

How Ten of Our Alumni Are
Leading through
Adversity



Cornell Law School

Lawyers in the Best Sense

Fall 2020

First Amendment Clinic
Expands Fight
for Press Freedoms

The Climate Case
for a National
Investment Authority
*A Faculty Essay
by Saule Omarova*

The Year in Philanthropy
Annual Report

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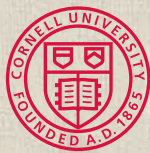


Support Scholarship at Cornell Law School

My scholarship allows me to pursue my dream of being an attorney, while lifting some of the financial pressure that comes with law school. I am able to focus my attention on my studies, not my finances.

Obtaining this scholarship solidified my decision to attend Cornell Law School and pursue my interest in international law. Being a student here has allowed me to form bonds with professors who inspire me, and find a community of support from my peers.

”



Destiny Reyes '21
Recipient of the
Serafini Family Scholarship



FORUM

Fall 2020
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A Note from the Dean	2
----------------------------	---

cover story:

Leading through Adversity

PUBLIC SERVICE

Q&A with Tsai Ing-wen: Setting an Example for the World	4
--	---

Quinton Lucas: Confronting COVID-19 and Racism in Kansas City	6
--	---

by LINDA BRANDT MYERS

RETAIL

Michael Brizel: Delivering the Essentials	8
--	---

by KENNETH BERKOWITZ

FINANCIAL

Heather Mitchell: Thinking and Leading Globally	10
--	----

by KENNETH BERKOWITZ

PHARMACEUTICAL INDUSTRY

Q&A with Douglas Lankler: Helping the Vaccine Development Process	12
--	----

HIGHER EDUCATION

William F. Lee: Winning Landmark Cases at Harvard	14
--	----

by LINDA BRANDT MYERS

TRAVEL & HOSPITALITY

Jeff Boyd: Building for the Long Term	16
--	----

by IAN MCGULLAM

Kristin Campbell: Steadying the Course at Hilton	18
---	----

by IAN MCGULLAM

Robert Diener and David Litman: Persevering Partners	20
---	----

by KENNETH BERKOWITZ

First Amendment Clinic Expands Fight for Press Freedoms	22
--	----

faculty essay:

The Climate Case for a National Investment Authority	26
---	----

by SAULE T. OMAROVA

Briefs	32
---------------------	----

Faculty Scholarship	42
----------------------------------	----

Alumni	46
---------------------	----

The Year in Philanthropy Annual Report	53
---	----



Dear Alumni and Friends:

On October 22, I shared the bittersweet news that I have accepted an offer to become the next president of Seattle University and will begin my term there on July 1, 2021. While I am excited to return to the region where I grew up—and where my parents and siblings still live—I am sad to be leaving my Cornell family.

In my first letter for this magazine, in fall 2014, I noted that what made me especially honored to become the 16th dean of Cornell Law School was the institution's unique sense of community. I asked, "Where else can you experience such a supportive, collegial, and friendly environment within a top law school?" Having seen this community come together and remain strong in even these most challenging times, I'm now certain that the answer is the one I gave seven years ago: "Nowhere but here." Serving this remarkable community as dean over the past seven years has been an honor and a privilege that I will always treasure.

Throughout this arduous year, alumni, faculty, staff, and students have supported one another and demonstrated the patience, grace, and ingenuity that have always been hallmarks of Cornell Law School. The start of fall classes this past August marked the culmination of months of

represent an impressive cross-section of society and the economy. They are leaders at the highest levels of government, higher education, financial services, retail, travel and hospitality, and the pharmaceutical industry. In the inspiring stories that follow, they share lessons in

Throughout this arduous year, alumni, faculty, staff, and students have supported one another and demonstrated the patience, grace, and ingenuity that have always been hallmarks of Cornell Law School.

planning and hard work by faculty, staff, and administrators, who have tirelessly supported our students through these stressful times. In spite of all the disruptions and upheaval, our students have continued to push forward, balancing political activism with academic and personal obligations. And alumni have demonstrated great resilience and compassion when faced with one of the most intense and challenging periods of their careers.

This issue of the *Cornell Law Forum* spotlights ten remarkable graduates from the public and private sectors who have been "Leading through Adversity." These alumni

leadership and discuss how they have been adapting and helping their organizations to thrive even in these tumultuous times.

We are particularly honored that **Tsai Ing-wen, LL.M. '80**, president of Taiwan, and **Quinton Lucas '09**, mayor of Kansas City, agreed to be part of this issue. President Tsai, less than a year into her second term, has presided over one of the most successful efforts in the world at containing the COVID-19 virus. As of late October, the country of 24 million had only 550 cases and just seven deaths. Mayor Lucas, a year into his first term, has had to deal with the arrival of COVID-19 and our national



reckoning on police violence and racial justice. His calm and sensible responses to these major events certainly saved lives.

We are fortunate as well to be able to include especially timely profiles of **Douglas Lankler '90**, executive vice president and general counsel at Pfizer, and of **William Lee '76**, partner at WilmerHale in Boston and a Harvard Corporation Senior Fellow. As head of the legal team at the world's largest drug maker, Lankler played a leading role in establishing the agreement to produce 100 million doses of a COVID-19 vaccine. And Lee led Harvard's successful legal challenge against a federal policy directive to strip foreign students of their visas if they had to take all their classes online due to the pandemic.

As part of the "Leading through Adversity" theme we also highlight key figures in the travel and hospitality, financial, and retail sectors. Articles on **David Litman '82** and **Robert Diener '82**, cofounders of getaroom.com and hotels.com; **Kristin Campbell '87**, executive vice president and general counsel for Hilton Worldwide; and **Jeff Boyd '81**, former president and CEO of Priceline.com, explore how these alumni are persevering as they help their companies rebound from the financial devastation of COVID-19. The profile on **Heather Mitchell '96**, London-based managing director of the Carlyle Group, looks at her role in steadying the course of one of the world's largest private equity firms in the wake of the pandemic. And the article on **Michael Brizel '80**,

executive vice president and chief administrative officer at FreshDirect, explains how he has helped the nation's largest online grocer keep up with skyrocketing demand while keeping its essential workers safe.

When I reflect upon my own experience of "Leading through Adversity" during this past year at Cornell Law School, I know that it has been a truly collective effort. In fact, looking back at all that we have accomplished since 2014, the thing I take the most pride in is the superb group of people that I have had the privilege to work with. As I prepare for new challenges back in my hometown, I will be strengthened by the relationships I have formed here at Cornell over my eighteen years here as a student, faculty member,

and administrator. And I will continue to be inspired by the examples of the alumni featured in these pages, as well as countless other Cornellians who have stepped up as leaders through the adversity we have all faced in 2020.

Respectfully,

Eduardo M. Peñalver

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

TSAI ING-WEN:

Setting an Example for the World

In January 2020, Tsai Ing-wen, LL.M. '80, was reelected president of Taiwan in a landslide victory. Since then, she has presided over one of the most successful efforts in the world at containing the COVID-19 virus, using testing, contact tracing, and isolation measures to control infections without a full national lockdown. Out of nearly 24 million citizens, the country had only 550 cases and 7 deaths as of late October. In the Q&A that follows, we ask President Tsai about her leadership during this time and what factors she attributes to her success.

During your inaugural address on May 20, you said, "It takes more than fervor to govern a country. Leadership means calmly taking the right course in a changing world." What are some leadership lessons you can share from Taiwan's successful effort combating COVID-19?

A major leadership lesson from the COVID-19 pandemic is the importance of creating a shared sense of purpose. It was most gratifying to see people from all walks of life put aside their differences, and come together to work for the common good. Leadership means inspiring unity, which was the real key to our success in combating COVID-19.

Taiwan also had an advantage because of our extensive experience in disease prevention from fighting SARS, H1N1, H7N9, and dengue fever. That gave us a body of knowledge and a professional team with specialized expertise who were empowered to lead our response. Based on their expert advice, we acknowledged the severity of the situation early on, and effectively mobilized the resources of government, the private sector, and most important, the people of Taiwan.

In early January, I convened the first in a series of high-level national security meetings to coordinate government efforts and give disease-control directives. Our existing national healthcare system and advanced digital capabilities helped create a comprehensive safety net to track and monitor the virus.

LEADING
THROUGH
ADVERSITY
—
PUBLIC
SERVICE

We also partnered with domestic manufacturers and quickly transformed Taiwan from an importer of face masks into the world's second-largest producer. We were able to not only produce enough masks for our own citizens, but also donate masks and other supplies to countries in need.

We inspired public confidence by providing timely and transparent information. Our Central Epidemic Command Center held daily press conferences to brief our citizens on the development of the pandemic and to answer questions from the media. I also provided regular updates and encouragement on my social media accounts to keep the country informed. These platforms allowed us to communicate directly with the public to clarify policies and fight rumors, building public trust.

The COVID-19 pandemic and its impact are far from over. Our success thus far makes us confident in our ability to adapt to changing circumstances and work together to protect our people, while maintaining steady economic development amid serious global challenges. This capability makes us all proud of Taiwan.

How was Taiwan able to avoid the lockdown measures that became common in many parts of the world?

The three key components of Taiwan's pandemic response—prudent action, rapid response, and early deployment—gave us a head start that meant we never had to go into lockdown.

Late last year we detected the existence of an unidentified virus in Wuhan, China. On that very day, we began to implement a series of measures to prevent an outbreak in Taiwan. They included border quarantine, early diagnosis and treatment of confirmed cases, contact tracing, home isolation of close contacts, public education programs, maintaining social distance, and mobilization of all necessary personnel and resources.

The combination of these measures, the concerted efforts of the public and private sectors, and the collaboration of our people gave Taiwan a strong line of defense to prevent the spread of COVID-19. This also allowed our people to go on with their lives as usual.



There have been numerous news reports about how female heads of state appear to have been more effective at responding to the pandemic than their male counterparts. Would you agree with these assessments that leadership traits more often associated with women, such as compassion, humility, and collaboration, have been especially important in addressing COVID-19?

Successfully controlling COVID-19 depends on how effective the leader's policies are. What is most important is the ability to make policy decisions with precision, garner public confidence, and then direct government institutions to implement those policies.

Leadership traits like compassion, humility, and collaboration are not confined just to women. In fact, effective leadership requires a wide range of character traits and skills that transcend gender.

When the world sees Taiwan's success in fighting the pandemic, I hope they are not just looking at the leader's gender, but at everyone's contributions. As I have said before, being a woman president I have a responsibility to promote women's empowerment, both at home and abroad. I will not stop until the term "female president" is a thing of the past. This is—and has always been—my goal.

How has your legal background helped you when making difficult policy choices about how to contain the spread of the virus?

My legal background gave me the intellectual tools to approach issues logically and analytically. This kind of mindset is certainly helpful when dealing with a pandemic that requires quick and decisive policy decisions.



President Tsai at her reelection celebration in January 2020.

I was fortunate to receive legal training in both the United States and United Kingdom, countries steeped in democratic values and the rule of law, and that had a major impact on my thinking. In fact, democracy and transparency were the keys to our success. With this in mind, I have been making sure that pandemic-related policies do not infringe on personal privacy or human rights. This meant we were particularly careful when using personal information in the National Health Insurance system for contact tracing and face-mask distribution.



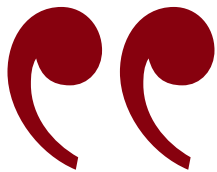
Tsai Ing-wen visited Cornell Law School in 2008 to deliver the annual lecture of the Clarke Program in East Asian Law and Culture.

While my legal background has undoubtedly been an asset, legal expertise has to go hand-in-hand with expertise in other fields. Fortunately, my experience in international trade negotiations gave me tremendous respect for experts in different fields, leading me to place great value on input from our Central Epidemic Command Center. They gave us a dedicated, professional, and extremely knowledgeable team to fight the pandemic.

QUINTON LUCAS:

Confronting COVID-19 and Racism in Kansas City

by LINDA BRANDT MYERS



This is a unique time, a wild and challenging time,” says Quinton Lucas ‘09, who became

mayor of Kansas City, Missouri, in August 2019. About 505,000 people live in that city—30 percent of them African American. It’s also where Lucas grew up. A key reason why he chose to return, he says, was to make a difference. Only the third Black person to hold that position, Lucas was endorsed by the local police, firefighters, and teachers unions, as well as the *Kansas City Star*. His inaugural year in office has been punctuated by the arrival of COVID-19 as well as Black Lives Matter marches.

“I’ve been confronted with a pandemic, racial protests, violent crimes, and all the other issues that arise in an American city,” he relates.

“Patience” has been the character trait most useful to him during that trial-by-fire first year in office, says Lucas. “You can’t get too intimidated by the things coming ahead. And especially as mayor, you have to rely on good advice.”

In terms of controlling the spread of COVID-19, “I trust the medical experts, the folks working in hospitals, teaching in schools, government experts,” he says.

“And as somebody who leads a city in Middle America, where there are a lot of anti-mask folks, people who believe that COVID-19 is made up or not that big a deal, a lot of my work has been sticking with the experts, bringing a consistent message, and frankly understanding that not everybody is going to like you,” he notes. “But even on the days when I may get most frustrated, I recognize that people want good, honest leaders right now.”

LEADING
THROUGH
ADVERSITY
—
PUBLIC
SERVICE



Mayor Lucas addresses demonstrators with a bullhorn during a protest at the Country Club Plaza on May 31, 2020, in Kansas City.

When he was a Law School student, he did a summer internship at WilmerHale and also volunteered during the school year teaching inmates at Auburn Correctional Facility, near Ithaca. After graduation, instead of joining a large law firm in a major city, as many of his classmates were doing, he chose to return to his hometown “because I wanted to make a positive difference through public service there.”

Former classmates who were surprised at his choice back then have since told him that his life today seems cool and interesting.

“There are days when being mayor of Kansas City is *not* cool, but it is *always* interesting,” Lucas comments.

While the current divisiveness in American politics concerns him, there are pressing day-to-day problems that challenge him more, such as figuring out the best way to restart schools and dealing with the fact that COVID-19 affects Black and brown communities disproportionately. But there have been inspiring moments as well.

“Keeping young people out of jail for minor offenses has been shown to lower serious crimes later on,” he says. “So in Kansas City we’ve passed proposals to decriminalize things like marijuana possession and unpaid parking tickets, so that if you fail



I think you can believe in law and order and also believe in change. Every reform we've introduced in our city actually makes police safer and their jobs easier. If people in all parts of our community know they can trust the police that means they may help us solve crimes.

— Quinton Lucas



to pay a fine in time you're not subject to criminal arrest long afterward."

He and his team also have worked hard to improve the city's housing stock, especially affordable housing, which he says has an enormous positive effect on communities.

Quinton Lucas '09,
Mayor of Kansas City,
Missouri

When Black Lives Matter demonstrators took to the city streets in early June 2020, the mayor and his city's chief of police were on the scene. Tactics and behavior of both protesters and police soon transformed from confrontation to conciliation.

"The way that we were able to gain the trust of the activists was by being honest and open," says Lucas.

On the impact of positive change, he says: "I think you can believe in law and order and also believe in change. Every reform we've introduced in our city actually makes police safer and their jobs easier. If people in all parts of our community know they can trust the police that means they may help us solve crimes."

Lucas notes: "I want the world to be safe, but I also want to make sure people are safe from police misconduct, safe from inane old laws that need to be reformed—and a lot of that reform can and should be done at the municipal level." Among other initiatives, he has sought to enhance the duty to intervene for officers.

"If they see something going wrong they would have a duty to step in and make sure that folks aren't harmed," he explains. "Those are the sorts of changes we'll continue to make in Kansas City—and the public largely appreciates it."

MICHAEL BRIZEL:

Delivering the Essentials

by KENNY BERKOWITZ

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n March 21, days after coming back from vacation, Michael Brizel '80 tested positive for COVID-19. It took another month of working in his apartment, twelve to fifteen hours a day, seven days a week, before he reached the office again.

"It was really intense, the most intense prolonged period of my career," says Brizel, executive vice president and chief administrative officer at FreshDirect, the largest e-commerce-only grocer in the United States. "We had a million decisions to make, and I was on all the billion Microsoft Teams calls, all the phone calls, all the emails, all the texts. And even though it was incredibly frustrating to sit at home—we had 90 percent of our workforce coming in—it was deeply satisfying to see the progress we were making every day, protecting our employees, and fulfilling the huge demand for our services."



Throughout all of this, our mantra was always, 'What more can we do to protect our employees and our customers, and to help our community?'

— Michael Brizel

That third week in March, as the pandemic spread and New Yorkers quarantined indoors, the need for groceries soared. FreshDirect, which entered the market in 2002, was well-positioned to meet that increased demand. It had thousands of employees, a 600,000+ square-foot facility in the Bronx, a fleet of delivery trucks, and nearly two decades of experience bringing food to homes from Connecticut to Washington, D.C.

FreshDirect needed to keep their supply lines intact, their deliveries on time, and their standards high. They had to follow rapidly shifting protocols from the Centers for Disease Control, the New York City Department of Health, the New York State Department of Health, the New York State Department of Agriculture and Markets, the Occupational Safety and Health

LEADING
THROUGH
ADVERSITY
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Administration, and the U.S. Department of Agriculture. They needed to keep their workforce healthy, and their workforce needed to find daycare for their children, brave mass transit, and avoid the coronavirus.

In February, FreshDirect put an emergency task force in place, and by early March, the company was already transforming the workplace. Washing stations, thermometers, and healthcare workers were added to the lobby, and new rules for hand washing, mask wearing, and social distancing were put in place throughout the building. Employees in the marketing department handled the uptick in customer service inquiries, and buyers coordinated wellness checks for employees who weren't coming to work. Operations were streamlined, and hundreds of people were hired to keep pace.

The result? "We've never been busier," says Brizel, who joined FreshDirect as general counsel in 2014, after six years as general counsel at Saks Fifth Avenue and nine years as general counsel at Readers Digest. "We helped bend the curve in a meaningful way—by keeping people healthy at the height of the pandemic, and by delivering the essentials that allowed them to stay at home. When we were challenged by the volume of demand, we stretched. We never stopped servicing our customers, and we made sure that our employees, who are committed to doing their jobs well, even when it means coming in at three o'clock in the morning, were able to stay safe, keep earning a living, and take care of their families. That makes me really happy to be here."

For Brizel, after witnessing the ups and downs in print publishing and luxury retailing, the challenges of the pandemic felt like variations on a theme he'd heard before, and the lessons it taught him are the ones he's thought about for years: Don't panic. Don't be insular. Understand your history. Read. Watch other people. Learn from their successes. Learn from their failures. And whatever else you do, keep focused on health and safety.

"Throughout all of this, our mantra was always, 'What more can we do to protect our employees and our customers, and to help our community?'" says Brizel, who worked with the mayor's office and the borough presidents to provide thousands of boxes of food to those in need. "We're an iconic New York brand, we're part of the fabric of the city, and delivering food is something we can all be proud of. It's a feel-good thing."



Michael Brizel '80, Executive
Vice President and Chief
Administrative Officer at
FreshDirect

HEATHER MITCHELL:

Thinking and Leading Globally

by KENNY BERKOWITZ

As the London-based managing director of the Carlyle Group, a \$221 billion private equity firm with 360 portfolio companies across six continents, Heather Mitchell '96 started watching the impact of coronavirus on the company's offices in Beijing, Hong Kong, and Shanghai.

"We saw it early and took it quite seriously, looking through our Asia lens," says Mitchell, who is also the firm's global general counsel for investments; head of its Europe, Middle East, and Africa region; chair of the promotions committee for managing directors; and a member of its executive risk-management committee. "We firmly believed, unfortunately, that it was going to spread quickly, and after having that experience in Asia, we saw it play out again in Italy, then in the U.K. and the U.S. a couple of weeks behind that. That put us at the forefront of the response."

In March, Mitchell brought her family back to the Finger Lakes Region of New York, staying close to her parents in Hammondsport, where she kept watch on the global market and portfolio companies using a tracking system. Soon after, as COVID-19 grew into a pandemic, Mitchell and Carlyle worked with portfolio companies around the globe to retool operations. Manufacturers switched to making antibody tests, face shields, hand sanitizer, medical gowns, personal protective equipment, swabs, and ventilators. Data companies applied their software to combat new cyberterrorism threats, develop distribution networks, build COVID-19 maps, and model the spread of the disease. Labs pioneered antibody testing, healthcare providers donated essential medications, and consultants used their resource networks to coordinate the deployment of new ventilators.

Early on, following the closing of its China offices in January, the legal team issued an internal set of best practices to all its portfolio companies, focusing on questions about debt, health and safety, market dislocation strategies, and capital market solutions. The company's legal division also set up a twenty-four-hour hotline that Mitchell calls "a one-stop shop for everything," where portfolio companies could get advice on policies and procedures, labor and employment, and corporate restructuring. Carlyle distributed a tracking tool for businesses to use in

LEADING
THROUGH
ADVERSITY
—
FINANCIAL

accessing government support, the communications department started issuing a weekly newsletter, and Mitchell hosted a series of industry town halls for portfolio companies—and really, for anyone in the business, anywhere around the globe.

"We needed to act decisively, and we needed a carefully considered plan of action, even if it turned out we didn't have to use it," says Mitchell, one of a small group of employees who returned to the London office in mid-August. "There were a vast number of decisions to be made every day, dealing with portfolio companies in various jurisdictions and various states of reopening, and I wanted to ensure we were in a position to proactively address all the issues. That helps a lot, especially at a time and place like this."

In 2005, following three years as counsel in the firm's Washington, D.C., headquarters, Mitchell took a leap of faith and transferred to the London office for a two-year secondment. Fifteen years later, she's still there. Mitchell became general counsel for Europe in 2005, managing director in 2011, and partner in 2013, and as her portfolio continues to grow, she's received honors as Legal 500's General Counsel of 2018 and as one of *Financial News'* Most Influential Women in European Finance.

"I just love this job, I love it," says Mitchell, who also sits on the Law School's advisory council. "It's novel. It's cutting edge. And it's intellectually rewarding. I don't know if we can measure our success against COVID until we're all back safely working, but we've clearly shown we're putting employee safety and well-being above any other consideration. After the office closed, we kept reaching out, making sure employees were getting tested, and keeping up personal connections, even if meant we were over communicating. That extends to our portfolio companies too, and their personnel, and how well we managed those assets during this crisis on behalf of our investors. As we did that—indeed because we did that—I think we met the business objectives of the firm.

"We never lost track of the human element," she continues, "and that absolute transparency has been essential to maintaining the culture and the success of Carlyle."

A professional headshot of Heather Mitchell '96. She has long, wavy brown hair and blue eyes, looking directly at the camera with a slight smile. She is wearing a dark green top and small pearl earrings. The background is a solid blue color.

Heather Mitchell '96,
Partner, Managing Director,
and Global General Counsel
for Investments at the
Carlyle Group

DOUGLAS LANKLER:

Helping the Vaccine Development Process

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ouglas Lankler '90, executive vice president and general counsel at Pfizer, has played a leading role

in establishing Pfizer's agreement with the U.S. Department of Health and Human Services and the Department of Defense for large-scale production and nationwide delivery of 100 million doses of a COVID-19 vaccine, when approved. In the Q&A that follows, we ask Lankler what it has been like to head the legal team at the world's largest pharmaceutical company during this extraordinary time.

How is the intense public and political pressure to develop a vaccine being felt at Pfizer?

The strong sense at Pfizer, and I think throughout the pharmaceutical industry, is that this is a moment where it is both a privilege to be working on the development of a vaccine as well as a duty because that's what our industry is here for. This is what we're supposed to do and we're obviously very hopeful that we're going to ultimately play a role in developing a solution to this pandemic. As a general matter, I think Pfizer is a hard-working and hard-driving organization, but the level of effort here is unprecedented.

Pfizer's agreement with the federal government calls for it to produce and deliver 100 million doses of a COVID vaccine when approved, with the initial doses expected to be available by January 2021. How is Pfizer working to meet this ambitious timeline?

There was a lot of effort early on in our industry to cultivate cross collaborations among scientists, across companies, a genuine effort to figure out what are we going to do and how are we going to solve the problem. That started to turn into partnerships in which different companies partnered with biotech and other organizations or manufacturers. We were fortunate that we already had a collaboration with a great company called Bi-oNTech that focused in on influenza. They quickly identified a few different potential compounds that might be promising.

LEADING
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I'm fortunate to have a really strong team here that's been working very closely with government agencies. The FDA in particular has been tremendously helpful. They've gone to great lengths to work with the pharmaceutical industry to ensure we deliver what everybody wants, which is not just an efficacious vaccine, but one that has demonstrated safety and one that meets the normal expectations and standards of any vaccine. That's been the critical piece. It's just been a lot of collaboration.


What unique challenges from a legal perspective arose during this effort?

Let's just say that phrases like Defense Production Act weren't exactly the type of thing you heard or focused on before March. I've been at Pfizer for twenty-one years and I've been general counsel for the last seven. Literally, a day has not passed since March where some new issue doesn't come up that you've never dealt with before and you have no playbook to direct how you're going to manage your way through it. Yet, somehow by the end of the day, you've done it.

Early on we dealt with antitrust concerns around making sure that all the scientists across the industry could meet and solve problems without worrying that somebody down the line would raise objections. In addition, there are a host of new contracting considerations that are radically different that we've had to work our way through.

Tell us about the tone from the top. How has Pfizer been rallying employees to meet this incredible task?

Albert Bourla, who is a relatively new CEO although he's been at the company for over twenty years, declared from the outset, "I want us to be part of the solution and I expect that we are going to be part of the solution." Albert's directive was clear, "I don't want to hear 'can't.' I don't want to hear 'impossible.' Just make it happen." It was inspiring and it helped morale tremendously to have that tone from the top. Albert has always wanted us to deliver a safe and effective vaccine.

A portrait of Douglas Lankler '90, Executive Vice President and General Counsel at Pfizer. He is a middle-aged man with short, graying hair, smiling at the camera. He is wearing a dark suit jacket, a white shirt, and a dark tie with small white dots. The background is a solid blue color.

Douglas Lankler '90,
Executive Vice President
and General Counsel
at Pfizer

What are some management challenges you and your legal team have faced since the arrival of the COVID-19 pandemic?

Everyone in the legal division has been working from home and we've found that we're very productive and it works. Unfortunately, in some cases, it has worked too well. The productivity is very high, but now the workday has no boundaries and there is no beginning, middle, or end.

So, we've got to figure out the boundary thing. I can tell our folks are busting at the seams and I'm sure that's true at other companies. That's not sustainable. People can dig in and hunker

down as they are getting through crises and driving toward solutions that are so important to society, but eventually, people are going to get burned out. Figuring this out is going to be a big focus for us.

When we do go back to the office, it feels like some amount of working from home is here to stay. What we are trying to determine is whether that is going to be a certain number of days a week or particular weeks a month so we can interact face to face and benefit from that. I miss that tremendously. Interestingly, because of all the virtual meetings, I've been getting to talk with people I don't normally get to interact with and that's been really nice.

WILLIAM F. LEE:

Winning Landmark Cases at Harvard

by LINDA BRANDT MYERS

Lead^{ing} through adversity is nothing new to William F. Lee, J.D./M.B.A. '76. Lee, who is a partner at WilmerHale in Boston, has led teams that won high-profile cases for such diverse clients as computing giant Apple and Harvard University.

This past July, Lee and his team helped get the Trump administration to rescind a directive that would have barred foreign students from the United States if their colleges canceled in-person instruction during the COVID-19 pandemic.

"Half a million students were affected," says Lee, who was pleased with the win. "Those cases are the reason we go to law school," he asserts.

The son of Chinese immigrants, Lee was the first Asian American to be named managing partner at a major law firm as well as the first to become a trial lawyer in the Boston area.

What does Lee think it takes to lead under adverse circumstances?

"The most important job of a team leader is to communicate, communicate, communicate," he says. "Articulate the goal and the plan to achieve it, execute details daily, and show optimism. But it's important as well to put yourself in other people's shoes sometimes, understand why they may be feeling concerned and address their concerns honestly."

"It also helps to have people on your team whose skills and strengths may compensate for your weaknesses," he adds.

One of the major cases he led and ultimately won with his team was Apple Corporation's multiyear patent-infringement lawsuit against competitor Samsung. It pitted Apple's iPhone, which was the first of its kind, against Samsung's later Galaxy.

"We had a great strategic thinker on our team, a brilliant analytical thinker, and one of the best writers," says Lee. Each of them was better than me in those areas."

More recently, Lee, who has been the senior fellow at Harvard University for six years, and a member of the Harvard Corpora-

LEADING
THROUGH
ADVERSITY
—
HIGHER
EDUCATION

tion, the university's governing board, for ten, also led a diverse WilmerHale team that defended Harvard's race-conscious admissions policy in another high-profile case. The policy permits consideration of race as one factor of many in Harvard's admissions decisions, to help achieve a more diverse student group.

"Our position was diversity and inclusion are critically important to academic institutions as one of many factors," explains Lee.

The opposing side asserted that by considering race at all in admissions, the university was discriminating against such groups as Asian Americans.

"I needed to set aside the personal to be the lead trial lawyer," says Lee, adding that the case gave him an opportunity to reexamine his own biases.

Lee and his team prevailed in the district court, which ruled in their favor.

"Lee led the team with passion and understanding," said Debo Adegbile, a fellow partner at WilmerHale, at an event honoring Lee as the winner of the Asian American Legal Defense Fund's 2020 Justice in Action Award. "Lee's personal experience facing racial discrimination provided an added layer of meaning," Adegbile told the event's attendees.

Lee was born in the United States in 1950, two years after his parents immigrated here from China.

"It was not a great time to be Chinese in the United States," he says. "World War II had ended recently, the Korean War was beginning, and there was a lot of anti-Asian sentiment. There were restrictive covenants when my parents sought to buy their first home" that prohibited Asians from renting and purchasing homes, he says.

It still stings to remember being called names as a boy that were anti-Asian racial slurs, says Lee. There even were laws in some states that prohibited Asians and non-Asians from marrying back then, he notes.

William F. Lee, J.D./M.B.A. '76,
Partner at WilmerHale



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It also helps to have people on your team whose skills and strengths may compensate for your weaknesses.

— William Lee



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“My wife, who is Caucasian, and I married in 1972. Only five years earlier, such a union could have been considered a felony in some states,” Lee comments.

He is grateful for the opportunities that he and other Asian Americans have been given to help change such negative stereotypes.

To others seeking to emulate his success in the face of adversity, he offers this advice: “The secret is you get up every morning, you work hard, you take advantage of the opportunities afforded to you, and you do the right thing with integrity.”

Just one more tip: “Age and experience help,” says Lee.

JEFF BOYD:

Building for the Long Term

by IAN MCGULLAM

Jeff Boyd '81 knows how hard it is to take the long view when everything is collapsing around you. Until recently the chairman of the board of Booking Holdings, which owns Priceline.com, Booking.com, Kayak.com and other travel booking websites, he's been an adviser to Booking Holdings' leadership throughout the unprecedented disaster COVID-19 has caused in his industry.

"People by necessity end up operating in a crisis on a very short-term timeframe: Just try to keep the business's nose above water, to manage whatever crisis is going on in the marketplace in that minute," said Boyd, who still serves on the board after stepping down as chairman in June, and is also managing director of private investment firm Brothers Brook. "It's a little bit harder to look beyond it and really start thinking about how businesses ultimately recover and what changes might happen in the marketplace as a result of those shocks."

"Glenn Fogel, Booking Holdings' chief executive officer, has done a great job of managing immediate concerns, while still building the business for the long term," Boyd added.

Before becoming chairman in 2013, Boyd was CEO and president of Booking Holdings—formerly Priceline Group—for more than a decade. He's watched airlines and hotels take a beating from the dot-com bubble popping, the September 11 attacks, and the financial crisis. And, he's seen demand for travel revive afterwards, sometimes surprisingly quickly. In the modest rebound in bookings the company experienced following COVID-19's disastrous first months, Boyd detects signs that people want to travel again.

"There's a very strong desire in the economy and among consumers to live their lives and to be out and about," Boyd said. "People are trying very hard to go about their business—using all the precautions, but governments are recognizing that people don't want to be locked in their homes. They want to go visit their families. They want to take a vacation."

"That doesn't mean we're out of the woods or that the economy is going to be fine," Boyd added. "I think we're still in the middle of this, but it does show a very strong underlying consumer intent to live their lives."

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ADVERSITY
—
TRAVEL
&
HOSPITALITY

Boyd sees Booking Holdings' diverse collection of businesses as having positioned the company to take advantage of the coronavirus cloud's silver linings—indeed, the pandemic seems like it might accelerate preexisting trends. For instance, Booking Holdings' business in nonhotel accommodations has taken increased prominence.

"Rather than being in a hotel, where you might have to deal with a bunch of people in the lobby and ride up and down in an elevator and be in a more highly trafficked location, people are interested in staying in a standalone house or an apartment," Boyd said.

Changing work patterns present another opportunity.

Six months into widespread working from home, many companies have concluded that remote employees can still be productive employees. "Next summer, hopefully we're back to a more normal way of living," Boyd predicted. "But, there will be more acceptance of remote working and somebody who works in a city could end up renting a place for two months in the summer in a really nice locale and working there. And I think that probably bodes well for the travel industry over the long term." Remote workers will also need to travel back to their companies' headquarters regularly for face time, meaning more plane tickets and hotel reservations.

Other adaptations the industry has had to make are still shaking out. As the pandemic intensified over the spring and travelers scrambled to alter plans amid shifting travel advisories, airlines' cancellation policies came under increased scrutiny. While travelers could change flights without charge, airlines' approaches varied when it came to refunds.

Boyd said that the industry still hasn't settled on a consistent approach to cancellations, and it's unclear how permanent any concessions might be. "The question is whether that flexibility will be viewed as so important that they'll maintain it, because the fee revenue literally has transformed the income statements of the airlines," Boyd said. "They're going to have to figure out their business models and make sure that they can continue to build their business and deliver a profit to their shareholders."

Jeff Boyd '81,
Former President and
CEO of Priceline



KRISTIN CAMPBELL:

Steadying the Course at Hilton

by IAN MCGULLAM

If you want to know how Kristin Campbell '87 is navigating the storms besetting the hospitality industry, just glance at the wall of her office at Hilton Worldwide. There, looking back at her in soothing sans-serif font, is the ubiquitous poster advising, "Keep Calm and Carry On."

As executive vice president and general counsel of the international hotel chain, Campbell could certainly be forgiven for feeling a bit less than calm over the past year. The hospitality industry has been devastated by COVID-19's rapid spread, as governments introduced travel restrictions and quarantines and business travelers and tourists canceled trips.

"One of the most important things any leader, particularly a general counsel of a large global company, can do is what I refer to as 'steady hands on the wheel,'" Campbell said. "Great judgment. Don't panic. Don't jerk the wheel too hard. Don't necessarily take an exit that you weren't already planning to take."

Hilton had been keeping track of COVID-19 since its emergence in China in December 2019, but hopes that the pandemic would be short lived quickly subsided. By mid-April, Hilton's per-room revenue had decreased by more than 50 percent and it had temporarily closed about 1,000 of its more than 6,000 hotels worldwide. Most of those hotels have since reopened, but a rebound in U.S. hotel occupancy over the summer was sluggish.

Much of Hilton's guest-facing response, Campbell said, has focused on bolstering and standardizing its already rigorous cleanliness and hygiene protocol, including by developing a new program called CleanStay in partnership with the Mayo Clinic and Lysol manufacturer RB. CleanStay includes highly visible elements—like a seal placed on newly cleaned rooms that is only broken when guests enter—aimed at making travelers feel at ease, and Campbell thinks that while some measures like mask requirements will likely subside once vaccines are widely available and the pandemic eases, CleanStay will likely be a permanent fixture, because it foregrounds something that Hilton was already proud of.

"That's here to stay, because that's the way we want to present our guest rooms and our common spaces no matter what," she said.

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—
TRAVEL
&
HOSPITALITY

The pandemic isn't the first time the travel and hospitality industries have experienced large-scale disruptions. Most notably, the September 11 attacks shut down U.S. airports for days and led to a sharp drop in air travel as customers balked at boarding a jetliner again. Campbell said that rebuilding confidence will similarly be the key to a recovery this time. That requires coordination industry-wide and with state and national governments to make sure that travelers can expect to feel safe door to door.

"It makes no difference at all if Hilton has a clean room if the airplanes are considered unsanitary by travelers," she said.

Campbell has also looked back on Hilton's response with past outbreaks like SARS and MERS. As those diseases spread, Campbell said Hilton's global crisis management team was able to delegate on-the-ground response to regional crisis teams, which met regularly with hotel owners in affected regions and ensured that they were taking proper precautions.

The pandemic era has presented a number of puzzles for hospitality industry legal teams, from whether COVID-19 is covered by a contract's force majeure clause—the answer, invariably, is that it depends on the contract—to how to minimize a hotel's liability without putting guests off.

"We've really struggled with this," Campbell said. "Our guests should feel like they're at home when they're in our hotels, and hitting somebody with a five-page fine-print legal release and waiver when they're checking in just does not really seem hospitable." For now, she said, Hilton is foregoing such measures, and instead backs legislation that would limit companies' liability as long as they were not acting negligently.

Almost eight months after the coronavirus reached the United States, Campbell said that the way forward still isn't certain, but she is optimistic. "I feel like this thing is still in flight. But I know we are going to land the plane," Campbell said. "This pandemic is creating a lot of pent-up demand for travel that I am confident will be unleashed once widespread prevention efforts are in place globally."

Kristin Campbell, Executive
Vice President and
General Counsel at Hilton
Worldwide



ROBERT DIENER & DAVID LITMAN:

Persevering Partners

by KENNY BERKOWITZ

W

hen classmates Robert Diener and David Litman arranged to meet in China,

they knew one another, but not well. By the end of their first train ride together, they'd become close friends, and all these years later, as cofounders of Getaroom, their partnership is one of the most important relationships in their lives.

"There are very few people in the world I can totally rely on, and Dave and my wife are at the top," says Diener '82, who works as president of the company, where he concentrates on sales, marketing, and finance. "When I come up with a new idea, I'm looking for Dave to tear it apart, and when he's got a new idea, it's the same thing. That's a really unique relationship."

"I've been business partners with Bob longer than I've been married," says Litman '82, who works as chief executive officer, focusing on technology and operations. "Although there's lots of debate over issues, there's a level of respect that transcends any conflict, and since we've been through so much together, there's a lot of trust."

After their trip to China, Diener and Litman began their first jobs as law associates, but within a few weeks realized they'd rather be entrepreneurs. By 1984, they'd left their firms to create a wholesale airfare operation called Travel Mart, which grew into a multimillion-dollar business. In 1991, they founded the Hotel Reservations Network, which became hotels.com, the largest online hotel reservation company in the world, before selling it at a market value of \$5.5 billion in 2003. Six years later, they reentered the market with Getaroom, an online and call-center platform that's expanded the model they built at hotels.com.

Along the way, Diener and Litman have seen the travel industry rocked by a long series of crises, from the stock market crash of 1987 to the Gulf War, Ebola, 9/11, SARS, the Great Recession, and now the coronavirus. In December 2019, when they started tracking COVID-19, they had a feeling this virus was going to be different. In January, they warned their board about the potential for a pandemic, and in March, as the travel industry came to a standstill, they shifted into survival mode.

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—
TRAVEL
&
HOSPITALITY

"We completely changed our mindset," says Litman. "We were no longer in the travel business. We were in the capital preservation business." There was a round of layoffs, then another round. Executive salaries were cut. Deals were renegotiated with lenders and vendors. They drew on their credit line to make sure Getaroom had enough cash to survive a worst-case scenario.

From the end of January until the beginning of April 2020, reservations fell by almost 90 percent. Group travel, a critical part of the industry, was "basically dead," says Diener, "and isn't coming back until there's a solution to the pandemic." But bookings on Getaroom never completely dried up, and with international flights too daunting, Americans

switched to traveling domestically, opting for smaller markets and shorter stays.

By August 2020, Getaroom was rehiring staff, restoring salary cuts, and expanding operations based on a new, leaner model. Getaroom had more reservations in August 2020 than it had in August 2019, and looking forward, Diener and Litman feel confident about the company's future.

"We are in a better strategic position now than before COVID struck because our ability to sell rooms is even more valuable to our hotel partners," says Litman, who credits the company's recovery to its speed in responding to the crisis and its ability to track the market in real time. "If we can execute the strategy that we are devising now, our growth can be faster than it otherwise would have been."

"We have so much data, with as much detail as we want," says Diener. "We work with hotels in every major market in the world, and at any point in time, we know exactly what's going on in those markets. We can see demand, we can see how many people are looking at products, we can see where people are buying them, how people are buying them. And we are big believers in the rebound. Onwards and upwards!"

David Litman '82,
CEO of Getaroom

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We can see demand, we can see how many people are looking at products, we can see where people are buying them, how people are buying them. And we are big believers in the rebound. Onwards and upwards!

— Robert Diener



Robert Diener '82, President of Getaroom



First Amendment Clinic Expands Fight for Press Freedoms

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he COVID-19 pandemic has driven home the importance of fearless independent journalism.

When we're stuck at home doomscrolling through a torrent of bad news and questionable information, we rely on reporters who are willing to defy powerful interests and expose the truth.

The Cornell Law School First Amendment Clinic launched in 2018 with a mission to help those journalists fight the good fight. The clinic does so by supporting legal cases that further the cause of free speech and aid the news gathering process. In addition, it conducts research, policy analysis, and advocacy, and sponsors free-speech-related programming aimed at the wider campus community. Far from taking it easy during the shut-down, the clinic, led by **Mark Jackson**, its director and adjunct professor of law, has expanded both its staff and its focus.

Working on behalf of the *New York Times*, the clinic helped secure the release of previously unseen data that provided the most detailed look yet at nearly 1.5 million American coronavirus patients. Using this data from the Centers for Disease Control and Prevention (CDC), the *Times* published a front-page story in its July 6 edition that revealed how Black and Latino people have been disproportionately affected by COVID-19.

"This is a great success for information access on an issue of vital public importance at a time of public crisis," said **Cortelyou Kenney**, associate director of the clinic. "But there is little to celebrate here. The data shows in stark terms what we already expected: that there is a troubling disparity in the impact this disease has had on people of color."

The clinic and the *Times* filed a Freedom of Information Act request on April 14 seeking the quick release of demographic data on infected patients from the CDC. When the agency failed to

The Cornell Law School First Amendment Clinic launched in 2018 with a mission to help those journalists fight the good fight. The clinic does so by supporting legal cases that further the cause of free speech and aid the news gathering process.

respond within the mandated ten-day timeframe, the *Times*—with a clinic team that included Kenney, Jackson, First Amendment Fellow **Tyler Valeska**, and several clinic students as co-counsel—filed suit May 13 in the Southern District of New York demanding the documents. The agency agreed to release at least a portion of the requested data in June as part of early litigation negotiations.

Much of the First Amendment Clinic's work isn't with big newspapers, but with news outlets at the local level, such as weekly papers or blogs. While local journalists are often best positioned to break stories on issues close to their communities, they're usually operating on a shoestring budget.

In July, the clinic bolstered its Local Journalism Project by naming **Heather Murray '13** to the newly created position of managing attorney of the project. Murray, who has experience both as a litigator in the New York offices of international law firms



LEFT: Mark Jackson, director of the First Amendment Clinic
RIGHT: Courtelyou Kenney, associate director of the First Amendment Clinic
BELOW: Heather Murray '13, managing attorney for the Local Journalism Project

Seyfarth Shaw and Cadwalader, Wickersham & Taft, and as a journalist, oversees all of the legal work that the clinic does on behalf of local media outlets in New York, Pennsylvania, Vermont, and surrounding areas.

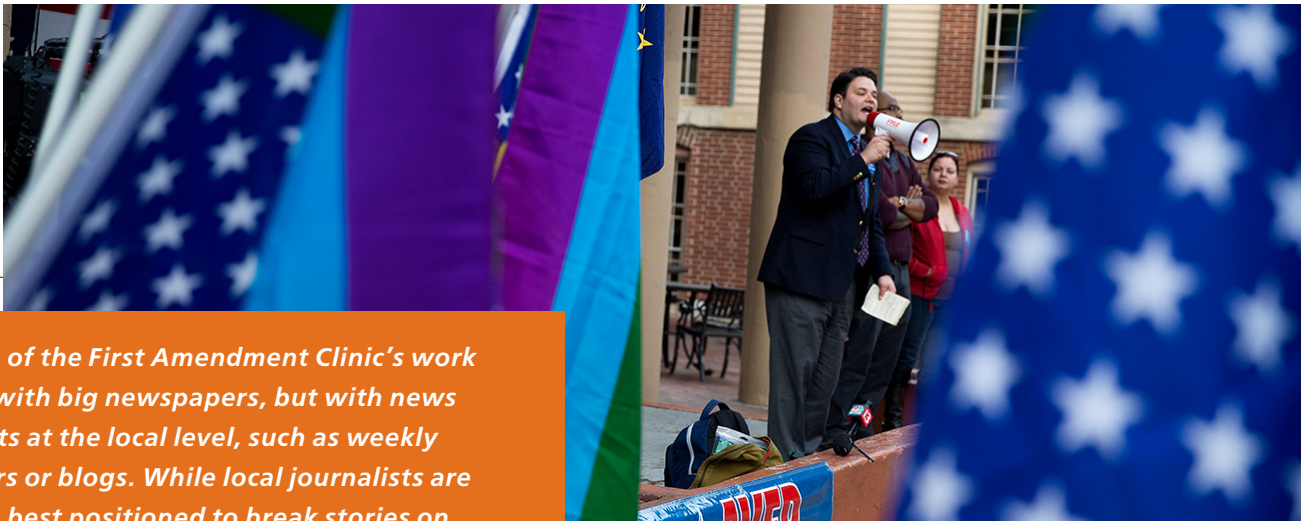
"I'm honored to come home to Cornell to join its First Amendment Clinic nearly a decade after I first worked alongside clinical professors as a student," said Murray. "I know only too well the very real challenges facing local journalists trying to cover the actions of local and state governments, especially in these difficult economic times. I'm happy to be playing a role in furthering the First Amendment Clinic's critical work in providing access to pro bono legal services to these journalists, who often-times have limited resources to devote to legal representation."

The Local Journalism Project brought another staff member aboard in September, hiring **Ava Lubell**, former general counsel at *Quartz* and former general manager and general counsel at *Slate*, to the newly created position of local journalism attorney for the New York metropolitan area. Lubell is providing free



legal services, under the auspices of the Ithaca-based clinic, to local media outlets and journalists in the New York City region.

Closer to home, a First Amendment Clinic team scored a win in June on behalf of citizen journalist Jim Meaney of Geneva, New York, and his blog the Geneva Believer. Jackson, Kenney,



Much of the First Amendment Clinic's work isn't with big newspapers, but with news outlets at the local level, such as weekly papers or blogs. While local journalists are often best positioned to break stories on issues close to their communities, they're usually operating on a shoestring budget.



CLOCKWISE:
First Amendment Clinic students Soo Min Ko, Lily Coad, Hayden Rutledge, and Michael Mapp.



Valeska, and co-counsel Michael Grygiel of Greenberg Traurig, with assistance from clinic students, are defending Meaney from a defamation complaint filed by a local construction company.

On June 11, a New York judge denied a motion from Massa Construction for a temporary restraining order seeking to compel Meaney to remove blog posts reporting on contracts between Massa and the City of Geneva, including some pointing to City Council members' potential conflicts of interest.

"Rulings like this one benefit all reporters by protecting them from efforts to stifle speech at the heart of the First Amendment's protections," Jackson said. The clinic team's defense of Meaney is ongoing—Massa has filed a notice of appeal of the trial court's decision to the Appellate Division, and oral argument on the Geneva Believer's motion to dismiss the action is scheduled for November.

The clinic also filed a lawsuit on July 6 on behalf of immigration-focused nonprofit news site *Documented* seeking wage-theft-related records from the New York State Department of Labor. *Documented* plans to use the requested documents to create an interactive database of companies in New York that have stolen wages from employees. That database would be accessible both to low-wage workers at particular risk of experiencing wage theft and to those who support a living wage to determine which companies to avoid working for or patronizing.

Documented had originally filed a Freedom of Information Law request in December 2019, seeking information including whether violations were found, the back-wage amount, the number of employees due back wages, and the civil monetary penalties assessed. When the Labor Department wasn't forthcoming, a Cornell team consisting of Murray, Kenney, Jackson, and student interns sued to challenge the improper delay and constructive denial of access to the requested wage and hour records.

"It's crucial that records identifying employers' bad actions be made public in a timely manner both to hold employers accountable and to further the Department of Labor's aim of protecting workers," said Murray.



Gail Gove (above), general counsel of Reuters, was the featured speaker at the One-Year-Anniversary Celebration of the First Amendment Clinic, which took place on November 18, 2019, at Myron Taylor Hall.



The Climate Case for a National Investment Authority

FACULTY
ESSAYS
on
TIMELY
LEGAL TOPICS

by SAULE T. OMAROVA



This essay is excerpted from Saule Omarova's white paper of the same title published by Data for Progress in August 2020. The full paper can be found at filesforprogress.org/memos/white-paper-nia.pdf.



The economic devastation caused by the coronavirus pandemic creates a crucial opening for a speedy and deliberate move to a massive infrastructure-led rebuilding and “greening” of the U.S. economy. In the wake of the worst health crisis in over a century, potentially followed by the worst economic depression in nearly as long a time, the political mood in the United States is increasingly open to big and bold solutions. As polls show, demand for comprehensive strategic solutions is especially strong in the context of addressing global climate change.¹

This economy-wide shift must be conceived, planned, and implemented in a way that produces tangible and equitably distributed public benefits, instead of underwriting further socioeconomic and racial disparities and concentrating economic

power in private hands. The Green New Deal movement has successfully propelled this programmatic vision of an environmentally clean, just, and equitable future to the top of the national policy agenda. To carry out these ambitious plans, the United States needs an equally ambitious program for augmenting and aligning the nation's financial resources with the long-term goals of sustainability and decarbonization. This complex undertaking, in turn, requires an organizational focal point: a federal-level institutional platform for coordinating and amplifying climate-targeting action on multiple fronts.

This essay discusses the creation of a National Investment Authority as precisely this kind of a federal institution: a public entity that would design, execute, and finance a comprehensive nationwide program of environmentally sustainable and socially inclusive growth and revival.²

Infrastructure Finance in Institutional Context: Why We Need a Better Solution

Combating climate change is the biggest economic, political, and social challenge of our time. The ongoing environmental damage is causing rising temperatures and sea levels, intensified hurricanes, and epic droughts. To slow down, remedy, or reverse the devastating effects of these climate phenomena, the United States urgently needs to rebuild its entire economy around new, environmentally safe methods of production, distribution, and consumption of goods and services.



Technologically advanced “clean” infrastructure—including electric- and hydrogen-fueled public transportation, energy-efficient and affordable housing, “smart” power grids and broadband internet networks—is the key to this effort. Building this new public infrastructure on a massive scale requires a programmatic vision and a coordinated nationwide approach that combines local action with federal financing. The United States is currently lacking along all three of these dimensions. Despite the obviously pressing need, we still have no unified official program of infrastructural overhaul. There is no mechanism for coordinating the reconstruction process on a national scale, nor is there an institutional platform for federal financing of such efforts.

The usual approach to infrastructure finance in the United States is dysfunctionally bipolar. The default preference is to allow private markets to decide which projects are worthy of funding. Thus, the United States has effectively empowered individual investors, presumably enjoying superior access to information on the ground, to pick the most efficient outlets for their capital. Anything that does not get funded in private markets, and is deemed to constitute a “public good,” becomes an expense item on fiscal policy agenda. Federal, state, and local governments are expected to use their tax revenues to pay for the construction of such publicly beneficial infrastructure.

While plausible in theory, this system has not been working well in practice, even with respect to the traditional physical infrastructure: roads, bridges, and so forth. When it comes to the kinds of new, technologically advanced, and truly transformative infrastructure needed for the transition to a clean economy, however, these standard “solutions” are even more obviously limited and inefficient.³

Private investors are unwilling to foot the bill for new infrastructure because these projects tend to be highly capital intensive and risky undertakings. Public authorities, in turn, have been notoriously strained in their practical ability to finance large-scale infrastructure projects.

The establishment of a dedicated public investment authority—the National Investment Authority (the NIA)—is a pragmatic structural solution to this seemingly intractable policy dilemma. The two institutional pillars of treasury and central bank are simply insufficient to support sustained and inclusive economic development. There is a critical policy gap between their two



The establishment of a dedicated public investment authority—the National Investment Authority (NIA)—is a pragmatic structural solution to this seemingly intractable policy dilemma.

mandates, and neither existing institution can fill this gap without compromising its core mission. An NIA can step into this void, publicly marshalling private funds to supply systemically important infrastructural goods that are not supplied by private actors.

A successful NIA will accordingly relieve current pressures on the Federal Reserve and the Treasury, making their jobs significantly easier. It will enable the Federal Reserve to engage in traditional monetary policy without risking an under- or over-issuance of credit-money economy wide. It will also enable the Treasury to sidestep needlessly contentious budgetary decisions by making and executing these decisions itself with assistance from private investors.

The NIA will also help to recharge and amplify state and local efforts to combat climate change. In the absence of a concerted federal leadership strategy and support, cash-strapped state and local governments are struggling to fund clean infrastructure projects. Many states have “balanced budget” requirements; and the currently existing municipal bond market is notoriously fragmented and illiquid. Despite these challenges, several states

have established “green banks” to help finance various projects within their jurisdictions. Putting the full faith and credit of the United States behind state green banks, as well as other state and local climate-related initiatives, will dramatically scale up their financial footprint and unlock their full potential to catalyze real change in their communities.

While some might deem it radical, the concept of an NIA draws on important precedent in U.S. history. In times of major national crises, the U.S. federal government has repeatedly taken an active role in directly allocating capital to where it was most urgently needed. During World War I, for example, President Wilson’s War Finance Corporation (WFC) was instrumental in mobilizing and funding the nation’s war effort.⁴ In 1932, in the midst of the Great Depression, President Hoover used the WFC blueprint to create the Reconstruction Finance Corporation (RFC), which later became the “capital bank” for President Roosevelt’s New Deal.⁵

The RFC acted directly in financial markets, organizing and managing massive flows of capital into every sector of America’s ailing economy. It extended loans to banks, railroads, utilities, commercial and agricultural enterprises, municipalities, and other federal agencies at a time when private credit was scarce. It also took direct equity stakes in financial institutions and commercial firms in need of capital—and used its power as stockholder to shape these firms’ management and dividend policies.

The NIA proposal expands and updates the RFC model, adapting it to the challenges and conditions of the 21st century. Just like the RFC financed and guided America’s recovery from the Great Depression, so will the NIA finance and lead the nation’s war against climate change, pandemics, de-industrialization, poverty, and inequality.



The NIA’s Institutional Design: An Overview

The NIA will be a stand-alone federal entity with an explicit mandate to formulate and implement a cohesive national strategy of long-term economic reconstruction and development. Functionally situated between the Treasury and the Federal Reserve, the NIA will be the primary federal authority in charge of coordinating and overseeing ongoing investments in critical public infrastructure and socially inclusive and environmentally sustainable economic growth.

Reflecting its hybrid nature as a government entity acting directly in private markets, the NIA’s organizational structure will largely mimic that of the Federal Reserve System.⁶ As a system, the NIA will have three functional layers: (1) an independent federal agency—the NIA Governing Board (the NIA Board)—at the top of the structure, (2) two special government corporations through which the NIA will conduct its actual operations, and (3) a broad network of regional NIA offices evenly spread around the United States.

The five or seven-member bipartisan NIA Board will be appointed by the president, with the chair and the vice chair also confirmed by the Senate. All of the NIA Board members will have to meet certain statutory qualifications relating to their professional expertise in finance, law, economics, environmental sciences, civil engineering, and other areas relevant to the NIA’s core mission. NIA Board members will be appointed for staggered ten- or twelve-year terms, to ensure an important degree of autonomy and strategic continuity in their decision-making. The NIA Board members would be removable by the president only for good cause, which would further enhance the NIA’s operational independence from the incumbent administration.

The NIA Board will formulate a coherent strategy of national economic development and identify specific developmental priorities over various time horizons. The practical implementation of this strategy will be delegated to the NIA’s principal operating arms: The National Infrastructure Bank (NIB) and the National Capital Management Corporation (NCMC, or “Nicky Mac”).

The NIA Board would directly regulate and supervise the activities of both NIB and NCMC, organized as special federally chartered, government-owned corporations. This organizational choice will give each of these entities a significant degree of financial flexibility and operational freedom.⁷ The NIB and

NCCM each would be governed by its own executive board in accordance with the specially tailored principles laid out in their respective corporation charters. They will be able to pay their employees salaries exceeding federal-employee compensation limits, which is key to their ability to attract and retain highly qualified personnel. And they will be better insulated from excessive bureaucratic interference and direct political pressure.

The final, third layer of the NIA system will comprise a vast network of regional offices. These offices will play a critical role in ensuring continuous community input in, and democratic bottom-up support for, the NIA's national investment strategy. The NIA's regional offices will work closely with local communities, businesses, and public authorities on region-specific infrastructural needs and plans. They will also coordinate their activities with the corresponding regional Federal Reserve Banks, in order to guarantee geographically balanced and equitable distribution of financial flows necessary to support clean economic growth throughout the country.

The NIA's principal mode of operation will be the systematic channeling of public and private capital into long-term public infrastructure projects that are both (a) critical to the growth of a clean economy, and (b) currently underfunded by risk-averse private investors. The NIB will focus on traditional credit financing, while the NCCM will supply more risk-tolerant equity capital necessary for many transformational clean infrastructure projects. The differences in the strategic focus and core business models of the NIB and NCCM will determine important differences in how they organize and fund their operations.

As the credit-mobilization arm of the NIA, the NIB would seek to leverage private capital by pledging the public's superior risk-absorbing capacity to support investment in critical public infrastructure goods. Currently, many clean infrastructure projects are deemed not economically viable mainly because private creditors are not willing to take on the inherently complex task of valuing, tracking, and managing risks of multiple geographically dispersed and relatively small-scale projects. The illiquid and fragmented nature of the existing market for municipal bonds, in turn, hinders the ability of local and state governments to access affordable financing for these much-needed projects.

An even-more-ambitious operating arm of the NIA, the NCCM will operate as a hybrid between a sovereign wealth fund (SWF) and a large private-equity or venture-capital firm. Just like a

typical SWF, the NCCM will be a very large and high-profile publicly-owned asset manager. Unlike a SWF, however, it would not simply invest public money in stocks and bonds traded in secondary markets in search of capital appreciation. Instead, the NCCM will follow the business model of a typical Wall Street asset-management firm by setting up a series of investment funds (structured similarly to traditional private-equity funds) and actively soliciting private investors—pension funds, insurance companies, university endowments, foreign sovereign wealth funds, and so on—to purchase passive equity stakes in its funds.

Unlike a typical private-equity or venture-capital firm, however, the NCCM's fund management strategy will focus not on short-to medium-term turn-around profits, but on taking long-term equity stakes in environmentally safe, socially beneficial public and private projects. The NCCM's dedicated professional teams will select and manage diversified portfolios of public infrastructure assets: nationwide clean energy networks, high-speed railroads and broadband, regional air and water cleaning and preservation programs, environmentally smart and affordable housing programs, systems of job retraining, networks of public-private research and development hubs, and so on.

Initially, the NIA will be funded through one-time congressional appropriation. Once the NIA builds a portfolio of assets generating interest, dividend, and fee revenues, it should earn sufficient profits to cover its ongoing expenses. The scale and scope of the NIA's investment operations are key in this respect. The larger and more diverse its overall project portfolio, the more flexibility the NIA will have in utilizing various streams of operating revenues to fulfill its obligations to private investors. Accordingly, a larger and more visionary NIA is also more likely to be self-funding.

It is nevertheless critical to provide federal backup funding for the NIA's operations, either as a temporary bridge-gap measure or as a recurring variable supplement to the institution's own resources. This will increase the NIA's capacity to invest in important infrastructure projects whose full public benefits cannot be reduced to, and therefore expressed as, pure monetary value. In that sense, it will critically augment the NIA's ability to perform its core public mission.

The NIA's hybrid mode of operation heightens the risk of it being captured by powerful private industry interests. It also makes the NIA potentially vulnerable to overreach and abuse of political power by incumbent government officials. Both of these

ever-present possibilities of corruption endanger the NIA's public mission. Accordingly, democratic accountability is a critical factor in ensuring the NIA's political legitimacy and long-term success. Clear lines of internal and external communication, reporting, and auditing are key to accountability and transparency of the NIA's operations.

The NIA Board will be required to submit annual reports to Congress, outlining the basic principles of its developmental program, explaining any changes in or adjustments to its objectives over various time horizons, and describing and analyzing specific actions the NIA was taking to implement its strategic objectives. The chair of the NIA Board, along with the chairs of the NIB's and NCMC's respective executive boards, will also provide annual Congressional testimony on the national development policy.

The NIA Board would be subject to annual audit by the Government Accountability Office (GAO), which conducts audits of federal agencies.⁹ The NIB and the NCMC would be subject to annual independent audits of their financial performance and operations by a special audit panel comprising representatives of the GAO and of all major public accounting firms.

Summary: The NIA as an Institutional Lever for Change

The proposed NIA is envisioned as a highly capacious federal instrumentality, operating alongside the Treasury and the Federal Reserve, and directly allocating both public and private capital to enable the economy-wide shift to clean energy and sustainable growth. It will serve as a permanent institutional platform for mobilizing and directing the nation's financial, technological, and human resources to where they are needed the most in our battle against global climate change.

In fulfilling this mandate, the NIA will act directly in private markets, not only as a public lender and guarantor, but also as a public asset manager and venture capital fund. In that latter capacity, the NIA will systematically channel private investors' money into public infrastructure projects that currently do not get financed in private markets.

Bringing private investment into clean energy and environmentally safer public infrastructure is a fundamentally efficient public policy. It will dramatically amplify the impact of federal funding and reduce the cost to the public of financing the massive shift to a clean economy.⁹ ■

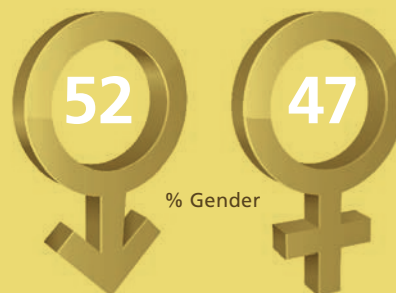
FOOTNOTES

1. Data for Progress, Green New Deal, <https://www.dataforprogress.org/green-new-deal>
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3. The American Society of Civil Engineers, *2017 Infrastructure Report Card: A Comprehensive Assessment of America's Infrastructure*, <https://www.infrastructurereportcard.org/wp-content/uploads/2016/10/2017-Infrastructure-ReportCard.pdf>.
4. On the history of the WFC, see: Charles Gilbert, *American Financing of World War I* (1970). For more on the broader historical precedent, see: Robert Hockett, "Productive Public-Private Partnering in Times of Public Crisis," *Forbes* (3 May 2020), <https://www.forbes.com/sites/rhockett/2020/05/03/productive-public-private-partnering-in-times-of-public-crisis-now-is-the-time-for-a-national-investment-authority-a-national-investment-council-or-a-health-financeauthority/#3c67c4102910>.
5. James S. Olson, *Saving Capitalism: The Reconstruction Finance Corporation and the New Deal, 1933-1940* (1988), p. 40.
6. Federal Reserve Board, "About the Fed: Structure of the Federal Reserve System," <https://www.federalreserve.gov/aboutthefed/structure-federal-reserve-system.htm>.
7. The U.S. federal government has a long history of establishing special, federally-chartered corporations, including the Federal Deposit Insurance Corporation, U.S. Postal Service, and AMTRAK. See: Congressional Research Service, <https://www.everycrsreport.com/reports/RL30365.html>.
8. Government Accountability Office, <http://www.gao.gov/about/index.html>.
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By the Numbers: The Cornell Law School Class of 2023

Class Size

177



% Gender

Did not indicate: 1%

22

international students

38

of NY residents

109

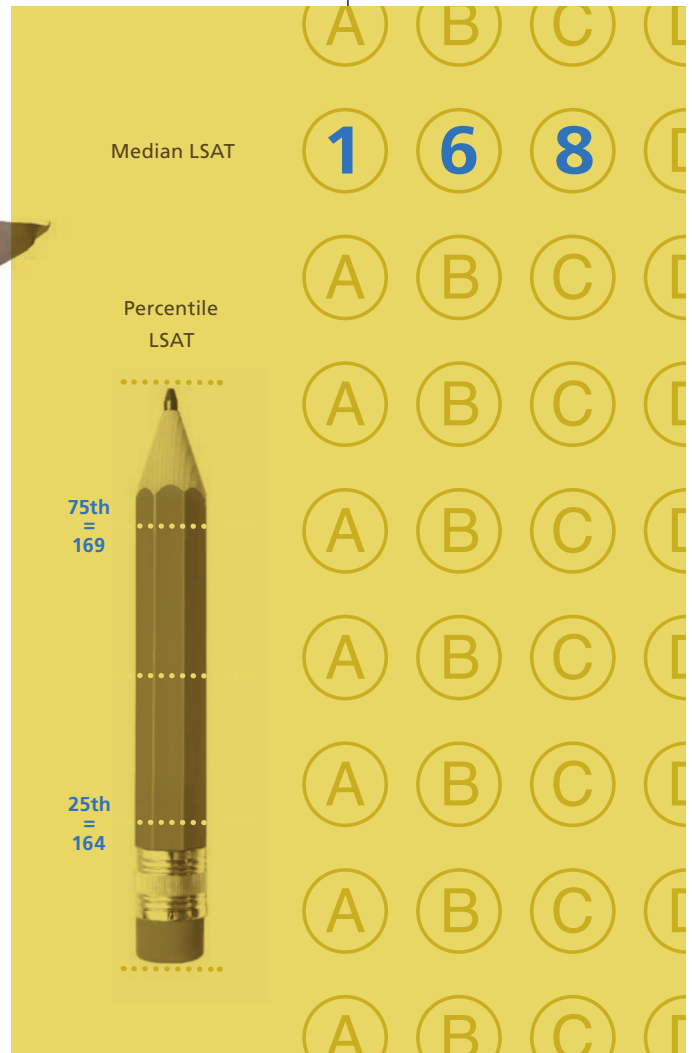
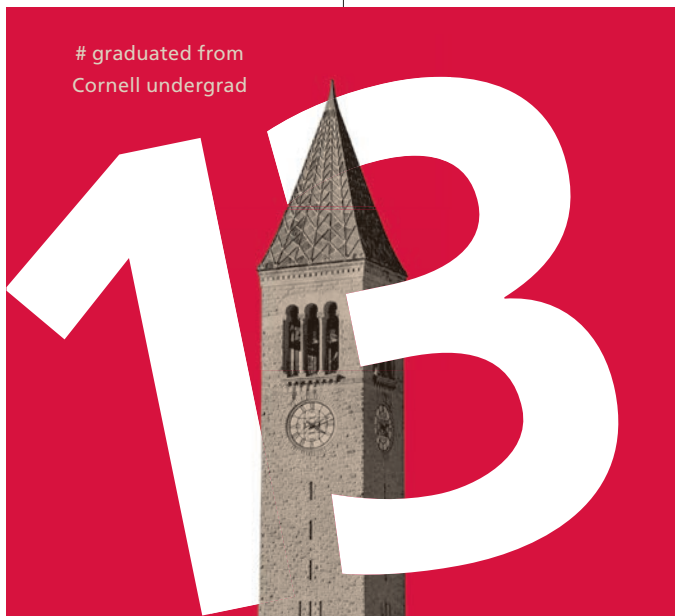
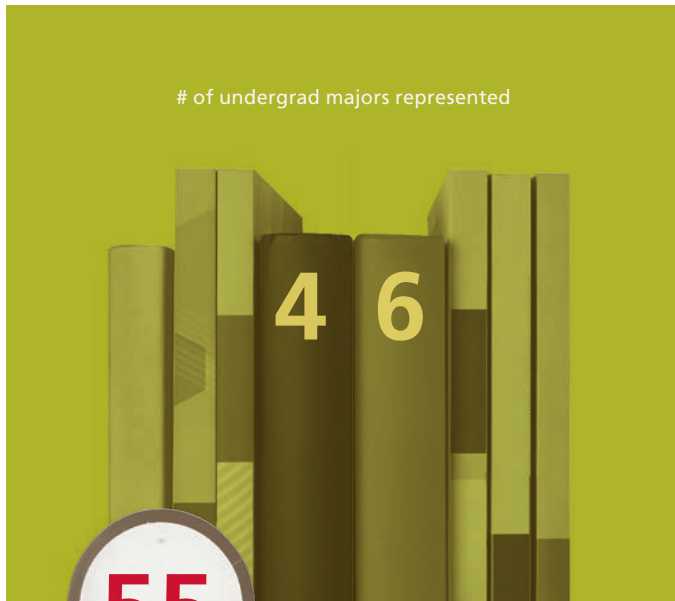
of non-NY residents



Median Student Age

Minority Students

74



New Faculty and New Professorships

In 2020, Cornell Law School announced two new faculty appointments and three new professorships.

Brian Richardson joined the faculty in fall 2020 as an assistant professor of law and the Jia Jonathan Zhu and Ruyin Ruby Ye Sesquicentennial Faculty Fellow.



Brian Richardson

In 2020, Cornell Law School announced two new faculty appointments and three new professorships.

"I'm delighted to join the Cornell faculty, and my colleagues' excellence has been matched by their warmth in welcoming me to Ithaca," said Richardson. "The scholars I'm joining consistently produce exciting and rigorous work, and I'm grateful for the opportunity to join their conversations in Myron Taylor Hall."

Richardson arrives at the Law School having completed a Ph.D. at the University of Cambridge and a J.D. at Yale Law School. He was a Climenko Fellow at Harvard Law School, as well as a Golieb Fellow in Legal History at New York University. His published works concern constitutional

law, international arbitration, and foreign-affairs law. His writings have appeared in the *American Journal of International Law* and the *University of Pennsylvania Law Review*.

"I'm also very much looking forward to returning to the classroom, where I hope to draw on both my practical and academic experiences to welcome our students into the profession." Richardson is scheduled to teach first-year constitutional law and public international law during the 2020–2021 academic year, with plans to teach and write about federal criminal law thereafter.

Most recently, Richardson worked as an assistant special counsel for **Robert S. Mueller III**, after clerking for Justice **Stephen G. Breyer** of the Supreme Court of the United States. He also clerked for Judge **Jed S. Rakoff** of the U.S.

District Court for the Southern District of New York and Chief Judge **Robert A. Katzmann** of the U.S. Court of Appeals for the Second Circuit.

Eleanor Wilking was drawn to the Law School because of its commitment to empirical legal studies, an area she has focused on in her research combining economics and law.

"Cornell had an early empirical tradition," said Wilking, who joined the faculty in fall 2020. "The faculty are very open and curious and they both produce and respect good empirical work."

Wilking, who has a Ph.D. in economics and a law degree, will become part of a growing cohort of scholars at Cornell specializing in empirical legal studies. *The Journal of Empirical Legal Studies* was founded at Cornell and is now edited by six Cornell Law School faculty

and the chair of Cornell's Department of Statistical and Data Science.

One of the main areas of Wilking's research is the impact of classifying workers as employees versus independent contractors. Although employers treat full-time workers and independent contractors differently through compensation and benefits, her research found that the measurable differences between the two types of classifications is disappearing.

Wilking comes to Cornell from New York University School of Law, where she has been an acting assistant professor of tax law since 2018. She earned her bachelor's degree in economics from Harvard, and her Ph.D. and law degree from the University of Michigan.

In the coming academic year, Wilking will teach tax policy and introduction to federal income tax and is looking for-

ward to collaborating with faculty on her research.

NEW FACULTY CHAIRS

Cornell Law School named four new faculty chairs this year.

In 2017, **James Grimmelmann** was hired as the first full-time professor for Cornell Law School and Cornell Tech's innovative, new Master of Laws (LL.M.) in Law, Technology, and Entrepreneurship. In 2020, Grimmelmann achieved another first, becoming the inaugural Tessler Family Professor of Digital and Information Law. The new professorship is the gift of **Allan R. Tessler, A.B. '58, LL.B. '63**, one of Cornell Law School's greatest benefactors.

Grimmelmann studies the intersections between comput-

ers and the law, and what each side has to teach the other. A former Microsoft programmer, he studies how laws regulating software affect freedom, wealth, and power.

Prior to joining Cornell, Grimmelmann served as a professor of law at the University of Maryland Francis King Carey School of Law and a visiting professor at the University of Maryland Institute for Advanced Computer Studies. He previously taught at New York Law School and the Georgetown University Law Center. After earning his J.D. from Yale Law School, he served as a law clerk to the Honorable Maryanne Trump Barry of the United States Court of Appeals for the Third Circuit and then as a resident fellow of the Information Society Project at Yale.

Grimmelmann is the author of the casebook *Internet Law: Cases and Problems*, now in its fifth

edition, and of more than forty scholarly articles and essays. He has written for *Slate*, *Salon*, *Wired*, *Ars Technica*, and *Publishers Weekly*. He is also a regular source of expert commentary for major news media including *The New York Times*, *The Wall Street Journal*, *the Washington Post*, and *All Things Considered*.



Saule Omarova, a leading expert in regulation of financial institutions, banking law, international finance, and corporate finance, became the inaugural Beth and Marc Goldberg Professor of Law in 2019. She is codirector of the Jack Clarke Program on the Law and Regulation of Financial Institutions and Markets at Cornell.

"The standard view of finance is that it is an area where sta-



Eleanor Wilking



James Grimmelmann



Saule Omarova

I wish more people realized that, in practice, finance is not simply a technical area: it is an inherently political and deeply normative matter.

— Saule Omarova



tistical modeling and high-level economic theories define the right outcomes,” says Omarova. “I wish more people realized that, in practice, finance is not simply a technical area: it is an inherently political and deeply normative matter.”

Before joining Cornell Law School in 2014, Omarova was the George R. Ward Associate Professor of Law at the University of North Carolina School of Law. Prior to joining academia, she practiced law in the Financial Institutions Group of Davis, Polk, & Wardwell, a premier New York law firm, where she specialized in a wide variety of cor-

porate transactions and advisory work in the area of financial regulation. During 2006–2007, she served at the U.S. Department of the Treasury as a special advisor for regulatory policy to the under secretary for domestic finance. Omarova earned a J.D. at Northwestern University School of Law and a Ph.D. in political science at the University of Wisconsin.

In addition to her teaching, Omarova is currently working on a series of articles exploring, from a systemic perspective, the regulatory challenges posed by the new financial technologies, known as “fin-tech.” She’s also collaborating

with Professor **Robert Hockett** on a project examining the potential for central banks to issue and use digital currency.

“I love that I am always learning new things, engaging with new ideas, and interacting with young minds,” says Omarova. “This job keeps my mind sharp and my heart hopeful.”

Marc Goldberg ’67 and his wife Beth have been among Cornell Law School’s leading donors for more than two decades and continue to support a range of funds in addition to the Goldberg Professorship, including a Dean’s Scholarship, the Schwab Scholarship, the Law School Class of 1967 Scholarship, the Law School Annual Fund, and the Frederic H. Weisberg Prize for Constitutional Law. Marc Goldberg is formerly senior advisor to Wasserstein & Company and was previously senior vice president at Phillip Morris Companies.



Constitutional law scholar **Aziz Rana** became the inaugural Richard and Lois Cole Professor in 2020. The new professorship, a gift from **Lois Cole and Richard A. Cole ’76**, is intended for a tenured member of the school’s permanent faculty, with a preference for expertise and

distinction in the field of Anglo-American legal history.

Rana’s research and teaching center on American constitutional law and political development, with a particular focus on how shifting notions of race, citizenship, and empire have shaped legal and political identity since the founding. His book, *The Two Faces of American Freedom* (Harvard University Press, 2010) situates the American experience within the global history of colonialism, examining the intertwined relationship in American constitutional practice between internal accounts of freedom and external projects of power and expansion. His current book manuscript explores the modern rise of constitutional veneration in the twentieth century—especially against the backdrop of growing American global authority—and how veneration has influenced the boundaries of popular politics.

He has written essays and op-eds for such venues as *The New York Times*, *The Nation*, *Salon*, *CNN*, *Jacobin*, and *N+1*. He has recently published articles and chapter contributions (or has them forthcoming) with Yale University Press, *California Law Review*, and *Texas Law Review*, among others.

Prior to joining the Cornell faculty, Rana was an Oscar M. Ruebhausen Fellow in Law at Yale. He received his A.B. summa cum laude from Harvard University and his J.D.



from Yale Law School. He also earned a Ph.D. in political science at Harvard, where his dissertation was awarded the university's Charles Sumner Prize.



Chantal Thomas, director of the Law School's Clarke Initiative for Law and Development in the Middle East and North Africa since 2009, was named

and trade can lead to global social justice, teaches in the areas of law and development and international economic law. In July 2020, she became associate dean for academic affairs at the Law School. Prior to joining Cornell, Thomas chaired the Law Department of the American University in Cairo and also served on the University of Minnesota and Fordham University law faculties. She has been a visiting professor teaching interna-

Affairs, and she has served on the U.S. State Department's Advisory Committee on International Law, and as vice president, and on the Executive Council, of the American Society of International Law. She received her Ph.D. in law from the University of Cambridge and her J.D. from Harvard Law School.

Thomas focuses her scholarship on the relationship between international law, political economy, and global

plinary meetings on some of the most challenging issues of the day, from human rights to modernization, postcolonialism, global legal education, and competition for natural resources.

Tony Radice was a longtime partner of Morrison & Foerster in the firm's New York City office and practiced intellectual property law. He argued before the U.S. Supreme Court in the patent-antitrust case that determined the limits of patent jurisdiction of the Federal Circuit. Patricia Crown was a solo practitioner in entertainment law, with a particular focus in theater, film, publishing, and copyright.

Proposal Would Boost Skilled Immigration and the Economy

Comprehensive immigration reform has long proved too heavy a lift for the U.S. Congress.

But a pair of Cornell Law School scholars say an incremental change with bipartisan support could not only improve a broken system but spark the nation's economic recovery from the coronavirus pandemic. Their proposed pilot program would target highly skilled foreign workers, using a points-based selection system modeled after successful programs in Canada and Australia.

"The last time Congress revamped our legal immigration system was in 1990. Since then



Aziz Rana



Chantal Thomas

the inaugural Radice Family Professor of Law in 2019. The new professorship was established by gifts of **Anthony "Tony" M. Radice '69** and his wife **Patricia Crown**.

Thomas, whose research explores how international law

tional economic law at institutions such as Harvard Law School, Stanford Law School, the Center for Transnational Legal Studies in London, and Soochow University in China. Thomas has consulted for the USAID Bureau for Democracy, Conflict, and Humanitarian

social justice in a variety of contexts, with a focus on international trade and international migration. Through the Clarke Initiative for Law and Development in the Middle East and North Africa she organized numerous interdis-

the world has changed but our immigration system has not,” said **Stephen Yale-Loehr**, professor of immigration law practice. “We think adding a points program would be one way to start overhauling our broken U.S. immigration system.”

Yale-Loehr is the coauthor with **Mackenzie Eason**, a postdoctoral fellow in the Law School’s Migration and Human Rights Program, of a report titled “Recruiting for the

solving the problems with U.S. immigration,” Eason said. “Let’s start with things we can agree on and move forward from there.”

Yale-Loehr and Eason hope to capitalize on President Donald J. Trump’s expressed interest in a “merit-based” or “skills-based” immigration program using a points-based selection system. The idea has been discussed in the United States since the 1970s and was a part of comprehensive immigration

Notably, their pilot program would not impact existing U.S. immigration programs that offer green cards based on family ties, employment, or humanitarian considerations.



reform efforts in 2007, 2013, and 2017, all of which failed. In their report, Yale-Loehr and Eason propose a more modest approach. Their points-based visa program would be introduced in a standalone single-issue bill, and would take the form of a ten-year pilot program. Each year it would award 50,000 permanent residence visas, or green cards, to highly skilled immigrants—only a 4 percent increase in the total number of green cards currently issued.

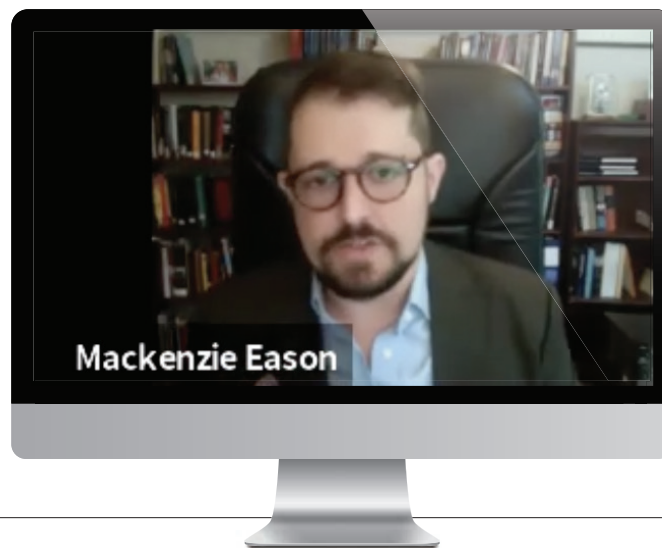
A grading rubric building upon best practices in Canada and Australia—two of the most highly sought destinations for skilled foreign workers—would determine whether an applicant qualified. The rubric would award points for high levels of education, age, fluency in English or a native language, work experience, family support, and demographic considerations that would support more diverse cohorts.

Notably, their pilot program would not impact existing U.S. immigration programs that offer green cards based on family ties, employment, or humanitarian considerations. “Our plan doesn’t take a single visa away from other immigration streams,” Eason said. “It simply adds more visas for skilled workers and distributes those new visas using a system that is both fair and transparent.”

Future: A Realistic Road to a Points-Tested Visa Program in the United States.”

The co-authors joined a panel of immigration experts for a webinar on July 27 to discuss their report with an audience of congressional staff and immigration officials, policy experts, and journalists.

“Our proposal is a first step toward a different approach to



Stephen Yale-Loehr (top) and Mackenzie Eason during the July 27 webinar on their report.

Though Trump’s policies have frequently been hostile toward immigrants, the coauthors said there’s a compelling economic case for encouraging immigration generally and skilled immigration in particular. Immigrants already add more than \$2 trillion to the U.S. gross domestic product every year, they said. They make up less than 15 percent of the U.S. population but account for more than 25 percent of the nation’s venture capitalists, more than 30 percent of its startup founders, and more than 50 percent of its patent holders.

Yale-Loehr and Eason pointed to research showing that for every additional skilled foreign worker hired by a U.S. firm, five to seven domestic jobs are created in that same industry. They said their proposal is achievable because of its modest scope, low cost, and incremental legislative approach.

~JAMES DEAN
Cornell Chronicle

Law School’s New Online Master’s Teaches Language of Law

In June, the Law School announced the launch of a new master’s program designed to help full-time business professionals develop a deeper knowledge of the legal issues and concepts shaping their fields. Offered primarily online with two summer visits to Cornell’s Ithaca campus, the twenty-month Master of

Science in Legal Studies (M.S.L.S) program is welcoming the inaugural cohort of students in January 2021.

“This program teaches people the language of law,” said **Sital Kalantry**, clinical professor of law and faculty director of the MSLS program. “It’s for business professionals who want to know the key concepts of U.S. law, how to navigate



The M.S.L.S is designed to be useful to almost anyone who’s interacting with the law in any number of contexts. It’s like an M.B.A for law.

—*Eduardo M. Peñalver*



potential opportunities and pitfalls for their business, and when to look for additional resources.”

From startups to multinational corporations, Kalantry said, candidates who could benefit from the program include

those involved in contracts and business development, finance, regulatory compliance, human resources, corporate governance, risk management, cybersecurity, immigration, intellectual property, and privacy.

“The M.S.L.S is designed to be useful to almost anyone who’s interacting with the law in any number of contexts,” said **Eduardo M. Peñalver ’94**, the Allan R. Tessler Dean of

platform since 2000. The flexible program allows full-time professionals to work at their own pace from wherever they are, while devoting fifteen to twenty hours a week to their master’s studies.

In contrast to some programs, Kalantry said, M.S.L.S students will not simply sit in on classes with others training to become practicing lawyers or be limited to adjunct faculty. Instead, full-time members of the Cornell



Sital Kalantry



Cornell Law School. “It’s like an M.B.A. for law.”

From its inception, the program—the first of its kind offered by an Ivy League institution—was designed to be conducted online in collaboration with eCornell, the university’s distance learning

Law School faculty and other leading lawyers have developed and will teach courses tailored specifically for business professionals and nonlawyers.

A small cohort of students will interact with each other and with faculty through online

discussions, office hours, and email, Kalantry said. They'll complete a capstone final project similar to a thesis.

Additional courses in persuasive communication and legal research will be taught on Cornell's Ithaca campus during two intensive one-week summer sessions, providing training in fundamental legal skills that apply to many other contexts.

Those sessions also will enable M.S.L.S students to meet and network with their classmates and professors in person, and connect them to the campus, where they'll be invited to participate in graduation ceremonies and enjoy the benefits of the alumni network.

Sixty students have enrolled in the program's inaugural class.

Legal Principles Assert Migrants' Rights During Pandemic

BY JAMES DEAN

From detention facilities in Arizona to labor camps in Qatar to settlements in Bangladesh, the coronavirus pandemic has posed new threats to migrants and refugees.

A global committee of legal scholars—including the Law School's **Ian Kysel**—has developed a set of principles reminding states of their obligations to those populations amid the public health crisis.



Ian Kysel

Turbulent times do not justify claims that rights can be dispensed with or set aside because they are considered inconvenient to the pursuit of controlling the virus. It is precisely in such times that international human rights do their most important work, reminding us of the core principles of the humanity we are struggling to preserve.



Their document, "Human Mobility and Human Rights in the COVID-19 Pandemic: Principles of Protection for Migrants, Refugees and Other Displaced Persons," was released April 28 with the endorsement of more than 800 scholars around the world.

"Turbulent times do not justify claims that rights can be dispensed with or set aside because they are considered inconvenient to the pursuit of controlling the virus," the au-

thors wrote. "It is precisely in such times that international human rights do their most important work, reminding us of the core principles of the humanity we are struggling to preserve."

Kysel, a visiting assistant clinical professor of law and co-founder of the International Migrants Bill of Rights Initiative, joined **Monette Zard**, director of the Program on

Forced Migration and Health at Columbia University, and **Alex Aleinikoff**, director of the Zolberg Institute on Migration and Mobility at The New School in New York City, as co-conveners of the effort.

An eleven-member drafting committee identified fourteen principles, including rights to nondiscrimination, health, information and due process, and the right not to be returned to a risk of serious harm. An explanation of each principle is followed by citations of the international law, treaties, or accepted guidelines from which it was derived.

"We wanted to create a global tool that applied general human rights principles to this context of COVID-19," Kysel said. "We're reminding states of these core obligations that they've already agreed to, and providing guidance about how these commonly accepted principles must be applied in the context of the pandemic."

In late March, Kysel joined fellow faculty members **Beth Lyon** and **Chantal Thomas** in filing an amicus brief with the U.S. District Court for the District of Columbia on behalf of a group of public health experts including **Basil Safi**, executive director of Cornell's Office of Engagement Initiatives, and the American Academy of Pediatrics, in support of releasing migrant families

from detention. While the pandemic represents an unprecedented global threat that demands effective action, the authors of the principles said, it does not absolve states from responsibility to protect migrants and refugees according

to international human rights law, treaties, and accepted guidelines.

Law School Featured in Netflix Documentary

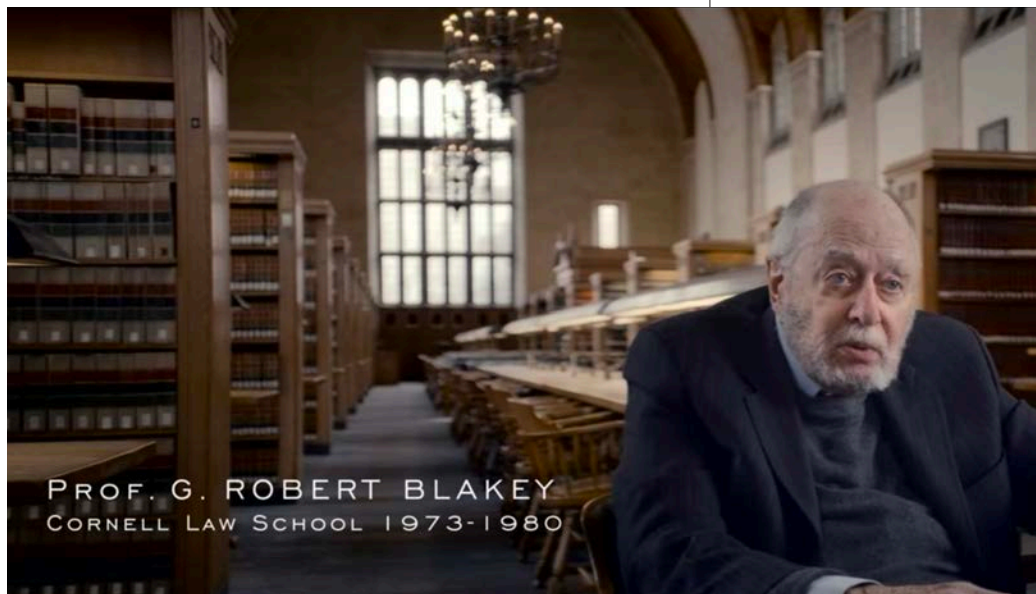
In July 2020, Netflix released the documentary *Fear City:*

New York vs. The Mafia, which features an extensive interview and other video filmed at the Law School in 2019 with former professor **G. Robert Blakey**.

Considered the nation's foremost authority on the Racketeer

Influenced and Corrupt Organization Act (RICO), Blakey taught at Cornell from 1973 to 1980 before serving on the Notre Dame Law School faculty for more than thirty years.

During the late '70s and early '80s, Blakey played a key role advising the FBI and U.S. Attorneys Office about how to effectively use the RICO statute to bring down the five major organized crime families operating in New York City. ■





Briana Beltran,
Lecturer, Farmworker
Legal Assistance Clinic

“The Hidden ‘Benefits’ of the Trafficking Victim Protection Act’s Expanded Provisions for Temporary Foreign Workers,” *Berkeley Journal of Employment and Labor Law*, vol. 41, no. 2 (forthcoming).

Temporary foreign workers enter the United States each year by the hundreds of thousands, coming to harvest this country’s produce, clean hotel rooms, and care for families. Generally laboring out of the public eye, it is not uncommon for such workers to take on significant debt just to get here. Once in the United States, they are often severely underpaid, housed in unsafe conditions, and threatened with deportation if they complain about their work conditions. The very terms of their visas allow this: employers petition the U.S. government to import temporary foreign workers to fill labor needs, and the workers are only permitted to work for the employers who filed these petitions. With such an imbalance of power, it should be no surprise that these legal systems for bringing in foreign workers often turn into illegal situations of labor trafficking.

Since 2003, exploited temporary foreign workers have had a powerful remedy available to them: filing a civil lawsuit against their employers for violations of U.S. trafficking

laws. Originally passed in 2000 as a set of criminal provisions to target “trafficking in persons,” including the newly-created crime of “forced labor,” the Trafficking Victims Protection Act (TVPA) was amended three years later to include a private right of action. This remedy has been particularly effective for temporary foreign workers and their advocates, who have increasingly brought forced labor and other claims under the TVPA against employers. Five years later, the TVPA was further amended to allow for claims against anyone who has knowingly benefited—financially or by receiving anything of value—from forced labor if that person participated in a “venture” that engaged in forced labor and the person knew or was in reckless disregard of that fact. Though they have been in place since 2008, these “financially benefits” provisions have received little scholarly attention and, until recently, have appeared in very few court decisions.

In this article, Beltran highlights the ways in which U.S. trafficking laws are a useful remedy for temporary foreign workers, focusing on the “financially benefits” provisions. She presents the first detailed overview of these provisions, surveying the minimal—and very recent—caselaw discussing them, taking care to focus on three definitional areas of interest: what is a “venture,” what counts as “financial benefits,” and what facts satisfy

the knowledge requirement. Her analysis indicates that the provisions have been applied very broadly to date, providing an optimistic landscape for these claims in the temporary foreign worker context. With this in mind, Beltran argues that “financially benefits” claims are an especially powerful tool to target the wider range of actors who facilitate the exploitation of temporary foreign workers in the United States.



Kevin M. Clermont,
Robert D. Ziff
Professor of Law

“The Logic of Uncertainty in Law and Life” (January 20, 2020), *Cornell Legal Studies Research Paper* (forthcoming in the peer-reviewed *Law, Probability & Risk*)

The main focus of this paper is decisionmaking in the presence of epistemic uncertainty. A method appropriate for both specialized inquiries and everyday reasoning is based on credal logic, which employs multivalent degrees of belief rather than traditional probability theory. It accounts for epistemic uncertainty as unallocated belief. It holds that, when facing real uncertainty, if a person believes *a* and believes *b*, then the person believes *a* and *b* together. This brand of multivalent logic un-

derlies and justifies how legal decisionmakers and the rest of us find facts in a world infused with epistemic uncertainty. Indeed, this article closes by showing the equivalence of multivalent logic and inference to the best explanation. By demonstrating this similarity in reasoning, Clermont aims to shore up our faith in the logic of traditional legal reasoning.



**Sherry F. Colb, C.S.
Wong Professor of Law
(with coauthor Jareb A.
Gleckel, Cornell Law
School Class of 2020)**

**"The Meaning of Meat,"
Animal Law Review (2020)
vol. 26.**

Plant-based and cell-based meat companies are vying to take over the trillion-dollar meat industry—and, in recent years, they have gained momentum. Responding to con-

sumer demand and widespread fear about global climate change, investors like Bill Gates, Richard Branson, and even Tyson Foods began investing in alternative meat. Beyond Meat became a publicly traded company and partnered with Dunkin' Donuts, while Impossible Foods partnered with Burger King, bringing plant-based meat products into the mainstream. But many states with strong ties to animal agriculture have sought to impede the growth of the alternative-meat market. In August 2018, Missouri became the first state to restrict how alternative companies use the word "meat" and related terms on their labels. Eleven more states have passed similar "Tag-Gag" statutes. This article reviews three primary constitutional challenges plant-based companies have leveled against such provisions—challenges based on the First Amendment, Due Process, and the Dormant Commerce Clause. After part II evaluates the merits of these claims, part III explores how they could advance or inadvertently under-

mine other animal and civil-rights lawyering strategies. To supplement the standard arguments, part IV proposes ways for cause-driven plaintiffs like Tofurky—the first company to challenge Tag-Gag laws—to amplify their free-speech claims. First, this part suggests that although the statutes at issue appear to target mere commercial speech, courts have reason to view them as regulations of political speech calling for strict, rather than intermediate, scrutiny. Second, this part suggests that plaintiffs could challenge Tag-Gag statutes not only under the First Amendment but also under the free-speech provisions of state constitutions as well.



**Michael C. Dorf,
Robert S. Stevens
Professor of Law
(with coauthor Neil
H. Buchanan)**

**"A Tale of Two Formalisms:
How Law and Economics
Mirrors Originalism and
Textualism," *Cornell Law
Review*, vol. 106 (forthcoming).**

Two leading schools of thought among U.S. conservative legal elites—Law and Economics (L&E) and Originalism and Textualism (O&T)—both purport to use their formalist

structures to guide analysis in ways that are objective, substantially determinate, and apolitical. Because they rest on very different theoretical underpinnings, L&E and O&T should only randomly reach similar policy or legal conclusions. After all, L&E implements neoclassical economics, a theory of utility maximization, whereas O&T is a theory of semantics. Yet as practiced, L&E and O&T rarely result in conflict. What explains the missing intraconservative clash? Despite their respective pretenses to objectivity, determinacy, and political neutrality, neither theory delivers on its promises. Economic efficiency, the linchpin of L&E, is incoherent because it relies on typically hidden but ultimately normative assumptions about preferences that would exist in an impossible world without law. O&T as it has been refined in response to devastating criticisms of earlier versions is indistinguishable from ostensibly less determinate rivals like Living Constitutionalism and purposivism. Accordingly, conservatives use L&E and O&T to obscure the role of normative priors, perhaps even from themselves. Liberals could use the same techniques for different results but heretofore generally have not, instead mostly settling for counterpunching against charges of result orientation.

Plant-based and cell-based meat companies are vying to take over the trillion-dollar meat industry—and, in recent years, they have gained momentum.



Maggie Gardner,
Associate Professor
of Law

“Dangerous Citations,” New York University Law Review, vol. 95 (forthcoming).

This article considers when optional case citations may do more harm than good. There are valid reasons for citing to nonbinding precedent—to promote consistency in the law, for example, or to avoid wasteful redundancy. But unconsidered invocations of nonbinding authority may also introduce error into individual opinions and distort the path of the law over time. This article catalogs such dangerous citations, particularly as used by federal district courts citing to other federal district courts. It does so with three practical goals in mind: to help judges use nonbinding authority constructively, to help law clerks think critically about their research methods, and to help readers of judicial opinions question the rhetoric of citations.

In mapping these problematic uses of nonbinding authority, the article distinguishes between poorly conceived cita-

tions and poorly implemented citations. Poorly conceived citations are those for which nonbinding precedent is rarely a useful authority. Examples of poorly conceived citations include reliance on prior opinions to establish facts or the content of another sovereign’s laws. Poorly implemented citations are those for which nonbinding precedent may be relevant but should be selected and applied with care. Examples of poorly implemented citations include overextended analogies and reliance on judge-made tests that are misaligned with the question being evaluated.

This catalog of poorly conceived and poorly implemented citations surfaces some common themes, including the need for better-designed tests and the challenges posed by modern research methods. But dangerous citations are not simply a matter of inadvertence, carelessness, or mistake; they may also be deployed for rhetorical purposes, in particular to signal legitimacy and restraint. The article thus ends with a warning against “performative judging,” or the use of excessive citations to suggest greater constraint than the law in fact provides. Such citations are dangerous not just for the error they may introduce, but also because they obscure judicial choice and the inherently discretionary nature of judging.

Michael Heise,
William G. McRoberts
Professor in the
Empirical Study of
Law (with coauthor
Jason P. Nance)

“To Report or Not to Report: Data on Schools, Student Discipline, and a ‘School-to-Prison Pipeline’” (June 19, 2020), Cornell Legal Studies Research Paper (forthcoming)

A growing “school-to-prison pipeline” literature focuses on one critical consequence flowing from public schools’ increasingly “legalized” approach towards student discipline: School reports of student disciplinary incidents to law enforcement agencies. Moreover, this literature’s recent empirical turn consistently demonstrates how increases in school resource (and/or police) officers at a school correspond with the school’s increased likelihood of reporting student disciplinary incidents to law enforcement agencies. While a second core claim—that these adverse consequences do not randomly distribute across student subgroups and disproportionately burden especially vulnerable student groups, including racial minorities—is especially prominent in the normative

literature, empirical support for it remains inconclusive, at best. The school-to-prison pipeline research literature’s understandable focus on school reporting behaviors, however, entirely ignores school decisions to not report student incidents to law enforcement agencies. This article addresses this gap in the scholarly literature by comparing determinants of schools’ decisions to report and to not report student disciplinary matters to law enforcement agencies. In so doing this article provides insights into and greater clarity on how schools exercise their institutional discretion in the student disciplinary context and how it distributes. It also provides greater insight and clarity into when racial disparities in the disciplinary context tend to emerge. What the authors find, on balance, is that the salience of a school’s resource officer/ police presence is comparatively far greater in the school reporting than nonreporting context. As well, traditional distributional worries do not find strong empirical support either in terms of when schools report or when schools decide to exercise institutional discretion and not report.




Robert C. Hockett,
Edward Cornell
Professor of Law

Saule Omarova, Beth
and Marc Goldberg
Professor of Law

“Financing Continuous
Development: The ‘American
Plan’ of State Capitalism”
(April 2, 2020), *The Oxford
Handbook of State Capitalism*,
*Cornell Legal Studies Research
Paper* (forthcoming)

In this chapter for the forthcoming *Oxford Handbook of State Capitalism*, Hockett and Omarova outline what they call “The American Plan” of state capitalism, developed by Treasury Secretary Alexander Hamilton in the early years of the American republic, and trace its defining elements through two centuries down to the present. In the modern era, these elements jointly define what we call a “Development Finance State,” an American tradition of hybrid public-private financing of continuous economic progress. Hockett and Omarova argue that rediscovery and rebirth of this forgotten but powerful American tradition is the key to the country’s ability to meet the many challenges it faces today.



Eduardo Peñalver,
Allan R. Tessler Dean
and Professor of Law
(with coauthor Laura
Spitz)

“Nature’s Personhood and
Property’s Virtues” (March
13, 2020), *Harvard Environ-
mental Law Review*
(forthcoming)

This essay evaluates the strate-
gy of claiming personhood for
natural objects as a way to ad-

other environmental activists
in making that claim. Peñalver
and Spitz identify three possi-
bilities: procedural, substan-
tive, and rhetorical. Of those,
they suggest the plaintiff’s
strongest case is rhetorical. But
they say this not only because
it will likely be difficult to con-
vince a judge to extend stand-
ing or substantive rights to a
natural object, but because
they are unconvinced that per-
sonhood would achieve the
ends desired by the plaintiff
and other rights of nature ad-
vocates. Peñalver and Spitz
contrast the rights of nature
movement cases with strate-
gies used by the plaintiffs in
another case, *Juliana v. the US*,

*This essay evaluates the strategy of claiming
personhood for natural objects as a way to
advance environmental goals in the legal
domain.*

vance environmental goals in
the legal domain. Using the
Colorado River Ecosystem v.
State of Colorado litigation as
the focus, Peñalver and Spitz
explore the normative founda-
tion of the claim that elements
of nature are legal persons and
the work personhood is being
asked to do by the plaintiff and

and conclude that existing le-
gal tools rooted in the law of
property offer a more certain
and more promising pathway
to achieving many of the goals
articulated by rights of nature
advocates in the United States.



Jens David Ohlin, Vice
Dean and Professor of
Law

*Election Interference: Interna-
tional Law and the Future of
Democracy* (June 2020),
Cambridge University Press

Russian interference in the
2016 U.S. presidential election
produced the biggest political
scandal in a generation, mark-
ing the beginning of an ongo-
ing attack on democracy. In
the run-up to the 2020 election,
Russia was found to have en-
gaged in more “information
operations,” a practice that has
been increasingly adopted by
other countries. In *Election
Interference*, Jens David Ohlin
makes the case that these op-
erations violate international
law, not as a cyberwar or a
violation of sovereignty, but as
a profound assault on demo-
cratic values protected by the
international legal order under
the rubric of self-determina-
tion. He argues that, in order
to confront this new threat to
democracy, countries must
prohibit outsiders from partici-
pating in elections, enhance
transparency on social-media
platforms, and punish domes-
tic actors who solicit foreign
interference. This book will be
of great interest to anyone in-
terested in protecting election
integrity in our age of social-
media disinformation. ■

Reunion 2020—A Unique Event for an Unusual Time

Due to the COVID-19 pandemic, Cornell's in-person Reunion 2020, scheduled for June 4–7, was replaced with a virtual celebration for all-alumni on June 5–6 that offered many of the events originally planned as in-person experiences on Cornell's Ithaca campus. Reunion Weekend, a tradition reaching back more than 125

years, had been canceled only once before—during the years of World War II (1942–1945)—so Virtual Reunion 2020 was, in a sense, a historic event uniquely its own.

To make it happen, and happen successfully, Cornell faculty, staff, administrators, and alumni volunteers rallied around the Big Red in the best can-do Cornell spirit. The result was a Cornell Reunion unlike any other.

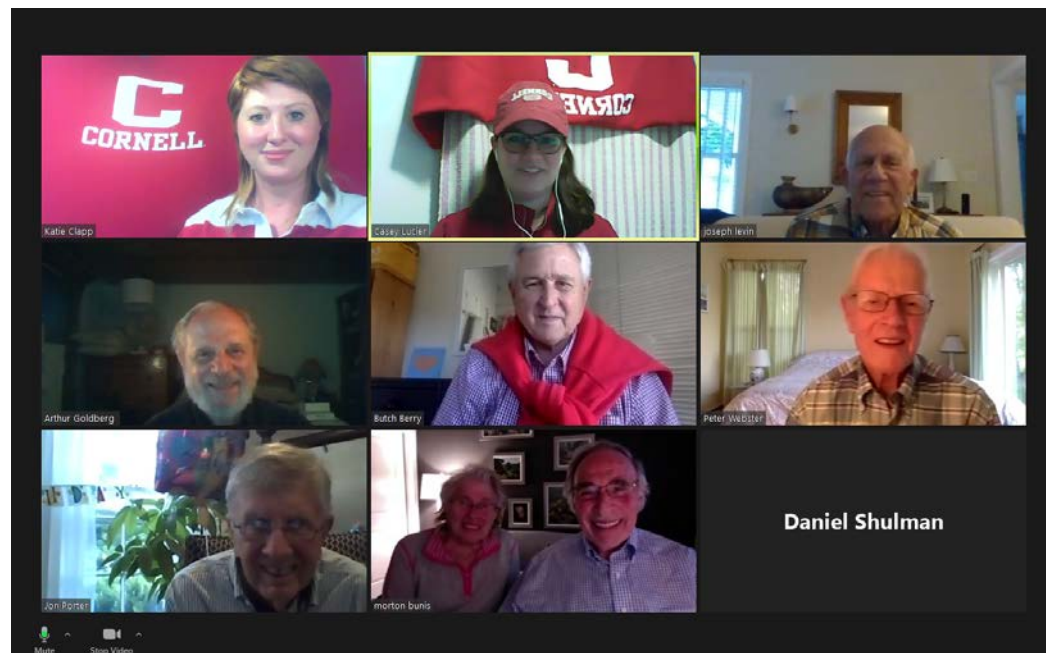
Colleges and schools across the university offered more than one hundred online programs over a two-day period, giving some 5,700 Cornell alumni in seventy-seven countries, across six continents, from classes as far back as 1937 to the Class of 2020, mul-

tiple opportunities to gather from afar. Those programs received more than 10,500 views and many can still be accessed online at alumni.cornell.edu/come-back/reunion.

The Cornell Law School Alumni Affairs Office hosted four presentations of its own, which variously featured Law School alumni, faculty, and administrators. In addition, each of the Law School classes celebrating its reunion (the classes of 0s and 5s from 1950 through 2015) hosted its own virtual cocktail receptions in lieu of the beloved Friday Night Class Dinners.

The Law School's slate of events opened on Friday, June 5, with the school's senior leadership presenting the

Reunion Weekend, a tradition reaching back more than 125 years, had been canceled only once before—during the years of World War II (1942–1945)—so Virtual Reunion 2020 was, in a sense, a historic event uniquely its own.



A screenshot of the virtual cocktail reception for the Law School Classes of 1955 and 1965.

RIGHT: Dean Peñalver hosted “Lawyers in the Best Sense: A Fireside Chat with Congresswoman Sharice Davids ’10” BELOW: Former clinic professors shared the rich history and personal recollections of the Law School’s clinics during the “60 Years Strong!” webinar.



“Dean’s Panel Discussion on COVID-19 and Its Impact on Cornell Law School.” **Eduardo Peñalver**, Allan R. Tessler Dean and Professor of Law, moderated a discussion among **Monica Ingram**, associate dean of admissions and financial aid; **John DeRosa**, associate dean for career services; **Aimée Houghton**, assistant dean for graduate legal studies; **Markeisha Miner**, dean of students; and **Shawn Gavin**, associate dean for alumni affairs and development, about their coordinated efforts to manage the effects of COVID-19 on Law School admissions and financial aid, job placements, international

students, the student experience, and fundraising.

Friday evening offered simultaneous Zoom meetings for the Reunion classes to gather virtually and reconnect with each other. Some classes played a Cornell Law School trivia game while others chose simply to chat with each other “Brady Brunch” view-style on computer and iPad screens. It wasn’t the same as our traditional Friday night class dinners but alumni said they enjoyed the experience so much that they would continue to have scheduled online gatherings on their own.

Saturday morning, June 6, featured a panel discussion on the global impact of COVID-19

among alumni speakers **Juan Carlos Esguerra Portocarrero, LL.M. ’73**, partner, Esguerra Asesores Juridicos and formerly minister of justice and law (Colombia); **Pierre Descheemaeker, LL.M. ’73**, partner, August Debouzy (France); and **Vikrant Pachnanda, LL.M. ’14**, advocate-on-record, Supreme Court of India, and aviation attorney (India.) **Jens Ohlin**, vice dean and professor of law, moderated the discussion, which examined how the global legal and business industry have been disrupted and what steps are being taken by the private and public sectors to

limit the devastating long-term effects of the pandemic.

The Law School also partnered with Cornell Mosaic to bring “A Fireside Chat with Congresswoman **Sharice Davids ’10**” to more than 800 teleconferencing participants. Davids—one of the first two Native American members of the U.S. House of Representatives and the first openly gay representative from Kansas—shared personal and professional experiences that helped lead her to her historic election in 2018.

Before bringing the first-ever virtual Reunion to a conclusion, the Law School celebrated the history and sixtieth anniversary of its legal clinics.

Former Cornell Law School clinical professors **Glenn Galbreath, JoAnne Miner, Bob Seibel, and Barry Strom '74** revisited the rich history of Cornell legal education and shared their personal recollections of the clinics. Present-day clinic faculty later held separate Zoom meetings for alumni to connect and take a more detailed look at particular clinics.

Recognizing that unusual times call for unusual measures, Law School Reunion campaigns have been extended to December 31, 2020. To date, 2020 Reunion classes have raised more than \$3.2 million dollars from more than 388 donors—an extraordinary collective result that testifies to the faith Cornell Law alumni have in the school and its students, and the willingness of those alumni to support them.

Visit the Cornell Law School alumni Reunion homepage at www.lawschool.cornell.edu/alumni/reunion/index.cfm for links to recordings of Reunion programs. If you have not already made a Reunion-year gift or would like to make an additional gift in support of the Law School and its students, please do so at www.lawschool.cornell.edu/alumni/giving/index.cfm.

Cornell Law School Welcomes New Alumni Volunteers

The Law School welcomed new members to its Alumni Association's Executive Board of Directors for a term that began on September 1, 2020. Law School alumni **Daniel Isaacson, LL.M. '16, Thomas Knecht '17, Irene Oria '99, Victoria Pepper '83, Sonya Olds Som '97, and Michael Wright '94** signed on to the Board of Directors for a three-year term running through the end of the 2023 fiscal year. Additionally, current students **Eirene Kim '21 and Alicia Denutte, LL.M. '21**, joined as student representatives. Rounding out a diverse group of volunteers, **Leslie Wheelock J.D./M.B.A. '84** stepped up to serve as board president and **Don Frederico '79** took on the role of vice president.



Daniel Isaacson

Daniel Isaacson, LL.M. '16, is an associate in Cooley's Venture Capital/Fund Formation group, based out of San Francisco. His practice focuses on

the representation of private investment funds, including venture capital funds, private equity funds, and funds of funds, both in the United States and internationally. Prior to joining Cooley, Isaacson spent two years in house at Paramount Pictures in Hollywood, where he was associate counsel for Paramount Television. He previously served on the board as its student LL.M. representative in 2015.



Thomas Knecht

Thomas J. Knecht '17 works in public policy and politics in Minnesota. He grew up on a small farm in rural Connecticut and worked for his father's construction company throughout his early life. The combination of an agrarian upbringing and the 2007–2008 financial crisis led him to study political science and economics at the University of Connecticut. From there, Knecht went on to earn an M.Sc. in economic history at the London School of Economics before pursuing a J.D. from Cornell

Law School. As the first person in his family to attend college, he is especially grateful for Cornell's interdisciplinary curriculum and clinical offerings that allowed him to advocate for disadvantaged communities. Before moving to Minnesota, he practiced law on the East Coast where he specialized in corporate governance, shareholder, and business litigation. Most recently, he practiced at Labaton Sucharow where he represented investors and public employee pension funds, namely in class-action and derivative suits. Knecht is currently assisting the Law School in launching the Cornell Law Young Professionals network—a program designed to focus on the engagement and professional development of alumni who graduated within the last one to four years.



Irene Oria

Irene Oria '99 is a partner at the international law firm of FisherBroyles. Oria has more than twenty years of experience as a business trial and appellate lawyer with a focus on complex financial services,

insurance, and securities litigation and defense of nationwide class actions and multidistrict litigation. She has first chaired more than thirty jury and nonjury trials during her career. Oria previously served as an assistant U.S. attorney in the Civil Division of the U.S. Attorney's Office in the Southern District of Florida and as a federal judicial law clerk to U.S. District Judge Cecilia M. Altonaga in the Southern District of Florida. She is currently serving as the National President of the Hispanic National Bar Association, in which she had previously served as regional president in Region VIII (Florida), national finance director, and vice president of programs. The daughter of Cuban immigrants, Oria was born and raised in Union City, New Jersey. She received her B.A. from Columbia University in 1996.



Victoria Pepper

Victoria L. Pepper '83 retired in late 2017 after a career as an attorney in federal service. Over a career spanning more

than thirty years she served in the executive branch, including in the U.S. Department of Justice and working in and with agencies of the U.S. intelligence community. As a practitioner, Pepper has more than twenty-five years of experience working legal and legal-related policy issues pertaining to national security, including often complex and frequently novel issues of constitutional law, intelligence oversight, information law and policy, security, litigation, and administrative law. Pepper has kept busy in her semiretirement, primarily through teaching business law to undergraduates while serving as an adjunct professor in the Law Program of Flagler College in St. Augustine, Florida; and serving as a volunteer in various coastal environmental educational and scientific research programs of the Guana Tolomato Matanzas National Estuarine Research Reserve in Ponte Vedra, Florida. After attending Reunion 2018 and having discussions with the Law School administration, she decided to put together a seminar course drawn from her extensive experience that explored significant national security legal and policy issues in the spring 2019. In this endeavor, she teamed with another Law School adjunct, Cornell Government Professor Sarah Kreps, who has a very different background and career path, but who shares her keen interest in national security issues. Professors Pepper

and Kreps offered their seminar course in fall 2019. Pepper has also developed an upper-class course in national security law that will become a prerequisite for the seminar course in future years. Pepper has enjoyed the transition to teaching and the opportunity to return to Ithaca more frequently and engage Cornell Law students on some of the most challenging and significant legal and policy issues of our times.



Sonya Olds Som

Sonya Olds Som '97 is a partner in Heidrick & Struggles' Chicago office focusing on executive search and consulting services. She focuses on general counsel/chief legal officer and other senior roles within corporate legal departments and law firms across industries and geographies, as well as on executing board searches and providing diversity advisory services. Som provides diversity and inclusion consulting to Heidrick & Struggles internally and to its corporate clients, helping to

strengthen the organizations' culture of diversity and inclusion by positioning it as an integral component of the business.

Before joining Heidrick & Struggles, Som was a partner at another global executive search firm. For nearly a decade, she was integrally involved with various areas of recruiting within the legal field including advising organizations on their legal recruiting needs with an emphasis on diversity and inclusion.

Previously, Som served for a decade as a labor and employment and immigration attorney at the associate and partner levels at various national, regional, and super regional law firms. During this time, in 2007, she was named one of the *Chicago Daily Law Bulletin's* "40 Illinois Attorneys Under Forty to Watch."

In 2019, the organization Ms. JD recognized Som as a Woman of Inspiration in the Legal Profession and the Metropolitan Black Bar Association of New York honored her with its Presidential Award. In 2018, the National Bar Association's General Counsel Invitational named Som its "Executive of the Year" and the Hispanic National Bar Association presented her with its "Ally of the Year" award. In 2014, Som was included on Lawyers of Color's Midwest Hotlist.

Som is licensed to practice law in Illinois and Georgia (though she is currently in inactive status in both states). She is a member of the American Bar Association, Chicago Bar Association, Illinois State Bar Association, Black Women Lawyers Association of Greater Chicago, National Bar Association, Cornell Black Lawyers Alumni Network (Midwest Chapter cochair), Hispanic National Bar Association, National Asian Pacific American Bar Association, and Metropolitan Black Bar Association of New York. Som is a member of the WILEF Global Advisory Board and the Advisory Board of High-Performance Counsel. She is also an emeritus member of the President's Council of Cornell Women.

While earning her J.D. at Cornell, Som specialized in international legal affairs and concentrated in business law. She earned a bachelor's degree in English with honors from Kalamazoo College.



Michael Wright

Michael "Mike" Wright '94 is a federal prosecutor at the U.S. Department of Justice in the Executive Office of the Organized Crime Drug Enforcement Task Force (OCDETF). Although the executive office is located in Washington, D.C., Wright works from where he lives in Houston, Texas. He works with U.S. Attorney's Offices and federal agencies to disrupt and dismantle significant and dangerous transnational criminal organizations. Prior to his current assignment, Wright served as an assistant U.S. attorney for twenty-three

years in the Washington, D.C., Miami, and Houston U.S. Attorney's Offices. As an assistant U.S. attorney, he tried approximately seventy-five cases and held numerous management positions including regional director for the Southwest Region of the OCDETF, chief of the Criminal Division, chief of the Narcotics Section, and deputy chief of the Major Crimes Section. In 2006, Cornell Law School selected Wright to receive an Exemplary Public Service Award.

While at Cornell Law, Wright was a member of the *Cornell Law Review*. He received his M.B.A. from Pepperdine University in 1989 and his B.S. in Aeronautical Engineering from the U.S. Air Force Academy in 1986. Wright served as a captain in the U.S. Air Force including Operation Desert Storm.



Eirene Kim

Eirene Kim '21 serves as the president of the Cornell Law Students Association. She graduated from the University of Chicago in 2015 with a bachelor of arts in law, letters and society. After graduating,

Kim worked for two years as an intellectual property (IP) paralegal at Fitch, Even, Tabin & Flannery; then for a year as an IP paralegal in the legal department of Amsted Industries. This past summer, she worked as a summer associate at Latham & Watkins in Chicago where she intends to practice after graduation.



Alicia Denutte

Alicia Denutte, LL.M. '21, graduated from Ghent University in 2017 with a master's degree in law. After an internship at the Belgian Embassy in Oslo, Denutte joined the trade and invest office of the government of Flanders (Belgium) in New York City. She's excited to be back in law school focusing on climate migration, human rights, and international criminal law.





Leslie Wheelock

Leslie Wheelock, J.D./M.B.A.

'84 retired (for now) in 2019. She was an appointee of President Obama and served as the 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 Museum of the American Indian in Washington, D.C. Wheelock currently serves as a trustee of the museum and is the advocacy cochair on the Cornell University Council Alumni Administration Board. She also is a board member of the Oneida ESC Group—a family of companies owned by the Oneida Nation of Wisconsin.

Prior to her move into public and nonprofit service, Wheelock accumulated more than twenty years of executive legal and management experience in U.S. and international tech-

nology and telecommunications corporations. A member of the New York, Connecticut, and Washington, D.C., Bars, Wheelock received her M.B.A. in 1984 from the Johnson Graduate School of Management, with a focus on regulatory economics. While completing her J.D., she specialized in international legal affairs.



Donald Frederico

Donald Frederico '79 leads Pierce Atwood's class-action defense practice, which received a National Tier One ranking by the *U.S. News-Best Lawyers* "Best Law Firms" report for each of the last four years. A senior trial attorney with four decades of courtroom experience, Frederico has represented defendants in a wide array of class actions in federal and state courts across the country. He frequently publishes and lectures before national and local bar and industry organizations on topics including class-action practice, and serves as editor and contributing author to the firm's two class-action blogs, www.firstclassdefense.com and www.classactionsettlementsandmediation.com. Frederico also serves as a mediator for class-action cases.

Frederico began his career as a law clerk to the late **Joseph L. Tauro, LL.B. '56**, U.S. District Judge for the District of Massachusetts. He is a past president of the Boston Bar Association, and currently serves as chair of the Board of Trustees of his undergraduate alma mater, The College of Wooster. Frederico's son, Stephen, received his M.B.A. in 2017 from Cornell's S.C. Johnson College of Business.



Enrique Gonzalez III

The Cornell Law School Dean's Advisory Council welcomed **Enrique Gonzalez III '91** as its unique new member this year. Gonzalez is the managing partner of the Florida office of Fragomen, Del Rey, Bernsen & Loewy. His broadly based practice includes counseling publicly traded and privately held companies, academic institutions and related nonprofit

organizations, individuals, and their family members. He lectures on immigration law practice and policy to international and national associations, groups, and organizations. He served as special counsel on immigration from January–August 2013 to U.S. Senator **Marco Rubio** and advised Senator Rubio, as well as Senators **John McCain**, **Jeff Flake**, and **Lyndsey Graham**, on the Border Security, Economic Opportunity, and Immigration Modernization Act that was approved by the U.S. Senate on June 27, 2013. His immigration reform work in the U.S. Senate has been reported by many publications, including *The New Yorker*, *Bloomberg Businessweek*, *The Miami Herald*, *The New York Times*, *Politico*, and *the Washington Post*. He served as the vice mayor/commissioner of the City of West Miami from 1994 to 2001.

Cornell Law School welcomes these alumni and students to their new respective roles and thanks them most gratefully for their service to their alma mater. Individually and collectively, Alumni Association and Advisory Council members represent the interests of all Law School alumni and give their concerns a voice. Their work helps to ensure that Cornell is a law school of choice among the most qualified and promising law students, and helps to maintain the excellence of its instruction and its place as a leader in legal education. ■

In Memoriam

Alan R. Adler '71

Harry O. Ansorge, LL.B. '53

Robert W. Avery '53

Melvin S. Barasch '53

David T. Bishop '54

Burton C. Biss '52

Samuel G. Brundage, LL.B. '51

James "Jim" B. Byrne Jr. '66

Bruce Amsden Coggeshall, LL.B. '67

Frederick J. DeFilippo '65

Charles P. Eddy '70

Douglas Francis Egan '82

Peter A. Essley '95

Donato A. Evangelista, LL.B. '57

Douglas C. Fairhurst, LL.B. '67

Marc A. Franklin, LL.B. '56

Marshall S. Galinsky '64

Robert C. Gross '50

Arthur A. Heald, LL.B. '52

John W. Hughes '74

Charles Klaus, J.D./M.B.A. '61

Richard B. Laschever '55

Rev. Peter T. Manzo '72

Richard C. Marks '76

Donald M. Mawhinney '52

Lewis W. Morse, LL.B. '62

Hon. Mark D. Newberger '77

Doris Banta Pree '46

Anthony M. Quartararo '59

John K. Scales '62

William B. Schreiber '62

Suraj P. Singh, LL.M. '67

Ira N. Smith, LL.B. '63

Comille Tebsherany '52

Edward G. Thomson '58

Hon. Dominick J. Viscardi '48

Walter J. Wiggins, LL.B. '51

Ian J. Yankwitt '93

FORUM

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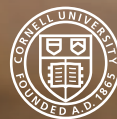
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The Year in Philanthropy

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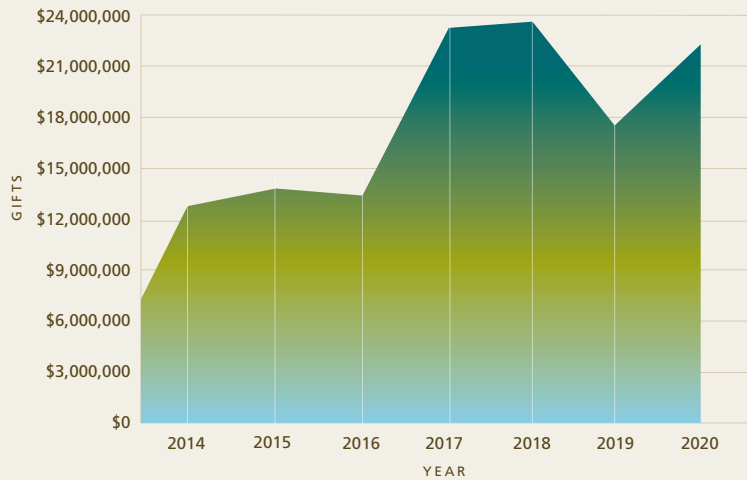
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Cornell Law School
Lawyers in the Best Sense

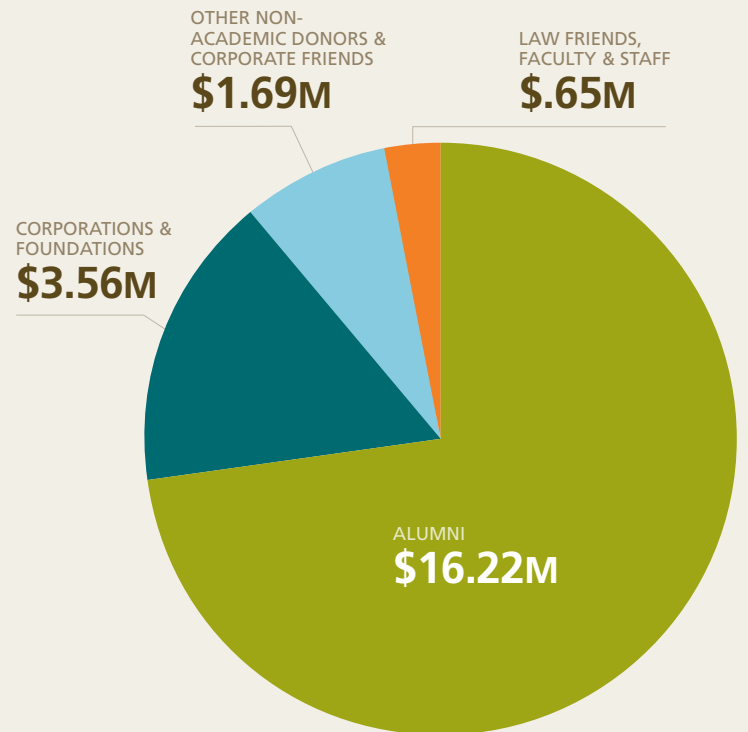
FINANCIAL SUMMARY 2020

TOTAL GIVING



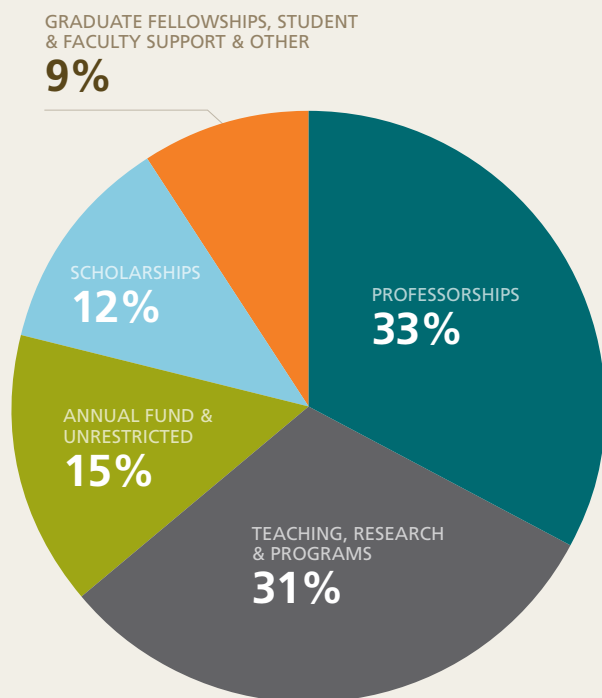
WE ARE DEEPLY GRATEFUL to each and every donor who made 2020 successful for Cornell Law School, despite challenges that emerged in the wake of a global pandemic. Our total giving of over \$22 million was in line with some of our best fundraising campaigns in the last 10 years, and most importantly brought our students and faculty resources they need for continued success.

GIVING FROM INDIVIDUALS AND ORGANIZATIONS



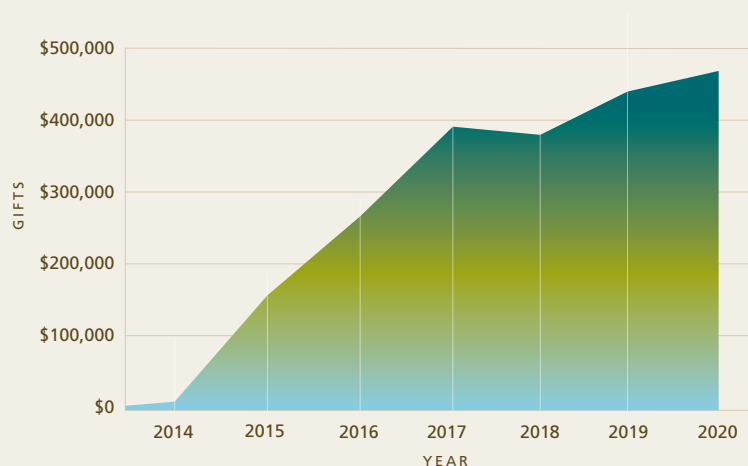
ONCE AGAIN, the majority of our philanthropic support came from our dedicated Cornell Law School alumni.

GIVING BY IMPACT AREA



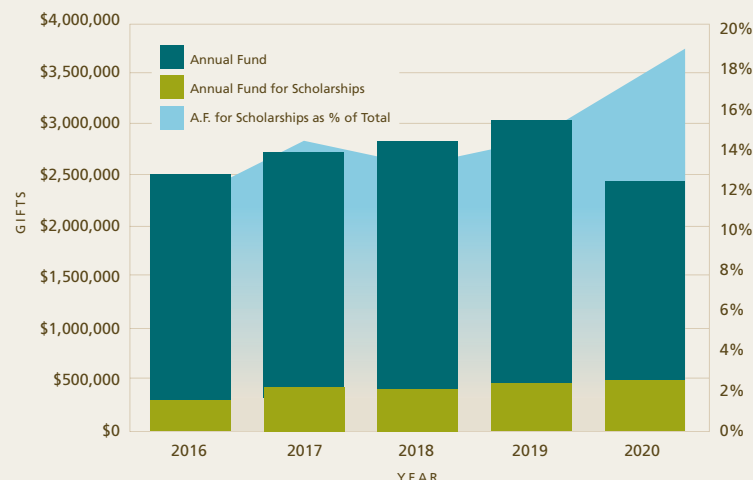
THANKS TO THE GENEROSITY of our alumni and friends in 2020 we received outstanding support for endowed professorships, teaching, research, and programs. Support for endowed scholarships and unrestricted giving to our Annual Funds and new Impact Funds helped us honor our commitment to provide a world-class legal education to students regardless of their financial circumstances.

ANNUAL FUND FOR SCHOLARSHIPS



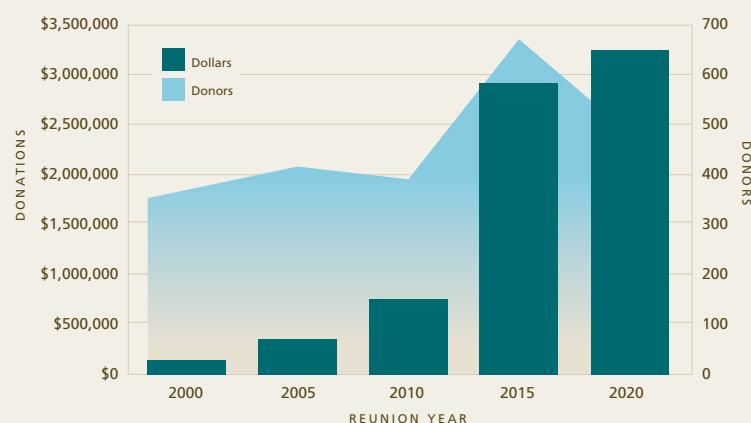
GIVING TO OUR ANNUAL FUND FOR SCHOLARSHIPS continued to grow to a record high. We are grateful to all of our Annual Fund for Scholarships donors who chose to support our students, to help us expand access to a Cornell legal education, and to continue to reduce overall student debt at graduation.

GIVING TO OUR ANNUAL FUNDS



LOYAL ANNUAL FUND DONORS sustained solid overall giving to our Annual Fund, considering the economic uncertainty caused by COVID-19. Giving to the Annual Fund for Scholarships as a percentage of overall Annual Fund giving grew to almost 19%. We are especially grateful our Annual Fund donors for investing in the people and programs that make Cornell Law School exceptional.

REUNION GIVING



REUNION CAMPAIGNS of Law classes ending in 0s and 5s were critical to our success in 2020, and they aren't over yet! So far, the Reunion 2020 classes have raised nearly \$3.25 million – an 11% increase from the reunion campaigns of 2015. Thank you to all of our reunion alumni donors.

In light of the disruption caused by COVID-19 last spring, the Reunion 2020 class campaigns have been extended. There is still time to join your classmates in celebrating this milestone year with a gift before the calendar year ends.

HIGHLIGHTS

GIVING GROWS Our 2020 numbers tell a great story. We are thankful to all of our donors for each and every gift. It is also important to remember that while the numbers are important, they don't tell the whole story. Behind each number or statistic is a person—our students, faculty, an entire academic community that benefits from the generosity of our alumni and friends. As giving grows, so does the strength of the Cornell Law School community.

GIVING TO THE ANNUAL FUND FOR SCHOLARSHIPS

193%

INCREASE
OVER THE
LAST FIVE
YEARS

TOTAL GIVING

\$22

MILLION

From more than
2,800 alumni and friends.

REUNION GIVING

\$3.25

MILLION AND
GROWING

An 11% increase since 2015.

STUDENT SUPPORT

40%

OF CLASS OF 2020

Graduated with no law school debt.

ANNUAL GIVING CASH

\$2.5

MILLION

The Annual Fund for Scholarships reached a new record, and 141 donors gave over \$53,000 to our newly launched **Impact Funds for Clinics, Public Service, and The LL.M. Program.**

SCHOLARSHIPS AND FINANCIAL AID

\$26,255

AVERAGE PER STUDENT

Almost 40% of J.D. tuition for 2019-2020.

CLINICAL PROGRAMS

66%

OF STUDENTS
PARTICIPATE IN
CLINICS

70% increase in resources
for clinics and programs in
the last five years.

ANNUAL FUNDS AND IMPACT FUNDS

\$2.5M

IN ANNUAL GIVING CASH

=

THE SPENDING POWER OF

\$58M

IN ENDOWMENT PRINCIPAL

INVESTMENT IN SCHOLARSHIPS

2x

INVESTMENT

In the past five years,
Cornell Law nearly doubled its
scholarships and financial aid.



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20

Gifts that Led the Way in 2020

WE ARE GRATEFUL to all of our donors for investing in Cornell Law School's educational mission. Gifts of all sizes make a difference at Cornell Law. The following leadership gifts made a significant impact for the Cornell Law School community in 2020 and beyond.

GIFTS TO SCHOLARSHIPS

Dr. Frank C. Baldwin, gift to enrich the Frank and Blythe Baldwin Scholarship for Native American Law Students

Lawrence S. Brandman, J.D. '85, gift to enrich the Cornell Law School Class of 1985 Scholarship

Joseph A. Calabrese, J.D. '81, enrichment gift to the Gerard R. and Anna M. Calabrese Law Scholarship

William J. Casazza, J.D. '85, gift to enrich the Cornell Law School Class of 1985 Scholarship

T. Thomas Cottingham, J.D. '76 and Jeanie Cottingham, gift to enrich the Faust Rossi Scholarship

Philip M. Eisenberg, J.D. '64 and Betsy Eisenberg, enrichment gift to the endowment of the Philip and Betsy Eisenberg Scholarship

Eric B. Fastiff, J.D. '95, enrichment gift to the Daniel Webster Barmon, LL.B. 1894 and Marcus Barmon, LL.B. 1898 Scholarship

Marc E. Kasowitz, J.D. '77 & Lori Kasowitz, gift to enhance the Marc and Lori Kasowitz Law Scholarship

Craig B. Klosk '81, J.D. '84 & Patricia Kallet '82, gift to endow the Klosk-Kallett Family Scholarship

Jack L. Lewis, J.D. '69 & Barbara B. Lewis '65, M.A.T '67, gift to enrich the Law Class of 1969 Albert and Doris Neimeth Scholarship

Jennifer Miller Paci, J.D. '80 & Victor J. Paci, J.D. '80, gift to enhance the Miller Paci Family Scholarship

Barry W. Rashkover, J.D. '86, gifts to enrich the Rashkover Family Scholarship and to the Annual Fund for Scholarships

John M. Schwolsky, J.D. '85, enrichment gift to the Cornell Law School Class of 1985 Scholarship

Arthur M. Siskind '60, J.D. '62 & Mary Ann Siskind, gift to enrich the Arthur M. and Mary Ann Siskind Dean's Scholarship endowment

Neil A. Torpey, J.D. '85, gift to enrich the Cornell Law School Class of 1985 Scholarship

Lee I. Weintraub, J.D. '70 & Teresa V-F Weintraub, gift to enhance the Lee I. and Teresa V-F Weintraub Dean's Scholarship endowment

PLANNED GIFTS

Daniel W. Emery, J.D. '80, advised future bequest gift to enrich the Cornell Law School Scholarship Endowment

Barbara Fischman, advised future bequest gift

Michael A. Brizel '77, J.D. '80, advised future bequest gift to enrich the Michael A. Brizel Scholarship

GIFT TO PUBLIC INTEREST LAW

Fred A. Rubinstein '52, LL.B. '55 & Susan August Rubinstein, gift to enrich Frederic and Susan Rubinstein Fund for the Public Interest Low Income Protection Plan

GIFTS TO PROFESSORSHIPS

Richard A. Cole, J.D. '76 & Lois H. Cole, gift to endow the Richard and Lois Cole Professorship of Law

Anthony Mark Radice '66, J.D. '69 & Patricia Crown, gift to enrich the Radice Family Professor of Law

Charles F. Rechlin '68, J.D. '71, gift to enrich the Charles F. Rechlin Professor of Law

Allan R. Tessler '58, LL.B. '63 & Frances Goudsmit Tessler '59, gift to endow the Tessler Family Professorship of Digital and Information Law

Jia "Jonathan" Zhu, J.D. '92 & Ruyin R. Ye, gift to enhance the Jonathan and Ruby Zhu Professorship

GIFTS TO PROGRAMS

Peter H. Coors '69 & Dr. Marilyn E. Coors '69, gift to the Peter and Marilyn Coors Great Debates

David Litman, President's Circle gift to the Tel Aviv University – Cornell Law School Exchange Program

Timothy Stanley, Esq. and Stacey Stern, Esq., gifts to the Legal Information Institute

Marshall C. Phelps, J.D. '69, gift to the Law Dean's Discretionary Fund for Cornell NYC Tech Partnership

Amb. William J. vanden Heuvel '50, J.D. '52 & Melinda Fuller vanden Heuvel, gifts to enrich the William J. vanden Heuvel Cornell Law Review Endowment and the First Amendment Clinic

BEQUEST GIFTS

The estate of **Jack G. Clarke LL.B. '52**, gift by bequest

Lloyd A. Portnow '60, LL.B. '64, gift by bequest to establish the Alice J. Rothenberg and J. Stuart Zahniser Scholarship

GIFT TO MULTIPLE AREAS

Mary Gail Gearn, J.D. '85 & David Russo '82, J.D. '85, gift apportioned variously to the Cornell Law School Class of 1985 Scholarship, the Gearn-Russo Family Faculty Fellowship, the South Patio Renovation, and the Russo Public Interest Fellowship

GIFTS TO OUR ANNUAL FUNDS AND IMPACT FUNDS

Bernard S. Berkowitz '52, J.D. '56

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Louis R. Pepe, J.D. '70 & Carole A. Pepe

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Donors are listed by giving levels that correspond to Cornell University giving societies. However **this list reports total giving to Cornell Law School only** from July 1, 2019 through June 30, 2020. Every attempt has been made to confirm the accuracy of this list. If your name should appear and does not, please write to the Cornell Law School Development Office at Suite G28, Hughes Hall, Cornell Law School, Ithaca, NY 14853.

An asterisk indicates membership in the 1865 Society, signifying two or more consecutive years of giving to Cornell University.

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Jerome Tarver *
Charles Robert Taylor *
Stephen A. Urban

1991

\$50,000–\$99,999

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\$25,000–\$49,999

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\$10,000–\$24,999

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\$5,000–\$9,999

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\$1,000–\$4,999

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Todd D. Thibodo *
Sujata Yalamanchili *
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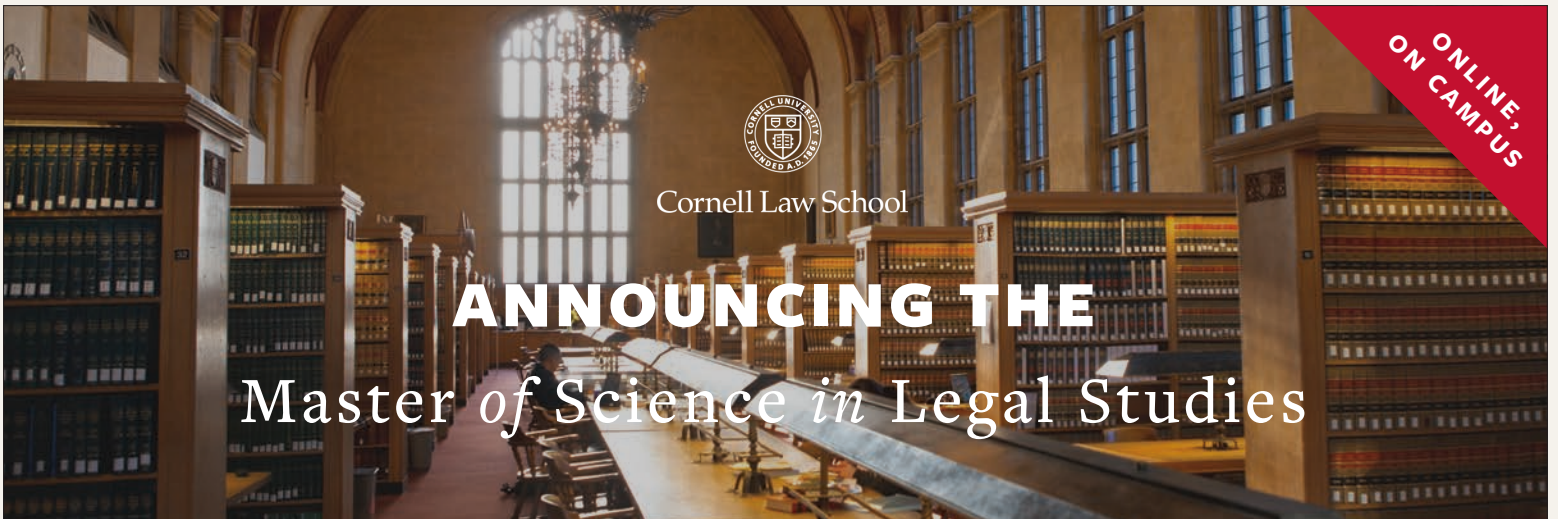


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