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THE UNIVERSITY OF RICHMOND

SCHOOL OF LAW ALUMNI MAGAZINE

WINTER 2020

IN THIS ISSUE: *A whistleblower and a wiretap* • *Reckoning with 'unfinished business'* • *A homegrown panel*

# Richmond Law

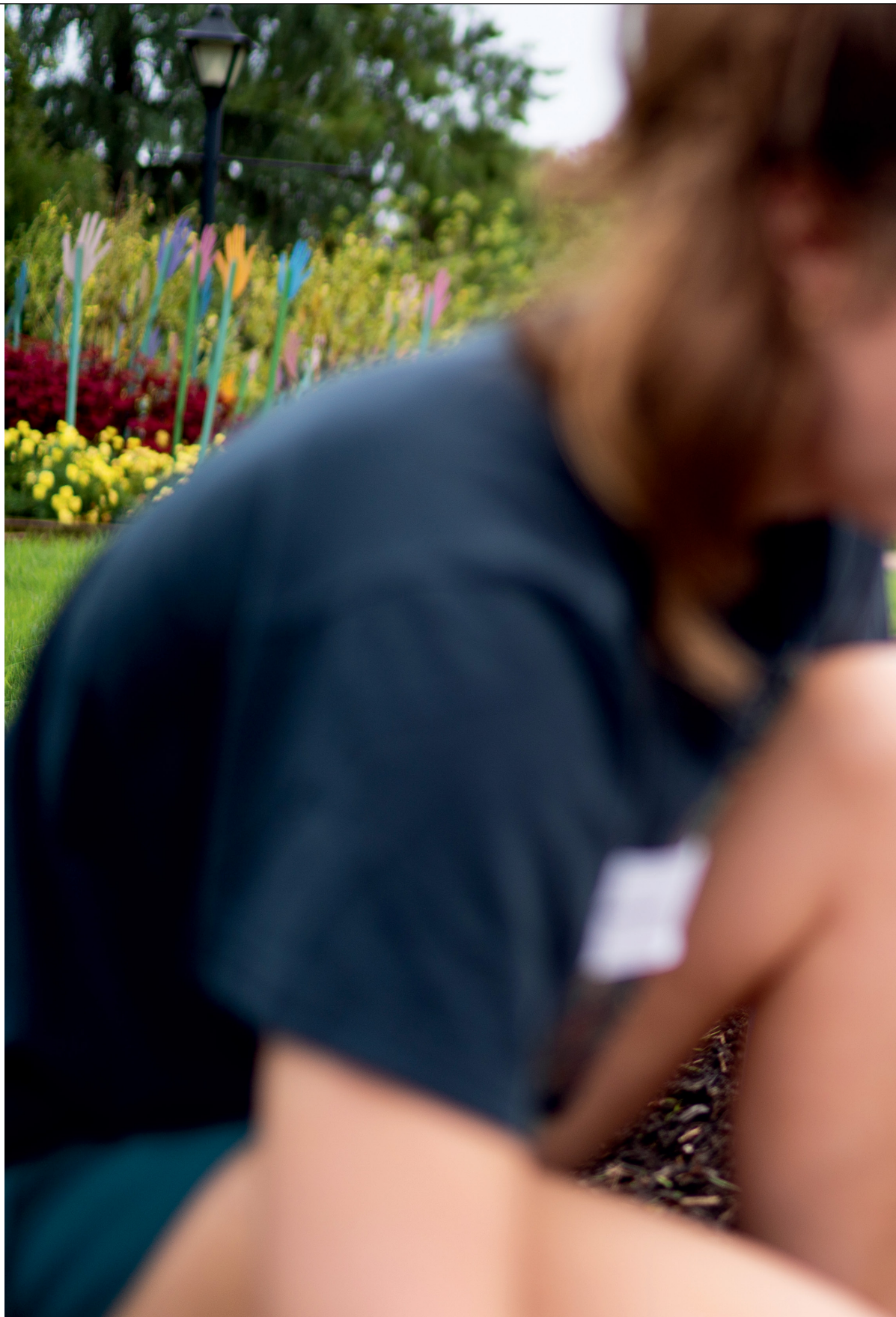
**15** years  
of fighting  
to reverse  
injustice





## IN THE TRENCHES

Richmond Law's new-student orientation culminates with a series of outreach projects connecting students with citywide community partners, such as Lewis Ginter Botanical Garden. Among the faculty and staff willing to get their hands dirty to welcome the newest Spiders was none other than Dean Wendy Perdue.



Photograph by Jamie Betts







## DEAN'S LETTER

### INSPIRED TO SERVE



Dear friends,

A question I am asked from time to time is, "Should I [or someone I know] go to law school?" In typical lawyerly fashion, my answer is, "It depends."

Mostly it depends on the reasons the person is considering law school in the first place. A 2018 Association of American Law Schools study shows that today's law students have some pretty compelling motivations to pursue a J.D. over other advanced degrees, including the following top four reasons:

- As a pathway to a career in politics, government, or public service.
- Because they're passionate about the type of work.
- Because they're looking for opportunities to be helpful to others or to be useful in society.
- To be advocates for social change.

As the stories in this edition of our magazine highlight, these four reasons are reflected in the work and the passions of our current students and our alumni. You'll find the story of a group of remarkable African American alumni judges who forged their careers in public service. Another article highlights the work of two alumni who found their passion in representing whistleblowers in federal fraud cases. You can also read about the 15th anniversary of our Institute for Actual Innocence — one of our four in-house clinics in which our students serve our community — and an excerpt from Yale Law professor James Forman's September talk on mass incarceration, which left many of our students ready to be advocates for social change.

Whether we're representing a client or running a business, serving in government or working for a big corporation, ours is a service profession requiring a high level of passion and commitment. What Generation Z college students are looking for in their careers is completely consistent with what Richmond Law lawyers have been doing for 150 years. The more things change, the more they stay the same!

Best,

A handwritten signature in black ink that reads "Wendy C. Perdue". The signature is fluid and cursive.

Wendy C. Perdue  
Dean and Professor of Law



## Richmond Law

### DEAN

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### COVER

Photograph by Jamie Betts

As the founding director of Richmond Law's Institute for Actual Innocence, Professor Mary Tate has been shepherding students through the world of wrongful convictions for 15 years. Tate and her students have helped exonerate the clinic's clients of crimes for which they were unjustly accused, inspiring other universities to create their own innocence projects and motivating some Richmond Law alumni to make careers out of this consequential, challenging work.



## FEATURES

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In its 15 years of existence, Richmond Law's small but mighty Institute for Actual Innocence has had an immeasurable impact on its students and its clients.

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To bring down "a Machiavellian type of scheme" by a drug manufacturer, the key witness in the largest opioid settlement in United States history enlisted the services of a pair of Richmond Law alumni.

### 22 A homegrown panel

A group of African American Richmond Law alumni with deep local ties have ascended within Richmond's legal community — all the way to the bench.

## DEPARTMENTS

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Dontaè Bugg, L'06, takes his seat on the bench

Inaugural John Bingham Lecture

A pro bono case with personal significance

Q&A with retiring professor Margaret Ivey, L'79

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Nader Salehi, L'95

Meredith Adkins, L'12

Emma Hilbert, L'15



# For the Record



Photograph by Stephen Voss

## A fresh perspective



### NO PRESSURE

Bugg met his wife, Alexis, an attorney with a regulatory agency in the federal government, while they were undergraduate students. They have a 6-year-old son, also named Dontaë.

When asked what he wants to be when he grows up, the younger Bugg says, “A judge.” But neither of his parents is holding him to that.

“I want him to be the best at whatever he wants to be,” his father said.

As a young man, Judge Dontaë Bugg, L’06, considered many potential paths for his future. Growing up in Newport News, Virginia, he had always done well academically, and as company commander of his high school’s ROTC program and state hurdles champion his senior year, he entertained thoughts of attending the U.S. Naval Academy or embarking upon a professional track and field career.

Then there were the ideas held by Bugg’s grandmother, who raised him. While she assured him that he could be anything he wanted, she suggested he consider being a lawyer or foot doctor — the latter option inspired, he laughs, by a skilled and handsome podiatrist she admired.

After enrolling at the University of Maryland on a combined academic and athletic scholarship, Bugg took the LSAT with the intention of becoming a sports agent. He hadn’t considered Richmond Law until he saw a bumper sticker while driving on I-64. During his first visit to the school, he sat in on a constitutional law course and felt comfortable enough to participate.

Later, he’d hear stories from colleagues about law schools where competitive and cutthroat students would intentionally misplace library books. Richmond Law, on the other hand, was the only school to call him directly when he’d been accepted, and Bugg recalls professors who taught him how to “think like a lawyer” and balance zealous advocacy with direct and professional practice.

Bugg worked in private practice after graduation. In 2010, he opened a criminal defense and domestic relations firm in northern Virginia. When he began to ponder service as a judge, the circuit courts appealed to him.

“My preference was to be in circuit court because of all my jury trial experience and the diversity of cases that you see there,” he said.

Bugg served as a substitute judge for the General District Court and Juvenile and Domestic Relations District Court in Fairfax County, Virginia, before taking the bench in Fairfax Circuit Court in 2019.

The first African American judge appointed in the county in 27 years, Bugg feels his role’s weight. “The law impacts or touches everybody,” he said. “The justice system is only as good as the faith that the people have in it.”

As someone who has endured the insult of being presumed to be a defendant in courtrooms, rather than an attorney, diversity — of perspectives, experiences, and backgrounds — is an area in which he sees room for improvement in the legal profession as a whole.

“There are times when it is really reaffirmed to me that it’s important to have folks like myself that came from my background, have my life experience, and have that diverse perspective involved in the justice system,” Bugg said, “whether it’s representing private individuals or being on the bench.”

—Cheyenne Varner, ’13



## PROVIDING CONTEXT

# An auspicious start

Except among constitutional scholars like Richmond Law professor Kurt Lash and Yale Law School's Akhil Amar, John Bingham isn't typically considered a household name. But as Amar noted in Richmond Law's inaugural John Bingham Lecture, the Ohio Congressman was crucial in how "a structurally pro-slavery [United States] constitution became, in a flash, stunningly antislavery."

"America's Civil War Constitution sharply departed from America's antebellum Constitution, yet legal reformers led by John Bingham managed to maintain formal continuity with the prior legal and institutional order," Amar said at the October event, which was part of the Richmond Program on the American Constitution and organized by Lash, his former student.

Amar detailed how Bingham, a "preeminent Union Reconstruction

lawyer" admired by President Abraham Lincoln, used shrewd legal strategy to frame and ratify the 14th Amendment, including the equal protection clause. Bingham and his allies used Article V of the Constitution to assert that Southern states in the period immediately following the Civil War didn't have the standing to challenge the citizenship of formerly enslaved African Americans.

"Bingham understood that he and his colleagues were sailing into uncharted waters as they tried to improvise a sensible constitutional response to what was a singularly unprecedented event [the Civil War] in its magnitude and meaning," Amar said. "But good lawyers look for and often find plausible precedence and knowledge, familiar if dim stars to steer by, and barely glimpsed landmarks on the distant horizon that might guide the journey ahead."

## SHAPING POLICY

# International influence

In 2019, Richmond Law professor Julie McConnell found herself at the epicenter of a serious human rights issue. As director of the Children's Defense Clinic, McConnell and her students have long worked with children and families around Virginia advocating for indigent youth charged with acts of delinquency. Thanks to her new role with the International Institute for Justice and the Rule of Law (IIJ), McConnell is taking her expertise further afield.

Founded in 2014 to strengthen counterterrorism efforts worldwide, the IIJ launched a series of five trainings to extend its work to include best practices for handling juvenile cases in a counterterrorism context. The IIJ conducted the first such training in Malta in July 2019 — and McConnell was tapped as a juvenile justice expert and speaker

for the series of conferences.

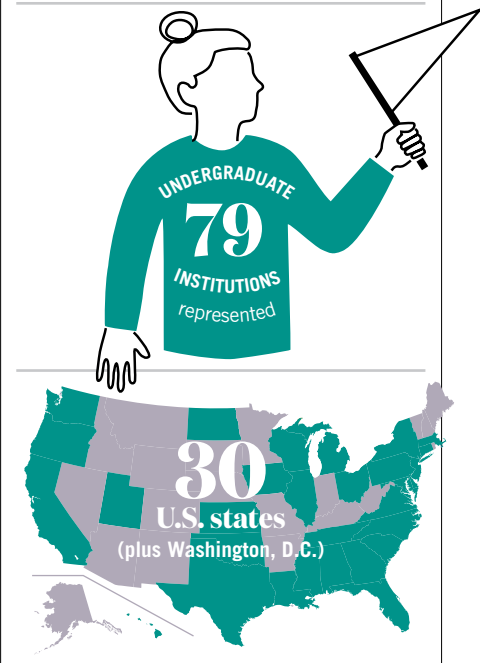
"Many countries around the world are grappling with the challenges of children being recruited into terrorist activities," McConnell said. "It is an emerging issue that these groups see children as easy targets," she added, and many countries find themselves ill-equipped to respond.

The IIJ trainings were designed to equip prosecutors and investigating magistrates, judges, defense attorneys, corrections officials, and investigators with the tools and knowledge needed to better support their countries' counterterrorism efforts in a juvenile justice context. "We want to empower the change-makers, and we want to see real change in these countries, as well as our own country, in the way that we respond to juvenile crime."

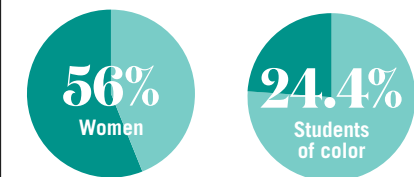
## STUDENT NEWS

### THE 1LS BY THE NUMBERS

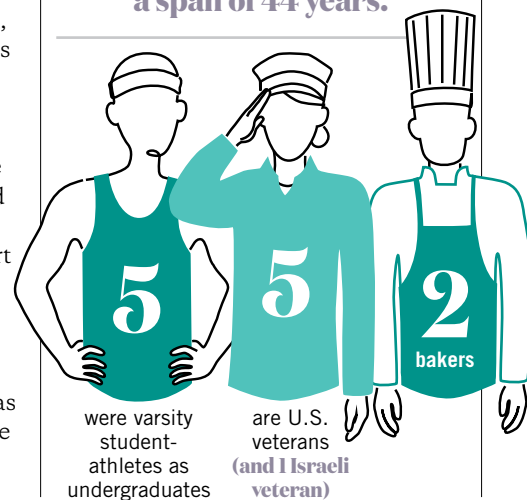
**135 students** in the Class of 2022



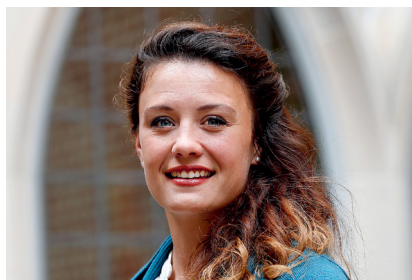
### 4 foreign countries



Youngest member and oldest member are separated by **a span of 44 years.**



## ALUMNI NEWS



### WELL-DESERVED KUDOS

For her efforts that resulted in the Virginia Board of Bar Examiners no longer asking applicants to disclose mental health treatment, Mental Health America of Virginia recognized Gray O'Dwyer, L'18, as its Advocate Champion of the Year in 2019.

As a Richmond Law 3L, O'Dwyer helped spearhead an initiative to urge the Virginia State Bar to make this change, collaborating with fellow students on letter-writing campaigns, reaching out to the media to raise awareness, and partnering with the Student Bar Association. The question, which was part of the bar application's "character and fitness" assessment, was a potential barrier to law students seeking counseling based on fears that it could affect their admission to the bar.

"If we can start people down the path that it's OK to ask for help," said O'Dwyer, who now works as an assistant attorney general specializing in environmental law. "I think we can avoid so many of the problems that have become an issue in the field and make happier, healthier, safer lawyers."

### SPIDERS IN SERVICE

The service-oriented nature of Richmond Law alumni manifests itself in a variety of ways, including within the legal profession. Here's a small sampling of the ways Spiders have served over the past calendar year:

- The installation of Richard Garriott, R'91 and L'96, of Pender & Coward in Virginia Beach, Virginia, as president of the Virginia Bar Association in January.
- Daniel Lynch, L'87, of Lynch Seli in Richmond taking office as president of the Richmond Bar Association in June.
- Also in June, Michael HuYoung, L'82, of Barnes & Diehl in Richmond being presented with the Virginia State Bar Diversity Conference's 2019 Clarence M. Dunnville Jr. Achievement Award.

## FULL CIRCLE

# Called to duty — again

Even with his duties as senior counsel of Richmond-based Dominion Energy, David DePippo, L'02, put significant time and energy into a pro bono case involving veterans.

Having attended Richmond Law on the Montgomery GI Bill after serving in the United States Coast Guard, DePippo represented an Army veteran and federal counterterrorism agent who was denied his full educational benefits to attend Yale Divinity School. His client sought to use both his Montgomery GI Bill and Post-9/11 GI Bill benefits because of his two separate tours of duty but was denied.

During his appeal, his benefits were forfeited and limited; his admission to Yale lapsed; and his age disqualified him for reenlistment.

The yearslong litigation paid off in August 2019 when the U.S. Court of Appeals for Veterans Claims ruled in favor of the veteran, who DePippo said was motivated "to make sure other people would have these opportunities." The judgment could lead to hundreds of thousands of veterans seeking higher education cumulatively receiving billions of dollars in government benefits.

## EMBRACING CHANGE



# Open to a new approach

In a course taught by Professor Doron Samuel-Siegel (above) at Richmond Law, students explore the emerging field of restorative justice. At Richmond Law's *Public Interest Law Review* Symposium in October, attendees explored the same concept.

Johonna Turner, co-director of the Zehr Institute for Restorative Justice and professor at Eastern Mennonite University, offered the keynote address. Professor Tara Casey moderated a panel with two formerly incarcerated individuals who have used restorative justice concepts to help transform their lives.

Jackie Cipolla, L'20, *PILR* symposium editor, was "thrilled" by the high level of interest in the topic, demonstrated by the 150-person waitlist for the event.

"One thing I struggled with is [that] restorative justice definitely can be more of a sociology or criminal justice reform type of topic as opposed to a legal topic," she said. "I was excited to learn there were so many people in the legal community who wanted to speak on this topic and to talk about how restorative justice is implemented in the criminal justice system."



Photograph by Jamie Betts



# Career reflections

**Q & A** After more than four decades as a member of the Richmond Law community — first as a student, then as a professor — Margaret Ivey, L'79, is putting a bow on a remarkable career.

As director of Richmond Law's Clinical Placement Program, Ivey has administered a widespread externship network that allows students to apply legal skills and knowledge in real-life settings. After nearly 30 years of service, Ivey — the recipient of the university's Story Award for Public Service in 2003 and the Virginia Bar Association's Robert E. Shepherd Jr. Award in 2015 — will retire at the end of the spring 2020 semester.

## WHY DID YOU DECIDE TO PURSUE A CAREER IN LAW?

My undergraduate thesis on Massive Resistance [an anti-school desegregation campaign led by Virginia politicians in the 1950s and 1960s] really piqued my interest. Observing social injustice — how disadvantaged people were treated — and working on several law-related matters really confirmed I wanted to be a lawyer. I also was interested in juvenile justice and initially thought I might want to be a juvenile court judge.

## WHAT WAS RICHMOND LAW LIKE WHEN YOU WERE A STUDENT?

It was more formal. When you were called on by your professors, you stood up. There was only one woman on the faculty and far fewer women law students. There was also less engagement with the community. I don't recall there being the same opportunities to get involved with pro bono activities and the various bar groups.

## WHY DID YOU DECIDE TO BECOME A LAW PROFESSOR?

When I was in college, I was trying to decide whether I wanted to go to law school or into higher education. Later, an opportunity became available for me to work with the clinical placement program as an adjunct, and that opened the door for me.

## WHAT HAS CHANGED MOST AS YOU'VE TAUGHT THROUGHOUT THE YEARS?

I think there is a greater appreciation for the value of experiential education. Justice Oliver Wendell Holmes said, "The life of the law is not logic. It's experience." I think integrating legal theory with practical experience is really crucial to the development of young lawyers, and it is rewarding to see the expansion of these opportunities for students.

## WHAT'S THE BEST PART OF BEING A LAW PROFESSOR?

Working with students has been one of the greatest joys of my career. Plus, I have wonderful colleagues. I am so lucky to be in such an intellectually rich environment, surrounded by bright, creative people.

## WHAT ARE YOUR FAVORITE MEMORIES?

I just enjoy teaching and my daily interactions with students. It's exciting to watch them develop personally and professionally, gaining new insights about themselves and the law. I especially love those "aha!" moments when they can see themselves as future lawyers and realize, "I can do this, and I can do it well."

—Stacey Dec, '20



## SWITCHING SIDES

*One of the challenges Ivey identified about joining the faculty was having her former professors become peers — and calling them by their first names.*

*"Wade Berryhill could be intimidating in class, so it took me a while to really call him by his first name," Ivey said. "He had been in a position of authority, and then suddenly we were colleagues."*

# Reckoning with ‘unfinished business’

**IN BRIEF** Richmond Law hosted James Forman Jr., a Yale Law School professor and the Pulitzer Prize-winning author of *Locking Up Our Own: Crime and Punishment in Black America*, for a lecture in September. Forman, the 2019 Order of the Coif Distinguished Visitor, spoke about issues such as the intersection of race and class in education, law enforcement, and the criminal justice system. Here is an excerpt.



## LOCAL IMPACT

Forman was introduced by Rodney Robinson, the 2019 National Teacher of the Year. Robinson, who teaches at the Virgie Binford Education Center, located inside the Richmond Juvenile Detention Center, was a student of Forman in a seminar on race, class, and punishment at the Yale National Initiative in 2018.

“James gave me purpose in my work,” Robinson said. “He let me know that what I do is the most important job, working with those who society has forgotten about, who society doesn’t care about anymore.”

I could see when I was graduating from law school that there was unfinished business to the civil rights movement. And I’m not saying this is the only area because there are more, but the area where I saw it playing it out, the area where I saw the unfinished business, was in our criminal legal system. You’ll hear me use different words. In the book, I talk about the criminal justice system, and since I’ve been working on the book, like more and more people, I’ve started to alter my vocabulary a little bit. I’m not entirely sure that the system deserves to have the word justice in the title, so you’ll hear me refer to it sometimes as that, sometimes as the criminal legal system or sometimes just the criminal system.

What I knew when I graduated from law school, even though we didn’t have the term mass incarceration then — that was a term that was created in the year 2000 by activists and advocates trying to describe this phenomenon — we had the underlying data. We already knew in the 1990s. We knew that 1 in 3 young black men was under criminal justice supervision. We knew that black women were the largest and the

fastest-growing part of the prison system. We already knew that the United States had passed Russia and South Africa to earn the dishonor of the world’s largest jailer. We, already by the mid-1990s had 5% of the world’s population and 25% of its prisons. I had seen some of the changes and transformations in American society that would help produce those numbers in my own life growing up.

I grew up in a working-class, borderline middle-class neighborhood in Atlanta, and two blocks from my home in either direction were two enormous institutions. In one direction, if you went down to the corner and turned right, you got a General Motors plant. If you went down to the corner and turned left and walked two blocks, you got to the Atlanta federal penitentiary. That’s when I was a kid. Now, fast forward 15 years later, when I’m graduating from law school. One of those buildings has shut down, jobs shipped overseas, and the other building had built an addition, an extra wing. I don’t think I need to tell this audience which is which. If I do, come see me later.



Photograph by Jamie Betts



SEMINAL MOMENTS

# Analyzing progress

As a Harvard Law student 25 years ago, Bradley Sears organized a symposium celebrating the 25th anniversary of the Stonewall riots: the “chaotic, violent night where people pushed back — people really at the margins of the LGBT community then, who would still be seen at the margins of the LGBT community today.”

Now a UCLA law professor, Sears revisited the importance of that moment in history as the keynote speaker at the *University of Richmond Law Review* Symposium’s “Commemorating the 50th Anniversary of the Stonewall Riots: Reflecting on the Rise & Evolution of LGBTQ Activism & Rights in the Law” in October.

The response to a police raid at a New York City gay nightclub in 1969, the Stonewall riots were a catalyst for social and political activism. Sears pointed out that the commemoration at Richmond Law was timely.

“Fifty years ago, no one would have foreseen a week where we had three cases before the Supreme Court; an out, gay viable presidential candidate; [and] all of the candidates, at least of one party ... speaking on a forum on LGBTQ rights,” said Sears. “They would have dreamed of this day.”

Sears pointed to tangible ways to advance LGBTQ rights — including partnering with communities of faith and grounding the work in truth and love.

“The speakers and the panels today are really ... one of the best set of topics to discuss LGBTQ rights that I’ve seen,” Sears said. “[Richmond Law] is right on the cutting edge.”

The symposium included sessions on the rise of “queer criminology,” promoting LGBTQ rights through political activism, and LGBTQ rights in family law.

FACULTY NEWS



## EXPANDING EXPERTISE

During her sabbatical semester, Richmond Law professor Chiara Giorgetti is serving as scholar-in-residence in Washington, D.C., at the International Centre for Settlement of Investment Disputes, the only global institution dedicated to international investment dispute settlement.

A renowned international law scholar, Giorgetti is focusing on a special assignments with the ICSID Secretariat, including research on a possible Code of Conduct of Arbitrators.

“I am delighted to temporarily join ICSID,” Giorgetti said. “Given the ongoing reform process in investment arbitration, this seems to be a particularly timely and interesting moment to be at ICSID.”

NATURAL FIT

# ‘Opportunity of a lifetime’



Equal parts lawyer and outdoorsman, Ryan Brown, L’05, has been preparing for what he calls his “dream job” — executive director of Virginia’s Department of Game and Inland Fisheries — since birth.

“I’ve always had a passion for wildlife,” said Brown, who was raised

on his family’s farm in Fluvanna County, Virginia.

His legal background, which includes working with or representing nearly all of Virginia’s natural resource agencies, gave him the professional experience required for his role, which he assumed in July.

In leading a staff of approximately 450 employees, supervising over 210,000 acres of land, and making policy decisions, Brown is responsible for carrying out laws and developing regulations related to hunting, fishing, wildlife, boating, and other outdoor recreational activities.

“Not many individuals are fortunate to have the opportunity to be a state wildlife director during the course of their career,” said Brown, who chose Richmond Law for its strengths in environmental law. “It’s truly the opportunity of a lifetime.”

## A HISTORICAL AUDIT

Richmond Law professor Hank Chambers and his peers on the Commission to Examine Racial Inequity in Virginia Law face a tall task: “identifying and making recommendations to address laws that were intended to or could have the effect of promoting or enabling racial discrimination or inequity.”

Appointed in September, Chambers said he was “honored to assist in this effort to examine Virginia law and identify parts of it that reflect some of the more regrettable moments in the commonwealth’s history and continue to thwart the promise of the fully equal and equitable society that all Virginians seek.”

Among those serving with Chambers on the commission — which has already identified dozens of instances of racist language — are Carla Jackson, L’00, Virginia Department of Motor Vehicles assistant commissioner for legal affairs, and Richmond Law adjunct professor Mike Herring, formerly the city of Richmond’s commonwealth’s attorney. A dozen Richmond Law students will support research efforts.

## AROUND THE SCHOOL



From left: Rebecca Schultz, L'20; Adam Winston, L'21; Allison Held, L'96; Sarah Palazzolo; and Jasmine McKinney, L'15.

## COMMUNITY CONTRIBUTION

The concept behind Richmond Law's new medical-legal partnership with VCU Health and Central Virginia Legal Aid is simple: External stressors like legal issues can have an adverse effect on well-being — and free legal services can be good for your health.

Students working out of offices connected to a new full-service grocery store in Richmond's East End neighborhood administer intake interviews, then connect clients with attorneys for legal advice in areas from housing to family law.

"There are so many social and legal factors impacting the health of this community, and our main goal is to build trust and effect positive change," said Allison Held, L'96, director of the partnership for VCU Health.

## NO LAUGHING MATTER

The fields of comedy and law don't often converge — or, as Matthew Pangle, L'20, puts it, "Usually, when someone steals a joke, you don't go to court over it."

The exception to that rule is the subject of Pangle's recent scholarship on the intersection of copyright law and comedy — a paper that won the Virginia State Bar's Intellectual Property Section Student Writing Competition. Pangle was the third consecutive Richmond Law student to win.

In "The Last Laugh: A Case Study in Copyright of Comedy and the Virtual Identity Standard," Pangle explores *Kaseberg v. Conaco LLC*, in which a freelancer brought claims against Conan O'Brien and his writers for copying tweeted jokes. When the U.S. District Court of the Southern District of California decided that the jokes met the threshold for copyright protection and that the case would go before a jury, O'Brien's team decided to settle.

Pangle's takeaway: "Courts are beginning to take jokes seriously."

## EXTRA CREDIT

# Diversified repertoires

Today's lawyers have experienced firsthand the changing nature of the legal profession, from new ways of delivering legal services to the use of artificial intelligence. As Eric Richard, L'20, said, "Lawyers are being asked to do more these days."

Richmond Law's new partnership with the Institute for the Future of Legal Practice (IFLP) supports future lawyers in building a core set of skills that supplement a traditional legal education.

IFLP member schools — of which Richmond Law is one of 18 in the United States, Canada, and Europe

in the second year of the program — send students to a three-week boot camp, followed by paid 10-week internships at businesses and law firms across the country.

Richard, one of five Richmond Law IFLP participants in 2019, spent his summer with DHL Supply Chain near Columbus, Ohio.

"Law school will give me a very specialized skill set," Richard said. "What will make me more competitive in the job market, and ultimately more valuable to employers, are skills that I can offer outside of that specialized set."

## FORWARD THINKING



# Design and conquer

Design thinking is "a problem-based approach to thinking about how to understand societal challenges and create solutions that are focused on real-world scenarios," according to Roger Skalbeck, Richmond Law associate dean for library and technology.

As part of Richmond Law's first legal design sprint, students in the school's Cambridge summer program used the concept to offer a solution to a prospective client in fields ranging from employment discrimination to religious freedom. Design thinking is "a human-centered approach to problem-solving," Skalbeck said. "You're

trying to develop empathy."

Grace Bowen, L'21, took on the topic of the death penalty, exploring ways to support family members of individuals convicted of capital crimes. Her team conceived of a state-by-state map that breaks down "everything you want to know about the death penalty in layman's terms."

"It was most challenging to word something in a way that somebody who has no legal education could understand and to present it in a way that would be appealing to others and engaging as well," Bowen said.



Photograph by Kim Lee Schmidt



# Holistic guidance

Courtnei Weaver, L'21, had seen the portrait of civil rights activist and lawyer Oliver White Hill in the hallway in the University of Richmond School of Law. Now, as the recipient of a summer fellowship established in his honor, she has reaped the benefits of Hill's legacy, including valuable guidance from mentors who once walked in her shoes.

Richmond Law's Oliver White Hill Foundation Public Service Internship Program provides a summer of funding for up to five law students who are interested in pursuing government, nonprofit, or public interest employment — specifically, in a program that “strengthens Virginia citizens and communities.”

Weaver, the president of Richmond Law's Black Law Students Association, worked with the Central Virginia Legal Aid Society last summer. After working on cases involving domestic abuse, family law, eviction, bankruptcy, employment, and consumer law, one of Weaver's primary observations is there's a need for more public service attorneys.

“There are so many [clients in need], and we can't touch them all,” she said. “[The experience] has kind of opened my eyes as to what's going on right here [in Richmond].”

Through the fellowship, Weaver worked under managing attorney Doris Causey, the first African American

president of the Virginia State Bar.

“She's kind of a big deal,” said Weaver, who praised Causey as “a great example and positive role model.”

Finding a mentor — particularly an African American female attorney like Causey, who can relate to challenges Weaver has experienced and is likely to encounter — was an important component of Weaver's legal education.

Weaver was also mentored through the Oliver White Hill Foundation, another benefit of the fellowship. A couple of times each month, “a member of the foundation reached out and wanted to hear about my experience,” she said.

“The foundation definitely cares more about students as people,” Weaver added. “They want to find someone who wants to be helped and is willing to work hard, and just help and encourage them.”

She met with seasoned attorneys over coffee or lunch to unpack her fellowship experience and ask questions about their own career paths. Receiving career advice, learning about the backgrounds of veteran lawyers, and having the opportunity to compare them to her own experiences was right up Weaver's alley.

“I'm a sponge,” said Weaver, “and I want to soak it all up.”

—Emily Cherry





By Matthew Dewald | Photography by Jamie Betts





*TO*

RIGHT *A*

WRONG

*As Richmond Law's Institute for Actual Innocence marks its 15th anniversary, director Mary Tate and former clinic students reflect on its mission, its challenges, and the value of its work.*

*In 1985,*

the commonwealth of Virginia came within nine days of executing one of its citizens for a crime he did not commit. Earl Washington Jr., a man with an intellectual disability and a tendency to defer to authority figures, was on death row after confessing to a 1982 slaying when a last-minute habeas corpus petition delayed his execution. Its central argument was wrongful conviction — that Washington was convicted as a result of being denied competent representation during trial and sentencing.

In 1993 and again in 2000, newly available DNA testing inched his case even closer to the actual truth: Not only was his trial rife with constitutional errors, he was not even the source of the biological evidence used to convict him. In other words, he was factually innocent. However, Virginia law at the time gave him no legal recourse for introducing this new evidence. Only after Gov. Jim Gilmore issued a full pardon in October 2000 was the path cleared for his 2001 release.

Shaken by the near-catastrophic outcome in Washington's case, the Virginia General Assembly in 2004 opened the door to post-conviction claims of actual innocence with legislation that gave the Court of Appeals the power to issue writs of actual innocence, subject to review by the Virginia Supreme Court.

In that same year, Mary Tate — at the time an attorney in private practice with experience in post-conviction representation — found herself at Richmond Law listening to a talk by a man named Marvin Anderson, who told his story of being exonerated after 15 years in prison with the help of the Mid-Atlantic Innocence Project. In brief remarks after his talk, then-dean Rodney Smolla voiced his hope that Richmond Law might start an innocence project.

Tate called Smolla the next day. Her message: I'll help you do it. Six months of pro bono groundwork later, she was presenting a plan to the faculty, which approved it, creating Richmond Law's Institute for Actual Innocence with Tate as its founding director.

As the clinic marks its 15th anniversary in 2020, Tate remains at the helm, having blazed a trail that has led other universities to create similar clinics, secured exoneration and other post-conviction relief for wrongfully convicted clients, and expanded the opportunities available to Richmond Law students.

The institute's mission is as much about legal education as it is about the public good. Each year, it takes on a cadre of law students, typically 2Ls, who devote hundreds of clinical hours to researching case law, writing briefs, and interviewing clients, all under Tate's direction, in felony cases in which there is credible evidence of the convicted person's innocence. The clinic also assists convicted individuals in the federal correctional system who pursue clemency relief. It focuses on Virginia.

The National Registry of Exonerations documented 2,372 cases from 1989 through the end of 2018 nationally involving people convicted of a crime and later officially declared innocent or otherwise relieved of the legal consequences of that crime. These systemic failures are much more than individual tragedies for the people wrongfully convicted and the victims whose perpetrators remain at large, says Tate.

"We cannot overstate the importance that wrongful convictions have in terms of an individual life. That is central and cannot be forgotten," Tate says. "But wrongful convictions are also tremendously dangerous in terms of a systematic threat to the legitimacy of the criminal justice system. ... They erode confidence in our justice system, and our justice system is the system that makes decisions about life or liberty."

Outcome errors such as wrongful convictions and excessive sentencing also exacerbate another pernicious issue that vexes the justice system: pervasive inequality.

These errors "do not play out randomly," Tate says. "They do not play out in a scattered fashion that we cannot predict. Wrongful convictions play out in a race-based, class-based way, meaning that if you are poor or if you are a member of a racial minority, you are much more likely to be a victim of a wrongful conviction."

Advocating for the rights of people wrongly convicted of serious crimes is a hard slog. The legal hurdles are high, the timelines are long, and positive results are few and far between.

A significant victory for the clinic can be as seemingly small as the change of a single letter to one word in one sentence of one law.

In 2013, Tate and others successfully lobbied for a change to a section of Virginia law that said that someone claiming actual innocence needed to prove that "no rational trier of fact could have found proof beyond a reasonable doubt." The word "could" was amended to read "would," lowering the burden of proof from "the whole universe of possibilities" to "what would be foreseeable to occur," Tate said.

Virginia's Supreme Court agreed, writing in a subsequent ruling that this seemingly small modification "fundamentally changed the nature" of actual innocence inquiries.

As the institute marks its milestone, Tate is proud of its

**"WE CANNOT OVERSTATE THE IMPORTANCE THAT WRONGFUL CONVICTIONS HAVE IN TERMS OF AN INDIVIDUAL LIFE. ... THEY [ALSO] ERODE CONFIDENCE IN OUR JUSTICE SYSTEM ... THE SYSTEM THAT MAKES DECISIONS ABOUT LIFE OR LIBERTY."**





*Mary Tate in conversation with Alta Viscomi, L'20. Viscomi worked with the Institute for Actual Innocence during her 2L year.*

accomplishments. She notes that the size of its staff — the legal work is done solely by her and her students — puts it at the smaller end of the spectrum among the several dozen domestic projects that do innocence and other post-conviction work. “This fact has not stopped it from securing significant wins, effecting change, and raising awareness,” she says.

As the first in-house residential Innocence Project run by a faculty member in the state of Virginia, it was a trendsetter, and others followed — William & Mary in 2006 and University of Virginia in 2008, for example. The more the better, in Tate’s opinion. More clinics mean more resources available to meet the need for competent representation and more opportunities for future attorneys to develop a deeper understanding of some of the hardest work a lawyer can take on.

“Our law students are at the very heart of our cases,” she said. “We function as a law firm, in effect.”

Students who become involved with the institute take a Wrongful Convictions course that is oriented toward legal theory and addresses the many causes of wrongful conviction. They then enroll in a clinic where they work in teams to perform legal work that spans the full spectrum of legal skills from research, writing, and analysis to negotiation, strategy, and litigation. They might also visit prisoners, interview witnesses, collaborate with forensic experts, or investigate crime scenes, depending on the needs of the case.

“You feel lucky to work on [an actual innocence case] because it feels pretty black and white,” says Alta Viscomi, L’20, who was part of the clinic during her 2L year. “Most people are going to immediately agree with you that it’s wrong that someone [who] didn’t commit a crime is in jail for that crime.”

Her experience with the clinic underscored for Viscomi the enormous difficulty of arguing for someone’s actual innocence after a conviction.

“What makes it hard is that the system is set up to distrust everyone who says they were wrongfully convicted,” she said. “At every turn, there’s this concern for backlogging the system with all these superfluous petitions, people who just can’t admit to themselves that they really did something and they just want to not be held accountable for their actions.”

If one side of the coin assumes bad faith on the part of petitioners, its flip side is an equally strong reflex to assume good faith on the part of investigators and prosecutors, Viscomi said. “It can be hard to overcome a presumption that the agency that was investigating your client was in the right and seeking justice, and your client was concealing what they did,” she said.

Viscomi came away from the clinic experience with a deep appreciation for the persistence required as cases drag out over years. As she worked on cases for current clients, she found herself reading letters that Tate had





Jens Soering is embraced after his December 2019 arrival at the airport in Frankfurt, Germany. The German national served more than 33 years in prison for a 1985 murder in Virginia for which he maintained his innocence (above).

From left: Lindsey Vann, L'12, with client Edward Freiburger and colleagues John Blume and Jill Abernethy after Freiburger's release. His conviction was overturned because evidence demonstrating his innocence wasn't presented at trial (right).

**“MOST PEOPLE ARE GOING TO IMMEDIATELY AGREE WITH YOU THAT IT’S WRONG THAT SOMEONE [WHO] DIDN’T COMMIT A CRIME IS IN JAIL FOR THAT CRIME.”**

drafted years earlier on their behalf. A video chat with a client petitioning for a writ of actual innocence from a prison in western Virginia further underscored the stakes of this advocacy.

“The client was 16 when he was sent to jail, and he is 45 or 47 now,” Viscomi said. “I think considering something like that, it’s just beyond what I can comprehend someone’s life being.

“He had interests. He had hobbies. ... I think it makes sense for a lot of people to assume that when you go to prison, especially when you’re a kid, you don’t really have an opportunity to grow past that. But I think our client, and a lot of people who get this far in the process, they’ve grown despite all of the oppression and the lack of stimulation and the violence that they face in their day-to-day lives.”

As she approaches graduation, Viscomi pictures herself at the front end of the process, working in criminal court as either a prosecutor or defense attorney. She spent a summer working in each realm, first in a public defender’s office and then in a prosecutor’s office. The structural critique of the criminal justice system inherent in the work of the clinic will shape how she approaches work in either type of office, she said.

Post-conviction relief work, she ultimately concluded, was not for her. “I didn’t expect the timeline to feel so hard,” she said. “It taught me that it takes a really specific kind of personality.”

Lindsey Vann, L’12, has that personality. She was active in a death penalty clinic as an undergraduate at Cornell University and came to Richmond Law in part because of the Institute for Actual Innocence. Today, she is executive director of Justice 360, which represents clients on death row in South Carolina and serves as a death penalty resource center for the state. The clinic reinforced her tenacity and resilience in a field where successes are few and far between.

“Unfortunately, as criminal defense attorneys, you kind of learn that you have to take your victories where you can get them, and you have to be creative and flexible and will-



ing to be in it for the long haul,” she said. “In my work, death penalty cases take decades, and I’m still working on cases that I had when I first got here with no real end in sight. Just kind of sticking with it, being willing to change course and seek relief in different avenues and trying to be creative in the ways that you get a better outcome for your client are definitely some things that I learned in that clinic and have put into practice here.”

For Vann, like Viscomi, one of the institute’s most important lessons is “how hard it is in the criminal justice system to right a wrong,” she said. “That’s something that I’ve learned even more after law school, that once there’s a conviction in place, it is really challenging sometimes to get in and get courts to hear issues or be able to prove things that you believe are true.”

For former institute client Garry Diamond, it took four decades. In 1976, Diamond’s bad conduct in one case was compounded by bad timing in another. He had been arrested and accused of sexually assaulting a woman at a highway rest stop when he was falsely identified as the perpetrator in a similar case that was eventually charged as a triple kidnapping of the victim and her two children. He now acknowledges his responsibility in the first case but was convicted and sentenced after fighting against both cases in 1977.

In 2005, the Virginia Department of Forensic Science began testing evidence in old cases after the discovery of biological material in the files of a former state forensics lab worker who saved samples from her tests. When a small sample test of 31 cases resulted in three exonerations, the state ordered the reexamination of all of the materials, eventually getting to evidence collected in Diamond’s second case. By the time he got a letter from the state of Virginia offering to retest materials from his case, he was decades removed from the end of his prison term and had built a new life in another state.

“I sat on [the letter] for a couple of weeks. I didn’t do anything,” he said. “My first reaction was, ‘Why? What are we doing this for?’ Then I talked to my dad about it actually, and my dad told me, ‘If you’re innocent, go for it.’”

When Diamond replied, the state put him in touch with the Mid-Atlantic Innocence Project, and his case eventually made its way to Tate and Richmond Law’s clinic, which helped him secure a writ of actual innocence in 2013.

“This was an opportunity to prove that, even if it was just on the second case, I was telling the truth,” Diamond said. “I didn’t do it. I would not have pursued this avenue with the first case, whether I could have or not, because I had come to a point where I accepted on the first case that I was wrong, so I would not have done that. But on the second case, I always held in my mind a sense of anger about being convicted of that, I guess you could say. So when I had an opportunity to prove that I was telling the truth, I wanted to do it.”

This reasoning, for Tate, is precisely the point of righting wrongs in the criminal justice system, even if the corrections come decades later for clients no longer behind bars.

“There is a particular psychic injury that comes from [wrongful conviction],” said Tate, who regularly teaches a first-year seminar on wrongful conviction to undergraduate students. “I’ve been going to Virginia prisons for almost 30 years. The carceral state, it’s a brutal physical space. Being sent to prison is [a form of] exile. You are cut off, and then when you have an individual who has not done that thing for which they have been isolated, it’s a double isolation because it causes an incredible psychological break from the group, in that the individual no longer has any basis to trust that group.”

Over its 15 years, the clinic has expanded its work from actual innocence cases to other types of advocacy related to wrongful conviction, such as cases in which defendants are excessively charged or sentenced, relative to others who are similarly situated. In November 2019, Jens Soering, a German national convicted for murder in 1985, was paroled and deported after years of advocacy. His lawyers asked Tate to consult and then advocate on his behalf after forensic analysis unavailable at the time of his conviction excluded him as the source of blood found at the scene of the crime. Tate and the institute also consulted on the high-profile Norfolk Four case, in which four Navy veterans were exonerated through absolute pardons in 2017 of a 1999 rape and murder in Norfolk, Virginia.

Another case is that of Djuan Farrow, who received a presidential commutation in 2017, giving him relief from a long prison sentence for a low-level offense.

Tate believed the evidence showed that Farrow may have suffered from drug addiction, but he wasn’t a drug dealer. When he was arrested, he was a passenger in a car driven by a childhood friend who had secured the drugs that police found. The more culpable friend took a plea deal and got a sentence of 10 to 15 years, but Farrow paid a price for fighting the charges when a jury sentenced him to life in prison without parole in 2015, a sentence grossly disproportionate to today’s sentencing standards. When the Obama administration issued the commutation, Tate got to deliver what she later called “one of the most joyous phone calls I ever got to make.”

“What struck me about the case is, I felt it was a humanitarian problem,” Tate said in 2017, shortly after the commutation. “There was such a gap between the conduct that he was charged with versus the punishment.”

Students worked on Farrow’s case for two years, she said.

“They did all of the research, the writing, under my supervision,” she said. “My students got to experience the joy and the confidence that comes with knowing that two years of hard work led to changing this human being’s life.” ■

Matthew Dewald is the editor of University of Richmond Magazine.



## BACKGROUND

*In an interview with University of Richmond President Ronald A. Crutcher, Tate linked her work at Richmond Law with an early-career clerkship with one of the school’s distinguished alumni, Judge Robert Merhige, L’42.*

*“I saw come across his courtroom a myriad of habeas cases, which are post-conviction cases where individuals under death sentences and other serious sentences are making assertions that they have had constitutional violations at trial,” Tate said. “When I saw Judge Merhige take those cases so seriously and trust me with those cases, that’s when my passion was ignited.”*





# A WHISTLE- BLOWER AND A WIRETAP

By Emily Cherry  
Illustration by Katie McBride



## A courageous employee confronted her company for its role in the nation's opioid epidemic.

Meet the pair of Richmond Law alumni who helped represent her in a lawsuit on behalf of the federal government — resulting in a drug manufacturer's billion-dollar settlement.

The largest opioid settlement in United States history involves a courageous whistleblower, a strategic wiretap, a well-executed federal raid, and the work of two Richmond Law alumni — Virginia-based attorneys Jamie Shoemaker, L'91, and Kenneth Yoffy, L'81. Though they filed the suit, they represented neither the victim nor the perpetrator.

Instead, the pair represented a witness — and the result was a record-setting \$1.4 billion settlement for the federal government.

This was no ordinary lawsuit. When a whistleblower — someone who has witnessed a fraud against the federal government — sues the defrauder on behalf of the government, it's known as a *qui tam* action.

These suits can be traced back to the Civil War, when weapons manufacturers cheated the Union government. In an effort to combat this fraud, the government enacted the False Claims Act — also known as the “Lincoln Law” — which empowered those with knowledge of the fraud to sue on the federal government's behalf.

The statute sat dormant for a long time, and “it wasn't until 1986 when ... amendments put real teeth in the whistleblower provisions that it really started to take off,” Shoemaker said. Under today's law, the whistleblower, also known as a relator, can receive a portion of the funds recovered as part of a settlement.

Before entering into the *qui tam* field, Shoemaker specialized in employment law in Newport News, while Yoffy ran a general practice out of Hampton Roads and later Williamsburg. “I had never heard about *qui tam* law,” Yoffy said. And he had never met Shoemaker, who graduated 10 years after him.

The two Richmond Law alumni started working together through a mutual friend and colleague — another Spider, the late Bill Hoyle, L'82, an expert in fraud who formed the team in 2002 based on the different strengths each brought

to the table.

“Jamie is the stalwart on the complaints,” said Yoffy, whom Shoemaker describes as “a master of relationships with people and negotiating.”

At the time, Yoffy continued, “Bill and I started talking about it. He was telling me about Jamie and what a good guy he was. I said, ‘Why don't we have a loose agreement amongst us all, see if we can develop a practice in *qui tam* law?’”

*Qui tam* law is a niche market and not one that many lawyers fall into. But that's what made the opportunity more enticing.

*Qui tam* law is “developing as we speak,” Yoffy said. “Every [federal] circuit has a different take on any given particular issue, and you've got to stay up on it.”

That only adds to the excitement. “Out of all the law I've done in my life, it's the most interesting law, the most rewarding law,” Shoemaker said.

“You're doing right; you're doing good,” Yoffy said. Plus, “it's exciting because you get to see the depths of fraud.”



Jamie Shoemaker, L'94, left, and Kenneth Yoffy, L'81, right.

## THE POWER OF 'REGULAR FOLKS'

*Qui tam suits may seem like a legal oddity, but the underlying principle is quite common, according to Jack Preis, Richmond Law professor and associate dean of academics.*

*"Legislatures often enlist the help of regular folks who see violations on the front lines," he said. "We often call these regular folks 'private attorneys general' because they do the work that the real attorneys general might do if they had the capacity to run down every lead."*

Their first case working together came about in 2003, when a whistleblower named Dana Spencer brought a claim against pharmaceutical giant Pfizer, resulting in a \$2.3 billion settlement. "Our client had a much smaller whistleblower contribution in this case, but it got our feet wet," Yoffy said.

### *The drug in question*

Headquartered in Richmond, Reckitt Benckiser Pharmaceutical Inc.'s big moneymaker is a drug known as Suboxone. An alternative to methadone, Suboxone treats opioid dependence by helping addicts wean themselves off of the opioid. It works by combining two components: a "maintenance dose" of buprenorphine (the opioid) and naloxone, which counters the withdrawal symptoms of the buprenorphine. Together, the two drugs provide a form of "medication-assisted therapy" that can support heroin, morphine, and oxycodone addicts in their withdrawal.

In its original form, Suboxone was administered as a tablet, which Reckitt Benckiser had exclusive rights to produce thanks to the Orphan Drug Act. That act gives a special designation, tax benefits, and exclusive rights to produce to the drug manufacturer. But that lucrative exclusivity was scheduled to come to an end in 2009. In an effort to extend its monopoly, the drug company developed a plan: It would design a different delivery method, known in medical terms as "sublingual," for Suboxone. Instead of swallowing a tablet, users would dissolve a small, rectangular strip of film under their tongues. Reckitt Benckiser obtained a patent on this new delivery format — but its monopoly over Suboxone would only last if users perceived the film as superior to the tablet.

The strategy to promote the film and phase out the tablet was complex. This film was better than the tablet, Reckitt Benckiser asserted, because it was less likely to be abused, was safer for homes with children, and was even less likely to be diverted to an illegal market. Users and doctors learned of these benefits through a "Treatment Advocate" speaker program and a "Here to Help" website aimed at connecting patients with physicians who prescribed drugs containing buprenorphine.

There was just one problem: "These representations were just horribly exaggerated and, in some cases, outright false," Shoemaker said. "To make the patent have the full potential value they thought it could have, they began misrepresenting the difference between the film and the tablet," and making claims that had not been approved by the U.S. Food and Drug Administration.

### *'A Machiavellian scheme'*

Ann Marie Williams approached Yoffy and Shoemaker in 2012. Williams, a state government manager at Reckitt Benckiser Pharmaceutical, recognized the problems with her employer's claims about the drug. A 63-year-old mother of one living in the Richmond suburb of Midlo-

thian, Williams managed legislative aspects of Medicaid in several states, educating legislators and others about the alleged benefits of Suboxone film over tablets.

In her role, Williams witnessed conversations and marketing practices related to Suboxone that, for her, raised some red flags. Her concerns dated back to August 2010 when, in a conversation with the medical director of Kentucky Medicaid, Williams learned about fears that Medicaid patients in Kentucky were being prescribed Suboxone tablets in large quantities — and were not coming off the drug.

"She became concerned about the number of doctors who seemed to be in some kind of trouble with their state medical boards, writing these large scripts and having patient loads exceeding the regulations allowed," Yoffy said. "As a result, she gradually began listening and questioning more about the information she was receiving from within the company." And as she did so, her concerns for patient safety grew.

"In early 2012," Shoemaker said, "she decided that she needed to take action."

Working with Yoffy, Shoemaker, and their team of lawyers, Williams described what Yoffy calls "a multifaceted, Machiavellian type of scheme" to market and sell the new sublingual film. Make no mistake — the film did what it said: It was an effective tool for transitioning addicts off opioids. But that's only if all parties played by the rules.

"If you have a responsible doctor who monitored his patient, counseled his patient, and didn't have a pill mill practice or a film mill practice, it did work," Shoemaker said.

But that model is not what Williams witnessed. She described sales representatives who routinely marketed dosages of the film in excess of the FDA's recommendation of 16 to 24 milligrams per day, for example, and physicians who prescribed Suboxone for pregnant patients who were addicted to opioids — an unauthorized use.

Other claims, detailed in the legal team's 259-page complaint, dove even deeper. Reckitt Benckiser made an argument that the new form of Suboxone was safer for children due to its individual sleeve packaging — when in truth, Shoemaker and Yoffy explained in their complaint, once the packaging is breached, "the film presents substantially increased danger to children because it dissolves rapidly, and children who accidentally place Suboxone film in their mouths tend to absorb the buprenorphine it contains dangerously fast."

Reckitt Benckiser's sales representatives also marketed the film as "less divertible" to illegal purposes. But Williams' legal team explained that the film was in fact more divertible because of how easy it was to conceal. According to a June 2017 *Richmond Times-Dispatch* article, for example, incidents in Virginia included a visitor concealing eight Suboxone strips under a ring at the Pocahontas State Correctional Center and 44 strips found concealed in an inmate package at the Red Onion State Prison in Wise County, Virginia.

"Suboxone strips are a significant issue for us, as they are easier to conceal than many other drugs," Lisa Kinney, spokeswoman for the Virginia Department of Corrections, said in the article.



In total, Shoemaker and Yoffy's complaint detailed 204 counts under both state and federal versions of the False Claims Act.

### *The next steps*

Williams, it turns out, was one of six whistleblowers to bring claims against the pharmaceutical giant. And in *qui tam* cases, the order in which those cases are brought before the federal government for consideration makes a big difference: Generally, the first to file wins.

"You want to disclose the fraudulent conduct to the state and feds as soon as possible," Shoemaker said.

But even though they were the third of six parties to file a lawsuit, the Hampton Roads team had one thing working in its favor: "We named the parent Reckitt Benckiser Group, and we were the first to do that," Shoemaker said.

Reckitt Benckiser Pharmaceutical is a subsidiary of the larger, London-based Reckitt Benckiser Group. And as Shoemaker explained, there's no case law that says you can go "upstream" and file against the parent. However, it's completely permissible to go "downstream" and file against subsidiaries. Naming that parent company made their particular complaint more attractive to the federal government and helped facilitate the settlement against Reckitt Benckiser Group.

The relator share — or what each whistleblower brings to the table — also plays an important role. And Williams brought more than her fair share.

"It was one of those rare cases, in probably both of our careers, when our client was asked by the feds to wear a wire," Shoemaker said.

In recordings with Reckitt Benckiser Pharmaceutical executives, district managers, and compliance officers, Williams uncovered valuable admissions — such as when a fellow employee noted on tape that a Reckitt Benckiser Pharmaceutical officer acknowledged that the company's use of "therapeutic assistants" in its marketing plan was not in compliance but chose not to correct it for almost a year.

The almost cinematic elements of the investigation only increased for Williams when she partnered with the federal agents to help them plan a raid of the company headquarters. From a Richmond hotel suite where she and her legal team met with 20 to 30 federal agents, Williams "gave a layout of what records were where, what computers were where," Shoemaker said. "They wanted to know where

they could get the information [they needed] before it was destroyed," Yoffy added.

"Our client is incredibly brave and courageous," Yoffy said. "She put her job in jeopardy. She put her personal life in jeopardy. ... She did it for the right reasons."

The Department of Justice agreed. "In the end, the DOJ pretty much conceded that Ann Marie Williams brought the most to the table" of the six relators, Shoemaker said. As such, "we were deemed first-to-file against the parent company for the purpose of relator share."

In April 2019, a federal grand jury issued an indictment against the subsidiary in Abingdon, Virginia. "Our indictment alleges a wide-ranging and truly shameful scheme to put profits over the health and well-being of patients trying

to manage substance use disorder and opioid dependence," Virginia Attorney General Mark Herring, L'90, said in a Department of Justice statement.

That same statement put other drug manufacturers on notice. "The Department of Justice intends to hold accountable those who are in position to know the harm opioid abuse inflicts but instead choose to profit illegally from the pain of others," said Jesse Panuccio, DOJ principal deputy associate attorney general.

The \$1.4 billion settlement against the parent company was announced in July 2019. The civil case against Reckitt Benckiser Pharmaceutical has been

stayed pending the outcome of the criminal case against it, which is scheduled to go to trial in May.

When it comes to the settlement pots, the False Claims Act dictates that a relator can receive between 15 and 25% of the total. Guidelines dictate circumstances that justify exceeding 15%.

"When the client has added a lot to the investigation and to the prosecution, they will depart upwards from the 15% in ever greater amounts depending on the contribution made by the relator," said Shoemaker.

In other words, the \$1.4 billion settlement and the federal grand jury's indictment — which is likely to push another civil settlement forward — was a good day for Shoemaker and Yoffy.

"Practicing law is hard," Shoemaker said. "It is a tough way to make a living. Every lawyer has plenty of bad days. But when you have a couple of days like we've had recently, or you have a great jury verdict, there is nothing more satisfying than that." ■

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*Emily Cherry is Richmond Law's assistant dean for communications and strategic communications.*

**"OUR CLIENT  
IS INCREDIBLY  
BRAVE AND  
COURAGEOUS,  
... SHE DID IT  
FOR THE RIGHT  
REASONS."**



# *A HOMETGROWN*

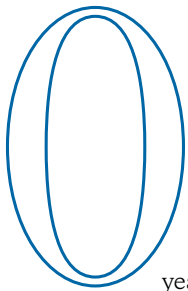
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# PANEL



## A GROUP OF AFRICAN AMERICAN RICHMOND LAW ALUMNI WITH DEEP LOCAL TIES AND INDIVIDUALLY DRIVEN BY PUBLIC SERVICE HAVE ASCENDED WITHIN RICHMOND'S LEGAL COMMUNITY — *ALL THE WAY TO THE BENCH.*

By Aggrey Sam | Photography by Jamie Betts



On a December afternoon, six Richmond Law alumni returned to campus and gathered in the school's Moot Courtroom.

Given their proximity in age (only four years at most separated them) and having frequently crossed paths in courtrooms and professional circles through the years, an easy camaraderie was evident. Some had become acquainted in the early stages of their legal careers, but others had known each other as classmates at various levels of education, through their families, and in one instance, literally since birth.

But the common thread shared by each member of this small cohort of African American Richmond Law alumni — Mary Malveaux, L'93; Linda Lambert, L'95; Brice Lambert, L'97; Randall Johnson, L'98; Vanessa Jones, C'97 and L'01; and Jacqueline McClenney, L'03 — are commitments to public service and to greater Richmond, the region in which they were raised.

As they distinguished themselves as attorneys, each was presented with the opportunity to further contribute to the community in a different role — as a judge. And while their individual paths to the bench have been different — whether they now sit on the state's Court of Appeals or courts in the city of Richmond and the adjacent suburbs of Chesterfield and Henrico counties, or whether they juggle private practice as a substitute judge — their devotion to serving the region has never waned.



At his July 2019 investiture ceremony, the **HON. BRICE LAMBERT, L'97**, was introduced by his law partner, someone who was familiar with both the breadth of his legal knowledge and formative childhood moments: his sister and law partner, **LINDA LAMBERT, L'95**.



While Brice left private practice to sit on the bench of the Richmond Juvenile and Domestic Relations Court and Linda became a solo practitioner, they both continue to work in the family business — local advocacy.

After each of their graduations from Richmond Law, they received continuing legal education by learning the ins and outs of the profession alongside their father, Leonard Lambert Sr., who founded Lambert & Associates. The elder Lambert — who, in 1973, became the first African American in the city to hold a judgeship when he was appointed a substitute judge for the court where his son now presides — taught the pair by example and through the respect he commanded in Richmond's legal and civic communities.

"Growing up, we never felt pressured to go into the profession," said Linda, who also serves as a substitute judge on the Juvenile and Domestic Relations Court of Henrico County. "We knew our dad was a lawyer, but I don't think

**“AS TIME GOES ON, *YOU REALIZE YOU’RE NO LONGER ONE OF THOSE YOUNG PEOPLE*, THAT YOU ARE NOW IN A POSITION WHERE *PEOPLE ARE LOOKING UP TO YOU*. AND I’M VERY CONSCIOUS OF THAT.”**



#### PEER AND PREDECESSOR

*Mentors who guided them along their respective journeys — whether law school professors, established attorneys and judges, or relatives in the profession — were a prominent theme for each of the judges. Seeing fellow Richmond Law alumni ascend to the bench before them was also described as inspirational.*

*The Hon. Marilynn Goss-Thornton, L’82, is one such example. Before they were colleagues on the bench of the Richmond Juvenile and Domestic Relations Court, Judge Lambert tried cases in front of her.*

until we got a little bit older and got a little more hands-on did we actually realize what he was doing professionally and for the public and for the community and just how engaged he was.”

But simply having a law degree and an established partner for a father didn’t pave the way to instant success when they started out as practicing attorneys.

“We still had to make a name for ourselves,” Brice said. “The name might have opened a door, but you still had to prove yourself because people aren’t going to want you to represent them unless you know what you’re doing.”

Over the years, the siblings have carved out their own reputations in their hometown, though the process isn’t without its challenges. For example, Linda’s dual roles of attorney and substitute judge are a balancing act, as Brice recognizes from his own experience.

“What’s difficult is you’re still a lawyer,” he said. “You have clients who are still waiting to hear from you, but you’re on the bench all day. You can’t just field phone calls, text messages, and emails all day. You’ve got to wait, and then when you get off, put your lawyer hat right back on. That’s when you realize, even though there’s stress and there’s pressure with being a judge, it’s very different than being in private practice. To me, [being a judge] is less stressful, just because of the pressure that clients can put you under.”

But even with different circumstances, their father’s ethos, particularly when it comes to preparation, has helped Brice find his way early in his full-time tenure on the bench.

“I’m here to serve the public,” he said. “The least I can do is show up on time and be prepared and make sure everyone feels like they had their day in court, which I think has to do with treating people with respect, regardless of why they’re there.”

After all, as Linda noted, “We are, in essence, a reflection of him. We don’t want to do anything to stain that reflection.”



The stories she heard as a little girl — about her grandfather, the president of a historically black college, participating in the civil rights movement — and witnessing her own father’s local activism inspired the **HON. JACQUELINE MCCLENNEY, L’03.**

“Their life stories are imprinted in the fabric of everything that I do,” said McClenney, a Richmond General

District Court judge.

What she took from her family lore, including that of her mother, an elementary school principal, was a devotion to her community. After college, McClenney threw herself into multiple civic endeavors in Richmond, including serving two terms on the city’s school board and chairing the board of Venture Richmond, a prominent community improvement organization.

But the primary way that she’s advocated for her hometown is through the legal profession. While she never planned to become a lawyer, McClenney now acknowledges that childhood memories of her father, Earl McClenney Jr., L’80, studying for the bar exam were likely a subconscious influence. The father-daughter Richmond Law alumni pair each became students after having launched professional careers.

“My father finished law school when I was 9,” said McClenney, an ordained minister who practiced criminal defense and represented abused and neglected minors before sitting on the bench. “I remember reading his bar books as a little girl.”

Her deep connections to the community mean some of the people she sees in her courtroom have a familiarity with her outside of the judicial system. While the in-court encounters don’t always come under the most pleasant of circumstances, McClenney is confident her background and reputation inspire confidence in the objectivity of her decisions.

“I want people to respect not me, but the position,” she said. “I hope when people cross that threshold, if they have a story, they’ll think, ‘She’s going to hear what I have to say.’”





Because she has a mother who was a pediatrician and a brother who also became a doctor, the **HON. MARY MALVEAUX, L'93**, refers to herself as the “black sheep” of her family. But if there was a catalyst for her chosen path, it was tied to her family.

Malveaux describes the journey of her aunt, whom she observed attend law school and become an attorney, as instrumental in her interest in the law, particularly criminal defense.

A Richmond Law externship with the Henrico County Commonwealth's Attorney's Office led to her first job out of law school. The reputation she built locally as a prosecutor and a defense attorney led to her becoming the first African American woman to serve on the county's General District Court in 2011 and eventually as its chief judge.

“I did not think about [becoming a judge] as I was practicing law until a couple of people who were older and more established asked if I'd ever thought about it,” she said. “It did not really enter my consciousness, so to speak.

“Once I started to think about it and I had other colleagues that did end up going to the bench, getting a little bit of a glimpse of that, I recognized it was a different way of practicing law.”

In 2016, Malveaux was elected to the Virginia Court of Appeals. Her priorities have shifted from hearing case after case and managing associated tasks to spending the majority of her time writing opinions and preparing to hear oral arguments alongside a panel of colleagues.

“It's really interesting and fun, an intellectually satisfying and interesting job, but it's different in terms of the pace,” she said. “It allows us to be able to step back, and you've got a little bit more luxury to really delve into cases that we're reviewing.

“I think behind the curtain is different from what you see in front of the curtain.”



The **HON. RANDALL JOHNSON JR., L'98**, never intended to follow in his late father's footsteps. Not during his childhood on Richmond's South Side, not when he first enrolled in college, and not even while he was working as a prosecutor in the Commonwealth's Attorney's Office in Richmond.

But looking back, he realizes he was being prepared for his future all along.

“Growing up in his house, I knew the lifestyle of a judge,” he said of his father, a civil rights attorney who became a Richmond Circuit Court judge. “Just intuitively, I knew what you should and shouldn't do because you have to conduct yourself in a certain way off the bench if you're a judge. So when I became a judge, it wasn't a shock to me.”

Later, as a young prosecutor in the city, Johnson sought his father's counsel about his trial performances.

“In between cases, if I knew he was off the bench, I would go back and we would sit almost on a daily basis, talk about things, and he would know how I did in court sometimes where I didn't,” said the younger Johnson, who was appointed a Henrico Circuit Court judge in 2019 after serving as the chief judge of the juvenile and domestic relations court in the same county.

“The other judges would say, ‘Yeah, I just had Randy in court, and he messed this up,’ or, ‘He did well in this.’”

From those conversations, Johnson, who also teaches lawyering skills as an adjunct professor at Richmond Law, gleaned the value of passing down knowledge to the next generation.

“You look up to these people, and as time goes on, you realize you're no longer one of the young people, that you are now in a position where people are looking up to you,” he said. “And I'm very conscious of that.”



As a young woman working in administrative and paralegal roles at various law firms, the **HON. VANESSA JONES, C'97 AND L'01**, had an epiphany: “After observing and working with several lawyers, I believed I could work in the same capacity. So, I decided to further my career and fulfill my purpose.”

She enrolled in Richmond's University College (now the School of Professional and Continuing Studies), taking classes in paralegal studies at night while continuing to work full time during the day. After earning a bachelor's degree, Jones, now a juvenile and domestic relations court judge in the Richmond suburbs of Chesterfield County and Colonial Heights, became a student at Richmond Law.

“When I entered Richmond Law, I immediately noticed that there were other non-traditional students with different educational backgrounds and work experiences,” she said. “In my opinion, it was beneficial and advantageous to have worked in the legal community and to have had a basic knowledge of the law.”

At Richmond Law, Jones' involvement in the *Journal of Law and Technology*, mentoring from faculty, and judicial clerkship with the Henrico County Circuit Court only added to her preparation. She poured herself into the legal profession, learning the ins and outs of the trade in civil and criminal law, including with the Commonwealth's Attorney's Office in Richmond, making lasting professional connections.

She embarked on a career as a family law attorney, working for more than a dozen years in the field before she was unexpectedly approached about becoming a judge. With the knowledge that she'd be hearing cases similar to those she tried — involving issues such as child custody, child and spousal support, and domestic violence — Jones ultimately decided, “I can provide justice in a different way.”

Given the unconventional route she took to the bench, her rationale was fitting. ■

## A SPIDER, THROUGH AND THROUGH

*The only double Richmond alumnus of the group, Jones remains involved with both the School of Professional and Continuing Studies (SPCS) and Richmond Law.*

*As an undergraduate, she received SPCS' Jean Proffitt Service Award, and in 2015, she was presented with its Gibb Family Distinguished Alumni Award. Jones also serves as a member of the Richmond Law Alumni Board, and holds a similar role with the SPCS Dean's Ambassador Circle.*

*“I believe that I have a responsibility to reach back to current students and help the next generation excel,” she said.*

Aggrey Sam is the editor of Richmond Law magazine.

# Faculty Notes



## Engineering her own destiny

Kristen Osenga's road to becoming a law professor was anything but typical.

"I grew up wanting to be an engineer, and specifically, I wanted to make artificial legs," Osenga said. "I thought they were the coolest feat of engineering in the world."

Her interest in engineering and prosthetics was the result of an internship at a Veterans Affairs hospital in Chicago while in high school. Osenga went on to receive a bachelor's degree in biomedical engineering from the University of Iowa, but a lack of female role models in the discipline left her disheartened with her chosen career path.

"I thought I might want to be a professor because I had a miserable experience as a female undergrad in engineering," Osenga said. "I thought, 'I'm going to go to grad school, switch my focus to electrical engineering, get my Ph.D., and be this amazing female engineering professor that people can look up to.'"

But midway into her pursuit of a master's degree — following a chance encounter with a patent attorney at a Society of Women Engineers conference — Osenga decided switching fields was in order. She enrolled in law school and never looked back.

Osenga, who joined the Richmond Law faculty in 2006, specializes in intellectual property and particularly patent

law. As a professor and self-proclaimed lover of patents, she tries to be the role model she so often missed during her college days and instill a love of learning in students by helping them find "little bits of joy" in their work.

"I love shaping students into lawyers," said Osenga, who finished her thesis in electrical engineering and received a master's degree — after graduating from law school. "When a student comes back in the fall and tells me how amazing their summer was in part because of something I told them, I love that. That's why I'm doing this."

Outside of the classroom, Osenga lives life with the same ambition she's had as a student, lawyer, and professor. The triathlete entered her first multisport competition in 2007, just 1 ½ years after learning to swim. She has trained for and hopes to complete an Ironman triathlon — 2.4-mile swim, 112-mile bike ride, and 26.2-mile run — in the future, all driven by her need for a challenge and the work ethic instilled in her as a child.

"We don't quit," Osenga said. "That's our family motto. You set your mind on something, and you do it."

—Cheryl Spain



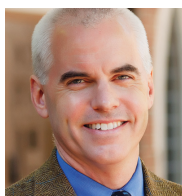


**CAROL BROWN** and her co-authors published a new edition of their property casebook *Cases and Materials on American Property Law*. She also joined the board of directors of the Inclusivity Institute, a nonprofit subsidiary of Affordable Housing Partners.

**ERIN COLLINS'** article "The Problem of Problem-Solving Courts" was selected as the winner of the 2019 Junior Scholars Paper Competition for the Association of American Law Schools Criminal Justice Section.



**CHRIS COTROPIA** and **JIM GIBSON** hosted the 13th Evil Twin Debate Series on "Going Private: Can the Law Be Owned?" at the Association of American Law Schools Conference in Washington, D.C. This annual event pairs experts in intellectual property law in light-hearted debate on substantive topics. In



addition, Cotropia presented "The Hidden Value of Abandoned Patent Applications to the Patent System" at both the Conference on Empirical Legal Studies and the Empirical Patent Law Conference.



**REBECCA CROOTOF**, who joined the Richmond Law faculty in 2019, has been asked to join the Permanent Mission of the Principality of Liechtenstein

to the United Nations' Council of Advisers on the Application of the Rome Statute to Cyberwarfare. Crootof's primary areas of research include technology law, international law, and torts. Her recent article on artificial intelligence research was published on LawFareBlog.com.

**JOEL EISEN** presented on climate change litigation in the United States for the 2019 Bucerius Energy Day, sponsored by Bucerius Law in Hamburg, Germany.



**JESSICA ERICKSON** co-organized the seventh annual Corporate & Securities Litigation Workshop at Boston University School of Law, where she

presented her paper *Automating Securities Class Action Settlements*. Her article *Making Work or Working Hard? Plaintiffs' Attorneys Fees in Securities Class Actions*, co-authored with Stephen Choi and Adam Pritchard, was selected for presentation at the Conference for Empirical Legal Studies at Claremont McKenna College. Finally, Erickson conducted a series of interviews for PrawfsBlog, featuring conversations with more than a dozen directors of law school visiting assistant professorship and fellowship programs.



**HAYES HOLDERNESS** explored how states tax candy in an article for *The Conversation*. His article appeared in more than 60 media

outlets, including *Time* and *PBS NewsHour*. "States have a great deal of autonomy in crafting their sales tax codes," Holderness wrote. The key for determining whether candy is classified as a taxable item in some states is flour content: "In Illinois, for example, locals pay a higher state sales tax rate – 6.25% versus 1% – on Reese's, gummi worms and Hershey's milk chocolate bars than on Twix, Twizzlers, and Hershey's Cookies 'n' Creme bars."

**KRISTEN OSENGA** presented at the Patent Masters Symposium and was a panelist on "Price Controls in the Creative & Innovation Industries" at a conference at the Center for the Protection of Intellectual Property at George Mason University. The Hudson Institute published her position paper on patent-eligible subject matter.



**ANDY SPALDING** received a research grant from the International Olympic Committee to further his study of anti-corruption

efforts surrounding the Olympic Games. He will use the grant to continue exploring the Olympics' unfolding governance legacy as France prepares for the 2024 Summer Games in Paris.



**KURT LASH** presented "The Drafting of the Reconstruction Amendments" as part of the grand opening of the National Constitution Center's exhibit on the 13th, 14th, and 15th Amendments. A *Wall Street Journal* article about the exhibit also credited his work.

**NOAH SACHS'** scholarship in *Ecology Law Quarterly*, "The Paris Agreement in the 2020s: Breakdown or Breakup?" was the subject of a Vox.com article that looked ahead at the future of the international climate treaty. He testified before Virginia's Joint Subcommittee on Coastal Flooding and attended the Bread Loaf Environmental Writers' Conference at Middlebury College.



**KEVIN WALSH** was quoted by *The Washington Post* in an article about the civic lessons of the impeachment proceedings. "When we

look out and we see the battling forces that are trying to enlist the Constitution on their side, it wakes us up to the need for people to be educated," he said.

# Class Notes

## *We want to hear from you.*

Send us your note via the “Submit a Class Note” link at [lawmagazine.richmond.edu](http://lawmagazine.richmond.edu); email us at [lawalumni@richmond.edu](mailto:lawalumni@richmond.edu); contact us by mail at Law Alumni, University of Richmond School of Law, University of Richmond, VA 23173; or call 804-289-8028.

San Diego School of Law and as an adjunct at Richmond Law.

**RANDY NELSON, L’76**, was awarded the Tradition of Excellence Award by the Virginia State Bar. He has a private law practice in Lynchburg, Virginia, and has closed more than 30 pro bono cases for the Virginia Legal Aid Society.

**PATSY BICKERSTAFF, W’63 AND L’78**, and her younger son, Bill, took a tour of Greece, visiting Athens, Mikonos, and Santorini and enjoying the beauty, history, and traditions of the country.

**JACK BRUCE, R’64 AND L’78**, has been married to Sally, his best friend and golfing buddy, for 51 years. He is retired from his law practice and lives in Amelia Island, Florida, with a summer home in Lexington, Virginia. They planned a family Christmas trip to Paris to celebrate their daughter’s 25th wedding anniversary and their twin granddaughters’ 21st birthdays.

After retiring as chief judge of the 10th Judicial Circuit in Virginia, **THE HON. LESLIE M. OSBORN, R’75 AND L’78**, writes that he is “looking forward to using his seven fishing boats and spending time with his bride, **KELLEY IRBY OSBORN, L’86**, children Jonathan and Marcy, and granddaughter Camryn.”

## 1960s

**FRED, L’66, AND NANCY LOUGHRIDGE LOWE, W’64**, live in Virginia Beach, Virginia. Their two daughters and five grandchildren live in California and Massachusetts. A granddaughter entered Tufts University this fall.

**THE HON. ARCHIE, R’64 AND L’67**, and **ELAINE JOHNSON YEATTS, W’64 AND G’89**, live in Richmond. Their daughters, **CAROLE, W’90**, and **LAURA, ’94**, and five grandchildren live nearby. Judge Yeatts is a retired General District Court judge and still serves as a substitute judge. Elaine works full time as a senior policy analyst for the Department of Health Professions. Their recent travels include a river cruise from Berlin to Prague and taking two grandsons to Alaska.

**NATHAN MILLER, L’69**, was honored by the Elkton (Virginia) Town Council for his 50 years in the legal profession, including serving in the Virginia House of Delegates from 1972 to 1975 and the Senate from 1975 to 1983.

## 1970s

**HERBERT L. SEBREN JR., L’71**, was honored by the Virginia State Bar as the recipient of the Lewis F. Powell Jr. Pro Bono Award for his 22-year history of pro bono service. He is a solo practitioner in Tappahannock, Virginia. “A solo practitioner willing to help in a rural region that has few other alternatives for indigent clients is a godsend for our organization and the clients we serve,” said Ann A. Kloeckner, executive director of the Fredericksburg-based Legal Aid Works.

**THE HON. GEORGE VAROUTSOS, L’73**, was honored by the Arlington County Bar Foundation with the 2019 William L. Winston Award for his public service and advancement of the rule of law. He is presiding judge of the Arlington Juvenile and Domestic Relations District Court.

Bloomberg Tax awarded its Leonard L. Silverstein Award for Distinguished Service in Estates, Gifts, and Trusts Taxation to **LOUIS MEZZULLO, L’76**. He is author of seven tax management portfolios on a range of topics, including estate and gift taxes, estate planning, and family limited partnerships and limited liability companies. He is a consulting partner with Withers Bergman. Louis served on the faculties of the University of Miami School of Law graduate program in estate planning and the University of

## FALL GATHERING 2019



Aishaah Reed, L’20, and Dean Perdue at Fall Gathering 2019, Oct. 18 at the Jepson Alumni Center. All Richmond Law alumni are welcome at this event.



**RICHARD FOWLER, R'76 AND L'79**, and his wife, **PAM PROFFITT, W'74, GB'77, AND L'82**, celebrated their 46th wedding anniversary May 26, 2019. They live near campus and participate in university activities throughout the year.

**DONNA WATTS-LAMONT, L'79**, retired from the Maryland Unemployment Compensation Board after 31 years of service. Four of the state's governors appointed her to five consecutive six-year terms and one partial term. Upon her reappointment in June 2007, she became board chair. She says she close her private law practice and spend her time traveling.

## 1980s

**MARY G. COMMANDER, L'81**, has been selected a 2020 Lawyer of the Year for Family Law in Norfolk, Virginia, by Best Lawyers in America.

**WARREN JONES, L'81**, has been named the CEO of Keppler Speakers, a global agency representing speakers in business leadership, technology innovation, world affairs, law, media, entertainment, and sports. His distinguished speakers include former United States Attorney General Loretta Lynch, NPR legal affairs correspondent Nina Totenberg, and Brett McGurk, the former American diplomat who served in senior national security positions under three consecutive United States presidents.

**SARAH HOPKINS FINLEY, W'74 AND L'82**, retired June 14, 2019, from the Virginia Council on Economic Education. She spent 13 years with this nonprofit, which promotes K-12 economics and personal finance.

**PAM PROFFITT, W'74, GB'77, AND L'82**, and her husband, **RICHARD FOWLER, R'76 AND L'79**, celebrated their 46th wedding anniversary May 26, 2019. They live near campus and participate in university activities throughout the year.

**BEN EMERSON, R'73 AND L'84**, and wife Nancy welcomed a new granddaughter. Emma Grace Emerson was born in August in Georgia. She joins brother Liam and parents Benjamin and Kelsey.

Chesterfield County, Virginia, has named its new child advocacy center in honor of **THE HON. BONNIE C. DAVIS, L'80**, retired judge of the county's Juvenile and Domestic Relations Court. She served a decade as a prosecutor in the Juvenile and Domestic Relations Court before being appointed to the bench in the 12th District Juvenile and Domestic Relations Court in 1993 as the county's first female judge. In 2010, she became the court's chief judge. The Davis Child Advocacy Center is a family-friendly location where community professionals come together to help children who have reported abuse or neglect. It is one of 18 in Virginia and three in the Richmond area.

**DANIEL E. LYNCH, L'87**, principal of Lynch Seli, became the Richmond Bar Association's 135th president in June. He practices defense of workers' compensation claims, motor vehicle liability claims, premises liability, and professional liability claims. He is a member of the Virginia Association of Defense Attorneys and the Virginia Workers' Compensation American Inn of Court. He is a Fellow of the American Bar Foundation. Virginia Super Lawyers, a rating service, recognized him in workers' compensation.

**THE HON. ROBERT B. RIGNEY, L'87**, was elected judge in the Norfolk General District Court.

**GEOFF MCDONALD, L'89**, was recognized by the Relationship Foundation of Virginia with the 2019 Father Figure Award, which honors men who have successfully combined their professional career, community service, and fatherhood. He is a personal injury attorney practicing in Richmond.

## 1990s

**VICTOR NARRO, L'91**, was honored by the Catholic Archdiocese of Los Angeles in September 2019 for his work on immigrant rights.

The 2019 Pennsylvania Super Lawyers list included **SCOTT H. WOLPERT, L'91**, a managing partner at Timoney Knox in Fort Washington, Pennsylvania.

## ALUMNI PROFILE



### THE PERFECT BLEND

As a student on the University of Richmond campus, **NADER SALEHI, L'95 AND GB'95**, had little time to spare while pursuing simultaneous degrees at Richmond Law and the Robins School of Business. Though Salehi wasn't sure whether to focus on law or business, he ultimately discovered he could combine them.

He now represents investment banks, investment advisers, and public companies as a practicing attorney and the co-head of securities at New York firm Sidley Austin. Salehi thrives in fast-paced, high-pressure environments by juggling his attorney and managerial roles, aided by his upbeat outlook and aptitude for building strong interpersonal relationships.

Positive outcomes in financial law can feel rare, acknowledged Salehi, who mentioned that he is frequently "in situations where the facts look very bleak, and it's easy to say that we're in trouble."

But, he added, "No matter how bad it looks, my job is to continue to be optimistic and creative."

Though his educational and professional experiences, including a stint at the Securities and Exchange Commission, have certainly helped mold Salehi's legal career, he credits much of his success to his ability to step back and truly understand what drives people.

"Along the way, I've learned that at the end of the day, no matter what field you're in, it's all about people," said Salehi, who takes great pride in mentoring younger attorneys. "Your ability to be a good lawyer is your ability to connect with people and influence people."

"There are a lot of people who know the law, but if you don't have hobbies and interests, it's really hard to build that connection."

—Stacey Dec, '20

**STEPHANIE GRANA, L'93**, was recognized by the Virginia Association of Defense Attorneys and the Virginia Trial Lawyers Association with the Civility and Professionalism Award. She is a partner with Breit Cantor Grana Buckner.

**DIANA WHEELER O'CONNELL, L'93**, was reelected commonwealth's attorney of Orange County, Virginia, a position to which she was first elected 16 years ago.

**MICHAEL C. GUANZON, L'95**, has joined the Richmond law firm of Christian & Barton as a partner. He focuses his practice on corporate, public sector, and health care matters.

**BONNIE ATWOOD, L'96**, received two honors in 2019: second place from the National Federation of Press Women for her book *My Journey Through Eldercare* and Member of the Year from the Metropolitan Business League.

**RHONDA L. EARHART, L'97**, opened the Law Office of Rhonda L. Earhart in Richmond. She specializes in criminal defense

and juvenile law and has been a certified guardian ad litem for more than 20 years.

**ELIZABETH DAVIS, L'97**, a leading labor and employment lawyer, joined Whiteford, Taylor & Preston in Richmond as partner.

**JENNIFER SCOTT GOLDEN, L'97**, of Kase & Associates was elected to serve a three-year term representing the 17th Circuit (Arlington and Falls Church) on the Virginia State Bar Council.

**SEAN P. BYRNE, '93 AND L'97**, an adjunct faculty member at Richmond Law, has started a new law firm in Richmond specializing in litigation defense for health care professionals. Spider law alumni **W. DAVIS POWELL, L'12**, and **ROXANNE C. MILLAN, L'17**, have joined the team.

## 2000s

**CHARLENE PARKER MORRING, L'01**, is principal owner of the law firm Charlene A. Morring, Esquire. Her practice focuses on representing longshore and state workers'

compensation claims and Social Security disability benefits. She lives in Suffolk, Virginia, with husband Brent and son Brady.

**MATT VINES, L'02**, and Gina Leeper were married on May 18, 2019, in Dunedin, Florida. The couple now lives in Tampa, Florida.

**CARY COYNER, L'05**, was elected to represent the 62nd District in the Virginia House of Delegates. She is the owner and founder of Rudy Coyner Attorneys at Law, where she practices business and real estate law. She served on the Chesterfield County School Board before this new position in the House of Delegates.

**JOSHUA CUMBOW, L'05**, was elected to a second term as commonwealth's attorney for Washington County, Virginia. He lives in Abingdon, Virginia, with his family.

**RYAN BROWN, L'05**, is the executive director of the Virginia Department of Game and Inland Fisheries. He previously was an appointed member of the department's board and chaired the agency's wildlife, boat, and law enforcement committee.

## FALL GATHERING 2019



From left: Wyatt Taylor, L'09; Stephen Moncrieffe, L'10; and Matt Haynes, L'09; engage in a spirited — but friendly, of course — debate at Fall Gathering 2019.



At the 2019 A Salute to our Heroes annual awards ceremony, the Hanover County Sheriff's office presented **SHARI L. SKIPPER, L'05**, with the Excellent Service to Law Enforcement Award for "significant contributions to law enforcement" and "prosecuting the most violent crimes with professionalism and passion."

**KATE SLADE, L'06**, took a new position as senior counsel for claims litigation at Citizens Property Insurance in Jacksonville, Florida.

**JENNY CONNORS, L'07**, a partner at Williams Mullen in Richmond, was named to *Style Weekly's* Top 40 Under 40. She practices in the business task division and was recognized for her work on opportunity zone tax incentives.

**JOANNA SUYES, L'07**, was honored by CancerLINC with the Krista Latshaw Pro Bono Award. She is a Social Security disability attorney with Marks & Harrison in Richmond.

**ROBBIE BASSETT, L'08**, was honored by CancerLINC with the Community Pro Bono Award. He is senior counsel with Capital One.

## 2010s

**CARTER KEENEY, '08 AND L'11**, and wife Taylor welcomed daughter Frances Deyo, born in May 2019. The new member of the Spider family is the granddaughter of **BRUCE KEENEY, R'75**, and **MARY-TALIAFERRO BYRD KEENEY, B'77**, and the great-granddaughter of **JOHN A. BYRD, R'46**.

**ROSS LEWIS, L'10**, wrote that friends from the 2010 class of the law school got together in September to welcome the Medici family back from Hawaii. He says, "The biggest change from the group was that we grew from two kids at graduation to 11 now." Attending were **KEONI MEDICI, L'10**; **DAVID HARTNETT, L'10**; **EVERETT GARDNER, L'10**; **ROSS LEWIS, L'10**; **DAVID ABBONDANZA, L'10**, and their spouses.

**VALERIE SLATER, L'12**, received the Criminal Justice Advocacy Award from the Virginia Interfaith Center for Public Policy. She is executive director of RISE for Youth, a nonprofit in Richmond that promotes the creation of community-based alternatives to youth incarceration.

**JUSTIN GRIFFIN, L'14**, was named to *Style Weekly's* Top 40 Under 40. He has his own practice working with small businesses in Virginia. Justin was recognized for his community advocacy surrounding the proposed Navy Hill project around the Richmond Coliseum.

**CHRISTINA SORENSON, L'15**, was the recipient of a 2019 Soros Justice Fellowship, which she'll use to explore the need for accessible and responsive grievance policies for youth in institutional placements. Christina is an attorney for the Juvenile Law Center in Philadelphia.

**ALBERT "BUBBA" FLORES, L'16**, of the Commonwealth's Attorney's Office of Virginia, concluded a three-day murder jury trial which found Lemar McDaniel Jr. guilty of second-degree murder. A major in the U.S. Marine Corps Reserves, Bubba was recently reactivated and deployed to Afghanistan.

Mental Health America of Virginia recognized **GRAY O'DWYER, L'18**, as advocate champion of the year for 2019. Gray is an assistant attorney general, working on environmental law. As a third-year law student, she led a student effort to remove the bar application's mental health question. With this award, Mental Health America of Virginia honors people in the state who work to remove the stigma of mental illness.

**CREIGHTON-ELIZABETH BOGGS, L'19**, joined GreeneHurlocker in Richmond as an associate, working in regulatory and energy law practices.

## ALUMNI PROFILE



## VETERAN PRESENCE

The idea of sailors on shore leave sometimes conjures thoughts of misbehavior, but it was **MEREDITH ADKINS'** dealings with actual misbehaving sailors that got her thinking that her next act after military service might be in the law. After a stint as assistant commonwealth's attorney in Mecklenburg County, Virginia, in November, the Navy veteran ran unopposed for commonwealth's attorney in King and Queen County, Virginia, where she grew up.

"I always tell people that when I really knew I wanted to be a prosecutor was when I was in the Navy," said Adkins, L'12. "My division went through a bad patch, so it's where I got to see the court system."

Working with people from a variety of backgrounds turned out to be good preparation for her legal career, she said. It gave her perspective that informs her prosecutorial judgment.

"When it comes down to it, you're either violating the code of Virginia or you're not," she said. "But there might be someone who has a problem with drugs and needs some treatment. That affects your decision-making, not in a way that makes you more lenient or more strict, but you look at a situation holistically."

Adkins knew she wanted a Navy career from age 5, when she saw the film *Top Gun*. After graduating from the U.S. Naval Academy, she served for a little less than five years before knee problems forced her early departure.

Still, they were eventful years. She helped prepare ships to support operations in the Middle East and chased Hurricane Katrina into the Gulf of Mexico on the USS Bataan. The ship was among the earliest first responders, sending supplies ashore, plucking survivors from rooftops via helicopter, and bringing injured people on board for medical care. Adkins was one of the many people coordinating the Bataan's relief operations.

"That was why I joined the military, to be a part of helping people," she said.

—Matthew Dewald

## ALUMNI PROFILE



### EYES ON THE PRIZE

As a law student, **EMMA HILBERT, L'15**, was eager to serve the public. Through her engagement with the Carrico Center for Pro Bono and Public Service, she sifted through the many intriguing options that were available for pro bono work to find a program focusing on something less familiar to her: Richmond Law's Immigration Assistance Project.

"It was something I'd never done before," she said. "It was fulfilling and interesting to learn more about the immigration system."

Hilbert's student experience led her to apply for a Bridge to Practice Fellowship, a placement program for recent graduates who are interested in pursuing careers in public service. She put her fellowship to good use with the Legal Aid Justice Center in Richmond, where she had previously worked — first, as an intern with the support of a Summer Public Service Fellowship, then as part of a clinical placement in the organization's Just Children program — and later transitioning to housing and eviction representation.

When it came time for a more permanent placement, "I knew what kind of work I wanted to do," Hilbert said, "but not necessarily where." Although she'd already taken and passed the Virginia Bar Exam, she decided to cast a wide net, applying to public service positions throughout the country.

Hilbert was hired by the Texas Civil Rights Project as a staff attorney, a role focused on veteran assistance, voting rights, and racial and economic justice. She finds the work rewarding, relishing being able to "fulfill a need that very few groups are able to," such as her organization's representation of landowners in Texas' Rio Grande Valley. Those clients are at risk of having their land seized for construction of a wall on the U.S.-Mexico border.

"Many landowners are low-income and don't necessarily know about their rights in the eminent-domain arena," Hilbert said. "And it's incredibly rewarding to be able to represent them, and to help them stand up for their land and their home."

—Emily Cherry

## In Memoriam

**VASIL FISANICK, L'50**,  
of Northern Cambria, Pennsylvania  
June 18, 2019

**RICHARD H. "CATS" CATLETT JR., L'52**,  
of Richmond  
May 3, 2019

**BOYCE C. WORNOM, B'51 AND L'54**,  
of Emporia, Virginia  
July 1, 2019

**RICHARD W. DAVIS, L'59**,  
of Radford, Virginia  
June 2, 2019

**JACK B. STOKES, L'59**,  
of Virginia Beach, Virginia  
Feb. 16, 2019

**THE HON. EDWARD P. "PRESTON" GRISSOM, B'57 AND L'60**,  
of Chesapeake, Virginia  
July 22, 2019

**EDWARD E. BAGNELL, L'61**,  
of Suffolk, Virginia  
May 14, 2019

**STUART W. ATKINSON, L'62**,  
of Newport News, Virginia  
Sept. 14, 2019

**JAMES J. FOX, L'63**,  
of Richmond  
Sept. 26, 2019

**WILLIAM G. "BILL" THOMAS, L'63**  
of Irvington, Virginia  
Jan. 22, 2020

**BRUCE A. BEAM, L'64**,  
of McLean, Virginia  
July 26, 2019

**ROBERT W. MANN, L'64**,  
of Martinsville, Virginia  
April 27, 2019

**MICHAEL MORCHOWER, R'62 AND L'65**,  
of Lancaster County, Virginia  
June 9, 2019

**WALTER J. GRIGGS, R'63, L'66, AND G'71**,  
of Richmond  
June 30, 2019

**JAMES F. D'ALTON JR., L'68**,  
of Petersburg, Virginia  
Sept. 13, 2019

**JESSE W. OVERBEY, L'68**,  
of Chatham, Virginia  
July 16, 2019

**JAMES N. WILHOIT III, L'69**,  
of Winston-Salem, North Carolina  
Feb. 25, 2019

**MARC C. BATEMAN, L'74**,  
of Washington, New Jersey  
Oct. 17, 2014.

**BARRY L. PROCTOR, L'76**,  
of Abingdon, Virginia  
June 12, 2019

**PRESCOTT H. GAY, L'77**,  
of Lynchburg, Virginia  
Sept. 14, 2019

**LARRY Q. KAYLOR, L'77**,  
of Harrisonburg, Virginia  
Sept. 7, 2019

**LEWIS "MAC" CHENAULT, L'80**,  
of Mechanicsville, Virginia  
Sept. 6, 2019

**J.S. SCOT PEDIN, R'77 AND L'80**,  
of Richmond  
March 24, 2019

**ARNOLD B. SNUKALS, L'81**,  
of Richmond  
Aug. 9, 2019

**KIMBERLY SMITHERS WRIGHT, L'83**  
of Richmond  
July 12, 2019

**JANE RIVES WARD, L'88**,  
of Wilmington, North Carolina  
April 21, 2019

**BARBARA HOFHEINS LAVIN, L'89**,  
of Easton, Maryland  
July 11, 2019

**SARA E. "SALLY" CHASE, L'92**,  
of Richmond  
March 5, 2019

**MICHAEL R. STROEH, L'98**,  
of Manassas, Virginia  
April 10, 2019

**RICHARD "WILL" YANCEY, L'98**,  
of Pawleys Island, South Carolina  
June 26, 2019





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*“I wouldn’t have had  
this experience without  
the fellowship — and  
without the generosity  
of our alumni.”*

*— Jackie Cipolla, L’20*

**THANKS TO TWO SUMMER PUBLIC SERVICE FELLOWSHIPS FROM RICHMOND LAW,** Jackie Cipolla, L’20, gained valuable experience on both sides of the courtroom — first with an internship with the Office of the Public Defender in Loudoun County, Virginia, during her 1L summer, then in the Commonwealth’s Attorney’s Office in Richmond a year later.

She met with clients and wrote appellate briefs for the public defender’s office and even argued a motion in court for the Commonwealth’s Attorney’s Office, providing important preparation for her post-graduation plans, which include clerking for the Fairfax County Circuit Court in northern Virginia before pursuing a career in government public service.

Every year, gifts from Richmond Law alumni and friends make it possible for our students to pursue their passions and gain real experience in unpaid summer positions in the government and nonprofit sector.

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(by invitation of the Dean)

## **Summer 2020**

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Hampton Roads and Roanoke, Virginia.

## **October 10, 2020**

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