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WITH this issue of the Northwestern Law Reporter, we bring you news about some of the tremendous scholarly accomplishments of our faculty and, as well, descriptions of key international initiatives of several faculty members and programs. Northwestern Law School has long had extraordinary reach and impact, both here at home and abroad. Well before global initiatives were mainstream practices in American law schools, Northwestern Law faculty and students were deeply engaged in projects around the world. In these pages, you will read about some of our recent interesting projects. Moreover, in the coming months, I will share news about new initiatives that will expand our influence, reputation, and impact in key areas of the world. These initiatives will create new opportunities for scholarly exchange that will enrich and expand our community in myriad new ways.

This issue also reports on how we are improving the criminal justice system in the United States. Many of you are familiar with the work of the Center on Wrongful Convictions. Earlier this year, the Law School hosted a conference that honored the many contributions the CWC has made toward understanding and addressing wrongful convictions. Real progress has been made in this area and our clinicians, students, and alumni have been instrumental in bringing about these reforms. And one of our more recent additions to the clinical faculty—Rob Owen—contributes to this issue a thoughtful memoir on the importance of death penalty litigation. He writes, “The work we do makes our criminal justice system fairer. Though the changes we achieve are incremental, they have systemic impact.”

We begin this new academic year with great energy and ambition. This month will see the public launch of Motion to Lead: The Campaign for Northwestern Law. This effort, well underway, will help us secure major financial support to improve the well-being of our students, ensure that our school maintains its distinguished stature among American law schools through enhancements to its intellectual and physical infrastructure, and grow our reputation as a place of innovation and a champion of justice in our world.

We will continue to share our efforts and our successes through this magazine; through my blog, Word on the Streeterville; through social media and social events; through visits and letters and phone calls. I hope you will reach out to me—my email address is: daniel.rodriguez@law.northwestern.edu.

Your Law School is fueling innovation and creative solutions to address the challenges of the modern legal environment and the world beyond Chicagoland. I invite you to join us!

Daniel B. Rodriguez
Dean and Harold Washington Professor
Pfander Honored by Federal-State Jurisdiction Committee

James Pfander, Owen L. Coon Professor of Law, was recently recognized for his work with the Federal-State Jurisdiction Committee of the Judicial Conference of the United States.

Pfander, who has served as a reporter/consultant to the committee since 1998, was presented with a resolution in his honor at the committee’s June meeting, held at Northwestern Law.

“It was a lovely gesture,” said Pfander. “It was especially nice of them to do that here at Northwestern with students in attendance.”

Following the committee’s business meeting, members joined students in Northwestern’s Judicial Practicum for lunch and a discussion of the work of the state and federal courts.

The Federal-State Jurisdiction Committee develops policy recommendations in response to legislation that would reallocate responsibilities between state and federal courts. It also deals with issues affecting US territorial courts and seeks to foster federal-state judicial cooperation. It meets twice a year and submits recommendations to the Judicial Conference of the United States, which determines whether to adopt the recommendations as conference policy.

Pfander serves as a resource for committee staff and judges seeking advice on the impact of proposed legislation. He also helps develop briefing books for the judges before they meet. A few years ago, he worked with the committee in preparing a preliminary draft of what became the Federal Courts Jurisdiction and Venue Clarification Act. See Pub. L. No 112-63, 125 Stat. 762 (December 7, 2011). Congress adopted the statute, a “collection of fixes to address problems that had arisen in the administration of jurisdictional law,” Pfander said.

Pfander feels his involvement with the committee is a perfect complement to his work at the Law School.

“My scholarly work focuses on issues of federal jurisdiction and civil procedure, so the kinds of questions that arise in connection with my work as a consultant are central to my work as a law professor,” Pfander said. “I’m often able to draw on my consultant work when I talk to students in class, and I hope to give them the benefit of an insider’s understanding in the classes I teach.”

“Throughout his service to the Committee, Jim has been a valued source for reliable, in-depth analysis of legal issues. He has honored his commitment to scholarly neutrality while facilitating discussion among judges with differing points of view. He has a unique ability to take difficult and complex jurisdictional issues and explain them in a way that even judges can comprehend. … Jim also has a quest for learning—and sharing what he has learned—with students, academics, and judicial communities. We have often been the beneficiaries of that great wealth of knowledge and for that we are grateful.”

Excerpt from the “Resolution in Recognition of Professor James E. Pfander, Consultant to the Committee on Federal-State Jurisdiction”
Reforming the Law of Evidence of Tanzania

Last spring Professor Ronald Allen, nine students, and one recent Northwestern Law graduate presented a draft Evidence Act to the Court of Appeals, Tanzania’s highest court, for consideration. Their visit to Tanzania continued a project that has been three years in the making and will continue in the coming year.

By Steve Hendershot
At that point, “there was just no way to comprehend the significance of what we were there to do,” remembers Katy Pine (JD ’15), one of the students. That changed abruptly the following morning. That’s when the students unveiled their proposal to replace the East African nation’s rules of evidence with a new set they had written themselves. This was not an abstract presentation of a research paper, it was a radical reinvention of a foundational component of Tanzanian law.

Not everyone present rushed to embrace the recommendations. On the contrary, one of the justices rose and suggested that adopting the Northwestern proposal would be a terrible mistake. He argued that the existing code served the country well. The Tanzania Evidence Act had been in place since shortly after Tanzania gained independence from Britain in 1964, and even then was only slightly modified from the evidence rules adopted by India in 1872. The Indian Evidence Act had been drafted by a British colonial legal official, James Fitzjames Stephen, and some version was still in effect in many former British colonies in Africa and Southeast Asia.

But to Ronald Allen, the Northwestern professor and renowned evidence scholar who led the delegation, Stephen’s rules of evidence were at best antiquated and at worst prejudiced toward cultural elites, with “conceptual foundations that are crazy beyond belief.” Professor Allen and his team of students were in Tanzania at the invitation of Dr. Edward Hoseah, a senior government official and leader of the country’s Prevention and Combating of Corruption Bureau. Hoseah is an advocate for legal reform and an admirer of Allen. The two met 20 years ago at a conference in Vancouver, after which Hoseah came to Chicago to do doctoral research. It was while Hoseah was at Northwestern that Allen convinced him of the importance of a sound evidential code within a broader legal reform movement. “It’s the best place to start,” says Allen. “First, it’s trans-substantive, covering all fields of the law. Second, accurate fact-finding is the single most important factor in the legal system.”

In 2011 Hoseah emailed Allen and asked him to become the chief legal-reform consultant to the Tanzanian parliament. Allen accepted. And now here they were in spring 2014, watching a team of law students from Northwestern get grilled by Tanzania’s foremost jurists. Their hope was that the proposed rules would be adopted and serve as a cornerstone for greater legal reform. As the
objecting justice spoke, it was clear that roadblocks remained. Yet the intensity of the debate also made clear that the proposal was being received with great seriousness.

This was no field trip.

Says Pine: “Once the justices started pushing back, started resisting, that’s when I realized this was legitimate—this could really make an impact.”

Building the Foundation

When Professor Allen first traveled to Tanzania in spring 2012, he did so with three students and no idea that he would oversee the drafting of new evidentiary rules. Instead, that first year focused on research—on the existing code, as well as the culture, politics, economy and history of Tanzania.

“There are certain things that are universal in any field of law, but there also are a lot of things that are quite local and indigenous, and you have to understand how the two relate in order to be effective in law reform,” says Allen. “It’s not as simple as taking the American Constitution and trying to plop it down. We wanted to think conceptually from the bottom up, identify the issues, and then respond to them.”

During the trip his team not only met with a group of Tanzanian officials and scholars investigating legal reform but also with groups representing AIDS patients, rural Tanzanians, and the impoverished. The breadth of those interviews was immediately valuable: “It wasn’t clear that legal elites were talking to and working with those populations,” says Tim Fry (JD ’13), a student who went on the trip and is now an associate at McGuireWoods.

“Part of our value there had nothing to do with evidence but just relaying one group’s concern to another and hearing, ‘Oh, that’s interesting, maybe we should talk to them.’”

Another of the group’s discoveries was that the complex set of existing evidence rules wasn’t compatible with the realities of Tanzania’s courts. Case files for the highest court were bound up with string; there was no electronic filing system. Lower court judges acted as de facto court reporters, attempting to take verbatim notes while also presiding. The evidence rules themselves, byzantine and constrictive by modern standards, confounded lower-court attorneys and judges alike, a problem exacerbated by language barriers—English, the language of the Tanzanian government, is spoken only by a minority of citizens, and often eschewed at trial. (Tanzania’s national language is Swahili, and dozens of other languages and dialects are spoken as well.)

The trip concluded with a presentation at a law school in Dar es Salaam, where the team learned there had been a major study of Tanzanian evidence law in the 1970s. It was a fitting end to a journey of discovery.

“There were things you couldn’t know unless you were on the ground,” says Jeff VanDam (JD ’13), who participated in both the 2011–12 and 2012–13 iterations of the project and is now a law clerk for Chief Judge Diane Wood of the US Court of Appeals for the Seventh Circuit. “There had to be an initial stage where we just listened, where we didn’t impose what we thought but just asked them about their experience and what they wanted, then tried to interpret it as best we could.”

Following the 2012 trip Allen recommended that the Tanzanian working group draft and adopt new laws of evidence. That fall, as he thought of ways...
to bring a new batch of students up to speed, he had an idea for a class project: “While we wait for the Tanzanians, let’s go ahead and draft a model code of evidence as a means of really dealing with the conceptual foundations.” The group presented it in spring 2013 during a second trip to Tanzania, this time at Edward Hoseah’s offices at the Prevention and Combating of Corruption Bureau in Dar es Salaam. The point, Allen says, “was not to make an actual proposal, but to highlight the conceptual gap.” The centerpiece of the presentation was the identification of eight guiding principles of reform, underlying concepts of evidence law such as the notion that the law should facilitate accurate, efficient and fair fact-finding, and should respect community norms where possible. The eight principles also formed the basis of an article published in the Boston University International Law Journal.

Drafting the Document

“The rubber hit the road,” says Allen of the decision to turn his project into a document worthy of consideration by the Tanzanian Parliament. “Until then, it was a really interesting, tremendous pedagogical experience that I enjoyed and thought was helping out my friends in Tanzania. But this is a different story.”

For the students, it was clear the stakes had been raised, and they responded. “We were all working insane hours, because we didn’t want to drop the ball. It was, ‘This isn’t an assignment anymore; it’s for a country,’” says Katherine Allison (JD ’14).

The students divided into subgroups to tackle specific articles within the proposal, such as authentication, expert witnesses, and specific relevancy. Each group would present a draft to the larger class for analysis and critique, then head back for another round of revision.

Many of the changes were intended to modernize or clarify the older code. The Tanzania Evidence Act had been amended only a handful of times, and still was very much rooted in the Indian Evidence Act of 1872. The Northwestern document develops a standard for authentication, something missing from the old code, which is rooted in an era when oral testimony was strongly preferred over any other form of evidence, and before the many kinds of evidence that exist today were created (electronic information, for example). There is no general provision for electronic evidence in the current Tanzanian code; the Northwestern team drafted provisions to make the Act “technologically neutral” to accommodate the changes that have

Katherine Klein (JD ’14) consults with Professor Ron Allen before beginning her presentation to the Tanzanian justices the spring.
Clarification also was a critical concern. The old code is complex, which in Tim Fry’s view contributed to injustice: “There are these very technical rules that the higher courts follow to a ‘T,’ but at the lower levels, lots of cases are getting thrown out on technicalities that perhaps don’t deserve to be.”

Some changes were more fundamental. Among the most striking differences between the Northwestern draft and the existing Tanzanian evidence law were:

The Tanzanian code requires evidence to meet specific, pre-defined criteria in order to be admitted. The Northwestern proposal applies a more typical, modern test of materiality and relevancy, along with the idea that a piece of evidence ought to be allowed unless there is a specific reason to disqualify it.

The old code’s rule of “best evidence” ranks evidence by category and demands that the top-ranking form be presented. The Northwestern code is more accommodating in its interpretation, so that if a lower-ranking form of evidence is less expensive to obtain and equally effective in proving a point, it is admissible. Allen’s analysis of the original Indian Evidence Act is that it aims to remove, as much as is possible, the judgment and discretion typically left to a jurist or advocate. The Northwestern proposal trusts the discretion of the system’s actors. Says Allen of the best-evidence rule, for example: “The parties have the incentive to produce the best evidence, because they’re trying to win. The best evidence is the most persuasive, and the most persuasive is almost always going to be that which is most likely to be true. People are not stupid, and that’s why the system works actually pretty well.”

The Tanzanian code prohibits hearsay evidence, with a couple of peculiar exceptions such as the allowance of bankers’ books. Allen calls that exemption an example of the old code’s hegemonic

“There were things you couldn’t know unless you were on the ground. There had to be an initial stage where we just listened, where we didn’t impose what we thought but just asked them about their experience and what they wanted, then tried to interpret it as best we could.”

Jeff VanDam (JD ’13)
influence, “where the rich and powerful are being systematically preferred by the law of evidence. They did what they did to make sure the British East India Company could get its contracts enforced.” The Northwestern code applies a more liberal standard.

The Response

Over the course of two days of presentation in Tanzania this spring, opposition to the Northwestern proposal gradually receded. This was due in part to a shift in the presenters’ tone; instead of emphasizing the differences between the two sets of rules, they presented a chart that focused on the commonalities, and how to a great extent the rules the justices knew were being refined, rather than overthrown.

“Once people got the sense it was more of a streamlining and modernizing than a complete change, they became more comfortable,” says Katherine Klein (JD ’14), who participated in both the 2012–13 and 2013–14 iterations of the project.

The justices also began to appreciate the more conceptual changes. “You could just see, one by one, light bulbs turning on and people getting what we were talking about,” says Allen. “If you grow up in a conceptual universe, it’s not easy to get outside of that box. They did it.”

At the conclusion of the presentation, the justices voted unanimously to forward the Northwestern proposal to the

Party Hegemony versus Evidentiary Law in China

Tanzania isn’t Professor Ronald Allen’s only current project aimed at reforming evidence law overseas. It’s not even his biggest.

That honor goes to China, where Allen has traveled 18 times since the early 2000s, when the dean of a Chinese law school arrived in Chicago to seek his help.

During the Chinese Cultural Revolution of the 1960s, many of the country’s lawyers and intellectuals were killed, and the legal system was gutted, according to Allen. After Communist Party leader Mao Zedong died in 1976, successor Deng Xiopeng struggled in his push for economic growth, in part, Allen says, because “the economy can’t function without a legal system. At that point, you’re just bartering.”

So in the 1980s, Chinese scholars began traveling overseas to learn law and economics, an effort that ultimately led to Chicago when members of the reformist vanguard determined that evidentiary reform was a smart starting point and that Allen could help them learn the field. Since that first dean arrived unannounced at Allen’s office, dozens of Chinese law students have followed; Allen says he’s averaged between three and five Chinese students per term over the last decade.

The underlying legal principles differ from those in Tanzania because they are Germanic in origin, not British, and they were adopted by the leaders of Republic of China after the overthrow of the Qing dynasty.
Tanzanian Parliament, along with the court’s recommendation that the proposed new law of evidence be adopted. Parliament has yet to rule on the matter.

Hoseah, the leader of Tanzania’s Prevention and Combating Corruption Bureau and the man who recruited Allen to Tanzania, heralds the team’s work as “the foundational basis for reforming the law” and “enhancing the quality of the justice system” in Tanzania.

Next spring Allen and the Northwestern team will travel to Tanzania again. If Parliament has approved the rules, the plan is to focus on educating attorneys and judges nationwide about the changes. Allen believes that’s the next step in achieving broader reform in Tanzania, followed by an overhaul of the country’s rules of procedure, which he calls “just as problematic as their evidentiary regime.”

Says Allen: “We haven’t changed the world. Evidence is a brick, not a wall. A single piece of evidence is not a whole case, and it’s the same point here: a single statutory change to a complex governmental-social-political dynamic is not going to bring about fundamental change. The question to ask is whether you think that kind of change is necessary and what’s the first step to take. This is that first step to take, and now they need to take the next ones.”

This fall Professor Allen will convene a conference to discuss reforming evidence law in Tanzania, China, and other countries. Academics, students, and government officials are invited to attend the November 21–22 conference, “The Foundations of the Law of Evidence and Their Implications for Developing Countries,” which will be held at Northwestern Law.

in 1912. The legal system was declawed but not replaced after the mid-century Communist revolution, so the same foundation remains in place. That system doesn’t feature American-style adversarial proceedings and thus doesn’t decentralize the evidentiary process. “My students are grafting an Anglo-American conception of the law of evidence onto a Germanic system, and the Germans would say you can’t do it,” Allen says. “The Chinese are saying, ‘Yes, we can.’ And so it’s kind of a fun and interesting exercise.”

Some of Allen’s students drafted a code of evidence that has been adopted by several Chinese judicial districts. Meanwhile, several other districts have adopted alternative evidentiary codes, and last year the nation’s highest court started a research program to investigate more formal legal reform. Allen is an adviser to the 30-person committee, which includes many of his former students.

Allen is interested to watch the process play out, in part because the underlying principles of Western-style legal reform seem somewhat at odds with the Communist Party’s principles. “Everything governmental that happens in China happens to preserve the hegemony of the Communist Party. The only reason they care about legal reform is because they know the economic miracle has to continue in order to preserve them in power,” says Allen. “They now know that they need a legal system that looks something like a Western legal system because of its commitment to stability and facts. When you rest a property right on facts, it’s stable, because facts are stubbornly resistant to manipulation.”

Yet a commitment to accurate fact-finding is not perfectly aligned with the hegemony of the Communist Party. “Exactly right,” says Allen. Besides, he says, economic growth and the power of the Communist Party “are implacably in opposition to each other. Everywhere you look in the world, the creation of a robust middle class changes the dynamic between governor and governed.”

“Once the justices started pushing back, started resisting, that’s when I realized this was legitimate—this could really make an impact.”

Katy Pine (JD ’15)
Symposium Honors Center on Wrongful Convictions Co-founder

By Pat Vaughan Tremmel

At first glance the symposium honoring Rob Warden, the co-founder of the Center on Wrongful Convictions at Northwestern University School of Law, seemed like déjà vu.

Many of the featured speakers and audience members were the same ones who were central to the 1998 Conference on Wrongful Convictions and the Death Penalty at Northwestern Law.

Almost 16 years ago, that historic conference brought media from throughout the world to the Law School to shine an unprecedented light on wrongful convictions, setting the stage for the founding of the center one year later.

During the symposium this May, leading lawyers, scholars, advocates, and exonerees once again gathered in the Law School’s Thorne Auditorium to lay out the terrible costs of wrongful convictions and the death penalty, both with hard facts and heartbreaking tales of individuals devastated by an overburdened criminal justice system that too often gets it wrong.

But this time the symposium discussions also focused on the considerable progress that has been made in rectifying and preventing wrongful convictions following the momentum of the 1998 conference.

Thanks to the relentless efforts of many in the auditorium that day in 1998 and beyond, public perceptions, policies, investigations, interrogations, litigation and legislation related to wrongful convictions have shifted markedly for the better, said Lawrence Marshall (JD ’85), co-founder, with Warden, of the Center on Wrongful Convictions and now a professor at Stanford Law School.

Since the 1998 conference, exonerations, death penalty moratoriums, and legislation reforms related to wrongful convictions have increased dramatically.

Power of Narrative

Warden, who retired in August, was pivotal to the sea change in the national discourse about wrongful convictions and the death penalty.

In his introductory remarks Northwestern Law dean Daniel B. Rodriguez paid tribute to Warden “and his dedicated, countless contributions to our center, to our law school, and to educating the public about the prevalence and causes of wrongful convictions.”

Center on Wrongful Convictions co-founder Marshall set the tone for the symposium with his passionate opening remarks.

“Rob’s brilliance was understanding as a journalist that the way you get into people’s consciousness, the way you effect change, is through the compelling story—that the compelling story is worth a thousand statistical studies,” he said.
A former journalist who won awards for his pioneering investigative pieces on wrongful convictions, Warden continued to use narrative as a Center on Wrongful Convictions leader to counter a once deeply ingrained mindset against evidence, no matter how compelling, that innocent people really do linger in prison and, most tragically, on death row for crimes they didn’t commit, Marshall noted.

“Whether it’s in the area of false confessions, in the area of eyewitness identification, the area of jailhouse informants, you name it, Rob’s use of narrative has been extraordinarily effective” in telling the stories of innocent people victimized by well-known flaws in the criminal justice system Marshall said.

By the time of the 1998 conference, both Warden and Marshall had worked on the cases of exonerees who would become household names. Warden’s journalism portfolio included investigative pieces on Gary Dotson, the Ford Heights Four, and Rolando Cruz. A few years before the conference, Marshall’s successful defense of Cruz—after three trials and a judge’s directed verdict of prosecutorial misconduct—finally altered the media’s perspective on the murder of a young girl that had dominated headlines for many years.

MEDIA FOCUS ON WRONGFUL CONVICTIONS

But it was an Associated Press photo from the 1998 conference that signaled the shift of the media’s, and, ultimately, public perception about wrongful convictions and the death penalty. As the digital age was just beginning to take off, the AP photographer was the envy of fellow photojournalists as, sitting in the Law School, he transmitted the widely publicized photo from his laptop across the world.

Picked up by the New York Times, among many other news outlets, the photo captured the former death row inmates, gathered together for the first time ever, on the stage of Thorne Auditorium, immediately after each had introduced himself at the podium saying, “Had the state of Illinois gotten its way, I’d be dead today.”

Of the first gathering of 28 death row survivors, the article in the New York Times that ran November 16, 1998, said, “It was a chilling flesh-and-blood reminder of the greatest fear of opponents and supporters of the death penalty—the execution of the innocent.”

In the years following the 1998 conference, the Chicago Tribune devoted considerable resources to investigative pieces related to wrongful convictions, including a six-part series titled “Cops and Confessions” and a three-part special report titled “The Legacy of Wrongful Convictions.”

“Whether it’s in the area of false confessions, in the area of eyewitness identification, the area of jailhouse informants, you name it, Rob’s use of narrative has been extraordinarily effective.”

—LAWRENCE MARSHALL (JD’85), CO-FOUNDER, CENTER ON WRONGFUL CONVICTIONS

ZORN Q & A WITH WARDEN

Interviewing Warden on stage, Chicago Tribune columnist Eric Zorn, who has written a number of columns on exonerees and wrongful convictions, took Warden down memory lane, from his days as a cub reporter in Kalamazoo, Michigan, to his career at the Chicago Daily News, one of the nation’s premier organizations at the time.

Warden held a number of positions at the Daily News, where he covered business, science, and politics, worked as a foreign correspondent for a few years, and held a number of editor positions. He began to win prizes for his work on Chicago police officers infiltrating community organizations to spy on them. He also challenged other government officials in his stories, a relatively rare occurrence in journalism at the time.

Finally after the Daily News folded in March 1978, Warden started working for a little law publication that reported on legal comings and goings. That publication ultimately became the Chicago Lawyer, which Warden co-founded and for which he wrote his first death penalty story.

A young white couple had been abducted from an all-white suburb, brutally murdered and abandoned at a townhouse.

“The cops grabbed the most convenient guys, who happened to be Dennis Williams, Willie Raines, Kenneth Adams, and Verneal Jimerson [the Ford Heights Four], and railroaded them on to death row,” Warden said.

At the Daily News, Warden said he had began to realize that “the justice system has a propensity for doing this.” He remembered thinking, he told Zorn, “How can we trust a system that can get away with taking innocent people’s lives? It was stunning.”

The recipient of more than 50 journalism awards, Warden went on to work on a number of stories related to wrongful convictions at the Chicago Lawyer before selling the publication in 1989.

“What would he tell a young journalist starting out today?” Zorn asked.

“You have got to be willing to follow your instincts, and don’t let anybody persuade you to do anything you don’t think is right, even though that person may be in a position of authority,” Warden concluded.
EXONEREES EMBRACE WARDEN ON STAGE
In a truly déjà vu moment, the group of 30-plus exonerees who gathered on the stage of Thorne Auditorium this May included former death row inmates who were featured in that AP photo in 1998, including Gary Gauger and Kenny Adams of the Ford Heights Four.

Standing on the stage seeming a bit stunned, the man who spent much of his career pushing stories of wrongful convictions into primetime news was approached by each of the exonerees with a heartfelt handshake or embrace.

“Most of all, I think of Rob as a great journalist, an iconic figure in the tradition of the muckraking, crusading investigative reporting from the streets to the courts to the statehouses to the White House,” said Barry Scheck.

Scheck, a professor at the Benjamin N. Cardozo School of Law of Yeshiva University and co-director of its Innocence Project, is internationally known for landmark litigation that has set standards for forensic applications of DNA technology.

That journalistic tradition of rising above institutional pressures and cultural expectations to tell the truth, Scheck added, goes back to the writing of Theodore Dreiser and Upton Sinclair.

“Rob has literally written an encyclopedia on wrongful convictions which has morphed into a registry,” he said.

A joint project of the Center on Wrongful Convictions at Northwestern Law and the University of Michigan, the National Registry of Exonerations provides detailed information about every known exoneration in the United States since 1989—cases in which a person was wrongly convicted of a crime and later cleared of all the charges based on new evidence of innocence.

“The Center on Wrongful Convictions will continue its splendid work under Karen’s and Jane’s leadership. Their work has been key to the center’s many successes over the years in providing excellent representation to clients in need as well as unique educational opportunities for our law students.”

— THOMAS F. GERAGHTY (JD ’69), BLUHM LEGAL CLINIC DIRECTOR AND ASSOCIATE DEAN OF CLINICAL EDUCATION

CENTER ON WRONGFUL CONVICTIONS A MODEL FOR INNOCENCE PROJECTS
Scheck pointed to the Center on Wrongful Convictions as a model for innocence projects throughout the country.

“What a great institution, starting with Larry [Marshall] and Rob [Warden] and Karen [Daniel] and Jane [Raley] and, of course, the great Steve Drizin and Josh [Tepfer] and all of the wonderful people here,” he said.

“Let’s be honest, we started an innocence project,” Scheck added. “You guys started a Center on Wrongful Convictions, because you have a broader vision.” While the Innocence Project only handles DNA cases, he said, “you’re doing the harder non-DNA cases, and you’ve been doing that from the beginning.”

The center has contributed to the exoneration of dozens of innocent men and women, produced several groundbreaking articles on the causes of wrongful conviction and blazed a trail of revolutionary reforms.

Most notably, the center played a major role in influencing the moratorium on Illinois executions declared by former Governor George Ryan in January 2000 and his decision to commute all Illinois death sentences in January 2003.

The center also influenced the creation of a comprehensive package of criminal justice reforms approved by the Illinois General Assembly in November 2003. Illinois was the first state to pass a law mandating police to record all custodial interrogations of suspects in murder cases. Statements are now inadmissible unless the entire interrogation has been recorded. Twelve other states have since followed the Illinois lead.

CULTURE, SENSIBILITIES, ATTITUDES DIFFERENT TODAY
Marshall talked about how sensibilities and attitudes about exonerations have been profoundly affected since the 1998 conference.

“I believe there is a different culture out there,” he said. “I believe the prosecutors and juries and judges are more open to hearing claims now than they were 20 years ago.”

The people who get arrested or charged, he said, are more likely to get a prosecutor who has been exposed to knowledge that makes him pause or an interrogator “who realizes that maybe 10 years ago, I would have used that trick, but today, I’m not going to.”

Marshall also addressed what’s happening “beneath the surface” resulting in people not being charged in the first place. “The people in positions of power recognize the problems with the case and the problems with the evidence, and they step back.”

Many have been exposed to a growing body of research, including CWC studies, that identifies systemic problems with the criminal justice system, including erroneous eyewitness testimony, false and coerced confessions, official misconduct, inadequate legal defense, false forensic evidence, perjury and incentivized testimony (snitches).

Pointing to various charts throughout his presentation, Richard Dieter, executive director of the Death Penalty Information Center,
suggested that the 1998 conference especially made a difference in attitudes about the death penalty. In 1999 there were 98 executions, but by 2000 they dropped by more than 50 percent, he said. Exonerations also peaked in the 2000s. He also noted that “just seven years ago in 2007 there were 12 states that abolished the death penalty. There are now 18 states—a 50 percent increase.”

LAW SCHOOLS GREAT PLACES FOR INNOCENCE PROJECTS
Situating innocence projects in law schools whose graduates go on to work in every area of the criminal justice system also has had a powerful effect on reform efforts, Marshall noted. Every law student who graduates from Northwestern, he said, including those who go on to be prosecutors and judges, will understand that the truth in criminal cases is affected by “the risk of error, the risk of false confessions, the risk of bad science, the risk of bad eyewitness testimony.”

That certainly was the case for Scott Drury (JD ’98), a Northwestern Law graduate who was a federal prosecutor and now is an Illinois state representative.

After getting elected, Drury said he immediately asked Warden what he should do to keep innocent people from going to prison. True to Warden’s advice from that phone call, Drury successfully fought for the legislation that expanded videotaped interrogations.

“I have jokingly said to Rob, ‘My goal is to put the center out of business,’” Drury told the audience. “If we can pass all these laws and stop wrongful convictions, you won’t have any more clients. That would be a good day for Illinois. It would be a good day for the country.’”

That sentiment reflects the type of clinical education offered at Northwestern Law that makes Dean Rodriguez proud. He cited the work of the entire Bluhm Legal Clinic, in which the Center of Wrongful Convictions is housed, and its director Thomas F. Geraghty (JD ’69).

“We are extraordinarily proud of the work of the Bluhm Legal Clinic,” Rodriguez said. “It is for my money the finest clinical law program in the country.”

The Center on Wrongful Convictions would not exist without Warden, he went on to say. “The difficult work and glorious results of the dozens of exonerations for which the CWC, the Center on Wrongful Convictions of Youth, and the center’s many partners are responsible would not have happened but for Rob’s persistent work.”

CWC GOING FORWARD
The Center on Wrongful Convictions is now co-directed by clinical professors and CWC co-legal directors Karen Daniel and Jane Raley. Other than Warden, Daniel and Raley are the CWC’s longest-serving staff members. They joined the clinic law faculty in 2000, one year after the CWC’s establishment.

Going forward, Daniel and Raley plan to augment the CWC’s already robust amicus brief program in cooperation with Chicago area law firms; find common ground with the law enforcement community, through such efforts as the upcoming Conviction Integrity Conference in October; and continue innovative programs—such as the Women’s Project—which focus on underserved client populations.

“The Center on Wrongful Convictions will continue its splendid work under Karen’s and Jane’s leadership,” said Geraghty, Bluhm Legal Clinic director and associate dean of clinical education at Northwestern Law.

“Their work has been key to the center’s many successes over the years in providing excellent representation to clients in need as well as unique educational opportunities for our law students,” he said. “And Karen and Jane have played vital roles in the center’s efforts to reform our criminal justice system to reduce wrongful convictions.”

Recognizing what the symposium was all about, Rodriguez also gave special thanks to all the exonerees in the audience. “These men and women have endured wrongful convictions and the unspeakable burdens of incarceration and other collateral consequences,” he said. “Their inspiration and spirit is truly the oxygen in the room, as we look to the future of the innocence movement.”

Rob Warden talks with Chicago Tribune columnist Eric Zorn, right, about his early years as a reporter.
The Last Line of Defense:
On the importance of death penalty litigation

BY ROB OWEN

While working as a visiting assistant clinical professor at Northwestern Law during the 2011–12 academic year, I agreed to file an appeal for Robert Campbell, a prisoner on Texas’s death row since 1992. In the long years that Robert’s case had worked its way through the usual dark labyrinth of post-trial appeals, nobody had found anything intolerably unfair about the proceedings that resulted in his conviction and sentence, but the record indicated some problems with his legal counsel at trial. His case found its way to me because I’d previously argued cases at the US Supreme Court challenging the constitutionality of the very same jury instructions and verdict form Robert’s jury had been given. I knew the issue well and thought such an appeal would offer a pretty good chance of reducing Robert’s sentence to life imprisonment. To my surprise and dismay, however, the Texas courts turned down Robert’s jury-instruction appeal, too, and thereafter the convicting-court judge ordered that he be put to death in May 2014. A case that once appeared hopeful had suddenly turned daunting. Given Texas’s richly deserved reputation as the nation’s most enthusiastic executioner, Robert was running out of time.

By the time his execution date was set, I had joined the Northwestern Law faculty as a clinical professor. At least initially, my clinic students and I were Robert’s last line of defense.

Our immediate goal was to scrutinize the legal representation Robert had received...
throughout his case, since a recent Supreme Court decision,  *Trevino v. Thaler*, offered hope that a challenge to counsel’s effectiveness might be raised even at this late point in Robert’s appeals. That focus on prior counsel’s performance turned out to be inseparable, however, from serious questions about whether Robert might suffer from an intellectual disability that would render his death sentence unconstitutional under the court’s 2002 ruling in  *Atkins v. Virginia*.

My students dove into the case enthusiastically. To test whether Robert’s trial counsel had failed to unearth available mitigating evidence, we had to dig into Robert’s background by talking to his friends and relatives, searching for information about the community where he grew up, and collecting documentary evidence. For guidance, we conferred with other expert capital defense lawyers in Houston and Austin, exposing my students to a wide range of perspectives on the fairness of the criminal justice system in capital cases and practical suggestions for how to pursue our investigation.

At Robert’s trial, his attorneys had presented testimony from only a handful of Robert’s relatives and friends, barely scratching the surface of his life story. And in the years that had passed since the crime, no one had done much looking into Robert’s background. A thorough investigation was urgently needed because the underlying crimes were so disturbing. During a ten-day period ending on January 7, 1991, 18-year-old Robert had taken part in three carjackings. Twice, the victims escaped unharmed. But when Robert and another man, Lawrence Thomas, abducted Alexandra Rendon from a gas station, she was not so lucky. They took her to a remote location, raped her, and then shot her to death.

The crime was both brutal and tragic; Alexandra Rendon was just 20 years old, and she was looking forward to being married in a few weeks.

What led Robert to that field outside Houston? Was there information that might have persuaded jurors that life imprisonment, not execution, was the appropriate punishment?

In researching possible mitigating factors, my students spent a lot of time getting to know Sunnyside, an infamously poor and miserable neighborhood in Houston where Robert’s case arose and where he’d lived his entire life. They uncovered data showing that more than a third of Sunnyside’s residents live below the poverty line, and that rates of crime, teenage pregnancy, infant mortality, and sexually transmitted disease are all significantly higher than in the rest of Houston. A recent ranking described Sunnyside as the most dangerous neighborhood in Texas and the sixth worst in the United States.

My students crisscrossed Sunnyside and the rest of the city, meeting with teachers and Robert’s family members and friends. They listened to witnesses recount haunted memories of the Sunflower Terrace Apartments, where Robert had been a familiar face. Over breakfast, one childhood friend of Robert’s confided to Cristina Law (JD ’15) and Mike Tirman (JD ’15) that everyone he had known at Sunflower Terrace ended up “dead or in prison,” and that by the time he was 18, he had seen at least a dozen dead bodies on the streets of Sunnyside. He described how he had once seen a boy on a playground shoot himself fatally in the head, playing “Russian Roulette” with a handgun he didn’t know was loaded. He recalled being pressured by older boys to join a gang and break the law. He also told my students that Robert “had a lot of good in him” and once had even saved him from drowning.

The older brother of Robert’s best friend from childhood, meeting with Mario Cacciola (JD ’14) and Casey Cahill (JD ’15) in his attractive and comfortable suburban home, told them that gunshots had echoed through Sunnyside every night, and that he’d been forced to devise walking routes to school to avoid the drunks and crackheads who roamed the streets, demanding or begging for money. He explained that he had managed to escape Sunnyside, complete his education, and have a successful professional career because his grandmother had provided a loving, safe, and supportive upbringing. Robert wasn’t so lucky.

Just days before the scheduled execution, we learned that state officials had been concealing evidence of IQ tests—including one they conducted—that showed intellectual disability sufficient to void our client’s death sentence under  *Atkins*. 
We were also developing the evidence of Robert’s mental disability. We met with psychologist Leslie Rosenstein, PhD, the night before she conducted a full evaluation of Robert’s cognitive ability, to discuss with her the tests of intellectual functioning that she planned to administer to Robert, and what the test results could indicate. A childhood friend of Robert’s in Sunnyside confirmed to Mike and Cristina that Robert was “mentally slow and did not learn quickly,” a “follower” who was “eager to please other people and often just did what people told him to do.” Another friend told Mario and Casey that he remembered his grandmother saying that Robert “needed someone to look after him because he could not look out for himself.”

These lay witnesses’ impressions would eventually help us corroborate the results of Robert’s formal intellectual testing.

And, of course, all the students met with Robert on death row. Some of those conversations focused on overcoming the investigative challenges we faced in the case. Given Robert’s continuing cognitive impairment, that complicated process took long hours—but the students worked through it methodically, respectfully, and patiently.

My students also talked with Robert about his childhood. They heard facts that trial counsel’s ineffectiveness had hidden from the jury, and that painted a picture of deprivation, turbulence, and violence in the Campbell home. Robert told them about the frequent and angry arguments between his parents. Worse, his father—an alcoholic and drug addict with a history of serious psychological problems—had regularly assaulted his mother. Robert and his siblings also were frequent targets of violence from their volatile father, who beat the children with belts and electrical cords and once stomped on the stomach of Robert’s younger brother Richard so heavily that Richard’s appendix had to be removed. On another occasion, in a rage, he even fired a gun at Robert’s older brother, Junior. Unsurprisingly, these experiences ultimately drove Robert from the family home in his early teens; he was taken in by friends and acquaintances, who noted that he cried uncontrollably at night. While these facts were painful for Robert to recount and for my students to hear, they were essential to the work of developing a fully realized background.

Our wide-ranging investigation included the challenges and satisfactions of collaboration, as we worked alongside law students from the Capital Punishment Clinic at the University of Texas School of Law, and conferred with colleagues at the Gulf Region Advocacy Center; and the hours spent scouring years of medical and educational records as well as computerized court records in the Harris...
County District Clerk’s office. My students wrote a beautiful clemency application on Robert’s behalf, one that powerfully told the story of his background of mistreatment and deprivation, and painted a riveting picture of the toxic environment in which he spent his formative years. It touched on other facts as well that revealed the fundamental injustice of Robert’s sentence, such as the fact that his older codefendant in the Rendon murder (who wisely reached a negotiated plea that earned him a reduced sentence) has already completed his prison term and been released.

All this investigation led to a remarkable discovery. Just days before the scheduled execution, we learned that state officials had been concealing evidence of IQ tests—including one they conducted—that showed intellectual disability sufficient to void our client’s death sentence under Atkins. That startling fact led the US Court of Appeals for the Fifth Circuit—no friend of death-sentenced prisoners—to stop the execution just two and a half hours before Robert was slated to die.

Next year, my students and I will craft an amended habeas petition for Robert. This next phase of his case offers equally rich opportunities for students to acquire real skills while learning firsthand how our criminal justice system works, and how, sometimes, it doesn’t work as well as it should. And that, for me, is one of the fundamental reasons this type of work is so important: it makes our criminal justice system fairer. Though the changes we achieve are incremental, they have systemic impact.

There are other reasons as well. In those desperate weeks leading up to May 13, as Robert’s life hung in the balance, my students responded by immersing themselves in the relationships, circumstances, and details of that life. In confronting the reality of poverty and violence, they saw how these forces can misshape and distort human development. They formed bonds of trust with witnesses that enabled them to disclose intimate and painful experiences that we needed to know about. They did all these things even while knowing that our chances of prevailing were always faint.

The work of clinical law students is not just about “providing legal services” in the sense of giving clients something—a commodity—while holding them at arms’ length. To be sure, I want to help my students find a way to translate each client’s compelling real-world story into a legal proposition that the relevant decision maker will embrace; that’s what successful litigation is all about. But to me, the core of clinical work is existential—it’s about going through a difficult experience with the client, shoulder to shoulder, and having some of that experience stay with each student, no matter what career path she or he ultimately follows. These types of experiences provide future advocates the chance to examine a side of our justice system they might otherwise never see. That makes them better lawyers, and better people.
**CLINIC NEWS**

**Center on Wrongful Convictions Honored for Exoneration Case**

The Bluhm Legal Clinic’s Center on Wrongful Convictions received a Seventh Circuit Bar Association Pro Bono and Public Service Award for its work on the exoneration case of Nicole Harris. The center was honored at the association’s annual dinner in May.

Clinical professors and students from both the CWC and the Children and Family Justice Center spent nearly eight years winning freedom for Harris, a mother wrongfully convicted of strangling her four-year-old son. Harris maintained that she gave a false confession after being physically and psychologically coerced during more than 27 hours of police interrogation.

Steven Drizin (JD ’86), former CWC legal director and assistant dean of the Bluhm Legal Clinic, and Alison Flaum, legal director of the CFJC, joined forces with Jenner & Block partner Robert Stauffer and his firm’s team of attorneys to represent Harris in both state and federal court. Ultimately the US Court of Appeals for the Seventh Circuit overturned Harris’s conviction.

Each year the Seventh Circuit Bar Association’s Pro Bono and Public Service Awards celebrate legal professionals’ commitment to community service and public interest law. The annual award recognizes an individual or an organization for outstanding work involving federal court litigation.

**Children and Family Justice Center Receives BPI Award**

Northwestern Law’s Children and Family Justice Center was honored as a Champion of the Public Interest by Business and Professional People for the Public Interest on May 20.

BPI, a Chicago-based public interest and law policy center that focuses on civil rights and social justice advocacy, established the awards to recognize organizations that effect positive change in public interest and policy initiatives. The CFJC was one of three 2014 honorees; Bryan Stevenson, founder and executive director of the Equal Justice Initiative in Montgomery, Alabama, and Chicago community leader Crystal Palmer also received awards at BPI’s annual dinner.

Part of Northwestern Law’s Bluhm Legal Clinic, the CFJC is a comprehensive clinical children’s law program promoting justice for youth and their families through direct legal representation, policy advocacy, and law reform. In 2013 the CFJC was one of 13 organizations recognized by the John D. and Catherine T. MacArthur Foundation with a MacArthur Award for Creative and Effective Institutions.
CIHR Hosts Atrocity Crimes Conference in The Hague

The Center for International Human Rights convened a one-day conference in May to review and discuss recent developments in atrocity law, specifically, that component of international criminal law arising from the practice and jurisprudence of war crimes tribunals.

Held at the Special Tribunal for Lebanon in The Hague, the Netherlands, the Atrocity Crimes Litigation Year-in-Review (2012–14) Conference featured a panel of practitioners from the major international criminal tribunals. David Scheffer, CIHR director and Mayer Brown/Robert A. Helman Professor of Law, moderated the discussion, which focused on major cases and jurisprudence over the last two years.

Northwestern Law students Juan Pablo Calderon Meza (LLM IHR ’14), Melody Dernocoeur (JD-LLM IHR ’16), Wendy Feng (JD-LLM IHR ’16), and Amanda Koons (JD-LLM IHR ’16) also traveled to The Hague for the event.

“Bringing some of our students to The Hague, where they can be exposed to an extraordinary gathering of some of the foremost practitioners in the field of atrocity law, provides a wonderful opportunity for them and for CIHR,” said Scheffer, a former US ambassador at large for war crimes issues. “The students prepared detailed memoranda that I drew upon in my questioning of prosecutors, defense counsel, and administrators.”

The CIHR has convened six Atrocity Crimes Litigation Year-in-Review Conferences since 2007. The 2012–14 conference transcript will be featured in a special edition of the Northwestern Journal of International Human Rights, and the video of the proceedings is available on the CIHR website.

“This conference supplies unique perspectives and frank discussion on the current trajectory of atrocity law that Northwestern Law will draw upon as we continue to build our scholarship of and clinical engagement in the work of the war crimes tribunals,” said Scheffer.

Part of the Bluhm Legal Clinic, CIHR focuses both clinically and academically on international human rights law and international criminal law. CIHR faculty teach a wide range of classes related to international law and human rights, including two clinical courses in which students and professors work in collaboration with human rights NGOs and partners from around the world to draft human rights legislation, write reports for UN treaty review processes, and bring lawsuits in domestic and international courts to secure human rights for individuals across the globe. Scheffer also supervises an extensive international externship program for students.
Visiting Clinical Professors to Lead Human Rights Fieldwork in Malawi and Cambodia

This fall visiting professors Kathryn English and Adam Stapleton, British lawyers and founders of the Portugal-based nonprofit nongovernment organization Governance and Justice Group, will provide Bluhm Legal Clinic students and staff attorneys with hands-on experience supporting improvements of criminal justice systems in developing and postconflict countries.

Students may participate in an intensive clinic or international externship experience working on issues affecting the criminal justice system in Malawi and may have the opportunity to work on a survey of gender-based violence in Cambodia. English and Stapleton will visit the Clinic to provide students with an intense two-week training in legal assistance and legal aid, including background and international context. The two professors will then continue to supervise students at Northwestern Law and in the field throughout the rest of the semester. During the spring semester, they will lead in-country clinical work, where they will link clinic practitioners and students with legal aid and human rights workers.

Students will participate in intensive research, data collection, interviews, and on-the-ground fieldwork in order to determine areas for improvement and more efficiency in the countries’ criminal justice systems and offer comprehensive recommendations.

“The work will give students an idea of how complex and difficult it can be to work in the criminal justice system in developing countries, where the justice system is not the priority,” said Stapleton. “Through their research and collaboration with legal aid workers in country, they will gather important information that will be used in our recommendations to the country’s governing body. They will also gain important perspective on international legal systems.”

A lawyer and justice adviser with emphasis on penal reform and criminal justice, Stapleton has acted for various international development agencies in justice and penal reform in 22 countries in Africa, the Balkans, and South Asia. As a governance and justice adviser, English has worked closely with NGOs in Asia as well as with governments in Africa. In 1995 the husband-and-wife team co-wrote The Human Rights Handbook: A Practical Guide to Human Rights to help both international human rights fieldworkers and grassroots nongovernmental organizations.

English and Stapleton are no strangers to Northwestern Law. Last year they worked with four Northwestern Law students on a justice audit in Bangladesh. Thomas F. Geraghty (JD ’69), director of the Bluhm Legal Clinic, led the students on a trip to the country to audit its criminal justice system. The audit methodology, designed jointly with the Justice Mapping Center (New York), encourages governments to consider a comprehensive set of justice data (institutional “hard data” and practitioners’ and users’ comments about that data) prior to embarking on major reform to the justice system. Their research findings presented as an interactive web application, will be made to the government in late September.

“Kathryn and Adam have a wide range of experience in human rights fieldwork,” said Geraghty. “We are excited to be continuing our work with them this year, and we appreciate their help in identifying additional opportunities for our faculty and students to collaborate with governments, NGOs, and individuals working to advance human rights.”

Geraghty met Stapleton and English in 2002 when he brought a group of students from the Law School’s International Team Project to Malawi. At the time, Stapleton was development adviser for the regional office of Penal Reform International, and English was senior governance adviser in Malawi to the US Agency for International Development.

After 13 years of work in Africa, Stapleton and English came to Chicago in 2007 to spend a year teaching in the Bluhm Legal Clinic. Stapleton was a visiting clinical professor in the Center for International Human Rights, and English was an adjunct professor. Following their Northwestern sabbatical, the two founded the GJG, where English currently serves as president.

English and Stapleton are both excited about their return to the Bluhm Legal Clinic.

“It’s a wonderful collaboration, as the clinic staff and students are very committed to justice and human rights, with so many resources and avenues to fuel the work that they are doing,” said English. “It’s wonderful to expand our reach and collectively learn together, with each project we work on with the staff and students.”
MacArthur Center Sparks Changes in Youth Parole Revocation Hearings

Illinois officials have agreed to begin providing lawyers for a class of youth facing parole revocation hearings. The agreement results from a federal civil rights lawsuit filed by the Bluhm Legal Clinic’s Roderick and Solange MacArthur Justice Center and the Uptown People’s Law Center.

The lawsuit, filed in October 2012, charged the state with arbitrarily imprisoning youth each year without providing them an adequate defense or due process protections. More than 1,000 young people undergo revocation proceedings in Illinois each year, and many of those who are found guilty of violating parole return to the Department of Juvenile Justice to serve the remainder of their time. No juveniles have attorneys unless they are able to hire their own.

Northwestern Law students were involved with the case over two years. Students assisted with research, meeting with the plaintiff and drafting and filing the complaint and the motion for class certification, and they also participated in the settlement process.

A 2011 Illinois Juvenile Justice Commission study found that a majority of youths did not understand the parole revocation process. Many waived their right to a preliminary hearing, unaware that these hearings can determine whether there is probable cause for revoking parole. According to the study, an attorney was present at just 1 of the observed 101 revocation hearings, and only 2 percent of youths were informed of their right to counsel.

Alexa Van Brunt, clinical assistant professor of law, said that the lack of assistance juveniles receive in navigating the complicated system is a major cause of imprisonments. “Youth have key constitutional rights in the parole revocation process—they have the right to present evidence, the right to defend themselves, the right to remain silent—but the vast majority do not take advantage of those rights because they don’t know what they are, they don’t know they have them, and also just realistically, it’s impossible for youth to exercise those rights,” Van Brunt said. “If you’re a youth who is locked up, how do you contact witnesses or gather school records to show you’re attending? The rights of youth currently exist only on paper.”

A key provision of the proposed settlement is that all youth under age 18 will receive a state-funded attorney to represent them in parole revocation hearings. Youth who are aged 18–21 will go through a screening process in which DJJ authorities and the Prisoner Review Board will determine each parolee’s ability to speak for himself or herself as well as the merits of the parolee’s case, before deciding whether or not to appoint an attorney.

Lawyers will serve as liaisons between the DJJ facility, the parole officer, the PRB, and the parolee, ideally providing the youth with a clearer picture of the parole revocation process while also protecting the youth’s rights.

“Hopefully, having a lawyer who can do the footwork—gather documents, talk to witnesses, explain what’s going on in the youth’s life to the PRB—will make a huge difference and cut down on the number of revocations, the number of kids who are put back in prison,” Van Brunt said. “That’s ultimately our goal.”

On July 31 US District Judge Andrea Wood approved the settlement after a fairness hearing, in which comments from class members were presented and testimony was given by Lisa Jacobs, vice chair of the Illinois Juvenile Justice Commission. Key provisions of the settlement will go into effect no later than January 2015.

The MacArthur Justice Center and Uptown People’s Law Center are in the process of bringing a similar lawsuit on behalf of adults on parole.
Center Tackles Environmental Threats across the State

Students and faculty in the Bluhm Legal Clinic’s Environmental Advocacy Center are addressing environmental issues around the state. Their work is ongoing in the village of DePue, in LaSalle County, and in Chicago’s Englewood neighborhood.

DEPUE
DePue, a town of 1,800 in north-central Illinois, was the site of a 175-acre zinc smelter for 84 years, a diammonium phosphate fertilizer plant for 24 years, and other industrial operations that used byproducts of the zinc smelting. When the smelter and other plants were demolished in 1991, they left behind major environmental consequences. In 1999 the US Environmental Protection Agency classified the village as a site for the Superfund program, which deals with the country’s most hazardous waste sites. Illinois EPA has responsibility for overseeing cleanup at DePue. Movement has been incredibly slow, and DePue still waits to be cleaned up. A May report showed that the soils at residential properties in the Village still contain high levels of dangerous contaminants, particularly zinc, lead, and arsenic.

“Until we became involved 3½ years ago, the Illinois EPA was moving very slowly, and DePue still waits to be cleaned up. A May report showed that the soils at residential properties in the Village still contain high levels of dangerous contaminants, particularly zinc, lead, and arsenic.

A joint Northwestern Law and Feinberg School of Medicine team is working to urge the EPA to adopt the Center for Disease Control’s revised standard for lead in soil. The CDC essentially cut its standard in half in 2012. The Northwestern group traveled to Washington, DC, to encourage senior-level scientists and EPA administrators to adopt the new standard as quickly as possible. The companies responsible for DePue’s environmental damage, including Exxon Mobil and CBS (formerly Viacom), argue that they should not have to abide by strict lead restrictions until the EPA formally revises its standards.

“The process itself, unfortunately, is very protracted,” Loeb said. “The responsible companies—Exxon Mobil, CBS, and Viacom—are dragging it out as much as they can. We would like them to stand up and do the right thing, to get this town cleaned up and safe, for the adults and many children who are living there.”

Negotiations about the level of arsenic cleanup necessary in DePue are also ongoing.

LASALLE COUNTY
LaSalle County, known for some of the richest farmland in the country, recently has been gaining attention for its sand. The county, located about 60 miles from Chicago, is home to “ideal” silica sand used in hydraulic fracking, and so it is attracting many mining companies. While the high demand has brought some rather limited work to the area, the sand mining has environmental consequences.

“LaSalle County is undergoing a modern-day gold rush, only it’s a sand rush,” said Loeb. “Companies are buying up very rich farmland and converting hundreds of acres to open pits for sand mining, which will last 20 to 30 years, and then the ground is forever lost for agricultural purposes.”

The center is representing a group of residents from LaSalle County and the county’s Waltham Township in challenging the creation of new area sand mines and trying to ensure that other resources, particularly water, are protected when mines are permitted. Sand mining operations are very water intensive and some use and discharge more than one million gallons of ground water per day. The agricultural community is especially worried about the long-term consequences of this massive use of ground water. The community group, Conserve Our Rural Ecosystem (CORE) is concerned with environmental issues that may arise if mining continues.

Recently the center helped convince the LaSalle County Board to enact a five-month moratorium on new high-pressure water wells. The attorneys plan to use the time to seek funding for a US Geological Survey study of water capacity and quality throughout the area.
Additionally, some of the clinic’s students researched, drafted, and filed a complaint to challenge a mine being permitted by the village of North Utica in LaSalle County. The litigation is ongoing.

**ENGLEWOOD**
Some of the Environmental Advocacy Center’s efforts have focused closer to home. In January 2013 the center began representing Sustainable Englewood Initiatives (SEI) a community group in the Chicago neighborhood of Englewood that was concerned about a proposed Norfolk Southern Railway expansion of a rail yard in the neighborhood. Members of SEI worried that additional diesel trucks and equipment in the rail yard would lead to a loss of green space and significant environmental health issues, including increases in asthma and lung disease from the rise in diesel pollution.

“Working with the Environmental Law and Policy Center, we successfully negotiated with Norfolk Southern and the city of Chicago to have greater environmental protections placed on all the equipment in the rail yard,” Loeb said. “They also agreed to modify traffic patterns for trucks entering and leaving the rail yard to minimize diesel pollution in the air.”

In addition, the city agreed to obtain an unused rail line that runs through Englewood for use as an elevated park. The city must find the money to make the project possible. And Norfolk Southern and the city have agreed to direct $1 million toward environmental projects and another $1 million toward job training and economic projects in Englewood.

The center is continuing to represent SEI on environmental issues.

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**Teaching Restorative Justice as Means of Dispute Resolution**

In her last week of law school, adjunct professor Christine Agaiby and one of her professors attended a peace circle, a restorative justice practice, in a maximum security prison. Agaiby became committed to the idea of restorative justice, and now she is teaching others about peace circles and other restorative justice practices in a course at Northwestern Law.

Restorative justice, a philosophy used within conflict resolution, focuses on rehabilitating offenders through reconciliation. It has been used in criminal law, family law, schools, and other community law contexts. The process is intended to involve the offender, the victim, and the affected community. In many cases participants, including offenders and victims, sit in a circle, discussing the effects of the perpetrator’s actions and how to move forward.

“Restorative justice is a paradigm of looking at what should happen when there is a wrong committed,” said Lynn Cohn (JD ’87), director of the Bluhm Legal Clinic’s Center on Mediation and Negotiation. “It tries to address the harm done to different individuals, so it would address the harm done to the victim, the harm done to the community, and the harm done by and to the perpetrator.”

The restorative justice course, established in spring 2013, is offered through the Center on Mediation and Negotiation. Students learn about the philosophy and its aims, ideally becoming able to create a space where they can use the concept to address problems.

In the classroom Agaiby gives students a sense of restorative justice in action through various activities. Last year there were guest speakers, a visit from students participating in a restorative justice clinic at the University of Wisconsin Law School, and viewing of a documentary about the success of restorative justice practices in Sierra Leone following its civil war.

Agaiby was also able to bring several of her students to an intensive three-day peace circle at a Wisconsin prison, where they sat among participating inmates. Over the three days offenders learned about accountability as they listened to the experiences of victim-survivor surrogates—people who have lived through some type of crime.

“On the last day we help the guys process what they’ve heard,” Agaiby said. “Often this is the very first time they’ve considered the victims.”

The outcomes of this type of discussion can be powerful, both in prisons and in schools, where restorative justice offers an alternative to zero-tolerance policies. Restorative justice practices have gained media attention and interest around the country. In a relatively recent trend, more courses on restorative justice are being taught in American law schools.

“I think we’re one of the few programs in dispute resolution that have put in this kind of teaching of restorative justice,” said Cohn, who has done reentry peace circles with clients from the Center on Wrongful Convictions as they work to reengage with their families after decades apart. “It’s a wonderful way for our center to collaborate with other centers in the Clinic.”

Ashleigh Morpeau (JD ’15) found the class eye-opening.

“When you’re in law school, you tend to get wrapped up in a particular way of thinking that’s logistical and analytical,” she said. “Classes like this remind us that there are people affected by what we do, that it’s more than just about words on paper. It allows us to tap back into our humanity.”
Delaney Receives Fulbright Award

Erin F. Delaney, an assistant professor of law, has been awarded a 2014–15 Fulbright US Scholar Grant. She will hold the Fulbright Canada Visiting Research Chair in the Theory and Practice of Constitutionalism and Federalism at McGill University in Montreal this fall.

Delaney’s project while at McGill, entitled “Safeguarding Federalism: American Federalism in Comparative Perspective,” will build on her research in judicial federalism and comparative constitutional law.

Earlier this year Delaney was awarded a MacCormick Visiting Fellowship at the Edinburgh Law School in Scotland. She holds a courtesy appointment in political science at Northwestern’s Weinberg College of Arts and Sciences.

Delaney is one of approximately 1,100 US faculty and professionals who will travel abroad in 2014–15 through the Fulbright program. Since its establishment in 1946, the program has given more than 318,000 students, scholars, teachers, artists, scientists, and other professionals the opportunity to study, teach, conduct research, exchange ideas, and contribute to finding solutions to shared international concerns. The program is administered by the Council for International Exchange of Scholars, a division of the Institute of International Education.

Fulbright Canada is supported by the Canadian government through Foreign Affairs Trade and Development Canada; by the United States government through the Department of State; and by a diverse group of corporate sponsors, charitable trusts, and university partners. It is governed by an independent board of directors and is headquartered in Ottawa, Ontario.

Shapo to be Honored with Blackwell Memorial Award

Helene Shapo, professor of law emerita, will receive the Thomas F. Blackwell Memorial Award for outstanding achievement in the field of legal writing. A member of the Northwestern Law faculty since 1978, Shapo specializes in legal writing, trusts and estates, and family law. She was the Law School’s director of legal writing from 1978 to 1999.

The Blackwell Award is presented annually by the Association of Legal Writing Directors and the Legal Writing Institute for demonstrating an ability to nurture and motivate students, a willingness to help legal writing educators improve their teaching and legal writing programs, and an ability to create and integrate ideas for teaching and motivating legal writing educators and students.

A pioneer in legal writing education, Shapo coauthored one of the first books for use in teaching an integrated research, writing, and analysis curriculum. Now in a sixth edition, Writing and Analysis in the Law is one of the most widely used legal writing texts in the country.

Her other books include Writing for Law Practice (now in a second edition), Law School Without Fear (now in a third edition), and Family Law: Cases, Materials and Problems (now in a third edition). Shapo is also one of the founders of the publication Perspectives, where she still serves on the editorial board and is responsible for the column, “Brutal Choices in Curricular Design.”

In 2010 she was honored with the Burton Award for Outstanding Contributions to Legal Writing Education.

“In just about every way possible over her incredible career, Helene has been an innovator and a leader in our field. Through her writing, speaking, service, and curriculum design she has been a guiding light in advancing the discipline of legal writing, improving the way it is taught to students, and improving the status and security of legal writing faculty,” said Judy Rosenbaum, clinical professor of law and director of the Communication and Legal Reasoning program at the Law School from 2000 until 2009.

Shapo will receive the Blackwell Award during the annual meeting of the Association of American Law Schools in Washington, DC, in January 2015.
New Rotating Chair Appointments

Four Northwestern Law faculty members have been appointed rotating chair holders for the 2014–15 academic year.

The new chair holders are Esther Barron (JD ’95), the Harry B. Reese Teaching Professorship; Tonja Jacobi, the William G. and Virginia K. Karnes Research Professorship; James Lindgren, the Benjamin Mazur Summer Research Professorship; and Jide Nzelibe, the Harry R. Horrow Professorship in International Law.

Barron is a clinical professor of law and the director of the Entrepreneurship Law Center in the Bluhm Legal Clinic. An entrepreneur who cofounded the start-up handbag company Elezar, Barron has taught at the Law School since 2005 and has led ELC since 2008. Last year Barron also co-taught the Law School’s first Massive Open Online Course (MOOC) with clinical professor Stephen Reed. Before becoming a Law School faculty member, Barron practiced in the commercial finance department at Chicago’s Goldberg Kohn. The Harry B. Reese Teaching Professorship was established in 1993 by various donors in honor of former Law School faculty member Harry Reese.

Jacobi joined the Law School in 2004. Her research interests include judicial politics, game theory, American governmental institutions, and constitutional law. Jacobi’s current projects focus on judicial-congressional interactions, ideology in intellectual property, and public choice as applied to the judiciary. The William G. and Virginia K. Karnes Research Professorship was established in 2008 by the estate of Virginia K. Karnes, the widow of 1936 graduate William G. Karnes.

Lindgren’s research interests include law and social science, criminal law, and estates. His current projects focus on viewpoint diversity in American society. Former chair of the Association of American Law Schools’ Section on Social Science and the Law, Lindgren cofounded the association’s Section on Scholarship. He joined the Law School in 1996. The Benjamin Mazur Summer Research Professorship was established in 1994 by the estate of 1993 graduate Benjamin Mazur to provide summer research support.

Nzelibe’s research and teaching interests include international trade, foreign relations law, public and private international law, and contracts. Nzelibe served as the Bigelow Teaching Fellow and Lecturer in Law at the University of Chicago before joining the Northwestern faculty in 2004. The Harry R. Horrow Professorship in International Law was established in 2004 by the estate of 1934 graduate and former Law Alumni Board member Harry R. Horrow.

Endow a Professorship

Endowed professorships, an important part of Northwestern Law’s strategic goal to attract and maintain a world-class faculty, are possible only with the generous support of donors.

For more information on endowing a professorship, please contact Jaci Thiede, associate dean, Alumni Relations and Development, at 312-503-0195 or j-thiede@law.northwestern.edu.
Ceremony Celebrates Endowed Chair Appointments

A trumpeter led faculty, in full academic regalia, from the Law School Atrium to historic Lincoln Hall in April for the formal installation of three of their colleagues to named professorships. Distinguished alumni, students, family, and friends watched as Dean Daniel B. Rodriguez presented medallions to the newly appointed chair holders: Steven Calabresi, the Clayton J. and Henry R. Barber Professor of Law; David Dana, the Kirkland & Ellis Professor of Law; and Matthew Spitzer, the Howard and Elizabeth Chapman Professor of Law.

Calabresi joined the Northwestern faculty in 1990 and has published more than 60 articles and comments in every prominent law review in the country. In 1982 he cofounded the Federalist Society for Law and Public Policy Studies, a national organization of conservative and libertarian lawyers and law students, and he has been chair of its board of directors since 1986.

The Henry R. Barber Professorship was established in 2013 in honor of Clayton J. Barber, a 1904 graduate, and Henry R. Barber, a 1933 graduate.

Dana, a leading scholar in environmental law, property, land use, and professional responsibility, joined the faculty in 1999. His current scholarly interests include climate change adaptation, the foreclosure crisis, attorney fees and fee alternatives, and environmental and health risks posed by emerging technologies.

The Kirkland & Ellis Chair and Kirkland & Ellis Research Fund were established in 1989 by donors including the Kirkland & Ellis Foundation in Chicago and a number of Northwestern Law alumni with ties to the firm.

Spitzer began his career at Northwestern as an assistant professor of law from 1979 to 1981. Before rejoining the school in July 2013 as director of the Searle Center on Law, Regulation, and Economic Growth, he taught at the University of Texas, California Institute of Technology, and Gould School of Law at the University of Southern California, where he also served as dean. He has published three books and more than 40 articles. His fields of study include telecommunications regulation, administrative law, experimental law and economics, judicial politics, and patent law.

The Howard and Elizabeth Chapman Professorship was established in 2013 by a 1958 graduate and his wife. The professorship focuses on business, trial advocacy, trust, and estate law.

“My main areas of interest for both writing and teaching are US constitutional law and comparative constitutional law. I have written extensively on the American presidency, the separation of powers, federalism, and the Fourteenth Amendment to the US constitution. My writing blends together arguments that are originalist, practice-based, normative, and comparative. I enjoy historical research and comparative law because they are both soft forms of empiricism. Studying history allows us to learn from experiences in the past, while comparative work allows us to learn from other societies that are contemporary to our own.” —STEVEN CALABRESI
Recently appointed chair holders: Matthew Spitzer, the Howard and Elizabeth Chapman Professor of Law; David Dana, the Kirkland & Ellis Professor of Law; and Steven Calabresi, the Clayton J. and Henry R. Barber Professor of Law.

“My current work focuses on understanding regulatory takings jurisprudence by unpacking what the courts have meant by ‘property’ in takings cases, and showing that instrumental considerations explain the case law more than analytic consistency. I am also exploring the relationship between protest, civil disobedience, and property law in the context of so-called agricultural gag laws.” —DAVID DANA

“Law and social science approaches law by asking not only whether a change in the law seems ‘fair’ and harmonizes with the values implicit in adjacent legal regimes and in other relevant portions of society, but also how people and firms will react to a change in the law. Only after understanding all of the reactions to a legal change can we begin to opine with confidence about the fairness and efficiency of the proposed change. I use the tools of social science—economics, political science, and psychology—to understand and predict (or, sometimes, to appraise after the fact) changes to a law or legal regime. I use this approach both in my writings and in my classes. This approach replaces neither traditional tools of analogical, case-based reasoning nor of deductive, rule-based reasoning. Rather, my approach complements the traditional tools, and enriches the way I and my students approach studying the law.” —MATTHEW SPITZER
New Research Faculty

Three distinguished scholars will join Northwestern Law in 2014–15, enhancing the diversity of interests and expertise that distinguish the school’s faculty.

Michael Frakes
ASSOCIATE PROFESSOR OF LAW
BS, PhD, Massachusetts Institute of Technology; JD, Harvard University

Interdisciplinary scholar Michael Frakes joins Northwestern Law as a noted expert in law and economics. His research extends to empirical research in the areas of health law and innovation policy.

“Combining law and economics is something that I have found intellectually stimulating,” said Frakes. “The overlap between the two has made my research and academic scholarship particularly fulfilling.”

As an undergraduate economics student at Massachusetts Institute of Technology, Frakes had a research opportunity that focused on health economics. With a solid intention to study law after graduating, he was able to meld his interests in economics and law, enrolling in a concurrent JD-PhD program at Harvard. Frakes was an Aging and Health Economics Fellow at the National Bureau of Economic Research and an academic fellow at Harvard Law School’s Petrie-Flom Center for Health Law Policy, Biotechnology, and Bioethics.

Through these programs he forged an academic career rooted in empirical research that focuses on how certain legal and financial incentives affect the decisions of physicians and other healthcare providers. He also explores innovation policy with regard to financing the US Patent Office and key aspects of its decision making.

He plans to incorporate his research into certain sessions of his first-year torts class, addressing the role of custom in setting the negligence standard in medical malpractice. “I want students to understand both the substance of tort rules and the justifications for such rules,” said Frakes. “It will be my goal that my students cease searching for a right answer to every question and rather get them to think analytically, like lawyers.”

Destiny Peery
ASSISTANT PROFESSOR OF LAW
BA, University of Minnesota; JD, PhD, Northwestern University

Destiny Peery (JD-PhD ’12) cemented her interests in social science and law as a summer undergraduate research assistant at the American Bar Foundation with Professor Shari Diamond. Diamond encouraged Peery to enroll in Northwestern’s JD-PhD program to deepen her interests and training in research at the intersection of law and psychology.

Now Peery returns to the Law School, where she served as an articles editor for the Journal of Law and Social Policy, to teach and build upon her existing research on race, identity, and inequality from a law and psychology perspective.

“The Northwestern Law community offered me a wonderful experience as a student, so it’s great to return to work alongside faculty members who were integral to my personal and professional growth,” said Peery. “I’m excited to work with the students and faculty who contribute to the school’s great reputation.”

Peery previously taught at Duke Law School, where her interdisciplinary scholarship and teaching explored the role of psychological and legal processes in shaping the construction of social categories like race, as well as the use social science research as evidence in legal settings.

“Through my research and teaching I aim to use psychology to shed light on various aspects of law, including how legal actors interpret and apply rules and standards, with an emphasis on how those interpretations may be biased in various ways,” said Peery. This academic year, she will teach Race, Social Science, and the Law in the fall and Criminal Law in the spring.
Deborah Tuerkheimer
PROFESSOR OF LAW
BA, Harvard University; JD, Yale University

Deborah Tuerkheimer’s passion for justice, fairness, and gender equity has propelled her research in the areas of criminal law, domestic violence, feminist legal theory, and the intersection of science and criminal justice. Now as a new Northwestern Law professor, she counts it “a privilege to continue to teach and write about issues that I care deeply about.”

After graduating from Yale Law School and clerking for Alaska Supreme Court Justice Jay Rabinowitz, Tuerkheimer worked for the Manhattan District Attorney’s Office for five years. As a budding attorney, she prosecuted domestic violence, child abuse, and sex crimes.

“I think that my time prosecuting these crimes fueled my passion for this work. I went into teaching in part to share insights gained practicing criminal law and in part to write to influence law reform efforts,” said Tuerkheimer. “I care deeply about criminal law and the lives of women and children, which is why these areas of overlap continue to be the focus of my scholarship.”

In the fall Tuerkheimer will teach Criminal Law and Feminist Jurisprudence—a class whose casebook, Feminist Jurisprudence, Cases and Materials, she coauthored with Professor Kimberly Yuracko. “Every class that I teach covers a certain substantive area, and I want students to leave with a grounding in that substantive area of law,” said Tuerkheimer. “I also want students to think critically about the relevant policy issues and the practical implications of the theory and doctrine we discuss so that they can apply this knowledge in the real world.”

Much of Tuerkheimer’s scholarship focuses on the inadequacies and slow evolution of domestic violence law and explores the disconnect between criminal law and the social understandings of sexual violence. Her most recent book, Flawed Convictions: “Shaken Baby Syndrome” and the Inertia of Injustice, was published this year by Oxford University Press.

Prior to coming to Northwestern Law, Tuerkheimer taught Criminal Law, Feminist Jurisprudence, and Domestic Violence at DePaul University. She was previously a professor at the University of Maine School of Law, where she also taught criminal procedure and evidence.

New Clinical Faculty and Lecturers

This fall Gregory Swygert (JD ’03) joins the Bluhm Legal Clinic faculty as a clinical associate professor of law in the Center on Wrongful Convictions. Three legal experts who have previously served as adjunct professors—Mary Foster, Wendy Muchman, and Kevin O’Hara—will join the Northwestern Law faculty as lecturers in 2014–15.

Gregory Swygert (JD ’03)
CLINICAL ASSOCIATE PROFESSOR OF LAW
BA, Duke University; JD, Northwestern University

As a partner at Ryan & Swygert since 2012, Gregory Swygert (JD ’03) represented clients in criminal defense, criminal appeals, and commercial litigation. His experience includes working as a staff attorney for the Illinois Office of the State Appellate Defender, practicing plaintiff’s civil rights law at Loey & Loey, clerking for the Hon. Arthur J. Tarnow for the US District Court for the Eastern District of Michigan, and defending individuals on Louisiana’s death row.

Mary Foster
LECTURER
BA, Drake University; JD, University of Illinois

Legal ethics expert Mary Foster currently serves as the Illinois Attorney Registration and Disciplinary Commission’s Counsel for Review Board and teaches a variety of continuing legal education programs in ethics and professionalism to lawyers, law firms, and nonprofit organizations.

Wendy Muchman
LECTURER
BA, University of Illinois; JD, DePaul University

Wendy Muchman’s work focuses on professional responsibility and disciplinary law. She has been the chief of litigation and professional education for the Attorney Registration and Disciplinary Commission since 1989. Prior to joining the commission, she litigated at several law firms in state and federal courts.

Kevin O’Hara
LECTURER (BEGINNING SPRING 2015)
BA, University of Chicago; JD, Georgetown University

Kevin O’Hara is the principal and managing member of Kevin Seamas Enterprises, where he deals with private equity and real estate investments. O’Hara previously served as chief executive officer in the Trading Division of the Gulf Finance House in Bahrain and on the Chicago Board of Trade.
Visiting Faculty 2014–15

Maria Hawilo
VISITING CLINICAL ASSISTANT
PROFESSOR OF LAW
(RETURNING FOR 2014–15)
BS, JD, University of Michigan

Maria Hawilo returns to the Bluhm Legal Clinic for a second year as a visiting assistant professor of law. Hawilo will continue to coteach the Juvenile Justice Criminal Trials and Appeals Clinic with Thomas F. Geraghty (JD ’69) and help supervise students assigned to criminal cases. Previously she served as a supervising attorney for the District of Columbia’s Public Defender Service, representing clients charged with conspiracy, obstruction of justice, and other serious felonies. Hawilo clerked for the Hon. David W. McKeague, currently on the US Court of Appeals for the Sixth Circuit.

Morton Horwitz
VISITING PROFESSOR OF LAW
(FALL 2014)
AB, City College of New York;
AM, LLB, PhD, Harvard University

Heidi Kitrosser
VISITING PROFESSOR OF LAW
(2014–15)
BA, University of California, Los Angeles; JD, Yale University

Heidi Kitrosser is visiting from the University of Minnesota Law School, where she teaches constitutional law, First Amendment law, and government secrecy. Her research interests include constitutional law, specifically free speech, separation of powers, and government secrecy. Kitrosser has clerked for the Hon. William Rea on the District Court for the Central District of California and for the Hon. Judith Rogers on the US Court of Appeals for the District of Columbia Circuit. She was also an associate at the Washington, DC, office of Jenner & Block.

Pierre Legrand
VISITING PROFESSOR OF LAW
(SPRING 2015)
BCL and LLB, McGill University; DEA and PhD, Université Panthéon-Sorbonne; MLitt, University of Oxford; PhD, Lancaster University

Heidi Kitrosser
VISITING PROFESSOR OF LAW
(2014–15)
BA, University of California, Los Angeles; JD, Yale University

Heidi Kitrosser is visiting from the University of Minnesota Law School, where she teaches constitutional law, First Amendment law, and government secrecy. Her research interests include constitutional law, specifically free speech, separation of powers, and government secrecy. Kitrosser has clerked for the Hon. William Rea on the District Court for the Central District of California and for the Hon. Judith Rogers on the US Court of Appeals for the District of Columbia Circuit. She was also an associate at the Washington, DC, office of Jenner & Block.

Pierre Legrand
VISITING PROFESSOR OF LAW
(SPRING 2015)
BCL and LLB, McGill University; DEA and PhD, Université Panthéon-Sorbonne; MLitt, University of Oxford; PhD, Lancaster University

Pierre Legrand is professor of law at the Université Panthéon–Sorbonne, where he is responsible for the postgraduate program on globalization and legal pluralism after serving for 10 years as director of postgraduate comparative legal studies. Legrand has held visiting professorships at a number of universities and has taught and lectured in more than 20 countries, including the United States, Canada, Australia, China, Brazil, Singapore, and European nations. His teaching and writing focus on comparative legal studies with reference to theoretical issues arising from comparative interventions. He publishes in English and French, and his work has been translated into other languages.

Bruce Markell
VISITING PROFESSOR OF LAW
(FALL 2014)
BA, Pitzer College;
JD, University of California, Davis

Bruce Markell is the Jeffrey A. Stoops Professor at Florida State University’s College of Law. Before joining Florida State’s faculty, Markell was a United States bankruptcy judge for the District of Nevada. He was also a member of the Bankruptcy Appellate Panel for the US Court of Appeals for the Ninth Circuit. Markell has written many books and articles focusing on bankruptcy, securitization, contracts, and commercial law. He is a conferee of the National Bankruptcy Conference, a fellow of the American College of Bankruptcy (where he is currently the scholar in residence), a member of the International Insolvency Institute, and a member of the American Law Institute.
Leonard Riskin
VISITING PROFESSOR OF LAW
(FALL 2014)
BS, University of Wisconsin–Madison; 
JD, New York University; LLM, Yale University

Leonard Riskin, Chesterfield Smith Professor of Law at the University of Florida's Levin College of Law, returns this fall to Northwestern Law, where he has served as a visiting professor each fall since 2010. Riskin's work centers on mindsets with which lawyers and other dispute resolvers approach their work. Since 1980 he has been mediating, writing about mediation, and training lawyers and law students in mediation and other methods of dispute resolution. He also teaches and studies mindfulness as a method of enhancing performance and satisfaction. He previously served as C. A. Leedy and Isidor Loeb Professor of Law at the University of Missouri–Columbia School of Law, where he was founding director of the Center for the Study of Dispute Resolution. He has published numerous books and articles on conflict resolution, and his scholarship has been recognized with awards from the American Bar Association and other organizations.

Meredith Martin Rountree
VISITING ASSISTANT PROFESSOR
(RETURNING FOR 2014–15)
AB, Yale University; JD, Georgetown University; 
PhD, University of Texas at Austin

Meredith Martin Rountree will teach Constitutional Criminal Procedure and a seminar on law and society research. Prior to joining Northwestern Law in 2013, Rountree spent a year as a doctoral fellow at the American Bar Foundation and a year as a research fellow in the Capital Punishment Center and codirected its Capital Punishment Clinic. Rountree's doctoral work focused on the study of crime, law, and deviance, and her dissertation research examined the phenomenon of death-sentenced individuals seeking execution. She is currently engaged in empirical research on “guilty but mentally ill” verdicts in capital murder cases.

Julie Waterstone
VISITING CLINICAL PROFESSOR OF LAW (2014–15)
BA, University of California, Santa Barbara; 
JD, Northwestern University

Julie Waterstone (JD ’00) is visiting from Southwestern Law School, where she is the associate dean for experiential learning and clinical professor of law. At Southwestern, Waterstone teaches and directs the Children’s Rights Clinic and teaches a special education law seminar. Her work focuses on the rights of children, particularly in the areas of special education and school discipline.

Michael Waterstone
VISITING PROFESSOR OF LAW (2014–15)
BA, University of California, Los Angeles; 
JD, Harvard University

Michael Waterstone, an expert on disability and civil rights law, is the J. Howard Ziemann Fellow and Professor of Law at Loyola Law School Los Angeles, where he recently completed a term as associate dean for research and academic centers. In addition to writing on disability law and policy, Professor Waterstone has consulted with the Harvard Project on Disability, worked with nongovernmental organizations and foreign states on disability laws, and testified before a United States Senate subcommittee on voting for people with disabilities. Before entering teaching, Waterstone clerked for the Honorable Richard S. Arnold on the US Court of Appeals for the Eighth Circuit and worked as an associate in the Los Angeles law firm of Munger, Tolles, and Olson.

Lawrence Zelenak
VISITING PROFESSOR OF LAW
(2014–15)
BA, University of Santa Clara; 
JD, Harvard University

Lawrence Zelenak is the Pamela B. Gann Professor of Law at Duke Law School, where he teaches courses in income tax and corporate tax as well as a tax policy seminar. Zelenak has written several books on federal income taxation. His most recent is titled Learning to Love Form 1040: Two Cheers for the Return-Based Mass Income Tax. In addition to his books, Zelenak has also published many articles on tax policy issues. His work has appeared in the Duke Law Journal, the Columbia Law Review, and the Michigan Law Review, among other publications.
The Uniform Faithful Presidential Electors Act

BY ROBERT W. BENNETT

The hyperpartisanship that characterizes contemporary American politics can help alert us to perils in our presidential selection process that are seldom appreciated or even much noted. I have in mind the possibility of an indecisive outcome in what is called the “electoral college,” and in particular the role that “faithless electors” might play in our struggle to determine just who our new president is to be. An organization called the Uniform Laws Commission (ULC) has urged all states to adopt a law that would prevent faithless presidential elector voting. I am the reporter for this ULC effort, and hence not disinterested, but I have no hesitation in urging that universal, or even widespread, adoption of what is called “The Uniform Faithful Presidential Electors Act” could avert a disaster in a close presidential contest.

Faithless presidential electors are ones who vote contrary to the popular vote that put them into that office. To appreciate both the possibility of faithlessness and the dangers it poses, it is important to understand that our presidential selection process is a good deal more complex than often appears. Those who pay attention likely appreciate that the president and vice president are chosen through the accumulation of electoral votes on a state-by-state basis. But most Americans likely also assume that those electoral votes are awarded in early November on what is routinely referred to as “election day,” and that the award is based on a popular voting process in each state cast as a choice between slates of paired presidential and vice-presidential candidates. Thus, the media typically make it seem that, absent a close and contested popular vote in one or more states, the final electoral vote tally—and hence the presidential and vice-presidential winners—are known definitively not too long after the polls close on that early November day.

But it’s not really so. State law actually turns those popular votes into ones for electors rather than for presidential and vice-presidential candidates. And there is then an actual voting process that takes place some 40 days later in which the winning electors cast those electoral votes in 51 separate meetings, one in each state and another in the District of Columbia. And the authoritative counting of those electoral college votes takes place later still, in early January in a joint meeting of the Senate and the House of Representatives at which the (outgoing) vice president of the United States presides.

When those electors do vote, they typically do so “faithfully,” that is, cast their votes for the nominees of the political party that nominated both them (for the office of elector) and the paired candidates for the nation’s executive offices. But not always. Over the years there have been a number of faithless electoral votes. The most recent was that of a Minnesota elector in 2004. And even more frequently there have been suggestions by electors that they might vote faithlessly. In 2012, for instance, the Associated Press reported that three Republican nominees for elector might not vote for Mitt Romney, the Republican nominee, if he “won” in their states on that “election day.”

Each state is entitled to a number of electors equal to its total representation in the House of Representatives and the Senate. In addition, on account of the 23rd Amendment, the District of Columbia is essentially entitled to a number of electors equal to that of the least populous state. For a number of years now this has yielded a nationwide total of 538 electors. The constitutional requirement for electoral college victory is “a majority of the whole number of electors appointed.” So, assuming each jurisdiction has effectively appointed its quotient, the required electoral college majority is 270 votes. Even apart from faithlessness, there might be no candidate who obtains that majority.

There could, for instance, be a tie between two candidates. Or there could be more than two candidates who garner electoral votes. In both the 1948 and 1968 elections, for instance, sectional divisions in the country led to challenges to the two major parties that won significant
clusters of electoral votes. And even in a two-party race, there could be disputes about outcomes in one or more states. We saw that in the 2000 election, but even more chillingly in the 1876 election, with federal troops still in Southern states as a part of post–Civil War Reconstruction. Competing claims of victory were submitted from three Southern states, and in addition a dispute over one elector developed in Oregon. After those problems were (painfully) resolved, a federal statute was passed to encourage orderly state resolution of disputes and then bring some order to the January counting process. That statute relies heavily on a certification by the “executive of each state” of just who were the state’s victorious electors. But if those disputes could not satisfactorily be resolved and electors were nonetheless deemed to have been “appointed” in those contentious races, there might be no candidate who commanded the required majority.

If there is no electoral college majority winner, the selection of the president is sent to the House of Representatives, where each state—not each representative—gets one vote, and a majority of states (i.e., 26) is necessary for victory. If three (or more) candidates commanded electoral votes, the House choice is to be among the top three, and that could lead to an indecisive outcome in the House. But even if there are only two candidates from whom the House must choose, some state delegations might have to abstain on account of a tie in the votes of their delegations. That—as well as the possibility of a 25-25 state tie—further raises the specter of House indecisiveness.

If the (separate) electoral college vote for vice president also comes up short, that choice is relegated to the Senate (from the top two), with each senator getting one vote. A majority of the Senate (i.e., 51 at the present time) is required for that choice, with the constitutional language seemingly precluding the presiding officer—the (outgoing) vice president—from breaking ties. While a Senate failure to make a choice can thus not be precluded, that seems much less likely than House indecisiveness. And if the new vice president, but not the new president, has been chosen by the time the new president’s term is to begin in late January, pursuant to the Twentieth Amendment the new vice president is to “act as president until a president shall have qualified.”

If the apparent election day electoral college outcome is either indecisive or very close, a number of possibilities could encourage faithlessness, with real—and painful—bite. First, the apparent electoral college winner might have lost the nationwide popular vote. That happened as recently as the 2000 election. Second, the popular vote outcome in the elector’s own state might have been quite close. That too happened in a few states in the 2000 election, and indeed is not at all uncommon. So, an elector might see some political return from voting faithlessly. Third, an elector might well have disapproved of the party’s candidate for the presidency. That was the basis for the AP story in 2012. Fourth, some unfavorable news about the apparent victor might become public after election day (or even before). Fifth, the (apparent) loser’s campaign might make promises to court faithlessness (an ambassadorship, say, or embrace of a policy position favored by the
would work to become out of date, as political parties assumed major roles in the presidential selection process, including the coordination of elector voting within and across states. Still, the fact that the system now operates so differently from what was envisaged does not drain the rhetorical force from arguments urging electors to exercise the “discretion” they were intended to have.

For any given presidential selection, faithlessness that genuinely threatens an apparent outcome remains unlikely, if for no other reason than that apparently close elector college outcomes have been, and are likely to continue to be, unusual. But they do happen, as the 2000 election dramatically demonstrated with Bush taking 271 electoral votes to Gore’s 266 (or 267 if a DC abstention is counted as if it had been cast faithfully). And close (apparent) electoral college outcomes may well start coming more frequently as the computer age fosters ever more sophisticated campaigning. But there is also another part of the calculus in determining whether guarding against the possibility of faithlessness makes sense. That is the harm that might be caused by such consequential faithlessness. There is no way to be sure of the harm that would be done, but there are entirely plausible scenarios that conjure up frightening possibilities.

The federal statute mentioned above makes several references to electoral votes that are “regularly given,” and faithless votes could be challenged in the congressional counting session on the ground of “irregularity.” Over the years, the smattering of faithless votes have been counted as cast, but those would provide weak precedents for faithless votes that threatened to change a presidential outcome. Some state statutes now on the books turn attempted faithlessness into resignation from the office, but if the statute provides no mechanism for filling a resulting vacancy, that could create further doubt about the electoral college count. The stance of the joint meeting on these various questions might well depend upon the partisan makeup of the two houses of Congress and of the apparent pre- and post-faithlessness electoral college “winners.” In any event, the faithless votes would surely be challenged as illegitimate, and the legitimacy of the challenge would be challenged as well. Court intervention might be sought, and perhaps obtained, but the controversy surrounding any court intervention would likely make the controversy we saw after the 2000 election intervention seem quite tame. And that goes for any counting session resolution as well, particularly if partisan considerations seemed to have played a role there.

Perhaps even worse would be a counting session stalemate. As mentioned, the governing federal statute gives preference to a slate of electors certified by the state’s chief executive, but it doesn’t explicitly dictate whether the electors’ votes are to be counted as cast. So, an executive decision could be very contentious, or even held illegal in the state courts. And even if the presiding officer announced a counting session result, that would not guarantee that it would go down easily in the land.

The Uniform Faithful Presidential Electors Act corrals these ominous possibilities by requiring pledges of faithfulness of all elector candidates. The act then turns attempted faithlessness into resignation and provides for a replacement who has also taken a pledge. To eliminate doubt about whose votes are legitimate, it requires the state’s executive to provide the counting session with an official up-to-date list of the state’s electors. No doubt one could conjure up troublesome scenarios even if the act is universally enacted. And there are problems in our presidential selection process that the act does not address, such as electoral college indecisiveness due to a tie or a failure of the required majority when more than two candidates command electoral votes. The backup procedure in the House of Representatives is fraught with its own problems. But the Uniform Act should at least give us a good chance to avoid some frightening problems posed by faithlessness of our presidential electors.
Faculty Publications

The Northwestern Law faculty produces world-class scholarship on a diverse range of contemporary legal issues. The following is a selection of scholarly works by residential faculty published between July 1, 2013, and June 30, 2014.

Ronald J. Allen
JOHN HENRY WIGMORE PROFESSOR OF LAW


Karen Alter
PROFESSOR OF LAW (BY COURTESY)


Charlotte Crane
PROFESSOR OF LAW


Robert P. Burns
PROFESSOR OF LAW


Steven G. Calabresi
CLAYTON J. AND HENRY R. BARBER PROFESSOR OF LAW


David Dana
KIRKLAND & ELLIS PROFESSOR OF LAW


Erin F. Delaney
ASSISTANT PROFESSOR OF LAW


Shari Seidman Diamond
HOWARD J. TRIENENS PROFESSOR OF LAW


"The EU is Right about Western Sahara — Which Means it is Wrong about Israel." Global Post. 2013.

"How the EU Directly Funds Settlements in Occupied Territory." Jerusalem Post. 2013.

"Israel/Palestine – The ICC's Uncharted 'Territory.'" The Other Crimeas: Seizing Territory Isn't Out of the Question. 2013.

"Obama's Executive Branch 'Standing': Unexpected by Scholars but Consistent With International Trends." Why Scalia Should Have Voted to Overturn DOMA. 2014.

"The Obamacare 'Fix' Is Illegal." POLITICO. 2013.


"How the EU Directly Funds Settlements in Occupied Territory." The EU is Right about Western Sahara — Which Means it is Wrong about Israel. 2013.

"Why Scalise Should Have Voted to Overturn DOMA." POLITICO. 2014.

"The Other Crimeas: Seizing Territory Isn't Out of The Question." POLITICO. 2014.


Robert C. Owen
CLINICAL PROFESSOR OF LAW

James E. Pfander
OWN L. COON PROFESSOR OF LAW

George Pike
SENIOR LECTURER
“From Chaos, Come Answers to Legal Questions.” Information Today. 2014.

Philip Postlewaite
PROFESSOR OF LAW

Stephen B. Presser
RAOUl BERGER PROFESSOR OF LEGAL HISTORY
Piercing the Corporate Veil. Thomson Reuters/Westlaw. 2014
“What I Teach When I Teach Legal History: Teaching Legal History: Comparative Perspectives,” edited by Robert M. Jarvis. Wildy, Simmonds and Hill. 2014.

Susan E. Provenzano
PROFESSOR OF PRACTICE

Martin H. Redish
LOUIS AND HARRIET ANCEL PROFESSOR OF LAW AND PUBLIC POLICY

Leonard L. Riskin
VISITING PROFESSOR OF LAW

Daniel B. Rodriguez
DEAN AND HAROLD WASHINGTON PROFESSOR

Judith Rosenbaum
CLINICAL PROFESSOR OF LAW

Meredith Martin Rountree
VISITING ASSISTANT PROFESSOR

David Scheffer
MAVER BROWN/ROBERT A. HELMAN PROFESSOR OF LAW
“The Ethical Imperative of Curbing Corporate Tax Avoidance.” Ethics and International Affairs. 2014.
“Excerpts from All the Missing Souls: A Personal History of the War Crimes Tribunals.” Eyes on the ICC. 2014.
“The Five Levels of CSR Compliance: The Resilience of Corporate Liability under the Alien


Sarah O’Rourke Schrup
CLINICAL ASSISTANT PROFESSOR OF LAW


Nadav Shoked
ASSISTANT PROFESSOR OF LAW

“Property’s Perspective (Or of Whom to Be Jealous),” *University of Pennsylvania Law Review Online*. 2013.


Carole Silver
PROFESSOR OF GLOBAL LAW AND PRACTICE


Juliet Sorensen
CLINICAL ASSOCIATE PROFESSOR OF LAW


“UN Measure to Fight Bribery is a Work in Process.” *Al Jazeera America*. 2014.


Matthew L. Spitzer
HOWARD AND ELIZABETH CHAPMAN PROFESSOR


Daniel F. Spulber
PROFESSOR OF LAW (BY COURTESY)


Joshua A. Tepfer
CLINICAL ASSISTANT PROFESSOR OF LAW


John B. Thornton
CLINICAL ASSISTANT PROFESSOR OF LAW


Deborah Tuerkheimer
PROFESSOR OF LAW


Rob Warden
EXECUTIVE DIRECTOR EMERITUS, CENTER ON WRONGFUL CONVICTIONS


Robert Wootton
SENIOR LECTURER


Clifford Zimmerman
CLINICAL ASSOCIATE PROFESSOR OF LAW

Bowen Appointed to Trading Commission

Sharon Y. Bowen (JD-MBA ’82) was officially sworn in as a commissioner of the US Commodity Futures Trading Commission on June 9.

President Obama nominated Bowen in December 2013 to serve as one of five CFTC commissioners, and the US Senate confirmed her nomination on June 3. She will fill the seat formerly occupied by Bart Chilton, who left the commission at the end of March.

Prior to joining the CFTC, Bowen worked as a corporate partner in the New York office of Latham & Watkins, LLP, where she represented private equity firms, corporations, and financial and institutional clients on corporate, finance, and securities transactions. She also served as cochair of two Latham & Watkins committees on diversity.

Before nominating her to the CFTC, Obama appointed Bowen the acting chair of the board of directors of the Securities Investor Protection Corporation, a nonprofit membership corporation that protects investors from losing funds and securities in financially troubled brokerage firms.

In addition to her work with Latham & Watkins and the SIPC, Bowen has served as a member of the Law School’s Law Board, including a term as chair from 2009 to 2011. She has received many awards for her work; Black Enterprise named her one of America’s top black lawyers, and in 2011 she won the New York State Bar Association Diversity Trailblazer Award.

Sopan Joshi to Clerk for Justice Scalia

Recent alumnus Sopan Joshi (JD ’13) will clerk for Associate Justice Antonin Scalia for the 2015 Supreme Court term. He is currently a clerk for Judge Richard Posner on the Seventh Circuit Court of Appeals.

Joshi, who has both bachelor’s and doctoral degrees in electrical engineering, worked for Intel Corporation before deciding to attend law school to pursue a long-standing interest in law and democratic theory.

While a student, Joshi was the articles editor for the Northwestern University Law Review, and he participated in the Owen L. Coon/James A. Rahl Senior Research Program under the mentorship of Professor Martin H. Redish. He thanks Professor Steven Calabresi, Professor Erin Delaney, and Dean Daniel B. Rodriguez for their help during the clerkship application process.

“I’m looking forward to clerking for Justice Scalia, and I’m honored and humbled to have been given this opportunity,” said Joshi. “Clerking is great experience for any lawyer. For one thing, it’s intellectually stimulating. More practically, it gives you in-depth insight into how judges decide cases, which can be invaluable when advising clients or writing briefs in future litigation work.”

Joshi will be the third Northwestern Law graduate in three years to clerk in the Scalia chambers: Kevin King (JD ’10) clerked for the 2013 term, and Judd Stone (JD ‘10) will clerk for the 2014 term. Other recent Supreme Court clerks include Abby Mollen (JD ’08), who clerked for Justice Sonia Sotomayor during the 2010 term, and Kenton Skarin (JD ’09), who clerked for Justice Clarence Thomas during the 2012 term.
Two 2014 Graduates Land Prestigious Public Service Fellowships

Maya Lentz (JD-LLM IHR ’14) and Ginger Tanton (JD ’14) have been awarded Equal Justice Works Fellowships, allowing them to pursue their passions for public interest law through projects in the Chicago area.

Applicants for the competitive fellowships work with nonprofit host organizations to design a project that will provide legal assistance to vulnerable communities. After the application process is complete, Equal Justice Works selects projects most likely to be matched with sponsors. The sponsors then choose the fellows. This year, 61 law school graduates were awarded fellowships.

“Unfortunately, due to limited resources, many nonprofit legal agencies can’t afford to hire entry-level legal attorneys,” said Cindy Wilson, clinical professor of law and director of the Bluhm Legal Clinic’s Center for Externships. “The fellowship offers a wonderful opportunity to provide dedicated, committed law school graduates a way to do what they want to do—to serve clients—in an area where they are needed most. It’s a wonderful way to launch a career in public interest law.”

Lentz will work with the James B. Moran Center for Youth Advocacy in Evanston. Her project is sponsored by DLA Piper, a business law firm that focuses on juvenile justice work among other pro bono initiatives. In conjunction with the Moran Center, Lentz’s work will focus on the school-to-prison pipeline. She hopes to prevent at-risk students from entering the criminal justice system and to help those already trapped within the system. Lentz will also be working to establish restorative justice programs at area middle schools.

Tanton will work with the Domestic Violence Legal Clinic in Chicago. Her project is sponsored by the international law firm Greenberg Traurig. Through the DVLC Tanton hopes to help undocumented domestic violence victims achieve legal security as well as social and economic independence. She will aid clients seeking U Visas, which grant temporary legal status to undocumented victims of certain crimes who cooperate with the police.

“In my 2L year, I had a yearlong internship at the Legal Assistance Foundation Immigration Project, where I learned about U Visas, and I think they’re a really great tool,” said Tanton. “It’s great that Congress created them, but not as many people access them as could.”

Lentz and Tanton will begin working on their respective projects in the fall. Both credited the Law School with helping make their opportunities possible.

“I am unbelievably grateful to have attended Northwestern,” said Lentz. “The faculty here extend themselves tremendously to ensure students are encouraged throughout their career search process. I am eternally indebted to them, and feel so lucky to have received meaningful, individualized attention and support, allowing me to achieve my dreams.”

New 2014 Pritzker Fellow

The spring 2014 issue of the Northwestern Law Reporter announced 10 new postgraduate public-interest fellowships for the class of 2014, funded in part by the Law School’s Jay A. Pritzker Fellowship program. Since the publication of that story, Pritzker Fellowship recipient Maya Lentz (JD-LLM IHR ’14) was awarded an Equal Justice Works Fellowship, providing an opportunity for Jennifer Beamish (JD ’14) to be named a 2014 Pritzker Fellow.

Beamish will work in New York City at the Lawyers Alliance for New York, where she will do transactional work for nonprofit organizations that serve low-income populations. She will help her clients develop affordable housing, stimulate economic development in low-income neighborhoods, strengthen urban health, and provide a wide range of other services. As a student Beamish held leadership positions in the Public Interest Law Group and the Student Funded Public Interest Fellowship (SFPIF) program. She also worked for two New York government agencies during her summers and in fall 2013 did an intensive semester practicum at the US Securities and Exchange Commission under the supervision of Professor David Ruder, a former SEC chair.
Alumnus Horace Ward Honored by University of Georgia

Judge Horace Ward (JD ’59) in May received an honorary doctor of laws degree from the University of Georgia, the institution that denied him admission in 1951 when, as the first African American applicant to the university, he sought to enroll in the law school. Ward challenged the university in court, and although his case was dismissed, it laid the groundwork for the school’s eventual desegregation. The book *Horace T. Ward: Desegregation of the University of Georgia, Civil Rights Advocacy, and Jurisprudence* serves as the foundation for the University of Georgia’s Foot Soldier Project for Civil Rights Studies. The project focuses on revealing lesser-known stories of those who worked for civil rights.

Ward enrolled at Northwestern Law in 1956 and after graduating returned to Georgia, becoming a partner in the firm of Hollowell, Ward, Moore and Alexander. He worked on several notable civil rights cases throughout Georgia, including the landmark case of Hamilton Holmes and Charlayne Hunter-Gault’s attempt to enroll at the University of Georgia in 1961.

Ward served in the Georgia State Senate for nine years. When President Jimmy Carter appointed him to the US District Court for the Northern District of Georgia in 1979, Ward became the first African American to sit on the federal bench in Georgia. He retired in 2012.

Tamara Lundgren Elected Chairman of US Chamber Board

Tamara Lundgren (JD ’82) has been elected chairman of the US Chamber of Commerce’s board of directors. During her one-year term she will focus on international trade, immigration reform, infrastructure investment, and capital markets. She has been a member of the board since 2010.

Since 2008 Lundgren has held the role of president and CEO of Schnitzer Steel Industries. Under Lundgren’s leadership, the company has expanded from 41 locations to 116 facilities around the country. SSI earned $2.6 billion in revenues last year.

Lundgren is also a member of the board of directors of Ryder System, Parsons Corporation, and the Portland branch of the Federal Reserve Bank of San Francisco. She also serves on the Committee of 200, an international organization of senior women business executives.

Lundgren previously held management positions at JPMorgan and Deutsche Bank and was a partner at Hogan & Hartson.
Carlos Gonzalez (JD ’00) in April when he launched Liberty City Advocates, a community legal aid nonprofit, in a largely forgotten Miami neighborhood afflicted by poverty and violence.

“It’s a project that I’ve been thinking about for well over 10 years—creating a clinic that is neighborhood centered and takes a holistic approach to helping people and addressing their legal needs,” said Gonzalez.

The clinic serves community members through social advocacy and legal defense in criminal, juvenile and family, bankruptcy, and foreclosure cases.

Gonzalez ended up in Liberty City after developing a partnership with the Miami Children’s Initiative, a nonprofit that works to provide support and education to the neighborhood’s children and families and cooperates with other nonprofits on community needs. Liberty City Advocates complements these efforts by providing legal support.

“It really just came together fortuitously,” he said. “Miami Children’s Initiative has a great structure through which I can reach out to the community.”

Gonzalez drew inspiration from two organizations that provide legal aid to low-income citizens—Cabrini Green Legal Aid in Chicago and Bronx Defenders—as well as from his work at the Bluhm Legal Clinic as a law student.

“The idea came from my time at the legal clinic at Northwestern,” said Gonzalez. “We were based within a community, and we dealt with a variety of legal issues. We mostly represented juveniles charged with a variety of criminal offenses. I got to see firsthand the impact a legal service provider can have on a community.”

Following his law school graduation, Gonzalez worked in the appellate division of the Miami-Dade County Public Defender’s Office. He is now a partner at the Miami-based law firm of Diaz, Reus & Targ in addition to serving as Liberty City Advocates’ executive director.

Gonzalez says Liberty City Advocates’ first months have already proved rewarding. “Helping a mother and her two children stay in their home, helping a man who has led an exemplary life for the past 20 years deal with the fact that a felony conviction as a teenager is now threatening his job—I’m really seeing that a lawyer can have a dramatic effect on people’s lives, even in very short order.”

The legal team currently consists of Gonzalez and pro bono volunteers, but he hopes the organization can eventually hire full-time lawyers. Gonzalez encourages any Law School alumni interested in supporting the clinic’s work to email him at cgonzalez@diazreus.com.

Alumni to Participate in Law School’s Veterans Day Public Service Panel

Distinguished judges who are also veterans will explore public service from military service to service in the legal profession during a Veterans Day panel discussion. Presented by Northwestern’s Veteran Law Association, the panel will feature notable alumni Judge Joel M. Flaum (JD ’63) of the Seventh Circuit Court of Appeals and Judge John J. Tharp Jr. (JD ’90) of the US District Court for the Northern District of Illinois. Retired Magistrate Judge Arlander Keys of the US District Court for the Northern District of Illinois will also serve as a panelist. The event will be held in McCormick 195 (Strawn Hall) on Tuesday, November 11, at Noon. Please contact John Adams (JD-MBA ’16) at JohnAdams@nlaw.northwestern.edu with any questions.
Northwestern Law Celebrates 154th Graduating Class

Veteran Supreme Court litigator and Northwestern Law alumnus Carter G. Phillips (JD ’77) beamed with pride when he took the stage as the keynote speaker at the Class of 2014 Commencement ceremony. “Northwestern has a very special place in my heart,” said Phillips, a partner and chair of the executive committee at Sidley Austin. “It is a wonderful honor to be invited back to share this special day.”

In the years since Phillips graduated, he has consistently contributed his time and talents to the Law School, and he implored graduates to do the same. Philips was specific: he encouraged a 3 percent commitment of time to improving the Law School community by interviewing prospective students, recruiting admitted students, and discussing practices, employment, and special opportunities with current students. He also urged the graduates to collaborate with their Law School colleagues to promote positive change at the school.

“The combination of talent and teamwork leads to great results,” he said. “What I hope that your generation can do is collaborate with all of the other generations of Northwestern alums and build a bigger, better, stronger Northwestern Law.”

Phillips has argued 78 cases before the Supreme Court, more than any lawyer currently in private practice. He has also argued more than 100 cases in the United States Courts of Appeals, including at least one in every circuit in the country, and 25 in the Court of Appeals for the Federal Circuit. He currently teaches in Northwestern Law’s Supreme Court Clinic.

Family, friends, and Law School faculty and staff turned out at the landmark Chicago Theatre for the May 16 ceremony. The more than 500 graduates join a network of more than 14,000 Law School alumni.

Besides Phillips, Dean Daniel B. Rodriguez, University President Morton Schapiro, and student speakers John Mack (JD ’14) and Chris Guangjun Tang (LLM ’14) offered
insights about valuing friendships, practicing humility and ethical maturity, embracing their talents in a changing legal landscape, sometimes placing experience over logic, and focusing on things that bring joy.

“Remember to always stay grounded in humility and always surround yourself by friends who love you,” Schapiro said. “Remember, humility is not to think less of yourself but to think of yourself less.”

“In this changing and challenging world, we need skilled lawyers, we need you, graduates of this first-rate, student-centered, innovative law school,” said Rodriguez. “We need well-trained, mature, collaborative, ethical professionals, future leaders with myriad talents and abilities, and with a commitment to professionalism and to justice—equal justice under law. We need you.”

2014 CONVOCATION

Student-Voted Faculty Awards

Outstanding Adjunct Professor
Paul Chadha

Outstanding First-Year Course Professor
Erin Delaney

Outstanding Professor of a Small Class
Susan Provenzano

Outstanding LLM Tax Professor
Robert Wootton

Robert Childress Memorial Award
for Teaching Excellence
Martin Redish

Student Awards

Wigmore Key
Suzanne Alton

Leadership Award
Karin Lee

Service Award
Michael Work

Legal Profession Award
Nicholas Kathryn Shephard

Courage Award
Amelia Wallrich
Alumni Profiles: LLM in International Human Rights

In 2003 Northwestern Law launched a new LLM program concentration in international human rights. It was designed for people with law degrees from other countries (or American JDs) who wished to study this field in depth. It provides an excellent foundation for those with career interests in the norms and methods of international human rights law and international criminal law, as well as their implementation by international courts and organizations, and in domestic legal systems. LLM IHR students have access to the programs of the Bluhm Legal Clinic’s Center for International Human Rights and work closely with CIHR professors, all of whom have hands-on legal practice and academic experience in the field.

The profiles below highlight the careers of five graduates from the first decade of the LLM IHR program and the significant impact they are making in protecting human rights on a global scale.

Settasak Akanimart
UNITED NATIONS CHILDREN’S FUND, DHAKA, BANGLADESH

Settasak Akanimart (LLM IHR ’10) decided to apply to Northwestern Law’s LLM IHR program after meeting Professor Thomas F. Geraghty (JD ’69) while working with the United Nations Children’s Fund in Southeast Asia.

Akanimart had worked with UNICEF for several years before applying to the LLM IHR program. He joined the organization in 2006 after working with the UN High Commissioner for Refugees Regional Office in Bangkok—work he found demanding yet rewarding.

“Through my work with UNICEF as a child protection officer, I acquired a deeper understanding of children’s rights,” said Akanimart. “I found this work extremely interesting and engaging; nevertheless, it was a challenge to translate the principles of child protection into practice and to facilitate the government’s role in fulfilling their obligations to protect children.”

Hoping to move into an international position with UNICEF, Akanimart knew he would need a more in-depth understanding of international human rights law. His interest in the LLM IHR program combined two desires: to take on an international position in Bangladesh. In his current role, he is involved in designing, managing, and monitoring child protection programs that UNICEF implements jointly with the Bangladesh government.

“I work closely with partners in the government and civil organizations to foster a protective environment for children in this developing country,” he said. “My primary areas of responsibility include justice for children, legal reform, and child-sensitive social protection.”

Akanimart—who worked closely with Professor Bridget Arimond during his time at the Law School—said Northwestern helped him prepare for his career. He remains proud of his decision to apply to the LLM IHR program.

“The depth and scope of the program at Northwestern, with such a varied focus on the many different issues affecting human rights today, provided me with a more solid foundation in the implementation of a rights-based approach to child protection programming,” he said.

Akanimart is also thankful for the network of legal professionals and academics he built while at Northwestern, which he has retained. In his work with UNICEF, he has collaborated with professors, alumni, and current students on justice for children and legal projects in Thailand and Bangladesh.
Charles Majinge

UNITED NATIONS, ARUSHA, TANZANIA

Charles Majinge (LLM IHR ’07) has been active in the legal aid and human rights community for more than a decade. His passion for human rights work dates back to his time as a law student at the University of Dar, volunteering at the school’s legal clinic, which is the oldest of its kind in Tanzania.

After graduation he continued his work at the clinic, serving as lead lawyer in day-to-day activities, implementing strategic planning, and identifying and providing legal aid to indigent people. “Working with the most underprivileged and marginalized in our communities inspired my views and commitment on access to justice and rule of law,” he said.

To stay abreast on human rights issues, he was awarded a fellowship to travel to The Hague for a Human Rights Summer School jointly organized by the T. M. C. Asser Institute, Northwestern Law, and Leuven University. Professor Stephen Sawyer was among the presenters.

“Professor Sawyer’s presentation inspired me to apply to the LLM IHR program,” said Majinge. “I was keen to undertake graduate studies in a university with a cutting-edge reputation in research and teaching. After Professor Sawyer’s encouragement and my own research, I applied and was admitted in the LLM IHR program.”

As a student at Northwestern Law, Majinge was active in many academic, clinical, and research opportunities related to access to justice, human rights, and rule of law. Among these, he worked with Professor Thomas F. Geraghty (JD ’69) to organize and attend legal aid and access-to-justice seminars in Kiev, Ukraine.

He also tailored his educational experience to “broaden my understanding in human rights and international law in general.” A refugee asylum class taught by Professor Joyce Hughes was particularly relevant, since Majinge’s home country of Tanzania hosted more than 1 million refugees fleeing the Rwandan genocide in 1994.

“This class opened my eyes on refugee and asylum issues,” said Majinge. “It was interesting to learn how America responded to such issues of refugees. Also, through this class, I interacted with students from Africa, which offered added context.”

He also found Professor David Scheffer’s courses in international criminal law and human rights to be crucial to his legal education, as well as Professor Stephen Sawyer’s seminar, Nation Building: International Human Rights in Transitional Societies, “in which we discussed the role of international criminal tribunals in fighting impunity and how rule of law can help countries return to their feet after conflict.”

Majinge continued his studies in international law, obtaining a doctorate from the London School of Economics. He recently joined the United Nations at the International Criminal Tribunal for Rwanda in Arusha, where he works as a legal adviser to the registrar, assisting in the legal, political, and diplomatic work of the office. The Registry oversees the administration of the Tribunal to ensure fair trials for both the accused and the victims. One of the most challenging aspects of the work is assisting with the relocation of the acquitted and released persons.

“Having worked in different institutions, I heartily believe that my passion is in rule of law and human rights,” said Majinge. “Northwestern opened up many doors that have been integral in my career development. The LLM I earned offered me an opportunity to build up my career in a field of study that I hold dear.”

Antanina Maslyka

BARYS ZVOZSKAU BELARUSIAN HUMAN RIGHTS HOUSE, VILNIUS, LITHUANIA

Antanina Maslyka (LLM IHR ’13) always had a dream to study in the United States and to complement her law degree with a focus in human rights. When she worked in human rights in her home country of Belarus, she wanted to expand her perspective on international law, which she was able to do at Northwestern Law.

Now an alumna of Northwestern’s LLM IHR program, she has used her education as a project management and fundraising officer at the Barys Zvozskau Belarusian Human Rights House in Vilnius, Lithuania. She advises on the development and financial planning of the organization’s human rights projects, finds potential donors for the organization’s projects, and coordinates
and facilitates various advocacy activities at the national and international level. Specific projects include working closely with the United Nations Special Rapporteur on the situation of human rights in Belarus and participating in advocacy activities on the European Union and UN level.

“The knowledge and skills received at Northwestern Law really help me to do everything I do with a deeper understanding of international law and international order,” said Maslyka. “I can clearly deconstruct information to easily relay the international legal perspective.”

Maslyka’s passion for law and human rights advocacy began nearly 10 years ago as a student at a private university in Belarus, though the school was later closed by the Belarusian government for “pushing too much for western freedoms.” Maslyka studied international law at Belarusian State University and earned a master’s degree from European Humanities University in neighboring Lithuania.

“There are many political reasons that makes human rights work in Belarus very difficult,” said Maslyka. “I was able to find educational and professional opportunities in Lithuania that were not readily available in Belarus.”

As a student at Northwestern Law, she was active in research with the CIHR, working closely with Professor Bridget Arimond on international criminal law tribunals’ case-law determining the elements of crimes of genocide and crimes against humanity, etc.

“Through my clinic work, I was able to complement theory with practical application,” said Maslyka. “So, I learned how different legal problems can be addressed and which standards could be applied to real-life situations.”

Her experiences in Lithuania have helped to focus her interest in human rights. Prior to her work at the Barys Zvozkau Belarusian Human Right House, she taught an undergraduate human rights law course at the European Humanities University, and she helped design and implement the curriculum for Human Rights House Network project, “International Law in Advocacy: Electronic Human Rights Education for Lawyers,” for legal professionals from countries that were former members of the Soviet Union.

Henri Ariston Nzedom
INTERNATIONAL BUREAU FOR CHILDREN’S RIGHTS, MONTREAL

Henri Ariston Nzedom’s interest in human rights has led him from Cameroon to Chicago and now to Canada.

A native of Cameroon, Nzedom (LLM IHR ’10) earned a master’s degree in business law before considering Northwestern Law. His experience working as a human resource officer in a Cameroon financial institution prompted him to apply to several universities with strong human rights programs.

“I wanted a graduate degree that would help boost my career in the human rights field, so I applied to a few high-ranking academic institutions,” Nzedom said. “The reputation of Northwestern certainly weighed in the balance. I also attached great importance to the description of the LLM IHR program and courses.”

In addition to giving him a broader knowledge of international human rights, Nzedom believes the LLM IHR program helped him “strengthen skills such as meticulous research and legal reasoning for human rights advocacy, making a case based on legal principles while remaining aware of cultural peculiarities.”

Nzedom’s career did not lead him directly back to Cameroon. After earning his Northwestern degree, he continued to work internationally. He is now employed in Montreal as a project manager with the International Bureau for Children’s Rights, helping to integrate a mandatory module on children’s rights into law enforcement training in Africa. Specifically, Nzedom conducts research and creates training modules for “law enforcement actors”—including police officers, the military, the gendarmerie, the judiciary, and social workers—on children’s rights.

“Often, these actors receive ad hoc trainings that are dependent on funding from international partners, such as UN agencies, the European Union, and foreign embassies,” Nzedom said. “These trainings are not mandatory, they’re not delivered on a regular basis, and they’re not evaluated. Thus, they have little to no impact on the competencies of the people being trained. Consequently, children coming into contact with the law in any capacity are not treated...
the way they should be according to international standards and domestic law.”

Nzedom and the IBCR work to address the problem. First, they conduct a situation analysis to identify the training needs of each law enforcement group. Then, they draft a training document that covers the identified needs and work with the trainers who teach the module.

Looking back to his time at Northwestern, Nzedom finds it hard to pinpoint one particular experience that was his favorite among his many involvements. He participated in the Death Penalty Worldwide project at the Bluhm Legal Clinic, helping to create a database of information about the death penalty’s use worldwide. He also interviewed youth at the Juvenile Temporary Detention Center in Chicago and traveled to Jackson, Mississippi, to volunteer with research on a lawsuit.

“Being a student at Northwestern was a wonderful experience, one that I miss,” he said. “It is hard to say exactly what part of life at Northwestern Law makes the experience so memorable. It could be the hands-on experience that my teachers brought into the classroom, the learning resources at the students’ disposal, the many projects in which I took part—whether in the Law School or outside—the numerous student and cultural activities outside the classroom, or the beauty of the premises, with modern design alongside classical architecture.”

Mine Ozgul
TURKISH FOREIGN MINISTRY, WASHINGTON, DC

Mine Ozgul (LLM IHR ’08), a native of Turkey, began her law career in Istanbul, advising foreign corporate clients investing in the country. Today, her job still involves her home country, but from a different perspective: Ozgul is second secretary at the Turkish Embassy in Washington, DC. Ozgul has worked at the Embassy since 2011 and now manages its human rights and cultural affairs portfolio. For the human rights portfolio, she obtains information from Turkish authorities about legal reforms and developments related to human rights in Turkey and conveys it to US government agencies and other interested parties. Ozgul also deals with American legal issues that may concern Turkey.

Even before beginning her work in Washington, DC, she felt familiar with the US. “I went to an American high school in Turkey called Robert College. I became closely acquainted with American culture, literature, and the American mindset during those years,” she said. “After high school, I studied law at Istanbul University in the old part of Istanbul. During law school, I attended the national rounds of the Philip C. Jessup Moot Court Competition, which allowed me to gain a deep interest in international public law.”

After receiving a Fulbright scholarship, Ozgul applied to the LLM IHR program at Northwestern Law. She was drawn to the program’s focus on international human rights and humanitarian law and also the school’s location in downtown Chicago.

Ozgul describes her experience in the LLM IHR program as “a year of many, many highlights, in terms of how much I expanded my understanding of human rights and humanitarian law, the wonderful people I met from all over the world, and the perspectives I acquired.”

One such highlight was learning from the Law School’s guest speakers, who inspired her to broaden her horizons. Another of her favorite memories was more social: Ozgul and her friends spontaneously decided to bid on the top prize at the Law School’s annual auction.

“The item was a seven-day holiday at an amazing villa in Costa Rica, overlooking the ocean,” said Ozgul. “We did win the bid but had to find other students from the Law School and LLM to join us to cover the costs. We eventually gathered nine people to share the house and had the best time of our lives.”

As a law student, Ozgul was involved with the Center for International Human Rights, advocating that the Chicago City Council endorse the UN Convention on the Rights of the Child. The clinic achieved its goal one year after Ozgul’s graduation. In addition to her legal work, Ozgul also tutored children and volunteered at a Chicago animal shelter. She now volunteers with an animal rights group in Washington.

Ozgul credits the Law School with enabling her to find success in her current work and career.

“The wide exposure that I got during the LLM program intensified my curiosity toward what’s happening in the world today, both in terms of politics and law,” she said. “I have internalized that curiosity and carry it with me to this day.”
Class Notes

1950s
Hon. Horace T. Ward (JD '59) was awarded an honorary doctor of laws degree from the University of Georgia. (See article page 44.)

1960s
John S. Berry (JD '65) opened Berry Law offices in Lincoln and Omaha and also published his fourth book, *The Twelfth Victim*.

1970s
Hon. Dalveer Bhandari (LLM '72) was named “Jurist of the Year 2014” by the International Conference of Jurists and Writers.
Michael D. Monico (JD '72) received the Abraham Lincoln Marovitz Philanthropic Award from the Chicago Bar Association.
Dennis M. O'Keefe (JD '72) was appointed chairman of the Western Golf Association and was featured in the *Chicago Daily Law Bulletin* article “Helping caddies go to college.”
Arthur S. Kallow (JD '73) was promoted to director of the Fatherhood Educational Institute in Chicago.
Geoffrey Groshong (JD '74) was selected for inclusion in the 2014 edition of *Washington Super Lawyers*.
Margaret Hart Edwards (JD '75) was named a “Client Service All-Star” by the BTI Consulting Group.
Kevin James Egan (JD '75) retired from Foley & Lardner’s Chicago office and relocated to northern Minnesota.
Barry A. Hartstein (JD '76) was selected to Human Resource Executive and Lawdragon’s list of the nation's most powerful employment attorneys.
Christopher J. Horvay (JD '76) was promoted to partner at Sugar Felsenthal Grais & Hammer.
Kathryn Kimura Misna (JD '77) was named president of the Northwestern Alumni Association board.
William R. Clayton (JD '78) was quoted in the article “Of Counsel: Unruly Lawyers” in *Florida Trend* magazine’s February 2014 issue. He also was selected for inclusion in the 2014 edition of *The Best Lawyers in America* and was named a top lawyer in the 2014 South Florida Legal Guide.
W. Neil Eggleston (JD '78) was named White House counsel by President Obama.
Stephen Robert Kaufmann (JD '78) was selected for inclusion in 2014 *Leading Lawyers*.
Hon. Richard C. Tallman (JD '78) was appointed to the Foreign Intelligence Surveillance Court of Review.
Nancy J. Sennett (JD '79) was recognized as a leading lawyer in general commercial litigation in the 2014 edition of *Chambers USA: America’s Leading Lawyers for Business*.

1980s
Michael A. Forti (JD '80) was named a candidate for one of the 13 associate judge vacancies in Cook County, Illinois.
Bobbie McGee Gregg (JD ’80) was named acting director of the Illinois Department of Children and Family Services.
Stephen R. Hofer (JD ’80) was selected for inclusion in *Super Lawyer* magazine’s Southern California list for the fifth consecutive year.
Jeffrey I. Langer (JD ’80) joined the Consumer Financial Protection Bureau as assistant director of installment and liquidity lending markets in the Research, Markets, and Regulations Division.
Paul B. Cleveland (JD ’81) was appointed president and chief financial officer of Celladon Corporation in San Diego.
Casey Mangan Jr. (JD-MBA ’81) was nominated in counsel of the year for *World Trademark Review*’s 2014 Industry Awards.
Tamara L. Lundgren (JD ’82) was named “2014 Influential Woman in Business” by Women Construction Owners and Executives.

Volunteering is rewarding.

*Alumni volunteers play a vital role in the success of the Law School. Following are some of the many ways to get involved.*

**Alumni Interviewer** Northwestern has the most extensive law school admissions interviewing program in the country. With your help, we recruit the finest students from the United States and abroad.

**Alumni Coach Volunteer** Northwestern Law students and alumni coaches are paired for mock job interviews of about 45 minutes.

**Career-Related Adviser** Students and alumni may discuss practice areas, market trends, and career advice with volunteer advisers through occasional phone conversations, email exchanges, or informational interviews.

**Miner Moot Court Competition Volunteer** Moot Court judges prepare students to participate in appellate arguments.

**Firm and Corporate Representatives** Representatives support and raise contributions to the Law School Fund by motivating alumni at their firms or businesses.

**Reunion Committee Member** Committee members gather friends to join the committee, help plan the event, establish and garner support for the class gift, and encourage classmates to attend Reunion.

*For more information, visit law.alumni.northwestern.edu and find volunteer opportunities listed under the “Connect” tab.*
Fall Alumni Club Events

Alumni Club of Houston Kickoff Event
OCTOBER 8 | 5:30–8 PM
Reconnect and socialize with fellow graduates while learning about the new Houston Alumni Club. This event will be held at the home of Hon. William Boyce (JD ‘88) and Maria Boyce (JD ‘88). Hors d’oeuvres, beer, and wine will be served.

HoustonClub@nlaw.northwestern.edu
312.503.7609.

Alumni Club of the Twin Cities Cocktail Party
OCTOBER 10 | 6–8 PM
Join Dean Rodriguez and fellow alumni at Café Lurcat to celebrate the Northwestern Law Community in the Twin Cities. Cost: $30 per person (includes two hours of open bar and hors d’oeuvres)

TwinCitiesClub@nlaw.northwestern.edu
312.503.7609.

Northwestern vs. Minnesota Tailgate and Football Game
OCTOBER 11 | 2.5 HOURS BEFORE KICKOFF (TBD)
Attend the official Northwestern Alumni Association tailgate with Dean Rodriguez and fellow alumni before cheering on the Northwestern football team against the Minnesota Golden Gophers. Tailgate Only and Game Day Packages are available.

clubs@northwestern.edu
Northwestern Alumni Association, 847.491.3317.

Northwestern Law Alumni Club Happy Hours
OCTOBER 16
Interested in meeting and networking with fellow alumni living in your area? Did you recently graduate or move? Northwestern Law Alumni Clubs around the country invite you to attend a local happy hour on October 16. Complimentary appetizers and a cash bar will be available.

HAPPY HOUR LOCATIONS

Boston
5:30–7:30 p.m.
Elephant & Castle
161 Devonshire Street

Detroit
5:30–7:30 p.m.
Skybar Lounge
1150 Griswold

Los Angeles
6:30–8:30 p.m.
SmithHouse Tap & Grill
10351 Santa Monica Boulevard

Washington, DC
5:30–7:30 p.m.
District of Pi Pizzeria | 910 F Street NW

Visit law.alumni.northwestern.edu/ClubHappyHours for more details and to register.
2014 Class Gift Surpasses Goal

More than 55 percent of graduating students—a total of 256 students—contributed to the graduating class gift, surpassing Dean Daniel B. Rodriguez’s challenge goal of 50 percent participation. Of those donating, 55 gave at the Young Wigmore leadership level of $50 or more.

In recognition of the class’s having exceeded his goal, Rodriguez and his wife, Leslie Oster, are donating $10,000 to the Law School in honor of the class of 2014.

The class gift will be used to support many areas at the school, including the Law School Fund, the Kellogg/Law JD-MBA Scholarship, the LLM Program, the LLM Tax Program, the Bluhm Legal Clinic, scholarships, and the Loan Repayment Assistance Program. Also, a booth in the renovated Harry’s Café will be dedicated to the class of 2014.

Brad McMahon (JD ’14), Tyler Myers (JD ’14), Kelly Oki (JD ’14), and Kate Bolshakova (LLM ’14) served as class gift committee cochairs.

Committee members, representing a range of Law School programs, were Katie Allison (JD ’14), Suzanne Alton (JD ’14), Praveen Ayyagari (LLM Tax ’14), Allison Bailey (JD-LLM Tax ’14), Nathan Brenner (JD ’14), Nicole Goodman (JD ’14), Kelsey Green (JD ’14), Naomi Honda (LLM/K ’14), Junichi Kawauchi (LLM ’14), Daniela Martinez Silva (LLM/K ’14), Elizabeth Mazzocco (JD ’14), Joanna Morrison (LLM Tax ’14), Christina Otero (JD ’14), Hallie Ritzu (JD ’14), Chloe Rossen (JD ’14), Dave Smith (JD-MBA ’14), Alex Tanton (JD-MBA ’14), Emily Thomas (JD ’14), Andrew Wang (JD ’14), Sarah Wilson (JD ’14), and Ping Sarah Yu (LLM ’14).

Hon. Thomas L. Fink (JD ’84) was appointed judge for the Santa Cruz County Superior Court.

Jeffrey P. Gray (JD ’84) joined the Chicago office of Barnes & Thornburg as a partner.

Hon. Georgia Vlahos (JD ’85) was selected as an administrative judge in the central regional office of the US Merit Systems Protection Board.

Anette Yelin (JD ’85) was appointed partner at Lubell Rosen.

Frank G. Long (JD ’86) joined the Phoenix office of the Dickson Wright.

Bernard J. Bobber (JD ’87) was recognized as a leading lawyer in labor and employment law in the 2014 edition of Chambers USA: America’s Leading Lawyers for Business.

David R. Fine (JD ’87) was appointed managing partner of the Denver office of McKenna Long & Aldridge.

Steven H. Hifinger (JD ’87) returned to Foley & Lardner as a partner in the Detroit office.

Michael S. Yashko (JD ’87) was named to the 2014 Florida Super Lawyers list by Super Lawyers magazine.

1990s

Ernest L. Greer (JD ’91) was named 2014 chair of the Georgia Chamber of Commerce.

Shari C. Hyman (JD ’91) was appointed president and chief operating officer of the Battery Park City Authority in New York.

Randall M. Whitmeyer (JD ’91) joined Morningstar Law Group as partner.

Julie L. Menin (JD ’92) was named commissioner of the Department of Consumer Affairs in New York City.

Hon. Laurie J. Michelson (JD ’92) was appointed US District judge for the Eastern District of Michigan.

Jon Zimring (JD ’92) joined the Chicago office of Greenberg Traurig as a shareholder.

Myron F. Mackoff (JD ’94) was named a candidate for one of the 13 associate judge vacancies in Cook County, Illinois.

Esther S. Barron (JD ’95) joined the board of the Coleman Foundation.


Harold B. Hilborn (JD ’95) joined the Chicago office of Roetzel as counsel in the healthcare, drug, and pharmacy industry group.

Mark S. Melickian (JD ’95) was promoted to partner at Sugar Felsenthal Grais & Hammer.

James P. Peterson II (JD ’95) was recognized as a leading lawyer in corporate and mergers and acquisitions in the 2014 edition of Chambers USA: America’s Leading Lawyers for Business.

John C. Ryan (JD ’95) was appointed to senior vice president, general counsel, and secretary at Unilife Corporation.

Megan E. Goldish (JD ’96) won a primary in an election for a seat on the Circuit Court of Cook County.

Steven F. Hill (JD ’97) was elected to counsel at Baker & McKenzie.

Dawn M. Beery (JD ’98) joined Reed Smith’s Chicago office as a partner in the US commercial litigation practice group.

Neal L. Creighton (JD ’98) was appointed to the Army Cyber Center advisory board.

Robert M. Davis (JD ’98) was appointed executive vice president and chief financial officer at Merck.

Evan R. Gartenlaub (JD ’98) was appointed to the board of directors at Trade Street Residential.

Michael Y. Scudder Jr. (JD ’98) received an Award for Excellence in Pro Bono Service from the US District Court for the Northern District of Illinois.

Gary Smith (JD-MBA ’98) joined Custom House Global Fund Services as a commercial director.

Victor K. Sapphire (JD-MBA ’99) joined Michelman & Robinson as a partner in its Los Angeles office.
**2015 REUNION**

**COMMITTEE MEMBERS NEEDED**


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**2000s**

Kerry Connell (JD-MBA ’00) joined HTG Investment Advisors in New Canaan, Connecticut, as an investment adviser.

Jeffrey S. Eberhard (JD ’01) was appointed partner at Gair Law Group.

Praveen G. Madhiraju (JD ’01) was featured in a chapter of the book *Crusader for Justice: Federal Judge Damon J. Keith* by Trevor W. Coleman and Peter Hammer (Wayne State University Press, 2013).

Heather R. McClean (JD ’01) was promoted to director of gift planning/gift policy and global engagement liaison at the University of Chicago.

Gregory Sitrick (JD ’03) was named a “2014 Client Service All-Star” by the BTI Consulting Group.

Gaetan E. Gerville-Reache (JD ’05) was selected as an editor and contributor for the new Michigan Appellate Handbook.

Michael Karber (JD ’05) joined Two Harbors Investment Corp. as vice president, corporate counsel.

Cristin M. Obsitnik (LLM Tax ’05) was named partner at Drinker Biddle & Reath.

Ursula Taylor (JD ’05) was promoted to partner at Butler Rubin Saltarelli & Boyd.

Jason Binder (LLM Tax ’06) joined Amazon.com in Seattle as tax contracts manager.

Melissa Ann Grund (JD-MBA ’06) was named to Chicago Daily Law Bulletin’s 40 under 40 list.

Christiane McKnight (JD ’06) joined Kaufman & Company’s New York office as an associate attorney.

Justin Scheid (LLM Tax ’06) and his wife, Shana, welcomed their first child, Helen Elizabeth Scheid, on March 5.

Brittany Kirk (JD ’07) joined the Chicago office of Dinsmore & Shohl.

Jacob Lenzke (JD ’07) joined Much Shelist as an associate in the creditors’ rights, insolvency, and bankruptcy group.

David Perry (JD ’07) was appointed vice president of operational risk at Protective Life Corporation in Birmingham, Alabama.

Thomas Heisler (JD ’08) joined Gair Law Group as an associate.

Omar Malik (LLM Tax ’08) joined the St. Louis office of Lahtrop & Gage in the wealth strategies department.

Gary Scanlon (LLM Tax ’08) and his wife, Sun, welcomed son Jack on March 14.

Margaret Wakenlin (JD ’08) welcomed daughter Thea.

Ian Williams (JD ’08) joined the Chicago office of Edwards Wildman Palmer as an associate in the litigation department.

Aditya Sajjanaraj Mehta (LLM/K ’09) was promoted to manager of transaction advisory services in the New York office of Ernst & Young.

Lauren Kathleen Schwartz (JD ’09) began a federal judicial clerkship for Chief Judge Philip P. Simon of the Northern District of Indiana.

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**2010s**

Ryan Murguia (JD ’10) married Claudia Montelongo June 28.

Claire Winnard (JD ’10) joined Quarles & Brady as an attorney in the labor and employment practice group.

Ruby Banipal (LLM Tax ’11) joined DLA Piper’s tax practice as an associate and is splitting her time between the Chicago and Hong Kong offices.

Sandra Marlen Monroy Suarez (LLM ’11) was selected for inclusion in 500 Legal’s first Corporate Counsel 100: Latin America list.

Evan B. Elsner (JD ’12) married Kathleen Riordan (JD ’13) on February 8.

Ena Patel (LLM Tax ’12) joined the Chicago office of DLA Piper as an associate in the tax group.

Atif Hussain (JD ’13) joined Broad and Cassel as an associate in the Boca Raton office.

Sopan Joshi (JD ’13) was selected by Justice Antonin Scalia to be a law clerk. (See article on page 42.)

This list reflects information received by the Office of Alumni Relations and Development as of June 30, 2014.

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**In Memoriam**

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

**1940s**

Charles T. Martin Jr. (JD ’41)
John C. Easterberg (JD ’47)
Steven G. Barstow (JD ’48)
Robert T. Fleming (JD ’49)
Alana Wong Lau (JD ’49)

**1950s**

Robert K. Hudson (LLM ’50)
Michael M. Mitchel (BLS ’51, JD ’53)
Sheldon P. Miller (JD ’52)
Don H. Reuben (JD ’52)
Sherman Warner (JD ’52)
Ralph G. Scheu (JD ’53)
Barry R. Wilk (JD ’54)
Donald T. Morrison (JD ’55)

**1960s**

Thomas W. McNamara (JD ’56)
Ronald L. Barnard (JD ’58)
Richard C. Conkin (JD ’58)
Richard J. Elrod (JD ’58)
Roger D. Lapan (JD ’58)
John C. Malloy (JD ’58)

**1970s**

Thomas Dienes (JD ’64)
Tomas M. Magdich (JD ’64)

**1980s**

Jordan Jay Hillman (SJD ’66)
Stephen G. Seliger (JD ’69)

**1990s**

William Luking (JD ’72)
Richard G. Smolev (JD ’74)
Donna L. Cervini (JD ’75)

**2000s**

Phyllis A. Ewer (JD ’82)

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**FALL 2014 | 55**
Let Justice Be Served in Syria and Iraq

BY DAVID SCHEFFER

Justice may appear to be the least likely survivor of the conflicts in Syria and Iraq, but history teaches us that investigations and prosecutions of atrocities like those sweeping through these nations can still be achieved despite political obstacles.

Granted, justice stood still in the U.N. Security Council in late May when Russia and China vetoed a resolution referring to the International Criminal Court the atrocity crimes that have been tearing Syria asunder since March 2011. But the cruelty in Syria continues to mount. An estimated 160,000 citizens have died and half a million civilians have been wounded, with tens of thousands constantly subjected to shellings and bombings. There are countless torture victims, 2.5 million refugees crowded into neighboring countries and 6.5 million internally displaced people.

In Iraq, the reported summary executions of an estimated 1,700 Iraqi soldiers in Tikrit by rebel forces known as the Islamic State, formerly known as ISIS, and other alleged butchery of Iraqi citizens presages the criminal terror descending there. These numbers together far exceed those of atrocity crimes in Cambodia and Bosnia-Herzegovina in the early 1990s. An international criminal tribunal was created for that conflict long before the final peace settlement. After more than three years of warfare in Syria and that conflict’s spillover into Iraq, the aim of achieving peace before justice is bankrupt.

Referral of Syria and Iraq to the International Criminal Court remains preferable, but given that it’s unlikely, there are at least three other options. The obvious one, for Syria, is to wait until that country itself may break apart, as might Iraq, which is too fragile now to hold credible trials.

The second option could be a regional criminal court created by the Arab League, as proposed earlier this year. While attractive, the Arab League approach failed to gain traction.

The third option, proposed here, would require a treaty between the United Nations (acting by General Assembly vote) and a government committed to justice for the victims of these two conflicts. Neighborhood candidates such as Turkey, Jordan and even Lebanon or European nations such as France and Italy come to mind.

The integrity of such an initiative would rest on the United Nations holding firm for an independent court in the negotiations. Any such participating government — in union with the U.N. — essentially would be intervening judicially in Syria and Iraq by establishing an “Extraordinary Tribunal for Syria and Iraq.” This year, 58 governments petitioned the Security Council for judicial action on Syria, so there already is strong support.

There also is precedent for such action. Three tribunals were created to bring to justice perpetrators of heinous crimes committed in Sierra Leone, Lebanon and Cambodia.

The Special Court for Sierra Leone, which recently fulfilled its mandate to prosecute crimes committed during its civil war in the 1990s, and the Special Tribunal for Lebanon in The Hague, focusing on the assassination of Lebanese Prime Minister Rafik Hariri in 2005, are international courts created under negotiated treaties between the United Nations and Sierra Leone and Lebanon, respectively.

The Extraordinary Chambers in the Courts of Cambodia is a national court situated in Phnom Penh and governed by a U.N.-Cambodia treaty to prosecute the atrocity crimes of the Pol Pot regime. It has international judges, prosecutors and administrators appointed by the U.N. secretary-general, foreign defense counsel and rules employing international law. All three tribunals have received most of their funding voluntarily from foreign governments, including the United States.

The Lebanon tribunal permits trials in absentia because Lebanese law permits such trials. The first prosecution underway in absentia concerns five Hezbollah defendants who remain indicted fugitives.

After World War II, the Nuremberg tribunal, which permitted in absentia prosecutions, tried and convicted Martin Bormann, a top Nazi official, who has never been captured.

The likely suspects in the atrocity crimes scaring Syria and recently Iraq will resist arrest for years, if not indefinitely. So a practical way forward would be for the U.N. to partner with a government that already embraces in absentia trials under its domestic law. Many European and Arab nations hold such trials (as do Syrian and Iraqi courts), so this would not be a novel procedure.

By ratifying and implementing such a treaty, the participating government would consent to the extraterritorial reach of its own law over the conflicts in Syria and Iraq. The tribunal could be established in the treaty nation or perhaps in The Hague. Faced with international crimes of such magnitude, and threats to regional security, such a government could justify its actions as protecting its national interest and applying conditional universal jurisdiction.

Formal consent from either Syria or Iraq is unlikely, so that would distinguish this effort from the earlier examples, in which the crime scene governments were the treaty partners with the U.N. But that should not prevent an international effort to achieve justice. The U.N. secretary-general could be tasked to select tribunal personnel from among distinguished global jurists.

Such a tribunal would send a powerful signal that atrocity crimes will not be ignored; indeed, they will be prosecuted and punished, even though the practical penalty may be the ever-present risk of arrest. If an indicted fugitive convicted in absentia one day surrenders or is captured and brought to trial before the tribunal, then he or she would enjoy all due process rights.

The Extraordinary Tribunal on Syria and Iraq would be tough to negotiate, but so too were its predecessors. Ultimately, justice can and must prevail.

David Scheffer is the Mayer Brown/Robert A. Helman Professor of Law and director of the Bluhm Legal Clinic’s Center for International Human Rights. He is a former US ambassador at large for war crimes issues.
Follow Dean Rodriguez on Twitter @DeanDBRodriguez and read his blog Word on the Streeterville: deansblog.law.northwestern.edu