THE ODD COUPLE

Paul Callan ’75 and Mel Robbins ’94

are the unlikeliest of pairings as two of CNN’s top legal analysts. But their on-air fusion yields shrewd insight, charismatic commentary, and turbo-charged debate.
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A Pipeline to a Better World

What better place than the Law School to witness how a pipeline works. At its entrance every fall stands a cluster of nervous, aspiring lawyers; from its egress every spring emerges a group of accomplished, idealistic attorneys ready to take on the world. During the three years that students labor to learn along this passage, remarkable things happen. Lots of them.

Just ask alumni. In this issue, BC Law Magazine offers feature articles about successful graduates Paul Callan ‘75 and Mel Robbins ‘94, a legal tag team at CNN (page 24); Daniel Polsenberg ‘82, a respected appellate lawyer in Nevada (page 32); and León Rodriguez ‘88, chief of US Citizenship and Immigration Services (page 44). To a person, these alumni talk about how the formative lessons of the Law School endure in their lives and careers. Rodriguez, for one, says his legal training helped prepare him for the toughest job interview of his career, the withering questioning last year during congressional oversight hearings for his current post.

And they are not alone. In another story, we learn how BC Law School gave Baltimore State’s Attorney Marilyn Mosby ‘05 the legal backbone to bring charges against six police officers in the death of Freddie Gray, a stunning decision after a spate of unrequited deaths at the hands of law enforcement in black communities across the country. “The foundation of everything I learned was at BC, especially about being a prosecutor,” she says in the article about her on page 6.

Elsewhere, Alexander Chai joins other recent graduates in expressing the value of the Semester-in-Practice program or a first Tax class or Professor Robert Bloom’s Criminal Procedure course (“2014 Grads Score on the Jobs Front,” page 22). Carl Takei ‘07 (page 57) applies knowledge acquired from BC Law’s criminal justice clinic when authoring American Civil Liberties Union reports on abuses in immigration detention facilities.

Articles about students Andrew Haile ‘15 (page 12) and Taisha Sturdivant ‘16 (page 38) provide another perspective: What it’s like in the pipeline today. Before graduating in May, Haile speed-walked through law school, earning public interest fellowships, internships, and a top law school student honor; the St. Thomas More Award. Sturdivant is another quick study, busily running for student office, organizing panel discussions, and doing community work, all in the service of giving back.

Every law school is its own pipeline, of course, but there is something refreshingly worthy in the pursuits of those who travel Boston College Law School’s.

VICKI SANDERS, Editor
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Changing Rape Culture

I agree with Professor Cassidy in his article “Lessons on Preventing Rape” [Winter 2015] “that the best way to prevent sexual assault on campus is to teach our sons not to be rapists before they get there.”

I believe the way to do that requires our recognition—as with the growing awareness of the unconscious racial bias in our society—of the unconscious sexual bias as well. The bias is “cultural”; it is consciously and unconsciously conveyed in every aspect of our society: families, communication, education, religion, art, media, etc. The message is that women are less equal than others and, therefore, may be dominated. This results in women in America becoming the victims of sexual violence, every two minutes of every day.

This message is being psychologically internalized, not only by our sons but also by everyone in the society: our fathers, brothers, uncles, and grandfathers, who make excuses for such masculine behavior, and our mothers, daughters, aunts, nieces, and grandmothers, who often feel very guilty and to blame for being victimized, so do not report their assaults.

These biases are inherent in our prevailing cultural paradigm of patriarchy, hierarchy, dominance, and violence. And unless/until we choose to change our culture, rapes are likely to continue and, given the fearful environment, escalate.

Lawrence Johnson ’75
St. Louis, MO

Leaders Everywhere

Kudos to the editors for the Winter 2015 issue of BC Law Magazine themed “Leadership.” The cover photo of our guy Secretary of State John Kerry ’75, portraying the brand of leadership BCLS is capable of producing, worked for me, as did the photos and blurbs of the fifteen other impressive BC Law leaders.

I was also moved by another story, “A Spot of Brown in a Sea of White,” the essay by IL Charlene Ochogo, a student from Kenya who first experienced being called a “nigger” while in college. She certainly picked the right Law School to mold her brand of law and social justice to redress these most unfortunate, recurrent issues. Her presence enriches BC Law. Soon her brand of leadership will benefit us, the Bar, and all of society.

Charles E. Walker Jr. ’78
Dorchester, MA

Magazine Heightens School’s Visibility

BC Law Magazine has made an amazing transformation this year. The increase in online presence, the boost in photography and graphics, the widening in the scope of content and coverage—all of these factors have elevated the prestige and readership of the magazine recently. I am seeing students share articles on social media, send links in email chains, and have had family and friends notice the magazine’s articles and send them along too. These efforts have already greatly contributed to the Law School’s visibility in the community and established a stronger place for BC Law in the dialogue about the law that is happening online. The change of the interface of the BC Law website has also been a catalyst for putting a spotlight on the magazine’s strengths. Thank you for your hard work.

LSA President Alaina (Lainey) Sullivan ’15
West Roxbury, MA

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A recent long weekend gave me time to catch up on a favorite television show, Mad Men. Although it is obviously highly stylized for our viewing pleasure, this drama set in the advertising world of Madison Avenue in the 1960s offers reminders of how our everyday lives have changed over the last fifty years. One fairly obvious difference between that time and now is the complete absence of personal computers of any kind. But we do not have to go all the way back to the 1960s to encounter a time when computer technology was a mystery to most people. Desktop personal computing only became widespread in offices in the 1980s and in homes somewhat later than that. Now it is impossible for most us to imagine what life would be like without immediate access to smartphones, tablets, laptops, or desktops. There are few areas of our lives that technology has not touched or changed, and our work as lawyers is no exception. Although some attorneys still hold out for research to be done “in the books,” their ranks are quickly thinning. Law students today cannot expect to succeed in their work if they cannot master legal research using online tools. Not only is technology ubiquitous in law practice, it is a driving force behind the changing economics of the provision of legal services. Increasingly sophisticated technology has reduced the need for associates in big law firms by offering low-cost solutions to a number of tasks traditionally performed by junior lawyers. Technology also has made clients more demanding; they expect more work done more quickly at lower cost.

Unfortunately, technology has not yet solved the problem of how to deliver high-quality legal services to the underserved at rates they can afford. Huge numbers of low- and middle-income Americans still have inadequate access to legal advice, but there are hopeful signs of change. Law schools around the country, including Boston College, are working together to develop incubator programs for solo and small firm practice, with one explicit goal being broader access to legal services. Just three years ago, many people dismissed as naïve the suggestion that law schools could work with members of the bar to launch small firms and solo practices that would serve low- and middle-income people. Now, incubators are up and running around the country and technological innovation is helping them to keep costs low.

Technology—specifically access to the internet—moves these programs forward by driving down the cost of running an office and reducing staff. Today’s attorneys need less office space, and many solo practitioners share space or use “swing space” that they rent on an as-needed basis by the day or the week. Computers eliminate many expenses for copying and transmitting documents, dispense with the need for telephone service, and, yes, provide legal research that once required a library. All of this means lower fees.

The rapidly expanding middle class that fueled the growth of the American economy and enriched “ad men” in the 1960s is a shadow of its former self. Today, the middle class is shrinking and the concern is rising income inequality. Huge disparities in wealth have not traditionally been the hallmarks of stable democracies, and it has not encouraged broader access to legal services in this country. Perhaps technology is a way to level the playing field so that, one day, all American citizens can get access to basic legal assistance, and the lawyers who serve them also might be able to make a decent living.
On the 800th anniversary of Magna Carta, it seemed appropriate to explore the presence of that iconic document in the Law Library’s collection. Professor Daniel R. Coquillette’s gift of his personal Magna Carta collection enabled the current exhibition in the rare book room. Coquillette has written and lectured widely on the document, as has fellow legal historian Professor Mary Bilder.
Another death of a young black man in the hands of police, this time, in Baltimore. But this time, things would be different. This time, State’s Attorney Marilyn J. Mosby ’05 spoke these words on national television: “We have brought the following charges...” And she called for the arrest of six police officers for crimes ranging from misconduct in office to second-degree depraved-heart murder.

With that, Mosby rose to national prominence, and quelled the fires of a city that had been burning since the death of Freddie Gray. Gray, a twenty-five year-old African American man, “made eye contact” with police on the morning of April 12, 2015, in a West Baltimore neighborhood, and started running. The police pursued and arrested him. Within the hour, Gray was rushed to a hospital emergency room. Two days later, he underwent spinal surgery. He died on April 19. According to his family, his spine had been 80 percent severed. Baltimore erupted in more than two weeks of violent protests, which ended April 30 with Mosby’s announcement.

Mosby’s decision to charge the six police officers involved in Gray’s arrest was widely credited with calming the community, but there is no getting away from the tragedy of the situation. “This is not the kind of case
“At the end of the day, this is where the facts have led me and I know that my pursuit is justice.”
Marilyn Mosby ’05

Extra! Extra!
For faculty, the medium is often the message.

As BC Law’s thought leaders figure more prominently in public discourse, their commentary and perspectives are generating media coverage and influencing the debate on many pressing issues.

Professor Robert Bloom, for example, was a top legal authority on the Dzhokhar Tsarnaev marathon bombing case. More than thirty-five media outlets and programs, among them ABC, NBC, and Reuters, sought his opinion on everything from whether Tsarnaev would take the witness stand to why the sentencing phase of the trial would be when the case would be won or lost.

Writing in the Boston Globe before the jury sentenced Tsarnaev, Assistant Professor Kari Hong took issue with carrying out a death sentence with drugs: “There’s an underlying problem with the protocol, which is to spare us from having to face the reality of what it means for society to sanction a killing. It’s less disturbing to visualize someone drifting off into a fatal sleep than to imagine a bullet-riddled corpse. Put another way, if we can’t stomach the rifle, we should be equally squeamish with the needle.”

Even Gasson Chair Professor Frank Brennan, SJ, who has returned to Australia after his year at BC Law, commented on the case in EurekaStreet, saying that “the death penalty is always political, macabre, and undermining of the rule of law regardless of which legal system attempts to apply it.”

In Brief

YOUNG ACHIEVERS

Speaking Truth to Power
Alaskan Sam Gottstein ’15 parlayed his Boston College Law Review note on domestic and sexual assault and alcohol abuse among Alaska Natives into a Clough Center travel grant that enabled him to testify before the Alaska State Legislature in March. He discussed tribal jurisdiction and how the status quo in Alaska fails to adequately protect the rural Alaska Native population from this violence. His note argued that the State of Alaska has been the main impediment to jurisdictional reforms and that Congress and the State of Alaska should expand tribal jurisdiction to give Alaska Natives the ability to stem the tide of the epidemic. While in Juneau, Gottstein met with the Lieutenant Governor and legislators, testified before the House Judiciary Committee, and gave a Lunch and Learn presentation that was broadcast statewide.

Selfless Acts
Shannon Johnson ’15 was selected as one of two law students to receive a Merit Distinction for the PSJD Pro Bono Publico Award, which honors one law student nationwide for his or her pro bono contribution to society. Shannon was selected because of her single-minded dedication to immigrant youth. Matt Brooks ’15 was also a finalist for the award for his work reviving the anti-foreclosure task force.

Third Time’s the Charm
This is the third consecutive year (and the fourth overall) that a Law School student has won the prestigious Deak Award. The winner is Kathryn Marza ’14 for her note, “Making Chocolate Sweeter: How to Encourage Hershey Company to Clean Up Its Supply Chain and Eliminate Child Labor,” which appeared in the Boston College International and Comparative Law Review. The Deak Award is bestowed by Oxford University Press for the best international law student article in a student-edited law journal.

‘A Historic Night’
Admirers recall Professor Katz’s loyalty and caring at retirement party. BY VICKI SANDERS

Professor Sanford Katz’s son Andy summed things up in one sentence: “This is a historic night.” He was speaking at the May 7 retirement party for his father, a BC Law faculty member for forty-seven years. The event drew friends, colleagues, and family from across the country—including about a dozen of Katz’s former research assistants—who came to pay tribute to his prodigious output as a scholar and, more personally, his unflagging commitment to generations of students as both teacher and mentor.

One of those students, US Senator Ed Markey ’72, recalled in his remarks having arrived at the Law School as a student on the same day in the same year that Katz arrived as a professor. “He made you love the law the way he loved the law,” Markey said, calling Katz a great teacher and wise advisor.

Fellow long-time professor Hugh Ault described how academic careers often take one of two paths: People become revered scholars in their ivory tower or they become deeply invested in their community. “What Sanford has done is both of them,” Ault said.

Former research assistant Phillip Weiner ’80 spoke of coming to law school determined to be a labor lawyer only to have his career path rerouted by Katz, who felt his potential lay elsewhere. “They say that certain teachers do have an impact,” Weiner noted. “That happened to me, all because Sanford Katz said, ‘Try criminal law.’” Weiner became a war crimes tribunal judge who, at Katz’s urging, established an internship program at The Hague to which Katz happily ever after recommended students.

A whole host of other speakers also expressed their fondness and admiration for Katz. Among them was Professor Ruth-Arlene Howe ’74, who said of him: “He was my first teacher, then a colleague, then a promoter, then a supporter.”

Beaming and characteristically avuncular, Katz began his remarks with a nod to T. S. Eliot. “It’s the journey, not the arrival that matters,” he said. He talked about his mentors and said he’d tried to continue their tradition by encouraging his own students.

Finally, he reminded the audience that with a book in the works, he was not yet saying goodbye. “I’m not going away,” he said. “So I’ll see you around.”

Admissions chief Rita Jones Simpson is on to the next chapter. For the 2,600 students who’ve enrolled at BC Law over the past decade, the presence of Simpson in the Admissions Office is a familiar one. This June she retired after ten years as assistant dean for admissions and financial aid and nine previous years as associate director.

Simpson was the person at 1L orientation who had scoured all the incoming class’s files for interesting nuggets of information. “One of you headed a music department at a private school,” she might say in her welcoming speech, “one of you was a commercial fisherman,” or “one of you is a filmmaker.” It helped break the ice among the newcomers and made them curious about one another, Simpson says.

In the past ten years alone, 59,059 applications have crossed Simpson’s desk. She feels honored. “I’m happy for the opportunity to give someone else the chance I’ve had to do the work I’ve loved so much,” she says.

“Shaping an incoming class that best represents the unique nature of this institution is a mixture of both art and science,” says Dean Vincent Rougeau. “Without question, Rita was the right person for the job.” —VS
“A case doesn’t need to reach staggering numbers to be considered a genocide. It could [be] fifty if done in an attempt to destroy a people.”

HHRP lecturer Maung Zarni

Where Is the Will to Stop Mass Killings?

Genocide can’t be measured by the lives it takes. The defining metric is the will to destroy. BY DAVID REICH

When we hear the word genocide, many of us think of mass killings like the Jewish and Armenian holocausts or the slaughter of Rwandan Tutsis, but according to Maung Zarni, a Burmese scholar and activist affiliated with Harvard and the London School of Economics, “a case doesn’t need to reach staggering numbers to be considered a genocide. It could [be] fifty if done in an attempt to destroy a people.”

On April 13, Zarni gave a passionate lecture, sponsored by the Law School’s Owen M. Kupferschmid Holocaust and Human Rights Project, about the slow-motion genocide of his country’s Rohingya Muslim ethnic group by members of the Buddhist majority, a crime that has involved explicit violence on a relatively modest scale but also techniques like forced birth control, forced relocation, and denial of access to food and medical care.

Zarni, a Buddhist, described his shock at learning the details. “When you [find out] that Buddhist monks, Buddhist people are involved in...throwing young children into houses which have been set afire—it shook me to the core,” he said. Buddhists are taught not to kill living creatures, even ants. How could they, of all groups, he wondered aloud, perpetrate a genocide?

The answer, he said, is common to every genocide: The perpetrator learns to see himself as a victim, and a defender of his nation or ethnic group. “We have to frame the target of the attack as a threat to our livelihood, a threat to our national community, as a virus, a leach, a bloodsucker,” he said. “Buddhists can go to a monastery and accumulate good karma while constructing Rohingyas as allies of Al Qaeda, as Muslim terrorists.” The internet has made this brand of rhetoric easier to disseminate. “If you’ve got broadband,” said Marni, “hat spreads very fast.”

All genocides, including the one in Burma, have another common element, Zarni said, in that genocidal acts are orchestrated, not spontaneous. “This is not like football hooliganism,” he said, “where your team lost and you want to express your rage. You always find an organization, you always find leaders who are mobilizing public opinion in favor of an act that is otherwise unthinkable.”

After the Rwandan genocide, the international community, through the UN, assumed a “responsibility to protect,” yet the world has not protected the Rohingyas, Zarni said. When alerted to the genocide, government officials from the US and Europe say, “Don’t rock the boat, [Burma’s military government] is opening up, if you push them too hard they will go back into their shell,” according to Zarni, who cited Burma’s strategic move away from China and its strengthening economic ties to Western nations as reasons for the governments’ reluctance to act.

He urged the forty-some audience members to contact their congressional representatives and media outlets on behalf of the Rohingyas. “A hundred years after the Armenian genocide,” he said, “we are still a long, long way from making [the] worthy slogan ‘Never Again’ a reality.”
In Brief

Last year the nation marked the sixtieth anniversary of the Brown v Board of Education ruling, in which the Supreme Court struck down the “separate but equal” doctrine. Many other civil rights victories followed the high court’s decision, including the Voting Rights Act. And now a black man lives in the White House.

But recently there have been rumblings in the black community about what some view as setbacks to the advancements in civil rights: unarmed black men being shot by cops; the school-to-prison pipeline; attacks on voting rights; income and education disparities between whites and blacks. This all calls into question how far we have really gotten, said Susan Maze-Rothstein ’85.

Maze-Rothstein, a Northeastern Law School professor, was moderator of a forum hosted by BC Law School and co-sponsored by the Black Law Students Association (BLSA), the Jesuit Institute at Boston College, and the Law School Office of the Dean this past spring to discuss the “equality recession.” That’s a term coined by two leaders of BLSA, Alvin Reynolds ’15 and Taisha Sturdivant ’16.

The panelists, experts in urban advocacy (Darnell L. Williams, CEO of the Urban League of Eastern Massachusetts), social policy and economics (Tom Shapiro, professor and director of the Institute on Assets and Social Policy at Brandeis University), and civil rights theory (BC Law professor Catharine Wells), explored some of the issues pertaining to the “equality recession.”

The conversation ranged from income disparities and social justice to segregation and voting rights.

Shapiro, who has done extensive research on racial inequality and public policy, said his mantra is to let no fact go uninterpreted. He cited the fact that the typical white family in the US has about $111,000 in financial assets, compared to the average black family’s $7,000 in assets. Shapiro dismissed some peoples’ claims that this gap is due to a person’s lack of education, lack of hard work, and marital status. The racial wealth gap won’t be understood, he said, until society looks at the institutions and policies that lead to such high gains for one group in our society.

Wells agreed that a truthful coming to terms with racism is needed. A fundamental problem, she said, is that many whites don’t understand racism.

They believe that if they ignore the problem, then everything will be OK. This is wrong, she said, and it is whites’ responsibility to educate themselves about racism.

Wells’ own understanding on the matter began to emerge in adulthood after a conversation with an African American friend. She had grown up in a small New England town where only one black family lived.

She told her friend that she had not personally known any blacks until she went to college. The friend asked Wells why more people of color didn’t live in her hometown. Wells was stumped. She thought it was probably the result either of “natural forces” or...
“While Massachusetts was one of the last states to enact a law mandating evidence retention and access to evidence for scientific testing, the working group’s collaboration is a great model for future reform.”

Professor Sharon Beckman

No More Wrongful Convictions
Unusual group of collaborators work to keep the innocent free. BY JERI ZEDER

It’s a shocking piece of an already shocking story. Lowell, Massachusetts, native Dennis Maher spent more than nineteen years in prison (1984–2003) for two sexual assaults he did not commit. While incarcerated, he sought exoneration through DNA testing, but was repeatedly denied without so much as a hearing. Then a law student on his Innocence Project case got an idea from a Hollywood movie based on the true story of exonerated Kenny Waters: She persuaded a Middlesex Court clerk to look for Maher’s trial evidence in the courthouse basement.

And there it was. DNA testing proved Maher innocent of one of the rapes. Weeks later, evidence from his second rape trial miraculously materialized, and DNA testing again proved him innocent. But here’s the thing. Had those boxes of evidence been properly catalogued and accessibly stored, Maher’s time in prison might very well have been cut in half.

A panel of criminal justice experts came to the Law School in March to discuss efforts underway in Massachusetts to correct the circumstances faced by Maher, Waters, and many others. The panelists were members of the Post-Conviction DNA Testing Assistance Program Working Group, which is addressing a 2012 statute, Chapter 278A, “Post-Conviction Access to Forensic and Scientific Analysis.” The law establishes procedures for DNA testing and other scientific analysis in wrongful conviction cases, and sets forth rules for the retention, handling, preservation, and storage of evidence.

The working group is an unusual collaboration of public defenders (Committee for Public Assistance Services Innocence Program), public interest lawyers (the New England Innocence Project), prosecutors (the Middlesex District Attorney’s Office and the Suffolk District Attorney’s Office), courts (the Middlesex Superior Court Clerk’s Office and the Suffolk Superior Clerk’s Office), and police (the Massachusetts State Police Crime Lab and the Boston Police Crime Lab). They have been working together to identify cases with viable post-conviction innocence claims and conduct DNA testing when possible. They are also working to improve systems for storing and preserving criminal evidence after convictions. The group’s work is being funded through grants from the National Institute of Justice, a subsidiary of the US Department of Justice.

“While Massachusetts was one of the last states to enact a law mandating evidence retention and access to evidence for scientific testing, the working group’s collaboration is a great model for future reform,” says Clinical Professor Sharon Beckman, director of the BC Law Innocence Program who was recently appointed to the SJC’s committee on eyewitness protection.

Seven working-group members attended the panel discussion, “Collaborating Against Wrongful Convictions,” moderated by Beckman and by students Jennifer Flynn, Jennifer Henricks, and Lauren Robbins. Panelists told disturbing stories of evidence stowed in sketchy courthouse cellars and poorly resourced police stations, of bloody shirts displayed to juries on poster board, stuffed into plastic bags, and left to degrade, undocumented, in storage, of drug evidence mishandled at trial by order of a judge, and of murder weapons passed among the gloveless hands of jurors. The working group is assembling a best practices manual for inventorying, tracking, and storing evidence for future DNA innocence cases, and Middlesex and Suffolk counties are preparing inventories of their evidence and starting the preservation process. Given that more than 30 percent of the Massachusetts prison population is in Suffolk and Middlesex counties together, this initiative will touch a significant number of cases.

Much more work is needed, panelists emphasized. Counsel, police, and courts need training, storage facilities must be built and maintained, and tracking systems must be put into place.
The Solution Seeker

Andrew Haile ’15 finds his calling in helping others.
INTERVIEW BY JANE WHITEHEAD

I started to get really passionate about poverty and homelessness when I studied abroad in Paris. Something that really gripped me and a couple of friends was the high homelessness rate there, and back at Middlebury a group of us helped found an outreach program to a local shelter.

I really wanted to push myself out of my comfort zone—prep school, leafy Middlebury—and decided the Peace Corps was a good way to do that. I picked Sub-Saharan Africa, and because I had French, they sent me to a francophone country, Guinea.

Back in the US I was looking for something that allowed me to use my language skills and do cross-cultural work. I got a job working for a refugee resettlement agency in Greensboro, North Carolina, which is where my wife is from. We focused mainly on victims of persecution.

One case that I wrapped up just before coming to law school was an asylum case for a deaf Ghanaian woman who had suffered horrible domestic abuse. We had a peerless ASL interpreter and worked closely with her for three months, getting a comprehensive story. So when she got asylum, it was a wonderful moment.

We enforce our laws in an inequitable way. As activist Bryan Stevenson says, the justice system in many ways treats you better if you’re rich and guilty than if you’re poor and innocent. Just living in a poverty-stricken neighborhood can lead to more contact with the justice system, and that in itself is unfair.

I love working directly with clients at CPCS [Committee for Public Counsel Services], and I love being my clients’ champion. It can be stressful, because the stakes are high. My very limited experience thus far is that clients get a sense of whether or not you really care. And when you do show them that you care, about their family, about their life, even when a case doesn’t go your way, they tend to be very gracious.

“Just living in a poverty-stricken neighborhood can lead to more contact with the justice system, and that in itself is unfair.”

STUDENT SNAPSHOT

Provenance Grew up on campuses in Connecticut and Ohio, the son of a prep school English teacher. “They were really great places to grow up, but also a bit of a bubble.” Learning BA in English, Middlebury College. Pre-Law Public health volunteer with Peace Corps in Guinea, immigration counselor and Board of Immigration Appeals accredited representative, Greensboro, North Carolina. Languages English, French, Fulani. At BC Law Public Service Scholarship recipient; BC Law Review articles editor; Clough public interest law fellow and academic law fellow; Public Interest Law Foundation community events chair; Committee for Public Counsel Services Roxbury/Dorchester Division certified legal intern; Fellowship at Auschwitz for the Study of Professional Ethics (FASPE) fellow. Honor Recipient of BC Law St. Thomas More Award. Hangout “You’d probably find me lurking somewhere around the PILF lounge.” Next Clerkship with Judge Paul J. Barbadoro ’80, US judge for the District of New Hampshire.
In the Field

A Head for Numbers

Kate Barton '87 oversees 13,000 people and $4 billion dollars in business as Americas Vice Chair for Tax Services with Ernst & Young (EY). It’s a daunting task by any measure, but Barton is quick to credit her success to the people she works with, the clients they serve, and—no joke—her local Upper West Side SoulCycle studio, where she heads every morning at 5 a.m. to let loose and cycle fast.

“You have to have a good team or you can’t do your job,” says Barton, who found her way to EY thirty years ago through a BC Law friend, Ed Hanley '86. “Ed had spent a summer at the firm, which was then called Ernst & Whinney. He took my résumé to his office and helped me to get an internship for the summer after my first year of law school.”

That 1985 internship changed the direction of her life. “I thought I would go into business law,” recalls Barton, who majored in business and accounting in college and had impressively passed the Massachusetts CPA exam during her senior year. “But I kept working for the firm, and as it started to build out a specialized international tax group, it just fit.”

At the time, Barton was one of a few women in the Boston office; she went on to become the first woman tax partner there. She was also the first tax managing partner for a geographical region (New England) and, today, is the only woman vice chair for tax services among the “big four” accounting firms.

POCKET RÉSUMÉ

Kate Barton '87
From “humble origins” in Brighton, Massachusetts, to Americas Vice Chair for Tax Services with Ernst & Young. Challenges: Staying true to the overall agenda because every week brings a new “crisis.”
Location: New York, New York.
Passion: Spending time with her family, including her mother, three siblings, and beloved nieces and nephews, all still close to home in Boston.

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“When I started, all of the meetings, with both my colleagues and clients, were men and me,” she says. “Now, 50 percent of EY staff are women and they make up 51 percent of our tax practice. EY has made supporting and promoting women a priority.”

Barton heads a practice that covers all aspects of a company’s tax life cycle, including compliance, reporting, tax accounting, planning, and controversy in North, South, and Central America as well as Israel.

“When people meet me, they can’t believe I do tax,” she says with characteristic exuberance. Quick to laugh and down to earth, Barton views her work as a kind of game. “For me, it’s about solving complicated puzzles. My law degree helps me reason through problems and understand regulations. What’s fun is that I’ve always enjoyed coming up with tax structures that fit our clients’ businesses.”

Today, mentorship is one of her key focuses as a leader, particularly as the executive sponsor of EY Black Professional Network, one of the firm’s many affinity groups.

“EY has a special culture that is conducive to mentorship, sponsorship, and opportunity,” she explains. “I grew up in Brighton, from very humble origins. The first twenty-five years of my career were about getting to where I needed to go. I tell people that, on one hand, you should always be reaching up the career ladder. On the other, you should be reaching down to lift others up. Now that I’m in my legacy period, one of my top goals is helping young people to achieve success. It is one way to make the working world better.”

Paths to Success
Alumni find career satisfaction in unusual places.

1. F. Thomas O’Halloran ’80
Change of Plans A former trial lawyer, he headed to the world of Wall Street in 1987 and now is partner and portfolio manager for Lord Abbett, a privately held investment management firm. He directs the firm’s small cap growth, micro cap growth, and growth equity strategies. How He Does It “I always throw myself at more than I can handle. I love the contest I am engaged in.”

No Regrets “Law taught me to make decisions in complex matters, and trial law transformed my communication skills.”

2. Julia Yong-hee Park ’05
The Journey Originally from Korea, she practiced securities law at Cravath for four years before launching a solo immigration practice. Now is managing director of a New York EB-5 regional center that assists immigrant investors seeking permanent US residency. Best Part “Working with younger attorneys on my team who are eager to learn.”

Revelation “I’m surprised that every experience I had in seemingly unrelated fields helps me in things I do today. There is no such thing as time wasted.”

3. Kyle Robertson ’08
Trajectory He worked as an artificial intelligence engineer before law school, did a stint at WilmerHale, and is now founder of NarrativeDX, an analytics platform that helps hospitals improve patient care and engagement. Input “There is a strong financial incentive for hospitals to understand what patients are saying and how they can improve. Our technology turns masses of patient narratives about care experiences into actionable insights in real time.”

Wisdom “The long-lasting relationships from law school are as valuable as the degree.”

4. Deborah Silva ’92
Justice for All As director of the Equal Justice Coalition, she provides civil legal aid to one million low-income people in Massachusetts. Misperceptions “I spend a lot of time correcting the incredibly widespread belief that people who live in poverty do so because they are too lazy to work, even though, in many instances, they are trying to make ends meet by working two or even three jobs.”

Satisfaction “What I love about my job is knowing that my work has contributed to leveling the playing field.”

5. Eleanor C. Sinnott ’89
Career She served in the US Navy and was appointed to the Boston Municipal Court bench in 2006. Currently, the founding and presiding judge of the Boston Veterans Treatment Court, which helps rehabilitate veterans struggling with substance abuse and mental health issues, enabling them to lead productive and law-abiding lifestyles. Breaking Barriers She was the first Korean American judge appointed in Massachusetts. Advice “If you are afraid of trying a case, find a case to try. Gain credibility and confidence by tackling those things you fear most.”

6. Marta Villacorta ’07
Self-Starter Not many American attorneys end up in Micronesia, let alone as the court attorney for the Chuuk State Supreme Court. Her Role “As one of the four states of the Federated States of Micronesia, Chuuk’s legal system is evolving. I had the opportunity to serve as a legal advisor to the five state court judges on both civil and criminal matters.”

Advice “Don’t be afraid to step outside of your comfort zone and explore new territories, even if that means you have to travel 8,000 miles to get there.” —MKS

Bold Move Leads to Unexpected Rewards
Alex Hood ’10 Five years ago, Alex Hood was about to join the largest law firm in Colorado when, like incoming associates across the nation, he was handed a one-year furlough.

With an interest in immigrant workers rights, Hood and a lawyer friend launched Towards Justice to fill the gap. “Our mission was to help the immigrant Spanish-speaking community with all types of legal needs,” recalls Hood, who became so immersed in the work that he gave up the big firm offer. “But we quickly homed in on wage theft.”

“Then, a class action on behalf of illegally compensated grocery store workers,” Hood continues. “Towards Justice is currently litigating eight class cases in the Colorado state and federal courts. The Washington Post reported on Towards Justice’s nationwide class action on behalf of 50,000 current and former au pairs in the State Department’s J-1 visa program, alleging anti-trust violations, fraud, and that the au pairs were paid below $4.35 an hour, which is less than the federal minimum wage and the minimum wage of many states.

“It’s still shocking to me when people show up with pay stubs that say they are working sixty hours per week with no overtime,” says Hood. “The scope of the problem is tremendous.” —MKS
Asking the Deeper Questions

Professor Kohler's exploration of philosophy and German labor law provides rare insight into fundamental differences in how Americans and Europeans think. **By Jeri Zeder**

At the family dinner table one night in Saginaw, Michigan, when Thomas Kohler was just in high school, he turned to his father and proclaimed: “The unions have ruined Michigan.” “You don’t know what you’re talking about,” his father said.

The next thing Tom knew, his father, a labor relations manager for Michigan Bell Telephone, arranged for Tom’s attendance at a union meeting. Tom wound up writing his school term paper on US labor history, and after that, Kohler recalls, “I swore I would never touch a labor issue again.”

Famous last words. Today, Kohler is an international authority on comparative labor law specializing in the labor laws of Germany. Regularly sought after for his expertise by international corporations, NGOs, governments, and international news media, Kohler speaks, researches, and publishes extensively not only in the US, but also in Germany—and in the German language. “He is the only American in his profession who is doing this,” says Michael Kittner, a German professor and former legal counsel to the world’s largest labor union. Kohler’s German colleagues consider him one of their own.

Kohler is also a philosopher who populates his lectures and writings with the likes of Nathan Glazer, G.K. Chesterton, Tocqueville, Edmund Burke, Aristotle, and Hugh of St. Victor. His reflections on humanity’s biggest questions—Who are we? How are we
related to one another? What do we owe ourselves and each other?—include the words “love” and “friendship.” He thinks deeply about Catholic social thought and its connection to the European idea of Solidarity. A framed photo of Cesar Chavez adorns his office windowsill.

“At a time when there has been a shifting away from a focus on labor, unions, and working people, Tom has nurtured students who will be representing employers and students who will be representing employees and given them a balanced understanding of how the law impacts labor and employment,” says BC Law Dean Vincent Rougeau.

“And, he brings this comparative perspective, with Germany as an interesting contrast to US labor law. He melds that with Catholic social teaching and its view that work is a way of bringing dignity to human lives, which gets to the core message of the Law School’s Jesuit Catholic identity.”

From an early age, Kohler knew labor. “I put myself through school, so I needed every dime I could get,” he says. He worked in his grandfather’s machine shop. He dug trenches. He waited in his grandfather’s machine shop. He dug trenches. He waited in his grandfather’s machine shop.

“From an early age, Kohler knew labor. "I put myself through school, so I needed every dime I could get," he says. He worked in his grandfather’s machine shop. He dug trenches. He waited in his grandfather’s machine shop. He dug trenches. He waited in his grandfather’s machine shop.

Kohler couples his knowledge of German labor law with a learned, even soulful, grasp of Catholic social thought, and this is where his contributions connect reality and philosophy. Board as a federal hiring freeze descended. In 1979, he practiced labor law at a firm in Grand Rapids, and in 1981, went off to Yale Law School for his LL.M.

There, Kohler met the first mentor of his emerging career, Professor Julius Getman. Getman was an advisor to Poland’s Solidarity Movement, and Kohler, meanwhile, was awakening to foundational questions of his life’s work: “Why is it that American law can’t deal with groups and associations, it can only deal with individuals?” he wondered. Kohler turned to Europe for answers, and in the spring of 1982, he took a seminar on German labor law with Professor Spiro Simitis. On the last day of class, Simitis invited Kohler to visit him in Germany one day.

On Getman’s recommendation, then-BC Law Professor Mary Ann Glendon recruited Kohler, and he joined the faculty in 1983. Glendon introduced him to BC philosopher and theologian Fr. Joseph Flanagan, SJ, and every Sunday for the next twenty years, the three studied together. Kohler also waded into the classic political, legal, and social texts of Western civilization through BC’s Perspectives Program.

“I began to gain an integrative philosophy,” Kohler has said about these encounters. “I also began to leave my romantic Catholicism behind for a faith that is all-encompassing, unafraid of questions, and that pervades and underpins every area of knowing.”

In the 1990s, Kohler’s studies took him to Germany, where he caught up with Simitis, his professor from Yale. Kohler won German Marshall Fund and Fulbright scholarships to teach and study at Johann-Wolfgang-Goethe University in Frankfurt, and he started making important connections with German labor law’s leading thinkers and practitioners.

Kohler stands out for his mastery of German labor law. “He is able to understand the system much, much better than most people do,” says Goethe University Professor Manfred Weiss. This, Weiss suggests, gives Kohler unusual insight into the strengths and weaknesses of the American labor system and the ways it could be reformed. Kohler couples his knowledge of German labor law with a learned, even soulful, grasp of Catholic social thought, and this is where his contributions connect reality and philosophy.

“He combines a practical understanding of labor issues and a philosophical understanding of the nature of large organizations,” Getman, his mentor, says. “That’s important because it gives you an interesting take on things.”

That “interesting take” is being manifested in a book Kohler is writing, which traces the history of Solidarity from the French Revolution to today. “This work has taken everything Fr. Flanagan has ever introduced, everything that is at the heart of law but also at the heart of society, also the heart of how we understand ourselves,” Kohler says. There is nothing comparable to the idea of Solidarity in American life—one reason, Kohler says, that Americans and Europeans don’t quite understand each other.

Perhaps his book will bridge that gap.
“It’s wrong to think we’ve become a post-racial society. There have been too many incidents that have popped up that remind us that we’re not there yet.”

—DARNELL WILLIAMS
The following are edited excerpts from a conversation between Dean Vincent Rougeau and Darnell L. Williams, CEO of the Urban League of Eastern Massachusetts, a nonprofit organization that provides programs and services in education, career and personal development, and employment for African Americans and other residents of color. He was formerly president of the Springfield Branch of the National Association for the Advancement of Colored People.

A Search for Equality

Breaking the gridlock of race, poverty, and immigration.

**VR:** I don’t think it’s audacious to hope that the US will become a post-racial society one day. However, I think it’s audacious to hope that race will go away as an issue. This society is so bound up in the concept of race that we have to learn to “own” our racial history in a much more honest way. But we’ve got a lot of hurdles to get over. There are still racial stereotypes, differences, and inequalities. We need to have open and honest conversations about race, including talks about the bad things. And then we can move forward from a position of honesty and reality.

**DW:** We’ve now elected a black president twice. I never thought I’d see that in my lifetime. And we’ve elected a black governor here in Massachusetts. These were symbolic and inspirational elections. But it’s wrong to think we’ve become post-racial society. There have been too many incidents that have popped up recently involving racism, poverty, and immigration that remind us that we’re not there yet. Particularly in the urban centers where I’ve served, those issues are closely bound.

**VR:** I feel very strongly about the current anti-immigrant sentiment in the US. This country has a long history of welcoming strangers. The very idea that we have this anti-immigrant movement now [that disseminates] half-truths, untruths, and fears is disappointing.

**DW:** Immigrants have added significant vitality to the US. They pay taxes, they drive taxis, and they clean hospital beds. They do many of the jobs African Americans were doing years go. Among the people I serve, immigration is being talked about at kitchen tables and restaurants because they are not immune to it. Many African Americans or Caribbean Americans are affected by the immigration laws. They have family members in Africa, or Haiti, or the Dominican Republic who can’t come here. It is fundamentally and morally wrong to separate children from their parents who have lived in the US five or more years.

It is important to speak out about these gridlock issues. Native Americans say it best: If people are against immigrants, when is everybody leaving?

**VR:** The changes brought by immigrants, for the most part, have been a source of revitalization and rejuvenation in this country. Immigration is a strength and a part of our history that we are proud of. Or are we going to live in fear once again—fear of differences, fear of the other? It is important to understand that when there is only one image of what it means to be American, many people are harmed and the country suffers. For people of color, it is particularly important to speak out in favor of diversity. The same can be said of England. I have done work in London researching racial and economic disparities as they pertain to immigrant communities. We approached the big banks and talked to them about the people who were cleaning their offices at night. We had conversations with the bankers about paying these people a living wage.

Boston and London have a lot in common: They are economically vibrant cities with significant immigrant populations. By partnering with large employers and other key economic actors, you can start to bring low-wage workers out of the shadows.

**DW:** Boston and London are also two cities where there is a striking contrast of wealth on one end and stark poverty on the other. The people at the bottom of the well, as Harvard Law professor Derrick Bell called them [in his book *Faces at the Bottom of the Well*], are struggling to make ends meet. They take two buses to get to work. There’s little time at the end of the day to sit at the dinner table and talk to their kids about school. Their situation prevents them from saving for a rainy day. For them, every day is a rainy day. The challenge is how do we redistribute the wealth so that they can have a good lifestyle and save for their children’s education?

**VR:** In London the movement to raise their wages went a long way to alleviate the suffering and help people meet their needs in a dignified way so that they could start participating in society: voting, going to school board meetings and teacher conferences. It was a lesson that started in the US labor and civil rights movements. But I don’t know if we’ve used it effectively in recent years in the debate over shared economic and social needs.

**DW:** I am a prisoner of hope that someday we will become a better society.
Throwing the Book at Federal Regulators

Professor Patricia McCoy’s pivotal role in righting the mortgage market. BY DAVID REICH

The Idea: Many of us know in a general way that the 2008 financial crisis arose out of problems in the mortgage lending business. Far less familiar are some of the details revealed in congressional testimony and an astonishingly detailed book by Boston College Law Professor Patricia McCoy, including facts on Wall Street’s crucial role in encouraging risky mortgages, mortgage lenders’ chicanery, and nonfeasance by federal regulators who believed in the magic of unfettered markets.

Cleaning Up the Mess: In 2009 McCoy went to Washington to testify before the Senate Banking Committee. Indeed, she testified three different times that year alone, after which she spent a couple of years in government, implementing some of the remedies she had proposed.

Between 2000 and 2008, McCoy testified, banks were selling mortgages to Wall Street almost as fast as they could book them. Because they wouldn’t own the loans, banks cared more about volume than risk. They were making their money, after all, from loan origination fees, and if a loan were to default in a few months or years, well, that was someone else’s problem.

In 2009, McCoy reminded the senators that during the 2000-2002 bear market for stocks, Wall Street firms had found a hot new profit center underwriting mortgage-backed securities (MBSs)—essentially bundles of mortgage loans. Firms like Bear Stearns and Lehman, she said, bought up not just loans but entire lending institutions “in order to have an assured pipeline of mortgages” that they could bundle and sell to incautious investors.

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The banks, meanwhile, in their zeal to lend money to virtually any borrower, were offering loans with dangerous, exotic terms, among

POCKET RÉSUMÉ

Diplomas Oberlin College, AB. University of California (Berkeley), JD. Interests Insurance Law, Banking Regulation, Mortgage Regulation, Housing Finance, Securities Regulation, Consumer Financial Protection. Books McCoy has three books to her credit, including The Subprime Virus, coauthored with Kathleen C. Engel. Cutting Edge Forthcoming article on countercyclical regulation, which is an innovative new approach to financial regulation.
Patricia McCoy and co-author Kathleen Engel had been warning in journal articles about what McCoy calls “unsustainable” lending practices as early as 2001.

them hybrid adjustable-rate loans and interest-only loans. Underwriting rules allowed borrowers to be qualified based on teaser rates instead of the much higher rates they’d be paying once their loans reset. As for documentation, banks demanded little from borrowers, and some banks engaged in outright fraud.

High-risk “subprime” mortgages proliferated, but the riskier the loan, the better Wall Street liked it, because riskier loans came with higher interest rates and, when bundled, brought higher underwriting fees. Wall Street incentivized risk by paying “yield spread premiums” (the higher the interest rate on a loan, the bigger the fee to the originator). Lenders responded by pushing borrowers into subprime mortgages. The MBSs resulting from these shaky deals carried sketchy disclosures to investors, but they garnered gold seal ratings from outfits like Moody’s and S&P, ratings paid for by the MBS issuers.

Federal bank regulators, as a matter of conviction, did little actual regulation of MBSs or mortgage loans. The Federal Reserve chair, Alan Greenspan, staunchly believed in self-regulating markets. According to The Subprime Virus (Oxford, 2011), coauthored by McCoy and Kathleen Engel, Greenspan “trusted bankers to avoid excessive risk in the interest of self-preservation” and saw MBSs as a handy new tool for doing just that.

Bankers had indeed been avoiding risk, by selling it off as fast as they could, but by 2008, after loans began defaulting in record numbers, the market for MBSs froze, and lenders and investment banks alike were stuck with many billions in worthless paper. Because other players, like the mega-insurer AIG, had bet on the solvency of mortgages, and because MBSs and other mortgage-based instruments served as collateral for loans to big financial institutions, the whole system tottered.

McCoy and Engel had been warning in journal articles about what McCoy calls “unsustainable” lending practices as early as 2001. By 2005, the height of predatory lending, “we felt we were banging our heads against the wall, and nobody was listening,” McCoy recalls. By 2008, of course, people had started listening.

In her 2009 Senate testimony, which accompanied the drafting of legislation that eventually became the Dodd–Frank Act, McCoy called for the creation of a new agency to protect consumers from predatory loans.

She went on to serve as assistant director for mortgage markets at the new agency, the Consumer Financial Protection Bureau. There she fleshed out details of regulations she had also recommended in her testimony, which required that lenders document a borrower’s ability to pay. Incredibly, no such requirement had existed before the financial crisis.

McCoy also oversaw the writing of a new, more consumer-friendly version of the disclosure form provided to borrowers. With the old form, borrowers with adjustable loans had had no idea how high their payments might rise. “We tested sample disclosures on consumers in nine different cities nationwide,” she says, “and we put the draft disclosures on our website.... By the time the form was finalized, consumers understood them beautifully. They go into effect this year.”

**BC LAW FACULTY ACHIEVEMENTS**

**He Rules**

Professor Mark Brodin, editor of the Handbook of Massachusetts Evidence, has been named editor of the six-volume treatise, Weinstein’s Federal Evidence. He was recommended for the position by Professor Daniel Coquillette, who serves on the senior editorial board of Moore’s Federal Practice. With this prestigious appointment, Brodin will have an opportunity to shape evolving law, as his job will include taking positions on controversial rulings and statutes.

**A Look at Ireland’s Police**

Professor Robert Bloom ’71 is a recipient of the Trinity College Dublin Long Room Hub Fellowship, a distinguished recognition from Ireland’s oldest and most esteemed law school. Bloom was granted the fellowship after proposing to study the An Garda Síochána (“the Guardian of the Peace”), the police force of Ireland. In recent years, the Garda has been criticized for corruption and lack of accountability, and Bloom hopes to work with Garda and Irish government officials to investigate these accusations.

**Ensuring Student Success**

For her work as Associate Dean for External Relations, Diversity, and Inclusion at BC Law, Tracey West was named a National Association for Law Placement (NALP) Diversity Champion for 2015. West has led the successful 1L LAHANAS program, which assists diverse students in their transition to the Law School and the profession. She also fosters relationships with external sponsors committed to diversity. Her position as associate dean was one of the first diversity and inclusion positions at any law school with a direct report to the dean.

**Making Constitutions Work**

Associate Professor Richard Albert was a convenor of the invitation-only Workshop on Comparative Constitutional Amendment held in May at the BC Clough Center for the Study of Constitutional Democracy. The gathering drew experts from around the globe, including prominent scholars from Oslo, Vienna, Peking, Ghent, and Dublin, as well as a number from top American law schools. Outcomes of the event will eventually be gathered into a book.
2014 Grads Score on the Jobs Front

Highly skilled students, smart placement initiatives yield impressive career numbers.

BY MAURA KING SCULLY

There is good news at Boston College Law School. Thanks to a variety of innovative programs developed by the Career Services Office and the high-achieving students who impressed potential employers with their skills and acumen, the Class of 2014 turned in the best job numbers in years. Ten months after graduating, 90.10 percent of the class had secured employment. While the majority of the class chose to enter the private sector, a healthy contingent headed into government and public interest work. The graduates fanned out across the country and around the globe; many found jobs in the Northeast. According to data from the ABA, among the 41 law schools in the Northeast, BC shot up to the No. 7 spot for employment (from No. 13 for the Class of 2013), coming in only behind the law schools at the University of Pennsylvania, New York University, Cornell University, Columbia University, Harvard University, and Yale University. This was no small feat, particularly because BC had a larger class size—273 in 2014, compared to 253 in 2013—while nationally class sizes were shrinking. Here’s a look at some of the interesting facts and figures that illustrate graduates’ impressive career achievements.
Jennifer Hess ’14
Cubist, Inc. (Merck)
COMPLIANCE OFFICER, GLOBAL HUMAN HEALTH COMPLIANCE, LEXINGTON, MA
“I was fortunate to begin my career with a company whose focus is on developing acute care antibiotics that have a real impact on patients’ lives. My job provides me with a way to intersect my interests in science, medical ethics, and the law.”

With a background in theology and medical ethics, Hess planned on a legal career in the field of medical ethics after graduation. Internships with Cubist led to her current position.

Kevin Gerarde ’14
State Attorney’s Office
ASSISTANT STATE ATTORNEY, MIAMI-DADE COUNTY
“This is not the job I had in mind when I entered law school, but eight months into my career, I cannot think of any job I would rather have.”

Gerarde began with an interest in a private firm career path that would allow him to be in court, but a semester in Professor Robert Bloom’s Criminal Procedure inspired a shift to the prosecutorial side of criminal law.

Brandon Dunn ’14
Ropes & Gray
ASSOCIATE, TAX AND BENEFITS DEPARTMENT, BOSTON
“It was not until I took my first Tax class that I considered a career in tax law. The more Tax classes I took, the more questions I found myself asking, and the more I wanted to learn about this fascinatingly complex area of the law.”

“My classroom experiences and my internships soundly prepared me for a career in prosecution. Today, my primary focus is trifol’d: Secure just verdicts, advocate for victims, and ensure the continued protection of the community.”

Hazel Koshy ’14
Office of the District Attorney
ASSISTANT DISTRICT ATTORNEY, PHILADELPHIA
Koshy came to the Law School with the sole intent of becoming a prosecutor.

“Dunn was introduced to Ropes & Gray as a 1L during the Law School’s annual Meet the Employers program.”

Jenny Harp ’14
US Department of Justice, Office of Privacy and Civil Liberties
ATTORNEY ADVISOR, WASHINGTON, DC
“It was my goal to be a federal government attorney, and I hoped to secure a spot in an honors program. My focus wasn’t limited to a certain practice area, though I was interested in both regulatory law and public policy.”

Harp obtained her job through the Attorney General’s Honors Program.

Alexander Chai ’14
Cedars-Sinai
ASSISTANT LEGAL COUNSEL, TECHNOLOGY TRANSFER OFFICE, LOS ANGELES
“The Semester-in-Practice program was the most valuable experience I had while at BC Law. It gave me an opportunity to have, as a law student, real life experiences and learn what it means to practice law.”

After a 2L summer internship with Cedars-Sinai, Chai opted to stay on for the fall semester as part of BC Law’s Semester-in-Practice clinical program.

Across the Board The Class of 2014 found meaningful employment throughout all legal sectors and beyond.

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<thead>
<tr>
<th>Percentage Breakdown</th>
<th>2014</th>
<th>2015</th>
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<tr>
<td>53.66% LAW FIRMS</td>
<td>71.54%</td>
<td>83.88%</td>
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<tr>
<td>25.20% GOVERNMENT</td>
<td>18.00%</td>
<td>15.20%</td>
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<tr>
<td>12.60% BUSINESS</td>
<td>8.00%</td>
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<tr>
<td>7.72% PUBLIC INTEREST</td>
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<tr>
<td>0.81% ACADEMIA</td>
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How They Did It Career Services always stresses the importance of networking, and for good reason. It was how more than a third of the class of 2014 found a position, followed by job fairs and online job postings.

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<thead>
<tr>
<th>Breakdown</th>
<th>2014</th>
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<tr>
<td>35% REFERRAL, NETWORKING</td>
<td>35%</td>
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<td>26% OC, JOB FAIR</td>
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<td>26% OFF-CAMPUS JOB FAIR</td>
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<td>11% ONLINE JOB POSTING</td>
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IT TAKES TWO

Paul Callan ’75 and Mel Robbins ’94 are the unlikeliest of pairings as two of CNN’s top legal analysts, but their on-air fusion yields shrewd insight, charismatic commentary, and turbo-charged debate.

BY CHAD KONECKY
PHOTOGRAPHS BY KATE WOLKOFF
**I**t's hard to reconcile where Paul Callan and Mel Robbins are now with where they have been. On so many levels.

He drove a cab for years, couch-surfed for a spell on university campuses all across the UK and once worked six months as an ADA in Brooklyn without a paycheck. She spent her infancy living in public housing, waged war with postpartum depression as a first-time mom, and discovered her true calling at an Oprah Winfrey conference.

To be sure, cherry-picking from almost any accomplished résumé usually produces an idiosyncratic zig or zag. But as divergent as the backstories might seem from the current realities of their professional lives, the pair’s must-see-TV convergence inside the same network studio on the same shows at the same time is, at best, improbable.

Robbins grew up in a western Michigan municipality so small that CNN’s New York bureau houses nearly as many employees as her hometown has people. And in spite of an increasingly jet-set lifestyle, she still self-identifies as a “Midwestern girl,” though she defies the stereotype entirely. She is brash, brainy, and brutally honest. Titillatingly transgressive.

Callan is measured and methodical. He exudes gravitas and poise, possessing a ship captain’s affect, which figures since he’s a “mostly” self-taught sailor. Some CNN colleagues call him “The Professor.” Maybe. But with a gunslinger’s cool. And he is no Fred to her Ethel. Remove the politics and the marriage (though their on-air rhetoric can approximate a domestic squabble) and there’s a very real vibe of antipodal policy wonks James Carville and Mary Matalin.

Together, these two BC Law alums comprise 40 percent of CNN’s primary stable of legal analysts. They are passionate, contentious, caring, and unvarnished. They are pals. And they remain afoot by the privilege of the platform they’ve been afforded as well as obsessed with interpretive accuracy. Their earnest partnership—an adaptive and compelling on-screen tango—is arguably revving into cable television’s fast lane. Whatever CNN is paying them, it’s probably not enough.

“Without question, they are nothing less than a dream team,” says Ashleigh Banfield, an anchor at CNN since 2011 and now host of Legal View in CNN’s weekday noon slot. “I couldn’t be happier that they’ve agreed to sit with me on a regular basis. They are delightful and two of the smartest people on television.”

Be that as it may, birds of a feather, they are not.

Callan has been involved in some of the nation’s most noteworthy criminal and civil matters of the past four decades, serving on the prosecutorial team in the case against Son of Sam serial killer David Berkowitz, orchestrating the Nicole Brown Simpson estate’s successful civil suit against O. J. Simpson, and representing parties to past and pending actions in the Central Park 5 case. His other well-known clients as a founding partner at New York’s Callan, Koster, Brady & Brennan have included actor Leonardo DiCaprio, director Quentin Tarantino, and billionaire socialite Ivana Trump. Callan signed an exclusive contract with CNN in 2011.

“I’ve been covering trials for more than thirty years and whenever something new comes up, I’ll make a quick call to Paul and ask him about a point of law,” says longtime CNN National Correspondent Susan Candiotti. “Without fail, he can explain it for me. He’s seen different kinds of cases from all sides.”

While “The Professor” rode the express train into the legal-analyst spotlight, Robbins caught the local. She stopped practicing law almost twenty years ago after a stint with a large corporate firm in Boston preceded by three and one-half years as a public defender for violent felony criminal offenders in Manhattan. The why is quintessential Mel Robbins: “I realized that I love the law, but I don’t ever want to answer the question ‘What do you do for a living?’ with the words I’m an attorney.”

She hired a life coach, who within three weeks told her she should be a life coach. Robbins followed up by launching two self-help companies, earning a reputation as a tough-love, personal-improvement coach and a guru of CEO makeovers, then scored a syndicated call-in advice show on Sirius.


In point of fact, Robbins sports a tattoo on her right wrist that reads: It Shall Be.

Television folks began sniffing around in 2007. That landed Robbins a development contract with ABC, an on-air talent gig with FOX (on a show that never aired), and two seasons as a relationship coach on Monster in-Laws, an original reality series on A&E. The breakthrough came in 2011, when Random House published her self-help book Stop Saying You’re Fine and when her Tedx talk “How to Stop Screwing Yourself Over” became an internet sensation that now has over three million views. She made her first appearance on CNN in 2013.

Here and now, Callan’s day job revolves around his enthusiasm for civil rights advocacy on behalf of wrongfully imprisoned criminal defendants. In this capacity, he serves as of counsel to the specialty firm Edelman & Edelman, and he has the luxury of being highly
selective. He has also downshifted from senior partner to of counsel at the firm he founded to accommodate the workload.

Robbins is a brand unto herself, stewarding the eponymous inspirational-speaking juggernaut, *Mel Robbins: A Motivational Experience*. She’s booked nearly two-dozen engagements already this year at major sales, leadership, entrepreneurship, and upper-management corporate summits. Growing this business—conceived thanks to Oprah—is her top priority.

So, what does CNN get out of all this?

“They hit at the heart of what an editorial producer looks for,” says CNN Senior Editorial Producer Marie Malzberg. “They have the depth, and they also have a little bit of Hollywood to them. They sparkle. There’s a little something extra the viewer is going to get from them. They have a good banter. There’s good chemistry. There’s energy. When they disagree, it’s a lot of fun to watch. They are such an asset to CNN, and they make us look good.”

**Oil and Water**

A typical day at CNN for Robbins and Callan is essentially a series of bench sidebars (minus the judge) cranked out at the pace of a short-order cook. And the legal landscape in 2015 has kept them busy: the Boston Marathon bombing case; the trial of former Patriots tight end Aaron Hernandez; the Ferguson, Missouri, grand jury; Indiana’s religious freedom law; the arrest of documentary film subject Robert Durst; the death of Baltimore’s Freddie Gray while in police custody; and many other hot-button legal battles. The network has been unafraid to lean on them like the two most trusted arms in a major league bullpen.

“We’re getting a lot of use and we’re both very flattered they rely on us so much to do commentary,” says Callan. “Whenever there’s been a jury verdict in a big case over the last four years, I’ve been fortunate enough to be invited on air.”

Shortly before nine on an overcast Tuesday morning this spring, they are scheduled to trade jabs at the top of the hour about the likely fate of a seventy-three-year-old reserve deputy in Oklahoma, who shot and killed a suspect while apparently under the impression he was deploying a Taser. They received this discussion topic just forty-five minutes earlier.

Callan crams in a seventh-floor holding area for on-air guests at the Time Warner Center. Robbins sits in a barber’s chair across the hall getting makeup and hair. Though both profess a high degree of solemnity for the responsibility and challenge of what they’re being asked to do each time they go live, neither exhibits any nerves. Suddenly, a frantic text from their producer kicks off a hurried dash to the fifth floor, where they need to be miked and seated at the anchor desk within three minutes.

On set, Robbins keeps things loose, bantering with bystanders and kidding with Callan, who plays along. A superstructure overhead supports a bristling array of forty production lights trained in their direction. Final show prep is executed in intense bursts. They tap...
on tablets. They scribble notes—she on neatly printed index cards, he in low-slung cursive on sheets of scrap paper—as the floor manager for CNN Newsroom ticks off waypoints from one minute down to ten seconds.

“It’s like a mini law school exam every single day for every single assignment,” says Robbins, who went to Dartmouth as an undergraduate. “It’s not only case law, it’s drilling down into sentencing guidelines. So much of what we talk about are stories at a state level. You have to know the facts of the case, the law, and what applies, but also the sentencing possibilities.”

The segment last only four minutes as the two of them serve and volley core issues of jurisprudence between prompts from anchor Carol Costello. They manage to build tension as well as explain critical and nuanced legal doctrines that will apply to any proceedings. The contrast in styles is immediately evident.

Right off the bat, Robbins reacts to a Callan comment with “What?! You really think that?!” She gawks. She mugs at the camera. It is not beyond her to turn to an anchor and declare, “I’m about to hit him” or “He’s just plain wrong.” But the stagecraft doesn’t come across as overdone. Principally because when it’s her turn to talk, she offers a point of view that’s at once plainspoken and penetrating. Robbins calls her style “ruthless compassion.” Without question, she brings a little working class frankness to her production value.

“Yeah, I can see the analogy,” says Callan. “But [she brings that along] with an Ivy League degree.”

Meanwhile, up against the vocal and vibrant handful that is Robbins, Callan trades punches artfully and with vigor. He is clear, relentlessly unperturbed, and counters her nimbly, occasionally punctuating points with a sly, all-knowing smile.

It is oil and water, and it is great television. “Paul is the definition of what we at CNN are going for,” says Chris Cuomo, host of CNN’s New Day and the youngest son of New York’s late three-term governor. “Sure, he’s telegenic and his answers fit well into our format. But he’s got street smarts and book smarts along with the experience of being a prosecutor and a defense attorney in the criminal setting, plus he understands civil as well, so he’s a home run.”

By his own admission, some of Callan’s most pivotal preparation for a professional life that now includes jawing on CNN’s airwaves came long before he earned his JD.

He offers up his telage at Town Taxi and his UK odyssey mostly as a bit of color. The truth is, he drove a cab to help pay his BC Law tuition, and his hopscotch around British universities was by invitation as a national collegiate debate champion at Seton Hall. Yet both experiences strongly informed his current skillset. The former taught him much “about relating to potential jurors,” while the latter built a foundation for breakneck prep, fluid improvisation, and deft deconstruction of opposing views.

“It takes a lot of practice to develop those skills,” says Callan. “For me, it all goes back to debate. I spent pretty much every weekend of my high school and college career doing public speaking through debate. Trial lawyers require complementary, though very different skills.
I’ve had a lot of practice at it through the years.”

BC Law classmate Dan Murphy ’75, a man-
ing partner at New York’s Putney, Twombly,
Hall and Hirson, suggests that practice has
Callan flirting with perfection these days.
“[He’s] a tremendously talented trial lawyer,
but I think he’s a great commentator,” says
Murphy, also a longtime Callan friend. “You
usually learn something and he always has
some angle on it that no one else has seen. He
doesn’t do it with histrionics. He gets his point
across, but he’s not saying this is the only way
to look at it. He doesn’t try to be somebody else.
That doesn’t mean he’s not hard-hitting. He
comes across as an earnest, sincere lawyer, and
it works. And the great thing is, it’s true.”

Murphy, like Callan, arrived at the Brooklyn
DA’s office in 1975 and both went uncompen-
sated throughout the Big Apple’s worst finan-
cial crisis in history. Despite that inauspicious
start, the considerable breadth of Callan’s
lengthy CV serves him well when he has to go
toe-to-toe with Robbins.

“I love the way he puts together his argu-
ments,” says CNN legal analyst Joey Jackson,
an attorney at Koehler and Isaacs in Manhat-
tan. “He has a way of counting your point
by getting his own point out there without
demeaning the person he’s with. He’s got that
air and that aura of invincibility about him.
Mel is a tightrope walk, but nobody walks the
tightrope better. Paul’s got a completely dif-
ferent style from Mel, but a very effective way
about how he approaches things. It’s not hard
to recognize the heights Paul and Mel have
reached, and it’s because of their ability.”

Cuomo agrees that though Callan and
Robbins often plug into the issues with an AC/
DC flow, the meeting of their minds results in
a high-voltage, cross-section in terms of the
viewer experience.

“When you compare Paul to Mel, as soon as
the picture goes up on the screen, the guy’s at an
immediate disadvantage—after all, it is a visual
medium,” quips Cuomo. “But Paul isn’t just some
guy who’s well-spoken, succinct, and provoca-
tive. There’s genius that is fundamental to his
daily existence for our purposes on television.

“Mel gives you all of those things we’re
looking for, but also some palette of humanity,”
he continues. “Because it’s not just about the
facts, it’s about the feel. She gets the differ-
ence between someone having the right to do
something and something being right to do. I
think it’s easy to watch them and be in a state
of wonder about how they are both so accurate
and insightful, and they do it in a manner on
TV that is not easy.”

Cuomo’s callout speaks to how seamlessly
the duo juggles the law and an anchor-desk
chaperone while still managing to generate
entertainment value. Some of their punchi-
est exchanges are pure magic, and transcripts
prove that anchor Banfield’s show often pro-
duces prime examples. Even when they side
with one other.

This was the case after a Ringling Broth-
ers circus accident last year in which nine
acrobats suspended by their hair were injured
after plunging to the ground when equipment
malfunctioned.

BANFIELD: OK, Mel, I decide to hang from
my hair thirty-feet up and spin around…
don’t I assume some of the responsibility
when I do death-defying stuff and then give
up my right—

ROBBINS: The hair didn’t detach. What hap-
pened [was] an equipment failure … maybe a
sprained ankle, maybe a broken wrist you’d
assume might happen in this line of work,
and there’s workers’ comp to take care of that.
[But] if they can prove something wrong with
the equipment or the way it was assembled—
maybe there was a union involved [at the
venue]—they might have a tort action.

CALLAN: Absolutely.

BANFIELD: [But] their job is very, very
dangerous.

ROBBINS: But it’s not to fall from the sky
because of the equipment breaking.

CALLAN: If [the job is] hanging from your
hair, it’s still your job, so it’s workers’ comp.
But if there was an equipment failure …
that’s a products’ liability case … they can
 sue the equipment manufacturer. And you
make more money in those lawsuits than
you get in workers’ compensation benefits.

ROBBINS: I’d like to see Paul try to do that.
Hang from your hair up there, Paul.

CALLAN: That’s very cruel of you to say.

BANFIELD: Best joke ever on this set.

ROBBINS: He can take it … he’s smarter
than me, so I got to hit below the belt.
What’s in a Name?
Within an hour of stepping off the Newsroom set, Callan and Robbins are breakfasting in the bureau’s tenth-floor cafeteria, which boasts a panoramic view above Manhattan. Even more breathtaking than the sweep of scenery is the fact that during their brief journey between floors, the two of them greet more than a dozen fellow employees—from security guards to camera operators to cooks—by their first name. Robbins, who lives in a leafy suburb west of Boston, casually explains the mind-blowing phenomenon.

“When I was given the opportunity to join CNN, I realized I could either be that chick up in Boston that you call for legal stuff, or I could figure out a way to really feel connected to the organization,” she recalls. “So I made a decision … to learn the names of everybody in the building. From the moment you walk in on 58th Street, all the way up. One day, Paul walks in with me and sees this and decides he has to learn all the names too. Now, it’s like a competition to see who knows more names. What happened was really interesting. By taking an interest in other people, we’ve become known inside the organization. It’s the smallest things in life that make the biggest difference.”

Over eggs, Callan and Robbins talk shop. They’ve already huddled industriously with an executive producer regarding their scheduled noon appearance on CNN’s Legal View, where they will discuss jury deliberations in the Hernandez trial. Robbins is hoping a verdict will be reached so she can cancel her 3 p.m. Amtrak home and remain available for the network’s resulting round-the-clock coverage.

There is a profound efficacy to their dialogue. So much so, they have enough margin to whistle while they work.

“This job is stimulating, exhilarating, collaborative, constantly changing, and very fast-
“They hit at the heart of what an editorial producer looks for. They have the depth, and they also have a little bit of Hollywood to them. They sparkle.”

MARIE MALZBERG, CNN SENIOR EDITORIAL PRODUCER

“It’s not about us as individuals,” insists Robbins as Callan nods approvingly. “It’s about the product being incredible. Because we’re such good friends and really respect each other and understand each other’s strengths, even though I might vehemently disagree with Paul’s interpretation, I’m still interested in what he has to say. I might even steal some of it for the next segment. Because he does change my mind and I know I do the same.”

Finding balance, then, is both the art and the craft of their task.

“When you argue everything to the extreme and there’s never any concession, you lose credibility,” says Robbins. “We also understand the job. It’s not to sit there and say, ‘You’re right, Paul. Great analysis.’ The job is to tease out the nuances of the topic and argue the law so that people are both informed and entertained.”

Callan, scrolling on his phone, suddenly redirects the flow. He’s received a plea via email to accept an emergent criminal negligence case from an incident in the city the night before.

“Should I take this case, Mel?”

“Are you nuts? You’ve got a lot on your plate.”

“Mel is my career consultant,” Callan muses.

Now, it is Robbins’ turn to interrupt. A producer is texting her for their count-by-count predictions on the Hernandez verdict so an on-screen graphic can be constructed. Callan wants to warm up for this component of their discussion, but Robbins shuts it down, “Let’s not get too deep into this right now, let’s save it for the air.”

Callan leans in with a grin. “Like we wouldn’t argue on the air if we didn’t have [the counts] to talk about.”

Incongruously enough, their interpersonal ease is clearly the wellspring of their success as a feisty professional tandem. Their authenticity when cameras are rolling is little more than an extension of their affinity off screen.

Robbins’ love of pre-cue levity is as much a coping mechanism as it is a character trait. As a young lawyer, she was plagued by neck rashes caused by pre-trial anxiety. The affliction was pronounced enough for her to conceal it with a scarf or turtleneck, even in summer.

“I would get these big, blotchy neck rashes and I was so scared the jury would think that it meant I was worried my client was guilty,” she recalls. “I finally realized I might as well just call out the elephant in the room. Over time, I would stand before a jury during voir dire and say, ‘I don’t know why, but I tend to get red as I talk and my chest gets all hivey, and it doesn’t mean this dude’s guilty.’ I made a joke of it. It’s just my genetic makeup. It always got a laugh. And because I stopped focusing on the rashes, they went away.”

During the Hernandez trial segment, Callan and Robbins predict a hung jury on the two murder counts and the weapons charge (they were both off the mark). Callan tends to take such missteps harder than she, but the merit of their misguided message is most assuredly the medium. He gets from A to B with a sniper’s precision, while Robbins shoots from the hip. Interestingly, her husband predicted she’d last three months before uttering something irrevocable on live TV.

“I remember the first time I appeared on air with Paul and I was like, “This guy is a smooth operator,”’ says CNN’s Jackson. “He’s conversant with the law, he brings the perspective of his experience and knows how [an issue] relates to things he’s done in the past. Meanwhile, Mel is absolutely not going to run away from the controversy in what she’s talking about, but she’s going to add just enough flavor of diplomacy to what she says to get her point out in a very straightforward way that’s no-nonsense, but not offensive. It’s like, ‘Damn man, how’s she’s doing this?’”

The net for Time Warner is a product that competitors might try to imitate, but will struggle to duplicate.

“I trust and depend on them inherently for their insight, their wisdom, and their research acumen,” says CNN’s Banfield. “We change topics at lightning speed, sometimes when we’re live on the air. Relying on someone’s foundation in that setting is a sticky wicket, but when Paul and Mel are on the air, we’re solid. They are bright, articulate, clever, funny and terrific broadcasters and that is a hard combo to find. There are plenty of smart lawyers out there in the sea. To find one who is engaging, magnanimous, fun, and easy to work with is a very tough get.”

It appears that CNN has found two.

Chad Konecky is a regular contributor and a freelance writer based in Gloucester. He also serves as a National Director on behalf of the USA TODAY Sports Media Group.
Nevada’s top appellate lawyer Daniel Polsenberg ’82 thought he’d seen it all until he got involved in a series of medical malpractice cases so voluminous and complex that they threatened to overwhelm the state’s judicial system.

BY JERI ZEDER
PHOTOGRAPHS BY JACOB KEPLER
When the verdict came in, in spring of 2010, Las Vegas attorney Daniel F. Polsenberg ’82 was waiting to board a plane at McCarran Airport to attend a conference. The news was reporting that a jury had awarded plaintiffs $5 million in damages against drug manufacturers, including the Israeli-based company, Teva Pharmaceutical Industries. This wasn’t his case, but Polsenberg intuited that it was about to be. He called his law partner and said, “I don’t think I should go.” In Polsenberg’s telling, he got a call, “That's when I got a call,” Polsenberg says.

Polsenberg was being realistic, not modest, in assuming that he’d get pulled into this case. Consider his résumé. An appellate lawyer in Nevada for more than thirty years, he has argued more than 250 appeals in matters ranging from family law to products liability to taxes, has written briefs in hundreds more, and has been counsel in more than 150 reported decisions of the Nevada Supreme Court. He is a fellow of the American Academy of Appellate Lawyers—the first attorney in Nevada so honored. When Nevadans need an appellate lawyer, Polsenberg is at the top of the A-list.

The Teva verdict was a very large tip of a gigantic iceberg of civil litigation arising from a 2007 outbreak of hepatitis C in the city of Las Vegas. At the center of the outbreak was a medical scandal that saw a doctor and a nurse sent to prison on murder charges. Dr. Dipak Desai, owner of the Endoscopy Center of Southern Nevada and other clinics, and nurse anesthetist Ronald Lakeman had been double-dipping syringes into bottles of propofol, an anesthetic, and injecting the contents of the contaminated bottles into multiple patients. More than 100 patients were eventually found to be infected with hepatitis C, a virus that can lead to fatal liver disease. At least two have died. State and federal health officials issued advisories to tens of thousands of patients; Polsenberg himself went and got tested. People who were infected at the clinic, or were at risk of contracting hepatitis C or other blood-borne diseases because of their associations with the clinic, now faced a lifetime of medical monitoring, economic hardship, possible or actual illness, and pain and suffering. They started filing civil suits. They sought proof of liability and damages against various actors, including health maintenance organizations and pharmaceutical companies like Teva.

Polsenberg worked on the defense side of several of the civil cases. This was arguably the largest legal challenge Polsenberg had encountered in his career. Multiple lawyers and law firms were in on the act. “I'm used to having big cases with lots of trials and lots of plaintiffs,” Polsenberg says. “This surpassed even that.” The cases raised legal issues novel to the State of Nevada and yielded several reported opinions by the Nevada Supreme Court.

“I had to lean heavily on my extensive background and experience to keep up with the legal and procedural complexities of this case,” Polsenberg says. “It was like playing 3-D chess where all the chess pieces have machetes.” That first suit—the one that ended in a jury awarding half-a-billion dollars in damages—went after Teva as a generic maker of the propofol used in the endoscopy clinics. Henry Chanin, sixty-two, had contracted hepatitis C at Desai’s clinic and sued the pharmaceutical company on the grounds that 1) the propofol vials did not contain sufficient warnings against reuse, and 2) the size of the vials—50-milliliters—were essentially an invitation to clinicians to reuse the anesthetic rather than “wastefully” throw the vials away after one use. Teva’s share of the half-a-billion dollar punitive damages award amounted to $356 million.

Lawsuits by other plaintiffs began piling up. Polsenberg recalls that three of them ended in verdicts in the hundreds of millions of dollars, and one trial was starting when—spoiler alert—a master settlement was reached in February 2012. The Nevada Supreme Court at one point counted as many as 200 civil actions filed with the trial courts in connection with the hepatitis C outbreak. (According to Polsenberg, it wasn’t possible to bring all plaintiffs into a single class-action because each plaintiff’s case raised unique issues of causation and damages.) The various cases were before various judges, and legal issues common to each trial were being decided in different ways. Polsenberg worked on appeals of these disparate rulings.

“This was my best experience ever working with teams of lawyers,” Polsenberg says. “Everybody was so good at what they were doing. The dynamic was fantastic. People would play off of each other’s ideas. We had great conversations.”

The sheer number of potential civil suits threatened to overwhelm Nevada’s judicial system. The Nevada Supreme Court couldn’t rely on the research and reasoning of an appellate division below it because Nevada didn’t even have a court of appeals until January of 2015, after a ballot referendum passed and the state became forty-first to have an intermediate appellate body. As verdicts were appealed and additional trials entered the pipeline, the Nevada Supreme Court took interim appeals of trial judges’ rulings and stayed the trials pending its decisions. That allowed the court to issue “course corrections”—that is, to clarify legal issues that were likely to come up again and again in these cases. “I think it was obvious to everybody that certain rulings had to be taken care of before more cases were tried,” Polsenberg says.

As issues were resolved in the middle of trials, the trials themselves would morph in new directions. “Things would change both the way we were defending the case and the way the plaintiffs were prosecuting the case in each trial,” Polsenberg says. “It was always evolving. That is highly unusual.”

One of those changes happened because of the Supreme Court—not of Nevada, but of the United States. During the Chanin trial, the plaintiffs wanted to hold Teva to state law failure-to-warn labeling standards. Teva argued...
that state and federal laws were in conflict regarding requirements for warning labels for generic drugs, and that federal law trumped state law under principles of federal preemption. While the Chanin case was on appeal, the US Supreme Court decided Pliva v. Mensing (2011). The court ruled that generic drug manufacturers cannot legally change their warning labels without FDA approval, and so cannot be held to state-law failure-to-warn standards.

“Mensing was decided after the Chanin trial, but it is an issue that we had raised before trial, so it would apply on appeal, possibly—probably—resulting in a complete reversal and dismissal of that case,” Polsenberg explains. “Plaintiffs had to concoct a new theory for the trials after Chanin to get around the federal preemption issue.”

The interim rulings gave the lawyers a run for their money. “Here we were, changing things on the fly, between trials, from one trial to the next, and going up on appeal in the middle of cases to get directions for future trials because we wouldn’t get the first direct appeal heard in time,” Polsenberg says. “The rulings on the first trial were just absolutely amazing. Basic principles of pharmaceutical liability, like the learned intermediary rule, where you rely on the doctor to weigh the risks and benefits—even that principle was being challenged.

“I think it was clear to the Nevada Supreme Court that these cases could be a real drag on the system, not just in terms of incorrect results, but—[what] if we tried 116 plaintiffs and then had to try them all over again? With the amount of judicial resources being devoted to these cases, we would snap our small and delicate system,” Polsenberg says. “I’m really impressed that the [Nevada Supreme] Court stepped in.”

A significant issue on appeal was whether a pharmaceutical company whose name was at all connected with the hepatitis C outbreak could get a fair and impartial jury in Las Vegas. The story was everywhere: on television, radio, the internet. Sixty thousand Nevadans had received letters from health officials warning that they might have been exposed to hepatitis and HIV. There were criminal investigations and bankruptcy proceedings. Two hundred civil actions had been filed. Dr. Desai was a hated household name. The people of Las Vegas were very, very angry.

“I’ve seen this phenomenon before,” Polsenberg says. “I’ve seen it in medical malpractice cases where the jury will get very angry at a situation but only have one particular defendant in the court room. The only way to vent the anger is to return the verdict against that defendant.” Teva’s lawyers fought to move the trials from Clark County to Washoe County, where the jury pool had not been inundated with so much adverse publicity. Polsenberg felt that not
“I had to lean heavily on my extensive back-

ground and experience to keep up with the
legal and procedural complexities of this case,”
Polsenberg says. “It was like playing 3-D chess
where all the chess pieces have machetes.”

even the most diligent jury selection process or
the most exquisite voir dire questioning could
guarantee an impartial jury in Clark County.

The Nevada Supreme Court disagreed and
ruled against a change of venue in Sicor, Inc.,
v. Hutchison (2011). Interestingly, the control-
ling precedent in Sicor was National Collegiate
Athletic Association v. Tarkanian (1997), a
case Polsenberg had argued before the Nevada
Supreme Court more than a decade earlier
as counsel for Jerry Tarkanian. Tarkanian, a
college athletic coach, had sued the NCAA for
wrongful termination, and the NCAA sought
a change of venue from Clark County on the
 grounds that pretrial publicity had tainted the
jury pool. Polsenberg won that one.

The Nevada Supreme Court relied on the
analysis established in Tarkanian to reach its
ruling in Sicor. The court combed through the
record looking for evidence related to the size
of the community, the nature and gravity of the
lawsuit, the nature and extent of the pretrial
publicity, the time between the publicity and
the trial, potential jurors’ familiarity with the
publicity, effect of the publicity on potential
jurors, care used and difficulty in selecting a
jury, and the status of the parties and political
overtones. Taken together, the court ruled, “The
record evidence demonstrated that, although
this case and the related cases received a fair
amount of pretrial publicity, some of which was
viewed by potential jurors, it was not of a kind
or to the extent that it tainted the jury pool,
leading to a reasonable belief that appellants
could not receive a fair trial in Clark County.”

Another issue that made new law in Nevada
involved the admissibility of expert testimony.
Once again, Polsenberg had encountered a
related issue in an earlier case he himself had
handled. That case, Moscato v. Sav-On Drug
Stores (2005), involved a medication that was
improperly labeled. The case turned on whether
the medicine was the cause of the plaintiffs’
injuries. The question was, must the defend-
ants’ expert witness testify to a reasonable
degree of scientific probability that the cause
of the harm was something other than what the
plaintiffs were claiming? Yes, ruled the Nevada
Supreme Court. Polsenberg for the defense
had argued hard against that ruling. He faced it
again on behalf of his client Teva in Williams v.
Eighth Judicial District Court (2011).

As part of their defense in the Williams
trial, the pharmaceutical companies had a
nurse and a doctor testify that it may not have
been double-dipping into vials of propofol that
cased the plaintiffs’ hepatitis C infections, but
rather dirty scopes that had been improperly
cleaned by clinic personnel. The doctor and
nurse could not, however, point to any par-
ticular piece of equipment as the culprit. The
Nevada Supreme Court ruled that, in general,
nurses can testify as experts on medical causation,
provided they have the credentials to do so. The nurse-expert in this case lacked those
credentials, the court said, but he did have the
credentials to offer expert testimony on the
proper handling of endoscopy equipment.

On the issue of medical causation, the court
made some refinements to its ruling in Mosi-
cato. Once plaintiffs have met their burden of
proof in establishing the medical cause of their
injuries, the court said, the defendants can
rebut the plaintiffs’ claims in three ways: 1) by
cross-examining the plaintiffs’ expert; 2) by
contradicting the plaintiffs’ expert with their
own expert; or 3) by offering an alternative
theory of medical causation. The court said
that when defendants are employing tactic
number three, the alternative theory offered by
their expert must have a “reasonable degree of
medical probability” (be more likely than not).
But if defendants are employing tactic number
two, the court said, “the defense expert does
not need to state each additional cause to a
greater than 50 percent probability.”

In the end, the Nevada Supreme Court never
got to the merits of the plaintiffs’ claims against
Teva. “Chainin was set to go to oral argument
and the plaintiffs asked for a settlement confer-
ence, at which all the cases settled,” Polsenberg
says. The terms of the settlement are confiden-
tial. But the Las Vegas Review-Journal reported
in February 2012 that Teva settled 120 lawsuits
for $285 million, leaving only fifteen unsettled
lawsuits against Teva. Before settling, Teva was
at risk for nearly $800 million in compensatory
and punitive damages from the first three trials
that went to verdict.

BC Law Professor Dean M. Hashimoto, an
expert in law, medicine, and health care policy,
and director of the Law School’s JD/MPH
dual degree program, can’t comment on the
specifics of the settlement, which are closed to
the public, but he can comment more generally
about why cases like this frequently end with
the parties settling out of court. He notes that
in the Teva litigation, several trials ended in
multi-million dollar verdicts. That provided
the parties with important information.

“From Teva’s end, it’s certainly in its inter-

test to try to settle the case as soon as it has a
reasonable sense to it. For the sake of all
the cases just to put this issue behind it,” Hashimoto
says. “And from the plaintiffs’ standpoint, it
works out as well; they don’t have to suffer the
litigation costs.” The courts also had an inter-

test in the parties settling. “The court system
would be supportive of settlements, given the
amount of litigation time that was potentially
involved, so there could very well have been
pressure from that end,” Hashimoto says.

One way to look at cases like this is to think
of the legal system as treating pharmaceutical
companies whose products are connected to
patients’ injuries as, to some extent, insurers.
“In these drug cases, which don’t require a
finding of fault—it’s a strict liability system—it
is a matter of imposing costs from a policy
perspective,” Hashimoto says. “[The compa-
nies] will continue to manufacture the drugs in
association with medical treatments as long as,
basically, the costs of these so-called accidents
are less than the benefits.”

“It’s the idea of including the negative
impacts as being part of the costs of business,
then letting the manufacturer decide whether
it’s worthwhile to still go forward in that par-
ticular business line,” Hashimoto explains.

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Taisha Sturdivant ’16 faced poverty, danger, and near-homelessness, but she’s defied the odds.
“God Bless the Child That’s Got Her Own”

And she’s winning.

Taisha Sturdivant ’16 faced poverty, danger, and near-homelessness, but she’s defied the odds. And she’s winning.
The world as she knew it ended for Taisha Sturdivant eleven years ago on the day her mother died of complications from AIDS. Taisha was just fifteen years old, and the anchor of her young life had been snatched away.

Not that life had been easy before. The family had no money. She had never known her biological father; her older siblings, a brother and a sister, were fighting demons of their own. At the time, her extended family, while loving and well-meaning, had little they could offer.

She was on her own, and her survival, let alone the possibility that she might prosper, was in doubt. “I was in a fog,” says Sturdivant, a rising third-year student at Boston College Law School, speaking of the day her mother died, her voice trembling almost imperceptibly from the intensity of the memory. “We had a hospital bed in the living room, and I sat there with her for four or five hours, talking to her.” A few relatives were there, some from New York, where Sturdivant was born, and others from Boston, to which the family had moved a few years earlier. But, all of Sturdivant’s attention was focused on Liz, her mother.

As afternoon shadows gathered, Sturdivant stepped away to go to the bathroom, and as she returned, the sounds of crying and moaning met her. She knew immediately what had happened. Her mother was gone. As the “baby” in the family, Sturdivant says her mother had always been especially protective of her, and even at the end, she says she believes her mother “had been waiting for me to leave the room” before passing away. Sturdivant fled the house and walked six blocks to a friend’s home. She pushed through the doorway past her friend and without a word of explanation, she says, “I went into her closet and went to sleep.”

So the voyage began, a passage fraught with uncertainty and danger, interspersed with moments of discovery, accomplishment, and joy. And, when she graduates in the class of 2016, Taisha Sturdivant—“Tai” to friends and family—will have traversed a vast social and cultural expanse.

Already, with two years of law school behind her, Sturdivant counts well-known lawyers and judges, community activists, educators, and other Boston-area opinion leaders among her friends and admirers. She’s earned top grades, is the inaugural Ruth-Arlene W. Howe Black Leadership Scholar, and has served a term as external vice president of the Black Law Students Association. She co-produced a widely publicized diversity panel at the Law School and nearly won a tight race for vice president of the Boston College Law Student Association. She is a resident assistant in a Boston College undergraduate dormitory.

Her successes notwithstanding, Sturdivant’s trip hasn’t been over smooth waters. It rarely is for young black girls trying to escape the streets of Boston’s Dorchester and Roxbury neighborhoods where she grew up in a series of apartments with her mother, sister, and brother. After her mother died, the three siblings tried to go on living in the apartment they had shared with their mother, but the social security payments ran out. Sturdivant’s brother ran into trouble with the law and was sent to prison. Her sister departed for New York City. Left alone, Sturdivant moved in with the man who had been her mother’s partner, in the first of what would become a series of temporary living situations. “Some local [relatives] wanted to adopt me,” she says, but those efforts never worked out. “So, I bounced around from house to house.”

At a young age, Sturdivant was already facing the reality of the classic Billie Holiday lament, “God Bless the Child”: Them that’s got shall have/ Them that’s not shall lose/ So the Bible said and it still is news/ Mama may have, Papa may have/ But God bless the child that’s got his own/ That’s got his own.

“Tai had to learn early that you don’t always feel safe as a child,” says Briget Evans, an older cousin—in many ways more of an aunt—with whom Sturdivant has occasionally lived since entering law school. “People around her didn’t have the same aspirations…. She had to make her own choices,” Evans adds.

Along with the insecurity of not having a permanent home, Sturdivant had to find her way among the ever-present, and frighteningly random, dangers of street violence. By the time she was barely out of her teens and a student at Brandeis University, Sturdivant had already lost twenty friends to street violence. The streets were so dangerous that a friend once told her that he and some of the other boys she knew felt safer in jail.

At fourteen, Sturdivant had already had a gun pulled on her while walking in her neighborhood, known for its housing project-based gangs, in places like Academy Homes and Heath Street Projects. “My best friend and I were standing on a corner; we had just left a party,” Sturdivant recalls. “A car pulled up, and the window opened, and somebody poked a gun out.” Time stopped, and then the car sped away, its occupants laughing at the girls’ reactions to their cruel act.

The next time she was just sixteen and hanging out with friends in the food court of a local mall. But the fun stopped when a gang showed up. “I was the target because of where I was from,” Sturdivant says, referring to the territorial imperatives that seem to shape much of the violence. Although she had no gang ties, Sturdivant was from an area another gang considered its own. That’s all it took when they spotted her. With no avenue of escape, she confronted the potential attackers. “I remember mouthing off,” she says. “I talked trash to them, and they talked trash to me.” Luckily, she says, something broke the escalation of the conflict, and she was able to retreat. “It was,” she declares, “definitely scary.”

In the meantime, she was getting into trouble at school. “I was fighting all the time,” she recalls. At a slight 5-foot-4 and 1/2 inches tall, Sturdivant is not a physically intimidating figure. “I was tiny, but I had a big mouth,” she says, which often made her a target at English High School. Her older (and bigger) sister
had attended the school before her, and some students who'd had differences with her sister were happy to use the younger (and smaller) Sturdivant as a surrogate in battles over old, unresolved disputes.

Still, Sturdivant was a good student, albeit a troublemaker. “I was always wise enough to get my work done,” she says. Her restless energy led her to distract other students who weren’t as quick or as diligent, and she provoked teachers’ ire, because “I was talking back.” In her sophomore year, Sturdivant’s disruptive behavior landed her on the radar scope of the principal, Jose Duarte. “He said if I got into one more fight, that I would be expelled and that he would see to it that I wouldn’t be admitted to another Boston public school,” Sturdivant says. The principal’s warning unsettled her because already she “knew [another fight] was coming. Those things don’t just happen.”

Sturdivant had to graduate from high school. The clock was ticking, and then she made the discovery that would change her life forever. She found Another Course to College (ACC), a unique college preparatory high school in the Boston Public Schools system that, the school’s mission statement declares, offers “enrollment to any Boston student who is willing to make the commitment to accept the challenge of this rigorous academic experience.” At ACC, admission to college is a requirement for graduation, and the school claims that more than 90 percent of the graduates go on to enroll.

In her typically straightforward way, Sturdivant called the school to ask for an appointment. Gerald “Jerry” Howland, the school’s headmaster at the time, says Sturdivant stood out immediately. “Her bearing was so professional and so interactive,” says Howland. “She has this way of knowing the right thing to say and do.” That meeting offered Howard just a glimpse of what was to come during the next two years at ACC, and it was the beginning of a mentoring relationship that continues to this day. In the scholarship recommendation he wrote for her this year, Howard said: “Taisha is one of the most impressive young people I have encountered in my forty-five-year career as a teacher, coach, and administrator in the Boston Public Schools. She is very intelligent, has even greater wisdom, and is the most compassionate and thoughtful person I know.”

ACC turned out to be a community that valued Sturdivant’s personal and intellectual strengths. “I was inspired by my twelfth grade English teacher,” she says, referring to Robert Comeau. For his part, Comeau saw a lot of potential in a student who was “fearless, really courageous, focused, and clear.” Sturdivant was “still finding her voice” when she came into Comeau’s class, he says. “She had to be coached into participation, but she quickly grew into a leader.”

Nevertheless, Comeau says he “worried about how she’d respond to all those upper-middle class kids at Brandeis,” the Waltham university where she eventually went to college. In the long term, he needn’t have worried, but initially there were more than a few barriers Sturdivant had to cross.

Sturdivant didn’t even know where Waltham was. Neither, she adds, did she know anything about Judaism, the tradition in which Brandeis is rooted. She recalls one of her first days on campus when she was walking down the hall in her dormitory, and saw that the door of the resident advisor’s room was open. It was early evening, and it was beginning to get dark.

She stopped to say hello, but she was puzzled by the RA’s response. “It’s dark in here, don’t you think?” Sturdivant recalls her saying. Sturdivant agreed. There was a pause. Then, the RA said, “It sure would be nice if there was some light in here.” Sturdivant was even more puzzled, but she reached out and turned on the lights. “Thank you so much,” the RA exclaimed. It was only then that Sturdivant learned that it was Shabbat and that the observant RA could neither turn on the light nor
directly ask Sturdivant to do it. It was the first of many such revelations.

Aside from religious discoveries, Sturdivant also had a lot to learn about wealth and privilege. Like the time she found an acquaintance sobbing uncontrollably and, in seeking to comfort her, realized that the reason for the tears was that someone else on campus had acquired a luxury car nearly identical to the one the distraught girl’s father had recently given her. “It was fascinating to me that she was crying over that,” Sturdivant says, but it was just one of the times her eyes would be opened to the sense of entitlement that shaped the way some of her fellow students moved through the world.

Even though she had spent a year after high school at Brandeis in the Posse Foundation program that provides a transitional year into prestigious partner schools for students from disadvantaged backgrounds, the Brandeis environment was “so far removed from my experience,” she says, that “I was a sophomore before I started to feel at home in the space.”

Nevertheless, she found a path. She studied hard; she made friends, and threw herself into campus life. But, during summers when many other students departed for home, Sturdivant remained behind to work to earn money and, importantly for her, to get the campus housing that went with the job, because she had nowhere else to go.

She was making it, but she is quick to point out that she had help. “A lot of people invested in me,” she says. Among them were Senior US District Court Judge Mark L. Wolf and the late US District Judge Reginald Lindsay. She met them while she was still in high school, as a participant in the Nelson Fellowship Program, named for the late David S. Nelson, the first African American US District Court Judge in the District of Massachusetts.

Each summer, the program provides stipends for twelve high school students to work for judges in their chambers on meaningful assignments, to take classes, and to participate in a mock trial. “Our hope was that it would give [high school students like Sturdivant] experience that would help them envision greater futures for themselves,” says Wolf, to whom Sturdivant was assigned. He says Sturdivant was a standout in the program and as a result was later invited back to be one of the program’s counselors. Wolf, a friend of former ACC headmaster Howland, has remained a friend and mentor to Sturdivant, and his recommendation led to a job when she graduated from Brandeis, as a legal program associate at the Discovering Justice program, which educates young people about civic responsibility.

Meryl Kessler, now the executive director of the League of Women Voters of Massachusetts, was Sturdivant’s supervisor at Discovering Justice. “Taisha has the highest emotional intelligence of anyone I’ve ever met. She has that very rare quality of knowing how to meet people on their terms,” Kessler says. During Sturdivant’s first year of law school, she lived with her cousin Evans in the Hyde Park area, an arduous commute on public transportation from the Newton campus, especially late in the evening. So, Kessler gave her a key to her own home near the campus so she could stay over on those late nights.

It is late afternoon, and Evans, who was in the apartment when Sturdivant’s mother died, is perched on a counter stool at a Boston coffee shop. She pauses as she reflects on the balance Sturdivant has achieved between her own goals and her desire to help others.

She leans forward as she talks about the way Sturdivant took time to care for her uncle Michael Sturdivant, who died last year from a variety of obesity-related diseases. “She became his health care proxy. He couldn’t walk, and she would go and take him to the doctor,” Evans says. Sturdivant would sit with him after he was hospitalized in his final days.

And then there’s Sturdivant’s knack for being in the right place at the right time, like the time in 2010, when Wolf invited her to participate in a panel on the relevance of genocides in Africa to gang violence in Boston. Her pointed comments and probing questions caught the attention of a Boston Globe editor, which led to an invitation to write a series of guest columns for the newspaper on a variety of topics from the perspective of a young black woman. Sturdivant remembers being intimidated. “I had writer’s block for a week,” she says, but the columns were powerful, and they added yet another layer of experience for a young woman barely out of her teens.

At BC Law School, Sturdivant continues to make strong impressions. Mark Brodin was her Civil Procedure professor, and he hired her as a research assistant to work on the Handbook of Massachusetts Evidence. “She’s extremely bright, hard-working, and able to do so many things simultaneously,” he says.

At first meeting, it is easy to forget that the polished young woman who earns top grades, volunteers for community service, and enjoys hanging out with friends started from a place that many of her law school contemporaries can only imagine. But, taking those first impressions for the whole truth would be a mistake, because Sturdivant, however far she has traveled, is the sum of all her experiences. Asked, for example, about her plans after law school, she says she is considering practice in the lucrative real estate business. But, characteristically, she is looking beyond the potential financial rewards. “I’ve had very little stability, and I’ve had relatives lose Section 8 housing,” she says, adding that volunteer work with the AIDS Action Committee also gave her insights into the impact the law can have on housing issues. So, she sees real estate law as a way to make a good living and also to do good for people.

Professor Catharine Wells, from whom Sturdivant took a civil rights seminar, says Sturdivant has a way of cutting through so much of the “mindless chatter about civil rights.” Asked how she thinks Sturdivant will turn out after law school, Wells gives a response that almost certainly represents a larger truth about Taisha Sturdivant. “I am confident,” Wells says, “that she will surprise us.”

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HIMSELF A JEWISH, TURKISH, POLISH, CUBAN
AMERICAN, LEÓN RODRIGUEZ ’88 GUIDES
THE TOP US CITIZENSHIP AND IMMIGRATION
AGENCY WITH A KNOWING HAND.

GUARDIAN OF
THE MELTING POT

BY PETER PERL
PORTRAITS BY STEPHEN VOSS
León Rodriguez sat impassively at the witness table in the wood-paneled hearing room of the Dirksen Senate office building, listening to members of the US Senate question his background, his experience, his managerial skills and political connections, even his integrity, as they considered whether to confirm him as the new director of US Citizenship and Immigration Services (USCIS).

Rodriguez can be an imposing presence: big, balding, with a heavy, furrowed brow and the impassioned, animated speaking style of a champion debater and a veteran federal trial lawyer. But here he was, quiet and expressionless, six-foot-one and 215 pounds of silent attentiveness wrapped in the classic Washington male uniform of blue suit, white shirt, and blue tie. He’d sat at countless tables in front of microphones for more than twenty-five years in courthouses and meeting rooms of government agencies, although never with the stakes quite as high.

His primary interrogator was Republican Sen. Charles Grassley of Iowa, who staunchly criticized President Barack Obama’s immigration policy, which Grassley said failed to protect the borders and the rights of American citizens. A forty-year veteran of Congress and ranking member of the Senate Judiciary Committee, Grassley made clear that he viewed
USCIS as a bastion of weakness and political correctness rather than serious law enforcement, a flaccid agency that was just rubber-stamping approvals for countless undocumented immigrants to stay in America.

Rodriguez testified that as a former state and federal prosecutor he’d learned of the need for “prosecutorial discretion” because no agency has the capability to prosecute everyone. He elaborated at a later House session: “We don’t have the resources to remove 10 million or 11 million individuals, so the question is whether we let them persist in the shadow economy, or do we have them work and pay taxes. And the decision is to have them work and pay taxes, and go to school and be upstanding citizens.”

That answer infuriated Republicans, particularly Representative Jason Chaffetz of Utah, who raised his voice close to a shout: “That’s not what the law says, and that’s sickening!”

Republican congressional staffers dug deeply into Rodriguez’s background and questioned a variety of his activities, particularly whether he had supported and condoned possible illegal activity in 2007 when he served as a pro bono board member of CASA de Maryland, an immigrants rights group in Montgomery County, where Rodriguez lives. Grassley alleged that “[t]hey have trained undocumented workers to understand their rights and published a cartoon pamphlet advising people not to speak to law enforcement when approached. They go so far as to encourage them not to even provide their names.”

Grassley demanded to know if Rodriguez approved this action, and whether he had tried to retract the offending cartoon pamphlet. The nominee replied that he was not aware of the document until Grassley raised it. He had volunteered for about 100 hours total at CASA, and said that he had resigned around that same time in 2007 to become the Montgomery County Attorney.

Grassley would later submit nearly ninety written questions and would criticize Rodriguez for stonewalling him with repeated non-answers. The senator also issued a sharply worded 1,800-word written statement against his confirmation. As the confirmation hearing ended, Grassley told Rodriguez that in his forty years in Congress, countless nominees “like you” promised to cooperate with congressional oversight. “And invariably they never live up to it,” he concluded, his voice rising. “So what is your view of the oversight authority of Congress?”

Rodriguez did not rise to the bait. He paused, furrowed his brow, smiled, and slowly replied: “So-oo, I think the senator’s question is: How can I assure you that I mean it when I say that. Is that correct, senator?” Laughter broke out behind Rodriguez, as both he and even Grassley smiled. “Yes,” Grassley said, “Thank you for your understanding.”

Relentless, biting criticism of Rodriguez continued and even escalated as his nomination moved toward a vote on June 26, 2014. In another lengthy statement, Republican Senator Jeff Sessions of Alabama attacked him as an “activist” who could not be trusted to carry out his duties and whose nomination is a direct affront to the officers who every day are trying to enforce the law.

What was León Rodriguez thinking as he listened repeatedly to all these attacks? “I’ve been in Washington long enough to know that this is our trade, so I take nothing personally. I’m a trial lawyer and this is just another trial. Answer the questions honestly, without creating collateral damage,” he says afterward. “It wasn’t making me upset, although I would observe that some of it was just not based in fact,” he adds, smiling. He likened congressional oversight hearings to “bare knuckles, like a cage match for two-and-a-half hours,” although he says he thinks that elements of his legal training and family background helped him stay composed.

Congressional Democrats and immigrant rights groups defended and promoted Rodriguez, citing in particular his unusual background as both a veteran prosecutor and a civil rights lawyer. “We can think of no better individual to lead an agency with the dual task of extending the hands of welcome to new Americans, while working to ensure that those who wish us harm are not welcomed in our country,” said the National Hispanic Leadership Agenda, a coalition of thirty-seven Latino organizations. He also won the strong endorsement of the Major Cities Police Chiefs Association, representing sixty-six cities and counties with at least 1 million population, jurisdictions that inevitably must confront difficult immigration-related problems. The association’s president is Chief J. Thomas Manger of Montgomery County, Maryland, who worked closely with Rodriguez for three years and describes him as “steady, thoughtful, and ideally suited” to work on these thorny law enforcement-immigration issues.

When all the speeches and statements were over, Rodriguez was confirmed, by a 52-43 party-line vote, to take over a sprawling international agency with 19,000 employees and contractors who—according to USCIS statistics describing an “average day”—fingerprint and photograph 15,000 immigrant
WE WERE EXCITED WHEN A GUY NAMED RODRIGUEZ SHOWS UP. BUT HE TURNS OUT TO BE JEWISH! A TURKISH JEW...FROM A CUBAN FAMILY! WE LAUGHED AND SAID, “THIS GUY’S PERFECT. HE BREAKS ALL THE STEREOTYPES.”

WILLIAM MANDELL ’86 ON EFFORTS TO ATTRACT DIVERSE STUDENTS TO BE PART OF THE OWEN M. KUPFERSCHMID HOLOCAUST/HUMAN RIGHTS PROJECT

applicants at 136 locations, conduct 148,000 national security background checks, answer 44,000 phone calls, host 375,000 visitors to its website, process 310 refugee applications around the world, and welcome 2,300 new citizens to America.

USCIS was created by President George W. Bush after the Sept. 11, 2001, terrorist attacks exposed scandalous weaknesses in the nation’s immigration controls. Part of the Department of Homeland Security, USCIS has very different functions from the US Immigration and Customs Enforcement (ICE) and US Customs and Border Protection. Criminal enforcement by ICE and the Border Patrol draws the TV crews and the headlines, but it is USCIS, which handles all applications for asylum, naturalization, green cards, and visas, that has become a central flashpoint in one of the most important political fights of the era.

President Obama is, of course, the primary target of ferocious opposition on immigration, particularly for his pledge not to deport hundreds of thousands of undocumented children brought here by their families. But when it comes to actually enforcing this Deferred Action for Childhood Arrivals initiative, the man who works passionately but calmly in the crosshairs is Rodriguez.

The roots of León Rodríguez trace back to unlikely places: to an ancient city in western Turkey called Kırklareli, whose original Greek name meant “the place of forty churches,” a clue that it was not a particularly welcoming place for its Sephardic Jews, many of whom eventually fled anti-Semitic pogroms in the 1930s. Prior to that, a young Jewish accountant named Leon Rodrik (or Rodrig) emigrated in the 1920s with his family. Hoping to make it to America, they were diverted by various obstacles, including the strict immigration quotas of the era, and they ended up in Havana, Cuba. There, Leon Rodrik married a Polish Jewish woman, and by the time their son, Isaac, was born, they had become the Rodríguezes. The family became small wholesalers of jewelry, perfumes, toys, and whatever else they could sell—until Fidel Castro’s revolution demanded that their business be expropriated. The Rodríguezes fled Cuba in 1961, and Isaac and his wife, Sarah, whose family had also fled Turkey, ended up in a Jewish neighborhood in Brooklyn, where their son was born in 1962. By Sephardic tradition, the boy was named for his grandfather, León Rodríguez. He grew up in a household speaking only Spanish until he was four, when they moved to Miami Beach, where his real Americanization began.

His would become a classic American success story. He was immersed in the melting pot of Miami as a small, red-haired, freckled little kid who had to wear glasses and an eye patch to combat amblyopia or “lazy eye.” Between that and being a smart kid who didn’t play sports, León was a prime target for bullying. Even his best buddy from childhood, Jimmy Morales, now the City Manager of Miami Beach, confesses to beating up León on the first day of kindergarten. As they became lifelong friends, Morales says he realized Rodríguez’s strength was internalized. “He’s passionate. He will fight. But he does it patiently and civilly.”

“I got picked on when I was little, and you learn to keep yourself under control,” Rodríguez recalls in an interview at his office on Massachusetts Avenue near the US Capitol. The hazing finally stopped by middle school, when he got bigger and better at sports, he says, “but I think it actually plays a role today in me being able to keep my act together.”

As he grew and worked diligently through the Miami public schools, he was also learning formative lessons about social conscience at home. He frequently heard stories about his maternal grandfather, Gershon “John” Policar, a Turkish shoemaker who became very active in Jewish and Zionist organizations around Havana, and devoted countless hours to the Hebrew Immigrant Absorption Society. León’s mother recalled to him how her father would rush out at all hours, day or night, to meet shiploads of European refugees from the Holocaust, helping families to relocate in Cuba and eventually in America. But he never made it to America himself, dying at the age of fifty-three.

León had top grades at Miami Beach High School and a room full of trophies as a debate champion specializing in extemporaneous speeches. He became fluent not only in his native Spanish, but also in French, and later developed conversational ability in Italian and Hebrew. When Rodríguez was accepted at Brown University, he initially aspired to become a doctor, a desire that began at age eleven when students in his sixth grade class went on a field trip to witness open-heart surgery. His mother was fearful he would vomit, but, according to Rodríguez folklore, when she picked up León in her car, he asked if she had brought lunch because he was starved. He dropped his interest in medicine quickly at Brown when he was undone by a freshman year class in organic chemistry. His other career ambition was spurred by his family’s emphasis on helping others, and by his experience with Hebrew school and Judaism. He seriously considered a double-major of history and religious studies at Brown, intending perhaps to become a rabbi.

Instead, after graduation in 1984, he chose Boston College Law School. Initially, he was unsure what kind of law he wanted to practice, but was drawn to BC in part by the Jesuit tradition emphasizing the pursuit of a life of service. That belief was affirmed when BC Law sponsored the creation of the Holocaust/Human Rights Research Project, in which Rodri-
Rodriguez recites the pledge of allegiance during a naturalization ceremony at the Dr. Martin Luther King Jr. Memorial, August 28, 2014, in Washington, DC.
Rodriguez would play an early leadership role. The project, now named for its late founder, Owen M. Kupferschmid ’85, dissected Holocaust war-crimes prosecutions to expand and apply their principles to international pursuit of all war crimes, whenever and wherever they occur. Thirty years later, following creation of the International Criminal Court, the BC project endures and draws international attention.

“He is a mensch, a true, true mensch,” says William Mandell ’86, who says Rodriguez was effective in lobbying faculty and students to support the project. Mandell says he and Kupferschmid had tried hard to attract diversity “and we’re excited when a guy named Rodriguez shows up. But he turns out to be Jewish! A Turkish Jew...from a Cuban family! We laughed and said, “This guy’s perfect. He breaks all the stereotypes.””

Michael Perino, Rodriguez’s closest friend in their Class of 1988, says he marveled in first year that “he pretty quickly got to know everybody, and everyone liked León. No enemies.” “I never figured that out, how he did that” in such a highly competitive place, he chuckles. Perino, a professor at St. John’s University Law School, says that while many classmates pursued corporate law, he was not surprised that León showed no interest. Nor was he surprised when Rodriguez ended up becoming a prosecutor in New York City, handling the cases of people who were defenseless and suffering from the most grievous criminal injuries. “That’s the kind of guy León is.”

The rookie lawyer plunged plunges directly into the big leagues. As an Assistant District Attorney in Brooklyn—at the height of the crack epidemic and the depths of a recession—Rodriguez prosecuted countless cases of drug trafficking, assaults and robberies, homicides, sex crimes, and complex racketeering cases involving the Genovese and Colombo families of La Casa Nostra.
ALTHOUGH HE SAYS HE THINKS THAT ELEMENTS OF HIS LEGAL
RODRIQUEZ LIKENED CONGRESSIONAL OVERSIGHT HEARINGS TO
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ALTHOUGH HE SAYS HE THINKS THAT ELEMENTS OF HIS LEGAL
TRAINING AND FAMILY BACKGROUND HELPED HIM STAY COMPOSED.

It was grim, grueling work, says his
BC classmate and friend, Lori Grifa ’88,
who worked in the same office, which
she recalls as “a lean and hungry place.”
She says she was impressed when
Rodriguez decided to join the Special
Victims Unit, prosecuting human
trafficking and horrific assault cases
against women, children, and the most
defenseless. “Law school is intense and
can make you insular in studying, but
he had a sensitivity and commitment to
larger human rights issues and activi-
ties,” Grifa says. And throughout his
career, which she follows closely, “he is
still the same guy with the impish, boy-
ish smile.”

That sense of commitment brought
Rodriguez to Washington in 1994 as a
criminal trial attorney in the Justice
Department’s Civil Rights division, tak-
ing on massive cases. He spent months
in San Juan, Puerto Rico, investigating
and prosecuting prison guards who
were beating prisoners and conspiring
to cover up their crimes. And in South
Carolina and Florida, he worked several
years on a major case against traffickers
who exploited and imprisoned Guatema-
lan and Mexican migrant farmworkers.

That case, US v. Flores, “gave me
a depth of understanding of undocumented
people that plays a big role in how I think to-
day,” Rodriguez says. “These young men were
victims who were threatened and beaten and
lived in horrible conditions, and two things
became clear to me: One, they were incredibly
resilient and strong individuals, people who I
thought would be very successful Americans.
Who had that sort of get-up-and-go to leave
their country, leave their families, and look for
work. And, two, it was clear to me that what
they did, they did for their families.”
Rodriguez, by this time married to Jill
Schwartz, an obstetrician he’d met at a party in
New York, moved to Pittsburgh as an Assistant
US Attorney for the Western District of Penn-
sylvania, prosecuting white-collar crime and
health care fraud. When Harry Litman became
US Attorney there in 1998, he had to choose a
First Assistant from among some 100 lawyers.
This would be his chief of staff, “the bad cop,
and the consigliere,” Litman says. He picked
Rodriguez. Asked to describe him, Litman says,
“principled, honest, down-to-earth. Sees the
big picture. Warm and funny and likeable, with
buckets of integrity.” Litman adds, “Not self-
promoting. No sharp elbows. Not an ambition
machine...It is a form of leadership you don’t
often see.” Litman followed Rodriguez’s USCIS
confirmation process and says, “His ability to
sit there and be attacked; I don’t think I could
take it. León was really raised right.”

Rodriguez’s mother, Sarah Policar Rodri-
guez, was adamantly opposed to her son be-
coming director of USCIS because she worried
about the personal toll that the stress and time
demands of his biggest job would have on him,
his wife, and their two children, Talia, thirteen,
and Elias, eleven. “He is a very devoted father
and those kids adore him. I call him ‘Mister
Mom,’” says his mother. Rodriguez says he
tries to leave work early enough at least twice a
week for his kids’ basketball and soccer, voice
lessons, and Hebrew. He says he is committed
“not just to showing up at a play, but doing the
administrative and emotional work of parent-
ing.” His mother says she is reminded of his
priorities whenever she asks about problems at
work. “He says, ‘I don’t let it stress me out.’ He
says, ‘if my family has problems, I get stressed
out, but not from my job.’”

In a lengthy interview, Rodriguez says that
the government must listen openly to critics,
who have legitimate concerns about the law and
about border security. “I will never be one of
those guys who says that if you complain about
the undocumented it means you just don’t like
immigrants. That is very unfortunate rhetoric.”

Rodriguez thinks that the anger over immi-
gration is somewhat exaggerated and that the
“center 80 percent” of Americans still believe
in a “core cultural narrative” of immigrants
coming here with nothing and working hard so
children will thrive. He says he understands
people who complain that immigrants “take
away our jobs,” but he is not convinced that is
true. Many business people and experts argue
that as an economy grows, it actually needs
more immigrant workers, he says, both low-
skilled for service sector and agriculture jobs,
as well as high-skilled.

In his first year on the job, Rodriguez
has attempted to move quickly on Obama’s
agenda. His agency has issued two new major
visa-policy documents designed to promote
the immigration of qualified high-skilled
workers. It launched a New Americans Task
Force to promote the integration of immi-
grants, including an estimated 8.8 million
who are eligible, but have not yet applied for
citizenship. USCIS has also stepped up its refu-
gee-processing efforts, not only for eligible
Central American children, but by redeploying
refugee officers to Baghdad and by processing
requests from Syria. Along with these efforts,
it is undertaking a major modernization of its
information technology structure.

On March 12, 2014, the day of his Senate
confirmation hearing, Rodriguez was the last
of five nominees to be questioned. The other
four were nominated to be US District Court
and Circuit Court judges, and their composi-
tion reflected a radically changed America
from the days of white-male dominance. The
only white nominee was a woman, and the oth-
ers were a black man, a Latino man, and a black
woman who was openly lesbian. Rodriguez
listened to their testimony, as each of them
told something about their backgrounds.

Then the Judiciary Committee finally
moved to consider Rodriguez. In his open-
ing statement, before he began to talk about
himself, he told the senators, “I would like to
salute the great American stories of the other
nominees here today. Their stories illustrate
the long road that we have all traveled. And it is
stories like theirs that inspire me.”

Peter Perl, a freelance writer in Silver Spring,
Maryland, worked for the Washington Post for
thirty-two years. His last article for BC Law
Magazine was on White House advisor David
Simas ’95.
Class Notes

Alan G. Macdonald is president and chief executive officer of Hallmark Health System in Medford, MA. He previously served as executive vice president for strategy and public affairs for the organization.

Howard A. Davidson retired as director of the American Bar Association Center on Children and the Law. Having worked in the area of child law since 1974, he plans to remain involved in the field of child welfare law and policy on a part-time basis.

Joan A. Lukey received a top “Band 2” ranking in the category of Litigation: Trial Lawyers in the Chambers Global 2015 US rankings, making this the sixth consecutive year she has received a top band ranking. In May, the National Law Journal also named her an Outstanding Woman Lawyer. She is a partner and chair of the complex trial and appellate litigation group at Boston-based Choate, Hall & Stewart LLP.

William D. Kirchick is a partner in the Trusts and Estates Department of Boston-based Nutter McClennen & Fish LLP. He was previously a partner in the estate planning group at Morgan, Lewis & Bockius LLP in Boston.

Hon. William D. Palmer is president-elect of the Council of Chief Judges of the State Courts of Appeal, and will assume the presidency of the council in October. He is a district judge of the Fifth District Court of Appeal in Daytona Beach, FL.

Len DeLuca was a panelist at the New York University (NYU) Stern School of Management 2015 Strategy Forum, and a member of the “Next Wave of NCAA Litigation” panel at the NYU 4th Annual Sports Law Colloquium. Founder of Len DeLuca & Associates LLC in New York, NY, and an adjunct professor at the NYU School of Professional Studies Tisch Institute for Sports Management, Media, and Business, he is also a featured contributor to the ESPN Films 30 for 30 Shorts: The Billion Dollar Game, and media consultant and negotiator for ESPN’s “The Basketball Tournament.”

C. Joseph Greaves is the author of Tom & Lucky and George & Cokey Flo published by Bloomsbury USA and due to be released in November.

Ellen J. Krug is the executive director of Call For Justice, a Minneapolis-based nonprofit organization, which was awarded the 2015 Louis M. Brown Award for Legal Access by the American Bar Association. Her article, “We Hear You Knocking: An Essay on Welcoming ‘Trans’ Lawyers,” was published in the 2014–2015 issue of the William Mitchell Law Review.

Daniel F. Polsenberg reached a career landmark in April when he argued his 250th appellate case involving a contract dispute between two mining companies over royalties associated with the Carlin Trend, the largest gold producing district in the US. He is a partner in the Las Vegas, NV office of Lewis Roca Rothgerber LLP (see story page 32).

Walter E. Stern was selected by the Natural Resources, Energy, and Environmental Law (NREEL) Section of the State Bar of New Mexico as the 2014 recipient of the NREEL Lawyer of the Year Award. He is a partner in the Albuquerque, NM, office of Modrall Sperling.

Richard L. Backer ’83

**New Direction** Left law to become a rabbi.

**Tipping Point** “As senior vice president for Fidelity Investments, I was traveling around the world and enjoying my job, but missing time with my family. I had always believed there was a next chapter in which I would do something very different, a career set in a more spiritual and interpersonal setting.”

**Best Advice Ever Received** “Life may have many chapters, and we can each change the world for the better—each in our own way.”

**Last Book Read** Radical Judaism.
Patrick McNamara is the executive director of the Sylvan Learning Centers of Albany and Clifton Park, NY. Previously, he practiced general corporate and entertainment law in New York, NY.

Jonathan L. Moll, vice president and general counsel of Babson College in Wellesley Hills, MA, was named a 2015 “Leaders in the Law” honoree by Massachusetts Lawyers Weekly.

Hon. Gregg J. Pasquale, following nomination by Governor Deval Patrick and unanimous approval by the Executive Council, was sworn in as a justice of the Massachusetts Superior Court in October 2014. He was previously a partner at Pasquale & White in Rockland, MA, and practiced in the area of medical malpractice litigation. He lives with his wife and former law partner, Melissa, and their two daughters in Rockland.

Brian A. Cardoza was elected to the American Board of Trial Advocates. He is a senior attorney with Southern California Edison Company in Rosemead, CA, and has tried numerous cases to verdict, including major wildland fire cases, commercial disputes, and personal injury actions.

John G. Casagrande Jr., general counsel at Bright Horizons Family Solutions, was named a 2015 “Leaders in the Law” honoree by Massachusetts Lawyers Weekly.

Scott A. Fifer, former New York City attorney and Hollywood screenwriter, is founder and chief executive officer of GO Campaign (gocampaign.org), a national nonprofit organization based in Santa Monica, CA, that identifies and partners with grassroots organizations throughout the world to provide children with essential services, resources, and opportunities. (See also Kerry Kennedy ’87.)

Kerry Kennedy, president of the Robert F. Kennedy Center for Justice and Human Rights, was featured in a story “A School for the Village” by Wendy Abrams in the book Unselfish: Love Thy Neighbor as Thy Selfie about her visit to impoverished Nuevo Zaragoza, Mexico, that resulted in a collaborative effort between the RFK Center and Go Campaign (founded by Scott Fifer ’87, see above) to raise support for the village’s rebuilding efforts. The book, compiled by Paul D. Parkinson and published by Unselfish Stories in May, also includes a story by Kennedy entitled “Alicia from East Timor.”

Dean Papademetriou, assistant general counsel at the Boston Housing Authority, participated in a panel discussion on climate finance sponsored by the City of Boston at Boston University School of Management. His presentation was on the financing of large energy conservation and performance contracts.

Rita A. Sheffey is assistant dean for public service at Emory University School of Law in Atlanta, GA. She was previously a litigation and intellectual property partner at Hunton & Williams LLP in Atlanta.

Frederick Lane, attorney, educational consultant, expert witness, author, and lecturer based in Burlington, VT, announced his most recent book, Cybertraps for Educators, published by Mathom Press in January.

Charlotte (Jackson) Crutchfield was appointed by the Montgomery County (MD) Council to serve a three-year term on the Montgomery County Merit System Protection Board. Elected to serve on the Montgomery County Democratic Central Committee representing District 19 for the 2010–2014 term, she also ran a close but unsuccessful campaign as a 2014 Democratic candidate for the Maryland House of Delegates, District 19.

Christopher J. Devlin returns to Bernstein Shur as a partner and member of the business law practice group in the firm’s Portland, ME, office. He was formerly a partner at Bernstein Shur from 1993 to 2005, and most recently served as managing counsel at Unum Group in Portland.

Adolfo E. Jimenez was honored with a Lifetime Achieve-
Karen M. O'Toole, senior vice president and deputy general counsel of Fidelity Investments in Boston, was named a 2015 “Leaders in the Law” honoree by Massachusetts Lawyers Weekly.

Manuel L. Crespo Jr. was elected president of the Cuban American Bar Association. He is a partner at Sanchez-Medina, Gonzalez, Quezada, Lage, Crespo, Gomez, Machado & Preira LLP in Coral Gables, FL, and focuses his practice in the areas of real property transactions and civil litigation.

Paul G. Cushing, legal counsel at Partners Health Care System in Boston, was named a 2015 “Leaders in the Law” honoree by Massachusetts Lawyers Weekly.

Robert M. O'Connell Jr., of counsel in the Boston office of Fish & Richardson, was included in the 2015 edition of World Trademark Review 1000—The World’s Leading Trademark Professionals for the fifth consecutive year.

Joseph J. Centeno, a partner in the Philadelphia, PA, and New York, NY, offices of Obermayer Rebmann Maxwell & Hippel LLP, was elected to the firm’s Management Committee in April. He also serves as chair of the firm’s Labor Relations and Employment Law Department, and practices in the areas of collective and class action litigation, employment litigation, labor relations, and executive employment agreements.

Deborah J. Peckham was recognized in the 2015 edition of World Trademark Review 1000—The World’s Leading Trademark Professionals. She is a partner in the Boston office of Burns & Levinson LLP and co-chair of the firm’s intellectual property group.

Mark C. Schueppert, general counsel and vice president of human resources at Justice Resource Institute in Needham, MA, was named a 2015 “Leaders in the Law” honoree by Massachusetts Lawyers Weekly.


KERRY KENNEDY ’87

Doing the Right Thing
Human rights activist recently featured in book about Mexican poverty. BC Law Class with Most Impact Legal clinic with Professor Bob Bloom. “He was an inspiring teacher who combined practical hands-on experience with rigorous intellectual underpinnings.” About Her Story, “Alicia from East Timor” “I feel blessed to know someone who, after losing everything she owned in the world to war, gave away the very last thing she owned, for her community.” Describe Yourself in One Word “Optimistic.”

Alumni Association Notice
At the Assembly Meeting Nov. 6, during Reunion Weekend 2015, elections will be held for the 2016 Alumni Board, among other agenda items. The Board will also meet that weekend. If you have volunteered for the Law School since June 2014, you are a member of the Alumni Assembly and have the right to vote for members of the Alumni Board. Please check our website at www.bc.edu/lawalumni for all association notices. For more information on the assembly, the election, or how to join the board, contact Christine Kelly at christine.kelly.3@bc.edu.

REUNION WEEKEND, NOVEMBER 6-7, 2015

Reunion Events—Come Back and Celebrate
For alumni from classes ending in 0 or 5

Return to where it all began—where you met lifelong friends, explored your passions, and were challenged to excel like never before.

Mark your calendar now for November 6 and 7, a celebration filled with social, academic, and networking events in Boston and on campus. Saturday night dinner will be at the Ritz-Carlton downtown. Visit www.bc.edu/lawreunion or contact the alumni office at 617-552-4378 or bclawalumni@bc.edu for more information.
Medical Malpractice Exposure.” He is managing partner in the Tampa, FL, office of Roig Lawyers and head of the firm’s health care practice group.

**95 Ingrid C. Schroffner** co-chair of the MassHealth Diversity Council, and fellow council members received certificates of appreciation from Massachusetts Medicaid for their contributions of service to the agency. In March, the Massachusetts Bar Foundation (MBF) Board of Trustees named her a MBF Life Fellow. She is assistant general counsel in the Massachusetts Executive Office of Health and Human Services in Boston.

**97 Sejal Natu Badani** is the author of her first novel entitled *Trail of Broken Wings* and published by Lake Union Publishing in May. Jennifer A. Creedon was named a 2015 “Client Service All-Star” by BTI Consulting Group. She is a partner in the Boston and Providence, RI, offices of Verrill Dana LLP and focuses her practice on products liability litigation, asbestos litigation, and business litigation.

Kevin J. Heaney is deputy vice president for development at Princeton University in Princeton, NJ. He previously served as vice president for constituent and central development programs and deputy campaign director with the Oregon State University Foundation in Corvallis, OR.

**98 Myles K. Bartley** is a member of the complex litigation group at Denlea & Carton LLP in White Plains, NY. He was previously a counsel with Curtis, Mallet-Prevost, Colt & Mosle LLP in New York, NY.

Tara A. Twomey was a featured speaker at the National Association of Consumer Bankruptcy Attorneys 23rd Annual Convention in April. She is of counsel to the National Consumer Law Center headquartered in Boston, and the project director for the National Consumer Bankruptcy Rights Center.

**00 Thaddeus R. McBride** is a partner at Bass, Berry & Sims PLC in Washington, DC, and serves as chair of the firm’s international trade practice group. He was previously a partner in the Washington, DC, office of Sheppard Mullin.

**Thomas E. Gaynor** is a partner in the San Francisco and Los Angeles, CA, offices of Nixon Peabody LLP, where he represents clients from a wide range of industries in complex international corporate and finance transactions.

**02 Jessica C. Sergi** is of counsel in the Boston office of Mintz Levin and focuses her practice on litigation matters with an emphasis on government investigations, including those related to health care, securities, and criminal issues. Previously, she worked in the Federal Public Defenders Office and the Massachusetts Office of the Attorney General, Special Investigation and Narcotics Division.

**03 Greta LaMountain Biagi** was presented with the 2015 K. Colleen Nunnelly Award by the National Association of Consumer Bankruptcy Attorneys (NACBA) at its annual convention in Chicago in April. She was chosen from more than 4,000 members and 600 conference attendees for her whistle-blowing actions when a judge in Eastern Hampshire District Court in Massachusetts sent an elderly man to jail because he could not pay a $500 debt. She is in private practice in Amherst, MA, and represents
clients in the areas of bankruptcy, small business, family, real estate, estate planning, zoning, and condominium law.

Daniel L. Gold is a partner in the Miami, FL, office of Wilson Elser and focuses his practice on bankruptcy and creditors’ rights. He was previously a partner at Miami-based Ehrenstein Charbonneau Calderin.

Kathleen A. Barclay is a partner at Maguire Cardona PC in Albany, NY, and practices in the areas of medical malpractice defense, errors and omissions, product liability, general liability defense, and insurance coverage. A member of the Capital District Trial Lawyers Association, Albany County Bar Association, Capital District Women’s Bar Association, and New York State Bar Association, she resides in Ballston Lake, NY, with her husband and two sons.

Melissa B. Coffey is a partner in the Tallahassee, FL, office of Foley & Lardner LLP and focuses her practice on securities litigation and enforcement, False Claims Act investigations and litigation, white collar defense, and complex commercial litigation.

Stephanie Sprague Sobkowiak is a partner and a member of the health care practice group in the New Haven, CT, office of Murtha Cullina LLP. Her practice includes assisting clients with transactions, compliance, and risk management.

Jennifer Briggs Fisher is a partner in the San Francisco, CA, office of Duane Morris LLP and practices in the areas of white-collar criminal defense, internal corporate investigations, regulatory compliance, and complex commercial litigation.

Andrew S. Gallinaro is a partner in the Philadelphia, PA, office of Conrad O’Brien PC and focuses his practice on complex commercial cases.

John A. McBrine is a partner at Nutter McClennen & Fish LLP in Boston and a member of the firm’s Trusts and Estates Department and Nutter Charitable Advisors.

Marilyn Mosby was sworn in as Baltimore City (MD) state’s attorney in January, and is currently the youngest chief prosecutor in a major US city. She and her husband, Nick J. Mosby, 7th District Baltimore City councilman, have two daughters and live in West Baltimore, MD (see also pages 6 and 29).

Shagha Tousi is a litigation partner at Nutter McClennen & Fish LLP in Boston and focuses her practice on complex civil disputes, with an emphasis on product liability litigation and the defense of individuals before the US Securities and Exchange Commission.

Stephanie A. Hirano is a partner in the Seattle, WA, office of Perkins Coie LLP and focuses her practice on corporate governance, public company reporting, mergers and acquisitions, and corporate finance.

Matthew A. Kane is a partner at Boston-based Laredo & Smith LLP and a member of the firm’s business litigation practice. He was previously of counsel in the Boston office of Bulkley, Richardson and Gelinas LLP.

CARL TAKEI ’07

Righting Wrongs Authored recent ACLU reports on immigration detention facilities’ abuses. Learning Curve Participated in the criminal justice clinic at BC Law on the prosecution side. “Shifting my perspective to rely heavily on police testimony showed me how the sources of our information can profoundly influence what we understand the facts to be.” Proudest Moment “My cross-examination of an expert witness in a trial about segregation of and discrimination against prisoners with HIV. In just a few minutes, I was able to show that his conclusions about our clients were impossible to disentangle from his homophobia and other prejudices.”

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Alumni News

Generosity Has Its Rewards

Now in its tenth year, the Scholarship Dinner brings donors and students closer.

At the Tenth Annual Scholarship Dinner, BC Law students and donors came together for a shared evening of celebration and appreciation. Held at the Liberty Hotel in downtown Boston, the gala gave scholarship recipients the opportunity to express their gratitude and to build stronger connections with their donors, who are among the school’s most philanthropic alumni.

In his speech, Christian Chorba ’15, the 2015 recipient of the Derek J. Boc Scholarship, reflected on his grandmother’s humble beginnings in Ireland and the “transformative power of education” upon her later success. He spoke about the struggle many students face to finance their education, and how scholarship donors make a difference. “Your sponsorships have given us more than just a golden opportunity. They have given us an example to strive for in our own lives. An example not just of giving back but of always remembering how we got to where we are—with another’s help.”

Following Chorba, the donor behind his scholarship spoke about his motivations in endowing the fund. John F. Boc ’74, a longtime BC Law donor and volunteer, shared with the group his own story, starting with his humble beginnings working through school and leading up to the untimely passing of his son, Derek ’07. John, together with Derek’s mother, Elaine, established the scholarship fund in

Photograph by CHRISTOPHER SOLDT, MTS, BC

Scholarship Dinner 2015 was held at the Liberty Hotel in Boston.
their son’s honor and they were quickly joined by more than 100 relatives, friends, and colleagues.

This remarkable example of generosity—and the impact on students’ lives—exemplifies BC Law’s Jesuit ideal of men and women for others. It is a thread that runs through student and donor stories alike, and that fuels the extraordinary success of BC Law’s Light the World campaign. As the Law School surpasses its $50 million goal, it is noteworthy that more than $38 million raised to date is dedicated to financial aid for BC Law students.

The Law School has established sixteen named, endowed scholarship funds to date (these funds are created with gifts of $250,000 or more and each fund contributes a significant portion of a student’s aid package) and dozens of financial aid funds (established with gifts of $100,000 or more). Supporting students is at the core of the campaign’s mission. This annual gathering recognizes kindness and impressive achievements, both hallmarks of the BC Law community.

Though each student and donor has a unique story, they all share the common commitment of service to others. BC Law’s donors are making a difference in the lives of hundreds of students each year, as well as in the lives that these students will touch through their good work. As Chorba so aptly put it, “As our sponsors, you share in our successes and in the good works that we hope to accomplish. You have become part of our own stories.”

“Your sponsorships have given us more than just a golden opportunity. They have given us an example to strive for in our own lives.”

CHRISTIAN CHORBA ’15, BOC SCHOLARSHIP RECIPIENT

PHOTO IDS
LEFT TO RIGHT
4. Cadesbury Cooper ’15, Kristin Montgomery, and John Montgomery ’75.
5. The Liberty Hotel.
7. Patrick Kessock ’17, Elaine Morisi, and Mark Morisi.
10. Fred Salvucci, Rosalba Salvucci, and Danielle Black Salvucci ’96.

To see more Scholarship Dinner photos, go to www.bc.edu/scholarshipdinner.
Several hundred people attended Boston College Law School’s annual Law Day event on April 30th at the Boston Harbor Hotel to celebrate the honorees: Professor Emerita Ruth-Arlene W. Howe ’74 (St. Thomas More Award); Professor Robert M. Bloom ’71 (William J. Keene, SJ, Alumnus of the Year Award); David Schoen ’84 (Honorable David S. Nelson Public Interest Law Award); and the Honorable Leslie E. Harris ’84 (Daniel G. Holland Lifetime Achievement Award).

This year’s event included a special tribute to the Law School’s Black Alumni Network on its thirtieth anniversary, as well as a commemoration of the recent fiftieth anniversary of the Civil Rights Act. Preceding the event, Goulston & Storrs hosted a roundtable discussion entitled “The Fiftieth Anniversary of the Civil Rights Act—What has Been Accomplished? What Remains to be Done?”

At the awards ceremony, former chief justice Roderick Ireland of the Supreme Judicial Court of Massachusetts and BC Law Dean Vincent Rougeau offered comments on how much has changed and how far we have come as a society since the days of the Civil Rights Act. They were followed by powerful presentations from the honorees in which they credited mentors and others in the alumni community with helping them to achieve what otherwise might not have been possible.

The Law School is grateful to the many generous sponsors who, along with the hundreds in attendance, contributed toward this splendid evening, which successfully raised enough to support a Law Day Scholar next year.

PHOTO IDS LEFT TO RIGHT
1. 2015 Honorees: David Schoen ’84, Professor Robert Bloom ’71, Professor Emerita Ruth-Arlene W. Howe ’74, and Honorable Leslie Harris ’84.
2. Justice Roderick Ireland.
3. Meg Connolly ’70, Michael Mone ’67, and Norman Jacobs ’64.
5. Professor Emerita Ruth-Arlene W. Howe ’74.

To view photos of Law Day, go to www.bc.edu/lawday.
Top Obama aide David Simas ’95, bottom right, addressed graduates at BC Law’s 83rd Commencement May 22, imploring them to be true to values and ethics they learned at the Law School. The director of the White House Office of Political Strategy and Outreach said to take up those values “in the courtrooms, the boardrooms, and everywhere in between.” Two hundred and forty-seven graduates earned their JD degrees and seventeen received their LL.M degrees.

To view the video of Commencement, go to www.bc.edu/lawcommencement.
**New Chairs Support Business Law Scholarship**

McCoy and Shnitser celebrated as inaugural Liberty Mutual and Donohue professors.

Two professors who recently joined the BC Law School faculty—Patricia McCoy and Natalya Shnitser—and the donors whose named chairs they fill were celebrated this past semester at events that focused on scholarship in business law.

Professor Shnitser was feted on January 22 alongside David Donohue ’71 and Pamela Donohue, whose generous gift established the David and Pamela Donohue Assistant Professorship to nurture and retain promising junior faculty. Shnitser, a graduate of Yale Law School who also holds degrees from Stanford University, teaches Corporations and Employee Benefits Law and is currently researching retirement security in the United States.

“Pure and simple, establishing an endowed professorship is a transformative moment for the Law School,” Dean Vincent Rougeau said in his remarks. “I want to thank David and Pamela for making this possible.”

The Donohues’ gift reflects Dave Donohue’s interests in business and entrepreneurship. He is the president of International Human Resources Development Corporation, a global management training company for the oil and gas industry, and owner of Arlington Storage Corporation, which operates underground gas storage facilities in New York state. Donohue has said that he realized early on that he would not practice law but would use what he learned in law school to make sound business decisions based on value judgments.

The celebration of the inaugural Donohue Professor included a panel discussion with BC Law senior business faculty Kent Greenfield, Renee Jones, Brian JM Quinn, and Alfred Yen.

McCoy, a nationally prominent scholar in financial services regulation and the inaugural Liberty Mutual Insurance Professor of Law, was welcomed at a March 30 event that included Christopher C. Mansfield ’75, who was instrumental in establishing the chair while he was senior vice president and general counsel at Liberty Mutual Group. Also representing Liberty Mutual were two senior vice presidents, chief legal officer James Kelleher and chief public affairs officer Paul Mattera.

“The professorship has not only added new academic strengths in property and casualty insurance law,” BC Provost David Quigley said in his address, “but has also created exciting new synergy in an area of business law that speaks to the broader economy.”

McCoy helped establish the Consumer Financial Services Regulation Professorship and the inaugural Liberty Mutual Insurance Professor of Law in 2010. A graduate of Oberlin College and UC Berkeley School of Law, she teaches Insurance Law, Banking Regulation, and Topics in Financial Services Regulation. McCoy was among the first scholars to raise alarms about subprime loans.

Appropriately, the topic of her lecture at the Liberty Mutual event was “Insurance and the Common Good.”
**BOSTON COLLEGE LIGHT:THE:WORLD**

A CAMPAIGN FOR BOSTON COLLEGE LAW SCHOOL

**As the Light the World Campaign draws near its end**, Boston College Law School is proud to report that our alumni and friends are demonstrating unprecedented levels of financial support. Inspired by the stories of students whose education depends on the generosity of others, our donors are enabling the Law School to soar past its campaign goal, reaching heights never seen in our history. Earlier this fiscal year, BC Law received its largest gift ever from Jerome Lyle and Phyllis Rappaport. At the close of the fiscal year, we have reached an all-time record for BC Law of $13.6 million in total commitments in a single year—double last year’s record high. In these pages we recognize the many in our community who are stretching to give back to the school they love and share stories that highlight what this philanthropy enables us to achieve.

### CAMPAIGN DONORS

BC Law’s campaign commitments include gifts and pledges made between June 1, 2004 and present.

#### $75 Million+

- Jerome Lyle and Phyllis Rappaport
- Liberty Mutual

#### $5 Million+

- Arbella Foundation
- Marianne D. Short ’76 and Raymond L. Skowrya

#### $1 Million+

- Anonymous
- James A. ’68 and Lois Champy
- Leonid F. ’77 and Geri DeLuca
- Anonymous

#### $500,000+

- Estate of Tedd J. ’35 and Victoria E. Syak

#### $250,000+

- Anonymous
- Hugh J. and Martina David Ault
- John F. Donohue and Frances L. Robinson
- William M. Kargman ’67, P ’11
- Robert D. Keefe ’72
- Kieran Estate
- Brian J. Knez ’84
- Dennis A. Lalli ’77
- Miss Wallace Minot
- Raymond L. Skowrya

#### $100,000+

- Joan Lukey ’74 and Philip D. Stevenson
- Christopher C. ’75 and Laura Lee Mansfield
- James M. ’73 and Lisa Micali
- Raymond F. ’61 and Pamelee Murphy
- Jeanne M. Picerne ’92
- Ronald R.S. Picerne P ’92
- Michael J. ’77 and Christine Marie Puzo
- Jeffrey S. Sabin ’77
- John H. Schaaf ’51
- William ’82 and Cynthia Simon
- David M. ’78 and Lisa Solomon

#### $50,000+

- Anonymous (3)
- Kathryn J. Barton ’87
- John F. Boc ’74, P ’07
- John F. ’74 and Carole Bronzo P ’11
- George G. ’59 and Sandra Backofen Burke P ’92
- Joseph H. Burke ’72
- Philip Cahill ’48
- Robert C. Mendelson ’80

#### $25,000+

- Lizia B. ’80 and David M. ’76 and Lisa Solomon
- John T. ’75 and Jane E. Murphy Jr.
- Albert A. Notini ’83
- Estate of Frank Oliver
- Robert and Kathleen Paulus P ’05
- R. Robert Popeo ’61, P ’98, ’94
- Francis D. Privitera ’56, P ’95, ’95
- Philip J. Privitera ’95

### IGNATIAN CIRCLE

Recognizes paid lifetime gifts of $1 million or more. The following donors to BC Law are members of this society.

- John F. Boc ’74
- James A. Champy ’88
- David A. T. Donohue ’71
- Darald R. Libby ’55
- Jerry and Phyllis Rappaport, The Phyllis & Jerome Lyle Rappaport Foundation

### ENDOWED CHAIRS

- David and Pamela Donohue Assistant Professorship
- Robert F. Drinan, SJ, Professorship
- Richard G. Huber Visiting Professorship
- William J. Kenney, SJ, Professorship
- Darald and Juliet Libby Professorship
- Liberty Mutual Insurance Professorship
- J. Donald Monan, SJ, University Professorship
- The Jerome Lyle Rappaport Visiting Professorship in Law and Public Policy

### ENDOWED SCHOLARSHIP FUNDS

#### Cornerstone Scholarships

- Gifts of $1 million or more
- Molly and Phil Weinstein Scholarship

#### Endowed Scholarship Funds

- Gifts of $250,000 or more
- Anonymous Boston College Law School Scholarship
- Roger M. Bougie Boston College Law School Scholarship
- James A. ’68 and Lois Champy Scholarship
- Decelles Family Veterans Law Scholarship
- William and Lynn Kargman Family Scholarship
- Francis, Josephine B., and Robert D. Keefe Scholarship
- Ann and Raymond T. Mancini Scholarship
- Antonio and Anthony Mancini Scholarship
- Mansfield Family Boston College Law School Scholarship
- Michael E. Mone, Esq., Endowed Scholarship
- Honorable Francis P. O’Connor ’53 Scholarship
- Jeanne and Ronald Picerne Family Boston College Law School Scholarship
- Lawrence and Lillian Solomon Fellowship
- Vanek Family Boston College Law School Scholarship

*Includes a legacy gift designated to BC Law School  †Deceased*
The November 2014 Reunion was a smashing success. Nearly 500 alumni and friends joined us to celebrate during the course of a memorable weekend. We enjoyed talks by beloved faculty and thought-provoking discussions about legal issues and current events with fellow alumni; walked down memory lane at the Friday night Bar Review; and gathered for one of the best attended Saturday evening dinners ever at the Ritz-Carlton. We also reminisced, reconnected, and shared stories about life since our law school days.

My Class of 1984 assembled and distributed a fantastic Reunion Book in which classmates described their lives, families, careers, and, of course, their days at BC Law. Classmates from across the country socialized with one another all weekend and well into the night on Saturday.

Other highlights included a special celebration of the Center for Experiential Learning, the Alumni Assembly with featured speaker US Attorney Carmen Ortiz, a Dean’s Council reception for members of the Law School’s leadership gift societies, and time to enjoy autumn in New England together at the Head of the Charles.

To mark this milestone, many alumni were reconnected, and shared memories to last a lifetime. We also reminisced, ever at the Ritz-Carlton.

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The Reunion Giving Report 2014

1989

25th Reunion

Class Gift Total: $86,373
Class Participation: 28%

$10,000+
Kimberly L. Sachse

$5,000+
Annie Rickard Jackowitz
Denise Marie Parent
Kathleen Street

$2,500+
Kenneth G. Curran
Anne O'Connor McCrory
Kevin John Simard
Linda Sandstrom Simard

$1,500+
Peter A. Alpert
Deirdre A. Cunnane
Irene Raphael Good
Robert Emmett
McLaughlin
Mary Rose Migliazza

Additional Donors
Mark Richard Allen
Maria R. Baguer
Robert Jon Blackwell
Mitchell Scott Bloom
Sharon Claire Boyle
Audrey Lewchik Bradley
Andre'a Jane Brantner
Audrey Lewchik Bradley

1994

20th Reunion

Class Gift Total: $111,473
Class Participation: 23%

$50,000+
Elaine Shimkin Ventola
John F. Ventola

$10,000+
Bridge M. Bettigole
Kyle Bettigole
Sandra Lee Missakian

$5,000+
Nerre Shuriah

$2,500+
Susan Hamner Farina

$1,500+
Kathleen F. Burke
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David Huban Hwang
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Melissa Polaner
Kathleen Alyce Waters

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Diane Cetrulo Savage
Samantha L. Shepherd
John Sheridan
Anne Stuart
Joan Hyun Sung
Salim Tabit
Daniel G. Vatanaviggun
Kimberly A. White

2004

10th Reunion

Class Gift Total: $24,564
Class Participation: 18%

$5,000+
Rita-Anne O'Neill

$2,500+
Jeffrey Robert Moran

$1,500+
Brian C. McPeake

Additional Donors
Meredith L. Ainhinder
Michele L. Reitz
Ed Amer
Thomas Ayres

2009

5th Reunion

Class Gift Total: $105,260
Class Participation: 24%

$50,000+
Anonymous

$2,500+
Carol Vasconcellos

$1,000+
David M. Biele
John P. Bjork
Marissa Dungey

Additional Donors
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Daniel C. Silverman
Caitlin Vaughn
Michael Philip Visconti
Alexandra G. Watson
Beth Muir Watters
Matthew M. Yospin

Seeking Law Day Nominations

We welcome your nominations for future Law Day awards. Please take a moment to think about a former student, friend, colleague, or member of the community who deserves consideration. The awards are:

**ST. THOMAS MORE AWARD**
Recognizes a member of the legal community who represents the ideals of St. Thomas More. (Not limited to BC Law alumni.)

**WILLIAM J. KENEALY, SJ, ALUMNUS/ALUMNA OF THE YEAR AWARD**
Recognizes graduates who have given of themselves to benefit the Law School community.

**HON. DAVID S. NELSON PUBLIC INTEREST LAW AWARD**
Recognizes graduates who have made a noteworthy contribution to the public sector or in public interest law.

**DANIEL G. HOLLAND LIFETIME ACHIEVEMENT AWARD**
Recognizes graduates who have made significant contributions to the Law School and/or the community.

**RECENT GRADUATE AWARD**
Recognizes the outstanding achievements of alumni who have graduated in the past five to ten years.

**SPECIAL SERVICE AWARD**
Recognizes a faculty member (often at the time of retirement or movement to emeritus status) for extraordinary service to the Law School.

**REGIONAL CHAPTER AWARD**
Recognizes graduates who have made significant contributions to the development of their regional BC Law Alumni Chapters.

To submit a nomination, please state the award(s) for which he/she is being nominated, include a short bio and description of why the nominee fits the specific award criteria, and submit to Director of Alumni Relations Christene A. Kelly ’97 at bclaw.alumni@bc.edu or call 617-552-4378. You can read more about our awards at www.bc.edu/lawday.
Is the First Amendment Working?

Protections can do more harm than good. BY KENT GREENFIELD

Every few months it seems we hear yet another example of hate speech on campus. This past winter a viral video showed members of a fraternity at the University of Oklahoma chanting that they’d rather see a black student lynched than as a member of their clan. Last year, fraternity members at Ole Miss placed a noose around the statue of James Meredith, the courageous student who desegregated the campus in 1962. ¶ Both acts were roundly condemned as abhorrent. But legal scholars came to the defense of the students in both cases, saying that public universities could not punish them because doing so would violate the First Amendment’s commitment to “uninhibited, robust, and wide-open” discourse. ¶ These scholars are likely correct as a predictive matter. If this situation were litigated before the Supreme Court, the hateful students would almost certainly win. ¶ But no one with a frontal lobe would mistake a drunken anthem or a noose as part of a robust debate about race relations. If the First Amendment has become so ham-fisted that it cannot distinguish between such expressions of hate and earnest public debate about race, then perhaps it is time we rethink what it means.

Under current doctrine, the First Amendment tells us our remedy for expressions of hatred is not punishment but counterspeech. Those not targeted by the speech can recite how distasteful such racism (or sexism, or homophobia) is, and isn’t it too bad so little can be done. Meanwhile, those targeted by the speech are forced to speak out to reassert their right to be treated equally, to be free to learn in an environment that does not threaten them with violence. Ironically, the First Amendment’s reliance on counterspeech forces the most marginalized among us to bear the costs of bigots’ speech. Counterspeech is exhausting and distracting, but if you are the target of hatred, you have little choice. You can stay silent, but that internalizes the taunt.

The First Amendment tells us that threats are punishable, but only if they are targeted at specific individuals. Burning a cross on the front lawn of a family’s home can be a threat; burning one in a field outside of town is not. The secret of converting threats into protected speech, says the First Amendment, is to aim them at more people. The First Amendment asks African Americans to set aside their fear that white men cheerfully singing about lynching might end badly for someone, somewhere. In First Amendment doctrine, what matters is whether drunken frat boys intend to whip themselves into a murderous frenzy then and there (not protected), or whether they could wait awhile (protected).

The way we interpret the First Amendment need not be so empty of nuance. It is possible to believe, as the Supreme Court unanimously held over eighty years ago, that some “words which by their very utterance inflict injury … are no essential part of any exposition of ideas.” It is possible to be a staunch defender of full-throated discourse but still recognize the difference between dialogue and vomitus. In fact, most western democracies are much less protective of hate speech than we are.

We understandably worry about the over-regulation of speech. Yet is the slippery slope so slick that we cannot fathom any restrictions on the worst speech? Is the slope so steep that we cannot recognize harms flowing from screeches of hatred subjecting whole populations to fear of violence?

If this is what the First Amendment requires, I dissent.

Kent Greenfield is Professor of Law and Dean’s Research Scholar. This article is adapted from “The Limits of Free Speech,” which appeared in TheAtlantic.com in March 2015.
We believe BC Law offers something unique and necessary to the world. We’ve seen its graduates achieve great things in government, business, and—of special importance to us—public service.

Including BC Law in our will was an easy and meaningful way to ensure its continued excellence.”

—James Champy ’68, with his wife, Lois

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“BC Law opened doors for me—some I never even knew existed. Now I have the right foundation to go out and be the best lawyer I can be.”

—Alvin Reynolds ’15
See his story at bc.edu/lawdoors

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