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bulletin

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FOR

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Cover photograph by Stephen Kellegan

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WHO KNEW?!

What a surprise and delight it was to read in the Summer 2023 issue that the International Law Moot that was organized by the International Law Club in 1960 has morphed into the Philip C. Jessup International Law Moot Court Competition with 600 teams in 85 countries! Our hopes at that time would have been amply satisfied if it had become merely a tradition at HLS.

RONALD D. LEVIN '61

President, Harvard International
Law Club '60-'61
Sarasota, Florida

DON'T PRIVILEGE ROBOT TALK

Kudos to Colleen Walsh for a timely and insightful dive into generative artificial intelligence and the looming challenges posed by AI's fast-moving and potentially harmful impacts in "How to Think About AI: Delving into the legal and ethical challenges of a game-changing technology" (Summer 2023).

One simple, constructive legal and policy reform that seems necessary and warrants further discussion is making it mandatory for transmissions of generative AI to include a disclosure that its content is AI-created and not by a human. Label and disclose! Label and disclose so that we mere humans know what we are getting!

This disclosure/transparency practice is recommended in the recent Biden/AI industry-proposed voluntary guidelines, yet there is nothing in the guidelines to make it mandatory. The disclosure reform is useful not only for practical policy reasons relating to putting audiences on notice of the nature and provenance of information, but for important spiritual and cultural reasons reflecting the value of upholding that which is human and not just computer-driven. One of the highest and most important purposes of communications is to connect humans with each other about that which is truly human and natural — what our better angels might think of as "heart and soul" communications.

By definition, AI lacks any true human dimension. There is a fraud on all of us



when we receive robot talk with the veneer of being human unless there is disclosure/labeling of the artificial nature of the communications and content. If we don't require disclosure that content is not ultimately human and natural, we devalue humanity by treating AI just like human discourse when it ultimately falls short of being that which is truly human and natural, and that is a spiritual and cultural giveaway we should not indulge.

WILLIAM AUGUST '80

Cambridge, Massachusetts

ENLIGHTENING ANALYSIS

As a graduate of HLS in 1950, 73 years ago, I am grateful for the opportunity to read each edition of the Bulletin and to learn from the many fine articles therein. Colleen Walsh's article, "How to Think About AI," I found to be an especially enlightening analysis of the subject.

LAWRENCE B. COSHNEAR '50

THOUGHTS ON THE IMMORALITY OF THE DEATH PENALTY

As someone who has represented people on death row for the past 40 years, I write in response to a letter from William Choslovsky '94 (Summer 2023) titled "A Theoretical Question About the Death Penalty," which in turn was a response to Elaine McArdle's article "The End of the Death Penalty?" (Spring 2023). While there are many matters in his letter I take issue with, I address here two.

First, in response to a comment in McArdle's article that, while *Furman v. Georgia* didn't end death sentencing for long, it was nonetheless a victory because 629 death sentences were vacated, Choslovsky asks if the temporary ban was

a "success" for the loved ones of those murdered by the 629 on death row. For the sake of Mr. Choslovsky, who urges that we be "purveyors of nuance and perspective," it may be worth noting that many of those on death row at the time had committed capital crimes other than murder, like rape, burglary, and armed robbery. It may also be worth noting, as Justice Brennan did in *Furman*, that this punishment was only being inflicted "in a trivial number of the cases in which it is legally available." Does that mean the loved ones of all those other victims lacked "success"?

Most importantly, though, Choslovsky fails to understand that the victory in *Furman* was for the principles that prevailed — that laws and systems operating in an arbitrary, unjust, and racially discriminatory manner, resulting in disparate punishment for the poor and despised, had been struck down. It was indeed a "success" for the foundations of American jurisprudence.

Second, Choslovsky says that because McArdle's article doesn't explicitly say the death penalty is immoral, it "suggests to [him] it is moral, fair, and right, but flawed for practical reasons" that can be addressed and fixed. (Nowhere does Choslovsky himself offer a moral reason in support of the death penalty, yet I still trust he believes one exists.)

Nevertheless, I offer Mr. Choslovsky my own thoughts about the immorality of the death penalty. I believe humans are fallible and fragile, no less the "condemned" than the executioner. My four decades representing people who have committed terrible crimes has taught me that my clients are broken, not evil, people. I believe that seeking to punish people by telling them they are unfit to walk this earth, is an immoral course of action and that seeking to understand and heal them is the moral choice.

Until enough people share my moral beliefs, I hope we will rid ourselves of this system of punishment based on its deep flaws and conflicts with the notions of fairness that undergird our legal system.

AMY GERSHENFELD DONNELLA '79

Philadelphia

Equal Opportunity by the Numbers

Crystal S. Yang brings her love for economics to the study of the law and the pursuit of justice / By Colleen Walsh

As a teen, Crystal S. Yang '13 flew through her high school's chemistry curriculum, graduating to college classes in her junior and senior years. She loved chemistry's methodical way of making sense of matter, and she was certain she was destined for a life in the lab.

Twenty years later Yang has traded her lab coat for the law and economics, but her passion for bringing a systematic approach to her understanding of the world is central to her current work and research involving a range of pressing social issues. Yang's deep analyses have shined a light on the problem of inadequate health care for incarcerated individuals, the unintended spillover effect of immigration enforcement on Hispanic citizens, the effect of Chapter 13 bankruptcy protection on financial health, the equitable use of algorithms in the administration of criminal justice, and more.

But the bulk of Yang's work has focused on the nation's pretrial detention and bail systems, which have disparate impacts on disadvantaged communities — and on finding the empirical evidence that can support reform.

"In the United States so many of our policies, when it comes to incarceration, sentencing, pretrial, you name it, are just not backed by actual evidence, or are actually contrary to what the best evidence tells us," said Yang, Harvard Law School's Bennett Boskey Professor of Law, and a research associate at the National Bureau of Economic

Much of Yang's work has focused on pretrial detention and bail systems in the U.S., which have disparate impacts on disadvantaged communities.



Research. “I always found it exceedingly problematic that we would have these incredibly punitive, far-reaching institutions where the rationales for those institutions are not actually supported by rigorous evidence.”

Yang’s bail and pretrial detention work was directly inspired by her time with the U.S. Attorney’s Office for the District of Massachusetts before she joined the law school faculty in 2015. As part of the office’s criminal appeals unit, she briefed and argued several cases before the 1st Circuit, as well as investigated and prosecuted drug trafficking crimes. During the 12 months she was there, Yang’s economist mind was always in motion. “When I saw something really striking, my first thoughts were, How could I test this? Is what I’m seeing a one-off, or is this actually a systematic pattern that one could see if there were data, and where would I get that data?”

Soon she honed her focus. In court for regular hearings, Yang gradually began to understand that a judge’s discretion often took hold well before sentencing began. “I realized things related to discretion and disparity were happening much earlier in the process, things I felt were empirically relatively understudied, like pretrial detention and bail,” she said.

Yang’s numbers are striking. Her 2018 paper with Will Dobbie and Jacob Goldin tracks how the random assignment of a lenient judge or one who is more inclined to deny pretrial release affects a defendant’s future. By linking the data of more than 420,000 criminal defendants from two large urban counties — Miami-Dade and Philadelphia — to administrative court and tax records, they found that those held in jail prior to trial for even three days were 9.4% less likely to have formal employment three to four years after their detention compared with those released before trial. In a follow-up paper from 2021 titled “The Economic Costs of Pretrial Detention,” Yang and Dobbie built on their 2018 data, outlining how pretrial detention results in the long-term loss of almost \$30,000 in earnings and social benefits. Separation from family, the loss of employment and housing, and increases in poverty are among the other long-

“So many [U.S.] policies, when it comes to incarceration ... are actually contrary to what the best evidence tells us.”

Crystal Yang, recipient of the 2023 Sacks-Freund teaching award, urged students to “help others find common ground and understand our shared humanity.”



term negative consequences associated with pretrial detention, they found, as are many lasting effects on future generations. “Counties with high levels of pretrial detention also exhibit significantly lower levels of intergenerational mobility among children,” they write, “consistent with pretrial detention having an adverse impact on young children who may be the dependents of individuals affected by the pretrial system.”

In a 2020 paper, Yang and Dobbie also offer ways to eliminate racial bias in predictive algorithms, data-driven computer models that forecast future criminal behavior and that are increasingly used to inform pretrial detention decisions.

More recently, Yang has been studying how to help judges predict how likely a defendant is to engage in misconduct — from committing a new crime to missing a court date — if released while awaiting trial. Specifically, she has been weighing whether a predictive algorithm is more accurate than a judge. In a forthcoming paper, she finds that, among judges in her sample who use their discretion to override the algorithm, 90% underperform the computerized recommendations, while 10% outperform them in terms of accuracy and fairness.

The work suggests that skilled human decision-makers still have an important role to play in high-stakes decisions, Yang writes, and that the best path forward may be one in which judges using algorithms as one important tool can generate the best release decisions.

“Given large technological advances in both society and law, understanding how best to combine human and machine insights is critical for advancing welfare,” said Yang.

FINDING HER WAY AT HARVARD

Yang’s “life-changing” time in Cambridge began almost 20 years ago, when she arrived on campus in 2004 with a plan to study chemistry. But during one of her first-semester classes, when she was packed into Sanders Theatre with hundreds of other students studying how economics affects everything from health care to global warming, something clicked. “I just loved that class,” Yang recalled. “It was the use of analytical tools but applied to real-world issues or social problems that I found so interesting because it involved people in a way that the sciences hadn’t for me up to that point.”

Yang received her bachelor’s degree in economics and master’s degree in statistics in 2008, and she credits one of her Harvard mentors, economist Claudia Goldin, with encouraging her to pursue a Ph.D. “She was deeply interested in studying racial



and gender inequality, and that just drew me in,” said Yang. “It felt so fundamental to what we should be trying to do in the United States, helping people have equal opportunities regardless of their background or where they’re from.”

Yang’s interest in equality is deeply tied to her family’s experience. Her parents left China for the United States more than 30 years ago in search of better opportunities, in particular for their only child, a young daughter, just 5 years old.

Both had had successful careers in Beijing — her father was an engineer, and her mother was an ophthalmologist — but they chose to permanently relocate, Yang recalled, “to give me a better life, and a chance to do the things that I was passionate about with no limits.” Watching them try to adjust to a new country, a new language, and a new culture, left a lasting impact.

“I suspect my current field of interest is tied directly to the experience of seeing my parents, who had so much to offer, face barriers that made it so difficult for others to recognize everything they have to contribute,” said Yang. “They basically had to start over.”

Helping others overcome challenges and applying economic principles to the law are the throughlines in Yang’s academic work that crystallized at Harvard. As a doctoral student in economics, she realized that many of the causes and consequences of inequality and poverty in America she saw were “tied to legal institutions.” When Steven Shavell, the Samuel R.

Yang loves teaching, learning from students, and acting as a mentor, paying forward what her mentors did for her.

Rosenthal Professor of Law and Economics at Harvard Law School, another important mentor whom Yang had worked for as a research assistant, encouraged her to get her J.D. and Ph.D. and “really think about being an economist at a law school,” Yang listened. She graduated with a Ph.D. in economics and a law degree from Harvard in 2013.

PAYING IT FORWARD

Today, in addition to her research, Yang loves teaching (she was honored with the law school’s Albert M. Sacks-Paul A. Freund Award for Teaching Excellence last spring), learning from her students, and acting as a mentor and guide to help them shine.

Her energy and enthusiasm were on full display in August when a group of first-year students crowded into a room in Wasserstein Hall. For an hour, Yang highlighted the importance of class outlines and where to find them, how to take notes, use a computer in class, prep for exams, and, critically, schedule breaks. It was an impressive list of helpful hints from someone familiar with the demanding schedule of a 1L, and committed to helping others succeed.

“My aspiration is to be a mentor to these students,” said Yang, “because I know how fortunate I was to have really important people at these critical moments of my life who helped shape and guide me in both economics and the law, and that my life was so deeply changed by Harvard.”



Keeping It Real

'One of the true giants in the history of clinical education,' Jeanne Charn has inspired generations of students and served countless clients / By Elaine McArdle

Jeanne Charn '70 was a restless law student. When she arrived at the Harvard Law School campus from the University of Michigan in the fall of 1967, the U.S. was riven by the Vietnam War, the civil rights movement, and, a few months later, the assassinations of Martin Luther King Jr. and Bobby Kennedy. There was so much to be done, and Charn, who was born in the Midwest to Roosevelt Democrat parents, was eager to begin working to address some of the pressing social issues of the day.

Charn's impatience with the abstract nature of traditional legal study and her drive to assist people at society's margins would come to shape her life. The summer after her first year at Harvard Law, at the suggestion of Professor Frank E. A. Sander '52, Charn became a student practitioner at the federally funded Community Legal Assistance Office. After graduating from law school, she served as a staff attorney and law student supervisor there before joining the Massachusetts Law Reform Institute as a staff attorney representing public housing organizations.

One day she got a call from a lawyer named Gary

Jeanne Charn, speaking at the Gary Bellow Award program, which every year recognizes students committed to social justice

Bellow '60, who needed help calculating rents under the federal Brooke Amendment, which capped rent in public housing projects at 25% of a tenant's income. She was not previously familiar with Bellow's work, although she later learned he was well-known in legal services circles. That call led to ongoing collaborations that sparked a lifelong partnership. She and Bellow eventually married and worked together until his death in 2000.

In 1979, Charn and Bellow successfully convinced Harvard Law School to support the creation of a legal services center in the Jamaica Plain neighborhood of Boston, to provide high-quality legal aid to urban communities, with law students involved in cases under the supervision of skilled attorneys working closely with the community. Eventually morphing into what is now called the WilmerHale Legal Services Center of Harvard Law School, or the LSC, "It was the first major law-school clinical program that had broad delivery of legal services at its core," wrote Lincoln Caplan '76 in a 2017 article in *Harvard Magazine*.

Unlike many of their peers, Charn and Bellow felt

that direct services to people in need were as crucial as legislative efforts for long-term reform of the system. “Gary said it’s *got* to be service-based. A place in the community to be a place they can trust,” says Charn. Over the next decades, they supervised thousands of students, helped countless clients, and continued to shape conversations taking place about legal services and legal pedagogy.

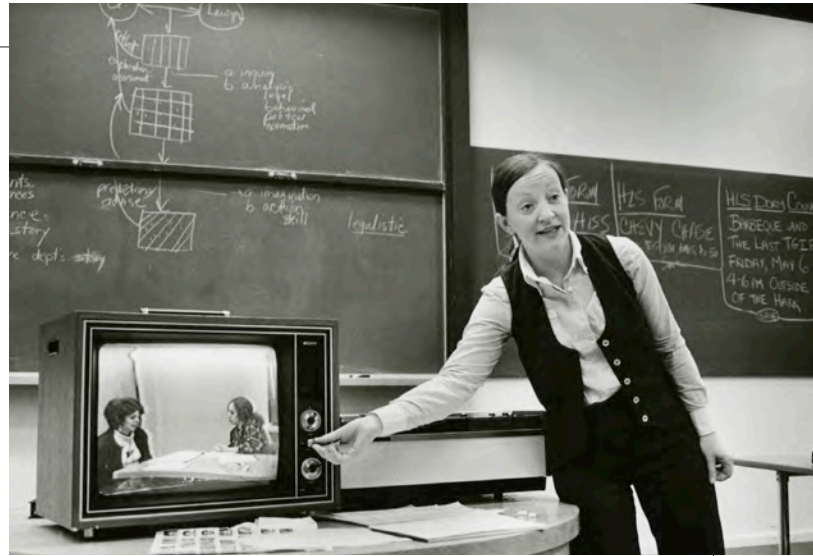
Speaking at the Legal Services Center’s 40th anniversary celebration in 2019, Sarah Boonin ’04, now associate dean for experiential learning and a clinical professor of law at Suffolk University, said the model was built on the idea that clinics should be immersed in the community they serve because “the community was also a teacher.”

Bellow and Charn’s efforts had a profound effect on the academic programs offered by law schools today. Nearly every law school in the country now has a clinical program. Harvard’s is the largest, with 25 in-house clinics and 13 externship clinics in a wide variety of practice areas; 89% of the J.D. Class of 2023 participated in at least one clinic, providing nearly 385,000 hours of pro bono legal assistance to those in need. Part of the broader HLS clinical program, the WilmerHale Legal Services Center serves more than 1,000 clients a year within six core areas: housing law, consumer protection, tax law, family law/domestic violence, LGBTQ+ advocacy, and veterans law/disability benefits.

Charn retired last summer after decades of service at HLS, having at different points in her career served as assistant dean for clinical programs; co-founder and director of the Legal Services Center; director of the Bellow-Sacks Access to Civil Legal Services Project, which leads research and policy initiatives to expand access to civil legal assistance for low- and moderate-income households; and senior lecturer on law, teaching courses and doing research on the legal profession and delivery of legal services. In 2014, she received the William Pincus Award for Outstanding Service and Commitment to Clinical Legal Education from the Association of American Law Schools, its highest award in the area of clinical education.

“Jeanne’s amazing legacy stretches in multiple directions,” says Daniel Nagin, faculty director of the LSC and the Veterans Legal Clinic. “She is one of the true giants in the history of clinical education — someone who has inspired not just generations of law students, but generations of clinicians entering the field. And she has never stopped innovating. Most

Charn played a central role in creating and developing what would become Harvard Law’s Clinical Program.



Charn, teaching in 1977 (above); speaking at the Legal Services Center’s 40th anniversary celebration (below)

recently, she has devoted her immense intellectual energy to advocating for new approaches to our yawning civil justice gap.”

Fresh out of law school at Northeastern in 1988, Liz Solar went to work as a lawyer in the housing unit at the Legal Services Center, where Charn, whom she describes as one of the best supervisors she ever had, taught her to put clients at the center of every case. “Jeanne was very client-centered and very patient and understanding of students’ perspectives,” says Solar, who for the past 18 years has been director of externships in the Harvard Law Office of Clinical and Pro Bono Programs. Moreover, Solar says, Charn and Bellow were very “purposeful in how they designed and built their staff,” bringing in people with a broad range of backgrounds and perspectives.

Charn was born in Indiana, where her grandparents had a dairy farm where she and her sister spent summers. Each evening her grandmother read them Eleanor Roosevelt’s newspaper column, “My Day,” from which Charn learned of the New Deal efforts to establish a social safety net for the poor and middle-class. “I was a little bit in awe of that era,” she says. “By the time I was in law school in the ’60s, we were hoping we could finish some of that.” She sighs and shakes her head. “But, man, we couldn’t,” she says, noting the work continues to this day.

Throughout their careers, Charn and Bellow were at the center of debates over how best to provide legal aid to low-income people and how law schools could participate in those efforts. Did their work change legal education? “We tried, for sure,” says Charn, who no doubt contributed to the important role experiential learning plays today.

She still laughs at the memory of that first phone call that started it all, a career and a life transformed, “all because I could calculate rent under the Brooke Amendment,” she says.



‘We Don’t Think a Court Should Be Handcuffed’

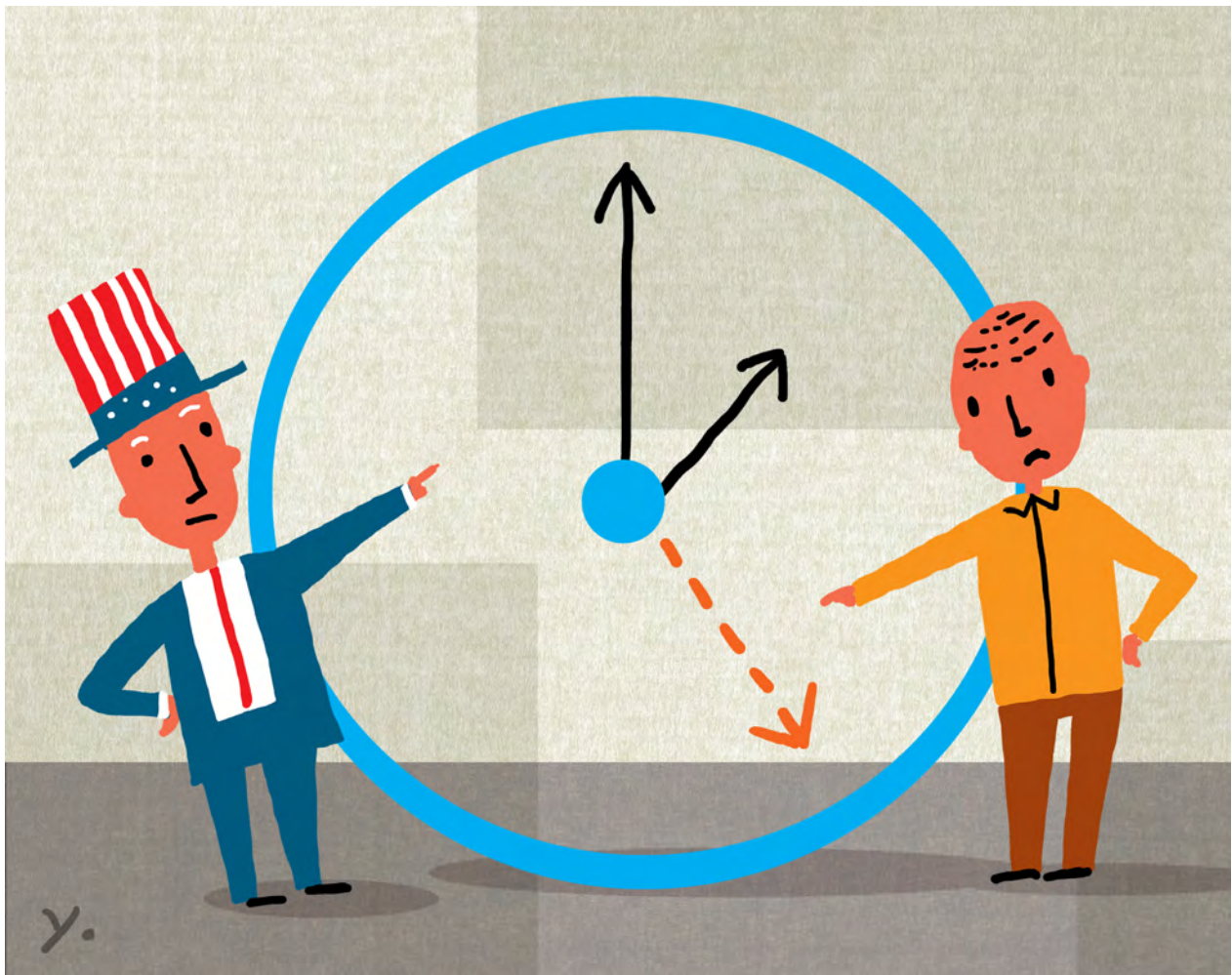
Harvard Law’s Tax Litigation Clinic laid the groundwork for recent wins that allow lower courts to be more responsive to challenges faced by taxpayers / By Elaine McArdle

For nearly 100 years, when the Internal Revenue Service has told taxpayers they owe more money than they thought — with what’s called a “Notice of Deficiency” — the taxpayer has had exactly 90 days to challenge that determination by petitioning the U.S. Tax Court. If the taxpayer missed the deadline, the court couldn’t hear their case, no matter the reason: serious illness, even situations where the IRS gave them the wrong date by which to contact the court. It’s been an unfair burden on taxpayers, many believe

The Harvard Law Tax Litigation Clinic’s efforts related to tax deadline cases have been paying off.

— after all, there are sometimes very good reasons for missing a deadline. Students and faculty at the Tax Litigation Clinic at the WilmerHale Legal Services Center of Harvard Law School have been working tirelessly to change this. Now their efforts on tax deadline cases are paying off, with two recent wins, including one in the U.S. Supreme Court.

In 2022, in *Boechler, P.C. v. Commissioner of Internal Revenue*, the clinic was part of an effort that persuaded the Supreme Court that taxpayers should



have the chance to explain to the Tax Court why they missed a 30-day deadline in a so-called collection due process case. And this past July, in *Culp v. Commissioner of Internal Revenue*, the clinic was amicus counsel when the U.S. Court of Appeals for the 3rd Circuit held that the 90-day deadline for tax deficiency cases is not jurisdictional, and the Tax Court must consider equitable reasons for allowing late lawsuits. In other words, taxpayers shouldn't be shut out of explaining to the court why they missed the deadline.

"Equity is about not being so rigid on deadlines when circumstances beyond a taxpayer's control cause them to file late, or when the IRS misleads them into filing late through incorrect correspondence," says Carlton Smith '81, a longtime tax lawyer and expert in impact litigation who has been volunteering at the HLS Tax Litigation Clinic (formerly called the Federal Tax Clinic) since 2015.

Though it's drawn little attention in the general media, the appeals court ruling in *Culp* is a "seismic shift" in the tax world, according to the legal news site JD Supra.

"It doesn't sound exciting at first glance, but it impacts a lot of people," says Audrey Patten, a clinical instructor and acting director of the clinic. "A deficiency case is what brings most people to Tax Court. Before *Culp*, if someone missed the deadline, the door slammed shut no matter what. Now you can say to the court, 'Please open the door.' This is about access to courts for everyone," says Patten.

While right now the ruling applies only to taxpayers in the 3rd Circuit, the clinic is looking to expand it to other federal circuits. And because *Culp* creates a circuit split on the issue, the case may very well be taken up by the Supreme Court, an exciting prospect for those who've worked to bring more fairness into the system.

Each year, the Tax Litigation Clinic takes on at least 100 new clients, says Patten, with cases that present a wide range of substantive and procedural issues through which students learn lawyering skills while seeing the role tax advocacy can play in anti-poverty efforts. The bulk of the clinic's work is direct representation of taxpayers in all stages of tax litigation, from dealing directly with the IRS to arguing cases before the Tax Court and the U.S. district courts. But students may also get the remarkable opportunity of arguing before the circuit courts of appeals, says Patten.

For about seven years, Smith and Keith Fogg, clinical professor of law *emeritus*, who founded the clinic in 2015 and served as its director until 2022, have sought out cases that stand to make a big impact in tax



Audrey Patten, acting director of the Tax Litigation Clinic, says recent wins on filing deadline cases are about "access to courts for everyone."

law, including filing deadline cases. There are several types of cases that most often end up in Tax Court, including deficiency cases and collection due process cases. Each type of case has a different statutory deadline by which a taxpayer must petition the court. The courts have long interpreted these deadlines as jurisdictional, meaning a court can't take the case if it wasn't filed on time.

"It's a very strict interpretation," says Patten, "and our goal has been to chop away at that interpretation. We argue there should be an opportunity for what's called 'equitable tolling,' where you have a good excuse for being late and the court can decide if there's a good excuse and then they can let the case in."

For years, the clinic helped to steward through multiple layers of appeal a collection due process case brought by a small North Dakota law firm, *Boechler, P.C.* The effort involved amicus briefs from the clinic and the work of many students. In handing down a victory for the taxpayer in *Boechler* in 2022, the



Keith Fogg, clinical professor emeritus, founded the Tax Litigation Clinic in 2015.

Supreme Court stated unanimously that the filing deadline in the case was subject to equitable tolling. A former Tax Clinic student, Amy Feinberg '18, who as an associate at Latham & Watkins argued the case in the 8th Circuit, was part of a three-person team that won the case in the Supreme Court. The ruling laid the groundwork for *Culp* as well as other deadline cases the clinic is now pursuing.

"After seven years, we succeeded in winning *Boechler* in the Supreme Court," says Fogg. "After the Tax Court told us 17-0 that we were wrong, the Supreme Court said 9-0 we were right." But only about 3% of cases are collection due process cases like *Boechler*; nearly all the rest are deficiency cases like *Culp*. "By winning *Culp*, we've taken a giant step toward winning the 95% of what is litigated," he notes.

"The argument brought up on appeal to the 3rd Circuit was that the logic the Supreme Court applied in *Boechler* should be applied to deficiency cases as well," says Patten. "It opened the door for organizations interested in this issue, including our client, the Center for Taxpayer Rights," which wants to get its voice heard in other cases around the country where people want to challenge Tax Court deadlines.

"Equity is about not being so rigid on deadlines when circumstances beyond a taxpayer's control cause late filing."

At least 10 students have worked on *Culp* and other deadline cases over the past seven years, says Patten. She, Smith, and Fogg served as amicus counsel on the case for the Center for Taxpayer Rights. As the briefs on *Culp* were due between semesters, Patten, Fogg, and Smith wrote theirs, relying in part on the research and prior drafts of the argument at issue that had been prepared by various students. As a student in the clinic, Oliver Roberts '21 presented the oral argument to the 3rd Circuit on behalf of the plaintiffs, Isobel and David Culp, and Fogg made the amicus argument.

Culp marks the second time Roberts has successfully argued a jurisdictional tax case to the 3rd Circuit; the first was in 2020, when as a clinical student he presented his argument by phone due to the COVID-19 pandemic. In that case, he and the clinic represented a couple audited by the IRS who disagreed with the amount the agency said they owed. But the couple were unaware of their right to dispute the finding because the IRS sent that notification to the wrong address. The 3rd Circuit reversed a decision by the Tax Court and agreed with the clinic that the couple were deprived of their right to challenge the audit.

"We are on the lookout for these kinds of cases to expand this to other circuits, either as counsel in chief or through amicus briefs," says Patten. "My prediction is it will go in front of some other circuits soon, and depending on how those circuits rule, it may go up to the Supreme Court."

Fogg has high praise for the clinic's students and instructors, and for Harvard Law, too, for its support of the work.

"The Harvard clinic is the only tax clinic in the country doing these cases before circuit courts on a routine basis, and that's because of the financial and other support Harvard provides," including for the cost of filing these lawsuits and of flying students around the country for arguments, says Fogg, who practiced at the IRS Office of Chief Counsel for more than 30 years. And because many taxpayers can't afford legal help in these cases — even for middle-class taxpayers, the amount in controversy may be less than the cost of hiring a lawyer — it's all the more important that the clinic offer it. "I'm not an IRS basher," he says, "but the way the agency works can be very difficult. Some of these cases are Kafkaesque, where you keep running up against bureaucracy and don't understand what is happening."

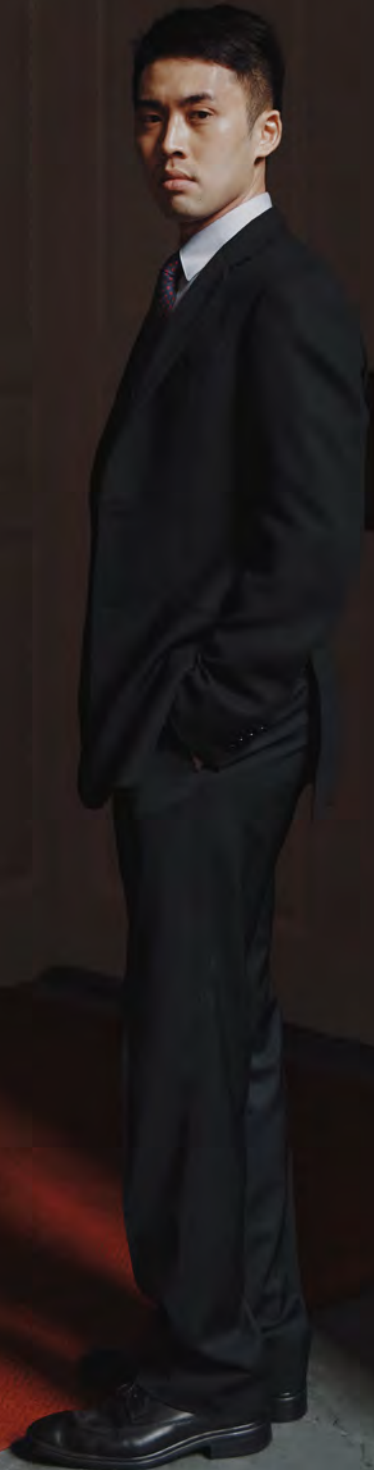
"Students make a lot of magic for a lot of people coming through here," says Patten. "It's still not a good thing to miss your deadline," she adds, chuckling, "but we don't think a court should be handcuffed if you do."

Composing a Path, Bar by Bar

Michael Cheng on harmonizing his passions for music, science, and law / By Julia Hanna

Chung Hon Michael Cheng '24 sat down for his first piano lesson on March 19, 2002, when he was 4 years old. It was his mother's idea: "Everyone at my school played an instrument, so we never thought twice about it," says Cheng, who lived in Hong Kong until age 9. His mother also wanted to ensure he had a trade to fall back on when he was older: "She thought that, even if everything completely fell apart, I could still make a living teaching piano."

So far, that hasn't been necessary. This past year, Cheng worked as a summer



associate at three different law firms in New York, Washington, D.C., and Houston, experiencing the different offerings of each — “big law” and boutique, litigation and transactional. After he graduates, he will be joining Cravath, Swaine & Moore in New York before clerking on the United States Court of Appeals for the 3rd Circuit in 2026.

Cheng graduated from Harvard in 2019 with an A.B. in physics and an S.M. in engineering sciences; he also earned an S.M. from MIT’s Technology and Policy Program in 2021. All the while, he has continued to play piano and compose music, winning top honors at international and national competitions for both, including two first-place finishes at the Music Teachers National Association’s composition competition. Cheng began writing music around age 5 or 6: “I started off just copying and tweaking existing scores I could get my hands on, but then, at some point, the ideas became original,” he says. “I played a lot with Legos as a kid, but rather than following the instructions, I would just mix my sets together and build my own designs. So maybe I’ve always had this innate impetus to create new things.”

Cheng submitted an original choral piece based on “Fair Harvard” as part of his undergraduate application to the college, and not long after he arrived, he connected with Andrew Clark, Harvard’s director of choral activities. Upon Clark’s invitation, Cheng joined the Harvard Choruses New Music Initiative, a program launched in 2016 for Harvard undergraduate composers to write choral music. As his senior year approached, Cheng began planning a musical tribute to his time at Harvard. “I decided that the concept would be to use one excerpt of text from each of Harvard’s five centuries of history,” he says. Beginning with the single word “Veritas,” the piece then draws from Psalm 78, the writings of Ralph Waldo Emerson, the autobiography of Helen Keller, and the spoken-word poetry of Donovan Livingston, an alumnus of the Harvard Graduate School of Education. “Veritas: A Celebration of the Centuries” was performed at Harvard College’s Baccalaureate ceremony in May 2019 and again at both university-wide Commencement ceremonies in 2022.

For Cheng, fitting music into his life had always been a balancing act, but as a law student, finding time to devote to music has been even more challenging: “The time constraints force me to be surgical and targeted in the way I practice, and sometimes I’d get

“Law and music are both crafts; you lay on brick after brick to build your wall. They are both lifelong endeavors.”

up early to practice before going to class,” says Cheng, who as a 1L was a top finalist of the 2022 International J.S. Bach Piano Competition in Saarbrücken, Germany. “A lot of my musical development has been happening in the interstices of my life as a law student — for example, listening to music while working and then reflecting on the music while I’m on my way to class.”

Still, he has found time to create. As a 2L, he composed (and performed) “Machine Dreams,” a five-movement piano quintet inspired by the evolution of the human relationship with technology and created at the behest of Sheila Jasanoff ’76, a professor at the Harvard Kennedy School, as part of the 20th anniversary celebration for the Harvard Program on Science, Technology & Society in November 2022. After that came a similar request from Ruth L. Okediji LL.M. ’91 S.J.D. ’96, HLS’s Jeremiah Smith, Jr. Professor of Law, to which Cheng responded with the choral anthem “Come, Let Us Rebuild,” inspired by a verse from the Old Testament book of Nehemiah. He conducted the anthem’s premiere at “Faith & Veritas,” the inaugural Harvard-wide gathering of Christian alumni in April 2023.

There’s a long list of composers who have studied law, observes Cheng, citing Handel, Schumann, Tchaikovsky, and Sibelius, among others. He notes the parallels between the two disciplines: “Law and music are both crafts; that is, you lay on brick after brick to build your wall. They’re both lifelong endeavors of continual improvement, and that appeals to me.” He cites J.S. Bach as his favorite composer and describes his own style as “informed by tradition at a high level, yet unmistakably modern.”

As to the connections between STEM and music, Cheng says: “I mean, at a fundamental level, music is physics. But sometimes, I also let myself get inspired by the engineering and the tech, kind of like how other composers would, you know, get inspired by poetry or something.” He adds: “I try to write music that is internally rigorous and generally logical and methodical in design — I focus on structure and the internal coherence of musical ideas. That, I think, very much comes from my training in science and is reinforced by my legal education.”

Cheng professes surprise and gratitude that he has been able to continue pursuing music this far beyond his undergraduate years. And he feels invigorated by the need to strike an ever-evolving balance between law and music, pursuits he views as mutually reinforcing. But all this balancing does involve tradeoffs: “Sometimes, I discover that the readings don’t do themselves after all,” he says.

“That’s when I’d usually get cold-called.”

Outsized Control and Outsized Risk

A few financial firms now own a significant portion of the American economy, to their peril and the peril of our democracy, argues John Coates / By Elaine McArdle



Two years ago, to the surprise of many, a small hedge fund focused on climate-impact investing managed to oust three ExxonMobil board members at the annual shareholder meeting and replace them with greener candidates, including a sustainability expert. Since the hedge fund owned only a tiny fraction of Exxon's shares, how did it prevail?

By convincing the country's three biggest index funds to support its candidates. These funds — Black-

In a new book, Professor John Coates looks at the risks posed by the power of private equity and index funds.

Rock, Vanguard, and State Street — not only own an outcome-changing percentage of Exxon stock but are on track to own half the stock in all American companies within 15 years.

Over the past two decades, as this example shows, index funds — as well as private equity funds, another type of asset management company — have gained enormous influence in the economy and politics, according to John Coates, the John F. Cogan, Jr. Profes-

sor of Law and Economics at Harvard Law School, in his new book, “The Problem of Twelve: When a Few Financial Institutions Control Everything.” After the governance change at Exxon, he explains, the company began investing billions of dollars in carbon sequestration. “It was kind of a radical change” for the fossil fuel company, says Coates, an expert in corporate governance and a former general counsel to the Securities and Exchange Commission, and it “almost certainly would not have happened but for this intervention” by the index funds.

The term “problem of 12” describes a situation in which a handful of actors exert outsized influence on the politics and economy of a nation. “The main point,” says Coates, “is there’s a small number of people who ultimately are in charge of a small number of institutions, both in the index fund world and in the private equity world, that are coming to have an incredibly outsized and unprecedented amount of control over the economy, through the investments that they manage for other people.”

Through most of the 20th century, publicly traded companies and major financial institutions dominated the U.S. economy, and that presented a similar kind of problem of 12 — economic and political dominance, lack of transparency — which resulted in significant reforms, including the creation of the SEC. But that old corporate governance system is dying, according to Coates. Today, private equity funds and index funds are growing in size and power incredibly fast, and that raises for Coates two perhaps paradoxical concerns.

One is how they are influencing American democracy. “Their growing concentrated wealth and power threaten the foundations of a democratic republic built on Montesquieu’s separation of powers as well as federalism,” Coates writes. His other concern? As these funds come under increased scrutiny from the public and policymakers, ill-considered reforms may lead to unintended consequences that throw out the good with the bad.

A few years ago, Coates says, “I started seeing these proposals that were just terrible ideas that were being taken very seriously by senior elected officials,” and that prompted him to write the book. “Because index funds certainly, and private equity funds possibly, create value within the U.S. economy,” he writes, “the threats to them are as important as their potential threats to American democracy.”

His book is more about raising questions than providing a set of specific solutions, Coates emphasizes, and as such is garnering widespread praise as a thoughtful approach to analyzing these financial behemoths. Former SEC Acting Chair and Commis-



John Coates, author of “The Problem of Twelve,” is an expert in corporate governance and a former general counsel to the SEC.

sioner Allison Herren Lee calls it a “must-read for policymakers and policy influencers on both sides of the aisle.” Larry Summers, former president of Harvard University, a professor at the Harvard Kennedy School, and a top economic official in both the Clinton and Obama administrations, says Coates “makes a compelling case that American capitalism part way into the 21st century is dominated by a dozen insufficiently accountable institutions,” adding that the book “deserves the attention of all who care about our economic future.”

‘A BRILLIANT, DECEPTIVE REBRANDING’

While index funds and private equity funds each have been around since the 1970s, it was only around 2000 that they both began a meteoric rise, in the case of private equity funds due in large part to a rebranding effort. Private equity funds, according to Coates, are basically leveraged buyout (or LBO) organizations. They borrow huge amounts to purchase entire companies, then cut costs — often by laying off workers — and resell at a profit. In the 1980s, widespread bankruptcies and massive layoffs spurred by LBOs, and famously spotlighted in the movie “Wall Street,” created a serious PR problem, so they were reborn under a new name.

It’s the “brilliant, deceptive rebranding of buyout funds as ‘private equity funds,’” Coates says, noting that there’s nothing truly private about them except that they operate in near-complete secrecy. “Busi-

nesses owned by the private equity industry no more deserve the connotation of ‘private’ than General Motors or Exxon does,” he adds.

And they’ve grown “at a bigger scale than anybody would have dreamed possible in 1990,” he says. Between 2000 and 2021, private equity funds grew from \$770 billion of global assets under management to \$12.1 trillion, or “four to five times faster than the U.S. economy as a whole,” Coates writes. The Big Four private equity firms — Apollo, Blackstone, Carlyle, and KKR — have together amassed \$2.7 trillion of assets. “They are now by far the biggest growth sector in how companies are owned,” he explains.

And, importantly, he says, there is almost no oversight, even though the private equity business is risky. There are many funds within a private equity firm, and because technically each fund is its own separate entity, it counts as only a single shareholder and thus is outside the scope of the SEC. But, Coates notes, “that one shareholder is raising money from millions of people” — some of the biggest investors in private equity funds are public pension funds. Moreover, one in every eight or nine workers in the U.S. now works for a private equity company, “whether they know it or not,” he says.

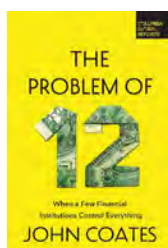
“They’re putting lots of people’s savings and jobs at risk in ways that I don’t think are appreciated because there’s no disclosure,” Coates says. “And the people they’re investing for — the pensioners whose money is being invested by a pension fund in a private equity fund in a buyout — I’m quite sure they have no idea that that’s how their money is being used: for a buyout.”

As private equity grows and draws the veil of secrecy over more of the economy, the industry resists calls for increased transparency — and exerts political clout to protect itself, he notes. Private equity was a major force behind derailing the attempt to close the carried interest loophole, which allows investment managers such as those managing private equity firms to treat their earnings as capital gains instead of income, so they pay a lower tax rate.

‘NEVER THE GOAL OF THE INDEX FUND CREATORS’

By contrast, index funds are regulated by the SEC; secrecy isn’t the problem, size is. Index funds are a type of mutual fund but are not actively managed, so their fees are low, and they offer many benefits to the average investor. And the not-so-average, too. In 2015, basketball superstar LeBron James asked billionaire

“Both industries are going to get increasingly buffeted by political proposals [threatening] their business model.”



Warren Buffett for advice on investing the \$300 million he’d earned so far in his sports career. Buffett suggested he put money each month into a low-cost index fund. Within seven years, James had tripled his assets, and today he, too, is a billionaire.

“I’m a big fan” of index funds, says Coates. “As an investment vehicle, they’re the cheapest, safest way for a typical American to invest in the stock market.”

But an index fund is rewarded by economies of scale. “The bigger it is, the better it can do what it does, which is to buy all the companies available in an index, which often is the entire stock market or something close to it,” Coates says. Unlike the old model of corporate governance, where no single investor was dominant in a company, “the big index funds now own already 25% of all the stock of all the companies on all the stock exchanges — which is just an astonishing shift from 25 years ago. They’re on a path to continuing to grow and probably will own more than half of all the stock — effectively totally controlling, if they wanted to, all of those companies over the next 10 to 15 years.”

As the Exxon example demonstrates, “Today there are roughly a dozen index fund managers who collectively have enough corporate power to determine the fate of most public companies,” he says. “Index funds have become increasingly politically influential on issues such as diversity, treatment of workers, and climate change,” drawing criticism — depending on what they decide to do on these issues — from both the left and the right.

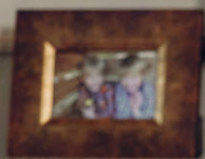
“The reason I wrote the book is I think [index funds] are great and I don’t want them to get crushed by politics,” he says. “It was never the goal of the index fund creators to generate this much concentrated ownership. But the fact that they’re getting that concentrated ownership ends up being potentially a threat to them.”

Coates has been on a book tour in Houston, Philadelphia, Washington, D.C., New York, and Boston, and he’s found that people in these audiences, no matter their political affiliation, are skeptical, even suspicious, of the power these funds have. While he doesn’t offer any magic bullet answers, more transparency and soliciting more input from their own investors would go a long way, he advises.

“Both industries are going to get increasingly buffeted by political proposals to restrict, regulate, and change the limits, possibly making their business model ineffective,” he says. “I’d like to think that the book will help to contribute to a more sustained and engaged debate about what to do [and] help contribute to people thinking hard now about better solutions, rather than worse ones.”

Supreme Advocate

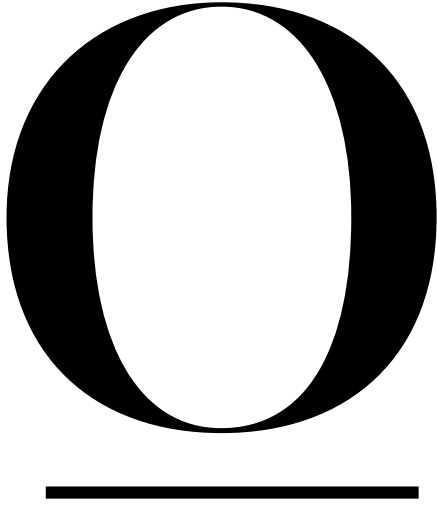




As solicitor
general,
Elizabeth
Prelogar '08
faces long
odds before
a skeptical
court

By Lana
Barnett '15

Photographs
by Jared
Soares



One of Elizabeth Barchas Prelogar's earliest memories is sitting in a courtroom when she was a young child. Her mother, a schoolteacher, had taken her to watch her father, a local Idaho lawyer, in a criminal trial. Prelogar recalls alternating between abject boredom and fascination with the formality of the court proceedings — the way the judge, lawyers, interpreter, and witnesses all played important roles and interacted with each other.

Now, decades later, Prelogar '08 inhabits one of the most important roles in the most formal and consequential court proceedings in the nation. Since October 2021, she has led the office that represents the federal government's interests before the Supreme Court. Often referred to as the "10th Justice," the solicitor general of the United States is the most frequent advocate

with Parkinson's disease when Prelogar was 2 years old. She was crowned Miss Idaho in 2004, having entered pageants in her spare time for the opportunity to earn scholarship money, and spent a year touring her home state's elementary schools with the book in an effort to increase sensitivity toward people with disabilities. She also earned a master's degree in creative writing from the University of St. Andrews in Scotland, and spent a year as a Fulbright Fellow in St. Petersburg, Russia, where she studied press censorship.

But Prelogar's plans to be a legal reporter changed soon after she got to Harvard. "I just fell in love with the idea of practicing law and all the ways that lawyers can take their skills and talents and channel them toward the public good," she said in an interview with the Bulletin. She quickly found herself drawn to appellate litigation because of its emphasis on becoming an expert in process, rather than a single subject area. "Every case is its own puzzle," she said. "To think through the arguments, to craft the legal strategy in the case, and to think about how to best and most persuasively support the arguments, is for me very intellectually satisfying and exhilarating."

At Harvard, Prelogar took Constitutional Law with Professor Richard H. Fallon Jr., for whom she later served as a research assistant. Fallon remembers her "can-do attitude,"

which seemed never to falter, no matter the assignment. But he was equally struck by her modesty. "There's never anything showy or ostentatious or self-promoting about her" despite her "remarkable talent and breadth," he said.

Prelogar served on the Harvard Law Review and was an Ames Moot Court Competition finalist. As a semifinalist, she'd been awarded best oralist in an argument before Neil Gorsuch '91, then a judge on the U.S. Court of Appeals for the 10th Circuit, an experience she credits as a "turning point" that gave her the confidence to believe she could litigate at the highest levels. Teammate Tejinder Singh '08 remembers being awed by Prelogar's ability to balance the demanding moot court competition with her other responsibilities. But "equally remarkable," he said, was her willingness to take advice, find ways to laugh even during moments of high stress, and genuinely engage with other people's ideas. "There are some people who may have comparable resumes, but those resumes come with

"Every case is its own puzzle," says Prelogar, and thinking through its arguments, crafting its legal strategy, is "exhilarating."

in the Supreme Court, serving as counsel in approximately three-quarters of all cases that are decided on the merits each year.

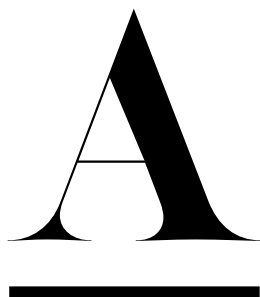
When Prelogar arrived at Harvard Law School in the fall of 2005, she could picture herself standing one day at the Supreme Court — but as a legal journalist, not as a lawyer. She had planned to pursue a career in print journalism, an interest she had cultivated as an undergraduate at Emory University, where she worked on the student newspaper and spent her summers interning at major newspapers.

Prelogar was a prolific writer from a young age. As a seventh grader, she would wake at the crack of dawn to attend a 7:40 a.m. class in English composition at Boise State University, which she took on top of her school curriculum. She published her first book in 1994 and wrote articles for Boise's daily newspaper, the Idaho Statesman, as a teenager. At 23, she wrote a children's book, "A Dad Just Like Mine," inspired by her father, who was diagnosed

substantial egos,” Singh said. “She does not work like that.”

After graduating, Prelogar clerked for Merrick Garland ’77, then a judge on the U.S. Court of Appeals for the D.C. Circuit; Justice Ruth Bader Ginsburg ’56-’58; and Justice Elena Kagan ’86. Harvard Law Professor Andrew Crespo ’08 worked with Prelogar in Kagan’s chambers during her first year on the Court. Crespo recalls that Kagan and Prelogar shared a penchant for long and lively conversations. Both could spend hours digging deep into whatever topic came up, be it a challenging area of law, the news of the day, or a March Madness bracket, he says.

That “focused intensity,” Crespo said, is visible whenever Prelogar is faced with an especially difficult legal question. Like a runner who is happiest when a treadmill is cranked to the max, he says, she seems to relish grappling with legal issues that not only are intellectually demanding but also implicate especially thorny policy or moral questions. “She is a lawyer’s lawyer to the bone,” Crespo said. “Hard, complicated, challenging problems are her happy space.”



After clerking, Prelogar spent a few years in private practice before joining the solicitor general’s office as an assistant in 2014. She spent the next five years there, including a two-year detail to Robert S. Mueller III’s team investigating allegations of Russian interference in the 2016 election. She briefly returned to private practice in 2020 as a partner at Cooley, which she paired with teaching the Supreme Court and Appellate Advocacy Workshop at Harvard Law, until returning to public service as acting solicitor general following the inauguration of President Joe Biden. In 2021, Prelogar was appointed the 48th solicitor general, making her only the second woman, after Kagan, to serve in that role on a permanent basis.



For nearly a decade, Prelogar also volunteered with Singh to draft many of the fictitious cases that serve as the basis of the Ames Moot Court Competition. Again, she balanced those responsibilities with a demanding workload, stopping only when she became the acting solicitor general. As was the case in law school, Singh remained awed by Prelogar’s seemingly limitless work ethic. “To the extent it looks effortless, which is a talent of hers, people should realize it’s really not,” Singh said. “A lot goes into building a success like hers.”

At her confirmation hearing, Republican Sen. Chuck Grassley questioned Prelogar about the number of cases in which the solicitor general’s office, under her leadership, had changed its legal position after the 2020 presidential election. She responded that each change in position had occurred after careful consideration in consultation with each federal agency that had a stake in the matter. “We have a very well-established process in the solicitor general’s office of soliciting views

far and wide,” she told the Senate Judiciary Committee. “Luckily I did not have to sit there on my own and try to figure it out.”

According to those who have worked closely with Prelogar, she meant what she said. Principal Deputy Solicitor General Brian Fletcher '06, who serves as the number two in the office, said she is “committed to making sure everyone in the department and government who’s interested in a

less than 15 years out of law school, Prelogar came to the role with a deep well of knowledge and experience. Unlike many of her predecessors, she worked in the office for years before her appointment to the top job. “It’s clear that that shaped how she thinks about the office,” Fletcher said. “She very much comes at it with respect for the institutional role of the solicitor general’s office and the role the career lawyers here play.”

Prelogar has the added challenge of representing the Biden administration before a Supreme Court that is widely viewed as one of the most conservative in decades. Since her appointment, the Court has issued decisions that have attracted both praise and vehement criticism for reshaping decades of legal precedent on hot-but-

ton issues including abortion, affirmative action, and religious liberty.

University of Chicago Law School Professor John Rappaport '06, who clerked with Prelogar for Justice Ginsburg, remembers her as an optimist who believed that the right argument, paired with sufficient hard work, could persuade a justice to change their mind. That optimism has likely been tested in recent years, says Rappaport. “It feels like the cases are less up for grabs than they used to be,” he said. “She’s a solicitor general appointed by a Democratic president facing a majority Republican-appointed Court, which predictably leans against the interests of her client. That has to be tough.”

Though most matters are argued by the office’s deputies and assistants, Prelogar herself tackles the trickiest, most headline-grabbing cases that make it to the Court. “You don’t get any layups as solicitor general,” explained Harvard Law Professor Richard Lazarus '79, a previous assistant to the solicitor general who worked with Prelogar on the 2017 case *Murr v. Wisconsin*, where she appeared as an assistant to the solicitor general in a case involving environmental regulatory takings.

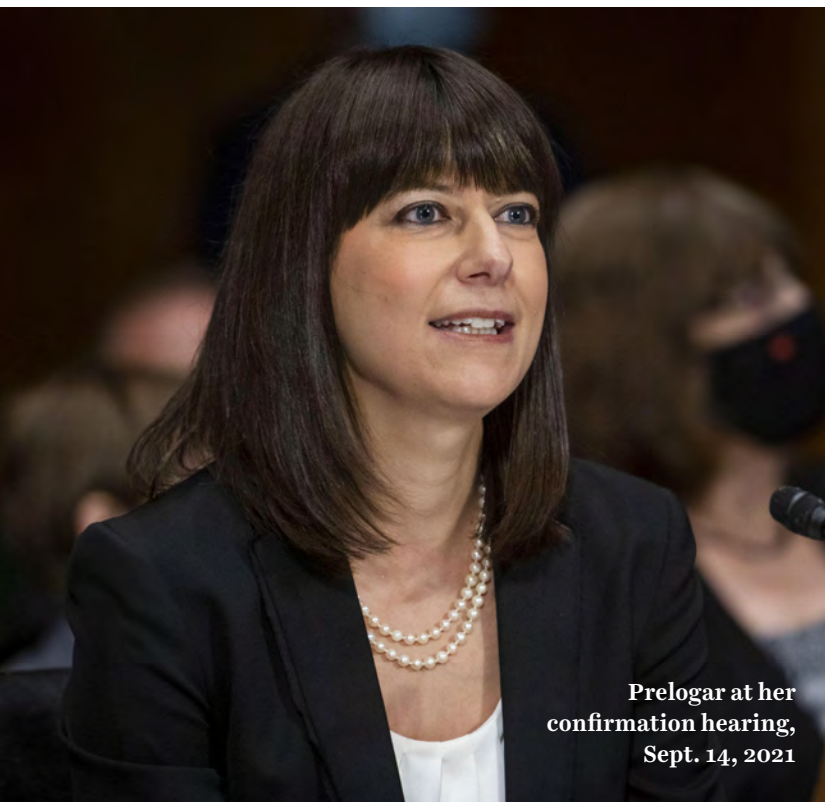
Lazarus was impressed by her skills as an advocate at the time, but he admits he “had no idea how good she really is” until he saw her take on the hardest cases that make it to the Supreme Court. “As solicitor general, it’s orders of magnitudes harder,” he said. “But Elizabeth is one of the very best I’ve seen, and that’s a very rarefied group.”

Prelogar has served as the face of the federal government in blockbuster cases such as *Students for Fair Admissions Inc. v. President and Fellows of*

Prelogar has gotten the best possible result from a skeptical court by truly engaging in the art of persuasion, says Richard Lazarus.

case gets heard and feels like they get heard.”

That is not easy, given the volume of cases the office handles, Fletcher says, and particularly because the solicitor general, in contrast to those in most other legal government leadership positions, is an active litigator responsible for reviewing and editing briefs and presenting oral arguments. But



Prelogar at her confirmation hearing, Sept. 14, 2021

Harvard College, in which she urged the Supreme Court to let stand a lower court ruling in finding that Harvard's admissions practices were lawful, though the Court later ruled that affirmative action in higher education is unconstitutional in most instances, and *Dobbs v. Jackson Women's Health Organization*, which overturned *Roe v. Wade*. Prelogar's job would not be easy even in front of a Supreme Court with six reliably progressive justices, Lazarus said, but it would be "a cakewalk compared to what she's got right now." Knowing that she is likely to lose most of the cases she argues, she has the nuanced and challenging job of trying to "lose well," and encourage the Court to make narrow rulings that limit the overall reach of their decisions.

Lazarus believes Prelogar has succeeded at getting the best possible result from a skeptical court in most instances, winning even challenging cases such as *Moore v. Harper*, involving the independent state legislature theory, and *Allen v. Milligan*, a significant voting rights case in which the Court held, in a 5-4 decision, that Alabama's congressional map likely violated the Voting Rights Act. She has done that, he says, by truly engaging in the art of persuasion. Some advocates fall into the trap of arguing with the justices, or proceed in a bullheaded fashion, failing to grapple with the questions posed by the justices or acknowledge the weaknesses of their arguments, Lazarus says. But Prelogar speaks with "a very credible voice and is very candid," he explained. "She answers the questions. If something's hard, she'll acknowledge it's hard."

M

oreover, Prelogar appears to think carefully about each justice's individual concerns. Rather than treat the justices as a set of predictable or partisan votes, Lazarus said, Prelogar "assumes every vote is in play and will try to get them." She does that by being a close listener during oral argument and deftly pivoting to areas that are likely to

bear fruit, strategizing on her feet to pursue alternative arguments that may have been hardly addressed in the briefing if it appears that the justices may be persuaded on that point. And when she speaks, the justices listen. "She speaks for the third branch of government," Lazarus said. "They take that seriously."

And while nobody likes losing, Prelogar han-



A vase in Prelogar's office holds the quills she received after each of her Supreme Court arguments, a tradition for counsel arguing before the Court that goes back to its early days.

dles setbacks with a Zen attitude honed by life's occasional disappointments, like being turned down for a much-sought-after fellowship or falling short of a professional goal. Those disappointments can feel "very major at the time," Prelogar told the Bulletin, but they helped her "figure out how to regroup and improve and set myself up for greater success next time, and exposed me to the disappointment that all lawyers face when you don't have a 100% win rate, which is impossible."

Prelogar also stresses the importance of moot-ing. The night before each Supreme Court argument, she prepares by facing her most important critics: her two preteen sons, who listen to her prepared introduction over family dinner and rate her on a scale of one to 10. Thankfully, "there's pretty good grade inflation in my family," she confessed.

Prelogar has already gained enormous experience in just over two years in her role representing the United States in the Supreme Court. Though it is too early to speculate on what is next for her, wherever she goes next, Crespo says, her presence will continue to be felt among advocates who appear before the high court. "She is now, and will be for as long as she wants, one of the pillars of the Supreme Court bar," Crespo said. "She could be a defining force for decades."

FUTURE LEADERS IN LAW

A new
Harvard Law
initiative
supports and
encourages
students
as they
seek access
to a career
in the law — meet four of them →





CLOCKWISE FROM TOP LEFT: STEVE GILBERT; BOTTOM LEFT: COURTESY OF TYLER BEAMISH

BY COLLEEN WALSH

They are future public servants eager for change, future reformers of criminal justice, future champions of individual rights and freedoms. They are from New York and Alaska, Tennessee and Oklahoma. They are cat lovers, and dog lovers, and even lovers of crocodiles and pigeons. They are in school, or recent graduates. Many are the first in their families to attend college, and all are part of a new Harvard Law School initiative aimed at creating new chances for people of all different backgrounds and lived experiences to join the legal profession.

The 35 fellows, ranging in age from 20 to 37, were on campus this summer for a weeklong residency, the first phase of the Future Leaders in Law Program, a new yearlong program sponsored by Harvard Law School and Paul, Weiss, Rifkind,

new voices and perspectives to a profession that, at its core, is dedicated to the rule of law, equal justice under law, fair process, and constitutional democracy.”

As part of the programming this July, the fellows took law classes and also delved into opportunities that the legal profession offers to build lives of meaning and contribution. They interacted with Harvard Law School faculty and heard about the range of options for public service in Harvard’s varied clinics and the many paths open to those studying law. They also reviewed admissions criteria and test prep strategies; took a timed LSAT practice test; and spoke with recent graduates studying for the bar. The residency also featured a visit to Paul, Weiss in New York City, where they met with members of the firm, including its chairman, Brad Karp ’84, and Loretta Lynch ’84, former U.S. attorney general. Fellows also attended a session on the Harvard Law campus with Dean Manning.

Manning welcomed the fellows on their first day and thanked them for being there, telling them they were poised to make great contributions to the legal field. “Getting people who are committed, who bring great ideas and perspectives and experience in professions, is so important, and that’s all of you,” he said. “So, thank you for choosing this program and for thinking about the law as your chosen profession.”

The summer residency kicked off the program that will include online test preparation classes provided by Advantage Testing as well as regular Zoom meetings and mentoring sessions with current students.

As on-campus programming wrapped up, many of the fellows said they had arrived harboring doubts about becoming lawyers, worried about managing the rigors of applying to law school, studying for and taking the LSAT, and carving out a path in the law. They left confident they were heading in the right direction.

These are four of their stories.



The first cohort in the Future Leaders in Law program were on the Harvard Law campus this summer for a weeklong residency.

Wharton & Garrison, and designed to help prepare participants to apply for admission to law schools around the nation. The new program is the latest in a range of initiatives at Harvard Law focused on encouraging students with nontraditional backgrounds to consider a career in the law and supporting their next steps.

“Future Leaders in Law is part of our efforts to build opportunities that will ensure that law schools and the legal profession represent the wide array of talent and life experiences that exist in our society and to help people live dreams their parents or grandparents could not have dreamed,” said John F. Manning ’85, Morgan and Helen Chu Dean and Professor of Law at Harvard Law School. “We believe this program not only will benefit those who participate, but also will help bring vital

‘What I hope to do in the law is help veterans get the benefits and the representation and the advocacy that they need and deserve’

TYLER BEAMISH's mother told him his ability to argue would make him a good lawyer. In his senior year of high school he took her advice and interned at the county prosecuting attorney's office.

The role was eye-opening.

Part of his job involved sifting through overdose statistics from area hospitals and helping set up a meeting with local leaders to address the community's overdose epidemic. His work would ultimately lead to the creation of a nonprofit group supporting individuals and families affected by substance use disorder.

“It showed me that as an attorney there's a way to make an impact that goes beyond just using laws. It's the relationships that you make, it's understanding the problems in the community, and it's the willingness to analyze a problem and do something about it,” Beamish said.

His path to a life in the law has involved some detours along the way. He briefly attended college after high school, but the timing, he said, wasn't right, so he dropped out and joined the military. In 2014 he became a combat controller for the Air Force, part of a Special Tactics unit tasked with running U.S. airfields in hostile territory, counterterrorism operations, and humanitarian assistance. “I think it was some of the most valuable training I received,” said Beamish, “because you learn just how far you can really go.”

In 2018 he deployed to Afghanistan. Attached to an Army Special Forces team, he ran an airfield flying in supplies and coordinated combat mission air strikes. He received the Bronze Star for his efforts and was awarded the Purple Heart after a rocket-propelled grenade hit the truck he was in, giving him a concussion. After his last overseas mission in 2021, Beamish felt ready to get back to school. While continuing to work for the Air Force out of North Carolina, he enrolled at Arizona State as an online student and was contemplating a business degree when he had an epiphany: “I thought, Why am I not trying to go to law school? That's what I've always wanted to do. The next day I swapped my major to philosophy, morality, politics, and law, and the motivation was back to become a lawyer.”

But when an email about Harvard Law's Future Leaders in Law program landed in his inbox, Beamish felt the doubt creep in.



Tyler Beamish says he loved the program's in-person discussions with “really smart, really driven people in amazing career fields.”

“Coming from a small town in northern Michigan, nobody really thinks Ivy League. That's just something that seems so far from reach. And then, on top of it, I was a nontraditional student, a little bit older.” He called getting accepted to the program “incredible.”

Like so many participants, Beamish came away with a strong sense of self and his abilities after taking part in the residency component of the program. “The week made me feel like if I don't go to law school, I'm wasting my own potential,” he said.

He also came away inspired by his colleagues.

Being an online learner means limited in-person connections with classmates, said Beamish, who loved the Harvard Law program's in-person discussions with “really smart, really driven people in amazing career fields. Hearing their different perspectives and learning about their different life experiences and seeing how school can be this big melting pot was amazing.”

He even enjoyed being put on the spot during a mock law school class focused on the U.S. Constitution led by Guy-Uriel Charles, the Charles J. Ogletree Jr. Professor of Law. “I was sitting there chomping at the bit, hoping that he would call on me,” said Beamish, “because I was having so much fun being in the classroom setting.”

Beamish will finish college this summer and complete his military service soon after that. He plans to intern at a small law firm in Michigan before applying to law school for the fall of 2025. In the future, he said he could see himself working in litigation or possibly public service. But no matter where he lands, he intends to use his law degree to give back to those who have served their country.

“What I hope to do in the law, regardless of where I end up, is help veterans get the benefits and the representation and the advocacy that they need and deserve. I really hope to give back, especially to the Special Operations community, once I hop off this speeding train.”

‘When we collectively work together, we can do phenomenal things’

RODNEY WELLS' grandmother was a high school student in Jacksonville, Florida, taking a stand for equal rights by staging a sit-in at a city lunch counter, when a mob of white men using ax handles and baseball bats attacked and beat the peaceful protesters. The story she told of the 1960 assault — dubbed Ax Handle Saturday for the blunt weapons used by the assailants — left a lifelong impression on Wells. “Knowing that when you see something, you have to do something — that’s what I took from it very early on.”

From his mother, who served as a police officer in Jacksonville for 25 years and now teaches forensic science at Jacksonville’s Edward Waters University, he took a deep understanding of the complicated dynamic between the police and communities of color, and the kinds of challenges he could face growing up as a Black man. “My mother wanted to make sure that I didn’t let those become barriers for me,” said Wells.

He remembers watching his mother navigate her role during the demonstrations related to the Black Lives Matter movement, and her leadership. “Most of the officers under her command were young white males, and she made sure that early on in their career they understood not the power they held, but the duty they held, and that, especially because they were in her community, they didn’t cross the line.”

Wells also remembers how a group of young high school students in 2018 helped ignite his passion for activism. He had been working as a page at the Florida

Rodney Wells hopes one day to be a civil rights lawyer, working for change.

Capitol for a week when survivors of the Parkland shooting that left 17 people dead arrived to protest. “Even though they were so young, it wasn’t stopping them from seeing the issue and doing something about it,” he said.

Moved by their example, Wells, then a high school sophomore, started a nonprofit called Young Leaders of Today, focused on civic engagement, community activism, voter registration, school safety, juvenile justice, and gun violence. The work has carried over into his college years at Florida State University, where he became the political action chair of the local NAACP chapter; joined the university’s Council on Equity, Diversity & Inclusion; and created the Garnet and Gold Voting Initiative, which in 2022 helped propel Florida State to one of its highest student voter turnout rates.

“That showed me that when we put in the work, that when we collectively work together,” said Wells, “we can do phenomenal things.”

He also served as a redistricting intern for the ACLU of Florida in 2022, supporting the lawsuit filed by Harvard Law School’s Election Law Clinic in partnership with the Southern Poverty Law Center and the ACLU of Florida, that argued the Jacksonville City Council’s redistricting map embraced racial gerrymandering. As an NAACP Democracy Fellow last year, he met with Vice President Kamala Harris to discuss voting rights. Wells’ varied experiences got him thinking about law school after college, but he wondered, “How do I get there?”

Harvard Law’s Future Leaders in Law program has helped him see a path forward. After the residency in July, Wells spoke about what it meant to be in a space with people just as passionate about making a difference with the law, and how the program has eased his fears about feeling out of place.

“Being part of the Harvard program made me feel like I belong,” said Wells. “I feel like I left knowing, this is what I’m getting into, this is what it looks like, and I have every tool necessary to do it.”

He also left knowing he is about to embark on a life-defining journey with people he can rely on. “I told the group I have 34 new cousins,” said Wells, “and they all will be hearing from me.”

Listening to parting comments from Monica Monroe, the Law School’s assistant dean for community engagement, equity, and belonging, whose office oversees the program, Wells knew he was headed in the right direction. Her enthusiasm and support “made everyone want to stand in their truth,” he said, “and helped me realize I was right where I was meant to be.”

And though he may not know exactly where he will land in a year or two, if all goes according to his ultimate plan, Wells will one day be seated in a law school classroom like the one he was in this July discussing the intricacies of the Constitution and more. Then, after he’s passed the bar, he hopes as a civil rights lawyer to follow in the footsteps of his grandmother, and his mother, and continue pressing for change.





‘It really solidified for me that there is space for me in the legal profession’

During the weeklong residency in July, CASSIE HILL GARBA was beginning to feel more confident about her place at law school.

It had been a long time coming.

Garba, who at 37 is the oldest participant in the program, has repeatedly had to put her academic career on hold. One of nine children, she dropped out of college in 2004, when her parents’ marriage fell apart, to help care for her younger siblings. Today, the mother of 5-, 8-, and 12-year-olds, Garba said her priorities have been focused on raising her own family for the past several years. But her desire to stretch and challenge herself never faded.

“I always wanted to go back to school and get my college degree,” she said. “I know lots of smart people do lots of smart things without one, but it’s really something I needed to do for myself.”

Her longtime dream came true last spring when she graduated from Columbia University’s School of General Studies with a degree in women’s, gender, and sexuality studies. It wasn’t easy. She spent her first year, 2020, under lockdown with her family, studying remotely, dealing with fears about COVID, and worrying about her young son following the murder of George Floyd. “I

Cassie Hill Garba’s experience as a doula contributed to her interest in law.

really started to identify more as being a Black mother during that time,” said Garba, whose mother is white and father is Black.

Columbia, a bright spot in a dark time, kept her busy. When restrictions lifted, her days were filled with school drop-offs and pickups, long commutes to and from campus, and homework well into the night. She has spent the past few summers taking classes part time and credits the love and support of her partner, Rabo, who hails from Nigeria and works in Manhattan, with helping make it all possible.

Garba’s choice of concentration is in keeping with her early desire to become a nurse, she said, and her role as a doula for several years. “That was where I really recognized that not only was I passionate about women and reproductive justice, but also about advocating for people in their most vulnerable state.” Her academic focus is also informed by profound personal loss. In 2014 Garba suffered two miscarriages. She experienced the first at home with the help of midwives, but the second time, severe hemorrhaging sent her to the hospital. Now, in the post-*Dobbs* era — after the U.S. Supreme Court found that the Constitution does not confer a right to an abortion — she said she considered herself lucky. “I was able to receive care because no one was looking at me suspecting that I had done something,” said Garba. “No one’s life or freedom was on the line to care for me, or to act quickly to save my life.”

Garba also knows what it’s like raising a family while navigating food stamps and Medicaid, and argues that for so many women of color the choice to end an unwanted pregnancy goes well beyond their right to make decisions regarding their own bodies. “It’s always been so much bigger than just the right to choose,” she said. “It’s about the socioeconomic situation they face and whether they can adequately care for another child.”

Nearing graduation, Garba considered pursuing a doctorate, but the more she learned in her classes, she said, the more she was drawn to the law: “I realized that the law is actually the central component to a lot of this oppression I see and that I wanted to be the one who knew the law; who knew that language; and who could be in the room to make decisions, interpret the law, and even help write new ones.”

Her experience at Harvard has only deepened her resolve. “It really solidified for me that there is space for me in the legal profession; there is space for me to be myself and to bring my interests and my passions and my talents and my strengths; and there needs to be more diversity within the legal profession and more people who are willing to enter into these hard moments with empathy and dignity,” said Garba.

It seems the search for belonging and a space for family, two constants in Garba’s life, have perfectly coalesced in the new program. She said she left campus in July with 34 new siblings. “It really felt like we all belong together. And I think that’s what you’re looking for in a family — a place of belonging.”

‘My only true goal is to find a way through law to improve the lives of Native people’

MONTANA MURPHY was a sophomore in college when she made one of the most meaningful moves of her young adult life: She chose to tattoo her face.

But Murphy, who was born and raised in Anchorage, Alaska, didn't want just any ink design — she opted for three thin, vertical lines on her chin, a traditional mark from her Yup'ik tribe in Alaska.

Reflecting on her decision, Murphy wouldn't change a thing.

“That has become such an important part of how I present myself to the world because it symbolizes my pride in my identity and the fact that I'm not going to conform to what the broader American society believes is acceptable or appropriate.”

But her tattoos (she also has a number of traditional Yup'ik markings on her hands) also serve as a reminder of her future career goals and aspirations. Following her graduation from Dartmouth College this spring, she is hoping to work for a tribal government or organization before applying to law school. Then, with her J.D. in hand, Murphy wants to pursue her passion for helping others.

“My only true goal is to find a way through law to improve the lives of Native people,” said Murphy, who is majoring in environmental studies and Native American and Indigenous studies.

It was a trip to Europe during her junior year of high school that helped her first connect to her Yup'ik heritage. In France Murphy attended a local American-

Montana Murphy wants to protect the natural beauty of the land she and so many other Yup'ik people call home.

themed festival where people were wearing war paint and traditional Native American headdresses. The blatant cultural insensitivity stunned her.

“Where I come from, that obviously is not acceptable,” said Murphy, “and that definitely motivated me to come back and start pursuing my current path.”

She has spent the past several years learning to speak the Yup'ik language and perform its traditional dances, examining and working within the state's tribal corporations (most Alaska Natives have a different land arrangement from the tribal system in the rest of the United States), and scouring the archives, including poring over translations of journals kept by 1800s Russian explorers to find out “what life was like for Yup'ik people in pre-colonial times.”

Murphy said her father, who is an Alaska Native, was unable to teach her much about her Yup'ik heritage. He was raised by his grandparents who were orphaned during the 1918 flu pandemic and grew up in government-run boarding schools. “We lost a lot of our cultural connection and knowledge in the last 100 years, and I would say the same for many Native families,” said Murphy, who, through her own learning and scholarship and by connecting with tribal elders, hopes to pass on her cultural traditions to future generations. For her college senior thesis, she is planning to compose a Yup'ik song and choreograph it with traditional Yup'ik dance movements using traditional tribal masks that she hopes to carve herself. And her future children, she said, will “speak Yup'ik before anything else.”

Murphy also wants to protect and preserve the natural beauty of the land she and so many other Yup'ik people call home. During a summer 2021 trip to the pristine Lake Iliamna in southwest Alaska, she learned about the threat to its salmon population by a proposed copper and gold mine nearby. The project was effectively shut down by the Biden administration earlier this year when the Environmental Protection Agency vetoed it under Section 404(c) of the Clean Water Act.

“In that moment I realized I could be a lawyer and fight things like this that are so obviously a threat to the well-being of our community,” said Murphy.

But like others without lawyers in their immediate circle of family or friends to turn to for advice and inspiration, Murphy has struggled with nerves. When she learned about Harvard Law's Future Leaders in Law program, she said her first thought was, “I guess I could try, but I doubt it.”

That doubt has been replaced by confidence. Murphy calls the fellows in her cohort “hands down the most uplifting, positive, incredible, intelligent people,” who have been there with words of encouragement from the beginning, and she credits Monroe with making every member of the program feel welcome and that they belong.

“I will always remember the genuine intensity in her voice when she told us we were meant to be there,” said Murphy, “and that we can do anything.”



OTHER HARVARD LAW PRE-LAW INITIATIVES

Demystifying the law and law school admissions

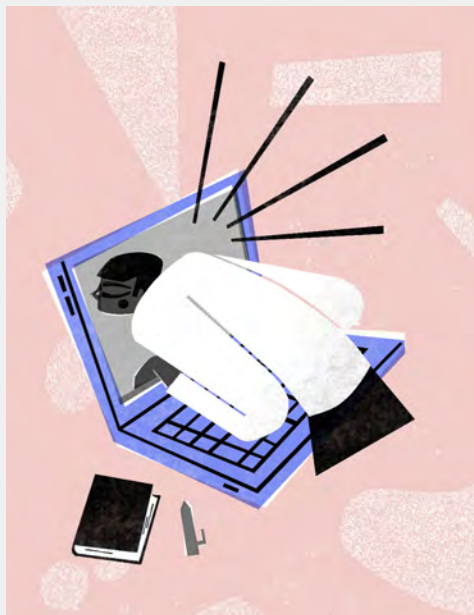
Future-L, a collaboration between Harvard Law School and the National Education Equity Lab, is aimed at encouraging high school students and rising college students from Title 1 high schools to consider law school and a legal career.



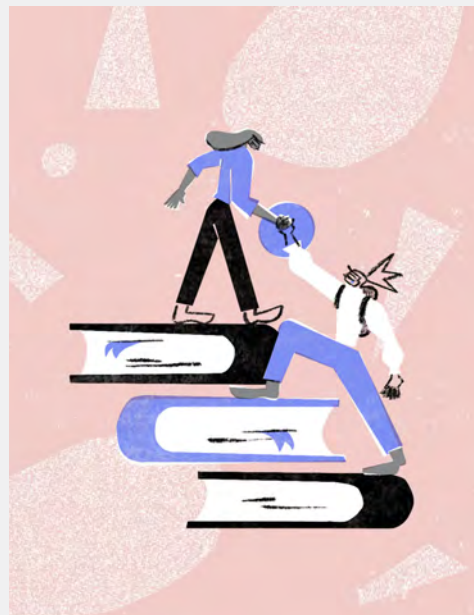
Training and Recruitment Initiative for Admission to Leading Law Schools, or TRIALS, is offered in collaboration with Advantage Testing and New York University School of Law.



Zero-L is an online course designed to ensure that all incoming students, whatever their backgrounds and previous areas of study, start with foundational legal knowledge.



The Leadership Enterprise for a Diverse America Legal Program, of which HLS is a founding law school partner, is designed to expand the pipeline of underrepresented, low-income students attending law schools nationwide.





USAID Administrator
Samantha Power '99 discusses
the role and impact of
the agency around the world
by Jeff Neal

**POWER
FOR
GOOD**

A

s a journalist, author, teacher, and government official, Samantha

Power has spent almost her entire adult life working to advocate on behalf of vulnerable communities around the world in an effort to alleviate suffering. As a war correspondent covering the brutal ethnic and nationalist conflicts in the Balkans following the breakup of Yugoslavia in 1991, Power knew she eventually “‘wanted to be on the other side of the microphone,’ in a position to make or change U.S. policy.” After graduating from Harvard Law School in 1999, writing the 2003 Pulitzer Prize-winning book “‘A Problem from Hell’: America and the Age of Genocide,” and serving as the founding executive director of the Carr Center for Human Rights Policy at the Harvard Kennedy School, she got her chance to drive American foreign policy from the inside. She served four years on the National Security Council as senior director for multilateral affairs and human rights under President Barack Obama ’91 before being appointed U.S. ambassador to the United Nations in 2013, where she worked until 2017.

In 2021, after four years

Samantha Power, then U.S. ambassador to the U.N., addressing the Security Council



teaching law, public policy, and undergraduate students at Harvard, Power returned to Washington, D.C., to lead the United States Agency for International Development, or USAID, for the Biden administration. As she explained in a conversation with the Harvard Law Bulletin in September, Power began her tenure focusing on the need to vaccinate people

in developing nations against COVID-19. But as the pandemic receded, her priorities shifted to spurring economic development, mitigating the effects of climate change, and, since Russia’s full-scale invasion in February 2022, trying to help the government and people of Ukraine fend off Russia’s attacks on its people, infrastructure, and economy.

AUBIN LOHR-JONES/PACIFIC PRESS/LIGHTROCKET VIA GETTY IMAGES

HARVARD LAW BULLETIN: You've been serving as USAID administrator since May 2021. What were your priorities when you started? A lot of things have happened since that time, the full-scale invasion of Ukraine by Russia being just one. So, how have those priorities changed in that time?

SAMANTHA POWER: USAID has missions in 82 countries, and programs in more than 100. Created by John F. Kennedy in 1961, the agency tackles the world's biggest challenges, helping spur economic growth in developing countries, protect independent media who are under growing threat, provide food and shelter during times of conflict and natural disaster, help countries access affordable energy and adapt to climate change, expand access to girls' education, and much more. When I took up my position, entire societies were still reeling from the pandemic, and my immediate focus was on seeing how USAID could help vaccinate the world — particularly reaching people in lower-income countries who hadn't been able to access vaccines. A lot of disinformation, similar to the disinformation we saw in the U.S. information ecosystem, was making its way to developing countries, but people in those countries didn't have vaccines on hand to administer, so they couldn't really see the tangible benefits of vaccination, which constitute the most important counterweight to that misinformation. So, we had our work cut out for us. But over the course of the ensuing year and a half, we managed to get more than 688 million vaccines for free out to more than 100 countries. In parts of the world where skeptics predicted there would be little uptake, we saw vaccination rates increase from under 15% of eligible adults when we started, to more than 85% after we worked with our partners to get shots into arms. And then just as we did here in the United States, we moved to pediatric distribution. I think this effort played a role, among many other factors, in COVID becoming, at least for now, a manageable respiratory illness globally. It is still with us, still kills people, and is still something our programs are providing resources and training to manage. But it

“Our agency now has to think about ‘climate-proofing’ as a design feature of all of our programming.”

is not shutting down societies and causing the kind of heartbreak it was when President Biden took office.

How are these countries faring now that COVID is receding as a threat?

Because so many economies shut down for so long during the pandemic, we are today still seeing countries struggling to redress the collateral social, educational, economic, and health harms caused by the pandemic. It will take a generation or more in many countries to recover the development progress that has been lost. And then, in February 2022, at just the time that recovery was beginning to pick up pace, Vladimir Putin launched his full-scale invasion of Ukraine, blocking invaluable global grain exports, disrupting fertilizer supplies, and contributing to a huge spike in food prices around the world, driving millions of people into crisis levels of hunger and malnutrition. The impacts of Putin's aggression have been felt well beyond Ukraine.

Right now, many countries that had been economically stable are reeling from these compounding crises. A significant number had to borrow so much during the pandemic that they currently lack the fiscal headroom to address these development harms. In truth, even before the pandemic, many of these countries were already highly indebted. But then during the pandemic, as their economies ground to a halt, they had to borrow much more to provide social services and to keep their governments going. And so, one

of the most pressing challenges facing our partner governments around the world is what is often referred to as debt distress. For example, I traveled not long ago to Tanzania, where the government is now spending more on servicing its debt, including debt repayments to the People's Republic of China, than it is on water and sanitation and agricultural programs combined. Being on these aggressive repayment schedules, and trying not to go into default, is eating huge chunks out of developing countries' finances, at just the time they can least afford it.

The other challenge that is requiring enormous attention and resources right now is the significant spike in climate-related emergencies, whether extreme drought, flooding, wildfires, or other natural disasters. We are feeling the effects of climate-related emergencies here in the United States as well, of course, but poorer countries are even less equipped to respond. Subsistence farmers' entire family income can get wiped out by the absence of rainfall, and most have no insurance and no fallback. Our partners have reported an alarming increase in suicides among animal herders, whose cattle, goats, and camels have died during recent drought. To give a sense of scale, more than 3 million livestock died in Kenya alone since the drought began in late fall 2022 due to water shortages and drying pasture lands. And when glaciers melt or rain comes in excess, cities, infrastructure, and homes have generally not been built to withstand the deluge. Nor can they count on FEMA or an infusion of federal funds to rebuild in the wake of a disaster.

USAID is the U.S. government's lead responder to humanitarian emergencies. And we are the world's largest funder of humanitarian response, last year investing nearly \$10 billion to provide food, shelter, medicine, and protection to people in need. Natural disasters have always required rapid response and significant resources. But what is different now is that the growing frequency of extreme weather events — along with a significant increase in conflict and displacement over the last

decade — means the resource needs are gargantuan. And unfortunately, we know temperatures are continuing to rise and the harmful effects of those rising temperatures are likely to continue to hit the poorest countries and communities the hardest.

So, we are expending resources at a great rate just to try to keep people alive so that there can be some hope for recovery. But it is almost impossible to keep pace with the amount of need that is out there right now. And in an ideal world, we would be investing far greater resources in building indigenous disaster response capacity and in building community resilience to climate-related shocks. To be clear, we do a lot in this domain — providing early warning weather technologies and training to farmers and governments, supplying farmers with drought-resistant seeds and drip irrigation, and helping communities rebuild in a manner that will leave their infrastructure more climate-resilient. But the reality is that the growing need for emergency assistance inevitably leaves fewer resources for investments in building durability in societies. Our agency now has to think about “climate-proofing” as a design feature of all of our programming — in education and governance, in conflict prevention, and, of course, in agriculture and in health. But we also need to see a broad array of stakeholders — in the private sector, among foundations and philanthropists, and beyond — substantially increase their investments in climate adaptation so the next shocks take fewer lives and cause less economic pain.

Russia’s full-scale invasion of Ukraine is another event that has forced you to adjust your priorities. What role is USAID playing in the U.S. response?

The Ukrainian people rose up in 2013 to protest corruption, to demand democracy, and to assert their desire to integrate into Europe. Since that time, and in the face of Russia’s invasion of Crimea and eastern Ukraine in 2014, USAID and the broader U.S. government have been supporting independent journalism, judicial in-

Administrator Power meeting with Ukraine’s President Volodymyr Zelensky last July



tegrity, small- and medium-size enterprises, health infrastructure, the digitization of government services, and much more. In a sense, we supported Ukraine’s own efforts to strengthen its democracy and its economic resilience. In strengthening Ukraine’s checks and balances — whether formal anti-corruption bodies or scrappy journalists — we have seen since Putin’s full-scale invasion an ability to catch improper uses of funds at early stages before they have exploded into huge scandals that would have hurt the country and undermined the will of democratic governments to support Ukraine’s cause.

Of course while we had been making these investments over many years, there’s nothing like a full-scale invasion by a major superpower with a huge military to require you to amend your playbook. Since February 24, 2022, the United States, through USAID, is helping keep the Ukrainian government afloat by providing monthly, so-called direct budget support. Without these funds, given Putin’s willful destruction of Ukraine’s infrastructure and its businesses, the Ukrainian government

would be at grave risk of collapse. Irrespective of how Ukrainian soldiers perform on the battlefield, Ukrainian officials wouldn’t have the resources to be able to keep the lights on. They wouldn’t be able to pay teachers. They wouldn’t be able to keep schools open or keep medical clinics open. Thankfully, with bipartisan support, Congress has given USAID resources that we have channeled to the Ukrainian government, tracing and verifying these expenditures to make sure that these resources are used for their intended purposes. So, this U.S. government support — which the Europeans have mirrored — has been a lifeline. This support has received much less attention than military support, but it is of equal importance. [EDITOR’S NOTE: *As the Bulletin went to press, Congress was debating whether to provide the next tranche of direct budget support.*]

But at the same time, to their credit, even as the war has raged and Putin has pulverized Ukrainian cities, the Ukrainian people haven’t given up on strengthening their democracy. Even as one battle is being fought on the

front line, an entirely different battle is being waged by Ukrainians determined to make their government more transparent and more efficient, using an amazing technological platform that USAID helped build, called Diia. It has become the most sophisticated tech platform for providing social services that exists in any country. If you're Ukrainian, on your phone, you can open a bank account in under two minutes. You can get access to your marriage license or your driver's license. Ukraine was the first country to create a digital passport, which became incredibly important for the millions of refugees who fled the country with little more than their phones. Ukrainians can vote via the Diia platform on whether they support a new bill pending before parliament or even on who the country's contestant should be in the Eurovision Song Contest. When Russia started blocking and bombing Ukrainian television towers, Ukrainian journalists used Diia to stream television programming. Citizens have also used Diia to crowdsource Russian troop movements, to submit photos of property damage so they can access reconstruction funds, and to transmit stipends to internally displaced persons. So, this digital platform and phone app have become a godsend. And USAID made major investments to make it happen.

What other types of assistance is USAID providing to Ukraine, knowing there is so much to do?

In Ukraine, energy infrastructure is a life-and-death issue as winter approaches yet again. Last winter, Moscow launched more than 1,200 missiles and drones against energy facilities in Ukraine. When I first started at USAID, we weren't spending a lot of time talking about autotransformers, and how many generators could we move in a hurry. Now, in an effort to support Ukraine to get through a second cold winter, and to prevent Putin from succeeding in weaponizing winter, this is a full-time preoccupation for many at our agency.

USAID has been focused for years on enhancing Ukraine's energy independence and supporting its efforts to tran-

“Even as ... Putin has pulverized Ukrainian cities, the Ukrainian people haven't given up on strengthening their democracy.”

sition to cleaner energy sources. Now, while we continue that longer-term structural, regulatory work that will one day make Ukraine energy independent, we have been forced to expand our collaboration on energy to address Russia's attacks. When a missile hits, we are making sure the Ukrainians have the pipes, as basic as the nuts and bolts, to be able to make repairs on the fly, which could be the difference between an elderly person freezing or not. It's hard to walk and chew gum at the same time, but three-quarters of USAID's staff on the ground are Ukrainian nationals. And for them, this is immensely personal. They and our American staff work around the clock at great personal risk and sacrifice to try to save lives and build resilience for the future.

USAID has long been experimental with cutting-edge technologies. For example, in recent years we have used drones for last-mile health care delivery in very remote parts of Africa, where roads might be impassable. Now, in Ukraine we have provided drones to farmers so they can apply fertilizer to their crops by air so as to avoid unexploded ordnance in their fields. We have also used drones that were donated to us by a company called Skydio to document war crimes in Ukraine, capturing, for example, Russian shelling of civilian infrastructure like a children's camp and apartment buildings.

The Black Sea Grain Initiative has been an on-again, off-again effort to address some of the global food insecurity

issues the war has created or at least exacerbated. As we speak, Russia is currently out of the deal. But even when it was working, it wasn't a panacea for keeping Ukrainian grain supplies flowing to global markets. What can the U.S. and its allies do to help stabilize food prices and supplies internationally? And are there longer-term solutions to help ensure that a future conflict like this doesn't inflict the same amount of acute harm on countries and peoples hundreds or thousands of miles away?

I traveled to Odesa in July 2023, the day after Putin pulled out of the Black Sea Grain Initiative, and his forces bombed the port infrastructure just before I arrived, and just after I departed, in the very area where we held our meetings. Moscow made no pretense of attacking military targets. It was very disturbing, but also very telling, as it showed that Putin wasn't just determined to leave the deal; he was determined to destroy Ukraine's agricultural sector and its economy.

To answer your question, Ukraine has been trying to integrate itself into Europe at the same time as it has been fighting a horrific war. Long before Putin pulled out of the U.N.-backed Black Sea Grain Initiative, USAID had started working with Ukraine to make its rivers a more viable means of exporting food, to streamline and open up more checkpoints along the border with Ukraine's neighbors so that food exports can exit Ukraine more quickly, and to navigate the politics of food in Europe, particularly with farmers who are nervous that Ukrainian goods will flood the European market and bring their prices down. When the Black Sea Grain Initiative was destroyed by Putin's departure from it, the Ukrainians quickly shifted to their Plan B: "If our throughput for grain exports before the war was 5 million metric tons a month, and we're now exporting 3 million metric tons monthly by moving grains in other ways, how do we get back up to 5 million?" Along with the European Union, USAID is providing Ukrainian farmers and logisticians with help for those efforts on the ground, so as to expand farmers' capacity to export by river, road, and rail.

Since Putin's full-scale invasion of Ukraine in February 2022, other wheat exporters have taken note of the vulnerability of Ukrainians' wheat supply, because of Putin's antics, and have stepped up and are trying to fill the breach. As a result, while wheat prices spiked significantly after the invasion, they have stabilized somewhat since then. It would be a great shame if, coming out of this war, Ukrainian grain farmers were crowded out of the global grain market because they had been attacked and pinned in by Russia's blockading of their primary export route. So, we are continuing to find ways to ensure that Ukraine's grains are very much part of feeding the world, via direct grain exports and via the World Food Programme, which this year has sourced 79% of its grain from Ukraine.

When you look back on your time at Harvard Law School, what experiences most informed or most prepared you for the work you're doing now?

I have not practiced law in any official way since I left law school. But I feel I draw often on my legal education in this role, and in my previous role under President Obama as U.N. ambassador. I do so in internal policy debates — a big part of government life! — by not only articulating my own argument to advocate for some shift in a United States policy position, but also by anticipating the positions of my colleagues and their counterarguments, and trying to meet them where they are. That is definitely a skill I honed in law school.

In addition, as both USAID administrator and U.N. ambassador, I have found it helpful as a policy person not working as a lawyer to have an instinct about the difference between something that is legally foreclosed and something where there are multiple legally available pathways, each of which has pros and cons. As an example, I recently launched USAID's new policy on strategic religious engagement. And there were questions in some parts of USAID about whether we could work with religious organizations because of fear of running afoul of the Establishment Clause. Well, I don't know that you have to be a student of [Professor *Emeritus*]

“The practicing lawyers in USAID's General Counsel's Office might wish I hadn't gone to Harvard Law School because of all the questions about law that I pose.”

Larry Tribe's [’66] to know that the Establishment Clause, even read in an aggressive way, would not foreclose us working with faith-based leaders and religious communities to distribute humanitarian assistance or to educate citizens about COVID vaccines or to do peacebuilding. And I should add doing so is invaluable since religious leaders often have the trust to bring people together that government officials often lack. There are legal gray zones and there are black letter requirements, and probing those differences can help you understand how much scope you have to get done what you think needs to be done. The practicing lawyers in USAID's General Counsel's Office might wish I hadn't gone to Harvard Law School because of all the questions about law that I pose. But I do think government deliberations benefit from distinguishing what is a policy judgment or a policy assessment, versus what is, strictly speaking, legally required by statute or by regulation.

From a management standpoint, also, much of the internal governance of USAID and its relationships with Congress and other agencies is governed by regulation or statute, so a comfort with digesting those texts has proven helpful. And I am spending a lot of time initiating memoranda of understanding with companies so that we can leverage public money to crowd in private-sector resources. But I must stress, whatever the benefits I feel of having been trained

at Harvard Law School, I am very fortunate to be surrounded by a team of first-rate legal professionals in our General Counsel's Office. I would encourage HLS graduates to consider working at USAID, where we have an incredible team of lawyers who get to do meaningful work in pursuit of development and humanitarian objectives. And as I think my own experience illustrates, while you can use your legal education to practice law at USAID, you can also draw on that training in other ways. HLS grads may be able to match their skills and experiences with USAID in a legal, policy, or programming capacity.

The very last thing I'd say on Harvard Law School and the importance of law in general is that, at a time of hyper-aggression by Russia, and at a time when democratic backsliding is occurring in many parts of the world, you see how absolutely indispensable governance, democratic accountability, and the rule of law are to achieving economic development objectives. The countries in which we work want to put their economies back on track, and they want to provide young people with jobs. All of that needs to happen, but it has to happen in parallel with investments in fair and accountable governance and the rule of law, or the economic gains are not likely to be sustained over time. While at USAID, I have made an effort to link our work in strengthening the rule of law with economic opportunity and stability. As we work to create conditions to help countries transition “from aid to trade,” by attracting foreign direct investment, supporting small businesses to bring their goods and services to market, etc., strong checks and balances and legal institutions are key.

If you could go back in time, what would Administrator Power tell her younger, law student, self?

I think I would tell myself to take Administrative Law with Professor Cass Sunstein [’78]. And if I get back there to teach again, he may get stuck with somebody he already spends too much time with sitting in the back of his Administrative Law class. I think it's im-

Samantha Power, speaking about her memoir, “The Education of an Idealist,” at Harvard Law School in September 2019



mentally useful to know administrative law, even in the realm of American foreign policy and international development. So, I'm fortunate that I get some insight into it over the dinner table. But I think I need to lug that huge casebook around and listen to those lectures and hear from my would-be classmates, to enhance my understanding. It's a great perspective to have, no matter what form of public service you do.

I would also take even fuller advantage of being on the Harvard campus. Being able to take courses at Harvard College, the Kennedy School, the School of Public Health, and the Business School can leave a student even better prepared to make a difference in this messy world of ours.

As the Bulletin was going to press at the end of November, it followed up with Administrator Power with an additional question.

How is USAID responding to the crisis in Gaza and Israel?

The scale of the grief and suffering we

are seeing is heart-wrenching — in Gaza, in Israel, in the West Bank, and beyond. USAID has missions not just for the West Bank/Gaza, but also in countries like Egypt, Lebanon, and Jordan, and our teams throughout the region have responded to the crisis in numerous ways. In the immediate wake of the brutal Hamas attack on October 7, the U.S. offered support to Israel across a number of areas, including for the communities impacted by the terror attack. USAID's focus for much of the past seven weeks has been addressing the grave and growing humanitarian crisis in Gaza. I deployed a Disaster Assistance Response Team (DART) to both Israel and Egypt, so that our top humanitarian experts could work closely with Israeli and Egyptian authorities and trusted partner organizations (like the World Food Programme and other U.N. entities) to help establish a humanitarian corridor into Gaza through which we can send medical commodities, shelter, safe drinking water, and food. But as of late November, the pace of humanitar-

ian delivery is still much too slow and the conditions for the people in Gaza are deteriorating. USAID and so many throughout the U.S. government are working around the clock to clear diplomatic and operational obstacles for humanitarian access, present solutions to all kinds of emerging problems, and significantly scale up this response to where it needs to be.

Of course, well and apart from helping provide assistance, our teams are supporting President Biden and our diplomats in strongly advocating for the protection of civilian lives during armed conflict and respect for international humanitarian law. As Secretary Blinken said recently before the U.N. Security Council: “There is no hierarchy when it comes to protecting civilian lives. A civilian is a civilian is a civilian, no matter his or her nationality, ethnicity, age, gender, faith.” There's not a conversation that U.S. officials are having with our Israeli counterparts that doesn't reflect this deep concern over civilian casualties, and USAID's teams have worked extensively on measures to help protect civilians, humanitarians, and civilian infrastructure.

Beyond the immediate humanitarian response, USAID has been dedicated to expanded collaboration among Israelis and Palestinians. Through our work under the Middle East Partnership for Peace Act, for example, USAID works to support people-to-people peacebuilding programs and build economic cooperation between Israelis and Palestinians.

When this war ends, USAID will join with the rest of the Biden administration in determining how best to use its programming to support the objective of achieving a two-state solution — two peoples living side by side with equal measures of freedom, opportunity, and dignity. Israelis and Palestinians have an equal right to live in safety, dignity, and peace — and USAID will continue to work toward that goal. As elusive as it feels right now, the human toll of this latest conflict underscores its acute urgency.

This interview was edited for length and clarity.

A CENTURY OF HELPING STUDENTS MASTER THE LAW

On the 100th anniversary of Harvard's Master of Laws, or LL.M., program, students and faculty reflect on its evolution and global impact

By Elaine McArdle



Graduate Program participants and HLS faculty
circa 1926. The school's inaugural LL.M. class,
comprising four students, graduated in 1924.



M

arta Banozic LL.M. '24, from Croatia, served as an attaché in trade policy during the first-ever Croatian presidency of the Council of the European Union in Brussels, and worked with an Austrian law firm counseling startups. This year, as Harvard

Law School commences its celebration of the 100th anniversary of its Master of Laws, or LL.M., program, Banozic is among 180 students in the centennial class, where she's focusing her studies on corporate law and international dispute settlement.

At a school with nearly limitless options in courses, clinics, student organizations, and extracurricular events, FOMO — fear of missing out — is one of the biggest challenges she says she faces. So Banozic took the advice the program's leaders gave to her entire LL.M. cohort: Try something you've never imagined doing.

Banozic enrolled in Legal Innovation Through Design Thinking, where she's in a team with two J.D. students working on creative solutions to a challenge faced by an association working in the legal profession. "I'm loving it," says Banozic. "It's a special class because you have an actual client you're designing a work product for." The J.D. students she meets in this and other courses tell her they appreciate her perspective as an experienced lawyer. "I think both sides enrich each other," she says.

Banozic's classmate Ojadamola Kehinde Takuro LL.M. '24 holds an LL.B. degree from her home country of Nigeria, where she was a lawyer for the largest online savings and investment platform. She came to Harvard Law School to study the American financial system; as a volunteer with the Harvard Law Entrepreneurship Project, one of the school's student practice organizations, she's advising a technology startup on its AI software. Harvard Law "is such a great learning experience," says Takuro. Among the LL.M. cohort, "You see people who've achieved so much and yet are so humble and are willing to learn from each other. It's such an inspiring community to be in."

These stories — and there are thousands more — illustrate the strengths of the LL.M. program: the range of its educational opportunities and its impressive student body; the students' love for the program and the opportunities it provides; the close friendships they form; and the benefits their perspectives offer the school more broadly.

"Harvard Law School's LL.M. students bring not only deep talent, but also rich and varied experiences that have enriched our community for more than a century," says John F. Manning '85, the Morgan and Helen Chu Dean and Professor of Law. "I am grateful for the many ways our LL.M.s have



contributed and will contribute, to our community, to the ideals of law and justice, and to the well-being of the world."

From an initial cohort of four students when the program was launched 100 years ago to offer students an extra year of study at Harvard Law, it has grown in size and scope. Of this year's class, 98% are international students representing 69 countries and jurisdictions, from Argentina to Zimbabwe. Harvard's current LL.M.s have held legal positions in private practice, academia, and public service. Of the four American students, three are active-duty JAG officers in the U.S. Navy or Coast Guard. There are 19 Fulbright Scholars; 13 supreme or constitutional court clerks for courts in Canada, Colombia, Ecuador, India, Israel, Mexico, Nepal, and Singapore; four prosecutors; and four full-time law teachers. Fifty-three percent are women. The cohort includes a former national chess champion, an opera singer, a former professional soccer player, a stand-up comedian, and two published novelists, including Takuro.

The LL.M. program admits students irrespective of financial need — their ability to fund their education is not considered — and it also provides need-based financial aid so that everyone admitted can afford to attend. As a result, "this is quite literally the most diverse community you can imagine, and diverse not just along the dimensions of national origin or state of education but the lived experiences of people coming from all kinds of backgrounds, with all kinds of perspectives, and career aspirations," says Gabriella Blum LL.M. '01 S.J.D. '03, the Rita E. Hauser Professor of Human Rights and Humanitarian Law and vice dean for the Graduate



Ojadamola Kehinde Takuro and Marta Banozic (from left) are among the 180 students in the 2024 centennial LL.M. class.

Program and International Legal Studies. Over the past century, “a number of alumni have been quite consequential in government, the judiciary, private practice in leading firms, business, and NGOs and civil society around the world,” says Professor William P. Alford ’77, director of the East Asian Legal Studies Program, who served as vice dean for the Graduate Program and International Legal Studies from 2002 to 2020. Along with Jeanne Tai — who retired in 2021 after decades at the program, including as assistant dean — Alford, who remains senior adviser, was instrumental in expanding the program’s size and scope, and in recruiting students from sub-Saharan Africa, China, and other jurisdictions with historically lower representation in the program.

Today, the program’s approximately 6,500 living alumni include, among a myriad of other graduates who have made their mark on the world, Mary Robinson LL.M. ’68, the former president of Ireland who also served as United Nations High Commissioner for Human Rights; Rubén Blades LL.M. ’85, a world-famous musician, actor, and politician; Koen Lenaerts LL.M. ’78, president of the Court of Justice of the European Union; HRH Princess Sonam Wangchuck LL.M. ’07, a princess of Bhutan, who is founding president of the Bhutan National Legal Institute; and Ayesha Malik LL.M. ’99, the first female justice of the Pakistan Supreme Court (25 HLS LL.M.s serve on the highest courts of 18 countries worldwide).

“The LL.M. class has the most interesting, intelligent people from around the world. They are such a phenomenal part of the school,” says Salvo Arena LL.M. ’00, managing partner of the New York office of Chiomenti, an international law firm. Arena arrived from Sicily with a law degree, a Ph.D., and an M.B.A., looking to study the law of hostile takeovers with three of the world’s leading experts — Professors John Coates, Lucian A. Bebchuk LL.M. ’80 S.J.D. ’84, and Reinier H. Kraakman. “We learn the American legal process, the Socratic method, and of course we are exposed to the sophisticated legal minds of the J.D.s,” he says. “But we give back so much in terms of diversity of our different legal and cultural backgrounds.”

“It’s a very energetic atmosphere, one that suggests that ... people with such ideas can change the world.”

MARTA BANOZIC LL.M. ’24

“It’s a very energetic atmosphere,” says Banozic, “one that suggests that anything is possible, that people with such ideas can change the world.”

ONE HUNDRED YEARS AND COUNTING

In 1910, Harvard Law School established the Doctor of Juridical Science, or S.J.D., program to offer advanced degrees primarily to lawyers interested in teaching law. But other students, not necessarily planning to become academics, also wanted to spend an extra year at the school.

In 1923, Harvard Law instituted a one-year LL.M. program



“This is quite literally the most diverse community you can imagine,” says Gabriella Blum, HLS professor and vice dean for the Graduate Program and International Legal Studies.

primarily for J.D. students planning to practice law. The first full cohort, the Class of 1924, comprised four students: an American military JAG officer; two Canadians, one who became a renowned international law expert in Canada, and another who went on to earn an S.J.D. and teach at George Washington University Law School; and a Filipino who later served on the Supreme Court of the Philippines. Within 10 years, the LL.M. program had conferred 86 degrees, including to 28 students from China, Guatemala, the Netherlands, and Peru, among other countries.

In 1950, Professor Paul A. Freund '31 S.J.D. '32, chairman of the Committee on Graduate Studies, advised that because political leadership around the globe tended to come from those trained in law, Harvard had a "special responsibility" to offer meaningful legal education to graduates of foreign law schools. Dean Erwin N. Griswold '28 S.J.D. '29 agreed, and by 1957, the program included 89 students from 31 countries. Many were attracted to the school's new International Tax Program. In addition, the school launched International Legal Studies, or ILS, which offers a wide variety of international research and study opportunities for all HLS students, complementing the huge array of international and comparative law courses available at the school.

In the 1970s there was an effort to promote the LL.M. to American as well as international students, as the latter continued to grow in numbers. By the early 2000s, the program had grown to its current size of about 180 students.

Today, as a result of the law school's financial aid policies, its students hail from a broader range of backgrounds than those of any other school. "We have people from the six continents and that is a very major commitment in terms of financial aid," Alford says.

The program puts an emphasis not only on educational experiences but also on building community both within the LL.M. class and by integrating the graduate students into the larger law school community.

"It's important for us to build cohesion within the LL.M. cohort, and that's something we prioritize as a program," says Blum. This year the conflict in the Middle East is presenting particular challenges. "Whatever happens in the world," she says, "is going to affect the students who are here, either directly and personally, because they come from those communities, or because they feel very strongly about the issues."

"The students' emotional bond to the law school is a very intense one," says Alford. "This is often a transformative year in their life. ... You see how much the opportunity means to them and how well they're taking advantage of it."

Catherine Peshkin, assistant dean for the Graduate Program and International Legal Studies since 2021, is putting emphasis on building a deeper sense of community between

LL.M. students at HLS come from a broader range of backgrounds than those of any other law school, thanks to the school's financial aid policies.

LL.M.s and J.D.s, and has worked closely with the Dean of Students Office on a range of additional cross-program social events, such as a 1L/LL.M. picnic held at the beginning of the year and a World Cup soccer tournament watch party. The Graduate Program has also launched an electronic newsletter for LL.M. and S.J.D. alumni, *World Class*, which features student and alumni profiles and other news as yet another way to keep alumni across class years and programs informed and connected.

A GLOBAL PERSPECTIVE

LL.M. students on average are older than J.D. students and arrive with law practice or teaching experience, perspectives that are invaluable to classroom discussion, says Arena, who has served as president of the Harvard Law School Association, which serves more than 38,000 alumni worldwide, and who is now president of HLSA's New York City and Europe chapters. "They come from different backgrounds — not only legal backgrounds, but social and cultural and family backgrounds from each part of the world," he says, "so the contribution they give to J.D. students is very important."

There is growing recognition of the benefits that LL.M. students bring to the school, says Blum. "I think what we're now seeing is a greater appreciation." Today's J.D.s are more global in their mindsets and eager for international perspectives than when she was a student some 20 years ago, and as American law students grapple with current political issues, such as the allocation of power between courts and legislatures, "I think talking to students from around the world becomes much more relevant," Blum says.

More than half of the law school's faculty is involved with the S.J.D. program, and an even greater number with the LL.M. program, "and that's good for everyone," says Alford, who notes that nine members of the current Harvard Law faculty, including Blum, are alumni of the LL.M. program. "A ton of colleagues tell me what a joy it is having the different questions and perspectives from the LL.M.s," he says.

Given the critical role financial aid plays for so many LL.M.s, financial aid funding is an important priority. In addition to institutional funding, the Graduate Program relies

A group of LL.M. students at orientation this fall. This year's cohort hails from the U.S. and 69 other nations and jurisdictions.



on donations including from LL.M. alumni, and there will be a dedicated giving fund for the 100th anniversary, Blum says. Additional funds will not only continue to make it possible for all those admitted to attend the program regardless of need, but also enable the program to expand J.D./LL.M. community building initiatives and offer more postgraduate internships for all HLS students in international settings, as growth of International Legal Studies is one of Blum's priorities.

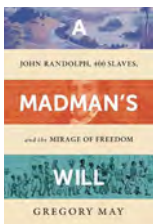
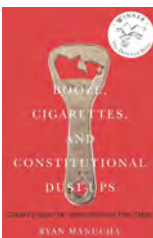
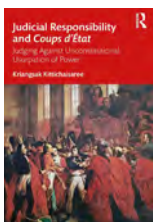
Nora Estefanía Picasso Uvalle LL.M. '19, who is from Mexico, worked on gender equality and abortion rights issues in Colombia before matriculating at Harvard Law, which she attended with the support of substantial financial aid and loans. Like Banozic, she took the advice of the program leadership to try something outside her area of expertise and volunteered with the Harvard Law School Immigration Project, another

of the school's student practice organizations. She found it so rewarding that she switched her career trajectory, enrolling in the Harvard Immigration and Refugee Clinic, where she directly represented clients. Today, she runs a project at Capital Area Private Defender Service in Austin, Texas, educating defense lawyers on the immigration consequences of criminal charges to their undocumented clients.

Blum says it's students and alumni like Uvalle who give the program its strength, vitality, and international reach — and they're why so many administrators and staff stay for years or decades, working to expand and improve it, and develop friendships with students that go on long past graduation.

"There is something about the energy, the passion, the excitement of working with this particular student body," says Blum, "that is incredibly fulfilling."

A Selection of Recent Alumni Books



"Conscription, Conscientious Objection, and Draft Resistance in American History," by Jerry Elmer '90 (Brill)

Active in the Vietnam War protest movement, Jerry Elmer examines opposition to conscription in that conflict and throughout American history, starting when Congress passed the first federal conscription law during the Civil War. Incidents include anti-draft vigilantes attacking and even killing conscription officers during the Civil War; protests erupting across America when draft registration ensued for World War I; and thousands going to prison for resisting the draft, with tens of thousands recognized as conscientious objectors, during World War II. History shows that opposition to conscription in the United States has been far more widespread than is generally recognized, according to Elmer.

"Essentially a Mother: A Feminist Approach to the Law of Pregnancy and Motherhood," by Jennifer Hendricks '98 (University of California Press)

Jennifer Hendricks, a professor at the University of Colorado Law School, argues that many legal cases, including that of a convicted rapist being granted paternity rights to his genetic child, have given more rights to men and devalued women's gestation of children. In some of these decisions, courts have relied on feminist arguments of sex equality that support the idea that anyone who contributes genes to a child is a parent — a stance that she contends is wrong, as it overlooks the fact that gestation and childbirth create a relationship between the birth mother and child. She argues that genetic fathers should gain parental rights based on a "biology-plus-relationship test," which would entail establishing a relationship with the child in cooperation with the birth mother.

"Judicial Responsibility and Coups d'Etat: Judging Against Unconstitutional Usurpation of Power," by Kriangsak Kittichaisaree LL.M. '83 (Routledge)

Coups take place on a regular basis: 14 have occurred in countries around the world since 2017, writes Kriangsak Kittichaisaree, a judge on the International Tribunal for the Law of the Sea. In his new book, he examines the responsibilities of the judiciary in responding to an unlawfully installed regime. He contends that though judges may not always be in a position to rule that a coup is unjustifiable, they should safeguard the rule of law. In addition, they should not provide a "legal façade" for a usurper's regime and should be held accountable for supporting repressive regimes. The author provides examples of court decisions following coups in which judges have upheld their duty to protect fundamental rights and freedoms.

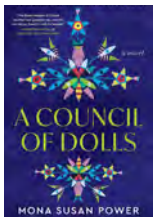
"Booze, Cigarettes, and Constitutional Dust-Ups: Canada's Quest for Interprovincial Free Trade," by Ryan Manucha '19 (McGill-Queen's University Press)

People expect that goods they bring from another country through customs will be scrutinized. But in Canada, driving goods across a province's border *within* the country may lead to trouble. Ryan Manucha explores a particular Canadian phenomenon of interprovincial trade wars that can lead, for example, to a police sting operation that confiscated beer and fined those who transported it from Quebec to New Brunswick. The author examines the history of the law restricting internal trade and cases involving matters ranging from Saskatchewan hog farmers selling their animals to Manitoban meatpackers to Quebec's attempt to ban margarine. The internal trade disputes reflect a diverse country's "struggle to pursue an enduring singleness," he writes.



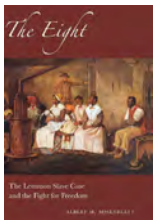
“A Madman’s Will: John Randolph, 400 Slaves, and the Mirage of Freedom,” by Gregory May ’78 (*Liveright Publishing Corporation*)

When he died in 1833, Virginia Congressman John Randolph left a will that freed the nearly 400 people he had enslaved. Yet emancipation was far from the outcome, as Gregory May demonstrates. His book traces Randolph’s history from a vociferous defender of slavery to an ostensible emancipator, describes the bitterly contested will (Randolph had left two of them) that became a national sensation, and focuses on the hardship the formerly enslaved people encountered once their manumission was finally achieved in 1846. People who chose to free those they had enslaved typically proved indifferent to their plight, contends May, as did most of the white population at the time, making the story “not a parable about justice,” he writes, “but an enormously powerful encounter with the enduring pain and provocative ambiguity of our past.”



“Pulling the Chariot of the Sun: A Memoir of a Kidnapping,” by Shane McCrae ’07 (*Scribner*)

Shane McCrae recounts his experience of being kidnapped at age 3 and raised by his maternal grandparents, who, he writes, were motivated to take him away from something they hated: his Blackness. The child of a Black father and white mother, McCrae grew up in Texas with his grandparents, whom he describes as attempting to erase his racial identity by deceiving him about his lineage. They also were abusive toward him, he writes, and “probably valued me less than they would have valued a white child.” He discovered poetry as a teen — he is now an award-winning author of several books of poetry — and was inspired to find his father. The author probes the unreliability of memory and the path to reclaiming life in the aftermath of trauma.

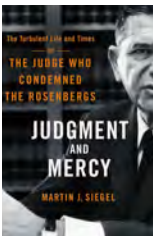


“The Eight: The Lemmon Slave Case and the Fight for Freedom,” by Albert M. Rosenblatt ’60 (*State University of New York Press*)

Little known today, the Lemmon Slave Case “was one of the most momentous civil-rights cases in American history,” writes Albert Rosenblatt, who recounts how eight enslaved people from Virginia successfully argued for their freedom after their enslavers, the Lemmons, traveled with them through New York on the way to Texas in 1852. New York had passed a law that granted liberty to any persons entering the state, which was tested when a group led by an abolitionist named Louis Napoleon, himself the son of an enslaved woman, secured the eight individuals’ legal representation. Judge Elijah Paine found in their favor, invoking natural law to rule that freedom, not slavery, is our natural condition. After eight years of litigation, the decision was upheld by the New York Court of Appeals, the same court where the book’s author served as a judge and first learned about the case.

“Judgment and Mercy: The Turbulent Life and Times of the Judge Who Condemned the Rosenbergs,” by Martin J. Siegel ’91 (*Three Hills*)

At Judge Irving Kaufman’s funeral in 1992, attended by one of his clerks, Martin Siegel, a protester shouted that the judge should rot in hell for murdering Julius and Ethel Rosenberg. Kaufman’s decision to sentence the Rosenbergs to death for passing atomic secrets to the Russians more than 40 years earlier cemented his place in history, but Siegel presents a broader picture of the judge’s life, including his evolution into a progressive stalwart whose rulings supported desegregation, prison reform, and press freedom. Though initially supported at the time for his handling of the Rosenberg trial, Kaufman was increasingly vilified in later years, which took a toll on him and his family. His career that started with self-made success ended largely in tragedy, the author writes.

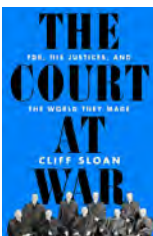


“A Council of Dolls,” by Mona Susan Power ’86 (*Mariner Books*)

Winner of the PEN/Hemingway Award in 1995 for her debut novel, “The Grass Dancer,” Mona Susan Power now tells the story of three generations of Dakota women and the dolls that play a significant role in their lives. She notes in a message from the author that “the world of the novel was very much informed and inspired by some of the actual dynamics and experiences of my family.” A member of the Standing Rock Sioux Tribe, Power cites as inspiration for the book the traumatic experiences of her mother and grandmother when they attended Indian boarding school, which she calls a “system of attempted cultural and spiritual genocide.” She describes the women in her new novel as wounded survivors who preserve as much of their Native American heritage as possible in a world seeking to destroy it.

“The Court at War: FDR, His Justices, and the World They Made,” by Cliff Sloan ’84 (*PublicAffairs*)

For the Supreme Court justices who made up the “War Court,” writes Cliff Sloan, a professor at Georgetown University Law Center, “World War II was interwoven with every ruling.” His book examines the justices and their key cases during that period, with decisions that both advanced civil liberties and “obsequiously deferred” to President Franklin D. Roosevelt, who had appointed most of the Court’s members. Sloan covers the Court’s most infamous decision, which granted presidential authority to incarcerate Japanese Americans. He also recounts other cases related to world events, including one decision that struck down the forced sterilization of prisoners. The War Court’s accomplishments and failings provide important lessons in a time of profound change at the current Court, the author writes.





A Sailor, a Lawyer, a Leader

At 100, Edward T. Matheny Jr. recalls his time in the service and at Harvard Law School

BY COLLEEN WALSH

From an underground bunker, **Edward T. Matheny Jr.** '49 helped his superiors, including Adms. Chester Nimitz and Raymond A. Spruance, see World War II unfold in front of them.

A Navy intelligence officer, Matheny was responsible for plotting the location of every U.S. ship and submarine in the Pacific theater on a giant map.

Edward Matheny was back on the Harvard Law campus this fall for the first time since he graduated in 1949.

"I was privy to everything that was going on," Matheny recalled during a recent phone call from his home in Kansas City. "They say a picture is worth a thousand words ... and my commanding officers would look over my shoulder and see what I was putting on the chart."

As the war ended, Matheny began plotting his next move.

"It never entered my mind that → PAGE 50



1957

In the spring, **ROBERT MUNDHEIM**, a longtime professor and leader in law and business, received an honorary Doctor of Laws degree from University of Arizona James E. Rogers College of Law, where he has been a professor of corporate law and finance since 2011. Since 1999, he has also been of counsel to Shearman & Sterling, and past positions have included University Professor of Law and Finance and dean at the University of Pennsylvania Law School, general counsel for the U.S. Treasury Department, and special counsel for the Securities and Exchange Commission. In recognition of his commitment to education as not only professor and dean but also organizer of continuing legal education programs, in 2022 University of Arizona Law established the Robert H. Mundheim Professorship of Law and Business.

1962

JACK WOFFORD was the recipient of the 2022 Interdisciplinary Award from the Family Firm Institute, an international association of advisers to family enterprises (lawyers, finance experts, management consultants, and therapists). For nearly 30 years, Wofford has mediated and facilitated disputes in family businesses, real estate holdings, summer homes, and estate conflicts. Often teaming with a professional from another field, he works from his home base in Cambridge, Massachusetts.

1963

GARY COHEN continues to practice investment company law at the D.C. office of Carlton Fields. He writes that the D.C. Addison/Ripley art gallery showed his work in a one-man show last June/July and shares this from The Washington Post: “The paintings, executed from 1967 to 1972, are crisp and tidy but imbued with an unruly energy by their hot colors. The sculp-

tures, made since 2016, call attention to the clean lines, vivid hues and flawless surfaces of assembly-line products. Both series are, in a sense, machined. But where Cohen the painter was a meticulous fabricator, Cohen the sculptor is an impish disrupter, demonstrating that form can trump function.”

HERBERT “BERT” LAZEROW is still teaching law full time at the University of San Diego and reports that 2023 was an exceptionally productive year: “In addition to an article on recovering Holocaust art, two books appeared in June: ‘Mastering International Sales Law’ and ‘International Business Negotiations in a Nutshell’ (with Ralph Folsom).”

1964

JACQUES MALHERBE LL.M. was recently honored by the Brussels Bar on the occasion of his 60th year of membership. He wrote that among those in attendance at the celebration were his son, François (LL.M. Duke 2009), and his brother, Philippe (LL.M. Berkeley 1978). Malherbe is of counsel with Simont Braun in Brussels. A professor *emeritus* at the University of Louvain, he continues to teach tax law as a visiting professor at other universities.

1968

EUGENE FIDELL, a visiting lecturer and senior research scholar at Yale Law School, is a co-author of “Military Justice: Cases and Materials,” published in its fourth edition this year by Carolina Academic Press.

1969

In July, **MICHAEL H. LEVIN** wrote: “Firebird: The Musical Life and Times of [Classical Pianist] Rebecca Burstein-Arber,” as told to Nora Jean & Michael H. Levin, was published in May and is available at <https://bit.ly/Levinbook>. It was briefly reviewed in the July online issue of Quad (the Oxford University [U.K.] Alumni Magazine), which described it as ‘a remarkable history.’” He also noted that “Watching Bees, New & Select-

“Cohen the painter was a meticulous fabricator, Cohen the sculptor is an impish disrupter”

ed Poems,” his fourth poetry collection, “just concluded advance sales for formal publishing in September. It’s available at <https://bit.ly/Levinbook2>.”

JIM WRIGHT, a retired lawyer at Venable in Baltimore, was awarded a Doctorate in Humane Letters from Maryland Institute College of Art in June 2023 in honor of his “steadfast support of entrepreneurial programs ... and efforts to expand economic opportunities.”

1977

The Rev. **GERALD D. KISNER** writes that this year he celebrated 28 years as the pastor of the historic Tabernacle Baptist Church in West Palm Beach, Florida.

1978

DONALD REZ, a shareholder at Sullivan Hill Rez & Engel, was included in the 30th Edition of “The Best Lawyers in America” in the field of Commercial Litigation. He focuses his practice in the areas of business and commercial litigation.

1979

DANIEL VICTOR is the author of “The Evil Inclination, a novel,” which was published earlier this year. The multi-layered love story follows an observant young Jewish man and the Catholic woman he falls in love with and addresses themes of identity, tradition, longing, and passion.

1982

JEFF ROSEN was a resident fellow at the Harvard Kennedy School Institute of Politics this fall semester. In July, he joined Cravath, Swaine & Moore’s investigations and regulatory enforcement group in Washington, D.C., as of counsel, and was appointed by Virginia Gov. Glenn Youngkin to the board of visitors of George Mason University.



Since 2021, Rosen has been a Distinguished Senior Fellow at the C. Boyden Gray Center at GMU's Antonin Scalia Law School and an appointed member of the Administrative Conference of the United States. He previously served as the acting attorney general and the deputy attorney general of the United States.

1983

This year the New Jersey State Bar Foundation conferred its highest award, the Medal of Honor, on **LAWRENCE S. LUSTBERG**, co-chair of the Gibbons P.C. white collar and investigations group and longtime director of the Gibbons Fellowship. The NJSBF annually awards its Medal of Honor to professionals who have made significant contributions to the advancement of the justice system or the betterment of the legal profession in New Jersey, and who have attained professional excellence in the law or service to the profession and the community. Lustberg has argued groundbreaking cases before federal and state courts up to the U.S. Supreme Court and has done extensive criminal defense, public interest, and pro bono work. He is the former president of both the Association of the Federal Bar of New Jersey and Association of Criminal Defense Lawyers of New Jersey.

1984

KEN BRESLER, a state administrative law judge in Massachusetts, has published "The Witch Trial Trail of Boston and the Harvard Witch Walk: The People and Places of Boston and Harvard Connected with the Salem Witch Trials." He writes that the guidebook with two walking tours is actually the second edition; the first edition was published in 1992, the tercentennial of the witch trials.

1988

SETH TUCKER writes: "I have been admitted as a fellow of the American College of Coverage Counsel, the pre-

"I was fortunate to complete my 115th marathon"

eminent association of attorneys who represent the interests of insurers and policyholders in disputes arising out of insurance policies. I have practiced in this field, on the policyholder side, since I joined Covington in 1989."

1989

RAJ BHALA is the Brenneisen Distinguished Professor at the University of Kansas Law School. His new book, "Trade War: Causes, Conduct, and Consequences of Sino-American Confrontation," has been published by Carolina Academic Press. Based on five years of research, it is the first full-length scholarly analysis of this conflict by a lawyer, he writes. The third edition of his textbook, "Understanding Islamic Law (Shari'a)," which features new chapters on Iran's Constitution, the Taliban, and America's longest war, has also been published by CAP. Bhala writes: "I was fortunate to complete my 115th marathon, the London Marathon (in April 2023), and thereafter enjoy afternoon tea with my wife, Dr. Kara Tan Bhala (an Overseas Research Scheme Scholar and an Amazon bestselling author, whom I met while a Marshall Scholar at Trinity College, Oxford), and our daughter, Shera (a Fulbright Scholar and Dartmouth Class of 2022). We look forward to reuniting with friends in Boston."

JENNIFER JOSEPHSON has joined Hogan Thompson Schuelke in Houston as of counsel. She works with trial teams on pretrial, trial, and appellate strategy for commercial disputes. Previously, she worked at Reynolds Frizzell.

1990

PAMELA EVERHART received a 2023 New England Women's Leadership Award from the Boys & Girls Clubs of Dorchester (Massachusetts). Everhart is senior vice president of regional public affairs and community relations at Fidelity Investments, where she oversees the firm's state and local government relationships, public affairs, and community relations activities across the U.S. Passionate about increasing financial literacy

for underserved communities, she has helped launch several related programs at Fidelity, including Invest in My Education, a \$250 million initiative that provides access to education and ongoing support to underserved students so they might graduate with no college debt.

LARS NOAH, a professor of law at the University of Florida in Gainesville, has published "Law and the Public's Health: Cases, Controversies, and Covid-19" with Carolina Academic Press.

1991

LEONARD FELDMAN writes, "I was recently appointed as a judge on the Washington Court of Appeals, currently teach Torts (and previously Federal Courts) at Seattle University School of Law, and am a co-editor of 'Tort and Accident Law: Cases and Materials' along with HLS Professor Lewis (Sarge) Sargentich [70]."

MICHAEL FRIEDLAND has founded intellectual property boutique Friedland Cianfrani in Orange County, California. He had been a partner at Knobbe Martens, where he served as co-chair of the litigation practice.

1993

JACQUELINE A. WHITE writes that her daughter, Serena Loren White, has been awarded a Fulbright Scholarship: "She will serve as an English teaching assistant in Madrid during the 2023-24 academic year. In May 2023, Serena graduated from Columbia University in the City of New York with a double major in political science and Hispanic studies. While at Columbia, Serena was editor-in-chief of the Columbia Political Review and vice president of Columbia University Women in Law and Politics. Serena plans to pursue law school upon her return from Europe."

1994

→ 30TH REUNION APRIL 5-6, 2024



represents
production
companies,
animation
studios,
toy and
video game
companies

1996

MIRIAM BAER, vice dean and Centennial Professor of Law at Brooklyn Law School, announces the publication of her new book, “Myths and Misunderstandings in White-Collar Crime,” by Cambridge University Press.

1997

JOHN WU LL.M. writes that he has joined Paul Hsu & Partners (or PH&P, a Taiwan-based private think tank and comprehensive consulting firm for all industries), serving as vice chairman and CEO since March 1, 2021. Previously, he served as a member of the Legislative Yuan (Taiwan’s Congress) for three terms. He also served as the mayor of Taoyuan, a municipality of northern Taiwan, for five years. And he finished his second term as commissioner of Taiwan’s major league baseball after the closure of 2020 season. He adds: “PH&P’s vision is to set trends for Taiwan’s industries and governments, both central and local. PH&P intends to set up platforms showcasing Taiwan’s experiences and to promote worldwide cooperation for Taiwan’s industries.”

1999

→ 25TH REUNION APRIL 5-6, 2024

2001

CHRISTOPHER M. MCNEILL joined Blank Rome as a partner in the firm’s corporate, M&A, and securities group based in Dallas.

2003

MATTHEW BRETT has become general counsel at 2Life Communities, a not-for-profit senior housing organization. In addition to providing strategic legal counsel to support the organization’s “aging in community” model for senior housing and resident services, he assists with real estate development and corporate governance matters. Previously, Brett focused on affordable housing at Applegate & Thorne-Thomsen, where he was the

firm’s first risk management partner and served on the management committee. He and his wife and two daughters live in Chicago.

BRETT DAKIN is now general counsel at the Simons Foundation, a private foundation working to advance the frontiers of research in mathematics and the basic sciences.

2004

→ 20TH REUNION APRIL 5-6, 2024

After nearly 11 years of federal service at the Commodity Futures Trading Commission, **KIRSTEN ROBBINS** has joined the Investment Company Institute as associate chief counsel, ICI Global.

2006

JENNIFER CABRERA has become a partner at Vicente law firm. She advises clients on the full range of matters impacting new cannabis businesses in New York and New Jersey, from state and local licensing to fundraising to compliance. She manages the firm’s New Jersey office and promotes and works with small and locally owned businesses across the region. A member of the board of the National Hispanic Cannabis Council, she has been recognized as a top cannabis attorney by Best Lawyers and Thomson Reuters Super Lawyers.

CHARLES R. PLATT has been appointed practice chair of the private client group at Hemenway & Barnes after nearly 10 years as partner. He works with individuals and families on their personal planning needs, including estate and charitable planning as well as probate and trust administration.

MELANIE TOMANOV has joined Frankfurt Kurnit, a media and entertainment law firm, as partner. Based in the Los Angeles office, Tomanov represents production companies, animation studios, toy and video game companies, and technology companies. She also works with individual creators, writers, animation designers, producers, and directors.

2009

→ 15TH REUNION APRIL 5-6, 2024

2010

MICHAEL LLOYD has been appointed president of IMC Construction, a Philadelphia-based commercial construction and development company. Previously the firm’s general counsel, executive vice president, and chief operating officer, Lloyd will now lead its strategic direction and oversee all daily activities.

Hogan Thompson, an energy-focused litigation boutique in Houston, has changed its name to Hogan Thompson Schuelke in recognition of partner **JAMES SCHUELKE**’s contributions. Schuelke has spearheaded complex litigation and arbitrations for the firm’s energy clients and also has substantial experience in construction, property, and petrochemical disputes.

2013

PAUL M. CATHCART JR. has been promoted to counsel at Boston law firm Hemenway & Barnes. He assists individuals and families with tax and estate planning. Focused on developing tax-efficient wealth transfer strategies, Cathcart advises clients on issues relating to complex assets such as businesses, real estate, art, and investments. He also frequently consults with families on estate planning, probate, and gift and estate taxes.

2014

→ 10TH REUNION APRIL 5-6, 2024

2016

SARAH GERSTEN, executive director of the Last Prisoner Project, wrote that in October she accepted a Champion of Justice Award from the National Association of Criminal Defense Lawyers on behalf of her organization, a nonprofit working to redress the harms of cannabis criminalization.

MARCO IMPERIALE LL.M., the former head of innovation at Milan law firm LCA Studio Legale, has launched a “human-centric” consultancy. Called Better Ipsum, it will be focused on le-

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CARL WERNER has become a partner at Vicente LLP. He advises clients on corporate and transactional matters and provides licensing and regulatory counsel within emerging states in the Mountain and Central U.S. regions.

2017

CODY RUTOWSKI has joined Hogan Thompson Schuelke in Houston as an associate. He has represented clients from the pleadings stage through presenting oral argument before a court of last resort, and he has appeared before the Supreme Court of Texas. Prior to joining the firm, he was an assistant solicitor general in the Office of the Solicitor General of Texas.

2018

LUCIEN WANG has been hired at Fish & Richardson in San Diego as an associate. His practice focuses on pharmaceutical and technology-related litigation in federal district courts. He is a certified English-Chinese translator, which assists him in cases involving Chinese companies.

JAMES YANG is also a new associate in the San Diego office of Fish & Richardson. With a background in biochemistry, he is experienced in high-stakes patent litigation relating to medical devices and pharmaceuticals as well as technologies in the electronics and software industries.

2019

→ 5TH REUNION APRIL 5-6, 2024

2020

DAVID SHEA has joined the law firm Goodell DeVries in the commercial litigation practice. Previously, Shea was an assistant state's attorney at the Office of the State's Attorney for Baltimore City.

2022

ECHO QIAN has joined the bankruptcy and restructuring group at Morris, Nichols, Arsht & Tunnell in Delaware.

Edward Matheny (continued from page 46)

"It never entered my mind that I would want to go to any place for my law school education but Harvard," said Matheny, who arrived in Cambridge with a host of other veterans in 1946.



I would want to go to any place for my law school education but Harvard," said Matheny, who arrived in Cambridge with a host of other veterans in 1946.

To help mark his 100th birthday, Matheny was back at Harvard Law School in October for a tour, visiting a number of buildings, posing for photos, and chatting with current students including Brian Henson '25, a former Navy intelligence officer, who helped escort him around campus. Henson called meeting Matheny an honor.

"This is the generation that we look to ... that embodies everything that we strive to be in 2023," said Henson, a vice president of Harvard Law's Armed Forces Association. "And the opportunity to show him around a school that has meant so much to us as military veterans is nothing short of a dream come true."

During his visit Matheny spoke with

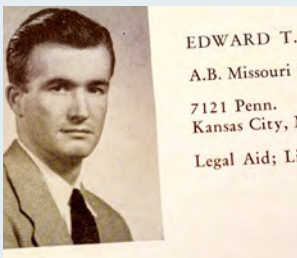
other members of the Armed Forces Association about the military and his time at the law school, as well as a certain celebrity sighting at Arrowhead Stadium back in his hometown.

"We've got some romance going now," said Matheny, referencing the budding relationship between pop star Taylor Swift and Kansas City Chiefs tight end Travis Kelce. "I am all for it," he added to a chorus of laughs.

Born in Chicago on July 15, 1923, Matheny was a history major and a basketball star at the University of Missouri when Japan's military forces attacked Pearl Harbor on Dec. 7, 1941. Eager to join the war effort, he graduated early and enrolled in a Navy officers training program in 1942 while still in college, hoping for a warship appointment because, he'd been told, "the real sailors were those on a destroyer."

When it came time for their duty assignments, Matheny and his Navy

Students in the Armed Forces Association presented Matheny with a challenge coin, a military tradition that honors achievement.



Navy intelligence officer Edward T. Matheny

COURTESY OF ED MATHENY

classmates nervously opened their sealed envelopes. Most had been “scheduled for amphibious craft, replacing the casualties of the Normandy landings and the Pacific island assaults,” Matheny wrote in his 2001 book about his experiences in World War II. But he was told to report to the staff of Chester Nimitz, commander in chief of the Pacific Fleet.

Instead of landing on enemy beaches, Matheny spent most of his war years in hidden offices on Hawaii and Guam, often bumping elbows with top Navy officers, sometimes literally.

In a 2004 interview, he recalled being on duty during the Battle of Leyte Gulf, the largest naval battle of the war, and elbowing aside “a lot of top brass who were trying to follow what was going on,” so he could mark his map.

While in the Navy, Matheny roomed with two lawyers who urged him to consider law school after his service was complete. Heeding their advice, he set his sights on “the best law school there was,” thinking “the education I would get at Harvard Law School would serve me in good stead whatever I chose to do with my life.”

Like many, Matheny was eager to take advantage of the Servicemen’s Readjustment Act of 1944, also known as the G.I. Bill, which paid veterans’ tuition fees. He was also one of the returning military men aided by Warren Seavey LL.B. 1904, a former Harvard Law School professor and a faculty adviser to servicemen, who helped encourage a generation of World War II veterans to attend Harvard Law. Applications to the school had plummeted during the war, but as the fighting ended and veterans applied in great number, attendance rates spiked. Seavey, who had urged many of his former students to enlist, wanted to help veterans returning home from the war continue their studies. Matheny was one of them.

“I applied for entry to the law school and, lo and behold, I was contacted by Professor Seavey, who said that my

application had been received and that I would be accepted for entry into the Harvard Law School when I left the service,” Matheny recalled. “That was a wonderful thing for me to hear.”

Matheny, who was Phi Beta Kappa at the University of Missouri, spent his years in Cambridge surrounded by former servicemembers, he recalled, many of whom had graduated with distinction from Ivy League schools. “Harvard Law School was very fast-track,” he said, but it was an environment “that I enjoyed being part of.”

Highlights of his time in Massachusetts included seeing an early version of the musical “South Pacific” that became a Broadway smash, eating lobster, and taking in Red Sox games. On campus he loved his Torts class with Seavey, he said, and representing those unable to afford a lawyer through his work with the Harvard Legal Aid Bureau.

Post-Harvard, Matheny had a successful career in Kansas City, devoting his professional life to corporate and labor law and supporting a range of causes, which included serving as the president and foundation chairman of Saint Luke’s Hospital; leading the Citizens’ Association, a local nonpartisan political organization supporting good governance; and founding Kansas City’s public television station. A lifelong devotee of history, he has also written numerous books, among them his WWII memoir and the history of Kansas City’s Southwest High School.

At the end of his October visit, Matheny, sporting a yellow tie covered with mini margarita glasses, saltshakers, and limes (he learned how to tie a bowtie at Harvard, he said, and has worn them ever since), reflected on his law school days.

“I have so many good memories of this place and how well it prepared me,” he said. “To have the time to look around and see all the things that remind me of my years, some very informative years, at the law school, it’s been wonderful to be here.”

No-drama fundamentals mark a career in corporate legal reform

The Fixer

BY JULIA HANNA

When **Cam Findlay '87** accepted an offer 10 years ago to serve as general counsel at Archer Daniels Midland, his sister (also a lawyer) questioned his decision. “It’s the only company I’ve joined that had a bestselling book and a major studio movie starring Matt Damon about its previous legal problems,” Findlay says. “The Informant!” famously documented ADM’s role in a global conspiracy in the 1990s to hike prices of citric acid and of lysine, an animal feed additive; ultimately, the company was fined \$100 million by the Department of Justice and paid millions more in class-action settlements.

When Findlay arrived in 2013, another scandal had already been brewing: One of ADM’s subsidiaries stood accused of paying bribes through vendors to Ukrainian government officials to obtain value-added tax refunds. Shortly after Findlay joined ADM, the company pleaded guilty to conspiracy to violate the Foreign Corrupt Practices Act. “We resolved that issue as quickly as possible and worked hard to enhance our compliance policies, programs, and training,” he says.

Findlay retired from his role at ADM this fall; he can look back on a career devoted to efficiently and effectively addressing the sorts of complex, headline-making legal headaches that would send most lawyers running in the other direction. His first general counsel job was at insurance giant Aon Corporation, which he joined in 2003.

“Hire good people, trust them, and avoid looking over their shoulder.”

Cam Findlay has made a career of efficiently and effectively addressing crises and implementing reforms.



Almost immediately, “we got a subpoena from Eliot Spitzer [’84],” he says. “I started in August,” he adds, and when the subpoena from the New York Attorney General’s Office arrived a few months later, “that threw us into an existential crisis.” In an industry where trust is fundamental, it was revealed that some of Aon’s representatives were accepting undisclosed contingent commissions from underwriters for agreeing to steer business their way. In addition to consolidating and restructuring Aon’s sprawling legal department, Findlay introduced disclosure policies. After leaving the company in 2009, he brought the same straightforward approach to his role as chief legal counsel at medical device giant Medtronic, where its products and the health care system’s inherent complexity generated legal actions ranging from mass tort cases to IP to securities class actions. “Medtronic

was a good, solid company — it was just a matter of managing some of these very, very big legal matters,” Findlay says.

The secret sauce behind repeatedly addressing crises and implementing reforms draws on the simple precept of leading by example, Findlay says: “Act with integrity and don’t get anywhere near the line. If you want to go to the Super Bowl or something similar,” he adds, instead of accepting a gift, “write the check and you’ll never have to answer a question about it in your life.” He also cites the time-honored management principle of giving employees agency in the work they do every day: “Hire good people, trust them, and avoid looking over their shoulder.” In a global company like ADM, he adds, that trust was built on having an open-door policy for feedback in addition to traveling the world to get to know members of the legal team in person.

Born in Chicago, Findlay grew up in his mother's hometown of Elkhart, Indiana. When his sixth-grade teacher asked the class to write a biography that looked back on their lives, Findlay correctly predicted that he would attend Harvard Law School and become a lawyer. "It was a good choice as I think about my limited skill set," he laughs. "I think I'm a good writer and I like to speak on my feet, but I have no engineering, mathematical, or artistic skills." He also wrote that he'd get involved in politics — another correct prediction, as Findlay served as a political appointee in two administrations, first as deputy assistant to President George H.W. Bush and then as deputy secretary in the Department of Labor under President George W. Bush.

Post-retirement, Findlay is still considering his options; currently he continues to serve as a trustee at Northwestern University, and on the board of Chicago's Steppenwolf Theatre Company. Teaching is one possibility: "In the 1990s I taught a course at Northwestern," he says. "We considered some of the theoretical underpinnings of the separation of powers, from Locke to Montesquieu and other philosophers; I'd also bring in speakers who had served in government to offer their perspective from a 'practice' point of view. I really enjoyed engaging with the students on some of the cases we read and talking through the finer points of how decisions were made."

More immediately, however, Findlay's plans include international travel, starting with a trip to England for a reunion at Oxford University, where he studied as a Marshall Scholar. "I've been to around 55 countries, but there are still so many parts of the world I haven't seen," he says. "I'm looking forward to having a bit more time to explore."

A multidisciplinary career leads to national science honor and funding for 'justice lab'

Pioneering Path

BY AYSHA BAGCHI '17

When **Joyeeta Gupta LL.M. '88** was defending her doctoral thesis nearly 25 years ago, a Bangladeshi professor told her something she's never forgotten. As a child, he said, he'd thought the English would never leave his country, yet one morning he woke up and they were gone. "So, he said never to forget that there could be a moment when suddenly the world changes," Gupta said.

Gupta, a professor of environment and development in the global south at the University of Amsterdam, recently had her own life-changing moment when she was awarded the Spinoza Prize — the highest distinction in science in the Netherlands. And she plans to use the 1.5 million euro award for what she hopes will be a world-changing effort: developing a global governing document

on social, environmental, and economic commitments.

"I want to move toward the elements that would be important for a global constitution in which we treat each other as equal human beings and we treat nature with respect," said Gupta, who is presently working on a European Research Council grant on the role of large investors in phasing out fossil fuel.

Gupta's latest ambition reflects a career dedicated to thinking about global justice, with a special eye toward the relationship between the global north and global south. She was interested in consumer issues when she arrived at Harvard Law School in 1987, having worked at a consumer organization in India during the 1984 Bhopal disaster — a chemical accident that killed thousands and injured hundreds of thousands.

"That really sort of settled in my mind that I was going to go into environmental and consumer law," she said. She wrote her Master of Laws thesis at Harvard on the sale in developing countries of pharmaceutical drugs that were banned or withdrawn in Western countries for health or safety reasons. Her year at Harvard was funded by a scholarship from the Inlaks Foundation, which she said freed her to carve out her own career path.

Gupta thought she might return to India

Joyeeta Gupta, winner of the prestigious Spinoza Prize



to work on issues related to halting the exportation of toxic waste to developing countries, but she first went to the Netherlands to represent a Dutch nongovernmental organization working in that area. There she met and married her spouse, and the Netherlands became home to her multidisciplinary career. “I had to reinvent myself, and the way to reinvent myself was to go into research,” Gupta said.

“I had to reinvent myself, and the way to reinvent myself was to go into research.”

She got a job as a climate change consultant at the Dutch Ministry of Environment before entering academia and in 1997 obtaining a Ph.D. focused on global conflict and consensus around climate change. Gupta went on to do extensive work in this area, serving as lead author in the Intergovernmental Panel on Climate Change, which won the Nobel Peace Prize in 2007 with Al Gore. She has also served as co-chair of the United Nations Environment Programme’s Global Environment Outlook 6: Healthy Planet, Healthy People and co-chair of the Earth Commission, which aims to establish scientific and just guardrails to support the planet’s life systems.

Gupta has carved out a broad academic path by developing expertise in a range of areas and has published papers that span disciplines. “I did try to make sure that every now and then I published a paper in a law journal, in a political science journal, in an environmental journal, even in Physics and Chemistry of the Earth and now Nature,” she said, adding that all her work has focused on how to improve equity.

Gupta was lead author on an Earth Commission paper published in March, for example, which proposed the concept of “Earth system justice,” a frame-

work that aims to reduce the risks of global environmental change while ensuring nature’s benefits, risks, and related responsibilities are equitably shared among all people in the world.

Now, Gupta hopes to use at least part of the Spinoza Prize funding to set up a justice lab that would develop empirical support for positions on justice. The lab could be a place for scholars, lawyers, and judges to debate, or to test out questions such as what is acceptable in terms of how many people can be harmed (e.g., die or be displaced) as a result of an environmental issue such as climate change. She also wants to look at how the needs of all people can be met within the capacity of our environment and resources ranging from land to water to bees. “It needs hydrologists and it needs ecologists, it needs a whole bunch of people, and it needs quantitative and qualitative stories,” she said, to answer the question, “How do we create Earth system justice?”

The goal would be to craft a constitution that brings together ideas about how to use global resources to protect biodiversity, oceans,

and minerals, as well as people; to ensure that all people can access basic resources and services; and to equitably share the remaining resources, risks, and responsibilities. She is particularly interested in thinking about how to use financial mechanisms such as investment and trade law along with human rights protections to bring about those ends.

Despite the far reach of her ambitions, Gupta said she is optimistic: “I think you have to just keep fighting and see if it works out. And if it doesn’t work out, I’ve at least tried.”

She recalled the period after she had completed her Ph.D. thesis and felt disheartened to uncover a lack of global consensus on climate change issues, particularly on who caused the problem, who was affected, and what instruments should be used to address it. “I was wondering — and I’m talking about 1997 — would we ever solve the climate change problem?”

That’s when her professor delivered his message about change — and how sometimes, it arrives when one least expects it. It’s a lesson she carries forward to this day.

Gupta has long focused on efforts to establish “just guardrails to support the planet’s life systems,” including at the level of the U.N.



After serving as a law professor and dean, Verna Williams now advocates for public service and seeks to expand legal representation

Justice for All

BY LEWIS I. RICE

When she was a professor at the University of Cincinnati College of Law, **Verna Williams '88** co-founded and co-directed a center focused on issues of race, gender, and social justice. It was only fitting, because those issues have been at the center of her career and life.

Now she is channeling her passion for equal opportunity along with public service into her latest role as CEO of Equal Justice Works, a nonprofit based in Washington, D.C., that partners with law firms to facilitate public interest legal fellowships. It has provided more than 2,500 fellowships since its inception in 1986, with 85% of the participants remaining in public interest law, according to Williams.

Under her leadership, Equal Justice Works is developing a racial justice project which will focus on areas of the law that disproportionately affect communities of color. The organization also focuses on closing gaps in access to justice, particularly in underserved communities and in cases in which people typically lack representation, such as tenants facing eviction proceedings.

“In our access-to-justice conversations, it’s really important to lift up why it matters to society for people to have lawyers,” said Williams. “If we’re in a system where people believe there’s one system of justice that works for people who have money and another one

Verna Williams,
CEO of Equal
Justice Works



that doesn’t work for people, that’s terribly damaging.”

She said that 92% of civil legal needs are going unmet, due to both a lack of resources in public interest legal organizations, and in some cases, law school graduates’ reluctance to take lower-paying jobs in the face of burdensome school debt. But her career path

shows the possibilities. After clerking, her first job as an attorney was with Sidley Austin, where she pursued pro bono opportunities including helping to write an amicus brief on behalf of the NAACP for a Supreme

Court case. After a stint at the Department of Justice, she became vice president and director of educational opportunities at the National Women’s Law Center, focusing on gender equity in education. There she successfully argued be-

fore the Supreme Court that Title IX requires institutions to address instances of student-to-student sexual harassment.

Williams spent more than 20 years at the University of Cincinnati College of Law, where she taught courses on family law, gender discrimination, and constitutional law and served as dean for five years before starting at Equal Justice Works in September 2022. The departure from her longtime academic home brought her back to the place where she was born and raised and allowed her to be involved in a more hands-on way with issues she has long cared about.

Growing up in Washington, D.C., in the ’60s and ’70s during times of protest over civil rights infused her with a zeal for social justice, she said, as did her own experiences as a Black woman encountering discrimination. Also

“When I look back on what I’ve been able to do, I’m just stunned.”

formative was Professor Randall Kennedy’s class at Harvard Law School on racism in American law: “I learned in that class so many pieces of history that I had never been taught. And once I got over feeling really angry about not knowing that stuff, it just made me want to know more.”

While in law school, she forged a connection with a classmate then known as Michelle Robinson, who many years later invited Williams to her home — the White House, when she was first lady Michelle Obama — for conversations to support the writing of her memoir, “Becoming.” Being a guest at the White House at first seemed unreal, said Williams, but she soon eased into the time with her old friend. “It was just wonderful to get to spend that time with her,” she said, “wonderful to be the person who she trusted to share her thoughts with about that experience.”

Like Michelle Obama, Williams would marry an HLS grad from the Class of ’91, David Singleton, who until very recently was the long-time executive director of the Ohio Justice & Policy Center and now is a faculty member at the University of the District of Columbia David A. Clarke School of Law. Their daughter, Allison, was admitted to Harvard Law School as part of the Junior Deferral Program and plans to attend in 2024.

Perhaps that’s not surprising, considering Allison’s exposure to the work her parents have done. But for Williams, who was born in Freedmen’s Hospital (later Howard University Hospital), founded in 1862 to treat formerly enslaved people, her own journey from growing up in a time of segregation and unrest to becoming a Harvard Law graduate and an attorney, academic, and advocate was anything but expected. “When I look back on what I’ve been able to do,” she reflected, “I’m just stunned.”

*The culmination
of a career in
international arbitration*

All the World

BY JULIA HANNA

In 1998, **Claudia Salomon ’94** was interviewing at Squire, Sanders, a law firm in Phoenix, when a senior partner told her that international arbitration was the wave of the future. “It was a lot like that scene in ‘The Graduate’ when Dustin Hoffman hears the word ‘plastics,’” Salomon recalls. She’d been working as a commercial litigator and could easily imagine that future, too. With the passage of NAFTA and a host of additional trade agreements, an uptick in cross-border trade seemed inevitable — and it stood to reason there also would be more disputes between companies located in different countries. The problem, of course, is

“A topic on everyone’s mind now is artificial intelligence.”

that most likely neither party would accept the inherent disadvantage of a case being tried in a foreign court — and no global treaty val-

idates those judgments. The New York Convention, a 1958 agreement now signed by more than 170 countries that recognizes and enforces arbitral awards, made international arbitration an appealing alternative.

By 2001, the pace of globalization had continued to accelerate, with China joining the World Trade Organization. That same year, Salomon experienced another turning point: With less than a week’s notice, she had the opportunity to go to Prague to represent the Czech Republic in an arbitration case involving the privatization of one of the country’s largest banks. A one-month assignment

turned into a three-year stay: She was hooked, continuing her career in international arbitration in New York City at DLA Piper and then Latham & Watkins. Twenty years after accepting the assignment in Prague, in July 2021, Salomon became the first woman elected president of the International Chamber of Commerce’s International Court of Arbitration, a neutral, independent arbitral organization providing services to individuals, businesses, and governments around the world. Celebrating its centenary in 2023, the ICC Court includes 195 members from 120 countries. While the organization’s international headquarters are in Paris, cases are arbitrated in 120 cities in a dozen languages, English and Spanish being the most prevalent — although cases are also heard in French, Portuguese, Romanian, Mandarin, Arabic, and German, among others.

“The strategic and extreme cross-cultural context of international arbitration makes the work incredibly interesting,” says Salomon, who has removed herself from representing parties in arbitration but continues to work as an independent arbitrator. “You might represent a French company in a contract with a U.S. firm governed by New York law but seated in Geneva, for example.” At one point in the past, while she was still representing parties, Salomon served as counsel to the country of Georgia in three separate cases, working closely with the firm’s office in Tbilisi. “We brought experience in written and



oral advocacy, but they had a deep understanding of the government and local laws,” she says. “You need that context, so it’s important to really hear what someone is trying to say and ensure they understand they have an important role to play.”

Before becoming president, Salomon held a variety of roles in the ICC, from founding chair of its Young Arbitrators Forum to U.S. court member to one of a handful of vice presidents. By its nature, serving as ICC Court president requires some serious globetrotting as advocate and ambassador for the organization; since her term began over two years ago, Salomon has visited cities in 28 countries, some more than once, including Delhi, Jakarta, Seoul, Singapore, Athens, Frankfurt, Bogotá, Abu Dhabi, Lagos, Houston, San Francisco, and Toronto. “One of the most interesting aspects of this job is the opportunity to hear from people from all different parts of the world about the legal and business ecosystems they’re operating in and how that’s impacting the kind of transactions and disputes likely to arise,” she says.

Claudia Salomon is president of the International Chamber of Commerce’s International Court of Arbitration, the first woman elected to that position.

“A topic on everyone’s mind now is artificial intelligence — both its impact on how businesses and people access legal services and then of course how it impacts the services themselves,” she continues. “To what extent will legal parties be willing to accept a level of predictive justice? What is the tradeoff between speed and due process? We’re going to have to grapple with that question in a significant way.”

Diversity is also an ongoing focus, Salomon adds: “The global business community is diverse, so they rightfully have an expectation that the arbitration community also will be diverse: One element of the rule of law is that decision-makers should reflect the community.” In the early decades of the ICC Court’s existence, the parties and arbitrators were primarily male and European, she notes. But as the world has changed, so has the ICC Court; today, about 40% of the arbitrators it appoints are women, and the organization continues to build its footprint outside of Europe and North America. “We are heavily invested in strengthening the ar-

bitration infrastructure and ecosystem in Africa,” says Salomon. In addition to creating an Africa Commission and hiring a regional director, last year the ICC piloted Hold the Door Open, a program to expose young practitioners on the continent to arbitration hearings.

Wherever work finds her, Salomon says she also enjoys simply learning more about the people she meets and how they live. “The young lawyers I talked to in Mexico City commute to work by bicycle, which is not something I expected,” she says. “It’s fun to get people talking about their lives.”

“I’ve had to figure out how to use my own voice and style to be an effective, authentic leader,” she reflects. “I’ve tried to be very intentional about that — what is the best way to build community and connections? How can I ensure we’re bringing a client mindset to everything we do? Years can pass between when a party provides for ICC arbitration in their contracts and when a dispute arises, particularly with large infrastructure projects or life sciences contracts. The nature of our work is to be focused on the future.”

Gerald E. Frug: 1939–2023

‘He transformed a whole field of law — local government law — and inspired generations to give it new vitality.’

Gerald E. Frug ’63, a pathbreaking scholar who reinvented the field of local government law, and a superb teacher and mentor, died Nov. 7 after a long illness. The Louis D. Brandeis Professor of Law *Emeritus* at Harvard Law School was 84.

“In his work in local government law, Jerry helped bring deeper understanding to the city and to particular cities all over the world, whose legal, political, economic, social, and physical landscapes he and his co-authors brought into vivid focus,” said John F. Manning ’85, Morgan and Helen Chu Dean and Professor of Law, in a message to the law school community. “No one wrote with more clarity and insight about the relationship between city power and regionalism. In all his writing, which was informed by deep collaborations across Harvard and other great universities, Jerry sought to understand cities in their deeper context, and he enabled us to do so as well. The many important scholars whose work he shaped and inspired provide a moving testament to his intellectual power and personal generosity.” Manning added that “Jerry Frug was also a legendary teacher, not only in Local Government Law but also in first-year Contracts,” and “was a great mentor to many, both in the classroom and in the profession.”

David Barron ’94, a judge on the U.S. Court of Appeals for the 1st Circuit and the Louis D. Brandeis Visiting Professor of Law at Harvard, is one of the many former students who have been inspired by Frug.

“Jerry was an utterly distinctive thinker and person,” said Barron. “He was amused and amazed by the ambiguity of law, but he had strong convictions and deep commitments. He was enchanted by cities but deeply tied to those closest to him. He loved to teach and had great affection for his students. He transformed a whole field of law — local government law — and inspired generations to give it new vitality. He was for me the central figure in my legal education and then my co-teacher and co-author. But he was also my dear, dear friend for almost three decades. He will stay with me forever.”

Frug published dozens of articles on the topic of local government, including the seminal “The City as a Legal Concept.” Among his several books were “City Bound: How States Stifle Urban Innovation,” with Barron, and “City Making: Building Commu-



Gerald Frug joined the HLS faculty in 1981.

nities without Building Walls,” the award-winning book that was influential in design, planning, and urban theory circles in the United States and around the world. Frug also published the casebook “Local Government Law,” now with Barron, Michelle Wilde Anderson, and Richard T. Ford ’91. (In a tribute on the occasion of Frug’s retirement in 2021, Barron noted that the casebook “is the first — and probably the last” to begin each section with a quote from Italo Calvino, author of the novel “Invisible Cities.”)

“Jerry Frug was a uniquely brilliant lawyer and scholar,” said Ford, a former student of Frug’s and now a professor at Stanford Law School. “He single-handedly reinvented the subject of local government law, turning it from a narrow and technical topic into a study of urban development, political economy, social interaction in cosmopolitan societies, and the foundations of democratic government. He was a profound scholar of political and social theory, and he applied the most important insights of legal realism, Critical Legal Studies, and qualitative social science to the most important questions facing our society. His work yielded surprising and invaluable insights into questions of economic inequality, racial division, gender roles, and environmentalism. He was not only

erudite but also disarmingly witty; he was generous with his time and insights and a fierce champion of social justice. He also had a mind-blowing collection of modern photography. For me, he was one of a very small number of people who defined Harvard Law School. I will miss him terribly.”

Nikolas Bowie ’14, Louis D. Brandeis Professor of Law at Harvard, recalled going to talk to Frug in his office for the first time, to ask him about his Ph.D. dissertation topic, long before Bowie was a law student. “Meeting with him was like slow-pitching baseballs at the home run derby — he took every small thought I had and blasted it around the room, showing how it related to books and articles and ideas I had never heard of. I was so dazzled that I kept returning for more until I finally became a law student and took his classes. More than anyone, Jerry has shaped the way I approach local government law; he is the reason I teach it today. It has been an honor simply to follow in his footsteps.”

Martha Minow, 300th Anniversary University Professor at Harvard, noted that Frug’s approach to local government law integrated a range of other disciplines, “all in service of human-centered community building. He brought the same broad and inclusive approach to his classrooms that inspired generations

Frug, Louis D.
Brandeis Pro-
fessor of Law, in
2021



of students to put people at the center of legal problems and to draw upon insights and frameworks well beyond law. With his enthralling personal qualities of curiosity and generosity, he was an ideal colleague and friend and extraordinary father and grandfather whose legacies will long be cherished.”

“Jerry believed passionately in the revolutionary power of ideas,” said Christine Desan, the Leo Gottlieb Professor of Law at Harvard. “If we could see the world anew, we could make the world anew. If we could open our minds, then we would put our hands to work, work that lifted communities, increased equality, and built dialogue between strangers. We need his vision more than ever today.”

Outside the United States, Frug was one of the creators of a series of conferences, called Urban Age, administered through the London School of Economics. They brought together academic and local officials whose work focuses on the cities where the conferences took place. Cities involved included Shanghai, Mexico City, Mumbai, Istanbul, Johannesburg, São Paulo, and London.

In addition to teaching Local Government Law, Frug often offered a seminar, called Green New York, co-taught with attorneys from the Law Department of the City of New York and David Barron. The course explored the legal problems facing the environmental agenda of the New York City government. Other seminars he taught covered a wide range of topics, from Tocqueville to postmodern legal theory to comparative local government law. He had also taught Contracts virtually every year since the beginning of his teaching career.

Frug began his career after graduating from Berkeley and Harvard Law, working as a special assistant to the chairman of the Equal Employment Opportunity Commission in Washington, D.C. He went on to serve as health services deputy administrator of the City of New York before he began teaching at the University of Pennsylvania Law School in 1974. He joined the Harvard Law faculty in 1981.

Frug was preceded in death by his wife, Mary Joe Frug. He is survived by his children, Emily Frug Klineman ’00 and Stephen Frug; their spouses, Jeffrey Klineman and Sara Frug; and his grandchildren, Charlie, Jake, and Joseph.

Charles J. Ogletree Jr.: 1952–2023

‘An intellectual giant, an incredible humanitarian, and a legendary teacher, whose contributions to law and to racial equality were unparalleled’

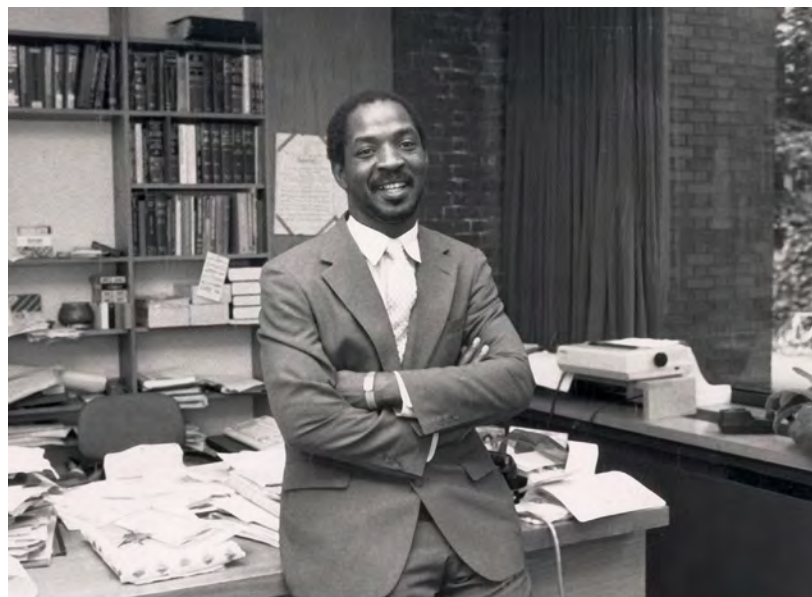
Charles J. Ogletree Jr. ’78, or Tree, as he was affectionately known, the celebrated, influential, and beloved Harvard Law professor and civil rights scholar, died peacefully on Aug. 4 in his home in Odenton, Maryland, from Alzheimer’s disease.

“Charles was a tireless advocate for civil rights, equality, human dignity, and social justice. He changed the world in so many ways, and he will be sorely missed in a world that very much needs him,” said John F. Manning ’85, Morgan and Helen Chu Dean and Professor of Law at Harvard Law School, in a message to the community.

After serving for eight years in the District of Columbia Public Defender Service, rising to the position of deputy director, Ogletree was appointed a lecturer at Harvard Law School in 1984. He was named a professor of law in 1993 and became the Jesse Climenko Professor of Law in 1998. Throughout his career, Ogletree was a nationally recognized leader in addressing issues of race, justice, and equality. His teaching shaped generations of students working on those issues, including future President Barack Obama ’91 and first lady Michelle Obama ’88. Ogletree’s mentorship of law students was renowned across Harvard’s campus and beyond.

“Michelle and I are heartbroken to hear about the passing of our friend and mentor Charles Ogletree,” said Barack Obama in a statement. “Charles’ reputation preceded him at Harvard Law School. On campus, people would always talk about this Professor Ogletree and how supportive and encouraging he was. ... Over the years, Michelle and I have always been able to count on Charles’ support, often when we needed it the most. And after being diagnosed with Alzheimer’s, he got to work spreading awareness — especially among people of color. He wanted to be a spokesperson for the disease, telling people not to be afraid,” said Obama.

“Tree was a superb lawyer, an inspiring teacher, and an incomparably wise adviser,” said Martha Minow, the 300th Anniversary University Professor. “As a scholar and a teacher, he honored the historic work of great advocates for civil rights while never relenting in the critical work of redressing continuing shortfalls and abuses. When he provided legal representation for people in the public eye and people invisible



Charles Ogletree in his Harvard Law School office

to most, supremely effective advocacy emerged for the individuals involved, and his most admirable lawyering provided a model for local, national, and international communities.” He was “a true heir of the civil rights heroes he honored,” she added, noting that his “work was always grounded in history, humanity, and a profound commitment to the unending work of justice. We all will miss his passion, his chuckles, his sweet potato pies — but we will do our best to continue to advance the paths he forged.”

Among his many achievements, he founded the Criminal Justice Institute, which trains student lawyers to represent indigent defendants in the Boston area. He led the Trial Advocacy Workshop for many years, and he also created the legendary Saturday School program, a forum to support Black students and examine critical issues in the study of law, which brought luminaries in law and other fields to campus to connect with students and discuss issues of justice, race, and equity. Many of his students have gone on to illustrious careers of their own in government, business, law firms, and nonprofit organizations.

In 2005, Ogletree launched the Charles Hamilton Houston Institute for Race & Justice at Harvard Law School, named in tribute to the legendary civil rights

lawyer who created the litigation campaign that eventually resulted in the landmark decision of *Brown v. Board of Education*. Ogletree served as its faculty director for many years. Under his leadership, the institute became an organizing force for impactful scholarship, innovative strategic advocacy, coalition building, socially concerned legal education, and community engagement on matters central to civil rights and equal opportunity.

Ogletree was an advocate for racial justice and the victims of discrimination. Among the causes that he cared deeply about was justice for the survivors and descendants of the 1921 Tulsa Race Massacre, in which hundreds of African Americans were killed and a prosperous African American business district known as “Black Wall Street” was destroyed. In 2001, Ogletree assembled a team, the Reparations Coordinating Committee, to represent the survivors of the

Ogletree was a nationally recognized leader on issues of race, justice, and equality.

massacre as they sought reparations. Although that lawsuit was ultimately dismissed, Ogletree dedicated his effort to ensuring that the country knew the names and stories of the Tulsa survivors. Ogletree also represented high-profile clients, such as Anita Hill and Tupac Shakur, as well as the countless clients he served through his impactful work at CJI and the Public Defender Service.

Ogletree was the author or co-author of several important books on race and justice, including most recently “Life without Parole: America’s New Death Penalty?,” “The Presumption of Guilt: The Arrest of Henry Louis Gates, Jr. and Race, Class, and Crime in America,” and “The Road to Abolition?: The Future of Capital Punishment in the United States.”

Ogletree retired from Harvard Law School in 2020, several years after a diagnosis of Alzheimer’s disease. An endowed professorship, established in



recognition of his contributions, was announced at a symposium in Ogletree's honor in 2017. Guy-Uriel E. Charles, an expert in constitutional law, election law, and race who joined the Harvard Law faculty in July 2021, currently serves as the inaugural Charles J. Ogletree, Jr. Professor of Law.

"Professor Ogletree was a force of nature," said Charles. "He was an intellectual giant, an incredible humanitarian, and a legendary teacher, whose contributions to law and to racial equality were unparalleled. His loss is tremendous, not just for the Harvard community, his colleagues and students, and the people who loved him, but for the incredible

To his colleagues and his students, Ogletree served as the role model of an attorney committed to social justice and equality for all.

impact he made. We are deeply saddened by his loss, but heartened by the tremendous legacy that he has left for us to carry on."

To his colleagues, Ogletree served as the role model of an attorney committed to social justice and equality for all. Speaking at the symposium in 2017, Tomiko Brown-Nagin, the Daniel P.S. Paul Professor of Constitutional Law and dean of Radcliffe Institute for Advanced Study, said, "Ogletree has embodied law in the service of society, just the same as other great beacons of the American legal profession, men and women like Thurgood Marshall, Constance Baker Motley, and Charles Hamilton Houston."

David Wilkins '80, the Lester Kissel Professor of Law, recalls that in 2000 Ogletree arranged for all the living members of the *Brown v. Board of Education* litigation team to receive the inaugural Harvard Law School Medal of Freedom as part of the first Celebration of Black Alumni that he and Ogletree organized.

"It was a fitting tribute to the greatest lawyers in U.S. history, and a fitting testament to Tree's stature in the civil rights community," said Wilkins. "To borrow Houston's famous phrase, Tree was a true 'social engineer' for justice. Since we first met in 1977, he has been a steadfast friend and an inspiring role model to me as he has been for countless others in his 40+ years as a lawyer, teacher, and scholar. I will miss him dearly but take some small comfort in knowing that Charles J. Ogletree Jr. has now taken his rightful place among the giants we honored in 2000 for his role in helping to make the words 'Equal Justice Under Law' chiseled above the entrance to the Supreme Court a reality for America's most vulnerable citizens."

Ogletree was born on Dec. 31, 1952, and grew up in Merced, California, where he attended public schools. He earned a B.A. and an M.A. in political science from Stanford University before receiving his J.D. from Harvard Law School. He received many awards and honors over the course of his lifetime, including the naming last February of a courthouse in his native Merced in his honor.

Last fall, the Ogletree family donated papers from his illustrious career to the Harvard Law School Library, which will make them available as they are digitized over the next three years.

Ogletree is survived by his wife of 47 years, Pamela Barnes; their two children, Charles J. Ogletree III and Rashida Ogletree-George; their four grandchildren: Marquelle Coreen Ogletree, Nia Mae Ogletree, Jami-la Anita Ogletree, and Makayla Mae George; and his four siblings: Richard Ogletree, Rosemarie Jacobs, Robert Ogletree, and Taalia Hasan. Ogletree was predeceased by two other siblings: Barbara Scoggins and Curtis Reed.



Notices

1940-1949

ARTHUR LITZ '47
Aug. 19, 2023
LELAND J. MARKLEY '49
July 6, 2023

1950-1959

GERALD P. HALPERN '50
Nov. 7, 2022
BERNARD M. HYATT '50
March 27, 2023
ALAN E. SCHWARTZ '50
July 27, 2023
EDWARD D. SIMSARIAN '50
July 11, 2023
RALPH R. WEISER '50
March 27, 2023
SEYMOUR R. WINSTON '50
2023
JOSEPH S. HOCKY '51
Jan. 24, 2023
CLARK W. MASER '51
Dec. 20, 2022
JOSEPH R. ZEPF '51
Aug. 14, 2023
JAMES J. CAVANAUGH '52
Feb. 27, 2023
JAMES W. SCANLAN '52
June 24, 2023
RUSSELL T. WEIL '52
June 17, 2023
ROBERT R. WOOD '52
April 21, 2023
WILHELMINA "LOUISE"
FLORENCOURT '53
July 31, 2023
ROBERT H. KAUFFMAN '53
July 12, 2023
H. LEE SAROKIN '53
June 20, 2023
JOHN M. STEPHENS '53
April 14, 2023
DOROTHEA GARBER CRACAS '54
Oct. 2, 2023
JOEL S. GREENBERG '54
July 12, 2023
JUDITH S. LEONARD '54
July 9, 2023
DONALD J. SHANLEY '54
March 25, 2023
FRED D. SHAPIRO '54
July 16, 2023
JOHN T. ANDERSON '55
May 22, 2023
HARRIS I. BASEMAN '55
April 26, 2023
JOHN M. DAILEY '55
April 1, 2023
RICHARD C. HOFFMAN '55
July 17, 2023
NATHAN NEWBURY III '55
July 17, 2023
NORMAN H. STAHL '55
April 8, 2023
GEORGE WEISZ '55
March 29, 2023
SYLVIA BACON '56
April 29, 2023
DONALD L. CROWLEY '56
Feb. 4, 2023
L. STANFORD EVANS '56
Feb. 21, 2023
HENRY L. GOODMAN '56
Aug. 4, 2023
RONALD R. LAGUEUX '56
May 3, 2023
MICHAEL J. MCNULTY '56
March 16, 2023

STANLEY D. PATCHEN '56
July 2, 2023
NORMAN L. RAPKIN '56
Dec. 30, 2022
MAX SINGER '56
Jan. 23, 2020
RAOUL H. GERSTEN '57
Feb. 19, 2023
FRANZ S. LEICHTER '57
June 11, 2023
GORDON M. LUCEY '57
Feb. 1, 2023
LOWELL E. SACHNOFF '57
March 21, 2023
SIDNEY TODRES '57
Jan. 21, 2021
DANIEL J. GIFFORD '58
April 8, 2023
EDWARD M. GINSBURG '58
June 24, 2023
JAMES J. GLASSER '58
March 14, 2023
JAMES P. "PAT"
MCANDREWS '58
May 16, 2023
NORMAN PACUN '58
May 27, 2023
ROBERT X. PERRY JR. LL.M. '58
Jan. 3, 2023
BERNARD RIES '58
Jan. 17, 2023
CURTIS WEBBER '58
June 21, 2023
BURTON "BUDDY"
CHANDLER '59
April 15, 2023
JULES P. KIRSCH '59
June 17, 2023
EDWIN E. MCAMIS '59
June 3, 2023
RALPH A. MEAD '59
April 11, 2023
WILLIAM A. NICELY '59
May 16, 2021
WILLIAM M. O'BRIEN '59
Feb. 4, 2023
ROBERT A. SEIDENBERG '59
April 1, 2023
SAMUEL I. SHUMAN S.J.D. '59
May 31, 2023
W. DAVID SLAWSON '59
July 17, 2023
LEWIS J. STOCKMAN '59
Aug. 7, 2023
RODMAN WARD JR. '59
March 18, 2023

1960-1969

CHARLES H. FREY '60
Feb. 15, 2023
JOSEPH F. JOHNSTON JR. '60
Jan. 3, 2023
THOMAS S. JORDAN JR. '60
Jan. 6, 2023
IRENE M. PICCONE LL.M. '60
April 1, 2023
JOHN A. PIKE '60
July 19, 2023
DAVID W. ST. CLAIR '60
May 20, 2023
JOHN A. SUTRO JR. '60
April 11, 2023
CLIFF F. THOMPSON '60
2023
MORRIS J. AMITAY '61
Feb. 10, 2023
PAUL S. BRADY '61
July 14, 2023
PETER N. BREITMAN '61
April 2, 2023
THOMAS BUERGENTHAL LL.M.
'61 S.J.D. '68
May 29, 2023
PHILLIP W. GILBERT '61
Nov. 22, 2021
MILTON R. GLEIT '61
June 29, 2023
WILMOT R. HASTINGS '61
July 3, 2023
THEODORE MACK '61
Aug. 6, 2023
JAMES H. MANAHAN '61
April 18, 2023
RODERICK D. MCNEIL '61
May 6, 2023
RICARDO A. MESTRES JR. '61
May 29, 2023
STANLEY S. ARKIN '62
Jan. 2, 2023
E.P. "TED" BAKER '62
April 5, 2023
CLARK P. GILES '62
May 2, 2023
RICHARD M. GLAZER '62
May 27, 2023
CORDELL W. HULL '62
Dec. 26, 2022
MALCOLM A. MOORE '62
July 13, 2023
ARTHUR O. RICCI '62
May 11, 2023
LAWRENCE J. BUGGE '63
April 26, 2023
GERALD E. FRUG '63
Nov. 7, 2023
ROBERT C. LEFTON '63
Aug. 23, 2022
RICHARD F. LERT '63
May 26, 2021
EUGENE V. LIPKOWITZ '63
Sept. 30, 2023
RICHARD B. NEWMAN '63
Feb. 24, 2023
ERIC W. SHAW '63
Jan. 21, 2023
JOHN R. TYLER JR. '63
March 12, 2023
THOMAS J. BOODELL JR.
'64
Aug. 31, 2023
DAVID O. BROWNWOOD '64
March 17, 2023
ROBERT W. EDWARDS '64
May 2, 2023
N. WALTER GRAFF '64
May 23, 2023
WILLIAM J. HEWITT '64
July 10, 2023
MICHAEL S. LANDO '64
Feb. 7, 2023
DANIEL B. LITWIN '64
June 21, 2023
EDWARD G. "KNUTE"
MCANANEY II '64
Dec. 24, 2022
THOMAS E. OUCHTERLONY
LL.M. '64
Dec. 9, 2022
JOSEPH H. PRICE '64
June 20, 2023
CHARLES B. "TIM" COHLER '65
July 15, 2023
GEORGE L. DAMOOSE '65
Dec. 23, 2022
STEWART D. DAVIS '65
Jan. 26, 2021

JOHN M. "BUDDY" HEACOCK
JR. '65
May 4, 2023
LYNN D. POOLE '65
March 7, 2023
LEONARD SCHNEIDMAN '65
March 29, 2023
ROY J. SONDERLING '65 LL.M.
'66
April 15, 2023
JAMES B. ZAGEL '65
July 15, 2023
IRA J. DEMBROW '66
March 7, 2022
BRUCE G. MCNEILL '66
April 11, 2023
ALLEN W. PUCKETT '66
April 7, 2023
JOHN T. CONNOR JR. '67
May 24, 2023
CHARLES W. CRAYCROFT '67
July 1, 2023
ROBERT W. DOTY '67
April 2023
ROBERT E. FALB '67
July 29, 2023
GEORGE "SPEED" HOWELL '67
July 19, 2023
DAVID W. MARSTON '67
March 2, 2023
R. THOMAS "TOM/GAGA"
SEYMOUR '67
May 27, 2023
MICHAEL S. SORGEN '67
June 1, 2023
F. JOSHUA BARNETT '68
March 23, 2023
RONALD R. CLOUTIER '68
July 28, 2020
ARMAND L.C. DE MESTRAL
LL.M. '68
June 16, 2023
ROBERT C. POMEROY '68
May 21, 2023
OWEN S. WALKER '68
April 26, 2023
JOHN H. E. BAYLY JR. '69
July 2, 2023
MARVIN L. "MONTY" GRAY '69
March 26, 2023
EDWARD LEROY LONG JR.
'69-'70
July 21, 2023
A. ARNOLD LUNDWALL '69
April 2, 2023
DANIEL H. MARKSTEIN III
LL.M. '69
Aug. 8, 2023

1970-1979

ROBERT L. JUSTICE '70
Sept. 2, 2023
JOSEPH E. MEYER III '70
Jan. 3, 2023
MICHAEL D. RYAN '70
May 15, 2023
MITCHELL H. SARANOW '70
May 13, 2023
MICHAEL H. SIEGLER '70
Feb. 17, 2023
ROBERT M. CARR LL.M. '72
July 10, 2023
H. LEONARD COURT '72
April 17, 2023
GABRIELE CRESPI REGHIZZI
LL.M. '72
2022
G. MITCHELL ECKEL III '72
July 23, 2023
STEVEN N. FARBER '72
April 10, 2023

JOHN H. NEELY '72
May 1, 2023
ROBERT S. NOZICK LL.M. '72
June 13, 2023
DOUGLAS J. SERDAHELY '72
May 13, 2023
JOHN D. SHIVELY '72
June 2, 2023
NGUYEN N. BICH LL.M. '73
March 15, 2023
STEPHEN H. KINNEY JR. '73
Jan. 17, 2023
MICHAEL T. RADCLIFFE '73
May 29, 2021
THOMAS J. SWEENEY III '73
March 18, 2023
CHARLES W. DOUGLAS '74
Sept. 8, 2023
JOHN L. CARROLL LL.M. '75
Aug. 14, 2023
JAMES S. CURTIN LL.M. '75
May 10, 2023
ARTHUR B. MOORE '77
March 21, 2023
THOMAS G. PELHAM LL.M. '77
Feb. 21, 2023
MARK A. FANKHAUSER '78
April 6, 2023
CHARLES J. OGLETREE JR. '78
Aug. 4, 2023
ROBERT C. CASAD S.J.D. '79
April 21, 2023
CAROL A. ELLINGSON '79
June 16, 2023

1980-1989

STEVEN H. GERDES '80
July 30, 2023
WILLIAM T. "TIM" JONES
LL.M. '84
June 10, 2023
STEPHEN J. KENNEDY '86
June 24, 2023
MICHAEL J. JUNEAU '87
May 12, 2023

1990-1999

ANDREA BRENNEKE '92
March 3, 2023
ERIN L. ROTHFUSS '96
2022
DAVID HIMELFARB '98
July 1, 2023
GREGORY CHIN '99
March 6, 2023

2000-2009

S. CHRISTOPHER
SZCZERBAN '06
June 21, 2023



ONLINE
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“A First Amendment that precluded any and all regulation of social media platforms would make the First Amendment the enemy of the values that we need the First Amendment to protect.”

JAMEEL JAFFER '99, Columbia adjunct professor of law and journalism, speaking at the Harvard Law School Rappaport Forum “*Censorship, Content Moderation, and the First Amendment*,” Sept. 22.



“My mom thought of herself as carrying on the tradition of seeing systems that had excluded people and turning them into systems that could incorporate everybody. The principle underlying her work was the principle of fair play.”

Professor **NIKOLAS BOWIE '14**, son of the late civil rights scholar Lani Guinier, speaking at the conference held in her honor on Sept. 21-22 to launch the Guinier Project, which will explore the relationship among electoral system reform, racial justice, and democratic representation.

“To use my words to strike down a provision that kept my father from practicing law ... It was a gift. I wanted to put it on his grave and say, ‘We fixed it!’”

ROSALIE ABELLA, former Canadian Supreme Court justice and current Harvard Law visiting professor, at an Oct. 5 event showcasing a documentary about her career. Abella reflected on the case in which Canada’s Supreme Court struck down the citizenship requirement that had prevented her father from practicing law in Canada decades earlier. The decision quoted from Abella’s 1984 Royal Commission Report on Equality in Employment.

“Spy stories ... from Chinese spy balloons to cyber-espionage operations to the Snowden revelations ... surround us.”

ASAF LUBIN, faculty affiliate at the Berkman Klein Center for Internet & Society, during a talk on Oct. 17 on his forthcoming book, “*The International Law of Intelligence: The World of Spycraft and the Law of Nations*.”



“Courts are not just today becoming important focal points for the exercise of judicial review. ... I do believe that courts are also becoming an important focal point as a platform for dialogue in society.”

Chief Justice of India's Supreme Court D.Y. CHANDRACHUD LL.M. '83 S.J.D. '86 speaking with Professor David B. Wilkins '80 on the role of the judiciary in India, Oct. 21.



“As we watch the wave of irrationality, trying to roll back years of progress and prevent us from claiming the equality that is our due as Americans, know this: the strength of this backlash directly reflects the power that it is trying to suppress: our voices, our votes, our very presence in this democracy.”

LORETTA LYNCH '84, the 83rd U.S. attorney general, delivering the 2023 Dr. Martin Luther King Jr. Commemorative Lecture, Oct. 4.



“We have no guarantee that courts will get things right. The arc of jurisprudence does not always bend toward intellectual coherence.”

STEPHEN SACHS, a scholar of civil procedure and constitutional law, in a talk Nov. 1 titled “Life After Erie” on the occasion of his appointment as the Antonin Scalia Professor of Law.

“Prosecutor offices are skimping on basic processes that we rely on to protect the vulnerable and to maintain the integrity of the criminal system.”

ALEXANDRA NATAPOFF, criminal justice expert, commemorating her appointment as the Lee S. Kreindler Professor of Law with a talk titled “Redistributing Law: A View From Below,” Nov. 6.



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Cambridge on
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as we commemorate
a century of
achievements
and look
to the future.*

More event details soon. Questions?
worldclass@law.harvard.edu

