


THE MAGAZINE OF NORTHWESTERN PRITZKER SCHOOL OF LAW

# NORTHWESTERN LAW REPORTER

VOLUME VI  
NUMBER 1  
SPRING 2017



LearnLeo Employs  
Technology to Improve  
Law School and Beyond

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Entrepreneurs Share  
Success Stories Through  
DPELC-MSL Speaker Series

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EAC Expands Environmental  
Justice Efforts

**Northwestern**  
PRITZKER SCHOOL OF LAW

# Northwestern

## PRITZKER SCHOOL OF LAW

NORTHWESTERN LAW REPORTER  
Spring 2017, Volume VI, Number 1

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Students perform as part of the annual Global Village event.



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A key measure of our success as a law school is our impact on the world. We are an integral part of the legal profession, educating students for a dynamic world, producing cutting-edge scholarship, and representing clients through the good offices of our Bluhm Legal Clinic. These are means and mechanisms by which we make an impact on the world.

A number of ongoing and emerging initiatives reflect these ambitious, public spirited goals. In this issue of the *Reporter*, we describe many of these exciting projects.

What is especially meaningful to me as dean as we work on these initiatives is the commitment resonant throughout our community of students, faculty, staff, and alumni to implementing this vision. We can use our great human resources to effect change, to fashion arguments in courts and agencies to help clean up the environment, to accomplish restorative justice, to expand access to justice, and to serve the cause of protecting the rule of law throughout Chicago, the United States, and the world. We teach law, but we also help make law and also deploy law and legal strategies to do good. The mission of Northwestern Pritzker School of Law is not only an educational one, but also a mission of impact, of constructive change, of using law to make society better.

I have the privilege of seeing this mission in action every day. As we continue the important work described in our strategic plan, we will look at various ways of putting our goals into practice. We hope this issue of the *Reporter* will spur your own thinking about how you might join with us in carrying out these exciting, creative objectives. We look forward to your advice and to your help.



Daniel B. Rodriguez  
Dean and Harold Washington Professor





## NOTEWORTHY

### CPEI Pilots Attorney-Client Entrepreneurship Simulation Program

In the first week of the new year, before classes had resumed, thirty dedicated students could be found collaborating, brainstorming, and problem-solving as part of the Attorney-Client Strategies Entrepreneurship Simulation (ACES) pilot program.

This intensive, one-week program is a key initiative to come out of the Center for Practice Engagement and Innovation (CPEI), which was launched in 2015 as an incubator for ideas about how legal education can best prepare new lawyers for the rigors of practice in a rapidly changing legal marketplace.

CPEI grew out of the Law School's most recent strategic planning process, in recognition of how significantly the legal services sector has changed in the last several years. Professor Jim Lupo, CPEI director, described the three main drivers behind those changes: the reorganization of relationships between lawyers and clients, new legal services technologies, and alternative legal service platforms, such as legal process outsourcing firms.

Lupo and his team spent the first year connecting with the practice community through CPEI's Advisory Board, several forums, and a curriculum design charrette.

The goal was "to create a situation where we can incubate ideas about legal education and educational practices by bringing the marketplace into the Law School, by asking the pros, the folks with actual on-the-ground experience with the changes in practice to let us know what aptitudes, skill sets, sensitivities, etc. our students need to be successful, again, throughout their dynamic careers, not just their first jobs," said Lupo.

ACES was the result of this approach. Through a combination of direct instruction, in-class client problem solving simulations, and group work, the course addressed skills including business relevant communication, financial literacy, organizational behavior/decision-making, project management, marketing/business development,

and law practice economics.

"It's a great class for second and third year students to learn the more hands-on, practical knowledge you would want to know for practice, more than just learning the 'black letter law' but some of those intangible skills," said Valerie Brummel (JD '17).

Simulation-based courses, while commonplace in MBA programs, are rare in legal education. Over the course of the week, small teams of students worked through a specific legal issue for a "client", with additional facts revealed each day. Facilitators played the "client" role, allowing students to put their skills into practice.

"It definitely wasn't anything like a traditional law school class. It gave students an opportunity to flex their muscles in a different way. And because we had teams of 2Ls and 3Ls, we had some that had already had their summer associate experience, and so they were able to fill in gaps within their groups on what their knowledge and experience was," said Sayer LaGalle, CPEI fellow.

The experience of working in small groups was a newer one for most of the students.

"It was more challenging to work in groups than I thought. And I think that's because we never work in groups in law school, unless you take a small handful of classes. In reality, I know from having worked at a law firm before school and having summered at a law firm that you work in groups constantly," said Susanna Bramlett (JD '17). "When there were six of us coming up with one work product, that was tough. And I think law students should have exposure to that earlier on in their education because it is such a big part of what lawyers have to do."

The students also benefited greatly from engaging with the facilitators, who volunteered their time to provide real-time feedback and perspectives as the simulation unfolded.

"Bringing in folks who are practicing attorneys, some in private practice or in-house counsel, the students really enjoyed having all of these different perspectives, and not everything they heard from day-to-day agreed. There wasn't necessarily consistency on every idea, on every proposal, and I think they liked that because it gave them some room to challenge and ask questions,"



*Law students and facilitators collaborate to address mock client challenges in ACES pilot.*

LaGalle continued. "These are all perspectives worth listening to. Now how do you weigh them individually?"

The goal is to expand Client Strategies to the entire Law School. If the waitlist for the pilot course is any indication, interest is widespread.

As Lupo explains it, "It's not going to be enough to be presented with a discrete legal problem, evaluate the existing law, apply the facts to a particular problem, and give a range of possible solutions that are allowable under the law. The marketplace is telling us that students need to be able to make decisions and suggest solutions based on that high level of legal analysis, but framed in a way that both understands what's allowable under the law, but what is strategically important for the client." ■



Richard Susskind

## Professor Richard Susskind Urges Lawyers, Law Schools to Prepare for Major Technological Changes

On November 22 and 23, Professor Richard Susskind OBE visited Northwestern Pritzker School of Law for two events: a lecture on his most recent book *The Future of the Professions* (Oxford University Press, 2015) and a conversation with Dean Daniel B. Rodriguez.

*The Future of the Professions*, which Susskind co-authored with his son Daniel, an economist, predicts that major technological change is coming for today's professional services, including legal services. During his visit, which was sponsored by the Center for Practice Engagement and Innovation (CPEI), Susskind explained that conventional wisdom—the notion that because legal services and similar industries currently rely on distinctly human traits like judgment, creativity, and empathy, they cannot be replaced by machines—is incorrect. He believes that with rapidly increasing processing power and improving algorithms, technology will soon be able to produce better outcomes than people across services, even without replicating human thinking and reasoning.

Susskind said despite the radical changes, people will still need to be involved in running these new technologies, and said there is a real opportunity for those who understand the moment. He urged students in the audience—and encouraged faculty to urge their students—to educate themselves as much as possible on technological changes, and position themselves to be the ones who understand and can work with new technologies, rather than compete with them.

During his visit, Susskind also recorded an episode of Planet Lex, the Northwestern Law podcast hosted by Dean Rodriguez, focused on the same topics. Their discussion, and all episodes of Planet Lex, can be found at [www.law.northwestern.edu/planetlex](http://www.law.northwestern.edu/planetlex). ■

## Cass Sunstein Talks 'Divided States of America'

In early 2017, Cass Sunstein delivered three lectures as part of the Rosenthal Series at Northwestern Pritzker School of Law on the “Divided States of America.”

Sunstein, who is the Robert Walmsley University Professor at Harvard Law School and is regarded as one of the country's most influential legal scholars, addressed sources of division and polarization in the United States—examining why Americans fragment on issues of fact and value in both law and politics and what can be done about it.

Sunstein's first two lectures, “Who's Facts?” and “Who's Values?” focused on his recent work exploring the issues of asymmetrical updating and group polarization.

In one experiment, people who strongly believed in man-made climate change gave greater weight to scientific “bad news”—that the planet's average temperature is increasing even faster than previously thought—than “good news”—that the planet's average temperature is increasing less than previously thought. Weak believers in man-made climate change had the opposite reaction. Sunstein and his colleagues believe this tendency for asymmetrical updating contributes to further polarization, even when dealing with scientific facts.

Another study showed how deep the effects of group polarization run. In looking at decisions by panels of three federal judges, Sunstein and colleagues found that in some cases, looking at the makeup of the panel (how many judges were appointed by Republican or Democratic presidents) was an even better predictor of how a judge would decide than looking at whether that individual judge herself

was nominated by a Republican or Democrat.

Through these phenomena, Sunstein argued in the third lecture, “American Cures for American Diseases,” we can better understand the entrenched polarization around us and how to leverage our democratic institutions and bureaucracy to find solutions.

Sunstein's latest book, *#Republic: Divided Democracy in the Age of Social Media* (Princeton University Press, 2017) looks at these issues through the lens of the digital divide.

The Julius Rosenthal Foundation was established in 1919 in memory of Julius Rosenthal (1827-1905), an eminent and beloved member of the Chicago Bar. One of the principal programs supported by the foundation is the Rosenthal Lecture Series, which has assumed a preeminent position among distinguished lecture programs in the legal world. Publication of the lectures has made a notable contribution to legal literature and scholarship for more than seventy years.” ■

Cass Sunstein



## Partnership with IE Madrid Expands with New Joint LLB/JD Program

Northwestern Pritzker School of Law and IE Law School in Madrid, Spain are excited to announce a new joint LLB/JD program, to begin later this year. This program will enable select students who begin an LLB degree at IE Law School to continue their studies at Northwestern Law, in its two-year JD program for international lawyers. Eligible students will receive both degrees in five years, reducing the total time of study by two years.

“IE has become one of the leading and most innovative law schools in Europe, and it has a substantially international LLB program,” said Dean Daniel B. Rodriguez of Northwestern Law. “We are pleased to expand our partnership with IE, which now encompasses several degree programs, and look forward to welcoming their excellent LLB students to Northwestern.”

IE Law School is part of the highly

ranked IE University, where students of more than 90 different nationalities study.

“Northwestern Pritzker School of Law is among the world’s most prestigious law schools, recognized for its leadership in integrating a global approach to law, business management, entrepreneurship and technology. IE Law School’s vision is built exactly upon those values, and so we are very excited to launch this new partnership to attract the very best students,” said Javier de Cendra, dean of IE Law School.

Added Soledad Atienza, vice dean of IE Law School, “This new agreement with Northwestern Pritzker School of Law strengthens the global approach to legal practice that we promote at IE Law School by training students in a different legal system and enabling them to access the legal practice in a different jurisdiction.”

The LLB/JD program will begin with

students admitted to IE Law in Fall 2017.

As founding members of the Law Schools Global League, both Northwestern Law and IE Law are committed to the globalization of law and to the integration of global law in teaching and research. The close partnership between Northwestern Law and IE Law, including the new joint LLB/JD, is evidence of this commitment. ■

IE Law School



## New Center to Bring Public Interest Offerings and Resources Together

Announced last fall, a new center at Northwestern Pritzker School of Law will house the growing array of public interest offerings at the school, enhancing the Law School’s strong commitment to a public service ethic.

The Public Interest Center will ensure strategic leadership of important public interest activities under a single umbrella.

“In tandem with the exceptional work of our Bluhm Legal Clinic and our public interest journals, we already have in place the key features befitting a premier public interest program,” said Dean Daniel B. Rodriguez.

Among the Center’s features are financial support for students doing public interest work during and after law school; a robust menu of course offerings, including a law and social policy concentration; career programming and counseling; a wide range of pro bono and public service opportunities; and passionate student organization participation and leadership.

The Law School is committed to promoting the advancement of social justice and preparing students for public interest careers and pro bono work.

“Until now, our delivery of these services has been decentralized,” said Cindy Wilson, clinical professor of law and director of the Center for Externships at Northwestern Law, who will serve as the

Center’s interim director for the first year. “This new administrative structure will allow us to leverage, plan, and deliver our public interest assets more effectively.”

With Wilson, Katie Shelton, associate director of public interest at Northwestern Law, and Maureen Stratton, public service program director, will direct the work of the Center. They will collaborate with a public interest committee made up of students and faculty.


The following existing activities are within the Public Interest Center’s purview: Loan Repayment Assistance Program (LRAP), guaranteed summer funding, Global Public Interest Fellowship program, postgraduate public interest fellowships, public interest alumni engagement and assistance, public interest career assistance, pro bono and community service opportunities, and public interest student group support—including Public Interest Law Group (PILG), Student Funded Public Interest Fellowship Program (SFPIF), and Student Effort to Rejuvenate Volunteering (SERV).

“Over time, we aim to increase resources and, consequently, the breadth of initiatives within the Center—with the goal of benefiting our students, our alumni and our communities,” Rodriguez said. “We are committed to creating and nurturing a distinct public interest culture at Northwestern Law—one that encourages all students to develop a public service ethic.” ■









# LearnLeo Looks to Improve Law School and Beyond

Online platform  
created by Wilson  
Tsu (JD-MBA '08)  
uses technology  
to save time,  
enhance learning

By Amy Weiss

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*Wilson Tsu leads the LearnLeo team, which includes fellow Northwestern Law alumni, in a brainstorming session in their West Loop office.*

A

fter working at both a BigLaw firm and a clean technology startup, Wilson Tsu (JD-MBA '08) knew he wanted to start his own company in the education sphere.

Some advice from former classmate Joe Dwyer (JD-MBA '08) sparked his thinking.

"Joe and I were talking about how ideas come about. He said it's an accumulation of two things: what you love and what you know. If those intersect, that's probably the best place to start," said Tsu.



Tsu, who worked as an engineer with IBM for seven years before pursuing his JD-MBA, thought about his own experiences.

"I thought about the things that I did during business school and law school that I liked and especially what I didn't like. I graduated undergrad in 1997. Back then no one had laptops—if you had a computer it was a clunky desktop, with a dial-up modem. So, when I started law school in 2005, I thought, 'Wow, this will be very different,' and it wasn't. Instead of writing notes on notebooks, we had laptops to take notes on, and that was it. I still had to buy these huge six-pound books that cost \$250 and lug them around. And the process of extracting the contents from those books and consuming them was the same as it was back then," he said.

"For me as an engineer, transitioning to the rigors and the needs of law school—especially with the amount of reading you had to do, and the type of reading—was a huge learning curve for me. And I struggled my first year because I had a hard time just getting through the material. I thought that that process could have been a lot easier if you used a little bit of technology, and I knew what was out there from a technology standpoint so I started thinking, 'Okay, how can I apply technology to this process?'"

LearnLeo, the online platform Tsu and his colleagues developed to change the way students and educators consume and deliver information, is the answer to that question.

## TIME-SAVING ACADEMIC TOOLS

"LearnLeo is a suite of tools law students can use to make their processes more efficient," Tsu, the founder and CEO of the company, said.

LearnLeo's first product, its academic tool, put cases from textbooks online with a proprietary patent-pending markup tool that makes case-reading and brief-writing more efficient.

"You're creating this brief from the material for every single case and you're always looking for the same things—fact, procedure, issue. You see students running around with different colored highlighters; it just takes forever to do the same thing," Tsu said.

LearnLeo brought the academic tool—which is available to students for free—to Northwestern Law first in 2012. They went through a fundraising round in 2013 and went from one, to thirteen, to twenty, to dozens of law schools.

Tsu and his colleagues saw how well-received the academic tool was, and saw an opportunity to grow their business, which included bringing on fellow Northwestern Law alumni.

Dan Hodgman (JD '07), a classmate and former coworker of Tsu's at Kirkland & Ellis, was one of the first investors in LearnLeo and would meet with Tsu regularly to check in.

"I remember testing the first prototype of the academic product while sitting in my office at Kirkland. I remained at Kirkland for two or three years after LearnLeo was operating, but Wilson and I met every month or two and those meetings started to become more and more substantive," Hodgman said.

We want to improve educational outcomes, that's why we do this. The most satisfying part of our job is when we talk to users and they come up and say 'Hey, I got an A in the class because of LearnLeo.' You think about it, that tool they used to get an A was just in your head at some point; it didn't exist. You had to create it, put it out there, and get people to use it.

## WILSON TSU (JD-MBA '08)

"When we got the first investment round in the fall of 2013, there was some growth opportunity and Wilson wanted someone who was more senior to come in and help to build out some of the company's capacity. My wife told me, when I was thinking about multiple opportunities, she said 'You know what? The only thing you get excited about when you talk about it is going to work at LearnLeo.'"

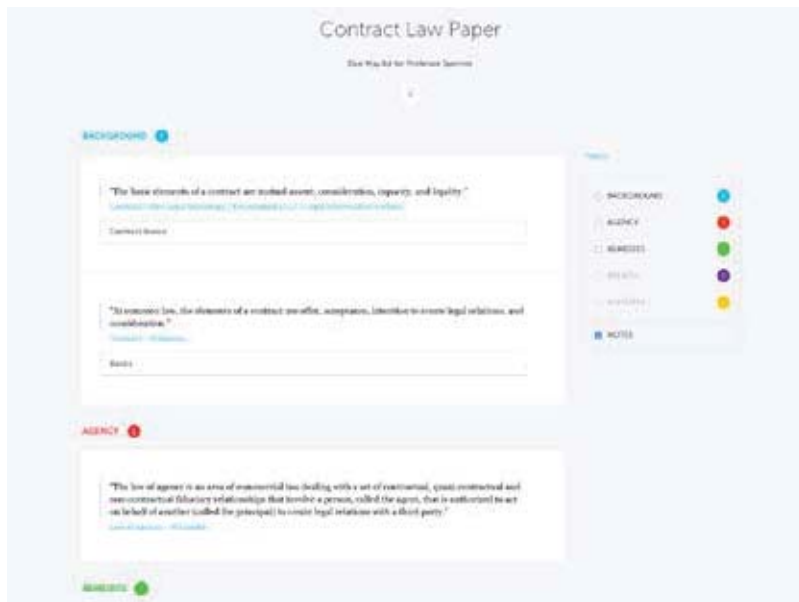
As LearnLeo expanded its team and its reach, it also launched a second product, a pre-law tutorial designed for prospective students.



LearnLeo's proprietary markup tool makes case-reading and brief-writing more efficient.

"How many kids have read a case before they start law school? Probably not a lot. Or they haven't done it enough to be any good at it," Hodgman said.

The law school prep product introduces students to the methods for reading cases and identifying pertinent information. It also serves as a marketing tool, getting students familiar with the platform before they even start law school. The LearnLeo team credits it with helping expand their reach, bringing their main academic product to more law schools.



LearnLeo has recently expanded their technology to include a legal research product, to help students write academic papers.

“Schools know they have a gap there, in getting students ready for law school, so we created a pre-law product to meet that need and we actually just try to get the schools to market for us,” Tsu said.

“We’re providing a real value because we’re preparing their students but the pre-law product also indoctrinates the students with how our system works across our products,” Hodgman said.

“That’s so key because so much in law school is just figuring out something that works and sticking with it,” said Nisreen Hasib (JD ’14), who joined LearnLeo after graduating from Northwestern Law and who used the product herself as a student.

“We don’t shove all this information down your throat. We give it to you in approachable, bite-sized chunks in a really clean, easy-to-use format. And it’s almost like magic; you’re learning these things without too much effort. And because of the way law school operates now—it’s so much effort, so much stress; it feels so heavy. We

wanted to take all that away and make it a lot easier.”

Users report that they actually enjoy doing the work using the products, and most importantly to the LearnLeo team, they’re not simply saving time—though they can save hours per week—they’re getting better outcomes.

“We do a lot of research and get feedback from a lot of our users, and we’ve found even if students are fast, they get faster and they use that saved time to do things that we think improve outcomes even more. They work on their outline earlier in the year; they do things that really help people get good grades,” Tsu said.

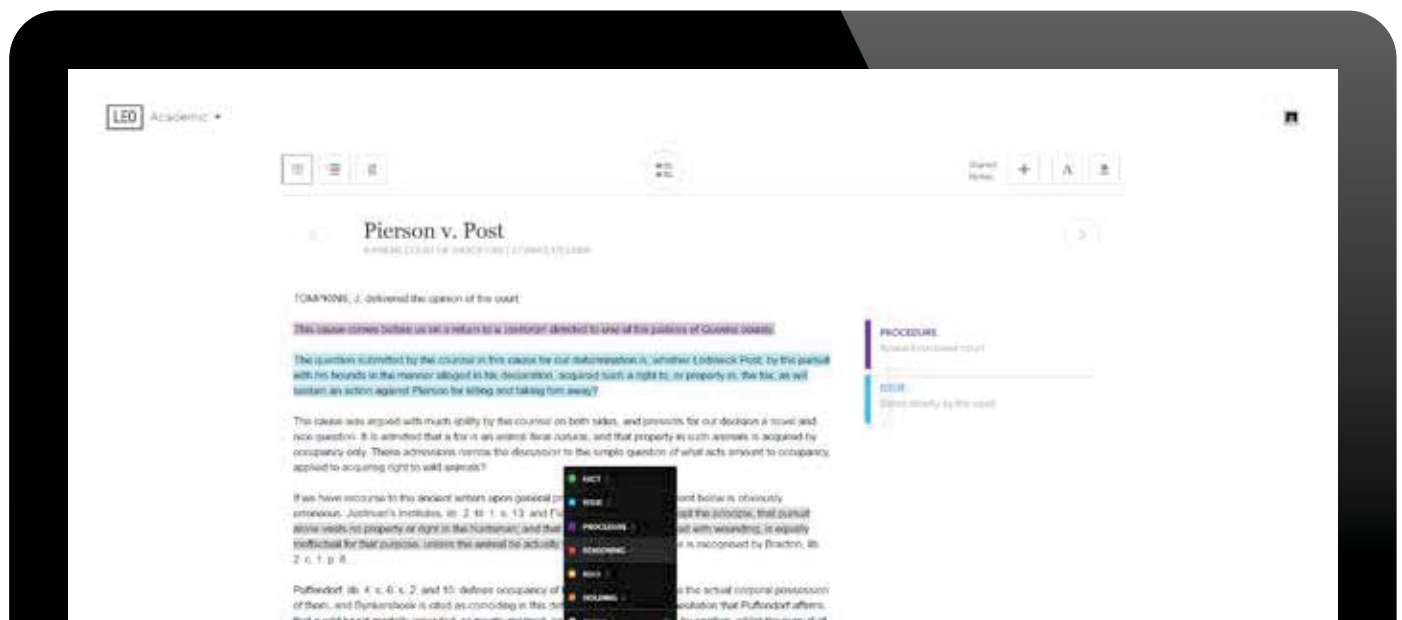
“We want to improve educational outcomes, that’s why we do this. The most satisfying part of our job is when we talk to users and they come up and say ‘Hey, I got an A in the class because of LearnLeo.’ You think about it, that tool they used to get an A was just in your head at some point; it didn’t exist. You had to create it, put it out there, and get people to use it.”

## BEYOND CASE STUDIES

In addition to the academic and law school prep products, LearnLeo has a career research tool for soon-to-be-lawyers.

“We have profiles for all the BigLaw firms on our site and we let students more easily search and compare, so that they make the decision of where to work when they graduate with more information,” Tsu said.

“We see a lot of students not know what they were getting into and pick the wrong firm, and they leave within one or two years. That happens a lot in big law. We thought that it would be better if students had easy access to more information, and could actually even meet attorneys before they made decisions. So our site facilitates that. We provide the research so that students can find out more







(From left) Dan Hodgman, Wilson Tsu, and Nisreen Hasib

online information about firms and they can also reach out through us to firms to try to meet someone there.”

LearnLeo’s first three products help prospective, current, and near-graduating law students; the fourth, PowerNotes, is designed to help law students conduct legal research, but Tsu, Hodgman, and Hasib believe it can eventually be used by any student conducting research, or anyone looking to better organize their navigation of digital information.

PowerNotes, the first product LearnLeo is charging for, is already being used by a handful of law schools, with the potential to grow quickly. Instead of focusing on a single case, the research tool allows users to navigate multiple online sources, identify pertinent information using methods similar to the other products, and then generate an outline automatically.

“We’ve been testing it with undergrads and what we know from our own experiences and talking to students is that they’re still doing a lot of research papers and their research process isn’t that different from law students,” Tsu said.

“Joe [Dwyer, Tsu’s classmate who now runs the Founder Equity firm which finances LearnLeo] has kids in high school and they’ve used

it for their high school research papers and they love it. So, that’s another opportunity.”

“I would say we’re in a transition period from focusing almost exclusively on law school students, to undergrads, to the general population,” Hodgman said.

“Anyone that has researched how to plan a trip or to write a blog post, or you’ve just been searching for a recipe, the history of where you’ve been is hard to keep track of. It turns into useless browsing. Our tool provides a super seamless way to save all that, that’s much easier than the other things out there, so I think we’re at an inflection

“If Google’s role is to bring you the entire internet, we want to help you organize it so that it’s useful. And I really think that’s something that we have the power to do.”

**NISREEN HASIB (JD’14)**

point where the market that we can address is growing from 40,000 people per year to...”

“Millions,” Hasib interjected. “If Google’s role is to bring you the entire internet, we want to help you organize it so that it’s useful. And I really think that’s something that we have the power to do.” ■

# Entrepreneurs Share Advice and Wisdom Through DPELC-MSL Speaker Series

On a rainy fall Thursday, over 90 students packed into Rubloff 175. Many were left standing in the aisles. Jeff Eschbach (MBA '13), an electrical engineer and co-founder and CEO of the legal startup Page Vault, was talking as part of the speaker series co-sponsored by the Donald Pritzker Entrepreneurship Law Center (DPELC) and the Master of Science in Law (MSL) program.

Eschbach broke down the elements of a successful pitch and capital raise, offering anecdotes from his own experience landing investors for Page Vault, launched in 2013 to securely capture information from websites in a forensically defensible and legally admissible way.

Questions came pouring in from the crowd—a mix of students from the JD, JD-MBA, LL.M., and MSL programs—about compliance with state and federal laws, scaling up the business model, software coding specifics, and licensing the proprietary software to larger companies. Eschbach pivoted adeptly as he discussed the regulatory, business, and technical components of his company.

If the cluster of students surrounding Eschbach after the talk was any indication, he had struck a chord with the diverse audience. Indeed, as is the case outside the walls of the Law School, there is significant interest aimed right where Page Vault has positioned itself, at the intersection of law, business, and technology.

Eschbach was one of six speakers the DPELC and MSL hosted in the fall who are confronting challenges at that intersection, and the series of talks itself is one of the Law School's initiatives meant to prepare its students to succeed in this rapidly changing legal landscape.

"We're living through, and our students are living through, an exciting era in which the nature of the legal work that they are going to be doing is changing quite rapidly," Dean Daniel B. Rodriguez explained. "There are myriad reasons for this, but near the top of the list is the growth in the use of technology in what used to be called mainstream legal practice." He pointed specifically to the expanse of computing power and the increasing

availability of big data as two major factors.

"Young lawyers are expected to have a significant complement of business skills in order to provide value," he continued. "I'm talking about skills that enable lawyers to provide strategic business advice and to understand the nature and scope of the businesses they are a part of. Our urgent effort to build out programs and curricula in the areas of law, business, and technology is fundamentally built on our



"We're living through, and our students are living through an exciting era in which the nature of the legal work that they are going to be doing is changing quite rapidly. There are myriad reasons for this, but near the top of the list is the growth in the use of technology in what used to be called mainstream legal practice.

**DEAN DANIEL B. RODRIGUEZ**



concrete prediction that the current group of law graduates, and certainly future law graduates, will require a much more sophisticated experience in and exposure to multidisciplinary perspectives—by which I mean an understanding of business and technology as well as law.”

The Law School has amplified its business- and entrepreneurship-related initiatives to meet this need. In October 2015, the game-changing gift from J.B. and M.K. Pritzker launched the Donald Pritzker Entrepreneurship Law Center. Named in honor of J.B.’s father, the co-founder and chief executive of the Hyatt Hotels Corporation, the DPELC (previously known as the Entrepreneurship Law Center) is expanding its offerings well beyond its core clinic. By broadening the operation into a comprehensive academic center, the Law School greatly increases its capacity to train students to confront the destabilizing shifts in the legal world and to lead change.

“I’m often asked, ‘What does entrepreneurship law even mean?’” said Esther Barron, director of the DPELC and clinical professor of law, during the announcement of the Pritzker gift. Noting that the term does refer to both teaching students to represent entrepreneurs and teaching them to be entrepreneurs, she emphasized something even more fundamental: “Our real goal is to help students think in a more entrepreneurial manner. Helping our students develop an entrepreneurial mindset will prepare them to be more effective in their future endeavors, whether those endeavors involve becoming an entrepreneur, representing entrepreneurs, or something else entirely.”

“There’s a criticism of the legal profession—and it’s accurate—that what we do is learn about and understand what the rules are, say, of a contract or statute, and then we tell our clients to follow those rules,” explained Steve Reed, assistant director of the DPELC and clinical professor of law.

“It’s not a very creative process,” Reed continued. “But it turns out that the lawyers clients value the most are the lawyers who don’t just say, ‘These are what the rules are and here’s how to follow them.’ It’s the lawyers who try to help clients accomplish their goals within a system of rules. That necessitates creativity and innovative thinking and a certain amount of self-starting. Those are all characteristics of entrepreneurs. It’s about thinking about new, creative ways to solve problems. It’s the ability to be creative and innovative and courageous.”

For students at Northwestern Law preparing to work in the business and technology spheres, access to individuals like Eschbach and the other DPELC-MSL speakers is invaluable. “Networking and client development are critical skills for lawyers and for everyone, and it’s not something you can learn by hearing someone talk about it in a classroom,” Barron said. “Unless you are out there doing it, you’re not having

the full experience. So we encourage—and insist that—our students participate in community events and networking events.”

The DPELC-MSL fall speakers have widely varied backgrounds. Stacie Hartman (WCAS ’93, JD ’96), a partner at Schiff Hardin, has extensive IP litigation experience and leads enforcement proceedings before the Securities and Exchange Commission. Max Tempkin, the co-creator of the popular party game *Cards Against Humanity*, is a designer and consultant for clients like the Electronic



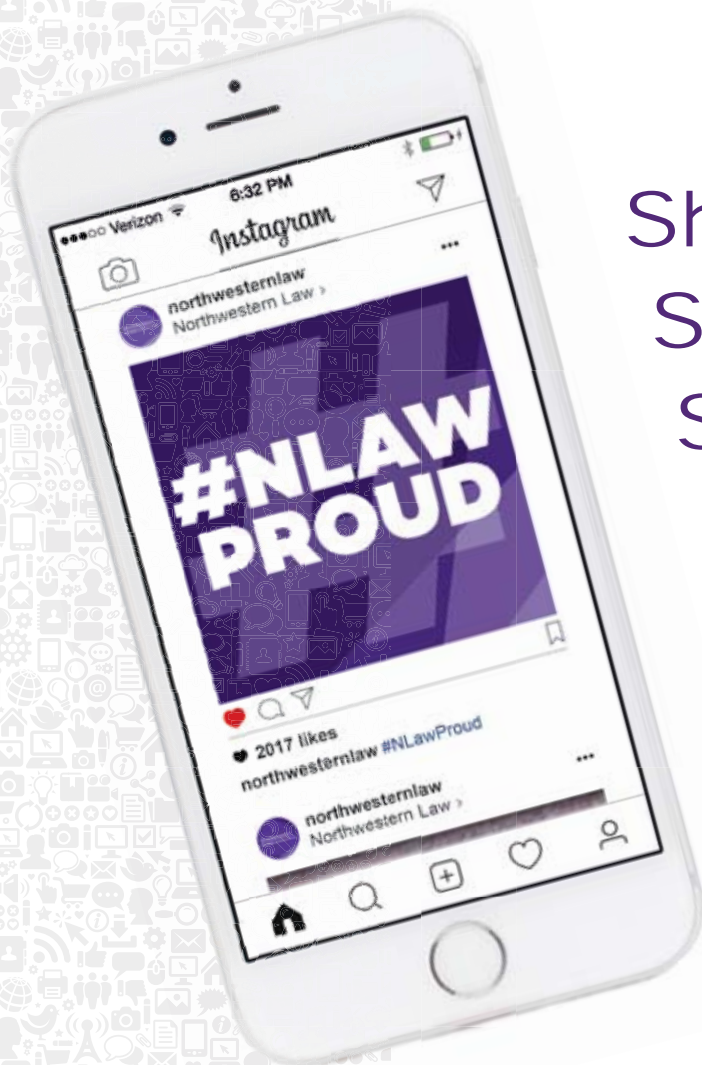
“Our real goal is to help students think in a more entrepreneurial manner. Helping our students develop an entrepreneurial mindset will prepare them to be more effective in their future endeavors, whether those endeavors involve becoming an entrepreneur, representing entrepreneurs, or something else entirely.”

**PROFESSOR ESTHER BARRON**

Frontier Foundation. Suneel Gupta (JD-MBA ’08) is the co-founder of Rise, a nutrition coaching startup, and head of mobile business at One Medical. All shared their experiences of tackling new challenges presented by the shifting relationship between law, business, and technology.

“The DPELC-MSL Speaker Series in particular is so well-attended because most of the time students are coming out of these talks with a completely new perspective, an exposure to something they never knew existed within the law,” said Trevor Martin (JD ’17), a former co-president of the DPELC Student Board.

Because of talks like these, observed Martin, “students are looking to the DPELC as this gateway to the frontier of what the law can do.”



# Sharing Law School Stories Through Social Media

Northwestern Law is made up of people with amazing stories. Last fall the Law School embarked on a new social media campaign—**#NLawProud**— aimed at telling those stories. Through photography and video portraits, the Law School hopes to highlight the incredible reach and impact of alumni, students, and faculty across the globe.

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Northwestern Law >



♥ 82 likes

**northwesternlaw** Sunil and Priya Harjani (Both JD '00) "[In 2015,] we were both getting to do really challenging, first-of-its-kind work." Sunil and Priya Harjani went from meeting at Northwestern Law orientation to balancing the biggest years of their respective careers simultaneously, all while raising their "little lawyers." **#NLawProud**

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♥ 214 likes

**northwesternlaw** Courtney Armstrong (BA '93, JD '97, MBA '97) "To be this close to creating entertainment is a pretty good job." Courtney Armstrong, executive vice president for world business affairs at Warner Brothers Pictures, combined his Northwestern degrees with his lifelong passion for movies to forge a dream career. **#NLawProud**





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**northwesternlaw** Dean Hansell (JD '77) "There are very few openly lesbian and gay judges in the world." Not only did Hon. Dean Hansell co-found GLAAD, he is one of only 17 openly gay judges of the 430 judges on the Los Angeles Superior Court. [#NLawProud](#)



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**northwesternlaw** Juliet Sorensen (Faculty) "I believe that we are shirking our duty as educators in the 21st century if we do not affirmatively try to encourage our students to become global citizens," says Juliet Sorensen, Harry R. Horrow Professor in International Law with the Bluhm Legal Clinic's Center for International Human Rights. Sorensen created the Access to Health Project, which brings together students from the Law School, the Feinberg School of Medicine, and the Kellogg School of Management to apply multidisciplinary expertise to global health challenges. [#NLawProud](#)



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♥ 94 likes

**northwesternlaw** Gina Chen (JD '17) "This is a time when lawyers can really get involved in all sorts of challenges," says Gina Chen. Chen, who grew up visiting her grandparents in the Chinese countryside, is now working with teammates from the Kellogg School of Management and McCormick School of Engineering to create a smart air purification mask to help those in the most polluted areas of China. [#NLawProud](#)



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♥ 73 likes

**northwesternlaw** Donna Haddad (BA '92, JD '95) "Northwestern really prepares you for anything," Donna Haddad would know. From supporting a 40-country region from her office in Dubai, to working with the team teaching Watson to speak Arabic, Haddad's career with IBM has brought surprises and opportunities for her and her family. [#NLawProud](#)

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# Law School Announces More Ambitious Campaign Goal

In September 2014, the Law School launched its \$150 million Motion to Lead: The Campaign for Northwestern Law. This was by far the largest fundraising campaign in the school's history, and it was intended to support a variety of imperatives—financial aid, curricular innovation, law-business-technology programs, social justice initiatives, and the annual fund. Impressively, within just two years, the Law School surpassed that initial goal, raising over \$200 million.

“Through the outstanding generosity of our alumni community and friends, led by J.B. and M.K. Pritzker, we exceeded our initial financial goals set forth when the Campaign launched two years ago,” said Dean Daniel B. Rodriguez.

plans to raise an additional \$46 million to reach a new goal of \$250 million in support from 10,000 donors.

Rodriguez said the even more ambitious goal will further “advance our mission of delivering superior legal education for the changing world to the most qualified candidates.”

With this in mind, the Law School has outlined a bold strategic plan, Leading Law, which specifies five strategic priorities:

- Enhance learning infrastructure
- Educate students for the intersection of law, business, and technology
- Address the high costs of legal education
- Magnify impact in society
- Deepen engagement with alumni community

The Motion to Lead Campaign has already impacted several of these areas. Since the start of the campaign, an impressive twenty-two new scholarships have been created, equaling over \$26 million in scholarship dollars.

These scholarships enable students like Davion Chism (JD-MBA '18) to attend Northwestern Law.

“I was the first person in my family to not only go to college, but to graduate high school. And I always wanted to go back to school, but how would I actually do that? Without the Walter Family Scholarship, I wouldn't be here. I am a



*Northwestern President Morton Schapiro addresses Law School supporters at a luncheon announcing the new campaign goals.*

In October 2015, J.B. Pritzker (JD '93) and his wife, M.K. Pritzker, made an historic \$100 million gift to the Law School, the largest single gift ever to any law school. On the one-year anniversary of that gift, the Law School announced

reservist and was actually looking to take orders for active duty in order to qualify for the full Post-9/11 Bill. That was my only resource. But now I'm here!"

Chism added, "I'm actually doing what I want to do, not just what I have to do, and that's what scholarship programs are about."

In the area of law, business, and technology, the Law School is in the midst of its first semester of the Innovation Lab, an interdisciplinary course which will expose students to the entire innovation process. The Innovation Lab is a joint initiative between the Law School's Donald Pritzker Entrepreneurship Law Center and the Master of Science in Law program, and emphasizes the role of technology to effectively solve problems.

In line with its commitment to public interest work, the Law School also completed its first crowdfunding effort over Alumni Weekend. In just 72 hours, the Law School raised more than \$5500 from over 120 donors to help fund a summer Global Public Interest Fellowship for a current student to work at a human rights organization abroad during summer 2017. The Law School will follow this student via social media, to broadly share the impact he or she is making at their selected organization. Additionally, plans are in place for additional crowdfunding campaigns during the academic year.

The campaign success to-date moves the Law School one step closer to achieving its bold ambitions. With the ongoing support of the alumni community and friends, the Law School will achieve the campaign goal of \$250 million and further elevate its impact on legal education and the profession.

"There is much to be done—to address student debt, the changing legal profession and the tremendous influences of technology and globalization. How we as an institution address these challenges is truly an opportunity to distinguish ourselves, to separate from the pack," Rodriguez said. ▶

#### TOTAL DOLLARS

**\$210,753,993**

**\$250 MILLION**  
GOAL

#### NUMBER OF DONORS



**9,562**

**10,000**  
GOAL

#### SCHOLARSHIPS CREATED



#### SCHOLARSHIP DOLLARS RAISED

**\$26,737,178**  
**7**

*All data as of April 14, 2017*



There is much to be done—to address student debt, the changing legal profession and the tremendous influences of technology and globalization. How we as an institution address these challenges is truly an opportunity to distinguish ourselves, to separate from the pack.



**—Dean Daniel B. Rodriguez**





*Cem Uyar and Karen Villagomez are both DACA recipients, in their second year of law school, who felt compared to share their stories with the broader Northwestern Law community.*






# DACA Recipients at Northwestern Law Face Uncertain Future Under Trump Administration

By Amy Weiss





On the campaign trail, then-candidate Donald Trump promised to reverse President Barack Obama’s executive actions pertaining to immigration, including the establishment of Deferred Action for Childhood Arrivals (DACA), which allowed some undocumented immigrants who entered the United States as minors to apply for a renewable two-year period of deferred action from deportation and eligibility for a work permit.

That promise was on the minds of Northwestern Pritzker School of Law students Karen Villagomez (JD ’18) and Cem Uyar (JD ’18) on election night, as it became clear Donald Trump had won the presidency. Villagomez and Uyar are among the over 740,000 young people to receive DACA since the program began in 2012. To qualify for DACA, applicants must have entered the United States before their 16th birthday; be a high school graduate, in school, or honorably discharged from the military; and pass an FBI background check.

Facing tremendous uncertainty, but encouraged by the support of fellow students and coworkers, Villagomez and Uyar said they “realize the power our stories have, and now feel a responsibility to spread awareness and to create conversation by sharing our stories with the Northwestern Law community.”





## Karen's Story

Villagomez was born in Mexico, came to the United States when she was two years old, and grew up on the southwest side of Chicago.

"I grew up in Chicago all of my life, as a child I pledged allegiance to the American flag like all of my peers. I always felt that I was just like everyone else," she said. "When I was applying to college it became very clear that I was not. I thought, 'What do you mean I don't have a social security number and I can't receive federal financial aid?' My options were very limited, and I think that's when the struggle of my reality really began."

Villagomez attended the University of Rochester for her undergraduate degree. During her freshman year spring break, Villagomez decided to travel home to Chicago to surprise her family. While traveling with a Mexican passport, she was stopped by border patrol agents stationed in Rochester, due to its proximity to the Canadian border. She was questioned and detained.

"I was 19 years old; I didn't know what was happening, and it was a tragic experience. I was put in removal proceedings. I had to go before a judge and all the while, I was taking finals as a freshman. One attorney told me that because I had no form of relief, like a parent, child, or spouse who could sponsor me, I had four months

before I was going to be deported. I thought 'that can't be real, that's not possible.'"

Villagomez hired an attorney and U.S. Senator Dick Durbin's office became involved. The Department of Homeland Security eventually dropped her case, but the experience had a profound effect on her.

"I felt like I had been betrayed by the country I grew up in. I felt helpless in that situation and realized how important the law is, and that sparked my interest in one day going to law school."

Villagomez switched her major from economics to political science. She graduated from the University of Rochester in May of 2012, unsure of what to do next. The very next month, President Obama put DACA into effect.

"DACA changed my life. By replacing fear with hope, it gave me an overwhelming sense of relief that I didn't have before. I felt like it was heaven-sent because it happened at such a critical time in my life," she said.

*"It gave me a sense of normalcy. Even though there are so many restrictions and so many things I still can't do in comparison to a U.S. citizen or permanent resident, after receiving DACA I could work, I could drive, I could travel in the United States. It just changed my life in many ways."*

*Karen Villagomez (JD '18)*

"It gave me a sense of normalcy. Even though there are so many restrictions and so many things I still can't do in comparison to a U.S. citizen or permanent resident, after receiving DACA I could work, I could drive, I could travel in the United States. It just changed my life in many ways."

Villagomez interned in Senator Durbin's office for six months, then worked at an immigration law firm for two and half years before coming to law school.

"Northwestern was my top choice. When I got in, I was so excited. Two weeks before orientation started, I still didn't have a way to finance school. But I ended up getting a university loan and it all worked out."



## Cem's Story

Uyar was born in Istanbul, Turkey, where he lived until he was ten years old.

"We were a middle class family in Turkey, but my mom brought me here to get an education. The American dream doesn't exist solely within America—people across the world see America as a land of opportunity, and she felt I had the potential to make the most of it."

He lived in Florida until midway through high school, when his family moved to Brooklyn. Like Villagomez, he came to learn of his immigration status and the implications when he began applying to colleges.

"I was digging through all these documents, looking for my social security number for a scholarship application. My mom asked 'what are you doing?' I said, 'I'm looking for my social security number, do you know what it is?' And she said, 'You don't have one of those.' I started looking into what that meant for me with regard to college, and realized everything else it meant for me."

Unable to secure financial aid, Uyar chose the most affordable option and enrolled in the City College of New York (CCNY). His uncle came up with the money for his first semester's tuition—he

*"You have all this ambition and change your life course, and it's all cut off now because of a thing you didn't know existed, a decision you didn't even make when you were ten years old. It feels like the whole world is plotting against you. The light at the end of the tunnel went away."*

*Cem Uyar (JD '18)*

had to pay the international student rate—but wasn't able to continue supporting him. Uyar's stepfather and mother struggled to make ends meet for their family of five, and Uyar's undocumented status prevented him from working. He was unable to pay for a second semester and had to leave school, a devastating development for someone who saw education as the key to his future.

"You have all this ambition and change your life course, and it's all cut off now because of a thing you didn't know existed, a decision you didn't even make when you were ten years old," he said.



"It feels like the whole world is plotting against you. The light at the end of the tunnel went away."

Uyar spent the next two years working small construction and home repair jobs with his stepfather, saving up as much money as he could. He was able to save up enough for another semester and returned to school, but was not sure how he'd be able to continue beyond that. He had just returned to CCNY when DACA was enacted.

"What really turned my life around was DACA. Deferred action gave me a work permit, a social security number—essentially an identity, sort of a semi-confirmation of my American-ness."

"I got my first job ever, when I was a junior in college, working at a CVS near Grand Central Station. All of a sudden, everything was a 180 degree change. I went from feeling like I would never be able to go back to school to having a job. That was huge for me, such a gift. I don't think many other people feel that way about a cashier job at CVS."

Uyar's interest in American history and politics, and his experience navigating his immigration status, led to a desire to pursue a legal career.

"When I learned of my immigration status, I was troubled by the immigrant community's reluctance to educate themselves about the legal issues they face. There's this—often but not always unfounded—fear, so when there are actual remedies to issues,



people are still reluctant and scared to come forward. I really wanted to be able to help those people as much as I could.”

Back at CCNY, Uyar applied and was accepted into the college’s Skadden Arps Honors Program in Legal Studies.

“I got to work at one of the greatest law firms in the world. DACA was the first point where I thought, I can actually be an attorney. I can be barred and I can actually help people. So I applied to law school and I got here, which was massive for me.”

## Looking Ahead

Villagomez and Uyar have been standouts since arriving at the Law School, on track for bright futures in the profession. Villagomez was awarded Butler Rubin Saltarelli & Boyd LLP’s 2016 Diversity Scholarship, and worked as a summer associate for the firm. Uyar was awarded a summer public interest fellowship to work at the Heartland Alliance, and won the Student Bar Association’s 1L Leadership Award last spring.

In the early months of his administration, President Trump has suggested he intends to keep DACA in place for now, but Villagomez, Uyar, and hundreds of thousands like them, do not know how future actions might jeopardize the futures they’ve been building.

“Although there is still a sense of uncertainty hovering over my future, I am grateful that DACA has remained intact,” Villagomez said.

“The Trump administration, however, has demonstrated no constraint in establishing some of the distressing campaign promises. I still fear that DACA will be taken away with the promise of a better replacement, but that it will either never come or there will be an interim period of limbo. I worry for those not protected by DACA who are experiencing heightened fear and anxiety, especially children who are witnessing their parents being deported.”

“I’m not someone necessarily at risk of deportation,” said Uyar, who came to the United States on a visa originally and has an application for permanent resident status pending, likely due for approval sometime in 2018. But extreme uncertainty remains.

“I’m a 2L, I participated in [On-Campus Interviewing], and I received offers from firms. I accepted one and I’m very much looking forward to working at that firm next summer. Now, if Donald Trump decides that he’s going to kill DACA, then I can’t work at my firm because I will no longer have a work permit; I will no longer have a legal status because it was an executive action and it can be taken away even quicker than it was implemented.”

“I don’t know if I’ll be able to return to school for 3L—I attend this school on private loans only. I don’t qualify for federal loans, so it’s fully dependent on my credit and I don’t know if I’ll have a

valid social security number to apply for additional loans. If I am able to finish, I don’t know if I’ll be able to take the bar.”

In the aftermath of the election, preserving and continuing DACA has gained a great deal of political support. On December 7, Chicago Mayor Rahm Emanuel met with then-President-Elect Trump and presented him with a letter signed by many big city mayors praising the program. Northwestern University President Morton Schapiro joined over 500 other university and college presidents across the country in a letter urging business, civic, religious and non-profit sectors to join them in supporting DACA and undocumented immigrant students. Senators Lindsey Graham and Dick Durbin have said they will propose legislation protecting current DACA recipients if President Trump does undo the policy, but it is unclear how the Republican-controlled Congress would receive this legislation.

In the meantime, Villagomez and Uyar hope to increase awareness and support from the extended Northwestern Law community.

After the election, attorneys at the firm Villagomez worked for over the summer, including Northwestern Law alumni, reached out to her.

“I think in moments of crisis like this, it doesn’t really hit home until you can identify with the issue, until it is personal in some way. As for some of the attorneys I worked with, because I shared a working space with them, I sat side by side with them this felt personal. They could put a face to DACA and were now aware of how it could impact my life in such a negative way.”

“I’ve met a lot of people in my life who really have no skin in the game when it comes to immigration, who are deeply troubled now because they know me,” Uyar said. “I don’t know if I’m just an optimist and believe in the good of human nature, but I believe much of the bigotry and xenophobia we talk about comes not from actually hating a group of people, but from the lack of exposure.”

“There’s nothing we can do to stop a memorandum coming from Donald Trump killing DACA,” he continued. “All we can do is have people care about it and say, ‘Oh, there’s a fellow Northwestern Law student who may not be able to practice law after all that he’s done or she’s done to get to that point.’ Because they know how hard it is to get here and to get through here—and hopefully I’ll find out how hard it is to be a lawyer. All we can really hope for is they’ll find some level of identification with us and understand the gravity of the circumstances that we face, and speak about it to other people and help us sway the public opinion.”

“If there’s one positive spin I could put on the results of the election and the possibility of my world turning upside down,” Villagomez said, “it’s to share my story with a community that I’m a part of. As Northwestern Law students and alumni, we share something really special. And if even one person reads this and changes their mindset about DACA or undocumented people in this country, then that’s a good thing.” ●





# Expanding Environmental Justice Efforts

The Environmental Advocacy Center (EAC) at the Bluhm Legal Clinic has partnered with organizations across Northwestern University and throughout Chicagoland and the Midwest, to fight the battle for environmental justice on multiple fronts.

“Now more than ever, the work of the EAC and our students is critically important to underrepresented communities threatened by environmental contamination. Our work— along with the help provided by our partners across Northwestern— helps ensure that their rights and health are protected,” Nancy Loeb, the EAC’s director said.

## East Chicago Advocacy

In recent months, the EAC has been very active in advocacy work in East Chicago, a low-income community of color in industrial northwest Indiana that has been exposed to extremely high levels of lead and arsenic.

“This is a perfect example of an environmental injustice,” said EAC attorney Debbie Chizewer, who is the Montgomery Foundation Environmental Law Fellow and has led the Center’s efforts in East Chicago.

EAC has formed a coalition of attorneys—experts across housing, health, and the environment to improve residents’ access to resources. The hazardous waste site, which

was listed for cleanup under the Environmental Protection Agency’s (EPA) National Priorities List in 2009 under the federal Comprehensive Environmental Response Compensation and Liability Act, includes residences which were built on and next to soil contaminated by lead and arsenic. For decades, families have lived on this contaminated site with incomplete knowledge or understanding of the extent of their risk. On behalf of residents, EAC is advocating for a cleanup that provides maximum health and environmental protections. Some East Chicago residents have been waiting years for a remedy.

Chizewer discussed the importance of fighting the battle on multiple fronts:



pursuing legal solutions, exerting political pressure, and raising awareness.

"This is one case where all the levers have been activated," Chizewer said.

EAC's partners include the Sargent Shriver National Center on Poverty Law, the Loyola Law School Health Justice Project, the University of Chicago Abrams Environmental Law Clinic, and the law firm Goldberg Kohn, a pro bono partner.

In addition to the lawsuit filed for the soil cleanup, the EAC recently partnered with Natural Resources Defense Council and others to petition the EPA for emergency action related to the area's drinking water, citing similarities to the crisis in Flint, Michigan.

Referencing President Donald Trump and newly appointed EPA Director Scott Pruitt's critiques of the response to Flint, Chizewer said: "I hope they recognize that this is an opportunity to show how they'd handle situations differently."

## A Plan to Clean Up DePue

For over 20 years, the citizens of DePue, Illinois—a relatively quiet town about 100 miles southwest of Chicago—have been engaged in an environmental legal battle with some of the largest corporations in the United States. The EAC has represented the community members since 2010 and is determined to see the remediation of the contamination sites in support of the health and well-being of residents. To support its

advocacy work in DePue, the EAC is leveraging academic expertise from across the University—ranging from chemistry to journalism. And the Center has made marked progress in recent months: a clean-up plan for a large residential zone in DePue may be on the horizon.

"After all these years, we finally have a proposed clean-up plan for a sizeable residential area of DePue," said Nancy Loeb, director of the EAC. "We're talking about high levels of heavy metals such as arsenic, lead, mercury, zinc, and cadmium. There are hundreds of kids living in this community who play in parks and baseball fields that have never been remediated. It's unconscionable that children have continued to be exposed to these dangerous contaminants all this time."

Reports of toxins in DePue first arose in the mid-1990s when residents and the state of Illinois began to raise concerns. The sources of the contaminants were a zinc smelting facility (closed in 1990) and fertilizer plant (closed in 1991). Although no longer producing any products, the industrial sites currently remain under the ownership of Viacom/CBS Operations and ExxonMobil, respectively. In 1995, the Illinois Environmental Protection Agency (IL-EPA) signed a consent order with Viacom and Mobil requiring an environmental study of the area in order to assess the level of contamination and the risk to residents. In 1999, the federal government declared DePue a "Superfund site"—adding the village to

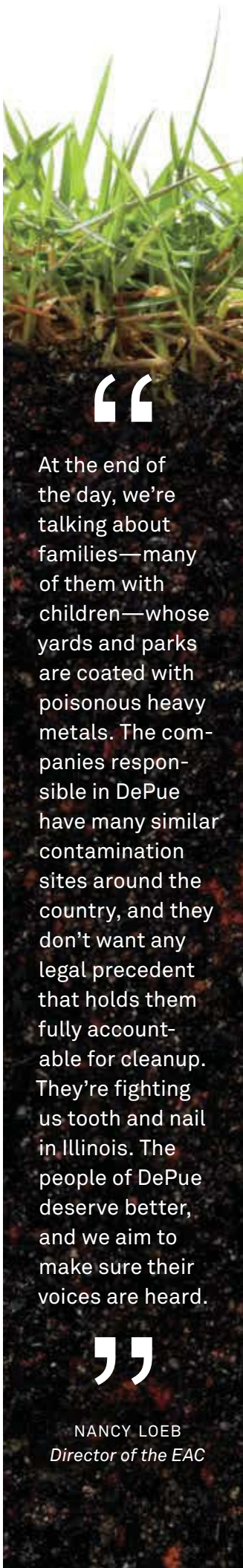
the list of nearly 1800 contaminated sites throughout the country that have been on the EPA's National Priorities List for cleanup. Yet until recently, IL-EPA, Viacom/CBS Operations, and ExxonMobil have made little progress in DePue.

The relationship between Northwestern's EAC and DePue began in 2010 when a former resident visited the village and was alarmed to see that virtually nothing had been cleaned up since the order was issued in 1995. He reached out to the EAC for help.

"This was the first big project that the EAC took in-house, and it helped set the precedent for the types of projects we work on," Loeb said. "For the most part, DePue is a low-income community. Without help, they have no chance to stand up to these large companies and their lawyers."

To aid in the organization of the cleanup, IL-EPA has broken DePue into five zones—known as "Operable Units." Released in June 2016, IL-EPA's proposed clean-up plan seeks to remediate Operable Unit Four, a zone that encompasses a large portion of the residential buildings, parks, and schools in the village. The proposed plan, which is the first one that directly addresses residential areas, was the result of pressure from the EAC and other advocacy stakeholders.

The EAC has sought support from across the Northwestern community including the McCormick School of Engineering and Applied Science, the Weinberg College



“  
At the end of the day, we're talking about families—many of them with children—whose yards and parks are coated with poisonous heavy metals. The companies responsible in DePue have many similar contamination sites around the country, and they don't want any legal precedent that holds them fully accountable for cleanup. They're fighting us tooth and nail in Illinois. The people of DePue deserve better, and we aim to make sure their voices are heard.

”  
NANCY LOEB  
*Director of the EAC*

of Arts and Sciences, and the Medill School of Journalism, Media, and Integrated Marketing Communications. Faculty and students have aided the EAC in its legal advocacy as well as in reviewing reports that have emerged in the case, which are often quite technical.

The EAC leveraged the expertise of Franz Geiger, a professor of chemistry, and a team of student researchers to gain a better understanding of the extent of the contamination. Geiger's efforts have also communicated important information to residents in DePue.

"The average citizen in DePue wasn't going to be able to do anything with the data the EAC obtained from the responsible parties. It was dense and not easily accessible," said Geiger.

To help with the project, Geiger hired undergraduate students and worked with a PhD student on a National Science Foundation Fellowship to analyze data from the reports. The team used the data to create a website for the people of DePue ([www.cleanupdepue.org](http://www.cleanupdepue.org)) and incorporated an interactive map showing the location of contamination sites throughout the community. Geiger also connected the EAC with Groundswell Educational Films, a nonprofit that makes films to spur social change, which put together the website and several mini-documentaries to help tell the residents' stories.

Andrea Hill (JD '18), a law student who is simultaneously pursuing a PhD in environmental engineering, joined

the EAC in summer 2016 and has continued working to help DePue during this academic year. Her background has been a valuable asset in advocating for DePue.

"As a student at the EAC, my first task was to write draft comments in response to IL-EPA's proposed remediation plan," said Hill. "Working with the EAC has given me a unique opportunity to put past knowledge and research to use in a real-world legal context to help a community in need. Such hands-on experience has been eye opening. You learn very quickly that the real world does not operate like textbooks, law books, and statutes would lead you to believe."

At the Medill School of Journalism, Media, and Integrated Marketing Communications, the EAC has been working closely with graduate students in the Health, Environment and Science Program. As a student journalist, Kevin Stark (BSJ '16) helped shine light on issues in DePue:

"The EAC is obviously so invested in what's happening in DePue. Unfortunately, the media hasn't been as involved as they should be," he said. "As a student, I was given access to a broad range of communications contacts in DePue, which helped me stay committed to writing about what is occurring there. Medill has the unique opportunity to show how public policy is influencing real people's lives. It's a great example of an institution that's not isolating itself and its ideas but is instead trying to use its resources to affect change in



“

**Elevate is one of our real-world clients, so the students and EAC meet with them on a regular basis. Not only do students deliver written reports on their research, but they also present their findings to Elevate and engage in real discussion surrounding their recommendations. This partnership is about providing students with hands-on experience while also presenting a tangible good to our client.**

”

**DEBBIE CHIZEWER**  
*EAC Attorney*

some way. DePue needs to be cleaned up. The responsible parties have committed to doing the work. It needs to happen."

Despite the lengthy legal battle, Northwestern's EAC shows no signs of slowing down.

"At the end of the day, we're talking about families—many of them with children—whose yards and parks are coated with poisonous heavy metals," Loeb said. "The companies responsible in DePue have many similar contamination sites around the country, and they don't want any legal precedent that holds them fully accountable for cleanup. They're fighting us tooth and nail in Illinois. The people of DePue deserve better, and we aim to make sure their voices are heard."

## Bringing Clean, Efficient Energy to Everyone

As the United States moves toward a clean energy economy, how does the country ensure that economically disadvantaged communities are not left behind? A unique partnership between the EAC and Elevate Energy, a not-for-profit organization headquartered in Chicago, is finding innovative ways to bring clean, efficient energy to all.

Elevate Energy, an organization that implements energy efficiency programs and renewable energy initiatives in low-income communities, has worked with the EAC since December 2015.

"Elevate is one of our



real-world clients, so the students and EAC meet with them on a regular basis,” said EAC attorney Chizewer. “Not only do students deliver written reports on their research, but they also present their findings to Elevate and engage in real discussion surrounding their recommendations. This partnership is about providing students with hands-on experience while also presenting a tangible good to our client.”

Since the partnership began, the EAC and its team of students have been helping design a policy strategy for Elevate that helps address the unique barriers faced by low-income communities. In 2016, EAC completed two research projects meant to inform Elevate’s work—one focused on low-income state energy efficiency programs and one looking at generating funds for low-income energy programs through cap-and-trade carbon markets.

The first project, which focused on improving and expanding state energy efficiency programs, has significant implications for Illinois including reducing greenhouse gas emissions from power plants and providing cost savings on customers’ utility bills.

“Because we’re based in Chicago, we have a really good background on the low-income utility energy efficiency programs in Illinois,” said Elevate Energy’s Policy Director, Anne McKibbin. “But we wanted to have a look at what sorts of policies were working well in other states. EAC analyzed laws, regulations, and best practices in Michigan and Minnesota,

which will be incredibly valuable for us.”

The cost savings from energy efficiency programs can be significant—especially for a household with constrained income. Diana Story, a low-income resident of Chicago’s West Pullman neighborhood, is expected to save approximately 26 percent annually on her gas bill thanks to Elevate’s energy efficiency programming and a forgivable loan from the City of Chicago.

“I had no idea we had places like [Elevate Energy] for people with low incomes who can’t afford to get work done,” Story said. “Now I keep my air conditioning around 76° F and rarely change the thermostat because the air conditioning seldom kicks on. I get so much joy from being able to save on my bills. Elevate Energy is really serving and helping people. I would recommend this program to everyone in my community.”

For their second project, the EAC investigated opportunities to support low-income households in Illinois under the federal government’s Clean Power Plan. The Clean Power Plan was a fundamental component of the Obama Administration’s response to climate change and requires states to cut carbon dioxide emissions from electric power plants by one third below 2005 levels by the year 2030.

In order to inform Elevate’s public policy strategy, the team explored ways to implement state-run cap-and-trade markets as a Clean Power Plan compliance option. The EAC project complemented Elevate’s own

research into the federal Clean Energy Incentive Program (CEIP), a voluntary matching fund program offered through the Clean Power Plan that incentivizes states to invest in renewable energy and energy efficiency in low-income communities. Ultimately, Elevate is exploring ways to combine cap-and-trade revenue with CEIP funds to bolster low-income clean energy programs.

implement the CEIP in Illinois.”

In the wake of successfully completed projects on energy efficiency and carbon markets, EAC and Elevate continue to explore ways to deepen their partnership. In September 2016, the two organizations sat down to explore new opportunities—this time focusing on water conservation.

“Elevate is expanding our program offerings to include



Blue, green, and red tinted water flowed from the slag pile to Lake DePue. Courtesy, CleanUpDePue.org.

“It makes sense that the revenue from cap-and-trade systems should be reinvested in the clean energy economy—preferably in communities that have had difficulty accessing energy efficiency and renewables in the past,” McKibbin said. “The research that EAC presented to us was a primer on carbon markets in the U.S. It will be really helpful as we think through what these policies should look like in Illinois and the region. We’ll be using this and other research as we work with partners across the energy industry to put together specific suggestions for ways in which state government can

water conservation assistance for affordable housing owners. Water costs are rising, and households—especially people living in affordable housing—are taking a closer look at their water usage,” said McKibbin. “We’re trying to better understand the policy landscape and funding opportunities surrounding low-income water conservation. EAC will be helping us look at federal and local laws and policies to help us build these sorts of programs.” 💧

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*This article was written in part by Mike McMahon of the Institute for Sustainability and Energy at Northwestern (ISEN).*

## CLINIC NEWS



*Charles Johnson shares his emotions after charges are dropped against him and three others.*

### CWC Client Exonerated on Charges from 1995 Double Murder

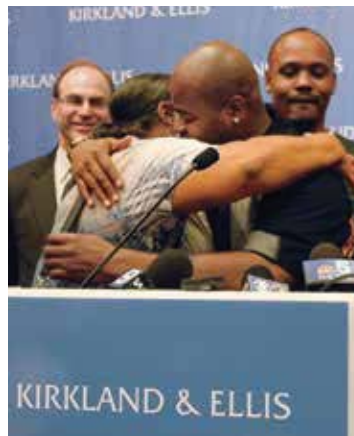
On February 15, the state of Illinois dropped all charges against the Bluhm Legal Clinic's Center on Wrongful Convictions (CWC) client Charles Johnson and three other men—Larod Styles, LaShawn Ezell, and Troshawn McCoy—known as the “Marquette Park Four,” who were only teenagers when they confessed to a 1995 double murder.

On December 4, 1995, the owners of two used car lots were shot and killed on the southwest side of Chicago. The perpetrators escaped in two cars stolen from the lot, followed by a third car containing two co-conspirators who acted as lookouts. Six hours later, the stolen cars were found, abandoned, five miles from the crime scene. Police recovered marketing stickers that were on the front window shields of the cars when they were on the lot, but had been removed.

Based on an anonymous tip, one of the codefendants was picked up and pressured into confessing; he in turn implicated the other codefendants, including Johnson. Johnson's case caught the attention of Professor Steven Drizin, current assistant dean of the Bluhm Legal Clinic and a nationally-renowned false confession scholar. The CWC took on Johnson's case in 2008.

“Most of these young people thought they were going home after signing confessions,” Drizin said.

The CWC, partnering with attorneys from Kirkland & Ellis, moved for forensic testing of more than two dozen unmatched finger and palm prints lifted from the cars the killers had touched



*Charles Johnson rejoices with a family member.  
Kara Voght/Medill News Service*

on the lot, the recovered stolen cars, and the marketing stickers that had been peeled off the stolen cars. The new testing excluded Johnson and all of the codefendants, and also pointed to a teenager with a criminal record who lived less than one block from where the perpetrators abandoned the cars. The CWC used the evidence to secure a new trial, and Johnson

was released on bond last fall. This week, Cook County State's Attorney Kim Foxx's office agreed to drop all charges.

“The dismissal of these cases today illustrates my absolute commitment to ensuring that this office reviews and addresses any credible claim of wrongful conviction or actual innocence,” Foxx said in a statement.

Prosecutors originally sought the death penalty in Johnson's case, though a jury sentenced him to life without parole.

“This is a powerful testament to some of the reasons why we abolished the death penalty here in Illinois,” Drizin said. ■

## Canadian Supreme Court Justice Rosalie Abella Honored as Global Jurist of the Year

Justice Rosalie Silberman Abella, who serves on the Supreme Court of Canada, was given the Global Jurist of the Year Award by the Bluhm Legal Clinic's Center for International Human Rights (CIHR) on January 25.

"Justice Abella has stood throughout her judicial career for the enforcement of human rights principles for all Canadians, regardless of their gender, ethnicity or station in life," said Professor David Scheffer, director of CIHR.

workplace discrimination against women, aboriginal peoples, minorities and those with disabilities.

Her seminal work on this commission, now known as the Abella Commission, led to the creation of the concept of employment equity. She was appointed in 1992 to the Court of Appeal for Ontario, where her rulings included the 1998 landmark decision that resulted in the extension of survivor benefits to same-sex partners. In 2004, she was appointed to the Supreme Court of Canada.

Prior to the awards reception, Abella gave a talk to Northwestern students, faculty, and staff about the struggles of modern democracies and the tension between individual rights and protection of vulnerable groups from discrimination.

"The most basic of the central concepts we need back in the conversation is that democracy is not—and never was—just about the wishes of the majority. What pumps oxygen no less forcefully through vibrant democratic veins is the protection of rights, through the courts, *notwithstanding* the wishes of the majority," Justice Abella said.

"To paraphrase Martin Luther King, the arc of the moral universe may be long, but it decidedly and increasingly does not always bend

towards justice," she said. "Why should we care? Because if we don't, too many children will never get to grow up period, let alone grow up in a moral universe that bends towards justice."

The Global Jurist of the Year Award honors a sitting judge, in an international or national court, who has demonstrated a life of professional commitment—at times in the face of adversity—to upholding and defending fundamental human rights or principles of international criminal justice. Jurists from all nations and tribunals are eligible for consideration. Abella is the fourth recipient of the award. Past recipients include the Honorable Gloria Patricia Porras Escobar, president of the Guatemalan Constitutional Court; Justice Shireen Avis Fisher, president of the Special Court for Sierra Leone; and Acting Chief Justice Dikgang Moseneke of South Africa's Constitutional Court. ■



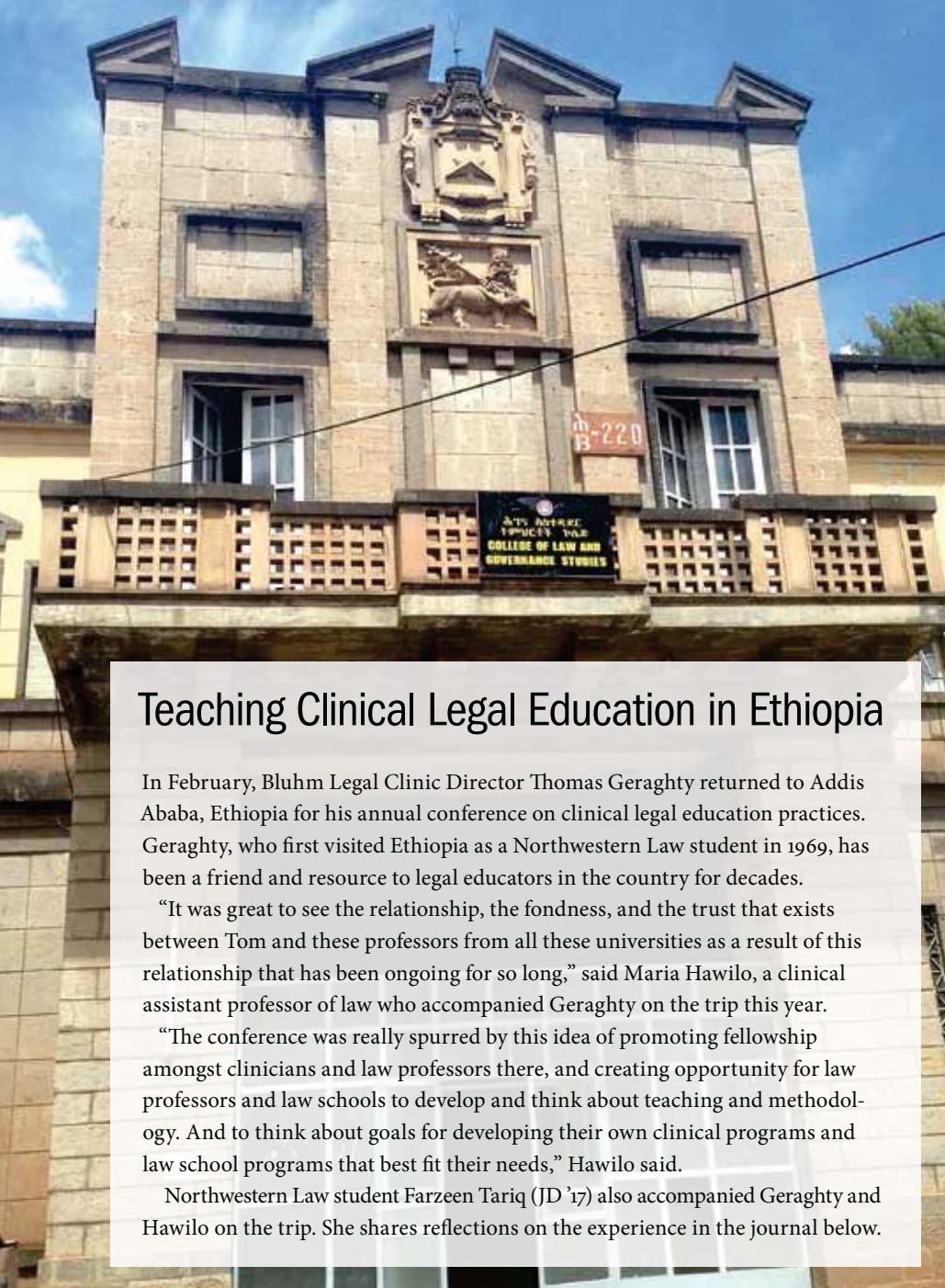
*Justice Rosalie Silberman Abella speaks to the Northwestern Law community about protecting the rights of vulnerable groups.*

Born in a displaced persons' camp in Stuttgart, Germany, in 1946, Justice Abella is the daughter of Holocaust survivors. She is the first Jewish woman and the youngest person ever appointed as a judge in Canada. She also is the first Jewish woman appointed to the country's Supreme Court.

Abella received her undergraduate and law degree from the University of Toronto. She practiced civil and criminal law until 1976, when she was appointed to the Ontario Family Court. She then served on the Ontario Human Rights Commission for five years, and as chair of the Ontario Labour Relations Board, the Ontario Study into Access to Legal Services by the Disabled and the Ontario Law Reform Commission.

In 1983, she was appointed sole commissioner of the federal Royal Commission on Equality in Employment, which sought to address





## Teaching Clinical Legal Education in Ethiopia

In February, Bluhm Legal Clinic Director Thomas Geraghty returned to Addis Ababa, Ethiopia for his annual conference on clinical legal education practices. Geraghty, who first visited Ethiopia as a Northwestern Law student in 1969, has been a friend and resource to legal educators in the country for decades.

“It was great to see the relationship, the fondness, and the trust that exists between Tom and these professors from all these universities as a result of this relationship that has been ongoing for so long,” said Maria Hawilo, a clinical assistant professor of law who accompanied Geraghty on the trip this year.

“The conference was really spurred by this idea of promoting fellowship amongst clinicians and law professors there, and creating opportunity for law professors and law schools to develop and think about teaching and methodology. And to think about goals for developing their own clinical programs and law school programs that best fit their needs,” Hawilo said.

Northwestern Law student Farzeen Tariq (JD '17) also accompanied Geraghty and Hawilo on the trip. She shares reflections on the experience in the journal below.

thirty legal educators, students, deans, and representatives from various universities in Ethiopia, including Addis Ababa University, Haramaya University, and Jimma University. Representatives from the Federal Ministry and the United Nations High Commissioner for Refugees (UNHCR) also participated in the conference.

### DAY 1: IS THIS JUST ANOTHER MEANINGLESS CONFERENCE?

On first day of the conference, Ethiopian clinical educators explained the types of clinical programs they offer, and the challenges they face in administering such programs. The challenges included lack of: funding, reliable transport system, uniform guidelines for legal education, and desire from legal NGOs to supervise law school interns. Further, the clinical educators deliberated whether the purpose of clinical legal education is to provide legal aid to the marginalized, or the most optimal learning experience to students.

Unlike many American law schools, all Ethiopian law schools are public universities, funded by an unstable government. Therefore, after hearing perspectives of the university representatives, the American professors recognized that the American and Ethiopian experiences of developing clinical legal education have some similarities, but also stark differences. The American professors started the panel discussion by acknowledging that they could not provide solutions to the Ethiopian delegates, but could help troubleshoot their dilemmas as a team. The delegates engaged in a discussion on goals of clinical legal education, and possible ways to tackle challenges.

Day 1 reminded me of the reasons why I sometimes get frustrated with human rights projects; change comes slowly and I tend to lack patience. Hence, I was not surprised when I started to think that maybe the conference would not even lead to any fruitful results.

## Student Perspective A Journey of Memorable Lessons: Evaluation of Clinical Legal Education in Ethiopia

BY FARZEEN TARIQ

My short journey to Addis Ababa exposed me to patience, perseverance, and determination. I witnessed perseverance when I observed Ethiopia's quest for learning and public service, despite a political state of emergency. I witnessed determination and patience when I observed the American professors and Ethiopian delegates troubleshoot their complex problems, instead of giving up hope.

### A ROOM FULL OF BRILLIANT MINDS

I accompanied Professor Maria Hawilo and Professor Thomas Geraghty for a three-day conference on clinical legal education in Ethiopia, where we were also joined by Professor Peggy Maisel, associate dean for Experiential Education at Boston University, and Professor Margaret Barry, associate dean for Clinical and Experiential Programs at Vermont Law School. We met with about

## DAY 2: A RAY OF HOPE

Day 2 of the conference proved my skeptic side wrong, and I witnessed a positive impact of our collaborative work with the Ethiopian delegates, and connected with them on a personal level. We started the day with Tom's training on clinical legal education, and continued it with interactive, simulation-based trainings on theory of a case, counseling, and mediation. During the training sessions, the delegates were actively involved in problem-solving, and they brainstormed ideas on ways to supervise students during such trainings.

I also had the pleasure to meet a first-year and a fifth-year law student from Addis Ababa University. In Ethiopia, the undergraduate and law school curriculum is combined into a five-year program, which means that students could be lawyers by age of 23. I am still in touch with the students on social media, and we frequently learn new things about culture and politics from each other.

## DAY 2: TO DIVORCE OR NOT TO DIVORCE?

The session on counseling was exceptional because the simulation-based problem included the issue of domestic violence. It

was interesting to see that in some small group discussions, the delegates advised their client to stay with the husband for the wellbeing of the family, even when the client expressed the desire to get a divorce. However, a few delegates strongly promoted divorce, and encouraged the client to stay in a domestic violence shelter. The session ended with a valuable takeaway that while advising a client, lawyers should separate their personal opinions from the client's problem and needs.

## DAY 3: A HOPEFUL BEGINNING

The way forward session on the last day of the conference left a remarkable impact on me, and gave me a ray of hope in human rights work. The delegates seemed tired of annual conferences with fruitless results, so they wanted to end the conference with specific concrete steps to develop an efficient clinical legal education. The conference resulted in a promising next step: the delegates decided to form an association of clinical legal educators and stakeholders, so they could lobby for a national strategy on

clinical programs at the existing law school consortium responsible for implementing the national LLB curriculum.

## LESSONS LEARNED

Tom's journey in Ethiopia is a reminder that change does not occur overnight, but it is possible with determination and patience.



*The conference featured breakout problem-solving sessions with faculty and students.*

Tom started his time in Ethiopia as a research assistant during his final year at Northwestern Law. During his lifetime, Tom has observed political turmoil in Ethiopia, however, he has also witnessed the development of the first-ever law school in Addis Ababa, the first national law school curriculum, and a beginning of a promising clinical education program.

As a young Pakistani American, I also feel very frustrated when foreign humanitarians come to Pakistan in an attempt to resolve problems, but leave after a short unsuccessful experiment, and never look back. I admire Tom for returning to Ethiopia every year, and keeping his commitment to the country and his friends, who consider him a loyal Ethiopian.

The positive and eager attitude of the Ethiopian delegates reminded me the importance of perseverance in an environment where there are brilliant minds and unlimited potential, but also lack of transport, internet, functioning facilities, and free speech.

Without perseverance, Addis might have not had a law school today, and the conference would not have resulted in concrete steps for a bright future. The conference was a reminder that I should never take my education for granted, in the day to day grind of law school. I am grateful for an outstanding learning experience. ■

Maria Hawilo





## FACULTY FOCUS

### Fall Faculty Conferences

Throughout the fall semester, Northwestern Pritzker School of Law faculty members held a variety of conferences, discussions, and panels on a wide range of timely and important topics.



Professor Martin Redish (far right) leads a panel discussion at a conference on commercial speech, coinciding with the 45th anniversary of his landmark article.

#### COMMERCIAL SPEECH AND THE FIRST AMENDMENT: PAST, PRESENT, AND FUTURE

On October 14, the Law School held a symposium to commemorate the 45th anniversary of the publication of the article, “The First Amendment in the Marketplace: Commercial Speech and the Values of Free Expression,” by Martin Redish, Louis and Harriet Ancel Professor of Law and Public Policy. The article presented, for the first time, a detailed theoretical argument to support the position that commercial speech is deserving of substantial constitutional protection under the First Amendment guarantee of free expression. At the time of its publication, the article represented a radical departure from long accepted First Amendment doctrine, which excluded commercial speech from the First Amendment’s protective scope. In recent years, scholarly and popular sources have pointed to Redish’s

1971 article as the origin of the modern commercial speech doctrine.

#### THE OPIOIDS EPIDEMIC: AN INTERDISCIPLINARY APPROACH

On October 20, the Law School co-sponsored the latest event in the Feinberg

U.S. Senator Richard Durbin delivered the keynote address at the interdisciplinary symposium on the opioid epidemic.



School of Medicine’s Global Health Interdisciplinary Symposium Series. U.S. Senator Dick Durbin of Illinois was the keynote speaker.

“It’s across the country—blue states and red states. And there is no town too small or suburb too wealthy to be spared. Everyone has been hit by the opioid crisis. Unfortunately, there is no easy answer,” Durbin said in his address.

Juliet Sorensen, Harry R. Horrow Professor in International Law and one of the symposium’s organizers, emphasized the importance of an interdisciplinary approach to the challenge: “A university, with its depth and breadth of expertise, is really the perfect place for experts across disciplines to come together and seek a solution to this crisis,” she said. “I hope that today is not an end but a beginning for further conversations and collaboration.”

#### BRIDGES II: THE LAW-STEM ALLIANCE & NEXT GENERATION INNOVATION

On October 28, the Law School hosted the Bridges II conference which explored the role of law, business, policy, and regulation in the innovation process, and the role of scientists, engineers, and entrepreneurs in the process of law and policy-making. Organized by David Schwartz, professor of law, the event featured panels focused on specific new technologies, including CRISPR, a new DNA-related technology, the internet of things, and user innovation platforms. The panelists and keynote presenters—Joel Mokyr, Robert H. Strotz Professor of Professor of Arts and Sciences and professor of economics and history, and Eric von Hippel, Professor of Management of Innovation and Engineering Systems at MIT Sloan School of Management—highlighted areas of similarity and distinction among the new areas of innovation. One



Mark Hersam, James Speta, Paul Ohm, and Lee McKnight participate in a panel on "The Internet of Things" at the Bridges II Conference.

panel featured four Northwestern University deans— Dean Rodriguez, Dean Sally Blount of the Kellogg School of Management, Dean Julio Ottino of the McCormick School of Engineering and Applied Science, and Dean Adrian Randolph of the Weinberg College of Arts and Sciences—discussing the need to work across disciplines to integrate innovations and face challenges.

Linda Coberly of Winston Strawn leads a keynote discussion with Chief Judge Diane Wood, of the Seventh Circuit Court of Appeals.



## COMPLEX LITIGATION CONFERENCE

On November 16-17, Adam Hoefflich and Abby Mollen (JD '08), both partners at Bartlit Beck Herman Palenchar & Scott LLP and a professor of practice and lecturer at the Law School, respectively, hosted a conference on issues in complex litigation. The event featured panels examining how recent legislation will affect their practices, the emergence of litigation financing, the impact of media focus, and much more. For the keynote, Linda Coberly of Winston Strawn LLP interviewed Chief Judge of the U.S. Court of Appeals for the Seventh Circuit Diane Wood.

## DEMOCRATIZING CRIMINAL LAW

On November 18-19, Joshua Kleinfeld, assistant professor of law and philosophy, hosted a symposium with Richard Bierschbach of Cardozo Law School and the Northwestern University Law Review to define and defend a shared vision of democratic criminal justice. The conference goals were to identify and critically examine the core ideas of the



Professor Joshua Kleinfeld opens a two-day conference on criminal justice reform.

democratization movement, to project the democratization movement's ideas into the national conversation, and to act publicly and collectively on matters of democratic criminal justice reform. Faculty from over a dozen law schools participated, along with Commissioner Charles H. Ramsey, a senior advisor to the Chicago Police Department, and U.S. District Court Judge Jed Rakoff, who gave a keynote addressed titled "Why Prosecutors Rule the Criminal Justice System—and What Can Be Done About It." ■



## The High Cost of Cutting Regulatory Costs

*This op-ed originally appeared in the Chicago Tribune on February 24.*

On the campaign trail, Donald Trump said regulations “are just destroying us. You can’t breathe.” Obviously, he wasn’t referring to air quality. Because regulations passed under the Clean Air Act have resulted in an average 70 percent fewer emissions of the six common pollutants regulated under that act. Instead, he was using “regulation,” like immigration, as a scapegoat for the nation’s economic ills.

This scapegoating now threatens far more people than the immigration ban. On January 30, President Trump signed an executive order titled, “Reducing Regulation and Controlling Regulatory Costs.” This order might be the single most destructive order Trump has signed so far.

Under the order, no agency may issue any new regulation unless it also identifies two regulations for repeal that cost as much as the new one. And the total costs for all federal regulation may not increase year to year. The budget for total regulatory costs is permanently frozen. So what does a “cost” mean? That’s where things get interesting. It means only the cost of complying with the regulation. It does not mean the costs to society that the regulation is trying to prevent.

To see why this is so destructive, consider the Deepwater Horizon explosion and oil spill of April 2010. That explosion released nearly five million barrels of oil into the Gulf of Mexico—the largest marine oil spill in history. In response, the Department of Interior enacted a series of regulations designed to ensure that such a disaster never happens again. Do these regulations cost money? Of course they do. But so did the disaster—to the tune of nearly \$9 billion for lost fisheries and \$23 billion for lost tourism, not to mention the catastrophic effects on marine life and birds. Yet under the president’s order, the only costs that matter are those to

the oil companies. Costs to the public and to the environment are completely ignored. Another Deepwater Horizon disaster is literally the price we’d have to pay to save BP money.

These problems will touch almost every aspect of our lives. Consider the problem of lead in schools and day care centers. Public health advocates have long argued that water supplies in schools and day care centers should be tested for lead, and that doing so could prevent cases of lead poisoning that cost society millions of dollars in health care costs and lost economic productivity, to say nothing of human suffering.

**“[...] under the president’s order, the only costs that matter are those to the oil companies. Costs to the public and to the environment are completely ignored.”**

Indeed, in the wake of the Flint, Michigan lead poisoning crisis, even Republican leaders have called for stricter and more comprehensive lead testing rules. But new lead testing rules would certainly cost something up front—both for the testing and for the response, such as the installation of more water filters at schools and day care centers. Yet under Trump’s executive order, an agency could not issue new regulations requiring lead testing unless it identified two other regulations for repeal that cost as much. What about the costs of the lead poisoning itself? Irrelevant. Even if the new regulation would save far more money than it would cost, it could not go forward unless the agency first goes through the time-consuming process of identifying other regulations for repeal.

And it gets worse. What if an agency cannot identify two regulations that it is legally and ethically justified in repealing? Then the new regulation cannot go forward, no matter how vital or cost-effective it is. To return to Trump’s statement about being unable to breathe, the Environmental Protection Agency has regulations designed to prevent air pollution connected to asthma, lung cancer and death. The Clean Air Act compels these regulations, and even if it did not, how could the EPA (or anyone) defend having to scrap current regulations preventing asthma and lung cancer before issuing a new regulation preventing lead poisoning? Government should be in the business of combating asthma and lung cancer and lead poisoning.

What about regulations that powerful corporations actually want? This is the ultimate irony, because corporations often want federal regulations in order to have uniform standards. But such

Michael Barsa



David Dana



regulations have costs too. However, if these costs must be offset by repealing other regulations, we might face a situation in which agencies like the EPA may be unable to address hazards like lead poisoning because corporate-friendly regulations have consumed the entire budget for any new regulatory costs.

By focusing on only the costs of complying with the regulation,

and not on the costs that the regulation is trying to prevent, Trump's order puts us all at grave risk. ■

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*David A. Dana is the Kirkland & Ellis Professor of Law and associate dean for faculty affairs. Michael R. Barsa is a professor of practice and co-director of the Environmental Law Concentration.*

## (Re)Defining Race: Addressing the Consequences of the Law's Failure to Define Race

*The following is a brief excerpt from a forthcoming piece in the Cardozo Law Review.*

Imagine a person for whom the following things are true. This person is often asked, "What are you?" and is faced with many guesses as to the answer: mixed race, Indian, Puerto Rican, Dominican, Black,

White with a tan. It is not uncommon for others to approach this person with questions in multiple languages. This person would say that s/he has a White mother and a Black father. This

person has a diverse social network, and at different times can be seen associating with groups that are predominantly White, predominantly Black, or racially mixed. This person self-identifies as multiracial, as Black, and as White, depending on the situation, the context, or perhaps the layout of the particular form asking the question. Now imagine that you were asked to identify the race of this person. Which of the available pieces of information, assuming you had access to all described above, would you rely on? One could make a case for the dominance or superiority of any one piece of information, but it would also be

difficult to argue that reliance on any of the others was objectively wrong. While this hypothetical person could be considered the most extreme version of racial ambiguity, this person's ambiguity highlights the variety of ways we think about racial identity and cues to racial group membership. Depending on which piece of information someone has access to or prefers to base racial categorizations on, as well as the particular manifestation of the cue in the moment, different perceivers/categorizers may come to different conclusions about the racial identity of the above-described person.

Like people in everyday life, the law also pervasively categorizes people by race and has done so for centuries, yet if we asked Chief Justice Roberts, for example, about how to identify the above hypothetical person, he'd be just as confused. The pervasive need to categorize creates discomfort among many, including jurists like Chief Justice Roberts, particularly when they subscribe to a colorblind ideal. Thus, Roberts, who invokes a colorblind society in arguing that we must stop discrimination on the basis of race by refusing to see racial categories or identities, still muses about what it means to be Hispanic in *Fisher v. University of Texas*, even though the rumination on the meaning of race unsurprisingly found no place in the final decision of that case.

Despite the Court's relative silence on the meaning and construction of race, the law relies on conceptions of race to sort out a wide range of conflicts. For example, imagine the above hypothetical person is

a plaintiff in a discrimination case. How do (or should) courts go about making a determination about which aspects of this person's identity are relevant to making a determination about whether something has occurred because of this person's race? In this example, in the absence of guidance from discrimination laws themselves about what is meant by race, the answer is unclear. And the answer is not only unclear now, for legal history is filled with numerous stories about individuals living at the boundaries of racial categories and the law's clumsy attempts to reconcile their complex identities, particularly in light of legal definitions of race that were hard to apply in practice, inconsistent, and/or non-existent. In this particular type of discrimination case, racial identities most often pass without dispute or reflection, but for a growing number of individuals, those that exist at the margins of existing racial categories, their protection against racial discrimination, for example, may not be guaranteed in light of the law's internal discomfort with confronting the complex and ambiguous nature of the legal construction of race as a concept. Therefore, this Article discusses both the cognitive and legal origins of race and the implications of race as a concept that is multiply-determined (by multiple racial cues and definitions) at a time when the law is generally hesitant to engage in definitional discussions of race even in areas of race-conscious law. ■

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*Destiny Peery (JD-PhD '12) is an assistant professor of law.*



*Destiny Peery*



## A Conversation with Professor James Pfander on *Constitutional Torts and the War on Terror*

In his new book, James E. Pfander, Owen L. Coon Professor of Law, examines the judicial response to human rights claims arising from the Bush Administration's war on terror. Despite widespread agreement that the program of extraordinary rendition, prolonged detention, and "enhanced" interrogation was torture by another name, not a single federal appellate court has confirmed an award of damages to the program's victims.

*Constitutional Torts and the War on Terror* (Oxford University Press, 2017) traces the history of common law accountability, the rise of claims based on the landmark 1971 Supreme Court decision in *Bivens v. Six Unknown Named Agents of the Federal Bureau of Narcotics*, the post-*Bivens* history of constitutional tort litigation, and what the Supreme Court could do to rethink its *Bivens* jurisprudence.

*The Reporter* spoke with Professor Pfander about the book.

### What inspired you to write this book?

I have long been interested in the history of the federal court system and the role of courts in ensuring government accountability. I've written about the use of the officer suit as a way to secure accountability in the face of government's sovereign immunity claims and the historic practice of Congress in indemnifying officials held responsible for violations of individual rights. I've also written about the special role the *Bivens* action plays in our modern scheme of constitutional remedies. With that background, it seemed natural to ask—as I do in the book—why the federal courts have so far entirely failed to offer civil redress to those who were victimized by the Bush administration's use of torture as an instrument of official policy in the war on terror.

You argue that despite current law seemingly prohibiting the extraordinary rendition and enhanced interrogation techniques used during the war on terror, the federal courts have not granted proper relief when hearing these cases. Instead of additional legislation, you argue the federal courts "should fundamentally rethink the manner in which they enforce constitutional rights protections." Why is that solution preferable to additional legislation? And what would that shift in interpretation look like?

Law books abound with provisions that bar torture. We have constitutional guarantees of due process, prohibitions against cruel and unusual punishment, limits on coercive interrogation and punitive detention, requirements of prompt arraignment that bar kidnapping and disappearance, treaties that prohibit torture and cruel, inhuman and degrading treatment. In the context of domestic criminal process, courts routinely give effect to these assurances of fair and humane treatment. But in the war on terror, the courts have gone silent, using various doctrinal tools to dismiss claims, deny redress, and avert their gaze. Additional legislation, further

prohibiting torture, cannot supply the judicial will needed to provide effective remedies.

To afford redress, and develop rules of law that will define the limits of permissible interrogation and detention, federal courts must find a way to address the merits of these claims, rather than dismissing them on national security grounds. How to do that? Obviously, the Supreme Court has to reframe its approach to *Bivens* litigation, accepting the suit for damages as a key element in a system of effective remedies. But perhaps more important, the Court has to understand its judicial duty as including civil redress for individu-

als whose rights have been violated. That's no new thing; indeed, federal courts in the nineteenth century refused to consider issues of military policy and national security and only addressed the legality of government action. They did so, moreover, even where the claimants were foreign nationals injured outside the territory of the United States. In the past few decades, the Court has turned away from a narrow focus on the legality of government conduct to embrace a wide range of discretionary policy considerations that have resulted in a widespread refusal to adjudicate.

When researching and writing this book, did you learn anything surprising?

To me, the most surprising finding in the book was the wide gap between the hands-off attitude of today and the frank willingness of the federal courts in the nineteenth century to offer civil redress against officials of the government. In *Little v. Barreme* (1803), Chief Justice Marshall upheld an award of substantial damages against a U.S. naval captain who wrongly intercepted a boat operated by Danish nationals. In *The Appollon* (1824), Justice Joseph Story

James Pfander



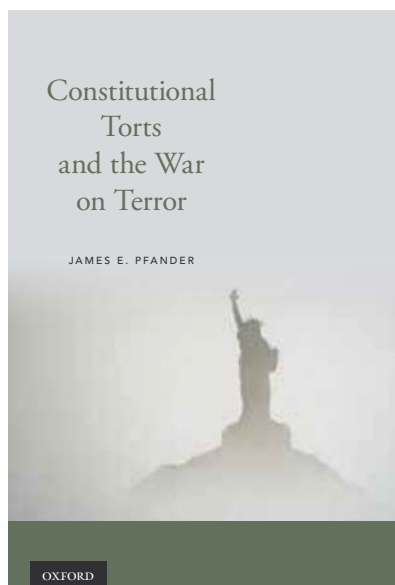
allowed a substantial damage award to stand against U.S. officials who seized a French vessel in the port of another country. Here's Justice Story's explanation:

"It may be fit and proper for the government . . . to act on a sudden emergency . . . by summary measures, which are not found in the text of the laws. Such measures are properly matters of state, and if the responsibility it taken, under justifiable circumstances, the Legislature will doubtless apply a proper indemnity. But this Court can only look to questions, whether the laws have been violated; and if they were, justice demands, that the injured party should receive a suitable redress."

Story was making a straightforward argument, based on the proper function of each branch of the government. The executive must act in the heat of the moment; Congress can protect the officials in question by indemnifying them against any civil liability. But the courts must follow the law and afford a "suitable redress" to victims of illegal government action. Today, instead of following the law, the courts have been acting more like a policy-making legislature in attempting to excuse or justify executive branch actions. President Trump claimed that "waterboarding works," and has suggested his administration might roll back President Obama's executive order forbidding interrogation techniques deemed to be torture by the Senate's report. How should the Courts and lawyers (and Congress and the public) move forward during this administration? Where do you expect these issues to go over the next 4 years? Unfortunately, President Trump appears to be misinformed about the efficacy of waterboarding. Happily, though, his Secretary of Defense, James Mattis, understands that interrogators will get further, in his words, with "cigarettes and a beer" than with harsh interrogation tactics. That was certainly the conclusion of the Senate Torture Report. President Trump has indicated that he may, at least initially, defer to Secretary Mattis.

President Trump's comment does, however, highlight one of the serious problems associated with the hands-off attitude of the federal courts. The Court has never had occasion to declare waterboarding to be torture, even though it has been widely so described by a range of political figures. In the absence of a clear federal judicial decision to that effect, the law as currently constructed invites the executive branch to take aggressive action in the shadow of legal uncertainty. The failure to adjudicate leaves the law unsettled and creates space for a new round of rights abuses.

I worry most, looking forward, that the breakdown in trust between President Trump and our national security team could lead to a major terrorist attack. Then we will be forced to reckon with the humanitarian consequences of the attack and the likely executive branch response. President Trump has already positioned himself, in his response to the immigration ban litigation, to blame the federal courts for anything that happens. No one will win if a



determined executive seeks to undermine the legitimacy of the federal courts.

Does your book shed light on any current controversies?

On February 21, 2017, the Supreme Court heard oral argument in *Hernandez v. Mesa*, a case that presents questions at the analytical

center of the book. The case began when a border patrol agent of the United States shot and killed a young Mexican national standing on the Mexican side of the border. The young man's family has sued the agent for damages, alleging a violation of the Fourth Amendment's prohibition of unreasonable seizures. No other body of law, besides a *Bivens* action, provides any hope of redress or remediation. The Fifth Circuit, sitting en banc, nonetheless dismissed the case, citing uncertainty about the degree to which the U.S. Constitution applies to conduct across the border. My book explains why, in the absence of any conflicting or overlapping body of remedial law, the U.S. Constitution and *Bivens* apply, essentially as the only remedial option.

On January 18, 2017, the Court heard oral argument in a *Bivens* action coming up from the Second Circuit, in which Muslim men detained in New York in the wake of 9/11 seek damages for the government's imposition of punitive conditions of confinement. In addition, a range of torture cases remain pending in the federal courts, including some that have been brought against the psychologists hired by the CIA to oversee the program. While litigation against private contractors differs from that against federal agents themselves, the cases may offer the federal courts an opportunity to clarify the law.

What is the biggest takeaway you hope readers will get?

It's hard for the federal courts to enforce the rule of law against patriotic federal government officials who are acting to protect the country. The judges who serve in the federal judiciary are smart, hard-working and devoted to the public weal. They enjoy remarkable independence from political reprisals, but they fear for their country and recall the shock and despair and pain caused by the 9/11 attacks. I want readers to understand that the federal courts can be patriotic without deferring entirely to the executive branch's claims of necessity. By adopting Justice Story's narrow conception of the job, federal courts can pass on issues of legality, and leave the political branches free to act for the national good, within the bounds of the law. ■



## A Conversation with Professor Stephen Presser on *Law Professors: Three Centuries of Shaping American Law*

Stephen Presser, Raoul Berger Professor of Law Emeritus, argues in his new book, *Law Professors: Three Centuries of Shaping American Law* (West Academic, 2017), that there is no country in the world where law professors have had more of an influence on shaping the law than in the United States.

Beginning in the 18th century with William Blackstone and an examination how the English common law set the groundwork for American law, Presser profiles an individual legal scholar (or small group) in each chapter, moving through the years and schools of thought in legal education.

*The Reporter* spoke with Professor Presser about the book, which he calls his “love letter to the teaching of law.”

Why did you decide to write this book? And how did you decide to write it the way you did, each chapter focusing on a different law professor?

The first reason for writing it is it became clear to me watching politics, there is now a major division between

the two major political parties on what the law ought to be like, what Supreme Court justices ought to be thinking about and how you really preserve the rule of law. The more I thought about it, I thought, “You know, I wonder if the problem is really in the law schools.” Then I began to notice I wasn’t the only one wondering about that. A lot of the things that were said about President Obama were attributed to his being a former law professor and I thought that was just fascinating. Leon Panetta is quoted in the introduction to the book, and that remark led me to think, “Well, what’s really going on here? What is it about law professors? Are they self-deluded

and if so, how has that come to be?”

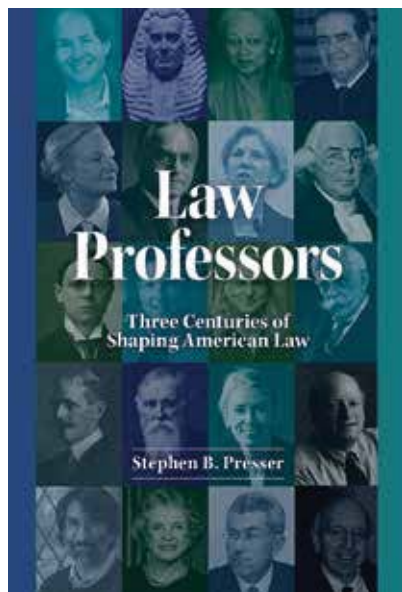
So I started to think about it, and I thought maybe the way to think about this is to go back to the beginning, to think about the earliest law professors, people

like Blackstone and James Wilson and Joseph Story and Christopher Columbus Langdell and think about what they thought and think about whether we still think the same thing. So I decided a biographical treatment with representative figures was the best way to do it. My model was a book by Joseph Epstein on literary geniuses. I thought, who were the genius law professors? What did they say and how did their influence play out? So I just started thinking and writing. A lot of this came from doing a casebook on legal history and teaching legal history not only to our regular law students but also to LLMS. I’ve been thinking about these issues since I began teaching more

than 40 years and this was a way to pull it all together toward the end of my career. I wanted to explore not only how things developed, how we reached the point we’re at now, and how we have such a horrid divide in the country about proper attitude toward the law, but I wanted to make a statement based on all the years that I’ve been teaching and put something that I could say, “Here’s my summa, here’s what I think about when I teach, and here’s my contribution to preserving the rule of law as it ought to be.”

The book diagnoses what you see as the fundamental problem with the direction the legal academy has taken, conflating law and politics and how law professors are responsible. Can you explain that?

I think where things went wrong, if not earlier, was with Oliver Wendell Holmes Jr. and his book, *The Common Law*. There’s a whole chapter on Holmes and what he said is “The life of the law has not been logic. It has been experience.” It’s revolting to have no better reason for the rule of law than that’s the way it was done in the time of Henry IV. In particular, he attacked Christopher Columbus Langdell for trying to suggest there really was an organic, coherent common law tradition. For Holmes, judges were really legislators and he seemed to think that’s what they should be doing. I think that’s profoundly and sadly wrong. What judges are supposed to be doing is applying preexisting rules—not turning them in new directions and not being legislators. If judges think they can make it up as



they go along, the security of the person and property that the rule of law is supposed to guarantee goes right out the window. Now Holmes was talking about private law but Holmes' notion in the hands of the group we know as the legal realists and then later the critical legal studies people was basically taken to mean even with constitutional law, it's the job of the judges to change the constitution to fit the needs of the times, the so-called living constitution notion and what I suggest in the book is that that couldn't be more wrong. The correct view, in my humble opinion, is the attitude that is perhaps best exemplified these days by the late Antonin Scalia, who is also the subject of a chapter. That attitude is essentially, that you try to interpret the Constitution in the manner those who wrote the language understood it, and if you don't like that manner, then you amend the constitution or you pass a law. You use the popular branch, the legislature, or the people themselves to change what the law or the Constitution is but you don't do it through unelected judges.

*In your view, what's the solution?*

There are a lot of things we can do. One solution contained in the book, is to realize that all through our legal educational history, there has been a reaction to the ideas of legal realism and critical legal studies and the living Constitution approach. What I tried to do in the book is illustrate that. That means looking at people like Herbert Wechsler at Columbia, Paul Carrington at Duke, and Mary Ann Glendon at Harvard, who are all subjects of chapters. I wanted to show "look, this dominant view in the academy about the law being malleable and the law being politics isn't all there is." There's a different tradition that we can study and we can bring forward.

*You have a fascinating chapter in the book about former Northwestern Law Dean John Henry Wigmore, and you suggest that his legacy undervalues his contributions. How would you characterize them?*

He was a pioneer at three or four different things. One of them was he was a comparativist. As the book points out, he taught in Japan and he tried to think about what things are common in the world's legal systems; he wrote a book called *Panorama of the World's Legal Systems*. Most American lawyers and law professors don't know anything about any other country's law and he was a towering figure who tried to think about that. That's one thing, another thing is he's responsible for the powerful tradition at Northwestern to try to

do empirical analysis of law and to try to understand how the law really works. His treatise on evidence is an attempt to do that. He asks what happens at trials, how is evidence presented, what parts of what's presented ought to be believable, what's not? And so he writes this 12-volume treatise that has never been equaled. So we'd say he's both an empiricist and a treatise writer and his achievement is monumental and fundamental and all but ignored except among scholars of evidence these days. In his era, he knew everybody who was anybody. He had the enormous respect of people like Holmes and the great Harvard Law School dean, Roscoe Pound, who began his academic career under Wigmore at Northwestern, but then Chicago stole Pound and then he moved on to Harvard.

And everybody and his uncle wanted to get Wigmore to teach for their law school, but he refused to leave Northwestern, which is a rare thing to do. He was a loyal guy. To say nothing of the fact that he built the chimes to play the Law School song.

*What do you hope readers will get from the book?*

As it says in the preface, the book is a love letter to the teaching of law and in a way, a love letter to Northwestern, where I was tolerated and where I was allowed to do all the things that I wanted to do and to be a voice that's a little bit different from most of the folks on the faculty. I was trying to speak to a very, very broad audience and to do something that was a literary effort as well as a piece of legal scholarship. I wanted to write something that would be of interest to everybody, but particularly of interest to people who pass through Northwestern and wondered what it was I trying to do with them. ■



Stephen Presser



## STUDENT LIFE

### Bartlit Center Trial Teams Excel at National Trial Competitions



A team from the Bartlit Center for Trial Advocacy won the national championship in the National Trial Competition held in Fort Worth, Texas, March 23 to 25.

Stacy Kapustina (JD '17), Douglas

Bates (JD '17), and Garrett Fields (JD '18) took first place in a field that originally included 300 teams in 14 regions.

The National Trial Competition, sponsored by the Texas Young Lawyers Association and the American College of Trial Lawyers, is the oldest and most prestigious trial competition in the United States. Bartlit Center teams have now won the competition five times, which ties for the most of any law school. The previous championship wins came in 1992, 1997, 2002 and 2011.

The Bartlit Center team was coached by Richard Levin of the Levin Riback Law Group.

"Our students put tremendous effort into their work, and they competed at the highest level of skill, dedication and professionalism," Levin said. "Stacy Kapustina, our captain, is the first student in our program to advance to the national competition two years in a row.

She took over the courtroom with her incredible presence and style."

"Doug Bates gave the most outstanding closing argument I have seen," Levin said. "Garrett Fields performed a stunning cross-examination that catapulted our team into the playoff rounds. These three students exemplify teamwork in the litigation setting, and they are already among the most talented trial lawyers."

Earlier this year, Brenna McLean (JD '17), Patrick Cordova (JD '17), Michael Ovca (JD '17), and Brooke Troutman (JD '18), advanced to the final round and captured second place at the national ABA Labor Law Competition in New Orleans, after winning the Midwest Regional in the fall. The team was coached by Robert Robertson and Marko Duric (JD '12) of Robertson Duric, and Kendrick Washington (JD '10) of the U.S. Department of Education, Office for Civil Rights.

"This has been a year of tremendous success for our ABA Labor Law teams, who have put in countless hours perfecting their skills, while maintaining the highest standards of professionalism," Washington said.

"What stood out about these exceptional students, among many other things, was that they possess the skill and the character to enter any courtroom in the country and try real cases," added Duric.

"We are especially proud because our students always approach these competitions by putting educational values first," said Steven Lubet, the Williams Memorial Professor of Law and the director of the Bartlit Center. ■

### JD Team Wins National ABA Tax Competition

A Northwestern Pritzker School of Law team won first place in the JD division of the American Bar Association's (ABA) 16th Annual Law Student Tax Challenge held last month in Orlando, Florida.

Tyler Johnson (JD-LLM Tax '17) and Anna Peckjian (JD '18) were coached by Professor Sarah Lawsky.

The challenge is designed to give students an opportunity to research, write about, and present their analyses of a real-life tax planning problem.

"I wanted to compete in the ABA Tax Challenge because I thought it would be a good opportunity to practice oral advocacy skills. Oral advocacy may not be the first thing that comes to mind when people think of tax lawyers, but

I think it is such an important skill for attorneys to develop. This challenge was a fantastic opportunity to do so among highly respected tax attorneys and U.S. Tax Court judges," said Johnson, who will clerk for Judge Tamara Ashford of the U.S. Tax Court later this year.

"This was one of my favorite experiences I've had in law school," said Peckjian, who will work as a summer associate for Kirkland & Ellis. "I really appreciated the support that we received from our sponsor, Professor Lawsky, and the tax professors at Northwestern who mooted us and helped us prepare for the competition."

Northwestern Law teams have won the LLM Tax division of the competition six times in the past decade, but Johnson and

Peckjian are the first JD team from the Law School to participate.

"It was an incredible opportunity, and it felt great to win," Peckjian said. "I think that our win was able to showcase the incredible education that law students receive from the Tax Program at Northwestern." ■

(From left) Anna Peckjian, Sarah Lawsky, Tyler Johnson



## Visibility Initiative Stands for Inclusion

In February, over two hundred Northwestern Law students, faculty, and staff gathered to honor diversity and inclusion, as well as show solidarity with members of our community and people everywhere affected by recent executive orders. The photo was part of the Law School's Visibility Initiative, a student-led effort to expand representation of the entire community throughout the Law School. ■



## Students and Faculty Turn Election Day into Day of Civic Service

On Election Day, over two hundred students and faculty members served as election judges, poll watchers, and other volunteers as part of Northwestern Pritzker School of Law's Day of Civic Service.

Last spring, Dean Daniel B. Rodriguez and the administration approved a student-led initiative to cancel classes on Election Day, so students could participate in the process.



Ari Tolman



Craig Sanders

"Voting rights aren't merely something to read about—they're fragile and precious, and they require our vigilant protection. I will forever be proud that this school was the first to recognize that we, as law students and lawyers, have a duty to uphold *and exercise* these fundamental rights," said Beau Tremitiere, the lead organizer of the Day of Civic Service effort, who also helped students at other law schools encourage their administrations to follow suit.

The student and faculty volunteers answered phone calls for a voter hotline, worked as poll watchers, served as election judges across Cook County (and supported high school election judges),

and surveyed polling places to determine accessibility for voters with disabilities.

"I'm in my 30s and this is the first time I've volunteered during an election, though I've voted in every election since I turned 18," said Craig Sanders (JD '17). "This year, I answered phones for the non-partisan group Election Protection. It amazed me how even simple issues can cause confusion for voters, and how a ten-second phone call could clear everything up. For every voter I assisted, I can only imagine the dozens who didn't vote because a small logistical challenge made it too inconvenient, and they didn't know where or how to get help."

Ari Tolman (JD-PhD '19) volunteered with Equip for Equality, a non-profit legal advocacy organization for people with disabilities, and spent the day visiting several precincts' polling places on Chicago's south side, to ensure accessibility.

"All the poll workers I spoke to were just great—very friendly and helpful; they clearly really cared about helping everyone eligible to vote, including people with disabilities, but it was also clear that a lot of the city's infrastructure for elections needs to be improved to make sure that voting is accessible to all," she said.

These challenges highlight the need for engagement from capable volunteers, and Tremitiere hopes and expects these efforts to continue.

"With approximately two hundred students and members of the faculty volunteering in and around Chicago, Election Day truly was our Day of Civic Service. Following our lead, dozens of other law schools around the country took important steps to empower their students to participate, and I am confident that others will recognize Northwestern's commitment to civic engagement as the gold standard for future elections," Tremitiere said. "I will never forget the hope and pride exuded by the first-time voters—many of whom were children of immigrants or working mothers—I met while volunteering as a non-partisan poll watcher in West Englewood. Their passionate commitment to civic duty should guide all of us moving forward." ■



## ALUMNI NOTES

### Five Honored at 2016 Alumni Awards Luncheon

On Friday, October 21, Dean Daniel B. Rodriguez presented awards to five distinguished alumni at Northwestern Pritzker School of Law's fourth annual Alumni Awards Luncheon at the University Club of Chicago. The awards and recipients are:



#### DISTINGUISHED ALUMNUS AWARD Neil Eggleston

Neil Eggleston (JD '78) received the Distinguished Alumnus Award, given to a graduate for extraordinary contributions to the legal field. Eggleston has served as White House Counsel to the President since May of 2014. As the President's

chief lawyer, Eggleston advises the President on all legal and Constitutional issues across a broad spectrum of domestic and foreign policy matters. These matters include significant litigation, the defense of congressional investigations, the judicial selection and nomination process, government ethics, and clemency. Eggleston was previously a partner at both Kirkland & Ellis and Debevoise & Plimpton. After clerkships for Judge Hunter on the Third Circuit and Chief Justice Burger on the Supreme Court,

Eggleston started his career as an Assistant US Attorney in the Southern District of New York. Eggleston served as Associate Counsel in the Clinton administration, after previously serving as Deputy Chief Counsel of the congressional committee that investigated the Iran-Contra Affair.



#### EMERGING LEADER AWARD James Koutoulas

James L. Koutoulas (JD '06) received the Emerging Leader Award, presented in recognition of career achievements by a graduate from the last ten years. Koutoulas is the CEO of Typhon Capital Management which he founded in 2008.

Typhon operates seven niche commodity trading strategies under a common operational and risk framework. Typhon also operates

bespoke hedging strategies in the energy and volatility spaces. Koutoulas is the President and Co-Founder of the Commodity Customer Coalition (CCC), which was formed in response to the MF Global bankruptcy. Via the CCC, Koutoulas represented over 10,000 customers pro bono and helped force the full return of \$6.7B in customer assets. He served on the Board of Directors of the National Futures Association for three years. He has appeared on CNBC, Bloomberg, and CNN, and has been featured in major national publications such as Wall Street Journal, New York Times, Fortune, Forbes, and Reuters. He serves as a consulting expert to the Northwestern Investor Protection Clinic and is a member of its Advisory Board.



## VOLUNTEER SERVICE AWARD

### Marlene Nations

Marlene Nations (JD '82) received the Volunteer Service Award for her continued commitment to the Law School. Nations is a partner in Dentons Real Estate practice. Nations has practiced real estate law in Chicago for her entire career,

and while her practice is national in scope, she has a significant focus on transactions in the Chicago metropolitan area. Nations is widely recognized as one of the city of Chicago's most versatile practitioners, having represented private and institutional clients in a wide range of debt and equity transactions and in restructuring and transactions involving distressed real estate. Nations's clients include private real estate development companies, financial institutions, institutional investors and investment advisors. She is especially well known for her experience in the development, acquisition, capitalization and sales of multi-family housing, both market-rate and affordable, and in the creation of joint venture relationships.

## INTERNATIONAL ALUMNUS AWARD

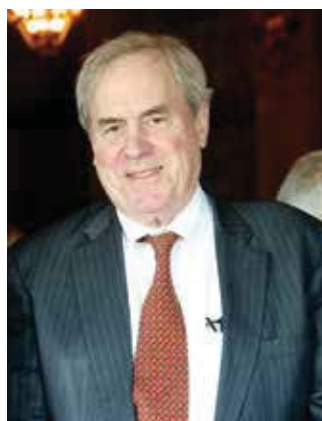
### Leontine Chuang

Leontine Chuang (BA '97, JD '01) received the International Alumnus Award, presented in recognition of international career achievements. Chuang started her legal career at Simpson Thacher & Bartlett LLP, working as a capital markets and private equity lawyer for almost four years before changing career paths in 2004. After leaving corporate law, she joined the United Nations High



Commissioner for Refugees' Hong Kong office where she served as a protection and refugee status determination officer for six years reviewing asylum applications and providing support for protection matters. Later, she served as a resettlement officer for three years helping recognized refugees find permanent homes in resettlement countries

including the United States and Canada. For the past two years, she has been on a career break and spending time with her three children now aged seven, six and two. In September 2016, she joined PILnet, an international NGO promoting public interest law, to help them run projects in Hong Kong. She serves as a Governor of the Lee Hysan Foundation, a private family foundation that actively supports meaningful charitable initiatives in Hong Kong. Chuang received her bachelor of arts from the Judd A. and Marjorie Weinberg College of Arts and Sciences in 1997 before attending the Law School.



## DAWN CLARK NETSCH AWARD FOR PUBLIC SERVICE

### Thomas Geraghty

Thomas Geraghty (JD '69) received the Dawn Clark Netsch Award for Public Service. Geraghty is the Class of 1967 James B. Haddad Professor of Law, the Associate Dean for Clinical Legal Education

and Director of the Bluhm Legal Clinic at the Northwestern Pritzker School of Law. He is a graduate of Harvard College and Northwestern Law. The Bluhm Legal Clinic houses 35 clinical faculty members and enrolls 170 students each year in its various programs. In addition to teaching, fund-raising, and administrative responsibilities, Geraghty maintains an active caseload at the Bluhm Legal Clinic, concentrating primarily in criminal and juvenile defense, death penalty appeals, child-centered projects dealing with the representation of children and juvenile court reform. Professor Geraghty is a member of the Board of Trustees of The National Institute for Trial Advocacy. ■



## Record Attendance for Alumni Weekend and Reunion 2016

In late October, the Law School welcomed over 1000 alumni and guests (a record!) back to the Law School for a full schedule of events that included class parties, the 4th Annual Alumni Awards Luncheon, and panel discussions covering a range of relevant topics—plus a football victory! Highlights of the weekend included the following:

### JD-MBA 15TH ANNIVERSARY

Widely regarded as the strongest JD-MBA program in the country, alums shared their perspective on how the degree helped shape their careers and its implications for the future of legal education.

### FIRST BLSA REUNION EVENT

Black Law Students Association alums held the first-ever reunion meetup for an affinity group.

### FORMER SCOTUS CLERKS PANEL

A panel of former Supreme Court law clerks provided a “behind the scenes” view on daily life with the justices, as well as highlights from specific cases.

### RESPONDING TO THE GLOBAL MIGRATION CRISIS

Faculty and alumni discussed the causes, consequences and politics from multiple perspectives—ethical, political, economic, and cultural.

**WORKING AT THE INTERSECTION OF LAW, BUSINESS, AND TECHNOLOGY**  
Alumni discussed the blurring lines between legal, business, and technical issues, and the resulting need for lawyers to view problems through a multi-dimensional lens. In this way, forward-thinking lawyers can further innovation and take their careers in new directions. ■











## The Campaign for Northwestern Pritzker School of Law

### Donors Propel Campaign Forward

Northwestern Law gratefully acknowledges the  
generosity of the following donors.

Fitzgerald Fund, which is used to support the Law School at the discretion of the dean. The Fitzgeralds live in Naples, Florida.

#### STEVEN MATTEUCCI (JD '82) AND GENEVIEVE MATTEUCCI

The Matteuccis' generous gift supports both the Law School Fund and admissions recruitment. The newly-established Northwestern Advantage Fund makes it possible for admitted students from distant markets to visit the Law School. Their gift was motivated by the belief that prospective students will be compelled to attend the Law School once they spend time on campus and experience the Northwestern Law Difference first-hand. Mr. Matteucci is the Chairman of CTC| myCFO and is an active member of Law Board and the Campaign Cabinet.

Major gifts received between April 2016 and December 2016:

#### NINA G. STILLMAN (JD '73)

Ms. Stillman's generous gift of \$250,000 continues to support the Melvin & Joyce Stillman International Program Fund, in honor of her parents. The fund supports international programming at the Law School, in particular faculty exchanges or student study abroad in Israel. Ms. Stillman is a well-known employment and occupational safety and health law defense attorney. She was the first female partner at Vedder Price and one of the founding partners of Morgan Lewis' Chicago office.

#### HONORABLE DEAN HANSELL (JD '77)

Judge Hansell's generous gift of \$250,000 establishes the Dean Hansell LGBT Advocates Scholarship Fund, which supports students committed to work as LGBTQ advocates. Judge Hansell is a lifelong advocate of civil rights and was appointed to the Superior Court of Los Angeles County in California in June 2016.

#### THOMAS G. FITZGERALD (JD '79, MBA '79) AND JOYCE MANCARI FITZGERALD (MM '79)

The Fitzgeralds' generous gift of \$250,000 benefits the T. G. & J. M.

#### P. JOHN OWEN (JD '72)

Mr. Owen's generous bequest expectancy of \$200,000 will be used to support scholarships and the Law School's Loan Repayment Assistance Program which provides loan repayment assistance to Law School graduates who enter public interest and government jobs.

#### CHRISTINE EVANS (JD '03, LLM '11) AND MICHAEL EVANS

The Evans' generous gift of \$180,000 establishes the Evans LLM-IHR Scholarship Fund to benefit one international student enrolled in the LLM program in International Human Rights. An additional gift of \$20,000 supports the Bluhm Legal Clinic Fund. Ms. Evans currently serves as the Legal Director at Chicago Alliance Against Sexual Exploitation and is an adjunct faculty member at the Law School.

#### BILL HOCHKAMMER (JD '69) AND MARCIA HOCHKAMMER

The Hochkammers' generous gift of \$150,000 adds to the existing William O. and Marcia A. Hochkammer Scholarship Fund for students with demonstrated financial need. Mr. Hochkammer is a partner at Honigman Miller Schwartz and Cohn LLP with a focus

on health care and alternative risk financing. He is a member of Law Board and the Campaign Cabinet.

#### AMY RABINOWITZ KAPLAN (JD '97) AND MARTIN KAPLAN

The Kaplans' generous gift supports the Bluhm Legal Clinic Fund. Ms. Kaplan is deeply involved with the Clinic as a member of its Advisory Board and was a longtime volunteer with the Center on Wrongful Convictions (CWC). In 2012, she received the CWC's Jane Beber Abramson award in recognition of her dedication to pursuing justice for the wrongfully convicted.

#### PROFESSOR STEPHEN CALABRESI

Professor Stephen Calabresi's generous gift of \$100,000 establishes the Abraham Lincoln Lecture on Constitutional Law. Professor Calabresi endowed this lectureship in President Lincoln's name to honor Lincoln's extraordinary work as a lawyer and as the leader who ended slavery. Professor Calabresi serves as the Clayton J. and Henry R. Barber Professor of Law.

#### JAMES D. WAREHAM (JD '86) AND LAURA L. WAREHAM

The Warehams' generous gift of \$100,000 benefits the Law School Annual Fund, which supports the Law School's annual operating budget, funding numerous activities and programs. Mr. Wareham is a partner at Fried Frank, where he is Global Chair of the Litigation Department.

#### MICHAEL Y. SCUDDER, JR. (JD '98) AND SARAH R. SCUDDER

The Scudders' generous gift of \$100,000 benefits the Law School Annual Fund. Mr. Scudder is a partner at Skadden, Arps, Slate, Meagher & Flom LLP, where he leads the accounting practice. From 2007–2009, Mr. Scudder served in the White House as general counsel of the National Security Council under President George W. Bush. He is a member of the Campaign Cabinet.

#### HON. WILLIAM J. BOYCE (JD '88) AND MARIA WYCKOFF BOYCE (JD '88)

The Boyces' generous gift of \$100,000 benefits the Law School Scholarship Fund. Justice Boyce was appointed to the Fourteenth Court of Appeals in December 2007 after practicing law for 18 years at Fulbright & Jaworski LLP. Ms. Boyce is a partner at Hogan Lovells, where she prosecutes and defends complex commercial and intellectual property cases in the energy and technology industries.

#### JEANNETTE REUBEN

The late Mrs. Reuben's generous gift added additional funds to the Don and Jeannette Reuben Scholarship Fund for students in need of financial assistance. The late Mr. Reuben was a member of the Class of 1952 whose 58-year career in the law included serving as managing partner of Kirkland & Ellis, as well as founding the firm of Reuben & Proctor. Mr. Reuben was an active member of the Law Board and a trustee of Northwestern University.

Scholarship Challenge for  
Today and Tomorrow Donors:  
The following benefactors generously made endowed gifts of at least \$200,000 that were met with a one-to-two match by J.B. and M.K. Pritzker to create new endowed scholarships.

THOMAS W. HAWKINS (JD '86)

SARA L. HAYS (JD '89)  
AND JOHN E. MITCHELL (JD '89)

ADAM L. HOEFELICH  
AND DENISE HOEFELICH

JONATHAN NEWCOMB (JD '82)  
AND KATHRYN NEWCOMB

SHEVA SANDERS (JD '84)  
AND THOMAS SANDERS (JD '84)

RICHARD M. TROBMAN (JD '91)  
AND SANDRA TROBMAN



## Northwestern Law Alumni Take Action in Wake of Executive Orders

BY AMY WEISS

Within hours of President Trump's signing of Executive Order 13769 on January 27th—better known as the “travel ban”—protestors, concerned family members, and the media all flocked to international airports across the country. Over the weekend, crowds grew and included large numbers of volunteer attorneys looking to help however they could. Several Northwestern Law alumni shared their experiences and their hopes moving forward.



Ginger Devaney (center) joined volunteer lawyers at O'Hare Airport. Photo courtesy of @ORDLawyersHQ.

### ASSISTING AT THE AIRPORTS

“I decided to just hop in the car at 10 or 11 a.m. on Saturday,” said Alanna Holt (JD '13), a staff attorney at the Immigrant Defenders Law Center in Los Angeles. “I knew that there was a group of lawyers meeting there and I was just going to sort of get a lay of the land.”

“It was really bizarre couple of days. When I first got there, there were maybe six lawyers and a couple of protesters who were holding up signs. Everything felt kind of peaceful and at first no one really knew if bad things were happening.”

“We spoke to a woman from Iran who was waiting on her son, a green card holder. Her son had been detained for something like ten hours and she was really upset. Just that fact that a green card holder was being detained overnight made me realize that this was going to be madness, because if they are willing to hold someone of that status then everyone coming here from these countries on travel visas is in trouble. It is unheard of to not allow a green card holder into the country.”

By the end of her first shift, Holt knew her services were still needed and she returned to LAX's international terminal the next day.

“It was like the whole operation had doubled overnight. There were

thousands of protestors, hundreds of lawyers. There were volunteer interpreters, immigration lawyers, non-immigration lawyers. Still a ton of people being detained. A lot of family members that were there on Saturday were still there the next morning on Sunday, but we had a little bit more of a process in place. We had intake forms and we were starting to figure out how we could do individual advocacy on behalf of people as opposed to just taking their information and adding them to a lawsuit seeking relief in federal court.”

Halfway across the country, Emily Dillingham (JD '06) was one of the volunteers helping to put advocacy processes in place at O'Hare. An associate with Arnold & Porter Kaye Scholer, she received an email from the International Refugee Assistance Project the weekend the order came down, asking available attorneys to come to O'Hare's Terminal 5.

“There was an overwhelming force that showed up,” Dillingham said. “My role that first night was really limited; I canvassed family members, identified candidates for lawsuits and habeas petitions. I just felt compelled to be there.”

In the weeks that followed, Dillingham served as a shift leader multiple times and helped with the administrative work of organizing volunteer attorneys to staff the terminal around the clock, even after the executive orders were stayed in court.

Ginger Devaney (JD '14), an immigration attorney with the Chicago-based Domestic Violence Legal Clinic, joined the group of volunteer lawyers staffing O'Hare in the middle of the first week of the initial executive order.

“Once the executive order came down, people were panicking. People were worried that it was going to affect folks that were already in the U.S. They were worried that it was going to be expanded, so the first few days, I was mostly putting out fires with my own clients and clients' relatives who might be affected,” she said.

Devaney was distressed by what she heard from clients and what she saw in action when she joined the airport volunteers.

“It's been just an enormous waste of resources and effort, not to mention inhumane and cruel. But having to cancel and reinstate at least 60,000 visas, just the human energy involved is a ridiculous waste. Also, then you have the poor [Customs and Border Patrol] commanders on the ground who are getting conflicting reports from their supervisors, from the news, from the lawyers who are haranguing them. It's just been very frustrating.”

### EFFORTS EVOLVE

On February 9, the Ninth Circuit Court of Appeals upheld a temporary restraining order on the travel ban. On March 6, the Trump issued Executive Order 13780. This revised order was challenged

immediately, and a temporary restraining order became an indefinite preliminary injunction on March 29. The Trump administration has said it will continue to fight on behalf of the order.

Many immigrant advocacy organizations say despite the stay, legal assistance is still desperately needed and they have sustained a presence at airports and in communities that are fearful about what might come next from the administration.

“Sometimes I wish I had a crystal ball and then sometimes I don’t,” Devaney said. “I work in a legal aid clinic. All of my clients are poor. Most of them are not eligible for public benefits until we help them get status and then some of them are eligible for [Temporary Assistance for Needy Families] and then they become eligible for Medicaid as well. We encourage people to get those immediately; they’re entitled to those benefits and they really help. But now there’s a draft executive order floating around saying that they’re going to expand the grounds for deportability, so now we’re really torn about encouraging people to apply for those benefits at this time.”

The organizations and relationships many attorneys formed on a grassroots level in the wake of the travel ban have laid a groundwork for an apparatus to fight where they see injustices.

“If anything, the revised order has galvanized the attorneys working on this issue. We have changed our name from the O’Hare Legal Team to the Chicago Legal Responders Network (CLRN), as the group evolves from one handling the travel ban to one available to respond to other challenges to civil rights that may arise from the actions of this new administration,” Dillingham said.

Dillingham is also working with attorneys from her firm and partnering with Muslim Advocates, Americans United for Separation of Church and State, and the Southern Poverty Law Center to bring a lawsuit in the D.C. District Court seeking an injunction of the revised order. Oral argument on a preliminary injunction motion is scheduled for April 21.

“I’m incredibly proud of the work that we’re doing,” she said.

Holt, Devaney, and Dillingham all stressed the need for more involvement from those interested.

“We need more lawyers in the immigration system like yesterday,” said Holt, who worked as a public defender before joining the Immigrant Defenders Law Center last year. “We need more funding to put more lawyers into the system because immigration enforcement is not even close to as simple as the president or the administration wants to make it seem—that if you are undocumented then you should just be removed, there’s no reason for you to be here. Well, if someone has U.S. citizen family members and strong ties to the United States and no criminal history then they can qualify for status. There is something that can be done for them, but the only way that’s going to happen is if they have a lawyer.” ■

## Allyson Bain (JD ’16) Awarded Prestigious Skadden Fellowship



*Allyson Bain (JD ’16)*

Allyson Bain (JD ’16) has been selected as a recipient of the prestigious Skadden Fellowship,

one of only 30 awards granted for 2017 by the Skadden Foundation. For the next 2 years, she will work with the Roger Baldwin Foundation—the 501 (c) (3) arm of the ACLU of Illinois—to expand access to, and improve, mental health treatment for low-income children. In particular, Bain will focus on reducing forced institutionalization and expanding community-based mental health systems.

“For communities that may otherwise go unheard, such as individuals with disabilities, public interest work is essential in correcting discriminatory practices and carving out additional protections so that individuals no longer feel burdened by their differences,” said Bain, who has a long track record of meaningful public interest work.

Prior to law school, she was instrumental in the Illinois Restroom Access Act or “Ally’s Law”, which allows individuals experiencing a medical emergency to access employee-only restrooms in retail establishments. She also worked at the U.S. Department of Justice’s Civil Rights Division, where she investigated violations of the Americans with Disabilities Act.

While in law school, Bain spent two semesters in the Bluhm Legal Clinic’s Children and Family Justice Center, representing juveniles who had been accused of committing crimes. She also served as president of Northwestern Law’s Disability Law Society and was the senior articles editor for the *Journal of Law and Social Policy*. Bain returned to the Department of Justice’s Civil Rights Division during one of her summers, where she worked on litigation enforcing the rights of persons with disabilities. Currently, she is a clerk for a judge at the United States District Court for the District of Columbia.

“Ally’s dedication to helping those in need before, during, and after law school is a proud reflection of the values of service and direct impact that Northwestern Law holds. We are delighted by the work on which she is about to embark. We are also very grateful to the Skadden Foundation for recognizing Ally’s commitment to public service and for supporting her as she begins her career as a public interest lawyer,” said Katie Shelton, Associate Director of public interest at the Law School.

The Skadden Fellowship Program, established in 1988, provides funding for graduating law students to pursue their own projects providing legal services to the poor, the elderly, the homeless and the disabled, as well as those deprived of their civil or human rights. ■



# Class Notes

## 1950's

Newton N. Minow (JD '50) received the Presidential Medal of Freedom, the nation's highest civilian honor, from President Obama.

## 1960's

Bud Roegge (JD '62) received the Justice Foundation of West Michigan's Lifetime Achievement Award.

Stephen D. Sugarman (JD '67) received the Section on Torts and Compensation Systems William L. Prosser Award from the Association of American Law Schools.

Anton R. Valukas (JD '68) received The American Lawyer's Lifetime Achievement Award.

William O. Hochkammer (JD '69) received the Gertrude Breithaupt Jupp outstanding service award from Lawrence University.

## 1970's

Howard A. Tullman (JD '70) was appointed to serve on the National Advisory Council on Innovation and Entrepreneurship.

G. Ross Bridgman (JD '73) was recognized as one of The Best Lawyers in America® 2017.

Robert W. Saccoff (JD '73) received the 2016 Award of Merit from the Association Internationale pour la Protection de la Propriété Intellectuelle.

Gail D. Hasbrouck (JD '74) retired from Advocate Health Care and was appointed to their board of directors.

Richard M. Synchef's (JD '75) catalog of Beat and 1960's Counterculture Memorabilia archives were accepted into the permanent holdings of the Oxford University Library.

Lawrence A. Wojcik (JD '77) received the 2016 Edward J. Lewis II Pro Bono Service Award from the Chicago Bar Foundation.

Roland Goss (JD '78) was named the 2016 Laura N. Rinaldi Pro Bono Lawyer of the Year by the District of Columbia Bar.

## 1980's

Paul B. Cleveland (JD '81) was appointed executive chairman of the board of Advernum Biotechnologies.

Jonathan L. Entin (JD '81) became Professor Emeritus at Case Western Reserve University.

Andrew Gavil (JD '81) joined Crowell & Moring LLP's Antitrust Group in Washington, D.C. as senior of counsel.

Joseph P. Kubarek (JD '82) was recognized as one of the 16 Upstate New York Super Lawyers, and as one of The Best Lawyers in America® 2017.

Tamara L. Lundgren (JD '82) was appointed chair of the Portland Branch board of directors.

Sharon M. Porcellio (JD '82) was recognized as one of the 2016 Upstate New York Super Lawyers, 2016 Top 25 Female New York Super Lawyers, The Best Lawyers in America® 2017 and recognized for Public Service by the New York Law Journal.

Linda Fleisher Friedman (JD '83) was promoted to EVP, general counsel and the Executive Committee at Astellas Americas.

Graham C. Grady (JD '83) received the 2017 Dickerson Award from the Chicago Bar Association.

Jonathan R. Nelson (JD '83) established a new law firm, Nelson Madden Black LLP.

Mark D. Lerdal (JD '84) joined the board of Terra Form Global Inc.

Ann Ustad Smith (JD '84) was recognized as one of The Best Lawyers in America® 2017.

Jan Stern Reed (JD '84) was appointed to the board of directors at AngioDynamics.

Kirsten H. Engel (JD '86) was elected to the Arizona House of Representatives.

Susan E. Wheatley (JD '86) was recognized in the 2016 Chambers High Net Worth.

Thomas B. Pahl (JD '88) was appointed acting director of the FTC's Bureau of Consumer Protection.

Peter A. Derendinger (LLM '89) was

appointed a member of the board of directors of Credit Suisse Ltd.

## 1990's

Andrew W. Gould (JD '90) was appointed to the Arizona Supreme Court by Governor Doug Ducey.

Dominic J. Ricotta (JD '90) was promoted to Senior Vice President, Human Resources at Apache Corporation.

John V. Blazek (JD '91) joined On Lok as Chief Development Officer.

Ernest L. Greer (JD '91) received the 2017 Advancement of Justice Award from the National Judicial College.

Jeffrey D. Hanslick (JD '92) joined Littler Mendelson PC as a shareholder.

Jeffrey D. Lapin (JD '92) was named partner at Lord Abbott & Co., LLC.

Myron F. Mackoff (JD '94) was appointed to the 8th Subcircuit vacancy.

D. Scott Powell (JD '92) was recognized as one of The Best Lawyers in America® 2017.

Andrew C. Porter (JD '92) joined Drinker Biddle as a Partner.

Jared F. Bartie (JD '93) was named a Power Player by SportsBusiness Journal.

David C. Blickenstaff (JD '94) was elected a Fellow of the American College of Trust and Estate Counsel.

Halley Gilbert (JD '95) was appointed to the board of directors of Achaogen.

William E. Turner (JD '95) joined Barnes & Thornburg LLP as partner.

John C. Ryan (JD '95) was named President and CEO and appointed to the board of directors of Unilife Corporation.

E. J. Wunsch (JD '96) joined Wendy's as general counsel and secretary, and a member of the Senior Leadership Team.

Neal L. Creighton (JD '98) joined Comodo as advisor, providing insight into the digital certificate industry.

Natasha A. Tarpley (JD '98) published her first novel, *The Harlem Charade*.

## 2000's

Julie B. du Pont (JD '01) was promoted to partner at Arnold & Porter Kaye Scholer.

Dawn L. Yuster (JD '01) was profiled in the Equality Indicator's Change Maker blog.

Rishi Nangia (JD '02) launched a new Daily Fantasy Sports mobile product, Syde.

Jennifer Gallo (JD '04) was promoted to partner at DLA Piper.

Brooke Levy (JD '04) was promoted to SVP and GM at Cydcor.

John Theis (JD '05) was named Special Assistant to the President and Associate White House Counsel.

Gabriel J. Greenbaum (JD '06) was promoted to partner at Pritzker Group Venture Capital.

Lucinda Gryzenia (JD '06) joined Bouhan Falligant as an associate.

Jonathan Hawkins (JD '07) was promoted to partner at Thompson Hine LLP.

Dennis Murashko (JD '07) was appointed General Counsel to Governor Bruce Rauner.

Evan Kaploe (LLM '07) joined Maddin, Hauser, Roth & Heller as a shareholder in the tax practice group.

Katherine E. Kenny (JD '07) was promoted to Assistant General Counsel at Loyola University of Chicago.

Brandon C. Prosansky (JD '07) received the 2016 Davis, Gidwitz & Glasser Young Leadership Award from the Jewish Federation of Metropolitan Chicago.

Myra A. Sutanto Shen (JD '07) was promoted to partner at Wilson Sonsini Goodrich & Rosati.

Adam Garber (LLM '08) was promoted to partner at Levenfeld Pearlstein.

Rebecca L. Dircks (JD '09) was appointed to serve on the Chicago Board of Education by Mayor Rahm Emanuel.

Kristen-Jon Jones (JD '09) was promoted to principal at Goldberg Kohn Ltd.

# Remembering Eddie Einhorn, a Man Who Changed the Game

Eddie Einhorn (JD '60), a veteran Chicago White Sox executive and a pioneer in sports broadcasting, died February 24, 2016 at the age of 80. Einhorn began his affiliation with the Sox as a hot dog vendor while at Northwestern Law, where he became friends with Jerry Reinsdorf (JD '60), long-time chairman of the White Sox.

"We met as first years in Law School in 1957. He was a character even then, always bigger than life and always a hustler—in a positive way. Eddie always had a very big personality that people enjoyed being around. Even then, he was running his radio business out of a pay phone at the end of the hallway in his dorm," said Reinsdorf.

Einhorn started his career in broadcasting, spent more than 30 years in baseball, and also was on the Chicago Bulls' board of directors.

"When I decided to buy a baseball team, one of the words of advice I received was that sports are really about TV. I realized then I needed someone like Eddie," Reinsdorf continued. "Eddie Einhorn truly was a sports marketing and television visionary who was far ahead of his time with so many of his ideas."

Recognized as the architect of baseball's first billion-dollar television contract, Einhorn was instrumental in negotiating Major League Baseball's 1990 deal with CBS-TV and ESPN.

During the 2016 season, the White Sox wore a memorial patch on their uniforms in honor of Einhorn, a black diamond with "Eddie" in the center in white. ■

*Einhorn celebrates at the parade following the White Sox's 2005 World Series Win.*



Jenny Moshkovich (JD '09) joined Barnes & Thornburg LLP as partner.

John Palmer (JD '09) was promoted to partner at Orrick, Herrington & Sutcliffe.

## 2010's

Giselle C. Alexander (LLM '10) was appointed by Governor Doug Ducey to a five-year term on the Arizona State Board of Accountancy.

John D. Arendshorst (JD '10) was promoted to partner at Varnum, LLP.

Matthew Caldwell (JD '10) was named on South Florida Business Journal's "40 Under 40" accomplished young business leaders list for 2016.

Gary Cloudman (LLM '10) joined Metropolitan Capital as head of the Family Office Practice and Investment Bank Associate.

Zachary J. Meyer (JD '10) was promoted to partner at Varnum LLP.

*This list reflects information received by the Office of Alumni Relations and Development as of March 1, 2017.*

Orly M. Henry (JD '11) was recognized by the Fifth Annual Jewish "36 Under 36" List.

Carl P. Evans (JD '11) joined Startup Predictive, Inc. as co-founder, chief product officer, and corporate counsel.

Emily Seymore (JD '11) received the Distinguished Alumni Award at the 2016 Public Interest Law Initiative Annual Luncheon.

Andres Lankenau Martinez (LLM '12) started a new company, Enicon.

William Singer (JD '12) joined Pacifica Law Group as an associate.

Julia Onorato (JD '13) was appointed to the Moorestown and Friends School Committee.

Justin Morgan (JD '14) joined Bryan Cave LLP as an Associate with the Bankruptcy, Restructuring & Creditors' Rights Client Service Group.

David Floyd (LLM '16) rejoined Floyd Law Firm as an attorney.

## In Memoriam

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

### 1930s

David S. Wald (BA '36, JD '39)

### 1940s

Hon. Francis X. Mahoney (JD '48)  
Hon. George W. Christensen (BA '47, JD '49)

### 1950s

Frank A. O'Boyle, Jr. (JD '50)  
William L. Lurie (BBA '52, MBA '54, JD '55)  
Robin Rieper (BSSP '52, JD '55)  
Bernard M. Ellis (BA '54, JD '56)  
W. Richard Helms (BA '52, JD '56)  
Richard W. Laner (BSL '55, LLB '56)  
Prof. Kathryn D. Sowle (JD '56)  
Kenneth J. James (JD '59)

### 1960s

Harold F. Britton (BSL '59, JD '61)  
Henry J. Burt Jr (JD '61)

Thomas B. Duval (JD '62)

Marlin R. Kunard (JD '62)

Howard C. Goode (EB '61, JD '64)

Robert W. Dillon (JD '66, MS '70)

Steven C. Overby (BA '66, JD '69)

### 1970s

Daniel O. Bernstein (JD '72)

Michael J. Canter (JD '72)

Joan C. Stanley (JD '72)

Frank M. Grenard (JD '77)

### 1980s

Louis S. Cohen (JD '81)

Susan Sokup Fauver (JD '88)

Kevin Narko (JD '89)

### 2010s

Jonathan Riley (JD '12)



## CLOSING REMARKS

### Uber Is A Game-changer. How Should We Respond?

BY PROFESSOR JIM SPETA

The entry of ride-sharing companies into traditional taxi markets has been one of the most significant—and global—market phenomena of the past 10 years. Uber and others now provide service in more than 90 countries. And Uber, the innovator and still leader of the pack, has set a new record for a company reaching a \$1 billion valuation, shaving 2 years off of Facebook’s record. Some valuations now put it at over \$70 billion.

Even where it has successfully entered, however, Uber has encountered significant resistance from incumbent taxi drivers, from regulators, and from segments of the public concerned about safety and other issues. And the transition is hardly complete, with relatively few jurisdictions rewriting their laws to address the new markets. Are the few countries in which Uber is still illegal—Germany, Israel, and South Korea for example—correct on transportation policy? If they are not, how should legislators and regulators respond to the change in the market and to the very real concerns about the new companies?

For me, the ride-sharing phenomenon stood at the intersection of traditional regulatory policy— especially the 40-year trend of full or partial deregulation of telecom, railroad, airline and other transportation and utility markets—and more recent Internet-enabled disruptions— such as Internet video providers (Netflix, Hulu, and others) disrupting markets once controlled by cable television companies.

Ride-sharing services do fundamentally change taxi markets. Although taxi markets were not regulated due to high infrastructure costs, regulators did seek to solve the instabilities created, first, when on-street negotiations were uncertain and, second, when price-regulated taxis did not have incentives to provide service to all parts of a city. Ride-sharing services collapse the previously separate hail and dispatch markets into a single, more efficient market. A rider can see a price in the app, and ride-sharing services can provide service in more or less the same time as hailing a taxi. In order to scale efficiently, the platform has incentives to develop fair pricing for both drivers and for riders. Additionally, because both drivers and riders can easily use more than one ride-sharing app, no single app company is likely to be able to capture the entire market. (This, I think, answers the concern about whether Uber has become too big.)

So, if ride-sharing really does change the economic character of the market, what should happen in the law? Based on the history of deregulation in other industries, we can sketch a general response.

First: Separate safety regulation from economic regulation. Before it was eliminated in 1978, the Civil Aeronautics Board regulated airline prices to make sure that airlines didn’t skimp on safety. But safety doesn’t require economic control, and the Federal Aviation Administration now directly ensures that airplanes are safe—without setting ticket prices. Concerns about ride-sharing that go beyond price —whether driver or car safety, data privacy practices, or employment terms for drivers— can all be addressed without limiting the number of taxi medallions or setting prices.

Second: Set competitively neutral universal service policy. Taxis are a part of the overall transportation system, used more by the poor, minorities, and the disabled than other populations. Whenever deregulation opens markets, government must take steps to ensure the funding of universal service, because simple mandates and monopoly cross-subsidies won’t work. And, when universal funding is set and subsidies are provided, government must also set the terms consistent with an open market philosophy: funding burdens and subsidy benefits must be even-handed.

Third: Control externalities directly. The City of New York froze Uber for several months as it studied whether the service was increasing traffic congestion (it wasn’t). Congestion or pollution can be addressed by imposing congestion and emission fees. This is more efficient than a direct limit on the number of taxi medallions, which doesn’t give companies the incentive to innovate on the externalities that are really of concern.

Finally: Manage the incumbents. In taxi markets, as others, the incumbents have defended regulation in part because of the value of their incumbency. The secondary market for medallions has lost millions of dollars in value. In my view, these incumbents were not promised a regulated market forever. More importantly, in taxi markets, medallion value rose because of regulatory failure—the regulator’s unwillingness to authorize enough taxis to serve demand. In the stronger words of Judge Richard Posner, in a case challenging Chicago’s permission for ride-sharing: “Were the old deemed to have a constitutional right to preclude the entry of the new into the markets of the old, economic progress might grind to a halt. Instead of taxis we might have horse and buggies; instead of the telephone, the telegraph; instead of computers, slide rules. Obsolescence would equal entitlement.”

What incumbents are entitled to is regulation that does not hurt them more than the new entrants— a reduction in regulation where it is no longer necessary. ■

*Professor Jim Speta is the Class of 1940 Research Professor of Law, senior associate dean for Academic Affairs and International Initiatives, and director of Executive LLM Programs. Professor Speta’s article, “Southwest Airlines, MCI, and Now Uber: Lessons for Managing Competitive Entry into Taxi Markets,” is forthcoming in the Transportation Law Journal.*

# *Alumni Weekend* *and* REUNION 2017

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