RESEARCH SHOWS LAWYERS STRUGGLE WITH HAPPINESS IN THEIR LIVES. COULD THERE BE ANOTHER WAY?
Winter brought a picturesque but inhospitable environment for students wanting to study in fresh air and sunshine. Fear not. Under that snow, the tulip bulbs are biding their time.

Photograph by Gordon Schmidt
More than profession-ready

Dear friends,

“Why Law Matters” is this year’s theme of the Association of American Law Schools, and it is a subject on which I have been reflecting recently. Law is the invisible infrastructure that holds society together, and lawyers are the architects and engineers of that structure. At a personal level, I am proud to be a lawyer and proud, as well, to be associated with the enterprise of educating the next generation of lawyers.

Here at the University of Richmond School of Law, we educate that next great generation of lawyers who will make a difference and support our greater system of justice. Earlier this year, our students took part in our first-ever Celebrate Civic Engagement Week. They engaged in open forums and conversations on public policy; explored careers in the public sector; discussed inclusivity inside and outside the walls of the law school; and participated in outreach projects to benefit our community.

What’s exciting to me is that these activities aren’t limited to a weeklong celebration. Throughout the year, I see our students engaging in the world around them in thoughtful and substantive ways, from organizing panel discussions on timely social topics to organizing pro bono opportunities to serve those in need. At Richmond Law, our students become more than profession-ready; they become world-ready. I take great pride in that knowledge, and I hope you do, too.

Wendy C. Perdue
Dean and Professor of Law
Features

The happy lawyer
Rife with arguments, long days, and client problems, the lawyer’s life has a well-earned reputation for being exceptionally stressful. Does it have to be?

By Emily Cherry

‘Tyranny of the algorithm’
At the 2016 Law Review Symposium, the former secretary of the Department of Homeland Security addressed the ubiquity and dangers of our digital trails.

By Thomas J. Ridge

Virginia’s new prescription for the opioid crisis
From the attorney general’s office down, Virginia’s legal community is taking a hard look at how to address a growing crisis.

By Paul Brockwell Jr.

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Energy debate

*Richmond Law hosted the only debate between the Trump and Clinton campaigns devoted to energy policy and environmental issues.*

Energy advisers to the Clinton and Trump campaigns squared off in a forum in the Law School’s moot courtroom in the weeks before the presidential election. Law professor Noah Sachs, an expert in environmental law, moderated the debate, which featured Rep. Kevin Cramer, R.-N.D., and Trevor Houser, who co-directs the Climate Impact Lab.

The event “provided a rare chance for representatives of the Clinton and Trump campaigns to discuss energy policy, which received little attention at the presidential and vice presidential debates,” wrote *The Hill*, one of several national media outlets that covered it. Under the headline “The Trump and Clinton campaigns finally had a substantive climate debate,” Vox.com offered “credit to both advisers for participating and to the University of Richmond for hosting an all-too-rare climate discussion in this election.”

Hot topics of discussion included the role of the Environmental Protection Agency.

“It is important for Congress, when they pass an authorizing piece of legislation, to define what an agency can do very specifically — and probably important to define what it shouldn’t do,” Cramer said.

The struggles of America’s coal industry were also a subject of disagreement.

Houser characterized the industry’s challenges as structural, saying, “While the ‘war on coal’ narrative makes a good sound bite in coal country, while it’s easy for Donald Trump to show up to a rally and put on a hard hat and promise to return coal employment back to its glory days, we’ve been transitioning away from coal employment for a long time.”

Cramer criticized what he described as government interference in the energy sector.

“The government should not be determining who gets a job and who gets a government program,” he said. “They ought to be out of the business of determining those things and let the market decide.”
Call for a new national approach to education

The nation’s longstanding approach to education federalism is in dire need of disruption, according to Richmond Law professor Kimberly Robinson. The substantial state autonomy favored by the current balance of local, state, and federal power comes at the expense of the nation’s educational goals, particularly the goal of ensuring “that all students receive equal access to an excellent education,” she writes.

Her argument, as laid out in her paper “Disrupting Education Federalism,” published by Washington University Law Review, earned the 2016 Steven S. Goldberg Award for Distinguished Scholarship in Education Law. The award, presented annually by the Education Law Association, recognizes an outstanding scholarly work that has an impact on education law.

“Disrupting Education Federalism” challenges the assumptions, laws, and policies that keep the United States locked into deeply entrenched patterns of educational inequality, Robinson said. “By challenging these assumptions, laws, and policies, I hope to encourage new avenues for reforms that insist that every child receive equal access to an excellent education.”

In The Enduring Legacy of Rodriguez: Creating New Pathways, co-edited with Charles Ogletree Jr. of Harvard Law School and published by Harvard Education Press, she examines the ramifications of the landmark Supreme Court case that held that the U.S. Constitution

Dean Perdue to head AALS

The Association of American Law Schools elected Wendy Perdue, dean, its president-elect in January. She will serve in that role for a year and then serve a year as the organization’s president.

Perdue is a former vice president of the Order of the Coif and has served on the Duke Law School board of visitors, the editorial board of the Journal of Legal Education, and the board of governors of the Virginia Bar Association.

“I look forward to working with my colleagues at the AALS as together we work to further strengthen legal education and the foundations of our system of justice,” Perdue said.

The AALS is an association made up of most of the nation’s law schools. It serves as a leading voice for legal education.

Court, overturning death penalty, cites two Richmond Law scholars

When Delaware’s Supreme Court ruled in August that the state’s administration of the death penalty was unconstitutional, it repeatedly cited scholarship from two Richmond Law professors.

The case, Rauf v. Delaware, focused on the roles of judges and juries in imposing Delaware’s death penalty. The court held that juries, not judges, are constitutionally charged with finding whether aggravating circumstances outweigh mitigating ones and that juries must rule unanimously and beyond a reasonable doubt to impose a death sentence. Under Delaware’s now-overturned scheme, a jury made only an advisory sentencing recommendation to a judge, who then made the final decision.

“The Sixth Amendment requires a jury, not a judge, to find each fact necessary to impose a sentence of death,” the Delaware court wrote, quoting the U.S. Supreme Court’s 2016 decision in Hurst v. Florida.

The Delaware court relied on historical analysis by professor and former Richmond Law dean John Douglass and professor Corinna Lain as it traced the development of relevant law and legal precedent, citing their scholarship nearly 30 times and directly quoting from each of them repeatedly.

The 115th Congress welcomes a Spider

Thomas Garrett, ’94 and L’03, was sworn in as a freshman member of the 115th Congress on Jan. 3. He represents Virginia’s 5th District and will serve on three committees: foreign affairs, homeland security, and education and the workforce.

“Having served overseas as an officer in the United States Army, I understand firsthand the threats we face and am eager to get to work to continue improving our relationships on the global stage while protecting the sovereignty and safety of these United States,” he said.
Frame of mind

“Our professor began with a short meditation” — how often have you read that about the first day of a law school course? Such was the description that Katherine Schroth, L’16, offered in her editor’s letter to set the tone for the latest issue of Richmond Public Interest Law Review. Through articles with titles like “Love, Anger, and Lawyering” and “Discovering Agreement: The World in Which We Find Ourselves,” the issue explores the benefits of mindfulness and self-awareness for law students and legal professionals.

As Schroth explains in her editor’s note, the idea for the issue came out of her experience in a seminar. When her professor began class with that meditation, she writes, “I experienced something I had never felt before in law school: peace.”

Professor Shari Motro, who taught the seminar that inspired Schroth, acknowledges in the issue’s foreword that “some people believe that these conversations are extraneous to the mission of legal education. … On bad days, I agree.”

Still, she makes a strong case for their value.

“Mindfulness invites us into dialogue. … If we are lucky, it can help us turn [law] into more than a job or a career. If we are lucky, law can become a vocation, an ongoing and evolving relationship, perhaps even a healing one.”

Read this and other issues of Richmond Public Interest Law Review at scholarship.richmond.edu/pilr.

WELNESS does not guarantee a right to education. The book also encourages innovative thinking on closing the educational opportunity gap.

In her paper, she proposes restructur- turing educational policy “to embrace greater federal leadership and responsibility for a national effort to provide equal access to an excellent education.” Among the challenges she identifies is a lack of sufficient political will to address persistent opportunity and achievement gaps. She acknowledges the breadth of the reforms she is proposing.

“My proposed theory is intentionally unapologetic in its comprehensive and aspirational scope,” she writes.

But the cost of our current inequalities is too high to continue bearing, she argues. Citing research by the Council on Foreign Relations, she writes, “Closing achievement gaps would both greatly increase the nation’s economic growth and lead to future economic strength and competitiveness of the U.S. economy.”

Employee of the month?

Americans are getting tattoos “at a remarkable rate,” writes law professor Steve Allred. His point? That America’s workers therefore are, too, and employees aren’t always OK with it.

In an October article in Labor Law Journal called “Rejecting the Tattooed Applicant,” Allred took a look at how courts have ruled in disputes between prospective and current employees and the employers who reject, discipline, or discharge them.

Public employees and applicants have typically made equal protection or free speech claims, he writes. Among the disputes he recounts is one involving Hartford, Connecticut, police officers with tattoos that their “chief understood ... to signify support for white supremacy” and another involving a bike patrol officer who was reassigned to a position where he could wear long pants that would cover tattoos on his legs and elsewhere.

Private employers are also involved in the cases Allred recounts. In one, a restaurant worker sued under Title VII of the Civil Rights Act of 1964, which pre- vents employers from discriminating on the basis of religion, after his employer fired him for refusing to cover two religious tattoos on his wrist.

According to Allred’s analysis of these and other cases, the news for the tattooed is not good.

“Employers have wide latitude in tak- ing such actions,” he writes. But he also cautions employers “to think carefully about whether their decision to reject a tattooed applicant is grounded in a legitimate business purpose or whether their decision to discipline a tattooed employee may be challenged as disparate treatment.”

In memoriam: Jeanette Lipman

Richmond Law benefactor Jeanette Lipman died at the age of 102 in January. A grant from Lipman in 2008 allowed the school to launch the Jeanette Lipman Family Law Clinic.

The in-house clinic provides legal assistance to families and children in the City of Richmond. Law students represent clients under the supervision of professor and clinic director Dale Cecka. The clinic is also staffed by graduate students and faculty from Virginia Commonwealth University’s social work and psychology programs, who provide a broad spectrum of services to clients.

“When I last visited with her several years ago, she was a spry and fully engaged 98-year-old — small in statue but with a very big heart,” Wendy Perdue, dean, wrote. “Her care for those less fortunate and her desire to help those in need will be much missed.”
A conversation about voting rights

2L Allison Tinsey sat down with election law expert Hank Chambers before the 2016 presidential election to discuss his perspectives on voting and the right to vote. The following are edited and condensed excerpts of their conversation:

Are you currently working on any research related to elections?
I just finished up an article on voter ID laws and how local poll workers interpret the law. I am also in the process of writing a piece on Shelby County v. Holder, a 2013 case that struck down the preclearance requirement of the Voting Rights Act that said some counties or states, mostly in the South, had to have laws relating to voting OK’d by [the Department of Justice] before enacting them. I’m also invited to talk with local organizations on voting rights. I recently spoke to the Virginia Asian Advisory Board and the Henrico Democrats.

What are voting rights? How are they different from the “right to vote,” and how do these concepts interact?
In theory, voting rights and the right to vote are one and the same, and they should be coexistent. Voting is treated more as a privilege where a person has to do things in order to exercise their right, like register to vote. When [Virginia] Gov. [Terry] McAuliffe restores a felon’s right to vote, that person still has to register so when they show up to the polls, their name is in the poll book. People don’t realize they have to do this in order to actually exercise their right.

As the election looms, how do you think voting rights are going to affect outcomes or voter turnout?
Voting is not just a fun thing to do; it’s civic engagement and a civic duty. I hear a lot of people who think their votes don’t count. There are no wasted votes. Think of it like being in a sports stadium: When one person yells, it doesn’t make much of an impact, but when everyone is yelling together, the noise is amplified. When everyone is voting, it runs up the total where margins really matter, and high turnout really means something. This doesn’t just apply to the top of the ticket; don’t forget that down-ballot races matter, too.

What is something you hope readers — like students, alumni, or community members — take away from our conversation on voting rights?
Voting rights have a broad impact not just on the outcomes of elections. If voting … means participating in a community, what message does it send that people are being excluded from participating? We need to consider who gets to be a part of these decisions and how they build a community.

Lash joins faculty

One of the country’s leading constitutional law scholars, Kurt T. Lash, will join the University of Richmond School of Law in the 2017–18 school year. Lash currently serves on the faculty at the University of Illinois College of Law, where he is the Guy Raymond Jones Chair in Law and the co-director for the Program in Constitutional Theory, History, and Law.

“Professor Lash’s contributions to the field of constitutional law have shaped our legal and historical understanding of the Bill of Rights, the Reconstruction amendments, and the rule of the courts,” said Wendy Perdue, dean.

Lash is an expert on the Ninth and 14th amendments, authoring The Reconstruction Amendments: The Essential Documents (under contract with University of Chicago Press), The Fourteenth Amendment and the Privileges and Immunities of American Citizenship (Cambridge University Press), and The Lost History of the Ninth Amendment (Oxford University Press).

His articles have appeared in many of the country’s top law reviews, and the Supreme Court and U.S. courts of appeals have cited his work on numerous occasions. Lash earned his law degree from Yale University and clerked for Judge Robert Beezer on the 9th Circuit Court of Appeals.

“We’re proud and excited to have a scholar of Professor Lash’s caliber join our already excellent team of constitutional law faculty here at Richmond Law,” Perdue said.
We now live in what I call the “digital forevermore.” It wasn’t that long ago that the original computer base data transmission protocol was created simply to facilitate telecommunications between the U.S. Department of Defense and research universities. While certainly primitive compared to the digital global ecosystem that drives commerce and culture throughout the world today, its core features remain the same. The internet is an open system based on anonymity. It was never designed to be a secure communication platform.

The opportunities and vulnerabilities within this global network, with electrons racing everywhere, much of it with personal information about all of us, are probably beyond our individual comprehension. The ubiquity of the internet is its strength, and the ubiquity of the internet is its weakness. And we are all potentially exposed to the potential malignant use of the internet and the nefarious use of our information that’s on it.

I say to friends, lawyers or non-lawyers, all of us have a role and a need to combat its improper use. Its own, has the capability to protect us from its destructive use. All of us interact with the internet as users, consumers, and citizens. Most of us are unaware of the total amount of personal information the government and the commercial sector have about us.

We know the Chinese have the profiles of 22 million Americans after the Office of Personnel Management breach [in 2015], including mine. We were required to provide that information to government to serve our country. Understandable.

But add on top of that a layer of information that those 22 million — and, I might add, all of you — voluntarily surrender.

Do you have the slightest idea of the depth and breadth of information they have about you? I would dare say not, and I say this respectfully. On that “click consent,” when you agree to the terms of service and privacy statement, how many of you have thoroughly read it and understand its implications? Don’t raise your hand because you’ll be like the lone ranger, probably. It’s not a criticism. I plead guilty.

When you automatically, and I think without hesitation, hit the “click consent” to the terms of service and privacy policy, you probably empower the ISP the right to accumulate and sell the following: things you search, websites you visit, videos you watch, things you buy, things you possibly search for but don’t purchase.
watch, ads you click on, your location information, IP address, and cookie data, and I suspect some missing other elements which could probably be described as “data exhaust.”

Do you think that “click consent,” law students, is tantamount to informed consent? Interesting question, isn’t it? Could you function without ISP platforms in your personal or professional life?

Let’s not forget the information citizens share with organizations with whom they’re associated, telecommunication companies, financial firms, health care providers — a pretty long list. Much of it is mandated, and unprecedented levels are volunteered and, yes, some surreptitiously acquired.

We’re not going to put the data genie back in the bottle. It’s exploding exponentially in the digital forevermore. It will continue to do so.

Now, I rarely applaud the United Nations, and particularly the United Nations Human Rights Council, but I have to admit it addressed the issue of privacy several years ago when it affirmed for the first time that human rights in the digital realm should be afforded the same protection as human rights in the physical world. One of the participants in the council meeting, Ambassador Hans Schumacher of Germany, observed, “Every person is entitled to a private sphere, free from undue interference or surveillance by the state or by other actors.”

He urged the global community to strike a balance between legitimate public security concerns and the fundamental right to privacy in the digital age.

We all know there are UN members who don’t share that point of view. I happened to be in China talking about cybersecurity about a year and a half ago, and I assure you, they don’t share that. But the United States does, and must, if our democracy is to remain the strongest and most respected expression of self-government in the world.

The relationship between countries and their citizens on this matter varies dramatically. Rarely is there complete transparency of the government’s role. Governments, for legitimate reasons, have access to and retain personal information about its citizens. But with the advent of Facebook, Twitter, LinkedIn, and so many social media alternatives, citizens living in the modern world surrender information about themselves with astonishing regularity and without hesitation. Think about this a moment: Devices used by the population every day can be used to determine where you are; you do have a GPS-enabled iPhone or iPad, don’t you? Or what you’re thinking — let’s see what website you just clicked on. We take it for granted. It says a lot about each and every one of us.

Some or all of this information can be collected, sorted, analyzed, and used to profile and target individuals and groups through the digital networks for economic, social, national security, even political reasons. It’s all out there, available for use or abuse.

The embrace of all that is digital — which means all that is accessible — may suggest that we Americans don’t cherish our privacy. Be assured, we do. We must. Preserving our civil liberties and privacy was clearly a concern of the administration and Congress. In response to the attack of 9/11, the Department of Homeland Security was created and the first-ever congressionally mandated privacy office was included. The country believed then, it believes now, that no matter how effective the technology might be to identify terrorists before they strike — a worthy, laudable, and essential goal — no matter how grave the threat may be, preserving civil liberties is itself an essential part of protecting the homeland.

The privacy office was built to look carefully at what was collected, how it should be stored, whether or not it could be collated, whether it contained personally identifiable information, how long the data could be held, and finally for what purpose it should be made available to the government.

In 2004, on the recommendation of the 9/11 Commission, a privacy and civil liberties oversight board was created and housed in the executive branch. Listen carefully to the following: Although President Bush submitted four names in 2008, the Senate took no action. President Obama made several nominations in 2010, but it took until August of 2012 for Congress to confirm them. This may surprise or it may disappoint you, but it was only earlier this year that a highly regarded technology adviser became part of that indispensable team.

This short history is troubling and very revealing. If we rely exclusively on government to monitor the use of technology and its impact on our privacy, I say, respectfully, our faith will be somewhat misplaced.

Attempts to create permanent and rigorous oversight capabilities within the government have cer-
taintly been well-intentioned, but that limited track record says they’re feeble at best. We can only hope they improve. We must remind ourselves that technology moves more quickly than government. Then again, so do icebergs.

I recently read that the amount of stored information grows four times faster than the economy, while the processing power of computers has grown nine times faster. Authors Viktor Mayer-Schönberger and Kenneth Cukier concluded, “The real revolution is not in the machines, but in the data itself and how we use it.” The analysis that big data has and will contribute to more efficient manufacturing, more productive agriculture, improved health care, safer transportation, a cleaner environment — the actual potential benefits are almost limitless.

We should and can celebrate the positives, but we cannot ignore the negative. The benefits are derived, in many instances, from using complicated math algorithms to make predictions. When the analysis involves personal information and the possibility or probability of certain actions or certain kinds of behavior, I think government and society must proceed with caution.

Let me share with you both a personal example of predictive analysis and the concerns that I think we legitimately need to pay attention to. I gave a graduation speech at another law school, and one of the students who was the daughter of a friend of mine gave me four unidentified, untitled books as a present. Imagine that. It’s an interesting gift certificate. I was asked to provide basic personal information about myself and then express — on one sheet of paper, fill-in-the-blanks, a couple questions — my literary tastes and the kinds of things that interest me. I’ve got a pretty wide range, so I put most of them down there.

The algorithm used by the company to select these books was amazingly — and I must admit, uncomfortably — accurate. They may not have been on my choices walking through Barnes & Noble, but the computer made superb choices for me. It doesn’t take too great an imagination to foresee the potential abuse of personal information and predictive analysis if the capability is in the wrong hands. That capability exists in our world today.

We need not take a leap of faith into the future when government’s misuse of its access to big data — surveillance cameras, sensors, supercomputers initially designed and offered to protect us from terrorist attacks — is used to undermine our democracy.

There must be rules circumscribing who has access to the data and how it is used. In the information age, pieces of digital DNA, our digital soul, are scattered everywhere. We must be vigilant that government never gathers the information that subjects us to the tyranny of the algorithm.

As you are aware, at least the law students here are aware, there’s a series of Supreme Court opinions that affirm the notion that a person has no legitimate expectation of privacy in information he voluntarily turns over to third parties. Third party doctrine. I personally think it’s time for policymakers to reconsider that notion. I think that blanket approach is ill-suited in the digital forevermore. I believe citizens should be able to control the use of their own personal information in the cyber age.

I think that’s worthy of a national discussion that should include the tech giants of our world. They’re the ones that gather the information, sell it, and have access to it through all sorts of captive audience. The belief that the most effective means of protecting our privacy and civil liberties is controlling the collection and storage of data is both obsolete and impossible. I have read estimates from 50 billion to 70 billion devices will be hooked on the internet by 2025. I have no idea how that translates into the data that’s going to be available. No idea. Nobody does. ... We’re not going to put the data genie back in the bottle. It’s exploding exponentially in the digital forevermore. It will continue to do so.

... Limiting government’s reach into the private domain of the citizen will be a permanent challenge in this digitally engaged, digitally promising, and potentially digitally dangerous world. Technology must surely be an instrument of government to combat threats regardless of their nature. Technology can never be a weapon against its citizens.

As we combat radical terrorism, as we confront social and political unrest, as we fight the never-ending battle against crime, there will be in the digital forevermore a permanent tension between safety, security, and privacy. Given the gigabytes of information that exist about people, places, and things, the surveillance and sensor systems that become more embedded in our community and our daily lives, we have to be mindful of not only the enabling use but the potential for misuse.

Here’s where I strongly believe the professional and private voices of the legal profession must be heard. And I suspect, when you graduate from the University of Richmond Law School, you will be prepared to raise those voices. When it comes to protection of our privacy, I also hope and expect, in a certain prayerful way, that you do.
Randi Fincham died twice before paramedics could revive her. She remembers a brief moment of resuscitation in an ambulance and waking up later at the hospital in shock. It took two doses of naloxone, which reverses the effects of a heroin high, to bring her back.

“I was too scared to admit I had a problem,” Fincham said. “My parents didn’t know. No one knew until it got out of hand.”

Fincham is living proof of how pernicious and undiscriminating opioid addiction can be. She graduated high school with a 3.68 grade point average, managing to hide issues with drugs like marijuana and cocaine, and eventually went to work as a certified nursing assistant in West Virginia. Then a friend introduced her to oxycodone, and she got hooked on the high it offered. That’s when her life began to unravel.

When she ran out of options for getting painkillers off the books, she started writing prescriptions for herself under her doctor’s DEA number. Pretty soon, she was fired from her job and attempting to put the pieces back together.

While in a recovery house in Virginia, another resident introduced her to heroin, a cheaper drug offering the same kind of high. It nearly cost her life. Her brush with death gave her the resolve to stay in recovery, but the road has been winding and difficult. Today she’s a recovery coach and office manager for Clean Life Medical, an outpatient addiction treatment practice in Richmond.

Fincham’s success at battling addiction offers a rare glimmer of hope among the staggering number of tragedies as the rise in overdose deaths continues. For the first time in Virginia’s history, more people are dying from heroin and prescription painkiller overdoses than from car crashes. In 2015, around 1,000 deaths were reported. According to the attorney general’s office, Virginia is on track to match or exceed that number when the books close on 2016.

Heroin and prescription drug abuse — and the fatal overdoses that follow — cuts across all demographic and geographic lines. There is no typical heroin or opioid addict. This addiction doesn’t care whether you’re black, white, Latino, or Asian. It doesn’t care about your income level or where you
live. It’s not a rural, urban, or suburban problem. Heroin and opioid abuse is a national problem, and Virginia is not immune.

Recognizing the scope of this national issue in Virginia, Richmond Law students at the Public Interest Law Review convened a symposium in September. The event brought together prosecutors, public defenders, and medical professionals to discuss the science of addiction, the scope of the epidemic in Virginia, and the new legal and policy approaches needed to remedy the crisis. Virginia Attorney General Mark Herring, L’90, delivered the keynote address at the symposium, Virginia’s Opioid Epidemic: Treatment and Policy in the 21st Century.

After taking office in 2014, Herring learned about the scope of Virginia’s problem on a listening tour around the state. Since then, he’s been talking a lot about the opioid crisis — with people in recovery, prosecutors, public defenders, medical professionals, nonprofit leaders, and lawmakers.

“So many families say they never thought it could happen to them,” Herring said. “Listening to their stories and seeing how much pain and devastation they’re going through is heartbreakingly, and it committed me to doing everything I could to make sure it doesn’t happen to one more family in Virginia.”

Herring’s office prioritized the crisis in Virginia through a plan that pursued the supply side through partnerships with federal, state, and local law enforcement agencies, particularly in Hampton Roads, a region whose ports are often a byway for drug smugglers and suppliers.

The partnership has seen some successes at cutting off the supply. In 2015, the multi-agency collaboration led to the bust of a heroin trafficking ring in Hampton Roads responsible for the distribution of between 30 and 90 kilograms of heroin with an estimated street value between $1.5 million and $4.5 million. Collectively, seven defendants were sentenced to more than 136 years in federal prison.

But prosecuting dealers and distributors of heroin is only part of the solution. Local law enforcement officers told Herring early in his tour that this is not a problem Virginia can arrest its way out of. In fact, there’s a new momentum for treating addiction as a medical problem rather than a criminal issue.

“Something as simple as a sports injury or dental work or a back injury can expose a person to prescription painkillers, which can lead to dependence and addiction,” Herring said. “And when the pills run out, they do something they never, ever thought they would do — they turn to the cheap, potent, and often deadly heroin available on the streets.”

Treatment and prevention of addiction is complicated when it comes to opioids, a class of drugs that includes both the illicit drug heroin and common, legally prescribed painkillers like oxycodone, codeine, morphine, and fentanyl.

The drugs target opioid receptors on nerve cells in the brain to create pleasurable effects and relieve pain. That particular chemical dynamic makes them highly potent and easily addictive, according to James C. May, director of planning, development, research, evaluation, and substance use disorders services for the Richmond Behavioral Health Authority.

May’s experience observing addiction started in a lab. He was involved in planting drug delivery systems into the brains of rats. In the most illustrative trials, he remembers training rats in a small box to push one lever for food, and then adding another for water. Once the rats were trained on both the
food and water levers, a third delivering an opiate substance was introduced.

“The rats would stop pressing the bars for food and water and would just press the bar for the opiate until their arms were feeble and bleeding. And they would stop eating until the end,” May said. “I saw something happening that just blew my mind. I look back many years later; that was my first exposure to what addiction does to the brain.”

That pathological pursuit of reward and relief isn’t a biological response confined to lab rats. It’s one of the major factors that contribute to a diagnosis of substance use disorder for 1.9 million Americans.

“That’s what we have going on in the streets today,” May said. “We have people who don’t understand how addictive opiate substances are, and every day they get up and they’re chasing the drug. Sometimes they’re not eating or drinking water.”

Prescription practices haven’t helped. In 2012, health care providers wrote more than 259 million prescriptions for opioids, more than enough to give every American adult a bottle of pills. Among new heroin users, four out of five report misusing prescription painkillers prior to using heroin. Legal opioids are often easier to get initially, but when the brain gets hijacked — and users change priorities to seek rewards from the high — all bets are off.

In Richmond, heroin has been the No. 1 illicit drug of abuse since 1999.

“This isn’t new to us,” May said, “but the scope is new.”

And it differs throughout the state. Southwest Virginia has a prevalence of prescription opioid abuse, while other areas have seen an uptick in heroin. Every locality has been affected.

“We have people who don’t understand how addictive opiate substances are, and every day they get up and they’re chasing the drug. Sometimes they’re not eating or drinking water.”

Timothy Coyne, L’86, is the public defender for the city of Winchester and five counties in rural northwest Virginia. In his area of the state, home to 230,000, deaths related to opioid overdoses have been on the rise. In 2012, it had one death attributed to opioids in the area. In 2014, that number had climbed to 33, and in 2015, it had 30 deaths. In one week last September, it had eight nonfatal overdoses.

Local prosecutors and public defenders acknowledge the problem has grown over the past 15 years to epidemic proportions. Increasingly, illicit drug
manufacturers and dealers are cutting heroin with other substances to expand the supply and increase the street value. One of the additives, fentanyl, is a synthetic opioid largely to blame for the increase in overdoses. It’s 50 to 100 times more powerful than morphine, making its mixture with heroin an often deadly combination for users who don’t know the strength of the drugs.

Henrico Commonwealth’s Attorney Shannon Taylor, L’95, recalled a mother’s comments to the Richmond Times-Dispatch: “It’s not that kids haven’t been abusing drugs; it’s that kids are abusing drugs that are killing them.”

In her role as county prosecutor, she’s eager to find ways to connect people who suffer from addiction disorders to the recovery community.

Part of that solution, Taylor said, is expanding access to drug treatment courts. These judicially supervised entities exist in 30 localities in the state and have been successful in dealing with people charged with drug offenses and nonviolent property crimes. The rate of new convictions for drug treatment court participants is around 34 percent compared to 53 percent for people who do not participate in drug treatment. While treatment courts won’t solve all of the problems, they have shown success at keeping people out of prison and on the road to recovery. Graduation from drug court requires a year in the program, which includes access to community services boards and regular drug screening; an ability to recognize relapse triggers and an action plan to deal with the temptation to use; four months of sobriety; and full-time employment or enrollment in school.

It’s a different legal response than during other emerging epidemics. Taylor and Coyne both recall that the reaction to the crack epidemic in the early ’90s was to increase mandatory minimums.

“What’s encouraging now is that people are realizing that addiction is a disease and treating it as such,” Coyne said.

Education is a key part of that effort to change the mindset of how people approach addicts. They are mothers, fathers, sons, and daughters who could be any one of our family members. Removing the stigma of addiction is an ongoing challenge to opening up recovery options.

In 2015, the attorney general’s office sought to take on that effort and produced a 40-minute documentary, Heroin: The Hardest Hit, which features stories of people in recovery and of the families of those who died. The film has been viewed more than 50,000 times online, and DVDs have been distributed throughout the state to middle school and high school classrooms. A recently launched website, hardesthitva.com, provides access to the documentary, facts about the opioid epidemic and deaths in Virginia, and connections to recovery resources.

Herring has attended screenings throughout the state, often watching the documentary alongside people in recovery. He said the success of this film has been its intentional strategy to disrupt an overly simplistic narrative — that “drugs are bad, don’t do them” — with the faces and stories of Virginians affected by this crisis.

“It’s important to remember that addiction and substance use disorder don’t make someone a bad person.”
A collaborative approach to combating this problem has been a key piece of Herring’s plan. He formed a regional task force in Hampton Roads to solidify the partnerships that have been fighting on both the supply and demand fronts.

The recovery community also has been an important voice for ideas and policies that can help people struggling with addiction and the community services that they need.

Naloxone, a drug that reverses the effects of opioid overdoses, is now more widely available because of legislation that took effect in July 2015 allowing pharmacies to dispense it with fewer restrictions to citizens. First responders have also worked to ensure ample supplies for their service calls.

The state has also created safe reporting laws to try to remove any misgivings people may have about calling for help when an overdose happens and provide an affirmative defense against criminal charges for them when calling to seek medical assistance.

Among the greatest hopes for those in the recovery community is easier access to treatment, including same-day services. If someone battling addiction seeks help, he or she often can’t afford to wait days or weeks to enter treatment. Time could be a matter of life or death.

“It’s important to remember that addiction and substance use disorder don’t make someone a bad person,” Herring said.

Herring also said Virginia needs to ensure its safe reporting laws remove the concern that calling for help could end with criminal consequences.

Physicians have an important role in addressing abuse. Herring said he would like to see all doctors ask patients about a family history of substance abuse before prescribing opiates and share information on the warning signs of dependency.

“Everybody’s got a role to play, and I think the medical community has a special and important one in how they prescribe medicine,” Herring said. “Expanding the medical community’s engagement with the issue is critical from diagnosis to recovery.”

Herring said he’s hopeful because of the relatively new bipartisan momentum behind treating addiction as a medical concern, a guiding principle of the state’s common-sense approaches to the opioid epidemic.

“When we started working on this almost three years ago, the issue resonated with lawmakers in a bipartisan way, with advocates, and with the law enforcement community,” Herring said. “People were able to come together, and this issue has continued to generate bipartisan support and action. We also continue to see people’s understanding of addiction get better. These are all encouraging signs to me.”

Herring said he draws an important lesson from the many families he’s talked with who have experienced loss due to the epidemic.

“Seeing parents and families who have suffered heartbreak and turned that into action and hope for other families keeps me hopeful,” Herring said. “These are incredibly powerful drugs. We can’t pretend like this is a problem that has a simple solution that’s going to go away easily.”

Paul Brockwell Jr. is a writer and editor at the University of Richmond.
THE HAPPY

By Emily Cherry
Illustrations by Katie McBride
It’s not news that lawyers are susceptible to unhappiness. They have a stressful job, rife with arguments, long days, and taking on the problems of clients. Law is also the lone field where pessimism is linked to success.

But could there be another way?

By Emily Cherry
Illustrations by Katie McBride
IN HIS THIRD YEAR OF LAW SCHOOL, Luke Bresnahan, L’16, made the decision to switch out of a course in Mindfulness and the Legal Profession. “I assumed that, based on the other individuals in the class and the strict curve applied to the course, it would be difficult to add another coveted A to my transcript,” wrote Bresnahan. “Instead, I enrolled in a course in which I had no interest because I was sure I’d be able to maintain my GPA.”

Still, the choice stuck with him and nagged him to dig deeper. He was tapping into a series of worries increasingly being examined by those inside and outside the legal profession: Why are legal practitioners so unhappy? Does the profession somehow value perfection over well-being? Is discontent a feature, not a bug? Do the long hours of stress and arguing just make it more appealing to people who are already unhappy? And, most importantly, how can the culture change?

Bresnahan decided to investigate in an independent project, “Healing Our Profession from Within.” He combined personal narrative with research to offer theories behind — and solutions to — unhappiness in law school and the legal profession.

Bresnahan’s study is part of a growing collection of books, news coverage, and articles on the topic. Unhappiness in the legal profession has become part of popular culture, with coverage ranging from media stories like CNN’s 2014 “Why are lawyers killing themselves?” to academic scholarship like Martin Seligman, Paul Verkuil, and Terry Kang’s 2001 “Why Lawyers are Unhappy,” published in the Cardozo Law Review. And it’s this field of research, and experiences like Bresnahan’s, that have led many law schools to integrate the study of wellness and the “practice” of happiness into their curricula. There’s Personal Satisfaction in Legal Practice at Stanford, or Well-Being and the Practice of Law at Duke — or The Happy Lawyer at the University of Richmond.

The Happy Lawyer course, which launched in the fall of 2016, was developed by dean Wendy Perdue and professor Christopher Corts, who primarily teaches legal writing. They wanted to find a way for students to engage in active thinking about professional satisfaction.

“One of the goals is that by going through this course, students will appreciate how to measure happiness, how to define happiness,” Corts said. Perdue added, “It’s important for us as legal educators to give students the toolbox of skills that will allow them to be successful.”

The class meets three times a semester for a full academic year and is offered for one pass-fail credit. Each class centers on discussion related to an assigned reading. Local practitioners also make guest appearances. During the first semester, alumni discussed their personal experiences with the pursuit of happiness in the profession, and the group heard from a member of Lawyers Helping Lawyers, an organization dedicated to supporting attorneys with addiction and substance abuse problems. The goal was “to pull from a diverse set of professional experiences and personal narratives,” said Corts. “I wanted students to hear actual practitioners of law who’ve navigated the pressures of law school.”

The content isn’t the only creative component of the class; the format is unconventional, too. Each session meets at Perdue’s home for dinner on a Sunday evening.

“We capped the course at 10 because that’s how many people can fit around my dining room table,” Perdue said. The intimate format was an intentional and carefully planned aspect of the course, which relies on honesty, good listening, and solid communication skills.

“There is something about sharing a meal with your fellow humans that changes the nature of the interaction,” Perdue said. And, as 3L Colin McNamara put it, “The idea of having dinner at Dean Perdue’s house was just awesome.”
THE PURSUIT OF HAPPINESS

The Happy Lawyer was devised after a conversation between Perdue and Corts, who has a master’s degree in theology, about the differences between educating lawyers and ministers.

“Not surprisingly, the emphasis on self-reflection and self-examination is one component of seminary that’s not as present at law school,” Perdue said. “But the two areas — ministry and the law — are actually a lot alike. We are in a service industry, one that requires a connection with others. Doing that effectively requires more self-reflection.”

That’s why Perdue and Corts ask participants to start each session by sharing something that incited happiness since the last meeting. The idea, 3L McNamara said, is that “you’re constantly checking in with yourself … to make sure that you are noticing the things in your life that are good and not just dwelling on the stress and angst that can come with the legal profession.”

It’s that stress and angst, after all, that have brought these students to explore the role happiness — or its absence — might have in their future careers. Numerous studies point to higher levels of depression, substance abuse, and divorce in the legal profession. It’s what led 2L Julia Miller to ask several attorneys about their experiences before she applied to law school.

“Almost all of them told me, ‘Don’t go to law school. Don’t do it. You’re going to be miserable, not just in law school, but in the legal field.’”

But Miller felt strongly that the legal field was a good fit for her. “Obviously, I didn’t take their advice,” she said.

She and the students in The Happy Lawyer are looking for ways to combat those trends. “I’d love to learn some ways to be proactive … at learning about happiness and what contributes to it,” she said. “How, even if you’re a young associate in a major law firm, you can create happiness in a lot of different ways.”

THE LAWYER OR THE LAW?

Before researchers can tackle these problems, they first have to uncover the sources of unhappiness — and that can be a complicated web.

Many law students are drawn to the field for the chance to help people. They’re searching for purpose and meaning in their careers. “It’s our generation of students … that is looking for something more than a career that just pays the bills,” Miller said. “We’re looking for more purpose during the 9 to 5 as well.”

That the legal profession is susceptible to unhappiness is not news to law students. “We’re uniquely dispositioned for misery,” said McNamara. “We speak for people who can’t speak for themselves because they don’t know the language, and they don’t know the profession. Taking on someone else’s problems, making someone else’s misery your own — you have to keep distance … but to a certain extent it’s unavoidable.”

Tensions arise when their vision of helping others starts to meet the realities of life. As Corts explained, students “tend to come in as 1Ls with a very idealistic vision of being a certain type of lawyer. As law school unfolds, realities start to creep in. In many cases, they start to lose that vision.”

It can be even harder to keep that purpose in mind when facing debt after law school. “When you have $100,000 hanging over your head, you tend to cast aside purpose and mission in the interest of expediency and in the interest of not living in poverty the rest of your life,” McNamara said.

Once a lawyer graduates and enters the workplace, other challenges may arise. According to Nancy Levit and Douglas Linder, in their book also titled The Happy Lawyer, “Researchers suggest that lack of control is linked to depression and noted that lawyers and secretaries (two of the three highest-risk groups) have relatively little autonomy.” 2L Miller agrees: “We all want to feel like we’re in a little bit of control over what we’re doing.”

Some researchers argue that it’s not just the rigors of the field at play. The personality traits that make lawyers well-suited for their careers could also contribute to their unhappiness. Seligman, Verkuil, and Kang took on that concept in their popular 2001 study.

Part of the answer, they argued, is in one key trait: pessimism. In most circumstances, pessimism is not an asset. “Pessimistic undergraduates get lower grades,” they said, and even “pessimistic swimmers have more sub-standard swims.”

However, their research revealed a striking correlation between pessimism and success in law school, and that pessimists may fare better in the field. But, they continued, while pessimism may make for a better lawyer, it doesn’t necessarily lead to a happy person.

“Pessimism is well-documented as a major risk factor for unhappiness and depression,” they said. “Lawyers cannot easily turn off their pessimism (i.e., prudence) when they leave the office.”

OBSTACLES, AND SOLUTIONS

Over those meals at Perdue’s house, the students in The Happy Lawyer have examined and discussed many sources of unhappiness — as well as some
possible solutions. The positive psychology movement is a central focus of much of this conversation. It’s what Corts described as “the way psychologists have found that human beings are motivated by things other than rewards.” That includes things like autonomy, but also mastery and purpose.

For Perdue and Corts, these conversations are a way to prime law students for a lifetime of self-reflection that could lead to career decisions that prioritize well-being.

Happy graduates, they argued, are good for Richmond. Last year, the law school conducted an alumni survey, gauging their ability to thrive based on Gallup’s Five Essential Elements of Wellbeing: career, social, financial, physical, and community.

“We want a body of alumni who are satisfied on all these fronts,” Perdue said. “We are a stronger organization if our alums are thriving.”

Today’s graduates are more likely to have help overcoming barriers to happiness. Some firms and corporations are incorporating resiliency programs and well-being offerings into their employee benefits packages in an effort to promote retention. As Seligman and his co-authors put it, “Unhappy associates fail to achieve their full potential at a cost to them, their firms, their clients, and even their families.”

In other words, a happy lawyer is good for the organization, too.

For students and lawyers, the happiness solution will continue to be a complicated match-making process that involves examining oneself, examining prospective employers, and hazarding a guess on the best fit.

“The perfect job is the one that lies at the intersection of our deeply held values, our personal strengths, and our pleasures,” according to the authors of The Happy Lawyer.

Miller has learned the importance of “putting [the work] into a context where there’s purpose behind it; realizing and remembering that you’re doing it for a human being — what you do does matter.”

McNamara said he expects stress to be part and parcel of the job.

“But what I’ve decided is that it doesn’t have to be the whole job,” he said. “We can do our jobs, ... we can represent our clients with zealous advocacy, but we can also be happy in the process.”

Emily Cherry is director of communications for the University of Richmond School of Law.
The U.S. State Department’s speaker program invited Azizah Al-Hibri to lecture at institutions in the Philippines in August. King Muhammad VI of Morocco invited her to serve as the Dars Hassani Lecturer on “The Vice of Arrogance in its Modern Manifestations,” and she participated in a discussion before the Commission on Muslim Women addressing the impact of Sharia’s councils. CNN interviewed her about how Muslims break stereotypes and end social alienation.

Labor Law Journal published Steve Allred’s article “Rejecting the Tattooed Applicant.” See Page 6 for more about it.

Virginia Lawyer published Paul Birch’s website review on the Government Printing Office’s new govinfo.gov site.

Hamilton Bryson edited Reports of Cases in the Court of Chancery in the Middle Ages and Miscellaneous Reports of Cases in the Court of Delegates from 1670 to 1750. University of Richmond Law Review published his article “Some Thoughts Raised by Magna Carta: The Popular Re-election of Judges.”

Dale Cecka contributed a chapter on Price Waterhouse v. Hopkins to Feminist Judgments: Rewritten Opinions of the United States Supreme Court.

Hank Chambers contributed an article on the president as a spiritual leader in Frontiers of Spiritual Leadership. NBC12 and Virginia Business interviewed him for articles about Gov. Bob McDonnell, and The Christian Science Monitor interviewed him about the restoration of felons’ voting rights.

Christopher Corts and Laura Webb presented at the sixth annual Capital Area Legal Writing Conference at the University of Maryland on “Using Cognitive Science in the Persuasive Writing Classroom.”

Chris Cotropia and Jim Gibson submitted commentary to the U.S. Copyright Office about higher education and the Digital Millennium Copyright Act.

The National Constitution Center’s Interactive Constitution Project included two submissions by Paul Crane on the Treason Clause.

The Delaware Supreme Court cited John Douglass’ 2005 Columbia Law Review article “Confronting Death: Sixth Amendment Rights at Capital Sentencing” in a concurring opinion on the decision striking down the state’s death penalty.

In a review on Jotwell, Felix Mormann identified Joel Eisen’s 2015 U.C. Davis Law Review article “FERC’S Expansive Authority to Transform the Electric Grid” as one of the best recent works of scholarship on energy law, and Harvard Environmental Law Review published Eisen’s article on the path to a cleaner electricity sector. Eisen contributed chapters to Delivering Energy Law and Policy in the EU and the US and Research Handbook on Climate Change Mitigation Law. He presented on carbon trading and fees to the Harvard Electricity Policy Group, on energy and environmental issues in the 2016 election at Virginia Wesleyan College, on electricity as currency at a University of Texas conference, and on FERC’s authority over carbon pricing in a Nicholas Institute for the Environment webinar.

Jessica Erickson was a panelist at a Virginia Bar Association CLE on the impacts of the 2016–17 Supreme Court term on the business community and a presenter at the Corporate & Securities Litigation Workshop at the University of Illinois on the unchanging derivative suit, at Duke’s Conference for Empirical Legal Studies on parallel derivative suits, and at a University of Oklahoma symposium on shareholder litigation.

Alexis Fetzer presented at the Southeastern Chapter of the American Association of Law
Libraries annual meeting on ways to improve teaching in a legal research class. Her article “Free Access to Law of the European Union and its Member States” was published in *Virginia Lawyer*.


Meredith Harbach presented her forthcoming *Journal of Gender, Race, & Justice* article “Nudging Parents” at the Willamette Faculty Workshop and the Junior Faculty Workshop, and at the Southeastern Association of Law Schools annual meeting. She presented a work in progress, “Childcare and the New Parens Patriae,” on a panel at the Law & Society Conference.

Mary Heen contributed to a letter asking the U.S. House of Representatives to reject impeachment or censure of IRS Commissioner John Koskinen. She presented on anti-discrimination efforts in insurance at the invitation of the U.S. Treasury Department’s Federal Insurance Office in Washington, D.C., at a meeting of the Federal Advisory Committee on Insurance.


Chiara Giorgetti presented on “Selection and Removal of Arbitrators in International Investment Arbitration” at the SIA/QMUL and ICSID Joint Arbitration Symposium in London, on “Standards for Independence and Impartiality in Investment Arbitration” at the SIA/QMUL and ICSID Joint Arbitration Symposium in London, and on “Selection and Removal of Arbitrators in International Investment Arbitration” at a conference in Baltimore, and on the feasibility of a multilateral approach to reform international investment arbitration at an American University Washington School of Law conference. She contributed a chapter to *Reconceptualising the Rule of Law in Global Governance, Resources, Investment and Trade*.


Julie McConnell presented a session on representing children who have experienced trauma at the Adverse Childhood Experiences and Community Resilience Summit; the keynote address for the Best Practices Court Training; a teleforum on discipline and law enforcement in K–12 settings; a session on clinical experiences and resiliency at the American Association of Law Schools Clinical Conference; and a plenary presentation on the school-to-prison pipeline at the Robert E. Shepherd Juvenile Law and Education Conference.

Richmond Journal of Law and the Public Interest published Shari Motro’s article on mindfulness, writing, and the “inner lawyer.”

The University of Richmond presented Kristen Osenga the Distinguished Educator Award. She was a panelist for a Federalist Society teleforum on the FTC’s Patent Assertion Entity study, and IPWatchdog published her op-ed on the FTC’s Patent Assertion Entities study.

Wendy Perdue is president-elect of the American Association of Law Schools. The seventh edition of her book *Civil Procedure: Cases, Materials, and Questions* was published.

As a guest blogger for PrawfsBlawg, Jack Preis contributed articles about grading curves, the next personal jurisdiction issues for the Supreme Court, and the great academic novel.

Doron Samuel-Siegel developed and taught a CLE for the Charlottesville-Albemarle Bar Association called “Persuasive Writing: Brushing Up and Branching Out.”

Roger Skalbeck presented on trends in legal aid technology at the Virginia Poverty Law Center’s statewide conference. The American Association of Law Libraries included his article on communicating value with qualitative content in the white paper Defining ROI: Law Library Best Practices.

UC Davis Law Review published Andy Spalding’s article “Deconstructing Duty Free: Investor-State Arbitration as Private Anti-Bribery Enforcement.” In a letter to the editor published by the The Economist and an op-ed in USA Today, he addressed Brazil’s anti-corruption legacy following the Olympics.


Kevin Walsh wrote a Richmond Times-Dispatch op-ed about Gov. Terry McAuliffe’s comments on the Supreme Court of Virginia’s decision holding unconstitutional his voting rights restoration order. The Associated Press quoted Walsh in an article about North Carolina’s HB2 law, and NewsWorks radio interviewed him about Justice Antonin Scalia’s death.

The American Association of Law Libraries selected Jason Zarin to attend its leadership academy.

FACULTY PROFILE

History and law

Jud Campbell

Jud Campbell’s career — and education — have been shaped in large part by his research agenda. During his undergraduate years at the University of North Carolina at Chapel Hill, he would break from his studies in math and political science on the weekends to head to the archives in Raleigh and write history papers for fun. He was drawn, in particular, to 1780s and ’90s U.S. political history.

He followed that interest to the London School of Economics, where he pursued master’s degrees in economic history and the theory and history of international relations.

“That turned out to be a really fortuitous decision,” he said, “because that work set the stage for the work that I did in law school for constitutional history.”

Following law school (Stanford) and two clerkships (Judge Diane Sykes, 7th Circuit; Judge José Cabranes, 2nd Circuit), Campbell started looking for a job “that wouldn't require me to make other people’s arguments for them.” Plus, he added, “It’s very difficult to practice in constitutional history.” He put his research and experience to use as executive director of the Constitutional Law Center at Stanford Law School.

Campbell’s research reflects his dual interest in history and law, and his work — with articles in publications such as Stanford Law Review and Yale Law Journal — often uses a historic lens to examine issues of constitutional law. His “love for legal thought” eventually attracted Campbell to academia and to the position at Richmond Law, whose faculty he joined in fall 2016.

Today, Campbell brings a passion for problem-solving to students in his constitutional law classes. What he found in law school was that “no matter how boring the problem seemed, I loved thinking through legal problems,” Campbell said. “I really wanted to bring that excitement and challenge to students for the rest of my career.”

—Emily Cherry
The summer after the first year of law school is an opportunity to begin putting theory into practice. Three students did just that at the chief staff attorney’s office for the Supreme Court of Virginia.

For Etahjayne Harris, Katie Love, and Kathleen Pulver, working at the Supreme Court provided access to cases experienced by very few lawyers.

“The Supreme Court receives some of the most unique legal issues, as they are at the highest level of appeal,” Pulver said. “Many cases addressed situations that most people will never encounter, or only encounter once, as a lawyer.”

Pulver said her days in the chief staff attorney’s office were often spent reviewing the records of cases on appeal — including transcripts and opinions from the trial court and court of appeals — and writing a memo about the case. These memos were used by the Supreme Court to determine which cases to review and to see if the case filings complied with court rules. The interns sometimes included their own recommendations on whether appeals should be granted and provided independent legal analysis.

In addition to the look inside a distinctive work environment, the interns worked on a wide range of cases, such as “criminal appeals involving malicious wounding, grand larceny, and embezzlement charges,” Harris said.

That variety adds up to a pretty impressive summer experience.

—Allison Tinsey, L’18

### Carrico Center offers pro bono services at transgender summit

Proper identification that matches a person’s name and gender marker is necessary for navigating everyday life. However, people presenting a new gender identity often face challenging and complex processes for updating documents and records.

In October, the Virginia Equality Bar Association and the Carrico Center partnered to simplify this process by offering pro bono legal services at the Transgender Information and Empowerment Summit. The annual event, organized by Equality Virginia, offers resources, information, connection, and inspiration for transgender and gender-nonconforming Virginians, their caregivers, and the professionals who serve them.

To prepare for the pro bono clinic, six law students joined volunteer attorneys from VEBA, Whitman-Walker Health, and the National Center for Transgender Equality for a two-hour training. They learned how to assist clients interested in name and gender marker changes on documents ranging from birth certificates to driver’s licenses. The students then teamed up with the volunteer attorneys to help approximately 30 clients through the processes to have their legal identifications reflect more accurately who they are.

“I’ve been really encouraged by our law student interest in this,” said Tara Casey, director of the Carrico Center for Pro Bono Service. “I always find it to be heartening because it means that we have students who care about these issues and want to be of service.”
**Students’ brief reverses ruling**

In early November, student Adam Rellick, L’17, argued a case for spousal support in Richmond Juvenile and Domestic Relations Court in front of Chief Judge Ashley Tunner, L’95. Tunner ruled the case was res judicata, or already adjudicated, and she was unable to order support.

Rellick, along with fellow student Lucy James, L’17, and professor Dale Cecka, countered that the court had only statutory powers and, as a result, couldn’t permanently terminate a right to spousal support. Tunner tasked them to write a brief explaining their position.

The duo presented their brief on Nov. 15, after which Tunner reversed her earlier decision. She thanked Rellick and James for shedding light on the issue.

“We had consulted with several prominent family law attorneys across the state, and no one had ever litigated this issue,” Cecka said. “They were very eager to hear the result.”

**Fellowships help graduates bridge the gap**

After graduation, Clint Seal, L’16, was ready to get to work. But with plans to work in the public sector, his ability to apply for jobs was on hold until the results of his bar exam were in.

“If you want to work with a private firm, they can hire you before the bar results come out; they just can’t bill your work out as attorney hours,” Seal said. “For government jobs, you can’t apply, you can’t interview, they can’t even talk to you about a job.”

Instead, Seal received one of Richmond Law’s Bridge to Practice Fellowships, which allowed him to spend the summer working for the public defender’s office in Charlottesville, Va.

The four-month program is a launch pad for students planning to pursue careers in government and public interest law. They gain valuable work experience while preparing to take the bar. Since its inception in 2012, the program has quadrupled in size; 20 recent graduates benefited from fellowships in 2016, bringing the total number of fellows to 58.

Last year’s graduates secured fellowship positions across the country, ranging from the disAbility Law Center and the Virginia attorney general’s office in Richmond to the Harris County district attorney’s office in Texas. Six fellows worked for commonwealth’s attorney offices, while five more worked on the other side of the aisle in public defender offices.

Some students parlay their fellowships into full-time positions. After spending last summer in Harris County, Micala MacRae, L’16, was hired as an assistant district attorney.

Many more cite their experiences when interviewing for positions with other government agencies. Seal’s summer at the Charlottesville Public Defender’s Office allowed him to hit the ground running when he joined the public defender’s office in Staunton, Virginia, later that year.

“I think when you’re starting out, any amount of experience is invaluable,” Seal said. “I was trying cases in general district court, helping try jury trials in circuit court, researching, writing, helping out with administrative stuff in the office; it was a little bit of everything. I spent four months getting a little bit better at this job.”

“The Bridge to Practice fellowship gives people that breathing room so that they can wait for bar results to come out and then get a job in the public sector.”
The vision of the Lillian Goldman Law Library at Yale Law School is not modest: “To be the best academic law library in the world.”

In the summer of 2016, Teresa Miguel-Stearns, L’94, became its director.

Yale regularly ranks as the nation’s top law school. Miguel-Stearns and her colleagues support students as they meet their substantial writing requirements and represent clients in clinical practice. They also help faculty prepare to testify before Congress or practice in the International Court of Justice.

Miguel-Stearns enrolled in the information and library science master’s program at University of Arizona after nearly a decade as a public defender. A course with the law library director showed her how she could combine her interest in academia with her legal expertise.

She finished her degree in 2005 and took a position at Yale’s law library specializing in foreign and international legal research and collection development. That led to her appointment a decade later as the library’s director.

Miguel-Stearns worked on the library’s first mass digitization project. They collected, digitized, and made publicly available almost 150 student notebooks from Connecticut’s Litchfield Law School, the nation’s first law school. Such projects contribute to the U.S. historical and scholarly record, specifically around the development of legal education.

“I spent countless hours at my carrel in the law library” at Richmond Law, she said. “I have a great appreciation for the importance of the library as a third space, as a home to law students.”

**Lifesaving legal**

For many lawyers, their work can be a matter of life and death. That’s more than true for Jason Livingston, L’97, at the United Network for Organ Sharing (UNOS). UNOS is headquartered in Richmond, and Livingston is general counsel, working at the complicated intersection of law, medicine, and ethics.

“We have to often determine whether planned transplants conflict with the law,” Livingston said. “If someone has a novel idea for allocating an organ, the laws may not permit it. You can’t legally give any valuable consideration for an organ, but the law doesn’t define what that is and isn’t.”

Livingston joined the UNOS legal team in 2001 and now leads the department. His day-to-day work involves the intricacies of organ allocation policies and procedures, but the goal is always clear.

“We’re transplanting more people than ever, but people are being added faster than we can find organ donors,” Livingston said. “Our No. 1 goal is to reverse that trend.”

Teresa Miguel-Stearns, L’94, was recently appointed director of the Lillian Goldman Law Library at Yale Law School.
We want to hear from you. Send us your note via the “Submit a Class Note” link at lawmagazine.richmond.edu; email us at lawalumni@richmond.edu; or contact us by mail at Law Alumni, University of Richmond School of Law, University of Richmond, VA 23173, or at 804-289-8028.

1960s

Louis A. Rosenstock, L’66, retired and moved to Florida to live closer to his daughter.

1970s

The Hon. Thomas O. Bondurant Jr., L’74, has been appointed to the Henrico County General District Court.

Bob Flax, L’77, and his wife, Marilyn Lipsitz-Flax, W’69, spent two weeks at the Chautauqua Institution in southwestern New York. They write, “We heard lectures, concerts, and discussions and enjoyed beautiful weather and wonderful people.” Marilyn and Bob still work together.


1980s

The Hon. Bonnie C. Davis, L’80, retired from the 12th District Juvenile and Domestic Relations District Court after 23 years on the bench.

Edward V. O’Hanlan, L’82, received the 2016 Robinson + Cole Mentor of the Year Award, which recognizes outstanding guidance, support, and encouragement of fellow lawyers in their pursuit of professional growth.

The Virginia Association of Defense Attorneys presented Mary M.H. “Molly” Priddy, L’82, its 2016 Award for Excellence in Civil Litigation.

Maryse Celine Allen, L’85, was elected bar council representative for the 31st Judicial Circuit of Virginia.

Daniel L. Freye, L’86, retired from the Defense Logistics Agency, where he served as senior fraud counsel, after 24 years of federal service. He serves on the board of directors of the Scottish Rite Childhood Language Center.

Bill Benos, L’88, an adjunct professor at Richmond Law, and George Hiller, L’91, an adjunct professor at the Robins School of Business, work with area businesses to develop market-entry strategies in Latin America.

Gloria L. Freye, L’88, retired from McGuireWoods after 26 years in private practice. In 2016, she was appointed planning commissioner for the Clover Hill District of Chesterfield County, Virginia.

1990s

George L. Hiller, L’91, received the 2016 Adjunct Faculty Teaching Award from the Robins School of Business. Hiller also received a Fulbright Specialist Program award from the U.S. Department of State for an international teaching assignment.


Scott H. Wolpert, L’91, practices in the education law practice at Fort Washington, Pennsylvania-based Timoney Knox. He has more than 20 years’ experience in education and special education law and litigation.

Reese Jackson, L’93, was named president and CEO of Chesapeake Regional Healthcare.

Alicia Zatcoff, L’94, is the sustainability manager for the city of Richmond. She heads the RVAgreen program and led sustainability efforts when the...
city hosted the 2015 UCI Road World Championships. Her efforts and the city’s energy management program were recognized when the city received the 2016 U.S. Conference of Mayors Climate Protection Award.

Nadine Marsh-Carter, L’95, was elected school board member for Richmond Public Schools.

The National Federation of Press Women named Bonnie Atwood, L’96, a runner-up for the 2016 National Communicator of Achievement. Bonnie owns Tall Poppies Freelance Writing and writes about family, health, and human rights. She also is a lobbyist for professional associations and nonprofit organizations. She is immediate past president of Virginia Professional Communicators, which named her the 2016 statewide Communicator of Achievement.

Vijay Mago, L’96, joined the new Richmond branch of the Chicago-based firm O’Hagan Meyer.

Kristine Dalaker Kraabel, L’97, was a visiting scholar at the Center for Oceans Law and Policy at the University of Virginia School of Law in the fall term and is working on a doctorate at the K.G. Jebsen Centre for the Law of the Sea at the University of Tromsø in Norway.

Stephen McCullough, L’97, is a justice of the Supreme Court of Virginia. He was sworn in as the court’s 106th justice in May. Previously, he was a judge on the Court of Appeals.

Mary Beth Long, L’99, has relocated to Jersey City, New Jersey, after three years in Chicago and four years in Bermuda.

2000s

Brock Harlan Cole, ’01 and L’06, and Sarah Grandy Cole live in Glen Allen, Virginia, with their three children. Brock is first vice president and corporate counsel for SunTrust Bank. Sarah rents out their vacation properties.

David Freedman, L’01, received the Light of Liberty Award from the Pennsylvania Immigration Resource Center to recognize his service as pro bono attorney of the year.

Mason L. Byrd, L’02, was named director of Virginia’s Department of Magistrate Services.

Joshua S. Cumbo, L’02, was elected a commonwealth’s attorney for Washington County, Virginia.

The Southern Environmental Law Center named Sarah Francisco, L’02, director of its Virginia office.

Jane Reedy Leylegian, L’02, has joined Ardent Fox in its Washington, D.C., office as a real estate specialist.

Christopher Cooper, L’03, was named partner at Howick, Westfall & Kaplan in Atlanta.

Tom Garrett, ’94 and L’03, was elected to the U.S. House of Representatives, representing the 5th District of Virginia.

Thomas Ashton, L’05, and his wife, Lindsay, welcomed their second son, Bo Woodward, in May. He joins Kyle Benjamin, 3, at home in Mountain Home, Idaho, where Thomas works for the U.S. Air Force.

Pamela Reynolds, L’05, was named president of the Greater Rochester Association for Women Attorneys in New York.

Alex Case, L’06, spoke about artificial intelligence on a panel at the Office of Financial Research’s regulatory data workshop, held at the Office of the Comptroller of the Currency in Washington, D.C. Alex is an assistant general counsel for e-discovery at the U.S. Commodity Futures Trading Commission and lives with his wife and daughter in Annandale, Virginia.

Heather Lyons, L’06, and J. David Gardy, L’05, welcomed a baby girl, Tabitha Colette Gardy, in August. The family lives in Fairfax, Virginia.

R. Kennon Poteat III, L’06, was made partner at Williams & Connolly in Washington, D.C.


Jenny Connors, L’07, and Matt Connors, L’07, welcomed a new baby, Emma Rose Connors, in August.

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Nate Denny, L’09, was a deputy chief of staff for the U.S. General Services Administration during the Obama administration.

Heather Walczak, L’09, married Thomas Fields on Oct. 1. Several alumni from the law school classes of 2009 and 2010 attended the celebra-
tion. Heather has joined Goodman Allen Donnelly, where her practice focuses on commercial litigation, product liability, and intellectual property.

2010s

SuperLawyers named Mary Hallerman, L’10, to its Rising Stars list for Washington, D.C., for the third consecutive year. She and her wife, Nicole, welcomed a daughter, Nora. Mary continues to work at McDermott Will & Emery, where she focuses her practice on litigation in trademark, false advertising, and unfair competition.

Jennifer Huer, L’11, was hired as managing director of the Center for Health Policy and Law at Northeastern University School of Law.

Brett J. West, L’13, joined the Halperin Law Center as an associate. He focuses his practice on representing those deprived of their constitutional rights, as well as individuals who have been seriously injured by the negligence of others.

Ashley Partin Peterson, L’14, joined the firm McGuireWoods in Richmond, where she focuses her practice on commercial, business, and securities litigation. She previously was a law clerk to the Honorable Edward E. Carnes of the U.S. Circuit Court for the 11th Circuit in Montgomery, Alabama, and to Honorable Glen E. Conrad of the U.S. District Court for the Western District of Virginia in Roanoke, Virginia.

Knotty puzzles and problems?
All part of his carnival

Ron Phillips, L’94

Ron Phillips, L’94, likes puzzles. When he isn’t clocked in as senior vice president of human resources for Carnival Cruise Line, Phillips gets his thrills from escape rooms, where participants are locked in a room and must solve timed puzzles in order to earn their freedom.

“The process of trying to solve puzzles … keeps you sharp,” he said.

But more difficult than locating clues and deciphering codes are the puzzles Phillips faces every day at CCL, a division of Carnival Corp. With about 37,000 employees from around the world working as sailors, comedians, cooks, and more, CCL presents a challenge to its human resources department. But it’s perfect for Phillips, who invites any chance to problem-solve.

Phillips spends most of his time coaching employees, managing conflict resolution, interpreting maritime law, and devising ways to better engage employees. He boards a ship about once a month and hosts town halls to meet the workers he serves.

“We know happy employees mean happy guests,” Phillips said. He would know; he has been on more than 20 cruises, traveling to destinations such as Europe, Alaska, and the Caribbean. His familiarity with the cruise industry was part of his attraction to CCL.

Before working for CCL, Phillips had human resources positions at companies such as McDonald’s and Comcast. But the field hadn’t always been on his radar. After graduating from Richmond Law, Phillips moved to Washington and began studying for the state’s bar. He picked up a local human resources job to support himself while he prepared to launch his law career.

“While I was studying and working this job, I quickly realized that HR was for me,” Phillips said. “I love to help people achieve their potential.”

Phillips is an unmistakable people person, and he couldn’t have picked a more diverse, bustling place to anchor himself. On any given day, Phillips could meet a chef from Jamaica or an audio technician from England. Each ship is its own unique little town, each with its own puzzles waiting for Phillips to solve.

—Kayla Solsbak, ’18
Frances Caruso, L'15, has joined ThompsonMcMullan as an associate. Her practice focuses on insurance defense and commercial litigation. She previously was a law clerk for the Henrico County (Virginia) Circuit Court.


Christina Sorenson, L’15, accepted the prestigious Zubrow Fellowship with the Juvenile Law Center in Philadelphia.


Andrew E. Sassoon, L’16, joined McCandlish Holton’s litigation practice group. He represents employers and insurance carriers in defense of workers’ compensation claims.

When Courtney Rosenthal, L’13, went to bed on June 23, she was unaware that her world was about to change. Rosenthal, a senior associate attorney at Guggenheim Partners, a global financial services firm in the United Kingdom, didn’t expect that her country would vote to leave the European Union.

“I checked my phone the morning after the vote and was shocked to see that Leave had won,” Rosenthal said. “I think there was a general sense of, ‘What happens now?’ both from a personal standpoint and a business standpoint.”

Brexit has changed and will continue to change Rosenthal’s work in transactional law. In the months leading up to and following the Brexit vote, Rosenthal noticed a reduction in corporate loans as companies waited to see the outcome and implications of the decision. Some companies rushed to close deals before the vote, while others included “Brexit clauses” in those deals to enable them to back out should the U.K. vote to leave.

Rosenthal said uncertainty has waned as corporations have realized the separation from the EU will be a lengthy and complicated process. In all, it could take more than two years. She also said that a recent ruling, which mandated Parliament vote on starting the process of separation, seemed to be a safeguard against a “hard” Brexit, in which the U.K. would need to write new trade agreements with each of the countries in the EU. A “soft” Brexit, on the other hand, would seek to keep the U.K.’s relationship with the EU as close to the current relationship as possible, resulting in less market volatility. Rosenthal hoped for the latter.

But Rosenthal knows that the decision did not occur in a vacuum. Political changes around the world — such as Donald Trump’s presidency — will continue to affect the global economy. For now, Rosenthal is left with more questions than answers. If nothing else, in the midst of such paradigm shifts, she takes solace in the fact that the U.K.’s separation process will take time.

“For now,” Rosenthal said, “it seems to be business as usual.”

—Damian Hondares, ’17
Richmond Law Advisory Board and Student Bar Association

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