thru a \$75,000

two-year grant from the Council on Legal Education for Professional Responsibility, Inc. [an affiliate of the Ford foundation], contributions from Northwestern university, United Charities and private donations.

The clinic operates under the direct supervision of the Northwestern Law school and the Chicago Legal bureau of the United Charities of Chicago. Service hours are 9 a. m. to 5 p. m. Monday thru Friday.

Northwestern also provides "one stop" medical, dental, and social services.



An article in the Chicago Tribune from April 17, 1969 announces that Northwestern Law's legal clinic opened its doors to the public.

In the mid 1960s, a small group of students, including Thomas F. Geraghty, were concerned about the state of legal services for the poor in the city of Chicago. They approached faculty members Jack Beckstrom and Tom Eovaldi to propose creating an in-house legal clinic, and Beckstrom and Eovaldi in turn lobbied the administration. With an initial \$75,000 grant from the Ford Foundation, the Clinic opened, giving students a practical educational opportunity and offering legal services to those in need.

Longtime Clinic Director Thomas F. Geraghty (left) and students work in the basement of Thorne Hall, the Clinic's first location, in the early 1970s.

Tom Geraghty became director of the Clinic in 1976 — a position he would hold for more than 40 years. In its earliest days, the Clinic focused largely on divorce and family law cases, criminal defense, and housing issues. As time went on, the Clinic became increasingly dedicated to fair housing and representing young people in juvenile and criminal court.

CLINIC BY THE NUMBERS

21





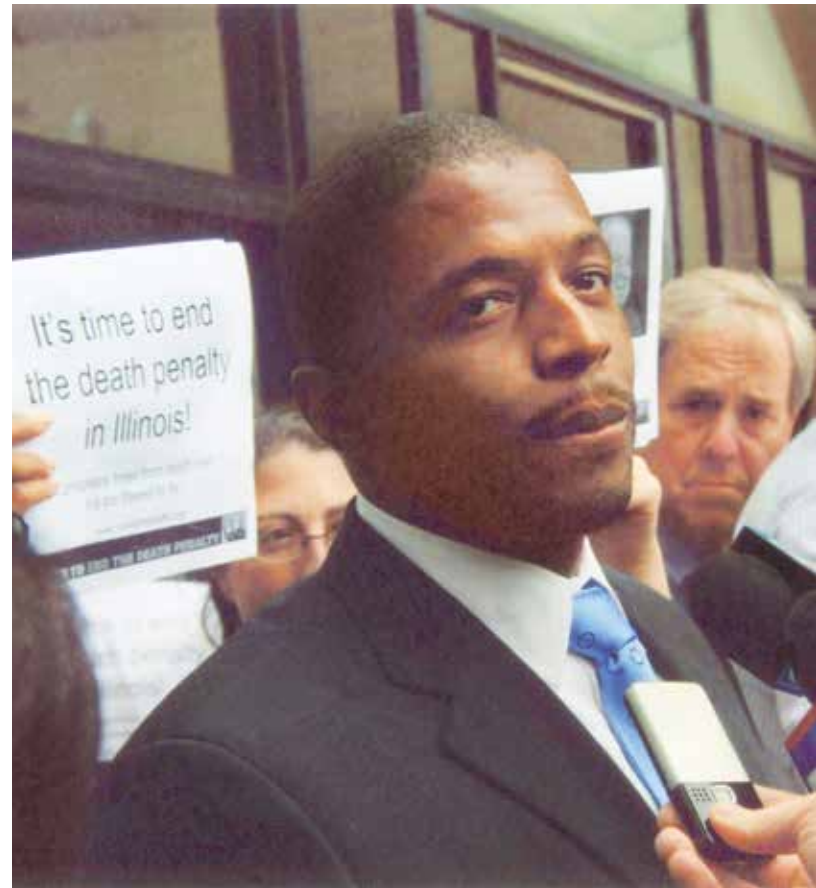
From left: Law students Cynthia Woolley (JD '92) and Elizabeth Ruffing (JD '92), and Clinic attorney Bruce Boyer (JD '86) stand outside the Cook County Juvenile Court in 1992.

Throughout the 1980s, the Clinic was involved in reforming the Juvenile Court and representing clients in family and juvenile cases, with an eye toward influencing local and national law and policy. Recognizing this important focus, the Children and Family Justice Center (CFJC) was formed in 1992 as the Clinic's first specialized teaching and policy research center.

students per full-time clinical faculty member, the lowest ratio among the 12 highest-ranked clinical programs nationwide*



**Based on 2016-17 data, the most recent available*

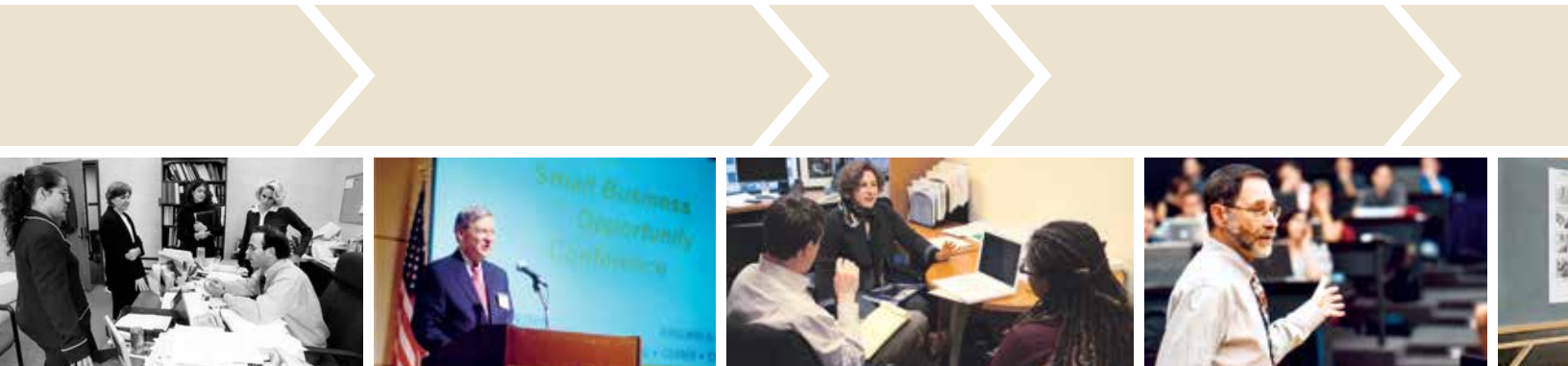


From left: Then-Northwestern University President Henry Bienen, then-Northwestern Law Dean David Van Zandt, and Neil Bluhm (JD '62) at the naming of the Bluhm Legal Clinic.

In 2000, the Clinic became the Bluhm Legal Clinic in recognition of the generosity of Neil Bluhm (JD '62). Bluhm's gift propelled the Clinic's growth, allowing for more clinical faculty, more specialized centers, and in 2007, a new space befitting a premier teaching law office. The space was designed to accommodate individual instruction, small group meetings, and conferences — and it provided Clinic students with the best view in the Law School.

Clinic client Ronald Kitchen speaks to media after his 2009 exoneration and release from prison. Kitchen was coerced into confessing by detectives working under Police Commander Jon Burge, and is one of 20 former death row inmates to be exonerated in Illinois. Kitchen spent 21 years in prison, 13 of them on death row.

Beginning in the late 1990s, the Clinic was at the forefront of fighting the death penalty in Illinois, representing clients whose cases eventually influenced the 2003 moratorium on the death penalty and its 2011 abolition.





Center on Wrongful Convictions (CWC) client Kerry Masterson (third from left) celebrates with (from left) former CWC Director Karen Daniel, Jonathan Quinn of Neal Garber & Eisenberg, CWC attorney Andrea Lewis (JD '11), Collette Brown of Neal Garber & Eisenberg, Eric Choi of Neal Garber & Eisenberg, and CFJC social worker Kasia Majerczak, after being released from prison when her 2009 murder conviction was thrown out and a jury found her not guilty upon retrial.

Since its creation in 1999, the CWC has been involved in securing freedom or exonerations for more than 45 wrongfully convicted individuals. The Center's work has shed light on issues like police torture, unreliable forensic science, and interrogation tactics that can lead to false confessions, especially among youth.

CLINIC BY THE NUMBERS

38 teaching faculty





A sign from the Environmental Protection Agency (EPA) cautions residents of the West Calumet Housing Complex in East Chicago, Indiana; the Environmental Advocacy Center represents residents at the lead-contaminated Superfund site in ongoing dealings with the EPA.

The Clinic created the Environmental Advocacy Center in 2009. In its first 10 years, the Center has secured many victories for Illinois and Indiana communities facing hazardous environmental conditions. Students work on advocacy skills both in and out of the courtroom, often partnering with organizations ranging from Northwestern University's chemistry department to the World Wildlife Fund.



Clinic Director Juliet Sorensen (left) talks with community partners on a trip with the Access to Health Project in Douentza, Mali in 2015.

Juliet Sorensen founded Access to Health, an interdisciplinary project run by the Clinic's Center for International Human Rights, in 2010, broadening international opportunities for students and emphasizing the Clinic's commitment to recognizing health as a human right. Sorensen became director of the Bluhm Legal Clinic in 2017.

CLINIC BY THE NUMBERS

90%





From left: CFJC social work supervisor Marjorie Moss, CFJC attorney Shobha Mahadev, Juliet Sorensen, and Executive Director Shericka Pringle with NBA player Jabari Parker at the Access to Justice Symposium (see page 32) in 2018.

Today, Clinic attorneys and staff across Centers are constantly innovating and collaborating as they fight for social justice and prepare the next generation of public-spirited lawyers.

of students in each graduating class take at least one clinic



CLINIC BY THE NUMBERS

14

Centers

The current Bluhm Legal Clinic has 14 centers housing more than 20 clinics

- Appellate Advocacy Center
- Bartlit Center for Trial Advocacy
- Center for Capital Defense
- Center for Criminal Defense
- Center for Externships
- Center for International Human Rights
- Center on Negotiation and Mediation
- Center on Wrongful Convictions
- Children and Family Justice Center
- Civil Litigation Center
- Complex Civil Litigation and Investor Protection Center
- Donald Pritzker Entrepreneurship Law Center
- Environmental Advocacy Center
- MacArthur Justice Center



The Campaign for
Northwestern Pritzker
School of Law

Campaign Update

A Message from Lanny Martin (JD '73), Campaign Chair

On behalf of the campaign cabinet, Sharon and I would like to sincerely thank and acknowledge the more than 11,400 alumni and friends who have contributed just over \$240 million to Motion to Lead: The Campaign for Northwestern Pritzker School of Law. You are part of a strong and committed group that has come together to support the Law School in its mission to educate a diverse group of fair-minded lawyers who are prepared to succeed in the ever-changing and increasingly competitive legal market.

Because of your generosity, the Motion to Lead campaign has allowed the Law School to establish almost 40 new scholarships, five new professorships, and one new degree program — the Master of Science in Law (MSL). Thanks to thoughtful gifts, large and small, the campaign has also bolstered the Law School's strategic priorities — most notably in the areas of public interest, law-business-technology and curricular innovation.

There have been many successes in the campaign and as we grow closer to our \$250 million goal, we aspire to attain an additional \$25 million beyond that, totaling \$275 million. The campaign is the most ambitious fundraising initiative in the Law School's history and will profoundly improve Dean Kimberly Yuracko's ability to provide critical financial aid and assistance to the most talented and qualified students, and recruit and retain a highly credentialed and interdisciplinary faculty.

In the following pages, you will read about some of the ways donors have impacted the Law School through their philanthropy. I am grateful and proud to be part of such a robust network of supporters that continues to help shape the Law School's bright future.

Law School Annual Fund Adds New Support for Students and Faculty

Northwestern Law continues to make the most of the generous gifts donated to the Law School Annual Fund. This year, two new funds were added, and a Clinic position was created, giving students more opportunities to do hands-on work.

STAR Fund

Northwestern Law is committed to ensuring that all students benefit from everything the Law School has to offer, regardless of their financial circumstances. Currently, close to 20 percent of Northwestern Law students hail from low-income and/or first-generation families.

The Student Assistance and Relief (STAR) Fund combats the disproportionate financial burden that low-income students and students pursuing public interest careers suffer, and ensures that all of our students can participate fully in our academic community.

While financial aid packages address tuition, room and board, and books, many students still encounter barriers related to their financial circumstances. A student who is struggling financially spends a significant amount of time trying to resolve financial shortfalls; this makes it harder for these students to synthesize knowledge, build professional relationships, and gain effective work experience.

The STAR Fund provides direct student assistance for emergency needs, as well as costs associated with job preparedness, such as interview travel costs, interview clothing costs, bar course materials, and cost of living expenses while studying for the bar.

Student Recruitment Fund

Each year, Northwestern Law competes with other top law schools in the country for the best and brightest students. The optimal way to help prospective students understand what makes our Law School special is by providing them opportunities to visit the campus and experience the Northwestern Law difference for themselves. On-campus visits and other personalized recruitment activities throughout the year considerably improve our yield with admitted students. In fact, students who visit are twice as likely to attend as those who do not. Many of our top prospects are initially inclined to attend other prestigious law schools or even less expensive regional law schools in their own area,

but their opinions often change when they have an opportunity to visit our lakeside location just steps from downtown Chicago.

The Student Recruitment Fund allows the Law School to recruit the best possible students with the highest academic potential, regardless of their socioeconomic backgrounds.

Funds are used for a wide range of recruitment activities, such as travel and lodging stipends for select prospective students, specialized recruitment activities for key admits, and more. By supporting the Student Recruitment Fund, donors help expose the top prospective students from around the world to all that Northwestern Law has to offer, helping us gain a recruiting advantage in markets outside the Midwest.

Clinical Fellow Added to CFJC



Donations from the Annual Fund helped support the addition of Amy Martin, clinical fellow, to the Children and Family Justice Center's (CFJC) Immigration Law Clinic. The addition of this position allowed the CFJC to take on more

complex cases — the ones that high-volume legal service providers cannot litigate on a pro bono basis. Many of these cases involve young adults detained by Immigration and Customs Enforcement (ICE) who face deportation, or parents in immigration court proceedings who are at risk of separation from their children. Thanks to support from generous donors, the CFJC was able to increase its immigration workload and continue to provide quality legal assistance to other children in contact with the law and work to improve the justice system in Illinois.



Waltz-Edman Scholarship Benefits 27 Students in First Year

Northwestern Pritzker School of Law received a bequest of more than \$1 million from the estate of Jon Waltz and Ross Edman to establish the Waltz-Edman Scholarship, which provides merit-based awards to law students. This gift allows the Law School to continue offering financial support to recruit the brightest and most qualified candidates.

Waltz, who died in 2004, was a beloved Law School professor for more than 30 years. He was an internationally known expert in evidence and trial procedure and a prominent legal scholar.

Professor Waltz joined Northwestern in 1964 after 10 years as a member of the Cleveland law firm of Squire, Sanders & Dempsey. While on leave from that firm from 1955-58, he served in the Judge Advocate General's Corps of the U.S. Army. He was decorated for his service as a special prosecutor in *United States vs. Rhodes*, an espionage case arising out of the apprehension of Soviet Secret Police agent Colonel Rudolph Ivanovich Abel.

Sixteen of the 27 students who received the inaugural Waltz-Edman Scholarships



In the first year after the scholarship's establishment, there were a total of 27 recipients. The recipients are representative of the student body as a whole — a diverse group hailing from Hawaii to Washington, D.C., Canada to China. More than one student has a background in music, a few came to the Law School from the medical field, and one is a military veteran.

Below are a few of the students impacted by this generous donation.

Ting-Wei Lin

Hometown: Taipei, Taiwan

Undergrad: Taipei Medical University

Why law school?

I want to be someone who helps reshape the practice of medicine through the interplay of law and business.

What are some ways the scholarship has supported you?

The scholarship has enabled me to apply to summer programs that interest me regardless of whether it is a paid internship.

What is one thing you are especially proud of?

I founded a student group at my medical school to help people understand parts of Taiwan's history that our government downplays and to scrutinize our healthcare-related policies.

Savanna Leak

Hometown: New York, NY

Undergrad: Johns Hopkins University

What did you do before law school?

I worked as an analyst at Kobre & Kim LLP in New York, a firm specializing in white-collar criminal defense and cross-border disputes and investigations.

What is one thing you are especially proud of?

In college I completed a direct enrollment program at a Parisian university. I used those language skills in my job as an analyst, translating French documents received from Swiss prosecutors.

What do you plan to do after graduation?

I hope to work in litigation at a big law firm. I'm interested in criminal defense related to financial crimes as well as complex civil litigation.

Alexander Crowley

Hometown: Yarmouth, ME

Undergrad: Brigham Young University

What did you do before law school?

I worked for a patent research company, starting as a patent analyst and eventually overseeing quality assurance for a team of 20.

What are some ways the scholarship has supported you?

I'm able to think more broadly about the kind of career I want and to explore the experiences I need to succeed as a lawyer in the 21st century.

What is one thing you are especially proud of?

I've performed as a concert clarinetist with the BYU Wind Symphony in the U.S., Germany, the Netherlands, Belgium, France, Mongolia, South Korea, and Japan.

DPELC Broadens Reach with Pritzker Gift

The Pritzker Family Foundation's visionary investment to permanently endow and name the Donald Pritzker Entrepreneurship Law Center (DPELC) has allowed the center to expand as it serves entrepreneurial clients and educates future lawyers. Twenty years since its original founding, the DPELC continues to be at the forefront of entrepreneurship education among law schools.

The investment also funds the Northwestern Pritzker Entrepreneurship Prize, a bi-annual award for a second- or third-year law student who most exemplifies Northwestern Law's spirit of innovation, entrepreneurial drive, and integrity.

Neeraj Utreja (JD '19) was the fall 2018 recipient of the Northwestern Pritzker Entrepreneurship Prize for the 2018-2019 academic year. Utreja is the programming director of the High Tech Law Society, the director of development for the Intellectual Property Law Society, and the executive online editor for the *Journal of Technology and Intellectual Property*. He is also a student board member of the DPELC and the co-founder of Jabiru Medical, a medical device start-up that he came up with during Northwestern's NUvention

“I knew from the moment I stepped on campus that Northwestern Law was a place for me to engage dynamism to create impact.”

program. The company made the semifinal round during Kellogg's annual pitch competition, VentureCat, and has been awarded the prestigious Zell Fellowship. It is currently incubating out of MATTER, Chicago's largest healthcare incubator.

“I wanted to attend a law school where I could blaze my own trail,” Utreja says. “With its focus on law and tech, and the ever-growing offerings in this space, I knew from the moment I stepped on campus that Northwestern Law was a place for me to engage dynamism to create impact.”

After graduation, Utreja plans to move to Washington, D.C. where he will join Fish & Richardson's intellectual property group.



Standing, from left: Samuel K. Skinner, Brigit Crosbie (JD '20), Daniel B. Rodriguez; Seated, from left: Jayne Thompson (JD '70), Gov. James R. Thompson (JD '59)

Thompson Scholarship Honors Former Governor

In 2017, Tyrone C. Fahner (LLM '71), Samuel K. Skinner, Anton R. Valukas (JD '68), Dan K. Webb, and Winston & Strawn LLP established the Honorable James R. Thompson Scholarship to honor former Illinois governor and Northwestern Pritzker School of Law alumnus, James R. Thompson (JD '59).

To celebrate this new scholarship and honor Gov. Thompson, then-Dean Daniel B. Rodriguez hosted a luncheon for the Governor, his wife Jayne Thompson (JD '70), and the other generous donors in the Jill and Paul Meister Conference Room in February 2018. At the luncheon, the Governor and donors had the opportunity to meet the inaugural recipient of this new scholarship, Brigit Crosbie (JD '20).

Crosbie is from Essex, Connecticut, and is a 2016 graduate of Loyola University Chicago, where she earned a bachelor's degree in criminal justice and criminology.

Prior to law school, Crosbie spent 10 months as a law clerk and legal intern at the Cook County State's Attorney's office working in the domestic violence division and the juvenile division. Last summer, she worked as a summer law clerk in the Cook County Office of the Public Guardian in the domestic relations division.



Paul Family Increases Scholarship Gift

The Paul family has always been deeply committed to learning and education. As the founders of Renaissance Learning, Inc., an education software company, and LENA, an operating nonprofit dedicated to closing the achievement gap in early childhood, their lives



Carolyn and Alex Paul (JD '00)

have been guided by the desire to make a difference in the lives of children worldwide.

In August, Carolyn and Alex Paul (JD '00), together with Judi Paul ('92 P, '00 P) extended their commitment to education

in awards to 20 students since the Pauls established it in 2000.

"This gift reflects a shared commitment by the Paul family and the Law School to ensuring that educational opportunity is not denied because of financial need. It will allow Northwestern Law to continue to recruit the most talented and qualified students regardless of economic background. We are so grateful to Alex, Carolyn, and Judi for this gift that will truly change lives and strengthen our community," Dean Kimberly Yuracko says.

The Pauls' gift bolsters the Motion to Lead Campaign, the most ambitious fundraising campaign in the Law School's history. Their gift aligns with the primary campaign goal of addressing the serious issue of student debt, and underpins the remaining goals through the flexibility of unrestricted support.

Mr. Paul manages Harrison & Held LLP's office in Boulder, Colorado, servicing the firm's clientele in the West. He focuses on trust and estate planning, asset management and diversification, charitable giving, and business, technology and litigation issues working with individual and corporate clients. He is also the founder and CEO of Peregrine Global Advisors, a financial and trust company manager in Boulder, Colorado.

Additionally, Mr. Paul serves as legal counsel for LENA, treasurer/director on the LENA board, and serves on the Northwestern Pritzker School of Law Board.

Ultimately, our dream is to create a more just society, one where opportunity is not defined by whether someone had the good fortune to be born into the right situation. Together, we believe that we can spark change by building on the efforts of everyone here at Northwestern Law.

and the Law School with a generous \$1.2 million gift. The donation provides unrestricted support to the Law School Annual Fund and builds upon the Alexander Frederick Paul Law Scholarship, which provides need-based support to law students. The endowed scholarship has provided more than \$700,000

"Ultimately, our dream is to create a more just society, one where opportunity is not defined by whether someone had the good fortune to be born into the right situation. Together, we believe that we can spark change by building on the efforts of everyone here at Northwestern Law," he says.

DEAN'S CIRCLE



Last fall, the Law School announced a new giving society for its closest friends and top-level donors, the Dean's Circle of the Wigmore Club. Dean's Circle members are leadership donors to Northwestern Pritzker School of Law who are committed to maintaining a foundation of support for the school with gifts of \$10,000 or more annually. These gifts are essential for the Law School and provide critical resources that are used to address immediate needs. Members of the Dean's Circle are invited to join the dean and other Law School leadership for exclusive events and early access to strategic initiatives and programming. The inaugural co-chairs of the Dean's Circle are Sara Hays (JD '89) and Steve Matteucci (JD '82).

There is a limited opportunity available now through August 31 for 10 donors to double the impact of their gift and join the Dean's Circle. Any donor making their first commitment to the Law School Fund of \$10,000 or more will qualify to have their gift matched by Neil Bluhm (JD '62) and become an inaugural member of the Dean's Circle.

The 50 for 250 Challenge

The 50 for 250 Legacy Challenge is an innovative matching initiative that recognizes donors who create a lasting legacy at Northwestern Pritzker School of Law through an outright commitment of \$50,000 to the Law School Annual Fund and a bequest gift of at least \$250,000 to establish an endowed scholarship. The Pritzker Family Foundation will match 10 donors participating in the challenge with a \$50,000 gift toward their endowed scholarship.

Young Alumni Leadership Council

Northwestern Law has launched its inaugural Young Alumni Leadership Council. Comprised of alumni leaders from the five most recent graduating classes, this group of alumni ambassadors plays an integral role in the success of young alumni engagement, giving, and leadership. Council members serve as liaisons between their classes and the Law School. Class liaisons actively communicate with classmates throughout the year to let them know about Law School events and alumni activities and update the Law School on classmates' professional and personal successes. To learn more about how you can get involved, please contact Emily Meisenzahl at 312.503.1793 or emily.meisenzahl@law.northwestern.edu.

Planned Gifts Leave Lasting Legacy

Throughout the course of the Campaign, generous bequests have ensured that members of the Northwestern Law community leave a lasting impact on the Law School. Carolyn Brown (JD '68) made one such bequest in honor of her 50th reunion. "My participation on the 50th Reunion Committee presented the opportunity for me to visit with classmates and reflect on the unsurpassed joy of learning that I experienced in law school," she says. "The high caliber of our professors, their interest in their students and their encouragement of all of us made every day in law school exciting and helped me achieve my calling."

Ms. Brown, who specializes in general business representation, business and individual tax planning and compliance and estate planning, chose a dual approach of a multi-year pledge combined with a gift from her living trust. "The annual gift will pause me to reflect again on my good fortune of having had such a wonderful legal education and law school experience."

Estate gifts are a powerful way to advance the mission of Northwestern Law and to transform the lives of future generations of lawyers and leaders. Whether you are just beginning to think about your legacy or working with a financial advisor to finalize your estate plans, the Law School welcomes the opportunity to discuss how a planned gift can help you realize current and long-term financial goals.

CLINIC NEWS

Making a Murderer Part 2: Q&A with Brendan Dassey's Attorneys, Professors Steven Drizin and Laura Nirider

In late 2015, the docuseries *Making a Murderer* premiered on Netflix, quickly becoming a worldwide sensation. The series featured the case of Brendan Dassey, a client of the Bluhm Legal Clinic's Center on Wrongful Convictions of Youth (CWCY), who was convicted alongside his uncle Steven Avery in the 2005 murder of Teresa Halbach.

Northwestern Law Professors Steven Drizin and Laura Nirider have represented Dassey since 2007, when Nirider was a Northwestern Law student. Over the years, dozens of Clinic faculty, students, and alumni have worked to free Dassey, who they argue was coerced as a 16-year-old into falsely confessing to the crime. In October, Netflix released *Making a Murderer: Part 2*, which follows the developments in Dassey's case since 2015.

In August 2016, a district court judge found Dassey's confession to be coerced and overturned his conviction. The State of Wisconsin appealed, but in June 2017, a three-judge panel of the Seventh Circuit agreed with the district court's decision, 2-1. The State then requested an en banc hearing before the full court, where they reversed the panel's decision, 4-3, leaving Dassey's conviction in place. Dassey's team appealed to the Supreme Court, which declined to take the case in June 2018.

Here, Drizin and Nirider reflect on *Part 2* and discuss how the success of the documentary series has impacted their work.

*What was it like filming this time around, coming off the success of *Making a Murderer Part 1* and knowing that millions would be watching?*

Steven Drizin: There was actually a lot more interaction with the filmmakers this season than before. I would say it was more intense for us this time around because it followed the legal process and our various successes and failures, but it was more exciting because we also got to feature what we do as clinical teachers and how that impacts our students.

Laura Nirider: Before the first season was released, no one knew how much interest the world would have in Brendan's case, but after season one became a global phenomenon — 20 million people watching it in the U.S. alone — we were aware that the eyes of the world were watching what we were doing, fighting for somebody that we all believed to be innocent, so it kept us on our game. It was also exciting to spotlight the way in which the Law School can play a role in generating the next generation of leaders who are committed to a profession that encompasses work for people like Brendan. It was exciting to give the world a glimpse into that.

What has it been like for the two of you? Do you get recognized in public?

SD: Laura has funnier stories. There have been numerous requests for selfies — especially when we go out and we speak about the case — which is new.

LN: Understatement of the century! Yeah, I've been in airport restrooms and people have talked to me while I've been washing my hands. I've been running to catch a flight or crossing the street in downtown Minneapolis and have had people stop me, ask for selfies, or just express their support for Brendan — all of which is unusual for a law professor!

Many people have followed the developments in Brendan's case that have occurred over the last three years, but what do they get out of the show that news stories about court proceedings haven't captured?

SD: One of the reasons we agreed to do the show is because post-conviction work, in which we try to free innocent people, is rarely captured on film. People see the final moment when somebody walks out of prison, but they don't see all of the hard work that goes into that moment, and some of that is featured in season two.



You've both done a ton of work speaking about and educating the public on the problem of false confessions, especially for young and vulnerable populations. How has the discussion around false confessions changed since *Making a Murderer* was released?

LN: I think season one of *Making a Murderer* showed the world what a false confession looks like. People saw that video of Brendan being interrogated and they saw a child who was misled into thinking he was going to go home after confessing to a murder that he couldn't describe without his interrogators' help. To have that awareness spread as a result of *Making a Murderer* is crucial for the work of a law school, and people who study interrogations, people who care about the way the Constitution protects people being interrogated, and for people who care about the justice system getting it right. We've had conversations, not only with defense attorneys but with prosecutors and judges and law professors and ordinary folks all across this country who want to know what they can do to help prevent the problem of false confessions. That has been very gratifying.

Obviously the Seventh Circuit's en banc reversal of the panel's decision to grant Brendan a new trial and the Supreme Court's decision not to grant certiorari were very disappointing. What's next for Brendan's case?

LN: For someone in Brendan's position, there are a couple of options. Brendan can file a post-conviction petition raising new evidence either of his constitutional rights being violated, or new evidence of his actual innocence. He also has the ability to file a petition for executive clemency before the governor of Wisconsin.

How has Brendan's life changed because of *Making a Murderer*?

SD: Brendan doesn't get to see *Making a Murderer*, they don't have Netflix in prison. But as a result of the first season, Brendan's life became a much richer life. People from all over the world started corresponding with him, and transformed a lonely and isolated existence into...

LN: ... one that has some hope. ■

Clinic Hosts Access to Social Justice Symposium

On Wednesday, September 12, Northwestern Pritzker School of Law's Bluhm Legal Clinic and the Action Injury Law Group hosted the first Access to Social Justice Symposium, a gathering of experts at the cutting edge of social justice advocacy.

"From the courtroom to the community, the status quo when it comes to access to justice is being questioned in a way it has not for decades," said Bluhm Legal

experts, including John Conroy, author, playwright, and former journalist who works as an investigator for the MacArthur Justice Center; Jamie Kalven, founder of the Invisible Institute and one of the journalists responsible for bringing the full Laquan McDonald story and video to light; Flint Taylor (JD '72), an award-winning civil rights attorney; Ari Kornhaber, a former plaintiff's attorney and current FinTech innovator with Esquire Bank; and Reuven

Church, Jabari Parker of the Chicago Bulls, and Chicago Police Department Chief Fred Waller, moderated by Andrew Stroth (JD '99).

Parker, a finalist for last season's NBA Cares Community Assist Award, spoke about growing up on Chicago's South Side and his work to fight gun and gang violence, including the basketball camps he has hosted in the city. "I knew Laquan McDonald, he came to my camp," he said.



"In Chicago, the basketball community is tight-knit. When you have hoop dreams, everyone holds each other to a higher standard because we all know that's the only way out."

—JABARI PARKER

Clinic Director Juliet Sorensen. "Does technology help or hinder? What is the equilibrium between a free society and a safe society?"

Panel discussions on how technology, investigations, and systems all impact access to justice featured a wide array of

Moskowitz, a digital technology innovator and the chief executive officer of Litify, a leading legal software provider.

The event concluded with a discussion on the intersection between social justice and community action, with Father Michael Pfleger of Saint Sabina Community



“He was a good kid. In Chicago, the basketball community is very tight-knit. When you have hoop dreams, everyone holds each other to a higher standard because we all know that’s the only way out.”

Pfleger said that to create real change, individuals across communities need to come together. “The most powerful man in America has freed up hate and bullying,” Pfleger said. “We have that climate in America. We’re so divided that it seems hopeless. I know we can change the course. We can change ourselves. We have to be willing to roll up our sleeves and get to know each other.” ■

“In America, we’re so divided that it seems hopeless. I know we can change the course. We can change ourselves. We have to be willing to roll up our sleeves and get to know each other.”

—FATHER MICHAEL PFLEGER



Student Senior Research Inspires BGA Investigation into Chicago Recycling Program



When Natale Fuller (JD ’17) first decided to do a senior research project, she knew she wanted to do work at the intersection of corruption and environmental issues. “I had taken Public Corruption and the Law with Juliet [Sorensen], and I was enrolled in the Environmental Advocacy Clinic (EAC), but I also wanted to work on something very local, something relevant to Chicago where I could feel like I was making a difference,” Fuller, a lifelong Chicagoan, says.

She decided to dig into the city’s abysmal recycling rate — an issue that had been addressed by WBEZ and a Chicago Recycling Coalition report — and the potential legal means to address it. Fuller’s research included analyzing public data and interviewing activists and officials, such as Carter O’Brien, Vice President of the Chicago Recycling Coalition, and individuals at the Office of the Inspector General, who had tried without success to audit the city’s recycling program. She even submitted a FOIA request when she wasn’t finding the information she needed. “The issue of transparency is probably the biggest and most encompassing, because it applies to the data but also to the organizational structure of Streets and Sanitation. It’s not easy to understand who’s in charge

of what in terms of recycling,” she says. Other issues Fuller identified included lack of recycling data, lack of enforcement, and lack of recycling education. With Juliet Sorensen as her adviser and EAC Montgomery Fellow Debbie Chizewer as her second reader, Fuller eventually wrote a 57-page report, “Chicago’s Low Recycling Rate: Inefficient and Open to Legal Action.”

“The final product was outstanding, and too good to simply grade and set aside,” says Sorensen. She and Fuller eventually got the report into the hands of investigators at the Better Government Association (BGA), and BGA reporter Madison Hopkins used Fuller’s work as the jumping off point for her own extensive investigation on recycling in Chicago, which was published in October.

For Fuller, the chain of events highlighted the network that lawyers can work within to create change. “I feel really strongly that there’s a role for journalists and activists, you don’t always have to bring a legal case to prove a point — you want to try every avenue you can,” Fuller says. “Seeing the impact of Madison’s report has been so fulfilling, and makes the work meaningful. Even mayoral candidates have to speak to this issue now. There’s a mentality in Chicago that recycling is a lost cause, but that’s not the case.”

Sorensen says Fuller’s project is representative of “the best of senior research and the impact a law student can have leveraging the expertise of multiple Centers at the Bluhm Legal Clinic.” It also inspired Fuller’s post-law school career. Today, she is an attorney with the division of Hiring and Employment Monitoring at the Illinois Office of the Executive Inspector General. “I was always interested in these issues, but working on this project inspired me, and showed me that there really is a way to create change to combat corruption.” ■

Longtime Clinic Partner Receives Obama Foundation Grant

In November, the Lawndale Christian Legal Center (LCLC) was named one of the first recipients of the Obama Foundation's My Brother's Keeper (MBK) Alliance community grants. LCLC, which provides legal services as well as programming for youth and emerging adults in the North Lawndale neighborhood, is a close partner of the Bluhm Legal Clinic.



Christina Law Merriman (JD '15) is a staff attorney at the Lawndale Christian Legal Center.

LCLC's organizational vision "is to raise up justly treated youth who are embraced by their families and community, restored from trauma, empowered to lead, and free from the criminal justice system." They accomplish this through holistic legal representation.

"Our clients have a whole team working behind them, with a primary attorney and a primary case manager," says Cristina Law Merriman (JD '15), one of five Northwestern Law alumni currently on staff at LCLC. "The case managers work on things like school, housing, employment, basically anything that's going on in a kid's life, in addition to the legal case."

The MBK grant will allow LCLC to hire outreach workers to be part of each client's team. "Outreach workers are even more closely connected to the community than our case managers. If we're having a hard time connecting with a client, outreach workers are the people who grew up here who know people's brothers, uncles, and cousins," Merriman says. "They can go to someone's house and say, 'What's going on with so-and-so?' That's a piece that we were missing in our model and we've been hiring more outreach workers to support us."

Merriman's journey to LCLC began when she took Professors Tom Geraghty and Maria Hawilo's Juvenile Justice clinic as a 3L, and was assigned to a case where LCLC was co-counsel. She was

awarded a Public Interest Post-Graduate Fellowship from the Law School that allowed her to work at LCLC the year after graduating and was hired as a staff attorney after the fellowship ended.

"When I first came on, there were about 15 full-time staff," she says. "I've been here a little over three years and we're approaching 50."

Merriman is joined by fellow alumni Cathryn Crawford (JD '96), LCLC's legal director and a former clinical faculty member, as well as staff attorneys Stephanie Ciupka (JD '17), Kevin Connor (JD '15), and Lauren Hennessey Breit (JD '00). Center on Wrongful Convictions exoneree Eric Blackmon is on staff as a paralegal.

In addition to Geraghty and Hawilo's CFJC clinic, the Access to Health Project, the Center on Negotiation and Mediation's restorative justice practicum, and the Donald Pritzker Entrepreneurship

The CFJC, the Access to Health Project, the restorative justice practicum, and the Donald Pritzker Entrepreneurship Law Center have all joined forces with LCLC, creating opportunities for students to learn from the organization's work.

Law Center have all joined forces with LCLC on various projects, creating many opportunities for students to learn from the organization's work.

"I tell every law student I meet that I think getting the most practical experience possible in law school is really important," Merriman says. "Of course, core classes like evidence and criminal procedure are really important, but I found that because of my clinic and externship experience, when I started practicing I had the tools to take cases on a lot sooner than some of the other young lawyers I worked with." ■



Annie Buth Among Restorative Justice Experts Advising Pritzker Administration



Annalise Buth (JD '07), M.R. Bauer Foundation Fellow at the Center on Negotiation and Mediation, served on the Restorative Justice and Safe Communities Committee for Illinois Governor J.B. Pritzker's transition.

The committee, chaired by Cook County State's Attorney Kim Foxx, State Representative Jehan

Gordon-Booth, and Congresswoman Robin Kelly, was one of several working groups made up of subject-matter experts to advise and guide the new Pritzker-Stratton administration.

"It was an honor to be part of Pritzker and Stratton's Restorative

Justice and Safe Communities committee," says Buth, who created and teaches Northwestern Law's Restorative Justice Practicum. "The committee represents the incoming administration's vision for change. The members, objectives, and even name of the committee demonstrate intentionality in shifting the focus of criminal justice reform in Illinois. There is much work to be done, but we are moving in the right direction."

"Across our country — including here in Illinois — our criminal justice system is broken, and throughout the campaign, I listened to Illinoisans impacted by this broken system and witnessed how it's harmed communities," said then-Governor-elect JB Pritzker (JD '93), announcing the committee. "If we're committed to economic justice, let's be committed to criminal justice reform and public safety. These problems are not separate from each other. They're intertwined with each other. It's time to bring real prosperity to every community, tear down the barriers that block people from opportunity, and move away from a system of imprisonment and build a true system of justice." ■

Moot Court and Mock Trial Teams Off to a Strong Start

BARTLIT CENTER FOR TRIAL ADVOCACY

A Bartlit Center for Trial Advocacy team won the 2018 Buffalo-Niagara Invitational in November, the largest and longest invitational in the country. Cynthia Bi (JD '20), Kristen Stoicescu (JD '20), Kelyn Smith (JD '19), Michael Trucco (JD '20), and Sadaf Misbah (JD '20), went 3-1 in the four preliminary rounds and 4-0 in the playoffs.

At the invitational, 32 teams compete over eight rounds, trying both sides of a homicide case before experienced judges and trial attorneys.

The Northwestern Law team was coached by Richard Levin of Levin Riback Adelman & Flangel. This was the third time that a Northwestern Law team has won the Buffalo-Niagara competition.

The Northwestern trial teams are advised by Steven Lubet, Bartlit Center director and Williams Memorial Professor of Law. "Our students' performance was stellar, as always, and coach Rick Levin was with them every step of the way," Lubet says. "They could not have a better teacher and mentor."

Northwestern has won the National Trial Championship five times, which is tied for the most of any law school, "These students are among the very best I've ever seen," Levin says.

Earlier in the fall, another Bartlit Center team — Argie Mina (JD '19), Elissabeth Berdini (JD '19), Brittany Alzfan (JD '19), and Daniel Wodnicki (JD '19) — placed third at the Summit Cup at the University of Denver's Strum College of Law.

MOOT COURT

On January 31, Clayton Faits (JD '19), Linda Qui (JD '19), and Lois Ahn (JD '19) were runners up at the National Moot Court Competition, sponsored by the NYC Bar Association and the American College of Trial Lawyers. They beat out more than 125 teams to face a team from The Hugh F. Culverhouse Jr. School of Law at the University of Alabama in the final round. Faits was runner up for the final round's Best Oralist.

Faits, Qui, and Ahn advanced to the national championships after also making it to the final round at the Midwest regional, where Northwestern Law had two teams place in the final four for the first time. Emilia Carroll (JD '19), Emily Roznowski (JD '19), and Matthew Freilich (JD '19) also made it to the semi-final round. Qui was named Best Oralist of the competition.

In February, both teams competing in the ABA National Appellate Advocacy Competition finished in the top four at the regional round and will advance to the national competition. Lauren Pope (JD '19), Arian Soroush (JD '19), and Maddy Brown (JD '19) earned a top brief award and Pope and Soroush were named best speakers. McKenzie Edwards (JD '19), Daniel Wodnicki (JD '19), and TJ Leahy (JD '19) also had a strong finish and will compete in the national competition held in Chicago in April.

The moot court teams are coached by Sarah Schrup, director of the Appellate Advocacy Center. ■

CFJC Immigration Attorneys and Students Help Asylum-Seekers at the Border

In the final days of winter break, Children and Family Justice Center attorneys Uzoamaka Emeka Nzelibe, clinical associate professor of law, and Amy Martin, Immigration Law Fellow, led a dozen Northwestern Law students to Tijuana, Mexico, where they spent three days volunteering with *Al Otro Lado*, a nonprofit supporting asylum-seekers at the U.S.-Mexico border.

Volunteers spent mornings at El Chaparral, the border crossing from Tijuana into San Diego, where migrants seeking entry into the United States put their names on “the list,” a numbering system maintained by migrants themselves, that the Mexican and United States governments use to determine who will be allowed to present themselves at the port of entry each day.



“I was surprised to find out just how much the Mexican and American governments are in complete coordination with the illegal system to process individuals seeking asylum,” says Hannah Conforti (JD ’21), who hopes to work in immigration law. “It made me incredibly sad that people survived such horrible circumstances in their home countries that they were willing to go through the treacherous asylum process.”

At El Chaparral, volunteers counseled migrants who had just signed up on “the list” or were unlikely to be called that day, encouraging them to attend *Al Otro Lado*’s “Know Your Rights” presentation and consult with volunteer attorneys. They also



conducted on-the-spot interview preparation for those who were likely to be called.

“I would meet with the migrants who were set to cross that day and work with them on how best to share the story of their persecution so that they would be more likely to pass their Credible Fear Interview,” says Keith Armstrong (JD-LLM IHR ’20). “Through these conversations, many migrants shared their harrowing stories with me, and I learned about the dire conditions they were fleeing. In addition to this, I would tell the migrants what they might expect upon crossing: their possessions will be confiscated, they will be detained, and that family separation remains a very real possibility. I also recommended that they take photos of any documents they had and send them to family in case the originals went missing.”

The group spent afternoons at *Al Otro Lado*, conducting one-on-one consults, as well as helping with whatever the center needed — babysitting, translating, cleaning, and serving meals. Getting to speak to asylum-seekers one-on-one highlighted for the volunteers the very personal toll of a large and complex problem.

“It’s easy to ignore the human reality of migration when you see words in the news like ‘caravan’ and ‘border security.’ But every member of that caravan had a very important reason to leave their home country; it’s not a decision that anyone makes lightly. Hearing the stories of the migrants in Tijuana was a powerful reminder that individual voices and experiences often get lost in the media frenzy,” says Armstrong.

“The stories that I heard at the border were consistent with my experience working with Central American migrants here in Chicago,” adds Nzelibe, who represents asylum-seekers once they’ve entered the United States. “It’s so different from this idea that people are coming in as gang members or they’re purely coming for economic reasons. A lot of the people we talked to described situations of extreme violence, and being afraid to go back to their country because of this extreme violence.”

The trip also allowed Nzelibe to see firsthand what her clients go through before she meets them. “I start their story when they get to Chicago,” she says. “It’s still an uphill battle, but they’ve already been through so much. The person who gets to Chicago is one of just a small percentage of the thousands of people who are trying to get to Chicago. That’s what was so eye-opening for someone who’s been doing this work for so long. Seeing this part of the process and just knowing that there are so many other people who won’t make it here.” ■

Major Gifts Between August and December 2018

Anonymous

An anonymous gift of \$500,000 to the Law School Fund will provide essential support for the Law School's annual ongoing operations. This gift will enable numerous programs and activities across the Law School, including student and clinical programming, faculty support, and scholarship assistance.

Carolyn J. Brown (JD '68)

Ms. Brown's generous bequest will support the Law School Fund in honor of her milestone 50th reunion. In addition to her own philanthropy, Ms. Brown helped on the Class of 1968 Reunion Committee's achievement of a new record by raising nearly \$2 million in honor of their reunion. She has her own law practice, where she specializes in general business representation, business and individual tax planning and compliance and estate planning.

Adam and Denise Hoefflich

The Hoefflichs have generously expanded their support for the Barbara Su Hoefflich Scholarship, deepening their commitment to Northwestern Law and to students who focus in family law and child advocacy. Adam Hoefflich is a professor of practice at Northwestern Law as well as a partner at Bartlit Beck LLP.

Steve Matteucci (JD '82) and Genevieve Matteucci

The Matteuccis have augmented their support of admissions recruitment with another major gift to the Northwestern Advantage Fund, which makes it possible for admitted students from distant markets to visit the Law School. Mr. Matteucci is the chairman of CTC | myCFO and is an active member of Law Board and the Campaign Cabinet.

Daniel Rooney (JD '70) and Angelika Rooney

The Rooneys' generous bequest will provide scholarship support for students who would otherwise be unable to afford law school. Mr. Rooney is now retired after a successful legal career, and remains grateful for the scholarship support he received as a student at Northwestern Law.

David Weinberg (JD '93) and Lisa Weinberg

The Weinbergs' generous gift supports the Law School Fund in honor of Mr. Weinberg's 25th Reunion. This gift will support all areas of the Law School, including scholarships, student programs and services, clinical programs, and faculty. Mr. Weinberg and his family have been proud Northwestern supporters for many years, and his father, Arnold, graduated from Northwestern Law in 1967. Mr. Weinberg currently serves as the executive vice president and chief operating officer of Equity Commonwealth.



The Campaign for
Northwestern Pritzker
School of Law

FACULTY FOCUS

Emily Kadens Elected to the American Law Institute



Emily Kadens, professor of law, has been elected as a new member of the American Law Institute (ALI), the leading independent U.S. organization producing scholarly work to clarify, modernize, and otherwise improve the law. The elected membership of ALI consists of distinguished judges, lawyers, and law professors from the U.S. and abroad.

“ALI’s membership is known for its judgment, collective experience, and analytic ability,” said ALI President David F. Levi in a statement welcoming the Institute’s 31 new members.

“Emily Kadens is a leading scholar of the history of commercial law, and her influential and impressive work on custom and the nature of fraud and reputation is rooted in dedicated and painstaking archival research,” says Dean Kimberly Yuracko. “Her work reflects the American Law Institute’s mission to elucidate and improve the law. Northwestern is fortunate to have her in our midst, and we are proud to share her with the ALI.”

Kadens, who specializes in pre-modern European legal history,

joined the Northwestern Law faculty in 2013. Her current research focuses on the historical problem of how custom functioned as law, the history of bankruptcy, and early modern commercial law. Her article on the history of judicial education in England won the 2010 Sutherland Prize from the American Society of Legal Historians for the best paper in English legal history, and her article on an early 18th-century bankruptcy scam won the 2011 Editors’ Prize from the *American Bankruptcy Law Journal*. In 2012, Kadens was a Kluge Fellow at the Library of Congress doing research on medieval theories of custom and for the Spring Semester of 2013 she received the Richard & Diane Cummins Legal History Research Grant at George Washington University Law School. She teaches contracts, sales, Roman law, and legal history.

“I am delighted and honored to join this important institution,” Kadens says. “I am especially excited about getting involved with the current development of the Restatement of Consumer Contracts.”

Kadens’s election makes her the tenth current Northwestern Law faculty member to join ALI. Other members are Ronald J. Allen, Bruce A. Markell, James E. Pfander, Martin H. Redish, Daniel B. Rodriguez, Marshall S. Shapo, Matthew L. Spitzer, Deborah Tuerkheimer, and Kimberly A. Yuracko. ■

Kathleen Dillon Narko Receives ABA Liberty Achievement Award



Kathleen Dillon Narko, clinical professor of law, was the recipient of the 2018 Liberty Achievement Award from the American Bar Association’s (ABA) Tort Trial and Insurance Practice Section. The award, sponsored by TIPS Section Sponsor Thomson Reuters, recognizes lawyers and judges who take leadership roles in promoting diversity in the legal profession.

“We honor Professor Narko for a truly exemplary and engaged legal career that is deeply embedded in community service and is a steadfast commitment to defend the rights of underrepresented populations,” Sharon Sayles Belton, Thomson Reuters vice president of Government Affairs and Community Relations, said in an ABA press release. “She has shown the utmost in strength by channeling her own life experiences and challenges to raise awareness and create positive change within the legal and larger community.”

Narko received her JD from Cornell Law School and her BA in history, *cum laude*, from Yale University. Following her undergraduate degree, she attended Salzburg College in Salzburg, Austria. Prior to joining the faculty, she practiced with a large

law firm concentrating in the areas of commercial litigation and environmental, safety, and health law. She was also active in pro bono litigation, including lending discrimination and political asylum matters.

At Northwestern Law, Narko teaches Communication and Legal Reasoning. She is a frequent presenter at national and regional Legal Writing Institute conferences, and has written and spoken on a variety of topics related to communication and legal analysis. She is a prominent member of the Chicago Bar Association, where she currently serves on the Editorial Board of the *CBA Record*. She also serves on the Board of Advisors of Catholic Charities of the Archdiocese of Chicago, where she is a member of the Legal Advisory Committee. In addition, she is a member of the Leadership Council of the National Immigrant Justice Center.

“I can think of no one more deserving of this prestigious award in our law teaching world than Kathleen,” says Daniel B. Rodriguez, Harold Washington Professor. “A skillful teacher and role model, she contributes greatly to our community in so many ways. A well-deserved honor for a courageous colleague!”

The award was presented at the ABA Annual Meeting in Chicago during the Welcome & Liberty Achievement Award Reception in August. ■

Andrew Koppelman Honored by AALS Section on Jurisprudence



Andrew Koppelman, John Paul Stevens Professor of Law, was awarded the Hart-Dworkin Award in Legal Philosophy

from the Association of American Law Schools (AALS) Section on Jurisprudence at the 2019 AALS Annual Meeting in New Orleans in January.

Koppelman is the inaugural recipient of the award, which will be given annually to a scholar who has made significant and lasting contributions to the philosophical understanding of law.

According to the Section, Koppelman was chosen “for his profound contributions to constitutional theory and to the intellectual tradition of political liberalism, and for exemplifying in the highest degree the philosophical ideals of intellectual curiosity, joy in inquiry, and faith in reason.”

“I am thrilled that Andy Koppelman has been named the first recipient of the Hart-Dworkin Award in Legal Philosophy,” Dean Kimberly Yuracko said. “Andy is a treasured member of our faculty here at Northwestern, and we know well his enthusiasm and joy for the intellectual endeavor. It is wonderful to see him and his work celebrated by the members of the AALS Section on Jurisprudence.”

Koppelman’s scholarship focuses on issues at the intersection of law and political philosophy. He has published extensively on constitutional theory, theory of discrimination law, free speech, freedom of religion, and gay rights. “Law is political philosophy made concrete and enforceable, so it’s not surprising that the study of political philosophy sheds useful light

on the law,” he said. “I’m very grateful for the recognition, and hope that it gets more people to read what I have to say!”

Koppelman is a prolific writer, with over 100 articles published in books and scholarly journals, and many more appearing in the opinion pages of news publications like *The New York Times*, *USA Today*, *Salon*, and *The New Republic*. His 1994 *New York University Law Review* article, “Why Discrimination Against Lesbians and Gay Men is Sex Discrimination,” set forth a novel argument that laws discriminating against gay men and lesbians, such as those banning same-sex marriage, are actually discriminating on the basis of sex — “Anne is allowed to marry Bob, but Charles can’t. Charles is denied the right to marry Bob, solely because Charles is a man” — and therefore should be subject to heightened scrutiny. The article was later named one of the publication’s 25 most influential, and the argument has continued to resonate as gay rights cases make their way through the courts; in 2015, he co-authored an amicus brief making the same argument to the Supreme Court in *Obergefell v. Hodges*. That same year, he won Northwestern University’s Walder Award for Research Excellence, a university-wide honor given by the Provost.

Koppelman’s most recent books are *The Tough Luck Constitution and the Assault on Health Care Reform* (Oxford University Press, 2013) and *Defending American Religious Neutrality* (Harvard University Press, 2013), and he is currently working on two new books. One is focused on “the way libertarianism has decayed from an admirable critique of socialism to a set of rationalizations for delusional anarchism and greed” while the other “offers a path to end the unnecessary conflict between gay rights and religious liberty.” ■

Tom Gaylord Appointed Editor-in-Chief of American Association of Law Libraries Journal



Tom Gaylord, faculty services and scholarly communications law librarian at the Pritzker Legal Research Center, has been appointed editor-in-chief

of the *Law Library Journal* (LLJ), the official journal of the American Association of Law Libraries (AALL) .

Since 1908, LLJ has served as the leading publication of the law library profession. On a quarterly basis, LLJ publishes scholarly articles on law, legal materials, and librarianship. Gaylord began his five-year term on July 1.

“I am incredibly humbled and genuinely excited to have been selected as the next editor of *Law Library Journal*,” Gaylord says. “I look forward to maintaining the excellence of AALL’s flagship journal as the leading voice of our profession.”

Gaylord has been a valuable member of the Pritzker Legal Research Center since 2014. “Tom is an exceptional librarian, whose intellect and creativity improve the quality of our research and the experiences of our students,” says Erin Delaney, associate dean of faculty and research. “We are fortunate to have him here at Northwestern and very happy that the AALL has recognized his excellence.”

Previously, Gaylord held positions at Chicago-Kent College of Law and as an attorney editor with West Publishing. Between 2007 and January 2017 he wrote a bi-monthly column on “Finding Illinois Law” for the *Illinois Bar Journal*. ■

Professor Tonja Jacobi and the New Oral Argument

Tonja Jacobi, professor of law, began teaching her course on Supreme Court arguments in 2012, after realizing how few students had ever heard the voices of the justices as they grapple with cases at oral argument. From that single course grew an entire research agenda: Jacobi's first article on Supreme Court behavior showed that female justices are interrupted approximately three times as often as male justices, both by their male colleagues and by male advocates. The article gained worldwide attention, even inspiring comments by Justices Ginsburg and Sotomayor. In fact, Justice Sotomayor has said the article "changed some of the dynamics on the Court."

Jacobi went on to show that interruptions between justices are associated with cumulatively increasing levels of disagreement — agreement is 7 percent less likely with one interruption, 9 percent less likely with two interruptions, and 13 percent less likely with three or more interruptions.

Her next project argued that oral argument has changed so dramatically in recent decades as to constitute a "new oral argument," in which the justices behave more like advocates than traditional judges. Since 1995, the justices ask fewer questions, talk more, interrupt more, and direct more comments and fewer questions to the side that they ultimately rule against, making it easier to predict case outcomes on the basis of judicial behavior at oral argument.

The attention paid to these articles inspired Jacobi and her co-author, Matthew Sag of Loyola Law School, to launch *ScotusOA.com*, a blog devoted to empirical analysis of oral argument before the U.S. Supreme Court. Each week, the pair mine the content of argument transcripts dating back to 1955 and probe questions relating to judicial behavior, such as what language the justices use under various conditions and whether the Court is becoming more or less polite. They also examine the behavior of the advocates to see what makes them effective.

"Oral argument at the Court deserves attention because it is the one public part of the Court's process," Jacobi says. "Because it is public, it provides an opportunity to more rigorously assess aspects of judicial character that would otherwise be matters of supposition."

What follows is an excerpt of Jacobi and Sag's article, "The New Oral Argument," which originally appeared in the *Notre Dame Law Review*.

Oral arguments before the U.S. Supreme Court now receive sustained attention from popular commentators, expert Court watchers, legal scholars, and social scientists. Although some

characterize oral arguments as just a "dog and pony show," scholars have shown that they constitute an important part of the judicial decision-making process, even changing the outcome of cases. Recently, empirical studies have shown that case outcomes can be predicted in part based on judicial behavior at oral argument. Yet,



there is a popular view among Court watchers that the nature of oral argument has changed in terms of how substantive the discussion is, how influential the process is, and whether oral argument is an effective vehicle for delving into the substance of the nation's most contested legal conflicts. Beyond the notion that something has changed, however, there is no real consensus as to whether oral argument in the current era is more rather than less substantive, or more rather than less influential, than in previous eras. Theories as to exactly when oral argument changed and what caused that change are also fragmented, although they tend to focus on the arrival of certain strong personalities to the Bench; most commonly commentators point to the entrance of Justice Scalia, others focus on the retirement of Justice Stevens, or even the recent arrival of Justice Gorsuch.

In this article, we test an alternative theory about how, when, and why Supreme Court oral argument has changed. Our prediction is that oral argument is more than simply a window into the Court's processes; we predict that changes in oral argument reflect changes in society more broadly. In particular, we hypothesize that as American politics and society became distinctly more polarized in the mid-1990s, so too did the Court. U.S. politics witnessed a sharp and sustained increase in political polarization with the

landslide Republican victory in mid-term Congressional elections in 1994. The “Republican Revolution” that began in the 104th Congress brought an enormous number of freshmen Congressional representatives to Washington in 1995 who were unwilling to be bound by traditional norms of seniority and bipartisan cooperation. Subsequently, partisan polarization within Congress massively increased and, mirroring this, the American public also became more ideological and more polarized — studies show that the Republican Revolution marked the beginning of greater ideological division, less cross-party agreement, and greater antipathy between partisan groups.

The theory we develop in this article has three key claims: first, that judicial activity at oral argument has increased significantly; second, that the nature of that activity is directed toward greater judicial advocacy; and third, that this shift in behavior constitutes a new paradigm that can be dated as beginning in 1995 as a result of the political polarization in the other branches of government and the public at large. To explore the first claim, we develop five key measures of judicial activity: the number of words used by the justices, the duration of judicial speech during oral argument, the number of questions asked by the justices, the number of non-questions posed, and the number of interruptions. We find that justices in the modern era interrupt more, speak more, and leave far less time for the advocates to present their case. In addition, a significant increase in non-questions also provides initial evidence of the second claim, as this indicates that the justices are now arguing positions rather than querying advocates. We also establish our second claim by showing that the justices do not pursue these activities in a neutral fashion: they systematically direct their challenging comments to their “foes” and their leading questions

“We hypothesize that as American politics and society became distinctly more polarized in the mid-1990s, so too did the Court.”

to their “friends”; they step in to protect the advocate whom they ultimately support from tough challenges from their colleagues, or directly answer or rebut those tough questions and comments themselves. We establish the third claim by showing that in every single measure we employ but one there has been a statistically significant and dramatic change starting in 1995, corresponding with the well-established societal shift towards greater political polarization. This is not merely a question of increased judicial activity in the abstract; 1995 marks the beginning of a sustained increase in judicial behavior that can only fairly be characterized as advocacy. ■

Opinion: Does It Hurt You If Your Face Is Tracked by Technology?



Matthew B. Kugler is an assistant professor of law at Northwestern Pritzker School of Law. A version of this article originally appeared in the Chicago Tribune in November. It has been updated to reflect the Illinois Supreme Court's January decision.

Would you care if a store used facial recognition to track you as you shopped? If it could link your face to your credit card and know not just what you bought, but also what you looked at? That you lingered around the baby section or the power tools?

Data I've gathered on consumer sentiment suggests that many people do mind being tracked through their biometrics. In one study, 74 percent of people were at least somewhat uncomfortable with a store using facial recognition to serve them targeted ads. In another, interest in a coffee shop customer loyalty program dropped from 77 percent if the program worked by ID card to only 47 percent if the same program tracked people with fingerprints or facial recognition. Other data showed that many people would want to opt out of biometric timekeeping by their employers, and biometric check-ins

at their gyms, in favor of ID cards. People meaningfully shifted their views when any of these programs worked via biometrics.

Illinois is one of the very few states that prohibits companies from collecting and using biometric information without permission. And last fall the Illinois Supreme Court heard oral argument in a case that may decide how vigorously that legal protection will be enforced.

The case concerns Illinois' Biometric Information Privacy Act. This 2008 law prohibits companies from collecting your biometric information without your informed consent.

As laws go, it is fairly simple. Companies need to get permission in writing before they can collect biometric identifiers like fingerprints, voiceprints, or scans of facial geometry. They then must keep the biometric information safe, and, once it has served its purpose, they must destroy it. They're also not allowed to sell or trade the biometric data while they have it.

The problem with the law is that companies were sloppy about getting consent. Many employers used biometric timekeeping, making employees swipe into work with a fingerprint. They can

do this under the law, but only if they have their employees sign consent forms. And many companies didn't.

Other companies have scanned user-uploaded photos and created vast databases of facial recognition information. Not all those companies kept their paperwork in order either. So there has been a flood of lawsuits nationwide since 2015.

The first case from that flood reached the Illinois Supreme Court last year. In *Rosenbach v. Six Flags Entertainment Corp.*, plaintiff Stacy Rosenbach alleges that when she purchased a season pass for her son to attend Six Flags Great America in Gurnee in 2014, he had to get his thumb scanned to access the park. As is typical in these cases, Rosenbach is alleging that Six Flags didn't provide the kind of information, and get the kind of consent, that it needed to under the law.

Kathleen O'Sullivan, the attorney for Six Flags, argued that many of these lawsuits are "no injury" suits. Sure, the information has been collected without appropriate permission, but no one has been hurt (yet). To be allowed to sue under the statute, a person must be "aggrieved," and, in her view, the mere collection of biometric data without written and informed consent isn't enough by itself. Better to make people wait to sue until some further abuse has occurred.

What's the harm right now? That depends. Do you mind if a store tracks you as you shop? If you do, then the harm is the collection of your biometric information. Full stop, that's enough.

As Phillip Bock, attorney for the plaintiff explained, the legislature was "empowering people to make their own decisions about what happens with their biometrics." It is easy to get biometric information — people don't often wear masks when they walk down the street. So, absent the law, there is nothing to stop companies from obtaining this kind of biometric information and using it to track customers. Why wouldn't they?

On January 25, 2019, the Illinois Supreme Court issued its decision. Unanimously agreeing with the plaintiffs and privacy advocates, the Court held that failing to give notice to consumers and get their permission is not a merely "technical" violation of the law; "the injury is real and significant." This broad conception of biometric privacy is going to influence the behavior of companies for years to come, and will serve as an example for other states considering their own biometric privacy laws.

My data shows that some forms of biometric tracking worry people a great deal, and that there is indeed harm just from having biometric information collected. And people aren't crazy to be skeptical of biometric technology. Though the United States hasn't yet pushed biometrics to its limits, the Chinese government has already linked facial recognition to its vast network of surveillance cameras. We're unlikely to follow their example and use facial recognition to punish jaywalking in Chicago, but there is a lot of money to be made from targeted marketing.

Is that a future we want? ■

Law Review's First Empirical Issue Features Article from Sarath Sanga

A note from the editor:

In March, the *Northwestern University Law Review* published its first annual issue of empirical legal scholarship. We define "empiricism" ecumenically, welcoming pieces making use of any and all tools that enable observation, experimentation, and interpretation of primary experience — including qualitative, quantitative, and mixed methods — to illuminate and engage questions of legal interest.

Why an empirical issue? We hope to accomplish two goals. First, we want to create a space for readers of law reviews — the educated legal public, with or without additional methodological or disciplinary training — to engage with empirical legal scholarship. The articles in our issue present sophisticated empirics according to the genre conventions of the law review, and grapple with questions of interest to a legal audience. Second, we want to create a space for empiricists themselves to take advantage of the affordances of the law review format, such as shorter publication timelines, and to reach audiences who may read law reviews but not disciplinary scholarship, such as courts and policymakers. Consolidating all of the empirical articles we publish into one issue has allowed us to offer authors of such pieces rigorous peer review and a dedicated editing process run by trained student editors.

This year's empirical issue comprises five articles ranging topically from patent law to contract theory, jury studies to race discrimination, and methodologically from econometrics to ethnography, natural-language processing to archival work. All five articles make sophisticated theoretical interventions, with several in particular seeking to reorient their fields of inquiry methodologically, substantively, and doctrinally. The below is an excerpt from Northwestern Law Professor Sarath Sanga's article "A New Strategy for Regulating Arbitration," which is included in the inaugural empirical issue. The full issue is available at: scholarlycommons.law.northwestern.edu/nulr.

—Meredith R. Aska McBride (JD '19), Empirical Articles Editor, *Northwestern University Law Review*

Professor Sanga's article presents an analysis of a groundbreaking data set of roughly 800,000 contracts from all U.S. public companies between 1996 and 2016. Using a novel natural language processing algorithm, Professor Sanga found, first, that employment arbitration is extremely common; and second, that because rates of employment arbitration are stable over time, employment arbitration is likely to remain common, presenting a significant policy concern. The following excerpt discusses how states can discourage the use of noncompete agreements in employment contracts.

Given that the Supreme Court has effectively enabled parties to opt out of state policy, what should states do? Since states can do nothing about enforcement, the answer is that they should instead deter formation of noncompete agreements. For example, a state could issue civil fines against employers that form noncompetes with employees, and enforce this by offering employees whistleblower rewards to report violations. The essential legal feature of this approach is that it creates a structure in which vindicating the policy (that is, eliminating noncompetes) does not require an action in contract. The creation of such a mechanism is necessary, since these actions will be sent to arbitration and cannot be monitored.



More generally, states should develop clear rules concerning noncompetes, and then prohibit formation of contracts that do not adhere to these rules. In this way, states may calibrate their

noncompete policy without relying on arbitration for enforcement. Instead of using the ubiquitous “reasonableness” test of most jurisdictions, states should enact simple rules as to time and geography. For example, the maximum scope for, say, New York might be “two years, within the state of New York, and within an industry defined by the Global Industrial Standard Classification.” Then, New York could adopt the same mechanism — a whistleblower incentive for employees — to deter formation of agreements that exceed these clear limits.

No state has expressly adopted such an approach, but some states have come close. In the Illinois Freedom to Work Act, Illinois recently prohibited noncompetes for “low-wage” employees (defined by the employee’s hourly wages). The problem with this

“The power of a noncompete against a rank-and-file employee is in the threat, not the execution. Thus, an employer could include the provision in a standard form contract, never enforce it, and still discourage at least some employees from competing.”

law is that it was not coupled with an easy mechanism for private enforcement — i.e., whistleblower incentives of the kind explained above. Further, there is no clear schedule of fines associated with violations. There is therefore little to deter employers from flouting the prohibition, especially against uninformed employees.

The first high-profile suit brought by the Illinois Attorney General under the shadow of the new Illinois statute demonstrates its limits. The suit challenged the sandwich chain Jimmy John’s and its practice of including noncompetes in its contracts with rank-and-file employees. Illinois’ position was that these noncompetes were not permitted under existing common law.

Jimmy John’s “defense” was that, even if the noncompetes were unenforceable, it never tried to enforce the noncompete. This is nonsense. The power of a noncompete against a rank-and-file employee is in the threat, not the execution. Thus, an employer could include the provision in a standard form contract, never enforce it, and still discourage at least some employees from competing. Further, even a sophisticated rank-and-file employee who knows her legal obligations may hesitate to “breach” this unenforceable agreement, if only for fear of costly arbitration. In the settlement, Jimmy John’s agreed to pay \$100,000 to raise awareness of the new noncompete law. Without a robust whistleblower regime, however, it is difficult to see how this will deter future violations of the new statute. ■

ALUMNI NOTES

Alumni Weekend and Reunion Brings the Community Together

More than 850 alumni, students, faculty, and friends attended the 32 events of the 2018 Law School Alumni Weekend and Reunion in October. Guests came from nine countries and represented the classes of 1952 through 2021. ■





Class Notes

1960s

Thomas E. Funk (JD '67) was recognized in the 2019 edition of *Best Lawyers in America*.

J. Dennis Marek (JD '67) has published *The Ultimate Survivor*.

1970s

Marcea Bland Lloyd (JD '71) was appointed to the board of directors of Poseidon Therapeutics Inc.

G. Flint Taylor (JD '71) was recognized at the American Constitution Society's Legal Legends Luncheon with the Abner J. Mikva Award.

Brett K. Bacon (JD '72) was recognized in the 2019 edition of *Best Lawyers in America*.

William S. Bailey (JD '74) was named 2018 Small Sections Professor of the Year by the students of the University of Washington School of Law. His new forensic evidence book, *Law, Science and Experts: Case Problems and Strategies* was just published by the Carolina Academic Press and his article entitled, "Lessons From Pop Culture: What The School of Rock Can Teach The School of Law" appeared in the *Journal of Legal Education* in Fall 2018.

Theodore M. Becker (JD '74) joined McDermott Will & Emery as a partner in its employee benefits and executive compensation practice group in the Chicago office.

Hugo Chaviano (JD '78) has been appointed deputy director of ProBAR, a project of the American Bar Association Commission on Immigration

that provides legal information, pro se assistance, and pro bono representation to thousands of immigrants and asylum-seekers detained by the United States government each year in remote South Texas.

Algenon L. Marbley (JD '79) was honored by the King Arts Complex at their 2018 Legends & Legacies Award Ceremony.

David L. Weinstein (JD '79) joined Taft Stettinius & Hollister LLP as senior counsel in the labor and employment practice.

1980s

Peter L. Gardon (JD '80) was recognized in the 2019 edition of *Best Lawyers in America*.

Marlene D. Nations (JD '82) was named to *Crain's Chicago Business'*

2018 list of Notable Women Lawyers in Chicago.

G. Charles Kaiser (JD-MBA '83) joined Monarch Private Capital as managing director of financial investments and PACE.

Glen E. Grunwald (JD '84) was named president and CEO of Canada Basketball.

John R. Weiss (JD '85) was appointed managing partner at Duane Weiss.

Faith E. Gay (JD '86) was named one of *Benchmark Litigation's* Top 250 Women in Litigation 2018.

Jeffrey I. Cummings (JD '87) was selected as a magistrate judge for the U.S. District Court for the Northern District of Illinois.

David R. Fine (JD '87) was appointed general counsel and secretary to the

Alumni Spotlight on: Martin Sinclair



In January, Martin Sinclair (JD '05), an attorney at Sperling & Slater, P.C. in Chicago, was appointed by the Illinois Supreme Court as Chair of

the Commission on Professionalism. The commission, 2Civility, was created to foster increased civility, professionalism, and inclusiveness among lawyers and judges in Illinois through CLEs, courthouse professionalism trainings, a mentoring program, and The Future Is Now conference.

Why are civility and inclusiveness especially important in the legal profession?

The practice of law is inherently contentious. As counsel, we advise and represent our clients when they're competing for something — a better price for a transaction, the resolution of a lawsuit, or justice. To remain focused on resolving the issue for which we were engaged, it's crucial for lawyers to treat one another with respect. When our practice becomes personal, through incivility or a lack of professionalism, that focus shifts from

the client, diminishing our quality of service.

Similarly, every American should have access to justice. Justice cannot and does not exclude individuals based on their ethnicity, gender, sexual orientation, culture, or ability. When our legal system's professional profile reflects this diversity, we're better equipped to render fair and equitable justice for all.

What are some current challenges to professionalism in the legal industry?

The normalization of aggressive forms of discourse and the denigration of our legal system. Social media has provided a platform for public figures and everyday Americans to act uncivilly. This online behavior normalizes incivility generally, which is then transferred into the physical world.

As lawyers, we're tasked by our Rules of Professional Conduct to maintain a professional, courteous and civil attitude toward all involved in the legal system. This can be more challenging when the customs of civility are being broken, both inside and outside the courtroom.

Attacks on the legitimacy of our courts may have significant long-term consequences. Broad public support is essential for our legal system and our democracy to operate effectively. We struggle with systemic problems, like access to justice, on a regular basis. However, there are also more acute issues. Direct attacks on the courts

threaten public confidence in these institutions and the stability of the checks and balances that are essential for our government.

What is one thing that everyone in the legal community needs to know about professionalism, civility, and inclusion?

That we're just that: a community. I think about professionalism, civility, and inclusion in my practice much the way I think of my time at Northwestern Law. Each member of my class worked hard to be there and deserved respect. Northwestern Law is a small community made up of varied perspectives. While I disagreed with some on academic or political points, we were able to talk through differences due to this foundation of respect and shared community.

The practice of law is no different. Everyone deserves to be here, deserves to be represented, and deserves our respect. The longer I practice, the easier it is to see the interconnected nature of my professional work and the importance of reputation in this community. The lawyer opposite me on a case isn't a nameless person. She's an individual, operating like me as an officer of the court. She's someone I'm likely to see again in court and in public. I owe it to her, we all owe it to each other, to be the best version of ourselves, both personally and professionally. ■

board of trustees for Metropolitan State University of Denver.

Miriam Labiner Rosen (JD '87) was appointed to the executive committee of McDonald Hopkins LLC.

Michael S. Yashko (JD '87) was recognized in the 2019 edition of *Best Lawyers in America*.

Paula J. Krasny (JD '88) joined Levenfeld Pearlstein LLC as a partner in its intellectual property group.

Carol A. Sobczak (JD '88) joined Shumaker, Loop & Kendrick, LLP as a staff attorney.

1990s

Scott A. Browdy (JD '91) joined Schaumburg-based Lavelle Law's litigation practice group as a partner.

Jean Bogue Durham (JD '91) was hired as senior personal trust associate at Prairie Financial Group, a division of Waukesha State Bank.

Ernest L. Greer (JD '91) was inducted into the Gate City Bar Association Hall of Fame.

Lynn E. Rzonca (JD '91) was named chair of Ballard Spahr's intellectual property department.

Eric S. Dreiband (JD '92) was confirmed by the Senate as the new assistant attorney general for the Justice Department's Civil Rights Division.

Terrence M. LaBant (JD '92) joined RMB Capital as senior vice president and director of wealth strategy.

Julie L. Menin (JD '92) was elected to the board of trustees of Columbia University.

Sara N. Love (JD '93) was elected to the Maryland House of Delegates.

Devan V. Padmanabhan (JD '93) launched a new firm, Padmanabhan & Dawson PLLC, based in Minneapolis.

J.B. Pritzker (JD '93) was elected Governor of Illinois.

William E. Turner (JD '95) joined the Chicago office of Steptoe & Johnson LLP as a partner, where he will work in the corporate group.

Lisa M. Young (JD '95) joined Axiom as general counsel.

Stephen A. Brodsky (JD-MBA '96) was hired as chief strategy officer of R.J. O'Brien & Associates.

Howard M. Wasserman (JD '97) is

the author of two new books, *Infield Fly Rule Is in Effect: The History and Strategy of Baseball's Most (In)-Famous Rule* (McFarland Press) and *Understanding Civil Rights Litigation* (2nd edition) (Carolina Academic Press).

Britt M. Miller (JD '98) was appointed the partner-in-charge of Mayer Brown's Chicago office.

Michael B. Shaw (JD '98) was named to the management committee of Much Shelist.

Steven A. Block (JD '99) joined the law firm of Thompson Hine LLP as a partner in its white collar criminal practice, internal investigations and government enforcement practice group.

J. Erik Connolly (JD '99) joined Benesch as partner and vice chair of the litigation practice group and member of the executive committee.

Donyelle L. Gray (JD '99) joined the Cook County State's Attorney's office as an equal employment opportunity officer.

Dana Hill (JD '99) was promoted to clinical professor of law at Northwestern Pritzker School of Law.

Julie M. Workman (JD '99) joined Levenfeld Pearlstein LLC as a partner in its real estate group.

2000s

Lloyd J. Brooks (JD '00) was appointed Cook County Circuit Court judge.

Sunil R. Harjani (JD '00) was selected as a magistrate judge for the U.S. District Court for the Northern District of Illinois.

Trent Haywood (JD '00) was appointed to the governing board of the Patient-Centered Outcomes Research Institute.

Kenneth M. Abell (JD '01) joined Abrams Fensterman as a partner and chair of the health care fraud and white collar criminal defense practice group.

David J. Bloomberg (JD '01) was elevated to equity shareholder at Chuhak & Tecson, where he leads the firm's condominium and common interest community association group.

Livia McCammon Kiser (JD '01) joined King & Spalding as a partner in its trial and global disputes practice group.

Nneka Louise Rimmer (JD-MBA '01) was appointed to the board of

directors at Energizer Holdings, Inc.

Albert H. Acken (JD '02) joined Dickinson Wright PLLC as a member.

A. Joshua Mallamud (JD-MBA '02) was appointed CEO of Cartegraph, a company engaged in high-performance government software.

Akira Nakazawa (LLM '02) joined Vanguard Lawyers Tokyo as a partner.

Joshua P. Kolar (JD '03) was selected as a federal magistrate judge for the Northern District of Indiana in Hammond.

Andrew L. Mathews (JD '03) joined John L. Scott Real Estate as general counsel.

Frank W. Dworak (JD '04) joined Sheppard Mullin as a partner in its tax, employee benefits, and trusts and estates practice group in Orange County, CA.

Lacey Bundy (JD '05) joined PetSmart as senior vice president, general counsel and corporate secretary.

Russell W. Johnston (JD '05) joined King & Spalding as a partner in its government matters practice and securities team.

Julie Kelly (JD '05) joined McCormack Schreiber Legal Search as its new managing director.

Christopher Hale (JD '08) was named to the Emerging Leaders Class of 2019 by the Chicago Council on Global Affairs.

Elizabeth Han (JD '09) was honored with the Navigator Leadership Award by Navient for her efforts in mitigating legal risks, and facilitating and negotiating contracts with third-parties.

Andrew May (JD '09) was named partner at Neal Gerber Eisenberg.

2010s

Tanner Ainge (JD '12) joined Simplus as vice president of corporate development.

Parminder Batra (JD '12) was elected co-chair of Hospitality Technology Next Generation (HTNG) Staff Alert Technology Workgroup.

Kristen Veresh (JD '12) was elected partner at Varnum LLP.

Joseph Manuel Astudillo Sepulveda (LLM '13) was named director of legal and general counsel of Enel Green Power North America, a

leading company in the development, construction and operation of renewable energy generation facilities in the United States.

Kyle Finnegan (JD '15) was named "Young Lawyer of the Year" by Chicago Lawyers' Committee for Civil Rights for his pro bono work in handling housing discrimination matters.

Glenton Davis (JD-MBA '16) married Jeffrey Jerome Bulanda on August 10 in Chicago.

Wei Xu (JD '16) joined the Dallas office of Weil, Gotshal & Manges LLP as an associate in the firm's corporate department.

Oliver Merrill (LLM Tax '18) joined Schiff Hardin LLP as an associate in the firm's private clients, trusts and estates practice group.

This list reflects information received by the Office of Alumni Relations and Development as of January 8, 2019.

In Memoriam

Northwestern Pritzker School of Law extends its heartfelt condolences to the loved ones of recently deceased alumni, faculty, and friends.

1940s

Thomas M. Harris (JD '48)
John E. Flick (JD '48)
Alfred H. Greening, Jr. (JD '49)

1950s

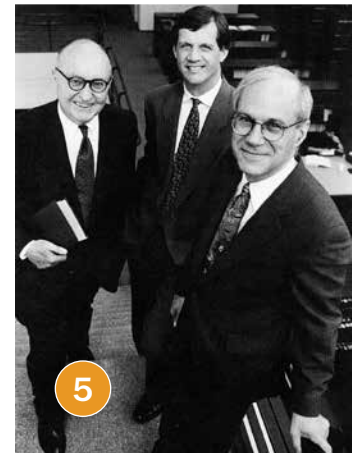
Donald F. Mirrielees (JD '54)
George W. Crampton (JD '55)
Rev. James R. Mitchell (BSSP '54, JD '57)
Hon. Donald J. Christensen (BBA '53, JD '58)
John T. Weise (JD '59)

1960s

Peter C. Fieweger (JD '62)
Marsha F. Weis (JD '62)
Stanley J. Horn (JD '62)
Rody P. Biggert (JD '63)
Arthur S. Gold (JD '65)
John H. Cashman, Jr. (JD '67)

1970s

Margaret Stewart (JD '71)
T. Michael Boldger (JD '71)
David E. Novitski (BSE '69, JD '72)
Michael F. Crotty (JD '72)
John L. Northrop, Jr. (BBA '53, JD '74)
Edward J. Davidson (JD '75)
Barbara J. Hollonquest (JD '76)



OFFICE SPACE

David Ruder, William W. Gurley Memorial Professor of Law Emeritus

How Northwestern Law professors personalize the rooms of their own

1 “When President Reagan appointed me as SEC Chairman in 1987, I went to the Oval Office in the White House to meet him. John Shad, the SEC Chairman who preceded me, was there. Behind us in the picture is the President’s Chief of Staff, Howard Baker, who recommended my appointment to the President.”

2 “The SEC commissioners all had legal assistants who served us — and those were the people who did the real work! This picture is of the five commissioners, my chief of staff, and our assistants standing behind us. (Professor Bernard Black was a legal assistant while I was there, though not mine and he’s not in this picture.) And that’s the name plate that was used in all my SEC Commission meetings.”

3 “The person in the canoe is Jim Hanks, who dedicated the canoe to me at YMCA Camp Manito-wish in Northern Wisconsin, where I was a camper and a counselor. I led five campers on the ‘Canuck’ canoe trip in Canada in 1950. The camp names canoes after Canuck trip leaders.”

4 “I was SEC Chairman from 1987 to 1989. This mug is from my June 9, 1989 interview on *Wall Street Week*, then a PBS television program.”

5 “This is a picture of three Northwestern Law deans. I served from 1977 to 1985, Bob Bennett (*right*) from 1985 to 1995, and David Van Zandt (*middle*) from 1995 to 2010.”

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1994, 1999, 2004, 2009, 2014

law.alumni.northwestern.edu/reunion

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