



**PENN LAW'S
PANDEMIC
RESPONSE**

page 26

PennLawJournal

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Send news and photos to the attention of the editor.

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Every effort has been made to ensure accuracy. We offer our sincere apologies for any typographical errors or omissions. Please forward any corrections to the attention of:

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Retail Lawyers

If manning the floor in retail keeps you on your toes, try being the lead lawyer for a big-time fashion or clothing company. Fast-paced doesn't cover it.

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FROM THE DEAN



PHOTO: SAMEER KHAN / FOTOBUDDY

THIS PARTICULARLY PAINFUL TIME IN OUR nation impacts us all. Recent days, and weeks, and months have illustrated just how far our legal system is from achieving the ideals of justice and equal treatment on which it is based. As a nation gripped by a pandemic, we have seen how longstanding systemic inequities and biases have produced disproportionate impact of COVID-19 on marginalized communities, and given rise to acts of hatred and violence against immigrants, Asian Americans, and others. And now, most recently, we are again reminded that this country's 400-year history of racism continues to produce clear and present danger to the bodies and lives of Black people in every part of the United States.

Although we are not all experiencing recent events in the same way, they illustrate the substantial work left to be done to promote fairness in our justice system and our broader society. As we continue to confront the persistent violence against Black people in this country, it is important that we support one another, especially those in our community who are particularly impacted by racial injustice.

As a preeminent law school, it is our mission to examine, analyze, and advance justice. This mission includes acknowledging that our institution, like the society around us, has to date imperfectly and incompletely lived up to our highest ideals. Collectively we have the resources and the will to do better, and we will work as an institution to take sustained action to catalyze meaningful change. The next issue of the Journal will detail the actions we are taking and highlight our alumni who have dedicated their careers to fighting inequality and systemic racism.

In this issue, we provide examples of the strength of our community through our collective efforts to respond to the COVID-19 pandemic. Over the last few months, our students, faculty and staff have demonstrated their flexibility and resilience by moving to a remote curriculum in a matter of days; serving clients in new ways through our clinics, externships, and pro bono projects; connecting with each other through virtual student group meetings and events; recruiting diverse and high-achieving students for our JD, LLM and ML classes; and supporting each other in the many ways that are the hallmarks of our special community. The Law School also decided to freeze Law School tuition at current levels for the next academic year without reducing our commitment to a double-digit percentage increase in financial aid next year. It is you, the supporters of this institution, led by the W. P. Carey Foundation and including thousands of individual alumni donors, whose generosity gives us the strength and flexibility to adapt and excel in our changing circumstances. Despite the challenges we are facing in these uncertain times, we continue to provide the absolute best possible legal education. Now, more than ever, it is my privilege and a great source of pride to serve as the Dean of this community.

Sincerely,

Theodore Ruger

Dean and Bernard G. Segal Professor of Law

#PENNLAW



Center for Ethics and the Rule of Law (CERL) senior fellow Xander A.K. Meise won't be surprised to see more boundary-setting reminders by Judge Emmett Sullivan in the Flynn-DOJ dispute. bit.ly/2Z0a6XU



Students in Prof. Claire Finkelstein's National Security Law class discuss the 4th amendment implications of #COVID19 digital contact tracing programs. tinyurl.com/y9m9x6sm



Prof. Cary Coglianese offers his perspective on criticism of government in the wake of #COVID19. tinyurl.com/yb8s96fj

Lee Tiedrich L'91, B.J. Altwater, and James Yoon of Covington and Burling LLP discuss the new bipartisan bill that aims to support #AI innovation. tinyurl.com/ycgr6khu

Can the U.S. sue China for #COVID19 related damages? Prof. deLisle discusses the feasibility. tinyurl.com/yc3nx4mx

Service in action: Su Ming Yeh L'04, Matthew Feldman L'18, Jonathan Feinberg L'01, and Prof. David Rudovsky are representing medically vulnerable incarcerated people in the Philadelphia county prisons. pennlaw.news/3flsxMk

“The lawsuits make claims that likely fail on the merits — that China has affirmative duties to protect U.S. citizens in the United States or is liable for very indirectly inflicted injuries.”

JACQUES DELISLE
Stephen A. Cozen Professor of Law & Professor of Political Science; Director, Center for East Asian Studies



A Lawyer's Guide to Making Smart Health Decisions

By Francesca Rothseid

Would you sign your employment agreement before approving your title and location?

You probably wouldn't do any of these things; and not just because you're a lawyer. You would expect car dealers, landlords, and employers to operate according to industry practices. These industries require signed contracts before delivering cars, keys, and paychecks. Consequently, you will protect

WOULD YOU EVEN THINK of signing a car loan before confirming which car you are purchasing, and the costs and fees? Would you sign an apartment lease without verifying the lease term? And what about accepting a job offer:

your interests and—before signing—you'll review contract terms, and perhaps negotiate changes. Or, you might not sign at all.

But something different happens when you seek medical care.

At your doctor's office/hospital, you abandon your usual, cautionary behaviors. Even though you're a lawyer—and even though your health is not as readily replaceable as a car, an apartment, or a job.

Why, without hesitation, do you sign registration forms?

Because you are a patient, and believe, as all patients do, that my doctor has my best interests at heart. This may be true, but it doesn't answer the question. Registration happens before your doctor even knows you have arrived. Most patients sign every document received, just to get to the next step; they call it:

The System.

In the waiting room, you are asked to sign documents that govern your:

Financial responsibility

- Does the language reflect how you will pay for each appointment?
- Will you undergo elective/other procedures for which your insurance will not pay? If so, is this document relevant?
- Do you know which party bills (or pays) for each service you will receive? Is that reflected in the document?
- Why are you sometimes asked if your injury occurred at work?
- Prior to your appointment, are you asked to confirm that you received services?

Privacy rights and consent

- You own your health data. Who do you authorize to receive it?
- Is the person who drove you to the Emergency Room entitled to updates about your medical condition? Sometimes/Always?
- Do you know with whom your doctor/hospital shares your data? Would you make the same choices?
- Do you consent to the office's privacy agreement? Did you even receive it?
- Do you agree to the terms of your visit? Do you know what they are?
- Do you understand the potential risks of treatments/procedures you may receive?
- If you ask for clarification, is the desk personnel equipped/qualified to answer?

Personal information

- When asked whether you feel safe at home, who is sitting next to you?
- Why are you asked: How do you learn best? If it's research, shouldn't you choose to participate rather than be compelled to respond?

Ability to opt out

- Do you know which policies already bind you?
- Can you opt out? How?
- Unless you opt out, can providers share your contact details and health information for multiple, undisclosed purposes?

Electronic health records

- Does security and/or use of your health records concern you?

- Do you want your data transmitted to electronic health information exchanges? If so, do you know which parties take responsibility for its storage and security—or how they store and secure it?
- If you share your health information on multi-party, electronic exchanges, where will your data go? How will it be used? Will you be compensated for it?

The System is a constellation of businesses — that all revolve around you.

Like car dealers, landlords, and employers, the healthcare business has industry-specific practices. They become routine—just like the registration process. As industries advance, risk is re-apportioned accordingly. These changes are reflected in services rendered as well as their paper trails. Hence you should pay more, not less, attention!

Registration documents are contracts: They protect you—in part—and your doctor/hospital—in part. They protect other parties too, including: Insurers, universities, and data aggregators.

Notwithstanding the complexity of The System, you (as patient) are the central, indispensable party to all healthcare transactions. Without you, there is no system. Every entity wants access to your health information for different purposes: diagnosis, payment, demographics, research, marketing, public health, and more. But it is most valuable to you.

Will you consent to its release? By whom? To whom? For what? When? How?

Exercising your agency (as a lawyer) will not prevent you (as a patient) from getting the services you desire and need. To the contrary: Understanding, questioning, changing, and even refusing to sign contracts may protect you best in the long run.

When you next visit your doctor, don't leave your legal skills behind! At the registration desk, keep these thoughts in mind:

Four reasons to read before you sign.

- You, and only you, are responsible for protecting your legal, financial, security, and privacy interests.
- The system is a host of separate entities connected to health care delivery.
- Your doctor is a distinct legal entity with its own rights and obligations.
- You do have options. You can change contracts or even not sign them, just as you do with car loans, apartment leases, and employment agreements.

When it comes to making smart health decisions, be sure you know what you're signing up for. ▼

Francesca Rothseid C'82, L'85 is a lecturer at Wharton, a senior business lawyer, and a nonprofit strategist with more than 20 years of experience in healthcare, life sciences, general business, and social sector leadership.

NEWS & EVENTS

IN SESSION



Jennifer Leonard L'04, chief innovation officer and executive director of The Future of the Profession Initiative at Penn Law, gathered top minds to share ideas on reforming the legal profession.



Future of the Profession Initiative Begins with a Global Conference on the Systemic Problems Facing the Legal World

A conference on the future of the legal profession served as the stage for the law school version of “Shark Tank” where twelve students presented ideas on how large law firms can improve the well-being of attorneys.

In the space of a few hours, teams designed ideas that ranged from “Mindful Money” to be earned and spent on activities that promote well-being to a double-blind Uber-like ratings system that rewards partners who create a humane environment for the associates who report to them. The winning team created a rule in which employees are required to take at least 75 percent of their vacation time and stay unplugged, as well as devised a system where associates bid on projects on which they wish to work.

This spate of ingenuity and innovation occurred during the official launch last February of the University of Pennsylvania Carey Law School's Future of the Profession Initiative (FPI).

The conference, which kicked off the Initiative, drew legal profession leaders, the clients they serve, and innovators from across disciplines for a gathering at Pennovation called "Law 2030: A Global Conversation About the Future of the Profession."

Led by Executive Director and Chief Innovation Officer Jennifer Leonard L'04, FPI seeks to "Teach, Lead, and Transform" by examining new ways law schools can adopt a holistic vision for the formation of lawyers both during law school and throughout their careers to create true lifelong learning for Penn Law lawyers. FPI also aims to bring creative thinkers to campus to design new solutions for legal service delivery disconnects.

Both days of Law 2030 were livestreamed, bringing together in-person attendees with hundreds of online participants from at least four continents and the continental U.S. for an interactive, educational, and inspirational conversation about how real change happens, why lawyers struggle to change, and how legal professionals can improve client service and learn from innovators in other fields. Alumni and students can watch the whole conference by searching for "Law 2030" on YouTube.

The first day of programming was dedicated to "Navigating the Decade Ahead." In his opening remarks, Penn Law Dean and Bernard G. Segal Professor of Law Ted Ruger said that with its roots in precedent and

stare decisis, the legal profession is not necessarily noted for being innovative, but that one of the greatest legal innovations of modern history, the written Constitution, forms the basis of our profession and of society. Lawyers therefore have a deep history of innovation that the Law School hopes to modernize for a changing profession, particularly with efforts aimed toward increasing access to justice and making the profession more inclusive."

"We're all collectively thinking about ways that we in the legal profession can be more forward-looking, more efficient, more inclusive, and expand access to justice," Ruger added.

Keynote speaker Vijay Govindarajan, Coxe Distinguished Professor at the Tuck School of Business at Dartmouth College, spoke about his book, *The Three Box Solution: A Strategy for Leading Innovation*.

Govindarajan's framework for handling change consists of

balancing three boxes: managing the present at peak efficiency and profitability, selectively forgetting the past and any practices or ideas that would inhibit growth in the future, and creating the future through nonlinear, breakthrough ideas and experimentation that leads to new business.

Lourdes Slater L'92, founder and CEO of Karta Legal and Cathy Carr L'79, immediate past director of Community Legal Services (CLS) tackled the theme of "Why Lawyers Struggle to Innovate." Slater posited that for innovation to occur, there must be a "perfect storm of three big components": the technology must be feasible, humans must desire to change, and market factors must be favorable to change. Slater noted that the human factors of motivation, leadership, training, time, and fear are most determinative of whether innovation can happen.

Carr spoke from the perspective of a public interest lawyer, who

“
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THEODORE RUGER
Dean and Bernard G. Segal Professor of Law

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must address issues such as how to effectively serve many clients and substantively solve problems. She maintained that lawyers and judges are making lots of change though it could be too little, too late; she encouraged not just fixes but innovation that embodies lawyers' core values, including equality and justice for all that improves things for the most vulnerable.

"Legal in transition" was the topic of several 15-minute flash presentations, which included:

- "The Growing Power and Influence of the General Counsel": Connie Brenton, Chief of Staff & Senior Director of Legal Operations for NetApp, Inc.
- "The Evolution of Legal Tech": Claudia Johnson L'97 of ProBono Net
- "Strategic Law Firm Responses to NewLaw Disruption": Bruce MacEwen, founder of Adam Smith, Esq.
- "Comparative International Regulatory Experience & Predictions for the U.S.": Madhav Srinivasan WG'94, CFO of Hunton Andrews Kurth
- "The Emergence of the California Lawyers Association": Emilio Varanini, President of the California Lawyers Association

The second day of the conference revolved around the topic of "Learning from Others," and the morning began with a panel titled "Health Care Innovators Leading Legal Service Providers." Panel participants included Ralph W. Muller, Immediate Past CEO of Penn Health Systems; Mary D. Naylor, Marian S. Ware Professor of Gerontology at Penn Nursing and Director of the NewCourtland Center for Transitions and Health; and Roy Rosin, chief innovation officer of Penn Medicine.

Flash presentations by "Innovators Who Inspire" followed:

- "Using Gene Editing to Eradicate Heart Disease, #1 Killer": Dr. Kiran Musunuru ML'19, Associate Professor of Cardiovascular Medicine and Genetics, Perelman School of Medicine
- "Reducing Oakland's Gun Violence by Half": David Muhammad of the National Institute for Criminal Justice Reform
- "Lowering Incidence of Opioid Relapse Following ER Discharge": Davis Hermann, Innovation Design Strategist, Penn Medicine Center for Health Care Innovation
- "Better Connecting Manufacturers of Recalled Goods with Consumers": Jehan Luth ML'20, founder of RotoMaire
- "How Design Thinking Can Enhance Post-Discharge Outcomes for Patients with Significant Social Needs": J. Margo Brooks Carthon, Associate Professor of Nursing; Senior Fellow, Leonard Davis Institute of Health Economics

After another discussion over lunch, moderated by FPI Advisory Board Members David Perla L'94, Co-COO of Burford Capital, and Sozi Pedro Tulante, partner at Dechert LLP, Professor Gary Cazalet of the University of Melbourne discussed "Client-Centered Design Thinking for Legal Professional."

Jim Sandman L'76, president emeritus of Legal Services Corporation, closed the conference with a stirring call to action for the legal profession, concluding that it is "superglued" in Govindarajan's first box of managing the present and must involve clients in any discussion on innovation. He noted that the lawyer regulatory system

is inhibiting or at least impeding a holistic delivery of services to clients.

"We need to have an interdisciplinary approach at every step when it comes to thinking about innovation in the practice of law," said Sandman, listing his takeaways from Law 2030. "We need always to have a seat at the table for users directly, and we need to completely rethink the regulatory process."

He then named the University of Pennsylvania Carey Law School as an institution that is well situated to lead the innovation charge.

"When you have a world class law school situated in a world class university, right away you have access to the breadth of thinking you need to have available if we're truly going to innovate in the legal profession," said Sandman.



↑ Scenes from the conference. Student teams competed in an innovation contest. ABA President Judy Perry Martinez spoke about expanding access to justice.

THE COVID-19 PANDEMIC halted normal activity across the globe, forcing the Law School to move classes online and suspend in-person events for the remainder of the spring semester. In the spirit of collegiality, our community came together in ways big and small to ensure that students were safe and continued to receive an exceptional legal education — no matter where they live.

2

Free daily meals from local restaurants for students in need

4,000

Pages of course readings digitized for IL classes

80

Number of packages shipped containing students' belongings

447

Free online CLEs for alumni

384

Students registered for summer classes



PHOTO: MANDEL NGAN / GETTY

↑
Immigration rights activists take part in a rally in front of the US Supreme Court in Washington, DC in 2019.

Defending the ‘Dreamers’ is a Career Highlight for Cindy Randall L’93

In filing the complaint all the way to the Supreme Court, Cindy Randall L’93, in-house counsel for Microsoft, has managed the software giant’s legal challenge of the rescission of the DACA program on behalf of its 66 DACAmented employees.

Randall expressed pride that Microsoft, one of 42 plaintiffs in the consolidated cases, was the only corporation to join the DACA litigation.

“Microsoft brought this case because it believes that Dreamers make our country, community and company stronger,” Randall said. “Technically the case is about the scope of administrative discretion and whether that discretion was

abused, but at its heart it is about what it means to be American. Dreamers have never known any other country, and their contributions to our economy and society are overwhelmingly positive, as reflected in the number and variety of plaintiffs in these cases and the tremendous breadth of amicus support,” she added.

Randall has been assistant general counsel at Microsoft since 2013. Before that, she served as special counsel at Saul Ewing LLP, assistant chief counsel at CIGNA, and associate general counsel at Verizon. Randall was also a litigation associate at Dechert LLP.

She calls her work on the DACA case a “career highlight” and cites her public service experience at the Law School as informative and beneficial even in her role as corporate counsel.

“Public service is part of the DNA of Penn Law, as I learned when my class became one of the first to complete—and embrace—the 70-hour public service requirement,” said Randall. “I have engaged in pro bono service throughout my career, but the opportunity to pursue impact litigation from inside a corporate legal department is virtually unheard of and absolutely thrilling,” she added. “I am grateful for the chance to devote my own efforts and the resources of a world-class company to a cause I care deeply about.”

The University of Pennsylvania Carey Law School has been proactive in the DACA litigation, raising awareness and showing support for DACA by holding a community town hall and sending a busload of students to Supreme Court oral arguments.

Professors Cary Coglianesi and Jean Galbraith Elected to American Law Institute

Penn Law Professors Cary Coglianesi, the founder and director of the Penn Program on Regulation, and noted international scholar Jean Galbraith have been elected to the American Law Institute (ALI).

The ALI is an independent organization that produces scholarly work to clarify, modernize, and improve the law. The ALI publishes model and uniform codes, principles of law, and Restatements of Law that are used extensively by courts, legislatures, and legal educators. Membership includes approximately 3,000 lawyers, judges, and law professors.

"This is a distinctive honor for Professor Coglianesi, a leading scholar of administrative law and regulatory affairs," said Ted Ruger, dean of the Law School and Bernard G. Segal Professor of Law. "His academic work, from his prolific and incisive scholarly writing to the range of research programs he leads as part of the Penn Program on Regulation, is a reflection of ALI's mission."

Coglianesi, elected last fall, is the Edward B. Shils Professor of Law and Professor at the Law School and Professor of Political Science in the University of Pennsylvania's School of Arts and Sciences. In addition to being the founder and director of the Penn Program on Regulation, he serves as the faculty advisor to the program's widely read daily publication, *The Regulatory Review*.

Coglianesi specializes in the study of regulation and regulatory processes, with an emphasis on the empirical evaluation of alternative regulatory strategies and the role of public participation, negotiation, technology, and business-government relations in policymaking.

The author of more than 150 articles, book chapters, and essays on administrative law, environmental law, and regulatory policy,

his research ranges broadly and includes doctrinal analysis of issues in administrative law, empirical studies of the regulatory process, and research on regulatory management and leadership.

Coglianesi has played a key leadership role in various institutional innovations at the law school, such as in the establishment of the Quattrone Center for the Fair Administration of Justice and the Leo Model Foundation Government Service and Public Affairs Initiative. In addition to regularly advising students on externships and independent research, he has provided vision and ongoing support for numerous innovative programs for Penn Law students, including the establishment of *The Regulatory Review*, the founding of the *Journal of Law and Public Affairs*, and the annual "notice and comment" pro bono project undertaken by students involved in the Environmental Law Project.

Currently, Coglianesi serves as the chair of the Regulatory Policy Committee of the American Bar Association's Administrative Law and Regulatory Practice Section and as the chair of the Rulemaking Committee for the Administrative Conference of the United States. He also serves on a National Academy of Sciences committee charged with reviewing and making recommendations for improving safety and environmental inspections of offshore oil and gas operations in the United States.

Professor Jean Galbraith was elected in January. She was a Sharswood Fellow in Law and International Affairs at the University of Pennsylvania Carey Law School before she joined the faculty.

"Professor Galbraith came to the Law School in 2014 and made an immediate impact," Ruger said. "Her recent scholarship on the U.S. withdrawal from international commitments will continue to inform the

legal landscape for years to come."

Galbraith's article "Rejoining Treaties" is forthcoming in the *Virginia Law Review* and examines whether the original Senate resolution of advice and consent to a treaty remain effective even after a President has withdrawn the U.S. from that treaty. She argues that to the extent one president can lawfully withdraw the country from such treaties without input from Congress, a future president may unilaterally rejoin them.



Members of the Penn Law faculty join influential and august scholarly body.



MacArthur Genius Award Winner Talks About Restorative Justice and Sitting with the Dalai Lama



sujatha baliga L'99 (who prefers to not capitalize her name) received a coveted “genius grant” last year from the John D. and Catherine T. MacArthur Foundation in recognition of her “extraordinary originality and marked capacity for self-direction.”

Prior to receiving that recognition, the Law School honored baliga with the Louis H. Pollak Alumni Award, which goes to an alumnus whose career has advanced the cause of justice through service to the public interest. She was also honored by the Toll Public Interest Center at an event titled “Generations of Impact: Mentorship, Criminal Justice and the Future of Accountability” along with 1986 MacArthur Genius Grant recipient Professor David Rudovsky.

baliga is a leader in the field of restorative justice, which promotes accountability and healing between crime survivors and those who harmed them rather than bringing cases to trial. She directs the Restorative Justice Project at Impact Justice, a national innovation and research center that advances new ideas and solutions for justice reform.

In multiple interviews, baliga spoke about her time at Penn Law, her life-changing audience with the Dalai Lama and her plans for the genius grant.

How did your experience at the Law School influence your legal career?

IT WAS A MACARTHUR FELLOW, Professor Rudovsky, who let me cry in his office and advised me against dropping out of law school, and who ultimately gave me a summer job at his civil rights law firm. Professor Rudovsky continued to guide me for many years after graduation on how to best use my legal education for the benefit of people accused of crimes. It was such an incredible blessing to have that kind of access to someone with a prodigious heart and mind at such a formative time in my development.

Can you describe restorative justice?

RESTORATIVE JUSTICE represents a paradigm shift in the way in which we think about justice. Instead of asking what law was broken, who broke it and how they should be punished restorative justice asks who was harmed and what do they need and whose obligation is it to meet those

needs. The obligation is do right by those you have harmed, and families and community members, not legal professionals, are responsible for supporting those processes.

How did you come to meet with the Dalai Lama and what was it like to be in his presence?

IN 1996, I became disillusioned by the work I was trying to do with trafficking survivors in Mumbai, and went backpacking in the Himalayas. I ended up in Dharamshala, where the Dalai Lama lives. I got to know the people who run a guest house there and in the course of our sharing more about our lives, I told them my father had sexually abused me when I was a child. They suggested I write to His Holiness and ask him what to do about intra-familial harm. I dropped a note off at his office, and a week later I was told I'd been granted an audience with him.

This was a few months before I started law school. During that hour-long meeting, I was profoundly moved by how down to earth, warm, engaging and present, as well as incredibly self-aware he was. He shared his own struggles with becoming the leader of the Tibetan government in exile at age 23 and gave me beautiful, complex advice on the topic of forgiveness of seemingly unforgivable acts. It changed the entire trajectory of my life, beginning with my forgiveness of my father. By the time I arrived at Penn a few months later, I decided against being a prosecutor, and ultimately became a defense attorney, instead.

What do you plan to do with your award?

I'LL USE THE PLATFORM the MacArthur offers to lift up the restorative justice diversion work I began over 12 years ago. I'll also take time to deepen my engagement with indigenous, Buddhist, and Mennonite thinkers and practitioners the world over, from whom I've already learned so much about restorative justice and forgiveness.

I suspect there will be more than one book—books about forgiveness, restorative justice, and the secular ethics that undergird effective efforts toward a world free from oppression. And, after spending a day with the wonderful students at the Law School, I'm reinvigorated to use some of my fellowship time refining the restorative justice law school course curriculum I've been developing.

James Clapper Talks Torture, Privacy and National Security At Center for Ethics and the Rule of Law Program

In preparation for his second tour of duty in Vietnam, Air Force Captain James R. Clapper took a course in survival training, including exposure to what is now known as extraordinary interrogation techniques. As part of the training, the claustrophobic Clapper was placed in a “little bitty box.”

Clapper learned that under those conditions he “would say anything the instructors wanted me to say.”

Clapper shared that experience during a discussion sponsored by the Center for Ethics and the Rule

of Law, in which he drew on his 2018 book, *Facts and Fears: Hard Truths from a Life in Intelligence*. Moderator Claire O. Finkelstein, the Algernon Biddle Professor of Law and professor of philosophy and faculty director for the Center for Ethics and the Rule of Law, questioned Clapper on the current state of affairs within the U.S. intelligence community and what he has learned along the way on torture and other issues.

“Quite apart from the moral or ethical considerations whether torture is appropriate, and it isn’t, just from a practical standpoint, what I observed and experienced later on, and there’s quite a body of literature on this, it’s been proven scientifically over and over again that you will get far more information from someone

you are interrogating if you develop a rapport with them and get them to talk voluntarily,” Clapper said. “If you go the route of torture, more often than not, they are going to give you what they think you want to hear, which is not accurate information.”

Clapper noted that after 9-11 the government’s civilian leadership took the position that if the country’s non-state enemies were not going to adhere to the Geneva Conventions, neither was the United States.

Clapper retired as an Air Force lieutenant general and served through 10 presidencies. He was President Obama’s director of national intelligence from 2010 until 2017.

In a nod to his appearance on Penn’s campus, Clapper shared his professional origin story, saying he first knew he was going to be an intelligence officer while staying with his grandparents in Philadelphia while his father, himself an intelligence officer, was away. The 12-year-old Clapper would listen to a police department scanner and, intrigued, began plotting out the addresses where the shootings, bar fights, and “mayhem” were occurring.

“I just thought it was really cool to figure out what was going on just by listening,” said Clapper. His eavesdropping paid off because he eventually figured out the department’s call signs, police district boundaries, and Philadelphia’s high crime areas, along with other official information.

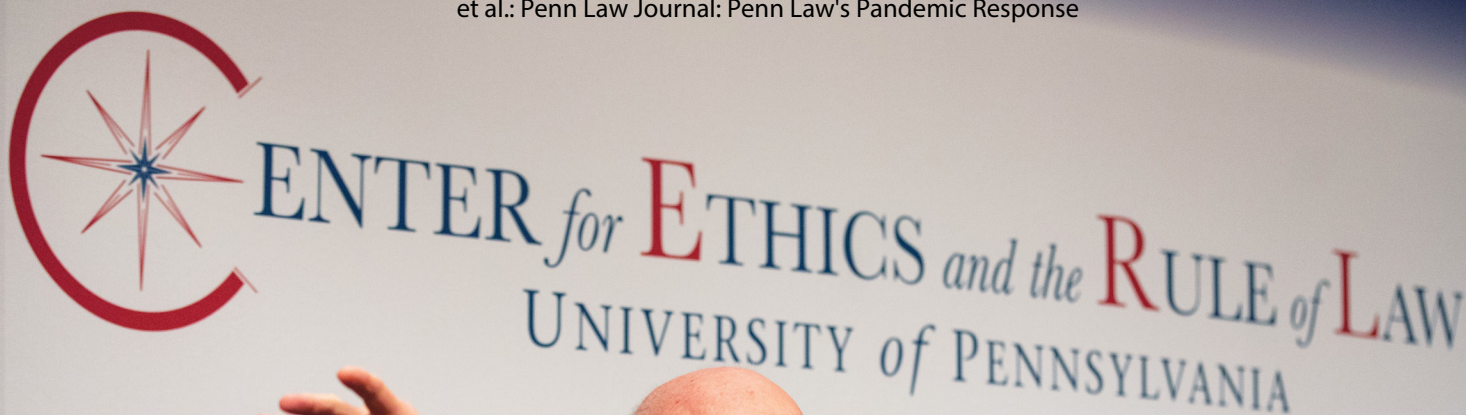
When his father came back, Clapper shared his work with him. His father said, “My God, I raised my own replacement.”

Clapper addressed the fallout surrounding the USA Freedom Act, the successor to the Patriot Act, which was passed in the aftermath of 9-11. The laws govern the collection of data on U.S. citizens.

Section 215 of the act, Clapper explained, collects “to” numbers and “from” numbers, and the length of

“
I LIKE MY CIVIL LIBERTIES AND PRIVACY, TOO. BUT I DO THINK THERE IS A PHILOSOPHICAL ARGUMENT HERE ABOUT CIVIL LIBERTIES AND PRIVACY ON ONE HAND AND SAFETY AND SECURITY OF THE COUNTRY ON THE OTHER. AND IT CAN'T BE ONE OR THE OTHER. THERE'S GOT TO BE A BALANCE BETWEEN THE TWO.”

JAMES R. CLAPPER
Former Director of National Intelligence



↑
Longtime national security official says intelligence agencies weathering attacks on their reputations.

calls, from communicants in foreign countries to the United States. No names or content were collected.

“The section was put into place, Clapper said, “to address specifically the situation that prevailed where we had communicants in foreign countries talking to people in this country plotting the attack. The mistake, of course, was it was very, very secret. This was mandated by the White House.”

The government should have been more transparent about the program, a lesson Clapper learned after the Snowden revelations. Edward Snowden is the whistleblower who revealed the program, which was subsequently attacked for violating civil liberties and privacy.

“I like my civil liberties and privacy, too,” Clapper said. “But I do think there is a philosophical

argument here about civil liberties and privacy on one hand and safety and security of the country on the other. And it can’t be one or the other. There’s got to be a balance between the two.”

Clapper believes if the government had been transparent about the program and explained the need for it, people would not have been as upset. After all, he said, “the FBI maintains millions of fingerprints on innocent Americans. But nobody gets excited about that because we all know about it and understand why we have the program. And if you think about it, fingerprints are a lot more biometrically intrusive than the limited data storage was.”

Turning to more contemporary issues, he said despite recent attacks on the intelligence community, the “political folderol” in Washington

doesn’t affect the daily lives of most intelligence officers, although some members of the CIA, the FBI and other agencies do suffer.

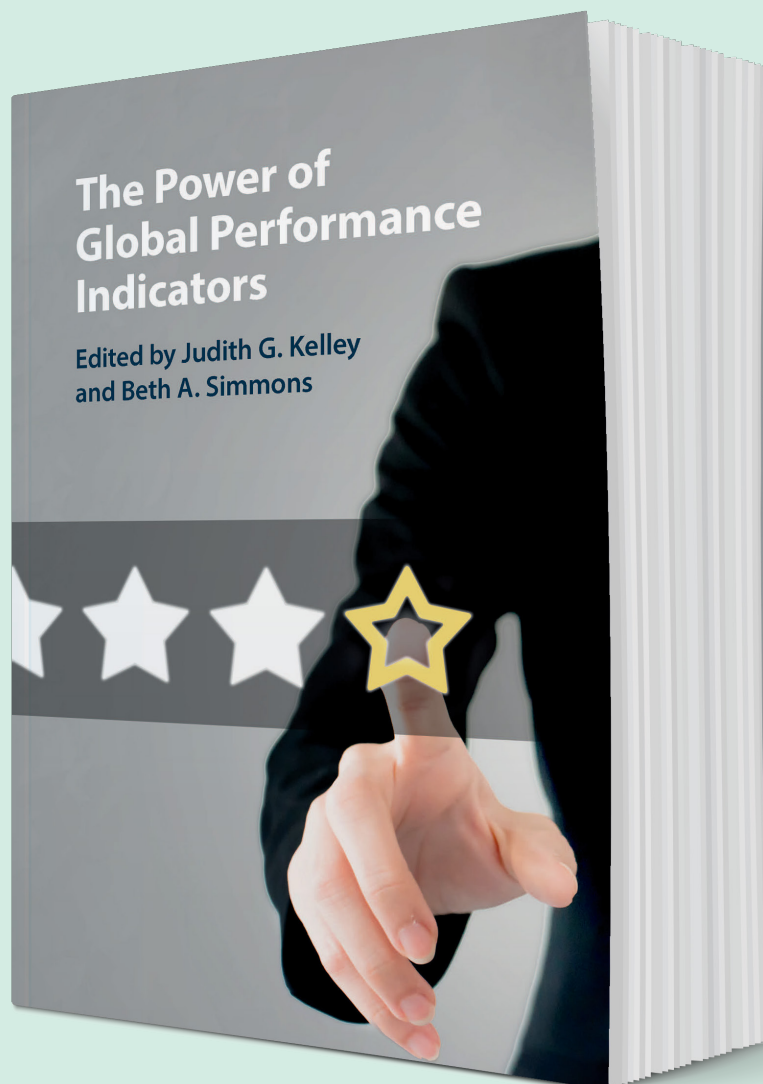
Clapper also called evidence of Russian interference in the 2016 election and of the Russians favoring one candidate over another incontrovertible.

Ominously, he said, “Never had we encountered the magnitude of what they did in 2016. They reached a 132 million Americans on Facebook alone. And they had messages for everybody. Black Lives Matter. White supremacists. Pro-Nazi. Anti-Nazi. Pro-gun control. Anti-gun control. Whatever group they thought they could exploit...and they are going to do it again in 2020. And unfortunately, others are going to go to school on what they did in 2020.”

The Power of Global Performance Indicators

Edited by Judith G. Kelly and Beth A. Simmons
(Andrea Mitchell University Professor in Law,
Political Science and Business Ethics at Penn)
Cambridge University Press

GLOBAL PERFORMANCE INDICATORS (GPIS), such as ratings and rankings, permeate nearly every type of human activity, internationally and nationally, across public and private spheres. While some indicators aim to attract media readership or brand the creator's organization, others increasingly seek to influence political practices and policies. *The Power of Global Performance Indicators* goes beyond the basic questions of methodological validity explored by others to launch a fresh debate about power in the modern age, exploring the ultimate questions concerning real-world consequences of GPIS, both intended and unintended. From business regulation to terrorism, education to foreign aid, Kelley and Simmons demonstrate how GPIS provoke bureaucracies, shape policy agendas, and influence outputs through their influence of third parties such as donors and market actors and, potentially, even broader global authority structures.



- This book can help us gain insights for how to design a better rating or ranking and how to make it work better
- Moves debate beyond the validity of particular ratings and rankings to actually demonstrate causal relationships and why we should care
- Examines the influence of ratings and rankings across multiple issues, demonstrating that GPIS apply broadly

Legal Education Programs Serve Everyone from Established Jurists to Budding Lawyers

Last May, the Law School ran a four-day executive education program on Regulatory Analysis and Decision-Making attended by 36 people including four alumni.

Gemela McClendon 1'04 was one of the participants. She is executive director at the Philadelphia Gas Commission. McClendon said the course was timely as new rules were about to be put in place for PGW's procurement of goods and services.

McClendon said she anticipated "using the tools that we picked up from this class because we will be the rule-makers."

Thirty-five members of the Thai judiciary also received a toolkit last summer during a two-week custom program designed to help them find solutions to prison overcrowding in their country due to stringent narcotics laws. The judges came to Penn Law and Philadelphia for an overview of U.S. drug policy and laws to see how they could be implemented in Thailand.

Penn Law created a comprehensive program — An Overview of U.S. Federal and State Drug Laws, Policy, Treatment and Reform — from scratch in consultation with the Office of the Judiciary of Thailand. The judges had a packed schedule, hearing from and visiting with judges, U.S. attorneys, district attorneys, Penn Law professors, probation officers, Drug Enforcement Administration agents, drug addiction specialists, and public health officials — with special visits to the State Correctional Institution — Phoenix and the Philadelphia Treatment Court.

"I got tremendous knowledge from the drug law program," said Montana Issarachot 6L'02, 6L'03, a judge on the Court of Justice of

Thailand. "I can adapt some practices to my current job of deciding juvenile criminal cases."

Five years ago, Antonino Grillo mulled a career in law. But it was just a notion.

Then he enrolled in Penn's Provost Summer Mentorship Program and everything fell into place. Over the course of a month he dipped into criminal, corporate, public interest and constitutional law and visited the National Constitution Center and the Philadelphia offices of the Ballard Spahr law firm.

Along the way, he discovered an affinity for litigation. "I liked standing up and defending my point of view," said Grillo, a junior who is studying political science at Penn. "It felt like a puzzle to me."

In March, Grillo took the LSATS.

Al three programs are examples of how the University of Pennsylvania Carey Law School Legal Education Programs (LEP) is serving students, alumni and lawyers at large, and other professionals.

LEP provide a broad range of offerings that include Executive Education, Online Learning, CLE and CJE, Global Institute for Human Rights, Penn Law Pre-College Academy, and the Provost Office/Deans Summer Mentorship Program. In offering these programs, the Law School casts a wide net.

"We're trying to get lawyers and everyone else in the room," said Cheryl Hardy 1'94, executive director of Legal Education Programs, referring to the new Executive Education program. "We're trying to get people to realize that law impacts your everyday life and your profession, and so sometimes you might need some legal knowledge. And for those in the legal profession you might want to expand your legal knowledge or continue your professional development."

The goal of the Penn Law Pre-College Academy and the Law section of the Provost/Deans Summer Mentorship Program is to plant a seed in high school age students who have a predilection for the law.

Susan Kahn 1'82, a retired criminal defense attorney and former high school teacher who runs the program, said students practice opening statements, engage in a moot court competition, and learn how to negotiate.

"The real point of the program is to show students there's a place for them," Kahn said.

Grillo completed the program in 2015. He was so taken with it that he helped Kahn coordinate it the following year and has weighed in on applicants every year since.

He said the University of Pennsylvania Carey Law School is his No. 1 choice.



The University of Pennsylvania Carey Law School is expanding its reach with customized legal programs.





As the first in their families to attend college or graduate school, (left to right) rising 2Ls Leticia Salazar, Raymond Magsaysay, and Jasmine Wang will serve as examples and mentors to students of similar backgrounds.

Inaugural First Generation Fellows

For students who are the first in their families to attend college or graduate school, the path, in the words of 1L Raymond Magsaysay, is “overwhelming in ways I didn’t even imagine.” Similarly, as a first generation law student, 1L Jasmine Wang knew she was “entering a world intent on locking myself and those with similar backgrounds out because that world isn’t ready for change.” In this light, Penn Law’s First Generation Professionals (FGP) Fellowship aims to break down real and perceived barriers to ease students’ paths into law school and the legal profession.

The Center on Professionalism (COP) oversees the Fellowship, which is the result of a generous donation

from David Silk L’88. It was initially intended to support two students each year for the next three academic years, but due to the quality of the applicants, will support three Fellows: Jasmine Wang, Leticia Salazar, and Raymond Magsaysay. As FGP Fellows, they will act as ambassadors for similar students seeking to enter the legal profession. The Fellowship is designed to position these students for success in their law careers so that they may, in turn, help future FGP students.

Jasmine Wang was inspired by the story of Hong Yen Chang, a Columbia Law graduate who in 1890 was denied admission to take the California bar due to discriminatory technicalities in the Chinese Exclusion Act of 1882. Wang took interest in the law and, while an undergraduate, was elected into

the student senate at Texas A&M University. Wang soon became the first Asian American and—Asian American woman—to serve as Speaker of the student senate, a decision that meant “spending my college career battling forces similar to the intolerance Chang endured,” said Wang.

The obstacles she faced only steeled Wang’s resolve to carve out a path for herself, to follow her ambition, and to serve as a trailblazer for other students. Wang chose to study at Penn Law School after visiting as a sophomore in college. “Penn was the only school that not only discussed, but celebrated diversity, and spoke at length about how inclusion contributes to its overall student success and its mission as an institution,” noted Wang. “Because it was clear that Penn recognized the value of

a diverse classroom and cohort, I was confident that it would be the best place for me to grow as a leader, scholar, and advocate.”

Leticia Salazar arrived at Penn as an undergraduate from her home in Harlem, in New York. Salazar, like Wang, recognized that inclusion was ingrained in Penn’s culture. “The nature of Penn’s encompassing energy was evident to me from the second that I stepped foot on campus,” Salazar said. “From that moment, I knew that this university was the best place for me to pursue my academic and professional endeavors.” As a Penn undergrad, she developed strong connections within the University and with the city of Philadelphia. Applying to Penn Law was an “easy decision,” she said.

Salazar studied Public Health as an undergrad and credits much of her decision to pursue law to a fortuitous pairing with mentor Professor Dorothy Roberts, a Penn Integrates Knowledge Professor, who teaches in the Law School, the Sociology Department, and in the Department of Africana Studies. While working closely with Roberts on an independent research project, Roberts advised Salazar that the best education for her career ambitions in education policy was to study the law. “Because of my interest in policy and government work,” recounted Salazar, “I was excited to take advantage of the cross-disciplinary opportunities at Penn. Along with my JD, I am also pursuing a Master’s in Education Policy from Penn’s Graduate School of Education. I look forward to using this platform to make meaningful contributions to the world of education policy.”

Raymond Magsaysay’s motivations for studying the law were shaped by his experiences as, in his words, “a first-generation working-class immigrant of color.” Reflecting on his identity and his diverse work experience that

includes labor organizing, direct service legal work, and teaching classes on inequality at a Spanish university, these experiences, he said, “have fostered a humble faith in the law, a deep appreciation of its prodigious power to change society for the better, alongside an acute awareness of its endless limitations.”

Magsaysay noted that, while in a 1L pro bono training he perceived some of his cohort “talking as if we’re removed,” he said, from the realities students and students’ real-world clients may face. “My family has faced housing insecurity. In our training, we were talking about struggling people in Philadelphia who have suffered from terrible landlords. I’ve lived through that and I’m going to ensure my peers and I center such lived experiences

in this work.” Magsaysay, like both Wang and Salazar, wishes to use his achievements to give back to other students and future clients.

In addition to administering the FGP Fellowship, COP provides all Penn Law students with co-curriculum programming focused on developing the professional skills necessary for success in a modern legal environment. Students can carry these skills — such as project management, business development, executive communications, resilience, and techniques for wellness — into any workplace.

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JASMINE WANG L'22

Public Interest Week Panel Explores Violence Against Women in the Military

A panel of experts made it clear during a Public Interest Week discussion that there is no easy solution to sexual assault in the military.

Not when military protocol requires women to report assaults up the chain of command, which sometimes means that victims must report the crime to the officer who assaulted them.

In fact, a service member can be punished for not reporting an assault, according to Andrea Goldstein, a senior policy advisor to the newly established Women Veterans Task Force on the House Committee on Veterans Affairs, who called the policy “a fundamental betrayal.”

Goldstein, a former Special Operations Forces troop commander, made these comments during a wide-ranging examination of the issues in a session titled “Violence Against Women & the U.S. Military.” She participated on a panel with Emily Rothman, a professor of community health services at Boston University who recently completed a sexual assault prevention study in the Navy; Melissa Dichter, associate professor in Temple University’s College of Public Health who has conducted multiple studies on violence against women service members; and Andrew Morral, a senior behavioral scientist at the Rand Corporation and the author of several reports to Congress about sexual assault and harassment in the U.S. military.

Public Interest Week is an annual event run by the Toll Public Interest Center. This year’s theme was Reimagining Community in the Pursuit of Justice.

A 2012 Department of Defense study reported that there were 26,000 instances of sexual assault in the

armed forces in 2011, up from 19,000 in 2010. “People often don’t know about it other than the two people who may have been in the room.” It often goes unreported, he continued, adding, “So, it’s very hard to see sexual assault.”

Sexual harassment is the opposite, he said. It is often very visible, people are quite aware it’s going on, and it’s more common than sexual assault.

Because of the high correlation between sexual harassment and sexual assault, Morral said, you can use sexual harassment as an indicator of risk.

Dichter noted that military service does not protect a woman from intimate partner violence. Serving in the military creates challenges for women who are victims of assault, she said. Assault victims are required to report up the chain of command unlike, for example, college students who can utilize university services or report the attack to the local police. The military oversees the health care and legal services of service members who are victims, thus restricting them from accessing the resources that civilians can tap into.

At the end of the program, moderator Kathleen Brown, the David Boies Professor of History and director of Gender, Sexuality, and Women’s Studies at Penn, asked the panelists for their suggestions on reducing sexual assault and harassment in the military.

Goldstein noted that in the 1970s, drugs were a huge problem in the military. The leadership developed programs to combat drug use and now drugs are no longer a major part of military culture. She said the military must “treat sexual harassment with the same seriousness (as) the drug problem.”

In response to Brown’s question, Rothman reiterated her earlier stated conviction on the benefits of investing in evaluation. There are many good ideas to combat violence against women in the military and the proper response to the people who have been sexually assaulted, Rothman said.

The questions, she said, are which ones are working and why are they working?

“When you know what’s working, you have to stick to things that are evidence-based,” Rothman said.



PHOTO: CHIP SOMODEVILLA / GETTY



Expert says treat sexual assault as seriously as drug addiction.

New Appellate Clinic Offers 'Eye-Opening' Experience for Students

In its inaugural year, the University of Pennsylvania Carey Law School's new Appellate Advocacy Clinic has provided students an opportunity to develop impact litigation for criminal justice reform and advocate directly on behalf of clients.

"I've really found the fact that I get to work on real cases even before I graduate, and get to be so closely involved with brief writing has been a really eye-opening experience for me," said student Lavi Ben Dor L'20.

The clinic fills a void left by the school's former U.S. Supreme Court Clinic, which was disbanded after its director, Stephanos Bibas, was tapped by President Trump to sit on the U.S. Court of Appeals for the Third Circuit.

Ilana Eisenstein L'04, the clinic's co-director and partner and co-chair of DLA Piper's appellate advocacy practice, was enthusiastic about broadening the clinic's scope to appellate work in lower courts.

"The U.S. Supreme Court takes such a limited docket, and there's so much competition for the cases that they do take," Eisenstein said, underscoring that a wide variety of far-reaching issues are being litigated before state, intermediate and circuit courts.

"Having the opportunity to jump into those issues as they're being developed and working their way up through the appellate process is very exciting and opens the door to a lot more opportunities," she said.

This year's clinic, which comprised eight 3L students, has worked on appellate cases and amicus briefs largely in conjunction with DLA Piper attorneys.

"It's a chance to think about how we can reframe issues and argue in a new way and it also allows us to build a strategy for larger systemic change

that can be done alongside the direct work," said clinic participant Jesse McGleughlin L'20.

Several of this year's cases revolved around monetary issues in the criminal justice system, including unaffordable court fines, costs and bail for indigent defendants in Pennsylvania.

"While Pennsylvania courts are not supposed to hold you in contempt if you demonstrate you were not able to pay, there is considerable space for improvement in how the trial courts address this issue," said clinic co-director and Penn Law Professor Jean Galbraith.

Galbraith has been instrumental in shaping the clinic's academic program, including how to develop appellate strategy and learning the nuts and bolts of crafting and filing briefs.

"One of the parts I've really liked about the clinic is thinking about how we take individual appeals as part of a broader strategy to end

cash bail or end the criminalization of poor people," McGleughlin said. She hopes to work at the Southern Center for Human Rights to bring impact litigation to challenge unconstitutional conditions and practices in prisons and jails before she begins clerkships in 2021, first for the Eastern District of Pennsylvania and then on the Third Circuit.

In addition to DLA Piper, the clinic has also worked in partnership with the ACLU of Pennsylvania and public defender offices in the region.

Ben Dor, who will be working at Gibson, Dunn & Crutcher in New York upon graduating before clerking in the Third Circuit in Wilmington, Del., said the hands-on experience from the clinic has been invaluable to his legal education.

"This clinic has made me much more prepared going into the workforce," he said, "now that I have a richer understanding of what appellate litigation looks like in practice."

“**ONE OF THE PARTS I’VE REALLY LIKED ABOUT THE CLINIC IS THINKING ABOUT HOW WE TAKE INDIVIDUAL APPEALS AS PART OF A BROADER STRATEGY TO END CASH BAIL OR END THE CRIMINALIZATION OF POOR PEOPLE.”**

JESSE MCGLEUGHLIN L’20

An Architect of Unpaid Family Leave Recounts Her Role As Momentum Builds for Paid Leave

Standing in the White House Rose Garden, **Donna Lenhoff L'76** watched President Bill Clinton sign his first bill into law. The Family and Medical Leave Act (FMLA) made history by giving employees job-protected, though unpaid, time off to care for new babies and for children and parents who have serious health conditions, as well as to recover from their own serious health conditions. The First Lady, Vice President and Tipper Gore were all present for the occasion. “The four of them went into a little huddle, and they jumped up and down, like, ‘Oh my gosh, we did it,’ and that’s how I felt,” Lenhoff said. “It was a great day — a real culmination of effort.”

The legislation, while a huge victory, has had its limitations over the past 27 years, according to Lenhoff. “There are ways in which I had hoped it would be amended that it was not,” she said. The leave is unpaid and is limited to companies with at least 50 employees. Moreover, people must work for at least one year with the same employer to qualify. Lenhoff said there is growing bipartisan support for paid leave at the federal level, and many states have decided to offer it to state employees.

Lenhoff was instrumental in crafting FMLA and following through with its execution across the country. Her legislative work began in 1984, when a federal court struck down California’s maternity leave law, which had prevented employers from firing new mothers on leave.

At the time, Lenhoff was the director of legal policy and programs at the Women’s Legal Defense Fund.

The ruling held that the California law violated the Pregnancy Discrimination Amendment to Title VII of the Civil Rights Act, she said, and prominent politicians called asking what could be done.

Thus began Lenhoff’s nine-year odyssey in helping bring FMLA to fruition. It involved managing a coalition of about 150 groups in Washington and across the country: unions and groups for women, disability rights, parents and children with disabilities. “We had everybody from the March of Dimes and the AFL-CIO to the U.S. Catholic Conference of Bishops,” she said. “It was overwhelming and exciting.”

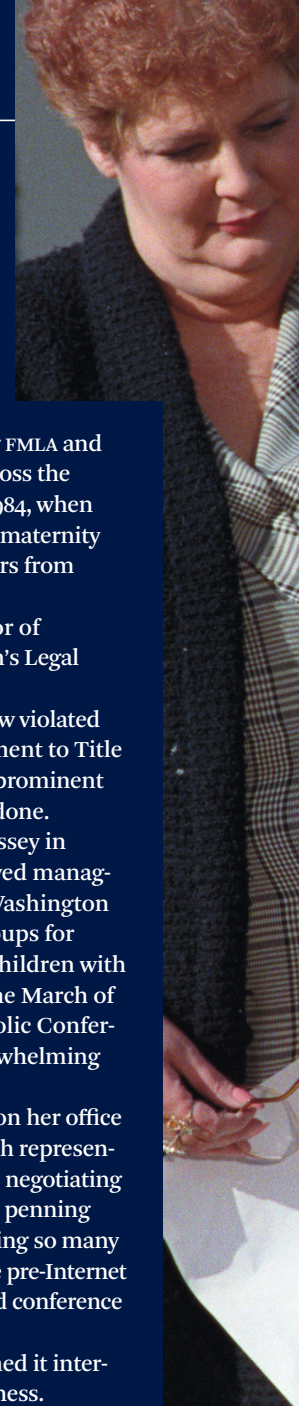
Lenhoff wrote a first draft of the bill on her office typewriter, then spent years meeting with representatives from the coalition and Congress, negotiating legislative drafts, distributing fliers, and penning op-eds in major newspapers. Coordinating so many moving parts was time-consuming in the pre-Internet age. “It was hard to do without email, and conference calls were expensive,” Lenhoff recalled.

Opponents of the bill, she said, claimed it interfered too much in the operation of business.

“It was really an underlying philosophical argument about the role of government, and also I think for many members of Congress and opponents of the bill, about the role of women and whether women should be encouraged to work at all,” Lenhoff said.

Congress did pass the legislation in both 1991 and 1992, but President George H. W. Bush vetoed it twice. When President Clinton was inaugurated, Lenhoff had to interrupt her own family leave with her infant daughter because she was involved with final enactment of the bill and then implementation of the new law. “Everybody understood,” she said of her supportive husband and family. “I’d only been talking about this incessantly for nine years.”

Lenhoff commented on regulations and participated in amicus briefs in cases challenging the regulations or the bill. She was also appointed by the Majority Leader of the Senate to a commission on





paid leave, where she helped conduct the nation's first survey about experiences with FMLA.

Lenhoff said she believes the most viable plan for more inclusive, paid leave could be an insurance fund into which all employers contribute. When needed, an employee draws from the fund for family or medical leave. The fund, she said, would cover a percentage of the employee's salary while on leave.

She pointed to a handful of states successfully offering paid leave in recent years as a sign of progress. In January, Tennessee's governor announced the state would be the latest in joining the ranks of California, Connecticut, Massachusetts, New Jersey, New York, Oregon, Rhode Island, Washington and Washington, D.C. in offering some form of paid family or medical leave.

Greater bipartisan support for paid family leave — Ivanka Trump, for instance, has made the issue her personal project — has helped, Lenhoff said. “Twenty-five years later, people are certainly more comfortable with the underlying concept, and that's a great help,” she said.

It continues to be a hot-button issue nationally. In December 2019 Congress enacted a bill giving federal workers — about two million people — up to 12 weeks of paid parental leave in connection with the birth, adoption, or foster care placement of a child.

“We're going to get a patchwork of laws for a while, with the Republicans saying, ‘OK, we agree with the concept,’ Lenhoff said, “and many states are passing a variety of approaches — I think there's a lot of hope.”

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President Clinton signs historic Family and Medical Leave Act. Years later, is this the time for paid leave?



PHOTO: MATT ROURKE / ASSOCIATED PRESS



Law enforcement comes under the microscope in new seminar.

Police Chief Ramsay Offers Students Unvarnished View of Policing

A few times a year, representatives from The Women's Law Project pay a visit to the Philadelphia Police Department Special Victims Unit. They have full access to randomly audit whatever files they want and report their findings.

The practice began in the late 1990s after a department scandal involving sexual assault cases that were being downgraded, misclassified, and sometimes not even written up.

As a result, "Investigations are far better than they ever were. Victims benefit by having a thorough, independent review to make sure that the investigators did everything that

they were supposed to do," according to Charles Ramsey, who served as Philadelphia police commissioner from 2008 until 2016. "If it was closed, do they have the person in custody that ought to be in custody? If it's still open, why is it still open? They ask all the right questions. They do an excellent job because they audit on a regular basis."

Ramsay shares his unfiltered views in 21st Century Policing, a first-time seminar he taught at the University of Pennsylvania Carey Law School with Associate Dean John Hollway C'92, LPS'18, who also serves as executive director of the Law School's Quattrone Center for the Fair Administration of Justice.

Ramsay is a Distinguished Policy Fellow through the Leo Model Foundation Government and Public Affairs Initiative through which

leading policy and government experts are invited to Penn Law.

Under the seminar's format, two or three student moderators are given topics which they use to guide discussion. Hollway said by having students select the readings and lead the conversation, he and Ramsey can teach on topics of interest to them. "It plays to Commissioner Ramsey's strengths as a speaker," Hollway said. "He's a gifted communicator and storyteller with real world, as opposed to case law, experience."

In one class, Ramsey, Hollway and students discussed and debated consent decrees; the "school to prison pipeline;" plus the use of body and surveillance cameras and drones. The seminar attracts students who are drawn by Ramsey's "been there, done that" experience.

“It’s a unique perspective,” said Elysa Desa 3L. “Policing is on the forefront of the public’s mind but how often do you get to hear from someone with the insight and experience that Commissioner Ramsey brings? He offers perspectives that you don’t always get in the media.”

And Ramsey, a CNN contributor, doesn’t disappoint, offering a range of opinions during a spring seminar that sheds light on errors in policing.

To wit:

- Many of the investigators in internal affairs do not receive adequate training on how to conduct a proper investigation.
- Prosecutors are under a great deal of pressure to produce high conviction rates, which can lead to errors.
- Officials should decriminalize marijuana possession if they don’t want police to arrest people for the violation.

Ramsay and Hollway agreed on using root cause analysis to analyze errors in policing. Ramsey advocated for also reviewing what he called “near misses,” where an accident takes place, but nobody was injured, as these situations offer great learning opportunities for quality improvement over time.

“Often times I think in policing we make a huge mistake if there is an officer involved in a shooting,” he said. “The shooting team goes out. There is a thorough investigation. We ought to have just as intense an investigation if an officer fired a weapon and missed what he was shooting at, the person got away or whatever, because the issue is whether the use of force was justified at that point in time.”

In agreeing with Ramsey, Hollway noted that civil litigation fails to ask “what changes do we need to make so that this doesn’t happen again and how do we know the changes that we’re making are effective changes?”

Because of the likelihood of litigation, both men agreed that policing mistakes should be treated like those in the medical or aviation fields, where information gathered in an accident is protected from use in lawsuits.

Toward the end of the class, the discussion turned to progressive prosecutors and restorative justice. Hollway pointed to a community court in the Red Hook neighborhood of Brooklyn in which perpetrators take responsibility for their role in disputes.

The concept, known as restorative justice, is one Ramsey agreed with—to a point.

Say, he said, that someone commits a first-offence robbery. It’s usually someone who needs

the money as much as the person he is robbing.

“He ain’t coming down to Center City. And he’s not robbing banks. Odds are he’s in the neighborhood and he’s taking from somebody in similar circumstances,” Ramsey said. “What restorative justice would do, would say, yeah, you got \$50 off me but that’s \$50 I was going to use to pay my phone bill. That’s \$50 I was going to use to do this, that, and the other. You don’t always realize the harm you cause by taking that money. That’s the benefit of restorative justice. You understand the consequences of what you did. But there has to be consequences for those kinds of actions. There’s no excuse for that sort of thing in my book.” ♥

“**IT’S A UNIQUE PERSPECTIVE. POLICING IS ON THE FOREFRONT OF THE PUBLIC’S MIND BUT HOW OFTEN DO YOU GET TO HEAR FROM SOMEONE WITH THE INSIGHT AND EXPERIENCE THAT COMMISSIONER RAMSEY BRINGS? HE OFFERS PERSPECTIVES THAT YOU DON’T ALWAYS GET IN THE MEDIA.**”

ELYSA DESA 3L

REFLECTIONS ON COVID-19

ANATOMY OF THE PENN LAW RESPONSE

WITH SPRING RECESS approaching, students looked forward to a much-needed break. Little did they know that the physical break would last the

remainder of the semester. Only two months from graduation, with the school year winding down, the world turned upside down as COVID-19 permeated the country, forcing the virtual closure of Penn and the University of Pennsylvania Carey Law School on March 16.

In response, the Law School mobilized its resources — both human and financial — and put together a plan to continue providing a world-class virtual legal education to students who could not be here in person — all in the span of about a week.

The sudden lockdown presented a huge challenge, paving the way for the Law School's historic response to this once-in-a-lifetime event, which began with the displacement of nearly 1,000 students, some of whom could not go home. For those who could, the Law School shipped many of their belongings back home to lighten their load. For those who couldn't travel, the Law School found temporary housing in Philadelphia. Penn Law also launched a program where students in need could get a free meal every day from local restaurants. In addition to

providing students with the necessary support to relocate and prepare for virtual learning, faculty and staff converted more than 190 courses to an online format and provided students with scanned course materials in a matter of days.

Many other difficult issues presented themselves, from grading to a loss of experiential learning opportunities to delays in bar exam testing and registration. The faculty unanimously voted for a credit/fail grading system for the Spring 2020 semester. The clinical faculty provided opportunities for students to continue their representation of clients, and share valuable information on COVID-19 assistance programs, through virtual hearings and office hours, social media, and the creation of new web pages. The Dean, working with colleagues from other law schools, advocated for JD and LLM students with the National Conference of Bar Examiners and state bar exams to maximize opportunities for first-time test takers to be able to sit for the bar exam in the summer and early fall.

Recognizing the changed economic circumstances its students face, the Law School decided to freeze tuition at current levels for the entire upcoming academic year while also committing to a planned double-digit percentage increase in financial aid.

"We have been able to maintain our rigorous academic program, provide the high levels of student service and support that are the foundation of a legal education at Penn, and expand our curriculum and programming to meet the needs of this extraordinary moment due to the support of thousands of donors led by the W.P. Carey Foundation, whose generosity gives us the strength and flexibility to adapt and excel in our changing circumstances," said Ted Ruger, Dean of the University of Pennsylvania Carey Law School and Bernard G. Segal Professor of Law.

And for the first time since the Second World War, the Law School will be offering tuition-free

CONTINUED ON PAGE 28

summer courses to its students and members of the Class of 2020. The offerings include Evidence, Professional Responsibility and a new tailored course called “Covid-19 and the Law.”

Also, the Law School created an innovative and challenging array of remote, co-curricular, legal skills development programs for JD and LLM students and graduates. Called “Skills Series: Summer 2020,” this program was developed with students’ summer experiences in mind, focusing on the practice skills that junior lawyers are called on to use the most.

A few months into the pandemic, Penn Law students have been busy doing extraordinary work, such as:

- The twenty law school students who manned hotlines to ensure full participation in the 2020 National Census so that resources can be adequately distributed to largely low-income, high-need communities.
- The twelve students who teamed up with Community Legal Services to assist clients who lack the income to pay their rent.
- The seven students who affiliated with the National Lawyers Guild Prisoners’ Rights Groups and the Prison Legal Education Project and worked with the Abolitionist Law Center and the Civil Rights Corp to provide extensive legal research and writing assistance in advocating for the release of some incarcerated people during COVID-19.
- The five students who assisted the American Bar Association in drafting webinar narratives in response to the COVID impact on criminal justice issues.

As for alumni, the Law School is offering free online CLE courses through at least the end of the summer. Use coupon code CLEFROMHOME. New courses will be added over time. Please go to pennlaw.teachable.com/ for an updated list. In addition, there are opportunities to learn about different areas of law through the

Coursera online platform — www.law.upenn.edu/academics/legaleducationprograms/online.php.

Throughout the crisis and subsequent stay-at-home period, the Dean held regional webinars in seven U.S. locations and six international locations to update alumni on the response to COVID-19, including what the Law School is doing to support students as they consider summer and post-graduate employment. He also toasted the reunion classes, awaiting the time in the not-too-distant future when he can greet everyone in person.

Finally, the Law School has created an all-inclusive site for staff with information and resources on how to work in entirely new ways. Many are learning and operationalizing new skills, the result of which has been to keep the wheels turning during extraordinary circumstances.

On May 18, the Law School culminated a difficult and challenging year with a commencement like no other, graduating 256 JDs, 129 LLMs and SJDs, and 17 ML students. Dean Ruger lauded the graduates for having the “values, talent and the motivation” to address and resolve the systemic problems that have been exposed during the pandemic.

Looking forward, the Law School is planning for a number of scenarios for returning to campus in the fall and awaits word from the University, guided by federal, state and local health officials, on the details of how we bring our students, faculty and staff back to campus. There are innumerable considerations related to classroom instruction, housing, and staff deployment.

Throughout it all, the Law School has managed to maintain its strong community and has provided the kind of rigorous education for which it is known, despite a crisis reminiscent of the 1940s. The Law School has gained experience in virtual education and has full confidence that it will replicate the success of the spring semester in the year ahead should some online classes be necessary as part of a new hybrid program.



reflection no. 1

Virtual Faith



**THE SAME JEWISH LAW THAT TELLS
ME THAT I SHOULD GATHER FOR
PRAYER ALSO TELLS ME THAT LIFE
MUST BE CHOSEN.”**

CHAIM GALFAND C'86, L'89
School Rabbi, Perelman Jewish Day School

As a religious leader who counsels families in times of need, Rabbi Chaim Galfand is no stranger to despair. But the pandemic is a special case. It has, in his words, caused a “rupture” in society, with reverberations felt at Perelman Jewish Day School.

First, the Day School had to pivot, with little warning and within a matter of days, to virtual education for hundreds of children. Then three affiliated families lost loved ones to COVID-19.

“I have had kids who told me I’m scared, and all I can say is I’m scared, too,” said Rabbi Galfand.

The random loss of life has raised age-old questions about how such things can happen in a world with God. An optimist by nature, Rabbi Galfand said, “Our capacity to respond is the very presence of God in this world. When I see people who are on the frontlines of health care, when I see social workers trying to sew together the deep rifts that are appearing in families, that, to me, is the presence of God.” (Perelman alumni and parents of current students are among the health care workers who face peril every day.)

Rabbi Galfand starts his day with a Hebrew prayer that translates to “Your faith, Oh God, is

great.” “We talk about having faith in God, but that means God has faith in us. If God believes in us, ultimately then I have to believe in us.”

During the lockdowns, people have had to rely on virtual worship and observance of religious holidays. Rabbi Galfand understands that staying apart makes it harder to practice faith but said that congregating is too risky right now.

“If you can’t offer the sacrament in the church, it is sad, but you do without it,” Rabbi Galfand said. “And in the Jewish case... the same Jewish law that tells me that I should gather for prayer also tells me that life must be chosen. It becomes a very easy decision.”

Fortunately, he said, technology exists to connect people, including those who might have been even more isolated before the pandemic. More optimism. He thinks lapsed believers might decide to return to their church, synagogue or mosque after the crisis passes.

And the crisis will pass, he said. “We have reached across the chasm of despair, sadly, all too many times throughout human history. But we have bridged the divide before, and I know that we can do it again.”



reflection no. 2

Test Results



ALONG COMES A PANDEMIC AND EVERYBODY REALIZES HOW IMPORTANT THE LABORATORY IS.”

DAVID KING L'82

Former President and CEO, LabCorp

David King ran the nation's largest commercial lab for more than a decade, so he speaks with authority on medical testing. At the height of the pandemic, he said, the country encountered many obstacles to increasing coronavirus testing, echoing concerns raised by many public health officials and governors.

He noted that part of the reason for the delayed response goes back to the Bush administration establishing pandemic preparedness which then has not been well-funded in succeeding administrations. As a result, he said, "We missed the opportunity to do containment and we went straight to mitigation." He acknowledged, however, that "nobody's ever going to be fully prepared for a pandemic of this magnitude." Referring to the virulence of the virus and the extremely rapid spread, King commented: "It's beyond anything anyone could have comprehended."

King assessed the coronavirus response during an interview in late April with Ted Ruger, Dean of the University of Pennsylvania Carey Law School and Bernard G. Segal Professor of Law. This story is based on that interview.

Commercial labs averaged 145,000 tests per day in April, but studies assert that the U.S. needs between 500,000 to 700,000 per day for sufficient surveillance of the population, King said. Commenting on the testing, King said labs have the capacity for more testing, but states

initially limited them to patients with acute illness to preserve personal protective equipment. He said he hopes that states, as some are doing, collaborate and devise regional plans to acquire more supplies for expanded testing.

Amid the shortfalls, there have been multiple public reports of diagnostic testing scams on the market. On the other hand, King said, "a well-validated test run by a responsible laboratory or a responsible hospital or state public health laboratory are highly reliable."

The clamor for near-instantaneous results comes with caveats as well, according to King. Test results at hospitals can come back on the same day, commercial labs the next day. But while point of care testing can yield results in 15 minutes to an hour, they are less reliable due to factors such as variability in sample collection, King said.

There have been off-hand comparisons of COVID-19 to the flu, but King believes this line of thought is misguided, given the higher transmission rates of COVID, the symptomatic presentation of the flu and the "geometrically higher" need for testing supplies, such as nasal swabs, during the COVID crisis.

One thing is certain: the pandemic has put a focus on public health and the importance of commercial labs. "For years the value of testing has probably been underappreciated," King said. "But along comes a pandemic and everybody realizes how important the laboratory is."



reflection no. 3

Pandemic Politics



I WOULD LIKE TO THINK THAT THIS (PANDEMIC) IS GOING TO SPEED UP A NECESSARY CONVERSATION ABOUT PROTECTING DEMOCRACY.”

MICHAEL SMERCONISH L'87

*Host of daily talk radio show on Sirius XM's Potus Channel,
host of CNN TV show Smerconish, and author*

Michael Smerconish balances two divergent thoughts in his mind on the mechanics of the presidential election. On the one hand, he was heartened to learn from Ron Brownstein of *The Atlantic* that every swing state in the country, including Pennsylvania, has provisions for voting by mail. On the other, he believes we're not equipped to do it nationally given that states hold the reins. "I think it's going to be very difficult to get everyone rowing in the same direction," he said, noting additional concerns about instituting a new system and the invariable bugs that come with that.

He does worry that turnout will be lower than 2016, and so it will be incumbent on each side to effectively mobilize their respective bases. "Passion rules. I am increasingly of the opinion that the fate of the election does not rest in the hands of swing voters," he said.

He added that the presumptive Democratic presidential nominee, former Vice President Joe Biden, "should just get comfortable in his Wilmington rec room, secure in the knowledge that there is very little he can do to impact the outcome of an election that will be a

referendum on President Trump's handling of the pandemic... It's almost entirely out of his hands. Whether he wins or loses will be largely determined by his opponent."

Smerconish said he will also be watching the pandemic's impact on House and Senate elections where the normal advantage of incumbency will be magnified, posing, in his view, potentially insurmountable obstacles for challengers. "You're quarantined. You can't go out and meet people. You can't appear at forums... You can't raise money through conventional means."

While he is gratified that a rare spirit of cooperation materialized on votes to approve stimulus packages, Smerconish thinks both sides are "too dug in" for bipartisanship to endure beyond the critical but narrow scope of these legislative responses to the crisis.

His silver lining? "I would like to think that this (the pandemic) is going to speed up a necessary conversation about protecting democracy, protecting ballot access as well as security."

But he suggested that he may be naïve in that hope.



reflection no. 4

Life Preserver



**I AM LEARNING THAT NOTHING
IS IMPOSSIBLE.”**

RICHARD WALDEN C'68, L'72
*President and CEO, Operation USA,
a nonprofit disaster relief organization in Los Angeles*

Richard Walden keeps a rainy-day stockpile of supplies in his 25,000-square-foot warehouse in case of an earthquake or other major disaster. Well, a public health disaster of 9.0 on the Richter scale struck and Walden did what he's always done: get to work.

Sequestered in his central Los Angeles home, one mile away from his office, Walden has directed money and supplies to everyone from a small mom and pop grocery store to Native American reservations to hospitals.

For instance, he acted on a story he read in *The Washington Post* that detailed the struggles and humanity of a grocer who runs a one-man operation in the Lower Ninth Ward of New Orleans, an impoverished area hard hit by Hurricane Katrina, to which he lent earlier support.

Moved by how the man extended credit to more than 60 customers who could not afford food and diapers, and how this cost him \$3,000, Walden went on a mission of mercy and raised money to cover his costs.

Walden described the grocer as a “saint” who spurred him to get involved because “his generosity is keeping people alive.”

Walden's organization has assisted and sent supplies to more than 100 countries over the

last 40 years. But as a longtime Los Angeles resident, he's gotten a lot of practice assisting a region plagued in recent years by a series of destructive fires and floods. So when COVID-19 struck Southern California with force, he distributed 50,000 pairs of latex surgical gloves, 10,000 isolation gowns, 12,000 face shields, 600 masks and 5,000 respirator masks to the City of Los Angeles.

Operation USA also collaborated with Crateful, a gourmet catering company in Los Angeles, to provide nutritious meals through an initiative called Fuel Them LA to front-line workers at Cedars-Sinai Medical Center, Providence Saint John's, Kaiser Permanente, Martin Luther King Jr.-Charles Drew Medical Center and more to come for the duration of the pandemic.

“I am learning that nothing is impossible and the long-ago skills I learned at Penn Law are once again valuable,” Walden said.

As of this writing, Walden was waiting for an airlift of one million masks from Vietnam for distribution to Los Angeles Mayor Eric Garcetti's COVID-19 task force.

To learn more about and contribute to Operation USA's efforts, go to www.opusa.org.



reflection no. 5

Legal Shepherd



WHAT WE'VE SEEN ARE A LOT OF COMPANIES VERY EAGER TO SHARE THE BURDEN AND HELP THE COUNTRY."

BLAKE WILSON L'12
*Senior Associate, FDA/Medical Device Group,
Hogan Lovells*

In April, as the COVID-19 crisis grew, the Ford Motor Company found itself in unfamiliar territory, agreeing to switch gears and produce 50,000 ventilators by early July.

This was a huge challenge for a multinational accustomed to rolling automobiles off assembly lines.

How would they get FDA approval for this new product in an ever-shifting regulatory landscape? How about distribution and market clearance? And exposure and liability?

For answers to these questions, Ford turned for legal advice to the Hogan Lovells' FDA group and Blake Wilson L'12, a member of the legal team.

"The COVID-19 pandemic has been a unique time for us (Hogan Lovells)," Wilson said. "What we've seen are a lot of companies very eager to share the burden and help the country. Some have experience while others are new to the space, but everyone recognizes there are shifting variables in play ... It's been very exciting to shepherd companies through the process."

The Ford Motor Company formalized a collaboration with GE Healthcare in early April, contributing to a federal effort to produce 100,000 ventilators in 100 days. GE Healthcare

licensed the ventilator from Airon Corp., a small company specializing in high-tech pneumatic life support products. The ventilator is designed for quick setup, making it easy for healthcare workers to use. It can be deployed in emergency rooms and intensive care units. (On May 21, President Trump visited the Ford plant in Michigan that is making the ventilators.)

In another project, Wilson and Hogan Lovells teamed with regulatory consultant Wanda Henry Co. to advise Sansure Biotech, Inc., which filed for an Emergency Use Authorization (EUA) to produce molecular diagnostic test kits for COVID-19. The FDA granted the EUA in early May, following earlier approvals in China and the European Union. Sansure aims to produce between 750,000 and one million tests per day.

Wilson, senior associate in Hogan Lovells' FDA/Medical Device Group, said it has been challenging adapting to the new pandemic framework, which seems to change on the fly. It requires almost 24-7 vigilance to regular updates. In this environment he's been learning—and teaching others—how to bring products to market quickly and still meet stringent performance standards.

Philadelphia's Liberty Loan parade in support of U.S. involvement in World War I accelerated the spread of the influenza through the city.



In 1918, just like today, people were told to wear masks.

THE LEGAL HISTORY OF EPIDEMICS IN THE UNITED STATES

University of Pennsylvania Carey Law School's Arlin M. Adams Professor of Law and Professor of History **Sarah Barringer Gordon** has extensively researched the legal history of epidemics in the United States and shares some of her knowledge.

Why is studying the legal history of epidemics in the United States important?

Awareness of the ways that other epidemics have come and gone should provide some sense of the patterns that have led to violations of essential rights that were grounded in a desire to divert fear into anger. Most of all, we can recognize the signs of unwarranted blame on any group as an excuse, an attempt to stoke dangerous recrimination. Building community through inclusion and respect, as well as making all treatments equally available, are the only time-tested effective responses.

Where does your analysis begin?

My analysis begins in 1890, but one of the most compelling examples comes from right here in Philadelphia in 1918. That year, the city held a celebratory Liberty Loan parade to promote American citizens' support for World War I. The United States had long delayed entering the Great War raging in Europe. Once in, President Woodrow Wilson presided over an enormous propaganda effort, which included the parade and "liberty loans" (the name given to war bonds). The spectacle was attended by huge crowds, and war-bond salesmen were busy on the sidelines.

But there was a problem. Wilson, as well as British and French leaders, all worked with a compliant press corps to suppress reports of a spreading "Spanish" flu for many months; note that there is no evidence the flu actually originated in Spain, an done historian even argues that it originated in Kansas. In truth, the pandemic was both widespread and deadly—the deadliest in human history, as far as we know. At least 30 million died (50 million is another common figure; one recent estimate said up to 100 million).

Reactions across America to rumored high death tolls were varied—a reflection of the extraordinary diffusion of power in the United States, especially in matters involving public health. As legal historian Polly Price put it, a national strategy may well be elusive; at the least, it would be "complicated if not impossible."

In 1918, Philadelphia's parade was disastrous. Within three days, every hospital bed in the city was full, within six weeks, the death toll was 12,000. Other cities' caution proved much savvier. St. Louis was a model—it closed schools, parks, libraries, churches, courts, and more, and had the lowest death toll of any major city.

How can states legally close establishments and shut down activities within their jurisdiction?

Such powerful and sometimes oppressive responses are made possible by the long-lived rigor of the “police power” that is vested in states. American federalism, the divided sovereignty that splits national and local government responsibilities, means that more than 2,600 local boards of health are the front line. The national government has power at the borders, but once inside the country, that power evaporates. Even when President Trump ordered cruise ship passengers and evacuees from China to be quarantined, local administrators actually administered and managed that process.

The police power has proven among the most powerful tools of government, especially during epidemics. As legal historian Michael Willrich put it in his aptly titled book *Pox*, “Epidemic disease, like war, is the health of the state.” Defined as the authority to ensure the health, welfare and safety of a state population, the police power has sustained drastic measures to combat epidemics — so drastic, that key rights of individual liberty and bodily integrity have been trampled.

Can you expand upon the problems created by the abridgment of individual liberty and bodily integrity?

At the turn of the twentieth century, outbreaks of smallpox, bubonic plague and typhus unleashed “virus squads” across the country. In New York City, doctors, backed up by military-style support from local police, forcibly vaccinated residents. Especially in African American neighborhoods, these squads chased people into churches, up fire escapes, and dragged terrified children from their parents’ arms to vaccinate them with the painful and

sometimes dangerous smallpox vaccine. Often, the vaccinated arm was so swollen and painful that it was useless for several weeks, incapacitating a manual laborer and putting his or her family at risk.

Such practices were challenged in 1905 in the Supreme Court case *Jacobson v. Massachusetts*. Lutheran minister Henning Jacobson called the process of vaccination a “state sacrament” to which he objected on religious grounds. He also had a history of bad reactions to the smallpox vaccine. As a child, he was ill for weeks after being vaccinated, and his own son had suffered a similar illness. He also reported that he had seen many other bad outcomes from this vaccine. He described the vaccine this way: “We have on our statute book a law that compels... a man to offer up his body to pollution and filth and disease, that compels him to submit to a barbarous ceremonial of blood-poisoning.” Jacobson lost his appeal, especially because the Supreme Court invoked the analogy of epidemics to war. The Court upheld blatant violations of persons and property during both kinds of emergency, concluding that “on any other basis organized society could not exist.”

This overwhelming mandate has often been subject to abuse, as in the racism of the New York virus squads. Legal historian Felice Batlan has chronicled rampant anti-Chinese bias during plague outbreaks in California and Hawaii. In 1899, several cases of bubonic plague appeared in Honolulu, in the area known as “Chinatown,” but home to Japanese and Native Hawaiians as well as Chinese residents. In response, the Honolulu Board of Health, composed of three white doctors, ordered that no one could go into or out of Chinatown, and the National Guard enforced the rule. Residents of Chinatown were subjected to twice daily

home inspections, and anyone found to be ill was quarantined in a special camp outside the town. Those camps themselves were undersupplied, especially but not only with food.

But the plague continued to spread. The Board decided to burn all structures that had housed anyone who was ill. At least a thousand buildings were burned to the ground. Finally, the entire neighborhood was destroyed when one of the set fires raged out of control. Four-thousand people were then relocated to the camps. On Maui, the Board went straight to burning.

On the mainland, China was called the “breeding place of King Plague,” and the Chinese were believed to have brought contagion with them when they crossed the Pacific, threatening innocent white Americans. The Chinese exclusion laws of the late nineteenth and twentieth centuries were supported by theories of Chinese filth and disease. Only judicial intervention prevented the use of an experimental plague vaccine on all residents in San Francisco at the same period as the Honolulu fire, but calls for drastic action persisted, based clearly on race rather than rates of infection.

How do these historical events inform the current situation regarding the novel coronavirus?

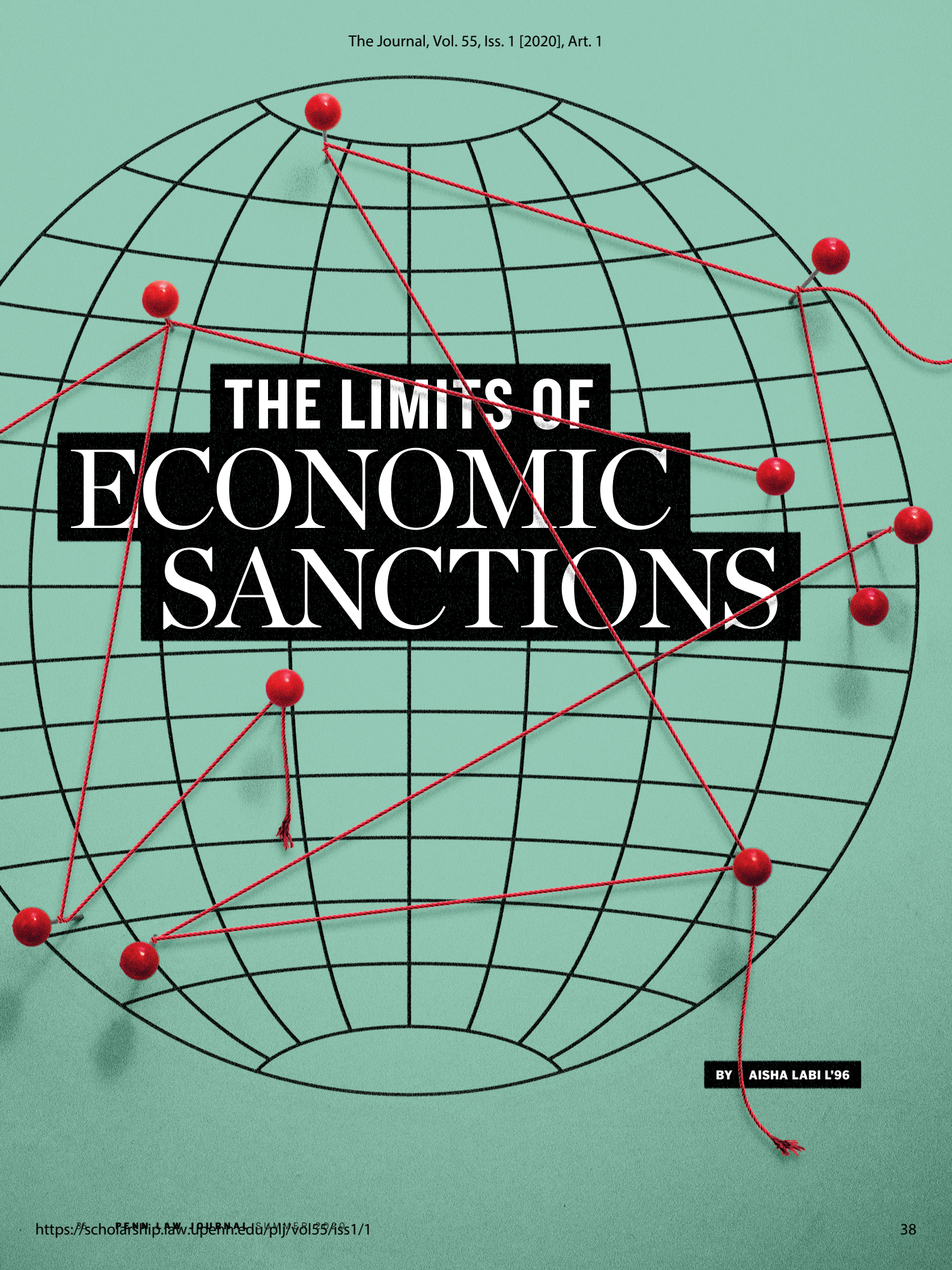
Echoes of such anti-Chinese sentiment have erupted in the current epidemic. President Trump and some of his cabinet have called the coronavirus the “Chinese virus.” An article by Congressman Ted Lieu of California charged that xenophobia lay behind the term, and that in “a time of unease and uncertainty, such language stokes panic and doesn’t get us closer to eradicating this virus.” Asian Americans,” he said, “have been insulted or otherwise discriminated against because of such rhetoric.” President Trump’s insistence on labeling the corona virus a “Chinese virus,” appears to be connected to a rise in hate crimes.

Most historians would argue the world has long been closely interconnected. We are connected globally through international travel and especially the internet and social media. Our sense of control over our world is illusory. But given the police power, we should be concerned about the spread of racism and nationalism as well as the coronavirus. There have been important victories through legal action in such situations, but not reliably. ♥

PHOTO: SAMEER KHAN / FOTOBUFFY



Arlin M. Adams
Professor of Law
and Professor of
History Sarah
Barringer Gordon

A wireframe globe is centered on a light teal background. A network of red string is stretched across the globe, connecting several red spherical beads. The beads are positioned at various points on the globe's grid, creating a complex web of lines that crisscrosses the globe's surface. The title text is overlaid on a black rectangular background in the center of the globe.

THE LIMITS OF ECONOMIC SANCTIONS

BY AISHA LABI L'96

In international relations, the imposition of economic sanctions by one nation on another is equivalent to throwing down a gauntlet. It has historically been a sign that all other diplomatic channels have been exhausted. Yet it is a strategy to which the United States has resorted with growing frequency in recent years. Indeed, says Eric B. Lorber L'13, sanctions have increasingly become the tool of first resort in thorny international situations, especially for the current administration.

Lorber is a former senior adviser to the Undersecretary of the Treasury for Terrorism and Financial Intelligence, the government's main sanctions official. Since 2018, he has been the senior director of the Center on Economic and Financial Power, a new program within the Foundation for Defense of Democracies that focuses on the study of how economic and financial power can be leveraged to achieve national security objectives. In his view, sanctions have consistently proven their effectiveness across a range of foreign policy challenges. "Economic sanctions are almost never a sufficient tool among themselves," he emphasizes, but when used in conjunction with a range of other measures they are among the most reliable means of achieving foreign policy objectives.



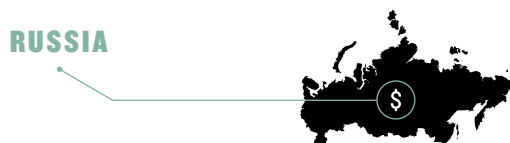
The most high-profile use of economic sanctions by the U.S. in recent years has been against Iran. According to Lorber, it is also the most successful. Along with most experts, he credits the economic pressure on Iran with bringing Tehran to the negotiating table, leading to the 2015 Joint Comprehensive Plan of Action (JCPOA), in which Iran accepted restrictions on its nuclear program in exchange for the relaxing of some measures. Sanctions alone did not achieve this breakthrough, says Lorber, but they were an essential component of a comprehensive strategy that put enough pressure on Tehran to persuade it that it was in the country's best interests to negotiate with the West and give up elements of its nuclear program.

The other diplomatic tools that were brought to bear in Iran included some old-fashioned cloak-and-dagger-spycraft. Foreign agents are widely reported to have used USB ports to infect Iranian nuclear facilities with malware, producing catastrophic damage to centrifuges at Iranian nuclear facilities and hindering progress on

the country's weapons program. This, coupled with the economic pressure of the sanctions and the threat of military force, spurred Tehran to the negotiating table. Relations between the two countries have deteriorated since then and the Trump administration has withdrawn the U.S. from the JCPOA, putting new sanctions into place. As for how effective the current sanctions against Iran have proven, Lorber says it is a mixed picture. If the measure of their success is in changing the behavior of the regime, then they have not yet succeeded. However, he says, sanctions have been "especially effective and impactful" in disrupting illicit financial activity, such as channels that funnel money to terrorist organizations such as Hamas and Hezbollah.

The economic effect of the sanctions on Iran has been thrown into relief in recent months by the global spread of the Coronavirus pandemic. Iran was among the countries most severely affected by the initial expansion of the outbreak beyond China, and many observers attributed the rapid spread of the disease there in part to weaknesses in the country's health infrastructure as a result of the long-term effect of international sanctions. Lorber disagrees. "Medical exports to Iran from places like the EU have not been significantly impacted over the entire period since the U.S. withdrew from the JCPOA," he stresses, adding that "the U.S. has a number of mechanisms in place to facilitate the delivery of humanitarian goods to Iran." The main obstacle is finding banks that are in a position to process transactions with Iran, but the U.S. has set up a humanitarian channel specifically to address those hurdles, he says.

Overall, Lorber says, the administration's current stance toward Iran is fundamentally sound. Its primary focus is on disrupting Iran's efforts at sanctions evasion, which have been honed by years of practice and include strategies such as the use of shell companies, mid-ocean ship-to-ship transfers to conceal the origin of cargo, and turning off tracking devices on ships, he says.



Russia presents a more mixed picture than Iran, says Lorber. Sanctions were ramped up against Russia in 2014, following its annexation of Crimea and invasion of Eastern Ukraine. There is strong evidence that the swift imposition of sanctions

had a direct impact on Russian decision-making at the time, Lorber says. It is widely believed that “the Russians were thinking about going significantly deeper into Ukraine than they ended up going, and a key element that influenced their decision to stop or at least limit the incursion was the imposition of U.S. sanctions.”

If sanctions against Russia achieved this very focused initial success, they have ceased to be as effective in curbing subsequent Russian actions, including probable interference in U.S. elections. This limited success illustrates an essential component of effective sanctions, says Lorber. “Sanctions need to be tended to and refreshed periodically, they have to be kept evergreen,” he says. “If you put sanctions on a target in 2014 and don’t do much to detect efforts to evade those sanctions and change your enforcement posture accordingly, the country you’re sanctioning is going to adjust and figure out workarounds.” To ensure maximum effectiveness, the sanctions against Russia would have to be continually refreshed, but the Trump administration has shown little appetite for such measures. Perhaps more importantly, it’s not clear what the strategic purpose of new sanctions would be, he says. “Is it to punish them for activities in Ukraine and Crimea that now date back to 2014?”



Venezuela also offers unique challenges as a sanctions target, and has yielded mixed results. Lorber describes the restrictions on Venezuela as a “very deliberate incremental sanctions program,” which started off in 2017 with targeted designations of senior Venezuelan officials who were engaged in drug trafficking. This escalated into sectoral sanctions, involving restrictions on debt and equity transactions in Venezuelan debt, and last year was significantly ramped up when the U.S. designated the Venezuelan state oil company, PdVSA, as a target.

In April of 2019, says Lorber, there was compelling evidence that Nicolás Maduro, whose legitimacy as president the U.S. disputes, was planning to flee the country for Cuba, one of the few nations from which he enjoys support. “He was about to board a plane to fly to Havana and was called on the tarmac by the defense minister of Russia, who told him to stay in the

country and that Russia would continue to support him,” Lorber relates. Assessing the success of the Venezuela program in such circumstances is difficult. “He didn’t leave the country and the regime is still in power, so in that sense it’s a failure,” concedes Lorber. On the other hand, he notes, sanctions were apparently just one phone call away from achieving their goal, so they can hardly be deemed a categorical failure.



North Korea is a more straightforward case. “Our sanctions have not been a success,” is Lorber’s blunt assessment. There has been some form of sanctions on North Korea, in varying iterations, for decades, with a significant increase in their severity in 2017, when the Trump Administration took office. “If the goal is the complete, verifiable, and irreversible disarmament of North Korea, clearly we’re nowhere near that and in fact the trend lines are going in the opposite direction,” he says.

North Korean sanctions have been in place for so long that the regime has become particularly adept at finding ways to skirt their limitations. “If the Iranians are the JV team in terms of sanctions evasion, then the North Koreans are the varsity team,” says Lorber. “They are fantastic at it and have been developing workarounds for 15, 20 years.”

North Korea has proven uniquely impervious to the pressure of sanctions in part because of the uniqueness of their system of governance and history. For the ruling Kim family, says Lorber, “their nuclear program is synonymous with their survival.” They believe, probably correctly, that having nuclear weapons provides them with a trump card against invasion by outside forces. With no free press or internal dissent allowed, they are also uniquely positioned to disregard the humanitarian consequences of the sanctions. “When the regime itself doesn’t care that much about what happens to the people and if they suffer economically, the likelihood that economic pressure on the country will have an impact to get the regime to give up their golden chit is not realistic,” he says.



The Cuba sanctions program, which dates to the late 1950s, is the oldest country-specific program the U.S. has in place. When it was established, at the height of Cold War tensions, its purpose was not so much to bring about regime change in Cuba as to limit the country's ability to act as a proxy for its sponsor, the U.S.S.R. "Cuba represented a significant national security threat in the Western Hemisphere," says Lorber, and was actively engaged in supporting communist insurgents throughout Latin America and in Africa.

When the geopolitical world order changed with the collapse of the Soviet Union, the Cuba sanctions became less relevant. Increasingly, observers wondered why U.S. foreign policy continued to be focused on isolating Cuba through what many viewed as an antiquated set of measures. The Obama administration initiated a strategy focused less on isolation and punishment and more on increasing people-to-people contact and bolstering the commercial and private sector in Cuba, says Lorber. "It was an admirable goal, but it didn't play out in the ways we had hoped."

The Cuban government and military maintained strict controls of the economy as foreign investment flowed in, with the result that the unwinding of the sanctions disproportionately benefitted the Castro regime, says Lorber. The episode highlighted another essential element of effective sanctions, he says. "You need to have a change in behavior by the government before you actually relax the sanctions." That had not occurred before the Obama administration unilaterally relaxed the sanctions program, and the move proved premature. Since 2017, there has been a gradual tightening again of the sanctions on Cuba, mostly aimed directly at the Cuban military and its ability to receive revenue, he says.

"IT'S LIKE A GAME OF CAT AND MOUSE, WITH U.S. INTELLIGENCE AND TREASURY OFFICIALS CONSTANTLY TRYING TO FIGURE OUT HOW BAD ACTORS ARE ADJUSTING AND THEN TRYING TO PLUG THE GAPS"

ERIC B. LORBER L'13
Senior Director of the Center on Economic and Financial Power

In addition to these country-specific programs, the more than 30 sanctions programs that the U.S. currently has in force include several designed to target specific kinds of illicit activity, such as the financing of terrorist organizations or drug trafficking. The measure of the effectiveness of these programs is not whether they cause a foreign country to change its behavior, but how much money they stop from flowing to bad actors, says Lorber.

As these transnational sanctions programs have become more numerous, the practice area related to the law governing sanctions has evolved into a highly complex field, often entailing tricky regulatory interpretation questions. The language of a specific sanction may seem straightforward, barring doing business with a designated person or entity, but in reality it can be exceedingly intricate to parse out what activity is and is not prohibited when it comes to multinational financial institutions and the complex derivative products they use. And as sanctions instruments have become more complex, those targeted by sanctions have become more adroit at evading their restrictions.

"It's like a game of cat and mouse, with U.S. intelligence and Treasury officials constantly trying to figure out how bad actors are adjusting and then trying to plug the gaps," Lorber notes. Meanwhile, those targeted by sanctions are working equally hard to develop more sophisticated evasion strategies.

Over the past decade, banks and other entities in the private sector have assumed an increasingly central role on the front lines of sanctions compliance, says Lorber. They are effectively deputized with ensuring that targeted individuals such as designated Russian oligarchs or Iranian terrorist organizations are not allowed access to global financial systems. Many of the big banks have entire teams working on compliance issues and "there is much more a culture of compliance than in the past," he notes, due largely to the huge fines that were imposed on banks for violating sanctions.

As reliant as the U.S. has become on their use, sanctions remain a difficult tool to use effectively. They must be continually calibrated to changing circumstances for maximum impact and must be consistently and strongly enforced, says Lorber. As the global balance of power shifts away from the U.S., it will remain to be seen whether its sanctions will continue to have the same coercive influence. ▀

Aisha Labi L'96 is a New York-based freelance journalist.



Whether protecting intellectual property, overseeing real estate deals or managing corporate governance, these GCs do it all in a turbo-charged, demanding and ever-changing environment. That's the deal in the fashion and clothing business, but they love it.



RETAIL

Lawyers

FASHION WATCHWORD: DISRUPTION

In the post-recession era, social media attention is gold for retailers, says marketing guru **Rachel Solomon C'92, L'95**.

BY LINDSAY PODRAZA

EDITOR'S NOTE: COVID-19 has taken a toll on retailers nationwide, including those featured in these pages. Saks Fifth Avenue closed its doors but continued to operate online. (Stores have now reopened.) Same with Fast Retailing USA, Inc., parent company of Uniqlo and Theory. (Where permitted, some Uniqlo stores have reopened while others offer curbside pickup service.) Hanesbrands, Inc., meanwhile, is producing reusable and washable all-cotton 3-ply face masks for the U.S. Department of Health and Human Services.

Following the Great Recession of 2008, the business world buzzed about the importance of “disruption.” With nowhere to go but up, retailers experimented in colorful ways to grab the attention of consumers.

More than a decade later, the idea of disruption still thrives in the ever-evolving fashion industry, says Rachel Solomon C'92, L'95, who helped build the ecommerce fashion website Rue La La into a success and recently founded the retail marketing firm Honor Code Creative, later adding a partner from Rue La La.

Of course, disruption has taken on a new meaning during the COVID-19 pandemic that has wreaked havoc around the globe and rocked the retail world, including the fashion and clothing industry.

“Consumers are fearful and have pulled in the reins,” Solomon observed. “Some consumers may be discovering new lower priced or online offerings they hadn't considered before. I think some amount of shopping still happens in a downturn as people look for a mood boost, are bored at home, and see brands on their Instagram feed.”

She continued, “I think some of the brick and mortar businesses, obviously, won't survive. But the really tenacious ones will get creative and strategic and find ways to come out on the other side. The retailers who connect in meaningful ways now rather than come across as opportunistic or out of touch, will have made inroads maybe not in sales but in goodwill, and will be go-tos when consumers return.”

In simpler times, when Solomon was an executive for the budding Rue La La, it was revolutionary to skip the brick and mortar store, require a password to be created for users, and host limited-time sales for clusters of high-end merchandise.

“It was super-exciting...it was this totally new kind of shopping,” Solomon said. “I had been a lawyer for three years — my father was a lawyer — and he said, ‘Honey, you need to go back to law, this password shopping thing is never going to take.’”

Needless to say, the newfangled idea of online flash sales quickly invited copycats, including, among other giants, Amazon.

“What customers respond to is a constant creation of new ways to shop that really push the boundaries of what your brain can dream up,” Solomon said. “Whether it’s flash sales, or more innovative spaces, or limited editions, whatever it is, there’s a huge appetite for that.”

Much of the disruption retailers are striving for is fueled by branding on social media, which Solomon said is deeply affecting fashion, particularly on Instagram.

Most Instagram users keep their thumbs on a constant scroll through a parade of images posted by friends, influencers, companies, celebrities and advertisers.

“Disruption is key...what will stop me in my tracks, but still be on brand? How to stop the scrolling. That’s very much a part of fashion now,” she said.

Social media has also created a new sense of community among fashion

Of late, consumers on social media have been demanding transparency and authenticity as well, she said.

Creating a sense of vulnerability through intimacy and truth-telling seem to be magic ingredients for gaining social media engagement, which translates to more eyeballs on products, more clicks, and ultimately, more sales.

Reaching consumers on an emotional level has never been more critical, Solomon said. “People can now spot a fake, spot a brand trying too hard — they long for something real, that you practice what you preach.”

This is uncharted territory for the fashion industry. “Fashion used to have a wall where everything was supposed to be magical and unknown, and now everyone wants to know what’s behind the scenes,” Solomon said, adding that it’s common nowadays for publications like *Vogue* or *Bazaar* to feature stories detailing the minutia of a designer’s life, from diet to daily rituals to mundane errands.

The American clothier Everlane preaches “radical transparency” as part of its tagline. Solomon said staying true to that sentiment has helped propel the business. For example, instead of sending a typical Black Friday shopping email to consumers, in 2015, Everlane nixed special promotions and said sales would go toward a wellness program for its factory workers, including healthcare, groceries and English lessons. Unsurprisingly, Solomon noted, the plug was wildly successful. Now Everlane has an annual “Black Friday Fund” that directs profits toward a philanthropic cause, often for the benefit of its own workers.

Consumers are tired of air-brushed perfectionism on social media, too, Solomon said. This line of thought has led to more diversity and expression in models. “On social media, it used to be about creating this ‘perfect’ everything, but now, people are responding much more to truth-telling and not perfect everything,” she said. “I think fashion is the same — people are responding much more to truths; people don’t want to be put in a box anymore.”

Lindsay Podraza is the senior contributing writer for the *Penn Law Journal*.

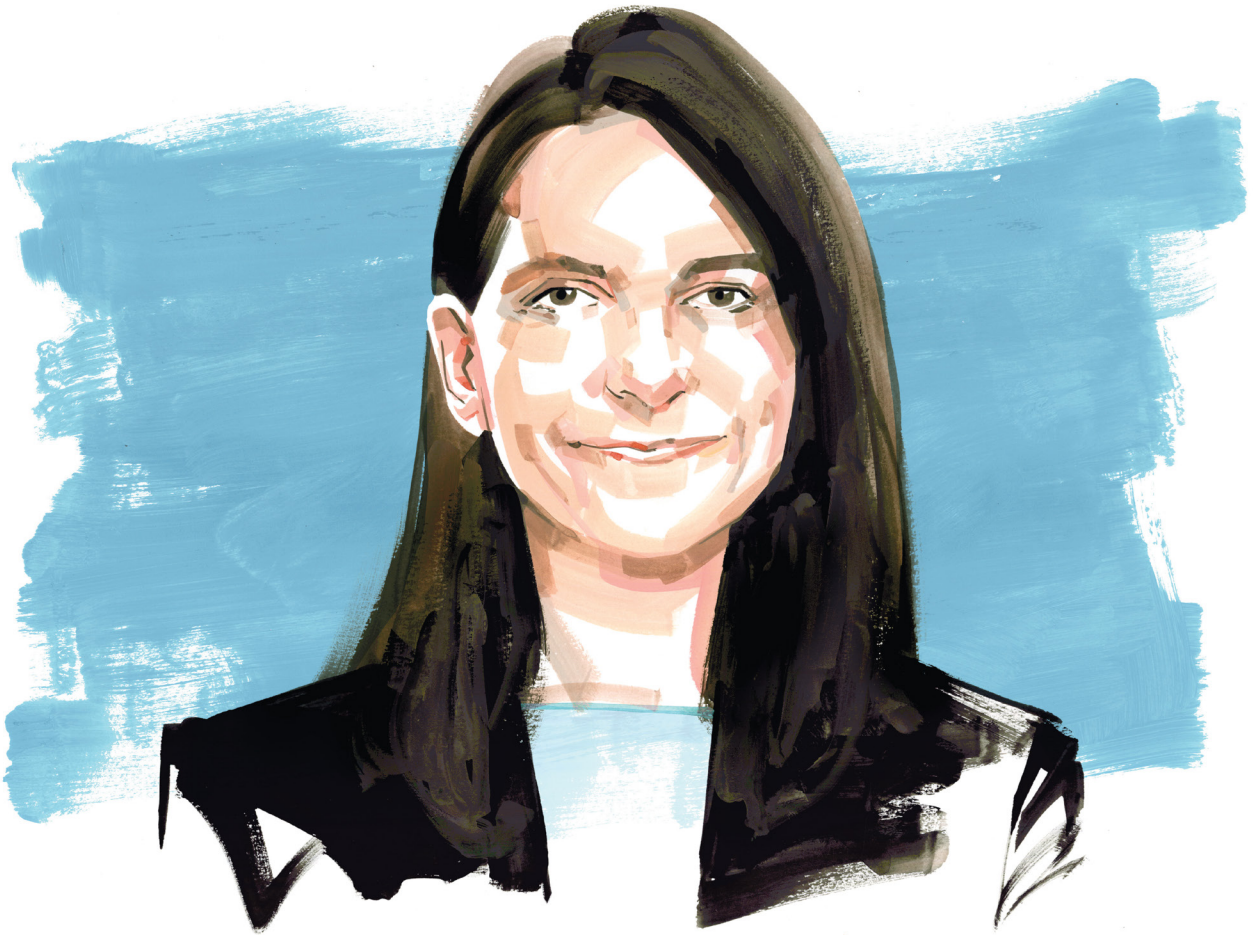
“DISRUPTION IS KEY...
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RACHEL SOLOMON

She pointed to the rise of fashion business The RealReal, which has been an innovator in the high-end consignment retail space, operating mostly online but also with stores in Los Angeles and New York.

“I think in a sense that these wild, disruptive ideas cannot happen without bravery,” Solomon said, adding that gutsiness is a prerequisite for survival in the retail industry. “When you get to be too big, or if you can’t maintain that freshness, it’s the death knell in fashion.”

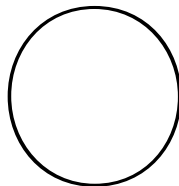
consumers. For example, in 2018, designer Phoebe Philo stepped down from her role as creative director of fashion brand Celine, which Solomon said was largely viewed as a stronghold of “feminist cerebral fashion.” A man with a different vision replaced her, and the online community rallied for a return of the original vision. The online masses, she said, have now thrown their support behind the Italian brand Bottega Veneta, dubbed as “the new Celine.” There is Instagram-fed talk of Philo returning with a new sustainable brand.



FAST RETAILING'S FAST RISE

Serena Peck L'05 spends her days in perpetual motion, mirroring the rapid pace of growth of a flagship brand that delivers solid and affordable clothing.

BY DEREK GUY



In any given day, Serena Peck L'05 is shuttling around New York City's meatpacking district. This used to be home to Manhattan's ironworks companies, lumberyards, and, of course, meatpacking plants. But as the city's economy has shifted towards high-end services, the meatpacking district has become a nexus for creativity and commerce. It's where you'll find art galleries, high-end boutiques, and well-rated restaurants. It's also home to several of Fast Retailing's U.S. offices for Uniqlo, Theory, Helmut Lang, and J. Brand.

Peck joined Fast Retailing USA, Inc. in 2010 as in-house counsel, just a few short years after the Japanese company opened their first Uniqlo store in the United States. For decades, Uniqlo has been one of the

most well-recognized retail names in Japan but remained relatively unknown in the U.S. until recently. Their meteoric rise over the last few years has been due to a mixture of strategic positioning, technology, and cultural know-how.

"When Fast Retailing recruited me, I had been working at Paul, Weiss, Rifkind, Wharton & Garrison for five years doing mergers and acquisitions," says Peck, who serves as chief administrative officer and general counsel at Fast Retailing USA. "When I came on, Fast Retailing didn't have any in-house counsel in the U.S., so I started the legal team from scratch. Over time, I've hired for key roles — an employment lawyer, a real estate lawyer, and a couple of generalists. I've basically set up a mini law firm here to support the growth of the business. And as the business grows, our issues also grow."

Retail sits at the forefront of the next seismic change in the American economic landscape. Over the last ten years, everyone from JC Penny to Barney's New York has filed for bankruptcy. Shopping malls, once suburban social hubs, have turned into ghost towns. The online share of total retail sales has roughly doubled every six years since 2004, reaching nearly 9 percent in 2016. Many brick and mortar retailers are struggling to find ways to bring customers into their stores. In April of 2017, the editorial board of the *New York Times* wrote an op-ed piece, warning "as retail goes, so goes the nation."

Uniqlo, on the other hand, has thrived despite retail's challenges. Since opening their first U.S. store in 2006, they've grown to 50 locations throughout the U.S. with a store in almost every major city. Thanks mainly to Uniqlo's growth, Fast Retailing is now the third-largest clothing retailer in the world with more than 2,000 stores. Peck credits this success to Uniqlo's mission to make affordable, well-made versions of clothes that should be in everyone's closet. "This whole idea of lifewear, which is essentially our brand slogan, is that we're making the best of everything you can wear for your life," Peck explains. "You can have a very basic, plain, black cashmere sweater, but it's the best cashmere sweater you can own at that price point, and you can feel amazing in it."

Rooted in a minimalist aesthetic, Uniqlo's clothes are approachable in design and affordability. Fashion enthusiasts often recommend the company as a starting place to build a better wardrobe or just a place to get better-made basics. But more importantly, particularly in the West, Uniqlo has been able to position itself as being cooler than its competitors. Part of this may be because the brand is Japanese, and therefore benefits from the Japanese reputation for obsessive attention to detail and design. It's also because Uniqlo lives up to this reputation.

Additionally, for the last ten years, they've collaborated with luxury fashion designers, making them one of the most innovative companies in this space. "We were one of the first mass apparel companies to collaborate with a high-end designer," says Peck. "It started with Jil

“WHEN YOU’RE IN-HOUSE COUNSEL, YOU FEEL STRONGLY CONNECTED TO THE COMPANY’S OBJECTIVES. SO YOU WANT TO FIND A PATH THAT ALLOWS THEM TO GROW. OVER TIME, I’VE HAD TO BUILD THE TRUST OF MY BUSINESS PARTNERS TO ENSURE THEY KEEP COMING TO ME TO HELP THEM, INSTEAD OF BEING A ROADBLOCK.”

SERENA PECK

Sander, who designed our +J line. The collection was her interpretation of how to create a core Uniqlo product that had a designer aesthetic, but available at a Uniqlo price point."

Uniqlo's approach to high fashion is distinctive. Its competitors rip off runway looks to coast in the wake of the hottest trends, which brands them as second-rate copycats. Their consumers would rather be buying something else, if they could. Uniqlo instead works directly with the designers to create clothes with integrity. Their approach has paid off handsomely. Since their Jil Sander collaboration, the company has worked with leading names such as Alexander Wang, Christophe Lemaire, Daiki Suzuki, and JW Anderson. They've also collaborated with graffiti artist KAWS and tennis player Roger Federer. Consumers, as a result, see Uniqlo as being a much more legitimate cultural figure, rather than one that's just hopping from trend to trend. They don't go to Uniqlo to

get cheaper versions of runway clothes; they shop at Uniqlo because they want a Uniqlo product.

The legal end of the business doesn't require visual artistry, but it does require employing some creative solutions. The most challenging part of Peck's job is advising the company on how to move forward with strategic decisions while balancing for risk. "When you're in-house counsel, you feel strongly connected to the company's objectives. So you want to find a path that allows them to grow. Over time, I've had to build the trust of my business partners to ensure they keep coming to me to help them, instead of being a roadblock." In the U.S., one of the challenges includes the rising tariffs as a result of the government's ongoing trade war with China. Peck says the company has strategies in place to deal with these issues.

As a fashion company, Uniqlo faces some distinctive legal challenges not seen in other industries. Since the U.S.

Supreme Court ruled that clothes are utilitarian, most designs don't fall under intellectual property protections. A company can't protect the cut of its shirt, for example, or the simple use of down. "Our most important property is our brand trademark, which is associated with our product and brand recognition," Peck says. "We can also trademark certain properties, such as Heattech. The U.S. legal system does not offer strong protection for basic fashion designs. But we have proprietary technologies that we have developed in our supply chain, such as Heattech, which is designed to keep you warm, and Airism, which is designed to keep you cool."

As in-house counsel, Peck's day-to-day legal work varies widely: she manages transactions and the contracts that support those transactions, the company's intellectual property portfolio, labor and employment issues, litigation and disputes, privacy and marketing compliance issues, and real estate law. She manages four lawyers in the U.S., a team that she built herself, along with an administrative, legal staff of three.

She has also acquired a host of responsibilities outside of legal matters. She oversees an information security team of two and a larger HR operations team of more than twenty people. She inherited the HR side of the job two years ago with almost no prior experience in the field. Today, as part of her chief administrative officer title, Peck manages a shared service function that consists of payroll, benefits, compensation, and HR systems for all of Fast Retailing's some 5,000 U.S. employees.

"Our goal is to attract and retain best-in-class talent," she says. "It's an administrative role with a lot of strategy in it and closely tied to our principles as a company. A few years ago, I implemented an enhanced parental leave policy and other maternity support programs to support employees who are having families. We have to ensure we're designing policies that keep our people motivated. So in turn for them doing great work for us, we're going to help make their lives better."

As the only woman in the U.S. who's a group officer in the entire global company, Peck has created a platform to bring more women into leadership roles. She organizes

and hosts a variety of programs, which include anything from an external speaker series to informal "brown bag" lunches. "We also have a mentorship component," says Peck. "I know participants have forged greater relationships with peers as a result of participating in the programs. That, in turn, helps foster a stronger connection to the company and helps women navigate through challenges and career aspirations. Also, just formalizing a women's initiative in our company is good progress for us, as it shows that the company takes diversity seriously as a business imperative."

Fast Retailing is more than the company's name; it's also how the business runs. Peck moves between the company's four offices in downtown Manhattan to handle each of the four brands, as she juggles everything from legal responsibilities to administration to information security. "One of the great things about the company, particularly for someone entrepreneurial, is that the opportunities are limitless here and you can create your own path. For someone who has an appetite to do a lot, it's a place where you can accomplish a lot. The work is complex and demanding, but I've had inspiring mentors here and have always felt supported."

[Derek Guy is the editor of *Put This On*, a web series and blog about men's clothing.](#)



THE BUSINESS OF LUXURY

For **David Schwartz L'92**, general counsel and executive vice president of Hudson's Bay Company, leading legendary retailers like Saks Fifth Avenue into the next generation means thinking far outside the one-size-fits-all box.

BY EMILY GOULET

Beneath the flash of fashion and luxury retail—with its glossy ads and glitzy sales floors—there's a steadily thrumming murmur, one that's growing louder and increasingly alarmist. You might have heard it: Brick and mortar is dead.

You'd never know it if you were to stand at 5th Avenue in Midtown Manhattan. Here, of course, is where the Saks Fifth Avenue flagship rises up in spectacular fashion. And now it's better than ever: the iconic department store is in the final stages of a splashy \$250 million renovation, which includes a color-changing iridescent glass escalator (just as show-stopping as it sounds), spa services and wellness treatments (think anti-cellulite massages and “face workouts”), a revamped main level devoted to handbags and leather goods (these spread out over 53,000 square feet), miles of custom terrazzo imported from Italy, and an A-list bar designed to look like a Swiss chalet.

The renovation is a bold statement by Hudson's Bay Company (HBC), the Canada-based retail conglomerate that owns Saks Fifth Avenue, Saks OFF 5th, and Canadian department store Hudson's Bay, among other real estate ventures, and

which last year brought in \$9.4 billion in sales. It also cements HBC's renewed laser focus on Saks (HBC recently shed some non-core business, such as online flash-sale site Gilt Groupe, so it could double down on its key brands), it solidifies Saks Fifth Avenue's position as a leading luxury retailer, and it also helps to quell the “retail apocalypse” furor.

In other words: calm down, everyone. “Brick and mortar is by no means dead,” says David Schwartz, L'92, the general counsel and executive vice president of Hudson's Bay Company. “It's still perhaps the favorite pastime in America.” And Schwartz would know: the 52-year-old has worked in the retail space for nearly two decades, including a 15-year run at Toys “R” Us.

“Our industry is a challenge because the landscape is constantly changing. And we have to figure out how to use these challenges as opportunities,” Schwartz says. “These are opportunities for us to think about how we create a store and an online experience that's relevant and compelling to today's shopper. We talk often about ‘try things, experiment, fail quickly and move on.’”

It's this sort of agility that has propelled Schwartz to the top of his game. The Long Island native was perhaps always poised to

enter the legal field. His father was a lawyer, primarily dealing with personal injury, matrimonial and small real estate affairs. After graduating from Duke University with an economics degree — “I liked the logical, analytical thinking of that,” he says — Schwartz came to Penn Law. He began his career at New York law firm Anderson, Kill & Olick and, during his nine-year tenure there, he pivoted from litigation to corporate work.

It wasn't a particularly surprising move as he had been drawn to this type of work back in his Penn Law days. “As I got to take more of the transactional classes in law school — classes like corporations, real estate transactions, even bankruptcy, which was one of my favorites — I found that was what I really enjoyed,” he says. The firm sponsored him to go to Columbia University for his executive MBA, and a few years later, in 2001, Schwartz left to work for Toys “R” Us, where he became its executive vice president and general counsel.

“It was a unique opportunity to split my time between the corporate and brick-and-mortar business on one side, and their fledgling dot-com business on the other, which was being run as a completely separate enterprise,” he says of his Toys “R” Us role. It was a head-spinning period, as Schwartz was managing the company's cutting-edge growth in China (they opened 100 stores there that remain successful even as the North American business has faltered) at the very same time the internet was taking off and taking over.

Ah, the internet. The advent of online shopping — and, of course, the consuming growth of social media — forever altered the retail landscape, a seismic shift that sent even the most established retailers scrambling. Suddenly, there was a fresh host of questions: How to navigate the changing expectations of consumers, and how to win over those consumers who appreciate the hyper-personalized in-store experience but who also find it a heck of a lot easier to simply order new-season Gucci online? In his current role at HBC, and as a member of the company's senior leadership team, Schwartz is involved in general strategy-setting, which means that he's tasked with figuring all of this out while also grappling

with an increasingly complex regulatory environment.

Rachel Solomon C'92, L'95, a longtime fashion and retail veteran and the first creative hire of the popular members-only online shopping company, Rue La La, understands these challenges better than anyone. “Digital has come through with so many innovations, and the biggest challenge is that fashion consumers are fickle. They're always looking for inspiration. It's a want, not a need, and they're looking for more,” says Solomon, who recently founded the retail marketing firm Honor Code Creative. “The challenge at something like a big chain is to continue to have the nimble, experimental quality of a small store, even in a big chain with a lot of red tape.”

Aside from her background in retail, Solomon is also a Saks shopper. And though she's a time-crunched entrepreneur with her own consulting business, she still makes time to shop in-store rather than just online. “One thing that never changes about human nature is that no matter how into the money piece we are, ultimately we are emotional creatures. I think shopping is emotional, and if you miss that piece and you stop catering to the consumer's emotion, you're lost,” she says. “As much as I'm into saving time, when I see something at a competitor to Saks, I take a picture of it and send it to my Saks person because I know her and I want to buy from her.”

But while in-store personalization is crucial, it doesn't mean neglecting the online shopper. In fact, as Schwartz notes, “It's hard to draw the line between who's an online customer and who's a brick and mortar customer. The key is to provide a seamless experience, and to truly encourage and embrace the consumer to buy whatever, wherever they want it.”

Part of that seamless integration means making things like in-store returns easier, as HBC recently did in its Hudson's Bay department stores in Canada with new, easy-to-reach return centers within each location. It also means creating a better-than-ever personalized experience within the store. (Like, for instance, the experience Solomon had during one Saks visit, when a personal shopper had perused Solomon's Pinterest board and filled a dressing room with all of her pinned fashion wishes.

Try getting that online.) And it also means recognizing the still-untapped potential of digital marketing.

“Saks should be able to uniquely target messages to me that they know appeal to me, what I purchase, what I want to hear, and they should learn digitally what I respond to. Without invading privacy, I think there are a lot of opportunities online to create a very targeted experience rather than one-size-fits-all,” says Schwartz, once again aiming to flip challenges into opportunities.

This is a small piece of Schwartz's overarching goal at Hudson's Bay Company. After all, HBC has multiple businesses that are vastly different, so he and his team must tailor their legal and business support to each company's unique needs. To wit, Saks and Hudson's Bay compete in different segments, have different customers, generally deal with different vendor partners, and are even located in different countries. Once again, so much for one-size-fits-all.

Schwartz is also focused on helping the company concentrate on its core profitable businesses, like Saks Fifth Avenue (which he adds “has been outperforming its peers for well over the last four to six quarters”). And he wants to build a world-class team of partners who are constantly motivated, as he is, to provide smart business solutions. This is something, he notes, that transcends retail.

“A lot of it is about trying to find efficient ways to deal with an increasingly complex regulatory environment with very changing consumer expectations, and a continuously changing and competitive landscape,” he says. “And that would be true for in-house lawyers in virtually any industry.”

It's increasingly complex, yes, but it's also surprisingly simple.

“In the end, we've learned a lot is just about people,” Schwartz says. “People really do matter. In this day and age, with technology and financial metrics, we can easily forget that. If you said, what are the two things you focus on? Focus on the customer and then focus on your own people. And if you can give the customer what they want, and keep your people engaged and growing, the rest gets a lot easier.”

Emily Goulet is a freelance writer who spent several years covering the lifestyle, fashion and retail scene for Philadelphia magazine.

ADJUSTING TO THE COMPETITION

Hanes has been
acomfortable fit
for **Joia Johnson**
L'85, WG'85.

BY LINDSAY PODRAZA

ong before “influencer” became a social media buzzword, Hanes was decades ahead with brand ambassador Michael Jordan, a role he still holds with the company after 30 years.

You might remember the NBA all-timer introducing the world to the joys of TAGLESS T-shirts and underwear. That media campaign was at the heart of what the Hanes brand stands for, said Joia Johnson L'85, WG'85, the chief administrative officer, general counsel and corporate secretary for Hanesbrands Inc.

“Hanes is all about comfort,” Johnson said. “That’s how we talk about the brand—we’re always looking for things that make underwear more comfortable.”

Johnson joined Hanesbrands at the start of 2007 following its spin-off from Sara Lee. The company encompasses many apparel brands with household names including Hanes, Champion, Maidenform, Playtex and L’eggs. With more than 68,000 employees in over 40 countries, Hanesbrands is a Fortune 500 company with annual revenue in excess of \$6.5 billion.

At that size, and with impressive longevity to boot—Hanes was founded in 1901—it’s a wonder how such a multinational company keeps up with the flashy online competitors of the day: rising-star brands like Tommy John, Mack Weldon, Thinx and Bombas, to name a few.

“We have to continue to watch what others are doing, particularly the people who are innovating in any number of ways,” Johnson said.



And those online competitors are indeed innovating. For instance, the men's underwear company Mack Weldon reportedly doubled its sales in 2016 through advertising on podcasts.

Tommy John has made a splash through provocative advertising. The company, which sells men's and women's underwear, has used commercials to capitalize on the humor of awkward situations that arise when underwear gets bunched up.

Other brands, like sock-maker Bombas, focus on pulling at the heartstrings. It donates a pair of what it touts as superior socks, due to a proprietary design, to homeless shelters for each pair of socks consumers purchase.

Complacency, Johnson said, can be dangerous. "Those companies definitely cause us to 'up our game,' so to speak, to modernize—I don't think we can take anything for granted," she said.

In addition to introducing TAGLESS undergarments and activewear to the masses, Hanes' products have also evolved in an effort to stay current. It boasts ComfortFlex Fit Smart Sizes, or seamless sewing techniques for a better fit. Fabric innovations include X-Temp apparel, which offer "temperature control advantages," and Fresh IQ, which focuses on odor control technology.

Part of the appeal of joining Hanesbrands after it spun off from Sara Lee was that it required fresh, innovative thinking and strategy, Johnson said. "It was like a new business," she said. "There was a bit of an entrepreneurial feel, but with the support of those very well-established brands."

With age comes experience, and with experience comes data, which Johnson said is a major strength for the company. Today's upcoming competitors simply can't mine decades'-worth of data because they don't exist, she said.

"This is an entrepreneurial environment—however, we make decisions based on facts and data," Johnson said, which comfortably positions the company to make sound business decisions. That doesn't preclude a quelling of creativity, though: "If you have a new idea, and you're able to support it with facts and data, unlike a lot of larger, mature

companies, we are willing to let executives run with that idea to see if it really works," Johnson said.

Hanesbrands' strategy to diversify the business post-spinoff has involved acquisition on a global scale. When Johnson joined, it was already an international company doing its own manufacturing around the world. But the company also wanted to expand its presence into the retail market abroad.

"We have bought other companies that have the number one and two brands in other parts of the world so we can grow there," Johnson said. For instance, Hanesbrands bought Europe's top underwear brand, DIM, in 2014 and Australia's leading Bonds brand in 2016, among several other acquisitions of popular brands.

Hanesbrands has also worked to diversify online shopping options as the Internet has shifted the way people buy clothes. The company, Johnson said, now keeps its pulse on social media and the websites for stores like Macy's and Target that sell Hanesbrands apparel.

"It has affected our media spending... because that's where people are, particularly young people, and it's definitely the case that we have had to focus there now," she said of online shopping.

While the advertising and design departments occupy themselves with social media and online presence, Johnson oversees the company's legal, corporate social responsibility, human resources, real estate and government relations departments. Her day-to-day tasks involve managing the heads of those departments, working on projects with the CEO, supporting corporate strategies and arranging meetings. The bulk of her time, she said, is corporate governance work with the board and preparing for Hanesbrands' five annual board meetings. Johnson is also the executive leader of both the compensation committee and governance and nominating committee.

She was excited to join Hanesbrands 12 years ago as its general counsel—in addition to her other executive roles—because the intersection of business and law have always been her main interest.

Johnson, an Atlanta native who now resides in Winston-Salem, N.C., where

Hanesbrands is headquartered, dreamed of ultimately working in-house after interning at Coca-Cola as a law student.

Going in-house is considered a coveted position among law school students these days but wasn't a popular aspiration in the 1980s. "At that time, in-house work was really sort of seen as an easier job and maybe a little less rigorous," said Johnson said.

After doing general corporate and securities legal work at an Atlanta law firm, she became H.J. Russell & Company's inaugural general counsel, where she focused on real estate development. Later, Johnson worked as general counsel at Rare Hospitality International, which owned several American restaurant chains. While her title was general counsel, she also took on other roles at the companies, including managing the human resources and risk management departments. At one point during her time at H.J. Russell, she served as the interim head of the real estate development group.

"As far as I'm concerned, it's just the opposite," she said of stereotypes that going in-house is a softer path than a law firm career. "It was seen as better hours than a firm, but you can imagine with (Hanesbrands) being a global company, I don't know any boundaries in terms of hours.... When it's time to go to bed here, Australia and Asia are just waking up, and I have to be prepared if there's an issue there to deal with it."

Johnson said she knew she eventually wanted to work for an international company with opportunities to facilitate mergers and acquisitions. She didn't have an inkling it would someday be for an apparel company.

It's an industry that's rapidly evolving and growing, which makes her work enjoyable, Johnson said.

"We have to be positioned to move with those changes in a thoughtful way, and that's what makes the job exciting, and that's what makes the company exciting," she said, adding that the fast-paced global market keeps her on her toes. "It makes for a fun job." ♥

Lindsay Podraza is the senior contributing writer for the *Penn Law Journal*.

CAMPAIGN PRIORITIES

1

ACCESS AND OPPORTUNITY

Penn Law's important assets are people: those who are learning the law and those who educate them.

2

INVESTING IN LEADERS

Penn Law anticipates the changing environment in which law is practiced.

3

PATHWAYS TO PUBLIC SERVICE

Penn Law will continue to build upon programs that create pathways to careers in public interest and government.

4

TRANSFORMATIVE THINKERS

Penn Law is committed to retaining and recruiting transformative thinkers and scholars.

5

NEW ERA DISCOVERIES

Penn Law's 11 cross-disciplinary academic centers and institutes promote research that yield solutions in law and policy.

DRAWING A LINE FROM THE CONSTITUTION TO PRISON ABOLITION



As the debate rages on reparations for slavery, Penn Law Professor **Dorothy Roberts** argues that the prison system is one of slavery's legacies that should be dismantled.

"Many of today's abolitionists see prisons as a modern-day form of slavery and refer to prison abolition as the unfinished struggle to end slavery," said Roberts, George A. Weiss University Professor of Law and Sociology and the Raymond Pace and Sadie Tanner Mossell Alexander Professor of Civil Rights.

Roberts pins her argument on a concept called "Abolition Constitutionalism," the title of her 122-page foreword in the annual Supreme Court edition of the *Harvard Law Review*. It was the first time a Penn Law professor was invited to write the prestigious and influential foreword since 1965.

In her foreword, Roberts references a case from the last term called *Flowers v. Mississippi*

in which the same white prosecutor tried a black man for murder six times and each time dismisses black jurors in an attempt to create an all-white jury.

Although the Supreme Court overturned *Flowers'* conviction for violating the Fourteenth Amendment, Roberts writes that the case showed that "criminal procedure and punishment in the United States still function to maintain forms of racial subordination that originated in the institution of slavery—despite the dominant constitutional narrative that those forms of subordination were abolished."

Abolition Constitutionalism represents the way many antislavery activists read the Constitution to call for freedom and democracy. Their constitutional interpretation was incorporated in the Reconstruction Amendments and can be applied to modern society, Roberts explained in an interview.



PHOTO: SAMEER KHAN / FOTOBUFFY

**“
We can’t
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DOROTHY ROBERTS

The Thirteenth, Fourteenth, and Fifteenth amendments ended slavery and extended citizenship to African Americans. Roberts said the Constitution can therefore be seen as an abolitionist document with the addition of those amendments. But, by 1900, a campaign of white supremacist terror, laws, and policies effectively nullified the Amendments and the vestiges of slavery and inequality persisted, she said, in contradiction of the Constitution and with an assist from the courts.

“I think it’s important to understand and to highlight how the Court continues to issue anti-abolitionist decisions and opinions that are not in line with the goals of the Thirteenth, Fourteenth, and Fifteenth amendments,” Roberts said. “Constitutional values are important even if they’re not being implemented by the Court, because they’re a way of educating the public about what justice means, about how our society should be organized to promote freedom and equality.”

The editors of the *Harvard Law Review* have been asking prominent legal scholars to opine on the previous term of the Supreme Court since 1951. Over the years, foreword contributors have included legal luminaries such as Watergate special prosecutor Archibald Cox, renowned economist and judge Richard Posner, and constitutional law scholar Laurence Tribe. Penn Law Professor Paul Mishkin contributed a foreword 55 years ago, one year after the Civil Rights Act outlawed racial discrimination.

Roberts described Abolition Constitutionalism in this year’s Owen J. Roberts Memorial Lecture on Constitutional Law. In an interview, she said she got interested in the subject because no one had written a substantive analysis on prison abolition and constitutional law. In her estimation, abolition theory and activism is the most exciting legal development that deserves more attention from constitutional law scholars.

Many prison abolitionists, she said, have given up on the courts. So, Roberts acknowledged, it will take concerted activism to overturn the status quo and truly enforce the law as intended in the amendments. As Roberts makes clear in the article, abolitionists must look to “ordinary people and lawyers, activists and formerly incarcerated people ... to abolish prisons.”

Roberts said the prison system reflects an inequality that has endured from the post-

Reconstruction period—when white Southerners incarcerated black people for simply being in the street and leased them to companies that exploited their labor—through the Jim Crow era to the present day, when the United States has the largest prison population on Earth and the majority of inmates are black and brown people.

The prison system, Roberts said, “is designed to punish and contain entire communities who are suffering as a result of profound economic, social and political inequality.”

In her foreword, she explores how prison abolitionists can instrumentally use the Reconstruction Amendments to achieve nonreformist abolitionist reforms that would eradicate or shrink discrete components of the prison system, such as stopping prison expansion; ending police stop-and-frisk practices; eliminating money bail requirements; repealing harsh mandatory minimums; and decriminalizing drug possession and other nonviolent conduct. She also discusses efforts to mitigate the suffering of incarcerated people and create the conditions needed for a society without prisons. Ultimately, Roberts hopes for a new constitutionalism to guide and govern the radically different society abolitionists are creating.

“We can’t radically change a society overnight, but that should be our goal,” Roberts said.

Roberts connects her prison abolition scholarship to her work on reproductive justice, in which she said marginalized people are also victims of discrimination. Coincidentally, Roberts’ first major piece of scholarship on the subject was published in the *Harvard Law Review* back in 1991. And that led to her book titled *Killing the Black Body—Race, Reproduction & the Meaning of Liberty*.

Roberts teaches an exceedingly popular course on Reproductive Rights and Justice. There were 95 students in her class during the spring semester. The class offers a sweeping overview of reproductive jurisprudence and the political, economic and social forces that shape legal decision-making.

She covers sterilization abuse, abortion, parental rights, foster care, adoption, and reproductive assistive technology.

The class draws such interest, Roberts said, because students want to go beyond legal doctrine and understand why and how court decisions are made. ■

CLASS NOTES

FINE PRINT

1960s

Gerald Levin L'63 was appointed chief mission officer and chairman of Dialize Innovation Group, a division of Dialize Direct, a company focused on technological advancements in the management of chronic kidney disease. Levin was previously the director of Organized Wisdom and the senior advisor and chairman of Oasis TV. He also serves as executive chairman of StartUp Health.

Robert Stern L'63, of Robert J. Stern Law, LLC, was named the recipient of the Justice William J. Brennan Jr. Award for solo practitioners by Philadelphia VIP at its awards ceremony in September.

Stephen Yusem L'63 taught a course in international commercial arbitration at the Royal University for Women (RUW) in Riffa at the invitation of the Kingdom of Bahrain. RUW was founded in 2002 by His Majesty King Hamad bin Isa Al Khalifa as one of only two law schools in the world that exclusively teaches women. The Fulbright Specialist Program of the Bureau of Educational and Cultural Affairs of the Department of State, under which Yusem traveled as a Fulbright Specialist, promotes linkages between U.S. professionals and their counterparts at host institutions around the world.

James Wimmer W'62 L'65, PAR'88 received the Carbon County Chamber and Economic Development Corporation's William H. Bayer Lifetime Achievement Award in recognition of his lifetime commitment to the community. He served as an assistant district attorney from 1967 to 1975 and was also Palmerton's school district solicitor for more than 30 years. He has spent decades as an active member of his community through volunteer work with organizations which benefit those in need. Wimmer retired from his law practice in September.

Jonathan Stein L'67 retired from Community Legal Services, Inc., in Philadelphia after 50 years as a civil legal aid lawyer with the group. During his

time there, he held positions including executive director and general counsel. Stein will continue on a pro bono basis as of counsel working on select policy, legislative and litigation issues. Among his many awards, Stein received the National Legal Aid & Defender Association's Reginald Heber Smith Award for winning the largest Social Security Act class action in history for SSI eligible disabled children. He has been writing about dance for the online dance journal, [thinkingDANCE.net](http://thinkingdance.net), and has participated in almost two dozen dance performances.

John Lowy L'68 joined Exxe Group, Inc. as securities counsel. The company focuses on synergistic acquisitions in real estate, sustainable technology, media, financial services and agribusiness. In his new role, Lowy advises Exxe with respect to its ongoing public disclosures and filings and provides ongoing strategic corporate and legal advice. The sectors in which his clients are engaged range from low-tech to high-tech, cryptocurrency/blockchain, real estate, pharmaceuticals, medical devices, biotech, oil and gas, mining, renewable energy, entertainment, food, agriculture, education and retail. Lowy had previously served as the founder and senior partner of the law firm John B. Lowy PC. He is also founder and CEO of Olympic Capital Group, Inc. Additionally, he joined the board of directors for Reliance Global Group, Inc., a holding company for several companies in the real estate and insurance brokerage business.

William Roos IV L'69 was named a member of the Columbia Memorial Health Foundation Board of Trustees, the philanthropic arm of Columbia Memorial Health. He currently serves as assistant secretary and general counsel to USA Equestrian Trust Inc., and as secretary and general counsel to the NYS YMCA Foundation.



Stephen Berger C'69, L'72 was included on the *2020 Kentucky Super Lawyers* list for his work in government finance. He is an attorney in the Louisville office of Wyatt, Tarrant & Combs, LLP.

Marc Jonas C'69, L'72 moderated a panel at the Montgomery Bar Association's breakfast seminar. Topics of the presentation, "Environmental Due Diligence and The Real Estate Deal," included a review of environmental due diligence in real estate transactions.

Richard Walden C'68, L'72, PAR'06 was appointed to the board of directors of APPlife Digital Solutions, Inc., a business incubator and portfolio manager that invests in and creates e-commerce and cloud-based solutions. Walden is president, CEO and founder of Operation USA, a Los Angeles-based non-governmental organization specializing in disaster relief as well as international and domestic health care and economic development projects.

Robert Kurucz C'70, L'73, PAR'01

was appointed partner in Seward & Kissel LLP's investment management group. He was previously a partner in Goodwin Proctor's financial services group. Based in Seward & Kissel's Washington, D.C., office, Kurucz focuses on advising clients on the impact of federal banking and securities laws on structuring new product and services, transactions, cross industry initiatives and other regulatory issues.

H. Ronald Klasko L'74

was included in the *Philadelphia Business Journal's* third annual Best of the Bar top lawyers list. He was recognized for his contributions to employment-based immigration, including successfully spearheading nationwide litigation challenging government denials and delays.

Manuel Sanchez L'74

was appointed by Illinois Governor J.B. Pritzker as chair of the Illinois Sports Facilities Authority. Sanchez is founder and managing partner at Sanchez, Daniels and Hoffman LLP, a mid-size civil defense litigation firm.

John Schrider L'74

received the 2019 Ohio Access to Justice Foundation Denis J. Murphy Award, which is presented annually to recognize outstanding leadership and advocacy within Ohio's legal aid organizations. Schrider has spent more than 40 years advocating for affordable housing preservation and expanding housing opportunities in Greater Cincinnati. He began his law career at Legal Aid in 1974, where he served as its director of litigation from 1988 to 2007. Since then, Schrider has served as director of the Legal Aid Society of Southwest Ohio, LLC.

Michael Malloy L'76

reports that in January, Wolters Kluwer published the first of five supplements for his three-volume treatise, *Banking Law and Regulation*. The 260-page publication includes discussion of the ongoing implementation of the Economic Growth, Regulatory Relief, and Consumer Protection Act (EGRRCPA); analysis of the continuing efforts at regulatory implementation of the Dodd-Frank Act, in light of the enactment of the EGRRCPA; and highlights of new case law on the effect of *Dodd-Frank Act § 922* concerning arbitration clauses.

Kathleen O'Brien CW'69, L'76

was honored with the Philadelphia Bar Association business law section's 2019 Dennis H. Replansky Memorial Award. The section established the award in recognition of Dennis Replansky's career as a lawyer and his contributions to legal, civic, religious and other charitable causes. The award recipient is tasked with designating a public interest organization to receive the section's annual charitable contribution. O'Brien is a partner in Montgomery McCracken Walker & Rhoads' corporate and securities and business succession planning practices. Her practice includes general corporate, finance and banking, mergers and acquisitions and closely-held businesses. She counsels financial institutions on commercial lending transactions and individuals and business owners on a range of corporate matters including entity formation, shareholder and partner issues, governance and acquisition and divestiture.

James Sandman L'76,

the longest-serving president of Legal Services Corporation, stepped down from his position after nine years. Legal Services

Corporation is an independent non-profit established by Congress in 1974 to provide financial support for civil legal aid to low-income Americans. His many accomplishments during his transformational tenure include improving the delivery of legal services to low-income Americans through innovations in pro bono and technology and new and better uses of data; expanding and strengthening congressional bipartisan support for the nonprofit; and increasing the annual congressional appropriation to LSC to \$440 million, which is the largest appropriation in the nonprofit's history. Additionally, Sandman delivered the 169th commencement address at Albany Law School last May. The school, which is his father's alma mater, also presented him with an honorary Doctor of Laws degree. He has been a trustee of Albany Law School since 2016.

Michael Scott L'76

left Reed Smith after 32 years to start his own firm, where he looks forward to doing more specific work for clients and some high-profile consulting. In his career, he has served as defense counsel for some of the country's largest pharmaceutical product liability cases.

Richard Oughton GL'77

married Dr. Gwenda Porter, a retired hospital anesthesiologist, in June 2019 at All Saints Church, Shotesham, Norfolk, England. It was a first marriage for both parties, who had a combined age of 127 years. Joseph Crawford L'79 was an usher at the ceremony and also read one of the lessons. Oughton continues to practice as a barrister, doing traditional chancery work.

Marvin Benton L'78

was selected as a regional criminal enforcement counsel at the U.S. Environmental

Protection Agency Region VI in Dallas, Texas. In this new role, he works with special agents of the EPA and is responsible for providing legal consultation and advice in direct support of the EPA's Criminal Investigation Division at EPA Region VI. Benton was previously a legal manager and senior attorney in the EPA's Civil Law Enforcement Program.

Deborah Pierce-Shields CW'74, L'78 gave a talk titled, "Integrating Alternative Legal Services Providers into Your Legal Department," at the American Law Media's 2019 General Counsel Conference in New York City. During the conference, she was also interviewed as part of an ALM podcast, *Legal Speak*, on the topic of "What Bugs In-House Lawyers about Outside Counsel?" Pierce-Shields has held in-house counsel positions with several Fortune 500 companies and was regional solicitor for the U.S. Department of Labor for Region III. For the last nine years, she has been at Integrity Staffing Solutions, Inc. where she is senior vice president and general counsel. Operating in 23 states, Integrity Staffing specializes in high-volume seasonal staffing for major retailers, online merchandisers and financial institutions.



Lee Piatt L'80 received the eighth annual Pennsylvania Bar Association W. Edward Sell Business Lawyer Award at the 2019 Business Law Institute in Philadelphia. He is the first practicing lawyer outside of Philadelphia and Pittsburgh to receive the award, which honors contributions

to the practice of business law at the highest level. Piatt is a partner at Rosenn, Jenkins & Greenwald's business and finance department in Wilkes-Barre.

James Boyd L'81 was named an executive vice president and co-chief operating officer of Toll Brothers, Inc. He had been serving the company as regional president for California, Nevada and Idaho. He has more than 36 years' experience in the homebuilding industry. Boyd is also a member of the California Building Industry Association's Board of Directors and Executive Committee.

David Cohen L'81 transitioned away from his operational roles at Comcast at the start of 2020, where he is the company's senior executive vice president and chief diversity officer. After 2020, he will serve as senior advisor to Comcast CEO Brian Roberts and other top company executives.

Francine Friedman Griesing L'81, founder and managing member of Griesing Law, LLC, received the 2019 WBE Leadership Award on behalf of Women's Business Enterprise Center East at the Annual Awards Celebration in September. Griesing also received *The Philadelphia Inquirer's* Lifetime Achievement in Diversity & Inclusion Award. She was honored for her devotion to diverse professional leadership and inclusive workplace initiatives.

Phil Recht L'81 was named to *The National Law Journal's* list of "Government Relations Trailblazers." He is managing partner of Mayer Brown's Los Angeles office and co-leader of the firm's public policy, regulatory and political law practice, which he has

helped build into one of the region's largest of its kind. Recht previously served as chief counsel and deputy administrator for the National Highway Traffic Safety Administration in the U.S. Department of Transportation in the Clinton Administration. His achievements included issuing new federal standards mandating safer vehicle air bags and uniform attachment systems for child safety seats, and the passage of federal transportation legislation that provided unprecedented levels of federal spending on highway safety.

Robert Marchman L'83 was appointed senior policy advisor on diversity and inclusion at the Securities and Exchange Commission. The newly-created role is within the SEC's Office of Minority and Women Inclusion, where Marchman focuses on working with Commission divisions, offices and advisory committees to develop and implement strategies promoting diversity and inclusion, both within the SEC and through external engagement with agency partners and market participants. He also assists the agency's ongoing efforts to promote financial literacy and inclusion in underserved portions of the investor community. His new position marks a return to the SEC, where he was previously branch chief in the Division of Enforcement.

Robert Wonneberger L'84 joined Barclay Damon's New Haven, Conn., office as a partner. He concentrates his practice on commercial law and financing, including loan origination, debt restructures, workouts and real estate. Wonneberger was previously a shareholder at LeClairRyan.



Mall Pioneer: You Can't 'Get a Haircut' on the Internet

Few can say they've played an instrumental role in the creation of an American economic phenomenon, but **Norman Kranzdorf L'55**, perhaps the country's father of modern shopping centers, holds that honor.

And despite a surge in online shopping habits, Kranzdorf is confident online giants like Amazon won't run the American staple out of business.

"People don't understand the mechanics of retail," he said. "I haven't yet found a tenant or customer who knew how to get a haircut on the Internet."

Kranzdorf would know, as he's been a part of the shopping center industry since its infancy. He joined a law firm after graduating from Penn Law in 1955. Shortly afterward, an executive left the firm to build shopping centers and took Kranzdorf with him. "He said, 'You're the most recent law school grad, so you must know about real estate,'" Kranzdorf recalled.

At the same time, the International Council of Shopping Centers (ICSC) was forming, and Kranzdorf

was a founding member. The Council's first order of business was checking big chains' power by creating one uniform lease that all retail tenants could use, as opposed to large stores monopolizing business with their own individual leases and contracts.

Before shopping centers existed, Americans shopped at department stores and small food markets. But the post-war economic boom of the 1950s irreversibly changed all of that, Kranzdorf said.

"It caught on after World War II—soldiers came home, got jobs, got married, and that created all the consumerism," he said. "Everyone had to buy furniture and clothes for the new baby, and shopping centers were the answer."

The newfound consumerism, coupled with families leaving city apartments en masse in favor of suburban neighborhoods, was the perfect recipe to give shopping centers the staying power they still have today.

"That really multiplied shopping centers because that's where the people were," Kranzdorf said. "Developers bought a cornfield and built a shopping center on it, as long as there was a decent road in front of it."

The rise of discount stores—Walmart, Target, T.J. Maxx, Costco, for instance—also profoundly affected shopping centers, Kranzdorf said. "The explosion of discount stores made a huge difference as to how people shopped," he said, adding that over the years, retailers discovered success in building bigger stores instead of small, specialized ones.

In his career, Kranzdorf was among the first developers to feature discount department stores in outdoor shopping centers and ran several companies with more than 200 properties until his retirement in 2013. He has also written and edited more than a dozen books on all aspects of law, development and management of shopping centers, and a memoir titled *A Man of Many Centers*.

These days, the Internet has changed the way many people shop in brick and mortar stores, he said. Several grocery stores and big box chains now offer online ordering services for curbside pickup and one-day delivery.

Kranzdorf remains unfazed by the potential threat of online shopping. "(Shopping centers) are foremost in consumers' minds for where you... get your groceries and household goods," he said.

Shopping centers remain a focal point for teenagers and millennials, he said, as well as the main source for large merchandise purchases like appliances. There's value, he said, in seeing products in person before buying them.

"The ones that are in trouble, like Sears and Kmart, didn't know how to run their business," said Kranzdorf, who's now retired and resides in Bala Cynwyd, Pa. "But if you go out to King of Prussia (Mall), you'll find every department store in the business is still there."

Terry Gillen L'85 was appointed visiting fellow at the Urban Institute in Washington, D.C.

Joaquin Sena L'85 received the Eagle Award for Service from the Adams Street Foundation, a nonprofit organization that supports the UA School for Law and Justice, which is a law-themed public high school in Brooklyn, NY. Sena has been a member of the Foundation's board for the past decade. He is a deputy general counsel for Bank of America, leading its Regulatory Inquiries Group, which is responsible for responding to regulatory inquiries that present significant reputational, financial, or legal risk to Bank of America Corporation and its subsidiaries, including Merrill Lynch. Prior to joining Bank of America in 2005, Jack served in the Securities and Exchange Commission's Division of Enforcement for twelve years.

Robin Cohen C'83, L'86 was featured as one of *Law360's* 2019 Insurance MVPs, which recognizes attorneys who have distinguished themselves from their peers over the past year through high-stakes litigation, record-breaking deals and complex global matters. Cohen, principal at McKool Smith PC and head of the firm's insurance recovery practice, was selected for her work as lead counsel for Verizon Communications Inc. as the company successfully rebuffed its insurers' motion to dismiss a suit seeking coverage for a \$95 million underlying settlement.

Daniel Guadalupe L'86 was named a chair of Norris McLaughlin's Diversity Committee. In this role, he helps develop an initiative for the recruitment, support, retention and advancement of diverse attorneys at the firm. He is

co-chair of the firm's litigation practice group, where he represents clients in commercial litigation and provides "outside" general counsel assistance with a specialty in business disputes, medical device companies, construction, professional liability defense, arbitrations, will and trust litigation and international disputes. Guadalupe is also a construction arbitrator for the American Arbitration Association and an arbitrator for the International Court of Arbitration, International Chamber of Commerce in Paris.

Linda Howard L'86 was a panelist at the Penn Law Women's Association's spring lunch panel called Women's Wellness in the Workplace.

Ann Klee L'86 was appointed executive vice president of Suffolk, one of the most innovative and successful builders and real estate enterprises in the country. In her new role, she is responsible for leading Suffolk's national business development function and external and government affairs, with the goal of expanding the company's presence nationally. Most recently, Klee served as vice president of General Electric, and also served as vice president of GE's Boston development and operations leading the search for GE's new headquarters and move to Boston.

George Tsougarakis L'86 was named the general counsel and chief legal officer for the Greek Orthodox Archdiocese of America. A partner at Hughes Hubbard & Reed for more than 30 years, Tsougarakis will serve as of counsel there while transitioning into his new general counsel role.

The Hon. Rich Gabriel L'87 was honored by the Rocky Mountain Children's Law Center with an award titled "In

the Pursuit of Justice — A Lifetime Achievement." The nonprofit is dedicated to assisting abused, neglected, and at-risk children. The organization recognized Justice Gabriel, who is a Colorado Supreme Court Justice, for his illustrious career and nearly two decades' worth of pro bono service to many community organizations, including the Children's Law Center.

Steven Cohen L'88 was appointed by New York Governor Andrew Cuomo to the Gateway Development Commission, a group of seven members who oversee construction of the new Hudson Tunnel Project. Cohen is executive vice president, chief administrative officer and general counsel of MacAndrews & Forbes, Incorporated. He previously served as secretary to Gov. Cuomo as well counselor and chief of staff in the Office of the New York Attorney General under Attorney General Cuomo.

The Hon. Abbe Fletman L'88 married Dr. Deborah Saltman at their residence in Center City Philadelphia in October. Judge Fletman sits on the bench of the Philadelphia Court of Common Pleas and co-chairs the American Bar Association Litigation Section Access to Justice Committee. Saltman is the medical director of FemmePharma and chair of the Independent Scientific Advisory Committee of the Medicines & Healthcare Products Regulatory Agency in London and holds visiting appointments at Harvard University, Imperial College London and the University of Sydney.

Marci Hamilton L'88 was honored by Pennsylvania Governor Tom Wolf and First Lady Frances Wolf at their Harrisburg residence as a 2019 Distinguished Daughter of Pennsylvania. Distinguished Daughters of Pennsylvania

began in 1948 to honor women who have shown distinguished service through a professional career or voluntary service. Hamilton is the Fox Professor of Practice at the University of Pennsylvania and the founder, CEO and academic director of CHILD USA, a nonprofit academic think tank dedicated to evidence-based research to improve laws and public policy to end child abuse and neglect. Hamilton is also the leading expert on clergy sex abuse and child sex abuse statutes of limitation.

Ernesto Lanza L'88 joined the Securities and Exchange Commission's Office of Municipal Securities as a senior staff attorney. He was previously senior counsel at the law firm Clark Hill, where he focused on public finance matters related to securities law, disclosure, trading and market structure issues.

Henry Moniz L'89 was appointed executive vice president, chief compliance officer and chief audit executive of ViacomCBS. He has been with the company since 2004, previously serving as senior vice president, chief compliance officer, chief audit executive and global head of strategic business practices. Moniz reports directly to the company's president and CEO in the compliance role as a member of the ViacomCBS Senior Leadership Team. He also leads a global, multidisciplinary team to ensure the company complies with all applicable laws and regulatory requirements, effectively manages risk, supports the development of the newly-combined company culture, trains employees and stakeholders on best business practices and supports the Board of Directors in its governance/oversight role.



Marci Guttentag Settle W'87, L'90 received the Lawyers Alliance for New York's 2019 Cornerstone Award, which honors attorneys who have provided outstanding pro bono legal services to nonprofits. Settle assisted the Harlem Family Institute for several years to ensure its governance documents were in order. This allowed the organization to conduct additional training programs and consider offering services to other underserved neighborhoods. In 2018, she helped the Institute revise its bylaws so it could train people from underserved New York City communities to become psychoanalysts and to continue to offer psychoanalytic treatment to people from these communities. Settle also assisted the National Young Farmers Coalition in amicably resolving a dispute with its fiscal sponsor. She is counsel at Arnold & Porter, where she focuses on corporate and finance law.

Scott Becker L'92, PAR'20 was appointed senior vice president, general counsel and corporate secretary of Genesco Inc., a Nashville-based specialty retailer that sells footwear and accessories. Becker was most recently senior vice president at Nissan Group of North America and Latin America, where he was responsible for Nissan's legal, government affairs, finance, strategy and administration. He also served on the executive management committee and as member of the boards of directors of Nissan North America, Inc., Nissan Motor Acceptance Corporation, Nissan Canada, Inc., and Nissan do Brasil.

Lisa Washington L'92, WG'98 was appointed senior vice president and chief legal officer at WSFS Bank, the largest and locally-managed bank and trust company in the Delaware Valley. In this newly-created role, she oversees the enterprise-wide legal operations of WSFS. Washington was most recently vice president, chief legal officer and corporate secretary at Atlas Energy Group, LLC.

Anthony Gay L'94 became PECO's general counsel. In that role, he leads the company's 25-person legal and claims teams. Gay had previously been serving as vice president of governmental and external affairs since 2016, overseeing PECO's state and regional governmental and external stakeholder outreach and the company's large customer services and economic development divisions. He initially joined PECO in 2006 as assistant general counsel.

Richard Silverstein L'94 and **Deborah Rogow L'94** celebrated their 25th anniversary. The couple, who met at the Law School, made a gift in honor of the milestone.

Edwin Collins L'95 joined Norton Rose Fullbright's Los Angeles office as a partner. He focuses on real estate private equity firms, real estate investment and development clients, joint venture formation, acquisitions and dispositions, as well as financing matters. Previously, Collins was managing director at One Road Partners in Los Angeles, an investment and advisory firm that handles investments related to real estate, healthcare and hospitality.

Myla Reizen L'95 joined K&L Gates LLP's Miami office as a partner in

its health care practice after seven years at international law firm Foley & Lardner LLP. Her practice includes healthcare government investigations and qui tam matters in numerous areas, including physician agreements, quality of care issues, coding and billing matters.

Horace Anderson Jr. W'91, L'96 was appointed the ninth dean of the Elisabeth Haub School of Law at Pace University. He had been serving as the law school's interim dean. Under his leadership, the school has increased enrollment and application numbers and introduced successful new programs, including the expansion of its part-time J.D. program to include an evening and weekend option. In 2019, for the first time, *U.S. News & World Report* recognized Haub Law as having the No. 1 environmental law program in the country. Anderson joined the Haub Law faculty in 2004 and served as the school's academic dean from 2011 until his appointment last year as interim dean. His areas of legal expertise include intellectual property, internet privacy, law and technology and communications law.

Laura Friedrich L'96 was appointed a partner in Willkie Farr & Gallagher's asset management group in New York. She joins the group's private equity fund formation team, focusing on advising domestic and international private investment fund sponsors, distributors and investors on formation, investment and regulatory matters. She also counsels funds and their sponsors on a broad range of business and transactional matters (including co-investments), internal management, and regulatory and compliance issues. Friedrich previously served as global head of the

investment funds team at Shearman & Sterling, where she was a partner for 12 years.

Carol McCabe L'96 became the first female managing partner of Bala Cynwyd, Pa.-based environmental and energy law firm Manko Gold Katcher & Fox in its 30-year history. She succeeds Jonathan Spergel L'93, who led the 32-lawyer firm for the past five years. McCabe has spent her entire career at Manko Gold and joined the firm's five-member executive committee a few years ago. For the past year, she worked with Spergel on the leadership transition and will serve a five-year term.

Steven Bray L'97, WG'97 was appointed executive director of four Nevada-based asbestos injury settlement trusts. The trusts include Western Asbestos, J.T. Thorpe, Thorpe Insulation, and Plant Asbestos Settlement Trusts. He was most recently vice president, general counsel and secretary of Johnson Matthey Inc., where he was the chief legal officer overseeing all functions of the Americas legal department for the international, publicly-traded manufacturer of specialty chemicals and lithium ion battery materials.

Jodi Schwartz Lashin L'97 joined Blank Rome LLP's New York office as a partner in the corporate, M&A and securities group. She focuses her practice on alternative asset management, counseling investment advisers and private funds on the structuring of complex fund platforms, seed investments, and drafting relevant documentation throughout the lifecycle of the fund. Lashin advises on general corporate matters, including the negotiation of investment management agreements,

platform maintenance, compliance and regulatory concerns, and investment activity. She also often assists financial advisors in connection with their delivery of fairness opinions in acquisition and disposition contexts. Lashin previously served as counsel at Reed Smith.

Priscilla (Sally) Mattison L'97, of counsel to Bernard M. Resnick, Esq., P.C., co-presented a Continuing Legal Education session titled, "Reality TV Competition Shows: Potential Pitfalls for Contestants," at the Pennsylvania Bar Institute. She also gave a guest lecture titled "USA Concert Touring Issues: A 2019 Update" as part of the entertainment law course at the Villanova University Charles Widger School of Law.

Adam Perlman L'97 joined Latham & Watkins LLP's Washington, D.C., office as a partner in the firm's litigation and trial department and intellectual property litigation practice. He is a first-chair patent trial lawyer who focuses on Hatch-Waxman trials and Federal Circuit appeals for brand-name pharmaceutical manufacturers. Perlman was previously an attorney at Williams & Connolly LLP.

Amy Silver L'97 joined Rivkin Radler LLP as a partner in the firm's real estate, zoning and land use practice group. She has extensive experience in a wide range of commercial real estate transactions. Silver was previously a partner at Lazer Aptheker Rosella & Yedid, P.C. in Melville, N.Y.

Samidh Guha L'98 launched a boutique firm with another former prosecutor he worked with in the early 2000s when the two were assistant U.S. Attorneys in the Southern District of New York. The New York

City-based firm, Perry Guha LLP, handles litigation, investigations and other white collar and regulatory matters. Guha was most recently a partner at Jones Day in its securities practice. He and his partner plan to expand the firm with associates and other partners in coming months.



Damon Hewitt L'00 was appointed executive vice president at the Lawyers' Committee for Civil Rights Under Law, a nonprofit organization that seeks to advance civil rights for minority populations. In this newly-created role, he serves as the top deputy to the president and executive director, and he leads organizational strategy and people development. Previously, Hewitt served as inaugural executive director of the Executives' Alliance for Boys and Men of Color, which is a network of more than three dozen foundation presidents committed to changing policies, systems and false narratives to advance opportunities for boys and men of color.

Stephen Trowbridge L'00 was appointed executive vice president and chief financial officer of AngioDynamics, Inc., a leading provider of innovative, minimally-invasive medical devices used by healthcare providers for vascular access. He joined the company as corporate counsel in 2008 and was promoted to general counsel in 2010. He has served as the company's interim chief financial officer since October 2019, in addition to his responsibilities as senior vice president.

Michael Winograd L'00 joined Brown Rudnick LLP's New York office as a partner in the firm's commercial litigation practice group. He represents large corporations, private equity firms and financial institutions in high stakes litigation with a focus on a range of commercial, securities, bankruptcy and other complex civil litigation, as well as regulatory proceedings and internal investigations. Winograd is also an adjunct professor at the Fordham University School of Law and co-founder of the Harlem Education Advancement Fund (HEAF) Legal Mentoring Program, where he was a recipient of the HEAF Long-term Volunteer Service Award.

Francis Pudner L'01 joined PSECU, Pennsylvania's largest credit union, as general counsel and vice president, legal services. In his new role, he guides his staff in their reviews of legal, regulatory and compliance concerns that impact the organization and its members. Pudner most recently served as senior counsel for the PNC Financial Services Group, where he was the lead attorney supporting the management of a \$10 billion loan portfolio and advised PNC's fintech subsidiary. He also served on numerous internal committees including those for regulatory risk, repurchase risk management and loss mitigation. He was a founding member of the Legal Department's Diversity and Inclusion Council and was a member of PNC's Pro Bono Committee.

Heather Lee Allred L'02 joined Brouse McDowell's healthcare practice group as a partner in Toledo. She advises clients in the healthcare industry on contract negotiations, compliance matters and government investigations as

well as business litigation, insurance recovery and captive management. Prior to joining Brouse, Allred was vice president of risk management and senior counsel of Ohio-based health system ProMedica.

Alina Ionescu Marshall L'02 was nominated by President Donald Trump to serve as judge on the United States Tax Court. She currently serves as counsel to the chief judge of the U.S. Tax Court in Washington, D.C. Previously, she practiced tax law at West and Feinberg, P.C. and Freshfields Bruckhaus Deringer US LLP in addition to clerking on the U.S. Tax Court.

Sean Marshall L'02 was named by the National Labor Relations Board as its new regional director for the agency's Region 5 Office in Baltimore. Region 5 is responsible for conducting elections, investigating unfair labor practice charges and protecting the right of workers to act collectively to improve their wages and working conditions in serving Maryland, the District of Columbia and parts of Delaware, Virginia, West Virginia and Pennsylvania. Marshall joined the agency as a staff counsel to board member Peter Schaumber in 2004. After transferring to the Baltimore Regional Office in 2008, he was promoted to supervisory attorney in 2013, and to his prior position as regional attorney in 2016. He also served as acting director of the Region from October 2017 through June 2018.

Katharine Zoladz L'02 was named associate regional director for enforcement at the Securities and Exchange Commission's Los Angeles regional office. In her new role, she oversees the office's enforcement efforts in Southern California,

Arizona, Hawaii and Nevada. Zoladz began working at the SEC's Division of Enforcement as a staff attorney in the Los Angeles office in 2010 and joined the division's Asset Management Unit in 2017. She was promoted to assistant regional director in 2017.

Matt Diggs L'03 joined the White Collar, Investigations and Government Controversies practice group at Davis Wright Tremaine LLP. He had been an Assistant U.S. attorney in Seattle for 12 years.

Anuj Gupta G'03, L'03, who has been general manager of the Reading Terminal Market since 2015, stepped down in April to become chief of staff to U.S. Congressman Dwight Evans, who represents the Third District of Pennsylvania. In his tenure at the market, Gupta launched an online ordering and grocery delivery program, created a customer service center and implemented the market ambassador initiative, in which volunteers help customers navigate the market.

Chrystal Dyer LaRoche L'03 was promoted to counsel at Ropes & Gray's New York office. At the firm, she has built a robust, broad-based real estate practice working with prominent investment firms as well as Fortune 500 and mid-market companies on matters ranging from the purchase and sale of real properties and mortgage portfolios to joint ventures and leasing.

Katherine Heptig L'04 was selected for *Crain's New York Business'* Notable Women in Law list. The annual list honors attorneys who have made an impact on New York City. Heptig is a partner in Rivkin Radler's corporate, health services and tax practice groups. She focuses on transactional

tax law and executive compensation, general business law relating to corporations, LLCs and partnerships and ERISA/employee benefits matters.

Katherine Stroker L'04 was appointed general counsel of FHI 360, a nonprofit working to improve the health and well-being of people in the United States and around the world. She has more than 20 years of public-sector and private-sector experience, including with three U.S. foreign affairs agencies. She recently served as deputy chief executive officer and acting deputy director of the U.S. Peace Corps, where she managed teams of senior officials, including the chief financial officer, chief information officer and the heads of policy, health services, recruitment, security and global operations. Stroker previously served as the Peace Corps acting general counsel, with responsibility for all legal matters affecting the agency.

George Varghese L'04 joined WilmerHale as a partner at the firm's Boston office. He advises clients on litigation involving federal and state governments, as well as on other legal challenges spanning law, policy and business. He was previously part of the health care fraud and national security units at the U.S. Attorney's Office in Massachusetts. His 14 years as an assistant U.S. Attorney saw him not only prosecute sanctions, national security and Bank Secrecy Act cases, but also handle 35 trials and prosecute the New England Compounding Center for its role in a deadly meningitis outbreak.

Robert Blaustein L'05 was featured as one of *Law360's* Rising Stars, which recognizes attorneys under 40 for their accomplishments. Blaustein, a partner

at Kirkland & Ellis LLP in New York, guided private equity firm Warburg Pincus through multiple billion-dollar transactions, including a \$1.3 billion global fund and the \$1.2 billion sale of Warburg's portfolio of Asian assets.

Allison Levine Stillman C'02, L'05 was featured by the *New York Law Journal* as a Rising Star. Stillman focuses her practice on copyright litigation and counseling, as well as trademark and other intellectual property and complex litigation matters at Mayer Brown LLP in New York. She was recognized for her favorable settlement on behalf of Spotify in the company's copyright class action and related dispute with Wixen Music Publishing. She was also involved in carrying out the recently-enacted Music Modernization Act, having represented the leading digital music services before the Copyright Office and Copyright Royalty Board. Stillman is a member of Mayer Brown's Women's Leadership Committee and is pro bono coordinator for the New York office's IP practice group.

Heidi Tallentire C'02, G'02, L'05 is a founding partner of a new boutique law firm in New York, Krauss Shaknes Tallentire & Messeri LLP (KSTM). The firm specializes in family law. She and the three other founding partners previously worked together at Blank Rome. For the past 15 years, Tallentire has focused exclusively on matrimonial and family law matters, with an emphasis on high-net-worth individuals in the hedge fund/private equity/venture capital space. She also serves as an adjunct professor of law in the S.I. Newhouse Center for Law and Justice at Rutgers School of Law-Newark, where she teaches courses on family law.



Gauging Weather Conditions in the Fight Against Wildfires

When wildfires burn, firefighters scramble to limit the blaze's parameters by trying to predict where the flames will spread next.

Making that prediction requires lots of information. Kestrel brand fire weather meters provide the critical data on weather conditions and save lives, said **Alix James L'88**, the CEO of Nielsen-Kellerman, a Boothwyn, Pa.-based company that produces the meters and other high-caliber technology products.

The portable meters precisely measure wind, temperature and relative humidity. "Being able to measure conditions around the fire perimeter is critical to safety and effectiveness and helping wildland firefighters has been one of Kestrel's big markets since our inception," James said.

Firefighters use the meters to take measurements on the ground, which are radioed back to base camp where complex computer models then predict where the fire is likely to spread. Those coordinates help firefighters

determine where to dig a fire line and remove flammable brush. "Planning to dig a fire line is a critical part of trying to fight these fires, which are unfortunately becoming more common, and more destructive."

Kestrel meters are also used in prescribed burns of land in attempts to prevent future wildfires.

Nielsen-Kellerman started as a family business: James joined her stepfather's electronics company, which he co-founded in 1978, as general counsel and head of advertising a few years after graduation from Penn.

James became director of operations and eventually, in 2010, CEO of the company. Succession plans from one generation to the next in small businesses often flounder, she said, but she currently speaks on panels and serves as a resource to other small businesses on how to make a successful transition.

Since taking the helm, James has consistently grown the company both organically and through acquisitions, and she happily reports that in that time, Nielsen-Kellerman has expanded from 80 to 125 employees in three locations.

James is also particularly proud of an increasingly specialized Kestrel meter that monitors and prevents heat-related deaths in athletes.

"A few years ago, it was pretty normal for as many as eight to 12 high school football players to die in a year from overheating, and it's completely preventable," she said.

For the past decade, the company has worked with a nonprofit based at the University of Connecticut called the Korey Stringer Institute, which was created in memory of Stringer, the Minnesota Vikings offensive lineman who died following heat stroke in 2001. The Institute does research, educational outreach and also advocates for legislation requiring specific protocols during sports practices to prevent overheating.

States that adopt such laws, James said, must monitor what's scientifically referred to as the Wet Bulb Globe Temperature, which incorporates the impact of the sun, humidity, air temperature, wind and surfaces radiating heat from the sun into a single model of human heat stress response. The Kestrel Heat Stress Tracker provides that measurement in a handheld device that is easy for coaches and trainers to use.

"It's all rolled into one number, and it's way more complete than temperature and humidity," she said. That number dictates when coaches should shorten practice, take more water breaks or have players shed their helmets and pads.

"Every state that has passed that full package of legal recommendations and implemented that monitoring has not had a death," James said, adding that New Jersey recently passed such laws and her company immediately began shipping units to the state.

A few years ago, she was recognized by then-President Obama as a Champion of Change in manufacturing. She said she'd like to see a return of manufacturing as a sustainable American occupation instead of shipping those jobs overseas.

Brian Liu L'06 was named by *Law360* as a Rising Star. He was one of four attorneys recognized for excellence in transportation law. Liu was noted for his work in aviation finance that involved negotiating complex, high-stakes deals for U.S. legacy carriers like American Airlines and Delta Air Lines. He is a partner in Debevoise & Plimpton's New York office.

John Maselli L'06 joined DLA Piper's corporate practice as a partner at the firm's San Francisco office. He advises private equity sponsors, venture capital firms, portfolio companies and strategic acquirers and targets in connection with planning and executing domestic and cross-border mergers and acquisitions, including leveraged buyouts, asset sales, tender offers, spinoffs and carveouts, and growth equity and early-stage investments. He also advises clients in connection with joint ventures and leveraged recapitalizations, as well as general corporate, securities law and commercial matters.

Xudong Ni GL'06, was appointed a member of the Integrity & Compliance Taskforce for B2O Saudi Arabia. He is a corporate transactional attorney with experience in China FDI, M&A, ODI, general corporate and regulatory compliance. He is also a member of the ICC Commission on Corporate Responsibility and Anti-Corruption. Ni, who is from Shanghai, China, also met up with fellow Penn Law alumnus Pierrick Le Goff GL'92, who hails from Paris, at ICC Netherlands' International Integrity & Anti-corruption Conference in December.

Eliana Kaimowitz L'07 was appointed chief of immigration and refugee programs at the California Department of Social Services. She has served as immigrant integration executive fellow at the Department of Social Services since 2018, and was

immigration integration executive fellow in the Office of Governor Edmund G. Brown Jr. from 2017 to 2018.

Ryan Plasky L'07 was promoted to partner at Fried, Frank, Harris, Shriver & Jacobson LLP, where he works in the corporate department and finance practice at the firm's Washington, D.C., office. His practice focuses on a broad range of leveraged financing transactions and other corporate matters for private equity sponsors, investment banks, hedge funds, REITs and public and private companies.

Johanna Thomas L'07 was elected partner at Jenner & Block's Washington, D.C., office. She is a member of the firm's communications, internet and technology practice. She has extensive experience working with communications, media and internet companies on regulatory and transactional matters before the Federal Communications Commission.

Sarah Walters L'07 was promoted to shareholder at Brownstein Hyatt Farber Schreck. She is a member of the firm's Natural Resources Department in Washington, D.C., where she counsels on laws, policies, regulations and legislation moving through federal and state policy arenas. She represents clients before Congress and federal agencies on a range of matters, including administrative law, regulatory compliance, Indian affairs and tribal gaming.

Daniel Riley L'08 was appointed a partner in Choate Hall & Stewart's private equity group at the firm's Boston office. He advises private equity clients and their portfolio companies on significant mergers, acquisitions, and similar transactions as well as day-to-day strategic and commercial matters.

Kristin Wainright L'08 was named the managing partner of Tobin, Carberry, O'Malley, Riley & Selinger in New London, Conn. She joined the firm in 2010 and became a partner four years later, focusing her practice primarily in corporate and business law, public finance, banking and real estate transactions.

Stephen Carey L'09 was elected partner at Parker Poe Adams & Bernstein LLP's Raleigh, N.C. office. His practice focuses on complex litigation and appeals, regulatory counseling and government enforcement matters. He represents companies, financial institutions, municipalities and local governments, universities, health care providers and individuals in high-stakes litigation and regulatory actions, including class actions. Carey also advises clients in connection with government investigations and enforcement matters, including financial institutions, business associations, automobile lenders, and major universities.

Jiamie Chen L'09 was appointed as the inaugural director of investment initiatives at Parabellum Capital LLC, a commercial litigation finance firm. The new role was designed to strengthen the firm's origination and underwriting of new investment relationships in strategically significant sectors. Chen is based in San Francisco. She was most recently at the Joseph Saveri Law Firm, where she specialized in complex litigation.

Karen Chesley L'09 was recognized by the *New York Law Journal* as a Rising Star. She is a partner in commercial litigation at Boies Schiller Flexner and focuses on high-stakes litigation, including contract disputes, trade secrets litigation and matters involving international law. She gained recognition for winning multiple summary judgment motions in the

Southern District of New York on behalf of real estate firm The Related Companies, L.P. in May 2018. Chesley also works with the nonprofit Legal Momentum in an effort to eliminate online sex trafficking, and she has also been involved in New Jersey litigation attempting to end sex discrimination in federal registration requirements for the draft.

Jennifer Fang L'09 was promoted to partner at Wilson Sonsini Goodrich & Rosati's Boston office. Fang represents life sciences and innovative technology start-ups and their board and management teams, advising them on formation, governance, equity and debt financings, initial public offerings, mergers and acquisitions, joint ventures, collaborations and other transactions. She also advises the venture and growth capital firms and strategic investors that fund such companies.

David Gunther L'09 was elected to partnership at Hyland Levin Shapiro. He practices in the areas of business and franchise law, with a focus on providing outside general counsel services to regional, national and international companies, with an emphasis on advising food manufacturers. He also handles the franchise registration and sales programs for a number of national franchisors; provides advice on franchise structuring, operational concerns and compliance with franchise disclosure and relationship laws; and represents franchisors in disputes with franchisees.

Margaret O'Neill L'09 joined Shook Hardy & Bacon LLP's Philadelphia office as a product liability litigation partner. She focuses on defending product liability cases for pharmaceutical and medical device companies. O'Neill was previously a partner at Goodell DeVries Leech & Dann LLP.

Jeffrey Rosenfeld L'09 was elected partner at Blank Rome's Philadelphia office. He concentrates his practice on business tax law, counseling public and private corporations, partnerships, and individuals on domestic and international tax matters. He also counsels corporate clients and individuals regarding undeclared foreign assets and with making voluntary disclosures to the Internal Revenue Service.

Erik Vogt L'09 was elected partner at the Chicago office of Drinker Biddle & Reath LLP. He advises public, private and nonprofit companies in the design and administration of retirement plans, health and welfare plans, and executive compensation arrangements.

Inna Zaltsman L'09 was elected partner at Blank Rome's Philadelphia office. She concentrates her practice on corporate and business law, including mergers, acquisitions and divestitures and a wide range of other business matters. She also advises clients on day-to-day legal and strategic matters. Additionally, Zaltsman volunteers as a pro bono consultant with Compass, a nonprofit organization that provides pro bono consulting services to local nonprofits.



Alexandra Casagrande L'10 was promoted to partner at Hirschler Fleischer's Richmond, Va. office. Her practice focuses on mergers and acquisitions, as well as leveraged finance and capital markets transactions, including acquisition financing, recapitalizations and corporate diligence. She routinely advises private equity groups in both buy-side and sell-side transactions, founders in the sale of their family businesses, banks and borrowers in financing transactions, and a wide array of business owners in day-to-day corporate decision-making. Casagrande has been recognized as a Rising Star by *Virginia Super Lawyers* every year between 2016 and 2019.

Anita Choi L'10, WG'10 was promoted to partner at Morrison & Foerster's San Francisco office. She is a member of the firm's patent counseling and prosecution group, where she focuses on patent prosecution, patent diligence and patent litigation support across a wide array of technologies.

Andrew Egan L'10 was promoted to partner at Bressler, Amery & Ross, Florham Park, N.J., where he practices in probate/fiduciary litigation.

Cristine Pirro Schwarzman C'07, L'10 joined Ropes & Gray's New York office as a partner in its business restructuring practice group. She focuses on representing debtors in out-of-court restructurings, chapter 11 cases and

distressed acquisitions. Schwarzman also served as a panelist at the American Bankruptcy Institute 2019 Complex Restructuring Program and recently guest lectured at the Wharton School and NYU School of Law. Before joining Ropes & Gray, she was a partner at Kirkland & Ellis.

Lauren Schwimmer L'10 was elected a shareholder at Flaster Greenberg PC, a full-service commercial business law firm. She is a member of the business and corporate department and the aviation industry group in the firm's Philadelphia office. Schwimmer represents corporations, airports, individuals and financial institutions in a wide variety of matters, and she has additional experience in the areas of aviation law, commercial and general civil litigation, banking law and bankruptcy. She is also active in the firm's Women's Initiative. Schwimmer has been named a Pennsylvania "Rising Star" for her work in business and corporate law by *Pennsylvania Super Lawyers* magazine every year since 2014.

Ryan Crosner GR'11, L'11 was elected a shareholder at Ogletree Deakins' Los Angeles office. He represents employers in all aspects of employment law in state and federal courts, and in proceedings before various administrative agencies, including the California Division of Labor Standards Enforcement, the Equal Employment Opportunity Commission and California Department of Fair Employment & Housing.

Sarah Frazier G'11, L'11 was promoted to partner in WilmerHale's Boston office. She is a member of the firm's Litigation/Controversy Department and intellectual property litigation group.

Margaret Henn L'11 was named director of program management with Maryland Volunteer Lawyers Service, the largest provider of pro bono civil legal services to low-income Maryland residents. She is responsible for overseeing day-to-day operations of the organization's pro bono program, including the development of new strategies to recruit and retain volunteer attorneys, the management of grant reporting and contribution to outreach events. Previously, Henn was the director of the Home Preservation Project at the Pro Bono Resource Center of Maryland, where she managed programs including the Tax Sale Prevention Project, the Wills on Wheels Project and Project Household, which represents low-income seniors on a range of legal issues affecting housing stability. In addition, she supervised and mentored hundreds of volunteer attorneys and staff members handling housing, elder law, estate planning, consumer and utility-related matters.

Joseph Gormley L'11 was appointed by the Federal Housing Administration (FHA) as the deputy assistant secretary for the Office of Single Family Housing. He joined FHA and the Department of Housing and Urban Development (HUD) in 2017, and previously served as chief of staff to the Assistant Secretary for Housing and Federal Housing Commissioner Brian Montgomery, placing him as the principal advisor to Montgomery and other senior HUD leaders on policy, priority initiatives, strategic planning and resource management.

Simin Sun L'11 was promoted to partner at Haynes and Boone's Houston

office. He is a member of the firm's mergers and acquisitions, capital markets and securities and international practice groups and focuses on mergers and acquisitions, cross-border transactions, technology-based transactions, corporate securities and general corporate matters. He also routinely handles corporate securities matters, particularly those that involve capital raises through public or private equity or debt.

Amy Vegari L'11 became counsel at Patterson Belknap Webb & Tyler LLP. She practices in the firm's litigation department, where she focuses on complex commercial litigation and antitrust law. Her practice includes class action defense, white collar defense and investigations and pharmaceutical litigation. Previously, Vegari served as a law clerk to the Hon. Michael Chagares of the U.S. Court of Appeals for the Third Circuit, and to the Hon. Robert Kugler of the U.S. District Court for the District of New Jersey.

Otto von Gruben GL'11 was promoted to partner at Latham & Watkins' Hamburg, Germany, office. He is a member of the corporate department who represents German and international corporations and private equity funds on M&A matters, with a focus on real estate-related transactions.

Kulsoom Hasan L'12 joined Bond, Schoeneck & King's Buffalo office as an associate in the intellectual property and technology practice. She is a registered patent attorney with experience assisting clients with complex intellectual property issues including patent, trademark, and trade secret litigation; post-grant review proceedings; and patent preparation and prosecution.

Lucila Hemmingsen GL'12, WEV'12 joined King & Spalding's New York office as a partner in the firm's international arbitration practice. She is part of a team focusing on expanding the firm's commercial and investor-state work in Latin America and Europe. Hemmingsen, also a native of Argentina and dual-qualified in civil and common law, advises and represents domestic and foreign companies in commercial arbitrations, as well as foreign governments and investors in investment-treaty arbitrations, conducted in English, Spanish, and Portuguese. She also advises and represents clients on treaty protection structuring and proceedings ancillary to arbitration. Hemmingsen was previously a partner at Kirkland & Ellis LLP.

Ankit Kashyap GL'12, WEV'12 was named by *Law360* as a Rising Star. He was one of five capital markets law practitioners honored, and he was recognized for steering Indian telecommunications giant Vodafone's \$3.6 billion equity rights offering that was marketed globally, among other landmark deals. He is a partner at Sidley Austin LLP.

Sanjay Narayan L'12 was appointed by Texas Governor Greg Abbott to the Texas Radiation Advisory Board for a term until April 2021. The board advises the state on radiation issues and reviews the rules, policies and programs of state agencies that regulate radiation. Narayan is an attorney in Dallas at Loewinsohn Flegle Deary Simon LLP, where he focuses on complex commercial litigation.

Sean Williamson L'14 was named a 2020 Rising Star for his work in business litigation. He is an attorney at the Louisville office of Wyatt, Tarrant & Combs, LLP.

Girmay Zahilay L'14 handily won a seat on King County Council as a newcomer over an incumbent who had served since 1993. His district covers a large portion of Seattle, Wash. Zahilay, the son of Ethiopian refugees, grew up in several of the city's public housing projects. After beginning his legal career in New York in 2014, he eventually returned to Seattle and practiced law at Perkins Coie while also launching a second chapter of the organization he co-founded

called Rising Leaders. As a councilman, he has said he would like to focus on addressing issues including the housing crisis, climate change, transportation, regressive taxation and repurposing the county's new youth jail and justice facility in favor of smaller community-based facilities.

Nina Martinez L'15 was a panelist at the Penn Law Women's Association's spring lunch panel called Women's Wellness in the Workplace.

Elizabeth Webb Bucilla L'16 joined Klehr Harrison Harvey Branzburg as an associate in its corporate and securities practice group. She focuses her practice on the representation of privately held companies and publicly traded corporations and has experience in working on a variety of commercial and business matters including governance, corporate finance, joint ventures, strategic investments and similar transactions.

Taylor Lake L'16 joined Blank Rome's Philadelphia office as an associate in the general litigation group. She was previously an assistant district attorney for the District Attorney's Office of Philadelphia. Lake was most recently a member of the Family Violence and Sexual Assault Unit, where she prosecuted felony sexual assault and domestic violence cases in Philadelphia criminal court. She has tried multiple felony jury trials to verdict, including conducting the underlying investigations, examining witnesses, researching and writing briefs, and handling post-sentence/verdict motions. She also practiced in the Motions Unit, handling Municipal Court appeals and Common Pleas motions.

Frances Emembolu GL'17, who works in the finance division of the Office of General Counsel & Legal Services for the African Development Bank, was recognized by the Nigerian Legal Awards as a Nigerian Rising Star — 40 People under 40.

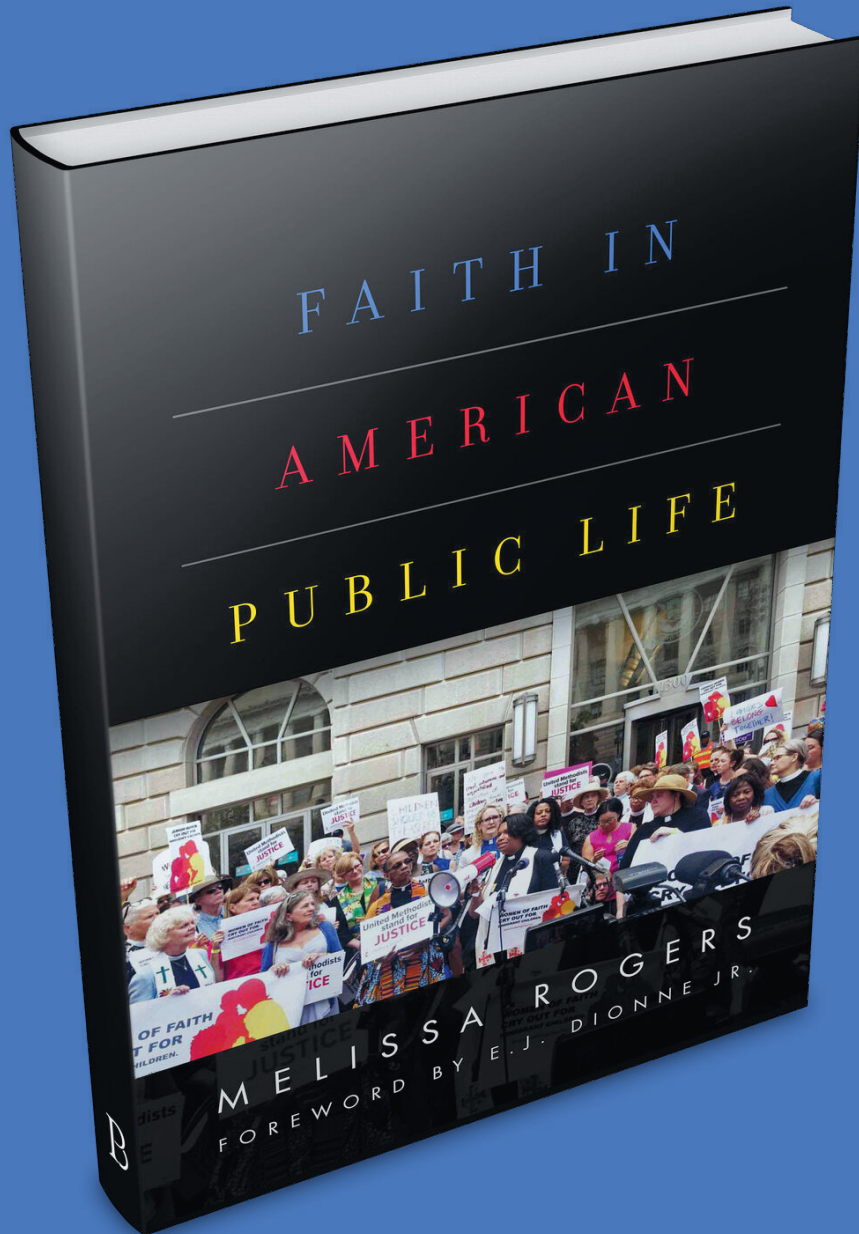
Sarah Kramer L'17 is the 2019-2020 fellow assigned to the Supreme Court of the United States, where she serves in the Office of the Counselor to the Chief Justice. She joined the Supreme Court Fellows Program from the United States Court of International Trade, where she clerked for the Hon. Gary Katzmann.

Brian Ruocco L'17 joined Wheeler Trigg O'Donnell LLP, where he represents clients in complex litigation matters at the trial and appellate levels. Previously, Ruocco served as a judicial law clerk to the Hon. Ronald Gilman of the U.S. Court of Appeals for the Sixth Circuit and to the Hon. Kevin McNulty of the U.S. District Court of New Jersey.

Daniel Epstein L'18 joined Flaster Greenberg as an attorney in the firm's litigation department. He represents corporate and individual clients in all aspects of litigation. Previously, Epstein clerked for Judge Mitchel Ostrer of the Superior Court of New Jersey, Appellate Division.

Michelle Fu L'19 joined the Delaware law firm Morris, Nichols, Arsht & Tunnell LLP. She practices in the firm's corporate counseling group.

Andrew Moshos L'19 joined the Delaware law firm Morris, Nichols, Arsht & Tunnell LLP. He practices in the firm's intellectual property litigation group. ♥



How to Reduce Tensions in Religion and Public Life? Empathy.

The role of religion in public life has become an increasingly fraught topic in America. A big factor in raised tensions, says **Melissa Rogers L'91**, is a problem with empathy.

“In this sphere, people often increasingly have a hard time even imagining what the other side is thinking, and why they’re coming to certain conclusions,” she said. “Their life experiences may be so different they have a real challenge when trying to empathize with another’s point of view.”

Rogers, who previously served as special assistant to President Obama and executive director of the White House Office of Faith-Based and Neighborhood Partnerships, has written a book on the subject, *Faith in American Public Life* (Baylor University Press).

Many Americans have drifted from finding common ground with one another in favor of tearing each other down, she said, adding that a change in perspective would help ease tensions in a much-divided country. “Too frequently we see people write one another off,” she said. “All the rights we have stem from a conviction that everyone has equal dignity and infinite worth.”

In her book, Rogers explores both settled and contested church-state issues. She aims to clear up misconceptions in the law regarding religion and to also raise a call to action in advocating for threatened religious minorities. Contrary to the claims of some, Rogers noted, the Supreme Court has not kicked religion out of the public square. The U.S. Constitution protects the rights of individuals and religious organizations to express their faith, including on government property, while generally banning government-backed religion.

“The rules that apply to the interaction between religion and government, the legal rules, have been

mischaracterized and misunderstood,” she said. “I hope to dispel some of those misunderstandings.”

Clashes that occur in this area include conflicting claims for religious freedom and equality, such as LGBTQ equality. Rogers believes that context matters in these cases: when federal contractors, for instance, refuse to hire people for taxpayer-funded positions based on their sexual orientation, nondiscrimination requirements generally should be enforced. On the other hand, religious communities should continue to have the right to decide which kinds of marriages take place in their house of worship, she said.

Rogers said her research revealed a spike in religiously-based hate crimes in the country, particularly against Muslims, Jews, and African American churches—and that disturbed her.

“Those kinds of things are happening at so rapid a clip it should cause us to put down what we’re doing and speak out and push back,” she said.

Politicians and civil leaders often try to avoid discussing these issues because a misstep can cost them their careers, Rogers said. She argues, however, that we need to discuss them affirmatively. “Religious freedom and other human rights are some of the things we have to really value in our system, because they can slip away from us rather quickly if we’re not carefully defending them,” she said.

Rogers is currently a visiting professor at Wake Forest University’s School of Divinity and a nonresident senior fellow at the Brookings Institution. She teaches a course on religion in American public life. She is hopeful that the often-hostile conversation about faith in America can become less polarized if people take the time to listen to each other.

“The United States is a country with great diversity, and, at its best, it has been a place where people of different faith and beliefs not only coexist, they also make common cause,” Rogers said. “There’s so much to be proud of in our country’s history and our country’s current fabric, and much to hold on to,” she said, “so I hope people will be encouraged by that.” ♥

“**TOO FREQUENTLY WE SEE PEOPLE WRITE ONE ANOTHER OFF. ALL THE RIGHTS WE HAVE STEM FROM A CONVICTION THAT EVERYONE HAS EQUAL DIGNITY AND INFINITE WORTH.**”

2020

IN MEMORIAM

HOWARD LESNICK, INSPIRATION BEHIND PENN LAW'S PUBLIC SERVICE PROGRAM

Howard Lesnick, a beloved professor who redefined what it means to be a lawyer and built the foundation for the University of Pennsylvania Carey Law School's nationally recognized public service program, passed away on April 19. He was 88.

Lesnick's words continue to inspire us, even in handling the sorrow of his own passing. At the end of the very last class he taught here, in April 2016, he exhorted his students: "Do not be daunted by this world's grief." His words ring true as we process our own grief on losing him and the broader difficulties that our community and world are presently facing.

Lesnick, who became the Jefferson B. Fordham Professor of Law emeritus in 2016, spent 50 years at the Law School, forging an unforgettable legacy steeped in kindness and humanity.

"Howard never forgot the true meaning of legal practice," said Ted Ruger, Dean and Bernard G. Segal Professor of Law. "He intuitively understood that lawyers had a professional responsibility to help the

less fortunate gain access to justice and made a point of instilling those values into the culture of the Law School."

Ruger continued, "He had an immeasurable impact on Penn Law. Hundreds and hundreds of students are working in the public interest due to his influence. He brought glory to our institution and everyone who knew him was better for it."

Lesnick, a founder and past president of the Society of American Law Teachers, secured many laurels during his career. In 2003, the American Association of Law Schools recognized his efforts to make public service an integral part of legal education. Six years later, Penn Law School memorialized Lesnick's contributions with the creation of the annual Howard Lesnick Pro Bono Award, presented to an alumnus who has demonstrated a sustained commitment to pro bono or public service work throughout a career in the private sector.

David Richman L'69, special counsel in the Philadelphia office of Pepper Hamilton, was the first recipient. "Howard was a great soul. He gave the Law School a moral compass among his other contributions to the institution. I could not have been prouder to receive an award for public service that bore his name."

A dyed-in-the-wool New Yorker who adopted Philadelphia as his home, Lesnick graduated from New York University in 1953. He went on to earn a Master's in American History from Columbia and his law degree from that institution. After law school he clerked for U.S. Supreme Court Justice J.M. Harlan.

Lesnick joined the Penn Law faculty in 1960. He was a rigorous scholar, publishing countless penetrating and influential articles on labor law and other subjects and five landmark books on moral education,

professional responsibility, and religious consciousness in the law. He also commanded the room as a teacher, engaging students with questions about the meaning of work.

An innovator at heart, Lesnick helped establish the Law School's original Center on Professionalism, which became a national model for similar programs all over the country. But it was his intense advocacy of public service, and the subsequent creation of a mandatory pro bono program at Penn Law, for which he is most remembered and revered.

It all started with a Lesnick-led experiment in which students spent several hours a week working at the local Community Legal Services. At the time, several decades ago, few law schools put public service at the top of their agendas. But fewer still had a Howard Lesnick to insist that pro bono work is central to the

practice of law. Because of his insistence, it is commonplace today for law schools to require students to perform pro bono work before graduation, and Penn Law's trailblazing program has become one of the glories of the Law School.

In many respects, Lesnick provided the impetus for The Toll Public Interest Center. Over the course of thirty years, TPIC has blossomed into a much admired and emulated program. In 2000, Penn Law became the first law school to be honored with the ABA's coveted Pro Bono Publico Award for its establishment of a mandatory public service requirement for all students as a condition of graduation. What Lesnick catalyzed grew into a program where today more than 90 percent of the class exceeds the 70-hour requirement and ten times more students pursue public interest work than before the program's inception.

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Howard Lesnick, 88, left a trail of accomplishments in 50 years at Penn Law.



“
It aids law students to think that law school is not simply a prelude to one’s professional life but an integral part of it ... Unpaid public service is now taken for granted, not only here, but throughout legal education.”

HOWARD LESNICK

Several years ago, Lesnick reflected, “It aids law students to think that law school is not simply a prelude to one’s professional life but an integral part of it... Unpaid public service is now taken for granted, not only here, but throughout legal education.”

From the beginning, Lesnick wanted to create the kind of structural change in legal education and in the profession that remains the subject of heated debate today. In 1967, he served as the founding director of the Reginald Heber Smith Community Lawyer Fellowship Program, which trained the first generation of American legal services attorneys.

Janet Stotland CW’66, L’69 was among them. She said she owes her career at Community Legal Services and as the former executive director of Pennsylvania’s Education Law Center to Lesnick, who offered her a fellowship. Stotland said he gave her a foothold at a time when there were few opportunities for public interest lawyers. “He launched many public interest careers,”

she said. “But the really important part is that Howard was a model of commitment, decency, and humility.”

In 1975, Lesnick, well ahead of his time on cross-disciplinary education, designed a curriculum for the Bryn Mawr College’s School of Social Work, training social service professionals how to understand and work with legal systems.

And in 1982, he left Penn Law for six years to create a new model of legal education at the City University of New York Queens Law School. It was predicated on a stunning and revolutionary concept at the time—the service of human needs through law.

But Lesnick returned to Penn for almost three more decades, along the way imparting wisdom and treating everyone with respect. He mentored scores of students and struck enduring relationships with his colleagues on the faculty.

“In 1970, when the idea of a credit bearing internship was downright radical, Professor Lesnick led the way to enable me to spend a semester in Washington at the Center for Law and Social Policy,” Andrew Schwartzman C’68, L’71 said upon Lesnick’s retirement in 2016. “As a result, I was one of the very first of what has become hundreds of Penn Law students to embark on a career in public interest law because of Professor Lesnick’s leadership. I am indebted to him.”

Seth Kreimer, the Kenneth W. Gemmill Professor of Law at the University of Pennsylvania Carey Law School, became a close friend of Lesnick’s and mourns his loss.

When Lesnick retired, Kreimer said, “Howard was for almost four decades my valued colleague and mentor. He modeled for me how to remain outraged at the brokenness of the world while remaining alive to its wonder and possibilities. He showed how to attune oneself to the humanity of one’s students, and how to treat colleagues and coworkers with the profound respect that is their due.”

“I lament that the next time I’m drawn to the side of harsh judgment, I’m unlikely to have a conversation with Howard to pull me back. But I have grateful memories of his radiant example.”

Lesnick is survived by his wife of 44 years, Carolyn Schodt; his children and their spouses, Alice Lesnick (daughter of Natalie Lipson Lesnick Schweitzer) and Robert Goldberg, Caleb Schodt and Carolyn Ingram, and Abigail Lesnick and Jonathan Marvinny; his brothers and their spouses, Irving and Sheila Lesnick and Alan and Molly Lesnick; and four grandchildren, Lillian Goldberg, Lowell Nottage, June Goldberg, and Dylan Schodt.

In the weeks and months ahead the Law School community will remember and memorialize Howard in a variety of ways, including with an in-person memorial service when the time is right.

1940s

Edmund Jones L'42, an attorney, bank founder, public servant and World War II veteran, died Sept 14. He was 101.

Mr. Jones, who lived in Swarthmore, Pa., for nearly nine decades, was born in Chester, Pa., and graduated from Swarthmore High School in 1935 and from Swarthmore College in 1939 with a degree in economics.

After his second year of law school, in 1941, he married college classmate Adalyn "Lyn" Purdy, and they remained together until her passing in 2013. Upon graduating from the Law School the next year, Mr. Jones joined his family's Chester law firm, Jones & Jones, which his grandfather, also named Edmund Jones, founded in 1876.

In 1942, he was drafted into the U.S. Army and in 1945, served as a captain

in a heavy automotive maintenance company in France. Then he was transferred to the Judge Advocate General's Office in Frankfurt, Germany, where he took depositions from witnesses to war crimes in the Nuremberg War Crimes Trials.

Upon being honorably discharged in 1946, Mr. Jones returned to the family firm, where he focused on probate and real estate matters. He and his father founded two banks, the Industrial Savings & Loan Association of Chester and the First Federal Savings & Loan Association of Chester. The latter became First Keystone Bank, which in 2010 merged with Bryn Mawr Trust Co.

Mr. Jones was also civically active. He served as mayor of Swarthmore from 1966 to 1971, Republican state representative of the 161st District from 1971 to 1974, member and chair of the Swarthmore Borough Authority from 1985 to 1989, and member of the Delaware County Council from 1987

to 1988. Additionally, he served from 1989 to 1996 on the SEPTA board of directors; was a longtime member of the Rotary clubs of Swarthmore and Chester; and was a founding member of the Swarthmore Centennial Foundation, where he served as chairman from 1993 until 2012.

Following the death of his son, Edmund A. Jones, in 1964, Mr. Jones and his wife established the Edmund A. Jones Memorial Scholarship at Swarthmore College. The fund helps Pennsylvania high school graduates in need pay for college tuition.

Mr. Jones loved to travel and had hiked to the highest point in every state except Alaska. He and his wife also cherished their cottage at Lake Paupac in the Poconos, which they designed and built in 1953. Active until around Christmas of 2018, Mr. Jones attributed his longevity to a penchant for walking, whether it was a 2.5-mile trek home from work in his younger days or a quarter mile walk at the health club track.

Mr. Jones is preceded in death by his son and first wife Lyn. He is survived by his second wife, Donna Kay Jones; daughters Linda, Eleta and Nancy; stepdaughter Lisa; six grandchildren; a step-grandson; and seven great-grandchildren.

1950s

Edmund Jones L'42

Following World War II, Edmund Jones served in the Judge Advocate General's Office in Frankfurt, Germany, where he took depositions from witnesses to war crimes in the Nuremberg War Crimes Trials.

Daniel Erickson, III L'50, a World War II veteran and international lawyer, died Feb. 17. He was two weeks shy of his 96th birthday.

Mr. Erickson grew up in Glassboro, N.J. He was an active member of the Boy Scouts and was chosen to attend the organization's first Boy Scout Jamboree in Washington, D.C.

After graduating from high school in 1941, he entered Rutgers University but soon left to volunteer in the U.S. Navy during World War II. Upon returning from the war, he finished his undergraduate degree at Yale University in 1947.

After attending law school, he later earned a degree in international law at New York University in 1960. He worked as a corporate lawyer at Worthington Corporation until 1967. He left the company to start his own business, Resources Development Corporation, after noticing on a family vacation in Bath, Maine, that there was an opportunity to harvest seaweed domestically instead of from Canada.

In 1972, he became a lawyer for the Asian Development Bank in Manila, Philippines. He was also a principle in forming the Association of Former Employees of the Asian Development Bank. In 1976, he joined the U.S. Agency for International Development and lived in Pakistan and Cameroon during his service. He retired from the agency at its mandatory retirement age of 65. Mr. Erickson also retired as a lieutenant commander from the U.S. Naval Reserves on his birthday in 1984.

In 1988, he and his wife, Dorothy (Dot), moved to Bridgeton, N.J., to be closer to family. During his residence there he was one of six principle organizers of the 350th anniversary celebration of Swedish settlers' arrival to southern New Jersey, which included an audience with the king and queen of Sweden and New Jersey Governor.

The Ericksons moved to Sterling, Va., in 1996 to be closer to family. Wherever he lived, Mr. Erickson was involved with or forming Rotary Clubs and was civically active. He loved to garden and was an aficionado of

classical, patriotic and church music — he often sang patriotic songs and recited the Declaration of Independence — and he was also a devout church member.

Mr. Erickson is survived by his wife of 63 years, Dot; children Beth and Jeff; grandsons Rob and Jim; and great-granddaughters Alexandra, Josephine and Emma.

Helen Zion Thatcher L'50, a retired attorney, died Nov. 19. She was 94.

Born in Philadelphia, Ms. Thatcher graduated from West Philadelphia High School in 1942 and from Ohio State University in 1944, with a bachelor's degree of arts and sciences cum laude. Before starting law school, she taught returning GI's economics at Ohio State and also studied advanced economics at the University of Chicago.

Ms. Thatcher loved traveling the world, dogs, clothes and the arts, and she lived in at least 30 different residences over the course of her lifetime.

Her family described her as cosmopolitan, sophisticated, elegant, fashionable, charming and larger than life.

She is survived by her children, Leslie and Mark; grandchildren David, Lilian, Michael and Ishai; and three nieces.

Murry Waldman L'52, a pillar of the Bay Area legal community and family man, died Jan. 15. He was 91.

Mr. Waldman was born in Wilkes Barre, Pa., and grew up in a close-knit Orthodox Jewish family. He attended Columbia University and finished first in his class in law school. He then joined Rosenman, Colin, Freund, Lewis & Cohen, and met and married Jean Wollenberg. After having a daughter, they moved from New York to Jean's native San Francisco, where Mr. Waldman co-founded the law firm, Feldman, Waldman & Kline.

The San Francisco office occupied several floors of the Russ Building on Montgomery Street for decades and

Helen Zion Thatcher L'50

Before starting law school, Helen Zion Thatcher taught returning GI's economics at Ohio State and also studied advanced economics at the University of Chicago.

became a coveted firm to join for ambitious young lawyers.

At the firm, he was described as “larger than life” and its “spiritual director,” and as someone who understood that finding common ground through decency and respect was the sole way to make progress and achieve justice. He remained part of the Bay Area’s legal community for 40 years.

Outside the firm, Waldman was active in his family’s life, and attended every school play, fundraising fair or sports game possible. He also played tennis weekly, co-founded Urban High School, served on the board of Commonweal in Bolinas and held leadership positions in the San Francisco Bar Association and Civil Grand Jury.

Following Jean’s death in 1986, Mr. Waldman later married Marilyn Yolles, and the two delighted in merging their families and hosting holidays at Stinson Beach. When Mr. Waldman retired at age 70, he and his wife traveled the world and enjoyed spending time with their grandchildren. He also read and played tennis often.

Mr. Waldman was preceded in death by his first wife, Jean, and his first daughter, Amy. He is survived by his wife Marilyn; children Jan and Peter; stepchildren Cindy, Peter and Jonathan; and 13 grandchildren.

Richard Hoffmann W’51, L’55, an attorney and local civic leader, died Nov. 9.

Mr. Hoffman was born in Philadelphia and graduated from Central High School. He attended the Wharton School and earned a master’s degree in economics from Columbia University.

After graduating from law school and serving in the U.S. Army, Mr. Hoffmann started his own law practice in Philadelphia and Bucks County, where he represented generations of clients.

He was general counsel to the Upholsterer’s International Union (UIU) of North America AFL-CIO, counsel for the UIU Pension Trust, director of UIU Services and Organization Departments, and counsel to the United States Steelworkers Pension Trust for 48 years. He also served as a special counsel to the Bucks County Community College Board of Trustees and served as solicitor or counsel to a number of municipalities and school boards.

Additionally, Mr. Hoffmann was a former chairman of the Warminster Township Board of Supervisors and was elected to two terms as Bucks County Clerk of Courts. He was also a longtime member of the Bucks County Democratic Executive Committee.

Mr. Hoffmann had a keen interest in astronomy; he was also a world traveler and history buff with particular interest in World War II and the American Civil War.

He is preceded in death by siblings Jackie and Benjamin, and by his granddaughter, Allison. Mr. Hoffmann is survived by his wife of 40 years, Cheryl; children Andrew, James, David, Holly, Heather, Elizabeth and Jonathan; 15 grandchildren; and several relatives.

Arthur Levy W’52, L’55, PAR’83, a longtime Delaware County attorney and family man, died Dec. 27. He was 89.

Mr. Levy grew up in Chester, Pa. After attending the University of Pennsylvania, he attended law school and met his future wife, Barbara Binder ED’55, there. The two married in 1955. After serving in the U.S. Army, Mr. Levy and his wife moved back to Chester, and later to Wallingford in 1966.

In Chester, he practiced law with his uncle and brother at McClenachan, Blumberg & Levy, which later became Levy & Levy. He served as solicitor for the Ridley, Chichester and William Penn School Districts for more than

30 years. Mr. Levy also later worked at Eckell Sparks in Media, Pa., until he retired in 2005. Living and working close to home, his family said, was a top priority for him.

Mr. Levy was also an active and lifetime member of Congregation Ohev Shalom. He edited the dedication book commemorating its 1964 move from Chester to Wallingford. After retiring, Mr. Levy remained involved at the synagogue and also enjoyed rooting for Philadelphia sports teams and playing bridge online.

He was remembered by friends and family as a kind soul and gentleman with an engaging intellect and knack for putting others at ease.

Mr. Levy was preceded in death by a son, Leonard. He is survived by his wife, Barbara; daughters Gayle Levy C’83, W’83 and Adina; and three grandchildren.

Norman Zarwin C’52, L’55, a longtime Philadelphia lawyer and civic leader, died March 6. He was 99.

After graduating from law school, Mr. Zarwin co-founded the Philadelphia firm that is today known as Zarwin Baum DeVito Kaplan Schaefer Toddy, P.C.

He was a transaction lawyer who led the firm and was recognized by former colleagues as a great leader and patriarch who valued professional excellence and philanthropy. During his 56-year legal career, he represented gasoline distributors and retailers in the Mid-Atlantic region; focused on business and real estate transactional matters; and managed the firm for about 40 years.

Mr. Zarwin was also involved in the establishment and representation of associations including The Alliance for Automotive Service Providers of Pennsylvania, The South Asian Business Association and the Service Station and Automotive Repair Association of Pennsylvania/Delaware.

He also had an entrepreneurial flair and was involved in several business enterprises, including car washes, gas stations, a shopping center and other real estate ventures, orange groves, and an auto parts wholesale business.

Civic involvement was also important to Mr. Zarwin. He served as an officer or board member for Golden Slipper Club & Charities, Jewish National Fund Council of Philadelphia, the Society for the Jewish Aged, B'nai B'rith, and Jewish Federation of Greater Philadelphia. He also served as chairman of the Scholarship Foundation of the Union League.

Mr. Zarwin was preceded in death by his beloved wife, Marlene. He was remembered as a devoted father and grandfather and is survived by children Amy, Stephen and Deborah; and grandchildren Jacob, Dylan, Jared, Sydney, Tyler, Max, Ethan and Michael.

Robert Martin L'59, a career foreign service officer, died July 22. He was 87.

Mr. Martin was a Philadelphia native. Upon graduating law school, joined the Department of State and began a series of diplomatic assignments. He worked principally on arms control and other national security issues, serving on U.S. delegations negotiating agreements with the Soviet Union in Geneva, Washington and Moscow.

He was posted to NATO headquarters in Brussels; Vietnam during the final year of the war, until he was evacuated from the roof of the American Embassy in Saigon in 1975; pre-revolution Tehran; and Frankfurt, where he was coordinator of a U.S. counter-terrorism response initiative.

In 1996, Mr. Martin retired to Menlo Park, Calif., and had opportunities to travel abroad to visit new countries and old friends. He also enjoyed continuing education at

Stanford and volunteer activities with a nearby national trust property.

Mr. Martin is survived by his wife, Joanna.

Harry Schwartz L'59, who served as a housing official and policy aide during President Jimmy Carter's administration and later helped spearhead the Pennsylvania Historic Tax Credit Law, died Dec. 1. He was 85.

Mr. Schwartz was born in Philadelphia, and in 1951, graduated from Central High School. After attending Harvard University and law school, he took a clerkship at the U.S. Court of Appeals for the District of Columbia Circuit in 1960.

From 1963 to 1968, he was a legislative assistant to U.S. Sen. Joseph Clark, and helped him pass President Lyndon Johnson's Civil Rights Act of 1964 and the Voting Rights Act of 1965. Mr. Schwartz also helped direct Jimmy Carter's presidential campaign, and in 1977, was nominated to be an assistant secretary for legislative affairs in the U.S. Department of Housing and Urban Development in Carter's administration. Two years later, Mr. Schwartz joined the White House domestic policy staff and focused on advocating for President Carter's then avant-garde proposals for developing solar energy and energy conservation.

In his legal career, Mr. Schwartz was a partner specializing in mergers and acquisitions at three law firms: in Philadelphia at Dechert Price & Rhoads, and in Washington, D.C., at Lane & Edson and Dewey Ballantine.

Upon retiring in the mid-1990s, Mr. Schwartz was appointed director of public policy for the National Trust for Historic Preservation. He was familiar with historic properties: A longtime resident of Society Hill in Philadelphia, Mr. Schwartz was a board member of the Society Hill Civic Association from 1969 to 1976, and later served on its

historic preservation committee. He was honored in 2006 with the National Trust for Historic Preservation's Sen. John H. Chafee Award for Outstanding Achievements in Public Policy.

From 2008 to 2017, Mr. Schwartz served on the board of the Preservation Alliance of Greater Philadelphia. He became known as a leading expert on tax incentives for the rehabilitation of historic buildings and was involved in drafting the Pennsylvania Historic Tax Credit Law, which Governor Tom Corbett signed into law in 2012. The law provides tax credits for the restoration of a qualified historic structure into an income-producing property and has helped save and restore many historic buildings over the years. Mr. Schwartz also advised other states on the issue.

He additionally served as president of the Central Philadelphia Reform Democrats and as vice chairman of the Southeast Pennsylvania chapter of Americans for Democratic Action. In 2006, he became an occasional op-ed contributor for *The Philadelphia Inquirer*.

Mr. Schwartz is survived by his wife, Marinda; children Tony and Amanda; and two grandchildren.



Stanley Shingles W'57, L'60, PAR'97 a longtime Philadelphia attorney, died Nov. 30. He was 83.

Mr. Shingles was born in Ogdensburg, N.Y., but remained in Philadelphia after attending Wharton for his undergraduate degree and law school. From 1962 to 1967, he was an assistant district attorney in the Philadelphia District Attorney's Office. He was a lecturer on criminal and constitutional law at the Philadelphia Police

William Wister, Jr. L'61

Wister was a descendant of the venerable Wister family, who settled in Philadelphia in the 18th century and built Grumblethorpe as its family home for 160 years. The home is now a museum in the Colonial Germantown Historic District.

Academy from 1967 to 1981 and also entered private practice. In the late 1970s, he served on the Plaintiffs' Swine Flu Steering Committee.

Mr. Shingles was an enthusiastic and optimistic fan of Penn Quakers football and basketball, and he was described as a brilliant attorney and warm-hearted soul who championed both his clients and his family.

Several of his law school classmates attended his funeral, and his dear friend, Gordon Gelfond W'57, L'60, delivered a eulogy.

Mr. Shingles was preceded in death by his brother, Jack. He is survived by his wife, Hope; children Evan and Melissa Shingles C'97, GCP'00, WEV'06; and brother David.

Jared "Jerry" Adams L'61, a lawyer and local leader, died Nov. 15. He was 83.

Mr. Adams graduated from Phillips Exeter Academy and Princeton University before attending law school. He began his career in active service in the JAG Corps of the Navy, where he

rose to rank of captain in the Naval Reserves.

After leaving the Navy, he joined Liberty Mutual Insurance Company and then worked as senior counsel for the St. Paul Fire and Marine Insurance Company.

He transitioned to work as a country lawyer in 1986, first opening a joint practice and then going solo. He practiced law for more than 50 years.

Mr. Adams was a lifelong resident of Holliston, Mass., and was civically active in town. He was elected to its finance committee, on which he served 12 years and was chairman for four years. He was also elected to the board of selectmen for a term; to the water board; and was appointed to the Sewer Study Committee. He was known for his enthusiasm in debating on town government or other issues of the day.

Mr. Adams is survived by his wife of 53 years, Sheila; children Andrea and Jared Paul; grandchildren Samantha and Zackary; and several nieces and nephews.

William Wister, Jr. L'61, a Philadelphia lawyer and wealth management executive, died Nov. 23. He was 86.

Mr. Wister was a descendant of the venerable Wister family, who settled in Philadelphia in the 18th century and built Grumblethorpe as its family home for 160 years. The home is now a museum in the Colonial Germantown Historic District.

Mr. Wister was born in New York City and graduated from St. Paul's School in Concord, N.H., and Harvard University. Following law school, he served in Army Intelligence and then worked as a special assistant to the director of the Peace Corps.

He practiced law in Philadelphia for several years before moving on to Janney Montgomery Scott, an investment advisor and wealth management firm, where he was senior vice president and member of the executive committee.

Mr. Wister also served on several corporate and charitable boards, including those of Lankenau Medical Center and the Brandywine Conservancy and Museum of Art. He was the conservancy's board president for a time and a board member for 21 years.

Mr. Wister married Ethel, known as "Peppi," in 1966, and they raised four children in Berwyn, Pa. The couple divorced in the early 1990s, and he married his wife, Diana, in 1994. The two resided in Palm Beach, Fla., and they vacationed every summer in Northeast Harbor, Maine, where he enjoyed spending time with family.

He was an excellent duplicate bridge player and won several awards playing tennis and golf, which he continued into his eighties.

Mr. Wister is survived by his wife and former wife; children Effie, Sabina, Noli and Will; four grandchildren; and a sister.

Richard Segal L'62, a recently-retired attorney, died Jan. 5. He was 82.

After graduating from Franklin & Marshall College and law school, he was a partner at Segal & Shanks and most recently finished his law career at Lynch, Cox, Gilman and Goodman in Louisville.

He prized time with family and also enjoyed golf and spending time with friends. He was remembered for his great wit and regaling friends and family with funny and interesting stories, often about work.

Mr. Segal was a member of Standard Country Club, the Masons and was a proud Kentucky Colonel. He held devout beliefs and was a member of The Temple.

Mr. Segal was preceded in death by his sisters Edith and Charlotte and his grandson, Colin. He is survived by his wife of 57 years, Marsha; sons James and Brian; and grandchildren Dalton, Caroline, William, Andrew and Jack.

The Hon. A. Richard Caputo L'63, a longtime judge on the U.S. District Court for the Middle District of Pennsylvania, died March 11. He was 81.

Judge Caputo was born in Port Chester, N.Y. and raised in Rye, N.Y. He graduated from Brown University, and following law school, served in the Judge Advocate General's Department of the U.S. Air Force from 1964 to 1967. There he served as a prosecutor and defense counsel in general and special courts martial and as counsel in administrative hearings. After his honorable discharge with the rank of captain, he worked as an assistant public defender in Luzerne County before joining the Wilkes-Barre firm of Shea & Shea in 1968. As a trial lawyer, he concentrated on commercial, multi-employer pension plans, and construction litigation.

In 1973, the firm was renamed Shea, Shea & Caputo.

In 1997, President Clinton nominated him to the federal bench, and he was sworn in at the end of the year as a federal district judge. He presided at the U.S. District Court for the Middle District of Pennsylvania for 22 years and assumed senior status in 2009. Former colleagues remembered him as an exceedingly fair, decisive and impartial judge. He also relished mentoring his law clerks.

Judge Caputo, his family said, believed education was necessary for civil democracy and that religion served as a moral guide for civil society. He also believed in the free — and respectful and civil — exchange of ideas, and the idea that friends should be able to amicably disagree. He also believed in Constitutionally protecting the minority from the tyranny of the majority and simultaneously balancing individuals' rights with the law.

Judge Caputo loved cars and taking country drives, golf and the power of words and language. Ultimately, he loved and was proud of his family.

He is survived by his wife, Rosemary; children Lisa, A. Richard Jr. and Christina; grandchildren Drew, Caroline, A. Richard III, Jackson, Leah, Lauren and Katy.



The Hon. Tama Myers Clark GCP'72, L'72, who served on the Philadelphia County Court of Common Pleas for three decades, died Jan. 22. She was 73.

Judge Clark was born in Boston and attended Baltimore public schools, where she graduated from Western High School. In 1968, she earned her undergraduate degree in mathematics

summa cum laude from Morgan State College, where she was elected the first female president of the student government and was a member of Alpha Kappa Alpha sorority.

In addition to earning her law degree in 1972, she also received her master's degree in urban and regional planning at Penn.

Judge Clark began her legal career as an attorney at the U.S. Department of Housing and Urban Development and later served as an assistant district attorney in Philadelphia. In 1979, she was elected to the Philadelphia Court of Common Pleas, where she served for 30 years before retiring in 2009.

Judge Clark was preceded in death by her husband of 40 years, Peter, and her mother, Marion. She is survived by her father, Samuel; siblings Yvette and Samuel; and other relatives.



Laurie Weinstein L'81, a retired U.S. Department of Justice trial attorney, died Oct. 18. She was 63.

Ms. Weinstein earned her undergraduate degree from the Indiana University of Pennsylvania. After law school, she was a Legal Aid attorney in rural Pennsylvania. She later moved to Washington, D.C., where for two years she worked in the administrative law judge division of the National Labor Relations Board, and she also spent some time at the Environmental Protection Agency.

From 2000 to 2013, Ms. Weinstein served as an attorney in the Department of Justice's special litigation section and as an Assistant U.S. Attorney in Washington's civil division. In her time there, she worked on a number of high-profile cases, including obtaining

one of the largest-ever whistleblower settlements, and securing community-based treatment for former Forest Haven Center patients in D.C.

For more than three decades, Ms. Weinstein was a member of the Jewish Community Center Boomers Softball League. Upon retirement, she was also an enthusiastic member of the Laytonville Golf Course Thursday Morning League and the Falls Road Golf Course Early Birdies.

Ms. Weinstein was preceded in death by a brother, Bruce, and parents Mary and Joseph. She is survived by her brother James; nephews Christopher, Eric and Gregory; and niece Lindsay.

James (Jim) Haslem L'83, a Santa Barbara lawyer and real estate consultant, died Nov. 9. He was 61.

Mr. Haslem was born in Charlotte, N.C., and grew up in North Carolina, Wisconsin and Maryland. He

graduated from Northwestern High School in Hyattsville, Md., where in 1976 he was elected High School Journalist of the Year for the State of Maryland. That summer, he interned as a reporter at the Washington, D.C. bureau of The Baltimore Sun.

Mr. Haslem graduated from Columbia University in 1980. During his time in law school, he co-founded and edited a student newspaper called *The Penn Law Forum*. His most interesting interview was with school speaker Ralph Nader.

After graduating, he worked at a private law firm in Washington, D.C. before spending seven years at the Wall Street law firm of Millbank, Tweed, Hadley & McCloy, where he was in the banking department and represented several money center banks in complex transactions.

In 1987, he joined the firm's new Los Angeles office and later maintained his own law practice in

California, Oregon and Washington. A decade later, he moved to Santa Barbara, Calif. and joined a small firm that was in 2001 acquired by Sheppard Mullin Richter & Hampton. While a partner there, he represented several Santa Barbara banks, including Santa Barbara Bank & Trust, Montecito Bank & Trust, Community West Bank and Rabobank. He also served as administrative partner at Sheppard Mullin's Santa Barbara office. Five years later, he started his own law firm and did legal work for Santa Barbara Bank & Trust, FLIR, Citrix and Westport Capital in Los Angeles.

Mr. Haslem joined a real estate consulting firm in 2008 and negotiated lease terminations, notably for 650 Starbucks locations, in addition to rent reductions for multiple national and regional retailers and restaurants. He spoke at many restaurant conferences and was considered an expert on lease economics.

In 2016, he established his own real estate consulting firm, CS Advisors, and saved millions in leasing costs for clients including Arby's, Buffalo Wild Wings, The Greene Turtle and Burger King franchisees.

Mr. Haslem was also active in his community. He was on the board of directors for more than a decade at the Lobero Foundation and the Westmont Foundation. He also served on the Rabobank advisory board and Knowlwood Tennis Club board of directors. He was active with the Montecito Boy Scouts Troop 33, where his son Charles earned the Eagle Scout rank and Order of the Arrow. He and his wife of 27 years, Catherine, were parishioners of All Saints-by-the-Sea in Montecito, where he served for five years as chairman of the parish school and was also head usher.

James (Jim) Haslem L'83

During his time in law school, James Haslem co-founded and edited a student newspaper called *The Penn Law Forum*. His most interesting interview was with school speaker Ralph Nader.

In his spare time, he loved cycling, hiking, swimming, gardening, fitness, jazz, and walking on Montecito's picturesque beaches.

In addition to his wife and son, he is survived by another son, John; parents John and Jane; and brothers John and Jeffrey.

Eleanor Morris Illoyay CGS'73, L'83, an attorney and community leader who was a devoted land-conservation advocate, died Oct. 20. She was 72.

Ms. Illoyay was born in Philadelphia and grew up in Chester County on a large family farm.

After graduating from the University of Pennsylvania and the law school, she began her law career at Pepper Hamilton & Scheetz in Philadelphia. Then she was a founding partner at Harkins Cunningham, LLP in Berwyn, Pa., where she worked as a corporate litigator.

Following in the footsteps of her parents, Samuel and Eleanor Morris, who were trailblazers in the open-space preservation movement, Ms. Illoyay also had a passion for historic preservation, open-space conservation and sustainable agriculture.

In the 1980s, she led the preservation of Historic Waynesborough, the Paoli, Pa., home of General Anthony Wayne. She served as president and board member of the Philadelphia Society for the Preservation of Landmarks Society, which maintains the Powel House, Grumblethorpe, Hill-Physick House and Historic Waynesborough.

Ms. Illoyay was also part of the team that organized the Iron Tour, a bicycle tour that benefits her late parents' land conservancy, the French & Pickering Creeks Conservation Trust. The cycling event is now annual and the largest of its kind in Chester County.

Following her mother's death in 2011, Ms. Illoyay was instructed, per her will, to transform the Chester County family farm's 520 acres into a space for organic and bio-dynamic farming. Ms. Illoyay renamed the land Lundale Farm, Inc., which is a nonprofit that aims to develop and support a community of local farmers. Today, several farmers lease portions of the land to grow and sell organic foods. Ms. Illoyay was both a founding board member and also served as president of the nonprofit.

Ms. Illoyay was famous for tending a beautiful garden on the 40-acre cattle farm she and her husband lived on in Phoenixville, Pa, and for making lovely flower arrangements for friends and family. Her family said she was an integral part of the family who never forgot birthdays or anniversaries, and she also organized a weeklong annual "Cousins Camp" in the summer in Rhode Island for her many nieces and nephews.

She and her husband of 50 years, Stockton, also loved traveling together and supporting the performing arts in Philadelphia.

In addition to her husband, she is survived by brothers Samuel, George, Cooper and Christopher; sisters Laura and Ozzie; 21 nieces and nephews; and 25 great-nieces and nephews.



Lori Krivins Comer C'88, L'91, PAR'20, a wife, mother and attorney, died July 19. She was 52.

Ms. Comer was raised in Interlaken, N.J., and she and her family resided in Ocean Township, N.J. She married Marc Comer W'85, WG'89,

PAR'20, and the pair enjoyed a loving and devoted 28 years of marriage.

Ms. Comer practiced law at High Swartz Roberts & Seidel in Norristown, Pa., for several years before retiring to raise her children full time.

She is survived by her husband, Marc, and children Brad and Julia Comer C'20.

Charlita Cardwell L'98, an attorney, investor, wife and mother, died Jan. 16. She was 46.

Ms. Cardwell grew up in Winston-Salem, N.C., and attended Bishop McGuinness High School before graduating from Phillips Exeter Academy in Exeter, N.H. She earned a bachelor's degree in economics from Wake Forest University before attending law school, where she was president of the Black Law Students Association and a member of Penn Law's post-admissions committee.

She began her career as a finance associate at Pillsbury Winthrop Shaw Pittman in New York City. From 2000 to 2003, she worked as an investment management associate for Dewey Ballantine LLC, also in New York City. She was in her apartment across the street from the World Trade Center on Sept. 11, 2001, when the first hijacked plane crashed. She fled in time before the Twin Towers fell and destroyed her apartment. The event, she said, made her re-evaluate her definition of success, and she credited her faith with giving her strength to overcome the repercussions of the tragedy.

Then for almost three years, Ms. Cardwell worked as the assistant general counsel, general counsel and corporate secretary at Foodbuy LLC, which is a division of the Compass Group.

She joined American Express in 2007, where she remained for 11 years and served as a vice president

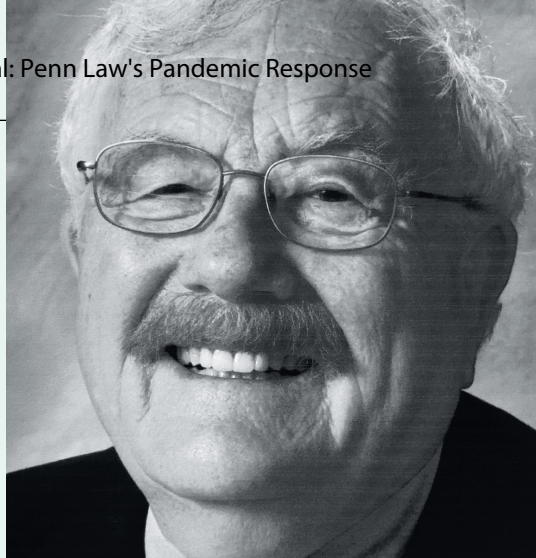


PHOTO: COURTESY OF THE FAMILY

and senior counsel. At the company, she focused on providing strategic thought leadership to its global commercial payments division. Colleagues described her as a steadfast advocate for her small business clients and as a warm, elegant and thoughtful friend who was also an admired role model and mentor for other women of color in the workplace.

Ms. Cardwell left American Express in 2018 to focus on her family's investment holdings company, Moore Frères & Co., where she served as CEO of its foundation, and to spend more time with her family. She was married to Martez Moore L'98. They had two daughters, Channing, now 9, and Sloane, who is 6.

Ms. Cardwell was involved in several other organizations, including the Corporate Counsel Woman of Color; the Council of Urban Professionals, where she had served as leadership board chairwoman; The Links Inc. Greater New York Chapter; the Jack and Jill of America Metropolitan Chapter of New York; and the Alpha Kappa Alpha sorority, of which she was a member.

Her family remembered her as a devoted wife and mother "with an unflappable grace and fashionable style who captivated everyone she met," and who also cherished her daughters and taught them the meaning of sisterhood and making a positive impact on the world.

Ms. Cardwell was preceded in death by her mother, Joan. She is survived by her husband and two daughters; her twin sister, Chareba; her father, Charles; and several relatives. ♥

JAN KRASNOWIECKI, FACULTY MEMBER FOR 25 YEARS, DIES AT 90

Jan Krasnowiecki, who taught at Penn Law for 25 years and was considered the father of the condominium, died Nov. 28. He was 90.

A member of the law school faculty from 1958 to 1983, Professor Krasnowiecki appreciated interacting with his classes but did not employ the Socratic method. "I do not confine myself to just questioning," he once told the Penn Law Journal. "I feel that it is my duty to present my own theory."

Professor Krasnowiecki became a nationally recognized expert on land use and development of planned communities. In 1963 and 1964, he was the first to create the legal documents and arrangements for planned residential developments, which was novel in American real estate. Condominiums were part of those developments, and Professor Krasnowiecki wrote and lectured across the country on the topic. He said he believed condominiums were a "superior method" of modern housing, as opposed to the landlord-tenant system.

Professor Krasnowiecki was born in Krakow, Poland. In 1939, at age 10, he escaped with his parents from an impending Nazi invasion by crossing the border into Romania and eventually settling in England. He attended Downside School there and earned a bachelor's, master's, and law degree from Oxford University, Lincoln College.

In 1952, Professor Krasnowiecki left England for the United States, serving in the U.S. Army as a sergeant during the Korean War. After the war, he earned a master of law degree at Harvard Law School and took a fellowship at the University of Chicago followed by two clerkships in the Illinois Supreme Court.

He then took a post at the University of Notre Dame, where he taught property before coming to Penn Law. Professor Krasnowiecki left the Law School to join Pepper, Hamilton & Scheetz as a partner. He later was a partner as well at what is now Buchanan Ingersoll & Rooney. He continued to practice law into his early eighties.

His family remembered him for his comforting and sage perspective, his wit and sense of humor, his passion for cooking, his curmudgeonly gentleness, and his deep love for his family and pets.

Professor Krasnowiecki is survived by his wife of 36 years, Carol; children Ann, Sally, Molly, Michael, John, and Matthew; stepson Steven; 10 grandchildren; and his dog, Ollie.

ADJOURNED

PENN MASALA, A RENOWNED South Asian a cappella group, performed at the conclusion of the South Asian Law Students Association conference. Organizers say it was the first-ever South Asian law student conference at a law school. It drew more than 100 students from law schools such as Michigan, Harvard, and Cornell, as well as local institutions such as Temple.



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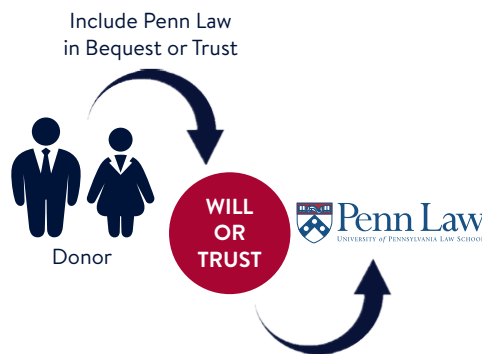
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