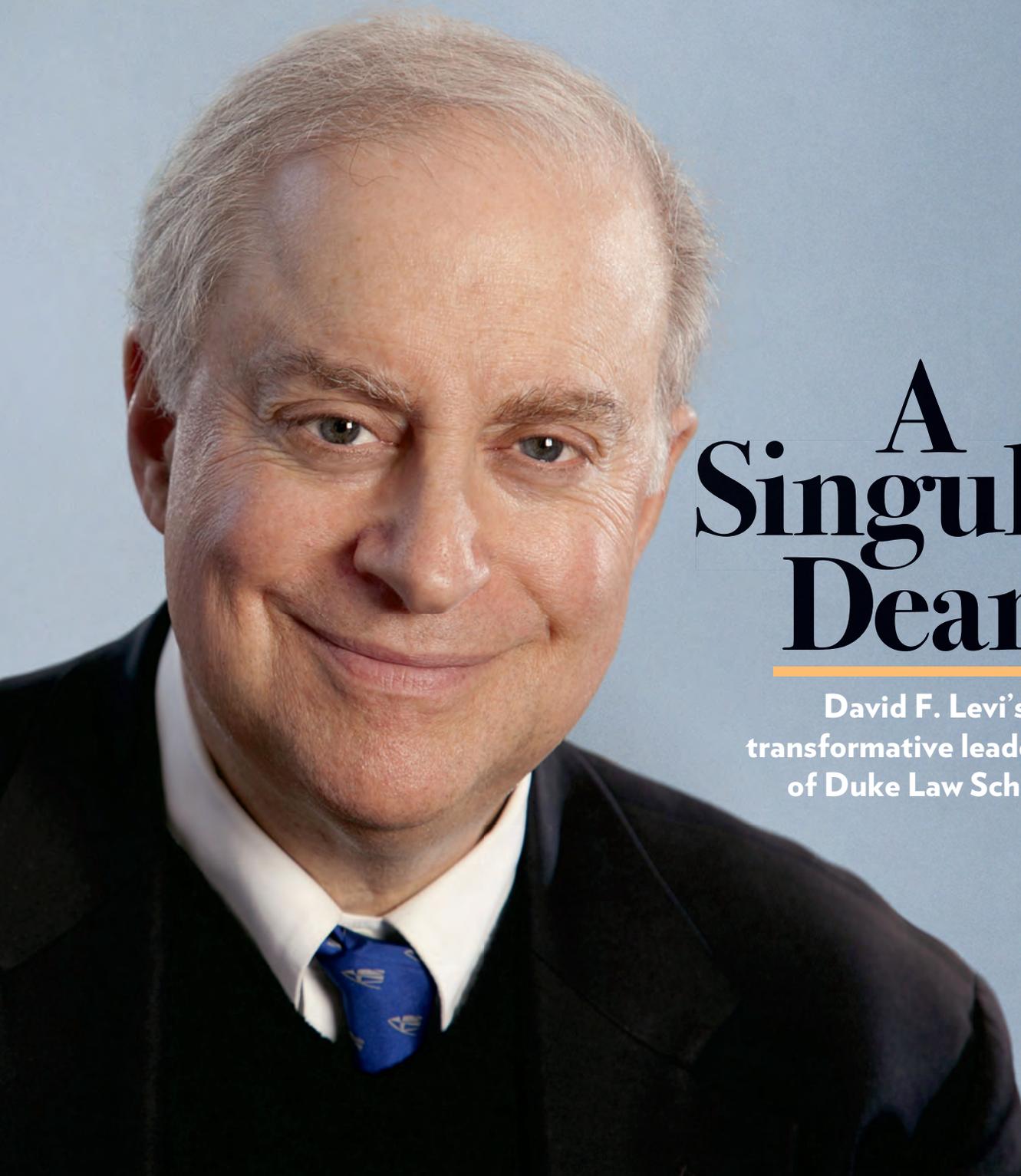


DUKE LAW MAGAZINE

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A close-up portrait of David F. Levi, the Dean of Duke Law School. He is an older man with light hair, wearing a dark suit, white shirt, and blue patterned tie. He is smiling slightly and looking directly at the camera.

A Singular Dean

David F. Levi's
transformative leadership
of Duke Law School

From the Dean



[We] have stayed true to our values: among them, a small, collegial community of scholars, a commitment to service, a closeness to the profession, and a desire for excellence in everything we do.

Dear Friends:

ALMOST 11 YEARS AGO, I arrived in Durham to be the 14th dean of Duke Law School. After a career mainly on the bench, I was excited for this very different new chapter in my life. And yet, I could never have imagined what a thrilling and fulfilling chapter it would turn out to be.

Consider just some of what we have achieved as a community since 2007. We have grown the faculty to include many more scholars and teachers and experts in a multitude of disciplines and at the top of their fields. We have admitted a more diverse student body that has gone on to some of the best employment outcomes of any law school, including Supreme Court clerkships and prestigious public interest fellowships. We have launched a nationally recognized center for the study of the judiciary and a master's degree exclusively for sitting judges, a Law & Entrepreneurship Program for students interested in advising or leading new ventures, and a Center on Law & Technology that is preparing them for the future of the legal profession. We have completed the most successful fundraising campaign in school history, doubled the number of endowed faculty chairs, and tripled scholarship support. We have expanded opportunities for experiential education through our dynamic clinics — including such new clinics as the International Human Rights, Civil Justice, and Start-Up Ventures clinics — and externships, including Duke in D.C., and we have supported students who wish to serve in government and public interest positions more generally.

More importantly, we have preserved and strengthened the wonderful culture that has always set Duke Law apart. Despite all the change in legal education, the legal profession, and the wider world, we have stayed true to our values: among them, a small and collegial community of scholars, a commitment to service, a closeness to the profession, and a desire for excellence in everything we do, including teaching in addition to scholarship and research. These were part of the Law School's DNA when I became dean, and I'm happy to say that they continue to be what makes us distinctive among the world's great law schools.

Working together, we have created unstoppable momentum and a spirit of entrepreneurship. Just in the past few months, we have announced a \$5 million grant from The Duke Endowment establishing an endowed chair for the position of dean,

(see p. 4); a new First Amendment Clinic led by Jeff Powell that will train students to advocate for free speech and free press values (see p. 6); and a new four-week residential summer institute in global and transnational law, hosted by Leiden University in Leiden and The Hague, the Netherlands (see p. 7).

And, of course, there is the great news that Kerry Abrams, vice provost for faculty affairs and professor of law at the University of Virginia, will be the 15th dean of Duke Law School (see p. 2). A highly-regarded administrator, teacher, and scholar of immigration and family law, Kerry is an inspired choice to lead Duke Law into its next chapter. The search committee led by Professor Larry Helfer did a superb job and deserves our thanks, as do all of the faculty, staff, students, and alumni who provided such valuable input into the search process. We are also fortunate that Kerry's husband, Brandon Garrett, a leading scholar of criminal justice and corporate crime, will be joining the faculty with her. I am so pleased to welcome both Kerry and Brandon into this remarkable community.

As the Law School enters its next chapter, so will I, by becoming the inaugural director of the Carl and Susan Bolch Judicial Institute at Duke Law, working to study and promote the rule of law around the globe (see p. 4). In other words, Nancy and I will continue to be part of this wonderful family, too, and for that we are very grateful.

Shortly before this issue of *Duke Law Magazine* went to press we received the sad news that Dick Danner had passed away. Dick, the Archibald C. and Frances Fulcruffy Research Professor of Law Emeritus, had retired last spring as senior associate dean for information services and director of the J. Michael Goodson Law Library after more than 35 years at Duke Law. He was a giant in the field of law librarianship and was honored, in January, by the AALS Section on Law Libraries and Legal Information for his scholarly contributions to the field (see page 37). He was also a huge presence at the Law School. We will miss him.

As always, I thank you for your continued friendship and support, and I look forward to seeing you back on campus soon.

A handwritten signature in black ink that reads "David F. Levi". The signature is written in a cursive, slightly stylized font.

David F. Levi
James B. Duke and Benjamin N. Duke Dean
and Professor of Law

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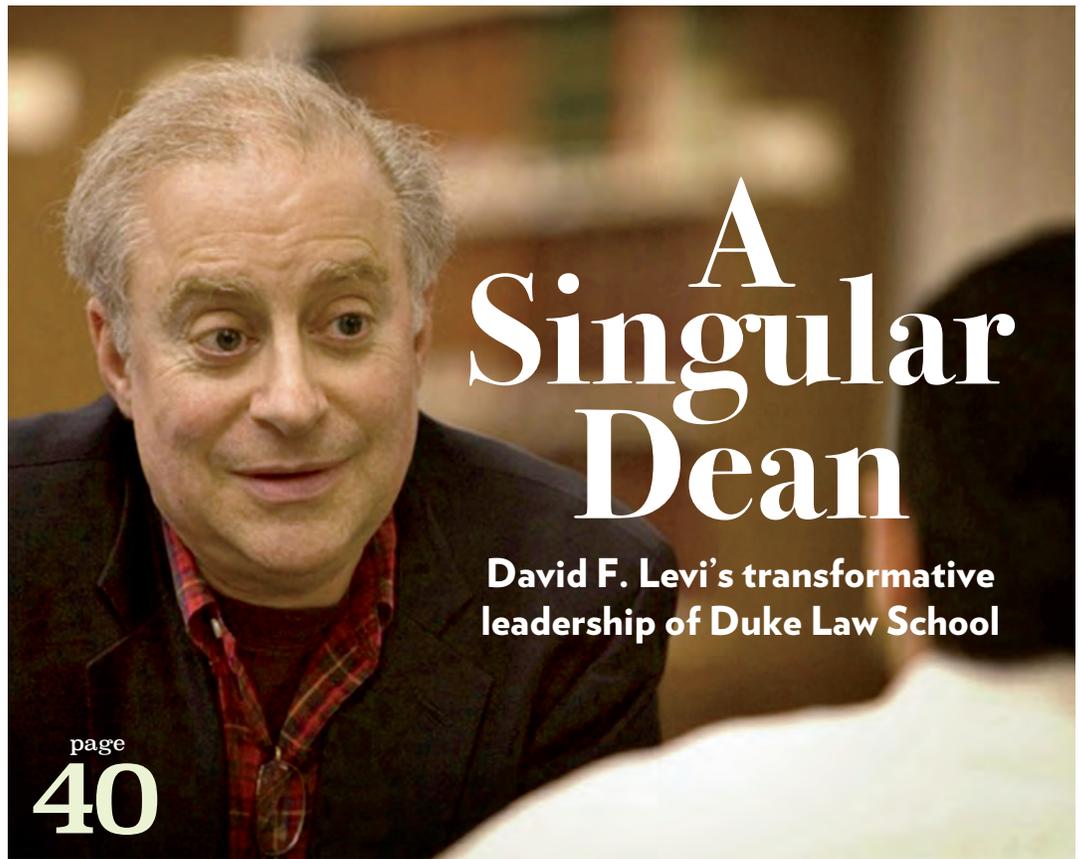
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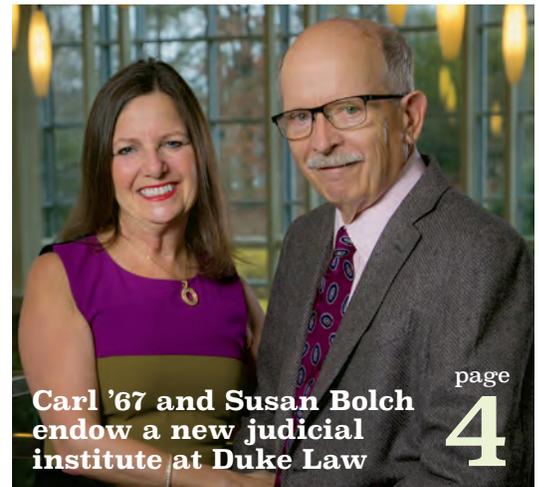
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This publication was produced using paper which supports Duke's commitment to sustaining our environment.



The Commons

*Ideas, achievements, and events
from around Duke Law School*



Photo: Jesús Pino

Kerry Abrams selected as 15th dean of Duke Law School

KAREN L. “KERRY” ABRAMS, the vice provost for faculty affairs and professor of law at the University of Virginia, has been selected as the next dean of Duke Law School, Duke University President Vincent E. Price and Provost Sally Kornbluth announced on Feb. 2.

Abrams, a leading national authority in both immigration law and family law, will succeed Dean David F. Levi as the James B. Duke and Benjamin N. Duke Dean of the School of Law on July 1. She will be the 15th dean of the Law School. Levi announced last June that he planned to step down at the end of the current academic year after leading the Law School for 11 years.

“Kerry Abrams is one of the brightest stars in legal education, and I look forward to welcoming her to Duke,” said Price. “She is a renowned scholar, a passionate advocate for students and faculty, and a deeply engaged citizen of the university who will advance Duke Law School’s already exemplary record of leadership and service to society.”

“I am confident that Kerry will be another transformative dean for Duke Law,” said Kornbluth. “She understands our commitment to excellence in education, engagement, and scholarship that crosses disciplinary boundaries. I look forward

to welcoming Kerry and her husband, Brandon Garrett, to the Duke community.”

Kornbluth added, “We are all grateful to Professor [Laurence] Helfer and the search committee for conducting a thorough and inclusive process, and of course to David Levi, whose leadership has set the highest standard for the future.”

“I am honored to have been chosen to lead such an outstanding law school, and am grateful to President Price and Provost Kornbluth for inviting me to join the Duke family,” said Abrams. “Duke Law School’s students are extremely talented and motivated, its faculty and staff are devoted teachers, researchers, and professionals, and its alumni are passionate in their devotion to the school and their contributions to the legal profession and beyond. I can’t imagine a more exciting opportunity.”

Abrams’ scholarly work has explored the history of immigration law, observing how courts and legislatures deployed cultural norms of marriage to exclude some racial groups while encouraging the migration of others. Her other work examines contemporary immigration and citizenship law, outlining the conflicting ways in which state family law and federal immigration and citizenship law define marriage and parentage.

She also has written about the regulation of DNA testing, marriage “fraud,” domicile and residency tests for in-state tuition, the rhetoric of pro- and anti-marriage equality arguments, the evolution of the law of annulment, and the U.S. Supreme Court’s jurisprudence of constitutional family law. She has taught a variety of subjects, including introductory courses in immigration law and family law, as well as advanced courses such as citizenship law, immigration enforcement, and marriage in law and culture.

As vice provost for faculty affairs at the University of Virginia, Abrams oversees the faculty promotion and tenure process, coordinates faculty recruitment and retention, develops university policies governing faculty, and designs and delivers programs to support the leadership and professional development of faculty.

Abrams will be joined at Duke by her spouse, Brandon Garrett, who will be a professor of law. Garrett currently serves as the White Burkett Miller Professor of Law and Public Affairs and Justice Thurgood Marshall Distinguished Professor of Law at the University of Virginia. He is a widely-cited authority on criminal procedure, wrongful convictions, habeas corpus, corporate

crime, scientific evidence, civil rights, civil procedure, and constitutional law, whose recent research includes studies of DNA exonerations and organizational prosecutions. His most recent book is *End of Its Rope: How Killing the Death Penalty Can Revive Criminal Justice*, published in 2017 by Harvard University Press. It examines data collected on all death sentences in the U.S. from 1990 to 2016 and develops a theory of why imposition of the death penalty has declined so quickly.

Abrams was selected following a national search chaired by Laurence R. Helfer, the Harry R. Chadwick Sr. Professor of Law.

“Kerry is an excellent administrator and scholar who is very well placed to build on David Levi’s achievements,” Helfer said. “She impressed the search committee with her commitment to enhancing the Law School’s excellence in research, teaching, and service, and to working with our faculty, staff, students, and alumni to increase the Law School’s national and international profile.”

Helfer also highlighted Abrams’ “deep institutional knowledge based on her experience as vice provost at UVA, her respect for Duke Law School’s collaborative and collegial culture, her commitment to fostering interdisciplinary collaboration and to mentoring of junior faculty, and her sensitivity to views across the political spectrum.”

Abrams is a graduate of Swarthmore College, where she earned a B.A. in English literature with highest honors. She graduated with distinction from Stanford Law School, where she was president of the Moot Court Board.

After law school, she clerked for Judge Stanwood R. Duval Jr. of the U.S. District Court for the Eastern District of Louisiana and practiced law for several years in the litigation department of the New York law firm Patterson, Belknap, Webb & Tyler, primarily handling intellectual property and employment discrimination cases.

From 2002 to 2005, Abrams taught in the Lawyering Program at New York University School of Law. She has been on the law faculty of the University of Virginia since 2005. ♡



Brandon Garrett

Photo: Tom Cogill

“Kerry Abrams is one of the brightest stars in legal education. ... She is a renowned scholar, a passionate advocate for students and faculty, and a deeply engaged citizen of the university who will advance Duke Law School’s already exemplary record of leadership and service to society.”

— Duke University
President Vincent E. Price

The Commons

\$5 million grant establishes dean's chair at Duke Law

A \$5 MILLION GRANT from The Duke Endowment has established a named chair for the dean's position at Duke Law School.

David F. Levi, who has served as dean at Duke Law since 2007, and who will leave the post on June 30, is the inaugural James B. Duke and Benjamin N. Duke Dean of the School of Law. (Read more about his tenure, page 40.) Kerry Abrams will hold the distinguished chair when she becomes the Law School's 15th dean on July 1.

"This generous grant continues The Duke Endowment's special relationship with Duke University," said President Vincent E. Price in announcing the grant on Jan. 8. "Duke has become one of the world's leading law schools thanks in large part to the vision of James B. Duke and the continued support of the endowment he created. I am particularly delighted that the first holder of this named chair is Dean David Levi, who has brought extraordinary leadership to Duke Law over the past decade."

James B. Duke was the founder of Duke University, and his indenture created The Duke Endowment. Benjamin N. Duke, his brother, was the primary benefactor of the university and its predecessor, Trinity College.

"The Duke Endowment has done so much for the Law School since its re-founding in 1930 as part of Duke University," Levi said. "James B. Duke had a special regard for lawyers, doctors, and ministers. He thought that by 'precept and example,' they could do most to 'uplift mankind.' In some deep way, this aspiration has worked its way into the soul of Duke Law School.

"It will be an honor for me and for future deans of Duke Law School to carry the name of the two brothers who founded the university and set such a powerful and thoughtful example of giving back. For me, the opportunity to work with The Duke Endowment, its staff, and its trustees has been one of the great joys of my time as dean."

Based in Charlotte, The Duke Endowment is a private foundation that strengthens communities in North Carolina and South Carolina by nurturing children, promoting health, educating minds, and enriching spirits. Since its founding, it has distributed more than \$3.4 billion in grants. The Endowment shares a name with Duke University and Duke Energy, but all are separate organizations. ♡



\$10 million gift endows Carl and Susan Bolch Judicial Institute

CARL BOLCH JR. '67 and his wife, Susan Bass Bolch, have made a \$10 million gift to Duke Law School to endow a new institute dedicated to bettering the human condition through studying and promoting the rule of law.

The university and other donors will match the gift, bringing the total in support of the Carl and Susan Bolch Judicial Institute to \$20 million.

David F. Levi, the James B. Duke and Benjamin N. Duke Dean of the School of Law and a former federal judge, will serve as inaugural director of the Bolch Judicial Institute when he steps down as dean on June 30. John K. Rabiej, director of Duke Law's Center for Judicial Studies, will serve as deputy director.

"I am very grateful to Carl and Susan Bolch for this extraordinary gift to Duke," Duke University President Vincent E. Price said when he announced the gift on Feb. 21. "The Bolch Judicial Institute will fill an important and unique mission of promoting the value of a fair and independent judiciary, in the U.S. and around the world."

“We are enormously grateful to Carl and Susan Bolch, both for their generosity to Duke Law School as well as their recognition of the need to advance our understanding of the judiciary and the rule of law.”

— Dean David F. Levi, who will serve as inaugural director of the Bolch Judicial Institute

The Bolch Judicial Institute’s mission focuses on advancing the importance of rule-of-law principles and a fair and independent judiciary and raising public awareness during lapses or failures in the rule of law. It will conduct research and support teaching and scholarship, award an annual prize recognizing individuals or entities who have distinguished themselves in the preservation or advancement of the rule of law, provide education for judiciaries in the United States and elsewhere, and develop public education programs for audiences around the globe.

The Bolches’ gift recognizes and builds on the strengths of the Center for Judicial Studies, which was established at Duke Law in 2011 and supported by a \$5 million grant from The Duke Endowment. The Bolch Judicial Institute will assume and further develop several of the center’s programs, including the Master of Judicial Studies, a unique advanced degree for sitting federal, state, and international judges offered at Duke since 2013; *Judicature*, Duke’s scholarly journal on judging; the annual Appellate Judges Educational Institute (AJEI), one of the nation’s largest educational conferences for appellate judges and lawyers; and the Duke Conference series, which brings together lawyers, judges, and scholars to examine challenges and develop solutions for improving and advancing the administration of justice.

“We are enormously grateful to Carl and Susan Bolch, both for their generosity to Duke Law School as well as their recognition of the need to advance our understanding of the judiciary and the rule of law,” Levi said. “On a personal level, I am delighted for the opportunity to continue the work begun during my deanship to establish Duke as a global leader in the study of judicial decision-making and the operation and design of legal systems more generally.”

Carl Bolch Jr. is chairman of Atlanta-based RaceTrac Petroleum Inc., a family-run operator of more than 750 gas stations and convenience stores. Bolch, who also holds a B.S. degree from the Wharton School at the University of Pennsylvania, is an honorary member of the Law School’s Board of Visitors and served on the committee for the Campaign for Duke Law School, which concluded in 2003. Susan Bolch, a graduate of Barnard College of Columbia University and Georgetown University Law Center, is an attorney who has served as general counsel of RaceTrac Petroleum and is a member of its board of directors.

“I have had success in business that I couldn’t have dreamed I’d have, largely because of a system built on the rule of law and a society that respects the rule of law,” said Carl Bolch Jr. “The Bolch Judicial Institute will work to protect, preserve, and strengthen these ideals here in the United States and around the world. The rule of law is the foundation for the stability of society, human rights, a grow-

ing economy, and flourishing culture and artistic life. An independent judiciary and a society’s belief in the fairness of its justice system are critical to preserving and protecting the rule of law.”

Added Susan Bolch, “Duke is the ideal partner for the Bolch Judicial Institute. Its faculty are at the forefront of scholarship in these areas, and its leadership in judicial education and the study of the judiciary is well known and highly respected here and around the world. It is a tremendous foundation from which to launch our efforts. Another reason we wanted to do this at Duke is David Levi. We have come to know him well during his deanship, and we knew having David at the helm would take this out of the realm of inspirational and into the realm of transformational. We believe the Bolch Judicial Institute can have myriad, far-reaching effects for the betterment of society.”

Levi, who has been dean of the Law School since 2007, has a long record of leadership in the law and law reform efforts. As a judge, he was appointed by the Chief Justice of the United States to serve as chair of two Judicial Conference committees, and more recently he chaired the American Bar Association’s Standing Committee on the American Judicial System and co-chaired the North Carolina Commission on the Administration of Law and Justice. In May 2017, he became president of the American Law Institute. (Read more, page 40.)

Rabiej, who has served as director of the Center for Judicial Studies since 2011, was previously executive director and director of judicial outreach for The Sedona Conference. Prior to that, he served for 20 years as chief of the Rules Committee Support Office of the Administrative Office of United States Courts, which staffs the six rules committees of the United States Judicial Conference. ♣

Powell to lead new First Amendment Clinic at Duke Law



"I deeply agree with Justice Holmes's belief that nothing in our Constitution more imperatively calls for attachment than freedom of speech and thought. To be involved in promoting awareness of, and the living out of, that constitutional commitment is humbling, exciting, and a challenge."

— Professor H. Jefferson Powell

A NEW FIRST AMENDMENT CLINIC at Duke Law School will enable students to work directly with clients who claim an infringement of their right to free speech under the First Amendment.

The clinic, which will launch in August, will be led by Professor H. Jefferson Powell AM '77 PhD '91, a distinguished constitutional law scholar who has twice served as a lawyer in the U.S. Department of Justice. The Stanton Foundation will provide funding for the clinic, including hiring a talented lawyer with a background in constitutional law litigation to serve as a teaching fellow and supervising attorney and provide day-to-day oversight of cases and students.

"The First Amendment is foundational to the rule of law in our democracy and in our university, so it is fitting that our students will now have the opportunity to defend these values while learning important litigation skills," said Dean David F. Levi. "We are grateful to the Stanton Foundation for its vision and support and to Professor Powell for taking a leadership role. Having one of our most talented teachers and scholars lead an important new clinic is a great example of our integrated model of legal education."

Said Powell: "There's nothing I enjoy more than working with students to help them develop the professional and intellectual skills that will enable them to become great lawyers. I also deeply agree with Justice Holmes's belief that nothing in our Constitution more imperatively calls for attachment than freedom of speech and thought. To be involved in promoting awareness of, and the living out of, that constitutional commitment is humbling, exciting, and a challenge."

Powell has taught at Duke Law since 1989 and received Duke University's Scholar/Teacher Award in 2002. In addition to the first-year Constitutional Law course, his courses include Dignitary Torts and Philosophy for Constitutional Lawyers. His prolific scholarship has focused on the role of the Constitution in executive, legislative, and judicial decision-making, and he is the co-author, with Melvin G. Shimm Professor Emeritus of Law David L. Lange, of *No Law: Intellectual Property in the Image of an Absolute First Amendment* (2009), which argued for a robust defense of free speech in an age of excessive application of copyright.

Powell has taken two leaves of absence to serve in the federal government. From 2011 to 2012, he was deputy assistant attorney general in the Office of Legal Counsel, which provides legal advice to the president, attorney general, and other executive branch officers. From 1993 to 2000, he held a variety of roles at the Justice Department, including principal deputy solicitor general. He has briefed and argued cases in both federal and state courts, including the U.S. Supreme Court, and served as special counsel to the attorney general of North Carolina in the early 1990s.

The clinic, which will serve both individuals and organizations that cannot afford legal representation, will take cases with First Amendment claims at their core. Powell said these could include defending against libel or slander actions that threaten freedom of expression or advocating for the right to speak at a public university.

While it will aim to have a national impact, the clinic's primary focus will be on cases in the Southeast. In addition to representing clients in litigation matters, students in the clinic will provide advice to journalists and others with free expression concerns.

"Giving students the chance to work on an essential public problem is core to all of our clinics, so to launch a First Amendment clinic at this time is really exciting," said Andrew Foster, clinical professor of law and director of experiential education and clinical programs. "The role of the press in creating an informed public is essential to democracy and it's under threat in a way that has probably never been the case — for financial reasons, political reasons, and cultural reasons. The Law School will have the chance to bring the talents, energy, and expertise of faculty and students to bear on addressing that problem."

The First Amendment Clinic will be Duke Law's 12th clinical program. The Duke Legal Clinics operate collectively as a public interest law firm with a teaching mission. Students work with real clients under the supervision of clinical professors who are also licensed attorneys.

The Stanton Foundation was created by broadcasting pioneer Frank Stanton. Its grant-making areas include classic and 21st-century First Amendment issues and the larger challenge of creating a better-informed citizenry. ♡



Duke Law launches summer institute in The Hague

DUKE LAW IS PARTNERING with Leiden University in the Netherlands to start a new four-week residential summer program in The Hague, home to some of the world's most important legal institutions.

The Duke-Leiden Institute in Global and Transnational Law will run from June 17 to July 17 at Leiden's campus in The Hague, with students living in hotel-style accommodations nearby. The program is open to applicants from any country who have completed at least one year of legal education, including JD students from U.S. law schools, prospective LLM students with prior law degrees from foreign institutions, and working lawyers. Students in Duke's dual JD/LLM in international and comparative law program split their 1L summer between the institute and an internship in a law firm, government agency, or non-governmental organization abroad.

Courses, which will include offerings on trade, criminal law, human rights, and other core areas of international and comparative law, will be fully accredited and co-taught in English by top faculty from the two schools. Visits are planned to the International Criminal Court, the Permanent Court of Arbitration, and the international organization that regulates chemical weapons, all of which are based in The Hague.

"This is a summer program for people who want to study these areas of law with leading faculty, in a place in which they can also enhance their learning by the location and by the institutions that they'll be

near," said Professor Curtis A. Bradley, the director of the institute. "The program gives them a unique experience of learning from a diverse set of teachers and students, and the ability to be in the place that is arguably the center of international courts and adjudication is a huge asset."

The institute is the latest of the summer institutes in international and comparative law that the Law School has operated abroad over more than 30 years. The first program, Duke in Denmark, was established in Copenhagen in 1986 at the same time Duke Law launched the JD/LLM. The program later moved to Brussels before the Law School partnered with the University of Geneva to establish the Duke-Geneva Institute in Transnational Law. The Geneva summer institute ceased operation in 2017. Meanwhile, Duke started a second summer institute with the University of Hong Kong, the Asia-American Institute in Transnational Law, which operated until 2015.

Bradley, the William Van Alstyne Professor of Law and Professor of Public Policy Studies and co-director of the Center for International and Comparative Law, praised Leiden as an energetic and entrepreneurial university with deep experience hosting summer programs for students, a strong interest in collaboration, and impressive classroom and conference facilities in The Hague. The region's rich cultural and legal history, affordable cost-of-living, and central location within Europe — Amsterdam is just a 30-minute train ride away — also made it an attractive site for Duke's summer institute, he said.

"The social experience of learning outside the classroom with people from other countries and cultures has always been an important component of Duke's summer institutes," he added.

Faculty from Duke Law and Leiden will each teach two weeks of every course independently, with a period of team-teaching in the middle. This co-teaching method, which Duke has long employed at its summer institutes, adds depth to classes in comparative law, said Jennifer Maher '83, associate dean for international studies.

"To have someone teaching from the U.S. model and from the European model is itself comparative," she said. "It teaches future lawyers why their counterparts in another country are communicating in the way they are and why they analyze things the way they do, because that's the way they've been taught."

The opportunity to interact with guest speakers and practitioners while visiting legal institutions and law firms makes the classroom discussions "come alive," and helps students to envision what it means to practice transnationally, she said. ♡

The Duke-Leiden Institute in Global and Transnational Law will run from June 17 to July 17, 2018.

The Commons

New certificate helps students get head start on public interest careers

DUKE LAW STUDENTS can now get a head start on careers in public interest law through a new certificate program, the first the Law School has offered to JDs.

The Public Interest and Public Service Law Certificate is open to students who demonstrate through their coursework and service an interest in working in a nonprofit or government setting after graduation. In addition to working with a dedicated career counselor, students in the program are assigned both peer and faculty mentors who assist in planning courses to take and navigating opportunities during law school.

“The primary purpose of the certificate is to enhance the student experience and available support for students interested in going into public interest and public sector law, who face a highly competitive job market,” said Clinical Professor Brenda Berlin ’86, supervising attorney of the Children’s Law Clinic and chair of the certificate’s advisory board.

“We have a lot of amazing students who already are doing exceptional, exciting things at Duke Law to serve their communities. The certificate provides a structured but flexible pathway to further prepare them for their careers, as well as a credential that will identify them to public interest employers as competent and committed future lawyers.”

Twenty-nine upper-level students enrolled in the program after it was launched in August. First-year students became eligible to apply at the beginning of the spring semester.

“When I decided that I wanted to be a lawyer and decided to come to Duke, it was with voting rights in mind, so I was really happy to see the certificate,” said Michael Manset ’19. “It seemed like a good opportunity to advertise to employers that this is what I’m about, this is what I’m pursuing, as well as really a good opportunity to think about what sorts of classes I need to take and what sorts of relationships I need to build at the Law School.”

Manset’s faculty mentor — Guy-Uriel Charles, the Edward and Ellen Schwarzman Professor of Law and Senior Associate Dean for Faculty & Research, a voting rights scholar — was particularly helpful as he planned his summer job search. “Early in the semester we talked about people he knows in voting rights work, about the places I applied to,” said Manset, who later secured a position with the Lawyer’s Committee on Civil Rights in Washington, D.C. “He was a great resource.”

To qualify for the certificate, students must commit to complete one upper-level course in their sub-

ject matter of interest, such as Environmental Law or Poverty Law, and one upper-level course in the specific adjudicatory, regulatory, or decision-making institution where they expect to be advocates, such as Administrative Law, Federal Courts, or Criminal Procedure. An upper-level writing course in a public interest field, or an approved public interest topic completed in another upper-level writing course, is also required. Manset said these requirements helped guide his choice of such courses as Poverty Law, Civil Rights Litigation, Evidence, and Trial Practice.

The certificate program also requires eight credits from a broad range of public interest-oriented electives. Berlin said almost 70 courses already are noted as fulfilling the elective requirement in the online course browser, and students can propose that others be added. Six experiential learning credits, which can be satisfied with clinics and/or externships, including Duke in D.C., are also required.

Certificate students are further encouraged to fulfill their ethics requirement with either Ethics of Social Justice Lawyering or Criminal Justice Ethics. Social Justice Lawyering, a new two-credit survey course that exposes students to the different ways in which lawyers engage with communities, individual clients, social and political causes, and legal systems to help effect social change, is also recommended.

“To be able to show that you have taken the time and have prioritized all the requirements to get the certificate will help demonstrate to public interest employers a student’s commitment to doing this kind of work,” said Marjorie Mulhall ’08, senior legislative counsel at Earthjustice in Washington. “It’s something I would have been very eager to pursue if it had existed when I was at Duke Law.”

In addition to the curricular requirements, students must work for at least eight weeks in a full-time summer job with a public interest employer. The certificate also requires that students complete 75 hours of public service during law school, which can include service in PILF or a pro bono student organization.

Kinjal Patel ’18, who has taken the Health Justice Clinic, is spending the spring semester in the International Human Rights Clinic, and has been active with the Coalition Against Gendered Violence, said the certificate reflects Duke’s strong commitment to supporting students who want to do public interest work. “And beyond putting it on my resume, the certificate connects me to a supportive community,” said Patel, who received a two-year Skadden Fellowship to work with Staten Island Legal Services after graduation, (see page 10). ♡



Brenda Berlin chairs the new certificate’s advisory board.

Students in the Public Interest and Public Service Law Certificate program are assigned career counselors and peer and faculty mentors.

Bruton '16 selected for Bristow Fellowship in Department of Justice

HUNTER BRUTON '16 has been selected as a 2018 Bristow Fellow in the U.S. Department of Justice. During his yearlong fellowship, which will begin in July, he will work in the Office of the Solicitor General, drafting briefs for Supreme Court cases, preparing recommendations to the solicitor general regarding government appeals in the lower courts, and assisting with oral argument preparation for the Supreme Court.

"It's a tremendous honor, and for someone interested in appellate law, it feels like winning the Super Bowl," said Bruton, who is currently clerking for Judge Ellen Huvelle on the U.S. District Court for the District of Columbia after completing a clerkship with Judge Allyson Duncan '75 of the U.S. Court of Appeals for the Fourth Circuit. "The Office of the Solicitor General employs some of the best legal minds in the country, and they're working on some of the most interesting cases. I think I'll be able to learn from the best in a way that can't be replicated anywhere else." He credits his clerkships and support from numerous professors and mentors at Duke Law — Dean David F. Levi and former Director of Judicial Clerkships Judy Hammerschmidt among them — with helping him attain the prestigious fellowship, which is usually given to only four lawyers each year. "It's a result of luck and a lot of other people helping out, and it also validates a lot of my hard work," he said.

Professor Joseph Blocher, one of Bruton's recommenders for the fellowship, said: "Hunter is a clear thinker, an excellent writer, and totally dedicated to mastering legal intricacies. I know that he will be a superb Bristow Fellow."

Throughout law school, Bruton pursued skills likely to facilitate success in appellate and administrative law. After working as a research assistant for Sara Beale, the Charles L. B. Lowndes Professor of Law, he followed her advice to hone strong legal writing skills, making sure that each semester he had a class or independent study project that focused on drafting appellate briefs, legal scholarship, or judicial writing.

"Much of what I've done to this early stage in my career is really just making sure that I'm communicating everything in a succinct and easy-to-understand manner," he said, adding that Judge Duncan demanded clarity and precision from her clerks.

Bruton said his clerkships and an externship with Fourth Circuit Judge James Wynn helped familiarize him with strategies for successful advocacy, both in



terms of structuring persuasive appellate briefs and oral arguments.

"After oral argument [in the Fourth Circuit], we would occasionally have dinner with the judges on the panel and hear invaluable information about what they found to be particularly effective or ineffective, what they found amusing or annoying," he said.

A North Carolina native and graduate of UNC-Chapel Hill, Bruton said he chose to attend Duke Law in part due to a conversation he had with Blocher when he was a prospective student.

"He told me that one of the big differences between Duke Law and some of its peer schools is the amount of time that professors put into helping students, mentoring students, and really just going to bat for them," Bruton said. "At the time it seemed kind of like a platitude, but it really turned out to be true. Some of my recommenders like Professors Blocher, Lisa Griffin, Stuart Benjamin, Ernest Young, or Kathryn Bradley, in one or another capacity, were always there to help with the clerkship process and other things." ♡



Cahen-Salvador LLM '16 named inaugural International Law and Human Rights Fellow

COLOMBE CAHEN-SALVADOR, a member of the LLM class of 2016, has been named Duke Law School's inaugural International Law and Human Rights Fellow. Cahen-Salvador is spending the first half of the yearlong fellowship working in the Office of the United Nations High Commissioner for Human Rights (OHCHR) and will spend the second half with the Norwegian Refugee Council (NRC). Both posts are in Geneva, Switzerland. She is also engaging in outreach to and mentoring of current Duke Law students interested in building careers in international human rights law, a key goal of the fellowship.

The Law School created the postgraduate fellowship in public international law and international human rights to help recent graduates seeking to work long-term in those highly competitive practice areas gain the field experience

Duke Law's International Law and Human Rights Fellowship helps recent graduates to gain access to a highly competitive field.

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essential to advancing their careers. The fellowship is open to graduating JD, JD/LLM, and LLM students and alumni who have demonstrated their commitment to careers in public international law and/or human rights through their course work, clinical activities, externships, and other professional experiences. A committee of faculty and administrators led by Clinical Professor Jayne Huckerby, who directs the International Human Rights Clinic, oversees the fellowship selection process.

High-caliber placements like those the committee identified at OHCHR and NRC will be instrumental to the success of the fellowship and the fellows' careers, providing both substantive experience and networking opportunities, Huckerby said. "It's very hard to walk into these organizations as a recent graduate from law school. The fellowship is designed to provide access to those institutions such that the fellow can develop their professional profile while meaningfully contributing to pressing human rights issues."

At Duke Law, Cahen-Salvador worked on legal challenges in military commission proceedings in the Guantanamo Defense Clinic and on inmates' claims of actual innocence in the Wrongful Convictions Clinic. She earlier focused on human rights and international law while pursuing her LLB at the University of Warwick.

Following her Duke Law graduation, Cahen-Salvador served as a legal fellow with Robert F. Kennedy Human Rights (formerly the Robert F. Kennedy Center for Justice and Human Rights) in Washington, D.C., where she worked in the International Strategic Litigation Unit to bring high-impact human rights cases before regional and international tribunals. In addition to leading the organization's research and outreach efforts with potential partners in Kenya, Rwanda, and Zimbabwe, she undertook research relating to its new domestic initiative on criminal justice reform.

It was Cahen-Salvador's blend of experience and vision for how her placements in Geneva could develop her expertise while also strengthening the work of the organizations that helped her secure the new fellowship, said Huckerby.

Cahen-Salvador called her Duke Law fellowship both an honor and "an incredible opportunity" to add to her skills and perspective and to expand her professional network while gaining insight into the operations of two highly-regarded organizations. "This fellowship gives young human rights defenders an incredible opportunity to pursue a career in a field that is very difficult to access," she said. ♡



Patel '18 wins Skadden Fellowship to serve LGBTQ and HIV-affected Staten Islanders

KINJAL PATEL '18 has received a two-year Skadden Fellowship to provide legal assistance to low-income lesbian, gay, bisexual, transgender, queer (LGBTQ), and HIV-affected residents of Staten Island, N.Y., on a range of legal matters.

Patel will join Staten Island Legal Services (SILS) in offering representation to these clients on such matters as health-related legal issues, government benefits, name and gender-marker changes, housing, immigration, family law, and discrimination. Her work will include targeted outreach to low-income and vulnerable clients through on-site legal clinics and information sessions at social service agencies, among other initiatives. She will become the only attorney in the borough of Staten Island with a full-time practice devoted to the legal needs of LGBTQ and HIV-affected clients, populations that are distinct but sometimes overlap.

One of 29 graduating law students and judicial clerks nationwide to be awarded the prestigious public interest-focused fellowship for 2018, Patel is the second Duke Law recipient in as many years. Olivia Cole '17, whose fellowship supported work with a veterans' assistance organization in San Francisco, advised Patel through the Skadden Foundation's application process.

"I am honored and grateful for all the help I got in applying for the fellowship," said Patel, offering

Kinjal Patel '18 is among the first students to graduate with the Law School's Certificate in Public Interest and Public Service Law.

thanks to Cole and others, including Dean David F. Levi, Clinical Professor Allison Rice, Katharine Bartlett, the A. Kenneth Pye Professor of Law, Assistant Dean for Public Interest and Career Development Stella Boswell, and Government and Public Interest Career Counselor Bethan Eynon for their advice, recommendations, and interview practice. “I couldn’t have done it without Duke. And I’m grateful to SILS and to the Skadden Foundation for giving me the opportunity to close some gaps in services Staten Islanders face.”

Patel, who worked with HIV-affected individuals and victims of domestic and sexual violence before law school, has carefully laid the groundwork for a career in public interest law at Duke, developing her skills through clinics, externships, summer work, and pro bono service. She has held summer positions as a legal intern at the Boston Area Rape Crisis Center and the Women’s Law Project in Philadelphia and has been a leader in Duke Law’s Coalition Against Gender Violence and a volunteer at the Durham Crisis Response Center. In the Health Justice Clinic last spring, she handled cases involving disability, estate planning, advance directives, and family law for clients, and in the fall semester represented survivors of gender-based violence during an externship at Honeycutt Everett & Associates, a nonprofit law firm in Durham.

Patel, who is currently enrolled in the International Human Rights Clinic, will be among the first students to graduate with the Law School’s Certificate in Public Interest and Public Service Law, (see page 8).

Rice, who directs the Health Justice Clinic, had high praise for Patel’s dedication and attention to detail in pursuing her clients’ interests, as well as the legal and interpersonal skills she demonstrates in doing so. “Kinjal developed trusting relationships with her clients, many of whom were facing extremely stressful situations,” said Rice. “She learned how to process clients’ distress and trauma without either detaching or crumbling. She also showed that her solid legal analysis, writing, and advocacy skills were not undermined by the emotional nature of the cases.”

Rice also noted Patel’s understanding of the roles poverty, race, class, gender, and health play in creating barriers to justice: “Her appreciation of the barriers facing the LGBTQ and HIV populations in connection with health and other issues will serve her well, both in handling individual cases and in planning the most effective strategies for collaborating with the program’s partner agencies.” ♡



Pinto '18 receives Clifton Everett Fellowship from Legal Aid of North Carolina

LUIS PINTO '18 has received a Clifton Everett Fellowship from Legal Aid of North Carolina (LANC) to serve low-income clients in Ahoskie, N.C., as a staff attorney.

Stella Boswell, assistant dean for Public Interest and Career Development, calls Pinto exceptionally deserving of the yearlong fellowship: “Luis is fully committed to public service, and has been a pro bono superstar here at Duke.”

Pinto, who said he was honored to receive the fellowship, has offered pro bono service to clients through the Veteran’s Assistance Project (VAP), the Volunteer Income Tax Assistance (VITA), the Bull City Stand Down, and Lawyer on the Line, and has done Southern Justice Spring Break volunteer work in Mississippi and Louisiana. He worked for LANC in Wilson, N.C., after his first year at Duke Law and at the Mecklenburg County Public Defender’s office after his second, held externships with the City and County of Durham in consecutive semesters as a 2L, and is currently an advanced student in the Civil Justice Clinic.

“He is the epitome of every cliché regarding selflessness and altruism,” said Kim Burrucker, director of the Office of Public Interest and Pro Bono.

An Army veteran and graduate of the University of Miami, where he majored in political science, Pinto came to Duke Law with a public interest career in mind. “I realized that the legal system could help

Luis Pinto '18 has been a “pro bono superstar” at Duke.

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people and that it could also ruin people's lives, especially those without resources," he said. He quickly signed up for VAP, VITA, Lawyer on the Line and the annual Southern Justice Spring Break trip — "all the extracurriculars that allow you interact with people, to get to know the law, and to apply it in a real setting."

He found the interplay between the legal issues he faced in his volunteer service and those he was learning about in his first-year classes to be instructive.

Attempting to get a VAP client benefits relating to an injury he suffered in Vietnam, for example, gave Pinto an opportunity to apply skills he had learned through his Legal Analysis, Research and Writing (LARW) curriculum. "During the research part of LARW, we had learned about a lot of the specific resources for looking up old laws and regulations," he said. "In that case I had to go see what the law was 30 years ago."

Consecutive semester-long externships with the City of Durham and Durham County during his second year helped Pinto broaden his legal skills by involving him in issues pertaining to torts, the First Amendment, the Freedom of Information Act, municipal voting laws, zoning regulations, and charter school applications. His subsequent summer job with the Mecklenburg County Public Defender's Office then offered a crash course in the criminal misdemeanor process, he said.

Pinto gained more courtroom experience during his fall semester in the Civil Justice Clinic, when he and a classmate handled both a motion and an administrative hearing on behalf of a suspended health care worker seeking reinstatement of her employment status.

Pinto said he expects to draw on much of his public interest experience during his fellowship in Ahoskie, a small town in rural eastern North Carolina where access to justice is generally lacking. "Many people are poor and they are geographically isolated, so they have additional problems dealing with the legal system," he said. ♡



Jami King

Kelly Hamachi

Meredith Stewart

Second-year law students chosen for new health policy program

THREE SECOND-YEAR LAW STUDENTS are among the first cohort of Margolis Scholars selected from the Master of Public Policy program at the Sanford School of Public Policy and the JD program at Duke Law School.

Kelly Hamachi, Jami King, and Meredith Stewart were chosen to participate in the Margolis Scholars in Health Policy and Management program, which provides an interdisciplinary perspective on key issues in those areas, as well as relevant practical and research opportunities, to support the professional development of the next generation of health policy leaders in government, academia, nonprofit organizations, and the private sector.

"This program will give me the ability to learn about health policy at a high level in an academic setting and also gives me a chance to meet and learn from policy leaders who are working for smart policy nationally and internationally," said Stewart.

Before coming to Duke, Stewart earned her undergraduate degrees in biology and biological anthropology and anatomy and a MPH in health behavior from the UNC-Gillings School of Global Public Health. She has worked for nearly five years in health departments in North Carolina.

Hamachi earned her BA in public health at the University of California, Berkeley. Prior to coming to Duke, she spent a year after graduation coordinating the design fellowship program at Stanford University's Clinical Excellence Research Center, which is devoted to developing and implementing cost-saving methods of high-quality clinical care in health care systems throughout the country.

King, who is pursuing an LLM in international and comparative law as well as a JD, received a BA in economics and anthropology/sociology at Rhodes College in 2011 and her MS in global health and population at Harvard's T.H. Chan School of Public Health in 2015. She has conducted fieldwork and global health research in India, Honduras, and Mexico City, the last through a Frederick J. Sheldon Fellowship. She has also worked with the CDC and the Iowa Department of Public Health creating an evaluation plan for the rollout of a Medicaid reimbursement scheme for a maternal health program.

"These exceptional students will be part of a vibrant intellectual community being built at Duke and will have opportunities to network with national and international health policy leaders," said Dr. Mark McClellan, who directs the Duke-Margolis Center for Health Policy. ♡



Ebony Bryant, second from right, leads the PreLaw Fellowship program.

New PreLaw Fellowship program lays groundwork for professional success

THE LAW SCHOOL WELCOMED ITS FIRST COHORT of PreLaw Fellowship students in June. Twenty rising juniors from eight colleges and universities in Georgia and the Carolinas spent two weeks taking classes in criminal law, legal writing and analysis, and LSAT preparation, in the process gaining insight on applying for and succeeding in law school.

The goal of the full-scholarship “pipeline” program is to introduce students from underrepresented communities to the rigors of law school and the benefits of having a legal education, as well as to ensure they have essential information to help them navigate the admissions process, said Ebony Bryant, director of diversity initiatives at Duke Law. “I worked in admissions for 10 years and saw some of the struggles that some first-generation or minority students had in applying late or in lacking the information they needed to get into a school like Duke Law,” she said. “They need to know two years out what they need to improve on, how much money to save, which courses to take to help them with reading comprehension, and when to apply for scholarships.”

Admission to the program mirrored the law school application process, with selection based on applicants’ transcripts, recommendation letters, Skype interviews, and writing samples. “Writing is so important to success in law school and as a lawyer,” said Bryant. “We wanted to make sure we were admitting the best students from each school.”

Students spent four days each week immersed in doctrinal courses — Criminal Law with James Coleman Jr., the John S. Bradway Professor of the

Practice of Law, and Legal Writing and Analysis with Clinical Professor Rebecca Rich ’06. They received the same books first-year law students use for those classes and experienced similarly rigorous expectations and instruction. Each produced a capstone paper and made a presentation in Criminal Law that required them to work in pairs to justify upholding or overturning the ruling in a case they had studied.

“We had to rely on the cases that we read throughout the program in order to back up our arguments,” said Kourtney Johnson, a political science and economics major from Spelman College.

Coleman was pleased to see how engaged his students were with the exercise and with their coursework, calling the fellowship program “an excellent introduction” to studying the law. “They learned that having an opinion was very different than having an informed opinion,” he said. “By the end of the two weeks, they had worked hard to make sure that their still-strong opinions were informed by the cases they read and our classroom discussions.”

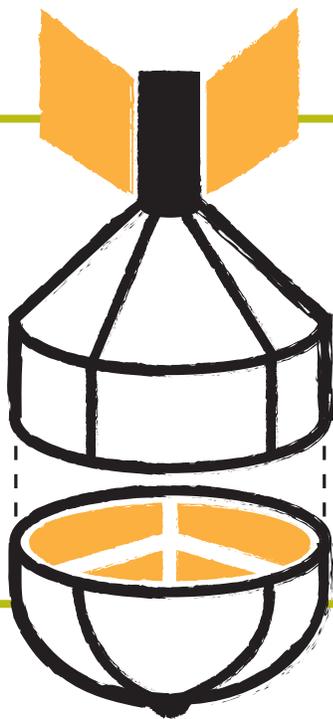
Fridays were dedicated to LSAT preparation, professional development, and “Real Talk” sessions with Bryant and other administrators on the admissions process, making the transition from undergraduate to law school, and succeeding in the classroom. They also met Duke Law alumni, visited a local firm, and went on a tour of the North Carolina General Assembly in Raleigh. “The main reason why we went to the state house was to show them, ‘This is where you could be,’” Bryant said. “Part of access is allowing people to see themselves in a place.”

Malik Wilson, a sociology major at Morehouse College, said the fellowship program gave him a clear sense of what he needs to do to achieve his goal of studying law. His “amazing” professors confirmed his interest in doing so, he added. “Professor Coleman’s level of experience and knowledge are truly unmatched, making his Criminal Law class an adventure every single day,” he said. “Likewise, Professor Rich’s tips and tricks regarding legal writing were invaluable.”

Bryant said she was impressed with the inaugural class of fellows. “Now they can envision what law school is and they can make a clearer decision based on the time they spent here,” she said. “That’s what it’s all about — giving someone the opportunity to make a good decision.”

In November, Duke Law received a three-year, \$300,000 grant from the Law School Admission Council to expand the PreLaw Fellowship program to four weeks. Participating students will also receive a \$1,000 stipend, an LSAC fee waiver, and an LSAT test prep book. ♡

Notable & Quotable



“Nuclear weapons can defend not just lives, *per se*, but a way of life. But it seems treaty advocates prefer to avoid the risks that nuclear weapons might pose, even at the possible cost of freedom. Even accounting for the very real perils nuclear weapons entail, is there really nothing worth defending with them?”

— Professor **Charles Dunlap Jr.**, asking whether the treaty banning nuclear weapons is immoral (*War on the Rocks*)

Illustrations: Marc Harkness

“It’s true that the president is head of the executive branch and has the lawful power to terminate employees of the executive branch. But if he does it with the corrupt intent to impede an investigation, he commits obstruction.”

— Professor **Lisa Kern Griffin**, disagreeing with presidential legal advisors who argue that the executive is immune from obstruction charges (*San Francisco Chronicle*)

“... [E]ven high earners deserve a tax that is fair and based on some rational theory, and the AMT is neither.”

— Professor **Richard Schmalbeck**, arguing for elimination of the alternative minimum tax that, he says, has rarely served its purpose of collecting levies owed by tax-avoiders (*Wall Street Journal*)

“Jury service is one of the most important ways in which ordinary citizens participate in our criminal justice system. Throughout our history, however, that system has denied African-Americans full participation in this form of self-government; like Confederate monuments, this occurs in plain sight and often is ignored.”

— Professor **James Coleman Jr.**, noting that the relatively routine rejection of qualified black jurors by prosecutors denies defendants a fair trial (*News and Observer*)

“At the first serious (and likely coordinated) move by governments to regulate or bank the currency, or the first major hack into a Bitcoin vault, Bitcoin’s price will crash to zero. Panicked owners will rush to exit and the bubble will burst.”

— Professor **Lawrence Baxter**, predicting that Bitcoin’s soaring value will fall, in part due to the threat the virtual currency poses to central banks (*Wall Street Journal*)

“Rarely does a case that is nominally about debt so squarely involve the question of what it means to be sovereign.”

— Professors **Joseph Blocher** and **Mitu Gulati**, writing that a challenge by New York-based hedge fund Aurelius to the constitutionality of a control board designed to restructure Puerto Rico’s debt has the potential to “unwind” the island’s status as an unincorporated territory (*The Hill*)

“It’s a much simpler sell to jurors. They seem to believe that it’s much more individualized than population genetics. Also, they can see it, right? You can show somebody a brain scan and say: There. See that? That big thing, in this person’s brain? You don’t have that. I don’t have that. And it affects how this person behaves.”

— Professor **Nita Farahany**, explaining why the number of judicial opinions mentioning neuroscience or behavioral genetics more than doubled between 2005 and 2012 – as she found through a review of 1,600 cases – and that roughly 25 percent of defendants in capital trials used neurobiological data in pursuit of a lighter sentence (*Wired*)



In the classroom

Re-Thinking Gender: Transgender Issues

KAMM TOWNSEND '19 WORKED in diversity and recruitment in higher education before law school, and he has engaged deeply with issues of marginalization, inclusion, and intersectionality — the multiple factors related to race, class, and gender that can alternately fuel societal acceptance or exclusion. And Townsend, who anticipates going into private practice after graduating from Duke Law, feels strongly about “making space” for these issues in any professional workplace. “It’s important to be aware of these types of issues and how you can make your work space more inclusive and how you can leverage the resources of a firm to really improve people’s circumstances, outside of just doing pro bono work,” he said.

Getting a better understanding of how to make that happen was part of Townsend’s motivation for enrolling in Clinical Professor Carolyn McAllaster’s fall-semester seminar on transgender issues. It also fit neatly with her motivation for putting the class together.

“I wanted students to think about the challenges that people of transgender experience face in this country and, really, in the world,” said McAllaster, the Colin W. Brown Clinical Professor of Law and director of the HIV/AIDS Policy Clinic. “I have met many transgender people who are living with HIV in the course of my work, and ‘trans’ status seems to accentuate the stigma and discrimination that all people living with HIV experience.” Two notable developments made her feel the course would be particularly timely: the controversy surrounding both the passage of North Carolina’s so-called bathroom bill that set rules for bathroom use by transgender individuals and the terms of its repeal, a compromise that restricts cities and counties from passing anti-discrimination ordinances, and the election of President Donald Trump, whose administration,

she thought, was likely to attempt rollbacks on some recent advances in transgender rights implemented by his predecessor.

McAllaster found the subject lent itself well to the Law School’s “readings” design for courses that explore connections between the law, the practice of law, the legal system, and issues of current societal importance. “I felt that students would need a lot of background,” she said. “They would need to understand the vocabulary and they would need to understand the history of the transgender movement, as it isn’t a matter of general knowledge for most people. I also thought of the class as being not just for lawyers, but also a class for people making policy in the world, so I thought it was important that they be exposed to a broader range of issues than just legal issues.”

McAllaster, her six second-year students, and a variety of guest lecturers often found themselves discussing news events along with the readings in her syllabus. Among the developments that arose

through the semester: the Trump administration’s ban on transgender troops in the military, which was subsequently enjoined by a federal judge; the announcement that the U.S. Department of Justice would no longer interpret Title VII sex discrimination as including discrimination



Carolyn McAllaster

based on sexual orientation or gender identity; the fatal September shooting, in Charlotte, of Derricka Banner, a black, trans woman and the 20th transgender person murdered in 2017; and the November election, to statehouses and city councils, of at least three openly transgender candidates.

“It was a busy time,” said Gabrielle Goodrow ’19, who had conveyed her interest in a course on transgender issues to McAllaster last spring and “heavily recruited” friends and classmates to enroll. The requirement that students write reflection papers on matters of interest instead of a final exam offered them flexibility to delve into unfolding news, she said. And the readings and sessions McAllaster planned on such matters as health disparities, employment discrimination, bathroom laws, and gender dysphoria in children led to thoughtful conversations in and out of class, said Goodrow, who serves as president of OutLaw, the Law School’s les-

bian, gay, bisexual, transgender, and queer (LGBTQ) affinity group.

“I had discussions with my friends that I don’t think I would have had without this class,” she said. “I was pleasantly surprised at how invested everybody got in it. I think it really challenged people.” When she hosted an extracurricular screening of a documentary titled “Transgender Histories,” all of her classmates in the readings course came.

Guest lecturers offered practical insights into specific topics, such as a social worker in the Duke Child and Adolescent Gender Care Clinic who led a discussion on transgender children that addressed when the law should let young people make medical decisions. Maryellen Madden ’72, of counsel at Buchanan, Ingersoll, Rooney in Philadelphia and a former member of the Transgender Legal Defense and Education Fund Board of Directors, led a class on transgender history that moved Townsend to focus a reflection paper on the exclusion of transgender people from the “second-wave feminism” of the 1960s and 1970s, which emphasized equality for women. “I was aware of that tension, but didn’t fully grasp how difficult it was for trans people to get a voice and to try to navigate their way into the feminist movement in order to advocate for themselves,” he said.

Ames Simmons, director of transgender policy for Equality NC, a nonprofit organization that advocates for LGBTQ rights, taught classes on health disparities and bathroom bills, respectively. Simmons’ insights as a trans man, lawyer, and advocate who spoke frankly about the difficulty transgender people face in navigating hospitals, clinics, and health-related documentation, as well as the impact of anti-trans bathroom laws, contributed enormously to the class, said Townsend. “He was able to show us, ‘Here’s what I dealt with going through my transition and the legal issues — while being white and having a law degree — were still difficult.’ So imagine what that looks like for a low-income person, a person of color, someone who has no formal education or, at the very least, no law degree.”

Simmons said that participating in the class helped advance his own understanding of a rapidly developing area of civil rights law and areas of the field that were unfamiliar to him, such as the international human rights framework that was the focus of a session led by Laurence Helfer, the Harry R. Chadwick Sr., Professor of Law, and Clinical Professor Jayne Huckerby, who directs the International Human Rights Clinic. More impor-

“My time at Duke was the most intellectually challenging of my education experience, so I’m not surprised that it is one of the first to wade into these waters. I wish more universities did this.”

— Maryellen Madden ’72, who led a class discussion on transgender history

tantly, Simmons said, the class gave him the chance to “whet any desire” the students might have to serve transgender clients.

“There’s such a need for trans people to have the assistance of legal practitioners,” he said. “So many people in the trans community have no means of paying for legal assistance or for health care.” He was impressed by the students’ engagement and depth of understanding of the issues. “In every class that I attended I heard, at a minimum, questions asked that enlarged my understanding of the ways the law could be applied to these situations.”

Both Townsend and Goodrow noted the lasting impact of the semester’s final class, when the students met with several black transgender women at a local social services agency who reflected on their everyday challenges and offered advice for serving transgender clients with dignity. This included, said Goodrow: “Don’t assume that they use the pronouns that immediately come to mind when you look at them. Make it a rule to state your own pronouns, even if you are cisgender. Don’t sound surprised on the phone if their voice is deeper, or higher, than you expected. And don’t assume you know what your client wants just because you know what the ‘transgender community’ wants. You could have a client who is transgender who just wants you to work on a regular employment case and doesn’t want gender identity to come into play.”

The women also addressed the issues of intersectionality that came up throughout the course, Goodrow said. “Being transgender might not even be the aspect of identity that has the greatest impact. It might be that they are low-income. It might be that they only have a high school education. It might be that they’re non-white. They are being impacted by a lot of different aspects of their identity. It might not matter if you can get access to hormones if you can’t get transport to it on a regular basis. So we realized that you can’t silo yourself and say you’re only working on transgender issues. Everything is connected.”

Both Townsend and Goodrow think the course should be offered again and encourage students to consider enrolling. “Regardless of how people feel about trans rights and trans issues,” said Townsend, “it will get you to think critically about the beliefs you hold and how you view what the law should or should not do. It will help stretch your thinking.”

That attitude is gratifying to Madden, one of very few — just two, she believes — transgender women to hold senior positions at major U.S. law firms. With “the rules about what our place in society is still being written,” she welcomed the opportunity to lead the class on transgender history and to discuss the challenges faced by transgender Americans.

“People are making decisions in lawsuits and legislation without knowing much about us, so the opportunity to talk about my community to young people who may someday be influential is important,” she said. “My time at Duke was the most intellectually challenging of my education experience, so I’m not surprised that it is one of the first to wade into these waters. I wish more universities did this.” ♡



Dave Trott '85

On the Record at Duke Law

Nov. 13, 2017

In conversation with Dean David F. Levi, Rep. **Dave Trott '85**, R-Mich., discussed his career in law, business, and public service. Trott, chairman and CEO of Trott & Trott PC, has represented Michigan's 11th congressional district since 2014, serving on the House Financial Services Committee, the Committee on Foreign Affairs, and the Committee on the Judiciary. Having cited congressional dysfunction and hyper-partisanship in his decision not to seek re-election in 2018, Trott reflected on how things could improve.

"The partisanship is a function of two problems. First, you've got these gerrymandered districts where people, particularly Republicans in the South and Democrats in urban areas, all they've got to worry about is, 'I don't want to get primaried. I've got to be progressive enough or conservative enough that I don't get primaried. If I don't get primaried, I win 70-30.' And there's no tolerance. Perfect is the enemy of good. You can't vote for a bill that's good if it has something in it that's unacceptable to the far right or the far left.

"Reagan sat down with Tip O'Neill to have lunch together and Reagan's attitude was, 'I'd rather get 70 percent of what I want done than nothing.' And we're in a nothing phase right now. So you've got to get rid of these safe districts and make them more competitive. If I'm now in a 52-48 district, I've got to come home and I can't say to you, 'I voted to repeal Obamacare and I stopped that!' You'd have to come home and instead of saying what you stopped from happening, you'd have to come home and say, 'Here's what I got done.'

"The other big thing that would have to change would be that you'd have to revisit the *Citizens United* case and campaign finance. Because right now, 50 percent of the job is raising money." ♫

Nov. 15, 2017

At a lunchtime event co-sponsored by the American Constitution Society and OUTLaw, Judge **Todd Hughes '92** of the U.S. Court of Appeals for the Federal Circuit outlined the technical nature of the patent appeals and appeals of federal agency decisions on his docket, as well as the learning curve that faced him when he joined the court in 2013. Having been the first openly gay person to be confirmed to the federal appellate bench, Hughes called the appointment of 11 openly gay judges to various courts "truly a lasting achievement of the Obama administration," and said he feels fortunate that his nomination wasn't politicized before he was unanimously confirmed by the Senate. Now, he said, he tries to bolster diversity in the legal profession by factoring it into his clerkship choices.

"I try really hard to make sure I have a diverse group of clerks. Clerkships are, at any big law firm, the Department of Justice, other federal government agencies, a step up for young lawyers. We need to make sure we're giving everyone that opportunity.

"However, I think one has to be careful about letting one's judicial philosophy be informed by a single facet of one's character. Being gay has certainly informed my desire to work for diversity in clerkships, but many factors, my whole life experience, informs my judicial philosophy." ♫



Todd Hughes '92

Sarah Bloom Raskin



Barney Frank



Aug. 30, 2017

Justice **Daphne Barak-Erez** of the Supreme Court of Israel discussed how courts in different countries have dealt with disputes arising from in-vitro fertilization (IVF) when she delivered the annual Bernstein Memorial Lecture in Comparative Law. A leading legal scholar and former dean of law at Tel Aviv University who visited Duke Law before joining the



Daphne Barak-Erez

Supreme Court in 2012, Barak-Erez focused her remarks on “horizontal controversies” regarding reproductive technologies, defining them as disputes between private parties over IVF resolution, such as whether a person can implant or destroy fertilized embryos over the objection of a former spouse. Barak-Erez observed that IVF raises novel legal questions, leading courts to frame disputes within familiar concepts and metaphors, such as those on property, contracts, or the sanctity of life. Comparative law, she said, is particularly useful to the analysis and resolution of questions touching on reproductive technology.

“First, these technologies emerged in several places around the world at the same time, roughly speaking. So we are confronted here with questions that were dealt with by different legal systems around the same time ... and it is interesting to see where these systems were looking for solutions.

“Second, some of the moral and human dilemmas are the same. ... It is interesting to see how different systems were dealing with these dilemmas. At the same time ... although there are some shared values and moral questions here, the analysis of the questions is also deeply influenced by the background cultural conditions. So we have here both a justification to expect similarities and at the same time, the expectation to not always find quite the same answers.

“And in the background we have in all systems, to different degrees, the over arching question of whether what is feasible from a scientific, technological perspective, should also be permissible from a legal perspective. These are not necessarily the same.” ♪

Oct. 25, 2017

Former Democratic Congressman **Barney Frank** and former Deputy Treasury Secretary **Sarah Bloom Raskin** discussed the current state of financial regulation and the post-crisis evolution of the finance industry at a lunchtime event co-sponsored by the Global Financial Markets Center and the Rethinking Regulation program at the Kenan Institute for Ethics. They began by addressing the Senate’s Oct. 24 repeal of a proposed Consumer Financial Protection Bureau rule that would have allowed consumers to file class-action lawsuits against banks instead of resolving disputes in private arbitration, as mandated by standard banking agreements. Both Frank and Raskin, a Duke University Rubenstein Fellow, agreed that the move reflected a significant setback for consumers.

Raskin: “In arbitration settings, consumers win nine percent of the time. ... [T]o bring these cases under arbitration, it costs an average \$7,725. So the incentive to actually do something in arbitration is very much tilted in favor of the corporations and the firms. ...

“What strikes me as kind of remarkable about this is that we are seeing, in our country, a gradual shift of economic risk, moving from firms ... into the realm of the consumer. The consumers are now bearing much more risk, and they’re bearing risk on items that they have no choice in. ... The people who were hurt by Wells Fargo, they didn’t choose to open accounts. This whole event was an event in which unauthorized accounts were opened. So the consumer had no voice in that, and the consumer will now continue to be forced to use arbitration to resolve that claim. ...

“In both the Wells Fargo case and the Equifax [data breach], there’s this notion that the harm is a little bit out of reach. ... The consumer certainly doesn’t know what the harm is at the time it happens. There’s been no personal agency. And what we see here, in this decision of last night is, I think, an explicit step toward a continued shift of economic risk on consumers, even when consumers have no choice in the matter.”

Frank: “It essentially means that if you are a consumer and you have been screwed by your bank, there’s nothing you can do about it. ... Well, if you are a very wealthy consumer and your bank has somehow hurt you to the tune of hundreds of thousands of dollars, then you can bring a lawsuit. But if you’ve lost relatively small individual sums up to a couple of hundreds of dollars that have happened recently, it really does not pay to bring an individual lawsuit, but the banks ... can basically say, ‘If you’re going to deal with me, you have to give up your right to even join a lawsuit with a whole lot of people and you have to submit to arbitration.’

“Understand, the banks engage in arbitration all the time. You, the individual, may engage in arbitration once in your life. There are people who make their living as arbitrators, and they are selected by both parties. Now if you are an arbitrator by profession, you understand that if the banks get the impression that you are too pro-consumer, you are not going to do a lot of arbitrating. And therefore, when it comes to the provision, you get that nine percent figure, which is just overwhelming.” ♪



Arti Rai, far right, moderated a panel on the constitutionality of the USPTO's administrative patent review process on Sept. 22 at a Center for Innovation Policy event.

Center for Innovation Policy works to facilitate improvement in federal law and policy across an array of issues

ON SEPT. 22, the Duke Law Center for Innovation Policy (CIP) brought representatives from government, private industry, and academia together in Washington, D.C., to consider the implications of a challenge, to be decided by the Supreme Court, to the constitutionality of an administrative patent-review process used by the U.S. Patent and Trademark Office (USPTO).

CIP faculty co-director Arti Rai, the Elvin R. Latty Professor of Law, moderated the event, which involved an in-depth examination of *Oil States Energy Services v. Greene's Energy Group*, a case currently before the Court, in which the petitioner argues that the administrative process is unconstitutional because patents, once granted, can be invalidated only by a federal court. In addition to considering the impact that scrapping the USPTO's process, which was introduced by the America Invents Act of 2011 to facilitate speed and certainty in patent review, might have on patent law and innovation,

participants discussed the questions the case raises regarding the relationship between the administrative state and the judicial branch.

The panelists included James Smith '86, the former — and first — chief judge of the USPTO's Patent Trial and Appeal Board (PTAB), the administrative tribunal at issue in *Oil States*, who addressed its establishment and operation and suggested ways its process could be statutorily improved, and former U.S. Solicitor General Donald Verrilli, who discussed the impact of the case for the administrative state. Other speakers were patent litigators, scholars, and representatives of industries that depend heavily on patents to finance and incentivize ongoing innovation.

The breadth of perspectives offered showcased the CIP's emerging role as an "honest broker" in innovation policy issues, said Mike Messinger, a co-founder of the intellectual property strategy firm Shami Messinger. Speaking after the event, Messinger said that the *Oil States* ruling could be "incredibly disrupt-

“My experience of the CIP has been that it is a unique forum that brings in not only skilled people on a legal issue like we’re discussing today, but also that they bring in high-level people to discuss issues from technological, economics, and business viewpoints. It’s very difficult to get analysis at the caliber the CIP is achieving.”

— Mike Messinger, a panelist at the Center for Innovation Policy’s September event on patent review

tive” to his clients’ markets for their patents, such as software licensing markets in which small firms frequently participate.

“My experience of the CIP has been that it is a unique forum that brings in not only skilled people on a legal issue like we’re discussing today, but also that they bring in high-level people to discuss issues from technological, economics, and business viewpoints,” he said. “It’s very difficult to get analysis at the caliber the CIP is achieving.”

The conference on the constitutionality of administrative patent review, which was held at Duke University’s Washington, D.C., headquarters, was the latest in a series convened by CIP on ways to improve federal law and policy that affects intellectual property, telecommunications and the internet, and such health care industries as medical devices and pharmaceuticals. Rai said the event reflected the CIP’s mission in the way it examined a specific issue from multiple perspectives with the aim to understand, more broadly, what works and what doesn’t in innovation policy. “It was a topical event, but with the aim of trying to elucidate larger lessons. Even in the patent context we were trying to elucidate what this will mean down the line.”

Added CIP faculty co-director Stuart Benjamin, the Douglas B. Maggs Professor of Law: “There are centers and think tanks that do a lot of mile-high theorizing, and a whole lot of the action, especially in D.C., is what’s going to happen in the next legislative session, what’s right around the corner. And we’re trying to be in between those two.”

An independent forum

Rai and Benjamin bring an exceptional breadth of knowledge of the innovation and policymaking process to the center they established at Duke in 2013, as does Stephen Merrill, who has served as executive director since 2014. Rai, who focuses her research, scholarship, and teaching on intellectual property, administrative law, and innovation policy in biotechnology, pharmaceuticals, and software, served as administrator of the Office of External Affairs at the USPTO from 2009 to 2010, after earlier serving on President Barack Obama’s transition team that reviewed the agency. Benjamin, who is also the Law School’s associate dean for research, specializes in telecommunications law, the First Amendment, and administrative law, and served as the first Distinguished Scholar at the Federal Communications Commission from 2009 to 2011. Merrill’s prior work as the longtime head of the National Academies Board on Science, Technology, and Economic Policy included producing a report on patent system reform that served as a blueprint for the America Invents Act.

This collective insight into issues and challenges facing research and innovation across a swath of industries informs CIP initiatives, which often involve collaborations with Duke University business and policy faculty, as well as the Duke Innovation & Entrepreneurship Initiative, where Merrill is a senior fellow. And their combined professional networks ensure the participation of leading figures

in industry and policymaking in CIP inquiries and a receptive, bipartisan audience for its research findings. Web pioneers Tim Berners-Lee and Vint Cerf spoke at a 2014 event on internet regulations, and Sen. Chris Coons, D-Del., was the keynote speaker at a CIP conference on the decline in corporate research funding and offered opening remarks last June at a CIP briefing for congressional staff on the matter.

Merrill, who is based primarily in the nation’s capital, said it’s critical that CIP be an objective and independent forum for innovation policy discussion and research. “Other think tanks increasingly reflect the polarization of Washington politics and some are under scrutiny for conflicts of interest tied to funding sources,” he said. “The CIP receives corporate funding but tries to ensure that no single interest predominates.” Indeed, while center activities receive financial support from a variety of public and private corporations and foundations — the September event was supported by Google and InterDigital — it adheres to a set of restrictive guidelines in its relationships with financially-interested stakeholders.

“We’re Switzerland,” said Benjamin, noting that the center’s four founding and ongoing corporate sponsors rarely, if ever, “collectively agree” on issues pertaining to innovation policy. “Once anybody hears AT&T, Google, Comcast, and Qualcomm, if they know anything about this space, they know that on every single issue, there is some combination of them on opposite sides.”

Furthering the discussion

In addition to fostering dialogue among stakeholders on a range of issues through its conferences, CIP directly engages in policymaking and scholarly debates through the publication of research articles, essays, articles, and white papers that highlight its interdisciplinarity and relevance outside the purely legal sphere.

In a white paper based on data collected by Professor Ashish Arora from Duke’s Fuqua School of Business that stemmed from the CIP conference and

The Commons

congressional briefing on the matter, Merrill voiced concern about upstream research, especially in fields other than biomedical science, which has been favored by industry, government, and philanthropy.

“Not only has a distinctive 20th century U.S. institution, the great corporate research laboratory, declined or in some cases disappeared, but data suggest that corporate research efforts in general have declined in magnitude and in influence on the direction of science and engineering,” Merrill said. Government has focused on funding biomedical science, while reducing its overall research funding, he added. “That’s productive but the military is no longer an engine that propels progress in the physical sciences and engineering that underlies economic growth. The paper doesn’t minimize the constraints on the federal budget but does underscore the urgency of increasing investment in fields like materials, electrical engineering, and chemistry.”

Rai co-authored an article in the November issue of *Science* titled, “Racing for academic glory and patents: Lessons from CRISPR,” in which she argues that the prominent dispute over gene-editing technology reveals important lessons for administering patents and public research funding, two of the government’s most important innovation incentives. The dispute also highlights the manner in which academic ambitions for scientific glory interact with patents, she said: “Irrespective of how the scientific community chooses to allocate glory, winner-take-all races for broad patents are likely to be wasteful.”

A pair of 2016 CIP conferences on patent quality, held in conjunction with the USPTO and the High Tech Law Institute at Santa Clara University School of Law, produced a series of op-eds by conference participants in Law360 and a wrap-up piece assessing the state of patent quality by Rai and Santa Clara Law Professor Colleen Chien in PatentlyO.

Looking ahead

On May 4, the center will host a conference addressing another technology in the news today: artificial intelligence (AI). The event, a collaboration with the Center on Law & Technology and the Rethinking Regulation program at Duke University’s Kenan Institute for Ethics, will explore the promise AI holds for administering diverse governmental functions involving science, technology, and intellectual property, as well as the possible challenges.

“We’re interested in how to promote innovation and in general our past events have looked at pri-



Stuart Benjamin and Arti Rai lead the Center for Innovation Policy.

vate sector innovation and ways the government can promote it,” Rai said. “With this conference we’re looking at turning the lens toward how innovation, in the form of AI, can improve government processes. We all have interacted a lot with agencies in various capacities and know that the informational burden they face is tremendous, so we are interested in mechanisms for improving information processing through AI.”

Government collection of economic and population data, AI and biopharmaceutical research, and automated vehicles will be topics for consideration at the conference, as will the ability of government to adapt to new information and such concerns about AI as a lack of transparency and fairness. “Famously, the concern about AI is it ends up being a black box, it’s hard to tell how the AI has decided on what it’s decided on,” said Benjamin.

The center is also likely to convene future discussions on the patent system following the Supreme Court’s ruling in *Oil States*, which was argued on Nov. 27, particularly if it has the effect of invalidating PTAB rulings made to date. If so, former PTAB Chief Judge Smith looks forward to the discussion.

“I have participated in two of the Center for Innovation Policy’s recent discussions and my sense is that there would have been no other opportunity to gather in one place the exchange of ideas that took place at those gatherings,” said Smith, a member of the Law School’s Board of Visitors who is now the chief intellectual policy counsel at Ecolab. “To me this is sort of the high-water mark. I think the unique blend of the academic and the practicing world, the policy people, to hear the views and illuminate each other about the different perspectives is more than worth the price of admission.” ♡



Curtis Bradley



Laurence Helfer

Bradley and Helfer elected co-editors-in-chief of the *American Journal of International Law*

PROFESSORS CURTIS BRADLEY AND LAURENCE HELFER have been elected co-editors-in-chief of the prestigious *American Journal of International Law (AJIL)*, a four-year post that will take effect in April. Their election was approved by the Executive Council of the American Society of International Law (ASIL) on Oct. 27 after an earlier unanimous vote of the *AJIL* Board of Editors.

AJIL, which has been in continuous publication since 1907, is the world's preeminent peer-reviewed international law journal. It is known for its presentation of cutting-edge scholarship, "agoras" involving multiple perspectives on current issues, book reviews, analyses of important international and foreign law decisions, and a record of official U.S. positions and actions known as the "Contemporary Practice of the United States Relating to International Law." *AJIL Unbound*, the quarterly journal's online supplement, publishes short, original essays discussing new ideas and developments in the field.

Bradley, the William Van Alstyne Professor of Law and Professor of Public Policy Studies, and Helfer, the Harry R. Chadwick Sr. Professor of Law, have both published extensively in *AJIL* and are longtime members of the Board of Editors — in their 10th and eighth years of service, respectively — as well as frequent collaborators. They are two of three co-directors of the Duke Center for International and Comparative Law (CICL).

"We are both honored and excited to take on this challenge," said Bradley. "Many of the most prominent writings in international law have appeared in the pages of *AJIL*, as have some of the most famous debates in international law scholarship." Past editors have included eminent scholars and public figures in the fields of international law and international affairs, he added.

"Because *AJIL* is widely read both in the United States and around the world, as well as by government officials, practicing attorneys, and academics, the evolution of the field can be shaped by what's in the pages of the journal," said Helfer. "As editors-in-chief, we will have a hand in shaping that future."

Bradley, whose expertise spans the areas of international law in the U.S. legal system, the constitutional law of foreign affairs, and federal jurisdiction, currently serves as supervising editor for *AJIL Unbound*. The co-author of a leading casebook on foreign relations law that is now in its sixth edition, he is also the author of a monograph on international law in the U.S. legal system and the editor of the forthcoming *Oxford Handbook of Comparative Foreign Relations Law*, among other books, as well as more than 75 scholarly articles and essays. Bradley is a Reporter for the American Law Institute's Restatement project on the Foreign Relations Law of the United States, and in 2016, received a Carnegie Fellowship to support a multi-year project on comparative foreign relations law and democratic accountability (to which Helfer is a contributor). Bradley, who is the co-founder of ASIL's interest group on international law in domestic courts, also directs the Duke-Leiden Summer Institute in Global and Transnational Law at Leiden University in the Netherlands.

“It is gratifying to see Duke Law School’s strength in international law reflected in its close connection to such an influential and exceptional publication as *AJIL*.”

— Dean David F. Levi

Helfer is an expert in the areas of international law and institutions, international adjudication and dispute settlement, human rights (including LGBT rights), and international intellectual property law and policy. A senior fellow with Duke University’s Kenan Institute for Ethics, Helfer also serves as a permanent visiting professor at the iCourts Center of Excellence for International Courts at the University of Copenhagen, which awarded him an honorary doctorate in law in 2014. He has authored more than 70 publications and has lectured widely on his diverse research interests. His most recent coauthored books are two published this year by Oxford University Press, *Transplanting International Courts: The Law and Politics of the Andean Tribunal of Justice* (see page 25) and *The World Blind Union Guide to the Marrakesh Treaty: Facilitating Access to Books for Print-Disabled Individuals*. An active ASIL member for more than 20 years, Helfer also serves on the Board of Editors of the *Journal of World Intellectual Property*. He recently chaired Duke Law School’s Dean Search Committee.

“The *American Journal of International Law* will be in extremely good hands with Curt Bradley and Larry Helfer as co-editors-in-chief,” said Dean David F. Levi. “They are both superb, energetic, and creative scholars who are leaders in their respective fields. At Duke, with their colleagues, they have built a terrific program in international and comparative law and human rights. This co-editorship will contribute to the further excellence of our programs at Duke, while at the same time *AJIL* will benefit from the strength of the programs that Curt and Larry lead here.”

In addition to CICL and the summer institute in Leiden, key components of that program include the International Human Rights Clinic, the student-run *Duke Journal of Comparative & International Law*, the Global Financial Markets Center, the Center on Law, Ethics and National Security, partnerships with top international law schools, a robust LLM program for foreign law graduates, an SJD program, and a distinctive dual-degree program that allows students to pursue both a JD and LLM in international and comparative law in three years. Faculty expertise includes such fields as international trade, global finance, international intellectual property law, international environmental law, comparative law, the law of armed conflict, international criminal law, and human rights advocacy.

“It is gratifying to see Duke Law School’s strength in international law reflected in its close connection to such an influential and exceptional publication as *AJIL*,” said Levi, who has committed to funding new student research positions and administrative support for Bradley and Helfer’s editorial obligations. They also will draw on resources of the J. Michael Goodson Law Library, which has a dedicated foreign, comparative, and international law reference librarian on staff.

Bradley and Helfer noted that *AJIL* has undergone an evolution in both substance and form during the time that they have been engaged with it, while staying true to its rich historical legacy. According to Helfer, “the journal has become much more contemporary, in that it publishes interdisciplinary and empirical scholarship as well as research on the doctrines and institutions of international law. We’re interested in continuing that trajectory.”

AJIL Unbound, launched about four years ago, has been extremely well-received, said Bradley. “It publishes more frequently than the print version of the journal and is easier to read with shorter, very topical essays,” he said, noting that articles are now formatted like the print articles and are citable as well as searchable on Westlaw. “A wider diversity of authors from all over the world are writing essays for *Unbound*, including many younger scholars.” Essays published in the online supplement can serve as entry points for junior scholars to submit subsequent manuscripts to the print journal, both of which are published through Cambridge University Press.

Bradley and Helfer, who occupy neighboring offices, have collaborated extensively during their time at Duke — as CICL co-directors, on Law School committees, on scholarly initiatives, and in teaching intensive courses on international law in U.S. courts to federal and state judges on behalf of the Federal Judicial Center and in Duke Law School’s Master of Judicial Studies Program.

“Larry and I work together well and complement each other in a number of useful ways,” said Bradley, who noted both the overlap in and distinctiveness of his and Helfer’s areas of expertise. “Together we cover a broader array of methodologies and topics than we do individually.” Their perspectives have similar convergences and divergences, he added. “When we interact, we learn from each other, and we have found that when we write together, it is a genuine dialogue: Our individual positions are modified as we work together, forming something closer to a unified position that, I think, is better than the sum of its parts.”

Added Helfer: “Our approach fits within Duke’s broader culture of deep and open inquiry, where it’s perfectly fine to push back hard on ideas if you do so respectfully and in a constructive way.” ♫

Transplanting International Courts

Helfer offers case study of an international court in a developing country context

WHAT MAKES AN international court effective, and can the success of such a court in one region be transplanted to another? Those questions underlie 10 years of research by Laurence R. Helfer, the Harry R. Chadwick Sr. Professor of Law, and Professor Karen J. Alter of Northwestern University, on a court in South America that has created “an island of effective adjudication for intellectual property disputes.” Helfer and Alter’s new book, *Transplanting International Courts: The Law and Politics of the Andean Tribunal of Justice*, was published by Oxford University Press in 2017.

Headquartered in Quito, Ecuador, the Andean Tribunal of Justice (ATJ) was created in the mid-1980s as an international court with jurisdiction over disputes relating to trade barriers, tariffs, customs, taxes, environmental regulations, and intellectual property (IP) arising under the laws of the Andean Community, which now comprises Bolivia, Colombia, Ecuador, and Peru. The ATJ was modeled, Helfer and Alter explain, on the busy and influential European Court of Justice (ECJ). Over the last three decades, the ATJ has emerged as the third most active, by volume of decisions, among the 23 international courts operating around the world. Yet the large majority of these decisions relate to only one area of Andean law — patents, trademarks, and other forms of IP.

Discussing their book at Duke Law on Oct. 3, Helfer, co-director of the Center for International and Comparative Law, observed that the Andes is far less hospitable for an international court than Europe. “The rule of law is weak, executive branches are powerful, and national judiciaries are often politically compromised,” he said. Still, the ATJ was designed to operate much like the ECJ, particularly in

offering multiple ways for governments and private parties to access the court.

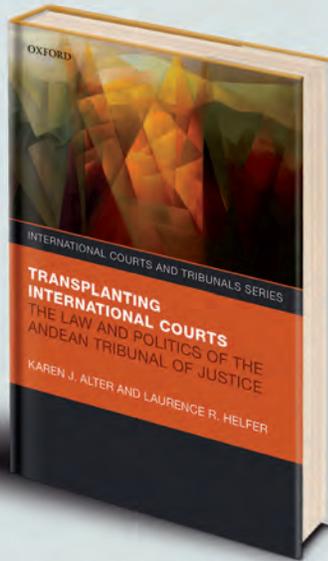
Through a review of all ATJ decisions and interviews with judges, lawyers, government officials, and interest groups across the region, Helfer and Alter identified several reasons for the Tribunal’s success in the intellectual property area. They highlight its development of deep expertise on the topic, thanks to a steady stream of referrals from administrative agencies and national judges through the ATJ preliminary ruling mechanism. Another factor, Helfer said, is that Andean Community member states have few local IP laws, and domestic administrators have been eager for guidance on how to interpret and apply community IP law. The ATJ has provided this guidance, issuing numerous rulings that have shaped the practices of the domestic IP agencies.

In fact, Helfer and Alter write, the ATJ’s focus on IP issues “paid multiple dividends.” It enhanced the value of trademarks and patents by clarifying the meaning of Andean IP norms, improved agencies’ ability to resolve disputes between private businesses, and strengthened the rule of law by reinforcing agencies’ independence from political interference.

Finding that most compliance with ATJ rulings occurs at the administrative agency level “even when governments don’t change national laws” was surprising, Alter said at the Duke Law event. The ATJ was able to establish effective adjudication within the “IP island” by building key alliances with the agencies which, in turn, were supported by the intellectual property bar. Even as political turbulence in the region has caused a decline in referring some other types of disputes to the tribunal, referrals of IP cases have held steady or increased. Doctrinally, the ATJ has had to strike a delicate balance between upholding the law and deference to the member states. “The tribunal holds governments to account to what Andean law requires, but will not push them further,” she added.

For Helfer and Alter, who both are permanent visiting professors at the University of Copenhagen’s iCourts: Center of Excellence for International Courts, a broader focus of their book is on the lessons the ATJ holds as a model for transplanting international courts to developing country contexts. Indeed, the Andean Tribunal’s survival in a region beset by political and economic crises is notable.

In the book’s final chapter, the authors go beyond Andean-specific issues to revisit a semi-





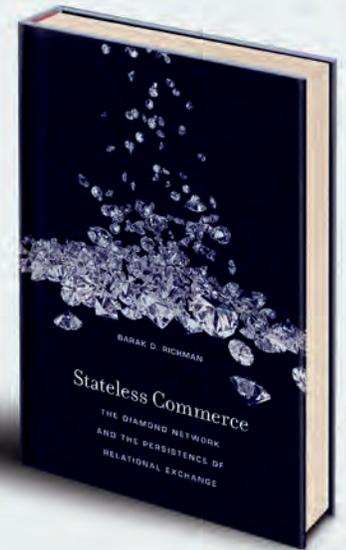
Laurence Helfer and his co-author, Karen Alter, spoke about their book at Duke Law on Oct. 3.

nal 1997 article Helfer wrote with Anne-Marie Slaughter. In “Toward a Theory of Effective Supranational Adjudication,” (107 *Yale Law Journal*, 273-392 (1997)), Helfer and Slaughter identified 13 factors that were foundational to the success of the ECJ and the European Court of Human Rights and, they suggested, likely necessary to successful international courts elsewhere.

Helfer and Alter’s research confirmed the importance of some factors while also revealing an underestimation of others. “This book’s decade-long study of the Andean legal system provides new evidence to support the claim that pairing compulsory jurisdiction with the ability of non-state actors to initiate litigation via different types of legal proceedings is critical to an international court’s effectiveness,” they write.

Helfer and Alter also look beyond compliance with rulings for other metrics of a transplanted international court’s success. “We measure effectiveness by activation, by tight relationships between the tribunal and its compliance partners, and by its ability to elicit state respect for the law even in cases where governments don’t want to follow the rules,” they said. Having followed the ATJ through several crisis periods, Helfer and Alter found that it navigated political upheavals by letting “the political branches define the pace and scope of Andean integration” so long as they followed proper legal procedures. ♡

» Helfer and Alter are continuing their joint exploration of how context shapes international courts by examining “transplanted” courts in Africa that focus on human rights violations. They are also co-editing, together with iCourts Director Mikael Madsen, *International Court Authority*, a volume to be published by Oxford in 2018 that builds on a special issue of Duke’s *Law and Contemporary Problems* journal.



Stateless Commerce

Richman chronicles the centrality of family, ethnicity, and community to diamond trade

DIAMONDS ARE exceptionally valuable, highly portable, and virtually untraceable, a trio of characteristics that make them extraordinarily vulnerable to theft. Yet on 47th Street in Manhattan, diamond merchants — many of them orthodox Jews — have long relied on handshakes to secure credit transactions involving millions of dollars’ worth of gems. And when disputes arise, the traders resolve them privately.

While pursuing a PhD in organizational economics, Barak Richman became intrigued by how these “diamontaires,” industry intermediaries who trade, cut, and polish diamonds, enforce their seemingly informal contracts. Having since spent almost 20 years studying the idiosyncratic operations of a sector with tight ethnic, social, and familial networks at its core, Richman, the Edgar P. and Elizabeth C. Bartlett Professor of Law and Business Administration, calls it “the paradigmatic example of a stateless economy.” He spoke to *Duke Law Magazine* about his new book, *Stateless Commerce: The Diamond Network and the Persistence of Relational Exchange* (Harvard University Press, 2017).



DUKE LAW MAGAZINE: Your title refers to the fact that diamond traders steer clear of the court system to resolve disputes and argue that courts would be unable to do so in any event. Why?

BARAK RICHMAN: The core transaction of the diamond market is the credit sale: I give you diamonds today and you promise to pay me in 30 days or 60 days. How do I know you will? If you run off, I can sue you and get a default judgment, but it's not going to do me any good: You're gone. So on an elemental level, the credit sale cannot be enforced by a court.

If courts are not available — and courts are what the whole economy relies upon to enforce contract rights — how then are transactions secured? The key, simply, is to ensure that the consequences of breaking a promise will be worse for the promisor than keeping the promise.

The diamond industry achieves contract compliance through a remarkable network of enforcement mechanisms, and the key to understanding how cooperation is sustained hinges on understanding who the diamondaires are. The industry is dominated by networks of families and ethnically homogeneous communities, and diamondaires know that their industry, family, and community standing will deteriorate if they break their promises. In the diamond industry, only people who have good reputations are able to transact with others, but the central insight is that only certain individuals crave that reputation.

These diamondaires know they are assured a lifetime of economic and community rewards if they maintain a good reputation.

DLM: How are disputes resolved?

BR: There's an elaborate and formal system of private industry arbitration. Arbitrators are elected by members. They are well-respected members of the industry community and also of the ethnic community. They hear the parties' complaints in secret and issue a ruling.

But the role of these arbitrators has been largely misunderstood. We tend to think of arbitrators and arbitration as an alternative to going to courts. But the real value of a court is in the ability to enforce its ruling. For that reason, traditional arbitrators piggyback off of courts. In the diamond industry, the community and industry sanctions are the real replacements for courts. Arbitration therefore is only

an information mechanism — a way of identifying for the community who has broken a promise.

If you think about it, this puts arbitrators in a critically important role. If we're going to mobilize a community in a very coercive way to punish people for breaking promises, we'd better make sure we identify the right people. If arbitration was deemed to lack credibility, you wouldn't be able to mobilize the communities and the industry in such a forceful way.

You might say that the system of arbitration is really just the tip of the iceberg. It's the only thing you see when the real foundation is under the water.

DLM: Antitrust is one of your areas of expertise and you examine the ways that the industry on 47th Street has come under periodic scrutiny.

BR: 47th Street can be described as a form of a cartel: You have a whole bunch of diamond merchants who organize themselves through an association: They have by-laws, they obligate each other to certain rules, and, most critically, they mobilize to punish people who have misbehaved. That might amount to a violation of section 1 [of the Sherman Antitrust Act]. It is a cartel punishing a deviator.

But if this mobilization to sanction or punish people who have misbehaved is essential to making the industry work — that's basically my core observation — then perhaps it's both necessary and pro-competitive. In short, we might need to allow for certain cartel-like behavior if courts cannot do what we normally need them to do.

Nonetheless, we have to be very aware of the danger of cartels, or self-governance, replacing the role of courts. We see self-governance all over the U.S. economy, and the law frequently gives some latitude to professionals who set up codes of ethics.

Having said that, just like for doctors and lawyers and other professions that rely on self-governance, there is a real threat to the consumer. Anti-competitive collusive behavior can mask itself as codes of ethics, and an industry can organize itself in a way where it amasses power that is antithetical to how we think markets should work. In the diamond industry, although you've seen coordinated cartels do lots of good things like enforcing contracts, you also have seen coordinated collusive behaviors that have done some anticompetitive things.

DLM: You write that diamonds are now one of India's biggest exports.

BR: The Indians entered the industry, with little difficulty, for the same reasons Jewish networks had dominated it for the better part of a millennium. Diamonds were produced in India for the first millennium that we had a diamond industry. So there is some endemic expertise and familiarity. But what's really going on is that you have ethnic networks that proliferate throughout the Indian subcontinent figuring out how to use their natural organization to meet the needs of the diamond industry. These Indian networks can enforce diamond transactions — the perquisite for success — and they very naturally leveraged their family networks to do what they needed to do. Then the industry started to globalize the same way the auto industry did, and manufacturing went from New York and Antwerp to India, where it costs pennies on the dollar to cut and sort diamonds.

“The diamond industry achieves contract compliance through a remarkable network of enforcement mechanisms, and the key to understanding how cooperation is sustained hinges on understanding who the diamontaires are. The industry is dominated by networks of families and ethnically homogeneous communities, and diamontaires know that their industry, family, and community standing will deteriorate if they break their promises.”

— Professor Barak Richman

There are very specific sects in India that are the analogs of the “diamond-studded paupers” — the salaried cutters and polishers — in the Jewish community. These are people whose families and ethnicities are very intimately entwined with particular villages, where flight is not a possibility, and for that reason, they can be entrusted with diamonds.

You see that in a number of different settings. The Jains of Palanpur, a town in Gujarat, have led the diamond expansion in India. And then you have this fascinating set of couriers, the Angadias, whose basic job is to transport diamonds in their pockets from Mumbai to Surat. There are multiple sects who are finding their own niches within the industry.

DLM: You also write that the traditional mode of operation based on ethnic and family networks is eroding in the industry. How?

BR: There is a classic narrative where an old industry that is somewhat insulated and secluded from market forces retains some old-world, anachronistic charm, but once they are subjected to market forces, the architecture erodes. Some of that is going on here, but that’s really not the story. The mechanisms to retain community are as strong as ever, both in New York and in India. What’s really going on now — and you do see a breakdown of trust, of the social and economic fabric that was tying 47th Street together — is that significant changes to the industrial structure of diamond production have started making long-term cooperation less profitable.

Consequently, though we still think of the diamond industry on 47th Street as this bastion of trust, it’s not anymore, perhaps tragically. But it’s not just that we are growing into a more homogenous world. De Beers no longer has a [mining] monopoly, and it is pursuing different strategies now that it is a competitor, instead of a collaborator, with 47th

Street. Internet sales are also making inroads into marketing certain kinds of diamonds. And bank policies in India, and possibly some in Israel, another diamond center, are ushering in new sources of competition to 47th Street — competitors who are less tied and tethered to the future of the industry.

Cooperation is less certain, less credible, and therefore less profitable than it used to be. People’s assurances are less credible, the temptations to cheat are more prolific, the possibilities of being sanctioned after cheating are less certain.

DLM: Where and in what industries will elements of stateless commerce be retained regardless of changes in the diamond trade?

BR: You’re always going to have relationships that, for whatever reason — economic, social, cultural, family — are going to be reliable and are able to facilitate exchange.

Even as the diamond industry breaks down, the building blocks of our social and family relationships will not erode. The diamond industry’s restructuring illustrates how hard it is to support a global, stateless industry, but we will continue to see regional pockets of statelessness.

The book ends with a nice little story about an immigrant Vietnamese dry cleaner I met in law school — he is someone who was able to obtain an unsecured loan from his fellow community members precisely because he was beholden to his community. His experience reveals that there will always be pockets of “stateless” relational transactions that will fuel economic activity. You also can see it in the developing world, where formal courts remain unreliable. It illustrates how pervasive this mode of economic organization is, and it continues to illustrate the limits of courts and the need to make courts more reliable and more accessible. ♡



Policy Shock

Duke scholars examine how governments respond to crises — and how to do better

A NEW BOOK edited by four Duke University scholars examines how crisis events can reshape law and regulation, and how we can learn to do better.

Policy Shock: Recalibrating Risk and Regulation After Oil Spills, Nuclear Accidents, and Financial Crises looks at policy responses to those events over the last century in the United States, Europe, and Japan, assessing how each event influenced changes in regulation, law, and institutions. In addition to 10 case studies of crisis response, a series of conceptual essays written by scholars from economics, psychology, and political science offers perspectives on risk analysis and perception, and how social and political actors try to frame crises to galvanize reform. The book's final section considers how governments can learn from crises and how legal and regulatory responses can ultimately be improved.

"This book is part of our larger project on how laws can learn," said co-editor Jonathan Wiener, the Perkins Professor of Law, Professor of Environmental Policy, and Professor of Public Policy. "In general, governments and legal systems don't conduct evaluation and learning very often or very systematically. We studied cases in which there has been regulatory change after a crisis, to examine how learning can work better in the future." The book reflects the culmination of a multi-year, cross-disciplinary inquiry, and is co-edited by Edward Balleisen, Professor of History and Duke's vice provost for Interdisciplinary Studies; Lori Benneer, the Juli Plant Grainger Associate Professor of Energy Economics and Policy at the Nicholas School of the Environment; Kimberly Krawiec, the Kathrine Robinson Everett Professor of Law; and Wiener. The project was convened by the Rethinking Regulation program at Duke's Kenan Institute for Ethics, which Wiener and Benneer co-direct. All of the co-editors contributed essays to the book.

For Krawiec, the project offered an opportunity to think about post-crisis financial regulation "outside of its usual silos," she said. "There have been treatments of the global financial crisis and resulting Dodd-Frank legislation from scholars in many disciplines. But few adopt a comparative or historical

perspective that considers the broader pattern of regulation in the wake of financial crises, as do several of our chapter authors, who detail the reaction to the Great Depression across jurisdictions, including the United States, the U.K., and other European countries."

Duke Law Magazine spoke to Wiener about *Policy Shock*, which was published in October by Cambridge University Press.

DUKE LAW MAGAZINE: What was your starting point for this project?

JONATHAN WIENER: It's become commonplace to say that a lot of regulation is crisis-driven, whether it's in the three cases highlighted in our book — oil spills, nuclear accidents, and financial crises — or others. There are many examples: The 1972 Clean Water Act was passed after Ohio's Cuyahoga River caught fire. The 1980 Superfund law was adopted after the discovery of hazardous waste in Love Canal, New York. The Oil Pollution Act of 1990 was enacted after the Exxon Valdez Oil spill in Alaska. Those are just a few.

Of course, not every law is driven by a crisis. Still, people often point to crises as leading to major regulatory action. There was a need for research on how that actually occurs, and on the variety of different types of regulatory change that have followed crisis events. This book tries to get inside the crisis-response relationship. When a crisis yields regulatory change, what is really happening? How does it happen? And how did it happen in different ways in different social, legal, political, and historical settings?

DLM: What did the case studies in the book reveal about events such as the global financial crisis of 2008, the 2010 blow-out of British Petroleum's Deepwater Horizon drilling platform, and the 2011 meltdown of the reactor at Japan's Fukushima Daichi nuclear power plant?

JW: We offer case studies of different crises in different countries at different times. Broadly, we found that it's not just that crises lead to regulation, period, but that crises lead to a wide variety of different regulatory changes. There's variety across the types of crises, variety across countries, variety over time, and thus variety in the regulatory responses.

For example, a crisis that is framed as industry inadequately regulated — and behaving badly — may yield tighter standards and increased enforcement. An example of that might be the Oil

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Jonathan Wiener



Kimberly Krawiec

Pollution Act of 1990 tightening standards and increasing enforcement.

Or a crisis that is framed as the government being too fragmented — it did not connect the dots and put together complex risk information and, therefore, missed the signal — may result in integrating government organizations. That was a major criticism in the wake of the Sept. 11 terrorist attacks, and legislation then merged several agencies into the Department of Homeland Security.

At some other times, a crisis is framed as the government being overly integrated, such that there is a conflict of interest within a government agency. Some parts of the Department of the Interior were split up after the BP Deepwater Horizon oil spill of 2010 because they were thought to be too cozy with each other.

We also look at similar crises across countries, which indicate that different social, political, and legal settings also affect the regulatory responses.

For example, after several nuclear power plant accidents, there were different regulatory responses in the United States, Europe, and Japan, and even within Europe. To take the most recent example: After the accident at Fukushima, the Japanese response, broadly speaking, was not just to shut down the four reactors at Fukushima Daiichi, but all 54 reactors across the country. Germany responded by accelerating its phase-out of nuclear power, whereas France ordered a new round of inspections but maintained its reactors. In the United States, there were no immediate shutdowns of operating reactors after Fukushima. One could say that the United States had had a de facto moratorium on new nuclear power plants since the Three Mile Island accident back in 1979, to which Japan had not responded (instead responding to other smaller accidents in Japan). After the Chernobyl accident in 1986, the U.S., Western Europe, and Japan did not adopt further restrictions

on nuclear power, mainly because they said the Chernobyl reactor's design and lack of containment structures were so different from those in the European, American, and Japanese reactors. So each nuclear accident was followed by differing responses across countries.

DLM: The Rethinking Regulation program focuses, in part, on how legal and regulatory systems learn and how they can improve. How does *Policy Shock* fit into that broader research framework?

JW: The broad idea of regulatory learning includes several mechanisms, such as responses to crisis events, retrospective review of past regulations to see how they have performed, and ongoing adaptive regulation. The crisis events discussed in *Policy Shock* are cases in which the regulatory system was *not* designed to learn from the outset but then was surprised and people scrambled to try to respond to the crisis. The ambition of adaptive regulation is not to wait until after a crisis, but to design regulatory systems that are built to learn from the outset, especially where we face uncertainty about emerging technologies and potential risks and benefits. We are leading a Bass Connections project on that concept this year.

At the end of *Policy Shock* we suggest that governments should do two things. One is to learn to prepare for the crisis, to take into account the understanding of risk including that low-probability events might still occur, and to prepare for those.

The second message is that governments should prepare to learn. The crisis itself, although tragic, also offers lessons for the future. Governments often miss these lessons. They need institutional mechanisms to help learn from the surprising crisis, if it happens.

The penultimate chapter of the book stems from a Bass Connections research team in which Ed Balleisen and Lori Bennear led a team of students in studying disaster investigation bodies, such as the National Transportation Safety Board — the NTSB — and the Chemical Safety Board in the U.S., and examples from other countries, like the Dutch Safety Board. The chapter suggests that it's very helpful to have a crisis-investigation body that is "standing," rather than "one-off" ad-hoc commissions of inquiry (like the 9/11 Commission or the Deepwater Horizon Commission), because, while one-off commissions are better than nothing, a standing investigatory body develops expertise and institutional memory from having examined event after event. It can learn to get better and better at understanding and diagnosing the crisis.

We also ask whether these investigatory bodies, whether standing or ad-hoc, should be part of or independent from the regulatory agency. Compared to the regulatory agency, an independent body like the NTSB may lack the power to implement its own recommendations, but it has the advantage of being able to be more candid than the agency would be about the possible shortcomings of past policies. Also, it's not necessarily always the case that the safety board's recommendations should all be adopted automatically. There should still be an analysis of their costs and benefits and of how best to implement them.

The idea of a standing, independent investigative body or safety board is one key mechanism through which governments can prepare to learn. Surprises may happen — we can't predict everything — but we will have equipped the regulatory system to be ready to learn from the crisis. ♡



Photo illustration: Marc Harkness

Blocher and Miller compile comprehensive historical gun law database



Darrell Miller



Joseph Blocher

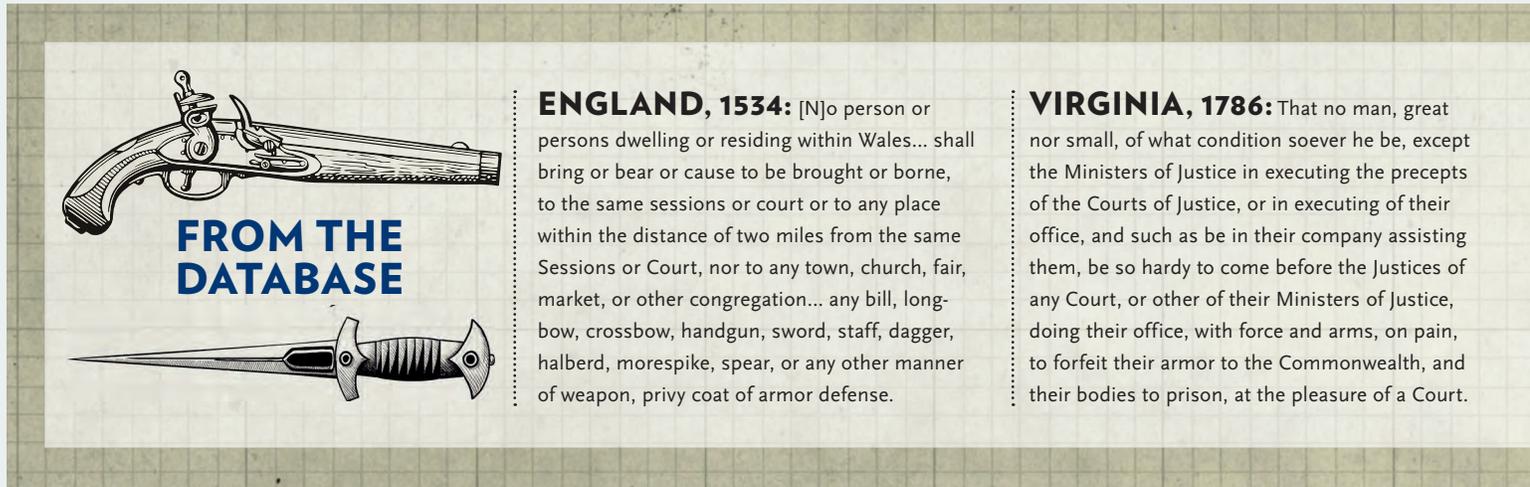
PROFESSORS JOSEPH BLOCHER AND DARRELL MILLER have spearheaded the creation of a comprehensive database of historic gun laws for use as a research tool for scholars, litigators, journalists, and others interested in current debates surrounding firearms regulation and the Second Amendment.

The searchable Repository of Historical Gun Laws compiles English statutes from the Middle Ages through 1776 and those in the United States from the Colonial era to the middle of the 20th century. To date, it includes 1,514 regulations, searchable by subject area, date range, and jurisdiction.

For Blocher and Miller, constitutional scholars who focus on the Second Amendment, the centrality of history to the Supreme Court's foundational rulings in *District of Columbia v. Heller* and *McDonald v. City of Chicago* clarified the need for easily accessible information on historical gun regulation. In its 2008 *Heller* decision, the Court held that the Second Amendment protects an individual's right to possess firearms for self-defense, not just for militia service. The Court subsequently held, in *McDonald*, that the right applies to the states as well as the federal government.

Both opinions relied heavily on history to understand the scope of the right to bear arms, said Miller, the Melvin G. Shimm Professor of Law. "In fact, Justice Scalia says in the *Heller* opinion that you understand the contours of the Second Amendment by reference to regulations that are longstanding."

Writing for the *Heller* majority, the late Justice Antonin Scalia rooted weapons regulation in English common law, reviewing the use of loyal militias by Stuart monarchs Charles II and James II, the laws they passed in order to disarm



FROM THE DATABASE

ENGLAND, 1534: [N]o person or persons dwelling or residing within Wales... shall bring or bear or cause to be brought or borne, to the same sessions or court or to any place within the distance of two miles from the same Sessions or Court, nor to any town, church, fair, market, or other congregation... any bill, long-bow, crossbow, handgun, sword, staff, dagger, halberd, morespike, spear, or any other manner of weapon, privy coat of armor defense.

VIRGINIA, 1786: That no man, great nor small, of what condition soever he be, except the Ministers of Justice in executing the precepts of the Courts of Justice, or in executing of their office, and such as be in their company assisting them, be so hardy to come before the Justices of any Court, or other of their Ministers of Justice, doing their office, with force and arms, on pain, to forfeit their armor to the Commonwealth, and their bodies to prison, at the pleasure of a Court.

Protestant political opponents, and the subsequent Declaration of Rights, which protected Protestants' right to keep weapons for self-defense. He also found relevance in the Glorious Revolution of 1688, King George III's attempts to disarm unruly colonists prior to the American Revolution, and attempts by Southern whites to similarly disarm former slaves.

Beyond landmark cases and laws, said Miller, there had never been a "deep dive" in the legal academy to catalogue historical sources. "Part of our goal is to correct the misconception that gun regulation is this brand new phenomenon, that the contemporary gun-control movement is some kind of aberration, and that historically we have not regulated guns," Blocher said. "We have logged 1,500 examples, which are only a subset, of the different ways guns have been regulated in the United States. Any legal or scholarly analysis of the Second Amendment has to take into account this history of gun regulation."

"A service to the public"

Blocher and Miller's project grew out of research by Saul Cornell, the Paul and Diane Guenther Chair in American History at Fordham University, and Mark Frassetto, who is now senior counsel at the nonprofit Everytown for Gun Safety. Blocher's 2013 *Yale Law Journal* article, "Firearm Localism," which focused on the historical difference between gun regulation in urban and rural areas, was inspired by a collection of regulations Frassetto compiled with the help of Cornell and others.

"That historical difference is something that just stood out as I was reading through these laws out of interest," said Blocher. "I couldn't have spotted that had it not been for having them together in a central place."

Cornell said he spotted a similar pattern over the time — more than 10 years — he has been compiling examples of historical gun laws.

"There seems to have been a lot more regional and state variation on this issue than we're used to when we think about constitutional law," he said. "We think about uniformity and values that cut across conventional political boundaries, but with guns, in part because of slavery's impact, we've worked out a much different meaning of the right to bear arms. America had very different experiences and regulatory regimes from an early point, and that seems likely to continue. California and Montana will never have the same gun regimes."

Blocher and Miller, assisted by a team of Duke Law students, research librarians, and IT specialists, worked to ensure that the repository is as comprehensive as possible, and that every effort had been made to verify the laws it includes.

"This is a service to the public, so it is important to improve the historical quality of the debate," Cornell said. "It should be housed in a place where academic rules govern. Duke Law, with these two professors overseeing it and with a tradition of constitutional historicists such as Jeff Powell and strong faculty in the Sanford School of Public Policy who are researching the issue, seemed like the perfect place."

A practical resource

Blocher and Miller are using the database as they research a book on Second Amendment theory, which is forthcoming from Cambridge University Press. Their work relies in part on historical evidence that informs and, sometimes, contradicts, elements of the current cultural debate around gun regulations and rights.

"Many people think of the gun-free school zones act as an innovation of the 1990s," Miller said. "But there are 19th-century, early 20th-century regulations about not allowing guns in places where people go for educational reasons. So it shows that some of our notions about the history of gun regulations are misconceived." Their research also indicates that gun laws also change over time, he added.

"Georgia, as a colony, had a requirement that males had to take their guns to church. Then that was overwritten by an enactment that said, 'Don't take your guns to church.' Now we've come full circle: Georgia wants people to be able to take their guns to church."

MASSACHUSETTS, 1836: If any person shall go armed with a dirk, dagger, sword, pistol, or other offensive and dangerous weapon, without reasonable cause to fear an assault or other injury, or violence to his person, or to his family or property, he may, on complaint of any person having reasonable cause to fear an injury, or breach of the peace, be required to find sureties for keeping the peace, for a term not exceeding six months, with the right of appealing as before provided.

Miller served as a special editor of a recent issue of *Law and Contemporary Problems* which, along with a conference built around the issue's focus — “The Second Generation of Second Amendment Law & Policy” — featured scholarship based on the repository.

“This had a great focus on getting empirical,” said Cornell, who contributed an article titled “The Right to Keep and Carry Arms in Anglo-American Law: Preserving Liberty and Keeping the Peace.” “We already have a sense from that issue that there is a long history of robust regulation that has never been seen as incompatible with the right to bear arms.”

Blocher anticipates the repository will be useful to attorneys involved in Second Amendment litigation going forward.

“It’s hard for lawyers under time pressure to file briefs, who don’t have time to go back and do original primary source research on the history of public carry restrictions or the like,” he said. “They can’t identify the databases, they don’t have the time or resources to dig through them, so what we tried to do in the repository is make it easily searchable by topic, location, and time period.”

Hoping to continually add to the database, Miller and Blocher invite contributions that can stand up to a standardized verification process. As an example, Blocher recalled researching gun laws in Dodge City, Kansas, for an article.

“In order to get that, we had to write to the Kansas Historical Society and pay for photocopies to get the original handwritten town ordinance. Those are the kinds of things we’re hoping we can continue to add.” ♡

Former deputy Treasury secretary Raskin joins Duke faculty as Rubenstein Fellow

SARAH BLOOM RASKIN, former deputy secretary of the U.S. Department of the Treasury, joined the Duke University faculty on Aug. 1 as a Rubenstein Fellow. She is working closely with the Global Financial Markets Center at Duke Law and the Rethinking Regulation program at Duke’s Kenan Institute for Ethics, as well as other departments and schools to improve understanding of markets, regulation and public leadership.

As the second-in-command at the Treasury from March 2014 to January 2017, Raskin emphasized innovative solutions to enhance Americans’ shared prosperity, the resilience of our country’s critical financial infrastructures, and consumer safeguards in the financial marketplace. She also worked to strengthen cybersecurity in the financial sector in the U.S. and abroad in the face of increasingly frequent and sophisticated threats.

Prior to serving at the Treasury, Raskin was a governor of the Federal Reserve Board and a member of the Federal Open Market Committee, where she helped conduct the nation’s monetary policy and promote financial stability. She earlier served as commissioner of financial regulation for the State of Maryland from 2007 to 2010, through the height of the financial crisis.

Raskin has worked across public and private sectors in both legal and regulatory capacities throughout her career, with her work centering on financial institutions, financial market utilities, consumer protection issues, bolstered prudential standards, and resolution planning. Her private sector experience includes having served as managing director at the Promontory Financial Group, general counsel of the WorldWide Retail Exchange, and general counsel of Columbia Energy Services Corporation. Earlier in her career, she served as banking counsel for the United States Senate Committee on Banking, Housing, and Urban Affairs.

Lawrence Baxter, the David T. Zhang Professor of the Practice of Law and faculty director of the Global Capital Markets Center, said Raskin’s exceptional depth of regulatory and financial policy experience and insight into the financial crisis has been on full display in public events, such as one with former Rep. Barney Frank in October (see page 19), and when she has been a guest lecturer in his courses relating to bank regulation.

“She is a naturally gifted teacher of very complex financial issues and she clearly understands every dimension of the financial system,” he said. “She made class and collegial discussion great fun, in an area that tends to be very dry. I personally find Gov. Raskin to be an extremely inspiring and stimulating colleague, bursting with idea on what needs researching and, most importantly, always worrying about promoting the common good.”

“Sarah has been a leading public official through the most challenging of economic times,” said Dean David F. Levi. “She knows how to bring knowledge from diverse fields together to advance our understanding of financial markets. We are excited that our faculty, students, and the public will continue to benefit from her work here at Duke.” ♡



Sarah Bloom Raskin



Erika Buell

Buell named to head Law & Entrepreneurship Program

CLINICAL PROFESSOR ERIKA BUELL, who brings broad experience advising start-ups and technology companies to her teaching in the areas of entrepreneurship, financing, and transactional law, has been named director of Duke Law's Law & Entrepreneurship Program.

"With her impressive background in corporate law and passion for helping innovators and entrepreneurs, Erika is the perfect person to assume leadership of the Law & Entrepreneurship Program," said Dean David F. Levi. "She is also an exceptional teacher who will ensure that our students continue to be well-prepared for today's legal practice."

The Law & Entrepreneurship Program prepares students to advise, create, or lead start-up companies and other innovative ventures. The program, which launched in 2010, builds on Duke Law's strengths in the fields of business law, intellectual property, and innovation policy as well as Duke University's commitment to entrepreneurship and connections to the vibrant entrepreneurial community in Durham and the Research Triangle. It offers two degrees — a one-year LLM in Law & Entrepreneurship for previous law graduates and a dual JD/LLM in Law & Entrepreneurship that can be completed in three years — as well as networking and career development opportunities.

"With her impressive background in corporate law and passion for helping innovators and entrepreneurs, Erika is the perfect person to assume leadership of the Law & Entrepreneurship Program."

— Dean David F. Levi

Buell has taught students in the program since 2011, including the courses Advising the Entrepreneurial Client, Negotiation, and Contract Drafting: The Next Generation. She served as co-director of Duke Law's Start-Up Ventures Clinic in 2011.

Before coming to Duke, Buell served as in-house corporate counsel for payments start-up Revolution Money from its early round of financing through its 2011 sale to American Express for \$300 million. In her role, she handled employee equity issuances and strategic alliances and also advised on tax, corporate structure, and board and other corporate governance matters.

Buell previously worked as an in-house lawyer focusing on intellectual property issues at Computer Sciences Corp. in Austin, Texas. She began her career advising both private and public clients during the technology boom of the late 1990s as a corporate and tax associate at Hale and Dorr in Boston (now WilmerHale). She is a graduate of NYU Law School and Colby College.

"I am thrilled to lead this important and innovative program," said Buell. "We are educating lawyers who will create value right out of the gate. They know how to be effective business lawyers because they've been preparing for practice since their first day at Duke. That robust preparation translates into success for them, for their employers, and for their clients."

Buell succeeds Kip Frey '85, who has been named Duke's vice provost for innovation & entrepreneurship and director of the campus-wide Innovation & Entrepreneurship Initiative. Frey, a well-known entrepreneur and venture capitalist who has been a professor of the practice of law and public policy at Duke for seven years, will continue to teach in the Law & Entrepreneurship Program.



Kip Frey

"There couldn't have been a better choice to lead the Law & Entrepreneurship Program," Frey said. "Erika is a distinguished practitioner, her students revere her, and she has ultimate credibility in the entrepreneurial community. She will do a fantastic job and make the program even stronger." ♡

Faculty Notes

Curtis Bradley, the William Van Alstyne Professor of Law and Professor of Public Policy Studies, testified before the U.S. Senate’s Committee on Foreign Relations on Dec. 6, in a hearing titled “The President, Congress, and Shared Authority Over International Accords.”

Bradley, an expert in the areas of international law in the U.S. legal system, the constitutional law of foreign affairs, and federal jurisdiction, focused his testimony on how the institutional role of Congress relating to international agreements has diminished over time, while unilateral executive branch action has become more common. In his written testimony to the committee, he called for increased transparency regarding executive branch decisions related to international agreements. Congress, he wrote, should “be vigilant about protecting its institutional prerogatives even in situations in which it does not happen to disagree as a policy matter with what the president is doing on a particular issue.”

He testified that the Senate should anticipate eventual executive moves to exit treaties during the ratification process to ensure it has a voice in termination. “The Senate, when giving its advice and consent to a treaty, could validly include a condition in its resolution of advice and consent limiting the circumstances under which a president could invoke the treaty’s withdrawal clause,” he wrote. (Read more about Bradley on page 23.)



Steven Schwarcz, the Stanley A. Star Professor of Law & Business, was appointed to the Netherlands-based P.R.I.M.E. Finance Foundation’s Panel of Recognized International Market Experts in Finance in August. Known as P.R.I.M.E. Finance, the nonprofit institution was established in The Hague in 2012 to “foster a more stable global economy and financial marketplace by reducing legal uncertainty and systemic risk,” according to its website. Its core activities involve international dispute resolution, judicial support and education, and the compilation of precedents and resources in a central database. Panel members include judges, scholars, central bankers, regulators, private practitioners, and market participants with extensive expertise in complex financial products. Nominations to the panel are made by peers in these fields.

A founding director of Duke’s interdisciplinary Global Capital Markets Center (now the Global Financial Markets Center), Schwarcz is a renowned scholar in the areas of insolvency and bankruptcy law; international finance, capital markets, and systemic risk; and commercial law. Also senior fellow and the leading legal expert on sovereign debt restructuring for the Centre for International Governance Innovation (CIGI), his recent honors include a distinguished visiting professorship with the University College London Law Faculty for the spring 2018 semester. He presented a proposal on a model-law approach to sovereign debt restructuring in July at the 50th anniversary Congress of the United Nations Commission on International Trade Law in Vienna with another, on corporate governance and systemic risk, also selected for consideration at the Congress.

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Lawrence Zelenak, the Pamela B. Gann Professor of Law and a scholar of tax law and policy, has been elected to membership in the American Law Institute (ALI). ALI members are distinguished lawyers, judges, and legal academics who produce scholarly work to clarify, modernize, and otherwise improve the law through publication of the highly influential Restatements of the Law, model statutes, and principles of law.

At Duke, Zelenak teaches income tax, corporate tax, and a tax policy seminar. He has published numerous articles on tax policy issues and a treatise on federal income taxation of individuals, including “The Body in Question: The Income Tax and Human Body Materials,” 80 *Law & Contemporary Problems* 37-82 (No. 1 2017). His most recent book is *Learning to Love Form 1040: Two Cheers for the Return-Based Mass Income Tax* (University of Chicago Press, 2013).

Twenty-seven Duke Law faculty scholars and more than 50 alumni are members of ALI. Dean David F. Levi became president of the organization in May. ♡



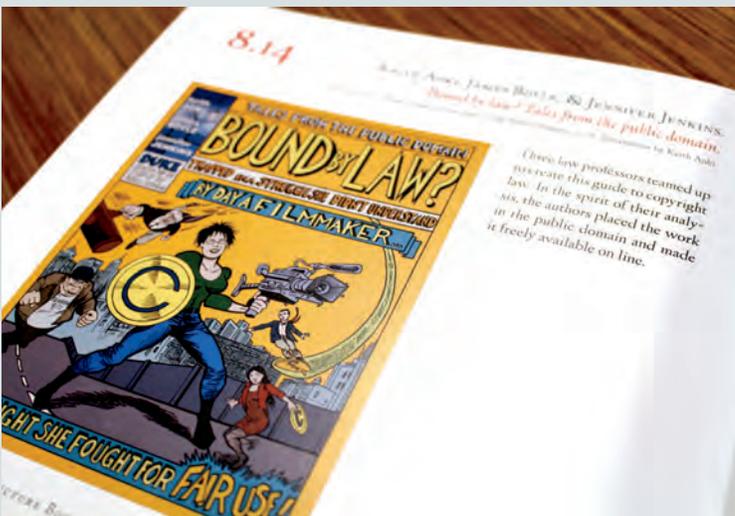
James Coleman Jr., the John S. Bradway Professor of the Practice of Law, and Clinical Professor **Jayne Huckerby** took part in late-fall public hearings relating to North Carolina’s role in the U.S. rendition and torture programs in the 2000s and its resulting obligations under international treaties and domestic law.

Coleman, who directs the Center for Criminal Justice and Professional Responsibility and co-directs the Wrongful Convictions Clinic, is a member of the North Carolina Commission of Inquiry on Torture (NCCIT), which heard testimony in Raleigh on Nov. 30 and Dec. 1 on the state’s role as a transit hub for flights that picked up suspected terrorists abroad and took them to CIA “black sites” and countries where they were detained and tortured. The 11-member non-governmental commission of academics, policy experts, and community leaders plans to issue a report next summer with

the goal of increasing “official transparency and accountability” for the U.S. use of torture and rendition, according to its website.



Huckerby, who directs the International Human Rights Clinic, testified before the NCCIT on international law regarding torture. She and Senior Lecturing Fellow **Aya Fujimura-Fanselow**, at left, the clinic’s supervising attorney, praised the commission’s process in a *Newsweek* op-ed, writing that its findings, and recommendations for county, state, and federal authorities, could “shape accountability and reform priorities.” ♡



Bound by Law, a 2006 graphic novel on fair use and documentary film co-authored by Professor **James Boyle** and Clinical Professor **Jennifer Jenkins '97** and published by the Center for the Study of the Public Domain (CSPD), was one of 140 books in a fall exhibit at New York’s Grolier Club titled “Law’s Picture Books: The Yale Law Library Collection.” The exhibit, curated by Yale Law’s Rare Book Librarian Michael Widener and Mark Weiner, a legal historian, who also collaborated on the accompanying catalogue, included books spanning eight centuries, among more than 1,000 in the library’s collection. Boyle, the William Neal Reynolds Professor of Law and a CSPD co-founder, and Jenkins, the center’s director, created *Bound by Law* with the late Keith Aoki, a law professor at the University of California, Davis and visual artist. ♡

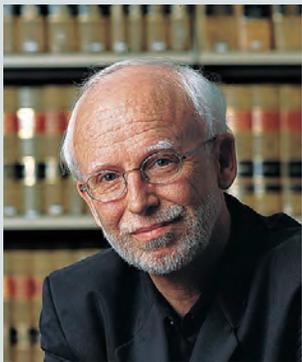
A working paper co-authored by Russell M. Robinson II Professor of Law, Strategy, and Economics **John de Figueiredo** titled “Elections, Ideology, and Turnover in the U.S. Federal Government” (NBER Working Paper No. 22932), received the Herbert Kaufman Best Paper award from the Public Administration section of the American Political Science Association (APSA) in September. Parsing Office of Personnel Management data collected between 1988 and 2011, de Figueiredo and co-authors Alexander Bolton of Emory University and David Lewis of Vanderbilt University find that administration changes increase departure rates of senior career civil servants, particularly in agencies with “divergent views” and at the start of a new president’s term. They argue that the exit of senior staff expertise from the government can negatively impact policy decisions.

“Good policy involves the confluence of having politicians who are responsive to the citizens combined with civil servants who are experts in their fields,” said de Figueiredo. “You want policies to be based on facts, science, and data.” The authors presented their paper at the APSA Public Administration section’s conference in September 2016. ♡



Three members of the Duke Law faculty received section awards for excellence in legal education at the 2018 Association of American Law Schools (AALS) annual meeting, held in San Diego in early January.

Richard Danner, the Archibald C. and Frances Fulk Ruffy Research Professor of Law Emeritus, received the Section on



Richard Danner

Law Libraries and Legal Information award for his outstanding contributions in the fields of legal information and academic law librarianship, service, and leadership in the profession. In announcing the award, the executive committee specifically commended his “exemplary contributions” to scholarship.

Danner, a preeminent law librarian who served as senior associate dean for information services and director of the J. Michael Goodson Law Library, retired from the faculty on July 1 after more than 35 years at Duke Law. He was honored in 2017 with the Marian G. Gallagher Distinguished Service Award from the American Association of Law Libraries and the Duke Law Alumni Association A. Kenneth Pye Award for Excellence in Education.



James Cox

James Cox, the Brainerd Currie Professor of Law, received the Section on Business Association’s Outstanding Mentor Award, which recognizes “exemplary mentoring qualities,” and “generosity of time, knowledge, curiosity, and encouragement,” within the field.

Cox is a leading scholar of corporate and securities law and has published extensively in the areas of market regulation and corporate governance. He regularly helps young scholars and teachers, at Duke Law and elsewhere, hone their scholarship and craft career strategies.

Guy-Uriel Charles, the Edward and Ellen Schwarzman Professor of Law and senior associate dean for faculty & research, received the Clyde Ferguson Award from the Section

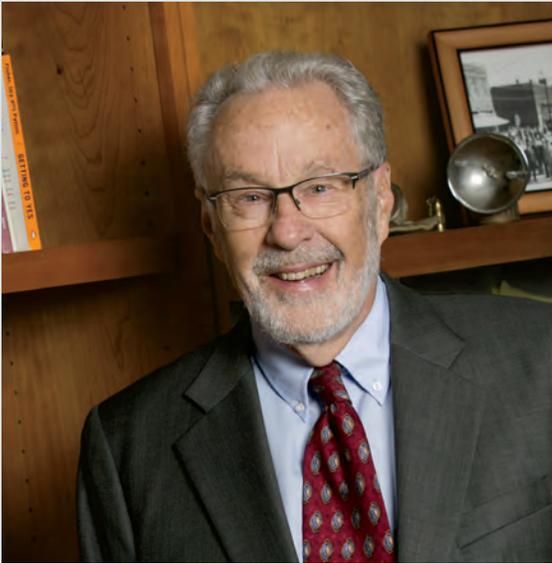


Guy-Uriel Charles

on Minority Groups. The award is granted annually to an outstanding law teacher who has achieved excellence in the areas of public service, teaching, and scholarship, and provided support, encouragement, and mentoring to colleagues, students, and aspiring legal educators.

Charles, the founding director of the Duke Center on Law, Race and Politics, is a scholar of constitutional law, election law, campaign finance, redistricting, politics, and race. He was honored for his contributions in the areas of scholarship, teaching, and public service and for creating and building, with Professor Dorothy Brown of Emory Law, another section honoree, the annual Jerome Culp Colloquium at Duke. The Culp Colloquium provides aspiring minority law professors with crucial guidance and mentorship at all stages of the academic appointments process and throughout the initial stages of their careers as they prepare for tenure review. The colloquium honors the legacy of the late Professor Culp, a longtime member of the Duke Law faculty, who regularly mentored junior faculty. ♡

The Commons | Faculty Focus



Neil Vidmar, the Russell M. Robinson II Professor Emeritus of Law, was honored, in June, with the Law and Society Association's 2017 Harry J. Kalven, Jr. Prize for Outstanding Scholarship in Law and Society. Lauding Vidmar as "the world's leading scholar on jury behavior and decision-making," and for conducting empirical research that "has helped advance the understanding of social science evidence in law, medical malpractice litigation, punitive damages, dispute resolution, and psychological mechanisms of retribution and revenge," the association commended his overall body of empirical scholarship.

A social psychologist by training and a founding member of the interdisciplinary Law and Society Association, Vidmar is the author of *American Juries: The Verdict* (Prometheus Books, 2007, with Valerie Hans), *Judging the Jury* (Plenum Press, 1986, 2d ed. 2001, with Valerie Hans), and *World Jury Systems* (Oxford University Press, 2000), as well as more than 200 scholarly articles. His recent projects have focused on such matters as pro se litigants, legal malpractice, the process of decision-making within the criminal justice system, and racial bias in capital jury selection. ♣

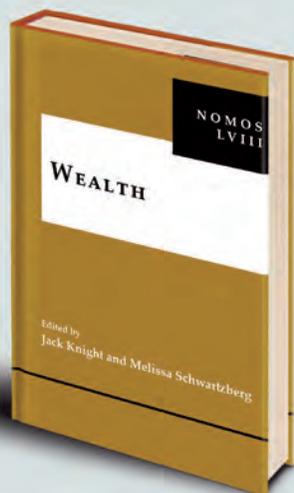
Clinical Professor **Jane Wettach**, director of the Children's Law Clinic, discussed research relating to the use of suspension as a disciplinary tool for students in a keynote address to the Minnesota Department of Human Rights 2017 Human Rights Symposium in St. Paul on Dec. 12. Arguing that education is a basic human right, she cited research indicating that suspension fails to either improve individual student behavior or increase school safety and that it is used to discipline disabled and minority students much more frequently than other students. Wettach reviewed a report published by the Children's Law Clinic and the Duke Center for Child and Family Policy that details 11 tools that teachers and school administrators can employ in place of, or to reduce the number of, suspensions so that students can "learn how to behave in a really intentional, structured way." ♣



Associate Professor **Elisabeth de Fontenay's** article, "*The Deregulation of Private Capital and the Decline of the Public Company*" (68 *Hastings L.J.* 445, 463-472, Apr. 2017), was noted by the Securities and Exchange Commission's Office of the Investor Advocate (OIA) in October in its semi-annual report to Congress. The OIA, created in 2014 to act on behalf of investors and to study investor behavior, cited de Fontenay's research as suggesting that the increased availability of capital from private markets may be a factor behind the decline in initial public offerings: "According to Professor de Fontenay, companies were previously restricted from raising capital from the general public unless they agreed to disclose substantial amounts of information, but that paradigm has shifted as restrictions on capital raising and trading in private markets have been repeatedly loosened over the last three decades." ♣

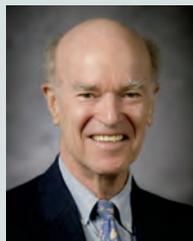
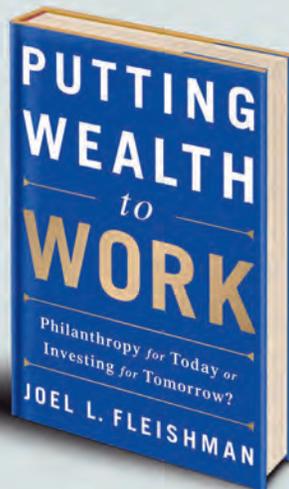


Faculty Books



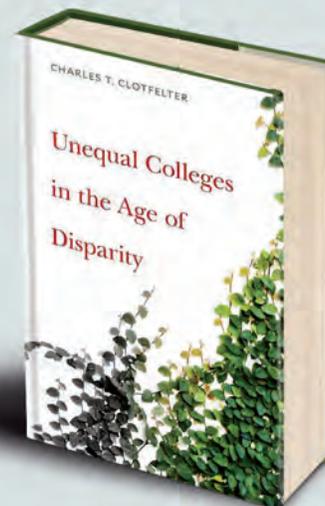
Jack Knight, the Frederic Cleaveland Professor of Law and Political Science, is co-editor of *Wealth* (NYU Press, 2017), a new collection of essays that explore

the causes and consequences of wealth inequality in modern America. Scholars of law, philosophy, and political science offer analysis and policy proposals from a range of perspectives, addressing the way wealth inequality has affected economic and political life in the U.S. in the volume co-edited by New York University Professor of Politics Melissa Schwartzberg. Knight, a political scientist and legal theorist who serves as faculty co-director of the Center for Judicial Studies, is also the author or co-author of three books: *Institutions and Social Conflict*, *The Choices Justices Make*, and *The Priority of Democracy*. ♣



Joel Fleishman, professor of law and public policy sciences, examines contemporary philanthropy as it enters an era of growth and innovation in *Putting Wealth*

to Work: Philanthropy for Today or Investing for Tomorrow? (PublicAffairs, 2017). Fleishman, who has extensively studied the operations of foundations and nonprofits, examines such new philanthropic tools as “venture philanthropy” and “impact investing” and the way they are being used by individuals and organizations, from Bill Gates and Warren Buffett to the Ford and Rockefeller Foundations. Fleishman is also the author of *The Foundation: A Great American Secret — How Private Money is Changing the World*. ♣



Charles Clotfelter's new book, *Unequal Colleges in the Age of Disparity* (Harvard University Press, 2017), focuses on attempts to make higher education more

inclusive. Clotfelter, the Z. Smith Reynolds Professor of Public Policy Studies and Professor of Economics and Law, uses empirical analysis to study the results of decades-long attempts to expand higher education to disadvantaged communities, finding that they largely failed. He argues that top colleges still cater largely to elites, despite progress in civil rights, growth in available financial aid, and schools' stated goals of promoting equality and inclusion. Clotfelter's previous books include *Big-Time Sports in American Universities*, *After Brown: The Rise and Retreat of School Desegregation*, and *Buying the Best: Cost Escalation in Elite Higher Education*. ♣



**David F. Levi's
transformative leadership
of Duke Law School**

A Singular Dean

Classes were in full swing at Duke Law on Jan. 3, even though the spring semester didn't officially start for another five days.

More than 500 students — over two-thirds of the student body — opted to cut short their winter vacations in order to pick up professional skills through one of the 28 courses on the Wintersession curriculum. One hundred twenty-three first-year students got an overview of the role of attorneys in commercial business transactions from Professor James Cox, a renowned scholar of corporate and securities law, Clinical Professor Erika Buell, who specializes in advising emerging companies, and Hogan Lovells partner William Curtin III T'92. Another 388 upper-level JD students, LLM candidates, and 1Ls pursuing dual degrees learned from leading attorneys — including many alumni — about such discrete and practical matters as responding to data breaches, obtaining and disclosing electronic evidence in criminal investigations, representing refugees in asylum claims, advising distressed enterprises, and taking depositions.

When Dean David F. Levi pitched the idea of offering an array of short, hands-on courses in 2009, it was a novel way of helping Duke Law students get ready for

by Frances Presma

A Singular Dean

summer and post-graduate employment and stand out in a legal job market reeling from the global financial collapse. Somewhat to his surprise, more than 300 enrolled in its first year. Since then, even as economic pressures have eased, its popularity with students and instructors has steadily increased, reflecting Levi's vision of an excellent legal education as one that integrates intellectually rigorous study of law with preparation for the multi-faceted, ever-changing demands of the legal profession.

"It's the purest, most joyful learning experience — because it's entirely voluntary," Levi says of Wintersession. "Students are there because they feel they'll gain knowledge they wouldn't get elsewhere. It offers them windows into different types of practice from top practitioners who wouldn't otherwise be able to fit teaching into their busy schedules, and our faculty who teach are there because they want to be. It's really exciting."

Levi, who will step down on June 30 after 11 years as dean, has been a huge success in leading Duke Law by every traditional measure. He has overseen major expansions of faculty, research, and academic programs, even while navigating the recession's disruption of the legal economy and legal education. He led the recently concluded *Duke Forward* fundraising campaign that raised a record \$132.4 million over seven years and achieved a threefold increase in student aid. He oversaw an increase in student quality and diversity, developing new initiatives to attract a wide range of talented students to Duke Law. He placed great emphasis on enhancing faculty excellence, reach, and diversity; during his time as dean, for example, the number of women appointed to tenure or tenure-track positions doubled. He found funding for new endowed distinguished chairs, doubling that number, and he supported faculty research interests by funding new centers and supporting academic conferences, research, and publications. And he worked tirelessly to build bridges between the legal academy, the practicing bar, and the judiciary, marshaling the resources of all to better understand and improve the legal profession and the courts, and carving out a singular specialty for Duke Law in the study of judges and the judicial system. Levi even found the time to do some of his own writing and teaching. In an acknowledgement of his successful leadership over the prior decade, *Times Higher Education* in October ranked Duke University number one in the world for obtaining a law degree.

As Wintersession demonstrates, one of his primary objectives has been to prepare students to assume leadership roles in their careers and communities. He has further supplemented an expanded doctrinal curriculum with increased opportunities for students to engage in teamwork, problem-solving, client service, and skill development through new clinics, externships, simulation-based courses, a comprehensive array of advanced writing classes, and interdisciplinary specializations in entrepreneurship, technology, and bioethics. He has expanded resources for career and professional development, ensuring that every student receives one-on-one career counseling throughout law school to identify the right jobs for their skills and aspirations in private practice, business, federal and state court clerkships, or in government and public interest law, which require unique investments of both time and financial assistance. And throughout his tenure, Levi has cemented ties to the far-flung community of Duke Law alumni and

friends, enlisting graduates as teachers, advisors, and mentors to students and engaging them deeply with the academic mission of the Law School. The outcome: He has helped countless numbers of students find employment at firms and in the public interest sector, achieving stellar employment outcomes for Duke Law even in difficult economic circumstances.

"He had a vision of how to make an excellent law school even better, and he has focused on building and nurturing a collective commitment to that vision," says Lanty Smith '67, former chair of the Law School's Board of Visitors (BOV).

Levi's predecessor as dean, A. Kenneth Pye Professor of Law Katharine T. Bartlett, says any assessment of his tenure must take into account accomplishments that are not easily quantified.

"His success goes beyond that which can be measured through graphs and tables," says Bartlett. "To David's credit must also be listed the high morale of the school and a level of trust among and between faculty, students, staff, and alumni that is virtually unparalleled among other top law schools. These qualities don't emerge in a vacuum. It takes finesse, attention to relationships, emotional intelligence, wisdom, balance, and all of the other qualities of leadership that attracted us to David in the first place."

A natural

Levi was an unusual, even risky, choice when he was hired as dean in 2007, observes Bartlett. He had not been a law school professor or administrator, but spent the previous 17 years on the federal bench, rising to chief U.S. district judge for the Eastern District of California, and earlier served as a U.S. attorney. Even though he held "enormous stature" within the legal profession, she notes, no other top law school, certainly in recent decades, has chosen its dean from outside academia.

But Levi, who clerked for U.S. Supreme Court Justice Louis F. Powell Jr. before joining the Department of Justice, brought close connections to the spheres of law practice and law reform through his work as a prosecutor and jurist and through such leadership positions as chair of the Federal Rules Committee, a council member of the American Law Institute, and an elected fellow of the American Academy of Arts and Sciences. He also had a vast personal and professional network that included eminent figures from the bar and the bench, as well as the legal academy.

"We've had very good deans — Kate Bartlett was excellent — but this was an opportunity to do something different," says Peter Kahn '76, a BOV member and Duke University trustee who served on the dean search committee that recruited Levi for the post. "He was very close to the legal profession, which gave us an opportunity to showcase our students and help them secure excellent placements, including clerkships."

In time, Levi would prove to have superb financial and personnel management skills honed through his oversight of one of the biggest and busiest federal court districts in the country, Kahn adds. And then there was his upbringing in a community of scholars in Chicago's Hyde Park-Kenwood neighborhood, near the

“He was a total natural, by which I mean that he brought all the judgment, all the principles and the experience of the world you knew he would have from the bench, but then he also brought an extraordinary enthusiasm and connectivity for his new world.” – Former Duke University President Richard H. Brodhead



University of Chicago. Levi's father, the late Edward H. Levi, served as dean of the law school and then as the university's provost and president before being appointed U.S. attorney general by President Gerald Ford in 1975. Former Duke University President Richard H. Brodhead, who hired the younger Levi, says it quickly became apparent that he was “born to be the dean” of the Law School.

“He was a total natural, by which I mean that he brought all the judgment, all the principles and the experience of the world you knew he would have from the bench, but then he also brought an extraordinary enthusiasm and connectivity for his new world,” Brodhead says.

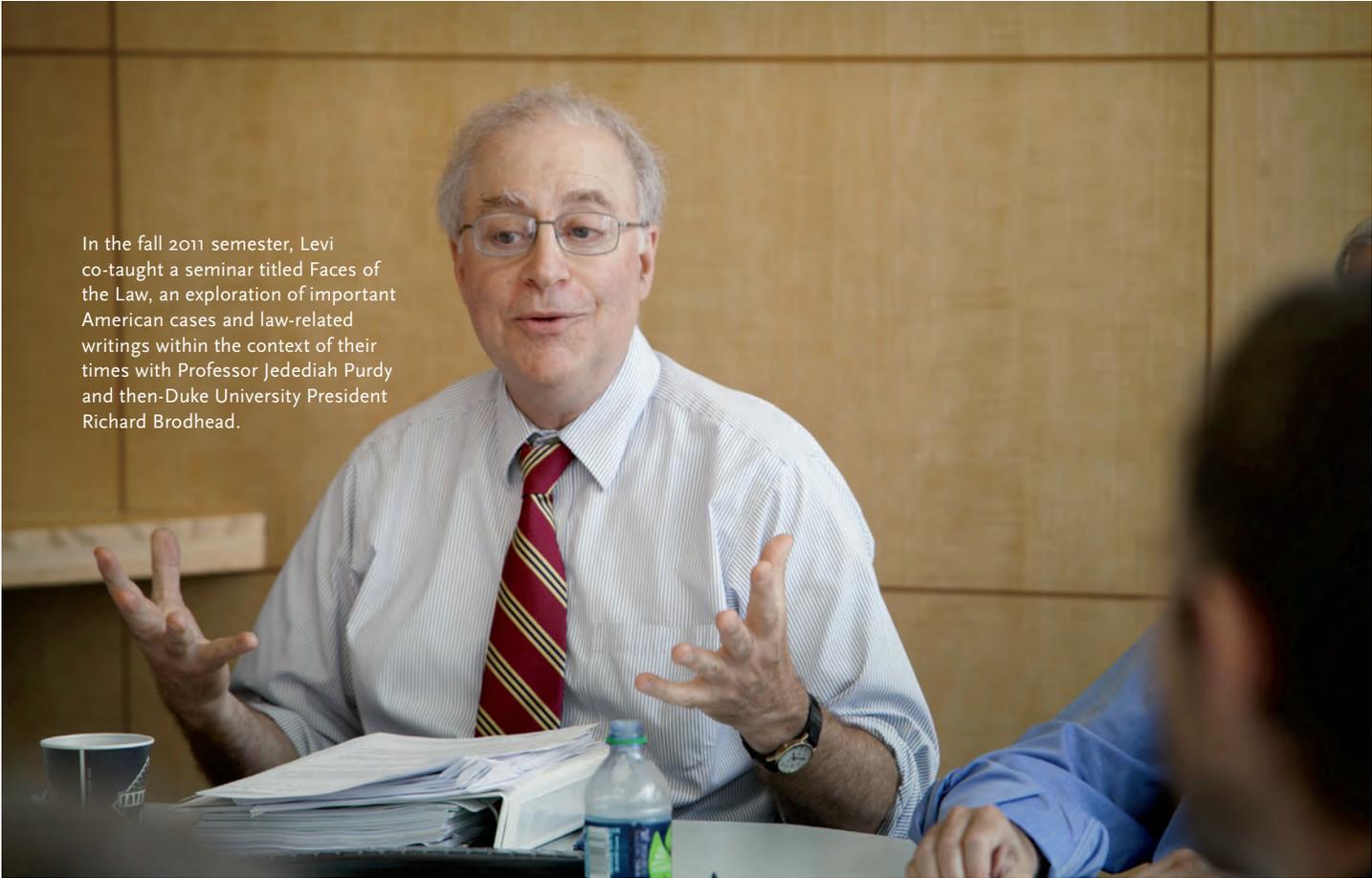
Adds Cox, the Brainerd Currie Professor of Law and the head of the dean search committee: “I think the one trait that was so obvious from my very first telephone conversation with David was wisdom. It's not just that he had vast experience — it's in his DNA. He's a very thoughtful, wise person, and it put him in good stead.”

From the outset of his tenure, Levi emphasized the need to bring doctrine together with professional skills to prepare students to be leaders in society, effective practitioners, and thoughtful about the ways law can be improved to the benefit of all. He had what he calls the “quaint” idea that the law was still a learned profession, and

that lawyers and judges should be as interested in the ideas and debates of law faculties as those faculties should be interested in the changing world of law practice. His commitment to this integrative approach was evident with his early formation of a planning committee of faculty and alumni to conceptualize ways to make the third year of law school, in particular, a bridge year to practice. The committee's work led to innovation in the classroom as well as new clinics, experiential programs, and legal writing resources.

Says Cox, “David was able to lead the faculty in a direction where a significant portion of the curriculum should involve things that were more oriented towards what you see in the real world — working as teams, problem-solving, developing leadership skills, and developing poise and self-confidence — but in a way that strengthens the academic mission of the Law School without detracting from it.” In response, Cox designed an advanced “course plus” simulation-based seminar, which he co-teaches with a practitioner, that requires students to strategize the legal, business, ethical, and stakeholder considerations in corporate mergers and other transactions they studied in the core Business Associations course. “I think the approach is truly transformative,” he says.

A Singular Dean



In the fall 2011 semester, Levi co-taught a seminar titled *Faces of the Law*, an exploration of important American cases and law-related writings within the context of their times with Professor Jedediah Purdy and then-Duke University President Richard Brodhead.

Levi also emphasized the importance of career counseling and maximizing employment opportunities for students across all sectors of legal practice, policymaking, and business. In his first year, he initiated the Bridge to Practice fellowship program to give financial support to new graduates in temporary positions with public interest organizations that generally require bar passage before extending permanent job offers. And at the height of the recession, when law firms were implementing hiring freezes and laying off associates, Levi extended the Bridge to Practice program to also help fund temporary private-sector positions.

“He knew graduates needed to gain skills, build relationships, meet people, and feel productive while they were looking for a full-time position,” says Bruce Elvin ’93, associate dean for career and professional development. “It was the broadest program of its kind of any law school during the downturn.”

Indeed, when the financial crisis set in just a year after he arrived and shook every aspect of the legal sector, Levi’s pragmatic focus on positioning students for success served Duke Law exceptionally well. But he didn’t shelve his plans to grow the faculty and to strengthen and add academic programs, and he eschewed the staff layoffs or cutbacks in research or scholarship that other law schools were instituting during that challenging time. “He recognized that Duke’s strength and promise of even greater stature after the economic storm would depend on its people, and he built the finest faculty and staff the school has ever enjoyed,” says the BOV’s Smith.

“No better place” for scholars and teachers

Levi also recognized that the faculty were an important partner in the mission of helping students weather the crisis in the legal economy. In a 2008 speech to the Albuquerque Bar Association, he described one role for a law faculty as helping the institution thrive by continually anticipating changes in the “dynamic world” of law practice and legal scholarship. He described his own role as facilitating faculty engagement with “the life of the law outside of our walls” so that it could maintain that essential tradition of leadership.

Above all else, Levi recognized that as one of the very few top research law schools, the excellence and range of the research faculty is the foundation on which the Law School stands. His focus on enabling the faculty to pursue research, scholarship, and teaching at the highest level is evident in the Law School’s world-renowned faculty and collegial faculty culture, reflecting both a remarkable rate of retention among the scholars and teachers already at Duke and exceptional success adding to their ranks with both established and emerging figures across a range of disciplines. Levi’s commitment to faculty support helped realize the longstanding goal of a research cohort of 50 and facilitated the establishment of 15 distinguished professorships over his tenure, doubling the number that existed when he arrived at Duke Law.

“Through his enthusiastic support of their research, conferences, and other activities, David has persuaded faculty that there is simply no better place for them to do their work.” — Professor Curtis Bradley

“Through his enthusiastic support of their research, conferences, and other activities, David has persuaded faculty that there is simply no better place for them to do their work,” says Curtis Bradley, the William Van Alstyne Professor of Law and Professor of Public Policy Studies and co-director of the Center for International and Comparative Law, who joined the faculty in 2005.

Levi has overseen the establishment of seven new research centers that host workshops, conferences, and other activities designed to advance research and inquiry in their areas of focus, many of which have resulted in the publication of scholarship and policy papers. He has also sponsored a range of initiatives that broadly promote scholarly intellectual engagement, such as regular retreats where faculty present and receive feedback on works in progress, “beer and pizza” gatherings where scholars (often junior faculty) present new ideas to a small group at home in order to hone research questions, and a new series of lunchtime talks to celebrate faculty books. With his support, faculty have also undertaken yearlong in-depth interdisciplinary examinations of how law intersects with other academic and societal disciplines, such as the Duke Project on Custom and Law and the Duke Project on Law and Markets, which resulted in a 2017 symposium issue of *Law & Contemporary Problems*.

As well as bolstering existing areas of academic strength at Duke Law with the addition of scholars in such fields as public and constitutional law, corporate law, criminal law, international law, and health care law, Levi has deliberately recruited faculty engaged in interdisciplinary research and championed cross-disciplinary inquiry and teaching as a way to capitalize on the strengths of a great research university. Two of Duke’s 10 campus-wide initiatives — Innovation & Entrepreneurship and Science & Society — are now led by Law

School faculty, as are a wide array of interdisciplinary projects within the university’s Bass Connections program. In addition, he has systematically established new strengths in law and economics and empirical legal studies.

Levi’s Legacy

Expanding the Governing Faculty

The Duke Law research faculty now numbers 50, representing the achievement of a longtime strategic goal.



“He has built Duke Law into a serious player in these fields,” says Russell M. Robinson II Professor of Law, Strategy, and Economics John de Figueiredo, who moved to Duke in 2010 from UCLA. de Figueiredo, who studies competitive strategy, political and legal strategy, law and economics, and the management of innovation and holds a joint appointment at the Fuqua School of Business, points out that more than a dozen Duke Law scholars are now engaged in these areas, bringing both disciplines into their research and teaching in such areas as health care, patent, and corporate law, and the study of the judiciary.

“It’s been an amazing transformation,” says de Figueiredo, noting new course offerings, like his class on business strategy and another on analytical methods that introduce law students to such quantitative techniques as game theory. “Many of our students are going to serve corporate clients and they need to know how their clients work and what their objectives are — not just their legal objectives, but the corporations’ business objectives — and how lawyers can help them meet those goals.”

Levi has also focused resources on helping junior faculty develop as scholars and teachers. Associate Professor

Marin Levy, who began teaching at Duke Law in 2009 and joined the governing faculty in 2013, cites his funding for all young scholars to host research roundtables with leading academics in their

Levi's Legacy

Creating New Research Centers

The establishment of new research centers and expansion of others reflects the currency, ambition, and reach of Duke Law faculty scholarship, as well as the addition of leading scholars to the faculty. Each has hosted conferences, symposia, and projects that help incubate ideas that advance legal scholarship and facilitate improvements in law and policy in their areas of focus. Centers established during Levi's tenure are:

- » Center on Law, Race and Politics
- » Center for Law, Economics and Public Policy
- » Center for Innovation Policy
- » Center for Institutional and Organizational Performance
- » Center on Law & Technology
- » Global Financial Markets Center
(formerly the Global Capital Markets Center)
- » Center for Judicial Studies

fields as one example. "If we think of something that will help us, he will find a way to make it happen, and that has been a huge gift to us all," says Levi. Another example she offers: the faculty's ongoing Teaching Initiative, which began in 2014. "Several 'juniors' were teaching large classes for the first or second time, and it became clear that we shared many of the same questions about structuring a course. Should one cold-call or take volunteers? How should one decide what kind of exam to administer? David immediately gave us funding to create a lunch series for all of us juniors to discuss these issues with senior members of the faculty at each meeting, and it was incredibly helpful." Levi received the Duke Bar Association's Distinguished Teaching Award in 2017, making her one of several recent recipients among the junior faculty.

Teaching excellence has been a high priority for Levi. Guy-Uriel Charles, the Edward and Ellen Schwarzman Professor of Law and senior associate dean for faculty and research, calls it a defining aspect of the Law School's culture: "There is a sense that we take teaching very seriously at Duke, and that comes from the top." Levi also supports faculty members' ability to have their teaching complement their scholarship, which means finding a balance between the two and, when possible, accommodating a scholar's immersion in a research project with a reduced teaching load.

Levi's commitment to teaching can also be seen in his addition of exceptional practitioners to the governing faculty as professors of the practice and to the extended faculty as senior lecturing fellows who teach courses in their areas of specialty. Their ranks include U.S. Supreme Court Associate Justice Samuel Alito Jr., who has taught a weeklong seminar titled Current Issues in Constitutional Interpretation for nine consecutive years. And having made experiential education and writing curricular priorities, Levi elevated 15 members of the full-time clinical, legal writing, and professional-skills faculty to the new rank of clinical professor of law (teaching) in 2016 and prioritized the establishment of Duke Law's first endowed distinguished clinical professorships.

Faculty across the board say they appreciate Levi's calm demeanor, his ability to defuse tense situations, and his consistent — and vocal — support for their research and activities. "In a crowd," says Cox, "David always seems to be talking with passion about what people in the Law School are doing. Shining a light on the institution is one of his great gifts."

Brodhead recalls one meeting he held with the assembled law faculty in Levi's absence, where he received an outpouring of affection and appreciation for the dean's leadership. "This is not the kind of thing one is used to hearing about deans, even wonderful and highly admired deans," he says.

Adds Sara Sun Beale, the Charles L. B. Lowndes Professor of Law: "David Levi is an exceptional person and has been an exceptional dean. He has earned the respect and admiration of everyone he has dealt with."

"No better place" to learn to be a lawyer

Professor H. Jefferson Powell, a constitutional scholar and longtime faculty member who returned to Duke in 2012 after serving as deputy assistant attorney general in the Office of Legal Counsel at the U.S. Department of Justice, says Levi has done an exceptional job in preserving and enhancing both the intellectual rigor and practical application of a Duke Law education. Duke is strongly committed to integrating these two aspects of legal training, he says, in no small part due to Levi's leadership.

"David has been crucial and incredibly successful in all respects in making this a law school that is clearly devoted to training people to be lawyers, and he has succeeded at that while also doing the things necessary to ensuring that we remain a first-rank graduate school," says Powell, who will soon oversee a new First Amendment clinic at Duke. "I have no hesitation in saying to students we're trying to recruit, 'If you want to get training in an intellectually high-powered place and at the same time get everything you can in law school to become a lawyer, there's no better place.'"

In his LEAD Week welcoming remarks to incoming first-year students, Levi routinely stresses the importance of writing to all forms of professional practice, and during his tenure, legal writing and analysis have developed as areas of particular curricular strength. In 2009, a *New York Law Journal* report on writing as



“David has made us think hard about how to make sure that this institution truly serves students and positions them for success. ... Not only has he done a lot to help students through a very difficult time, but out of that tough time we created things that help further the distinctiveness of Duke Law. He has raised the bar for what constitutes excellence here.” – Clinical Professor Andrew Foster

the skill that law firms want new recruits to possess, yet often find lacking, singled out Duke Law for “going beyond the typical first-year writing class.”

“David has an ‘in-the-bones’ commitment to good writing, exactly the sort of appreciation that you would expect a judge to have,” says Clinical Professor Jeremy Mullem, who directs the Legal Writing program. “He valued writing as important in helping him do justice as a judge, and he has a clear understanding that there’s a really big difference between ‘great,’ ‘competent,’ and ‘just not good enough.’ I can’t tell you how many times he’s said to me, ‘I want all of our students to be able to write.’”

Under Levi, part-time writing instructors became full-time faculty members, gaining significant pay raises and long-term contracts. And more significantly, says Mullem, he grew their ranks, from five to eight, resulting in a reduction in sections of the mandatory first-year Legal Analysis, Research and Writing (LARW) course from more than 40 students to a current cohort of 27. “That

makes for a very different kind of teaching,” says Mullem. Five years ago, LARW also became a four-credit course (up from three), reflecting a commitment to securing the class time needed to use best practices in writing instruction, and even before the recession led many law schools to place a new emphasis on experiential courses, Levi sparked the development of a slate of upper-level, writing-intensive courses, many of them simulation-based.

Other experiential programs have also surged with Levi’s support. Building on the strong clinical program that took root during Bartlett’s tenure, Levi oversaw the launch of several new clinics and the expansion of others with the addition of new faculty and a clinical teaching fellows program, as well as dedicated funding and fundraising efforts that have led to several significant endowments.

Under the supervision of clinical faculty, Duke Law students now regularly brief and argue appellate matters in the U.S. Courts of Appeal for the Third and Fourth Circuits through the Appellate Litigation Clinic; apply a human rights framework to find solu-

A Singular Dean

tions to such problems as domestic and international human trafficking and the unforeseen consequences on women and children of U.S. laws against terrorism financing through the International Human Rights Clinic; advise and assist low-wealth entrepreneurs on such matters as company formation and intellectual property protection in the Start-Up Ventures Clinic; engage in high-level policy research and advocacy to improve health outcomes for people living with HIV and AIDS through the HIV/AIDS Policy Clinic; and work to protect the rights of low-income clients on a wide range of civil matters, including housing and employment disputes, through the Civil Justice Clinic.

Clinical Professor Ryke Longest, who directs the Environmental Law and Policy Clinic, says that Levi has been critical to keeping it on a path of sustainable growth since it opened in 2007. “He asks us good questions,” says Longest. “How do we keep this going long term? Where does growth make sense? And how do we move to the next initiative?” David always has great ideas about how we get the resources to make that happen.”

Levi also has significantly strengthened the externship program. The Duke in D.C. program, launched in 2009, offers students in-depth work experience through semester-long, full-time positions on Capitol Hill, in federal agencies, or nonprofits in the nation’s capital, supplemented by an intensive course on regulatory law and policy. For example, of eight students who enrolled in Duke in D.C. in the fall 2017 semester, three held positions in the U.S. Department of Justice, others were placed with the Securities and Exchange Commission, the Consumer Finance Protection Bureau, the World Bank, and the Federal Trade Commission, and two worked in nonprofit organizations. The integrated externship approach has also flourished closer to campus, currently through a range of placements and a new seminar taught by Externship Director and Senior Lecturing Fellow Anne Gordon focused on such topics as reflective lawyering, ethics, well-being, professional

goal-setting, cultural competence and bias in the workplace, and learning from supervision and feedback. In the fall semester, 27 students held placements with federal prosecutors and public defenders, with North Carolina state agencies, and in various private and public interest law firms and start-ups.

A key curricular innovation has focused on the specialized knowledge and professional skills needed to counsel and lead entrepreneurial ventures. Levi spearheaded the establishment of a one-year LLM program in law and entrepreneurship (the LLMLE) in 2010 and the Law School introduced a dual-degree program allowing students to earn both a JD and LLMLE in three years in 2013. Both programs capitalize on faculty and university-wide strengths in business, finance, intellectual property, and entrepreneurship; the presence of innovators, entrepreneurs, and policymakers in the Duke Law community; and the innovation-rich climate in North Carolina’s Research Triangle. The programs have spurred the design of multiple new courses, such as Advising the Entrepreneurial Client, Law and Entrepreneurship, and Venture Capital Financing, that supplement the Law School’s comprehensive curriculum in business, finance, and intellectual property, and ensure that students gain hands-on experience with their incorporation of integrated externships, enrollment in the Start-Up Ventures Clinic, and an entrepreneurial “boot camp.”

Meanwhile, a new focus on technology and engineering, including the establishment of the Center on Law and Technology, is helping prepare students to engage professionally with artificial intelligence, blockchain, robotics, and other emerging tools, both in the context of serving clients and in the

delivery of legal services themselves.

“Our students are and will be involved in the tech world in multiple ways,” says Levi. “As transactional lawyers or litigators, they need to have at least a basic understanding of it. You wouldn’t want to be a civil rights lawyer without any understanding of the

Levi’s Legacy Establishing New Clinics and Experiential Programs

- » Appellate Litigation Clinic
 - » International Human Rights Clinic
 - » Start-Up Ventures Clinic
 - » HIV/AIDS Policy Clinic
 - » Civil Justice Clinic (a partnership with Legal Aid of North Carolina)
 - » Wintersession
 - » Duke in D.C.
 - » Multiple individual externships, faculty-mentored externships, and integrated externships in the Triangle and beyond
- Coming soon:**
- » The First Amendment Clinic

Duke Law’s clinical program gained its first endowed distinguished chair with the Colin W. Brown Clinical Professorship, held by Carolyn McAllaster, director of the HIV/AIDS Policy Clinic and the founder and former director of the Health Justice Clinic. A second clinical professorship was endowed in 2017 to honor John H. Adams ’62, co-founder of the Natural Resources Defense Council. The Duke Legal Clinics also now have a roster of endowed teaching fellows with the Environmental Law and Policy Clinic’s Stanback Fellowships for recent graduates, the James Scott Farrin Lecturing Fellowship in the Civil Justice Clinic, and the human rights clinical fellow and supervising attorney in the International Human Rights Clinic, supported by a grant from the Donald and Alice Noble Foundation. These two-year endowed fellowships have enabled expansion of each clinic’s enrollment and reach.

As director of the externship program, Senior Lecturing Fellow Anne Gordon oversees student placement and progress in government and nonprofit placements and teaches seminars relating to professionalism and social justice lawyering. ♣



A Singular Dean

people you're representing, and you wouldn't want to be a lawyer in the IP space or working with start-ups without any understanding of the technology." Legal practice itself is becoming a "disruption space," bringing both promise and uncertainty, he adds. "It's starting to happen in law firms and offers promise for the delivery of service to underserved populations. But change can also be frightening, and some things that were profitable in the past will no longer be profitable.

"Technological change is interesting from an academic point of view and also important for our graduates to understand so they can ride the wave, rather than being overwhelmed by it," he says. "We're preparing students not just for a legal career that starts at graduation, but also for a practice spanning decades."

For Clinical Professor Andrew Foster, who directs experiential education and clinical programs as well as the Community Enterprise Clinic, that long-term view has been foundational to Levi's successful stewardship of the Law School through the financial crisis and its aftermath.

"David has made us think hard about how to make sure that this institution truly serves students and positions them for success," says Foster. "He came in at a time when the Law School and legal education faced huge challenges, and his leadership was essential to Duke maintaining a high level of quality and morale among faculty, staff, and students. Not only has he done a lot to help students through a very difficult time, but out of that tough time we created things that help further the distinctiveness of Duke Law. He has raised the bar for what constitutes excellence here."

Levi's Legacy Developing New Academic Programs

Several academic programs address growth areas of law and practice, such as technology, start-ups and emerging companies, as well as ongoing trends towards globalization that will allow students to navigate the changing legal landscape with confidence. The novel Master of Judicial Studies (MJS) program for sitting federal, state, and foreign judges, allows jurists to learn the analytical skills and research approaches necessary for studying judicial institutions and apply those skills to studies of domestic and international judicial institutions, common and emerging legal issues, general judicial practices, and judicial reform efforts. ♡

- » **LLM in Law and Entrepreneurship**
- » **Dual JD/LLM in Law and Entrepreneurship**
- » **Duke-Leiden Institute in Global and Transnational Law**
- » **Dual JD/MA in Bioethics & Science Policy**
- » **Master of Judicial Studies**

Serving students

Duke Law's delivery of top-tier academics combined with distinctive opportunities for students to cultivate the skills and judgment needed to stand out to employers and excel on the job has consistently resonated with law school recruits over a critical period for legal education, says William Hoye, associate dean for admissions and student affairs. While applications to law schools surged early in Levi's tenure as college graduates sought refuge from the recession, they declined precipitously when the legal job market remained contracted even as the overall economy improved. In the midst of fierce competition among top schools, Levi worked closely with Hoye to ensure that Duke Law continued to attract the strongest students, maintaining and, in some cases, improving the school's standing based on metrics such as median LSAT and GPA, without reducing the size of incoming classes.

Hoye says the dean's steadfast focus on financial aid has been critical to ensuring that the Law School can deliver on its promise. Levi speaks frequently to alumni and friends about the way excessive student debt, which averages about \$130,000 for U.S. law graduates, can impede post-graduate career choices, and he has consistently made financial aid a cornerstone of his fundraising efforts. The result: 71 new scholarship and fellowship endowments were created during the seven-year *Duke Forward* campaign, and grants of financial aid have tripled since he became dean, from \$5 million in 2007 to \$15 million in 2017.

"He has been truly amazing to work with on building the financial aid budget over time," Hoye says, noting that Levi's commitment to need-based assistance has kept the average net cost to enrolled students essentially unchanged, at approximately \$35,000, in spite of steadily rising tuition costs. "It took a lot of work to make that happen. He always has been of the mind that students who can pay, should — it's an investment in their future. But he knows that many of our students who will become terrific alums and great leaders just don't have the resources."

Having devoted much of his own career to public service, Levi has also been highly attentive to the particular financial needs of students whose career goals lie in government and public interest law, sectors that often don't pay for summer positions and won't typically hire before bar passage. "From the outset, his question was, 'How can we help and support these graduates so they can 'hold on' until a job comes open and they are able to step in and take it?'" says Assistant Dean Stella Boswell, who directs the Office of Public Interest and Pro Bono.

An early answer was the Bridge to Practice program, which has been an unequivocal success: Since 2008, graduates have used short-term placements, supported by the Law School, to gain experience in their preferred areas, with more than 80 percent quickly transitioning to full-time positions, often with their Bridge employers. Levi has also guaranteed summer funding for students working in unpaid positions in the public and nonprofit sectors, beginning with rising 3Ls in 2011 and adding rising 2Ls in 2017. "In each case, he spoke to the students about their needs and then pulled senior staff together to say, 'This is important. How can we make this happen?'" says Boswell. "Without the funding,



Presenting the trophy to 2017 Dean's Cup winners
Ethan Wright '18 and Amelia DeGory '17

“He has been truly amazing to work with on building the financial aid budget over time. ... [He] knows that many of our students who will become terrific alums and great leaders just don't have the resources.”

– William Hoye, associate dean for admissions and student affairs

they might choose something less in keeping with their goals and passions. It was big.” She notes that Levi also has increased funding for students to attend public interest job fairs and for 3Ls to travel for interviews, which is generally not covered by prospective employers as it is in the private sector.

In addition to financing, Levi has supported the goals of students interested in public sector and public interest careers in less tangible, but important ways, Boswell says. One is the introduction, in the fall semester, of the Public Interest and Public Service Law Certificate, which helps students gain focused academic and career counseling to help them stand out in those highly competitive sectors. (See page 8.) Another is the way Levi has made career choices in government and public service “a central part of his mission and his message,” she says. “Perhaps it is due to his background as a prosecutor and a judge, but he talks about the importance of the work they are interested in doing and the work that they are going on to do. Students tell me that they find it encouraging and validating.”

Career services for all Duke Law students have expanded substantially on Levi's watch. “We all know that the legal market shifted during David's tenure,” says Elvin, who oversees the Career Center. “Every year it becomes more and more important for students to present themselves as strong, focused candidates. David understood this, and a number of years ago, we made a decision to ensure that every 1L would have an individual career counselor with whom they would meet at least three times within the first year and regularly over the summer. He recognized that one of the Law School's strengths is the individual support and attention students receive throughout the institution, in classes, academic affairs, and student affairs. Students who find their goals and paths are best positioned for the future, so we've invested in helping them do so.”

The Career Center also administers a comprehensive professional development program for international LLM candidates. “This intensive career counseling is necessary for our students to be successful,” Elvin says.

In his own words

Defending the worth of young lawyers unfairly harmed by the downturn

“What is not understandable is the surprising amount of criticism heaped upon younger lawyers, offered as if to justify placing a disproportionate share of the economic downturn on their shoulders.

“The criticism comes from law firm managers, in-house counsel and former lawyers who now comment on the legal profession...

“They most likely represent a minority view, but they are vocal. They say that clients are no longer willing to pay for the work of young associates because their work is ‘worthless.’ We might expect clients to make any argument that could lead to a lower bill, particularly during an economic downturn. But it is wrong and surprising for experienced lawyers inside and outside of firms to acquiesce in, even reinforce, this line of argument. ...

“Whatever room there may be for continued improvement to the law school curriculum, there is little doubt that the young lawyers whom we graduate today are equally well and better prepared for practice than at any other time in our history. Our graduates have had the benefit of superb clinical and experiential educational opportunities. Many of them already will have appeared in court, written appellate briefs and participated in

simulated deals and transactions. They have had the discipline of thinking about difficult legal issues and applying that theoretical knowledge in the search for solutions to real-world problems. Many will graduate with joint degrees in business, economics, public policy, international law, and the sciences. All of them have had substantial legal writing experience. Most of them are ‘tech savvy’ in ways that both amaze and enormously benefit their less proficient elders. ...

“It may well be that young associates are paid too much and that their time is billed out at too high a rate. Market forces will determine both in the long run. When young associates in some locations began to make more than the federal judges for whom they had clerked in the preceding one or two years, many of us felt that there was something seriously out of whack on both sides of the comparison. But it breaks faith with our professional values and responsibilities to acquiesce in hyperbolic and misleading statements suggesting that young lawyers are unproductive and of little value.” ♣

Source: “In Defense of Young Lawyers,” *National Law Journal* (August 09, 2010)

And they are: Even with the legal economy slow to recover, more than 95 percent of Duke Law graduates find employment within 10 months of receiving their diploma, and last year, Duke ranked second among all U.S. law schools in employment of graduates in long-term, full-time positions in which bar passage is required, according to the *National Law Journal*. “That’s the proof in the pudding,” says Kahn, a partner at Williams & Connolly in Washington, D.C. “Especially with the high cost of law school, you want to make sure graduates leave with a job they are happy with, whether it’s a job in a big firm or in public service or in a clerkship — whatever it may be. And David has been laser-focused on that.”

A targeted approach to judicial clerkships has resulted in approximately 70 placements for new and recent Duke Law grads each year — effectively one-third of a class. Levi has taken a personal interest in the effort, especially at the highest levels. Over the past seven years, nine graduates have clerked for justices on the U.S. Supreme Court.

“Dean Levi was a tremendous help to me at every stage of the clerkship process,” says Emily Kennedy ’10, who clerked for Justice Alito in the 2012-2013 term. “I don’t think I would have had the opportunity to clerk on the Supreme Court without his support. He really goes to bat for Duke students, and I think that he is largely responsible for the fact that Duke Law grads are now regularly hired for Supreme Court clerkships.”

Sarah Hawkins Warren ’08, the solicitor general of Georgia and a member of the BOV who held consecutive clerkships on federal appellate and trial courts, credits Levi’s “eye and guiding hand”

with enhancing the student experience in multiple ways, notably through forging ties with employers. “He’s made a huge effort to build personal relationships with judges and other employers, so they will understand the value of hiring a Duke student.”

Levi has tried to ensure that all students share similar opportunities for success in law school and beyond with such initiatives as the First Generation Professionals (1GP) Enhancement Program, which offers mentoring, professional development, and practical experiences for students who are the first in their families to graduate from college. And he’s also been vigilant about broader trends and challenges that face all law schools and, by extension, the legal profession, such as racial and gender diversity and inclusion. “David has always shown real concern for how we can contribute to helping diversify the profession,” says Hoye. “He has also been concerned about the shrinking applicant pool and has sought ways to expand it.”

The Law School’s launch, last June, of the PreLaw Fellowship “pipeline” program that incorporates substantive instruction in legal writing and another area of law for college students, along with advice for applying to and succeeding in law school, represents a concerted effort to help address a lack of diversity within the profession. The full-scholarship residential program, which welcomed an inaugural cohort of 20 college juniors from underrepresented groups, will expand from two to four weeks in 2018, with Duke funding supplemented by a \$300,000 grant from the Law School Admission Council. (Read more, page 13.) “This is a model that I think will make a big contribution,” says Hoye.



The Master of Judicial Studies Class of 2016, with U.S. Supreme Court Associate Justice Samuel Alito Jr. (front row, fifth from left)

Advancing the study of judges and the judicial system

Since 2012, Duke Law has welcomed another non-traditional cohort of students to campus each summer: sitting federal, state, and foreign judges enrolled in the two-year Master of Judicial Studies (MJS) program. One of several initiatives focused on improving the judicial process and the administration of justice operated by the Center for Judicial Studies, the program is a centerpiece of Levi's legacy as dean and one with which he will remain engaged as inaugural director of the Carl and Susan Bolch Judicial Institute. (Read more, page 4.)

Judges in the program, all of whom are chosen by Levi, learn analytical skills and research approaches relevant to studying judicial institutions, reform, and emerging legal issues. The instructors are members of the Duke Law faculty and fellow jurists; the late Supreme Court Associate Justice Antonin Scalia taught a master-

class in judicial writing for two summers, and Justice Alito has twice taught a seminar on constitutional interpretation.

"The program gives sitting judges a chance to look at law and judging from a broader perspective, to explore questions they have not previously considered in any depth, and to revisit issues that they touched on years before in law school before they knew much about how legal issues play out in the real world," Justice Alito says. It also helps bridge the "unfortunate development" of a growing divide between the legal academy and the world of legal practice, including judging, and offers an opportunity for judges to learn from one another, he adds.

"The classes I have taught have included judges from all parts of the country and abroad and from diverse courts — federal, state, and foreign; appellate and trial; appointed and elected. I have found it fascinating to see how the particular work of each judge provides different insights on the issues we have discussed."

Chief Judge Lee Rosenthal of the U.S. District Court for the Southern District of Texas, who has taught in the master's program

A Singular Dean

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— U.S. Supreme Court Associate Justice Samuel Alito Jr.

Levi's Legacy Connecting the Bench, Bar, and Academy

Having served on the federal District Court bench for 17 years before becoming dean, Levi established the Center for Judicial Studies in 2011 with the goals of enhancing judicial education and improving the judicial system. Supported by a \$5 million grant from The Duke Endowment, it has fueled Duke Law School's emergence as a national leader in studying the judiciary through its investments in continuing education, research and scholarship, and best practices for judges, courts, and attorneys, and opened novel opportunities for student engagement. The center currently administers the following distinct programs, all aimed at improving the administration of justice by focusing on the study and exploration of the judicial process:

- » **The Master of Judicial Studies program**, the only elite advanced degree program in the U.S. for federal, state, and foreign judges
- » **The Appellate Judicial Education Institute**, the nation's premier judicial education conference for appellate judges, staff attorneys, and practitioners
- » **The Duke Conferences**, invitation-only conferences involving jurists, attorneys, academics, technical experts, and policymakers designed to develop best-practices for the administration of justice
- » **Judicature**, a scholarly journal, published quarterly, by and for judges
- » **EDRM**, a member-driven organization that develops practical resources to improve e-discovery and information governance

A \$10 million gift from Carl Bolch Jr. '67 and Susan Bolch, matched by a gift from Duke University and other donors, will soon establish the Carl and Susan Bolch Judicial Institute focused on studying and preserving the rule of law around the world. The Bolch Judicial Institute, which Levi will direct, will assume many of the center's activities. (See page 4.) ♡

since it began, calls it “priceless” for the judges involved. “There are very few opportunities for different kinds of judges across the country to get together — to get in the same room and engage over common issues, common ideas, common work — and to forge relationships that let them, going forward, become incubators for each other and innovators for each other.” It also makes them better judges, says Chief Judge Rosenthal, whose class, which she teaches with Professor Francis McGovern, presents topics that judges don't often encounter, such as the economics of law practice, how social media presents special challenges for elected judges, or how artificial intelligence is evolving in relation to the law.

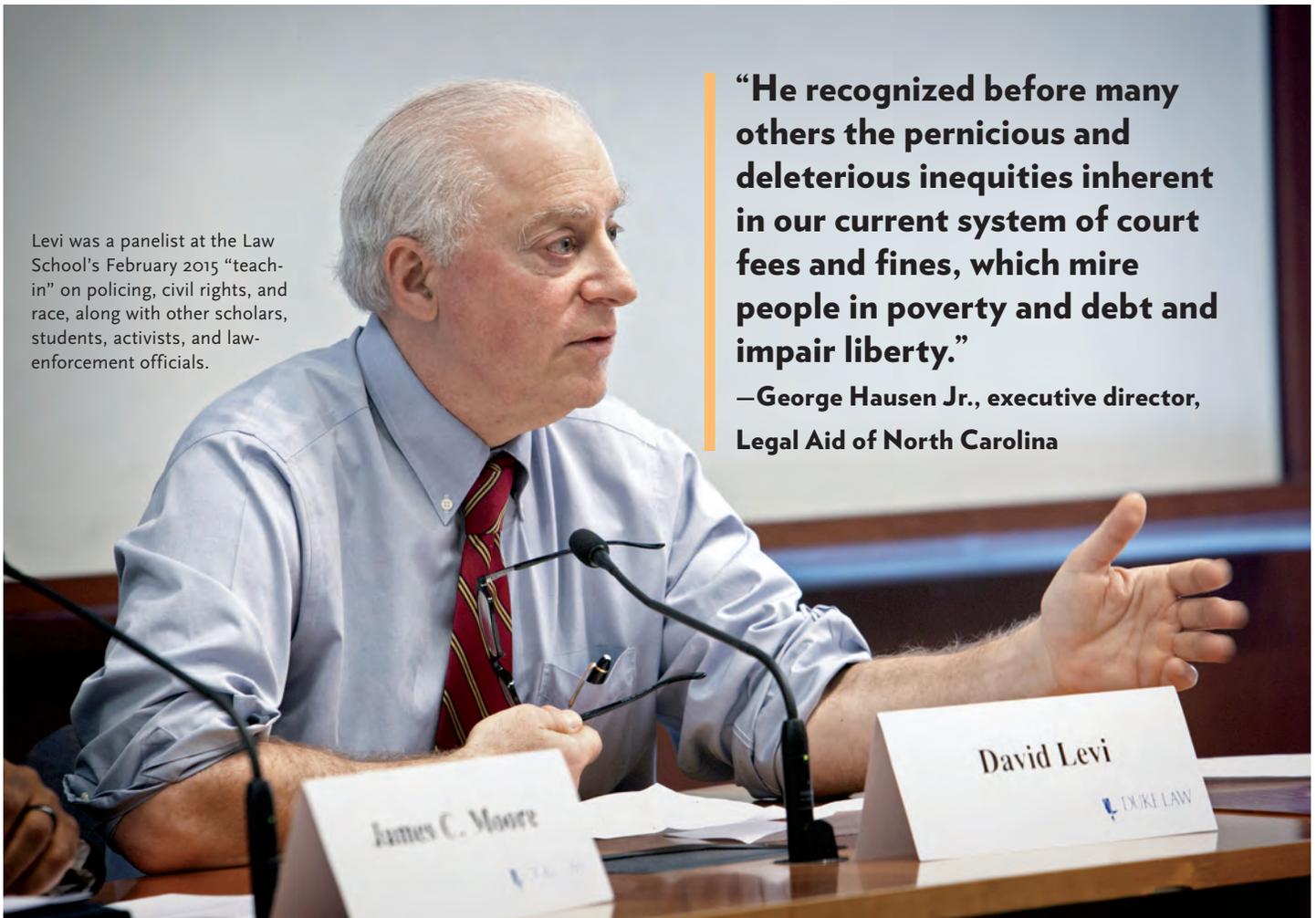
For Judge Paul Grimm of the U.S. District Court for the District of Maryland, a 2016 graduate, the program's coursework became directly relevant in his courtroom when he presided over a case of first impression that involved the invocation of the Foreign Sovereign Immunities Act, which he and his classmates had studied in successive courses in international law and foreign relations law. “Here was a case involving a somewhat esoteric area of law that you don't see very often,” he says. “I ended up citing from my professor's hornbook in my opinion.”

The regular presence of judges on campus and the emphasis on judicial studies has had unique benefits for the broader student body. Glenn Chappell '17 gained exposure to substantive issues in appellate justice and met prominent litigators, academics, and jurists as a member of the first group of JD students to serve as Judicial Studies fellows with the Center for Judicial Studies. Chappell helped a judge on the Georgia Court of Appeals organize a panel for the Appellate Judges Education Institute Summit, which the center operates, edited case notes on new proportionality guidelines for e-discovery that the center devised, and helped a former judge of the New York Court of Appeals edit an article on how courts and prison systems handle mentally ill individuals for *Judicature*, which the center publishes. The fellowship offered a unique chance to learn about issues of concern to judges, he says: “I don't know anywhere else you could get that.” The center also helped connect Chappell, who is now clerking for Judge Gerald Bard Tjoflat '57 on the Eleventh Circuit U.S. Court of Appeals, with his next clerkship, with Judge Anthony Trenga MJS '16 of the U.S. District Court for the Eastern District of Virginia.

Levi was a panelist at the Law School's February 2015 "teach-in" on policing, civil rights, and race, along with other scholars, students, activists, and law-enforcement officials.

"He recognized before many others the pernicious and deleterious inequities inherent in our current system of court fees and fines, which mire people in poverty and debt and impair liberty."

—George Hausen Jr., executive director, Legal Aid of North Carolina



An institutional leader

Levi's intense focus on improving the administration of justice has included an ongoing commitment to law reform and access to justice through initiatives at Duke Law and outside engagement with leading law reform organizations. Levi has served as an academic member of the U.S. Judicial Conference Committee on the Rules of Practice and Procedure, which he chaired prior to becoming dean, and as a member of the Judicial Conference Subcommittee on the Online System for Clerkship Application and Review. In 2014, he was appointed chair of the American Bar Association's Standing Committee on the American Judicial System, and he became president of the American Law Institute in May.

Closer to home, Levi also chaired the Civil Justice Committee for the N.C. Commission on the Administration of Law and Justice in 2016, engaging law students in the law-reform endeavor through a research seminar on civil justice topics in North Carolina and other jurisdictions that he co-taught with Darrell Miller, the Melvin G. Shimm Professor of Law, who served as the committee's Reporter. N.C. Supreme Court Chief Justice Mark Martin, who appointed Levi to the post, which ended last year, commended his "innovative leadership" through recommendations to modernize the state's court system through technology, create a state committee that

would propose rules of civil procedure based on the federal model and on models from other states, and study single-judge assignments in state trial court cases. "Dean Levi's efforts on the commission show how much he focused on Duke Law's relationship with the state of North Carolina," says Chief Justice Martin. "He has done so much to enhance that relationship, and the relationship between Duke Law and North Carolina's judicial branch."

Committee member George Hausen Jr., executive director of Legal Aid of North Carolina (LANC), says Levi was instrumental in advancing support for such important notions of justice as full legislative funding for legal services and raising the age for juvenile defenders, as well as improving technology for the court system. "He recognized before many others the pernicious and deleterious inequities inherent in our current system of court fees and fines, which mire people in poverty and debt and impair liberty," says Hausen. Levi's creation of the Civil Justice Clinic in partnership with LANC (and directed by Charles Holton '73, a former LANC board chair) and the Law School's strong presence in the agency's Durham field office offer further evidence of his staunch commitment to equitable access to justice for the poor, Hausen adds. In addition to having students help LANC clients fight unlawful evictions and challenge substandard housing conditions, he points to the innovative Eviction Diversion Program designed by clinic students and faculty that is getting underway

A Singular Dean

In his own words

Challenging the bar to give access to justice for those who cannot afford counsel

“... It is a ‘grand’ challenge because access to justice is so very important in a democracy like ours. ...

“But we need to be very precise in this discussion as to what we mean by ‘access to justice,’ which is a powerful phrase like ‘rule of law.’ By this phrase, I mean access to lawyers and to courts for cases that present colorable claims and which require a neutral, fair decision-maker. I do not mean access to ‘legal services’ more broadly. ...

“We find ourselves in a period when many young lawyers are looking for work and experience. And there are many older lawyers who are retiring in good health and looking for projects that will serve the community. We need to connect these lawyers, make full use of available technology, and put them to work helping the unrepresented who really need a lawyer and whose claims deserve a hearing or trial before a neutral magistrate.

“In short ... my contention is that if we keep the perfect from being the enemy of the good, if we rigorously knock out the ‘cases’ that are not cases or don’t require lawyers and professional judges, and if we provide other types of assistance, the number of persons seeking access to justice, who need and deserve representation and a hearing before a judicial officer, becomes a number we may be able to address with voluntary and government-sponsored legal service organizations.” ♡

Source: “The Grand Challenges for the Legal Profession and the Judiciary,” the 2014 Lloyd D. George Lecture on the Judicial Process at the UNLV William S. Boyd School of Law, reprinted as “Grand Challenges, Grand Ideas: Surmounting the Biggest Problems Facing Today’s Legal System,” 99 *Judicature* 14 (2015).

in Durham County. “It will help clients avert evictions and the prospect of homelessness and allow clients to avoid an eviction record, which can often prevent the client from securing future housing,” Hausen says. “These Duke Law resources have supported and shaped our housing practice in a county that has one of the highest eviction rates in the state.”

Judge Allyson Duncan ’75 of the U.S. Court of Appeals for the Fourth Circuit, a member of the BOV, says Levi’s leadership in addressing critical issues facing the legal profession and his high level of engagement with the judiciary in North Carolina and nationally redound to the overall benefit of the Law School. “I think he’s been an enormous boon to the school’s reputation both nationally and locally, which inured to the benefit of the school as a whole,” she says.

The Levi Way

In his “Message from the Dean” featured on the Duke Law web site, Levi characterizes the Law School’s culture as one that emphasizes service, collegiality, and excellence, calling it “the Duke Way.” “We take scholarship, service, professionalism, and teaching seriously; but we try not to take ourselves too seriously,” he writes. “In every respect, Duke Law values curiosity, the common good, and the greatest tradition of the legal profession: leadership.”

Levi’s description could just as easily describe his own style, which friends describe as blending a keen analytical intellect and bias toward problem-solving with personal warmth, curiosity, and a willingness to listen, which he considers one of the key traits of a good lawyer. After becoming dean, he took easily to the softer demands of the job, forging close bonds with faculty, staff, students, alumni, and colleagues across the university. This relational leadership style has proven resonant throughout the Duke Law community and foundational to building broad support for his institutional vision without disrupting the school’s culture.

“It has helped that David is an immensely likeable person,” says Curtis Bradley. “He is honest, he has a great sense of humor, genuinely cares about other people, and is passionate about the school. Watching such an admirable person work so hard for the school during his deanship makes the rest of us even more committed to the institution.”

Adds Jedediah Purdy, the Robinson O. Everett Professor of Law: “One of the absolutely defining features of David is that he’s a very humane person, who takes an interest in where people are.” During a 2011 seminar the two men taught with Brodhead, Levi “took a lot of pleasure in getting to watch the students think and process information. He’d remind me of some of those students for years afterwards — he’d just light up,” Purdy says.

Levi and his wife, Nancy Ranney, regularly host large and small gatherings of faculty, students, and alumni in their downtown home. Every semi-annual meeting of the leadership boards begins with an informal gathering there, the couple greeting their guests with handshakes and hugs on the wide front porch. “It’s a very personal welcome,” says BOV member Mark Fishman ’78, who recalls sharing a casual dinner with the couple, Justice Alito, and several others when he and his son were in Durham for a basketball game. “There was no occasion — David just knew my son and I would enjoy ourselves,” Fishman says. Levi has also traveled extensively throughout his time as dean to meet with alumni and host events around the United States, and he and Ranney have made several trips farther afield — to such places as Argentina, Chile, Israel, and Cuba — with members of the Law School’s leadership boards, alumni, faculty, and staff to meet with international alumni and forge international institutional partnerships.

“It started out as oversight for our summer institutes and international operations,” says Kahn of early trips to mainland China and Geneva, where Duke Law had a long-established summer program in transnational law. “It developed as outreach to our inter-



Levi's Legacy

Raising nearly \$200 million during his tenure

- » 75 new scholarship and fellowship endowments created
- » 15 new endowed professorships created, doubling the number of distinguished chairs at Duke Law
- » Nearly \$60 million raised for financial aid
- » \$24 million in cash raised for the Annual Fund
- » \$3 million raised for the Annual Fund in a single year — a record
- » 109 new planned gifts total \$31 million

national graduates, who are an important part of our program yet don't get opportunities to come back often. David saw reaching out to our international alumni and getting to know them as being of value to them and to the Law School. He recognizes the LLM program as being ever more important as the world is getting smaller." A side benefit of their travels together, as well as their frequent work on campus, says Kahn: friendship. "It's been a real joy and something that I treasure."

That capacity for friendship has been critical to Levi's success, Brodhead says. "David treats Duke Law as if it's a large, fun family. He radiates a sense of joy in the job and belief in the school, and I think that has been his greatest asset in bringing alumni closer, making students feel they completely belong to the school and, of course, in fundraising. David loves the fundraising part of his job because he believes it's all about supporting the school."

Indeed, from the start of his tenure, through the seven-year *Duke Forward* campaign, and beyond — he closed 2017 with the internal announcement of several transformative new gifts to Duke Law (see page 4) — Levi has framed philanthropy towards the Law School as an opportunity for alumni and friends to be leaders and engage in a noble "handshake across generations." Among the

By the time the *Duke Forward* campaign ended on June 30, the Law School had raised \$132.4 million, surpassing its initial fundraising goal by more than 50 percent. Levi called it an inspirational outpouring of support and enthusiasm for the Law School's future in thanking donors for their support, noting inspirational leadership gifts from The Duke Endowment, which created a matching gift fund for the endowment of distinguished professorships, and two from Stanley '61 and Elizabeth Star, who first created a matching fund that helped create five new professorships and then established a matching gift program that spurred the endowment of new scholarship and fellowship funds. Among the distinguished professorships endowed during the campaign were some of the first from international benefactors. And more than 366 international donors contributed over \$1,023,000 to establish the Judy Horowitz LL.M. Scholarship Fund for international students in the Duke Law LLM program. ♡

A Singular Dean

“David treats Duke Law as if it’s a large, fun family. He radiates a sense of joy in the job and belief in the school, and I think that has been his greatest asset in bringing alumni closer, making students feel they completely belong to the school and, of course, in fundraising.”

— Former Duke University President Richard H. Brodhead

achievements during his 11 years: the first professorships endowed by international graduates and significant growth in both the Annual Fund and alumni donor participation numbers. Levi and Ranney themselves endowed a scholarship during the fundraising campaign, because, he said at the 2016 Scholarship Luncheon, “keeping the doors of the Law School open to students from all walks of life strengthens Duke Law, the broader community, and the profession.”

BOV Chair Susanne Haas LLM ’85, JD ’87, says Levi has a “wonderful way” of approaching prospective donors. “He’s so natural and direct about it, there’s not really any way you could refuse, and you wouldn’t want to,” says Haas. “You feel that if David asks you to do that, it must be something that is appropriate and necessary. He has a strong personality and is a strong leader, and I think we all would follow him anywhere.”

Add Stanley ’61 and Elizabeth Star, whose gift challenges created during the *Duke Forward* campaign helped create five new professorships and 41 new scholarship and fellowship funds: “With David’s insightful vision and leadership, we realized many accomplishments together and achieved milestones with great philanthropic creativity, pride, and gratification. David and Nancy touched many lives and will leave an indelible legacy of kindness, leadership, academic excellence, achievement, and lasting friendship.” (Read more, page 60.)



With Stanley Star ’61

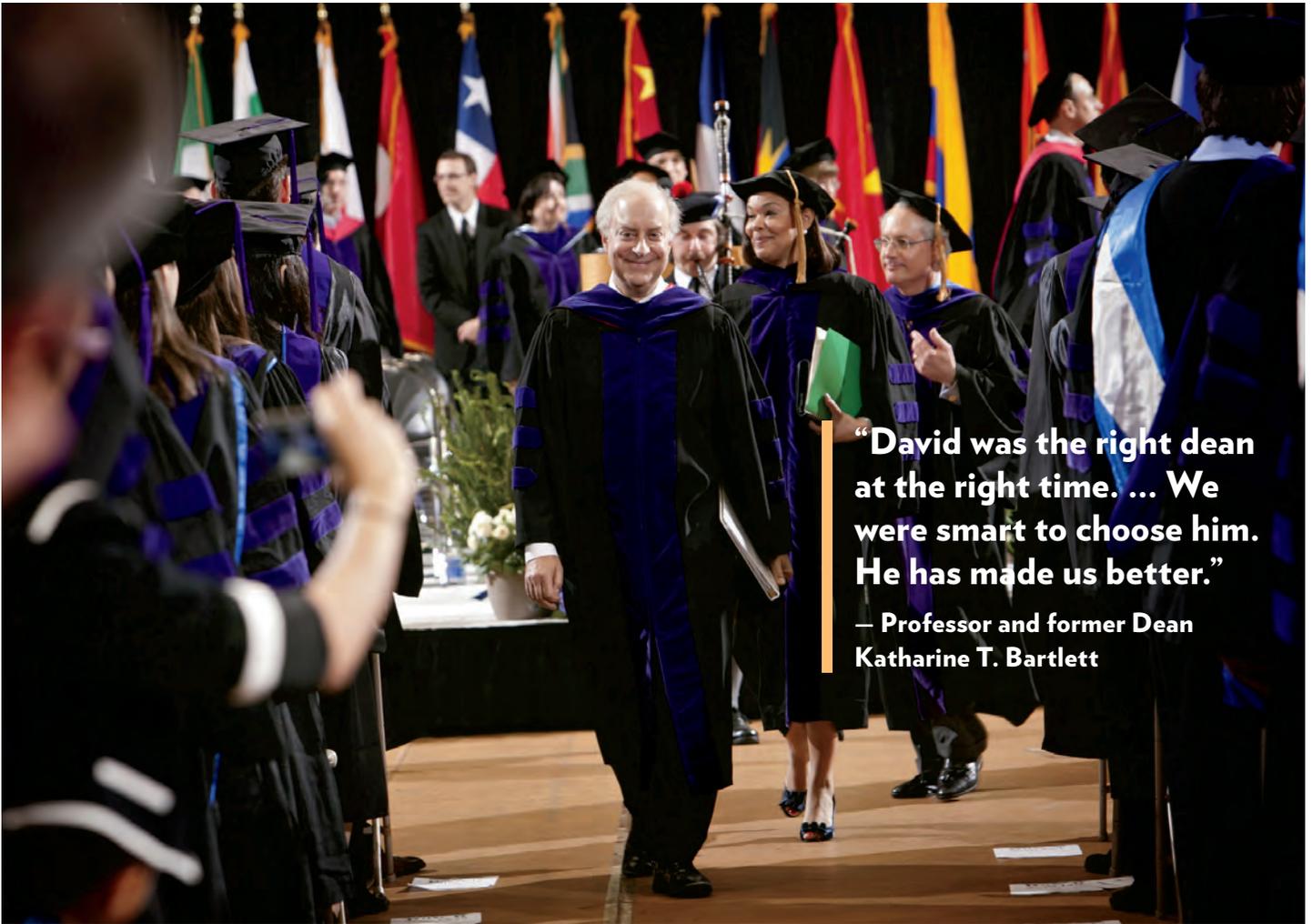
In his own words

Defining philanthropy as an opportunity to lead

“Fundraising is one aspect of a dean’s job that has no obvious counterpart in the life of a federal judge, at least on first impression. During the dean search process, I was asked whether, as a judge, I had any experience in fundraising. It was a trick question, and I gave a trick answer. I answered ‘yes,’ knowing full well that federal judges may not directly or indirectly have anything to do with fundraising. I answered ‘yes’ because in settlement conferences, and perhaps in some other settings, like fee awards, judges ask parties and lawyers to put in more money or take out less. In this sense, judges raise funds, and they do so on the basis of reasons. Sometimes those reasons are based on applicable law and the facts of the case, on the basis of which the judge makes a calculation or a prediction about the likely outcome of the case. But often the reasons are social — aimed at repairing or restoring a relationship.

“Law school fundraising is not very different; in fact, it is easier because instead of fear of the unknown — the dominant emotion in a settlement conference — the dominant emotions in fundraising are loyalty, idealism, and a desire to be part of something bigger than oneself. And it connects back to leadership because in our society philanthropy is an opportunity for leadership. Alumni and others can shape the future of our profession and of legal education through the funds they give. They can make a critical difference in the lives of aspiring young lawyers who later will make a similar difference for someone else.”

Source: “From Judge to Dean: Reflections on the Bench and the Academy,” 70 *Louisiana Law Review* 913-922 (2010) (based on a Law Day talk given to the Albuquerque Bar Association on May 1, 2008)



“David was the right dean at the right time. ... We were smart to choose him. He has made us better.”

**— Professor and former Dean
Katharine T. Bartlett**

The right dean at the right time

As a sitting judge, Levi may have been an unusual choice to be Duke Law School’s 14th dean, but he had no trouble seeing strong similarities in the two posts. During his first year at Duke, he gave several public speeches in which he mused on how they were alike, as well as how they differed. He also spoke of his excitement at having the opportunity to help train a new generation in the tools of the profession he loves: clarity of thought, the ability to simplify, to articulate, and to persuade; and the courage to take a position and the equal courage to modify and compromise in the face of reasoned opposition. That training, he observed, explains why lawyers routinely serve as leaders in their communities and, indeed, are obligated to do so.

“Whether as dean or as judge or advocate or professor, all of us in this room have the privilege and responsibility of being members of a learned profession,” he said in a 2008 New Mexico Law Day speech. “There is no wall between the academy and the profession or between the bar and the judiciary. Because of our training, our experience, and our powerful legal culture, all of us are and should be ready to serve and ready to assume new roles within the profession.”

It is an understatement to say that Levi excelled in the role that was new to him, at a time when the legal profession faced daunting

challenges. What is perhaps most striking 11 years later is the universal admiration for his leadership among members of the Duke Law “family” he was chosen to lead, from faculty and staff to students, alumni, and donors. “We have been blown away over the past 11 years by the breadth and depth of what David has been able to accomplish with his unique combination of intelligence, wit, drive, and light personal touch,” says David Ichel ’78, who chaired the BOV from 2009 to 2014.

Levi’s success in mobilizing support from all corners of the Duke Law community, says Lanty Smith, is rooted in strong personal values, a passion for the law, and a remarkable understanding and respect for the nation’s institutions. “His commitment to them has always been motivational, both to protect what is right and to correct what is wrong — to nurture and preserve appropriately and to innovate and improve,” says Smith. “That approach served our country well during David’s long tenure on the bench, and it has been wonderfully beneficial in defining his leadership for Duke Law School.”

Levi’s predecessor, Kate Bartlett, puts it succinctly: “David was the right dean at the right time.

“The risk we took in hiring him paid off — big time. We were smart to choose him. He has made us better.” ♡

A Singular Dean

“A great partner”

NANCY RANNEY specifically sought a home that would accommodate entertaining when she and husband David F. Levi were preparing to relocate to Durham from Sacramento in 2007. They ultimately settled on a renovated historic two-story house with a wide, wraparound porch and a large backyard on a tree-lined downtown street. And for more than 10 years, they have regularly hosted the Duke Law community there — receptions for faculty families to celebrate the start of each academic year and introduce new and visiting scholars, parties every spring and fall to open meetings of the Law School’s leadership boards, events to welcome members of the LLM and Master of Judicial Studies classes and their families, and multiple small dinners with students, alumni, and visitors to mark special occasions.

The couple’s easy and informal hospitality was well-suited to the collegiality that has long been a Duke Law hallmark and it has during Levi’s tenure strengthened it, creating what many describe as a family feeling in the Law School community. “That mattered to her,” Levi says. “She wanted to give everyone a sense of belonging.”

Shortly after arriving, Ranney also began inviting visitors, such as the spouses and partners accompanying leadership board members to their semi-annual meetings, to outings and activities in and around Durham. Often she used the occasions to highlight the city’s thriving farm-to-table restaurant culture and her own personal and professional interests in local food, sustainable agriculture, and environmental conservation. The practice quickly became a cherished tradition.

“It brought everyone closer together,” says Debbie Kahn, recalling cooking classes and afternoon-long lunches that helped forge relationships that “go well beyond” Law School business. “It’s real friendship.”

Add Stanley ’61 and Elizabeth Star: “Nancy’s gracious hospitality, inclusiveness, and caring is sincerely felt by everyone who knows her.”

Ranney divides her time between Durham and Corona, N.M., where she manages Ranney Ranch, a family business that raises and sells grass-fed beef. Trained as a landscape architect and environmental planner, she is a leader in the field of sustainable ranching, serving as president of the Southwest Grassfed Livestock Alliance and a board member of the Quivira Coalition, an organization of ranchers and conservationists dedicated to building economic and ecological resilience on

western rangeland. Ranney Ranch’s successful use of regenerative grazing practices to stimulate the growth of dozens of long-dormant native grass species in a former monoculture was featured in Peter Byck’s short documentary, “A Fence and an Owner.”* And last November, Ranney Ranch became the first ranch enrolled in Audubon New Mexico’s Conservation Ranching Program aimed at grassland habitat enhancement; its beef is now certified as having been grazed on Audubon-certified “bird-friendly” land.

“Nancy knows what’s going on in every part of the ranch, agriculturally, ecologically, and historically,” says Professor Jedediah Purdy, who has visited the ranch and occasionally served as a ranch-hand, helping move cattle through the pens — alongside Levi — during branding. “And she’s an incredible rider.”

“Until you see Nancy on the ranch, you can’t completely appreciate who she is,” says Debbie Kahn. “It’s just so natural

— her caring for the animals, her commitment to sustainable ranching, and her involvement in the local community. It’s spectacular to watch, and I think it’s something she’s brought in her own way to the Durham community as well.”

Peter Kahn ’76, a member of the Board of Visitors and a Duke University trustee, calls Ranney “a great partner” to Levi in establishing a sense of collective goodwill among Law School alumni and leaders, a sentiment echoed by many.

“David and Nancy are an endearing team,” says Elizabeth Star. 🐾



At home in Durham, with Isabella

*Watch “A Fence and an Owner” at vimeo.com/201215707.



At home on Ranney Ranch,
in Corona, N.M.

Photo: Jason Getz

Speaking, listening, and the rule of law

Dean David F. Levi stressed the importance — and the challenges — of allowing a diversity of views on university campuses when he spoke, on Aug. 23, at the 2017 convocation for new graduate and professional students in Duke Chapel. An excerpt of his speech titled “Speaking, Listening, and the Rule of Law,” follows.

“**A**fter all is said and done, speaking and listening are what we do in a university, in one way or another, whether digitally, face to face, in real time, or across the centuries in our written work. We speak and listen in the classroom, in the lab, in the field, and in the library. For all of this speaking and listening, we spend comparatively little time considering how well we do these two fundamental activities, fundamental to our training, our efficacy, and our community. ...

... [A] university is a very noisy place and by design. ... We revel in and celebrate the cacophony of many voices, and the collision of ideas and beliefs. There are few or no intervals of repose.

Where we all agree, there is little to say. This is one principal reason why we so value diversity in a university, because we want the debate, the collision of ideas, the friction that can be so productive. This is how we add to the sum of human understanding.

This faith in free expression, what we call academic freedom, is paralleled in our time by the development of the classical liberal case for free speech under the First Amendment of the Constitution.

The development of First Amendment protections during and following the World Wars and now into our own time is one of the great jurisprudential achievements of the courts in the past almost 100 years. It is a central part of what we mean by the rule of law.

The liberal case began after the First World War in Justice Holmes' opinions, particularly his dissent in 1919 in *Abrams v. United States*. Abrams had been prosecuted under the Espionage Act for opposing U.S. military actions. Justice Holmes set out the theory of free speech that is still widely accepted today. He said that when we 'realize that time has upset many fighting faiths,' we come to see 'that the ultimate good desired is better reached by free trade in ideas — that the best test of truth is the power of the thought to get itself accepted in the competition of the market.' And then he warned 'we should be eternally vigilant against attempts to check the expression of opinions that we loathe.'

Holmes did not say all ideas are equally good, but that more and better speech, not censorship, is the proper way to separate the true from the false, and the good from the bad.

Following Justice Holmes, the courts have steadily expanded the depth and breadth of the conception of freedom of speech. In 1943, in *West Virginia v. Barnette*, reversing an earlier decision, the Supreme Court ruled in favor of children who on religious grounds refused to salute the flag or say the pledge of allegiance. Justice Jackson wrote that 'If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion.' And the same is true at a university, of course. None of the 'high and petty' university officials you see before you want to or ever should prescribe orthodoxy. And this is one very good reason why universities so rarely speak in an institutional voice, on the issues of our time, as if there were only one point of view within the university itself.

In more recent times we see the courts acting to protect speakers who address matters of public concern in a variety of settings. In case after case, the Supreme Court has extended the principles of the Holmes dissent. These cases are highly relevant to what is happening today on our streets and in our universities. This is not our first rodeo. In 1977, when the Nazi Party of America sought a permit to march in the City of Skokie, Illinois, a place where many Jewish families and holocaust survivors had settled, the Court ruled that the permit must issue. This is why some 30 years later white supremacists and anti-Semites are permitted to march again in Charlottesville and elsewhere.

I would note, however, that threatening and intimidating conduct are not protected speech, but bad behavior that can be prohibited and prosecuted.

In 2011 in *Snyder v. Phelps* the Court protected a religious group whose form of protest is to show up with deeply offensive signs at the funerals of soldiers killed in the line of duty in our wars in the Middle East. Acknowledging the pain caused by this speech to the families and mourners, the Chief Justice wrote 'we cannot react to that pain by punishing the speaker. As a Nation, we have chosen a different course — to protect even hurtful speech on public issues to ensure that we do not stifle public debate.'

This is what the rule of law looks like when it comes to speech. It is an approach that has worked reasonably well for nearly 100 years in some very tough times. Those who would abandon the classical liberal formulation should have very good reasons for doing so.

Yet one senses that the universities may be weakening in their commitment to academic freedom and the First Amendment without very good reasons. We see the basic premises of academic freedom under attack in so many places and across the spectrum. One university disciplines a faculty member for criticizing the National Rifle Association while another disciplines students for criticizing affirmative action. Invited speakers are intimidated or shouted down.

Surveys suggest that many undergraduates, perhaps even a majority, subscribe to the view that offensive speech by students and faculty should be punished, particularly if the subject matter is race, gender, sexuality, or other areas of controversy and concern within the society.

These events of the past few years show the dangers when universities begin to censor and punish based on content. Therein lies the path to coercion, homogeneity, timidity, and mediocrity.

I think that we are up to the challenges posed by the diversity of views we otherwise cherish and welcome.

Let us commit that on this campus everyone can say their two words, their two cents; here we will protect academic freedom and free speech even knowing that some will abuse that freedom. However, the burden of that abuse should not be borne alone by vulnerable racial, religious, or other groups. All too often they are the ones who suffer from bigoted and hateful speech. So let us also commit that we will speak up to defend those who bear the unequal burdens of offensive speech. We will use our own good speech to oppose and dispel bad speech.

If we do this well, we will look back on this period with pride. We will have secured the blessings of liberty on our own campus. We cannot be a great university otherwise.

There is much more to say about free speech and the rule of law. But I have gone well past my two words and I have not said anything yet about listening, perhaps the most important skill of a serious scholar and a good person. In this beautiful chapel made for listening and contemplation, we should end on a hopeful note. All is not about argument and strife. There is also the magic and the mystery if we can only remember to listen for it.

As the great writer of the environmental movement, Aldo Leopold, expressed it: '[T]here is ... music in [the] hills, by no means audible to all. To hear even a few notes of it you must first live here for a long time, and you must know the speech of hills and rivers. Then on a still night . . . sit quietly and listen for a wolf to howl, and think hard of everything you have seen and tried to understand. Then you may hear it — a vast pulsing harmony — its score inscribed on a thousand hills, its notes the lives and deaths of plants and animals, its rhythms spanning the seconds and the centuries.'

There is also a vast pulsing harmony in a university — its score inscribed on a thousand minds and hearts, its notes the lives and deaths, the speaking and the listening, of legions of teachers and students, its rhythms spanning the seconds and the centuries, its richness the diversity of voices and themes, its tempo driven by the shared yearning for truth and beauty.

Can you hear it? I can.

It's coming from you.

May it always be so. ♪ ”

Profiles



Photo: Jason Getz

A “double Dukie” — she majored in public policy and Spanish as a Trinity undergrad — Warren makes her allegiance clear in her office with a display that includes a historic piece of the Cameron Indoor Stadium floor.

Sarah Hawkins Warren '08

SARAH WARREN WAS ON MATERNITY LEAVE after having her second child when she was promoted to solicitor general for the state of Georgia, after less than 18 months as the deputy. Weeks after stepping into the post on Jan. 1 of last year, she argued her first case in the Georgia Supreme Court, and on Oct. 30, 2017, made her debut in the United States Supreme Court — a first for a Georgia solicitor general — by arguing for the respondent in *Wilson v. Sellers*. “It’s been a crazy year, but it’s been a big year,” she says.

An Atlanta native, Warren clerked first for former Chief Judge J. L. Edmondson of the U.S. Court of Appeals for the Eleventh Circuit and then for Judge Richard J. Leon of the U.S. District Court for the District of Columbia before joining Kirkland & Ellis in Washington, D.C., as a litigator. She had just settled into partnership at the firm when the opportunity arose for her to return home and enter public service. Warren, a member of the Law School’s Board of Visitors, talked to *Duke Law Magazine* about her transition from private practice to public service and the job that, she says, “was too good to pass up.”

“I would encourage law students to think about going to work in their states, because you get tremendous experience at a very young age and you’re helping to make decisions or helping to argue cases that can have an immediate impact on the people of your state.”

— Sarah Warren '08

DUKE LAW MAGAZINE: What made that offer too good to pass up?

SARAH WARREN: I loved my job at Kirkland. I got great experience as a litigation associate, trying cases and running big cases. And right about the time I became a partner there, I had the opportunity to work on a case in Georgia, *Florida v. Georgia*. It stems from protracted, decades-long litigation between Georgia and Florida over water apportionment. Georgia had prevailed in the Eleventh Circuit, and then Florida brought an original action against Georgia in the U.S. Supreme Court.

Kirkland was retained as counsel for that case, and I helped run [Georgia’s defense team], so I came home [to Atlanta] a lot to interview witnesses, to work on trial strategy, and to prepare the case. I loved working with the state employees who were involved, people in our Environmental Division and in the Department of Law. So when there was an opportunity to potentially work for the attorney general, who at the time was my client, and who I really liked, I decided to make the jump. The solicitor general at the time was Britt Grant, a former Kirkland colleague and a good friend. She’s now a justice on our Supreme Court. I came home to work as her deputy.

It was, of course, a huge move, because my husband and I liked being in D.C., and we had a young child at the time. But I just loved coming in every day and having cases — not just the water case, which I continue to work on — but all kinds of cases where the primary goal was serving the people of the State. These involve a wide range of constitutional issues, legislative issues, and legal issues that have policy implications, so it’s a very fulfilling job. Every day brings something new.

As solicitor general I run a unit of five. So I’m a full-time manager and a full-blown attorney. I’m writing briefs and arguing orally, and I’m also collaborating with other attorneys in my office on their briefs. I’m also an advisor to the attorney general on issues of constitutional law that come up and on decisions regarding cases and briefs that Georgia may join. So I’m wearing all these different hats all the time, and it takes a lot — but I like the challenge.

DLM: How did you hone your skills in appellate litigation and develop the confidence to take on the SG job at this relatively early stage of your career?

SW: My clerkship for Judge Edmondson on the Eleventh Circuit was a wonderful appellate experience and a mentorship. Judge Leon on the ‘DDC’ was great for honing some of my trial skills. And, of course, having the experience of taking depositions, and going to trial, and managing big cases and huge caseloads for clients at Kirkland was formative.

I’m a litigator by training, so I bring a unique skill set to an appellate role. When you come from a litigation perspective, you understand all the building blocks that lead up to an appeal. And it also gives you a very fresh perspective. I come to it with the perspective of, ‘I’m not a subject-matter expert in this particular area, like the trial lawyer was. I have to break this complex concept down to such a fundamental building-block level that the person who picks up this brief for the first time can understand it without asking any further questions.’ That’s the perspective that helps an appellate brief be great, so that the law clerk or the judge or the central staff attorney or the layperson who’s reading it will understand those concepts clearly. And that’s the perspective I try to bring to my work, along with all of the good writing skills and the persuasiveness and advocacy that I started learning at Duke and developed throughout my career.

DLM: What stands out from your first oral argument in the U.S. Supreme Court, which seeks to resolve the question of the standards and presumptions that a federal habeas court makes when it is reviewing a last state court adjudication on the merits that is a summary decision?

SW: I was the second person to argue the second case of the day. So I had to sit through an hour of argument in a different case that my friend, who is the solicitor general of Texas, was arguing. And then I had to sit through the 30 minutes of [petitioner’s argument] in our case. It’s hard to wait when you are ready to get up there and make your argument.

Once I started arguing, it was a very ‘hot’ bench. About halfway through, there was brief pause, after I had answered a long series of questions. During that pause I stood there and I looked all the way across the bench and all the way back, and just sort of took in the image of all of the Justices there in front of me, and was able to appreciate in that moment what a tremendous opportunity it was and how honored I was to represent the State.

Being the first Georgia SG to have argued in front of the Supreme Court was a really special experience for me, and it was wonderful to have my parents, my brother, and my husband there to share the experience.

DLM: States have been very active litigants against the federal government in recent years — certainly through the last administration. What do you make of that?

Profiles

SW: Most people in the country aren't aware of how important state governments are. We always look to Washington, D.C., as the epicenter of policymaking and legislation, [and it] is *an* epicenter. But where the action is really happening, where the decisions are being made that effect people on a day-to-day basis, is in the states. I would encourage law students to think about going to work in their states, because you get tremendous experience at a very young age and you're helping to make decisions or helping to argue cases that can have an immediate impact on the people of your state.

I think it remains to be seen what the enduring theme is for state attorneys general and the solicitors general who work for them. Certainly in the past administration there were a number of multi-state lawsuits premised on concerns about federal overreach and the federal government reaching into areas that are traditionally reserved for the states. We'll have to see how that plays out over the next few years.

DLM: Who are your mentors and advisors?

SW: I still talk a lot with the judges that I clerked for and have a great relationship with them. I have made it a mission to always find a mentor wherever I'm working. So I have a great support system of people I worked for in Washington before I was an attorney, people who I still call and rely on for advice. I view the attorney general here as a friend and mentor — he's also my boss and has more management experience than I do, so I can learn a lot from him in that regard. There are also a lot of people in Atlanta — business leaders and others in the community — who I can rely on for advice and encouragement. And I rely a lot on my husband to give me good pep talks. He's a really bright management mind, so I rely on his advice a lot. And my parents.

I try to create a large net of people that I can rely on to get through the tough parts of the job and I've been very lucky.

DLM: What do you like best about your job?

SW: Being home and representing the people of my state. Secondary to that, it's just tremendous to be in a job where your brain is being exercised so much every day. It's totally exhausting, in the best possible way, because you come to work and think you're going to be doing one thing and you end up doing that thing and 10 other things. And I work with a great team of attorneys, not just in my Solicitor General's Unit, but across the Department of Law. ♡

— Frances Presma





Michael LeVine JD/MEM '00

IN EARLY NOVEMBER, Michael LeVine opened his keynote address at a Duke Law symposium on ocean conservation by expressing a debt of gratitude to Duke. “I feel very lucky, every day, that my life, work, and passions overlap in Alaska,” he said.

The Maryland native discovered Juneau, his home since 2002, when he worked there during the “extra summer” of his dual-degree program at Duke in law and environmental management. “I decided to apply to internships in the farthest-flung places I could possibly imagine, Hawaii and Alaska,” he says. “I ended up in Juneau and fell in love with Alaska.”

He made a beeline back after completing post-graduate clerkships for judges of the U.S. District Court for the District of Maryland and the Eleventh Circuit Court of Appeals. Today, he is a highly respected expert on sustainability and conservation in Alaska and the Arctic region.

LeVine, who joined Ocean Conservancy as senior Arctic fellow in September 2017, earlier worked at Earthjustice as a litigator, and Oceana as Pacific senior counsel. During his time at Earthjustice, a nonprofit, public interest law firm, LeVine litigated a range of cases, primarily in federal courts, relating to forest management, energy, and fisheries.

His extensive work on oil and gas development issues included the first — and possibly the only — successful direct challenge to the approval of a proposal to drill exploration wells offshore. In that litigation, the case brought by an alliance of conservation groups was consolidated with a challenge brought by the North Slope Borough and Alaska Eskimo Whaling Commission. Eventually, the court agreed with the arguments brought on behalf of the two groups of plaintiffs that there was faulty analysis of the potential impacts from drilling activities on the breeding, feeding, and migratory patterns of the whales on which the coastal communities subsist.

“We challenged the approval of Shell’s first exploration plan, which would have allowed the company to drill in the Beaufort Sea between 2007 and 2009, and the Ninth Circuit issued an injunction stopping the boats on their way into the Arctic Ocean,” LeVine says. That case jumpstarted efforts that LeVine helped lead to protect the Arctic Ocean from risky oil and gas activities. Those efforts have been very successful, as Shell and other companies that owned leases have abandoned plans and, for the most part, left the U.S. Arctic Ocean.

Around the same time, LeVine, acting as a contract lawyer, also represented a coalition of communities and conservation organizations in a lawsuit that successfully prevented aerially spraying of pesticides on traditional hunting and gathering land in Southeast Alaska. That proposal has never been revisited.

Both at Oceana and at Ocean Conservancy, LeVine has continued to work with local communities and tribes. He counts the process of learning about those communities and identifying ways to build relationships as among his most important and illuminating undertakings.

“I feel very lucky, every day, that my life, work, and passions overlap in Alaska.”

— Michael LeVine JD/MEM '00

Profiles

“For a period of time while I was at Oceana, we had a native elder on staff, a very-well respected leader named Caleb Pungowiyi,” LeVine says. “He’s since passed away, but I was very fortunate to be able to learn from him, to travel to communities with him and just watch as he interacted with people. I see those experiences as opening the door for me just enough to know that I don’t even know what the right questions are. We’re talking about learning from people who have inhabited coastal communities for tens of thousands of years and who have a very well-earned distrust of those of us who might be well-intentioned but can’t possibly understand what it means to be part of their communities and cultures.”

He recalls supporting the efforts of 76 federally recognized tribes to improve management in the northern Bering Sea. The effort eventually led to an executive order signed by President Barack Obama creating the Northern Bering Sea Climate Resilience Area. For LeVine, however, it began with a mapping project.

“The communities were concerned about changes in ocean conditions, increased vessel traffic, and the possibility of large-scale commercial fishing moving into the region,” he says. “At Oceana, we had GIS mapping expertise and a PhD oceanographer, and Kawerak, Inc., had social scientists and GIS information they had already documented with community experts. We collaborated to use those tools to support development of a map atlas that synthesized western science and subsistence-related information for the Bering Strait region. The process was unique because it merged western science with traditional knowledge, on an equal basis, and provided a tool for communities to use as they worked to participate in federal management processes. Through that course of shared experience and that exchange of knowledge, we built trust.”

Over his 10 years at Oceana, LeVine focused on issues related to oil and gas, fisheries management, and climate change. He believes that policy solutions in those areas must address the need for resilient communities, healthy ecosystems on land and offshore, and the economic well-being of the State of Alaska.

“The conversation has to start with a recognition that Alaska’s economy is disproportionately dependent on revenue from oil and gas and that, as an Alaskan, it’s not reasonable to oppose all activities,” LeVine says. “That does not, mean, however, that we should greenlight everything the oil industry wants or that there isn’t room for healthy debate about the future of our communities and ecosystems. For example, decisions that were made in the 2000s to sell leases and authorize exploration in the Arctic Ocean were clearly made in an absence of good scientific information, without a clear plan for what we want the Arctic region to look like in the future. If we were to start over, we could do better.”

LeVine’s work also includes efforts that led the North Pacific Fishery Management Council and National Marine Fisheries Service to implement the Arctic Fishery Management Plan, which closed more than 200,000 square miles to fishing until there is enough information to show that it could occur sustainably.

“It is one of the biggest precautionary measures implemented in the U.S.,” he says, noting that Alaska is home to several fisheries, including the world’s largest, the pollock fishery in the Bering Sea. “And in November 2017, there was an agreement reached between 10 nations that will result in a binding agreement not to fish in the unregulated Arctic Ocean. So this model of precautionary fisheries management has been expanded from U.S. territory to international waters.”

LeVine continues to work on similar issues at Ocean Conservancy in the face of new challenges: The administration of President Donald Trump has already undone some of the “hard-won” successes from the past eight years and has begun processes to undermine others. But maintaining optimism in the face of unlikely odds and difficult hurdles is essential for an advocate, he says, noting that he gained that insight at Duke Law.

“Toward the end of my time at Duke, then-Dean Tom Metzloff told me that one of the great changes he’s seen in his life has been the relative end of littering,” LeVine recalls. “It’s no longer acceptable to drive down the road and just throw your fast food wrapper out the window. But it was. That has really stuck with me as an example of fundamental change resulting from advocacy that future generations have simply accepted as part of everyday life.”

He gained further perspective, he adds, through a seminar assignment from Christopher Schroeder, the Charles S. Murphy Professor of Law and Public Policy, in which the class read the front page of every *New York Times* Sunday edition and magazine section from 1969 to 1971.

“The purpose of the seminar was to learn about how public movements, in this case the environmental movement, come about,” LeVine says. “And the headlines showed all of these things that we think of separately, happening in short order. We landed on the moon two days after Senator Kennedy crashed in Chappaquiddick, and the Miracle Mets were heading toward their World Series win around that same time. There was this amazing overlapping of enormous social, cultural, and scientific issues. It’s only when we look back that we can see all of the factors that helped a movement take shape at that time. Perhaps we are in another of those moments or can begin to set one in motion.”

In December, Alaska Gov. Bill Walker appointed LeVine to the Climate Action for Alaska Leadership Team, a 20-member group that will focus on climate change mitigation, adaptation, research, and response for Alaska.

LeVine says his recent return to Duke Law for the *Duke Environmental Law and Policy Forum’s* Oceans Symposium, where he discussed the myriad challenges facing Alaska and the Arctic, gave him an appreciation for the strength of the Law School’s environmental law program — and hope for continued progress: “The clinical program, the faculty, it’s such an important part of the Law School. That makes me really excited for the future.” ♡
— Forrest Norman



Meaghan Newkirk JD/LLM '18

MEAGHAN NEWKIRK FOUND HERSELF immersed in the litigation process while working as a paralegal at a small New York City firm after her graduation from Cornell. “Paralegals were staffed to cases and had a hand in every aspect of discovery and every aspect of motion practice,” she says of her three years at Grais & Ellsworth, a financial and commercial litigation boutique. She became so engaged with one case that appeared likely to involve the firm’s first trial that she deferred her start at Duke Law until it settled, even though that meant putting aside a long-held plan to go through law school with her husband (and Cornell classmate) Zachary Newkirk JD/MA ’17, but her position had served its purpose, she says: “I thought that if I can get this excited about mortgage-backed securities, then I’m probably going to like law generally.”

Newkirk had already developed an interest in humanitarianism and human rights advocacy through a junior-year seminar and a subsequent summer internship in Washington, D.C., focused on community education in Africa. Studying law, she thought, could be a path towards a career focused on “working for the

common good.” A complementary interest in litigation was one more reason to do so.

At Duke, Newkirk has cultivated opportunities to hone skills in both areas through coursework, summer jobs, two semesters in the International Human Rights Clinic working on the impact measures intended to counter terrorism have on women’s groups in conflict zones, and researching ways to combat human trafficking as a Human Trafficking Institute Douglass Fellow.

Newkirk’s pursuit of an LLM in international and comparative law along with her JD led her to connect with Clinical Professor Jayne Huckerby, who directs the International Human Rights Clinic and who suggested that a summer internship with the Charity & Security Network in Washington, D.C., would serve her interests well. Working at the resource center for nonprofits engaged in aid, development, human rights, and peace-building prior to attending the Duke-Geneva Institute in Transnational Law introduced Newkirk to the issue of counterterrorism financing that subsequently became the focus of her clinic work.

Newkirk was charged with researching the implications of a 2010 U.S. Supreme Court case that upheld the U.S. ban on providing “material support” to terrorist organizations. Under the Court’s interpretation of the relevant statute, she found, the prohibition on financially supporting terrorists effectively banned funding meaningful aid work by U.S.-based humanitarian organizations operating in areas under terrorist control. “The only things that you could give to people in those areas were medicine and religious materials,” she says. “You can give someone a pill, but you can’t give them the bottle of water to take it with, because it could be diverted to the [terrorist] group and then you would be seen as aiding that group.”

That summer research positioned Newkirk well, as a 2L, to help the International Human Rights Clinic complete its own analysis of the way international rules aimed at curbing terrorism through sanctions, criminal measures, and bank-reporting requirements impede women’s rights organizing and gender equality in conflict areas, largely by blocking activists’ access to donor funding and banking services. Last March, Newkirk accompanied Huckerby and representatives from the clinic’s partner in the project, the Netherlands-based

Profiles



The Newkirks celebrated Zach's graduation in May 2017.

Women Peacemakers Program (WPP), to the U.N. Status of Women conference in New York to unveil their report, titled "Tightening the Purse Strings: What Countering Terrorism Financing Costs Gender Equality and Security." Their aim was to impress on policymakers how U.N. Security Council resolutions recognizing women's right to participate in building peace could be undermined by overly broad efforts to combat terrorism. As one of several clinic students presenting key findings of the report, Newkirk addressed how on-the-ground programming by women's organizations was being negatively impacted by counterterrorism financing rules, pointing out that it sometimes forced women and girls to become reliant on terrorist organizations for service provision.

"To have that opportunity to engage with professionals who have been doing human rights work for 20 years and to have them listening to me as a student lawyer was both an intimidating and a cool experience," she says, adding that she found it illuminating to learn about the role U.N. agency officials play in crafting workable law and policy.

As an advanced clinic student in the fall 2017 semester, Newkirk spent six days in The Hague at a meeting co-sponsored by the clinic and WPP to plan next-step advocacy strategies with other nonprofit organizations engaged with counterterrorism financing and access to funding. "Having interned in the nonprofit space, it was really interesting to witness high-level negotiations between different nonprofits and to see the reality of how groups function and make decisions," she says.

During her third year, Newkirk has been researching the issue of child exploitation and trafficking in Belize as a member of the Human Trafficking Institute's (HTI) inaugural class of seven Douglass Fellows. Selected for the nine-month fellowship through a competitive, national process based on academic ability, leadership potential, and commitment to human rights, Newkirk is researching barriers to and strategies for anti-trafficking measures in a country that has done virtually nothing to combat the problem, according to the U.S. State Department.

"The HTI is investigating why prosecutions aren't happening," she says. "Are they just not finding victims? Are they finding victims and then choosing not to prosecute? Are prosecutors not collecting the right evidence or are judges not sentencing properly? We have to make sure there aren't any holes." Her research is being used to inform HTI's work with police and prosecutors in Belize to improve anti-trafficking outcomes.

In addition to planning a late-March HTI event at Duke Law focused on domestic and international approaches to combatting human trafficking, Newkirk's fellowship, which is intended to develop future leaders of the anti-trafficking movement, involves mentoring from Eric Ha, the chief risk officer and senior counsel at International Justice Mission. He offers, says Newkirk, invaluable insight and "a tangible bridge to the day-to-day reality of working in the anti-trafficking movement."

Through her extensive work in the field, Newkirk has emerged as "an impeccable human rights practitioner," says Huckerby. "She brings rigorous analysis, as well as a strong commitment to excellence and social justice to all aspects of her work." And she has continued to develop as a well-rounded advocate through other elements of her law school experience, such as spending her 2L summer as an associate at Williams & Connolly in Washington, D.C., serving as an executive editor of the *Duke Law Journal*, and gaining a coveted spot in a January seminar on current issues in constitutional interpretation taught by U.S. Supreme Court Associate Justice Samuel Alito — as husband, Zach, had a year earlier.

Newkirk will catch up with Zach again after graduating when she clerks alongside him for a year with the same judge in the U.S. District Court for the Northern District of Florida — although, she jokes, she might "feel like the third wheel," given his year's head start on the clerkship. She then plans to rejoin Williams & Connolly and hopes to incorporate pro bono human rights work into her litigation practice.

"I'd love to be in a position to do human rights litigation and impact litigation around human rights," she says. "I think figuring out how to get there and how to do that will be a long-term project." ♡

— Rachel Flores

Alumni Notes

This section reflects notifications received between Feb. 1, 2017 and Aug. 31, 2017

BOV denotes membership on the Law School's Board of Visitors.

Christine Durham '71 retired in November after 35 years as a justice of the Supreme Court of Utah and a career full of milestones: In 1978 she became the first woman to serve as a judge in a Utah court of general jurisdiction, when she was appointed by Gov. Scott Matheson as a district court judge; in 1982 she became the first woman appointed to the Utah Supreme Court; and in 2002, she became the first woman to become chief justice of that court, a position she held for 10 years. She is credited, as chief justice, with helping to unify a fragmented judicial system in Utah and creating educational material for judges and others who work in the courts. She also helped establish the National Association of Women Judges and Women Lawyers of Utah. Seventy-five women Utah judges recently paid tribute to Justice Durham as a model and mentor in a letter published in the *Utah Bar Journal*. Justice Durham is an emeritus trustee of Duke University. **BOV**



Photo: Rick Egan/The Salt Lake Tribune

1962

John Adams, co-founder of the Natural Resources Defense Council, has been honored by friends with the endowment of a new professorship at Duke Law. The John H. Adams Clinical Professorship has been established with commitments of more than \$500,000 from individuals. Matching funds of \$500,000 from The Duke Endowment through the Duke Law Faculty Endowment Challenge Fund will bring the total amount raised to more than \$1 million. John spoke at a Nov. 2 reception celebrating the 10th anniversary of the Duke Environmental Law and Policy Clinic. **BOV**

John Norton Moore celebrated 50 years of teaching at the University of Virginia School of Law this spring. At UVA, he leads the Center for National Security Law and the Center for Oceans Law and Policy. As the Walter L. Brown Professor of Law, he teaches classes in those subject areas, as well as seminars on the rule of law and the avoidance of war. He also leads a class on the legal and policy issues behind the Indochina War, focused on American involvement in Vietnam. Moore taught the first course in the country on national security law, and conceived and co-authored the first casebook on the subject.

1969

John Moxley, a judge for over 40 years in the 18th Judicial Circuit in Florida, has been honored by the *Space Coast Daily* with a 2017 Space Coast Public Service Award for Lifetime Achievement. He served in the probate, guardianship, criminal, civil and family divisions, and for 17 years also administered the appellate division. He twice served as the Circuit's chief judge, has been active in state and county bar associations, and for many years taught trial advocacy to new prosecutors, public defenders, and experienced attorneys. He is now an active senior judge in Brevard and Seminole counties.

1973

James Garrison has published *QL 4* (TouchPoint Press, 2017), a novel based on his experiences as a military police officer during the Vietnam War that won a silver medal for literary fiction from the Military Writers Society of America. Jim was drafted during law school, returning to Duke following his tour of duty. He is now retired from law practice in the oil industry and lives in Houston.

» For *Super Lawyers* and other professional kudos, see page 77.

Wells Hall received the 2017 Janet R. Spragens Pro Bono Award from the ABA Tax Section's Pro Bono Award Committee. Wells is the former Tax Section vice chair of pro bono and outreach, and a partner at Nelson Mullins Riley & Scarborough in Charlotte. He has been a leader in the Tax Section's Adopt-A-Base program, which provides training to military Volunteer Income Tax Assistance (VITA) participants on bases across the country. **BOV**

1975

David Franklin has joined VLP Law Group as a partner in the firm's real estate practice group in San Francisco. He focuses his practice on real estate transactions and land use, primarily in California and Hawaii. He previously was a partner at Dentons US and its predecessors, McKenna Long & Aldridge and Luce Forward Hamilton & Scripps.

Mike Stajduhar has filled a vacancy on the city council of Logansport, Ind., where he retired in 2013. Mike previously served on the city council in Charleston, W.Va., where he enjoyed a 35-year career in banking.

1976

Jim Kizziar has been admitted to the College of Labor and Employment Lawyers. Jim is a partner at Bracewell and a member of the firm's labor and employment section, practicing in its offices in San Antonio, Texas, and Washington, D.C.

James Stephenson was elected to a one-year term as vice chairman of the U.S. Chamber of Commerce's board of directors in June. Jim has been the chairman and CEO of Yancey Bros. Co., a 103-year-old family business in Atlanta, since 1994.

1978

James Jones, a professor at Brandeis School of Law, University of Louisville, served on a panel titled "Understanding and Managing Mental Health Issues in Federal Court" at the Ninth Circuit Court of Appeals Conference in July. James is active as a mental-health advocate.

Arthur Miller, a managing director at Goldman, Sachs & Co., began his second term as vice chair of the board of directors of the Municipal Securities Rulemaking Board in October. He has been a member of the board since 2014.

1979

Hubert van Tuyll, professor of history and university advocate at Augusta University in Georgia, has authored *Small Countries in a Big Power World: The Belgian-Dutch Conflict at Versailles, 1919* (Leiden: Brill, 2016) and co-edited *In Their Own Words: Augusta and Aiken Area Veterans Remember World War II* (ARCHS, 2017).

James Williams retired in May as chief public defender of Orange and Chatham counties in North Carolina, capping a 30-year career in public service. In retirement, James continues to work with the N.C. Public Defenders' Commission on Racial Equity, which he co-founded, among other organizations.

V.L. Woolston, a partner in Perkins Coie's Seattle office, has been named chair of the firm's national product liability practice. V. represents manufacturers in state and federal courts throughout the United States, and his practice emphasizes aviation, product liability and class actions.

1980



John (Jack) Hickey served on a panel discussing the handling of difficult expert witnesses at the Dade County Bar

Association series entitled "Giants of the Courtroom" in June in Miami. He has been elected to the board of directors of the Florida Justice Association and to a two-year term as an American Association for Justice state delegate.

Eric Holshouser has been elected chair of the board of the American Lung Association of the Southeast, Inc. Eric is a shareholder in the labor and employment section of Buchanan Ingersoll & Rooney's Jacksonville, Fla., office.

Mark Prak has been elected to the board of directors of the United Arts Council of Raleigh and Wake County (N.C.) for the 2017-18 fiscal year. Mark is a partner at Brooks Pierce in

Raleigh, where he focuses his practice on media and communications law, as well as litigation on behalf of businesses and trade associations.

1982

James Wyatt has been inducted into the International Academy of Trial Lawyers. James is founding partner of litigation firm Wyatt & Blake in Charlotte. The firm focuses on defending white-collar criminal investigations and prosecutions, as well as civil litigation.

1984

Sol Bernstein joined Bank Leumi as associate general counsel, specializing in transactional lending. He was formerly associate general counsel at Citibank, N.A.

Mitchell Horowitz, a shareholder with Buchanan Ingersoll & Rooney in Tampa, has been named the 2017 Tax Attorney of the Year by the Tax Section of the Florida Bar. Mitch has also been elected a fellow of the American College of Tax Counsel, and currently serves as a vice chair of the Court Procedure & Practice Committee of the Tax Section of the ABA.

Wilson Schooley, of the Schooley Law Firm in La Mesa, Calif., is chair-elect of the ABA's Section of Civil Rights and Social Justice (CRS). In July he reprised his role as Atticus Finch in *To Kill a Mockingbird* at a special American Bar Foundation

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Robert Harrington '87, a partner and chair of the Litigation Department at Robinson Bradshaw in Charlotte, was named 2017 Lawyer of the Year by *North Carolina Lawyers Weekly* in September for his leadership and achievements in both legal and community organizations. Rob also serves on his firm's Recruiting and Diversity & Inclusion Committees. He is a past president of the Mecklenburg County Bar, a member and past chair of the board of the Lawyers' Committee for Civil Rights Under Law, and a board member of both the North Carolina Bar Association and Legal Aid of North Carolina. He was appointed by the chief justice of the North Carolina Supreme Court to the N.C. Commission on the Administration of Law in 2015 and is active in numerous community organizations. Rob has previously been honored with the Duke Law Alumni Association Charles S. Murphy Award for Achievement in Public Service (2012), the Thurgood Marshall College Fund Award of Excellence (2013), and the Mecklenburg County Bar Julius L. Chambers Diversity Champion Award (2015), among others. [BOV](#)

gala in Point Clear, Ala. Previous performances have included a full run of the play in San Diego, and appearances in Chicago, Memphis and New York.

1986

René (Stemple) Ellis Trehly received the 2017 Peace Award from the North Carolina Bar Association's Dispute Resolution Section in March. A principal in the Durham dispute resolution firm of Beason & Ellis, Rene also teaches Negotiation at Duke Law as a senior lecturing fellow. She has twice chaired the Dispute Resolution Section.

1987

Jennifer Carson has been elected president of the National Association of District Supervisors of Foreign Languages (NADSFL). She is K-12 world languages coordinator for the Virginia Beach (Va.) City Public Schools. Jennifer earned an M.Ed. in 2011 from the University of Virginia Curry School of Education.

Jeff Kern has been elected partner in the New York office of Sheppard Mullin, where he is a member of the government contracts, investigations, and international trade practice groups. Before joining Sheppard

Mullin, he served as senior regional counsel in FINRA's Department of Enforcement and senior trial counsel in the New York Stock Exchange Enforcement Division.

1988

Anders Jessen heads the office of the Directorate-General for Maritime Affairs and Fisheries of the European Commission, which is responsible for Regional Fisheries Management Organizations. It is the latest of several leadership positions Anders has held within the commission.



Joe Lucas has been elected a fellow of the American College of Bond Counsel. Joe is a managing member and public finance attorney with Pope Flynn, a law firm with offices in both North and South Carolina.

1989

Eric Hiser has received a 2017 Silver Buffalo Award from the Boy Scouts of America — the group's highest award for adult volunteers, honoring for devoted service to Scouting on a national level. A partner at Jorden



Kathleen Hamm '88, global leader of securities and fintech services and senior strategic adviser to the CEO on cyber solutions at Promontory Financial Group, was appointed to the board of the Public Company Accounting Oversight Board (PCAOB). Kathleen's was one of five board appointments announced by Securities and Exchange Commission Chairman Jay Clayton on Dec. 12. Established by the Sarbanes-Oxley Act of 2002, the PCAOB oversees the audits of public companies and broker-dealers to protect the interests of investors and further the public interest in the preparation of informative, accurate, and independent audit reports.

Kathleen rejoined Promontory in 2017 after serving as counselor to the deputy secretary of the U.S. Department of the Treasury, whom she advised on risk management and regulatory issues in the financial services sector. She also led the Treasury Department's domestic and international cybersecurity strategy and related policy initiatives. [BOV](#)



Debra Parrish '89, BSE '85 and the Parrish Law Firm of Pittsburgh received a 2017 ABA Pro Bono Publico Award from the Standing Committee on Pro Bono and Public Service for their work in helping to secure access to medical treatments and technologies for Medicare beneficiaries. Debbie's firm, which specializes in health care law, intellectual property, and science law, has had a longstanding practice of taking on a pro bono case annually to help a Medicare beneficiary gain access to medical treatments that are reasonable and necessary for their treatment and care. Their success in helping clients reverse Medicare's denials of continuous glucose monitors (CGMs) that enable them to control their diabetes — which the agency said was simply "precautionary" when, in fact, it is standard care — exposed a widespread problem for Medicare beneficiaries in gaining access. The firm's three attorneys successfully represented multiple clients in administrative and district court proceedings, and in January 2017, Medicare agreed to limited coverage for CGMs. ♡

Hiser & Joy in Phoenix where he practices environmental, natural resources, and administrative law, Eric has held national and regional outdoor advocacy leadership positions with the Boy Scouts for over 35 years.

Matt Sawchak, solicitor general of North Carolina, received the Distinguished Service Award from the N.C. Bar Association Antitrust & Complex Business Disputes Law Section in February. Matt, who joined the N.C. Department of Justice earlier this year, was previously a partner at Ellis & Winters in Raleigh.

1990

Karen Cashion has been appointed full-time CEO of the Alpharetta (Ga.) Technology Commission, a 501(c) 6 nonprofit trade association.

Anne Fitzgerald was featured in the July issue of *Canadian Lawyer* for her work as the chief legal officer at Cineplex Entertainment over the past 13 years.

Brad Furber gave the commencement address in May to graduates at Saint Martin's University in Lacey, Wash. Brad most recently spent three years as the founding business leader and COO of the Michael Crouch Innovation Centre at New South Wales University in Sydney, Australia. He is now a private portfolio manager based in Basel, Switzerland.

Jill Greenwald welcomed daughter Paige Eve Greenwald on May 30, 2017.

Wendy Price became associate vice president for academic services at the Maryland Institute College of Art in Baltimore in July. She had served since 2010 as an associate dean at the College at Washington and Lee University.



Rhonda Tobin has been elected a fellow of the American College of Coverage and Extracontractual Counsel

(ACCEC). Rhonda practices in the Hartford, Conn., office of Robinson+Cole, where she is a member of the insurance + reinsurance group, co-chair of the litigation section, and a member of the firm's managing committee.

1991



Caryn Coppedge McNeill was sworn in as the 123rd president of the North Carolina Bar

Association in June. A partner at Smith Anderson in Raleigh, where she leads the employee benefits and executive compensation practice group, Caryn addressed the Duke Law Class of 2020 during their LEAD Week professionalism lunch in August. In September, she was honored by *North Carolina Lawyers Weekly's* as one of 30 2017 North Carolina Leaders in the Law.

1992

Katherine Hermes has co-authored *Explaining Suicide: Patterns, Motivations and What Notes Reveal* (Elsevier Academic Press, 2017). The book examines over 1,000 suicides from the midwestern United States and explores the history, theories, and culture surrounding suicide. Katherine is professor and chair of the history department at Central Connecticut State University.

Robert Kaelin has been installed as the 83rd president of the Hartford County (Conn.) Bar Association (HCBA), the oldest bar association in the United States. An active member of the HCBA for 24 years, Robert

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served as treasurer in 2015-17 and president-elect in 2016-17. He co-chairs the bankruptcy and creditors' rights practice group at Murtha Cullina.



Sarah Ludington has been named associate dean of academic affairs at the Norman Adrian Wiggins School of Law at

Campbell University in Raleigh, where she is also an associate professor. She has authored a chapter on the history of USDA farm and food subsidies in *Food Fights: How the Past Matters in Contemporary Food Debates* (UNC Press, 2017).

1993

Keith Smith, general counsel for Carolinas HealthCare System, has been recognized by *Charlotte Business Journal* with the Corporate Counsel Award for Outstanding General Counsel. Keith joined Carolinas Healthcare in 1997.

Mike Taten was elected to the management committee of Jackson Walker, where he chairs the corporate and securities group in Dallas.



Mandisa Maya LLM '90 became president of South Africa's Supreme Court of Appeal (SCA) on May 26, 2017, after serving as acting president since Oct. 1, 2016. Appointed by then-President Jacob Zuma, she is the first woman to hold the post in the court that was established in 1910. She is now the third highest-ranking jurist in South Africa, after the chief justice and deputy chief justice. Justice Maya previously served as a puisne judge in the Mthatha High Court, as an appellate judge of the SCA, and as deputy president of the SCA. She also has held acting positions in various other courts, including South Africa's Constitutional Court and the Supreme Courts of Namibia and Lesotho. ♣



Darrell Zurovec has joined Touchstone Communities in San Antonio, Texas, as general counsel. He previously led Zurovec PLLC, which he founded in 2008, after serving as senior vice president and general counsel for the Cornerstone Health Care Group and Mariner Healthcare. He also serves on the legal committee for the Texas Health Care Association.

1994

Richard Ferris has joined the Institute for Governance and Sustainable Development in Washington, D.C., as senior counsel. He previously was a partner and chair of the China regulatory and international practice team at Foley and Lardner. He also serves on the boards of several environmental and sustainability organizations, including the International Fund for China's Environment and the China Roundtable.

1995



Jeffrey Collins has been named a managing partner at Foley Hoag. Resident in the firm's Boston office, his primary practice focuses on investment advisers and private investment funds, particularly hedge funds.

Don Willett JD/MA '92, MJS '16 was confirmed by the U.S. Senate as a judge on the U.S. Court of Appeals for the Fifth Circuit on Dec. 13. Prior to becoming a federal circuit judge, Judge Willett served 12 years as a justice on the Supreme Court of Texas. Before taking the bench, he was a deputy attorney general of Texas and chief legal adviser to then-Attorney General (now-Governor) Greg Abbott. He earlier served in the White House as special assistant to President George W. Bush and then in the U.S. Department of Justice as deputy assistant attorney general in the Office of Legal Policy. Previously, Judge Willett was director of research and special projects for then-Governor Bush and for the Bush-Cheney 2000 presidential campaign and transition team. He earlier practiced law at Haynes and Boone in Austin, Texas.

Judge Willett, who clerked on the Fifth Circuit for Judge Jerre S. Williams after graduating from Duke Law, was designated the first "Tweeter Laureate of Texas" by the Texas House of Representatives in 2015. ♣

Taras Gracey has joined Polsinelli as a shareholder in its Chicago office, where he focuses his practice on litigating patent issues in the pharmaceutical and technology sectors. He previously was a partner at Steptoe & Johnson.

Paul Hespel has joined Alston & Bird as a finance partner in the New York office. Paul was most recently a partner at Pepper Hamilton.

Justin Jacobson has co-founded Restoration Games, a company focused on reviving and modernizing old-school board games. Justin represented clients in the gaming industry while specializing in contracts and debt collection in Florida for over 20 years. After a successful Kickstarter campaign last spring, the company released three updated board games last August at the Gen Con tabletop board game conference in Indianapolis.

1996

Winston Henderson, vice president and general counsel at Nano Terra, a Cambridge, Mass., nanotechnology company, has launched Sankofa, Inc., a start-up that builds software that enhances the mobile experience for people of color.

Scott Schiefelbein has been named managing director of the Washington National Tax multistate tax team for Deloitte Tax LLP in Portland, Ore. Scott joined Deloitte in 2008.

1997

Dayatra Matthews, senior vice president of legal and compliance at Local Government Federal Credit Union, was confirmed, in June, as the 40th president of the North Carolina Association of Defense Attorneys. In November 2016, she was named Outstanding Corporate Counsel by the *Triangle (N.C.) Business Journal*. Dayatra is on the board of the

Wake County Bar Association and a member of the Consumer Financial Protection Bureau's Credit Union Advisory Committee.

David Morgenstern has been named senior director of government affairs for Heineken USA in its Washington, D.C., office. He was previously a principal at the Podesta Group.

1998

Heather Bell Adams has joined the legal department of First Citizens Bank & Trust Company in Raleigh as senior counsel and senior vice president with oversight of the bank's material litigation. Her debut novel, *Maranatha Road*, was released in September from Vandalia/West Virginia University Press.

Sarah Solum, a partner in the Menlo Park, Calif., office of Davis, Polk & Wardwell, has been named to the 2017 class of "Women of Influence" by the *Silicon Valley Business Journal*.

1999

Gabe Feldman has been named Tulane Law's inaugural Sher Garner Faculty Scholar, an award that helps faculty bring their research before public audiences. Gabe is the Paul and Abram B. Barron Professor of Law, director of the Tulane Sports Law Program, and Tulane's associate provost for NCAA compliance. He is the editor of *The Sports Lawyers Journal*.

James Sammataro has been named to *Billboard's* list of Top Music Lawyers of 2017. He is national head of the entertainment litigation practice group and managing partner in the Miami office of Stroock & Stroock & Lavan.

1998

Valecia McDowell, a litigation member in the Charlotte office of Moore & Van Allen, was honored by the Mecklenburg County Bar with a 2017 Julius L. Chambers Diversity

Champion Award, which recognizes lawyers who champion diversity and inclusion in the Charlotte area. Valecia is co-head of her firm's white collar, regulatory defense, and investigations practice, and co-chairs its diversity committee. She also serves as general counsel of the Charlotte Chamber of Commerce.

2000

John Inazu was the commencement speaker at Houghton College in New York in May. He is the Sally D. Danforth Distinguished Professor of Law and Religion and a professor of political science at Washington University in St. Louis, Mo., and senior fellow at the Institute for Advanced Studies in Culture at the University of Virginia.

2001

Ken Craycraft has joined the *Cincinnati Enquirer* board of contributors, and writes a monthly editorial on a topic relevant to greater Cincinnati. Ken has a law practice in Anderson Township and teaches courses in moral theology at Mount St. Mary's Seminary, where he is an adjunct lecturer.

2003

Nicole Crawford has been named to the *Triad Business Journal's* 2017 Outstanding Women in Business list. Nicole is a labor and employment law partner in the Greensboro, N.C., office of Brooks Pierce.

Jaime Klima has been named chief counsel to Securities and Exchange Commission Chairman Jay Clayton. As chief counsel, she is senior legal and policy adviser, coordinates the rulemaking agenda of the commission, and serves as the chairman's representative on the Deputies Committee of the Financial Stability Oversight Council. Jaime joined the SEC in 2012.

Tony Mauriello has joined San Diego-based Generation NEXT Franchise Brands as its first full-time general counsel. He previously focused on corporate transactional law at such firms as Skadden Arps, Latham & Watkins, and Wilson Sonsini. Tony also teaches the corporate technology externship at the University of San Diego School of Law, where he is an adjunct professor.

2004



Allyson Jones Labban, a partner in the health care practice group of Smith Moore Leatherwood in Greensboro, N.C.,

has earned her certification in health care privacy compliance from the Compliance Certification Board. Allyson works with hospitals and other health care providers to identify, respond to, and resolve compliance issues.

Ashwin Sapra has been elected partner in the Delhi office of Cyril Amarchand Mangaldas, one of the leading law firms in India, where he heads the firm's life sciences and pharma practice.

2005

Megan Gaudette Fairchild and her husband, Michael, welcomed a son, Thomas Vance, on Jan. 15, 2017.

Kenji Yamanami has joined FRONTEO, a global technology and services company, in San Francisco as a corporate officer. He is also CEO of Caparoom, Inc., an online showroom.

2006

Marla (Zimmerman) Axelrod has joined the Philadelphia Eagles as associate counsel. She previously worked in the labor and employment group in the Philadelphia and Washington, D.C., offices of Akin Gump Strauss Hauer & Feld.

Michelle Park Chiu has been elected partner in the San Francisco office of Morgan, Lewis & Bockius, where her practice focuses on complex litigation.

James Nowlin has published *The Purposeful Millionaire, 52 Rules for Creating a Life of Wealth and Happiness Now* (Purpose Driven Publishing, 2017). James is the founder and CEO of Excel Global Partners, headquartered in Austin, Texas.

Lee Perla has joined the commercial litigation branch of the Civil Division of the U.S. Department of Justice after six years in the Tax Division. He represents the United States in patent, trademark, and copyright litigation, mostly in the Court of Federal Claims.

Dana Pirvu has joined Ag.com, Inc., an Amazon company, as corporate counsel in Palo Alto, Calif. She was previously underwriting counsel for Ambridge Partners in New York.

Wyley Proctor has been elevated to partner at McCarter & English, where she is resident in the firm's Boston office and a member of its intellectual property/information technology practice.

2007

Bram Braat has joined the Amsterdam office of Dentons Boekel as an associate partner in its public procurement and competition and antitrust practices. He previously was counsel at Brinkhof N.V.

Courtney Brown has joined the Durham office of Hunter Rowe Real Estate Agents and Advisors as a broker/realtor.

Emily Pitlick Mallen joined Sidley Austin's energy practice in June as a partner in the Washington, D.C., office, after 10 years at Van Ness Feldman. She and her husband, David, welcomed a son, Eli Matthew, on Aug. 29, 2017.

Beth Richardson-Royer and Chuck Messer welcomed a daughter, Maddie, on Dec. 19, 2015. Beth is a deputy federal public defender in Los Angeles.

Jess (Bodger) Rydstrom has been elected partner at Williams & Connolly in Washington, D.C., where she litigates complex civil cases, with an emphasis on commercial and patent litigation and professional liability defense. She is a member of the firm's hiring committee and women's initiative.

2008

Adam Hill has been elected partner in the Dallas office of Thompson & Knight, where he focuses his practice on commercial real estate and banking.

Eric Lashner has joined the Wells Fargo Law Department in New York City as senior counsel. He previously was based in Houston as director, commodities compliance at Wells Fargo.

Meredith Levy has joined Kirkland & Ellis as a tax partner in the New York City office. She previously was an associate at Wilkie Farr & Gallagher.

Sean Memon joined the Securities and Exchange Commission in May as deputy chief of staff. He previously practiced at Sullivan & Cromwell in Washington, D.C., where he advised clients in regulatory and transactional matters.

Justin Outling, an attorney in the Greensboro, N.C., office of Brooks, Pierce, was named to the *News & Record's* "People of Influence: Top 20" list, which cited his role as a member of the Greensboro City Council and his service on several community boards. Justin focuses his practice on business litigation, white-collar

criminal defense, and health care litigation. He also serves on the Board of Visitors for UNC-Greensboro, his undergraduate alma mater.

2009

Alvaro Carrau has been elevated to partner at Bado, Kuster, Zerbino & Rachetti in Montevideo, Uruguay, where he specializes in environmental law and international trade. He also teaches administrative law and environmental law at the University of Montevideo.

Adam Doverspike has been promoted to shareholder in the Tulsa, Okla., office of GableGotwals, where he focuses his practice on complex civil litigation, appellate matters, rate-making, and local government affairs.

Kimberly Maynard has joined Frankfurt Kurnit Klein & Selz in New York City as an associate in the trademark & brand management and intellectual property groups. She represents emerging and established companies on intellectual property matters across a variety of industries. She previously was an associate at Baker Hostetler.

2010

Morgan Clemons has joined Emory University School of Law as an adjunct professor teaching Introduction to Financial Compliance. She maintains her full-time regulatory compliance practice at Aldridge Pite, where she represents start-up online lenders, money service businesses, community banks, and mortgage companies.

2011

Christina LeBlanc and **Scott LeBlanc** welcomed their second daughter, Isabelle Kathryne, on June 24, 2017.

Kudos

The following alumni have been recognized by their peers for excellence in their respective specialty areas as listed in such publications as *Best Lawyers in America*, *Super Lawyers*, *Chambers USA*, *Law 360*, *BTI Client Service All Stars*, *D Magazine*, and *Thomson Reuters*. See details at law.duke.edu/alumni/news/classnotes. This list reflects notifications received by Aug. 30, 2017, and includes such designations as "Rising Stars."

Frank Reeves '73
Candace Carroll '74
James Kizziar '76
James Sheriff '79
Eric Holshouser '80
Stevan Pardo '84
Dan Douglass '85
Forbes Sargent '85
Robert Harrington '87
Harlan Prater '87
Jonathan Shapiro '87
Joe Lucas '88
John Minier '88
Joey Morris '88
Caryn Coppedge McNeill '91
Amy Myers Batten '92
Mike Taten '93
Paul Genender '94
John Volney '94
Subhash Viswanathan '95
Matthew Gaudet '97
Geoffrey Adams '98
Kimberly Schaefer '98
Collin Cox '01
Joshua Bryant '04
Karen Beach '11
Ally Lamson '12
Serena Rwejuna '13
Melissa York '13
Samuel Bivins '14

2013

Johanna Roldan has been reassigned as a statelessness officer to the United Nations High Commission for Refugees' (UNHCR) country office in Bangkok, Thailand. Her main role is to support the office in implementing UNHCR's Global Action Plan to End Statelessness in Thailand, which hosts one of the largest stateless populations in Southeast Asia.

David Tseng has joined Franklin Templeton Investments in San Mateo, Calif., as an assistant corporate counsel. He was previously an associate at the San Francisco office of Paul Hastings.

2014

Marcelo Braga has founded the firm Pupe Braga Zirpoli Advogados in Recife, Brazil. He previously practiced with Da Fonte, Advogados.

Chris Bryant has joined Yarborough Applegate in Charleston, S.C., after completing clerkships with Judge James A. Wynn of the U.S. Court of Appeals for the Fourth Circuit and Judge Richard M. Gergel '79 of the U.S. District Court for South Carolina. Chris serves on the board of Charleston Legal Access, and was the subject of a July profile in the *Post and Courier of Charleston*.

Stela Herschmann has joined A Drop in the Ocean, a nonprofit organization in Rio de Janeiro developing communication strategies to promote awareness, empathy, and solidarity with social and environmental causes. She previously worked in

Rio at Park + Institute Site for the Environment, Arts and Technology, and in Washington, D.C., as a fellow for the Institute for Governance & Sustainable Development.

Kieran Johal has joined the Boston office of Goodwin Procter an associate in the firm's business law department and a member of its ERISA and executive compensation group. She previously was an assistant vice president and counsel at Credit Suisse.

Patricia Timmons-Goodson MJS '14 was honored, along with the other five African-American justices who have served on the Supreme Court of North Carolina, during a ceremony in August. The justices were celebrated during a portrait sitting and program, featuring remarks from state dignitaries, including Gov. Roy Cooper and three former governors.

2016

Anas Albanyan (LLM '12, SJD '16) is a corporate associate at Vinson & Elkins based in Riyadh, Saudi Arabia. He advises clients on a broad range of corporate and securities matters, including private equity transactions, mergers and acquisitions, IPOs, and corporate governance.

Nancy Joseph MJS '16, a magistrate judge of the U.S. District Court for the Eastern District of Wisconsin, was honored by the *Milwaukee Business Journal* with its "Women of Influence" award. Judge Joseph was recognized for her leadership in creating programs to expose Milwaukee middle and high school students to the work of the federal courts and to careers in law.

Jonathan Kim is an associate in the Los Angeles office of Alston & Bird, where he is a member of the litigation and trial practice team. He previously practiced at Reed Smith.

Nabil Makari has joined Bank Audi SAL as a legal consultant in Beirut, Lebanon.

Lucas Tesoriero practices in the complex commercial litigation department at Weil, Gotshal & Manges in New York.

2017

John Fallone has co-founded the Raleigh-based law firm Fallone SV, which is focused on transactional law for start-ups and small businesses in North Carolina and California. While pursuing his LLM in Law and Entrepreneurship at Duke he served as inaugural managing director of the Duke Law Tech Lab and helped launch a nonprofit tech industry lobbying group called Lincoln Network.

2015

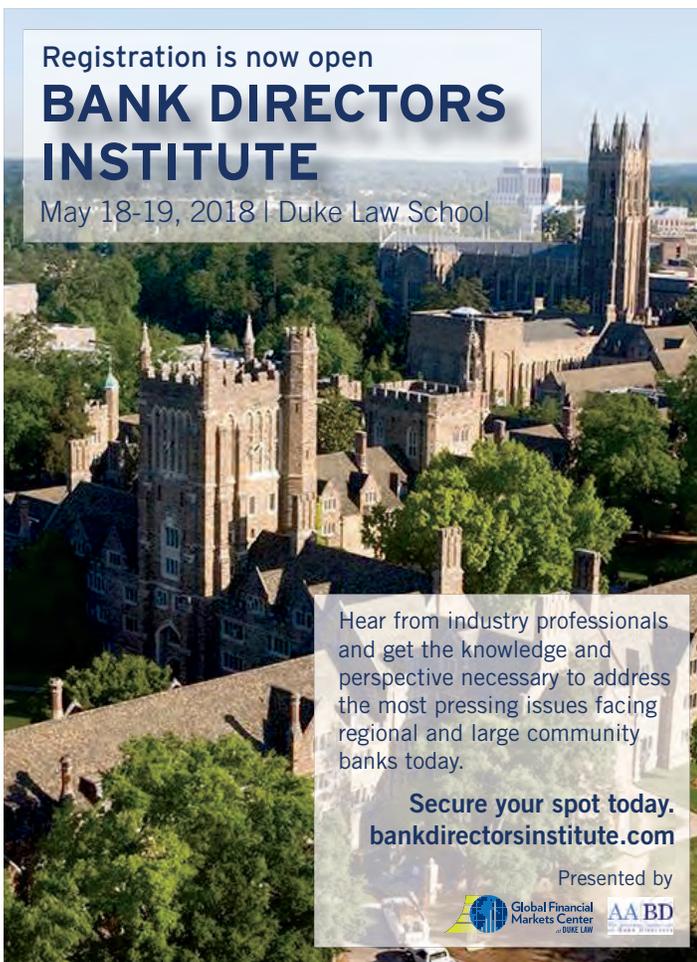
Nicole Annunziato married Ben Wallach on April 22, 2017, in Brooklyn, N.Y. Nicole is an associate at Simpson Thacher & Bartlett in New York City.

Shivani Kapur has joined Kramer Levin Naftalis & Frankel as a corporate associate in New York City.

Eric Pacifici has joined the Dallas office of Gibson, Dunn & Crutcher as an associate in the mergers & acquisitions, capital markets and private equity practice groups.

Osman Safak has joined the legal department of Turkish Airlines in Istanbul as legal counsel. He structures aircraft financing transactions and other aviation-related transactions.

Risnan Yosai has joined Allen & Overy in Jakarta, Indonesia. He was formerly senior associate at Zico Law.



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In Memoriam

(Received June 11, 2017–January 12, 2018)

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Class of '49

Edward J. Moppert

October 8, 2017

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Class of '52

Ray Graves

November 21, 2017

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Class of '53

Joseph E. Orzano

January 12, 2018

.....

Class of '54

Paul Hardin III

July 1, 2017

.....

Class of '56

Ronald M. Schwartz

August 6, 2017

.....

Class of '62

James W. McElhanev

October 20, 2017

.....

Class of '64

Paul Clayton Summitt

June 19, 2017

.....

.....
Class of '65

James L. Srodes

September 27, 2017

.....

Fred A. Windover II

December 4, 2017

.....

Class of '66

Donald R. House

June 25, 2017

.....

Spence W. Perry

November 11, 2017

.....

Class of '67

Roger P. Thomasch

July 14, 2017

.....

Class of '68

George W. Brannen

December 1, 2017

.....

William E. Eason Jr.

September 22, 2017

.....

Lynn Edward Wagner

January 16, 2016

.....

Class of '69

Frank M. Mock

July 21, 2017

.....

Class of '70

Roger G. Thurston III

December 15, 2017

.....

.....
Class of '72

Karla W. Simon

July 8, 2017

.....

Class of '74

Traylor Tullar Mercer

August 29, 2017

.....

Class of '75

Paul Henry Tietz

October 1, 2017

.....

Class of '78

**Kenneth F. (Kent)
Antley**

November 19, 2017

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Class of '80

**William Peter
Jennings**

October 13, 2017

.....

Class of '85

Lisa Catt Heydinger

November 7, 2017

.....

Class of '91

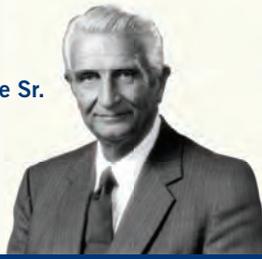
Tait Owen Norton

December 4, 2017

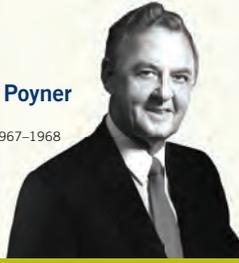
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Sua Sponte

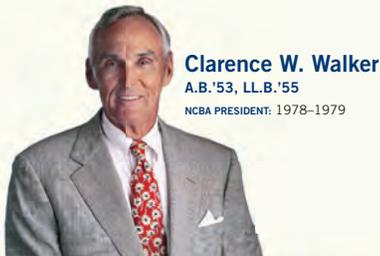
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A.B.'37, LL.B.'39
NCBA PRESIDENT: 1966–1967



James M. Poyner
LL.B.'40
NCBA PRESIDENT: 1967–1968



J. Mack Holland, Jr.
LL.B.'37
NCBA PRESIDENT: 1970–1971



Clarence W. Walker
A.B.'53, LL.B.'55
NCBA PRESIDENT: 1978–1979



Robert F. Baker
LL.B.'61
NCBA PRESIDENT: 1982–1983

John Quincy Beard
A.B.'56, LL.B.'60
NCBA PRESIDENT: 1986–1987



Charles E. Burgin
LL.B.'64
NCBA PRESIDENT: 1993–1994



James B. Maxwell
LL.B.'66
NCBA PRESIDENT: 2000–2001



**The Honorable
Allyson K. Duncan**
J.D.'75
NCBA PRESIDENT: 2003–2004

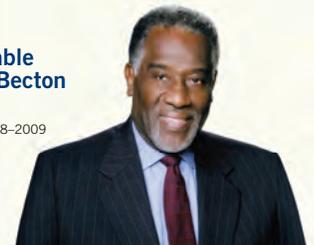


G. Gray Wilson
J.D.'76
NCBA PRESIDENT: 2004–2005



Janet Ward Black
J.D.'85
NCBA PRESIDENT: 2007–2008

**The Honorable
Charles L. Becton**
J.D.'69
NCBA PRESIDENT: 2008–2009



John R. Wester
J.D.'72
NCBA PRESIDENT: 2009–2010



**Caryn Coppedge
McNeill** J.D.'91
NCBA PRESIDENT: 2017–2018



A DUKE LEGACY OF LEADERSHIP AT THE NORTH CAROLINA BAR ASSOCIATION

DUKE LAW ALUMNI, faculty, and friends gathered to recognize the Law School's legacy of leadership within the North Carolina Bar Association at its annual meeting in Asheville on June 23. In addition to celebrating the inauguration of Caryn Coppedge McNeill '91 as president, the Duke Law reception at

the Omni Grove Park Inn honored 13 other alumni who have led the NCBA. Clinical Professor Theresa Newman '88, co-director of the Wrongful Convictions Clinic, who taught an ethics session at the annual meeting, and Darrell Miller, the Melvin G. Shimm Professor of Law, represented Duke Law at the reception. ♡

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Meet the 15th dean of Duke Law School: Kerry Abrams

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