

Meet
the
New Dean

CORNELL LAW
WELCOMES

JENS OHLIN



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Cornell Law School

Lawyers in the Best Sense

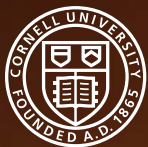
Fall 2021

The Unprecedented Class of 2024

Expanding Experiential Opportunities:
New Clinical Courses Mean More
Hands-On Experience for Students

William vanden Heuvel '52
Leaves a Rooseveltian Legacy

Remembering a Guiding Light in
Public Service: Judge Peter Hall '77



Cornell Law School

Lawyers in the Best Sense

*to do
the
greatest
good*

“The single most important thing I’ve learned as a scholarship recipient is that one person’s contribution to your education can transform your life trajectory. It just takes one.”

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ESTHEFANIA RODRIGUEZ '14, JD '20

ASSOCIATE, WINSTON & STRAWN

FORUM

Fall 2021
Volume 46, No. 2



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Dear Alumni and Friends:

Although the past two years have been especially challenging for the entire Cornell Law School community, nothing could make me happier than becoming the 17th dean of this amazing and resilient institution. We begin the new year at an optimistic moment, with the Law School on very solid footing and poised for new opportunities. Our community remains strong, our students are thriving, and our faculty continue their groundbreaking research and exceptional teaching.

I'm deeply honored to be the Allan R. Tessler Dean and Professor of Law of Cornell Law School at such a pivotal juncture in our history. In the cover story that begins on page 4, you'll learn how my thirteen years of teaching, scholarship, collaboration, and service at Myron Taylor Hall helped prepared me for this moment. The article discusses how my training in philosophy and the law informs my research and my approach to decision making and problem solving. It also mentions my plans and pri-

orities for making sure that the Law School keeps moving forward. Among my top goals are increasing diversity throughout the school, enhancing our financial

through the doors of Myron Taylor Hall. With outstanding grades and a median LSAT score of 171—a full three points higher than previous classes—these

I'm pleased to report that our entering Class of 2024 has made history as the best-credentialed class to walk through the doors of Myron Taylor Hall. With outstanding grades and a median LSAT score of 171—a full three points higher than previous classes—these students are well positioned to succeed here at the Law School and in their legal careers.

resources for scholarships, and recruiting scholars in new areas such as environmental law while maintaining our excellence in core areas such as corporate law. One of my first moves as dean was to create a Diversity, Equity, and Inclusion Alumni Leadership Council to expand the Law School's efforts to build a welcoming environment for all its students, staff, faculty, and alumni. For an in-depth look at this initiative, see page 54 of the Alumni section.

I'm pleased to report that our entering Class of 2024 has made history as the best-credentialed class to walk

students are positioned to succeed here at the Law School and in their legal careers. And while applications to law schools were up by nearly 13 percent across the board in 2021, Cornell Law far outperformed national and regional averages with 41 percent more applications in 2021 than 2020. Read more about the "Unprecedented Class of 2024" on page 12.

This newest class of 1Ls can look forward to a greater variety and number of experiential opportunities at the Law School than ever before. Under the leadership



*To do
the*

of Associate Dean for Experiential Learning Beth Lyon, we have launched innovative clinics that enable students to gain practical legal skills while working on meaningful cases. With eight new clinical courses developed in the past six years and three more clinics to be added by next year, the total number of clinic and practicum courses will soon stand at twenty-eight. Our feature article on page 16 highlights the newest additions to our clinical offerings, including the Movement Lawyering Clinic, which provides legal assistance to activists and organizations fighting for social justice. Professor Carlton Williams, a noted civil rights leader from Boston who leads this groundbreaking

clinic, is featured in one of our Profile articles on page 36.

Our last two feature articles in this issue are tributes to Ambassador William vanden Heuvel '52 (page 22) and Judge Peter Hall '77 (page 26), towering public figures who made a lasting impact on the nation and the Law School. With their long and admirable records of public service and reputations for uncompromising integrity, they exemplify the Law School's ethos of producing "lawyers in the best sense."

As we enter this new year, the Law School and the university as a whole are embarking on a comprehensive fundraising campaign. If you'd like to learn more

*greatest
good*

about Cornell's campaign *To Do the Greatest Good*, visit the campaign website at greatestgood.cornell.edu. As the year progresses, you'll hear from some extraordinary Cornellians united with a shared purpose to make a lasting difference in the world.

I am thankful and thrilled to be the dean of this remarkable community of scholars, students, and alumni. Please

accept my gratitude for all you do for Cornell Law School and my best wishes for the months ahead.

Respectfully,

Jens David Ohlin

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

JENS DAVID OHLIN: In the Best Sense

by KENNY BERKOWITZ

In the summer of 1998, Jens David Ohlin was a philosophy grad student at Columbia University. Night after night, temperatures were too hot for sleeping, so he stayed awake watching the news from Kosovo. Serbian forces were conducting a campaign of genocide against the country's ethnic Albanians, displacing hundreds of thousands of people while NATO and the United Nations watched, trying to build a consensus for action.

"That was the turning point for me," says Ohlin, the new Allan R. Tessler Dean and Professor of Law, talking from his office in Myron Taylor Hall. "At the time, there was a profound conversation going on about legal intervention, with lawyers promising accountability, and I was very taken with those words and what they represented. They spoke to the power of the law to deliver justice, and at the same time, about the responsibility of the law to offer solace to people, to promise their suffering would not be forgotten.

"I remember a press conference where the chief prosecutor of the International Criminal Tribunal for the Former Yugoslavia said there would be no immunity for crimes against humanity," he continues. "It was a shot across the bow to anyone who was either perpetrating or ordering atrocities against civilians. That was the moment I decided I had to go to law school, I had to become a lawyer. The next thing I did was buy a book to study for the LSAT."

Two decades later, Ohlin is highly regarded as a scholar working at the intersection of law and philosophy, the author of six books

and the editor of nine others. In 2002, after completing his Ph.D.—including a dissertation on personal identity and collective agency—Ohlin entered Columbia Law School, earning a J.D. in 2005 and spending a year at Kaye Scholer before returning to Columbia as an associate in law. That two-year

Two decades later, Ohlin is highly regarded as a scholar working at the intersection of law and philosophy, the author of six books and the editor of nine others.

fellowship led to his first book, coauthored with **George P. Fletcher**, *Defending Humanity: When Force is Justified and Why* (Oxford 2008), which reviewers called "carefully reasoned," "elegant," "fascinating," "innovative," "insightful," "provocative,"

"stimulating," "valuable," and "pugnacious without being polemical."

In the years since, he's continued to focus on war and ethics in *Targeted Killings: Law and Morality in an Asymmetrical World* (coeditor, Oxford 2012); *Cyber War: Law and Ethics for Virtual Conflicts* (coeditor, Oxford 2015); *The Assault on International Law* (author, Oxford 2015); *Necessity in International Law* (coauthor, Oxford 2016); *Theoretical Boundaries of Armed Conflict and Human Rights* (coeditor, Cambridge 2016); *Weighing Lives in War: Combatants and Civilians* (coeditor, Oxford 2017); *Research Handbook on Remote Warfare* (coeditor, Elgar 2017); *Interrogation and Torture: Integrating Efficacy with Law and Morality* (coeditor, Oxford 2020); *Oxford Handbook of International Criminal Law* (co-editor, Oxford 2020); and *Lethal Autonomous Weapons: Re-examining the Law and Ethics of Robotic Warfare* (coeditor, Oxford 2021).

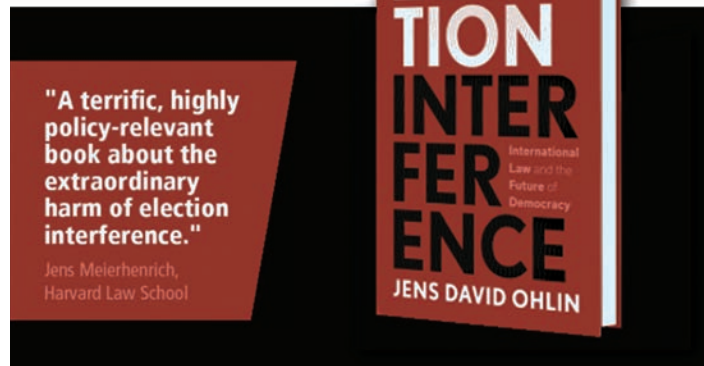
Over those same thirteen years, he's published thirty-five articles, twenty-eight book chapters, and twenty-three encyclopedia entries, along with writing casebooks on international law, criminal law, and criminal procedure, a subject he's never taught. ("Nobody does that, it's completely unheard of," says **Jeffrey J. Rachlinski**, Henry Allen Mark Professor of Law. "He's turning these books out at an absolutely fearsome pace, and they're all written brilliantly," says **Kevin M. Clermont**, Robert D. Ziff Professor of Law.) Most recently, Ohlin has found a new focus in *Election Interference: International Law and the Future of Democracy* (Cambridge 2020) and



The Law School is continuing a long tradition of having a dean with a national and international reputation as a scholar," says Valerie Hans, Charles F. Rechlin Professor of Law. "It's critically important that we uphold the high standing of Cornell Law School, which is so central to our identity as a place of excellent scholarship. Jens is going to lead by example and having him at the helm as a scholar-leader reinforces that sense of who we really are.

”





Dean Ohlin (top left) at a 2016 Symposium on Professor Sidney Tarrow's book *War, States and Contention*; (below) at a 2015 book celebration for Professor Bradley Wendel's *Ethics and Law: An Introduction*; and (below left) at America and the World: A Current Events Roundtable, part of Reunion 2015



Defending Democracies: Combatting Foreign Election Interference in a Digital Age (coeditor, Oxford 2021). And though the deanship won't allow Ohlin much time for research, he already has five publications in process.

"Jens is unbelievably smart and incredibly accomplished, a brilliant scholar who also has great common sense," says **Eduardo M. Peñalver**, who served as dean until the end of 2020, when Ohlin began as interim dean. "He was an absolutely essential partner for me and a solid leader for Cornell Law, totally dedicated and completely unflappable. He likes to get down in the weeds, and he has this calm, analytical style, where he's able to take

<p>a problem apart, study all the different angles, and develop an effective response. That's going to be emblematic of his approach as dean: even-keeled and service-oriented, the perfect person to lead the Law School at a very challenging time."</p> <p>Peñalver credits Ohlin, vice dean from 2017–2020, with helping guide the Law School through the first year of COVID-19 and tackling the</p>	<p>technological challenges of offering both online and hybrid courses. Leaning on his experience in administration, Ohlin reenvisioned the vice deanship beyond its supporting role, developing the new master's degree in legal studies and building a portfolio that included alumni relations, budgeting, faculty recruitment, fundraising, marketing, and technology—experiences that suited him well when he began</p>	<p>leading the Law School in January 2021.</p> <p>"As interim dean, Jens showed he's good at listening, and he's very sympathetic to the challenges people face, especially in a pandemic," says Stewart J. Schwab, Jonathan and Ruby Zhu Professor of Law, and the dean from 2004–2014. "I remember when Jens first came here, I was curious about how he'd use his philosophy training. It was an open</p>
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Jens Ohlin with his wife Nancy and children Chris and Clara.

question back in 2008, but it's not anymore, which is why faculty support for his deanship has been so widespread. We've all seen him lecture, where he's made his arguments in clear, compelling ways. We've seen how he combines the analytic rigor of philosophy with down-to-earth practicality, and we've seen him making smart, nuanced decisions for the good of the Law School."

Back in 2008, in a memorable telephone call, then-Dean Schwab delivered the good news, hiring Ohlin as a tenure-track assistant professor and making Ohlin feel like "the luckiest person in the world," just a few weeks after he'd stood at the base of McGraw Tower, watching snow fall on the city and imagining a place for himself in the landscape. The position at Cornell Law was a great leap beyond the teaching fellowship he'd had at Columbia, and after surviving a long series of Cornell Law interviews and presentations that he describes as "grueling in the best way," Ohlin was excited to bring his wife and two children to Ithaca and launch his career.



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— ***Stewart J. Schwab, Jonathan and Ruby Zhu Professor of Law***



He'd grown up in an academic family, the son of a father who taught American literature at McGill University and a mother who managed the Quebec Federation of Home and School Associations. As a dual U.S./Canadian citizen living in Montreal, Ohlin

remembers watching the news on American television, celebrating the Fourth of July, and registering for selective service at the American consulate on his 18th birthday. For high school, he crossed the border to attend Phillips Academy in Andover,

Massachusetts, then stayed for a bachelor's degree in philosophy at Skidmore College, followed by two master's degrees, a doctorate, and a juris doctor from Columbia.

Three years after the call that brought him to the Law School, Ohlin was promoted

In one of his first moves as dean, Ohlin created an alumni council to focus on diversity, equity, and inclusion; the fifteen-person council, which includes representatives from six of the Law School's alumni networks, will report directly to the dean and the Law School Advisory Council.



to associate professor; two years later, having taught Criminal Law, International Criminal Law, Jurisprudence of War, and Public International Law, he became a full professor and the director of faculty research (2013–2015). That lead to appointments as associate dean for academic affairs (2015–2017), vice dean (2017–2020), interim dean (January–June 2021), and finally, in a phone call with the provost, the 17th dean in the history of Cornell Law School.

“When I began this deanship, I was hoping the end of the COVID era would be upon us by now, and that we’d be moving on to building back better,” says Ohlin, talking just before the start of the fall semester, on a day when time allows for a multitasking lunch of peanuts and chocolate. “Unfortunately, we’re still in the midst of COVID, still figuring out how to balance everything we need to do, and how to do it all in a careful, responsible manner. This is a particularly important moment for us, with



students coming back in full force, and to keep everyone healthy, we’ve been adding layer after layer of protection.

“It’s not just one safety valve,” he continues, “it’s multiple safety valves, one on top of another. The vaccine mandate, the indoor masking, the distancing, the surveillance testing, even for people who are vaccinated. Each step

adds another series of complications, and even though we’re succeeding in keeping people safe, we all know that’s not going to be enough. We need to carve out time, energy, and resources to make sure the Law School

keeps moving forward. I definitely feel that. Every day.”

In one of his first moves as dean, Ohlin created an alumni council to focus on diversity, equity, and inclusion; the fifteen-person council, which includes representatives from six of the Law School’s alumni networks, will report directly to the dean and the Law School Advisory Council. (“He’s given a lot of thought to what he’d like to see this group contribute,” says **Crystal Deazle ‘01**, cochair of the new council. “This isn’t just lip service, it’s commitment.”) In a second move, Ohlin and **Chantal Thomas**, associate dean for academic affairs and Radice Family Professor of Law, conceived and launched an online portal to streamline faculty access to information. (“That might not sound exciting,” says **Beth Lyon**, clinical professor of law, associate dean for experiential education, and clinical program director. “But it’s all the information we need, all in one webpage, completed in time to start the semester.”)

Other changes will take longer to implement, but for Ohlin, the start of Cornell Law School’s capital campaign is really a way to talk about strategic planning. His priorities? Listening. Dedicating more resources for faculty members. Increasing diversity. Adding courses and academic staff on East Asian law, election law, energy, entrepreneurship, environmental law, and technology. Founding clinics for voting rights and climate change. Using joint appointments across campus to broaden faculty and

course offerings at the Law School. Deepening relationships with Cornell Tech and Weill Cornell Medicine. Improving the student experience every day. Keeping focused on the future.

“Jens has vision,” says **Markeisha J. Miner**, who arrived as dean of students at the same time Ohlin



He knows where he wants to go, and he keeps moving toward that goal. With someone as focused as that, you might think they’d lose touch with the human element, but Jens never does.

— Dean of Students Markeisha Miner





became associate dean for academic affairs. “He knows where he wants to go, and he keeps moving toward that goal. With someone as focused as that, you might think they’d lose touch with the human element, but Jens never does. He’s as caring as he is organized, and I’ve had the privilege of watching his leadership up close from the very beginning. I remember our first meeting with new faculty, where Jens knew exactly when to speak and when to listen. That’s very impressive for someone just starting in the role, and it’s still one of his greatest strengths.”

Miner tells the story of how then-Vice Dean Ohlin transformed the course registration process, envisioning a system that would grant students more autonomy in choosing electives. It began simply enough, with the idea that 2Ls and 3Ls should be able to bid on preferred courses and grew into a complete overhaul of the registration interface. Each step of the way, Ohlin earned the support of people around him—students, faculty, administrators, software engineers—until the plan started to feel like it had been obvious all along. “It’s easy for us to take it for granted now,” says

Miner, six years later, “but it was a significant accomplishment. Jens started with a clear vision and didn’t stop until we had a system that met the needs of our students.”

In a story told by Rachlinski, then-Interim Dean Ohlin helped fund full fellowships for international students who wanted to spend summers working in the public interest, an issue that had seemed insurmountable in the past. (“It had been a problem for a long time,”



School of Management. (“It’s an established program now,” says Lyon, “but as a newcomer, I didn’t know how to structure it. Jens came in for a strategic planning session, outlined his advice, and helped get it launched. That was my first substantive interaction with him, and that’s when I learned how generous and thoughtful he is.”)

Like Lyon, who describes Ohlin’s decision-making as “deliberate” and “inclusive,” Thomas credits Jens for asking each department to inventory its efforts toward diversity and

I was looking for someone who would work hard for this community,” says Beth Lyon, clinical professor of law, associate dean for experiential education, and clinical program director, who served on the dean search committee. “A respected scholar, someone with vision, someone who’d be easy to work with, someone who believes in our profession’s special responsibility for the quality of justice. With Jens, that’s exactly who we have.



says Rachlinski, “and Jens fixed it quickly. It was the right thing to do, and he did it.”) In another, Lyon credits then-Associate Dean for Academic Affairs Ohlin for his support in founding the Low-Income Taxpayer Law and Accounting Practicum, which currently draws students from the Law School, the Dyson School of Applied Economics and Management, and the Johnson Graduate

inclusion, a promise he’d made as interim dean. (“He’s been very committed to it,” says Thomas, “and it could well become one of the signatures of his leadership.”) Working closely together, through one of the most difficult periods in the Law School’s history, she sees Ohlin as the right person at the right time: for his synthesis of philosophy and law, his focus on internationalism, his years in

Interim Dean Ohlin
presides over
Convocation for
the Class of 2021
on May 22, 2021



*That's the philosopher
in me coming out,
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He hit the ground running, which would have been hard at any time, and performed at an extremely high level. He's a tremendous institutional citizen, a deeply respected member of the faculty, and a true straight shooter.

— Chantal Thomas, associate dean for
academic affairs and Radice Family
Professor of Law



administration, his attention to detail, his ability to listen, and his dedication to Cornell Law School.

"I don't know if this institution has ever faced the level of challenge we've seen in the past year," says Thomas.

"Jens has had a lot to take on from the very start. He hit the ground running, which would have been hard at any time, and performed at an extremely high level. He's a tremendous institutional citizen, a deeply respected member of the faculty, and a true straight

shooter. With Jens, what you see is what you get. In the best sense."

From that summer in grad school, following the war in Kosovo, Ohlin has become a legal authority whose work is cited by the International Criminal Court. From countless hours watching the news, he's become one of those widely recognized experts that other people watch, broadcasting his opinions about cyberwarfare, disinformation, election interference, social media, and the power of the executive branch. ("Jens is relentlessly current," says Rachlinski.) From years working in administration at Cornell Law School, he's exactly where he wants to be—"Nothing could make me happier than taking on this new responsibility"—sitting in his office, trying to balance between current crises and the next chapter.

"I've written about a lot of different topics, and what unites them is the way they look at established, well-entrenched principles and ask: How well did they work in the face of new developments?" says Ohlin. "There's a popular misperception that law isn't up to the task of dealing with new situations. But it's the nature of law that abstract principles often have wide applicability. That's one of its great virtues, and where other people see gaps, my reaction is to push back, to do the research. I want to follow where the evidence leads and understand if the old principles still apply. To see if they work in the face of new developments, to discover if the law will evolve in a new direction.

"That's the philosopher in me coming out," he continues, "where I don't want to just describe the law, I want to describe what it ought to be." ■



The Unprecedented Class of 2024

by OWEN LUBOZYNSKI

Despite contending with a global pandemic as they prepared to apply for and enroll in law school, Cornell Law School's entering class of 2024 came in strong. In fact, it is the most credentialed matriculating class in the school's history.

The 2021 law school application cycle was surprisingly robust across the country, with the Law School Admissions Council reporting a 12.6 percent increase in applicants and increases in LSAT participation in nearly every ethnicity and gender over the previous year.

The 2021 law school application cycle was surprisingly robust across the country, with the Law School Admissions Council reporting a 12.6 percent increase in applicants and increases in LSAT participation in nearly every ethnicity and gender over the previous year.

"I believe the pandemic created a thirst for in-person study because of a lack of sustained in-person interaction, be it in education or employment," says Associate Dean of Admissions and Financial Aid **Monica Ingram**. "Our first-year professors have also remarked on the heightened level of first-year student engagement."

Cornell Law outperformed both national and regional numbers, with 41.46 percent more applications in 2021 than 2020. This deeper pool of applicants allowed the school to enroll a larger entering class despite a more selective acceptance rate of 15.4 percent, down from 19 percent the year before. This incoming class has a median LSAT score of 171, in the top 3.8 percent of all test takers nationwide, and a median GPA of 3.86.

Ingram observes, "There were so many unexpected variables encountered during the previous year and a half that we were unsure what the class of 2024 would experience prior to enrollment. Prospective students who demonstrated an ability to 'roll with the changes' had desirable qualities, in addition to their anticipated law school performance. We needed students who were not only intelligent and capable but also flexible."



I believe the pandemic created a thirst for in-person study because of a lack of sustained in-person interaction, be it in education or employment.

— Associate Dean of Admissions and Financial Aid **Monica Ingram**



The 204 students of the Class of 2024 hail from diverse backgrounds. Thirty-one percent are considered nontraditional law school students, having completed their undergraduate programs more than two years prior to enrollment. The youngest incoming student is twenty; the oldest is forty-one. Three and a half percent hold master's degrees. Thirty-one percent are nonwhite and 54.5 percent are women.

One of those women was already a Cornell University standout. **Grace Traore**, from Brooklyn, is continuing her studies at the Law School after completing an undergraduate degree at the School of Industrial and Labor Relations—and participating in several of the university's student singing and dancing groups, including delivering a solo when the Dorothy Cotton Jubilee Singers performed at Carnegie Hall.

Others had a bit farther to travel. Two of the incoming students had met with Ingram when she traveled to St. Andrews, Scotland, just before the pandemic interrupted international travel. A year and half later, **Lydia Mackey** and **Zoe-Pascale de Saxe Roux** made their way to Ithaca.



"While studying at the University of St. Andrews, I was fortunate enough to attend a law school admissions event where Dean Ingram spoke about the importance of community at Cornell Law School," says Mackey. "This was an important factor in my decision to attend Cornell, and I have found a supportive community here beyond what I could have ever expected. Every interaction I have with faculty, staff, and my fellow students shows how much they care about my wellbeing and success, as I care about theirs."

Says Saxe Roux, "I was galvanized by Cornell Law School's goal to emphasize diversity and opportunity for students of a variety of backgrounds. The conversation I had with Dean Ingram centered those aspirations at the core of her discourse. As I am a member of the LGBTQ+ community, that aim was not just inspiring in terms of the law school I wished to attend but also reemphasized the reasons I wanted to become a practicing attorney."

These three represent just a small slice of a class whose students have come to Cornell from thirty-three states and eleven countries and have graduated from 123 different colleges and universities with majors comprising more than fifty different subjects.

Nearly five percent of the entering class is part of the 3+3 program, which allows highly qualified undergraduate students to take an accelerated path to their law degree by transitioning to law school after three years of undergraduate study and forgoing the LSAT. The program was reestablished by faculty vote in 2014 and has grown from one participant in 2016 to ten this year. It is exclusive to Cornell University and Hobart and William Smith Colleges.

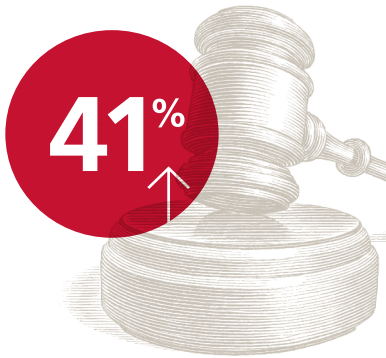
"The Class of 2024 is the most well-credentialed class to have entered the doors of Myron Taylor Hall," says **Jens Ohlin**, Alan R. Tessler Dean and Professor of Law. "These are all exceptionally talented individuals—many of whom aced the LSAT or persevered to graduate at the top of their undergraduate programs."

The Class of 2024 is the most well-credentialed class to have entered the doors of Myron Taylor Hall," says Jens Ohlin, Alan R. Tessler Dean and Professor of Law. "These are all exceptionally talented individuals—many of whom aced the LSAT or persevered to graduate at the top of their undergraduate programs.

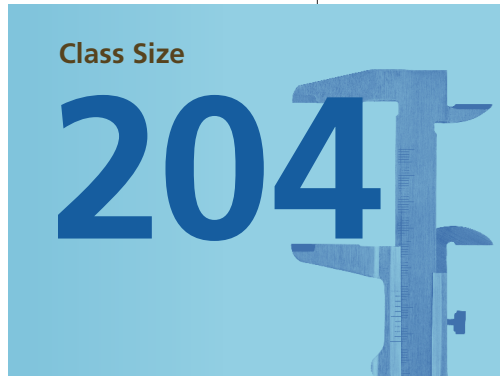
He adds, "Needless to say, these 1L students are well poised to succeed at Cornell Law School and ultimately as legal professionals. We are excited to watch the many ways they will engage and contribute to this intellectual community over the next three years and beyond." ■

JD Class of 2024 Makes History!

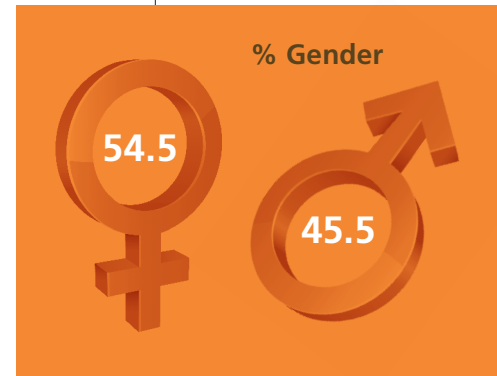
Applications



Class Size



% Gender



Median LSAT

1 7 1

Percentile LSAT

75th = 173

25th = 169



Median GPA



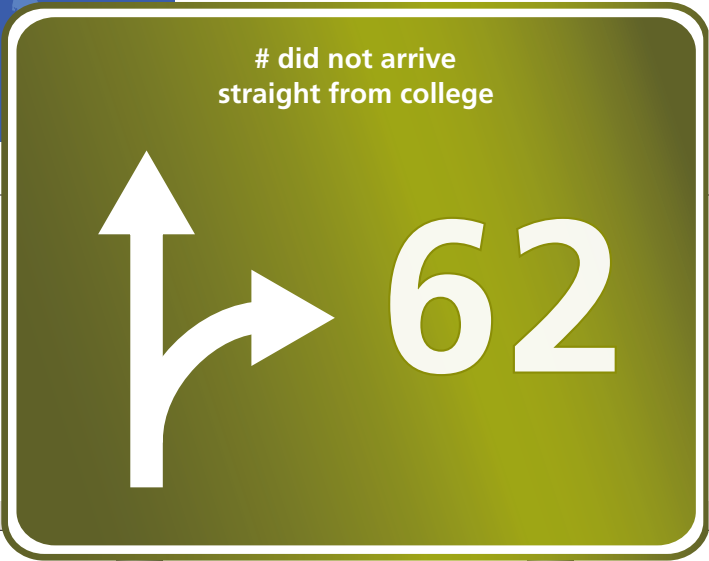
25th = 3.74

Percentile GPA

75th = 3.95

graduated from Cornell undergrad





New Clinical Courses Mean More Hands-On Experience for Students

by SHERRIE NEGREA

Caleb arrived at the protest in downtown Boston pulling a wagon filled with water bottles, granola bars, and bandages, joining thousands of people demonstrating against the murder of George Floyd.

Six hours later, as the march on May 31, 2020, erupted into violence, he was rushing to his car when someone near him threw a water bottle at a police officer. Within seconds, police had tackled him to the ground and arrested him on charges of assault with a dangerous weapon.

His night in jail suffering from being pepper-sprayed and beaten for a crime he didn't commit was followed by a call the next day from Carlton Williams, a criminal and civil rights lawyer who was about to join the faculty at Cornell Law School. Over the next year and a half, Williams and the students in his Movement Lawyering Clinic would work with Caleb to have the charges dismissed.

"They understand the system and they're willing to help people understand it," says Caleb, a college student from Plymouth, Massachusetts. "I would be in a very dark, dark place if they didn't help me."

The Movement Lawyering Clinic, which provides legal assistance to activists and organizations fighting for social justice, is one of eight new clinical courses developed at the Law School in the past six years. By next year, three more clinics and practicum courses will be added, bringing the total number to twenty-eight.

Williams, now an assistant clinical professor of law, is part of a group of faculty members recruited by Beth Lyon, associate dean for experiential education and clinical program director, to lead the new courses, which offer services ranging from low-income taxpayer support to tenants' advocacy. As the program has expanded, student interest has soared, jumping from 14 percent of all law students participating in a clinical course in 2000 to 73 percent in 2020, Lyon says.

NOTE:

All clients of the legal clinics mentioned in this article have requested to remain anonymous and are therefore identified only by fictional first names.



Professor Williams



Students see the clinics as an opportunity to learn new skills, work with clients and make a difference in someone's life. It's been very powerful just knowing how valuable our tools as lawyers are.

— Bryan Garcia '22



Students see the clinics as an opportunity to learn new skills, work with clients and make a difference in someone's life. "It's been very powerful just knowing how valuable our tools as lawyers are," says Bryan Garcia, a third-year law student who has taken the Movement Lawyering Clinic three semesters and has worked on Caleb's case. "You're dealing with real people who are in urgent need of help."



An Opportunity for First-Year Students

Professor Kelley-Widmer



Most law schools do not offer clinical courses for first-year students, but Cornell was among the first to launch such a course when Jaclyn Kelley-Widmer, an associate clinical professor of law (lawyering), started the 1L Immigration Law and Advocacy Clinic in 2020.

After working with immigrant families as a teacher and lawyer in California, Kelley-Widmer arrived at Cornell in the fall of 2017, just as the Trump administration was rescinding the Deferred Action on Childhood Arrival (DACA) program. As she began giving presentations about DACA in Ithaca and in the community, she decided to create a clinic that would help Cornell students and community members who were DACA recipients.

"Any case that has to do with immigration is

inherently a high-stakes case," Kelley-Widmer says. "These cases have to do with whether someone can lawfully remain in the United States or gain permission to live here. It's very easy for people who try to represent themselves to make mistakes in their case that can have grave consequences."

The clinic now offers first-year students the opportunity to represent clients in complex asylum and naturalization cases as well as in the DACA process, whether it's to renew their status every two years or seek permission to travel back to their home country.

Alejandra, a lecturer at Binghamton University, turned to the clinic when she needed help applying for government permission to travel back to Ecuador to see her grandmother, who was in advanced stages of Alzheimer's. While she came to the United States at the age of thirteen with her parents and three sisters, no one in her family had returned to Ecuador to see the family they left behind.

"It was a beautiful experience," says Alejandra, who thanks Kelley-Widmer for advising her throughout her trip last summer. "But saying goodbye to my grandmother was

extremely touching because I didn't know if that was going to be the last time I could hug her."

Another client the clinic worked with was Julia, a Ph.D. student at Cornell who needed to renew her DACA status. She contacted the clinic to ensure her application would be approved so that she could continue working at Cornell.

"I wouldn't have been able to do it on my own," Julia says. "I wouldn't know whether the application looked right or what the errors were. I wouldn't know what was right from wrong."

The clinic now offers first-year students the opportunity to represent clients in complex asylum and naturalization cases as well as in the DACA process

Protecting Tenants' Rights

Marisa Pagan-Figueroa '22



One of the most common legal issues Cornell students face is dealing with landlords in the rental market. A 2018 editorial in the *Cornell Daily Sun* urged the Law School to create a tenants' legal services clinic because students are often unprepared to assert their rights as renters. The newspaper's concerns were validated by a study in Ithaca City Court showing that only about 3 percent of Ithaca tenants who were evicted had legal representation, compared to 97 percent of landlords involved in the process.

In 2020, the Law School decided to create a practicum—a clinic led by an adjunct professor—on tenants' rights a few months after helping to create a tenants' housing hotline with several community organizations. William Niebel, a staff attorney at Legal Services of Central New York,

was recruited to lead the practicum since he has specialized in landlord-tenant law for more than fifteen years.

Niebel says the power differential between tenants and landlords in Ithaca, where 73 percent of residents are renters, is significant. Since legal services clinics in the area are overwhelmed with requests for



William Niebel

help from tenants, the practicum has helped address the need.

Lisa contacted the practicum after her landlord returned only \$50 of her security deposit when she

moved out of her apartment in downtown Ithaca. The pair of law students assigned to represent her in Ithaca City Court developed evidence in the case

brave and they prepared the case very well."

Marisa Pagan-Figueroa '22, a third-year student who worked on the case, said

In 2020, the Law School decided to create a practicum—a clinic led by an adjunct professor—on tenants' rights a few months after helping to create a tenants' housing hotline with several community organizations.

showing that the landlord was trying to charge her for six years of damages, even though she had only rented the apartment for a year.

"The landlord was pretty tough in the beginning because he didn't want to return any of the money," says Lisa, who received \$400 of her security deposit in a pretrial settlement. "But the students were very

her experience in the practicum has helped her gain confidence in her skills as a lawyer. "Being able to take on the representation of a case and build trust with our client and being able to take something to court has absolutely changed the way that I look at myself," she says.



Focusing on an Indian Tribe Dispute

Ye Eun Park '23



In the Federal Indian Law Practicum, created in 2017, students are trying to resolve a legal controversy that has sharply divided the Cayuga Nation, which settled in Central New York about 400 years ago.

The dispute over the leadership of the Cayuga Nation went public when Clint Halftown, the federal representative of the tribe, and his supporters demolished a dozen tribal buildings, including a day care center, a gas station, and a schoolhouse, in the middle of the night in February 2020. Now Halftown has threatened to evict fifteen families who oppose his leadership from their nation-owned homes, alleging that they owe \$700,000 in back rent.

A faction of traditional Cayuga citizens do not recognize Halftown's authority because they say the leaders of the

In the Federal Indian Law Practicum, created in 2017, students are trying to resolve a legal controversy that has sharply divided the Cayuga Nation, which settled in Central New York about 400 years ago.

nation should be selected by its clan mothers—the method it has used for hundreds of years. Halftown, who had served in a temporary leadership position, was recognized as the tribe's federal representative by the former assistant secretary for Indian affairs at the U.S. Department of the Interior in 2019, a decision the practicum is seeking to reverse.

"Their selection of Clint Halftown as the nation's leader was an impermissible intrusion on tribal sovereignty," says Michael Sliger '08, who specializes in federal Indian law and leads the practicum. "Traditional methodology to select nation leadership must



Michael Sliger '08

be recognized by the Department of Interior."

Cayuga Nation Chief Sam George, who was appointed to his position by the nation's clan mothers, brought the case to the Federal Indian Law Practicum last March after he had spoken at the Law School about the tribe. Students in the Tenants' Advocacy Practicum are also working on the evictions

with Legal Assistance of Western New York Inc.

"We didn't have anybody who would take on this case," says George, who has led the effort to remove Halftown. "Cornell is really stepping up."

Ye Eun Park, a second-year student, says taking the Indian law practicum has allowed her to learn how to work collaboratively on cases in a new facet of the law for her. "When I came to law school, I had a personal goal of stepping outside my comfort zone and learning about areas I didn't know," she says.

"I also wanted to help uplift underrepresented people so I thought the practicum was a way to combine those two things."

Advocating for Farmworkers' Rights

Briana Beltran



Beth Lyon was recruited to Cornell to launch the Farmworker Legal Assistance Clinic in 2015. At the time, Cornell was the second law school in the country to host such a clinic; the first was Villanova, where Lyon had taught before joining the faculty at Cornell.

After interviewing local stakeholders, Lyon decided the new clinic should work at the intersection of employment and immigration law, and explore the impact on child and youth farmworkers, who primarily immigrate from Central America. By the time they make the trek to New York State to pick apples, grow tomatoes, or milk dairy cows, they have often experienced abuse and extended detention, Lyon says.

As undocumented migrants in New York, the young workers face active deportation proceedings in the Buffalo Immigration Court.



Professor Lyon

That's where the farmworker clinic has stepped in to slow deportation proceedings while filing state court petitions to seek specialized orders of protection and then apply for visas that put them on a path to permanent status.

One client, Gloria, a migrant worker from Mexico, turned to the clinic for help sustaining her complaint against the tomato greenhouse where she had worked after being sexually harassed by her supervisor. When she called the Department of Labor and asked for an investigation, her supervisor began treating her more harshly and the company hired a law firm.

The project supports alumni to engage in farmworker advocacy in their home countries, often drawing on the training and connections they gained at Cornell.

Briana Beltran, a lecturer at the law school who co-teaches the farmworker clinic, and her students represented Gloria at a New York State Division of Human Rights mediation with the employer and its lawyer, and resolved her claims that day. "Working on Gloria's case was a tremendous experience for the students," Beltran says.

Gloria, who now works at another greenhouse, says she wouldn't have been able to stop the harass-

ment on her own. "Truthfully, I wouldn't have done anything without the help of the clinic," she says.

The farmworker clinic has now expanded its reach to Asia to investigate the labor conditions of migrant Indonesian workers in the Taiwanese fisheries and tea production industries. A grant allowed the clinic to hire Justin Lin '19, as a law fellow to work on the project, collaborating with other alumni and using the research findings to advocate for policy reforms.

"The project supports alumni to engage in farmworker advocacy in their home countries, often drawing on the training and connections they gained at Cornell," Lyon says.



Expanding the Program

Professor Goldberg



By next fall, three more courses will be added to the law school's clinical program: the New York State Appellate Criminal Defense Clinic, the Education Law Practicum, and the Transnational Disputes Clinic.

Rachel Goldberg, an associate clinical professor of law (lawyering), is launching a clinic in which students will represent indigent criminal defendants in New York State appellate courts. "Students will learn not only the fundamentals of appellate representation and persuasive brief writing, but the intricacies of trial proceedings in New York, where many of our students end up practicing," Goldberg says.

The Education Law Practicum will allow students to work with independent public charter schools, helping them develop and update their internal

policies. "Our students, having been through many years of schooling, are in a great position to combine experience and lawyering



The Education Law Practicum will allow students to work with independent public charter schools, helping them develop and update their internal policies.

The world and our legal systems are increasingly interconnected and so being able to think strategically and to conceptualize legal work across national and international systems is a great training opportunity for our students.

— Ian Kysel



Professor Kysel

to assist schools in developing innovative frameworks reflective of the 21st

century," says Ellen Eagen '03, an adjunct professor of law and an education lawyer in California and New York. Even before the practicum's formal launch, Eagen has already begun advising the Farmworker Clinic on gaining English as a Second Language services for its school-age clients.

And next fall, the Transnational Disputes Clinic will

offer students the opportunity to work on cases involving legal systems around the world, including in cases advocating for the rights of international migrants, says Ian Kysel, a visiting assistant clinical professor of law who founded and directs the clinic.

"The world and our legal systems are increasingly interconnected and so being able to think strategically and to conceptualize legal work across national and international systems is a great training opportunity for our students," he says. ■

William vanden Heuvel '52 Leaves a Rooseveltian Legacy

by IAN MCGULLAM

Early in his career, **William vanden Heuvel '52** received some advice from his mentor, General **William "Wild Bill" Donovan**. Donovan, the founder of the Office of Strategic Services—the World War II-era predecessor of the CIA—was no stranger to a wide-ranging life, and he urged his protege to follow suit.

Donovan told him, "Bill, live life at as many points as you can," Ambassador vanden Heuvel recalled in his memoir *Hope and History*. "Touch it at every corner, and never be afraid to embrace something new."

Donovan needn't have worried—vanden Heuvel left a record of public service achievements that could fill at least a few lifetimes. Before his death at ninety-one from complications of pneumonia on June 15 in his Manhattan home, vanden Heuvel left his stamp on the civil rights struggle and criminal justice reform, national politicking, and the ever-elusive prospect of international cooperation at the United Nations.

Vanden Heuvel also had a substantial impact at Cornell Law School, where he graduated in 1952. In 2018, his generous gift helped establish the First Amendment Clinic, which gives students hands-on experience protecting freedom of expression.

From his boyhood listening to radio broadcasts of President **Franklin D. Roosevelt's** fireside chats onward, vanden Heuvel took the ideals of Roosevelt as a lodestone and was especially drawn to his conception of the Four Freedoms: Freedom of Speech, Freedom of Worship, Freedom from Want, and Freedom from Fear.

"It's such a great encapsulation of a progressive vision of democracy," said Eduardo M. Peñalver, the former Allan R. Tessler Dean of Cornell Law School who left earlier this year to become president of Seattle University, and who had a longstanding relationship with vanden Heuvel through his time leading the Law School. "It's political freedoms and economic egalitarian-



Amb. William vanden Heuvel with his daughter Katrina vanden Heuvel in early March of 2020

ism. It really crystallizes what Ambassador vanden Heuvel stood for and lived his life in support of."

Those ideals marked his career from early on. When Virginia's Prince Edward County reacted to *Brown v. Board of Education* by closing its public schools entirely rather than desegregate them—while subsidizing private schools for white students—vanden Heuvel led the Kennedy administration's push to ensure that Black students had access to education. Appointed as Attorney General **Robert F. Kennedy's** special assistant in 1962, vanden Heuvel directed the establishment of a new, free public school system open to Black students in a matter of months, assembling a multiracial board of trustees, winning over Black families whose children had been excluded from education for years, and attracting teachers and material support from across the nation.

Vanden Heuvel became one of Robert Kennedy's trusted advisers and was by his side during the successful 1964 campaign for one of New York's seats in the U.S. Senate, as well as RFK's 1968 presidential run that was cut short when the candidate was assassinated.

In 1970, as New York City detention facilities were wracked by riots, Mayor **John Lindsay** appointed vanden Heuvel as chairman of the New York City Board of Corrections. Vanden Heuvel spent the next three years pressing for an end to overcrowding, reforms to court procedures, and improved opportunities for prisoners, wielding the publicity his position afforded to attract aggressive press coverage. "The right to know in a democracy frequently depends on the demand to



Amb. vanden Heuvel speaks at a wreath-laying ceremony at the Roosevelt Four Freedoms Park in celebration of International Human Rights Day on December 10, 2015

know by the media,” he wrote in a 1972 *Columbia Journalism Review* article.

Vanden Heuvel returned to electoral politics in 1975, chairing **Jimmy Carter’s** presidential campaign in New York. Following Carter’s victory, vanden Heuvel was appointed first as the U.S. ambassador and permanent representative to the European Office of the United Nations in Geneva, and then as deputy permanent representative of the United States to the U.N. Mission in New York. The U.N. and the quest to use collective security and international cooperation for a more just world remained an abiding interest until the end of his life. “He would say that if he had ten more years, he could bring peace to Syria,” said his daughter **Katrina vanden Heuvel**, the publisher and editorial director of *The Nation*.

“He very much saw the law as a means for effecting social change,” said vanden Heuvel’s stepson **John V.H. Pierce**. However, vanden Heuvel also maintained a parallel private-sector career as an international and corporate lawyer throughout his life and took pride in having earned financial independence. After early stints first at Donovan’s law firm Donovan, Leisure, Newton & Irvine following graduation, and then at Javits, Moore & Trubin, vanden Heuvel joined Stroock & Stroock & Lavan in 1965 as a senior partner and remained at the firm until 1972. Vanden Heuvel later worked as a senior adviser to the investment bank Allen & Company from 1984 until the end of his life.

Pierce has happy memories accompanying vanden Heuvel to his office at Stroock as a child, and ended up following his father into the law; he is currently a partner at Wilmer Cutler Pickering Hale and Dorr, where he heads the firm’s International Arbitration practice. (Katrina vanden Heuvel’s daughter **Nicola Cohen** also ended up in her grandfather’s lawyerly footsteps, and is currently working in criminal law.)

“He really enjoyed what he did. I think he found the intellectual problems to be very interesting,” Pierce said. “His interest in the law was broader than just as his public service, which in some ways is obviously the most storied and told about, but there was more than just that piece of it.”

William vanden Heuvel was born in 1930 in Rochester, New York, to working-class immigrant parents—his father was a Dutch laborer at the mustard manufacturer R.T. French Co. and his mother, who was born in Belgium, kept a boardinghouse.

The family looked to Franklin D. Roosevelt as a savior during the grinding Great Depression, vanden Heuvel wrote in his memoir, and credited a New Deal housing program with allowing them to refinance their mortgage and save their home from foreclosure. He recalled taking his mother to an “I am an American” rally where he was able to meet **Eleanor Roosevelt**, and, after the president died, he hitchhiked to the Roosevelts’ Hyde Park estate and

convinced Eleanor to let him stay and bear witness at the funeral. Vanden Heuvel would remain associated with the Roosevelt family for the rest of his life.

“He was deeply moved by the sense of idealism, and not just idealism, but a pragmatism and resilience, that the New Deal brought the country,” said Katrina vanden Heuvel.

He enrolled at Deep Springs College, a small two-year college in the California desert that challenged students to combine rigorous academics with the leadership, collective spirit, and physical exertion demanded by running a ranch. Vanden Heuvel went on to finish his undergraduate education at Cornell University, graduating in 1950 and immediately proceeding on to Cornell Law School.

Vanden Heuvel arrived at Cornell still a teenager, at a time when the university was filled with veterans in their mid- or late-twenties. Despite the gap in life experience, though, his classmates recognized his ability, and elected him editor in chief of the *Cornell Law Quarterly*, which later became the *Cornell Law Review*.

The journal was only run by a handful of the students at the time, who essentially lived out of the office. **Richard Buxbaum '52**, vanden Heuvel's fellow *Law Quarterly* editor, said the two of them would occasionally break into parodies of Gilbert & Sullivan numbers—the patter songs, naturally—to lighten the mood. Since time was scarce, one editor would be delegated to go to each class and share their notes with the others; Buxbaum, now a professor emeritus at UC Berkeley School of Law, was assigned a particularly tricky property law course, and briefed the others on the material. “In the end, when we took the exam—I was the expert on Future Interests—I got a B+, and Bill, who had only listened to me, got an A,” chuckled Buxbaum. “And I always thought, first of all, that he was very good at this. And secondly, I must have been a brilliant teacher.”

Vanden Heuvel ended up living at Telluride House during his four years in Ithaca thanks to the house's Deep Springs-associated mission of intellectual curiosity and democratic self-governance. Telluride's parade of distinguished guests and residents, like former Labor Secretary **Frances Perkins**, the theologian **Reinhold Niebuhr**, and the physicist **Richard Feynman**, gave him entry to a broader world than he had growing up in working-class Rochester. Perhaps most consequentially, vanden Heuvel met ACLU founder **Roger Baldwin** through his roommate, Baldwin's stepson, beginning a relationship that would last until his friend and mentor's death in 1981.



Photos of Amb. vanden Heuvel during his law school years, provided by his daughter Katrina



Vanden Heuvel's law training left him with an abiding taste for a well-crafted argument. “It was the undergirding for all that he did,” said **Jill Kastner**, vanden Heuvel's editor and collaborator on *Hope and History*, which was published in 2019 by Cornell University Press. “He was naturally able to see both sides of the argument and calmly come to an opinion. And he was very firm in his opinions, and very reasoned, and he knew exactly why he believed various things.”

“His law was Justice Learned Hand, and Brandeis, and Cardozo, and the brief,” said Katrina vanden Heuvel. “He loved the history of law, the great judges, the great speeches. That's what moved him.”

Vanden Heuvel's donation to the Law School's First Amendment Clinic capped years of support for Cornell following his graduation. The idea first came up during a conversation with Peñalver; vanden Heuvel had already been planning a gift to the *Law Review*, but when the dean mentioned the nascent clinical program offhand, “he just got very excited about it and thought that it was an incredibly important thing for us to be doing,” Peñalver said. Mustering additional funds, vanden Heuvel enabled the clinic to start expanding its operations from day one.

“The ambassador was truly instrumental in getting the clinic off the ground and helping it achieve its current level of success,” said **Mark Jackson**, director of the First Amendment Clinic and adjunct professor of law. “We are so grateful to have him as part of our history. He recognized the value of all that we were trying to do, being supportive without trying to direct what we should do.” The clinic takes on both First Amendment litigation with the potential for national impact and cases supporting local journalists and outlets that wouldn't otherwise have the

Albertis S. Harrison Jr. of Virginia, left, announces the opening of a system of private free schools in Prince Edward County at a press conference in Richmond, Virginia, on August 14, 1963. Harrison is seated by State NAACP President Francis L. Griffin, William vanden Heuvel of the Justice Department, and NAACP attorney Henry Marsh.



Jimmy Carter, Democratic presidential candidate is greeted at LaGuardia Airport in the Queens borough of New York on October 14, 1976, by Donald Manes, Queens Borough president (center); Daniel Patrick Moynihan, Democratic candidate for the U.S. Senate, and William vanden Heuvel (far right).

resources to defend themselves. “The glory of speaking to the ambassador was that he supported both streams. He loved them both,” said Jackson.

Vanden Heuvel’s generosity of spirit was well-attested. “You know, for a person who has accomplished so much in his life, he was completely welcoming and gracious,” Jackson said. “He spoke with the gravitas of a public life well-served, but anybody across the table was a colleague. It was that great mix of familiarity and stature.”

Kastner first met him in 1994 when she was finishing a history Ph.D. at Harvard and became one of the many younger folks of similar mind vanden Heuvel took joy in mentoring. “He swept me up into the whole Roosevelt group,” Kastner said. “Once you met Bill, and he extended that generosity to you, you got to come along for the ride. And it was always delightful. Always lots of people, everybody well-meaning, trying to work for something bigger than themselves.”

Late in his life, vanden Heuvel spearheaded the construction of the Franklin D. Roosevelt Four Freedoms Park on New York City’s Roosevelt Island, creating a lasting tribute to his idol. The park had first been conceived of in the early 1970s when the island was renamed to honor FDR, but the project stalled amid the death of its architect **Louis Kahn** and the city’s dire financial situation.

In 2005, as vanden Heuvel transitioned to emeritus status at the Franklin and Eleanor Roosevelt Institute, which he had founded and previously chaired, he got the idea to revive the project.

With the Roosevelt Institute, vanden Heuvel helped muster more than \$54 million in public and private funding to make the park a reality. The project broke ground in 2010—in a spot not far from where the Cornell Tech campus would eventually open—and was finally completed two years later. The Four Freedoms Park, with its austere granite chamber open to the sky and sweeping views down the East River and across the water to the United Nations buildings, gave New York City “nothing

less than a new spiritual heart,” in the words of *New York Times* architectural critic **Michael Kimmelman**.

Being able to honor Roosevelt with the successful completion of the Four Freedoms Park project was one of vanden Heuvel’s signal achievements, said Katrina vanden Heuvel. “At the end of his life, the Roosevelt Four Freedoms Park is such a legacy,” she said. “It will endure.” ■

With the Roosevelt Institute, vanden Heuvel helped muster more than \$54 million in public and private funding to make the park a reality.



The Franklin D. Roosevelt Four Freedoms Park on New York City’s Roosevelt Island

REMEMBERING A GUIDING LIGHT
IN PUBLIC SERVICE:

Judge Peter Hall '77

by OWEN LUBOZYNSKI

Friends, colleagues, and classmates far and wide honored and remembered Judge **Peter Hall '77** following his death on March 11, 2021. Perhaps the most noteworthy tribute was delivered on the floor of the U.S. Senate by **Patrick Leahy**, senior senator from Vermont and president pro tempore of the Senate. On March 24, Leahy noted that Hall was a dear friend and “a great champion of justice” and then read a statement, which was entered into the Congressional record, from Hall’s former law clerks, who expressed their gratitude for Hall’s mentorship and friendship.



Judge Hall was a hero and a guiding light to many of us. He was all a federal judge and a career public servant should be. The United States is a more just nation because of his decades of public service. We miss him dearly.

— Hall’s former law clerks



Judge Peter Hall '77 (center) at the Law School in 2016



In the concluding paragraph of their moving statement, the former clerks succinctly describe Hall’s legacy: “Judge Hall was a hero and a guiding light to many of us. He was all a federal judge and a career public servant should be. The United States is a more just nation because of his decades of public service. We miss him dearly.”

Judge Hall served on the U.S. Court of Appeals for the Second Circuit since 2004, during which time he sat on three-judge panels in over 750 cases and authored more than 150 opinions in published decisions.

Hall was born on November 9, 1948, in Hartford, Connecticut. He attended Hotchkiss and the University of North Carolina at Chapel Hill as a Morehead Scholar, and after graduation and a year as a high school teacher, he returned to the university for a master’s degree and a stint as assistant dean of students.

At Cornell Law School, he served as president of the Legal Aid Clinic and graduated cum laude in 1977.

Hall began his career clerking for the Hon. Albert W. Coffrin in the U.S. District Court for the District of Vermont. Subsequently, he served as an assistant U.S. attorney and later as U.S. attorney for the district, with a stint in private practice in between. He also served as president of the Vermont Bar Association in the mid-1990s and was inducted into the American College of Trial Lawyers in 1997.

From 2007 to 2016, Hall was a delegate from the Federal Judge’s Association to the International Association of Judges. In this capacity, he traveled the world, working with foreign judiciaries on matters of administration, independence, continuing education, and governmental relations.



Judge Hall in 2016 when the U.S. Court of Appeals for the Second Circuit heard oral argument in the Law School's MacDonald Moot Court Room

"A Loyal Alumnus"

Hall maintained close ties to the Law School throughout his career, hiring as clerks alumni **Stacey Neumann '05**, **Nomi Barst Berenson '08**, **Jenna Scoville '18**, and **Amelia Hritz '17**. **James Brown '18** and **Nicole Greenstein '17** were slated to clerk for him in 2021. He also hosted **Marino D'Alessandro '19** and **Evelyn Hudson '20** as summer interns.

Elizabeth K. Peck, former assistant dean for Judicial Engagement and Professional Development, notes that in the spring of 2020, Hall took on a second summer intern at the last minute after a student had seen their summer job disappear due to the pandemic. "Through his generosity, a Cornell Law student had a wonderful summer full of professional development and mentorship. That may seem like a small thing to others, but for that one student, it meant the world," says Peck. "Judge Peter Hall was a true and loyal alumnus who supported his alma mater in ways big and small."

Hall regularly returned to the Law School to judge moot court competitions (he was joined by Justice Sonia Sotomayor of the United States Supreme Court in 2018), and in a 2016 visit, he and the rest of the Second Circuit judges heard a full docket of cases in the MacDonald Moot Courtroom, allowing students to observe the workings of the court first hand.

Dean **Jens D. Ohlin** notes, "I had the chance to become acquainted with Judge Hall through his tireless service to his



Through his generosity, a Cornell Law student had a wonderful summer full of professional development and mentorship. That may seem small thing to others, but for that one student, it meant the world.

— *Elizabeth Peck*



alma mater and came to admire him greatly. It's apparent from the correspondence my office has received that I was not alone in that sentiment. Judge Hall will be remembered as a man of great warmth and unfailing kindness, as well as a jurist of deep wisdom and uncompromising integrity."

"Down to Earth"

"Let me offer a funny story that says a lot about who Peter was and why all of us on the court were so fond of him," says Hall's colleague **Judge Richard Wesley '74** of the Second Circuit.

"In 2005 I lost my mom after a long, tough illness. Peter and I were in New York City for a sitting of the court on the day she passed. Peter came to mom's funeral, which required a five-hour drive of over 300 miles. The funeral proved to be a lengthy affair (mom was very active in her church), and afterward I suggested to Pete that he stay over and have dinner with us.

"His response? 'I'd love to, Dick, but I've got 200 lbs. of pig food in the back of the truck, and I need to get home to feed the pigs.' I can tell you now, in the long and storied history of the Second Circuit, no judge has ever refused a free meal and a night's lodging in order to go home and 'feed the pigs.' But that was Peter: thoughtful and kind—coming to my mom's funeral to show respect and concern but having to leave because he was so connected to the simple tasks of life others might think were beneath him."

Wesley is not the only one with a fond memory involving Hall's pickup truck. Recalling her clerkship with Hall, Neumann says,

Judge Richard Wesley '74 (left), Chief Judge Robert Katzmann (center), and Judge Peter Hall '77 of the U.S. Court of Appeals for the Second Circuit at the Law School in 2016.



We are a unique crew, at least as law clerks to judges on the Circuit Courts of Appeals go. Many of us were non-traditional law students. Others graduated from law schools outside of the elite institutions whose students can expect to go on to Second Circuit clerkships [...] Our lives have been forever changed by the gift of having clerked in his chambers. We hope that Judge Hall's leadership in elevating diverse voices and experiences will further cement his legacy on the Court and in the law. We owe him more than we could ever repay.

— Hall's former law clerks



Judge Hall (far left) with Professor Schwab at a Law School reception

He will till soil and fix a well on his farm in the morning and show up to chambers in the afternoon in the same outfit to then review and discuss very important legal matters. He is the most caring, kind, and fair judge I have seen, and I am honored to have worked for him for some time.

— Marino D'Alessandro '19

"My husband and I were living in Killington for the winter during my term. One day on the way to work, my little Nissan hit a deer, and both the poor deer and my car were totaled. Of course, I called Judge Hall right away to let him know what happened and that I would be late. He came to pick me up, and he let me borrow his pickup truck for the rest of the spring until we could secure a new vehicle. He literally drove me to his house, gave me the keys to the truck, and let me use it! And boy was that pickup fun to drive!"

"Judge Hall is the most down-to-earth person I have encountered in my legal career," says former intern D'Alessandro. "He will till soil and fix a well on his farm in the morning and show up to chambers in the afternoon in the same outfit to then review and discuss very important legal matters. He is the most caring, kind, and fair judge I have seen, and I am honored to have worked for him for some time."



Members of the Moot Court Board stand behind the judges for the 2018 Cuccia Cup Moot Court Competition (L to R): Hon. Peter Hall '77, Hon. Richard C. Wesley '74, Supreme Court Justice Sonia Sotomayor, Hon. Steven M. Colloton, and Hon. Amy J. St. Eve '90

"A Warm, Kind Friend"

Says Wesley, "If you want to know Peter Hall, go to the Cornell Club at 6 East 44th St. in New York City and ask to speak to Tony the bartender or David in the dining room or Stiles the doorman; all will tell you Peter loved chatting with them, asking them about their families. The same is true of many of the staff at the court. Peter was just a very nice guy."

He goes on, "If you want to know Peter Hall, ask his law clerks what they thought of him. They will tell you of an unassuming man of great intellect who treated them as colleagues and who listened carefully to their views, who enjoyed taking a ski day off from work, and who was always interested in them."

Indeed, Hall's love of skiing made a lasting impression on Neumann: "I remember Judge Hall taking us clerks on a ski afternoon after work one day. I was just beginning to ski and was (am) terrible. We had such a grand day laughing. He was mocking me in his caring, teasing way about how I skied like a hook, since I was all hunched over. He was, of course, an excellent skier—was there nothing he didn't excel at?—and would ski by me and then hunch over next to me with that guffaw of his."

She adds, "Even after the clerkship ended, Judge Hall continued to be a mentor for all of us. We moved to Maine in 2009, and I didn't know a soul there. I was in contact with Judge Hall. He contacted everyone he knew there to try to help me find some work in the middle of the depression. I swear we were in contact every day, with him giving me new leads and ideas. One of his contacts was **Paula Silsby**, then U.S. Attorney for Maine who had been an AUSA when Judge Hall was in the Vermont Office. She eventually hired me, undoubtedly due to Judge Hall."

Hall maintained close ties not only to former clerks but also former classmates. **Marion Bachrach '77**, an adjunct professor at the Law School, recalls their law school days together: "Peter was a warm, kind friend, and a wonderful classmate. We were in the same study group and puzzled together over thorny issues in contracts and property. He rescued me many times, without grumbles or complaint, when my car, a 1968 Mustang that was built for people who live in sunny Santa Barbara, was stuck in snow. We spent countless, long evenings over home-

cooked dinners, music, and games of Scrabble and Rook, a card game few would play if they weren't secluded in icy Ithaca. Bob Dylan's lyrics come to mind: 'I wish, I wish, I wish in vain/ That we could sit simply in that room once again.'"

"One Helluva Lawyer"

In the statement honoring Hall after his death, his former clerks collectively observed, "Judge Hall possessed a rare and dedicated humility. You will not find indulgent, flowery, or self-aggrandizing prose in his opinions. Instead, you will find clear explanations of what the law is and how it applied to the litigants before him, written to be as understandable as possible to anyone reading the opinion later."

Neumann has her own favorite example of Hall's un-flowery language outside of the courtroom, "I want to give Judge Hall full credit for my favorite term of his that I have adopted (always credited to him, of course). This is the term 'goat rodeo.' As in, 'Wow. That hearing was a goat rodeo.' You'd be surprised at how frequently this term succinctly describes the practice of law."

Says Judge Wesley, "Peter was one helluva lawyer. He worked hard on his cases and was always prepared. He was a terrific listener. We have lots of really smart folks on our court. They are accustomed to having others agree with their views. It's not always easy to listen to an opposing understanding of a legal issue. Peter was a master at it. He was respectful and measured in the way he responded to others. There were times when we disagreed, but Peter was never disagreeable."

He adds, "Peter was the man many aspire to be. He was a good friend, he was smart, he worked hard, and never forgot his home, his beloved Vermont. I miss him." ■



Cornell Law classmates and guests at a 2004 reception and dinner organized by Marion Bachrach '77 to celebrate Judge Hall's confirmation by the Senate.

The Case for Reforming Our Nation's Deadly Traffic Manual

FACULTY
ESSAYS
ON
TIMELY
LEGAL TOPICS

by SARA CECILIA BRONIN



As a new faculty member, I've spent a little time getting to know the town you, fine reader, know so well. Driving and taking the bus lets me experience the city one way, but by far the best way to understand the city is by walking. A walker finds that Ithaca's dedicated trails are very comfortable. Many of the sidewalks are serviceable, too. But they often flank very wide streets, with cars zipping by at a fast pace. And I don't just mean auto-oriented Meadow Street. Even West Green and Seneca Streets downtown, which in theory should be pleasant walking streets, are urban highways. Overall, there seem to be only a handful of traffic calming measures throughout the city. Why aren't Ithaca's roads better for the many people who walk and bike?

In recent research, I contend that road infrastructure like Ithaca's is shockingly common.¹ The whole country has been locked in 1950s-era inertia when it comes to the rules that govern road design. These rules are largely developed at the federal level and written by several nongovernmental membership associations, with little public input. They haven't fundamentally changed in decades, and they don't incorporate the latest techniques for making our streets safer for nondrivers. Most importantly for a legal audience, perhaps: they don't really allow states, much less

cities like Ithaca, legal cover to innovate. If cities design roads to meet the federal standards, they are virtually absolved of legal liability for design. So cities stick with the federal standards, even if they result in roads designed more for cars than for people.

So What is the Manual on Uniform Traffic Control Devices?

Although I cover several different federal road-design standards in my work, I would like to focus on just one standard here: the *Manual on Uniform Traffic Control Devices for Streets and Highways* ("the Manual").² First published in 1935, the Manual has been administered by the Federal Highway Administration (FHWA) since 1971 and is in its tenth edition. Its influence is felt not only on federal highways but on nearly every neighborhood block in America because it is adopted (and adapted, in often very minor ways) into state and local laws governing road design.³

On its face, the Manual is a straightforward technical document. It contains over eight hundred pages of engineering guidance on everything from traffic-light placement to the font of highway signs. It also prescribes acceptable methods for modifying speed limits. Millions of Americans entrust their lives to a road system that is governed by the Manual. And why shouldn't they? It is purportedly in place to make life better for those who use the American transportation systems. But while such provisions may sound benign, some of them have life-or-death consequences.

After spending decades in relative obscurity, the Manual has received a flood of scrutiny over the past year. In 2020, the FHWA announced a proposed revision to the Manual ("Proposed Manual").⁴ Over 26,500 public comments were submitted, including one from myself and Iowa Law professor **Gregory H. Shill**. We argued that the Proposed Manual would perpetuate some longstanding arbitrary, capricious, or discredited rules, even as it introduced new ones bearing the same defects. On the whole, the Proposed Manual would carry over to the twenty-first century some of the direst



If cities design roads to meet the federal standards, they are virtually absolved of legal liability for design. So cities stick with the federal standards, even if they result in roads designed more for cars than for people.



transportation policy failures of the twentieth. Moreover, it would make it nearly impossible to accomplish our nation's official goal of "zero deaths" on the roads.

A Critique of the Manual

In our view, the biggest issue is that the FHWA prioritizes maximizing "throughput," namely, the number of vehicles able to pass through a given marker, such as an intersection, in a given period. The Manual (and the Proposed Manual) achieve this priority. They establish a hierarchy of vehicular speed over public safety, vehicular mobility over other uses of public space, and driving over other modes of mobility.

One glaring example of bias in the current and proposed Manuals alike is the "85th Percentile Rule," a method that empowers traffic officials to adjust the speed limit to the speed at or below which 85 percent of vehicles are traveling "in free-flowing traffic." If as few as 15 percent of drivers are driving faster than the current posted limit, for example in light traffic, then this method would counsel raising the speed limit to legalize the conduct of that minority, even if doing so would be reckless. The 85th Percentile Rule does not merely favor driving over other forms of mobility; it delegates the interpretation of the law to the subset of drivers who are violating it most aggressively. Worse, as it erases the interests of anyone who is not driving.

Beyond the speed limit, other road-design standards also establish a maximum-throughput vision in the Manual. For example, the Proposed Manual leaves in place current guidance that "[c]rosswalk markings should not be used indiscriminately" and that an engineering study must be done before a crosswalk is installed. Such study requirements entrench the status quo by raising the cost of installing new crosswalks. Similarly, the Manual sets forth an array of factors to be taken into account by an engineer to determine when a new traffic signal or crosswalk is warranted. One factor is pedestrian activity. Justifying a midblock crosswalk signal on a major street, for example, requires the observation of at least 107 pedestrians crossing the street per hour.

An alternative method of justifying a crosswalk is to require a certain amount of human and material sacrifice. Five or more serious crashes—crashes that exceed the reporting threshold for injury, death, and/or property damage—within a twelve-month period are necessary, though not sufficient, to add a crosswalk under this "Crash Experience" warrant. Since they lack the

protection of an automobile, pedestrians bear the brunt of the burden of this minimum-crash requirement. It is aggravated by other rules about striping and signalization that put pedestrians and bikers in dangerous situations, where they are less visible to cars, less protected from cars, or not accounted for at all.

The Proposed Manual charts new terrain for throughput by adding an entire new chapter on automated vehicles. But this technology is too experimental, too unsafe, and too likely to produce racially disparate outcomes to mandate that our roads be rebuilt around it. The fact that the Proposed Manual drafters have included an entire chapter on automated vehicles underscores the drafters' car-centric bias.

These examples all illustrate how the Manual and Proposed Manual promote fast vehicle travel, trading off important social priorities, such as community vitality, safe access for pedestrians, and clean air, in the service of throughput. These other goals do not appear to be a priority of the principal group that advises the FHWA on the Manual, the National Committee on Uniform Traffic Control Devices.

Does the Manual Really Matter?

The maximum-throughput approach embodied by the Manual has had many consequences. It makes driving faster and other modes of travel slower and more dangerous, raising the level and risks of driving. One group that benefits little from this approach is nondrivers—almost 100 million Americans—who are by and large excluded from the benefits of the Manual's emphasis on throughput.

The past year and a half is evidence of the direct danger of car-centric policy. Although driving dropped off sharply during the worst of the pandemic, 2020 saw the highest year-over-year increase in roadway death rates on a per-mile-traveled basis in ninety-six years. Lighter traffic allowed uninhibited, faster driving, a development for which the Manual helped lay the groundwork prior to the pandemic.

As has been documented extensively, the lives taken by car crashes are far likelier to be African American, Latino, Indigenous, low income, or belong to people with disabilities than the general population. Indeed, significant parts of the road system have been built in ways that have destroyed low-income communities and communities of people of color. The choice to accommodate the rise of the automobile by displacing Black, immigrant, and poor Americans for roadbuilding supercharged

racial segregation and health disparities that continue to this day. In the words of U.S. Transportation Secretary Pete Buttigieg, “[t]here is racism physically built into some of our highways.”⁵

What Can Be Done?

In our paper, we propose several changes to the Manual so that it promotes, or at least no longer impedes, the paramount goals of safety, climate action, racial justice, and prosperity.

First, we propose the elimination of the 85th Percentile Rule, which undermines safety and the rule of law. Rather than enhancing predictability, stability, or fairness, it empowers those who violate the law to trigger an opaque administrative process that results in a change in legal regime. It is perhaps unique in American law in empowering law-breakers to activate a rewrite of the law to legalize their own unlawful conduct.

Second, we propose withdrawal of a proposal to render millions of miles of American streets more hostile to vulnerable road users in the name of an unproven technology, autonomous vehicles (AVs). The Proposed Manual seeks to maximize uniformity over and above important alternative goals. For example, the chapter warns against streets with decorative crosswalks. Many legal crosswalks are not marked at all; the Proposed Manual fails to address how AVs should interact with them, nor does it advise road engineers to mark crosswalks in preparation for AVs. Other provisions of the chapter prescribe affirmative changes that are harmful. One section encourages wider roads, which have been shown to promote faster and more dangerous driving. The Proposed Manual’s premature emphasis on AVs is even more startling given that, in our 101st year of the quest to fully automate driving, the most successful completely automated vehicle is arguably a vacuum cleaner, the Roomba.

Third, we propose that the FHWA review the remainder of the Manual through the lens of three guiding principles: fostering fairness for all types of road users; incorporating diverse expert and community opinions; and facilitating local flexibility and innovation, especially in cities and communities that are disproportionately harmed by fast vehicular traffic. Where specific provisions hinder achievement of these provisions, the Manual should be rewritten. Moreover, the composition of the National Committee on Uniform Traffic Control Devices, which guides the drafting of the Manual, should reflect more types of road users, not just drivers. We also propose that their meetings be opened to the public.

Conclusion

Improving safety for all road users is essential for progress on economic prosperity, climate, and racial justice in the United States, yet the current Manual undermines those bedrock goals. The Proposed Manual is no better, and, in several ways, it is worse. It doubles down on the mistakes of prior generations of the document, which embody an early-twentieth-century goal of increasing car ownership and vehicle miles traveled. In addition, it adds an entirely new chapter to accommodate a technology, automated vehicles, that remains experimental and problematic. The biases enshrined in the Manual undermine safety, equity, and economic development, and its continued narrowness reflects a decisionmaking process that has remained closed to diverse input for nearly a century.

Fundamental changes to the Manual and Proposed Manual are imperative. A freshly rewritten Manual can advance rules of design that minimize rather than amplify the unique dangers to which speeding motorists expose vulnerable road users like pedestrians, wheelchair users, and bicyclists. Over time, changes to this obscure federal road standard can help make Ithaca’s streets more welcoming to curious newcomers.

This essay excerpts portions of an article published in October 2021 in the *Harvard Law Review Forum* and coauthored with Iowa Law Professor Gregory H. Shill. ■



ENDNOTES	
1. Sara C. Bronin, Rules of the Road: The Struggle for Safety and the Unmet Promise of Federalism, 106 <i>Iowa L. Rev.</i> 2153 (2021).	3. See 23 C.F.R. § 655.603(a) (2020).
2. The Manual, known to traffic engineers as the MUTCD, is not the only document governing road design. Most notably, the American Association of State Highway and Transportation Officials’ “Green Book” dictates road and lane width and intersection design, among other things.	4. Fed. Highway Admin., U.S. Dep’t of Transp., <i>Corrected MUTCD Proposed Text</i> (Dec. 18, 2020) [hereinafter Proposed Manual].
	5. Corinne Grinapol, Biden Administration Seeks to Address the Interstate Highway System’s Racist Past, <i>Eng’g News-Record</i> (Apr. 15, 2021)



Hayley Chang: Leading Cybersecurity Efforts on a Global Scale

"The threat of cyberattacks is evolving and affects all of us," says **Hayley Chang '05** (her classmates knew her as Hayley Reynolds), who now heads up cybersecurity efforts at Facebook.

She knows what she is talking about.

Until now, oceans have provided physical barriers between us and most of our adversaries. But today, even countries located far away with inferior military strength can leverage cyberspace to attack our civilians.

— Hayley Chang '05



The social media giant wooed her away from the federal government, where she had held senior executive positions with the U.S. Department of Homeland Security and the FBI.

During her tenure in government, she led the team that received the Secretary's Meritorious Services Silver Medal for developing a strategy to counter cyber threats. And she testified before Congress in support of the successful Preventing Emerging Threats Act of 2019.

That law has since proved to be essential, she says. "It gives the government the authority to counter those threats and is now used almost every day."

But the threats from ransomware attackers and other malicious cyber actors still loom—including from sophisticated nation states, she says.

"Until now, oceans have provided physical barriers between us and most of our adversaries," she states. "But today, even countries located far away with inferior military strength can leverage cyberspace to attack our civilians."

The one bright spot, Chang says: "For anyone who is interested in the field of cybersecurity, there are so many opportunities for impactful work."

Chang has engaged deeply in the field in both the federal

government and, now, in the private sector.

Despite recent waves of criticism, Chang considers social media a net positive. "It connects people and empowers those who otherwise might not have the opportunity to effect positive change," she says.

As an example, she cites the use of social media tools to locate COVID-19 vaccination and testing sites. And, she points out, social media has played a significant role in facilitating positive social movements, such as the "Arab Spring"—the series of pro-democracy uprisings that began in spring 2011 in the Mideast,



influencing such countries as Tunisia, Morocco, Syria, Libya, Egypt, and Bahrain.

So, what made Chang decide to leave the FBI and join a commercially successful but socially controversial firm like Facebook?

"Working for the FBI had been a lifelong dream," she says. "I was drawn to the FBI's mission of protecting the American people. But learning I could pursue similar goals while finding new challenges in a dynamic, high-tech environment—that was an amazing opportunity."

She had spoken with friends who made the transition from public service to the tech sector and talked about the impact they could have in cyber from that vantage point.

"Cybersecurity is a team sport. The government can't fight these battles alone, and, in many cases, the private sector is on the front lines," she notes.

Chang began her public service career in the post-9/11 era. Following a federal appellate clerkship, she became a federal prosecutor, then joined the deputy attorney general's national security team in 2007.

"At that time, we were laser focused on counter-terrorism, and I worked with my colleagues in the Department of Justice and our partner agencies to defend the homeland from threats of violence," she relates.

In 2008–2009, she served overseas as the deputy rule of law coordinator in the U.S. Embassy in Baghdad, Iraq. Her role was supporting the chief justice of Iraq and the international teams helping to transition the country from a confession-based criminal justice system to an evidence-based system.

"There was a new constitution in place, new rules of criminal procedure, but they hadn't really been implemented," she recalls. "A lot of our job was advocacy, working together with the judiciary to lay the groundwork for submitting forensic evidence in court. We worked with the experts to present blood samples, DNA, and fingerprints. It was an exciting time."

Chang grew up in eastern Washington State, near Spokane. As a girl she loved to read, especially adventures, spy stories and "everything FBI," she says.

She also had a best friend when she was a child whose father was a police officer. "I always admired law enforcement and people who put their lives on the line to protect others," Chang says. "That's probably what sparked my later desire to pursue law enforcement and national security."

Her legal career began along a different path, however. "I was drawn to Cornell Law School because of its dual degree program," she explains.

Cornell offers a unique J.D./Master en Droit program in partnership with the Paris 1 Pantheon-Sorbonne University. Chang had fallen in love with the City of Light when she'd studied abroad as an undergraduate. She says she was delighted when she was accepted into the Law School's dual degree Paris program.

Then her plan evolved after two critical experiences during law school.

"I got bitten by the trial bug the summer of my 2L year," Chang explains. "As a summer associate at Kirkland & Ellis, I was exposed to the firm's trial advocacy program and traveled to watch some of their best trial lawyers in court. I just fell in love with it."

Her love for litigation increased and her interest in public service blossomed during her 3L year when she pursued an externship in the U.S. Attorney's Office for the Southern District of New York.

The law professor who made the biggest impression on her, she says, was **Michael Heise**. "He was extraordinarily generous with his time," she recalls, "always answering our questions and giving advice."

Heise, the William G. McRoberts Professor in the Empirical Study of Law, was the Federalist Society's faculty adviser when Chang was president of the Cornell chapter, and he advised the *Cornell Law Review*, where she was an editor.

Chang's best memories from the *Law Review* were opportunities to bond with her other students. Indeed, some of her fellow *Law Review* editors remain her close friends today. Among them is **Ilana Pearl '05** (whom classmates may know as Ilana Buschkin). She is now a corporate attorney, and the two recently spent a weekend together on a lake, along with their families.

"To say that Hayley is capable is an immense understatement," says Pearl. "She has achieved a high level of success professionally and personally. She is tremendously diplomatic and also personable. People want to be on her team. In addition, she happens to be a wonderful wife and mother."

When asked what has inspired her most, Chang responds: "my faith and my family. I had the best parents in the world."

She and her husband, Will, who is a vice president at another large, public company, have four children: two girls, one eleven and one five years old, and two boys, one nine and one four years old. ■

~ LINDA BRANDT MYERS



New Professor Carlton E. Williams Teaches Movement Lawyering

Carlton Williams was a staff attorney with the American Civil Liberties Union of Massachusetts when he got a call a few years ago from **Beth Lyon**, clinical program director at Cornell Law School.

"She asked if I'd be interested in teaching a course on social justice movement lawyering," says Williams. He ended up initially teaching a podium course on the subject as a distinguished practitioner in residence in fall 2019. "In that first course, students learned about movement lawyering but didn't do it," he explains.

He was then invited back in fall 2021 as a permanent member of the faculty and taught a full-fledged hands-on movement lawyering clinic that semester, which was so popular it was oversubscribed soon after being listed.

"In addition to his national profile and reputation, Professor Williams has a long history as a dedicated civil rights leader in Boston," comments Lyon. "His new movement lawyering clinic has challenged students to see the lawyer-client relationship through the lens of a community's social change priorities."

Williams's ties to the Law School include the fact that his twin brother, **Christian**, who now teaches clinical legal edu-

cation at Harvard Law School, earned his J.D. at Cornell in 2009. In addition, Carlton Williams and Cornell Law Professor **Aziz Rana** served on a panel together at Harvard several years ago.

"I was blown away by how incredibly thoughtful he was on questions involving law, race, and justice," says Rana, "and I

many as ten active movement lawyering projects.

"One of the big ones involved the organization Black and Pink, which supports incarcerated and formerly incarcerated LGBTQ people, some of whom were charged with being sex workers," Williams relates. Many received inappropriately long jail sentences and are still

North Dakota—treaty land with sacred sites as well as the source of water for the Lakota people, where an oil pipeline was going to be built," Williams explains. "I worked for the collective for a year, before I initially came to Cornell to teach," he says.

"The idea of free access to clean water is deeply embedded in Lakota culture," Williams explains. As a result, there was a massive series of protests in Standing Rock against the pipeline threat in 2016–2017, he relates. "The collective mobilized almost every one of the people involved—800 to 900—and supported their families when some of them were incarcerated."

Now, Cornell Law students in his new Movement Lawyering course "have been documenting all the sacred sites that are under threat from extractive resources, climate change, and other dangers in the U.S. and determining the legal challenges," Williams says.

"They've put together a map so that, if you are, say, part of an indigenous group in Georgia trying to protect your home and land, which is traditional hunting land, now there is a resource to find out about others with similar issues who have been successful with, say, a particular legal argument."

"Documenting such harms tells a different story than that of, say, just one endangered place," Williams observes. "That's the

In addition to his national profile and reputation, Professor Williams has a long history as a dedicated civil rights leader in Boston. His new movement lawyering clinic has challenged students to see the lawyer-client relationship through the lens of a community's social change priorities.

— Beth Lyon

am thrilled he has since come to Cornell. His courses have been a transforming experience for our students."

"Movement lawyering," Williams explains, "sees lawyers as technicians who can facilitate things for the people directly affected by the issues they are fighting for or against—and the ones effecting change. Those folks are better than lawyers because of their commitment to the issues."

In his fall 2021 Movement Lawyering course, Cornell Law students looked into as

imprisoned, even though they are elderly, ill, and at risk of succumbing to COVID-19, he says.

"My students did clemency petitions for them, explaining that it is dangerous to keep them incarcerated at this point. The students worked over break and expressed a desire to continue working on this after the course ended," Williams says.

"Another big project involved the Water Protector Legal Collective, a lawyering organization active in Standing Rock,



massive project for the WPLC, and it's really thrilling."

It may also be a subject Williams is drawn to because he and his twin brother are part Native American (Narragansett), he mentions, in addition to being part Black and part Italian. They were raised by their grandparents, whose politically progressive views were an influence, Williams says. But growing up on Rhode Island, they were not immune to discrimination, he reports. "I've always seen injustice from different sides, because a lot of the people I grew up with were

white, and I noticed different treatment of people," Williams says.

He recounts an incident in which he and his brother were picked up by police for no discernable reason when they were teens, and his brother, who had made a joke at the time, was punched in the face by one of the officers. Fortunately, he recovered and the two were released, but the incident made an impression.

After attending the University of Rhode Island as an undergraduate, graduating in 1991, Carlton Williams moved to Boston, where he initially did

antiwar and antimilitarization work. He left to earn a law degree at the University of Wisconsin, which he was awarded in 2006. He then returned to Boston to become a public defender in 2007–2013, defending people in the disadvantaged Roxbury area.

He worked for five years with the ACLU of Massachusetts on such civil rights issues as police brutality, and he has continued to do movement lawyering, both for the ACLU and the National Lawyers Guild. "Most of the cases that the American Civil Liberties Union handles are lawsuits working to change such things as immunity, mandatory minimum sentences for drugs, making the death penalty unconstitutional," he explains.

"I tell my students that being a movement lawyer is incredibly important work, but it can be overwhelming," Williams cautions. "It's a little like that old episode of *I Love Lucy* in which Lucille Ball's character, Lucy Ricardo, is working at a candy factory, and those candies just keep coming."

"Another model, and one that I ascribe to," says Williams, "is seeing lawyers as technicians who can facilitate things for the real people doing the work, the ones directly affected by the things they are fighting against, and the ones effecting change. Those are people on the streets like **Alicia Garza**,

one of the founders of Black Lives Matter, which is now a worldwide movement of people," Williams points out. The advantage to that approach can be: "while there's only one of her, there are many thousands who are organizing in their community," says Williams. "Those folks can be better than lawyers, whether they are working for a crosswalk on their street or fewer prisons in their state, or defunding the police or abolishing the death penalty, or legalizing drugs or decriminalizing sex, or eliminating the incarceration of children, or fighting for the right to vote, or perhaps they came to this country when they were children and are now fighting for citizenship."

Lorelei Lee '20, a sex worker community organizer who now works in the Law School's Gender Justice Clinic, first learned about movement lawyering in Professor Williams's podium course on the subject at the Law School in 2019. "He gave me the tools to I needed to approach legal issues more effectively," says Lee. ■

~LINDA BRANDT MYERS



Cornell Law Unveils a Portrait of Former Dean Eduardo Peñalver

On June 3, faculty, staff, students, and alumni gathered—on Zoom and in the Zhu Faculty Workshop Room—to recognize and thank **Eduardo M. Peñalver** for his years of service as dean of Cornell Law School, to offer best wishes as he departed to become the



What I remember most about that first meeting with Eduardo more than fifteen years ago was how obviously intelligent, interesting, yet down to Earth, and warm he seemed. As I shook his hand after handing him off to his next appointment, I thought, 'That's who I want as our next dean,' and my wish came true eight years later.

— Barbara Holden Smith



William Benson (left) stands next to his portrait of Eduardo Peñalver, on the right with his wife Sital Kalantry

next president of Seattle University, and to witness the unveiling of his official portrait that will hang in the Law Library's Gould Reading Room.

"Eduardo's tenure as the Allan R. Tessler Dean of Cornell Law has certainly been transformative for our school, and so it is

most appropriate that his portrait should take its rightful place alongside other distinguished former deans of our beloved Law School," said **Jens Ohlin**, "Eduardo, it's an honor to celebrate you today, and thank you for indulging our desire to do so. You have been many things to us: our colleague, our dean, our friend, our bartender, and you've been our pilot, navigating us to brighter horizons."

Following Ohlin's remarks, others shared memories of working and interacting with Peñalver during his time at Cornell Law School, including Provost **Michael Kotlikoff**, Professor **Barbara Holden-Smith**, Professor Emeritus **Gregory Alexander**, former student **Nicholas Carre '19**, and **Allan R. Tessler, LL.B. '63**.



Eduardo Peñalver and Sital Kalantry (seated) and Jens Ohlin (left) listen to Barbara Holden-Smith speaking (on screen)



"Eduardo is a true university citizen," said Kotlikoff. "He sees everything, in both the light of the Law School but also the larger context of the university."

"What I remember most about that first meeting with Eduardo more than fifteen years ago," said Holden-Smith, "was how obviously intelligent, interesting, yet down to earth, and warm he seemed. As I shook his hand after handing him off to his next appointment, I thought, 'That's who I want as our next dean,' and my wish came true eight years later."

Professor Emeritus Gregory Alexander spoke about Peñalver as a property scholar. He told a story on how he and Peñalver wrote many essays together, and how Peñalver transformed from a junior colleague to a mentor. "I honestly learned more from Eduardo than he ever possibly could have learned from me," said Alexander.

Nicholas Carre '19 described "Dean P" as generous, empathetic, and humble, as well as involved with his students.

Allan Tessler ended his remarks with an announcement on behalf of the Advisory Council that the Sital Kalantry and Eduardo Peñalver Scholarship had been created and that the Law School foyer had

been renamed the Eduardo Peñalver Foyer.

A short time later, Ohlin invited Peñalver to join local artist **William (Bill) Benson** at the easel to unveil the portrait that Benson had painted. Following applause from those in person and online, Peñalver approached the podium to give some remarks.

After acknowledging his gratitude for his wife **Sital Kalantry's** full support and encouragement, he thanked Bill Benson, noting how he had incorporated details that were important to his heritage and life story into the portrait, such as the Cuban flag. "My Cuban family's experience of dislocation and loss was what first inspired me to think and write about property law."

"Serving as the Allan R. Tessler Dean, as your Dean, has been an honor," said Peñalver.

Ohlin then wrapped up the event with some final words about Peñalver, "Eduardo and Sital, on behalf of all watching here today, thank you for all you have meant to this Law School. We are fortunate to have had your leadership, your friendship, and your dedication to this very special place and its people. We wish you and your family clear skies on your journey to Seattle, but please know that you will always have a home here at Cornell Law School."

~GEORGINA SELENICA

Sandra Babcock Awarded ABA's John Paul Stevens Award

On September 23, clinical professor of law **Sandra Babcock** received the American Bar Association's John Paul Stevens Guiding Hand of Counsel Award. The award is given every other year to a full-time human rights defender who has shown commitment and courage in the representation of people facing the death penalty.



What I have achieved is attributable to a collective effort by many, including my students, who have helped save the lives of dozens of men and women on death rows around the world.

— Sandra Babcock

Babcock is the faculty director of the Cornell Center on the Death Penalty Worldwide. Through her clinical teaching, she has spent many years advocating for prisoners in Malawi, leading to the release of more than 250 prisoners, 140 of whom were previously sentenced to death. She was the principal architect of the

Malawi Resentencing Project, which won the World Justice Challenge in April 2019 in The Hague.

In her nomination letter, **Delphine Lourtau**, former executive director of the center, observed "Sandra's unique brilliance is the ability to see and meet a need that others do not even recognize, and in that way transform the legal landscape, create a new way of conceiving the work, build bridges to a new set of part-



ners, and train the next generation of practitioners."

Babcock was also recommended for the award by ACLU lawyer **Denise LeBoeuf**, who wrote, "Sandra Babcock is nothing less than a visionary leader," and lawyers and filmmakers **Michael O'Connor** and **Celia Rumann**, who noted, "Her work has been a catalyst

that has systemically changed the representation of those facing the death penalty, both in the United States and worldwide.”

Babcock herself says, “It is an immense honor to be recognized for my work, which focuses on the most marginalized members of our society. I

Biden Administration Nominates Sara Bronin to Chair U.S. Historic Preservation Council

Professor **Sara Bronin**, a leading voice on historic preservation law and related land use practices, was nominated in June by the Biden administra-

tion to chair the U.S. Advisory Council on Historic Preservation. The council advises the president and congress on decisions and policies that promote the preservation and enhancement of national historic resources.

Bronin joined the Cornell faculty on July 1 as an associate member of the Law School faculty and as a professor in the Department of City and Regional Planning at the College of Architecture, Art, and Planning. As a professor, policymaker, and pending council chair, she continues a career devoted to creating and preserving sites significant to U.S. heritage and shaping policies that Bronin hopes will encompass “all aspects of the American story.”

“I’m honored that President Biden nominated me for this

position,” shares Bronin. “If appointed, I hope to help ensure that our country’s preservation policies enable inclusive and joyous places—while at the same time advancing more sustainable and equitable transportation, energy infrastructure, and housing. I’ll also work to increase public engagement with preservation issues, something that is core to Cornell’s mission of providing innovative, interdisciplinary historic preservation education.”

Bronin, a Mexican-American architect, attorney, and policymaker specializing in property, land use, historic preservation, and climate change, comes to Cornell from the University of Connecticut where she held an endowed chair position in real property law and led an energy and environmental law center. Currently, she leads Desegregate Connecticut, a coalition that successfully shepherded landmark zoning legislation at the state level, serves as an advisor for the National Trust for Historic Preservation, and is a member of the board for Latinos in Heritage Conservation.

Migration and Human Rights Program Helps Launch Refugee Rights Organization

A first-of-its-kind Global Strategic Litigation Council for Refugee Rights comprised of more than two dozen refugee rights groups was launched on September 13, with leadership



have been engaged in the global struggle to abolish the death penalty for thirty years. During that time, I have been supported and inspired by so many lawyers and human rights activists—including my colleagues at the Cornell Center on the Death Penalty Worldwide and our wide network of partners in the Global South. What I have achieved is attributable to a collective effort by many, including my students, who have helped save the lives of dozens of men and women on death rows around the world.”

I’m honored that President Biden nominated me for this position. If appointed, I hope to help ensure that our country’s preservation policies enable inclusive and joyous places—while at the same time advancing more sustainable and equitable transportation, energy infrastructure, and housing.

— Sara Bronin

”

ABOVE: Professor Sara Bronin testifying on September 21 before the Senate Committee on Energy and Natural Resources on her nomination to become chairman of the Advisory Council on Historic Preservation



Ian M. Kysel



Joseph Margulies



Valerie Hans

and support from Cornell Law School's Migration and Human Rights Program and Professor **Ian M. Kysel**.

Until now, there has been no single group dedicated to developing strategic litigation and related legal advocacy to advance the protection of refugee or migrant rights. The formation of the Council comes at a time when the rights of people on the move—including nearly 21 million refugees—are being threatened around the world.

"We know that governments copy each other and that rights abusive practices migrate around the globe," says Kysel, a visiting assistant professor of law, "the Council gives civil society a way to respond to that through legal strategies crossing countries and regions."

Kysel, through the Migration and Human Rights Program, sits on the steering committee that will lead the Council and he recently founded and directs the Transnational Disputes Clinic at the Law School,

which will allow students to work with partners worldwide in support of the Council.

The Council is led by a Steering Committee comprised of Asylum Access, the Cornell Law School Migration and Human Rights Program, HIAS, Kituo Cha Sheria, the Migration and Asylum Project, Refugiados Unidos, and the Zolberg Institute on Migration and Mobility at the New School. The group is supported by a Secretariat Kysel helps run, jointly housed at the Law School and at the New School University.

Margulies Receives Levy Faculty Engagement Award

In June, **Joseph Margulies**, professor of law and government, won the 2021 George D. Levy Engaged Teaching and Research Award for his work to break down barriers for previously incarcerated people in Tompkins County, New York.

Given by Cornell's Office of Engagement Initiatives, the

Levy award recognizes a faculty member whose collaborative efforts within the community have resulted in exemplary and sustained community-engaged projects. Margulies was honored for his long-term partnership with Ultimate Reentry Opportunity (URO), which is a project of Cornell Cooperative Extension of Tompkins County.

Margulies, faculty colleagues, and students work with URO on two of the organization's largest projects. The first is a study to deepen understanding of the challenges of reentry and to inform policy recommendations that will help end the cycle of recidivism in the area. Margulies's second major project with URO is an effort to reimagine policing in Ithaca and Tompkins County.

The George D. Levy Engaged Teaching and Research Award, which was established by the family of **George D. Levy, MBA '54**, in his memory, comes with a \$5,000 prize. Margulies will use the prize to support the next phase of

URO's work: getting these recommendations adopted and implemented.

~ASHLEE MCGANDY



Valerie Hans Coauthors White Paper on Reviving the Civil Jury

Through her work with the Civil Justice Research Initiative at Berkeley, **Valerie Hans** coauthored a white paper on "The Civil Jury: Reviving an American Institution," released in September. The paper examines the reasons behind the decline of the civil jury, discusses the many benefits of the institution, and offers research-based recommendations for reviving it.

Hans, the Charles F. Rechlin Professor of Law at Cornell Law School, is one of the nation's leading authorities on

the jury system. She coauthored the new white paper on the civil jury with **Richard Jolly**, associate professor of law at Southwestern Law School; and **Robert Peck**, president of the Center for Constitutional Litigation.

In their paper, the authors observe that the civil jury has been a significant institution within the country's social and constitutional structure, but that its role has been eroded by legal, political, and practical attacks, including the unique constraints imposed by the COVID-19 pandemic. Most civil disputes are now resolved not by lay juries but through private and publicly funded settlement and arbitration proceedings. The result, they say, is "a tragic loss of the demonstrable sociopolitical benefits of jury service."

They go on to examine the history and decline of the civil jury and to present research-based proposals for its revival. To remove barriers to civil jury trials, they recommend adopting a jury-trial default rule; removing artificial caps on damages, which undermine the availability of jury trials to those who face litigation costs that will exceed the potential recovery; and expanding the use of alternative procedural tracks, such as expedited jury trial projects.

Citing research that indicates more robust fact-finding among juries that are diverse, large, and actively engaging with the information present-

ed at trial, the authors also recommend modifying jury selection procedures to ensure the fullest possible community representation; returning to twelve-person civil juries as opposed to the frequently used six- or eight-person ones; and allowing jurors to take notes, ask questions, and engage in trial discussions.

Asylum Clinic Wins Release for Cuban Doctor Detained by ICE

In April 2020, COVID-19 reached the U.S. Immigration and Customs Enforcement (ICE) Detention Center in Eloy, Arizona. **Dr. Merlys Rodri-**

quez Hernandez, who had been detained there for six months, said she knew it would spread quickly.

Rodriguez Hernandez is originally from Cuba, where she and her husband, Lazaro, practiced medicine before they were forced to flee government persecution, she said. When they reached the U.S. border, they applied for asylum. Both were detained, in separate facilities, Merlys said. After eight months, Lazaro was granted protection from having to return to Cuba. Merlys' petition, based on identical circumstances, was tried in a different immigration court—and denied, she said.

Cornell Law School's Asylum Clinic took her case, under the direction of **Stephen Yale-**

Loehr '81, professor of immigration law practice, and **Ian M. Kysel**, visiting assistant clinical professor of law. Students **Conor Bednarski '21** and **Michelle Zhu '21** litigated an appeal to the U.S. Board of Immigration Appeals.

Meanwhile, Rodriguez Hernandez was trapped in a detention system raging with COVID-19, she said. She fell ill with the virus in May 2020 and spent forty days in isolation, suffering from joint pain, body aches, and severe diarrhea and confined to a cell she was expected to sanitize herself, she said.

"Watching this preventable tragedy unfold week after week, as we were told to shel-



Conor Bednarski '21



Michelle Zhu '21



Kayleigh Yerdon '21



ter in place, was the hardest part of working on this case,” said Bednarski.

As the pandemic spread, Bednarski and Zhu tried to secure Rodriguez Hernandez’s release, and then supported a collaboration with pro bono counsel who filed a habeas corpus writ in federal court.

Kayleigh Yerdon ’21 took the lead on the case during the fall 2020 term. With Spanish interpretation assistance from J.S.D. student **Ana Ruival, LL.M. ’19**, Yerdon won her client’s release on bond. Rodriguez Hernandez was released in October 2020, after thirteen months in detention, Yerdon said.

“As a law student, being able to step into court for the first time via teleconference and win, knowing my client would walk free as a result, was just an incredible experience,” Yerdon said. She also took on Lazaro’s case, successfully litigating a motion to reopen his case, and eventually securing him asylum, she said. Yerdon was recently honored with the Law School’s Freeman Award for Civil-Human Rights, in part in recognition for her clinical work.

In June 2021, Rodriguez Hernandez told her story in a first-person essay in the *New England Journal of Medicine*, with the support of her Cornell Law clinic team and a team from the Weill Cornell Center for Human Rights, led by Pilato and **Dr. Gunisha Kaur**, assistant.



Rob Ward



3L Plays Key Role in Blogger’s Defamation Defense

A decision in a defamation case argued primarily by then 3L **Rob Ward ’21**, was one of the first in New York state court to address a legal question spurred by recent legislative changes strengthening free speech protections.

On May 10, a New York Supreme Court judge in Ontario County dismissed a construction company’s lawsuit against James Meaney of Geneva, New York, publisher of the Geneva Believer watchdog blog, who was defended by the Law School’s First Amendment Clinic and co-counsel Michael Grygiel of Greenberg Traurig LLP.

Judge **Brian Dennis** agreed that amendments approved in November to New York’s so-

called “anti-SLAPP” statutes, which seek to deter use of the courts to silence criticism in public matters, should apply to the case retroactively. But he also found that the previous version of the statute would have applied as well, and that Massa Construction Inc. could not meet its statutory burden to show that its claims had a substantial basis in law and fact. Dennis ruled that Meaney’s challenged articles were comprised of true facts and constitutionally protected opinions, rejecting Massa’s theory of defamation by implication, and holding that satirical images in the articles were nonactionable.

During a virtual hearing on December 9, 2020, Ward led the defense team’s argument for why the amended anti-SLAPP laws—short for Strategic Lawsuits Against Public Participation—should apply retroactively. State and federal judges have recently reached that conclusion in unrelated

cases, but at the time of the hearing no courts had weighed in on the matter.

The victory was the First Amendment Clinic’s second on Meaney’s behalf since Massa filed its defamation claim in January 2020. Last June, the same court on First Amendment grounds denied Massa’s request for a temporary restraining order demanding Meaney take down articles reporting on the company’s ties to the Geneva city council, which according to Meaney’s reporting has awarded Massa more than \$4 million in contracts since 2010.

“I was grateful to play a role in defending this journalist who, if the clinic weren’t here, might have had to stop publishing,” Ward said. “Getting to not only write on his behalf but to argue before a judge on his behalf was an amazing experience.”

~JAMES DEAN

Law Clinic Helped Pave Way for Malawi's Death Penalty Ban

Advocacy by the Cornell Center on the Death Penalty Worldwide and International Human Rights Clinic at the Law School helped lay the groundwork for a Malawi Supreme Court ruling in May abolishing capital punishment there.

"The impact of this decision will be felt far and wide," said **Sandra Babcock**, clinical professor of law and founder and faculty director of the death

penalty center. "The decision further reinforces Africa's emerging position as a leader in the trend toward abolition of capital punishment."

Babcock began working on capital cases in Malawi in 2007, the same year its courts ruled mandatory death sentences for capital convictions unconstitutional. At that time, some 170 prisoners serving death sentences became eligible for resentencing hearings.

But it was not until 2015, after the death penalty center and partners including the Malawi

Human Rights Commission secured a grant to advance the Malawi Resentencing Project, that hearings began. Over the next several years, nearly 160 inmates—some wrongfully convicted, most receiving competent legal representation for the first time—were released or received reduced sentences.

Students in the International Human Rights Clinic helped achieve those results, working alongside local prosecutors, public defenders, and paralegals to interview prisoners about their cases and conduct

investigations in rural villages. They helped review files, where available, and write briefs supporting each case. The death penalty center also led trainings for judges, lawyers, paralegals, and human rights advocates on how to gather and present mitigating evidence, including the identification and assessment of prisoners with mental illness or intellectual disability. With a grant from The Atlantic Philanthropies, the Cornell Center on the Death Penalty Worldwide recruited psychiatrists who flew to Malawi to train local clinicians in conducting forensic mental health assessments for the sentencing hearings.

Babcock said the Malawi Supreme Court's April 28 ruling abolishing capital punishment, which will result in reduced sentences for nearly 40 more death row prisoners, was consistent with the African tradition of Ubuntu, or healing justice.

"Our Malawian colleagues taught us that engaging communities in the resentencing process was critical to ensure that each released prisoner was welcomed back into his or her village," Babcock said. "Other countries—including the United States—could learn a great deal from this approach."

~JAMES DEAN



Gift from Cooperstown Churches Will Launch Legal Services Project

An innovative partnership between Cornell Law School and the First Presbyterian and First Baptist Churches of Cooperstown, New York, will expand legal services for immigrant communities in the Mohawk



and churches, legal service providers, educators, and judicial personnel to determine the project's priorities.

To form this unique partnership, First Presbyterian's Interim Pastor **Faith Gay** sought—and continues to seek—funds from donors in the community and Mohawk Valley region. "This unprece-

Cooperstown are ideal partners to leverage the Law School's experience partnering with low-wage immigrant communities to provide priority legal services."

The donor churches were both founded in Cooperstown, New York, in the nineteenth century, and share deep commitments to social justice and building intercommunity ties.

Law School Clinic Helps Young Guatemalan Farmworker

Beginning in early 2020, a team of three third-year Cornell Law students worked with Professors **Beth Lyon** and **Jaclyn Kelley-Widmer** on an unusually complex case involving a young farmworker from Guatemala who was going to be deported from the United States in spite of his compelling reasons to remain here lawfully. In early March 2021, the team learned that their efforts to secure Special Immigrant Juvenile Status for their client had been successful. Visit lawschool.cornell/news/farmworker to read a full account by the three students—**Kayleigh Yerdon '21**, **Francisco Micheo '21**, and **Amanda Miner '21**—of their client's case and how it was successfully resolved.

First Amendment Clinics Secure Access to Prison for Author to Interview Civil Rights Leader

In August, the First Amendment Clinics at Cornell Law School and Arizona State Uni-

versity's Sandra Day O'Connor College of Law secured access to in-person interviews with the incarcerated civil rights leader **Jamil Al-Amin**, formerly H. Rap Brown, on behalf of scholar and journalist **Arun Kundnani**, who is writing a book chronicling Al-Amin's life. Prior to the clinics' involvement, Kundnani had made three separate unsuccessful interview requests to the former warden of the Federal Correctional Complex in Tucson, Arizona, where Al-Amin is housed. The former warden denied access to Al-Amin in part based on his determination that an interview with the nearly blind septuagenarian would purportedly reevaluate his status at the prison and disturb the good order of the institution.

Al-Amin played a leading role in the civil rights movement in the 1960s as the fifth chair of the Student Nonviolent Coordinating Committee. In 2002, he was convicted of murder and sentenced to life in prison without the possibility of parole for the killing of a sheriff's deputy in Atlanta. Al-Amin and his supporters continue to maintain his innocence.

After the clinics demanded access on First Amendment grounds and promised to pursue legal action if the renewed request was denied, a new warden granted Kundnani telephone and video interview access to Mr. Al-Amin this spring and in-person access this summer. ■

As the nation reexamines immigration policies at the southern border, communities living near America's northern border, including those in central and upstate New York, continue to pay the price for our predatory migration regime

— **Beth Lyon**



Valley region and beyond. The churches have made a \$200,000 gift to the Law School, creating a project to provide family and immigration-related legal services to low-income immigrant farmworkers, families, and youth.

The gift will allow the Law School's Farmworker Legal Assistance Clinic to hire a two-year legal fellow. Under the supervision of Farmworker Clinic director **Beth Lyon**, the new fellow will work out of an office in the churches to provide legal services in partnership with immigrant communities. The project will begin with a series of conversations with immigrants, community-based organizations

dented gift is a significant moment in our churches' joint commitment to love and support our neighbors." Reverend Gay noted.

Lyon, who is a clinical professor of law and associate dean for experiential education, noted, "as the nation reexamines immigration policies at the southern border, communities living near America's northern border, including those in central and upstate New York, continue to pay the price for our predatory migration regime. With their longstanding community ties and location in an underserved area, the First Presbyterian and First Baptist Churches of



Elizabeth Anker, Professor of Law

“The Architecture of Critique” (2021), *Yale Journal of Law and the Humanities*, vol. 31, no. 2.

Irony, contradiction, discontinuity, antagonism, ambiguity, paradox, antinomy, aporia, contingency, indeterminacy, ambivalence—in a list that continues. For decades, these have been the bywords of critical thought, whether within legal studies, left historiography, or humanistic inquiry at large. Even while those grammars capture the broad intellectual ethos that has animated critical and revisionist scholarship since the 1970s, they have acted as the central apparatus of critique: it has been doctrinal that unmasking properties like contradiction, paradox, discontinuity, and antagonism will work to disclose and to critique structures of power and domination. This essay first inquires into the sources of this methodological consensus, examining how it came to unite diverse and otherwise inharmonious schools of thought. Second, it raises questions about that architecture of critique. Erected on a highly specific account of power, such a focus on properties such as contradiction can furthermore reinforce the very biases, hierarchies, and structures of oppression that critical thought aims to dismantle. Such

reasoning can also result in a neoformalism, notwithstanding the fact that critical legal thought itself stems from realist opposition to the formalist application of abstract legal rules.



Dan Awrey, Professor of Law

“Unbundling Banking, Money, and Payments” (January 31, 2021), *Georgetown Law Journal*, (forthcoming).

For centuries, our systems of banking, money, and payments have been legally and institutionally intertwined. The fact that these three—theoretically distinct—systems have been bundled together so tightly and for so long reflects a combination of historical accident, powerful economic and political forces, path dependence, and technological capacity. Importantly, it also reflects the unique and often under-appreciated privileges and protections that the law bestows on conventional deposit-taking banks. These privileges and protections have entrenched banks as the dominant suppliers of both money and payments: erecting significant barriers to entry, undermining financial innovation and inclusion, spurring destabilizing regulatory arbitrage, and exacerbating the

“too-big-to-fail” problem. Against this backdrop, the recent emergence of a variety of new financial technologies, platforms, and policy tools hold out the tantalizing prospect of breaking this centuries-old stranglehold over our basic financial infrastructure. The essential policy problem, at least as conventionally understood, is that creating a level legal playing field would pose a serious threat to both monetary and financial stability. This article demonstrates that this need not be the case and advances a blueprint for how we can safely unbundle banking, money, and payments, thereby enhancing competition, promoting greater financial innovation and inclusion, and ameliorating the too-big-to-fail problem.



Maggie Gardner, Associate Professor of Law

“District Court En Bancs” (April 22, 2021), *Fordham Law Review* (forthcoming).

Despite the image of the solitary federal district judge, there is a long but quiet history of federal district courts deciding cases en banc. District court en bancs predate the development of en banc rehearings by the federal courts of

appeals and have been used to address some of the most pressing issues before federal courts over the last one hundred years: Prohibition prosecutions, bankruptcies during the Depression, labor unrest in the 1940s, protracted desegregation cases, asbestos litigation, and the constitutionality of the U.S. Sentencing Guidelines, to name a few. This article gathers more than 140 examples of voluntary collective adjudication by district judges, supplemented by interviews with sitting judges who participated in more recent cases. While the article's aim is primarily descriptive and doctrinal, it also defends the occasional and disciplined use of such proceedings as enabling deliberation about and increasing the legitimacy of high-stakes district court decisions.

More broadly, the article celebrates the distinct voice of the district courts and their procedural innovations. The district courts handle the vast majority of the federal judiciary's business and bear the brunt of new legal and societal challenges; their ingenuity is often the vanguard for procedural and administrative reform. Indeed, the story of district court en bancs is also the story of the federal courts' constant evolution. The current settlement of the federal courts' institutional design is the product of shifting pressures and compromises, and it would be foolish to assume that the status quo is either perfect now or will con-

tinue to function effectively despite changing conditions. In a moment of renewed attention to the federal judiciary, district court en bancs may helpfully challenge our assumptions about the structure of the federal courts and the power of district judges within them.



Elizabeth Brundige,
Clinical Professor of
Law

(with coauthors
K. Albert, E. Arm-
bruster, E. Denning, K.
Kim, L. Lee, L. Ruff, K.
Simon, and Y. Yang)

"FOSTA in Legal Context"
(July 30, 2020), *Columbia
Human Rights Law Review*,
vol. 53, no. 3.

In the spring of 2018, Congress passed the Allow States and Victims to Fight Online Trafficking Act of 2017 (FOSTA), which made changes to three federal statutory schemes: the Communications Decency Act, the Trafficking Victims Protection Act, and the Mann Act. Congressmembers claimed FOSTA would fix loopholes in those statutory schemes through which they believed websites such as Backpage.com had avoided liability for sex trafficking. More

than two years after its passage, only one prosecution has been brought under the new criminal provision, and FOSTA's 230 exemptions have received very limited use. These provisions have, however, had widespread effects on internet companies. In this article, the authors put FOSTA into its legal context, exploring how its provisions relate to existing federal antiprostitution and antitrafficking laws. They highlight how the impact of FOSTA has been disconnected from the actual content of the legal changes, how statutory language creates broad areas of uncertainty, and how the law may be interpreted to reduce harm to sex working peoples.



Odette Lienau,
Professor of Law

**"The Time Has Come for
Disaggregated Sovereign
Bankruptcy"** (May 31, 2021),
*Emory Bankruptcy Develop-
ments Journal* (June 28, 2021).

With expanding global vaccinations and the potential end of the COVID-19 pandemic in sight, who among us has not succumbed to daydreams of post-crisis "normal" life? Still—and setting aside for now the certain obstacles on any road to public and economic health—we should not

be too sanguine about the degree to which the eventual recovery will be even, including across countries. By now, the images of economic dislocation resulting from the pandemic, including empty tourist beaches, deserted town centers, and closed manufacturing plants, have become commonplace. In certain regions and countries, this dislocation and its after-effects may prove long lasting, putting the world at risk for a postpandemic sovereign debt crisis. In this essay, Lienau provides an overview of some of the key developments that have emerged in the sovereign debt space in the wake of the COVID-19 pandemic and argues that we should use the energy generated in this moment to move toward what might be called "disaggregated sovereign bankruptcy," in part by establishing institutions that could more effectively and efficiently address future crises as they arise. She notes the country financial difficulties generated by the current situation and emphasizes the ways in which national responses may have long-term financial impacts that make states more vulnerable to debt distress, particularly in the developing world. Lienau also delineates how any restructuring efforts that might result from such distress would have to contend with longstanding problems in the global architecture relevant to sovereign debt. These difficulties have hardly disappeared and may even have become more complex in recent years.



**Briana Beltran, Lecturer,
Farmworker Legal
Assistance Clinic**

**Beth Lyon, Clinical
Professor of Law
(with coauthor
Nan Schivone)**

**“Scorched Border Litigation,”
*Columbia Human Rights Law
Review* 53.1 (forthcoming)**

This article documents and critiques a phenomenon we term “scorched border” litigation, which is a strategy used by employer defendants in civil lawsuits brought by temporary foreign worker plaintiffs.

When workers turn to the U.S. legal system to redress violations they experienced while laboring here, they typically litigate from rural communities in other countries. During litigation, employers use the fact that workers are no longer in the United States to gain an advantage. This drives up costs for the public interest bar and can chill lawyers’ case selection, shutting down access to justice for some of the most vulnerable of the working poor.

The authors of this article drew on a range of sources to ana-

lyze these tactics, including a practitioner survey, case histories, and a review of court rulings. They found that federal litigation has already adapted to handle the complexities presented by these cases, such as modifying the manner and location of a plaintiff’s deposition. Such adaptations are not new to experienced plaintiffs’ counsel and are regularly permitted by courts, but are often contested by defense counsel.

The adaptation of the justice system to the pandemic, including frequent remote proceedings, presents new opportunities for countering these tactics. The authors conducted a review of pandemic-era federal court rules to offer concrete prescriptions for district courts on how to proceed when an individual litigant resides outside of the United States. In so doing, the authors aim to ensure that a worker’s return to their country of origin can no longer be used by employers to block their access to justice.



**Jeffrey J. Rachlinski,
Henry Allen Mark
Professor of Law**

**Andrew Wistrich,
Adjunct Professor
of Law**

**“Benevolent Sexism in Judges”
(May 25, 2021), *San Diego Law
Review*, vol. 58, no. 101.**

Previous research suggests that judges make more favorable rulings for female litigants in family court cases and in criminal sentencing. Although such trends might arise from real differences between men and women, they might also arise from stereotypes that cause judges to favor mothers over fathers and to show leniency towards female defendants. We tested for benevolent sexism among 714 sitting trial judges with two experiments in which we presented judges with hypothetical cases in which we only varied the gender of the litigants. In a family court case, we found judges were more apt to grant a request to allow relocation by a mother than by an otherwise identical father. In a criminal case, we found that judges sentenced a female defendant to less prison time than an otherwise identical male defendant. The results demonstrate that judges engage in benevolent sexism towards female litigants in common legal settings.

**Nelson Tebbe, Jane M.G.
Foster Professor of Law**

**“The Principle and Politics of
Equal Value” (July 12, 2021),
Columbia Law Review
(forthcoming).**

An unfamiliar equality principle is gaining prominence in constitutional discourse. Equal value presumptively prohibits government from regulating protected activities while exempting other activities to which the government’s inter-

est applies just as readily. Although the principle is being developed in the context of free exercise, it has implications for other guarantees in constitutional law. Tebbe offers two arguments. First, a version of equal value holds real attraction, not only within religious freedom law but also in areas such as freedom of expression, reproductive rights, and equal protection for racial minorities. Second, however, the rule is operating in a patterned manner, favoring traditional religions at a moment when their social status is facing contestation, and extending to decisions concerning free exercise and free speech but not nonestablishment, due process, or equal protection. That implementation promotes a problematic political program. If the account here is correct, then equal value promises not an antidote to excessive judicial deference, as some have claimed, but instead a controversial politics.



**Chantal Thomas,
Radice Family Profes-
sor of Law**

**“Race as a Technology of
Global Economic Govern-
ance” (April 2021), *UCLA
Law Review* vol. 67, no. 6.**

This article offers an account of the role of race in global political economy—in particular,

how to understand racialization as part of the process by which institutions of economic hierarchy not only were created but continue to be legitimated. It offers the conception of race as a technology: the product of racialized forms of knowing, which serve the practical goal of maintaining and legitimating hierarchy, in particular in the context of political economy. The article begins by considering the monumental scope of related work that has gone before, both within the legal academy and in other scholarly disciplines. It then offers a few narratives of key dimensions of the contemporary global economy—commodity production and labor migration—and a reflection on the international legal doctrines and institutions that maintain these phenomena as indicia of economic inequality. It concludes by considering race as a technology of global economic governance.

The conception of race as a technology of global economic governance highlights multiple connections between racialization, law, and global political economy: race as a technology of empirics, in which racial categories purported to be based on empirical knowledge; race as a technology of legal rule, in which laws and institutions helped to shape, as well as enforced, the identity constructs purportedly rooted in empirical knowledge; and race as a

technology of economic allocation and production, itself dependent on the knowledge and practice of the technologies of empirics and legal rule, in which one's racial identity has directly influenced one's place in global chains of production and consumption.



**Saule Omarova, Beth and Marc Goldberg
Professor of Law**

“The People’s Ledger: How to Democratize Money and Finance the Economy,” (October 20, 2020), *Vanderbilt Law Review* (forthcoming).

The COVID-19 crisis underscored the urgency of digitizing sovereign money and ensuring universal access to banking services. It pushed two related ideas—the issuance of central bank digital currency and the provision of retail deposit accounts by central banks—to the forefront of the public policy debate. To date, however, the debate has not produced a coherent vision of how democratizing access to central bank money would—and should—transform and democratize the entire financial system. This lack of a systemic perspective obscures the enormity of the challenge and dilutes our ability to tackle it.

This article takes up that challenge. It offers a blueprint for a

comprehensive restructuring of the central bank balance sheet as the basis for redesigning the core architecture of modern finance. Focusing on the U.S. Federal Reserve System (the Fed), the article outlines a series of structural reforms that would radically redefine the role of a central bank as the ultimate public platform for generating, modulating, and allocating financial resources in a democratic economy—the People’s Ledger.

On the liability side of the ledger, the article envisions the complete migration of demand deposit accounts to the Fed’s balance sheet and explores the full range of new, more direct and flexible, monetary policy tools enabled by this shift. On the asset side, it advocates a comprehensive qualitative restructuring of the Fed’s investment portfolio, which would maximize its capacity to channel credit to productive uses in the nation’s economy. This compositional overhaul of the Fed’s balance sheet would fundamentally alter the operations and systemic footprints of private banks, funds, derivatives dealers, and other financial institutions and markets. Analyzing these structural implications, the article shows how the proposed reforms would make the financial system less complex, more stable, and more efficient in serving the long-term needs of the American people.



**Kristen Underhill,
Professor of Law**

(with coauthor Doron Teichman)

“Infected by Bias: Behavioral Science and the Legal Response to COVID-19,” (April 7, 2021), 47 *American Journal of Law and Medicine* 205 (2021).

This article presents the first comprehensive analysis of the contribution of behavioral science to the legal response to the COVID-19 pandemic. At the descriptive level, the article shows how different psychological phenomena such as loss aversion and cultural cognition influenced the way policymakers and the public perceived the pandemic, and how such phenomena affected the design of laws and regulations responding to COVID-19. At the normative level, the article compares nudges (i.e., choice-preserving, behaviorally informed tools that encourage people to behave as desired) and mandates (i.e., obligations backed by sanctions that dictate to people how they must behave). The article argues that mandates rather than nudges should serve in most cases as the primary legal tool used to regulate behavior during a pandemic. Nonetheless, this article highlights ways in which nudges can complement mandates. ■



I wrote this book so that I could share what my journey looked like, not necessarily as a path to Congress, but more as a way to embrace the different journeys that each of us is on, to recognize that sometimes things take turns and twists.

— Sharice Davids '10



Alumni Return for a Virtual Reunion 2021

On June 10, as the curtain rose over Cornell Law School's Reunion 2021, alumni were safely distanced thousands of miles apart, eating their breakfasts or dinners somewhere around the world while gathering on Zoom. There, over the next three days, alumni reconnected with classmates, revisited some of the most pressing issues of our

time, and retraced their steps from past to present.

"Everyone's path looks different," said Congresswoman **Sharice Davids '10**, who represents Kansas' 3rd Congressional District in the House of Representatives, opening the combination 2020/2021 reunion with a reading from *Sharice's Big Voice*. "I wrote this book so that I could share what my journey looked like, not necessarily as a path to Congress, but more as a way to embrace the different journeys that each of us is on, to recognize that sometimes things take turns and twists."

That evening, in one of those twists, activist-turned-trustee-emeritus **Thomas Jones, A.B. '69, M.R.P. '72**, joined **Hon. Barry Loncke '70**, the only Black member of the class, and Professor **Carlton Williams**

for a panel discussion on the Willard Straight takeover, Black Lives Matter, and "Racial Injustice on Campus: Then vs. Now." Looking back to 1969, Jones talked about occupying the Straight as part of a "crossroads generation that was not going to be intimidated," and Loncke described the process of negotiating the settlement that ended the occupation.

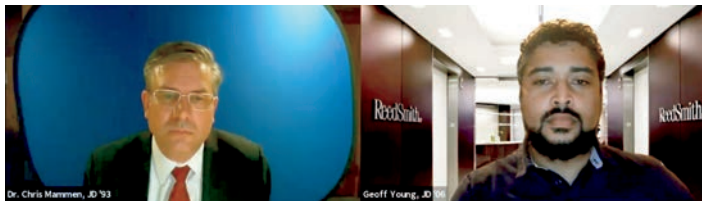
"It was the most important day in my life and the easiest negotiation I've ever been involved in," said Loncke, who was inspired by Professor **Ernie Roberts** to take a break from coursework and bring protesters' demands to the university administration. "President [James A.] Perkins took a Black-lives-matter attitude that I'd never seen before, and Cornell represented to me,



Participants in the panel discussion on "Racial Injustice on Campus: Then vs. Now" (clockwise): Hon. Barry Loncke '70, Professor Carlton Williams, Thomas Jones, A.B. '69, M.R.P. '72, and Thomas Heiden '71



Chantal Thomas (upper right), associate dean for academic affairs and Radice Family Professor of Law, hosted a panel called “Where Are Law’s Emeriti Faculty?” featuring (counter-clockwise); Robert Hillman, Faust Rossi, Greg Alexander, Jack Barceló, and Peter Martin.



That’s what really shocked me about the panel, because I’ve never received hate mail in all my life. At Cornell, I felt I was pushing through something, which sounds different from the people on the panel cracking their heads and feeling those shards of glass.

— Doris Marie Provine



for the first time in my life, an institution that cared about the lives of Black students. I could see that the attitude of the Black leaders and Cornell was to save Black lives, and I’m really proud of Cornell for doing that.”

In a second reunion twist, **Doris Marie Provine, J.D. ’71, Ph.D. ’78**, one of four women to graduate with the Class of 1970, watched a Friday panel of Cornellians—**Anne H. Chow, B.S. ’88, M.Eng. ’89, M.B.A. ’90; Sharice Davids ’10; President Martha E. Pollack**; and **Kate Snow, B.S. ’91**—share their thoughts on “Breaking the Glass Ceiling: Women in Leadership.” Like Provine, who remembers tearing down “male wanted” job postings in Myron Taylor Hall, panelists encountered sexism as they pursued their education and careers; but unlike Provine, who sees herself as

part of an earlier generation, the four panelists experienced pushback that was much harsher, more aggressive than anything she’d faced.

“That’s what really shocked me about the panel, because I’ve never received hate mail in all my life,” said Provine, who has spent her career in academia, teaching at Cornell, Syracuse University, and Arizona State University. “At Cornell, I felt I was pushing through something, which sounds different from the people on the panel cracking their heads and feeling those shards of glass. I’ve been used to dealing with men who may or may not be sympathetic, but I’ve encountered very little overt hostility. My role at the Law School was more in pointing out the glass ceiling and advocating for its elimination, rather than bumping hard against it.”

Next, attendees took a virtual walk down the hallway to

“Where Are Law’s Emeriti Faculty?” Moderated by Chantal Thomas, associate dean for academic affairs and Radice Family Professor of Law, the alumni attendees found themselves in the New Orleans home of **Jack Barceló**, who’s spending his days writing about Chinese arbitration, looking forward to traveling again, and waiting for the arrival of his seventh grandchild. **Greg Alexander** has exchanged the wine country of the Finger Lakes for the wine country of Sonoma County, California, and after one last stint teaching online, he’s revising his casebook on property and “getting an enormous amount of satisfaction” from

painting watercolors. Zooming from a retirement community in Bethesda, Maryland, where “the food is terrific,” **Faust Rossi ’60**, is keeping time with a new love and an old poodle, along with giving occasional lectures on American criminal trials and Supreme Court rulings on free speech.

Meanwhile in Ithaca, **Robert Hillman ’72**, is enjoying a morning commute from his bedroom to his new home office, where he spends three or four hours a day on research, and **Peter Martin ’61**, continues to work at the intersection of law and technology, maintaining a blog on legal citation and publishing a new book on

electric-powered scooters, *E-Riding Legally in New York*. “I do miss the things that Faust mentioned: the collegial interactions and the stimulation of being around other people working on similar or very dissimilar projects,” said Martin, who now lives with his wife at Kendal of Ithaca. “But projects keep me busy.”

In another set of reunion twists, Saturday opened with four alumni reconvening for a panel discussion called “Second Act: Reimagining Your Career.” Moderated by **Jason Beekman '11**, who switched from litigation to entertainment law—and played a central role in Davids’ 2018 primary campaign—the panel featured **Suwha Hong '01**, who pivoted from attorney to fashion entrepreneur; **Abel Montez '91**, who works as director of student affairs at

Fordham University Law School; and in a different kind of twist, **Irika Sargent '06**, who anchors the evening news at CBS in Chicago.

“Going back to broadcast journalism was always in the plan,” said Sargent, who spent four years at Greenberg Traurig before working her way up the ladder as a reporter/anchor in Mobile, Houston, and Miami. “Even before coming to Cornell,



I knew I wanted to use my law degree in a nontraditional way: to have added value in the newsroom. That’s proven to be true, and I still use my legal education all the time. Cornell was a great fit for me, and I learned it wasn’t just the law that I loved, it was the human interactions that came with it.”

“My words of wisdom,” said Montez, wrapping up the conversation, “is that you have to be really flexible as you’re go-

ing forward, and you have to be willing to laugh if things don’t work. I still have my license, and I feel secure that if I ever wanted to move back to practicing law, I could. Cornell has given me a lot of opportunities—there are a lot of good things that go with a Cornell Law degree, and they allow you to do even better things.”

Then, with the last Zoom echoes giving way to dinner and breakfast, the Reunion

My words of wisdom is that you have to be really flexible as you’re going forward, and you have to be willing to laugh if things don’t work. I still have my license, and I feel secure that if I ever wanted to move back to practicing law, I could. Cornell has given me a lot of opportunities—there are a lot of good things that go with a Cornell Law degree, and they allow you to do even better things.

— **Abel Montez '91**



curtain came down again, sending attendees back to their nonvirtual lives, looking forward to an in-person return to campus, and thinking about the best parts of the past few days. “Listening to **Ernie Roberts** at our virtual class cocktail reception, that was a highlight for me, like going back in a time capsule,” said **Thomas Heiden '71**, who moderated the panel on racial injustice on campus. “I thought, ‘Holy cow, here we go, back from 2021 to 1969.’ The lighter parts of the week-

end—visiting people who hadn’t been in touch with another for decades, listening to vignettes from their lives—were a highlight, too. But in my mind, when we started comparing racial tensions in 1969 and the present time, reunion wasn’t just interesting. Given the state of affairs today, it was important.”

Cornell Law Honors Peñalver and Kalantry

There was no shortage of good feeling when **Franci J. Blassberg ’77**, **Jens David Ohlin**, and **Eduardo M. Peñalver** came together in January for a (virtual) fireside chat. There were lots of milestones to talk about, both past and future, but in the middle of all that warmth, there was something missing: an actual in-person conversation lit by the glow of an actual fire.

“One thing I didn’t accomplish, and I really wish I had, is that we’re not sitting by a fireplace in the Law School,” said Peñalver, with a Zoom backdrop of the library behind him.

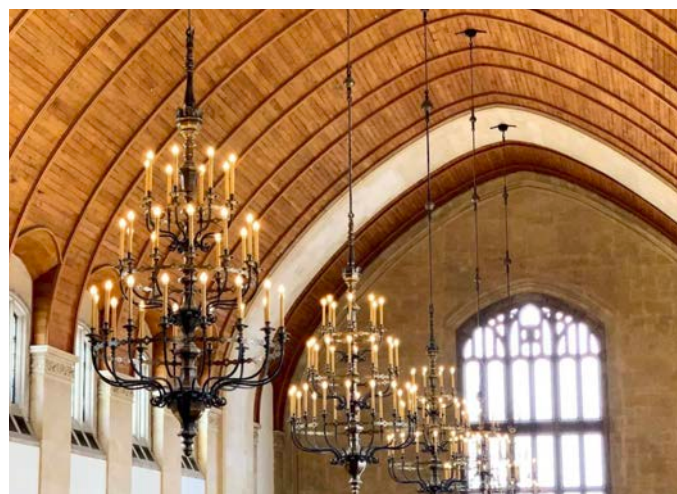
“One of my bold initiatives was to get the fireplaces relit inside Myron Taylor Hall, so we did some engineering studies, and we really looked into it, but it proved to be cost prohibitive. There are 1940s photos of fires blazing in that huge fireplace in the foyer, and I would have loved to see that happen again, but I couldn’t get it done.”

It wasn’t the first time Peñalver had talked about renovating the foyer, and well before that January chat, the Cornell Law School Advisory Council had already approved the idea and alumni had secured the funds for a new scholarship and a newly relit fireplace. “These were some of the easiest fundraising calls I’ve ever made,” said **Mary Gail Gearn ’85**, who chairs the Advisory Council, talking after the chat and before Peñalver heard the news. “Alumni were very responsive, and within a month, we’d raised more than a million dollars.”

“There are new bids that show the fireplace isn’t going to cost as much money as Eduardo originally thought,” added Blassberg. “He’s probably guessed we’re going to name something in his honor, and ironically, it’s the foyer—the room with that great big fireplace.”

For Peñalver, who’s proud of bringing 3L dinners into the Gould Reading Room, a roaring fireplace will add another touch of Hogwarts magic to Myron Taylor Hall. In winter, when Dementors cast a cold spell over campus, law students will be able to shelter around the hearth in what will now be known as the Eduardo Peñalver Foyer.

In addition, the Advisory Council announced another gift: the Eduardo Peñalver and Sital Kalantry Scholarship, conamed in honor of Peñal-



ver’s wife, Professor **Sital Kalantry**, who served on the Law School’s clinical faculty and as the director of the new Master of Science in Legal Studies program.

“I didn’t expect this at all,” said Kalantry, “I’m honored to be included in the named scholarship, especially as an alum of Cornell University. To benefit someone who might not otherwise get a Cornell Law education is very meaningful to me and I am grateful to our alumni.”

“I don’t know what further research they’ve done, but hearing about the fireplace just took my breath away,” said Peñalver, surprised to be talking about the fireplace in the new

Eduardo Peñalver Foyer. “It’s always been one of my goals, to create that sense of family in the Law School, and I think the fire will really help. I’m so moved to think about the generosity of the alumni and the scale of the scholarship they were able to create, which is no small feat. I’ll continue to be touched by these gifts, and once they get the fireplace going, I’m going to pull up a chair and sit until someone chases me out.”

Law School Creates DEI Alumni Leadership Council

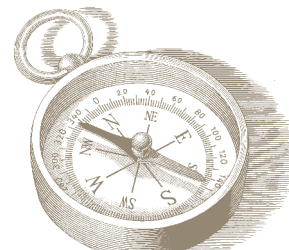
In one of his first moves as dean, Jens Ohlin has established a Diversity, Equity, and Inclusion Alumni Leadership Council to expand the Law School's efforts to build a welcoming environment for all its students, staff, faculty, and alumni. The council is tasked with researching best practices within the profession, forwarding its recommendations to the dean, and steering the Law School toward continuous improvements in courses, clinical programs, and student life.

"There's a wealth of experience and expertise in the alumni that hasn't been harnessed in service of our efforts to improve diversity, equity, and inclusion," says Ohlin. "We've had a lot of conversations about this topic with faculty, staff, and students, but we sometimes forget that our graduates are already out in the world of legal practice, improving diversity in their organizations. We want to tap that energy for the Law School."

The fifteen-person leadership council, which held its first Zoom meetings this summer, comprises one member of the Alumni Association Executive Board of Directors; two members of the Dean's Advisory Council; representatives from the Cornell Alumni Network of Asian Lawyers (CANAL), Cornell Black Lawyers Alumni

Network (CBLAN), Latino Lawyers of Cornell (LLOc), Cornell Native American Lawyers Alumni Network (NALAN), Cornell Law Young Professionals Network (CLYP),

the LGBTQ community, a comparable ratio of men and women, and one member to act as a liaison to the Cornell Law School Advisory Council, which meets twice a year;



I don't think any institution can be truly successful if it doesn't weave diversity, inclusion, and equity into its core mission. For the Law School, this includes assisting diverse law students to reach their full potential in law school and throughout their careers.

— Leslie Richards-Yellen '84

”

and Cornell Law School Mary Kennedy Brown Society (MKBS); and six additional Cornell Law alumni. The board also includes alumni members of

board memberships last one year and can be renewed with no term limits.

"I don't think any institution can be truly successful if it

doesn't weave diversity, inclusion, and equity into its core mission. For the Law School, this includes assisting diverse law students to reach their full potential in law school and throughout their careers," says cochair **Leslie Richards-Yellen '84**, the director of global diversity and inclusion at Debevoise & Plimpton in New York City. "As an organization, your response to bias and discrimination encapsulates your values, and this identity is reflected to the world. As a school for lawyers, for justice, and for ethics, it's important for the Law School to have a path that's clear, wide, and inclusive."

During the course of the two summer meetings, attendees introduced themselves and talked about their backgrounds working toward diversity, equity, and inclusion. They also identified Richards-Yellen and **Crystal Deazle '01**, as co-chairs, and shared ideas for improvements to the Cornell Law experience. Richards-Yellen, who described the meetings as "very free-flowing, open, and honest conversations," took five pages of notes as the board collected suggestions for organizing and focus-

ing the group’s work during the coming academic year.

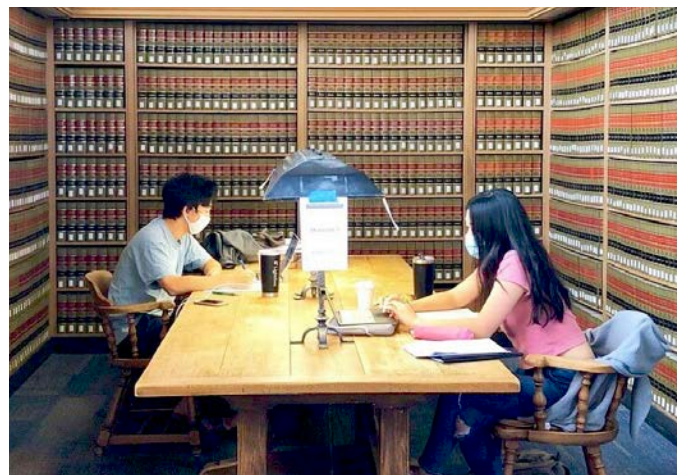
“We decided to begin with an inventory of what the Law School is already doing, to take stock of programming that’s already in place,” says Deazle, the director of professional development and recruitment at Morris, Nichols, Arsht & Tunnell in Wilmington, Delaware. “That way, we can see the gaps that need to be filled and decide where to use our expertise to most effectively make an impact. To start, we agreed on the importance of connecting with current students and building a back-and-forth between students and the board because, ultimately, the Law School exists to serve its students.”

According to the mission statement, drafted in advance of the first meeting, the council’s purpose is to help Cornell Law sustain an academic community that’s diverse, equitable, and inclusive, a place where people are respected for their individual talents and discrimination isn’t tolerated. To make that happen, the Law School has committed to welcoming a diversity of ideas, perspectives, and values, with language that specifically recognizes the value and difference of people in terms of age, disability, education, ethnicity, gender, gender identity, language, marital status, national origin, physical appearance, race, religion, sexual orientation, and socioeconomic status.

The statement defines “equity” as “the fair treatment of every person,” which includes eliminating any remaining barriers that stand in the way of full participation and increasing fairness within the Law School’s distribution of resources. It defines “inclusion” as a process for building a community that “embraces differences and offers respect in words and actions for all people.”

work we’re doing. It’s not going to be about window dressing. It’s going to be about active engagement and tangible outcomes.”

The charter members of the Diversity, Equity, and Inclusion Alumni Leadership Council are **William Barrett ‘92**; **Jaime Bianchi ‘91**; **Mark Carter ‘11** (representing NALAN); **Mari-hug Cedeno ‘13** (LLoC); **Crystal Deazle ‘01** (cochair); **Eric Elmore ‘89** (CBLAN); **Da-**



“From the two times we’ve met, it’s clear the dean is really committed to this project,” says Deazle. “He’s given a lot of thought to what he’d like to see this group accomplish, and he won’t just let this board sit on the back burner. He wants this group to keep moving forward, and he’s genuinely interested in hearing what we have to say. People in the meetings were very forthright about the

vid Furman ‘86 (AC); **Andrew Hahn ‘86** (CANAL); **Jared Ham ‘19** (CLYP); **Natalya Johnson ‘10** (MKBS); **Andri- anne Payson ‘00**, DEI ALC’s liaison to the Cornell Law School Advisory Council; **Mai- thili Pradhan ‘10**; **Leslie Rich- ards-Yellen ‘84** (cochair); **Kwamina Thomas Williford ‘00**; and **Geoff Young ‘06** (AAEBOD).

New Alumni Leadership

Cornell Law School is grateful to the dedicated alumni volunteers who give voice to the interests of all Law School alumni. Joining the ranks of the Dean’s Advisory Council is **Steven C. Browne ‘88**.

Browne is a managing partner at Morgan Lewis & Bockius, LLP, a global law firm with over 2,000 legal professionals in 30 offices around the world. He focuses his practice on Mergers & Acquisitions in the technology space. Some of his clients include Oracle Corpora- tion, Raytheon Technologies, and PTC. Browne also leads Morgan Lewis’s global Corpo- rate & Business Transactions Practice Group of approxima- tely 500 legal professionals. He is based in Boston and resides in Sharon, Massachusetts, with his wife Barbara and two daughters. Browne received his JD from Cornell Law School in 1988.

In addition, six alumni were appointed to the Cornell Law



Steven C. Browne

School Alumni Association Executive Board of Directors for three-year terms (2021–2024): **Michael Clarke '89**, **Ward J. Mazzucco '78**, **Pilar Parducci '93**, **Roberta Tulman Samuels '90**, **Khandie Sokoni, LL.M. '97**, and **Cristina Velez '02**. A complete listing of the board of directors can be found online at www.lawschool.cornell.edu/alumni/executive_committee.cfm.

ance leader, Clarke has created or managed global ethics and compliance programs, by educating employees and third parties on compliance policies and procedures; monitoring HCP interactions by sales, marketing, and medical affairs employees; conducting and overseeing third-party due diligence efforts; counseling on OFAC requirements; overseeing internal investigations; and implementing corruption, fraud, and bribery risk-mitigation processes.

Before working in-house, Clarke practiced corporate, civil, and criminal law for fourteen years as a litigation partner with the law firm of Drinker Biddle & Reath and as an associate with other law firms. He also worked as an assistant deputy public defender in Essex County, New Jersey. He is a certified compliance and ethics professional and has been a panelist or moderator for numerous ethics and compliance presentations on aspects of creating and managing global ethics and compliance programs. Clarke received his J.D. from Cornell Law School and his A.B. from Brown University.



Michael Clarke '89

Michael Clarke is vice president, deputy general counsel, and global chief compliance officer for ConvaTec, Inc., a global medical technology company. He previously served as global, national or regional compliance officer for life sciences and healthcare companies in Virginia and New Jersey. In his nearly eighteen years as a senior compli-



Ward Mazzucco '78

Ward Mazzucco is a member of the firm Chipman Mazzucco Emerson, located in Fairfield County, Connecticut. He handles commercial real estate and business matters and litigation arising from those practice areas. Mazzucco has also been appointed an arbitrator and factfinder in the Superior Court for the Judicial District of Danbury. He graduated from Brown University in 1975 and Cornell Law School in 1978. He resides in Redding, Connecticut, with his wife, Tami, and serves as a member of the Redding Board of Finance and as a director of RVNAhealth.

Cornell Law School is grateful to the dedicated alumni volunteers who give voice to the interests of all Law School alumni.



Pilar Parducci '93

Pilar Parducci graduated from Cornell Law in 1993 where she was the book editor of the Cornell Law Review. After graduation, she promptly fled upstate New York winters and joined the Los Angeles office of Latham & Watkins where she had been a summer associate, having previously fled the winters in her native Toronto to attend UCLA. Parducci practiced corporate finance law at Latham for a handful of years where she was also the cochair of the Ivy League Business Breakfast, Los Angeles. She later relocated to Silicon Valley and decided to make a career adjustment to a smaller, boutique firm before ultimately joining the in-house legal team at Intuit at their Mountain View headquarters. She stepped away from full-time practice upon having a son but has dabbled here and there including an enjoyable period with Kaplan Bar Prep torturing newly minted lawyers with convoluted bar exam hypotheticals. Silicon Valley has



now been home for over twenty years and the majority of her time is filled with volunteer and charitable work in and around her home city of Los Altos.



Roberta Tulman Samuels '90

Roberta Tulman Samuels is the director of Foundation/Corporate Relations at Family Promise, a national nonprofit that helps families experiencing homelessness and low-income families achieve sustainable independence. Prior to joining Family Promise in 2011, Samuels practiced law in New Jersey. She serves on the Board of Governors of the Cornell Club of Northern New Jersey and resides in New Jersey with her husband, **Randy Samuels' 89**. They have two adult sons. Samuels received her A.B. in 1987 from Cornell University and her J.D. from Cornell Law School in 1990.



Khandikile Mvunga Sokoni, LL.M. '97

Khandikile (Khandi) Mvunga Sokoni, counsel at Grossman Young and Hammond, focuses her practice on a wide range of business immigration matters for a variety of clients across the country. Prior to joining Grossman Young & Hammond, Sokoni was a partner with the firm True, Walsh & Sokoni in Ithaca, New York, where she focused on both general corporate law and immigration law. In her service to the legal profession Sokoni has held several leadership positions including president of the Tompkins County Bar Association, the Finger Lakes Women's Bar Association, a chapter of the Women's Bar Association of the State of New York and the New York State Bar Association Committee of Bar Leaders.



Cristina Velez '02

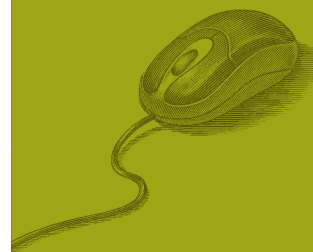
Cristina Velez is a senior staff attorney at the National Immigration Project of the National Lawyers Guild. Before joining NIPNLG, she directed the immigration unit at Queens Legal Services, specializing in removal defense and complex humanitarian relief for survivors of violence. Previously, Velez spent several years at the HIV Law Project, where her practice encompassed removal defense, affirmative asylum and other humanitarian relief, naturalization, waivers, appellate, and amicus work. In between, she worked at the NYU Immigrant Defense Initiative and the Community Development Project of the Urban Justice Center (now Takeroot Justice). Velez, a graduate of Cornell Law School and Oberlin College, clerked for the **Hon. Denny Chin**, then at the U.S. District Court for the Southern District of New York. ■

Class Notes are Online

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

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

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



In Memoriam

Donald E. Alhart, LL.B. '66

Dwight R. Ball, LL.B. '60

Robert E. Cappon '52

A. Jeffrey Dando, LL.B. '64

John B. Daniels, LL.B. '62

Richard W. Edwards Jr. '59

Richard D. Enders, LL.B. '66

Charles F. Evans '52

Mary V. Fisher '79

Stuart I. Gold '81

Henry R. Ippolito '67

James (Jim) J. Keightley, LL.B. '67

Russell T. Kerby Jr., LL.B. '49

Robert I. Kuchinsky, LLB '67

James A. Ruf Jr. '68

Amb. William J. vanden Heuvel '52

Tyler W. Vandeventer '17

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CELEBRATE YOUR HISTORY

Reunion Weekend 2022 will be a wonderful opportunity for you to return to Ithaca to visit with the professors and classmates you remember with great fondness and to see the changes that the Law School has made since you were last here.

There is a great selection of programs for you to choose from during this special weekend. Please visit our website where you will find registration details and the most current information on programming as it becomes available.

The Law School community looks forward to welcoming you back to Myron Taylor Hall.

G.W. FIELDS

*to do
the
greatest
good*



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JUNE 9~12, 2022

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