



Meet Tsai Ing-wen, LL.M. '80, Taiwan's First Female President

Wild West or Trade Talks: Both Suit Michael Punke '89 Just Fine

New Documentary Celebrates Trailblazing Lawyer and Lawmaker Connie Cook '43

Dynamic Grads Blaze Different Paths





# My scholarship helped me realize my dream

As I come from a working class background, being admitted to Cornell Law School was truly a dream come true. The generosity of the Ress family through the Lewis and Esta Ress Scholarship helped me realize that dream. Knowing that I'd been given a unique opportunity, I worked very hard and took full advantage of every experience, from participating in several legal clinics to running the *Cornell Journal of Law and Public Policy* as editor in chief. Along the way, I developed an interest in litigation, and, following law school, I clerked for one year before joining Seward & Kissel's litigation group in New York City. None of this would have been possible without the Ress family. Their generosity inspires me to give back to Cornell Law School every chance I get.

Daniel E. Guzmán '11



# **FORUM**

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COVER:
Tsai Ing-wen and illustration by
Davide Bonnazzi: salzmanart



#### Dear alumni and friends:

Over the past few months, our alumni have been making headlines for remarkable, yet vastly different, achievements that demonstrate both the versatility of a Cornell Law School degree and the dynamism of our graduates.

The year began with news that Tsai Ing-wen, LL.M. '80, had been elected president of Taiwan in a landslide victory, becoming the first woman to lead that nation. Then, in February, the movie The Revenant, based on the book by Michael Punke '89, won three Oscars at the Academy Awards. Also in February, Anna Dolidze, J.S.D. '13, was nominated to the Supreme Court of the Republic of Georgia. These news stories followed the release last year of a documentary film about trailblazing lawyer and lawmaker Connie Cook '43.

This issue of Forum chronicles each of these compelling stories, which are affirmation of the varied paths to success and service taken by our graduates. Certainly, the vast majority of our alumni start their careers in the law, and recent graduates have been remarkably successful in the job market. For example, last year we ranked third in job placement among all law schools. And for the Class of 2015, we ranked first in employment outcomes among all New

Part of the answer is that we do what all top law schools do. We teach students how to think rigorously and dispassionately, how to look at contentious issues from all sides. These skills have great value both inside and outside of the legal world. Graduates of a school like Cornell—that is dedicated to teaching broad analytical thinking—are going to discover that their education

As the alumni stories in this issue demonstrate, a Cornell Law School degree helps open doors to opportunities in business, government, and beyond.

York State law schools. In spite of our small size we rank fifth in corporate leadership among all law schools. As the alumni stories in this issue demonstrate, a Cornell Law School degree helps open doors to opportunities in business, government, and beyond.

So, what is the Law School's role in preparing its graduates for the broadest range of career and leadership possibilities?

allows them to excel across a wide range of fields.

In addition, there is one area in which Cornell particularly excels that magnifies this effect: the interdisciplinary study of the law. This deep commitment reflects the founding vision of A. D. White whose goal was to educate lawyers who are "broad minded." On a relatively small faculty, we have scholars with













advanced degrees in over a dozen different disciplines, from the social sciences to the hard sciences to the humanities. Cornell Law School is a place where there is no orthodoxy.

The dynamism of our graduates is not all about how we are educating them. It's also about the strengths and breadth of our student body, about the types of students who come study

law at Cornell. The kinds of students who choose to study at a small law school nestled in the middle of the Finger Lakes are the kinds of people comfortable forging their own paths.

In fact, I think this may be the most important reason we have so many alumni in leadership positions. The size and location of the Law School have engendered a distinctive academic culture. The collegial, collaborative environment of the Law School encourages students to be effective communicators and team playersqualities that are conducive to success in business, government, or international affairs.

As the newly minted graduates of the Class of 2016 prepare to embark on their own distinctive journeys, I wish them all the best—whichever career path they ultimately choose.

I thank each of you for your contributions to the Law School and look forward to our continuing dialogue.

Eduardo M. Peñalver

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

## Meet Tsai Ing-wen, LL.M. '80, Taiwan's First Female President

by linda brandt myers  $\blacksquare$  illustrations by davide bonazzi



"The most powerful woman in the Chinese-speaking world."

That's what Time called Cornell Law School alumna Tsai Ing-wen, LL.M. '80, when the news magazine featured her on its cover soon after she was elected president of Taiwan in a landslide victory on January 16.



ith her studious-looking glasses and thoughtful, approachable manner, "powerful" might not be the first word that comes to mind to describe Tsai.

But when she took office this May, fifty-nineyear-old Tsai—a professor of law, policy wonk, and trade negotiator before she mastered

politics—became the first woman ever to lead the sovereign island state. She is one of Asia's few female leaders as well and the only one *not* following in the footsteps of a male family member.

Leader of the Democratic Progressive Party (DPP), which also won a legislative victory in January, Tsai is Taiwan's first president of Hakka and Paiwan (aboriginal Taiwanese) descent, first unmarried president, and first president to support the right of same-sex couples to marry.

And she is surely the first president with a Facebook page featuring her two adorable tabby cats, Think Think and Ah Tsai, who captivated the media and public during her campaign and are credited with helping her win the support of Taiwan's younger voters.

"The Law School congratulates Tsai Ing-wen on her election as president of Taiwan," said Eduardo M. Peñalver, the school's Allan R. Tessler Dean and Professor of Law. "The fact that her impressive career in law, politics, and government began when she was a student at our school says a great deal about the breadth, influence, and reach of our international programs as well as the achievements of our graduates."

"I believe that her training at Cornell had a great impact on her subsequent career," said Kuo-chang Huang, J.S.D. '02, a friend of Tsai's since 2008, when she became chair of the DPP. Huang, who is a founding member and chair of the rival New Power Party (NPP) and a representative in the Huan, Taiwan's parliament, discovered in talking with Tsai that both had taken a







When a handful of audience members questioned her aggressively on her views on cross-strait relations, I was impressed with how calmly she responded, meeting their concerns without reciprocating in tone.

— Annelise Riles

course on international business transactions with John Barceló, the William Nelson Cromwell Professor of International and Comparative Law and then director of the Law School's international programs.

"That was her focus at the Law School, and that background must have been useful to her when she led the negotiation team of Taiwan's government application for membership in the World Trade Organization in the 1990s," said Huang, who praised Tsai's pragmatism and expertise in international trade.

"I had negotiated with her both when I participated in civil movements and when I led the New Power Party in 2015," said Huang, whose own party grew out of Taiwan's Sunflower Movement, which protested an unpopular trade pact with China in 2014 promoted by the then Kuomintang-led government of Taiwan's dominant party. "I was amazed at her patience to work out our differences and her creativity to propose possible solutions," Huang commented.

Professor Barceló, who had also been Tsai's adviser when she was a law student, said: "We are always pleased when someone who studied in the international program goes on, as she has, to be so successful and to play such an important role in governmental and international affairs."

So how did Cornell help Tsai succeed?

"It must have been a growth experience for her as an LL.M. student to gain complete control over spoken and written English as well as legal English in a different culture, completely on her own," said Barceló.

"She also would have seen how the law functions in the U.S. and been exposed to commercial law as well," he said. "The Socratic teaching method at Cornell would have encouraged her to think critically and analytically about challenging legal and policy issues. And she would have learned not only how to get along with LL.M. students from around the world but also older U.S. J.D. program students. Those experiences must have matured her tremendously."

When she came back to campus in 2008 to deliver the annual lecture of the Clarke Program in East Asian Law and Culture, Tsai agreed that her two years at Cornell Law School and her subsequent time at the London School of Economics, where she earned a Ph.D., had been life-changing, giving her a much broader understanding of the world. "If you like my speech today, you can credit Cornell," she said.



— Tsai Ing-wen, LL.M. '80



When they met again at her Clarke Lecture, Barceló said, "not surprisingly, she was more mature, had gained in gravitas, seemed both open-minded and reflective, and also had acquired a kind of firmness."

Annelise Riles, Jack G. Clarke Professor of Far East Legal Studies, who, as executive director of the Clarke Program in East Asian Law and Culture, had invited Tsai to deliver the 2008 Clarke Lecture, remarked: "Her talk about Taiwan revealed her to be a first-rate legal scholar, interested in the complexities of issues and able to use legal tools to craft diplomatic solutions. When a handful of audience members questioned her aggressively on her views on cross-strait relations, I was impressed with how calmly she responded, meeting their concerns without reciprocating in tone."

Tsai's early life and eventual path to politics have been described in the media as follows.





ABOVE & LEFT: Tsai and her two cats, Think Think and Ah Tsai FAR LEFT: Tsai's 2008 visit to Cornell to deliver the annual lecture of the Clarke Program in East Asian Law and Culture

Born in 1956, the youngest daughter of nine children, Tsai initially chose to study law so that she could help with her father's successful commercial business. But after her studies at National Taiwan University, Cornell, and the London School of Economics she returned to Taiwan and became a professor at several universities there.

Along the way she gained sufficient expertise in law, international economics, and trade to be invited in 1993 to join the International Trade Commission of Taiwan's Ministry of Economic Affairs. "Over time, her successful handling of trade negotiations led to her becoming one of then-Taiwan president [and Cornellian] Lee Teng-hui's most valued counselors on relations with mainland China, serving as senior advisor to Taiwan's National Security Council in 1999–2000," noted a July 1, 2012, story about Tsai in Taiwan Today.

Then in 2000 she was named chair of the Mainland Affairs Council, the critical unit that handles Taiwan's relations with mainland China. Her appointment followed the historic win of Taiwan's presidency by her party's candidate, who defeated the long-ruling Kuomintang party's candidate (the KMT, or nationalist party, ruled Taiwan as an authoritarian state until democratic reforms began in the late 1980s and dominated politics subsequently, until the DPP's win in 2000).

In her four years on the council Tsai not only withstood "a great deal of scrutiny of both her ability and her political orientation," but she also "successfully promoted a more-equal model of cross-strait development," the Taiwan Today story commented.

But in 2008 the Democratic Progressive Party lost Taiwan's presidency to another KMT candidate, throwing Tsai's party into crisis. Named chair of the DPP that same year, she threw herself so intensely into the task of getting her party's candidates into office that she resembled "a field marshal preparing her troops for battle," reported Taiwan Today.

"Most people believe that without Ms. Tsai's leadership, the DPP could not have recovered from its catastrophic defeat in the 2008 election," said Huang.



She has a deep, inner self-confidence and also the experience in the rough-and-tumble world of politics to handle anything that may come her way.

— Annelise Riles

In addition to promoting others, Tsai herself became the DPP candidate for mayor of New Taipei City in 2010, a race she narrowly lost to a KMT candidate. The experience was a turning point, however, stated the Taiwan Today story. "The campaign marked her transition from, in her words, 'a university professor and member of the social elite' into 'a political figure able to interact naturally with the general public and relate to problems of ordinary people.""

Tsai then boldly aimed for Taiwan's presidency in 2012, losing that contest by a narrow margin.

"Many politicians would give up after one such high-profile defeat, let alone two," recounted Ben Bland in a December 11, 2015, Financial Times story. "But supporters say that Tsai's failure at [that first] presidential election served to stiffen her resolve."

Huang concurs: "Although her first bid for the presidency in 2012 hadn't been successful, she was not discouraged. Her persistence and continuous hard work led to her victory in 2016. Now, although we belong to different political parties, I am confident that we could work together to make Taiwan a greater country," said Huang.

Tsai "is not seen as charismatic or a great speaker, but has won over people with her sincerity, intelligence and tenacity," wrote the Straits Times on January 16, 2016. She is also "a respected thinker and negotiator [and] ... represents a sharp contrast to traditional DPP politicians who have a reputation for aggression and street smarts."

Tsai has her own role models, wrote Bland in his Financial Times story about her. One is German chancellor Angela Merkel. "[Like Merkel, Tsai's] strength isn't in her charisma among the crowd, but her thinking and determination are what we need in governing a modern country," he wrote.

As president, Tsai faces many challenges, noted Chen Jian, Cornell's Huh-Shih Professor of History for U.S.-China Relations, among them a faltering economy, not enough jobs or affordable housing, especially for young people, and what he says is Tsai's biggest challenge, cross-strait relations. Professor Chen, who also was a commentator at Tsai's Clarke Lecture, noted recently that while her party's platform still calls for an independent Taiwan, she seems to be taking a more pragmatic, moderate, and nuanced approach. "She is emphasizing peaceful and cooperative cross-strait relations through constructive dialogs, as in the best interests of both Taiwan and mainland China," he said.

Professor Riles expressed confidence that Tsai has what it takes to be a first-rate president of Taiwan. "She is entirely unflappable: calm, cool, and steady in situations of confrontation," Riles noted. "She has a deep, inner self-confidence and also the experience in the rough-and-tumble world of politics to handle anything that may come her way. I would bet that she will not be provoked by confrontations with China into a making a political mistake.

"Since 2008, the perception of Tsai Ing-wen has changed dramatically," Riles asserted. "Part of it is that the world has changed, and analysts are less skeptical of female heads of state than they once were," she said. "Tsai and her supporters have also worked hard to introduce her positions to policy makers around the world and let them get to know her up close," said Riles. "Today most people view the prospect of her presidency with hope and anticipation." ■



# Wild West or Trade Talks: Both Suit Michael Punke '89 Just Fine

by IAN MCGULLAM



Michael Punke '89 hammers out byzantine multilateral trade deals at the World Trade Organization. He can give you the ins and outs of the Trans-Pacific Partnership and the Transatlantic Trade and Investment Partnership. And he's got a bit of a sideline going as an author.



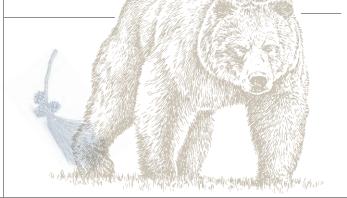
ell, to be more precise, the author of a death-defying, best-selling Old West epic of betrayal and survival. Written in Punke's off-hours while working at a law firm, The Revenant: A Novel of Revenge has inspired an Oscar-winning film adaptation that's grossed more than \$440 million worldwide at last count.

You'd expect that Punke would be gracing red carpets and making the talk-show rounds to promote his novel, which shot to prominence last year with the release of the acclaimed movie version. However, most press coverage of Punke has focused on what he can't say: as deputy U.S. trade representative and U.S. ambassador to the WTO, he is prohibited by federal ethics guidelines from making any public comments that touch on his outside work, which would count as improper self-enrichment.

As long as he's working for the feds, Punke is outsourcing the PR for his book to his family. "I think he's superexcited," says Tim Punke '96, who, when not serving as senior vice president for corporate affairs at the Seattle-based timber company Weyerhaeuser, acts as something of an unofficial spokesperson for his older brother. "When he wrote this book fourteen years or so ago, at the time he sold the option to the movie rights

and the book at the same time. I think at that time just having a movie made would have been really fantastic. But to have a movie made with Leonardo DiCaprio and Alejandro Iñárritu, the director, and Tom Hardy, it's really a pretty incredible experience to go through."

Written in Punke's off-hours while working at a law firm, The Revenant: A Novel of Revenge has inspired an Oscar-winning film adaptation that's grossed more than \$440 million worldwide at last count.







down the men who had abandoned him. Punke has a deep affinity for the terrain his characters traverse—he grew up in Wyoming, with parents who were constantly taking the family fly-fishing or camping up in the mountains. "We had this exposure to the outdoors in a way that not many people have. And Michael was always into it," Tim Punke says. "But beyond the outdoors, he was also really interested in Western history. He spent three summers working as a living-history interpreter at Fort Laramie National Historic Site," decked out in a nineteenth-century U.S. Cavalry uniform, while other teenagers were earning money flipping burgers.

ABOVE: Michael Punke speaking with international trade reporters at a breakfast at the U.S. Mission in Geneva May 10, 2010 **BELOW: Punke at Fort Laramie National Historic Site** 

Writing *The Revenant* was a Glassian feat of endurance in itself. Michael Punke wrote the book over four years, starting out

ing by a grizzly bear; he survived, though, and embarked on an epic journey through the wilderness in an attempt to track when he was still working at the Washington, D.C., office of Mayer, Brown, Rowe & Maw. He would come in early, get a few hours of writing done, and then go on to work a full day at the law firm. "I think he had always had the dream of writing and having that be something that he did as a career," Tim Punke says. "But when he started getting up at five in the morning consistently and getting into work and writing every day, you got the sense that he was really all-in on this project."

The film version of *The Revenant* has been a major commercial and critical success—it was up for twelve Academy Awards in February, and won three, including Directing for Iñárritu and Actor in a Leading Role for DiCaprio. "Obviously for Michael, the better the movie does, the better the book does," says Tim Punke.

The Revenant didn't make much of an impact when it first came out in 2002, and eventually fell out of print. But as anticipation for the movie built, Picador, an imprint of Macmillan Publishers, picked up reprint rights and brought out a new hardcover edition in January 2015. Since then, Picador says, it's gone through twenty additional print runs, with more than half a million copies in print. Following the movie's release in late December, The Revenant has spent ten weeks and counting on the New York Times Best Sellers list, including four weeks at the top.

While his book has been flying off shelves, Michael Punke finds other ways to keep busy. As deputy USTR, much of his focus is currently taken up by leading negotiations on a huge and controversial deal with the European Union known as the Transatlantic Trade and Investment Partnership, or T-TIP. Punke also represents U.S. interests at WTO headquarters in Geneva, Switzerland, where he lives with his family, keeping an eye on court battles between the United States and its trading partners.

Punke's WTO and deputy USTR posts are the culmination of a long career working on international trade issues. After graduating from Cornell Law School in 1989, Punke soon was appointed international trade counsel to Montana senator **Max Baucus**, who chaired the Senate Finance Committee's subcommittee on international trade. He subsequently served in the Clinton administration as director for international economic affairs and on the National Security Council and the National Economic Council.

In 1998, Punke left government service, following former commerce secretary **Mickey Kantor**, a mentor of his, to Mayer Brown. It was there that his second career, as an author, began



Alejandro Iñárritu and Leonardo DiCaprio



to germinate. After *The Revenant* came out, Punke and his wife, **Traci**, a Montana native, moved out to Missoula, Montana, in 2003 with their two kids. "They were getting to that age where we really had to decide whether we were going to raise them in Washington or if we were going to raise them in the West, and we very much wanted to raise them in more of the environment we'd been raised in," he says. Punke set up a policy consulting business in Missoula, and went on to publish two more books, both nonfiction accounts of the West: *Fire and Brimstone: The North Butte Mining Disaster of 1917*, which came out in 2006, and *Last Stand: George Bird Grinnell*, the Battle to Save the Buffalo,





LEFT: Punke with other members of the Cornell International Law Journal RIGHT: Punke fishing



and the Birth of the New West, published the following year. And he might still be living in Montana if the Obama administration hadn't come calling in 2009.

Punke has had some notable successes since he took office in 2010, in a recess appointment by **President Obama**. (He was confirmed by the Senate in 2011.) In December, as The Revenant was in the thick of the Hollywood awards season, Punke concluded a round of talks in Nairobi, Kenya, in which more than fifty WTO members agreed to lower tariffs on a collection of information technology products with an annual trade value estimated at \$1.3 trillion. Punke also cites his participation in 2013 trade facilitation talks in Bali, which produced the first agreement approved by every single WTO member, as another high point. "Getting a deal in trade negotiations takes a long time," Punke says. "So the junctions where we've actually concluded a deal have been very meaningful."

Coming to Cornell in 1986, Punke always knew that he wanted to go into public service. "When I went to law school, I knew I didn't want to be a traditional lawyer," Punke says. "First year for me was something I just had to endure, knowing that, well, when you go to law school you've got to take all these classes. I knew they were not going to be at the core of the work that I hoped to do as a professional. But I'd always been interested in international affairs, and so I was very drawn in second- and third-year courses to Cornell's international offerings."

Punke found a mentor at Cornell in John J. Barceló, the William Nelson Cromwell Professor of International and Comparative Law, who until recently was the director of the Law School's Berger International Legal Studies Program. Punke calls Professor Barceló's international business transactions course "one of the most significant introductions to trade that I had," and remembers ducking into his office for advice on summer jobs. For his part, Barceló remembers Punke as an "openminded, curious" personality. "Students who are active in the classroom and who demonstrate a real fine understanding in

article by Punke titled "Structural Impediments to United States-Japan Trade: The Collision of Culture and Law."

Cornell didn't just prepare Punke for a life in trade policy, though. "Professionally, the very most significant thing I learned from Cornell was writing," he says. "Kind of stupidly, I viewed writing courses in college as something to avoid and test out of." But law school, and especially his work on the ILI, forced him to focus on expressing ideas clearly, and that experience bore some unexpected dividends a few decades later.

In December, as The Revenant was in the thick of the Hollywood awards season, Punke concluded a round of talks in Nairobi, Kenya, in which more than fifty WTO members agreed to lower tariffs on a collection of information technology products with an annual trade value estimated at \$1.3 trillion.

the subject area and an inquiring mind stand out to you when you teach, and that's a memory I have of Mike," Barceló says. "He demonstrated a very sharp and analytical mind in those discussions."

The two developed their closest bonds in the Cornell International Law Journal office, where Punke rose to editor in chief, while Barceló was the longtime faculty adviser. In Punke's third year, and with Barceló's guidance, the journal held a symposium on U.S.-Japanese trade relations, a hot topic at the time, and one that showed Punke's developing interest in international trade. "This was in the late '80s, when U.S.-Japan trade was extremely politically sensitive and there was a very high profile on U.S.-Japan trade—the equivalent of U.S.-China trade today," Punke says. "In fact, we were a little bit ahead of the curve in terms of being focused on that issue." The symposium ended up being a great success, bringing prominent figures from Washington and Tokyo to Cornell to discuss their experience, and the ILJ subsequently published an accompanying "I've never regretted going to law school, as opposed to going to grad school, even though I knew I didn't want to be a traditional lawyer," Punke says. "I know a lot of people in Washington who have a master's and go back to get a J.D. I've never met anybody who has a J.D. and went back to get a master's." ■

# New Documentary Celebrates Trailblazing Lawyer and Lawmaker Connie Cook '43

by owen lubozynski ■ Photography courtesy of cornell's division of rare and manuscript collections



In 2009, documentary filmmaker Sue Perlgut attended the memorial service for Constance Eberhardt Cook '43. "Speaker after speaker after speaker talked about this phenomenal woman," she recalls. Standing with fellow attendees afterward, Perlgut remarked that someone should make a documentary about the trailblazing lawyer and lawmaker. In 2015 that idea came to fruition with the release of Connie Cook: A Documentary.

#### THE DOCUMENTARY \*\*\*

With the help of New York state assemblywoman Barbara Lifton, Perlgut and collaborator Nils Hoover created the film through Perlgut's Ithaca-based company CloseToHome Productions. "In the '60s and '70s, I was very involved in the women's movement. [In 2013] Nils was a twenty-seven-

year-old man who wanted to know more," says Perlgut. "The film is a totally intergenerational project."

The two filmmakers conducted interviews with a diverse array of Cook's family, friends, colleagues, and fellow politicians. They also gathered archival footage and information, sifting through ninety boxes of documents related to Cook. "It felt like I spent the entire summer of 2014 in the Cornell University archives," Perlgut recalls. She and Hoover were also pleasantly surprised by the outpouring of helpful footage from near and far that met their research inquiries.

Celebrating Cook as "a woman ahead of her time," the finished documentary focuses principally on Cook's fight to decriminalize abortion. The film was screened several times last year, including at Cinemapolis in Ithaca, at the Tompkins County

Public Library, at the High Falls Film Festival in Rochester, and at the Finger Lakes Environmental Film Festival in Ithaca. Perlgut says some film festivals declined to include the documentary, in one case citing its "controversial" subject matter. "'Abortion' is a scary word to a lot of people," she observes.

There was also a campus-wide screening at Myron Taylor Hall, cosponsored by the Women's Law Coalition (WLC). "The Women's Law Coalition was excited to host a documentary about an incredible alumna who achieved great things both as an attorney and a legislator," says WLC president Amelia Hritz. "I loved learning about all of the things [Cook] accomplished at a time when only a few women graduated from law school. The Connie Cook documentary highlighted the importance of having women in leadership roles, regardless of their political party. Overall, her diverse legal career is incredibly inspiring, and the Women's Law Coalition was honored to screen this documentary about her."

Stewart J. Schwab, the Jonathan and Ruby Zhu Professor of Law, was among the attendees of the screening. "Connie Cook was a remarkable lawyer, legislator, and human being," he says. "My wife was Connie's professional colleague for several years and got to see up close what a special and warm person Connie was. Cornell Law School is proud to claim Connie as

# VOIE



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showing the amazing range of her activities, and in revealing her optimistic spirit as she faced many challenges as a woman lawyer and legislator breaking many barriers.

— Stewart J. Schwab

an alumna. The film did an excellent job of showing the amazing range of her activities, and in revealing her optimistic spirit as she faced many challenges as a woman lawyer and legislator breaking many barriers."

Perlgut is now working with women in Ithaca to create a major outreach program that will bring screenings of the documentary to high schools, colleges, and Planned Parenthood facilities throughout the country. "The young women who've seen the film think it's fantastic," she says. "They understand what's at stake."

ABOVE: Connie Cook in an Assembly meeting BOTTOM: Cook on the floor of the New York State Assembly

#### **PUSHING FOR CHANGE** \*\*\*

What's at stake, Perlgut says, are women's reproductive rights. In the late 1960s, Perlgut was fighting for those rights on the streets of New York City. At the same time, Cook was fighting for them in the New York State Assembly as she championed a landmark piece of legislation.

From 1962 to 1974, Cook served as one of only three women in the state legislature. She authored and promoted a bill decriminalizing abortion in 1970, three years before Roe v. Wade. Her efforts met with staunch resistance.

In a later interview, excerpted in *Connie Cook: A Documentary*, Cook observed, "It's the pushing that hurts, not the introduction. You can get away with [introducing] anything, but to push it, to put your colleagues to the test, to make them say yes or no—this is not a popular thing to do, if it's a difficult issue like this. ... The worst part for some of the legislators, particularly



With your support and with your vote, the first Congresswoman from the 28th District:

Connie Cook.



Connie Cook (left) and Eleanor Roosevelt

the Catholic legislators, is that they would be condemned for their vote right from the pulpit, in their church, with their families sitting next to them."

Cook faced opposition even from many who would have liked to support the bill. "Some of the most dramatic speeches [against the bill]," she noted, "were made by

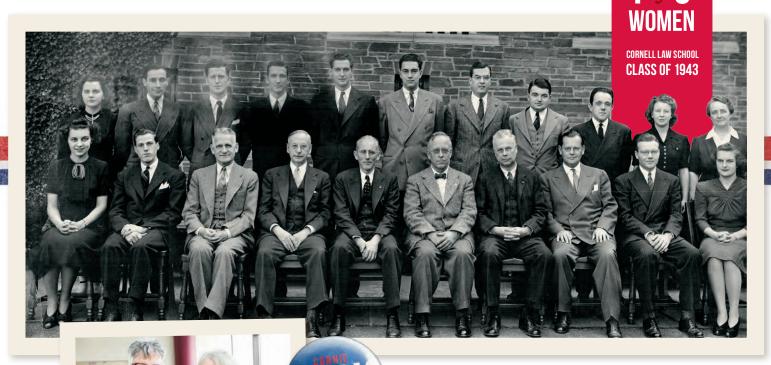
men who told me privately that of course I was right, that they were very glad when they could get their daughters or their lovers an abortion ... but no way would they ever vote with me."

On the floor of the assembly, Cook answered the bill's critics, telling her fellow representatives, "There are many who say that this bill is abortion on demand. I submit that it is not. I submit that we have abortion on demand in the state of New York right now. Any woman that wants an abortion can get one, and the real difference is how much money she has to

spend. If she has twenty-five dollars, she has it done here under the most abominable circumstances. If she has more money, she can go abroad. But the fact remains that she can get it. We have abortion on demand. And if she doesn't have the twenty-five dollars, please don't forget that she can abort herself, and regretfully this is happening more often that you or I like to admit." By a margin of one vote, the bill passed—a victory that paved the way for the decriminalization of abortion nationwide.

#### LIFELONG PIONEER \*\*\*

Cook's groundbreaking tenure in the state legislature wasn't the first time she was in the vanguard, and it wouldn't be the last. She was one of only three women in the Cornell Law School Class of 1943. After graduating, she worked as one of the first female lawyers in a New York City corporate firm, at a time when such firms did not even have women's bathrooms.



LEFT: Sue Perlgut and Carol Kammen ABOVE: Cook's Cornell Law School graduating class of 1943

She went on to serve as confidential legal aide to New York governor **Thomas Dewey** and as legislative and administrative aide to R. Ashbury, state representative from New York's 125th legislative district. When Ashbury retired, Cook ran for his seat, taking on a four-way Republican primary before facing and defeating her Democratic opponent.

This was the first of multiple trailblazing campaigns for public office that Cook undertook over the course of her career. In 1974 she became the first woman in her district to run for U.S. Congress. Though she lost then, and in a second campaign in 1980, her efforts set a precedent.

**Sally True '78** worked on Cook's 1974 campaign the year after she graduated from Smith College. Cook and her opponent "agreed to run a campaign 'on the issues' and with no personal 'attacks,' and they stuck to that approach. That was quite an accomplishment even then," says True. "Aside from Connie's high ethical standards and intellect and her undaunted stamina and good disposition during many long days, what impressed me the most was her inclusion of her staff at all and any level of activity. Staff were always included in meetings and calls

with officeholders and others, and our opinions and comments were sought and welcomed." True adds, "It was also remarkable to me that Connie was the same person in public and in private in terms of her demeanor and stances, and that example was difficult to duplicate."

Cook challenged the status quo not only as a political representative and candidate but also as a litigator. In 1976 she represented Rev. Betty Bone Schiess, one of the first female Episcopal priests in the United States. When the Central New York diocese refused Schiess a license, Cook brought suit to the Equal Employment Opportunity Commission (EEOC). The EEOC ruled in Schiess's favor, compelling the Episcopal Church of the United States to allow the ordination of female priests nationwide.

This was the same year that Cook became the first female vice president of Cornell University; she presided over land grant affairs from 1976 to 1980. In 1987, she joined the Ithaca firm of True, Walsh and Miller, where she worked tirelessly until her retirement in 1992. Joining the firm reunited her with Sally True, who had also assisted at Cook's private law practice during law school.

Reflecting on her acquaintance with Cook, True recalls, "As historical and significant a figure as Connie Cook was, she was an even better person. I was with her during several personal disappointments, and her demeanor and approach never varied. Everyone was always treated with respect. She carried





LEFT: Cook (left) with British Labour Party politician Barbara Castle in 1978





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She carried herself with humility and actively included everyone in a meeting, conversation, or encounter. She was open to different ideas and continued to learn new things until the end. She modeled effective leadership for both men and women.

CORNELL UNIVERSITY 1940

— Sally True '78

herself with humility and actively included everyone in a meeting, conversation, or encounter. She was open to different ideas and continued to learn new things until the end. She modeled effective leadership for both men and women. ... Given today's array of political leaders, it is important to remember there is another way to do things, and it has proven results in making necessary change."

#### A VITAL LEGACY \*\*\*

Seven years after Cook's death, her story is more timely and important than ever, according to Perlgut, who cites the current embattlement of Planned Parenthood and of women's rights across the board.

"I had an illegal abortion in 1965," she says. "I was lucky. I went to a doctor. It cost a third of my salary. ... I never want any woman to go through an illegal abortion." She says that recent attempts by mostly male politicians to dismantle women's reproductive rights have enraged her. "As a filmmaker, I like to move on to the next project, but thanks to those politicians that would like to curb women's reproductive rights, I'm still focused on making sure this film is seen nationwide and that Connie's work is known and appreciated."

→ More information about *Connie Cook: A Documentary* and related resources can be found at conniecookfilm.com and facebook.com/conniecookfilm.

### Dynamic Grads Blaze Different Paths

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#### "You Have to Give Up Skydiving": David Litman '82 **Explains Conservative Entrepreneurship**

"So you're one of three people in a plane going down," began David Litman '82. "An optimist is on the plane, a pessimist is on the plane, and a bureaucrat is on the plane. The optimist says, 'Well, you know, I saw the movie "Airplane." If I sit in the pilot seat and get messages from the tower, sure, I can land this plane.' The pessimist says, 'We're all gonna die.' The bureaucrat says, 'Why don't we form a committee and study this and really understand what's going on?' And the conservative entrepreneur? Well, he wasn't even on the plane, 'cause he was using frequentflyer miles and got bumped."

Litman was addressing students and faculty gathered for "Conservative Entrepreneurship: A Business Philosophy," a lecture presented by the Dean's Office on November 23.

Litman is the cofounder and CEO of Getaroom.com, as well as the former CEO of hotels.com, which he founded in 1991 with fellow Cornell Law School alumnus Robert Diener '82. In 1984 he and Diener founded a discount airline business that became a multimillion-dollar wholesale airfare consolidation operation. In 1991, the partners saw the untapped potential in the hotel industry, and with an investment of only \$1,200, they founded what became hotels.com. They sold their interest and left the company in 2004. In 2008, they started Getaroom, a new hotel-booking website focusing on hand picked hotel deals in major cities.

So what is conservative entrepreneurship? "Most people think, in order to found and grow a company, you have to mortgage the



David Litman

You need to have that fear, you need to have that desire, and you need to have that humility. And something to fall back upon, like a law degree. — David Litman '82

house, you have to borrow from an angel investor, you have to give away your equity, you have to max out your credit cards ... but we saw it differently," said Litman. He expounded on the four key principles of his business philosophy: be careful, be frugal, be quick, and be innovative.

How does a conservative entrepreneur conduct business? Treat the company's money like your own, said Litman. "How cheap can you be? Print on both sides of the paper ... Value an opportunity and devote resources accordingly ... Make your mistakes faster."

What sort of business does a conservative entrepreneur favor? Litman identified such elements as market potential ("You want a big pond"), high margins, good cash flow, and opportunities for innovation.

In discussing his current business, Getaroom, Litman had this advice for aspiring entrepreneurs: "This is a technology business. You all need to know how to program." Also, "Don't skydive." Conservative entrepreneurs, Litman told the audience, like to avoid risk and prefer making money to spending it. They understand customers, because they are customers. They drive older cars and brown-bag their lunches. They stay humble. "There are a lot of people in business that have success, and they get full of themselves, and they keep thinking that they can't make a mistake," he observed. "You need to have that fear, you need to have that desire, and you need to have that humility. And something to fall back upon, like a law degree."

—by owen lubozynski



#### Anna Dolidze, J.S.D. '13, Nominated to Supreme Court of the Republic of Georgia

When **Anna Dolidze**, **J.S.D.** '13, was named deputy minister of defense for the Republic of Georgia on May 15, 2015, she had already enjoyed an impressive career as an attorney, a professor of international law, and a speaker and writer on international law and human rights. Now, less than a year into that position, the thirty-seven-year-old Dolidze has been nominated by Georgia's president **Giorgi Margvelashvili** to serve on Georgia's Supreme Court.

In announcing his pick, the president praised Dolidze for her "high professionalism and non-stop fight against injustice."

Before her arrival at Cornell Law School, Dolidze had graduated from Tbilisi State University Law School in 2002, received a master's in international law from Leiden University in 2004, and served in the Georgian Young Lawyers' Association, the National Constitutional Commission, and the Commission for Georgia's European Integration.

At the time of her appointment as deputy defense minister, Dolidze said it was "a great opportunity to give back to my country through policymaking, to contribute my knowledge and experience to help Georgia become a prosperous, peaceful, democratic state based on human rights and the rule of law," adding, that as a legal academic, she was "thrilled to have the chance to impact public policy."

Ever since the country's 2003 Rose Revolution, Georgia has been pursuing admission into NATO, with Minister of Defense **Tina Khidasheli** calling for a membership action plan at the alliance's





Anna Dolidze with members of the Georgian military

2016 summit in Warsaw. As one of three new deputy ministers appointed by Khidasheli, Dolidze is tasked with continuing to make demonstrable progress on political and military reforms to support Georgia's candidacy.

In one current project, Dolidze is working to establish a more objective system for granting scholarships to study abroad; in another, she's creating an increasingly transparent program for distributing benefits to military personnel. As Dolidze describes it, the post is enormously dynamic, challenging her to translate ideas into policies and legislation, and demanding she apply her legal skills on a daily basis.

"During the past seven years, I have been immersed in the academic life," says Dolidze, who credits her professors at Cornell—Gregory Alexander, Valerie Hans, Mitchel Lasser, Muna Ndulo, Steve Shiffrin, and Sidney Tarrow—with preparing her for the demands of government service. "Although this position involves a very different degree of responsibility, power, resources, and pace, the underlying idea is the same. I remain committed to serving the public good, which provides the inspiration and driving force for me and the people with whom I work."

—by Kenny Berkowitz

# **PROFILES**

#### Jay Epstien '76 and John Sullivan '83 Make Their Mark in Real Estate

This January, John Sullivan '83 succeeded Jay Epstien '76 as chair of DLA Piper's U.S. real estate practice, ranked number one in the world. The two share not only an alma mater but also a love of making deals and forging connections.



While there is admittedly a wide range of styles in the group, they all were terrific professors who provided strong substantive content in the classroom that proved to be applicable in a broad range of disciplines.

- Jay Epstien '76



Jay Epstien (left) and John Sullivan



#### **Jay Epstien**

Though he was greeted by one of Ithaca's notorious spring cold snaps when he first visited the Cornell campus, Epstien was not deterred from enrolling. Attracted by the Law School's national reputation, small class size, and outstanding faculty, he matriculated in 1973.

His most enduring memories from law school involve that remarkable faculty, including Professors William Hogan, Faust Rossi, Ernie Roberts, and Larry Palmer. "While there is admittedly a wide range of styles in the group, they all were terrific professors who provided strong substantive content in the classroom that proved to be applicable in a broad range of disciplines," he notes.

Among Epstien's most memorable experiences were lectures by Professor Irving Younger.
"During his first semester in Ithaca, undergraduate professors were present at some of his lectures because he was a brilliant and entertaining professor," recalls Epstien. "I also look back on the great teaching of Professor Kurt Hanslowe and the opportunity

to interact with colleagues who had graduated from the ILR [Industrial and Labor Relations] School. In my early days of practice, I spent time negotiating collective bargaining agreements with a wide range of unions, including a doctors' union at an HMO in D.C."

Upon graduating from the Law School in 1976, Epstien bucked the trend of heading to New York City and instead moved to Washington, D.C., returning to the firm of Shaw, Pittman, Potts & Trowbridge, where he had clerked as a second-year law student. He spent his first couple years with the rapidly expanding firm "playing the

role of utility infielder," experiencing the full range of practice areas and even practicing before the Civil Aeronautics Board shortly after Cornell alum Alfred Kahn came to D.C. to deregulate the airline industry. Eventually he settled on real estate.

Over the ensuing twenty years, Epstien built a successful practice and ascended to the chair of the Shaw Pittman real estate group. In 1996, he moved to Chicago-based firm Rudnick & Wolfe, which, three years later, merged with Piper & Marbury to form a firm 700 lawyers strong.

"From there, the race was on to grow a national and international powerhouse," says Epstien. "In 2003, we expanded the real estate practice in LA and Boston, and the following year we added New York and San Francisco. I became the U.S. practice group leader that year as we moved down a path to grow to 270 real estate lawyers in the ensuing four years." In 2005, DLA Piper was formed through a massive merger between Piper Rudnick, California tech firm Gray Cary Ware & Freidenrich, and international firm DLA. Epstien continued in his role as chair of the new firm's U.S. real estate practice and became co-chair of its global real estate practice.

Over the course of his career, Epstien has received many awards and recognitions. In 2013 he was one of only two attorneys recognized by Commercial Property Executive in its "Most Influential People in Real Estate" feature. In 2015, he received the Judge Learned Hand Award, given by global Jewish advocacy group American Jewish Committee in recognition of his exceptional professional achievements and dedication to civic and philanthropic causes and organizations. He chaired the International Council of Shopping Centers U.S. Shopping Center Law Conference in 2010 and is currently serving as vice president of the American College of Real Estate Lawyers.

As the chair of U.S. real estate at DLA Piper, Epstien has spent the past twelve years making his group the best in its field, twice receiving the Chambers Award for Excellence in Real Estate during his tenure. Now, the torch has been passed to his fellow alum John Sullivan.

#### John Sullivan

What led Sullivan to study at Cornell Law School? "The weather," he quips. But seriously, "I was choosing between going for a Ph.D. in political philosophy or law school. Once I decided to go to law school, I was attracted to Cornell because of its small size and because I wanted to go to law school in a small-town, rural location rather than in a city."

His memories from Cornell include **Professor Robert S. Summers**'s Universal Commercial Code course, **Professor Russell K. Osgood**'s tax course, and **Professor E. F. Roberts**'s environmental law

course. "You've got to love someone who manages to quote T. S. Eliot frequently during an environmental law class," he says. "Professor Roberts made so many references to T. S. Eliot that, during my second year of law school, I read 'The Wasteland' and 'The Love Song of J. Alfred Prufrock.'" As for what experience at the Law School was most memorable, Sullivan says,

about two years in that position, he switched to the company's business side. AEW used the services of a number of law firms, and eventually one of them, Hill & Barlow, approached Sullivan with an offer. That's when Sullivan decided "to go where few (sane) people go—from a business job back to a law firm."

"I made this move because, of all of the law firms that I

I was choosing between going for a Ph.D. in political philosophy or law school. Once I decided to go to law school, I was attracted to Cornell because of its small size and because I wanted to go to law school in a small-town, rural location rather than in a city.

— John Sullivan '83

"That's an easy one—meeting my wife, Cathy." The two started dating in their third year and got married a few years after they graduated.

In 1983 Sullivan became an associate at Nutter McClennen & Fish, where he'd worked as a summer associate after his second year of law school. After a few years there, he accepted an offer from Aldrich Eastman & Waltch (AEW), a real estate investment advisory firm, to join them as their second in-house lawyer. After

worked with while at AEW, the one that impressed me the most, and the one that had the most people who struck me as the kind of people I would like to work with, was Hill & Barlow," Sullivan says. "The managing partner of Hill &



Barlow's real estate group, Elliot Surkin, is an extraordinary person who brought together a group of people who are not only terrific lawyers but also great people who work together in a collaborative and supportive environment. This group, together with some litigators and tax lawyers, ultimately left Hill & Barlow to open the Boston office of DLA Piper. Most of this group is still together today, and the fact that I have been able to work side by side with an extraordinary group of people whom I like and respect is one of the best things that has happened to me in my professional career."

#### **Passing the Torch**

Sullivan met Epstien in 2002 during discussions to expand Piper Rudnick in Boston. "At our first meeting, we talked about our common Cornell experiences," recalls Epstien. "I was immediately impressed by John's character, demeanor, and intelligence. The Cornell bond helped seal our deal in January 2003 with John and thirty of his colleagues from the former Hill & Barlow firm."

He adds, "Over the past tenplus years, I have watched with great interest and pride as John has expanded his real estate practice from its New

England roots into a leading national and international practice on the DLA real estate platform. We have worked closely together on the development of several key clients."

Says Sullivan, "I hold Jay in high esteem, and so I am humbled by the opportunity to succeed my fellow Cornell alum as head of our U.S. real estate group. In addition to answering e-mails faster than anyone else I have ever known, Jay is a rare combination of someone who is not only a great lawyer, but also a great leader and manager. Over the last twelve or so years, he has built what many industry observers believe is the number-one real estate practice in the world."

He adds, "One of the first things that I did when I knew that I would be assuming the leadership of the group was to



Jay Epstien (center) receives a lifetime achievement award from partners Dr. Olaf Schmidt (left) and Frederick Klein at DLA Piper's Global Real Estate Conference in November 2015.

talk to many of our real estate lawyers around the country to try to get a sense as to how they were feeling about our group, our challenges and our opportunities. One of the

things that came through loud and clear in these conversations is the deeply felt respect and appreciation that people throughout our group have for Jay. Maybe having to spend long, cold winters with your fellow law students in Ithaca forces you to learn how to get along with people, in which case I can only hope that some of that rubbed off on me as well."

#### **Going Forward**

What excites Sullivan about his new position? "I love working on transactions, especially large, high-stakes deals involving joint ventures with an international tax/structuring component," he says, adding that he's excited to be "working with people I respect and like to take our incredible real estate platform to the next level."



I hold Jay in high esteem, and so I am humbled by the opportunity to succeed my fellow Cornell alum as head of our U.S. real estate group. In addition to answering e-mails faster than anyone else I have ever known, Jay is a rare combination of someone who is not only a great lawyer, but also a great leader and manager. Over the last twelve or so years, he has built what many industry observers believe is the number-one real estate practice in the world.

— John Sullivan '83

People are also at the heart of what makes him proudest as a lawyer: working with a group of younger colleagues and watching them become successful, top-tier real estate lawyers. "This is their represented many fantastic clients on interesting, complex transactions, including representation of several major law firms on their real estate transactions." After all this time, he says, "I remain a 'deal junkie' with the opportunity to travel the United States and the world, meeting incredibly interesting people. I never could have imagined that I would have close friends and colleagues in Europe, Asia, and Australia, in addition to every major city in the United States. In addition to spending time with family and friends, I enjoy the great outdoors hiking, biking, golfing, and skiing. The world in which we live is rich in culture and incredibly beautiful. I am very, very grateful for all the opportunities that I have had since I left Ithaca in 1976." ■

~OWEN LUBOZYNSKI



I remain a 'deal junkie' at heart. The challenge of bringing parties together to accomplish a shared goal remains a key driver for me.

— Jay Epstien '76

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accomplishment, not mine," he allows, "but I am grateful to be a part of it. One of my professional goals is to make myself obsolete, and some would no doubt say that I am making great progress in that regard." Outside the office, that key relationship forged in law school is still at the heart of Sullivan's life. He and Cathy now have four children. "She and they are my greatest gifts," he says.

Epstien, for his part, is still building his legacy at DLA Piper. Though he has handed over the reins of the U.S. real estate practice, he continues to serve as co-chair of the firm's global real estate practice.

He has now been practicing for nearly forty years. "I have

at heart. The challenge of bringing parties together to accomplish a shared goal remains a key driver for me. Whether the deal is negotiating major lease transactions, a corporate relocation involving the purchase and sale of new and old buildings, or even recruiting top-tier new partners to join our department, the excitement continues. And, as the world rapidly evolves and innovation becomes the theme of almost every successful company, there remain many opportunities and challenges to be addressed going forward."

He adds, "The practice of law and the leadership of DLA's U.S. and global real estate practices have provided me To have news delivered straight to your inbox, subscribe to our e-Newsletter.

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#### **New Phelps Scholarship Endowment Is Among Largest at Law School**

Marshall C. Phelps '69 and his wife, Eileen, have established one of Cornell Law School's largest endowments for a named scholarship. The Marshall and Eileen Phelps Family Scholarship will be awarded to J.D. candidates of outstanding academic merit and demonstrated financial need beginning in the fall of 2016. Assuming successful performance of Cornell's investment portfolio, the Law School expects the Phelps Family Scholarship to offset the cost of tuition for a Charles Evans Hughes Scholar after its endowment is fully funded in 2020. The award would be made by the Law School at the discretion of the Allan R. Tessler Dean.

Having contemplated several options for a gift of this magnitude, Marshall Phelps decided in favor of a scholarship endowment based on **Dean** Eduardo M. Peñalver's stated priority of enriching the Law School's resources for scholarships. "Dean Peñalver makes a persuasive argument about the importance of scholarships," said Mr. Phelps. "The environment of law admissions is such that prospective students with the best credentials are wooed and courted by Cornell's peer schools with guarantees of high-level financial assistance. Success in enrolling such students depends on Cornell having the capacity to compete on this point."

The environment of law admissions is such that prospective students with the best credentials are wooed and courted by Cornell's peer schools with guarantees of high-level financial assistance. Success in enrolling such students depends on Cornell having the capacity to compete on this point.

— Marshall C. Phelps '69

Of the Phelps Family Scholarship, Peñalver said, "I can't thank Marshall and Eileen enough for their exceptional and outstanding generosity and their willingness to invest in the students of Cornell Law School."

Marshall C. Phelps is a leader in the field of intellectual property management and performance. As vice president at IBM, he managed an IP portfolio of more than 35,000 patents and 8,500 trademarks. During eight years as corporate vice president and deputy general counsel for intellectual property and licensing at Microsoft, Phelps managed more than 60,000 patents and applications, as well as far-ranging copyright holdings and numerous trademarks. In 2006 he won election to the inaugural class of the Intellectual Property Hall of Fame, and in 2009 he published Burning the Ships: *Intellectual Property and the* Transformation of Microsoft (Wiley). He currently serves



Marshall Phelps

as CEO and director of Article One Partners and is the chairman of ipCreate.

#### With More Than Sixty **Prisoners Freed, Cornell Human Rights Clinic's Malawi Project Builds** on Success

At first, Cornell Law School professor Sandra Babcock kept her hopes modest. Malawi had started to revisit the sentences of death-row prisoners en masse, and maybe the work there by Cornell's International



RIGHT: Clinic students interviewing
Malawian prisoners at Zomba
Prison FAR RIGHT AND BELOW:
Cornell Law School student
Maame Esi Austin '17 (left)
interviews prisoners
FAR RIGHT: Anna Kiefer, LL.M. '16
(middle) interviews prisoners





Human Rights Clinic would result in a few dozen people walking free.

"Even in my wildest dreams, I thought maybe we would get fifty people out over the lifetime of the project," says Babcock. "As of today, it's sixty-four."

Babcock and her clinic students have been working in Malawi for years, but lately they have been caught up in a large-scale reimagining of the country's judicial landscape. After a 2007 High Court ruling overturning a requirement that homicide convictions receive the death penalty was followed by years of inaction, the courts in February 2015 had suddenly begun holding resentencing hearings for people who had

been languishing on death row, sometimes for decades.

Cornell Law School students in the clinic's Malawi project draft pleadings on behalf of condemned prisoners in collaboration with local lawyers, laying out arguments for their sentences to be reduced. This past November, Babcock and several of her students traveled to Malawi to continue their work on the front lines of the resentencing efforts. Working with local paralegals and law students, the Cornell students interviewed prisoners and their families, collecting information about their cases that will be submitted in future hearings.

One of the cases the clinic tackled this past fall involved Maiden Matolela, an inmate who had been convicted of





Even in my wildest dreams, I thought maybe we would get fifty people out over the lifetime of the project. As of today, it's sixty-four.

— Sandra Babcock

killing his uncle. Matolela believed that his uncle was a witch who had cast spells that deformed his hand and sickened children in his family. After a night of drinking, Matolela accused his uncle of witchcraft, and his uncle hit him; when Matolela pushed back, his uncle fell into a ditch and died. "It's not exactly what we would call murder here," says Megha Hoon '16, who filed a submission on Matolela's behalf in October. "It wasn't premeditated. He didn't have a plan to go after his uncle."



Sandra Babcock

Because of poor record-keeping, details about cases are often nonexistent, necessitating careful work under tight time







constraints to reconstruct their circumstances, and sometimes difficult choices. "In some of these cases, we have actually presented affidavits from the prisoners themselves that say, this is what happened," Babcock says. "As a defense attorney in the United States, you would never have your client submit an affidavit that is self-incriminating. It would simply never be done. But because the facts of these cases are so mitigating and because in so many cases they've been imprisoned for such a long time, we've decided to submit these affidavits even when they're incriminating because

we think the judges are likely to release them, and because submitting these affidavits shows that they have accepted responsibility for what they did."

However, results have been coming fast. Hoon met with Matolela in prison during the November trip to let him know that she had filed a pleading on his behalf. "Then the week after we got back, I found out that he had been released," Hoon said. "It's really nice for us because it keeps everyone energized."



As human beings, are we morally obligated to help displaced persons, regardless of their nation of origin? And at what cost? Why should universities be involved?

- Eduardo Peñalver

LEFT: Keynote speaker Philippe Fargues TOP RIGHT: Prof. Chantal Thomas TOP LEFT: Earlham College student Hashem Abushama, a beneficiary of the United Nations Relief and Works Agency for Palestine Refugees education programs

#### **Law School Hosts Three-Day Conference** on the International **Refugee Crisis**

The numbers are staggering. In 2015, more than half a million people arrived on Europe's southern shore, with an equivalent number smuggled over the border by land. Most were escaping from Syria, which has produced four million refugees since the start of its civil war, but thousands were fleeing crises in fifteen other countries. And the flow of refugees continues.

"There could not be a more timely topic, and there could

not be a more appropriate place to host this conference than Cornell University and Cornell Law School," said Eduardo M. Peñalver, the Allan R. Tessler Dean and Professor of Law, opening "Beyond Survival: Livelihood Strategies for Refugees in the

Middle East" at Myron Taylor

Hall on November 6.

"What are our obligations to people beyond our borders, or to people who come to our borders because of civil turmoil within their own countries? asked Dean Peñalver. "As human beings, are we morally obligated to help displaced

persons, regardless of their nation of origin? And at what cost? Why should universities be involved?"

Over the next two days, that's what attendees debated. There were discussions on historical perspectives and context, showing how refugee crises in the Middle East in part stem from actions undertaken in the West. There were also panels on legal and economic barriers to work, protections for health and human rights, and programs to provide refugees with education and job training. Leading the discussions were experts from seventeen different universities and the United Nations.

"Mass movements of people seeking asylum in Europe have gained enormous momentum since the spring of 2014, shaking some of the founding principles and institutions of the European Union," said Philippe Fargues, the Robert Schuman Chair and Director of the Migration Policy Centre at the European University Institute, who delivered the keynote address. "The flows of refugees and migrants that are converging on Europe and then crossing the continent are unprecedented in magnitude, diversity, origin, and itineraries."

"With this conference, we're trying to understand the scale and scope of refugee crises in the Middle East, while also connecting the dots to a broader historical and geographical perspective," said

Chantal Thomas, professor of law and director of the Clarke Initiative for Law and Development in the Middle East and North Africa at Cornell, and one of the conference organizers. "Ultimately, we want to enact and endorse an ethics of solidarity and collective responsibility."

"Beyond Survival: Livelihood Strategies for Refugees in the Middle East" was cosponsored by the Clarke Initiative for Law and Development in the Middle East and North Africa, Cornell University Law School, Weill Cornell Global Emergency Medicine Division, and the Ottoman and Turkish Studies Initiative

#### Indian Supreme Court and High Court Justices Speak at Cornell Law School

On October 19, stepping to the lectern at 184 Myron Taylor Hall, **Dean Peñalver** talked about Cornell Law School's long history of global engagement, from its founding to the present day, and its deep commitment to comparative and international law.

He mentioned the four months he'd spent living in New Delhi, and after describing India as "by far the largest democracy in human history," he welcomed the afternoon's four distinguished guests: Justice Surya Kant of the High Court of Punjab and Haryana; Justice Manmohan Singh of the High Court of Delhi; Manoj Kumar Mohapatra, deputy

consul general at the Indian consulate in New York City; and Honorable Justice T. S. Thakur of the Supreme Court of India, who delivered a lecture on "Public Interest Litigation: Emerging Trends and Challenges."

In his talk, Justice Thakur discussed one of the most significant differences between our two systems: article 32 of the 1949 Indian constitution, which guarantees every citizen access to the courts and allows the judiciary to take direct action to promote justice when political processes have failed.

"It is an instrument against inactivity, against inequality," said Thakur, who was due to become chief justice before the end of 2015. Tracing the history of article 32, Thakur outlined the evolution of judicial activism and how it became the principal legal remedy for the

common people, and firmly established the practice that Thakur called "India's contribution to law and justice."

Justice Thakur's talk and a forum featuring Justice Surya Kant and Justice Manmohan later that afternoon were cosponsored by Cornell Law School, the Berger International Speaker Series, and the International Human Rights Clinic.





ABOVE: Honorable Justice T. S. Thakur of the Supreme Court of India BELOW: From left: Justice Manmohan of the High Court of Delhi; Justice Surya Kant of the Punjab and Haryana High Court; Justice T.S. Thakur; and Dean Peñalver



Presiding Justice Hon. Karen K. Peters (right) and Associate Justice Hon. Elizabeth A. Garry

#### Moot Court Room Hosts Oral Arguments before the New York State Supreme Court

The New York State Supreme Court came to Cornell Law School on October 22 to hear oral arguments on a range of issues, including child neglect, jury selection, mining leases, subcontracts, liability, and the rights of a defendant who pleaded guilty to first-degree manslaughter. For the bench of the Appellate Division, Third Judicial Department— Presiding Justice Hon. Karen K. Peters and Associate Justices Hon. Christine M. Clark, Hon. Elizabeth A. Garry, and Hon. Robert S. Rose—it was a good day's work, and for Cornell Law School students, it was a rare opportunity to observe an appellate court in action.



"To see litigators and justices in the moot court room was a great way to put the real world and the academic world into one place," said **Stephanie**Command '16.

"It was eye-opening to get the state perspective, because in most of our coursework, we focus on federal law," said Mateo de la Torre '16, who along with Command is a student in Professor John H. Blume's 3L course on federal appellate practice.

"It was an interesting mix of civil and criminal cases where students could see how the law affects real people in real ways," says Blume, the Samuel F. Leibowitz Professor of Trial Techniques; Director of Clinical, Advocacy, and Skills Programs; and Director of the Cornell Death Penalty Project. "And as the course keeps going forward, the things they experienced today are going to make their work more tangible."

#### **Arbitration Team Wins Oral Advocacy Award**

A team of Cornell Law School students coached by Professor Stephen G. Yusem won the Oral Advocacy Award at the New York State Arbitration Competition, held November 13 and 14, 2015, at the American Arbitration Association offices in New York City. The Cornell team, drawn from the Law School's Arbitration Law and Practice Course taught by Adjunct Professors Stephen G. Yusem and Patricia A. Ranieri, consisted of Victoria Luttman '17 of Australia, Aditya Singhal LL.M. '17 of India, Johannes Van't Zand of the Netherlands, and Sara Qahoush '17 of Jordan, who was the team captain.

"Our team, on short notice, turned in a superb performance and well deserves the accolades that it has received," said Yusem.

Fourteen New York law schools entered arbitration teams consisting of three members and one or two coaches. The competitors received a realistic commercial dispute fact pattern together with pleadings and supporting documents drafted by experienced arbitrators and advocates. Teams were required to draft a pre-hearing memorandum, prepare witnesses, and conduct an arbitration hearing before a panel of professional arbitrators. Competitors participated in two preliminary rounds after which two teams were selected for a championship round. The two-day schedule included demonstrations as well as programs on arbitration advocacy and arbitration awards.

The American Arbitration Association, in cooperation with the New York State Bar Association Dispute Resolution Section, sponsored the event. The Cornell team was sponsored by the Scheinman Institute on Conflict Resolution, a joint enterprise of the Law School and the ILR School.



Winning arbitration team members (from left) Aditya Singhal, Victoria Luttman, and Johannes Van't Zand



#### Gerald Torres Gives Keynote at Environmental Justice Workshop

"Climate change is in fact a social justice issue," said

Gerald Torres, addressing a packed room in Myron Taylor Hall on October 23. Torres was the keynote speaker at the Environmental Justice Workshop, cosponsored by the Law School's Environmental Law Society and a dozen other organizations and open to students, faculty, and members of the Ithaca community.

Torres, the Jane M. G. Foster Professor of Law at Cornell, welcomed workshop participants with a speech titled "Climate Change to Social Change: Environmental Justice 101." Environmental justice, he said, is about "the way in which we conceive of protection of the natural environment and its impact on the way we construct the social institutions through which we live our lives."

Most people think of social justice in terms of distributional equality, Torres observed, but we also need to think about it in terms of "intergenerational equality." "One of the deeper links of environmental justice



isn't just the link between us in the room or between us and communities across the country; it's the link between us and those who aren't here yet," he said, "so environmental justice really is about our commitment to this chain of humanity."

#### Labor Law Clinic Students Work with Garment Workers in Cambodia

Students working in Cornell Law School's Labor Law Clinic traveled to Phnom Penh, Cambodia, in spring 2015 on behalf of a clinic client. Students met with garment workers, interviewed them, and drafted affidavits to be used to challenge the subpar working conditions. The garment workers were all very low-wage workers struggling to improve their working conditions at factories producing clothing for well-known international brands. These



The number of workers willing to come forward for the case greatly exceeded our capacity. We were taking affidavits back-to-back, and many workers waited hours for the chance to tell their story.

— Angela Cornell

workers face challenges on many levels.

"The number of workers willing to come forward for the case greatly exceeded our capacity. We were taking affidavits back-to-back, and many workers waited hours for the chance to tell their story," says Professor **Angela B. Cornell**, director of the clinic. "Many of the workers had been fired from their jobs for strike activity. Others described very challenging working conditions,

including long hours, low pay, extreme heat, poor ventilation, exposure to chemicals, lack of safety devices, pregnancy-related terminations, antiunion pressures, blacklisting, and company unions, among other concerns."

Although clinic students had to take back-to-back affidavits through a translator with two days of work outside in 100°F temperatures, they found the experience rewarding and eye-opening.

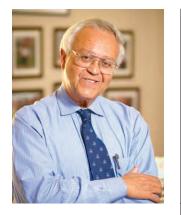
"As the son of two garment factory workers, I jumped at the opportunity to travel to Cambodia to try to improve the working conditions of garment factory workers," says Paul Rodriguez '15. "It was evident that Cambodia's involvement with well-known global fashion brands comes at a price that often includes child labor, worker abuse, and deplorable working conditions. The people of Cambodia are hungry for change and are willing to sacrifice a lot in order to improve working conditions and to receive a salary that affords the basic living necessities."

"Traveling to Cambodia with the Labor Law Clinic is my favorite law school experience," says Hillary LeBeau '16. "It was such an honor to speak face-to-face with factory workers who risked job loss and physical injury to fight for better wages and working conditions. I truly appreciated the opportunity to hone my legal skills through such an amazing project."

#### William Gould, LL.B. '61, **Shares Insights from Fifty Years in Labor Law**

On September 23, Cornell Law School's Labor Law Clinic and the School of Industrial and Labor Relations hosted "From Automobile Workers, Athletes, to Farmworkers: Fifty Years of Labor Issues," a presentation by William Gould, LL.B. '61.

"It's a great honor for us to have him back at the Law



It's a great honor for us to have him back at the Law School. Not only has his scholarship been prolific and extraordinary in the field; he has also been quite an amazing practitioner and public servant.

— Angela Cornell



William Gould and Cheryl Beredo, director of Cornell's Kheel Center for Labor-Management Documentation and Archives, look through Gould's archives, which he donated to the center.

School," said Angela B. **Cornell**, director of the Labor Law Clinic, in her introduction. She noted, "Not only has his scholarship been prolific and extraordinary in the field; he has also been quite an amazing practitioner and public servant."

Gould, the Charles A. Beardsley Professor of Law, Emeritus, at Stanford University, is a scholar of labor and discrimination law and has been an influential voice on labor relations for decades. He served as the chair of the

National Labor Relations Board (NLRB) and consultant to the Equal Employment Opportunity Commission and currently serves as the chair of the California Agricultural Labor Relations Board. He has arbitrated and mediated more than 300 labor disputes and played a critical role in ending the longest strike in baseball history.

Gould provided a crash course in the formation and mission of the NLRB, as well as the emergence of organized labor

in the arenas of the automotive industry, professional sports, and farmwork.

In the second half of the session, Gould fielded questions from the audience, touching on, among other topics, some of the nuances of labor organization in major league baseball, as well as the recent NLRB petition submitted by Northwestern University football players seeking to be recognized as employees.

#### **Cornell Law School Unveils Portrait of Former Dean Stewart** J. Schwab

After a decade spent stewarding the renovation of Myron Taylor Hall, it was only fitting that Stewart J. Schwab's portrait was unveiled in the building's new lobby, with **Dean Peñalver** describing the fifteenth dean as one of Cornell Law School's great builders, whose vision for the new academic wing dramatically reshaped the way generations of students will experience their education.

"His portrait rightly belongs among those of his predecessors," said Peñalver, leading the champagne toast on November 6, with Schwab surrounded by family, friends, colleagues, Advisory Council members, and current Torts students. "The skill and grace you brought to your work as dean are a continuing example to me, and on this occasion, we have the opportunity once again to thank you for your

tireless service. You finished your deanship with the Law School in better shape than when you began, and that is the highest compliment anyone can pay to a dean."

Then, lifting the cover, Peñalver unveiled the formal portrait by William Benson.

"I really am touched, humbled," said Schwab, the Jonathan and Ruby Zhu Professor of Law, praising his own role model,

Peter W. Martin, the Law School's twelfth dean, before turning his attention back to the sixteenth. "Continue to do the great work you're doing, knowing you have the help and support of everyone here. I'm sure the best days of Cornell Law School are ahead of us, but as we all know, you will have some weighty decisions to make in the future: "Standing or sitting?" he joked. "Hands clasped or hands apart?"



### Robert Hockett Testifies before House Financial Services Committee

On November 19, Robert **Hockett**, the Edward Cornell Professor of Law at Cornell Law School, testified before the U.S. House Financial Services Committee's Subcommittee on Oversight and Investigations. Appearing with Professor Hockett were Professor Jon Macy of Yale Law School, Professor Hal Scott of Harvard Law School, and Adam White of the Hoover Institution of Stanford University. The subject of the hearings was "Oversight of the Financial Stability Oversight Council: Due Process and Transparency in Non-Bank SIFI Designations."

The Financial Stability Oversight Council, or FSOC, is one of the signature creations of the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010. It brings together the heads of all of the nation's principal financial regulators, along with the secretary of the treasury, the chairman of the Federal Reserve Board, and representatives of some state regulators. Among its functions are to identify risks to the systemic financial stability of the United States, as well as certain systemically important financial institutions ("SIFIs") that it finds will raise such



Continue to do the great work you're doing, knowing you have the help and support of everyone here. I'm sure the best days of Cornell Law School are ahead of us.

— Stewart Schwab



Dean Eduardo Peñalver (right) and Dean Emeritus Stewart Schwab at his portrait unveiling ceremony

risks unless made subject to enhanced prudential regulation.

Professor Hockett was the one witness invited to defend the constitutional and administrative propriety of FSOC's SIFI-designation procedures. The FSOC, Hockett argued, allows for continued functional specialization among regulators, on the one hand (for as long as functional distinctions remain between previously more radically distinct financial institution types), while also allowing for cooperative development of a single, coherent regulatory picture of the financial system as a whole, on the other hand. The FSOC's SIFI designation process,

Hockett observed, shows this synthesis in action. Within it, the nation's top financial regulators are able cooperatively to grapple with precisely what causes nonbank institutions to be banklike in their systemic risk profiles, and precisely what doesn't.

In sum, Hockett argued that in view of its new and still-experimental character, it would be surprising were the FSOC not to prove improvable in future years as it develops its capacities to fulfill its functions. "Its administrative modus operandi and constitutional legitimacy, on the other hand," he says "are altogether familiar and quite beyond cavil."



The Cuccia Cup winning team of Claire O'Brien and Branka Cimesa pose behind the panel of guest judges.

### **Student Teams Argue Corruption in the 2015 Cuccia Cup Moot Court** Competition

On October 31, members of the Law School community gathered in the MacDonald Moot Court Room for the final round of the 2015 Cuccia Cup

Moot Court Competition. After weeks of preliminary rounds, it came down to the final teams: Claire O'Brien '17 and Branka Cimesa '17. arguing on behalf of the petitioner, and Zellnor Myrie '16 and Jared Hoffman '17, on behalf of the respondent. In the end, it was O'Brien and



### **Amanda Reynoso-Palley '16 Awarded Rhodes Public Interest Fellowship**

"I've always wanted a career focused on fighting injustice," says Amanda Reynoso-Palley **'16**. As she prepares to combat intimate partner abuse and sexual violence among high school students in New York City following her graduation this May, she'll have some help

achieving that goal: Reynoso-Palley has been awarded the Law School's fifth Frank H. T. Rhodes Public Interest Law Fellowship.

"The goal of my project is to support survivors of teen dating violence by ensuring their access to safe education," Reynoso-Palley says. "In recent years, the issue of sexual assault and dating violence has received a lot of national attention on college campuses, but very little attention at the high school level."

Reynoso-Palley will be partnering with Day One, a nonprofit organization that works in schools throughout New York City's five boroughs to end dating abuse and domestic violence. Her

project involves working one-on-one with individual student survivors to address their problems—for instance, by pursuing school-based solutions, restraining orders, or criminal charges. Additionally, Reynoso-Palley will be able to help her clients with issues beyond dating violence, such as pursuing immigration status for undocumented students.

Previously, Reynoso-Palley participated in the Law School's Global Gender Justice Clinic and worked at the American Civil Liberties Union's Women's Rights Project over her 2L summer. Her first-year summer job was at the East Bay Sanctuary Covenant in Berkeley, where many of the asylum seekers she saw were young victims of domestic violence and sexual assault.

"Amanda entered law school determined to use the law as a tool to advocate for the rights of vulnerable people," says Karen Comstock, assistant dean for public service and one of the members of the Rhodes Fellowship selection committee.

The Frank H. T. Rhodes Public Interest Law Fellowship provides support for newly graduated Cornell Law School students committed to public interest law, allowing them to provide critical legal services to children, the elderly, the homeless, and other disadvantaged populations.

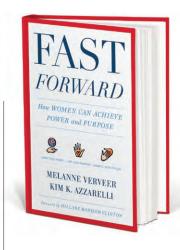
Cimesa who were named 2015 Cuccia Cup champions.

The theme for the 2015 competition was corruption as teams took on two questions: What constitutes an "official act" for the purposes of federal corruption charges, and must a defendant show prejudice when asserting an ineffective assistance of counsel claim based on trial counsel's failure to object to a structural error?

The final teams presented their final debates in front of an esteemed panel of guest judges: Hon. William Fletcher of the U.S. Court of Appeals for the Ninth Circuit, Hon. Robin Rosenbaum of the U.S. Court of Appeals for the Eleventh Circuit, Hon. Elizabeth **Wolford** of the U.S. District Court for the Western District of New York, Hon. Brenda **Sannes** of the U.S. District Court for the Northern District of New York, and Hon. Barry **Albin** of the Supreme Court of New Jersey.

At the end of the competition, the Moot Court Board announced that Victor Pinedo '17 and Nicholas Jacques '17 were the winners of the Louis Kaiser Best Brief Competition.





### Women's Power and Purpose Drive Kim Azzarelli's New Book

Kim Azzarelli '97 believes that a woman working toward a larger purpose can change the world. She should know—her new book, Fast Forward: How Women Can Achieve Power and Purpose (Houghton Mifflin Harcourt, 2015), which came out in early October, has been turning heads with its message that empowering women isn't just a moral necessity but also an economic one.

"Today the data is in," says Azzarelli. "Studies from McKinsey to the World Bank demonstrate that women are critical to driving both economic and social progress."

Azzarelli and her coauthor, Melanne Verveer, are no strangers to this fight. Azzarelli is the cofounder and steering committee chair of Cornell Law School's Avon Global Center for Women and Justice and an adjunct professor at the Law School, teaching Women, Law, Technology, and the Economy. She previously held senior legal and philanthropic positions at Avon, Newsweek Daily Beast, and Goldman Sachs.

Verveer, on the other hand, worked as Hillary Clinton's chief of staff, served as the first U.S. ambassador at large for global women's issues between 2009 and 2013, and is currently the executive director of the Georgetown Institute for Women, Peace and Security.

Fast Forward argues that as women are empowered, they tend to use that power toward a larger purpose, and that benefits both the world at large and their own careers. "When you get out of yourself and use your skills and talents for

something larger than yourself, it has this incredible multiplier effect, not only on your own career but also on your community, and even on your own thinking," Azzarelli says.

"You don't have to be the CEO to have power," Azzarelli says. "You, whoever you are, if you're objective with yourself, if you understand your own talents, your own resources, you can recognize your own power and combine it with your purpose to create success and meaning in your life while building a better world."



When you get out of yourself and use your skills and talents for something larger than yourself, it has this incredible multiplier effect, not only on your own career but also on your community, and even on your own thinking.

— Kim Azzarelli '97

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Those who benefit from this assymetrical model are the biggest welfare recipients of all.

— John Gardner





John Gardner

### **John Gardner Delivers Irvine Lecture**

On October 6, Cornell Law School faculty and students flocked to the MacDonald Moot Court Room to investigate the topic "The Twilight of Legality."

The talk, part of the annual Irvine lecture series, was presented by John Gardner, FBA, a professor of jurisprudence and a fellow of University College, Oxford. For the first seven weeks of the fall 2015 term, Gardner served as the Marc and Beth Goldberg Distinguished Visiting Professor of Law at Cornell Law School.

His focus was the seemingly countervailing trend of juridification, "the proliferation of regulation by law and through law, both in terms of the volume of that kind of regulation and the way in which it is increasingly insinuated into every corner of our lives." Gardner argued that this process is real, that it is ongoing throughout the world, and that it is "the enemy of legality."

Juridification includes the expansion not only of the legal code itself but also of other sets of norms that it recognizes. In this vein, Gardner addressed contracts, particularly the take-it-or-leave-it boilerplate that users now regularly encounter on the Internet—for instance, when making a purchase on Amazon. The presenting parties, he argued, want to enjoy legal recognition for the norms they've created, but they don't want to be held accountable for their own compliance with those norms in a court of law; rather, they seek to divert the grievances of other parties into the realm of private arbitration. Those who benefit from this asymmetrical model are, he said, "the biggest welfare recipients of all, for they get the most generous, unquestioning handout from the public sector, in the form of extensive legal support for their special way of ordering things."

### **Zhiping Liang Presents 2015 Clarke Lecture**

Why has the Chinese Communist Party begun emphasizing the importance of virtue in governance, and what can it hope to accomplish through this move? These questions were at the heart of the 2015 Clarke Lecture, delivered on October 21, by **Zhiping Liang.** 

Liang, an eminent Chinese scholar of the history of legal ideas, sociological jurisprudence, and comparative law, currently serves as a research professor and deputy director of the Institute of Chinese Culture at the Chinese National Academy of Arts

and as director of Hongfan Legal and Economic Studies.

Liang's lecture, "Rule of Virtue: Understanding the Rule of Law Agenda in Contemporary China," addressed a 2014 Chinese Communist Party (CCP) document that proposed ruling the country by both law and virtue.

Since 1949, said Liang, the CCP has swung between the rule of law and arbitrary rule. One problem that may be motivating the CCP in its current promotion of virtue is "social collapse," the degeneration of community and morality as





ABOVE: Xingzhong Yu BELOW: From left: Annelise Riles, Eduardo Peñalver, Zhiping Liang, Michael Dorf, and Xingzhong Yu



hypocrisy, corruption, and hedonism flourish. He suggested that, faced with this situation, the party has found that simply appealing to the rule of law is insufficient.

"In short," he concluded, "to realize the rule of virtue, one must acknowledge and respect diversity, stress plurality rather than monism, and give priority to harmony rather than uniformity. They represent two different orders."

Liang's presentation was followed by commentary from two Cornell Law School faculty members. Michael C. Dorf, the Robert S. Stevens Professor of Law, suggested a couple of different ways of interpreting the CCP's appeal to virtue. In an optimistic view, he said, the development might foster civil society institutions, leading to the creation of a more pluralistic society. In a more pessimistic view, the party may simply end up promoting

"rule by law," becoming less arbitrary in its governance but without concern for the quality of the laws it puts in place. In this "thin" version of the rule of law, virtue is expressed merely through being "law abiding."

Xingzhong Yu, the Anthony W. and Lulu C. Wang Professor in Chinese Law, began his comments with a little context for the CCP decision, noting that "this decision is much more important than any law in China, including the constitution." Yu went on to examine various means by which a government might foster legal conscience, including coercion, imitation, persuasion, and participation. The last "is probably the way to go ahead," he said, suggesting that the people need to be able to participate meaningfully in the legal system rather than relying on connections and bribes for dispute resolution.





TOP: Saule Omarova ABOVE LEFT: Robert Hockett LEFT: Lawrence Baxter

The global financial crisis of 2008–2009 and its aftermath dramatically reshaped and reinvigorated academic and policy debate on the goals and tools of effective financial regulation.

### Clarke Business Law Institute Holds Conference on the Public-Private Balance in Finance

On October 30 and 31, the Clarke Business Law Institute's Program on the Law and Regulation of Financial Institutions and Markets held a cuttingedge academic conference at the Cornell Club in Manhattan. Titled "Rethinking the Public-Private Balance in Financial

Markets and Regulation," the conference brought together leading scholars of financial regulation from Cornell Law School, Columbia University Law School, Duke University School of Law, Georgetown University Law Center, the George Washington University Law School, University of Oxford Faculty of Law, Vanderbilt University School of Law, the Wharton School of the University of Pennsylvania, and many others.

The global financial crisis of 2008-2009 and its aftermath dramatically reshaped and reinvigorated academic and policy debate on the goals and tools of effective financial regulation. One of the key "big-picture" themes to have emerged from, and unified, postcrisis policy discussions is the need for an explicit reassessment of the relationship between public and private interests in the financial marketplace.

This relationship was the focus of the two-day Cornell Law School event. Several distinguished academics and rising young stars in the field contributed innovative new papers or books to the wide-ranging conversation. **Professors Robert Hockett** and Saule Omarova, who organized the conference, presented their newly developed paradigm of the financial system as a public-private "franchise," in which financial institutions act as private franchisees dispensing an essentially public resource in America, the full faith and credit of the United States.

Lawrence Baxter (Duke University School of Law) summed up the significance of the event well when he noted that the conference papers reflected a fundamental transformation in the scholarly analysis of financial markets and regulation, away from the old, unexamined assumptions toward a deeper, more comprehensive, and dynamic understanding of modern finance.



Franci Blassberg



Valerie Ford Jacob

### **Alumnae Blassberg and Jacob Launch Business Venture as Big Law Coaches**

Though they graduated only one year apart, Franci J. Blassberg '77 and Valerie Ford Jacob '78 never spoke to each other during their time at Cornell Law School. But they became friends years later, after working opposite sides of a transaction in New York City, and now that they're founders and partners in Big Law Coaches, they returned to campus to share some tricks of the trade.



It's important for young associates to have experienced lawyers guiding and grounding them in the realities of working at a law firm. We're teaching people about expectations that go beyond the quality of their work, about the best ways for people to approach their work.

— Franci Blassberg

In September, Blassberg and Jacob inaugurated their business in midtown Manhattan with the daylong workshop "Big Law Basic Training," a crash course in the transition from successful law student to successful law associate. With two lifetimes of experience, they offered practical, unvarnished advice on acclimating to law firm culture, finding your best practice area, developing presentation skills, working with staff members, understanding how associates are evaluated, and benefiting from the wisdom of your colleagues. In the coming year, they'll host two more New York City workshops.

"It's important for young associates to have experienced lawyers guiding and grounding them in the realities of working at a law firm," said Blassberg. "We're teaching people about expectations that go beyond the quality of their work, about the best ways for people to approach their work. And because we're independent, we're able to give opinions that are less focused on the firm and more focused on the lawyer."

"There are very few mentoring opportunities like this available to associates, whether they're at big firms, small firms, or medium-sized firms," said Jacob, partner and cohead of the Global Capital Markets Practice at Freshfields Bruckhaus Deringer. "We bring a breadth of experience that people may not be able to find elsewhere. Whatever environment they're in, or whatever environment they want to be in, our goal is to help them succeed."

### **Cornell Law School and Tel Aviv University Law School Hold Joint** Conference

On December 11 and 12, Cornell Law School and Tel Aviv University Law School held a conference on the topic "Law, Economy, and Inequality" at the Cornell Club in New



LEFT: Attendees at the Conference on Law, Economy, and Inequality **BELOW**: David Singh Grewal (left) of Yale Law School and Robert Hockett



York City. The conference, organized by Robert Hockett, the Edward Cornell Professor of Law at Cornell Law School, and Roy Kreitner, professor of law on the Buchmann Faculty of Law at Tel Aviv University, brought together distinguished law, government, and economics scholars from schools including Cornell, Duke, Tel Aviv, UCLA, William & Mary, and Yale.

While it is good news that inequality is once again being talked about, Hockett and Kreitner observed, public discussion of the subject has been largely unfocused and, partly in consequence, inconclusive. What inequalities matter, and why? What drives such inequalities, and how are they

best addressed if indeed they should be addressed?

The conference accordingly brought lawyers, philosophers, and social scientists into fruitful dialogue on the nature, significance, and best collective responses to worsening inequality in advanced capitalist societies. Among Cornell Law School faculty participating were Gregory Alexander, A. Robert Noll Professor of Law; Aziz Rana, professor of law; and Jed Stiglitz, assistant professor of law and Jia Jonathan Zhu and Ruyin Ruby Ye Sesquicentennial Fellow. Alexander was a commentator for a panel that discussed the role of tax codes in causing and perpetuating inequalities within and across generations.

The conference accordingly brought lawyers, philosophers, and social scientists into fruitful dialogue on the nature, significance, and best collective responses to worsening inequality in advanced capitalist societies.

Rana was a commentator for a panel that discussed ways in which narrowing inequalities can actually benefit people on both sides of the divide. Stiglitz was part of a panel, with Hockett as commentator, that dealt with the economic, political, and legal mechanics of wealth concentration over time.

Papers presented at the conference will be published in Theoretical Inquiries in Law, a peer-reviewed journal published by the Tel Aviv University Buchmann Faculty of Law. ■

# CHOLARSHIF







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

"Territoriality, Technology, and National Security," University of Chicago Law Review (forthcoming)

Across various contexts, parties and courts have pressed for territorial rules in cases implicating technology and national security. In this article, Clopton suggests that presumptively territorial approaches to these questions are misguided. Territorial rules do not track the division of authority or capacity among the branches of government, nor are they effective proxies for the important interests of regulators or regulatees. On issues of technology and national security, territorial rules seem particularly ill suited: territorial rules aspire to certainty, but technology makes it harder to define "territoriality" in a consistent and predictable way; technology weakens territoriality as a proxy for policy goals because data often move in ways disconnected from the interests of users and lawmakers; and technology makes it easier for public or private actors to circumvent territorial rules (often without detection), thus interfering with the existing allocation of policy-making authority. Clopton explores these themes with respect to

the Stored Communications Act, electronic surveillance law, and court-access doctrines in criminal and civil litigation. He concludes that territorial approaches in such cases may have been wrong when first adopted or may have succumbed to desuetude in the intervening years.

all land in Scotland for a wide variety of purposes, including recreation, educational activities, and even some commercial or for-profit activities. Legal recognition of this broadranging "right to roam" comes after more than a century of debate over the public's right to access privately owned land in the Scottish Highlands.

Clopton suggests that presumptively territorial approaches to these questions are misguided. Territorial rules do not track the division of authority or capacity among the branches of government, nor are they effective proxies for the important interests of regulators or regulatees.





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

"The Sporting Life: Democratic Culture and the Historical Origins of the Scottish Right to Roam," University of Illinois Law Review (forthcoming)

In 2003, the Scottish Parliament enacted the Land Reform (Scotland) Act, which, among other reforms, grants "everyone" a right to access virtually

Alexander's article is the first historical account of the origins of the remarkable Scottish right to roam. It presents the debate over the right to roam as a clash between two different visions of the sporting life. An older vision, rooted in the Victorian and Edwardian periods, viewed hunting, aided by the use of modern technology -rifles and such-and much older technology in the form of dogs and horses, as the essence of the sporting life. The other vision, of more recent vintage, conceived of the sporting life as contact with nature through walking, hiking, and similar forms of unmediated interaction with nature. Curiously, both visions of the sporting life claimed the mantle of preservation and conservation. Alexander argues that the culture of unmediated contact with nature ultimately prevailed as a democratic culture became more entrenched in both politics and society.

Colb examines and analyzes the ways in which analogies between the Holocaust and anything else can trigger people's anger and offense, and she then draws a distinction between occasions when offense is an appropriate response to such analogies and when it need not be.

Moreover, executive summaries are, on average, even less readable than the remainder of the rule preambles that they are supposed to make accessible to a broader audience.





### Sherry F. Colb, Professor of Law and Charles Evans **Hughes Scholar**

"Decoding 'Never Again,"" Rutgers Journal of Law and Religion 16 (Spring 2015)

In this article, Colb narrates her experience as a child of two Holocaust survivors, one of whom participated in rescuing thousands of his fellow Jews during the war. Colb meditates on this legacy and concludes that her understanding of it has played an important role in inspiring her scholarship about (and ethical commitment to) animal rights. She examines and analyzes the ways in which analogies between the Holocaust and anything else can trigger people's anger and offense, and she then draws a distinction between occasions when offense is an appropriate response to such analogies and when it need not be. In conclusion, she explains what she believes is the true message of

"Never Again," a commitment that necessarily transcends the particulars of what happened to the Jews during World War II.





Cynthia R. Farina, William G. McRoberts Research Professor in Administration of the Law (with coauthors Mary Newhart and Cheryl L. Blake)

"The Problem with Words: Plain Language and Public Participation in Rulemaking," George Washington Law Review (forthcoming)

In 2012, the Office of Information and Regulatory Affairs (OIRA) issued "guidance" instructing that "straightforward executive summaries" be included in "lengthy or

complex rules." OIRA reasoned that "public participation cannot occur ... if members of the public are unable to obtain a clear sense of the content of [regulatory] requirements."

Using a novel dataset of proposed and final rule documents from 2010 to 2014, Farina and coauthors examine the effect of the executive summary requirement. They find that the use of executive summaries increased substantially compared to the modest executive-summary practice pre-guidance. They also find that agencies have done fairly well in providing summaries in "lengthy" rules. Success in providing summaries in "complex" rules and in following the standard template included with the guidance is mixed. The most significant finding is the stunning failure of the new executive summary requirement to produce more comprehensible rulemaking information. Standard readability measures place the executive summaries at a level of difficulty that would challenge even college graduates.







### Michael Heise, Professor of Law

"The Death of Death Row Clemency and the Evolving Politics of Unequal Grace," Alabama Law Review (forthcoming)

While America's appetite for capital punishment continues to wane, clemency for death row inmates is all but extinct. Moreover, what little clemency activity that persists continues to distribute unevenly across gender, racial, and ethnic groups, geography, and governors' political affiliation, and over time. Insofar as courts appear extremely reluctant to review—let alone interfere with—clemency activity, little, if any, formal legal recourse exists. Results from Heise's study of clemency activity on state death rows (1973–2010) suggest that potential problems arise, however, to the extent that our criminal justice system relies on clemency to function as a coherent extrajudicial check.





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

"The Doctrine of Legitimate Defense," International Law Studies 91 (2015)

Contemporary debates surrounding unilateral intervention have rightly centered on Article 51 of the United Nations Charter and its codification of the right of selfdefense. In the absence of a Security Council authorization or a valid Article 51 argument, interventions are deemed illegal—an intolerable situation that has triggered several ad hoc attempts to explain or justify humanitarian intervention via new or invented exceptions to the Charter scheme, including the much-heralded responsibility to protect doctrine.

In this article, Ohlin argues that a better solution resides within Article 51 itself, not outside it. The solution depends on recognizing the great complexity of Article 51, especially its explicit incorporation of natural law by

reference to the droit naturel to légitime défense. The effect of this incorporation was to preserve and protect, as a carve-out from the prohibition against force codified in Article 2 of the Charter, the rights of defensive force that applied in natural law (and so continue to be protected by Article 51). This is the doctrine of legitimate defense.





Charles K. Whitehead, Myron C. Taylor Alumni Professor of **Business Law** and Director, Law, Technology and Entrepreneurship Program

"Size Matters: Commercial Banks and the Capital Markets," Ohio State Law Journal 76, no. 4 (2015)

The conventional story is that the Gramm-Leach-Bliley Act of 1999 broke down the Glass-Steagall Act's wall separating commercial and investment banking, increasing risky business activities by commercial banks and precipitating the 2007 financial crisis. Whitehead argues that the conventional story is only halfcomplete. What it omits is the effect of change in commercial

By 1999, the Glass-Steagall Act's original purpose—to protect commercial banks from the capital markets—had reversed. Instead, its main function had become protecting the capital markets from new competition by commercial banks. Once the wall came down, commercial banks gained a sizable share of the investment banking business. To offset lost revenues, investment banks pursued riskier businesses, growing their principal investments and increasing the amounts they borrowed to finance them.

bank regulation on financial firms other than the commercial banks. After all, Whitehead says, it was the failure of Lehman Brothers-an investment bank, not a commercial bank—that sparked the meltdown.

In this article, Whitehead provides the rest of the story. The basic premise is straightforward. By 1999, the Glass-SteagallAct'soriginalpurpose to protect commercial banks from the capital markets—had reversed. Instead, its main function had become protecting the capital markets from new competition by commercial banks. Once the wall came down, commercial banks gained a sizable share of the investment banking business. To offset lost revenues, investment banks pursued riskier businesses, growing their principal investments and increasing the amounts they borrowed to finance them.

In effect, they assumed the features of commercial banks—a reliance on shortterm borrowing to finance longer-term (and riskier) investments. For the investment banks, combining the two was lethal and eventually triggered the financial meltdown.

The divide between two sets of regulators, those regulating commercial banks and those regulating investment banks, enabled the change. The need for greater regulatory coordination has grown with convergence in the financial markets. Although new regulation has addressed some of the concern, Whitehead states that the gap between regulators continues today—raising the risk of repeating mistakes from the past. Acknowledging the role of bank regulation (and deregulation) in reshaping the capital markets is a key step in the right direction.



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

"Introduction to Juries and Lay Participation: American Perspectives and Global Trends," Chicago-Kent Law Review 90, no. 3 (2015)

The jury in the United States is fraught with paradoxes. Even though the number of jury trials in the United States continues to decline, jury trials play a prominent role in American culture and continue to occupy newspaper headlines and figure as top stories on television. Americans might not always agree with the verdict that any given jury renders, but in poll after poll they continue to express their support for the jury system. This symposium of the Chicago-Kent Law Review presents new theories and research, with a focus on the contemporary American jury. The introduction to the symposium by Hans and her coauthor begins by connecting discussions at two recent jury conferences: a conference in Oñati, Spain, that examined developments in jury systems worldwide, and a conference at Chicago-Kent College of Law, Illinois Institute of Technology, that

focused on the American jury. The symposium includes several of the papers inspired by the two conferences. This introduction, in addition to describing issues raised at the conferences, provides an overview of the articles in the symposium, and concludes by presenting an agenda for the next generation of jury research, with a recommendation for collaborative approaches to incorporate distinctive methods and perspectives.





### Sital Kalantry, Clinical Professor of Law

"Sex-Selective Abortion Bans: Anti-Immigration or Anti-Abortion?," Georgetown Journal of International Affairs 16, no. 1 (Winter/Spring 2015)

A new wave of legislation is sweeping state legislatures across the United States: laws prohibiting health professionals from providing an abortion if they believe a woman is seeking one because she does not want to have a child of a certain sex. Eight states have enacted such laws, and nearly half of all state legislatures in the country have considered them since 2009. A bill is also currently pending in the U.S. Congress.

The preambles of these bills claim that the bans are needed to curb the tendency among Asian American women to abort female fetuses consistent with practices in China and India. The Asian American population is the fastest-growing racial group in the United States today. It is natural to question whether these bans are being adopted in response to the growing Asian population in the United States or because of antiabortion sentiments. To test the hypothesis, Kalantry determined whether there is an association between whether a state considers and/ or passes a ban on sex-selective abortion and the growth rate of Asian immigrants in that state. In this article, she reports that she found an association between high growth rates of Asian immigration and the introduction and/or passage of sex-selective abortion bans. But she also found that state legislatures that had passed antiabortion laws as of 2012 were also more likely to introduce and/or pass sex-selective abortion bans.

Upon further probing using a logit regression analysis for the binary outcome of passage or consideration of antiabortion legislation, Kalantry finds that the passage of other antiabortion legislation is significantly associated with consideration of antiabortion legislation, whereas the growth in Asian immigration is not. Thus, antiabortion sentiments appear to be driving these bans more than the growth rate of Asian immigration in the states.



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## ALUMN

### Blassberg and St. Eve **Trade Places on the Law School Advisory Council**

After five one-year terms as chair of the Law School Advisory Council, Franci J. Blassberg '77 stepped down, Hon. Amy St. Eve '90 stepped up, and Dean Eduardo M. Peñalver hosted an event to celebrate the transition.

"We're walking a fine line here," said Peñalver, the Allan R. Tessler Dean and Professor of Law, taking a break at the council's November meeting. "Tonight, we are here to thank Franci for her service to the

Franci is a role model in so many ways. She's not just a terrific chair; she's a highly successful, skilled lawyer who has been a strong mentor to women. She brings thoughtfulness to everything she does.

— Hon. Amy St. Eve





Law School, and to wish her well as she takes up the challenge of chairing the Advisory Council of the College of Arts and Sciences. But this is not a retirement party. Franci is going to stay on our Advisory Council, and we fully plan for her to remain totally engaged with the Law School."

He talked about Blassberg's dedication, charisma, and generosity, describing her as "absolutely indispensable to the



Franci J. Blassberg and family

Law School" and "a pathbreaking transactional lawyer who's paved the way for a generation of women in the law." To represent all she'd contributed to the new addition, he presented Blassberg with a watercolor of the Law School facade, and because it didn't seem right for Blassberg to have only a juris doctor, he unofficially awarded her a juris goddess.

More praise followed from **Sital Kalantry**, clinical professor of law; Marion Bachrach '77, Advisory Council member, adjunct professor of law, and partner at Thompson & Knight; and St. Eve, judge for the U.S. District Court for the Northern District of Illinois. "Franci is a role model in so many ways," said St. Eve, whose term as chair began July 1 after years of service on the council. "She's not just a terrific chair; she's a highly successful, skilled lawyer who has been a strong mentor to women. She brings thoughtfulness to everything she does."

Rising to the podium, Blassberg offered her own assessment. "It's a very, very exciting time for Cornell Law," said Blassberg, whose chairship included discussions on the new academic wing, the gift of the Schwab Lawn, the development of the J.D./M.B.A. program, the expansion of clinics and clerkships, the completion of Stewart Schwab's eleven-year tenure as dean, and the arrival of Peñalver in 2014. "We are now in a generational shift at the Law School, and the Advisory Council has been very engaged, very active, in advising the dean on all these initiatives. That's what we can do to help."

Next came the cake, with an opportunity afterward for Blassberg to express admiration for St. Eve. "If one of the main jobs of a leader is to find a successor, I've really overachieved," she said. "Amy is uniquely qualified to lead the Advisory Council." Both Blassberg and Peñalver predicted great things for the new chair, and with dessert finished, it

was time for Peñalver and the council to get back to work.

"Amy is a lot like Franci," he said. "She's unbelievably energetic. Savvy. Wise. Someone whom I feel very comfortable consulting with. Someone whose heart is completely committed to the Law School."

### Aetna's William Casazza Speaks at New York Annual Luncheon

The timing couldn't have been better. With shareholders at Aetna and Humana voting overwhelmingly for a merger, and both companies gearing up to obtain approval by several states and the Department of Justice, William J. Casazza '85 came to speak at the Cornell Law School New York Annual Luncheon.

"It's certainly a topic everybody's going to have an opinion on," said Casazza, executive vice president and general counsel at Aetna, speaking on the topic "Health Insurance Consolidation from a Legal and Policy Perspective" on January 29 at the Westin New York Grand Central. "Whether you're a fan or a foe of the Affordable Care Act, commonly known as Obamacare, you can't escape the conclusion that the current health-care system in America is broken."

"Health care—and therefore health-care insurance—is too expensive," he continued. "Health-care quality varies too much around the country, and health care is too hard to access, particularly for those



Dean Eduardo Peñalver and William J. Casazza

Americans less advantaged in our system. Even today, over 33 million Americans do not have health-care insurance. This is not a winning formula."

He should know. In twentythree years at Aetna, Casazza has seen health care grow into a \$3 trillion/year industry, accounting for 18 percent of the nation's annual gross domestic product. Stock prices remain high, interest rates remain low, and toward the end of 2015, Aetna's announcement was followed by an even bigger proposal to consolidate Anthem and Cigna. It's all occurring in a challenging regulatory environment, and it's all happening in the



middle of a presidential election year.

"Every year, I find the speakers to be very compelling, each in a different way," said Randy Goldstein '01, who leads Tortoise Investment Management with Ian Yankwitt '93, a partnership that grew out of a conversation at the 2012 annual luncheon. "When you have someone like Bill Casazza, who's on the front lines of a lightning-rod industry, and who's speaking very frankly, you're going to learn a lot."

"It was really interesting to hear him talk about what goes on behind the scenes," said Wendy Samuelson '93, a partner at Samuelson Hause Samuelson Geffner & Kersch, who attends every year. "It's a great event, where there's always a lot of camaraderie. It's one of the few times you're able to catch up with classmates. Even if you don't already know the people sitting at your table, everybody is very friendly, and there's a lot of networking that goes on."

For Casazza, who's spent years as an instructor-judge in the transactional lawyering competition, the luncheon was another way to give back, spend time with Dean Peñalver -who praised Casazza's "uniquely rich knowledge of the health-care and insurance industries"—and continue reconnecting with the Law School after decades away. "At the end of the presentation, I was prepared to answer maybe three or four or five questions," said Casazza. "But there were

loads and loads. People's views about the policy implications, whether good or bad, came through clearly. I really could have been there for an hour answering questions, until the dean finally had to shut it down. That's one sign of a good response."

The 2016 New York Annual Luncheon was sponsored by Clifford Chance (Alejandro E. Camacho '84); Morrison & Foerster (Joel Haims '93); Proskauer Rose (Ronald Papa '79); Simpson Thacher & Bartlett (Nicholas Goldin '99): Skadden, Arps, Slate, Meagher & Flom (David Schwartz '94); Tortoise Investment Management (Randal Goldstein '01 and Ian Yankwitt '93); and Urban American (Phillip Eisenberg '64).

### **Around the World**

The global village we call Cornell Law School just got a little smaller.

In an effort to increase alumni activity worldwide, the Law School has created the Cornell International Lawyers Alumni Network (CILAN), a membership organization that's open



Over the next year, Regional Captains will be working closely with their CILAN Regional Committees, the Cornell Law School Alumni Association Executive Board of Directors, and the Alumni Affairs Office to host regional events, foster connectivity to the Law School, organize networks of LL.M. alumni, and help recruit prospective students to Cornell.

to any Cornell Law School graduate and any Cornell University graduate who's also a lawyer. Around the globe, alumni have answered the call, with Regional Captains established in Argentina, Chile, China, France, Germany, Hong Kong, India, Indonesia, Japan, Korea, and the United Kingdom.

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So far this year, the India chapter held its first luncheon in New Delhi, attended by

Dean Peñalver, who was in town to deliver a lecture on the topic "The Role of Legal Education in Protecting the Rule of Law" at the India International Centre. Also in attendance was Sital Kalantry, clinical professor of law, who was in India to conduct interviews of judges and lawyers in connection with an empirical study on Indian Supreme Court decisions from 2010 to 2014.

France has begun planning a spring event, and London held a gathering in March, as did Seoul. The Regional Captain of China presented on CILAN and hosted an alumni walking tour during the 2016 Cornell Asia-Pacific Leadership Conference in Beijing.

Noting the importance of the newly formed CILAN, Kristine Hoffmeister, director of alumni affairs, confirms that "the Cornell International Lawyers Alumni Network is off to a great start and the work of the alumni committee volunteers is imperative to bringing Cornell Law School to the world and the world to Cornell Law School."

### **REGIONAL CAPTAINS**

ARGENTINA Mariano Scagliarini, LL.M. '01

Diego Garay Pérez, LL.M. '13

Guohua (Annie) Wu '01

FRANCE

Simon Izaret, LL.M. '06

GERMANY

Olaf Berner, LL.M. '05

HONG KONG

Philana Poon '92

Vikrant Pachnanda, LL.M. '14

INDONESIA

Gabriel Mukuan, LL.M. '15

Takayuki Kihira, LL.M. '06

REPUBLIC OF KOREA

Samuel Nam '88

UNITED KINGDOM Max Kirchner '05



Cornell Law School's India chapter met for its inaugural luncheon at the Leela Palace hotel in New Delhi on January 10.

### Cornell Law School's **India Chapter Kicks Off**

With the recent establishment of the Cornell International Lawyers Alumni Network (CILAN), the India chapter wasted no time in organizing its inaugural event—a luncheon with special guests Eduardo M. Peñalver, the Allan R. Tessler Dean and Professor of Law, and Sital Kalantry, clinical professor of law. The luncheon, held at the Leela Palace hotel in New Delhi on January 10, brought together twenty-two guests, including twelve alumni, two current law students, and their guests.

The lunch kicked off with all the attendees introducing themselves over wine. A toast was raised by the India CILAN Regional Captain Vikrant Pachnanda, LL.M. '14, who honored Dean Peñalver and Professor Kalantry. Peñalver then offered remarks and a brief update on the school.

"The event afforded alumni the opportunity to interact and network with one another, several of whom met for the first time at the lunch," said Pachnanda. "It also provided the chance for alumni to fly the Cornell flag high over the beautiful city of New Delhi."

While Peñalver's and Kalantry's visit marked the launch of the Cornell Law School India alumni chapter's first "reunion," it most definitely will not be the last, as the group is organized and motivated to host several more events during the course of the year and in the years to come.

### **Homecoming Spirit Defeats Intermittent** Rain, 19-14

It was a perfectly gray, rainy Homecoming on September 19, when the Law School hosted the biggest tailgate party in its history, followed by a Big Red football game at Schoellkopf Field.



Markeisha Miner

"It's important for students, faculty, and alumni to come together in an informal setting, make connections with one another, and celebrate their Cornell spirit," said Markeisha Miner, dean of students. "Law school is an intense experience, so it's encouraging that students can step away from their studies to talk with alumni who've been exactly where they are right now."

"A tailgate helps create an environment where students can ask questions, which can be as simple as talking about the game or as complex as asking, 'What do I do for the rest of my life?" said Maria E. Fernandez '92. "That's what I wish I had when I was a student, a chance to break down boundaries between students and alumni, and just have a conversation as two individuals."

With a larger tent, a bigger spread, and more giveaway scarves than ever before. Cornell Law School set a new attendance record, drawing





300 people, including Dean Peñalver and his family, sporting so much school spirit it hardly mattered that Big Red lost 19–14 to Bucknell University in the closing seconds.

"It was a huge win, regardless

of what happened on the field," said Zellnor Myrie '16. "Tailgating represents an opportunity to bring people together, so that later on, when classes get more challenging, you'll remember you're not in this alone. You're part of a greater community, and when you're an alum, you'll come back to tailgate with the students who've

The Law School's Homecoming Tailgate was cosponsored by the Cornell Law School Alumni Association and the Cornell Law Student Association.

followed after you."

### Alumni Association Executive Board Shares Career Advice

On September 18, eighteen alumni panelists gathered in the new wing of Myron Taylor Hall to discuss the key ingredients for a successful legal career. Representing a broad range of experiences—big law, government, in-house counsel, nonprofit, and small/sole practitioners—the panelists had one common goal: to tell



Daniel Duval

the truth, the whole truth, and nothing but the truth.

"When you're making decisions about your career, you have to do it with eyes wide open, exploring the alternatives and understanding the exchanges you're making. If you don't set your expectations properly, it may lead to dissatisfaction before you achieve your interim career goals," said Daniel Duval '02, chief legal officer and chief compliance officer at Jefferies Finance. "Be open to new opportunities and get out of your comfort zone. You have to be the one driving your career, not just be a passenger."

Other advice followed, some during the presentation and some at the networking reception that came afterward: Find mentors. Use your network. Build on your skills. Gain as much experience as you can. Plan your financial future. Remain flexible. Find a niche where you can differentiate yourself. Stay connected with alumni. Treat people with respect. Earn the trust of everyone around you.

"Panels like this are crucial," said Daniel Isaacson, LL.M. '16, who earned his bachelor of laws at the University of Cape Town. "There's so much that goes into the recruitment process, and most of it is between the lines, things no one can tell you in a more formal environment. That's why you need an intimate environment, to ask questions about what employers are really expecting from you, questions that might be embarrassing to ask elsewhere. It was enlightening to

hear their responses, and though it's too early to know where I'll go next, it's brought me quite a few steps closer."

### Conceptual Art Meets Property Law At Miami Symposium on Félix González-Torres

What is a work of art? And what does that have to do with property law?

That's not the sort of question that gets addressed at your average law conference. But on February 11, Cornell Law School, together with the Art & Law Program and the de la Cruz Collection, gathered a distinguished array of art historians and theorists, lawyers and artists, at the de la Cruz Collection Contemporary Art Space in Miami for "Poetic Justice: On the Intersection of Art and Law in the Work of Félix González-Torres," a symposium dedicated to examining legal issues through the lens of the Cuban-born conceptual artist's oeuvre.

Felix González-Torres, who moved to New York City in the late 1970s, became famous for his minimalist installations featuring everyday objectsstacks of paper, strings of lightbulbs, strands of beads. "Latin American, gay and AIDS-positive, Félix González-Torres would have seemed the perfect model for the late '80s and early '90s culture wars, as well as the later emphasis on diversity," said Robert Hobbs, an art historian from Virginia Commonwealth University's School of the Arts (and a former Cornell University professor)





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TOP LEFT: From left:
Dean Peñalver, Gregory
Alexander, Sonia Katyal,
Bill Brown, and Noah
Horawitz BOTTOM
RIGHT: Sergio Muñoz
Sarmiento '06 (left)
and Bill Brown BOTTOM
LEFT: Rosa and Carlos
de la Cruz







TOP LEFT: Carlos de la Cruz addresses the panel TOP RIGHT: Gregory Alexander (left), Ibett Yanez, and Melissa Wallen BOTTOM RIGHT: Keynote panel

Immediately, being a property person my head started swimming with lots of very mundane practical legal questions that his work raises. What is the work?

— Eduardo M. Peñalver

who opened the symposium with an introduction to the artist's work. However, Professor Hobbs went on, although González-Torres, who died in 1996 as a result of AIDS, did not shy away from political statements in his art, he was not interested in being defined simply by his demographics. "Multiculturalism is not about numbers, it's about inclusion," Hobbs quoted González-Torres as saying in a newspaper interview. "It's about opening up the terms of the argument."

González-Torres's work did that opening by playing with the dichotomies that have traditionally prevailed in art. For example, the installations involving stacks of paper printed with images and messages invited viewers to participate by removing individual sheets, Hobbs said, while the owners would have to decide whether to replace them or allow the stacks to dwindle over time.

The keynote panel, "Love, Negation, and Recollection," focused on how artists have engaged the work of González-Torres both conceptually and pragmatically in order to





further their work. Sergio Muñoz Sarmiento '06, an artist and art lawyer, moderated the panel, which featured Jim Hodges, artist; Amada **Cruz**, The Sybil Harrington Director, Phoenix Art Museum; Robert Hobbs, The Rhoda Thalhimer Endowed Chair at the School of Arts, Virginia Commonwealth University; and **Noah Horowitz**. Director Americas, Art Basel. To view

the keynote panel visit www.delacruzcollection.org/ calendar/2015\_Cornell/2015\_ Cornell.html.

At the symposium, Eduardo M. Peñalver, Cornell's Allan R. Tessler Dean and Professor of Law, recalled his initial encounter with González-Torres's work when he visited the de la Cruz Collection for the first time. "Immediately, being a



The sense that property exists to create, dare I say it, propriety, or the common good, is simply lacking. González-Torres's projects remind us of its existence.

— Gregory Alexander

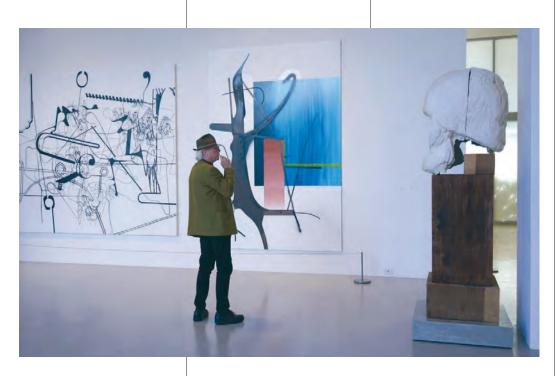
property person my head started swimming with lots of very mundane practical legal questions that his work raises," Dean Peñalver said. "What is the work?"

Take some of González-Torres's best-known installations: overflowing piles of candies, heaped on the floor. Obviously, the artwork isn't solely the individually wrapped confections. Is it the certificate of authenticity that makes a specific

work of art itself? Maybe the very idea of the work is the important thing. "But from the intellectual property standpoint, the lawyer's standpoint, that's actually quite a maximalist claim," Peñalver said. "Ownership of ideas is one thing the law is very skeptical of. It wants to keep ideas free."

Carlos de la Cruz, who with his wife, Rosa, founded the de la Cruz Collection, touched on another question of ownership questions raised by González-Torres's art meant for collectors. He drew parallels between González-Torres's often mutable installations and musicians' new reliance on live performances to make a living in the digital age. "Now they don't sell records anymore. Now they make money by having performances," said de la Cruz. "For the artist, about as close as you can come to

when he discussed what the performances is this."



**Gregory S. Alexander**, the A. Robert Noll Professor of Law at Cornell, told the symposium that the questions González-Torres's work raises about the idea of art as a tangible thing parallel those the early twentieth-century "Legal Realist" movement asked about the then-standard conception of property as a thing; Legal Realists instead claimed that it was nothing but a bundle of rights and relationships. Professor Alexander points to González-Torres's mutable stacks installations as lending credence to the Legal Realist view. "If we understand things, as laypeople usually do, to be characterized by stability and identity, then González-Torres's stacks throw into doubt the thing-ness of the works," Alexander said. "Their very thing-ness is ambiguous, neither easily affirmed nor denied."

That shared responsibility of artist, viewer, and owner for the stacks finds another parallel in property law, according to Alexander. "Property is not solely a matter of rights; it is also a matter of responsibilities or obligations that the owner owes to other members of the various communities to which he or she belongs," Alexander said. That's something that is often forgotten as owners of land and businesses complain about government regulations.

"The sense that property exists to create, dare I say it, propriety, or the common good, is simply lacking," Alexander said. "González-Torres's projects remind us of its existence."

### LAW DEVELOPMENT NEWS & HIGHLIGHTS

### **Scholarship Initiative Attracts New Gifts**

New gifts of "instant" scholarship grants became popular among Law School alumni during the first half of fiscal year 2016. By making cash gifts at various levels to the Annual Fund for Scholarship, donors are enabling the Law School to offer more valuable tuition-assistance awards immediately. A President's Circle Scholarship provides \$25,000 to a grant-eligible Cornell Law student for three consecutive years, a Dean's Circle Scholarship delivers \$10,000, and a Peace Tower Award provides \$5,000.

Each gift-level titled scholarship requires a minimum commitment of three years. All gifts designated to a Cornell Law School scholarship support Dean Peñalver's priority of augmenting the Law School's capacity to offer increased financial assistance to current and prospective students. As of this writing, fiscal 2016 multiyear gifts and/or gift commitments to the Law School Annual Fund for Scholarship have been made by



Thomas A. Fink '59, Beth Wait Libow '86 and Daryl A. Libow '86, John M. Schwolsky '85, John D. Sigel '80 and Sally Carrothers Reid '79, and David J. Wermuth '95.

The Charles Evans Hughes Scholars program also continues to attract gifts from alumni. William J. Casazza '85 made a five-year commitment to supplement the annual grant drawn from the Law School Class of '85 Scholarship

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endowment. In combination, these funds will underwrite the full cost of tuition for a Charles Evans Hughes Scholar through 2020. In accordance with Dean Peñalver's vision, each year the Law School selects a small number of the most academically distinguished members of the entering class as Charles



William Casazza

Evans Hughes Scholars. These students receive scholarship grants to cover the full cost of tuition for their three years of law school.

### New Gifts Establish Named Scholarship Funds

The Law School's roster of endowed scholarship funds continues to grow thanks to new commitments by F. **Gregory Barnhart '76** and Susan L. Gordon '76, Jack G. Clarke '52, David J. Furman '86, Beth Wait Libow '86 and Daryl A. Libow '86, and Andrew R. McGaan '86. The F. Gregory Barnhart and Susan L. Gordon Scholarship will provide a scholarship grant to a student enrolled in the J.D. program. The Class of 1986 Scholarship, established by the Libows, is intended for an academically meritorious J.D. candidate with demonstrated financial need. The McGaan O'Dwyer Law Scholarship will be awarded on the basis of academic merit with preference given to a J.D. candidate who holds a Cornell undergraduate degree. In his role as president of the Kirkland & Ellis

Foundation, McGaan facilitated the creation of the Kirkland & Ellis LLP Law Scholarship, which will be awarded on the basis of academic merit. The Douglas E. Dayton LL.B. '51 Scholarship fund established by Jack Clarke will provide an annual grant to a J.D. candidate on the basis of financial need and academic merit. The Dayton Scholarship honors Clarke's fellow student Douglas Dayton, with whom he shared a deep interest in international and comparative law. All Cornell Law School scholarships are conferred at the discretion of the Allan R. Tessler Dean of Cornell Law School.

F. Gregory Barnhart is senior partner at Searcy, Denney, Scarola, Barnhart & Shipley, in West Palm Beach, Florida. Greg and Susan are co-chairs of their 40th Reunion this June. Greg also served as a member of the Law School's adjunct faculty during the fall term of 2015. He taught the course Trial Practice and Economics from the Plaintiff's POV during a full week in mid-October.

Daryl Libow is managing partner in Sullivan & Cromwell's Washington, D.C., office and cohead of the firm's Antitrust Practice. He is a member of the Dean's Advisory Council. Andrew McGaan is a partner in Kirkland & Ellis's Chicago office and a member of the Dean's Special Leadership Committee. Jack G. Clarke, formerly an attorney at Sullivan & Cromwell and later an executive at Exxon Corporation, has established endowment funds in the Law School for professorships, international

programs, scholarships, and the Jack G. Clarke Institute for the Study & Practice of Business Law, and has made many generous gifts to other areas, including the Law Annual Fund, the Dean's Building Fund, and the Meridian 180 Fellows of the Clarke Program in East Asian Law and Culture. In 1991, he was named a Distinguished Alumnus, and in 1999 was recognized as a Foremost Benefactor of Cornell. Clarke is a Cornell Presidential Councillor and a Life Member of the Dean's Advisory Council.

In addition to establishing the endowed scholarship funds described above, Andrew McGaan and Daryl Libow served with David Furman '86 as co-chairs of their Reunion Campaign Committee for the 30th Reunion of the Class of 1986. Thanks to their efforts, the Class of '86 Reunion Campaign delivered robust philanthropy to the Law School; although the final tally for fiscal 2016 was not determined as of this writing, preliminary numbers for new gifts and gift commitments from Class of 1986 members indicate the achievement of a new standard for class giving.



**David Furman** 



### **Legal Information Institute Attracts New Donors**

The Legal Information Institute (LII) achieved record growth during fiscal year 2016 in terms of gift dollars and donor participation—a direct result of formalizing its budgetary structure within the Law School and hiring a new development director in July 2015. Cornell's Board of Trustees supplied some of the impetus for these actions by nominating the LII as an entrepreneurial model for university revenue diversification. On that basis, and with the support of Dean Peñalver and in partnership with Alumni Affairs and Development, the LII developed innovative fundraising tactics that

capitalized on its global reach and demonstrated trustworthiness.

With one of the earliest sites on the web (and the first for law), the LII enjoys unparalleled trust from lawyers and nonlawyers alike.

With one of the earliest sites on the web (and the first for law), the LII enjoys unparalleled trust from lawyers and nonlawyers alike on the strength of its twenty-three years of providing anyone with an

Internet connection unfettered access to federal statutes, federal regulations, judicial opinions, and expert legal commentary. In 2015, more than 30 million people from 244 countries and territories visited the LII site over 48 million times in order to access and understand American law free of charge. Logic suggested that an audience so vast must include numerous potential donors.

In December, all existing LII donors, along with 15,000 subscribers to the student-written and student-edited LII Supreme Court Bulletin, were solicited by e-mail. In addition, anyone seeking information from law.cornell.edu that month was prompted to consider supporting the LII so that it could continue to provide

this valuable service. With design assistance from the Communications Department, and technical implementation and systematic testing by LII's engineering team, a new banner solicitation secured more gift dollars in one month than the LII had attracted in the entire prior year. Moreover, nearly 2,000 new supporters made gifts.

To understand this success, the LII conducted a follow-up survey of its new donors and found that legal professionals and average citizens alike trust the Legal Information Institute as the definitive source for federal law and feel it deserves their support for providing a valuable public service.

In addition to attracting new support from its users, the LII is receiving regular and generous operational support from Justia, a for-profit organization whose mission is "to advance the availability of legal resources for the benefit of society." Since 2009, the LII has collab-orated with Justia.com

The "Cornell NOW" capital campaign closed on December 31, 2015, concluding a ten-year fundraising project that yielded more than \$6.36 billion in gifts of all kinds to schools, colleges, and units across the university.

to provide access to what is now the world's largest and most active lawyer directory. This year, in recognition of the value the LII brings to society, Justia and its founder and CEO, Tim Stanley, have become major benefactors. The LII looks forward to nurturing this relationship, and anticipates fostering philanthropic relationships with other like-minded corporate and foundation partners in the near future.

### "Cornell NOW"

The "Cornell NOW" capital campaign closed on December 31, 2015, concluding a ten-year fundraising project that yielded more than \$6.36 billion in gifts of all kinds to schools, colleges, and units across the university. Since its inception on July 1, 2004, to the last day of 2015, alumni and friends of Cornell Law School gave more than \$122 million in support of faculty recruitment and retention, professional scholarships, the Annual Fund, curricular enrichment, international programs, facilities, and other purposes. This generosity enabled the Law School to raise \$74 million in gifts of all kinds since 2011, bettering its stated goal by 211 percent. The

Annual Fund grew from \$1.7 million in fiscal year 2010 to \$2.4 million in fiscal year 2015, thanks to robust giving. Some of the fruits of the past decade's philanthropy include new facilities elements (e.g., the Wing for Academic Instruction, Student Commons, Proskauer Plaza, Schwab Lawn, the front entrance of Myron Taylor Hall); a new LL.M. degree program in Law, Technology, and Entrepreneurship; \$23 million in cash gifts and pledges for J.D. scholarships; and four new professorial chairs.

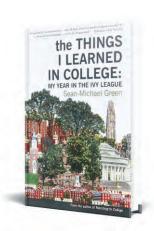
The Law School received the single largest gift in its history during the campaign when an anonymous donor gave \$25 million in fiscal year 2012. As noted at the time, this extraordinary investment in Cornell Law students and faculty is devoted to selected institutional endowments, including scholarships, domestic and international programs, and faculty research and teaching. The donor's intention was to provide for needs in these areas and encourage the Law School's philanthropic community to make new gifts, gift commitments, and planned gifts to the Annual Fund, scholarships, new construction and facilities renovation, and



James Rosenblatt '72 (left), dean emeritus and professor of law at Mississippi College School of Law, and Stuart Lott '11, attorney at Bradley Arant Boult Cummings, at a meeting of the Mississippi Cornell Law Alumni Club in Jackson, Mississippi, on March 3, 2016. All of the Cornell Law graduates in the state were present at the meeting.

other needs as identified by the dean. As the Law School's fundraising bottom line during "Cornell NOW" testifies, its benefactors responded to this challenge with remarkable generosity.

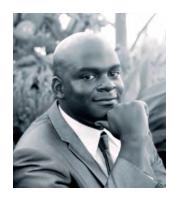
### ALUMNI AUTHORS



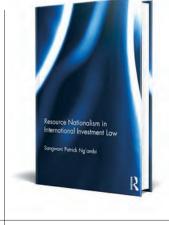
### Sean-Michael Green '03 has

written *The Things I Learned* in College, an "amusing, true story in the aspirational vein of Bill Bryson or A. J. Jacobs" that explores "what life is like for students with the drive, intellect, money, and luck to study in the Ivy League." In the book, published by The Leigh Publishing Company and released in April, Green recounts what he learned from spending thirty days at each of the eight Ivy League schools.

At each school, Green attended classes, participated in campus life, and met with students. He explored the myths and secrets of the institutions. His travels lead him from fraternity



Sangwani Patrick Ng'ambi



parties and strip clubs to cuttingedge research and engaging professors to historical landmarks and cherished traditions.

Green describes himself as "an entrepreneur and comedian with a passion for higher education." He is the associate vice president for graduate enrollment and marketing at the University of New Haven. Previously, he was dean of graduate and adult enrollment at Marist College.

Resource Nationalism in International Investment Law, written by Sangwani Patrick
Ng'ambi, LL.M. '08, has been published by Routledge.
Ng'ambi's book examines the law around direct foreign investment in resource-rich nations.

Arguing that it is necessary to have some form of flexibility in concession agreements while still offering protection of the legitimate expectations of the investor, Resource Nationalism proposes the insertion of renegotiation clauses in order to foster flexible relationships between the

investor and the host state. Using Zambia as a case study, it highlights the limitations of the efficient breach theory to emphasize the need for contractual flexibility.

Ng'ambi is a lecturer on international investment law and assistant dean at the University of Zambia. ■



### Class Notes are Online

Search for news on your classmates and other Cornell Law School alumni.

You can also submit your own notes through the Law School website:

lawschool.cornell.edu/alumni/classnotes/index.cfm

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PHOTOS AND ILLUSTRATIONS



## Be the shoulders on which future Cornell lawyers stand

As we climb up the ladder of success we stand on somebody else's shoulders. There comes a time when it is our turn, as graduates, to offer up our shoulders too.

With the opportunities that we were provided and the success that we were able to achieve because of the Law School, it's incredibly important that we continue the tradition of creating opportunities for future alumni.

If you haven't given yet, you should think about where you are and how you got there and whether or not it's time to help the Law School continue that tradition.

### Joshua Eisenberg '00

Executive Vice President and Principal, Urban American

### Philip Eisenberg '64

Chief Executive Officer, Urban American Donor of the Philip and Betsy Eisenberg Scholarship





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