

NEW ERA DAWNS WITH MAJOR GIFT

page 24

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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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COVER: PHOTO BY COLIN LENTON





The US plans to return to the moon by 2024, operating under the Mike Gold L'98-led Artemis Accords, an international agreement that governs space exploration.



ILLUSTRATION: COURTESY OF NASA

24

Carey Onward

Largest gift in law school history promises to reshape the Law School and the profession, turning Penn Carey Law into a hub of innovation for students, faculty and alumni.

32

Doubling Down

With a \$50 million gift, Robert Toll L'66 and Jane Toll GSE'66 reaffirm their commitment to the training of young lawyers in service to the common good.

36

Advancing Civil Rights

Let us introduce eight alumni who advocate for the LGBTQ+ community, immigrants, people in poverty, abused women and African Americans who suffer disparities in the administration of justice. Their work has never been more important.

48

One Giant Leap

Meet Mike Gold L'98, an irreplaceable presence at the nation's legendary space agency, where for him it's all in a day's work to write international space treaties and protect the Earth from asteroids.

DEPARTMENTS

Letters 02

At Issue 04

In Session 06

Campaign 54

Fine Print 56

Bookshelf 66

In Memoriam 68

FROM THE DEAN

PHOTO: SAMEER KHAN / FOTOBUDDY



THIS HAS BEEN A YEAR OF TURMOIL AND UPHEAVAL in the country. But it has also been a year of great promise at the Law School. We have received two monumental gifts—from the W.P. Carey Foundation and from the Robert and Jane Toll Foundation—which have given us the capacity to expand and grow our academic program while creating greater capacity to address the inequities in our society.

One year ago, we were the beneficiaries of an historic \$125 million gift from the W.P. Carey Foundation. Since then, as chronicled in the *Journal* cover story, we have worked assiduously and strategically to apply these resources in a way that supports and provides new opportunities to students, that fortifies our excellent faculty, and that strengthens the Law School overall.

And we have done so in concert with our students, many of whom have been engaged in the process, meeting with me in person and sharing ideas about how to maximize the impact of these resources.

Thanks to them, and the generosity of the W.P. Carey Foundation and support from many other alumni donors, in just a year-and-a-half we

have added six new faculty, excellent teachers and distinguished scholars. We have increased funding for public interest summer fellowships and for post-graduate fellowships, tripling the number of students in the latter category this year. We also have created a full suite of lifelong learning programs. And this is just a brief summary of all that we've accomplished.

So, I think it's fair to say that the gift is reshaping the Law School in the short and long terms. But, mind you, we are in the early stages of implementation and there is much more to come. Both now and well into the future, our goal is to build on our well-established reputation as the leading cross-disciplinary law school in the country. We also strive to earn a new distinction as the leader in law school innovation, in collaboration with our new Future of the Profession Initiative, one of the pillars in our plan for growth.

At the same time, the gift will support a comprehensive Law School initiative to create a more diverse and inclusive law school community, including recruiting more students from underrepresented backgrounds, such as those who are the first in their families to attend college.

To strengthen the opportunities for our graduates to enter public service, Robert Toll L'66 and Jane Toll GSE'66, who through multiple gifts have demonstrated their sustained commitment to supporting students driven to public service, have pledged an additional \$50 million to double the number of public interest scholars and fellows through full and partial scholarships.

With this gift and the commitment of our students and alumni, the Law School is in a prime position to work toward righting the wrongs of our society, matching the intensity and sense of purpose displayed by many of the alumni we feature in this issue. The depth and breadth of their civil rights work is truly inspiring.

Sincerely,

Theodore Ruger

Dean and Bernard G. Segal Professor of Law

#PENNLAW



A federal lawsuit accuses Google of harming consumers by using restrictive contracts to stifle competition in search and search advertising. In the @nytimes, Prof. Herbert Hovenkamp offers insight on the antitrust case against Google. pennlaw.news/31sPsQm

'Perspectives on Fair Housing' looks back on more than 50 years of landmark legislation. A new Penn Press book presents FairHousing as one of the foremost issues facing the U.S. today. pennlaw.news/31rMeg2



Is #NewYorkCity Over? In a recent @Freakonomics episode, Prof. David Abrams' research on COVID-19 and crime trends is discussed. pennlaw.news/3dfeTtz

Prof. Allison Hoffman's recent scholarship offers post-pandemic path to solving nursing home crisis. pennlaw.news/3lW02qU

In @washingtonpost, Prof. Natasha Sarin co-writes an op-ed about how many companies pay nothing in taxes. pennlaw.news/35tnaGI

Justice Ginsburg paved the way toward gender equality, inspiring generations to advocate justice under the law. Learn more about her legacy. #RBG #SCOTUS pennlaw.news/2SIEfw5

“Yet it is striking how little U.S. corporations pay in taxes: Based on public reporting, we calculate that in 2019, nearly 20 percent of large corporations that reported profits to shareholders of \$100 million (or more) paid zero (or even negative) federal income taxes.”

NATASHA SARIN
Assistant Professor of Law



The Fight for Faster Resolution of VA Disability Appeals

By **Richard M. Rosenbleeth W'54, L'57**

TEN YEARS AGO, in November 2010, a veteran named Wayne Gary Mote filed a claim to the Veteran's Administration asking for disability payments due to the heart condition he had developed from exposure to Agent Orange.

He said he had flown several classified missions in Vietnam and produced affidavits from fellow veterans to support his claim. The VA said it could find no record of that service. When his claim was rejected, Mote appealed the decision in 2013, but he died later that year. His widow is continuing her fight for disability payments.

Mote's case is just one disturbing example of the effect of unreasonable delays on veterans and their families who have waited years for resolution of their disability claims. For years, I have led an effort to solve the problem of delay in deciding appeals of veterans' disability benefits claims from the VA to the Board of Veteran's Appeals. These disability claims relate to service-connected injuries/illnesses for which there is compensation from the government, based on a rating system. The VA decides eligibility and amount. Veterans depend on these benefits for basic necessities such as food, clothing, housing and medical care.

To file an appeal, veterans must file a Notice of Disagreement at the VA level. The VA must issue a Statement of the Case. On average, the Statement of the Case takes a year-and-a-half to be issued, and the veteran has 60 days to appeal. It takes on average 485 days to certify the appeal and 376 days to deliver the file to the Board of Veteran's Appeals, a total of 861 days, over two years. The total time between denial of a claim by the VA and when the Board of Veteran's Appeals decides the case is four-and-a-half years. Remand, of which there are many, involves further delay.

I first became aware of the delay in 2006, after reading a newspaper report, and as a veteran, I was concerned. At that time, many believed there would be a significant increase in claims and appeals due to the wars in Iraq and Afghanistan, and they were correct. I concluded veterans were being denied their right to due process. It should be noted that a panel of Ninth Circuit judges in *Veterans for Common Sense v. Shinseki*, 678 F.3d 1013 (9th Cir. 2012), decided veterans were being denied due process, but the full Court, on re-argument, reversed the panel. The Supreme Court denied certiorari.

I first proposed an ADR program similar to the highly successful Philadelphia Judge Pro Tem program as a way to speed up decisions. The American College of Trial Lawyers agreed to provide Fellows as Judges Pro Tem. College Fellows were to act as the Judges Pro Tem in cases on appeal to the Board of Veteran's Appeals. The Board rejected this approach because there was no statutory authority for such a system, even though amendments of the statutes/rules was possible. In 2008, the then-secretary of the Veteran's Administration agreed to a pilot Pro Tem program as proposed.

A veteran's organization, representing veterans in these claims, declined to participate on the grounds that the veteran's benefits system was a non-adversarial system and this program would change that. The pilot program was never implemented. Thereafter, the VA and veteran's

organizations resisted any proposed changes made by me and College Fellows John Chandler and Denny Shoup. Congress did make process changes in the last couple of years, but those changes should have little impact on the delay problem.

Finally, in 2016, the College decided an action should be filed against the VA Secretary. My research led me to conclude mandamus was the appropriate remedy. Suit was brought, on behalf of 12 veterans, by College Fellows, John Chandler, Beth Tanis and Steve Raber in the Court of Appeals for Veterans Claims. The relief requested was for a writ of mandamus and a finding that the delay is unreasonable and a violation of due process. The Veteran's Court denied relief and an appeal was taken to the Court of Appeals for the Federal Circuit. That Court reversed the Veteran's Court and changed the mandamus standard, granting highly significant relief to veterans in individual cases. *Martin v. O'Rourke*, 891 F.3d 1338 (Fed. Cir. 2018).

Broader due process relief to all veterans was not granted. The case was remanded to the Veterans Court for further proceedings applying the new mandamus standard. After remand, several of the claims on appeal in the *Martin* case were settled. The *Mote* case remained unresolved.

After remand, the Veteran's Court failed to apply the proper mandamus standard, and a second appeal was taken to the Federal Circuit. That appeal was once again decided in favor of Mrs. Mote because the Veteran's Court still failed to apply the proper mandamus standard. The case was again remanded to the Veteran's Court on September 28, 2020 and awaits decision. It should be noted that a panel of the Veteran's Court, in June 2019, found unreasonable delay and granted class action certification in *Godfrey v. Wilkes*, No. 366. However, that case is not applicable beyond its facts.

Delay relief for the 238,000 veterans (as of August 2018), whose claims remain outstanding, is still unresolved. The fight for them, begun in 2006, continues! ♣

Richard M. Rosenbleeth is a retired Partner at Blank Rome and a former Chair of its Litigation Department. He is a Fellow of the American College of Trial Lawyers and International Academy of Trial Lawyers.

NEWS & EVENTS

IN SESSION

Osagie O. Imasogie Appointed Chair of Board of Advisors

Osagie O. Imasogie LL.M.'85 has been appointed Chair of the Law School's Board of Advisors effective January 1, 2021. Current Chair Perry Golkin, for whom the Law School's Golkin Hall is named, is rotating out of the position and will remain an active member of the Board of Advisors.

Imasogie has been a member of the Law School's board since 2006. Imasogie received his law degrees from the University of Ife, Ile-Ife and the Nigerian Law School, and continued his education earning LL.M. degrees at both the London School of Economics and Political Science in 1984 and Penn's Law School in 1985. A dedicated and engaged teacher, alumni supporter, and civic leader, he has more than 35 years of experience in law, finance and business management, healthcare, and the pharmaceutical industry.

"I am looking forward to working with Dean (Ted) Ruger and my colleagues on the board to continue the trajectory of growth and innovation that we have seen at the Law School," said Imasogie. "As we emerge from the COVID-19 pandemic and strive for a more just



PHOTO: SAMEER KHAN / FOTOBUDDY

and equitable society, the next few years will be critical as legal education continues to evolve to meet changing needs and demands.”

Imasogie is a serial entrepreneur and investor. He is the Senior Managing Partner and Co-Founder at PIPV Capital, a fully integrated Private Equity and Venture Capital Fund which specializes in Life Sciences, principally in the pharmaceutical sector.

In the spirit of propelling entrepreneurship and in support of cross-disciplinary scholars whose work bridges the interconnected fields of law and technology at the Law School, Osagie and his wife Losenge Imasogie, created the Imasogie Professorship in Law & Technology. To enhance the physical space for the cross-disciplinary study of law, Osagie and his wife Losenge established the Imasogie Gateway which serves as the main entrance into Golkin Hall.

Osagie has held senior commercial and R&D positions within pharmaceutical companies such as GSK, SmithKline, DuPont Merck and Endo, where he was the founding General Counsel and SVP for Corporate Development. Osagie has also been a Price Waterhouse Corporate Finance Partner as well as a practicing attorney with the Law Firm, Schnader, Harrison, Segal & Lewis.

Imasogie continues to be an adjunct professor at the Law School, where he teaches a seminar on “Intellectual Property and National Economic Value Creation” and has served as the I. Grant Irely Adjunct Professor.

Imasogie is also a member of the Board of Trustees of the University. He serves as Chairman and Founder of Zelira Therapeutics, Ilera Holdings and Ilera Holistic. Osagie was the Founder and Chairman of Ilera Healthcare, Ception Therapeutics Inc. and Trigenesis Therapeutics Inc. In addition, he

serves on the board of a number of financial institutions such as FS-KKR Capital Corp. (NYSE: FSK), Haverford Trust and StoneRidge Investment. He is active in philanthropic, educational and artistic pursuits and serves on the executive committee of the Board of the Philadelphia Orchestra and the Philadelphia Museum of Art.

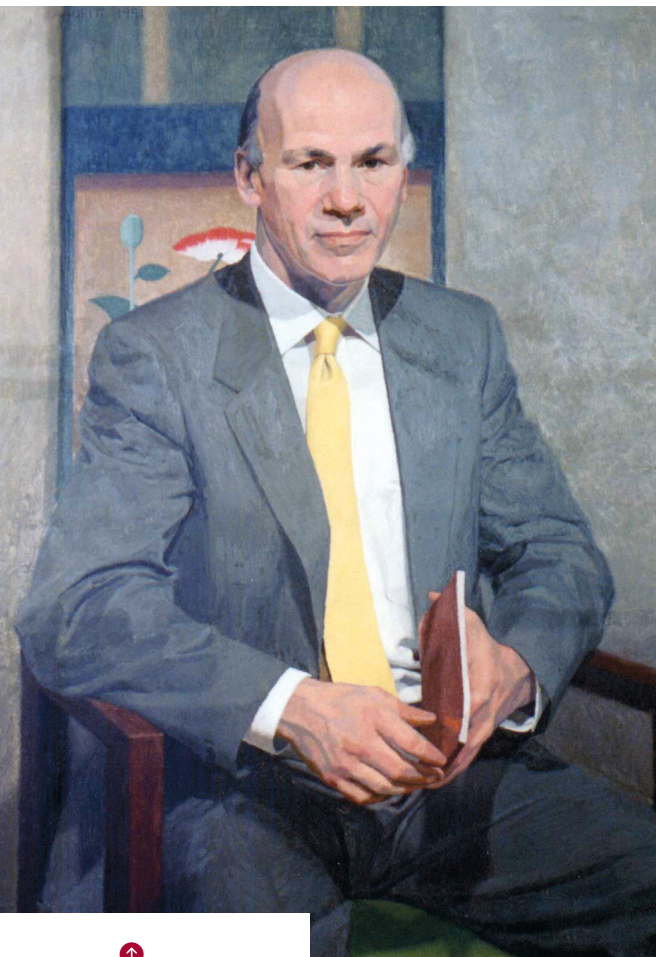
Perry Golkin w’74, WG’74, L’78, who is stepping down from the position, has served as Chair since 2013. He continues to serve as an Advisor at the Law School, a Trustee of Penn Medicine, and on the Board of Advisors of the Institute for Law and Economics. Golkin is currently an adjunct professor at the Law School and Co-Founder and Chief Executive Officer at Public Pension Capital.

“Perry’s leadership has been instrumental to the Law School’s success over the past decade and more,” said Ruger. “I look forward to continuing our partnership and working with him as an active member of the board. During his tenure as Chair, Perry has been instrumental in advancing the Law School into a new era of legal education. He remains steadfast in his dedication to the Law School and his guidance has been immeasurable.”

“I have valued the opportunity to work closely with Osagie as the Chair of the Board of Advisors and look forward to continuing to do so under his leadership,” noted Golkin. “The Law School is in a unique position to train future leaders who can solve complex problems, nationally and globally.”

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OSAGIE O. IMASOGIE LL.M.’85
Chair of the Board of Advisors



↑
Robert H. Mundheim, Dean of the Law School from 1982–1989, received a prestigious award, the Michael Franck Professional Responsibility Award, from the ABA.

ABA Honors Mundheim for Career Steeped in Ethics and Professionalism

Robert H. Mundheim, former Dean of the Law School, received a high honor in October when the American Bar Association presented him with the Michael Franck Professional Responsibility Award.

The award from the ABA Center for Professional Responsibility is named for the late director of the State Bar of Michigan and longtime champion of ethics and lawyer regulation in every aspect of the practice of law.

According to the ABA, the Michael Franck Award brings deserved attention to individuals whose career commitments in areas such as legal ethics, disciplinary enforcement and

lawyer professionalism demonstrate the best accomplishments of lawyers.

“No award means more to me than receipt of the Michael Franck Professional Responsibility Award,” Mundheim said. “As I look back at my time as Dean, I am particularly proud of innovations we made at Penn in the teaching of professional responsibility: launching the experimental first year mandatory intensive course in Professional Responsibility; building the Center for Professional Responsibility and creating a series of films depicting situations raising ethical issues; and the institution of a mandatory public service requirement for graduation.”

In addition to his efforts to raise the profile of professionalism, ethics and public service at the Law School, Mundheim has made consistent contributions in these areas to the practice of law. Mundheim served on the New York City Bar’s Presidential Task Force on the Lawyer’s Role in Corporate Governance and continues to serve as an expert panelist at legal ethics continuing legal education programs across the United States and in the United Kingdom.

In his involvement with the ABA, Mundheim has been both a member and chair of the ABA Standing Committee on Ethics and Professional Responsibility, led the ABA Working Group on Lawyer’s Representation of Regulated Clients, and took leading roles with the Presidential Commission on Multi-Disciplinary Practice and the Presidential Task Force on Corporate Responsibility.

Robert Mundheim is Of Counsel to Shearman & Sterling LLP in New York City, specializing in corporate governance. His exemplary career spans private practice, business, academia, and government service. He taught at the Law School as the University Professor of Law and Finance and was Dean from 1982–1989. Mundheim was General

Counsel to the US Treasury Department from 1977–1980, playing a prominent role in negotiating the release of U.S. hostages in Iran. He was also a Co-Chairman of Fried Frank, and in 1992 became Senior Executive Vice President and General Counsel of investment bank Salomon Inc., before returning to private practice at Shearman & Sterling in 1999.

Mundheim is widely admired and world renowned for being a prominent business lawyer and a lawyer whose practice is centered on ethics and professionalism. In a letter of support, his friends and colleagues in the ABA Business Law Section wrote:

“(Robert Mundheim is a) very visible practicing lawyer who has incorporated in every part of his professional life, the values and specifics of professionalism...who has made it his business to preach the professionalism and ethics gospel to all practicing lawyers. The paradigm of the practicing business lawyer who incorporates ethics and professionalism into every part of his professional life.”

In addition to his achievements at the Law School in the areas of professionalism and public service, Mundheim launched the campaign to build Tanenbaum Hall and pushed for a significant increase in the endowment.

Mundheim has received numerous awards including Distinguished Service Awards from the Law School and the Law School’s Law Alumni Society, the Distinguished Service Award from the American Law Institute, the Lifetime Achievement Award from *American Lawyer Magazine*, the Human Relations Award from the Anti-Defamation League, the Alexander Hamilton Award from the United States Treasury Department, and the Officer’s Cross of the Order of Merit of the Federal Republic of Germany.



A Different Form of Justice

Khoi Pham L'01 turned from the world of Super Lawyers to superheroes, following his lifelong passion for art. The one-time Assistant Public Defender in West Chester, Pa. got a gig with Marvel and, as he describes it, by day was a criminal attorney defending people accused of crimes and by night was drawing superheroes fighting for justice. Ten years ago, Marvel contract in hand, he left the practice of law and today draws intricate and vivid illustrations for Marvel and DC Comics, depicting famous figures such as Mighty Avengers and Spider-Man.



PHOTO: CHET SUSSLIN



Stephenie Foster L'86 says striving for gender equality is good for business.

Gender Equality and Diversity in the Workplace is More Nuanced Than We Realize, Foster Says

Empowering women is good for business—just ask **Stephanie Foster L'86**. As Co-Founder of Smash Strategies, a consulting firm dedicated to helping institutions advance their missions by being strategic around gender equality, Foster works with clients to identify opportunities and design strategies to help organizations “do well and do good.”

While part of that involves advancing opportunities for women in the workplace, including advocating for equal pay and increased access to leadership roles, Smash Strategies ultimately intends to revolutionize how organizations—and society at large—think about inclusion and impact.

“Our work is about more than women’s equality in the workplace. It’s really about changing the discussion around what institutions do and understanding that what they do has an impact on people differently based on their demographics,” Foster explained. “We’re not the same, so our systems and our institutions need to take that into account.”

To that end, Smash Strategies works with organizations—from small nonprofits to Fortune 500 companies—to help them improve gender equality internally so they can make more strategic decisions and better fulfill their missions. Sometimes it calls for small changes, like a CEO refusing to speak on an all-male panel, and sometimes it requires structural changes, like making teams more diverse so that the full impact of a decision or application can be considered.

Foster points to Siri, the virtual voice assistant on Apple products, to illustrate what can happen when women are not part of the process.

“Siri, for a while there, said a lot of inappropriate things when she was asked about sexual harassment,” Foster said “Apple changed that, but they didn’t really need to have that problem. What it

says to me is there probably weren’t women involved in designing that application.”

And this is just one example of many, she noted. From facial recognition tools that have trouble identifying individuals of color, to voice recognition software that cannot accurately identify accented English speakers, a lack of diversity internally can hurt companies’ missions and bottom lines.

“It’s really about ensuring that as companies do their work, they’re looking at the different impact on men and women in everything they do, whether it’s designing a new product, looking at who’s in their supply chain, or thinking about their corporate philanthropy,” Foster said. “Our work helps people understand that taking a gender lens or doing a gender analysis or thinking about the differential impact on men and women is really important to be effective.”

And although business operations continue to be disrupted by the COVID-19 pandemic, Foster sees this moment as a chance to reevaluate ‘normal’ with this exact attention to inclusion in mind.

“We’re talking about issues [of women’s equality] in real time, which gives us an opportunity to take all those things into account when we are recovering and rebuilding,” she said. “I think this is a moment in time that can help us accelerate progress [for women] if we really pay attention to what we’re learning.”

Foster is uniquely positioned to provide this kind of counsel, having spent much of her career dedicated to advancing women’s issues on both a national and global scale. She was the first woman litigation partner at her firm, and later worked on a broad range of issues around women’s empowerment as Chief of Staff to former Senator Barbara A. Mikulski (D-MD), the longest-serving woman in Congress and a leader in the movement for women’s equality.

From 2012–17, Foster served at the US Department of State. There, she was a Senior Advisor and Counselor to the Ambassador-at-Large for Global Women’s Issues, where she managed key policies and programs related to women’s political participation and economic empowerment. She also served at the US Embassy in Kabul, Afghanistan, where she focused on women and civil society and worked towards advancing the role of women in Afghan society.

“I’ve always been involved in issues around women’s leadership, including equality and the ability to advance in the profession. It’s always been something that is really important to me,” she said. “My business now takes a lot of what I’ve learned from all those other [jobs] and brings them to bear on how institutions can address these issues.”

Technology as the Ultimate Pro Bono Tool

While recent events have stirred many to support social justice reforms, Claudia Johnson L'97 has long considered that her life's work: helping the marginalized gain equal access to the justice system has remained a common denominator throughout her career.

Lessons she learned as a legal aid hotline manager several years ago launched a career at LawHelp Interactive, where, with the help of technology, Johnson gets everyday

Americans the legal aid they need and deserve.

"I'm not a technophile, I'm a lawyer," she said. "But give me a tool that will make a difference, and I will adopt and use it and exploit it to fight poverty."

Johnson had already been involved in pro bono work in San Francisco when she joined, in 2004, Bay Area Legal Aid (BALA), a consolidation of 7 nonprofits into one overarching organization. She served as the Managing Attorney for its civil legal advice hotline. Johnson was tasked with creating the Legal

Aid Line (LAL) from scratch. Her first decision was to design it with multilingual capacity, skill routing, and then hiring and training a team of lawyers to directly answer legal queries on the hotline and devising new protocols for handling and managing those calls.

Johnson was thrilled to take on the mission. "This is not just handling cases every day, this is really working up a nervous system to figure out where deep pockets of disparity, oppression and inequality are in large geographical and populated areas and figuring out how to move those needed resources across the Bay area with the local managing attorneys," she said.

The Legal Aid Line allowed BALA to detect problems that affected underserved groups sooner and address them before they impacted a large number of families. For example, her team discovered an Oakland landlord trying to improperly oust a group of Cantonese and Mandarin-speaking tenants after their tax subsidies ended. Another spate of calls exposed police officers engaged in racial harassment in a suburb in Contra Costa County.

Johnson said she learned the value of humility and consistently seeking improvements to the hotline's legal services. That involved taking weekly road trips across the Bay Area to hear feedback from different communities and agencies. She also invited legal experts from BALA to train her lawyers in specific areas of law. Because of her and her team's willingness to learn and change, Johnson developed positive relationships across her

**“
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IT TO FIGHT POVERTY.”**

CLAUDIA JOHNSON L'97
Pro Bono Net

The screenshot shows the LawHelp Interactive website interface. At the top, there's a navigation bar with 'powered by probono.net', the LawHelp logo, and links for 'Self-helpers', 'Professionals', 'Nonprofits', 'Developers', and 'Find Forms'. The main heading is 'Find Forms'. Below it, a message states: 'To find a form, click on your state on the map below or select your state from the dropdown menu. If LHI forms are available in your state, you will be taken to a trusted-partner site that can help you with the forms or provide other helpful information.' The map shows various states highlighted in different shades of blue. To the right of the map is a search form with two dropdown menus: 'User Type*' and 'State / Region*', and an orange 'Search' button. A red callout box on the right side of the map contains the following text: 'Under Claudia Johnson's L'97 leadership, the LawHelp Interactive online site has provided nearly 5 million free legal forms.'

150-square-mile territory. “A database of 900 groups were sending stuff to us,” she said.

Then, four years later, she moved to the East Coast with her family. There she found the opportunity to join Pro Bono Net and work in the nascent LawHelp Interactive online forms project. From her work with the Bar Association of San Francisco before joining BALA, she learned that pro bono work and legal services alone were not going to close the justice gap. “I had been at one of the country’s largest pro bono programs, and I knew we would never make a dent in the need.”

The enormous amount of funding needed for pro bono work to make a lasting impact, she said, creates a partial solution. “Then what’s the other option? Technology,” Johnson said. She noticed how,

before BayLegal started the Legal Aid Line, caseloads were declining. The hotline’s technology transformed access to legal aid: According to the organization, calls swelled from about 35 to more than 150 per day, while the number of clients who received counsel or referrals increased by more than 50 percent.

“I had seen everything technology had done and became a believer that technology is the most effective way to close the justice gap,” she said, “and since law is all about papers — which I hate — I figured the technology that makes creating forms and pleadings faster and with lower marginal costs, is the technology that’s going to win.”

Enter the LawHelp Interactive project, which is a website free to the general public that autofills legal forms based on answers from online questionnaires. The site assists with

a range of civil poverty law matters, including issues surrounding education, housing, insurance and employment. For example, Johnson said, the website can help you write a letter for a security deposit to a landlord, file an appeal for medication or fill out a child support modification form, at all levels of complexity. Since 2008, when Johnson joined LawHelp Interactive, it has conducted nearly 9 million guided interviews and created nearly 5 million free legal documents.

“I’m not going to say technology is going to fix it all, but God, it’s a powerful weapon against poverty and lack of sufficient legal services for the poor and vulnerable,” Johnson said. “It can really help bring sophisticated and on-point resources to the millions of people who are out there facing civil legal crises on their own.”



JOE BORSTEIN



GARY SANGHA



The Fears and Fallacies of Legal Technology

At the Reimagining Legal Technology webinar **Joe Borstein C'02, L'05** and **Gary Sangha L'03** drew on their extensive experience to make a persuasive case for the swift adoption of new tools in the practice of law, which they said will improve the delivery of legal services and ultimately benefit lawyers.

Joe Borstein is a leader in the area of alternative legal services, spending nearly a decade building the brand of one of the world's largest providers of such services, Pangea3, which counseled Fortune 500 companies and AmLaw firms on how to leverage legal technology and globalized services to improve efficiency, increase work quality and reduce costs. He served as Director of Innovation at Thompson Reuters and writes a column on emerging trends in legal technology for

Above the Law. Borstein is a member of the Advisory Board of the Future of the Profession Initiative at the Law School.

Gary Sangha is the Founder and Chief Executive Officer of LexCheck, which is using artificial intelligence to help businesses more quickly review and negotiate contracts. Prior to starting LexCheck, Sangha founded Intelligize, an information services company that helps business professionals more easily research regulatory filings. Intelligize was one of the fastest growing legal technology companies in the US. Sangha has taught at the Law School and serves as a Fellow at the Stanford Center for Legal Informatics.

In a breakout session following the webinar, we asked Sangha and Borstein to assess both the current state of and the possibilities for legal technology.



Joe Borstein
C'02, L'05 and
Gary Sangha
L'03 during the
Reimagining
Legal Technology
webinar in
August 2020.

Why has the legal profession been so slow in some quarters to adopt legal technology?

GARY SANGHA — There are myriad reasons. People feel that they are not incentivized to adopt technology. And people are fearful that technology will take away work. If you're in a law firm environment, technology is a capital investment. And what incentive does someone have to make investments if they're not lifers at the firm? Also, there's a fear of technology. The thought is that my work is so high-end that no way a machine can even touch it and no way I'm even going to give it a chance.

JOE BORSTEIN — No. 1, a culture of precedents. Remember, we are taught as lawyers stare decisis. You are supposed to do what's been done before. The fear of doing new things is something unique to the legal industry. Most lawyers think if you're doing something that is not the practice of law, it is somehow less prestigious.

Why is it important to embrace the technology and how will the lawyers of tomorrow benefit from the use of new tools?

SANGHA — You're never worse off by embracing productivity tools, as long as the price is right. I rarely meet corporate lawyers that have too much time to perform a task. There is so much work that needs to be done. Can you even imagine going back to a time when you'd have to review all this paperwork manually? You just couldn't do it.

BORSTEIN — Imagine a small pharmaceutical company wants to sue a big drug company for patent infringement but the cost of bringing the suit, five to ten million dollars, matches the potential recovery. The case will never be brought. If technology such as predictive coding and predictive analytics brings the cost down to one to two million dollars, you have a positive expected outcome. By bringing down the cost of prosecution, you've created a valid claim, you've created work on both sides, and you've grown the pie.

Is the fear that automation will displace some lawyers unwarranted?

SANGHA — Lawyers as a profession, no. In terms of automating certain tasks, clearly. Remember, lawyers aren't just robots. There's a human component in legal services. But there are certainly low-value, marginal repetitive tasks that tech can probably do better.

BORSTEIN — I think it's going to change what lawyers do. Document review is a great example. In my last year practicing I was working on a case with about ten million documents and over one million third party subpoenas. I spent all of my time managing teams, doing triage. Now a lot of that work can be done with technology and globalized services. Will automation net take away work? I actually don't think so. What we've seen in the last ten years is as automation has grown and globalization has grown, law firms have grown as well.

What role will technology play in closing the justice gap?

SANGHA — I read about these tragedies where people can't get their pleas right and people not getting bail just because they don't even know how to do the process. From a technology standpoint there's so much that can be done. The problem is how do you get people incentivized to do something. For guys like Joe and myself, we could do something, but as technology vendors and developers, the economics are not there.

BORSTEIN — A lot of the access to justice issues come from an extremely complicated court system in which there is not a free market like there is in the private sector. Very few people stand to gain through technological advancement in the government sector. It has to be a much bigger priority for the government than it is now.



Leading criminal law scholar returns to membership in elite legal institution.

Professor of Law Paul Robinson Elected to ALI

After a 25-year hiatus, Paul Robinson, the Colin S. Diver Professor of Law, was reelected a member of the American Law Institute.

Founded in 1923, the ALI is an independent organization that produces scholarly work to clarify, modernize, and improve the law. Its elected members include eminent lawyers, judges, and academics. In the area of criminal law—Robinson's specialty—the ALI promulgated the Model Penal Code, which is today the basis for criminal law codification in three-quarters of the states.

"Professor Robinson is one of the world's leading criminal law scholars, and this is a richly-deserved honor for him," said Ted Ruger, Dean of the Law School. "His writings on punishment, deterrence, justification, and desert, to name just a few of his areas of expertise, have left an indelible mark on the field."

Robinson is the author or editor of seventeen books, including several widely used casebooks and books for general audiences, in addition

to more than a hundred scholarly articles. His writings have been published in 15 languages, and he lectures frequently throughout the U.S. and abroad. His most recent books include *Crimes That Changed Our World: Tragedy, Outrage & Reform* (Rowman & Littlefield, 2018) and, with Tyler Scott Williams, *Mapping American Criminal Law: Variations Across the 50 States* (Praeger, 2018).

A former Federal Prosecutor and Counsel for the U.S. Senate Subcommittee on Criminal Laws and Procedures, Robinson began his academic career at Rutgers University School of Law at Camden in 1977. He joined the Penn Law faculty in 2003.

Robinson was previously a member of ALI from 1990 to 1995 but withdrew because the body was not at that time working on criminal law matters. "They are back in that business now," said Robinson, "so I'm happy to contribute once again."

The ALI has 20 members from the Penn Law faculty.

Microsoft Attorney's Reaction to DACA Decision: 'Oh My God, We Won!'

Cindy Randall '93 barely slept the night before the US Supreme Court published Chief Justice John Roberts' opinion that would hold immigrant Dreamers' fate in the balance.

"I was up early scanning the website for the decision," said Randall, who represented Microsoft as the only corporate plaintiff among 42 groups who challenged the Department of Homeland Security's move to end the Deferred Action for Childhood Arrivals (DACA) program.

"I saw it was posted and started reading it, and it was not immediately apparent from the first couple of sentences what the ruling was. I was a complete ball of nerves," she said. "Then it dawned on me, oh my God, we won. It's hard to overstate how thrilling it was—just an incredible day."

Randall, who serves as In-House Counsel for Microsoft, worked on behalf of the tech giant's 66 Dreamer employees. She said the 5-4 June decision, in which Roberts said Homeland Security's action was "arbitrary and capricious," and therefore unlawful, was the result of a true collaborative effort between universities, advocacy groups, states, individual Dreamers and Microsoft.

"We had many plaintiffs but only a limited amount of time to argue the case to the Supreme Court, and that we were able to pull together and do this so effectively was amazing," Randall said, adding that many amicus briefs were crucial in the Justices' decision.

"Our strategy was to craft an argument that would appeal to Chief Justice Roberts," she said. "We wanted to outline a narrow path to affirm that would not be inconsistent with his views on executive power."

The decision did not address the legality of DACA itself, and the government still has the power to abolish it. Randall said that while she believes DACA's fate lies in the winner of the next presidential election, the best way forward would be a legislative path to citizenship for Dreamers. "In the meantime, to the extent that litigation can keep people in the program and in the country and working for us, which it has done for three years, it's really serving an important purpose," she said.

Randall noted that since the June decision, the program is now under review, new applicants are not permitted, and current participants must renew their DACA status annually instead of every two years.

Despite DACA's uncertain future, she said she is proud of this summer's outcome. "Really the most thrilling thing about it was hearing directly from Microsoft's Dreamer employees that my work made a difference for them and more than 700,000 others."

Who Wins and Who Loses

Inequality and the Distribution of Regulatory Impacts

By Cary Coglianese (Penn Law Edward B. Shils Professor of Law, Professor of Political Science and Director of the Penn Program on Regulation)
The Brookings Institution Press

THE RECENT DEBATE OVER GROWING INEQUALITY in the United States has focused on several causes but has pretty much ignored one potential factor: government regulation. This book is the first serious examination of whether federal regulation, defined broadly, has exacerbated or counteracted economic disparities that pose major long-term political and social consequences.

Contributors provide extensive empirical evidence showing how key areas of federal regulation during the past forty years have had varying social and economic impacts across the different strata of American society. The fields of regulation examined in the book include those addressing pharmaceutical products, energy systems, financial institutions, employment, transportation, manufacturing operations, antitrust, and workplace safety.

The book synthesizes economic data and research to identify the major impacts of regulation in these fields and assess who enjoys most of the benefits and who incurs most of the costs from each. Overall, the aim is to gauge whether and when regulation, on balance, is either a progressive or a regressive force in the United States. Contributors are leading scholars in law, economics, policy analysis, and the social sciences who bring extensive research backgrounds to their study of the major regulatory fields addressed in each chapter. The book provides policymakers, scholars, and analysts an empirical basis for understanding how regulations affect different sectors of society differently—and the potential impact on inequality of those regulatory differences.

The Cambridge Handbook of Copyright Limitations and Exceptions

By Shyamkrishna Balganesh (Professor of Law at Penn Law), Ng-Loy Wee Loon and Haochen Sun
Cambridge University Press

WHILE COPYRIGHT LAW IS ORDINARILY THOUGHT to consist primarily of exclusive rights, the regime's various exemptions and immunities from liability for copyright infringement form an integral part of its functioning, and serve to balance copyright's grant of a private benefit to authors/creators with the broader public interest.

With contributors from all over the world, this handbook offers a systematic, thorough study of copyright limitations and exceptions adopted in major jurisdictions, including the United States, the European Union, and China.

In addition to providing justifications for these limitations, the chapters compare differences and similarities that exist in major jurisdictions and offer suggestions about how to improve the enforcement of copyright limitations domestically and globally.

This work is meant to appeal to scholars, policymakers, attorneys, teachers, judges, and students with an interest in the theories, policies, and doctrines of copyright law.

The Pandemic Has Not Immobilized Student Mobile TEAMS Who Help Rural Pa. Residents With Their Legal Problems

In 2018, the Toll Public Interest Center launched Mobile TEAMS (Trained Educators and Advocates Mobilized for Service) to provide pro bono legal assistance to outlying areas and populations without accessible legal services. Ever since, groups of Penn Law students have traveled around the state and more recently staffed the phones to help Pennsylvanians resolve immigration and unemployment issues.

The idea, said TPIC Staff Attorney Sarah Egoville, was to extend

beyond Philadelphia, where many service opportunities tend to concentrate. “The legal needs in rural counties are dire, and the access to legal services can be much more limited,” said Egoville, who runs Mobile TEAMS.

Inevitably, COVID-19 has changed what those expeditions around the state look like, leading Mobile Teams to explore situations that students can address remotely by phone. For example, a partnership with MidPenn Legal Services enabled students to work with its low-income taxpayer clinic to help people over the phone.

This spring, the pandemic presented unexpected pro bono opportunities: Thirty-five Mobile

TEAMS students staffed the Philadelphia Legal Assistance (PLA) temporary unemployment compensation hotline to help those affected by coronavirus-related layoffs.

The hotline was the brainchild of PLA’s Julia Simon-Mishel L’13, who saw an enormous unmet need when thousands lost their jobs as the state shut down. The project was a true Law School effort: Jonathan Pyle L’02, PLA’s contract performance officer, used his tech savvy to build the hotline while Rachel Miller L’12 assisted in the orchestration and training of volunteers.

“We were bombarded with people needing assistance,” said Miller, who is a Staff Attorney at PLA’s unemployment unit. Through the

↓
A Spring 2019 Mobile TEAMS crew gears up to offer legal aid in rural parts of Pennsylvania.



hotline, volunteers used their internet access to file unemployment applications for the newly laid-off. Often, unemployed people are limited to filing their applications from computers at PA CareerLink locations, public libraries or relatives' homes, Miller said, all of which had restricted access.

Multilingual Penn Law students were instrumental in bridging language divides, she said. "We had a ton of Mandarin speakers call, so Sarah (Egoville) recruited LLMS and other international students. It was wildly successful."

The hotline operated from early April through mid-August with volunteers working two-hour shifts during its weekday schedule of four hours per day. "It was a wild time, super busy," Miller said, adding that students addressed queries statewide.

By mid-summer, Egoville said Mobile TEAMS students had helped more than 600 of 1200 callers. "Through that initiative alone, we reached 30 counties," she said. By the time the hotline was closed because of tapering demand, it had logged almost 1900 calls and PLA had filed close to 200 applications.

Before the pandemic, Egoville and participating students piled into Mobile TEAMS' 15-seater van and traveled from Pottstown and York to Lebanon and Gettysburg. Several projects involved immigration issues. Egoville said multilingual students, particularly international LLM students, have been invaluable in helping Mobile TEAMS. "They are amazing in their ability to work in multiple languages while assisting individuals in need," she said.

One such student was Natalia Guerrero Vergel LLM'20, a Colombia native and fluent Spanish-speaker who helped conduct interviews and screenings for people applying for

American visas and citizenship.

Vergel said that initially, she was intimidated by volunteering. "As a foreign attorney, we are afraid about doing pro bono work," she said. "We don't have the background or the same legal skills because our education is completely different."

Working with Egoville and Mobile TEAMS participants, though, relieved her anxieties. "I was really determined to get that ground experience in the United States, and for me, from my personal point of view, I can't overstate how helpful it was to get real work done," she said.

Egoville said she's hopeful about continuing Mobile TEAMS' mission, even if the operation is less mobile.

“
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GUERRERO VERGEL LLM'20

Several students have been successfully involved in mobile home tax appeals in partnership with the United Way of Chester County, and she hopes students can continue that work remotely.

Vergel, who now works as a tax lawyer in Colombia, said she appreciated the chance to serve with Mobile TEAMS at Citizenship Day events and an immigration law project at the Mexican consulate.

"When I went to law school, I went with the idea to give back to the community," she said. "It was really good work to do in the United States and learn about US law as well."

Describe your role in the case.

I managed the discovery process for the NSA, making sure that witnesses adhered to strict trial guidelines on what could be revealed about intelligence gathering. The volume of discovery was almost paralyzing, with thousands of redacted pages from the NSA, the CIA and the Defense Intelligence Agency. I was 31 years old, four years out of law school, and had only been at the agency for a couple months. But I was the only one in our small general counsel office with courtroom experience. The witnesses I briefed included former Defense Secretary Robert McNamara and President Johnson's National Security Advisor, Walt Rostow.

What exactly was the NSA protecting?

We were concerned, even years after the Vietnam War, that inadvertent disclosure of sources and methods could provide an enormous advantage to adversaries such as Libya, Iran, Iraq and others who could use that information to take countermeasures to thwart our efforts. Signals intelligence is a vulnerable and fragile source of information. NSA's concern in Westmoreland was not necessarily the revelation of what had been collected, it was what that collection revealed about NSA's level of success in exploiting the systems used to transmit that information.



Westmoreland v. CBS 1982–1985

On January 23, 1982, General William Westmoreland sued CBS for defamation related to its airing of a documentary claiming that the former U.S. military commander in Vietnam had deliberately underestimated the strength of North Vietnamese troops to support his optimistic reports on the progress of the war. The network charged that the undercount led to heavy American casualties during the Tet Offensive.

George Croner L'80 served as the principal Litigation Counsel for the National Security Agency in the Westmoreland case. Following his government service, Croner spent years in private practice. Today he is a Senior Fellow at the Foreign Policy Research Institute, where he writes and researches on foreign intelligence and national security interests. Earlier this year, Croner was appointed to the advisory board of the Law School's Center for Ethics and the Rule of Law.

What did you learn from the case?

The Westmoreland case exposed me to the multitude of ways in which sources and methods can be compromised. I would never have imagined that those sources and methods were more important than the actual intelligence itself. This appreciation for cryptologic sources and methods, including the delicate tradecraft used to extract information embedded in codes, impacted virtually every other matter in which I was later engaged, including two espionage cases and the Iran–Contra investigation.

What do you see as the significance of the case?

From the moment he filed the suit I think Westmoreland was certainly paddling upstream. He was clearly a public figure. He would have had to show actual malice, that CBS deliberately and subjectively knew it was broadcasting false statements about what he knew and what the intelligence showed at the time, and that never really came out.

I think what it shows you historically, from a legal perspective, is just how difficult it is for a public official to prevail in a libel case, and nothing has changed in the almost 40 years since then.

In retrospect, do you agree with the high defamatory standards set for Westmoreland and other public figures?

No, I don't. I don't know that the First Amendment compels the judicial interpretation that now applies in libel actions, just as I don't believe in shield laws. Here's the problem I have. If a plaintiff successfully proves falsity, there should be no protections for false statements; yet proving falsity alone isn't enough in defamation cases.



← American military commander General William C. Westmoreland (front) reviews the men of the US Army's 1st Infantry Division in Vietnam, as a squadron of helicopters flies overhead.

Three Faculty Members to Retire from the Law School in 2020–21

Three distinguished faculty members will retire from the Law School by the end of the 2020–21 academic year: Nicholas F. Gallicchio Professor of Law William Wilson Bratton; Earle Hepburn Professor of Law Emeritus Howard F. Chang; and William B. and Mary Barb Johnson Professor of Law and Economics Michael L. Wachter.

All three professors have made incredibly valuable contributions to both the legal academy and the Law School community—from their teaching excellence and pathbreaking scholarship to their mentorship and dedicated guidance of students.

William Wilson Bratton

Nicholas F. Gallicchio Professor of Law and Co-Director, Institute for Law and Economics

Professor Bratton is recognized internationally as a leading writer on business law. He brings an interdisciplinary perspective to a wide range of subject matters that encompass corporate governance, corporate finance, accounting, corporate legal history, and comparative corporate law. His work has appeared in some of the country's most prestigious law reviews, including those of the University of Pennsylvania; University of California, Berkeley; Cornell; Michigan; Northwestern; Stanford; Texas; and Virginia.

"I spent 40 years as a standing faculty member at a number of law schools," said Bratton. "It was a privilege to serve on the Penn Law faculty during my last decade of service. My interactions while on the Penn faculty led to some of my best work. Penn Law students were far and away the best of my experience. They are motivated and supremely capable and respond well when an instructor demonstrates commitment to the material."



Bratton will continue to teach spring terms as the de la Cruz/Mentschikoff Chair in Law and Economics at the University of Miami School of Law.

"Once travel loosens up again," said Bratton, "I will be dividing my time between Miami and my homes in Washington, D.C. and Mérida, Mexico."

Howard F. Chang

Earle Hepburn Professor of Law Emeritus

Professor Chang is an expert on immigration law, international trade, and environmental law. He has taught courses in each of these areas during his 21 years at the Law School. His scholarship has been published by prestigious journals including the *University of Pennsylvania Law Review*, *Yale Law*

Journal, and the *American Economic Review*.

"It has been a great privilege to teach and to serve on the faculty at Penn Law for the past 21 years," said Chang. "I have been fortunate to have such bright, enthusiastic, passionate, and engaged students in my classes. Although I am now retiring from teaching, I will remain active as a scholar and as a member of the Penn Law community, attending workshops, conferences, and other law school events. I expect my retirement to allow me to devote more time and energy to reading academic papers and participating in workshops and conferences, and I look forward to seeing Penn law students and faculty colleagues in person again in the near future."



Michael L. Wachter

*William B. and Mary Barb Johnson
Professor of Law and Economics
and Co-Director, Institute for
Law & Economics*

Professor Wachter is a prominent cross-disciplinary scholar in the fields of law and economics. He joined the Penn faculty in 1970 and has since held full professorships in three of Penn's schools: Arts and Sciences, Professor of Economics since 1976; the Wharton School, Professor of Management, 1980-92; and the Law School, where he became Professor of Law and Economics in 1984. Wachter served as deputy provost of the University of Pennsylvania from July 1995 to January 1998 and as interim provost from January to December 1998.

"My memories of Penn Law will always be infused by gratitude for

the opportunity to engage with wonderful students and colleagues," said Wachter. "My teaching career at Penn can be divided into two wonderful experiences. First, I was a tenured member of the Economics Department through 1997 teaching economic theory, labor economics, and law and economics. My teaching in the Law School consisted of corporate law, a seminar in advanced topics in corporate law, co-taught with then Chief Justice Leo Strine of the Delaware Chancery and then Supreme Court of Delaware, and corporate finance. My seminar with the chief justice ran from 2001 until my retirement in June 2020."

Wachter plans to focus on corporate interests in companies in his retirement.

"My interest in corporate law and finance has become an engaging

hobby," he said. "Most of my research was on issues in corporate law and their business strategies in the context of Delaware corporate law. I continue to follow the emerging case law on new topics in corporate law and the ongoing market in corporate transactions. This has become such an interesting time in emerging technologies and business structure that will require new rules and new case law to evaluate these transactions and I look forward to following that as well."

Wachter noted that having started the Institute for Law and Economics (ILE) in its current form in 1984, he looks forward "to following the wonderful current programs it is doing and the programs that will be developed in the future. ♥"



Students and colleagues will miss the fellowship and scholarship of (from left to right) William Wilson Bratton, Howard F. Chang, and Michael L. Wachter.



Carey inward

The Law School is on the march with an historic, foundational gift that lifts faculty and students, both now and post-graduation, and provides opportunities for alumni to grow in their careers through robust lifelong learning programs. Faculty hiring, student support, cross-disciplinary offerings, the experiential learning curriculum, the public service program — all benefit from the generosity of the W. P. Carey Foundation. There's an emphasis on innovation and change. And doors open wider for students from underrepresented backgrounds. The future is here.

By Larry Teitelbaum

As befits someone who leads the Future of the Profession Initiative at the University of Pennsylvania Carey Law School, Jennifer Leonard L'04 is already looking to the horizon, considering the multiplier effect of the historic gift from the W. P. Carey Foundation.

One year ago, in November, the Foundation donated \$125 million to the school. It was the largest gift to a law school in history.

"The gift gives us the ability to amplify, in a massive way, what a forward-thinking, leading law school should and could be doing," said Leonard, the Law School's Chief Innovation Officer and Executive Director of the Future of the Profession Initiative. "It allows us to take more of a moonshot approach to everything that we've been building toward, and it comes when that approach is really necessary to boost us through this accelerated time of change."

In Leonard's view, the Law School now has an opportunity to solidify its reputation as a center of legal innovation, funding student ideas to deliver legal services in new ways and producing tech-savvy graduates who comprehend market forces and can help lead law firms, public interest organizations and NewLaw ventures into the future.

"I hope in five years that we have this rich community of students" who are drivers of change, Leonard said, envisioning a virtuous circle in which graduates steeped in innovation serve as mentors to students who are about to enter the profession.

As much as the gift is about the future, it is having an immediate impact. In just one year, the Law School has recruited to the faculty several new stars, has developed far-reaching lifelong learning programs, has provided additional funding for experiential learning in public interest, and has expanded the school's

interdisciplinary focus. Meanwhile, the infusion of resources has enabled the Law School to freeze tuition at last year's level while it maintains a double-digit percentage increase in financial aid.

"This is a gift that will go on indefinitely in a very meaningful way," said Perry Golkin W'74, WG'74, L'78, former Chair of the Board of Advisors at the University of Pennsylvania Carey Law School. "It literally takes us from one level to another. It really gives us tremendous latitude to do things, to test things, to expand things."


When the Law School announced the gift from the W. P. Carey Foundation in November 2019, no one could have foreseen the changed world we were about to experience. Last spring, the worst pandemic in 100 years hit the world, the country, the University and the Law School, followed by civil unrest unleashed by ongoing police brutality.

During the pandemic, the Law School has not missed a beat, immediately shifting 190 classes online with the help of the Biddle Law Library staff, which scanned and compiled thousands of pages of 1L course materials while coordinating with legal publishers to obtain complimentary online access to textbooks for students.

Experiential opportunities continued virtually, including all externships, clinics, and mock trials. This included students in Legal Practice Skills, the first-year course dedicated to teaching fundamental lawyering skills. They completed their oral arguments before a panel of peer student judges over Zoom video conference.

The Law School provided housing assistance to students who needed it and nearly 10 percent of the student population facing food insecurity received meal support.

While classes and spring graduation ceremonies were shifted virtually, Penn Carey Law also assured its



The gift gives us the ability to amplify, in a massive way, what a forward-thinking, leading law school should and could be doing.

JENNIFER LEONARD L'04,
Chief Innovation Officer and Executive Director
of the Future of the Profession Initiative

community that the switch to remote learning would not impact any JD or LLM's eligibility to sit for the New York state bar, obtaining a waiver of distance learning restrictions from the New York Court of Appeals. Additionally, all students including 2020 graduates, were offered summer courses for the first time ever.

This fall, students returned to a hybrid model with a combination of in-person and remote classes, as the Law School continued to create new ways of teaching and learning in virtual environments.

In addition to the flexibility that the Carey gift provided the Law School to adapt to the pandemic, the Law School remained focused on its ambitious goals for the gift, which include:

- Recruiting and retaining the absolute best scholars and teachers.
- Providing an unparalleled student experience.
- Investing in the future of legal education and the law.
- Promoting a diverse and inclusive community.
- Expanding public interest support and programming.
- Building lifelong learning opportunities.

"This gift is a transformational step toward making us more like the most elite law schools in that we have significant endowment funds to deploy to help the people who comprise our institution," said Ted Ruger, Dean of the University of Pennsylvania Carey Law School.

Golkin agrees that the Law School is now positioned—and will be for the foreseeable future—to recruit star faculty, one of the hallmarks of a great institution.

Two of Penn Carey Law's new faculty members were listed among the top 10 most important hires in the University of Chicago Law School Brian Leiter's influential ranking of top lateral hiring.

Golkin, who himself is a popular adjunct professor at the Law School, put it succinctly: "Do we end up having the most recognized faculty in the country? Do we end up with areas of excellence that are second to none? And to me, that's the magic ... whether we can take that stronger financial foundation and apply it in a way" that puts the University of Pennsylvania Carey Law School at the very top of legal education.

The Building of a Stellar Faculty

The Law School faculty has a well-established reputation for innovation—in recent years conducting and publishing illuminating research on diverse subjects such as judicial independence, criminal justice reform, net neutrality, contract enforcement, and abolition constitutionalism.

In that vein, Penn Carey Law School is in the Top 10 among American law schools for academic citations. In that tradition, the Law School is broadening its faculty with the help of the Carey gift, bringing aboard a group of innovators (four of whom are graduates of this law school) who embody a range of diverse perspectives and methodologies.

This year, the Law School successfully recruited top-line talent in Kimberly Kessler Ferzan L'95, Karen Tani L'07, PhD'11, and Yanbai Andrea Wang. (See page 28 for more details). They join recent hires Shaun Ossei-Owusu, Elizabeth Pollman, and Zeid Ra'ad Al Hussein. Presidential Assistant Professor of Law Shaun Ossei-Owusu shines a light on the need for more diversity in the legal profession; Professor of Law Elizabeth Pollman, Co-Director of the Law School's Institute of Law and Economics, studies startups, entrepreneurship, and law and technology; and Zeid Ra'ad Al Hussein, the Perry World House Professor of Practice of Law & Human Rights, is an authority on human rights law and international criminal law.

Kimberly Kessler Ferzan, Earle Hepburn Professor of Law and Professor of Philosophy and Co-Director of the Law School's Institute of Law & Philosophy, is an award-winning scholar in the area of criminal law theory; A celebrated legal historian, Karen Tani is the University of Pennsylvania's 24th Penn Integrates Knowledge

University Professor; and Assistant Professor of Law Yanbai Andrea Wang explores the emerging systems of transnational civil litigation and arbitration.

In addition, the Law School announced six distinguished visitors and extended faculty for the academic year: Benjamin Jealous, former President and Chief Executive Officer of the National Association of Colored People (NAACP); Sandra G. Mayson, Assistant Professor of Law at the University of Georgia School of Law; Jennifer Rothman of LMU Loyola Law School; Jim Sandman L'76, President Emeritus of Legal Services Corporation; Leo Strine L'88, former Chief Justice of the Delaware Supreme Court; and Miguel Willis, an emerging leader in the access to justice movement.

Student Financial Support

Beyond the faculty, the gift also provides much needed student support. Funding is available to a range of students for bar preparation and bar registration fees — which benefits students entering public service, LLM students, and law clerks.

“It is a really stressful time and incurring even more debt when preparing to start a great but not high-paying job, or when you’re not yet sure what your post-graduate job will be, is pretty daunting,” said Arlene Rivera Finkelstein, Chief Diversity, Equity, and Inclusion Officer and Associate Dean for Equity & Justice at the University of Pennsylvania Carey Law School. “This is an exciting opportunity for the Law School to help reduce that cost, and thereby that stress, on our students as they launch their careers.”

In addition, there is a 33 percent increase in support for public interest summer fellowships in the 1L and 2L years, as well as more support for post-graduate fellowships, with the number of the latter tripling this year due to the gift, paving the way for projects that involved children and nutrition; communities most affected by climate change; the rights of essential workers and workers’ rights in the midst of the pandemic; the misuse of federal religious laws to discriminate against women and LGBTQ+ communities; and pretrial and probation-related incarceration practices.

Similarly, the Law School is defraying costs associated with travel for clerkship interviews and for travel to Washington, DC and New York for externships. And 90-plus student groups have received a 50 percent budget increase, which allows for more ambitious programming. For example, The Muslim Law Students Association sent seven students, the most ever, to the 3rd Annual National MLSA Conference

Penn Carey Law’s leading cross-disciplinary program is expected to flourish with the Carey gift.



76% of the Class of 2019 graduated with a joint degree or certificate (or both)

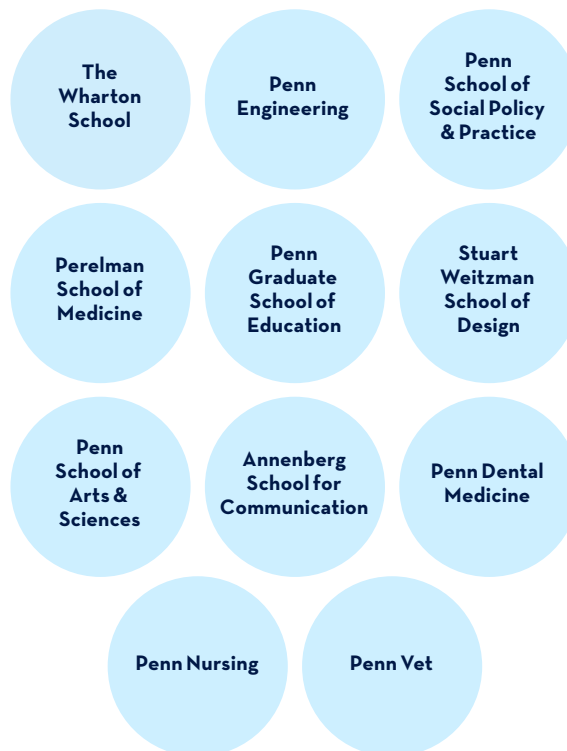


Over 35 Joint Degrees and Certificate Programs offered in conjunction with other Penn schools and departments



1 Campus in Philadelphia linking ALL of Penn’s partner schools

Partner Schools



CONTINUED ON PAGE 30

New Stars Join Seasoned Scholars

For generations, the Law School has been recognized for its distinguished faculty of thought leaders and renowned teachers. That tradition continues as Penn Carey Law, aided by the gift from the W.P. Carey Foundation, expands the faculty, adding new stars to a deep roster of seasoned scholars. Introducing the new faculty and distinguished lawyers, teachers and leaders who have joined the Law School in the 2020–21 academic school year:



Kimberly Kessler Ferzan L'95, the Earle Hepburn Professor of Law and Professor of Philosophy and Co-Director of the Institute of Law & Philosophy, teaches Criminal Law, Evidence, and a

seminar on the theory and practice of criminal law. She was elected to the American Law Institute in 2015.

Ferzan writes in criminal law theory. She has co-authored two books, co-edited three volumes, and authored over 50 book chapters and articles. She received the American Philosophical Association's Berger Memorial Prize in 2013 for "Beyond Crime and Commitment: Justifying Liberty Deprivations of the Dangerous and Responsible" (*Minnesota Law Review*, 2011). Before joining the Law School faculty, Ferzan was the Harrison Robertson Professor of Law and the Joel B. Piassick Research Professor of Law at the University of Virginia, where three different graduating classes recognized her with their highest teaching honor at graduation. Prior to her time at Virginia, Ferzan was a member of the faculty at Rutgers Law, where she was twice awarded Professor of the Year and received the Chancellor's Award for Teaching Excellence.



Karen Tani L'07, PhD'11 is the Seaman Family University Professor and holds a joint appointment with the Department of History in the School of Arts and Sciences. She is the

University of Pennsylvania's 24th Penn Integrates Knowledge University Professor. Tani will co-teach a 1L elective course on Law and Inequality with Shaun Ossei-Owusu.

A celebrated legal historian, Tani's work addresses poverty law and policy, disability, administrative law, federalism, and rights. Her book, *States of Dependency: Welfare, Rights, and American Governance, 1935-1972* won the 2017 Cromwell Book Prize from the American Society for Legal History.

Before joining the Law School faculty, Tani was a Professor of Law at the University of California, Berkeley. She was the first graduate of the University of Pennsylvania's JD/PhD program in American Legal History.



Assistant Professor of Law **Yanbai Andrea Wang's** scholarship focuses on the emerging system of transnational civil litigation and arbitration, including procedural coordination

across borders and institutional change in the global governance of health. At Penn Carey Law, Wang teaches Civil Procedure and courses in the area of transnational litigation.

Her most recent work, "Exporting American Discovery," won the American Society of International Law David D. Caron Prize and is forthcoming in the *University of Chicago Law Review*. Before joining the Law School faculty, Wang was a Thomas C. Grey Fellow and Lecturer in Law at Stanford Law School and an Associate Fellow at Stanford University School of Medicine's Center for Innovation in Global Health.

In addition, the Law School announced six distinguished visitors and extended faculty for the academic year.



Benjamin Jealous is the former President and Chief Executive Officer of the National Association for the Advancement of Colored People (NAACP). He was the youngest-ever President and CEO of the NAACP. He is

serving as a Distinguished Visiting Fellow who will teach a course on Leadership and Racial Justice. He is currently the president of People for the American Way. Jealous is a Rhodes Scholar. He has previously taught at the University of Pennsylvania and Princeton University.



Sandra G. Mayson, Assistant Professor of Law at the University of Georgia School of Law, is an assistant visiting professor of law at Penn Carey Law. She teaches Criminal Law, Evidence, and Criminal Justice Reform. Mayson has

served as a research fellow with the Quattrone Center for the Fair



Jennifer E. Rothman is a visiting professor. She will teach Trademarks and a seminar on the Right of Publicity. Rothman is nationally recognized for her scholarship in the intellectual property and constitutional law fields and is the

leading expert on the right of publicity. She holds the William G. Coskran Chair and is Professor of Law at LMU Loyola Law School in Los Angeles, where she was the 2019–20 recipient of the David P. Leonard Faculty Service Award for outstanding teaching and service. Rothman is an elected member of the American Law Institute and an adviser on the Restatement of the Law (Third) of Torts: Defamation and Privacy.



Jim Sandman L'76 has joined the Law School as a Distinguished Lecturer and Senior Consultant to the Future of the Profession Initiative (FPI). Sandman is a vocal advocate for change to the regulatory framework governing

lawyers. Through his work with FPI he will develop new approaches to the delivery of legal services that make them more accessible and useful to small business owners and individuals across the income spectrum. His new role with the Law School will also provide students the opportunity to learn from him, through his teaching courses like Professional Responsibility and Leadership in Law, and through mentorship.

Sandman is President Emeritus of the Legal Services Corporation, the largest funder of civil legal aid for low-income Americans in the nation. He practiced law with the firm of Arnold & Porter LLP for 30 years, including 10 years as the firm's Managing Partner. He is also Past President of the 100,000-member District of Columbia Bar and a former General Counsel for the District of Columbia Public Schools. He is currently Chair of the American Bar Association's Task Force on Legal Issues Arising Out of the 2020 Pandemic. He began his legal career as a law clerk to Judge Max Rosenn L'32 of the U.S. Court of Appeals for the Third Circuit.



Leo Strine L'88, former Delaware Supreme Court Chief Justice and longtime adjunct professor and participant in the Law School's intellectual life around corporate governance and other topics, has taken

on a new role as the Michael L. Wachter Distinguished Fellow in Law and Policy. Strine will bring his unique expertise and experience in this new role to the discussion around crucial issues facing business and financial law and policy and will work with Law School colleagues to develop new and innovative programming, both in-person and online.

Chief Justice Strine joined the Delaware Court of Chancery as a Vice Chancellor in 1988, later serving as Chancellor in 2011 and becoming the eighth Chief Justice of the Delaware Supreme Court in 2014. Before joining the bench, Chief Justice Strine served as Counsel and Policy Director to Delaware Governor Thomas R. Carper and practiced corporate litigation with the firm of Skadden, Arps, Slate, Meagher & Flom. He is a member of the American Law Institute and currently serves as an advisor on the project to create a restatement of corporate law.



Miguel Willis, an emerging leader in the access to justice movement, joined the Law School's Future of the Profession Initiative as Innovator in Residence. In this role, he will work closely with FPI leadership and

colleagues around the Law School to educate students on emerging career opportunities that allow lawyers to deploy technology to respond to the American access to justice crisis. Willis will continue to grow the Access to Justice Legal Tech Fellows ("A2J Tech Fellows") program he founded in 2016, which blends law student summer work experiences in the public interest with mentorship and educational and professional development programming. Willis, who also focuses on growing professional networks for traditionally underrepresented professionals in both law and technology, was named a "Legal Rebel" by the American Bar Association in 2018.



Programs that support underrepresented communities are vital to ensure that we're not simply bringing diverse individuals into a space that isn't designed for them and concluding that we've done our job.

VICTORIA SANCHEZ 2L,
Former Member of the Law School's
Inclusion & Engagement Student Advisory Board

in Chicago, and in a collaborative effort the Black Law Students Association, the American Constitution Society, and the National Lawyers Guild brought to campus Darnell Epps, a formerly incarcerated senior at Cornell University who spoke to nearly 100 students.

The Carey gift is an affirmation of the strength and direction of the Law School's leading cross-disciplinary program, the depth and breadth of which is unparalleled in legal education. Penn Carey Law offers students numerous cross-disciplinary opportunities, from classes at the University's top-rated sister schools to a deep roster of joint degrees and certificates of study, including a new certificate (with more to come) in Africana Studies that will cultivate a deeper appreciation for the peoples of Africa and their diaspora through interdisciplinary, comparative, and transnational study.

The gift will also provide the means for the Law School to create a more inclusive community which will entail increasing support for students, advancing

conversations about racial justice, and examining physical spaces on campus, with the goal of promoting real and lasting change. This initiative, as well, includes an effort to recruit more students from underrepresented backgrounds, such as those who are in the first in their families to attend college. This year the Law School inaugurated a pre-orientation program featuring discussions on Law & Inequality and a workshop titled "Rethinking Otherness," hosted by the Office of Inclusion & Engagement, that explored longstanding invisible norms and biases in the legal profession.

"Programs that support underrepresented communities are vital to ensure that we're not simply bringing diverse individuals into a space that isn't designed for them and concluding that we've done our job," said Victoria Sanchez 2L, a former member of the Law School's Inclusion & Engagement Student Advisory Board and current Co-President of the Latin American Law Students Association (LALSA). "Our job goes beyond increasing diversity—our job is to intentionally and actively support underrepresented students in ways that account for historic and systemic inequalities that still affect them, so that they can be, not just successful at Penn Law, but truly thrive and find a home here."

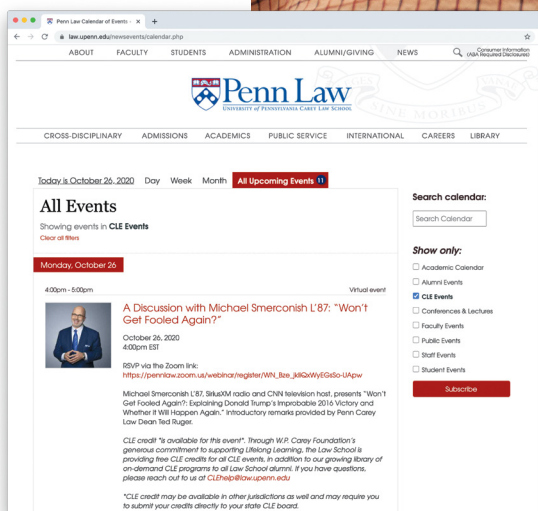
Alumni Opportunities Abound for Lifelong Learning

There is as well a need for ongoing supplemental training so that alumni can prosper at all stages of their careers in a rapidly changing legal environment. To address that need, Penn Carey Law is creating through the Carey gift a full suite of lifelong learning programs. Offerings include new customized programs for both young alumni and more seasoned professionals who need to refresh their skills.

In addition, free CLE courses are being offered to alumni, and there will be live events, panel discussions, conferences, an expansion of online courses, interactive webinars, podcasts on substantive areas of the law, and combinations of classroom and online learning, all of which will put Penn Carey Law at the forefront of continuing education and supplemental training.

Like lifelong learning, the new Future of the Profession Initiative is a beneficiary of the Carey gift. One year in, the dividends are clear. FPI developed an online series called Reimagining the Future that brought together leading legal thinkers to explore the changes wrought by legal technology and to discuss reforms to the legal profession, legal education and legal operations.

Alumni have a menu of free CLE courses to choose from as the Law School expands offerings.



Leonard, who leads FPI, said the Law School is working with Career Planning & Professionalism to create a range of internship opportunities with legal tech start-ups and in-house incubators, and separately is consulting with schools and centers on campus to promote innovation competitions available to enterprising students who submit ideas to solve the most intractable problems affecting the profession and the delivery of legal services.

With law firms and legal departments rethinking their business models and new ideas emerging about how to better serve clients, Leonard said law schools have to stay one step ahead of the curve to produce graduates who shape the market.

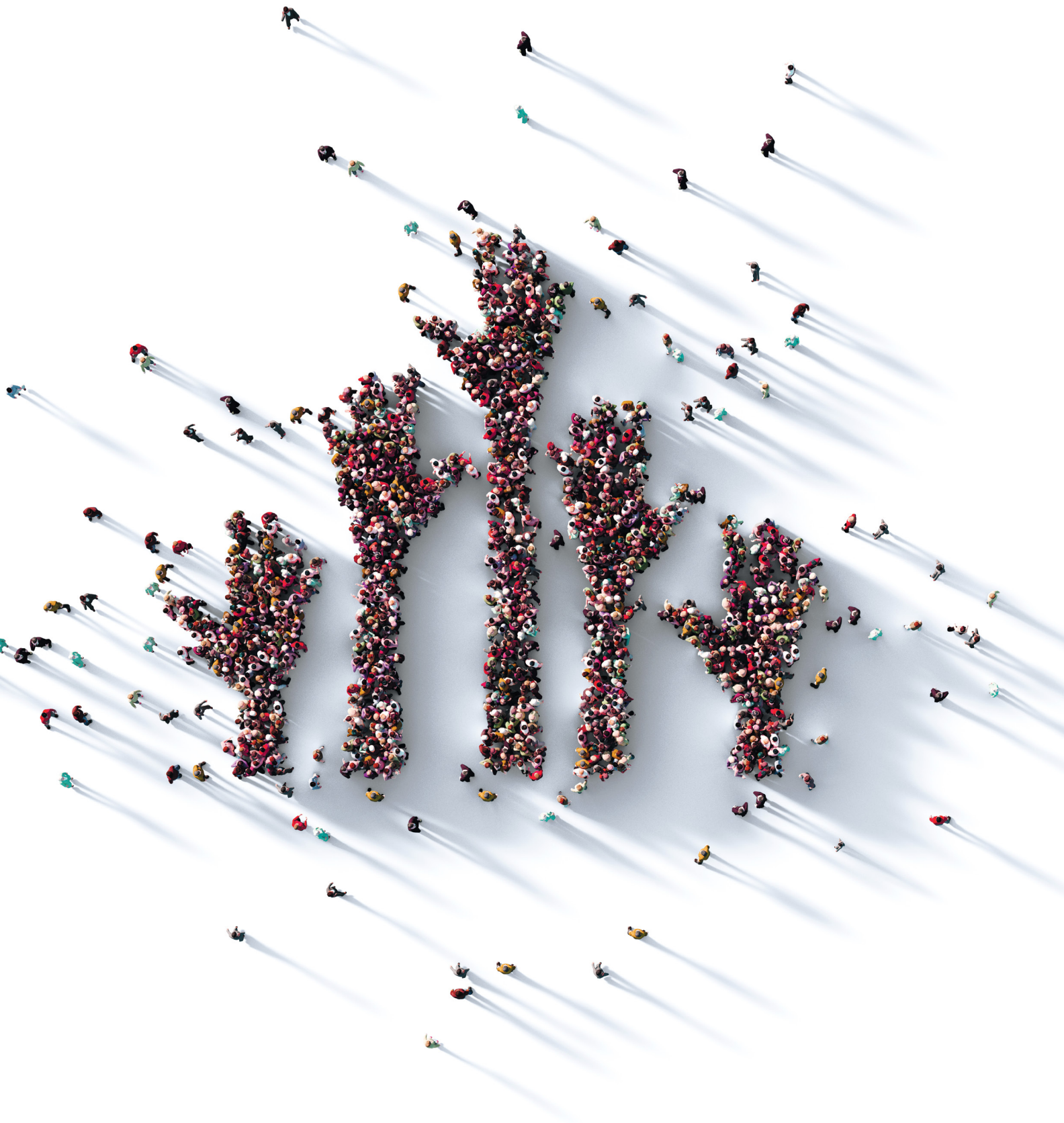
One year after the Carey gift, the Law School has put forward a transformative plan to create the next generation of leaders, launching students on a path to promising and rewarding careers; it is adding transformative thinkers to its faculty at a prodigious clip; and it is paving the way for alumni to continue their

education at different junctures of their careers without leaving home.

Osagie Imasogie LL.M.'85, Chair of the Law School Board of Advisors and an entrepreneur who has funded and founded several startups in the pharmaceutical industry, is bullish on the future of the Law School.

In the years ahead he sees a “more exciting, more vibrant, more inclusive, more intellectually stimulating law school,” and a law school in which “our prestige, our ranking, and the quality of our applicants will all go up.”

A fitting legacy for the largest gift in law school history. ♥



DOUBLING DOWN

**Tolls' \$50 Million
Gift Paves Way
for Influx of
Young Lawyers
into Public Service**

The Robert and Jane Toll Foundation, founded by Robert Toll L'66 and Jane Toll GSE'66, made a \$50 million gift to the Law School to dramatically

expand the Toll Public Interest Scholars and Fellows Program, doubling the number of public interest graduates in the coming decade through a combination of full and partial tuition scholarships.

The Toll Foundation's \$50 million gift is the largest gift in history devoted entirely to the training and support of public interest lawyers, and among the ten largest gifts ever to a law school in the United States. This transformative gift comes at an unprecedented time in history, when lawyers working for a more just and fair system are desperately needed. Beginning in the 2021 academic year, the Toll gift will be implemented to support the tuition and programming for students working towards the crucial goals of public service. This will place the Law School in the unique position to catalyze its unwavering commitment to put service and justice into action in ways that have never before been possible, through recruiting, enrolling, and empowering the next generation of advocates.

As the world continues to grapple with a global pandemic that has exposed deep inequality, the U.S. finds itself in the midst of facing and correcting the deep racial inequities present through its society. This gift will enable the Law School to widen the gateways to service for students who will change the world for the better through their careers in the public interest. By increasing the number of Toll Public Interest Scholars and Fellows, the Law School can exponentially increase the capacity of our global public interest community to fight the most significant legal battles of the time while expanding access to justice.

“A gift of this magnitude, in this current moment, creates a significant opportunity to expand on the long-standing commitment of the Law School to educate, train and launch the advocates needed

to fight the injustices of our world today,” said Ted Ruger, Dean of the Law School. “These scholarships will make public interest careers accessible to a broader pool of students, many of whom are from underrepresented backgrounds. The Tolls’ generosity truly supercharges the Law School’s ability to create meaningful change in the future of our communities.”

Megan Russo C’15, L’22, a current 2L Toll Scholar and first generation college student, weathered a long period of uprootedness in her life to arrive in the program with a fervor to engage in law and public policy following graduation.

Russo, who grew up in a suburb of Atlanta, saw her world crumble when her parents divorced, and her father abandoned the family. Her mother could not pay the mortgage and lost the house, leaving Megan, her brother and mother to live with other families.

The experience of suddenly losing everything concentrated her mind and led Russo to study sociology at Penn. “People shouldn’t wonder where they’re going to sleep at night, or where their next meal is coming from ... Studying sociology helped me to contextualize my experiences and better understand how and why poverty exists ... My experiences were frankly the better end of the spectrum as far as poverty goes and it was a difficult experience that will last with me forever.”

Russo, who entered the Toll Scholars program as a first-year student, has made good use of the first year-and-a-half, interning for the ACLU of Pennsylvania this fall, and for the Lawyers’ Committee for Civil Rights Under Law this past summer, and performing pro bono work helping to draft criminal record pardon applications



This scholarship really changed my life. It allows me to pursue a field that I wouldn’t have been able to pursue otherwise.

MEGAN RUSSO C’15, L’22
Current Toll Public Interest Scholar

in a Second Chance program. Russo was also a researcher for Presidential Assistant Professor of Law Shaun Ossei-Owusu, with whom she took a criminal law class, and a researcher for the Quattrone Center for the Fair Administration of Justice, where she helped evaluate the efficacy of review processes undertaken to eliminate errors in policing. And she will be taking a special public interest class focused on how to use her legal skills for positive social change.

“This scholarship really changed my life,” Russo said. “It allows me to pursue a field that I wouldn’t have been able to pursue otherwise.”

Makayla Reynolds C’18, L’23, a 1L Toll Scholar, was the first African American woman to become class president at Penn—an extraordinary accomplishment considering the formidable challenges she had to overcome. Her HIV-stricken father died when she was young, and her mother battled mental health issues and substance abuse.

Driven to support other students who have faced similar challenges, as class president Reynolds advocated for underrepresented low-income students, putting in place subsidies so they could attend events and buy school apparel such as the traditional junior year “P” sweater.

A first generation college graduate, Reynolds worked two years for Teach for America after graduation, which reaffirmed her interest in assisting vulnerable populations, especially low-income children. This past summer, she served as a graduate assistant for the Penn Rising Seniors Summer Academy, a free preparatory college program in which she graded papers and

mentored about 20 students. This semester, she's participating in the Custody and Support Assistance Clinic.

Reynolds looks forward to getting to know her fellow Toll Scholars, learning how to network and leveraging new opportunities.

"I want to instill the love of public service to my classmates, and once I'm in a career, to my co-workers," Reynolds said.

Even though Reynolds just entered the program, she's fixed on her career goals: child advocacy in an area such as family law or juvenile justice.

Russo and Reynolds represent just a sliver of the Toll Scholars who have passed through the program and into public service — there have been more than 80 students since its inception in 2006.

Robert Toll, the Co-Founder of the American luxury home-builder company Toll Brothers, Inc., and his wife, Jane, have previously committed philanthropic efforts to the Law School and its public interest programming. Their most recent gift expands upon a \$3 million donation made in 2018 to create and launch the Toll Public Service Corps, which includes Toll Scholars and Fellows, while also establishing Alumni Impact Awards and funding additional financial and career support for alumni through loan forgiveness and the existing Toll Loan

Repayment and Assistance Program (TollRAP), under which \$3.5 million has been awarded since 2014.

Additionally, in 2006, the Tolls made a \$10 million gift to the Law School's public interest program, which resulted in renaming to the Toll Public Interest Center (TPIC). Originally founded in 1989, the public service program at the Law School rendered it among the first institutions to require all students to complete 70 hours of public service before graduation.

In 2000, Penn Law was the first law school to receive the ABA's Pro Bono Publico Award. The Tolls' donation in 2006 resulted in significant expansion for the program, and helped TPIC grow into an exceptional hub for public service at Penn. TPIC now facilitates a wide array of pro bono and public service opportunities that focus on impactful service, personal enrichment, and professional skill development, including the promise that each graduating class dedicates approximately 30,000 hours of pro bono legal service.

"Our goal is to greatly increase the number of students entering careers in public interest," said Robert Toll. "It's my hope that this opportunity leads to even more tangible, positive change from future Law School graduates." ♥



Robert Toll L'66 and Jane Toll GSE'66 are staunch supporters of the Toll Public Interest Center, which provides students (seen below) with ample opportunities to perform public service work.

Advancing Civil Rights

The continuation of decades of tireless work, current civil rights efforts are alive throughout the country – with women marching en masse for gender equity, people of every background protesting against antiblack police violence, and LGBTQ+ advocates mobilizing to advance legal protections. The fight for a fairer, more just society surges on. At the center of these movements stand many Penn Law alumni. Here, we shine a light on the important work of eight of our graduates.

**By Derek Guy, Aisha Labi, Jay Nachman,
Lindsay Podraza, Larry Teitelbaum**

ILLUSTRATIONS: ANDREW COLIN BECK







OMAR GONZALEZ-PAGAN L'10

Joining the Battle Against a New Rule Threatening to Deny Health Care to the LGBTQ+ Community

Against the backdrop of the United States' continued struggle with the COVID-19 pandemic, LGBTQ+ rights advocates across the country are contesting a new federal rule issued by the Department of Health and Human Services (HHS) that repeals discrimination protections for LGBTQ+ individuals seeking healthcare. Among those leading the challenge is Omar Gonzalez-Pagan L'10 of Lambda Legal.

"Imagine losing access to health care or fearing discrimination in health care while at the same time being in the midst of a public health pandemic that has cost so many lives—over 200,000," said Gonzalez-Pagan, who filed *Whitman Walker Clinic v. HHS* in the U.S. District Court for the District of Columbia. "It is a reminder of what is at stake in this litigation."

Gonzalez-Pagan, a Senior Attorney and Health Care Strategist at Lambda Legal, has been in the forefront of some of the most consequential decisions on sexual orientation and gender identity discrimination in modern history. He was a member of the legal team that prevailed in *Obergefell v. Hodges* and secured marriage equality, and he helped win two landmark

decisions holding that Title VII covers sexual orientation discrimination.

Now he joins his former classmates Michelle Banker L'10 of the National Women's Law Center and Marsha Chien L'10 of the Washington State Attorney General's Office in separate challenges to the new health care-related rule.

In 2016, the Obama Administration finalized a regulation ("2016 Rule") that clarified how discrimination "on the basis of sex" should be interpreted under Section 1557. According to the 2016 Rule, the prohibition on sex discrimination includes discrimination based on transgender status and gender-based stereotypes. The 2016 Rule specifically prohibits health care providers, entities, and insurers ("health programs") from excluding from its coverage any treatments related to gender transition, calling such an exclusion "discriminatory on its face."

The Trump Administration's new rule, proposed in May 2019 and published in June 2020, repeals the 2016 Rule's interpretation of sex discrimination and eliminates explicit protections for transgender people. It also includes broad religious exemptions, which would allow health care units to opt out of providing certain treatments, such as reproductive and gender transition care, if the health care units felt that providing such care would conflict with their religious beliefs.

The complaints filed by Gonzalez-Pagan, Banker, and Chien argue that the Revised

Rule is contrary to law, arbitrary and capricious, and unconstitutional.

In arguing that the Revised Rule is contrary to current federal law, each complaint points to the Supreme Court's *Bostock v. Clayton County, Georgia* decision, which came down just days before the Revised Rule was published. In *Bostock*, the Supreme Court held that discrimination on the basis of sexual orientation or transgender status "necessarily entails discrimination based on sex."

"They eliminated what we call the 'unitary legal standard,' which allows discrimination claims on each of the characteristics that are protected by the law to be adjudicated under the same legal standard," Gonzalez-Pagan explained. "[HHS] want[s] them to be adjudicated under different standards, which complicates the ability of health care providers to comply with the rule, but also makes it more difficult to litigate intersectional discrimination claims, which we know are so real and affect many people."

The Revised Rule's broad exemptions permit health programs to refuse to treat or cover a patient if they believe that such treatment or coverage would be contrary to their religious beliefs. The Lambda Legal complaint argues that the exemptions are "contrary to law," because they "endanger patients' health in the name of advancing the religious beliefs of those who are entrusted with caring for them."

On September 2, 2020, the federal district court in D.C. hearing Lambda Legal's case entered a preliminary injunction prohibiting the revised rule's provisions eliminating the definition of "on the basis of sex" and incorporating Title IX's religious exemption from taking effect. In so doing, two of the most dangerous aspects of the Revised Rule have been put on hold as the case makes its way through the courts.

"This is a rule that targets the most vulnerable amongst us, all in the midst of a public health pandemic," Gonzalez-Pagan said. "So, I want to keep in mind, for example, the TransLatin@ Coalition and its members who we represent, but who are disproportionately affected by this rule. Trans people already are disproportionately discriminated against and bear the brunt of violence, harassment, and discrimination in this country. We are fighting to ensure their broad access to health care—a human right."

MARSHA CHIEN L'10

A Child of Immigrants Fights for Other Immigrants

Marsha Chien L'10 didn't get a lot of sleep in the weeks after Donald Trump was inaugurated as president.

On Friday, January 27, 2017, Trump signed an executive order that banned foreign nationals from seven predominantly Muslim countries from visiting the country for 90 days.

Chien, an Assistant Attorney General with the Washington State Attorney General's Civil Rights Unit, and her colleagues worked all weekend to prepare briefs challenging the order. Washington state, the lead plaintiffs, sued on Monday.

"It was a very busy weekend," Chien said.

The Muslim travel ban case, she said, was about "recognizing and asserting our power and our authority to protect our residents and the state itself from encroachment onto constitutional rights, not even just our anti-discrimination laws but our own federal protections as well.

"It was important for other states to recognize they also had power to challenge

this new administration as it started to move forward.

"When the order came down [for a temporary injunction], I was really proud to be part of the legal profession to have been able to do something and to stop something," Chien said.

The Muslim travel ban was ultimately upheld, but it was, according to Chien, in President Trump's own words, "watered down."

The Virginia-raised Chien is the daughter of immigrant parents from Taiwan and that added to her pride on working on the case. "The Muslim travel ban has a lot of historical traces to the Chinese Exclusion Act in litigation and that's why it was a particularly meaningful case for me," she said. The Chinese Exclusion Act, approved in 1882, was the first significant law restricting immigration into the United States and provided a ban on Chinese labor immigration for more than 50 years.

Chien also finds it meaningful that vulnerable populations with limited resources or the inability to find their own lawyer have the state on their side.

It's not just her work as an attorney general that brings her fulfillment. One

of her favorite cases came when she was a Staff Attorney at a legal aid society in San Francisco in which a naturalized citizen had been rejected for a job because he had unwittingly used a false social security number given to him by his parents when he was undocumented.

She won the case, but what has stayed with her was walking with her client into a "huge grand federal court" and him feeling like he had a voice.

"Civil rights laws and civil rights cases have an immediate tangible effect that pretty much anyone can understand," Chien said "Being excluded from the country despite the fact that you have a green card just because the president said so one day. Everyone sees why that seems so unfair. I think everyone comes to law school with a deep sense, not necessarily the same sense, but a deep sense of what they think to be unfair. I think civil rights laws are the heart of what we as a society view as unfair. So you get a chance to shape what civil rights means to Americans, which is really ever-changing. It's really a big way of how our society is shaped in general. If we view disability rights as a civil right, that changes how our society works."



BRITNEY WILSON L'15

A Champion for People of Color with Disabilities

To the clarion call of Black Lives Matter add Black Disabled Lives Matter. Britney Wilson, L'15, is working to ensure that disability is centered among the social justice issues of our time.

Wilson, a Black woman and civil rights attorney with cerebral palsy, came to the Law School knowing that she wanted to practice civil rights law, and especially to advocate on behalf of people of color with disabilities. Wilson has been practicing civil rights law since her graduation—beginning her legal career as a Karpatkin Fellow in the Racial Justice Program in the National office of the ACLU. But despite writing and doing a great deal of personal advocacy on disability issues, incorporating disability into her legal advocacy has been more of a challenge.

“In my experience,” Wilson said, “the civil rights advocacy community and the disability advocacy community have traditionally been pretty separate. Civil rights organizations often have their slate of issues that they work on, all of which affect people with disabilities, but none of which typically include or center us. Similarly, many disability advocacy organizations traditionally focus on their set of issues, which sometimes tend to be less expansive than ‘traditional civil rights issues’ and often don’t include or center the experiences of disabled people of color.”

Yet, Wilson explained, all of the societal disadvantages that come along with racism in this country—poverty, lack of access to quality health care, lack of access to quality education, over policing, every single issue that disproportionately plagues people of color—also disproportionately plagues people of color with disabilities. That’s why she has been working to try to bridge what she sees as a gap between the two worlds.

After her ACLU fellowship, Wilson was a Bertha Fellow at the Center for Constitutional Rights, where she worked on the implementation of a court order in the stop-and-frisk case against the New York Police Department.

Wilson uses an old analogy to illustrate how social justice advocates could benefit

from a better understanding of disability.

She said imagine that children are trying to see over a tall fence. Each gets a box to stand on. But some children are shorter than others and may need additional boxes. Others can’t stand on a box at all. “Different people,” she continued, “may need different levels of accommodation to succeed.” She said that could mean extra time on a test, three boxes, or taking down the fence altogether.

In other words, it goes beyond equality under the law, according to Wilson. The concept of accommodation—a familiar one in the disability community—may also be useful in addressing other types of injustice because “you may technically have equal rights, but one size doesn’t fit all when addressing injustice.”

Today Wilson is a Staff Attorney at the National Center for Law and Economic Justice (NCLEJ), where she litigates discriminatory and excessive ticketing cases in Buffalo, NY and Montgomery, Ala.

But her ultimate goal is to do advocacy work that combines both racial justice and disability. In October, NCLEJ and Disability Rights New York filed a case challenging the New York State Department of Health’s

Ventilator Allocation Guidelines on behalf of chronic ventilator users. The guidelines, Wilson said, allow hospitals to reallocate the personal ventilators of chronic ventilator users to those deemed more likely to survive if chronic ventilator users seek medical care at a hospital when there is a shortage of ventilators. As a result, chronic ventilator users are afraid to go to the hospital during the pandemic. The lawsuit asks New York Governor Andrew Cuomo and the Commissioner of the New York State Department of Health to amend the guidelines to ensure that people’s personal ventilators will not be taken away.

Wilson said it means a lot to her as a disabled attorney to finally get to lead a case on behalf of people with disabilities. Medical rationing policies and discrimination in the provision of healthcare services also disproportionately affects people of color, people with disabilities, and people of color with disabilities.

“I’ve worked my entire career so far to litigate both ‘traditional civil rights cases’ and disability cases, and I’m proud of that,” Wilson said. “It’s the first step on a broader journey for me.”





MARIELA NOLES COTITO LL.M.'12
**A Personal Journey
Toward Racial Awareness
is Reflected in Peru's**

Growing up in Peru, Mariela Noles Cotito LL.M.'12 did not have a comprehensive awareness of her African ancestry. She identified most strongly with her Japanese grandmother and had little concept of herself as an Afro-Peruvian woman. Only when she was in law school, where she was one of just two Afro-Peruvian students in the department, did this change. "I discovered what it meant to be Black in Peru," she says.

Today, Noles Cotito is a Professor at the Universidad del Pacifico in Lima and also works as a consultant to the national government on issues related to minority rights. Her personal journey is reflected in her country's complicated relationship with race, particularly with regard to its

population of African descent. As in other Andean nations, minority rights in Peru have tended to be framed around the history and rights of indigenous cultures, she says. Until recently, Black Peruvians, who comprise an estimated 5 percent of the population, were a largely unrecognized minority, says Noles Cotito.

The push for greater racial inclusivity was jump-started in the run-up to the World Conference Against Racism, in Durban, South Africa, beginning with the Meeting for the Americas in 1999. "We went from a period of being invisible in law, legislation, and public policy," she recalls, to the focus of a growing "Black movement" in Peru. "Before Durban, demands from the Black and indigenous populations were thought of as demands of social justice," she says. The Durban conference contributed to a growing understanding of racism and discrimination as a human rights issue, she says. The government established a ministry

tasked with generating policy for the inclusion of minority populations and in 2009, Peru became the first country in Latin America to offer a public apology to its citizens of African descent.

One example of how far perceptions still have to progress is the enduring popularity of a television character in blackface. The same actor also plays another character in brownface. "When you ask Black and indigenous people, they say it is harmful and undignified, but most people do not see the harm of these characters," says Noles Cotito. In so many ways, she says, "we as a society are not equipped to recognize discrimination." Spanish colonization produced a deeply divided society and the vestiges of those divisions remain. "We were racially classified during colonial times and those classifications are still upheld today," she says. "Racism is not something we face as a rare occurrence, but in a systemic way."

She recently taught a course about discrimination and what it means in the legal context to prosecutors and judges. Even in this context, she says, many of the questions were very basic. "I was brought in by the National Academy of the Judiciary to teach this course, so I expected to be challenged by these brilliant legal minds. However, the questions were along the lines of how do we, as criminal judges, or prosecutors, identify the extent of the limitations on rights? Or, is it still discrimination if there is no intent?"

The next generation is already showing greater awareness and interest in issues of racial justice. Noles Cotito teaches a course on discrimination and public policy that is in high demand. "Since news about complex issues of racial justice is so prevalent now, the students are very engaged," she says. "They want to have the language to discuss these issues and develop critical opinions of their surroundings."

ELIZABETH TANG L'17, WG'17

Working to Bring Sexual Assault and Harassment to the Surface

The statistic is both stunning and sobering. One in five women are sexually assaulted during their time in college.

Elizabeth Tang L'17, WG'17 first learned that figure (now one in four) when she was an undergraduate at Harvard and it prompted her to volunteer at the school's peer hotline for sexual assault survivors.

"A lot of my friends and acquaintances confided in me during college that they had been sexually assaulted," Tang said. "They pointed out who their assailants were. I knew their rapists. I had been in many cases friends or acquaintances with their rapists, so I knew firsthand how true that one in five statistic was. And I think that's what really drew me to the peer

counseling hotline in college. And then I continued learning about gender justice."

The more Tang studied and learned about gender justice and other types of oppression people face, the more it became clear that fighting those injustices would fuel her life's work. She has since advocated for gender justice at the American Civil Liberties Union, the U.S. Senate Judiciary Committee, and Apne Aap Women's Collective in Mumbai, India. She does so now at the National Women's Law Center, where she is Counsel for Education and Workplace Justice and where she focuses on ending sexual harassment and violence in both K-12 schools and higher education.

Tang first joined NWLC as an Equal Justice Works Fellow to fight sexual harassment of students with a focus on girls of color in K-12 schools.

Her project involved three components: public education, by creating educational materials so that the public can know and learn about the law in an accessible and

easy to understand way; policy advocacy, by advocating with legislators on both the state and federal level, and in some cases, at school districts; and litigation, by representing students who had experienced sexual harassment, including sexual assault, in court.

Among her accomplishments were settling three Title IX cases alleging that the school districts ignored students who reported sexual assault or dating violence and instead punished the survivors by suspending them or pushing them into inferior alternative schools.

As a result, Tang said, the school districts had to implement systemic reforms.

As Counsel at the NWLC, she and colleagues are currently suing the Department of Education for a recent Title IX regulatory action. Tang claimed the Department of Education has been taking steps to weaken Title IX protections for students against sexual harassment.

Their latest regulatory action, she said, "is extremely harmful. It requires schools to ignore many complaints of sexual harassment and assault. It requires schools to impose uniquely burdensome and traumatizing procedures in their investigations of sexual assault but not for any other type of misconduct. So, basically, if you get into a fistfight you get one set of rules. But if you report sexual assault you get a whole different set of rules that are much more harmful to the person that is reporting it. We're suing the department saying, 'what you are doing is arbitrary and capricious. It's discriminatory on the basis of sex and your whole rule is premised on the rape myth that women and girls lie about sexual assault.'"

In addition to litigation, Tang continues her advocacy and educational work. "I think it's been really meaningful to do this work because I don't think that there are many organizations where you can work on public education materials, and policy advocacy, and litigation and I think the National Women's Law Center is a unique place for that," she said.





HARPER SELDIN C'11, L'14

Fighting for the Rights of Vulnerable Children

Society's most vulnerable, especially children, motivate Harper Seldin C'11, L'14 to work on pro bono civil rights projects.

"To me, it's 'people first' and ensuring that all the promises of our country's civil rights laws are kept," said Seldin, who joined Cozen O'Connor's Business Litigation Department in 2016.

In one recent case, *Fulton vs. City of Philadelphia*, Seldin worked on an amicus brief to the Supreme Court on behalf of former foster children in opposition to government-contracted foster care agencies who claim a constitutional right to discriminate against prospective foster parents in same-sex couples.

The Cozen O'Connor pro bono team, including Seldin, represented FosterClub and Former Foster Youth. The brief documented a shortage of foster parents and included statements from former foster children who said they would have

welcomed living with same-sex foster parents. The case was argued before the Supreme Court on Nov. 4.

"At the heart of the case are these foster children who need a home and need a home now," he said.

Seldin's civil rights pro bono work started with *Doe vs. Boyertown Area School District*. The federal case began in 2017 when Cozen O'Connor was pro bono co-counsel with the ACLU of Pennsylvania and the ACLU LGBT & HIV Project. It involved cisgender high school students suing the school district for allowing transgender students to use the bathrooms that matched their gender identity.

"It's disappointing but not terribly surprising that impact litigation is involving a teenager literally just trying to use a bathroom at a public high school," said Seldin, referring to a transgender student. "If that's where the fight is, that's where I want to be, because I think it's important that those individuals and our community have excellent representation in a fight that transgender students have not invited."

Aligning with the school district, Cozen O'Connor and the ACLU represented a transgender student who had recently graduated from the high school and the Pennsylvania Youth Congress, a youth-led advocacy organization for young LGBTQ+ Pennsylvanians.

While the case was originally just between plaintiffs, students who opposed the school district's inclusive bathroom policy, and the school district as a defendant, Seldin said Cozen O'Connor and the ACLU felt strongly about representing affected transgender teens at the school. "This is about transgender students, and they should be represented during litigation that is fundamentally about them and their right to exist," he said.

The case began at the district court level in the Eastern District of Pennsylvania, where the plaintiffs filed a motion for a preliminary injunction. The court denied the motion, holding that the plaintiffs did not prove they would suffer irreparable harm or show a likelihood that their constitutional rights were violated. A major factor in that decision, Seldin said, was the availability of single-user bathrooms on campus that any student could use for additional privacy.

"(The plaintiff) immediately appealed to the Third Circuit, and we had an oral argument on that a year later," Seldin said. After just a half-hour recess, the panel of judges announced their decision upholding the district court from the bench. "The immediate victory that day really spoke to how strongly the panel felt," he said.

The school district and the clients represented by Cozen O'Connor and the ACLU won a final victory last fall after plaintiffs' cert petition was denied and the plaintiffs withdrew their complaint.

Seldin also serves on the governing board for the Youth Sentencing & Reentry Project, which works to keep children out of adult jails and prisons, and on behalf of individuals who have been sentenced as children to life in prison without parole. These cases, he said, disproportionately affect people of color.

"If we as a society are not prepared to give grace and compassion to children despite their alleged conduct, and unfortunately, because of the color of their skin, we're not doing our job," Seldin said. "That's not the society I want to live in."

PATRICK MULVANEY L'08

Underscoring Inequities in the Criminal Justice System

At this moment of national reckoning over racial inequities, the extent to which the criminal justice system is rife with systemic bias has come as a shock to many. For Patrick Mulvaney L'08, the Managing Attorney for Capital Litigation at the Southern Center for Human Rights, such biases are the persistent undercurrent of much of his work.

Mulvaney has been with the capital litigation unit of SCHR for the past 12 years, the last seven as its managing attorney. Few areas of the law are as tainted by bias as capital cases, he observes. "Race and poverty are the defining features of the death penalty system," he says. Although fewer death sentences are being handed down now than in earlier decades, as older cases wind their way through the appeals process, more executions are looming. In Georgia, for example, there has been only one new death sentence in the past five years, but 19 executions of defendants who had previously been sentenced.

Two of SCHR's capital cases in which Mulvaney was involved have made it to the United States Supreme Court in recent years. In 2016, the court reviewed the case of Timothy Foster, a Black defendant who was tried in 1987 in Georgia for the murder of a white woman by an all-white jury, after the state excluded all four Black prospective jurors with preemptory strikes. Evidence discovered years later showed that, although prosecutors had cited other reasons for these strikes, potential jurors' names were identified in jury selection notes by race. The Supreme Court ruled 7 to 1 that there had in fact been race discrimination at trial. Foster's conviction was vacated and the case is pending retrial.

Earlier this year, the Georgia Supreme Court ruled that jury selection notes from

the same prosecutor revealed intentional discrimination in the case of defendant Johnny Gates. The prosecutor had tried five capital cases in five years around the time of Gates's trial, and the state had struck all 27 prospective Black jurors in those trials. All five cases were tried before all-white juries. In Gates's case, in addition to the discrimination evidence, new DNA evidence discovered in 2018 showed that the state had convicted the wrong person. Gates was released earlier this year after 43 years in prison, 26 of them on death row. Mulvaney and SCHR worked with the Georgia Innocence Project in representing Gates. These cases "show how much race discrimination can undermine the integrity of the proceedings, instead of having a trial where the state is simply presenting the evidence," says Mulvaney.

"The problems we're talking about with respect to race are not limited to the death penalty," Mulvaney emphasizes. He and his colleagues at SCHR also work on many non-capital cases of extreme sentencing, often involving the disproportionate sentencing of Black men for non-violent drug offenses. Twelve of their clients who had been sentenced to life without parole have been released in recent years, as have 18

who had been given lengthy sentences, such as 40 or 60 years.

The other United States Supreme Court case, *McWilliams v. Dunn*, involved an indigent Black defendant on death row in Alabama. The court found in 2017 that McWilliams had been denied his constitutional right to a mental health expert in preparing his defense and his death sentence was vacated.

As recent news headlines have underscored, examples of racial bias in the criminal justice system are not a relic of the past or the fault of a few bad actors; instead, they remain a persistent blight on the legal landscape. "The criminal justice system still has serious problems with race discrimination, and we all have a lot of work to do in trying to remedy that," Mulvaney says. "It's on all of us, not just by pointing the finger at an individual person who committed misconduct in an individual case, to rethink the system and make it better." Despite the scale of the problem, Mulvaney is optimistic. "I have a lot of hope for the future, and I think hope drives our office as we try to work toward equality, dignity, and justice in the criminal legal system," he says. "We also recognize that we have a long way to go."



LAVAL MILLER-WILSON L'95

Providing a Lifeline to Vulnerable People with Healthcare Needs

In 2009, Laval Miller-Wilson L'95 arrived at the Philadelphia Health Law Project to serve as its new Executive Director. He was eager for a leadership role and suspected that the US health insurance system would soon be reformed. He was right. Just a year after Miller-Wilson arrived at PHLP, President Obama signed the Affordable Care Act (ACA) into law, transforming this Pennsylvanian firm's work and the lives of millions of Americans.

Founded in 1981, PHLP is a nonprofit organization that helps vulnerable Pennsylvanians and people with limited incomes get the healthcare they need. Miller-Wilson oversees a team of nineteen people, including ten lawyers, spread across three offices (Philadelphia, Harrisburg, and Pittsburgh). They are experts in Medicaid, the provider of health insurance coverage for about one in five Pennsylvanians and the largest payer for

long-term care services in the community and nursing homes.

Miller-Wilson and his PHLP colleagues were very pleased Pennsylvania expanded Medicaid coverage when given the chance through the ACA. "We're in a better place than we were [in 2009] during the Great Recession because Medicaid can now cover tens of thousands of Pennsylvanians who are unfortunately losing their employer-sponsored health insurance coverage." But less of PHLP's work is focused on getting people covered, and more time is being spent challenging insurance companies to authorize medically necessary services and supports.

"Many of our clients are people — children, adults, seniors — with chronic conditions and often need in-home care," explains Miller-Wilson. "Our clients, especially during this COVID pandemic, want to live at home. They need and want assistance with activities of daily living, such as eating, bathing, or toileting." Miller-Wilson notes that many people do not realize that Medicaid pays for this type of care, and it has not ebbed because of the pandemic. "We fight to cut through

red tape and hold Medicaid managed care plans accountable," says Miller-Wilson. Especially because state policymakers have increasingly used private managed care companies to authorize, manage, and deliver medical, nursing home and home and community-based services for the Medicaid population.

When the coronavirus pandemic hit the United States, PHLP also found they had to contend with a new challenge: the digital divide. Medicaid enrollees are more likely to rely on public transportation and may not have the technologies necessary to engage in telemedicine. Some lack laptops and smartphones. Others live in rural locales where they do not have enough bandwidth.

Miller-Wilson would like to see a compassionate health insurance system that protects the most vulnerable. "We've been such on the defense since the passage of the ACA, which was really a modest expansion of health insurance coverage. It was not single payer. I would like to get to a place of normalcy, where we do not have as many attacks on the coverage. I am especially worried about Medicaid getting demonized for its spending. While it may sound attractive to reduce Medicaid funding, people with profound disabilities will suffer if Medicaid is not valued and prioritized. "

"I often hear, 'you need to work for your insurance, nothing is free,'" he continues. "Or 'you need to show you are looking for work, and if you can't find work, then there should be time limits to Medicaid.' This approach, where you're holding health insurance hostage for work, is something we need to overcome. It really is anathema to how we should think about health insurance coverage in the United States. Healthcare from employment."





A Long-Term Community-Wide Initiative to Achieve Racial Justice

The *Penn Law Journal* recently had a long conversation with **Arlene Rivera Finkelstein**, Associate Dean for Equity & Justice, and newly appointed Chief Diversity, Equity, and Inclusion (DEI) Officer for the Law School, about the school's efforts to foster increased diversity, equity, and inclusion.

Dean Ted Ruger has written that the Law School has much work to do to help our law school become an anti-racist institution. What does that work entail?

Our efforts involve students, staff, faculty and alumni, as we believe it is our shared responsibility to advance equity and justice. We have to review longstanding programs to make sure we are really drilling down on inequity in how we teach the law and how we as lawyers do the work that we do. It goes to our building, even the images in the spaces that we live and work in every day. The dean has convened a committee, chaired by Professor Sally Gordon, to review all the iconography, some of which has a really troubling history and understandably causes distress to members of our community. We'll think about how we can instead elevate images that advance equity and inclusion.

In addition, we've created new scholarships focused on acknowledging the legacy of Dr. Sadie Mosell Tanner Alexander ED'18, G'21, L'27 the first Black woman to graduate from the Law School. These scholarships will be awarded to members of the Fall 2021 incoming class. We are also increasing financial support for all students who are facing additional hardship, and we have launched really important conversations on advancing racial justice. We announced many of these initiatives this past summer and immediately took steps to start actualizing our vision. We anticipate continuing to take more steps progressively. This is in addition to our continued efforts to increase the diversity of our faculty, staff, and students, as well as our efforts to evaluate ourselves as an employer through an equity and inclusion lens.

What are the metrics for a more diverse staff, faculty and student body?

Metrics matter. We can't improve upon what we're not measuring. On the student side, we've already come a long way, but we have more work to do. The dean has done incredible work to diversify our faculty. We're leading the pack among our peer

schools. But there is more work to do. Regarding staff, there's an understandable desire to make sure that we're the most equitable and inclusive employer that we can be. That means taking a hard look at the diversity of our teams and how we recognize and value staff contributions. We also have to review salary levels across departments and the entire Law School. Our goal is to ensure inclusive excellence as an employer.

Does the Law School intend to develop and offer more seminars on various facets of racial inequality?

Yes. This year there are courses on voting rights, diversity in the legal profession, law and inequality. In addition, former head of the NAACP, Benjamin Jealous, is teaching a course on leadership and Miguel Willis, founder of A2J, is teaching a novel course on leveraging technology to fill gaps in access to justice. Additionally, the Law School is considering a range of ideas on how to make the study of racial justice a requirement for every law student. One idea is to incorporate a racial justice module into the law school's ongoing—and required—Professional Responsibility course. A committee that will include faculty, staff, students, and alumni will convene this year and release recommendations that we hope to be able to implement in the next school year.

Why is it important for a law school to address the mounting civil rights crisis?

Our society is experiencing a reckoning with racial justice that is nothing like anything many of us have ever seen. And it is of particular note for us in a law school and in the legal profession because, quite frankly, the law has been instrumental in supporting a lot of the inequities that we are trying to dismantle now. We have to acknowledge that the same Constitution that guaranteed individuals a right to a lawyer also propped up slavery. Lawyers need to pay particular attention to how the law can be both a sword and a shield.

We want to be more engaged in helping our students see how they can be advocates to change systems that are unjust, how

they absolutely have to understand and appreciate the role that law has played in upholding systems of inequity, and how they have a special responsibility as lawyers to work diligently to disrupt those systems of inequity. Accordingly, orientation this year featured for the first time a discussion on law and inequality. The panel included Professors Karen Tani L'07, PhD'11 and Shaun Ossei-Owusu, who will co-teach a course on Law and Inequality in Spring 2021. We hope to find additional ways for our community to examine and address systemic racism going forward.

Discuss the increased support for high school and college students who aspire to become lawyers.

People of color are historically engaged in the practice of law at far lower numbers proportionately than their white counterparts. For many, it's a pipeline issue. There are fewer people of color in college and therefore fewer people of color attend law school. What we have to do is reinvigorate that pipeline and help students see that there is a place in the law for them, and that we welcome them to the legal profession by knocking down the many barriers that keep so many members of BIPOC communities out of higher education in general and law school in particular. We have a number of existing programs for both high school and college students. Our goal is to expand those existing initiatives and award scholarships to make it as feasible as possible for more students to participate in those programs.

Please explain the yearlong colloquium titled *Achieving Racial Justice*.

The colloquium was born out of the crisis, the reckoning that emerged after George Floyd's killing. We were immediately responsive to the grief and rage that our community felt, hosting an online vigil for our community. We also knew that we as an academic institution needed to devote time and expertise to convening really critical conversations about these issues, not just rehashing old problems, but really diving deeply into solution-oriented conversations

on how to advance racial justice. This colloquium has been a wonderful opportunity for collaboration between the Office of Equity & Inclusion, the Toll Public Interest Center, and the Quattrone Center for the Fair Administration of Justice. In addition, we see this forum as an opportunity to elevate the work of our alumni in this space.

Where do you go from here once the colloquium ends?

Racism is so deeply woven into the complex history of this country that I suspect that the conversations will continue to grow and evolve and change. Advancing anti-racism is hard work. The current systems of inequity and oppression didn't happen overnight, and they won't be dismantled overnight. It's like the Law School's commitment to social justice. That's been with us for more than 30 years. Our students have focused on different initiatives over the decades, but it's deeply woven into the fabric of our institution. The commitment to racial justice lives alongside that, as it is fundamental to the pursuit of justice overall—criminal justice, economic justice, education reform, environmental justice, health equity, and the continued pursuit of civil and political rights.

How will the outside world recognize the ongoing changes taking place at the Law School in this area?

If diversity, equity, inclusion and anti-racism are part of our core values alongside the pursuit of social justice, it infuses everything we do. It's in how we talk, how we work, how we learn, who we are, what we look like. And everything we say and do reflects those values. It's on our website. It's in the diversity of our class. It's in the diversity of our faculty and staff. It's in the educational programs. It's in the thought leadership. Everything we do in the law school is with the purpose of bringing it out into the world and into the legal profession. Our institution strives to transform the legal profession. When we do better, the professions our students enter do better, and the leaders who launch their careers here make the world a better place. ♥

ONE GIANT LEAP

For Mike Gold,
a Law Degree
Served as a
Launching Pad
to NASA. And
it's Been a Blast.

By Larry Teitelbaum





Math is alien to Mike Gold L'98,

even though his mother was a math teacher. His aversion to integers and null sets placed a stumbling block in his path to a career in the aerospace industry, so he found a warp in the space-time field: law school.

And that was his intergalactic ticket, a stairway, if not to heaven, then to his dream job at NASA, where he landed last year after years with commercial aerospace companies. “I wouldn’t have my career without my JD,” he said. “It has helped open up a number of doors to me... It was the way I got into aerospace.”

Gold is Acting Associate Administrator for NASA’s Office of International and Interagency Relations in Washington, DC, a job in which he serves as NASA’s top diplomat. He also provides strategic direction to the Office of General Counsel and supports commercial initiatives.

Gold envisions a golden era for space exploration. One where the Cold War recedes and where the space race resembles more of a relay than purely a global competition for solar system supremacy. He sees a wondrous expansion of human possibility with crewed missions to Mars. He visualizes leaps in quantum technology that will aid space travel and benefit society. And he believes in a world where, figuratively speaking, we turn swords into ploughshares ... because he’s seen it.

A Star Trek devotee who comes in peace, Gold led the drafting of the Artemis Accords, a vehicle designed to

prevent conflict and create harmony in space. The principles of the Artemis Accords were publicly announced in May. The Accords establish a new framework for international comity in space. The Artemis Accords set forth principles that govern how sovereign states and commercial companies operate in space and on the moon, creating so-called “safety zones,” a perimeter of sorts that keeps countries out of each other’s way. The pact also calls for transparent sharing of information.

The accords are timely as the US and mankind gears up for renewed missions to the moon and eventually to Mars. As a prelude, a demonstration launch on May 30 took an American crew to the International Space Station—which is celebrating its 20th anniversary of continuous operation—to test the safety of the capsule, the first built by a private company, SpaceX, founded by Tesla’s Elon Musk. It was the first launch from US soil in 9 years.

The goal is to put another man or woman on the moon by 2024, Gold said. Along the way, he said, astronauts must learn to acclimate to long periods in space because it will take at least 7 months to a year to reach Mars, as opposed to a week or so to go to the moon. According to Gold, astronauts will conduct future lunar operations while living aboard Gateway, which NASA describes as an “orbital outpost” and “staging point for deep space exploration.” Gateway will contain a science lab

for research and ports for visiting spacecraft. (Gold's former employer, Maxar Technologies, is building a component of the Gateway.)

Gold called the Gateway missions a “dress rehearsal” for Mars. “Mars is such an ambitious program that we need this step to gain experience with the biology and technology and all of the systems in order to mount that historic first human mission to Mars ... Going to Mars is critical to make humanity a multi-planet species, to push forward the frontier of what's possible. The scientific discoveries, the potential that awaits us in the solar system are unimaginable, and that all begins with Mars.”

Over the summer NASA deployed a new rover, named Perseverance, to prowl the Red Planet's rocks and craters. Gold said he expects a crew to land on Mars, whose extreme weather he described as “worse than a summer in DC,” in the 2030s. “We hope to find signs of life in the soil and in the water ice ... That would teach us a lot about who we are and the development of life on Earth.”

Gold effectively launched his career when he was a child.

Two forces propelled him: his home state and his lineage.

He grew up on an Indian reservation in Montana where his father was a soil scientist for the US Bureau of Indian Affairs. Years later Gold remembers the wonders of stargazing in such an unspoiled environment. “High definition” is how he describes Montana's sky. “What you see when you look up in Montana is extraordinary, and it inspires an awe that has driven me my entire life.”

He also inherited his family's rich tradition of space service. His mother, Florence, works as a contractor in her home region of Montana called High Schools United with NASA to Create Hardware (HUNCH), an extracurricular school program in which her students design and fabricate products used by the federal space agency. His grandfather, a self-taught engineer, tested the radio equipment that the Apollo astronauts used to communicate with mission control in Houston.

One of the first books he checked out of the library was an operation manual for the Columbia Space Shuttle. No surprise then that he became an ardent Star Trek fan in his youth. He remembers watching the show on a small black and white television. He found the show's depiction of technology in the service of a peaceful future compelling.

Still, in Star Trek-speak, he needed a portal into the profession. His struggles with math and science precluded a career as a scientist. Enter Penn Law.

After his 1L year, Gold spent the summer working at NASA's Langley Research Center in Virginia, which, among other things, develops technology for space exploration. He conducted research on a wide variety of space-related issues. During the latter part of his 1L year, he initiated an earthly project, serving as Co-Founder

“MIKE WAS UNBELIEVABLY DYNAMIC, REMARKABLY OPTIMISTIC, SUPER SMART. AND MY EXPERIENCE WITH HIM IS THAT HE'S ALWAYS WELL-PREPARED AND ALWAYS WILLING TO DO MORE WORK IF HE NEEDS TO.”

Gary Clinton

Former Dean of Students

and Coordinating Editor of the *Journal of Constitutional Law*. Gold believed there should be a publication in the nation's birthplace dedicated to the Constitution.

The first issue was published in 1998. At the time, according to press coverage, it was the only student-run constitutional law publication in the Ivy League, and one of the few in the country. Then-Philadelphia Mayor Ed Rendell C'65 attended the office opening.

Former Dean of Students Gary Clinton, who helped Gold get the project off the ground, said a new student journal was a rare event. A new magazine, he said, required intellectual support from faculty and others, the promise of high-quality articles and an infusion of resources. Clinton pitched Dean Colin Diver because he thought the publication had promise and could succeed with Gold at the helm.

“Most students would be ‘whoa, too much work, I can't do that,’” Clinton said. “But Mike, he would take things on ... That was a big mountain to climb and he climbed it ... Mike was unbelievably dynamic, remarkably optimistic, super smart. And my experience with him is that he's always well-prepared and always willing to do more work if he needs to.”

Journal Co-Founder Kane Koo ENG'91, L'98, a contract attorney who does electronic discovery, still talks with Gold every week. Calling him a gifted manager who could work with a range of personalities, Koo said of Gold: “Mike is pretty good at seeing the big picture, the 10,000-foot view. You don't really get the sense that he

thinks he's smarter than you, even though he might be."

The Civil Practice Clinic also figured prominently in Gold's law school experience. As he tells it, he memorably defended nuns who were running a halfway house for drug addicts that the City of Philadelphia wanted to shut down. He was nearly arrested when he and the nuns stood in front of the bulldozers and defied the city. "I said, 'Look, you can bulldoze me and the nuns and everyone will watch that on television, or we can try to find a path forward that works for all of us,'" Gold recalled. The standoff yielded a compromise in which the authorities put a lock on the building to keep the residents in place but gave the nuns a key so they could continue their work, Gold said.

As it turns out, the Clinic is where Gold met his future wife, Meredith Francis C'94, L'97, a Deputy Director at the US Food and Drug Administration. They were a geographic version of *Men Are From Mars, Women Are From Venus*. She grew up in New Jersey and he in the Mountain West. They settled in neutral territory in the nation's capital, where a career turning point came when Gold joined Bigelow Aerospace, one of his clients at Patton Boggs.

Bigelow aligned with Gold's entrepreneurial instincts. Founded by Robert T. Bigelow, owner of the Budget Suites of America hotel chain, the company endeavored to join a budding initiative to have commercial enterprises, rather than the government, build spacecraft for NASA and create a new industry.

Gold founded the company's Washington office. The company saw potential—and a large revenue stream—in the development of inflatable space stations, which could run nearly \$400 million per year in rental fees for a six-person module, according to a story in *The New York Times*. In 2006 and 2007, Bigelow successfully launched, respectively, Genesis I and Genesis II, to test their durability. (The inflatable modules, made of material that is as hard as steel, are constructed to weather radiation in space and serve as human habitats on long journeys to the moon and Mars.)

During his 12 years with Bigelow, Gold in effect sent himself to Siberia, where he worked with Russians on a kind of DIY project: the launch of a prototype spacecraft. Bigelow's Russian partners removed an old warhead from a nuclear missile and replaced it with a faring, a nose cone that is used to protect spacecraft during a launch through the atmosphere, Gold said.

"It was extraordinary for me as a child of the Cold War to, as an adult, be taking these weapons of war that we once feared and using them for peaceful space exploration," Gold said.

Four years ago, Gold jumped from Bigelow to Maxar Technologies to oversee the aerospace company's burgeoning US government business. He served as Vice President for Civil Space and as a liaison to NASA. That

and his appointment to the NASA Advisory Council in 2018 put him on NASA's radar.

Gold said he knew he had to work at the agency when NASA Administrator Jim Bridenstine accepted his invitation to speak at Awesome Con, the DC version of Comicon, a renowned annual gathering of science fiction and pop culture fans. "Neil Armstrong was the first man on the moon, but Jim Bridenstine was the first NASA administrator to address Comicon," Gold joked.

Like Gold, Bridenstine sees Comicon as a source of engagement and potential recruiting ground for the next generation of NASA explorers, scientists, engineers, and mathematicians. Bridenstine, a Star Wars devotee, said he enthusiastically accepted the invitation from "probably the greatest Star Trek fan of all time" whom he described as "masterful at navigating the complexities that accompany legal and international work. He uses his charisma and genuine passion for space to bring people together."

He continued, "Mike believes in the work we're doing at NASA. There are very few people I've come across during my career that put as much effort into their job as Mike. He loves serving the country, and he knows that the objectives we are trying to achieve will not only improve the lives of Americans, but all of humanity."

Gold's portfolio at NASA keeps him busy. He said he consistently puts in 13- to 14-hour days. There is no end to the work which involves on a given day: collaborative discussions with other federal agencies and departments; exploring ways to bolster planetary defense to protect the Earth from asteroids; devising legal regimes for the exploration and use of space resources; and putting together, in his words, the most diverse coalition in the history of human spaceflight and, via the Artemis Accords, creating international norms for missions to the moon and Mars.

According to Gold, the expertise involved and the level of work that NASA undertakes is broad and challenging. "People focus a lot on the technical issues, and those are important and those are difficult, but I truly believe that it's the political, the financial, the legal issues that are some of the most intransigent in the space world."

Since the law threads through politics and finance, a law degree is critical, said Gold, explaining that space law is an amalgam of traditional areas of law such as contracts and international law. A legal background, he said, helps him navigate the web of government regulations that govern aerospace and NASA, as well as the mechanics of government contracting and procurement and the interaction of international treaties and domestic law.

Gold compares the space program to the Lewis and Clark expedition. The explorers discovered hundreds of species of plants and mammals, advanced the art of cartography and described the course of the Missouri River. Notable to Gold, Lewis and Clark also came upon



Mike Gold '98, top diplomat at NASA, has his hands full during the opening of the space agency in the United Arab Emirates.

Montana, which, he said, owes its existence to the “indomitable American desire to discover new lands.”

The principle of Manifest Destiny thrives at NASA, which is driven to explore the frontiers of space and, in the modern era, adopt new technology. Gold foresees a quantum revolution: quantum computing, quantum encryption, and quantum sensors to further understanding of the environment in space. Innovation has always been core to NASA’s mission, said Gold, adding that the agency should continue to pursue SpaceX-like public-private-sector investments to bolster the US economy and to maintain American leadership in the final frontier.

Like Lewis and Clark, NASA has made, and will continue to make, a vast contribution to humanity’s storehouse of knowledge. Scientists previously thought the moon was bone dry, Gold said. But further exploration revealed vast amounts of frozen water in which hydrogen can be isolated and converted to rocket fuel. That act of discovery, and the concomitant sense of awe, should continue to fuel American pride in the space program, especially in hard times, he said.

“I think at a time when a virus is creating fear and separation that we answer with courage and

perseverance,” said Gold, perhaps encapsulating NASA’s most important mission in the pandemic age. “NASA and space exploration have never been more relevant and more important to society than at this very moment.”

In the 1960s and 1970s, American astronauts became heroes. The whole nation gathered around television sets in school and at home to watch John Glenn orbit the Earth and to listen to Neil Armstrong’s immortal words: “One small step for man, one giant leap for mankind.”

NASA lifts spirits and powers national pride. For more than half a century, it has knit together a sometimes-riven country, standing as an enduring symbol of the country’s can-do ethos, a bright star in the American firmament. But Gold considers NASA’s glorious past a warm-up act for what’s to come for the legendary agency, for the American people and for the world.

“We’re literally just beginning,” Gold said. “We have far more ahead of us that will dwarf even the Agency’s past accomplishments.” ♥

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.

THE INFLUENCERS

PENN LAW CENTERS AND INSTITUTES

Center for Ethics & the Rule of Law

Fourteen students participated in the virtual CERL internship program this past summer, which prepares law and graduate-level students for a national security career.

Summer internship projects comprised research, writing, and other projects stemming from the subject matter of future CERL conferences and current critical national security and governance issues that demand CERL's immediate attention and action. Each intern served on teams that examined the ethical and rule of law issues in the areas of 2020 election security, nuclear threat escalation, U.S. violent extremism, today's Department of Justice policies and practices, Arctic climate change, state and federal COVID-19 response, and lasting damage to the rule of law caused by the CIA's illegal post-9/11 torture program. The students researched and wrote memoranda, reports, and blog articles for CERL's blog, *The Rule of Law Post*.

Throughout the internship, leading authorities in national security made virtual presentations on topics related to the curriculum and engaged with the interns in free-flowing dialogue.

Center for Tax Law & Policy

The Center for Tax Law and Policy remains at the forefront of serious research on the most important and challenging tax policy questions of the day. Two issues dominated the landscape during most of 2020: the Tax Cuts and Jobs Act of 2017 (TCJA), which rewrote significant portions of the U.S. tax code, and bold proposals floated by major Presidential candidates concerning the taxation of wealth. Center scholars have written on both these topics. Founding Co-Director Chris Sanchirico, for instance, recently published two seminal articles in the field's leading faculty-edited journal on key provisions of the TCJA, one aimed at incentivizing exports, and the other at curbing profit-shifting. Moreover, Sanchirico's paper on the growth and equity effects of taxing capital and wealth—a critical analysis of oft-cited economic models—is forthcoming in another leading faculty-edited journal. Copies of these and other tax policy papers are available for download at the Center's website.

Center for Technology, Innovation & Competition

The CTIC has been awarded a \$350,000 grant from the John S. and James L. Knight Foundation to support research into the economics of digital services. The goal is to provide a better understanding of technology companies whose business models are predicated on access to user data. The resulting contributions should provide an evidence-based foundation that will help inform the proper scope of antitrust enforcement and regulatory intervention in two key areas. The first is digital platforms' greater reliance on algorithms and data. The second examines the economic implications of vertical integration and other emerging business models employed by tech companies. The project will be an interdisciplinary effort that leverages the expertise in Penn's Law, Engineering, Wharton, and Annenberg schools and its Department of Economics.

Institute for Law and Economics

The Institute for Law and Economics (ILE) makes significant contributions to scholarship, policy, and practice on important issues facing corporations today. ILE, a joint research center of Penn Law, the Wharton School, and the Department of Economics, brings together lawyers, business leaders, investors, bankers, judges, policymakers, and academics for programs on cutting-edge issues in business, governance, and corporate and securities law. This fall, ILE programs included a public program on securities enforcement with SEC Chairman and Law School alumnus Jay Clayton ENG'88, L'93, panel discussions about virtual shareholder meetings, ESG mutual funds, and MAE disputes in mergers, a moderated conversation on venture capital and entrepreneurship with Scott Kupor, Managing Partner of Andreessen Horowitz, and programs on allyship and corporate governance and racial equity. In December, ILE will host a roundtable with leading scholars and practitioners on IPOs and developments in the capital markets.

Institute for Law & Philosophy

The ILP's principal activities—workshops and conferences—were put on hold by the pandemic. When life returns to near-normal, the ILP intends to resume a full slate of programming, including hosting the next annual meeting of the Analytic Legal Philosophy Conference (the ALPC). The ALPC is the discipline's major annual event, featuring rigorous Q and A on five works-in-progress written by ALPC members, a leading philosopher whose work intersects analytical jurisprudence, and a junior scholar whose paper is selected from a blind call for papers. This academic year, the ILP welcomes Kimberly Kessler Ferzan L'95 as a new Co-Director. Ferzan, a graduate of the law school, whose love of criminal law theory was inspired by her courses at Penn Law, joins the Law School from the University of Virginia. Ferzan is Co-Editor-in-Chief of *Law and Philosophy* and the current Chair of the AALS Jurisprudence Section.

The Legal History Consortium

The Legal History Consortium re-launched its Legal History Workshop series this fall, bringing to our (virtual) campus top scholars and exciting new work in the field. Using a legal-historical lens, our speakers will explore such urgent topics as reproductive justice, protection for “whistleblowers,” enforcement of voting rights, police authority and violence, and the meaning of citizenship. The Consortium also continues to support a growing community of legal historians at or around Penn, through its informal writing workshop.

Penn Program on Documentaries & the Law

Throughout its history, the Documentaries & the Law Program has produced advocacy videos addressing important social justice problems arising in both criminal and civil contexts. Redemption stories and parole eligibility for lifers remains on the agenda in the coming year. There will also

be a focus on stories involving economic issues. In the pipeline of student-produced work are videos on the tax abatement controversy in Philadelphia and Penn Law BLSA's public service project comparing black reparations movements in the US and Brazil, which took students to Rio. The Program will also look at the impact of unsolicited “We Buy Homes” offers on West Philadelphia residents.

Penn Program on Regulation

The Penn Program on Regulation is undertaking the first book-length study that systematically investigates the relationship between regulation and inequality in the United States. The editors of *The Regulatory Review* are also at work on a forthcoming series on race and regulation that will feature voices from Black scholars and non-Black scholars of color. As scholars and practitioners of regulation have much more to learn about how systems of rules can both reinforce and resist institutionalized racism, the Penn Program on Regulation is committed to listening to Black people and learning from their experiences to understand better how to improve the management of regulatory and law enforcement organizations to breakdown historic patterns of oppression.

Quattrone Center for the Fair Administration of Justice

The Quattrone Center is coordinating a review of public safety on the Penn campus. The goal of the review is to assess Penn's success in creating a physically and emotionally safe environment on campus and in the surrounding community, while treating every person with dignity and respect, and in a way that prioritizes and promotes anti-racism, racial equality, and justice. Penn's vision for the Initiative is to seek to provide an environment in which every member of the University community can experience a sense of equal belonging. ♥

CLASS NOTES

FINE PRINT

1960s

Stephen A. Cozen C'61, L'64, Founder and Chairman of Philadelphia-based Cozen O'Connor, has been recognized by *Pennsylvania Super Lawyers* in the category of General Litigation. Cozen O'Connor has 30 offices throughout the United States, the United Kingdom, and Canada. The firm has grown from just four attorneys in 1970 to its present complement of more than 750 attorneys. An accomplished litigator and counselor, Cozen is a Fellow in the

American College of Trial Lawyers, a designation held by only the most respected and experienced courtroom practitioners, a Fellow of the International Academy of Trial Lawyers, and a Senior Fellow of the Advisory Board of the Litigation Counsel of America. He is also well-recognized as a consummate strategist, an appellate advocate, and is frequently called upon for appellate advice, counsel, and oral advocacy before both state and federal appellate courts.

H. Robert Fiebach C'61, L'64, Senior Counsel in Cozen O'Connor's commercial litigation department and co-chair of the firm's legal malpractice group, has been recognized by *Pennsylvania Super Lawyers* in the category of Business Litigation. In addition to his trial experience, Fiebach is an accomplished appellate advocate. He has successfully handled many appeals within his practice areas in the Pennsylvania Superior and Supreme Courts and the U.S. Court of Appeals for the Third Circuit. He has also successfully handled appeals in the Federal Courts of Appeal for the Second and Fourth Circuits.

Dan Solin L'66, a recognized wealth advisory coach and bestselling author, has joined forces with Dynamic Advisor Solutions in a strategic partnership to offer coaching and professional marketing services to advisors across the Dynamic network to help grow their businesses. Solin is the Founder and President of Solin Strategic, LLC and Evidence Based Advisor Marketing, LLC, which provide coaching, workshops, content, design and videos

for websites and original blog articles that can be white labeled on a subscription basis, exclusively to evidence-based advisors. Dynamic Advisor Solutions works with wealth advisors to sharpen their practices.

Michael J. Kline W' 66, L'69, PAR' 98, Assistant General Counsel at Fox Rothschild LLP, was named a 2020 Professional Excellence Honoree by *The New Jersey Law Journal* in the Unsung Heroes category. The Unsung Heroes award recognizes individuals who are indispensable to the firm's daily operations. A Former Chair of the firm's Corporate Department, he now closely monitors the intake of new clients and reviews agreements into which the firm enters, including escrow agreements and HIPAA business associate agreements. He is Vice Chair of the firm's opinions committee and oversees many opinion letters relating to mergers and financing.



Ian Comisky W'71, L'74 did a webcast in June titled "Anti-Money Laundering Due Diligence and Compliance in the 2020 Landscape: Going Beyond the Horizon." Comisky is the Chair of International Compliance at Fox Rothschild LLP. He concentrates his practice in the areas of anti-money laundering compliance and complex corporate and commercial litigation. The Knowledge Group, a leading producer of regulatory focused webcasts, organized the event.

Bruce M. Ludwig L'76 of Willig, Williams & Davidson was included in the 2020 *Pennsylvania Super Lawyers* and Rising Stars. He is a skilled litigator and strategist who has served as counsel and chief negotiator for a diverse array of labor organizations and their members, representing private and public sector unions and working individuals for more than 40 years. He counsels and represents clients on numerous state and federal legal issues ranging from discrimination, civil rights, labor law, collective bargaining, internal union affairs, unemployment compensation, and wage and hour issues, and frequently collaborates with union leadership on strategic legal and non-legal planning and on vitally important organizing campaigns. Ludwig represents clients at all levels of litigation and advocates on their behalf in state and federal courts, and before various administrative bodies, boards and commissions, including the Equal Employment Opportunity Commission (EEOC), the National Labor Relations Board (NLRB), the Pennsylvania Labor Relations Board (PLRB), labor arbitrators, and the Pennsylvania Human Relations Commission (PaHRC).

Michael P. Malloy L'76, the Distinguished Professor and Scholar at the University of the Pacific McGeorge School of Law, served as a member of the organizing committee, as well as the co-host, for the 7th Annual International Conference on Business, Law, and Economics, sponsored by the Athens Institute for Education and Research. Malloy participated in online discussions of several paper

presentations on the digital environment and its varied effects on legal analysis, on asset management, and on professional education and training. On May 13, 2020, Malloy attended a virtual session of the steering committee of the UN Housing 2030 Initiative, based at the UN Offices in Geneva. The committee is in the planning stages of a study on housing affordability. Malloy, one of the principal drafters of the newly revised Policy Framework for Sustainable Real Estate Markets, was invited to participate as a member of the Real Estate Markets Advisory Group of the UN Economic Commission for Europe. Also in May, Wolters Kluwer published the third of five supplements this year for Malloy's three-volume treatise *Banking Law and Regulation*. The 244-page publication offers new and updated legislative, regulatory, and case law developments including discussion of rules governing company-run stress testing for FDIC-supervised state nonmember banks and state savings associations; the "continuous violation theory" in whistleblower complaints; the D.C. Circuit's decision in *Am. Bankers Ass'n v. Nat'l Credit Union Admin.*, remanding to the NCUA as to community charter approvals based on a Core Based Statistical Area; and, the S.D.N.Y. decision in *Vullo v. Office of the Comptroller of the Currency*, refusing to bar the comptroller from accepting national bank charter applications from fintech companies.

Jeffrey Pasek L'76, Past Chair of Cozen O'Connor's labor & employment department, has been recognized by *Pennsylvania Super Lawyers* in the category of Employment and Labor. He maintains a national practice of

representing employers in all facets of labor and employment law, including the negotiating and drafting of employment agreements for c-suite executives. Pasek has handled collective bargaining negotiations and grievance arbitrations in a variety of industries, including apparel, construction, education, entertainment, food, health care, retail, and transportation. A former management trustee of a nationwide retirement plan, he also has extensive experience in handling withdrawal liability claims involving multi-employer pension plans. An active litigator, Pasek has tried cases and argued appeals in the federal courts throughout the United States, including before the US Supreme Court.

Bernard Lee L'77, a Member of Cozen O'Connor's Real Estate group, has been recognized by The Legal Intelligencer as a 2020 Professional Excellence Award winner in the Lifetime Achievement category. This award is given to attorneys from all corners of the legal profession and the state, including jurists, office holders, and anyone else who has left an imprint on the legal history of the state during their career. Lee's practice areas include real estate development and financing, mixed-use and mixed-finance projects, construction and architect agreements, and hotel management. His clients include individual developers and joint venture partners, small and major corporations, and governmental and quasi-governmental entities. Lee has served as a Commissioner on the Philadelphia City Planning Commission. He is a past member of the executive board of the Real Property Section of the Philadelphia Bar

Association, and former President of the Barristers' Association. Bernard's recent pro bono work includes the representation of a small community church in the acquisition and financing of a building and serving as a mediator in the tenant-landlord Philadelphia Bar Association program.

Joseph C. Crawford L'79, was named a Partner at Hanglely Aronchick Segal Pudlin & Schiller. His practice focuses on general and commercial litigation. He joined Hanglely Aronchick in 2019.

Thomas Connell L'79, who spent his entire legal career at WilmerHale (and its predecessor firm) in Washington, D.C., and in London, England, has traveled the world in retirement, often on foot for great distances. After trekking 1,100 miles on two ancient pilgrimage routes in northern Spain, he published a comprehensive journal/photo book titled *Shadow of a Pilgrim: An Apostate Walks Two Caminos in Spain*. It is available on Amazon, and is described in detail at www.shadowofapilgrim.com. His practice involved trials, appeals, arbitrations (domestic and international), and mediations, and substantial pro bono work.



Larry P. Laubach L'80, Chair of the Corporate Practice Group at Cozen O'Connor, has been recognized by *Pennsylvania Super Lawyers* in the category of Mergers & Acquisitions. Laubach focuses his practice on mergers and acquisitions and general corporate and securities matters for

public and private companies in a wide variety of industries. He also serves as Vice Chair of the firm's Business Law Department.

Nina Lahoud L'81—who served over 33 years with the United Nations at headquarters and field locations, including in six peacekeeping operations in conflict-affected countries—continues her efforts to promote gender justice and to accelerate implementation of commitments made for the inclusion of women as equal partners in all UN peace support operations and peace processes. As the 20th anniversary of the UN Security Council's groundbreaking resolution 1325 (2000) on Women, Peace and Security approached on 31 October, and the Council's nine successor resolutions on this topic had not been fully implemented, she wrote an article on "What Fueled the Far-Reaching Impact of the Windhoek Declaration and Namibia Plan of Action as a Milestone for Gender Mainstreaming in UN Peace Support Operations and Where Is Implementation 20 Years Later" in the *Journal of International Peacekeeping* (Vol. 24 (2020) 1–52). In the article, she proposes that the UN Secretary-General spearhead a bold time-bound initiative to trigger accelerated implementation action of outstanding Security Council commitments in order to achieve serious progress over the next decade. In December 2018, Lahoud was appointed by the Office of the UN Secretary-General as a member of the Advisory Group to the High-Level Task Force on Financing of Gender Equality. She also serves as a member of the Board of Directors of the Stockholm-based International Legal Assistance Consortium, the Advisory Board of PassBlue, and the Global Leadership Council of Seeds of Peace.

Robert Silverman L'81, a Member at Cozen O'Connor, has been recognized by *Pennsylvania Super Lawyers* in the category of Real Estate. Silverman represents developers, lenders, and owners in a variety of sophisticated transactions, including the development, acquisition, and sale of office buildings, warehouses, shopping centers, hotels, apartment buildings, and condominiums. His practice also includes the representation of residential developers and homebuilders, and the representation of borrowers and lenders in workout and foreclosure situations. Silverman also actively participates in real estate litigation matters.

Martha Manning L'83 has been appointed Vice President, General Counsel and Secretary at Marinus Pharmaceuticals, Inc., which develops innovative therapeutics to treat orphan seizure disorders. Manning has spent more than 20 years in the life sciences sector, providing legal advice for development stage and commercial biopharma companies. Immediately prior to joining Marinus, she was Executive Vice President, General Counsel and Secretary for Achillion Pharmaceuticals, Inc., where she helped to develop and execute corporate strategy, managed corporate governance for the board of directors, and handled all legal and compliance matters.

Amy P. DeShong L'86, a Partner at Wisler Pearlstine, was interviewed on Main Line TV's show "Legal Talk with Stacy Clark" on custody, child support and alimony issues that are arising during the coronavirus pandemic. De Shong covered what parents should do to follow court orders, what to do if one parent does not cooperate with agreements due

to the pandemic, and what should be done if a parent paying alimony or child support is furloughed or laid off. De Shong is a family law attorney who counsels clients on all aspects of divorce, child custody, distribution of assets, support and alimony, as well as property settlement agreements, prenuptial agreements, cohabitation and partnership agreements, family business agreements, protection from abuse matters, and more.

Dan Guadalupe L'86, a Member of law firm Norris McLaughlin, P.A. and Co-Chair of its Litigation Law Practice Group and Diversity Committee, received the *New Jersey Law Journal* 2020 Professional Excellence Award for his leadership both within and outside of the firm. He was recognized for his efforts to educate, guide, and shape New Jersey's legal future. Guadalupe represents clients in commercial litigation and "outside" general counsel assistance with a specialty in manufacturing and distribution, business disputes, medical device companies, construction, professional liability, franchise law, arbitrations and mediations, and international matters. He is a former President of the New Jersey Hispanic Bar Association and a former General Counsel of the Hispanic National Bar Association.

Jennifer Rosato Perea L'87, Dean and Professor of Law at DePaul University College of Law, received in October the Aguila Award from the Hispanic Lawyers Association of Illinois. It is the organization's highest honor for service to the legal profession, the organization and the Latino community. She has been recognized and honored in the past for her commitment to diversity and access.



CultureNet Zooms in on New Market for the Arts in Pandemic Era

With people stuck at home and yearning for something to watch, **Curtis Jewell L'06** saw an opening. He and his business partner, filmmaker David Donnelly, rushed to market a series of virtual concerts on their online startup CultureNet (myculturenet.com).

Now that the concept has been validated by more than one million views, the two entrepreneurs have created a subscription service for the site's Netflix-style musical performances and documentaries. In addition to a related educational platform, Jewell said he hopes to have 10,000 subscribers—from individuals to families to home schooled students—by the end of the year. For a monthly fee of \$7.99, or an annual fee of \$49, subscribers get access to original content such as films, performances and a series on the arts, as well as exclusive interactive events and educational resources. The plan is to add new content every week.

"Music can help you discover the world...and to be part of a project that can bring that to more people is

really rewarding to me," Jewell said last June as he and Donnelly planned next steps to fill the void in arts events this fall, with in-person concerts and school field trips largely on hold.

Jewell has a long-held interest in music. He played the cello and the bass until high school and had tickets to the St. Louis Symphony Orchestra while in college at Washington University in St. Louis. He was a freelance music critic during law school, writing about rap and rock artists, and he restarted the Law School's then-defunct Entertainment and Sports Law Society.

Donnelly and Jewell made a connection in college and stayed in touch after graduation, Donnelly heading to California to make films and Jewell enrolling at the Law School as a Levy Scholar. Jewell, while pursuing a career as a corporate lawyer, became the producer of Donnelly's films, which were primarily about the arts and classical music.

Out of Donnelly's desire to bring artists, performances and stories to students, CultureNet was born last year with seed money in the low six figures, according to Jewell. Jewell—General Counsel at ESAB, a global business that manufactures welding equipment—brought a set of legal skills that helped structure and raise capital for the company, for whom he works primarily nights and weekends.

Back in March, CultureNet was moving along and plotting its eventual roll out. Donnelly and Jewell were planning to screen their latest movie, *Forte*, a film that challenges the popular and perhaps outdated notion of success in classical music, all over the world during 2020 and were doing so at the Kennedy Center of the Performing Arts on March 19. And then everything changed.

In concert with the changes wrought by the pandemic, CultureNet had to change, too. They offered a virtual stage to Philadelphia-based pianist Michelle Cann when her concert was canceled at Carnegie Hall and featured virtual performances by violinist Tatiana Berman and classical saxophone player Amy Dickson.

These concerts went over well with the general public and with schools. In addition to the individual subscription service, Jewell said they are offering a separate subscription package for educational institutions that includes a free virtual classroom session during which students will watch a short introductory video and a performance and then participate in a Q&A with the artist—a real opportunity, Jewell said, for "intellectual engagement." Jewell, CultureNet CEO, said he's also excited about CultureNet's lesson plans and learning resources designed with educators that can be leveraged by schools, parents, and the homeschool market.

Jewell, whose mother was a teacher, said: "We're not trying to replace arts education. Technology can really reduce barriers to access to arts and culture. We can bring a world-class musician in for a 'classroom' experience and Q&A and a concert experience that speaks to the student. We can do that just as easily in a rural area, in an underserved community," leveling at least some of the disparities between these areas and better-funded school districts.

Former Delaware Chief Justice Leo E. Strine Jr. L'88 has joined Wachtell Lipton Rosen & Katz as Of Counsel in the firm's Corporate Department, in a move that reflects his long philosophical association with firm co-founder Martin Lipton and their shared views on corporate America and social responsibility.

Strine retired on Oct. 31, 2019 from the helm of Delaware's influential and closely followed appellate court, long the final word on disputes over corporation law and the duties of companies to stockholders and investors.

During his time as Chief Justice beginning in 2014 and, previously, as Delaware's Chancellor beginning in 2011 and as Vice Chancellor in 1998, Strine became a landmark figure. He authored opinions on corporate law conduct while also guiding the wider state court system into greater involvement in the needs of Delaware's disadvantaged communities and those negotiating family law. Among his many findings was a decision in 2016 that overturned the state's death penalty because of its failure to require a unanimous jury conviction. Strine's long career on the bench was marked in part by opinions that mapped out the freedoms and limits of corporate and alternative entity conduct and contracts.

At Wachtell, Strine said his focus will be on counseling and advice to clients rather than in-court work. He said he was particularly enthused about helping clients develop good practices on employee, environmental, social and governance issues.

Strine is a Senior Fellow of the Harvard Program on Corporate Governance and an Advisor to the Institute for Law and Economics at Penn Law. From 2006 to 2019,

Strine served as the Special Judicial Consultant to the ABA's Committee on Corporate Laws and was the Special Judicial Consultant to the ABA's Committee on Mergers & Acquisitions from 2014 to 2019.

Rev. Martin de Porres Bartel, O.S.B., L'89, a monk of the Saint Vincent Archabbey for 40 years and formerly the 14th president of Saint Vincent College, has been elected the 12th Archabbot of Saint Vincent Archabbey. With his election, Archabbot Martin also becomes Chancellor of Saint Vincent College and Saint Vincent Seminary. Prior to his appointment, Rev. Bartel served as Administrator of the Diocese of Pittsburgh's MACH1 Parish Grouping, comprised of four parishes in Beaver County. The Archabbot is the spiritual head and father of Saint Vincent Archabbey, the first Benedictine monastery in the United States. The Saint Vincent monastic community is comprised of more than 150 monks in Georgia, Taiwan, and Brazil. Saint Vincent Benedictines also serve in parishes in Georgia, Virginia and Maryland in addition to parishes in the Pennsylvania dioceses of Greensburg, Altoona–Johnstown, Pittsburgh, and Erie.

Karen H. Davis L'89, PAR'16 became a Partner at Fox Rothschild. Her practice area is environmental law.

Mark Schoeller L'89 joined Conrad O'Brien as Of Counsel. He has experience in a range of commercial litigation and business matters, including contract disputes, unfair trade practices, antitrust claims and compliance, joint ventures and mergers, shareholder, dissenters' rights and securities claims, director and officer liability, consumer fraud,

franchising and business opportunity issues, restrictive covenants, intellectual property, insurance claims and coverage, False Claims Act and qui tam actions, and class actions. Schoeller practices at all levels of state and federal courts, as well as in administrative matters, private arbitrations and government investigations.



Aaron Krauss L'91, a Member of Cozen O'Connor, has been recognized by *Pennsylvania Super Lawyers* under Business Litigation. Krauss concentrates his practice on business litigation, health care litigation, labor and employment litigation, and intellectual property litigation. He tries cases in both state and federal court and before arbitration panels on behalf of companies (or officers, directors or shareholders of companies) who have disputes with other companies or shareholders. Krauss has been named one of "40 Business Leaders Under 40" by the *Philadelphia Business Journal* and as a "Lawyer on the Fast Track" in *Pennsylvania by American Lawyer Media*.

Suzanne S. Mayes L'91, Co-Chair of the Public & Project Finance Practice Group at Cozen O'Connor, has been recognized by *Pennsylvania Super Lawyers* in the category of Government Finance. Mayes focuses her practice on municipal and project finance, particularly in the areas of economic development, transportation, public works, education, senior living, and housing. She also serves as Co-Chair of the firm's Business Law Department and is a member

of the firm's Board of Directors and the Management Committee. She serves as bond counsel, underwriters' counsel, borrower's counsel, and disclosure counsel to a wide range of public, for-profit, and not-for-profit clients. She regularly acts as bond counsel for state, county, and municipal clients in Pennsylvania, New Jersey, and Delaware or as special counsel in the context of major capital projects or debt refinancings.

Todd A. Cox L'92, a former civil rights litigator and policy advocate, has been appointed Chair of the Board of Directors at Mary's Center. Cox joined the board more than three years ago. He served in the Obama Administration and has held leadership positions in philanthropy and at several social justice and civil rights organizations, including the Ford Foundation, the DC Public Defender Service, and the NAACP Legal Defense and Educational Fund, Inc. Founded in 1988, Mary's Center is a community health center that provides health care, educational, and social services to more than 60,000 individuals from more than 50 countries.

Peter Rooney L'92 has joined the New York office of Morrison & Foerster as a Partner in its market-leading Mergers & Acquisitions Group. Rooney will also play an integral role in further building out Morrison & Foerster's Private Equity practice. He brings to the firm 25 years of experience representing private equity funds and their portfolio companies, as well as other public and private companies.

Throughout his career, Rooney has frequently represented non-US. companies and investment funds, including sovereign wealth funds, from over 20

countries investing into the United States. Rooney also represents several financial services firms, including broker-dealers, securities exchanges, and trading venues. Much of this work involves matters at the convergence of technology and financial services.

Christopher Smith L'92, an attorney at Smith Anderson, was recognized by *Chambers USA* as among the top practitioners in North Carolina. He was listed for his general commercial work in litigation.

Rich Silverstein L'94 and **Debbie (Rogow) Silverstein L'94** celebrated their 25th wedding anniversary in November. They met at Penn Law. Debbie retired after 25 years at the US Bankruptcy Court. Rich is a real estate developer. They are the proud parents of three boys: Jonathan, who graduated from Michigan last year; Sam, who is playing basketball at Harvard next fall; and Noah, who is a freshman in high school.

Aliza R. Karetnick L'98 became a Partner at Ballard Spahr. Her practice focuses on intellectual property litigation, commercial litigation, retail and fashion.

Thad J. Bracegirdle L'97, a corporate litigation attorney, joined Bayard's Wilmington, Del., office as Director of the firm's Litigation Department. Bracegirdle litigates cases related to fiduciary duties, mergers and acquisitions, corporate governance and other issues on behalf of Delaware corporations and their directors and stockholders. He also has experience with disputes related to business entities governed by Delaware law.



Jonathan P. Baumstark L'01 became a Senior Partner in real estate finance at Riemer & Braunstein LLP, which specializes in the representation of financial institutions and debt and equity funds in national and regional commercial finance and real estate finance transactions. Since joining the firm as a Junior Partner in 2017, Baumstark has practiced in the firm's New York office. He represents financial institutions and other institutional clients in connection with single lender and agented, multi-lender construction, mezzanine, and permanent financing projects on a local, regional, and national basis.

Robert Wollin L'01 has been promoted to General Counsel and Secretary at MeiraGTx Holdings plc, a clinical-stage gene therapy company focused on developing potentially curative treatments for patients living with serious diseases.

Dallas Mayor Eric Johnson L'03 was recently appointed to the Pepperdine University Board of Regents. Johnson, who is also a Partner with the international law firm of Locke Lord LLP, has served on numerous civic boards, and currently sits on the Dallas/Fort Worth International Airport Board. Johnson represented the City of Dallas in the Texas House of Representatives for nearly a decade before his election as mayor of his hometown, the ninth-largest city in the United States.

Meredith C. Slawe L'05 has joined Cozen O'Connor as a Co-Chair of its national Class Actions Practice Group. Named a Shareholder, she will oversee a deep bench of experienced class action litigators. A rising star in the national class action defense bar, Slawe represents several leading businesses in their most significant class actions in state and federal courts. She is a trusted adviser to and advocate for retailers and consumer-facing businesses. She has been closely advising numerous retailers on a wide range of issues pertaining to the COVID-19 pandemic. Slawe will also co-lead the firm's Retail Industry Group.

Carlos Uriarte L'05 has been named Chief Counsel for investigations for the Subcommittee on the Coronavirus Crisis in the US House of Representatives. His prior government service includes working as Associate Deputy Attorney General at the US Department of Justice, where he was responsible for managing the department's responses to congressional investigations, overseeing internal investigations, and advising department leadership on a wide range of legal and policy issues. Uriarte also worked for the Office of the Secretary at the US Department of the Interior, House Committee on Oversight and Government Reform, Office of Rep. Judy Chu (D-CA), and the US District Court for the Eastern District of Pennsylvania, where he served as a clerk to Judge Juan R. Sanchez.

E. Taylor Brody L'06 has become a Partner at Straley Ronon Stevens & Young. Brody focuses her practice on counseling investment companies, boards of directors and investment advisers in connection with regulatory, compliance and transactional issues.

William Edward Green, Jr. L'06 has joined the Wilmington, Del., office of national corporate and litigation boutique Halloran Farkas + Kittila LLP as Counsel. Green concentrates his practice in complex corporate and commercial matters, with a particular focus on litigation in the Delaware Court of Chancery related to mergers and acquisitions, director and officer liability, stockholder suits, and business valuation matters involving Delaware corporations and limited liability companies.

Prior to joining HFK, Green served for nearly a decade in the Investor Protection Unit of the Fraud and Consumer Protection Division of the Delaware Department of Justice where he represented the state in administering and enforcing securities laws in administrative, civil, and criminal proceedings. Before that, he practiced commercial litigation focused on the internal governance of Delaware business entities at the Delaware firms Potter Anderson & Corroon, and Morris, Nichols, Arsht & Tunnel.

Matthew S. Olesh L'07 has become a Partner at Obermayer Rebmann Maxwell & Hippel. His practice areas are commercial litigation, government and public policy, labor and employment, business and finance. He joined the firm in 2019.

Mira Baylson L'08, an experienced trial attorney with deep knowledge of the federal and state courts in the Philadelphia region and a former Philadelphia public defender, has

joined Cozen O'Connor as a Shareholder. She focuses her practice on government investigations, litigation, and enforcement actions. Baylson assists businesses with their most sensitive matters, often where government investigations and enforcement actions intersect with private class action litigation. Baylson has extensive experience counseling clients on the ins and outs of government enforcement, conducting internal investigations, and interfacing with the government at both the federal and state levels. Baylson is a first chair trial lawyer with numerous jury trials under her belt. She has a deep presence in the Philadelphia legal community and works closely with local government enforcement agencies on behalf of her clients.

Omar Pringle L'08 has become a Partner in the mergers and acquisitions and private equity and buyouts practice at Morrison & Foerster in New York. Pringle joins the firm after 12 years at Freshfields Bruckhaus Deringer LLP, where he advised clients on corporate M&A and private equity transactions. He primarily worked with clients in the technology, life sciences, agricultural technology and sustainability fields. Pringle teaches a course on domestic and cross-border mergers as an adjunct professor at Columbia Law School.

Jeffrey M. Rosenfeld L'09, has become a Partner in the Philadelphia office of Blank Rome. He concentrates his practice on business tax law.



Adam Neuman: The First Chief of Staff in Big Ten Conference History

When Big Ten Conference Commissioner Kevin Warren presented **Adam Neuman LPS'17, L'18** with an opportunity to serve as his Chief of Staff, there was no hesitation.

"It wasn't one of those, 'maybe, I have to think about it' situations, it was a yes." Neuman, who had previously worked as a legal intern for NFL's Minnesota Vikings while Warren was COO, immediately recognized the once-in-a-lifetime opportunity for what it was. "It became clear that [Commissioner Warren] wanted to develop a positive and impactful movement. It wasn't going to be just about sports, but about what we can do with the platform of sports. We are trying to create a positive movement of leadership in sports where academics, athletics and social responsibility meet the challenges of our time."

The 30-year-old Chief of Staff is responsible for the internal and external operations of the Big Ten Conference, which includes 14 major universities, spanning over eleven states and nearly ten thousand student-athletes. Neuman is a liaison to its various departments, including finance, human resources, legal, and student-athlete initiatives.

In January 2020, immediately following his hiring, Neuman got to work on three of Commissioner Warren's initial initiatives for the Big Ten: financial literacy, voter registration, and mental health and wellness.

And then, well, the rest of 2020 happened.

By March, epidemiological concerns about a novel coronavirus had blossomed into a global pandemic. Neuman was tasked with, in tandem with Commissioner Warren and the Council for Presidents and Chancellors from the 14 member institutions, creating a conference-wide task force for emerging infectious diseases. The task force was formed to provide counsel and sound medical advice to ensure the health, safety and wellness of the Big Ten's students, coaches, administrators and fans. "[P]eople's lives are at stake," Neuman said. "We want to make sure that we are providing holistic help and education on all levels. Not just because they are student-athletes but because of the totality of who they are, as human beings.

In May, social justice issues re-captured national attention following the death of George Floyd in Minneapolis. As citizens spoke out against police brutality across the country throughout the summer, alongside Commissioner Warren, Neuman embraced a critical role in a conference-wide effort to combat racism. Uniting student-athletes, coaches, athletic directors, chancellors, and presidents, the coalition is currently working with existing diversity councils on the various campuses to inform students about their rights to free speech and peaceful protest as they seek to bring about meaningful change.

And then, in September, when the task force of emerging infectious diseases and the medical subcommittee of the Return to Competition Taskforce established stringent medical protocols be met in order for close contact sports practice and competition to resume, Neuman played an important role in the negotiations with Quidel Corporation and Biodesix, Inc. to implement a comprehensive testing program among the 14 member institutions.

Throughout it all, Neuman has remained steadfast and confident, thanks to the lessons he learned as a student at Penn. Specifically, he credits Professor Leo Katz, the Frank Carano Professor of Law, and Katz's Contract Law course, with teaching him the importance of opening one's mind and seeing all possible outcomes of a case. "[Professor Katz] encouraged me and my fellow classmates in law school to really think things through and to not take things for granted, or to make assumptions. That type of mentality was most critical in all the classes I took, and for my position at the Big Ten now. I'm very grateful to have had experience that helps me on a daily basis."

And, while his university days—as a student anyway—are over, Neuman continues to be a receptive vessel to the mentors he meets and the lessons they impart. He thoughtfully recalls meeting University of Minnesota Head Football Coach PJ Fleck in the weeks before the pandemic.

"Coach Fleck told us about his idea of 'FAMILY,' F-A-M-I-L-Y, and it stood for 'forget about me, I love you.' I thought that it was a very powerful message," Neuman said. "It's about putting people first, and not your own self-interests. That is something that definitely exists at the Big Ten, that continues to be nurtured, and it is something that I look for in all of my professional relationships. Putting people first."

Inna Zaltsman L'09, has become a Partner in the Philadelphia office of Blank Rome. She concentrates her practice on corporate and business law.



Lee Barnard L'10 has been named Vice President and Senior Counsel at Venerable, a privately held company with experience in successfully building and growing insurance businesses with patient, long-term capital. Barnard will focus on general corporate matters, as well as support the organization's Investment Operations, Investment Management, and Finance teams. Barnard has broad experience in corporate transactions, securities and corporate governance matters, board and investor relations, and regulatory and government affairs. He has significant experience at a domestic and international level and has spent the last 5 years with Franklin Square Holdings, L.P., most recently as Executive Director and Assistant General Counsel.

Allison DeLaurentis L'10 has become a Partner at Pepper Hamilton. She concentrates her practice on white collar litigation and investigations and health sciences.

Abby J. Sher L'10, a Member in Cozen O'Connor's global insurance department, has been recognized as a *Pennsylvania Super Lawyers* Rising Star in the category of Insurance Coverage. She advises clients on issues arising under claims-made insurance policies, with a particular emphasis on managed care liability policies,

medical malpractice policies, and life sciences policies. Sher's representative cases involve sexual misconduct claims, opioid litigation, bad faith considerations, and risk retention mechanisms under professional liability and general liability insurance policies. She also has experience counseling clients in the first-party context, providing advice to clients on arson and fraud claims and providing analyses of claims handling obligations in the wake of catastrophic losses, including Superstorm Sandy and Hurricane Irene.

Jennifer Brandt L'11 has been recognized by *Pennsylvania Super Lawyers* in the category of Family Law. She is Chair of Cozen O'Connor's Family Law group. She has significant experience representing parties in divorce, custody, and support/alimony matters throughout both Pennsylvania and New Jersey. She assists parties with paternity issues, adoptions, and matters concerning assisted reproduction technology. She also negotiates prenuptial, post-nuptial and cohabitation agreements and mediates and arbitrates family law cases.

Leeza Garber L'11 was featured on the cover of *Advisors* magazine. She spoke about cybersecurity during the pandemic. An attorney, Garber is an adjunct law professor at Drexel University's Kline School of Law with a focus on information privacy, and teaches at The Wharton School, University of Pennsylvania as a part-time lecturer on Internet Law, Privacy and Cybersecurity.

Robin Weiss C'07, L'11 joined Conrad O'Brien as a Litigation Associate. Weiss' practice involves commercial litigation, where she represents clients in a range of commercial litigation

matters, such as construction disputes and breach of contract matters. She also focuses on professional liability matters, where she represents firms and attorneys in legal malpractice matters and physicians and hospitals in medical malpractice disputes.

Harper Seldin C'11, L'14, an Associate at Cozen O'Connor, has been named a *Pennsylvania Super Lawyers* Rising Star under Business Litigation. Seldin focuses his practice on business litigation, commercial disputes, and complex litigation. He has significant experience representing large public and privately held corporations in contract disputes in federal and state court. His substantial pro bono work includes civil rights litigation in federal court on behalf of transgender public school students. Seldin is a Buchholz Fellow for the Committee of Seventy, an independent and nonpartisan advocate for better government in Philadelphia and Pennsylvania. He is also a member of the Toll Public Interest Center Advisory Board and the Law Alumni Society Board of Managers at Penn Law. He is a member of the governing board for the Youth Sentencing & Reentry Project, which works for juvenile justice and policy reform. His published legal scholarship focuses on child welfare. ♥

McCreight Plumbs the Secrets of Marriage in Latest Thriller

Visiting Rikers Island in person was eye-opening.

“It was definitely illuminating,” said **Kimberly McCreight L’98**. “I was really glad I had the opportunity. Without having been there myself, I don’t think I could have written about it with nearly as much conviction.”

The prime suspect in McCreight’s latest thriller, *A Good Marriage*, spends the entirety of the novel at the notorious New York prison complex. The story opens with a prison phone call to the main character, Lizzie, who happens to be a Penn Law alumna and Big Law attorney in New York.

A Good Marriage, published this summer by Harper Books and optioned by Amazon, was McCreight’s first stab at a legal thriller and has been received with acclaim: Big names including *The Washington Post*, *Kirkus Reviews* and *Publishers Weekly* heaped on the praise. This is McCreight’s sixth work of fiction.

She said her own experiences from law school and as a Big Law attorney in New York largely shaped the legal aspects of the plot. “I could not have written this book without having been a lawyer,” she said.

McCreight also consulted a host of experts in criminal law and shadowed a criminal defense attorney, whom she accompanied to Rikers.

She couples the novel’s legal themes with an examination into what exactly makes a good marriage, as protagonist Lizzie becomes embroiled in a murder investigation involving several married couples and as her own halcyon life crumbles. The plot revolves around an acquaintance seeking her help after his wife’s body is found following a raucous, high-society party in Brooklyn’s idyllic Park Slope neighborhood.

McCreight said she chose marriage as a central theme because she finds the topic intriguing. “Marriage in general is a very mysterious institution — nobody knows the real truth about what goes on in anybody else’s marriage,” said McCreight, who is married and has two daughters. “I liked the idea of secrets a couple keeps from the world.” Her book, she said, challenges some prevailing notions of marriage and asserts that what

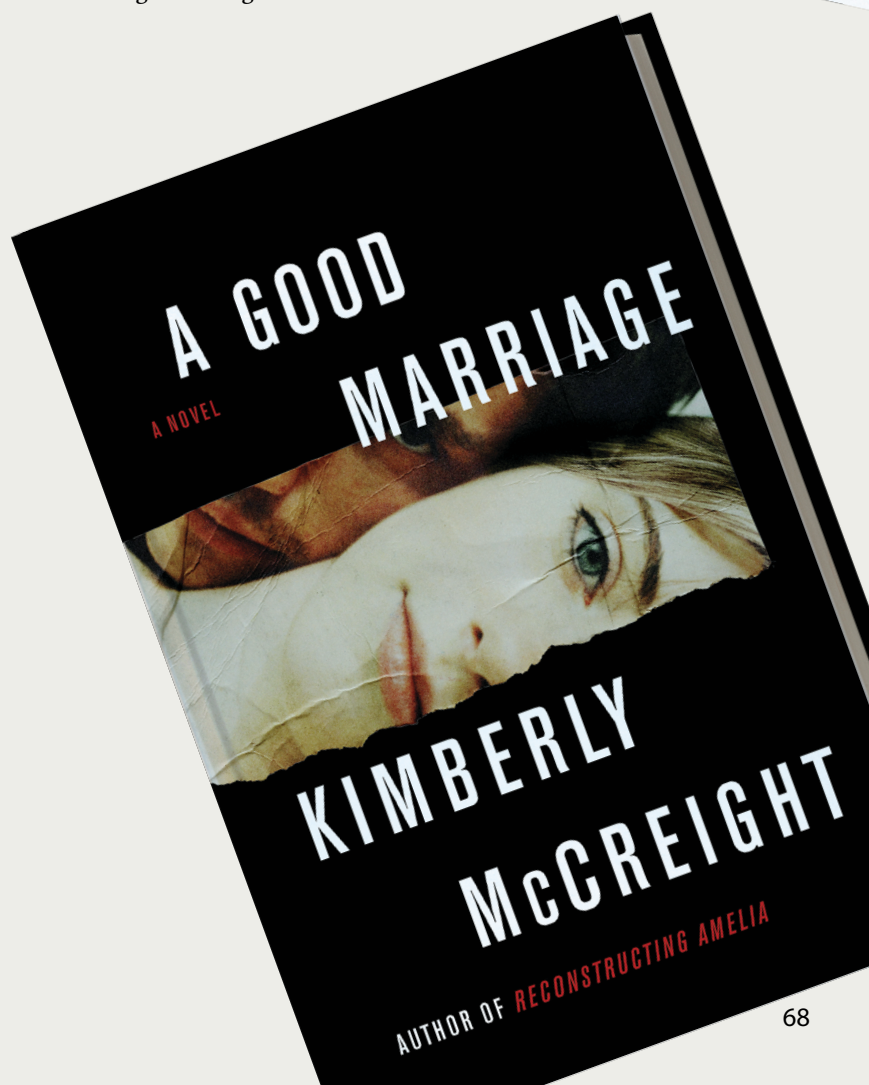
can be considered “good” is not always black and white.

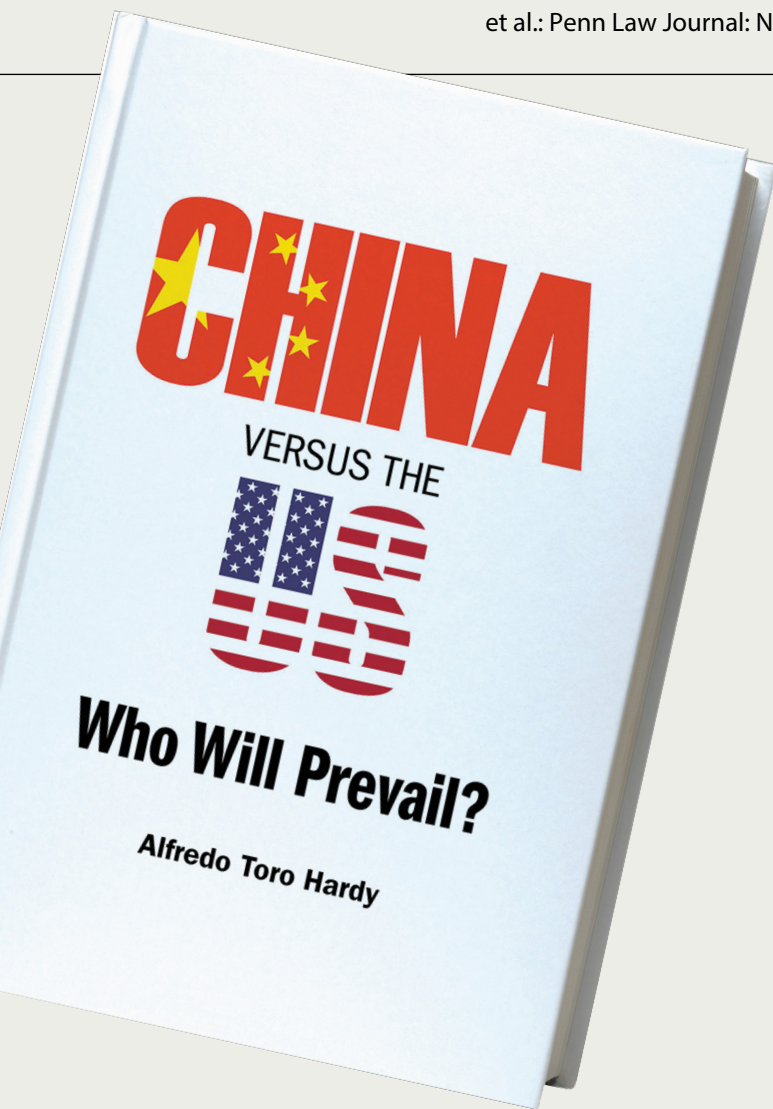
Additionally, McCreight said she is excited that Nicole Kidman, along with her producing partner at Blossom Films, Per Saari, is slated to executive produce the Amazon series depicting the novel. The adaptation is to be written by David Farr, who has also adapted popular shows “Hanna” and “The Night Manager.”

“I trust them completely,” she said. “And I have unreserved confidence that they’ll make an incredible adaptation. I just can’t wait to see it.”

She does plan to pen a sequel to *A Good Marriage*, but she’s currently working on a new thriller about a group of Brooklynites vacationing in the Catskills who run afoul of the locals. Called *Friends Like These* it’s slated to be published in June 2021.

“Lately, I’ve been at my desk 14 hours a day,” McCreight said, adding that while she loves it, novel writing can be arduous. “Sometimes, I work more hours than I did as a lawyer,” she quipped. “And the process can be harrowing. My books work like puzzles that I am both trying to create and solve at the same time. Often it isn’t until the end of my first draft that I even fully understand what I’m trying to do. After that, it requires a lot of rewriting and rewriting and rewriting until I can be sure I’ve gotten it right.”





Is War Inevitable Between the US and China?

The United States and China are in the midst of a cold war. And while America's Cold War with the Soviet Union was characterized by conflicting ideologies, this new war, **Alfredo Toro Hardy GL'79** asserts, is based on perceptions of power on the world stage.

He explores the emerging conflict between the two countries in *China Versus the us: Who Will Prevail?* (Word Scientific), and specifically, seeks to answer two questions: has China already overstepped in its relationship with the United States, effectively jeopardizing its status as a rival superpower?, and can the US contend with China's newfound ascendancy and maintain its status as a world leader?

In his twentieth book, Toro Hardy compares the comprehensive national power of both countries by measuring both hard and soft power. These include the countries' economic, military and technological capabilities along with their aptitude in forming a coalition of other countries behind them and projecting their cultures and values globally.

Toro Hardy has studied both countries for several years and is a regular columnist for the think tank Observatory on Chinese Politics. In 2013, he wrote a book about the complex relations between China and Latin America. A native of Venezuela, Toro Hardy served in his country's public service from 1976 until he resigned in 2017 in protest of the government's authoritarianism. He served as Director of the Venezuelan Diplomatic Academy and was an Ambassador to the United States, the United Kingdom, Spain, Brazil, Chile, Ireland and Singapore. Today, Toro Hardy is a permanent resident of Canada.

Deeply familiar with global politics, Toro Hardy questions whether war is avoidable as both nations see themselves as pinnacles within human history. "This generates a very delicate situation," he said. In the book, he explores the likelihood of the United States making the first move to solidify its prevailing status, or China, the emerging aggressor, drawing first blood in an attempt to prove its power.

"It's very dangerous," Toro Hardy said of the growing tensions, explaining that whichever country is more efficient solving problems and exerting their available power could emerge in a stronger position. He argues that the United States' current divisive culture is a major disadvantage.

"Its political system is becoming increasingly dysfunctional, and, hence, unresponsive to many of the challenges that it faces," he said. "Partisan identities have... (generated) a tremendous polarization whereby two clear-cut, differentiated societies coexist side by side, demonizing each other."

The handling of the coronavirus pandemic, he said, illustrates this point. Though China is to blame for initial lack of transparency about the virus, its authoritarian response "grossly contrasts with the botched response by a divided United States," he said.

Though Toro Hardy doesn't have a dog in the fight, he believes everyone should be concerned about the outcome.

"These are worries that are not circumscribed to the us or China, but the whole world is concerned about the possibility of war emerging," he said, adding that he hopes his book brings clarity about the brewing conflict. "A cold war is here to stay for the long run, no matter who will inhabit the White House in a few months or who is in charge of Beijing."

2020

IN MEMORIAM

LEE HOLT, FORMER MEMBER OF THE BOARD OF ADVISORS AND EARLY SUPPORTER OF ILE, LEAVES RICH LEGACY AT PENN LAW WITH CREATION OF INCISIVE LECTURE SERIES

Leon “Lee” Holt, Jr. L’51, a well-traveled international businessman in the postwar period who foresaw the coming era of globalization and translated his experience into a renowned lecture series at the Law School, died on Sept. 13. He was 95.

He created the Holt Program in International Trade Law in 2007, the centerpiece of which was the Leon C. & June W. Holt Lecture in International Trade. The lectures brought a distinguished roster of speakers to campus—including the first black woman in a senior legal position at the World Bank and the former President of Mexico—and reflected Holt’s belief that students and young lawyers must become fluent in other legal cultures and gain a better understanding of the forces reshaping the world of law and the world at large.

Rangita De Silva-De Alwis, Adjunct Professor of Global Leadership at the Law School, said the Holt Lecture, for which she has in recent years convened prominent speakers, said the lecture series has put the Law School “at the epicenter of the world,

emphasizing the importance of trade relations in a new world order.”

The lectures also gave rise, she noted, to the Penn Law Policy Lab, an incubator designed to increase the representation of women in leadership. The Lab is a product of collaboration with Sandie Okoro, a former Holt speaker who is Senior Vice President and General Counsel at the World Bank Group.

“It is this kind of cross-pollination that plays to our strengths and benefits our pedagogical program,” said Ted Ruger, Dean of the Law School. “We are forever grateful to Lee Holt for his engagement in the life of the Law School. He will be remembered for his humility, his intellect, his energy and his abiding interest in the future of students who came after him.”

The lecture series punctuated Holt’s years of service to the Law School. He served on the Board of Advisors from 1985 to 1994 and as an original board member provided guidance and financial support to the Institute for Law and Economics in its formative stage.

“Lee was always a source of good advice. He taught me much of the art and science of fundraising, which was entirely new to me when I was put in the role of raising funds to support ILE,” said Michael Wachter, former William B. and Mary Barb Johnson Professor of Law and Economics and Co-Director of ILE. “Lee was a wonderful man, friend of Penn Law and ILE, and a personal friend. He will be greatly missed.”

A World War II veteran, Holt served in the Navy as a navigator and radar officer on a troop transport in both the Atlantic and Pacific theaters. He graduated from Lehigh University in 1948, earning a degree in materials



A beaming Lee Holt, Jr. L'51 hands a Penn Law diploma to his grandson, Michael Weil L'12.

science and engineering. Before his senior year, he married June W. Holt. In 1951, he graduated from the Law School, where his classmate, Judge Harold Berger EE'48, L'51, said they formed a bond as the only engineers in the class.

"He was very bright and always a perfect gentleman," said Judge Berger, Of Counsel & Managing Partner Emeritus at Berger Montague and Chair of the Law School's Friends of Biddle Law Library. "He was always exceedingly loyal to the Law School."

Following his graduation from law school, Holt practiced law with the Wall Street firm of Mudge, Stern, Williams & Tucker and then at American Oil Co. In 1957, he accepted a position at Air Products & Chemicals as an engineer/lawyer, and he and his wife settled in the Lehigh Valley in Pennsylvania to raise their family. Steadily rising through the ranks, Holt retired as Vice Chairman and Chief Administrative Officer of Air Products in 1990. He also served as Chairman of the Air Products Foundation and a Director of the VF Corporation.

Holt's tenure at Air Products fueled his desire to create the Holt Lecture. Holt joined the company shortly after the start of the Cold War, during which Air products supplied the Defense Department and NASA with liquid hydrogen missile fuels. Charged with the mission to build lasting partnerships across the globe, Holt expanded the business into Europe, Africa, and Asia, living abroad for several years. He witnessed the postwar melding of cultures, the bridging of continents through air travel, and the growing importance of international trade—all of which later served as an impetus for the Holt Lecture.

His grandson, Michael Weil L'12, attended several lectures. He said his grandfather was a Penn Law booster for as long as he can remember. "I was getting Penn Law tee shirts, hats and stuff like that since I was 5 years old," said Weill, In-House Counsel for Entercom Communications Corporation, the second largest radio station company in the United States.

When he expressed interest in law school, Weil said, his grandfather encouraged him to consider Penn. "He started sending me a million articles on Penn Law and how he enjoyed his time (there)."

Despite his success, Holt was a down-to-earth guy content to spend his retirement in his beloved Lehigh Valley and go fly fishing at his getaway in the Poconos. He made a large imprint on civic affairs, establishing the Holt Family Foundation in 1988 and the Holt Family Endowed International Internship Fund at Lehigh University. Among his many other affiliations, he helped transform the small local Lehigh Valley Hospital into the modern regional Lehigh Valley Health Network that it is today.

Weil said his grandfather lived life to the fullest. "He was one of those rare people who absolutely loved his job. He absolutely loved everything he did."

Survivors include children Deborah Holt Weil and Richard Weidner Holt; grandchildren Michael Holt Weil L'12 (Greta Richter), Stephen Holt Weil, James Richard Holt, Emily Nicole Holt, and Olivia Leigh Holt; great-grandchildren Holt Richter Weil and Ryan Hollis Weil. He was predeceased by June W. Holt, his loving wife of 70 years, and a baby granddaughter, Leigh Nicole Holt.



Nathaniel Barbera L'53, a sole practitioner for nearly 70 years, died March 10. He was 91.

After graduating from Catholic University of America and Penn Law, Mr. Barbera founded the Barbera Law Firm. He was an accomplished trial lawyer and the Past President and member of the Somerset County Bar Association.

He was also a devoted parishioner of St. Peter's Catholic Church, longtime member and supporter of the Somerset Rotary Club, past board member and Chairman of Somerset Community Hospital, and one of the founders of the Somerset County 4-H Development Fund. He was always committed to making life better for his family, friends and community. Mr. Barbera loved sharing family experiences of fishing, hunting, playing accordion and piano, in addition to spending time at the lake with his beloved children and grandchildren.

Mr. Barbera was the devoted husband of the late Anne Repetti Barbera, who preceded him in death in 2016 after 64 years of marriage. He was also preceded in death by his sisters, Virginia and Josephine.

He is survived by his brother, John; children Jeanne, Joseph, Eileen, Vincent and Theresa; many dear nieces and nephews; 30 great-grandchildren; and several more relatives. Special thanks to his longtime friends and caregivers, Carol Stoy and Margaret DeWitt.

George Stewart III L'54, a Philadelphia lawyer, died July 30. He was 91.

Mr. Stewart was a graduate of Princeton University, Penn Law and

a parishioner at St. Clement's Anglican Catholic Church. Upon his retirement at age 81, the Philadelphia Bar Association cited him "in recognition of 50 years of distinguished service," and he received an award from the City Council of Philadelphia for his decades of work for the blind.

Mr. Stewart belonged to the Orpheus Club, The Athenaeum, and the Franklin Inn. He was also a lifelong sports car and classical music enthusiast. He was remembered as a good, kind and loving man.

Mr. Stewart is survived by his wife, Mary Conway, and sons George and Edward.

David Kaufman L'55, a lifelong member of Wolf, Block, Schorr, and Solis Cohen who served as Managing Partner of the law firm, died May 26. He was 89.

Mr. Kaufman was born in Harrisburg, Pa. He graduated cum laude from Franklin and Marshall College in 1952 with a B.S. in economics. Following college, he graduated cum laude from Penn Law in 1955, where he served as Note Editor of the *University of Pennsylvania Law Review* and was honored by the Order of the Coif.

After service in the U.S Army, Mr. Kaufman joined the law firm of Wolf, Block, Schorr, and Solis Cohen, where he served as Chair of the Estates Department and Managing Partner of the firm. He was actively involved with both the Philadelphia and Pennsylvania Bar Associations, serving as Chairman of the Probate and Trust Section with each association.

Mr. Kaufman was a dedicated and deeply respected leader in his community. He served for many years as a Trustee and Board Chairman of Abington Hospital. He also had a long and distinguished career at Rodeph Shalom synagogue, serving as a Trustee from 1967 to 1969, Secretary from 1969

to 1973 and as Vice President from 1973 until becoming President in 1983.

Mr. Kaufman was involved in many other charitable activities as well, including service as President of Jewish Community Chaplaincy Service and a board member of the National Federation of Temple Brotherhoods and the Jewish Chautauqua Society. He was active in the Federation Allied Jewish Appeal and a recipient of The Myer and Rosaline Feinstein Award. He was a Trustee of the Federation of Greater Philadelphia.

As dedicated as Mr. Kaufman was to his profession and to his community, nothing exceeded his love of his family. David and his wife Ginger shared a joyous and love-filled marriage for more than 50 years. They owned a vacation house in the Outer Banks of North Carolina, where their children and grandchildren would frequently visit. They traveled extensively together, spending weekends in New York, visiting their children and grandchildren in Baltimore and California, summering in Maine, wintering in Florida and making many visits to their favorite destination overseas, London. Mr. Kaufman will be remembered as a much-beloved husband, father and grandfather, and the family hopes that David and Ginger's friends will fondly remember the joyful times they shared.

Mr. Kaufman was preceded in death by his wife, Virginia (Ginger) in 2014, and he is survived by his sons David Jr. and James, their wives and his three grandchildren.

George Miller L'56, a respected lawyer and judge, died on May 26 from complications of COVID-19. He was 89.

Mr. Miller was born in Bradford, Pa., and graduated from the Law School in 1956. He served three

years in the Army, working in the Judge Advocate Corps and rising to the rank of Captain.

He was an Associate and later a Partner with Philadelphia law firm Dechert LLP from 1958 to 1995, where he embraced environmental law and recognized that technology would be an important tool.

His daughter, Kate, said her father bought early personal computers in the 1970s and kept his foot on the technology pedal throughout his life. Gov. Tom Ridge appointed him as Chairman of the Pennsylvania Environmental Hearing Board in 1995, and Mr. Miller served until 2009.

“Judge Miller continued a tradition of scholarship and successfully led the board in establishing its website and electronic docketing system,” Chairman and Chief Judge Thomas Renwand said. “This achievement alone greatly modernized the practice of environmental law in Pennsylvania.”

Philip Osborne L'58

Mr. Osborne was a lifelong lover of the arts and was a highly accomplished photographer himself, describing his work as “mainly background pictures. They show places you might pass by or through to get to where you want to be.”

In addition to his daughters, Kate and Meg Miller Derrick, Mr. Miller is survived by son Jonathan; former wife Ann Wall Richards; and five grandchildren. He was predeceased by wife Louise and son Paul. Kate Miller is a geophysics professor at the University of Wyoming and former Dean of the College of Geosciences at Texas A&M, where she established a scholarship in her father's name.

Howard Glassman L'58, PAR'84, who practiced bankruptcy law in Philadelphia, died on May 30. He was 86.

Before attending Penn Law, Mr. Glassman earned his undergraduate degree from Pennsylvania State University. He eventually became Partner at Blank Rome and specialized in bankruptcy law.

Mr. Glassman is survived by wife Eta; daughters Sharon and Beth; sisters Arlene and Judy; and grandchildren Nicole and Aaron.

Philip Osborne L'58, a nationally renowned tax attorney for family-held businesses, died April 16.

Born in 1933 in Philadelphia, Mr. Osborne attended Friends Central School, followed by Swarthmore College. Although not born a Quaker, the Society of Friends had a big influence on him, and he considered himself a fellow traveler. After Swarthmore, Philip attended the Law School and served as an Editor of the *University of Pennsylvania Law Review*. He traveled all over the country in his work as a tax attorney and enjoyed many of the people he met.

Mr. Osborne was a lifelong lover of the arts and was a highly accomplished photographer himself. His preferred subject matter, besides his family and the area around Manchester-By-the-Sea, Mass., were shopping malls, commercial roadsides, parking lots and gas stations, things he saw plenty of during his travels. He described his work as “mainly background pictures. They show places you might pass by or through to get to where you want to be.”

Most of all he loved his family, whom he described as the light of his life. He encouraged all of them to do what they loved to do. After retiring, he enjoyed traveling with his wife, Linda, and friends throughout Europe, and by himself annually to Las Vegas and Daytona for Bike Week. He will be loved and remembered by his family and friends.

He is preceded in death by his sister, Anne Caroline. He is survived by his wife of 57 years, Linda; sons Charles and Andrew; grandchildren Catherine, Gabriel and Morgan; and Georgie the Westie, the beloved family dog. Mr. Osborne also leaves his sister, the artist Elizabeth Osborne, and brother-in-law Judge Ronald Wertheim of Philadelphia; and niece Audrey.



David Auten C'60, L'63, former Managing Partner of the Philadelphia office of Reed Smith LLP and Emeritus Member of the University of Pennsylvania Board of Trustees, died on May 9. He was 82.

Mr. Auten was an accomplished lawyer who practiced for 50 years. He served as the Managing Partner of the Philadelphia Office of Reed Smith LLP for 16 years. He was listed in publications honoring his legal acumen, including *Best Lawyers in America*, *Who's Who in the World*, and *Philadelphia Leaders*, and he was a member of the American College of Real Estate Lawyers.

Born in the Frankford section of Philadelphia, Mr. Auten was a lifelong Philadelphian. He attended Frankford High School and earned both his undergraduate and law degrees with honors from the University of Pennsylvania. At the Law School, he served as the Editor of the *University of Pennsylvania Law Review*.

Mr. Auten was a Philadelphia icon and the quintessential Philadelphia gentleman. He was known for his intellectual acumen, his quiet dignity and grace, his respect for all points of view, his generosity, his warmth and kindness, his wonderful sense of humor and his selfless service to others.

Mr. Auten combined the best parts of an old soul with a voracious interest in life, all things Philadelphia, travel, history, books, the world around him and, of course, Breyer's vanilla ice cream. Mr. Auten was known for his fashion sense, which usually involved some combination of red and blue — the colors of his beloved alma mater, the University

of Pennsylvania — one of his famous ties and one of his funny pairs of socks. There is no holiday for which Mr. Auten did not have multiple memorable tie and sock variations. He was the life of the party, always ready with a corny joke. Mr. Auten also loved to travel, and the family went on many cross-country road trips in the family station wagon, eventually making it to every one of the fifty states.

In addition to his distinguished legal career, Mr. Auten was a devoted community man. Mr. Auten was a committed alumnus of the University of Pennsylvania, serving with distinction in many roles over many years,

including on the Board of Trustees, as the President of the General Alumni Society, on the Board of Advisors of The College of The Arts and Sciences, on the Board of Trustees of the Penn Health System and as Chairman of the board of Penn Presbyterian Medical Center.

Mr. Auten also served as President of the Union League of Philadelphia, one of his great loves. You could often find him at one of his club tables enjoying The League's famous snapper soup, rice pudding and fish house punch. The League remained an integral and beloved part of his life to the end.

David Auten C'60, L'63

Mr. Auten was a committed alumnus of the University of Pennsylvania, serving on the Board of Trustees, as the President of the General Alumni Society, on the Board of Advisors of the College of Arts and Sciences, on the Board of Trustees of the Penn Health System and as Chairman of the board of Penn Presbyterian Medical Center.

Other great loves included Christ Church of Philadelphia, where he served as Chair of the Vestry and Rector's Warden; Theta Xi National Fraternity, where he served as President; St. Peter's School, where he served as Chair of the Board of Trustees (where his youngest daughter, Meredith, also currently serves on the board) and countless other organizations throughout Philadelphia.

Mr. Auten has been honored countless times over the years for his extraordinary and selfless service to so many organizations. He was the recipient of the Penn Alumni Award of Merit, the inaugural Penn Presbyterian Hospital Hero Award, The Association of Fundraising Professionals Greater Philadelphia Chapter Lifetime Achievement Award, and he was one of the first inductees of The Parkinson Council Dan Aaron Hall of Fame.

Mr. Auten is survived by his wife of over 50 years, Suzanne Crozier Plowman; his daughters Anne Crozier Auten C'92 and Meredith Smedley Auten C'96, L'99; grandchildren James, Bridget and Katherine' and brother Donald Robert Auten C'68, L'71.

Peter Ryan L'63, an attorney who argued before the US Supreme Court, died March 24. He was 82.

Mr. Ryan was born in Stamford, Conn., and graduated from Seton Hall University before attending Penn Law. He specialized in commercial litigation.

Mr. Ryan was a devout Catholic and an active member of St. Leo's Parish in Stamford, where he was a long-time volunteer. He also volunteered with Liberation Programs and its predecessor, Liberation House, in Stamford and served on its board of directors.

His family remembered him for his principles, spirituality, work ethic and commitment to his family and legal clients. In a recent Christmas letter, Mr.

Ryan shared a story from German theologian Johannes Tauler that includes a line that resonates now: "I receive from God with joy all that he wills for me, be it sweet or bitter."

In 2002, he was predeceased by his wife, Barbara, to whom he was devoted. He is also preceded in death by his parents, two brothers and two sisters.

Mr. Ryan is survived by sons Peter and Douglas; siblings Shelagh Ann and David; and grandchildren Peter, Charles, Emmet and Ella.

Elliot Klein L'66, co-draftsman of the Pennsylvania Securities Act of 1972, died on April 8 at the age of 78.

Mr. Klein served as Assistant Counsel and then Chief Counsel of the Pennsylvania Securities Commission for many years.

He graduated from Central High School in Philadelphia and holds degrees from Dickinson College and Penn Law.

Mr. Klein had a wonderful sense of humor and a very positive outlook on life despite a series of illnesses and disabilities. He loved the casino, fishing, and playing tennis.

He is survived by loving family and friends.

Norris Gelman L'67, a criminal defense lawyer who represented some of the Philadelphia region's most infamous defendants, died May 24. He was 77.

For decades, Mr. Gelman was a high-profile figure in his field and the cases he handled were no less so.

His clients included Philadelphia mobsters Nicky Scarfo Sr. and Nicky Scarfo Jr.; Ira Einhorn, the new-age intellectual who killed his ex-girlfriend in West Philadelphia; and Jerry Sandusky, the former Penn State coach serving decades in prison as a serial childsex predator.

An expert in the state's death-penalty law, Mr. Gelman was often called to testify in court.

Over his career, he helped win reversals in sentences for 10 death-row clients and set many legal precedents. He wrote and lectured widely on the topic.

"Everybody recognized he was the best criminal appeals lawyer in Pennsylvania," said Philadelphia lawyer and friend Dennis Cogan.

Despite his prominence, Mr. Gelman never bragged about winning. He wasn't flashy in court. He used humor and superior knowledge to win his cases.

Born in the Oak Lane section of Philadelphia, Mr. Gelman graduated from Pennsylvania State University in 1964 and Penn Law in 1967.

He never officially retired. "Despite the fact that he talked about it on various occasions, he didn't," said lawyer and office mate Jeremy Gelb. "Then, when COVID-19 got to a certain stage, we implored him to stay home and take care of himself, and he did."

Known to friends as "Norrie," Mr. Gelman began his legal career in 1967 as an assistant under Philadelphia District Attorney Arlen Specter. It was there, in the early 1970s, that Mr. Gelman met Cogan and became his mentor.

"He began to develop in the DA's Office very quickly," Cogan said. "He was open to teaching me the ins and outs of the criminal law in Pennsylvania. He never pontificated. A brief conversation with Norrie was a teaching session. He never took himself too seriously."

In 1974, Mr. Gelman left the DA's Office and became a defense lawyer. Among his notorious clients were John du Pont, the chemical company heir who shot and killed wrestler Dave Schultz at du Pont's estate in Newtown

Square in 1996. After du Pont was convicted, Mr. Gelman worked with Alan Dershowitz on an appeal, but du Pont died in prison in 2010.

According to friends, Mr. Gelman was well-read, and loved opera, classical music, and jazz.

His daughter, Maya Cheek, said he was loved by his family and will be missed. “He was just everything to us. He was a bigger-than-life character,” she said.

In addition to his daughter, he is survived by his wife of 51 years, Carole Calbazana Gelman; a son, Michael Calbazana; and four grandchildren. A sister died earlier.



Mark Frankel W'67, L'70, PAR'96, PAR'00, regarded as an icon in the local auto retail industry, died July 21. He was 76.

Following his graduation from the Law School in 1970, Mr. Frankel practiced law for a few years before heading his family's auto parts business. He later became a Chevrolet and Buick dealer, as well as a partner at Main Line Infiniti. He served on the Auto Dealers Association of Greater Philadelphia Board of Directors for many years and was President from 1992 to 1993. Mr. Frankel was also a former President of the Delaware Valley Chevrolet Ad Group, and he served as a Lieutenant in the Navy JAG Corps for four years.

Mr. Frankel loved building accurate flying scale models of real airplanes, and he received several industry accolades for his work. He was also remembered for how much he loved his family, especially his wife, Jill, who preceded him in death in 2010.

Mr. Frankel is survived by children Andrew and Erika; brother Richard; and granddaughter Lillian.

David Phillips L'71, a world-renowned heraldry scholar who was also a lawyer and author, died on March 26 in San Francisco of a confluence of health issues. He was 75.

Mr. Phillips grew up in Manhattan, where he attended Collegiate School and graduated from the Walden School. He came to Penn Law from Columbia, where he had received his undergraduate degree.

After graduation from law school, Mr. Phillips briefly practiced law in San Francisco with famed criminal defense attorney Michael Kennedy. Deciding at this juncture in his life that law practice was not for him, he returned to Columbia to obtain a master's degree in library science.

Not long after he became the librarian for the San Francisco firm of Farella Braun + Martell, the partners recognized his extraordinary talent and intellect and offered him a position as a lawyer. He rejected the offer, but later agreed to serve on a part-time basis, largely helping the firm with articles and speeches and occasional special research projects. The only cases he actually handled directly were pro bono death penalty matters. He continued that work for the rest of his life and stayed in touch with his clients by phone (at his expense) long after their litigation was over.

Mr. Phillips' arrangement with the firm gave him time to continue his lifelong study of heraldry and vexillology (study of flags). He became one of the leading international scholars in these fields. His interest in flags and coats of arms dated from earliest childhood. At his home in San Francisco, he assembled one of America's leading collections of heraldry books, atlases

and first-day covers as part of a vast library that ranged from typography and design to specialized dictionaries. He was a Trustee of the Flag Heritage Foundation in America and was one of only two writers to be “craft” members of the Society of Heraldic Arts in Britain.

His books included *Emblems of the Indian States* (2011) and *The Double Eagle* (2014), both published by the Flag Heritage Foundation. He was also editor of and lead contributor to *Japanese Heraldry and Heraldic Flags* (2018).

At the time of his death he had completed the manuscript and design for a book about the heraldic work of the Polish-born artist Arthur Szyk. Most recently, he was the editor and compiler of *Psychedelic Refugee*, the memoirs of Rosemary Woodruff Leary (Timothy Leary's wife), to be published next winter by Inner Traditions. (Some of Mr. Phillips' earliest legal work was on Timothy Leary's defense, with the San Francisco law firm of Kennedy & Rhine.)

Mr. Phillips' writing led beyond scholarship — to poetry, children's stories, travelogues, essays, biography, and autobiography. Other byways in his life included being a law librarian at the Washington firm of Cohen & Uretz (1974–5), a radio and television broadcaster on Cape Cod, and an English teacher in Taiwan.

In his later years, Mr. Phillips turned a whimsical series of essays for his niece into a children's book, which was at the time of his death being considered by a New York agent.

Mr. Phillips wrote an autobiography, a chapter of which chronicles his Law School experience from 1968 to 1971. He remained a close friend of his former Law School professor Bernard G. Segal until Mr. Segal's death, in 1997. The autobiography is posted on Mr. Phillips' website, Radbash.com.

David Phillips L'71

Not long after he became the librarian for the San Francisco firm of Farella Braun + Martell, the partners recognized his extraordinary talent and intellect and offered him a position as a lawyer. He rejected the offer.

Mr. Phillips is survived by two brothers, a sister, a nephew and a niece. The best family contact is his brother Christopher Phillips (antlersnyc@yahoo.com).

Learning of Mr. Phillips' death, one of his friends remarked, "David won, hands down, the *Reader's Digest Magazine* World's Most Interesting Person award."

1980s

Thomas Pinansky L'85, an international attorney, died April 8. He was 61.

Mr. Pinansky was born in Portland, Maine, and graduated from Cape Elizabeth High School, where he played varsity tennis. He was the lead tennis instructor for the Harvard Recreational Department and earned his undergraduate degree from the school magna cum laude in 1981. Before attending law school, he

was the head tennis professional at Eastpointe Country Club in Florida. Upon graduating from the Law School in 1985, he became a third-generation attorney in his family.

After practicing law in Texas and Washington, D.C., Mr. Pinansky and his late wife, Roxanne, moved to Seoul, South Korea, where he embarked on a three-decade career as an international business attorney. He was a Partner at Barun Law in Seoul and served as Of Counsel at Preti Flaherty Beliveau and Pachios, LLP in Portland. He focused on assisting Korean clients in navigating the US legal system.

In a letter to his family, Harry B. Harris, Jr., the current US Ambassador to South Korea, wrote: "He was known... as a man of passion, integrity, and zest for life. He demonstrated the best traits of a U.S. citizen abroad... While in his role (as a member of the Board of Governors of the American Chamber of Commerce)... he selflessly

promoted rule of law in South Korea. ... His stellar reputation was such the U.S. Embassy relied on him ... for many years."

Mr. Pinansky also served on the boards of several global companies and was a member of international legal organizations. He was most recently an arbitrator for many international business disputes, serving on the board of directors of ALFA International, a global network consisting of 150 independent law firms that includes 80 US law firms and 70 member firms from other countries.

He loved his home in Cape Elizabeth and the state of Maine. Most of all, he loved his family and making friends worldwide.

Mr. Pinansky is preceded in death by his wife of 25 years, Roxanne; father William; and brother Richard. He is survived by his wife, Eun Jung; son Barton; mother Suzanne; and brothers I. Victor and David.

1990s

Matthew Melone L'93, certified public accountant, tax attorney and longtime professor at Lehigh University, died July 7. He was 61.

Mr. Melone attended Villanova University for a bachelor's degree in accounting and a master of taxation from its law school. He received the Alexander E. Loeb Award for the highest score on his certified public accountant (CPA) exam in the Commonwealth of Pennsylvania.

He began his career as a CPA at Ernst and Whinney, the precursor to Ernst and Young. He later served as the Controller for the real estate developer and property manager, Kravco Company. Mr. Melone left Kravco and

started his own CPA practice, but he left private practice to attend Penn Law, where in 1993 he graduated first in his class. While he was offered a position at a prestigious law firm, he instead pursued an academic career at Lehigh University.

His research interests centered on federal income taxation and corporate governance. At Lehigh, he taught Legal Environment of Business, a core requirement, and Business Law and Regulatory Environment of Business in the MS in Management Program. He also served as the course coordinator for Value-Based Decision-Making, a core requirement that focuses on ethical issues in business. He wrote extensively about constitutional law, comparative forms of doing business, executive compensation, partnership taxation, accounting standards and corporate political activity.

Mr. Melone received the Class of 1961 Professorship, which honors Lehigh faculty for outstanding contributions to teaching, scholarship and service. In 2020, students voted to honor him with the MS in Management Teach of Excellence award. Mr. Melone was beloved and admired by his colleagues and students.

He was remembered by fellow academics for his dignity, enthusiasm, kindness and sense of humor. He was also remembered for his immense intelligence and his encyclopedic knowledge of professional and college sports.

Mr. Melone is survived by his wife, Annamarie; children Kevin and Mary Kaye; brother Anthony; and his English Bulldog, Nacho.



Sarah Pitts L'12, a Brooklyn Senior Assistant District Attorney who was described as “a shining star,” died September 7 following a bicycle accident in Brooklyn. She was 35.

“She was a brilliant and compassionate lawyer dedicated to seeking justice,” said Brooklyn District Attorney Eric Gonzalez in a statement. “We are overwhelmed by this sudden loss.”

She joined the District Attorney’s office in 2018 after reading about Gonzalez’s commitment to post-conviction justice work. Assigned to the office’s Post-Conviction Justice Bureau, she reviewed parole applications to determine those the office should support. She also worked in the office’s Appeals Bureau, where she handled a full docket of appeals cases.

Ms. Pitts earned an undergraduate degree in biochemistry at Trinity College before attending the Law School. During her years at the Law School, she was the Associate Editor of the *Journal of International Law*, a member of the Homeless Advocacy Project and a participant in the National Trial Competition. Ms. Pitts also interned for the Montgomery County District Attorney’s Office in Pennsylvania and with the Federal Community Defender Office for the Eastern District of Pennsylvania.

Following her graduation in 2012, she worked at the Military Assistance Project in Philadelphia as Legal Clinic Director and Attorney. At the nonprofit, Ms. Pitts helped approximately 500 veterans address various financial issues, generally in consumer debt and bankruptcy cases. She once assisted a veteran in getting his student loans completely forgiven.

She also provided counsel at the Veterans Multiservice Centers in Pennsylvania and New Jersey and created a pro bono project in collaboration with the Law School. As project director, she trained more than 30 students and attorneys in seven states.

Ms. Pitts was also a trusted volunteer with Lawyers Concerned for Lawyers of Pennsylvania, once springing out of bed at 3:30 a.m. to get coffee with someone who was suicidal. Through the organization, she interacted with hundreds of law students and attorneys and undoubtedly helped save lives.

From 2016 to 2018, Ms. Pitts clerked for Judge Alice Dubow, a Superior Court of Pennsylvania judge whose team reviews appeals from trial courts. Upon joining the Brooklyn District Attorney’s Office, she became what Tali Farhadian Weinstein, former General Counsel to the DA’s office, called the “beating heart” of the Post-Conviction Justice Bureau. Ms. Pitts was known to frequently meet with incarcerated parole applicants to better understand their stories.

During the COVID-19 crisis, Ms. Pitts volunteered to handle urgent office matters so that administrative staff had some help. She was remembered for her generosity, empathy, resilience, intelligence and especially for her razor-sharp wit.

“She was brilliant and thoughtful and compassionate,” Jill Harris, the DA’s office chief of policy and strategy told the *New York Law Journal*. “We have lost a shining star.” ♥



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