



Cornell Law School

Lawyers in the Best Sense

Fall 2018

Cornell Law School Convenes a
Conference on the DACA Program

The Law Professors Helping
Cornell Immigrants

The Migration and Human
Rights Program

Three Cornell Law School Alumni
Confirmed as Federal Judges

FOR
CORNELL
LAW



In the truest sense, I can never repay Cornell. But I can do my part.

Institutions don't renew themselves. Schools, churches and so forth do not survive on their own; they do not flourish under benign neglect. They depend on us to sustain them. As a Cornell alumnus, I belong to the greater Cornell community. I am happy to help build Cornell Law School, and I am happy to encourage others to do the same, to give what they can.



Leonard J. "Len" Kennedy

A.B. 1974, J.D. 1977

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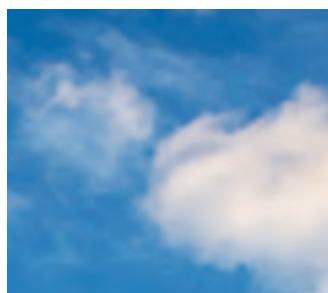
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FORUM

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Dear Alumni and Friends:

In the span of just a few years, the national discourse around immigration has gone from bad to worse. Few subjects now elicit such bitter politics, raw emotion, and heated rhetoric as the debate over who should be allowed to enter this country legally and who should be allowed to stay if they entered illegally or as the children of undocumented immigrants. The immigration system we are left with is quite literally broken, and prospects for fixing it appear far off. Meanwhile, a compromise on immigration reform in Congress appears as elusive as ever. This issue of the magazine reports upon several ways in which Cornell Law School has served as a beacon of hope on the topic of immigration law in spite of the gloomy outlook.

I've mentioned before in various settings that Cornell is committed to fostering an

environment in which people from all backgrounds rightly consider themselves equal members of our community. As Cornell's law school, we have an interest in ensuring that the legal rights of our students, faculty, and staff are fully respected. The second feature article of

als (DACA) students at Cornell who need help renewing their DACA registrations or who are threatened with deportation. In addition, they have counseled dozens of individual students and offered numerous "know your rights" programs for the wider Cornell and Ithaca communities.

Few subjects now elicit such bitter politics, raw emotion, and heated rhetoric as the debate over who should be allowed to enter this country legally and who should be allowed to stay if they entered illegally or as the children of undocumented immigrants.

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this issue details how Law School faculty have worked with and helped members of the Cornell University community whose security was thrown into doubt by recent changes in immigration law and policy.

The Law School is fortunate to have several clinical faculty with deep expertise in immigration law. Since early last year, these professors have been providing free legal assistance to Deferred Action for Childhood Arriv-

This coming winter, a group of Cornell faculty and alumni will head down to the border in Texas to provide free legal assistance to asylum-seekers being detained there.

The third feature explores Cornell Law School's new Migration and Human Rights Program, which includes the Asylum and Convention Against Torture Appellate Clinic and the Farmworker Legal Assistance Clinic. Professors and students in these clinics have worked tirelessly at the local and national level to help



vulnerable immigrant children and those trying to escape persecution in their home countries. In the process, they have established multiple legal precedents that expand asylum protection and access to counsel.

More broadly, the Law School has been doing its part to encourage a more civil and collegial discussion of immigration by people with widely divergent points of view. This issue begins with a summary of “Dreamers and Beyond: Our Broken Immigration System,” the recent groundbreaking conference organized by Professors **Stephen Yale-Loehr** and **Jaclyn Kelley-Widmer**. Held in October at the New York City Bar Association, the conference provided a comprehensive overview of the

past, present, and future of DACA. The event accomplished something quite rare in today’s polarized political environment. It brought together expert panelists—progressives and conservatives, Democrats and Republicans—with very different points of view about immigration and about DACA, who thoughtfully—and at times forcefully—discussed and debated these contentious issues.

Interspersed among the features in this *Forum* are short articles that tell the inspiring stories of three members of the Law School community who have been intimately involved in immigration law in various ways. To start, we have a Q&A with Stephen Yale-Loehr, one of the

nation’s foremost experts on immigration law, who has appeared on nearly every major news media outlet to share his even-handed and measured commentary on immigration policy. Next, we profile alumnus **Krsna Avila ’17**, who grew up undocumented and now works as an immigration attorney and advocate in San Francisco. Finally, Professor **Angela Cornell** discusses her pro bono work earlier this year helping detained immigrant children near the U.S.-Mexico border.

As the nation grapples with the thorny issues around immigration, it’s more important than ever that the entire Law School community reaffirms its commitment to the core values of inclusion and respectful engagement. As the

first truly American university, Cornell is—like America itself—a university of immigrants, bound together by our ideals, by our love of knowledge, and by our commitment to its fearless pursuit. Thank you for everything that you do to help Cornell Law School carry on that tradition.

Respectfully,

Eduardo M. Peñalver

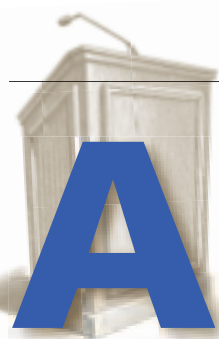
Allan R. Tessler Dean and
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Cornell Law School Convenes a Conference on the Past, Present, and Future of the DACA Program

by CHRISTOPHER BROUWER



The Law School's recent conference on DACA enabled a civil dialogue among leading experts from across the political spectrum about an urgent immigration issue.



Amid the raging storm that is this nation's debate over immigration, Professors **Stephen Yale-Loehr** and **Jaclyn Kelley-Widmer** have been like stubborn ship captains, valiantly trying to steer the conversation through turbulent seas and back to a safer harbor. This fall, with the 2018 elections in full swing, the pair organized the Law School's groundbreaking conference, "Dreamers and Beyond: Our Broken Immigration System."

Held October 5 at the New York City Bar Association and sponsored by the Charles Koch Foundation, the one-day conference accomplished something increasingly rare: a civil dialogue about an urgent immigration issue—the Deferred Action for Childhood Arrivals (DACA) program—among leading experts from across the political spectrum.

Established by the Obama administration in 2012, the DACA program has allowed nearly 800,000 undocumented young migrants who arrived in the United States as children to obtain a temporary reprieve from deportation and a two-year work permit. However, the Trump administration rescinded the program in September 2017 and gave Congress six months to come up

with a legislative solution. Following Congress's failure to act and the filing of a number of lawsuits, the matter is now tied up in federal courts, which have so far blocked the program's termination.

"The DACA program is on life support right now," says Yale-Loehr. "The president wants to terminate it. The courts have said so far that existing DACA recipients have to be able to

The DACA program is on life support right now. The president wants to terminate it. The courts have said so far that existing DACA recipients have to be able to renew their status, but nobody really knows what is going to happen long-term.

— Stephen Yale-Loehr





renew their status, but nobody really knows what is going to happen long-term.”

With the lives of so many young people in limbo, Yale-Loehr and Kelley-Widmer decided to convene a forum of experts to understand how we arrived at this point and to chart a course forward. The resulting Dreamer Conference attracted nearly 150 attendees and eleven speakers who had been involved with DACA at the very highest levels, including former congressional staff, executive branch officials, immigration policy advocates, and a member of the House of Representatives, **Carlos Curbelo** from Florida’s 26th District.

The conference kicked off with an introduction from **Eduardo M. Peñalver**, the Allan R. Tessler Dean and Professor of Law, who suggested we reframe the conversation about our immigration system.

“We must start with an acknowledgement that we Americans are—with the exception of the nation’s indigenous communities—all of us immigrants,” he said. “Americans are—and always have been—an impure mixture, defined as a people by our ideals and commitments, not by blood or soil.”

Peñalver also discussed how the Law School has taken a number of concrete steps to assist the members of the wider Cornell

community whose security was thrown into doubt by recent changes in immigration law. In particular, he praised the school’s clinical faculty for committing to provide legal assistance—without charge—to Cornell DACA students who need help renewing their DACA registrations or who are threatened with deportation.

Later, during lunch, Peñalver introduced Representative Curbelo as the keynote speaker, noting that the congressman is the son of Cuban exiles and a leading Republican voice on behalf of DACA recipients and immigration reform.

Rep. Curbelo delivered an impassioned talk in which he argued that comprehensive immigration reform is essential for this country’s future. He began by pointing out that “it’s not advisable to leave your district” in the middle of a close reelection campaign as he was doing, but that this issue was too important for him to stay away.

“Any time there is a thoughtful group of Americans who want to come together to discuss how we can solve the immigration puzzle in our country, I’m motivated to participate,” he said, adding that “we need to solve immigration for reasons beyond the issue itself.”

"I truly believe that fixing immigration in our country in a holistic, comprehensive, meaningful way could be the first important step in truly beginning to heal our country's politics," said Curbelo, "something we desperately need to do. Otherwise, we will see our institutions continue to erode and our democracy will be more at risk."

Curbelo recounted his experience and frustrations trying to get immigration reform legislation passed in the House during a time when the discourse over the issue was becoming more divisive and toxic. After he was unable to move forward the bill he wrote—the Recognizing America's Children Act—he and a group of colleagues began pressuring the Republican leadership with various legislative tactics to move forward with immigra-

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— Carlos Curbelo

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ABOVE: Gaby Pacheco (left) and Rebecca Tallent OPPOSITE CLOCKWISE FROM TOP: Julissa Arce, Mark Krikorian, and Carlos Curbelo

tion reform. Eventually, Curbelo said, this effort led to the Border Security and Immigration Reform Act, which garnered a record number of Republican votes, but ultimately failed because of what a colleague of his called the "mystery math of immigration."

Curbelo blamed the bills' failure on "the cowardice of a lot of Republicans, who are worried about having to go to their base to explain why they are embracing a commonsense, reasonable solution to immigration, and the selfishness of Democrats, who want to use this issue in election after election after election, and if you solve it that comes to an end."

"So, did we accomplish anything?" asked Curbelo. "I think we did. We now have a majority of the majority on the record. Now we have cleared that hurdle and I am confident that will be very useful in the future."

Conference Recap

The conference featured two panelists—**Gaby Pacheco** and **Julissa Arce**—who grew up as undocumented immigrants and went on to become leading advocates for immigrant rights. Pacheco, considered one of the founders of the Dreamer movement, was deeply involved as an activist in pressuring the Obama administration to develop the DACA program. Arce is the author of the best-selling book *My (Underground) American Dream: My True Story as an Undocumented Immigrant Who Became a Wall Street Executive*.

Pacheco described how in 2008, she and three other undocumented students walked for four months from Miami to Washington, D.C., to call attention to the plight of immigrant families under the threat of deportation. After campaigning for more than two years, she and other activists finally got the attention of the White House. But, Pacheco said, it wasn't until the spring of 2012, when she learned that **Senator Marco Rubio** had started to work on legislation for Dreamers, that she started to think the political momentum might sway the White House to consider using deferred action as an administrative remedy for Dreamers.

"What I presented to the White House was, 'There are two opportunities in our hand,'" said Pacheco. "We can go either way. But we do feel that you have the power to do this."

Pacheco said she thinks that strong backing from within the Department of Homeland Security gave the White House the confidence it needed to create the DACA program. Even so, it still faced opposition from some administration officials.



"For the first time in my life, I felt like somebody else knew what it felt like to be me," Arce said. "That's really when I decided to leave Wall Street and share my story and hopefully make up for all of the advocacy that I never did when I was growing up."



"I remember in 2012, someone pulled me aside and spoke to me very harshly and told me, 'You are going to be responsible for the first African American president losing his reelection campaign,'" said Pacheco. "I remember a torn feeling. Of course, I didn't want Obama to lose, but at the same time, I said, 'My first responsibility is not to the president. My responsibility is to my community and I need to do what is best for them.'"

The idea of being an advocate was something that didn't seem possible for Arce until later in life. She recounted how, after working her way up to become a vice president at Goldman Sachs, she was inspired by **Jose Antonio Vargas's** story about being undocumented.



Arce and Pacheco were part of the first panel on "Politics, Passions, Parents: How the DREAMers Gained Momentum," which traced the genesis of the Dreamer issue going back to 2001, when **Senator Dick Durbin** (D-IL) first introduced the Dream Act. Yale-Loehr moderated this panel, which also included **Rebecca Tallent**, who worked for **Rep. Jim Colby**, **Senator John McCain**, and **House Speaker John Boehner**, and has been involved with every major immigration bill in the last fifteen years.

Several other panelists also had extensive experience either developing immigration reform legislation or crafting the DACA program in the Obama administration. **Enrique Gonzalez** served as Senator Marco Rubio's principal adviser and negotiator on a comprehensive immigration reform bill passed by the Senate in 2013. **Tyler Moran**, who has twenty years of experience with immigration policy, managed the development and implementation of the DACA program in the Obama White House. And **Esther Olavarria**, who was senior counselor to Director **Jeh Johnson** at the Department of Homeland Security, also helped develop and implement the DACA program from within DHS.



CLOCKWISE FROM TOP: Muzaffar Chishti (left) and Marshall Fitz, Miriam Feldblum, and Dean Peñalver



Tallent and Gonzalez agreed that the opportunity for comprehensive immigration reform has come and gone.

"I think the days of taking a 2,000-page piece of legislation to the floor of the House of Representatives are over," said Tallent. "I think if you are going to get a bill through the House, John Boehner had the right idea: small fix bills through the House being sent over to the Senate as one larger package."



Gonzalez noted that the current political environment rules out the type of negotiations he was working on in the Senate in 2012 and 2013. "There was give and take, there was compromise," Gonzalez said. "Something that doesn't exist anymore. There was willingness to be able to reach an agreement."

During the conference's second panel on "DACA: Administrative Attempts, Litigation Limbo," moderated by Kelley-Widmer, Moran and Olavarria discussed the Obama administration's administrative solutions to the Dreamer problem. Olavarria recalled that there were discussions within DHS as early as 2010 about administrative options, even as Congress tried to find legislative solutions.

Olavarria said that initially one of the biggest questions was, "Why aren't we doing this through regulation instead of through administrative action?" The answer, she said, was that "the regulatory system at DHS was completely broken. It would have taken years. We wouldn't have seen it in our lifetime."

A fellow panelist, **Josh Blackman**, associate professor at the South Texas College of Law Houston, took issue with how DHS and the White House crafted DACA.

"I'm in a weird spot," Blackman said. "I think that DACA is a good policy. I don't think the president had the authority to enact it and I don't think it was enacted in a lawful manner. . . . They did not go through the proper administrative process and I also think it runs afoul of the president's duty to take care that the laws of the United States are faithfully executed."

The third panel, titled "No Way Forward, Yet No Way Back: Dreamers as Part of a Comprehensive Immigration Reform Solution," provided an overview of the precarious nature of immigration quasi-status and discussed where policymakers may go from here. **Muzaffar Chishti**, director of the Migration Policy Institute office at the NYU School of Law, moderated the panel, which included **Miriam Feldblum**, executive director of the Presidents' Alliance on Higher Education and Immigration; **Marshall Fitz**, immigration policy specialist and legislative advocate at the Emerson Collective; and **Mark Krikorian**, executive director of the Center for Immigration Studies.

Fitz began the discussion by arguing that we shouldn't look at DACA and other policies in isolation.

"I think we have to look at them through the prism of this raging, national identity debate that we are having right now," he said. "There are fundamental questions we have to answer as a country: Are immigrants good for the country? Are we stronger as an inclusive society or as a walled-off nation? Is diversity an asset or a threat?"

Feldblum explained how her organization was launched by college and university presidents in December 2017 in response to the rescission of DACA.

"These [college and university] presidents are looking at the urgency of the moment and the moral imperative, and coming from the position that diversity drives excellence, that inclusion spurs innovation, that immigrant students and immigration are good for the country," she said.

Mark Krikorian discussed the rationale behind his organization's "pro immigrant, low immigration" stance. "Our take on the issue is that mass immigration is different today than it was a century or two ago, not because the immigrants are different, but because we're different," he said. "There was no welfare

There are fundamental questions we have to answer as a country: Are immigrants good for the country? Are we stronger as an inclusive society or as a walled-off nation? Is diversity an asset or a threat?

— Marshall Fitz



FROM LEFT: Professor Kelley-Widmer, Enrique Gonzalez, and Professor Blackman

state one hundred years ago. There wasn't as much of a gap between workers and immigrant workers one hundred years ago."

Yale-Loehr and Kelley-Widmer agreed that the conference was a success. "We didn't solve the DACA dilemma," said Yale-Loehr. "The issue is too complex to do that in one day. But we got key players on both sides of the debate to talk with each other. In this polarized political environment, that is a huge first step." Kelley-Widmer added, "This conference was a unique and valuable opportunity to explore the legal and political underpinnings of the DACA program from all angles. Everyone came away with a refined understanding of this critical issue." ■

A Q&A with Immigration Law Expert Stephen Yale-Loehr



Cornell Law School Professor of Practice Stephen Yale-Loehr is widely regarded as one of the nation's preeminent experts on immigration law. He has over thirty-five years of experience as a scholar, attorney, and writer. In addition to his private practice at Miller Mayer in Ithaca, he is a nonresident fellow at the Migration Policy Institute and co-author of *Immigration Law and Procedure*, the leading multivolume treatise on immigration law. Here we talk with Yale-Loehr about his career, his teaching at the Law School, and current immigration issues.

How did you get into immigration law?

When I went to Cornell Law School, I was interested in international law—there was no immigration law class offered. . . . I started learning immigration law on the job at a big D.C. law firm. I got to like it more and more because it dealt with people and helping them achieve their American dreams. Eventually, I began to specialize. After four years at the firm, I left to become an editor at an immigration weekly newsletter.

For much of your career you've balanced a private practice with teaching. How did that come about?

During my time in D.C., I started teaching immigration law as an adjunct at Georgetown Law School. A few years later my wife and I decided to move back to Ithaca. Once I was here, I asked the dean whether I could teach at the Law School and he

said "Sure, let's take a chance and offer this." I started teaching immigration law at Cornell Law School in the spring of 1991 and have taught it ever since. Around the same time, I also started an immigration practice at a local law firm called Miller Mayer. Practicing has helped my teaching, and vice versa. I can provide case examples to my law students, and thinking about new cases I teach at the Law School allows me to better represent our firm's immigration clients.

How has the immigration law program changed since you started teaching in 1991?

For many years, I was the only person teaching immigration law at the Law School. Now there's a strong cohort of people with immigration as one of their teaching responsibilities. And we've done some innovative things over the years. For example, in

addition to teaching my regular immigration class each fall, Professor Estelle McKee and I started an immigration appeals clinic fifteen years ago. The clinic helps people who have lost their asylum case appeal to the Board of Immigration Appeals or the federal courts. I also started a clinic a year ago

in which law students write software applications to help immigrants who otherwise would not have access to a lawyer navigate our complicated immigration system.

Why did you start an asylum appeals clinic?

It was a confluence of events. There were a num-



ber of other immigration clinics, but a lot of them were representing individuals in immigration courts at the trial level. We were fortunate because the Catholic Legal Immigration Network had just started a pro bono appeals project. They helped us out by identifying meritorious cases at the Board of Immigration Appeals. We were able to work with them to get interesting cases at the beginning of the semester and file the briefs by the end of the semester. So, it worked out pedagogically and timewise for us to be able to do it in a one-semester clinic.

What do students gain from participating in these clinics?

Many of them say the asylum appeals clinic is one of the most transformative classes of their law school career because you aren't just learning about the law, you're actually practicing it. And it's actually helping to save people's lives because otherwise they could be sent back to possible torture or death. I've been impressed by the quality of Cornell Law students

and their commitment to immigration law, both in the classroom and in the clinics. After they graduate, many of them continue to take pro bono asylum cases through their law firms.

How did Miller Mayer, based out of Ithaca, become a leading global immigration practice?

Immigration law is federal law, so you can practice it anywhere. Cornell has many international students and scholars. So, we were able to basically grow the practice, first from Cornell, but then from word of mouth from satisfied clients. Then we started getting a lot of clients in China. So, we opened up an office in Shanghai. We currently have ten immigration attorneys and fifteen immigration paralegals in our group. It's nice to be able to practice cutting-edge law in a small upstate city.

What has it been like to work in this field since Trump became president?

President Trump has thrust immigration into the national spotlight. It's been his signature issue as a way to appeal to his base. Even though the president has not yet built a physical



wall along the U.S.-Mexico border, the Trump administration has effectively enacted an invisible wall to make it harder for people to come to the United States—whether they're refugees or legal immigrants. The administration has also made it easier to arrest and deport immigrants. So, it's been very challenging for immigration lawyers, immigration law professors, and clients because the old rules have effectively changed without any legislative changes, which makes it very confusing.

What are the prospects for immigration reform?

I doubt we will have immigration reform in the short term. Congress is generally dysfunctional these days. I predict we won't see comprehensive immigration reform until after the 2020 election. Congress enacted the last major immigration reform twenty-eight years ago. The world has changed significantly since then, but our immigration system has not. The failure to enact comprehensive immigration reform is hurting the United States in a variety of ways.

The Law Professors Helping Cornell Immigrants

by IAN MCGULLAM



Since early last year, professors from the Law School's clinical programs have been helping members of the Cornell University community whose security was thrown into doubt by changes in immigration law and policy.



Election year 2016 was lumbering to a close. Immigration was at the center of the national conversation. And deep in Central New York, a handful of immigration law professors were preparing for change.

"The minute the election results came in, we knew there was going to be an impact on many members of the Cornell community," remembered **Beth Lyon**, clinical professor of law and assistant director for Clinical, Advocacy, and Skills Programs at Cornell Law School. "And not just students, but also staff and faculty. Nearly every cohort of our community includes people who are directly affected, or families who are affected. And so we began meeting as a group at the Law School."

Over the following two years, those meetings blossomed into a multipronged effort to protect undocumented immigrants, students with Deferred Action for Childhood Arrivals status, and international students and faculty at Cornell who are impacted by the new administration's immigration policies. People from across the Cornell community have stepped up to protect com-



The minute the election results came in, we knew there was going to be an impact on many members of the Cornell community. And not just students, but also staff and faculty.

— Beth Lyon





My DREAMs
are NOT
Illegal
#DefendDaca

DEFEND
DACA means
employment
DACA provides
driver's licenses
DACA provides a
path to citizenship

Justice & Dignity
For ALL
US Immigrants

HERE TO STAY
HERE TO FIGHT

munity members from the threat of deportation. However, the formidable legal resources brought to bear by Lyon and her colleagues—including **Jaclyn Kelley-Widmer**, assistant clinical professor of law; **Estelle M. McKee**, clinical professor of law; and **Stephen W. Yale-Loehr**, professor of immigration law practice—are a potent reminder of the advantages of having a collection of prominent immigration law scholars on campus.

In consultation with the university administration, student activists, and professors from the Cornell’s School of Industrial and Labor Relations and the university’s Latina/o Studies Program, Law School



Professor McKee



Professor Yale-Loehr



The students feel incredibly supported in my conversations with them, knowing that they have access to lawyers who are experts on immigration law.

— Kevin Graham



faculty have successfully pushed for a number of policy changes to make the campus a more welcoming place for vulnerable immigrants and international students. One of the most visible changes came in January 2018, when the university’s Office of the Dean of Students hired **Kevin Graham** as Cornell’s first assistant director for undocumented/DACA student support. Besides acting as a central contact point for students seeking advice regarding their immigration status, Graham can refer them to Law School professors when they would benefit from legal assistance. “There’s this flow and exchange of both knowledge bases and skill sets,” Graham said. “When the Law School faculty meets with students who have a student life issue, they refer them to me. And when I meet with a student who has a legal issue, I take it to them. So we have this nice system, almost an equilibrium.”

“The students feel incredibly supported in my conversations with them, knowing that they have access to lawyers who are experts on immigration law,” Graham added. “That has been one of the biggest and most tangible resources that has come out of my office, because many of the conversations circle around, ‘Am I able to do this given that I have this status?’”

Besides looking for immigration information for themselves, students frequently come in seeking advice about their families; indeed, many students with legal status are asking about their undocumented relatives. “A lot of questions we get are about students’ family, like when the families want to come up to visit, or the student wants to travel home for Christmas. ‘Is it safe? Is it possible that ICE [Immigration and Customs Enforcement] could detain me?’” said McKee. “We can tell students, ‘If you’re going to do this, don’t fly through this airport, or don’t take a bus near the Canadian border.’”

Cornell's large population of international students has also taken advantage of the information provided by the Law School. "They're worried about it taking longer than usual to get a visa, or they're worried that if they travel overseas, will they be able to return?" said Yale-Loehr.

The Cornell Law School team doesn't just save advice for office visits, though. As a response to the travel ban on people from seven mostly Muslim nations instituted days after Trump took office in January 2017, the law professors set up a dedicated e-mail address that vulnerable community members could contact for legal advice if they ran into trouble with U.S. authorities while trying to enter the country. "Anybody from a country on the administration's list, any of our Muslim community members, they are very nervous about making that transit through the border protection checkpoint, usually at an airport," Lyon said. "So we offer our services to be on call. We give them our card, we give them our cell number, and we're just alert and watching our phones until they text us and let us know they're in."

Amid the heightened interest in immigration concerns, practitioners at the Law School have also given a number of know-your-rights talks for immigrants at Cornell and their allies. "Whenever there's a big change in the air that students are concerned about, we'll typically ramp up and do a number of outreach presentations," said Lyon.

Zachary L. Baum '17, now an associate at Cleary Gottlieb, participated in Cornell Law's efforts early in the Trump administration when he was working full-time as part of the Pro Bono Scholars Program with the Farmworker Legal Assistance Clinic. "We would prepare basic trainings on Fourth Amendment rights, on search and seizure, and practical things like, if you're driving someone and you know that your friend is undocumented and you get pulled over by the police, what should you do?" Baum recalled. "We just tried to give real-world advice in various factual scenarios that could very well come up on a college campus." And not just on Cornell's campus, either—Baum, Lyon, and **Mary Jo Dudley** of the Cornell Farmworker Program also went

Amid the heightened interest in immigration concerns, practitioners at the Law School have also given a number of know-your-rights talks for immigrants at Cornell and their allies.



Kevin Graham



Zachary Baum '17

over to South Hill to brief Ithaca College students on their rights regarding law enforcement. The Law School's **Briana Beltran**, clinical teaching fellow, and **Sital Kalantry**, clinical professor of law, as well as volunteers from Yale-Loehr's law firm of Miller Mayer, all stepped up and assisted the team with the effort.

Immigration authorities' access to campus and their relationship to the Cornell University Police Department have been a particular flashpoint. Much of the public discussion has focused on whether to declare Cornell a "sanctuary campus," a designation that would symbolize the

university's determination to protect immigrants, but would have little practical effect. Behind the scenes, though, faculty have worked with the administration and the CUPD to clarify how Cornell Police responds to immigration requests from federal law enforcement.

Widespread rumors that an ICE agent was on campus back in May 2017 turned out to be unfounded. This past spring, however, a misunderstanding involving a package of documents sent by a clinic client brought immigration authorities to the Law School.



Professor McKee speaks at the DACA panel

In the wake of that unannounced visit, Cornell Law School professors met with Cornell University Police Chief **Kathy Zoner** to figure out how to handle future incidents, and ended up working out a new policy regarding access to the clinical spaces.

"We have now established lines of communication so we can reach each other quickly and there's an infrastructure there that there wasn't before," said McKee, who has generally served as the immigration law team's go-to for university policy issues.

Perhaps the Trump administration's most controversial step on immigration was its attempt to shutter DACA, the Obama-era program that allowed people who had been brought into the United States illegally as children to apply for a status that protects them from deportation. The change in DACA policy plunged students at campuses around the country, including Cornell, into a state of uncertainty and fear. Would they face

deportation once their protections, which have to be renewed every two years, expired?

Kelley-Widmer came to Cornell in the summer of 2017 fresh from representing immigrants applying for DACA in California. It soon became apparent her arrival in Ithaca couldn't have come at a better time—the fall term had barely started when Attorney General Jeff Sessions announced in September 2017 that the administration was bringing DACA to an end.

Court rulings have since paused the Trump administration's plans to shutter DACA, and although the program is closed to new applicants, current status holders are allowed to apply for renewal as litigation proceeds. Thanks to her experience with DACA, Kelley-Widmer has taken the lead in advising Cornell students who have questions about their deferred action status, and helping them fill out and file their paperwork to renew their status. A grant program through the Office of Financial Aid and Student Employment can cover the \$495 filing fee, helping students clear another significant logistical hurdle.



For the first time since the current round of DACA aid got off the ground, Kelley-Widmer is being assisted by a Law School student, **Amanda Wong '19**. Wong had been working as an Honors Fellow in the first-year Lawyering Program last year,



I figured I might as well use some of the things I've been learning, and my privilege and status as a law student, to help people.

— Amanda Wong '19



and the Trump administration's immigration actions inspired her to ask Kelley-Widmer about getting involved in more immigration work. "I figured I might as well use some of the things I've been learning, and my privilege and status as a law student, to help people," Wong said. Starting this past August, she's been advising DACA students and handling their renewal paperwork.

"It's been a really emotional experience to see how members of my community have been affected by actions taken by this administration," Wong said. "We work with a lot of undergrad students. I think of myself when I was their age, and I can't imagine how I would have dealt with any of the stresses."

The new danger facing immigrants at Cornell, and the resulting efforts to help them, have had the unexpected side effect of increasing their visibility, at least to each other. "At my first know-your-rights presentation here, I thought it would be full of DACA recipients. I had just moved here from San Francisco, and any time I offered a presentation there, it was packed to the brim. And it's just different here," said Kelley-Widmer. "There isn't this 'out-and-proud' undocumented contingent. And so I've had students be tearful when they found out that they have a community here."

It's unclear just how many students at Cornell are faced with precarious immigration status. The person best positioned to know is probably Graham, but when asked whether he has a head count, he bluntly said, "I do, but it's not accurate." As you might expect, trying to count people who have good reason to be wary of the authorities is difficult. "I think it would be fair to say that we know of dozens who are undocumented or 'DACAmented,'" Graham said. Most of those are undergraduates; immigration practitioners said they don't know of any students with those statuses who are enrolled at the Law School, although there are some law students who lacked legal status in the past.

Students who are immigrants obviously benefit from Cornell's legal resources, but programs at the Law School also get the chance to pay it forward. Lyon, who also directs the Farmworker Legal Assistance Clinic, has taken to recruiting undocumented Cornell undergraduates and students with DACA to play a mentorship role with undocumented children that the clinic often takes on as clients. Those kids are frightened, Lyon noted. They're facing removal while living and working on farms in rural New York, they've often endured horrific journeys from their home countries, they're sending back money to support their families and pay huge smuggling debts, and some don't even speak Spanish, let alone English.

The undergraduates enlisted by the clinic can serve as a bridge between those children and the law students trying to help them—for instance by interpreting and by providing written translation services for law students who don't speak Spanish. However, they also serve as what Lyon refers to as "cultural brokers," giving teenage clients someone familiar and unthreatening to set them at ease. "A lot of times they'll be a kind of buffer," Lyon says. "The kid will just feel safer texting with an eighteen- or twenty-year-old first-generation immigrant instead of a twenty-five-year-old law student who may or may not have as much similar life experience."

Besides the immediately practical benefits, Lyon hopes that introducing immigrant volunteers from the Cornell community to these children might have a longer-term payoff. "It's great when we're able to bring in a volunteer who is an undocumented or DACA undergrad, because that's the person that we really want our client to become," Lyon said. "We want our students to say, 'Yes, two years ago I took the SAT, and here's how you can do it. I made it to Cornell, and you can do it too.'" ■

Krsna Avila '17 Provides an Immigrant's Perspective to Immigration Law

by CHRISTOPHER BROUWER

At Cornell Law School, Krsna Avila '17 felt welcome—a sharp contrast to what it was like growing up as an undocumented immigrant in California. For much of his life, Avila had felt like an outsider, denied the full benefits of citizenship despite having lived in the United States since he was four months old.

In an essay he posted on the web platform “Things I’ll Never Say,” Avila vividly recounts the moment he opened the official notice granting him lawful permanent residency. The first sentence of the letter stated “Welcome to the United States of America.”

“I stared at those words,” he wrote, and asked himself, “Am I finally welcome after twenty-three years of being in this country? Did they just take notice of me now?”

In spite of his newfound status, Avila wrote that the “thrill of freedom was nowhere to be found.” All those years of being labeled undocumented—the pain, embarrassment, and difficulty it caused—could not be easily erased with one letter. As he went to sleep that night, he thought of all the years he had spent advocating for the rights of DREAMers like himself, and of the friends and family still struggling with undocumented status. It was then,



he says, that “I knew that my commitment to seek justice for all of us would never disappear.”

It’s around this point in Avila’s story that Cornell Law School enters the picture. Having already received his undergraduate

degree at the University of California, Davis, Avila was working at Immigrants Rising in San Francisco, providing support to undocumented youth throughout the country.

“I was always set on working in the immigration law

field. I was involved in organizing work before law school, but I slowly realized that I needed to learn more, especially how to navigate our immigration legal system, to be more effective.”

And now, with permanent residency granted, Avila could pursue his dream of attending law school. Previously, he would have been unable to apply for financial aid and his ability to practice law as an undocumented attorney would have been uncertain.

For Avila, attending Cornell Law School to study immigration law was an easy choice. “I think I’m one of the few people who decided, ‘I’m doing this’ from the very beginning,” he says.

Plus, before he even decided to apply to law school, Avila had met Cornell Law Professor Stephen Yale-Loehr, a true luminary in immigration law. “I was immediately struck by not only his expertise, but also how nice and welcoming he is. He introduced me to all of the research available, the clinics, and professors doing similar work. I was sold.”

Once at Cornell, Avila felt he was part of a close-knit, supportive community. And, although his classes were very challenging, he came away grateful for the experience because it helped him grow in so many ways. "In addition to all of the skills I gained and the connections I made with colleagues and professors, I think I learned most of all how to be resilient by going to Cornell Law."

One of Avila's most rewarding experiences was the Asylum and Convention Against Torture Appellate Clinic he took with Professor Yale-Loehr.

"We took on an asylum case that had been denied by the lower immigration court," says Avila. "I learned so much. Like how to interact with a client. He was from West Africa and working with him was eye-opening, very different from my experience as an immigrant. We were able to remand that case to the immigration judge to get a second chance and then he ultimately won his asylum case. The first time he went in he didn't have an attorney. It showed us the power of

having someone represent you, how much of a difference that makes."

Following graduation, Avila returned to California to become the inaugural Andy Groves Immigrants' Rights Fellow at the Immigrant Legal Resource Cen-

ter at the federal level, which is unlike anything I've ever seen. At the same time, I do find it very fulfilling, especially in my first year after graduating law school, since I have so much energy to give."

representing them. I want to know 'How do these laws affect you? How do they affect the entire community?' It has helped me to be an immigrant myself because now I can give back to my own community."



ter in San Francisco. There, he balances a mix of policy advocacy, technical assistance, and community organizing.

The work can be exciting and rewarding says Avila, but also "very challenging, especially given the atmo-

sphere at the federal level, which is unlike anything I've ever seen. At the same time, I do find it very fulfilling, especially in my first year after graduating law school, since I have so much energy to give."

Looking back on his path to becoming an immigration attorney, Avila says it gives him a special perspective and empathy he might not otherwise have had.



The Migration and Human Rights Program

by OWEN LUBOZYNSKI



Professors and students in the clinics that compose the Migration and Human Rights Program have worked tirelessly at the local and national levels to help vulnerable immigrant children and those trying to escape persecution.



Operating at the nexus of practice and research, the Migration and Human Rights Program at Cornell Law School engages scholars across multiple disciplines in projects that directly affect some of society's most vulnerable populations. Through the program's clinical courses and volunteer opportunities, Cornell Law School faculty and students provide free legal assistance to immigrants locally and around the country. Their work has established multiple legal precedents expanding asylum protection and access to counsel.

Farmworker Legal Assistance Clinic

In 2015, the Law School launched an ambitious new program to serve the legal needs of farmworkers, the vast majority of whom are immigrants. The Farmworker Legal Assistance Clinic is one of the only programs in the country to provide legal assistance to farmworkers and one of the first to serve rural immigrant communities. Working with local, national, and international community partners, students tackle litigation on behalf of farmworkers in the region. They also hold brief advice and referral outreach sessions with clients locally and around the country through alternative break trips, and they undertake research and writing projects with civil rights, environmental protection, and farmworker rights organizations.

Each year, thousands of children fleeing gang violence, life-threatening poverty, and child abuse in their home countries make a dangerous journey to the United States. The Trump administration, like the Obama administration before it, has designated these children as a top deportation priority. Many of the children and youth fortunate enough to be released from detention during the pendency of their deportation proceedings come to live with family or family friends in upstate New York's rural, farm-working communities.

"Despite the enormous stakes at play in a deportation proceeding, the nationally and internationally recognized legal standard of serving 'the best interest of the child' has been explicitly excluded as a rule in immigration law," observes [Beth Lyon](#), clinical professor of law and founder of the Farmworker Legal Assistance Clinic. "The Buffalo Immigration Court recently stated that at least 50 percent of all the unaccompanied minors who appear in the court go through deportation hearings without a lawyer by their side, despite the fact that a child with a lawyer is five times more likely to succeed in winning relief from deportation."

Working to gain Special Immigrant Juvenile Status for their clients, clinic students have filed family court petitions in seven counties in upstate New York while also appearing numerous times before Department of Justice immigration courts both in Buffalo and at the U.S.-Mexico border and filing visa petitions



with the Department of Homeland Security. As a result of the clinic's work, six children are already on the path to permanent immigration status, one has obtained temporary status, and five have cases pending in court.

Students have also conducted dozens of intake interviews and placed numerous additional cases with pro bono attorneys to extend the clinic's support as far as possible. In 2016, a team of clinic students submitted a statement on behalf of community partner Justice in Motion to the United Nations as it prepared to draft an advisory opinion on the rights of child migrants. The statement, issued in 2017, reflected the clinic's input.



Guatemalan village and presented social-science research to make the case that their client had experienced persecution. Thanks to these efforts, their client and her son were granted asylum.

"I think one of the most important things I learned [from the clinic] is the role of lawyers as storytellers," says Roque. "During the whole process, it became clear that our work is not the focus but that the issues the client has are. I also (re)learned to adapt. Not everything is as straightforward as we would like it to be. A lot of the time, we are reacting to situations and making decisions based on incomplete information. Adapting to the situation and making the best of a bad one is still a crucial skill for me now."

I think one of the most important things I learned [from the clinic] is the role of lawyers as storytellers. During the whole process, it became clear that our work is not the focus but that the issues the client has are.

— Mario Roque '17



Jordan Manalastas '15, a legal fellow with the clinic, is building a network of upstate New York law school clinics and service providers to coordinate legal assistance for these vulnerable young people. He and volunteer student **Esthefania Rodriguez '20** recently traveled to Brownsville, Texas, to represent child detainees, and they continue to litigate for release of one of the children, who was separated from his family upon arrival at the border.

One of the cases **Mario Roque '17** worked on with the clinic was an asylum claim in the Buffalo Immigration Court involving a recent Guatemalan immigrant and her son. His team worked with a partner organization to gather documents from a remote



Jordan Manalastas '15



Esthefania Rodriguez '20



Cornell Law School is one of the only law schools in the country to have a clinic that focuses exclusively on appellate immigration cases.



Yu-Jhong Huang, LL.M. '18



Pranoto Iskandar, LL.M. '18

In addition to its work on behalf of farmworker children and youth, the clinic supports farmworkers in their role as employees and taxpayers, handling matters including wage theft, visas for victims of workplace abuse, workers' compensation, and employment discrimination. In 2016, three students traveled to Guatemala under the supervision of Clinical Teaching Fellow [Briana Beltran](#) to meet with defrauded guestworkers; the clinic subsequently filed a lawsuit against the U.S. employer who charged these workers unlawful recruitment fees.

The Farmworker Legal Assistance Clinic is also reaching out to improve conditions for farmworkers abroad. According to Professor Lyon, "However politically vulnerable and underfunded it may be, this country's network of farmworker law advocates is something of which the United States can be proud. In most other countries, there is virtually no legal support available to these highly vulnerable workers." Last year, the clinic launched a project on the rights of farmworkers in Asia. Working with

partner NGOs, students are conducting research on immigrant workers in Japan, Malaysia, and Taiwan. With funding through the Berger International and Comparative Legal Studies Summer Fellowship, [Yu-Jhong Huang, LL.M. '18](#) is working with [Pranoto Iskandar, LL.M. '18](#) to develop a cross-national legal network for Indonesian migrants working in the Taiwanese fishing industry.

Asylum and Convention Against Torture Appellate Clinic

Cornell Law School is one of the only law schools in the country to have a clinic that focuses exclusively on appellate immigration cases. Under the supervision of Directors [Stephen Yale-Loehr](#), professor of immigration law practice, and [Estelle McKee](#), clinical professor of law, clinic students represent immigrants in their appeals before the Board of Immigration Appeals (BIA) and federal courts as they seek to stay in the United States to escape persecution and torture in their home countries.



Justin Lin '19



Aaron Smith '18



Immigration law is one of the most complex areas of law, because it balances a potent mix of emotional, intuitive, economic, and other political factors.

— Justin Lin '19



"The aims of this clinic are to provide excellent legal representation to individuals seeking asylum and similar relief, while at the same time teaching practical legal skills, including cross-cultural communication, client interviewing, advanced legal research, international fact-gathering, and advanced persuasive legal writing skills," note Yale-Loehr and McKee.

Since the clinic's founding in 2003, almost 100 law students have helped immigrants navigate the United States' daunting immigration system. Clients of the clinic have included domestic violence victims, transgender individuals, child soldiers, political activists, and mentally challenged detainees.

Clinic students work intensely during the spring semester, reviewing transcripts of hearings before an immigration judge,

interviewing their clients (often with help from other students acting as interpreters), unearthing new facts about the client's case, researching domestic and international law and country conditions, developing a theory of the appeal, filing administrative motions and petitions, and writing appellate briefs. In doing so, they develop a deep understanding of the complex law governing immigration relief. Many students continue to practice immigration law after graduation, either in NGOs or by taking asylum cases on a pro bono basis while working in private firms.

"Immigration law is one of the most complex areas of law, because it balances a potent mix of emotional, intuitive, economic, and other political factors," says [Justin Lin '19](#), who participated in the clinic during the 2018 spring term. He and partner [Aaron](#)

Smith '18 worked with an asylum seeker who had fled Niger. Their client, who had converted to Christianity from Islam, received death threats from others in his village, culminating in an attempted poisoning. When he reached the United States, he was detained by immigration authorities.

Lin and Smith sought asylum for their client on the grounds that he was persecuted on the basis of religion, a protected category in U.S. asylum law, and that he could not safely return to Niger because of widespread anti-Christian sentiment. Though the BIA denied the asylum application crafted by Lin and Smith, their client will be able to make an appeal using the strong foundation of their work.

The clinic has achieved a number of significant victories over the past few years. In 2016, **Jamie Long '17** and **Melvin Wu '17** won remand for their client, a man from Somalia who had suffered a kidnapping, beatings, and the murder of family members by members of a local clan. Meanwhile, **Krsna Narayana Avila '17** and **Yanet Yuritzky Cordero '17** represented a client from Benin



Briana Beltran



Krsna Narayana Avila '17

who had been persecuted by his former Voudon congregation after converting to Christianity. Presenting research that Voudon curses can cause real, physical pain to those who believe in their power, the students won remand for their client.

In 2017 **Alla Khodykina '18** and **Gavin Bosch '18** also won remand for their client, a transgender woman who faced deportation nearly twenty years after fleeing to the United States from Mexico to escape persistent transphobic violence inflicted by her family, neighbors, and local police. In the United States, she



Karen Smeda '18

struggled with illness, mental health issues, and drug addiction, which led to multiple arrests and the threat of deportation. Her first petition for asylum, made without representation, was denied. Taking on her case, Khodykina and Bosch argued that the BIA should grant their client humanitarian asylum in recognition of the complex trauma she suffered in Mexico and the likelihood that, as a member of a marginalized group, burdened with mental and physical health complications, and with no system of support, she would likely suffer additional harm should she return. The BIA responded by remanding the case to immigration court, giving the woman a second chance to fight for asylum.

In the spring of 2018, advanced clinic student **Karen Smeda '18** served as second chair on a case in one of the toughest federal circuits in the country, representing a Quiché-Mayan woman who had fled Guatemala after an assassination attempt by her Ladino sisters-in-law. Carefully prepared by the team of Smeda and Taylor Levy of Annunciation House, the woman coped with intense questioning from the immigration judge and won asylum. Says Smeda, "I am proud that my partner and I were able to bring hope to our client as well as others in the immigration community. We accomplished what felt impossible at the time: winning in a jurisdiction with all odds against us."

For more information on the Migration and Human Rights Program, please visit the following:

lawschool.cornell.edu/MigrationandHumanRightsProgram/index.cfm ■

Three Cornell Law School Alumni Confirmed as Federal Judges

by SHERRIE NEGREA



This past year, the Law School added three alumni to the ranks of the federal judiciary, bringing its total number of article III active or senior federal judges to thirteen.



At Cornell Law School, none of them dreamed of becoming a federal judge. They graduated and became associates or law clerks, and eventually a state district judge in Texas, attorney general for the state of Hawaii, and senior counsel for a major health-care company.

And then the call came—either out of the blue or after a groundswell of support grew for nomination to the federal bench.

Judge Karen Gren Scholer '82, who had been considered for a federal judgeship for a decade, was contacted by the chief counsel for **Senators John Cornyn** and **Ted Cruz** in April 2017, informing her that the senators would be submitting her name, again, for nomination as a district judge for the Northern District of Texas.

Judge Mark J. Bennett '79, the former Hawaii attorney general, was contacted unexpectedly by staff from his home state's two U.S. senators on the same day in August 2017 and asked if he was interested in serving as a U.S. circuit judge on the U.S. Court of Appeals for the Ninth Circuit.

Judge Amy J. St. Eve '90, who was already a U.S. district court judge in the Northern District of Illinois, received a surprise call from the Office of the White House Counsel in June 2017 to determine if she wanted to be interviewed for a vacancy on the U.S. Court of Appeals for the Seventh Circuit.

In 2018, all three Cornell Law School alumni were approved by the Senate with overwhelming bipartisan support to serve on the federal bench. After taking the oath of office, they joined a group of ten other Law School alumni who are article III active or senior federal judges—those confirmed by the Senate and appointed for life—extending Cornell's representation on the federal judiciary from Texas to Alaska.

"These are powerful and influential positions," says **Eduardo M. Peñalver**, the Allan R. Tessler Dean and Professor of Law. "I think it's important for our alumni community that our graduates are filling these positions. It enriches the conversation that we can have among our alumni about the direction of the law."

That conversation continued on campus this year as Judge St. Eve and Judge Scholer returned to the Law School to evaluate students in moot court competitions. "I like to give back to the Law School—it did a lot for me in terms of preparing me," says Judge St. Eve, who is chair of the Cornell Law School Advisory Council.



The swearing in of Judge Scholer

Judge Scholer's Ten-Year Journey to U.S. District Court

When Judge Scholer became a U.S. district court judge in March 2018, she broke through a historic barrier: she was the first Asian American federal district judge to be appointed in the Fifth Circuit, which includes Texas, Louisiana, and Mississippi.

Judge Scholer, who was born in Tokyo, also joined the federal bench with another distinction: she had been nominated by two presidents from two different parties for two separate districts. Her first nomination by President Obama in 2016 for the Eastern District of Texas never reached a Senate floor vote. But when President Trump nominated her for the Northern District of Texas in the fall of 2017, she was approved by the Senate six months later.

For Judge Scholer, being nominated by both a Democratic and a Republican president was a dream come true. "It is an incredible honor to have the president of the United States call upon you to serve in a lifetime position," she says, "and to have it happen twice!" As Senator Cruz later told her, being a Trump and an Obama nominee was "unique" and an accomplishment very few can claim.

After serving as a state court judge for eight years, Judge Scholer retired from the bench in 2008 and joined the Dallas office of a global law firm, just before Obama's election brought a wave of Democrats to win every judicial seat in Dallas County. Though she enjoyed a return to private practice, she knew her ultimate calling was to serve as a federal judge.

"A state court judge is a very high calling, but I think most people would agree that the federal court bench is an even higher calling because it is a lifetime position," said Scholer, whose district court nomination was supported by civic and bar leaders, local judges, and elected officials, on both sides of the aisle. As the first federal judge appointed to the Northern District of Texas in Dallas in more than a decade, Judge Scholer received nearly 300 case transfers, some within twenty-four hours of taking her oath. The district has been declared a judicial emergency because of the number of filings and the length of time judicial vacancies have been unfilled.

Despite the workload, she is overjoyed to finally join the federal bench. "I've spent my whole life getting to this point, but it's still a surreal moment," she says. "Because the stars had to align just perfectly to make it happen—it's still hard to believe."

A First Judicial Appointment for Judge Bennett

Until Judge Bennett was contacted by staff members from Hawaii's two U.S. senators, he says that serving as a federal judge "wasn't really something that was on my radar." Yet his nomination to the U.S. Court of Appeals for the Ninth Circuit wasn't entirely unexpected because he was a well-known litigator in the state and had served as Hawaii's attorney general for eight years.

What was considered unusual was Judge Bennett's age—at sixty-four, he was the oldest of all of Trump's appellate nominees, who are typically in their forties and fifties, according to The Vetting Room, a nonpartisan legal blog.



Judge Mark J. Bennett '79 and his wife Patricia Ohara

"Because it is a lifetime appointment, they typically want a person who can serve for longer than someone who is my age," he says. "But I was just very honored that neither the senators nor the White House saw my age as an obstacle."

Formerly active in state Republican politics, Judge Bennett was recommended and supported by the state's two Democratic senators, who praised his qualifications for serving on the appellate court. "Mark is recognized as one of the best-qualified lawyers in the State of Hawaii," **Senator Mazie K. Hirono** said in a statement after his confirmation.

Judge Bennett viewed the position as an intellectual challenge because of the scope of issues that come before the Ninth Circuit,

Being a judge on the Ninth Circuit, you just see so many important, interesting legal issues, constitutional issues, and very complex cases. It is a great challenge, but I thought it was an important way to continue my public service.

— Judge Mark J. Bennett '79

the largest in the country, with nine states stretching from Hawaii to Alaska. While maintaining chambers at the federal courthouse in Honolulu, he sits on three-judge panels for the Ninth Circuit in San Francisco, Pasadena, and Seattle.

"Being a judge on the Ninth Circuit, you just see so many important, interesting legal issues, constitutional issues, and very complex cases," he says. "It is a great challenge, but I thought it was an important way to continue my public service."

Holding the Hawaii seat on the Ninth Circuit was also a perfect scenario for Judge Bennett, who grew up in Binghamton and moved to Honolulu to clerk for a federal district court judge after law school. "The people are wonderful, and it's just a stunning place to live," he says.

Judge St. Eve Moves Up to the Court of Appeals

Judge St. Eve had served on the federal district court in Chicago for fifteen years when she received a call in 2017 from the Office of the White House Counsel asking if she wanted to be considered for a vacancy on the U.S. Court of Appeals for the Seventh Circuit.

The question was completely unanticipated. Yet eleven months later, Judge St. Eve was unanimously confirmed by the Senate and joined the court of appeals in May 2018.

While she welcomed the opportunity to serve on the circuit court, she enjoyed everything about working as a district court judge. “I loved being a district court judge,” she says. “I loved trying cases and being in the courtroom. And I loved being able to help people and interacting with the lawyers.”

Judge St. Eve brought a wealth of experience to the federal bench, including serving as senior counsel at Abbott Laboratories outside Chicago and working as an associate independent counsel for **Kenneth Starr** and successfully prosecuting former Arkansas governor **Jim Guy Tucker** and two partners involved in the Whitewater land deal for fraud.

In her tenure on the district court, Judge St. Eve presided over more than 125 trials and adjudicated 5,000 civil and 500 criminal cases. At the federal courthouse in Chicago, she oversaw several high-profile trials, including one of the first terrorism cases to go to trial after 9/11 and the fraud case of a real-estate developer and former fundraiser for Barack Obama.

Ironically, Judge St. Eve also presided over a trial involving the man who nominated her, President Trump, who had been sued by an eighty-seven-year-old woman over a breach of contract claim regarding her purchase of two Trump Tower condos. The *Chicago Tribune* reported that Judge St. Eve gave Trump a “magnificent tongue-lashing” when she told him to stick to the questions he was being asked during testimony at the 2013 trial.

I always give a hard look to the Cornell Law School graduates who apply. They are well prepared, and they are hard workers.

— Judge Amy J. St. Eve '90

“The lawyer questioned him, things got a little heated, and I took a break, like I would do and have done in any other trial,” says Judge St. Eve, who, like the jury, ruled in favor of Trump at the trial.

Now that she’s on the U.S. Court of Appeals, Judge St. Eve is no longer trying cases but instead spends her days reviewing briefs and records from district court trials. The judicial panels for the Seventh Circuit hear cases in the same courthouse in downtown Chicago where she has worked since 2002.



Judge St. Eve '90

An active supporter of Cornell since graduating, Judge St. Eve hired two Law School graduates—**Mike Zuckerman '09** and **Zoe Jones '15**—as part of her first cohort of law clerks at the appellate court. “I always give a hard look to the Cornell Law School graduates who apply,” she says. “They are well prepared, and they are hard workers.” ■

I loved being a district court judge. I loved trying cases and being in the courtroom. And I loved being able to help people and interacting with the lawyers.

— Judge Amy J. St. Eve '90

The Hidden Debate on Guestworkers and Why It Matters

FACULTY
ESSAYS
on
TIMELY
LEGAL TOPICS

by BRIANA BELTRAN and BETH LYON



Professor Beth Lyon and Teaching Fellow Briana Beltran examine the role of low-wage, foreign guestworkers in the U.S. economy and how they fit into the larger debate over immigration.



Behind the tragic stories about family separation, unnecessary border deaths, and detention of immigrant children is the rarely discussed struggle over the number one driver of illegal migration: low-wage work. Labor migration is an inextricable part of human history, perhaps one of the earliest and most fundamental forms of globalization. A recent estimate puts the number of over-age-fifteen migrant workers at 150 million worldwide. If migrant workers had their own territory, they would constitute the ninth largest country in the world. Unemployment has dropped in the Global North, but has increased or remained at a high level in

most of the Global South, a signal that labor migration will only expand. Meanwhile, low-wage labor migration takes place in a highly unregulated environment, marked by low-wage visa scarcity, lesser-regulated labor conditions, and toleration of long-term undocumented workforces. Intermittent refugee movements mask low-wage labor migration and provoke further enforcement. The result is persistent large numbers of undocumented and poorly regulated temporary foreign worker (“guest-worker”) jobs in numerous economies around the world. In the United States, for example, according to the most recent available data, 9 percent of America’s low-wage workforce is undocumented, and currently there are about 8 million undocumented workers in the overall workforce, owing to laws and enforcement priorities that punish immigrants but rarely sanction employers. Undocumented workers often encounter one or more predictable harms, including demonization; violence; waste of entrepreneurial spirit; loss of life and injury at dangerous borders; sexual assault; interrupted educations; familial disintegration; child labor; trauma; exploitation; disproportionately poor workplace outcomes; toxic stress; criminality associated with smuggling, trafficking, and purchased working papers; detention; criminalization and overpolicing; and loss of national pride. This situation fuels an industry-wide race to the bottom in which high-road employers who wish to better support their workers



The employer, therefore, totally controls not only the conditions of a guestworker's employment but also the worker's immigration status in the United States.

These problems can be traced back to a defining feature of these programs: the fact that guestworkers lack “visa portability,” or the ability to freely change jobs and employers if workers experience legal violations.

are disadvantaged in the marketplace. Moreover, the current policy focus on enforcement in immigration sharply increases human misery and fails to address or acknowledge the underlying labor dynamic that caused the migration in the first place.

A significant normative gap allows this situation to persist without international sanction. International law explicitly allows countries wide latitude to determine their own low-wage foreign visa regimes, including whether to offer regularization of status to undocumented workers. At the same time, countries of employment strongly resist development of multilateral low-wage migration or migrant rights standards. As a result of this continuing limited international cooperation around migration, international law explicitly excludes from scrutiny two of the key determinants of the low-wage migrant worker experience: the availability of visas, and control over regularization. As to the first item, there are very few visas available for low-wage workers. Moreover, a commonly held belief is that undocumented immigrants are not only lawbreakers, but also line jumpers: they could have had legal status, had they only waited their turn. In truth, legal pathways are extremely rare, burdensome to the degree of near impossibility, and do not meet demand. In response, many scholars and politicians advocate for an expansion of temporary foreign worker programs as the answer to ending undocumented and trafficked labor. However, 60 percent of undocumented workers have been in this country for ten years or longer. They have built workplace roles and lives here that would be disrupted by being funneled into a cycle of temporary visas requiring return to their home countries. Instead,

the best solution for the vast majority of these workers is regularization of their immigration status.

No Way to Treat a “Guest”

The most recent available data shows that guestworkers make up 0.3 percent of the low-wage U.S. workforce. The U.S. Congress is considering, as it has in the past, numerous bills that would greatly expand the numbers of industries and workers involved in guestworker programs, while at the same time weakening the already limited worker protections that characterize them. In their present form, U.S. guestworker programs are already marked by frequent legal violations and exploitation of workers. These trends have been documented by everyone from legal services organizations to academic scholars to investigative journalists to sitting members of Congress: in 2007, **Congressman Charles Rangel** called U.S. guestworker programs “the closest thing I’ve ever seen to slavery.”

These problems can be traced back to a defining feature of these programs: guestworkers lack “visa portability,” or the ability to freely change jobs and employers if workers experience legal violations. Typically, guestworkers are “imported” to the United States by employers who petition the government to bring in workers in the first place, asserting that there are not enough able and willing U.S. workers to fill such jobs. Guestworkers are then permitted to work only for the employer who has imported them—the moment workers quit or are fired, they no longer have legal status and can be deported. The employer, therefore, totally controls not only the conditions of a guestworker’s employment but also the worker’s immigration status in the United States.

As a result of this dynamic, workers face a significant disincentive to complain about legal violations. Why risk complaining about low pay, unlawful recruitment fees, or dangerous housing, or reporting a workplace injury or sexual harassment by a supervisor, when the employer—and recruiters on the ground in sending countries—can send a worker home at a moment’s notice or choose to bring in other, more compliant workers next year instead? Pair that with the fact that most guestworkers live in isolated settings, often in employer-controlled housing, and it is no surprise that mistreatment of workers is common.

To complicate the situation even further, it is extraordinarily difficult for guestworkers to access legal help. Government enforcement is weak or all but nonexistent across all guestworker programs. In the case of the “cultural exchange” J-1 visa pro-

gram, oversight rests with the State Department, not the Department of Labor, and certain abusive practices, such as charging recruitment fees, are not regulated. Most private attorneys would be reluctant to take cases of low-wage, often non-English-speaking workers who will return to their home countries in a matter of weeks or months. Even federally funded legal services offices face significant restrictions on the types of guestworkers they can represent—only agricultural workers on H-2A visas and H-2B visa forestry workers—and the types of cases they can bring—for example, they cannot file class actions and are prohibited from engaging in organizing. As a result, rampant exploitation goes unchecked. In many ways, the latter is a feature of these programs, not a bug.

Most private attorneys would be reluctant to take cases of low-wage, often non-English-speaking workers who will return to their home countries in a matter of weeks or months.

“We Asked for Workers. We Got People Instead.”

Although immigration is a constant topic of national discussion, the debate tends to leave out an important reality: we live in an economy that actively maintains and promotes a large pool of both undocumented jobs and precarious jobs filled by temporary workers. The binary positions “They come here and take our jobs” (anger) and “They do jobs nobody else wants” (gratitude) are rarely leavened with introspection: “What does it say about our nation that so many jobs exist that nobody else wants?” The current situation says a great deal about us all, as consumers, as citizens, as policy makers, and as business owners. Whether we play one or many of these roles, we in countries that rely heavily on immigrant labor are all perpetrators and bystanders in the harm these jobs represent.

The world has not yet seen a rational low-wage foreign worker scheme, because every nation fails to recognize the human side of labor migration. By contrast, advocates and scholars propose a variety of alternatives that could move us toward a sustainable regime. First is a large number of permanent worker visas for low-wage jobs. Visa holders would have the option of bringing their families with them and the opportunity to build a noncontinuous record of satisfactory employment to obtain permanent status, changing jobs and returning to their countries of origin at their own discretion. As a result, workers for whom a temporary stint is the best path would have that option, while others could perfect long-term workplace relationships and community ties with longer stays or permanent residence. All of these visa holders would have the same employment rights and protections as other workers. In addition to having a better regulated low-wage workforce and safer border, our society would be far more prepared to intelligently absorb temporarily expanded flows of refugees, such as those we are currently seeing from Guatemala, Honduras, and El Salvador. For example, in this scenario, many of the children who were separated from their parents at the border in the spring and summer of 2018 might have instead arrived with a parent entering the country on a permanent-path worker visa.

In such a scenario, where low-wage foreign workers are on a more equal footing with other workers, why would U.S. employers choose to hire foreign nationals? Under this scheme, some of America’s millions of undocumented and low-wage temporary foreign worker jobs would disappear, some would automate, and some would improve enough to attract U.S. nationals. Many of these jobs, however, would continue to populate with low-wage foreign workers because these courageous individuals will always bring to the American workplace their zeal and willingness to accept difficult work and to perform it well. We do not have to separate these workers from their families, drive them into the underground, or keep them in extreme poverty in order for their presence to benefit the American economy. By shaping rational and humane low-wage foreign labor rules, we would recommit to the rule of law and ethics, thereby returning a sense of dignity not just to low-wage workers who sustain our economy, but to American society as a whole. ■



DACA Litigation: Two Trains Barreling Forward on Parallel Tracks

FACULTY
ESSAYS
on
TIMELY
LEGAL TOPICS

by JACLYN KELLEY-WIDMER

Professor Jaclyn Kelley-Widmer explores the cases for and against the Deferred Action for Childhood Arrivals program that are currently tied up in different federal appeals courts.



Here, the egg has been scrambled. To try to put it back in the shell with only a preliminary injunction record, and perhaps at great risk to many, does not make sense nor serve the best interests of this country.” So stated **Judge Andrew Hanen** of the Southern District of Texas in his August 31, 2018, decision declining to grant a preliminary injunction halting the Deferred Action for Childhood Arrivals (DACA) program.

Judge Hanen’s comment on the scrambled egg that is DACA came at the end of a lengthy opinion detailing the various cases currently in litigation around the DACA program. These cases are proceeding along two “tracks.” On one track are several cases filed on behalf of DACA recipients to contest the Trump administration’s September 2017 memorandum to rescind DACA. On another is the case before Judge Hanen filed by Texas, seven other states, and two governors challenging the legality of the DACA program.

To understand how the DACA litigation developed along two parallel tracks, it is helpful to have some background on the DACA program. DACA was designed to protect young people who came to the United States as children, but who do not have lawful immigration status—that is, they are undocumented. They may have arrived with a valid visa, which expired after they entered the United States, or they may have entered without any visa at all.

As an immigration lawyer, I have had DACA clients who entered the United States as babies, a year old or less. Others can vividly recall the journey on foot, holding an uncle’s hand as they forged their way to “el norte” as a ten-year-old to reunite with parents. Now, they have built their lives in the United States, but live in constant fear of deportation even as they are integrated into their communities here.

These individuals, like other undocumented immigrants, are ineligible for most forms of immigration relief. For example, they cannot receive a green card through marriage to a U.S. citizen (unless they meet one of several limited exceptions). They typically cannot apply for a student visa or a visa through a family member without returning to their home countries to get it. By leaving the United States, however, most undocumented immigrants face a ten-year bar to return, so such options are practically closed. Further, immigrants cannot receive a work permit unless there is an underlying form of relief available to them. Our immigration regime simply does not provide a way for most undocumented immigrants to gain lawful status.



In response to this issue, in 2001, members of Congress introduced the Development, Relief, and Education for Alien Minors Act, also known as the “DREAM Act.” The bipartisan bill would have allowed certain undocumented youth to legalize their status. This community, which began a grassroots political movement, took the name “Dreamers” from the title of that bill.

The first hearing on the bill was scheduled for September 12, 2001, but was derailed by the September 11 terrorist attacks. After that event, previously strong support for the bill began to wane as a general fear of outsiders mounted. Since then, there have been several attempts to pass the DREAM Act, but none has been successful. Nevertheless, a political movement was born, as Dreamers began to unite and advocate for legislative solutions.

What Congress could not accomplish legislatively, **President Obama** tried to achieve administratively. President Obama announced the DACA program in June 2012. It is available to applicants who were under the age of thirty at the time of the announcement. Applicants must have entered the United States before turning sixteen years old and have been continuously residing in the United States since June 2007. Further, they must meet certain educational or military service requirements and must have no significant criminal history.

The main benefit of DACA is that anyone who receives DACA is assured that they will not be deported for a two-year period, lifting an incredible burden for a community living under that threat. Further, DACA recipients receive a work permit and a Social Security number, allowing them official entry into the U.S. economy and giving them the ability to use the skills and education they have gained while living and studying in the United States. Every two years, DACA recipients must file to renew their DACA grant.

According to U.S. Citizenship and Immigration Services, approximately 822,000 individuals have received DACA since 2012. A 2018 survey of DACA recipients by the Center for American Progress and political science professor **Tom K. Wong** of the University of California, San Diego showed that currently 89 percent of respondents are employed and 40 percent are enrolled in school. After receiving DACA, 54 percent reported moving to a job with better pay, and 75 percent reported that the increased earnings allowed them to help their family financially. And of course, there are benefits that statistics cannot capture. For example, because he had been granted DACA relief, my former client Alejandro was able to work at a prestigious biotechnology

lab while completing his undergraduate degree in biology. His work experience was not only higher paying, but substantively prepared him for his future study of medicine.

When the DACA program started, no states filed legal challenges to the program. DACA proceeded as planned, and hundreds of thousands of young people registered.



Because he had been granted DACA relief, my former client Alejandro was able to work at a prestigious biotechnology lab while completing his undergraduate degree in biology. His work experience was not only higher paying, but substantively prepared him for his future study of medicine.

— Jaclyn Kelley-Widmer



In 2014, the Obama administration announced an even broader program called DAPA (Deferred Action for Parents of Americans and Lawful Permanent Residents), for parents of citizen or resident children. The same announcement also expanded DACA, including provisions to lift the age cap and open the door to children who arrived between 2007 and 2010. In response to DAPA and expanded DACA, Texas and twenty-five other states sued, challenging the legality of the 2014 programs. In June 2015, the Supreme Court upheld injunctions against the DAPA and expanded DACA programs. The original DACA program, however, continued.

In September 2017, the Trump administration announced that it would “wind down” DACA, nudging Congress to enact a legislative solution. Immediately, the first track of lawsuits began, which alleged that the DACA rescission memo was unlawful. Starting in January 2018, district courts in California, New York, and Washington, D.C., issued decisions in separate cases that all reached the same conclusion: the September 2017 decision by the Trump administration to rescind DACA was unlawful under the Administrative Procedure Act because it was “arbitrary and capricious.” These court decisions require the administration to continue adjudicating renewal applications for those already granted DACA. The D.C. district court explicitly noted that while the government likely has the authority to rescind DACA, it must do so with a lawful and reasoned explanation, not a “hodgepodge of illogical or post hoc policy assertions.” The D.C.

decision would also require the government to reopen DACA applications for new applicants, though this part of the decision is currently on hold.

The effect of these decisions has been twofold: they have lifted the pressure from Congress, which has yet to act on DACA; and they have spurred legal action on the part of anti-DACA states.

The courts in California, New York, and D.C. decided those cases on the premise that the DACA program was legal. In May 2018, apparently in response to these cases, Texas and seven other states filed a suit challenging the original DACA program. Oddly, the states had not challenged the initial program in the six years it had been running. Perhaps this was because in 2012 the political dynamic was different, and the DACA program was largely seen as welcome protection for a class of people that

Congress had been attempting to protect for many years.

Thus, the second track of DACA cases involves Texas and other states’ efforts to end the DACA program. Judge Hanen did not enjoin the DACA program in his recent decision, reasoning that doing so could cause irreparable harm to DACA recipients. However, he strongly suggested that Texas is likely to prevail on the merits. If he eventually decides to end the program, the twenty-two DACA recipients who intervened as defendants in the case will certainly appeal.

Ultimately, the two tracks of cases around DACA will likely lead to a circuit conflict, given the likelihood of appeals. Several circuits will have decided that the 2017 DACA rescission memo was unlawful, while the Fifth Circuit will have decided that the 2012 issuance of DACA was unlawful. The Supreme Court may act to resolve this issue as early as 2019, setting significant precedent on the permissible scope of executive actions. In the meantime, the lives of over 800,000 DACA holders hang in the balance. ■

Starting in January 2018, district courts in California, New York, and Washington, D.C., issued decisions in separate cases that all reached the same conclusion: the September 2017 decision by the Trump administration to rescind DACA was unlawful under the Administrative Procedure Act (APA) because it was “arbitrary and capricious.”



My Work with Children Detained at the Border

by ANGELA CORNELL

Very few outsiders have been allowed to visit Casa Padre, the nation's largest facility for holding migrant children, located in Brownsville, Texas, about six miles from the U.S.-Mexico border. Fewer people still have been allowed to even speak with the boys, ages ten to seventeen, who have been housed in the former Wal-Mart Supercenter for months at a time after being detained at the border.

Most of the children at Casa Padre are unaccompanied minors who arrived at the border alone, but some of the children arrived with their families, then were forcibly separated from their parents under the Trump administration's "zero-tolerance" policy.

In July, Professor Angela Cornell became one of the few people from outside the Casa Padre facility to speak with the children being housed inside. Cornell, director of the Labor Law Clinic, was part of a select group of volunteer lawyers, doctors, and other professionals that was granted permission to inspect the facility and interview some of the boys under the terms of a decades-old settlement. What follows are her thoughts on the current immigration policies regarding migrant children colored by the July 12–13 visit.



The Trump administration policy that separated migrant parents from their children at the border has elicited widespread condemnation and will surely go down in history as one of the most unconscionable government initiatives. Thousands of volunteers have come forward to help these vulnerable children.

In July, I responded to a widely distributed request for legal assistance at the border and had the privi-

lege of traveling with a group of volunteer lawyers, interpreters, doctors, and mental health professionals to Brownsville, Texas, to interview and take the declarations of migrant children detained at the border. It was a heart-wrenching experience to see these young people who had been warehoused for months on end.

The trip was arranged by the *Flores v. Sessions* legal team, which is making its way to all the facilities that

detain migrant children to evaluate compliance with the legal settlement reached in 1997. The nationwide class-action litigation has challenged the conditions under which children have been held and the duration of their detention. When the request for assistance was sent out, 6,000 volunteers responded. About thirty-five of us were ultimately invited to participate in this site visit to the Casa Padre facility, which is the

largest facility in the United States and holds approximately 1,500. This facility houses children who entered the country alone, as well as those who had been separated from their families at the border.

The *Flores* legal settlement set minimum standards for the treatment and processing of accompanied and unaccompanied minors in the custody of the Department of Homeland Security and requires their release

without unnecessary delay to a parent, legal guardian, or qualified adult custodian. The settlement supports family unity and requires that children be released from detention as promptly as possible, generally no more than five days or twenty days for family detention. The declarations obtained at the different facilities have been used to challenge the government's lack of compliance with the legal settlement. There is ongoing litigation on these issues.

Here at the Law School, we are fortunate to have such deep expertise in the area of immigration law. One of two programs to primarily focus on this area is the Farmworker Legal Assistance Clinic, which has agreed to represent a couple of children that requested legal representation at Casa Padre. Clinical Professor Beth Lyon and a fellow in her clinic, Jordan Manalastas '15, have been working to move those cases along. Jordan recently returned from Brownsville, where he was able to meet with these clients and represent one of them at a hearing in immigration court.



TOP: Casa Padre BELOW:
A group photo of most of
the team of volunteer
professionals that went to
Brownsville, Texas.



Serious issues concerning the prolonged detention and conditions under which these children are housed remain. On July 27, federal judge Dolly Gee announced that she will appoint a special monitor to oversee the treatment of minors by the Immigration Customs Enforcement and Border Patrol at the facilities located near the

border and compliance with the settlement. Six weeks later, the Department of Homeland Security and the Department of Health and Human Services proposed a new rule that would terminate parts of the Flores Agreement, which the government has asserted is one of the primary pull factors for illegal immigration. Although

the government discontinued the policy of separating families in June, reunification is far from complete, and thousands of children remain in detention facilities. The Law School remains committed to offering legal support and some representation to these vulnerable young people.

PROFILES

Legal Recruiter Sonya Olds Som Builds Connections and Confidence

Sonya Olds Som '97 had built a career as a successful immigration lawyer and had just made a lateral partner move to a new firm when the financial markets collapsed in fall 2008. A year later she was laid off, like many of her fellow law grads around the country.



It was rewarding and a privilege to get to make a difference in people's lives at a time when they were most anxious, hopeful, and vulnerable.

— Sonya Olds Som '97



Immigration law was work she'd liked from the get-go, when a Cornell Law School alumna in Atlanta, where Som had moved following law school graduation, helped get her an interview that led to a job, and then a career in that area.

"It was rewarding and a privilege to get to make a difference in people's lives at a time when they were most anxious, hopeful, and vulnerable," she recalls.

But was it something she wanted to continue doing after many years, and the layoff?

"I'd recently become a mom, and my priorities had shifted. I wanted to take some time to

think about what I really wanted to do," Som says.

During that time of reflection, she reached out to **Pam DiCarlantonio**, an outgoing, energetic legal recruiter who had helped guide Som through her recent lateral move. A former Big Law lawyer, DiCarlantonio was now a partner at Major, Lindsey & Africa—considered one of the top U.S. firms in legal recruiting.

In the midst of their ongoing conversations about the next chapter in Som's career, DiCarlantonio called to tell her that there was an opening at Major, Lindsey & Africa. Som interviewed, got the job, found her new calling, and is now partner at the firm. Put simply,

she and her team help corporate legal departments find, hire, and retain the best candidates for the jobs they seek to fill, and they help top candidates put their best foot forward.

Day to day, what Som does is much broader and can include everything from advising job seekers on distinguishing themselves from the pack, to speaking on panels, publishing articles online, and using social media to help more women and minorities advance in the legal profession, to counseling general counsels on how to be more thoughtful and strategic about their brands, to promoting the value of a more diverse workforce.



"Sonya's ability to connect with people is off the charts," says DiCarlantonio. "And she is a true thought leader when it comes to diversity. She thinks big picture but is also able to effectuate real change. She has elevated our game so much at Major, Lindsey & Africa."

"She also goes to great lengths to ensure that her close contacts in the market, many of whom are minorities and women, receive the visibility they deserve," DiCarlantonio continues.

And how does she counsel job seekers?

"I tell them that to be smart and hardworking, with great credentials, is good but it's not enough," Som asserts. "I say, 'Ask yourself what's the difference between you and the other 500 people who are smart and hardworking and have great credentials and maybe an Ivy League law degree.'"

She explains: "Often, the difference, particularly for in-house counsel positions, involves the intangibles: the EQ [emotional quotient] skills, relationship-building, gravitas, judgment, values, the ability to bring consensus, leadership acumen, to have been through a crisis and shown grace under fire."

That kind of counseling is especially important for job candidates who are minorities, women, or immigrants, says Som, because they may never have been taught to value and develop those key qualities

and abilities. That was certainly true for her when she started her legal studies and career, she confesses.

The first person in her family to finish college, Som, who grew up in Detroit, got her undergraduate degree at Kalamazoo College in Michigan. She knew no lawyers when she decided to apply to law school. But she had seen a suc-

cessful fictional lawyer and working mom, Clair Huxtable, on *The Cosby Show* when she was growing up, and calls her a pivotal influence.

Among the law schools Som applied to was Cornell, mainly because it was suggested by her college Latin professor—a former Cornell undergrad but no expert on law schools. "He recalled it had a summer program in Paris that might interest me," she says.

It wasn't until she was accepted at all the law schools she

applied to, including Cornell, that Som learned it was Ivy League from a friend, who told her: "You *have* to go there."

She enrolled in fall 1994 and did end up participating in the Law School's Paris Summer Institute at the Sorbonne, which she calls "a highlight that I cherish to this day."

Professor Winnie Taylor was a role model. "She was sharp,

poised, smart, funny, and a great inspiration," notes Som. "To have her as an example was wonderful for me as an African American woman lawyer-to-be. Representation matters! To see people who are similar to you and who are able to be successful in different ways is incredibly important. It lets you see what's possible, that there's a path forward and you could do it," she says.

In her current job, as partner at Major, Lindsey & Africa, Som says: "I often tell women and minorities whom I'm involved

in placing, 'I want you to continue to do great things, not just for yourself but so that others will see you do them. I want you to speak on panels, write articles, be interviewed, get awards. Be visible, not just because it's good for your career but because out there somewhere is someone who is going to look up at you and think, Wow! I had no idea that the general counsel at X company was a minority and has a background similar to mine.'"

Of her job, she says: "It's incredibly gratifying work. But I couldn't do it without my team." She cites team member **Ryan Whitacre '00** for "doing great work in support of all our candidates and clients and especially advancing legal industry diversity to include more Asian Americans."

In May 2018, Som, an active volunteer beyond work, was honored as Executive of the Year by the National Bar Association at its Third Annual General Counsel Invitational in New York City—the oldest and largest group of African American lawyers. In September 2018, she was honored as Ally of the Year by the Hispanic National Bar Association.

After the speeches and enco-

To have [Professor Winnie Taylor] as an example was wonderful for me as an African American woman lawyer-to-be. Representation matters!

— Sonya Olds Som '97

~LINDA BRANDT MYERS

Rob Hendricks, Cornell Law School's Graduating 3+3 Student, Puts Faith into Action

Robert Hendricks '19 was taking a nap when the news arrived: after nearly three years as a Cornell undergrad, he'd been accepted into Cornell Law School's newly revived 3+3 program.

"It definitely caught me off guard," says Hendricks, B.A. '17, who's scheduled to complete his J.D. in 2019, six years after arriving as a pre-law undergrad. "I recognized 3+3 as a once-in-a-lifetime opportunity to stay here at Cornell, skip the LSAT, chop a year off tuition, and be done with law school by the time I'm twenty-three. To get that call junior year, and to be part of this special place for three more years, it just felt like something I was called to do. Like a God thing."

It's a warm September afternoon, and Hendricks is sitting in Purcell Courtyard, taking a break for lunch. He's having a busy year of balancing classes, church, community, and *Cornell Law Review*, where he serves as managing editor—but he's been juggling priorities throughout his time at Cornell, especially as a 1L, which doubled as his senior year in Cornell's College of Arts and Sciences. Along the way, as an undergrad majoring in government, he was a 2017 Distinguished Service Award winner, a member of Quill and

Dagger Senior Honor Society, an Academic All-Ivy League varsity athlete, and founding executive codirector of the on-campus Anabel's Grocery.

In the years since, he's been a member of the Moot Court Board, an extern with **Hon. Alice M. Batchelder** of the U.S. Court of Appeals for the

"Rob is really talented, and he had his heart set on becoming a lawyer," says **Joseph Margulies, B.A. '82**, professor of law and government who proposed 3+3 after teaching Hendricks in three courses as an undergrad. "I've known him since he was a sophomore, and he's remarkably humble and exceedingly

What makes Rob unique is an abiding religious commitment, the way his deep religiosity has led him to a social justice mission, and his commitment to integrating religion into his life as a lawyer.

— Professor Margulies

”

Sixth Circuit, based in Cincinnati, and a summer associate at Jones Day in Cleveland, where he drafted memoranda on pending Supreme Court litigation. At Cornell, he's received the Ally Award from the Puerto Rican Students' Association, the CALI Award for Civil Procedure from the Center for Computer-Assisted Legal Instruction, the Coaches' Award for his dedication to the Big Red sprint football program, and this invitation to become Cornell Law School's first 3+3 student in decades.

gifted. What makes Rob unique is an abiding religious commitment, the way his deep religiosity has led him to a social justice mission, and his commitment to integrating religion into his life as a lawyer."

Growing up in Rocky River, a well-to-do suburb of Cleveland, Hendricks was a teenager when he started thinking about social justice, organizing a food drive with his middle school student council. In his senior year of high school, coming back from a church mission to New Orleans, he read about the death of

Trayvon Martin, and "even though I didn't necessarily have the education to understand all that was going on, I remember that stuck with me. And I remember that, in combination with my faith and my friends at Cornell, I really began to see my privilege as someone who's white, male, and Christian. To understand the issues of people who don't look like me or don't believe the things that I believe. To see how I can best serve others."

Arriving in Ithaca that summer, Hendricks found a place at Cornell Faith and Action, now called Cornell Christian Union, which combines Bible study and community service. He joined the Cornell Public Service Center's Community Partnership Funding Board, which administers grants to student projects, and the Center's Upward Bound program, which provides college immersion opportunities to underprivileged youth. Through the center, he gained a clearer understanding of food insecurity and helped implement a proposal for a healthy, affordable, student-run grocery store on campus. After months of lobbying the Student Assembly, creating a ninety-page business plan, and securing \$400,000 in start-up funds, Anabel's Grocery was born in Anabel Taylor Hall, across the courtyard from where we sit.

As a four-year starter on Cornell's sprint football team, Hendricks played both sides of



the ball, suiting up as outside linebacker, safety, wide receiver, tight end, and long snapper; in last September's alumni game, he played quarterback for the first time in his career. His 1L classmates didn't realize he was spending thirty to thirty-five hours a week at practice and games, but once they did—"I think that threw a lot of people"—they were glad to offer their support. Then, in the middle of his 2L year, Hendricks found a new calling: sixty-two University of Puerto Rico students who arrived at Cornell in the aftermath of Hurricane Maria.

Hendricks mentored one law student, led résumé workshops for the group, coordinated relief efforts, and raised awareness. Through that process, he began researching the legal history of the island of Puerto Rico, and by the end of the semester, he'd written a thirty-one-page paper titled "Resiliency as a Social Movement," which analyzes the history of the United States' relationship with the island and discusses movements on the island and beyond combating colonialism. Published by

the Latina/o Studies Program, the paper earned Hendricks an Ally Award from the Puerto Rican Students' Association (PRSA).

"People kept asking, 'Why is this guy from Cleveland so passionate about Puerto Rico?'" says **Chris Arce, B.A. '19**, former PRSA copresident and Hendricks's fraternity brother at Beta Theta Pi. "The answer is that Rob sees an obvious wrong that's been done and

memoranda, opinions, and orders, and his 2018 experience at Jones Day, where he assisted lead counsel on motions to compel discovery and researched issues around conflict-of-interest laws and statutory interpretation. He emerged from that summer at Jones Day with greater confidence as a writer, deeper love for litigation, and a clearer sense of his career path.

On the gridiron, he used to ask himself, "How would Jesus



People kept asking, 'Why is this guy from Cleveland so passionate about Puerto Rico? The answer is that Rob sees an obvious wrong that's been done and believes he has an obligation to call attention to it.'

— **Chris Arce, B.A. '19**



believes he has an obligation to call attention to it. He has an unshakable sense of right and wrong, and when he sees injustice, there's nothing that can stop him from standing up and advocating for people who can't advocate for themselves. He wants to right that wrong."

Following graduation, Hendricks is hoping to build on his 2017 experience at the U.S. Court of Appeals, where he drafted and reviewed bench

play football?" ("I like thinking of everything in terms of football, which is a flaw," he says, "but it also helps me.") Now that he's preparing for life after law school, he asks, "How would Jesus litigate?" and answers with a call to use all his heart, mind, and soul. ■

~KENNETH BERKOWITZ

Bill Verhelle Builds Innovative Businesses

Bill Verhelle '98 was a newly married first-year J.D. student at Cornell Law School living with his wife, Cyndee, in a small apartment on King Road in Ithaca when his friend **Guy Klingler** called from Southern California to talk about starting a business. Verhelle recalls their conversation:

"I'm swamped. I have no time and no money," said Verhelle.

"I hear you, but we can do it," Klingler insisted.

Cyndee Verhelle also encouraged her husband, promising that she'd find a teaching job to help support them. So despite his heavy course load and demanding schedule as a 1L, as well as the significant student loan debt he would shoulder, Verhelle signed on as Klingler's partner, and the two launched First American Equipment Finance while Verhelle earned his J.D. degree. The compelling idea behind the business was to make use of new technology to lease and finance commercial equipment, and save customers a significant amount of time and money doing it, says Verhelle.

But most firms were still doing business the old-fashioned way, says Verhelle. "The Internet really meshed with our business model," he says. "We found that we could run the business from a central office, serve clients all over the country, with e-mail and faxes, and

we could give them better service because we could do it faster," he explains. "It seems simple in hindsight, but no one was doing it then—and that was the new part of it."

He borrowed money from his partner to help finance their start-up. They each rented a small office. Staffing was minimal. By year ten First American's many customers included colleges, universities, and other educational institutions; law, architecture, and engineering firms; and health care-related facilities such as small acute-care hospitals.

Part of First American's success might be attributed to the corporate culture that Verhelle and his partner worked hard to foster.

"Management guru Peter Drucker is famous for saying, 'Culture eats strategy for breakfast,' meaning corporate culture is more important than business strategy," says Verhelle. "That's always been something on my mind."



Management guru Peter Drucker is famous for saying, 'Culture eats strategy for breakfast,' meaning corporate culture is more important than business strategy. That's always been something on my mind.

— Bill Verhelle '98



"At First American it was company policy for us to *always* deliver on commitments and promises to staff as well as

customers, not to make promises you couldn't deliver on, and to *always* tell the truth," he says.

Another contributor to First American's success was its organizational structure, which was flat and team-based, explains Verhelle. There were no hierarchies. Everyone was on the same level field.

"Bill is a dynamic leader, and yet he's also humble and a very likable person," says Klingler. "He's passionate about what he does and a great communica-



tor. He hires capable people and trusts them completely. As a result, we suffered no attrition."

Not many companies can make that claim. In 2015 *Fortune* named First American

were wonderful role models," he relates. "But my father had a business that failed when I was growing up, and my parents struggled financially for several years. Seeing that as a kid maybe shapes you in a certain way."

"It was about 1993, the economy was good, and my M.B.A. allowed me to get a different job in equipment finance with a *good* company, Tokai Financial Services Inc.," says Verhelle. "I had a great experience there," he reports. "That was where I learned how a company *should* treat people."

But he still wasn't sure he'd found the right path.

"The law was something I knew little about and wanted to know more," says Verhelle. So, in 1994, he applied to Cornell Law School because he liked its small size and location. "It was so different than what I'd experienced before," he says. "And I was so excited to be admitted that I flew out there right away to accept, even though I had to defer for a year because I didn't have enough money."

The Cornell trip was memorable for another reason too.

"I proposed to my wife at Taughannock Falls, and we actually got engaged there."

Verhelle describes his time at Cornell Law School as "by far the most significant educational experience that I undertook, and so positive." He explains, "The way it taught me to think about business from a legal perspective, about relationships, and what I learned about myself were all really valuable."

"My teachers were all great," he adds, citing **Russell Osgood**, former dean and

professor of constitutional law, who went on to become president of Grinnell College, and Professor **Robert Hillman**, who taught Contract Law.

Hillman once praised Verhelle for delivering "the best, most articulate rebuttal" to Hillman's position that the professor had ever heard. "That was the moment I thought maybe all this is going to pay off," Verhelle recalls.

Verhelle also bonded with a group of friends at the Law School who are still in touch with one another today via a group e-mail.

Today, instead of resting on his laurels, Verhelle is poised to start a new business, Innovation Finance, which he hopes will capitalize on current technological innovations, in particular, mobile devices with apps that allow people to make purchases online from anywhere. (Think Amazon, or even Starbucks, for the equipment finance industry.)

Verhelle lives in Naples, Florida, with his wife, Cyndee, and the couple's four sons. ■

~OWEN LUBOZYNSKI

Bill is a dynamic leader, and yet he's also humble and a very likable person. He's passionate about what he does and a great communicator.

— Guy Klingler

”

one of its twenty "great-rated" mid-sized workplaces in financial services for employee satisfaction and engagement as well as one of the 100 best workplaces for millennials.

Verhelle calls the awards "my proudest career achievement."

When the company sold in 2012 for a significant amount, Verhelle accepted an unusual offer to continue as CEO for three more years.

How did Verhelle's early life help shape his later success?

"I grew up in a nice house in a suburb of Detroit and went to good schools, and my parents

In college—Wayne State University, then University of Michigan—he started a lawn-cutting business on the side that helped support him and pay for his education.

"I had a sense that I liked business, but I needed to know more," he says.

After graduation he moved to the West Coast and got a job with a firm that did equipment financing. "The company treated its staff and customers poorly, and I knew the job wasn't going to be my future," says Verhelle. "But while I worked there I was accepted and enrolled in a night school M.B.A. program at UCLA that opened up more opportunities for me."



By the Numbers: The Cornell Law School Class of 2021

Class Size

195

56

44

% Gender

38

international students

45

of NY residents

112

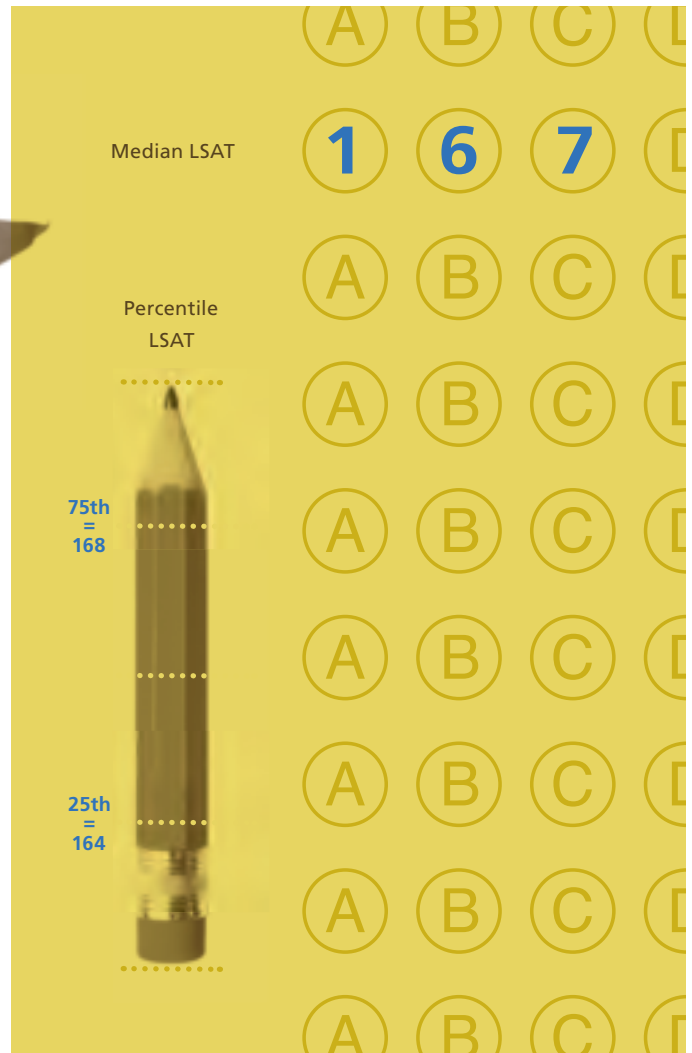
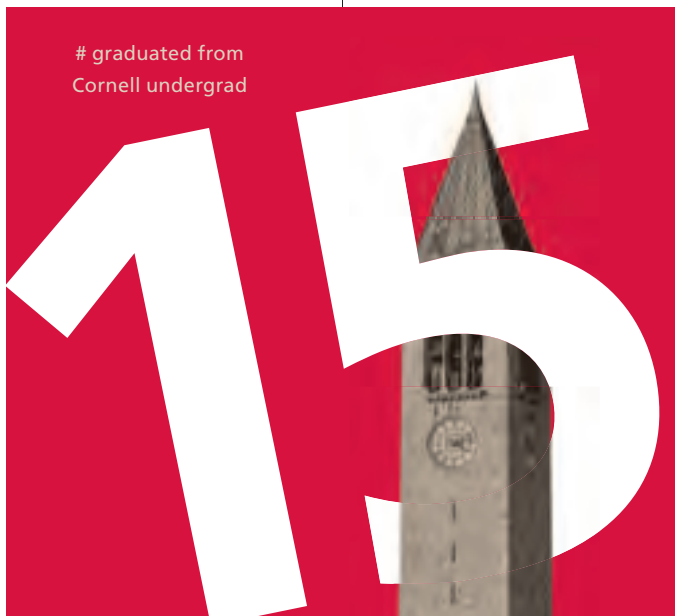
of non-NY residents

23

Median Student Age

Minority Students

60



In Memory of Lynn Stout

Cornell Law School mourns the death of **Lynn Stout**, Distinguished Professor of Corporate and Business Law, who died on April 16 at the age of 61 following a long struggle with cancer. An internationally recognized corporate law scholar, prolific writer, and accomplished speaker, Stout was also known as a passionate teacher and mentor.

An internationally recognized corporate law scholar, prolific writer, and accomplished speaker, Stout was also known as a passionate teacher and mentor.



Lynn Stout

"Lynn was a true innovator in our understanding of what corporations are for," said **Jeffrey Rachlinski**, Henry Allen Mark Professor of Law, "She constantly pushed for a bold understanding of their core mission. She understood corporations to be bastions of vision and innovation, rather than mercenaries and minions of short-term gain."

Since arriving in 2012, Stout had helped transform the Clarke Business Law Institute into one of the nation's pre-eminent business law programs. With expertise in the fields of corporate governance, securities regulation, financial

derivatives, law and economics, and moral behavior, Stout was frequently quoted in the news media. Her path-breaking book *The Shareholder Value Myth* became part of a national conversation about better ways to run corporations.

"Lynn was a force of nature," said **Eduardo Peñalver**, the Allan R. Tessler Dean and Professor of Law. "In a relatively short period of time, she touched many lives here in Ithaca, and I will greatly miss her presence in Myron Taylor Hall."

At the Law School, Stout was actively engaged with students, faculty, and alumni. In order

to better prepare students for the real world, Stout created the intensive, but popular "Business Law Boot Camp," which covered a wide range of business topics over a long weekend.

"She was an immensely influential scholar of corporate law and governance," said **Saule Omarova**, co-director of the Jack Clarke Program on the Law and Regulation of Financial Institutions and Markets. "More than that, she was a true visionary and a fearless fighter for a higher cause: a more cooperative, conscionable, and fair world, in which corporations conduct business not only for the sake of in-

creasing their own stock prices but for the sake of making the society as a whole better off.”

Lynn Stout came to the Law School from the University of California, Los Angeles School of Law. She also taught at Harvard Law School, NYU Law School, Georgetown University Law School, and the George Washington University National Law Center. She received her B.A. and Masters in Public Affairs from Princeton University and her J.D. from the Yale School of Law.

Frederic Rubinstein '55 Aims to Boost Public Service with \$1 Million Gift

When **Frederic A. Rubinstein '55** graduated from Cornell Law School, going into public service wasn't going to make you fabulously wealthy. But, he recalls, attorneys could expect roughly the same starting salary whether they joined one of the blue-chip law firms or the SEC.

Needless to say, that isn't the case anymore. The combination of student loans and the comparatively modest salaries new lawyers make at government and nonprofit jobs can leave potential do-gooders eyeing the private sector.

Rubinstein is helping to change that equation. He is giving \$1 million to the Law School to establish the Fred-

eric and Susan Rubinstein Fund for the Public Interest Low Income Protection Plan. The PILIPP program provides financial support to Law School graduates who work in public-interest careers, offering grants to assist with loan repayment.

“The Cornell Law School fellowship is based on my concern and my wife’s con-

Rubinstein, now a partner at Kelley Drye & Warren, graduated from Cornell University with an A.B. in 1953, and received his LL.B. from Cornell Law School. He went on to a long career in corporate law, representing both investors and entrepreneurs in the tech sector.

Part of Rubinstein’s concern with strengthening civil soci-



Frederic A. Rubinstein '55

cern that we see very few people going into public service,” Rubinstein said. “I would hope that particularly in today’s cultural and political environment, more people would become conscious of the need for all responsible citizens to join in and to do what they can to ameliorate the situation.”

ety comes from his personal history. Born into a Jewish family in Antwerp, they fled to France in 1940 when the Germans invaded Belgium. Rubinstein’s family ended up living in Nice under the Vichy regime, until they finally secured visas in May 1942 to emigrate to the United States.

“The visas were issued within a few days of our being told that we were scheduled to be moved to an internment camp,” he recalled. “So we literally left France two days before being interned in a camp from which internees were ultimately sent to Auschwitz. Those things obviously resonate still with me.”

“As a refugee from Nazi-occupied Belgium and Vichy France, it’s something that concerns me particularly,” Rubinstein added. “The tremendous increase in prejudice against Muslims, as well as anti-Semitism, is a cause of concern for me. And so I’m hoping to see people going into philanthropic areas to address those concerns.”

Rubinstein’s gift to the Law School’s PILIPP program is paired with a separate donation of \$1 million to Cornell Tech, aimed at supporting entrepreneurs who want to create businesses that will provide health or educational benefits to society.

Dean Peñalver notes that Rubinstein’s donation to the Law School furthers an ongoing push to reduce financial barriers for all Cornell Law students. “Gifts like the Frederic and Susan Rubinstein Fund for the Public Interest Low Income Protection Plan ensure that all of our students have the option to pursue their passion for public service,” said Peñalver.

Eduardo Peñalver Reappointed Law School Dean

Eduardo M. Peñalver, B.A.

'94 has been appointed to a second five-year term as the Allan R. Tessler Dean of Cornell Law School, beginning July 1, 2019.

"In the first four years of his tenure, Dean Peñalver has been an outstanding leader, recruiting and retaining the strongest students and the best faculty, and investing in key areas of technology law, enhanced legal clinics, and public access to legal information," said **Provost Michael Kotlikoff**. "Under his leadership, Cornell launched the one-year Master of Laws degree in law, technology and entrepreneurship at Cornell Tech, markedly expanded legal clinic opportunities for students, and garnered new gifts and commitments for endowed professorships and expanded financial aid."

"I am honored to be appointed to a second term as the Allan R. Tessler Dean of the Law School," Peñalver said. "It's hard to believe four years have already passed. I look forward to continuing to work with the Law School's faculty, staff, students, and alumni."

During Peñalver's first four years as dean, Cornell Law School has continued to build on its rigorous educational program while pushing the boundaries of legal pedagogy.

In 2017, Cornell Law School ranked third in the nation for job placement, and 97 percent of the 2017 graduating class found full-time employment in positions requiring bar passage. Last year a record number – fifty-seven – Cornell Law School students and alumni received clerkships.

than \$25 million for financial aid, and funded three new endowed professorships.

Peñalver said he is particularly proud that the school, working with its alumni, has raised new endowment dollars and directed current-use resources to more than double total

\$85,000 for the school's Class of 2018); a third of the Class of 2018 graduated without any debt, he said.

Peñalver said his priorities for Cornell Law School for the next few years include establishing the new First Amendment Clinic and launching a new Technology and Innovation Clinic; building a professional development program focusing on collaboration; creating an online master's degree program for nonlawyers focusing on technology and business law; growing the endowment in support of financial aid and faculty chairs; and continuing to deepen the school's connections and partnerships with Cornell Tech.

Cornell Law School to Accept GRE and GMAT Under Pilot Program

Under a pilot program to begin in the fall of 2018, Cornell Law School will accept the Graduate Record Examination (GRE) or Graduate Management Admission Test (GMAT) as an alternative to the Law School Admission Test (LSAT). With the program, which will be limited to no more than twenty students, Cornell joins a growing number of peer law schools nationwide that have changed or are considering changing their policies to allow alternative test scores.

"By experimenting with greater flexibility in our application



Dean Peñalver

I look forward to working with the Law School's faculty, staff, students, and alumni to continue our 130-year tradition of excellence.

— Eduardo M. Peñalver



Over the past four years, Cornell Law School has raised \$70 million in new gifts and commitments, including more

financial aid spending. This has allowed student debt levels to fall to their lowest level in many years (from an average of nearly \$130,000 five years ago to approximately

process, we hope to make a world-class legal education accessible to an even wider variety of students,” says **Dean Peñalver**. “Our hope is that accepting the GRE and GMAT will allow us to reach a diverse group of prospective students from different academic backgrounds, such as engineering or technology.”

The goals of the pilot program are to encourage students with a broad range of backgrounds to apply for admission and to provide data that would permit the Law School to evaluate whether these alternative standardized tests provide a good measure of success in law school. Other top law schools have found the GRE to be a good indicator of law school success.

The Law School has partnered with multiple Cornell University colleges in the past to broaden graduate study



opportunities for its students. As part of its multidisciplinary program, Cornell Law School and the Johnson College of Business (Johnson) have partnered to offer two very successful J.D./M.B.A programs, a three-year and traditional four-year program. Johnson accepts the GMAT and the GRE for admission and has accepted the LSAT in years past. Additionally, the Law School’s faculty previously approved a 3+3 program, which allowed Cornell undergraduate students to be admitted to the Law School by submitting an ACT or SAT score.

Valerie Hans Named Inaugural Charles F. Rechlin Professor of Law

This fall Cornell Law School introduced a new professorship, endowed by long-time friend of the school **Charles Rechlin, AB ’68, JD ’71**. The first Charles F. Rechlin Professorship was announced on November 15, with inaugural holder **Valerie Hans**.

ceive this position and deeply grateful to Charles Rechlin for the generosity that made this chaired professorship possible. I had the chance to meet Charley this summer when he was in Ithaca, but of course his reputation as one of the very best lawyers in his field preceded him.”

Rechlin is a former partner at Sullivan & Cromwell, where



Charles Rechlin '71 (left) with Professor Valerie Hans



Hans conducts empirical studies of law and the courts and is one of the nation’s leading authorities on the jury system. Trained as a social scientist, she has carried out extensive research and lectured around the globe on juries and jury reforms as well as the uses of social science in law.

“Becoming a chaired professor is the very top of the professional ladder for those of us in academia,” says Hans. “I am honored and thrilled to re-

he built a distinguished career in corporate and securities law spanning more than thirty years. Since retiring from legal practice in 2005, he has applied his passion for cogent writing into a second career as an author and has published two short-story collections, *Winners and Losers* and *The Riverdale Chronicles*.

The Rechlin professorship, effectively an advance on a bequest, is the latest gift from Rechlin. In 2000, he estab-

lished the Charles F. Rechlin Scholarship, awarded annually at the discretion of the dean, with preference given to students who have demonstrated an interest in business and financial law. In 2016, he enhanced the Herbert R. Reif Prize, awarded to the student who, in the judgment of the faculty, writes the note or comment for *Cornell Law Review* that best exemplifies the skillful and lucid use of the English language in writing about the law.

Rechlin visited Ithaca this summer for a dinner held in his honor by Cornell Law, where he was joined by Professors Valerie Hans, Sherry Colb, Michael Dorf, Charles Whitehead, Celia Bigoness, and E.F. Roberts.

"I've always felt an enormous debt to Cornell Law School for setting me on the path to a rewarding legal career," says Rechlin. "Key was my experience with the school's outstanding faculty, both inside and outside the classroom. Endowing this Chair has permitted me to repay at least a portion of this debt, while helping to ensure that the tradition of providing students with a top-notch faculty continues into the future."



Professor Matthew D'Amore

Tech Lawyer Matthew D'Amore Named Associate Dean at Cornell Tech

It's been just a year since **Matt D'Amore, B.S. '91** joined the Cornell Law faculty as the second full-time law professor on the ultramodern Cornell Tech campus in the heart of New York City. There, he's helping lead a revolution in legal education and now, as associate dean, helping lead the Cornell Tech campus in its next phase of growth.

"I couldn't imagine a more diverse and welcoming educational environment than Cornell Tech," says D'Amore. "Where else could I work with academic leaders from law, business, and tech, meet tech executives from places like Twitter and Etsy in the hallway or café, consult with start-up founders at two resident incubators, all while teaching and mentoring a group of students focused on

changing the world through technology? I learn something new from someone every day."

The Law School's two-year-old LLM degree program at Cornell Tech is aimed at developing a new type of lawyer with the cutting-edge skills to succeed in the fast-moving tech world. D'Amore joined the Roosevelt Island campus last summer following a twenty-year career focused on intellectual property, technology, and life sciences at the international law firm Morrison & Foerster.

D'Amore and Cornell Tech are proving to be a perfect pairing. For starters, the tech lawyer turned professor is proof positive of the value of an interdisciplinary, experiential education, cornerstones of the Cornell Tech experience.

"Thirty years ago my educational career started at Cornell in a cross-college program that was then hidden in the

back of the Physical Sciences library in Clark Hall that drew expertise from the Colleges of Arts & Sciences, Agriculture and Life Sciences, and Human Ecology," he says. "Now I'm a part of Cornell's next great interdisciplinary venture—it's funny how things work out."

Law School Helps Launch the Bank of America Institute for Women's Entrepreneurship at Cornell

In April, Bank of America, in collaboration with Cornell Law School and Cornell University, announced the launch of the Bank of America Institute for Women's Entrepreneurship at Cornell, an online learning portal that provides women entrepreneurs with the skills, knowledge, and resources to build, manage, and scale a successful business.

"The Bank of America Institute for Women's Entrepreneurship at Cornell will provide training and educational resources to women at all stages of entrepreneurship," said **Anne Finucane**, vice chairman, Bank of America. "Our signature collaboration with Cornell University is a demonstration of how we continue to deploy capital and invest in partnerships that advance women entrepreneurs and build thriving economies."

"The Bank of America Institute for Women's Entrepreneurship at Cornell will be a tre-



The Bank of America Institute for Women's Entrepreneurship at Cornell will be a tremendous resource for women in small business who need to hone their skills and take their organizations to the next level.

— Stewart Schwab



mendous resource for women in small business who need to hone their skills and take their organizations to the next level,” said Professor **Stewart Schwab**, faculty director of the Cornell Center for Women, Justice, Economy and Technology. “We are excited to

bring the expertise of our faculty to women entrepreneurs around the world.” An initiative of Cornell Women JET, the new institute will be a collaboration that draws on the expertise of faculty from Cornell Law School, Charles H. Dyson School of Applied Economics and Management, Cornell Tech, Entrepreneurship at Cornell, and eCornell, among others.

The institute will offer an innovative online entrepreneurship curriculum, connect women with critical information and resources to address ongoing challenges, including access to networks and capital, and foster a vibrant network of empowered women entrepreneurs and social innovators.

Rachael Hancock '18 Testifies before New York State Assembly on Surrogacy Bill

Surrogacy, which provides one way for infertile people, same-sex couples, and single

individuals to become parents, is permitted in most states in the United States. In New York, however, surrogacy contracts are void and unenforceable according to a 1992 law. The state legislature is now considering a bill that would permit and regulate surrogacy.

On May 24, 2018, **Rachael Hancock '18** appeared before a legislative committee to share findings on the issue from Cornell Law School's International Human Rights Clinic.

Working with a team led by Professor **Sital Kalantry**, Hancock had interviewed compensated-surrogacy stakeholders in the United States and produced a legislative policy report on the Child-Parent Security Act. Currently in committee in the New York State Assembly, the act would repeal the state's 1992 prohibition, make surrogacy agreements enforceable, and permit surrogates to be compensated for the gestational care they provide.

Testifying before the Assembly Standing Committee on Judiciary and Assembly Standing Committee on Health, Hancock laid out the main finding of the clinic's report. She noted that New York is an outlier among U.S. states in not enforcing surrogacy contracts. Hancock also observed that many of the concerns that motivated the 1992 ban on compensated surrogacy had since become less relevant, remained unsubstantiated by any empirical studies, or been refuted by subsequent research.

“It was really great to share the findings of our report with the New York State Assembly and to hear their questions about the impact of lifting New York's ban on surrogacy,” said Hancock. “Our clinic worked hard to examine surrogacy from many different perspectives; we looked at ethics, contract law, human rights, feminist jurisprudence, health considerations, and geopolitical dynamics before writing and publishing our report.”



FAR LEFT: Professor Stewart Schwab

LEFT: Rachael Hancock '18



Law School Celebrates John Blume's Book *Intellectual Disability and the Death Penalty*

In its 2002 decision in *Atkins v. Virginia*, the United States Supreme Court ruled that the execution of persons with intellectual disability violates the Eighth Amendment of the U.S. Constitution. Sixteen years later, the psychological and legal communities continue to grapple with the

event, with comments by **Eric M. Freedman**, the Sigi B. Wilzig Distinguished Professor of Constitutional Rights at Hofstra University's Maurice A. Deane School of Law; **Karen Salekin**, associate professor in the Department of Psychology at the University of Alabama; and **Sheri Lynn Johnson**, the James and Mark Flanagan Professor of Law at Cornell Law School. Also speaking were the book's authors: Marc Tassé, professor

ences who may not be involved in such work, calling it "a great example of thinking about the uneasy interface of law and psychology."

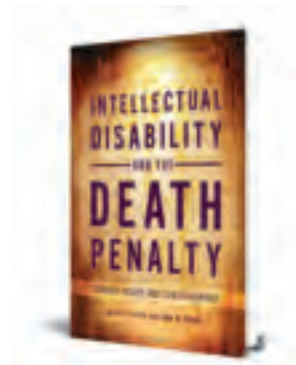
Freedman lauded the book's practical value, particularly as a ready source of empirical data. He also addressed what he sees as the difficulties in getting decision makers to accept the categorical nature of *Atkins*. Approaching the book from her perspective as a clinical forensic psychologist, Salekin praised it for providing accessible guidance both to psychological experts and to lawyers and judges.

fundamental premise that persons with intellectual disability should not be subject to execution.

Labor Law Clinic Students Win Settlement for Worker Fired for Union Activities

Labor Law Clinic students **Michael Iadevaia '19**, **David Edelman '18**, and **Matt Lutwen '19** recently won a settlement for their client, **Jane Guskin**, in a case before the National Labor Relations Board (NLRB). Guskin, who had worked at a nonprofit in New York City for over twenty-four years, had been fired for union-related activity. Guskin had been instrumental in forming a union, starting collective bargaining, and processing grievances on behalf of her coworkers.

Representing their client before the NLRB was a time-consuming endeavor for the students, who were supervised by Professor **Angela Cornell**, who directs the clinic.



complexities of the decision and its reception. They have a new tool with the release of *Intellectual Disability and the Death Penalty: Current Issues and Controversies* (Praeger, 2017), by Professors **John Blume** and **Marc Tassé**. The book was celebrated at the Law School on April 26.

Sandra Babcock, clinical professor of law, moderated the

and director of Ohio State's Nisonger Center; and John Blume, the Samuel F. Leibowitz Professor of Trial Techniques; director of Clinical, Advocacy and Skills Programs; and director of the Cornell Death Penalty Project.

Johnson, who has collaborated with Blume on many death penalty cases involving intellectual disability, spoke to the book's relevance even to audi-

Blume expressed thanks for his clients with intellectual disability, in particular his first such client, **Limmie Arthur**, whom he met on death row in 1987, fifteen years before *Atkins*. In the wake of the 2002 decision, Blume noted, some recalcitrant states continue to deviate from the Supreme Court's mandate because they are resistant to the decision's

Per the settlement, Guskin received two years of combined back and front pay, her disciplinary record was expunged, and the organization was required to post a notice informing others of the transgression with a commitment not to violate the law.

"I am incredibly grateful for the hard work that Professor Cornell and her students put into helping me win a fair settlement," said Guskin.

“Matthew, Michael, and David put in countless hours reviewing evidence and drafting legal arguments, and made themselves available day and night to patiently explain how the system works and talk me through the process.”

Matt Lutwen said that “working on the Muste Union’s case

through its resolution was not only a phenomenal learning experience, but also one of the most meaningful experiences I have had in law school. The work showed me just how important the NLRA’s protections are for employees who exercise their collective rights.”



Law School Celebrates Graduates Receiving Clerkships

After graduating from Cornell Law School, **Gargi Chaudhuri, J.D./M.B.A. '18** and **Scott Cohen '18** will both work as associates at Cravath, Swaine & Moore in New York. And a year later, both will leave the firm to become clerks for U.S. district court judges.

Chaudhuri and Cohen are among twenty-three members of the 2018 class who will clerk for state and federal judges from Texas to Washington State after they leave Cornell Law School. The soon-to-be graduates were celebrated with a champagne toast by faculty, alumni, and staff on April 23 at Myron Taylor Hall.

Chaudhuri will not only clerk for **Judge Kenneth Karas** of

the U.S. District Court for the Southern District of New York in White Plains for a year, but she will then clerk for **Judge Rosemary Pooler** of the U.S. Court of Appeals for the Second Circuit in Syracuse, beginning in 2020.

“I think it’s going to be really beneficial to go behind the scenes and see what it looks like on the other side deciding matters at the trial or appellate level,” Chaudhuri said. “Having that insight is going to be really helpful when I start work as a lawyer.”

Cohen will clerk for U.S. District Court **Judge Brian Cogan '79**, who sits in the Eastern District of New York in Brooklyn next year. “I want to be the best litigator that I possibly can be and by clerking in a district court, which is the trial level, you get experience that you really can’t

OPPOSITE PAGE: (from left) Marc Tassé, Karen Salekin, Sheri Johnson, John Blume, Sandra Babcock, and Eric Freedman ABOVE: Clinic students (from left) Michael Iadevaia '19, Matt Lutwen '19, and David Edelman '18 RIGHT: Class of 2018 graduates who will be clerking for state and federal judges



receive anywhere else,” said Cohen, who was editor in chief of the *Cornell Law Review* from 2017 to 2018.

Cornell Law School has seen a steady increase in the number of clerkships since **Elizabeth Peck** was appointed assistant dean for judicial engagement and professional development in 2015. The number of Law School students and alumni who received clerkships in 2017 was fifty-seven, a record level.

“Nearly sixty clerkships for Cornellians per year is the equivalent of 30 percent of our J.D. class clerking,” **Dean Peñalver** said at the clerkship celebration. “That is a remarkable achievement.”

The clerkship celebration, launched last spring, is another new effort to highlight the importance of helping students earn clerkships. This year’s event was attended by **John Blume**, the Samuel F. Leibowitz Professor of Trial Techniques and chair of the faculty clerkship committee; and **Judge Richard Wesley ’74** of the U.S. Court of Appeals for the Second Circuit.

“The clerkship celebration is an integral part of the festivities surrounding graduation,” Peck said. “By bringing these graduating clerks together as they leave Myron Taylor Hall, we are strengthening the Cornell clerkship family and supporting these clerks and those who will come after them.”

With Its Second 3L Dinner, the Law School Solidifies a New Tradition

For only the third time in history, the silence of the Gould Reading Room was broken by toasts, clinking glasses, and graduating students eating three-course meals. “Welcome to this second annual 3L class dinner,” said **Dean Peñalver**. “Tonight is an opportunity for us to come together as a small community of students, faculty, and administrators who have worked side by side as you moved toward this wonderful achievement.”

For the salad course, **Michael C. Dorf**, the Robert S. Stevens Professor of Law, provided wisdom from **Oliver Wendell Holmes Jr.** Starting with the best-known part of Holmes’s quote—that one may “live

greatly in the law”—Dorf added his own advice on how to live greatly in the law: by choosing meaningful work, continuing to challenge yourself after law school, and always finding new subjects to learn, from guitar to Portuguese to cross-country skiing. “Whatever you do,” he said, “don’t stagnate. By all means,

live greatly in the law, but even more, just live greatly.”

With that, the entrees arrived, and Dorf gave the microphone to alumni speaker **James Hill ’91**, a member of the Cornell Law School Advisory Council and a senior adviser at BlackRock, the world’s largest asset manager. Hill began at the beginning,



ABOVE: James Hill '91 BELOW: Members of the Class of 2018 at the 3L Dinner

talking about his first 1L assignment and the lasting impressions of his time at Cornell Law. “This place gets into your soul,” said Hill, waxing poetic about the familiar sights and sounds of being back in the reading room. “Your classmates have become your closest friends, and you’ve spent the last three years living the law in an intellectual, spiritual way. You may not appreciate how



Valerie Hans (center right) and husband, Michael Bend (center left), at a reception in Bangkok hosted by Thai Cornell alumni

As a class, we’re very diverse, but deep down, there’s a lot we have in common. We all want to succeed—not at the cost of anyone else, but to help each other succeed together, and that’s what makes Cornell Law unique.

— Daniel Sperling ’18



that’s affected you now, but you will someday.”

Counseling the graduating class on relationships, Hill’s advice was straightforward: Nurture the friendships you made here in Ithaca. Attend alumni events. Cultivate your connections to the Law School. Give back whenever you can. Visit campus. On top of everything else, be proud you made it through these three intense years.

“The speeches were right on point,” said **Daniel Sperling ’18**, who begins work at Paul, Weiss, Rifkind, Wharton & Garrison this fall. “They make us realize all we’ve accomplished in the past three years and all we still have left to do. As a class, we’re very diverse, but deep down, there’s a lot we have in common. We all want to succeed—not at the cost of anyone else, but to help each other succeed together, and that’s what makes Cornell Law unique.”

Valerie Hans Speaks at Judicial Training Institute in Thailand

From January 8 to 20, **Valerie Hans**, the Charles F. Rechlin Professor of Law, visited Thailand for a series of talks and meetings hosted by the Thai Bar Association and the Thailand Institute of Justice. She undertook the trip at the encouragement of Dean Peñalver and other faculty members, who previously visited Thailand following the 2016 signing of a memorandum of understanding between the two Thai organizations and Cornell Law School.

“It turned out to be good timing,” says Hans. “Many in the legal community were debating whether it would be advisable to include laypeople as legal decision makers in Thai criminal courts, so I was able to contribute to that debate by summarizing my research on juries and lay judges in other countries.”

During her stay, Hans gave the keynote address, “Rule of Law: Civic Perspectives,” at the Judicial Training Institute’s Forum on the Rule of Law and Sustainable Development. She also delivered a special lecture on public participation in the criminal justice system for an audience of 100 judges and judicial officers and met with executives of the Thai Courts of Justice, Judicial Training Institute, Criminal Court, and Institute of Justice, as well as with researchers from the Institute.

“It was an honor to speak to judge trainees and judicial officers at Bangkok’s Judicial Training Institute,” she says, noting that her interpreter for the event was Cornell Law alumna and judge trainee **Napakamol Havanond, LL.M. ’16**, who was a student and advisee of Hans while earning her LL.M.

Hans adds, “It was also fascinating to see the innovative

work being done at the Thailand Institute of Justice, a research institute devoted to work on the Thai legal and justice systems, which is led by **Kittipong Kittayarak, LL.M. '83.**

the mobile payments company Square didn't exist. Now, consumers expect to be able to make purchases using payment technology embedded in their watches, their cars, their fridges. "People are very interested in seamless payment and consuming situa-

somebody right now, the most important thing I'm looking for is intellectual curiosity and desire to learn, and comfort with change and adaptability," she said. "The one thing I know for sure: in my space in payments, what it looks like today will look very different

do you want to do next?" she recalled. "We love you here. But, we know you have aspirations." She mulled a shift to corporate law or securities, but her boss had other ideas: the perfect addition to her portfolio would be an international stint, working in Dubai as PepsiCo's senior vice president and general counsel for the Asia Pacific, Middle East, and Africa Division. Despite having to look up Dubai's precise location on the map, Tullier didn't hesitate for long, and spent the next three years jetting from China to India to Saudi Arabia.

She eventually returned to New York City to become PepsiCo's deputy general counsel. Soon, though, she



LEFT: Kelly Mahon Tullier '92 (center) with Dean Peñalver (left) and Professor Clermont
RIGHT: Kelly Mahon Tullier



Kelly Mahon Tullier '92 Talks Change and Adaptability

"Things are changing so rapidly," said **Kelly Mahon Tullier '92.** As executive vice president, general counsel, and corporate secretary of Visa Inc., Tullier discussed the dramatic shifts she's seen in both her industry and her career on March 21 as part of the Dean's Distinguished Lecture Series.

Tullier has been Visa's chief lawyer since 2014, and relishes the dynamism that working in the digital payments space brings. Ten years ago, Amazon wasn't even one of the top twenty retailers, and

tions, so they can have what they want without all of the hassle," Tullier said.

Her legal team of 275 employees spread out across the globe handles the standard issues you would expect—employment law, contracts, and the like. But managing legal affairs for a company that processes payments around the world also means understanding everything from cryptocurrencies to European data protection legislation.

Always be ready to jump at new opportunities and take risks, Tullier told Law School students. "When I'm hiring

five years from now. And I need folks who are smart, adaptable, and willing and interested in changing along the way."

Her own career embodies these tenets. After graduation and a clerkship, she joined the Dallas office of Baker Botts, where she became a "soft" intellectual property specialist at a time that witnessed the rise of the Internet. Then, PepsiCo called her with the chance to build her own team and head up that work at its Frito-Lay subsidiary.

After several years as head lawyer for Frito-Lay, "then the question came to me: 'What

When I'm hiring somebody right now, the most important thing I'm looking for is intellectual curiosity and desire to learn, and comfort with change and adaptability.

—Kelly Mahon Tullier '92



started talking with friends about her next move, and eyeing Visa. “Payments are not consumer products. The issues are very, very different,” Tullier said. “But, it was a fascinating conversion for me and my career at that point in my life, when I was close to fifty years old and having to figure out how to change myself and learn something completely new.”

“Whether I could do that, I wasn’t sure,” she went on. “But I took the plunge. And never looked back.”

Cornell Center on the Death Penalty Worldwide Report Exposes Causes of Wrongful Capital Convictions across the Globe

On March 7, 2018, the Cornell Center on the Death Penalty Worldwide launched its new report *Justice Denied: A Global Study of Wrongful Death Row Convictions at the United Nations in Geneva, Switzerland*. The first-of-its-kind report exposes systemic factors that increase the likelihood of wrongful convictions through the lens of case studies from six countries across the geographical and political spectrum: Cameroon, Indonesia, Jordan, Malawi, Nigeria, and Pakistan. The case studies, brought to light by in-country partners, focus on cases in which all available evidence indicates that the defendant was factually innocent of the charged capital crime.

The report emphasizes that although at least sixty condemned prisoners were exonerated in 2016 alone, the actual number of innocent persons on death row is far greater. Prisoners’ lack of access to the courts results in vast underreporting of wrongful convictions, concealing the extent of the problem from

and adequately funded defense lawyer. But there is no way to entirely eliminate the risk that an innocent person will be sentenced to death.”

Prisoners’ lack of access to effective legal counsel stands out as one of the most salient factors leading to wrongful conviction. In every jurisdiction studied, lack of training,



From left: Sandra Babcock; Zainab Malik, Justice Project Pakistan; and Joaquin Jose Martinez, death row exoneree and death penalty activist

political leaders and average citizens alike.

Speaking from Geneva, Faculty Director **Sandra Babcock** said, “This groundbreaking report underscores that every legal system is prone to error. States can reduce the risk of error by ensuring that each person facing the death penalty receives a well-trained

experience, and resources prevent lawyers from providing competent representation to people facing the death penalty. In Cameroon, for example, terrorism defendants facing the mandatory death penalty are most often represented by trainee lawyers who have yet to pass their qualifying exams and have no criminal defense experience.

The Cornell Center on the Death Penalty Worldwide specializes in research, advocacy, and training on issues surrounding the death penalty.

Sharice Davids ‘10 Wins Historic Election in Congressional Race in Kansas

Sharice Davids, a 2010 graduate of Cornell Law School, won a historic victory on November 6, when she became one of two Native American women elected to Congress and the first openly gay representative from Kansas.

Davids, a Democrat and member of the Ho-Chunk Nation, defeated four-term incumbent Republican Representative **Kevin Yoder** in Kansas’s 3rd District, which includes the Kansas City area. Final results show Davids captured 53 percent of the vote, while Yoder received 44 percent, and a Libertarian candidate took 3 percent.



Sharice Davids ‘10

"We have the opportunity to reset expectations about what people think when they think about Kansas," Davids told supporters at her victory party in a hotel in Olathe, Kansas.

after a gunman killed seventeen students and staff members at a high school in Parkland, Florida. During her race, she made gun control and health care the two main issues of her campaign.

She entered a crowded field just six months before the August primary, after the Democratic frontrunner left the race because of a sexual harassment scandal. With financial support from EMILY's List, a group that works to elect progressive women, Davids won the six-way contest, even though one of her opponents

was a former Bernie Sanders staffer who drew the former presidential candidate to Kansas to campaign for him.

"From the beginning, this campaign has been built on bringing new leaders to the table and new voices to the table," Davids said at her victory party on Tuesday. "And I am so honored to stand here today knowing that I will fill that role for our community here in January."

Davids shares the distinction of becoming the first Native American woman elected to Congress with Debra Haaland, another Democrat who won a House seat in New Mexico's 1st District. Both were part of a record number of ninety-eight women who were elected to the House on November 6.

We know there are so many of us who welcome everyone, who see everyone, and who know that everyone should have the opportunity to succeed, and today, we showed that.

— Sharice Davids '10



"We know there are so many of us who welcome everyone, who see everyone, and who know that everyone should have the opportunity to succeed, and today, we showed that."

Raised by a single mother who was an army drill sergeant, Davids attributed her success to hard work and a focus on education. "I worked from Johnson County Community College to Cornell for law school and then on to the Obama White House, and that opportunity stems from access to quality public education," she said.

Davids announced her candidacy on February 15, the day



Dean Peñalver and Sharice Davids '10

A month after entering the race, Davids visited Cornell Law School last March to give the keynote talk for the Women’s Law Coalition’s Career Day at Myron Taylor Hall. **Dean Peñalver** introduced her by saying, “Sharice is a fighter—I mean that figuratively. You see it in her incredible life story. But I also mean it literally.”

As Peñalver pointed out, Davids is a Mixed Martial Arts (MMA) fighter, and while attending Cornell Law School, she trained with coaches in Cortland and Syracuse. She later became a professional MMA fighter and traveled around the country competing in the women’s division.

2018 term as the Marc and Beth Goldberg Distinguished Visiting Professor of Law.

“Some of the brightest and most creative minds in my field—financial regulation and international finance—work at Cornell Law School and Cornell SC Johnson College of Business. I am really looking forward to interacting

quest of organizations including the Bank for International Settlements, HM Treasury, UK Financial Conduct Authority, Commonwealth Secretariat, and European Securities and Markets Authority. He is also a founding managing editor of the *Journal of Financial Regulation* published by Oxford University Press. Before entering academia, he served as

In his lecture, Alexander addressed the debate in the Western legal systems over the role of the right to exclude—is that right the *sine qua non* of private ownership, as some scholars have argued? In particular, Alexander explained the “human flourishing” theory of ownership that he developed in his new book, *Property and Human Flourishing*.



Professor Alexander is fourth from the left in this photo from the Peking University forum.



Visiting Professor Awrey

Law School Welcomes Distinguished Visiting Professor Dan Awrey

Dan Awrey, professor of financial regulation at the University of Oxford, joined Cornell Law School for the fall

with these scholars on a sustained basis, and excited to see where these interactions take us,” says Awrey.

“More concretely, I’m looking forward to working with Professors **Bob Hockett** and **Saule Omarova** on advancing a longer-term research agenda exploring the changing roles of central banks within domestic and international financial systems, and what the implications of this are likely to be from an operational, structural, and political economy perspective.”

Awrey’s work has included undertaking research and providing advice at the re-

legal counsel to a global investment management firm and, prior to that, as an associate practicing corporate finance and securities law with a major Canadian law firm.

Gregory Alexander Headlines Forum at Peking University

On April 14, **Gregory Alexander**, the A. Robert Noll Professor of Law, was the featured speaker at a forum on “Publicity and Governance of Property,” held in Shenzhen, China, and sponsored by the Institute for Law and Economics of Peking University Law School.

Published in March by Oxford University Press, the book has been called “essential reading” and “an instant classic” by leading experts.

Following Alexander’s lecture, several commentators spoke, including **Professor Young-Chin Su**, of the National Chengchi University, Taiwan, a former justice of the Taiwan Supreme Court. Su discussed some of the similarities and differences between common law and civilian conceptions of ownership. He also noted similarities between Alexander’s human flourishing theory and Confucian theory.

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

"Of Buildings, Statues, Art, and Sperm: The Right to Destroy and the Duty to Preserve," *Cornell Journal of Law and Public Policy*, vol. 27, no. 3 (2018)

Despite its importance, the right to destroy is one of the least discussed twigs in the proverbial bundle of rights constituting ownership. This article analyzes the right to destroy from the perspective of the human flourishing theory that Alexander has been developing over the past several years. The article discusses four controversies concerning whether owners have a right to destroy what they own and whether they have obligations to preserve their property. The settings that Alexander examines, albeit briefly, are historic preservation, artists' destruction of their own work, removal of public statues, and destruction of frozen sperm. The aim of the article is to show how the human flourishing theory provides an illuminating framework for analyzing what is at stake in disputes over an owner's asserted right to destroy something that he owns. Alexander hopes this framework will provide a more analytically and morally satisfying means of resolving such disputes.

Emad H. Atiq,
Assistant Professor of
Law & Philosophy

Legal Obligation and its Limits (August 25, 2018). *Law and Philosophy*, Forthcoming.

Judges decide cases by appeal to rules of general application they deem to be law. If a candidate rule resolves the case and is, ex ante and independently of the judge's judgment, the law, then the judge has a legal obligation to declare it as such and follow it. That, at any rate, is conventional wisdom. Yet the principle is false—a rule's being law or the judge's believing it to be law is neither necessary nor even sufficient for a judge being legally obliged to follow it. The principle's falsity is especially apparent in so-called hard cases, where the line between legal and non-legal rules is obscure. Moreover, judges have authority to disregard law in hard cases not because moral (or non-legal) obligations trump legal obligations. Rather, the law itself circumscribes its own authority. The implications for legal philosophy are significant; for one, a theory of juridical norms can be developed independently of the precise boundaries of legality.

Cynthia Grant
Bowman, Dorothea S.
Clarke Professor of
Law (with coauthor
Elizabeth Mertz)

"Balanced Judicial Realism in the Service of Justice: Judge Richard D. Cudahy," *DePaul Law Review*, vol. 67 (2018)

There is a quiet irony to be found in scholarly writings about the judiciary, which often center around high-profile jurists selected as the "great" judges. But there are great judges who do not receive or even want such widespread recognition, and who do not discuss their philosophy of judging—they simply focus on the job in front of them. Judges who operate with humility can often be very quiet about their legacies—brushing the issue off, as if uncomfortable with the attention. Anyone who knew Judge Richard D. Cudahy of the U.S. Court of Appeals for the Seventh Circuit will recognize this description. In some ways, that kind of reticence makes writing about his jurisprudence more than a little challenging. But in other

ways, it invites us to examine what this “judges’ judge” exemplified as he worked at his craft. In reflecting on this, perhaps we can understand that craft more deeply.



Josh Chafetz, Professor of Law (with coauthor David Pozen)

“How Constitutional Norms Break Down,” *UCLA Law Review*, vol. 65 (2018)

From the moment Donald Trump was elected president, critics have anguished over a breakdown in constitutional norms. History demonstrates, however, that constitutional norms are perpetually in flux. The principal source of instability is not that these unwritten rules can be destroyed by politicians who deny their legitimacy, their validity, or their value. Rather, the principal source of instability is that constitutional norms can be decomposed—dynamically interpreted and applied in ways that are held out as compliant but end up limiting their capacity to constrain the conduct of government officials.

This article calls attention to that latent instability and, in

so doing, begins to taxonomize and theorize the structure of constitutional norm change. It explores some of the different modes in which unwritten norms break down in our constitutional system and the different dangers and opportunities associated with each. Moreover, this article argues that under certain plausible conditions, it will be more worrisome when norms are subtly revised than when they are openly flouted. This somewhat paradoxical argument suggests that many commentators have been misjudging our current moment: President Trump’s flagrant defiance of norms may not be as big a threat to our constitutional democracy as the more complex deterioration of norms underway in other institutions.



Zachary D. Clopton, Associate Professor of Law

“Making State Civil Procedure,” *Cornell Law Review*, vol. 104, no. 1 (2018)

State courts matter. Not only do state courts handle more than sixty times the number of civil cases as federal courts, but they also represent an important bulwark against the

effects of federal procedural retrenchment. As Twombly, Iqbal, and Wal-Mart close federal courthouse doors, the states provide an alternative. Yet state courts and state procedure are notably absent from the scholarly discourse.

In order to evaluate state procedure—and in order to understand the states’ relationship to federal procedural retrenchment—this article presents the first comprehensive study of who makes state civil procedure. This project begins with a systematic review of the formal processes by which states make their rules of procedure. Many of the relevant sources were not publicly accessible, so this project not only collects important data but in so doing also makes state procedure more accessible.

This article makes at least three contributions. First, although these data do not support causal inference, they permit normative engagement with the design of rulemaking institutions. This analysis connects with interdisciplinary research on decision-making that suggests that epistemic diversity can produce better and more durable outputs. Second, Clopton argues that civil rulemaking can unite accessibility and diversity. States can be more accessible, and federal rulemaking can be more diverse. Finally, as state procedure becomes more important, this article helps en-

sure that relevant information is not limited to those with privileged access and the resources to use it.



Maggie Gardner, Assistant Professor of Law

“Abstention at the Border,” *Virginia Law Review*, vol. 105, no. 1 (2019)

The lower federal courts have been invoking “international comity abstention” to solve a range of problems in cross-border cases, using a wide array of tests that vary not just across the circuits, but within them as well. That confusion will only grow, as both scholars and the Supreme Court have yet to clarify what exactly “international comity abstention” entails. Meanwhile, the breadth of “international comity abstention” stands in tension with the Supreme Court’s rising recommitment to the federal judiciary’s obligation to exercise congressionally granted jurisdiction. Indeed, loose applications of “international comity abstention” risk undermining not only the expressed preferences of Congress, but the interests of the states as well.

This article argues against “international comity abstention”

both as a label and as a generic doctrine. As a label, it leads courts to conflate abstention with other comity doctrines that are not about abstention at all. And as a generic doctrine, it encourages judges to decline their jurisdiction too readily, in contrast to the principle of jurisdictional obligation. In lieu of a single broad doctrine of “international comity abstention,” then, this article urges federal judges to specify more narrow grounds for abstention in transnational cases—grounds that can be separately justified, candidly addressed, and analyzed through judicially manageable frameworks. For example, a primary basis for “international comity abstention” has been deference to parallel proceedings in foreign courts, a common problem that deserves its own dedicated analytical framework. A separate doctrine for deferring to integrated foreign remedial schemes may also be appropriate. Perhaps other limited bases for transnational abstention could be identified as well. The goal should not be a strict formalism that insists that judges’ hands are tied, but rather a channeling of judicial discretion so as to promote—rather than displace—interbranch dialogue about the proper role of comity in the courts.

Michael Heise, Professor of Law

“2017 Monsanto Lecture: The Complicated Business of State Supreme Court Elections: An Empirical Perspective,” *Valparaiso University Law Review*, vol. 52, no. 1 (2017)

Proponents of judicial elections and related campaign activities emphasize existing First Amendment jurispru-

essor Joanna Shepherd, emphasize the potential for bias and find that campaign contributions from business sources to state supreme court judicial candidates corresponded with candidates’ pro-business votes as justices. While Shepherd’s main findings generally replicate, additional (and alternative) analyses introduce new findings that raise complicating wrinkles for Shepherd’s strong normative claims. Findings from this study illustrate that efforts to influence judicial outcomes are not the exclusive domain of business

qualitatively differs from the political and executive branches in terms of assessing campaign contributions’ proper role, that the potential to influence judicial outcomes is available to any interest group (willing to invest campaign contributions) complicates popular critiques of judicial elections. On the other hand, the same empirical findings also plausibly strengthen critiques of judicial elections, especially for those who view the judicial domain differently than other political domains.

Opponents focus on judicial campaign contributions’ corrosive effects, including their potential to unduly influence judicial outcomes.

dence as well as similarities linking publicly elected state judges and other publicly-elected state officials. Opponents focus on judicial campaign contributions’ corrosive effects, including their potential to unduly influence judicial outcomes. Using a comprehensive data set of 2,345 business-related cases decided by state supreme courts across all fifty states between 2010–2012, judicial election critics, including Pro-


interests. That is, judicial campaign contributions from non- (and anti-) business interests increase the probability of justices’ votes favoring non-business interests. As a result, critiques of judicial elections cannot properly rely exclusively on the influence of business interests. Moreover, that both business and nonbusiness interests can successfully influence judicial outcomes through campaign contributions points in different (and possibly conflicting) normative directions. On the one hand, even if one agrees that the judicial branch

Andrei Marmor, Jacob Gould Schurman Professor of Philosophy and Law

“Two Rights of Free Speech,” *Ratio Juris*, vol. 31, no 2 (2018)

The main argument of this article is that the right to freedom of expression is not a single right, complex as it may be, but spans two separate rights that Marmor labels the right to speak and the right to hear. Roughly, the right to speak stands for the right of a person to express freely whatever they wish to communicate to some other persons or to the public at large. The right to hear stands for the right to have free and unfettered

access to any kind of content that has been communicated by others. The right to speak and the right to hear are two separate rights, grounded in different kinds of interests. The article attempts to show that this division of rights and their respective rationales can be utilized to explain how we think about some of the limits of the right to freedom of expression, particularly in the context of conflicts between the right to speak and the right to hear, conflicts that are rather pervasive. Marmor also argues, though perhaps less conclusively, that in thinking about the limits of freedom of expression, an exclusive focus on the harm principle would be misguided. There is no reason to deny that speech is often harmful, sometimes very much so, but the prevention of harm is not sufficient to justify legal prohibition, at least not in this case.




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

“Regulatory Bundling,” *Yale Law Journal*, vol. 128, no. 5 (2019)

Regulatory bundling consists of the ability of administrative agencies to aggregate and dis-aggregate rules. Agencies, in other words, can bundle what would otherwise be multiple rules into just one. Conversely, they can split one rule into several. This observation parallels other recent work on how agencies can aggregate adjudications and enforcement actions, but now focuses on the most consequential form of agency action: legislative rules. The topic is timely in light of a recent executive order directing agencies to repeal two regulations for every new one promulgated. Agencies now have a greater incentive to pack regulatory provisions together for every two rules they can repeal.

This article explores the positive determinants and normative implications of regulatory bundling. The empirical analysis reveals that agencies have been increasingly engaging in regulatory bundling for the

last two decades. More generally, bundling behavior varies widely across different administrative agencies, and agencies appear to include more subjects in their final, as opposed to proposed, rules. These findings, in turn, raise significant normative concerns that could be addressed through a suite of tools novel to the administrative state: single-subject rules, line-item vetoes, and innovative uses of more traditional doctrines of judicial review. Whether some of these tools should be adopted, however, requires further empirical assessment of regulatory bundling’s causes and consequences.



**W. Bradley Wendel,
Associate Dean for
Academic Affairs and
Professor of Law**

“Economic Rationality and Ethical Values in Design-Defect Analysis: The Trolley Problem and Autonomous Vehicles,” *California Western Law Review* (Fall 2018)

The Supreme Court’s May 2018 decision in *McCoy v. Louisiana* has been hailed as a decisive statement of the pri-

ority of the value of a criminal defendant’s autonomy over the fairness and reliability interests that also inform both the Sixth Amendment and the ethical obligations of defense counsel. It also appears to be a victory for the vision of client-centered representation and the humanistic value of the inherent dignity of the accused. However, the decision is susceptible to being read too broadly in ways that harm certain categories of defendants.

This article offers a couple of cautionary notes, in response to McCoy, regarding the ethical obligations of defense counsel. The most important caution is that, as a matter of constitutional law and professional ethics, the preference for autonomy and the standard allocation of decision-making authority presupposes a fully competent client, not a client who merely passes the extremely low constitutional bar of competency to stand trial.

This article therefore proposes a sliding-scale approach to autonomy and other professional values, in which the most important consideration is a balance between the importance of the decision and the client’s capacity to participate in a meaningful way in the representation. A clearly competent, well-informed client still has the right to make what a lawyer believes to be unreasonable decisions regarding the representation. ■

Another Impressive Year for Law School Philanthropy

The latter half of fiscal 2018 featured robust philanthropy to Cornell Law School, with alumni and friends making major gifts to essential areas. The Law School Annual Fund again led the way with another record-setting performance. When the books closed on fiscal year 2018, 2,179 unique donors had designated more than \$3.2M in new gifts and



The latter half of fiscal 2018 featured robust philanthropy to Cornell Law School, with alumni and friends making major gifts to essential areas.



gift commitments to the Law School Annual Fund for the fiscal year. This total included more than \$400,000 in outright gifts and pledges designated for the Law School Annual Fund for Scholarship. Both totals are high-water marks for their respective designations and represent the generosity of our alumni and friends and their dedication to Cornell Law School.

The endowment received several gifts from Ambassador **William J. vanden Heuvel '52**. The William J. vanden Heuvel *Cornell Law Review* Endowment will underwrite

the costs of producing and publishing the *Cornell Law Review* each year. Ambassador vanden Heuvel served as editor in chief of the *Review's* precursor publication, the *Cornell Law Quarterly*. In addition, Ambassador vanden Heuvel's daughter **Katrina vanden Heuvel** directed new gifts to the respective endowment funds of the Rudolf B. Schlesinger Fellowship, established by Law School alumni in honor of Cornell Law School's legendary teacher and scholar; and the Ambassador William J. vanden Heuvel Law Scholarship. To place a capstone on a year of exceptional philanthropy, Ambassador vanden Heuvel also provided funding to the Law School's new First Amendment Clinic. Those resources will help to fund the clinic's operating costs, including the establishment of a curriculum and development of a caseload that

will train young lawyers to serve as effective advocates on matters governed by the First Amendment. The vanden Heuvel gift will also underwrite the costs associated with the clinic's sponsorship of free-speech programming at Cornell Law School, legal research, and policy analysis. A gift to endowment from **Charles F. Rechlin '71** established a new professorial chair, the Charles F. Rechlin Professor of Law. In combination with his commitment to make annual gifts to the professorship's endowment, Rechlin framed a bequest to the Law School that eventually will complete its funding. The Rechlin professorship will become active now on the strength of Rechlin's annual cash gifts. Charles Rechlin was a partner at Sullivan & Cromwell, in New York City, for twenty-five years. He is the author of *Securities Credit Regulation* (2nd ed., West Group,

2002) and other books, including fiction.

Scholarships grew again during fiscal 2018, thanks to outstanding generosity from alumni and friends of Cornell Law School. **Eric Barmon Fastiff '95** endowed the Daniel Webster Barmon, LL.B. 1894 and Marcus Barmon, LL.B. 1898 Scholarship in honor of his great-great uncle and his great-grandfather, respectively. The Barmon Scholarship is awarded at the discretion of the Allan R. Tessler Dean to a law student who demonstrates financial need. An anonymous donor from the Class of 1983 likewise endowed a new scholarship that will offset the cost of J.D. tuition. **Mark L. Evans '68** generously enhanced the endowment of the Class of 1968 Walter E. Oberer Memorial Scholarship through a cash gift in tandem with a bequest. Evans made these gifts in honor of his 50th Reunion. The Oberer Memorial Scholarship honors former Cornell Law School professor **Walter Oberer** and is awarded at the discretion of the Allan R. Tessler Dean to a law student who demonstrates financial need. **David L. Russo '85** and **Mary Gail Gearn's '85** continued to build the respective endowments of the Class of 1985 Scholarship and the Mary Gail Gearn's Scholarship with new pledges. The Class of 1985 Scholarship is currently earmarked for a law student who is selected as a Hughes Scholar,

thereby receiving a scholarship grant equal to the full cost of J.D. tuition. The Gearn's Scholarship is awarded at the discretion of the Allan R. Tessler Dean to a law student who demonstrates both academic merit and financial need. **David J. Scott '78** and wife, **Marilyn A. Scott**, made a new gift to the endowment of the David J. and Marilyn A. Scott Law Scholarship, which they established in 2013. David and Marilyn made this gift in hon-

exchange program since 2008. The new gift extends this program through the 2022–2023 academic year. Kihira is a partner in corporate M&A at Mori, Hamada & Matsumoto, as well as adjunct professor of law at Cornell Law School and Chuo University Law School, in Japan. A multiyear gift commitment in memory of **Craig Yankwitt '02** to Cornell Law School's Death Penalty Project from his brothers, **Ian J. Yankwitt '93** and **Russell M. Yankwitt '96**, and father,

institute dedicated to fostering entrepreneurial ventures by women. The **Bank of America Institute for Women's Entrepreneurship at Cornell** will exist as an online entity and will offer an executive certificate program with eCornell; an online resource platform for women entrepreneurs; and customized research on topics of interest to women's entrepreneurship. In addition, Cornell Law School will host an annual "thought leadership event" jointly with Bank of America during the life of the grant, which runs from 2018 through 2021.

Law alumni also made **planned gifts** in support of new endowed funds. **Frederic A. Rubinstein '55** and wife, **Susan Rubinstein**, established a bequest to enhance the endowment of the Frederic and Susan Rubinstein Fund for the Public Interest Low Income Protection Plan (PILIPP). The Rubinsteins created the PILIPP endowment with a cash gift at the same time as they used a planned gift to provide for its future growth. The PILIPP program provides grants to Law School alumni who work in the public sector and have educational loan-repayment obligations. The Rubinstein Fund for the PILIPP will greatly enhance the program's ability to deliver financial assistance to public interest attorneys and other Law School graduates who serve in government, NGOs, and nonprofit organizations while repaying educational

Scholarships grew again during fiscal 2018, thanks to outstanding generosity from alumni and friends of Cornell Law School.



or of the 40th Reunion of the Class of 1978.

Current-use gifts ensured the continuance of existing programs, or created new opportunities for Law School students and recent graduates. **Takayuki Kihira, LL.M. '06**, again facilitated a multiyear gift commitment from his firm, Mori, Hamada & Matsumoto, in Tokyo, to fund the ongoing Mori, Hamada & Matsumoto Exchange. Thanks to Kihira's championship, Mori, Hamada & Matsumoto has provided annual funding for this faculty

George B. Yankwitt, LL.B. '67, will fund the Craig N. Yankwitt Fellowship for Death Penalty Advocacy. The Yankwitt Fellowship will provide an annual grant to a Cornell Law School J.D. degree-holder working at Justice 360, a nonprofit organization based in South Carolina. Justice 360 works to reform policies and practices in capital legal proceedings. Craig Yankwitt passed away in September 2016. The Bank of America Foundation made a \$2.5M gift commitment to create a virtual

loans. Rubinstein is a partner at Kelley Drye, in New York City. **Sally Anne Levine '73** advised Cornell Law School of a future bequest in honor of her parents, Dr. Harold A. Levine, A.B. '33, M.A. '34, and Doris Levine. The Levine Fund will provide direct support for nonscholarship emergency needs of Cornell Law School students, at the discretion of the Allan R. Tessler Dean; and secondarily, also at the discretion of the dean, direct support for nonclassroom student activities: extracurricular, social, and practical legal. Levine practices real estate and business law at the Law Offices of Sally Anne Levine, in New York City, and also serves as trustee of several substantial trusts. **Richard A. Cole '76** and wife, **Lois Cole**, advised the Law School of a bequest intention to establish the Richard and Lois Cole Professorship of Law. Richard Cole is a retired partner with the law firm Mayer, Brown & Platt and was based in London, England.

Gifts to facilities underwrote construction costs for spaces inside Hughes Hall. A gift by **Lawrence P. Postol '76** dedicated an interview room in memory of his brother Daniel Postol, a member of the undergraduate class of 1977. A gift by **Michael H. Whitaker '94** dedicated the office suite for the *Cornell Journal of Law and Public Policy* in honor of his wife, **Corinne L. Alyanakian-Whitaker '94**, who served as

editor in chief of *JLPP* in 1994. Many opportunities to dedicate new spaces in Hughes Hall and the 2014 Wing for Academic Instruction are available at this time.

Alumni Association Welcomes New Members

Six alumni are new members of the Cornell Law School Alumni Association Executive Board of Directors. For 2018–2019, we welcome **Timothy E. Bixler '93**, **Adam Colon '07**, **Jeffrey S. Estabrook '83**, **Donald R. Frederico '79**, **Lori P. Lewis '10**, and **Mohammad Usman Piracha, LL.M. '16**. In addition to the new members, **Daniel M. Duval '02** will be taking the helm as president and **Leslie A. Wheelock, J.D./M.B.A. '84** as vice president. Cornell Law School is grateful to these alumni for volunteering their time and energy to programs and initiatives of Cornell Law School Alumni Affairs.

Daniel M. Duval is the chief legal officer and chief compliance officer of Jefferies Finance, the leveraged finance and asset management affiliate of the full-service global investment banking firm Jefferies, owned equally by Jefferies Financial Group (NYSE: JEF) and MassMutual Financial Group, with over \$11 billion in capital under management. Duval has over sixteen years of experience advising financial

institutions in a wide variety of cross-border leveraged finance and capital markets transactions, investment advisory services, and related legal and regulatory compliance. His experience also includes significant work with mergers



Daniel M. Duval

and acquisitions, securitizations, fund formation, and in- and out-of-court restructuring of distressed loans. Prior to moving in-house in 2008, Duval was a member of White & Case's Bank Finance Group in New York City and São Paulo, Brazil. A member of the New York State bar and the U.S. Supreme Court bar, Duval earned a B.S. with honors from the Cornell School of Hotel Administration and a J.D. from Cornell Law School with a specialization in international legal affairs. He is the founder and president of the Cornell Network of In-House Lawyers, and has served as a director and vice president of the Cornell Law School Alumni Association Executive Board.

Leslie Wheelock is of counsel to Birch Horton Bittner & Cherot's Washington, D.C., office, where she focuses on rural and tribal economic development, and telecommunications and government contracting. She is former department officer, principal advisor to the secretary, and director of the Office of Tribal Relations at the U.S. Department of Agriculture. Wheelock previously served as director of economic policy at the National Congress of American Indians and as cultural and intellectual property manager on the National Mall transition team for the opening of the Smithsonian National Mu-



Leslie Wheelock

seum of the American Indian (NMAI) in Washington, D.C. Wheelock currently serves on the National Council for the NMAI, as well as on the Board of Directors for the Smithsonian National Museum of the American Indian—New York.

Prior to her move into public service, Wheelock accumulated more than twenty years of executive legal and manage-

ment experience in U.S. and international technology and telecommunications corporations. A member of the New York, Connecticut, and Washington, D.C., bars, Wheelock received her M.B.A. in 1984 from Cornell's Johnson Graduate School of Management and completed her J.D. at Cornell Law School with a specialization in international legal affairs. Wheelock was born and raised in Indiana, and her home and family are on the Oneida Reservation in Oneida, Wisconsin.



Timothy E. Bixler

Timothy E. Bixler is currently the managing partner at Strand Trading and managing member at Bixler Capital. Most recently, he served as vice president and general counsel of International Rectifier (NYSE: IRF) prior to its acquisition by Infineon Technologies (DAX: IFX). He has also served in senior legal and merger and acquisition roles with General Electric as well as Ashland Corporation, and practiced law with Arnall Golden Gregory in Atlanta, Georgia.



Adam Colón

Adam Colón currently serves as counsel with the Office of General Counsel for The Hearst Corporation. He focuses on labor and employment matters for the company. Prior to joining Hearst, Colón was a senior associate at Littler Mendelson, where he focused his practice on representing management in both the public and the private sectors in matters involving all areas of labor and employment law. He regularly represented clients in defense of claims involving discrimination, harassment, retaliation, misclassification, whistle-blowing, and wage and hour laws, as well as disputes involving wrongful discharge, restrictive covenant, breach of contract, and other employment related matters. Colón graduated from Cornell's School of Industrial and Labor Relations in 2004 and Cornell Law School in 2007.



Jeffrey S. Estabrook currently is a team leader on the Hospitality and Liquor Team at USLI, where he leads an insurance underwriting team writing property, casualty, and liquor liability (dram shop) coverage for bars, restaurants, and hospitality businesses across the country. After a ten-year career as a trial lawyer in Philadelphia, Estabrook entered the insurance business as a reinsurance broker, working for fifteen years with various firms, including Guy Carpenter and Aon Benfield. In 2009, he joined USLI, where he has held various leadership and underwriting positions in commercial lines and hospitality and liquor.



Jeffrey S. Estabrook

Estabrook lives in Paoli, Pennsylvania, with his wife, Lisa. They have two grown children, Sarah '17 and Graham, Engineering B.S. '16. He is the son of Kenneth L. Estabrook '51. Estabrook has held a variety of Cornell alumni positions, including president of the National Alumni Federation and chair of the Cornell University Council.

Donald R. Frederico leads Pierce Atwood's class action defense practice, which received a National Tier One ranking in the 2017 and 2018 *U.S. News* "Best Lawyers,"



Donald R. Frederico

"Best Law Firms," report. A senior trial attorney with more than three decades of courtroom experience, Frederico has represented defendants in a wide array of class actions in federal and state courts across the country, in such diverse industries as banking and financial services, insurance, building products, retail, pharmaceuticals, automotive, food and beverage, petroleum, chemical manufacturing, health care, high technology, and higher education. He frequently publishes and lectures before national and local bar and industry organizations on topics such as class action practice, and serves as editor and contributing author to the firm's class action blog, *First Class Defense*. Frederico began his career as a law clerk to Cornell Law School alumnus Joseph L. Tauro, U.S. district

judge for the District of Massachusetts. He is a past president of the Boston Bar Association, has served on several nonprofit boards, and currently serves as chair of the Board of Trustees of his undergraduate alma mater, The College of Wooster. His son, Stephen K. Frederico, received his M.B.A. in 2017 from the Cornell SC Johnson College of Business.

Lori P. Lewis currently serves as general counsel and development director at Covenant House New Jersey. Prior to joining Covenant House, she was an associate at Herrick Feinstein, where she focused



Lori P. Lewis

her practice on advising condominium associations. Immediately following law school, she clerked for the New Jersey Appellate Division. Lewis graduated from Rutgers University in 2006 and from Cornell Law School in 2010.

Prior to attending Cornell Law School, **Mohammad Usman Piracha** graduated from NUST Pakistan with a graduate degree in computer sciences/IT

before obtaining postgraduate qualifications in business management and law in the UK. These include the legal practice course and master of laws (City Law School), a graduate diploma in law (Sussex University), and a master's in business management (University of Edinburgh). Piracha



Mohammad Usman Piracha

graduated with a LL.M. degree from Cornell Law School in 2016. His professional experience includes working for the British government as an assistant to a member of the House of Lords, Linklaters Banking and Finance Group London, the CERN lab, and a Fortune 500 Chinese telecommunications firm, Huawei Technologies. He clerked for Judge Delissa A. Ridgway at the U.S. Court of International Trade.

Cornell Law School thanks Tim, Adam, Jeff, Don, Lori, and Usman for their volunteer service as members of the Alumni Association Executive Board of Directors, and renews its thanks to all the continuing members of the Alumni Association.

REUNION 2018

Alumni Return Home for Reunion 2018

On a warm, sunny June weekend, more than 350 alumni from fifteen graduating classes returned to reunite with classmates, revisit old haunts, and renew their connections to Cornell Law School.

"Welcome back," said **Eduardo M. Peñalver**, the Allan R. Tes-

sler Dean and Professor of Law, opening Friday's alumni and faculty luncheon in Purcell Courtyard, where he celebrated the Law School's ability to support differing points of view. "Sustaining a strong sense of community is a challenge in these polarized times, but precisely because of that polarization, our strong sense of community has never been more important. We are fortunate that the diversity of Cornell Law School's students and faculty is matched by our commitment to respectful

We are fortunate that the diversity of Cornell Law School's students and faculty is matched by our commitment to respectful engagement, and that a commitment to civility has long been a trademark of the Cornell lawyer.

— Eduardo M. Peñalver

”



From left: Dean Eduardo Peñalver, President Martha Pollack, and Hon. Debra James '75

engagement, and that a commitment to civility has long been a trademark of the Cornell lawyer."

Peñalver shared a story about two alumni, members of the Classes of 1983 and 1973, one liberal and one conservative, who worked together to defend the Cornell Republicans despite "profound philosophical differences." Then, after talking about some of Cornell Law School's latest accomplishments, including the rising numbers of clerkships and the multidisciplinary programs with Cornell Tech in New York City, he passed the microphone to Cornell president **Martha E. Pollack**, who has made collaboration and civic engagement two of her signature issues since arriving at Cornell last year.

"Continuing the university's long history of public service, the Law School has arranged to provide legal assistance and consultation, without cost, to any Cornell student denied a visa under the new federal executive order," said Pollack, before congratulating the Law School for its Center on the Death Penalty Worldwide and its First Amendment Clinic. "As Cornell's president, I can tell you that the entire university takes pride in what this school has achieved."

Inside the tent, alumni nodded, many of them having come directly from a CLE program on immigration law. "Now that I'm retired, I'd like to put



Valerie Watnick '88 (left) and Michele Korkhov '18

Paying It Forward

By her first day as a freshman at Baruch College's Zicklin School of Business, **Michele Korkhov '18** was already thinking about graduation at the end of four years. She was dreaming about a career in finance, but as soon as she heard Professor **Valerie Watnick '88** talk about business law, her plans started to shift.

"It was the first college class I ever took," says Korkhov, after meeting Watnick again at Reunion 2018. "I was worried about homework, and I remember thinking that Introduction to Business Law was going to be really difficult, because Valerie seemed so strict. But I just fell in love with the law, and after class I decided I was going to apply to law school. It was kind of far-fetched, but that course definitely inspired me to come here and become a lawyer."

Seven years later, spending her summer cramming for the New York bar exam, Korkhov thinks about those initial impressions of Cornell, taken from Watnick's lessons, of a law school dedicated to study, without the distractions of a larger city and with all the benefits of a tight-knit, closely bonded community of scholars. That's what Korkhov found, and that's what Watnick revisited when she returned to Ithaca for Reunion, spending time with Korkhov and the Class of 2018.

"After dinner on Saturday night, a bunch of us from the Class of '88 sat down with some people from the Class of '18," says Watnick, who is currently chair of the Baruch College Department of Law. "They were asking us questions, and it was really fun to hang out with them. Really fun. Loved it. I didn't want to keep them from studying, but Michele said she'd decided to go to law school after taking my class, and that made me feel really ... happy. It was really lovely to hear."

Like Korkhov, Watnick had planned on a career in finance, but changed her mind as an undergrad. And like Korkhov, Watnick is glad to see herself as "a bridge" between past and future alumni. "I look back fondly at my law school days, especially now," says Watnick. "I love being a lawyer. Even though I'm not a full-time practicing lawyer, I love understanding the way the law works. Love it. I love the way of thinking I learned in the Law School, and I love being able to figure out solutions."

"I 100 percent believe in paying it forward," agrees Korkhov, who begins work this fall as an associate at DLA Piper in New York City. "I think it's important to help others and to give advice, even when people may not directly ask. If I hear someone mention they're thinking about law school, I try to offer my own experience. The other schools I got into wouldn't have given me the same opportunities I got from coming here. I was really sold on Admitted Students Day, and I chose Cornell Law because I knew it was the school for me."

in some pro bono time,” said **Randy Ross ‘93**, who was meeting with representatives of the Cornell Farmworker Program, “and with all the immigration concerns we’ve had of late, this presentation gave me a chance to learn the ways I might help. For those of us who don’t have a background in immigration law, it’s good to know what we might be facing and the support we can expect. And I’m certainly not the only one of retirement age attending today.”

Back in the day, Ross was the oldest student in his class, graduating at forty-six. Now,



celebrating his 25th anniversary, he fit in well with the older and younger alums around him. “I really love the guys and gals I went to Law School with; that’s why I came back,” said **Sam Angell ‘88**, who’d felt inspired to return by a chance meeting with a classmate in Philadelphia. “I think

we had a special class. It wasn’t a competitive environment. At all. We were here to support each other, to learn, to make the best of our time together. We didn’t just hit the books. I just got here, but already I ran into **Mark Asplund ‘88**—I hadn’t seen him in thirty years, and we were both



TOP: 50th reunion classmates LEFT: Members of the Class of 1973

practically crying. That's the depth of affection there is in this place. That's been the highlight—and seeing Jeff.”

“Last time I saw Sam, he was getting an award,” said **Jeffrey McAdams '88**, looking back to Cornell Law School's 2017 Alumni Exemplary Public Service Awards. “So I wanted to see him again, and visit with Professor **Ernie Roberts**, and see the school. Because I had a wonderful time here as a student, especially in the Legal Aid Clinic, where the instructors were really supportive, really dedicated. They transferred that passion to their students, and more than anything else, that's what equipped me to practice law.”

Fresh from a Statler Hall screening of *Agents of Change*, the documentary about the Willard Straight takeover, McAdams shared his memories of 1969, when his father taught economics at Cornell's Johnson Graduate School of Management and helped avert an armed response to the student protests. “I remember those days, and I remember my father talking about 350 deputized sheriffs who wanted to take back the student union. *Agents of Change* brought that back to me, which has been the highlight of reunion,” he said, before adding, with much of the weekend still to come, “so far.”

There were guided tours of Hughes Hall, where McAdams

had worked in the clinic, and of Myron Taylor Hall's new academic wing, where attendees gathered for a CLE course on the ways technology is changing legal practice. There was a tasting of wines from the Finger Lakes region, a program on Cornell Tech's new LL.M. degree, and a choice of cock-

tail parties as the sun set. Those Friday celebrations continued until alumni finished their class dinners, shut down the Reunion tent parties on the Arts Quad, and went back to their rooms to recharge their batteries.

On Saturday morning, there was a 5K Reunion run through

the Cornell Botanic Gardens, a Reunion breakfast, a State of the Law School Address by **Vice Dean Jens Ohlin**, a State of the University Address by President Pollack, and a Dinosaur Barbecue Lunch, where **Tim Bixler '93** announced the results of Reunion 2018's class campaigns: \$3.4M raised by



Because I had a wonderful time here as a student, especially in the Legal Aid Clinic, where the instructors were really supportive, really dedicated. They transferred that passion to their students, and more than anything else, that's what equipped me to practice law.

— Jeffrey McAdams '88

”

ABOVE: 15th Reunion classmates

628 alumni, including a \$1M contribution by fifty-two members of the Class of 1973.

Following a round of applause, alumni hit the trail for a water-fall walk at Taughannock Falls State Park, and **Ronald L. Kuby '83**, the liberal alum mentioned in Peñalver's opening remarks, joined **Basil Smikle, BS '93**; Nadine Strossen, former president of the ACLU; **Eric Elmore '89**; and **Michael C. Dorf**, Robert S. Stevens Professor of Law, for a panel discussion on free speech in the age of Black Lives Matter, Charlottesville, and #MeToo. "A lot of my cases deal with defense in torts, often involving the intersection of constitutional issues and civil rights," said **Wilson David Antoine II '08**, who works for the City of Newark, New Jersey, speaking after the session. "To hear the speakers' points of



To this day, I have so many Cornell friends and so many of my own wonderful Cornell stories and memories. This is where my heart is, and for me, being at Reunion is like coming home.

— Sally Anne Levine '73



view on the right to protest, and to listen to questions from the audience, was an important part of understanding how I can perform my job not only as an attorney advocating for the rights of the city and the taxpayers, but also as an African American and a

Haitian American who wants to act for the advancement of society in an ethical, humane way."

Not far away, back in the courtyard, **Ayanna J. McKay '98** and **Pamela Harris '98** shared a bottle of Coca-Cola labeled "Monica" in memory



of **Monica Lewis Johnson '98**, who died last October. "The plan was for the three of us to be here together," said McKay. "The last time we were here, for our fifth reunion, we all came together, drove up together, were pregnant together. And even if Monica can't be here, we can still channel our inner Monica, think of all the times we



TOP: 10th Reunion classmates
LEFT: 30th reunion classmates

shared, see all the things here that were important to her. It's good coming back. Always."

"I grew up with my father's love for Cornell," said **Sally Anne Levine '73**, sitting three tables away with a classmate she'd just met for the first time. "I listened to his endless, wonderful stories about Cornell, and we would sing college songs on car trips—in his generation, singing was a part of college life. Then one day, when I was eleven, we came up for a football game, and it took just one look and I knew this was where I wanted to go to school. And I was right. Cornell was everything I hoped for and more."

"To this day, I have so many Cornell friends and so many of my own wonderful Cornell stories and memories," she continued. "This is where my heart is, and for me, being at Reunion is like coming home." ■



Jeffrey S. Feld '83 and Katherine P. Ward Feld, M.B.A. '82/J.D. '83

A Sense of Place

Jeffrey S. Feld '83 and **Katherine P. Ward Feld, M.B.A. '82/J.D. '83**, will never forget the moment they met.

"We have the exact same memory," says Katherine, who celebrated her birthday during Reunion. "It was first day, second semester, Property class, and I was fully prepared. I vividly remember walking into the classroom, seeing Jeffrey, and thinking, 'What a handsome fellow.' I sat down next to him in the empty seat, said a few words, but I wasn't paying attention to Professor Judith Younger, who called on me. I didn't hear the question, and I was too embarrassed to ask her to repeat it, and that's when Jeffrey leaned over and whispered ..."

"Those first magic words," says Jeffrey, "'page 5, third footnote.'"

That was (almost) all it took. Quickly finding her place, Katherine parried the question, Jeffrey was impressed, and by the time they graduated, they knew—after one moot court competition together—that although they'd never practice law together, they'd make a great team. In the thirty-five years since, they've seen their daughter (Dyson '10) and son (ILR '13) earn undergraduate degrees from Cornell, co-chaired half a dozen Law School class campaigns, and returned to campus countless times—Katherine, who's been volunteering for decades, is past president of the Law School Alumni Association and currently sits on the Advisory Councils of the Law School and the S.C. Johnson College of Business—including class reunions every five years. Jeffrey championed the 3L class gift and makes a kick-off contribution each year.

At Reunion 2018, their highlights included the panel on free speech, the Olin Lecture by New York State Supreme Court Justice **Debra James '78**, the class dinner at Six Mile Creek Winery, and the chance to reconnect with classmates. A very personal connection was seeing the new brass plaque that marks the desk where Katherine and Jeffrey met near the center of G85 Myron Taylor Hall, and is inscribed: "Beware of who sits next to you in Property Class. It may be your soulmate."

"I have a picture of it on my phone," says Katherine. "At dinner last night, I thought to myself, 'It was as if we'd just been in class the day before.' That's the power of Cornell. You stay connected with your classmates, and as alumni, whatever you find to be a compelling reason for your philanthropy, be it clinics, institutes, scholarships ..."

"Public interest fellowships ..." adds Jeffrey.

"... the Annual Fund—whatever it is, the Law School is willing to help. Quite frankly, one of the things we find most compelling about Cornell Law is that we met here, followed by careers and our family. And we thought, 'Wouldn't it be nice to put a marker where we met?'"

"It would," says Jeffrey.

"So there it is."

In Memoriam

Felix R. Alfelor, LL.M. '69

Wallace V. Auser '48

Richard Armstrong Barnstead,
LL.B. '55

Jerry G. Berka '66

Paul R. Callaway '65

Harold Chetrick '59

A. Roger Clarke '42

John W. Clarke, LL.B. '67

Henry W. Cornell, LL.B. '59

Justice Thomas A. Dickerson,
J.D./MBA '73

R. Adm. John E. Dombroski '70

William C. Elkins, LL.B. '49

Alberto O. Ferrer '43

Theodore M. Garver, LL.B. '54

Yvonne L. Grand, J.D. '96, MBA '98

Nancy R. Greenberg '82

Sheldon Gross '52

I. Robert Harris, LL.B. '57

Stuart Jay Hendel '83

Frederic T. Henry, LL.B. '56

Vesa A. Keranen, LL.M. '93

M. William Krasilovsky, LL.B. '49

John C. Lankenau, LL.B. '55

Frank J. Lasch, LL.B. '57

Harold O. Levy '79

Daryl A. Libow '86

Robert E. Lull '48

M. Richard Meyers, LL.B. '63

John V. Moore, LL.B. '65

Roger M. Nelson, LL.B. '60

Joseph M. Perillo '55

Arthur E. Piehler '51

John W. Reed, LL.B. '42

George Ross Rhodes '86

Norwin G. Rosner '47

Daniel J. Wagner '83

Evan S. Williams Jr. '69

Allen D. Webster '76

David Ziskind '00



FORUM

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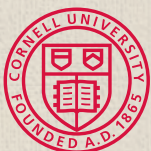


Law Scholarships and the First Generation Law Student

Coming from a traditional Chinese family, I wouldn't be able to receive one of the best legal educations in the world if not for the Calabrese Scholarship. When I finally decided to come to Cornell Law, the scholarship was an important factor in alleviating my anxiety about loans and tuition costs. The financial aid and the enormous amount of support from Cornell Law School faculty enable me to pursue a career that I'm truly passionate about, and open more potential for me in the future.

Coming to Cornell Law School is one of the best decisions I've ever made. The professors are superintelligent and caring, and the diverse student body gives us the opportunity to understand and respect different perspectives. The community is relatively small and close knit; in fact, I met my husband here and we got married earlier this year.

As the first person in my family to study abroad and get a legal education, I truly appreciate our alumni's generous scholarships, which give people like me the opportunity to change our lives. I hope one day I can follow their lead and give back to the Law School.



Jing Yang, Cornell J.D. Class of 2019

Gerard R. and Anna M. Calabrese Scholar
M.I.L.R. 2014, Cornell University,
School of Industrial & Labor Relations

Bachelor of Management 2010,
Renmin University of China





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