

THE NEW Cornell Center on the Death Penalty Worldwide PAGE 4



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**Fall 2016**

Corning, New York,  
Woman Freed  
in Innocence Clinic's  
Valedictory Case

Farmworker  
Legal Assistance Clinic  
Concludes Highly  
Successful First Year

Thomas Clement,  
LL.B. '59  
Leaves a Parting Gift

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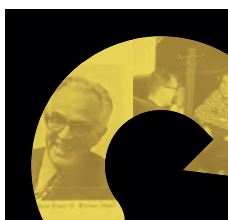
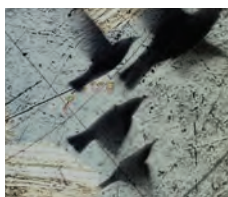
**Cornell Law School**

**ENROLLING NOW FOR FALL 2017**



# FORUM

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Photo by Joan Vincent  
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## Dear alumni and friends:

Cornell Law School's robust and thriving experiential learning program traces its roots back to March 1960. That's when our very first clinic, the Legal Aid Clinic, opened its doors. An editorial in this magazine at the time noted how, with the advent of the new clinic, we were joining "the nation's leading law schools which provide this service to the public and experience for its students. We wish it the best possible success in its endeavors."

As it turned out, interest in the nascent Legal Aid Clinic grew quickly and to such an extent that by 1966 we became the first law school to receive permission to permit court appearances by third-year students working in the clinic. From these promising beginnings, the Law School's clinical programs blossomed, and by the 1970s there were a variety of clinical opportunities for students. Today, Cornell Law School's fifteen

clinics are an essential part of our educational mission with nearly three-quarters of the class of 2015 taking at least one clinical course.

For our students, clinics are often one of the most enjoyable, educational, and meaningful experiences of their law school experience. Students in clinics gain practical legal skills beyond the scope of most traditional law school classes while providing badly needed legal assistance to those who could not otherwise afford it. And they learn to be advocates,

Cornell Center on the Death Penalty Worldwide, the first center of its kind in the United States. Building on our faculty's strength in the fields of human rights and capital punishment, the new center will help unite domestic and international efforts to address one of the most important issues of our time. Already home to one of the best capital punishment clinics of any elite law school, the addition of the Center on the Death Penalty Worldwide will provide new opportunities for our students and faculty

*As it turned out, interest in the nascent Legal Aid Clinic grew quickly and to such an extent that by 1966 we became the first law school to receive permission to permit court appearances by third-year students working in the clinic.*

to speak for those who can't speak for themselves, and to stand up to injustice.

This issue of the magazine is an exploration of the power of clinics—to transform students as well as society. We begin with a cover story about the recently launched

to promote justice on a global scale.

In addition to Clinical Professor **Sandra Babcock**, who will serve as faculty director, this new Center will harness the collective expertise of Cornell Law School professors **John Blume**, **Keir Weyble**, and **Sheri Lynn**





## the POWER of CLINICS



**Johnson**, who have extensive experience researching the death penalty and actively representing clients in capital cases here in the United States. The Center's signature initiative will be the Makwanyane Institute, a summer program to bring capital defense lawyers from all over the globe together to share strategies on how to most effectively represent their clients.

The second feature article describes how a recent victory by the Innocence Clinic has profoundly changed the life of a central New York woman and impacted the students who worked on her case. This summer, after six years

of painstaking work by students and Professors John Blume and Keir Weyble, the clinic won the release of **Rachael Casey**, who had served fourteen years for the alleged murder of her infant daughter. This story illustrates how the experiential opportunities of clinics also instill a sense of justice within our students, something that is at the center of the Law School's mission to produce, in **A.D. White's** words, "morally based lawyers."

The focus of our third article is the tremendously successful first year of the Farmworker Legal Assistance Clinic. Under the guidance of

veteran clinician **Beth Lyon**, students provided free legal services to low-income immigrants in California and secured a precedent-setting ruling from the Board of Immigration Appeals in Buffalo. This is yet another example of the power of clinics to provide students with hands-on experience while providing badly needed legal support to the disenfranchised and making incremental, but significant, progress on larger societal problems.

If you are interested in more regular updates on the work of our cutting-edge legal clinics, be sure to follow the hashtag #CornellLawClinics on Twitter.

Betty Friedlander '59 (center) was director of the Legal Aid Clinic from 1960 to 1972. She went on to serve for seventeen years as the judge of the Family and County Court for Tompkins County.

On behalf of everyone at Myron Taylor Hall, I thank you for your continued loyalty and support.

**Eduardo M. Peñalver**

Allan R. Tessler Dean and Professor of Law  
law.dean@cornell.edu

# New Center Expands Global Reach of Capital Punishment Research and Advocacy

by IAN MCGULLAM ■ COLLAGE by ROBIN AWES EVERETT



Cornell Law School is already one of the premier centers of capital punishment scholarship in the nation. Now it's getting ready to expand that reputation on the global stage.

the  
POWER  
of  
CLINICS



This fall, the Law School will cut the ribbon on a brand-new center that will bring together under one roof projects studying the death penalty in the United States and abroad and working to reform its application. The Cornell Center on the Death Penalty Worldwide will be funded by a \$3.25 million grant from The Atlantic Philanthropies.

"This will be the first center in the United States to focus on the intersection between the global movement to abolish the death

penalty and the domestic progress that we've made towards abolition," said **Sandra Babcock**, the clinical professor of law who founded the new center and will serve as faculty director. "One of the goals of the center is to unite these parallel efforts, which to some extent have been taking place in isolation from one another."

The Atlantic Philanthropies grant funding the Cornell Center on the Death Penalty Worldwide was one of three announced at the Olin Lecture during Reunion 2016 by Cornell interim president **Hunter R. Rawlings III** and Atlantic president and CEO **Christopher G. Oechsli**. At the June 10 lecture, Oechsli said the grants demonstrated the belief of The Atlantic Philanthropies founder, **Charles F. Feeney**, a 1956 graduate of the Cornell School of Hotel Administration, in "big bets" that can "bring systemic changes for those who have experienced less than equal opportunity or great injustice." Besides the grant to the Law School, Atlantic also gave \$10 million for the Center for the Study of Inequality, located at the College of Arts and Sciences, and \$3 million toward the establishment of the Cornell Welcome Center. These grants are among the last made by Atlantic. By the time the foundation makes its final grant commitments by the end of this year, it will have distributed more than \$8 billion. Atlantic, in keeping with Feeney's philosophy of "giving while living," is by far the largest philanthropy ever intentionally to go

*The grants demonstrated the belief of The Atlantic Philanthropies founder, Charles F. Feeney, a 1956 graduate of the Cornell School of Hotel Administration, in "big bets" that can "bring systemic changes for those who have experienced less than equal opportunity or great injustice."*





*I think lawyers in many countries are really thirsty for training and for knowledge about strategies that have been employed in other jurisdictions to limit the application of the death penalty.*

— Sandra Babcock







out of business. In total, Atlantic will have provided almost \$1 billion in grants to Cornell University since the foundation opened its doors in 1982. The Cornell Center on the Death Penalty Worldwide's major new initiative will be a summer institute that will bring capital defense lawyers from all over the globe together to share strategies on how to most effectively represent their clients. "I think lawyers in many countries are really thirsty for training and for knowledge about strategies that have been employed in other jurisdictions to limit the application of the death penalty," said Babcock. "Lawyers in the United States who handle capital cases are typically required to have a certain level of experience, and to attend training sessions so that they acquire the skills necessary to defend people who could lose their lives. In most other countries, lawyers receive no formal training at all, and young lawyers straight out of law school may find themselves defending capital cases."

LEFT: Charles Feeney (left) and Chris Oeschli. BELOW: (from left) Randi Kepecs, Sandra Babcock, and Delphine Lourtiau of the Center on the Death Penalty Worldwide.







However, **Delphine Lourttau**, who has just been hired as the center's executive director, added that "the model isn't to bring Global South lawyers to the United States and then have U.S. lawyers tell them what to do."

"These institutes are going to be opportunities for exchange," said Lourttau, who previously worked as research director of the Law School's Death Penalty Worldwide project.

"They will be a place for brainstorming, a place for sharing best practices and strategies that have worked, and for creating networks of capital lawyers who will continue to support each other in the coming years." She said that the institute's "train the trainers" model means that attendees will hopefully be equipped to lead training institutes of their own outside of Ithaca in the future.

The first institute will focus on common-law countries in sub-Saharan Africa, an area in which Babcock has a strong history; under her tutelage, the Law School's International Human Rights Clinic has helped free dozens of prisoners sentenced to death in Malawi, and the Atlantic grant will allow her to continue that work, possibly expanding it to other Anglophone countries in the region. Future sessions of the institute will delve into the disparate strategies required by lawyers working in countries governed by different legal traditions, such as civil law jurisdictions, said Lourttau.

The summer institute's official name—the Makwanyane Institute, honoring a landmark 1995 decision by the Constitutional Court of South Africa that declared capital punishment to be a violation of human rights protections enshrined in the South African constitution—gives a hint of the institute's mission: to promote the sharing of disparate approaches toward fighting capital punishment. The South African court's decision "draws upon not only international law, but also comparative law," Lourttau notes. "It cites precedents from many jurisdictions around the world, including the U.S. Supreme Court. And in that sense it's not only a very powerful moment in the global history of abolition. It's also emblematic of the new center's approach, which is to bring international human rights law to bear on the issue of capital punishment. This is a way the problem is not often framed in the United States."

Cornell has an enviable concentration of legal scholars on its faculty both researching the death penalty and actively repre-

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— Sandra Babcock

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— Delphine Lourttau

senting clients in capital cases, who, in addition to Babcock, include Professors **John Blume**, **Keir Weyble**, and **Sheri Lynn Johnson**. Babcock says she expects they will have an active presence in the center, collaborating on the summer institute as well as on other research projects.

"We already have one of the most long-standing and well-developed capital punishment clinics and death penalty programs of any elite law school," said Blume, the Samuel F. Leibowitz Professor of Trial Techniques and director of Clinical, Advocacy, and Skills Programs and the Cornell Death Penalty Project. "But the focus, up until when Sandra joined the faculty, has been domestic, working primarily in the South on capital cases. I think having this international dimension to it, and really doing something that nobody else is doing, will make the Law School clearly not only the most advanced but the most robust center for the study of the death penalty empirically—adding to our scholarly roles as leading empirical scholars of how capital punishment works—but also one of the leading litigation centers."

RIGHT: (from left) John Banda, prison officer Andrew Dzinyemba, and Jamu Banda **BELOW LEFT:** Maula Prison, Lilongwe **BELOW RIGHT:** (from left) Stoneki Kachala; Anna Kiefer, LL.M. '16; and a Malawian paralegal **BOTTOM:** (from left) Maame Esi Austin '17, Ishmail Gome, and Emily Musopole (paralegal) **OPPOSITE:** (from left) Zara Brawley (volunteer with Reprieve UK), Bright Jangiya (paralegal), Maxwell Chidothi (paralegal), Daniel Nyasulu (Malawian law student), Chipiliro Lulanga (Malawian law student); Maame Esi Austin '17, Anna Kiefer LL.M. '16, Megha Hoon '16, Emily Musopole (paralegal), and Sandra Babcock.



Besides starting the summer institute, the Center on the Death Penalty Worldwide plans to continue—and expand upon—the type of research now carried out by Cornell's Death Penalty Worldwide project, which was founded by Babcock in 2011 to provide information on the laws and practices of death penalty countries and advocate for their reform. Lourtou said the new center will continue a project examining mental health and capital punishment, and the many structural issues, like a lack of mental health professionals in many death penalty countries, that often prevent the identification of mental illness and intellectual disability in prisoners.

Another project will examine capital punishment through the lens of gender, which Lourtou said is often understudied because prisoners on death row are overwhelmingly male. "But we've







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found that women have very specific challenges when they are facing a death sentence," Lourtau went on. "For instance, one of the things we've learned from the research we've started to conduct on this issue is that a disproportionate number of women who are sentenced to death for murder are sentenced to death for the murder of a close family member in the context of gender-based violence."

While most of the center's initiatives will have an international focus, it will also continue long-standing research by Johnson, the James and Mark Flanagan Professor of Law, into the arbitrary and discriminatory treatment of Latino people facing the death penalty in the United States. Besides Johnson's work, the Latino Defendants Project will also build on Babcock's experience

representing the Mexican government in cases involving Mexican nationals facing the death penalty in the United States.

"There has been more scholarship on racial bias in capital sentencing in the United States than anywhere else. But we know anecdotally that this is an issue that is at an extremely high risk of unfolding in every criminal justice system," said Lourtau. "The insights we're going to gain from the Latino Defendants

Project will help us identify methods to study the same phenomenon in other jurisdictions, and vice versa." Lourtau added that this global approach will hopefully feed back into cases at home, by encouraging U.S. practitioners to bring to bear international statutes prohibiting ethnic and racial discrimination.

"Atlantic's gift will allow the Law School to launch the first international center on capital punishment in the United States, building on the unique strength of Cornell Law School's faculty in the fields of capital punishment and human rights," said **Eduardo M. Peñalver**, the Allan R. Tessler Dean and Professor of Law. "Capital punishment has emerged as one of the most important human rights issues in the twenty-first century, and I am immensely pleased that Atlantic has recognized our faculty's leading role in this debate." ■

# Corning, New York, Woman Freed in Innocence Clinic's Valedictory Case

by IAN MCGULLAM ■ COLLAGE by ROBIN AWES EVERETT



On June 1, after serving fourteen years, **Rachael Casey** walked free from New York State's Bedford Hills Correctional Facility, thanks to the tireless work of Cornell Law School professors **John Blume** and **Keir Weyble** and students from the Cornell Law School Innocence Clinic. According to Blume, "junk" arson science had helped to convict the Corning, New York, woman of setting the fire that killed her infant daughter in 2001.

## the POWER of CLINICS



A special prosecutor agreed to vacate all five of the charges on which Casey, 38, had been convicted, including two counts of second-degree murder and one count of first-degree arson, and which had carried a sentence of twenty-five years to life in prison. In exchange, Casey, who was represented by Professors Blume and Weyble of Cornell, as well as a Rochester attorney, **Bill Easton**, agreed to plead guilty—while maintaining her innocence—to reduced charges of second-degree attempted arson and second-degree man-

slaughter and was sentenced to time served. Blume said Casey had agreed to do so only to avoid the emotional toll of another trial and to be reunited with her children as soon as possible.

That the Innocence Clinic will be winding down with the successful conclusion of Casey's case is somewhat fitting—it was the case that launched the clinic in 2010. The clinic successfully took on a number of other cases over its lifetime, but its animating force was always the quest to obtain justice for Rachael Casey.

Casey's case was where **Joelle Mervin '12**, who participated in the clinic as a student and is now a National Labor Relations Board field attorney in Los Angeles, "really learned how to

zealously represent and fight for someone." Mervin says, "Having that experience with someone who was in jail, and who we believe is innocent, and actually really believing in it—it was my first opportunity learning how to really fight for something."

The clinic's founder, **Christopher Seeds '98**, a capital defense attorney who was teaching at the Law School, had already been talking over the idea of an innocence clinic at Cornell with Blume when Easton first brought Casey to his attention. Her case had been getting some press, and Seeds began to realize its potential the more he researched the matter. "The problem with innocence work is that it takes so much investigation to determine how it's wise to spend resources," Seeds said. "It's one of the challenges of the work, because it takes so much footwork to figure out



John Blume

Keir Weyble





*The clinic successfully took on a number of other cases over its lifetime, but its animating force was always the quest to obtain justice for Rachael Casey.*







Rachel Casey  
talks with  
clinic students  
at the Law  
School after her  
release.

whether this is a claim really worth pursuing or not, but Rachael's case had so many things that were clearly red flags."

Seeds and Blume designed the clinic to meet a number of needs not being served by organizations working on exonerations at the time, like the New York City-based Innocence Project. "The entire idea of this project was that it was going to be located upstate, primarily in the central and western part of the state, and try to provide an investigative service, a legal representation service, for individuals who had wrongful convictions claims that probably wouldn't get the same attention as somebody in New York City would," says Seeds, who since leaving Cornell has been pursuing a Ph.D. in sociology at New York University.

Blume, the Samuel F. Leibowitz Professor of Trial Techniques and director of Clinical, Advocacy, and Skills Programs and the Cornell Death Penalty Project, highlights another opportunity: most innocence programs at the time only took cases involving DNA evidence. "They would not take cases unless there was the potential of finding and testing biological material which, if analyzed using DNA testing, could exonerate the inmate claiming innocence," says Blume, who took over supervising the clinic



*Having that experience with someone who was in jail, and who we believe is innocent, and actually really believing in it—it was my first opportunity learning how to really fight for something.*

— Joelle Mervin '12



together with Weyble after Seeds departed. "It was my opinion then (and now) that there was a need for innocence clinics that would take cases where there was not DNA evidence but nevertheless appeared to be strong indicators of a wrongful conviction."





In 2012, Blume, Weyble, and Easton filed a motion to vacate Casey's conviction. Casey's original conviction had hinged on testimony from a fire inspector that intentional human involvement had caused the blaze that killed seven-month-old **Kiara Casey Lawton**. However, her new legal team argued that the inspector had relied on techniques that were woefully out-of-date and unsupported by science. Casey's court-appointed attorney had failed to put up an adequate defense, they said, since he had been unaware of newer inspection methods that were widely accepted by the 2003 court date, and had failed to challenge the prosecution's expert.

The fire inspector's testimony relied on two indications that allegedly pointed to arson: a swirl pattern supposedly from flammable liquid that had been poured on the floor, and the detection of accelerants by an arson inspection dog. However, Weyble says, guidelines that were well established by the 1990s showed that the swirl was actually caused by a condition called flashover, which occurs when built-up heat from an enclosed fire causes the spontaneous ignition of combustibles.

As for the dog, none of the nine samples taken tested positive for accelerants in a lab. "The prosecution's explanation for that was, 'Well, when in doubt, I believe the dog, because the dog is more reliable than the lab,'" says Weyble, associate clinical professor of law and director of Death Penalty Litigation. "Which is exactly wrong, according to well-settled scientific consensus. But the defense lawyer didn't know that and didn't bother to make the point."

*Innocence Clinic students have spent years building the case for Casey's release, doing everything from looking into fire inspection best practices to researching psychology and trauma to explain why Casey made conflicting statements during the investigation and trial.*



Steuben County Court Judge **Marianne Furfure** initially issued an order in 2013 denying the defense's claims without hearing any evidence. However, the Supreme Court of the State of New York, Appellate Division, Fourth Judicial Department, overturned that judgment in November 2015, sending the matter back to Furfure. An evidentiary hearing was set for May 31 and June 1. "Both sides were on a collision course with the evidence, and as we got closer to that, we felt very good," Weyble says. "And from my perspective, I think as we got closer it began to become clear to the other side that they didn't have such a good case."

"That creates the opportunity for negotiation," he says. "And that's how we ended up with that agreement."

Innocence Clinic students have spent years building the case for Casey's release, doing everything from looking into fire inspection best practices to researching psychology and trauma to explain why Casey made conflicting statements during the investigation and trial. **Melissa Gallo '12** remembers tracking down and interviewing jurors who had voted to convict Casey; given that two juries had deadlocked before a third eventually convicted Casey, Gallo wanted to get a better idea of what had played out in the jury room during that final trial.

"When we spoke to the jurors, it was clear that some of them had not paid attention to anything in the trial other than the fact that a baby's life was lost and somebody needed to be blamed for that," said Gallo, now policy director at the advocacy group Miami Homes for All.

**Maria Gaige '16**, one of the last clinic students to work on Casey's case, accompanied Weyble to the courthouse in Bath, New York, on June 1 to witness Casey's release. Casey had been barred by the state from having any contact with her three surviving daughters until they turned eighteen, which for the youngest happened earlier this year, and they are just starting to rebuild ties. "Her kids were superexcited, her mom was really excited, she was really excited," said Gaige, who is now working at the Supreme Court of the State of New York, Appellate Division, Fourth Judicial Department. "I think she was just in disbelief that it was going to happen."

Even amid the celebration, though, there are reminders of the toll taken by fourteen years behind bars. While sitting with Casey waiting for her release to be processed, Weyble and Easton took out their smartphones. "And she looked at us and said, 'Are those phones?'" Weyble says. "She's been removed. I mean, she had no idea." ■

# Farmworker Legal Assistance Clinic Concludes Highly Successful First Year

by RON HOCHBAUM and OWEN LUBOZYNSKI ■ ILLUSTRATION by DANIEL HASKETT



The Law School's Farmworker Legal Assistance Clinic is one of the only legal clinics in the United States to provide assistance to farmworkers, and one of the first to serve rural immigrant communities. In March and April 2016, the clinic traveled to California's Central Valley to conduct its first alternative spring break legal outreach trip.

## the POWER of CLINICS



The clinic partnered with the United Farm Workers and its community outreach arm, the United Farm Workers Foundation (UFWF), to provide free legal services to low-income immigrants. Law School students **Mario Roque '17**, **Michelle Lee '17**, and **Casie Orellana '17** participated in the outreach trip under the supervision of **Ron Hochbaum**, clinical teaching fellow, and **Beth Lyon**, clinical professor of law and director of the Farmworker Legal Assistance Clinic.

"As a first generation immigrant who grew up in California, I know some of the challenges the people we served face day in and day out," said Roque. "I am so glad Cornell offered this opportunity."

The students provided direct legal services in the areas of immigration, public benefits, and consumer law. In addition to providing legal services, the students helped UFWF organizers register new citizens and high school seniors to vote.

"The trip was a great success," said Lyon. "I could think of no better partner for our annual outreach than the United Farm Workers—the group that got the farmworker movement off the ground." Professor Lyon reported the clinic intends to conduct another outreach trip to California during spring break next year, with

even more participants. Since the spring semester, funding for the outreach trip has quadrupled, which will allow the clinic to increase the number of students participating from three to ten to twelve. With the additional students, Lyon says they'll be able to provide mobile legal services in multiple locations in central California.

Before the end of their trip, the students had the opportunity to meet with leaders of the farmworker movement. On Cesar Chavez Day, March 31, Roque, Lee, and Orellana met with United Farm Workers president **Arturo Rodríguez**. The following day, the students met with labor and civil rights leader **Dolores Huerta** in her offices at the Dolores Huerta Foundation.



*As a first generation immigrant who grew up in California, I know some of the challenges the people we served face day in and day out. I am so glad Cornell offered this opportunity.*

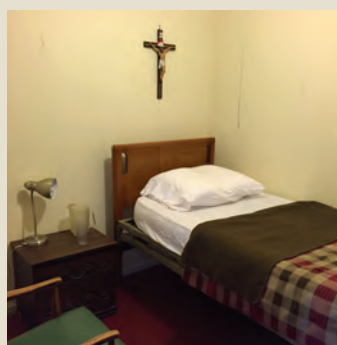
— Mario Roque '17











TOP LEFT TO RIGHT: Clinic director Beth Lyon, United Farm Workers President Arturo Rodriguez, Michelle Lee '17, Casie Orellana '17, Mario Roque '17, and Ron Hochbaum. MIDDLE LEFT TO RIGHT: "The Forty Acres" National Historic Landmark, the room where Cesar Chavez endured several fasts, and UFW President Arturo Rodriguez with California Secretary of State Alex Padilla, and Paul Chavez in front of Cesar Chavez's grave. RIGHT: Clinic students Mario Roque '17 and Casie Orellana '17 translate and organize evidence for immigration cases at the United Farmworkers Foundation.







"The trip was an amazing experience," said Orellana. "Last year, I spent spring break worrying about finals, but this year I put to use the valuable skills I am learning at Cornell to help people in the community."

Teaching fellow Ron Hochbaum, a 2007 graduate of Cornell's School of Industrial and Labor Relations, is a staff attorney with the Homeless Action Center in Berkeley, California, and joined the clinic faculty to organize and supervise the trip. "It's wonderful to have Cornell Law students in California providing these badly needed services," said Hochbaum. ~RH



*The trip was an amazing experience. Last year, I spent spring break worrying about finals, but this year I put to use the valuable skills I am learning at Cornell to help people in the community.*

— Casie Orellana '17



## Clinic Students Win Rare Decision from Board of Immigration Appeals

In late 2015, three teams of Cornell Law School clinic students, poised to represent their clients at the immigration court in Buffalo, New York, were turned away. The judge denied the teams' motions to appear in court, citing, in two of the cases, interpreter problems that were slowing down the docket; his implication was that allowing students to argue cases would cause further delay. The students did not give up. As the teams continued to advocate for their clients, the Bar Association of Erie County filed an interlocutory appeal on their behalf, and dozens of clinicians submitted an amicus brief in support. This February, in an unprecedented move, the Board of Immigration Appeals (BIA) ordered that the students be permitted to practice in court.

A number of federal rules permit students to practice in court under attorney supervision. Cornell's Farmworker Legal Assistance Clinic and Advocacy for LGBT Communities Clinic are among the Law School's many clinics that invoke these rules, both to give students hands-on experience and to provide vital support to clients who would not otherwise have access to legal representation. Both clinics were involved in the Buffalo immigration court cases.

In the fall semester, LGBT clinic participants **Nicole Gonzalez '17** and **Dustin Lee '16** were preparing for a high-stakes evidentiary hearing in their client's asylum case when their motion was denied by the immigration judge. Then, on the day of the hearing, the court continued the case to the next year, when Gonzalez and Lee would no longer be participating in the clinic; therefore, despite the BIA's decision, their client will not have them by his side in court. Their case will be taken on by a new team of students.

"Nicole and I worked many hours throughout a number of weeks to prepare for our case," says Lee. "We became committed to the case both intellectually and emotionally. So it was a great disappointment when the immigration judge chose to deny our motion to practice before him, especially without giving any reason. I was delighted to hear that the BIA, which usually does not entertain interlocutory appeals, overturned the immigration judge's decision. Clinics are an integral part of the representation of the disenfranchised and indigent, and it's heartening to see the BIA recognize the hard work of clinic students everywhere."

*A number of federal rules permit students to practice in court under attorney supervision. Cornell's Farmworker Legal Assistance Clinic is among the Law School's many clinics that invoke these rules, both to give students hands-on experience and to provide vital support to clients who would not otherwise have access to legal representation.*







*Clinics are an integral part of the representation of the disenfranchised and indigent, and it's heartening to see the BIA recognize the hard work of clinic students everywhere.*

— Dustin Lee '16



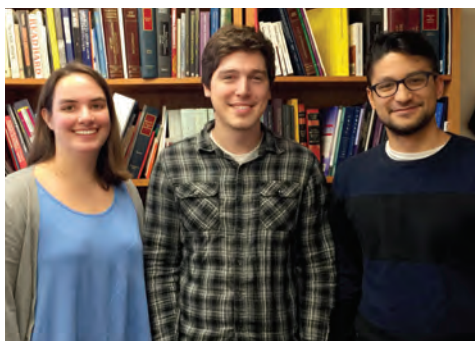




Also denied the chance to represent her client in court was farmworker clinic student **Maria Gaige '16**. Her client continues to receive representation through the clinic, now by students **Will Pellett '17**, **Mario Roque '17**, and **Brianna Stellpflug '16**. Following the BIA decision, their entries of appearance were granted; Pellett appeared on the client's behalf in March.

Fellow farmworker clinic students **Benjamin Einhouse '17** and **Sarah Estabrook '17** did have a chance to see their case through from the fall into the spring semester. Their client, "Josue," is a seventeen-year-old who, because of dangerous conditions and dire poverty in Guatemala, was sent to the United States by his parents. Initially detained by the Department of Homeland Security, he was released to the care of his uncle, who lives in farmworker housing in rural New York, as his deportation proceedings continued. The Worker Justice Center of New York sought to assist Josue, but had trouble finding a lawyer to represent him, and he was on the verge of deportation when the farmworker clinic took his case.

Einhouse, Estabrook, and interpreter **Diego Echeandia '17** made several six-hour round-trip drives to meet with Josue and coordinate with his uncle, his new school, his housemate, his family,



LEFT: The clinic team of Sarah Estabrook '17, Benjamin Einhouse '17, and Diego Echeandia '17. BELOW: Will Pellett '17 represented a clinic client in March in Buffalo



*Our clients are typically people who have experienced significant trauma in addition to having little opportunity for formal education. We owe them the support Cornell Law students provide as well as the expertise they bring to the process.*

— Beth Lyon



the dairy owner who employed his uncle, and local service providers. Einhouse and Estabrook were standing in court, ready to present on their first day, when the judge denied them entry of appearance. As they awaited the interlocutory appeal, they continued to work for their client, obtaining a custody order in county court to aid his progress toward legal residency while repeatedly submitting motions to the immigration court to delay deportation proceedings. They never did get to represent Josue in court, but only because their motions succeeded: in February the court terminated removal proceedings to allow Josue to focus on obtaining his visa.

"If he succeeds, Josue will have the right to apply to adjust his status to that of a permanent resident, giving him a clearer path out of poverty," says Professor Lyon.

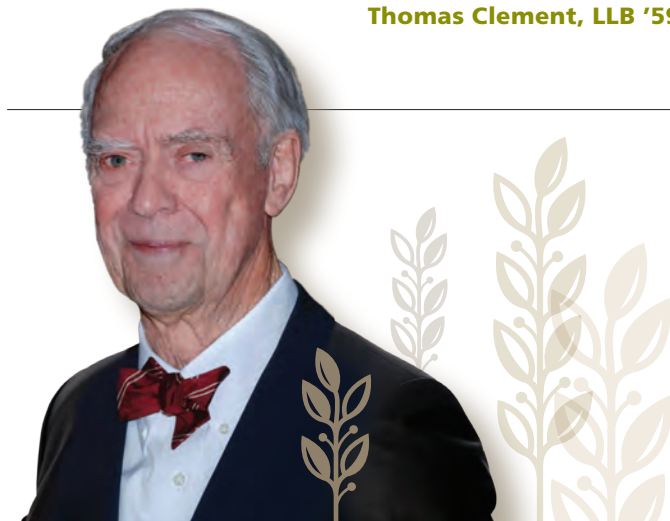
Of the BIA's decision to grant the clinics' interlocutory appeals and allow the students to represent their clients in court, Lyon says, "The Board of Immigration Appeals had never spoken on this issue, and we're delighted to receive decisions that express such strong support for the importance of student practice in removal proceedings. Our clients are typically people who have experienced significant trauma in addition to having little opportunity for formal education. We owe them the support Cornell Law students provide as well as the expertise they bring to the process. The courts will not provide lawyers for indigent people in removal proceedings, not even for children. In the face of the unexpected disallowance of their participation, the students responded with commendable professionalism and zeal, ensuring their clients were protected." —OL ■

# Thomas Clement, LLB '59, Leaves a Parting Gift

by OWEN LUBOZYNSKI



"Tom had great affection for the Law School, both for the education he received and for how he was beautifully rewarded," says **Marion Clement** of her late husband, **Thomas Clement, LLB '59**.



**T**om Clement could easily have missed out on his law degree from Cornell; two times, life intervened as he neared his goal. His ultimate success was enabled in part by the aid of a friend and adviser, and Tom remembered that kindness for the rest of his life. His own kindness will be remembered in the Cornell Law community for years to come.

Tom began his studies at Cornell in 1954, after graduating from St. Lawrence University alongside his new wife Marion. He had nearly completed his study of law at Cornell when he was called to active duty in the army, just before he took his final exams.

Though he had not yet received his degree, he was able to put his legal education to use, serving in the JAG Corps at Fort Benjamin Harrison in Indiana. After completing his two years of service, he returned to Ithaca with Marion and resumed classes at the Law School.

By this time, the couple was raising their first child. They were also both working to make ends meet, Marion at a business office and Tom at a jeweler's, selling rings to fraternities and sororities. "We lived in somebody's basement," Marion remembers, adding that when her parents visited, her father cried at the meagerness of their accommodations and her mother worried they would get typhoid. "Oh, but it was wonderful. They were wonderful years," she says. Ithaca and Cornell were dear to the Clements, and they made many close friends there.

When Marion became pregnant with the couple's second child, however, they realized that they would no longer be able to support their family and put Tom through his remaining year of law school. They decided they must move elsewhere to seek work, with Tom taking classes at night if possible. Tom went to his adviser, Professor **Ernie Warren**, to tell him he would have to drop out. "The hell you will," Warren replied.

"Bless his heart," says Marion. Warren was able to arrange for Clement to receive a full scholarship for his final year and also





Professor Ernest N. Warren, about



***The Clements' gift to Cornell is a touching example of Cornellians paying it forward. Their generosity will be tremendously helpful as we continue our push to expand our scholarship support for current and future Cornell Law students.***

— Eduardo Peñalver



gave him a loan for living expenses. “We were ready to pack the dishes,” says Marion. Instead, the family stayed in Ithaca, and Tom earned his degree.

Clement went on to a long and rewarding legal career in Rochester, New York. He began at the law firm of Nixon, Hargrave, Devans & Doyle, where he quickly became a partner focusing on corporate law. During a period of growth for the Rochester business community, he worked as a counselor to Gannett and Genesee Brewing Company, as well as scores of other companies. As chair and member of the firm’s Management Committee, Clement guided Nixon Hargrave’s successful expansion to New York City and Washington, D.C. He helped establish the Genesee Country Village and Museum in the 1960s and served

the organization for nearly fifty years, and he also provided support to the Hochstein Music School, McQuaid Jesuit High School, and Our Lady of Mercy High School.

The life the Clements built would have looked quite different, Marion observes, without the Law School and Professor Warren. The couple kept in touch with Warren until his death in 1986. It was one of many Cornell friendships that they maintained through the years, including several among members of the strong alumni community in Rochester.

The Clements not only took memories and friendships with them when they departed Cornell but have also left behind a legacy. In the spring of 2016, shortly after Tom’s passing that March, his and Marion’s granddaughter **Allie Clement** graduated from Cornell. Around the same time, the Law School received a bequest from Tom’s estate.

“The Clements’ gift to Cornell is a touching example of Cornellians paying it forward,” says **Eduardo M. Peñalver**, Allan R. Tessler Dean and Professor of Law. “Their generosity will be tremendously helpful as we continue our push to expand our scholarship support for current and future Cornell Law students.” Tom Clement would surely be pleased to know he is playing a part in the beginning of a new generation’s exciting careers and lifelong friendships. ■

## Sarah Hack '12's Star Now Shines in Entertainment Law

It was her dream to work as a lawyer in a creative field. And that dream came true for **Sarah Hack '12** in September 2012 soon after she graduated from Cornell Law School and joined the in-house legal team at Magnolia Pictures in New York City.



*Engaging with peers who have different perspectives and backgrounds is so necessary in this world, where too often we select to be around people who have perspectives and backgrounds just like our own.*

— Sarah Hack '12



Magnolia acquires and distributes some of the best independent and foreign films around, among them *Force Majeure*, a Golden Globe nominee; *The Wolfpack*, a Sundance Grand Jury Prize winner; and this month *The Handmaiden*, one of the most lauded premieres at the Cannes Film Festival.

The cherry on top came this August, when Hack was promoted to Magnolia's top lawyer and legal negotiator,

and she'll also do work for Landmark Theatres—the biggest independent theater chain in the United States—and other companies in the Todd Wagner/Mark Cuban family. At thirty-one she is one of the youngest people in the industry and the first woman at Magnolia to hold the position of head of business affairs.

What she loves most so far about her new job is “being part of the forward-looking discussions about how are we adapting our business to change.” Right now, the streaming of movies is challenging most of the old

distribution models, she explains. “We need to be adaptive now, and talk about and prepare for what those changes will look like for a media company down the road.”

Hack's interest in media began when a video art class she took as an undergraduate at Williams College, in which she “basically made little movies,”





convinced her that she wanted to work in the film industry. After college she worked in a bakery and did other odd jobs to make money while searching for an entry-level position in film in New York City, where she'd grown up. In 2008 she was appointed assistant to a producer at HDNet Films.

To prove she had the right stuff "I really hustled," she remembers. "No job was too small." She also did her homework. "I learned a ton and got unique exposure to how the business works, how a movie comes together, which agents to call about what, who had the money, the difference between directors, what it's like to option a book property and develop it into a movie," says Hack. "I also got to know everyone in the company and to see all the different roles and what kinds of skills people had."

So why did she leave that coveted film industry job and enroll in Cornell Law School in 2009?

She had become close with several in-house lawyers at entertainment companies, and they had really interesting jobs, Hack says. "They were consulted for their judgment, knowledge, and legal skills and helped shape their companies. I wanted to do that too." She also had the example of her mother, Jayma Meyer, a lawyer with Simpson Thacher for more than thirty years,

whose career she admired. In addition, her father, Bruce, an involved Cornell alumnus, and sister, Tania, a Cornell graduate, had spoken highly of the university for years.

Once enrolled, Hack found she liked the Law School's small size and community feel as well as the diversity of the students. "Engaging with peers who have different perspectives

electives with fascinating professors who are preeminent legal scholars but also activists and philosophers." She cites Professor **Sherry Colb** as one of the people who had an impact on her.

"Sarah was among my very best students," recalls Colb. "She was also a phenomenal research assistant. She's brilliant, compassionate, and witty

Hack's J.D. degree from Cornell together with her experience at HDNet Films and her abilities led to that first job at Magnolia Pictures.

**Caitlin Gunther '12**, a close friend of Hack's since law school, says of her: "She's had a lot of success but doesn't rest on her laurels. She's always evolving as a person and is there for anyone who asks for her help."

"I've had a really blessed education and career, and I'm extremely aware of it," says Hack, "and so I spend a lot of time sharing advice and mentoring."

She tells law school graduates seeking careers in entertainment law: "Learn as much as you can about the industry and go for it. It may not happen right away, but you can carve your own path to a legal job you love."

~ LINDA BRANDT MYERS

*Learn as much as you can about the industry and go for it. It may not happen right away, but you can carve your own path to a legal job you love.*

— Sarah Hack '12



and backgrounds is so necessary in this world, where too often we select to be around people who have perspectives and backgrounds just like our own," she says. She also liked the school's "emphasis on people being accountable to the community—and growing and caring for each other instead of just trying to get ahead."

Hack gained confidence in her own lawyering abilities her second year, when "I got to take some really amazing

and should be extremely proud of her achievements, which don't surprise me in the least."

Hack also mentions **Charles Whitehead**, the Myron C. Taylor Alumni Professor of Business Law, whose transactional law course taught her skills she uses "every single day," among them "how to creatively negotiate terms and arrive at a final written agreement acceptable to both sides."



## Kelly Mahon Tullier '92 Leads the Way at Visa

As Visa Inc.'s chief lawyer **Kelly Mahon Tullier '92** is one of only a handful of women in senior corporate leadership ranks worldwide. Here's how she got there.

"I'm just a doer," confesses Tullier, who has been executive vice president and general counsel at Visa since 2014. Whatever her assignment "I'm tackling it, giving 100 percent or more to get it done."

She also has been fairly fearless about taking on such "stretch" assignments as one based in Dubai as PepsiCo's AMEA general counsel, where she covered seventy countries in the Middle East, Asia, and Africa in 2009–2011. "I mostly lived on Emirates airplanes," she jokes. Tullier says she is especially proud to have been part of a leadership team in a company that was one of the first in that region to hire women as part of its workforce.

Adjusting to a foreign culture was something that Tullier considered herself an old hand at. In 1980, when she was just fourteen, her parents moved the whole family from Kearny, New Jersey, a Newark suburb used as backdrop for *The Sopranos*, to Baton Rouge, Louisiana, where crawdad boils and Zydeco music were among the local pastimes.

"It was almost like moving to another country," she recalls. "Everything was different, the food, culture, even the

language. But it helped me learn to flex my style to fit into a new environment."

As an undergraduate at Louisiana State University in Baton Rouge, she paid expenses by working part time at the law firm Keogh Cox and Wilson as courthouse runner,

self-confidence and confirmed that I was on the right path," she says.

Former Dean and Professor **Stewart Schwab** was Tullier's Torts teacher. "Kelly impressed me with her energy and enthusiasm," says Schwab. "She contributed much to her class's

firm of Baker Botts, Tullier accepted an offer to manage global trademark work at Pepsi's Frito-Lay division. "I kept on taking on more things there," she recalls.

Indeed, she did so well that in 2004, at age thirty-seven she was named vice president and general counsel for Frito-Lay—the first woman general counsel in any PepsiCo division.

Four years later **Larry Thompson**, then general counsel at PepsiCo, singled her out from among a top-twenty list of potential leaders and offered her Frito-Lay's senior vice presidency and general counsel position for Asia, the Middle East, and Africa, based in Dubai. She accepted, bringing her family with her.

"I was blown away by her energy, enthusiasm, and general presence," he says. I said to myself: 'She's a young lady to watch,' and I was right. She did a fabulous job in an area of the world where it was challenging to do business and where women had a subordinate role," says Thompson. "We were proud of what she did to make the PepsiCo legal function a success there."

In August 2011, Tullier became senior vice president and deputy general counsel of all of PepsiCo. Her success there made her a natural choice when, in 2014, **Charles Scharf**, then the new CEO of Visa, was looking for key partners for his leadership team.

*I was blown away by her energy, enthusiasm, and general presence. I said to myself: 'She's a young lady to watch,' and I was right. She did a fabulous job in an area of the world where it was challenging to do business and where women had a subordinate role. We were proud of what she did to make the PepsiCo legal function a success there.*

— Larry Thompson

receptionist, and legal assistant. "I think I'm a better leader today because I did those jobs and understand what others in a law firm do," she says.

Attending Cornell "was a leap up for me in terms of competing in a high-performing environment," says Tullier. Distressed when her first-semester grades were less than first-rate, she soon turned things around, graduating at the top of her class. That achievement "gave me such

intellectual curiosity and camaraderie. I knew she'd succeed at whatever path she pursued."

Former classmate and friend **Jacquie Duval '92**, now partner at Ziff Legal Group, says: "Kelly is able to lead *and* be part of the team. She has a keen legal intellect, knows how to get projects done and can make anyone feel comfortable."

Following a clerkship with Judge **Sidney Fitzwater** in Dallas and trademark and copyright work with the law





"Charlie and Visa took a bet on me and my ability to lead an important function in the organization and be part of the senior leadership team," she says. "It's something that I'm appreciative of, and I think it has gone very well so far."



to have someone of her talents and abilities help us shape the school's direction."

"The Law School is an important part of whom I've become, so I take time to stay involved," says Tullier. "I tell students: Do something you have passion for; take some risks. Don't get

***The Law School is an important part of whom I've become, so I take time to stay involved. I tell students: Do something you have passion for; take some risks. Don't get too fat and happy in a role you feel you've conquered but don't get paralyzed with fear either. Instead, aim to be in that sweet spot where you're invigorated because there's more to achieve and learn.***

— Kelly Mahon Tullier '92



"Kelly is able to balance lots of balls," says Duval of Tullier. In addition to her career, "she is a very involved mother; she mentors women; and she volunteers with the Tahirih Justice Center," which provides free legal services to women and children human-rights-abuse victims seeking asylum in the United States.

"Kelly continues to be involved in the life of the Law School as a member of the dean's advisory council," notes former Dean Schwab. "We are lucky

too fat and happy in a role you feel you've conquered but don't get paralyzed with fear either. Instead, aim to be in that sweet spot where you're invigorated because there's more to achieve and learn."

~ LINDA BRANDT MYERS



## Zellnor Myrie '16 Gives Back

While most of the J.D. class of 2016 had bar exam preparations ahead of them when they graduated in May, **Zellnor Myrie '16** had passed his exam in February. He was allowed to take the bar early and forgo classes during his last semester in order to work full-time as a pro bono scholar serving indigent clients. The move was in character for Myrie, who has long woven public service and community engagement into his professional and educational endeavors.

After graduating with a bachelor's degree in communications from Fordham University in 2008, Myrie traveled to South Africa to perform community service through a church program. Upon returning to his hometown of New York City, he got a job working for a city councilman in the Bronx. It was there that he recognized the impact of legal expertise and decided to pursue a J.D. That decision would lead him to Ithaca.

"I wanted to go to a place that would not only provide the opportunity to be gainfully employed as an attorney, but that would also allow me to use my law degree in a versatile way throughout my career," he says. "There was no better option than Cornell. The small class size and deep connection to New York City made it an easy choice. I also knew that if I ever wanted to practice outside of NYC, Cornell's national

reputation would smooth that path." He adds, "I also wanted to get away from the city for school!"

As president of the Cornell Law Student Association, Myrie had the opportunity to work with many members of the faculty and staff during his time on campus. "Because of this, I have a special place in my heart for the dean of students (both Markeisha Miner and Anne Lukingbeal) and the facilities staff," he says. "They keep the school running and worry about problems we never think about."

Among the faculty, Myrie cites Professors **Sheri Lynn Johnson**, **Joe Margulies**, and **Marion Bachrach** as major influences. "They all, in their own way, instilled a confidence and trust in me that I will never forget," he says. "Their dedication to developing great people, not just law students, is remarkable. All of them have done amazing work in the practice of law, which made it easy to follow their lead and accept



***I wanted to go to a place that would not only provide the opportunity to be gainfully employed as an attorney, but that would also allow me to use my law degree in a versatile way throughout my career.***

— Zellnor Myrie '16



their criticism. The fact that they were titans in their respective practices also made their interest in me very special."

Another important experience for Myrie was participating in the Capital Punishment: Post Conviction Litigation. "Working with some of the best

attorneys in capital defense not only taught me how to be a great litigator and advocate; it sparked a passion for criminal defense and the integrity of our justice system that I didn't necessarily have prior to coming to law school," he recalls.

Also influential was the federal appellate practice course taught by Professor John H. Blume and Hon. Richard C. Wesley '74 of the U.S. Court of Appeals for the Second Circuit. "Those two pushed us to new heights of legal writing and advocacy," Myrie says. They also led him to a job offer. The course culminated with students presenting oral arguments before the Second Circuit. One of the judges





on Myrie's panel, Hon. Brian Cogan '79 of the Eastern District of New York, approached Myrie about taking a judicial clerkship.

Myrie notes, "I was very fortunate to land a clerkship with a great judge who is also a

seriously." Myrie is excited to tackle the complex projects that await him.

He joins the firm with several months of pro bono experience under his belt. In February, he began working through the Pro Bono Scholars Program with

the right time, around the right people. My job, outside of work, is to provide those things—the place, time, and people—to those who do not have them. It's why I'm on my Neighborhood Advisory Board and why I work with local organizations to help with tenant protection and youth programming."

He adds, "Without the public schools, mentors, and family in my neighborhood, I would not be who I am today. Because of that, I feel a deep sense of obligation to give back. There were no lawyers especially our young black men." ■

~OWEN LUBOZYNSKI

***Without the public schools, mentors, and family in my neighborhood, I would not be who I am today. Because of that, I feel a deep sense of obligation to give back.***

— Zellnor Myrie '16

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Cornell alum. I am most looking forward to improving my writing and learning how the law operates on a practical, day-to-day basis. One of the draws of a clerkship at the district court level is that you get to see the advocacy skills of many different attorneys. I look forward to learning best practices through this exposure." Myrie will undertake the clerkship in 2018.

In the meantime, he will begin his practice in the litigation group at Davis Polk & Wardwell, where he worked as a summer associate in 2015. He observes, "Much like Cornell, Davis Polk is filled with brilliant, down-to-earth people who enjoy working hard but who also don't take themselves too

Justice360, an organization dedicated to promoting a fair and just criminal justice system for capital defendants. "As a former death penalty clinic student, the choice for placement was easy," he says. "At Justice360 I immediately jumped into substantive work. I assisted on appellate arguments, traveled to South Carolina for investigatory work, and am still assisting on a larger project examining the cases of capital defendants who raised constitutional defenses but were still executed."

Myrie's commitment to service extends beyond his professional life. He says, "I do not consider myself exceptional; I have just been in the right place, at

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### Delaware Death Penalty Ruling Culminates Years of Cornell Research

A recent Delaware Supreme Court finding that the state's death penalty law is unconstitutional could very well provide a triumphant coda to a decade of Cornell Law School research regarding the administration of capital punishment in Delaware.

The court's decision, issued on August 2 in the case *Benjamin Rauf v. State of Delaware*, found that Delaware's system—in which judges rather than juries ultimately decide whether to impose the death penalty—violated Sixth Amendment principles established by the U.S. Supreme Court in January, when it struck down Florida's similar judge-dominated system in *Hurst v. Florida*. The Rauf decision cited two articles produced by a team of Cornell Law School scholars showing that Delaware's adoption of a system in which trial judges had the final say on whether a defendant should be sentenced to death did in fact produce more death sentences.

The studies cited in the Rauf decision—"The Delaware Death Penalty: An Empirical Study" (97 *Iowa Law Rev.* 1925, 1929 [2012]) and "The Death Penalty: Should the Judge or the Jury Decide Who Dies?" (12 *J. Empirical L. Stud.* 70, 73 [2015]) lay out a detailed history of the three phases of Delaware's modern era of capital punishment: first, requiring a

*A recent Delaware Supreme Court finding that the state's death penalty law is unconstitutional could very well provide a triumphant coda to a decade of Cornell Law School research regarding the administration of capital punishment in Delaware.*

unanimous jury decision; then, following the passage of new legislation by the General Assembly in 1991, switching to a system giving judges discretion over whether to follow juries' recommendations; and finally, since 2002, a hybrid system where judges still had ultimate control but juries' recommendations were given more weight.

Empirical analysis of data on death sentences given out in Delaware between 1977 and 2007 showed the result of the switch between jury- and judge-dominated systems following the passage of the 1991 law. "We found that it had a dramatic effect," says **Valerie Hans**, professor of law and the lead author of the 2015 article. "Judges in Delaware under this new system were much more likely to decide on a death sentence than juries were." Hans adds that because the data were taken directly from case files, the authors could control for aggravating and mitigating



factors, putting the focus squarely on who was making the decision to impose the death sentence.

Cornell's study of the Delaware death penalty began when Valerie Hans came to the Law School in 2005. Over the previous twenty-five years, Hans, an expert on jury decision-making, had been working in Delaware and observing how the imposition of the death penalty had differed before and after the 1991 switch. Once she arrived at Cornell, she was approached by **Sheri Lynn Johnson**, the James and Mark Flanagan Professor of



Law, and **John Blume**, now the Samuel F. Leibowitz Professor of Trial Techniques and the director of Clinical, Advocacy, and Skills Programs and of the Cornell Death Penalty Project, whose interest in Delaware's capital punishment system had already been piqued by a number of factors.

"One thing is that Delaware has a very high death sentencing rate," says Johnson, who was the lead author of the paper published in 2012. "Delaware is also not a southern state, and virtually all of the studies of capital punishment have been in southern states. And there had not been a complete study of the Delaware system in the past." At the same time, a capital defense lawyer from Delaware had approached them looking to commission an analysis of the state's capital punishment practices in order to assist anti-death penalty activists.

Besides Blume, Johnson, and Hans, contributors to the studies on the Delaware death penalty included the late Theodore Eisenberg, the Henry Allen Mark Professor of Law at Cornell Law School, and Martin T. Wells, Cornell University's Charles A. Alexander Professor of Statistical Sciences. Two graduate students in Cornell's dual Ph.D./J.D. Developmental Psychology and Law Program, **Amelia Courtney Hritz '17** and **Caisa Elizabeth Royer '17**, contributed to the 2015 article. Royer was also the lead author of another article by the Cornell

team, "Victim Gender and the Death Penalty" (82 *Univ. of Missouri-Kansas City Law Review* 429 [2014]), which used the Delaware data to show that people convicted of murdering women were significantly more likely to receive the death penalty than were those convicted in homicide cases involving male victims.

### Colb and Dorf Reach for a New Understanding of Human and Animal Life

It wasn't enough for **Sherry F. Colb**, professor of law and Charles Evans Hughes Scholar, and **Michael C. Dorf**, the Robert S. Stevens Professor of Law, to tackle two of the most polarizing, ethically challenging issues of our time: abortion and animal rights. They had to find common ground among all sides, and they had to somehow synthesize the arguments into a unified theory on the value of life.

"The book is genius both in its conception and in its execution," said Mylan Engel Jr., professor of philosophy at Northern Illinois University, speaking at the celebration of Colb and Dorf's new book, *Beating Hearts: Abortion and Animal Rights* (Columbia University Press, 2016), in the MacDonald Moot Court Room on April 15. "Exploring the various ways in which the abortion debate and the animal

rights debate interconnect and mutually inform each other proves remarkably fruitful, both philosophically and practically. The book represents rational discourse at its finest."

How? For Colb and Dorf, the book begins with two paradoxes: Why do so many people who condemn practices like hunting favor the right to deliberately take a human life, or at least a potential human life? Why do so many people who

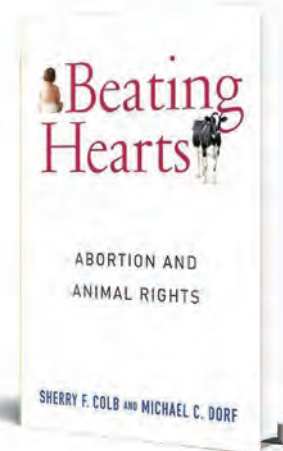
*Exploring the various ways in which the abortion debate and the animal rights debate interconnect and mutually inform each other proves remarkably fruitful, both philosophically and practically. The book represents rational discourse at its finest.*

— Mylan Engel Jr.

”



Sherry F. Colb and Michael C. Dorf



fight to preserve even the simplest one-cell human believe in eating farm animals that have been raised to be slaughtered?

There's little or no overlap between the arguments, because each side asserts exactly what the other denies. In the pro-life movement, simply being human grants you moral rights that aren't owed to non-humans. In the animal-rights movement, where the species line is blurred, there's an analogy between the servitude of farm animals and the servitude of women denied their reproductive freedom. But for all the disagreements, Colb and Dorf have found a new way to frame the debate.

"Sherry and Mike are seeking to displace reasoning, rationality, or moral agency as the criteria for something being an object of moral concern," said W. Bradley Wendel, professor

of law, who moderated the program. "They want to replace it with sentience—the capacity to experience pleasure and pain. By shifting the focus from rationality to sentience, Sherry and Mike open up a space for the interests of animals, but remain committed to the right of a pregnant woman to terminate a pregnancy."

For Deborah Tuerkheimer, professor of law at Northwestern University Pritzker School of Law, that emphasis on sentience is the missing piece of the puzzle, using the ethical and legal consideration of each argument to complete our understanding of the other. "I was struck throughout the book by the tremendous execution of its underlying premise: namely, that given the moral centrality of sentience, we can learn a great deal about animal rights by thinking about abortion, and vice versa," said Tuerkheimer.



LEFT: Paul McCulley  
BELOW, LEFT TO RIGHT:  
Michael C. Dorf,  
Sherry F. Colb,  
Deborah Tuerkheimer,  
and Mylan Engel Jr.

### Law School Welcomes Paul McCulley as Senior Fellow in Financial Macroeconomics

Leading economist **Paul A. McCulley** has joined Cornell Law School as both a senior fellow in financial macroeconomics and an adjunct professor of law. McCulley will work within the Clarke Program on the Law and Regulation of Financial Institutions and Markets, part of the Jack G. Clarke Business Law Institute.

McCulley retired in 2015 from the Pacific Investment Management Company (PIMCO), where he was chief economist and managing director, serving as a member of the firm's Investment Committee and authoring the publication *Macro Perspectives*.

Known in recent years for coining such ubiquitous financial terms of art as "the Shadow Banking System" and "Minsky Moment," McCulley is a frequent commentator on financial news and business programs on networks such as Bloomberg Television and

including CNBC's Squawk Box. His scholarly work, which Nobel laureate Paul Krugman has described as "magisterial," is also regularly featured in periodicals of record, including the *Financial Times*, the *New York Times*, and the *Wall Street Journal*.

**Robert Hockett**, the Edward Cornell Professor of Law and codirector of the Clarke Program on the Law and Regulation of Financial Institutions and Markets, says that "with the coming of Paul McCulley to Cornell, two great 'brands' in the field of macro-informed finance and its regulation join forces. The combination of practical knowledge and theoretic sophistication now available at Cornell will be unsurpassed."

In this new partnership, McCulley and Hockett, along with **Saule Omarova**, professor of law and the program's other codirector, will work closely in conducting research and producing scholarship on global financial and monetary matters, with a particular emphasis on regulatory and



central bank policies. Hockett and McCulley are also offering a new course at the Law School commencing this fall semester: Law, Money, and Financial Macrodynamics.

Of his new affiliation, McCulley said, "In retirement from active investment management, my professional interest is interdisciplinary macro: melding economics, finance, the law, and the study of human behavior. My passion is better public policy, grounded in social justice. Cornell University offers a fertile environment for continuing this path."

### Leslie Richards-Yellen '84 Becomes President of the National Association of Women Lawyers

On August 1, **Leslie Richards-Yellen '84** assumed the presidency of the National Association of Women Lawyers (NAWL). She is the eighty-ninth president of the organization, which has worked to advance women in the legal profession and advocate for women under the law since 1899. Of her new role, Richards-Yellen says, "It means that I have to try every day to be worthy of the trust placed in me by advancing the goals of this tremendous organization."

Richards-Yellen is a public finance attorney with over thirty years of experience as an in-house counsel and in private practice. She is a partner at Hinshaw & Culbertson, where she currently practices



*For the past year, in her role as president-elect, Richards-Yellen has worked with past presidents and the board to develop and implement a bold strategic plan that focuses on providing developmental programming that helps women progress in their careers.*



in the area of public finance and also serves as the firm's chief diversity and inclusion officer and chair of its Diversity Committee. She has been a member of NAWL since 2008, previously serving as co-chair of the Program Committee and as vice president.

For the past year, in her role as president-elect, Richards-Yellen has worked with past presidents and the board to develop and implement a bold strategic plan that focuses on providing developmental programming that helps women progress in their careers. The plan includes using the *NAWL Survey*, a highly regarded re-

search publication, to measure women's progress in the legal profession; collaborating with like-minded groups; and advocating for women in the field.

Richards-Yellen notes that NAWL presents its annual M. Ashley Dickerson Diversity Award to a lawyer who has promoted and advanced diversity in the legal profession. The 2016 recipient was Cornell's own **Sheri Lynn Johnson**, the James and Mark Flanagan Professor of Law, in recognition of her thirty-plus-year commitment to mentoring and advocating for minority and women students at the Law School. "I was the

**TOP:** Leslie Richards-Yellen (second from left) with husband David Yellen and their three daughters **ABOVE:** Leslie Richards-Yellen (left) with Sheri Lynn Johnson

first beneficiary of Professor Johnson's commitment to mentor diverse law students," Richards-Yellen says. "I have rarely met a diverse Cornell Law graduate who didn't mention Professor Johnson as having a huge influence on their success."

As for her goals and hopes for her one-year term as NAWL's president, Richards-Yellen says, "I hope that we get closer to meeting NAWL's One-Third

by 2020 Challenge. The challenge seeks to increase the number of women in leadership positions in the legal profession. I hope that we can continue to pick up momentum to ensure that the era of gender equality is close at hand. A key goal is to strengthen the bonds between all women and organizations that seek gender equality.”

### Asylum Clinic Victory for Domestic Violence Survivor

Women fleeing to the United States from gender-based violence in their countries of origin face a precarious route to asylum. A recent victory won by Cornell Law School’s Asylum and Convention Against Torture Appellate Clinic may make that journey easier for future asylum seekers.

The clinic’s client in this case was a Salvadoran mother of three who had fled domestic abuse. Her abuser, a long-term boyfriend and the father of one of her children, subjected her to near-constant physical and sexual assault; once, holding a machete to her throat, he threatened to kill her in front of her children. She repeatedly attempted to escape him, even traveling to Guatemala, but he tracked her down and continued to terrorize her. Local law enforcement was aware of the situation but did nothing. In January 2014, she fled the country and made her way to the United States, where she was apprehended at the border and detained.

To qualify for asylum in the United States, a person must show that he or she is fleeing persecution connected to race, religion, nationality, political opinion, or membership in a particular social group. Victims of gender-based persecution are not explicitly included in



Edward Flores



Carolyn Wald

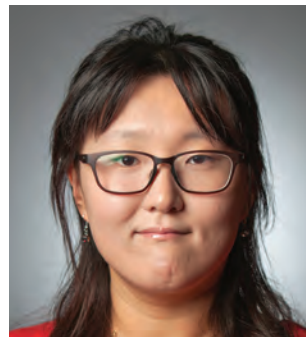
the qualifying criteria. In a landmark 2014 decision, the Board of Immigration Appeals (BIA) identified “married women in Guatemala who are unable to leave their relationship” as members of a particular social group and thus qualified for asylum. The case set a precedent for domestic

violence survivors seeking asylum, but many immigration judges have applied the decision narrowly.

The clinic’s client from El Salvador was assisted by Arizona nonprofit The Florence Immigrant and Refugee Rights



Sital Kalantry



Yujin Chun

Project in her initial case before an immigration judge. When the judge denied her asylum, the clinic accepted the case through the Catholic Legal Immigration Network’s pro bono program.

The case was taken on by **Sital Kalantry**, clinical professor of

law, along with clinic students **Yujin Chun ‘15** and **Carolyn Wald ‘16**, with interpretation assistance from **Ed Flores ‘16**. Kalantry supervised the students in writing a brief to the BIA arguing that the immigration judge had erred in his decision. This was the beginning of a long and complicated campaign.

The centers where the U.S. government detains asylum seekers are notorious for their harsh conditions and prolonged internments. At one point, the clinic’s client was placed in solitary confinement. The trauma of that experience, along with other stresses of her predicament, discouraged the client from her quest for asylum. She asked her lawyers to withdraw her request so she could be released from the detention center and deported.

The team made inquiries at the detention center about the nature of the client’s punishment, and the center removed her from solitary confinement. With the stress of confinement eased, the client renewed her asylum case, and through the team’s skillful and passionate advocacy, the case was reopened. This January, after many months of waiting, and a total of a year in confinement on the part of the clinic’s client, the BIA ordered the immigration judge to grant her asylum.

“This was a heart-wrenching case that revealed all the flaws of our immigration system. Carolyn and Yujin went beyond the requirements of



the class to tirelessly advocate for the client,” says Kalantry.

“This was a huge victory,” says Wald. “Our client has endured so much pain, disappointment, and injustice, so it was a wonderful feeling to be able to give her the good news. The BIA also typically does not grant asylum outright but rather sends the case back down for the immigration judge to consider asylum in light of the BIA’s findings. Here, the BIA’s decision to grant asylum directly demonstrates that they found our client’s case as strong as we did.”

Prominent immigration groups and lawyers have written to the BIA requesting that they publish this case because it extends and clarifies the Matter of A-R-C-G. The BIA publishes very few cases each year (less than forty) but is currently considering publishing this one as a precedent decision. If it does so, it would serve to shed light on the murky path to asylum for women fleeing domestic violence.

Wald, who is publishing a note in the *Cornell Journal of Law and Public Policy* on this topic, adds, “Going forward, I hope this is a sign that the BIA and the immigration system are tending towards a broad interpretation of case law on the issue of domestic violence as a basis for an asylum claim and that more domestic violence survivors are able to find shelter in the United States.”

### Valerie Hans Coauthors Book on the Psychological Basis of Tort Law

As students and colleagues gathered to celebrate Valerie Hans’s eighth book, the first wave of praise had already arrived. Cowritten with **Jennifer K. Robbennolt**, *The Psychology of Tort Law* (NYU Press, 2015) was being touted in prepublication press as “accessible,” “comprehensive,” “cutting edge,” “expansive,”

Three panelists followed, each proposing the next volume or two or three that Hans and Robbennolt should write. Catherine M. Sharkey, the Crystal Eastman Professor of Law at New York University, called *The Psychology of Tort Law* “a real feat, an enormous accomplishment” that infused the canon of tort cases with psychological depth. Tom R. Tyler, the Macklin Fleming Professor of Law and Professor of Psychology at Yale University,

talked about how Hans and Robbennolt had brought psychology “into a core area of the law and made it central.” Stewart Schwab, the Jonathan and Ruby Zhu Professor of Law, congratulated Hans and Robbennolt for “systematically examining the psychology of torts in a clear, organized, jargon-free way.”

To Robbennolt, the Alice Curtis Campbell Professor of Law and Professor of Psychology at the University of Illinois

*We believe this account of the tort system may serve as a corrective to the distorted picture of runaway litigation, unscrupulous plaintiffs, and overly generous judges and juries—the picture generated by special interests that has come to dominate the public discourse.*

— Valerie Hans

”



TOP: Valerie Hans ABOVE: Jennifer K. Robbennolt

“fantastic,” “fascinating,” “highly engaging,” “innovative,” “inviting,” and “vivid.”

That was just the beginning. Opening the discussion in the MacDonald Moot Court Room on February 5, **Eduardo M. Peñalver**, the Allan R. Tessler Dean and Professor of Law, quoted from the preface to describe the book as “a groundbreaking view of tort law that stands to transform our understanding of the subject.”

College of Law, the inspiration for *The Psychology of Tort Law* reached back to her days as a grad student, during a time when state governments were beginning to cap the punitive damages that could be awarded in torts cases. How do people think about negligence and causation? What's the purpose of awarding punitive damages?

Together, as psychologists who teach in law schools, Hans and Robbennolt have explored the ways attorneys, plaintiffs, defendants, judges, and jurors are influenced by psychological phenomena. They've spent years collaborating on this book, taking inspiration from the late Ted Eisenberg, and conducting the empirical research that underpins their argument for tort reform. "We believe this account of the tort system may serve as a corrective to the distorted picture of runaway litigation, unscrupulous plaintiffs, and overly generous judges and juries—the picture generated by special interests that has come to dominate the public discourse," said Hans.

### Dean Peñalver Receives Hispanic National Bar Foundation Award

At its awards dinner on July 21 in Washington, D.C., the Hispanic National Bar Foundation (HNBF) presented Dean Peñalver with its Academic Leadership Award. Established in 1985, HNBF is dedicated to increasing diversity in the



Eduardo M. Peñalver and Mayda Prego, board member of the Hispanic National Bar Foundation

legal profession and helping Hispanics achieve their potential through access to higher education.

"Eduardo M. Peñalver is the first Latino to serve as dean of an Ivy League law school," says HNBF executive director Denise Moreno. "This is an incredible accomplishment. In addition, his excellence as the dean of Cornell Law School and his commitment to education through his teaching and written works make him the ideal recipient of the Hispanic National Bar Foundation's Academic Leadership Award."

"My experience is just a link in a chain that goes back to Latinos who worked in the wilderness of the legal profes-

sion years before I ever got to law school," Peñalver said in his remarks at the dinner.

Peñalver continued, "I take a great deal of satisfaction in the many ways, as a dean, I can make my institution more just and more inclusive. Some are very concrete, like the creation of the Farmworker Legal Assistance Clinic, which just celebrated the end of its first, very successful, year. . . . Some



of the ways I have been able to help are more amorphous, like trying to create a climate at Cornell Law School that is welcoming of students from all backgrounds and in which students feel empowered to bring their concerns to the highest levels of the school's administration."

### Panel Envisions Future of the Death Penalty Post-Scalia

As part of the National Lawyers Guild's Student Week Against Mass Incarceration, a February 29 Cornell Law School panel, featuring Professors **Joe Margulies '82**, **John Blume**, and **Valerie Hans**, discussed the future of the death penalty in light of Justice Antonin Scalia's death February 13.

Scalia was a stalwart supporter of capital punishment, voting as a member of the conservative majority to uphold death sentences in a number of important capital cases. Scalia's death has left the U.S. Supreme Court evenly divided between liberal and conservative members. Thus, the Court's future approach to capital punishment could be strongly influenced by Scalia's replacement, which in turn may depend on the outcome of the November 2016 elections.

Hans opened the panel by examining the trends in public opinion on the death penalty. While the percentage of those in favor of the death penalty reached a peak in the early 1990s, at approximately 80





***When you think about the future of the death penalty there are lots of signs that suggest that it's really in decline, but the fact that a majority of the population actually still answers yes to [the death penalty] suggests complete abolition may be in fact far away.***

— Valerie Hans



surviving victim's family members that they can put the person who killed their loved one away for the rest of their life and protect the public without the family having to endure a lengthy appeals process," Blume said.

Additionally, the panel focused on the Innocence Project, which uses DNA testing to prove the innocence of those who have been wrongfully convicted.

in punitiveness, concerns about innocence, concerns about racial impact, changing demographics, a general liberalizing trend, international pressure. But will the court deal the final blow? I'm very skeptical of that idea," Margulies said.

~ EMILY MCNEILL

### **Professors Offer Final "Great Trials" Summer Course**

**Faust Rossi**, the Samuel F. Leibowitz Professor of Trial Techniques, Emeritus, and **Glenn Altschuler**, the Thomas and Dorothy Litwin Professor of American Studies, returned to coteach their popular summer course, Ten Great American Trials, for a final time this July. Rossi and Altschuler have presented the course seven times previously for Cornell's Adult University.

This summer's course was something of a "best of" presentation, looking at the ten most compelling and significant trials and cases they have covered in the previous seven courses. These cases



LEFT: Valerie Hans  
ABOVE: John Blume

percent, the number dropped off to 61 percent as of 2015.

"When you think about the future of the death penalty there are lots of signs that suggest that it's really in decline, but the fact that a majority of the population actually still answers yes to [the death penalty] suggests complete abolition may be in fact far away," Hans said.

She discussed how public opinion is closely linked to the number of death sentences; death sentences decrease as

public support for capital punishment decreases.

Blume said this was due to a lack of incentive for prosecutors to seek the death penalty when they are not under public or political pressure to do so. He also cited the rise in sentences of life without parole, an alternative to the death penalty, as another reason for a decrease in death sentences and public support.

"The fact that every state now has life without parole makes it easier for prosecutors to tell

"The Innocence Project collapses the relevant inquiry from 'Did they get a fair trial?' to 'Did we get the right guy?'" said Margulies, who is also a visiting professor of government in Cornell's College of Arts and Sciences.

As for the future of the death penalty, the panel envisioned its decline, but was less optimistic about its complete abolition by the Supreme Court.

"I think the use of the death sentence will decline for a variety of reasons: cost, decline



Faust Rossi



Glenn Altschuler

also are the subject of their book, *Ten Great American Trials*, which was published in September by the American Bar Association.

*Ten Great American Trials* provides chapter-length accounts of some of the most highly publicized—and fascinating—court cases of the twentieth century. Embedded in each of the narratives is an analysis of the use by prosecutors and defense attorneys of trial advocacy techniques to craft compelling stories about what happened. Rossi and Altschuler also assess the impact of cultural, social, and political values on the proceedings and the outcomes.

All ten of the trials—Sacco and Vanzetti; Leopold and Loeb; the Scottsboro Boys; Alger Hiss; Sam Sheppard; the Skokie, Illinois, neo-Nazis; Dan White (the killer of Harvey Milk and George Moscone, the mayor of San Francisco); Claus von Bülow; the McMartin Preschool sexual abuse case; and O. J. Simpson—shed light on one or more “hot button” issues: xenophobia, the death

penalty, race, anticommunism, free speech rights, homosexuality, and child abuse.

~JOE WILENSKY

### Convocation 2016 Honors Law School Graduates

On May 15, the Cornell Law School Class of 2016 met in Bailey Hall for its final convocation. Graduates and their guests were greeted by Dean Peñalver, who delivered the opening address.

Peñalver acknowledged the increasing prominence of automation and outsourcing in the legal field but asserted that lawyering will continue to call for uniquely human creativity, wisdom, and judgment. “I’m not ready to surrender to our new robot overlords just yet,” he said. He also addressed the current political ferment in the United States, which, he said, displays the fragility of democracy, and which makes Cornell’s radical and progressive mission of excellence and

inclusion more important than ever.

Peñalver also took a moment to recognize Law School student **Arlen Cohen**, who had been forced to take a leave of

absence after he was assaulted and seriously injured while studying abroad in Cape Town, South Africa. Cohen was in attendance at Bailey Hall, and his classmates gave him a standing ovation.





## The 2016 Langfan Family Moot Court Competitors Debate First Amendment and Social Media Use

This year's Langfan Family First-Year Moot Court Competition took place on April 9 in the MacDonald Moot Court Room. The competitors took on a scenario for the digital age involving a case where a high school senior posted an original rap song on YouTube



ABOVE: Seantyl Hardy and James Pesavento with the panel of judges BELOW: Seantyl Hardy



alluding to drug use within the school community.

Finalists **Seantyl Hardy '18** and **James Pesavento '18** debated the extent to which public schools can regulate student speech originating outside of school, as well as whether a school may punish a student for writing and recording a rap song containing

violent and potentially threatening rhetoric and alleging serious misconduct by school faculty members. Hardy, arguing on behalf of the petitioner, was named the winner. Pesavento, arguing on behalf of the respondent, was runner-up.

The panel of judges for this year's competition featured

Hon. Michael Chagares of the U.S. Court of Appeals for the Third Circuit; Hon. Nancy Moritz of the U.S. Court of Appeals for the Tenth Circuit; Hon. Pamela Pepper of the U.S. District Court for the Eastern District of Wisconsin; Hon. Jennifer Boal, chief magistrate judge for the U.S. District Court for the District of Massachusetts; and Hon. Elizabeth Garry, associate justice of the Appellate Division, Third Department, of the New York Supreme Court.

**Victor Leung '17**, chancellor of the Moot Court Board, commended this year's participants saying, "Each and every one of this year's competitors demonstrated a remarkable acumen for legal analysis and oral advocacy throughout the 2016 Langfan Family First-Year Moot Court Competition."



## Jindal Global University's Raj Kumar Discusses Corruption and Human Rights

Corruption in India is pervasive and has largely confounded efforts to combat it, according to Raj Kumar, who visited the Law School on April 12. He was there to present a lecture, "Is Corruption Undermining Democracy in India: How Can Law and Human Rights Help?," sponsored by the Berger International Legal Studies Program and the International Human Rights Clinic. Professor Kumar is the founding vice chancellor of O.P. Jindal Global University and dean of the Jindal Global Law School, both located near Delhi.

"There's a great deal we can learn from the Indian legal experience and a great deal India can learn from ours. And there's no one more qualified to enlighten us about the topic of the rule of law in India than Raj Kumar," observed Dean



Raj Kumar

Peñalver in his introduction to Kumar's lecture.

Kumar began his lecture with an overview of corruption in India. He noted that while the rule of law exists as a normative framework in the country, the ability of institutions to maintain it is limited. One challenge, he said, is the politicization of anticorruption measures: those in power use anticorruption enforcement as a weapon against predecessors and rivals. He also observed that corruption disproportionately affects the poor.

"One of the reasons why we want to recognize many forms of corruption as violations of human rights is that they have a deleterious impact on the ability of people to achieve their civil, political, economic, social, and cultural rights," he said.

In addressing the way forward for India, Kumar stressed the importance of a stand-alone, autonomous anticorruption institution, as well as new legislative reforms and the continued ability of citizens to exercise their right to information.



Hisashi Owada

### Judge Hisashi Owada of the International Court of Justice Delivers 2016 Clarke Lecture

What role should Japan be playing in the international community? To understand how fraught that question is for the Japanese, Hon. Hisashi Owada explained in his lecture, "The Encounter of Japan with the Law of Nations and Its Subsequent Evolution," you must go back to the beginning of a national journey undertaken over a century ago. Owada detailed that history at the Law School on April 5 as he presented the 2016 Clarke Lecture.

Owada has served as a judge of the International Court of Justice in The Hague since 2003 and was the court's president from 2009 to 2012. Prior to joining the court, he had a highly distinguished career in the foreign service and in key government agencies in Japan, as well as in academia.

Owada noted that the people of Japan remain polarized over the country's proper role in the international community. He hoped that his audience would leave with an understanding that "the national psyche of Japan is much more complicated than it appears from the outside."

*The national psyche of Japan is much more complicated than it appears from the outside.*

— Hisashi Owada

### Panel Debates Physician-Assisted Suicide in New York

As New York state lawmakers consider the legalization of physician-assisted suicide, a Cornell Law School panel debated the legal, moral, and ethical aspects of the practice April 14. A series of bills concerning physician-assisted suicide have been under consideration in the New York State Legislature since early 2015, including the Death with Dignity Act.

"'Death with Dignity' is a term that is often used to refer to physician-assisted suicide, which consists of self-administration of a lethal dose of drugs that have been prescribed by a doctor," said **Cynthia Grant Bowman**, the Dorothea S. Clarke Professor of Law.

These bills all include regulations to safeguard vulnerable groups from abuses under any new law, Bowman said. Among these safeguards, two physicians must diagnose the patient with less than six months to live, the patient must be mentally competent and free from mental illness, the patient must give informed consent, and two witnesses must attest to the patient's decision to ensure that the decision is completely voluntary, she said.

Dr. Timothy E. Quill, professor of medicine, psychiatry, and medical humanities at the University of Rochester School of Medicine and Dentistry, challenged the New York state law prohibiting physician-as-



sisted death in the late 1990s. He argued that abuses in physician-assisted suicide are rare. In Oregon, where physician-assisted death is legal, 1 in 6 terminally ill patients discuss physician-assisted suicide with their families, and 1 in 50 discuss it with their doctors, but only 1 in 500 choose to end their life via physician-assisted death, Quill said.

Daryl Bem, Cornell professor emeritus of psychology, offered a personal take on the issue. Bem's wife, Sandy, ended her life in 2014 after she had been diagnosed with Alzheimer's in 2010. Bem explained the painstaking steps they took to place his wife's mortality in her own hands after she had made the decision to end her life.

Rev. Daniel McMullin, director of the Cornell Catholic Community, argued against physician-assisted suicide. "The human person cares for his or her own body but doesn't

have the right to dispose of it by premature death, and the community bears the responsibility for caring for our sick, for sustaining and supporting them with palliative care, and healing them until death intervenes," McMullin said.

The panel was moderated by Jill Miller, adjunct professor of law and director of the Estate Planning Clinic at Cornell Law School.

~EMILY MCNEILL

### **U.S. District Attorney Annette Hayes '91 Delivers Keynote at Career Day Conference**

On March 18, the Cornell Women's Law Coalition held its 2016 Career Day Conference. More than twenty distinguished alumnae attended the event, which featured panels on law firms, business and in-house lawyering, public interest, and government. The



***What I feel in every seam of my body, [is that it's an] incredible privilege, and a gift really, to be able to do public service as a lawyer.***

— Annette Hayes '91



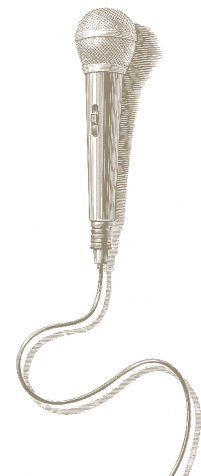
keynote lecture was delivered by **Annette Hayes '91**, the U.S. attorney for the Western District of Washington.

Hayes emphasized the importance of trying "every possible flavor of law." "There are lots of accidents along the way as you become a lawyer," she said. "Things that you don't intend, things that you don't expect, things that you don't recognize, are incredibly important in who you end up becoming." As an example, she noted that she took a class on Indian law at Cornell, even though she doubted she would ever use the information; two decades later, as a U.S. attorney responsible for a district that is home to twenty-five indigenous tribes, she has found that foundation incredibly useful.

Hayes also recalled a pivotal moment during her first year at Cornell Law School, when she attended a moot court competition presided over by the late Hon. Betty Binns

Fletcher. "All of a sudden I heard this voice, this tiny, small, quiet, very female voice, and it was nothing like what I ever imagined a judge could be. And so suddenly there was this recognition that, as a woman, you can be different and yet you can still be powerful and you can still have an incredible influence."

Hayes talked about her path to the U.S. Attorney's Office for the Western District of Washington, which she joined in 1997 after working in one large firm in Seattle and another in Washington, D.C. Her initial plan, she said, was to gain trial experience for three to five years and then return to her firm. After her first case with the office, however, she was hooked by the experience of doing work that was grounded in her own community and that made a difference. Nineteen years later, she's still there. "What I feel in every seam of my body," she said, "[is that it's an] incredible privilege, and a gift really, to be able to do public service as a lawyer."



Cynthia Bowman (left), Dr. Timothy Quill, and Rev. Daniel McMullin

### Global Gender Justice Clinic Presents Preliminary Findings on Women's Imprisonment in Jamaica

On March 24, professors and students of Cornell Law School's Global Gender Justice Clinic traveled to the Brooklyn Museum in New York City to participate in "Women in Jamaican Prison: Local and Global Implications," part of the Elizabeth A. Sackler Center for Feminist Art series States of Denial: The Illegal Incarceration of Women, Children, and People of Color.

**Elizabeth Brundige**, clinical professor of law and assistant dean for international programs, presented the Global Gender Justice Clinic's preliminary findings from a research project on the causes and consequences of women's imprisonment in Jamaica. Citing violence, drug trafficking, lack of job opportunities, and poverty as major causes of women's incarceration in Jamaica, Brundige reiterated that Jamaica has a duty to comply with the Bangkok Rules, the only international human rights guidelines to directly address the needs of imprisoned women.

Brundige was joined by project partner Dr. Aldrie Henry-Lee, senior research fellow at the University of the West Indies, and Donna Hylton, advocate for prisoners' human rights in New York, who presented different perspectives on women's imprisonment in

Jamaica and in the United States. The panel discussion was moderated by Marie-Claude Jean-Baptiste, director of the Human Rights and Access to Justice Program at the Cyrus R. Vance Center for International Justice, which is also a partner on the project investigating the causes and consequences of women's imprisonment in Jamaica.



### Cornell Law School Hosts Admitted Students from the Class of 2019

They came from all over the country, bearing questions. They'd already done their research, reading thousands upon thousands of words, and by the time these admitted students arrived at Myron Taylor Hall on March 18, they were ready to find out for themselves what Cornell Law School is really like.

"It would be a missed opportunity not to ask every question you're looking to address, regardless of whether we can answer every one of them 100 percent," said **Monica Ingram**, leading her first Admitted Students Day since becoming associate dean of admissions and financial aid in July 2015. "Come with an open mind. Take this opportunity to ask about the issues that are shaping your decision, and get the answers you richly deserve."

So they did, starting with a registration breakfast at Myron Taylor Hall, then moving through a series of panel discussions on student services, clinics, clerkships, externships, and careers. They attended first-year classes in contracts and civil procedure, joined faculty and administrators for an evening mixer in The Commons, and closed the night with an after-party.



ABOVE: Taneil George '18 BELOW: Kate Sapirstein '17 (right) poses with two admitted students

Coming from Los Angeles, where he works in public policy, **Leon Cain** spent part of the morning walking around campus, trying to get a feel for Cornell before attending a presentation on careers with **John DeRosa**, associate dean for career services and employer relations; **Karen Comstock**, assistant dean for public





service; and **Elizabeth Peck**, assistant dean for professional development and clerkships and adjunct professor of law. “Everyone talks about the sense of community here, and you really do feel that,” said Cain, who’s focused on finding the right intellectual environment. “The question I’m asking myself, more than anything else, is whether I see myself fitting into this community. Is it the right fit for me?”

And for at least one person that day, there was no question at all. “It is a very easy decision for me,” said Jie Gao, who lives an hour away from campus, where she balances raising a family and working as a patent agent. “This is my dream school.”

### **BLSA, LALSA, and NALSA Host Their Fifth Annual Professional Development Boot Camp**

One day before class during their 2L year, **Jose Sierra ’85** turned to **Emilio Estela ’85** and said, “It’s time.” They’d been thinking about creating the Latino American Law Students Association (LALSA) since arriving at Cornell, but it took until that moment to decide they were ready.

“It started as just the two of us,” said Estela, thirty-two years later, after giving one of two keynote addresses at the fifth annual Professional Development Boot Camp, sponsored by LALSA, the Black Law Students Association (BLSA),

Fabien Smallwood ’18



to campus on Saturday morning, waking up with a Law School breakfast and a day of panel discussions on how to build a career in big law, government, corporations, and public service. There were workshops, complete with networking, strategy sessions, and mock interviews by alumni attorneys and legal recruiters.

For the three presidents—**Krsna Avila** (LALSA), **Shamara James** (BLSA), and **Merritt Steele** (NALSA)—the reasons for hosting a boot camp are clear: to provide an opportunity for students to ask

and the Native American Law Students Association (NALSA). “We saw a need, and from those humble beginnings, to stand at the podium yesterday and see how big it’s become, I was just floored.”

The boot camp started with a networking reception at the Hilton Garden Inn on Friday night, March 11, before moving

*We saw a need, and from those humble beginnings, to stand at the podium yesterday and see how big it’s become, I was just floored.*

— Emilio Estela ’85

”



(from left) Ali Wright ’14, Manuel Lorenzo, and Osvaldo Garcia ’14

their most difficult questions, to foster a network between current students and alumni, and to make the legal profession more accessible to a new generation of attorneys. That’s why **Markeisha Miner** used the metaphor of “lifting as we climb,” and why Gerald Torres followed with his own story of opening doors.

“As we climb to higher heights in our careers,” said Miner, the dean of students, “it is

incumbent upon us as Latinos, African Americans, and Native Americans to pass on the lessons we have learned and the knowledge we have acquired to those who are coming after us."

"It's not enough to get a foot in the door," said **Gerald Torres**, the Jane M. G. Foster Professor of Law, who gave Saturday's keynote speech. "You have to maintain relationships with the people who helped direct you to law school, reaching all the way back to high school. You have to work with people in the Law School to make those connections back in your community. You have to keep pressure on people to make sure there are enough resources available so that people can afford to go to school. You have to do everything in your power to keep that door open."

### Ohlin and Yale-Loehr "Debate" Immigration Crisis

When **Stephen Yale-Loehr** and **Jens Ohlin** stepped to their respective podiums for a friendly "debate" over the immigration crisis on March 7, they were greeted by an overflow crowd of students. Organized by the Briggs Society of International Law and Cornell Advocates for Human Rights, the "Debate on the Immigration Crisis: Human Rights vs. States Rights" featured two leading voices on the issue.

Yale-Loehr, professor of immigration law practice, a clinical

professor for the Asylum and Convention Against Torture Appellate Clinic, and one of the nation's preeminent authorities on U.S. immigration and asylum law, served as the primary voice for refugee rights. Ohlin, who is associate dean for academic affairs and professor of law, an expert on international law, and author



Jens Ohlin (left) and Stephen Yale-Loehr

Ohlin clarified, not a debate over divergent law, but a discussion about responsibility and the appropriate way to distribute that responsibility. The discussion on responsibility, up to now, has largely been a game of pointing fingers: Greece is physically closest; France, the United Kingdom, and Germany have the

Yale-Loehr stressed that "refugee" is an often-misused legal term that is highly dependent on the reason why a specific person is fleeing. For example, a person who leaves his or her country solely because of a lack of economic opportunities would not be considered a refugee. A person fleeing because of a lack of safety or systemic violence, however, would likely qualify as a refugee. Both speakers agreed that while people have the right to leave their state, there is no law that requires a state to accept them. A state's only obligation, per the United Nations 1951 Refugee Convention, is that once a refugee is in a state's territory, the state cannot send the refugee back to the place from which he or she fled.

The speakers also shared common ground on the im-

*As the discussions began it was quickly made clear to the students that international and refugee law are not actually at odds with one another.*



of recently published *The Assault on International Law*, spoke primarily for states' rights.

As the discussions began it was quickly made clear to the students that international and refugee law are not actually at odds with one another. This is,

economic capacity; the United States helped shape the events that set into motion the current crisis. International lawyers, Ohlin said, are finally beginning to have productive dialogue on distributing responsibility.

possibility of open borders. Open borders would irrevocably impinge upon states' sovereignty and territoriality. The flip side of this, they said, is that the right to movement of many immigrants is being curtailed by states' rights to control their borders.





ABOVE: Jared Hoffman BELOW LEFT: Claire O'Brien

### Jared Hoffman '17 Wins Another Moot Court with Rossi Cup Victory

After another hard-fought moot court contest, **Jared Hoffman '17** again emerged the victor. On February 13, Hoffman was declared the winner and **Claire O'Brien '17** the runner-up in the 2016 Faust F. Rossi Moot Court Competition, which took place in the MacDonald Moot Court Room before a panel of esteemed federal judges. Last May, Hoffman won the 2015 Langfan Family Moot Court Competition, which is open to first-year students.

The final round featured O'Brien arguing on behalf of the respondent and Hoffman arguing on behalf of the petitioner. It also included an award for the best brief, which went to **Hannah Freedman '16**.

The debate for this year's Rossi Moot Court Competition

addressed (1) whether a functionalist or formalist approach governs the extraterritorial application of the Fourth Amendment's prohibition on unjustified deadly force; and (2) whether existing law clearly established that shooting an unarmed Mexican citizen standing within Mexico violated the Fourth Amendment.

This year's final round took place before the following panel of guest judges: Hon. Christina Reiss of the U.S.

District Court for the District of Vermont; Hon. Terrence Berg of the U.S. District Court for the Eastern District of Michigan; Hon. Lawrence Vilardo of the U.S. District Court for the Western District of New York; Hon. Margaret Cangilos-Ruiz, B.A. '74, of the U.S. Bankruptcy Court for the Northern District of New York; and Hon. Nancy E. Smith, associate justice of the Appellate Division, Fourth Department, of the New York Supreme Court.



## Students and Alumni Honored for Outstanding Public Interest Work

On February 26, 2016, members of the Cornell Law School community convened at the Association of the Bar of the City of New York to celebrate the 11th Annual Public Service Awards. This year, eleven current Law School students and seven alumni were honored for their outstanding dedication to public interest law.

### 2016 EXEMPLARY ALUMNI PUBLIC SERVICE HONOREES

#### **Meredyth Andrus '85**

Attorney, Health Care Division, U.S. Federal Trade Commission, Washington, D.C.

#### **Christopher Clark '05**

Associate, Skadden, Arps, Slate, Meagher & Flom, Boston, Massachusetts

**Ed Cross '76** Staff Attorney, New Hampshire Public Defender, Manchester, New Hampshire

#### **Sharice Davids '10**

(Rising Star Award)  
Deputy Director, Thunder Valley Community Development Corporation, Porcupine, South Dakota

#### **Tanya Douglas '92**

Director, Disability Advocacy Project, Manhattan Legal Services, New York, New York

#### **Edwin Lopez-Soto '81**

Chief Counsel, Rochester City School District, Rochester, New York

#### **Angela Rea '02**

Chief, Adult Trial Division, Louisville-Jefferson County Public Defender, Louisville, Kentucky

### STUDENT PUBLIC INTEREST PRIZES

*Freeman Award for Civil-Human Rights*

**Emmanuel Arnaud, Edward Flores, Hannah Freedman, Amanda Reynoso-Palley, Aysha Valery**  
(all Class of 2016)

*Stanley E. Gould Prize for Public Interest Law*

**Chelsea Gunter, Allison**



**Hoppe, Hillary LeBeau, Florence Seaman**  
(all Class of 2016)

*Seymour Herzog Memorial Prize*

**Drew Grossman**  
(Class of 2016)

*Harold Oaklander Prize*  
**Jessica Lam**  
(Class of 2017)

ABOVE: Karen Comstock (back left), assistant dean for public service, poses with Student Public Interest Prize winners (back row from left) Florence Seaman, Hannah Freedman, Allison Hoppe, Hillary LeBeau, Amanda Reynoso-Palley (front row from left) Edward Flores, Emmanuel Arnaud, and Jessica Lam.



2016 Exemplary Alumni Public Service honorees (from left) Sharice Davids '10, Tanya Douglas '92, Edwin Lopez-Soto '81, Angela Rea '02, Christopher Clark '05, and Ed Cross '76





Soraya Diase Coffelt '81

### Soraya Diase Coffelt '81 Lectures on the Struggle for Citizenship in the U.S. Virgin Islands

More than five million people live in the United States territories of Guam, American Samoa, the Northern Mariana Islands, Puerto Rico, and the U.S. Virgin Islands. Though these territories are part of the United States, their residents lack full citizenship rights. On February 17, Soraya Diase Coffelt '81 shared her insights on the issue in "The Struggle of the U.S. Virgin Islands—America's Caribbean Paradise—for Full Constitutional and Citizenship Rights and Self Governance," a lecture presented by the Berger International Legal Studies Program.

Coffelt is a native of St. Thomas in the U.S. Virgin Islands. Following her graduation from Cornell Law School, she worked as a law clerk in the Superior Court of the Virgin Islands and went on to become the first female Hispanic from St. Thomas to be a judge, serving on the Virgin Islands territorial court from 1994 to 2000.

### Law School Panel Considers Town-Gown Land-Use Regulations

A February 26 Cornell Law School panel explored the ways in which college towns have used legal restrictions to control student behavior and preserve the integrity of their neighborhoods. The panel was moderated by Dean Peñalver, who received his B.A. from Cornell in 1994.

"College students have a significant impact on the residential life of their university's cities, potentially leading to negative spillover that disrupts the local community," said Sara Bronin, professor of law at the University of Connecticut and chair of Hartford's Planning and Zoning Commission. "How should college towns shape their land-use regulations to best meet student needs while promoting long-term community interests?"

"Towns are grappling with changes in demographics, living arrangements, and people's preferences and trying to figure out how to define functional families," said Bronin. Bronin examined the definition of "family" in local zoning ordinances, and described the way that some definitions of family could be interpreted to prevent groups of college students from living in certain residential areas.

Laura Underkuffler, the J. DuPratt White Professor of Law at Cornell, discussed other approaches to control the negative effects students may have on college towns. Many universities, such as Duke and Notre Dame, are partnering with city administrations to buy properties in decaying neighborhoods, renovate them, and sell them to university staff. "This kind of solution is not going to solve the problem of the need for student rentals,

*How should college towns shape their land-use regulations to best meet student needs while promoting long-term community interests?*

— Sara Bronin



Eduardo Peñalver



Laura Underkuffler

but might have some ability to stabilize neighborhoods,” Underkuffler said.

Jane Kolodinsky, a professor of community development and applied economics at the University of Vermont, discussed the informal and formal agreements between municipalities and universities to manage Burlington’s historic college town. One project, funded by the university and the city council, gave students off-campus survival guides—instructions on city laws and regulations “to continually improve and foster a quality relationship between UVM and the town of Burlington,” Kolodinsky said.

### Symposium Explores New Book by Visiting Professor Sidney Tarrow

“The radically new phenomenon of the twenty-first century . . . is not that national movements episodically go to war against states but that states wage war against transnational movements, with profound implications for national security law and national security policy,” **Sidney Tarrow** asserted during a symposium in the MacDonald Moot Court Room on February 10. The event was held to discuss his book *War, States, & Contention: A Comparative Historical Study*, published last year by Cornell University Press.

For the last two decades, Tarrow, the Maxwell M. Upson

Professor, Emeritus, in the Cornell Department of Government and a visiting professor of law at the Law School, has explored “contentious politics,” disruptions of the settled political order caused by social movements. In *War, States, & Contention*, he shows how such movements sometimes trigger, animate, and guide the course of war, and how they sometimes rise during war and in war’s wake to change regimes



or even overthrow states. He draws on evidence from historical and contemporary cases, including Revolutionary France, the United States from the Civil War to the anti-



*The radically new phenomenon of the twenty-first century... is not that national movements episodically go to war against states but that states wage war against transnational movements, with profound implications for national security law and national security policy.*

— Sidney Tarrow



Joseph Margulies



Jens David Ohlin



Micheal Dorf



Vietnam War movement, Italy after World War I, and the United States during the decade following 9/11.

At the symposium, moderated by **Stewart J. Schwab**, Jonathan and Ruby Zhu Professor of Law, commentary on the book was provided by **Michael Dorf**, the Robert S. Stevens Professor of Law; **Joseph Margulies**, professor of law and visiting professor in the Cornell Department of Government; and **Jens David Ohlin**, associate dean for academic affairs and professor of law.

Acknowledging the “extremely important insight” provided by Tarrow’s account of contentious politics, Margulies encouraged Tarrow to delve further, using what he consid-

ered a more satisfactory analytical tool: the comparison of a state’s reliance on despotic power versus its reliance on “infrastructure power”—in other words, its penetration of civil society. “If Sid can develop that as his next book,” said Margulies, “I think we will have a real theoretical breakthrough on the genuine relationship, at least in a Western state, between war and rights.”

“Sid is probably one of the country’s great commentators on the notion of contentious politics,” said Ohlin, before inviting Tarrow to elucidate the distinction between contentious and routine politics; “it seems to me that politics by its very nature is contentious,” he noted. Ohlin also observed



***It seems to me that politics by its very nature is contentious...***

— Joseph Margulies



that Tarrow seemed to be on the side of the “continuation thesis” in the debate over whether or not the Obama administration has effected a significant shift in the restriction of rights initiated by the Bush administration after 9/11.

Concluding the symposium, Tarrow spoke of his motiva-

tions for writing *War, States, & Contention*. One was the passing of Charles Tilly, his mentor and collaborator. “Before Chuck passed away, I had the bad grace to complain to him that he left out of his book on war-making and state-building the subject he practically invented in other works, contentious politics. . . . ‘I’ve written many books on both these subjects,’ he said, his tongue deeply embedded in his cheek. ‘Why don’t you bring them together?’ I took that as both a challenge and a fitting homage to the great social scientist to whom this book is devoted.”

## Federal Judge John Gleeson Presents a Plan for Reforming Sentencing Reform

Overincarceration in federal prisons can be fixed with four simple sentencing reforms, said federal judge John Gleeson in a public lecture he delivered on February 2 at Cornell Law School’s Myron Taylor Hall. Gleeson, the U.S. District Court judge for the Eastern District of New York, was at the Law School as a Distinguished Jurist in Residence.

A former prosecutor who gained renown for his successful conviction of John Gotti, Gleeson is highly critical of current sentencing practices. In his lecture, he pointed to the problematic links between the guideline ranges of the United States Sentencing Commission established in 1984 and the mandatory minimum sentences of the Anti-Drug Abuse Act of 1986. ■



Elizabeth Peck, John Gleeson, and John Blume



Gregory S. Alexander,  
A. Robert Noll  
Professor of Law

**"Ownership and Obligations:  
The Human Flourishing  
Theory of Property,"**  
*Hong Kong Law Journal* 43,  
no. 451 (2013)

The thesis of Alexander's brief paper is straightforward, although not uncontroversial: the moral foundation of property, both as a concept and as an institution, is human flourishing. Alexander explains what he means by "human flourishing," distinguishing it from "welfare," as that term is commonly used today by economists and legal analysts, and then briefly illustrates the approach through an example.

Alexander outlines a theory of property that emphasizes the obligations that owners owe to others, specifically, to certain members of the various communities to which they belong. These obligations vary in different contexts and at different times. As society has grown more complex and more interdependent, the obligations have thickened. Capturing all of these obligations under one theoretical umbrella, one may speak of a social-obligation norm that the law does, and should, impose on owners. This norm, Alexander stresses, is inherent in the concept of ownership itself. This is an

*Alexander outlines a theory of property that emphasizes the obligations that owners owe to others, specifically, to certain members of the various communities to which they belong. These obligations vary in different contexts and at different times.*

important point because it means that when the law, by way of statutes, administrative action, or judicial decisions, announces some restriction on an owner's use of his or her land or building, insofar as that announcement restates what is already part of the social-obligation norm, it is simply a legal recognition of a restriction that is inherent in the concept of ownership, rather than being externally imposed and engrafted upon the owner's bundle of right.

The basis of this norm is human flourishing. The social-obligation theory builds on the claim that the basic purpose of property is to enable individuals to achieve human flourishing. The theory further builds on Amartya Sen's famous insight that flourishing is a matter of what a person is able to do rather than what he or she has. That is, the well-lived life should be measured by a person's capabilities rather than by a person's possessions or by the satisfaction of his subjective preferences.



John H. Blume, the  
Samuel F. Leibowitz  
Professor of Trial  
Techniques, Director  
of Clinical, Advocacy,  
and Skills Programs,  
and Director of the  
Cornell Death Penalty  
Project (with coauthor  
Lindsey S. Vann)

**"Forty Years of Death: The  
Past, Present, and Future of  
the Death Penalty in South  
Carolina (or Still Arbitrary  
after All These Years),"** *Duke  
Journal of Constitutional Law  
& Public Policy* 11, no. 2 (2016)

Forty years ago, the Supreme Court of the United States deemed constitutional new death-penalty laws intended to minimize the arbitrariness that led the Court to invalidate all capital sentencing statutes four years earlier in *Furman v.*



*Georgia*. Over the last four decades the Court has—time and again—attempted to regulate the “machinery of death.” Looking back over the Court’s work, many observers, including two current Supreme Court justices, have questioned whether the modern death penalty has lived up to expectations set by the Court in the 1970s, or if, despite forty years of labor, the American death penalty continues to be administered in an unconstitutionally arbitrary manner. This article presents data from South Carolina’s forty-year experiment with capital punishment and concludes that the administration of the death penalty in that state is still riddled with error and infected with racial and gender bias. It is—in short—still arbitrary after all these years. Blume and Vann maintain that the only true cure is to abolish South Carolina’s death penalty, although they do argue that lesser steps, including additional safeguards, and procedure may limit, but will not eliminate, some of the arbitrariness and bias that are present in the current imposition of South Carolina’s most extreme punishment.



**Zachary D. Clopton,  
Assistant Professor  
of Law**

**“Judging Foreign States,”  
*Washington University Law  
Review* 94, no. 1 (2016)**

Famed foreign relations law principles, including the act of state doctrine, the public law taboo, and Zschernig’s foreign affairs preemption, rely on the notion that U.S. courts should not sit in judgment on foreign states. Judges in these cases, as well as scholars writing in the area, frequently suggest that U.S. courts should sit out of important disputes that invoke considerations of sovereign equality and international comity. Yet, in less attention-grabbing cases, U.S. courts routinely sit in judgment on foreign judgments, laws, legal systems, and interests, sometimes concluding that they do meet U.S. standards. The first goal of this project, therefore, is to identify and catalog those circumstances in which U.S. courts sit in judgment on foreign states. This extensive catalog should cast doubt on unsystematic objections to sitting in judgment: were we to accept that sitting in judgment was per se impermissible, all sorts of current doctrines would need to be revisited. Such a categorical rule is not only radical but also unjustified—the doctrines on which

courts sit in judgment are routine and unremarkable, they protect important institutional and individual concerns, and they have not sparked international incident. Nor is there a coherent explanation for the doctrines that call for courts to sit in judgment and those that do not.

Identifying these issues does not determine a better approach, and recent scholarship on these and related cases has proposed changes to U.S. law that turn on external considerations such as foreign interests or international comity. But this literature, in Clopton’s view, risks focusing too much on the transnational aspects of these cases, to the exclusion

which the common-law courts were designed, versus those polycentric, systemic, political inquiries best left to the political branches. Federalism, with implications for both authority and capacity, would suggest further division of responsibilities among relevant institutions. And individual-rights considerations would offer guidance to courts about how to sit in judgment when called upon to do so. Clopton’s analysis demonstrates that there is no per se reason that U.S. institutions should avoid sitting in judgment on foreign state acts, but also that current law may not be allocating responsibility for sitting in judgment consistent with domestic institutional considerations.

***Applying the tools of comparative institutional analysis, cases could be divided into those bilateral, legal, and constrained adjudications for which the common-law courts were designed, versus those polycentric, systemic, political inquiries best left to the political branches.***

of domestic institutional concerns. As a potential corrective, Clopton imagines sitting-in-judgment doctrine that is responsive to those structural factors that govern institutional arrangements within the U.S. system. Applying the tools of comparative institutional analysis, cases could be divided into those bilateral, legal, and constrained adjudications for



### Stephen P. Garvey, Professor of Law

**"Authority, Freedom, and the Guilty Mind,"** *Cornell Legal Studies Research Paper*, no. 16-7 (2016)

In this article, Garvey asks readers to imagine an actor who commits a crime in thrall to a powerful desire. Think, for example, about those we call addicts, phobics, maniacs, philiacs, provokees, and so forth. Do any conditions exist under which such actors should be immune to criminal liability when they choose to commit a crime in order to mollify their enthralling desire? Yes. An actor should be immune to criminal liability when, assuming he freely chooses to commit a crime (and thus satisfies the demand that his act be guilty or his *actus reus*), he nonetheless fails to manifest a guilty mind or *mens rea*—that is, his choice to commit the crime reflected no ill will toward the state's authority or its criminal laws. It is doubtful that this condition will obtain very often, but when it does, any actor fulfilling it is beyond the state's authority to punish.

### Valerie P. Hans, Professor of Law (with coauthor Nancy S. Marder)

**"Introduction to Juries and Mixed Tribunals across the Globe: New Developments, Common Challenges, and Future Directions,"** *Oñati Socio-Legal Series* 6, no. 2 (2016)

The introduction to this special issue describes the goals of the conference "Juries and Mixed Tribunals across the Globe," and identifies themes that emerged as jury scholars from all over the world examined different forms of lay participation in legal decision-making. The introduction focuses on common challenges that different systems of lay participation face, including the selection of impartial fact finders and the presentation of complex cases to lay citizens. The introduction and special issue articles also highlight new developments and innovative practices to address these challenges, including some tools, like decision trees, that remain highly controversial. The introduction closes by emphasizing the enduring political importance of citizen participation in law.

### Michael Heise, Professor of Law (with coauthor Martin T. Wells)

**"Revisiting Eisenberg and Plaintiff Success: State Court Civil Trial and Appellate Outcomes,"** *Journal of Empirical Legal Studies* 13, no. 3 (2016)

In earlier research on federal civil cases Eisenberg found an association between plaintiff success in pretrial motions and at trial. Heise and Wells extend Eisenberg's analysis twenty years later into the state court context; however, they do not find any significant association between a plaintiff's success at trial and preserving that trial victory on appeal. Their results imply that a plaintiff's decision to pursue litigation to a trial court conclusion is analytically distinct from the plaintiff's decision to defend an appeal of its trial court win brought by a disgruntled defendant. The authors consider various factors that likely account for the observed differences that distinguish their results from Eisenberg's. First, legal cases that persist to an appellate outcome are a filtered subset of underlying trials and legal disputes, and various selection effects inform much of this case filtering. Second, where

Eisenberg analyzed the relation between pretrial motions and trial outcomes in federal courts, Heise and Wells assessed possible relations between trial and appellate court outcomes in state courts. The pretrial and trial context and the trial and appeals context likely differ in ways that disturb plaintiff success. Third, while Eisenberg studied federal cases between 1978 and 1985, Heise and Wells studied state cases between 2001 and 2009. In addition to differences between federal and state civil cases, the composition of cases that selected into formal litigation may have evolved over time.

### Jens David Ohlin, Associate Dean for Academic Affairs and Professor of Law

**"The Common Law of War,"** *William & Mary Law Review* (forthcoming)

In recent litigation before the federal courts, the U.S. government has argued that military commissions have jurisdiction to prosecute offenses against the "common law of war," which the government defines as a body of domestic offenses, such as inchoate conspiracy, that violate the American law of war. In this article, Ohlin



challenges that definition, by arguing that stray references to the term “common law of war” in historical materials meant something completely different. By examining the Lieber Code, the writings of early natural law theorists, and early American judicial decisions, Ohlin concludes that the “common law of war” meant something far different: a branch of the law of nations that applied during internal armed conflicts, such as civil wars with nonstate actors. This body of law was called “common” not because it was extended or elaborated by the common law method of judged-applied law, but rather because it was “common” to all mankind by virtue of natural law, and thus applied even to internal actors, such as rebel forces, who were not otherwise bound by international law as formal states. By recapturing this lost definition of the “common law of war,” Ohlin’s article casts some doubt on the U.S. government position that military commissions have jurisdiction over not only international offenses, but also domestic violations of the law of war.



**Jens David Ohlin,  
Associate Dean for  
Academic Affairs and  
Professor of Law**

**“The Changing Market for  
Criminal Law Casebooks,”  
*Michigan Law Review* 114,  
no. 6 (2016)**

In this article, Ohlin analyzes the leading criminal law casebooks on the market and describes the ways in which they do and do not respond to the needs of criminal law teachers. At least part of the issue is the changing nature of law teaching—what actually happens in the classroom has changed in the last three decades. Moreover, there may be less uniformity in classroom practice than in the past; in other words, what works in one law school might not work in another, in part because of the changing profile of law students, as well as the great diversity of intellectual perspectives that law teachers bring to the lectern. Ohlin lays out a vision for a new casebook in criminal law that responds to some of these desiderata with a fresh yet flexible approach.

**Edward Stiglitz,  
Assistant Professor of  
Law, Jia Jonathan Zhu  
and Ruyin Ruby Ye  
Sesquicentennial  
Fellow (with coauthor  
Jennifer Nou)**

**“Strategic Rulemaking Dis-  
closure,” *Southern California  
Law Review* (forthcoming)**

Congressional enactments and executive orders instruct agencies to publish their anticipated rules in what is known as the Unified Agenda. The Agenda’s stated purpose is to ensure that political actors can monitor regulatory development. Agencies have come under fire in recent years, however, for conspicuous omissions and irregularities. Critics allege that agencies hide their regulations from the public strategically, that is, to thwart potential political opposition. Others contend that such behavior is benign, perhaps the inevitable result of changing

internal priorities or unforeseen events.

To examine these competing hypotheses, Stiglitz and Nou use a new dataset spanning over thirty years of rulemaking (1983–2014). Uniquely, the dataset is drawn directly from the *Federal Register*. The resulting findings confirm that agencies substantially under-report their rulemaking activities—about 70 percent of their proposed rules do not appear on the Unified Agenda before publication. Importantly, agencies also appear to disclose strategically with respect to Congress, though not with respect to the president. The Unified Agenda is thus not a successful tool for Congress to monitor and influence regulatory development. The results suggest that legislative, not executive, innovations may help to augment public participation and democratic oversight, though the net effects of more transparency remain uncertain. The findings also raise further inquiries, such as why Congress does not render disclosure requirements judicially enforceable. ■

***Critics allege that agencies hide their regulations from the public strategically, that is, to thwart potential political opposition. Others contend that such behavior is benign, perhaps the inevitable result of changing internal priorities or unforeseen events.***

## Law School Alumni Step Up to Dean's Advisory Council

The Law School Dean's Advisory Council welcomes five new members for 2016–2017. Thomas W. Christopher '84, David Gibbons '96, Annette L. Hayes '91, Douglas M. Lankler '90, and Andrienne Payson '00 joined this volunteer body effective July 1, 2016. Shari H. Wolkon '95, also elected as a member of this incoming class, will begin her appointment in the next academic year. Continuing members of the Advisory Council welcome these alumni to their new roles of consultation and advice in support of Cornell Law School and its Allan R. Tessler Dean.

**Tom Christopher** is a corporate partner in the New York office of Latham & Watkins. His practice focuses on mergers and acquisitions, including public and private transactions, and corporate governance matters, including activist defense matters. During his nearly thirty years of practice, Christopher has represented



Tom Christopher



numerous acquirers, targets, shareholders, and other transaction participants in a wide variety of matters, including domestic and multijurisdictional transactions, negotiated and unsolicited transactions, spin-offs, and restructurings. He regularly advises boards of directors on fiduciary duty and related issues and has represented numerous special committees of boards in connection with related-party transactions. Christopher has long been active in Cornell Law School affairs and has served on the Dean's Special Leadership Committee. In addition, in 2014 Christopher established a scholarship to support the Clarke Business Law Institute. Christopher is also active in various charitable and nonprofit causes and serves on the board of the Warren Christopher Scholarship Fund, which provides scholarships to students of need in the Los Angeles

Unified School District. He has also served on the board of directors of New Yorkers Against Gun Violence. He lives in New York City with his wife and two children and is an avid tennis player and skier.

**Dave Gibbons** serves as CEO of Elberon Development Group, a family commercial real estate business that owns and operates approximately 2 million square feet of commercial industrial space in northern New Jersey. Gibbons oversees all aspects of the company, including capital allocation, asset management, financial analysis, personnel, and strategic planning, with particular focus on acquisitions, construction, and development.

Prior to becoming president of Elberon Development Group in 2011, Gibbons served as a partner at Seagis Property Group, an entity that owns and operates over 8 million



square feet, including approximately 2 million square feet in New Jersey. Gibbons oversaw the firm's New Jersey office, with responsibility for acquisitions, leasing, development, and construction.

As a real estate investor over the past twenty years, Gibbons has led the leasing of over 5 million square feet of commercial space, and acquisitions totaling approximately 2.5 million square feet. He also has led the ground-up development of over 2 million square feet and supervised construction projects totaling over \$250 million.

Gibbons currently serves as a board member of Kean University, Choose New Jersey, Elizabeth Healthcare Foundation, and NAIOP NJ, a state-wide commercial real estate trade organization. He has served as a director or trustee on several other boards throughout his career, including First Bank, Synergy Bank, and Trinitas Hospital, and as chairman of the board at four different organizations: Synergy Bank, Newark Legacy Charter School, Elizabeth Development Company, and the YMCA of Eastern Union County.

Mr. Gibbons holds a B.S. in finance from the University of Notre Dame and a J.D. from Cornell Law School.

**Annette Hayes** became acting U.S. attorney for the Western District of Washington in October 2014, having been selected for that position by

the Executive Office for United States Attorneys, and in April 2015 was appointed by the attorney general of the United States to serve as U.S. attorney for the Western District of Washington on an interim basis, pending the appointment and confirmation of a presidentially appointed U.S. attorney for that district.

Previously, Hayes served as the first assistant U.S. attorney, and in that role she was second in command of the U.S. Attorney's Office, as well as a key leader in both criminal and civil litigation in the office.

Hayes joined the U.S. Attorney's Office in 1997 as an assistant U.S. attorney in the Criminal Division. She was assigned to prosecute a range of drug cases, including large-scale international trafficking and cartel-related cases. In 2002, she became the deputy supervisor of the Complex Crimes Unit, where she prosecuted cyber hacking and intellectual property cases while working with law enforcement on outreach to the private sector. In 2005, she became one of the supervisors of the General Crimes Unit, where she worked closely with and trained many new attorneys on a range of federal crimes, including child exploitation, drug, fraud, identity theft, immigration, and violent crimes cases.

Before joining the U.S. Attorney's Office, Hayes practiced at law firms in Seattle and

Washington, D.C., where she handled a variety of civil litigation matters. She is a graduate of Cornell Law School and Williams College.

**Doug Lankler** is executive vice president and general counsel of Pfizer. He was appointed to this position in December 2013. He reports to the chief executive officer and is a member of Pfizer's Executive Leadership Team. Previously, he was Pfizer's chief compliance and risk officer. Prior to that, he was the deputy general counsel and held a variety of leadership positions in Pfizer's Legal Division. Doug has been with Pfizer since 1999.



**Doug Lankler**

Before joining Pfizer, Lankler was with the U.S. Department of Justice as an assistant U.S. attorney for the Southern District of New York. While in the U.S. Attorney's Office, he prosecuted white-collar fraud, corporate crimes, traditional organized crime, and terrorism. Lankler was a recipient of the U.S. Attorney General's Award for Distinguished Service.

Before joining the Department of Justice, Lankler worked in the Litigation Department of Simpson Thacher & Bartlett in New York City.

Doug graduated magna cum laude from the State University of New York at Albany before attending Cornell Law School as a member of the Class of 1990. He and his wife, Jill, have three children: Isabel, Hanna, and Decker.

**Andrianne Payson** is a partner in the Projects and Infrastructure group at DLA Piper and serves as U.S. cochair of the firm's Energy-Power Sector. She advises on acquisitions and sales of energy assets, including conventional power generation and renewable energy, as well as infrastructure power projects in the United States, Africa, and the Caribbean. Payson is based in DLA's New York City office.

Prior to attending law school, she was an auditor in the energy/utilities group at Price Waterhouse. With twenty years of experience in the power sector, Payson is a frequent



**Andrianne Payson**

speaker at energy conferences and focuses her talks on the changing regulatory landscape for utilities and the evolution of the “digital utility” as new technologies create competitive opportunities for customer engagement, enhanced products and services, and more efficient utility operations.

Payson is a member of the President’s Council of Cornell Women.

### Law School Annual Fund Continues to Grow

Thanks to the generosity of alumni and friends, the Cornell Law School Annual Fund reached a new high for the fourth consecutive year. Fiscal 2016 (July 1, 2015, through June 30, 2016) featured 2,109 unique donors giving \$2,498,893 in support of everything necessary to sustaining excellence in legal education at Myron Taylor Hall.

The donor count reflects a 13 percent increase, and the dollar amount a 38 percent increase, in the four years since fiscal 2012. Gifts to the Law School Annual Fund for Scholarship account for \$263,293 of the virtual \$2.5M, an increase of nearly 66 percent

from fiscal 2015’s \$158,617, and the number of donors to this designation more than tripled, from 113 to 352. These results testify to Dean Peñalver’s leadership and his special emphasis on scholarship grants and financial aid. The Law School’s dedicated volunteers carry the dean’s message to Cornell Law School alumni across the nation in their fundraising efforts. These individuals work tirelessly as Cornell Law School’s chief ambassadors by serving on the Dean’s Special Leadership Committee, Reunion class committees, and Firm Challenge committees. In fiscal 2016, 153 volunteers helped to lead the overall fundraising effort by setting an example of philanthropic generosity to the Law School, as well as through their outreach to friends, classmates, colleagues, and the greater alumni community.

**Kristen Burke**, director of the Law School Annual Fund, credited the year’s success to the alumni volunteers, whose work complements the vision and leadership of Dean Peñalver. “Dean Peñalver’s ability to articulate the need for greater resources to support the Law School’s priorities, especially an enhanced commitment to student financial aid, has motivated our volunteers and our donors. Law alumni volunteers have carried the dean’s message forward, and the response from donors has been awe inspiring.”

Reunion class volunteers played an essential role, and giving by Reunion-year classes was exceptionally strong. Reunion class volunteers convened meetings, telephoned classmates, and organized class events to build alumni solidarity and encourage philanthropy. Benchmarked against the Reunion-class totals of 2011, dollars given

***The Law School’s dedicated volunteers carry the dean’s message to Cornell Law School alumni across the nation in their fundraising efforts. These individuals work tirelessly as Cornell Law School’s chief ambassadors by serving on the Dean’s Special Leadership Committee, Reunion class committees, and Firm Challenge committees.***

by Law School classes ending in “1” or “6” nearly doubled in fiscal 2016 to \$3,669,350. Included in this amount are cash gifts to the annual fund totaling \$624,243. The number of alumni who made gifts increased by 69 percent, to

742 donors, resulting in an overall participation rate of 37 percent—second only to the University of Chicago among the top fourteen law schools. In addition to being inspiring, these results are essential for Cornell Law School to continue to fulfill its mission and maintain its place at the forefront of legal education.

**Christian Shaffmaster**, associate director of the Law School Annual Fund, manages the Reunion-class giving program and attributes its success to Reunion Campaign volunteers. “Every year our Reunion volunteers strive to expand upon the hard work of the classes that precede them, and in doing so also inspire future classes with their level of dedication. These efforts build upon each other to produce the incredible results we see today. Seven classes set new records this year, including the Class of 1991, which doubled the previous 25th Reunion dollar record and became the first Reunion class in the history of Cornell Law School to secure gifts from more than 100 classmates.”

The Law School Annual Fund also reaped benefits from the law firms that participated in this year’s Firm Challenge. Fiscal 2016 saw four new firms sign on in support of this initiative, with Cornell Law School alumni from Debevoise, DLA Piper, Morgan Lewis, and Paul Hastings joining alumni at Jones Day, Kirkland & Ellis, Simpson Thacher, and





Skadden to give \$571,678 in cash gifts to the Law School. Most of this amount was directed to the Law School Annual Fund or Law School Annual Fund for Scholarship, and a portion supported the Public Interest Fellowships, enhanced endowed scholarships, and provided funding to other designations.

**Joel Thomas**, leadership gifts officer, manages the Firm Challenge and notes, “The success of the Challenge is directly attributable to the tremendous work of the volunteer Firm Challenge agents, who inspire their colleagues and develop camaraderie within their firms around support of Cornell Law School.”

The new fiscal/academic year is well under way, and the Law School’s educational agenda is more ambitious than ever. In support of Dean Peñalver’s vision, the scholarship and teaching of the Cornell Law School faculty, and the aspirations of Cornell Law School students, the Law School Annual Fund is aiming at a new fundraising record. Its success depends on enlisting the energy and dedication of new volunteers and attracting the consideration and generosity of new donors. With an alumni constituency that practices at the top of the legal profession and “punches above its weight” in terms of dollars raised, Cornell Law School is poised for even greater achievements and higher levels of success.

### Scholarships Help Open Doors for Students

Cornell Law School alumni continued to invest in Law School students during the latter half of fiscal 2016 by making gifts to scholarship. Increased scholarship funding is helping to steadily bring down the average indebtedness of Cornell Law students, and its making a Law School education more accessible to a greater number and more diverse body of students than ever before. New commitments to establish endowed funds were formalized by several generous Law School alumni.

**Gail and David Furman ‘86** have established the Furman Family Scholarship by making a gift to endowment. The Furman Family Scholarship will provide an annual grant to J.D. candidates on the basis of academic merit and financial need. David Furman is national chair of the Law School Annual Fund and a member of the Dean’s Special Leadership Committee and the Law School Dean’s Advisory Council. Gail Furman is a member of Cornell Parents Committee. Gail and David have three children: Jon ‘16 (Arts); Xander ‘19 (Arts); and Gaby, a high school junior. David Furman is a partner at Gibson, Dunn & Crutcher in the firm’s New York City office and chair of its New York Real Estate Private Equity Practice Group. His practice focuses on real estate capital markets, financings, acquisitions and

dispositions, and related matters.

**Scott R. Haber ‘84** and spouse, **Sherry**, have pledged to endow the Sherry and Scott Haber Law Scholarship, which the Law School will award annually to a deserving student enrolled in the J.D. program.

experience representing public and private corporations and private equity firms in mergers and acquisitions. In addition to Cornell Law School, he is a graduate of Cornell’s College of Arts and Sciences (1980) and Johnson Graduate School of Management (1983).



*By helping to make a Cornell J.D. more affordable, scholarship funds make education more accessible to a greater number and more diverse body of students than ever before. New commitments to establish endowed funds were formalized by several generous Law School alumni.*

Scott Haber is a partner at Latham & Watkins in the firm’s San Francisco office and local chair of its Corporate Department. He has previously been the firm’s managing partner and served on its global Executive Committee. He has more than thirty years’

**Mark H. Jackson ‘85** and **Karen L. Hagberg ‘84** established the Hagberg-Jackson Diversity and Excellence Scholarship to provide a scholarship grant in support of underrepresented minority students with financial need who are enrolled in the J.D.



program. Karen Hagberg is a partner in the Intellectual Property Group of Morrison & Foerster and focuses her practice on trials and arbitrations of intellectual property disputes. She is a member of the Law School Dean's Advisory Council. Mark Jackson was most recently executive vice president and general counsel of Dow Jones and was previously associate general counsel of HarperCollins Publishers. He is a graduate of Cornell's College of Arts and Sciences (1981), as well as its Law School. "My wife, Karen, has made diversity in the legal profession, and within her firm, a major focus of her professional life," said Jackson. "This scholarship is a continuation of her efforts, as well as a recognition of the

vital role Cornell Law School has played in our lives."

**William F. Lee '76** has pledged endowment funding for the William F. and Leslie Lee Law Scholarship, which will be awarded to a student enrolled in Cornell's J.D. program on the basis of academic merit. Bill Lee is a partner at WilmerHale and has served as the firm's managing partner. He has represented numerous clients in the technology sector for more than thirty-five years. He has tried more than 200 cases to verdict and argued more than 75 appeals before the U.S. Court of Appeals for the Federal Circuit and other appellate courts. Those cases have included some of the highest-profile patent cases of the last decade. In addition to

his Cornell J.D., he holds an M.B.A. from Cornell's Johnson Graduate School of Management (1976).

**Charles F. Rechlin '71** bolstered the existing endowment of the Charles F. Rechlin, A.B. '68, J.D. '71 Scholarship with a new Ezra Cornell Circle-level gift. Rechlin, formerly a partner at Sullivan & Cromwell, established the scholarship in 2000 with a preference for J.D. candidates who have demonstrated an interest in business and financial law. Since stepping back from the practice of law, Rechlin has engaged in a number of nonlegal activities, most recently freelance blogging on the subject of bank and credit union deposit products.

A gift to scholarship from **Enrique Gonzalez III '91**, partner at Fragomen, Del Rey,

underwrite the full cost of tuition for a J.D. candidate selected as a Charles Evans Hughes Scholar, with preference given to a Latino/Latina student. Gonzalez said of his gift, "Given that Fragomen has been ranked consistently as one of the top five firms in the world for female and minority attorneys, I was motivated to recognize Austin Fragomen's contributions towards inclusiveness while also continuing to support opportunities for female and minority attorneys." Gonzalez is managing partner at Fragomen's office in Coral Gables, Florida, and pursues a broad-based practice that includes counseling companies, institutions, and individuals. He has extensive experience in immigration law, including investment-based immigration, and from January to August 2013 was special counsel on

*This scholarship is a continuation of her efforts, as well as a recognition of the vital role Cornell Law School has played in our lives.*

— Mark H. Jackson '85

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Bernsen & Loewy, provides an annual grant in lieu of tuition through 2019. Gonzalez's current-use gift funds the Austin T. Fragomen Annual Scholarship, which helps to

immigration to Senator **Marco Rubio**, whom he advised on matters related to the Border Security, Economic Opportunity, and Immigration Modernization Act.



The 2017 fiscal year began strongly for scholarship giving when an anonymous donor endowed the St. Lawrence University-Cornell Law School Scholarship. Citing a preference for J.D. candidates with superior academic credentials who hold an undergraduate degree from St. Lawrence University, the SLU-CLS Scholarship is intended to encourage SLU graduates to apply to Cornell Law School; provide support for students from upstate New York; and support students from families with modest financial resources. At its current level, the SLU-CLS Scholarship endowment has the potential, depending on investment performance, to make an annual scholarship grant approximately equal to two-thirds the current cost of tuition.

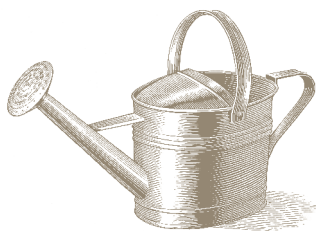
### New Gifts, Diverse Purposes

Notable gifts to the Law School during the latter half of fiscal 2016 illustrated the diversity of legal study and practice at Cornell, as well as the thoughtfulness of our donors.

**Steven C. Browne '88** established the Donald T. Browne Law Endowment in honor of his father. The Browne Law Endowment will provide ongoing annual support for programs and activities in business law, particularly initiatives that combine matters of law, business, and technology. The use of the Browne Law Endowment is at the discretion

of Cornell Law School's Allan R. Tessler Dean. Steve Browne is a managing partner at Morgan, Lewis & Bockius, where his practice focuses on business and securities law, including mergers and acquisitions, leveraged buyouts,

*Notable gifts to the Law School during the latter half of fiscal 2016 illustrated the diversity of legal study and practice at Cornell, as well as the thoughtfulness of our donors.*



corporate finance, private equity financing transactions, public offerings, SEC compliance, and technology transfer and licensing. He is a member of the Law School Dean's Special Leadership Committee.

**Robin T. Tait, A.B. '51**, advised the Law School of a future bequest to endow the Tait Brothers Dean's Discretionary Fund, intended "to enhance the intellectual life of the Law School and University, and to

draw broad attention and note to Cornell Law School." In pursuit of these goals, the fund will support legal scholarship by members of the Cornell Law School faculty, as well as visiting scholars and distinguished lecturers at the Law School. In particular, the fund will provide resources for an Ezra Cornell Distinguished Lecturer, a scholar or public figure of national or international stature, to address topics related to law, legal theory, or legal history. Tait, a retired partner at the international firm Coudert Freres, has lived and worked in Paris for more than forty years.

Justia, a for-profit organization dedicated to optimizing "the availability of legal resources for the benefit of society," continues its philanthropic relationship with the Legal Information Institute (LII) by providing regular and generous support of LII operations on all levels. Justia's philanthropy directly supports LII technical personnel, who drive its legal publishing success by keeping collections online and current. With 30 million annual visitors, the LII attracts 65 percent of all the Internet traffic for Cornell University and achieves that level of visibility thanks to the work and expertise of just eight full-time staff members. With the assistance of as many as thirty Cornell students, LII staff apply advanced techniques in computer and information science to solving problems of public understanding of law and the

legal system. Justia funding also provides compensation for Cornell Law School student-employees who write objective case previews in the *LII Supreme Court Bulletin*, which *The Federal Lawyer* magazine and SCOTUSBlog.com republish regularly.

Justia provides legal marketing solutions to law firms, then reinvests that income by giving technology and financial support to universities, libraries, and nonprofits that make legal information and education available to the public without fees. In that rapidly changing, skills-dependent market, talent and agility determine success. Justia founder and CEO Tim Stanley, a lawyer-turned-technologist, recognized those qualities in the LII and understood the importance and usefulness of the service it was providing, as well as the educational value of its content. Since 2009, the LII and Justia.com have collaborated to provide public access to the world's largest and most active lawyer directory. The partnership is poised to continue into the future, as suggested by Justia's recent acquisition of Oyez, an enormous Supreme Court audio archive, to coincide with the LII's 25th anniversary.

A multiyear commitment by The Atlantic Philanthropies will provide annual funding for the Law School to establish and maintain the Cornell Center on the Death Penalty

Worldwide, the first such entity in the United States. The center's work will include a Summer Institute for Capital Defense Lawyers in the Global South (Africa; the Middle East; Asia); a Latino Defendants Project (initially in Texas and California); enhancement of Death Penalty Worldwide (a free online resource comprising data from all eighty-nine nation-states that retain the death penalty as a matter of law or practice); and clinical advocacy related to abolishing the death penalty in sub-Saharan Africa. Structured to run through 2021, this funding is essential to serving the center's mission of death-penalty abolition, as well as its immediate goal of ensuring competent legal representation of capital defendants.

More news of fiscal 2016 philanthropy to Cornell Law School appears in *The Year in Philanthropy—2016: Creating Opportunity*, a publication of Law School Alumni Affairs & Development in conjunction with Law School Communications.



## REUNION 2016

### Past, Present, and Future Come Together at Reunion 2016

As twilight comes to Purcell Courtyard on Saturday, **Rebecca** and **Torello Calvani '06** are talking with friends, drinking wine, and hardly thinking about their eight-year-old son, Alex, who is halfway across campus, bowling with buddies at the Helen Newman



Bowling Center. It's been a busy two days for the whole family, balancing past and present with visits to the A. D. White House, where Rebecca and Torello were married, and the Law School's new academic wing, where they met Dean Eduardo M. Peñalver. In between, there was dinner, breakfast, lunch, another dinner, a pilgrimage to the site of the former Chapter House,



LEFT: (from left) Stephanie Sernau '86, Hon. Elizabeth Crowder '86, Anita Medina Tyson '86, and Diana Liu '86  
ABOVE: Kelly Bey Lind '96

and a very late bedtime for Alex after a day of swimming, arts and crafts, volleyball, science fun, bounce house, laser tag, inflatable obstacle course races, cotton candy, sno-cones, a movie, and Cornell ice cream.

"It's really nice to know Alex is having fun at Kids Club and that we get to spend some time on our own, reconnecting with people we haven't seen in ten years," says Torello.

"Everyone has spread out across the country, so it's a rare chance for us to see all our old friends back together again. And to eat really well—basically, the whole time."

That's Reunion. The party started Thursday evening with hors d'oeuvres for alumni, friends, faculty, and family in the Student Commons. Waking up Friday, alumni had a busy day ahead of them, with a



CLE program on the topic “The Cloud, Metadata, and Social Networking: How Technology Is Changing the Practice of Law”; a RED Talk entitled “Lawyers in the Best Sense: Social Justice, Human Rights, and Legal Access”; the State of the Law School Address by Dean Peñalver; a CLE class on business ethics and the law; a wine tasting with alumni of Cornell’s Johnson Graduate School of Management; Reunion dinners; and an all-class tent party that stretched into the wee hours of the morning.

Then came Saturday, with alumni rolling out of bed for the Reunion Run and Celebration Breakfast before another full day of events, starting with a State of the University Address by Interim President **Hunter R. Rawlings III**. From there, it was a short hop to the family carnival on the Arts Quad, a barbecue lunch, a panel discussion on the topic “Women in Law: Past, Present, and Future,” and finally, the All-Class Cocktail Reception

and Roving Repast with old and new friends mingling in the courtyard and sharing their highlights from the weekend.

For **Laura Sedlak ’11**, a key moment was the RED Talk by faculty members **Sandra Babcock**, **Beth Lyon**, **Stephen Yale-Loehr**, and **John Blume**, her mentor in the Cornell Death Penalty Project. “It’s inspiring to hear that current students are so passionate about social justice, and it reminds me how fortunate I am to still be working on these issues,” says Sedlak, who works pro bono for the Innocence Project’s strategic litigation team. “It was great



to hear that the death penalty project is expanding into new areas. I think students will be as thankful as I am that they can develop their skills on cases that are meaningful. I left the talk feeling grateful that I get to continue that line of work at a firm where there’s no limit on the amount of pro bono I can do.”

For **Diana Liu ’86**, another highlight was the program by **Mary K. Braza ’81**, **Christina Fournaris ’91**, **Sarah Manchester ’91**, **Kandice Stetson Thorn ’06**,

and **Sital Kalantry**, clinical professor of law, whose experiences as female lawyers resonated with her own. “I echo everything the panelists said about work/life balance,” says Liu. “The typical law firm is a microcosm of the prevailing views of society. As women lawyers, we always feel we have to do more, and if we don’t catch every ball we’re juggling, it feels we haven’t done our job well. But we also know that guys are our best friends. My best mentors throughout my legal career



*It’s inspiring to hear that current students are so passionate about social justice, and it reminds me how fortunate I am to still be working on these issues.*

— *Laura Sedlak ’11*



TOP LEFT: Professor Stephen Yale-Loehr discusses the Immigration Clinic  
ABOVE: (from left) Renate Madure LL.M. ’11, Ana Bernal Rueda LL.M. ’11, and Corentine Delobel LL.M. ’11 LEFT: Laura Sedlak ’11, Alexandra Harpp ’11, and Ross Wilson ’11

have been men, and the most ardent champions of my election to partnership were my male colleagues. When I spend time with all these classmates at Reunion, women and men alike, I feel a renewed energy because Cornell Law's smaller class size both enabled and encouraged men and women to develop genuine friendships that grew stronger over the years, and through that friendship, understand on a deeper level the challenges each of us faced 'growing up' after law school."

Five years after graduation, **Matthew Farrell '11** traveled upstate for a mixture of busi-

ness and pleasure, taking advantage of Reunion 2016's continuing legal education credits and the change of scenery from New York City. "It's great to hear a different perspective in CLEs I wouldn't have the chance to take in Manhattan, and it always helps to have an ethics CLE," he says. "Professor Wendel's class really stood out for me, because we got to focus on corporate issues that have developed since I graduated from law school and what can be done to address them. It was a lot of fun, and I was very impressed by the alumni from years before me who are still active and still engaged,

making the weekend a very interactive event."

All around the courtyard, there's much that's changed since Farrell's last visit. There's the new Schwab Lawn, the new academic wing, the new gathering area beside the

walkway, the new Student Commons—and there's much that's stayed the same, too. As he sits in the middle of all the Llenroc stone buildings, that's what strikes third-generation Cornellian **Will Rosenzweig '11**, whose father, grandfather,



CLOCKWISE FROM ABOVE: Chang Sik Lim '11; Matthew Morningstar '01; the Class of 2006; Elizabeth Peck, assistant dean for Assistant Dean for Professional Development and Clerkships; and Anita Medina Tyson '86







*There was a camaraderie that came out of that shared experience, good and bad. It brought us close, and it's kept us close all through these years. That's the reason why we keep coming back.*

— Howard Ignall '71



TOP RIGHT: wine tasting with the Johnson School TOP LEFT: The "Women in Law: Past, Present, and Future" panel MIDDLE LEFT: Laura Harper Powell '91 MIDDLE RIGHT: Josselin Pittard, LL.M. '11 (left), and Ana Bernal Rueda, LL.M. '11 BELOW: Eduardo Peñalver BELOW RIGHT: The Class of 1966





and grandmother are all alums. “As a seventeen-year-old, I didn’t necessarily want to follow their path,” he says. “But as I spent more time here and grew here, it was a meaningful way to connect with family and be in the same place they once were.”

Sitting under the tent, **James Hill ‘91** talks about all the places his classmates now live and how far they’ve come to attend Reunion. “We have classmates who traveled from Florida and California, classmates from Washington, Baltimore, New Hampshire, Boston, Connecticut, and New York,” says Hill, whose class set records at the Law School for the largest number of donors and the largest gift for a 25th Reunion. “We had a very, very close-knit class, and because of that very positive experience, our class has a strong affinity for the Law School. When we asked for donations, we got them, and I think that shows the affection people still have for Cornell Law.”

Sure enough, that feeling was everywhere in the Commons too, where classmates sat talking with friends and family. “In our day, Cornell Law was a very, very steep mountain to climb,” says **James Strauss ‘71**, recalling the era of The Paper Chase and its archetypal Hollywood villain, Professor

Kingsfield. “You know what the Socratic method is? For first-year students like us, every professor was pretty much a Kingsfield. It feels different now at sixty-nine years old, but at the time, we were terribly intimidated by the faculty, unsure of ourselves, and questioning whether we belonged. You didn’t want to be called on in class, fumble for an answer, slink down on the bench, and hope to fight another day.”



*We have classmates who traveled from Florida and California, classmates from Washington, Baltimore, New Hampshire, Boston, Connecticut, and New York. We had a very, very close-knit class, and because of that very positive experience, our class has a strong affinity for the Law School.*

— James Hill ‘91



TOP: John Kassel ‘86 MIDDLE: Howard Ingdal ‘71 BOTTOM: Alumni at the Reunion Class Celebration Breakfast



“Some of it was rough,” agrees **Howard Ignal ’71**, Strauss’s Law School roommate, remembering the seven women who entered with the Class of 1971 and the three who graduated. “Not everybody from our class would say that, but I loved my three years here. Loved them. There was a camaraderie that came out of that shared experience, good and bad. It brought us close, and it’s kept us close all through these years. That’s the reason why we keep coming back.”

**C. Evan Stewart ’77  
Receives Levy Award  
for Professional Ethics**

Over the past thirty-eight years, **C. Evan Stewart ’77** has done a lot of different things. His practice focuses principally on the financial services industry and handling litigation matters for domestic and international clients before federal and state trial and appellate courts and in arbitration forums, as well as before the Judicial Panel on Multidistrict Litigation and the U.S. Supreme Court. Stewart was featured by the *New York Law Journal* in the “Top Trials of 2005” for his successful representation of Theodore Sihpol, the first person in U.S. history to be criminally charged for “late trading” mutual funds. More recently, Stewart successfully represented Gary Prince against the U.S. Securities and Exchange Commission. In May 2013, after a three-week



*Lauded for his work as a Super Lawyer, a Local Litigation Star, and winner of the 2008 Modaq Content Award, Stewart is only the second practitioner in the thirty-three-year history of the award, which is given annually to the person who has contributed most to the advancement of professional ethics.*



bench trial in federal court, the judge dismissed all six charges of securities fraud against Prince. Stewart has written more than 250 articles on law and legal ethics (he is a contributing columnist for the *New York Law Journal* and the *New York State Bar Association Journal*); and when he’s not at his desk, he’s teaching law at Cornell and Fordham.

For all those reasons—or for any one of them—Stewart was

honored with the 2016 Sanford D. Levy Award by the New York State Bar Association’s Committee on Professional Ethics.

“Maybe it’s the sheer weight of everything I’ve published over the course of my professional life,” says Stewart, a senior partner at Cohen & Gresser who spends summers directing Cornell’s Prelaw Program in New York City. “Maybe it’s the cumulative effect of all those articles. Maybe enough people

who’ve read them think I’ve said something of value.”

Lauded for his work as a Super Lawyer, a Local Litigation Star, and winner of the 2008 Modaq Content Award, Stewart is only the second practitioner in the thirty-three-year history of the award, which is given annually to the person who has contributed most to the advancement of professional ethics. (He joins three other Cornellians who’ve been given the Sanford D. Levy Award in the past: Roger C. Cramton, W. Bradley Wendel, and Charles W. Wolfram.) At a simple ceremony in New York City, Stewart was praised for his ability to combine “comprehensive knowledge of the law with practical advice,” and his writing was described as “entertaining, witty, and clear.”

“The news that I’d won really came out of the blue,” says Stewart, who has been a trustee of Cornell University and currently serves on the Law School Advisory Council. “I was sitting at my desk when the phone rang and a very nice woman told me the committee wanted to give me this award. I said I was very surprised, but of course, I’d be delighted to accept it. She immediately interjected that I wouldn’t be required to give a speech. A simple ‘thank you’ would be sufficient. So that worked out well, and it was very gratifying to be joining one of my legal heroes—Roger Cramton—as a recipient of the award.”

JUDICIAL  
CONCLAVE 2016**The Law School  
Hosts Its First  
Judicial Conclave**

Fifteen years after completing his clerkships—with Judge **Guido Calabresi** of the U.S. Court of Appeals for the Second Circuit and Justice **John Paul Stevens** of the U.S. Supreme Court—Dean **Eduardo M. Peñalver** considers them two of the most meaningful experiences in his life.

“You go from being a law student to being part of the inner

That’s as true today as it was a generation ago, and though openings have always been very competitive, the past two or three years have seen a new kind of challenge. The system for finding clerkships has grown far less cohesive, and the application process—especially at the federal level, and especially with the influx of older, more experienced lawyers—has become much more difficult for students to navigate.

To bridge that gap, **Elizabeth Peck** became the Law School’s first assistant dean for professional development and clerkships in May 2015 after six

young alums, surpassing prior years’ clerkship outcomes. To start her second year, Peck, Peñalver, and Professor **John H. Blume**, the chair of the Faculty Clerkship Committee, hosted Cornell’s inaugural Judicial Conclave, bringing together eighteen Cornell and Cornell Law School alumni judges at New York City’s W Hotel on June 23.

“It was very much a listening opportunity, to learn more about what our alumni judges want from Cornell Law as they seek to hire judicial clerks,” says Peck, who clerked for Superior Court Judge **Richard D. Savell** in Fairbanks, Alaska. “Judges have different ideas about the kinds of support they’d like us to provide, so if we can better understand their needs, understand their timing, understand their process, we’ll have a better chance of helping them find a good match: a clerk who can join that culture, that family, and do well. It’s all about building relationships.”

To set the stage, there were State of the Law School presentations by Peñalver; Peck; Blume, the director of clinical, advocacy, and skills programs, who began his career as a clerk for Judge **Thomas A. Clark** on the U.S. Court of Appeals

for the Eleventh Circuit; and **Eduardo Bruera ’11**, who clerked for Justices **Sonia Sotomayor** and **John Paul Stevens** of the U.S. Supreme Court. After those presentations, Peñalver invited judges to share their insights and feedback. The judges discussed their clerkship hiring preferences and made suggestions about how the Law School can serve their needs as they seek to fill clerkship positions. After time for cocktails and more informal dialogue, Hon. **Richard Wesley ’74** of the U.S. Court of Appeals for the Second Circuit delivered a keynote address during dinner, introduced by Hon. **Amy St. Eve ’90** of the U.S. District Court for the Northern District of Illinois.

“I thought it was great,” says Hon. **Peter W. Hall ’77** of the U.S. Court of Appeals for the Second Circuit, who clerked for Judge **Albert W. Coffrin ’47** on the U.S. District Court for the District of Vermont. “It was wonderful to be with my fellow alumni judges, including some I hope to call friends as we get to know one another better. The program was well organized, explaining what the Law School is currently doing and aimed at ensuring that more Cornell Law students are looked at as viable, strong candidates, which of course they are.”

“The whole event was presented to us as a give-and-take, and that’s really what it was,” says Hon. **Patricia L. Cohen ’82**, a U.S. magistrate judge for the

*You go from being a law student to being part of the inner circle of decision making for a judge who’s deciding cutting-edge questions of law.*

— Eduardo M. Peñalver

”

circle of decision making for a judge who’s deciding cutting-edge questions of law,” says Peñalver, the Allan R. Tessler Dean and Professor of Law. “You work very closely with the judge, who’s relying on you to get the law right. As a young lawyer, that’s not something you’re going to find in any other employment setting.”

years as director of public service. In the first year of Peck’s new position, Cornell Law School secured fifty-two judicial clerkships for current students, new graduates, and







*It was great to meet people from around the country, with a lot of different ages and backgrounds, and to see the career paths that people have taken. We're all proud to have graduated from Cornell Law School, and it was a chance for us to offer our input and give a little back to strengthen the program.*

— Hon. Patricia L. Cohen '82

Eastern District of Missouri, who clerked for Judge **Jean Hamilton** on the Missouri Court of Appeals. "It was great to meet people from around the country, with a lot of different ages and backgrounds, and to see the career paths that people have taken. We're all proud to have graduated from Cornell Law School, and it was a chance for us to offer our input and give a little back to strengthen the program."

In giving back, the eighteen judges helped reflect the complexity of the hiring process, with a wide variety of responses to the Law School's questions, which is why the job search has become so labor intensive. Some judges want their clerks to have a strong regional connection; some don't. Some want to hire clerks directly out of law school; some would rather hire attorneys with two or three years of practical experience. Some are trying to fill openings in the coming months; some are

trying to fill openings in the coming years. But for all their differences, says Peñalver, all shared a desire to do their best to help the current generation of law students.

"The most important thing we learned was the importance of being systematic in gathering information about the judges' priorities," says Peñalver. "We're going to continue building on the relationships that were formed at the conclave and reaching out to a wider circle of Cornell judges. For me, this meeting really drove home the point that judges want to hear from us one-on-one. The meeting made a lot of sense from our perspective, because we have to know the judges well if we're going to help our students put their best foot forward in the application process. What I didn't realize is that there's so much demand from the judges' side. They want to keep meeting, and they're glad we've started this conversation."

#### **Alumni Association Executive Board of Directors: New Leadership**

The Law School welcomes six new members to the Cornell Law School Alumni Association for 2016–2017: **Andrew T. Hahn Sr. '86**, **Gayle E. Littleton '99**, **Laura M. Miranda '89**, **Viktor Okasmaa, LL.M. '03**, **Lawrence P. Postol '76**, **Naomi E. Terr '01**. In addition to the new members, **E. Eric Elmore '89** will be taking the helm as president and **Daniel M. Duval '02** as vice president. We are grateful to these alumni for volunteering their time and energy to programs and initiatives of Cornell Law School Alumni Affairs.

**Ernest Eric Elmore** is currently a senior antitrust attorney at the Federal Trade Commission. He has investigated mergers and acquisitions and joint ventures in a number of industries, including electronics, plastics and metals, computer hardware and software, chemicals, and coal. He has prosecuted several enforcement actions to enjoin or modify certain anticompetitive mergers and acquisitions and firm combinations. In particular, he was the lead FTC attorney in *FTC v. Arch Coal, Inc., et al.*, a joint federal and multistate federal district court antitrust civil action. Elmore has also served as an attorney adviser to FTC Commissioner Mozelle Thompson and was a special assistant U.S. attorney for the

U.S. Attorney's Office for the District of Columbia.

Elmore is a member of the American Bar Association, National Bar Association, Cornell University Council, Cornell Black Alumni Association, and Alpha Phi Alpha Fraternity, an intercollegiate fraternity founded at Cornell. He is also the national chairman of the Alpha Phi Alpha committee to restore historic sites in Ithaca, New York.



E. Eric Elmore '89

Elmore earned an A.B. degree in government from Cornell's College of Arts and Sciences in 1986 and obtained his J.D. degree from Cornell Law School in 1989, where he was president of the Black Law Students Association. He is a member of the New York State bar.



**Daniel Duval** is the chief legal officer and chief compliance officer of Jefferies Finance, a leading commercial financing company and arranger of leveraged loans owned jointly by Jefferies Group (a subsidiary of Leucadia National Corporation) and MassMutual Financial Group with over \$5.0 billion in assets under management. Duval oversees the company's legal and compliance departments and counsels Jefferies Finance in its role as lead arranger, administrative agent, and lender in the structuring, underwriting, and



Daniel Duval '02

management of its loans. As chief compliance officer, he administers the company's compliance programs, oversees its registered advisory businesses, and is responsible for regulatory, reporting, and licensing requirements. He also assists in the successful restructuring of distressed loans and supervises the company's response to potential legal claims. Prior to moving in house in 2008, Daniel was a member of White & Case's

Bank Finance Group in New York and São Paulo, Brazil. His practice involved representing borrowers and lenders in a wide variety of cross-border financings and securities offerings in both the United States and Brazil. A member of the New York State Bar and the U.S. Supreme Court Bar, Duval graduated from the Cornell School of Hotel Administration and completed his J.D. at Cornell Law School with a specialization in international legal affairs.

**Andrew (Andy) Hahn** is a partner in the Trial Group of Duane Morris's New York office. Throughout his career practicing in private law firms, Hahn has handled various commercial litigation cases. He is certified as a Neutral for the American Arbitration Association and the International Institute for Conflict Prevention & Resolution.

Hahn received his J.D. from Cornell Law School in 1986, and his B.A. cum laude in 1983 from Cornell University, where he majored in history and was also commissioned as a distinguished military graduate from the Army ROTC program. He was airborne qualified and served on active duty as a captain of the U.S. Army Judge Advocate General's Corps from 1986 to 1990, and on reserve status from 1990 to 1996.

In 2008, Hahn was the president of the National Asian Pacific American Bar Association (NAPABA). As president



Andrew T. Hahn Sr. '86

of NAPABA, he has briefed on numerous occasions White House counsel, U.S. senators, and the U.S. attorney general on issues regarding appointments of APA attorneys. He also served a one-year term in 2004 as the president of the Asian American Bar Association of New York and was active as a board member with the Korean American Lawyers Association of Greater New York, which bestowed upon him the Trailblazer Award in February 2008. In April 2011, he received the Diversity Champion Award from the New York City Bar Association.

Hahn served as a board member of the New York County Lawyers' Association from 2012 to 2016. He is a currently a board member of Ascend as well as its general counsel. Ascend is a national not-for-profit organization whose mission is to promote the interests of APAs in the financial and corporate sectors.

**Gayle E. Littleton** is a partner at Jenner & Block and advises companies and executives facing regulatory, criminal, and civil investigations. A former assistant U.S. attorney (AUSA), Littleton brings a wealth of experience investigating and litigating matters involving fraud, corruption, tax evasion, cyber crimes, and regulatory violations, as well as civil actions brought pursuant to the False Claims Act and the Financial Institutions Reform, Recovery, and Enforcement Act. Littleton also regularly conducts corporate internal investigations and advises her clients on the Foreign Corrupt Practices Act and regulatory compliance matters. She is a seasoned courtroom lawyer, who has tried eighteen federal cases, both in the Northern District of Illinois and the Northern District of Florida.



Gayle E. Littleton '99

From 2003 to 2008, Littleton served as a federal prosecutor in the Chicago office of the U.S. Attorney's Office for the Northern District of Illinois. She served on the prosecution team that investigated and



prosecuted former Illinois governor George Ryan's chief of staff and others for their involvement in a bid-rigging scheme. Littleton also has briefed and argued numerous appeals before the U.S. Court of Appeals for the Seventh Circuit.

As an AUSA in Florida starting in 2008, Littleton conducted high-level white-collar investigations and prosecutions. Among her prosecutions, she investigated and convicted at trial a bank chief executive officer, chief financial officer, and lawyer for their roles in a scheme to defraud the FDIC at the height of the nation's liquidity crisis. She also investigated and successfully tried a real-estate investor, mortgage brokers, an attorney, and a title agent in a complicated mortgage-fraud scheme. In 2014, Littleton was promoted to senior litigation counsel, where she advised the U.S. attorney and reviewed all proposed indictments. She also created and personally counseled the Violent Crimes Working Group and considered for prosecution all bankruptcy-fraud referrals.

Littleton clerked on the U.S. Court of Appeals for the Eighth Circuit for Hon. **Gerald W. Heaney** and on the U.S. District Court for the District of Massachusetts for Hon. **Joseph L. Tauro**. She has served as an adjunct professor at Loyola University (Illinois) and has taught at the Department of Justice training center.

Littleton is a 1999 graduate of Cornell Law School, where she received her J.D. magna cum laude. She received a B.A. in 1994 from Stetson University.

**Laura M. Miranda** has spent twenty-seven years fighting for justice and equality and over that time has defended clients on over 100 criminal trials. Her entire career has been dedicated to preserving



Laura M. Miranda '89

and expanding civil and constitutional rights, particularly for people of color, including immigrants. Fluent in Spanish, Miranda also teaches clients who are facing the injustices of the criminal justice system their constitutional rights, and how to effectively assert them.

After graduating from Cornell Law School, Miranda worked at the New York City Legal Aid Society, Criminal Defense Division, where she was responsible for investigations,

lineups, grand jury presentations, legal memoranda, habeas writs, hearings, and trials, as well as teaching interns and young attorneys the ropes.

In 1996 she began a two-year clerkship in the Supreme Court of the State of New York, advising Judge **Nicholas Figueroa** on complex felony legal issues at pretrial hearings and criminal trials.

Now at her own private law firm for the past eighteen years, Miranda has defended serious as well as minor crimes. Although her law firm is in New York City, Miranda has done work for clients and companies in Connecticut, Massachusetts, Pennsylvania, Puerto Rico, Colombia, and Mexico.

Over the past twenty-five years she has lectured on criminal defense practice, throughout the five boroughs and upstate New York, including at New York Law School, Brooklyn Law School, Fordham University School of Law, Maurice A. Deane School of Law at Hofstra University, and Cornell Law School, and has been hired by other law firms and attorneys as a consultant to help defend their clients. Miranda has advised on voir dire and trial strategies and negotiated plea bargains with prosecutors on New York State and federal felony cases.

Miranda is a 1986 graduate of Cornell University and a 1989 graduate of Cornell Law School.

**Viktor Okasmaa** is a partner at Willkie Farr & Gallagher and represents investment banks, corporations, private equity sponsors, and mezzanine funds in connection with a wide variety of financing transactions. He has significant experience in acquisition and mezzanine financings, leveraged buyouts, asset-based and debtor-in-possession financings, as well as debt restructuring transactions. Okasmaa was previously a partner at Fried, Frank, Harris, Shriver & Jacobson. He is a 2003 graduate of Cornell Law School and a 2002 graduate of Université Paris II—Panthéon-Assas.



Viktor Okasmaa, LL.M. '03



**Larry P. Postol** is a partner at the national firm of Seyfarth Shaw and is a litigator concentrating his practice in the labor and employment law area. Postol has defended against claims for race, age, sex, and disability discrimination. He has also handled FLSA, ERISA, and OSHA litigation. Postol counsels clients on all aspects of employment law and has particular expertise with respect to ADA compliance. Additionally, he has extensive experience in workers' compensation defense. Postol has published over 100 articles, including five law review articles, and has edited two books. He has successfully argued over three dozen cases in the U.S. Court of Appeals and two cases before the U.S. Supreme Court.

Postol is a 1976 graduate of Cornell Law School, where he was an editor of the *Cornell Law Review* and received his J.D. cum laude. He received his B.S. with distinction in 1973 from Cornell University, where he majored in engineering physics.



Lawrence P. Postol '76

**Naomi E. Terr** is a senior staff attorney at Texas Defender Services and a program attorney with the Mexican Capital Legal Assistance Program (MCLAP), a program funded by the Foreign Ministry of Mexico to assist Mexican nationals facing the death penalty in the United States. Terr graduated from the University of Texas at Austin with a B.S.W. in 1989



Naomi E. Terr '01

and an M.S.W. in 1993. She received her J.D. from Cornell Law School in 2001. Since she graduated from law school, her practice has been devoted exclusively to death penalty defense. A major focus of her work is developing mitigating evidence in capital cases. She has also worked extensively in cases with evidence of intellectual disability. She has supervised the MCLAP at Texas Defender Services since 2012. In 2001, Terr received a two-year fellowship from Equal Justice Works. Her host organization was Texas Defender Services. As an Equal Justice Works Fellow, she developed and implemented a project to incorporate social work students into capital defense teams.

## ALUMNI AUTHORS



As a trial attorney, **Paul Batista '74** specializes in federal criminal litigation. As a media personality, he's been a guest legal commentator on CNN, Court TV, HLN, and WNBC. As a legal authority, he's best known as the author of *Civil RICO Practice Manual* (Wolters Kluwer), currently in its third edition.

On top of all that, he's an incredibly prolific fiction writer, with four novels published by Oceanview so far this year:

*Death's Witness* (January), *Extraordinary Rendition* (February), *The Borzoi Killings* (March), and now *Manhattan Lockdown* (July), which Goodreads calls "simply amazing. When you start this book, set aside a few hours. You will definitely not want to put it down."

The book opens explosively—literally—with a terrorist attack at the Metropolitan Museum of Art, right in the middle of a party honoring Mayor Roland Fortune, who is injured in the blast. Soon enough, the city's greatest landmarks are in ruins, 1,000 people are dead, and Fortune has placed the city on lockdown with help from the FBI, the U.S. Army, the chairman of the Joint Chiefs of Staff, the Department of Homeland Security, and the president of the United States.

In all that firepower, there's only one person who can defeat the terrorists: New York City Police Commissioner Gina Carbone, who's taking vigilantism to a new extreme. Will she succeed in time? Or



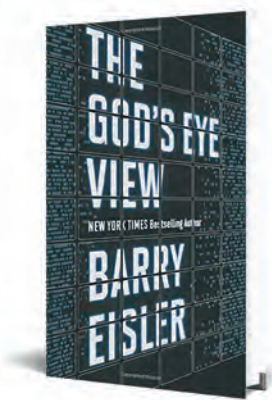
**Batista knows his way around Manhattan, and it shows in this battle of wills, where the tension and turmoil add up to high stakes suspense, the pages hot enough to singe your fingers.**

— Steve Barry





will New York City be reduced to rubble? “Batista knows his way around Manhattan,” writes best-selling author and attorney Steve Berry, “and it shows in this battle of wills, where the tension and turmoil add up to high stakes suspense, the pages hot enough to singe your fingers.”



Since graduation, **Barry Eisler '89** has practiced law, worked for the CIA, and been an executive at a software start-up. But he's been a full-time writer since 2002, when he became a best-selling author with *Rain Fall*, the first of eight books about John Rain, a half-Japanese, half-American assassin whose victims appear to have died of natural causes, and whose mother was a Cornell professor.

The breakout success of the series, which is being released as a TV miniseries starring Keanu Reeves, has given Eisler freedom to create some new assassins, like Ben Treven, an elite undercover soldier who first appeared in 2013's *Fault*

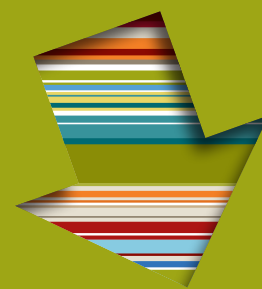
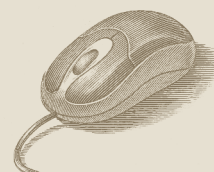
*Line*, and Manus, the government killer at the heart of *The God's Eye View*. Manus will do anything to protect the director of the NSA, who's leading a top-secret operation to collect every phone call, e-mail, and keystroke tapped on the Internet. That's bad news for Evelyn Gallagher, who stumbles onto the program—but it's good news for anyone looking for a page-turning political thriller. In an elaborate game of blackmail, terrorist threats, and White House scheming, Gallagher uses her espionage training against Manus and his partner, a bomb-building hacker named Delgado, hoping to survive the global warfare swirling all around her.

“Eisler’s expert knowledge of spy craft and hand-to-hand combat combine with his ultra-deep distrust of government intelligence to propel this suspenseful yarn into the front ranks of paranoid thrillers,” writes *Publishers Weekly*. Even scarier, the *San Jose Mercury News* calls *The God's Eye View* “piercingly plausible,” promising to put readers “on the edge of their seats from page one. Beyond being exciting and entertaining, the book serves as a profoundly disturbing cautionary tale.” ■

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Cornell University’s online alumni directory has never been more user friendly for Law School alumni. Check out the new platform and easy search fields. You can now search for fellow Cornell lawyers by name, class year, city, state, or area of expertise. You can also update your contact information and identify your own area of expertise so your classmates can find you!

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Michael H. Botein '69

Harold H. Croghan '53

Michael J. Dick '84

John Merrell Dinse, LL.B. '50

Anne L. Geiger '04

Richard R. Huber '53

Honorable John Oliver III '53

Alice K. Pringle '62

Honorable Clarence D.  
Rappleyea '62

Honorable Melvin Rosenberg '67

Eric A. Poehlmann '96

Douglas C. Pierson '56

Harold E. Rosen, LL.B. '58

Frederick G. Van Riper '52

William John Wellman '67

Craig Neal Yankwitt '02

# FORUM

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# CORNELL LAW SCHOOL REUNION WEEKEND 2017

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