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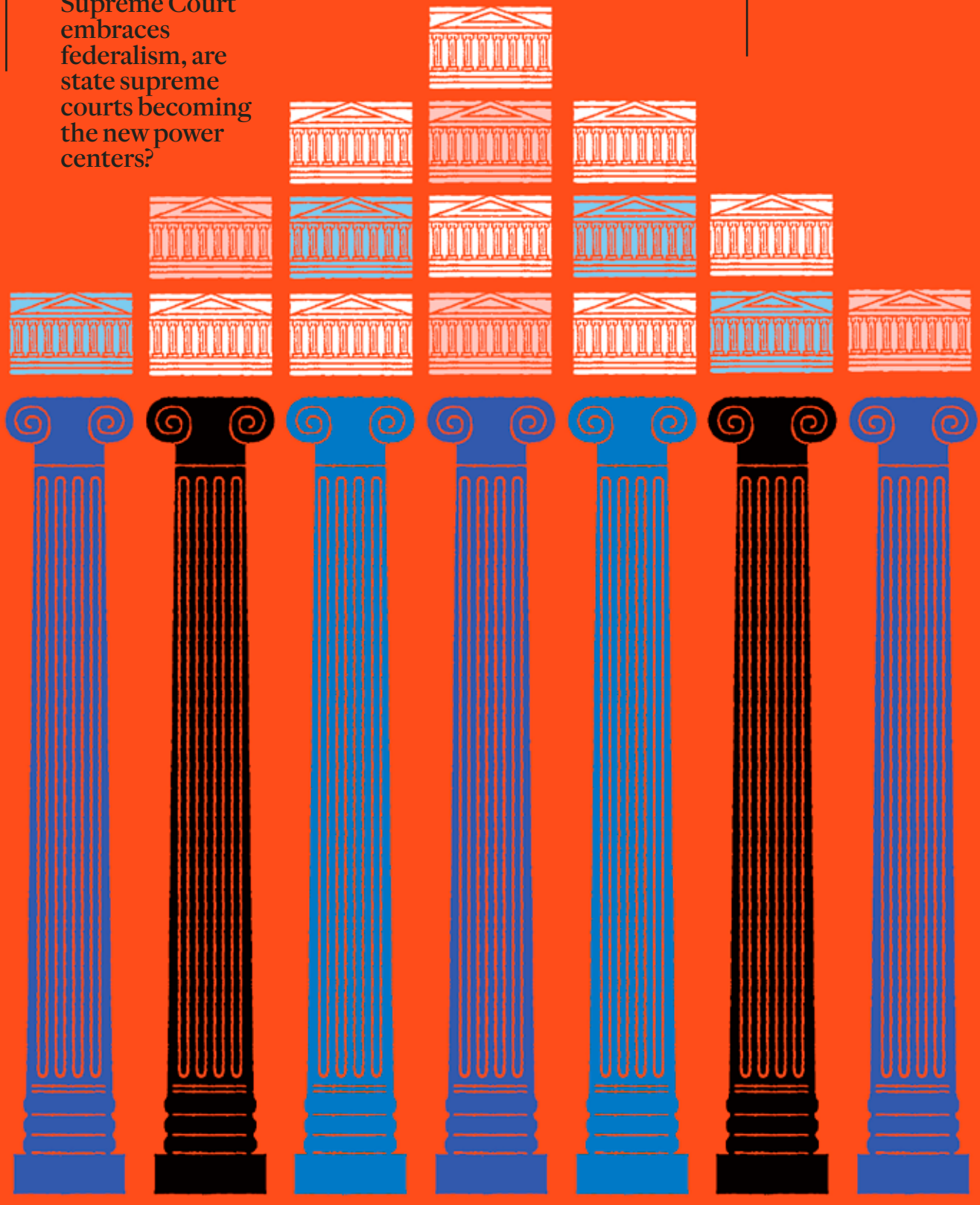
Harvard Law bulletin

THE COURTS OF LAST RESORT

As the U.S. Supreme Court embraces federalism, are state supreme courts becoming the new power centers?



Another Korean Miracle

Harvard Law alumni win landmark South Korean climate case, the first ruling of its kind in Asia

An Uncompromising View

Sociologist and legal expert Dorothy E. Roberts '80 works for radical change and a more just society

The Courts of Last Resort

As the U.S. Supreme Court embraces federalism, are state supreme courts becoming the new power centers?

Dorothy Roberts, recipient of a 2024 MacArthur grant in recognition of her lifelong work devoted to uplifting others

Todd Rakoff, a patient, passionate, and innovative teacher, is retiring this spring.

(INSIDE FRONT COVER) HANNAH YOON. PAGE 1 (TOP) ADAM DETOUR. (RIGHT) ALLEGRO PHOTOGRAPHY

Graduates of the LL.M. program from around the world returned to campus last fall.

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Illustration by Adam McCauley

Studying the Past to Inform the Present

Adriaan Lanni blends her love of the law with her passion for the ancient world / By Colleen Walsh

Walking picket lines during union strikes with her parents, both labor activists, made a lasting impact on young Adriaan Lanni. So too, years later, did dangling from a rope at an archaeological dig in Athens while searching for bits of the past.

While those moments may seem unconnected, they helped inform the Harvard Law professor's work as both a scholar of ancient Greece and a legal expert in contemporary criminal justice. In her current teaching and scholarship, she often taps one field to help illuminate the other.

"I think my research has really benefited from the fact that I'm trained not just as a classicist, but as a lawyer," says Lanni, Touroff-Glueck Professor of Law at Harvard, who teaches courses in ancient law, modern criminal law and procedure, and restorative justice. "A lot of what I do is a kind of intellectual arbitrage, where I take these great insights in modern law and society writing and question whether they apply to or can shed light on how the ancient Athenian legal system worked."

Adriaan Lanni's interest in ancient Athens — from archaeological digs to the city-state's jury system — has shaped her career.

Lanni, the author of two books and numerous articles on the Athenian legal system, likes to reverse engineer her thinking, using examples from the ancient city-state to offer up a more expansive approach to American democracy and criminal justice. A pragmatist, she knows that ancient Athenian law operated in a completely different context and cannot map directly onto contemporary society. But she believes that examining how the Greeks structured their laws and institutions can help spark the present-day legal and political imagination, combating "false assumptions we have about how democratic institutions have to operate by providing important counterexamples."

"A lot of what I do is a kind of intellectual arbitrage," says Lanni, who is trained as a classicist and a lawyer.

One such example involves jury duty in ancient Greece. Consisting of hundreds of local residents, Athenian juries determined not just the defendant's guilt or innocence, but also the punishment. During deliberations, jurors considered the broader implications a sentence might have, not just on the accused but also on the community at large.

Lanni wonders if today's U.S. juries might do something similar in noncapital cases, potentially counteracting the severe sentencing from the 1980s and '90s that swelled the nation's prison population and helped give the United States the world's highest incarceration rate.

"With all of this, just because one institution works in one context or society, you can't just transplant it, but it's a way of thinking about other options and opening your mind. And then you have to do a second analysis of what would that really look like in today's society?"

In a forthcoming book, Lanni discusses the private prosecution system in ancient Athens that enabled victims to seek justice for a wide range of grievances. While flawed in many ways, she admits, it provided many with access to justice that they would not have had in a system that relies more heavily on officials to pursue prosecutions.

She compares the Athenian model to Philadelphia's shift from private to state prosecution in the 19th century, citing the work of historian Allen Steinberg, author of "The Transformation of Criminal Justice:

SCALIGER/GETTY IMAGES

"I want my work to help denaturalize this idea that a criminal justice system has to work in a particular way and point out the advantages and disadvantages of different institutional designs," says Lanni.

PHOTOGRAPH BY TONY LUONG

Philadelphia, 1800-1880." In the age of private prosecution, Lanni says, Steinberg found there were many more prosecutions in Philadelphia brought by women, including more for domestic violence. "Those became the sorts of crimes that the public prosecutor just doesn't take seriously or pursue until well into the 20th century," she adds.

For Lanni, an important part of judicial reform is restorative justice.

"These are the kinds of comparative questions that I'm exploring, using Athens as a way of thinking about how we pursue criminal law, what we decide is criminal, and how we prosecute criminal cases," says Lanni. "I want my work to help denaturalize this idea that a criminal justice system has to work in a particular way and point out the advantages and disadvantages of different institutional designs."

Lanni credits her parents, both union organizers, for sparking her early interest in community empowerment and democratic governance. Later, in a Yale class on Athenian democracy, she learned how magistrates were chosen by lottery instead of elections — a process the ancient Greeks deemed aristocratic — and a world opened to her. "They thought that to be truly democratic, like Aristotle says, you should rule and be ruled in turn," says Lanni. "And as someone interested in community organizing, that just really struck me."

She majored in classical civilization and then earned a Marshall Scholarship that enabled her to study ancient Athenian law at the University of Cambridge — an experience that included a summer dig at the Agora in Athens. Lanni had long planned for a legal career, but her love of history never faded. At Yale Law School she continued to write about Athenian law and eventually "gave in," earning in addition to her J.D. a Ph.D. in history from the University of Michigan. She shifted her focus from labor to criminal law after a class with Stephen Bright, a longtime proponent of abolishing the death penalty and former director of the Southern Center for Human Rights.

"That was so eye opening," says Lanni, "and I became really interested in this idea of community approaches to justice."

In her comparative law class, Lanni explores legal systems in classical Athens and Rome, ancient China and the Near East, again helping students consider a range of current possibilities by looking to the past.

"As Harvard graduates, they're going to be in a position to not just apply the law in a very narrow way," says Lanni, "but to think more openly about how to change and reform institutions, so getting them thinking in this broader institutional design framework is critical."

For Lanni, an important part of judicial reform is restorative justice, which encourages mediation and reconciliation with victims as an alternative to conventional prosecution and punishment. She teaches and writes about it and is working on an overview for the Elgar Advanced Introductions series. True to form, she approaches the topic with an expansive and inclusive point of view.

"I think I can bring to this work a really rigorous analysis of studies and an open mind that can look at both the advantages of restorative justice, which I think are clear, but also some of the worries and difficulties in implementation and the criticisms," Lanni says.

A comparative approach, says Lanni, is "a way of thinking about other options and opening your mind."

Her approach has made a difference. Many former students have told her that her Harvard course changed how they think about victims, responsible parties, and the ultimate goal when representing the prosecution or defense in criminal proceedings.

"For me," says Lanni, "that's the best feedback."

PHOTOGRAPH BY TONY LUONG

"Rethinking Merger Analysis," by Louis Kaplow '81 (MIT Press)

Merger analysis should be rethought, writes Professor Louis Kaplow, because merger policy is "one of the most consequential domains of competition regulation throughout the world, and it has advanced greatly over the past half-century." Plus, he adds, existing analysis has been problematic or underdeveloped. Kaplow examines subjects such as the price effects of mergers, merger efficiencies, the challenges of predicting the effects of proposed mergers, and the institutions that conduct merger reviews. He seeks to determine which mergers are more harmful or more beneficial, and to identify ways in which regulators sometimes fail to detect anticompetitive mergers.

"In Between and Across: Legal History Without Boundaries," edited by Kenneth W. Mack '91 and Jacob Katz Cogan (Oxford University Press)

These essays on legal history, co-edited by Professor Kenneth Mack, together offer a path for law to provide "a central plane on which to rethink the boundaries that often divide histories by region, subject, and method." Topics include the nature of commerce in the 19th century, how the philanthropic North influenced the Black freedom struggle, and the movement of Indian students to the English Inns of Court for their legal education. Laura Weinrib '03, a constitutional law professor at Harvard Law, also provides a contribution on how the American Civil Liberties Union shifted from defending political dissent and worker action to the modern conception of civil liberties for which it is now known.

"Aligning Election Law," by Nicholas O. Stephanopoulos (Oxford University Press)

In most of America, voters are relatively centrist but the politicians who represent them seek policy outcomes that are closer to the ideological fringes, according to Professor Nicholas Stephanopoulos. He investigates the consequences of this misalignment between government outputs and voters' preferences while considering ways to make political results more congruent with people's views. The book applies his views on alignment to subjects including burdens on voting (such as voter ID laws), regulation of political parties, and money in politics. Although courts have been blind to misalignment, state actors like legislators and executives could address it, he notes. Misalignment matters, writes Stephanopoulos, because "[t]he people *don't* truly rule if their views are systematically ignored by both their elected representatives and the laws that shape their lives."

"Campus Free Speech: A Pocket Guide," by Cass R. Sunstein '78 (Harvard University Press)

While freedom of speech is essential to self-government and personal autonomy, writes University Professor Cass Sunstein, educational institutions need to restrict some speech in order to fulfill their mission. How to determine what those restrictions should be is the topic of his book. He presents a variety of scenarios occurring on campuses, such as student protest of unpopular causes and professors writing contentious opinions in public forums, and offers his views on acceptable university policies. Universities, he argues, should declare what they intend to prohibit with a high degree of clarity, promote safe spaces for a wide range of ideas, and take sides on public issues only for self-preservation.

"The World and Us," by Roberto Mangabeira Unger LL.M. '70 S.J.D. '76 (Verso)

In his expansive work of philosophy, Professor Roberto Mangabeira Unger considers what he calls the "recurrent character of our existence: finitude and transcendence." Sections of the book address the world and our knowledge of it; the human condition in a world in which everything changes; ethics as it relates to the conduct of life in the world today; and politics as a struggle over the future of society (a native of Brazil, Unger has served twice as the country's minister of strategic affairs). Throughout history, he writes, society may be so oppressive that it seems to hand us a script that we are forced to enact. Nonetheless, he urges readers to do whatever they can to resist the script imposed on them.

ILLUSTRATIONS BY JAMES YANG

Does a Parent's Authority End at the School Door?

Debating the meaning of a 100-year-old Supreme Court decision on parents' rights / By Rachel Reed

ILLUSTRATION BY ELLEN WEINSTEIN

Do parents have a constitutional right to direct their children's education? Or does their authority really end at "the threshold of the school door," as one court of appeals put it?

According to Melissa Moschella, a professor of the practice in philosophy at the University of Notre Dame's McGrath Institute for Church Life, the answer the United States Supreme Court gave to that second question 100 years ago was a resounding "no."

"*Pierce v. Society of Sisters*, following *Meyer v. Nebraska*, unequivocally affirmed that parents have the right to direct the upbringing and education of children under their control," Moschella said.

Yet, despite the Supreme Court's decisions in those cases, subsequent lower court decisions have applied these precedents too narrowly and weakly, denying parents their rightful power to set their children's educational path, argued Moschella. She delivered her remarks last fall, which were followed by commentary from two other experts, as part of Harvard Law School's annual Herbert W. Vaughan Memorial Lecture, introduced by HLS Professor Jack Goldsmith.

"Given the proliferation of current disputes between parents and school districts, I think the time is ripe to correct these misinterpretations of *Pierce*," Moschella said. This would help make it possible for all parents, including those of limited financial means, "to fully exercise their natural and constitutional right to direct the education of their children."

In *Pierce*, decided in 1925, the Court struck down as unconstitutional an Oregon law requiring all children to attend public schools. But the case is about much more than parents' ability to send their kids to private institutions, Moschella said.

In fact, it should be read to confirm a broader constitutional right — one that recognizes the centrality of parents and guardians to their children's instruction, she said.

As a result, *Pierce* should be understood as more skeptical of governmental restrictions on parental control than courts have allowed, Moschella continued. She pointed to the *Pierce* Court's careful examination of the Oregon law in question. The three tiers of review typically used by courts in determining whether a law violates the Constitution were not fully established at the time of *Pierce*, she acknowledged, but there is evidence that the level applied by the justices a century ago would qualify as strict scrutiny today — the highest bar for a law to meet, used by courts only when a fundamental right is involved.

Later courts have failed to apply this strict scrutiny test to laws violating parents' ability to control their children's education, she said.

An earlier case provides further constitutional authority for parental rights, Moschella said. In *Meyer v. Nebraska* (1923), which struck down as unconstitutional a state law prohibiting the teaching of foreign languages, the Court, she argued, recognized that parental rights go "hand in hand" with limited government. "This connection seems obvious, for there is no surer way for would-be dictators to shape society in accordance with their own ideological vision than to have control over the education of all children."

These two cases together, along with earlier state court cases, she concluded, provide "strong evidence that … parental rights do extend beyond the schoolhouse door and include at least parents' right to exclude their children from certain classes, as long as this is not incompatible with the efficiency of the schools."

Further, she added, "In my view, a full vindication of parental rights in education would also require ending the public schools' monopoly on public educational funding, through programs that give all parents genuine school choice."

Ultimately, argued Moschella, strong parental rights mean better protections for children. "As the common law tradition emphasized and as the U.S. Supreme Court has affirmed, parents are much more likely than the state to know what is best for their children and to be motivated to promote their children's welfare."

LORIN GRANGER

Melissa Moschella argued that in key decisions, the Supreme Court has held that parents have the right "to direct the upbringing and education of children under their control."

'A PROFOUNDLY AMBIGUOUS OPINION'

But for Anne C. Dailey '87, a dean and professor at the University of Connecticut School of Law, *Pierce* is a much more complicated decision than Moschella acknowledged. "In fact, I would say that the correct reading of *Pierce* is that it's a profoundly ambiguous opinion, obscure on the question of the relationship between parents and the state."

The Court's century-old opinion came at a time of changing norms about families and about the family unit's relationship with the state, Dailey noted. As a result, she said, the majority is torn between the traditional view of the family as deeply connected to the state, and another "emerging liberal view of the family as separate and even opposed to the state."

While the opinion agrees that parents play a crucial role in their children's lives, it was "not affirming the idea that anything goes in the home," she said. "While [Justice James Clark McReynolds] famously proclaimed that the child is not the mere creature of the state, the child was not the mere creature of the parents either."

In Dailey's view, *Pierce* contains no certitudes on whether the Constitution protects broad or narrow parental rights, "but instead opened an ongoing constitutional debate over how a modern pluralistic democracy inculcates democratic values and skills in future generations without also extinguishing the rights to freedom of thought and conscience that sustain democratic self-government."

Moreover, parents have rights, Dailey said, but they also have responsibilities: "Duties to care for their children, to provide them with a family environment that cultivates a sense of belonging and attachment to a shared moral universe. But also, duties to ensure their children have the opportunity to develop the tools for accepting or rejecting that given moral universe as their own."

For Anne Dailey, the Court was "not affirming the idea that anything goes in the home."

Dailey said that her opinion is that the decision embraced a "shared role" for parents and the state "in raising democratic citizens." Parents provide an initial moral framework and important attachments to people and beliefs, she concluded, but "a modern pluralistic liberal democracy must also insist that parents provide children with the opportunity to develop the capacities of tolerance, reason, and respect that will allow them to embrace their given worldview as their own, or if they so choose, to pursue a different way of life."

'PARENTS ENJOY A PRIOR AUTHORITY TO EDUCATE THEIR CHILDREN'

Erika Bachiochi, a fellow at the Ethics and Public Policy Center, which describes itself as Washington, D.C.'s "premier institute working to apply the riches of the Jewish and Christian traditions to contemporary questions of law, culture, and politics," observed that *Pierce* and *Meyer* had, in fact, been broadly interpreted by later courts — just not when it came to cases involving parental rights, she said.

Instead, the two cases have been "interpreted with great breadth and strength to serve as key precedents for perhaps more greatly favored rights." These include "personal liberty," Bachiochi continued, adding that *Pierce* and *Meyer* were cited in decisions such as *Griswold v. Connecticut*, which struck down a law against contraceptives on the grounds of a right to marital privacy.

For Bachiochi, the contemporary idea that states hold the educational authority from which parents must seek a carve-out or exception, "would be foreign to the jurists who crafted *Pierce* and *Meyer*."

"Parents enjoy a prior authority to educate their children from which flows the state's own authority to educate children," she insisted. "Which is why, until very recently, schools were considered 'in loco parentis' — in the place of parents."

The question should not be whether parents are appropriately asserting a right, she concluded. Instead, Bachiochi suggested "we interrogate … the state's execution of power and ask whether it is acting in harmony with the source from which it comes."

Examining the Early Days of the Second Trump Presidency

In February, in the first of a series of planned panels, Harvard Law professors discussed the role of democracy and the courts under the new administration / By Rachel Reed

At an event in late February, little more than a month into the new administration, five experts at Harvard Law School discussed whether the U.S. was experiencing a constitutional crisis.

"We seem as a culture to have lost our ability to talk about our disagreements with outrageous presidential policies and our strong feelings of judgment about their immorality without channeling it into the language of illegality, unlawfulness, unconstitutionality, and then at the extreme, 'constitutional crisis,'" said Jeannie Suk Gersen '02, the John H. Watson, Jr. Professor of Law.

Gersen was speaking at "Democracy and the Role of the Courts," the inaugural panel in a series at Harvard Law dedicated to analyzing the first 100 days of President Donald Trump's second term. As the Bulletin went to press, three additional panels were planned for March and April focusing on presidential power and the administrative state; foreign affairs and immigration; and the Foreign Corrupt Practices Act.

Moderator Guy-Uriel Charles, the Charles Ogletree, Jr. Professor of Law, began by describing what he called the administration's "shock and awe" approach to governing — a flurry of activity that has included dozens of executive orders, pardons, and efforts to alter or eliminate executive agencies.

"Are we entering a period of constitutional democratic crisis?" Charles asked.

Richard Re, the Ropes & Gray Visiting Professor of Law at Harvard and a faculty member at the University of Virginia School of Law, said it is useful to think about three aspects of democracy where the courts have a role.

First, there is the rule of law, "the democracy that generated the Constitution" and various laws and statutes. "The role of the courts with respect to that aspect of democracy, you might say, is to make sure that those democratic enactments are adhered to in some contexts of legal dispute," Re said.

Then there is the democracy that elected the president and a "sympathetic" Congress, he said. "Elections matter, and have consequences," he said. "And part of what the courts have to do is integrate that newer form of democratic [piece] with the older rule of law enactments, combining legislation with executive discretion. ... In that sense, the court will mediate the harmonization of those two things, or try to."

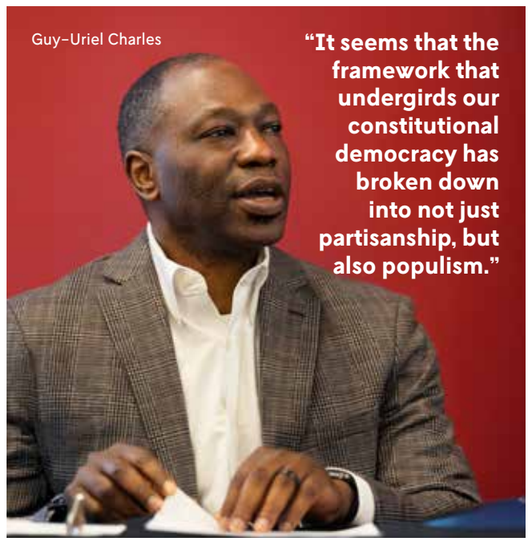
Lastly, Re said, there is day-to-day public opinion. "I think that the courts are already playing a big role in that domain as well, not just by slowing things down, but by providing a vehicle for lots of information to be revealed about what is in fact happening with funding, what is happening in these agencies, what legal authorities do certain people actually have, or only purport to have."

But the relationship between courts and other branches is not one directional, Re said, describing a growing interest by some to limit federal judicial tenure through various methods. "When we think about the federal courts either facilitating or synthesizing law, they're checking, but they're also potentially *being* checked, and that's part of the mutual relationship that's being fleshed out right now."

According to Ruth Greenwood, an assistant clinical professor and director of Harvard Law School's Election Law Clinic, there is not yet a constitutional crisis — but it will take the cooperation of all branches of government to keep it that way.

"I am about long-term structural change," she said. "I think you only start calling something a constitutional crisis if the Constitution is not equipped to handle what is happening. The founders didn't want a king. It doesn't matter how many times you tweet or [post on] Truth Social about it. They set up three branches of government."

So far, she continued, Congress has mostly acquiesced to the administration, and the courts are just now beginning to weigh in. But Greenwood said that she hopes those branches would eventually operate as designed — to be a check on their peers. "My hope, in the longer-term sense, is that that will continue, and it has [done so] through various historical crises."



PHOTOGRAPHS BY LORIN GRANGER

Yet, Greenwood said she has found some of the Trump administration's actions deeply troubling, such as those targeting the Federal Election Commission and other agencies that work to ensure free and fair elections. "I want it to be that you set up these mechanisms to keep democracy functioning, no matter who is running in and winning elections. I need the elections to keep going."

She also decried what she described as a lack of transparency about the activities of DOGE, also known as the Department of Government Efficiency, an Elon Musk-led initiative aimed at reducing federal spending. "We need to be able to shine a light on the things that are happening, see what's happening, talk about it and criticize it, and have public discourse."

Gersen, a constitutional law scholar, had a word of warning for well-meaning lawyers and others who are convinced that a constitutional crisis is already happening or is inevitable. Employing phrases like "constitutional crisis" without sufficient caution or knowledge of law and facts involved in the various cases, she suggested, could help foster a confrontation where there isn't one yet. "As people who care about the rule of law, I think that we need to think about our own participation in hastening its demise."

Gersen also cautioned against putting too much faith in the courts alone. Already, dozens of lawsuits have been filed challenging initiatives such as changes to birthright citizenship, she noted. But to the president, winning or losing in court is sometimes beside the point, she said, recalling Trump's unsuccessful lawsuits challenging the 2020 election and how they nonetheless furthered his narrative of voter fraud.

"Potential lawsuits might loom as threats for a lot of people, but for Donald Trump, it's more of a way of life," she said, noting that he has faced hundreds of lawsuits as a businessman and a political figure. "As a way of life, it is less about winning on the legal merits and more about using the courts as a tool to tell a story in a bigger democratic sense."

Gersen pointed to speculation around whether the administration will eventually abide by the courts' decisions in these cases. "Has [Trump] said he's going to disobey? He has not. I do not read his comments to mean he's not going to obey. But there have been statements by the vice president and other members of his administration that have been taken to create this suspense: Will he or won't he?"

Gersen advised that opponents think carefully before amplifying these concerns. "We're now routinely talking as if it is a choice for the president to decide whether or not to obey a direct court order," she said.

Ironically, this approach could both erode faith in the system and further the administration's agenda, Gersen suggested. "If [the president] loses on the legal issue, he loses, but we have already normalized the idea that the legal system is broken anyway."

And if he wins some of the cases — which he likely will, Gersen added — those who dismiss the victories as evidence of the demise of the rule of law unwittingly empower those who wish it gone. "In terms of democratic participation, there's a lot we can do to hasten the move toward anti-democratic and pro-authoritarian types of forces in our society," she said. "I would just say maybe we shouldn't do that."

To Stephen Sachs, the Antonin Scalia Professor of Law, the current administration — and the reactions to it — are simply manifestations of self-government. "There is often a statement made, in contentious times, 'This is what democracy looks like.' And I think that that may, in fact, be the case." Which is not to say that the system is functioning as it should. Instead, Sachs said, "energy in the executive" is being "accentuated by a really stark failure of the legislature."

"One of the ways that our system tries to preserve liberty is by making it hard for any one entity to claim the banner of the tribune of the people, because there's a bunch of folks who are all elected ... who can all, in some sense, claim a mandate," he said. "And the hope is that they're all fighting each other, and that ambition counteracts ambition, and it becomes harder when one branch or more has its hands tied behind its back."

In his view, many of the administration's most controversial actions fit within three categories. The first are actions that are clearly within the president's constitutional authority but which are the subject of heated policy disagreements, said Sachs, such as the firing of the chairman of the Joint Chiefs of Staff. The next bucket, he said, includes existing presidential powers that some observers worry the administration may be wielding for ideological or personal ends.

"Then, there are actions that are not obviously within the administration's power, but are ordinary separation of power disputes, or ordinary constitutional disputes, even if they're extremely aggressive," he said.

These include the president's challenge to the Supreme Court's holding in *Humphrey's Executor v. United States* (1935), which limited the chief executive's ability to fire officials at independent agencies, such as the Securities and Exchange Commission.

Sachs believes that President Trump's executive order on birthright citizenship might also fall into this third category.

"Though it's much, much more aggressive as a matter of constitutional interpretation, it is within the zone of, 'This is a legal view taken by the president about what the Constitution means, and it will get litigated, and normal things will happen.' Even if we think the position itself is extremely aggressive compared to past White House positions," he said.

On the First 100 Days of the Second Trump Presidency

"DEMOCRACY AND THE ROLE OF THE COURTS" was the first in a four-part faculty discussion series examining the first 100 days of the second Trump presidency. As Interim Dean John C.P. Goldberg explained, "Events of this kind exemplify what HLS does best: rigorous, open-minded, and civil engagement on fundamental and pressing legal questions."

For coverage of all four faculty panels go to: bit.ly/4itUmSq or scan the QR code.

The panelists spoke in front of a standing-room-only audience of Harvard students, faculty, and staff.

Charles, the panel's moderator, followed up with a question about how well the system of checks and balances is working. "Fundamentally, it seems that the framework that undergirds our constitutional democracy has broken down into not just partisanship, but also populism," he said.

Gersen said that the Supreme Court may delineate, in the coming months and years, the lines separating the government's powers among the three branches. But, she warned, "What we might find out at the end is that [the answer] is not to our liking."

She urged advocates to think about additional approaches beyond challenging the administration's actions in court. "It's not the case that if it's not illegal or unconstitutional, that it automatically means it's right, and that's what I think is problematic in the way we talk about it. Once the court says it's not illegal or unconstitutional, the air has gone out of the balloon, because we've lost our ability to really object, because we put all our eggs in the unconstitutionality basket, and we don't have a basket left."

In response to Charles' question about separation of powers, Sachs said he believes that much of the issue could be blamed on "our inability to legislate," citing the U.S. Senate rule that requires a 60-vote supermajority for most legislation to pass. The Senate filibuster has forced presidents to rely on vaguely worded statutes, executive orders, and the administrative states to get anything done.

"The fact that we've got a filibuster, the fact that the filibuster is insuperable in many cases, means that we get very aggressive executive action, because if you're trying to do one thing or the other, you have to spin out some story for why what Congress has already enacted allows you to do this," Sachs said. "It also encourages Congress, when it does act, to pass very broad statutes empowering the executive, because it knows it's not going to be able to come back and revise them later, given the filibuster."

Charles closed the discussion by asking the panelists about the advice they would give the students in the audience, regardless of political ideology, in thinking about their roles moving forward.

Richard Re expressed optimism that the Supreme Court could "play a productive role in facilitating democracy and in preserving the rule of law." But, he continued, "That framing makes clear that the main work, the critical work, is not in the courts. ... It is on the democracy side." By taking full advantage of their time in law school to better understand law and the legal system, students can help fulfill that role.

Advice to students included getting involved locally for insight into "big-D American democracy."

Greenwood said that, regardless of one's career plans, everyone can become engaged in their own communities. "Getting involved and seeing how compromises get made, the ugly business of local government ... can be a way for you to think about the broader concept of 'big-D American democracy.'"

"I came from a different country," noted Greenwood, who was born in Australia. "You guys [in the U.S.] have gone up and down and all over the place — it'll keep going. And you are the people who are going to help it keep going."

‘Patience, Precision, and Passion’

Innovation and mentorship have marked
Todd Rakoff’s career / By Susannah Barton Tobin ’04

For Todd D. Rakoff ’75, the Byrne Professor of Administrative Law, who is retiring this spring after 46 years on the faculty at Harvard Law School, time has always been of the essence. The author of “A Time for Every Purpose: Law and the Balance of Life,” Todd has made time a focus of his teaching, scholarship, and service, modeling for students and colleagues alike the importance of spending our time wisely.

A beloved and respected classroom teacher, Todd has taught a range of courses, including Contracts and Legislation and Regulation for first-year students, Administrative Law, and a seminar on statutes and justice. Former Massachusetts Gov. Deval L. Patrick ’82, who was a student in Todd’s first class in 1979, recalls his former teacher as “a model of how to take the subject matter, but not ourselves, too seriously. Lawyers and law professors sometimes leave the impression that justice has little to do with the law. Not Todd. Underneath his quiet demeanor and deep intellect runs a strong sense of justice, and a faith that in the end, law practice pursued with rigor and intellectual honesty will produce just that.”

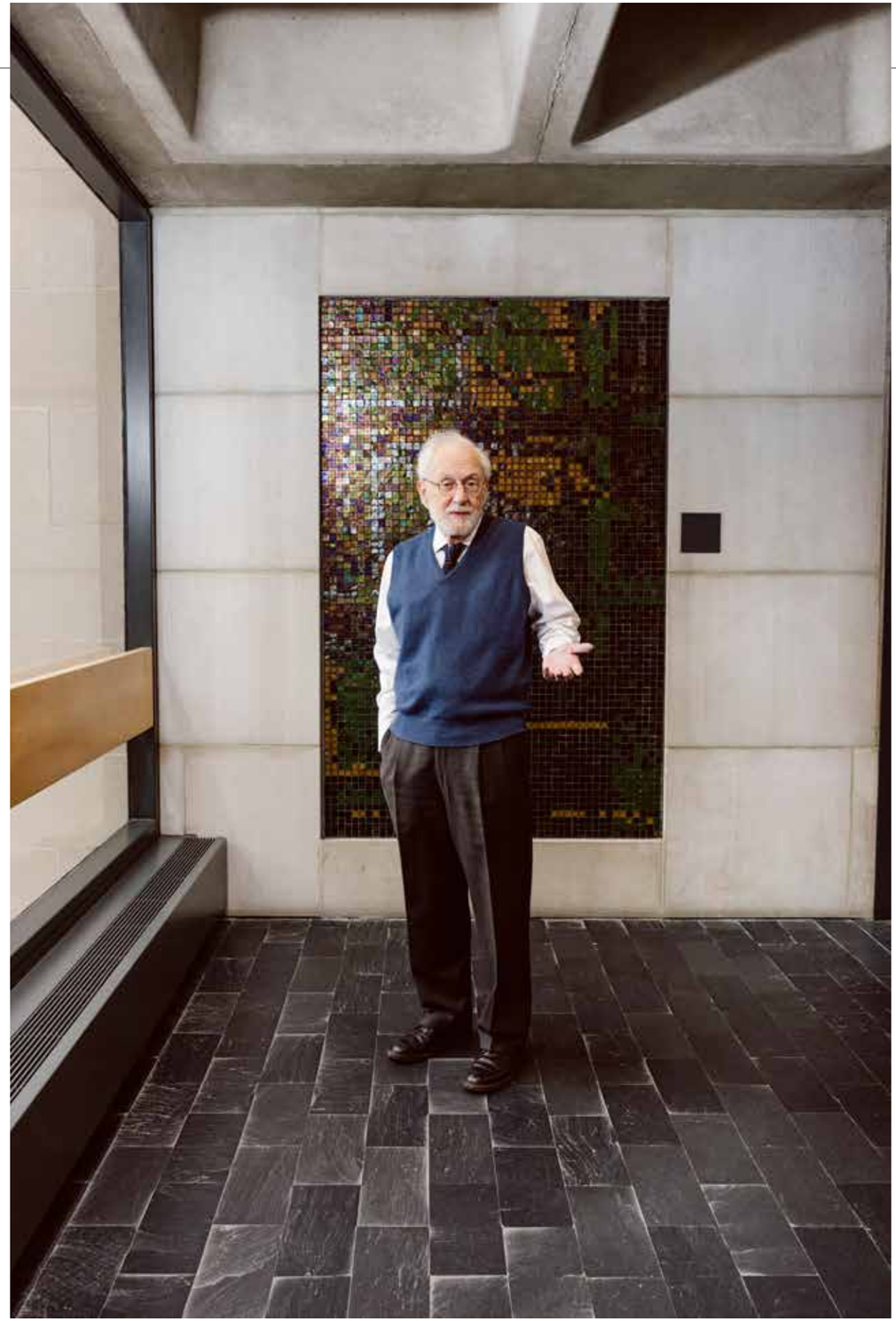
Todd’s skill in the classroom derives in part from his having taught high school in Philadelphia after college and in part from the commitment to pedagogical innovation that has marked his career at Harvard Law School. A patient and generous mentor to younger teachers, Todd has emphasized planning class time — down to the minute — and making sure lessons prioritize what students will actually learn, rather than just what the teacher wishes to convey.

Todd Rakoff in his office in 1984 | JOHN CHAPIN

In the early 1980s, he collaborated with colleagues on an experimental integrated curriculum to break down the silos between first-year courses, and he helped lead the transition to smaller first-year sections in the late 1990s. As dean of the J.D. program, Todd expanded joint-degree opportunities and focused on students’ understanding of the legal profession as a whole.

With Professor Joseph Singer ’81, he created the Problem Solving Workshop, an experiential January term course that was the precursor to the current January Experiential Term. Singer recalls: “Todd not only created superb teaching materials but was key to creating the teaching methods we used in that class. … We worked especially hard on how lawyers can prevent problems from arising rather than just responding to them after the fact, as well as how not to make problems worse through our legal advice.” William F. Lee, the Eli Goldston Visiting Lecturer on Law and former managing partner at Wilmer-Hale, who taught in the workshop, adds: “Todd was at the center of all we accomplished and consistently demonstrated a unique ability to innovate. And, of course, when the [workshop] was implemented and taught, he was brilliant.”

As a scholar, Todd has written on, among other things, administrative law, contracts, legal pedagogy, and



PHOTOGRAPH BY ADAM DETOUR

time. He is one of the editors of "Gellhorn and Byse's Administrative Law," a leading casebook. One of his co-authors, David J. Barron '94, Louis D. Brandeis Visiting Professor of Law and chief judge of the U.S. Court of Appeals for the 1st Circuit, describes his former instructor and now colleague as a master teacher, adding: "It is no surprise that Todd's scholarly writings are master classes. … And that is true whether they are comprehensively surveying a whole body of law, like his classic article on adhesion contracts, or snappily rethinking legal education in fewer pages than the introductions to some law review articles. … In all of it, the aim seems to me to be to teach rather than preach. And like his classes, [his writings] teach so effectively because they are the product of someone so eager to learn."

Harvard Law students of the last 19 years perhaps know Todd best as leader of first-year Section 7. In addition to teaching the 80 members of that section each year, he has provided academic, career, and personal guidance as students begin to figure out their place in the law.

Juliette Kayyem '95, Belfer Senior Lecturer at the Kennedy School and an expert in homeland security, who studied administrative law with Todd as a 1L, observes, "Todd helped guide me to a career in government and helped mentor me through the many careers since." At his request, she has returned regularly to speak to his first-year students. "I found first year hard," she recalls. "I didn't really get how to take exams, and my grades reflected it. Todd knew that, and that is why he asked me to talk to his students; they get plenty of exposure to the ones who mastered 1L. I came to understand that my reflections on how I thought about my career were actually because of, not despite, the challenges I had 1L."

The hallmark event of the Section 7 experience since 2014 has been the Rakoff Bake Off, an annual contest (rivaling the better-known British competition) in which students anonymously submit baked goods that are then taste-tested by section faculty. A verdict is announced by the judges, sometimes with a dissenting opinion, and the winning baker earns bragging rights and, even better, bread baked by Todd himself.

The time and effort that go into the student entries, and into Todd's own sourdough (or focaccia, or rye …), reflect the lessons he has taught about how to value what's important. Martha Minow, University Professor and former law school dean, recalls: "Todd has coached generations of students to 'think like a lawyer' through classic (if gentle) Socratic instruction. … Todd's patience, precision, and passion are matched only by his kindness and generosity: Not by accident, those are the same ingredients of a superb baker."

Although I wasn't lucky enough to be Todd's student while in law school, I feel deeply fortunate to have learned from him over the last 15 years as a teacher in Section 7. I remember in particular an open office-hour session he held in Griswold, with students sitting on chairs, filing cabinets, and even the floor to hear his advice. Like the lawyer's lawyer he is, he walked students through their concerns, gently asking follow-up questions, pointing to relevant legal rules, and reminding them to use their newly acquired legal skills to solve problems. He did so with his characteristic patience and deep humanity. Despite his demanding schedule, he has made me, and every person who walks into his office, feel as if he has infinite time for us.

Bob Clark '72, professor emeritus and former dean, rightly notes, "It is hard for me to imagine an HLS faculty without Todd Rakoff."

In his closing remarks to his first-year students each fall, Todd reminds them to reflect on how they should best spend their time in both their careers and their personal lives. It's no surprise that the man who wrote the book on the law of time knows when to start a new chapter.

Todd Rakoff at this year's Bake Off with winner Nate Orbach '27 and Susannah Barton Tobin

KAYLA KASYCA

Susannah Barton Tobin '04 is the Ezra Ripley Thayer Senior Lecturer on Law and the managing director of the Climenko Fellowship Program.

Redefining Criminal Law for a New Generation

A new criminal law casebook co-written by Andrew Manuel Crespo aims to change the way the first-year course is taught / By Rachel Reed

SOURCE PHOTO OF PRISON: GETTY/CONNECT IMAGES

ILLUSTRATION BY ANDY MARTIN

There is something missing in the major criminal law casebooks used by thousands of law students across the United States — something huge, says Andrew Manuel Crespo '08, the Morris Wasserstein Public Interest Professor of Law at Harvard.

The authors hope their casebook will encourage students and academics to grapple with uncomfortable questions about crime, punishment, and the meaning of justice.

That glaring omission can be summed up in two words: mass incarceration. While a public defender in Washington, D.C., Crespo worked for years on the penal system's front lines, representing some of the 10 million people sent to jails and prisons across the country each year. Like most of those individuals, his clients were all poor, and were overwhelmingly people of color. To Crespo, these were the defining features of a penal system he saw up close, every day.

But when he returned to Harvard 10 years ago to start teaching criminal law to first-year students, he quickly became frustrated with the course's traditional pedagogy.

"The traditional criminal law class is just not built to be a class about mass incarceration," Crespo says, despite his belief that "mass incarceration and the related challenges and issues regarding policing in the United States are the central issues for this field of study."

Nor, he says, was he alone in his frustration. His students wanted their foundational first-year class to focus on these essential themes as well.

"For the 10 years that I've been teaching, students

Andrew Crespo and his co-author aim to reframe first-year criminal law as a class about the role law and lawyers played in creating mass incarceration, and the role they might play in ending it.

LORIN GRANGER

have come to this class expecting it to be about mass incarceration and about policing. This is, after all, the first generation in history that has come to law school living through not one, but two, major national protests regarding precisely these issues," Crespo says, referring to the mass demonstrations following the police killings of Michael Brown in 2014 and George Floyd in 2020.

Now, as a leading scholar of American criminal law, Crespo is working to redefine how the field is taught. A new casebook written by Crespo and John Rappaport '06 of the University of Chicago Law School, "Criminal Law and the American Penal System," offers the first major conceptual overhaul of the field's pedagogical structure in over half a century.

Part of the problem, Crespo says, is that several of the most frequently used criminal law texts published their first editions in the late 1960s or early '70s — before the war on drugs, before the widespread use of tough-on-crime strategies like broken windows policing or three strikes laws, and before the prevalence of mandatory minimum sentencing and other policies that have caused federal and state prison populations to explode over the last half-century. Those leading casebooks have been updated since then, but their underlying frameworks have never fully reckoned with the changed reality, says Crespo, who is also the executive faculty director of the Institute to End Mass Incarceration at Harvard.

Crespo and Rappaport's new approach aims to change that, reframing the required first-year class as a course about the role law and lawyers played in creating mass incarceration, and the role they might play in ending it. The book is designed to be a resource for students and scholars alike, offering a fresh conceptual framework that recasts familiar doctrinal topics in new lights, while thoroughly incorporating careful scholarly research across numerous fields of study — including history, philosophy, sociology, economics, and criminology. The end result is a book that contextualizes the field's fundamental legal issues by connecting them to the policies, histories, and social systems that produced the world's largest system of incarceration.

To start, the authors ground the book by asking future lawyers to consider a question most criminal law classes never ask: Why does crime happen? Distilling and incorporating a century's worth of sociological literature, Crespo and Rappaport encourage students to see that crime cannot be divorced from its social, economic, and political contexts. Building on that insight, they then foreground the doctrine of excuse, which sometimes exculpates people who harm others under circumstances that make it extremely difficult to avoid offending, like insanity. Beyond age or mental illness, they ask, are there other things — like poverty, lack of access to education, or other ingrained social inequities — that similarly drive criminal behavior, and that might thus be grounds for reducing a person's culpability? "We want students to grapple at the outset with questions about who is eligible to be punished, and to examine how the law deals with crime-causing social conditions outside an individual's control," Crespo says.

From this foundation, the book then teaches students the core doctrinal building blocks of criminal law through the lens of three core offenses — homicide, sexual assault, and theft. In these chapters, Crespo says, "The book draws a strong connection between law and the social and sociological forces and histories and power structures that both shape criminal law and are, in turn, shaped by criminal law, most especially along dimensions of race, sex, and class."

The emphasis on class comes through in the book's section on theft, a subject that often gets less attention in other casebooks. "Our chapter on economic crimes juxtaposes shoplifting and other crimes of poverty with thefts at the other end of the socioeconomic spectrum, such as white-collar crimes," Crespo says. "Teaching two different types of theft at the same time — theft by people at the bottom of the socioeconomic ladder and financially oriented crime at the top — helps show how differently these two groups of people are treated by the system in practice."

"It's hard to find a way forward ... we don't want to increase crime and we don't want to increase the harm of crimes."

Finally, the book concludes by centering on the work of the late Harvard Law School Professor William J. Stuntz, whose seminal scholarship emphasized the link between substantive criminal law — that is, the laws as they are written — and the power of those who enforce them, including prosecutors and police officers. Crespo and Rappaport emphasize this connection by amplifying crimes of possession — including of weapons and drugs — in order to demonstrate how laws can be used or abused by law enforcement actors, Crespo says.

They devote the final third of the book to a study of how substantive criminal law shapes essential law enforcement tactics, like prosecutorial plea bargaining and broken windows policing, and examine the related interaction between substantive criminal law and constitutional jurisprudence on these topics. The key, Crespo says, is for students to understand that "[i]f you make criminal law broader or more powerful or more severe, police officers have more power to stop people on the street, and prosecutors have more power to determine the outcomes of cases through plea bargains."

The book, which has been more than five years in the making, was a joint passion project for Crespo and Rappaport, two longtime friends and colleagues who, Crespo says, share a "foundational sense of what mass incarceration is and what's wrong with it," even as they each bring their own perspectives and expertise to the project.

Although the casebook challenges students to think critically about the law, it does not offer easy answers, nor does it shy away from the ubiquity of crime and violence in America.

"The same communities that are most impacted by mass incarceration and by policing are also most impacted by crime," Crespo says. "This is not surprising," he adds, "because these are two sides of the same set of problems," given that these communities often suffer from historic and ongoing disinvestment, racism, and poverty that spur harmful behavior, inviting a vicious cycle when the primary social policy response is more prison.

The book offers ideas for paths forward, but Rappaport says reasonable people will not always agree on which approaches are best. That is partly why he and Crespo took care to include in the text a diverse array of expert voices, including some unexpected ones.

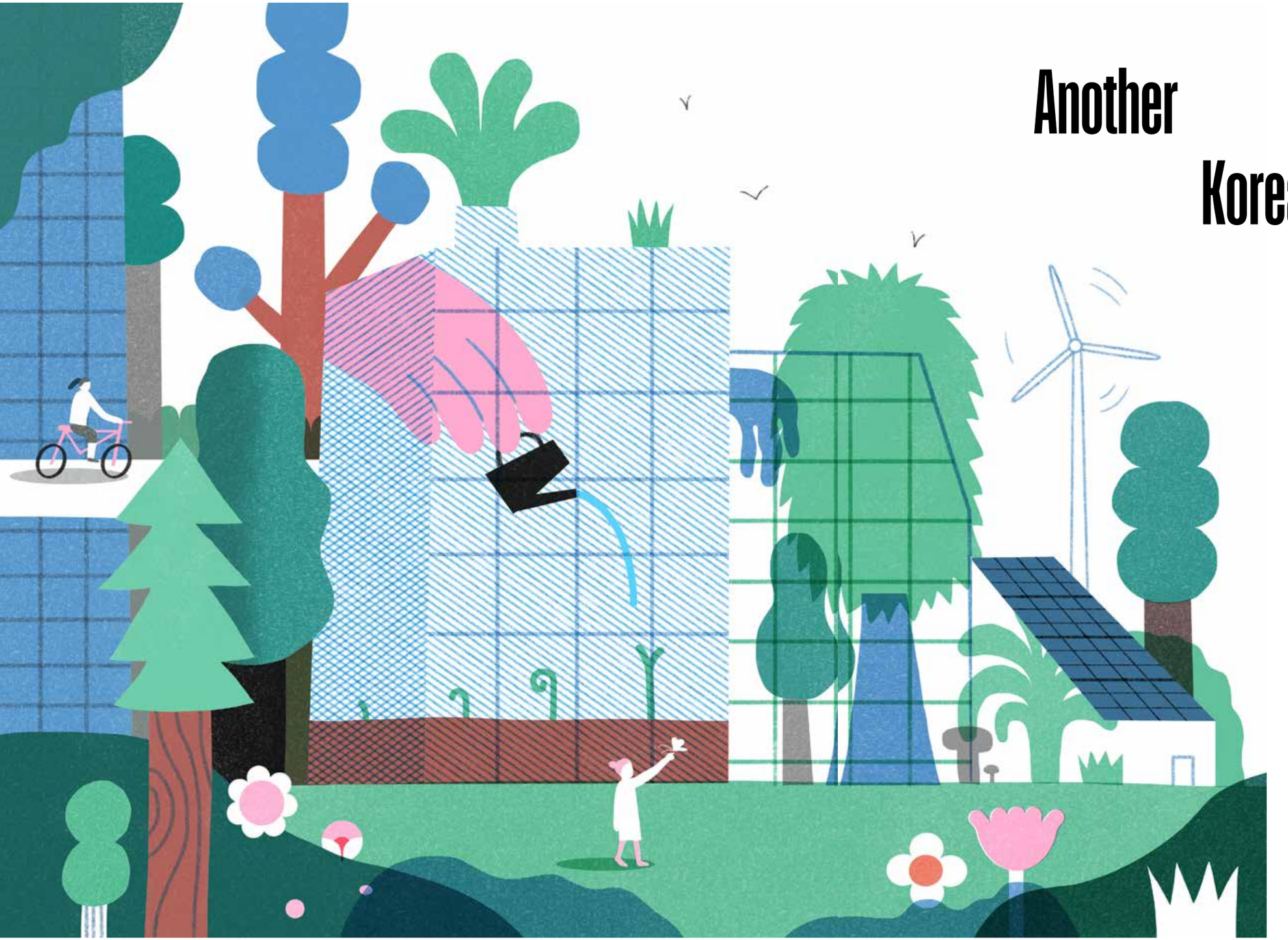
"We wanted the book to reflect the leading ideas in the field of criminal law, and that includes, of course, people who disagree with one another," Rappaport says. "At the same time, we wanted to expose students to voices that are often overlooked, and that includes the voices of people who are incarcerated and activists who are working on the ground to end mass incarceration."

Crespo and Rappaport hope that their casebook encourages students and academics alike to grapple with difficult and sometimes uncomfortable questions about crime, punishment, and the meaning of justice.

Do the ways in which we have chosen to respond to undesirable behavior — through increased policing and imprisonment — make sense? Do they actually reduce crime? Can we do better for communities, for victims, and for society as a whole? What role can and should lawyers play in helping find new approaches?

"It's really hard to figure out a way forward, because we don't want to increase crime and we don't want to increase the harm of crimes," Crespo acknowledges.

Nonetheless, he adds, the status quo is clearly not working. "We want students to understand just how hard these vexing challenges are, but also just how important it is to be relentless in our pursuit of just solutions. The systemic issues defining our penal system today will not be fixed without the help of a generation of lawyers who appreciate just how complicated — and essential — it is to find answers to these questions."



Another Korean Miracle

Harvard Law alumni win landmark South Korean climate case, the first ruling of its kind in Asia

By ELAINE MCARDLE

Illustrations by JAM DONG

On Aug. 29, 2024, days before returning to Harvard Law School for his third year, Jaebok Lee ’25 sat in a courtroom in Seoul, South Korea, awaiting a highly anticipated decision from the Constitutional Court.

A group of young people known as Youth 4 Climate Action were among 250 plaintiffs who’d sued the South Korean government, arguing that its goals for cutting carbon emissions weren’t ambitious enough to protect the rights of citizens, especially future generations who will bear the brunt of climate change.

In the packed courtroom were three Harvard Law alumni who crafted and led the litigation: Lee’s father, Byung-joo “B.J.” Lee LL.M. ’01; Thae Khwarg ’84; and Sejong Youn LL.M. ’19. Outside the courthouse, media from around the world and climate activists anxiously waited as the court worked its way through the other cases on its docket. In one case after another, the justices shot down the constitutional challenges and upheld existing laws. Things didn’t bode well for the climate case.

Finally, the justices began to read the decision. When they declared that a specific article in the Carbon Neutrality Act was unconstitutional, Jaebok Lee was “filled with joy,” he says — but then a woman in front of him burst into tears. “I was a bit confused,” he recalls. “Did it go well — are these tears of joy? Or did it not work out?”

But his father, who’d shaped and argued the legal theories, knew immediately that they’d landed at least a partial victory, and soon it was clear to everyone. In a groundbreaking decision with potential global implications, the court ruled unanimously in favor of the plaintiffs on a key claim — that South Korea’s Carbon Neutrality Act is unconstitutional because it does not provide carbon-reduction targets for the years between 2031 and 2049 and therefore infringes on the environmental rights of future generations. The court gave the country’s National Assembly until February 2026 to devise a stronger carbon reduction plan.

However, the climate litigation team didn’t win everything. The Carbon Neutrality Act, legislated in 2021 and superseding the 2010 Low Carbon Act, required the government to set a carbon-emission reduction goal of at least 35% by 2030 compared with 2018 levels. A 40% reduction was adopted in 2021 by presidential decree, which the plaintiffs argued wasn’t enough. But the court ruled it couldn’t determine the appropriate share of burden that South Korea should bear amid global reduction efforts. That determination, it said, falls within the discretion of the legislative and executive branches. The court also rejected claims against South Korea’s Carbon Neutrality Plan, the administrative implementation plan for the 2030 reduction target.

Still, many regard the decision as a monumental win for climate activists. The government has a constitutional duty to protect a fundamental right to a healthy environment, the court found. This holding opens a wide door for future litigation challenging climate law and policies, according to the Harvard Law alumni. The first victory of its kind in Asia and one of the first in the world, it has been covered by Reuters, The New York Times, The Washington Post, The Guardian, and Nature, among other international media outlets. One Korean constitutional scholar, Jaehong Lee, a professor at Ewha Womans University School of Law in Seoul, described it as a “miraculous decision.”

“The South Korean Constitutional Court’s ruling that current South Korean government efforts to address climate change fall short of the constitutional requirement that each citizen ‘shall have the right to live in a healthy and pleasant environment,’ is plainly historic,” says Richard J. Lazarus ’79, Charles Stebbins Fairchild Professor of Law at Harvard, where he teaches environmental law. “With its decision, the South Korean court [adds to] a series of recent rulings by courts in other nations in favor of environmental plaintiffs, including by Germany and by the European Court of Human Rights regarding Switzerland.”

Before this case, Korean environmental litigation was “a long history of bitter losses,” B.J. Lee says. The victory “marks the start of a new history of winning climate litigations [that] is giving encouragement and excitement to the lawyers and climate activists of other Asian nations.”

In January 2024, Youn notes, youth activists in Taiwan filed similar climate litigation in the Taiwan Constitutional Court, and in August 2024, youth activists in Japan filed a lawsuit against power plants, demanding further reductions in greenhouse gas emissions. “Now that we have a victory in Korea, it can really be a turning point to make this a real global trend,” Youn says. “That’s what we hope.”

The South Korean court held that the government has a constitutional duty to protect a fundamental right to a healthy environment.

'YOU CAN EITHER CALL IT SERENDIPITY OR SOME GREAT FORCE AT WORK'

That three Harvard Law alumni should turn from careers in the corporate world to trying to save the natural one is a story of the power of youth activism.

In 2018, the same year 15-year-old Greta Thunberg would organize her first School Strike for Climate, in South Korea teen activists formed the group now called Youth 4 Climate Action. They wanted to find lawyers to help them sue the South Korean government for failing to protect them from the looming threat of climate change. Youn, who had been a corporate lawyer, had just left private practice to join the climate movement in the nonprofit sector when he met the young plaintiffs.

The three Harvard alumni and the rest of the team worked "intensely and fiercely" to prepare their case.

Young people were the driving force behind the litigation and were among the case's plaintiffs.

"The danger of climate change, the consequences of inaction, and the intergenerational injustice in all of this were simply undeniable," says Youn. "Legally, yes, it was definitely a difficult case, to say the least, but it would not have made sense for me to say no to the case because we were working for the same mission."

Separately, but around the same time, Khwarg also found himself drawn to the issue. After 30 years in investment banking, he had become a senior U.S. attorney at the South Korea-based law firm S&L Partners. In 2018 — "You can either call it serendipity or some great force at work," says Khwarg — he was introduced by friends to environmental lawyers in the Netherlands who'd won the first case in the world where citizens established the government's legal duty to protect them from climate change. They, in turn, introduced Khwarg to young South Korean activists interested in similar litigation who were having difficulty finding lawyers willing to sue the government.

"I really got to see that the young students and their parents were taking the looming climate disaster very, very seriously," says Khwarg. "I then started to think about my grandchildren and how they would not be able to enjoy life the way my generation was able to."

Khwarg hoped to enlist the support of another partner at the firm, B.J. Lee, a litigation and bankruptcy expert. As a student in the early 1980s, Lee had been imprisoned for 10 months for participating in the protest movement against the military dictatorship of then-President Chun Doo-hwan. He had originally planned to become a human rights lawyer but instead turned to business litigation. "But I always felt some deep burden for my nonparticipation in public legal works," Lee says.

Still, when Khwarg approached him, Lee, the one-time human rights protester, hesitated. There was no legal precedent for this type of lawsuit in South Korea, "and the concept and form of climate litigation were unknown," Lee says. He adds that he worried the experience would be "miserable," and he "did not wish to be a lawyer of a losing case."

But Khwarg persuaded Lee to join him at a conference convened by the Youth Climate Litigation Group in May 2019. "I heard a dozen young teenage students make speeches about their great fears about the impending climate crisis and the need to make youth climate litigation," says Lee. "As a father of a young student, I told myself, 'This youth climate litigation will be a unique lawsuit with a most appealing narrative.'"

P. 22 (TOP) COURTESY OF SEJONG YOUN. (BOTTOM) CHRIS JUNG/NURPHOTO VIA GETTY IMAGES. P. 23 COURTESY OF SEJONG YOUN

Three HLS attorneys turned from careers in the corporate world to advance efforts to protect the environment.

The litigation team, including Harvard Law alumni Sejong Youn (far left), B.J. Lee (4th from left), and Thae Khwarg (far right), in front of the South Korean Constitutional Court

Moreover, as the lawsuit is a generational request from children to their parents, asking the older generation to save their lives, he believed that "the judges, who are also parents or grandparents, [would] be unable to easily ignore the young generation's request and simply turn away," he says.

Together, Lee and Khwarg convinced the rest of the law firm that the lawsuit would bring benefits that far outweighed any potential loss of corporate clients. While attending meetings organized by climate activists, they met Youn and formed their litigation team. Lee recommended that the best strategy was to challenge the constitutionality of existing laws before the South Korean Constitutional Court. In 2020, they filed suit with 19 teenagers as plaintiffs, and they spent the next four and a half years developing their case.

"The chances were definitely not high at the time of the filing, but we had a clear objective: to achieve a judicial win through arguments that can actually be accepted by the court," says Youn, who is currently director of Plan 1.5, a Seoul-based nonprofit focused on climate change policy advocacy. He and other Plan 1.5 lawyers were the team's climate experts, responsible for explaining to the court climate science, international climate law, and the insufficiency of South Korea's greenhouse gas reduction targets.

In February 2024, the court combined their case with three other climate lawsuits and scheduled a

public hearing. Lawyers from the four cases formed a joint team of seven South Korean lawyers, including Lee and Youn, and two U.S. lawyers, including Khwarg. For the next three months, they worked "intensely and fiercely," Lee says, to prepare final legal briefs, witness statements, answers to the justices' questions, and opening and closing statements. The youth plaintiffs did "a phenomenal job" maintaining media attention, Youn says, including organizing a petition campaign that collected more than 5,000 signatures.

During opening statement last April and closing statement in May, Youn focused on the scientific and factual reasoning regarding the insufficiency of the reduction target, and Lee focused on the jurisprudential theories on the unconstitutionality of the target law. Khwarg served as the international law adviser and coordinated with the global climate litigation lawyers and experts, including Dutch, German, Irish, French, and U.S. attorneys.

There were many hurdles. "The facts are complicated," says Youn. "Hashing through the scientific literature and translating them into legal language was indeed a big task." Moreover, he adds: "The law is also difficult because there are no precedents. The international law sets out principles but provides little basis for concrete and binding obligations. Also, it is not just South Korea that is failing — everybody is, which makes it difficult to argue the state has committed such a big failure that the court has to intervene."

In his view, Khwarg says: "B.J. and Sejong were the real champions in this landmark case. They thought through every possible line of attack from the government side as well as the nine justices."

When the ruling was announced, the team was overjoyed — in their eyes, a contrary ruling would have been immoral, given the existential threat posed by climate change.

"The world is on fire but we are acting as if it weren't," says Youn. "The consequence of such inaction is disproportionately imposed on the younger generation, and this is an injustice that should not be permitted under the Korean Constitution."

THE PATH AHEAD

The experience had a major impact on all of them. B.J. Lee has since left his firm and opened his own law office to focus on climate justice and other forms of social change. His son, Jaebok Lee, who will focus on international trade at a major U.S. law firm, says, "It was very meaningful for me to sit there in court" as the decision was announced. As an undergraduate, he'd helped the litigation team with translation and other tasks. "It did make me want to be a lawyer who is very conscious of the world around me."

As for Khwarg, he says, "I'm going to try to do more of this kind of public interest work, because I realized this is actually an area where I can be more impactful." The team will be monitoring the legislation that the National Assembly has been ordered to draft and won't hesitate to bring more lawsuits if it falls short, they say. And they will continue to collaborate with climate litigators around Asia and the globe.

"We now have a pretty rich and robust collection of precedents around the world, and it should be easier for other courts to build a case upon those findings" as comparative law perspectives become "much more important," says Youn.

According to Harvard Law's Richard Lazarus, "The odds of the U.S. Supreme Court issuing a remotely similar ruling, however, are zero to none. Not just because of the highly conservative makeup of the current Court," he says, "but more fundamentally because the U.S. Constitution, unlike that of South Korea, lacks language establishing an affirmative individual right to a healthy environment."

Youn and Khwarg are much more optimistic about the U.S. landscape.

"I don't necessarily think having a specific environmental rights provision in the constitution was critical for the case," says Youn, noting that cases in Germany and elsewhere have relied on various other rights, including the right to freedom. And the constitutions of some U.S. states, including Hawaii, provide for specific environmental rights, and lawsuits against corporations are making headway there, Khwarg adds.

"The four and a half years of this dispute actually raised the public awareness on this issue, especially through the voices of the future generation, and they have a very strong and effective voice," says Youn. "So the fights we have from here on should be different from the fights we have had in the past four and a half years. That's what we hope. And that's not just hope. That's something we need to actually make into reality. So we do have a lot of homework for ourselves as well, but we're definitely in a better situation now."

The ruling is seen as a monumental win for climate activists and could inspire similar cases globally.

AN UNCOMPROMISING VIEW

Sociologist and legal expert Dorothy E. Roberts ’80 works for radical change and a more just society

By Colleen Walsh
Photographs by Hannah Yoon

Dorothy E. Roberts ’80 isn’t interested in compromise, bargains, or the status quo. She is interested in sweeping social change and has devoted her career to pushing for it, using her scholarship to challenge systems she views as inherently unjust, such as those governing child welfare.

“We need to radically change how we think about child safety and welfare, and that means we need to focus on supporting families,” says Roberts, author of the 2022 book “Torn Apart: How the Child Welfare System Destroys Black Families — and How Abolition Can Build a Safer World.” She adds, “Our society could be structured in a way to provide for those families’ material needs, but instead, it unleashes this terrorizing system on them.”

Through her teaching, research, and writing, Roberts has pressed for change for almost four decades by exposing racism and inequities that she sees in child welfare, medicine, women’s reproductive rights, and criminal justice. A professor of law, Africana studies, and sociology at the University of Pennsylvania, she has written four books and many influential articles. She has received a range of honors, including a 2024 MacArthur Fellowship in recognition of her lifelong work devoted to uplifting others.

A LONG EVOLUTION

If you ask Roberts about the origins of her uncompromising approach, she points back to her clerkship for Judge Constance Baker Motley of the U.S. District Court for the Southern District of New York. The year was 1980, and Motley had asked Roberts, a newly minted Harvard J.D., to draft an opinion for a case involving two New York teenagers eager to marry without parental consent. The Supreme Court’s 1973 landmark decision *Roe v. Wade* establishing a constitutional right to an abortion was on Roberts’ mind as she wrote, and she was certain that if the teenagers’ case made its way to the federal appeals court, the judges would build on that ruling in a way that would vindicate their right to marry. But Motley, a civil rights strategist and the first Black woman to argue before the high court, thought otherwise. After reading her young clerk’s argument, Motley responded with three simple words: “Are you serious?”

Motley explained that Roberts’ reasoning, however well intentioned, was too much of a stretch under prevailing doctrine, which meant that the 2nd Circuit Court of Appeals would almost certainly reverse a decision adopting it. For Roberts, it was a sharp lesson on the allocation of power in our federal legal system, the broad authority enjoyed by states to regulate families, and the temperament required to make hard legal calls from the bench.

“Judge Motley came at it from a greater understanding of how the law actually operates, and I had a very idealistic view,” recalls Roberts. “I learned that as a judge you have constraints that you don’t have as an activist or as a legal advocate for your client, or even as a professor who’s not only writing about how the law works but trying to present a vision of how the law could change.”

Yet Roberts never stopped believing that to make a difference, she would need to push back. In the end, she found that a classroom, not a courtroom, was the best home for her ideas. “I realized that I would rather do academic research and writing and teaching,” she says, “because I wanted to be able to make a case for change. I wanted to be an advocate, I wanted to be a visionary, and I didn’t want my vision to be constrained by the confines of the law as it stands.”

A NATURAL PROGRESSION

Roberts’ path to activism began in 1960s Chicago on the city’s South Side. In school, she took part in discussions about civil rights. Outside of class, she routinely gathered with family and friends at a local church to support civil rights activists or to join marches for racial justice or against the Vietnam War. At home, she learned “all human beings are equal and should be valued equally.”

> “I was raised by my parents, but also by the whole community, to feel that I had an obligation to be involved in doing work for social justice. That had a huge impact on my life.”

“I was raised by my parents, but also by the whole community, to feel that I had an obligation to be involved in doing work for social justice,” says Roberts. “That had a huge impact on my life, on my sense of a moral responsibility to work in some way to make our society more just and equitable.”

Roberts also watched her parents push for change in their personal and professional lives. Her father, an anthropology professor, was white, and her mother, who was from Jamaica, was Black. They met at Roosevelt University in Chicago, where she was his student, and together they would focus on interracial marriage in their scholarship, examining its relationship to what her father called the nation’s “racial caste system.”

“From my parents I learned that there are no biological differences, no natural reason why there needed to be racial segregation,” says Roberts. “That lesson still lives with me today.”

After she studied anthropology at Yale, Roberts’ interest in social justice led her to focus on law and apply to Harvard. “I felt Harvard was the best place to learn about lawyers’ involvement in social activism and policy,” she recalls. In Cambridge, she learned both in class and by working with the school’s Legal Aid Bureau, representing underserved clients.

“I was just so grateful that I could get that kind of exposure and experience early on,” she says.

Roberts has known from early in her career that she “wanted to be able to make a case for change.”

A SIGNIFICANT MOVE

After Harvard, Roberts clerked for Judge Motley, and then she headed to a firm. It was while working for Paul, Weiss in New York City that she heard of Angela Carder, a pregnant woman dying of cancer who was required under court order to have a cesarean section. The baby died shortly after the procedure. Carder died two days later. A mother of three young children, Roberts was outraged.

“That was the beginning of my thinking about how pregnancy could be the basis for denying people’s rights and allowing the state to interfere with their autonomy and their bodies.” Not long after, she shifted to academia, taking a teaching job at Rutgers in 1988. In May 1991, she published a seminal article in the Harvard Law Review titled “Punishing Drug Addicts Who Have Babies: Women of Color, Equality, and the Right of Privacy.”

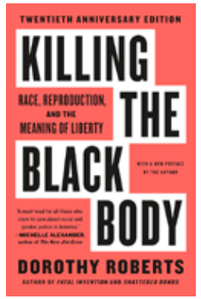
“I suspected that these were Black women who were being treated this way, and I looked at it as … a public health issue that was turned into a crime,” says Roberts, who argued that such prosecutions violated

the Constitution's 14th Amendment by both discriminating against the women on the basis of race and denying their right to privacy.

Many colleagues encouraged her to wait to take on such an "unusual topic" until she had tenure. True to form, Roberts held her ground.

"I thought the test for constitutional jurisprudence shouldn't be whether the Constitution protects the most privileged people. It should be whether the Constitution protects the dignity and equality of the least privileged, the most marginalized people. That was my motivation, and publishing that article was a vindication of my principles and my passions."

That work was a launching pad, leading her to study the many ways in which Black women's childbearing has been devalued throughout time and inspiring her first book, "Killing the Black Body: Race, Reproduction, and the Meaning of Liberty," published in 1997, which examines the history of reproductive oppression.



In her first book, "Killing the Black Body," Roberts examines the history of reproductive oppression.

Her second book was informed by the long hours she'd spent in child welfare hearings in Chicago, watching, listening, and learning. "All the families I saw there whose children had been taken from them were Black families, every single one," says Roberts. "It was so obvious that this system was targeting them."

She began to investigate, finding that Black children were four times more likely to be taken from their families by Child Protective Services and placed in foster care than white children were, and that Black children were the largest group in the foster care system. She published the book "Shattered Bonds: The Color of Child Welfare" in 2001.

For the next several years, Roberts worked directly on child welfare reform policy with foundations, government agencies, and law firms. Yet she gradually realized that despite her best efforts, the problem "could not be fixed," and that true change required more fundamental reform. She lays out that vision in "Torn Apart," outlining the harms caused by the child welfare system and calling for it to be dismantled and replaced "with more caring and supportive ways of addressing children's needs and the needs of their families."

In "Fatal Invention," she takes on the myth of race as a biological concept.

In the book, Roberts argues that direct cash payments and better health care, housing, food, and community supports could radically improve the outcome for parents who are too often charged with child neglect when the real problem they are struggling with is poverty. Relying on child removal masks the structural reasons for children's unmet needs, she says, hindering more effective and humane social change.

"We need to change the whole logic of child welfare away from this accusatorial, punitive system toward voluntary, generous, caring supports for families based in their communities," she says. "I think that would both provide what families need to care for their children and, again, radically decrease what we think of as child maltreatment."

In her writing, Roberts repeatedly makes the case that people with privilege and wealth are shielded from what she calls "the family policing system," at one point using herself as an example. In "Torn Apart" she describes how her young son's teacher had threatened to send a truancy officer to her house because he had missed days of school. (He was with his mother, who was traveling to lecture abroad.) The teacher's attitude changed when she discovered Roberts taught at Northwestern. "I was exempted from the terror of this system," says Roberts, "because I had the privilege of being a university professor."

SWEEPING RANGE OF CONCERNS

Roberts' work on racism is wide-ranging and often has focused on inequities in science and medicine. She has written about the role of medical schools in propagating physician bias, the debate involving colorblind COVID-19 ventilator allocation, and the prevalence of race-based medicine.

In her 2011 book, "Fatal Invention: How Science, Politics, and Big Business Re-create Race in the Twenty-first Century," she takes on the myth of race as a biological concept. And in a 2015 TED talk, viewed more than 1.6 million times, Roberts highlights how race is used in medicine to diagnose, treat, and even define diseases. She describes a heart medicine that was marketed specifically to Black patients, and she explains how many doctors were still using a diagnostic tool developed during the slavery era to gauge lung capacity based on the faulty assumption that Black people have lower capacity than whites.

"The focus on innate racial differences in disease diverts attention and resources from the social determinants that cause appalling racial gaps in health: lack of access to high-quality medical care, food deserts in poor neighborhoods, exposure to environmental toxins, high rates of incarceration, and experiencing the stress of racial discrimination," Roberts told her audience. "Race medicine is bad medicine. It's poor science, and it's a false interpretation of humanity."

Roberts delivering the Biddle Lecture at Harvard Law School last November

LORIN GRANGER

A GENEROUS GENIUS

It seems that lifting people up is written into Roberts' DNA. When a MacArthur representative emailed her last fall about an evaluation she had provided for another nominee, Roberts immediately got in touch, eager to help. On the phone, she was informed that in fact *she* had been selected for the prestigious fellowship.

"If others hadn't been on the call, I would have immediately burst out crying," Roberts recalls. "I realized it was going to bring attention to the families, and I have been working so hard to get their voices heard."

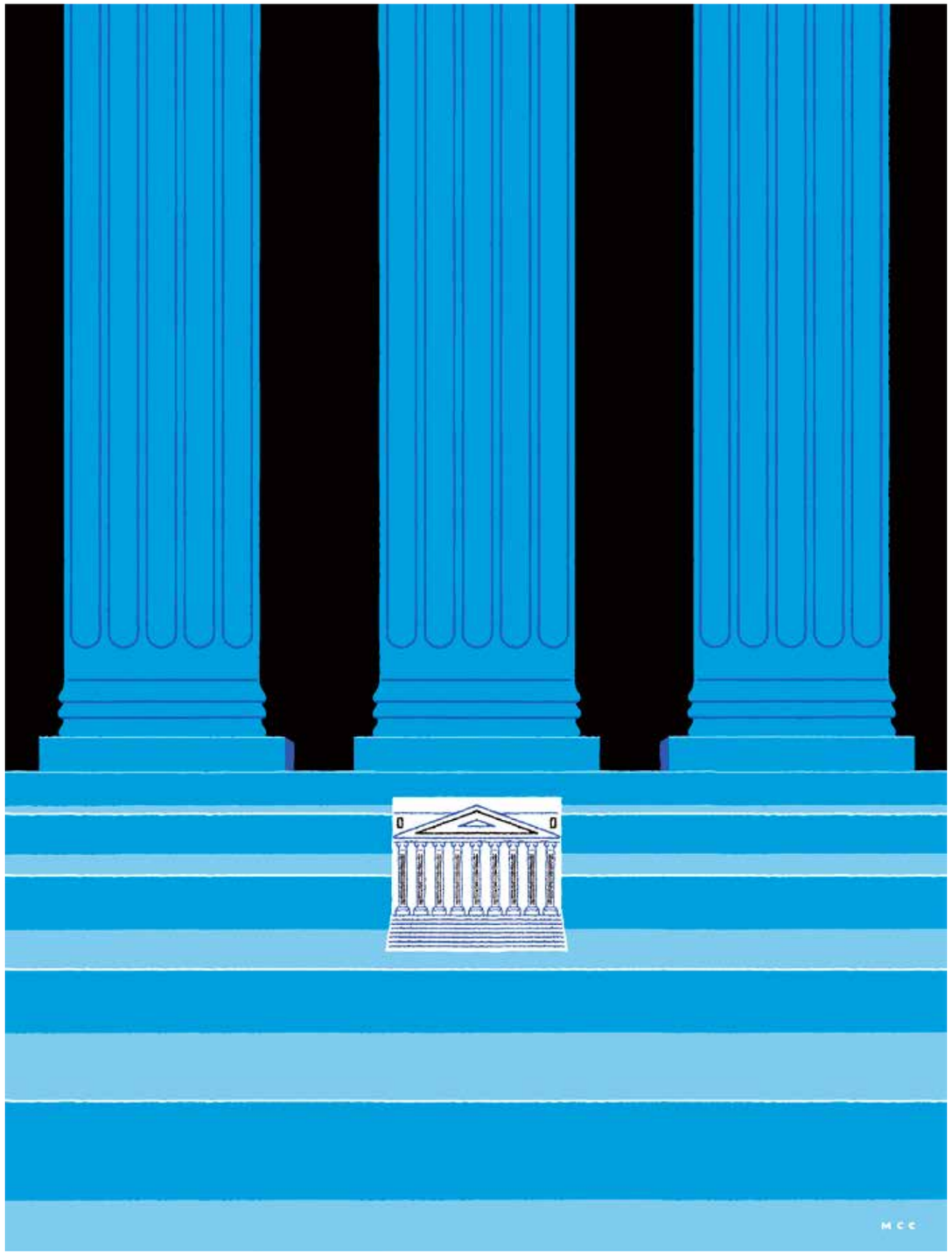
Unsurprisingly, she is planning to use her $800,000 cash prize to continue fighting for those in need. "I have ideas about how to make it useful for continuing the work I'm doing to end family policing," says Roberts, "and more broadly to end the carceral approach to human needs that is so ubiquitous and prevalent in our society."

But first, Roberts is finishing up a different type of writing project, a memoir that examines her relationship to her father's research, specifically his unfinished manuscript on interracial marriage. The book will explore the impact of his scholarship on her own thinking and the ways in which their ideas diverged.

He believed that "a committed relationship with someone from another race could have a significant impact on racial inequality," says Roberts, who pored over 25 boxes of her father's papers, including hundreds of transcripts of his interviews with interracial couples, before she began writing. Her book delves into how her philosophy evolved.

> "I come from the position that we have to end structural racism for there to even be the possibility of truly respectful interracial long-term relationships."

"I come from the position that we have to end structural racism for there to even be the possibility of truly respectful interracial long-term relationships in any significant numbers," she says. "As I work on my memoir, I'm trying to figure out this debate that I had with my father throughout my adolescence and adulthood, and I'm thinking about the question, What does it mean to truly love each other in a racist society?"



THE COURTS OF LAST RESORT

As the U.S. Supreme Court embraces federalism, are state supreme courts becoming the new power centers?

By Rachel Reed | Illustrations by Adam McCauley

QUICK:

Name the five to nine members of your state's supreme court. Perhaps you can rattle off every one of your esteemed justices. Maybe you know one or two. But if you're like a lot of Americans — and maybe even most lawyers — you may have only a fuzzy idea of who sits on the highest court of, say, Massachusetts or Kentucky or South Dakota, let alone how they got there and what they do.

That could be a mistake. In recent years, the United States Supreme Court has issued decisions that leave for state legislatures and courts crucial choices related to hot-button topics such as abortion, the environment, gun control, voting rights, and more.

Yet some experts insist that this is not a new phenomenon. Instead, they argue, states — and by extension, their courts — have long wielded power over matters central to our everyday lives, from marriage and adoption, to our education and jobs, to our health and safety, and beyond. And it is in our 50 state supreme courts, and the District of Columbia's highest court, that laws about these things are tried and tested, shaping the future of our rights, responsibilities, and freedoms.

Do these factors point to a renaissance in our federalist system — and if so, could its benefits be enjoyed by those on both sides of the political divide? And with state supreme courts acting as the final arbiters of state law, is it time to start paying them more attention?

A RENAISSANCE OF STATE LAW

Consider your typical Monday morning. Perhaps you turned on your bedside lamp before pouring a glass of water (public utilities law) and eating a bowl of cereal with milk (food law). Maybe you said goodbye to your spouse (family law) before driving your child to school (education law, traffic law) and heading in to work (employment law) in an office park (zoning law). It's not even 9 a.m., and already your day has been shaped by a spate of state and local laws.

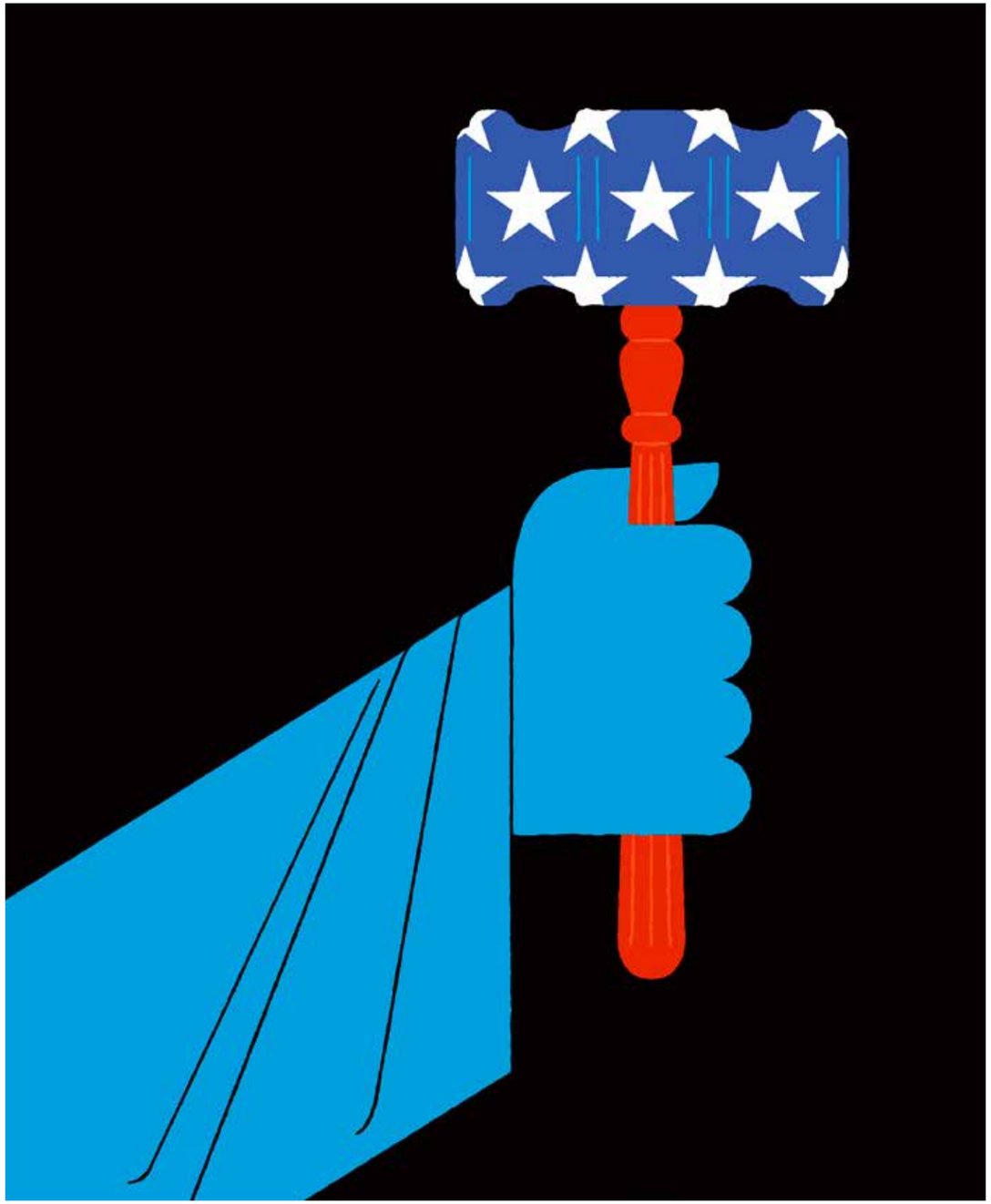
That's been the case since the nation's origins, says Jeffrey S. Sutton, chief judge of the United States Court of Appeals for the 6th Circuit and a lecturer on law at Harvard. "Barring a war, most of the things you do in a week are affected most directly by your state or local government," he says.

The centrality of state law is reflected in the number of cases in state versus federal courts: in 2023, 67.5 million compared with 920,000, according to the National Center for State Courts. Yet Sutton says that scholars and the national media, until recently, have not always recognized this.

"If you looked at the whole history of The New York Times and The Wall Street Journal, I'll bet they have written more articles about state courts and state constitutions in the last five years than they've written in their entire 100-plus-year histories," he says.

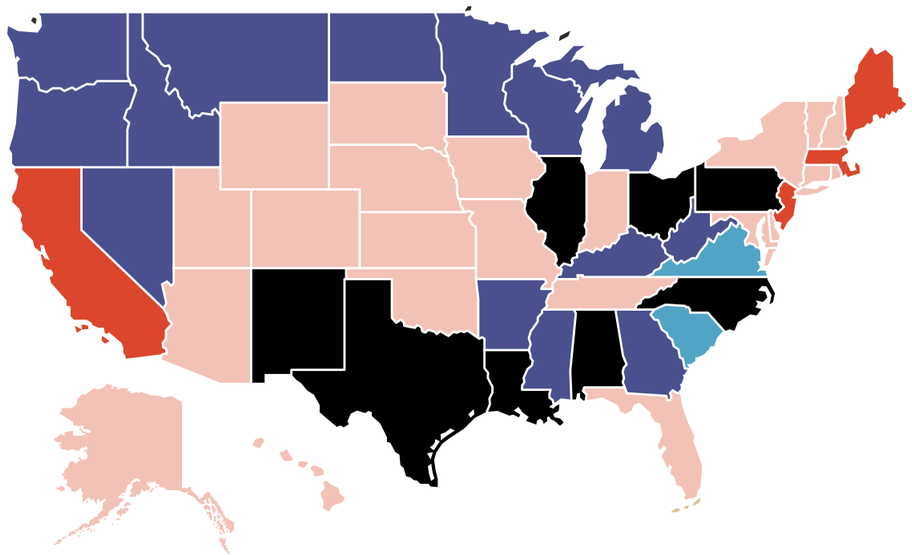
Molly Brady, the Louis D. Brandeis Professor of Law at Harvard, surmises that political and social changes help explain why the public's focus turned to federal law by the mid-20th century. She says that the growth of the national government, coupled with groundbreaking U.S. Supreme

THE CENTRALITY OF STATE LAW IS REFLECTED IN THE NUMBER OF CASES IN STATE VERSUS FEDERAL COURTS: IN 2023, 67.5 MILLION COMPARED WITH 920,000.



With state supreme courts acting as the final arbiters of state law, is it time to start paying them more attention?

How State Supreme Court Justices **ARE SELECTED** by State



IN JUST OVER HALF OF U.S. STATES, JUSTICES ARE INITIALLY APPOINTED BY THE GOVERNOR THROUGH ONE OF A FEW DIFFERENT PROCESSES. IN OTHER STATES, JUSTICES ARE ELECTED.

- Governor appoints
- Governor appoints through a nominating committee
- Elected via partisan election
- Elected via nonpartisan election
- Elected by the legislature

Court cases upholding key parts of the New Deal, desegregation, and civil rights, solidified federal authority in new domains. These developments in turn influenced law schools and legal pedagogy, further reinforcing the prominence of the national judiciary.

But the tide seems to be turning. Perhaps the most well-known and controversial example of this phenomenon is the U.S. Supreme Court's opinion in *Dobbs v. Jackson Women's Health Organization*, a 2022 decision that overturned *Roe v. Wade*'s recognition of federal constitutional limits on abortion regulation and thus leaves the issue to the states.

Sutton sees *Dobbs*, along with *Rucho v. Common Cause* (2019), in which the Court held that questions of partisan gerrymandering are beyond the reach of federal courts, as major decisions that moved authority, and media and academic focus, to state law.

"In both cases, the Court overrules a prior decision, and in both cases, instead of occupying the field, it withdraws and allows our state legislatures, courts, governors, and the people to try their own approaches to these things," he says. "It's really dynamic."

For Sutton, this is less of a departure from the norm than a return to the country's roots.

"What's funny is that we have really embraced the federal U.S. Constitution, but we've forgotten where it all came from," he says. "At the Philadelphia Convention in 1787, when they were drafting the original U.S. Constitution, the key ideas came straight from the state constitutions, and the same was later true when they drafted the first eight provisions of the Bill of Rights."

Brady, an expert in property and land use law, agrees that state courts have always been significant. Federal courts are courts of limited jurisdiction, she points out, meaning they overwhelmingly are limited to resolving questions of federal statutory and constitutional law.

"The bulk of what we think of as 'law' is done in the states," she continues. "There's more interest now than there has been for some decades, and I think that's a great thing."

Not everyone is satisfied with the new status quo, she acknowledges. "The downside to federalism, of course, is if you have a very strong, substantive view about what is correct, you want it to apply as broadly as possible."

Justice Melissa Hart '95, who has served on the Colorado Supreme Court since 2017, says there are some issues where local solutions might be unjust or inadequate.

"Sometimes, we have seen a diminishment of people's rights that can come with not recognizing certain national standards," she says. "Or consider the challenges of regulating the internet or social media, as another example. We are in a world where the geographic boundaries that made sense before the internet don't make as much sense anymore."

A national approach also makes sense when there is a broad consensus around an issue or when a federal solution is needed to protect civil rights, Sutton says.

"The Supreme Court brought Jim Crow to heel in *Brown v. Board of Education*," he says. "And then, in case there was any doubt, Congress in the 1964 Civil Rights Act nationalized the idea that we weren't going to allow segregation based on race or discrimination based on sex, and so on."

But on many other kinds of issues, local control is uncontroversial, Sutton says. "No one protests the fact that we have 51 tax systems. It may be annoying to have to fill out more than one return on tax day, but most people are comfortable with different states having different priorities and raising revenue and spending it accordingly."

Ultimately, Brady says, those who embrace the state-by-state model "take the bitter with the sweet."

"If you accept this idea, that may mean you don't get substantive perfection, or at least as quickly as you might like," she says.

'A SECOND CHANCE'

Debates about federalism date back to the country's founding, Sutton says. From the outset, he points out, "the key question is what problems should be resolved locally and what problems should be resolved nationally." Both sides of the political aisle, he adds, could benefit from this system of government today. "I don't want to go out on too much of a limb, but it is possible that the majority of Californians don't want the new administration in Washington in charge of all of their public policy."

He compares the U.S. to a large opinionated family. "Do you really want to have to resolve every issue as a family?" Sutton asks. "It might be nice to let one person do one thing, and another person try another approach, and maybe see which one works best."

This concept — that states are "laboratories of democracy," a phrase famously offered in a 1932 decision by Supreme Court Justice Louis Brandeis LL.B. 1877 — posits that new ideas can be tested in one location and accepted or rejected in others as time goes on.

This is possible in part because making state law is just easier, says Justice John D. Couriel '03 of Florida's Supreme Court.

"The genius of our system is there is a fair degree of choice and a fair degree of experimentation by the states," he adds. "You may really love living a certain way in Nevada that is totally different from how you'd live in New Hampshire, and that's good. I think it makes our system more robust and resilient that it is capable of such flexibility."

Perhaps even more significantly, state constitutions can offer protections beyond those prescribed in the federal Constitution, such as those touching on voting rights, education, privacy, the environment, and more. In addition to being more comprehensive, state constitutions are often simpler to amend, both by legislatures and, in some states, by citizen-led initiatives.

"State constitutions address more subjects, and probably relatedly, they're easier to change than the U.S. Constitution," says Jonathan J. Papik '08, a justice on the Nebraska Supreme Court. "You can see how those two factors would be related to each other. If it's easier to amend, the people are going to amend them more frequently, and they're going to amend them to speak on more subjects."

The point is, they're formidable, Sutton says. "Let's say the U.S. Supreme Court issues a decision refusing to recognize a constitutional right. State constitutions give you a second chance at affirming that right. And who wouldn't want a second chance?"

As is the case with many state constitutions, Florida's foundational document is much longer than its federal counterpart, says Couriel.

"Our constitution is probably around 40,000 words long," he says. "The U.S. Constitution is less than 8,000. And in that imbalance, you've got a story about federalism, which is that our states are charged with so much of the law that matters to the daily life

"The genius of our system is there is a fair degree of choice and a fair degree of experimentation by the states." *Justice John D. Couriel*

JUSTICE JOHN D. COURIEL OF FLORIDA'S SUPREME COURT

MOLLY BRADY, LOUIS D. BRANDEIS PROFESSOR OF LAW AT HARVARD

P. 36 DEMOCRACY DOCKET/MADISON COVIELLO

"I'm troubled by the notion of being responsive to the people. I think we're supposed to be responsive to the law." *Justice Melissa Hart*

of each citizen. It is like putting out your thumb to block the sun, if you're not paying attention to state constitutional law."

The structure of state constitutions can also differ from that of the U.S. Constitution. Hart of Colorado says that her state's constitution is unique as a "rights-first" document. "The first substantive part of our constitution is our bill of rights. Before we talk about structure of government in our constitution, we talk about the rights of the citizens."

BUT WHO ARE THEY?

If states are laboratories of democracy, their supreme courts must play a leading role in the grand democratic experiment. So, who, exactly, are the members of these courts?

The answer, as you might expect, is complicated. Each state has its own history, culture, norms, and processes that shape the makeup of its high court and the types of cases the court can — or must — take. But there are some commonalities. For one, every state supreme court has a binding ethics code — and, unlike the U.S. Supreme Court, they all employ independent watchdogs to monitor and sanction wayward judges.

"I think it's important to have judges who themselves are ethical and who self-examine their ethical obligations, and also to have an impartial body that can investigate and enforce when a judge falls down, as a way to encourage public trust," says Hart. "As a neutral decision-maker in matters that are some of the most important in people's lives, you really need to be above reproach."

Moreover, state supreme court justices are not always appointed, as members of the U.S. Supreme Court are. In many states, voters have a hand in electing members of their high court — and in some locales, the judges even run as members of a political party.

Twenty-two states employ the Missouri Plan, or a hybrid of it, whereby candidates are nominated by a nonpartisan committee and the governor chooses from those nominees. Those justices are then subject to future retention elections. And unlike the U.S. Supreme Court, no state except for Rhode Island provides life tenure to its justices. Instead, they are subject to either normal elections or a retention vote.

Whether justices are elected, appointed, or a combination of both, there are trade-offs involved, says Brady of Harvard Law.

"It's a bit of 'pick your poison,'" she says. "In states where justices can be recalled, we have seen political actors try to get people kicked off on the basis of their decisions, and that does worry me. On the other hand, it's a very democratic process."

There are other potential downsides to the ways states select their justices. According to a recent study by the Brennan Center for Justice, state supreme courts often lack racial and gender diversity — in 19 states, for example, there are no persons of color on the high court.

But state supreme court justices may reflect other kinds of differences, such as less traditional paths to the judiciary. Couriel, the justice from Florida, was not an appellate judge before being recommended and then selected by Gov. Ron DeSantis '05 in 2020. Instead, he started his career in mergers and acquisitions and served as a federal prosecutor specializing in international crimes.

Couriel's hope is that, with new attention to the work of state supreme courts, the public and media will come to better understand what he and his colleagues do. Regardless of how justices are chosen, he says, the role is not political.

"Our job as judges is not to say what the law ought to be; it's to say what the law is. Nobody elected us to say what the law ought to be," he says. "People have retained me in my role, but not because of anything I said. I don't mistake that for permission to say what the law ought to be."

Similarly, Hart, who was selected from a panel of nominees by then-Colorado Gov. John Hickenlooper, emphasizes that her role is to interpret the law — not make it. "I'm troubled by the notion of being responsive to the people. I think we're supposed to be responsive to the law," she says. "We have an obligation to interpret what the legislators passed."

ELECTRICITY, MARIJUANA, AND THE LAW OF OUR DAILY LIVES

Just as all states have their own methods for selecting and retaining justices, they also have their own rules about what kinds of cases their highest courts must take — that is, over which cases their highest court has mandatory jurisdiction.

Many states require their supreme courts to consider election disputes, cases in which a state law has been deemed unconstitutional by a lower court, and judicial disciplinary matters. Depending on your state, your supreme court also might approve rate increases for electricity and gas (Florida) or review disputes over language used to describe critical ballot initiatives (Colorado). State justices may even be required to consider all first-degree murder appeals (Nebraska and a few others).

JUSTICE MELISSA HART OF COLORADO'S SUPREME COURT

CHIEF JUDGE JEFFREY S. SUTTON OF THE U.S. COURT OF APPEALS FOR THE 6TH CIRCUIT

But state supreme courts, like their federal counterpart, also have plenty of leeway to choose cases they deem significant.

To Papik, who was appointed by then-Nebraska Gov. Pete Ricketts in 2018, a typical term involves cases that touch on nearly every aspect of people's lives. "We have cases involving criminal law, the state constitution, family law, domestic cases, juvenile cases, and civil cases, which is everything from breach of contract to disputes to protection orders. And then we also get a fair number of workers' compensation issues as well."

Papik says that, unlike the U.S. Supreme Court, which generally prefers to let a significant issue percolate through the lower courts for a while before considering a case on it, his court prefers to act quickly.

"In general, our tendency is not to wait when issues of first impression arise," he says. "We tend to take the case and settle it, so that the district courts and county courts around the state of Nebraska know what our interpretation is, and they can follow it."

Hart in Colorado says that her court also hears a variety of cases but adds that a majority are related to criminal appeals. State courts also often interpret the U.S. Constitution in these cases, she adds. "State courts are really where the Fourth and Fifth Amendments are getting worked out."

A unique feature of her state's constitution — a 2012 amendment legalizing the recreational use of marijuana — makes these questions about due process and police conduct even more interesting, Hart says. "When we passed that provision, the Fourth Amendment starts to look different. Under Colorado law, a police dog who is alerting to the smell of marijuana doesn't give the police cause to search a car."

HOMEGROWN TALENT

In many states, a majority — or even all — of the highest court's members graduated from law schools in the state they serve.

STATE	Judges ■ ATTENDED IN STATE ■ OUT OF STATE □ VACANCY
Alabama	■■■■■■■■■
Alaska	■■■■■
Arizona	■■■■■■■
Arkansas	■■■■■■■
California	■■■■■■■
Colorado	■■■■■■■
Connecticut	■■■■■■□
Alabama	■■■■■■■■■
Delaware	■■■■■
Florida	■■■■■■■
Georgia	■■■■■■■■■
Hawaii	■■■■■
Idaho	■■■■■
Illinois	■■■■■■■
Indiana	■■■■■
Iowa	■■■■■■■
Kansas	■■■■■■■
Kentucky	■■■■■■■
Louisiana	■■■■■■■
Maine	■■■■■■□
Maryland	■■■■■■■
Massachusetts	■■■■■■■
Michigan	■■■■■■■
Minnesota	■■■■■■■
Mississippi	■■■■■■■■■
Missouri	■■■■■■■
Montana	■■■■■■■
Nebraska	■■■■■■■
Nevada	■■■■■■■
New Hampshire	■■■■■
New Jersey	■■■■■■■
New Mexico	■■■■■
New York	■■■■■■■
North Carolina	■■■■■■■
North Dakota	■■■■■
Ohio	■■■■■■■
Oklahoma	■■■■■■■■□
Oregon	■■■■■■■
Pennsylvania	■■■■■■■
Rhode Island	■■■■■
South Carolina	■■■■■
South Dakota	■■■■■
Tennessee	■■■■■
Texas	■■■■■■■■■
Utah	■■■■■
Vermont	■■■■■
Virginia	■■■■■■■
Washington	■■■■■■■■■
West Virginia	■■■■■
Wisconsin	■■■■■■■
Wyoming	■■■■■

FROM CAMBRIDGE TO CALIFORNIA — AND BEYOND

Harvard Law alumni currently sit on the supreme courts of Alabama, Alaska, California, Colorado, Connecticut, Florida, Georgia, Maine, Massachusetts, Michigan, Minnesota, Nebraska, New Jersey, New York, Ohio, Texas, and Utah.

P40 SMITH COLLECTION/GADO/GETTY IMAGES; ABHASH SHRESTHA; SWAMPYANK AT ENGLISH WIKIPEDIA; SERGI REBOREDO/VWPICS/UNIVERSAL IMAGE GROUP; SHUTTERSTOCK

"The effect of this is going to be to push some of these very contentious issues to the state level." *Justice Jonathan J. Papik*

JUSTICE JONATHAN J. PAPIK OF NEBRASKA'S SUPREME COURT

CHALLENGES AND OPPORTUNITIES IN INTERPRETATION

State supreme courts also face unique challenges and opportunities when interpreting their laws and constitutions. For one, there is much less scholarship written about state constitutions in general, notes Papik of Nebraska. There are also fewer contemporaneous sources to give a sense of what people were debating and thinking about when many constitutional provisions were written, he says.

"With the U.S. Constitution, you have the Federalist Papers, you have the debates from the Constitutional Convention," says Papik. "You have debates when states were deciding whether to ratify. And while there are some resources available about the Nebraska Constitution, there's not nearly as much."

He encountered this problem recently, when his court was asked to interpret a 19th-century provision of the Nebraska Constitution. Those looking to find the provision's original meaning were stumped, he says. "The records from the minutes of the 1875 constitutional convention were lost to a fire early on."

On the other hand, for newer constitutional additions, there may actually exist *more* references for judges, notes Couriel of Florida: "It can be much easier to do originalism as a state supreme court justice. Often we are working with words whose meaning is easier to ascertain because [the sources] were drafted more recently."

He points to a 2024 Florida constitutional amendment that guarantees residents a right to hunt and fish. "Not a word has been written on what that means," he says, "but the original public meaning of those words will be determined with reference to 2024 sources."

THE FUTURE WITH FEDERALISM

Perhaps one of the biggest difficulties posed by our federalist system is knowing where to focus our attention, with 50 states each doing their own thing. But for Brady, that's part of the fun.

"Without offense to Montana, I don't think anyone saw Montana's recent decision coming, about a state constitutional right to a healthful environment and that state legislation was violating the constitution by enabling various emitters [of pollutants]," she says. "Exciting cases could really come from anywhere. It's just a matter of where they percolate up."

That's also why Brady pushes her students to consider state law as closely as they study federal law. "I tell my students to never be the lawyer that brings the federal claim and then just tacks on the state claim. It's a separate claim, and it deserves your thought and care and attention."

To Sutton, the judge and Harvard Law lecturer, there is new political energy brewing in the states, making it an exciting time to practice state law. "Anything that we Americans are conflicted about nationally, I can promise you, we're conflicted about locally, and you're going to see litigation in those areas."

There are still reasons to be cautious, however. Hart of Colorado worries that as attention shifts to the states, partisan actors will move to make the selection of judges more political. "I think we should be worried where we see people trying to politicize state courts. I urge people who live in states with less partisan methods to stick to their guns on that."

She also foresees more fighting about where cases are heard, whether in federal or state court. "You already see a lot of gamesmanship within litigation about which court a case is in, and so I could imagine that that could be part of litigation going forward in both political cases and more run-of-the-mill, big financial stakes litigation."

To Papik, in Nebraska: "The effect of this is going to be to push some of these very contentious issues to the state level and state legislature, but also to state courts and state constitutions. Rather than having one federal standard, we're seeing across the country different policy approaches from legislatures, different initiatives and measures adopted by citizens, and different conclusions reached by courts."

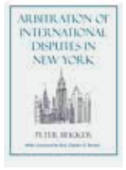
And for Couriel of Florida, the future may not be predictable, exactly. But he is sure of one thing.

"I don't think there's been a more exciting time in the experiment," he says. "I am very long on the United States. I believe that, despite all our struggles — and indeed, in part because of our ongoing struggles — there is no greater constitutional system in the history of human government."

A Selection of Recent Alumni Books

"The Containment: Detroit, the Supreme Court, and the Battle for Racial Justice in the North," *by Michelle Adams LL.M. '94 (Farrar, Straus and Giroux)*

A professor of law at the University of Michigan, Michelle Adams notes that her students don't understand why the 1974 Supreme Court case *Milliken v. Bradley* was so important. The answer, she contends in her book, is that the case represents the end to the promise of *Brown v. Board of Education*. *Milliken* centered on a trial judge's order that students in largely white suburban districts should be part of a plan to integrate schools in the author's hometown of Detroit. The Supreme Court overruled the decision, determining that, absent evidence that those school districts engaged in racial discrimination, they could not be included in a redistricting plan designed to combat such discrimination in urban districts. The result led to a "separate but [un]equal" system that destroyed the chance for desegregation to benefit both Black and white students, she argues.



"Arbitration of International Disputes in New York," *by Peter Bekker LL.M. '91 (JURIS)*

Drawn from Peter Bekker's international arbitration experience, including on the staff of the International Court of Justice and while teaching the subject as an adjunct professor, the book offers practical guidance to attorneys, in-house corporate counsel, arbitrators, and judges involved in international arbitration in New York. It covers topics such as the U.S. Federal Arbitration Act and the role of New York courts in international arbitration, with the final part of the book devoted to contractual arbitration clauses. Charles N. Brower '61, a judge of the Iran-United States Claims Tribunal, writes the foreword.

"Untaxed: The Rich, the IRS, and a New Approach to Tax Compliance," *by Joshua D. Blank '02 and Ari Glogower (Cambridge University Press)*

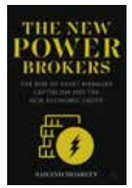
The authors, both law professors (Joshua Blank at the University of California, Irvine School of Law), argue that tax enforcement against the rich in the United States is in crisis, because of both abusive tax avoidance and the difficulty the IRS has in enforcing tax law. High-end tax noncompliance contributes to higher taxes for the less wealthy, a ballooning national debt, less money for public investments, and lower morale, they write, and novel solutions are needed to ensure everyone pays their fair share. As a remedy, they propose that Congress and the IRS adopt a new approach to tax compliance rules that would be means-adjusted based on the income and wealth of taxpayers (for example, high-end taxpayers would be subject to higher penalty rates for understatements and fraud).

"Historical Gloss and Foreign Affairs: Constitutional Authority in Practice," *by Curtis A. Bradley '88 (Harvard University Press)*

The writers of the U.S. Constitution did not anticipate that the then-fledgling republic would become a global superpower, and no amendment since its ratification relates to the foreign affairs powers of the government, notes Curtis Bradley, a professor of law at the University of Chicago. The result is that, in a world now facing threats from nuclear proliferation and cyberwarfare, "the United States conducts international relations with a horse-and-buggy constitution." Therefore, participants in constitutional interpretation in this arena often reason based on historical practices of Congress and the executive branch rather than the text or original understandings, a practice he calls "'glossing' the meaning of the Constitution." He examines this dynamic as it relates to issues such as recognizing foreign governments, the power to terminate treaties, the authority to use military force, and congressional power over foreign affairs.

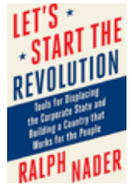
"Threat Multiplier: Climate, Military Leadership, and the Fight for Global Security," *by Sherri Goodman '87 (Island Press)*

When Sherri Goodman was named the first deputy undersecretary of defense (environmental security) in the 1990s, the creation of the position signaled a growing recognition from military leaders and civilian officials that environmental protection and military readiness were intertwined. Now secretary general of the International Military Council on Climate & Security, Goodman assesses the increasing threat to global security caused by climate change. In the book, she describes how melting ice in the Arctic exacerbates tensions between nations, how extremists weaponize water shortages in Africa and the Middle East, and how mineral mining can undermine fragile states in Latin America. In addition, she tracks U.S. military efforts to reduce the nation's use of fossil fuels and to ready its bases to address climate threats. She offers recommendations on integrating climate efforts into national security, which she says will provide the best defense for the country.



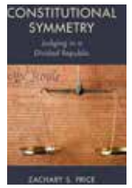
"The New Power Brokers: The Rise of Asset Manager Capitalism and the New Economic Order," *by Sahand Moarefy '16 (Palgrave Macmillan)*

Institutional investors, which now own a substantial majority of corporate equities, have gained growing power over America's public companies and reshaped corporate America, writes Sahand Moarefy. The author, a corporate attorney, describes how this development arose, from the evolution of the American corporation through the 19th and early 20th centuries to the rise of asset managers over the last 50 years. Their influence has included an emphasis on short-term returns, which has discouraged long-term strategies like research and development, and on advocacy for a new stakeholder capitalism that focuses on the interests of corporate constituencies beyond only shareholders. Large-asset managers, he writes, "have come to function as political actors that wield substantial influence over the economy and society as a whole."



"Let's Start the Revolution: Tools for Displacing the Corporate State and Building a Country that Works for the People," *by Ralph Nader '58 (Skyhorse Publishing)*

Consumer advocate and former presidential candidate Ralph Nader critiques the Democratic Party, which he contends has been compromised by corporate interests, and offers ideas and actions for change that he says will benefit people who have become alienated from the party. In a book published last summer, he advocates reforms that he believes have widespread support, including adjusting the minimum wage to account for inflation, adopting more robust policies for the protection of the environment, and reforming health care. He also advises candidates to contrast their records with those of their opponents and paint the Republican Party as opposing popular advances in recent history. "The more the Democratic Party focuses on 'kitchen-table' improvements where people live, work, and raise their children, the more a left/right support pattern replaces the GOP's empty promises with vague or fabricated cultural values," writes Nader.



"Constitutional Symmetry: Judging in a Divided Republic," *by Zachary S. Price '03 (Cambridge University Press)*

The Constitution has increasingly become a vehicle for political conflict, according to Zachary Price. To reduce divisions, he advocates for judges to favor "constitutional understandings that offer equivalent — that is, symmetric — protection in parallel circumstances on opposite sides of major partisan and ideological divides." A professor at University of California College of the Law, San Francisco, he explains why he believes judges should embrace symmetry and illustrates how courts might practice it. Some areas of constitutional law are more conducive to symmetry, he argues, such as First Amendment protection that guarantees content neutrality. Yet, he also outlines how symmetry can be employed in areas rife with political disagreement, such as equal protection and the right to bear arms. Although deep differences are likely to persist, courts should focus on upholding "the apolitical commitment to law on which their authority depends," he writes.

"Hot Flash: How the Law Ignores Menopause and What We Can Do About It," *by Emily Gold Waldman '02, Bridget J. Crawford, and Naomi R. Cahn (Stanford University Press)*

Long seen as a taboo topic, menopause affects individuals, workplaces, health care, and society. Law has a role in breaking the stigma and improving conditions for the people who experience it, according to the authors (co-author Emily Gold Waldman is a professor of law at Pace University). "Understanding menopause's multiple intersections with everyday life and law is crucial to achieve a more robust economy and inclusive society," they write. In their book, they examine discrimination in the workplace based on menopause and how workplaces can evolve to address the needs of menopausal employees. They also discuss the experiences of queer, trans, and gender-diverse people, and the sometimes dubious products and services businesses have promoted to address menopause. To achieve reform, they write, we need to consider how menopause intersects with sex, age, disability, race, and gender.

ILLUSTRATION BY MELINDA BECK

Justice Ketanji Brown Jackson
tells the story of her life and
ascendance to the Supreme Court

‘The Promise of America’

BY LEWIS I. RICE

AFTER **Ketanji Brown Jackson ’96** WAS SWORN IN AS an associate justice of the United States Supreme Court on June 30, 2022, many people asked her how someone from her background reached the highest court in the land, the first Black woman to do so. She tells that story in her memoir, “Lovely One,” beginning with her early childhood through her work as a lawyer and a judge.

She first aspired to be a lawyer when she was only 4 years old, inspired by her father, one of the few Black students at the University of Miami’s law school. He’d sit with her at the kitchen table while he was studying and talk to her about legal cases. Much later, she writes, she would learn “how profoundly the law had defined and circumscribed my people’s very existence on American soil.”

Her parents, who came of age before the civil rights era, instilled in her pride in her African heritage and hope for a better future. The title of her book is a translation of her given name, Ketanji Onyika, chosen by her parents from a list of African names Jackson’s aunt, then living in West Africa, sent them.

Her parents also emphasized the value of education, and Jackson recounts her path to Harvard Law as an ambitious and high-achieving student. Reflecting on her law school experience, Jackson extols her time on the Harvard Law Review, which she has commemorated by hanging in her chambers framed copies of Review group portraits in which she appears.

After graduating, during a clerkship that forced her to live apart from her husband, Patrick, then a physician-in-training, there were moments when she questioned pursuing the law. Yet, despite her doubts, or perhaps because of them, she persevered. “At that point, though my professional path seemed difficult, lonely, and painfully unresolved,” she writes, “I vowed to hone my chosen craft and use it to do whatever good I could along the way.”

Later, while working at a firm in Washington, D.C., Jackson received a call from one of her professors at Harvard Law, who encouraged her to apply for a clerkship with Justice Stephen Breyer ’64. She served as his clerk during the term starting in October 1999. More than two decades later, after he stepped down, and she “step[ped] up in his place,” she praises him as a mentor and jurist whose “unwavering trust in principles of law would always steer me true.”

Jackson writes frankly about her choice to leave the partner track at a law firm, finding the expectations untenable as a new parent. She also addresses the challenges of parenting with a spouse with a demanding career and of raising a neurodivergent child. In order to balance the needs of her family, she embarked on an “odyssey as a professional vagabond,” broadening her legal skills in positions including one with the United States Sentencing Commission and another as a federal public defender.

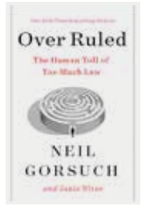
Achieving her long-held dream of becoming a judge after President Barack Obama ’91 nominated her to the D.C. district court in 2012, she details several “politically charged” cases she handled there. The book culminates with her reflections upon taking a seat on the nation’s highest court after a brief stint on the court of appeals. Jackson cites Judge Constance Baker Motley as a role model who helped her see the promise of America after “feeling utterly invisible” growing up in the country as a young Black girl. Now, she hopes she too can inspire young people today.

ILLUSTRATIONS BY ANTHONY RUSSO

Justice Neil Gorsuch critiques
a proliferation of laws that he says
can harm ordinary people

Drowning in Red Tape?

BY LEWIS I. RICE



BEFORE HE BECAME A UNITED STATES SUPREME COURT justice, **Neil Gorsuch ’91** heard a case on the federal court of appeals in Denver involving a home health care company accused of fraud. The dispute had gone through administrative and judicial appeals, most of which the company had lost. That made it all the more surprising for Gorsuch to discover that the regulations the company allegedly violated in 2008 were not enacted until years later.

The case sparked the idea for his latest book, “Over Ruled: The Human Toll of Too Much Law,” written with his former law clerk Janie Nitze ’08. It was one of many instances when the burgeoning number of laws and regulations — much of them from administrative sources not subject to democratic elections — have caused harm despite good intentions, according to Gorsuch.

“The episode led me to reflect on my years as a judge and realize that I had seen many — so many — cases where the sheer volume and complexity of our laws had swallowed up ordinary people,” he writes.

He catalogs the expansion of laws, noting that in recent years federal statutes and the Code of Federal Regulations have each ballooned to tens of thousands of pages. Furthermore, whereas in the past, laws came primarily from local and state authorities, federal law now predominates, he writes, allowing “national authorities to dictate a single answer for the whole country.”

The book features stories that he contends demonstrate the problems that can arise from too much law. In one case, a fisherman was prosecuted after he was accused of impeding an investigation by throwing back into the ocean fish that an agent had identified as undersized. He was charged with violating the Sarbanes-Oxley Act, which Gorsuch notes was intended for financial crimes. However, in this case its provision not to destroy financial records including any “tangible object” was broadened to include fish. After many years of lost wages and a brief jail sentence for the fisherman, the Supreme Court ruled that Sarbanes-Oxley did not in fact cover red grouper thrown overboard.

Gorsuch also cites landowners in Montana who were prevented from cleaning toxins from their land beyond what the Environmental Protection Agency deemed “an acceptable cancer risk range.” As a result, he writes, “A federal law designed to promote the cleanup of contaminated lands thus became a tool to thwart a local effort to do just that.”

Another case involves a veteran denied benefits when Department of Veterans Affairs officials ruled contrary to Congress’ statutory directions (the Supreme Court later agreed with the agency, with Gorsuch dissenting). In addition, he highlights the proliferation of criminal laws and harsher sentencing that have unduly punished nonviolent offenders (one person, for example, was sentenced to 845 years after being convicted of fraud).

Gorsuch praises efforts to address the issues caused by “our mountain of laws,” such as those of state commissions charged with retiring obsolete statutes and with reforming burdensome licensing requirements. He also advocates for civics education and civil dialogue. Our democracy, he writes, depends on people willing to stand up “to defend the rights to democratic self-rule, equal treatment, life, liberty, and the pursuit of happiness that belong to us all.”

His coalition overcame the ruling party that had governed the country since its independence

Duma Boko Leads Botswana After a Historic Victory

P. 46: GETTY IMAGES/MONIRUL BHUIYAN; P. 47: GETTY IMAGES/XINHUA NEWS AGENCY

BY LEWIS I. RICE

Duma Boko LL.M. '95 was sworn in as president of Botswana in November after winning an election against incumbent President Mokgweetsi Masisi, whose Botswana Democratic Party had ruled the country since it gained independence from Britain in 1966.

"One of the reasons [Boko's] election is seen as very important is that it ended single-party rule," said Uché Ewelukwa LL.M. '93 S.J.D. '03, a professor at the University of Arkansas School of Law who teaches in the fields of international law and intellectual property. "He was at the forefront of people fighting against the dominance of a single party."

Boko, the leader of the country's opposition coalition, Umbrella for Democratic Change, or UDC, since 2012, won on his third attempt for the presidency of the southern African nation. As president, Boko faces challenges in a country of about 2.5 million people, which has gained wealth from diamond mining but has struggled economically because of a slump in the global diamond trade.

During the campaign, he accused the ruling party of being "connected in a grand scheme of self-enrichment." He pledged to create a competitive business climate, increase the minimum wage, lower the country's high unemployment rate, strengthen its infrastructure, and bolster sectors beyond the diamond industry such as agriculture and tourism.

"This campaign was an opportunity for me personally, and for the UDC as an organization, to demonstrate consistency, to demonstrate firm commitment to the issues that it had raised and the solutions it had proposed, and to take that message to the people in a manner that was easy to understand and relatable," he said in an interview with the BBC after his victory.

Duma Boko, president of Botswana

Ewelukwa noted that, while Botswana has been politically stable, the country's commitment to upholding human rights has declined. Boko's proposals during the campaign to improve standards of living and end corruption resonated with the voters, she said: "He spoke the language of economic and social rights."

Born in 1969 in the small Botswana town of Mahalapye, Boko studied law at the University of Botswana prior to earning his LL.M. at Harvard Law. He taught constitutional law at the University of Botswana and ran his own law firm, which focused on public interest litigation and consultancy work on human rights issues. In addition, the firm handled labor, corporate, and intellectual property law, and criminal defense.

> "He brings to the presidency a visionary social democratic agenda."

As a human rights lawyer, he advocated for the rights of the Basarwa, the Indigenous people of Botswana. He served on the board of directors of the Botswana Network on Ethics, Law and HIV/AIDS. His wife, Kaone Boko, is also an attorney.

In 2010, Boko became the leader of the Botswana National Front party, which later joined with other parties to form the Umbrella for Democratic Change. The coalition won enough parliamentary seats in the latest election to appoint Boko president after falling short in 2014 and 2019.

James Thuo Gathii S.J.D. '99, a professor of international law at Loyola University Chicago School of Law, took classes with Boko when they were students at Harvard Law and has kept in touch with him. He called the new president "a brilliant lawyer, academic, and one of the most promising statesmen of his generation in Africa" and credited him with building a formidable coalition against a dominant party.

"He brings to the presidency a visionary social democratic agenda that he has developed over more than a decade and that has a broad mandate, given his convincing victory," Gathii wrote in an email. "He has an impeccable understanding of Botswana's place in southern Africa but also in Africa and indeed in the global context. All these attributes set him up very well for a great tenure as president."

Bradley Gordon has made it his mission to repatriate artifacts pilfered from religious sites in Cambodia

Righting a Historical Wrong

BY KATIA SAVCHUK

In December 2022, **Bradley Gordon '95** stood in the National Museum of Cambodia looking at a statue of the Hindu deity Skanda astride a peacock. The 10th-century sculpture, carved during the Khmer Empire, was missing a chunk of its etched pedestal. Gordon watched as a sandstone fragment was placed into the gap — a perfect match.

"It was incredible," Gordon recalled. "Cambodians think it's one of the most beautiful sculptures in their history."

The statue would not have been on display were it not for Gordon's efforts. Through interviews with a former Khmer Rouge soldier and prolific looter, he'd discovered that the artifact had been stolen from a temple in northern Cambodia in 1997. It had later been sold for $1.5 million and wound up in the hands of a wealthy family in New York, Gordon learned. After he involved the U.S. Department of Justice, the owners agreed to relinquish the piece, and it returned home in March 2023.

For more than a decade, Gordon, a lawyer and consultant who lives in Phnom Penh, has made it his mission to bring back priceless historical artifacts pilfered from religious sites in Cambodia. Thousands were taken between the 1960s and 1990s — when the country endured civil war, mass killings, and political instability — ending up in private collections and major museums. By tracking down former looters, tracing the whereabouts of stolen antiquities, and negotiating with owners, Gordon has helped repatriate more than 300 objects that he estimates were collectively valued at $1 billion.

PHOTOGRAPH BY THOMAS CHRISTOFOLETTI

"I'm very interested in the idea of correcting a historical wrong that was so intense," he said.

Gordon first traveled to Asia as an exchange student while an undergraduate at Brown University. After volunteering at a refugee camp in Singapore, he took a gap year to teach English and organize art workshops for refugees in Thailand. It was there that he met survivors of the Cambodian genocide.

"I was moved by it all, and it made me realize I needed to do something good with my life," Gordon said.

He decided to become a lawyer in hopes of helping refugees trying to flee hardship. At Harvard Law School, he studied international and comparative law, joined the staff of the Harvard International Law Journal, and, as vice president of the Harvard International Law Society, led student delegations to Southeast Asia.

But after graduating, Gordon followed many of his peers to large firms in Manhattan, where he focused on U.S. securities law. He planned to work in the field for two years but ended up staying for a decade, eventually relocating to London and then Asia.

By 2007, Gordon was burned out. He quit his firm job and moved to Bangkok with his wife to open a contemporary art gallery. He wasn't an artist but had been a collector for years, having worked in a gallery in New York City's SoHo district during college and collected contemporary art from Asia since 2003.

A few months later, Gordon relocated to Phnom Penh to launch a private equity fund with a friend. When that endeavor and another investment venture failed to materialize, partly due to the Great Recession, he opened his own legal and business consulting firm, now known as Edenbridge Asia. Gordon began advising multinational corporations, law firms, nonprofits, and others on everything from acquisitions to real estate deals to film projects. (He and his wife briefly owned a contemporary art gallery in Phnom Penh, but they shuttered it due to a dearth of local collectors.)

One day, Gordon was visiting a famous temple when he overheard archaeologists lamenting that many sculptures had been stolen. He was intrigued. Then in 2012, he read an article by Tess Davis, now executive director of the Antiquities Coalition, about looting in Cambodia. Gordon wrote to Davis offering to help — by then he'd amassed a wealth of experience conducting investigations in Cambodia. She put him in touch with the Department of Justice.

The agency was attempting to seize the Duryodhana, a 10th-century statue of a Hindu warrior that Sotheby's had put up for auction the previous year. Federal prosecutors argued that the sculpture, valued at more than $2 million, had been sold by British art dealer Douglas Latchford, who they claimed knew it had been looted from a Cambodian temple.

COURTESY OF BRADLEY GORDON

A looted statue of the Hindu deity Skanda, returned to Cambodia

The DOJ hired Gordon to trace the stolen statue's route. With a translator, he traveled to the countryside and found a man named Toek Tik, a former Khmer Rouge child soldier. When Gordon showed him a catalog of Cambodian artifacts that Latchford had published, he recognized many of the pieces. Gordon's suspicions were piqued, but Toek Tik seemed too young to have participated in the Duryodhana theft.

> Gordon has helped to return more than 300 artifacts to Cambodia.

In 2013, Sotheby's, facing a forfeiture action from federal prosecutors, agreed to relinquish the statue. Gordon's formal assignment had ended, but he felt his work was unfinished. He continued to visit Toek Tik for nearly a decade until his death in 2022, eventually learning that he'd spent 20 years as an artifacts looter, stealing more than a thousand pieces.

Toek Tik supplied hours of testimony and took Gordon to sites he'd looted — including one that contained the pedestal fragment from the statue of Skanda on a peacock. He also revealed that he'd been about 10 years old when he'd ridden on an ox cart wheeling the Duryodhana and other statues out of a temple in 1972. Toek Tik identified Latchford as his main buyer (via a broker named Sleeping Giant).

In 2018, the Cambodian Ministry of Culture and Fine Arts retained Gordon as its official lawyer to help repatriate antiquities. After three years of secret negotiations and Latchford's death in 2020, the dealer's family agreed to return hundreds of Khmer artifacts from his collection to Cambodia.

"It's amazing when you work on something so hard and it gets a result like that, and you can see the impact it has on the people here," Gordon said. "It's hard not to be moved."

Gordon was equally thrilled that the family agreed to release something else: tens of thousands of Latchford's emails and other records that held clues to the locations of other stolen objects. Now, Gordon and nine others from his firm, collaborating with more than 30 archaeologists and other experts, are compiling the evidence the government needs to bring these pieces home. They've created a database of 2,300 likely stolen items now in museums and are tracking more than a thousand in private collections.

Gordon and his team are continuing to travel the country to record testimony from former looters, map the whereabouts of stolen pieces, and negotiate with individual collectors and institutions, including the Metropolitan Museum of Art in New York. He and his firm have worked pro bono since 2013. Financially, that's been a challenge, he said.

Yet, Gordon doesn't plan to give it up anytime soon. "It's hard to say it's not an obsession," he said. "It's difficult to just stop and walk away."

Carter Stewart explores issues of race, justice, and parenting in his new short film inspired by his time at Harvard Law

A Portrait of the Attorney as a Young Man

BY LEWIS I. RICE

Joe, a Black Harvard Law student, joins an impromptu freestyle rap session with other young men of color, formerly incarcerated people working on the Harvard campus. When a probation officer orders them all to empty their pockets, the student responds, "I'm not one of them."

The scene is part of a new short fictional film by **Carter Stewart '97** called "Lyrical," which was inspired by his experience as a Harvard Law student representing young people through the clinical component of a juvenile justice class and volunteering in a halfway house. The story arose out of his experience as a privileged law student working with people from dramatically different backgrounds, he said. The film, which has had screenings at film festivals and at law schools, including an event Stewart attended at Harvard Law, portrays the unfair treatment of people in the criminal justice system and warns of the dangers of seeing people as "not like us."

Carter Stewart

"I wanted to show the humanity of everybody," said Stewart. "Ideally [people] will see that when the kids on probation are with the students, you can't really tell them apart. They're all the same age. They're all creatively expressing themselves, and there are so many commonalities and similarities. And if folks were given a chance, they likely would be able to be in the same place as the students."

In another aspect of "Lyrical," Joe's father is depicted as a stern parent pushing his son to succeed. The character bears some resemblance to Stewart's late father, Donald, who served as president of Spelman College (and earned a master's and a doctorate in public administration from the Harvard Kennedy School). He urged his children to work hard to build wealth that would make them more secure than he was growing up faced with obstacles that Black people must overcome in America.

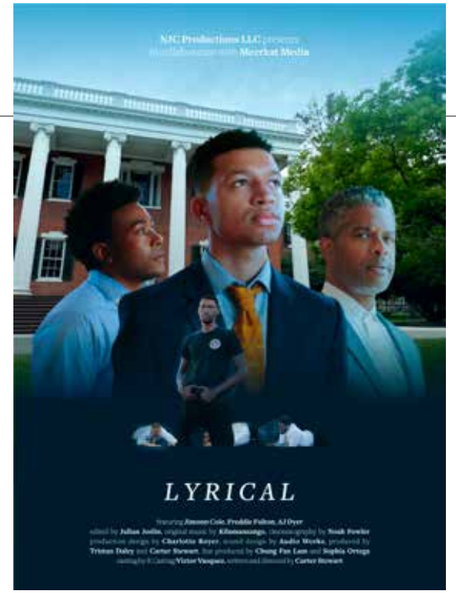
"He constantly told us we needed to be twice as good to be considered half as good if we wanted to succeed in life," said Stewart, who dedicated the film to Donald. Although he didn't always appreciate his father's tough love when he was growing up, he now credits him with imparting lessons about effort and persistence that have helped him in life, including with finishing the film he had envisioned many years ago.

His interest in screenwriting was sparked at Harvard Law, when Professor Carol Steiker '86 assigned students to create a script based on the TV show "Law & Order" to demonstrate what they learned in class. But he put his screenwriting aspirations aside to embark on his career, which after two clerkships began with a stint as an associate with a law firm in San Francisco. He later became an assistant U.S. attorney in the area. When he and his wife had small children, they moved to be near other family members in Columbus, Ohio, where he joined another law firm.

By then, he had been honing his screenplay, and he found a Columbus-area producer and director interested in making it into a film. But another opportunity caused him to put the film aside again.

In 2008, Stewart volunteered for the presidential campaign of Barack Obama '91, which included serving as a delegate from Ohio to the Democratic National Convention. After taking office, Obama nominated Stewart to become U.S. attorney for the Southern District of Ohio. While grateful for the opportunity, he felt some trepidation about returning to the role of a prosecutor. He believes in the need to protect communities, yet, echoing a theme of "Lyrical," he said he understands that the people he put in prison could have traveled a different path.

Stewart's short film, "Lyrical," has had screenings at film festivals and law schools.



"I wanted to show the humanity of everybody."

"The issue for me was, do they deserve all the time that they're getting and what should have happened prior to them getting prosecuted?" said Stewart. "There was frustration about the degree of punishment and the missed opportunities to help folks much earlier in their lives."

After leaving the U.S. attorney's office in 2016, Stewart revisited the idea of making the film. Since he no longer had a director in place, he decided to direct it himself, despite having no experience. He took a class at the New York Film Academy and watched master classes. But most important, he said, was tapping into his experience as a leader who could execute his vision.

"I found that directing actually felt comfortable," Stewart said. "My daughter, who was a production assistant on the set, said that she'd never seen me come alive in the way that I had as a director."

For his next film project, Stewart is working as a producer for a documentary on Black female district attorneys, some of whom the filmmakers have followed for the past several years. He also is working on other writing projects, including a TV pilot. And he has switched careers, now working as executive vice president for programs at the Mellon Foundation, the country's largest private funder of the arts.

"I love the fact that there's a belief that art and culture can save the world, that the root of our humanity is in the humanities, in history, in ethics, in artistic expression, and so it feels like a wonderful place to work," Stewart said.

After working with attorneys most of his career, he now finds that many of his professional associates are artists. But he doesn't consider himself an outsider. Even though he hasn't thought of himself in this way for most of his life, he is coming to understand that he is an artist too.

PHOTOGRAPH BY LORIN GRANGER

Kirkland Alexander Lynch's company, Barking Owl, creates memorable, catchy sounds for brands — and for the Kyiv Marathon

Heralding a Sonic Boom

BY RACHEL REED

Boop. Boop. Boop. Trilllll!

On a crisp, clear morning last September, 10,000 Ukrainians — including hundreds of active and former members of the military — packed the starting line of the Kyiv Marathon. The event was a demonstration of normalcy and even defiance for the nation amid its ongoing war with Russia.

But last year, organizers made one small, yet crucial, change. Instead of the sound of a gunshot, the race began with a beeping countdown, followed by a cheerful, almost angelic, euphony of notes.

Part of the marathon's efforts to accommodate those with post-traumatic stress disorder, the sound was created in collaboration with two Ukrainian artists, veterans, and creatives at Barking Owl, a Los Angeles- and New York-based music and sound design company.

To Barking Owl's CEO, **Kirkland Alexander Lynch '14**, the effort is just one example of the power of sonic branding.

"The music and sounds we hear play such an important role in how we feel about something," he says. "In some cases, they can even make a difference in whether we participate at all."

Growing up in West Philadelphia during the golden era of the city's hip-hop scene, Lynch was always interested in music. He played violin and sang, hung out with recording artists at record labels like Roc-A-Fella and Def Jam, and even managed a friend who was a producer. Since childhood, he had dreamed of rising to an executive position, but it was hard to see how he would do that in the music industry, he says.

Instead, with parents who worked in health and social services, Lynch went to school to work in health care administration. When the 2008 recession hit, he decided to continue his studies, moving to Los Angeles for a master's program in accounting.

But Lynch says that his education was never limited to traditional coursework. Early on, he devised his own plan — something like a personal rotational program — that would help him gain the variety of experiences he would need to someday run a health system.

"A jack-of-all-trades is a master of none — but oftentimes is better than a master of one," he says.

Eventually, Lynch came to believe that knowledge of the law was a crucial missing piece in his skill set. As a student at Harvard Law School, he shot hoops with the Basketball Club and was a member of the Black Law Students Association. But his Harvard Law experience ended up being far more than he had expected — in fact, he says, it changed the trajectory of his career.

"My first year, I met one woman who wanted to do fashion law, and a guy who wanted to be the head of a sports team, another person who was passionate about the environment," he says. "I saw how all these interesting people had decided to forge their own paths in industries they cared about, and I suddenly saw law school as a second chance. Because what did I care the most about? It was always music."

Beyond his company's commercial work, Kirkland Alexander Lynch has another mission, which he calls "sound for good."

He threw himself into the Entertainment Law Clinic, absorbing the advice and mentorship of Brian Price, then the clinic's leader. Working with local artists confirmed that he had found the right path, he says.

That same year, Lynch won a coveted internship at Sony Music, rising at 4 a.m. in Cambridge to catch a train to New York City, where he spent two days each week working — and one night couch surfing — before he arrived home at 1 a.m., in time to start the week's classes.

After graduation, Lynch landed a slew of music- and law-related jobs, working in global business and legal affairs under the general counsel of Universal Music Group and then as part of singer-songwriter Stevie Wonder's management team.

"It was a four-hour conversation, and one of the most surreal experiences of my life," Lynch says of his interview with the legendary musician. "The first two hours, we talked about business and my background, and the next two hours were just him playing the piano for me in his living room."

A few years later, as touring came to a standstill during the pandemic, Lynch, mindful that there were still things he wanted to learn, moved on to Google/YouTube, where he worked on music licensing. It was here that he finally completed his self-imposed rotational program — and identified a huge unmet need in the music business.

"There's a pain point for brands and creatives, which is finding music that they can use in their content without infringing on any copyrights," he says.

After all, sound can make the difference between a video going viral — or falling flat, Lynch says. "Even if you did everything you wanted to do visually, but the sound isn't there, it doesn't connect, and you've still failed."

Lynch started paying attention to audio companies that were doing unique things for their clients. Barking Owl's name kept coming up, he says. He appreciated the company's vision, which prioritized creativity and originality and valued diverse voices. And with the company's founders looking to sell their business to focus on other ventures, Lynch says it was the "perfect opportunity" to put all his prior experience to work.

Today, as Barking Owl's CEO, Lynch has continued to expand the company's portfolio, which includes music, sound effects, and audio mixing for high-level brands, such as Apple, Beyoncé for Levi's, Kim Kardashian's Skims, KitchenAid, and Adidas UK. His team of creative professionals has worked on more than 30 Super Bowl commercials, sonically crafted a "Wicked"-themed in-person experience at Amazon headquarters, and become the first to provide sound for an ad for both the interior and exterior of the Las Vegas Sphere.

> The idea is to connect a sound to a particular product or brand.

But what, exactly, is sonic branding? Lynch says that the idea is to connect a sound, or music, to a particular product or brand.

"It's what I call the refrigerator test," he continues. "If you're looking for something to eat in the refrigerator and you hear something behind you on TV or on your phone and you know what it is — that brand has succeeded."

Lynch says that part of Barking Owl's value is delivering truly original sounds. "Our competitors will take an existing piece of music and simply alter it to get as close to it as possible without infringing on the copyright," he says, adding that that subjective boundary still opens brands up to the risk of litigation.

Barking Owl's composers are rarely given an existing piece of music. Instead, they work from briefs that help provide direction but don't reveal the reference track, Lynch says, "delivering something unique, something the client doesn't necessarily expect but winds up loving."

Beyond his company's commercial work, Lynch has another mission, part of a double bottom line that he calls "sound for good."

"Our social impact also matters," he says. "And there's no reason that has to be isolated from our other projects."

A year after a chance meeting with someone close to Ukrainian President Volodymyr Zelensky, Barking Owl's managing director received a call asking for help creating a starting sound for the 2024 Kyiv Marathon that would eschew the traditional gunshot.

The problem was that the marathon was less than a month away. With the clock ticking, Barking Owl's lead sound designer, Gus Koven, threw himself into the task, quickly creating 50 different options with the help of two Ukrainian artists. They then worked with a Harvard Medical School-affiliated psychologist and psychoacoustic professionals from Ukraine to test the options on veterans, runners, and spectators.

The winning sound, which incorporated the trembita, a wooden horn associated with Ukraine, debuted just a few weeks later.

The successful effort — and the worldwide prevalence of gun violence — convinced Lynch's team that they should play a role in getting rid of the starter pistol at other events. They are now working to expand what they are calling "Start Without a Shot," which he hopes will culminate with a change at the Summer Olympics in Los Angeles in 2028.

Barking Owl is expanding in other ways, too. Lynch wants to open a studio in Chicago and develop more international partnerships. He continues to champion the importance of sonic branding and says he hopes to steward his company to become the trusted audio partner of "the greatest brands in the world."

For Lynch, the role is both a return to his roots — a love of music — and an embrace of the future, of the power of new ideas and technologies.

"People understand that they have to have music if they're going to advertise," he says. "But as we move into this digital age, we want them to see all of the possibilities that sonic branding holds."

PHOTOGRAPH BY LORIN GRANGER

Kirby West, a 2024 Wasserstein Fellow, is passionate about defending Americans from what she sees as government overreach

Fighting for Personal Liberties

The summer before her junior year in college, **Kirby West '15** heard about the Institute for Justice, a public interest law firm based in Arlington, Virginia. At the time, she was interning for a First Amendment advocacy group focused exclusively on the issue of campus speech. The nonprofit firm, on the other hand, was filing lawsuits to defend a broad array of issues, such as private property rights, economic liberty, and school choice.

"I had a light bulb moment: 'Oh yeah, that's what I want to do,'" West said. Within eight years, she had made her vision a reality.

West grew up in rural Pennsylvania, where her father was a trusts and estates attorney. As a child, she planned to follow in his footsteps as a lawyer, but in college she joined a student newspaper and decided to become a journalist.

She also began to define herself as a libertarian. Growing up, she had imbibed from conversations with her parents a political viewpoint that emphasizes individual freedom. West's grandfather had opened a car dealership that became a source of family pride, and she bristled at stories of would-be entrepreneurs stymied by regulations she viewed as arbitrary.

At Bucknell University, West started reading renowned libertarian economists Friedrich Hayek and Ludwig von Mises, joined the Conservatives Club, and interned at the Charles Koch Foundation. To her, libertarianism represented a concern for "the principles that lead to human flourishing and how we can best empower people to live their lives with the most possible amount of liberty," she said.

When West read about the Institute for Justice, she felt that it was putting those values into practice. "It was working toward these bigger ideals of economic freedom, free speech, and property rights, but in a way that is representing real clients and having a measurable impact," she said.

After enrolling at Harvard Law School, she became articles editor for the Harvard Journal of Law & Public Policy and joined the Harvard Federalist Society, where she met her future husband, Kyle West '14. At the same time, she remained set on working for the Institute for Justice.

Kirby West, an attorney at the Institute for Justice

West is co-director of the Institute for Justice's National Initiative to End Forfeiture Abuse.

PHOTOS COURTESY OF THE INSTITUTE FOR JUSTICE

At an event during her first year, West met a Harvard Law alum who had spent a summer working at the public interest firm. The next day, he contacted colleagues there to recommend her. The following summer, West was accepted for a clerkship. "That's representative of the HLS network — people are really looking to help younger attorneys, which is such a special thing," she said.

After graduation, West clerked for Judge Dennis Shedd of the U.S. Court of Appeals for the 4th Circuit before joining Baker Botts as an associate, a position she took to help build financial security while her husband held a position in government. Two years later, after having her first child, she realized she wanted to return to her original career goal. "If I'm going to be away from my baby all day, I wanted to be doing something that felt like I'm really making a difference," she said. In August 2018, West finally fulfilled her dream and joined the Institute for Justice as an attorney.

One of the first cases she worked on was a federal class-action lawsuit that took on the civil forfeiture program in Wayne County, Michigan, which encompasses the city of Detroit. West had long been opposed to civil forfeiture, which allows law enforcement to seize property based on a suspicion that it is linked to a crime, regardless of whether the owner is ever charged or convicted. In fact, while at Harvard Law School, she wrote a research paper on that topic. In Wayne County, West and her colleagues found that police officers were using civil forfeiture to seize hundreds of cars each year without bringing criminal charges, and that residents had to pay $1,000 or more to recover them, if they were returned at all.

The program was "vast and extremely abusive," West said, and the Institute for Justice claimed it was unconstitutional. In 2023, the U.S. Court of Appeals for the 6th Circuit delivered a victory in the case *Ingram v. Wayne County, Michigan*, unanimously ruling that the program violated car owners' rights by not offering hearings within two weeks of a seizure. However, less than a year later, a U.S. Supreme Court ruling in a different case undid that decision.

> "If you do something you love ... you're going to be so much happier."

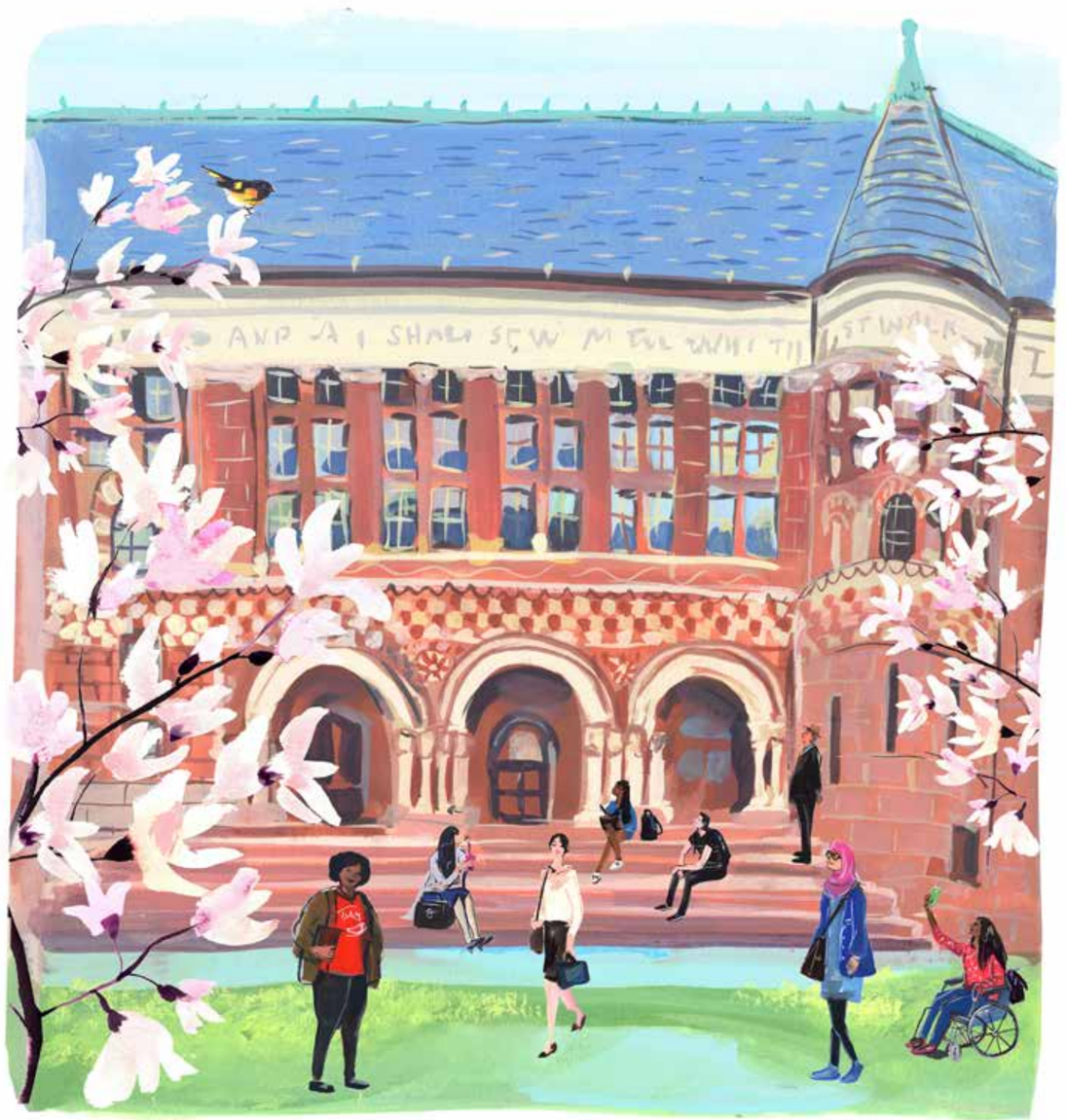
The class-action suit is still ongoing, and West and her colleagues are planning to file more cases. "We feel there are five justices who might be interested in considering some of the other constitutional arguments we're making about civil forfeiture," she said.

In 2023, West advocated for federal forfeiture reform before a subcommittee of the U.S. House Committee on the Judiciary. "It was very satisfying to get to bring our clients' stories to people who can do something about them in a real way," she said. "There was great bipartisan support in the hearing, which is such a refreshing thing."

At her firm West also litigates cases involving educational choice and First Amendment retaliation. In 2022, she was part of a team that won a landmark U.S. Supreme Court ruling that held that when providing tuition aid, states cannot discriminate against families who choose religious schools; currently, she is the lead attorney in a case defending Alaska's school choice program. She also won a settlement that included policy reforms in a case against a Wisconsin town that had fined her clients more than $20,000 for minor property violations after they publicly criticized the local government.

Last fall, West returned to Harvard as a Wasserstein Public Interest Fellow. On campus, she gave a talk urging students to consider a career in libertarian public interest law. "I wanted to impress upon them that if you do something you love that you feel is making the world a better place, you're just going to be so much happier," she said. "You can't put a price tag on that."

Class Notes



Austin Hall

ILLUSTRATION BY JENNY KROIK

1952

ROBERT S. CARLSON celebrated his 100th birthday on Aug. 29, 2024!

1955

→ 70TH REUNION OCT. 24-26, 2025

1960

→ 65TH REUNION OCT. 24-26, 2025

1961

In August 2024, Holland & Knight partner **LEONARD GILBERT** began serving a one-year term on the American Bar Association's House of Delegates Select Committee and a three-year term on its Standing Committee on Constitution and Bylaws. His long history of service with the ABA includes being a member of the Board of Governors and of the House of Delegates, director of the American Bar Foundation, and chair of the general practice section. A member of Holland & Knight's financial services practice group, Gilbert is a former president of the Florida Bar, the Hillsborough County Bar, and the American College of Commercial Finance Lawyers.

1964

JAMES ARNETT LL.M. of Toronto writes that his second historical novel was published in October 2024: "'The Monmouth Manifesto' delves into the American Revolution through the eyes of the Loyalists, as two New Jersey farmers become soldiers in a Loyalist regiment in the British Army. Their daring exploits against the Patriots, whom the Loyalists see as traitorous Rebels, led to deadly reprisals on both sides, shattering lives and igniting international attention — the famous 'Asgill Affair' — in a struggle for survival on the wrong side of history." Arnett adds that Kirkus Reviews called the book "a vivid, offbeat picture of life during the Revolutionary War."

1965

→ 60TH REUNION OCT. 24-26, 2025

1969

GEOFF SHEPARD wrote in October that he had produced a documentary that was released on the 50th anniversary of President Nixon's resignation. "Watergate Secrets and Betrayals, Orchestrating Nixon's Demise" is available on www.WatergateSecrets.com. "In addition," Shepard wrote, "a two-hour interview with Tucker Carlson, released the same day — bit.ly/Geoffshepard — has now been viewed by over 6 million people."

1970

→ 55TH REUNION OCT. 24-26, 2025

1975

→ 50TH REUNION OCT. 24-26, 2025

1974

In the fall, **HOWARD BROD BROWNSTEIN**, president of The Brownstein Corp., wrote: "I was honored to be a speaker at the recent 50th Reunion of the Class of 1974, which is my reunion class although I am J.D./M.B.A. '75. My topic was 'Joining & Serving on Boards,' which is a role I have had my entire career, beginning with The Harvard Coop when I was a student. We had a great turnout, and had active discussions about why serving on boards can be a valuable adjunct to one's career as a lawyer, as well as how to navigate the ethical issues, which are important but certainly manageable. Since law firms are increasingly permitting their members to serve on boards — since to continue to discourage it may put them at a competitive disadvantage regarding recruitment and retention — there was a great deal of interest among our audience, which included reunion attendees from several graduation years. It was wonderful to be back on campus, and I am looking forward to future reunions, as well as to guest-teaching as I have done in the past."

1978

RICHARD A. ROSEN writes: "I recently retired from Paul Weiss Rifkind Wharton & Garrison, a New York law firm where I had been a litigation partner since 1986. As of Oct. 1, 2024, I assumed the role of senior vice president of legal advocacy at the Brandeis Center for Human Rights Under Law, which provides strategic and legal guidance to Americans experiencing antisemitic discrimination and harassment, helping students, employees, and others obtain effective responses from universities and other institutions. When those institutions fail to comply with their legal obligations under Title VI of the Civil Rights Act and other laws, the center seeks to hold them accountable through federal and state court litigation and through complaints to administrative agencies such as the Office for Civil Rights of the Department of Education. I am responsible for overseeing all litigation and administrative proceedings nationwide. I am also an adjunct professor at Columbia Law School, where I teach a seminar in complex litigation. I also frequently teach overseas and in recent years have been a visiting professor at law schools in Budapest, Hungary; Vilnius, Lithuania; and Odesa, Ukraine. I may be reached at rarosen826@yahoo.com."

His second historical novel was published in October 2024: "'The Monmouth Manifesto' delves into the American Revolution through the eyes of the Loyalists, as two New Jersey farmers become soldiers in a Loyalist regiment in the British Army."

1979

"Forty-four years of practicing law was enough" for **DAVID UNKOVIC**, who wrote in December that he retired from that work at the end of 2023 and is "trying to stay out of trouble through various gigs." In addition to teaching contract drafting as an adjunct professor at Widener University Commonwealth Law School, he is a substitute teacher at the local Quaker school and is serving as an interim manager at Pennsylvania municipalities while they search for a permanent manager.

In October, **LENA ZEZULIN** wrote: "I have just returned from Georgia, where I have been consulting for many years on pension laws. A new law requiring mandatory contributions to a defined contribution national pension, sort

of a national 401(k), was introduced recently and already required some governance changes. In addition, a new law providing for voluntary pensions was adopted, and it required implementing regulations." She added that at the time Georgia was also "on the cusp of a very important election."

1980

➔ 45TH REUNION OCT. 24-26, 2025

GARY CLEMENTS, now retired in North Carolina, writes about having published his first novel: "'Darwin Speaks!' is the satirical tale of a professor who uses artificial intelligence to convert his pet beagle's vocalizations into intelligible human speech." When not writing, Clements enjoys spending time with his children and grandchildren and playing golf.

1985

➔ 40TH REUNION OCT. 24-26, 2025

After 28 years teaching criminal law, evidence, and legal ethics at Boston College Law School, **R. MICHAEL CASSIDY** has published his first work of fiction, a legal thriller set in Boston: "When the Past is All Deception" (Atmosphere Press).

EVELYN D. GIACCIO has joined Cole Schotz as a member in the firm's real estate department and is based in New York. Her practice focuses on real estate finance, purchases/sales, joint ventures, development and construction, and other matters. Giaccio joined the firm from Counterpointe Sustainable Real Estate, where she served as managing director and general counsel.

In August 2024, **JOHN KUNICH** wrote: "Three-time Tony Award winners Jay and Cindy Gutterman will be the lead producers for 'Marva!,' my musical play about Marva Collins and her founding of a life-changing school in Chicago's inner city. The Guttermans are assembling the production team necessary for a Broadway run. I've written all the music, lyrics, and book (script) for the show."

Published his first novel: "'Darwin Speaks!' is the satirical tale of a professor who uses artificial intelligence to convert his pet beagle's vocalizations into intelligible human speech."

1986

GREGORY J. GLOVER, a pharmaceutical intellectual property attorney, is the author of "Regulatory IP: Essentials of Lifecycle Management for Pharmaceutical and Biotechnology Products." This resource for scientists, drug sponsors, investors, and other pharmaceutical industry pros includes accessible knowledge and insights on patent protection, FDA regulation, and manufacturing criteria.

1988

"I'm serving as the president of the Harvard Law School Association for the next two years," **YVONNE CAMPOS** wrote in October. "I get to meet with fabulous alumni, faculty, and students. Make sure HLS and HLSA have your current email address so you can get notice of in-person or online events near you or of interest to you. This is a volunteer gig. I am still a general jurisdiction state trial court judge in San Diego. If you are now retired or retiring and looking for something sociable to do, come join us at HLSA, where you can mentor, socialize, or just hang out with fellow alumni." For more information on the HLSA, go to Hlsa.org.

When the Supreme Court decides a case on the narrowest of margins, the justices' political ideology does not determine who will land in the majority and minority, contends **NICHOLAS GEORGAKOPOULOS LL.M. S.J.D. '92** in his recent book "Five-Four: Dissecting Supreme Court Tightly Split Decisions," co-written with Frank Sullivan Jr. (both are professors at the Indiana University Robert H. McKinney School of Law). The authors create an "index of fluidity" cataloguing 5-4 Court decisions from 1946 through 2014 and find that multiple coalitions are responsible for the tight splits. They also illustrate these dynamics in fold-out posters included with the book. "The media that complain about politicization do not acknowledge that the justices vote on all issues based on their judicial philosophies," they write.

ADRIENNE GO is co-author with Olga Mack of the book "Product Counsel: Advise, Innovate, and Inspire," published in the fall. Last August she wrote: "This book is the first of its kind, offering a product counsel framework for law students and lawyers interested in product counseling. Product law stands at the intersection of law, business, and technology, shaping numerous emerging industries. This book provides an in-depth examination of this evolving field, offering insights into its development, requisite skills for practitioners, and the broader legal and regulatory environment. It is especially relevant in the age of transformative technology such as AI."

JEFF SENGER has joined JAMS as a mediator and arbitrator after service as the acting general counsel of the Food and Drug Administration, a life sciences partner at Sidley Austin, and a leader of the Justice Department's dispute resolution office. He has also been appointed to teach FDA law and negotiation at Columbia and Harvard law schools.

1990

➔ 35TH REUNION OCT. 24-26, 2025

1991

PETER BEKKER LL.M. writes that he has joined Dentons US as a partner in the New York office, working in the international arbitration team within the commercial litigation department that is headed by **SANDRA D. HAUSER.**

CHRISTOPHER EDEL writes: "I am deeply honored to have received the Award for Outstanding Public Service at the 2025 New York County Lawyers Association Public Service Awards Ceremony. Founded in 1908, the New York County Lawyers Association was the first major bar association in the country to admit members without regard to race, ethnicity, religion, or gender. I am currently senior trial counsel and senior attorney for special projects at the Office of the Special Narcotics Prosecutor for the City of New York. My work includes spearheading a many-faceted public education campaign throughout New York City on the dangers of fentanyl. Best regards to all my classmates!"

1996

LIZ BROWN is the Wilder Teaching Professor at Bentley University, where she has been teaching business law to undergraduates for 12 years. She also serves as vice president of the Academy of Legal Studies in Business.

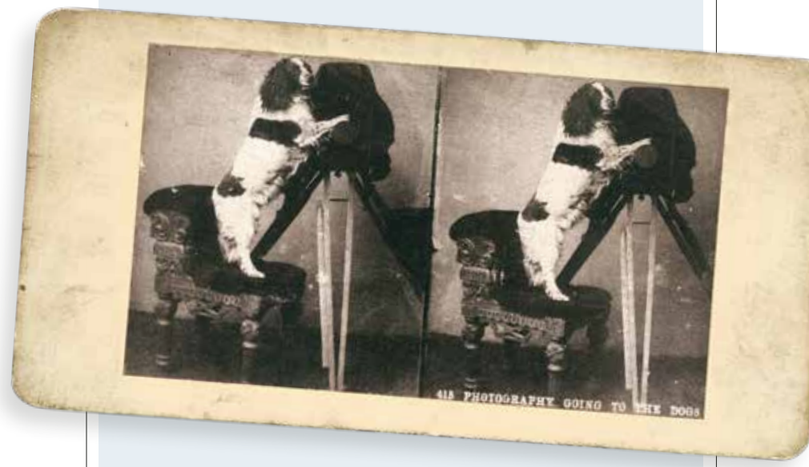
DANIELLE J. MARLOW, a partner at Moritt Hock & Hamroff, now serves as co-chair of the firm's litigation practice group. She focuses on complex commercial litigation matters including financial services and securities litigation, creditors' rights, employment litigation, shareholder and partnership disputes, and class actions.

1999

MICHAEL B. SLADE was appointed by the 7th Circuit Court of Appeals as judge of the United States Bankruptcy Court for the Northern District of Illinois and began serving his 14-year term in November 2024. He was previously a partner at Kirkland & Ellis in Chicago.

2001

In February 2024, **BRENT LANDAU** became executive director of the Public Interest Law Center. Founded in 1969 as the Philadelphia affiliate of the Lawyers' Committee for Civil Rights Under Law, the law center uses high-impact legal strategies to advance the civil, social, and economic rights of communities in the Philadelphia region facing discrimination, inequality, and poverty. Its practice areas include employment, environmental justice, health care, housing, public education, and voting. Previously, Landau was global managing partner of Hausfeld, where he litigated class actions on behalf of



Dog as photographer (on a stereoscopic card) and portrait of a Maltese with a friend

THE JOHN KOH COLLECTION AT THE BODLEIAN LIBRARY

Picturing Dogs

A book of early photography captures 'the charm and endless appeal of dogginess'

JOHN KOH LL.M. '85 is author of "Dogs in Early Photography," published by Bernard Quaritch Ltd. He describes in his introduction the popularization of photography in the 19th century that allowed people to "capture the charm and endless appeal of dogginess across breeds, class, roles, and time." The book presents photographs from his collection including dogs at play, at home, and traveling with their people. Many images are traditional portraits, while others could have gone viral if Instagram had existed, including one of a dog with a parrot on its head and another of a dog looking through a camera that appears to take a photograph of its own.

victims of human rights violations, anticompetitive conduct, and other wrongs. He is also an adjunct professor at the University of Pennsylvania Carey Law School, where he has taught professional responsibility for the past 10 years.

2002

ETHAN BERNSTEIN J.D./M.B.A. '02, an associate professor in the Organizational Behavior Unit at Harvard Business School, is a co-author of the book "Job Moves: 9 Steps for Making Progress in Your Career." The authors help people figure out the job move that's right for them by sharing the job-switching process they developed, tested, and refined while researching, coaching, and mentoring over a thousand professionals. At HBS Bernstein teaches the courses Managing Human Capital and Developing Yourself as a Leader as well as various executive education programs. Previously, he spent five years at Boston Consulting Group and two years in executive positions at the Consumer Financial Protection Bureau.

NAJEEB KHOURY will be inducted into the National Academy of Arbitrators at the organization's conference in Seattle this spring. The honor highlights his contributions to the field and shows that he met the NAA's criteria of having rendered at least 60 decisions within a six-year period while demonstrating the highest ethical standards. Khoury's career has spanned arbitration, mediation, and public service, and he serves on arbitration rosters and panels including the Federal Mediation and Conciliation Service and the Los Angeles Unified School District. He is also executive director of the Los Angeles City Employee Relations Board and a member of the Los Angeles County Employee Relations Commission.

2003

MICHELLE YAU, chair of the ERISA/employee benefits practice at Cohen Milstein in Washington, D.C., was promoted to Elected to her first full term as a justice on the Court of Appeals for the Fifth District of Texas at Dallas.

filed in Lawdragon on Sept. 24, 2024. Her ERISA class-action cases have garnered more than a billion dollars that will help workers in their retirement, and she has successfully challenged the enforceability of arbitration agreements before three circuit courts of appeal in the past two years. An HLS Heyman Fellow in 2003, Yau worked in the Office of the Solicitor of the U.S. Department of Labor.

2004

SCARLETT SINGLETON NOKES has become leader of the government enforcement and investigations practice group at Bradley Arant Boult Cummings in Nashville, Tennessee. A former federal prosecutor in Nashville as well as Birmingham, Alabama, and Savannah, Georgia, she represents clients in a range of matters related to internal investigations, government investigations, white-collar criminal defense, and regulatory and compliance issues, among others.

2005

TYTUS CYTOWSKI LL.M. writes: "In September I celebrated the 15th anniversary of establishing my own law firm, Cytowski & Partners, which specializes in venture capital, emerging companies, and U.S. market expansion. It's been quite a ride. Running my own boutique firm, I learned that you can turn a lot of lemons into lemonade. I started the firm after being let go from Big Law in 2008 as a result of the securitization meltdown and pivoted to startups after traveling to Iraq post-surge in 2012 on an assignment with a U.S. client responsible for redevelopment of Kurdistan. As it turns out, legal work in postwar Iraq did not match my risk profile. After Iraq I discovered that I have a great product-market-fit with European technology clients accepted into YCombinator or which received term sheets from Sand Hill investors. The firm is consistently ranked in PitchBook for its VC work and received a Spotlight in New York 2025 Guide by Chambers. Our firm's clients include hot unicorns like ElevenLabs and top European VCs like Earlybird, 500 Emerging Europe, Credo Ventures, or Dig Ventures. I am happy to have five associates on my team, including **ERESI UCHE LL.M. '19** and **FABIANA MORALES CENTURION LL.M. '22**. We also have an office in Poland, which supports our Bay Area clients expanding into the CEE region."

2008

EMILY MISKEL has been elected to her first full term as a justice on the Court of Appeals for the Fifth District of Texas at Dallas. She was appointed to the court by Texas Gov. Greg Abbott in 2022. Miskel has spent nine years on the bench, serving in leadership roles on the Texas Judicial Council, the Supreme Court Advisory Committee, and the Texas Indigent Defense Commission. She was also honored with the Rehnquist Award for Judicial Excellence for her court innovations during the pandemic.

2009

JORDAN LEU has joined King & Spalding as a partner in the business litigation practice group and is based in the firm's Dallas office, which it launched in February 2024. He handles complex commercial and bankruptcy disputes.

In November, **KIM SMACZNIAK** received the 2024 Clean Energy Education & Empowerment Government Award for her leadership and accomplishments in the field. Smaczniak is special counsel at the Federal Energy Regulatory Commission, where she has shaped historic reforms to policies that better enable the grid to reliably and affordably sustain a transition to clean energy. She has also led the Clean Energy Program at Earthjustice, a nonprofit law firm. And she served as a climate change negotiator for the U.S. State Department's Office of Global Change, where she led the U.S. climate change mitigation portfolio. Smaczniak has also served as counsel to the U.S. Senate Environment and Public Works Committee and as a trial attorney for the U.S. Department of Justice. Clean Energy Education & Empowerment is a public-private sector collaboration focused on advancing women in the energy sector.

She has shaped historic reforms to policies that better enable the grid to reliably and affordably sustain a transition to clean energy.

2010

GREGORY BRAZEAL has written the book "The Hero and the Victim: Narratives of Criminality in Iraq War Fiction," published last October. He is an associate professor at the University of South Dakota School of Law.

2011

KATHRYN APPLING is now a partner at Blank Rome in New York. She focuses her real estate practice on representing private equity funds, developers, public companies, family offices, and other investors in structuring and negotiating complex joint ventures, acquisitions and dispositions, financings, and restructurings.

2012

CAITLIN CONNOLLY has been elected a partner at Aronson Mayefsky & Sloan in New York, where she practices in the field of matrimonial and family law. She is a former assistant district attorney in New York and special victims prosecutor.

2013

JEFFREY L. DAWIDOWICZ has been elected partner in the structured finance and derivatives group at Weil, Gotshal & Manges in New York.

CAITLIN FITZPATRICK is a new partner at Latham & Watkins in Washington, D.C. A member of both the antitrust and competition practice and the litigation and trial department, she advises clients on antitrust and competition matters, including obtaining regulatory approvals for mergers and acquisitions from U.S. and global competition authorities, advising on government conduct investigations, and counseling clients on antitrust compliance matters.

DAVID HUSBAND recently joined the Privacy and Civil Liberties Oversight Board as counselor to board member Edward Felten. An independent executive branch agency, the PCLOB ensures that the federal government's efforts to prevent terrorism are balanced with the need to protect privacy and civil liberties, in part by conducting oversight and providing advice regarding executive branch regulations, policies, procedures, and activities related to efforts to protect the nation from terrorism. Prior to joining the PCLOB, Husband served for 10 years with the Federal Reserve Board of Governors, where he was a senior counsel in the legal division, with a focus on privacy, cybersecurity, artificial intelligence, national security, and administrative law matters.

2015

MAXWELL BALL has been promoted to partner at Gibson Dunn in New York. He focuses on representing private equity sponsors in leveraged buyout acquisitions, joint venture transactions, divestitures, minority investments, and other matters.

MEGAN BEHRMAN, a partner at Latham & Watkins in New York since January, is a member of the securities litigation and professional liability practice and the litigation and trial department. She represents individuals, emerging companies, financial institutions, and multinational corporations in securities class actions, shareholder derivative litigation, complex civil disputes, and U.S. and foreign regulatory investigations and enforcement actions.

KEITH MACLEOD was named partner at Ropes & Gray in Boston in the fall. In addition to advising registered fund sponsors on cutting-edge products such as alternative retail funds and ETFs, he guides investment advisers in mergers and acquisitions.

DAVID P. SALANT became a partner at Gibson Dunn in January and has a broad litigation practice in the firm's New York office.

DAYME SANCHEZ has joined Capobianco Law Offices in Palm Desert, California, as counsel. Specializing in complex commercial litigation, she manages high-stakes disputes across industries, including trials, appeals, and domestic and international arbitrations. Before joining Capobianco, she practiced at Jones Day and Holland & Knight.

YI SUN has been promoted to counsel at Latham & Watkins in San Diego. A member of the intellectual property litigation practice and the litigation and trial department, she represents clients in the pharmaceutical and life sciences industries before district and appellate courts.

2016

JASON HILBORN has been promoted to partner at Boies Schiller Flexner. He is a trial and appellate litigator whose practice centers on high-stakes commercial and government-related cases, and he represents both plaintiffs and defendants. Before joining the firm, he was a deputy solicitor general for the state of Florida. Hilborn currently serves on the Fourth District Court of Appeal Judicial Nominating Commission and as second vice chair of the business litigation committee of the Florida Bar.

New Latham & Watkins partner **GILAD ZOHARI LL.M.** is a member of the capital markets practice and corporate department in Tel Aviv, Israel. He advises companies, investment banks, private equity firms, and strategic investors on capital markets transactions, mergers and acquisitions, strategic investments, and other general corporate matters.

2017

NAJLA AL-GADI LL.M. has been elected a partner at Latham & Watkins in Riyadh, Saudi Arabia, where she

Chosen as the winner of the Guardian and 4th Estate 4thWrite Short Story Prize.

is a member of the capital markets practice and corporate department. Al-Gadi advises issuers and investment banks on IPOs, secondary equity offerings, and other securities offerings in various industries. She also advises issuers, boards of directors, and capital markets institutions on corporate governance, public M&A, and securities law matters.

YAN F. ZHANG LL.M. was chosen as the winner of the Guardian and 4th Estate 4thWrite Short Story Prize 2024. Her winning story, "Fleeting Marrow," appears in the Guardian Online. Her writing was also short-listed for the Surrey New Writing Prize 2024, was a semifinalist for the Tucson Festival of Books Literary Awards 2025, and was long-listed for The Literary Consultancy Pen Factor Prize 2023.

2018

In the fall **THOMAS E. CARROLL** joined Blank Rome's New York office as an associate in the corporate, M&A, and securities group. Focusing his practice on securities law and general corporate matters, Carroll represents issuers, underwriters, and institutional investors in public and private securities offerings, U.S. Securities and Exchange Commission reporting, and compliance and corporate governance matters. He joined Blank Rome from Haynes and Boone.

2019

REBECCA JOHNSON BARKSDALE has been promoted to partner at Pietragallo Gordon Alfano Bosick & Raspanti in Pittsburgh. She practices in the fields of construction, commercial litigation, and insurance coverage. Barksdale currently serves on the Western Pennsylvania March of Dimes Young Professionals Board and the Pennsylvania Women Work Volunteer and Ambassador Council, and she mentors through the Harvard Committee on Sports and Entertainment Law Mentorship Program.

2021

YOSSI KOPPEL has joined the Washington, D.C., office of Caplin & Drysdale as an associate and is part of the private client practice group. He advises high-net-worth clients on tax-efficient strategies to meet their estate planning objectives. Prior to joining the firm, he served as an attorney in the Passthroughs & Special Industries Division at the IRS Office of Chief Counsel, where he worked on matters involving trusts, partnerships, and S corporations.

Lt. **ARIEL SARANDINAKI** is the co-recipient with Manal Cheema of the U.S. Navy's 2024 Robertson Prize in International Law for the article "Maritime Autonomy and Liability: Navigating Uncharted Waters," published in the journal International Law Studies.

1940–1949

ROBERT J. CAHALL '44
May 26, 2021

SHELDON B. GUREN '47
Aug. 16, 2024

MORRIS T. JOHNSON '48
Jan. 13, 2018

JULIAN M. FITCH '49
April 30, 2019

MARTIN J. WALZER '49
June 2, 2024

JAMES R. WORSLEY JR. '49
July 1, 2024

1950–1959

MARTIN D. COHN '50
Sept. 3, 2024

EDWARD D. COHEN '51
Oct. 29, 2024

WILLIAM A. DOEBELE '51
June 25, 2024

AUSTIN K. WOLF '51
Nov. 4, 2024

EGON R. GERARD '52
Aug. 20, 2024

THEODORE J. HORVATH '52
Oct. 25, 2024

FREDERICK M. MARS '52
Feb. 1, 2024

ERNEST H. RUCKERT '52
Feb. 17, 2024

WILLIAM S. TAGER '53
May 1, 2024

MELVIN L. ZURIER '53
Aug. 23, 2024

WILLIAM V. BLACKBURN '54
Dec. 13, 2021

RICHARD BRILLIANT '54
Aug. 8, 2024

J. WILLIAM DOOLITTLE '54
Sept. 24, 2024

PHILIP P. KALODNER '54
Jan. 2, 2024

RICHARD T. BUTTON '55
Jan. 30, 2025

LEONARD S. ELMAN '55
Jan. 1, 2025

ROBERT S. FEDER '55
June 12, 2024

RICHARD M. MOSS '55
Sept. 21, 2024

CUSHMAN B. BISSELL JR. '56
Sept. 18, 2024

RAYMOND F. DACEK '56
May 20, 2024

ROBERT H. DUESENBERG LL.M. '56
Oct. 29, 2024

MARTHA HENISSART '56
Aug. 1, 2024

WILLIAM R. B. HERRIDGE '56
Aug. 1, 2024

KARL C. LEMP '56
Jan. 9, 2025

CHARLES E. NELSON '56
Jan. 1, 2024

HOWARD A. SIEVEN '56
Sept. 4, 2024

H. SIMMONS TATE JR. '56
Sept. 12, 2024

NICHOLAS WOLFSON '56
Aug. 14, 2024

MACDONALD BUDD '57
Oct. 5, 2024

MALCOLM CAPLAN '57
July 26, 2024

DAVID B. EUSDEN '57
Nov. 6, 2024

HERBERT L. GILDAN '57
Sept. 8, 2024

GEORGE E. THOMSEN '57
Aug. 26, 2024

DONALD HIRSCH '58
Feb. 4, 2024

WARREN G. MILLER '58
March 8, 2023

BRIAN L. COMSTOCK '59
Nov. 15, 2024

ERNEST FLEISCHER '59
Jan. 18, 2022

JOEL E. FREEDMAN '59
Sept. 24, 2024

DAVID S. HUBERMAN LL.M. '59
Aug. 24, 2024

MICHAEL R. LEMOV '59
March 27, 2024

WILLIAM D. NORTH '59
May 27, 2024

ALLEN L. OVERCASH '59
Sept. 14, 2024

DAVID V. SMALLEY '59
Nov. 8, 2024

JOSEPH LEVOW STEINBERG '59
Dec. 31, 2024

ROBERT C. SUSSMAN '59
May 28, 2023

1960–1969

WILLIAM E. S. BROWNING '60
Sept. 27, 2024

PAUL G. CHEVIGNY '60
Dec. 11, 2023

JOSEPH FOOTE '60
Nov. 22, 2024

WARREN H. HOLLINSHEAD '60
Jan. 25, 2025

PETER J. MCGINN '60
Sept. 7, 2024

LEONARD PACKEL '60
Sept. 9, 2024

IRWIN B. "WIN" ROBINS '60
July 15, 2022

ROBERT J. WAGER LL.M. '60
Oct. 14, 2024

DAVID A. WHITE '60
Nov. 23, 2024

ROBERT B. BUNN '61
Nov. 30, 2022

THOMAS I. GILL '61
Sept. 3, 2024

JOSEPH A. GRIMES JR. '61
Aug. 22, 2024

JAMES B. HALPERN '61
Nov. 28, 2024

LARS I. KULLESEID '61
Feb. 17, 2022

RICHARD R. LEFEVER '61
Oct. 28, 2023

RICHARD H. MURRAY '61
Oct. 24, 2024

IRWIN G. BARNET '62
Jan. 17, 2024

JOEL J. COHEN '62
July 1, 2023

LEON GETZ LL.M. '62
Oct. 10, 2024

EDWARD F. MICHALAK '62
May 16, 2022

JOHN C. O'MEARA '62
Oct. 5, 2024

EDWARD H. WASSON JR. '62
Jan. 6, 2025

ANTHONY M. CAREY '63
Dec. 25, 2024

DAVID H. CARLS '63
Jan. 11, 2025

GARY O. COHEN '63
Aug. 27, 2024

ISAAC E. DRUKER '63
Aug. 5, 2024

JOHN GIANOULAKIS '63
Sept. 18, 2024

JUDD L. KESSLER '63
Oct. 24, 2024

JOHN L. STOTLER '63
Aug. 28, 2024

DONALD N. SWEENEY '63
Oct. 5, 2024

NEIL D. THOMPSON '63
May 19, 2024

G. KEVIN CONWICK '64
April 7, 2024

FRANCIS R. FOX LL.M. '64
Sept. 24, 2024

ROBERT J. GUTTMAN '64 LL.M. '65
Jan. 4, 2024

NADARAJA KASIRAJA LL.M. '64
Aug. 15, 2024

BARKLEY CLARK '65
July 29, 2023

GARY J. COHAN '65
Dec. 28, 2023

MICHAEL D. FITZGERALD '65
Dec. 30, 2023

EDWARD H. HEIN '65
Oct. 12, 2024

J. STANLEY POTTINGER '65
Nov. 27, 2024

DAVID A. SELF '65
June 17, 2024

JOHN H. SHENEFIELD '65
Dec. 9, 2024

THOMAS W. SINEX '65
Feb. 23, 2022

BRUCE D. WILLIS '65
Oct. 31, 2024

DONALD J. BARNETT '66
Aug. 2, 2022

DAVID BONDERMAN '66
Dec. 11, 2024

WILLIAM J. T. BROWN '66
Aug. 10, 2024

ROBERT H. DIAZ JR. '66
July 17, 2024

GORDON L. DOERFER '66
June 21, 2021

WILLIAM J. FEIS '66
Sept. 16, 2024

JAMES H. HARDISTY '66
Dec. 30, 2024

MICHAEL T. MADISON '66
Oct. 1, 2024

STEPHEN M. RAPHAEL '66
Sept. 12, 2024

JOHN RUTHERFURD JR. '66
July 28, 2024

F. BRUCE DODGE '67
July 2024

DAVID P. GRIFF '67
May 11, 2024

ALBERTO MONTANARI LL.M. '67
2023

RICHARD S. RIVITZ '67
Nov. 9, 2024

KENNETH R. ROSENZWEIG '67
July 22, 2022

PETER B. SOBOL '67
Oct. 13, 2024

G. DANIEL BOWLING '68
May 26, 2024

WARREN H. COHEN '68
Jan. 21, 2024

BARUCH A. FELLNER '68
May 27, 2024

JOHN J. HAIGES '68
Sept. 27, 2024

JEFFREY H. MIRO LL.M. '68
Oct. 4, 2024

GERALD E. SWIMMER '68
Oct. 3, 2024

THOMAS W. TAYLOR '68
Dec. 30, 2024

ROGER M. WHITBY '68
Oct. 16, 2024

PAUL R. BAIER '69
Feb. 18, 2022

ROBERT P. DAVIDOW LL.M. '69
March 17, 2024

RICHARD D. GAINES '69
Oct. 10, 2024

DONALD W. GLAZER '69
Oct. 25, 2024

PETER D. HUTCHEON '69
Jan. 4, 2025

DEREK T. KNUDSEN '69
Dec. 24, 2024

GERALD W. LANGE '69
Sept. 9, 2023

BRUCE K. MILLER '69
July 21, 2024

MARTIN D. MINSKER '69 LL.M. '70
Sept. 28, 2024

1970–1979

JOSEPH B. KATCHEN LL.M. '70
Oct. 23, 2024

JOHN H. KORNS '70
Jan. 10, 2024

MERLE W. WOOD II '70
Jan. 23, 2022

JOHN M. BOOKSTON '71
Oct. 8, 2023

HENRY H. CADDELL '71
Nov. 11, 2024

ROBERT E. DENHAM '71
March 15, 2025

GUILLERMO ECHEVERRIA LL.M. '71
Jan. 23, 2024

CHARLES L. KATZ '71
Sept. 10, 2023

PETER W. BILLINGS '72
June 29, 2024

ERIC P. GELLER '72
Aug. 26, 2024

RICHARD B. SPOHN '72
July 25, 2024

ERIC D. WITKIN '72
Oct. 7, 2024

PETER MAX ZIMMERMAN '72
July 15, 2024

BRUCE K. ISMAEL '73
Aug. 1, 2022

CHARLES A. SOBERMAN '73
Dec. 8, 2024

DAVID F. WRUBEL '73
July 29, 2024

RICHARD P. ROSENBERG '74
Oct. 10, 2024

CHRISTIAN L. CAMPBELL '75
Jan. 9, 2023

E. LEO SLAGGIE '75
Aug. 20, 2024

JOHN T. SCHMIDT '76
March 17, 2024

RICHARD J. YURKO '79
Oct. 31, 2024

1980–1989

CRYSTAL C. CAMPBELL LL.M. '80
Sept. 13, 2024

M. MICHAEL ANSOUR '81
Dec. 11, 2024

STEPHANIE L. PHILLIPS '81
Aug. 15, 2024

PATRICK J. FIELDS '82
Feb. 13, 2024

LAWRENCE M. SOLAN '82
March 2, 2024

RAY A. BALESTRI '85
Jan. 4, 2025

GREGORY P. BIALECKI '85
Nov. 14, 2024

FREDERICK J. MCCONVILLE '85
March 11, 2024

MYLES J. SLOSBERG '89
Aug. 31, 2024

1990–1999

KERRY E. DRUE '91
Aug. 31, 2024

JOHN R. EVANCHO '93
July 11, 2024

2000–2009

JOHN R. LOFGREN II '00
Feb. 23, 2024

AMAN DEMOZ SOLOMON '08
July 14, 2019

2020–2024

KIAH DUGGINS '21
Jan. 29, 2025

ONLINE

Visit the In Memoriam section at ***bit.ly/inmemspring2025*** *for links to available obituaries.*

Gallery

From around the globe, LL.M. alumni came back to campus for a weekend of panels, plenary sessions, and cross-cultural connections

Celebrating 100 Years of Harvard's Master of Laws Program

Harvard Law School was transformed into a United Nations of lawyers, leaders, and legal scholars as hundreds of alumni returned to campus in September to celebrate the 100th anniversary of Harvard's LL.M. program.

The reunion event included plenary sessions featuring high court jurists, presidents, prime ministers, lawyers, and scholars. Participants also attended a range of panels on nearly every aspect of law, including corporate, criminal, human rights, intellectual property, and international trade, with discussions on the emergence of AI, the persistence of armed conflict around the world, and the importance of mentorship within the profession. The event concluded with a gala, where the weekend's celebratory spirit was on full display.

'THE FORMULA ONE OF GRADUATE PROGRAMS'
"The LL.M. program is extraordinary," Professor Gabriella Blum LL.M. '01 S.J.D. '03, vice dean for Harvard Law's Graduate Program and International Legal Studies, told participants in her opening remarks. "It can be said without blushing that it is the Formula One of graduate programs. It is fast paced, packed, incredibly challenging, and, if you do it even half right, extraordinary, rewarding, indeed transformative."


GABRIELLA BLUM


LADY ARDEN

MASTER(S) CLASS
Lady Arden DBE of Heswall LL.M. '70, a former justice on the U.K. Supreme Court, was among leading alumni jurists who participated in a plenary session, sharing their perspectives on international law and the ongoing challenges to administering justice. They also recalled how they handled some of their thorniest landmark cases.

HARVARD 'TAUGHT ME HOW TO GOVERN'
At a session featuring Luc Frieden LL.M. '88, the current leader of Luxembourg, and Roberto Dañino LL.M. '75 and Ma Ying-jeou S.J.D. '81, former leaders of Peru and of Taiwan, respectively, Harvard Law's LL.M. program was praised for its global perspective and for emphasizing "how to be kind even when you have the strongest disagreements," as Dañino remarked. Frieden also noted that it taught him "how to govern."


LUC FRIEDEN, MA YING-JEOU, ROBERTO DAÑINO

Transforming lives and laws around the world

ALLEGRO PHOTOGRAPHY

Harvard Law Bulletin

Harvard Law School
1563 Massachusetts Ave.
Cambridge, MA 02138

MARTHA STEWART