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W
E ARE PLEASED TO PRESENT this issue of the Northwestern Law Reporter, second in our new series. You will see much of what makes Northwestern Law School great, with various reports of the accomplishments of our students, faculty, and alumni. And we here turn the spotlight on a number of our signature initiatives, including our celebrated Tax Program. We also commemorate the legacy of our beloved colleague, Dawn Clark Netsch, whose remarkable career as a teacher, scholar, and government official is described in this issue.

The focus in this Reporter on new initiatives at the Law School is especially appropriate in light of the spirited debate in the media and the blogosphere about the role of law schools in this “new normal.” Especially conspicuous in the conversation about the state of legal education is the critique of what is described as the traditional model of legal education. The claim is that the old model hangs on tenaciously while the imperatives of contemporary legal practice make conventional ways of doing things irrelevant. As a survey of current Law School projects makes clear, there is little traditional about our programs and priorities. On the contrary, the faculty, students, and alumni of Northwestern Law are ever pushing the envelope, vigorously focused in our work on the future of the legal profession.

Student ambition is illustrated, for example, in the work of the groups of law, medicine, engineering, and business students who are developing new inventions and business plans as part of the NUvention course, described on page 5. This cross-campus collaboration reflects the deeply interdisciplinary nature of modern legal practice; the entrepreneurial spirit of these students emerges from a law school curriculum that is an incubator for innovation. Indeed, the two leaders of our entrepreneurial law program, Professors Esther Barron and Steve Reed, are presently developing a MOOC—a massive open online course—on law and the entrepreneur.

Our esteemed faculty is working within the Law School’s tradition of academic excellence, but pushing against traditions by exploring novel modalities of instruction and new scholarly projects. Northwestern’s faculty is second to none, fiercely creative and focused on student learning and well-being. To be sure, many key elements of our comprehensive curriculum are grounded in the great tradition of Northwestern, in its ambition to teach and train first-rate lawyers. Our law school has never viewed the curriculum as a straightjacket; rather, it is a dynamic structure that centers student attention on the content of the law, the policies underlying the law, and a varied skills training program that creates practice-ready lawyers upon graduation.

Traditional legal education? At Northwestern, we are revisiting traditions, exploring new ways of legal training, and thinking constructively about the future. I urge you to look to this issue of the Reporter, and to other communications from the Law School (including my blog, Word on the Streeterville, which can be found at www.law.northwestern.edu/deansblog) for concrete examples of this innovation in action.

Daniel B. Rodriguez
Dean and Harold Washington Professor
Law Pioneer Delivers Rosenthal Lectures

Pamela Samuelson, a recognized pioneer in digital copyright law, intellectual property, cyberlaw, and information policy, was the featured speaker at the 2012 Julius Rosenthal Foundation Lecture Series last October.

Samuelson’s discussion of “Copyright’s Limits” comprised three lectures: “Why Gardens, Perfumes, Recipes, and Algorithms Are Not Copyrightable,” “Why Grants of Exclusive Rights to Authors Should Be Limited,” and “Rethinking Copyright Exceptions and Limitations.”

Samuelson, the Richard M. Sherman Distinguished Professor of Law and Information at the University of California, Berkeley, has held a joint appointment at Berkeley’s Law School and School of Information since 1996. She also directs the internationally renowned Berkeley Center for Law and Technology.

The Julius Rosenthal Foundation Lecture Series was established in 1919 in memory of an eminent Chicago attorney.

Trienens Visiting Scholar Emphasizes Balance

“If you have no passion, you cannot understand the world; if you have only emotion, you cannot deal with the world,” said the Honorable Guido Calabresi, senior judge of the United States Court of Appeals for the Second Circuit in New York City, this year’s Howard J. Trienens Visiting Judicial Scholar. “You must feel deeply what is going on and remove yourself enough to do something about it.”

During his two-day visit in April, Calabresi taught two constitutional law classes, met with students and faculty, and participated in a discussion moderated by Dean Daniel Rodriguez and Professor Erin Delaney, a former law clerk for Calabresi.

In the question-and-answer discussion before students, faculty, staff, and alumni in Lincoln Hall, Calabresi discussed his legal perspective as a senior judge and academic. He shared stories of his confirmation hearing and spoke of the importance of judicial diversity in decision making and of his passion for teaching law.

Judge Calabresi was appointed to the Second Circuit in 1994 by his former student, President Bill Clinton. Calabresi had been dean and Sterling Professor at Yale Law School, where he began teaching in 1959, and is now Sterling Professor Emeritus and professorial lecturer in law.

The Howard J. Trienens Visiting Judicial Scholar Program was established in 1989 by partners of Sidley Austin LLP to honor Trienens (JD ’49), a partner at the firm since 1956. A member of the Northwestern University Board of Trustees since 1967, Trienens chaired the board from 1986 to 1995.
Vis Moot Team Competes in Vienna

The Northwestern Law Vis Moot Team traveled to Vienna in March to compete in the annual Willem C. Vis International Commercial Arbitration Moot, the world’s largest private international law moot court competition. Northwestern’s team was one of 290 teams from 67 countries that took part in the competition this year.

The 2013 Vis Moot Team was Mi Chen (LLM ’13), JungEun Nicole Lee (JD ’14), Victoria Jiha Lee (JD ’14), Kari Parks (JD ’13), and Margaret Siller (JD ’13). Adjunct professor Lawrence Schaner of Jenner & Block was the coach, and Adi Altshuler, director of international programs, was the team advisor. John Schleppenbach of the Illinois attorney general’s office served as assistant coach.

Before traveling to Vienna, the team participated in pre-moot competitions in Belgrade and Budapest. In February the Northwestern team won first place at the Pre-Moot Competition at Loyola University Chicago, earning the highest average score of the 10 schools participating. Siller was one of four students who received a Best Speaker Award, and Victoria Jiha Lee was the first runner-up for the award. The Loyola competition included 30 teams representing 10 schools from the Midwest as well as Toronto and Zurich.

“The Vis Moot Team is a wonderful opportunity for our students to gain experience with international arbitration,” said Altshuler. “Throughout the year, coaches work with students to hone their oral advocacy skills and prepare them to argue before an international team of judges representing a number of global perspectives. It is a unique cross-cultural professional experience for students as well as a great networking opportunity.”

Symposium Examines 100 Years of the Federal Income Tax

Tax practitioners, academics, and students gathered at the Law School for the April symposium, “100 Years Under the Income Tax.”

Presented by the Northwestern University Law Review and the Tax Program, the symposium marked the 100th anniversary of the ratification of the 16th Amendment. Scholars from a broad range of perspectives explored the expectations of those who supported the adoption of the federal income tax and the extent to which these expectations were met by the evolution of the tax in the following century. Panelists also discussed the ways in which the adoption of the income tax affected the evolution of various legal and administrative institutions.

“The symposium was a rousing success and yet another example of the extraordinary talent and ability of the tax faculty and staff, in their planning of such an iconic event,” said Philip Postlewaite, director of the Tax Program.

According to Postlewaite, the idea for the symposium came from Professor Charlotte Crane, who organized the event with the assistance of Law Review students, tax staff, and faculty members David Cameron (JD ’86) and Jeffrey Sheffield, who also participated as panel moderators.
Northwestern Team Wins Big at Business Plan Competition

A team of Northwestern University student entrepreneurs, which included two law students, won more than $230,000 in cash and business services and $41,300 worth of in-kind awards after placing second overall and first in the Live Science sector of the 2013 Rice University Business Plan Competition—a graduate-level competition where students from around the world pitch their ideas to venture capitalists and industry experts.

The team, BriteSeed, includes Northwestern Law students Muneeb Bokhari (JD ’12) and Jonathan Gunn (JD ’13), McCormick School of Engineering student Mayank Vijayvergia, and Feinberg School of Medicine student Paul Fehrenbacher.

BriteSeed’s business venture, SafeSnips, is a medical device that uses near-infrared technology for intraoperative blood vessel detection, the goal of which is to make surgical cutting safer. The company was formed to develop technologies that improve healthcare outcomes.

Esther Barron (JD ’98), clinical associate professor of law and director of the Bluhm Legal Clinic’s Entrepreneurship Law Center, served as the team’s faculty adviser.

BriteSeed was born out of the 2011–12 Northwestern University NUvention: Medical Innovation program, ranked one of the top 10 entrepreneurial programs in the United States by *Inc.* magazine. Law School faculty member Clinton Francis, who has facilitated and taught the Medical Innovation program courses for Law School students for the past five years, worked closely with the team throughout the duration of their project. During the five years the program has been offered it has launched about 60 student corporations and filed more than 60 provisional patents relating to a range of medical innovations.

Another Northwestern team won first place in the competition: SiNode Systems, a battery materials company, commercialized an anode for lithium-ion batteries that allows the battery to charge more quickly and hold a charge 10 times longer than current technology.

This marks the second year that a Northwestern team has won the top prize in the Rice Competition.

NuMat Technologies, which included Northwestern Law students Ben Hernandez (JD-MBA ’13) and Tabrez Ebrahim (JD-MBA ’13), McCormick School of Engineering student Chris Wilmer, and Northwestern chemistry professor Omar Fahra, took first place in 2012. The team founded a materials-based startup that developed technology to design high-performance materials to store and produce clean fuels on a large scale.

BriteSeed also won more than $100,000 in cash and business services in the 2012 Techweek LAUNCH competition, part of the Techweek conference held in Chicago.
Kirkland’s Alumni Partners Pledge $5 Million

Kirkland & Ellis partners Jeffrey Hammes (JD ’85), Vicki Hood (JD-MBA ’77), and Robert Hayward (JD ’97) demonstrated their commitment to Northwestern Law and to legal education by spearheading a pledge from Kirkland’s senior alumni partners of $5 million, one of the largest single gifts in the school’s history.

Thirty-one equity partners at Kirkland & Ellis, in conjunction with the Kirkland & Ellis Foundation, have joined the five-year pledge. The contributing partners are all Northwestern Law alumni and represent all six of the firm’s US offices.

“As alumni and practitioners, we have a strong personal commitment to Northwestern Law,” said Hood, who serves on the Northwestern Law Board. “The firm has not made a major gift to Northwestern as a joint effort in several years, and we thought it was important to do this for the school.”

“The main purpose of this gift is to give back to an institution that has given so much to us,” said Hammes, chairman of Kirkland & Ellis’s Global Management Executive Committee and a member of the Northwestern Law Board.

“We have been fortunate to have achieved some success in the real world, and we certainly attribute a good portion of that success to our time at Northwestern.”

The gift will establish the Kirkland & Ellis Scholarship Fund to provide scholarships for students in the JD-MBA program as well as an annual awards program for high-achieving first- and second-year law students, who will be honored as Kirkland & Ellis Scholars. In addition, the gift will fund a unique educational program called the Kirkland & Ellis Business Law Forum for C-suite executives, members of boards of directors, general counsel, business development executives, students, and alumni.

“As alumni and practitioners, we have a strong personal commitment to Northwestern Law.”

—VICKI HOOD
“I think the gap in legal education between upper-tier law schools like Northwestern and everyone else will continue to grow, and our hope is that this gift gives the dean and the faculty the ability to keep Northwestern a world-class institution,” said Hayward. “Also, we hope that this gift will enable students to distinguish themselves, especially as business-oriented lawyers, and that’s why a focus of the gift is the JD-MBA program.”

Kirkland & Ellis has been a strong supporter of Northwestern’s JD-MBA program over the years. In a letter of thanks on behalf of the JD-MBA Student Association, co-chairs Viren Tellis (JD-MBA ’13) and Ben Waldin (JD-MBA ’14) acknowledged the “enormous value in ensuring the successful execution of innovative change” that Kirkland & Ellis has contributed through its long-standing relationship with the program: “Kirkland & Ellis’s support in providing speakers, advice, and funding have helped make our events and programming successful and instilled confidence in the program among school administration and the student body.”

A sizable majority of the gift will also provide for unrestricted support of the Law School.

“This is of great significance because it will give us the flexibility to pursue initiatives that benefit our students, enhance our competitive position, and set aside funds for the long-term interests of the Law School,” said Dean Daniel Rodriguez.

“This gift from Kirkland & Ellis will provide a meaningful boost in our efforts to address what is among my highest priorities as dean: easing the financial burdens faced by our law students and young alumni, burdens which can be alleviated by a combination of short-term and long-term measures, including limiting tuition increases, reducing student debt, and looking closely at the size of our law school,” Rodriguez said.

Kirkland’s continued support has also led to lasting partnerships with students. National Law Journal’s recent law school rankings showed that Northwestern Law was the top feeder school to Kirkland & Ellis for the classes of 2010 and 2011. A number of students from the class of 2013 have accepted offers to work at the firm.

Approximately 130 current Kirkland attorneys are Northwestern Law alumni, and many give to the school annually. More than 20 years ago, the Kirkland & Ellis Foundation and a number of the firm’s partners endowed the Kirkland & Ellis Professorship of Law and established the Kirkland & Ellis Research Fund at the school.

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—DEAN DANIEL RODRIGUEZ

Contributors to the Kirkland & Ellis Gift

Michael Belsley (JD ’96)
Richard Campbell (JD ’96)
Edwin S. del Hierro (Visiting ’85)
Neil Eggleston (JD ’78)
Michael Foradas (JD ’81)
Meg Gibson (JD ’87)
Chris Greeno (JD ’98)
Jeffrey Hammes (JD ’85)
David Handler (JD ’92)
Robert Hayward (JD ’97)
Vicki Hood (JD-M BA ’77)
Thomas Kuhns (JD ’80)
Steven McCormick (JD ’71)
Mark Mc Kane (JD ’97)
Janette McMahan (JD ’98)
James Mutchnik (JD ’89)
John O’Neil (JD ’98)
Mark A. Pals (JD ’89)
Daniel Perlman (JD ’85)
Adam Phillips (JD ’88)
Jeff Powell (JD ’86)
Kelly Ryan (JD ’98)
Anup Sathy (JD ’95)
Mikaal Shoaib (JD ’96)
Douglas Smith (JD ’96)
William Streff (JD ’74)
Edward Swan (JD-MBA ’77)
Michael Timmers (JD ’82)
Seth Traxler (JD ’97)
Corey Watson (JD ’92)
Robert Wilson (JD ’99)
A professor of law emerita at Northwestern who left an indelible mark in politics and law over a long and remarkable career, Dawn Clark Netsch (JD ’52) died at her home in Chicago on March 5, at the age of 86, from complications related to amyotrophic lateral sclerosis (ALS, also known as Lou Gehrig’s disease).

“She was an influential public servant, an esteemed teacher, a beloved colleague, and a friend and mentor to generations of students,” said Dean Daniel Rodriguez.

Netsch joined the Northwestern Law faculty in 1965, becoming its first female faculty member. She was elected Illinois state comptroller in 1990 and again made history in 1994 as the first woman to run for governor on a major-party ticket in Illinois. Elected to the Illinois Constitutional Convention in 1969, she
was an Illinois state senator for 18 years, representing the 13th and then the 4th district. Recognized as an expert on constitutional law, she co-authored the definitive text on state and local government, *State and Local Government in a Federal System*, sixth edition.

Before winning her political campaign for state senate in 1970, she was an architect of Illinois’s current state constitution. She served as legal adviser to Illinois Governor Otto Kerner in the 1960s: no woman had held such a post. Most recently, she served on the board overseeing the Illinois Campaign for Political Reform.

“She had energy and a verve for life almost to the very end,” said Robert Bennett, the Nathaniel L. Nathanson Professor of Law and former dean of Northwestern Law.

Dean Rodriguez summed up the loss that so many are feeling: “Mere words cannot suffice in describing the loss Dawn’s passing represents to our Law School community, the legal academy as a whole, the city of Chicago, our state, and our country.”

Born Patricia Dawn Clark in Cincinnati, Ohio, on September 16, 1926, Netsch was an exceptional student from an early age. She came to Northwestern in 1944, majored in political science, and graduated Phi Beta Kappa in 1948. She went on to Northwestern Law, where she was the first woman to earn the Scholar’s Cup for having the highest grade point average in the first-year class. She was the only woman in her June of 1952 graduating class, and she ranked first of 63 students.

In 1963 she married internationally acclaimed architect Walter Netsch, best known for his design of the Cadet Chapel at the US Air Force Academy in Colorado Springs. They shared a mutual love of opera and the Chicago White Sox. They were happily married until his death in 2008.

During her more than 45 years on the faculty, Netsch taught a number of classes at the Law School, including a course on state and local government last year. She remained active in political and social causes until the end of her life, serving on a number of nonprofit boards and continuing to champion the issues that were important to her.

We welcome your remembrances of Dawn Clark Netsch. Visit netsch.law.northwestern.edu to leave a comment in the guest book and to learn more about making a memorial gift.
Dawn Netsch was an original. She was, of course, a successful politician, but she did not let politics stand in the way of strong passions and unusual tastes and habits. So she never learned to drive a car, but she was mighty good with a pool cue.

The unique house in which she lived was the creation of her architect husband, Walter, but over time Dawn became thoroughly devoted to it, and to the art that adorned its walls (if that is the right word for the sides of the passageways that led one to various portions of the house).

Her devotion to the White Sox is well known, but no one mistook that passion for a politician’s attempt to curry favor with constituents. For one thing, she paid little homage to the Cubs, even though Cubs fans were at least as likely as Sox fans to have a voting say in the public offices for which she ran. For another, Dawn’s White Sox fandom was anything but lip service. She had season tickets and attended many a game. Less well known probably is Dawn’s passion for liverwurst. And then there was the crushing schedule she maintained, not only for political and public events but also for teaching at Northwestern Law School whenever that could be made consistent with the legislative and executive positions she held in Illinois. In more recent years, often with a liverwurst sandwich in tow, Dawn would show up for informal lunches that are a regular feature in the Law School’s faculty lounge. Strongly held views are hardly unusual in that setting, but Dawn was often in the lead, defining the issues and making no bones about where she stood on them. She certainly understood disagreement, but she seldom softened her views in the way one might expect from someone schooled in politics. That candid and devoted Dawn Netsch, the “original,” will be sorely missed by so many and varied people and communities to which she devoted her seemingly endless store of energy.

Bob Bennett, Nathaniel L. Nathanson Professor of Law and former dean

I looked up to Dawn Clark Netsch for 40 years. My admiration began long before I joined the Northwestern Law faculty. Dawn was running for the Illinois State Senate in the early 1970s, and it was clear that she would be a breath of fresh air in Illinois politics. She was the first political candidate I ever worked for; I went from door to door canvassing for her and was elated when she won. She was inspiring throughout her government service—always a statesperson rather than a politician.

Later on, when I came to Northwestern, I got to see Dawn in her law professor role. Not only was she a great colleague, she was also the high point of any occasion that called for a Northwestern Law tale. Each entering class had the opportunity to hear her describe—with humor, of course—key events in Northwestern Law’s history from 1949, when she arrived as a student (although she didn’t mention it, she graduated first in her class), to recent times. It was a highlight that every student remembers. And just by being Dawn, she showed every student a role model of what an attorney can be. By example, she also showed her faculty colleagues what a law professor can contribute inside and outside the classroom.

My most recent chance to learn from Dawn occurred in 2010, and it again demonstrated her zest for using law to improve government, as well as why she had earned a reputation as a “straight shooter.” Dawn was cohosting a campaign event for Sheila Simon, who was running for lieutenant governor. I attended the event and made a contribution, as much in honor of my colleague Dawn as of the candidate. I received my uncashed check back in the mail a week later, to my chagrin. I called the campaign to find out what the problem was and learned that the contribution could not be accepted because an attorney in my husband’s law firm had applied for some state
Hundreds Attend Memorial

More than 600 people attended a memorial service in Thorne Auditorium April 13 in remembrance of the life and service of Dawn Clark Netsch.

The friends, family members, and colleagues who spoke and shared anecdotes about Netsch included Northwestern Law professor Len Rubinowitz; Netsch’s former chief of staff, Wendy Cohen; Netsch’s nephew Andrew Kerr; and several of the state’s top dignitaries: US Senator Dick Durbin; Lieutenant Governor Sheila Simon; John Cullerton, State Senate president; and Adlai Stevenson III, former US senator.

The service also featured performances by the Merit School of Music and Lyric Opera of Chicago, a video tribute by Chicago Sun-Times columnist Carol Marin, and a broadcast of Netsch’s 1994 gubernatorial campaign ad, which showed Netsch executing an impressive trick shot at a billiards table and played on her reputation as a “straight shooter.”

business. The new ethics rules therefore prohibited my personal contribution. I told Dawn what had happened, expecting her to share my consternation. Instead, her eyes twinkled, and she expressed delight that the new ethics rules she had helped to write were actually being followed!

Shari Diamond, Howard J. Trienens Professor of Law

When Dawn came home to Northwestern Law School two decades ago, I had the great privilege and pleasure of being her neighbor. Our offices were down the hall and around the bend from each other.

While some people have a cup of coffee when they arrive at their office to get them going in the morning, I had my daily dose of Dawn—a far better alternative. Around 9 o’clock each day, the elevator door outside my office opened and Dawn stuck her head in my open door to say good morning. That greeting lasted anywhere from two minutes to a half hour, with the topics ranging from politics, to Law School gossip, to her beloved White Sox, of course. I was careful never to mention the Cubs. That would have been a sure conversation stopper.

By the time she left my office, I was ready to face the day. No caffeine, just Dawn!

Then there were the frequent shared cab rides to fundraising luncheons and dinners for the many nonprofit organizations with which she was involved. During one of those rides I screwed up my courage and raised a subject that had been on my mind for quite a while. I suggested that there ought to be a biography of her. Almost before I got the words out of my mouth, Dawn responded in her characteristically blunt manner: “That’s the dumbest idea I have ever heard.”

At first I was a bit offended; but then I thought to myself that Dawn had spent the previous decades hanging out with politicians. If I had really come up with the dumbest idea she had ever heard, that was quite an accomplishment!

Two things stood out for me about going with Dawn to those fundraising events. Both speak volumes about her.

First, at each hotel where an event took place, the doorman, the servers, and other staff all knew Dawn and greeted her enthusiastically. It was absolutely predictable. I think that she connected with them so well because they understood that as different as she was from them, she cared about them.

The other thing that was completely predictable was that it took Dawn at least 20 minutes to a half hour to leave the dining room after the proceedings had concluded. Dawn did not work the room. The room worked her. They were paying homage to an extraordi-

nary person. The first couple of times it happened, I was caught by surprise. After that, I realized that I’d better not make any appointments for quite a while after any of these events if I wanted to share a cab with Dawn back to school.

The last time I saw Dawn—a short visit at her house—I told her how much I missed our conversations in my office and our cab rides back and forth to those fundraisers. The last thing she said to me was that she and I had to keep in touch. I could not have been more honored than to have her say that.

Dawn, I miss you every day.

Len Rubinowitz, professor of law
Since its launch in 2002, Northwestern Law’s Tax Program has become one of the premier programs of its kind. Tax Program alumni are also sharing in the success. By Jennifer West
Northwestern Law has been recognized as one of the premier law schools in the country for the study of taxation almost from the beginning of the Tax Program, placing fourth in the tax specialty category in U.S. News & World Report since 2005. In 2012, JobsinTax.com ranked it among the top three LLM tax programs in the country, based on a survey of 151 hiring authorities in corporate tax departments.

Offered on both a part-time and a full-time basis, the Tax Program awards an LLM degree upon completion of 24 credit hours of tax courses. By enrolling in the joint degree program, JD students can also earn the LLM with only an additional semester of study. The curriculum provides students with a solid foundation in the four principal areas of tax law—taxation of property transactions, corporate taxation, partnership taxation, and international taxation—along with the opportunity to choose from a variety of elective courses. The goal is to teach students to understand and deal with the types of complex, real-world transactions that arise in today’s rapidly changing business environment.

“I equate what students learn here to swimming,” said Charlotte Crane, professor of law. “We are a full-immersion program where students learn not only all of the strokes but also what is equivalent to water ballet, which is an art form. The course load is rigorous, but it also enables students to approach tax as a way of thinking.”

From the start, the program has been guided by Postlewaite’s vision of an unrivaled education in tax law—one, he said, that would be “synonymous with the Northwestern name” and “would maintain the integrity of the Law School” by offering an intimate community and top-notch faculty. The current entering class of 40 full-time students allows maximum student-faculty interaction. The seven residential faculty members all have extensive research and practical experience in their areas of specialization. Each of the seven required courses is taught by a faculty member who has published a treatise or a casebook on the subject matter, as are a third of the more than 20 elective courses.

“When we were putting this program together, we had a vision of what would make it successful,” Postlewaite said. Given a year to organize the program, he set about recruiting students, building a solid, well-rounded curriculum, and recruiting faculty who could rival those of more-established programs.

Postlewaite and Crane were members of the faculty when the program began in 2002. David Cameron (JD ’86) was one of the first new members of the tax faculty to be hired. He had taken classes with Postlewaite and

“The course load is rigorous, but it also enables students to approach tax as a way of thinking.” CHARLOTTE CRANE

This year marks a milestone for Northwestern Law’s Tax Program: in May it celebrated the 10th anniversary of the graduation of its first class. “What started as an idea that we weren’t sure was going to fly is now 10 years in, and thriving, mainly because we stuck to a solid vision while maintaining flexibility,” said founder and program director Philip Postlewaite, Harry R. Horrow Professor in International Law.
Crane as a student and collaborated with Postlewaite on a senior research project. The two remained in touch as Cameron went on to practice at a firm for a few years and then to begin his academic career.

“When Philip approached me about this new program, I knew that it was something that I wanted to be involved with,” said Cameron, now associate director of the program and a senior lecturer. “A tax LLM program that would satisfy the demands and expectations was a huge challenge, but Philip had a tremendous energy and vision that I was sure would really propel the program.”

Angie Hubbell (LLM Tax ’03) was a member of the first class. She had been practicing law in Nashville at a labor and employment boutique and wanted a broader tax background. “It was exciting to be a part of an inaugural program; there was so much contagious enthusiasm,” said Hubbell, now a partner at Quarles & Brady’s Chicago office. “As an employee benefits and executive compensation lawyer, I’ve found that the Tax Program was really helpful in giving me a broader grounding in tax fundamentals. It gave me a nice foundation and a deeper understanding that I apply in business transactions with respect to incentive equity grants.”

Hubbell, who as a student worked with Crane to publish an article, also cites the individualized attention from faculty members as helpful: “The professors took a great interest in my education and career.”

Northwestern’s stellar reputation prompted both Aditya Mehta (LLM/K’09, LLM Tax ’10) and his wife, Soumya Sharma (LLM Tax ’10), to apply to the Tax Program. Prior to enrolling in the program, he practiced law for two years at a large Indian corporate firm, AZB & Partners, with the goal of studying US corporate and tax law to enhance his understanding of cross-border transactions.

“To build a solid foundation in US tax law and to develop my skills as a transaction tax professional is why I chose Northwestern’s Tax Program,” he said. “Each class I took built on the one before, and mandatory courses in the areas of corporate, partnership, international and property tax, combined with a variety of elective courses, including taxation of spinoffs and international transactions, provided me with the perfect platform for my postgraduate work. It was an amazing feeling to step into the world of taxation of mergers and acquisitions with confidence.”

Mehta now works as a senior associate for Ernst & Young in New York, where his first transaction, incidentally, was a cross-border acquisition involving both US and Indian tax issues. He has since assisted both private equity and corporate clients on a number of domestic and cross-border transactions from a tax perspective. Sharma is an associate with the corporate and securities practice group of Pepper Hamilton LLP in New York.

The program has grown in stages over its first decade. The student-to-faculty ratio was kept low from the beginning to build strong one-on-one relationships. In the first year 25 students enrolled, but over the next three years that number grew to 33; in the last four years the entering class has been 40 full-time students. The other top LLM tax programs have a much larger class size, ranging from 90 to 150 students.

The tax faculty also expanded over the decade, first through the addition of Bob Wootton as a senior lecturer. Wootton had been a partner at Sidley Austin Brown & Wood in Chicago and was tax legislative counsel with the US Treasury Department from 1989 to 1991. Subsequently, Herbert Beller (JD ‘67) and Jeffrey Sheffield joined the tax faculty, also as senior lecturers. At the time, Beller was a partner at Sutherland Ashbill & Brennan in Washington, DC, and had served as chair of the tax section of the American Bar Association. Sheffield
continues to practice as a senior partner at Kirkland & Ellis in Chicago.

Tom Brennan also joined the tenured faculty and teaches as part of the Tax Program. Brennan practiced as a tax associate with Cravath, Swaine & Moore and was a strategist with Goldman, Sachs & Co. in New York.

Current student Esther King (JD-LLM Tax ’13) believes that the diversity and experience of the faculty make for a well-rounded experience for students. “Each professor has his or her own approach, but they are all passionate and have a layered knowledge of the material they are teaching,” said King, who plans to practice real estate law at Kirkland & Ellis in Chicago.

The Tax Program has also steadily expanded its curriculum. Currently, 24 adjunct instructors from a number of the major law and accounting firms in Chicago teach a panoply of more than 20 elective courses. These courses include Income Taxation of Trusts and Estates; International Estate Planning; Tax Procedure; and Tax Audits, Appeals, and Litigation; Transfer Pricing; and Advanced International Corporate Tax Transactions. Through the selection of elective courses, students can further broaden their exposure to tax topics beyond those covered in the required courses or deepen their understanding of, and develop an expertise in, a particular substantive area.

According to Cameron, the competitive edge of Northwestern’s program lies in “the complexity and range of material offered” and gives students “a serious advantage in the postgraduate working world.” Job placement rates of graduates have steadily increased. The Law School’s Center for Career Strategy reports that 85 percent of the 2011 LLM Tax graduating class secured employment within nine months of graduation with law firms, accounting firms, the public service sector, judicial clerkships, or businesses.
“Career services are an important element of the program that a lot of schools are missing the boat on,” said Kristen Nygren (LLM Tax ’08), senior attorney in the Office of the IRS Chief Counsel at the Department of the Treasury. “I was interviewing all the time because the Career Center was on top of us. It made for an incredibly hectic spring semester, but that’s what the point was—you want a job. I felt great when I was applying [for jobs] because I realized that I understood tax on a more instinctual level, which improved my scope and marketability.”

With the help of the Career Center and a Law School connection, Nygren was hired by the IRS—her goal when she enrolled at Northwestern—by the end of that spring semester. She continues to be involved in alumni activities and events at the school, as do other Tax Program alumni. “All of our alumni are closely connected; they have a commitment to the Law School and the Tax Program, which says something about us,” said Postlewaite.

Building on a strong foundation, Postlewaite and Cameron want to further enhance the program’s reputation among academics and law professionals. Major goals include an expansion of the faculty, an improvement in the credentials of the full-time class, and a rise in the rankings, said Postlewaite. Other goals are to continue to increase curricular and extracurricular opportunities for students, to create short-term teaching positions for tax professionals and foreign academics, and to offer more tax symposia and colloquia, added Cameron.

“I’m certain that this program will have longevity because of the level of care and commitment to provide students with a worthwhile, solid education,” Postlewaite said. “We want to continue to give students the tools they need to weigh in, share opinions, and be a part of the ever-changing tax law conversation.”

David Cameron

David Cameron

AB, Princeton University; 
AM in mathematics, JD, PhD in mathematics, Harvard University

Selected Publications

• “The Origin of Behavior” (with Andrew W. Lo), Quarterly Journal of Finance
• “Impossible Frontiers” (with Andrew W. Lo), Management Science
• “Do Labyrinthine Legal Limits on Leverage Lessen the Likelihood of Losses?” (with Andrew W. Lo), Texas Law Review

Thomas J. Brennan

Thomas J. Brennan

PROFESSOR OF LAW AND PROFESSOR OF FINANCE, J. L. KELLOGG SCHOOL OF MANAGEMENT (COURTESY)

AB, Princeton University; 
AM in mathematics, JD, PhD in mathematics, Harvard University

Selected Publications

• “The Origin of Behavior” (with Andrew W. Lo), Quarterly Journal of Finance
• “Impossible Frontiers” (with Andrew W. Lo), Management Science
• “Do Labyrinthine Legal Limits on Leverage Lessen the Likelihood of Losses?” (with Andrew W. Lo), Texas Law Review

Charlotte Crane

Charlotte Crane

PROFESSOR OF LAW

AB, Radcliffe College–Harvard University; 
JD, University of Michigan

Selected Publications

• “Matching and the Income Tax Base: The Special Case of Tax-Exempt Income,” American Journal of Tax Policy
• “More on Accounting for the Assumption of Contingent Liability on the Sale of a Business,” Florida Law Review
• “Toward a Theory of the Corporate Tax Base: The Effect of a Corporate Distribution of Encumbered Property to Shareholders,” Tax Law Review

Jeffrey Sheffield

Jeffrey Sheffield

SENIOR LECTURER

BA, University of Chicago; 
JD, Harvard University

Selected Publications

• “Corporate Transactions and the Economic Substance Doctrine,” Taxes–The Tax Magazine
• “Monetization Strategies in Corporate Spin-Offs,” Taxes–The Tax Magazine
• Organizing the Corporate Venture (with Christian Kimball), Little Brown & Co.
• “Federal Income Tax Considerations Affecting Start-Up Businesses” (with Jack S. Levin), Start-Up & Emerging Companies: Planning, Financing & Operating the Successful Business

Robert R. Wootton

Robert R. Wootton

SENIOR LECTURER

BPhil, Oxford University; 
BA, JD, Yale University

Selected Publications

• Partnership Taxation: Cases, Materials, and Problems (with Philip F. Postlewaite), Warren, Gorham & Lamont
• “Taxation of the Seller in a Multi-Year Sale or Exchange: Whither Mrs. Logan’s Ghost?,” 55th annual University of Chicago Law School Federal Tax Conference
• “Mrs. Logan’s Ghost: The Open Transaction Doctrine Today,” 46th annual University of Chicago Law School Federal Tax Conference
MacArthur Justice Center Seeks Answers in Unsolved Homicide

The Roderick and Solange MacArthur Justice Center prevailed in an unusual petition for appointment of a special prosecutor, obtaining the disqualification of the Cook County State’s Attorney from any further role in the high profile investigation of the 2004 homicide of David Koschman. The petition contended Cook County authorities derailed the original investigation because the perpetrator had family ties to former Chicago Mayor Richard M. Daley.

During an altercation outside a Chicago bar in April 2004, Richard J. Vanecko, nephew of then-mayor Daley, punched Koschman, 21, causing Koschman to fall and hit his head on the pavement. His death 11 days later was ruled an unsolved homicide.

MacArthur Justice Center attorneys contended in the petition that the failure to charge Vanecko in the original investigation was the result of misconduct by prosecutors and police officers, necessitating an independent re-investigation of the homicide. Judge Michael J. Toomin agreed that a Special Prosecutor should re-examine the facts, appointing Chicago attorney Dan Webb. In December 2012 Webb charged Vanecko with one count of involuntary manslaughter in Koschman’s death.

“This really speaks to the possible role of power and prestige derailing justice, and the work that the MacAuthor Justice Center did prevented that from holding sway,” Center director, Locke Bowman said.

Webb’s ongoing investigation aims to determine if there was criminal misconduct in the handling of the original case by Cook County authorities.

CWCY Secures New Trial for Mentally Disabled Teen

A mentally challenged young man sentenced to 47 years in prison for murder has been granted a new trial after the Center on Wrongful Convictions of Youth advocated on his behalf. Legal work conducted by Bluhm Legal Clinic assistant director Steven Drizin (JD ’86), CWCY staff attorneys, and students prompted a federal court to find that Melvin Newman had been denied his constitutional right to effective assistance of counsel because his private attorney failed to argue that Newman was incompetent to stand trial. Newman is currently free on bond while he awaits retrial.

In 2002, at the age of 17, Newman was convicted of murder in a July 2001 shooting on Chicago’s South Side. Drizin and students Bradley Hall (JD ’05), Emily Sweitzer (JD ’05), Michael Karber (JD ’05), and Heather Schuman (JD ’05) began working on the case in fall 2004, gathering evidence to prove that Newman’s trial counsel was ineffective. The team’s investigation found that Newman’s original lawyer, a high-volume criminal defense attorney, failed to notice Newman’s severe mental deficiencies—despite being handed a stack of educational and psychological records documenting his disabilities. Those records indicated that he was mentally disabled, had an IQ of 62 and severe deficits in adaptive behaviors, and could not read or write despite years of special education services. Case files also revealed glaring weaknesses in the State’s case against Newman—no weapon, no apparent motive, and no confession. Several of the eyewitnesses were teenagers who recanted their testimony on the stand, and one has since died.

After losing in the state courts, Drizin filed a petition for a writ of habeas corpus in federal court in 2008. In 2010, the federal court granted Newman an evidentiary hearing. Drizin then expanded the team to include Malorie Medellin (JD ‘11), CWCY staff attorneys Joshua Tepfer and Laura Nirider (JD ’08), and Bluhm Legal Clinic director Thomas F. Geraghty (JD ’69). In November 2012, the federal court granted Newman’s habeas petition, ordering that he either be retried or released within 120 days. In so ordering, the federal court relied heavily on Brown v. Sterness, a 2002 Seventh Circuit case in which Geraghty and his students obtained habeas relief for their client based on his attorney’s failure to investigate the extent of his mental illness.

“The judge’s opinion granting Melvin a writ of habeas corpus is a stunning opinion that speaks volumes about the duty of lawyers who represent vulnerable clients to investigate their clients’ competency before proceeding to trial, especially when those lawyers are presented with documentary evidence that raises questions about the client’s mental limitations,” said Drizin.

“This case speaks to the fundamental right to an effective attorney that we are all guaranteed,” added Nirider, now CWCY project co-director. “Unfortunately, the most vulnerable among us are often denied that sacred promise. We are so glad Melvin will finally be able to combat the charges against him with the benefit of an effective attorney who understands his disabilities.”

Before Melvin’s new trial can begin, Nirider will defend the habeas victory before the Seventh Circuit this May.
Two Bartlit Center Teams Win

Two teams representing Northwestern Law’s Bartlit Center for Trial Advocacy won competitions in November 2012. The team of Allison Freedman (JD ’14), John Mack (JD ’14), Joy McClellan (JD ’14), and Kevin Jakopchek (JD ’14) went undefeated in seven trials at the Buffalo-Niagara Mock Trial Competition, finishing first among 32 participating law schools. In addition, Mack was voted best advocate out of 128 competitors.

The team of Andrew Gilbert (JD ’13), Ari Kasper (JD ’14), Jorge Gamboa (Visiting ’13), and Alexandra Brodman (JD ’13) took first place in the Midwest regional championship of the ABA Section of Labor and Employment Law’s Trial Advocacy Competition. It was the fourth time that Northwestern Law won the Midwest competition.

In the Buffalo-Niagara competition, the team defeated Florida State, Louisiana State, and Campbell in the three preliminary rounds and Texas, Duquesne, Georgia, and St. John’s in the single-elimination playoffs. Rick Levin and Adam Riback of the Levin Riback Law Group were team coaches. The annual mock trial competition draws teams from more than 30 law schools across the country to try both sides of a criminal case before experienced judges and trial attorneys.

The team in the ABA Midwest Labor and Employment Law Trial Advocacy Competition went undefeated in four trials, ousting teams from 20 other schools. It was coached by Michael Leonard of Meckler Bulger Tilson Marick & Pearson, Tim Hoppe of McGuire Woods, Marko Duric of Bates Carey Nicolaides, and solo practitioner Robert Robertson. Northwestern also fielded a second team in the regional championship: Lauren Caisman (JD ’13), Mark Eberhard (JD ’14), Danny Nordstrom (JD ’14), and Majdi Sweis (JD ’13).

Bartlit Center Trial Teams are supervised by Steven Lubet, Edna B. and Ednyfed H. Williams Memorial Professor of Law and director of the Bluhm Legal Clinic’s Bartlit Center for Trial Advocacy.

Transactional Lawyering Team Take Top Honors at Regional Meet

Northwestern Law teams placed first and second at last February’s Midwestern Regional Meet of the National Transactional LawMeet.

Fourteen teams were in the competition, which took place at Northwestern this year. Rossely Amarante (JD ’14), Felipe Arboleda (LLM/K ’13), Rob Cameron (JD ’13), Justin Clune (JD ’15), James Coss (JD ’13), Adam Coulson (JD ’14), Shanique Kerr (JD ’13), and Angela Oh (JD ’13) represented Northwestern Law. Esther Barron (JD ’95), clinical associate professor of law and director of the Bluhm Legal Clinic’s Entrepreneurship Law Center, was the coach.

Cameron, Coss, Coulson, and Kerr advanced to the national finals at Drexel University in Philadelphia in March, where they tied for fourth place in their bracket and placed first in the written portion of the competition for their side of the argument based on their draft agreements and mark-ups.

The National Transactional LawMeet is the premier competition for students interested in transactional law. More than 70 schools participated in regional rounds throughout the country, and twelve teams advanced to the National Meet.
It is for cases like Jamaal H.’s that the Children and Family Justice Center received a 2013 MacArthur Award for Creative and Effective Institutions. Fourteen-year-old Jamaal was wrongly held accountable for another boy’s actions. Despite convincing evidence of police misconduct, as well as the fact that he had never been in trouble before, the State sought to transfer his case from juvenile to adult court, where a sentence of up to 60 years was possible.

CFJC attorney and clinical assistant professor Carolyn Frazier (JD ’12), Bluhm Legal Clinic director Thomas F. Geraghty (JD ’69), and a team of law students and attorneys from DLA Piper conducted an extensive investigation into the facts of the case and the way the police handled it. They persuaded a judge to keep the case in juvenile court, succeeded in keeping Jamaal out of prison, and supported him throughout his probation as he graduated high school and got his first job. Now the CFJC is working to get Jamaal’s juvenile record expunged so that he can truly get a fresh start as an adult. “Even to this day, nine years later,” Jamaal said, “they are still in my corner.”

Since 1992 the CFJC has fought for and stood with children like Jamaal—children in conflict with the law. The Center works to protect the rights of children and to fix the ways
in which the systems controlling their lives too often fail them. In addition to direct representation, it trains law students in hands-on, real-world lawyering and advocates for reform of the juvenile justice system.

In February the John D. and Catherine T. MacArthur Foundation recognized the Center’s efforts with a $750,000 MacArthur Award for Creative and Effective Institutions.

“This award,” said Center director Julie Biehl (JD ’86), “will allow us to expand our advocacy on issues ranging from extreme sentencing of youth to fitness to stand trial to the urgent need to assist incarcerated young people transition back into the community.”

The CFJC was one of only 13 organizations around the world honored by the MacArthur Foundation this year. The award is a recognition of past successes and, most important, an investment that will allow the Center to help more young people.

“This award recognizes the Center’s decades of work to improve the justice system for some of our most vulnerable citizens,” said Dean Daniel Rodriguez. “Center faculty, through their tireless representation and advocacy, have changed juvenile justice in Illinois.”

The Center, said Biehl, has a dual role: “On the one hand, we are teachers who are devoted to helping our students develop the skills they will need as lawyers; we teach and mentor the next generation of lawyers and policy advocates. On the other hand, we are advocates on the front lines of the Illinois juvenile justice system who work on cases where access to justice is compromised.”

The Center looks for opportunities to help improve the law. In recent years its casework-informed policy initiatives have included efforts to end the juvenile death penalty, raise the age of juvenile court jurisdiction, and address the harsh collateral consequences facing youths with system involvement. One initiative involved the creation of a statewide juvenile defender resource center and a network to provide juvenile defense attorneys with opportunities for leadership, education, training, and mentoring. The Center also informs and empowers young people and their families through its Know Your Rights publication and trainings.

The MacArthur Award for Creative and Effective Institutions was established in 1997 to help ensure the long-term sustainability of organizations that have been effective at providing new approaches to persistent problems.

“From New York to New Delhi, these extraordinary organizations are making a real difference in the lives of people and communities,” said MacArthur president Robert Gallucci. “MacArthur recognizes their importance and impact, and we hope our investment will help ensure that they continue to thrive and to increase their reach in the future.” —Kirston Fortune

“Center faculty, through their tireless representation and advocacy, have changed juvenile justice in Illinois.”

—DEAN RODRIGUEZ
Clinic students Jessica Dwinell (JD-LLM IHR ’14), Clare Diegel (JD-LLM IHR ’13), and Zahira Flores (JD ’14) traveled to Malawi with me in October. We began the week by traveling to a prison in Kasungu, about a two-hour drive north of Lilongwe. Before we arrived, we had made arrangements to participate in a “camp court,” in which a lay magistrate travels to a prison to hear bail applications from prisoners who have been held in pretrial detention for longer than the statutory limits. Malawi has embraced camp courts as a way of dealing with prison overcrowding. Prisons are hugely overcrowded as a result of the large numbers of prisoners awaiting trial. In the camp court model, prisoners don’t need to be transported to courts—instead, the prosecutor, magistrate, and clerk travel to the prison, which is a lot more efficient.

Normally, the prisoners in camp courts have no legal counsel. In fact, everyone who participates in a camp court is a layperson, including the magistrate and the prosecutor (who is a police officer). Indigent prisoners in Malawi have no right to appointed counsel (unless they are charged with homicide). In our case, we obtained the permission of the chief magistrate to have Northwestern Law students present the bail arguments on behalf of each prisoner. Our partner organization, the Paralegal Advisory Services Institute, facilitated all of our meetings and paralegals acted as our interpreters when interviewing the prisoners.

On our first day in the country, the students interviewed seven prisoners and prepared their bail applications, rehearsing them late into the night. The following day, the camp court convened at 9 a.m. It was held in a small room in the prison that serves as a school. One by one, each prisoner was brought in. The students told of their lives before they were imprisoned and described the hardships that they and their families had endured as a result of their detention. (Most were charged with theft.) They cited the Malawi constitution and relevant provisions of the Malawi penal code. It was apparent that no one had ever made bail arguments that humanized the prisoners by telling their stories.

The magistrate granted bail to four of the prisoners on the spot. Two others were released in subsequent days. Afterward, we sat together with the magistrate, police prosecutor, and paralegals to get their feedback on the exercise. The magistrate described the students’ arguments as “too convincing,” “touching,” “very strong.” The police prosecutor said that it was difficult for him to oppose bail after hearing from the students.

Everyone agreed that they had learned from the experience, and we left with promises to come back next year.

We then waited for all of the prisoners to walk out of prison. When we interviewed them on the first day, they had been polite but very subdued, and completely shut down emotionally. When they walked out of prison, their faces were totally transformed. They had huge smiles, and embraced the students before setting off for their villages. It was a really terrific experience for all of us.

As of December 2012, fifty Malawian prisoners have walked out of prison as a direct result of Northwestern students’ advocacy. We also continue to work with a coalition of Malawian NGOs and government agencies to convene resentencing hearings for approximately 200 prisoners who were given mandatory death sentences in violation of the Malawi constitution. We’ve made very good progress toward this goal, and are applying for funding to move the project forward.

Sandra Babcock is a clinical professor of law and the clinical director of the Bluhm Legal Clinic’s Center for International Human Rights.
Center for International Human Rights Granted Special UN Consultative Status

The Center for International Human Rights was granted special consultative status with the Economic and Social Council of the United Nations in August 2012.

As a result, CIHR faculty and student representatives have the opportunity to participate in events, conferences, and activities of the UN, including the Secretariat, programs, funds and agencies, ECOSOC and its subsidiary bodies, the General Assembly, the Human Rights Council, and other intergovernmental decision-making bodies. Participation may include attendance at UN organization meetings, oral presentations, and written statements.

Stephen Sawyer, clinical associate professor of law and CIHR director of curricular projects, spearheaded the application process in close coordination with CIHR director David Scheffer and Thomas F. Geraghty (JD ’69), director of the Bluhm Legal Clinic and associate dean for clinical education.

“Access to the inner workings of the United Nations is particularly significant for the opportunity it affords our professors and students to contribute to the vital work of the UN,” Sawyer says. “Direct exposure to the work of the multitude of organizations in the UN will open up doors for our students to expand their knowledge and experience in the field of public international law.”

Access to Health Project: Ethiopia

Part of the Bluhm Legal Clinic, CIHR offers a comprehensive range of classroom courses on the norms and mechanisms of international human rights, criminal, and humanitarian law; provides clinical experiences for students interested in the protection of human rights on a global scale; and engages in research and other projects regarding emerging human rights norms and related issues.

Northwestern’s Access to Health Project is an interdisciplinary health and human rights project in which students and faculty from the Law School and Feinberg’s Center for Global Health collaborate with a community in the developing world to assess its public health needs and to design an appropriate, sustainable intervention. In 2012 students and faculty traveled to Bonga, Ethiopia, where, together with community members, they implemented a program for emergency obstetrical care that addressed the high rate of infant and maternal mortality in the region. Juliet Sorensen, clinical assistant professor of law in the Center for International Human Rights, is a founder of the Access to Health Project.
New Project Aims for Innocent Women’s Liberation

BY ROB WARDEN

Julie Rea’s 10-year-old son, Joel, was stabbed to death shortly before daybreak on October 13, 1997, in their home in Lawrenceville, Illinois. Rea, a PhD student at Indiana University, told police an intruder had committed the crime, but they didn’t believe her. She was convicted and sentenced to 65 years in prison—but was exonerated nine years later, thanks to new evidence indicating that in fact an intruder had committed the crime.

Kristine Bunch’s three-year-old son, Tony, died of carbon monoxide inhalation when fire engulfed their trailer home in Decatur County, Indiana, on June 30, 1995. Within hours investigators jumped to the conclusion that Bunch had set the fire—despite the lack of any discernible motive. She was convicted and sentenced to concurrent prison terms of 60 years for murder and 50 years for arson. Twelve years later she was exonerated as a result of developments in arson science that essentially left no doubt that the fire had been accidental.

Tabitha Pollock’s three-year-old daughter, Jami Sue, was killed in the early morning hours of October 10, 1995, at their home in Kewanee, Illinois. Although there was no question that the death occurred at the hands of Pollock’s live-in boyfriend, Pollock was charged with first-degree murder and aggravated battery on the theory that she “should have known” the boyfriend posed a danger to her daughter’s life. She was convicted by a jury and sentenced to 36 years in prison. Seven years later the Illinois Supreme Court threw out the conviction outright, barring a retrial and ordering Pollock’s immediate release. A conviction cannot stand on what someone “should have known”—proof of actual knowledge is required—and, in Pollock’s case, the court found nothing suggesting that she knew her boyfriend endangered her daughter.

Nicole Harris’s four-year-old son, Jaquiri, was strangled to death on May 1, 2005, with an elastic cord from a fitted sheet in the bedroom he and his six-year-old brother shared in the family’s apartment on the South Side of Chicago. The older brother, who had seen what happened, said the death occurred accidentally when Jaquiri was playing Spider-Man. However, after 27 hours of unrecorded police interrogation, Harris, a recent college graduate, confessed, whereupon the medical examiner, who initially had ruled the death accidental, reclassified it as a homicide. At Harris’s trial the judge barred the older brother’s exculpatory testimony on the grounds that, because he said he believed in Santa Claus and the Tooth Fairy, he was too young to distinguish between truth and fiction. Harris’s jury found her guilty, and the judge sentenced her to 30 years in prison. She was freed this year, after the US Court of Appeals granted her a new trial—holding that the trial judge had wrongly excluded the brother’s “critical exculpatory evidence.”

The cases of Rea, Bunch, Pollock, and Harris—clients of the Bluhm Legal Clinic’s

“Women’s cases are different. Startling similarities arise in wrongful convictions of women—circumstances rarely seen in men’s cases.”

—KAREN DANIEL

Kristine Bunch is greeted with a hug upon her release from prison in August 2012. (Photo: Jean Lachat)
Center on Wrongful Convictions (CWC) at Northwestern University School of Law—spurred Center attorneys Karen Daniel and Judy Royal (JD ’81) to launch the nation’s first innocence project devoted to identifying and exonerating wrongfully convicted women.

What’s the need for a special project for women?

“The simple answer,” said Daniel, “is that women’s cases are different. Startling similarities arise in wrongful convictions of women—circumstances rarely seen in men’s cases. All four women we have represented, for instance, were single mothers. By all accounts, they loved their children. They had no motives, no psychological issues. But, instead of being able to grieve for their children, they became secondary victims.”

The result, of course, is devastating. “The only thing worse than having a loved one murdered,” Royal said, “is to have a loved one murdered and then be wrongfully convicted of the crime, and that has happened in all of the women’s cases in which the Center on Wrongful Convictions has been involved.” As Tabitha Pollock puts it, “I not only lost my daughter, I lost custody of my sons as well. It has meant everything to have Northwestern here with me on my side.”

Daniel and Royal note that innocent women sometimes are convicted of crimes that hadn’t even occurred—as illustrated by Bunch’s convictions for arson and murder in the wake of what in reality was a tragic accidental fire. Another example is the case of Audrey Edmunds, who, though not a CWC client, joined Daniel, Royal, and CWC women clients at Northwestern Law for the launch of the Women’s Project in November 2012.

Edmunds was a Wisconsin stay-at-home mom and daycare provider convicted in 1996 of violently shaking a six-month-old girl in her care, resulting in the child’s death. She was exonerated in 2008, thanks to the Wisconsin Innocence Project, which marshaled an impressive body of scientific evidence that had emerged in the intervening years supporting her claim of innocence. Based on the new science, the Wisconsin Appellate Court ruled that there had been a shift in mainstream medical opinion as to the causes of the baby’s injuries.

Because the evidence used to convict women is often entirely circumstantial—rarely is there DNA, for instance—rectifying their wrongful convictions can be complicated. Daniel and Royal also point out that, in what have proved to be wrongful prosecutions of women, prosecutors have used gender-biased evidence and argument. At Rea’s trial, for instance, her former husband was allowed to testify—falsely and irrelavantly—that she had contemplated aborting her pregnancy 11 years earlier. The prosecutor suggested in his closing argument that Rea had committed the murder to make more time to pursue a modeling career.

In addition to representing imprisoned women with strong innocence claims, the Women’s Project will conduct research into gender-specific factors involved in women’s wrongful convictions. “We think it’s possible that many women respond differently to interrogation than do men,” said Daniel. A widely used police manual states that innocent persons generally respond self-righteously and aggressively to an accusation, but Daniel thinks that many innocent women might not respond that way. “Certainly much of what goes on in criminal law is based on what a ‘normal’ person would do in a given situation, but these rules don’t apply across the board—and may apply even less to women.”

Rob Warden is co-founder and executive director of the Bluhm Legal Clinic’s Center on Wrongful Convictions.

“It has meant everything to have Northwestern here with me on my side.”

—TABITHA POLLOCK
Paul Chadha (JD ’02) is a firm believer in the adage that experience is the best teacher. The adjunct faculty member with the Bluhm Legal Clinic’s Center on Negotiation and Mediation could teach students the basics of transactional law in a traditional classroom setting, but he much prefers they learn through experiencing the actual process. Thus, he proposed Northwestern Law’s participation in a new interactive transactional law class to give students firsthand experience in negotiation and mediation.

The class, established in spring 2012, is a collaborative effort with a variety of law schools including American University, Stanford University and the University of Virginia. Students use groundbreaking TelePresence videoconferencing technology to engage in a semester-long transactional problem.

“Students are getting valuable firsthand experience in negotiating a real business transaction, which I know will serve them well once they are practicing professionals,” said Chadha, corporate counsel for Accenture. “It’s one thing for me to teach students the process, but to say, ‘OK, now go apply what you’ve just learned,’ instantly reinforces the learning experience for the student.”

In the most recent semester Northwestern students represented a multinational pharmaceutical corporation trying to reach a deal with a cooperative in a developing country; the cooperative was represented by Stanford University law students. Negotiations centered on the corporation’s need for a raw material found in the developing country, for a new patented drug, and the cooperative’s desire for new markets, more employment, and technology advancements.

On Saturdays students could be found in negotiation sessions in a conference room at DLA Piper, which provides state-of-the-art technology that creates the illusion of being face to face at one table. In class meetings during the week, Chadha taught concepts in international business law and advanced negotiation skills; he also answered questions about the drafting assignments and helped students prepare for each weekend session.

Chris Hopkins (JD ’13) found the negotiation sessions to be a “perfect complement” to in-class learning. “It’s invaluable to actually take everything we have learned and apply it to live negotiation sessions in ways that I could not have imagined in the classroom,” he said. “With this class the possibilities are endless because it simulates the interpersonal aspect of working with people that you do not know and addressing a variety of legal issues.”

According to Lynn Cohn (JD ’87), director of the Center on Mediation and Negotiation, this course is one of several examples of cutting-edge initiatives offered by the Center.

“In addition to our core negotiation and mediation offerings, we are also teaching emotional intelligence, mindfulness, improvisation, and the newest neuroscience research on how our brains react in conflict,” said Cohn. “We want our students to go into their professional lives with a much larger tool box than the typical law graduate.”

Clinical associate professor Cindy Wilson (JD ’86) was one of nine attorneys honored by the Chicago Bar Foundation at its annual Pro Bono and Public Service Awards Luncheon. Wilson received the Foundation’s 2012 Leonard Jay Schrager Award of Excellence for contributions to public service. The Chicago Bar Foundation is the charitable arm of the Chicago Bar Association.

In addition to serving as director of the Bluhm Legal Clinic’s Center for Externships, Wilson teaches a judicial and public interest practicum and Introduction to Trial Advocacy Ethics, and she recently began teaching a new class on medical-legal issues in children’s health. She also counsels students interested in public interest law, helps direct public interest programming at the Law School, and serves as the faculty adviser to several student public interest groups.

Before joining the Law School full-time, Wilson had a successful career in private practice and as a public interest lawyer focused on civil rights. She is recognized throughout the country as an influential leader on public interest internships, externships, and careers, and she has inspired countless students to incorporate public interest work into their careers.

The Leonard Jay Schrager Award of Excellence was established to recognize exemplary attorneys in academia who have made significant and lasting contributions to improving access to justice for the less fortunate.
J.B. Pritzker Delivers Keynote at Annual Entrepreneurship Law Conference

More than 250 leaders from the business and legal communities attended the eighth annual Entrepreneurship Law Center (ELC) conference held at the Law School in March. Designed to provide practical, relevant information about various legal issues that entrepreneurs face, the conference included panel discussions on topics such as entity selection, founder agreements, venture and angel financing, intellectual property, and employment issues.

J.B. Pritzker (JD ’93) was presented with the 2013 Distinguished Entrepreneur Award and served as the keynote speaker for the conference. A leader in the Chicago entrepreneurship community and the key driver in growing and strengthening the entrepreneurship and technology sectors in the Midwest, Pritzker helped launch the Chicagoland Entrepreneurial Center, the Illinois Venture Capital Association, the Illinois Innovation Accelerator Fund, Excelerate Labs (now TechStars Chicago), Built in Chicago, and 1871 (the preeminent shared working space in Chicago and a model both nationally and internationally). These programs and organizations have changed the landscape of entrepreneurship, provided important opportunities to start-ups, created new jobs, and enriched the experiences of Northwestern Law students who have become active members of this community. Pritzker also chairs ChicagoNEXT, the mayor’s council on technology and innovation.

“There were terrific panels and lots of lively discussions. Attendees heard from leading entrepreneurs, venture capitalists, and attorneys and also had lots of opportunities for networking,” said Esther Barron (JD ’95), clinical associate professor of law and director of the Entrepreneurship Law Center. “J.B. Pritzker’s keynote address was not only engaging and entertaining, but incredibly inspiring and left all of us feeling even more passionate about entrepreneurship and the thriving Chicago start-up community.”

The student board of the Entrepreneurship Law Center organized the conference. The ELC, a nonprofit, student-based clinical program affiliated with the Bluhm Legal Clinic, has given law students, working under the supervision of attorneys with many years of corporate and transactional experience, the opportunity to provide legal counsel to hundreds of entrepreneurs and businesses on topics ranging from entity formation to intellectual property protection to contract drafting and licensing.
ETHIOPIA
An Enduring Collaboration

Working to improve Ethiopia’s legal education system since the 1960s, Northwestern Law faculty focus on providing Ethiopian lawyers with clinical legal training that can respond to the realities of the nation’s justice system.

By Tracy Marks
While true, the characterization of Ethiopia as a place deeply scarred by generations of war and civil unrest and ravaged by unimaginable poverty does not do the country justice. Ethiopia is also a place where, remarkably, hope thrives; people demonstrate extraordinary resilience and faith and are deeply committed to the betterment of their country. Northwestern Law faculty know this firsthand.

Since the 1960s Northwestern Law has been a trusted partner in improving Ethiopia’s legal education system. Today Bluhm Legal Clinic director Thomas F. Geraghty (JD ’69) and a team of Northwestern Law faculty work to provide legal training to Ethiopian lawyers, with a focus on making it more responsive to the realities of the Ethiopian justice system.

Geraghty first visited the country in 1969, while a student at Northwestern Law. A few years before then Ethiopia had begun implementing new law codes based on French and Swiss models. Geraghty worked as a student assistant to Professor Jack Beckstrom on an assessment of how the lower courts were receiving the codes. Geraghty’s resulting article, “People, Practice, Attitudes and Problems in the Lower Courts of Ethiopia,” was published in the Journal of Ethiopian Law in 1970.

“As a law student, I was intrigued by the operation of the court system—how the customary laws worked together with the newer laws,” recalled Geraghty. “And on a personal level, I formed lasting friendships with my colleagues at the Addis Ababa University School of Law.”

NORTHWESTERN HELPS BUILD LEGAL EDUCATION INFRASTRUCTURE

Political revolution swept Ethiopia in 1973, and for many years the new regime’s brutality and strong ties to communism made it nearly impossible for the United States to work there. When the Derg regime was overthrown in the early 1990s, Geraghty sought a way to return to Ethiopia to continue to work to improve the Addis Ababa University law program and thus legal education for a new wave of Ethiopian lawyers. He became involved with the American Bar Association’s international programs and received funding for development of a clinical law program at the Addis Ababa University School of Law. “I was overjoyed to reconnect with friends from the 1960s and to resume my efforts to support Ethiopia’s legal infrastructure,” he says. “In addition to my work there, this program also enabled us to invite Ethiopian law students, faculty, and lawyers to the United States to conduct research.”

Human rights leaders attest that providing legal education is an effective strategy to promote the rule of law in countries building a system of justice. In 2007 the ABA launched a program to establish sustainable institutions and societies that foster justice, promote economic opportunity, and pursue respect for human dignity. The ABA’s Rule
of Law Initiative today works in 40 countries, and volunteers have contributed more than $200 million in pro bono legal assistance.

ABA ROLI recognized that although Ethiopia has many highly qualified judges, lawyers, and professors, many in the legal profession lacked sufficient training. In response, USAID in 2008 provided funding for a three-year ABA ROLI project to train law students, faculty, lawyers, and judges on issues such as the separation of powers and the importance of judicial independence. USAID also funded an assessment of legal education in Ethiopia. The overall goal was to support judicial and legal education reform and potentially provide election training.

Geraghty’s extensive experience navigating Ethiopia’s legal system and his network of established relationships made him the ideal lead consultant to ABA ROLI Ethiopia. “Legal education had dramatically expanded since the 1960s when I first visited,” said Geraghty. “Back then, AAU had the only law school in the country. By 2008 there were 20 schools, with some 2,500 law students! I was asked to conduct an assessment of legal education in Ethiopia for the purpose of identifying strengths and challenges. This assessment was conducted over a two-year period from 2008 to 2010.”

Fikremaros Merso, former dean of Addis Ababa University School of Law, envisioned that the ABA ROLI program would help in two critical areas, both related to capacity building: to fill the gap in teaching specialized courses and in developing teaching materials. “We were using materials developed in the 1960s,” he explains. “There was an absolute need to update these teaching materials as well as to develop new ones in light of new realities and developments.”

Geraghty visited Ethiopia twice in 2012 to assess its law externship program, which requires law students to spend three months at the end of their five-year programs working with courts, government agencies, and public service organizations. “The externship program here is a progressive and important aspect of legal education, but opportunity exists to provide student supports and coordination that would make externships more effective,” said Geraghty. Students are left on their own to find externship placements, and many go to the capital, Addis Ababa, where there are more employment opportunities. So, courts and government agencies in Addis Ababa are flooded with law students and often are not able to provide relevant experiences for them.

Another challenge is pay. Many students cannot afford to live away from home while they pursue their externships, so they must either travel great distances or try to find work near their hometowns. A key recommendation of the assessment of the externship program is that law schools work more closely with receiving agencies so that the agencies are better informed about the educational objectives of the externship program and can be better prepared to help meet them. Toward this goal, Geraghty met with Ethiopian Supreme Court and federal court judges, law school deans, and others and prepared a handbook for law school externship programs.

EXCHANGE OF PROFESSORS
In spring 2012, as part of the effort to support legal education in Ethiopia, Northwestern sent Stephen Sawyer, clinical associate professor of law, senior counsel for the Center for International Human Rights, and director of curricular projects, and Joshua Kleinfeld, assistant professor of law, to Addis Ababa to teach intensive two- to three-week courses to human rights lawyers.

“This innovative program offered me an opportunity to guide young people— aspiring lawyers and lawyers alike—with training so they may become well versed on the rule of law,” said Sawyer. “I was struck by the incredible dedication of the students. Despite sparse facilities, equipment, and technology, they are steadfast in their commitment to learning. I feel so proud to know this program was of value to them.”

Kleinfeld, who earned his PhD in Germany and has worked abroad extensively, was “fascinated by an opportunity to provide meaningful and impactful public service and drawn in by Tom Geraghty’s enthusiasm.” He described students as “astonished
by examples of how the rule of law works in other countries and by discovering the fundamentals of self-determination and self-governance.”

Both Sawyer and Kleinfeld agree that Ethiopia is poised for this kind of legal instruction; the surge in law students and law schools, combined with a yearning for new ideas, makes it an ideal place and time for faculty to become involved. “I doubt there is another place in the world where being an emissary of the rule of law and democracy could be more significant,” said Kleinfeld.

In addition to sending Northwestern Law experts to Ethiopia, the Bluhm Legal Clinic hosted three Ethiopian law professors in Chicago last fall: Tshai Wada from Addis Ababa University; Professor Fikremarkos; and Tiglu Meles Olongo, a young clinician from Haramaya University (near the Ethiopia-Somalia border). These visits were intended to provide Ethiopian colleagues with opportunities to conduct research and strengthen the relationship between Northwestern and law faculty and schools in Ethiopia.

“Clinical legal education is necessary to bridge the gap between theory and practice,” said Professor Tiglu. “Most Ethiopian lawyers, even senior lawyers, have little understanding of this. My visit—observing clinical classes, learning about juvenile court, and more—helped me to know that clinical education is a multidisciplinary and multipurpose education that can develop the human resources and idealism needed to strengthen the legal system… to contribute to national development and social change in a constructive manner.”

What most impressed Professor Tiglu during his visit were “student advocacy and the service the clinic is providing to the needy. I also appreciated the work of the judges and public defenders who are working toward justice and not only to win.”

Professor Tiglu looks forward to more training that will enable him to teach his students and to train staff members. Visits by three more Ethiopians this spring—funded in part by a gift from Northwestern alumni Russ (JD ’61) and Peg (SESP ’61) Matthias—will help in planning future training sessions for Ethiopian clinical teachers. In May, Tom Geraghty, Lynn Cohn (JD ’87), and Diane Geraghty (JD ’72) traveled to Ethiopia to train clinical teachers in Addis Ababa, accompanied by two teaching assistants—Northwestern students who have helped to develop teaching materials.

SUCCESSES AND PLANS FOR THE FUTURE

Northwestern Law Dean Daniel Rodriguez continues to be supportive of faculty and student work in Ethiopia.

“Over the course of decades,” said Rodriguez, “Northwestern Law faculty and students have, through programs like the Center for International Human Rights and projects such as the ABA ROLI program in Ethiopia, quietly made a tremendous difference in countries where the rule of law is still emerging.”

Professor Fikremarkos believes his university has significantly benefited from “Northwestern’s solid experience, especially in clinical legal education.”

Mandefrot Belay, the former director of ABA ROLI in Ethiopia, noted the program’s accomplishments: “We have conducted a comprehensive assessment of the state of legal education in Ethiopia, which has shown critical gaps. We’ve prepared and published six

In February Dire Dawa University School of Law received a shipment of books collected by the African Legal Library Project.
new textbooks in core areas of the national legal curriculum that were distributed and now are in use by universities across the country. We organized and sponsored the first-ever national arbitration moot competition between all law schools in the country, and, with visiting Northwestern Law professors, delivered advanced-level training courses.”

Still, the important legal reform happening in Ethiopia is far from finished, and the USAID grant that supported the ABA ROLI program ended in 2012. Implementation of the ABA ROLI plan, according to Mandefrot, “calls for working with universities and law schools to help them revise and develop core course curricula, textbooks, and associated teaching materials for Ethiopian law schools.”

“Many law schools still do not have sufficient and experienced faculty, and they lack good library resources, including access to online resources,” said Mandefrot. “More than 85 percent of faculty members are young and lack experience and advanced training. Clinical legal education is still new, and well-trained clinical staff to teach courses and prepare and supervise students are needed.”

Fiona McKinnon (LLM IHR ’13), a law student working with Geraghty on clinical legal education in Ethiopia, echoed Mandefrot: “I’ve been visiting Ethiopia since 2005, and it’s amazing to see the changes. But when we look at clinical legal education, the oldest law clinic is just six years old. There aren’t professors with clinical training, and there is a lot of opportunity. With more training, more lawyers would be able to competently provide services to more and more people who need them.”

Geraghty receives countless requests for information and training from law schools around Ethiopia and is working diligently to meaningfully respond. Perhaps better than any law professional outside Ethiopia, Geraghty understands that poverty and years of political strife have created obstacles to legal training and higher education. His team is dedicated to providing support and serving as a resource, with Ethiopians driving the process. “Because legal education has expanded so rapidly in Ethiopia, there is a tremendous need for first-rate instruction. Establishing a new national law curriculum requires more practical legal education through clinical courses,” he explained. “Of course, there are logistical, financial, time, and comfort constraints to this type of work, but I dearly hope others on our faculty will become interested in serving Ethiopian citizens and promoting the rule of law in this way.”

*Note on names: Ethiopians are customarily referred to by first name alone or their honorific title and first name.

I doubt there is another place in the world where being an emissary of the rule of law and democracy could be more significant.” —JOSHUA KLEINFELD

Once we saw that it was doable, it only made sense to try to install the project as an ongoing student organization at the Law School.”

In its first year ALLP set out to collect 2,000 legal textbooks for Bahir Dar University Law School, to raise $5,000 to cover the costs of organizing and shipping the books, and to plan with the school to make the texts readily available for students, professors, and local practitioners. The group met these goals, collecting textbook contributions from the Northwestern Law community and Thomson Reuters, holding on-campus fundraisers, and garnering support from Northwestern professors and students as well as from organizations such as Books for Africa and Ethiopia Reads.

In July 2011 the first shipment of 1,500 legal textbooks made it from Chicago to Bahir Dar. In February of this year a second donation of 1,600 law reference books, valued at around $40,000, went to Dire Dawa (Ethiopia) University School of Law, which was founded in 2009 and whose 250-some students lacked legal books. ALLP established a partnership with Boeing to transport the books from Seattle to Dire Dawa, so the group had to raise funds for only the domestic shipping.

One of the law students involved in the effort is Fitsum Tilahun (JD ’12), who was born and raised in Ethiopia. “For me there is nothing more fulfilling and satisfying than to be able to contribute, albeit a little, to help so many students in need,” he said. “I was fortunate enough to have access to great education and resources at Northwestern Law—a great institution that has enabled me to give back to my people in Ethiopia.”

There are hopes that ALLP can expand its operations to the whole African continent in the next few years. “The goals get bigger every year,” said president Andrea Ryken (JD ’14). “We hope to continue to build on our recent successes to meet our overarching goal of supporting multiple African law schools in need of legal materials to shape effective advocates.”

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A new website offers a rare in-depth statistical look at murder in Illinois in the 10 years before the state abolished the death penalty in 2011.

Launched in November 2012, the Illinois Murder Indictments 2000–10 website—illinoismurderindictments.law.northwestern.edu—includes a searchable database of more than 2,200 murder indictments across the state in that period.

Leigh Bienen, a senior lecturer at Northwestern Law, collected the data over several years as part of her work on the Illinois Capital Punishment Reform Study Committee.

“New murder databases are relatively rare,” Bienen said. “And this one covers a very important jurisdiction—Illinois—during a period of significant and very interesting legal change, the time leading up to the abolition of the death penalty in 2011.”

Bienen expects the site to attract a broad range of researchers, including criminologists, criminal law researchers, historians, and economists. It will also be useful to reporters, defendants, and victims’ family members who are interested in specific murders committed during the period.

Information on defendants, for example, can be cross-referenced with data on criminal convictions and incarcerations made available on the Internet by the Illinois Department of Corrections. In addition, users of the site can see the final result of an Illinois murder prosecution by researching newspaper reports about the case, the trial, or the deposition.

“It’s now very easy to compare this set of murder indictments in Illinois with information on cases from another state,” Bienen said. Indictments can be compared for a particular year or by county or city.

“You can search our database by county, name of victim, name of defendant, as well as the date of murder and the date of indictment,” Bienen said. “A reporter can check the database to see whether the person was indicted and follow up with information from the Department of Corrections to see whether there was a sentence.”

Indictments, voted on by a grand jury, represent formal legal charges. Consequently, they are a very precise and accurate record of a murder. However, they do not indicate whether the murder was designated a capital murder; such decisions are made by county state’s attorneys after indictment.


Bienen is the author of a recent book of essays, Murder and Its Consequences: Essays on Capital Punishment in America (Northwestern University Press, September 2010). She has published a number of legal articles on capital punishment in Illinois and New Jersey, as well as books and articles on murder and capital punishment nationally and crime generally. She is currently working on a book on Illinois factory inspector and social reformer Florence Kelley (LLB 1895) and the history of Chicago at the end of the 19th century.
Scheffer Wins Book of the Year Award

Professor David Scheffer, director of the Bluhm Legal Clinic’s Center on International Human Rights, received the 2012 Book of the Year Award from the American National Section of L’Association Internationale de Droit Pénal (AIDP) for his book *All the Missing Souls: A Personal History of the War Crimes Tribunals*.

In the book, Scheffer, who was US ambassador at large for war crimes issues during the Clinton administration, recounts his eight-year mission to confront the atrocities of the 1990s and build five war crimes tribunals. The legal and diplomatic challenges he undertook at home and abroad frame this personal story of law, politics, and morality.

“All the Missing Souls is a masterful, well-paced read that fills a glaring gap in the literature on international justice,” commented Jens Meierhenrich, a professor at the London School of Economics and Political Science. “I have no doubt that *All the Missing Souls* will come to rank alongside Telford Taylor’s *The Anatomy of the Nuremberg Trials*. Scheffer is the Taylor of our times.”

AIDP, the world’s oldest association of specialists in penal law, focuses on criminal policy and the codification of penal law, comparative criminal law, human rights in the administration of criminal justice, and international criminal law.

Stilt Named Guggenheim Fellow

Professor Kristen Stilt was named a 2013 Guggenheim Fellow by the John Simon Guggenheim Memorial Foundation for her work on the role of Islamic law in modern constitutions.

This year’s Fellowships were awarded to a diverse group of 175 scholars and artists from a pool of almost 3,000 applicants from the United States and Canada. Guggenheim Fellows are appointed on the basis of prior achievement and exceptional promise.

“Kristen is an exceptional scholar and colleague,” said Dean Daniel Rodriguez. “Her work on constitutional Islam is innovative and timely, with a number of countries around the world in the process of revising and rewriting their constitutions to incorporate Islam and Islamic law. The research this Fellowship supports will illuminate how these constitutional choices are made.”

Stilt, who is also an affiliated faculty member in the history department in the Weinberg College of Arts and Sciences, studies the historical development and contemporary practices of Islamic law. Using historical and comparative approaches, her Guggenheim project seeks to understand the growing phenomenon of enshrining references to Islam and Islamic law in national constitutions. A social history of constitution-making, the project will span a wide range of countries in the Muslim world. She is the author of *Islamic Law in Action: Authority, Discretion, and Everyday Experiences in Mamluk Egypt* (Oxford University Press, 2011) and coeditor of the forthcoming *Oxford Handbook of Islamic Law*. 
A European legal historian with a particular interest in custom, the history of bankruptcy, and early modern commercial law, Emily Kadens joined the Northwestern faculty in the Fall 2012 semester.

“I love teaching, and when I was here last fall I was very impressed with how serious and mature the Northwestern students were. My Contracts class was so dedicated, and the sophisticated discussions in my legal history course made it fun for me,” Kadens said.

Before she joined the Northwestern faculty, Kadens was the Baker and Botts Professor in Law at the University of Texas at Austin. In 2011–12 she spent a year in Washington, DC, visiting at the Georgetown University Law Center and researching medieval theories of custom as a 2012 Kluge Fellow at the Library of Congress. Prior to beginning her teaching career, Kadens clerked for the Honorable Danny J. Boggs of the US Court of Appeals for the Sixth Circuit.

Kadens brings more to Northwestern than her research. At Texas, she created one of the premier judicial clerkship placement programs in the country, and she has already begun to build a similar program at Northwestern. She is also committed to training law students. She teaches an innovative skills course called Complex Commercial Contracting. The class is set up as a training course for newly hired assistant in-house counsel for a company that manufactures wind turbines for the energy industry. The students learn to read major supply agreements and work in teams to solve contract planning problems.

“I love my historical research, and the opportunity to teach law students about the past of the law is one I appreciate having, but I never lose sight of the fact that we are creating lawyers,” she said. “Whether in teaching basic legal reasoning and case analysis to 1Ls, training upper-level students to read contracts, or challenging students to think about the law from the perspective of the Roman jurists or the medieval English common lawyers, I want to contribute to my students’ preparation for practice.”


“I’m delighted to be here,” Kadens said. “I have terrific students and colleagues. As an unexpected bonus, I have discovered that John Henry Wigmore built an extensive collection of rare law books and manuscripts for the library. He left the Law School a wonderful legacy, and I look forward to exploring it.”
An Injury Law Constitution Conference

Northwestern Law and the Searle Center on Law, Regulation, and Economic Growth cosponsored a conference in March to discuss An Injury Law Constitution, an Oxford University Press book by Marshall S. Shapo, the Frederic P. Vose Professor of Law at Northwestern.

Professor Shapo’s book presents a novel thesis that embraces principal features of the American law of injuries. He argues that the body of law Americans have developed concerning responsibility for injuries and prevention of injuries has some of the qualities of a constitution—a fundamental set of principles that govern relations among people, and between people and corporate and governmental institutions. This “injury law constitution” includes tort law, legislative compensation systems like workers compensation, and the many statutes that regulate the safety of activities and products.

Professor Shapo’s analysis, into which he weaves the history of these well-established systems of law, links them to the unique compensation plan devised for the victims of the September 11 attacks. The book examines how our injury law reflects deeply held views in American society on risk and injury, indicating how the injury law constitution serves as a guide to the question of what it means to be an American.

Commentators including Jacqueline Zins, former deputy special master of the 9/11 Fund, Anita Bernstein of Brooklyn Law School, Robert L. Rabin (JD ’83) of Stanford Law School, and Catherine M. Sharkey of New York University School of Law gathered with scholars from across the nation and Northwestern Law School scholars Robert W. Bennett, Daniel B. Rodriguez, Max Schanzenbach, and James B. Speta to discuss the book and its implications.

Northwestern Law, Interdisciplinary Center Herzliya Joint Conference

Faculty from Northwestern Law and the Interdisciplinary Center (IDC) Herzliya in Israel held a series of joint workshops this past academic year. Scholars met in Israel last December, and again in Chicago in April. Pictured at left, Northwestern Law’s Ezra Friedman and Nadav Shoked served as discussants to Alon Klement of the IDC, pictured at right, who discussed his paper “An Economic Analysis of Reliance in Consumer Class Actions” (coauthored with Yuval Procaccia).
New Faculty Books

Three Northwestern Law professors recently published university press books. Professor John O. McGinnis advocates for more political use of prediction markets in *Accelerating Democracy: Transforming Governance through Technology*. In *John Brown's Spy: The Adventurous Life and Tragic Confession of John E. Cook*, Professor Steven Lubet reveals the tale of John Brown’s most trusted confidante and partner in crime. Professor Andrew Koppelman offers a hard-hitting point of view on Obamacare and the politics related to its implementation in *The Tough Luck Constitution and the Assault on Health Care Reform*. The following book description and excerpts provide a preview of these newly released publications.

**BOOK EXCERPT**

**Accelerating Democracy: Transforming Governance through Technology**

*BY JOHN O. MCGINNIS*  

“Political prediction markets—markets that allow the public to speculate on election and policy outcomes—have the potential to improve the capacity of democracy to update on the facts in our day, just as the rise of the press improved its capacity in an earlier era. These markets can elicit information about the likely effects of policies even before they are implemented from those who are most knowledgeable about their effects.

Prediction markets temper three of the largest problems of politics. First, they offer a mechanism for overcoming what has been called the “basic public action problem” of collective decision making—the difficulty of persuading individual citizens to provide information that is useful to the whole community. This problem goes back to the origins of democracy: “How does Athens know what Athenians know?” Prediction markets give citizens stronger reputational and monetary incentives to inject their private information into the public domain, thus improving social knowledge. Second, the markets help mix expert and dispersed opinion. Expert views influence prediction markets, but they can be tested by outliers who are willing to put their money where their mouth is. Finally, prediction markets are able to draw together information into a single place and numerical form, economizing on the attention of citizens. This latter capacity is
particularly important today, because in an age of accelerating technology, people are likely to be distracted from the business of public life by the more compelling entertainment of private life.

Prediction markets can enrich democratic deliberation only if our legal policy toward them is changed. Currently, our law inhibits their growth. For the future, the government must not only unchain these shackles but also fund experiments to help discover the most promising designs of such markets.”

**BOOK EXCERPT**

**The Tough Luck Constitution and the Assault on Health Care Reform**

BY ANDREW M. KOPPELMAN

Oxford University Press, 2013

“The constitutional challenge to the Patient Protection and Affordable Care Act of 2010 (the ACA for short) was devised by conservative lawyers who had, for a long time, been eager to have the Court impose limits on Congressional power. They invented the objections as the bill was nearing passage. Republican leaders, facing a humiliating political defeat, seized on those arguments as their last hope. They weren’t much concerned about the details: two weeks after publication of the first, underdeveloped draft of the constitutional argument, every Republican Senator voted to endorse it.

The objection’s central claim was that the state can’t make you do things just because you exist and are in the country; that it may regulate only those who engage in some self-initiated action. The action/inaction distinction came advertised as a great bulwark of liberty. Actually, it was a crude bit of political opportunism. No one can live in the world without engaging in self-initiated actions all the time. If that’s all it takes to trigger regulation, then government can push its citizens around in nearly any way it likes.

The dissenters were committed, by the logic of their position, to a Constitution under which some problems could not be solved by anyone—not the states, not the federal government. If you are too poor to buy medical treatment or health insurance, tough luck: you can’t get something in a market unless you pay for it. They creatively read into the Constitution the notion that the law’s trivial burden on individuals was intolerable, even when the alternative was a regime in which millions were needlessly denied decent medical care.”
Second Northwestern Law Grad Receives Bristow Fellowship

Elana Nightingale Dawson (JD ‘11) has been named one of five Bristow Fellows for 2013 in the Office of the Solicitor General at the US Department of Justice. It is the second straight year that a Northwestern Law graduate has been chosen for a Bristow Fellowship. Jonathan Shaub (JD ’11) was one of four national Bristow Fellows in 2012.

Nightingale Dawson will assume the position this summer. She is currently a clerk for Judge Raymond Kethledge of the United States Court of Appeals for the Sixth Circuit. She has also clerked for Judge Gary Feinerman on the United States District Court for the Northern District of Illinois.

“At Northwestern Law I had an incredibly strong and supportive group of professors, mentors, and judges who helped me get to this point,” she said. “Without all of them this would not have been possible.”

During their one-year term Bristow Fellows help prepare briefs opposing certiorari filed against the government in the US Supreme Court; petitions for certiorari and briefs on the merits in Supreme Court cases; oral arguments to present in the Supreme Court; and recommendations to the solicitor general about authorization of government appeals in lower courts.

A member of Northwestern Law’s first accelerated JD class, Nightingale Dawson participated in the Supreme Court Clinic and the Senior Research Program and was a semifinalist in the Arlyn Miner Moot Court Competition.

2010 Graduate to Clerk for Scalia

Kevin King (JD ’10) will serve as a law clerk to Associate Justice Antonin Scalia for the 2013 Supreme Court term.

Currently an associate at Covington & Burling LLP in Washington, DC, King previously clerked for Judge A. Raymond Randolph of the US Court of Appeals for the District of Columbia Circuit and for Judge Paul Niemeyer of the US Court of Appeals for the Fourth Circuit.

While a student at Northwestern Law, King was involved in the Student Funded Public Interest Fellowship Program and served on the boards of the Northwestern University Law Review and the Student Admissions Committee. He mentioned Administrative Law with Professor James Speta and Constitutional Law with Professor Steven Calabresi as two of the courses he found particularly inspiring.

Securing the Scalia clerkship would not have been possible without tremendous support from the Northwestern Law community, King said, noting help with navigating the application process, reviews from faculty, and mock interviews with former law clerks and alumni.

“I owe a tremendous debt of gratitude to Northwestern Law alumni, faculty, and staff,” he said. “I never expected to go to law school and end up with an opportunity like this. I feel very fortunate and honored to be able to clerk for Justice Scalia.”

With King’s clerkship, three consecutive Northwestern Law classes—2008, 2009, 2010—have had a graduate land a Supreme Court clerkship.

In 2011-12 a total of 45 Northwestern Law students and alumni secured judicial clerkships, including 40 in federal courts, one in an international supreme court (South Korea), and five in state courts.
Three Alumni Honored for Public Interest Work

The recipients of the statewide 2012 individual Public Interest Law Initiative Awards had something in common—they were all Northwestern Law graduates. Harvey Grossman (JD ’73), Amy Zimmerman (JD ’91), and Judge Edmond E. Chang (JD ’94) were honored for their many contributions to public service at the PILI Awards luncheon last November.

PILI presented Grossman with the Distinguished Public Service Award, Zimmerman with the Distinguished Intern Alumni Award, and Chang with the Distinguished PILI Fellow Alumni Award. Deere & Company was awarded the Pro Bono Initiative Award at the event.

PILI awards acknowledge work epitomizing the ideals of service, fairness, and justice. PILI’s annual luncheon brings together nearly 500 members of the Illinois legal community to celebrate the generosity, expertise, and commitment of the countless lawyers, law students, legal professionals, law firms, and corporations who serve low-income people with legal needs.

Chang is a judge on the US District Court for the Northern District of Illinois. Nominated by President Barack Obama, he began service in January 2011 as the first Asian Pacific American Article III judge in Illinois. At Northwestern Law he teaches the course Civil Rights Litigation as an adjunct professor and has supervised students in judicial externships.

Zimmerman, who was a 1989 PILI intern at the American Jewish Congress, has spent her legal career focusing on children’s health advocacy, program and policy analysis, and community-based partnerships. She currently directs the Chicago Medical-Legal Partnership at Health & Disability Advocates, spearheading legal-medical partnerships nationwide, legislative initiatives, and groundbreaking health policies. Zimmerman also collaborates with Northwestern Law’s Cindy Wilson in the Health and Poverty Law Legislation class, which trains students in understanding medical and legal issues involving children and families.

Grossman has served as the legal director of the American Civil Liberties Union of Illinois for more than 30 years, leading development and implementation of advocacy strategies for ACLU programs concerning criminal justice, free speech and association, institutionalized persons, racial justice, reproductive freedom, national security, and LGBT rights. He has argued cases before the US Supreme Court, the US Court of Appeals for the Seventh and Ninth Circuits, the Illinois Supreme Court, and the Illinois Appellate Court.

Founded in 1977, PILI creates opportunities for law students and lawyers to provide public interest and pro bono work in Illinois, thereby cultivating a lifelong commitment to public interest law. Northwestern Law has a longstanding relationship with PILI’s Summer Internship Program, which funds dozens of internships at public interest law agencies in metropolitan Chicago. Many Northwestern Law students have participated in this program, which is open to first- and second-year law students from across the country.

Alumnus Elected to European Court of Human Rights

Paul Lemmens (LLM ’78) began his nine-year term on the European Court of Human Rights in September 2012. ECHR judges are elected by the Parliamentary Assembly of the Council of Europe from lists of candidates nominated by each state. He was elected in respect of Belgium by an absolute majority.

The court rules on complaints from individuals or states alleging violations of the civil and political rights set out in the European Convention on Human Rights. It was established in 1959 and is located in Strasbourg, France.

Lemmens previously served as a judge at the Belgian Council of State. He also taught international human rights at Catholic University of Leuven (KU Leuven) in Belgium, where he founded and directed the Faculty of Law’s Leuven Institute for Human Rights.

Lemmens served as a visiting professor at Northwestern Law in 1999. He was also a copanelist with Center on International Human Rights faculty members David Scheffer and Stephen Sawyer in several Transatlantic Dialogue conferences presented jointly by Northwestern Law and KU Leuven from 2002 to 2007. The conferences brought together policy makers and experts from both sides of the Atlantic to explore views on public international law issues.
Alumni Weekend
October 12-13, 2012

Alumni Authors

Several Northwestern Law graduates have embarked on creative writing pursuits, finding inspiration in their legal careers or their personal lives. Some have made writing a full-time career, some balance writing with a legal career, and some have found time to write in retirement. The four profiled here have published books in a number of genres, from children’s literature to legal thrillers to investigative nonfiction.

Sidney Robin: Going with What He Knows

To get an idea of the inspiration for Sidney Robin’s latest book, you need look no further than his extensive caseload as a trial and appellate lawyer.

For five decades Robin (JD ’60) specialized in medical malpractice, product liability, aviation, and general negligence cases, representing seriously injured people. Such cases feed the plots of the novels he started writing in retirement, beginning with *An Attractive Nuisance*, which came out last year.

It features a lawyer who must navigate a big mining company’s deception in a permanent-injury case. Though Robin took some creative license, the book is drawn from an actual case where he represented a boy paralyzed at an abandoned strip mine turned swimming hole.

“When I visited the strip mine in Springfield, Illinois, I was chased by a wild boar. A wild boar!” said Robin. “This is stuff I can’t make up, and it makes for interesting color for my novels.”

His second book, *A Wrongful Death*, has been completed and is ready for publication.

After retiring, Robin decided to listen to the “nagging interest that never seemed to go away” and write a book. His interest in writing dates back to grammar school, when he wrote for school newspapers, and continued through law school, when he edited the *Northwestern Law Review*. As a practicing attorney he wrote articles for law journals and served on the committees drafting legislation dealing with governmental liability and duties of landowners.

“Writing allows me to merge my two interests,” he said. “I write about things I know and teach a little bit of law while doing something from which I get a lot of pleasure.”

He has no regrets about choosing to devote his earlier years to his law practice.

“There is something gratifying about helping people get the vindication they deserve while maintaining an all-important level of integrity and respect,” he said. “It’s nice to feel that you’ve made some kind of a mark and contribution.”

But he is thoroughly enjoying his current endeavors. “It’s great to be able to create the facts and not be bound by existing ones.”

Robin has begun work on his third book, which is—naturally—based on one of his cases.
David Ellis: Having It Both Ways

David Ellis’s professional life is one of duality: one part writer, one part lawyer.

Since his days as a self-described argumentative, analytical kid from Downers Grove, Illinois, who loved to write plays and short stories, Ellis (JD ’93) has been fortunate to fashion a lucrative career as a lawyer and author of legal thrillers by merging his two main passions.

It wasn’t until he took a vacation in 1996 that the Northwestern Law grad made the decision to bring the two together. He was three years out of law school, living his dream, working as a lawyer at a large firm in downtown Chicago, yet something was missing.

“I had a drink, watched the sun go down, and reflected on my life. I recognized that there was a whole side of me that I never fully developed,” said Ellis. “I didn’t want to stop being a lawyer, but I wondered, ‘Why can’t I have both?’” It was at that point that he made the decision to write and publish a book. Working as a litigator, it seemed only fitting that he write about what he knew, the law, while incorporating mystery and suspense. It took him three years to finish his novel, carving out time to write after work every day.

“I taught myself to write. I equate it to training, similar to lifting weights. I did not have a lot of raw writing talent,” he said. “It was a skill I had to learn and hone. My only innate talent was the ability to differentiate between good and bad writing.” He shared his first manuscript with friends and family for honest feedback. “It was a very scary moment, putting your heart out there and waiting for someone to stomp on it,” he recalled. They were able to offer insights that never occurred to him, he said. Ellis’s openness to critique paid off: that first book, Line of Vision, garnered a lot of buzz, and he was honored with the Edgar Allan Poe Award for Best First Novel by an American Author in 2002.

“That was both amazing and shocking at the same time,” added Ellis. “I merely had a short-term goal of publishing a book; never did I think I’d win an award for it.”

Now, nearly 20 years later, Ellis is working on his 10th novel and recently teamed with suspense writer extraordinaire James Patterson for the second time to coauthor Mistress, slated to hit bookstores in August. Ellis’s solo novel The Last Alibi will also release in August.

Working with Patterson has made him “more cognizant of the drama in each scene,” Ellis said, “and of cutting the excess to become more efficient.”

While his profile rose in the literary world, Ellis continued to be committed to the law. “The law always came first,” he said. “I still had clients counting on me. The writing was something that I did when time allowed.” He worked for 13 years in private practice and is currently special counsel to Michael Madigan, speaker of the Illinois House of Representatives. He was the House prosecutor during the impeachment trial of former governor Rod Blagojevich.

While at Northwestern Law he participated in trial team and moot court and worked with the Center on Negotiation and Mediation in the Bluhm Legal Clinic.

“Northwestern Law offered a variety of opportunities that allowed me to shape my law career,” he said. “It has served me well.”
Natasha Tarpley: Doing What She Loves

Natasha Tarpley (JD ’98) has been writing since age seven, inspired by seeing her mother write in her spare time. Tarpley said she was a shy child who found that writing was an escape into her own world. “When I began writing as a child, it sort of solidified the idea that I can take something from my imagination and have it become this wonderful thing,” she said. “It was always the way for me to creatively express myself.”

Tarpley began publishing her work as a high school sophomore; her first piece was a poem in a school district magazine in Cambridge, Massachusetts. That publication encouraged her to begin entering writing contests. Winnings from the competitions and scholarships paid for her undergraduate education at Harvard University, where she majored in African American studies and German.

While pursuing her passion for writing, Tarpley decided to go to law school. “I was still strongly interested in being a writer, and while I was not sure exactly how law school would fit into my career, I knew it was a smart move,” she said. “I found law studies similar to writing, as they involved storytelling to a certain extent, crafting an argument, and learning to write persuasively.”

As Tarpley developed as a writer, her pieces often highlighted the struggle of African Americans and served as a positive voice for a marginalized group. She completed her first book, an anthology titled Testimony: Young African Americans on Self-Discovery and Black Identity, as an undergraduate at Harvard. She wrote a second book, the family memoir Girl in the Mirror: Three Generations of Black Women in Motion, while a student at Northwestern Law. That same year she also delved into children’s books and wrote I Love My Hair, based on childhood experiences of getting her hair combed by her mother, and the companion piece Bippity Bop Barber Shop. She has since written three more children’s books.

“In branching off into children’s books, I wanted to create something that was fun and whimsical, especially because I did not feel like there were many books that depicted kids of color in that way,” she said. “I really wanted to expand images and understanding of children in the African American diaspora.”

After a postgraduate position writing for Fortune magazine, Tarpley started Voonderbar! Productions, a developer and publisher of multicultural literature, with her mother. The company will concentrate on fiction and nonfiction books. Tarpley hopes it will be a resource for information about people of color and their varied experiences and that it will create a publishing platform for writers of diverse backgrounds.

Tarpley said that her legal education has helped her navigate contracts and other business aspects of her career as an author and as the founder of Voonderbar! Productions. “I must admit, I get a little geeked when I have to read a contract or when I’m talking with our lawyers about a particular legal issue,” said Tarpley. “There is definitely a part of my brain that enjoys the logic and structure of the law, or at least the attempt at such, especially in contrast to the more creative aspects of my work.”

Of her own writing career, Tarpley said, “I feel fortunate to be able to craft my own life around something I love. It’s a wonderful feeling to invest my energy doing something that really matters to me.”
Ted Grippo: Righting a Wrong through Writing

In 1920 a high-profile murder case dominated national headlines. Italian immigrants Nicola Sacco and Bartolomeo Vanzetti were accused of murdering two men during an armed robbery of a shoe factory in the Boston suburb of South Braintree. They were convicted of capital murder and sentenced to death.

Disputed facts and missing pieces led to six appeals and the suggestion that the men were convicted largely on their anarchist political views. Even so, they were executed on August 23, 1927.

Ted Grippo (JD ’53) was born a year after the execution. In 1938, when he was 10 years old, he overheard his father talk about Sacco and Vanzetti. The elder Grippo, an Italian immigrant, felt strongly about the men’s innocence and passionately explained their story to Ted.

“This story hit close to home for my father as an Italian immigrant,” Grippo said. “Even as a child I could sense his emotion and sadness as he spoke. I could tell that he felt sympathetic toward Sacco and Vanzetti.” At that time, years after the dramatic trial and appeals ended, there was a lot of unrest throughout the country and abroad about the wrongful conviction of the two Italians.

A seed was planted that eventually compelled Grippo, now retired from Grippo & Elden as a senior and cofounding partner, to write a book, With Malice Aforethought: The Execution of Nicola Sacco and Bartolomeo Vanzetti. It examines the facts of the case and focuses on intolerance and injustice in the US criminal justice system during the early 20th century.

“Listening to my father sparked an interest in me that I did not quite understand until I began to dissect the case and research information for this book,” said Grippo. “There are layers of civil rights abuses, social injustice, wrongful conviction, and important history that inspired me to write this book.”

Grippo had already begun research on the Sacco and Vanzetti case as a student at Northwestern Law working part-time at the school library, where he had “tons and tons of books at my fingertips.”

After law school he set his research aside to focus on a career that would span more than 50 years. He began as an attorney for the Illinois Secretary of State’s Office and eventually became Commissioner of the Illinois Securities Department. In private practice he found success working in mergers, acquisitions, divestitures, hostile takeovers, public and private securities offerings, and other legal matters for many top American international businesses.

Upon retiring, Grippo resumed his Sacco and Vanzetti research, which eventually grew to include information from books, case documents, and transcripts, from the Massachusetts archives and libraries.

“It was exciting to delve into something that meant so much to my father so many years ago,” Grippo said. “I learned so much and found out things that are fascinating and infuriating at the same time.” The book includes new revelations about the case, including false ballistics testimony and the manipulation of an interim opinion by the judge, which was contradicted by previously overlooked docket entries. Grippo believes the men did not receive a fair trial and were innocent of murder, as well.

Writing the book also ignited a passion about wrongful conviction cases. As a result Grippo has become an avid supporter of the Bluhm Legal Clinic and is currently a member of the advisory board of the Center on Wrongful Convictions.

“This book has resounding themes of discrimination and social injustice, which unfortunately still happen frequently today,” Grippo said. “If nothing else, the book opened my eyes to the responsibility of the legal profession regarding wrongful convictions.”
Alumni Club News

New Alumni Clubs Launched in 2013

Since January 2013 Northwestern Law has launched Alumni Clubs in five major metropolitan areas—Chicago, Los Angeles, New York City, the San Francisco Bay Area, and Washington, DC—as well as a club for LLM Tax alumni. There are plans to launch four new clubs in Milwaukee, Detroit, Minneapolis, and Boston by the end of 2013. Alumni Clubs provide opportunities for alumni to maintain and develop connections with one another and the Law School through professional, social, philanthropic, and academic activities. Recent club events have included happy hours, community service activities, and CLE programs. A number of Northwestern Law faculty members have traveled to various Alumni Club locations to meet with alumni and discuss their research and current legal topics. For more information or to get involved, please contact Terese Molinaro at terese.molinaro@law.northwestern.edu or 312.503.1793.

Chicago

UPCOMING FACULTY EVENT: JUNE 19, 2013
Esther Barron (JD ’95) and Steve Reed: “Training Students to Practice in the Start-Up Community”

Recent Faculty Events
Shari Diamond: “Embedded Experts on Real Juries”

San Francisco Bay Area

UPCOMING FACULTY EVENT: JUNE 19, 2013

Los Angeles

Recent Faculty Event

Northwestern Law Alumni Clubs by the Numbers
RECENT FACULTY EVENTS

Stephen Presser: “Do We Still Have Constitutional Law?”
John McGinnis: “Accelerating Democracy: Transforming Governance through Technology”
Eugene Kontorovich: “Pirate Prosecution Paradoxes”
Emily Kadens: “The History of Law Through Rare Books”

Club events in 2012: 16
Participants in club events in 2012: 684 (459 alumni, 225 guests)
Volunteers across all alumni clubs: 124
Club events currently scheduled for 2013: 34
Class Notes

1950s
Newton N. Minow (JD ’50) and Gilbert Feldman (JD ’55) were profiled in the July 1, 2012, Chicago Lawyer article “A Passion for the Practice Keeps Lawyers Coming to Work.”
Eugene I. Pavalon (JD ’56) received the 2012 Lifetime Achievement Award from Jury Verdict Reporter for his leadership, mentoring, and body of work.
Horace T. Ward (JD ’59) retired from the Northern District of Georgia bench. When appointed in 1979 he was the first African American federal judge in Georgia.

1960s
Sidney Robin (JD ’60) published his novel A Wrongful Death. (See story on page 44.)

1970s
Gary L. Schlesinger (JD ’70) was honored with a Lifetime Achievement Award at the Lake County (Illinois) Bar Association’s biennial president’s dinner.
Howard A. Tullman (JD ’70) was listed in Crain’s Chicago Business’s “Chicago’s Tech 50.”
Tyrone C. Fahner (LLM ’71) was named chairman of the Shedd Aquarium’s board of trustees.
Roger L. Taylor (JD ’71) retired from Kirkland & Ellis to become interim president of Knox College in Galesburg, Illinois.
Michael J. Canter (JD ’72) was listed in the 2013 Best Lawyers in America.
Michael D. Monico (JD ’72) was selected to join the Leading Lawyers Network, a peer-nominated organization, for his expertise in white-collar criminal defense.
Richard Moshier (JD ’72) joined the Hawaii office of Anderson Kill & Olick.
James P. Tuthill (JD ’72) led the University of California, Berkeley, international and executive legal education training program in regulating broadcast media.
Robert C. Boruchowitz (JD ’73) completed his sixth year of teaching at Seattle University School of Law.
Ross Bridgman (JD ’73) was listed in the 2013 Best Lawyers in America.
Harvey M. Grossman (JD ’73) received the Public Interest Law Institute’s Distinguished Public Service Award. (See story on page 41.)

1980s
Thomas G. Cline (JD ’80) received the Distinguished Service Award from the National Association of College and University Attorneys.
Alumna Honored at Annual Awards Celebration

Geraldine M. Alexis (JD-MBA ’76) received an Alumni Merit Award at the 80th annual Northwestern Alumni Association Alumni Awards ceremony in March.

Presented to one alumnus from each Northwestern school, Alumni Merit Awards recognize alumni distinguished in their professions or fields of endeavor.

A partner at Perkins Coie in San Francisco, Alexis specializes in antitrust counseling and litigation. She was previously a partner at Bingham McCutchen and at Sidley Austin. A self-described “ardent advocate,” she represents clients before the Department of Justice, the Federal Trade Commission, and state antitrust enforcement agencies in mergers, acquisitions, joint ventures, and other government antitrust investigations.

The first woman to receive Northwestern’s joint JD-MBA degree, Alexis said that Northwestern not only “provided me with excellent training in law and business” but also “introduced me to a large network of talented and dedicated alumni and alumnae who have enriched my life in so many ways.” She noted in particular Judge John Grady (JD ’54), who “hired me to be one of his first law clerks on the federal bench and thereafter became a wonderful mentor throughout my career.”

In recalling her favorite classes, Alexis mentioned Law and Social Change with Jordan Hay Hillman, Antitrust Law with Dean James Rahl, and a Partnership Law seminar with Harold Shapiro (JD ’52).
LAW ALUMNI AWARDS

Northwestern Law is pleased to announce the Law Alumni Awards program, designed to recognize alumni for their career accomplishments, dedication, and service to the Law School. Award recipients will be recognized at the inaugural awards luncheon during All Alumni Weekend in September. Nominations are being accepted for the following alumni awards:

- **Dean’s Legacy Award**
- **Distinguished Alumni Award**
- **Emerging Leader Award**
- **Volunteer Service Award**
- **International Alumni Award**
- **Dawn Clark Netsch Award**

For more information about the awards program or to submit a nomination, visit law.northwestern.edu/alumni.
Jason P. Klingensmith (JD ’98) was listed in Michigan Super Lawyers as a “Rising Star” in business litigation.

Glen G. McGorty (JD ’98) joined Crowell & Moring as a partner.

Michael B. Shaw (JD ’98) was promoted to equity principal at Much Shelist.

Lance A. Zinman (JD ’98) was named in Crain’s Chicago Business’s “40 under 40.”

Richard H. Bernstein (JD ’99) was inducted into the National Jewish Sports Hall of Fame and Museum in April.

Felix Shafir (JD ’99) was promoted to partner in the Los Angeles office of Horvitz & Levy.

2000s

Mona M. Bhide (LLM ’01) was profiled in the August 31, 2012, Economic Times article “Legal Divas Follow Zia Mody’s Footsteps, Rewrite Industry Law.”

James M. Dickerson Jr. (JD ’01) joined Taft Stettinius & Hollister’s Cincinnati office as a partner in the litigation practice group.

Michelle Hayden Bomberger (JD-MBA ’01) was chosen by the Puget Sound Business Journal as one of the region’s “40 under 40.”

Livia M. Kiser (JD ’01) joined Loeb & Loeb as a partner in its consumer protection defense department.

Ricardo Pinto (LLM ’01) was appointed judge in the National Criminal Appeals Court of Buenos Aires.

High Participation Rates in Firm and Corporate Alumni Challenge

Congratulations to the winners of the 2012 Firm and Corporate Alumni Challenge! Forty percent alumni participation was achieved in 2012 with nearly 1,400 alumni from more than 60 firms and corporations participating, and six firms and corporations achieved 100 percent participation.

The following firms and corporations achieved the highest participation rates in their categories for their support of Northwestern Law this year:

**Firms with 40+ Alumni**

- Jones Day (46 percent)

**Firms with 21-40 Alumni**

- Barack Ferrazzano Kirschbaum & Nagelberg LLP (71 percent)

**Firms with 8-20 Alumni**

- Bartlit, Beck, Herman, Palenchar & Scott LLP (100 percent)

**Firms with 3-7 Alumni**

- Grippo & Elden LLC (100 percent)

In addition to the winners listed above, the following firms received the Partners for Excellence in Law distinction, awarded to those firms or corporations that achieve at least 75 percent participation:

- Bodman PLC (100 percent)
- BP America Inc. (100 percent)
- Brinks Hofer Gilson & Lione (100 percent)
- Duane Morris LLP (100 percent)
- Marshall Gerstein & Borun (90 percent)
- Tishler & Wald, Ltd. (75 percent)
- Holland & Knight LLP (76 percent)

The Firm and Corporate Alumni Challenge creates opportunities for alumni to cultivate relationships with fellow alumni in their own firms or corporations and the broader Law School community. Firms and corporations with three or more Northwestern Law alumni may participate. Participants receive invitations to exclusive meetings with the dean and events featuring accomplished alumni, students, and faculty members.

Firms and corporations benefit by enhancing their visibility at the Law School and increasing their recruitment profiles with some of the best students in the country. Challenge winners in each division secure an exclusive networking reception with first-year students, special recognition during on-campus interviewing, and first right of refusal for select on-campus sponsorship opportunities.

For more information about the challenge, contact Anne Stanley at 312.503.4410 or anne-stanley@law.northwestern.edu.
ALUMNI
SWEARING-IN CEREMONY
at the
SUPREME COURT
OF THE UNITED STATES

Join Dean Daniel Rodriguez in Washington, DC, on Monday, March 10, 2014, for a special admission ceremony to the Bar of the United States Supreme Court for Northwestern Law alumni.

Space is limited to 50 attorneys and is available on a first-come, first-served basis. To qualify, an alumnus or alumna must have been a member in good standing of the highest court of his or her jurisdiction for the past three years. The application requirements include the following items:

• Completed Application for Admission to Practice form, found on the Supreme Court website at www.supremecourt.gov/bar/barapplication.pdf
• Certificate of good standing from the highest court of one’s jurisdiction
• Signatures of two sponsors who are current members of the US Supreme Court Bar
• $200 admission fee made payable to US Supreme Court

Paperwork and payment must be received by Teresa Molinaro at Northwestern Law no later than Monday, November 4, 2013. Complete event and application details are available at www.law.northwestern.edu/supremecourtbar. A confirmation email will be sent when a space is officially reserved. Please address questions to Molinaro at terese.molinaro@law.northwestern.edu or 312.503.1793.

Each person being admitted may bring one guest to witness the swearing in.

Laura A. Rupenian (LLM ’01) joined the leveraged finance and private equity practice in Goodwin Proctor's San Francisco office.


Roxanne Torabian-Bashardoust (JD ’02) was recognized as a “2012 Southern California Rising Star” in employment and labor law and business litigation by Los Angeles Magazine and was included in the 2012 Southern California Super Lawyer’s “Rising Stars” issue.

Sheila M. Maloney (JD ’03) was featured in the cover story of the July 2012 Chicago Lawyer about Legal Prep Charter Academies, a charter high school in Garfield Park with a focus on the legal profession.

Jane Blake (JD ’04) was appointed in-house counsel at Abbott Labs.

David C. Lee (JD-MBA ’04) became a partner of Latham & Watkins in its Costa Mesa, California, office.

Benjamin L. Mack (JD ’04) was elected a partner of Nutter McClennen & Fish.

Lacey Bundy (JD ’05) was promoted to senior vice president, general counsel, and corporate secretary of Express Inc.

Gaetan E. Gerville-Reache (JD ’05) was named a partner at the Michigan law firm Warner Norcross and Judd.

Vladimir Kykal (LLM ’05) was named a partner at Weil, Gotshal & Manges.

Nathan W. Lamb (JD ’05) was named a “Rising Star” by Illinois Super Lawyers.

Benjamin Feuer (JD ’06) formed the California Appellate Law Group, which focuses on civil and white-collar appeals.

Matthew Fortney (JD ’06) was named a “2012 Rising Star” by Wisconsin Super Lawyers.

Caryn Smith (LLM Tax ’06) was named a partner at Baker & McKenzie.

Anjan Chatterji (LLM Tax ’07) joined Foley & Lardner LLP as the director of healthcare law and economics. He and his wife are expecting their first child.

Caleb Durling (JD ’07) was named one of Law Week Colorado’s “Up-and-Coming Lawyers.”

Daniel J. Gandert (JD ’07) coauthored a research paper with Luis Hansen (JD ’12) examining the legality of a proposal to limit the age of Olympic basketball players.

Sonya Jindal (LLM Tax ’07) was appointed to the American Cancer Society advisory board.

Andrew Z. Miller (JD-MBA ’07) was promoted to senior vice president of strategy and business analytics for the Cleveland Indians.

Afolasade Adebimpe A. Osundosu (LLM ’07) has started his own firm, Lawpath Solicitors.

Joseph J. Wardenski (JD ’07) was named one of the “Best LGBT Lawyers under 40” by the National LGBT Bar Association.

Anne-Marie Rabago (LLM Tax ’08) was one of San Diego Metro Magazine’s “40 under 40” for 2012.

Christopher James (LLM Tax ’09) was elected a shareholder of Davis Brown.

Krista Stone-Manista (JD ’09) joined Rosen Bien Galvan & Grunfeld as an associate.

2010s

Jesse Abrams-Morley (JD ’10) joined Pietragallo Gordon Alfano Bosick & Raspanti as an associate attorney in the litigation practice group.

Sumaira Khalid (LLM-IHR ’10) was recently married.

Lauren Matecki (JD ’10) joined the Chicago office of Perkins Coie

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as an associate in the technology transactions and privacy subgroup.

Alexandra Newman (JD ’10) completed a two-year term as a staff law clerk for the US Court of Appeals for the Seventh Circuit and joined the litigation group of Mayer Brown as an associate.

Heather Scheiwe Kulp (JD ’10) completed a two-year Skadden Fellowship with the Resolution Systems Institute/Center for Conflict Resolution.

Chijioke Akamigbo (JD ’11) started a solo practice in Rockville, Maryland, in 2012.

Joel Boussert (LLM Tax ’12) joined Gould & Ratner as an associate.

Lauren Cohen (JD ’12) joined Perkins Coie in intellectual property litigation.

Matthew G. Gold (JD-MBA ’12) joined Cerberus Capital Management as an associate. He recently married Emma Catherine Juliet Hayward.

David Greer (JD ’12) and his wife welcomed their first child on August 2, 2012.

Luis Hansen (JD ’12) coauthored a research paper with Daniel J. Gandert (JD ’07) examining the legality of a proposal to limit the age of Olympic basketball players.

Susan Kai (JD ’12) joined Pitcer, Nichols & Meeks as an associate in the Chicago office.

Andres Lankenau (LLM/K ’12) joined Baker & McKenzie as an associate in its corporate and mergers and acquisitions practice.

Jessica E. Ling (JD ’12) joined the Nashville law office of Frost Brown Todd as an associate.

Walter Sun (JD ’12) joined Quarles & Brady’s Milwaukee office as an associate in the intellectual property group.

William A. Walden (JD ’12) joined Quarles & Brady’s Chicago office as an associate in the labor and employment group.

This list reflects information received by the Office of Alumni Relations and Development as of January 31, 2013.

In Memoriam

Northwestern University School of Law extends its heartfelt condolences to the loved ones of recently deceased alumni, faculty, and friends.

1930s
Ben W. Heineman (BLM ’36)

1940s
Kenneth E. Scranton (JD ’40)
Joseph A. Zygmuntowicz (JD ’42)
Clinton L. Eckstrom Jr. (JD ’48)
Jeremiah D. McAuliffe (JD ’48)
Martine H. Justak (JD ’49)
William P. Shattuck (JD ’49)

1950s
Kenneth J. Burns (JD ’51)
William G. Mitchell (JD ’58)
John M. Mack (JD ’59)

1960s
Alan J. Scheffres (JD ’60)
John P. Shonkwiler (JD ’62)
James E. O’Halloran (JD ’65)
James M. Roberts (LLM ’65)

1970s
Donald T. Rocen (JD ’70)
Glynn W. Freeman (JD ’71)
Charles B. Martin (JD ’79)

1980s
Karla Foreman Wright (JD ’83)
Philip Henry Leventhal (JD ’85)

2000s
Jonathan E. Persky (JD ’01)
Pei-Hsun Ma (JD ’04)

Dillon Smith, an alumnus of both the Law School (JD ’69) and the Medill School of Journalism, Media, Integrated Marketing Communications (BSJ ’63, MSJ ’64), died at age 71 at his home in Naples, Florida, on February 22. An award-winning broadcast journalist, he had a wide-ranging career in law and media, including 15 years with WMAQ-TV in Chicago. In 1984 he established a television production company in Chicago, Dillon Smith Communications, where he worked until he retired to Florida in 1996. He remained active with the Northwestern community, serving as a member of the Law Board and an alumni interviewer for admissions.

Nearly 90 alumni gathered for an alumni event in Tokyo on October 15, 2012, organized by Masatsugo Suzuki (LLM ’72) (pictured left), Masahiro Ohtsuka (LLM ’88), Miho Niunoya (LLM ’97), Yukie Endo (LLM ’98), Masako Sakaguchi (LLM ’99), Takashi Ito (LLM ’04), and Toshihiko Shigetake (LLM ’07). Dean Rodriguez joined the group via Skype.
How the 100-Year-Old Income Tax Unleashed the Modern US Economy

BY CHARLOTTE CRANE

This article was originally published in The Atlantic on February 25, 2013.

One hundred years ago today, Secretary of State Philander Knox certified to Congress that the Sixteenth Amendment had been ratified by Delaware and Wyoming, clinching the required 36 states. Congress was free once again—this time without the threat of obstruction from the Supreme Court—to do something that has changed the scope of government for the next century. Washington could tax incomes.

Almost 10 years earlier, that Court, alarmed at the willingness of Congress to impose taxes that were only to be paid by the rich, had struck down the tax. Justice Field had declared it an “attack on capital” that was only the opening round of “a war constantly growing in intensity and bitterness.” Some populists in Congress had threatened to enact the tax again in defiance of the Court, but in 1909 their energies had been diverted to the ratification effort in the States. Conservatives hoped the push for the income tax would wither in the state ratification process. But less than four years later, the amendment was ratified.

Many political observers rue this day in history. To them, the income tax embodies all that is wrong with the modern federal government. By encouraging some economic activity more than others, they say that the income tax, like much federal regulation, dampens economic growth and stifles entrepreneurial creativity.

Far worse, in their eyes, is that the income tax makes the federal government possible. It funds bloated services and enables all sorts of social and economic meddling in the sacred workings of the free market. But what would the past 100 years have looked like without the Sixteenth Amendment? Certainly not much like a free market—unless something else had come along to get rid of tariffs and tariff politics, which had been restraining the economy.

For much of the 19th century, the federal government had deliberately exercised its taxing power to affect the economy profoundly. The first substantive act of the First Congress—signed into law on July 4, 1789—imposed duties on tea, salt, beer, candles, sugar, cider, nails, shoes, soap, and other essentials. Since the country’s founding, these fees had not only funded the government, but also had served to protect fledgling American industries from foreign competition. Such tariff duties were imposed to ensure high prices—frequently as much as 50 percent higher—for foreign goods and thus to encourage US consumers to buy domestic. By shielding our markets from competition—and by making foreign soap and shoes too expensive for many to buy—these tariffs restrained trade and raised the cost of living for rich and poor alike.

The US federal government had, since its earliest moments, behaved as if it was good to intervene this way in the economy. Battles over which industries deserved how much protection (which frequently amounted to fights over which Congressmen would end up most beloved by their most influential backers) often dominated federal politics. Up until the beginning of the twentieth century, such tariffs had sustained the federal government, except during the Civil War, when warships closed ports and made trade difficult. The knowledge that Congress would impose protective tariffs encouraged lobbyists and drove Washington debates. These lobbyists had always triumphed over those concerned about whether such tariffs hurt consumers without really benefitting the economy. The greed of the lobbyists and their clients was limited only by the fact that if the trade protection they sought was too successful, prices would be raised too high, consumers would refuse to buy, and there would be no imports and thus no federal revenue.

Progressive politicians embraced the income tax as a way to raise money for the federal government without burdening the average household with the high living costs imposed by duties. Anyone who believed in free trade, who wanted to end protectionism and allow American markets to develop without obstruction, had to offer some revenue that didn’t come from tariffs. Ratification of the Sixteenth Amendment let reformers finally welcome an alternative source of tax revenue: American incomes. And for at least a few years, the income tax would clear out the lobbyists, raising revenue evenly across every industry and depriving Congress of reasons to favor one industry over another.

Of course, tariffs did not die immediately when the permanent income tax was born. But once it was no longer the primary source of federal revenue, the tariffs politics changed. Congressmen could no longer declare that their special favors to pet industries were important sources of revenue. Relatively quickly, Congress substantially withdrew from the business of attempting to influence the economy by regularly granting such favors.

You could well argue that this withdrawal was only temporary. Our income tax code is carved out with thousands of exemptions and deductions to protect interests large and small, and we cannot say that favors are not still being carried by representatives with interests that are extracurricular to economic growth. The urge to reward political supporters in the name of economics is timeless and irresistible.

Nevertheless, the Sixteenth Amendment created a new political and economic environment. It freed us from the shackles of tariff politics, lowered living costs for many Americans, allowed the federal government to raise enough money to build roads, mount the world’s greatest army, provide income security to the poor, and transform ourselves into the dominant country in the 20th century. In other words, the income tax not only enabled the modern federal government. It enabled the modern US economy.

*See 1 Stat. 24. The first act, at 1 Stat. 23, passed June 1, 1789, set forth the oath of office for Congress, the President, and other federal officers, and also required certain state officers to take the federal oath. Some would argue the latter provisions were in some sense “substantive,” but the Constitution clearly required the loyalty in question, even if it did not require the oath. Congress spent the next month in political wrangling about what industries deserved protection.

Charlotte Crane is professor of law at Northwestern University School of Law.
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SEPTEMBER 27–28, 2013

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