

THE MAGAZINE OF NORTHWESTERN PRITZKER SCHOOL OF LAW

NORTHWESTERN LAW REPORTER

VOLUME VI
NUMBER 2
FALL 2017

PLAYING IT SAFE

*Two former NFL pros look
back at the laws of the game.*

Northwestern
PRITZKER SCHOOL OF LAW



Northwestern

PRITZKER SCHOOL OF LAW

NORTHWESTERN LAW REPORTER
Fall 2017, Volume VI, Number 2

DEAN AND HAROLD WASHINGTON PROFESSOR
Daniel B. Rodriguez

ASSOCIATE DEAN, DEVELOPMENT
AND ALUMNI RELATIONS
Daren Batke

ASSOCIATE DEAN, MARKETING AND
STRATEGIC COMMUNICATION
Melissa Kaeser

SENIOR DIRECTOR OF ALUMNI
ENGAGEMENT AND DONOR RELATIONS
Darnell Hines

DIRECTOR OF STRATEGIC COMMUNICATIONS
Rachel Bertsche

ASSOCIATE DIRECTOR,
VISUAL COMMUNICATION
Mary Kate Strittmatter

COMMUNICATIONS MANAGER
Amy Weiss

CONTRIBUTING PHOTOGRAPHERS
Randy Belice, Jasmin Shah, Sally Ryan,
Chris & Jules Photography

The editors thank the faculty, staff, students,
and alumni of Northwestern Pritzker School of
Law for their cooperation in this publication.

Opinions expressed in the *Northwestern Law
Reporter* do not necessarily reflect the views
of Northwestern Pritzker School of Law or
Northwestern University.

Update Your Address

EMAIL law-alumni@law.northwestern.edu

WEB law.alumni.northwestern.edu

PHONE 312.503.7609

US MAIL Northwestern Pritzker School of Law
Office of Alumni Relations and Development
375 East Chicago Avenue
Chicago, Illinois 60611

Find us online at law.northwestern.edu

Copyright ©2017. Northwestern Pritzker School
of Law. All rights reserved. 4-17/17M



Northwestern
University



*Professor Akhil Reed Amar of Yale University delivered the
inaugural Abraham Lincoln Lecture on Constitutional Law,
established by Professor Steven Calabresi.*

NORTHWESTERN LAW REPORTER

VOLUME VI
NUMBER 2
FALL 2017



FEATURES

8 Playing It Safe

When it comes to football players' long-term health, both the NFL and its players are rethinking what it means to get their head in the game. A Northwestern Law student and a recent grad — both former pros — weigh in.

16 The Great Differentiator

In the Innovation Lab, students are tasked to use technology to address challenges in the legal system. Sometimes that means turning law school lessons on their head.

18 A Punishment To Fit The Crime

In 1994, Alton Mills was sentenced to life in federal prison without parole by a judge who had no choice. More than two decades later, after all his appeals had failed, he was given a second chance.

26 The House That Geraghty Built

After 41 years, Thomas Geraghty retires as Bluhm Legal Clinic Director.

DEPARTMENTS

- 2 From the Dean
- 3 Noteworthy
- 30 Clinic News
- 34 Faculty Focus
- 48 Alumni Notes
- 52 Closing Remarks

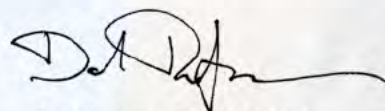
One of my greatest priorities as the Dean of Northwestern Pritzker School of Law is equipping our students to be successful in the professional world that they will embark upon after graduation. That means not only being qualified to practice law, but to succeed in an increasingly technology-driven marketplace, to look at non-legal matters through the lens of a legal education, and to always use their legal expertise in the name of public service and righting wrongs when possible.

In this issue of the *Reporter*, we highlight stories from the Law School community that reflect that mission. Whether it is a deep dive into the Innovation Lab, where students from across the Law School learn to use technology to address challenges for the legal profession, or a profile of Tom Geraghty, the revered director of the Bluhm Legal Clinic who, after decades of fighting for social justice and teaching students to do the same, will pass the torch to a new director this year, the focus of the stories in our magazine reflect the focus at our school.

Our cover story, about the legal issues surrounding the continually evolving news regarding football player safety, particularly reflects our intention to stay current. It is of great value for our students to understand landmark legal cases, but it is equally important for them to take those learnings and apply them to modern-day issues. As one current student and former NFL player explains in this feature, understanding the origin of labor

laws has created a framework for him to reflect on his time as a professional athlete, and to reconsider both how players might be better protected in the future and how the business of sports might benefit from such protections.

This kind of real-world analysis is what our faculty works to inspire every day in our students. Instilling the idea that if you want to change the world — be it through social justice or disruptive technology — you need to start with a legal education, continues to drive what we do. And, as I travel the country and the globe meeting with Northwestern Law alumni who are at the forefront of their fields and making an impact on our world, I am buoyed by the knowledge that these lessons stay with those in our community long after they leave campus.



Daniel B. Rodriguez
Dean and Harold Washington Professor

NOTEWORTHY

Five Kellogg Courses Available to Law Students This Fall

Starting in Fall 2017, JD and LLM students at Northwestern Law will have the opportunity to take a suite of five core Kellogg courses taught by full-time Kellogg professors, devoted solely to law students. The courses are identical to the ones that every Kellogg MBA is required to take and will go a long way in strengthening the law students' understanding of modern business practices.

The courses are: Accounting for Decision Making; Business Analytics; Business Strategy; Finance 1; and Leadership in Organizations. Each of the five classes will consist of 65 students, bringing the total of offered seats to more than 300.

These courses will deepen the partnership between Kellogg and Northwestern Law and strengthen the Law School's interdisciplinary approach to preparing students to thrive in today's complex global and technological economy. The Center for Practice Engagement and Innovation, led by Professor James Lupo, affirmed through its ongoing dialogue with employers that clients increasingly expect their lawyers to have a strong understanding of business, making this curricular innovation a practical step for training modern lawyers.

Long a leader in law and business, the Law School offers a three-year JD-MBA program that is the largest in the country with an annual enrollment of more than 80 students. Even during and since the 2008 financial crisis, more than 99 percent of graduates of the

program were employed within nine months of graduation.

"The new course offerings bolster our commitment to preparing strong business-minded lawyers," says Dean Daniel B. Rodriguez, dean of Northwestern Law. "We are preparing our graduates to be T-shaped lawyers — lawyers with deep-rooted foundational legal

"We are preparing our graduates to be T-shaped lawyers — lawyers with deep-rooted foundational legal knowledge, who also possess broad cross-disciplinary perspectives and understanding in relevant areas."

— DEAN DANIEL B. RODRIGUEZ

knowledge, who also possess broad cross-disciplinary perspectives and understanding in relevant areas."

Northwestern Law is strongly committed to a multidisciplinary education that breaks down silos in professional education and prepares students to be strategic problem-solvers across disciplines throughout their careers. ■

Applicants May Submit GRE Instead of LSAT Beginning Next Year

Beginning in Fall 2018, Northwestern Law will allow JD applicants to submit either the Graduate Record Examination (GRE) or the Law School Admissions Test (LSAT) for Fall 2019 admission. "We are firmly committed to meeting the evolving needs of the profession, and this means constantly evaluating the law school experience," says Dean Daniel B. Rodriguez. "This includes curriculum, where we have established relevant new programs, concentrations and courses; our student support infrastructure, including financial aid; and also student admissions and recruitment."

The GRE is a holistic exam that comprehensively evaluates qualitative and quantitative skills and is broadly accepted by thousands of graduate and professional degree programs, from biochemistry to public policy to philosophy. Gaining access to GRE test-takers, many of whom are

engineers, scientists, and mathematicians, will benefit Northwestern Law and the legal profession at large by diversifying the applicant pool. Additionally, the GRE is offered a number of times throughout the year and in locations worldwide, making it easily accessible for prospective students.

This decision was made after careful evaluation, including a study conducted in conjunction with the Educational Testing Service (ETS), the organization that administers the GRE. In accordance with the American Bar Association (ABA) Standards for Legal Education, the study assessed whether the GRE is a valid predictor of first-year academic performance at Northwestern Law. Results showed that the GRE is in fact a strong predictor of first-year performance at Northwestern.

The ABA Council is currently reviewing its standards in regards to mandatory

standardized tests required for law school admissions. Waiting until the following academic year to implement this change will give this process an opportunity to unfold in a more deliberative way and therefore will ultimately provide more clear guidance about what is or is not permitted under the Standards. Law School leadership is optimistic that the ABA will allow law schools greater flexibility in the admissions process, to the benefit of students, schools, and the profession alike. Pending the ABA's decision, acceptance of the GRE may be accelerated to the upcoming admissions cycle.

As always, test scores will be only one factor in the evaluation of candidates. The Law School will continue to consider a range of factors, including academic ability, work experience, public service, leadership, interviews, career goals, writing skills, and letters of recommendation, when making admissions decisions. ■



Jamie Lynn Crofts (JD '13) goes viral with satirical defense of John Oliver and the First Amendment

In a June episode of *Last Week Tonight with John Oliver*, the HBO host took on the coal industry and President Trump's promise to bring back more coal jobs. The segment featured coal mining executive and Trump supporter Bob Murray, but when Oliver's staff contacted Murray Energy in advance of the episode, they received a cease and desist letter in response.

"A cease and desist letter is, incredibly, something we've never received before on this show," Oliver said, before continuing to highlight Murray Energy's history of suing news outlets.

The episode resulted in the "immediate litigation" that Murray Energy promised, which is how Northwestern Law alumna Jamie Lynn Crofts (JD '13), legal director for the American Civil Liberties Union (ACLU) of West Virginia, found her words splashed across the pages of *The Hollywood Reporter*, *Vanity Fair*, and the *New York Post*.

"Plaintiffs' Motion for a Temporary Restraining Order is Ridiculous. Courts Can't Tell Media Companies How to Report, Bob."

"All of John Oliver's Speech Was Protected by the First Amendment. You Can't Sue People for Being Mean to You, Bob."

"Anyone Can Legally Say 'Eat Shit, Bob!'"

The section headers alone from Crofts' amicus brief, which she filed on behalf of the West Virginia ACLU in early August,

delighted legal and entertainment reporters alike who called the brief "stone-cold hilarious" and "a harsher takedown than Oliver's original statement."

While monitoring West Virginia cases that might be related to the ACLU's work, Murray's suit, which was filed in the Northern District of West Virginia, came to Crofts's attention. When Murray sought an injunction to stop Oliver from discussing the case and to stop HBO from even re-airing the show, she decided to write an amicus curiae brief in support of the television host.

"A grant of a temporary restraining order is a prior restraint on speech," Crofts says, "and that's just not okay."

In preparing the brief, Crofts used humor to demonstrate how outlandish she believed Murray's case was. "It came to me that this was an opportunity to use satire to show why satire can be powerful and important political speech," she says.

"This case is about Plaintiff Robert E. ('Bob') Murray not liking a television program and somehow believing that is a legally actionable offense," Crofts wrote. "It is apt that one of Plaintiffs' objections to the show is about a human-sized squirrel named Mr. Nutterbutter, because this case is nuts."

The circumstances surrounding the motion created "the perfect storm," Crofts

says. "I think every lawyer hopes that they can write something like this. I mean, the plaintiff complained about Bob Murray being compared to Dr. Evil from the *Austin Powers* movies. It was a comedic show and even though I tried to have some humor in my brief, I really feel like it's the plaintiffs that are making a mockery of our legal system by filing the case."

(In response to the complaint about the Dr. Evil comparison, Crofts said in her brief: "With regard to the Dr. Evil remark, it should be remembered that truth is an absolute defense to a claim of defamation.")

Crofts credits classes taught by Professors Jason DeSanto and Len Rubinowitz with helping prepare her for her current career.

"I sometimes hold press conferences, I speak at legislative hearings and city council hearings, I give 'know your rights' presentations all around the state. [DeSanto's Law, Advocacy and Public Persuasion] was the one class I took in law school that really focused on those practical aspects," she says.

Rubinowitz's Law and Social Change class was another standout. "That was the only class I took that really talked about impact litigation and the strategy behind it," she says. "As much as I would love to help everyone who sends us a complaint, we don't have the resources for that. And we have to really focus on the cases that we think are going to make the most change for the most people."

Despite having a job that requires public and media interaction, Crofts was still blown away by the reaction to her brief. "I don't think I've ever gotten fan mail before!" she says, even though she blogs occasionally and is enjoying a growing Twitter following (@jamielynnCrofts).

The comparisons to the *Last Week Tonight* writers' room have been an especially pleasant surprise. "I've included really nerdy law jokes and parentheticals before in briefs," she says. "I've always thought that I'm funny and I'm glad that now other people do too!" ■ —Amy Weiss

The Makings of an Entrepreneurial Mindset

For an episode of *Planet Lex: The Northwestern Pritzker School of Law Podcast*, Dean Rodriguez sat down with Howard Tullman (JD '70), CEO of 1871 Chicago, and J.B. Pritzker (JD '93), co-founder of the Pritzker Group and Illinois Democratic candidate for governor, to talk about what it takes to pursue innovation in business. During the conversation, the guests shared insight into how a legal education contributes to an entrepreneurial mindset. "When we talk about entrepreneurs at law school, the law schools are still focused on the gladiator-litigator model, which is 'one person is going to triumph,'" Tullman said. "And frankly, the world is different today. The world is about collaboration and it's about a different set of team-based skills."

Still, having a legal background can help entrepreneurs be efficient and effective, Pritzker said. "A mindset of the law helps to drive the entrepreneurial spirit," he explained. "There are a lot of people who have a desire or a need to go create but may not be able to organize and head down a single road in order to get things done."

For anyone who wants to pursue an entrepreneurial career, Tullman says there are five must-haves:

- 1 **Passion.** Being an entrepreneur is hard and lonely, Tullman says, so passion for the work is critical.
- 2 **Dedication.** "You have to do literally the hard work," he said. You'll be putting your sweat — and a lot of your time — into your endeavor.
- 3 **Preparation.** Entrepreneurship isn't only the excitement you see on shows like *Silicon Valley*. Before any project takes off, you'll need to take time to prepare.
- 4 **Perseverance.** "It's a bumpy, long and hard road," Tullman says. You'll need to stick with it.
- 5 **Desire to Make a Difference.** "You have to want to do something that is more than making money," Tullman says. "You have to want to make a contribution." ■



Howard Tullman (JD '70), CEO of 1871, records an episode of the Planet Lex podcast.

Grosvenor Leadership Donate a Combined \$1 Million to the Law School

GCM Grosvenor, led by Chairman and CEO Michael J. Sacks (JD-MBA '88) and Vice Chairman Paul A. Meister (JD '87), has made a \$500,000 unrestricted gift to the Law School. This follows a 2016 gift in equal amount by Mr. Meister and his wife, Jill Meister (JD '90). In recognition of this generous support, the Law School will name the new Information Commons, a remarkable student space currently under construction within the Law School Library, after GCM Grosvenor.

"It is an honor to support the GCM Grosvenor Information Commons at Northwestern Law," Meister said. "This new space

will launch the Pritzker Legal Research Center into the modern era of library science and add new study spaces that will enhance the Northwestern Law student experience for generations to come. Michael and I are proud to be a part of this exciting step forward for the Law School."

Sacks graduated with his Bachelor of Arts in Economics from Tulane University in 1984 and received his JD-MBA from Northwestern University in 1988. He is a close personal advisor to Chicago Mayor Rahm Emanuel and serves as vice-chairman of World Business Chicago, a non-profit organization charged with ramping up the city's efforts to attract companies and jobs.

Meister received his Bachelor of Science in Accountancy from the University of Illinois in 1984 before attending the Law School. He is a former chair of the Law Board and continues to serve on the Law Board executive committee, and is an adjunct professor at the Law School. Jill Meister is an avid philanthropist supporting programs and conducting research associated with eosinophilic esophagitis, celiac disease and food allergies.

The Information Commons is scheduled to open during the next academic year. ■

A sneak peek at the new GCM Grosvenor Information Commons.



ON THE RECORD

“For much of our nation’s history, our laws formally adopted a stance of incredulity toward sexual assault allegations. ... An alleged victim’s testimony was insufficient without further corroboration. Only complaints made ‘promptly’ could proceed. Jurors were explicitly warned to evaluate the complainant’s testimony with special suspicion. While modern reform efforts have mostly succeeded in abolishing formal rules of disbelief, credibility discounting has now moved to the realm of law enforcement. ... Credibility discounts are meted out at every stage of the criminal process — by police officers, prosecutors, jurors, and judges. This fact is not lost on victims of sexual assault, the vast majority of whom decline to report to law enforcement, in essence preempting the discounting of their credibility.”

– Professor Deborah Tuerkheimer, “The Deck Is Stacked Against Every Sexual Assault Victim in America. The Cosby Case Is No Different,” *Slate*, 6/18/2017

“With the news in that a Massachusetts judge sentenced homicide-by-text defendant Michelle Carter to fifteen months in prison and six years on probation, many are outraged at the perceived leniency of the sentence. They may have a point, but only because brutally harsh sentences have become the norm in American criminal justice, and with devastating effects. The past decades have witnessed massive ‘sentencing inflation’ as periods of incarceration have become longer and longer. If Carter’s sentence seems short, it is because we are weighing it on a broken scale.”

– Professor David Shapiro, “Is Michelle Carter’s punishment for death-by-text a slap on the wrist or cruel and unusual?” *The Hill*, 8/4/2017



“Rather than pursuing the fantasy of foreign plots, for which there seems little if any reality, it ought to be the job of a responsible media and responsible legislators to help the American people and their duly elected president to determine whether, in fact, the program on which the Republicans ran can be effected. There is plenty to examine, plenty to discuss, and plenty to debate without wasting the resources and time of our fellow citizens and their government chasing after chimeras. Moreover, we can’t keep a republic unless we understand our obligation to live under the rule of law, and to realize that the system under which we have thrived requires us to submit to events like the result of elections with which we may disagree.”

– Professor Stephen Presser, “What Is A Republic, and How Do We Keep It?” *Washington Times*, 6/7/2017



“If placing youth on the sex offender registry positively impacted public safety, a discussion about whether and which of these youth belong on the registry would be appropriate. But to the contrary, empirical evidence recently cited by both the Illinois Criminal Justice Information Authority and the Illinois Juvenile Justice Commission suggests that placing youthful offenders on registries can actually be counterproductive in this regard. Meanwhile, the damage done by placing kids on the registry is all too real. Once labeled a “registered sex offender,” it becomes harder for young people to find and keep gainful employment, to continue their education, even to find a place to live. Add to this the psychological burden of shame, isolation and stigma, and it becomes too much for some youth to bear.”

– **Professor Carolyn Frazier**, “Today’s Scarlet Letter – The Sex Offender Registry – Is Risky Justice For Youth,” *Chicago Tribune*, 5/26/2017



“Conservatives have dominated the court for the last 50 years, and, knowing that, they feel they are more in power than liberals feel. Interruptions are generally considered an aspect of dominance, and the conservatives feel dominant over the liberals. With Gorsuch entering the court, that’s going to reinforce that tendency.”

– **Professor Tonja Jacobi** in “Why Gorsuch May Not Be So Genteel on the Bench,” *New York Times*, 4/17/2017

“Last month Russia suddenly announced that it recognized Jerusalem as the capital of Israel. Note what happened next: No explosions of anger at the Arab world. No end to Russia’s diplomatic role in the Middle East. No terror attacks against Russian targets. Moscow’s dramatic Jerusalem reversal has largely been ignored by the foreign-policy establishment because it disproved their predictions of mayhem. ... Does the U.S. want to wind up with a less pro-Israel position than Vladimir Putin’s? ... Moving the embassy to Jerusalem would also improve the prospect of peace between Israel and the Palestinians. It would end the perverse dynamic that has prevented such negotiations from succeeding: Every time the Palestinians say ‘no’ to an offer, the international community demands a better deal on their behalf. No wonder no resolution has been reached. Only last week, Palestinian Authority President Mahmoud Abbas insisted that new negotiations ‘start’ with the generous offer made by Israel’s Prime Minister Ehud Olmert in 2008. Relocating the embassy would demonstrate to the Palestinian Authority that rejectionism has costs.”



– **Professor Eugene Kontorovich**, “Russia Recognizes Jerusalem as Israel’s Capital. Why Can’t the U.S.?” *The Wall Street Journal*, 5/14/2017

– **Professor Steven Lubet**, “Justice Gorsuch Can Forget About Ethics Code For Court Now” *CNN.com*, 4/15/2017

“Although every other American court — at both the state and federal levels — has adopted some version of the American Bar Association’s Model Code of Judicial Conduct, the justices on the nation’s highest court have steadfastly refused to promulgate any such code for themselves. ... Codes ranging from the Ten Commandments to municipal building regulations are violated every day — thus failing to guarantee integrity — but only an avowed anarchist would consider them unnecessary. At the Supreme Court level, in any case, the function of an ethics code is not to guarantee integrity, and even less to compel compliance or punish violations — the latter of which would be impossible, given that the justices enjoy life tenure and cannot be disciplined short of impeachment. Instead, the objective of a code would be to set discernible standards for the justices’ conduct so that the public could know the norms to which the justices are holding themselves.”



PLAYING IT SAFE

*By Anne Stein
Illustrations by Daniel Hertzberg*



CONCUSSIONS/ HEAD INJURY

- RULE CHANGES
- CONTRACT NEGOTIATION
- COLLECTIVE BARGAINING
- CLASS ACTION LAWSUITS

Concerns over football players' long-term health is at an all-time high, and both the NFL and its players are rethinking what it means to get their head in the game. So what is a team's legal obligation when it comes to protecting its players? And how can athletes (and their reps) advocate for their futures? A Northwestern Law student and a recent grad — both former pros — weigh in.



It doesn't take a math whiz to know that the chances of playing a sport in high school, then going on to play that same sport in college, and ultimately going pro, are incredibly slim. In fact, according to the NCAA, only about 6.8 percent of more than 1 million U.S. high school football players compete in college, and just 1.5 percent of those players go on to play in the NFL, which had 253 slots available in the 2016 draft.

So what are the chances of playing professional football, retiring, then sitting in Professor Jules Crystal's Labor Law class next to another retired player who once grabbed you by the face mask in a regular-season game?

"Talk about the odds," says Tony Pashos (JD '19), a 6'7", 320-pound former offensive tackle, who completed his first year at Northwestern Pritzker School of Law this spring. The 6'2", 240-pound Quincy Black (JD '17), has a photo of that play, in which he has the gigantic Pashos by the mask, framed in his Tampa home. (It was Week 8 of the 2007 season, and Pashos's visiting Jacksonville Jaguars beat Black's Tampa Bay Buccaneers 24-23.)

Drafted by Tampa Bay in 2007, Black played six seasons with the Buccaneers until a neck injury ended his career. Pashos, who lives in far south suburban Chicago, played an astounding 11 seasons after being drafted by the Baltimore Ravens in 2003.

With the enormous number of pressing legal issues facing the NFL surrounding player safety, both Black and Pashos, who served as a player's representative from 2009 to 2011, say their legal education has provided them with a more informed take on the NFL's attempts to better protect its athletes. But it's a tricky issue, and one that plenty in the football community – including NFL authorities, players' representatives, and legal experts – have been grappling with for more than a decade. For starters, the game is both inherently violent and wildly popular in its current form. According to the most recent data available from The Harris Poll, football has been the most popular U.S. sport for three decades, leading number two-ranked baseball by 18 percentage points. And, from

a financial perspective, it ain't broke: according to the *Sports Business Journal*, the NFL expects to generate \$14 billion in revenue in 2017.

But football is a rough long-term deal for players, whose careers average about three years, mainly due to injury. (After Black's second NFL season, the Chicago native started looking at law school programs to prepare for life after football.) A 2016 study, one of the largest to date on living NFL players, found that more than 40 percent of 40 retired pro football athletes, with an average age of 36, had signs of traumatic brain injury. And the 2016 NFL injury report, which was released by the league prior to the February 2017 Super Bowl, found that players suffered 244 concussions, 56 ACL tears and 143 MCL tears over pre- and regular-season practices and games.

"The sport will be forever intertwined with pain and injury," says Pashos. "You see the blood and noise and the hard hits and you celebrate the guy who gets back up." The players, adds Black, "are so skilled and so fast and so strong that the game has become much more violent and as a result, more demanding physically." Like the rest of America, NFL players have gotten bigger. In 1950, the median weight was 240 pounds for offensive tackles and 220 pounds for guards; in 2010, the median weight of both positions hit 310 pounds.

But it's the long-term effects of concussions that are of particular concern for the league, players, and their

Tony Pashos (JD '19) and Quincy Black (JD '17) face off during the 2007 NFL season.



return to school full-time to pursue his mathematics PhD at M.I.T. (The fourth-year pro had been taking classes there in the off-season.) Three days later, rookie Jadar Johnson's agent announced that Johnson was retiring from football, saying that he "has new ventures that he wants to pursue and he values his health."

The clear link between hard hits and brain damage has led to a class action lawsuit and numerous NFL rule changes focused on reducing unprotected hits, especially to the head, and other violent collisions between players.

These changes gained traction after Dr. Bennett Omalu, who in 2002 worked at the Allegheny County Coroner's Office in Pittsburgh, autopsied the brain of 50-year-old former Steeler Mike Webster and found tau protein clumps similar to those of an elderly person with Alzheimer's disease. Omalu came up with the CTE diagnosis, his findings were published in 2005 in the journal *Neurosurgery*, and the discussion of what should be done about CTE exploded.

Rule changes soon followed. "A player can no longer lead with the helmet," Pashos explains. "We've removed it as a weapon." There's an emphasis on zero tolerance for helmet-to-helmet hits, and the quarterback, kickers and punters, among

families. According to a study published in July, 177 of the 202 brains of former football players donated to and studied at Boston University's brain bank were diagnosed with CTE, or chronic traumatic encephalopathy, a degenerative brain disease caused by repeated blows to the head. (The study, published in the *Journal of the American Medical Association*, found that 110 of the 111 former NFL players studied had CTE. So too did 7 of 8 Canadian Football League players, 9 of 14 semipro players, 48 of 53 college football players, and 3 of 14 high schoolers.) Within days after that study was released, several pros retired, including the Baltimore Ravens John Urschel, who announced he wanted to

other positions, have been granted much more protection. “Once that ball comes out of the quarterback’s hand, you can’t touch him or take him down.”

Many of the protections for players came at the behest of the players union. During his time as a rep leading up to and through the 2011 NFL lockout, Pashos went through what he calls a crash course on labor law and collective bargaining. “The bargaining gets so detailed, so to go from the weight rooms and the field to being decision-makers was hard,” he says. “It’s interesting now to look back and have time to really learn the origin of those laws.”

At the time Pashos’s approach was this: football players don’t know how long their careers will be. “So the player reps said, ‘let’s see if we can prolong careers and limit post-career issues by not exposing ourselves to unnecessary risks.’ The league wasn’t consistent; some coaches were too demanding and too physical, and they ended up burning through a lot of players.”

The highlights of the 2011 Collective Bargaining Agreement that Pashos and others supported included a longer off-season (leaving time for rest and recovery,

and limiting pre-season practices), eliminating two-a-day practices, limiting full-on contact practices, and other efforts to eliminate, limit, or penalize more damaging and vicious hits.

George Atallah, assistant executive director of external affairs for the National Football League Players Association, together with the union’s staff of 10 attorneys, worked closely with the player representatives. “Tony understands how important it is to be an advocate for improvement of working conditions in the NFL today,” Atallah says. “He was a part of that transformation of the game that included not just rules changes, but overall improvement to health and safety of players. He was part of our collective bargaining unit and privy to legal strategy. It’s not an easy job for a non-lawyer.”

While some fans aren’t happy about cutting down on football’s violence, others feel it’s necessary. “As a society, do we want to have it where our predominant sport involves this many players getting this severely injured?” asks Professor Daniel Gandert (JD ’07), who teaches Dispute Resolution in Sports and is an avid, but troubled, football fan. “Or are we willing to allow the rules to change?”

Photo credit: Baltimore Ravens.

Left: Tony Pashos played for the Baltimore Ravens for four of his 10 NFL seasons. Right: Pashos at the Law School.



“THE SPORT WILL BE FOREVER INTERTWINED WITH PAIN AND INJURY. YOU SEE THE BLOOD AND NOISE AND THE HARD HITS AND YOU CELEBRATE THE GUY WHO GETS BACK UP.”

Even with the improved protections for players, the nature of the sport makes injury hard to avoid — recall that 2017 injury report for proof. “I think the NFL is getting close to doing everything they can, but it’s still a physical sport and the probability of concussion is almost impossible to completely take away,” says Rick Smith (JD ’86) president of Chicago-based Priority Sports, and Pashos’s former agent.

“I do believe the game has gotten much safer since my retirement in 2013,” says Black, who suffered a neck injury and subsequently underwent surgery after a helmet-to-helmet hit. “I think the NFLPA and the Rules Committee have both done a great job in trying to prolong the careers of players. And I think there’s a grass roots movement within the coaching ranks as well. Coaches don’t want to see their players stretched out on the field.”

Smart coaching is key to player longevity — like any boss, coaches have a huge effect on workplace health and safety. Playing for Baltimore Ravens coach Brian Billick was revolutionary, Pashos says. “We did things smarter — when we hit it was very physical and demanding, but the schedule catered to the player. All [Billick] cared about was how fresh our minds and bodies were. You heard about other teams like Baltimore that were smart and player-health minded, and those were the teams that won.”

On the Ravens, Pashos explains, players went through carefully structured walk-throughs to learn game plans, giving them time to mentally and physically prepare, rather than immediately going full-speed. There were no wasted repetitions. Some practices the players went without pads, so there were no full-tackling takedowns. “The entire practice schedule is made for you to be at the top of your game and the best in the league,” he says. But it’s up to the

teams to hire the Billicks of the football world; they can’t be completely written into a CBA.

If a player does get better protection written into the rules and a coach who emphasizes player health, why would he still play hurt? Those reasons could range from the player’s own attitude toward the sport, to contract incentives, to the contracts themselves, which usually aren’t guaranteed, to the injured reserve system, which allows players to remain on the team but not take up a roster spot.

Once an athlete is on the injured reserve list, in most instances he cannot play for the rest of the year. (An exception allows teams to bring back one injured reserve player each year after eight games, and for 2017 the rules add a second player to the list.) It can be a significant setback for a player, particularly if he has a strong chance of recovery before the end of the season, Gandert says. Missing an entire season can hurt bonus payouts and negatively affect future earnings, since players don’t have the opportunity to prove that they’re healthy. Plus, there’s a stigma on these athletes, who are often labeled “injury-prone” or considered a risky prospect for signing.

The incentives in players’ contracts may also encourage playing hurt. “Some contracts have incentives that will escalate a guy’s upcoming salary if they hit a certain percentage of team plays,” Black says, “or have a certain number of catches or tackles or rushing yards or return yards, or All-NFL team or Pro Bowl. The only limit to what incentives are put in a player’s contract is the imagination of the drafters.”

And that’s a problem, says Gandert. “Players have a ‘tough man’ type of mentality — they want to think they are Superman, and this mentality helps them succeed,” he explains. “One of the things I teach is that this mentality leads players to believe that they will earn unguaranteed performance bonuses. However, you know that the player isn’t likely to earn this bonus, both because of the likelihood of injuries and because athletes generally believe they will perform at a higher level than what’s likely. It’s difficult to convince the player of this fact when



representing him because this mentality helps him succeed as an athlete. If an athlete is worried about getting injured, he's not going to succeed in his sport."

And with football's non-guaranteed contracts, there's always the fear that if you go out hurt and your replacement does well, you won't get back in and you'll lose money, explains Smith. Of the four major professional sports leagues, NFL players have the least amount of their salaries guaranteed. In baseball, contracts are fully guaranteed so if a player gets injured, he'll be paid for his contract's duration. "An injured player in the NFL, however, is often only guaranteed payment for the time he is injured," Gandert says. "Players who aren't at the top of the roster have a higher risk of being cut from their teams

“THE ONLY LIMIT TO WHAT INCENTIVES ARE PUT IN A PLAYER’S CONTRACT IS THE IMAGINATION OF THE DRAFTERS.”

in response to an injury, thus losing out on non-guaranteed salaries for all subsequent time in their contract."

"It's cutthroat," Pashos says. "You can lose your job whether you are healthy or unhealthy, you can get cut, fired in front of your teammates, a lot of bad things can happen, but that's a motivator to stay at the top of your game."

Another contributing factor to the high injury rate is that the ability to withstand pain is not only admired in football, it's expected. "All guys play hurt," Black says. "I had the honor of playing with several players who were

considered Iron Men. These guys never missed a game in 14 grueling NFL seasons and while I'm sure they had the incentive to play based on something in their contracts, the respect they'd garner from their peers is the overwhelming factor for them playing through injury." When Pashos partially tore his hip flexor, he was "gung ho" to play until a trainer insisted he shouldn't set foot on the field. But not every team, players say, will stop you in those situations; some will insist on protecting their players' health, while others want and need you to play.

The NFL's concussion protocol is one response to the demand to better protect players. Independently certified doctors and athletic trainers who are unaffiliated with the team (and therefore have no incentive to encourage an injured player back into the game), are now stationed around the field. Players exhibiting concussion symptoms are supposed to be pulled from the game and evaluated with a series of questions and tests. And while players have admitted that they've fooled the tests because they want to get back on the field, it's an improvement over the past, when players who insisted they could go back in after a hard hit were routinely encouraged to play.

In the meantime, Atallah says, the player's union is working toward other safety improvements over the coming year, including turf quality. "Field conditions aren't standardized in the NFL and there's a statistically significant injury difference between turf and grass." The NFLPA is also tackling the issue of pain and prescription medication. "How players deal with chronic pain is a massive problem that we're looking at closely, and particularly how it impacts players' lives when they're done playing. We're looking at quality of life issues."

Pain and injuries aside, Pashos and Black both say that the years of blood, sweat and tears were worth every drop. "As a former player, I've been better able to handle law school," Pashos says. "The commitment and professionalism is the same, and there are challenges and competition in both, even though you're one team and one family."

Still, law school has one great advantage, he says. "It's fulfilling and refreshing — especially since it doesn't take as many cold tubs to get on the field." ■





Left: Quincy Black was a linebacker for the Tampa Bay Buccaneers from 2007-2012. Right: Black and his son at graduation.

The NFL's Concussion Settlement

In mid-June, the first two claims of the NFL's concussion settlement were approved after a long battle between retired players, their families and the NFL over damages from concussions. (In January 2017, the *In re: National Football League Players' Concussion Injury Litigation* class action settlement became final.) "Plaintiffs accused the NFL Parties of being aware of the evidence and the risks associated with repetitive traumatic brain injuries, but failing to warn and protect players against the long-term risks, and ignoring and concealing this information from players," according to the official website of the Concussion Settlement Program. "The NFL Parties denied the claims in the litigation."

Here's what you need to know:

- For the first payout, \$5 million was awarded to a retired player suffering from ALS.
- Additionally, \$4 million went to the family of a deceased player diagnosed with CTE.
- The settlement covers NFL players who retired from pro football before July 7, 2014, and received a qualified diagnosis from an approved physician. It covers ALS, dementia, Parkinson's and Alzheimer's diseases.
- Players diagnosed with CTE between January 1, 2006

and April 22, 2015 (with an extension of 270 days to players who died between July 7, 2014 and April 22, 2015) can receive compensation, but since CTE is diagnosed after death, only families of deceased players can earn from the settlement.

- Current players and those who retired after July 2014 don't receive settlement benefits. "There are some new health benefits for retired players that were added to the league's 2011 Collective Bargaining Agreement that could potentially apply," says Gandert. "Or, these players could file their own suits, but it may be hard because of some of the rule changes and research regarding the contributions of college and youth football to neurological ailments. Additionally, with information that is currently out about head injuries, the league will have a better argument that future players have assumed the risk."

"Everything is a process and a learning experience for all parties involved right now," says Pashos. "We don't have a test for CTE and it's the industry disease. If a new test comes online, the settlement will have to be readjusted. Some of our teammates have these issues and it's a costly burden upon everyone in the family." █

THE GREAT DIFFERENTIATOR

In the Innovation Lab, students are tasked to use technology to address challenges in the legal system. Sometimes, says one instructor, that means turning law school lessons on their head.

By Rachel Bertsche

A class with a name like “Innovation Lab” might seem more like a *Shark Tank* spin-off than a law school offering, but according to Neal Sales-Griffin, CEO of CodeNow and one of three instructors of the new Northwestern Pritzker School of Law course, that’s the point. “Being a lawyer who understands innovation is a massive differentiator,” he says. “You bring more to the table if you have an understanding of how technology can influence the future of your

Center (DPELC) and the Master of Science in Law (MSL) program, and it is intended to help students succeed in a technologically driven global economy. With a focus on the legal, business, technical, and design skills involved in the innovation process, it’s unlike most entrepreneurship courses. First of all, it includes software development and intro-to-coding components — which is to say, it’s about much more than how to represent a start-up. “While existing entrepreneurship courses tend to focus on hard skills and how to represent entrepreneurs, this class emphasizes creating an entrepreneurial mindset that will benefit students no matter what career path they choose,” explains Esther Barron, clinical Professor of Law and Director of the DPELC, who teaches the course with Sales-Griffin and Leslie Oster, Clinical Associate Professor and Director of the MSL Program.

During the course, which is the first to include participants from all programs in the Law School — JD, JD-MBA, MSL and LLM — students divide into teams and identify legal problems that can benefit from innovation. “There are so many opportunities to solve problems in the legal field with software and technology, and our class is designed to help students discover what those opportunities are and to come out of the experience having prototyped a solution, validated a need, identified a customer and perhaps even having started a business,” says Sales-Griffin, who launched his first business (which recently raised funding at a valuation of more than \$5 billion) when he was a Northwestern freshman. “When you teach someone who is practicing or studying law how to make things more efficient with software and technology, they are going to identify opportunities that a traditional programmer or engineer would never have occasion to see. That happens all the time when you teach people who have a domain expertise that isn’t in software. It’s really inspiring.”



Neal Sales-Griffin gives a lesson in entrepreneurship at the Innovation Lab.

work and how it can enhance your work — or even, in some ways, inhibit your work. That perspective is a powerful tool to have in your toolbox.”

Launched during the 2017 Spring semester, the Innovation Lab is a joint initiative of the Donald Pritzker Entrepreneurship Law

In the inaugural semester, for example, student solutions included a platform to help small business owners with legal questions, a kiosk to help *pro se* litigants file court documents, and a platform to help first-year transactional attorneys at law firms gain experience. The semester-long work culminated in final presentations during which the student teams pitched their solutions to a panel of judges that included lawyers, law school faculty, and entrepreneurs.

Sales-Griffin, who teaches similar courses at the McCormick School of Engineering and the School of the Art Institute of Chicago, notes that when it comes to classroom behavior, law students bring a unique mindset. “The students I’ve gotten to know at the Law School, there’s so much precision in their thinking,” he says. “When you take that mindset and that degree of training and you apply it to something like entrepreneurship and starting a business, you get a level of efficiency and progress that really isn’t seen in a lot of other trades.”

Of course, that precision can be a blessing and a curse. “There is a bit of attention to detail with law students that may be premature, because entrepreneurs are messy,” he says. “We don’t always do everything right, we don’t always follow the rules, so I have to rejigger that baked-in conservative approach to tackling a project. Legal minds like to have all the right answers going in, and that is something we completely flip on its head in our class.”

Training would-be lawyers *not* to be precise, detail-oriented or risk averse can pose its own problems — after all, these are skills that law students will need in other classes, if not in their future careers — and Sales-Griffin says that striking the right balance is key. “We have to teach these students when to activate the different skills they have. When do you activate your precision, and

when do you deactivate it and focus on being messy? You have to switch from artist to litigator, and that can be done, but it’s a matter of good decision-making in different scenarios,” he says. “When you are building software, for example, it’s okay to ship code that’s not completely bug-free because you have to get something out there. However, when you are making your operating agreement and you’re looking at your cap table and you’re determining who has equity and ownership in what, it’s important to get that right — really right — and early. That’s when you activate the precision. In the Innovation Lab, we teach students how to make those judgment calls.”

So which law students benefit most from a crash course in innovation? “I’ll take them all,” Sales-Griffin says, because even those lawyers who don’t plan to touch tech might be surprised. “There

“When you teach someone who is practicing or studying law how to make things more efficient with software and technology, they are going to identify opportunities that a traditional programmer or engineer would never have occasion to see. That happens all the time when you teach people who have a domain expertise that isn’t in software. It’s really inspiring.”

— Neal Sales-Griffin

are almost limitless disruptive opportunities to be innovative with a domain expertise as coveted as legal education. If people who are being trained formally as lawyers also know how to make systems more efficient and come up with solutions to processes that are antiquated? Wow. How incredible would that be? It makes you all the more dangerous. Sure, you can be a lawyer, but also, when something is frustrating you, you can go home that night and think, *you know what? I can make this system better. I can’t imagine how that wouldn’t be valuable.* □

Esther Barron and Stephen Reed talk innovation in Savner Hall.



A PUNISHMENT TO FIT THE CRIME

BY AMY WEISS



IN 1994, 25-YEAR-OLD ALTON MILLS WAS SENTENCED TO LIFE IN FEDERAL PRISON WITHOUT PAROLE BY A JUDGE WHO HAD NO CHOICE. MORE THAN TWO DECADES LATER, AFTER ALL HIS APPEALS HAD FAILED, HE WAS GIVEN A SECOND CHANCE.

Above: Alton Mills in 2016, just months after he was released from prison.

Alton Mills, who grew up on the South Side of Chicago, was a promising high school football player with dreams of going pro. But when a knee injury during a game in 1984 took away his shot at a college career, his future took a turn: Mills struggled to find work after

sentence him to life in prison without parole. The two prior possession charges counted against Mills, and laws at the time mandated a life sentence for the “third strike,” even though he had never before spent a single day in prison.

would have sentenced Mills to “something other than life.”

Aspen — for whom Aspen Hall at the Law School is named — still feels that way today.

“I had been a critic of the sentencing guidelines when they were first enacted,” he says. “They were sold to the public, to law enforcement, and to the courts on the notion that disparities in sentencing would disappear, that there would be honesty in sentencing, and that everyone involved in a particular criminal activity would be punished proportionally with other people involved in that activity. I think we can see by this case how farcical that notion is in its application at times.”

“The problem I saw right from the beginning is that discretion never goes away in sentencing,” Aspen explains. “It was shifted away from the court, to prosecutors, who have discretion in how they charge.”



The problem I saw right from the beginning is that discretion never goes away in sentencing. It was shifted away from the court, to prosecutors, who have discretion in how they charge.”

— JUDGE MARVIN ASPEN (JD '58)

graduating high school, so from 1991 to 1993, he worked as a low-level courier carrying crack and cocaine.

“I hung out with a bunch of goldfishes that was dealing with some sharks, and the sharks caught the goldfishes up and we were the ones that ended up going to prison,” Mills said in a recent interview for MSNBC’s *PoliticsNation with Reverend Al Sharpton*.

In 1992, Mills was arrested twice for possession of less than five grams of crack cocaine. In both instances, he received probation from the State of Illinois. The following year, he was arrested on federal conspiracy charges as part of a larger sting targeting the ringleaders and suppliers of the operation he was involved in. Prosecutors filed a Section 851 enhancement, which meant that Mills’s previous two convictions would count against him in sentencing.

Mills was convicted, and, even though higher-ranking members of his drug operation received lesser sentences, District Court Judge Marvin Aspen (JD '58) had no choice but to

At the time of the 1994 sentencing, Aspen told the courtroom that this application of the sentencing guidelines was “cruel and unusual” and said he

In 1994, Judge Marvin Aspen (JD '58) called Alton Mills's sentence "cruel and unusual."



A CHANCE FOR CLEMENCY

Two decades after Aspen sentenced Mills to life in prison, the Obama administration announced a clemency initiative for federal inmates. They were especially interested in non-violent, low-level offenders like Mills who were sentenced at the height of the war on drugs and would likely receive substantially lower sentences today.



It's been really incredible seeing how Alton has returned to the world as a free man, and seeing his humanity restored."

— KIMBERLY-CLAIRE SEYMOUR (JD-LLM IHR '16)

Kimberly-Claire Seymour (JD-LLM IHR '16) was doing multiple practicums and externships with the Federal Defenders Program in Chicago in 2014 and 2015, as requests from inmates and their families poured in.

"The team here reviewed hundreds of cases that came from our district, and pulled out a select few folks who were serving the longest terms of incarceration and whose circumstances were particularly shocking," she says. "Alton Mills was one of those individuals."

The Federal Defenders prepared Mills's clemency application, which included a letter of support from Judge Aspen to President Obama. In December 2015, President Obama commuted Mills's sentence and he was released in early 2016, after spending 22 years behind bars.

"I believe in your ability to prove the doubters wrong and change your life for the better," President Obama wrote in a letter informing Mills he was commuting his sentence. "So good luck, and Godspeed."

Seymour, who received a Jay A. Pritzker Fellowship that allowed her to work for the Federal Defenders upon graduating and has since been hired as a staff attorney, continued to work on

Mills's case, finding there was much to do even after his release.

"As someone who had spent over two decades in federal prison, [Mills] was struggling to adjust to day-to-day life," she says. "He couldn't get a driver's license for months because he had unpaid parking tickets from twenty years ago, and those had accrued interest. So we were fighting with the city to figure out his payment plan and how he could get his driver's license back, making sure he's getting into job training programs. We got such a wonderful, rare result for him, but the challenges continued and were still very significant for him after his release. [...] It's been really incredible seeing how Alton has returned to the world as a free man, and seeing his humanity restored and trying to get back on his feet and establish a life with his family."

Last year, Mills secured a job detailing buses overnight with the Chicago Transportation Authority (CTA)'s Second Chance Program, an initiative aimed at offering full-time employment and training for future careers for individuals facing barriers to employment. Mills hopes to become a certified diesel mechanic for the CTA.

Kimberly-Claire Seymour (JD-LLM IHR '16)





Alton Mills with Senator Elizabeth Warren (D-MA) in February, 2016.

MANDATORY MINIMUMS FACE UNCERTAIN FUTURE

While the mandatory sentencing practices Mills was subjected to have changed — most significantly via a 2013 Department of Justice (DOJ) memo from Attorney General Eric Holder — criminal justice reform advocates feel there is much more to be done and fear the current administration intends to undo some of the progress that has been made.

“We expect to see a resurgence of these mandatory sentencing schemes that trap in folks [that] Congress really didn’t intend to punish in these very draconian ways,” says Seymour, referring specifically to a recent memo from Attorney General Jeff Sessions reversing the 2013 Holder memo.

Since his release, Mills has

been a vocal and visible advocate for sentencing reform. He has appeared multiple times in Chicago and on the Hill with Senator Dick Durbin (D-IL) — a key proponent of Mills’s clemency petition — in support of the Sentencing Reform and Corrections Act, legislation sponsored by Senator Durbin that would grant judges greater flexibility in sentencing. Mills was also a guest of Senator Durbin’s at the confirmation hearing for Sessions, as Durbin questioned the incoming Attorney General and challenged his views on mandatory minimums for nonviolent drug offenders.

“When I was arrested, I was a young father raising a 19-month old daughter,” Mills wrote in a 2016 op-ed in *The Hill*. “Next year, I will watch my daughter walk across the stage at her college graduation. If it were not for the commutation of my sentence by President Obama last year, I would ultimately die in prison for mistakes I made as an impressionable young man. [...] There are many others like me still incarcerated who deserve a second chance too.”

Seeing Mills return to his family and begin a life outside of prison has been gratifying for Aspen as well.

“How often does a judge get a chance to correct or change something that he or she had to do but knew was the wrong resolution of a legal matter?”

Aspen hopes lawmakers can learn how important judicial discretion in sentencing is from cases like this one. “If Mr. Mills does what I think he’s going to do, I think five years from now you’ll see he has not committed any crimes, he’ll be working regularly, he’ll be interacting with his family, and he’ll be a role model for a lot of people who have come out of the penitentiary with the good attitude that he has,” Aspen says. “Hopefully it will give legislators a reaffirmation that the mandatory guidelines were a mistake and that every case is different. There are so many nuances in a sentence that you cannot cover no matter how intricate your guidelines are.” ●



If it were not for the commutation of my sentence by President Obama last year, I would ultimately die in prison for mistakes I made as an impressionable young man. There are many others like me still incarcerated who deserve a second chance too.”

— ALTON MILLS

#NLawProud: Sharing Law School Stories Through Social Media

Northwestern Law is made up of people with amazing stories. In 2016, the Law School launched #NLawProud, a social media campaign aimed at sharing those stories and instilling purple pride throughout the Law School community. Through photography and video portraits, the Law School hopes to highlight the inspiring individuals in our community and showcase how they embody the Northwestern difference.

N Northwestern Law
16 hrs · 🌐

Azuka Dike (JD '10) "As a second-generation citizen, and being the first in my family to attend law school, it's not lost on me the sacrifices made and support provided by my family and friends. We all stand on the shoulders of those who came before us, and I hope to lend support to those in need as I move forward in my career." #NLawProud



👍 Like 💬 Comment ➦ Share

👍 279

northwesternlaw
Northwestern Law >



❤️ 💬 🗑️

👍 99 likes

northwesternlaw David C. Presser (JD '07) with his father, Northwestern Law Professor Stephen B. Presser "[My dad is] very creative in the way that he conveys information. He was probably one of the first professors at Northwestern, if not the entire legal academy, to use PowerPoint in his presentations. He's always been ahead of the technology curve. ... He had a portable Osborne that was about 110 pounds that he used to lug around when I was a little kid." #NLawProud

N Northwestern Law
4 hrs · 🌐

Debbie Farmer (JD '19) "Being here has changed my whole life. It's changed my children's lives. I used to be a really shy person and not self-confident, and I didn't really think that I deserved to have these chances or that I would ever have them, and I've just become a whole new person. I've realized I need to give myself the chance to fail, the chance to experience, and that there is no limit." #NLawProud



👍 Like 💬 Comment ➦ Share

👤 119

N Northwestern Law @NorthwesternLaw · 23h

"You're all going to be great lawyers, it's not a question of ability," says prof Jim Lupo #NLawProud



💬 7 💬 4 ❤️ 9 📧



Thank You

for letting us be part of your story. Follow us on social media and share your own #NLawProud moments with us.

 /NorthwesternLaw

 @NorthwesternLaw

 @NorthwesternLaw @deandbrodriguez



Motion to Lead Campaign Continues Momentum

The Motion to Lead campaign continues its strong momentum, having raised more than \$216 million to date. In the last six months, thanks to the generosity of our alumni and donors, the campaign has received 18 gifts of at least \$100,000, including four gifts exceeding \$500,000, and has raised over \$3 million for scholarships and financial aid.

As a result, Northwestern Law students have benefited from an enhanced learning infrastructure through innovative classrooms like Savner Hall and the newly constructed GCM Grosvenor Information Commons. In addition, the campaign has allowed for a substantial investment in financial aid and lower aggregate debt for our students.

Thank you to the more than 9,900 alumni who have supported this campaign in truly inspiring ways!

TOTAL DOLLARS



NUMBER OF DONORS



SCHOLARSHIP DOLLARS RAISED



All data as of August 25th, 2017

The Law School would like to thank the Campaign Cabinet for its leadership in and commitment to the Motion to Lead campaign.

- | | | | |
|---|---|---|--|
| Sharon and J. Landis Martin '73, Chairs • <i>Denver, CO</i> | Sara Hays '89 and John Mitchell '89 • <i>Chicago, IL</i> | Genevieve and Steven Matteucci '82 • <i>Scottsdale, AZ</i> | Sarah and Michael Scudder '98 • <i>Chicago, IL</i> |
| Mary Hayes '89 and Mark Anson '89 • <i>Wilton, CT</i> | Margaret and Sidney Herman '78 • <i>Chicago, IL</i> | Jill Goldfine Meister '90 and Paul Meister '87 • <i>Chicago, IL</i> | Brenda and Andrew Soshnick '88 • <i>Indianapolis, IN</i> |
| Neil Bluhm '62 • <i>Chicago, IL</i> | Marcia and William Hochkammer '69 • <i>Detroit, MI</i> | M.K. and J.B. Pritzker '93 • <i>Chicago, IL</i> | Kathleen and William Streff '74 • <i>Chicago, IL</i> |
| Pamela and Michael Gordon '92 • <i>Chicago, IL</i> | Jacqueline and Jordon Kruse '97 • <i>Los Angeles, CA</i> | Ashley Davis Quamme and Steven Quamme '86 • <i>Washington, DC</i> | Sandra and Richard Trobman '91 • <i>London, UK</i> |
| Anita and Jerome Gutkin '65 • <i>Phoenix, AZ</i> | Caroline and Marc Lisker '95 • <i>New York, NY</i> | Libby and David Savner '68 • <i>Chicago, IL</i> | Kimbra and Mark Walter '85 • <i>Chicago, IL</i> |
| Linda and Jeffrey Hammes '85 • <i>Chicago, IL</i> | Terri Mascherin '84 and Thomas Abendroth '84 • <i>Chicago, IL</i> | | Elizabeth and Richard Wiley '58 • <i>Washington, DC</i> |



David A. Savner (BA '65, JD '68) and his wife, Libby.

Savners Generously Increase Commitment to Fundraising Campaign

David A. Savner (BA '65, JD '68) and his wife, Libby, have made a generous donation to the Law School in the amount of \$1.5 million. This follows a \$1 million gift in 2014, and, with other support, brings the Savners' impressive philanthropy in the Motion to Lead Campaign to over \$2.6 million.

This latest gift ensures that The David and Libby Savner Scholarship Fund will provide full-tuition scholarships for future generations. Strengthening financial support for students is a key priority of the Law School's strategic plan, and can only be accomplished through the generosity of donors like the Savners. This gift also benefits the Annual Fund, which helps further the Law School's agenda. The Savners' 2014 gift outfitted Savner Hall, a state-of-the-art classroom dedicated to technology-based teaching solutions.

David received his Bachelor of Arts in History from Northwestern University before attending the Law School. He is a partner at the law firm Jenner & Block with a focus on mergers, acquisitions, and buyouts. Formerly, he served more than 12 years as the chief legal officer for defense contractor General Dynamics, where he helped grow the company into a \$31 billion global leader in the defense industry. Libby is a graduate of Washington University in St. Louis, and works as a travel consultant.

"David has a long track record of commitment to the Law School. We greatly appreciate his dedication to our institution and look forward to a continued partnership," says Dean Daniel B. Rodriguez.

David is a life member of the Law Board, a member of the Campaign Cabinet, and formerly chaired his 45th reunion committee. ▶

Father and Son, Alvin and Jordon Kruse, Establish Kruse Family Scholarship Fund

Alvin (BA '65, JD '68) and Jordon (JD '97) Kruse have pledged \$1,000,000 to the Northwestern Pritzker School of Law to establish the Kruse Family Scholarship Fund. This generous gift further advances the Law School's mission of educating the brightest and most qualified students regardless of ability to pay. The first scholarship recipient to benefit from this fund will enter the Law School in fall 2017.

"Financial aid is a key priority of our campaign, and we are thrilled that future students will benefit from the generosity of the Kruse family," says Dean Daniel B. Rodriguez.

The Kruse family has a long-standing relationship with Northwestern University. Al Kruse graduated Phi Beta Kappa from Northwestern University in 1965, and cum laude and Order of the Coif from Northwestern Law in 1968. A partner in the Chicago office of Seyfarth Shaw LLP, Al's practice focuses on real estate law.

His son, Jordon, received his bachelor's degree from the University of Virginia before joining his father's alma mater and earning his JD from Northwestern Law. He was also a member of the Order of the Coif. Jordon is currently managing director and co-portfolio manager of the Special Situations Group at Oaktree Capital Management, LP, a global alternative investment management firm. A resident of Los Angeles, Jordon is a member of the Campaign Cabinet and serves on his class reunion committee.

"My father and I share this connection with Northwestern Law, and we are proud to invest in the Law School's future in our family's name," Jordon says. "We hope we are doing our part to ensure the Law School's continued success and make it possible for a bright, young person to benefit from a superb legal education." ▶



From left: Jacqueline, Jordon (JD '97), Alvin (BA '65, JD '68) and Cynthia Kruse.



*Tom Geraghty (JD '69) in 1987;
Right: Geraghty in 2015*

The House That Geraghty Built

After 41 years, Professor Thomas Geraghty retires as Bluhm Legal Clinic Director

By Amy Weiss



In 1967, Tom Geraghty (JD '69) was one of a small group of students who, concerned about the state of legal services for the poor, approached Professors Jack Beckstrom and Tom Eovaldi about creating an in-house legal clinic. Five decades later, as Geraghty retires from the directorship he's held since 1976, the Bluhm Legal Clinic is one of the premier clinical programs in the country, housing more than 20 clinics in 14 centers.

"I certainly had no idea when we started in the basement of Thorne Hall with three or four lawyers that we would now have 35 attorneys and over 200 law students each year," Geraghty says.

Seemingly everyone who has been involved with the clinic since its inception is quick to note how integral Geraghty has been to its success.

"The mission of the Bluhm Legal Clinic is to train law students to be skilled, ethical, reform-minded professionals. Tom Geraghty is the living embodiment of that," says Juliet Sorensen, Harry R. Horrow Professor in International Law and Geraghty's successor as the new director of the clinic. "His integrity, his dedication to his cases and clients as well as his students, his civility and grace under pressure, and finally, his superlative lawyering, are all what have made

him not only our leader, but indeed a legend in the Chicago legal community and the clinical community in the United States and around the world."

Importance of Clinical Education

Geraghty has always understood the dual importance of clinical education: providing law students real-world experience and offering high-quality legal services to often underserved populations.

"Forty years ago, I took my first trip to court with Tom Geraghty when I was a 1L student. This was the start of an incredible journey," says Northern District of Illinois Chief Judge Ruben Castillo (JD '79), who serves as an adjunct instructor in trial advocacy at the Law School.

"For fifty years Tom has taken this journey with countless Northwestern Law students. Tom has been a steadfast, model mentor who has shown our students how to practice law while serving the public interest. Every time I see Tom working at the clinic, he inspires a renewed commitment to the law."

Geraghty pushed for the clinic to hire tenure-track faculty members and presided over decades of steady growth, especially in children's law and criminal justice, culminating in the creation of the first two specialized centers, the Children and Family Justice Center (CFJC) and the Center for Wrongful Convictions (CWC) in the 1990s.

A Fierce Advocate

"Tom has specialized in the representation of clients in juvenile and criminal court and has never shied away from taking the toughest cases — juveniles at risk of being tried as adults, defendants who have alleged they were tortured by Chicago police officers, and defendants who have been convicted of capital crimes and sentenced to death," Dean Daniel B. Rodriguez says. "Tom's tenacity has led to numerous victories on behalf of his clients, including at least three men — Jason Strong, Leroy Orange, and Ronald Kitchen — who were exonerated after lengthy incarcerations for crimes they did not commit. In all of Tom's cases, students have played a central role in the eventual outcomes."

In 2000, the clinic became the Bluhm Legal Clinic thanks to a gift from Neil G. Bluhm (JD '62), a life trustee of Northwestern University. The gift gave Geraghty the opportunity to continue to grow the clinic to meet his students' needs.

"Tom's vision included giving students a menu of different clinical programs from which to choose. And he gave the students a voice in shaping the clinical program," says Steven Drizin (JD '86), clinical professor of law and assistant dean



From The Reporter, January 1970: "Student researcher Thomas Geraghty with Ethiopian student assistants outside of an Ethiopian lower court building."

of the clinic. "When students clamored for a Supreme Court clinic or an appellate advocacy clinic or an environmental law clinic or a human rights program, he hired the best people to help make these happen. He expanded the options for students who were interested in doing transactional work or business litigation or complex federal civil rights work. His goal was to engage as many students as possible in the clinic."

Expanding the Mission

Beyond building a clinic education program that reached clients and educators across the country, Geraghty brought his expertise in access to justice and clinical legal education around the world, opening the Center for International Human Rights (CIHR) in 2006 and leading his own research

projects and collaborations in nearly a dozen countries — most notably Ethiopia, where he has helped a group of lawyers and educators build a clinical education infrastructure from scratch.

Geraghty first visited Ethiopia as a student at the Law School, and when he saw an opening for legal reform after a regime change in the 1990s, he reconnected with some of the colleagues he had met at Addis Ababa University School of Law decades earlier. In recent years, Geraghty has accompanied students and fellow faculty

From left: Former Northwestern University President Henry Bienen, Neil Bluhm (JD '62), Former Dean David Van Zandt, and Geraghty at the opening of the new clinic space in 2007.



members to Addis Ababa over winter break to conduct intensive clinical legal education trainings.

Last year, Geraghty and his wife Diane Geraghty (JD '72), director and founder of the Civitas ChildLaw Center at Loyola University Chicago School of Law, were honored at UNICEF's Chicago Humanitarian Awards for their work in Asia and Africa as UNICEF consultants for juvenile justice issues.

Looking Ahead

While he is retiring as clinic director, fortunately for incoming Northwestern Law students, Geraghty will continue to teach in the program. He plans on dedicating some time to research and writing, but primarily focusing on supervising students on juvenile and criminal court cases.

"I always thought I would enjoy the combination of teaching and practice and I was right — I really have enjoyed it. It's been a wonderful time for me and I feel lucky to have had this job," he says.

But his colleagues might feel more lucky.

"There's an aspect of Tom's leadership that has always puzzled me: how could a man who is so accessible, so supportive of his coworkers' personal and professional lives, and so comfortably laid-back and even-tempered manage our complex clinical program so effectively — with all its demanding constituencies, its constant funding demands, its overseeing bureaucratic hierarchies, and its call on everyone's best professional efforts to meet the challenges of our socially fraught city, and do all of that with such seeming effortlessness?" asks John Elson, professor of law emeritus and director of the clinic's Civil Litigation Center.

"Whatever his secret, he has been able to bring out the best in all of us."

Drizin, who has worked in the clinic for more than 25 years, likes to tell a story he thinks exemplifies Geraghty's "humility, selflessness, and devotion to his students."

When the clinic that began in a single basement room was preparing to take over the entire eighth floor of Rubloff, Geraghty and Drizin went up to inspect the then-barren space.

"I remember [Tom] looking out at the long row of windows facing the Lake. He said something like: 'This is the nicest space in the law school with the best views. I don't care if others want to use this space for offices, this is reserved for the students. And I want this to be a showcase space for the clinic and the Law School. I want to host lectures and events here. This should be a space open to the public and to the entire Law School. And as far as my

“

The mission of the Bluhm Legal Clinic is to train law students to be skilled, ethical, reform-minded professionals. Tom Geraghty is the living embodiment of that.

— JULIET SORENSEN

”

office is concerned, I don't want my office to be any bigger than anyone else's. I want the offices to all be the about the same size," Drizin recounts. "Now you can understand why I often refer to the Bluhm Legal Clinic as the House that Tom Geraghty built." ❧

The view from the 8th floor of Rubloff, in the room reserved for clinic students.



CLINIC NEWS

Professor Juliet Sorensen Named New Clinic Director



Beginning in the 2017-18 academic year, Juliet Sorensen will serve as associate dean of clinical education and director of the Bluhm Legal Clinic. Sorensen — an expert in health and human rights, public corruption, and international criminal law — previously served as the Harry R. Horrow Professor in International Law at the Law School.

“It’s an honor and a privilege to have the opportunity to direct the Bluhm Legal Clinic in this dynamic era of legal education and social justice. Since its inception, the Clinic has been at the forefront of both advocacy and clinical teaching for Northwestern’s law students,” Sorensen says.

“I’m certain that clinical legal education is a necessary aspect of law school today, more so than ever, and I’m excited to have

the opportunity to see Northwestern Law students work with our outstanding faculty on a range of timely issues.”

Sorensen joined Northwestern Law and the Clinic’s Center for International Human Rights in 2010. She is the founder of the Northwestern Access to Health Project, an interdisciplinary initiative focused on human rights, health and development in communities around the world that utilizes teams from the Law School, Kellogg School of Management, and the Feinberg School of Medicine to assess and implement health and human rights projects in Ethiopia, the Dominican Republic, Mali, Nigeria and Lebanon, among other developing nations.

Sorensen is the representative member of the Center for International Human Rights in the United Nations Convention

against Corruption Coalition, and has twice led delegations to the Conference of States Parties to the UN Convention against Corruption, where she and her students organized sessions on corruption in an era of climate change and the students reported on the conference for the American Bar Association. She is a member of the ABA Working Group on Crimes against Humanity and the ABA Global Anti-Corruption Task Force.

Sorensen is a graduate of Princeton University and Columbia University School of Law. Prior to entering law school, she served as a maternal and child health volunteer with the US Peace Corps for two years in rural Morocco. After graduat-

“In Juliet, I know that we have an accomplished, energetic leader for the Bluhm Legal Clinic as we embark on this next stage in the great journey of excellence and impact of clinical education at Northwestern.”

— DEAN DANIEL B. RODRIGUEZ

ing from law school, she clerked for the Honorable George O’Toole, worked at Foley Hoag LLP in Boston, and served as an assistant US Attorney for nearly seven years.

“In Juliet, I know that we have an accomplished, energetic leader for the Bluhm Legal Clinic as we embark on this next stage in the great journey of excellence and impact of clinical education at Northwestern,” says Dean Daniel B. Rodriguez. ■



From left: Steven Drizin (JD '86), Jerome Buting, Dean Strang, and Laura Nirider (JD '08)

CWCY Directors and *Making A Murderer* Attorneys Shine A Spotlight On Wrongful Confessions

In December 2015, Netflix debuted *Making a Murderer*, a 10-part documentary series about Steven Avery, a Wisconsin man convicted of sexual assault in 1985, only to be exonerated by DNA evidence and released in 2003. In 2005, while he had a \$36 million civil lawsuit pending against county and law enforcement leaders, he was arrested for the murder of a 25-year-old woman last seen on his property. During the course of the investigation, Avery's then-16-year-old nephew, Brendan Dassey, was charged with being a party to first-degree intentional homicide, mutilation of a corpse, and first-degree sexual assault. Avery and Dassey were found guilty in separate trials in 2007.

The Bluhm Legal Clinic's Center on Wrongful Convictions of Youth (CWCY) took up Dassey's case in 2008. Professors Steven Drizin (JD '86) and Laura Nirider (JD '08) are two of the attorneys representing Dassey in his post-conviction appeals and are featured prominently in Episode 10

of the documentary series' first season. Dassey's case is ongoing, and the continuing developments will be featured in a second season of *Making a Murderer*, which will be released later this year.

In July, the CWCY hosted an intimate, invitation-only fundraiser featuring Steven Avery's attorneys, Dean Strang and Jerry Buting, both of whom were heavily featured in the series. During the event, Strang and Buting spoke to a crowd of CWCY supporters, including Keith Morrison of *Dateline NBC*, about the harrowing statistics regarding the wrongful convictions of youth and the important and impactful work of the CWCY. ■

From left: Dateline NBC producer Cathy Singer, Drizin, Nirider and Dateline NBC correspondent Keith Morrison; Buting and Strang address the crowd at a CWCY fundraiser.



25 Years of the CFJC: A Look Back

In March, the Children and Family Justice Center (CFJC) celebrated 25 years of promoting justice for children, adolescents, and their families. The CFJC Anniversary Benefit included an evening of poetry by Louder Than a Bomb youth poets and Young Chicago Authors Artistic Director, Kevin Coval. For 25 years, lawyers at the CFJC have been legal representatives, policy advocates and law reformers. Here's a look back at some of the center's standout achievements and memorable moments.



Moments from the CFJC's 25th Anniversary celebration.

CFJC 25 CHILDREN AND FAMILY JUSTICE CENTER 25TH ANNIVERSARY

- In a victory for the CFJC, the Circuit Court of Cook County's Juvenile Justice Division is elevated to its own department, the Juvenile Justice and Child Protection Department.
- CFJC starts representing unaccompanied children in immigration authority custody.

1995

1999

1992

- The Children and Family Justice Center (CFJC) is founded at the Bluhm Legal Clinic and Bernadine Dohrn is named Founding Director.

1994

- CFJC convenes national working group on child gun deaths.
- CFJC's Bruce Boyer intervenes on behalf of the biological father in the high profile "Baby Richard" case, which results in state legislation that provides for a putative father registry with strict time limits for establishing paternity.

- CFJC presents "A New Era: Justice for the World's Children," an international symposium at the annual conference of the National Council of Juvenile and Family Court Judges, which was hosted in Chicago for the centennial of the world's first juvenile court.



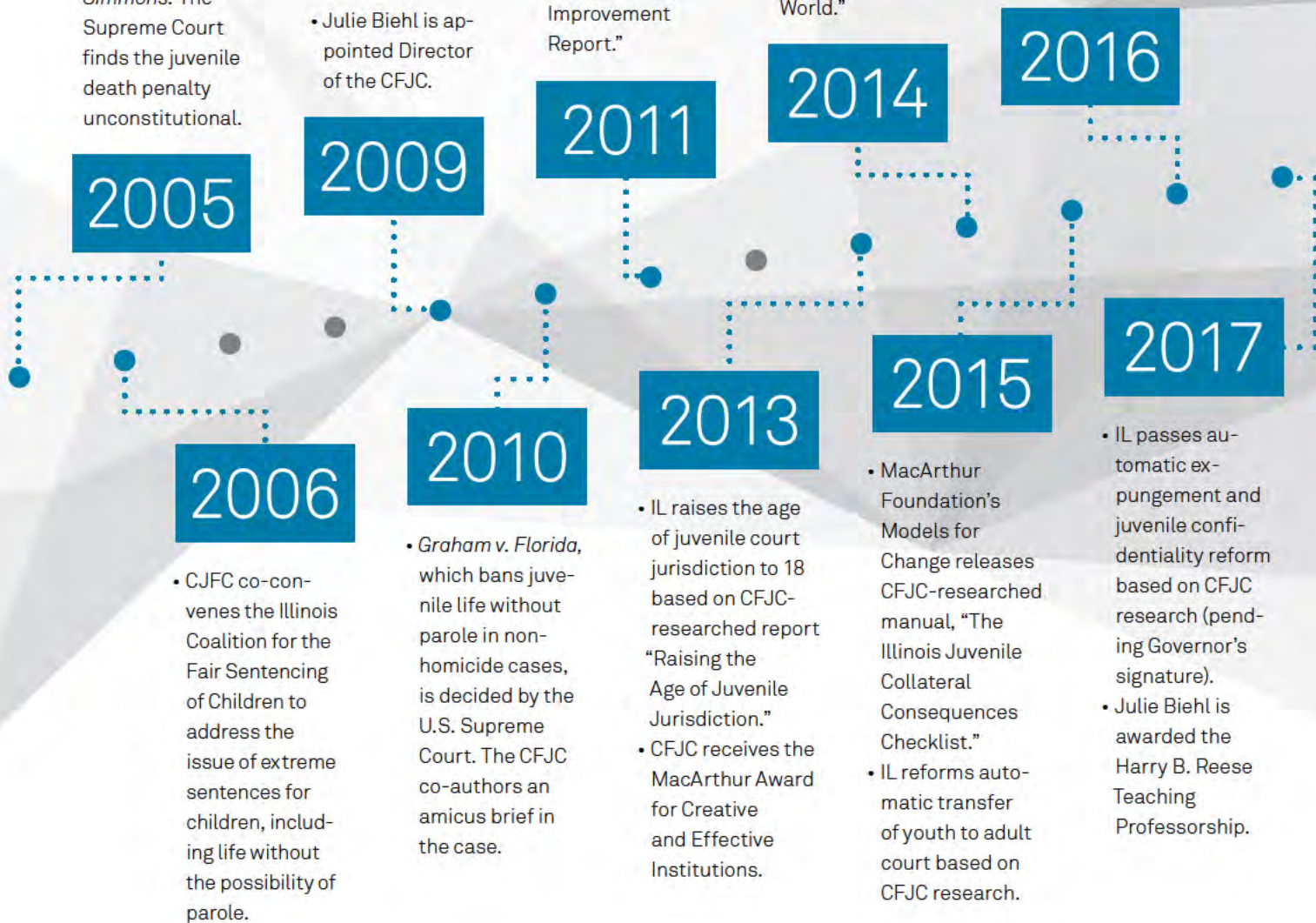
- IL state commission issues CFJC-researched report, "Burdened for Life: The Myth of Juvenile Record Confidentiality and Expungement in Illinois."
- Civic and community group coalition issues CFJC-researched report, "Building a Safe Chicago: Calling for a Comprehensive Plan."
- Four CFJC clients who were sentenced to mandatory terms of life without the possibility of parole for crimes committed in their youth are resentenced to terms of years. Two were released.

- Attorneys and law students from the CFJC write two separate amicus briefs filed in the case of *Roper v. Simmons*. The Supreme Court finds the juvenile death penalty unconstitutional.

- Julie Biehl is appointed Director of the CFJC.

- IL state commission issues the CFJC-researched "Youth Reentry Improvement Report."

- CFJC hosts day-long symposium, "Sentencing and Re-Sentencing in a Post-Miller World."



FACULTY FOCUS

#WithRefugees: Professor Uzoamaka Nzelibe Helps Asylum Seekers Build a New Life

In an unprecedented year of contentious politics, immigration has been one of the most high-profile, and controversial, topics to make headlines. But the issues at play are ones that Uzoamaka Nzelibe, clinical associate professor of law and a staff attorney with the Children and Family Justice Center, deals with every day as she fights for youth who have been forced to flee their home countries due to violence and threats on their lives. Juggling 15–18 cases at a time, Nzelibe has seen firsthand the difference that providing support to displaced people can make. Here, she talks about her work with the CFJC and her own immigrant story. Plus, she shares the most memorable moment during her 13 years at the CFJC and how we can all stand with refugees.

According to the UN, each minute 24 people leave everything behind to escape war, persecution, or terror. Why do more people need to know about this?

There are so many places in the world where people are being displaced due to different forms of violence. In Syria, it's because of a civil war. But, right in our own backyard, people are being forced to flee due to violence. In Central America, where most of my clients come from, there's a huge amount of displacement due to conflicts driven by gangs and criminal organizations, and by the inept ways the governments in those countries address those issues.

The work you do at the Children and Family Justice Center is not with refugees, but with asylum seekers. Many people don't know the difference. Can you explain it?

If you flee your country and come to the United States and ask to be designated a refugee, then you are an asylum seeker. Whereas, people referred to as refugees under our immigration laws have already been determined to have satisfied the refugee definition before they enter the United States. It's just a matter of whether the person is seeking the status inside the United States or whether they are coming to the U.S. having already been given that status.

Can you elaborate on the work you are doing?

I primarily represent youth. I prefer the word "youth" to "children," because when you think of children, you're probably thinking of, say, 8-year-olds. But most of my clients are 16 or 17 and from Central America. If you are under 18 and enter the United States without a parent or guardian, you are considered an unaccompanied alien child, or a UAC, at the time you cross the border. UACs are transferred to a children's detention center after apprehension

at the border. I represent kids who have been released from those detention centers to places where the Chicago immigration court has jurisdiction — usually Illinois, Indiana, Wisconsin and, to a lesser extent, southwest Michigan. What the CFJC does really well is that we provide holistic representation to our clients. My students and I may have a client who, because of conditions in his home country, didn't go to school. So not only does he not speak English, but he may not have had any formal education. We may get our social work team involved to try to address some of the school issues. Or we may have a client who has never seen a dentist, either as a result of poverty or violence, so we might try to meet those needs as well. While those issues are being sorted out, we represent the client in immigration court. Many of my clients are seeking asylum because they are afraid of being killed if they return to their home country. These cases are tough to fit within the refugee definition, which I believe was designed to address issues stemming from World War II. But, the nature of violence has changed so much since then.

How do these clients find you?

Lots of different ways. The various children's detention centers around the country have my contact information. Sometimes they'll call and give me a heads-up about someone who is being released to Chicago or a nearby suburb and ask if I'd be willing to take the case. We also get referrals from the Young Center for Immigrant Children's Rights at the University of Chicago Law School. Young Center attorneys act as best interest lawyers for the child. This role is slightly different than what we do — we act in the child's expressed interest, so the child in our scenario is my boss and tells me what to do. The Young Center's primary role is to



Professor Uzoamaka Nzelibe

“If you can’t live in your home because you’re going to get killed, does it really matter why you are going to get killed?”

make sure that the kids who they represent are provided with services, including legal services. So, they may contact me and say “we have a difficult case would you be the lawyer for the child here?” I also take cases from the National Immigrant Justice Center (NIJC). If, for example, they have a conflict or, for whatever reason, they feel a case would be a good fit for Northwestern Law students, they will refer it to me. And of course, I’ve represented enough clients now that sometimes I have family members of former clients calling me.

How big is your caseload at any given time?

I have about 15-18 cases at any given time, but they are all at different stages. Some of these cases last forever. For example, a case that I took in 2005, a year after I started here, lasted until 2014 when we finally got the client asylum. So sometimes I really get to see my clients grow up. On average, though, I’d say a case takes 3-5 years because the immigration court and asylum office are so backlogged. For children’s cases, it takes about six months to get an interview before the asylum office. During that time, my students and I meet with the child multiple times to learn about his life. Students

also do research to corroborate the client’s story. They might call Honduras and talk to family members there who might have information, and look for an expert on, say, gangs in Honduras. After the interview, we have to wait for a decision, which might take two weeks or eight months. If we lose before the asylum office, the child gets to bring his case anew before the immigration court. Due to horrendous backlogs in the immigration court, a hearing before an immigration judge might take three years. After we get a client asylum, we usually stay with the case until the client gets a green card, which takes a bit longer. All of this adds up. Before you know it, your sixteen-year-old client is now twenty-two.

Speaking of the students, what are some other important ways that students working with the clinic get involved in the representation of asylum seekers?

The students are on the ground, doing the work. My clinic has a lot of one-on-one contact with the client because for my cases, the client is usually the person with the most knowledge about what happened and bears the burden of convincing an adjudicator that he should be allowed to remain in the United States. So my students spend a lot of time with the client, but they also spend a lot of time doing what I call “creating the universe,” meaning actually going out there to investigate and gather facts. Unlike a legal writing or doctrinal class, I can’t hand a student a write-up of what happened, the students actually have to go figure it out themselves. What makes it interesting, and my students might say challenging, is that everything happened in another country. It’s hard enough to investigate facts when something happened in the United States, or even Chicago, let alone trying to figure out what happened in — and getting documents or birth certificates from — foreign countries. Students are in charge of all of that, and they are also in charge of crafting the legal theories that we try to use to get folks asylum. So at every step of the way students are actively representing their clients.

You immigrated from Nigeria as a child, and mentioned in a *Northwestern Now* podcast last year that you always knew you would do this work. Can you elaborate on your story, and how you knew this was your calling?

I was almost seven when I immigrated to the United States. One of my very first memories is of being picked up from the airport, and there were sesame seeds on the bread I was eating. I had never seen sesame seeds, and I remember thinking, *What is this?* There were so many moments of *What is this?* during my first year in the United States.

Being a child immigrant is also difficult because kids can be brutal. I remember going to school and the other kids would tell me I was from the jungle and I would think, *but I know I’m not from*

the jungle, because there were skyscrapers where I lived. Reconciling how people viewed me as an African immigrant versus how I viewed myself was challenging.

But, overall, I was lucky. And with great power comes great responsibility. I love comics, and that Spiderman saying always resonated with me because my parents were able to afford to hire a lawyer to help us navigate the U.S. immigration system. The children I represent cannot afford lawyers and under our laws are not entitled to a free lawyer. Yet, having a lawyer makes all the difference in immigration court. When I graduated from law school, I knew I wanted to help immigrants, especially children fleeing violence, who I think are some of the most vulnerable immigrants.

What is one thing that you wish more people understood about displaced people and families forced to flee?

People have an image of what a typical refugee is and, in the United States especially, people view them as coming from faraway places like Syria or Congo. They imagine that people who are worthy of U.S. protection must be fleeing wars or state-sponsored violence. I want people to understand that all people fleeing violence from which they cannot be protected should be worthy of refuge and protection in the United States. Right in our own backyard, there are people being displaced by gang violence. These people are not really that different from the people who are being displaced by war. If you can't live in your home because you're going to get killed, does it really matter who is going to kill you or why you are going to get killed? The questions that matter should be: Will you be killed? Can someone protect you? If yes, you will be killed and no, no one can protect you, then I think the U.S. should offer you protection.

What has been your most memorable moment in doing this work?

A long time ago, I represented a woman from a country in Africa that has had problems outlawing slavery. I had worked with this woman, a former slave, for a really long time, and after we got her asylum I told her she should enroll in ESL and get her GED. She looked at me and said, "No, I just want to be a hair braider." I was crushed. I wanted so much more for her. I saw helping her to get asylum as the first step, rather than the last step. This interaction caused me to reexamine my role in the lives of my clients. From then on, I would tell myself and my students, your role as a lawyer is simply to serve the client and do what they want you to do.

Last year, after almost ten years, I got a call from the client. When I got her message, I was worried that she had done something to lose her immigration status. I did not call her back right away because I wasn't ready for bad news. But then she sent me an email. It said "Dear Uzoamaka, I'm graduating from university with a bachelor degree in nursing, and I want you to come to

my graduation." I was so excited. *This cannot be real*, I thought. So, I drove to Wisconsin to see her graduate. Remember, this was someone who was a slave. She had to do ESL, she had to get a GED, now she was getting her bachelor's degree and it took her almost

"Many of my clients are at a crossroads in their lives, and you don't know what you are going to say to someone that will push them along a path they wouldn't otherwise take."

a decade. She sat down with me and said, "This whole time I kept hearing your voice saying 'go to school.' There were so many times I wanted to give up, but I kept hearing you say 'go to school.'"

This conversation changed my perspective again. Now I think maybe it's okay to push people. You don't know what you will say to someone that will flip a switch for them. Many of my clients are at a crossroads in their lives. If my students and I win their case their life can go this way, if we lose their case it could go that way. But they're also at a crossroads in so many other ways, and you don't know what you are going to say to someone that will push them along a path they wouldn't otherwise take.

This client's story also speaks so much to the immigrant story. Oftentimes we see people who come to the United States as such a drain — they are going to come and they are going to take this and they are going to take that. This woman may have started out getting benefits but look at where she is now. Now she's giving, not taking. We should be proud that we have a country where someone can come and, even with such a tragic background, can make it through and achieve their dreams. Not too many places in the world have that.

A current campaign from the UNHCR, the UN Refugee Agency, calls for people to stand #WithRefugees. What are some ways that people — both lawyers and those in the legal community, and also the general public — can show that they stand with refugees? People should continue to voice their concerns about the suspension of the U.S. refugee program. But I also think that people should stand with immigrants generally. Oftentimes people say "we have the good folks and the bad folks, and the good folks are the people who are being persecuted in their country, but the bad folks are the people who are fleeing because of dire economic situations in their country." The truth of the matter is that everybody wants a better life. And they also want to contribute. Recognizing that is really important. ■ —Rachel Bertsche

Commentary: Trump's Affirmative Action Attack Could Halt Educational Experimentation

President Donald Trump has announced a full-throated attack on what the Department of Justice views as discriminatory practices in college admissions, and conservatives are gleeful.

This is a well-constructed and well-timed appeal to a key base: well-educated conservatives and libertarians who have viewed the past months with consternation or even alarm. My many Federalist Society friends on social media are breathing a sigh of relief — maybe still cautious of the Trump express writ large, but greatly supportive of this move. I wish I had a dollar for every “It’s about time!!!”

The question of whether we should use race to get past race is a profoundly complicated one. Well-meaning folks disagree deeply, and I do not view either side of this contentious debate as occupying a safe moral high ground.

My take on the issue is beside the political point. Trump has found a wedge issue that is delicious red meat to an especially influential cohort of Republicans in the beltway, academia, and conservative media. But this is not of great consequence to his steady base. The hard-core Trumpians are not focused on affirmative action in college admissions. A huge swath of this group is not college educated, and those who are are likely to have attended more or less open admission colleges, much like my alma mater, California State University at Long Beach — a wonderful university that provided me with an excellent education, but not one at the front lines of the debate over racial preferences in college admissions. This is an issue for the elite, not the masses; if not the 1 percent, then the 10 percent.

Yet for that 10 percent, this is vitally important. It resonates with their sense of injustice if they were, as they see it, shoved aside from their top college choice for an “undeserving” minority applicant. It impacts their children and their nieces

and nephews and their friends’ kids as they move along the path toward the golden ticket of elite university admissions. This is not to minimize the issue or ridicule these motives. We know that this golden ticket is, for better or worse, a ticket into a world of greater academic and professional opportunity.

I am, of course, colored by my own experience. As a first-generation college student from a non-elite university, I was admitted to Harvard Law School with what was undoubtedly a thumb on the scale. Maybe I should have fretted that I was displacing a strong applicant from Princeton or Yale, but I did not. Instead, I focused on achieving so as to remove any doubt. As Yale law professor Stephen Carter noted in his provocative book, *Reflections of an Affirmative Action Baby*, this is the burden we bear by virtue of being beneficiaries of a controversial, and rather imperfect, social policy.

The Trump administration has found lightning in a bottle by taking up the cudgel of racial neutrality and reparations for those who believe they were wronged by affirmative action.

The Trump administration has found lightning in a bottle by taking up the cudgel of racial neutrality and reparations for those who believe they were wronged by affirmative action. Being ensconced in this world of the 10 percent, I do not have to listen hard for the cheering from this part of the stadium.

But we should also hear the lamentations. There has been a hard-fought detente on these issues by the Supreme Court, which rejected challenges to affirmative action of Michigan and Texas’ law schools. This did not end the debate, but paused the difficult legal struggles while public policy played

out in colleges and state legislatures and public fora.

In recent years, serious scholars have examined this topic. For example, law professor Richard Sander and journalist Stuart Taylor Jr. advanced the so-called “mismatch” hypothesis, in essence the argument that minority students were harmed by affirmative action because they ended up at schools where they did not and could not excel. Able scholars have challenged this theory, and I think we must await more empirical results and sustained attention to reach a verdict. Colleges have experimented with different policies, in light of legal scrutiny, and thus there is not one set of affirmative action strategies, but dozens, with myriad university leaders pursuing different approaches and strategies.

There is a real risk that this experimentation would come to a grinding halt if the Trump administration were successful in rolling back progress made in affirmative

action. One or two appointments to the U.S. Supreme Court would accomplish this rather quickly and, short of that, the administration could considerably raise the costs to universities aiming to diversify their student ranks through racial preferences, especially public ones receiving federal funding.

I worry about the outcome. But I also worry about the rhetoric unleashed by the Trump administration’s efforts. Affirmative action in colleges had faded somewhat from public attention, leaving universities to contend with these issues internally, balancing the demands

of stakeholders and grappling with the challenges endemic to a diverse academic environment. Now affirmative action returns front and center. Conservative pundits smell victory and will push hard on this issue. In this struggle, assumptions will be made, motives will be impugned

and tactics will be deployed in the name of “the ends justify the means.” Very little positive can come of this, other than perhaps expanding opportunity for a child of the 10 percent to get into an A+, rather than merely an A, university. To Harvard, not to Dartmouth, or to NYU! Maybe that

is a grand T-shirt slogan, but it does not rock my world. ■

Daniel B. Rodriguez is Dean and Harold Washington Professor at Northwestern Pritzker School of Law. This op-ed originally appeared in the Chicago Tribune on August 9, 2017.

Spill Your (Trade) Secrets: Knowledge Networks As Innovation Drivers



Where does innovation take place? Under traditional theories of intellectual property, the answer to this question seems rather obvious.

Innovation takes place inside individual firms, where inventors and, increasingly, teams of inventors lead research and development efforts. But economic sociology studies show that in complex fields where knowledge is both rapidly advancing and widely dispersed across firms, the locus of innovation is no longer a specific firm. Rather, innovative ideas often originate in informal networks of learning and collaboration that cut across firms. Shifting the unit of innovation from the firm (or the individual) to the network of relationships in which these actors are embedded has important consequences for intellectual property theory and practice. This Article focuses on one such consequence: the implications of informal, cross-firm networks of innovation for trade secret theory and doctrine, and for the overlap between state and federal trade secret protection. This Article shows how, in a subset of science-based industries, where innovation is fast paced and needed knowledge is widely distributed among firms, innovation is likely to proceed more efficiently when networks of informal know-how sharing

are encouraged. In these industries, strong trade secret rights that grant managers tight control over employee-inventors’ informal information-sharing practices would be bad innovation policy. Rather, optimizing trade secret law requires tailoring the strength of protection to match industry characteristics, narrowing trade secret scope in those industries where informal information-sharing networks are predicted to enhance innovative output. In turn, because industry types tend to cluster around geographic centers, the importance of tailoring cautions against current trends towards uniformity by federalizing trade secret law and favors state experimentalism in designing trade secret law and policy.

Contrary to traditional assumptions in intellectual property theories, a large and growing body of historical and empirical work reveals that informal information-exchange networks across firm boundaries can be crucial to spur innovation. As his-

protection — a subset of industries made breakthrough advances precisely by eschewing trade secret protection. Instead, in these industries, including fundamental steam engine technology, engineers who worked for competing firms but belonged to the same epistemic community freely and reciprocally shared know-how across firm boundaries. More recently, empirical studies in the biotechnology, semiconductors, and information technology industries reveal a similar trend: important modern discoveries were enabled by informal networks of information-sharing across competing firms.

The prevalence of these informal information exchanges challenges three long-standing assumptions in traditional utilitarian theories of trade secret law. First, utilitarian theories predict that, absent trade secret protection, firms will over-invest in self-help measures to preserve secrecy. Second, lack of trade secret protec-

Contrary to traditional assumptions in intellectual property theories, a large and growing body of historical and empirical work reveals that informal information-exchange networks across firm boundaries can be crucial to spur innovation.

torical studies document, in the Industrial Revolution — an era of technological explosion that many attribute to the increased availability of intellectual property

tion is predicted to fragment scientific and technological research by incentivizing firms to only selectively disclose information to employees, thus hampering internal

collaboration. Third, absent protections against misappropriation provided by trade secret law, firms are predicted to underinvest in employee training.

Why does traditional utilitarian theory get firm behavior wrong? Because it fails to realize that there is a second possible response to low trade secret protection. Knowledge network research tells us that,

when it is hard to keep information secret, some industries will build reciprocal information sharing innovation networks — rather than higher walls to protect their secrets. When innovation networks form, the precise opposite of knowledge fragmentation takes place: informal interactions within and across firms incentivize knowledge recombination and synthesis,

often leading to breakthrough innovation. Employee learning also grows exponentially at networks through exposure to ideas from multiple institutional cultures. ■

Laura G. Pedraza-Fariña is an assistant professor of law. This is an excerpt of an article recently published in the Notre Dame Law Review.

Why Bitcoin Is Booming



Who says only the government can make money? This year the value of the private currency bitcoin has climbed to unprecedented

levels, while at the same time becoming far less volatile than in previous periods of rapidly increasing demand. Bitcoin has reached these new benchmarks despite news that might have depressed its value, such as the Securities and Exchange Commission’s rejection of a fund permitting small traders to invest in bitcoin on the stock market.

The SEC action prompted obituaries, but bitcoin is thriving. A prime reason is the distrust many citizens have in their government’s currency. They want to use bitcoin as a hedge or an alternative mechanism of payment and transfer when government currency doesn’t efficiently perform such basic functions. It’s no surprise that millennials, many of whom understand the digital currency much better than their baby-boom forbears, are investing in bitcoin at far greater rates.

All modern fiat currencies depend on trust in a government for their value and stability. Some governments have institutions, like the U.S. Federal Reserve, that

inspire substantial trust, but others have monetarily oppressive regimes many citizens want to bypass. Argentina continually debased its currency until last year. China puts burdensome restrictions on transferring its currency out of the country. Both countries have seen substantial trading in their respective bitcoin exchanges.

Unlike national currencies, bitcoin does not depend on a regime that can be corrupted by politics. With bitcoin, trust is required not in government but in the decentralized order of those who verify bitcoin transactions — the so-called miners. They maintain what is popularly known as the “blockchain” — a public ledger on the internet of all bitcoin transactions, which accounts for the ownership of every bitcoin in existence.

The innovation of bitcoin is creating a decentralized process to update the blockchain as new transactions in bitcoin occur. Anyone with internet access can attempt to update the blockchain by employing substantial computer power to solve a mathematical problem. The miner who succeeds in solving the problem gets the rights to add a block of recent transactions to the blockchain. In return for this work, the successful miner is paid in newly minted bitcoin, the number of which is fixed by a pre-existing algorithm. This process is repeated every 10 minutes or

so, assuring an accurate record of all bitcoin transactions.

Bitcoin miners serve another important role. As with any currency, sometimes the rules governing bitcoin’s operation need to be tweaked. With fiat, governments pass laws or issue administrative decrees. With bitcoin, new code is adopted when the community of miners reaches a consensus on the change.

Bitcoin miners sometimes disagree about how best to meet the demands of the market, as shown by a current dispute about the optimal size of each block. But the genius of bitcoin is that because miners are paid in bitcoin, their incentives are strongly aligned with bitcoin’s value. Government officials, by contrast, might not face such strong incentives to maintain the value of their national currency. In developing nations, sometimes those interests include taking valuable property in exchange for an abuse of their power. In developed ones, job retention, promotion, and ideological perspectives can all distort official behavior. Money has been described as a social contract, but politicians charged with enforcing that contract often have incentives to advance their own interests or those of particular political factions at the expense of their legal duties.

Bitcoin’s creation of order without centralized law is not unknown to society.

Social norms often regulate behavior without the benefit of formal law. Rules of etiquette tell people how to behave at the table without causing offense. But while order without law is possible without soft-

To continue to flourish, bitcoin does not have to become a more stable store of value than the U.S. dollar. It can climb the rungs of respectability by prevailing over less trustworthy currencies. It is already

stability, it can become even more competitive because even the best fiat money is subject to political risks.

National and international crises will continue to fuel bitcoin's rise. The instability caused by problems with the euro, Brexit and the many Western democracies' growing ratio of debt to gross domestic product threatens the value of even established currencies. Bitcoin is likely to succeed so long as the value of other moneys rests on politics. ■

To continue to flourish, bitcoin does not have to become a more stable store of value than the U.S. dollar. It can climb the rungs of respectability by prevailing over less trustworthy currencies.

ware, software can improve its enforcement. One might ignore a social convention, but it is impossible to ignore the operation of an algorithm that tells the world whether you own a bitcoin.

gaining strength and stability by competing successfully against monetarily oppressive regimes and helping poor immigrants in the developed world remit money to their relatives back home. As bitcoin gains

John O. McGinnis is the George C. Dix Professor in Constitutional Law. Kyle Roche (JD '16) is an Associate at Boies Schiller & Flexner LLP. This op-ed originally appeared in the Wall Street Journal on July 9, 2017.

New Clinical Faculty

Brian Citro

CLINICAL ASSISTANT PROFESSOR OF LAW

Citro is joining the Bluhm Legal Clinic as a clinical assistant professor of law. He previously served as a clinical lecturer in law and the associate director of the International Human Rights Clinic at the University of Chicago Law School. Prior to that, he worked for two years in New Delhi, India as a senior research officer to the U.N. Special Rapporteur on the Right to Health and project manager of the Global Health and Human Rights Database for the Lawyers Collective, HIV/AIDS Unit. Citro received his bachelor of music from Northern Illinois University and his JD from the University of Chicago.

New Lecturers

Doreen Weisenhaus

SENIOR LECTURER

Weisenhaus will be a lecturer at the Law School in a joint appointment with the Medill School of Journalism. Weisenhaus was previously associate professor and director of the Media Law Project at the Journalism and Media Studies Centre at the University of Hong Kong, where she taught media law and ethics. Her research interests include international press freedom and worldwide trends in media law and policy. Prior to her position at the University of Hong Kong, she was city editor of *The New York Times*. She also was the first legal editor of *The New York Times Magazine* before becoming its law and politics editor. Before that, Weisenhaus was editor-in-chief of *The National Law Journal*. She has worked as a prosecutor in New York City, a television news producer in Chicago, and a reporter for the *Milwaukee Journal*.

Weisenhaus is 'double purple' having earned a bachelor of science degree from Medill and her JD from Northwestern Pritzker School of Law.

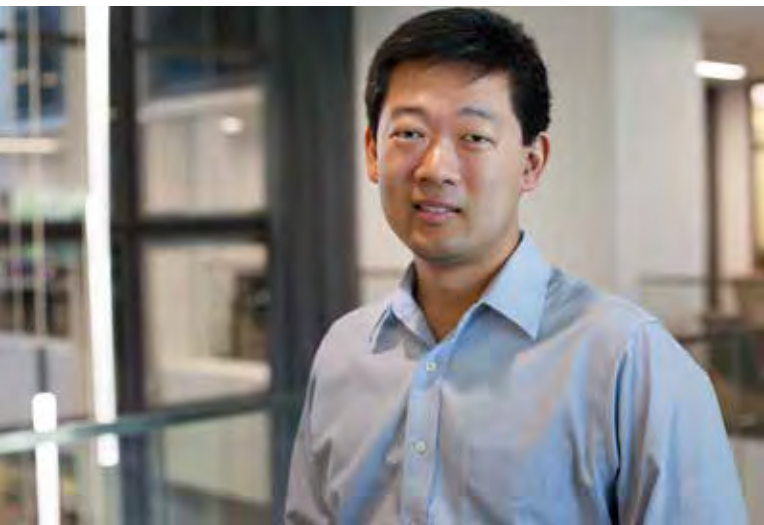
Meredith Martin Rountree

SENIOR LECTURER

Rountree, who has served as a visiting assistant professor since 2013, joins the permanent faculty as senior lecturer. She was previously a doctoral fellow at the American Bar Foundation and a research fellow in the Capital Punishment Center at the University of Texas School of Law. Before pursuing a PhD in sociology at the University of Texas at Austin, she taught at the University of Texas School of Law, where she helped establish the Capital Punishment Center and co-directed its Capital Punishment Clinic. She teaches and writes on criminal law and the criminal justice system, with particular attention to issues involving mental illness. She teaches Criminal Law, Criminal Procedure, and a seminar on Law and Society scholarship.

A Conversation with Professor Alex Lee

Alex Lee joins the Northwestern Law faculty as a professor of law for the 2017-18 academic year. Lee was a visiting professor at Northwestern last year and, from 2012-2017, taught at the University of Southern California Gould School of Law. Previously, Lee served as senior council in the Division of Risk, Strategy, and Financial Innovation on the U.S. Securities and Exchange Commission and clerked for the Honorable Thomas B. Griffith, of the D.C. Circuit Court of Appeals, where he drafted opinions for large-scale administrative cases and cases involving Fourth Amendment violations.



What are your main research interests?

One of my research interests lies at the intersection of securities regulation and administrative law. I like thinking about the process of administrative rulemaking, especially in the context of regulating capital markets. My interest in this area grew out of my experience of working at the Securities and Exchange Commission (SEC), first as an economist and then as a lawyer. In a series of articles, I have explored some alternative approaches to agency rulemaking, the impact on various market participants and institutions of SEC rules, more systematic approaches to thinking about costs and benefits of SEC rules, and transaction-cost-based approaches to thinking about the role of regulatory agencies more generally. My hope is that my research can help promote more effective, transparent, and candid dialogues in agency rulemaking.

Another research interest of mine is working with economic models to understand the process of litigation and settlement. Over the past thirty years, law-and-economics scholars have come up with some truly remarkable models to help us think about why some disputes go to trial and why some settle. I am interested in learning more about what these models say about the question of selection (i.e., which types of disputes will end up in trial) and the extent to

which these often-conflicting models can be unified to give a more holistic picture of litigation and settlement.

Are you working on anything that you're really excited about?

Sure. In one working project, my co-author Dan Klerman and I are trying to understand the role that uncertainty plays in pretrial negotiations. The fact is

that in a great many disputes, both sides have some uncertainty as to how their case would be decided if it were to actually go to trial. True, some fact patterns will definitely favor the plaintiff's side and other fact patterns will favor the defendant's side. But in the end, neither party can be too confident as to the outcome and the stakes can be quite high. On the other hand, the parties quite likely agree a great deal as well. They might share a similar view as to whether a dispute is a relatively strong case for the plaintiff or not. The question we are trying to answer in this project is how the parties would bargain and negotiate in the shadow of this uncertainty, when they partly agree and partly disagree.

What classes will you be teaching this year?

I typically teach Securities Regulation, Administrative Law, and a seminar on theories of regulation. I am on a research leave in the fall but I will be teaching Securities Regulation again in the spring.

You've been a visitor here at Northwestern Law. What are you most looking forward to this year as you join the residential faculty?

I am really looking forward to becoming a more active participant of the academic community. The law school hosts several very interesting workshops and it also has centers that are germane to my research interests. Last year, as a visitor, I was mainly an observer and a beneficiary at these workshops. As a permanent faculty member, I hope to get more involved in organizing them as well as welcoming the speakers.

What's your favorite thing to do in Chicago?

In our free time, my wife Emily and I like taking our kids to museums and parks. Our kids particularly enjoy the Art Institute and Chicago Children's Museum. When the weather is nice, we also enjoy taking a stroll and admiring the skyline. Throw a deep-dish pizza in the mix, and you have a perfect day!

What's your favorite item from Harry's Café?

Harry's Café is a true gem. It has some very fine, restaurant-quality entrees on their menu. But on most days, I like to keep things simple. A chocolate chip cookie with a small cup of coffee can do some wonders. ■

Faculty Publications

The Northwestern Law faculty produces world-class scholarship on a diverse range of contemporary legal issues. The following is a selection of scholarly works by residential faculty published between July 1, 2016, and June 30, 2017.



Ronald J. Allen
JOHN HENRY WIGMORE
PROFESSOR OF LAW

"The Nature of Juridical Proof: Probability as a Tool in Plausible Reasoning." *Probability & Risk*. 2017.

Comprehensive Criminal Procedure, 4th edition. Aspen. 2016.

Criminal Procedure: Investigation and Right to Counsel, 3rd edition. Aspen. 2016.

Criminal Procedure: Adjudication and Right to Counsel. Aspen. 2016.

An Analytical Approach to Evidence, 6th edition. Aspen. 2016.

"The Perils of Comparative Law Scholarship Research" in *Debatiendo con Taruffo* (edited by Jordi Ferrer Beltran and Carmen Vazquez). 2016.



Karen J. Alter
PROFESSOR OF LAW
(BY COURTESY)

Transplanting International Courts: The Law and Politics and the Andean Tribunal of Justice (with Laurence R. Helfer). Oxford University Press. 2017.

"National Perspectives on International Constitutional Review: Diverging Optics" in *Comparative Judicial Review*, edited by Erin Delaney and Rosalind Dixon. 2017.

"The Evolution of International Law and Courts" in *International Politics and Institutions in Time*, edited by Orfeo Fioretos. 2017.

"Too Much Power for the Judges? Understanding the European Court's Political Power" in *Key Controversies in European Integration*, edited by Hubert Zimmermann and Andreas Dür (with Daniel Kelemen). 2016.

"Jurist Advocacy Movements in Europe and the Andes." *iCourts Working Paper Series*. 2016.

"Backlash Against International Courts in West, East and Southern Africa: Causes & Consequences." *European Journal of International Law* (with James Thuo Gathii, and Laurence R. Helfer). 2016.



Michael Barsa
PROFESSOR OF PRACTICE

"A 'Switching Costs' Approach: EPA's Clean Power Plan as a Model For Allocating the Burden of Carbon Reductions Among Nations." *San Diego Journal of Climate and Energy Law* (with David Dana). 2016.



Robert W. Bennett
NATHANIEL L. NATHANSON
PROFESSOR OF LAW

"The Document and the Drama." *Constitutional Commentary*. 2016.



Bernard Black
NICHOLAS D. CHABRAJA
PROFESSOR OF LAW AND BUSINESS

"The Effect of Corporate Governance on Firm Market Value and Profitability: Time-Series Evidence from Turkey." *Emerging Markets Review* (with Melsa Ararat and B. Burcin Yurtoglu). 2017.

"Medical Liability Insurance Premia, 1990-2016: Dataset, Literature Review, and Summary Information." *Journal of Empirical Legal Studies* (with Jeanette W. Chung, Jeffrey Traczynski, Victoria Udalova, and Sonal Vats). 2017.

"Damage Caps and Defensive Medicine Revisited." *Journal of Health Economics* (with Myungho Paik & David A. Hyman). 2017.

"The Impact of the 2014 Medicaid Expansion on Hospital-Based Emergency Department Visits." *Health Affairs* (with Jesse Pines, Mark Zocchi, Ali Moghtaderi, Steven Farmer, Greg Hufstetler, Kevin Klauer, and Randy Pilgrim). 2016.



Janet Siegel Brown
LECTURER

"Clerking as a Career." *NALP Bulletin*. 2016.

"Book Review: Jonathan Shapiro: *Lawyers, Liars, and the Art of Storytelling: Using Stories to Advocate, Influence, and Persuade.*" *Legal Communication & Rhetoric*. 2016.



Robert P. Burns
WILLIAM W. GURLEY
PROFESSOR OF LAW

Evidence in Context: A Trial Evidence Workbook (with Steven Lubet and Richard Moberly). National Institute for Trial

Advocacy. 2017.

"Jury Nullification and the Constituent Power of the Jury." *Law, Culture, and the Humanities*. 2017.

Problems and Materials in Evidence and Trial Advocacy, Volumes I and II (with Steven Lubet and Richard Moberly). National Institute for Trial Advocacy. 2017.

"Arendt's Constitutional Thought" in *Arendt and Law*, edited by Mario Goldini & Christopher McCorkingdale. 2017.

"Jury Nullification and the Constituent Power of the People." *Northwestern Public Law Research Paper*. 2017.

Cranbrooke v. Intellex (with Steven Lubet, John T. Baker, Terre Rushton, and Jim H. Seckinger). National Institute for Trial Advocacy. 2016.

"Is Our Legal Order Just Another Bureaucracy?" *Loyola University Chicago Law Journal*. 2016.



Steven G. Calabresi
CLAYTON J. AND HENRY R.
BARBER PROFESSOR OF LAW

"The Comparative Constitutional Law Scholarship of Professor Mirjan Damaska" in *Visions of Justice*, edited by Bruce

Ackerman, Kai Ambos, and Hrovje Sikiric. 2016.

"Originalism and Same-Sex Marriage." *University of Miami Law Review* (with Hannah M. Begley). 2016.

"The Unknown Achievements of Justice Scalia." *Harvard Journal of Law and Public Policy*. 2016.

"The Same-Sex Marriage Cases and Federal Jurisdiction: On Third-Party Standing and Why the Domestic Relations Exception to Federal Jurisdiction Should Be Overruled." *University of Miami Law Review* (with Genna L. Sinel). 2016.



Lynn P. Cohn
CLINICAL PROFESSOR OF LAW

"A Model for the Use of ADR to Efficiently Distribute a Significant Settlement Fund in Mass Claims Litigation Without Sacrificing an Individualized Assessment of Claims." *Cardozo Journal of Conflict Resolution*. 2017.

"Anatomy of a Settlement Fund: How ADR Helped Establish and Deploy a Mass Claims Distribution." *Alternatives to the High Cost of Litigation*. 2017.



David Dana
KIRKLAND & ELLIS
PROFESSOR OF LAW

"An Invisible Crisis in Plain Sight: The Emergence of the 'Eviction Economy,' Its Causes, and the

Possibilities for Reform in Legal Regulation and Education." *Michigan Law Review*. 2017.

"After Flint: Environmental Justice as Equal Protection." *Northwestern University Law Review* (with Deborah Tuerkhelmer). 2017.

"A 'Switching Costs' Approach: EPA's Clean Power Plan as a Model For Allocating the Burden of Carbon Reductions Among Nations." *San Diego Journal of Climate and Energy Law* (with Michael Barsa). 2016.

"Incentivizing Municipalities to Adapt to Climate Change: Takings Liability and FEMA Reforms as Possible Solutions." *Boston College Environmental Affairs Law Review*. 2016.



Erin F. Delaney
ASSOCIATE PROFESSOR OF LAW

"Immigration in the Age of Trump: Extremism v. Exceptionalism." *University of Illinois Law Review Online*. 2017.

"Federalism, Judicial systems," In *Max Planck Encyclopedia of Comparative Constitutional Law* (with Gabrielle Appleby). 2017.

"Book Review: Robert Leckey, *Bill of Rights in the Common Law*." *American Journal of Comparative Law*. 2016.

"Analyzing Avoidance: Judicial Strategy In Comparative Perspective." *Duke Law Journal*. 2016.



Shari Seidman Diamond
HOWARD J. TRIENENS PROFESSOR OF LAW

"Juries and Viewpoint Representation." *Justice Quarterly* (with Mary R. Rose, Christopher G. Ellison, and Andrew V. Krebs). 2017.

Las múltiples dimensiones del Juicio por Jurados: estudios sobre el comportamiento del Jurado. Ad Hoc Publishers. 2016.

"Forensic Bitemark Identification: Weak Foundations, Exaggerated Claims." *Journal of Law and the Biosciences* (with Michael J. Saks, et. al.). 2016.

"Increasing Jury Representativeness."

Judges' Journal (with Honorable William Caprahe, Paula Hannaford-Agor, and Stephanie M. Loquvam). 2016.

"Race and Jury Selection: The Pernicious Effects of Backstrikes." *Howard University Law Review* (with Joshua Kaiser). 2016.



Peter DiCola
BENJAMIN MAZUR SUMMER RESEARCH PROFESSOR OF LAW

"Against Value and Balance." *Intellectual Property Journal*. 2016.



Steven Drizin
CLINICAL PROFESSOR OF LAW

"Gerald Gault, Meet Brendan Dassey: Preventing Juvenile False and Coerced Confessions in the 21st Century." *The Champion* (with Laura Nirider and Megan Crane). 2017.

Visiting Faculty 2017-18

Maurine Berens VISITING CLINICAL ASSISTANT PROFESSOR OF LAW

Berens will teach this year in the Communication and Legal Reasoning Program. She works as an attorney for the Law Offices of Maurine J. Berens, which specializes in estate planning, probate and small business. Previously, she taught as a clinical assistant professor at the Law School for five years.

Richard Cupitt VISITING SCHOLAR

Cupitt is senior associate and director of the Partnerships in Proliferation Prevention program at the Stimson Center. His areas of expertise include WMD nonproliferation, export controls, and foreign policy. Prior to joining Stimson, he served as the special coordinator for U.N. Security Council resolution 1540 in the Office of Counterproliferation Initiatives at the U.S. State Department. He has also worked as an expert for the committee established pursuant to U.N. Security Council resolution 1540 (2004), held a position as scholar-in-residence at American University and worked as special adviser for international cooperation for the U.S. Undersecretary of Commerce in the Bureau of Industry and Security. In addition, Cupitt has served various posts for the Center for International Trade and Security of the University of Georgia and has held academic positions at Emory University and the University of North Texas.

William Henderson VISITING PROFESSOR OF LAW

Henderson serves as Stephen F. Burns Professor of Law at the

Indiana University Maurer School of Law. This semester he will be teaching The Diffusion of Innovation in the Legal Industry. Henderson's scholarship focuses on empirical analysis of the legal profession and legal education. His work appears frequently in such national publications as *The American Lawyer*, *The Wall Street Journal*, *ABA Journal*, and the *National Law Journal*. In addition to his teaching responsibilities, Henderson is a research associate with the Law School Survey of Student Engagement, and was a principal at Lawyer Metrics, a consulting firm that uses evidence-based methods to assist firms in identifying, selecting, and developing world-class lawyers. He received his bachelor of arts from Case Western University and a JD with honors from the University of Chicago.

Pierre Legrand VISITING PROFESSOR OF LAW

Legrand is professor of law at the Université Panthéon-Sorbonne, where he is responsible for the postgraduate program on globalization and legal pluralism after serving for 10 years as director of postgraduate comparative legal studies. Legrand has held visiting professorships at a number of universities and has taught and lectured in more than 20 countries, including the United States, Canada, Australia, China, Brazil, Singapore, and European nations. His teaching and writing focus on comparative legal studies with reference to theoretical issues arising from comparative interventions. He publishes in English and French, and his work has been translated into other languages.

FACULTY FOCUS



Carolyn Frazier
CLINICAL ASSISTANT
PROFESSOR OF LAW

"Today's scarlet letter — the sex offender registry — is risky justice for youth." *Chicago Tribune*. 2017.



Ezra Friedman
PROFESSOR OF LAW

"Sharing Responsibility Instead of Allocating Blame: Reforming Torts and Reducing Accidents." *University of Illinois Law Review*. 2017.

"Who (If Anyone) Should Be Liable for Injuries from Generic Drugs?" *The Journal of Law, Economics, and Organization* (with Abraham Wickelgren). 2017.



Daniel Gandert
CLINICAL ASSISTANT
PROFESSOR OF LAW

"A Change in Intent: The 2015 World Anti-Doping Code." *International Sports Law Review Pandektis*. 2016.



Allan Horwich
PROFESSOR OF PRACTICE

"U.S. Supreme Court to Decide Whether Failure to Make Required MD&A Disclosure Can Provide Basis for Damages Under Rule 10b-5." *Schiff Hardin Insights*. 2017.



Joyce A. Hughes
PROFESSOR OF LAW

"Donald Trump and Immigration." *Cook County Bar Association Sidebar*. 2016.



Tonja Jacobi
WILLIAM G. AND VIRGINIA
K. KARNES RESEARCH
PROFESSOR OF LAW

"Justice, Interrupted: The Effect of Gender, Ideology and Seniority at Supreme Court Oral Arguments." *Virginia Law Review* (with Dylan Schweers). 2017.

"The Hidden Psychology of Constitutional Criminal Procedure." *Cardozo Law Review* (with Jesse-Justin Cuevas). 2016.

"Miranda 2.0." *University of California, Davis Law Review*. 2016.



Emily Kadens
PROFESSOR OF LAW

"The Admiralty Jurisdiction of the Court of Requests" in *Texts and Contexts in Legal History: Essays in Honor of Charles Donahue*, edited by John Witte, Jr., Sara McDougall, and Anna di Robilant. 2016.



Joshua Seth Kleinfeld
PROFESSOR OF LAW

"Three Principles of Democratic Criminal Justice." *Northwestern University Law Review*. 2017.

"Manifesto of Democratic Criminal Justice." *Northwestern University Law Review*. 2017.



Jonathan Koehler
BEATRICE KUHN PROFESSOR
OF LAW

"Intuitive error rate estimates for the forensic sciences." *Jurimetrics Journal*. 2017.

"Jury simulation goals," in *The Psychology of Juries*, edited by Margaret Bull Kovera (with John B. Meixner). 2017.

"An Empirical Research Agenda for the Forensic Sciences." *Journal of Criminal Law and Criminology* (with John B. Meixner). 2016.

"Science, Technology, or the Expert Witness: What Influences Jurors' Judgments About Forensic Science Testimony?" *Psychology, Public Policy, and Law* (with N.J. Schweitzer, Michael J. Saks and Dawn E. McQuiston). 2016.

"Forensic Bitemark Identification: Weak Foundations, Exaggerated Claims." *Journal of Law and the Biosciences* (with Michael J. Saks, et. al.). 2016.



Eugene Kontorovich
PROFESSOR OF LAW

"PCA Case No. 2014-02, Merits, UN Convention on the Law of the Sea Annex VII Arbitral Tribunal, August 14, 2015." *American Journal of International Law*. 2016.



Andrew Koppelman
JOHN PAUL STEVENS
PROFESSOR OF LAW

"Book Review: Kathleen Brady, *The Distinctiveness of Religion in American Law: Rethinking Religion Clause Jurisprudence.*" *Journal of Religion*. 2017.

"How Could Religious Liberty Be a Human Right?" *International Journal of Constitutional Law*. 2017.

"Introduction: The Moral Demands of Commercial Speech." *William and Mary Bill of Rights Journal*. 2017.

"Kent Greenawalt, Defender of the Faith." *Texas Law Review*. 2017.

"If Liberals Knew Themselves Better, Conservatives Might Like Them Better." *Lewis & Clark Law Review*. 2017.

"Lupu, Tuttle, and Singling out Religion." *Northwestern University Law Review*. 2016.

"Greenawalt and the Place of Religion: Comment on the McElroy Lecture, University of Detroit Mercy School of Law." *University of Detroit Mercy Law Review*. 2016.

"A Free Speech Response to the Gay Rights/Religious Liberty Conflict." *Northwestern University Law Review*. 2016.



Matthew B. Kugler
ASSISTANT PROFESSOR OF
LAW

"The Myth of Fourth Amendment Circularity." *University of Chicago Law Review* (with Lior J. Strahilevitz). 2017.

"The Materiality of Sponsorship Confusion." *University of California, Davis Law Review*. 2017.

"Is Privacy Policy Language Irrelevant to Consumers?" *Journal of Legal Studies* (with Lior J. Strahilevitz). 2016.



Sarah Lawsky
PROFESSOR OF LAW

"Formalizing the Code." *Tax Law Review*. 2017.



Nancy C. Loeb
CLINICAL ASSOCIATE
PROFESSOR OF LAW

"Even Trump Should Want the Superfund to Be Super." *The Hill*. 2017.



Steven Lubet
EDNA B. AND EDNYFED
H. WILLIAMS MEMORIAL
PROFESSOR OF LAW

Evidence in Context: A Trial Evidence Workbook (with Robert P. Burns and Richard Moberly). National Institute for Trial Advocacy. 2017.

Problems and Materials in Evidence and Trial Advocacy, Volumes I and II (with Robert P. Burns and Richard Moberly). National Institute for Trial Advocacy. 2017.

"How a Study About Chronic Fatigue Syndrome Was Doctored, Adding to Pain and Stigma." *The Conversation*. 2017.

"Politics and the English Editor." *The New Rambler Review*. 2017.

"Does Jason Chaffetz Understand His Job?" *CNN* (with Andrew Koppelman). 2017.

- "Review of *The Parker Sisters: A Border Kidnapping*, by Lucy Maddox." *American Historical Review*. 2017.
- "Fresno State Professors Must Stop Pushing Anti-Israel Conspiracy Theories." *The Forward*. 2017.
- "Alito and the Code." *Slate*. 2017.
- "In Defense of Kellyanne Conway." *Slate*. 2017.
- "Investigator Bias and the PACE Trial." *Journal of Health Psychology*. 2017.
- "Defense of the PACE Trial Is Based on Argumentation Fallacies." *Journal of Health Psychology*. 2017.
- "Why This Lifelong White Sox Fan Will Root for the Cubs." *Chicago Tribune*. 2016.
- "In Defense of Judge Turner (sort of)." *Chicago Tribune*. 2016.
- Cranbrooke v. Intellex* (with Robert P. Burns, John T. Baker, Terre Rushton, and Jim H. Seckinger). National Institute for Trial Advocacy. 2016.
- "Langston Hughes's *Shawl*: Our Objects Tell Amazing Stories, Not All of Them True." *Humanities* (with Rachel Malnes). 2016.



Bruce A. Markell

PROFESSOR OF
BANKRUPTCY LAW
AND PRACTICE

"Response: Structured Lingchi:
Czyzewski v. Jevic Holding Corp."
George Washington Law Review On the

Docket. 2017.

- "Husky, Actual Fraud, and Fraud on the Court." *Bankruptcy Law Letter*. 2017.
- "The Dysfunction of Ponzi Presumptions." *Bankruptcy Law Letter*. 2016.
- "Fool's Gold?: Opting Out of Bankruptcy By Manipulating State Entity Law." *Bankruptcy Law Letter*. 2016.
- "Fair Equivalents and Market Prices: Bankruptcy Cramdown Interest Rates." *Bankruptcy Developments Journal*. 2016.



John O. McGinnis

GEORGE C. DIX PROFESSOR IN
CONSTITUTIONAL LAW

"Is the Democrats' Decision to Fillbuster
Gorsuch Irrational?" *Library of Law and
Liberty*. 2017.

"The President's Conduct Is No License
for Others' Unlawfulness." *Library of Law and Liberty*. 2017.

- "Why Trinity Lutheran Is the Most Important Case of the
2016 Term." *Library of Law and Liberty*. 2017.
- "The New Left's Dangerous Old Antitrust Ideas." *Library of
Law and Liberty*. 2017.
- "Resolved: The Constitution Is Designed for a Moral and
Religious People and It Is Wholly Unsuitable for the Government
of Any Other" *Connecticut Law Review* (with Eugene B. Meyer,
William H. Pryor, Jr., and Robert P. George.) 2017.
- "Neil Gorsuch's Good Start." *City Journal*. 2017.
- "Scalia's Final Vote." *City Journal*. 2016.
- "Reforming Constitutional Review of State Economic Legislation."
Georgetown Journal of Law and Public Policy. 2016.
- "Dworkinian Antitrust." *Iowa Law Review* (with Andrew R.
Meerkins). 2016.

Eliav Lieblich

VISITING ASSOCIATE PROFESSOR
OF LAW

Lieblich is visiting from Tel Aviv University. He earned his JSD and LLM degrees from Columbia Law School, where he was a recipient of the Norman E. Alexander Fellowship, and an LLB from Hebrew University, where he also earned a degree in Islamic and Middle Eastern Studies. Lieblich teaches and researches public international law, with a focus on laws on the use of force, international humanitarian law, and the history and theory of international law.

Victoria Nourse

JACK N. PRITKER
DISTINGUISHED VISITING
PROFESSOR OF LAW

Nourse is a professor of law and director of the Center on Congressional Studies at the Georgetown University Law Center. Her interests include administrative law, constitutional law, criminal law and procedure, and legislation. She holds a bachelor of arts from Stanford University and a JD from the University of California Berkeley School of Law.

Amy Signaigo

VISITING CLINICAL ASSISTANT
PROFESSOR OF LAW

Signaigo will teach this year in our Communication and Legal Reasoning Program. She has worked as an associate in the intellectual property practice at McGuireWoods LLP, specializing in patent litigation, and as an adjunct professor in Legal Writing for Loyola University of Chicago. Signaigo earned her undergraduate degree from Purdue University and her JD from Northwestern Pritzker School of Law.

Charles Tabb

VISITING PROFESSOR OF LAW

Tabb is the Mildred Van Voorhis Jones Chair in Law at the University of Illinois at Urbana-Champaign College of Law. He specializes in bankruptcy, contracts, and commercial law. Before joining the Illinois faculty, he practiced bankruptcy and commercial law in Dallas, where his cases included the Braniff Airways and Continental Airlines Chapter 11 reorganizations. He currently is of counsel with the law firm of Foley & Lardner LLP in Chicago. Tabb received his bachelor of arts from Vanderbilt University and his JD from the University of Virginia, where he graduated *summa cum laude*. In his 33 years on the Illinois faculty, Tabb has been recognized with Best Professor and 2L Professor of the Year awards from the College of Law, as well as with a campus-wide Outstanding University Professor award.

Barry Weingast

VISITING PROFESSOR OF LAW

Weingast is the Ward C. Krebs Family Professor of Political Science at Stanford University, and a senior fellow at the Hoover Institution. Weingast received a PhD in Economics from California Institute of Technology. He is a member of the National Academy of Sciences and the American Academy of Arts and Sciences and has won numerous awards for his scholarship. His research focuses on the interaction of politics and economics, emphasizing the political foundations of markets, constitutions and democracy, and the political-economics of development. He has written extensively on problems of federalism and decentralization, legal institutions and the rule of law, regulation, and democracy.

FACULTY FOCUS



Ajay Mehrotra
PROFESSOR OF LAW

"The Curious Beginnings of the Capital Gains Tax Preference." *Fordham Law Review* (with Julia Ott). 2016.

"A Bridge Between: Law and the New Intellectual Histories of Capitalism." *Buffalo Law Review*. 2016.

"From Contested Concept to Cornerstone of Administrative Practice: Social Learning and the Early History of U.S. Tax Withholding." *Columbia Journal of Tax Law*. 2016.



Janice Nadler
NATHANIEL L. NATHANSON
PROFESSOR OF LAW

"Expressive Law, Social Norms, and Social Groups." *Law and Social Inquiry*. 2017.

"Social Psychology and the Law" in *The Oxford Handbook of Law and Economics* (with Pam Mueller). Oxford University Press. 2017.

"White Paper of Democratic Criminal Justice." *Northwestern University Law Review* (with Joshua Kleinfeld, et. al.). 2017.



Kathleen Dillon Narko
CLINICAL PROFESSOR OF LAW

"Inclusion Means Including Us, Too." *Federal Lawyer*. 2017.

"They and Ze: The Power of Pronouns." *CBA Record*. 2017.

"Richard Wydick (1937-2016)." *CBA Record*. 2016.



Laura Nirider
CLINICAL ASSISTANT
PROFESSOR OF LAW

"Gerald Gault, Meet Brendan Dassey: Preventing Juvenile False and Coerced Confessions in the 21st Century." *The*

Champion (with Steven Drizin and Megan Crane). 2017.



Laura Pedraza-Fariña
ASSOCIATE PROFESSOR OF
LAW

"Constructing Interdisciplinary Collaboration: The Oncofertility Consortium as an Emerging Knowledge Commons" in

Governing Medical Knowledge Commons, edited by Katherine Strandburg, Brett Frischmann, and Michael Madison. Cambridge University Press. 2017.

"Spill Your (Trade) Secrets: Knowledge Networks as Innovation Drivers." *Notre Dame Law Review*. 2017.

"The Social Origins of Innovation Failures." *SMU Law Review*. 2017.



Destiny Peery
ASSOCIATE PROFESSOR OF
LAW

"(Re)defining Race: Assessing the Consequences of the Law's Failure to Define Race." *Cardozo Law Review*. 2017.



James E. Pfander
OWEN L. COON PROFESSOR
OF LAW

Constitutional Torts and the War on Terror. Oxford University Press. 2017.

"Scalia's Legacy: Originalism and Change in the Law of Standing." *British Journal of American Legal Studies*. 2017.

"Adverse Interests and Article III: A Reply." *Northwestern University Law Review* (with Daniel Birk). 2017.

"Standing to Sue: Lessons from Scotland's Actio Popularis." *Duke Law Journal*. 2017.

Philip Postlewaite
PROFESSOR OF LAW

Partnership Taxation, 8th edition (with Arthur Willis and Jennifer Alexander). Warren, Gorham & Lamont. 2017.



Stephen B. Presser
RAOUL BERGER PROFESSOR
OF LAW EMERITUS

"A Further Perspective: Trump Derangement Hysteria." *The American Spectator*. 2017.

"Special Report: Firing Comey: Abuse of a Kingly Prerogative or Draining the Swamp?" *The American Spectator*. 2017.

"Reflections on *UNRESTRAINED: Law Professors, the Legal Academy, and the Rule of Law in the Early Twenty-First Century*." *The University of Colorado Law Review*. 2017.

"Dean's Lecture: Do Law Professors Really Understand American Law?" *Ohio Northern University Law Review*. 2017.

"Constitutionalism, Both Good and Horrid." *The University Bookman*. 2016.

Law Professors: Three Centuries of Shaping American Law. West Academic. 2016.

Piercing the Corporate Veil. Thompson Reuters. 2016.

"Did the Burger Court Suffer from the 'Greenhouse Effect'?" *The University Bookman*. 2016.



Martin H. Redish
LOUIS AND HARRIET ANCEL
PROFESSOR OF LAW AND
PUBLIC POLICY

"The Wandering Doctrine of Constitutional Fact." *Arizona Law Review*. 2017.

"Terrorizing Advocacy and the First Amendment: Free Expression and the Fallacy of Mutual Exclusivity." *Fordham Law Review*. 2017.

"False Commercial Speech and the First Amendment: Understanding the Implications of the Equivalency Principle." *William and Mary Bill of Rights Journal* (with Kyle Volis). 2017.

"Premodern Constitutionalism." *William and Mary Law Review* (with Matthew Heins). 2016.



Leonard L. Riskin
HARRIS H. AGNEW VISITING
PROFESSOR OF DISPUTE
RESOLUTION

"Kormendy Lecture: Negotiation, Outside-In and Inside-Out: On the Level or Thereabout." *Ohio Northern University Law Review*. 2017.



Daniel B. Rodriguez
DEAN AND HAROLD
WASHINGTON PROFESSOR

"Executive Opportunism, Presidential Signing Statements, and the Separation of Powers." *Journal of Legal Analysis*. 2016.



Judith Rosenbaum
CLINICAL PROFESSOR OF LAW

"Assessment of Learning Outcomes in Transactional Skills Courses." *Tennessee Journal of Business Law* (with Carol Morgan and Carol Newman). 2016.



Leonard S. Rubinowitz
PROFESSOR OF LAW

"Martin Luther King Jr.'s Perjury Trial: A Potential Turning Point and a Footnote to History." *Indiana Journal of Law and Social Equality*. 2017.

"The Courage of Civil Rights Lawyers: Fred Gray and His Colleagues." *Case Western Law Review*. 2017.

"A 'Notorious Litigant' and 'Frequenter of Jails': Martin Luther King, Jr., His Lawyers, and the Legal System." *Northwestern Journal of Law and Social Policy* (with Michelle Shaw and Michal Crowder). 2016.



Sarath Sanga

ASSISTANT PROFESSOR OF LAW

"The Private Ordering Solution to Multiforum Shareholder Litigation." *Journal of Empirical Legal Studies* (with Roberta Romano). 2017.



David Scheffer

MAYER BROWN/ROBERT A. HELMAN PROFESSOR OF LAW

"Some Realities Behind the Application for Revision Concerning Bosnia and Herzegovina v. Serbia." *Just Security*. 2017.

"The Missing Pieces in Article 8 bis (Aggression) of the Rome Statute." *Harvard International Law Journal Online*. 2017.

"The State Department's retreat in the fight against genocide." *The Hill* (with Clint Williamson and Stephen Rapp). 2017.

"Prevent and punish in South Sudan." *The Hill* (with Clint Williamson and Stephen Rapp). 2017.

"The Creation and Legacy of the ICTY" in *The Research Process, Documentation and Prosecution of Genocide in Bosnia and Herzegovina*, edited by Irfan Ajanovic & Indira Osmic. 2016.

"Criminal Justice" in *The Oxford Handbook of International Organizations*, edited by Jacob Katz Cogan, Ian Hurd, and Ian Johnstone. Oxford University Press. 2016.

"Three Realities About the African Situation at the International Court." *ICC Forum*. 2016.

"More Options for Africa Under the Rome Statute." *Just Security*. 2016.

"How to Move Beyond South Africa's Notice of Withdrawal from the International Criminal Court." *Just Security*. 2016.

"The Creation of the Tribunals." *American Journal of International Law* (with Michael J. Matheson). 2016.



David L. Schwartz

STANFORD CLINTON, SR. AND ZYLPHA KILBRIDE CLINTON RESEARCH PROFESSOR OF LAW

"Endogenous Litigation Costs: An Empirical Analysis of Patent

Disputes." *Northwestern Law and Economics Research Paper* (with Kyle Rozema and Jay Kesan). 2017.

The Law of Design: Design Patent, Trademark, & Copyright (with Edward Lee and Mark P. McKenna). West Academic. 2017.



David M. Shapiro

CLINICAL ASSISTANT PROFESSOR OF LAW

"No Lives Matter? Pro-Cop Bill Would Make It Law of the Land." *United States Law Week*. 2017.

"New Illinois Prisoner ID Law Is Weak Medicine." *Chicago Sun-Times*. 2017.

"No Denying: Sessions' Moves Revive Allegations of Racism." *Chicago Tribune*. 2017.

"Can the Trump Administration Kick Disfavored Reporters out of Briefings?" *The Hill*. 2017.

"Sentenced to Shut Up: To Protect Free Expression, Curb Prison Censorship." *Truthout*. 2017.

"Lenient in Theory, Dumb in Fact: Prison, Speech, and Scrutiny." *George Washington Law Review*. 2016.

"President Obama Should Curb Mass Incarceration with Clemency." *The Hill*. 2016.

"Stop Suing Ex-prisoners To Recover Room-and-Board Costs." *Chicago Sun-Times* (with Alan Mills). 2016.

"Private Prisons Are A Public Shame." *Chicago Sun-Times*. 2016.



Marshall S. Shapo

FREDERIC P. VOSE PROFESSOR OF LAW

Shapo on the Law of Products Liability. Edward Elgar. 2017.



Nadav Shoked

ASSOCIATE PROFESSOR OF LAW

"Debt Limits' End." *Iowa Law Review*. 2017.

"An American Oddity: The Law, History, and Toll of the School District." *Northwestern University Law Review*. 2017.



Carole Silver

PROFESSOR OF GLOBAL LAW AND PRACTICE

Too Many Lawyers? The Future of the Legal Profession (with Eyal Katvan, Neta Ziv, and Avrom Sherr). Routledge. 2017.

"Opportunities for Collaboration among East Asian and US Law Schools." *Asian Journal of Law & Society*. 2016.



Juliet Sorensen

HARRY R. HORROW PROFESSOR IN INTERNATIONAL LAW

Public Corruption and the Law: Cases and Materials (with David Hoffman). West Academic. 2017.

"From Lebanon, Lessons in Law and in Life." *The Huffington Post*. 2017.

"In Illinois, Chasing the Arc of the Opioids Epidemic." *Crain's Chicago Business*. 2016.

"Fight Corruption, Save the Planet." *The Huffington Post*. 2016.

"Lagos Is Burning." *U.S. News and World Report*. 2016.

"Why Girls' Education in Morocco Needs More than Money." *Women's E-News*. 2016.



Daniel F. Spulber

PROFESSOR OF LAW (COURTESY)

"Complementary Monopolies and Bargaining." *Journal of Law & Economics*. 2017.

"Managing Innovation: Optimal Incentive Contracts for Delegated R&D with Double Moral Hazard." *European Economic Review* (with Joaquin Pobleto). 2017.

"Sufficient Decisions in Multi-Sided and Multi-Product Markets." *Journal of Industrial Economics* (with Alexei Alexandrov). 2017.

"Antitrust Policy toward Standards." *Antitrust Chronicle*. 2016.

"Patent Licensing and Bargaining with Innovative Complements and Substitutes." *Northwestern Law and Economics Research Paper*. 2016.



Deborah Tuerkheimer

CLASS OF 1940 RESEARCH PROFESSOR OF LAW

"Incredible Women: Sexual Violence and the Credibility Discount." *University of Pennsylvania Law Review*. 2017.

"Of Abortion and Animals: The Promise and Peril of Legal Rights." *Boston University Law Review Online*. 2017.

"After Flint: Environmental Justice as Equal Protection." *Northwestern University Law Review* (with David Dana). 2017.

"What to Look for in the Cosby Sex Assault Trial." *Newsweek*. 2017.

"He Said, She Said." *Ms. Magazine*. 2017.



Robert R. Wootton

WILLIAM TRUMBULL PROFESSOR OF PRACTICE

Partnership Taxation. West Academic. 2016.



Kimberly A. Yuracko

JUDD AND MARY MORRIS LEIGHTON PROFESSOR OF LAW

"Valuing Black Lives: A Constitutional Challenge to the Use of Race-Based Tables in Calculating Tort Damages." *Northwestern Public Law Research Paper* (with Ronen Avraham). 2017.

ALUMNI NOTES

Convocation Honors Northwestern Law Class of 2017

On Friday, May 12, over 500 graduates, along with their families and friends, filled the historic Chicago Theatre for the Northwestern Pritzker School of Law’s 2017 convocation ceremony.

Justice Richard Bernstein (JD ’99) of the Michigan Supreme Court delivered the keynote address. Blind since birth, Bernstein has a long history of advocating for disabled rights. His remarks focused on finding strength and joy in challenges and adversity.

“You’ll face setback. You’ll face hardship. But when you’re drifting, when you’re struggling, when your future is undefined, that’s when miracles happen,” he said.

Prior to being elected to Michigan’s highest court, Bernstein headed the public service division for The Sam Bernstein Law Firm in Farmington Hills, Michigan. His cases often set national standards protecting the rights and safety of people with and without disabilities. In a landmark settlement against Delta Airlines and Detroit Metro Airport, Bernstein gained accessibility for disabled fliers, helping set the standard for which airlines and airports are to be covered under the Americans with Disabilities Act of 1990. He also challenged the City of New York to make Central Park and all parks safer for visitors and accessible for disabled and visually impaired individuals.

In addition to Justice Bernstein and Dean Daniel B. Rodriguez, student speakers Matthew Monahan (JD ’17), Nelson Medeiros Carneiro Neto (LLM-K ’17), and Atefah Namvaryshad (MSL ’17) addressed their fellow graduates.

During the ceremony, faculty and student awards were presented. Outgoing Student Bar Association president Marco Minichiello presented the teaching awards and Professor Karl Lutz presented the student awards.

Northwestern Law’s 2017 graduating class included 230 candidates for JD degrees and 28 candidates for joint JD-MBA degrees, 101 candidates for LLM degrees, 24 candidates for the LLM degree and certificate in business administration from Kellogg, 45 candidates for LLM degrees in taxation, 13 candidates for LLM degrees in international human rights, and 50 candidates for MSL degrees. Other degrees presented included those in the Executive LLM Programs in Chicago (13), Seoul (11), Madrid (28), and Tel Aviv (29), six candidates for Master of Studies in Law, and two candidates for Doctor of Judicial Science. ■





2017 CONVOCATION

Student-Voted Faculty Awards

- Outstanding Adjunct Professor
Kevin Agnew
- Outstanding First-Year Course Professor
James Lupo
- Outstanding Professor of a Small Class
Deborah Tuerkheimer
- Outstanding LLM Tax Professor
Robert Wootton
- Robert Childres Memorial Award for Teaching Excellence
Karl Lutz

Student Awards

- Wigmore Key
Liani Balasuriya
- Courage Award
Anavictoria Avila
- Legal Profession Award
Arnav Dutt and Abigail Leinsdorf
- Service Award
Stephanie Ciupka
- Leadership Award
Ngozi Nezianya





From left: Heather Bowen (JD '17), Kathryn Hogg (JD '17), Omar Delgadillo (JD '17), and Arnav Dutt (JD '17)

Four Post-Graduate Public Interest Fellows Named

Four 2017 graduates of Northwestern Pritzker School of Law have been named Post-Graduate Fellows: Heather Bowen, Omar Delgadillo, Arnav Dutt, and Kathryn Hogg. These fellowships are intended to help talented recent Northwestern Law alumni launch public interest careers. Each Post-Graduate Fellow receives a grant in the amount of \$50,000, plus medical insurance coverage, to support one year of full-time service as a lawyer at a nonprofit or government agency.

Bowen (JD '17) will join Start Small Think Big, a New York City-based nonprofit that provides legal, financial, and marketing services to low-to-moderate-income entrepreneurs to build businesses in underserved areas.

"This is in Harlem, the neighborhood where I grew up, and just seeing all the developments in the law and in the city will be one of the biggest takeaways that I'll have from this fellowship," Bowen says.

Delgadillo (JD '17) will be working with the DC Volunteer Lawyers Project on domestic violence cases and on juvenile cases as a guardian *ad litem*.

"This is why I wanted to go to law school," he says. "I wanted to be able to help people who could not typically afford services from a lawyer. I've seen people who have had to go to court unrepresented and I can't imagine how much fear they have, especially if they have to go up against a lawyer."

Dutt (JD '17) will join the Hennepin County Public Defender's office in Minneapolis, where he previously worked during his 2L summer.

"I think it's the first step on the way to a long happy career as a public defender in the Midwest," Dutt says. "Like a lot of other

public defender agencies, they're struggling to figure out their future. Their hiring schedule got pushed way back by a lot of political contingencies and this fellowship allowed me to get back there."

Hogg (JD '17) will be working for the legal office of Kentucky Refugee Ministries in Louisville where she'll serve both refugees and a broader immigrant population.

"I don't think I would have been able to get a foot in the door at this agency without some initial assistance and support from Northwestern, so it's really changed how I've been able to think about what my options are as an entry-level attorney," Hogg said. "Being able to bring some resources into a market that's underserved has been a privilege. I'm really excited to be a part of it and get some momentum in my early career."

The Northwestern Law Post-Graduate Fellowships were created to help address the mismatch between demand for services and supply of talent. While there is a tremendous need for legal services in the public interest sector, there is a shortage of opportunity because of the lack of adequate financing. As a result, entry-level positions for public interest-minded recent law school graduates are scarce.

"It's quite tough to find staff attorney jobs. There are a lot of agencies who are having trouble coming up with the money to fund new positions," Delgadillo says. "I'm very thankful that Northwestern is able to give me this opportunity."

If you are interested in learning more about the post-graduate public interest fellowship program or supporting a fellowship, please contact Alan Paberzs, Director of Development, at (312) 503-0707 or a-paberzs@law.northwestern.edu. ■

Class Notes

1950s

Arthur L. Berman (JD '58) received the Founders Award from The Decalogue Society of Lawyers.

1960s

Richard J. Stephenson (JD '66) was inducted to the 2017 Horatio Alger Association of Distinguished Americans, Inc.

Sophia H. Hall (JD '67) received the Honorable Charles E. Freeman Judicial Merit Award from The Decalogue Society of Lawyers.

1970s

Harry J. Seigle (JD '71) was honored by Elgin Community College and the ECC Foundation during its 19th annual Founders' Day Celebration.

James G. McConnell (JD '72) was recognized by Continental Who's Who as a Pinnacle Lifetime Member in the legal field.

Harvey C. Gordon (JD '72) published the second edition of his book, *Grime and PUNishment*.

Jill Berkeley (JD '75) was awarded the first Lifetime Achievement Award of the ABA's Tort Trial & Insurance Practice Section's Insurance Coverage Litigation Committee.

1980s

James Andrew Reiman (JD '80) was appointed to board of directors for Ener-Core, Inc.

Graham C. Grady (JD '83) received the 2017 Dickerson Award from the Chicago Bar Association.

Linda Fleisher Friedman (JD '83) was promoted to EVP, general counsel and the Executive Committee at Astellas Americas.

Kevin R. McClear (JD '86) was appointed as central counterparty for the International Swaps and Derivatives Association.

Mark P. Naughton (JD '87) joined Tiger Capital Group as Senior General Counsel.

Thomas B. Pahl (JD '88) was appointed acting director of the FTC's Bureau of Consumer Protection.

1990s

Ernest L. Greer (JD '91) received the 2017 Advancement of Justice Award from the National Judicial College.

Richard M. Trobman (JD '91) was elected Vice Chair of Latham & Watkins.

Joan L. Larsen (JD '93) was nominated to serve as a Circuit Judge on the U.S. Circuit Court of Appeals for the 6th Circuit.

Joseph T. McIntosh (JD '97) was nominated for election to Real Industry's board of directors.

Allison M. Wing (JD '97) was appointed to board of directors for Bazaarvoice, Inc.

Daniel F. Wilhelm (JD '97) was appointed as the President of The Harry Frank Guggenheim Foundation.

Natasha A. Tarpley (JD '98) published her first novel, *The Harlem Charade*.

Gregory R. Vetter (JD '99) was appointed as Associate Dean for Academic Affairs at the University of Houston — Law Center.

2000s

Cynthia J. Cole (JD '00) joined Baker Botts LLP, Palo Alto, California as Special Counsel.

Katherine Murray (JD '00) received the 2017 Homeless Rights Advocacy Award from the ACLU of Southern California.

Wayne Yao (JD '03) was appointed non-executive director of SouthGobi Ltd.

Timothy Beard (JD '06) joined Ossia as CFO.

Sandy Bilus (JD '06) was named one of the "Lawyers on the Fast Track" by *The Legal Intelligencer*.

Myra A. Sutanto Shen (JD '07) was promoted to partner at Wilson Sonsini Goodrich & Rosati.

Katherine E. Kenny (JD '07) was promoted to Assistant General Counsel at Loyola University of Chicago.

Thomas Dammrich (JD '07) was promoted to partner at Shook, Hardy & Bacon.

Caleb Durling (JD '07) was part of the team that received The Colorado Lawyers Committee's 2017 "Team of the Year" award.

Daniel Greenfield (JD '08) received two Northern District of Illinois awards for Excellence in Pro Bono and Public Interest Service.

Kristen-Jon Jones (JD '09) was promoted to principal at Goldberg Kohn Ltd.

Rohith George (JD '09) joined the Palo Alto office of Mayer Brown as Partner.

Matthew Connolly (JD '09) was honored as a Massachusetts Lawyers Weekly 2017 Up & Coming Lawyer.

2010s

Alexandra Newman (JD '10) joined Grant Thornton LLP as Associate

Counsel, and was named a 2017 Illinois Rising Star in Business Litigation.

Rodney Sandiford (JD '10) was selected as a Fellow for the Business Law Section of The Florida Bar.

Karl Riley (JD '10) was named vice director of the Bar Leadership Team of the American Bar Association Young Lawyers Division and the 2017 Young Lawyer of the Year by the State Bar of Nevada.

Jonathan Wheeler Wakelin (JD '12) was promoted to principal at Altman Vilandrie & Company.

Tanner Ainge (JD '12) ran for Congress in Utah's 3rd District Special Election.

Karim Basaria (JD '12) received the Northern District of Illinois award for Excellence in Pro Bono and Public Interest Service.

Sumbul Siddiqui (JD '14) is running for Cambridge City Council.

Ghassan Shamleh (JD '16) launched a new restaurant business, CREAM Inc.

This list reflects information received by the Office of Alumni Relations and Development as of August 1, 2017.

In Memoriam

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

1940s

Fred Weiszmann, Jr. (JD '48)

1950s

Rober L. Tucker (JD '55)
Robert M. Bailey (JD '55)
Ricard W. Kasperon (JD '58)

1960s

Burton D. Cohen (JD '64)
Mary L. Sfasciotti (JD '65)

Watson B. Tucker III (JD '65)
Matthew A. Hutmacher (JD '65)

1970s

Richard J. Blondi (JD '74)

1980s

Thomas S. Reif (JD '83)

2000s

Christopher R. McFadden (JD '00)

CLOSING REMARKS

Comey’s Testimony Highlights Legal Writing

BY MICHELLE FALKOFF



Michelle Falkoff is the director of the Communication and Legal Reasoning Program at Northwestern Pritzker School of Law.

Many people watched former FBI Director James Comey’s testimony before the Senate Intelligence Committee on June 8. Some wanted to hear evidence that the president obstructed justice. Others wanted assurance that he’d done nothing wrong and that perhaps the Russia

investigation would float off into the ether. But no one, I think it’s fair to say, expected his testimony to highlight the importance of effective legal writing.

Early during Comey’s testimony, Republican Sen. Jim Risch of Idaho opened his questioning with a compliment about the impressive quality of Comey’s prepared written statement. “I hated the class of legal writing in law school,” Risch began, and I could practically hear the collective groan of all my fellow legal writing professors lamenting the complaint about what we perceive to be one of the most useful classes in law school.

Risch went on to compliment Comey on the clarity of his writing, saying Comey probably got the “A” in legal writing, and that his prepared statement was “as good as it gets.”

The compliment took away some of the sting of the complaint, but the reality is that legal writing professors constantly have to explain to students why our class is so important. The goal in legal writing is to convince readers that we’ve evaluated the issues correctly and explained them in a way that makes sense, so our readers trust our conclusions. It’s all about persuasion.

Comey’s written statement, as Risch pointed out, is an excellent example of persuasive writing, utilizing many of the techniques we teach students in law school. It’s clear and concise, which are hallmarks of effective legal writing. Several strategies he adopts are worth emulating for people who want to use their own writing to persuade.

First, Comey uses the structure of legal arguments to make some basic points. Legal arguments tend to

be grounded in rules. That sounds basic, but it’s how lawyers show that their arguments are rational rather than emotional.

Comey uses this strategy in the first two paragraphs on page two of his statement. He opens with narrative, explaining the background of the first meeting between Comey and the president. But, he then shifts to provide readers background on how FBI counter-intelligence investigations work.

He’s providing us with the rules that govern the situation he’s describing, contextualizing his ultimate argument that he behaved appropriately (and, by implication, that the president did not).

Second, Comey uses narrative strategies to persuade. He structures his statement as a clinical recounting of dates and data points, but those alone have little rhetorical power, so he fills in the space around the data with active, descriptive content that brings the situations he describes to life.

Technically, readers don’t need to know about the grandfather clock next to the door in the meeting room where the president eventually ushered out his entire staff to speak to Comey alone, but that detail helps us see the space, envision the meeting and sympathize with the difficult position Comey perceived himself to be in. And sympathetic readers are more likely to believe in what the writer is telling them, especially when combined with the power of direct, contemporaneously recorded quotes.

It’s significant that not a single senator from any party has yet questioned the truthfulness, or even the accuracy, of any of the events Comey recounted. They may dispute the legal significance of those events, but it’s the committee’s job to engage in that act of interpretation, not that of Comey.

His statement did everything he set out to do. And I’m glad that Comey has provided those of us in the field such a useful example of the power of effective legal writing. ■

Reprinted with permission from the July 2017 edition of the National Law Journal © 2017 ALM Media Properties, LLC. All rights reserved.

Northwestern

PRITZKER SCHOOL OF LAW

Alumni Weekend
and
REUNION 2017

SAVE THE DATE: OCTOBER 5-7, 2017

REGISTRATION IS NOW OPEN!

Bluhm Legal Clinic Reception • Law Alumni Awards Luncheon
Celebratory Events • Panel Discussions
Town hall meeting hosted by Dean Daniel B. Rodriguez

Special Reunion celebrations will be held
for this year's reunion classes:

1967, 1972, 1977, 1982, 1987,
1992, 1997, 2002, 2007, 2012, 2016

law.alumni.northwestern.edu/reunion

Northwestern

PRITZKER SCHOOL OF LAW

Office of Alumni Relations and Development
Northwestern University School of Law
375 East Chicago Avenue
Chicago, Illinois 60611 USA

Nonprofit Organization
US Postage
PAID
Northwestern University

