

THE MAGAZINE OF NORTHWESTERN PRITZKER SCHOOL OF LAW

NORTHWESTERN LAW REPORTER

VOLUME IX
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SPRING 2020

150 Years of Women

From the first female
law school grad to
today's justice warriors

Northwestern
PRITZKER SCHOOL OF LAW



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Celebrating Northwestern Law’s trailblazing women, from the first female graduate to the barrier-breaking faculty to those who fought for justice until the end.

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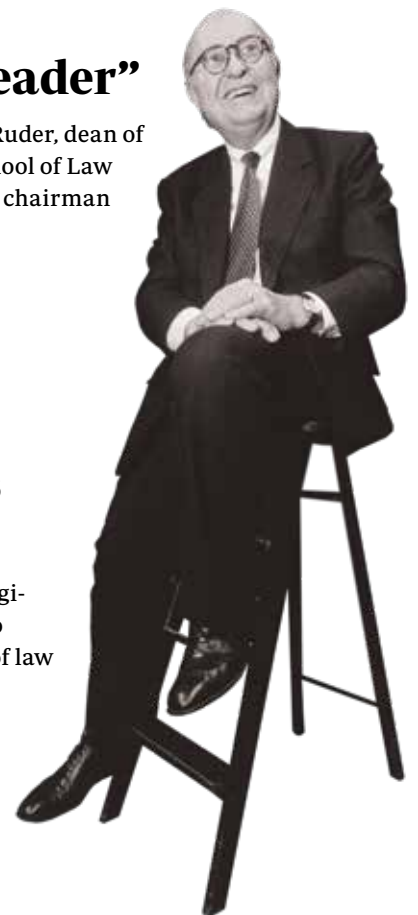
Cover: Dawn Clark Netsch, the first female faculty member at Northwestern Law, in a mid-1960s faculty photo.

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LETTERS TO THE EDITOR

We want to hear from you! Send a letter to the editor:
law-communications@law.northwestern.edu

Dear Reporter,

Thanks for Vol. VIII no. 2, Justice Stevens on the cover and remembered inside, with an excerpt from his fine memoir *The Making of a Justice* (2019) published two months before his death. His *Five Chiefs* is also worthy.

It's been said that a man who wears a bow tie is a joker. On the strength of my grandfather, of my brilliant Torts professor, and of Justice Stevens, it may be true. *The Making of a Justice* is full of jokes, many dry, some wry.

I was a few feet from him at a law school reception when he muttered to another of my brilliant professors: "I never had the Latin for the judging."

The only time *The Making of a Justice* shocked me was a manifest set-up. The title itself is a joke; how can it cover his entire life and not merely the years 1920–1975? But he was famous for saying learning on the job was essential to judging.

Speaking as a Liberal, I'm sorry you called him the leader of the Court's liberal wing. I'd be glad to claim him. But he himself always said he was a conservative; as time went on, he said, the court, not he, had shifted. At his death both Chief



Justice Roberts and Justice Kagan called him independent. Justice Kagan said he was fiercely independent.

She also called him a model of collegiality (which another of my brilliant professors — whom I had the pleasure of hearing before the Court in *Harris vs. McRae*, 448 U.S. 297, 1980 — always deliberately pronounced "colleague-iality"). That shows in both *Five Chiefs* and *The Making of a Justice*.

In 2005, Gerald Ford said, "I am prepared to allow history's judgment of my term in office to rest (if necessary, exclusively) on my nomination thirty years ago of Justice John Paul Stevens to the U.S. Supreme court.... He has served with dignity, intellect, and without partisan political concerns." R.I.P.

Sincerely,
 John Hertz (JD '81)

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**NORTHWESTERN LAW
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 LEIGHTON PROFESSOR OF LAW
 Kimberly Yuracko

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Noteworthy

Q&A with Dean Yuracko

As the *Northwestern Law Reporter* was going to press, circumstances at the Law School, and in the world, changed dramatically due to the COVID-19 pandemic. Illinois, like many other states, was under a stay-at-home order, and Northwestern Law classes had shifted to remote learning. “These are challenging and uncertain times,” said Kimberly A. Yuracko, Dean and Judd and Mary Morris Leighton Professor of Law. “Though the situation is changing rapidly the only thing I know for certain is that we will get through these times strong and intact as a community.” Earlier in the semester, she discussed the Law School’s fundraising success.

This is the final year of the Law School’s Motion to Lead campaign. What do you see as the greatest accomplishments of the campaign?

Our fundraising campaign has been an astounding success, raising over \$253 million to date from more than 12,000 donors. These gifts, and donors, bolster the Law School by supporting scholarships, faculty, programs, the Bluhm Legal Clinic, and much more.

What is most remarkable

to me is the show of support from so many members of our community. Our original goal was 10,000 unique donors and we have far surpassed that. I am also very pleased with the increase in available scholarships. Donors established 44 new scholarships that help us recruit the brightest and most qualified students, regardless of their financial circumstances. And for the first time, a scholarship was created specifically to celebrate African

American history and culture. A group of generous and dedicated alumni came together to establish the African American History and Culture Endowed Scholarship.

Have fundraising efforts helped address the budget challenges you identified when you first stepped into this role?

Over a quarter of the Law School’s funding comes from donations, so philanthropy is very much an essential component of our operating budget. The Law School Fund, which is the annual giving program that sustains our operating budget, had a record-breaking year last year. This enabled us to balance the budget faster than we projected, and I want to thank our alumni and friends for their generosity. All gifts — a small donation to the Law School Fund or a major gift establishing a new endowed scholarship — are meaningful and important.

What are the key fundraising priorities for the remainder of the campaign and beyond?

One of my main priorities continues to be faculty hiring, and this requires resources in terms of research funds, and professorships and chairs. This year saw an increased focus on recruiting, and I am thrilled to announce that Paul Gowder, a tenured faculty member at Iowa Law School, has accepted a position to join us in fall 2020, and Robin Walker Sterling, associate professor and the Ronald V. Yegge Clinical Director at the University of Denver Sturm College of Law, will join us

as director of the Bluhm Legal Clinic. The coming year will require even greater efforts at hiring research faculty, with a particular focus on increasing the diversity of our faculty.

This issue of the Reporter includes a feature on 150 years of women at Northwestern. As dean, one of your priorities has been supporting women in the profession. Can you tell us about some developments in this area?

Last fall we announced an exciting partnership with Diversity Lab, an incubator that develops and tests solutions for boosting diversity and inclusion in our profession. We are the exclusive law school partner to Diversity Lab’s Move the Needle Fund. Along with five law firms, more than two dozen general counsels, and a cohort of community leaders, we will work on new approaches to diversity, and then help incubate those ideas in the law firms to serve as a model for the legal industry. I am optimistic that together we can have an impact.



A Broken System

Law Review Symposium Shines Light on Solitary Confinement

Imagine being stuck in a six-by-eight foot cell for 23 hours a day. No human contact. No light. Filth everywhere. That's the picture many of the panelists painted during the 2019 Northwestern University Law Review Symposium, "Rethinking Solitary Confinement."

The all-day event, held on November 8 in Thorne Auditorium, brought together scholars, lawmakers, correctional administration and survivors to discuss the legality of the practice, the effects of solitary confinement on individuals, and strategies for change.

Senator Dick Durbin (D-IL) delivered the keynote address, outlining his efforts to change the prison system, including getting the Fair Sentencing Act of 2010 signed into law by President Obama and convincing President Trump to sign the 2018 First Step Act into law. He also discussed how he handled challenges to his efforts from Trump's justice department, especially from former attorney general Jeff Sessions before his resignation. The two men often clashed on the topic of solitary confinement, he said. Describing the horrors of human isolation, Durbin quoted Atul Gawande, a Boston surgeon and staff writer for the *New Yorker*: "If prolonged isolation is — as research and experience have confirmed for decades

— so objectively horrifying, so intrinsically cruel, how did we end up with a prison system that may subject more of our own citizens to it than any



Left: Senator Dick Durbin gives keynote address; Right: Albert Woodfox, solitary survivor and author of *Solitary*, speaks during the "Perspectives on Solitary Confinement" panel.

confinement. "Solitary confinement does one thing: it breaks a man's will to live and he ends up deteriorating. He's never the same person again," Graves said during a congressional hearing. "I lived under the rules of the system that is literally driving men out of their minds."

The Symposium's other panelists included Albert Woodfox, solitary survivor and author of *Solitary*; Leann Bertsch, director of the North Dakota

National Prison Project.

"Solitary confinement is an issue that demands the attention and action of the public at large," NULR Symposium Editor Emily McCormick said in a press release. "We sincerely hope this event can be a springboard for change."

At the end of his keynote, Durbin shared his plans on introducing legislation that will reduce the use of solitary confinement in immigrant detention facilities operated by Immigration and Customs



"Solitary confinement does one thing: it breaks a man's will to live and he ends up deteriorating. He's never the same person again."

—ANTHONY GRAVES, SOLITARY CONFINEMENT SURVIVOR

other country in history has?"

Durbin highlighted the story of Anthony Graves, who was sentenced to death in 1992 in Texas for a crime he did not commit. He was exonerated in 2010 after spending more than 18 years on death row, 16 of which were in solitary

Department of Corrections and Rehabilitation; Alan Mills, executive director of Uptown People's Law Center; Brian Nelson, solitary survivor and prisoners' rights coordinator at Uptown People's Law Center; and Amy Fettig, Deputy Director of the ACLU's

Enforcement on the border. "I've been at this for a long time ... some things have improved, [and still they're] not nearly where I want them to be. But if you don't have any patience, for God's sake, don't run for the Senate," he said. "If it's important, stick with it."

On the Record

Northwestern Law faculty in the news



“The statute says no sex discrimination in employment. If I fire only my female employees who are married to women, but not my male employees who are married to women, that’s sex discrimination, it’s literally prohibited by the statute, all the Supreme Court is being asked is to enforce the statute as written.”

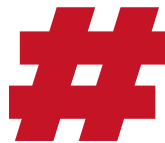
—**Andrew Koppelman** in “Fate of LGBTQ Workers in 28 States Hinges on SCOTUS Decision,” *Newsy*, 10/8/19

“What they are doing is they are buying peace. That’s the formula. Whether it works or not is another matter.”

—**Bruce Markell**, in “Sackler legacy is at stake in family’s bid to reinvent Purdue Pharma as a public trust,” *The Washington Post*, 11/6/19

“It is hard for the White House to convincingly maintain that its complete refusal to cooperate with the House impeachment inquiry is ‘legal’ in the usual sense, but the White House is operating with politics, rather than law, in mind.”

—**Michael Kang** in “Are we in a constitutional crisis yet?” *Vox*, 10/9/19



“This is the first high-profile trial that amasses complaints that emerged in the #MeToo era — these are actually the complaints that helped catapult a movement.”

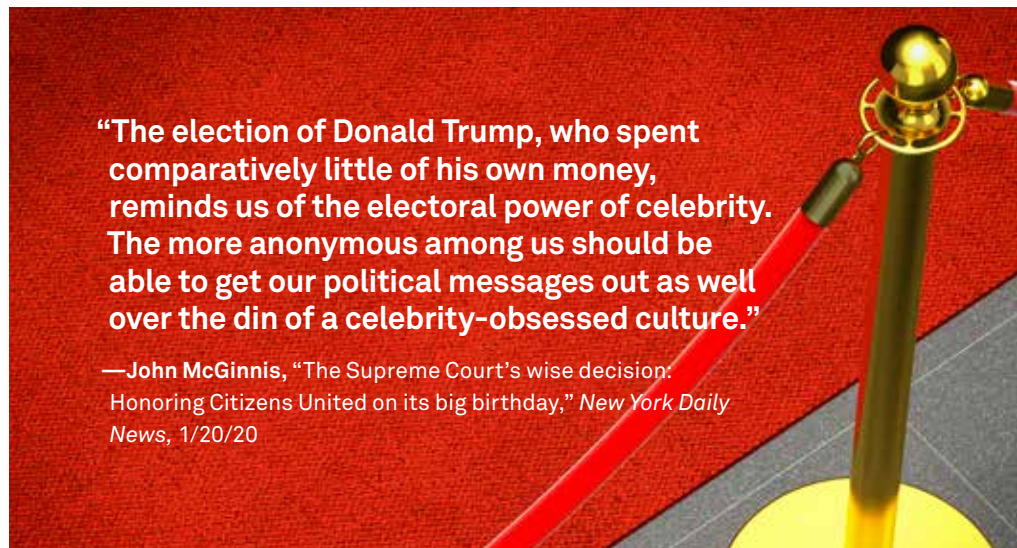
—**Deborah Tuerkheimer**, “Weinstein Jurors Asked to Set Aside #MeToo Emotions,” *The Wall Street Journal*, 1/17/20

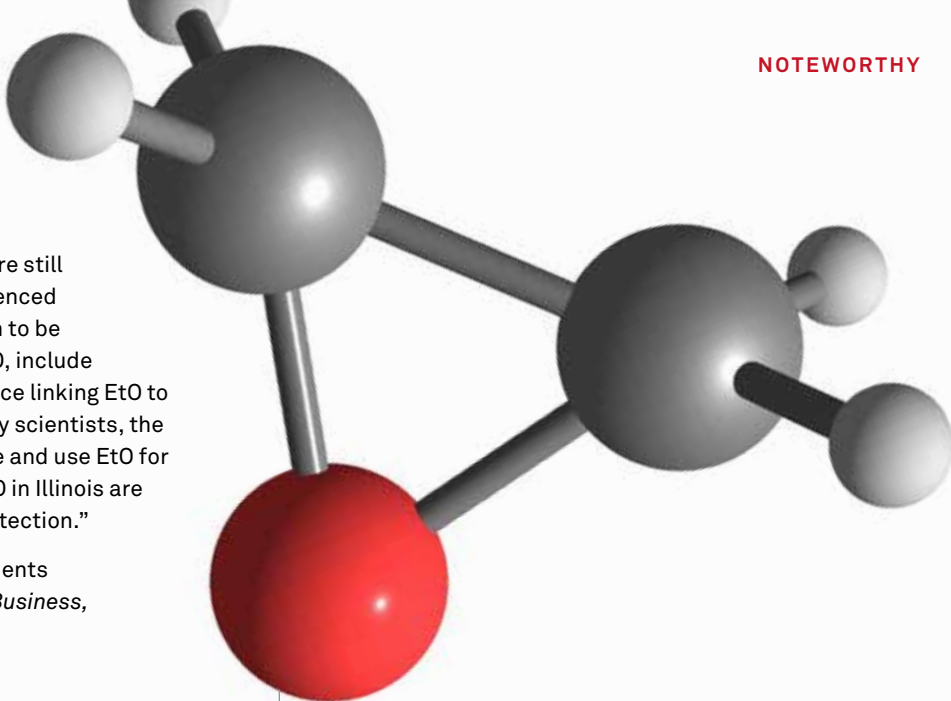
“It takes a certain amount of courage to grant commutations, especially in cases involving serious crimes. And Governor Blagojevich didn’t have that kind of courage.”

—**Steven Drizin** in “Rod Blagojevich is out of prison thanks to a kind of mercy he rarely showed as governor,” *The Washington Post*, 2/20/2020

“The election of Donald Trump, who spent comparatively little of his own money, reminds us of the electoral power of celebrity. The more anonymous among us should be able to get our political messages out as well over the din of a celebrity-obsessed culture.”

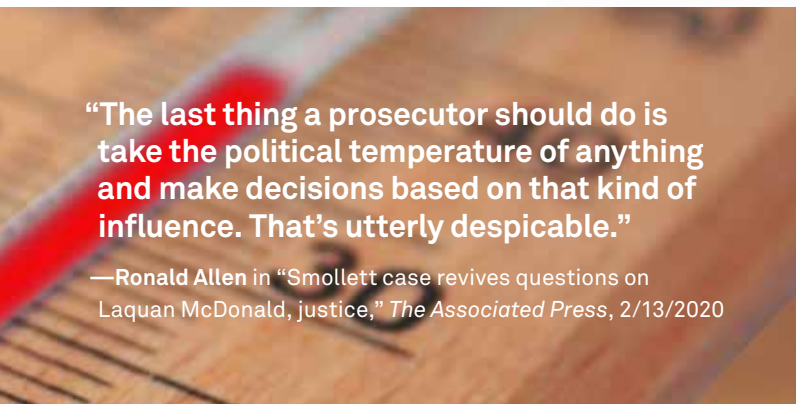
—**John McGinnis**, “The Supreme Court’s wise decision: Honoring Citizens United on its big birthday,” *New York Daily News*, 1/20/20





“Ethylene oxide is an invisible, odorless gas, and it causes cancer and mutates genes. It is especially dangerous for children, whose bodies are still developing and whose genes are more easily influenced by exposure to harmful chemicals. Cancers known to be caused by Ethylene oxide, also known as EtO or EO, include leukemia, lymphoma and breast cancer. The science linking EtO to these life-threatening diseases has been known by scientists, the medical community, and the companies that make and use EtO for decades. The people who are being exposed to EtO in Illinois are just learning about it and they are pleading for protection.”

—**Nancy Loeb**, “It’s time for Illinois to protect residents from this cancer-causing agent,” *Crain’s Chicago Business*, 11/1/2019



“The last thing a prosecutor should do is take the political temperature of anything and make decisions based on that kind of influence. That’s utterly despicable.”

—**Ronald Allen** in “Smollett case revives questions on Laquan McDonald, justice,” *The Associated Press*, 2/13/2020

“Brendan is ever hopeful...he has a truly childlike faith that one day someone is going to have the courage to do the right thing in his case. It’s a blow that stings, but it’s not the end of the story.”

—**Laura Nirider** in “Brendan Dassey of ‘Making a Murderer’ Is Denied Clemency,” *New York Times*, 12/21/19

“[Mayor Lori] Lightfoot has denounced Cook County judges who set affordable bonds for persons who have been charged with illegal possession — not use — of a firearm and who have a prior criminal history. The mayor said these people should be held in jail with no bond while awaiting trial. Chicago police Superintendent Eddie Johnson chimed in that setting an affordable bond in these cases undercuts accountability for gun crimes. The

mayor certainly knows better. She is a former prosecutor, Chicago Police Board member and an accomplished lawyer. She knows that the purpose of setting bond is to ensure that the defendant will cooperate with the criminal justice process by appearing for all the court hearings in his case. Bail is a vehicle for pretrial release, not confinement. Indeed, as the U.S. Supreme Court recognized decades ago, given that defendants are presumed

“Whether you’re corrupt or not, the whole point of being an elected official (is) you want to be able to control, whether it’s the zoning for your ward or who gets a liquor license. If you’re never around, you’re not answering your emails or phones, you’re not going to be able to do it.

If anything, often the problem is that these people are too active.”

—**Nadav Shoked** in “When elected officials do not show up for work, there are few options to remove them from office,” *Chicago Tribune*, 12/16/19



innocent before trial, pretrial release should be the norm for persons accused of crimes. Setting affordable bond is just as fundamental to our criminal justice system as the presumption of innocence, the right to trial by jury and to proof beyond a reasonable doubt.”

—**Locke Bowman**, “Commentary: Mayor Lori Lightfoot should end her attack on bail reform,” *Chicago Tribune*, 9/12/19





Tarana Burke discusses the origins of the #MeToo movement during Dream Week.

Founder of #MeToo Movement, Tarana Burke, Delivers Powerful Dream Week Message

Activist and founder of the #MeToo movement Tarana Burke was the featured speaker during Dream Week at Northwestern Pritzker School of Law on January 27. Students, faculty and staff packed Thorne Auditorium to hear Burke in conversation with moderator Shannon Bartlett, associate dean of inclusion and engagement. Dean Kimberly Yuracko opened the event by highlighting the importance of Dr. Martin Luther King, Jr.'s legacy and his prevailing inspiration for activists who

continue his work today.

The media often points to October 5, 2017—the day the *New York Times* published a story detailing the decades of alleged sexual harassment and assault by film producer Harvey Weinstein—as the start of the #MeToo movement. But Burke officially introduced the phrase when she launched a Me Too page on Myspace more than a decade earlier. “It was declarative,” Burke said of the 2006 page that she hoped would provide support, healing and

empowerment for survivors.

When the Weinstein news broke, actresses including Rose McGowan and Ashley Judd came forward with their own accounts of sexual assault. Although the media focused on these high-profile, white, and wealthy survivors, Burke said her work originally began as a way to shine a light on women from underrepresented groups. Still, she objects to claims that white women hijacked the #MeToo movement. They are survivors, too, she said. Burke did call out and criticize the media for not highlighting women from marginalized groups, and said the blame is on the media, not the survivors.

During the conversation, Burke recalled a moment that defines her approach to activism work today. She was in the room when Dr. Christine Blasey Ford told her story during Justice Brett Kavanaugh’s Supreme Court

confirmation hearing in September 2018. Like many, Burke was consumed by Dr. Ford’s testimony of her alleged assault, and during a break in the hearing, she went to the restroom where another woman started up a conversation about Dr. Ford’s retelling. “I thought we were bonding,” Burke said. But then the woman mentioned she wished Dr. Ford gave more details during her retelling of the incident. “How could she not remember?” the woman said. Burke quickly—and matter-of-factly—told the woman that after her own experience with sexual assault as a child, “I spent 41 years of my life trying to forget.” It was in that moment that Burke said she realized she needed to be more than a figurehead of the movement against gender-based violence. “We have to shift consciousness in America,” she said. “We don’t know what survivors look like.”

Burke said she models her own activism on the work of Dr. King. “There was diversity at the table,” she said, referencing to the men and women who surrounded and supported Dr. King in his efforts. “I’m used to being at the table, not the helm.” Although she still struggles with being in the spotlight, Burke says she’s dedicated to doing whatever it takes to encourage progress. “We need to change hearts and minds. We need to change culture,” she said. “Seeing change happen is going to compel people, not the headlines.”

During the Q&A, individuals shared their own stories as survivors. “I know it’s corny to say, but I find hope in people,” said Burke. “You are not the sum total of the things that happened to you.”

—Shanice Harris

Law School Joins Initiative to Create More Inclusive Legal Profession



Northwestern Pritzker School of Law has joined the first large-scale collaborative effort designed to create a more diverse and inclusive legal profession.

In September, Diversity Lab, an incubator for innovative ideas and solutions that boost diversity and inclusion in law, along with Northwestern, the sole law school partner, launched the Move the Needle Fund (MTN) — a

and Mary Morris Leighton Professor of Law. “We know how extraordinary all our students are, and we know we are preparing them to be the next generation of our society’s and our profession’s leaders. We have an obligation to ensure that our students live in a world that will recognize and reward their accomplishments fairly and without regard to their race and gender.”

Kit Chaskin, director of gender initiatives at the Law

to supporting the Move the Needle Fund academically and practically.”

According to Diversity Lab, despite efforts by industry stakeholders over many decades to diversify the talent pool from law students through law firm and legal department leadership, the needle hasn’t moved far enough fast enough. “Instead of working in isolation as competitors, these pioneering law firms, general coun-

would mirror the makeup of recent law school graduating classes — until 2057 and 2084 respectively. The goal is to reduce that by decades with MTN as a prototype for others to follow.”

The MTN law firms — Eversheds Sutherland, Goodwin, Orrick, Stoel Rives, and Nixon Peabody — have invested \$5 million to launch the Move the Needle Fund. This investment will help support new approaches to hiring, work/life integration, work allocation, promotions, feedback, performance reviews and compensation systems. The investment also will be used to implement Diversity in Law Hackathon ideas, and test evidence-based research such as the bias interrupters from the ABA and Minority Corporate Counsel Association study, as well as other inclusion research from top academics at Northwestern Law, UC Hastings, Harvard and MIT. Finally, the money will be used to crowdsource innovative ideas from other industries. MTN officially began measuring the firms’ progress toward their goals in January 2020 and will share the progress on the MTN website.

Finally, MTN will annually donate money and Diversity Lab’s in-kind services in excess of \$100,000 to existing legal pipeline programs such as Pipeline to Practice, Practice Pro, Silicon Valley Urban Debate League, Street Law, LCLD Pathways, MCCA 1L Scholarship, Twin Cities Diversity in Practice, Law in Tech 1L Collaborative and other initiatives focused on strengthening and expanding current efforts.

“This is the first time in 30 years of working toward gender equity in the legal profession that I have seen a diversity program designed to be data-driven, transparent, iterative and replicable.”

—KIT CHASKIN, DIRECTOR OF GENDER INITIATIVES

first-of-its-kind experimental “laboratory” in which new approaches will be incubated over five years in five law firms to serve as a model for the legal industry.

The goals of the initiative include retention of diverse lawyers; access to career-enhancing work experiences, clients and sponsorship; and advancement to leadership. “For decades now we have been graduating classes that are approximately 50 percent women and are very racially diverse,” said Kimberly Yuracko, Dean and Judd

School, serves as the chair of MTN community leaders, supporting the firms and legal departments in achieving their goals. “This is the first time in 30 years of working toward gender equity in the legal profession that I have seen a diversity program designed to be data-driven, transparent, iterative and replicable,” Chaskin said. “It’s exciting for a law school to partner with these innovative law firms and legal departments to achieve goals that are critical to the evolution of the profession. We look forward

sels and community leaders are banding together to create a model that others can learn from and emulate using collaboration, metrics, transparency, accountability and experimentation as the foundational elements,” said Caren Ulrich Stacy, CEO of Diversity Lab. “Predictive modeling — with the last five years of ALM data as the basis — shows that the largest 200 firms in the country as a group won’t reach 50 percent women and 33 percent racial and ethnic minorities in their equity partner ranks — which

“Fighting The Good Fight Is Always Worth It”

Just Mercy screening brings together Law School community.

Students, faculty and staff gathered at a local movie theater in late November for an advance screening of the film *Just Mercy*. The event was made possible by Courtney D. Armstrong (JD-MBA '96), executive vice president of worldwide business affairs for Warner Bros. Pictures. The film, based on Equal Justice Initiative founder Bryan Stevenson's bestselling book of the same name, depicts the true story of the author's quest to appeal the murder conviction of death row inmate Walter McMillian.

Armstrong says he was eager to get the film in front of future lawyers. “Creating an opportunity to share this important film with the Northwestern Law community was a goal of mine,” he says. “I know that we sometimes primarily focus on the intractable issues that don't seem to change, such as long-running racial disparities in the criminal justice system. Doing so can make us lose sight of the important ways lawyers—including the brilliant faculty members and students representing clients in Northwestern Law's Bluhm Legal Clinic—can make an impact in individual clients' lives. This film helps remind

us of the difference a deeply committed lawyer can make in the lives of so many, and I am glad to have played a role in bringing this incredible film to the Northwestern community.”

or acts to improve the lot of others, or strikes out against injustice, he sends forth a tiny ripple of hope, and crossing each other from a million different centers of energy and daring, those ripples build a current which can sweep down the mightiest walls of oppression and resistance.’ Seeing *Just Mercy* brought those words to life,” says Walter Garcia (JD '21). “Though law school is far from an easy ride—for all people, but especially so for folks of color—Bryan Stevenson reminds us that lawyers can help to fight the good fight. And fighting the good fight is always worth it.”

Shannon Bartlett, associate

powerful moment to watch the movie in a theater surrounded by Law School students, staff, and faculty. The shared camaraderie between all of those present was palpable, and it was gratifying to watch Crim Law faculty members chatting with their students, and staff members from the Bluhm Legal Clinic engaging with students and faculty alike before and after the movie,” she says. “The film is a palpable reminder of the critical importance of lawyering in the public interest, and I know from my conversations with students that the film resonated deeply with them at a moment when some question the wisdom of



Michael B. Jordan as Bryan Stevenson and Jamie Foxx as Walter McMillian in *Just Mercy*, a Warner Bros. Pictures release.

For many students, the screening had the intended effect. “One of my favorite quotes is the following by Robert Kennedy: ‘Each time a man stands up for an ideal,

dean of inclusion and engagement, says events like these provide the entire community with important opportunities to connect over a common goal. “It was a uniquely

seeking change through the legal system.” *Just Mercy* will also be the One Book One Northwestern selection for the 2020-2021 academic year.



Kara Swanson, professor of law, Northeastern University

Hidden Figures and the Patent System

Kara Swanson, professor of law at Northeastern University, spoke to Law School students, faculty, and staff about the role of hidden figures in U.S. patent history in November. The talk was part of the One Book One Northwestern program, an annual community-wide reading initiative hosted by the Office of the President.

Using her research as a framework for the day's discussion, Swanson outlined the ways in which white women activists and African American activists remembered and publicized inventors from their communities, and explained how these efforts were critical to both groups' political campaigns for full citizenship rights. The presentation was followed by a Q&A moderated by Laura Pedraza-Fariña, associate professor of law, and Emily Ross (JD '21). "We were thrilled to host Kara Swanson for a fascinating talk on the history of how women and African-Americans used their role

as inventors, and the patent system itself, to push for civil rights," Pedraza-Fariña says. "The Q&A session afterwards provided a unique opportunity for all participants to connect her historical discussion to contemporary debates on the participation of women and minorities in the innovation process."

Hidden Figures is Northwestern University's One Book One Northwestern all-campus read for the 2019-20 academic year. The book tells the true story of the black women mathematicians at NASA who helped fuel some of America's greatest achievements in space. In the book, author Margot Lee Shetterly celebrates these unsung heroes, exploring issues of race, gender, science, and innovation against the backdrop of WWII and the Civil Rights Era. "One thing we've learned as we've celebrated Northwestern's 150-year anniversary of coeducation is that there have been 'hidden figures' in so many different

areas, and we are grateful that Professor Swanson shared her important research with our community," says Nancy M. Cunniff, Director of One Book One Northwestern. "The One Book One Northwestern program values our partnership with the Law School and we appreciate the Law School's effort to create programming that links the chosen book to legal education."

Swanson has been a member of Northeastern's law school faculty since 2010, and focuses her research on intellectual property law, gender and sexuality, the history of science, medicine, and technology and legal history. In 2015, she received one of Northeastern's most prestigious prizes, the Robert D. Klein University Lectureship, and in 2018, she was awarded the History of Science Society's Margaret W. Rossiter History of Women in Science Prize in recognition of her article, "Rubbing Elbows and Blowing Smoke: Gender, Class and Science in the Nineteenth-Century Patent Office," published in *ISIS: A Journal of the History of Science Society*.



253m
Dollars raised to date through the Motion to Lead campaign

12k+
Number of donors who contributed to the Motion to Lead campaign

44
New scholarships created since the launch of the Motion to Lead campaign

150

Years of Women

The 2019-2020 academic year marks 150 years since Northwestern University began admitting women as undergraduate students. It's also 150 years since Ada Kepley became the first female American law school graduate, from what is now Northwestern Pritzker School of Law. In the following pages, we celebrate the history of women at the Law School — from that first trailblazing grad to today's history-making law review editors — and share the voices of some faculty and alumni who broke barriers along the way.



A Pioneer in Law

BY SHANICE HARRIS

Joyce Hughes, professor of law, began her career at Northwestern in 1975, after four years of teaching at the University of Minnesota Law School. When she received tenure in 1979, she became the first African American woman to be tenured in any department at Northwestern University. Hughes says she long defied what society deemed acceptable work for women, let alone a Black woman — sometimes to the dismay of men who tried to discourage her along the way. “I ended up going to law school because I was angry at a recruiter from Columbia Law School who suggested I could not be a lawyer,” she said. “This man made me so mad.” Hughes decided to prove her doubters wrong.

We spoke with Hughes about her journey to Northwestern, the importance of representation, and what inspires her work today.

Q: Tell us about that moment that inspired you to become a lawyer.

Joyce Hughes: I went to Carleton College, which is considered a premier liberal arts college. [Law schools would] come to that college to recruit students. I actually was not interested in signing up for an interview, but the director of placement signed me up. I was so incensed with [the recruiter from Columbia]. He thought that I could not be a lawyer. And that’s when I decided. But also, what helped was that the University of Minnesota Law School had established a scholarship for a Carleton student and they awarded it to me. Probably if it had not done that, I wouldn’t have been able to go to law school.

Q: You’ve written extensively about Black women in law and the intricate balance it takes to express both strength and composure. How did you navigate that when you were starting out?

JH: I was not so much concerned at the beginning of my career with balance. If I had been concerned about getting tenure, I might have been more circumspect, but at the time I didn’t plan on being a law professor forever.

Q: What did you plan on doing instead?

JH: I intended on going back to practice law. I didn’t have that mentality of ‘I’ve got to please these people.’ But now, I do think it’s very important for

Black law professors, in particular Black women, to make sure that they get tenure...that’s an important point.

Q: How do you feel about being called a “trailblazer”?

JH: Initially I thought, ‘well you know I just lived my life.’ But someone said [to me], “you have to realize that usually when people think of trailblazers or pioneers, they’re thinking about people who are dead and have been for a long time. But you’re still alive so you have to not only embrace it, but remember to constantly tell people so they know you’re still above ground.” So now I agree with that label. Obviously, there are other people who could have done what I did, but they just didn’t have the opportunity. It just happened to be the time that I lived.

Q: Who are some of the other women who were doing this work before you?

JH: A Black female at an ABA accredited Black law school [North Carolina Central University Law School] was a tenured law professor 20 years before I started teaching



“We’ve all experienced [a meeting] where a woman raises her hand, brings forward an idea, and nobody pays attention to her until five minutes later a man says the same idea. Whether you are the person running the meeting or you’re just



a person in it, you can notice that, and you can change culture by saying, ‘Oh no, no, no. I want to go back and hear what Tina said. I like her idea. Can we go back to that? Because she said that first.’ Everyone can do that. Everyone can start paying attention to those little moments where someone is not being heard or someone is not getting respected. And that’s what starts to change culture: those little moments, those little interactions that start to build on one another.”
—Tina Tchen (JD ’84), CEO of Time’s Up, in a Q&A with Refinery29



“There’s a real opportunity to rethink how law firms work. Clients are diverse, the world is diverse, jury pools are diverse. You can’t have a law firm that looks like the 1950s. ... I have started my own firm. We’re a majority women-owned firm, a partnership where people value their families. If you don’t have a rich personal life and social relationships, you aren’t a good advocate.”

—Faith Gay (JD ’86), founder of Selendy & Gay in #NLawProud Stories.



law in 1971. [Sybil Marie Jones Dedmond] was on that faculty from 1951 to 1964. Also, the first woman law professor at any law school was Black. Lutie Lytle taught in 1897 at the Central Tennessee College in Nashville, Tennessee, which closed in 1922. While I appreciate being honored, I do not want to forget those who came before me.

Q: When you joined the faculty at the University of Minnesota Law School, you became the first Black woman tenure-track law professor at a predominantly white institution, which you wrote about in a book chapter in *Neither a Whisper Nor a Shout*. What was that like for you?

JH: After Martin Luther King was assassinated, all of a sudden law schools looked around and said “Oh, there [should be] Black people going to law school.” So, they recruited the students. Then students looked around, and said “Where are the Black professors?” That was the impetus for schools to go and recruit Black professors. Someone said to [University of Minnesota], you have a graduate of your own who is Black and who has all the credentials that were then considered essential for a law professor. The University of Minnesota law school then recruited me into teaching.

Q: This year, all of Northwestern is celebrating 150 Years of Women—commemorating and celebrating the 150 years since women could

enroll as undergraduate students. What are some things that you are most proud of when it comes to progress for women at the Law School?

JH: Clearly there’s been change since I’ve been here. For example, I had a woman [in class] recently who was pregnant and about to deliver. When I started teaching all my students were male and pale. That’s all I had. I had [another] woman who came to school recently with her toddler son

because something happened to her babysitter. Women are now about half the law school, so there has clearly been progress for women.

Q: What still needs work in order to be more inclusive?

JH: My sense is that white women are going to reach parity before Black women do. I still maintain my focus on Black women. I do think white women opening some doors helps Black women, but there’s still a difference and I don’t want people to overlook that difference.

Q: How important is it for women to see other women in positions of power?

JH: Judge [R. Eugene] Pincham, who is a 1950s graduate of the Law School, gave me the phrase: “You can’t be what you can’t see” and it totally hit me. I don’t have to do anything. Just my being here means that people can see me and think “Oh, I can do that.” When I think about my own history, believe it or not, as a teenager I had NAACP Legal Defense Fund lawyer, later the first Black woman federal district court judge, Constance Baker Motley hanging on my wall. She worked with Thurgood Marshall, the first Black supreme court justice. I did not have him as a pinup. I had her because she was a female. I think it’s very important.

Q: What are you working on now?

JH: My article *Muhammad Ali: The Passport Issue* is going to be published in the *North Carolina Central Law Review*, and the reason I am very happy about that is because North Carolina Central was the school that had the first Black female law professor at any law school in the country.

Q: What inspires you today?

JH: To be a tenured law professor serving as a subliminal message to students. I think that is what keeps me going.



Sydney Ann Bosworth becomes the first female editor-in-chief of the *Northwestern University Law Review*.

Remembering Karen Daniel, “Determined Fighter for Justice”

BY ANDREA LEWIS AND LAURA NIRIDER

Karen Daniel, director emerita of the Center on Wrongful Convictions at the Northwestern Pritzker School of Law, passed away in Oak Park, Illinois, on December 26, 2019. Daniel was a force of nature: a determined fighter for justice, a leader in the national legal community, and a trailblazing role model for aspiring lawyers-to-be. The entire University, and a generation’s worth of Center on Wrongful Convictions alumni, mourns her loss.

One of the first women lawyers to devote her life to the work of rectifying wrongful convictions, Daniel graduated from Harvard Law School in 1981. Eschewing more lucrative opportunities, Daniel spent several years at Illinois’ Office of the State Appellate Defender, where she built a reputation as one of the office’s most fearless advocates for indigent defendants. It’s also where she met her future

husband Alan Goldberg — an esteemed appellate attorney in his own right.

As Daniel ascended the ranks at the Office of the State

Appellate Defender, the national criminal law community was in upheaval: a revolutionary new tool — DNA — was proving prisoners innocent at a rate far higher than anyone had previously imagined. On August 14, 1989, Illinois defendant Gary Dotson



became the first person to be exonerated by DNA when the new technology proved him innocent of a sexual assault. Over the coming years, DNA and similar forensic evidence would uncover hundreds of additional wrongful convictions across the country — including dozens on death rows.

Driven by these discoveries, then-Northwestern Law Professor Larry Marshall teamed with acclaimed journalist Robert Warden in 1999 to found one of the nation’s earliest innocence organizations: the Center on Wrongful Convictions. Shortly afterwards, Marshall and Warden recruited Daniel — along with her beloved colleague, attorney Jane Raley — to

join the nascent Center. Guided by their collective efforts — and, since 2014, under Daniel’s direction — the Center has become one of the most respected and successful innocence organizations in the country. It has been responsible for more than forty exonerations and dozens of other releases around



“When I read the Declaration of Independence, when I read the Constitution, I know my clients are the embodiment of those ideals. I see that in them. We need not fear that America is going to change because of immigrants. What I’m concerned with is that in our desperation to keep immigrants out, we actually change who we are. We lose the values, we become our worst nightmare. Our country can absorb these people, and the forefathers’ experiment, started centuries ago, it’s still working; we need not fear that it’s not going to work.”



—Uzoamaka Emeka Nzelibe, clinical professor of law and staff attorney at the Children and Family Justice Center in *Northwestern Magazine*

the nation. Indeed, after the Center helped exonerate six individuals off Illinois' death row, the Governor of Illinois announced a moratorium on the death penalty in a speech delivered at the Law School in 2003; in 2011, capital punishment was formally outlawed in Illinois.

“She personified the best traditions of what lawyering can mean, including the building of a community around timeless ideals of justice and truth.”

At the Center, Karen Daniel and her students personally exonerated more than twenty innocent individuals — all serving extremely long sentences, in often-horrific prison conditions, for crimes they didn't commit. She was a prominent member of the national Innocence Network and was particularly noted for her landmark work exonerating women. A ferocious advocate, Karen was deeply respected by judges and lawyers across the country — and beloved by her clients, who often considered her to be family. A generation's worth of law students who passed through her care at the Center found her teach-by-example style electrifying: in her unassuming way, she personified the best traditions of what lawyering can mean, including civic leadership, fighting for those less privileged, and the building of a community around timeless ideals of justice and truth. Scores of her former students, across class years, remain affiliated with the Center through its alumni group, the Justice Council.

There may be no better way to encapsulate Karen's impact than by offering a description of the hundreds who gathered at her memorial service in Oak Park. Mourners ranged from the powerful — Kim Foxx, the elected Cook County State's Attorney, quietly paid her respects with a security detail in tow — to the once-powerless: dozens of formerly incarcerated individuals, exonerated by Karen, joined her family among the front rows. Where once she had lifted them up, her former clients were now there to exalt her. Many Center exonerees were accompanied by their families — including dozens of children who would never have been born without Karen's work to free their parents.

Karen Daniel's legacy is large, and the Center on Wrongful Convictions remains deeply committed to its students, clients, and mission. To do justice to Karen's legacy is to continue to seek justice in her name. The Center on Wrongful Convictions will continue to do just that.

“Anytime I feel frustrated, I think ‘this is nothing because at 5 p.m., I get to go home to my family and I get to do all

those things that people are denied in prison.’ There's nothing better to keep you going than remembering there's someone suffering who shouldn't be.”
—Laura Nirider (JD '08), clinical professor of law and co-director, Center on Wrongful Convictions, in *Flare*

A Changing Masthead

In February, Annie Prossnitz, editor-in-chief of the *Northwestern University Law Review*, traveled to Washington D.C. to mark a milestone: for the first time ever, the editors in chief of the 16 top law journals in the country were all women. To acknowledge the occasion, Duke Law School hosted a daylong conference, “Honoring Women's Advancement in Law” at its Duke in DC offices. Speakers at the conference, which fell on the centennial of the 19th Amendment, included Supreme Court Justice Ruth Bader Ginsburg and feminist legal scholar Catharine MacKinnon.

“I see this achievement as a jumping off point, rather than an end goal, towards amplifying the voices of women and people of color in the legal academy. I am energized to work towards this change, alongside the other female editors-in-chief, in the months and years to come,” said Prossnitz.

“It's not just an honor but a great responsibility to be the EIC of a law review,” Duke Law Dean Kerry Abrams said in her opening remarks. “For all 16 of these schools to have chosen women is a really unusual and special occasion. But it's not an accident. The 19th Amendment put into motion the right for women to vote, to serve on juries, to run for office and it created the progress that has led to the circumstances that we now have today.”

The 16 editors also produced a joint law review issue, *Women & Law*. The issue featured essays from 14 legal scholars, including Rebecca Pallmayer, the first female chief judge in the 200-year history of the Northern District of Illinois.



In Her Own Words: Dawn Clark Netsch

Dawn Clark Netsch (JD '52) was the Law School's first female faculty member and served as legal adviser to Illinois Gov. Otto Kerner. A state senator for 18 years, she was elected state comptroller in 1990, becoming the highest-ranked woman in Illinois government at the time. In 1994, she became the first woman to run for governor of Illinois as a major party candidate. She died in 2013, after more than 45 years teaching and mentoring Northwestern Law students. These quotes come from a 2010 oral history with the Abraham Lincoln Presidential Library.

“What is terribly worthwhile is maintaining your own sense of integrity, because that is important not just to you, but it's important in what you convey to the public, to help them, hopefully, in time, get over this terrible distrust and dislike of government. Because government has an awful lot to do with what happens to everybody's life, and it's just not right that people feel that way about it. And it's not right that they're sometimes given reasons for feeling that way about it. So some of this will balance out over a period of time, I hope. And that's very, very important, I think.”



“I have always, of course, felt very strongly about the fact that government should not tolerate discrimination, that it should protect people's right to stand up and be counted, and not only vote — which had been a problem in the early part of my life — but to be able to move ahead, not to have any barriers that government put into place, and indeed, to use the power of the judiciary and the legislative process to break down discrimination. And respect for individual persons, which I hope is the basis of it all.”



“My basic message was, Look, guys, women are going to law school, they're doing well, and if you want to have good lawyers in the future, you better get over your biases and start hiring women. ... Basically I'm just here to tell you these are the facts of life, guys: women are going to law school, they're good students, they're going to be good lawyers, and you just better get used to it.”



“I guess if there's one thing I might like to be remembered for, it's that I did get through a long period of time in the public sector and on the periphery of the public sector, with, I think, my integrity and credibility more or less intact. And I do pick up that a lot, maybe because people think I'm not going to be around much longer. More and more it seems to me that people are saying to me, 'Thank you so much for what you've done to, you know... whatever.' Given the way in which people in public life are unfortunately regarded right at the moment, I guess that's something to feel good about.”

“To try to tell someone that you're a bad person, you're a redneck, you're a bigot, you're a whatever, because they had a viewpoint that they grew up with, I thought was not right. What you would try to do would be to try to help them understand: Okay, over a period of time, if you don't want to change your views, fine, but don't impose your views on all the rest of us; help us to be allowed to have a different perspective. By the way, some of those who were involved in the Equal Rights Amendment battle I thought were totally inappropriate in the measures that they took. It's not because you aren't principled or are not willing to stand up and be tough, it's that you've got to have some respect for people who genuinely hold different points of view. I hope I always did that.”





“There are a lot of cultural expectations of what a good attorney looks like. So I thought that I had to be hard on people, aggressive, in order to be seen as a respected attorney. I think it’s problematic when people think of skills like relationship building, empathy, listening, as feminine. What I’ve come to realize is that I can be me. And what I hope is that we can change the culture because that’s something that all attorneys should be thinking about.”

—Annalise Buth (JD '07), MR Bauer Fellow in Dispute Resolution in #NLawProud Stories.



Gender Nonconformity and the Law



Kimberly Yuracko, *Dean and Judd and Mary Morris Leighton Professor of Law*, is the first female to be named dean of the Law School. She joined the faculty in 2002 and has gained national renown as a scholar of employment law, anti-discrimination law,

and gender equity. The following is an excerpt from her 2016 book, *Gender Nonconformity and the Law* (Yale University Press).

When the Civil Rights Act was passed in 1964, its target was clear. It aimed to eliminate the categorical workplace exclusion of women and minorities. At the time, African Americans were routinely excluded from jobs and even from whole industries. Women, too, were confined to “pink collar” jobs and often barred from the more prestigious and profitable positions reserved for men. Title VII sought to, and did, end this kind of categorical group-based discrimination.

In the decades that followed, however, discrimination became much more subtle and complex. No longer were women or minorities categorically excluded from jobs. Inclusion did, though, require that they “fit” the corporate mold. An employer might be happy to hire female lawyers, for example, as long as they did not appear too “butch” or masculine. An employer might be happy to hire black ticket agents as long as they did not wear their hair in “cornrows.” Those who expressed their gender or race in disfavored ways continued to be excluded.

Workplace “fit” demands have been labeled “second generation” discrimination and have become a focal point of anti-discrimination litigation and scholarship. Feminist scholars argue that such fit demands require employees to embrace traditional conceptions of masculinity and femininity and punish employees whose gender expression

deviated from that typically associated with their biological sex. Race scholars have made similar arguments contending that workplace fit demands punish workers whose racial expression deviated from white middle-class norms. Both types of fit demands, scholars argue, should be treated as actionable under Title VII’s prohibition on sex and race discrimination.

The U.S. Supreme Court paved the way for such protection in the sex context in the 1989 case of *Price Waterhouse v Hopkins*, in which the Court declared that sex stereotyping was a prohibited form of discrimination in employment. The Court’s pronouncement came in a case where a woman was denied promotion to the partnership of a larger accounting firm despite outstanding professional reviews by clients and tremendous success in winning new business contracts. Evidence suggested that she was denied promotion, at least in part, because she was viewed as inadequately feminine and ladylike. While the supreme Court had previously held that it was an actionable form of sex discrimination to penalize a female employee based on stereotypical assumptions about how women actually behave, this was the first time the Court made clear that it was also a form of sex discrimination to penalize a woman based on stereotypes about how women should behave.

The Court’s seemingly simple declaration has been the most important development in sex discrimination jurisprudence since the passage of Title VII, and it has been responsible for dramatic expansions in how courts have interpreted the act’s coverage. The prohibition on sex stereotyping has led to protection for men who are harassed by their coworkers because they are perceived as inappropriately feminine in how they walk, talk, stand, and move their bodies. It has also led to protection for transsexuals — once excluded from the act’s protection altogether — from workplace disadvantage as they transition in their outward appearance from one gender to the other.

Ada Kepley (LLB 1870) became the first woman in the United States to graduate from law school after attending Union College of Law (now known as Northwestern Pritzker School of Law). After graduating, Kepley, because she was a woman, was prohibited from joining the Illinois State Bar. Though state legislation allowing women to join the Bar passed in 1872, she didn’t do so until 1881. Although Kepley occasionally appeared in court, she never had a steady law practice. Instead, she steered her focus to her religious beliefs. She was a staple in the women’s suffrage movement and was an ordained Unitarian minister.



Yet not all gender nonconformists have gained protection. Garden-variety gender benders – those who object to some but not all of the conventions associated with their biological sex — remain outside the law’s protection and continue to be subject to their employer’s gender conformity demands. Employers remain free to adopt and enforce sex-based grooming codes requiring, for example, that men refrain from wearing earrings or that they keep their hair short.

The result is a body of case law that is on a trajectory while still being in something of a muddle. The trajectory is in the direction of greater and more expansive protection for the ways in which people experience and express their gender. The muddle is due to the fact that the trajectory is imperfect. Some workers continue to be denied protection for their gender nonconforming conduct, and it is difficult to identify a single guiding principle or rule to explain who wins and who loses. The cases look contradictory and even incoherent.

To the extent, for example, that one reads the gender nonconformity protection as reflecting a commitment to formal neutrality, the protection for the aggressive woman may make sense, but permitting sex-based grooming codes and penalizing garden-variety gender benders looks irrational. To the extent that one reads gender nonconformity protection as reflecting a narrower commitment to eliminate only those gender performance demands that are directly at odds with job requirements, then failure to protect garden-variety gender benders may become more

understandable, but protection of the effeminate man and the transsexual becomes perplexing. Finally, to the extent that one reads gender nonconformity protection as shielding workers

only from performance demands that burden their core gender identity, then protection for the transsexual become understandable, but protection of the aggressive woman from feminine workplace demands is rendered mysterious.

“The current trajectory of expansion may be bringing new protections for individual gender nonconformists at the expense of a subtle hardening of gender expectations for everyone.”

My goals in this book are twofold. First, I seek to explain the muddle. Antidiscrimination law has always reflected a mosaic of principles and values rather than a single commitment or requirement. It is the search for a single guiding antidiscrimination principle that makes this area of sex discrimination law look particularly inconsistent and incoherent. I strive...to identify the range of different values and principles underlying contemporary sex discrimination jurisprudence generally and to reveal the work that these different principles are doing driving courts’ quickly changing response to gender nonconformists.

Second, I seek to raise a note of caution about the trajectory. The most recent expansion of protection for gender nonconformists is due to an increasing medicalization of gender in the courts. Protection for transsexuals, in particular, has depended in large part upon courts’ acceptable of testimony by medical experts affirming the fixed, stable, and immutable nature of gender identification in those who suffer from gender identity disorder. Such evidence, however, serves to essentialize the gender experience not only of transsexuals but of women and men generally, defining masculinity and femininity for everyone in terms of fixed, stable and highly tradition forms of gender performance. Paradoxically, then, the current trajectory of expansion may be bringing new protections for individual gender nonconformists at the expense of a subtle hardening of gender expectations for everyone.

At its core, this book is more a work of doctrinal deconstruction than of moral philosophy. It seeks to explain not when discrimination is wrong in some abstract moral sense but when discrimination is wrong as a matter of law in the Unites States in the early decades of the new millennium. Moreover, it challenges existing law not on theoretical grounds but on the grounds of the law’s concrete implications for workplace freedom, sex equality, and gender fluidity.

“We have laws that prohibit [gender] discrimination and a constitutional right to equal protection. To give meaning to these



guarantees, credibility discounting should count as actionable discrimination. As history has shown, the law can transform social practices that undermine gender equality. But first, these practices must be called by name.”
—Deborah Tuerkheimer, Class of 1940 Research Professor of Law in Ms. Magazine



Establishing a Foothold in Silicon Valley

**The San Francisco
Immersion
Program, a
partnership
between the Law
School and Kellogg,
provides hands-on
experience in the
epicenter of tech.**

By Ed Finkel



For the past few winter quarters, a select group of Northwestern Pritzker Law students, together with their Kellogg School of Management counterparts, have ditched their winter hats and gloves and traveled west in order to immerse themselves in the world of Silicon Valley.

Housed in Northwestern's San Francisco campus and open to second- and third-year students, the 10-week San Francisco Immersion Program, which is directed by Emerson Tiller, J. Landis Martin Professor of Law & Business, combines externships at companies like eBay and Impossible Foods with classroom instruction by professors from both schools. The externships, which, for law students, take place in general counsel's offices, provide not only valuable experience but contacts in the tech world, many of whom are Northwestern alumni.

Launched as a Kellogg initiative in 2017, the Law School was invited to join as a partner a year later. The program piloted with limited enrollment but quickly attracted attention and interest from students hoping to work in the tech world after graduation. For the 2020 session, the program had 30 applications and enrolled 20 students — roughly double the number of previous years. "We're seeing a need for law schools to do more than just prepare students with critical thinking and legal reasoning skills," says Don Rebstock, associate dean of admissions and career services. "There are other competencies students need, like

an understanding of business strategy, quantitative and financial skills, communication and presentation skills, and an entrepreneurial mindset."

Kellogg started its effort for many of the same reasons — to give students exposure to and experience in the tech world, to engage with alumni on the West Coast, and to provide a differentiator for prospective students, says Michael Xenakis, adjunct lecturer of innovation & entrepreneurship, who runs the program at Kellogg. Sixty-three Kellogg students participated in the first three years, and they



A lot of people in law school go in with the idea that they're going to work at a firm forever. The legal profession has tracks that you follow. This program got me thinking outside those tracks."

currently cap their side of program at about 30 students per year. Participating students from both schools say the combination of hands-on experience and close relationships with classmates is what makes the program stand out. "It allows them to combine the academic rigor with that unique, hands-on experience of working at startups in particular, and venture firms," Xenakis says.



That combination suited Mason Willis (JD '20), who originally hails from the Bay Area and wants to return to his hometown to practice in the technology field after graduation. "Those 10 weeks changed the way I think about my career," Willis says. "A lot of people in law school go in with the idea that they're going to work at a firm forever, or move forward on the standard route that's out there. The legal profession has tracks that you follow. This program got me thinking outside those tracks."

A CLASS APART

While the externship experience may seem to be what makes the program unique, both students and professors say the coursework sets the program apart from the typical Law School fare. Courses like Information Privacy and Social Entrepreneurship are San Francisco-only offerings, and the opportunity to bond with Kellogg students is another unique feature. "They're going side by side with Kellogg students to classes," Rebstock says. While courses around entrepreneurship have historically revolved around preparing students to represent entrepreneurs, "this is also about preparing a subset of our students to be entrepreneurs themselves."

Taking classes with a cross-disciplinary group of students leads to rich conversations, previewing the types of discussions lawyers and company leaders will have for the rest of their careers, Xenakis says. "When the question



raised is, 'how do you think about this business, and would you invest?' business school students without fail go toward, 'What's the competitive advantage?'" he says. "Law students bring to bear whether there are intellectual property issues, and are they defensible. The more perspectives and viewpoints, the better."

Joshua Bruce Deal (JD '19), who went through the program in Winter 2018, appreciated the interactions with Kellogg students in both the present and future tenses. "My clients will be business leaders. It was valuable to have the opportunity to interact with them and see the type of training they're focusing on," he says. "Law students have our nerdy conversations. Business people have their nerdy conversations. It's good socially because it's a reminder to broaden your horizons."

Willis also appreciated the exposure to students who plan to join startup companies. "That wasn't on my radar before doing this program, in terms of taking a risk with my career," he says. "My eyes were opened to alternative avenues towards a happy life."

Maria Arroyo (JD '20), who externed with eBay as part of the 2019 program, says Law School students stood out in the combined law-business classes. Business students "would often have optimistic comments about the growth of a company, like whether it could go global," she says. "The JDs brought reality to



The JDs brought reality to class discussions: 'Is this actually a good idea? Is the IP protected?'"

class discussions: 'Is this actually a good idea? Is the IP protected?'"

In turn, law students learned to keep a balance between identifying risks and getting overly fixated on them. "Professors encouraged us to keep an open mind," Arroyo says. "To be okay with the fact that there's risk." And realize that the Kellogg students' optimism "is the mindset you need to have when founding and building a company."

That much of the instruction is done by people who are in the field, such as partners in venture capital firms, was another perk, Arroyo says. "These people are actually doing the job, interacting with each other in real deals that are going to happen. That was one of my favorite things I experienced."



LEARNING ON THE JOB

To date, the externships have provided a range of experiences, which can vary depending on the growth stage of the company. At a mature company, a student might get experience in different divisions, spending time in labor and employment, and then in intellectual property, Tiller says. "Whereas at a startup, it's more fast and loose — they could get anything that might be coming their way," he says. "It's an excellent opportunity for people who have

At eBay, Arroyo handled a different project each week for different practice groups as part of a rotation that included two weeks at subsidiary company StubHub. "Everyone I met was so accomplished and so, so smart," she says. "Everyone took the time to get to know me. I felt really welcomed."

Willis, who worked at the 3,000-person tech company Genes prior to law school, wanted to try a different environment and was placed at the 70-person startup Ouster, which builds lasers for self-driving cars. He reported to general counsel Myra Pasek (JD '90), a veteran of companies like Tesla and Impossible Foods, where she also hosted externs. "She didn't have a legal team. It was just me and her," Willis says. "Because she is literally the only lawyer at this rapidly growing company, she does everything." That included corporate governance, employment law, health and safety, contracts and intellectual property. "I got exposed to everything. I helped review contracts, draft health and safety manuals, and I interacted with outside counsels."

As an alum, Pasek knew that she would get high-quality students when she took on externs. She gave Willis work that was appropriate for his experience but also substantive and helpful to her, such as preparing for the company's next round of financing by creating a repository for all of its important documents. "When you're a startup, you don't have the money to hire everybody you might want. It was really helpful to have access to somebody who's smart and could do good work," she says. "It was work I would have done myself, if I could clone myself. He worked with outside

counsel to update our employment agreements. He did things that needed to be done, that didn't require a ton of legal judgment, but required somebody who's smart, and can write well, and basically manage the project."

The externship offered Willis an experience he might not have gotten otherwise. "He got to see the inner workings of what a legal department does at a super-promising startup," Pasek says.



When you're a startup, you don't have the money to hire everybody you might want. It was really helpful to have access to somebody who's smart and could do good work."

THE SOCIAL NETWORK

Since the program's launch, some participants have found jobs with Silicon Valley firms, and all have built their networks, Tiller says. "That's one of the things we hoped would happen. It's not necessarily jobs at the companies themselves — [general counsel's office at a tech company is] often the resting place after three, four, five years at a law firm," he says. "The hope was that these experiences would make them more attractive to law firms, especially Bay Area law firms. We've seen that bear fruit."

The externship and the program overall worked out well for Deal, providing the contacts that led to his current job for the Palo Alto-based firm Cooley LLP. "This program was an inflection point of my legal career," he says. "It's possible I would have ended up out there without the San Francisco program, but I do think it changed my life."

Following his experience in the San Francisco Immersion Program, Willis worked as a summer associate at the San Francisco law firm Morrison & Foerster, where he will return to work full time after graduation. "This program is exceptional to give you real, hands-on corporate work, which you don't necessarily get in law school," he says. "It's an opportunity to get exposure in a region where corporate work is integral. I found that to be incredibly valuable."

Arroyo spent the summer after the San Francisco program working at Atkinson Anderson in Los Angeles, handling labor and employment work, and while she expects to work for a firm after she graduates, she

has in-house work in mind down the road. "Employment law is one of the first positions a company hires when growing their legal team," she says, adding that she appreciates how well the program prepared her to network. "I'm a first-generation student. I'm not completely familiar and comfortable all the time with marketing myself."

Northwestern Pritzker Law alumni have been playing a growing role in the San

Francisco Immersion Program, whether hosting externs, teaching in the program, or appearing as guest speakers, Tiller says. "There's a lot of distance between Chicago and Silicon Valley, so our Bay Area alumni aren't always as active," he says. "This is a chance to engage our alumni on the West Coast more. Whether they're teaching, mentoring, or appearing as a panelist at a conference — this provides ways to engage our alumni that we never could before."

This is especially important since, as Deal notes, California is a top destination for Law School alumni. "I would encourage members of the Bay Area Northwestern Law Alumni community to engage with this program — even something as simple as making an introduction, speaking to a class, or giving students a tour of where they work," he says. "It will give those students a sense of what the practice of law looks like beyond the classroom, and beyond the Midwest."

The Spring Break Alternative

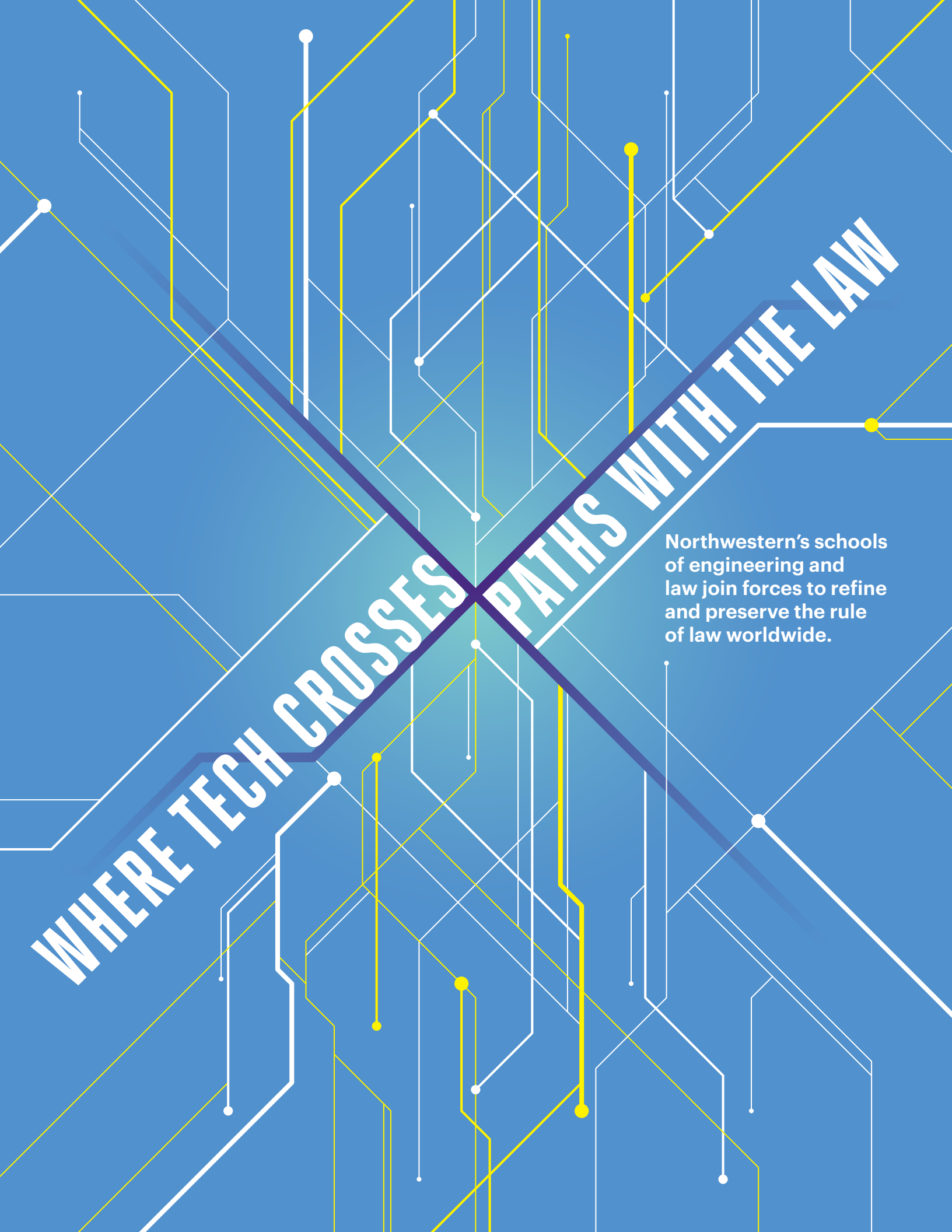
Law School students who don't want to spend an entire term in San Francisco — and those who might but aren't sure yet — can take advantage of an annual Spring Break travel opportunity that provides exposure to Bay Area attorneys and the entrepreneurs, private equity investors and venture capitalists they represent.

"We try to show how that entire ecosystem works, how it's different, how it developed like it did, and how the different [stakeholders] like founders and lawyers work together," says Darren Green, senior lecturer in the Donald Pritzker Entrepreneurship Law Center (DPELC). "We'll often focus on innovation, trying to get them thinking about how these companies are innovating in their space."

The companies who take part range from early stage startups to mature companies like Google. "We were at Impossible Foods two years ago when it wasn't on people's radar," Esther Barron, director of the DPELC, says. "We met with the general counsel, we met with scientists, we got a tour of the facility and got an idea of what the future might look like. Now, they're everywhere."

Barron says the Spring Break trip, which pre-dates the immersion program, works directly with the immersion program to create new ways to partner. "There are a lot of students who have an interest in that part of the country. It's a work in progress, to a certain extent, how we merge the programs. There will be further integration over time."





WHERE TECH CROSSES PATHS WITH THE LAW

Northwestern's schools
of engineering and
law join forces to refine
and preserve the rule
of law worldwide.

Though judges and juries strive to be impartial, a deep look at macro-level patterns found in data calls into question whether this is actually the case.

Take the death penalty, for example. Only after researchers began to study who was sentenced to death rather than to life in prison did patterns related to ethnicity emerge. A 1990 US General Accounting Office report combined 28 different studies of homicide cases to find that, among defendants with similar criminal histories, those whose victims were white were several times more likely to receive the death penalty than those whose victims were African American.

Nearly 30 years later, advances in artificial intelligence (AI) and machine learning enhance our ability to understand other important insights in legal proceedings previously hidden in large datasets. These tools give rise to many other opportunities — and challenges.

On one hand, software can help lawyers prepare for litigation. On the other, it might give them an unfavorable advantage.

If attorneys can identify a pattern of words or terms in documents that can be used to guide judges to rule in their favor, should they be able to use them? Because these tools are so new, should legislation govern their use? How can lawyers and engineers work together to make these tools not only useful but also fair by design?

These are the questions Northwestern Engineering and Northwestern Pritzker School of Law faculty and students hope to answer through new courses, research projects, and joint initiatives at the intersection of technology and law to help shape the future of legal services, judicial systems, and the law itself.

“We want to leverage technologies to create the kind of society we want to live in. Together we can use technology to better realize our foundational principles of justice.”

KIMBERLY YURACKO Dean, Northwestern Pritzker School of Law

“We want interdisciplinary teams both to create new tools and to understand how the other side thinks and works,” says Julio M. Ottino, dean of the McCormick School of Engineering. “With that understanding comes a new way of collaborating that will lead not only to innovation but also to leadership in artificial intelligence and the law. It’s a space that’s primed for guiding principles.”

“Those working in law must understand AI technologies to help regulate and use them to make legal systems more efficient and fair,” says Kimberly Yuracko, dean of Northwestern Law.

“We want to leverage these technologies to create the kind of society we want to live in. Together we can use technology to better realize our foundational principles of justice.”

✍ FORGING NEW LAW AND TECH PARTNERSHIPS

Both computer science and law faculty approach this partnership with caution because of the widespread use of AI systems in media for the dissemination of “fake news.” As algorithms play a heavy hand in offerings to readers, false information can be presented to reinforce a reader’s point of view.

“Now we have news filter bubbles and weaponization of information,” says Kris Hammond, Bill and Cathy Osborn Professor of Computer Science. “Unless someone is at the wheel, bad things like this can happen. But if the right people are making decisions, these advanced technologies can be magnificent.”



“We can collaborate to create law and technologies that promote human rights and expand and preserve the rule of law around the globe.”

DAN LINNA Director of Law and Technology Initiatives

This fall, Northwestern Engineering and Northwestern Law enhanced their collaboration by appointing Dan Linna as the director of law and technology initiatives, the first joint position in law and engineering. With his background as an IT consultant and as an attorney representing international corporations and technology clients, Linna has experience on both sides of the equation. At Michigan State University, he founded LegalRnD—the Center for Legal Services Innovation. At Northwestern, he aims to work with faculty and teach students at both the law and engineering schools to improve legal services and determine the best path for regulation of emerging technologies.

“Technology is already changing the delivery of legal services,” he says. For example, some legal search services use natural language processing and semantic analysis in their retrieval processes, while others provide text analytics and machine learning to support the discovery process. Emerging products include AI software that can learn from the decision history of a court or judge to predict outcomes or provide insights into the opposing counsel.

“We want to work with big law firms, legal aid groups, and within the legal ecosystem overall to improve access to the law and help improve legal systems,” he says. Also, lawyers could help lead how AI regulations are structured. “We want to be proactive, and ask how law and regulation can facilitate innovation that seizes opportunities to improve society for everyone.”

ENGINEERING AND LAW STUDENTS WORKING TOGETHER

Linna teaches at both Northwestern Law and Northwestern Engineering. In law, he teaches Artificial Intelligence and Legal Reasoning, helping to demystify the technology and motivate students to consider how to use data and technology to improve the delivery of legal services. In engineering, he instructs Master of Science in Artificial Intelligence students about law and the governance of AI. “I want computer scientists not only to understand regulation, but also to shape it and create an environment where these tools will be used for good,” he says.

This past winter and spring, students from both schools came together in CS+X Innovation Lab: Building Technologies for the Law. Thirty-two engineering and law students were divided into six teams and charged with designing, developing, and testing innovative products in the legal space. The course was taught by Linna,

Hammond, and David Schwartz, professor of law and associate dean of research and intellectual life.

“We wanted to teach law and computer science students to work together,” Hammond says. “We wanted to develop a real partnership to solve these problems. The results were breathtakingly successful.”

One team developed a system that uses AI to check a set of clauses in a contract during negotiation in a fraction of the time an associate normally takes to complete. “Humans are still involved in the process—this just takes one part of the problem off somebody’s plate,” Hammond says.

Another group developed an application related to telemedicine, where doctors provide consultations remotely. While this technology provides quick and easy diagnoses, it raises legal questions for doctors, in-house counsel, and insurers. The team’s application allows these stakeholders to ensure a doctor is compliant in providing telemedical care in any of the 50 states by answering a series of questions.

CREATING SYSTEMS GUIDED BY DEMOCRATIC PRINCIPLES

Initiatives like these will help lead the way to a future that isn’t mired in the legal equivalent of “fake news.”

“We can build a road to a future where the use of these technologies aligns with the goals and values of the law: fairness, transparency, responsibility, culpability, and liability,” Hammond says. “If we’re going to use these technologies well and correctly, we have to have this convergence.”

That will help both those in the legal system and those who find themselves caught within it. “What if we were proactive and created a world where the law was embedded in systems to respect human rights and democratic principles from the beginning by design?” Linna says.

“We can collaborate to create law and technologies that promote human rights and expand and preserve the rule of law around the globe.”

EMILY AYSHFORD

This article originally ran in the Fall 2019 issue of Northwestern Engineering.

FINDING A BETTER WAY TO STUDY FEDERAL COURT RECORDS

Northwestern researchers and students have launched a cross-disciplinary pilot project that could put the University at the forefront of enabling artificially intelligent access to federal court records. Accessing those records through the current online PACER (Public Access to Court Electronic Records) system is onerous. Not only is the interface not intuitive, but the federal government charges 10 cents per page downloaded.

For researchers who want to look for patterns among the records, that's no small fee. In 2018 alone, the federal court system handled approximately 300,000 new civil cases and 75,000 criminal cases generating millions of content pages.

"It makes no sense," says Luís Amaral, Erastus Otis Haven Professor of Chemical and Biological Engineering at Northwestern Engineering. One of Amaral's specialties is finding new patterns among large data sets. So when he heard David Schwartz, professor of law and associate dean of research and intellectual life, give a presentation about this problem, Amaral started thinking about solutions.

"If we can't see or measure what's happening in the judicial system, how can we know what's going well, or what needs improvement?" he says. Amaral, who also codirects the Northwestern Institute on Complex Systems, got together with a group of computer science and Law School faculty members to consider the problem.

What made most sense was to download all the federal court records and create their own open and searchable database. A great idea, but such an endeavor could cost \$100 million. Problem solvers by trade, the group members found that if they downloaded only the table of contents for each case, they would have enough information about the judge, attorneys, litigants, and cases to create a useful database.

INCREASING OPENNESS AND FAIRNESS

The group launched the Northwestern Open Access to Court Records Initiative to prove the concept. The first step was to download information from all federal civil and criminal lawsuits brought in the years 2010 and 2015 for the US District Court for the Northern District of Illinois (covering Chicago) and the Northern District of Georgia (covering Atlanta). They also downloaded biographical information on all active judges in the two districts and identified all publicly traded corporations named in a case.

Last winter quarter, as part of the initiative, a group of students in CS+X Innovation Lab: Building Technologies for the Law, was charged with creating a pilot system through which potential users could ask questions like: *How does the ethnicity of judges correlate with their caseloads? Does litigation involving large publicly traded companies differ from other litigation in terms of duration, litigation intensity, settlement rates, and case outcomes? Does litigation involving minority-owned companies differ from other litigation?*

"It's a fundamental artificial intelligence and computer science problem," says Kris Hammond, Bill and Cathy Osborn Professor of Computer Science. "How do you give people access to complex analytics when they don't know how to describe exactly what they need? The answer—by employing natural language to drive search and analytics."

The pilot was so successful that the initiative received funding from the National Science Foundation. The Northwestern team is working with Solstice, a Chicago-based digital strategy and user experience firm, to design and deploy the first version of this system.

"We hope to create an ecosystem of applications and tools that will enable reporters, lawyers, economists, political scientists, and the public to study this system," Amaral says. "The courts system should be a paragon of openness and transparency. This system will help with that."

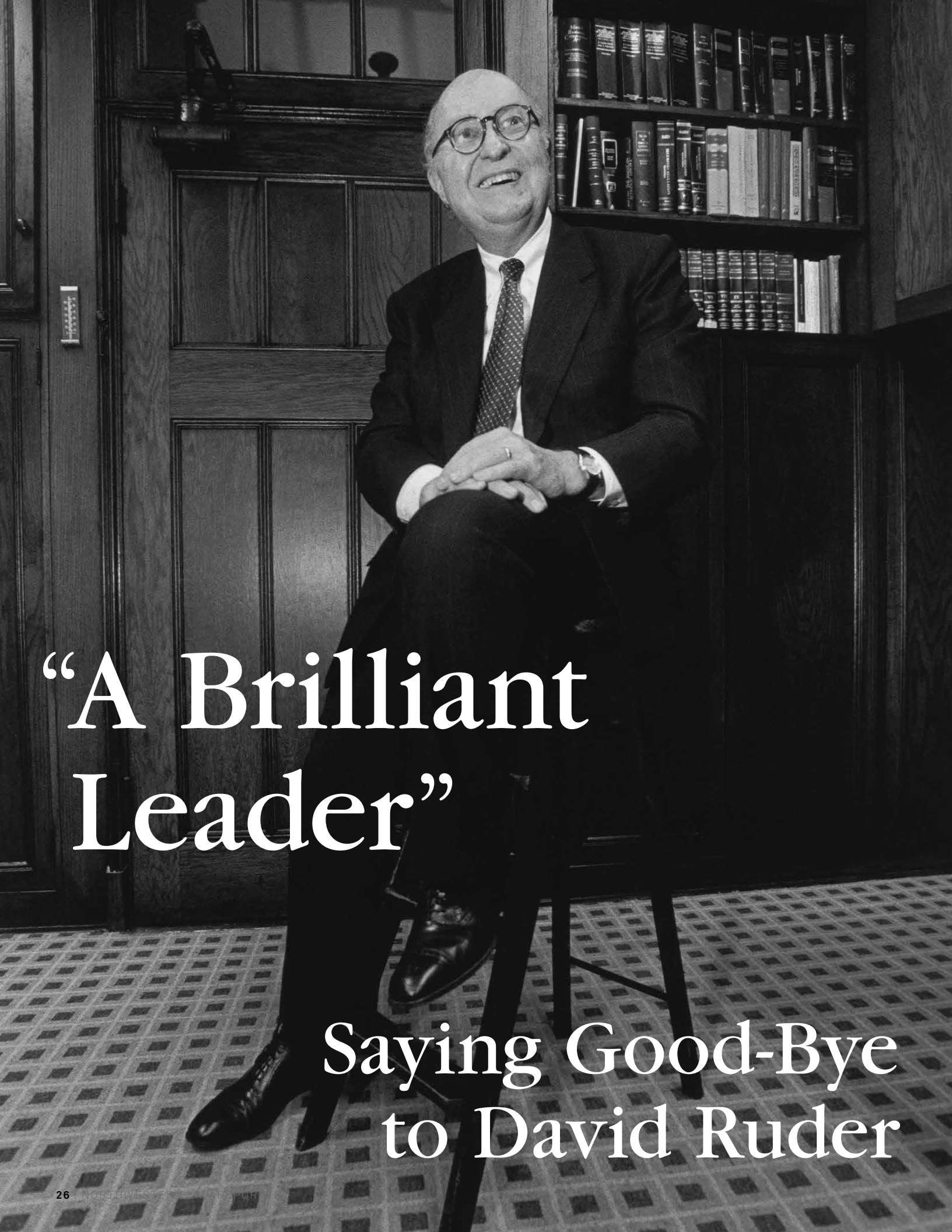
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LUÍS AMARAL Erastus Otis Haven Professor of Chemical and Biological Engineering



“A Brilliant Leader”

Saying Good-Bye
to David Ruder

David S. Ruder, dean of Northwestern University School of Law from 1977 to 1985 and former chairman of the U.S. Securities and Exchange Commission (SEC), died February 15. He was 90 years old.

Ruder, a brilliant leader and the William W. Gurley Memorial Professor of Law Emeritus, joined the Northwestern Law faculty in 1961. As dean he helped plan the construction of the Rubloff Building and the remodeling of Levy Mayer and McCormick Halls, and he recruited several distinguished scholars to join the Law School faculty. “David Ruder transformed this school into a center of scholarly success,” said Martin H. Redish, Louis and Harriet Ancel Professor of Law and Public Policy. “The faculty members he added make up a who’s who of Northwestern Law School scholarly history. He will always be remembered as one of the most impactful deans in Northwestern Law history. It is a testament to his commitment to the Law School that to the very end, he participated in Law School activities.”

Professor of Law. “For me personally, he was a dear friend, mentor and advisor. David welcomed me with warmth and kindness when I joined our faculty and was always generous with his time, wisdom and support.”

A leading scholar in corporate and securities law, Ruder taught courses in enforcement, insider trading, tender offers and other regulatory topics. “I got to know David when I took senior research from him and really appreciated his intellect and wit,” said Pete Wentz (JD ’74), former associate dean of the Law School. “He was notorious for scheduling his make-up classes at 7:30 a.m., which we called wake-up makeup. And he appeared to love it when we showed up in pajamas eating our Cheerios.”

Of his teaching style, Herbert Beller (JD ’67), professor of practice, added: “He had a non-intimidating teaching style and an ability to approach subjects from both a scholarly and practical perspective.”

Ruder wrote some of his earliest scholarly papers on insider trading issues, becoming known as an expert on the SEC’s antifraud rules. He became Professor of Law Emeritus on Sept. 1, 2005, and continued to teach at



Attending the 1985 Northwestern Law graduation ceremony in his final year serving as Dean.

the legal profession, and also could be the most relatable, down-to-earth friend,” said Carole Silver, professor of global law and practice.

Ruder was the author of many papers and articles in the area of corporate and securities law, testified before Congress 45 times, and made more than 600 speeches and public appearances. He participated as a committee chairman or member in the preparation of 12 substantive public policy securities and corporate law reports.

“The thing about David Ruder is that you always knew he had his eye on the ball, the goal being building —and not just literally — the honesty and strength of our legal education, while preparing students, and insisting from our community that the highest professional standards be upheld,” said Leigh Bienen, a senior lecturer.

Ruder served as chairman of the SEC from Aug. 7, 1987, to Sept. 30, 1989. When President Ronald Reagan nominated him for the position, the late Donald P. Jacobs, dean of Northwestern’s Kellogg School of Management at the time, said in a *Chicago Tribune* article, “If toughness is needed, he’ll be tough.”

During his service as chairman of the SEC, Ruder confronted what is still the largest single-day stock market crash in United States history, on October 19, 1987. The Dow Jones Industrial average fell over 20 percent and regulators had to confront new and complex issues relating to

“

I still have people come to me from the SEC and they say ‘you were one of our best chairmen ever.’ They’re not talking about the results that I got. They’re talking about the fact that I listened to them.”

—David Ruder

Ruder also led a \$25 million Law School capital campaign and helped persuade the American Bar Association and the American Bar Foundation to move their headquarters to the Rubloff Building.

“David took such delight and pride in the Law School,” said Kimberly Yuracko, Dean and Judd and Mary Morris Leighton

the Law School through the academic year 2016-2017. “David was a unique combination of encouraging, generous, kind and loyal, thoughtful, curious, critical (in the best sense) and challenging (ditto), all with a twinkle in his eye. He was a terrific colleague, ready to engage on topics from securities regulation to corporate law to

program trading and illiquidity in the markets. Working with President Reagan, the Department of Treasury, the Federal Reserve, the U.S. Congress, and the Exchanges, the SEC implemented new mechanisms to protect the markets, including “circuit breakers” that are still in place today.

He also supervised enforcement actions against violators of anti-fraud laws, initiated a program aimed at eliminating penny stock fraud, and expanded SEC initiatives pertaining to international securities regulation.

Returning to the Law School following his time in Washington, Ruder was instrumental in planning for three annual continuing legal education programs in securities and corporate law: the Corporate Counsel Institute (Chicago), the Securities Regulation Institute (San Diego) and the Ray Garrett Jr. Corporate and Securities Law Institute (Chicago).

From 2002 to 2010 he served as the founding chairman of the Mutual Fund Directors Forum, a not-for-profit organization devoted to educating independent mutual fund directors. In 2015 he served



Being sworn-in as Chairman of the U.S. Securities and Exchange Commission by Justice Antonin Scalia in 1987, alongside his wife, Susan Ruder

Said Henry Bienen, former president of Northwestern University: “David Ruder was an honorable and upstanding public servant and academic leader. He made great contributions through his service as chair of the SEC and dean of Northwestern’s now Pritzker School of Law to which he also contributed over the years as a distinguished member of the faculty. He will be missed by his many friends and colleagues.”

Ruder was once asked what he was most proud of in his career, during an interview

‘Professor Ruder, I had you for securities regulation, and you really enthused me, and now I’m a securities lawyer.’

“And I really was pleased with what I did at the SEC. I still have people come to me from the SEC and they say ‘you were one of our best chairmen ever.’ They’re not talking about the results that I got. They’re talking about the fact that I listened to them. I took their points of view, and I changed my mind if I was wrong.”

Tom Geraghty, Class of 1967 James B. Haddad Professor of Law and former director of the Bluhm Legal Clinic said he loved working under the guidance of David Ruder when he was dean. “He was a brilliant leader — ambitious, confident, hard driving and yet kind,” Geraghty said. “He was responsible for attracting outstanding faculty to the school and he built a magnificent building. He successfully encouraged his colleagues to do their best work. We always felt that he was in our corner. He was our colleague, our leader and our friend.”

Ruder was especially proud of the work and the many successes of the Bluhm Legal Clinic. “He had powerful commitment to clinical legal education, which he recognized — well before the deans at some other top law schools — as an essential component of a modern legal education,” said Steven Lubet, Edna and Ednyfred H. Williams Memorial Professor of Law.

Ruder was born May 25, 1929, in Wausau, Wisconsin. He received a bachelor’s degree, cum laude, in 1951 from Williams College and his law degree with honors in 1957 from the University of Wisconsin, graduating first in his class and serving as editor in

“

David Ruder transformed this school into a center of scholarly success. He will always be remembered as one of the most impactful deans in Northwestern Law history.”

—Martin Redish, Louis and Harriet Ancel Professor of Law and Public Policy

as co-chair of a program presented in Washington, D.C., on “The Future of the Securities and Exchange Commission in a Changing World,” presented by The American Assembly of Columbia University and other organizations, which examined policies, approaches and strategies aimed at improving the effectiveness of the SEC in the new financial and global environment.

for a Northwestern Law oral history project. He pointed both to his scholarly work and his time at the SEC.

“I’m proud of the fact that in my early days I wrote a lot of articles that people cared about, I’m proud about being involved in continuing legal education,” Ruder said. “And I can’t tell you how many times I meet somebody on the street, and they say,

chief of the Law Review. He was a member of Phi Beta Kappa and the Order of the Coif.

The son of a lawyer, Ruder returned to his home state of Wisconsin after serving in the Army to attend law school, with plans to practice law with his father.

“My dad was a lawyer and without knowing it, you follow in your father’s footsteps,” Ruder said. He would go on to practice law in Milwaukee at Quarles, Harriott, and Teschner, now Quarles and Brady. He would also serve as of counsel at Schiff Hardin (Chicago), and as partner and senior counsel at Baker & McKenzie (Chicago).

Ruder was a member of numerous organizations and served on several boards throughout his career including the Joint CFTC-SEC Advisory Committee on Emerging Regulatory Issues; Mutual Fund Directors Forum; Public Company Accounting Oversight Board Advisory Council; International Accounting Standards Committee Foundation; Securities and Exchange Commission Historical Society; National Association of Securities Dealers, Inc.; Task Force on the Future of Shared State and Federal Securities Regulation; American Bar Association Section of

Business Law; American Law Institute; and Committee on Professional Responsibility of the Illinois Supreme Court.

He received an honorary Doctor of Laws degree from the University of Wisconsin-Madison on May 17, 2002. In 2007, he received the William O. Douglas Award conferred annually by the Association of Securities and Exchange Commission Alumni (ASECA) on an SEC alumnus who has contributed to the development of the federal securities laws and served the financial and SEC community with distinction. In 2009, he received the Institutional Investor Mutual Fund Industry Lifetime

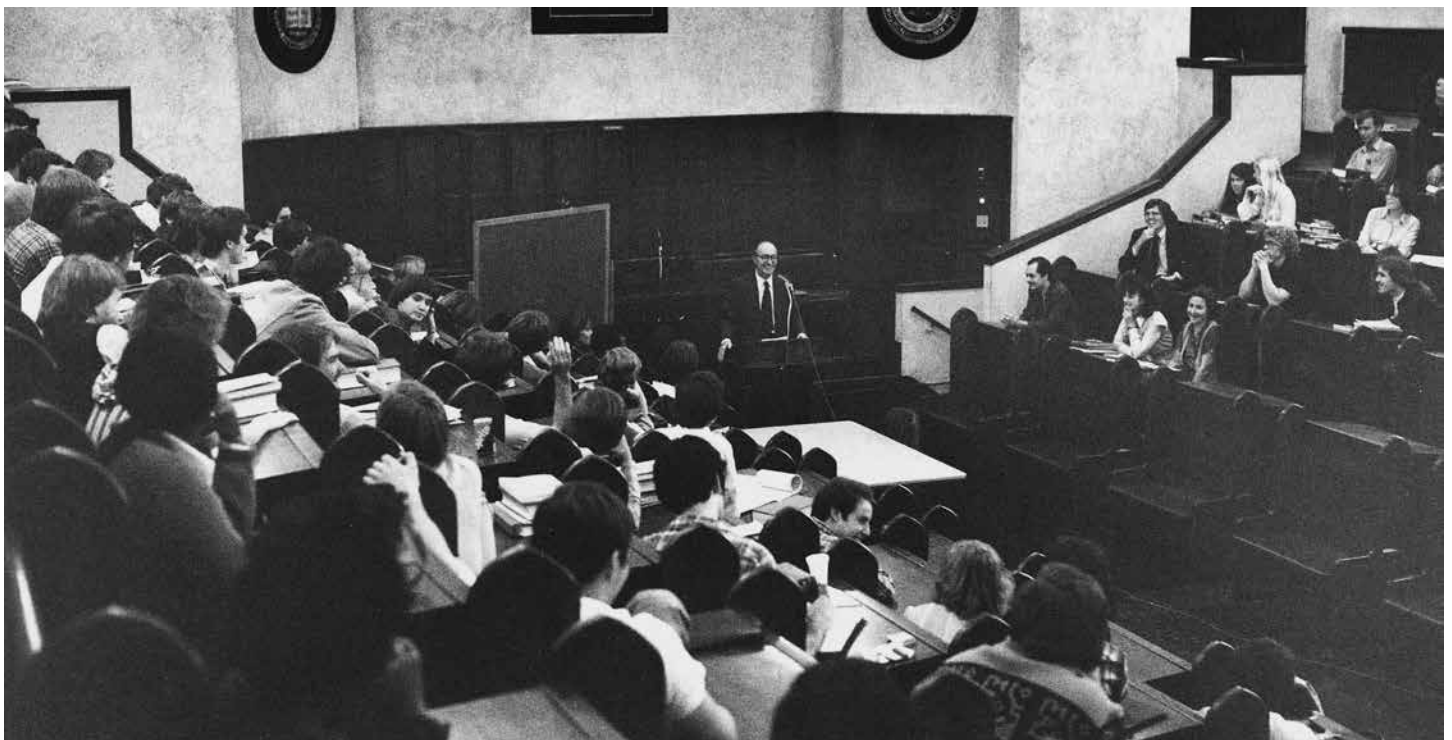
Achievement Award and in 2016 joined the American College of Corporate Governance as an honorary fellow.

Ruder is survived by his wife, Susan; daughter, Julia Ruder San Fratello (Charles San Fratello); sons, David S. Ruder II and John C. Ruder (Kate Ruder); stepchildren, Elizabeth Frankel (Charles Steinhorn) and Rebecca Wilkinson; and grandchildren, Jack and Ashley Ruder, Nathalie San Fratello, Wes and Quinn Ruder, Sarah and Maureen Steinhorn, and Travis and Aurora Wilkinson. He was preceded in death by his daughter, Victoria “Tory” Ruder (Peter Phillips) and sister, Josephine Stone.

“

David was a unique combination of encouraging, generous, kind and loyal, thoughtful, curious, critical and challenging, all with a twinkle in his eye.”

—Carole Silver, professor of practice



Clinic News

Partnership Explores Funding Measures for Colorado Water Plan

The Nature Conservancy, a global environmental non-profit organization, partnered with the Bluhm Legal Clinic's Environmental Advocacy Center (EAC) this year to pursue an ambitious research project: exploring potential opportunities to increase

funding for the implementation of Colorado's Water Plan.

Collaborations and partnerships with organizations such as The Nature Conservancy are routinely facilitated by the Institute of Sustainability and Energy at Northwestern (ISEN), which

works to build connections with partners throughout the University. Past projects offered through the EAC and ISEN have included partnerships with global conservation organizations like the World Wildlife Fund, but this particular project was a first-time collaboration.

Why Colorado?

In 2015, the state of Colorado created a water plan focusing on future water needs, recreation, tourism and agriculture. The state and partners have identified nearly \$17.5 billion to fund many elements of the \$20-billion plan. Unfortunately, many of the plan's conservation elements remain underfunded.

To address this issue, The Nature Conservancy is working with a broad coalition

to find solutions to increase funding, including potential opportunities at the local or regional level.

According to Eleanor Morris, Senior Policy Advisor at The Nature Conservancy, water is a huge issue for a lot of areas in the West and Midwest that often experience phenomena such as droughts and flooding. Water management and water use across the United States has been a top priority of the conservancy.

A Promising Partnership

Though the Conservancy has an extensive network of relationships with elected officials, decisionmakers, and agency officials, Morris states that, "one of our weaknesses is that we need to shore up our policy development and

Lake Granby in Colorado.





Nancy Loeb, clinical associate professor of law and director of the Environmental Advocacy Center

research capacity. So, partnering with an organization like Northwestern University and engaging with students was a great way to help us fill that gap. We don't have the expertise to dig into different legal analyses or to understand what policy options might be."

In the EAC course, law students work directly on cases while learning to assess environmental issues and develop strategies around litigation, administrative proceedings, legislative and rule-making proceedings, advocacy, and media.

Emily Morgan (JD '20) provided legal assistance in partnership with The Nature Conservancy to supplement the coalition's project. Morgan's research centered around legal and administrative processes as well as evaluating existing limits in creating new water districts in Colorado. Water districts are political subdivisions that are assigned specific duties such as water delivery and disposal. "My research [for the Conservancy] was trying to look into local government entities and [understand] how water distribution works now. I also researched how funds are currently obtained and

if we can find a way to use existing mechanisms to fund conservation measures," says Morgan.

"Emily's research really helped ground truth for us—what it takes to create a special district and the elements of it," says Morris. "That it is both simple and complicated at the same time. She helped validate some of the assumptions that we had

“Partnering with the EAC helped us fill a gap because we don’t have the expertise to dig into different legal analyses or to understand what our policy options might be.”

—ELEANOR MORRIS, SENIOR POLICY ADVISOR AT THE NATURE CONSERVANCY

but brought some additional information that helped with our decision making.”

Overseen by Nancy Loeb, clinical associate professor of law, the EAC takes on cases of real-world clients to provide students with opportunities to practice law and advocacy, with a focus on environmental problem solving. A

multi-disciplinary center, students work alongside a range of experts such as attorneys, scientists, and economists to gain insight and experience in evaluating and implementing solutions to environmental challenges.

“I’m going to work in a private law firm when I graduate, so I wanted to get more public interest experience [because] I hadn’t had the opportunity to work for a nonprofit,” Morgan said. “I’ve been really into environmental law, had taken environmental law classes, and it always sounded really interesting so I thought that would be a good way to combine all those different interests.”

“I see this partnership with Northwestern as an opportunity to help figure out how we can work together in the long term and how we can really fill that gap for the Conservancy,” said Morris. “But it’s also

creating talent. It’s creating the expertise with students that we will then want to hire in the future to help us figure this out. In the short term, we’re getting the product and the information we need now, but it’s also helped develop that talent and that expertise for future TNC employees.”

—Ginny Lee

Karen Daniel Named Champion of Justice

The Innocence Network awarded its 2020 Champion of Justice Award to Karen Daniel, the late director of the Center on Wrongful Convictions. The Innocence Network is an affiliation of organizations dedicated to providing pro bono legal and investigative services to individuals seeking to prove innocence of crimes for which they have been convicted. They also work to redress the causes of wrongful convictions, and support the exonerated after they are freed. The Champion of Justice Award was created to honor individuals who go above and beyond in supporting and championing efforts that free the wrongfully convicted and that reform the criminal justice system to prevent wrongful convictions. It recognizes those whose work strengthens the integrity of the justice system, is imbued by their sense of fairness and professionalism, and demonstrates a lasting dedication to the fair execution of the law.

In addition to her work representing clients and teaching at the Clinic, Daniel was a member of the Innocence Network Board from 2013, when she became the co-director of the Center on Wrongful Convictions, until shortly before her death in December 2019.

Faculty and Former Clinic Fellow Receive Walter J. Cummings Award

Two Northwestern Pritzker School of Law professors and a former fellow with the Bluhm Legal Clinic were awarded the prestigious Walter J. Cummings Award for pro bono service from the Chicago Chapter of the Federal Bar Association. Juliet S. Sorensen, clinical professor of law, J. Samuel Tenenbaum, clinical professor of law and director of the Complex Civil Litigation and Investor Protection Center, and Elise Meyer, former Schuette Clinical Fellow in Health and Human Rights, were recognized for their representation of more than 35 elderly victims of a reverse mortgage scheme on Chicago's West Side.

The Clinic team took on the case in the spring of 2018, pledging to represent the

victims of Mark Diamond, a Chicago man charged with swindling elderly homeowners — mostly African American

“Financial exploitation of vulnerable victims is unacceptable. It is particularly egregious when the perpetrators target elderly, African American homeowners in a community that has endured much and suffered much, whose sole asset of significance is the equity in their homes.”

—JULIET SORENSEN, CLINICAL PROFESSOR OF LAW

women from the North Lawndale neighborhood — and effectively robbing them of a collective \$10 million. They

partnered with Reverend Robin Hood, a West Side community activist and founding member of Mothers Opposed to Violence Everywhere (MOVE), in their advocacy for the victims.

Sorensen, Tenenbaum, and Meyer went on to represent the victims in multiple foreclosure and eviction proceedings as well as in appellate court, the bankruptcy proceeding of one of the mortgage lend-

particularly egregious when the perpetrators target elderly, African American homeowners in a community that has endured much and suffered much, whose sole asset of significance is the equity in their homes.”

Clinic Director Emeritus and Class of 1967 James B. Haddad Professor of Law Tom Geraghty is the only other Northwestern Pritzker

ers, and as victim-witnesses in federal court. They met extensively with representatives of the Office of the Cook County Assessor, the Cook County Sheriff, and the Illinois Attorney General, and strategized with community organizers to raise awareness in North Lawndale about predatory mortgage fraud.

Sheri Mecklenburg of the U.S. Attorney's Office, who nominated the Northwestern Pritzker Law team, complimented their work, calling it “representative of the best tradition of holistic lawyering, recognizing that effective advocacy in complex cases must be multifaceted and take many forms.”

“Financial exploitation of vulnerable victims is unacceptable,” Sorensen said in a press release last year. “It is

Law faculty member to have received the Cummings award. In 2016, he was recognized for his work on the wrongful conviction case and ultimate exoneration of Jason Strong.

The award to Sorensen, Tenenbaum, and Meyer was presented at the “Young Lawyers – Meet the Judges Mixer” at the Dirksen United States Courthouse in November.

The Chicago Chapter annually presents this award to an attorney for excellence in pro bono service as nominated alternately by the judges of the Seventh Circuit and the Northern District. The award is given in the name of long-time chapter board member and judge of the U.S. Court of Appeals for the Seventh Circuit, the late Walter J. Cummings.

Barry Fields, President of the Chicago Chapter of the Federal Bar Association, J. Samuel Tenenbaum, Juliet Sorensen, and YLD Chair Joe Sweeny



Northwestern Law Teams Take Home Victories

Summit Cup

A team from Northwestern Pritzker School of Law won the Summit Cup championship, which was held at the University of Denver in early October. Cindy Bi (JD '20), Michael Trucco (JD '20), Kristen Stoicescu (JD '20), and Maddy Yzurdiaga (JD '21) went undefeated in a crowded field of the top 12 trial teams throughout the United States.

Northwestern defeated teams from John Marshall Law School, Cumberland Law School, Georgetown University Law Center, and American University, before prevailing in the championship round against Catholic University.

at the Law School, expressed his appreciation for the team. "Rick Levin does a remarkable job of teaching our young people how to become thoughtful, ethical, well-prepared and ultimately successful trial advocates."

Midwest Regional ABA Labor Trial Competition

In November, a team from the Law School's Barlit Center for Trial Advocacy won the Midwest Regional ABA Labor Trial Competition held in Chicago. Linda Sun (JD '20), Nnenna Onyema (JD '20), Caroline McHugh (JD '20) and

Moore (JD '20), Christian Edmonds (JD '20), Katherine Martinez (JD '20) and Tara Shinall (JD '21) — barely missed the cut for the semi-finals.

"We are always proud of our students and coaches," Lubet said. "They put in countless hours of preparation under the guidance of remarkable coaches like Rob Robertson."

Robertson expressed his pride in the Northwestern team. "Linda, Nnenna, Caroline and Cody represent everything that is so outstanding about Northwestern Pritzker Law's trial teams," he said. "They are great lawyers who bring integrity, persistence, preparation and great talent to all of their work."

Midwest Regional Championship

A Barlit Center for Trial Advocacy team won the Midwest Regional Championship of the National Trial Competition, held in February in St. Louis. Cynthia Bi (JD '20), Ryan Neu (JD '21), and Madeline Yzurdiaga (JD '21) defeated competition from Loyola University Chicago, St. Mary's University, and DePaul University, bringing home the center's third tournament championship of the academic year.

The team will go on to compete for the National Championship in Texas later this year. Team members Michael Trucco (JD '20) and Kristen Stoicescu (JD '20) also competed, defeating teams from John Marshall Law School, St. Louis University, and Chicago Kent. They lost on a split decision in the semi-finals.

"[The competitors] are great lawyers who bring integrity, persistence, preparation and great talent to all of their work."

—ROBERT ROBERTSON, ROBERTSON DURIC

The team was coached by Rick Levin, adjunct professor of law in trial advocacy and partner of Levin, Riback, Adelman & Flangel. "Cindy, Mike, Kristen and Maddy were simply terrific," said Levin. "They put their hearts into their work every step of the way."

Steven Lubet, the team's advisor and Williams Memorial Professor of Law

Cody Goodchild (JD '21) were undefeated in a competitive field of 24 teams. They were coached by Robert Robertson of Robertson Duric.

The Law School beat out teams from Marquette University, the University of Illinois, and Chicago Kent, before defeating Southern Methodist University in the finals. The Law School's other ABA team — Jassiem

Leonard Riskin Receives 2019 Cloke-Millan Peacemaker Award



Leonard Riskin, Harris H. Agnew Visiting Professor of Dispute

Resolution, received the Cloke-Millan Peacemaker Award from the Southern California Mediation Association (SCMA) at its annual conference in November. "I feel very honored and grateful to receive this award," Riskin said.

The SCMA annually presents the Cloke-Millan Peacemaker Award to an individual or organization in the dispute resolution community who shows passion and dedication to peacemaking.

Riskin has been a visiting professor since 2010. He teaches and writes about mediation, negotiation, and alternative dispute resolution and has worked to integrate mindfulness into the education of lawyers and other dispute resolution professionals. Riskin has led training workshops around the world and has won numerous awards for his work, including the Award for Outstanding Scholarship from the ABA Section of Dispute Resolution in 2013.

Bluhm Legal Clinic Celebrates 50th Anniversary

Faculty, staff, clients and friends of the Bluhm Legal Clinic gathered at The Geraghty on September 19 to celebrate the Clinic's 50th anniversary. The night kicked off with a performance by the Soul Children of Chicago, and included remarks from Kimberly Yuracko, Dean and Judd and Mary Morris Leighton Professor of Law; Julie Biehl, director of the Children and Family Justice Center and Interim Associate Dean for Clinical Education; and Thomas F. Geraghty, Class of 1967 James B. Haddad Professor of Law. Neal Katyal, former Acting Solicitor General under President Obama, gave the keynote address.





Giving

Major Gifts between July 2019 and January 2020

Anonymous

An anonymous gift of \$150,000 will support two areas of the Law School that the donor feels are important to the student experience: the Center for Practice Engagement and Innovation and the Center for International Human Rights in the Bluhm Legal Clinic. This alumnus participated in the Clinic during Law School and recognizes the value of that experience and the real-world impact of the work.

Brodsky Family

The Brodsky family has generously supported the Law School through a \$250,000 gift from Peoples Energy in honor of William J. Brodsky and his service to the WEC Energy Group Board of Directors. The gift establishes the Brodsky JD-MBA Scholars Fund, which will support JD-MBA students with financial need who have graduated from the Chicago Public School system or reside in the Chicagoland area. Mr. Brodsky's three sons are alumni of the JD-MBA program: Michael B. Brodsky (JD-MBA '94), Stephen A. Brodsky (JD-MBA '97) and Jonathan P. Brodsky (JD-MBA '00). Michael and Stephen are also members of the Law Board.

Tim Bryant (BA '86, JD '89) and Jackie Bryant (BS '85)

The Bryants have generously pledged \$200,000 to support the Student Assistance and Relief (STAR) fund and the Law School Fund. Mr. Bryant is the general counsel of private equity firm Adams Street Partners. He has been engaged with the Law School for many years, having chaired several reunion committees and served on the Law Board since 2013.

Chris Combe (BA '70) and Christina Combe

The Combes and their family have generously committed \$500,000 to support the Bluhm Legal Clinic at Northwestern Pritzker School of Law. This commitment adds to the family's 2015 gift that established the Michael and Mary Schuette Global Fellowship in Health and Human Rights and the Michael and Mary Schuette Clinical Fellowship in Health and Human Rights, and provided support for the Access to Health Project. Mr. Combe and his family have a long and deep association with the University. He has been a member of Northwestern University's Board of Trustees since 1997 and of the Weinberg College of Arts and Sciences Board of Visitors since 1981.

Margaret Gibson Revord (JD '87) and Michael J. Revord

Ms. Gibson Revord and Mr. Revord have generously pledged \$150,000 to incentivize student and young alumni giving through a new initiative, the Gibson Graduation Challenge. Students who pledge to give back to the Law School following graduation can select a student organization to receive support. Ms. Gibson Revord has served on the Law Board since 2017 and is a partner at Kirkland & Ellis LLP concentrating on mergers and acquisitions, private equity investments, and fund formations.

Mary Hayes (JD '89) and Mark Anson, PhD (JD '89)

Mary and Mark have documented a \$250,000 planned gift to support the Law School in honor of their 30th reunion. Their generous unrestricted gift will go to the area of greatest need. Mary and Mark serve on the Motion to Lead Campaign cabinet and Mark also serves on the Law Board. Mark is the Chief Executive Officer and Chief Investment Officer of the Commonfund and Chairman of the Board of Commonfund Capital Inc. and Commonfund Asset Management Company. Mary and Mark have two children, Raven and Marcus (WCAS '20), and live in Atherton, California.

Stephanie Hosler (WCAS '95, JD '99) and Matthew Hosler, MD (JD '99)

The Hoslers are the lead donors behind the creation of the Hispanic/Latinx History and Culture Scholarship with a generous gift of \$100,000. The newly established African American History and Culture Scholarship inspired them to start the scholarship to support Hispanic and Latin students. Ms. Hosler was a member of the Latino Law Students Association during her time at the Law School and is an active member of the Hispanic National Bar Association. She is a partner at Bryan Cave Leighton Paisner LLP and Dr. Hosler is a pediatrician in St. Louis, Missouri.

Terri Mascherin (JD '84) and Thomas Abendroth (JD '84)

Ms. Mascherin and Mr. Abendroth made a \$1 million commitment that will provide support for the Bluhm Legal Clinic's activities related to criminal justice and environmental justice and advocacy, the Center on Wrongful Convictions, and the Law School Fund. Ms. Mascherin is a partner in the Litigation Department at Jenner & Block and serves as co-chair of the Clinic advisory board, a member of the Center on Wrongful Convictions advisory board, and has served on the Law Board since 2000. Mr. Abendroth is a partner at Schiff Hardin and heads their Private Clients Trusts and Estates practice group. Ms. Mascherin and Mr. Abendroth are members of the Motion to Lead campaign cabinet and were co-chairs of their 35th Reunion committee in 2019. Their daughter, Kate Abendroth (JD '20), is following in their footsteps as a current student at the Law School.

Kevin McClear (JD '86) and The Clearing Corporation Charitable Foundation

The Foundation's most recent gift of \$150,000 brings the total for the Clearing Corporation Charitable Foundation Scholarship to over \$1M. Kevin McClear (JD '86), Corporate Risk Officer for Intercontinental Exchange, Inc. (ICE), has generously established and supported the scholarship since 2009, which is awarded to students who are interested in pursuing a legal career in financial services.

The Kenneth and Harle Montgomery Foundation

The Montgomery Foundation has demonstrated a remarkable commitment to the Law School over the past two decades having committed more than \$1.8 million. In this time, they have supported several areas within the Bluhm Legal Clinic and established the Geraghty Juvenile Justice Fund, Montgomery Environmental Law Fellowship, Environmental Law and Climate Change Colloquium, and most recently, the Tom Geraghty Endowed Fund for Litigation Support. The newest fund honors Tom Geraghty's leadership and steadfast commitment to clinical education by supporting litigation expenses for the vital advocacy work of Clinic faculty and students.

Luis Pinedo (JD '06) and Rivers Casino

Luis Pinedo, General Counsel of Rush Street Interactive, an affiliate to Rivers Casino, and Center on Wrongful Convictions (CWC) Advisory Board member, helped facilitate a generous gift of \$260,000 from Rivers Casino to Northwestern Pritzker School of Law. The gift establishes the Rivers Casino Criminal Justice Scholarship, which will support students who demonstrate an interest in wrongful convictions representation, scholarship and justice system reform as well as the Rivers Casino Criminal Justice Award, which will go to a third-year student who has demonstrated exemplary work in the Clinic through the representation of underserved individuals, especially the wrongfully convicted.

Anup Sathy (JD '95) and Karyn Sathy

The Sathys have generously committed \$150,000 to the Student Assistance and Relief (STAR) fund at the Law School. Mr. Sathy is a Partner at Kirland & Ellis and is an internationally recognized practitioner in matters relating to corporate restructurings, workouts and Chapter 11 reorganizations.

James Serota (JD '71) and Susan Serota

The Serotas have made a generous commitment of \$300,000 as the first participants in the Law School's 50 for 250 Legacy Challenge. Their blended gift includes a \$50,000 pledge to the Student Assistance and Relief (STAR) fund and a \$250,000 planned gift to further support the Louis H. Serota Scholarship. They established the scholarship in 1997 in memory of Mr. Serota's father to provide financial assistance to law students. Mr. Serota is retired from Greenberg Traurig, LLP and is a lifetime member of the Law Board.

Drew Soshnick (BA '85, MA '85, JD '88) and Brenda Soshnick

The Soshnicks generously committed \$1 million to Northwestern Pritzker School of Law. The gift will support Law School faculty in the academic areas of law and economics and provides unrestricted support to the Law School Annual Fund. Mr. Soshnick is a partner at Faegre Baker Daniels where his litigation practice focuses on representing individuals in complex matrimonial financial matters. He is also a member of the Law Board. The Soshnicks are members of the Motion to Lead Campaign Cabinet.

R. Thomas Stanton (JD '69) and Meg Harris Stanton

The Stantons' generous \$100,000 commitment supports Dean Kimberly Yuracko's gender equity initiative at the Law School. Mr. Stanton is Senior Partner and Chair Emeritus of the global law firm, Squire Patton Boggs LLP. He has been a member of the Law Board for more than 25 years and recently served as a committee co-chair for the 50th reunion of his Law School class.



The Campaign for
Northwestern Pritzker
School of Law

Faculty Focus

Law School Faculty Headline Dream Week Presentations

Northwestern University commemorated the life and legacy of Martin Luther King Jr. during Dream Week 2020, a series of events held from Jan. 15 to 28, culminating with a keynote address from #MeToo founder Tarana Burke (see pg. 6). Professors Deborah Tuerkheimer and Sheila Bedi were featured in two of the week’s events.

From left: Inger E. Burnett-Zeigler, Sheila Bedi, and Jennifer Lackey



Racial Disparity in American Institutions

Professors from across the University gathered in Aspen Hall to discuss how racial bias manifests in American institutions. Jennifer Lackey, Wayne and Elizabeth Jones Professor of Philosophy; Sheila Bedi, professor of law and director of the Community Justice and Civil Rights Clinic; and Inger E. Burnett-Zeigler, associate professor of psychiatry and behavioral sciences, each gave presentations on the ways that racial disparities present themselves in various American institutions, including the prison, immigration, and mental health systems.

Lackey started off the panel highlighting the ways that Black Americans are disproportionately discriminated against in the prison system.

She spoke specifically about recidivism—the tendency of a convicted felon to reenter the system after serving their time—and her efforts through the Northwestern Prison Education Program to help individuals avoid that fate. “It’s important to hear from people in the community who’ve been through it

“It’s important to hear from people in the community who’ve been through it firsthand.”

—JENNIFER LACKEY, WAYNE AND ELIZABETH JONES PROFESSOR OF PHILOSOPHY

“[Mental illness] is something that probably impacts everyone in [this] room directly or indirectly.”

—INGER E. BURNETT-ZEIGLER, ASSOCIATE PROFESSOR OF PSYCHIATRY AND BEHAVIORAL SCIENCES

firsthand,” Lackey said when discussing how to help former inmates integrate successfully back into society.

Bedi discussed a recent case in which an undocumented worker was falsely accused of being in a gang by the Chicago Police Department, leading Immigration and Customs Enforcement to detain him and threaten deportation. Bedi, who works with the MacArthur Justice Center at the Bluhm Legal Clinic, has helped countless individuals navigate the legal system after being treated unjustly because of their background. When asked about the current public interest in prison reform, she expressed her approval. “The movement is still very much alive,” she said.

Burnett-Zeigler rounded out the discussion with a presentation on improving access to medical care for underrepresented groups. “Black adults are 50 percent less likely to receive mental health services,” she said, citing reasons including low income, lack of insurance, cultural barriers, mistrust of the mental health system, and fear of judgment. We need to be more mindful of how we speak about mental illness, Burnett-Zeigler said when asked about how we can encourage people to get help. “[Mental illness] is something that probably impacts everyone in [this] room directly or indirectly.”

So how can people influence societal change around these issues? “One of the biggest steps is [making] a divestment from the architecture of prisons and policing and a reinvestment into things like mental health services and education,” Bedi said. Reinvesting in these systems creates opportunity. Lackey encourages individuals to visit the Northwestern Prison Education Program website to see how their skillsets could be of value to the organization. “Every member of the Northwestern community can get involved in one way or another,” she said. She also reiterated an earlier comment by Bedi: “You can simultaneously think that a current system ought to be abolished and still actively work toward [being productive] in that system.”

Disclosures in the Time of #MeToo

“Why are survivors increasingly drawn to informal accusation?” This is the question Deborah Tuerkheimer, Class of 1940 Research Professor of Law, explored during her DREAM Week discussion, which took place in Evanston and screened on the Chicago campus.

Tuerkheimer began her talk by addressing the Harvey Weinstein sexual assault trial

that commenced in the same week. The onslaught of women who spoke out in 2017 about their assault at the hands of Weinstein unofficially marked the beginning of the #MeToo era for the mainstream media. The language and coverage of sexual assault soon changed from just “uncouth” behavior to criminal conduct. “More than two years later, the landscape looks markedly different from any[thing] we’ve seen before,” said Tuerkheimer.

Sexual assault, Tuerkheimer said, is often unofficially reported through social media, online forums, and whisper networks. “Sexual



their stories? “Victim empowerment,” Tuerkheimer said. It’s a theme that presents itself often in unofficial reporting. Survivors who report informally simultaneously

“For the first time, the #MeToo movement has revealed these whisper networks to outsiders.”

—DEBORAH TUERKHEIMER, CLASS OF 1940 RESEARCH PROFESSOR OF LAW

misconduct is seldom addressed through established channels,” Tuerkheimer said. “This is regardless of who is designated as the gatekeeper: police officer, campus disciplinary authority, HR representative...it doesn’t matter.”

Tuerkheimer attributes this to a system that doesn’t deliver. Most sexual assault cases do not go to trial, which means perpetrators don’t face disciplinary action. Twitter and Facebook, she said, have allowed stories to reach a wider audience. “For the first time, the #MeToo movement has revealed these whisper networks to outsiders,” said Tuerkheimer.

So why are survivors running to Twitter to express

feel cathartic release, validation, and solidarity with other survivors.

Rounding out her talk, Tuerkheimer addressed common concerns when it comes to informal reporting. “There is a reason to be cautious about the rise of informal accusation,” admitted Tuerkheimer. “There are meaningful limits to what unofficial reporting can accomplish, especially with regard to [offender] accountability.” Shaming, she said, isn’t enough. “I’m a lawyer. I believe that formal investigative procedures are of independent value. At least with respect to contested allegations of abuse.”

—Shanice Harris

EXCERPT

National Injunctions and Preclusion

BY ZACHARY CLOPTON

The national injunction is a cause célèbre. Sometimes referred to as absent-party, nationwide, universal, global, or cosmic, this remedial tool has attracted attention because it applies to defendants (usually federal government defendants) in their interactions with parties and nonparties alike. Federal district courts have issued national injunctions addressing high-profile issues including the Travel Ban, sanctuary cities, and more. Commentators have homed in on the national injunction as a target of criticism. Leading the way, Samuel Bray argued in the *Harvard Law Review* that the national injunction is inconsistent with the history of equity, and he called for a strict party-based limit on injunctive relief. Concurring in the Travel Ban case, Justice Thomas adopted Bray's position and called for an end to national injunctions. Other scholars have criticized national injunctions, while a few have stepped up in their defense.

Both critics and defenders of national injunctions have acknowledged the connection between these injunctions and the law of preclusion. In particular, critics of national injunctions have argued that granting an injunction against the federal government that protects nonparties would be contrary to the Supreme Court's decision in *United States v. Mendoza*. That 1984 decision held that the federal

government is exempt from the doctrine of offensive non-mutual issue preclusion — a doctrine that permits plaintiffs to invoke a prior adjudication in a subsequent action even though they were not parties to the original suit. Because *Mendoza* says that a nonparty cannot get the preclusive benefit of a prior adjudication against the federal government, critics argue that the same nonparty should not get the remedial benefit of a national injunction against the federal government either. Proponents of national injunctions, meanwhile, take pains to distinguish the national injunction from *Mendoza*'s requirement of mutuality.

While scholars of national injunctions are right to see the connection to nonmutual preclusion, they have failed to appreciate the consequences of that interaction. A fuller evaluation of the relationship between national injunctions and nonmutual preclusion gives a clearer picture of the history and suggests a new — and perhaps better — way forward.

First, reckoning with non-mutual preclusion problematizes the received history of national injunctions. Critics of national injunctions have claimed that such injunctions did not exist throughout the history of equity, only appearing in U.S. courts in the second half of the twentieth century. Before that time, injunctions typically applied to parties (and their privies). Critics of

“Any inconsistency between *Mendoza* and national injunction practice should be taken as an opportunity to reevaluate *Mendoza*, not the other way around.”

national injunctions, including Justice Thomas, have suggested that this history compels a categorical rule barring national injunctions.

Preclusion also applied to parties and their privies. Under the doctrine of “mutuality,” nonparties were not bound by judgments, and they could not benefit from them either. But the twentieth century saw the rise of “non-mutual” preclusion, whereby nonparties could benefit from prior judgments (against former parties), even though those nonparties could not be bound by the same judgment. This shift was a policy choice ultimately endorsed by the Supreme Court.

The shift to allowing nonmutual preclusion, which reached a crescendo with *Parklane Hosiery Co. v. Shore* in 1979, means that any earlier history must be interpreted in light of the different legal environment. To wit, the fact that courts were reluctant to grant injunctions benefiting nonparties prior to the rise of nonmutuality might mean only that nonparties should not be entitled to more benefits from injunctions than they receive from preclusion. Appeals to this history, therefore, are not such strong reasons to oppose national injunctions today. This corrective is especially important as the Supreme Court — and its fair-weather historicism — may soon take up the issue of national injunctions

Second, recognition of the relationship between national injunctions and nonmutual preclusion suggests a different way to think about the “problem” of national injunctions. Recall that opponents of national injunctions have found support for their



position in *Mendoza*'s holding that the federal government is not subject to offensive non-mutual issue preclusion. At a minimum, a reexamination of the *Mendoza* opinion reminds us that it was a highly policy-driven decision, suggesting that it is policy — not some historical or structural inevitability — that should dictate how the law treats nonparties.

I would go further: any inconsistency between *Mendoza* and national injunction practice should be taken as an opportunity to reevaluate *Mendoza*, not the other way around. The policy arguments marshaled in *Mendoza* were weak when it was decided. There is no justifiable reason to reflexively treat federal defendants differently from other defendants for preclusion purposes, and there are other preclusion doctrines that protect the interests purportedly at stake. *Mendoza*'s policy arguments are even weaker today, when tightening rules on court access might prevent judges from granting relief sufficiently broad to

constrain the federal government. For these reasons, the Supreme Court or Congress should overrule *Mendoza*.

Even without this change, the preclusion-injunction connection suggests a way that courts might respond to concerns with national injunctions. One of the often overlooked strengths of the *Parklane* regime — from which *Mendoza* excepts the federal government — is that it does not declare that nonmutual preclusion attaches in every case. Instead, it holds that courts may decline to apply that doctrine if circumstances call for it. Among the relevant factors are whether the party invoking preclusion declined to participate in the first suit and whether there were prior decisions reaching inconsistent results.

If courts elected to retain the authority to issue national injunctions but wanted to adopt a new limiting principle, the *Parklane* regime offers a suggestion: grant injunctions broad enough to protect those nonparties who would be

likely candidates for nonmutual preclusion, but follow *Parklane* in questioning any wait-and-see plaintiffs and exercising caution when there are inconsistent prior judgments. In order to ensure universal relief, plaintiffs would still have the incentive to include all affected persons in the first suit, most obviously through a class action. If they don't — or can't — then courts would have the flexibility to protect deserving nonparties by thinking through the well-known framework for nonmutual preclusion. This preclusion-based approach would avoid the parade of horrors offered by critics of national injunctions, and instead it would harness plaintiff and defendant incentives to achieve fair and binding resolutions of important disputes.

Not only does the linking of preclusion and injunctions have practical consequences but it also reveals untapped theoretical connections between remedies and preclusion. Critics of national

injunctions worry that allowing one district judge to make national law violates some deep principle of judicial hierarchy. While it may be true that a district court opinion would lack precedential effect in a neighboring district, the American law of judgments shows that this insight is not universally applicable. Under full faith and credit principles, federal and state courts are bound to recognize the judgments of other U.S. courts. Indeed, American preclusion law is so strong that it applies a presumption of full faith and credit to foreign country judgments too. This calls into question any claimed structural limit on the scope of injunctive relief. Instead, both preclusion and injunctions are context-specific questions that require deep thinking about law and policy.

Zachary D. Clopton is a professor of law. This is an excerpt of an article originally published in the Michigan Law Review.

Zachary Clopton Wins 2020 Civil Justice Scholarship Award

Zachary Clopton, professor of law, was named the recipient of the 2020 Civil Justice Scholarship Award from the Pound Civil Justice Institute. "It is always exciting to hear that your work is making an impact," Clopton says. "I was honored to receive this award and I was thrilled to learn that this distinguished committee valued my contribution." Adam Steinman, University Research Professor of Law at University of Alabama School of Law, also received the top prize.

Clopton's winning article, "Procedural Retrenchments and the

States," evaluates "the options open to state courts and public enforcement" in response to the Roberts Court's recent procedural decisions. "I hope this award reflects a growing recognition of the importance of states on these issues," Clopton says.

"This is such great and well-deserved recognition of Zach's contribution to civil procedure scholarship," says Dean Kimberly Yuracko. "It is wonderful to see his impressive work honored by the Pound Civil Justice Institute."

Established in 2018, the Civil Justice Scholarship Award recognizes "current scholarly legal research and writing focused on topics in civil justice, including access to justice and the benefits of the U.S. civil justice system, as well as the right to trial by jury in civil cases."

Clopton joined Northwestern Pritzker School of Law in 2019. He teaches International Litigation, with expertise in environmental law, civil procedure, and national security law.

EXCERPT

The Myth of Personal Liability: Who Pays When Bivens Claims Succeed

BY JAMES PFANDER

Since its 1971 decision in *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, the Supreme Court has been of two minds about the impact of constitutional tort litigation on the workaday incentives of federal officials. On one side, the Court has emphasized the importance of deterring constitutional violations through the imposition of personal, tort-based liability payable by the officer herself. On the other side, the Court has increasingly worried about the burden of such liability, fearing it will overdeter federal officials and undermine the government's ability to respond in times of crisis. Reflected in the Court's 2017 decision, *Ziglar v. Abbasi*, such worries about official liability have fueled an expansion of immunity defenses, as well as a growing hostility to the recognition of any right to sue under the Bivens doctrine.

The Court and its scholarly interlocutors display a similar ambivalence about the question of who ultimately bears the burden of Bivens liability. The Court, for its part, often treats Bivens as posing a threat of substantial personal liability that counsels against recognizing new rights to sue. On other occasions, the Court has sounded notes of caution for a different reason: It has worried that the expansion of Bivens liability would impose substantial indemnification costs on

the government and burden the fisc. Scholars have been similarly nimble; they often (but do not invariably) assume that the government will indemnify its officers, thereby shifting the incidence of liability from the individual defendant to the indemnifying agency. While scholars debate the incentive effects of competing liability rules, these debates have been mostly theoretical. We know of no study that examines how the government resolves successful Bivens claims and where the burden of compensating victims of federal officials' constitutional torts eventually falls.

To answer these important questions, we studied successful lawsuits brought against the Federal Bureau of Prisons (BOP) and its officers. Invoking the Freedom of Information Act (FOIA), we sought data on Bivens claims brought against BOP employees that resulted in payments to plaintiffs. The BOP produced documents that revealed payments made in connection with settlements and judgments in some 209 cases that were closed over a ten-year period from 2007 through 2017—101 cases that alleged claims only under the Federal Tort Claims Act (FTCA) or FOIA, and 108 cases that included Bivens claims. Through independent research, we identified another sixty-three successful Bivens cases brought against BOP

“Individual government officials almost never contribute any personal funds to resolve claims arising from allegations that they violated the constitutional rights of incarcerated people.”

officials during the relevant time period. Our study focuses on the 171 cases with Bivens claims, where personal liability is assumed. By examining these 171 cases, we were able to determine whether individual defendants contributed any personal resources in the course of resolving the claims of misconduct. We were also able to determine the frequency with which payments were made by the BOP. Despite the study's limitations, applying as it does only to the practices of a single agency over a specified period of time, we can draw important, if qualified, conclusions about who pays when Bivens litigation succeeds. Among other striking conclusions, the data reveal that individual government officials almost never contribute any personal funds to resolve claims arising from allegations that they violated the constitutional rights of incarcerated people. Indeed, of the 171 successful cases in our dataset asserting Bivens claims, we found only eight in which the individual officer or an insurer was required to make a compensating payment to the claimant. Of the more than \$18.9 million paid to plaintiffs in these 171 cases, federal employees or their insurers were required to pay approximately \$61,163—0.32% of the total. Echoing the conclusion one of us reached in a study of the way local governments pay settlements and judgments in § 1983 claims against state and local law enforcement officers, we find that the federal government effectively held their officers harmless in over 95% of the successful cases brought against them, and paid well over 99% of the compensation received by plaintiffs in these cases.



Visiting Scholars

Northwestern Pritzker School of Law was proud to welcome an outstanding roster of new and returning visiting faculty for the 2019-2020 academic year. "Visiting faculty members are a vital part of the Northwestern Law community and we were so fortunate to have this incredible group bringing their ideas and talents to our classrooms this year," said Dean Kimberly Yuracko.

A second important finding emerged from our study. Just as individual officers were almost invariably shielded from personal liability, we found that the BOP and its budget were similarly protected from financial responsibility for constitutional tort claims. The settlement agreements we reviewed made clear that the government almost always satisfied claims brought under Bivens by arranging to have the agreed-upon amounts paid through the Judgment Fund of the United States Treasury, rather than by the agency responsible for the conduct of its employees—in this case, the BOP.

The federal government's practice of resolving Bivens claims through payments by the Judgment Fund has several significant implications. First, the litigation and settlement practices we report here conflict with the Supreme Court's assumptions about the ways in which Bivens cases are resolved—these cases simply do not threaten individual employees with financial ruin or trigger indemnifying payments from their agencies. In predicating its refusal to recognize a right to sue under Bivens in part on the perceived threat of exorbitant personal, agency, or systemic liability, the Ziglar Court proceeded in error.

Second, our findings have important implications for the way the political branches manage the payment of successful Bivens claims. Under longstanding Department of Justice regulations, employees sued for job-related conduct cannot seek indemnifying protection from personal liability until after the litigation concludes with the entry of an adverse judgment. Department of Justice attorneys often

emphasize these limitations in representing to courts and to opposing counsel that federal officers face a substantial threat of personal liability in Bivens litigation. But our findings indicate that settlements frequently occur during the pendency of litigation and before judgment, with the amounts being paid not through agency indemnification but through the Judgment Fund. In some of these cases, Department of Justice attorneys instruct plaintiffs to substitute a FTCA claim for the Bivens claim in an amended complaint as a condition of settlement; in other cases, the settlement agreement is framed as a settlement under the Federal Tort Claims Act although there is no FTCA claim in the case. In cases in which FTCA claims were formally added and cases simply treated as though brought under the FTCA, there were often jurisdictional bars to relief; most of the FTCA claims were added well after the statute of limitations had run and without any indication that necessary administrative exhaustion procedures had been followed. Such practices appear to run counter to the limits imposed by Congress on the way agencies exercise their settlement authority. While Congress has authorized settlements under the FTCA, it has never accepted Judgment Fund liability for Bivens claims or for any agency payments made to employees to hold them harmless from personal liability.

James Pfander is the Owen L. Coon Professor of Law. This is an excerpt of an article that he co-authored with Joanna Schwartz (UCLA School of Law) and Alexander Reinert (Benjamin Cardozo School of Law) and is forthcoming in the Stanford Law Review.

New



Heidi Kitrosser
University of Minnesota Law School
Newton N. Minow Visiting Professor of Law



Kate Shaw
Benjamin N. Cardozo Law School,
Yeshiva University
Visiting Professor of Law



Gordon Wood
Brown University
Newton N. Minow Visiting Professor of Law

Returning



Bill Henderson
Indiana University Maurer School of Law
Visiting Professor of Law



Pierre Legrand
Ecole de droit de la Sorbonne, Université
Panthéon-Sorbonne
Visiting Professor of Law



Len Riskin
University of Florida Levin School of Law
Visiting Professor of Law

Tax Program



María Amparo Grau Ruiz
Universidad Complutense Madrid
Visiting Professor of Law

Paul Pencak
Ernst & Young
Visiting Professor of Practice

Visiting Speakers

Northwestern Pritzker School of Law was proud to welcome an esteemed group of scholars to present to our community during the 2019–2020 academic year.

Richard Abel
UCLA School of Law

Gregory Alexander
Cornell Law School

Abhay Aneja
UC Berkeley Law

Debbie Becher
Columbia University

Richard Brooks
NYU School of Law

Karen Burke
University of Florida

Judge Russell F. Canan
Superior Court of the District of Columbia

Nestor M. Davidson
Fordham University School of Law

Anna di Robilant
Boston University School of Law

Daniel Ernst
Georgetown Law

Merritt Fox
Columbia Law School

Mary Anne Franks
University of Miami School of Law

Ari Glogower
Ohio State University

Paul Gowder
University of Iowa College of Law

Margaret Hagan
Stanford Law School

Angela P. Harris
UC Davis School of Law

Issa Kohler-Hausmann
Yale Law School

Justice Goodwin H. Liu
Supreme Court of California

H. Timothy Lovelace, Jr.
Indiana University Maurer School of Law

Judge Allie Greenleaf Maldonado
Little Traverse Bay Bands of Odawa Indians Tribal Court

Michelle McKinley
University of Oregon School of Law

Michelle Mello
Stanford Law School

Judge Gregory E. Mize
Superior Court of District of Columbia

Mona Oraby
Amherst College

Shaun Ossei-Owusu
University of Pennsylvania Law School

Michael Stokes Paulsen
University of St. Thomas School of Law

Claire Priest
Yale Law School

Gabriel Rauterberg
University of Michigan Law School

Adriana Robertson
University of Toronto Faculty of Law

Roberta Romano
Yale Law School

Kara Swanson
Northeastern University School of Law

Kristen Underhill
Columbia Law School

Sonja West
University of Georgia School of Law

John F. Witt
Yale Law School

Abby Wood
USC Gould School of Law

Gordon Wood
Brown University

OP-ED

I Spent Hours Talking to Victims. These Verdicts Will Give Them Hope.

BY DEBORAH TUERKHEIMER

Harvey Weinstein's conviction shows how cultural change is reshaping the criminal justice system.

The guilty verdicts against Harvey Weinstein in a prosecution that faced long odds is more than a victory for the #MeToo movement that his case propelled. Even though he was acquitted of the most serious charges — two counts of predatory sexual assault

certainly bring a measure of validation to his many accusers, both in and out of the courtroom. But this outcome is not an endpoint. While there may never be another prosecution quite like the one of Mr. Weinstein, increasingly we'll see others that resemble it. This alone counts as real progress.

The trial was among the most watched in recent history, and for good reason.

“If Mr. Weinstein was not held to account, they wondered, what hope was there for ordinary survivors of sexual violence seeking criminal justice?”

— the outcome sends a signal that social and legal barriers that have long denied justice to victims of sexual assault are beginning to crumble.

Mr. Weinstein was found guilty of a first-degree criminal sexual act against Miriam Haley, a former production assistant on a television reality show, and third-degree rape in an assault against a onetime aspiring actress, Jessica Mann. He was sent to jail to await his sentencing.

The convictions of the once-powerful movie producer

In 2017, blockbuster reporting unearthed multiple accusations of sexual assault against Mr. Weinstein going back decades, fueling the spread of a Twitter hashtag and a global movement in #MeToo.

That Mr. Weinstein, 67, even stood trial was a remarkable anomaly. A vast majority of sexual assault cases never reach the courtroom. Most sexual assaults are never reported; of those that are, few ever result in arrest or prosecution. The Rape, Abuse and Incest National Network estimates that out

of every thousand sexual assaults, only five lead to felony convictions.

Those cases that do end in conviction tend to look very different from the Weinstein case. Prosecutors are most likely to pursue charges in “real rape” cases — those involving strangers, physical injury, a weapon, physical resistance and immediate reporting. (In the Weinstein trial, Annabella Sciorra’s account of being raped by Mr. Weinstein may have come closest to matching this paradigm, but the assault she described happened in the early 1990s, outside the statute of limitations, and could not be pursued as a separate criminal charge.)

The prosecution of sex crimes is relatively rare when the assaults are of the more commonplace kind — between acquaintances, with minimal force and delayed disclosure. Such circumstances can test the ability of jurors to set aside conventional notions of sexual assault. When friendly exchanges or even consensual intercourse between the perpetrator and the victim occur after the assault, as they did according to testimony in the Weinstein trial, it becomes difficult to fathom a prosecution, must less a conviction.

In all, six women testified that Mr. Weinstein sexually assaulted them, but only two of the cases were charged. Prosecutors had hoped that the other witnesses would establish a pattern of Mr. Weinstein preying on vulnerable women.

Not all men accused of sexual assault will have left such a trail. Prosecutors often have the testimony of only one witness, which is typically not enough to persuade jurors, even if additional evidence corroborates the victim’s account. Jurors often are

unduly skeptical when judging sexual assault allegations. This “credibility discount” has historically pervaded the criminal justice system and persists, even in the age of #MeToo.

Cross-examination of Mr. Weinstein accusers sought to tap into what were likely deep-seated suspicions held by some jurors of women who report sexual assault. It is no surprise that age-old tactics were used to discredit the witnesses. At times, they were portrayed as lying for fortune or fame. They were blamed for putting themselves in a vulnerable situation. They were presented as vengeful women who regretted having consensual sex. Now the question is how long those familiar tropes will retain their power in an era when accusers stand a chance, however remote, of being believed.

Throughout the trial and the jury’s deliberations, many supporters of the #MeToo movement felt a sense of urgency. If Mr. Weinstein was not held to account, they wondered, what hope was there for ordinary survivors of sexual violence seeking criminal justice?

Over the past six months, as I researched a book on credibility, I spent many hours talking with victims of sexual harassment and assault. Our conversations often turned to the meaning of accountability.

Some survivors told me they wanted nothing to do with the criminal justice system. For others, protecting possible future victims was a main reason to turn to the courts. Still others saw a criminal conviction as recognition of the harm they suffered and that it matters. For these survivors and countless others, Mr. Weinstein’s conviction is cause for hope.

To be sure, #MeToo aims to accomplish much more than sending the worst offenders to

“#MeToo aims to accomplish much more than sending the worst offenders to prison. The movement’s reach is ambitious — it demands that we transform our culture of male sexual entitlement and the misconduct it begets.”

prison. The movement’s reach is ambitious — it demands that we transform our culture of male sexual entitlement and the misconduct it begets. But legal accountability is part of this evolution.

This shift may also require reforming our sexual assault laws, which continue to fixate on physical force rather than on the absence of consent. In the case of Ms. Haley, the jury believed her testimony that he forced oral sex on her, and conviction for this first-degree criminal sex act carries a maximum penalty of 25 years. But the conviction in the third-degree rape case of Ms. Mann did not require proof of force and carries a maximum penalty of only four years. What the law fails to recognize is another dynamic at work: coercion. The Weinstein accusers described him controlling their professional and personal lives in ways that were not mainly physical. But the law of sexual assault does little to account for that kind of power.

The Weinstein convictions show us that real progress is underway. But the system still mostly fails survivors. Women who are poor, of color, who come forward alone — especially these women — will continue to be disbelieved and blamed. Even women whose cases never make the headlines deserve more than an elusive promise of criminal justice.

Longstanding biases against accusers will not disappear overnight; not even an extraordinary conviction can remake the world. But the Weinstein verdicts indicate that we are beginning to correct course.

Deborah Tuerkheimer is the Class of 1940 Research Professor of Law. This article originally appeared in the New York Times on Feb. 24, 2020.



Alumni Notes

Alumni Weekend and Reunion Draws Big Crowd

More than 1,000 alumni, students, faculty and friends came to campus for the 37 events of the 2019 Law School Alumni Weekend and Reunion in October. Guests came from 23 countries around the globe to connect with former classmates, and sit in on programming featuring both faculty and alumni.



Alumni Award Recipients

For the seventh year, several esteemed Law School alumni were honored for their work and achievements in law.

Distinguished Alumni Award
James D. Oelschlager (JD '67)

Distinguished Alumni Award
G. Flint Taylor, Jr (JD '71)

Dawn Clark Netsch Award for Public Service
The Honorable Sidney I. Schenkier (BSJ '76, JD '79)

Daniel B. Rodriguez Alumni Club Excellence Award
Michelle Wong (JD '12)

Volunteer Service Award
Christopher J. Lind (JD '94)

Emerging Leader Award
Sandra Abrevaya (JD '16)

International Alumni Award
Mirna R. Torres (JD '99)



Class Notes

'60s

Lewis F. Matuszewich (JD '66) received the Newsletter Editor Service Award from the Illinois State Bar Association.

Richard J. Stephenson (JD '66) was recognized by the Austrian Economics Center with the 2019 Hayek Lifetime Achievement Award.

Thomas E. Funk (JD '67) was included on the 2020 Best Lawyers in America list.

'70s

George W. Connelly, Jr. (JD '70), shareholder in the Houston office of the national law firm Chamberlain Hrdlicka, has been recognized among the recipients of *Texas Lawyer's* 2019 Professional Excellence Awards in the Lifetime Achievement category.

Howard A. Tullman (JD '70) was named to the *Crain's Chicago Business* Notable Entrepreneurs list.

David B. Sosin (JD '71) was installed as the 143rd president of the Illinois State Bar Association. He has served as treasurer of the ISBA Board of Governors and is past president of the Illinois Bar Foundation. In June, he will become chairman of the board of the ISBA Mutual Insurance Company, the largest insurer for lawyers liability in the state of Illinois.

Craig L. Caesar (JD '78) joined Phelps Dunbar, where he handles antitrust, intellectual property, privacy and data security issues in their New Orleans office.

The Honorable Ruben Castillo (JD '79) was named one of *Crain's Chicago Business* 2019 Notable Minorities in Accounting, Consulting & Law. Judge Castillo retired from the bench in the fall of 2019 and is a first chair litigator at Akerman LLP.

The Honorable Algenon L. Marbley (JD '79) was invested as Chief Judge of the U.S. District Court for the Southern District of Ohio.

'80s

Peter L. Gardon (JD '80) was included on the 2020 Best Lawyers in America list.

David R. "Chip" Barry (JD '81) was named to the 2020 Edition of Best Lawyers in America in the practice area of Medical Malpractice Law – Plaintiffs.

Maureen Creighton Downs (JD '81) was appointed to the newly-formed advisory board of Connamara Systems.

Sheri Lynn Hubbard-Edison (JD '82) joined the board of directors of American Family Insurance Mutual Holding Company.

Vicki Ann O'Meara (JD '82) joined the board of directors of Black & Veatch.

Jayne Cross Schreiber (JD '82) was appointed assistant dean of career planning at Fordham Law School.

Graham C. Grady (JD '83) was named one of *Crain's Chicago Business* 2019 Notable Minorities in Accounting, Consulting & Law.

Thomas W. Abendroth (JD '84) was named chair of the board of trustees of Ripon College.

Donna M. Adler (JD '84) published *Plato's Timaeus and the Missing Fourth Guest: Finding the Harmony of the Spheres* with Brill Academic Publishers.

Steven I. Berlin (JD '84) was elected president of the Council on Governmental Ethics Laws.

Catherine R. Connors (JD '84) was nominated to serve on the Maine Supreme Judicial Court.

Mark D. Lerdal (JD '84) was appointed to the board of Allied Minds plc.

Thomas W. Hawkins (JD '86) joined the board of directors of JumpTuit Legal, Inc.

David L. Reifman (JD '88) joined CRG, the development arm of Clayco.

Michelle M. Wade (JD '88) of Jetstream Aviation Law had an article published in the Summer 2019 issue of *Family Office Magazine* titled "Are You Paying the Right Price for the Family Jet?"

#NLAWPROUD: Jason Turkish (JD '12)

Disability rights, as a civil right, is still very new in this country, and disability is such a unique component of diversity. It's an issue of equal opportunity and equal access. I'm legally blind and I've known I've wanted to be a lawyer virtually my entire life. For decades, it was universally understood that the LSAT was completely inaccessible for the blind. Not because they're not talented, not because they're not capable, not because they wouldn't make

great lawyers, but because they couldn't draw pictures — because one quarter of this exam asks them to do something that they physically can't do, but somehow that's how we're deciding who would get to go to law school in America. When I left Northwestern I joined as co-counsel in a case already ongoing, involving trying to create access for folks who are blind to be able to take the LSAT. It's one thing to settle a case for one individual.



When your client says 'I want to change the rules of the game for everybody' it's so much harder but it's so much more worthwhile. In October of 2019, I settled the case that

will change the way that blind people are tested in law school admissions nationwide. My practice is devoted 100 percent to representing people with disabilities and we represent thousands of disabled individuals every year. This is a very young body of law. Making sure that people with disabilities are part of the equation, making sure that they're not left behind—lawyers are going play a central role in making sure that that happens.

“When your client says ‘I want to change the rules of the game for everybody,’ it’s so much harder but it’s so much more worthwhile.”

Michael R. Pace (JD '89) joined Berkeley Research Group, LLC (BRG) as managing director in its global investigations and strategic intelligence practice.

'90s

John M. Grogan (JD '90) joined the board of trustees of the Medical College of Wisconsin.

Deborah E. Shrager (JD '90) was named director of the Supreme Court Institute at Georgetown Law.

Evan Raskas Goldfarb (JD '92) was included on the 2020 Best Lawyers in America list.

D. Scott Powell (JD '92) was included on the 2020 Best Lawyers in America list.

Melissa Mcgonigal Berry (JD '93) joined Lane Powell as its director of professional development and diversity.

James E. Basta (JD '94) was appointed chief legal officer for biopharmaceutical firm Kura Oncology, Inc.

Jay Gavigan (JD '94) joined the New York office of Morrison & Foerster as a partner in its lending and financial transactions group.

Daniel E. Eisner (JD '95) joined Schulte Roth & Zabel as a partner in the M&A and securities group, in the firm's New York office.

Halley Gilbert (JD '95) was appointed to the board of directors of Dermira, Inc., a biopharmaceutical company focused on medical dermatology.

Martha E. Conlin (JD '96) joined Troutman Sanders as a partner in the firm's Chicago office.

Sheila A. Mikhail (JD '97) was named Springboard Enterprises' 2019 Northstar Honoree for her work as CEO and cofounder of Asklepios BioPharmaceutical, Inc., a privately held, clinical stage gene therapy platform company.

Lanier Saperstein (JD '97) joined Jones Day as a partner in its financial markets practice.

Alycia Broz (JD '98) was included on the 2020 Best Lawyers in America list.

Michael M. Kubayanda (JD '98) was designated to serve as vice chairman of the Postal Regulatory Commission.

Joel K. Shapiro (JD '98) was appointed chief analytics officer at Varicent, a provider of Smart SPM software.

Andrew M. Stroth (JD '99) was named one of *Crain's Chicago Business* 2019 Notable Minorities in Accounting, Consulting & Law.

'00s

Trent Haywood (JD '00) was appointed head of product strategy and innovation at Myndshft Technologies.

Jackson Hwu (LLM/K '00, JD '04) joined Nelson Mullins Broad and Cassel as a partner in their Miami office.

Alais L. Griffin (JD '01) launched Griffin Strategic Law Advisors, which offers legal, strategic, and public policy advice to non-profit and private sectors nationwide.

Angelique A. David (JD '02) was appointed as board chair at the Chicago State Foundation.

The Honorable Beth W. Jantz (JD '02) was named a magistrate judge of the U.S. District Court for the Northern District of Illinois.

Michael Karber (JD '05) was appointed general counsel of Granite Point Mortgage Trust Inc., a corporation focused on commercial mortgage loans and real estate investments.

Benjamin James McLean (JD-MBA '05) was appointed to the board of directors of UFP Industries.

Paul Tzur (JD '05) joined the Chicago office of Blank Rome LLP as a partner in the White Collar Defense & Investigations group.

Erin L. Felchner (JD '06) was elected partner at Sidley Austin LLP.

Ram Mohan Jagannath (JD-MBA '07) was appointed senior managing director at investment firm Blackstone in its recently launched Growth Equity investment platform.

Hannah Lee (JD '07) was elected partner at Kramer Levin.

Andrew Zachary Miller (JD-MBA '07) joined the Minnesota Vikings as chief operating officer.

Cameron Geoffrey Smith (JD-MBA '07) was named to the *Crain's Chicago Business* Notable Entrepreneurs list.

Nikola Colic (JD '08) was elected partner at Drinker Biddle & Reath LLP.

Theresa Wardon (JD '08) was awarded the 2019 Richard Marden Davis Award.

Jonathan H. Ashtor (JD '09) was elected partner at Paul, Weiss, Rifkind, Wharton & Garrison LLP.

Jeff Engstrom (JD '09) joined Crane and Norcross, LLC, a Chicago real estate tax firm.

Matthew Jones (JD-MBA '09) was named partner at Latham & Watkins LLP in the firm's Houston office.

'10s

Alexa Berlin (JD '10) was named partner at Latham & Watkins LLP in the firm's Chicago office.

Christopher J. Capuzzi (JD '10) was named partner at Ropes & Gray.

Louis Klapp (JD '10) joined Riley Safer Holmes & Cancila LLP as a partner in its intellectual property litigation group.

Vishesh Narayan (JD '10) joined the intellectual property and technology practice at Greenberg Traurig as an

associate in the firm's Tampa office.

Kendra Stead (JD '10) was elected partner at Sidley Austin LLP.

Courtney Armour (JD '11) was appointed chief legal officer and corporate secretary at Distilled Spirits Council of the U.S.

Scott Kannry (JD-MBA '11) was named to the *Crain's Chicago Business* Notable Entrepreneurs list.

Sandra Marlen Monroy Suarez (LLM '11) received the Litigation Management Award from the Latin American Corporate Counsel Association.

SJ Chapman (JD '12) became partner at Bielski Chapman, Ltd.

Zachary Getzelman (JD '12) was elected shareholder at Banner Witcoff.

Katherine Roskam (LLM Tax '13) was elected to partnership at Varnum.

Suhas Subramanyam (JD '13) was elected to the Virginia House of Delegates, representing the 87th district.

Wesley Morrisette (JD '14) was elected partner at Bartlit Beck LLP.

Mia Buntic (JD '15) married Drew Beres (JD '13) in Hvar, Croatia. The wedding was officiated by Tony Valukas (JD '68), and attended by Brad Kessler (JD '09), Alexis Fasseas (JD-MBA '10), Paul Jones (JD '20), Jeff VanDam (JD '13), Christine Bass (JD '15), Danny Greenfield (JD '08), Jane Song (JD '15), Shelby Sklar (JD '15), Elizabeth Chang (JD '15), Emily Powers (JD '15), Lauren Howard (JD '15), Kate Swisher (JD '15), Marisha Pareek (JD '15) and Monica

Pedroza (JD '15).

Jake Webb (JD '15) was elected shareholder at Banner Witcoff.

Susanna Bramlett (JD '17) joined Ogletree, Deakins, Nash, Smoak & Stewart as an associate in the firm's Atlanta office.

Grace Miao Cao (JD-MBA '17) married Elliott Charles Carter on December 4 in London. She is an associate specializing in mergers and acquisitions at Davis Polk & Wardwell, a Manhattan law firm.

Matthew Hutchinson (JD '18) married Katherine Kilsberg Hermeling on September 21 in St. Louis. He is an associate in the law firm of Kirkland & Ellis. She is a senior audit associate in the Chicago office of PricewaterhouseCoopers.

Armando Mendez (JD '18) joined the Criminal Division of the U.S. Attorney's Office for the Southern District of Florida as an assistant U.S. attorney.

Ying Chen (MSL '19) joined Tucker Ellis LLP as a technical specialist and legal interpreter/translator.

Kira Curtis Luciano (JD '19) joined Berger Schatz as an associate.

William Lentz Ivey (LLM Tax '19) joined the law firm of Chuhak & Tecson, P.C. as an associate.

Mollie Krupp (JD '19) joined the law firm of Chuhak & Tecson, P.C. as an associate.

This list reflects information received by the Office of Alumni Relations and Development as of February 17, 2020.

In Memoriam

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

'50s

Maxine Marcus Sprung (JD '50)
Marshall E. Lesueur (JD '51)
James E. Challenger (JD '51)
James D. Murphy (JD '54)
William R. Cottle (BBA '53, JD '56)
James T. Wilkes, Jr. (JD '56)
Alfred H. Levine (JD '56)
Richard G. Harrer (JD '57)
Thomas F. Railsback (JD '57)
Martin A. Smith (JD '57)
Thomas F. Carey (JD '58)
Martin F. Kloser (JD '58)
Robert L. Day (EB '56, JD '59)

'60s

C. Herbert Koehler, Jr. (BA '60, JD '63)
Charles W. Wilson (BA '59, JD '65)
William J. Kamps (JD '66)
Robert W. Williamson (BA '65, JD '68)
Thomas H. Asselin (JD '69)

'70s

Bruce L. Wald (JD '72)
Ted M. Williamson (JD '72)
Vincent H. Beckman, III (JD '74)
Gregory Gorens Guy (JD '78)

'80s

Raymond J. Slomski, Jr. (JD '81)

'10s

Rita De Cassia Carmo Shibata (LLM/K '16)

Faculty

Karen Daniel
David Ruder

Talking with Marcus Cole (JD '93), Dean of Notre Dame Law School



G. Marcus Cole (JD '93) grew up in the Terrace Village housing projects in Pittsburgh, Pennsylvania, one of five kids who spent his childhood serving as an altar boy, delivering newspapers, and watching Notre Dame football. And even though he'd never met any lawyers, his parents and teachers were certain that's what he was destined to be. When Cole arrived at Northwestern Law in 1990, he felt like "a starving man at a feast." After a judicial clerkship in Arkansas, practicing

commercial law at Mayer Brown, and 22 years teaching at Stanford Law, Cole is now in his dream job, guiding the next generation of lawyers as the Joseph A. Matson Dean and Professor of Law at Notre Dame Law School.

When did you know you wanted to be a lawyer?

Growing up, I never knew a lawyer. I never met a lawyer. All I knew was that my parents and teachers kept saying to me they thought that's what I was destined to be. But the more I learned about what a lawyer was—how lawyers protect rights, how they grease the wheels of the economy, how they make the impossible possible—the more I wanted to be a lawyer.

What do you remember about your time at Northwestern Law?

When I got to Northwestern, I felt like a starving man at a feast. Every professor, every class was amazing. It was the greatest educational experience I ever could have had. I loved every class, I read what I was required to read, but the

professors also stimulated something in me to go out and read more. I just had this insatiable appetite for what we were learning.

Were you planning on becoming a law professor?

Early on, I had a professor for contracts, Randy Barnett. I was sitting in the front row of his class and one day he walked up to me and said, "I'd like to speak to you in my office." I was terrified. I thought I'd said something or done something wrong. And so I went to see him in his office and he said, "I want you to think about becoming a law professor." I was just a first-year law student, and I told him right then that I had absolutely no interest in being a law professor, that I wanted to be a lawyer, and especially a business lawyer because I

thought the highest calling was to be a business lawyer who could help grease the wheels of transactions and make the world a richer and more vibrant place. And I told him that I thought that the idea was crazy, that I had no interest in it whatsoever. And he still recalls that conversation and tells people that story all the time.

What changed your mind?

When I was at Mayer Brown, the inner law professor in me came out because I wound up spending a lot of my evenings and weekends writing on my own, just writing law review articles that took on the issues that I was dealing with in my cases. And I got a call from the Dean of Marquette inviting me up to present a paper to the faculty there. And so I took a day off and went up to Marquette and presented the paper. And then I went back to my office and I got a call about two weeks later from the Dean saying, well the faculty has decided to vote you an offer

And all of them universally said, you will be a great law professor. But not yet. So I stayed in law practice for four years and then I went on the job market.

What's it like being Dean of Notre Dame Law School?

This is the most fun job of my life. I've always loved Notre Dame. I think it's a beautiful, magical place. But I especially love being Dean of Notre Dame Law School because it joins everything that I love into one. I love being a lawyer. I love training lawyers. And now I get to oversee the proper training of lawyers at one of the great law schools in the world. And it's a law school that really resonates with me because I'm Catholic and to me that means more than just the religious component. One of my heroes, the former president of Notre Dame, Father Hesburgh, used to say that to be truly Catholic with a big C, you have to learn to be Catholic with a little c. And I really embrace that philosophy. You have to be welcoming of all thoughts,

"The more I learned about what a lawyer was—how lawyers protect rights, how they grease the wheels of the economy, how they make the impossible possible—the more I wanted to be a lawyer."

—MARCUS COLE

to join our faculty. And I said, "I wasn't even applying for a job there?" So I called Randy Barnett, and Steve Calabresi, and David van Zandt, and I said, "I just got offered a job as a law professor. Should I take this?"

perspectives, and religions of all people in order to be truly Catholic with a big C. And what I think I can help promote and foster at this place is an embrace of all perspectives and all people under this one roof.



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