

BC LAW

BOSTON COLLEGE
LAW SCHOOL MAGAZINE
WINTER 2017
BC.EDU/BCLAWMAGAZINE

LAW AND ORDER

Prison Reformer

Visionary Bronx DA
Seeks Riker's
Prison Solution

FACULTY SCHOLARSHIP

Charity Riddle

Madoff Asks:
Are Donor-Advised
Funds Fair?

GLOBAL ENGAGEMENT

Dispatch: Singapore

Swimming
in Asia's
'Shark Tank'

BC Law School Matters
in Washington, DC.
Both Students and Alumni
Are Engaged in Improving
the Lives of Others.
Meet the Influencers,
the Impact Generation,
and the Shapers of
Tomorrow's America

BC IN DC

WITH

Margaret Heckler '53
Judge Ellen Huvelle '75
Peter Zeidenberg '85
Marc Lampkin '91
• Brigida Benitez '93
Zain Ahmad '17
+ More

SENATE
HEARING

AS LEGAL DIRECTOR
AND SENIOR POLICY
COUNSEL OF COMMON
CAUSE, STEPHEN
SPAULDING '09 HELPED
CHANGE HOW BUSINESS IS
DONE IN THE SENATE.

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The Influencers

For every John Kerry '76, Therese Pritchard '78, or Davis Simas '95 on our list of DC power brokers, there are hundreds more whose work across the political spectrum surprises and inspires.

By Jeri Zeder

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"I, Ellen Huvelle, Do Solemnly Swear"

Known for her legendary efficiency and human touch as a judge of the federal district court in DC, Huvelle '75 has never wavered in her promise to uphold the laws of the land. By Jeri Zeder

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These alumni have found fulfilling ways to change lives—and possibly history—one inspired effort at a time. By David Reich

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The China Syndrome

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Foremost

What a Time to Be in Washington, DC



Here we are in the early weeks of a new administration in Washington, DC, one that aspires to change the customary order of things. And here you are reading the new edition of *BC Law Magazine*, which has devoted itself to exploring Boston College Law School's place and influence in the nation's capital.



The timing seems perfect. It is heartening to hear about the ambitions and accomplishments of alumni across the political and professional spectrum in Washington. And they are anything but complacent about the status quo, as their ability to innovate demonstrates.

Deciding to focus on "BC in DC," as we're calling this project, meant sorting through our worldwide field of more than 13,000 alumni to find not only those working within the orbit of DC but also those whose vision, impact, and careers exemplify the qualities of leadership and service that BC Law prizes. The search led to a trove of candidates, several dozen of whom we interviewed.

Thus, there are stories about Ellen Huvelle '75, a respected judge in the US District Court for DC (page 24), and Peter Zeidenberg '75, a lawyer who defended two Chinese Americans falsely accused of spying (page 38).

In "The Influencers" on page 18, lobbyist Marc Lampkin '91 speaks with pride of his essential role in a democracy; former DC Bar president Brigida Benitez '93 talks about leading one of the nation's most powerful lawyer networks; and public broadcasting vice presi-

dent Lisa Lindstrom Delaney '86 discusses advancing PBS's educational mission.

We also spoke to lawyers who represent Fortune 500 CEOs and advocate for the underserved at the Opportunity Finance Network, and who work for the FBI, State Department, Federal Election Commission, Department of Justice, and US House of Representatives Ethics Committee.

Our students, too, are playing their part. As interns in the Law School's BC in DC Program, they are being mentored by alumni and getting exposure to real-time challenges at places like the White House and Human Rights First.

Which brings us, finally, to our politicians. At present there are five alumni in Congress, and we stopped for a word with them (page 21).

We even reached back in time to interview Margaret Heckler '56, BC Law's first woman in Congress, who also served as Secretary of Health and Human Services and Ambassador to Ireland (page 22). She's living proof that this BC in DC thing is built on an enduring foundation—and has a promising future.

VICKI SANDERS, Editor
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CONNECT

Update your information so the Law School and alumni can reach you. Contact us at bc.law.alumni@bc.edu, call 617-552-4378, or visit www.bc.edu/lawalumni. Also find information on the new BC Law website at bc.edu/law.

ALUMNI RESOURCES

BC Law Magazine The alumni magazine is published twice a year, in January and June. For printed editions or to share news items, press releases, letters to the editor, class notes, or photos, contact editor Vicki Sanders at vicki.sanders@bc.edu or call 617-552-2873.

Online Community The BC Law Alumni Portal gives you access to BC LawNet, the website where you can look up alumni in an online directory, find career resources, register for events, submit class notes, update your contact information, and maintain an @bc.edu forwarding address. Register now at bc.edu/lawnet.

Regional Chapters & Affinity Groups Alumni gather to socialize, net-

work, and share memories. Our newest group, Graduates of the Last Decade (GOLD), serves the needs of our most recent alumni. To start or join a chapter or affinity group or help organize an event, contact Christine Kelly '97, director of alumni relations at kelly.3@bc.edu or 617-552-4703.

VOLUNTEER

Reunion Committee & Class Agents

Reunions attract hundreds of alumni each year. Successful celebrations result when engaged volunteers serve on their Reunion Committee. Committees form the winter prior to the reunion weekend, and members allocate approximately two hours per month of their time. Class agents nurture these connections in between reunions. For information or to serve in one of these roles, contact Amanda Angel, director of annual giving, at amanda.angel@bc.edu or 617-552-8696.

Ambassadors Program The Ambassadors Program promotes engagement with and giving to BC Law among alumni at law firms with a

large BC Law presence. Participating firms and volunteer representatives provide perspective on the legal industry, mentor and recruit students, and partner with the Office of Advancement to strengthen the alumni community. Contact Amanda Angel, director of annual giving, at amanda.angel@bc.edu or 617-552-8696.

Mentoring Program

The 1L Mentor Program matches first-year students with alumni volunteers in the city where they want to practice and in the practice area they are considering. Mentors serve as informal advisors between students' first- and second-year summers. Contact Christine Kelly '97, director of alumni relations, at christine.kelly.3@bc.edu or call 617-552-4703.

Judging Oral Advocacy Competitions

Students participate in four in-house competitions: Negotiations (early autumn), Mock Trial (late autumn), Client Counseling (late winter), and Moot Court (spring). Alumni are needed to judge these competitions. Contact Rosemary Daly at rosemary.daly@bc.edu or 617-552-0536.

SUPPORT/GIVE

Advancing Excellence When you give to BC Law, you have a meaningful impact on our entire community. Your gifts sustain everything from scholarships that retain talented students to faculty research grants that keep BC Law at the forefront of scholarship. Contact Jessica Cashan, executive director of advancement and associate dean, at jessica.cashdan@bc.edu or call 617-552-3536.

Named Scholarships Scholars are selected each academic year based on their leadership, financial need, academic excellence, or public service achievements, in accordance with donors' preferences. The Dean's Scholars Program awards full-tuition merit scholarships to exceptional students. Contact Jessica Cashan, executive director of advancement and associate dean, at jessica.cashdan@bc.edu or call 617-552-3536.

Law School Fund Gifts to the annual fund provide immediate financial support for many of BC Law's most important needs. Key funding priorities have included financial aid, public interest

loan repayment assistance, and faculty research grants. Contact Amanda Angel, director of annual giving, at amanda.angel@bc.edu or 617-552-8696.

Dean's Council Giving Societies

To show our appreciation for leadership-level gifts, members receive invitations to special receptions and events and enjoy membership in comparable University-wide societies. Contact Amanda Angel, director of annual giving, at amanda.angel@bc.edu, call 617-552-8696, or visit bc.edu/deanscouncil.

Drinan Society

The society recognizes donors who have given to BC Law for two or more consecutive years and sustaining members who have given for five or more consecutive years. The society is named for Robert F. Drinan, S.J., dean of BC Law, 1956 to 1970.

Alumni Association Dues Program

Dues exclusively fund alumni activities and events. Support the program by visiting bc.edu/lawdues or contact Christine Kelly '97, director of alumni relations, at christine.kelly.3@bc.edu or 617-552-4703.

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The Value of Clerkships

I'm at the office and just finished reading the online magazine piece on alumni entering judicial clerkships ("Wanted: Seasoned Lawyers for Clerkships," Summer 2016 issue). I just wanted to say this is a fantastic story, and I'm glad to see the magazine and BCLS Career Services urging attorneys at various stages of their careers to consider clerkships with courts at all levels. To the latter point, I began my career with a relatively humble clerkship for the judges of the New Hampshire

Superior Court, performed well, and then went on to clerk for the Chief Justice of the New Hampshire Supreme Court. It was a stellar progression and those were among the most rewarding years of my professional life....State court clerkships are fantastic opportunities, often overlooked. In a time when expanding access to quality justice is a critical concern, our state courts—where the vast majority of real life justice is actually dispensed—could certainly use the benefit of clerks who are experienced lawyers as well. Thank you for telling that story.

T.J. Maloney '05
Washington, DC

Update

The Summer 2015 issue of *BC Law Magazine* included a story about Taisha

Sturdivant '16, who overcame many hardships to get to law school. Essentially orphaned at fifteen and soon at risk of expulsion from public school for disruptive behavior, she then found herself under the tutelage of an alternative-school headmaster who saw a good mind behind that tough-girl facade. He helped her onto the path that led to Brandeis University and BC Law, where she thrived. Sturdivant received the Honorable Justice Roderick Ireland Leadership and Juvenile Advocacy Award and Ruth-Arlene W. Howe Black Student Initiative Award, among other honors. Last November, accompanied by several faculty, she was sworn into the Massachusetts Bar. She now practices at Klein Hornig in Boston, focusing on affordable housing and community development issues.

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Stephen Voss

PHOTOGRAPHER Voss lives in Washington, DC. He has been recognized by American Photography Annual, Communication Arts Photography Annual, and the White House News Photographers Association and been published by *TIME*, the *New York Times Magazine*, *Vanity Fair*, *Politico*, and National Public Radio, among others. "Doing these shoots for BC Law was a great look at the diversity of jobs that graduates do in our nation's capital," he says of his work on pages 18 to 43. "It's rare to be able to incorporate so many of the city's monuments and its beautiful architecture into a shoot and I was excited for the opportunity. A number of the subjects braved chilly weather to be photographed outside the Supreme Court, the Lincoln Memorial Reflecting Pool, and other iconic spaces in DC."



John O. Cunningham '81

WRITER Cunningham's work has appeared in dozens of publications, covering subjects associated with law, medicine, science, education, and sports. He also worked as a lawyer for seventeen years, ultimately serving as chief legal officer for Chief Auto Parts (now part of AutoZone) and then Pizzeria UNO. After his legal career, he acted as an editor and reporter for Lawyers Weekly publications before embarking on his freelance voyage. Of his conversations with Margaret Heckler '56 (story page 22), he says: "She still speaks with energy and determination reminiscent of my late mother, one among the army of women who worked on Heckler's campaigns for Congress. It was truly touching to feel the thread of life that still connects us through the shared experience of BC Law."



Jeri Zeder

WRITER Zeder contributes regularly to *BC Law Magazine* and other publications. She is a graduate of Brown University and the Boston University School of Law. After working for a time as an assistant general counsel for the Commonwealth of Massachusetts, she embarked on a freelance writing career. Her articles in this issue (see pages 18 and 24) anchor the special section on "BC in DC," which looks at the successes of alumni in the nation's capital. The project got her thinking about what influence is and what it means to wield it. "The most intriguing influencers I interviewed," she says, "were those who felt that their careers had a higher purpose, and matched their conduct to their ideals, regardless of their job titles or other external indicators of clout."



Brian Stauffer

ILLUSTRATOR Stauffer is based in the San Francisco Bay area and is a contributing artist to the *New York Times*, *New Yorker*, *TIME*, and over 300 others worldwide. His illustrations are best known for their conceptual take on social issues. Through a unique combination of hand-drawn sketches, painted elements, and scanned found objects, his work bridges the traditional and digital realms. His images are in numerous permanent collections, including the Museum of the Society of Illustrators. "This assignment offered a great chance to do what I like to best: distill. I enjoy breaking complex subjects down to the most basic essence. Anyone battling a monolithic, illogical power likely will relate to the illustration accompanying the story of wrongly accused spies." (See "China Syndrome" page 38).

Foremost

**“What we say, or what we fail to say,
can change the course of someone’s life.
Words can heal, and words can destroy.”**

Dean Vincent Rougeau



The Choice

Words are malleable. How will we shape them?

BY DEAN VINCENT ROUGEAU

Recently, I heard a segment on National Public Radio’s “Story Corps” in which a ninety-four-year-old New Jersey man confessed to a devastating choice he had made as an eight-year-old. While playing in the school yard, he accidentally broke a classmate’s eyeglasses. The boy was distraught at having to tell his father that his eyeglasses would need to be replaced. The glasses cost \$2, a significant expense in 1930. The boy demanded to be paid so “the fathers” would not have to get involved. ¶ Terrified to incur the wrath of his own parents, but feeling obligated to pay because the accident was his fault, the storyteller did something that has haunted him for the last eighty-six years. Remembering that his mother left \$2 out each week to pay the family housekeeper, he took the money to settle affairs with his classmate. When the housekeeper, a black woman with young children, informed his mother that the money had gone missing, his mother

assumed that she had stolen it. The housekeeper was dismissed, and his mother quickly spread the word that the woman was dishonest, which made it impossible for her to find another job in one of the few types of employment available to black women.

Haunted by his failure to speak up and desperate to make amends, the man finally told the story to NPR in the hope that someone might recognize his name or the housekeeper’s. The reporter airing the segment noted at the end that the entire studio had been moved to tears, as was I.

There are many lessons we can draw from this story. One in particular strikes me: What we say, or what we fail to say, can change the course of someone’s life. Words can heal, and words can destroy. What is undeniably true is that words matter.

An essential tool in a lawyer’s craft is language. Words both written and spoken are at the heart of what every lawyer does. So much of an attorney’s work involves interpreting what people say or have failed to say and, then, reckoning with the consequences.

In the wake of a divisive US presidential campaign, I am reminded of the power of words. President Trump made many extraordinary statements en route to the White House, and Americans’ reactions to those words varied dramatically. Some chose to ignore them or to empty his words of meaning. For others, it was not possible to dismiss what had been said. For them, words mattered, as well they should.

When I teach first-year Contracts, I talk about the interpretation of writing and speech. In American contract law, words can force a speaker into a contractual obligation regardless of whether or not he or she intends to be bound. In most cases, the meaning of the words is interpreted objectively. What would reasonable people understand the words to mean in the particular context in which they were written or said? Alternatively, how would a reasonable person in that situation interpret silence?

It is unlikely that our storyteller will be able to fix the damage he caused by his failure to speak up years ago. But his choice to speak now and the powerful response his story has engendered demonstrate once again why words matter. President Trump now has an opportunity to speak to Americans and the world in a way that befits the gravity of his office. The fates of many will rest on his ability to know when his words are essential and need to be believable, as well as when it is better to be silent.

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ENERGY STAR

TOM BURTON '96 OF
MINTZ LEVIN FOUND
HIS CALLING IN THE
CLEAN ENERGY SECTOR.
"WE FOCUS ON ENERGY
INNOVATION IN A WAY
THAT IS SOCIALLY
RESPONSIBLE AND
SUSTAINABLE," HE SAYS.

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In Brief

“There is danger in any democracy where those doing the protecting are too distant from those being protected.”

NAVY SECRETARY RAY MABUS



It Takes More Than Steel to Modernize a Navy

Secretary Ray Mabus builds a legacy of equality, humanity.

BY TIM BOURGAIZE MURRAY '19

> Among the accomplishments that Secretary of the Navy Ray Mabus said he was most proud of was improving the quality of life for Navy personnel, pursuing equality of access, and getting the word out about the greatness of the armed forces' work in the world.

“You have to forge trust day in and day out, connect America’s ‘away team’ with the American people,” said Secretary Mabus, the inaugural speaker in the Dean’s Distinguished Lecture Series, which was launched last September.

“There is danger in any democracy where those doing the protecting are too distant from those being protected. When I was growing up, everyone knew people in our military; today, we

don’t see how hard they work and how good they are at it as much. So we try to do things that reconnect us to the American people.”

The Harvard Law graduate and longest tenured Navy Secretary since World War I also cited fiscal and technical accomplishments that modernized the Navy, including expanding the fleet, optimizing maintenance expenditures, increasing the use of renewable power sources, and strengthening the Acquisition Integrity Office. That office now reviews more than 1,100 cases annually—some ten times the number that it did before he was appointed in 2008—by using a newly developed set of accounting “trip wires” designed to sniff out corruption.

Part of the Navy Secretary’s role, Mabus said, is ceremonial—for example, he set a naming convention for a newly ordered class of ships around modern civil rights leaders. But it’s also about making life in the Navy more closely reflect new social norms, from ending Don’t Ask, Don’t Tell and gender-specific uniforms to bringing women into combat roles, and smaller improvements like expanded childcare offerings on bases and more flexible leave programs.

“Historically, every time we’ve diversified our force, we’ve been better for it and I ultimately believe, when you’re in action, all you need to know is that the person next to you is your equal, in abilities and training,” he explained.

“We also realized that it’s not in our interest to have our people choose between starting a family and staying on with us. Their experience is so valuable and when they walk away, we lose that investment.”

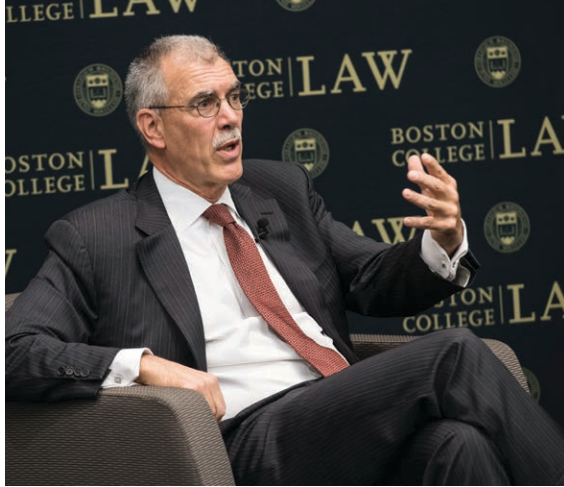
SCHOLARS TRY TO RIGHT MANY WRONGS

A condemnation of America’s failure to adequately protect marginalized citizens, a scholarly outcry against solitary confinement, and a cautionary preview of Trump’s potential impact on constitutionalism were among the topical themes explored last fall by BC’s Clough Center for the Study of Constitutional Democracy in its Distinguished Lectures in Jurisprudence at the Law School.

► Describing the Fourteenth Amendment as an act of war born of the Civil War and not a measure of peacetime construction, historian Michael Vorenberg argued that the amendment’s preemptive powers to protect civil rights are being underutilized. Since the US remains under the national state of emergency begun in 2001, and as state-sanctioned violence continues to plague black and brown Americans, Vorenberg questioned why the US government isn’t exercising its constitutional prerogative to protect marginalized Americans’ rights using *preemptive* action. The circumstances of the Fourteenth Amendment’s creation and use, he said, can help us reimagine its application, even 150 years later.

► Yale Law professor Judith Resnik attacked the perverse justification that US prisons employ when meting out punishments like solitary confinement. She placed much of the blame for the current situation on the Supreme Court’s 2005 *Wilkinson v. Austin* decision, which found that a prisoner’s liberty was already curtailed by virtue of imprisonment and therefore further infringements on that liberty were permissible. Resnik called for reform. We need to view our prisons as a type of punishment themselves, she said, not as a vehicle for the administration of punishment.

► Law scholars from Boston College, Harvard, Columbia, and Boston University floated potential scenarios pertaining to constitutional guarantees under President Trump. They envisioned 1) a dual system in which full citizens enjoyed provisions denied to everyone else, 2) the undoing of advances that ended racial quotas for migrants, and 3) the revision of birthright citizenship. They also found it worrisome that the constitution is not well equipped for the information age and lacks provisions for fact-manipulation the likes of which occurred during the presidential election.



Protector-in-Chief

A glimpse into the life of a Solicitor General.

BY JAMES BARASCH '18

During a turn last October as Distinguished Lecturer of the Rappaport Center for Law and Public Policy, former US Solicitor General Donald Verrilli offered insights into the moral imperatives that guided him as the nation's top attorney.

Joined by Professor Kent Greenfield in a Conversations@BC Law discussion, Verrilli reviewed some of the thirty-seven cases he argued during his tenure in the Obama Administration, including groundbreaking cases on same-sex marriage, affirmative action, and, most notably, the Affordable Care Act.

When faced with cases of particular moral urgency, Verrilli said, he placed special importance on transcending specific legal issues to achieve a higher consideration of the right position for the government to take.

An example was the time, as he prepared for the marriage equality case *Obergefell v. Hodges*, that Verrilli felt compelled to speak to President Obama directly about

When faced with matters of moral urgency, Donald Verrilli gave them higher consideration.

the strength of the government's arguments for involvement. "It was an incredible experience and discussion," he said. "[The President] knew there was a meeting about legal issues but not what the issues were specifically concerning." But Obama immediately grasped the issues and slipped into the moot court mode of a constitutional law professor, peppering him with hypothetical questions from various justices.

Verrilli then referenced Martin Luther King Jr.'s "Letter from a Birmingham Jail," which argues against waiting for justice. The President, of course, was familiar with the document. "Both of us came to the same conclusion that this was a question that 'could not wait,' for doing so would split the country into two nations," Verrilli said. "And while the President asked for time to consider, a few days later I was given the directive to file for the government."

Verrilli was Solicitor General from 2011 to 2016.

Other fall Rappaport Center events included:

- ▶ "A Conversation about Race and Policing"
- ▶ "Has the Mortgage Pendulum Swung Too Far?"
- ▶ US Representative Seth Moulton
- ▶ "Charter Schools: Lift the Cap or Not?"
- ▶ "Terrorism: Threats and Responses"
- ▶ "Institutional Responses to Racism"
- ▶ "The Trump Presidency: Likely and Unlikely Policy Changes"
- ▶ "Dismantling the School to Prison Pipeline: Gault @ 50 and Meaningful Access to Counsel for Kids"

RAISING THE BAR

Moot Champs

The BC Law National Moot Court Team took home the sixty-seventh national New England Regional Championship title in November. Morgan Sellers, Jennifer Lang, and Rufus Urion prevailed over Vermont in the finals after defeating Suffolk Law and Boston University, where the competition was held. Lang was named Best Oralist. The students are competing in the national finals in New York in late January.

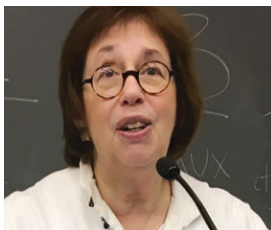
Good Deeds

Massachusetts Lawyers Weekly selected Professor Mary Bilder and five alumni as 2016's Top Women of Law. The honor acknowledged Bilder's Brancroft Prize-winning book, *Madison's Hand: Revising the Constitutional Convention*. Alumni honorees were Julie Dahlstrom '08, founder of BU Law's human trafficking clinic; Kara M. Delfuto '03, women's health care advocate; Mary T. Marshall '86, champion of innovative properties that shelter and educate families; Lauren Stiller Rikleen '79, social justice and environmental expert; and Barbara Trachtenberg '98, participant in the One World Trade Center joint venture transaction.

AROUND THE ACADEMY



Charles J. Ogletree Jr. and Kimberly Robinson The discrimination law scholars discussed *The Enduring Legacy of Rodriguez: Creating New Pathways to Equal Educational Opportunity*, their book on the Supreme Court decision denying that the Constitution protected a fundamental right to education. They argued that "now is the time to rethink the decision and consider a paradigm shift in the way we perceive educational federalism."



Linda Greenhouse The Pulitzer Prize-winning former *New York Times* reporter said in September that at this moment in the history of the Supreme Court, the future of the progressive constitutional movement is at stake. The movement's goal "is to at least partially transform the American constitution into a document of positive rights that guarantee fundamental protections of a free society," she said, but as things stand now, it is instead a document of negative rights.



Joseph Kennedy III The Massachusetts Congressman focused on affordable legal counsel during a talk at BC Law in October. "Our justice system is supposed to be the backstop, the equalizer and counterweight in a society that too easily slides towards power and privilege," he said. He was optimistic that the coming generation of lawyers can do much to encourage criminal justice reform and address inequities in civil matters like eviction and workplace discrimination.



Joel Goldstein The Saint Louis University law professor presented "Vice Presidency: Worth More Than a Bucket of Warm Spit?" based on his recent book. He discussed the merits of the Walter Mondale model, named for Jimmy Carter's vice president, an initiative that increased vice presidential access to matters of state. By focusing less on a president's mortality and more on a vice president's capacity to lead, Goldstein said, any administration can be more effective.



Jennifer Thompson The conviction reform advocate and co-author of *Picking Cotton*, a memoir written with Ronald Cotton, was raped as a college student and mistakenly identified Cotton as her assailant. That error cost him more than a decade in prison until DNA evidence led to his exoneration. "When the criminal justice system fails, it fails a lot of people," Thompson said in her October talk, "Healing the Harms of Wrongful Conviction," presented by the BC Innocence Program.



For additional stories and expanded content, visit lawmagazine.bc.edu.

Candid

A Catalyst for Good

Dana Borelli '17 beat early trials to find strength as an advocate. **INTERVIEW BY JANE WHITEHEAD**

In sixth grade I was hospitalized with a severe eating disorder. I was the only child on a unit full of adult women. Just knowing how disorienting life can be at a young age has helped me develop a deep sense of empathy for children and all vulnerable people. That's one reason why I'm really passionate about making sure kids don't get trapped in the criminal justice system.

For over a year I've been a research assistant for Professor Robert Bloom. I'll send him substantive emails at 3 a.m. and he responds, "Go to bed!" It's been an invaluable relationship: He comes from a similar background to me. He didn't come from money, he didn't come from a family with a lot of legal connections, and we are both just deeply committed to helping people.

In the Juvenile Rights Advocacy Project clinic, there's one middle school-age child I worked with for a year, who had a disability. He was severely bullied at school and he wouldn't leave his house. We were able to get him an out-of-district placement that he desperately needed. I saw a night-and-day change in that kid from the time I met him to his final IEP evaluation meeting. He seemed like he had life infused into him. Seeing how much I was able to change that case was probably my number one accomplishment in law school.

At the Children's Law Center of Massachusetts this past summer, I was working on immigration cases, with kids who don't even speak our language, and have no idea what their rights are or how to effectively navigate the legal system. It helped me to see that law school was really the right choice for me, because though the empathetic part of me wanted to smother them with hugs, I was in a position where I could do something even better, to be the catalyst for the changes that will give them the resources they need.

"Knowing how disorienting life can be at a young age has helped me develop a deep sense of empathy for children and all vulnerable people."

STUDENT SNAPSHOT

Provenance Grew up in Hastings-on-Hudson, New York, in a loving family challenged by a disabling back injury to her father, a fireman. "Our household dynamic changed after that, with my mother taking on more responsibilities and all of us working more as a team." **Honors** 2016 Hon. Sheila E. McGovern Award from Mass. Association of Women Lawyers Scholarship Foundation. **Learning** BA in Political Science and Spanish, Loyola University Maryland. **At BC Law** Latin American Law Students' Association; Spring Break Outreach Immigration trip; Children's Rights Committee; PILF; Research Assistant. **Time Off** "I'm an absolute true crime nerd. I have no storage space left on my computer because of all the true-crime podcasts. And I love roller-blading—putting on my earphones and blasting music and just zoning out for an hour." **Extra Credit** Fluent Spanish, karate black belt.



In the Field

POCKET RÉSUMÉ

Tom Burton '96 Founder and chair of Mintz Levin's Energy Technology Practice.

In Deep Water In addition to his volunteer leadership role with the New England Aquarium, he is an avid salt water fly-fisherman. **All**

Charged Up He drives a Tesla. **A Loyalist** Active on the Alumni Board for many years, he has just completed his term as President.



An Energy Law Pioneer

Tom Burton saw
the future in
green technologies.

BY MAURA KING SCULLY



When Tom Burton '96 advises his clients to keep it clean, he's not just blowing hot air. As founder and chair of Mintz Levin's Energy Technology Practice, Burton advises a broad range of clients, from start-ups to Fortune 100 companies, on building businesses in the clean energy sector. His clients span markets such as solar and wind, smart grid and energy efficiency, energy storage, water technologies, waste treatment, biofuels, electric vehicles, and green buildings.

"We were probably the first firm to focus a practice in this industry space," explains Burton, an expert in the field of corporate finance. "My focus is on creating profitable private sector technology companies and at the same time making the world a sustainable place."

When it comes to energy and clean technology, new business models, particularly in terms of financing, are critical. "Clients come to us to help structure transactions that are novel, that haven't been done before," says Burton. "We focus on energy innovation in a way that is socially responsible and sustainable."

For example, traditional investors in venture capital funds have expected to put money into early-stage or emerging firms and then, in a relatively short period of time, profit from selling shares to the public or a merger and acquisition. "Clean energy businesses tend not to be as

simple as software or apps," says Burton. "They're asset-heavy businesses involved in energy management, energy storage, and water treatment. Equipment has to be deployed and the technology is based on industrial focuses. You have to have a longer time horizon and investors have to have different expectations and a wider range of skill sets."

Large corporations also find it strategic for their businesses to support and build energy technology-based operations. "We have clients that could come into a commercial enterprise like big box retailers to manage their electricity," he explains. "We'll put in equipment and software.



Paths to Success

Alumni find career satisfaction in unusual places.

1. Chris Betke '88

Career Litigator and founding partner of Coughlin Betke in Boston. **Keep it Green** As a member of the board of directors of the Rose Fitzgerald Kennedy Greenway Conservancy, he helps connect people and the city with beauty and fun. **Pro Bono** He is currently counsel to Sexual Minorities Uganda, a plaintiffs' group alleging pastor Scott Lively is part of a conspiracy to violate LGBTI rights in Uganda. **Advice** "Don't see your career path as only one lane. There are multiple lanes, detours, and even rest stops that you should be open to exploring along the way."

2. Laura Giokas '03

Top Spot Based in St. Louis, she is general counsel of Bryan Cave, a global law firm with 1,000 attorneys. **Lessons Learned** At BC Law, she developed a deep interest in legal ethics. When she joined Bryan Cave, she reached out to the

Ethics Committee chair and asked how she could become a member. Then, having recognized her niche, it didn't take long for the firm to appoint her to the newly created position of conflicts counsel. With her flair for leadership apparent, she went on to become one of the nation's youngest large firm general counsels. **Greatest Challenge** "Having lawyers as clients! Kid-ding (not kidding!)."

3. Christopher Post '11

Demanding Justice As a staff attorney with the Drug Lab Crisis Litigation Unit at CPCS, he represents wrongfully convicted individuals impacted by a Massachusetts drug lab scandal involving former chemist Annie Dookhan. **The Fight Goes On** "I recently handled a case where the defendant had pleaded guilty before the suspected narcotics were tested. We discovered that, shortly after the plea, the substance actually tested negative. In

spite of the fact he was then serving time, he was never notified. Since handling his case, we have found close to 200 others where this appears to have happened."

4. Eric Schulman '96

Reverse Commute He left Uber—and previously worked for Google—to join the Silicon Valley office of Fish & Richardson. **Appealing Idea** Founded License On Transfer (LOT), a nonprofit trying to reduce the number of lawsuits and licensing requests its members receive from patent assertion entities (PAEs). There are now more than 585,000 patents and 96 members in LOT, including some of the biggest names in tech, automotive, and finance. **Onward** "I am hopeful that I can help a variety of companies by bringing to bear the experience I gained during 10 years as a legal director at Google and as head of IP at Uber."

5. William Underhill '78

Aloha Most recently, he founded Full Circle Integrated Systems, one of the nation's largest sustain-

able fish farms, located in Hawaii. **Big Appetite** Since obtaining an MBA from Harvard Business School in 1984, he has founded or headed national restaurant groups, including Whiskey Creek Steak House and 30 Warburton's Bakery Cafés, which he sold to Au Bon Pain. **Advice** "Never stop learning. I will be getting a doctorate in the spring. Use your law degree as a tool, not an end point. Life is very short, so try some stuff!"

6. Chengxi Yao '91

Statecraft Before BC Law, she was a diplomat in the Chinese Foreign Ministry in Beijing, including service as a UN interpreter. **Secure Steps** In addition to earning her JD, she further earned an LLM in securities and financial regulation at Georgetown. She worked in the US securities industry for employers, including NASD/FINRA, Nasdaq, NYSE, and Fidelity Investments. **She Means Business** In 2010, Yao returned to her native China to teach US securities regulation at Shantou University Business School.—MKS

Where Would the Fashions Be Without Her?

Susan Linehan Beaumont '86 The TJX Companies, Inc., the world leader in off-price apparel and home fashions, is best known in America by the names Marshalls, T.J. Maxx, and HomeGoods. TJX has also introduced similar stores to Europe and Canada and recently acquired a retailer in Australia. In all, the company has some 3,600 stores, all of them leased. And most of those leases were negotiated by a team led by Beaumont, vice president, legal-real estate.

"Leasing is a win-win for both parties," says Beaumont, from the Fortune 500 company's headquarters in Framingham, Massachusetts. "The landlord gets revenue flow and we get a store selling our merchandise."



Beaumont fell into leasing as an associate with Choate Hall & Stewart. "In law school, I had no idea there was such a

thing as shopping center law," she recalls with a laugh. In 1990, she was intrigued by an opportunity at TJX, which had two store divisions and operated only in the US at the time. Now they have eight store concepts in nine countries.

Beaumont has traveled widely. "My global team of fifteen real estate attorneys handles the negotiation of the leases for all of the stores as well as for our buying offices and distribution centers throughout the world," she explains. "Procedures and laws are not the same everywhere and it is a challenge to operate in so many jurisdictions. However, we successfully do so in part by developing collaborative teams of in-house counsel and local counsel."

Her team's work is not limited to negotiating new leases. "When a retailer is in bankruptcy, we can make a bid for their leases in bankruptcy court. For example, we acquired a number of Sports Authority locations by buying the leaseholds," she says. "It's an opportunity to acquire good real estate." —MKS

Faculty Scholarship



A Charitable Sleight of Hand

Madoff launches an effort to fix the wrongs of donor-advised funds.

BY DAVID REICH

The Idea: *The tax rules on charitable contributions should be redrawn; the current rules, notably those for donor-advised funds (DAFs), confer huge benefits on the wealthy and the financial industry while depriving charities and government of sorely needed cash. Since 2011, Professor Ray Madoff has been spotlighting the problem through articles on DAFs in publications ranging from Tax Notes to the New York Times and the New York Review of Books. She's also been convening experts from academia, government, and philanthropies to discuss how the tax code treats charitable giving at events held by the Forum on Philanthropy and the Public Good, which she directs and which she cofounded in 2014 with Professor William Bagley.*

The Impact: One day last October, the philanthropic world awoke to learn that United Way, long the country's biggest charity, had been nudged out of first place by another entity, which booked \$4.6 billion in donations in fiscal 2015. Was it the Red Cross? The American Heart Association? No, the new philanthropic behemoth was Fidelity Charitable, a nonprofit DAF sponsor run by Fidelity Investments.

According to Madoff, commercial DAF sponsors like Fidelity Charitable and funds sponsored by financial giants Schwab and Vanguard use the model of community foundations, including the Boston Foundation, that raise money and distribute it to local charities. It was Fidelity that paved the way when, in 1991, it sought and received an IRS ruling that, as Madoff puts it, an investment firm "could create a community foundation

POCKET RÉSUMÉ

Credentials AB with honors, Brown; JD, LLM in taxation, NYU.

Practice Private tax law practice 1984–1993, with firms including Hill & Barlow and Foley, Hoag & Eliot. **Teaching** BC Law faculty since 1993. **Writings** Author of *Immortality and the Law* (Yale, 2010), plus numerous articles and book chapters; lead author of *Practical Guide to Estate Planning* (CCH, annual editions 2001–2016).

“Donor-advised funds pervert the purpose of the charitable deduction: to get money to a place where it can serve the public good.”

for all the world.” Donors to Fidelity Charitable get an immediate tax deduction, but they can distribute their donation to an actual working charity—the Salvation Army, the local food pantry—in a year, a decade, or never. While private foundations must distribute at least 5 percent of assets to working charities each year, DAFs face no such requirement. Thus, Madoff argues, DAFs pervert the purpose of the charitable deduction: to get money to a place where it can serve the public good.

Meanwhile, DAF sponsors charge donors an annual maintenance fee—Fidelity donors pay \$500 or .6 percent of assets, whichever is greater. Sponsors also profit when DAF assets are invested in proprietary mutual funds. In short, the sponsors benefit when large sums sit for years in DAF accounts. Some sponsors discourage asset distribution by charging higher fees to donors who empty their accounts too fast, and marketing materials from many sponsors encourage donors, ironically, to hold onto money in their account by way of building “a legacy of giving.”

Inertia, indecision, the desire for control, and the wish to be courted by potential beneficiaries also discourage the distribution of assets. In her articles, Madoff calls for a new rule requiring full distribution over a reasonable period. As she says, “We have certain human tendencies, including tendencies to hoard capital, and we want rules that discourage tendencies that work against the public interest.”

Another major problem with DAFs involves the tax treatment of complex, or illiquid, assets like real estate, collectibles, or hedge fund positions. As Madoff and her coauthor, the noted philanthropist Lewis Cullman, write in a blistering piece in

the *New York Review of Books*, “Congress specifically prohibited donations of complex assets to private foundations from being deducted at their market value because it was concerned about problems of valuation”—in other words, unrealistically high appraisals, which the IRS may lack the resources to challenge. By contrast, complex assets donated to a DAF *can* be deducted at market value—a bonanza to many wealthy donors. Even if the assets ultimately sell for less than the appraisal, the donor keeps the full deduction. Write Madoff and Cullman: “The donor is happy; the DAF sponsor is neutral; the party that has been harmed is the taxpaying public”—because of the loss to the public coffers.

Madoff and Bagley founded the Forum on Philanthropy and the Public Good because “nobody was speaking for the interest of charities and the public” when it comes to the charitable deduction, she says. “There was a lot of lobbying by interest groups but not a lot of good, broad-based discussion that considers the interests of the public as well.” The forum has sponsored, among other events, a conference at Stanford University on the timing of distributions, which drew foundation heads from Silicon Valley and other locations; and one on DAFs in Washington, DC, with speakers from Fidelity and the IRS, and staffers from Capitol Hill in attendance.

At the Washington event, Madoff says, the Hill staffers “told me there’s a real need for nonpartisan information on tax policy, and that’s what we’re starting to provide.” Several pages in *Giving USA*, a philanthropy industry annual, “arose from” the Washington conference, she adds, “so I think we are having an impact already.”

FACULTY MILESTONES

Newcomers The 2016-2017 academic year has brought with it three newcomers to the faculty. Assistant Professor Cheryl Bratt, who received her BS and JD from the University of Michigan, is teaching Law Practice I and II, as is Assistant Professor Jeffrey M. Cohen. He is a Stanford Law School graduate who also holds degrees from the University of Pennsylvania and Oxford University. Assistant Professor Ryan Williams, who earned his JD at Columbia Law School, teaches and writes in the areas of constitutional law, civil procedure, and federal courts.

Our Own Mr. Rogers After thirty-six years, Professor James Rogers retires this spring. “Scholar, teacher, leader, historian, friend...it is difficult to fully state how much he has meant to us, and what he has meant to the commercial law field,” said Dean Vincent Rougeau. Rogers played a major role in the development of modern commercial law, authoring, among other things, a seminal book on the rise of English commercial law. Students loved Rogers’ classes—and his humor: When teaching the *Frigalimment* case, which involved the meaning of “chicken,” he showed photos of roasted chickens, live chickens, brought in different stuffed animal chickens and even wore his chicken tie. As one student said, “He turned a topic expected to be dull into something entertaining and relevant.” (Read more at lawmagazine.bc.edu.)

A Legacy Jane Kent Gionfriddo has retired from the Legal Reasoning, Research & Writing Program, where she spent thirty-four years, twenty as director. An admired teacher—she received the 1999-2000 BC Distinguished Teaching Award—she was also respected within the larger writing community. She held many positions at the Legal Writing Institute, notably as president. An in-demand writer, consultant, and speaker, she published and presented widely. “With skill and compassion, Jane communicated the art and craft of legal research, reasoning, and writing to generations of our students,” said Dean Vincent Rougeau. “Though we will miss her, her legacy endures.” (Read more at lawmagazine.bc.edu.)

NOTABLE FACULTY PUBLICATIONS

Professor Katharine Young edited (with Kim Rubenstein) and wrote the introduction to *The Public Law of Gender: From the Global to the Local*. According to publisher Cambridge University Press, the writings suggest that the new public law of gender must confront the lapses in enforcement, sincerity, and coverage common in national and international law and governance.

Sanford Katz, the Darald and Juliet Libby Emeritus Professor, was recognized by nineteen eminent family law scholars in the *Festschrift Family Law in Britain and America in the New Century: Essays in Honor of Sanford N. Katz*. Edited by John Eekelaar and published by Brill, the volume includes an afterword by Katz and an article by BC Law **Professor Kari Hong**.

Professor Joseph Liu wrote “Notice, Failure, Fair Use, and the Limits of Property” in *Boston University Law Review*. He argues that the fair use doctrine imposes nearly insuperable informational burdens upon the general public regarding the scope of the property entitlement and the corresponding duty to avoid infringement, burdens that have increased with changes in technology.

Professor Mary Bilder published “The Myth of Edward Coke and the Virginia Charter” in *North Carolina Law Review*. She writes: “Magna Carta’s connection to the American constitutional tradition has been traced to Edward Coke’s insertion of English liberties in the 1606 Virginia Charter...This article recounts an alternative history of the origins of English liberties in American constitutionalism.”



Q+A

WITH

**District Attorney
Darcel Clark**

and DEAN
VINCENT ROUGEAU

ABRIDGED AND EDITED
BY JERI ZEDER



“I am in favor of criminal justice reform; low level, nonviolent people shouldn’t sit in jail because they are poor and can’t meet the bail. There have to be options for that.” —BRONX DISTRICT ATTORNEY DARCEL CLARK



Bronx District Attorney Darcel Clark, a 1983 graduate of BC, is the first woman district attorney of Bronx County and the first African American woman district attorney in New York State. A Bronx native, she served for sixteen years as a judge in New York trial and appellate courts. Clark's bold initiatives include "Another Chance," which so far has vacated 270 warrants for minor crimes, and a sweeping clean-up of New York's notorious Riker's Island.

Bringing Good to the Neighborhood

A native daughter takes on Riker's challenges, and more.

DC: When I started, Riker's Island was all over the newspapers. Cleaning it up is a concerted effort, but someone needed to take the lead. Riker's Island is the worst "neighborhood" in the Bronx. It is my priority because it affects other neighborhoods outside the walls of that jail. Each person in that jail is connected to someone outside of the walls of that jail. Those walls are there, but they are not really there; you know why? Because the criminal network is still working within the jail. They are running their criminal enterprises from the jail. They are still running drugs, they are still buying guns, ordering shootings and homicides and everything else. Right from the jails. They are using their mothers. They are using corrupt corrections officers. The cases I am investigating now are in Riker's as well as outside of Riker's.

VR: The challenge for leaders is to pick that right thing to do first. It sets the tone and allows you to have success in other areas if you really focus on something that is particularly meaningful for the future.

DC: Some people blame prosecutors for mass incarceration—you know, the reason that there are so many people in jail is because you keep prosecuting them! That's unfair. But at the same time, I get it, we need reform. I think it was well-intentioned back in the '90s when crack

was crazy and the drugs and the gangs and everything else. But not every single person who is in these jails and prisons is that bad that they should be in jail. I am in favor of criminal justice reform; low level, nonviolent people shouldn't sit in jail because they are poor and can't meet the bail. There have to be options for that. The diversion to drug courts, mental health court, veterans court, all kinds of courts to make alternatives to putting people in jail is the model now and it is better.

VR: And this whole problem of mass incarceration feeds directly into the issue of the breakdown of trust between the police and the people, which then feeds into the community. As a law school, we can promote more honest conversations about what is happening and bring people like ourselves to the entire spectrum of the issue, get our students out there so they are experiencing the realities of our criminal justice system, positive and negative, and then become advocates for change. The way things are right now is not sustainable.

DC: People don't realize the implicit biases that they have internalized. The image of a gang member is some young black kid holding a gun. The image of the police is beating Rodney King, shooting Michael Brown, choking Eric Gardner. You know, that's not necessarily what the police

are about. People need to recognize that they have these biases. I'm going to start bringing that kind of training into my office.

VR: I think we can build understanding in communities by encouraging people to look for opportunities in places they may not be familiar with. Do you think it has helped community relations to have people from different places come to work for you in the Bronx?

DC: Yes! It is good to have a different set of eyes or a different set of ears that interprets the same thing differently. You can learn from that. We take for granted what we have around us. There's a learning process when someone else looks at the same thing and sees it differently. I think the community can learn from that, too.

At the same time, my constituents appreciate that I am part of the community. I go to church with people. I'm in the supermarket with them. I go to the same gas station. We ride elevators together. There shouldn't have to be a distinction. People are people. You have to walk among the same people; I think that is what the Bronx has done for me.

When I was a judge, I used to tell people, I sit up here. I don't live up here. I think that being a judge has helped me be a better prosecutor because I am more balanced. I am not seeing things just one way. There is no tunnel vision. I look at things not just as an advocate, but as: What is right? and What is fair? Those are not just rhetorical questions. There are so many answers to that.

Evidence

Capital 'L' for Lawyer

Washington, DC, is a city like no other for members of the legal profession.

BY LEAH HERSCOVICI '18

As these facts and figures suggest, metropolitan Washington, DC, which encompasses Washington, Maryland, and Virginia (DMV), is a capital place for lawyers to live and work. As the nation's center of government, it offers certain opportunities for the legally trained that exist nowhere else. That fact has not escaped the hundreds of BC Law alumni who pursue careers in DC and the scores of students who intern everywhere from the White House to Common Cause. A look at an alluring destination.



CULTURE

4,817,500

DMV Population

36.6

Median Age

15

Percentage of people who speak another language besides English

21,300,000

Visitors to DC in 2015, a record year

174

Embassies and international cultural centers

38

Free museums, including all Smithsonians, Library of Congress, National Zoo

LEGAL LIFE

1 in 12

People in DC is a lawyer



650+

BC Law graduates in DMV

Government offices where the majority of BC alumni work:

1

Department of Justice

2

Department of Defense

3

Securities & Exchange Commission

400

Fortune 500 Companies

52,711

Lawyers in DC

43,221

Lawyers in Massachusetts

\$174,480

Annual mean wage for lawyers in DC

\$100,000

Salary of nearly 85% of general attorneys in federal government

\$136,260

Annual national mean wage for lawyers

\$65.51 / National mean hourly wage for lawyers

Agencies employing largest number of lawyers nationally:

25,774

Social Security Administration

20,389

Department of Treasury

17,189

Department of Veterans Affairs

16,842

Department of Justice

3,235

Department of Defense



2,233

Unique sit-down restaurants and eateries in DC

No. 1

For wine drinkers in nation at 25.7 liters per capita

2nd Largest

Metro system in the nation

205 million / Trips served per year

6

Rail lines

117

Miles of track

91

Stations

SUPREME COURT



Justices deliver opinions on

75 of 10,000

CASES

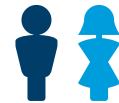
Chief Justice's salary:

\$4,000

In 1789

\$260,700

In 2016



Male to female ratio over history of the court

108 to 4

36.5 years

Longest serving justice, William O. Douglas

William Taft / Only president to also serve on the Supreme Court

DEPARTMENT OF JUSTICE

6

Number of specialized divisions:
Antitrust, Civil, Civil Rights, Criminal, Tax, Environment and Natural Resources

\$29 billion
2017 annual budget request

The DOJ

INCLUDES

FBI

Bureau of Prisons

US Marshals Service (the nation's oldest federal law enforcement agency)

US Central Bureau-International Criminal Police Organization

Drug Enforcement Administration

Bureau of Alcohol, Tobacco, Firearms, and Explosives

Office of Justice Programs





THE BC IN DC ISSUE

THE INFLUENCERS

There is perhaps no other place in America where a lawyer's ability to make a difference is as boundless as it is in Washington, DC.

For every Secretary of State John Kerry '76, Bryan Cave chair Therese Pritchard '78, Obama advisor David Simas '95, or US Citizenship and Immigration Services director Leon Rodriguez '88 on our list of DC power brokers, there are hundreds more whose work across the political spectrum, in private and public sectors, and in every legal specialty imaginable surprises and inspires.

Here are some of their stories.

BY JERI ZEDER PORTRAITS BY STEPHEN VOSS



From Congress to the Pentagon, from the State Department to public broadcasting, in law enforcement agencies and in the courts, alumni of BC Law are shaping the nation's agenda. They are setting policy for displaced migrants, broadening the personnel of the armed forces, brokering access to legislators and policymakers, furthering informed public discourse, protecting an open, competitive market economy, and so much more. They have what it takes to do the work because of the skills they developed and the values they absorbed in law school. ¶ “Our graduates who decide to spend part or all of their careers in our nation's capital bring with them a dedication to professional excellence in wide-ranging areas of legal practice,” says Law School Dean Vincent Rougeau. “Many are inspired to work in the public interest, bringing with them a commitment to social and economic justice fostered by their Jesuit-influenced legal education. As they move within their wide and diverse spheres of influence, they are forwarding a vision of the law as a force for human dignity and the common good.”

As BC Law graduates frequently attest, being effective and influential in Washington requires strong connections and an active network. Brígida Benítez '93 is a networker par excellence. In addition to her deep involvement with BC Law's Alumni Association, the DC Bar is among her spheres of influence.

The DC Bar boasts about 100,000 members in all fifty states and more than eighty countries worldwide. It is responsible for taking disciplinary action against lawyers who fall short of professional ethical requirements, and offers pro bono services to low-income DC residents as well as continuing legal education programs. In 2014, Benítez served as the Bar's forty-third president. She has also served as president of DC's Hispanic Bar Association and as a member of the board of DC's Women's Bar Association.

“I think in DC, it's particularly helpful to develop a broad network of people,” Benítez says. “It helps you to learn of opportunities that may be available. You keep your eyes open. I think it's important to be proactive and drive your career in the direction that you want it to go.” A

partner at Steptoe & Johnson, Benítez handles complex litigation and global anti-corruption matters. She once served as Chief of the Office of Institutional Integrity of the Inter-American Development Bank. Her spheres of influence have a global reach, particularly into Latin America and elsewhere.

The classic image of the DC influencer is, of course, the lobbyist. It's a term that can conjure negative stereotypes—remember the movie *Thank You for Smoking?*—but Marc Lampkin '91, a lobbyist and a managing partner with the firm Brownstein, Hyatt, Farber & Schreck, is having none of that.

Lampkin helps Fortune 500 and Fortune 1000 corporations, trade associations, and individuals to participate in the crafting of laws and regulations, and in doing so, he says, helps to ensure that well-meaning legislation doesn't have negative, unintended consequences. “We have a right to petition our government. That is embedded in the First Amendment of the Constitution,” Lampkin says. “What we do as lobbyists is we help people effectuate their constitutional right.”

As a lobbyist, Lampkin says that he acts as an interpreter, a connector, and a problem-solver. “I understand what the landscape looks like, and I provide my clients with: ‘Here's the pathway to success, and here are the levers that you need to pull, and here is how you ought to shape the answer to the question we may get,’ and that allows them to actually amplify their relative position in the decision-making process in Washington,” he says.

Among his many accomplishments, Lampkin takes pride in his work on the Coverdell Education Savings Account bill, which helps families to finance their children's education, and a bill he drafted that allows teachers to take non-itemized deductions on their personal expenditures for school supplies and activities.

Beyond lobbying, what does it mean to have influence in Washington? Thomas Miller '79, of the Navy's General Counsel's office, calls DC a company town. “Most of what goes on here revolves around the federal government. Either you work for the executive branch, or you work on the Hill for Congress, or you are a lobbyist, or you are practicing law with the various courts,” says Miller, who, in his capacity with the Navy's office of Manpower and Reserves Affairs, has worked on the repeal of Don't Ask/Don't Tell and is helping to draft regulations to enable transgender individuals to serve in the military. “The way you get ahead, I believe, is to get a broad base of experience within your particular agency or department or in your particular area of general expertise,” he says.

Establishing that broad base of experience can happen in many ways. Some lawyers rise in the place where they start. Miller, for example, began as a JAG officer and has made his entire legal career in the Navy. Others migrate to Washington early in their careers and move fluidly between the public and private sectors. Still others have long careers far from the nation's capital. The connections that they make on the coasts or in the heartland bring them to Washington later in life.

Richard Feinstein '77, a partner at Boies, Schiller & Flexner, worked right out of law school for the Justice Department's anti-trust division, then joined a now-extinct boutique law firm in 1985. That was a quiet time for anti-trust enforcement, but it was also a time when the idea of health care as an industry was emerging. “There were mergers and there were disputes between doctors and hospitals, and I got involved in a fair amount of that stuff

even though I hadn't done anything about health care when I was in the government," Feinstein says. As he became versed in issues of anti-trust, competition, and health care, his connections led to an offer to join the Federal Trade Commission. He served from 1998 to 2001 as assistant director of the FTC's Bureau of Competition, Health Care Services, and Products Division. In 2001, he joined Boies, Schiller & Flexner, then returned to the FTC to do anti-trust enforcement for four years, and is now back at his law firm.

E. J. "Ned" Holland '68, of Kansas City, Missouri, was getting ready to retire when he heard that his close colleague, Kansas Governor Kathleen Sebelius, had been nominated by President Obama to head the US Department of Health

and Human Services. His curiosity piqued, he started sifting through the Plum Book, a roster of appointed jobs in the federal government. Up popped a job he felt qualified for: HHS Assistant Secretary for Administration, Senior Sustainability Officer. He went home that night to his fiancé (now his wife) and said, "How would you like to go to Washington?"

She said, "That's a terrific idea! Why don't you talk to Kathleen."

He said, "Fine, I'll call Kathleen in the morning."

She said, "Call her? You've got to go over and see her! What are you talking about, 'call her'?"

Holland hopped in the car and drove to see the governor. They spent some time talking about business that they had in common—

GUARDIANS AT THE GATE

BC Law's public servants in Congress proudly stand for 'an equal opportunity America.'

INTERVIEWS BY JOHN O. CUNNINGHAM '81

BC Law has a storied history of public service as exemplified by past and present members of Congress. Two of the best known during the mid-twentieth century were Margaret Heckler '56 and BC Law Dean Robert F. Drinan, SJ, (see sidebars).

The historic roster also includes Representative Edward P. Boland '36, Representative Silvio O. Conte '49, Senator Warren Rudman '60, Senator and Secretary of State John Kerry '76, Representative Paul Hodes '78, and Senator Scott Brown '85.

Carrying on the tradition today are five others, who responded to inquiries from *BC Law Magazine* about their values and aspirations for the new Congress.

Senator Edward Markey '72, Massachusetts "The lessons I learned at BC Law have stayed with me throughout my life. Since I was first elected to Congress, I have been shaped by these principles in standing up for the powerless and developing and supporting legislation that provides opportunities for hardworking men and women who are struggling to improve their lives and the well-being of their families."

Congressman Bobby Scott '73, Virginia, 3rd District "We need evidence-based policy, not laws based on slogans and sound bites instead of research. We need to engage community leaders in education, law enforcement, health services, and other fields to identify real solutions to our problems. This is the best path to creating good effective policy. I'm proud of my work to create jobs, increase access to health care, improve education and economic opportunity, and promote evidence-based crime prevention strategies. One of my proudest accomplishments was working on the Affordable Care Act, expanding access to health insurance for millions of Americans."

Congressman Michael E. Capuano '77, Massachusetts, 7th District "I'm proud to have earned a seat at the table to serve my constituents. I am proud of my persistence, fighting some fights, such as the fight for equality, all of my life. My Jesuit beliefs and my values are related. I'm working toward an equal opportunity America. That won't necessarily mean equal outcomes, but there should be a basic floor as a society that we provide to people below which they can't fall. We're not there yet, and America is not there yet, but equal opportunity is one of my core values."

Congressman Jared Huffman '90, California, 2nd District "We can look to the teaching of Pope Francis for values to guide us, including kindness, inclusiveness, and tolerance, especially of immigrants and the politically disadvantaged. I also believe strongly in protecting our environment as good stewards of the Earth. We have to build coalitions to protect our core values, but it will be an uphill fight with respect to immigration issues in particular."

Congressman Stephen F. Lynch '91, Massachusetts, 8th District "My priority is ensuring representative government that functions for the people. We need mutual respect between Democrats and Republicans, lifting up expectations that average citizens hold for their elected leaders. I would also like to reduce the amount of money in politics, limiting the corrosive effect that it exerts on our government."



Marc Lampkin '91, a lobbyist and a managing partner with the firm Brownstein, Hyatt, Farber & Schreck.

health care policy and such—and then Holland said, “Oh, by the way, it looks like you are going to get confirmed. You are going to go to Washington. There is this job that I could do and I’d come to Washington if you wanted me to.”

He gave her his résumé, and, as he says, “The rest is history.”

Holland did become the HHS Assistant Secretary for Administration, Senior Sustainability Officer, as the capstone to a long career in the private sector in Kansas City. He had spent twenty-four years at Spencer, Fane, Britt & Browne, a venerable Kansas City law firm, where he practiced health care, especially hospital employment law. In 1992, he became chief administrative officer for Payless Cashways, Inc., a Home Depot-style retailer, and from 1999 to 2006, Holland was a high-level executive at Sprint, based in Oberland Park, Kansas, overseeing human resources and labor relations. In 2006, he moved on to Embarq Corporation to serve as Senior Vice President of Human Resources and Communications. All the while, Holland was active in local and state politics. “Those connections led me to get to know and be close to a lot of political leaders,” he says.

Thanks to Sprint, the largest purchaser of health care in the area, Holland often encountered Kansas’ then-insurance commissioner Sebelius. The two became close civic and political friends, and that was the genesis of the connection that landed him the job at HHS in 2009. He served there for more than six years.

“The appointees who do the kinds of things that I have done for HHS tend to be two ends of a demographic barbell,” Holland observes. “Either they are young, inexperienced, hard-charging, smart, hard-working people with a



Brigida Benitez '93 served as the DC Bar's forty-third president, as president of DC's Hispanic Bar Association, and as a member of the board of DC's Women's Bar Association.



US REPRESENTATIVE

**MARGARET
HECKLER '56**

Elected to Congress in 1966, Margaret Heckler '56 wasted no time. She served eight terms as a Republican representative, was Secretary of Health and Human Services for nearly three years, and Ambassador to Ireland for four years.

During her career, Heckler instituted efforts to expand

hospice care, discourage smoking, resettle Vietnam refugees, and recognize the rights of disabled citizens, asserting that “I thought that every wrong should be righted, and I went about trying to do just that.”

Now eighty-five, Heckler said in a recent interview that her proudest achievement at the health agency was the creation of the HHS Heckler Report, a landmark study documenting disparities in health care affecting minorities. “This report left a lasting positive impact on our

health care system, which still relies on this type of data today,” Heckler said. She also expanded funding for research into breast cancer, Alzheimer’s, and AIDS.

The former Margaret Mary O’Shaughnessy was inspired to take up the law after reading law books in the study of a neighbor and judge for whom she baby-sat as a teen.

When Heckler entered BC Law in 1953, she was one of two women in her class. “I was always a great debater and I loved a challenge, so I

had no fear of going into law even though almost no women were doing it back then,” she recalled. Later, in Congress, she co-founded the Congresswomen’s Caucus and pushed for passage of the Equal Rights Amendment, equal credit laws, Social Security enhancements for women spouses, and small business funding for women entrepreneurs.

She accomplished all this, she said, by following her life’s mantra: “Work hard, study hard, and pray hard.” –J.C.

US REPRESENTATIVE

ROBERT F. DRINAN, SJ

Robert F. Drinan, SJ, the first Catholic priest elected to Congress, had spent the previous years as the dean of BC Law. He put the Law School on the national map by building a geographically, racially, and socio-economically diverse community of students and faculty.

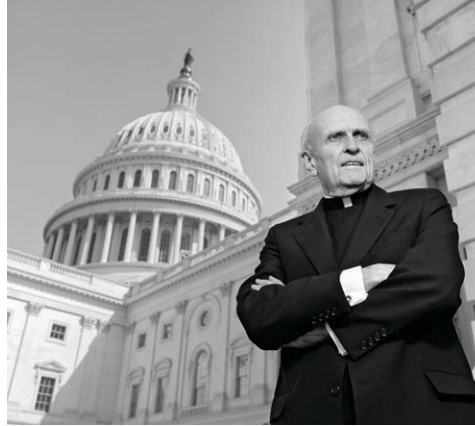
He ran for Congress in 1970 after a trip to Vietnam, where he became concerned about a rapidly growing number of political prisoners in a war he viewed as unjust. Former Senator John Kerry '76

recalled after Drinan's passing that one of his campaign slogans was "Father Knows Best."

Once elected, Drinan became the first Congressman to call for President Richard Nixon's impeachment for carrying out an undeclared war in Cambodia.

The congressman, who thought that the law should be consistent with a moral imperative to alleviate suffering and protect the vulnerable, left office in 1980 when the Vatican ruled that no Catholic priest should hold legislative office.

But Drinan remained very active in the law in Washington, DC, teaching at Georgetown University while frequently writing and lecturing on human



rights, constitutional law, civil liberties, and ethics. He also served as president of the Americans for Democratic Action and was a board member for the International League of Human Rights, the Lawyer's Committee for International Human Rights, the International Labor Rights Fund, and the NAACP Legal Defense

and Educational Fund.

By the end of his career, Drinan had penned eleven books, including the notable *Religious Freedom and World War: Can God and Caesar Coexist?* He passed away in 2007, at the age of eighty-six, less than three years after receiving the ABA Medal for his humanitarian efforts and support of justice —J.C.

future building a résumé, or they are senior people who have been successful in other careers, who no longer need the level of income that they can earn in the private sector and who are prepared to make a contribution. I fall into the latter of those two."

Suzanne Sheldon '86 changed her path mid-career. Now the head of the Bureau of Population, Refugees, and Migration at the US Department of State, a few floors down from former Secretary of State John Kerry '76, Sheldon practiced civil litigation in a Boston law firm for twelve years before setting her sights on a career in foreign affairs. She passed the foreign-service exam and went to work for the State Department.

The job took her to Colombia, Pakistan, and Iraq, where the recurrent theme of her work was shoring up the rule-of-law norms and institutions in those countries. Since joining the bureau in Washington in 2008, Sheldon has been responsible for ensuring that life-saving humanitarian assistance reaches migrants fleeing war, persecution, and human rights abuses. As a US spokesperson, she engages with international NGOs and the United Nations. "My sphere of influence is really the multi-lateral policy world," she says. "I feel that, probably in a modest way, I have put in motion things that will have a lasting impact on the quality of life of actual human beings on the ground."

The influence that Lisa Lindstrom Delaney '86 enjoys comes from her position as Senior Vice President and General Counsel of WETA

Public Television and Radio, where she started as an associate general counsel 1993. Hers is a media business located where the seat of government resides, where national cultural institutions flourish, and with unusual access to important people and the ability to beam their work and ideas across the country and throughout the world. "We are able to get law-makers and journalists and visiting dignitaries in a way that a station in Chicago might not be able to," Delaney says.

With programs like the *PBS NewsHour*, *Washington Week*, *In Performance at the White House*, the *Kennedy Center Mark Twain Prize*, and documentaries by filmmaker Ken Burns, WETA is the second largest producer of programming for national distribution by PBS (after WGBH Boston).

The educational mission of PBS, the seriousness of its news and public affairs programming, syncs with the value that Delaney herself places on learning and education.

"I like reaching people on some level. When Gwen [Ifill] did a town hall with President Obama, or we did a candidate primary debate, or we did pretty much wall-to-wall coverage of the conventions this summer in a way that most news outlets weren't doing—that seriousness reaches people and is meaningful to people," Delaney says.

"I think public media is incredibly important and I have a small role in facilitating the programming and the broadcasting of that programming that I think is really helpful to

our community, to our country, to informed citizenry," Delaney adds.

Networking is how Robert L. Eskridge III '05 landed his position as counsel to the Ethics Committee of the US House of Representatives. Originally a litigator in Columbus, Ohio, Eskridge made a point of getting to know everyone involved in the matters he handled. "I expressed a desire to someone that I wanted to take my professional responsibility, my interest, my desires, and I wanted to shape those latent things, those gifts that were unbeknownst to me and go to the next level," Eskridge says. He realized that he wanted to be in public service, and, through connections, the opportunity on the Ethics Committee presented itself. "It's very hard work, very sensitive information with which I've been entrusted by the American public," he says.

Like many of his Law School colleagues, Eskridge generously makes himself available to students thinking of a career in Washington, and to grads working on Capitol Hill who are looking for a mentor. "The BC Law community on Capitol Hill is great," he says. "It is thriving and we are visible."

Eskridge feels he is most influential as a role model. He could live anywhere in the greater DC metropolitan area, but has chosen to settle in Prince George's County, which is nearly two-thirds African American. "Me going to work every day—somebody is watching that," he says. "That is a visual for somebody. I'm not doing this just to keep my lights on and my family fed and to live in this place in DC. I'm doing this for the twenty-three other people that I may not see and are depending on my example and I don't want to let them down."

"I believe that revolution is a lifestyle now," Eskridge says. "If I can live my life that's exemplary of a man of integrity, a pillar of good work and truth, an example to my family and my community—that's revolution."

Just so.

As Dean Rougeau says, "Training aspiring students to be good lawyers is an important part of what we do at BC Law. But we aim for more. We want our graduates to lead good lives, and through their work to serve others and enrich their communities. The presence of BC Law graduates in Washington, DC, can be a powerful force for good."

Jeri Zeder is a contributor to BC Law Magazine. She can be reached at jzbcclaw@rede.zpato.net.



**“I, ELLEN
HUVELLE,
DO
SOLEMNLY
SWEAR”**

KNOWN FOR HER LEGENDARY EFFICIENCY AND HUMAN TOUCH AS
A JUDGE OF THE FEDERAL DISTRICT COURT IN DC, HUVELLE HAS NEVER
WAVERED IN HER PROMISE TO UPHOLD THE LAWS OF THE LAND.

BY **JERI ZEDER** PHOTOGRAPHS BY **STEPHEN VOSS**

SHE HAS DECIDED THE FATE OF AN ALLEGED SOMALIAN PIRATE, forced the release of Guantánamo detainees, ruled that confessions obtained through torture from Rwandan murder suspects were inadmissible in court, and presided over AT&T's doomed merger with T-Mobile. She created precedent on battered woman syndrome. She represented boxing promoter Don King in a tax fraud case. And she has promoted the rule of law in countries that desperately need it. ¶ She is Ellen Segal Huvelle '75, and these are just a few highlights of her forty-plus years in the law, more than nine of them as a judge for the Superior Court of the District of Columbia, and seventeen on the bench of the United States District for the District of Columbia.

Huvelle graduated from BC Law during a transformative time. The Civil Rights Movement was changing, the Women's Movement emerging, the Vietnam War ending. About 20 percent of American law students were women. By 1977, only eight women had ever served in the federal judiciary. Today, women make up about a third of the judges in the federal courts. At a September 29, 2016, ceremony where the US District Court for the District of Columbia received Huvelle's portrait, in attendance were more than four hundred of her colleagues, friends, and jurists—an influential swath of the capital's best and brightest, including Associate Justice of the US Supreme Court Elena Kagan and former US Attorney General Eric Holder.

All this qualifies Huvelle as a trailblazer. But oddly, the word seems trite when applied to her, because the word that makes the most sense, that best captures her legacy, is simply: Judge.

HUELLE GREW UP IN NEWTON, MASSACHUSETTS, graduated from Wellesley College in 1970, and received a master's in city planning from Yale School of Architecture in 1972. "In hindsight, city planning was too amorphous for me," Huvelle says now. With her father, brother, and husband all lawyers, she saw the legal profession in sharper focus.

She clerked for a year for Chief Justice Edward Hennessey of the Massachusetts Supreme Judicial Court, and then in 1976, she and her husband Jeffrey (now a litigator at the DC firm Covington & Burling) moved to Wash-

ington, DC, where she joined the firm Williams & Connolly and eventually became the firm's first female partner. There, as a young associate, she broke new legal ground when she was co-counsel defending a battered wife charged with murdering her husband. This was the late 1970s, and "back then, people certainly didn't talk about battery, and I don't know if there were any centers for battered women at all," Huvelle says. Battered woman syndrome was emerging as a newly understood phenomenon, and the judge refused to admit expert testimony about it at trial. On appeal, Huvelle and her team argued that the trial judge's refusal to admit that testimony was in error. They won.

"Ellen sensitively developed the defense of battered wife syndrome, which resulted in the publication by the DC Court of Appeals of the first appellate opinion in the country to recognize the admissibility of expert testimony on battered wife syndrome," US District Court Judge Emmet Sullivan told the audience at the presentation of her portrait in September.

Huvelle also represented hotel magnate and tax-evader Leona Helmsley and boxing promoter Don King. "I always liked Don King," she says. "He was one of the all-time great con men. He was very smart. He was self-educated and spent time in jail and had a wonderful sense of humor—he claimed that one day he woke up and God made his hair stand on end."

In 1990, Huvelle was appointed Associate Judge of the DC Superior Court by President George H. W. Bush, and in 1999, she was recommended to President Bill Clinton for a seat on

the US District Court for the District of Columbia by Congresswoman Eleanor Holmes Norton, who chose Huvelle from the three names submitted to her by her Judicial Nominating Commission. The commission vets applicants to the court and strives for diverse appointments. (Huvelle now serves as the court's Senior Judge.) It took the Republican-controlled Senate more than two-hundred days to confirm her.

She spent her first year shoveling through an appalling backlog of cases. Huvelle "tackled her docket with a vengeance," says her longtime law clerk Allison Grossman. "With the help of her law clerks...who once brought sleeping bags to the office, and her judicial assistant and a bevy of interns, she dug her way out and she never looked back," Grossman told the audience at the portrait unveiling event. "As soon as she became chair of the Calendar Committee, she changed the way dockets are created for new judges so that no judge would ever again have a first year like hers."

Huvelle gets a lot of good-natured ribbing from her colleagues for her legendary efficiency, but efficiency has a serious side. "The real beneficiaries are the litigants who appear before her," Grossman says. "She sees no reason why a lawyer should spend hours questioning a witness when she can ask three critical questions and get the necessary information, saving everyone time and money. She sees no reason why work should stop just because there's snow on the ground. And with no backlog, she and her



clerks have the luxury of giving every motion and case the time and attention it deserves.”

Just as justice is never delayed in Huvelle’s courtroom, Grossman says, it is also never denied. “There was a time that she ordered the release of a pretrial detainee from the DC jail over the protest of the prosecutor after she learned from the detainee’s doctor that his death was imminent. There was a time she granted the petition of the youngest Guantánamo detainee and ordered the government to complete the transfer in twenty-one days, which seemed to her a perfectly reasonable amount of time. There was a time that she realized that an elderly defendant in a civil case was likely the actual victim of fraud by the plaintiff, and she promptly ordered that the plaintiff’s assets be frozen. She has on more than one occasion taken prosecutors to task for not properly exercising their discretion in bringing a case,” Grossman says.

Even the best judges, however, don’t spend twenty-six years on the bench without drawing criticism. Huvelle’s ruling in 2006 that the confessions of Rwandan defendants on trial for murder were inadmissible because they were derived through torture in Rwandan prisons led the Justice Department to drop the charges. In 2008, the same Rwandans applied for political asylum in the United States. A former investigator for the US Immigration and Naturalization Service was outraged. He told the *Washington Times*, “The fact that the judge tossed the confessions doesn’t make them innocent.”



And in the Somali pirate case, Huvelle was faced with the question of whether the defendant in a high-seas hostage-taking case was an advocate for the hostage-takers, or just a translator going between the pirates and the ship owner. Pending the trial, Huvelle twice ordered the defendant released from jail on the grounds that his lengthy imprisonment violated his constitutional rights. Twice, the appeals court reversed her. Ultimately, the jury ruled in 2013 that the defendant was not guilty of piracy.

Judges, in addition to their courtroom responsibilities, take on administrative work to further the functioning of their courts. Huvelle is no exception. She chairs the court’s Calendar and Case Management Committee, which makes assignments of cases among the twenty-one judges of the federal district court of DC. “Seems like a life appointment,” she confides in a nod toward her colleagues’ appreciation of her famed efficiency. On the Criminal Law Committee, she says, “we’ve looked at the question of the disparity of crack and powder cocaine and changed the law dramatically on that.” That committee has also addressed the release of prisoners who have committed non-violent drug crimes, sentencing guidelines and federal legislation involving criminal justice reform, and clemency and mass incarceration.

Supreme Court Chief Justice Roberts assigned Huvelle to the United States Judicial Panel on Multidistrict Litigation, which decides whether and where to consolidate civil actions pending in different federal districts. These cases tend to involve products liability, torts, pharmaceuticals, and similar matters that cross jurisdictions.

Huvelle has also dedicated herself to fostering the rule of law overseas, teaching courses in Tunisia and China, and in the US to lawyers and judges visiting from Algeria, South America, and Eastern Europe.

A fall down a staircase in 2014, when she was sixty-six, left Huvelle with a serious spinal injury. “I can walk, but poorly, and my right hand in particular is not very useful,” she says. “I carry less of a caseload, but probably comparable to most of the [senior judges] where I am and I have these other administrative responsibilities, so I keep busy,” she says.

As word spread about her injury, notes from well-wishers poured in. A lawyer accustomed

to being put in his place in her courtroom wrote, “I hope you can get through this so you can tell me to sit down and not argue as you preside once more.”

A defendant whose fate she held in her hands sent this message: “For what it’s worth, I want you to know that I respected the decisions you made throughout my two trials. I did not agree with all of them, which you might recognize as a massive understatement since I am writing from prison. But I felt your decisions were arrived at honestly. You always seemed to think through the issues and reach conclusions you thought were required by the facts and the law.”

And this, from another defendant she sent to prison: “You approached my lawyer and asked how my girls were doing. I want you to know that meant a great deal to me, so much that I had trouble relaying that story to anyone without losing my composure. There were times when I felt lost in the criminal justice machine, that I lost my humanity, and was seen solely as a defendant and not a flesh and blood person. Your words at sentencing and your later inquiry to my lawyer demonstrate that you appreciated you had a real person’s fate in your hands. I am grateful for that.”

The generosity of spirit noted by those who have appeared in her court and among her wide Washington circle of friends and colleagues extends to Huvelle’s involvement with BC Law. Huvelle has served for many years, first on the Board of Overseers and more recently on the Dean’s Advisory Board. “Judge Huvelle’s love for the law school runs deep,” says Jessica Cashdan, executive director of campaign planning and associate dean of law school advancement. “She is generous in countless ways, from offering sage advice and identifying new opportunities for the school to hosting gatherings and facilitating introductions in Washington, DC, and across our community. She is always ready and willing to go the extra mile to help further the pursuits of our students, alumni, and the school.”

For her part, Huvelle says of her legacy: “I hope that I leave behind good cases, ones where defendants felt that they got a fair trial and that people respected me as a judge and as a human being.”

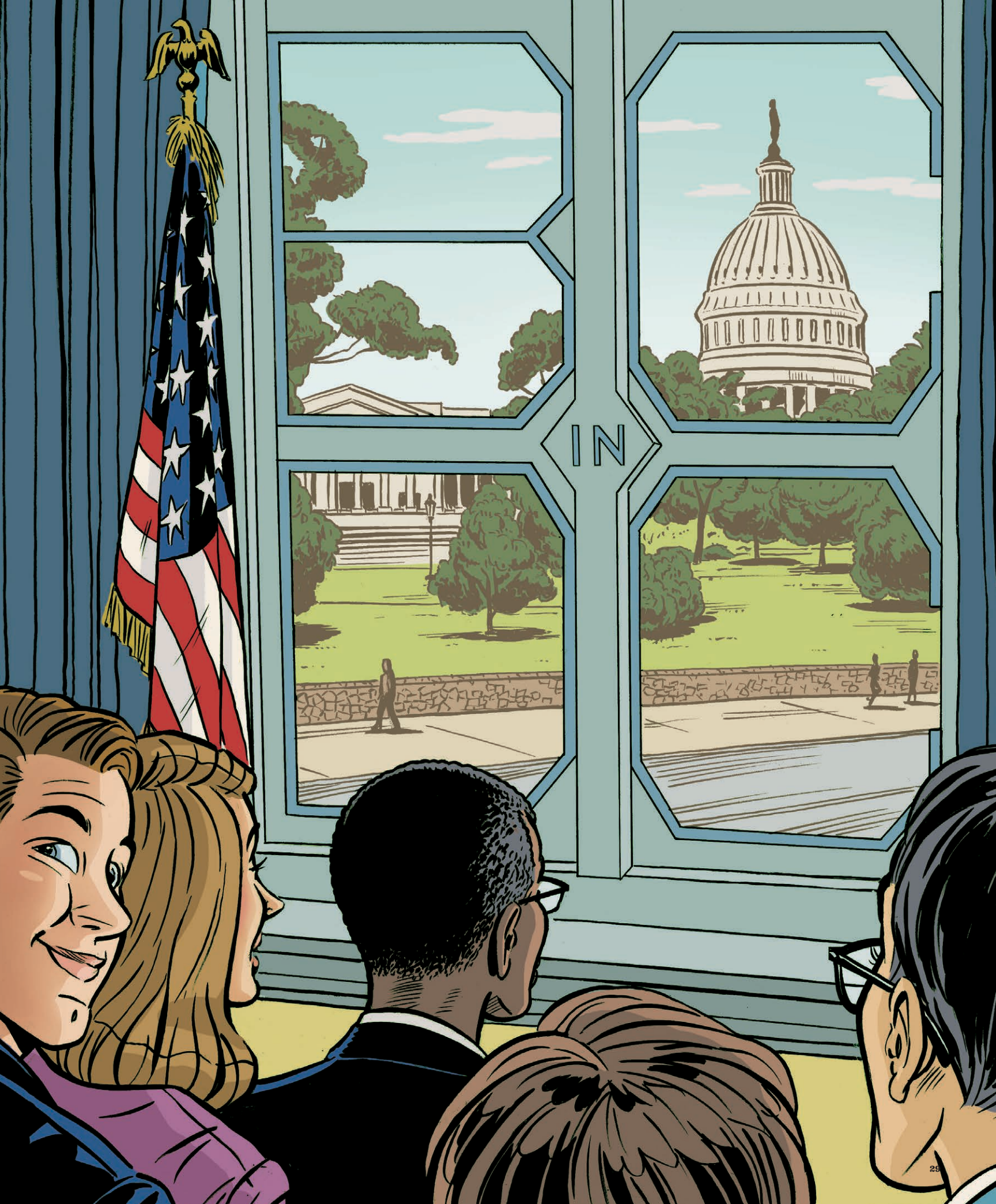
She continues, “At my level, it’s not as if I’m going to leave a particular case that will have major impacts on the law, but, hopefully, I have exercised my discretion fairly and properly, and I have contributed to the judiciary.”

The real beneficiaries of Judge Ellen Huvelle’s legendary efficiency are the litigants who appear before her.

TRIALS BY FIRE

STUDENTS IN THE BC IN DC INTERNSHIP PROGRAM
LEARN THE THRILLS AND TERRORS OF SHOULDERING
THE RESPONSIBILITIES OF A REAL LAWYER.

BY **MAURA KING SCULLY** ILLUSTRATION BY **JONATHAN CARLSON**



It's an age-old predicament: Employers want to hire people with experience, but how do you get that experience when nobody wants to hire you because you don't have any? And, if you want to work in Washington, DC, there's the double whammy: You need experience plus you need connections. BC Law successfully addressed that challenge with the launch in 2015 of the BC in DC Program. It enables current students to chart a clear path to working in the nation's capital by providing them with a semester-long experiential work placement paired with a weekly academic seminar in DC.

"A big component of this experience is growing professionally and personally in terms of taking on uncertainty and getting really good advice from people who have had different career paths," says Christine Leonard '01, an adjunct faculty member who heads the BC in DC Program. Leonard leads the seminar and has a big day job herself: She is director of the Office of Legislative and Public Affairs for the US Sentencing Commission.

BC in DC is modeled on the Law School's successful Semester-in-Practice Program, in which students spend up to thirty-eight hours a week working, while also attending a seminar for reflection on their experiences and for faculty guidance. "Experiential learning has really blossomed in the past few years," says Kate Devlin Joyce '02, associate director for externships and coordinator of the BC in DC Program. "BC in DC is a course in which students can have a placement in the private sector, government, or with an NGO. The weekly seminar is focused on law and public policy, and what it's like to be a lawyer in Washington, DC."

"BC in DC is a great segue between spending three years in an academic environment and jumping into the job market," says Graham Markiewicz '16, who spent last spring in a placement with the International Corporate Accountability Roundtable (ICAR), a coalition that ensures corporations respect human

rights in their global operations. "I knew I wanted to work in policy and thought I would end up working in the corporate accountability space in business and human rights."

One of Markiewicz's projects at ICAR was developing guidelines issued by the Organisation for Economic Cooperation and Development (OECD). "They sent me to New York City to have a meeting with the national contact point of the OECD and a range of stakeholders. It was interesting because, coming from ICAR, I was treated as one of the experts and I was able to take part in the conversation about

what these guidelines should look like and how government and private industry could partner for more efficient and effective guides," he says. "I was way out of my depth but it was a really great experience to be part of the discussions."

That sense of being out of one's depth is not unusual for participants in BC in DC. In fact, it's arguably one of the best aspects of the program because it enables students to confront real workplace challenges while still supported by the Law School.

Frances Ha '17, who interned with the Tax Division of the US Department of Justice (DOJ), says a common theme in the seminar is striking the right note in interacting with supervisors. "We talk about how to communicate with the attorneys who supervise us—for example, to see if they can extend a deadline when necessary to make sure we are submitting our best work," she explains.

"It's different because in school there's a lot of latitude for failure," says Markiewicz. "It's OK if you mess something up and you're all there to learn. But that changes very quickly when you are doing real work that affects real people and their lives and livelihoods. It was good to sit back once a week and think about things to slow the pace down."

In addition to the weekly discussions, students must give two oral presentations, keep a weekly journal, and write a paper on a topic of their choosing. They receive a midterm and final evaluation from their externship supervisors.

Gail Krutov '17 presented her paper on the Internet of Things, which is generally described as machine-to-machine communication with the power to transform lives. "When building and designing tech products, companies are often more focused on innovation than on protecting the consumer's information," says Krutov. "They do not always incorporate proper privacy settings into the product, nor do they always have the tools to prevent a hacking."

Krutov explored those tensions during her placement with the Federal Trade Commission (FTC). She found the position with the help of Joyce. "I told Kate I wanted to work at the FTC and she put me in touch with a BC alum who works at the FTC, Megan Cox '12, in the Bureau of Consumer Protection. Megan helped me figure out the options and how to go about getting an internship."

To help create those types of connections, Leonard has recruited BC Law alumni in the area to speak at the seminar. Last November,

Adjunct faculty member and BC in DC Program head Christine Leonard '01





ZAIN AHMAD '17, WHO INTERNED IN THE WHITE HOUSE OFFICE OF SCIENCE AND TECHNOLOGY POLICY, SAYS THE PEOPLE HE HAS WORKED WITH ARE INCREDIBLY KNOWLEDGEABLE AND HELPFUL. THOUGH AHMAD HAS A POST-GRAD POSITION LINED UP WITH GOODWIN PROCTER IN NEW YORK CITY, HE USED HIS BC IN DC OPPORTUNITY TO DIVE INTO HIS TECH INTERESTS.

Catherine Sheehan Bruno '95, special assistant in the FBI Office of Integrity and Compliance, took the students on a tour of exhibits at FBI headquarters. "You don't necessarily realize when you think of the FBI that we have everything from our criminal responsibilities, which include counter-terrorism, cybercrime, the civil rights portfolio, and organized crime, to the work of our lab, hostage rescue team, Weapons of Mass Destruction Directorate. So, when you go through the exhibits, you get a sense of how broad things are."

In response to student questions about how the presidential transition might affect job prospects, Bruno was sanguine. "I let them know that they shouldn't be discouraged," she says. "Sometimes you hear the government is or isn't hiring. You should always put yourself out there and never give up. Keep applying for things, keep trying. Use your network."

It's that kind of advice and those kinds of connections that make the BC in DC Program so valuable to students. "The great thing is to meet people in person instead of by phone," says Kru-tov. "Applying to jobs while I'm here and getting to know more people has been very beneficial."

To date, twelve students have completed the BC in DC Program. There are no restrictions on where the students work, though the strongest interest has been in government. Students have worked for, among others, the US Department of Justice, the Consumer Financial Protection Bureau, the Financial Industry Regulatory Authority, NGOs, Congress, and the White House. Leonard says the program shoots for between four and six students per semester given the intimate, seminar-style academic portion of the program.

The placements offer valuable opportunities: Cynthia Gonzalez '17, who spent the fall

with Human Rights First, an independent advocacy organization, was assigned to guide a client through her first court appearance. "I remember thinking, 'Are they really asking me to go to court alone? Are they really asking me to be the face of Human Rights First right now?'" recalls Gonzalez, who secured a continuance for her client. "That was a bit of a getting-thrown-into-the-fire situation, but, honestly, I came to law school to do exactly this type of work."

Zain Ahmad '17, who interned in the White House Office of Science and Technology Policy, says the people he has worked with are incredibly knowledgeable and helpful. Though Ahmad has a post-grad position lined up with Goodwin Procter in New York City, he used his BC in DC opportunity to dive into his tech interests.

"I had coffee with the assistant director for civil and commercial space policy," he notes. "We discussed my interest in the commercialization of space and space exploration and he put me in touch with individuals from the industry. Most people would stop at this point. But he went further and laid out a possible career path and invited me to space policy social gatherings around DC. This was just one of many interactions in which I gained valuable insight and experience."

Ha was the only intern in the Office of Review in the DOJ's Tax Division this fall. "I was able to work on summary judgment motions, drafting complaints, and subpoenas," says Ha, who plans a career in tax law. "The most interesting work was to write a letter to opposing counsel arguing why the US government needs a better settlement because the law is with us. My initial assignment was not to draft the letter, but to do legal research, but the letter ended up being based on my work. That was a real ego booster."

"A lot of law school tends to be a pipeline from courses to summer internship to junior associate. It's very lockstep," says Markiewicz. "So much of practicing law in policy is not that way. Christine and our guest speakers were very helpful in guiding us in how to look for jobs."

"I think there is a unique aspect of the hiring process in Washington. In many ways, it's still a town where people prefer to hire individuals with prior experience in Washington," says Leonard.

That certainly proved true for Markiewicz: He's now working on Capitol Hill as legislative assistant to Congressman Denny Heck (D-WA, 10th District).



LANCE WADE '02

A noted criminal defender restores a businessman to his former life.

Lance Wade represents high-profile politicians and Fortune 500 CEOs as a partner at Williams & Connolly, the storied Washington law firm that defended Bill Clinton at his impeachment trial. But perhaps his most satisfying case involved a lower profile client. A small telecom firm owned by one Brian Cox had signed people up for government-subsidized telephone service without written certification that they met low-income qualifications, relying instead on oral certification from the customer—an illegal move, said the government, which indicted him for fraud. Cox “had two kids and a wife,” says Wade, “and he faced financial ruin, along with a decade or more in jail. Meanwhile, the government had seized all his assets.”

Wade persuaded the court to let Cox have enough of his money back to mount a legal defense. Then, hours before the trial was set to begin, prosecutors dropped all charges, a result that Wade calls “virtually unheard of.” In discovery Wade had sought evidence that the FCC, which ran the subsidized program, actually allowed oral certification. At the very last minute, the prosecution realized that it did, and that a government witness was prepared to say so on the stand. Brian Cox was restored to his former life.

“Maybe it’s the Jesuit education I got at Boston College, but I have a deep desire to help people through a tremendously stressful time,” says Wade. “It can bring a lot of stress on me, but it’s also tremendously rewarding.”

THE IMPACT GENERATION

Making a difference takes on many meanings in Washington, DC, where tens of thousands of lawyers labor in every corner of the nation’s capital, often without fanfare.

These five alumni have found personally fulfilling ways to change lives—and possibly the course of history—one inspired effort at a time.

BY DAVID REICH PHOTOGRAPHS BY STEPHEN VOSS



THE
BC IN DC
ISSUE



LIZ LOPEZ '00

A trade association lobbyist advocates for bipartisan congressional support for business financing in underserved communities. According to federal policy expert Liz Lopez, her biggest accomplishment as executive vice president for policy of the Opportunity Finance Network (OFN), a trade association of 240 Community Development Financial Institutions (CDFIs), is one that she has to repeat each year: getting funding for CDFI programs that leverage it to access capital for underserved and underbanked communities.

In FY 2015, CDFIs made \$4.9 billion in loans to housing, microenterprise, and small business borrowers from rural, urban, and Native communities, who oftentimes are left out of the economic mainstream.

In 2017, with a new administration in place, along with newly elected Congress members, OFN will be doubling down its advocacy, letting new leaders know how CDFIs are improving access to capital.

To help make this happen, Lopez will be spending more time on Capitol Hill. "Once I get into an office," she says, "I show [the representative or senator] how a CDFI loan has led to the creation of a supermarket in their district, or a health center. A lot of the time they don't know where small business owners got that loan....Once they make that connection, it's a lot harder to cut that program down."



STEPHEN SPAULDING '09

A lawyer with a good-government group does his part to end gridlock in Washington. As legal director and senior policy counsel of Common Cause, Stephen Spaulding helped change how business is done in the Senate.

Early in his five years at the nonpartisan good-government group, the Senate's Republican minority started blocking large numbers of appointees to federal courts

and agencies. "They were using the filibuster in ways that made it the rule instead of the exception," Spaulding says. "I worked with attorneys, constitutional scholars, and people at the major think tanks to show that what was going on was outside political norms."

Spaulding's team at Common Cause also enlisted support from organizations whose work depends on smoothly

functioning, fully staffed government agencies and parlayed that into support on the Hill. Ultimately, the Senate majority rewrote the body's rules to prevent filibusters of most appointees.

Last May, Spaulding signed on as special counsel to Commissioner Ann Ravel of the Federal Election Commission, which regulates campaign finances. It's a natural move from Common Cause, where in

addition to his work on the Senate rules change, he fought for campaign finance reform in the wake of the *Citizens United* decision.

Campaign finance rules are critically important to everyone, he says: "If you care about the environment, about the economy, about education, you have to think about how campaign contributions can play out in those areas of your life."



PRATT WILEY '06

The Democrats' chief election lawyer saves an early voting program.

"What we do first and foremost is voter education, everything from helping people register to helping them know where and when to vote," says Pratt Wiley '06, national director of voter protection at the Democratic National Committee. Wiley's operation also

lobbies legislators to enact early voting and automatic registration laws.

Then there's the litigation piece. Just before the 2012 election, for instance, Ohio's GOP-controlled legislature took away three early voting days, killing the Souls to the Polls program, whereby members of predominantly black religious congregations were bused to voting loca-

tions the Sunday before Election Day. Wiley's legal team sued.

Noting that Ohio law still let absentee voters and overseas citizens vote on the canceled early voting days, they successfully argued that the legislature's action deprived other voters of equal protection.

Wiley joined the DNC in 2012, after six years in corporate law, overseeing

mergers and acquisitions.

"I've stayed," he says, "because it's really hard to find a job where you read about something that gets your blood boiling and you're actually in a position to fix it. When I read about the ways Republicans are trying to make it harder to vote, being in a position to correct those wrongs is the best position I could ask for."

KATHLEEN TOOMEY '99

The Civil Rights Division's "managing partner" pushes innovation and boosts morale.

Kathleen Toomey entered law school with the hope of someday working for the Civil Rights Division of the US Department of Justice. Today, she's the division's chief of staff. "I've always been passionate about the mission of the Civil Rights Division," Toomey says. "As a child, I was interested in history, and civil rights was the part that most interested me.... I was always amazed by the bravery exhibited by normal people in extraordinary circumstances."

As chief of staff, she's like a managing partner, ensuring the division's smooth operation. To that end, she has launched an "innovation initiative" that aims to improve the division's work product. One example: The division often litigates a case with multiple victims. The initiative has zeroed in on the letters the division sends to possible victims, explaining the case and how to benefit from the settlement. The division is now testing improved letter formats that increase readability by reducing legalese.

A call for suggestions of topics for the initiative got more than eighty responses from employees in the 600-worker office, and participation in the initiative, which is voluntary, has been "very, very high," says Toomey. "I can't point to any results so far, but it is having profound effects on morale."





PETER ZEIDENBERG '85 COMES TO THE DEFENSE OF TWO CHINESE AMERICANS ACCUSED OF SPYING AND DISCOVERS IT IS THEY WHO ARE THE VICTIMS OF AN OVERZEALOUS DOJ PUSHING FOR MORE PROSECUTIONS UNDER THE ECONOMIC ESPIONAGE ACT.

BY **CHAD KONECKY** ILLUSTRATION BY **BRIAN STAUFFER**

THE CHINA SYNDROME



Clearly, it was just a bad dream. Jenny Xi, who was six years old when enforcers of Mao's Cultural Revolution ransacked her home and evicted her family, was simply navigating ancient anxiety while half asleep. Only her unconscious could conjure visions so contrived and preposterous at sunrise on a late-spring morning. In America. ¶ A dozen or so Kevlar-clad government agents with a battering ram were inside her suburban Philadelphia home. Pressing her husband into a wall, they cuffed his hands behind his back near the master bedroom as others trained their weapons on Mrs. Xi and her children. The fantastical scene concluded as the FBI paraded Xiaoxing Xi, PhD, out into the daybreak of the family's Penn Valley neighborhood, down the sidewalk, and into a vehicle that drove him away.



If only it *had* been a dream. Jenny Xi's husband, the Interim Chair of the Physics Department at Temple University, was facing eighty years in federal prison for allegedly sharing secret information with a foreign government.

Seven months before the Xis' terrifying home invasion, Sherry Chen swung into the driveway of a low-slung brick building surrounded by Ohio farmland that housed the National Weather Service office in Wilmington, about an hour's drive east of Cincinnati.

En route to her desk, Chen, a hydrologist and expert flood-forecaster, was summoned by her boss and informed by six FBI agents that the government suspected she was a spy. Chen was placed in handcuffs, led past her co-workers, and taken to Dayton's federal courthouse forty miles away. At that point, she was informed that she faced forty years in prison and \$1 million in fines for illegally downloading data detailing "critical national infrastructure" from a restricted government database, and for making false statements.

Xi (pronounced *Zschee*) and Chen have only two things in common. They are both naturalized US citizens in their late fifties who were born in China. And, they were both innocent victims of flawed and problematic investigations that led to their indictment by a grand jury.

That is, until their lawyer, Peter Zeidenberg, a partner at Arent Fox who's spent the bulk of his career in DC, provided them with a third shared experience by persuading the respective federal prosecutors to withdraw the charges.

Having spent seventeen years as a federal prosecutor at the US Department of Justice before entering the private sector, Zeidenberg was no stranger to high-profile cases. He was part of the prosecution team in the CIA leak grand jury investigation that led to the 2007 conviction of Lewis "Scooter" Libby, Vice President Dick Cheney's chief of staff. Zeidenberg was also the lead trial counsel in the case that ended with the 2009 conviction of David H. Safavian for his role in the Jack Abramoff General Services Administration lobbying and corruption scandal.

"When Peter stepped into [the Chen case], I think I said to him something like, 'Welcome to the club,'" says Brian Sun, the partner-in-charge at Jones Day's Los Angeles office and a nationally renowned trial lawyer specializing in white-collar criminal defense. "There aren't too many of us around the country who do this stuff."

Sun and Zeidenberg are indeed in select company, and outnumbered by a growing subset

of clients—Chinese Americans being prosecuted for economic espionage, trade-secret theft, or under a variety of other federal statutes.

The surge in criminal proceedings originated with a directive from the top. In his 2013 State of the Union Address, President Obama noted the broad strokes of a new Department of Justice strategy to combat intellectual property theft by foreign countries and companies. The key element was intensified investigations and increased prosecutions.

Justice Department prosecutions under the Economic Espionage Act, as the *New York Times* reported in 2015, jumped more than 30 percent in 2013 and, during the first nine months of 2014, such indictments increased an additional 33 percent. More than half of the economic espionage indictments between 2013 and the spring of 2015 had a China connection.

Remarkably enough, Zeidenberg's entrée into this new niche practice was a matter of chance. A first-year patent lawyer at Arent Fox, who happens to be Chinese American, was contacted by an acquaintance of Sherry Chen's brother in China. The patent lawyer sent around a group email within the firm about the case, and Zeidenberg jumped on it, flying to Ohio the next morning to meet with Sherry Chen. It was by way of Zeidenberg's success with the Chen case that Professor Xi found him.

This past spring, the CBS News serial *60 Minutes* reported that in the twenty-eight months between the start of 2013 and April of 2016, the DOJ had won convictions in fourteen cases related to Chinese economic espionage. That's one every sixty days. The pitfall has been the substantial collateral damage. Zeidenberg says Xi and Chen are not outliers. They're part of a pattern. Zeidenberg's defense of Chen and Xi formed the foundation of the *60 Minutes* episode.

"From my perspective [federal prosecutors] are casting way too wide of a net," says Zeidenberg. "They are scooping in a lot of fish that should be immediately thrown back, and they don't seem to realize it."

From a federal prosecutorial perspective, there may be no more comparable example of failing to see the forest for the trees than the case the government built against Xi.

The day he was forcibly removed from his

home, Xi was handcuffed to a table and interrogated by agents at the FBI's Philadelphia field office. A newcomer to the judicial system, Xi freely answered questions without a lawyer by his side, replying "yes" to queries as to whether he'd ever "collaborated" in China or "visited Chinese labs." Ultimately, he was accused of colluding with multiple government bodies in China as part of a years-long plot to acquire proprietary US technology.

Prosecutors claimed Xi emailed photos and blueprints of this technology to the Chinese. The government zeroed in on Xi's work in the field of superconductors, which improve power transfer in multiple applications, including military. More specifically, he was accused of sending schematics to a colleague in China detailing an American-made device called a pocket heater—used to create a superfine coating that maximizes the flow of electricity. Xi allegedly did so despite his signed pledge to keep the design secret.

The US Attorney's Office in Philadelphia also claimed Xi offered to build a state-of-the-art lab in China in return for distinguished and well-paid appointments as a *quid pro quo*.

Xi pleaded not guilty, used his house as collateral to post bail, and returned to his home the same day he was taken. His world crumbled.

Reporters staked out the Xi family home. Time seemed to slow, sleep came fitfully if at all. There were traumatic conversations about finding the money to hire and pay for a lawyer. Jenny Xi, a physics professor at Pennsylvania State University, steered clear of her own campus. Chummy Temple colleagues suddenly distanced themselves from her husband.

The school placed him on administrative leave and removed his title as interim department chair. He was advised to avoid contacting certain colleagues. As a consequence, Xi was unable to work on long-established research as it neared completion.

Though never formally accused of spying, Xi was ultimately charged with wire fraud for sending four emails to Chinese associates in 2010 about building a laboratory. If convicted, he was told, he could go away for life.

Shortly after Zeidenberg got involved, it became clear that the evidentiary foundation upon which the government had built its case was, in a word, spongy.

To begin with, the freedom to communicate with Chinese scientists was a stipulation of one of Professor Xi's National Science Foundation grants. More importantly, the device Xi

was discussing with his academic counterparts in China was not a pocket heater, but rather a different heating technology that Xi, himself, was developing and planning to publish a paper about.

In an unmistakable rush to judgment, the government evidently never consulted experts in the field prior to presenting the case to a grand jury.

“Whenever you incentivize prosecutors and investigators to bring a particular type of case, it’s inevitable that you get screwed up prosecutions like this,” says Zeidenberg. “They have blinders on at the moment and if someone’s got a Chinese connection, they’re going to drop everything and try to find something. That’s not to say there isn’t a reason for government concern [in this realm]. It’s just that the medicine can be more damaging than the deeds. If you overreact, then you’re creating more harm than you’re preventing.”

There is no debating that Xi was harmed. It cost him \$200,000 to clear his name. Temple University took him back, but the department chair job he claims he’d been promised the same week as his arrest was no longer on the table. “I see dangers all over the place,” he told the *Philadelphia Inquirer* this past April. “I think I sound very annoyingly paranoid when I talk to my colleagues because I tell them, ‘You better be careful, what you’re doing is dangerous.’”

Be that as it may, Zeidenberg did help Xi sidestep the doomsday scenario. But how? It’s not like a defense attorney would phone up a prosecutor and say, “We should meet. You’re about to get embarrassed in court.” Yet, that’s exactly what Zeidenberg did. Minus the bravado, of course.

“You call them and set it up and, you know, good prosecutors always want to hear what you have to say,” says Zeidenberg. “Only an idiot wouldn’t want to know what he or she will be facing at trial. Then, a lot of work goes into preparing for that meeting.”

Zeidenberg chose PowerPoint as his medium and anchored his advocacy in affidavits he’d solicited from scientists around the world, all of whom agreed that Xi’s blueprints were not related to a pocket heater.

“We secured half a dozen affidavits,” he explains. “These scientists were all over the world. Getting hold of them wasn’t easy. And they were very meticulous about what they would and

would not say. Fortunately, they were all very eager to help. These people weren’t being paid, they just were willing to help.”

One particular affidavit from an engineer named Ward S. Ruby torpedoed the government’s case almost entirely on its own. In the course of conveying his *bona fides* relative to identifying whether something was or was not a pocket heater, Ruby’s sworn testimony read, “I am very familiar with this device, as I was one of the co-inventors.”

“When you have the guy who invented it saying, ‘That’s not my thing,’ what are you going to say about that?” notes Zeidenberg, regarding the Ruby affidavit. “We were able to demonstrate that Ruby’s device operated on an entirely different principle from Professor Xi’s. They were only similar in that they both got hot. It’s like a CD player and a phonograph. Both play music, but the similarity ends there. They work completely differently.”

In the end, the US Attorney accepted that the emails represented the kind of international academic collaboration that governments and universities attempt to foster, and that the technology involved was neither sensitive nor restricted.

Once the actual science proved that Xi’s communications were about a different device, it was game, set, match. Prosecutors withdrew the charges against Xi within a month of the meeting, in October 2015. It was the second time in a seven-month period (the Chen case being the first) that Zeidenberg had an espionage-related trial that did not go forward.

“Cases simply do not get dismissed,” he explains. “That’s what was so remarkable about this. Getting two cases that were indicted voluntarily dismissed, I mean, if you’ve got *one*



**“GETTING TWO CASES THAT
WERE INDICTED VOLUNTARILY
DISMISSED, I MEAN, IF YOU’VE
GOT *ONE* OF THOSE IN YOUR
CAREER YOU TALK ABOUT IT
‘TIL YOUR GRAVE: ‘GATHER AROUND,
LET ME TELL YOU ABOUT
THE TIME I CONVINCED
THEM TO DISMISS THE CASE.’”**

of those in your career you talk about it ‘til your grave: ‘Gather around, let me tell you about the time I convinced them to dismiss the case.’ Getting two of them within [a few months], you know, it’s like winning the lottery twice. That said, I feel horrible for these people who were caught up in it. What permeated the atmosphere of [the Xi and Chen cases] was the sense that, apparently, they wouldn’t have been brought but for the fact that they were Chinese Americans and they had associates within China.”

Court documents in the Xi case reveal that the Justice Department said that “additional information came to the attention of the government” as a reason for dropping the charges.

“I feel like Peter is a great champion of this,” says Michael A. Schwartz, a partner at Pepper Hamilton LLP, who served as Zeidenberg’s local counsel on the Xi case, whose professional focus is criminal defense. “He’s a passionate advocate. He understands how difficult it is to represent a person who is accused, but presumed innocent, when the government brings untested charges against them. I’m very proud of the fact that the prosecutors in this case ultimately decided to do the right thing and dismiss the case.”

Although Zeidenberg was initially surprised the DOJ would present such a case to a grand jury, in the months since Xi’s exoneration, he finds himself less surprised. “I’ve got two more cases where the same thing has happened subsequent to [the Chen and Xi cases],” says Zeidenberg.

IN BUILDING ITS CASE AGAINST SHERRY CHEN, the DOJ moved in a much more deliberate fashion, spending more than two years from inception to issuing charges. The impetus was the notion, at least initially, that prosecutors could make a full-blown economic espionage case against her.

Given the resources dispensed on what turned out to be a fool’s errand, the case against Chen—a woman who made an eighteen-year career of developing and maintaining potentially life-saving flood forecasting models—could be characterized as an even bigger bungle than the Xi indictment.

The facts of the slow-moving investigation were nuanced.

Mainland China—Late summer, 2012: Xiafen Chen, who earned her advanced degrees in hydrology in



Defense
Attorney
Peter
Zeidenberg

Beijing, made her annual trip to China to visit her parents. During her stay, a nephew implored her to connect with an old classmate, a Mr. Jiao, vice minister of China's Ministry of Water Resources, to help smooth over a dispute that his fiancée's father was having with provincial water officials. Reluctantly, Chen reached out and Jiao's secretary arranged a fifteen-minute meeting in his downtown offices. Jiao offered to intercede. Before they parted, Jiao mentioned an ongoing project to fund repairs to China's reservoir systems and asked how such initiatives were funded in the US. Chen did not know the answer, but was curious to find out.

Wilmington, Ohio—Late summer, 2012: A diligent and inquisitive worker, Chen just a year earlier had won an award for a forecast that helped save the city of Cairo, Illinois, from record flooding. Upon returning to the US, she set out to answer Jiao's question and ultimately sent Jiao an email containing website links, none of which were applicable to his question. Jiao took a week to respond with a

perfunctory note of thanks. Chen also looped in Deborah H. Lee, the current Army Corps of Engineers' chief of the water management division, with whom Chen had collaborated on multiple occasions.

Lee directed Chen to the ACE website and volunteered to answer any further questions from Jiao directly. Consulting the ACE database, Chen found nothing suitable for Jiao, but downloaded for herself data about Ohio dams she thought might be relevant to her forecasting model.

In a second email to Jiao alerting him to Lee's offer, Chen included a link to the database and noted that "this database is only for government users, and nongovernment users are not able to download any data from this site." Once again, Jiao responded: "Thanks a lot." That was the extent of their communication. Shortly thereafter, Lee reported her correspondence with Chen to security staff at the Department of Commerce, which oversees the National Weather Service. The email read: "I'm concerned that an effort is being made to collect a comprehensive collection of US Army

Corps of Engineers water control manuals on behalf of a foreign interest."

Wilmington, Ohio—June, 2013: Two special agents from the Commerce Department arrived at Chen's workplace and interrogated her for seven hours. They wanted to know about her meeting with a Chinese official in Beijing and why she accessed the National Inventory of Dams. The database, maintained by the Army Corps of Engineers, is available to government workers and members of the public who request login credentials. A subset of the data on the site (six of seventy data fields) carries restricted access to government workers only. Chen's credentials allowed her full access to the database, but she didn't have a password, since the last time she accessed the site was before the government began requiring passwords in 2009. In researching an answer to Jiao's question back in 2012, she had asked a colleague in the adjacent cubicle, who had already provided the password and login instructions to the whole office, for assistance. He emailed her the password.

**IF SHE WERE A SPY, WHY WOULD
CHEN RETURN FROM CHINA AND INFORM
HER COLLEAGUES OF HER MEETING WITH JIAO?
WHY WOULD SHE DIRECT HER ALLEGED
CHINESE CONTACT TO A CHIEF OF
WATER MANAGEMENT INSIDE THE US GOVERN-
MENT? WHY WOULD SHE LEAVE A BLATANT
ELECTRONIC TRAIL IN WHICH
SHE SOUGHT A DATABASE PASSWORD?
WHY WOULD A SPY DO THAT?**



Agents grilled her about her acquisition of the password and her meeting with Jiao. Asked to place the date of that meeting, she replied: “It was the last time I visited my parents, I think 2011. May 2011.”

Wilmington, Ohio—September, 2013:

The day after returning from a four-week visit to her parents (her father, who was in poor health, died during the trip), she was interviewed for a second time by Commerce agents.

Washington, DC—July, 2014: An FBI memo of which Chen was the focus identified the Army Corps of Engineers as a “victim” of economic espionage by the People’s Republic of China.

Newark International Airport, New Jersey—September, 2014: As they were boarding a flight to Beijing, Chen and her husband were stopped and their bags were pulled from the plane and searched. They were released to re-board after an hour.

Wilmington, Ohio—October, 2014: The day after returning from the China visit, Chen was arrested by the FBI at her National Weather Service office.

Prosecutors had hunted long and hard for evidence of espionage, but failed to find any and settled on eight lesser counts, including false statements and two counts of theft. Chen suffered the same indignities as Xi following her arrest. She was suspended without pay from her job. Her family in China was forced to pony up for her legal defense. Media besieged her home, hoping for footage of a foreign spy embedded in an Ohio suburb of fewer than 13,000 residents. Friends and colleagues feared any interaction with Chen.

Once again, Zeidenberg was baffled by the government’s carelessness. Chen’s alleged “false statement” (and associated counts) was her mistake in saying “2011” instead of “2012,” as she answered agents’ June 2013 questions about her date of travel to China during the trip she met Jiao (an error she corrected later in the interview). The theft counts arose from the dam data she had downloaded to her computer, which she never sent to anyone.

“I never understood how she could be stealing it when it’s still on her computer,”

says Zeidenberg. “I mean, that’s just sort of law school 101 property criminal law. Shouldn’t there be some exportation and intent to deprive, permanently, on her part? How can that be when it’s still sitting there? She downloaded the same [data set] twice, so there were two counts of theft. How can you steal the same thing twice?”

In Chen’s case, Zeidenberg didn’t need his PowerPoint slides.

“It was more like a [personal] appeal,” he explains. “It was just an explanation to the US Attorney [Carter Stewart, Southern District of Ohio], who I was convinced was unaware of exactly what was going on in his office [in this case]. I just wanted to communicate that this alleged false statement happened in the course of a single interview and was corrected by the end of the interview.”

Again, prosecutors seem to have inappropriately assessed their clues. If she were a spy, why would Chen return from China and inform her colleagues of her meeting with Jiao? Why would she direct her alleged Chinese contact to a chief of water management inside the US government? Why would she leave a blatant electronic trail in which she sought a database password? Why would a spy do that?

The essence of Zeidenberg’s appeal to Carter Stewart was three-fold. First, the information Chen downloaded was not classified. Second, she never sent it to anyone. Third, the information never left her computer. Chen did send links to Jiao in China, but they were from a public website.

The government found it particularly fishy that the dam information Chen downloaded ended up not being material to her job.

“They claimed she didn’t really need it, but she downloaded information about Ohio,” says Zeidenberg. “That was her bailiwick. It wasn’t dam data from California. As it turned out,

it wasn’t helpful to her job, but how many things do you read or cases do you look at or articles that you view that you don’t end up using? You just put it in another pile.”

In related interviews conducted by the FBI, Chen’s boss called Sherry Chen’s follow-through with the Jiao request “prototypical good employee-type behavior.” Zeidenberg conducted his own interview with the government employee who trained Chen, and her reputation for due diligence was reaffirmed. Zeidenberg encouraged authorities to talk to the man.

“In the end, I just sort of pointed out that this was a ridiculous case,” recalls Zeidenberg. “The week before, [former CIA Director] General David Petraeus got a misdemeanor for giving away code-word-protected secrets to his girlfriend and then lying about it to the FBI. Meanwhile, my client had downloaded information on her work computer from a work website and gave it to no one, and they’re recharging her with a felony.”

Zeidenberg connected with the US Attorney’s office to deconstruct the case just one week before Chen’s trial was scheduled to begin in March of 2015. The charges were dropped the next day. A government spokeswoman told the *New York Times* that prosecutors had employed “prosecutorial discretion” in withdrawing the charges.

Following the flawed prosecutions of Xi and Chen, the DOJ amended oversight protocol to require that all espionage-related cases be approved and supervised by the DC headquarters. It is not a reform that Zeidenberg can celebrate. At least not yet.

For one thing, a year after her case was dropped, Sherry Chen was fired from her job for “untrustworthiness,” “lack of candor,” and other issues arising from her criminal investigation. Perhaps more chilling, the danger to Chinese Americans seems alive and well.

“I can’t say the change in DOJ protocol gives me any satisfaction,” says Zeidenberg. “I have another case that is pending right now in Tennessee...and it’s just as flawed and problematic an investigation in prosecution as my other cases and it *did* go through DC. I think that there has been a complete lack of vetting internally with the government in this case and that they’ve got their minds made up. I don’t see one iota of improvement.”

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GENERATIONS

BROTHERS EDWARD T.
HANLEY '86, LEFT, AND
JAMES M. HANLEY '96.

Class Notes



We gladly publish alumni news and photos. Send submissions to **BC Law Magazine**, 885 Centre St., Newton, MA 02459-1163, or email to vicki.sanders@bc.edu. Due to space considerations, alumni news regarding inclusion in *Super Lawyers Magazine* and *The Best Lawyers in America* will be published on BC Law's LawNet.

65 **John F. Dobbyn** is the author of *Fatal Odds*, his fifth novel in the Knight and Devlin legal thriller series, published by Oceanview Publishing in August. The series' first novel, *Neon Dragon*, is being produced as a movie. In addition to writing, he is a professor at Villanova University School of Law in Villanova, PA.

76 **Seth H. Langson**, a child advocate and attorney in Charlotte, NC, is co-recipient with his client of the 2016 Kellie Crabtree Award presented by the North Carolina Advocates for Justice in recognition of attorneys and clients in cases where the attorney's representation and the client's story have made a difference in protecting people's rights. In the case, *Robert Price v. Roman Catholic Diocese of Charlotte*, he won a million-dollar settlement for his client, and is the first lawyer in the state to sue the Roman Catholic Diocese on claims that the diocese had prior knowledge of, and was complicit in covering up, sexual abuse.

Paul D. Moore was inducted as a fellow of the American College of Bankruptcy. He is a partner in the Boston office of Duane Morris LLP and focuses his practice on business reorganization, bankruptcy law, and litigation and loan workouts.

77 **Hon. Gregory F. Kishel** retired after thirty-two years as a bankruptcy judge for the US District Court of the District of Minnesota, having served as chief judge for twelve of those years, in

two separate terms. Among the numerous cases during his term were those involving large labor issues for an airline, a company with mass tort liability for asbestos exposure, two companies in the iron mining industry, and the entities through which the third-largest Ponzi scheme in American history was carried out.

Glenn Wong, one of the nation's top sports law educators, has been appointed director of the Sports Law & Business Program at the Sandra Day O'Connor College of Law at Arizona State University. Prior to joining ASU Law, Wong was a professor and department head at the Mark H. McCormack Department of Sport Management at the Isenberg School of Management at the University of Massachusetts in Amherst.

79 **Brian W. Blaesser** was selected to join the Counselors of Real Estate. He is a partner in the Boston office of Robinson & Cole LLP and practices in the areas of commercial real estate development and redevelopment, leasing, land use and environmental law, condemnation law, and litigation.

Lauren Stiller Rikleen, president of the Rikleen Institute for Strategic Leadership in Wayland, MA, was selected as a 2016 "Top Women of Law" honoree by *Massachusetts Lawyers Weekly*.

80 **Hon. Paul J. Barbadoro**, a federal judge of the United States District Court for the District of New Hampshire, was appointed by US Chief Justice Roberts to serve as chair of the Executive Committee

of the Judicial Conference of the United States.

Robert E. Bostrom was named to the Advisory Board of the Georgetown Law Corporate Counsel Institute. He is the senior vice president, general counsel, and corporate secretary at Abercrombie & Fitch, headquartered in New Albany, OH.

81 **Marlene Gillette-Ibern** is the executive assistant to the regional director of Latin America at Human Life International (HLI), and the legal advisor to HLI Puerto Rico (Guadalupe Center for Life and Family).

George W. Mykulak is a partner in the Boston office of Nelson Mullins Riley & Scarborough LLP and focuses his business litigation practice on franchise/distribution, contract/business tort, and real estate disputes. He was previously a litigation partner in the Boston office of WilmerHale.

Eric H. Weisblatt is a partner in the Washington, DC, office of Hunton & Williams LLP and a member of the firm's intellectual property practice.

82 **Jonathan M. Albano** is vice president of the Boston Bar Association for 2016–2017. He is a partner in the Boston office of Morgan Lewis and focuses his practice on commercial, constitutional, and media-related litigation.

Paul J. Ayoub is co-author with his daughter, Lizzie, of *Inspire Me! A Father-Daughter Book of Quotations to Motivate, Teach and Inspire* published by Humble Hues in October. Proceeds from the sale for the book will be donated to St. Jude Children's



PAUL J. AYOUB '82

Kindred Endeavor With his daughter, created *Inspire Me!*, a book of inspirational quotes to benefit St. Jude Children's Hospital co-founded by his father. **Why?** "We always have been passionate about quotations and the power they have to change attitudes, minds, and lives." **Raves** Best-seller on Amazon for quotation books. **Best Advice You've Ever Received** "The two most important days of your life are the day you were born, and the day you find out why." This is a quote of Mark Twain my parents told to me when I was young."

ClassNotes



M&A: THE PERFECT CAREER FOR WOMEN

Rita-Anne O'Neill '94 was among six high-powered members of the ABA's Women in M&A Task Force who convened at BC Law in September to encourage women students to consider mergers and acquisitions as a profession. Describing their jobs as "exciting," "flexible," and "rewarding," the panelists touted the immediacy of the transactions.

"I don't have the attention span to go through a case that takes eight years, but I'm passionate about the opportunity to do deals in M&A," said O'Neill, a partner at Sullivan & Cromwell in Los Angeles.

Research Hospital, an organization founded by Danny Thomas and a group of businessmen that included Paul's father. A partner in the Boston office of Nutter McClennen & Fish LLP, he was recently elected vice chair of the Greater Boston Chamber of Commerce's Board of Directors.

Jonathan W. Fitch is the managing partner at Fitch Law Partners LLP, formerly Sally & Fitch LLP, a litigation law firm with offices in Boston, Wellesley Hills, MA, and Providence, RI.

83 Kelvin H. Chin, executive director and founder of the Overcoming the Fear of Death Foundation and the Turning Within Foundation in Austin, TX, is the author of *Overcoming the Fear of Death: Through Each of the 4 Main Belief Systems* published by Aurelian Press LLC in August.

Rear Admiral Robert F. Duncan, retired from the US Coast Guard, is the recipient of the 2015 Lifetime

Achievement Award presented by the American Security Council Foundation for his distinguished leadership in national response and homeland security throughout his career.

Eric G. Woodbury is celebrating the one-year anniversary of his general practice, Woodbury Law LLC, in Bucksport, ME. He previously served in the US Peace Corps in Ethiopia.

84 Lyman G. Bullard Jr., was named a "Premier Power Player" by *Sports Business Journal*. A partner at Boston-based Choate, Hall & Stewart LLP, he represents financial institutions and teams in commercial financing transactions, including sports lending, stadium construction and investment banking transactions, merger and acquisitions transactions, and capital markets transactions.

Lynne Spigelmire Viti, senior lecturer in the Writing Program at Wellesley College, announces the publication of her first poetry collection, *Baltimore Girls*, by Finishing Line Press this February.

85 Hon. Steven N. Berk was sworn in as an associate judge of the Superior Court for the District of Columbia in September, following nomination by President Obama. He was previously a principal and founder of Berk Law PLLC in Washington, DC.

Hon. James G. McGiffin Jr. was appointed by Delaware Governor Jack Markell to a twelve-year term as a family court judge, serving Kent County, DE. Prior to this appointment, he worked with the Community Legal Aid Society and served as city councilman in his hometown of Dover, DE.

Julia K. O'Neill is a partner in the Framingham, MA, office of Bowditch & Dewey LLP and a member of the firm's emerging companies, corporate, banking and finance, and intellectual property practices.

86 Eric D. Daniels was appointed to the Board of Ambassadors of the Hartford Foundation for Public Giving. He is the partner-in-charge in the Hartford, CT, office of Robinson & Cole LLP and focuses his practice on employment law, with an emphasis on sensitive, high-risk personnel issues and investigations, as well as on compliance and training.

Mary T. Marshall was selected as a 2016 "Top Women of Law" honoree by *Massachusetts Lawyers Weekly*. She is a partner in the Boston office of Nutter, McClennen & Fish LLP and practices in the areas of real estate and finance, and land use, permitting, and development.

87 Matt Antonek, retired after fifteen years as executive director of labor relations at Verizon Wireless, is founder and managing partner of Employer Advisory Group, LLC, in Madeira Beach, FL, where he conducts leadership training and advises companies regarding labor relations and employee engagement.

Hon. Thomas A. Cox Jr. was elected to the Superior Court of Fulton County in Atlanta, GA. Formerly of counsel in the Atlanta, GA, office of Fisher & Phillips LLP, he joined **Hon. John J. Goger '73** as the second BC Law alumnus on that court.

88 Garland H. Stillwell is spearheading project funding for developing countries in West Africa,

Central America, and the Caribbean with a focus on Haiti.

89 Warren E. Agin, a partner at Boston-based Swiggart & Agin LLC, is the author of the *Bankruptcy and Intellectual Property Deskbook* published by the American Bar Association (ABA) in July, and was appointed chair of the ABA Business Law Section's Legal Analytics Joint Working Group.

Christopher J. Devlin is co-author of *The Maine Commercial Lending Handbook*, and was selected by the American Bar Association to co-author the Maine State chapter in the second edition of *Commercial Lending Law: A Jurisdiction-by-Jurisdiction Guide to US and Canadian Law* published in June. He is a partner in

the Portland, ME, office of Bernstein Shur and practices in the areas of real estate and commercial finance.

Hon. Mary E. Langer is a presiding judge on the Richmond (VA) Juvenile and Domestic Relations District Court, following her appointment by the Virginia General Assembly. She was formerly the deputy commonwealth's attorney and head of the Juvenile Court Division in the Richmond Office of the Commonwealth's Attorney. She is also a member of the adjunct faculty at the University of Richmond School of Law.

Kevin J. O'Connell, a partner in the Boston office of Verrill Dana LLP, was elected to the North America Regional Council of World Services Group. Of the six council members, he is the only one based in the Northeast.

91 Hon. Michael K. Callan was confirmed by the Governor's Council as an associate justice of the Massachusetts Superior Court, following nomination by Massachusetts Governor Charlie Baker. He was formerly a partner at Doherty, Wallace, Pillsbury & Murphy PC in Springfield, MA.

Maryann Civitello, a commercial real estate partner in the Boston office of Mintz Levin, was honored by the firm as the 2016 recipient of the Richard Mintz Pro Bono Award. For more than two decades, she has been a member of the board of the Elizabeth Stone House, a nonprofit agency in Roxbury, MA, that serves the homeless, at-risk families and individuals, and victims of domestic violence.

Maureen E. Curran received the 2016 Massachusetts Bar Association Public Service Award for her work spearheading the Fiduciary Law Probate Session Working Group, which works to implement reforms within the probate court. Founder and sole practitioner at the Law Office of Maureen E. Curran LLC in Boston, she practices in the areas of probate litigation, trust litigation, contested wills, guardianship, and fiduciary law.

B. J. Krintzman was honored for her twenty years as host of *That's the Law! With Attorney B. J. Krintzman*, a legal and cultural issues talk show, at a celebration hosted by NewTV, the show's programming organization, in Newton, MA. She is principal and founder of the Law Offices of B. J. Krintzman in Newton.

92 John F. Malitzis is chief surveillance officer and managing director in the New York, NY, office



B. J. KRINTZMAN '91

Stats 1996: Debuted her Newton, Mass., TV talk show *That's the Law*; has since taped 157 episodes and hosted 217 guests. **Star Turns** Contestant on *Wheel of Fortune* and *\$20,000 Pyramid*. **For Fun** "I've done stand-up comedy and am looking into cabaret singing. Also, I paint (art, not just walls!)." **Favorite BC Law Story** "Professor Hillinger asked a very complicated question in Contracts and called on me. I replied, 'Yes.' She looked at me with a slight sneer and said, 'Yes, what?' I promptly replied, 'Yes, ma'am!'"



ALUMNI BOARD ELECTIONS

Earl Adams '02 was elected President of the Alumni Board in November, succeeding Thomas Burton '96. The other executive officers are President-Elect Ingrid Schroffner '95, Vice President Mark Warner '89, Secretary Stephen Riden '99, and Treasurer Norah Wylie '79.

The remaining board members and their specializations are: Anne Gordon '11 (Regional Chapters), Michelle Limaj '07 (Admissions), Robert Raskopf '76 (Career Services), John Ventola '94 (Annual Giving), Christopher Morrison '01 (Alumni Programs), Vince Lau '97 (Communications and Marketing), Jennifer Kent '13 (Affinity Groups), Lurleen Gannon '02 (Student Programs), and Edward Hanley '86 and Philip Privitera '95 (Class and Reunions).

ALUMNI ASSOCIATION NOTICE

On November 3, 2017, the Alumni Association will hold an Alumni Board meeting followed by the annual Assembly Meeting. Elections for 2018 Alumni Board members will be held during these events. Anyone who has volunteered for BC Law between June 2016 and November 2017 is eligible to vote. Please visit bc.edu/lawalumni or contact Christine Kelly, director of alumni relations, at christine.kelly.3@bc.edu for more information about the association and this election.

Class Notes



THOMAS E. GAYNOR '01

The Art of Managing The managing partner of Nixon Peabody's San Francisco office says the key to managing lawyers is "knowing that you absolutely cannot manage lawyers. You can only allow, encourage, cajole, and inspire them to do what they need to do." **Last Book that Inspired You** Peter Thiel's *Zero to One*. "It continues to fuel my enthusiasm for the future of our profession and our country." **What Makes a Good Leader?** Vision. "If you cannot imagine it, you cannot get there." **Favorite Vacation Spot** Paris. "Best antique shops anywhere!"

of Citadel LLC. He was previously an executive vice president in the Market Regulation Department of the Financial Industry Regulatory Authority.

Deborah M. Silva is executive director of the Massachusetts Appleseed Center for Law and Justice in Boston. She formerly served as director of the Equal Justice Coalition in Boston.

93 Christine Griffin, the executive director of the Disability Law Center in Boston and an outspoken advocate for people with disabilities in Massachusetts, was featured in a *Boston Globe* article by Dan Adams entitled "Five Things You Should Know about Christine Griffin."

Richard D. Lara is executive vice president and general counsel for Spanish Broadcasting System, Inc., the largest publicly traded Hispanic-controlled media and entertainment company in the US. He was formerly a partner at Mase Lara PA in Miami, FL.

Brian P. Lenihan was named to the 2016 list of "Mergers and Acquisitions Trailblazers" by the *National Law Journal*. He is a partner at Boston-based Choate, Hall & Stewart LLP and co-chair of the firm's private equity practice group.

94 Steven A. Adelman was interviewed in national periodicals, including *Rolling Stone* and *Billboard*, in the aftermath of recent tragedies at live events, and has written about safety and security in entertainment venues in the *NFPA Journal* and *Protocol* magazine. Founder of Adelman Law Group PLLC in Scottsdale, AZ, he focuses on risk management, litigation, and standard-of-care testimony

regarding premises liability, crowd management, and event safety and security in the US and Canada. In addition, he is president of the Event Safety Alliance.

Jeffrey N. Catalano was elected president of the Massachusetts Bar Association for 2016–2017. He is a partner at Todd & Weld LLP in Boston, where he represents victims of catastrophic injuries in the areas of medical negligence, product liability, auto accident, class action, and other personal injury cases.

Annabella L. Gualdoni is a Joshua A. Guberman Teaching Fellow and Lecturer in Legal Studies at Brandeis University in Waltham, MA. One state away from her goal of "50 by 50 by 50," to visit 50 countries and all 50 states before her 50th birthday, she has documented her travel adventures with her husband on their blog, *My Wife Takes Me Places*.

Robert T. Wilson was appointed to the Board of Trustees of the Cranbrook Educational Community in Bloomfield Hills, MI.

95 Maura K. McKelvey, a partner in the Boston office of Hinshaw & Culbertson LLP, was appointed to the firm's Management Committee. Her practice focuses primarily on mortgage servicing and lender litigation.

Ingrid C. Schroffner, assistant general counsel in the Massachusetts Executive Office of Health and Human Services (EOHHS), is the author of "Continuing the Journey of Seeking to Ensure Inclusivity" in the Summer 2016 issue of *Dimensions*, a Massachusetts EOHHS newsletter; is a faculty member of the Massachusetts EOHSS 2015–2016 Mentoring, Aspiring Supervisors, Succession

Planning program; co-presented "Unintended and Unconscious Bias" to EOHHS trainers and diversity officers of EOHHS agencies in July; and moderated a Boston Bar Association panel, "Cross-Cultural Competency: Stop Bumping into Boundaries and Start Building Bridges," in October.

96 Francesco A. De Vito was appointed co-chair of the Real Estate Section of the Boston Bar Association. He is a partner in the Boston office of Rackemann, Sawyer & Brewster and practices in the areas of real estate and finance law.

Beth M. Nussbaum announces the launching of Nussbaum Family Law in Sharon, MA, where she is a mediator and collaborative lawyer focusing on alternative dispute resolution. Previously, she was an attorney with Smith Lee Nebenzahl LLP in Sharon, MA.

Eric Schulman is a partner in the Silicon Valley office of Fish & Richardson in Redwood City, CA, and a member of the firm's patent group. He was formerly the head of intellectual property for Uber Technologies, Inc., following more than nine years as in-house legal director at Google Inc.

98 Tracy Sendor Woodrow is a senior vice president at M&T Bank Corporation in Buffalo, NY, where she leads the bank's Anti-Money Laundering and OFAC Sanctions Compliance Department.

Barbara W. Trachtenberg was selected as a 2016 "Top Women of Law" honoree by *Massachusetts Lawyers Weekly*. She is a partner and head of the real estate practice in the Boston office of DLA Piper.

Geoffrey G. Why is the 2016 recipient of the Community Service Award presented by the Asian American Lawyers Association of Massachusetts. He is counsel and the first telecommunication attorney in the Boston office of Verrill Dana LLP, and serves as vice treasurer on the Board of Directors of the Asian Community Development Corporation.

99 Lee Harrington was appointed co-chair of the Bankruptcy Law Section of the Boston Bar Association. He is a partner in the Boston office of Nixon Peabody LLP and a member of the firm's financial restructuring and bankruptcy practice.

Christopher A. Jarvinen was one of thirty inducted into the 28th Class of Fellows of the American College of Bankruptcy. He is a corporate restructuring partner with Berger Singerman LLP in Miami, FL.

00 Matthew J. Lawlor, a partner in the Boston office of Robinson & Cole LLP, is a recipient of the firm's Pro Bono Award in recognition of his commitment to their pro bono initiative, specifically in applying his real estate and development background to foster sustainable growth and smart urban planning in the Boston area.

01 Thomas E. Gaynor is managing partner in the San Francisco, CA, office of Nixon Peabody LLP and a member of the firm's mergers and acquisitions and corporate transactions practice group.

Brian Sheppard, a professor at Seton Hall University School of Law, wrote an op-ed in the *Boston Globe* December 19. In it he noted that

Brigadier General Mark Martins, the chief prosecutor at Guantanamo Bay, is also a member of the Massachusetts Bar and therefore subject to the Massachusetts Rules of Professional Conduct, which could obligate him to accord detainees long-overdue procedural justice for his failure to prosecute them.

03 Kara M. DelTufo, general counsel at Dana-Farber Cancer Institute in Boston, was selected to the 2016 list of "Top Women of Law" by *Massachusetts Lawyers Weekly*.

Peter F. Durning was appointed co-chair of the Environmental Law Section of the Boston Bar Association. He is a partner at Mackie Shea PC in Boston and focuses his practice in the areas of environmental litigation, enforcement defense, and land use and permitting.

04 Stephanie W. Berdik is a partner in the Boston office of Proskauer Rose LLP, where she has a general corporate practice with an emphasis on private investment fund structuring.

Jeffrey M. Crusha is a partner in the San Francisco, CA, office of Fragomen, Del Rey, Bernsen & Loewy LLP and practices US employment-based immigration law.

Louis M. Tavares, as one of the highest scorers on the Florida bar exam in July, was invited to speak at the Florida Supreme Court official induction ceremony. He works at SCM Associates as a political consultant and lives in Windermere, FL, with his wife, Erika, and their two children, Kyla and Nick.

Caroline Hubbell Yingling was honored as the 2016 recipient of the Charlotte Athena Corporate Leadership Award by Athena International,



a non-profit organization that strives to support and develop leadership among women. She is general counsel in the Charlotte, NC, office of Moore & Van Allen.

05 Ellen E. Ernst has been named a shareholder at Howard and Howard Attorneys PPLC in Royal Oak, MI. She concentrates her practice in a variety of corporate tax matters.

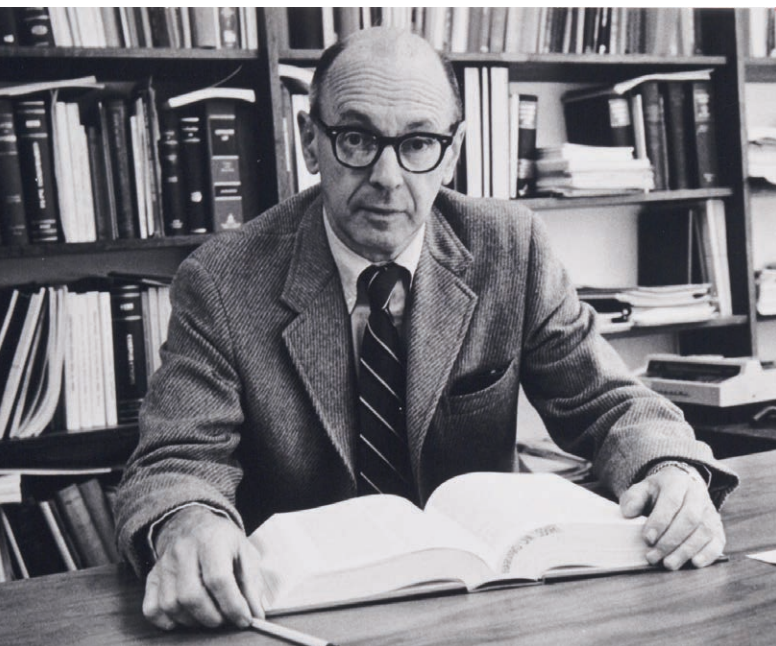
Nathaniel C. Stinnett delivered the keynote address, "Modern Environmental Politics: Big Data, Behavioral Science, and Getting Environmentalists to Vote" at the third annual Advancing Research and Scholarship at Boston College event in December. The founder and CEO of the Environmental Voter Project, he was designated the "Voting Guru" and included as one of fifty environmental visionaries to follow in 2016 by the online news organization Grist.

Charles E. Lyon, a partner in the intellectual property group at Boston-based Choate, Hall & Stewart LLP, was named to the 2016 list of

NATHANIEL C. STINNETT '05

Vocation Founder & CEO, Environmental Voter Project, a non-partisan non-profit mobilizing non-voting environmentalists. **Conundrum** Polls show voters rank environmental issues among their lowest concerns, but that millions of Americans strongly prioritize environmental policies. **Mission** To get more environmentalists to vote. **Inspiration** "My daughter. When she was born, I realized it wasn't enough for me to complain about political inaction in the face of climate change; I had to do something about it."

Class Notes



A SAD FAREWELL

Professor Victor Brudney

At a memorial service for Harvard Law great Victor Brudney, a visiting professor at BC Law from 1994 to 2007 who passed away April 14, 2016 at the age of ninety-eight, Professor Kent Greenfield paid this tribute:

"Victor's legacy as a scholar is immense. Those of us in his field will be building on his work for decades to come. Victor's legacy as a teacher is vast. Thousands of attorneys throughout the world are where they are in part because of him. But Victor's legacy as a human being, as a man, is greater than either. For those of us who knew him, we channel him when we are kind, when we are humble. We honor his memory when we are unassuming, when we are hard-working, and when we are tough."

"Intellectual Property (IP) Trailblazers" by the *National Law Journal*.

Victoria E. Thavaseelan is litigation counsel at Alere Inc., a rapid point-of-care diagnostics company in Waltham, MA. She and her husband, **Simon Thavaseelan '12** have two children, Leela and Emet, and live in Wayland, MA.

06 John J. Bauters is the director of government relations at

Californians for Safety and Justice, a statewide nonprofit legislative advocacy organization based in Oakland, CA. He was elected to the city council of neighboring Emeryville, where he serves as the city's vice mayor.

Jeffrey Crudup is a partner in the Charleston, SC, office of Carlock, Copeland & Stair, LLP. He focuses his practice on complex civil cases involving medical malpractice, automobile and motor carrier accidents, and commercial litigation. Prior to joining the firm, he worked at Adler Pollock & Sheehan PC in Massachusetts and Rhode Island.

07 Michael S. Smith, a native of Maine, is a partner at Preti Flaherty. He practices in the firm's litigation and health law groups and is based in the Portland, ME, office. Prior to joining the firm, Smith was a senior associate in the New York and Boston offices of Wilmer Cutler Pickering Hale and Dorr LLP, an international law firm.

Kate E. Walker is a staff attorney at the Fourteenth Court of Appeals in Houston, TX, following almost seven years with the Attorney General's Office in Austin, TX. She is

enjoying her new city and the opportunity to reconnect with classmate

Carrie Bill Riley.

08 Julie A. Dahlstrom was included in the 2016 list of "Top Women of Law" by *Massachusetts Lawyers Weekly*. She is a clinical instructor at Boston University School of Law, where she oversees the Human Trafficking Clinic; and is a senior staff attorney at Casa Myrna in Boston, representing survivors of commercial sexual exploitation.

09 Michael K. Avery was elected a shareholder with McAfee & Taft, Oklahoma's largest law firm. He joined the firm in 2010 after serving as a law clerk to the Hon. Mary Beck Briscoe, chief judge of the US Court of Appeals for the Tenth Circuit, for one year.

Matthew H. Parker is a partner at Whelan, Corrente, Flanders, Kinder & Siket LLP in Providence, RI, and specializes in employment, labor, and business litigation.

Michael P. Visconti III was elected as partner in the Intellectual Property Department at the Boston office of Nutter, McClennen & Fish LLP.

IN MEMORIAM

William F. Farrell '38
John J. Maciel '47
John Gorman McLean '49
Peter J. Hopkins '50
Edgar L. Kelley '52
Robert C. Robinson '52
Edward Bigham Jr. '53
Robert P. Malone '53
Marcel R. Viger '53
Dominic R. Giordano '54
Walter F. Maguire '54
Richard S. Payne '54

Clifford J. Ross '54
Joseph P. Sullivan '54
John J. Brosnahan '55
Hon. Dominic A. Deponte Sr. '55
Barry R. McDonough '57
John J. Coffey '58
Arthur W. Nichols '58
Gilbert L. Wells '58
Robert D. Whoriskey '58
Richard E. Bachman '59
Gerard F. Lane '59

Edward L. Richmond '59
Richard E. Daly '60
Elliot R. Aronson '61
Walter T. Evans '61
Ronald F. Newburg '61
Thomas F. Burke '62
Murray G. Shocket '62
Peter F. Vogel '62
Robert S. Kennedy '63
Paul R. Solomon '63
Stephen M. Richmond '64
Hon. Paul F. Healy Jr. '65

C. Charles Smith '66
James J. Marcellino '68
Leo B. Lind Jr. '69
Lawrence A. Kravitz '72
Alfred B. Cenedella III '73
Anita C. Miller '73
Robert S. Pomerance '76
Donald Chou '77
Douglas D. Scott '80
Barbara L. Yadao-Petti '82
Caroline Oehmler Chamberlain '91

10 **Michael D. Brier** is an associate at Arrowood Peters LLP in Boston, where his litigation practice encompasses business disputes, employment litigation, and professional malpractice.

Tobias W. Crawford married the former Whitney A. Young in Bonita Springs, FL, in April. Classmates **R. Brandon Rios** and **Alex Berrio Matamoros** served as groomsmen. Other BC Law attendees include classmates **Naveen Ganesh**, **Lauren A. Graber**, **Jessica E. Koningisor**, **Adam M. Leamon**, **Kelly McClure Masley**, **Caitlin M. Mulligan**, **Jay Myers**, **Louis V. Sorgi III**, and **Kaley (Cullen) Sorgi '12**. The couple resides in Boston, where Tobias is an associate at Hirsch Roberts Weinstein LLP and focuses his practice on higher education law, employment law, and complex litigation.

Kristen A. Fiore is an assistant US attorney at the United States Attorney's Office for the Middle District of Florida.

David Koha is associate at Boston-based Casner & Edwards LLP and focuses his practice on business and consumer bankruptcy law. In addition to his law practice, he teaches consumer bankruptcy as an adjunct professor at New England School of Law in Boston.

Marie J. Mueller is a 2016 honoree of the Katahdin Counsel Recognition Program established by the Maine SJC to acknowledge and promote the pro bono efforts of Maine lawyers. She is a general litigation associate in the Portland, ME, office of Verrill Dana LLP.

11 **Kate C. Billman-Gollemme** was named the funniest lawyer in the state at the Women's Bar Foundation's annual Comedy Night in Boston. She

is an associate in the Boston office of Fitch Law Partners LLP, and an adjunct professor at BC Law.

Seth S. Coburn, an associate in the Portland, ME, office of Verrill Dana LLP, is a 2016 honoree of the Katahdin Counsel Recognition Program established by the Maine SJC to acknowledge and promote the pro bono efforts of Maine lawyers.

Melanie Riccobene Jarboe is an associate at Kotin, Crabtree & Strong LLP in Boston and practices in the area of special education and disability rights. She and her husband have two children, Maren and Phineas, and live in Jamaica Plain, MA.

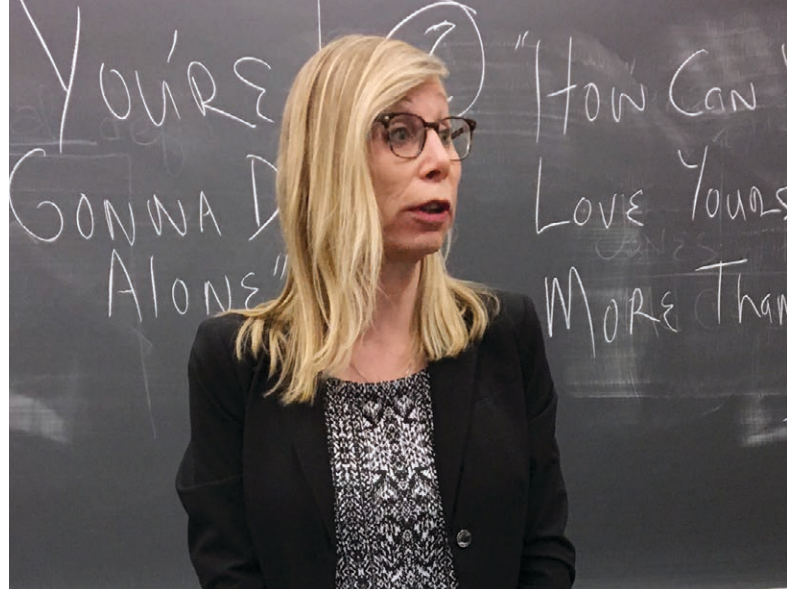
Elizabeth L. Kinsman is a senior associate in the trusts and gifts group at Harvard Management Company in Boston.

Sarah Olesiuk Parker and her husband, Jacob Parker, welcomed their first child, Charles Ellis Parker, in July. She is an assistant public defender at the Knox County Public Defender's Community Law Office in Knoxville, TN, practicing in the felony trial and appellate divisions.

Christopher K. Post is a staff attorney for the Massachusetts Committee for Public Counsel Services Drug Lab Crisis Litigation Unit in Roxbury, MA, representing defendants wrongfully convicted in cases related to the misconduct of former state chemists at the Hinton State Laboratory Institute in Boston.

Laura K. Newsom is an associate in the Dallas, TX, office of Thompson & Knight LLP and a member of the firm's finance practice group.

12 **Vincent Chiappini**, a law clerk at the First Circuit Court of Appeals in Providence, RI, was a contestant on *Jeopardy* last December 23. He made it to second place and won \$2,000 for his efforts.



13 **Michael G. Kebede** is an associate in the Portland, ME, office of Verrill Dana LLP. Prior to joining the firm, he attended the University of Oxford to pursue a master's degree in socio-legal research.

Matthew J. Todaro is a 2016 honoree of the Katahdin Counsel Recognition Program established by the Maine Supreme Judicial Court to recognize and promote the pro bono efforts of Maine lawyers. He is an associate in the Portland, ME, office of Verrill Dana LLP and practices in the areas of energy, land-use, clean technology, and environmental law.

Brett D. Walker was named to the 2016 list of "On the Rise-Top 40 Young Lawyers" by the American Bar Association Young Lawyers Division. He is a prosecutor in the Juvenile Unit of the Suffolk County (MA) District Attorney's Office and the Boston Veterans Treatment Court, he was honored for his leadership, professionalism, and commitment to service in the courtroom and the community.

16 **Michael Mahoney** is an associate at Gennari Aronson LLP in Needham, MA. He previously served as a legal intern at Wayfair and Blue Cross Blue Shield of Massachusetts.

Janelle Peiczarka is an associate at Gennari Aronson LLP in Needham, MA. She was previously a corporate legal intern at EMC Corporation.

ELLEN KRUG'S TRANSGENDER JOURNEY

Ellen Krug '82, the author of *Getting to Ellen: A Memoir about Love, Honesty, and Gender Change*, visited BC Law in September to talk about her transition from male to female, from husband, father, and prosperous trial attorney to female director of a legal aid nonprofit and an inspirational speaker.

Krug said that informing nearly every major decision in her early professional or personal life were unsettling feelings about her gender identity that she believed she could outsmart or outrun by moving to another city, working harder, or building a larger family. "I always thought," Krug told the gathering, "that the stuff inside me would go away." Eventually, she surgically transitioned from male to female.

There is no such thing as a "human owner's manual," said Krug, so she gives motivational talks to help others who are making difficult life changes themselves. Through her company, Human Inspirations Works, she offers diversity and inclusion training to businesses, universities, and nonprofits nationwide.

Krug is also executive director of Call for Justice, LLC, in Minneapolis, MN.



Surviving Southeast Asia's 'Shark Tank'

James Bitanga '06 learns where an open mind—and a little luck—can take you if you dare.

BY TIM BOURGAIZE MURRAY '19



While it is true that BC Law can take you anywhere, few young alumni quite embody that notion like James Bitanga '06. Sure, he seemed right at home back in Newton for reunion festivities this fall. But Bitanga, a Canadian citizen with Filipino heritage, stretches the idea of a global legal career about as far as you can, literally 9,400 miles from Boston in Singapore, just under the maximum range for an Airbus A380, or about 38 percent of the way around the world.

In other ways, however, Bitanga's path is a traditional one—a mix of hard work and fortuitous timing. When he was last featured in these pages, the BC Law alum was in the midst of a clerkship with the Supreme Court of the Philippines in Manila, after doing litigation work for a few years. But by 2010, like many young lawyers, he was angling for a change and willing to take a chance. "I was introduced through a friend to a lawyer with IBM in Singapore," he says, "and twenty-four

hours later, I had a new job and a new city. The global market was still recovering then, so to have the opportunity to retool with transactional work, in-house, and in a new jurisdiction? It was like finding a treasure chest."

Thrown trial-by-fire into a world of negotiating technology agreements and tenders for large government projects, Bitanga quickly came to appreciate the competitive subculture of tech deal-making in Asia, working

Thrown trial-by-fire into a world of negotiating technology agreements and tenders for large government projects, Bitanga quickly came to appreciate the competitive subculture of tech deal-making in Asia.

on projects like transportation arrival predictability in the city-state, or shared enterprise capabilities in different ministries. “In typical M&A deals, transactions can happen very quickly and you might even see term sheets being developed and turned around overnight,” he explains. “Whereas in tech deals of the kind I worked on, negotiations can last twelve months; you get beat up and there’s a lot at stake. You’re really up front.”

Eventually, the grinding nature of a 5,000-person office conflicted with another personal priority. “I wanted a career where I could still work on the investing side, but also do yoga every morning,” Bitanga admits. After a few years doing in-sourced consulting engagements with enterprise clients like HP and Accenture for Axiom, and some angel investing on the side, he found a co-investment opportunity in his LinkedIn inbox. “I never even check those, usually,” he says. But this one—from Reapra Pte. Limited—turned out to be different. “We met, and it quickly turned into a job interview: an opportunity to be chief legal officer and board member.”

The firm’s novel “venture building” model, which goes after underserved markets in Southeastern Asia, takes a more active hand in building out their invested businesses with more skin in the game than simply distributing venture capital. Consequently, Reapra’s portfolio contains a wide array of compa-

nies, from private aviation to a ryokan-style hostel chain to an organic farm in Thailand. But the subtleties of being chief legal officer—general counsel to the firm and simultaneously advising the portfolio companies—attracted Bitanga as well.

“In Asia, the sources of venture capital are still old money—families with wealth built on palm oil or shipping—so to navigate the expectations of that ecosystem is very different,” he explains. “The region also doesn’t have the same rich history of compliance development as North America and at times it can feature commercial idiosyncrasies: In some countries, like Thailand, the military is still ruling; Vietnam hasn’t left those roots either; Myanmar,

meanwhile, is pivoting. So one of the challenges for me as CLO is constantly looking at those aspects—putting up a business, dealing with suppliers or customers, compliance and data privacy laws. Most importantly, these countries are incredibly fragmented. That is what outsiders trying to enter and invest in this region misunderstand.

It’s not homogenous at all.”

Indeed, it’s a role that plays perfectly to the skills and patience that got Bitanga from a firm to clerkship to IBM to venture capital, from Boston to Manila to Singapore—all with an open mind. “The upside for me was always our model at Reapra, how it’s different, how that meshes between our startup projects,” he says. “It’s like ‘Shark Tank,’ twenty-four hours a day, seven days a week.”

“In Asia, the sources of venture capital are still old money—families with wealth built on palm oil or shipping—so to navigate the expectations of that ecosystem is very different.”

JAMES BITANGA



Joining Forces By happy electoral coincidence, three members of the BC Law community are currently serving together on the executive committee of the Association of American Law Schools. Mid-term member Avi Soifer, left, who was BC Law’s dean from 1993 to 1998 before assuming that role at the University of Hawaii, was joined by current dean Vincent Rougeau and University of Michigan law professor Alicia Alvarez ’85, when they were elected to three-year terms in 2016. After a meeting last fall, they compared notes on their experiences at the Law School. “It’s special to be working with these fine exemplars of our community to address the many challenges and opportunities confronting American legal education,” said Rougeau.

FROM HUMBLE BEGINNINGS, A METEORIC RISE

Presidential aide Simas ’95 named CEO of Obama Foundation. BY VICKI SANDERS

David Simas ’95, a valued advisor to President Barack Obama on the campaign trail and in the White House, has been rewarded for his loyalty—and strategic acumen—with the job of CEO of the Obama Foundation.

A first-generation Portuguese-American from Taunton, Massachusetts, Simas knew the struggles of an immigrant family trying to make it in America. Having never made it past fourth grade, his parents were factory workers. His mother lost two fingers when a malfunctioning iron press crushed her hand. But he was also well loved and along the way acquired mentors who put him on his path to civic involvement.

In 2014, the *New York Times* described him as a key behind-the-scenes force at the White House thanks to his qualities of being “driven, data-obsessed, and a relentless salesman,” while friends and colleagues have praised him for his uncanny political instincts and natural, personal touch. Among them is former Massachusetts Governor Deval Patrick, who appointed Simas as his deputy chief of staff in 2006.

In Obama’s re-election campaign, Simas played a pivotal role as Director

of Opinion Research. “David oversaw more data and more information during the 2012 campaign than probably anybody else ever has,” Dan Balz, chief political reporter of the *Washington Post* and author of a major book on the race, said in a Summer 2014 article in *BC Law Magazine*. “He was overseeing a huge research operation that was looking at every piece of data they possibly could, and he was a central cog in that whole operation. He was the traffic cop.” Simas said he had never focused on data and polling until he saw its tremendous importance in telling the human stories crucial to the campaign.

Most recently Simas was Assistant to the President and Director of the Office of Political Strategy and Outreach.

Simas’ next career move takes him to Chicago. “In the year ahead, the Obama Foundation will continue the important work of creating a Presidential Center that inspires citizens and communities to take on big challenges,” he said in a statement announcing his appointment. “I am honored to be serving the President and First Lady and thrilled to be a part of working to fulfill this mission.”

Simas has visited BC Law several times in recent years. He gave the commencement address in 2015 and the keynote speech at the Alumni Assembly last November. He said then that together with the cultural shifts that have occurred because of economic dislocation—resulting in some of the pushback against immigrants and the “silo-ing” of certain populations during the lead-up to the last election season—the nation needs good lawyers more than ever.

“We have a responsibility, given our training and commitment to service, to bridge that divide,” Simas told the gathering. “If there’s ever a time to engage in civil life...it is now.”



Click

REUNION WEEKEND 2016

The weekend of November 4-5, jam packed with campus tours, lectures, panel discussions, law reviews, receptions and—biggest of all—class dinners, broke attendance records, drawing nearly 700 people to campus and the Ritz-Carlton in Boston.

Celebrating classes ending in 1 and 6, reunion festivities began Friday afternoon with open classrooms; grads got to sit in on professors Mark Spiegel and George Brown's civil procedure classes. Some attendees took a private tour of BC's new McMullen Museum of Art, housed in the former residence of Boston's Cardinal Archbishop, to view an exhibition of illuminated manuscripts that received raves in the national press.

In cooperation with BC Law's Rappaport Center for Law and Public Policy, the reunion included a panel of leading experts on terrorism. Later, Walter Kelly '68, who was featured in the Netflix mega-hit *Making a Murderer*, gave the keynote address at the Alumni Assembly.

Saturday began with a meeting of the Black Alumni Network followed by a panel on post-election predictions moderated by Tom Melville '86 of WBUR. An intimate reception for Dean's Council giving society members preceded reunion dinners that lasted well into the evening.







Father Robert
F. Drinan, SJ

Advancing Excellence

BOSTON COLLEGE PREPARES FOR THE FUTURE

A new plan is in the making at BC.

The University Strategic Planning Initiative, a comprehensive effort to craft a vision and set institutional priorities for the future, began in December 2015. A steering committee was appointed, which included Law School Dean Vincent Rougeau, along with senior leaders from across Boston College.

In spring 2016, the committee led the University through an intensive period of assessment. Teams around the University undertook the self-assessments, evaluating BC's strengths and weaknesses, and discerning the challenges it faces and opportunities it can seize.

The Law School conducted one such assessment, engaging the faculty and administration in several sessions to examine questions about mission, identity, and priorities for the future, among other critical topics.

"We convened our community to dive

deeply into questions about our core mission and how to position the school to build on our strengths and to meet the opportunities we foresee," said Dean Vincent Rougeau. "I was particularly energized by widespread interest among students and faculty in greater collaboration across the University. The legal profession plays a critical role in nearly every sector of society. The prospect of enhancing our role in the University to expand what we can offer is exciting indeed."

Over the summer, the steering committee sifted through the team's findings and identified key themes around which the University will concentrate resources in the decade ahead. These priorities will form the basis of a draft strategic plan for the Board of Trustees to review beginning in 2017.

To learn more and follow updates, please visit bc.edu/strategicplanning.

Cashdan, executive director of campaign planning and associate dean of law school advancement.

By providing for current and future BC Law students, annual donors play a critical role in carrying on Father Drinan's legacy, contributing to the enhancement of the student experience and the advancement of faculty research.

Donors who have made a

gift—of any size—for two or more consecutive years are automatically enrolled in the society and they are recognized on BC Law's honor roll of donors and

"To convey my appreciation for the legal foundation that my three years there gave me, I have contributed annually to BC Law."

KENNETH S. PRINCE '75

at BC Law events. Those who have given for five or more consecutive years have the added distinction of being named Sustaining Members of the Drinan Society.

Father Drinan was instrumental in helping BC Law develop a

reputation for academic excellence. He created twelve Presidential Scholarships to help BC Law students attend who otherwise may not have been able to afford the tuition. He also hired a new full-time faculty member every year in an effort to strengthen the school's core faculty.

"Drinan sought to prepare the Law School for the future and took important, concrete steps to achieve this," said Cashdan. "Today, our loyal donors continue this legacy."

During his tenure as dean, Drinan saw his hard work pay off as BC Law became a nationally recognized school that attracted applicants from across the country, not just the East Coast.

Through the generous annual support of the Drinan Society, Father Drinan's vision lives on today, helping secure BC Law's place as one of the nation's leading law schools.

If you have questions about joining the Drinan Society, please contact the office of annual giving at 617-552-6263 or lawfund@bc.edu.

Loyalty Rewarded

Drinan Society honors donors who give every year.

➤ **For Kenneth S. Prince '75**, two related courses at BC Law inspired his career path. Prince, who has been giving to BC Law every year for more than three decades, took two antitrust classes with Professor Peter Donovan during his third year. Those courses motivated him to pursue a career as an antitrust lawyer. After a thirty-nine-year career with Shearman & Sterling in New York, he retired at the end of 2014, having served for twenty years as the practice group leader of Shearman's global antitrust practice.

"Throughout my career, I remained thankful for the well-rounded and superb legal education and training that I received at BC Law," Prince said. "To convey my appreciation for the legal foundation that my three years there gave me, I have contributed annually to BC Law in the hope that future generations of law students may benefit as I have from all the wonderful opportunities that BC Law has to offer."

To honor donors like Prince, BC Law has launched the Drinan Society, a new way to recognize consecutive years of giving. The society is named for Robert F. Drinan, SJ, dean of BC Law from 1956 to 1970 and beloved mentor to decades of law students.

"Father Drinan was ahead of his time in so many ways," said Jessica

What Matters Most

Survey offers new insights into the Law School community.

In April 2016, BC Law surveyed alumni, parents, and friends for their views of the community. More than 1,270 people replied.

The survey found that the community sees BC Law as having a strong regional and national reputation and that members value academic excellence above all other characteristics. Participants also emphasized the importance of BC Law's job placement rate, which has been more than 90 percent in recent years.

The majority also said they would like to become more involved with BC Law. As a result of this, the Advancement Office plans to expand the reach of its local and national events, enhance the alumni-student mentor program, and develop a wider range of volunteer opportunities. The Law School has also improved its online volunteer information and will create a volunteer manual with advice on how alumni, parents, and friends can encourage their peers to deepen their investment in BC Law.

"BC Law is fortunate to have such a devoted community of supporters who are eager to give back to the school," said Dean Vincent Rougeau. "I am pleased to see our advancement team rise to the call of our alumni to increase the ways that our graduates can stay involved, and I'm eager to see the impact our alumni will have on BC Law in the years to come."

The survey confirmed that keeping audiences well informed is key to ensuring that they remain engaged. Additionally, respondents said they were more likely to make a gift to BC Law when they felt up-to-date on the latest happenings at the school.

"We are hard at work developing ways to expand our outreach in order to connect with our community in more thoughtful, personalized ways," said Jessica Cashdan, executive director of campaign planning and associate dean of law school advancement. "Thank you for your feedback—and please continue to share your ideas by contacting our alumni relations staff at bclaw.alumni@bc.edu."

NEW PROGRAM DESIGNED FOR YOUNG GRADUATES

Those who have graduated in the past ten years—our "Graduates Of the Last Decade" or GOLD alumni—and are looking to expand their networks can take advantage of BC Law's new GOLD program.

Watch for upcoming announcements about GOLD events around the country in the months ahead. You are welcome to join us for these opportunities to meet with fellow GOLD alumni in your region and hear the latest updates from BC Law.

If you are a GOLD alumnus or alumna from the classes of 2007-2016, we hope you will get involved by serving as a class agent. Class agents help plan and promote events and help raise financial support for the next generation of BC Law students, building upon the great work of all of the GOLD alumni who participated in successful graduation gift campaigns.

To join in, please contact Christine Kelly '97, director of alumni relations and donor engagement, at 617-552-4378 or bclaw.alumni@bc.edu.

LIGHT THE WORLD GALA 2016



Donors gathered October 6 for a black-tie celebration at Cadigan Alumni Center to mark the close of the Light the World Campaign, which raised \$63.9 million, nearly \$14 million over the goal.

1. Susan Repetti '80, James Kelleher, and Susan Kelleher. 2. Michael Mone '67. 3. Joan Lukey '74, BC President Father William P. Leahy, SJ., and James Kelleher. 4. Father Leahy, Albert Notini '83, and Paul Dacier. 5. Frank Herrmann, SJ, '77 and Dennis Lalli '77. 6. Barbara Hanify, John Hanify '74, and Michael Puzo '77. 7. David Donohue '71 and Mike Spatola. 8. Barbara Gulino, Robert Popeo '61, and Charles Gulino '59. 9. Elizabeth Fee and Professor Ingrid Hillinger. 10. Robert Keefe '72 and Michael Fee '84.



You're Invited!

Join your classmates and colleagues at BC Law's biggest celebrations of 2017.

LAW DAY / APRIL 27

RECEPTION, DINNER & AWARDS CEREMONY
HYATT REGENCY BOSTON
1 AVENUE DE LAFAYETTE, BOSTON

Reconnect with our alumni community while honoring outstanding individuals for their courage and commitment to the ideals of BC Law School. Proceeds go to the Law School Fund for student scholarships.

.....
To view awards and make a nomination, visit bc.edu/lawday.

REUNION & ALUMNI WEEKEND / NOVEMBER 3 & 4

FOR ALUMNI WHO GRADUATED IN CLASSES
WITH YEARS ENDING IN 2 OR 7.

Join us for this weekend-long celebration of social, academic, and networking events on campus and at the Fairmont Copley Plaza in Boston.

.....
To join your Reunion Class Committee or learn more, visit bc.edu/lawreunion.

For information, contact BC Law's Alumni Association at 617-552-4378 or bclaw.alumni@bc.edu.



The Giving **2015 2016** Report



A heartfelt thank you to all the alumni and friends of Boston College Law School for your generous support.

The Report on Giving recognizes all donors who made a gift to Boston College Law School during the fiscal year spanning June 1, 2015 to May 31, 2016.

Considerable care has gone into the preparation of the Giving Report.

Each donor is very important to us and every effort has been made to achieve accuracy. If we have omitted or incorrectly recorded a name, we sincerely apologize and ask that you contact the office of annual giving at 617-552-6263 or lawfund@bc.edu.

Dean's Council Giving Societies

The Dean's Council recognizes the generosity of the many alumni, parents, and friends of Boston College Law School who make leadership gifts. The next issue will recognize members giving at the new giving levels described at bc.edu/lawgivingsocieties.

ST. THOMAS MORE SOCIETY \$100,000+

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The Annual Giving Report

The Law School's Annual Giving Report recognizes the generosity of the alumni, students, and friends who contribute to the school.

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J. Owen Todd ••

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Sarkis Teshoian •

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 Terrance P. Christenson •

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The ‘Wall of Silence’ as Shield

When police guard themselves, communities suffer. BY PROFESSOR ROBERT BLOOM '71

Social media, police body cams, and other technologies have increasingly exposed the troubled relationships between some police forces and the communities—particularly communities of color—they serve. The Black Lives Matter movement, born of a white policeman’s shooting of an unarmed black man in Ferguson, Missouri, in 2014, is but one example of this cultural discord and the public’s growing awareness of it. ¶ Two months after Michael Brown was killed in Ferguson, seventeen-year-old Laquan McDonald was shot sixteen times by a policeman in Chicago, exposing another dimension of the disconnect between police and citizenry. This time, a belatedly released video of the shooting revealed that some officers who had witnessed the event had fabricated accounts of the incident; they’d essentially closed ranks around their shooter-colleague to protect him. ¶ Though this so-called “blue wall of silence” does not come as a surprise, a culture of blind allegiance of individual police officers to each other is nevertheless deeply troubling and a

major obstacle to reform. So, it could be argued, are police unions, which jealously shield their ranks from outside scrutiny. As much as police may believe that their culture should be preserved, neither they nor their communities will be safe without an honest coming to terms with reality.

In my years of teaching criminal procedure, I have come to understand the reasons for the wall of silence. Police are somewhat isolated. Their social context, aside from their families, is commonly limited to fellow officers. On the job, they contend with dangerous events and need to rely on each other for their safety. The patrol officer has a lot of discretion and authority to deal with circumstances on the ground. Supervising officers have come up through the ranks and share the same experience as patrol officers. The mix of isolation, danger, and authority lends itself to an extremely closed culture. Police unions feed into this same ethos.

In search of possible solutions, I went to Trinity College Dublin to study the culture of Ireland’s national police force, the Garda, which was founded on a respectful principle expressed by its first commissioner, Michael Staines, in 1921: “We will succeed not by force of arms but on our moral authority as servants of the people.”

Since 2000, several fact-finding commissions investigating the allegation of a whistleblower found corruption in the force. With previously high public confidence waning, the legislature created three independent mechanisms to address the corruption and promote transparency within the Garda. Although progress has been made, the road ahead is long.

The Garda is the only police force in the Republic of Ireland; the United States, by contrast, has thousands of forces: state, local, county, as well as federal. The Tenth Amendment to the US Constitution leaves police function to the states, so a congressional solution is not feasible. Some small measure of federal involvement is provided by the Department of Justice, which from time to time investigates individual police departments because of civil rights violations. Among its recommendations, the DOJ has called for the creation of independent civilian review boards, a move police unions oppose.

Regardless of the differences concerning police in Ireland and America, there is a common insight that emerges: The pressure is on. Citizens are demanding greater accountability and transparency, and systems will develop to achieve that, as Ireland has proven. If police want to be players in making their communities safe—even trusting—environments in which they themselves live and work, then they must begin by earning that trust. They have everything to gain by dismantling that wall of silence, brick by stubborn brick.



I grew up in a tuition-free boarding school for fatherless boys and was the beneficiary of generous scholarship aid in college and at Boston College Law School. The aid made a tremendous difference in the quality of my life, both as a youth and as an adult.

BC Law provided me with an educational experience and a career I've loved. For me, it's far more of a pleasure than an obligation to give back.

Creating a charitable remainder trust was an easy way to make a substantial gift to BC Law that concurrently played an important part in my own retirement planning—it enabled me to do well by doing good. I encourage others to look closely into this excellent way to achieve philanthropic and personal financial goals.”

—Dennis Lalli, JD'77



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