BC Law Magazine Winter 2020

Boston College Law School

Follow this and additional works at: https://lawdigitalcommons.bc.edu/bclsm

Part of the Legal Education Commons

Recommended Citation
https://lawdigitalcommons.bc.edu/bclsm/55

This Book is brought to you for free and open access by Digital Commons @ Boston College Law School. It has been accepted for inclusion in Boston College Law School Magazine by an authorized administrator of Digital Commons @ Boston College Law School. For more information, please contact nick.szydlowski@bc.edu.
DURING THE METEORIC RISE OF PELOTON, HISAO KUSHI '92 HAS BEEN THE EXERCISE DISRUPTER'S ZEN-LIKE CO-FOUNDER AND GENERAL COUNSEL—A FUNNY, BRILLIANT MASTER OF CALM

THE SPIN DOCTOR
THE MAKING OF AN ADVOCATE

Caroline Reilly ’19 has been a fierce proponent of women’s reproductive rights. For her final semester, she did an independent study on women’s health that she later adapted for an article in Teen Vogue, creating quite a buzz.

Page 8
Features

20 Easy Rider
During the meteoric rise of Peloton, Hisao Kushi ’92 has been the exercise disrupter’s zen-like co-founder—a funny, brilliant master of calm.
By Elizabeth Gehrman

26 The Mighty Weight of Atrocity
It fell to Dermot Groome ’85 to hoist the load of Ratko Mladić’s cruelty onto the bench of justice at the International Criminal Tribunal for the Former Yugoslavia. It was a gruesome task. But he was the perfect man to do it.
By Jeri Zeder

32 I Am Why
Young women who’ve endured the failings of the juvenile justice system find their power in a new advocacy group that believes they are the true agents of change. As one of these new activists puts it: “I am why we will no longer be invisible.”
By David Reich & Vicki Sanders

Foremost
2 In Limine From the Editor.
3 For the Record Updates and contributors.
4 Behind the Columns Cultivating the ability to listen to others.
By Dean Vincent Rougeau

Docket
6 In Brief The second annual International IP Summit at BC Law; panels and visiting thought leaders enliven Rappaport events; Alexis Anderson’s legacy; newsmakers and prizewinners; PILF by-the-numbers; Around the Academy.

8 Impact Independent study brings self knowledge and public awareness.
10 Brainstorm Dean Vincent Rougeau and Martha Jones.
12 In the Field James Dowden ’00, Robin Pearson ’89, and four other alumni on the job.
14 Faculty Scholarship Professor Katharine Young offers a novel way to bring parties together.
16 Candid Su Kyung Suh ’20.
18 Evidence Tax policy needs a fix in favor of equality.

Esquire
36 Generations Three generations of the Warners.
37 Class Notes
42 Alumni News David Bianchi ’79 takes his fight against hazing from the court house to the state house.
44 Click Reunion Weekend.
46 Advancing Excellence
48 The 2019 Reunion Giving Report
52 In Closing What’s next in the world of work?
By Professor Thomas C. Kohler
Upholding the Law of the Land

One thing that can be said about the Boston College Law School community is that no two of its members are alike. Their personalities, perspectives, and strengths are dizzyingly diverse. And yet? And yet, most share a common belief: They were put on this planet to make a positive impact and to leave the world a more compassionate and law-abiding place.

In this age of uncommon indelicacy, that noble idea has suddenly become a very tall order. America has been under siege before, of course. This time, democracy itself seems threatened by a surprising foe: the body politic within. The structure that sustains the nation—what had seemed a sturdy-timbered constitution with its freedoms, rights, and balance of powers—is now being splintered by partisanship, greed, and propaganda.

All of which leaves those sworn to uphold the law of the land asking: What now? Fortunately, as our governing document dictates, many among us already are well positioned to “establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessing of Liberty to ourselves and our Posterity.”

Here are some examples.

The newest weapon in tax professor James Repetti’s arsenal to safeguard the general welfare is a law review article packed with empirical evidence showing how our culture, politics, and economy are suffering from sustained tax policy overemphasis on efficiency and under emphasis on equity. A graphic representation of Repetti’s findings is on page 18.

Florida attorney David Bianchi ’79 has represented families devastated by the deaths of sons from college hazing rituals. Not content to leave the matter in court, he headed to the legislature to change state law (page 42). Professor Francine Sherman ’80, who has spent her career on juvenile rights matters, has started an advocacy group for system-involved young women that empowers them to become activists on their own behalf (page 34).

Dermot Groome ’85 has taken his battle to a different front, one with implications for justice on a global scale—and, on a micro level, for America’s soul. Not only has he served as senior prosecutor in eight trials at the International Criminal Tribunal for the Former Yugoslavia, he also wrote the book on investigating human rights abuses.

In the article on page 26 about his handling of the trial of Ratko Mladić, Groome holds up a mirror for America to view the bitter end of bigotry and hate. It is not a pretty picture.

VICKI SANDERS, Editor
vicki.sanders@bc.edu
Kudos for a Tenacious Justice-Seeker
When Christopher “Omar” Martinez walked out of a Massachusetts courthouse last spring as a free man after nearly twenty years in prison for a murder he didn’t commit, Lauren Rossmann ’19, a student member of the BC Law Innocence Program team who’d worked so hard for that outcome, was elated (“The Innocence Whisperers,” Summer 2019).

Rossmann had spent two years researching Martinez’s case. She was the dogged fact-finder who discovered what turned out to be a crucial family connection between a policeman and a witness. She also pinpointed a convicted felon, who, when questioned in his prison’s visiting room by her and Professor Charlotte Whitmore, confessed to the murder.

For her efforts, Rossmann in October received the Massachusetts Supreme Judicial Court’s student Adams Pro Bono Publico Award.

“The Adams Pro Bono award is meaningful to me because it celebrates lawyers who demonstrate that pro bono work should not be viewed as a basic requirement,” said Rossmann, currently a legal fellow and staff counsel at the Committee for Public Services Innocence Program, “but rather as a rewarding and self-imposed obligation that fulfills our purpose as human beings.”

A Prosecutor’s Patience Pays Off
Andres Torres ’08, whose masterful investigative work and lawyering helped bring an international drug operation to its knees and shamed the Spanish Navy (“The Remarkable, Heroín-Laced, High-Seas, Cartel-Sniffing Takedown,” Winter 2019), has been awarded the Thomas E. Dewey Medal by the New York City Bar. As a Manhattan Assistant District Attorney assigned to the Office of the Special Narcotics Prosecutor for the City of New York, Torres drew upon his Spanish fluency and experience as a former USAID worker in Colombia to become a pivotal figure in the multi-year operation. The case began to crack open when two men, later identified as Spanish sailors from the ship Juan-Sebastián Elcano, were spotted at a stakeout in the Bronx.

The Dewey Award, named for the famous 1930s prosecutor (and later New York governor) who went head-to-head with gangsters, bootleggers, and organized crime figures of the day, is presented annually “to outstanding assistant district attorneys” in New York. “I’m humbled and grateful to be selected,” said Torres. “It’s a true honor.”
Recently, I was asked to facilitate a conversation at a church in my neighborhood as part of a series on the “Roots of Racism.” Eighty people gathered on a Saturday morning for what turned out to be a three-hour conversation. About half way through, I was asked, “In your private moments, what makes you most angry about racism and racial injustice?” That was a hard question, primarily because there are many examples I could have offered. What I shared in that moment was my anger at how racism has led to the loss of so much human potential in this country. This brought to mind a story one of my cousins told me about my grandfather and her father, my grandfather’s brother. Working as laborers at an oil refinery in south Louisiana in the 1950s, they often were routinely subjected to simple, but brutal, public acts of humiliation to remind them of their place. When they collected their checks on payday, they were forced to wait while the payroll clerk made sure every white employee at the refinery had first received their pay. Then, and only then, would my grandfather and great uncle be paid. This often meant that they spent the entire day waiting at the office, losing a day’s work so that the white people around them could enjoy a visible reminder of white supremacy in action. My grandfather and his brother had no real recourse for protesting their treatment. They maintained their dignity through silence and in the knowledge that with their wages, they would ultimately build a better life for themselves and their families.

We have been spending a lot of time recently discussing the importance of diversity and inclusion for BC Law, and for the future of our profession. For me, what drives our need to act is the quiet witness of people like my grandfather and great uncle, whose stories are part of certain uncomfortable truths about American history. As an institution committed to a conception of justice rooted in a belief that all human beings are made in God’s image, BC Law has a responsibility to think rigorously about what we owe one another in the pursuit of a just society. We cannot do this if some voices are suppressed or excluded, or if difficult histories are ignored.

Diversity and inclusion are often attacked as “political correctness,” or the fuel for national division and decline. Those views are both simplistic and myopic. It is indeed true that we have entered a moment in history in which tribal, identity-based nationalism is again ascendant. We must do everything we can to make the legal profession a place where people of all backgrounds can participate in the work of justice. This means cultivating an ability to listen to how other people experience the world, and a willingness to reflect critically about shameful aspects of our shared past.

Anger is a powerful emotion, but when it festers, it tends to be destructive. I do get angry, but I find it best to let my anger cool. It is then that I can focus on what truly needs to happen to move our society away from racism and oppression, and toward justice. At BC Law this work is at the heart of our mission, binding a diverse community of people with many perspectives who are “passionate about the dignity of the human person, the advancement of the common good, and compassion for the poor.”
To view the “Dictionaries and the Law” catalog, visit tinyurl.com/bclawdictionary.
IP and China: How Does that Work?

At the second annual International IP Summit at BC Law, keynote speaker Yasheng Huang said that evaluating intellectual property rights in laws and enforcement in China requires an understanding of Chinese history and culture. Historically, “the very idea of rights did not exist in the Chinese political culture,” Huang explained. “So how do you establish a subset of rights, such as property rights and IP?”

The Epoch Foundation Professor of International Management at the MIT Sloan School of Management, Huang spoke on the first day of the two-day conference October 17-18, which was sponsored by BC Law’s Program on Innovation and Entrepreneurship (PIE), Ropes & Gray, and the Boston Patent Law Association. It drew a large gathering of international legal, business, and government experts.

Huang made a case that cooperation, not conflict, is the key to the future of a global marketplace. When working with China, that means looking past the current trade war to understand the rapidly evolving regulatory, intellectual property, and privacy landscape in its burgeoning economy. A trade war harms both the US and China and will have “substantial long-term damaging impact on both countries,” he said. “The US needs a smarter way of dealing with the challenge of China.” Huang suggested a long-term strategy to separate out and negotiate the various issues.

Not everyone at the conference agreed. A following panel on US/China IP and Trade Policy Trends featured a sometimes spirited debate about confrontation versus collaboration in dealing with IP issues in China. Other panels discussed brand rights and acquisitions, including the sticky problems of copyright and trademark enforcement; trade policy reforms and trends; developments in cross-border IP protection; and the regulatory landscape for life sciences in China, among other topics.

TRIBUTE

ALEXIS ANDERSON’S LEGACY

“It is impossible to overstate the impact that Alexis had on generations of BC Law students, as well as on faculty, staff, and members of the local community. She had a brilliant legal mind, but perhaps her greatest gift was her ability to see the human side of the law, and to operate with the highest professional and ethical standards while treating every living soul she encountered with kindness and empathy.”

—Dean Vincent Rougeau on the beloved professor’s passing last fall. (Read more at BC Law Magazine online).
Bringing Policy to Life
Panels, visiting thought leaders enliven Rappaport events.

The Rappaport Center for Law and Public Policy continued its strong march through the thicket of policymaking this past fall, drawing hundreds to panels that dealt with race and policy, the disparate impacts of urban planning, and parity in the pot industry.

The center also introduced a senior fellows program that brought three thought leaders to campus for one-week lecture and teaching residencies: New York City Human Rights Commission deputy commissioner Brittny Saunders; Fordham Law School associate professor and former candidate for New York attorney general and governor Zephyr Teachout; and Columbia University Graduate School of Architecture, Planning, and Preservation professor Lance Freeman. For the spring term, the Rappaport Center has returned to its semester-long visitor program, tapping former Massachusetts governor Jane Swift as the Jerome Lyle Rappaport Visiting Professor. She presented a community address in January on the impact of new media on women in political leadership and is teaching a seminar entitled “Governing in the Facebook Era: Privacy, Propaganda, and Public Good.”

AROUND THE ACADEMY

Luis Almagro
The Organization of American States secretary general was one of two speakers at Clough Center for the Study of Constitutional Democracy events last fall. Almagro warned that free governance “needs protecting from the powerful forces that would destroy it.” Mary Ellen O’Connell anchored a panel about themes in her new book, The Art of Law in the International Community.

John C. Demers
The Assistant Attorney General for National Security, speaking at a PIE event, labeled China the number one, nation-state intellectual property threat. He leads the AG’s China Initiative, which counters crimes like economic espionage and trade-secret theft. He called the country’s goals—the development of high-speed rail, artificial intelligence, commercial airlines—“a guide to what they steal.”

Michael J. Gerhardt
The constitutional scholar who has twice appeared before Congress as an expert on impeachment (Clinton in 1998, Trump in 2019), spoke at BC Law shortly before his December congressional appearance, and is scheduled to return to campus later this semester. He believes there are strong grounds for impeachment, including misconduct concerning the next election, and obstruction.

Joseph Kennedy III
The Democratic Congressman from Massachusetts visited BC Law twice last semester, the first time to speak on criminal justice reform, reducing recidivism, and streamlining the delivery of resources to the formerly incarcerated. The second time, he discussed his work on the Congressional Trans Equality Task Force, the Gay and Trans Panic Defense Prohibition Act, and similar initiatives.

Deborah Goldberg ’83
In her October keynote at the Ninth Annual Conference on Employee Benefits and Social Insurance, the Massachusetts State Treasurer said she is focused on economic security and stability for everyone in Massachusetts. Priorities include improving public employees’ retirement security system, investing more in companies owned by women and minorities, and improving financial literacy.

1. Clinical Professor
Paul Tremblay
A national leader in clinical education, author, and beloved professor at BC Law for thirty-eight years, Paul Tremblay in January was awarded the 2020 William Pincus Award by the Clinical Section of the Association of American Law Schools (AALS). As noted in the nomination: “Like the best of superheroes, Paul’s quiet, modest demeanor hides great powers. But those powers are quickly apparent to and have a powerful impact on students lucky enough to have him as a supervisor, colleagues who engage him in discussions of teaching, clients whose lives are improved by his advocacy, and lawyers, teachers, and judges who benefit from the analytical rigor and moral clarity of his writings. The consistent theme that runs through all of Paul’s work is devotion to ensuring that our legal system and those working within it fulfill their promise of justice for all.” Dean Vincent Rougeau added: “Paul represents the best of legal education, particularly clinical education, by moving seamlessly from high theory to on-the-ground application.”

2. Lauren Koster ’19
A former teacher who came to law school already focused on public service and education policy, Koster was recently awarded the 2020 Skadden Fellowship. She will work with the Children’s Law Center of Massachusetts starting in August, following the completion of her clerkship with Judge Paul Barbadoro of the United States District Court for the District of New Hampshire.

3. Zane Hernandez ’21
Hernandez was named one of seven recipients of the 2020 Roscoe Trimmer Jr. Diversity Scholarship presented annually by Ropes & Gray. He is the third BC Law student to be so honored in the past four years.
Ever since she was a teenager growing up north of Boston, Caroline Reilly ’19 has been a proponent of women’s reproductive rights. So it was logical that as a pioneering participant in the Law School’s new Leaders Entering and Advancing Public Service (LEAPS) program she would select a public interest project that focused on women’s health. What she didn’t expect was that a nearly forgotten incident decades earlier would drive her LEAPS research in an unexpected direction and result in a personal and authoritative magazine article in Teen Vogue.

“What started out as a research project became, essentially, a practicum about the intersection of journalism, lawyering, and advocacy,” Reilly says. “The LEAPS course has reminded me that advocacy comes in many forms.”

Reilly’s experience underscores the purpose of LEAPS: to provide opportunities for BC Law students to discover and develop their talents for advancing the public good through their chosen legal path. LEAPS students may take a leadership class, complete a summer public interest placement, or fulfill the fifty-hour pro bono pledge. They may also complete a capstone or similar-type project in their third year.

Reilly, who had turned from journalism to law due to her passion for advocacy, jumped at the chance to do a LEAPS capstone on women’s health.
That’s when her own medical issues jogged her memory and sent her on an unusual course.

In her first year of law school, Reilly found out that the excruciating pain and cramps that she had been experiencing since her teenage years were the result of endometriosis. During one of her many ultrasounds, she recalled the time as a teenager when she had gone to a hospital for an ultrasound and was asked if she were a virgin; virgins could not have transvaginal ultrasounds, only external ultrasounds, she was told. Years later she realized how the question was misguided (virginity is a social construct, not a physical state, she says), and potentially something that harmed or at least shamed young women.

She casually tweeted about her experience and, to her amazement, received hundreds of replies and retweets. It turns out her experience was not unique; many women were asked about virginity in similar circumstances. Reilly now had a new idea for her LEAPS capstone: “I wanted to examine ideas about sexual purity and their impact on medicine,” she said.

Fellow LEAPS cohorts encouraged her; they helped her create a Google Form survey for gathering input from women. She reached out to medical professionals for their reactions. Ultimately, using her skills as an experienced freelance writer (credits include the Washington Post, New Statesmen, Vulture, and Rewire), she turned the data collected into the Teen Vogue article about the ramifications of asking young women undergoing ultrasounds about virginity. She’s been told that radiologists are sharing the article, and she hopes her research can be a catalyst for updating clinical standards. She has now signed with a New York literary agent and will have a feature in the spring issue of Bitch Magazine.

“Caroline took something that at first appeared personal and discovered that her experience was linked to a much broader context,” says Associate Clinical Professor Evangeline Sardia, faculty director of LEAPS, who oversaw the inaugural capstones. “Her project was fortuitous, but also emblematic of the purpose of LEAPS—to discern the relatedness between one’s internal and external life, make links to a broader context, and develop one’s purpose and leadership together to advance the public interest.”

Students Learn, Society Benefits

Caroline Reilly’s capstone project, described on this page, was one of four independent studies produced last spring by third-year students in the LEAPS (Leaders Entering and Advancing Public Service) program at BC Law. Reilly’s topic, together with the other three summarized here, exemplify the range of ways that the legal profession can serve the public interest.

Project Title “Changing and Rehabilitating the Notion of Recovery and the Self-Image of a Substance Abuser in the Criminal Justice System”

Students Benjamin Lee and Rohin Ohri

Lee is now employed at the Massachusetts Division of Administrative Law Appeals, and Ohri is an assistant district attorney. Both of them work with vulnerable populations stuck in self-destructive cyclical struggles. As students the pair examined ways in which the legal system could address the opioid epidemic, including by expanding county jail drug-assisted treatment programs and instituting a restorative justice component in drug courts.

Project Title “Maximizing Law School Student Organizations”

Student Lauren Koster

Participation in student organizations is the lifeblood of student engagement at BC Law, yet many students don’t get involved, losing the chance to hone their leadership profile, values, and style. Koster studied ways in which the Law School could structure organization leadership and better support student leaders while improving the efficacy of student organizations.

Project Title “Finding a Voice: Outsider Leadership in an Insider Community”

Student Brendan McKinnon

Motivated in part by the desire to remain in the Boston area, McKinnon looked at ways that “outsiders” could become leaders on local issues despite lacking a lifelong, or sometimes generations-long, presence in the community. McKinnon looked at best practices on zoning and development issues with Massachusetts State Representative David Biele ‘09 and former Connecticut Governor Dannel Malloy ’80, who was in residence at BC Law last spring as the Jerome Lyle Rappaport Visiting Professor in Law and Public Policy. McKinnon studied how those best practices might be implemented as Biele led the community response to a proposed redevelopment of the South Boston Edison Plant site. This included making site visits, organizing meetings between legislators and developers, researching zoning laws, drafting legislation, and testifying before a joint committee in the Massachusetts State House.

BY THE NUMBERS

PILF POWER

BC Law’s LEAPS program encompasses the Public Interest Law Foundation (PILF), which finds all sorts of inventive ways to make a difference in communities near and far. Students, faculty, and alumni all get into the act. Here are some recent outcomes.

Fall Days of Service

167

Faculty and students participated

Seven

Placements: Stray Pets in Need, Women’s Lunch Place, Y2Y Youth Homeless Shelter, Allston Brighton Food Pantry, Charles River Cleanup, Cradle to Crayons, Friday Cafe

PILF Internships

$69,520

Raised in FY19 from spring auction proceeds, alumni donations, and work-a-day pledges from upperclass students

81

Students who received summer stipends

23,726.5

Hours of public interest law expended in US by those 81 students in legal services, nonprofits, public defense, prosecution, federal and state judiciaries, and federal, state, and local governments

Toy Drive

276

Children in foster care who received gifts
Friends of the Court
How pre-Civil War blacks used the rule of law.
ABRIDGED AND EDITED BY CLEA SIMON

Who is an American citizen? That question was apparently settled by the Fourteenth Amendment, which declared birthright citizenship following the Civil War. But as Martha S. Jones, Society of Black Alumni Presidential Professor at Johns Hopkins, wrote in her book Birthright Citizens (Cambridge University Press), African Americans were battling for their rights in the courts long before. During a visit to BC Law, she sat down with Dean Vincent Rougeau, who has long studied the rights and responsibilities of citizenship, to discuss this struggle.

MJ: Before I became a historian, I had a first career as a public interest lawyer, and I spent most of those ten years in local courthouses representing ordinary people in housing, in public benefits, and in family matters. Oftentimes, the court system treated those things as if they were minor matters. But I knew not only their import to my clients, but also, ultimately, to big constitutional questions.

When I become a historian, that stayed with me, and I began to poke around in courthouse records from the nineteenth century to test, if you will, that hypothesis. So in some ways this is very much a book that is an homage to the people I worked with when I was in practice. At the same time, we have come to exaggerate the insights to be derived from a notorious Supreme Court case, Dred Scott v. Sandford. I believed that there was more to the story of race and citizenship before the Civil War, before Reconstruction, in fact.

VR: Your findings demonstrate that there was a recognition that the law mattered and that it was a bedrock, unifying aspect of what created the idea of being an American. As a settler nation, as a place where people had come together from all over the world for different reasons, the unifying notion of the Constitution, of the rule of law, was incredibly important. It’s significant that it filtered down to people who had been enslaved and were recently emancipated to the degree that they recognized that they needed to engage the government. They needed to get involved in voting. They needed to engage the courts.

Before Reconstruction fell apart, you see extraordinary progress for black people in the United States through being elected to public offices, purchasing land, doing all kinds of things that would have been unthinkable prior to that point.

MJ: The only reason citizenship emerges as a substantive question before the Civil War...is because black Americans raise it. ...It is they who ask the question, ‘Aren’t we citizens of the United States?’”

MARTHA S. JONES, Society of Black Alumni Presidential Professor at Johns Hopkins

VR: It is fascinating that the notion of citizenship wasn’t really openly discussed in the earliest stages of the republic. Instead, the idea of who would be a citizen was assumed, because these were white male property owners who were having a conversation amongst themselves. Then, of course, there were all of these other people to be considered. Not only do you have slaves and free people of color, you have these immigrants coming in waves. They didn’t necessarily speak the same language. They practiced different religions. How did they fit into the body politic?

As you were speaking, I was thinking about my own family’s history in Louisiana, which also had a very large category of free people of color, some of whom were released out of slavery, some of whom came from other French and Spanish colonies where they had a different status, and so they were importing a status into American territory that didn’t necessarily exist in American law. This was all churning in the nineteenth century as we were moving towards the Civil War.

The fact that people are understanding the law as a vehicle for possibly securing a settled understanding of their existence in this nation is really fascinating. It says how important the rule of law is in the minds of the culture and of the nation.

MJ: Dred Scott left us with the impression that the color line was the line to draw in order to analytically think through the status of free people of color. But it turns out, there was an interest convergence in a local courthouse that meant that all sorts of people on any given day could be interested in making sure that free people of color enjoyed a modicum of rights. They might rethink it in the next year or the next decade, but the folks I write about were exploiting every opening and opportunity that they had.
The Consummate Investigator

Dowden finds the devil in the details.  
BY MAURA KING SCULLY

The high-profile trial and conviction of Larry Nassar, the serial child molester and a former USA Gymnastics national team doctor and osteopathic physician at Michigan State University, shocked the nation. How could this predator have abused so many people and caused so much harm for so long? To find out, the United States Olympic Committee turned to Ropes & Gray partner James Dowden ’00, a leader of the firm’s independent investigations group, and his colleagues, to investigate and ultimately provide a more than 200-page report on what went wrong and how it could be prevented in the future.

“For the Nassar investigation, we spent ten months reviewing more than 1.3 million documents and conducted over 100 interviews,” explains Dowden. “What was unique about our report was that it didn’t just focus on who knew what and when, but we also had a large focus on cultural conditions and how they allowed it to happen.”

Drilling into the details of complex cases is Dowden’s forte. He looks back on his clerkship with Associate Justice Stephen Breyer of the US Supreme Court as a “transformative” experience. “As a clerk, the breadth of problem-solving skills you are required to have and the rigor by which your work is judged is unparalleled,” Dowden explains.

From the court, Dowden went on to spend five years as an assistant US attorney in the economic crimes and public corruption units in the US Attorney’s Office for the District of Massachusetts. “I always had an inclination for doing investigative work and working in the criminal justice system,” he says. “I focused on public cor-
Paths to Success
Alumni find career satisfaction in diverse places.

1. Juan Acosta ’86
Right on Track At BNSF Railway, the largest freight railroad network in North America, he’s been a lobbyist since 2000 and was appointed assistant vice president for state government affairs in 2014. Going the Distance BNSF touches nearly every part of the economy. We were the original disruptive technology, the internet 130 years before the internet, connecting American farmers, manufacturers, and merchants to markets around the world. Intersections Acosta earned his political chops as a public servant. In 1989, he was appointed by President George H.W. Bush as a special assistant at the US Department of Housing and Urban Development (HUD). After serving in a handful of top HUD positions, he was tapped by California Governor Pete Wilson to be chief counsel for the California Department of Housing.

2. Mary Jeka ’83
Higher Calling After a twenty-year career in government and politics, including ten years as a principal side and general counsel to the late Senator Edward Kennedy; she joined Tufts University in 2003 and now serves as senior vice president and general counsel. Fountain of Youth “I love the educational mission and working with young people who are on the cusp of their professional lives. Their energy and intelligence give me confidence in their ability to take over in the future.” Experience Matters Her advice for those who want to join university counsel offices: Gain experience in fields such as employment, contracts, and labor law.

3. Briana Thibeau ’01
News Flash As deputy general counsel for NPR, “what I love most about coming into work every day is feeling like I’m doing my small part to help further NPR’s mission of creating a more informed public through insightful, fact-based, and balanced news reporting. It feels particularly urgent given the current political climate.” Her Journey In 2010, she was whisked away from the partner track at Dow Lohnes by Time Warner Cable. “I knew that I wanted to get some in-house experience at some point in my career, and while I had envisioned it happening later, the opportunity in front of me was too good to pass up.” At Last In 2017, she moved to her “dream job” at NPR, marrying her interests in the nonprofit world with her background in intellectual property and media.

4. Anthony Yarona ’92
Sunshine on His Shoulders As the new dean of the University of Miami School of Law, he’s found his niche. “I have long admired Miami Law’s exceptional community of scholars, staff, students, and alumni. Our school is a school of great achievement and potential.” Into the Future When it comes to the next generation of lawyers, he has some first-rate ideas. “Lawyers have to think of themselves as businesspeople as well as professionals. The disruptions to law practice, and law itself, posed by technology and especially artificial intelligence are significant and will only get bigger.” Passing the Test “The more law students can learn about these disruptions, and prepare for them, the better.” —MKS

PEARSON WALKS THE WALK
Robin Pearson ’89
Pearson vividly recalls a property class with BC Law Professor Zygmunt Plater, who said that to be effective in the field, lawyers should “walk the land.” She took that advice to heart. As a partner with Ropers Majeski Kohn & Bentley in Walnut Creek, California, she is known not only for her thriving real estate practice, but also for mentoring women and people of color. For Pearson, that walk across the land has turned into a march toward diversifying the profession.

“The themes of my career have been mentorship, guidance, finding work/life balance, and how to survive in a law firm,” says Pearson. “When I started practicing, I hoped that lawyers would be civil and welcoming to women and people of color, but that was not the case.”

After her challenging start, Pearson found a mentor who helped change the path of her career. Within a few years, she co-founded Pearson & Schachter, a woman and minority-owned real estate firm. “We hired diverse staff and attorneys, not just based on color but also on gender, age, and different practice areas,” explains Pearson. “Last fall, we merged with Ropers Majeski, which shares our commitment to diversity.” Pearson has also been a leader in the profession. She chaired the California State Bar Committee on Women in the Law, served as chair of the State Bar Committee on Access and Fairness, and as president of the Black Women Lawyers of Northern California. She is a long-time member and former president of the Contra Costa County Bar Association and founded its diversity committee.

In October, she was honored with its Outstanding Woman Lawyer Award. “It was a humbling moment,” says Pearson, who serves on a variety of nonprofit boards. “Everything I’ve done, I’ve done because it needs to be done, because it’s the right thing to do.” —MKS

Winter 2020 BC LAW MAGAZINE 13
Rights Revisited

Young offers novel way to bring parties together.

BY DAVID REICH

The Idea: Access to food, water, health, housing, and education are as fundamental to human freedom and dignity as privacy, religion, or speech. Young shows how courts, legislatures, executives, agencies, and civil society can work together to reconcile such rights with democratic and market principles.

The Impact: Katharine Young’s scholarship in the relatively new field of economic and social rights has gotten huge attention, with citations in journals like the Harvard Law Review, Stanford Law Review, and Yale Law Journal. One article alone was cited 322 times and reprinted in three book-length collections. Meanwhile, her book Constituting Economic and Social Rights (Oxford, 2012), the first in-depth treatment of the field, received praise from the Harvard Law Review (“a powerful call to move from ideation to reality”), the Tulsa Law Review (“give[s] us new ways to think about the welfare state”), and academic stars such as the Nobel Laureate Amartya Sen (“a brilliant discussion of great importance to policy-making”) and Martha Minow, then the dean of Harvard Law School, who wrote the book’s foreword.

In the book, which examines legal systems worldwide but focuses on nations whose constitutions entrench basic economic and social rights, Young begins her discussion of the jurisprudence of economic and social rights by laying out a “typology of judicial review.” The types fall along a spectrum from extreme passivity (deferential review, wherein courts may find for a plaintiff but rely on moral suasion...
to effect a remedy) to extreme aggressiveness (peremptory review, where courts impose a solution from above, sometimes even rewriting statute law to bring it into compliance with a constitution). Deferential review, according to Young, may be seen as abdication of the court’s responsibility to protect rights, while peremptory review may be seen as usurpation by the court of the prerogatives of executives and legislatures.

Between deferential and peremptory review lie what Young calls “midway models”: conversational review (the court works with other government branches to craft a remedy) and experimental review (the court organizes and oversees a negotiation between the litigants and, often, other stakeholders, including academic experts, NGOs, and social justice movements). Using these models, a court can glide safely past the Scylla of abdication and the Charybdis of usurpation. The court, as Young puts it, catalyzes change, “forcing government to come up with a better approach [to honoring economic and social rights] without imposing that approach itself.”

Young’s book also examines the role of social movements in helping courts, legislators, and government bureaus put flesh on the bones of economic and social rights as set out in constitutions and international human rights conventions. Young describes a campaign by a South African social justice movement that combined litigation with agitation, the movement crafted an agreement with government to revamp the health care financing system, replacing user fees with community-based insurance.

Using narratives like these, Young argues that social movements can avoid the often-polarizing nature of distributive politics, while making demands for reasonable reform. “Once something’s called a right,” she says, “it’s a kind of universalizing language that invites claim making, based on important values like dignity or freedom.” Such rights are now found in more than three-quarters of the world’s constitutions, and Young’s recent book collects case studies of the resulting campaigns, from the right to health care in Colombia, the right to food in India, the right to housing in South Africa, and even the right to education in US state constitutions. The experience of constitutional systems that do grant such rights challenges the conventional wisdom that hesitates to recognize them because courts will be seen as political and democracy damaged as a result. “The lesson,” says Young, “is that under certain conditions, the reverse may be true.”

NOTABLE FACULTY PUBLICATIONS


Kari Hong, in “10 Reasons Why Congress Should Defund ICE’s Deportation Force,” (NYU Review of Law & Social Change), argues that the Enforcement and Removal Operations (ERO) wing of ICE responsible for deporting non-citizens is unnecessary to keep America safe, and hurts Americans and the economy. She proposes this as a middle ground to abolishing ICE.

Joseph Liu believes that Congress, when delegating rulemaking authority to the Copyright Office, must consider its focus on administering legislative compromises between large industries rather than on furthering specific copyright policies. In “Copyright Rulemaking Past as Prologue” (Berkeley Technology Law Journal), Liu explains his concerns.

Hugh Ault penned, with co-authors Brian Arnold and Graeme Cooper, the fourth edition of Comparative Income Taxation: A Structural Analysis. The comparative study of income taxation provides fresh perspectives to evaluate a particular national system. The book presents solutions adopted by eleven industrialized nations, including the newly added China and India.

FACULTY MILESTONES

Next Up Dean Vincent Rougeau became president-elect of the Association of American Law Schools in January.

Consumer Powerhouse Patricia McCoy presented at events and hearings sponsored by the Consumer Federal Protection Bureau, the Senate Banking Committee, University of Michigan Center on Finance, Law, and Policy, the Penn Institute for Urban Research and the Wharton Public Policy Initiative, and the Harvard Joint Center on Housing Studies. She also was selected by the Federal Reserve Board as an inaugural member of its Insurance Policy Advisory Committee (IPAC), and wrote “Inside Job: The Assault on the Structure of the Consumer Financial Protection Bureau” (Minnesota Law Review).

Court Ready Michael Cassidy, serving on the Supreme Judicial Court Advisory Committee on Massachusetts Evidence Law, was a lead author of the Massachusetts Guide to Evidence, 2019 Edition (Flaschner Judicial Institute). He also published “Undue Influence: A Prosecutor’s Role in Parole Proceedings” in the Ohio State Journal of Criminal Law.

Making Waves Professor and Rapaport Faculty Director Daniel Kanstroom was prominently featured in a Marshall Project/The Guardian online multimedia experience detailing migrant detention in the US. In a New York Times op-ed, Hiba Hafiz offered a legal strategy to outmaneuver Uber. George Brown discussed POTUS impeachment in the Washington Post.

Fun Fact Steven Koh, who joined the BC Law faculty last semester, was presidential hopeful Pete Buttigieg’s roommate at Harvard. Koh was quoted in a CNN story and ABC Nightline feature about the friendship.

Does Nature Have Rights? Zygmunt Plater was among the signers of an amicus brief to the Constitutional Court of Ecuador on behalf of the rights of the Dulcepamba River. They ask the court to affirm Ecuador’s commitment to the rights of nature and human rights in the wake of severe negative impacts—including a deadly flood in 2015—following construction of a hydroelectric dam in the early 2000’s.
‘I Want to Understand’
Engineer-scientist Su Kyung Suh ’20 finds the answers in patent law.

INTERVIEW BY CLEA SIMON

One of the reasons I wanted to be an engineer was that I liked building stuff: Legos, helicopters, anything I could assemble.

I came to America from Korea to study chemical engineering at MIT. Chemical engineers build systems that facilitate larger scale.

After graduating, I worked at Samsung developing quantum dot solar cells. It takes a long time before actual people can use the technologies that are being developed. My team received one patent while I was at Samsung, and I helped explain the science to the patent lawyers. I liked the process of thinking about why a particular technology is novel and inventive. It was fun. I also saw how patents move technology out of the science community and into people’s hands.

In 2014 I left Samsung and started working at Choate, Hall & Stewart after learning there were jobs there for staff scientists. That October, I passed the patent bar and became a patent agent at the firm. I switched to working part-time when I started law school.

I decided to go to law school because, as an engineer-scientist, I’m curious to know what’s at the bottom of anything—the science/technology or the law: the principles, and where they’re coming from. That’s me.

But law school meant starting again from the bottom, so it was frustrating. The first year can be so challenging because it is all new. I felt so small.

I just love learning in general. It’s awesome that every single law professor is an expert and they’re telling us what’s important in their field. That’s huge. And after nearly three years at BC Law, I feel that I know this country better; I hadn’t even read the Constitution before law school.

Now, I can put the science/technology and the law together. A law firm needs someone who can understand the science/technology that is being patented and then transfer that knowledge into the patent application. I am the person who understands both.
Balancing Act
Tax policy needs adjustment in favor of equality.
BY PROFESSOR JAMES R. REPETTI ’80
WITH TIMOTHY HARTWELL ’20

Just as an efficient tax system can improve a nation’s standard of living by insuring that taxes do not harm welfare, so can tax rate progressivity make important contributions to the well-being of citizens by helping to reduce inequality. Yet in recent decades, there has been an increased focus on economic efficiency in formulating tax policy, which has resulted in decreased rate progressivity in our individual income tax. That decrease has exacerbated inequality.

Inequality imposes measurable costs on the health, social well-being, and intergenerational mobility of our citizens, as well as on our democratic process. These findings are corroborated by significant empirical analysis.

In contrast, anticipated economic efficiency gains from low individual tax rates are speculative. A consensus exists among economists that taxes within the historical range of rates in the United States have little or no impact on labor supply. Moreover, economists cannot agree whether the myriad empirical studies on savings indicate that progressive tax rates decrease, increase, or have no impact on savings in the United States.

The clear harms arising from inequality and the uncertain harms arising from progressive tax rates, strongly support always giving equity at least equal weight with efficiency in formulating tax policy. But given the high level of inequality in the United States and the currently low and flat tax rate structure, equity should be given more weight than efficiency at this time.

Marginal tax rates are the rates applied to a taxpayer’s last dollar of income. By that measure, marginal rates paid by the wealthiest earners decreased from a high of 90% in 1951 to just under 40% percent in 2017.

The effective average tax rates paid by income groups from 1913 through 2013. The graph shows that those in the bottom 50% have seen their tax burdens increase, whereas those in the top 1% have seen them decrease since the 1940s.

Impact on Democracy

.01%
Of voting population contributed 40% of all 2012 campaign contributions

$170 MILLION
Contributed by Fortune 500 board members and CEOs in 2012 election

$500 MILLION
Contributed by 18 families in campaign against estate tax. Result: substantial increase in amounts of wealth exempted from estate tax

Impact of Inequality

Studies have found that the most significant factor affecting increases in inequality was the decline in the progressivity of federal taxes. They have also concluded that the decline in progressivity contributed to nearly one-half of the increases in wealth inequality during the period 1960 through 2010.

Income Inequality and Health and Social Problems

A host of health and social ills such as infant mortality and intergenerational immobility result from income inequality. The graph shows the relationship between those ills and inequality in developed nations.

Income Inequality and...

Life Expectancy: The US has the second lowest life expectancy and second highest income inequality among a set of 22 wealthy countries.

Infant Mortality: The US has the highest infant mortality and second highest income inequality rate among a group of 23 wealthy nations.

Social Mobility: The US stands with Italy and the United Kingdom as the three nations with the least intergenerational mobility among a group of 13 advanced economies.

Link Between Taxes and Inequality

Sources: For a complete list of sources, visit lawmagazine.bc.edu/2020/01/balancing-act.
During the meteoric rise of Peloton, Hisao Kushi ’92 has been the exercise disrupter’s zen-like co-founder and general counsel—a funny, brilliant master of calm.
The goal, as one YouTube influencer writes, is to make exercise “so much damn FUN” that you won’t want to give it up. And it’s working: 96 percent of all Peloton bikes sold since 2014 still have $39-a-month subscriptions attached to them. People actually ride these bikes more over time rather than less. Users have created online forums and Facebook groups and endless Reddit threads to analyze their experience as members of the “Peloton family,” now 1.5 million members strong. They’ve formed deep personal online friendships and they frequently travel long distances to spend activity-filled weekends with one another, cramming as many studio classes as they can handle into each day. Some have even tattooed the Peloton logo onto their bodies.

Hisao Kushi ’92, a founding partner and the company’s indispensable chief legal officer, seems to be the still point amid all the commotion. “He was the first call I made when I came up with the idea of the interactive bike,” says the company’s founding CEO, John Foley. “Not because he’s a lawyer, but because he’s an insanely quality human being whose business judgment and thoughtfulness I respect. The fact that he’s a lawyer was just gravy.”

Peloton got its start in 2012 because the spin classes Foley loved filled up too fast for him to get into. Last April he told “How I Built This” podcast host Guy Raz about his aha moment: “I said, if these classes sell out, these fifty bikes sell out in thirty seconds; if there was infinite room, would there be 500 people that wanted it?” Would there be 2,000, 50,000, 5 million who “would want that great instructor at that great time? And so it just started to scream ‘distributed technology.’”

Despite starting with less than a half-million dollars raised from family and friends, Foley and his founding partners managed to put together a total of more than $900 million over five rounds of venture funding, making Peloton what’s known in the investment world as a unicorn—a startup valued at more than $1 billion—even though at the time it had just 100,000 paying subscribers. Since then, the company has had the kinds of ups and downs that tend to plague newsworthy, industry-disrupting startups, including a less-than-stellar October IPO, a few hits to its stock prices, and the occasional advertising misstep. That competitors are beginning to flood Peloton’s space speaks to the company’s success as an innovator and a marketing powerhouse—“the Netflix of the workout world,” according to Forbes magazine.

It continues to raise its profile, releasing lower-priced subscription apps that bring strength training, yoga, meditation, and outdoor workouts to your TV, smartphone, or Apple watch, opening more studios, and expanding its reach in Europe. Barron’s recently reiterated its “buy” advice for Peloton stock and raised its price target from $30 to $40.

Throughout, Kushi has perpetually exuded calm good humor and a sense of quiet control, like the hero in an action movie placidly strolling away from an explosion without so much as a glance over his shoulder. “He’s so solid and low-key,” says Netflix senior counsel Joel Goldberg, who graduated from BC Law with Kushi in 1992 and remains a close friend. “He never gets rattled. He’s just a very solution-oriented attorney who’s got an unbelievably good business sense and understanding of what’s important and what isn’t.”

What’s important to Kushi, according to Foley, one of Kushi’s best friends since they met while working together at the review site Citysearch in the late ’90s, is “integrity, intellect, kindness, compassion, responsibility, ethics, thoughtfulness, humility,” things not normally associated with the cutthroat world of tech startups. “He’s just the kind of person you don’t come across every day,” Foley says.

KUSHI’S SANGUINE APPROACH to chaos is likely rooted in his childhood. He was born in Boston in 1965, the youngest by six years of five children whose parents were among the first Japanese nationals to come to the United States after World War II. Michio and Aveline Kushi were gurus of the natural foods movement who introduced macrobiotics—as well as other now-common elements of Japanese life, including...
shiatsu, aikido, and futons—to postwar America at what turned out to be the ideal cultural moment. By the time Hisao came along, the Kushis were key figures in the counterculture, attracting acolytes and celebrities by the thousands to their commune-like 11,000-square-foot Brookline house. “There were always twenty to twenty-five people living there,” Kushi recalls. “It was not your typical upbringing.”

In some ways, Kushi says, he was “incredibly fortunate” to grow up in such an atmosphere. His parents’ success gave him educational opportunities, including international travel at a young age—though he did attend public schools all the way through college—the luxury of taking a year off after his college graduation to decide whether to continue on to grad school, and the security to wait for the right job to come along once he got his JD. And then there were the perks, like hearing his father named on Stevie Wonder’s hit album “Songs in the Key of Life” and, oh yeah, that time John and Yoko dropped by for dinner. “Sean Lennon was in a bassinet,” Kushi recalls, “and I was like eight maybe. All of us kids were huge Beatles fans; we would go to Beatles conventions and all that stuff. I was pretty starstruck.”

Still, the backdrop was one of barely contained pandemonium. “Someone would pick up the phone and a friend would ask for me and they’d say, ‘I don’t know who that is,’” Kushi recalls. “That type of thing.” Movies were his refuge; he would sit slack-jawed through double features at Cambridge’s now-defunct Orson Welles Cinema and see the same film over and over again at the Coolidge Corner Theatre. He also cultivated “a great core group I’m still friends with to this day,” he says, “which on reflection probably provided some stability.”

Growing up in that “crazy household,” he says, made him long for a “normal life” as an adult. Today he and his wife, Karen, whom he met as an undergrad at UMass Amherst, live in Santa Monica, where they moved after college, partly for an adventure and partly so Kushi could pursue his dream of becoming a screenwriter, a dream he abandoned on the cusp of adulthood for a job as in-house counsel in Universal Studios’ internet group. “It was a steady job with benefits and a steady paycheck,” Kushi says, the light in his eyes almost perceptibly dimming at the memory. A few years later he found his tribe as general counsel of Citysearch, where “everybody was young and high energy and entrepreneurial minded, working on new challenges, new problems, pioneering new services and products, and trying to do stuff to disrupt the space.”

Today, he and Karen have two children—a boy and a girl—a little mutt named Percy, and, yes, a white picket fence around their modest 1,500-square-foot bungalow. But while Kushi’s life may have the trappings of normalcy, his desire to fit in has never extended to his turn of mind. “He was the first person who told me to question authority,” says Karen Kushi. “I went over to visit him at his house in Brookline once and he was doing this giant jigsaw puzzle. Not many college students do that sort of thing but you never know what he might be into. He’s definitely the most interesting person I’ve ever met.”

“Hisao may be one of the most interesting people in the world,” says Dion Camp Sanders, a longtime friend who in January 2019 joined Peloton as head of strategy. “But he doesn’t talk about himself in that way. You may learn things about him; they may come out, but he won’t tell you about them directly.”

A classic example came when Sanders and Kushi and their families were hanging out at Foley’s house one evening last year. When Foley’s teenage son brought out his guitar and started playing a Leonard Cohen song, Kushi joined in and, says Foley, “it was as if Leonard Cohen was in my house. It blew my mind.” After twenty-three years of friendship, he adds, “I didn’t know Hisao had a musical bone in his body.” When Kushi moved over to the piano and belted out Queen’s “Bohemian Rhapsody” with Foley’s daughter, “I almost fell out of my chair,” Foley marvels.

Despite starting with less than a half-million dollars raised from family and friends, Foley and his founding partners managed to put together a total of more than $900 million over five rounds of venture funding, making Peloton what’s known in the investment world as a unicorn—a startup valued at $1 billion—even though at the time it had just 100,000 paying subscribers.
Who asks the businesspeople what they’re trying to achieve and tries to help them achieve it in a way that doesn’t expose the company to inordinate risk. “Because he takes that tack,” Sanders says, “businesspeople innately trust him.” The team Kushi has built at Peloton, Sanders maintains, is one of the most trusted he’s ever seen. “They’re completely embedded in the business and they’re in every meeting. We businesspeople want them in the room with us because they’re thought partners who help us make better decisions.”

Having a sense of humor doesn’t hurt. “You don’t expect from such a humble, understated personality that he would be one of the funniest people you know,” says Foley, “but he’s able to thread that needle and in a self-deprecating way add levity and humor to almost every interaction.” Sanders recalls a presentation at which Kushi had to impress upon employees the importance of keeping mum about the pending IPO. “This was serious business,” says Sanders, “but he delivered the directive with such wit and humor that he had everyone rolling in the aisles laughing hilariously.”

Top-down, that kind of M.O. makes for some happy employees. “What John and Hisao together have done at Peloton is take some high-caliber talent and overlaid that with kindness,” says Sanders. “It has created an environment where people function well together and there are no turf battles. There’s no toleration for people who are jerks or want to hear themselves talk.”

Kushi’s mantra to “hire for attitude, train for skill” helped get the company a Glassdoor rating of 4.3 stars, and in an extensive employee survey last year, Kushi came in No. 1 among 100 Peloton managers in terms of teams loving their leader. There was no celebration, though, says Foley, “because it was no surprise to anyone.”
THE MIGHTY WEIGHT

It fell to Dermot Groome ’85 to hoist the load of Ratko Mladić’s cruelty onto the bench of justice at the International Criminal Tribunal for the Former Yugoslavia. It was a gruesome task. But he was the perfect man to do it. By Jeri Zeder
Ratko Mladić, the commander of the Serbian army, was indicted by the tribunal in 1995, but remained a fugitive until his arrest in 2011. A year later, he was put on trial for crimes—including murder, terrorism, and genocide—committed in Sarajevo, Srebrenica, and fifteen other municipalities.
IT WAS JUNE OF 1992, THE SECOND NIGHT OF THE HOLIDAY EID AL-ADHA, WHEN ELVEDIN PASIC, JUST FOURTEEN, SAW SERB FORCES ATTACK HIS SMALL MUSLIM VILLAGE OF HRVAĆANI, BOSNIA.

The community scattered; Pasic escaped through a window with his mother. Elderly neighbors, unable to flee, were shot or burned alive. Hrvaćani was reduced to ruins. Surviving villagers went into hiding, but in November were captured by Serb forces. Intent on massacre, soldiers forced their captives to form three lines and lie down in the mud. Pasic lay down between his father and his uncle. The women and children were ordered to get up and leave. Pasic’s father and uncle insisted that Pasic join them. Pasic never saw his father and uncle again.

Twenty years later, on July 9, 2012, Pasic, in tears, told the world his story as the first witness in the last trial of the International Criminal Tribunal for the Former Yugoslavia (ICTY)—the trial of Ratko Mladić. Pasic’s testimony set up the prosecution’s case that Mladić sought to destroy Bosnia’s non-Serbian peoples through murder, mass expulsions, and atrocities against civilians.

Leading the prosecution was Dermot Groome ’85.

In the rarefied world of international criminal justice, Groome is renowned. Besides serving as senior prosecutor in eight trials at the ICTY, including the trial of Slobodan Milošević, Groome literally wrote the book on investigating human rights abuses. With his masterful ability to coordinate the vast, complex mix of people, evidence, and documents involved in war crimes prosecutions, Groome has set professional standards. He made significant contributions to the development of international law. And his admonitions about the future of international criminal justice are warnings for us all.
remained a fugitive until his arrest in 2011. A year later, he was put on trial for crimes committed in Sarajevo, Srebrenica, and fifteen other municipalities. He was charged with eleven counts: four of violations of the laws of war (murder, terrorism, attacks on civilians, the taking of hostages), five of crimes against humanity (murder, persecution, extermination, deportation, forcible transfer), and two of genocide. To prove genocide, the prosecution had to show beyond a reasonable doubt that the defendant intended to destroy in whole or in part a particular ethnic group. Mladić’s defense team argued that he was innocent, that he had never participated in, nor ordered, any crimes.

In an interesting legal wrinkle, the statute governing the ICTY did not explicitly provide for a way to hold accountable heads of state (like Milošević) or senior political and military leaders (like Mladić)—people who didn’t actually pull the trigger, but were culpable at a strategic level. During the Nuremberg trials, prosecutors used the “common purpose” doctrine against multiple perpetrators who cooperated and coordinated with each other to commit atrocity crimes. Groome conceptualized the common-purpose doctrine to apply to high-level perpetrators, and persuaded the ICTY that the idea was implicit in the court’s guiding statute. The concept became known as “joint criminal enterprise,” and is now a core legal theory of international criminal law.

One of the prosecution’s witnesses was Saliha Osmanović of Srebrenica, whose two sons and husband were killed in the war. As a Muslim in fear for her life, she had fled to a refugee camp in July of 1995. Her testimony was intended to support the “ethnic cleansing” and “forcible transfer” counts against Mladić. On cross-examination, the defense tried to shake her testimony using film footage from Srebrenica:

Defense attorney: “The demeanor of General Mladić, is it similar to or different from the demeanor of General Mladić during the encounter that you remember with him?”

Osmanović: “I don’t know. He seems to be nicer on the video when he says the children should go on ahead.”

Defense attorney: “Madam, you mentioned that there was water and chocolates being handed out. Was there also bread being handed out by the VRS soldiers?”

Osmanović: “Yes, certainly. They must have fed them and then killed them! It was a show for the camera. They should have just let everyone go. It was hell. But I saw Mladić, believe me. I know that. I am not a fool! I lost two sons. I lost my husband. I don’t need these stories anymore.”

The testimony of Saliha Osmanović hints at the meaning of bringing traumatized victims of war crimes into court. Camille Bibles, now a federal magistrate judge for the US District Court in Arizona, was a prosecutor for both the Mladić and the Milošević trials. She recalls an illiterate farmer—a massacre survivor—telling her, “Milošević was
Prijedor, Bosnia: stormed the villages surrounding the city of... population census before and after Mladić’s troops... tion, shows the population change in villages around Prijedor, Bosnia.

<table>
<thead>
<tr>
<th>Village</th>
<th>1991 Muslim Population</th>
<th>1993 Muslim Population</th>
</tr>
</thead>
<tbody>
<tr>
<td>Biscani</td>
<td>1,421</td>
<td>0</td>
</tr>
<tr>
<td>Carakovo</td>
<td>2,324</td>
<td>2</td>
</tr>
<tr>
<td>Hambarine</td>
<td>2,769</td>
<td>2</td>
</tr>
<tr>
<td>Kamicani</td>
<td>3,014</td>
<td>0</td>
</tr>
<tr>
<td>Kozarac</td>
<td>3,740</td>
<td>3</td>
</tr>
<tr>
<td>Kozarusa</td>
<td>2,853</td>
<td>0</td>
</tr>
<tr>
<td>Rakovcani</td>
<td>1,406</td>
<td>1</td>
</tr>
<tr>
<td>Rizvanovici</td>
<td>1,551</td>
<td>1</td>
</tr>
<tr>
<td>Trnopolje</td>
<td>2,667</td>
<td>2</td>
</tr>
<tr>
<td>Kevljani</td>
<td>1,893</td>
<td>0</td>
</tr>
<tr>
<td>Zecovi</td>
<td>701</td>
<td>0</td>
</tr>
</tbody>
</table>

This chart, developed by the prosecutors and shared with Frontline for the documentary *The Trial of Ratko Mladić*, shows the population census before and after Mladić’s troops stormed the villages surrounding the city of Prijedor, Bosnia.

There were whispers that a mass grave existed in Prijedor, but no one would say where it was. Then, in September 2013, the prosecution learned its location: the Tomašica Iron Mine.

In November, more than 200 days into the trial, Groome traveled to Tomašica with a team of investigators to observe the excavation. In the Frontline documentary, Groome stands amid a bleak landscape, his hands in his pockets, hunched against the wind, as bulldozers groan over the ground. Pathologists will try to determine the identity and cause of death for each and every body that’s exhumed. Evidence of point-blank range gunshot wounds to the heads and bodies of hundreds of men, women, and children buried in the mine will join with evidence of the thousands of other people in the area who were murdered, starved, abused, and burned out of their homes and mosques. The prosecution will argue that this destruction was conducted by Mladić and constitutes genocide.

Groome was still in law school when he served as an intern at the district attorney’s office of Middlesex County, Massachusetts. “I actually remember vomiting the first time I saw crime scene photos,” he says. Long experience has given him the ability to stand amid the stench and horror of places like the Tomašica Mine—which, he told the Frontline filmmakers, was “beyond anything I’ve ever dealt with”—but he has not been hardened.

“Obviously, my work has required me to deal with people who have suffered greatly, and it has exposed me to some of the worst examples of what people can do to each other,” Groome says. “One of the ways that I changed: I think I learned that, in each of these crimes, no matter how great the evil embodied in the crime, there are always acts of great courage, goodness, and self-sacrifice that counterbalance and sometimes even outweigh the evil.” He cites as an example a woman who was burned alive with sixty other women and children. She escaped and, naked and flayed, ran from door to door in her village warning others to flee. Then, she returned to the perpetrators and begged them to shoot her. When they refused, she fled and survived and testified at trial.

“When I did this work,” Groome says, “I was always vigilant to see these great acts of goodness in every crime that I have dealt with, and I can say that, in every crime I’ve dealt with, I’ve found such goodness.” Groome’s Catholic faith has also centered him. “I don’t know why such awful things happen or whether God allows them to happen, but I do know that as awful as these crimes are, and as tremendous as the suffering is, it is in these crimes that a sense of God has been most proximate in my life.”

It took eight months to gather and analyze all the forensic evidence from Tomašica and collect witness statements. Groome’s team had to persuade the court to re-open the prosecution’s case-in-chief and allow evidence from the mine to be entered at trial. If allowed, the ruling would be a significant setback for the defense.

On October 23, 2014, the tribunal ruled for the prosecution. The forensics from the mine, the court said, was “fresh evidence,” “relevant to the charges in the municipalities’ component of the case and of probative value.”

Tomašica underscores the enormity of the Mladić case. The trial lasted four-and-a-half years, with 530 trial days. Some sixty people worked on Groome’s team, including more than twenty lawyers and dozens of investigators, analysts, and translators. (More than 100 interns rotated through the case, some from BC Law through a program founded by former ICTY prosecutor Phillip L. Weiner ’80.) Eight million pages of documents were combed through, with anything exculpatory turned over to the defense. Ten thousand exhibits were entered into evidence. Hundreds of motions and responses were filed. Six hundred witnesses testified. It took eleven months for the judges to reach a verdict. The written judgment is three thousand pages long, fills five volumes, and contains nineteen thousand footnotes.

It wasn’t unusual for Groome to be at his desk by 5:00 a.m. and to work deep into the night and on weekends, breaking only for dinner with his family. “You would expect someone working that kind of schedule would be a little grouchy,” says Bibles. “He was not. He was a positive force.”

Facing daunting situations by sizing them up and simply taking care of them is a theme of Groome’s career. In 1989, when he needed a break from his job prosecuting violent crimes at the Manhattan DA’s office, he took a sabbatical in Jamaica, where he founded a nonprofit to rebuild homes destroyed by hurricane.

This chart, developed by the prosecutors and shared with Frontline for the documentary *The Trial of Ratko Mladić*, shows the population change in villages around Prijedor, Bosnia.

Of course, not without its drawbacks. While on the case, Groome received death threats and witnessed extreme violence. “I was always vigilant to see these great acts of goodness in every crime that I have dealt with, and I can say that, in every crime I’ve dealt with, I’ve found such goodness.” Groome’s Catholic faith has also centered him. “I don’t know why such awful things happen or whether God...
While there, he met his wife. A year after returning to the DA’s office, he left for good to live in Jamaica, where he directed the children’s home where his wife worked, and got involved in issues of policing and human rights.

Six years later, Groome relocated to Cambodia, where he served as legal advisor to various human rights NGOs, and to the Minister of Justice and the courts of Cambodia. He gave human rights trainings to judges, prosecutors, police, and government officials. It was in Cambodia that Groome saw the need for a practical manual detailing how to investigate and document human rights abuses. First published in 2001 with a second edition in 2011, The Handbook of Human Rights Investigation has been translated into Serbo-Croatian and Arabic, and is assigned in university and law school courses. War crimes tribunals typically bring together practitioners from many cultures and diverse legal traditions; the manual gives them all a way to work together effectively. Professor Dr. Guénaël Mettraux, a judge of the Kosovo Specialist Chambers who was a legal advisor to an ICTY judge during the Milošević case, calls the Handbook “one of, if not the, most useful practical manuals” for human rights investigations.

Two-and-a-half years into the Mladić trial, Groome left the tribunal to attend to personal family issues in the United States. At that point, he had led the prosecution team during the prosecution’s case, and much of the defense’s case. His successor was inheriting a truly tight team. “There was a real sense of taking care of each other and recognizing the difficulties and the stresses involved in the impacts on families that these trials had, and trying to mitigate that by supporting each other,” says Groome, who is now a law professor at Pennsylvania State University’s Dickinson Law School.

Groome calls out the Serbian team members for special recognition. “They devoted a large portion of their careers to come to the ICTY to help us understand how these crimes occurred,” he says. “They did it out of a real sense of love and patriotism for their country because they really believed that the truth had to come out for Serbia to move forward.” And it wasn’t just team members; Serbian witnesses came forward, too. “We would not have had the success we had without the commitments and service of the Serbs,” he says.

The tribunal heard closing arguments in December of 2016. On November 22, 2017, it rendered its judgment.

On the four counts of violations of the laws of war: guilty.

On the five counts of crimes against humanity: guilty.

On count 2, genocide: guilty.

But on count 1, genocide: not guilty. The court said it “was not satisfied that the only reasonable inference was that the physical perpetrators possessed the required intent to destroy a substantial part of the protected group of Bosnian Muslims” in the municipalities covered in count 1. One of those municipalities was Prijedor. The court did, however, find that Mladić was guilty of ethnic cleansing there.

Mladić was sentenced to life imprisonment.

A month later, the ICTY closed its doors for good. During its operation, a number of other temporary war crimes tribunals were also running (see sidebar). A permanent tribunal—the International Criminal Court in The Hague—was established in 2002. The US helped draft the court’s rules and procedures, but has never ratified it and has refused to become a state party. In April 2019, the Trump administration revoked the entry visa of ICC prosecutor Fatou Bensouda, apparently because she had called for an investigation into war crimes in Afghanistan that could implicate US troops. In protest, none other than Nuremberg prosecutor Ben Ferencz, age 99, lamented that the US “is the very country that built the house called modern international criminal law” in an op-ed for The Hill.

“The world has become complacent to atrocity crimes,” Groome acknowledges. War crimes have been committed in Syria, in Sri Lanka, Myanmar, and against the Yazidi women of Iraq, and the world has done nothing. The UN Security Council has the authority to refer a country for investigation and prosecution in the ICC, even if the country is not a party to the court. But, says Groome, “our once courageous Security Council that once boldly used its Chapter 7 authority to safeguard peace and security, to create the ICTY and ICTR [the Rwandan tribunal], has proved dysfunctional and impotent.”

International tribunals do great things. They bring to account perpetrators of war crimes. They offer credible forums for victims to tell the truth to their tormentors and the world. They document and preserve the historical record. And yet.

“People holding deeply rooted animosities are not going to abandon them when confronted by a well-reasoned, thoroughly referenced judgment citing what happened,” Groome says. “A tribunal can set the table for reconciliation. But only the people can pull up a chair.”

Jeri Zeder is a contributing writer.
YOUNG WOMEN WHO’VE ENDURED THE FAILINGS OF THE JUVENILE JUSTICE SYSTEM FIND THEIR POWER IN A NEW ADVOCACY GROUP THAT BELIEVES THEY ARE THE TRUE AGENTS OF CHANGE. AS ONE OF THESE NEW ACTIVISTS PUTS IT: “I AM WHY WE WILL NO LONGER BE INVISIBLE.”

By DAVID REICH and VICKI SANDERS
Photographs by FRANCINE SHERMAN '80
Jazmine Banks, an I Am Why activist, is depicted here with her daughter in a photo collage she created in an advocacy training workshop.
had a child before she turned eighteen, and was housed by the domestic violence system in a place that was dangerous for her and her daughter. “For so long I thought I was the only person going through this,” she says. “A lot of youth have had the same exact experiences that I have had. That’s what made me want to stand up for people...to use my voice for power...especially for chocolate women.”

Banks found that voice in I Am Why, a kind of startup advocacy group with a national reach that BC Law Professor Francine Sherman ’80 began in early 2017. It embodies two of Sherman’s long-held ideas: that social policy should be made with the full participation of those who have to live with it and that the primary purpose of lawyers who work with social change movements—popularly known as movement lawyers—should be to encourage and support those who traditionally have been shut out of decision-making.

I Am Why grew out of Sherman’s directorship of the Juvenile Rights Advocacy Project, a BC Law School clinic, and her work on the 2015 monograph Gender Injustice, which she co-wrote with Annie Balck, a former BC Law student and now a lawyer who works with I Am Why and other social change groups. The monograph’s main thrust is that juvenile justice systems were designed—for the most part, poorly designed—for boys, and work even worse for girls, ignoring things like girls’ higher rates of trauma, their greater vulnerability to family conflict and sexual abuse, and the enormous importance of relationships in the lives of girls and young women.

What if girls and young women, including those with experience in the system, helped shape juvenile justice policies and those of other government programs that serve people like them, including the child protection and education systems? Would the policies better fit girls’ and young women’s needs?

To answer the question, Sherman has been helping to organize workshops and to recruit to I Am Why young women who have an interest in activism and experience with different forms of oppression. Some of the recruits have been involved in the juvenile justice and child welfare systems; some have experienced homelessness and endured gender-based violence; some are single mothers. Others have had none of those experiences but suffer gender-based oppression in their everyday lives. The vision is to build “young women’s individual and collective power,” Sherman says.

Jazmine Banks was one of those recruits. In 2018 she participated in the I Am Why San Francisco workshop in partnership with the Young Women’s Freedom Center. She and nine other young women wrote and designed photo collage self portraits and discussed, as she recalls it, “What do we imagine and what do we see in the future for girls growing up like us?”

Today, Banks is an I Am Why consultant on issues related to motherhood, self-determination, and safety. Marshaling various communications resources—a video of her on the I Am Why website, brochures connecting her experience to research, and video conferencing—she has begun working with Massachusetts programs and young mothers across the country to identify policies and practices that can give young mothers the power and support they need for their children and themselves.

In the meantime, recruiting to I Am Why continues. Newcomers are interviewed in order “to dig deeper into the content of the change they would like and to really understand what they see as positive change,” Sherman says. Advocacy training workshops have taken place in New York, Boston, Atlanta, San Francisco, and Chicago, and workshop alumnae, organized into a “curriculum team,” are currently working to put the workshops online, where they can be customized and accessible to young women and young women’s programs nationally. Other teams are focusing on curating exhibits that connect young women’s art to local issues, and conducting research to connect their experience to policy. A fourth team, comprised of workshop alumnae who are mothers, will be developing policy and practice ideas for young mothers. Additional teams will be added as needed.

A lot of what has emerged in the workshops and interviews touches on how systems try to stifle what girls and young women see as their own best qualities. The system, Sherman explains, often turns traits like outspokenness, courage, strength, resilience, and self-determination into negative qualities that should be shut down, not nurtured.

In I Am Why, Sherman and Balck are practicing movement lawyering, in which lawyers are there not to set an agenda or serve as the movement’s public face but to perform other useful but less dramatic tasks behind the scenes.

Sherman is doing this, in part, through pedagogy, teaching BC Law students who are considering careers as movement lawyers to see themselves as value-added and not as the center of the movement.

Balck sees her role as “helping craft a message but not deciding what the message is.” Crafting the message of I Am Why itself includes seeking out social science research that supports the young women’s calls for change. “Our systems are used to functioning in a certain way,” Balck explains. “What we’re trying to show [to policymakers] is that what they’re doing now is not effective—that it’s not a good use for the taxpayers’ money, that it’s not good for reducing crime, that it’s not good for getting young women to change their behavior.”

Balck and Sherman, along with a professional writer, also tailor the group’s message to an audience of agency heads and officeholders by connecting it to data and other research and translating it into “language that systems will hear,” says Sherman. All of this is done with an
the San Francisco group involved in the I Am Why workshop that recruited Banks—to end the incarceration of girls, replacing juvenile jails with community-based programs.

Over last December’s holidays, the center sent I Am Why postcards of support decorated with the members’ art to incarcerated young women in California. One postcard’s author, Lole Kalani “K.I.” Finao, said, “...when you read the message you automatically feel supported, and when you see the image on that IAW postcard you see determination, hope, resiliency, and you see you. In the words of one of my center sisters: ‘No one comes for us, so we come for us.”

In November, Sherman spoke on movement lawyering to the law school’s juvenile rights clinic, which was being run during fall semester by Visiting Professor Jessica Berry. Berry invited Sherman to speak so as to give students a broader context for their work in youth justice systems. “Many of our clients are involved in several systems—juvenile justice, mental health, education, child welfare,” Berry says. “We’re focused on how to help little Jennie navigate the system, but I also wanted our students to think about how well the system is working for our clients and their families, and if it isn’t working well, how do we change that?”

Student Accursia Gallagher ’21 came away from Sherman’s class impressed with the client-centered nature of movement lawyering. “In some kinds of lawyering, “Gallagher says, “you tell your client, ‘don’t talk,’ but not in movement lawyering, where the client has to be the face of the movement.” Classmate Caitlin Maloney’s takeaway was that with movement lawyering, “instead of taking over and solving problems for your client, you’re increasing clients’ power, putting them in a position to enact the things they want to see. I view it as much more sustainable, much more uplifting, much more effective at making long-term systemic change than traditional client representation.”

The young women of I Am Why would agree. One of them, Jocelyn Mati, said as much in the poem she embedded in her workshop photo collage:

```
i AM RESILIENT / 10 years old, waking / up to BANG! BANG! / No not GUNSHOTS. / A black property manager / with a white man in tow / here to reclaim this frame. / i AM WHY / kids and families / won’t ever lose hope!
```
Chris Warner ’19, far left, opposite his father, Mark J. Warner ’89, far right. Mark’s brother, Jim Warner ’92, is seated next to their brother-in-law, Walter Sullivan ’88. The portrait is of family patriarch, Hon. Joseph P. Warner ’61, father to Mark and Jim.
Class Notes

Anthony A. McManus was the recipient of the 2019 Nixon-Zachos Award presented by the New Hampshire Bar Association for enduring contributions to his community as a lawyer and civic volunteer. He is retired from a decades-long legal career, during which he served in the state legislature, managed a private practice in family and criminal law, and was a member of numerous nonprofit boards and legal associations.

Hon. James M. Cronin is the author of World of Shadows, his first book of poetry, published last December by The Poetry Loft. He is retired as first justice of the Bristol (MA) County Division of the Juvenile Court.

Hon. Bonnie G. Wittner was awarded an honorary Doctor of Laws from her alma mater, Wheaton College in Norton, MA, in May. She is an acting justice of the New York State Supreme Court in the 1st Judicial District and a retired judge of the Criminal Court of the City of New York. Previously, she served in the Antitrust Bureau of the New York State Attorney General’s Office in the Antitrust Bureau of the New York. Previously, she served in the state legislature, managed a private practice in family and criminal law, and was a member of numerous nonprofit boards and legal associations.

Christopher G. Mehne, town moderator in Shrewsbury, MA, was recently elected president of the Massachusetts Moderators Association. He notes that, while there may be others, BC Law alumni Dennis Berry ’73 and Michael Puzo ’77 also serve as Massachusetts moderators. Mehne is a partner in Bowditch & Dewey’s Worcester, MA, office and specializes in trusts and estates law.

Betty Brannan-Jaen, vice president and founding member of the new Museum de la Libertad in Panama City, Panama, spoke about the museum, which is dedicated to freedom and human rights, at the Florida State University-Republic of Panama Campus in Panama City. She is president of Fundación Democracia y Libertad, a nonprofit created to contribute to the respect, defense, and advancement of human rights and democracy.

Scott Stevenson was appointed to the Board of Directors of the San Miguel School, a mission-based Lasallian school for boys from underserved populations, in Providence, RI. He is of counsel at Benanti & Associates in Stamford, CT, following retirement in 2016 from Bank of America Merrill Lynch.

Robert H. Farrell has retired from his position as associate regional counsel for litigation at the Boston Regional Office of the US Department of Housing and Urban Development. He joined the office in 1982 as a staff attorney and assumed responsibility in 1999 for managing the office’s litigation division.

David P. Rosenblatt was named to the Board of Directors of Lawyers Concerned for Lawyers, an independent nonprofit organization and the only lawyer assistance program in Massachusetts. Prior to his appointment, he was a member of the Massachusetts Supreme Judicial Court Steering Committee on Lawyer Well-Being. Rosenblatt is managing partner at Boston-based Burns & Levinson LLP, chair of the firm’s environmental group, and a member of its real estate group.

Scott P. Brown will assume the roles of president and dean of New England Law Boston in December 2020. Since graduation from BC Law, Brown has been a solo practitioner, judge advocate general, member of the Massachusetts General Court in both the House of Representatives and the Senate, and a US senator for Massachusetts. He is currently US ambassador to New Zealand and Samoa.

Eric D. Daniels was honored by Hartford Interval House, Connecticut’s largest domestic violence intervention and prevention agency.
The New York DA Trio

Classmates Christine Keenan, David Hammer, and Lisa Del Pizzo are not only celebrating their BC Law twenty-fifth reunion this year, they are also celebrating twenty-five years of working together at the New York County (Manhattan) District Attorney’s Office. The three met as 1Ls in the Class of 1995, participated in the prosecution clinic as 3Ls, and joined the Manhattan DAs Office upon graduation.

Hammer started out prosecuting misdemeanors and then violent street crimes, including homicides. Del Pizzo prosecuted a wide variety of violent crimes, including sex crimes and homicides. Keenan handled all different levels of street crime, including homicides, and specialized in long-term investigations into gangs and combatting gang violence. Hammer and Del Pizzo now serve as Bureau Chiefs of Trial Bureaus, and Keenan is a Senior Trial Counsel handling the most difficult and noteworthy cases in Manhattan.

All three credit their Law School education and professors with instilling in them the desire to seek justice, no matter where it leads, and to do the right thing in every case. Reflecting on the impact of BC Law on his career, Hammer notes, “It was the ethos of doing justice and always striving to be fair that was imparted to me from numerous professors at BC Law, and this is what I teach to young assistants today.”

New York, NY. As the first American general counsel at Heineken, she created the legal department, helped to oversee many organizational changes as a decades-long member of the management team, and served as a strong advocate for the representation of women in the HUSA workforce.

Daniel G. Kagan was honored with a 2019 Certificate of Recognition by the American Association for Justice. A trial attorney with Berman & Simmons PA in Lewiston, ME, and a leader in legal education, he has written several legal articles, is a frequent presenter on tort law and trial advocacy, and is a contributing author for *A Practical Guide to Superior Court Practice in Maine*. He is a member of the Maine Trial Lawyers Association and the American Association for Justice.

Robin M. Pearson is the 2019 recipient of the Outstanding Woman Lawyer Award presented by the Women’s Section of the Contra Costa County Bar Association. A past president of the association, she has also served as president of the Black Women Lawyers Association of Northern California and chair of the State Bar of California Council on Access and Fairness. She is a partner in the Walnut Creek, CA, office of Downs Rachlin Martin PLLC and focuses her practice on real estate issues.

Jared W. Huffman was a member of a delegation that accompanied House Speaker Nancy Pelosi to the UN Climate Change Conference in Madrid, Spain. He is the US representative for California’s 2nd Congressional District and an early proponent of the Green New Deal to address climate change.

Mary Duff Henry was elected president of the Peabody Federation of Teachers, Massachusetts Local 1289 of the American Federation of Teachers Massachusetts, an affiliate of the AFL-CIO.

Walter E. Judge was instrumental in securing a $3.66 million verdict on behalf of his client Mansfield Heliflight, a Vermont-based aviation company. The case involved allegations of fraud and tortious interference against the defendant, an aircraft brokerage firm in New Jersey, relating to the purchase and sale of a Gulfstream corporate jet. He is a senior partner in the Burlington, VT, office of Downs Rachlin Martin PLLC and focuses on business litigation issues.

ileta A. Sumner, founding general counsel of the Battered Women and Children’s Shelter in San Antonio, TX, was awarded an Honorary Lifetime Membership in recognition of her accomplishments with the Bexar (TX) County Women’s Bar. Sumner is the fifth person in the association’s history to be so honored, and its only African American past president. She is the author of a two-part article in *San Antonio Lawyer*, a publication of the San Antonio Bar Association, on the life and death of Emmett Till.

Julie M. Kinch has left her role as senior vice president and chief legal officer of the American branch of Heineken USA (HUSA) in
Anthony E. Varona was named dean of the University of Miami School of Law in Coral Gables, FL, and is the first dean to hold the M. Minette Massey Chair in Law. Former professor and dean of faculty at American University Washington College of Law in Washington, DC, Varona is considered a trailblazer in the fields of media and sexuality law. He continues as chair of the Host and Planning Committee for the Fourth National People of Color Legal Scholarship Conference, is a member of the Executive Committee of the Association of American Law Schools Section on Teaching Methods, and serves on the boards of the Stonewall National Museum and Archives and the International Telecommunications Satellite Organization Program on International Communications Regulation and Policy.

Karen J. Crawford, owner and managing attorney of the Law Office of Karen J. Crawford in Austin, TX, focuses her practice on family immigration, asylum and humanitarian programs, naturalization, and removal defense. She is a commissioner on the City of Austin Commission on Immigrant Affairs, currently serving in her third term as chair.

Deborah J. Peckham was named a 2019 Women Worth Watching Award winner by Profiles in Diversity Journal. She is a partner in the Boston office of Burns & Levinson LLP and co-chair of the firm’s intellectual property group.

David J. Stubenwoll was named a 2019 Mountain Desert finalist in the Ernst & Young Entrepreneur of the Year Awards. He is co-founder and chief executive officer of Wowza Media Systems in Golden, CO, which was launched in 2005 as a startup to simplify and improve media streaming and is now an award-winning industry leader in streaming technology. Described as a “serial entrepreneur/intrapreneur,” he has founded or been involved at the outset of five successful startups, including Adobe Systems, Freeworx, Intuit, and GALT Technologies.

Elizabeth A. Talia was named a 2019 Corporate Counsel Award honoree by the Daily Record in Rochester, NY, for her professional achievement, community leadership, and commitment to mentoring. She is general counsel and vice president of legal and regulatory affairs at Thompson Health in Canandaigua, NY.

Nicholas William Targ, a partner in the San Francisco, CA, office of Holland & Knight LLP, is co-chair of the firm’s national environmental team and focuses on complex redevelopment projects, environmental compliance, and government advocacy. His projects include large-scale brownfields restoration, the permitting and NEPA compliance with the federal Bureau of Land Management (BLM) for the Burning Man Project, and the environmental impact of cannabis cultivation in California.

Debra Moss Vollweiler was appointed interim dean of Nova Southeastern University Shepard Broad College of Law. She is a tenured professor at the college of law and has served as associate dean for academic affairs since 2017.

Scott L. Weber, a partner in the New York, NY, office of DLA Piper, is also a member of the firm’s litigation practice. Former executive vice president and general counsel of CNA Financial Corporation in Chicago, IL, he has extensive experience in complex federal and state civil and criminal litigation, regulatory actions, and government investigations.

YOUNG LEE ’94

Young Lee is vice president of business development at Amazon.com in Seattle, WA, and is only the second Korean American to hold this position. He previously served as vice president of business development for WhitePages.com.

John F. Ventola was named a fellow of the American College of Bankruptcy. He is a partner at Boston-based Choate, Hall & Stewart LLP and co-chair of the firm’s finance and restructuring practice group.

Ellen J. Zucker was presented a 2019 Women Worth Watching Award by Profiles in Diversity Journal. She is a partner in the Boston office of Burns & Levinson LLP and a member of the firm’s business litigation and dispute resolution, employment, and white-collar criminal defense practice groups. She recently reached at $13 million settlement with Massachusetts General Hospital for her client, a surgeon who sued for wrongful termination after expressing concerns about double-booked surgeries.

On November 6, the Alumni Association will hold its Alumni Board meeting and annual Assembly Meeting at BC Law. Elections for 2021 Alumni Board members will be held during these events. Anyone who has volunteered for BC Law between June 2019 and November 2020 is eligible to vote. Please visit bc.edu/lawalumni for more information about the association and this election.
95 David Hammer writes that he and classmates, Lisa J. Del Pizzo and Christine S. Keenan, joined the New York County District Attorney’s Office in New York, NY, following graduation, and are still there. Hammer and Del Pizzo are assistant district attorneys, and Keenan is a senior trial counsel.

Ingrid Chiemi Schroffner, associate general counsel at the Massachusetts Executive Office of Health and Human Services, spoke on the topic of unconscious bias at a diversity and inclusion panel at Suffolk Law School in December sponsored by Massachusetts Lawyers Weekly and Color Magazine. Tommy Shi ’89 moderated.

97 James G. Murphy, legal advocacy director of the National Wildlife Federation, was named director of the Vermont Law School (VLS) Environmental Advocacy Clinic, which was recently selected as the federation’s legal counsel. An assistant professor at VLS in South Royalton, VT, he is a frequent speaker and has published extensively on water policy and law, transportation and smart growth, and energy production. Murphy serves on the editorial board of Natural Resources and Environment, a publication of the American Bar Association Section on Environment, Energy, and Resources, and is a member of the boards of the American Wind Wildlife Institute and the Vermont Conservation Law Foundation.

02 Jenny Kim is the deputy general counsel and vice president of public policy for Koch Companies Public Sector LLC in Washington, DC.

03 Peter F. Durning is the new managing partner of Mackie Shea Durning PC in Boston and focuses his practice on environmental litigation, enforcement defense, land use, and permitting, with a specific focus on water and wetlands-related matters. He is an active member of the Environmental Business Council of New England and serves as chair of the organization’s Water Resources Committee.

04 Scott T. Buckley is vice president of client services and former director of legal services at Circle Surrogacy in Boston. With Circle since 2003, he has been instrumental in growing a small surrogate parenting agency with a staff of four to one of the largest surrogacy and egg donation agencies nationwide, with seventy-five employees.

Janelle Kuroda, a senior policy advisor at the US Department of State, was promoted in August to the rank of commander in the US Navy.

Andrew M. Sodl is cofounder of Sodl & Ingram PLLC, a commercial real estate firm in Jacksonville, FL, and focuses his practice on banking, finance, and corporate transactions. He was previously a partner in the Jacksonville office of Akerman LLP.

05 Alistair “Sandy” Christopher is a partner in the New Haven, CT, office of Withers LLP and a member of the firm’s private client and tax team. He is a frequent writer and speaker on estate planning topics.

Amanda S. Eckhoff was elected a fellow of the American College of Mortgage Attorneys. She is a partner in the Boston office of Robinson & Cole LLP and a member of the firm’s real estate and development practice group.

06 Pratt N. Wiley is president and chief executive officer of The Partnership, Inc., a Boston nonprofit that makes corporations and institutions more competitive in an increasingly diverse and global economy by promoting and
supporting multicultural professionals in the workforce. As the organization’s former senior executive consultant, he was responsible for its expansion outside of New England and its C-Suite Program. He was previously national director of voter expansion for the Democratic National Committee in the Obama Administration.

Joseph F. Kadlec was named a “40 Under 40” honoree for 2019 by Philadelphia Business Journal. A partner in the Philadelphia, PA, office of Pepper Hamilton LLP and a member of the firm’s corporate and securities practice group, he also maintains an active pro bono practice, representing boards and nonprofit entities in governance and strategic transaction matters.

John P. Condon is a partner in the Boston office of Mintz Levin and focuses his practice on corporate and securities law matters with an emphasis on the biotechnology, medical device, and technology industries.

Matthew B. Harvey is a partner at Morris, Nichols, Arsh & Tunnell LLP in Wilmington, DE, and a member of the firm’s business reorganization and restructuring practice.

Andres F. Torres is a recipient of the Thomas E. Dewey Medal, presented annually by the New York City Bar to outstanding assistant district attorneys in the city’s District Attorney’s Office and the Office of the City’s Special Narcotics Prosecutor (SNP). A senior supervising attorney at SNP, he has led several successful prosecutions against national and international drug trafficking organizations, working with the DEA, NYPD, and foreign law enforcement agencies in Latin America and Europe.

Angela M. Arroyo, a legal specialist with the United Nations Development Programme in New York, NY, focuses on employment and labor issues for United Nations employees worldwide and continues to work on sexual harassment, abuse, and exploitation policy reform. She was previously in the Legal Office of the World Food Programme in Rome, Italy. Kelly E. Reardon was elected managing partner of The Reardon Law Firm PC, a nearly 100-year-old firm in New London, CT, that specializes in serious personal injury and wrongful death litigation. She succeeds her father, Bob Reardon, who remains an active partner in the firm.

Ailiki Sofis is a partner in the Boston office of Quinn Emanuel Urquhart & Sullivan LLP. She handles a wide variety of plaintiff-side and defendant-side disputes and has secured successful outcomes on high-stakes, high-dollar jury trials and arbitrations domestically and internationally.

Jennifer Barrow, RSM professed her final vows as a member of the Mid-Atlantic Community of the Sisters of Mercy of the Americas in June. She currently ministers as an immigration lawyer in the Housing Unit at Brooklyn Legal Services in Brooklyn, NY.

David Fox was recognized by the Legal Services of Northern California (LSNC) for his pro bono efforts, along with other members of his firm, Downey Brand, in supporting the victims of the 2018 Butte County Camp Fire.

Eric B. Reustle is an associate at Boston-based Krokidas & Bluestein LLP and concentrates his practice on nonprofit and public law. He was previously an attorney at Casner & Edwards LLP in Boston.

Steven S. Chen was promoted to deputy chief human capital officer for the Boston Public Schools from his position as the district’s director of training and accommodations.

Nina L. Harrison was awarded the 2019 Racial Justice Fellowship by the Massachusetts Legal Assistance Corporation. The two-year fellowship will support her work at Community Legal Aid in Worcester, MA, where she helps former inmates in Central and Western Massachusetts reintegrate into society. Previously, she was a staff attorney at the Responsible Parent Project of the Rhode Island Legal Services in Providence, RI.

Katherine English Galloway married Arlen Sullivan Galloway in Richmond, VA, in May. Classmates Mary Delsoner and Brittany Campbell Morreale served as bridesmaids. Other BC Law attendees were classmates Jennifer Lang, Miguena Mercedes, Morgan Sellers, and Cole Goodman ’16. Galloway is an associate at Verrill Dana LLP in the private clients and fiduciary services group.
Since 2000, fifty-six fraternity pledges at American colleges and universities have died performing hazing rituals, often the victims of alcohol-fueled initiation rites, according to Miami lawyer David Bianchi ’79. In the current academic year alone, there have been five such deaths.

Bianchi, a partner with Stewart Tilghman Fox Bianchi & Cain, has investigated dozens of hazing complaints, winning multi-million dollar judgments for a number of families left to make sense of the ongoing nightmare. With the November 2017 death of Florida State University pledge Andrew Coffey, he went a step further: Bianchi helped to write Florida’s “Andrew’s Law,” notable for promising immunity to the person who calls first responders if a pledge suffers life-threatening injuries.

Bianchi is not stopping there; he has made it his life’s work to halt the gruesome trend. Most recently, he spent a month last fall traveling the state, speaking to thousands of fraternity and sorority members about the dangers of hazing, its legal consequences, and Andrew’s Law. “It’s gotten worse over time, not better,” says Bianchi. “It’s simply the result of having young people go away from home, and live in a house unsupervised, where alcohol is put into the mix.”

Experts call Andrew’s Law one of the “most cutting-edge” responses in the country. When Florida enacted the law in June, it drew national headlines for its immunity provision. To ensure immunity, a person—who can include the perpetrator—must stay at the scene until help arrives. Meantime, Andrew’s Law poses criminal penalties for those who had a role in planning hazing activities, even if they weren’t at the scene of a tragedy.

Coffey drank an entire bottle of Wild Turkey bourbon, but was left to die on a couch because fraternity members “were all afraid to call for help because they thought they would get in trouble for hazing,” Bianchi says. “So no one called, even though there were about a hundred people in the house.” He believes Coffey could have survived had paramedics reached him in time and transported him to the hospital. His blood alcohol level was 0.447, about six times the legal limit to drive.

Bianchi settled the civil case with all fifteen defendants, while criminal charges are pending against some members of Pi Kappa Phi. (The Florida State chapter was subsequently disbanded). Other defendants pleaded guilty and have completed their prison sentences.

Coffey’s mother, Sandy Coffey, is hopeful that other states will follow suit with laws like Andrew’s. “One phone call could spare another family the grief we now endure every day,” she says. “Our family would rather be passing out hugs and shaking hands for someone doing what is right, than watching them go to jail for standing by and doing nothing.”

Andrew’s Law was not Bianchi’s first legislative success. He represented another victim and was a driving force behind an earlier Florida law—the Chad Meredith Act, after a University
one death every year, according to the Hazing Deaths Database. Since dates back to the late 1800s. Since 1953, except for 1958, when there was no reported hazing death, the United States has tallied at least one death every year, according to the Hazing Deaths Database.

Bianchi, who was not a member of a fraternity as an undergraduate at Tufts University. “They feel they have some sort of duty or obligation to perpetuate the traditions.”

Bianchi’s mission remains daunting. Hazing, which is defined as any act that intentionally causes embarrassment, harassment, or ridicule—while also risking emotional or physical harm—dates back to the late 1800s. Since 1953, except for 1958, when there was no reported hazing death, the United States has tallied at least one death every year, according to the Hazing Deaths Database.

Bianchi has several times been named Miami lawyer of the year for representing people who were injured as a result of defective products—he obtained the first defective airbag verdict, in the United States, against Mercedes-Benz—and for his accomplishments in personal injury litigation. But it is for his battle against hazing that he is known far and wide; he frequently receives calls from families during the fall Greek pledge season. “Fraternity leadership continues to do this because they’ve gotten away with it for so long, and they think they can continue to get away with it,” says Bianchi, who was not a member of a fraternity as an undergraduate at Tufts University. “They feel they have some sort of duty or obligation to perpetuate the traditions.”

Bianchi’s mission remains daunting. Hazing, which is defined as any act that intentionally causes embarrassment, harassment, or ridicule—while also risking emotional or physical harm—dates back to the late 1800s. Since 1953, except for 1958, when there was no reported hazing death, the United States has tallied at least one death every year, according to the Hazing Deaths Database.

Barrow says as a kid she had to become her own best advocate. Now she does the same for others.

The Boston Bar Association’s 16th Public Interest Fellowship Program (PILP) includes five BC Law graduates. Each is currently serving a fourteen-month fellowship term.

Jessica Galimberti ‘12
Galimberti is associate general counsel at Accion, a global nonprofit committed to creating a financially inclusive world with a legacy in microfinance and fintech impact investing.

Mathilda McGee-Tubb ‘13
McGee-Tubb is an associate in the litigation section at Mintz. She has worked on a variety of immigration matters in a pro bono capacity, including helping an immigrant secure release from ICE custody after nearly a year of detention, and representing non-citizens seeking Special Immigration Juvenile status.

Yavor Nechev ‘14
Nechev is a senior associate in the Securities Litigation and Enforcement Group at WilmerHale. He frequently volunteers at the Volunteer Lawyers Project’s Lawyer for a Day Program at the Boston Housing Court, represents veterans before discharge review boards, and helps manage WilmerHale’s legal clinics for the homeless.

Blair Rinne ‘14

Sajid Shahriar ‘16
Shahriar is an Equal Opportunity Specialist at the US Department of Housing and Urban Development (HUD) in the Office of Fair Housing and Equal Opportunity, where he enforces the Fair Housing Act and related federal civil rights laws in the New England region.
Just when you thought a Boston College Law School reunion couldn’t get any better, along comes Reunion 2020. Some 650 reunioners, Dean’s Council members, and guests attended the two-day celebration November 1 and 2.

The festive Four Seasons Hotel Boston set the tone for Saturday’s Dean’s Council reception, reunion dinners for classes ending in 4 and 9 and those who graduated fifty or more years ago. Speeches, high-fives, and laughter were on the menu alongside the hotel chef’s cornucopian repast. That capped an afternoon that included tours of the Boston Athenaeum and Isabella Stewart Gardner Museum, the Class of 1969 luncheon, and Black Alumni Network annual meeting.

Friday was animated by campus tours, classroom visits, the Alumni Assembly meeting, presentations by the Rappaport Center on “Pot and Parity” and the Innocence Program on its efforts to free wrongly convicted Omar Martinez last spring. The day ended with a welcome back dinner and “Bar Review.”

For more on Reunion, read the letter by Joan Lukey ’74 and the 2019 Reunion Giving Report beginning on Page 48.
Mark V. Nuccio ’83 valued excellence—exemplified, he believed, by both his alma mater and his law firm, Ropes & Gray. Nuccio, who died suddenly in July 2019, remained closely involved with BC Law throughout his life, forging important ties between the school and his firm that benefitted both.

A Double Eagle himself, parent of three Eagles, and relative of many more, Nuccio believed deeply in BC Law’s mission of educational excellence, unqualified professionalism, and social and economic justice for all. “He was very committed to the school,” says his daughter, Catherine Nuccio Pagliarulo. “It propelled his career to a high level and he believed in paying that forward,” which he did as a mentor, volunteer, and philanthropist.

Nuccio began giving back to the Law School in his earliest days as a graduate. The Mary and Vincent Nuccio BC Law Scholarship Fund, which he established in honor of his parents, was particularly important to him. Vincent Nuccio, a 1949 graduate of the University, played a major role in establishing the Lynch School of Education and Human Development, where he remains professor emeritus. “It all started with my grandfather,” says Pagliarulo. “All of his children and many of his grandchildren went to BC. We grew up going to all the BC football and basketball games.”

Supporting deserving law students in need of financial help was, Nuccio believed, a fitting legacy and an important expression of his family’s love for the University.

It is not Nuccio’s only legacy at BC Law. When Ropes & Gray had hired only a few BC Law graduates in its history. That was about to change—largely due to Mark Nuccio ’83.

When he arrived at the firm in 1983, Ropes & Gray had hired only a few BC Law graduates in its history. That was about to change—largely due to Mark Nuccio ’83.

When he arrived at the firm in 1983, Ropes & Gray had hired only a few BC Law graduates in its history. That was about to change—largely due to Mark Nuccio ’83.

When he arrived at the firm in 1983, Ropes & Gray had hired only a few BC Law graduates in its history. That was about to change—largely due to Mark Nuccio ’83.

When he arrived at the firm in 1983, Ropes & Gray had hired only a few BC Law graduates in its history. That was about to change—largely due to Mark Nuccio ’83.

When he arrived at the firm in 1983, Ropes & Gray had hired only a few BC Law graduates in its history. That was about to change—largely due to Mark Nuccio ’83.

When he arrived at the firm in 1983, Ropes & Gray had hired only a few BC Law graduates in its history. That was about to change—largely due to Mark Nuccio ’83.
Fundraising efforts were launched recently to establish two new endowed funds, each exemplifying a quintessential BC Law tenet: The community takes care of its own. Both funds were initiated by alumni who saw a need, and stepped forward to help. When fully funded, the LGBTQ Legal Equality Scholarship Fund and the Professor Robert M. Bloom Emergency Aid Fund will offer vital new avenues of support for students. If you are interested in making a charter gift of any size to either of the new funds, please contact Maria Tringale, director of development, at maria.tringale@bc.edu or 617-552-4751.

Guardians of Equality
Alumni invited to share in LGBTQ initiative.

The LGBTQ Legal Equality Scholarship Fund will offer financial aid to students dedicated to advancing the needs and interests of the LGBTQ community.

Tom Gaynor ’01, an attorney at DLA Piper in San Francisco, explains why he’s taken a lead role in this effort. “As a Jesuit law school, Boston College has been, and must continue to be, a first leader in the quest for social justice and legal equality for LGBTQ individuals,” he says. “It is an honor to provide seed funding for the training of future lawyers who will be the needed promoters and guardians of that vision of equality.”

Commitments totaling just over $100,000 have been received thus far. Efforts are now under way to reach the goal of $250,000 in order to name the first Legal Equality Scholar. Until then, income from the fund will be used to support financial aid.

The LGBTQ Legal Equality Scholarship Fund initiative is aligned with another development at Boston College, the establishment of the LGBTQ+ Alumni Council, which last spring joined the University’s roster of more than a dozen identity and professionally based alumni affinity groups. The organization is a forum for dialogue, connection, and education among BC alumni who identify as lesbian, gay, bisexual, transgender, or queer, or an ally.

Bloom Provides Care During Crisis
Seed donor hopes colleagues will join the effort.

While students plan tuition, rent, and other living expenses during their three years at BC Law, unexpected life events can threaten their success. The Professor Robert M. Bloom Emergency Aid Fund, initiated by a gift from Bloom ’71, will offer critical support in times of crisis.

Bloom recalls that when he was a student and one of his classmates had a baby, Dean Richard Huber helped financially and Professor James Houghteling chipped in clothing and furniture. That inspired Bloom when he became a BC Law professor himself. “I have been in the fortunate position personally to be able to help students with buying books, providing airfare for family emergencies, and countless other acts of tzedakah [Hebrew, meaning ‘giving to promote justice’],” he says.

The Emergency Aid Fund aspires to become part of the tradition of caring for students that “makes BC Law special,” Bloom says.

Bloom has seeded the fund with a $20,000 donation. If $100,000 is raised by May 31, a permanent source of crisis assistance will be established. If that total is not met, the monies raised will be used towards the purpose, but an endowed fund cannot be established.

PROFESSORS MAKE A DIFFERENCE
Professor Robert Bloom joins four other distinguished faculty members honored by funds bearing their names. The investments made by these professors—and the alumni, faculty, students, and others who have augmented them—further the mission and strengthen the community of BC Law. Gifts may be made to one of these funds or in honor of any BC Law professor or program.

The Professor Hugh J. Ault and Martina David-Ault Fund: Established by Professor Ault and his wife to provide financial aid to a deserving law student.

The Ingrid Michelsen Hillinger Public Interest Legacy Fund: Established by Professor Hillinger to support the Public Interest Law Foundation (PILF) summer stipend program.

The Ruth-Arlene W. Howe ’74 Black Student Leadership Initiative: Named in honor of Professor Howe by alumni and friends of the Black Alumni Network (BAN) to provide a scholarship for a student who has demonstrated a commitment to the Black and/or African-descent community at BC Law or in underrepresented communities.

The Professor Sanford N. Katz Scholarship: Established by Professor Katz and Boston College Law to provide financial aid to a deserving law student.

HOW SCHOLARSHIP FUNDS HELP
Funds like the new LGBTQ Legal Equality Scholarship Fund are crucial to the Law School’s continuing excellence and diversity.

1,680
BC Law donors support financial aid through annual gifts

69
Endowed scholarships

177
Scholars whose financial aid awards are made possible through contributions
Boston College Law School Reunion weekend proved to be as enjoyable and rewarding as I had hoped. The energy was palpable and it was wonderful to see my old friends, as well as other BC Law alumni celebrating our law school alma mater.

I was inspired by the many ways BC Law continues to have an impact on society and works to address the complex issues of our time.

Hearing from Omar Martinez about how BC Law Innocence Program staff attorneys and students worked tirelessly to overturn the wrongful conviction that took nearly twenty years of his life illustrated how the Law School lives out its mission of “Justice for All.”

I also saw many examples throughout the weekend of faculty members and alumni continuing meaningful mentor relationships years after the alumni graduated, and faculty members still providing needed expertise and perspective on their former students’ careers.

Participation in such a multi-generational event offers incredible insight into the true nature of the BC Law community. While we might have chosen different career paths and settled in different geographic areas, the values that we hold and the passion that we have for the legal profession remain grounded in the education we received at BC Law.

As you can see in this Reunion Giving Report, the classes ending in ‘4 and ‘9 embraced the spirit of reunion and used it as an opportunity to reconnect and show support for the incredible work that is happening at Boston College Law School.

I am proud to be part of such an esteemed group of alumni, and I appreciate the energy and continued commitment that each of you who participated exhibited throughout Reunion Weekend.

Thank you for your support for the wonderful school that we share.

Joan A. Lukey ’74
REUNION COMMITTEE MEMBER, DEAN’S ADVISORY BOARD

>)
Additional Donors
Stephen H. Ahern  
Jan Armon  
Wendy Kaplan Armour  
Howard B. Barnaby  
Gary H. Barnes  
Thomas J. Berry  
Mark B. Brenner  
Stephen J. Buchbinder  
Janice G. Campbell  
Susan E. Condon  
Lynda Murphy Connolly  
Loring A. Cook  
Gregory T. Cortese  
Daniel M. Crane  
Lodowick F. Crofoot  
Kenneth J. Davis  
Barbara A. Dorch–Okara  
Mary E. Downs  
Diane Durgin  
Ann L. Ekstrum  
Edward A. Fitzgerald  
James E. Flynn  
Erika Schwenn Fox  
Paul A. Francis  
Katherine M. Galvin  
Lawrence K. Glick  
Robert D. Goldberg  
Richard S. Goldstein  
Robert M. Graham  
Patricia C. Gunn  
Ronald M. Hershkowitz  
Photograph by CAITLIN CUNNINGHAM

Class of 1979
40th Reunion  
Class Gift Total: $46,215  
5-Year Total: $157,465  
Class Participation: 28%

Dean’s Council  
Margaret A. Brown  
Matthew L. McGrath III  
Catherine Oliver Murphy  
George Joseph Murphy  
Jo Ellen Ojeda*  
Lauren Stiller Rikleen*  
Susan Ann Weil

Additional Donors  
Ruth–Arlene W. Howe*  
Michael B. Isaacs  
Alan J. Kaplan  
Diane M. Kottmyer  
Gary H. Leffowitz  
Lawrence H. Mandel (deceased)  
Alan D. Mandl  
Regina Snow Mandl  
Daniel J. McNerney Jr.  
Philip T. McLaughlin  
Kevin John Moynihan  
Peter A. Mullin  
Douglas M. Myers  
Paula Pugh Newett  
Eliot Norman  
Lora C. Pepi  
Robert B. Remar  
David G. Ries  
Sarah B. Singer  
Traver Clinton  
Smith Jr.  
Paul B. Smyth  
Margaret N. St.Clair  
Jeremy A. Stahlin  
Christopher J. Sterritt  
John W. Townsend  
Gerald W. Tutor  
Michele A. Von Kelsch  
Thomas Michael Walsh  
Edward R. Wirtzeman  
Louis C. Zicht

Class of 1977
40th Reunion  
Class Gift Total: $46,215  
5-Year Total: $157,465  
Class Participation: 28%

Dean’s Council  
Margaret A. Brown  
Matthew L. McGrath III  
Catherine Oliver Murphy  
George Joseph Murphy  
Jo Ellen Ojeda*  
Lauren Stiller Rikleen*  
Susan Ann Weil

Additional Donors  
Roger P. Asch  
Elizabeth Jensen Bailey  
Theodore F. Berry III  
Jeffrey I. Bleiweis  
Jerry Boone  
William J. Brown  
Cornelius J. Chapman  
James J. Cleary  
Charles M. Cohen  
Kathleen Collesary  
Marguerite A. Conan  
James R. Condo  
Carmen Cuevas–Scripture  
Thomas F. Dailey  
Susan Giroux Dee  
Judith G. Dein  
Kevin W. Donnelly  
Mark R. Draymore  
Stephen Geanacopulos  
Benjamin H. Gerson  
Christine Smith Gray  
Kathleen V. Gunning  
Katherine Merritt Hanna  
Mary Sandler Haskell  
Anne Leary Hemelt  
Michael M. Hogan  
Charles Peter Hopkins II  
John M. Horn  
John J. Hughes  
Dennis D. Leybold  
Harry James Magnuson  
Peter Michael McElroy  
David D. Merrill  
Thomas D. Miller  
John Robert O’Brien  
Michael J. Peigro  
Michael E. Pfau  
Thomas P. Ricciardelli  
Howard S. Rosenblum  
Cynthia Shupe Roy  
Marian Teresa Ryan  
Bernadette L. Sabra  
Richard M. Sandman  
Leonard M. Singer  
Marilyn D. Stempler  
Denis J. Sullivan  
Maureen A. Varley  
Teresa Valdes–Fauli  
Weintraub  
Lynn G. Weissberg  
Judy A. Willis  
Rebecca J. Wilson  
Benjamin S. Wolf  
Norah M. Wylie

Class of 1984
35th Reunion  
Class Gift Total: $177,605  
5-Year Total: $498,105  
Class Participation: 31%

Dean’s Council  
Stephen W. Brice  
Wilbur P. Edwards Jr.  
Michael K. Fee  
James M. Kennedy  
Kevin Patrick Kerr  
Brian J. Knez  
Richard J. McCready  
Rosemary McCready  
Debra Chervinsky Moll  
Jonathan Lawrence Moll  
Evelynne L. Swagerty  
Patricia Miller Verrone  
Thomas A. Zaccaro

Additional Donors  
Marcia E. Adams  
Gail L. Anderson  
Elizabeth Barrett  
Benjamin Berry  
Timothy B. Borchers  
Sharon A. Brown  
Catherine K. Byrne  
Joseph H. Caffrey  
Alan D. Cander  
Richard L. Carr  
Joel E. Cutler  
Paula M. Devereaux  
Celeste P. Duffy  
William R. Eddows  
Susan L.S. Ernst  
John F. Evers  
Beth Rushford Fernald  
Mark D. Fernald  
Faye A. Florence  
John D. Frumer  
Linda Clifford Hadley  
William P. Hadley  
James S. Harrington  
Leslie E. Harris  
David P. Hassett  
Brian T. Hatch  
Susan A. Hayes  
Stephen J. Hines  
Ralph F. Holmes  
Marcia E. Jackson  
Christopher M. Jantzen  
Donna J. Law  
Stanley A. Martin
Patricia McNamarra
M.J. Moltenbrey
Betts Howes Murray
Alan S. Musgrave
Linda E. Neary
Eedy Nicholson
Barbara A. O’Donnell
James Brian Poloukin
Michael J. Pise
Dewayne Anthonie Powell
Barbara Zicht Richmond
Carolyn M. Ryan
Paula M. Sarro
Heidi A. Schiller
David Schoen
Edward B. Schwartz
Gayle A. Smalley
Charla Bizios Stevens
Alexander C. Tang
Shirley R. Tietjen
Anne Van Graafeiland
Lynne Spigelmire Viti
Barbara Von Euler
Valerie M. Welch
Elaine Boyle White
Victoria P. Wood
Karın J. Yen

Class of 1989
30th Reunion
Class Gift Total: $74,633
5-Year Total: $77,733
Class Participation: 31%

Dean’s Council
David Anthony Cifrino
Deirdre Ann Cunnane
Irene Raphael Good
John J. Izasa*
Anne Rickard Jackowitz
Jane P. Kourtis
James Michael Leahy
Anne O. McCrory
Richard Mirabito
John Kin Seymour
Linda Sandstrom Simard
Kathleen Street
Mark Joseph Warner*

Additional Donors
Warren E. Agin
Mark Richard Allen
Peter A. Alpert
Harold Gregory Barksdale
Bess Belolouissos Gorman
Robert Jon Blackwell
Mitchell Scott Bloom
Andrea Jane Brantner
Kevin P. Bruen
Lois Jean Bruinogoe
Thomas M. Camp
Leonardo J. Caruso
Joseph P. Cistulli
Magda DeMoya Coyle
Charlotte A. Crutchfield
Kenneth G. Curran
Jeffrey A. DeMaso
Cecile Desmond
Christopher James Devlin
Humberto R. Dominguez
Mary Fahy
Lynda Beth Pashar
Alan Scott Gaye
Rosemary S. Gale
David H. Ganz
Suko Gotob
Carolyn V. Grady
Jeffrey Philip Greenberg
Glenn Anthony Gulino
Judith Buckley Hayman
Emad Patrick Hurley
Anjali Jersesamrung
Michael Gordon Jones
Mitchell Seth Kessler
Darcy Kirk
Mary Elizabeth Langer
Joseph Luci
Virginia Chung Lucchi
Deirdre W. S. Martin
Howard Wilbur Martin
Robert John Masonis
Robert Emmett McLaughlin
Alicia Murphy Milligan
Denise Marie Parent
Carl Francis Patka
Bruce William Raphael
Frederick Howard Rein
Nina Collazo Rivera
Adam C. Robitaille
Kimberly L. Sachse
Paul E. Salamanca
Julia Anne Sheridan
Tommy Ming-Pao Shi
Mark Andrew Spitz
Charles William Stavros
John Francis Sylvia
Rebekah Tossado
Roseann White
Kenneth F. Whitted

Class of 1994
25th Reunion
Class Gift Total: $74,235
5-Year Total: $124,485
Class Participation: 24%

Dean’s Council
Eugenia M. Carris
Buckmaster De Wolf
Susan Hamner Farina
Ingrid Christensen Getman
Scott D. Karchmer
John B. Livingston
Rosaemae Ratcliffe
Melanie S. Robbins
Ann Taylor
Elaine Shimi Kim Ventola
John F. Ventola
Kathleen Alyce Waters

Additional Donors
Andrea Crowley Attisani
Bridget McKeever Bettigole
Kyle Betiggole
Kathleen F. Burke
Sarah Shiao Cabot
Laura Caltenco
James Michael Cantwell
Edward J. Carbone
John D. Casais
Karen Clark
Brian Joseph Connor
Cynthia Hallock Deegan
Wendy W. Falvey
Ann M. Farrell
William John Fidurko
Lorne Michael Fienberg
Marla Carroll Furlong
Matthew Francis Furlong
Megan N. Gates
Carolyn Gouges D’Agincourt
Christine Farrell
Grocowski
Liese Hamilton Hall
Michael Heningburg Jr.
David Hobum Hwang
Paul M. O’Rourke
Brian J. King
Kathryn L. Leach
Young Joon Lee
Audrey C. Lousion
Christopher Mace Lucas
Kelly Mulvoy Mangan
Stephanie H. Maisello
Laura Jean McCollum
Maureen A. McLoughlin
Christopher M. Mirabile
Caitlin Mullin
Terrence J. Murray
Helen O’Toole
Annie R. Parker Dalgleish
Melissa Polaner
Yolanda Williams Rabun
Kathryn Hand Rodolakis
Matthew Henry Sheppe
John Sheridan
Kenneth Douglas Small
Anne Stuart
Joon Hyung Sung
Carlos Eduardo Vasquez
Christa Von Der Luft

Class of 1999
20th Reunion
Class Gift Total: $61,481
5-Year Total: $116,481
Class Participation: 14%

Dean’s Council
Jonathan Bryan Brooks
Gregory Francis Corbett
Elizabeth Grace Moulds
Sailash Kanu Patel
Daniel Ralls
Stephen D. Riden
Albert Sebag

Additional Donors
Brian Lawrence Berlandi
Francis V. Castellucci
Marybeth Walsh Chang
Nicole Juliette Desharnais
Peter Andrew Dufour
Matthew James Feeley
Philip H. Graeter
Young Soo Jo
Edward M. Krisnow
Amy J. Kruisw
Karen Lentz
Judith Marie Lyons
Sara Ann MacLean
Christopher M. McManus
Christopher T. Murphy
David Osborne
Gregory M. O’Shaughnessy
Athina Maria Panayides
Peter John Petraca
Yvette Politis
Scott W. Rostock
Karen A. Shahinian
James Michael Tierney
Louise Virginia Witherite
Jessica Wolff
Karen Elizabeth Wozniak

Class of 2004
15th Reunion
Class Gift Total: $44,025
5-Year Total: $116,620
Class Participation: 19%

Dean’s Council
Stephanie W. Berdik
Brian C. McPeake
Kirsten A. Nothen
Rita-Anne N’Neill

Additional Donors
Mercedes L. Ainsbinder
Ed Amer
Daniel Anstey
Thomas R. Ayres
Elizabeth Costello Bae
Natalia Ann Bernardo
Adam D. Bovisky
Tavares M. Brownington
Anna Nicole Browand
Tannahatt N. Browand
Rachel S. Brown
Scott T. Buckley
Jeffrey J. Brown
Jessica H. Costanzo
Raushanah Daniels
Tanya H. Goldsmith
Jessica R. Graham
Karen G. Hong
Lisa K. Hurlbutt
James T. Jones
Kathryn C. Loring
Tanya H. Mone
Christina M. O’Neill

Class of 2009
10th Reunion
Class Gift Total: $81,380
5-Year Total: $132,935
Class Participation: 21%

Dean’s Council
Arianna Evers
Austin R. Evers
Tara M. Fisher Oh
John E. O.
Carol Vasconcellos
Caitlin Elizabeth Vaughn
Daniel J. Wright

Additional Donors
Jonathan Mark Agudelo
Alex A. Andalis
David M. Biele
Paul John Bjork
Guillaume Buell
Jessica N. Carmichael
Robert Benjamin Chapman
Meredith Maeve Clink Connolly
Patrick J. Connolly
Jill R. Damon
Marissa Dungey
Stav V. Gayshan
Amelia R. Gray
Jaclyn Hillary Grodin
Jianming Hao Guo
Matthew G. Hoisington
Jennifer C. Itzkoff
Lindsay T. Jansen
Michael N. Javid
Garrett T. Johnston
Kyle R. Junik
Nicole J. Karlebach
John A. Kupiec
Benjamin O. Looker
Jane Hill Lovins
Thomas J. Mazeglia
Kyle A. McClain
Daniel L. McFadden
Adam J. McGovern
Matthew Thomas Murphy
Jesse Neveaz
Daniel Eisenmann Ostrach
Matthew H. Parker
Rebecca L. Pitman
Kelly E. Reardon
Jed S. Rosenkrantz

Class of 2014
5th Reunion
Class Gift Total: $36,455
Class Participation: 19%

Dean’s Council
Tristan Gans Axelrod
Brandon K. Dunn
William F. Griffin
William A. McGee
Matthew J. Rogers

Additional Donors
Nadia Askentievich
Jasmin M. Ali
Artym Byk
Jonathan J. Caralone
Joseph L. Cohen
Kevin J. Finnerny
Nicole M. Fontaine-Doyle
James R. Gavin
Laura E. Gradel
Jennifer L. Hess
Margaret S. Hickey
Benjamin J. Higginbotham
Alessia Anne Hill
Margaret M. Hinchey
Samuel David Jockey
Matthew A. Karambelas
Jillian Rachel Lenson
Mary P. Lentowksi
John M. Lerner
Paul B. Lewis
David A. Libardoni
Noam Liran
Matthew C. Mcdonough
Jacob Thomas Merkel
Elizabeth T. Mone
Mark A. Murphy
Jeffrey D. Pike
Dacia C. Piscotta
Lauren N. Racanelli
Teresita Ramos
Shane M. Reil
Brian J. Reilly
Blair Mcguire Rine
Marlin David Rollins Boyd
Martha Royston Saad
Miguel A. Saldana
Christopher K. Schmitt
Nora Lawrence Schmitt
Molly B. Schranz
Dionne F. Shear
Brandon S. Shetwood
Kathryn M. Sherman
Jason Paul Triplet
David P. Vitale Jr.
Ariane M. Waldron
John A. Wendel
Mark E. Woodroffe

*Includes a bequest intention
BE PART OF THE BC LAW COMMUNITY

Join fellow alumni, friends, classmates, and colleagues at BC Law’s biggest celebrations.

LAW DAY
APRIL 29, 2020
RECEPTION, DINNER + AWARDS CEREMONY
5:30 PM: WESTIN BOSTON WATERFRONT, BOSTON
Honor outstanding individuals for their courage and commitment to the ideals of BC Law School. Proceeds go to the Law School Fund for student scholarships.

REUNION + ALUMNI WEEKEND
NOVEMBER 7, 2020
THE NEWBURY BOSTON HOTEL • BC LAW CAMPUS
Celebrating the classes ending in 5 and 0.
Relive your days as a law student and join hundreds of BC Law alumni for a weekend full of social, networking, and educational events.

To get involved as a volunteer, visit www.bc.edu/lawreunion or contact the BC Law Alumni Association at bclaw.alumni.edu.

FOR MORE INFORMATION ON BC LAW EVENTS, VISIT WWW.BC.EDU/LAWALUMNI.
We’re Fired
What’s next in the world of work? BY PROFESSOR THOMAS C. KOHLER

Labor and employment law might seem to deal with relatively narrow concerns. No area of the law, however, touches people more directly and constantly. This body of law lies at the center of human activities. A society structures itself through the way it orders work, determines the conditions under which people perform work, and decides whether and how to protect the most vulnerable workers and those incapable of working. As humans, we need work, and for more than purely instrumental reasons like feeding ourselves. We make ourselves through our work; in significant ways, we are the subject of our work.

As work and how we perform it changes, labor and employment law regimes around the world stand under growing pressure. Income inequality has grown as union density rates and the practice of collective bargaining have declined and as the efficacy of employment law regimes has lessened. For example, a series of US Supreme Court decisions permit employers to require their employees to agree to mandatory arbitration of workplace disputes. As a result, 60 million employees now are foreclosed from bringing any legal claims against their employers, including statutorily-based employment discrimination and sexual harassment complaints, before a court.

Increasingly, employment no longer represents an ongoing relationship, something the law typically presumes, but rather a series of intermittent spot contracts: Crowdfunding platforms present a prime example. The growing practice by which employing entities lease workers from third-parties, sometimes called the “fractionalization” of the workplace, has exacerbated this trend. Workforce participation rates in the US, particularly among prime-age males, have declined steadily for decades, and the trend has accelerated. Some theorists suggest that in the near future, technology will eliminate 40 percent of current jobs.

While the US, as usual, presents an extreme case, many of these developments are appearing in other places as well, even in such supposedly “worker-friendly” countries like Germany. There, income disparities steadily have increased along with the rise in the use of “precarious” or non-standard, poorly paid, and insecure “gig” work. Union membership has declined (under 20 percent of the workforce) and the vaunted German “works-council” system, that gives workers voice in a wide-range of managerial decisions, now covers only about 40 percent of workplaces.

Work is changing and there may well be less of it in the future. To borrow a line from The Federalist Papers, we can allow the future of work to be the result of “accident and force or reflection and choice.” The industrial revolution radically changed both the nature of work and of the employment bond. In both civil and common law systems, lawyers played a key role in shaping the way societies would order work in light of new circumstances.

Like our predecessors, we face unprecedented conditions and an opaque future. Our current employment law regimes are no longer sufficient. Outside the US, lawyers have begun a serious, interdisciplinary discussion of how to structure a new order for a future that may offer substantially less “market-work,” and where demands for flexibility both from workers and employers may increase. These discussions include consideration of the contributions that the Catholic social thought tradition and Christian ethics might offer, which emphasize the common good and the “human” character of work. American lawyers should join the conversation. We cannot afford to leave our future to force and chance.
Hearsay: Talking about BC Law

When Shaw Society members Paul Sullivan ’69 and his wife, Barbara, returned to campus to celebrate Paul’s 50th reunion, Paul shared some thoughts on his life in law with BC Law Magazine.

What did you want to be when you grew up?
I still don’t know what I want to be when I grow up. Right now, I’m focused on being a good husband, father, and grandfather—and I’m practicing to be a good great-grandfather someday in the future!

What BC Law course made the biggest impact on you?
Hugh Ault’s international tax course led me to a career practicing international tax law with ExxonMobil.

What fun fact about you would most surprise your BC Law School classmates?
While attending BC Law, I worked as a licensed private investigator to support my family.

What is the name of your favorite crime drama?
I’m a Law and Order junkie.

What historical legal case fascinates you?
Gideon v. Wainwright. We were assigned Gideon’s Trumpet to read during the summer before entering the Law School. It is hard to believe that the case was decided in 1963.

If you could add one hour to every day, how would you spend it?
Tough question. Several things I’d like to spend the added hour doing are volunteering with additional nonprofits, spending more time at the gym, learning a second language, and trying to write a novel.

The Sullivans have marked the 50th anniversary of Paul’s graduation by establishing their legacy at BC Law by making a bequest to the school. We thank them for their thoughtful generosity, and welcome them to the Shaw Society, which celebrates those who have included Boston College Law School in their estate plans.

To learn more, please visit bc.edu/LawShawSociety or contact Maria Tringale at 617-552-4751 or maria.tringale@bc.edu.
Together for the Future of Justice

Talented students determined to use the law to better society. Brilliant legal scholars as committed to their students as they are to groundbreaking research. And YOU: the loyal alumni and friends who make it all possible.

Invest in the next generation of BC Law graduates. Give today at bc.edu/GiveLaw.