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STUNNING IN EVERY SEASON
Winter’s bare branches offer a distinct texture of beauty to Richmond Law’s inspiring setting.
Dear friends,

We expected 2020 to be a noteworthy year. It was, after all, the sesquicentennial of the law school’s founding. But the year brought far more than anyone bargained for: a global pandemic, a summer of killings and protests that renewed our attention to issues of equity and racial justice, and unprecedented efforts to disrupt the core of our democracy.

Throughout it all, our faculty and staff have worked tirelessly to meet each new challenge. Classrooms were redesigned to spread out students, technology installed to allow for courses to be simultaneously taught both in person and remotely, and syllabi adjusted to accommodate our new hybrid format. In the end, we were able to offer about 80% of our classes in person, and our students told us what a difference it made — both to their learning and to their overall well-being.

We have also redoubled our efforts to become a truly inclusive community that is welcoming to all. We organized a set of faculty/student reading groups built around Bryan Stevenson’s book *Just Mercy* and used that as a vehicle for conversations about race and the criminal justice system. We launched a Law, Race and Power speaker series that has brought speakers from around the country to address issues of racial justice. We have stepped up our fundraising for scholarships that will help us make a Richmond Law education affordable for talented students of diverse backgrounds. And our students have continued to provide hundreds of hours of pro bono services to those in need in the Richmond community, from eviction diversion programs to supporting the Capital Area Immigrants’ Rights Coalition.

In 2021, challenges remain. But as Thomas Paine famously observed, “We have it in our power to begin the world over again.” I am excited about our opportunities for new beginnings in this community marked by resilience, ingenuity, optimism, and hope.

Best,

Wendy C. Perdue
Dean and Professor of Law
FEATURES

12 The pandemic pivot
Ingenious adaptations, compassionate professors, and a playlist of fight songs — all a part of doing more than just getting through a semester like none before it.

16 8 things to know when suing and defending in a post-COVID world
A group of Richmond Law alumni created a guide to help litigators prepare.

22 The pandemic, students, and the law
Kathleen Mehfoud, B’74 and L’78, has worked in education law for more than four decades. She’s never seen a challenge like this.

DEPARTMENTS

4 For the Record
A new speaker series sits at the intersection of race, power, and the law.
Q&A with Hank Chambers on the future of election law.
Translator Salua Kamerow, L’23, focuses on the language of justice.

26 Faculty Notes
Meet new externship program director Ali Silva Fannon.

28 Class Notes
Elizabeth Wilson Hanes, ’00 and L’07
John Rocovich, L’67
Urooj “Ghazal” Shaikh, L’10
Following the killing of George Floyd and the racial justice protests over the summer of 2020, a small team of faculty came together to launch the Law, Race, and Power Speaker Series.

“We knew we really wanted to focus this series on race, class, power, privilege, and their intersections with the law,” said Professor Fallon Speaker, one of the planning team members. “The goal, then, was to think through how we could use this not just as another class for students to attend but as something that could really bridge to their practice. They could take this experience they were learning here and take that out into the world.”

The faculty planning group — which also included professors Da Lin, Christopher Corts, and Rebecca Crootof — focused on incorporating the entire law school community in the program. That meant “centering the voices of students [and] the needs of students,” while also engaging staff, alumni, and the local community, said Speaker.

Corts added, “We’re all interested in this subject. We’re all students of this subject, even as we have different degrees of personal experience and expertise or knowledge.”

When it came to selecting speakers for the series, explained Crootof, “one goal was showcasing individuals who represent different people who address these issues in their daily life as a lawyer but aren’t necessarily all the same type of person or all in the same type of job.” In the first session of the speaker series, Judge Carlton Reeves of the U.S. District Court for the Southern District of Mississippi discussed the role of the judiciary in creating, perpetuating, and combating systems of injustice. A second session invited Adeola Ogunkeyede, chief public defender for Travis County, Texas, and Robin Steinberg, founder and CEO of the Bail Project, to discuss effectuating change through policy reform, litigation, and abolition movements. Going forward, the goal is to work with students to “promote voices … that aren’t always a part of the conversation,” said Corts.

To continue the conversation beyond the speaker series, the faculty team launched a more casual virtual discussion program as a companion to the Law, Race, and Power speaker events. The end goal for both the speaker series and the discussion program, Lin explained, is a simple one: “I hope that there are students who feel more like they belong in this law school and in the legal profession.”
Those tricky trademarks

Announcements by Washington, D.C.’s professional football team and by Cleveland’s professional baseball team that they would change their controversial team names caught the interest of Ashley Dobbs, who teaches and writes about both trademark and copyright law as part of her role as director of the Intellectual Property and Transactional Law Clinic at Richmond Law.

In her view, the headline news was less about the law and more about long-term business, financial, and public relations issues.

“The names of sports teams have passed beyond the realm of trademark law now thanks to the Supreme Court’s decisions in the 2017 Matal v. Tam and the 2019 Brunetti cases,” said Dobbs. The cases invalidated, on First Amendment grounds, the part of federal law that allowed the U.S. Patent and Trademark Office to bar trademark registration of “disparaging, immoral, or scandalous” names. “What you’re seeing now is the result of economic, public, and political pressure.”

Trademark law will play an important role as the teams work to secure rights to new names.

“For example, a man in Northern Virginia has been registering trademarks he’s speculated might be new options for the Redskins,” Dobbs said. “He’s been selling his own product using the names, but he says he’s not in it for the money but to help the team change its name. Others have also registered names they think other teams might use. With trademark law, there is a requirement that the holder of a trademark actually use the term in question or have a bona fide intent to do so.”

‘A bias toward action’

With the announcement of the first Legal Business Design Challenge, Richmond Law’s new program on legal innovation and entrepreneurship officially launched during the fall semester. The program seeks to advance design-driven innovation and entrepreneurship capabilities with the goal of accelerating new business ventures and solutions designed to address critical challenges facing the future of legal systems, services, and businesses.

“This new program will have a ‘bias toward action’ wherein we reach beyond the walls of the school to directly engage in the market,” said Josh Kubicki, assistant professor and director of the new program.

The Legal Business Design Challenge presents students with a real-world strategic and/or operational challenge that a legal services business — called an innovator-in-residence — is currently considering. The program’s first innovator-in-residence is the law firm Baker Donelson. Its chairman and CEO, Tim Lupinacci, and the chief client solutions group officer, David Rueff, are the executive sponsors, with members of the firm’s client solutions group working as mentors to the students.

“Working together with Professor Kubicki’s class allows us to tap into the energy and creativity of second- and third-year law students while directly advancing their education regarding the business of law and the current state of the market,” Rueff said.

The Legal Business Design Challenge is the cornerstone of the first course offered within the new program on legal innovation and entrepreneurship.

“I always felt like the gifts that we receive in law school — our experience, our education — are ones that we should gift to others to help our society,” Tara Casey explained in a recent interview with Richmond Times-Dispatch reporter Frank Green. The newspaper selected the director of the Carrico Center for Pro Bono and Public Service for a Dec. 24 cover story about Richmonders making a positive impact on their communities.

Casey discussed her work connecting students to service opportunities in the wake of the pandemic and the summer’s racial justice protests. “They could see what was sickening our society, but they couldn’t figure out how to help it heal,” she said.

That’s where Casey steps in, describing her role as “facilitator of good deeds.”

AN UNMERCIFUL ERA

Professor emeritus John Pagan received high praise for an essay on a grim subject: the prosecutions of servant women accused of infanticide in colonial America.

The Huntington Library Quarterly named his essay, “Poor Babes, Desperate Mothers: Concealment of Dead Newborns in Early Virginia,” one of two honorable mentions for its Huntington Centennial Essay Prize. In it, he argues that the principal motivation for the prosecutions was to intimidate women into disclosing their pregnancies so that masters could “demand extra service as compensation for any losses that they may have sustained as a result of the servants’ illicit childbearing.”
As pharmaceutical companies developed COVID-19-related therapeutics and vaccines at unprecedented speeds in 2020, predictable calls for the government to take control of the drugs followed. After all, why should taxpayers, who helped fund their development, “have to pay twice” by being charged when they hit the market?

That logic doesn’t make sense, Kristen Osenga, Austin E. Owen Research Scholar and professor, argued in a Richmond Times-Dispatch op-ed. “That’s like arguing a novel should belong to the government and be free to the public because a public school teacher taught the author how to write,” she wrote.

The government funds drug development for the same reason it funds roadways, she writes — for everyone’s collective benefit. “When new treatments are successful, drug companies make money because we, through insurance, buy those drugs to keep us, or make us, healthy,” she writes. “The government then taxes those profits and invests some of that tax money into new research. Far from ‘paying twice,’ we are getting a great bargain.”

A GOVERNOR’S AWARD
Ed Weiner, L’80, received the governor’s 2020 Volunteerism and Community Service Award for Outstanding Senior Volunteer. Weiner is founder and senior partner at Weiner Spivey & Miller in Fairfax, Virginia, and served as past president of the Virginia State Bar, the Fairfax Bar Association, and the Fairfax Law Foundation.

Weiner is known for his work developing Jazz4Justice, a program that has raised over $500,000 for music scholarships and $500,000 to support legal aid programs across Virginia.

RACE AND ADMISSIONS
In an article for Bloomberg Law, Kelley Hodge, L’96, explores the impact of the 1st Circuit Court of Appeals’ November 2020 ruling that Harvard University can use race as a factor in admissions. A labor and employment partner at Fox Rothschild in Philadelphia, Hodge advises on Title IX issues for educational institutions.

In the article for Bloomberg, Hodge looks at precedents for the ruling and examines the role of diversity in admissions.

The decision “clearly reaffirms the importance of diversity in education not only in the educational setting,” she writes, “but in producing individuals who have intellect and experience through their education that make them more worldly, knowledgeable, empathetic, [and] resilient.”

Pro bono and protests
The summer of 2020 will be remembered for many things: as a time Americans adapted to a pandemic. As a reckoning on matters of social justice. And, for many Richmond Law students, as a time they were called to help.

“For a lot of students, this is why they came to law school, because they wanted to be of service,” said Tara Casey, director of the Carrico Center for Pro Bono and Public Service.

Casey worked with local Richmond agencies to develop new programs and partnerships. One of the larger ones was with the RVA Legal Collaborative, which provided legal support for people arrested during protests after the killing of George Floyd.

With Julie McConnell, L’99, director of the Children’s Defense Clinic, Casey helped identify legal issues for the students to research and trained them to review police body-worn camera footage to assist pro bono attorneys working through the RVA Legal Collaborative.

“The students are learning first-hand what a difference thorough research and motions practice can make in effective representation,” McConnell said.
The future of voting

Q & A Election law expert Henry L. Chambers unpacks the impact of the 2020 election on the polling industry — and on the future of voting in America.

WHAT LEGACY DO YOU THINK THE 2020 ELECTION WILL LEAVE? SHOULD WE ANTICIPATE ANY LONG-TERM CHANGES WHEN IT COMES TO VOTING AND ELECTION LAW?
I do anticipate some long-term changes, and possibly in a positive direction. People are starting to realize that we can vote in many different ways. Voting in person on election day is one way to vote. However, I am hearing much more and louder pushback when folks say, “Voters should vote on election day and only on election day, unless they have a reason not to do so.”

In fairness, many jurisdictions shifted away from a single election day years ago, but more are normalizing the expectation that there is a voting season rather than a single election day for when people are expected to cast a ballot. States will continue to pass laws that allow that flexibility.

Virginia has been moving in that direction. Virginia changed a number of laws, for example, going to no-excuse absentee voting, which essentially allows early in-person voting for anyone who wants to vote ahead of election day. In addition, states may make voting by mail easier, such as by rethinking or eliminating witness signature requirements on absentee ballots. That would make voting easier and may encourage more people to vote.

WHAT CAN THE FEDERAL AND STATE GOVERNMENTS DO TO INCREASE PUBLIC TRUST IN THE FAIRNESS OF ELECTIONS?
They can be clearer about how transparent the election and vote counting process is. They can push even more information out to people regarding how elections work.

A mountain of public information is already at the public’s disposal, but even more may be necessary given some of the crazy skepticism that exists regarding the fairness of elections. In addition, elected officials need to be far firmer in pushing back against the narrative that American elections are unfair or inaccurate, at least with respect to counting the votes.

ARE THERE ANY IMPLICATIONS FROM THE ELECTION THAT PEOPLE HAVE NOT THOUGHT ABOUT?
One of the big things that has not been covered about this election is that it was the last election before redistricting occurs. The 2020 Census took place last year, and as a consequence, every state needs to redistrict. When that occurs, we’ll see what happens with the state legislatures. We’ll see what happens when it comes to congressional delegations. And particularly, because this is the first redistricting after the census, where it is clear that partisan gerrymandering is allowed.

The Supreme Court said in 2019, “Look, we’re not getting in the business of this. It’s a political question.” So, if you thought the 2020 election was interesting, just wait till you get to redistricting in 2021. It could be a bloodbath.

WHERE DOES THE POLLING INDUSTRY GO FROM HERE?
The polling industry is not going anywhere. It will adapt and get better. In addition, average people will learn to interpret polls better. One silver lining to rethinking polling is that people might remember that actual votes are all that matter and may vote as a result.
Her language? Justice

Salua Kamerow, L’23, says that it was by chance that she became a lawyer who advocates for immigrants and translates legal documents. But with a conviction for fairness so strong that her mother predicted at 4 years old that she’d be a lawyer, her story suggests much more.

While on a cruise that docked in Miami, Kamerow knocked on the door of the Colombian Consulate. At the time, she had recently completed law school in Colombia and had applied to the consulate’s internship program. Although her application had not been received, her presence led to an appointment, and that appointment led to a job.

Kamerow’s work at the consulate introduced her to many stories of people rebuilding families, improving lives, falling victim to predatory schemes, and struggling to navigate a foreign world. Wanting to do more, she decided to enter legal translation. She knew how the work of translating documents including depositions and certificates of birth, death, marriage, and more could transform lives.

“In the legal field, translation is complicated,” she explained. “You have to find the word, the meaning, the context, syntax, semantics — everything has to match in both languages.” Kamerow currently translates English and Spanish, but she is also learning Modern Standard Arabic. “It’s the freedom of these people at stake.”

To that end, she completed a Master of Laws at Penn State and a master’s in translation at New York University. A few times, her work even extended to interpretation in specialized courts. In her studies at Richmond Law today, she’s focused even further on advocating for immigrants in the juvenile justice system.

“When they get into criminal trouble, they also face deportation,” she said. She described a man she worked with who spoke “wish-washy” Spanish and was raised in the United States from age 12. “He said to me once, ‘I have no one [in my birth country]. I know absolutely nothing. If I am deported, I don’t know what I’m going to do.’”

Another example of the profound way that Kamerow’s work impacts real lives involves a woman from El Salvador who had been abused by her stepfather and kidnapped. When she faced deportation from the United States with her children and couldn’t afford to pay a translator, Kamerow translated her story anyway. Two years later, she was granted a green card.

“It is hard to lead a fight that is a good fight,” Kamerow said. “We need to meet people where they are.”

—Cheyenne Varner, ’13
Pathways to business law

Professor Jessica Erickson recognizes the value of learning in a classroom. “But I also recognize that students learn a tremendous amount outside of the classroom, through co-curricular opportunities and opportunities to connect with lawyers,” she said. That’s where the new Richmond Law and Business Forum comes in.

Erickson launched the forum in Fall 2020 to help students prepare for business law careers and introduce them to leaders in the business law community. “For example, we might host a panel of lawyers on preparing for a business law career, put together a discussion on a new business law issue brewing in the courts, or provide course selection advice for students interested in business law,” said Erickson. “We tell our students to network, but we all know it can be hard to connect with practicing lawyers,” she added. “My hope is that the forum will give students an opportunity to make those connections.”

Readers with interest in connecting with the forum are welcome to contact Erickson at jerickso@richmond.edu. “We envision lots of opportunities for students to learn about different aspects of business law, as well as the day-to-day life of business lawyers,” said Erickson, who hopes to include a variety of speakers in the coming years.

“We would especially love to hear from business lawyers with nontraditional career paths or who didn’t necessarily see themselves going into business law when they were in law school,” she added. “I want our students to know that they can follow this path even if they don’t have a business background or don’t fully understand yet what a business law career involves.”

Hill portrait is back home

From 2003 to 2015, a portrait of civil rights attorney Oliver White Hill Sr. graced the halls of Richmond Law. Painted by artist Elaine Bankston, the portrait pays tribute to the role Hill played in the desegregation movement, including his work in Brown v. Board of Education of Topeka.

In 2015, the law school loaned the portrait to the Virginia Governor’s Mansion. “We ... thought it important to recognize accomplishments of African Americans here in the Commonwealth of Virginia,” said then-Gov. Terry McAuliffe.

To help Richmond Law continue to honor the civil rights hero while the original painting is on loan, Bankston donated a reproduction to the law school in December 2020. Bankston, pictured here, right, with UR Museums director Richard Waller, donated another Hill portrait to the Virginia Museum of History and Culture.

SERVING VETERANS

The Veterans and Military Association jumped into action in 2020 and 2021 with several initiatives to support and raise awareness of the local veteran community. “We feel [that veterans’] presence among us adds wealth and value to our community, and we are proud to have them among us as colleagues and friends,” said Carlos Ruiz, L’22, in an email to the student body on behalf of the VMLA Board.

Students hosted a book drive and a T-shirt fundraiser to benefit patients at the Hunter Holmes McGuire Veterans Affairs Medical Center. They also created a flag display at the law school on Veterans Day. Each of the 22 flags represented one student or faculty member who served in the military.

A ROCKIN’ GOOD CASE

Rock and race combined with trademark law at Richmond Law in October 2020 when the Student Intellectual Property Law Association and the Asian Pacific American Law Student Association came together to host guest speaker Simon Tam. The founder and bassist for Asian American rock dance band The Slants, Tam was the defendant in the landmark Supreme Court case Matal v. Tam, in which the court unanimously ruled in his favor and expanded First Amendment rights in trademark law for minority communities.

COMPETITION CONTINUES
The moot court and trial advocacy competitions of 2020 had a slightly different look and feel to them. 2L students Danielle Taylor, left, and Mallory Ortmann masked up to earn first place in the Trial Advocacy Board Intrascholastic Trial Competition (with 1Ls Mallory Duplantis and Bobby Belser placing as runners-up). Taylor also received the Robert A. Slimak Best Advocate Award and was designated the top advocate by every judge in each of her rounds of the competition.

The Moot Court Board and the Alternative Dispute Resolution Society also hosted in-person competitions with social distancing measures in place.

IT’S MY HONOR, YOUR HONOR
The second annual “Honorable Conversation” event, hosted by the Black Law Students Association in November 2020, brought together a panel of local Black judges to discuss diversity and inclusion in legal careers, as well as general advice on finding success in the legal profession.

Participants included the Honorable Roger Gregory, chief judge of the U.S. Court of Appeals for the 4th Circuit; the Hon. Cleo Powell, Supreme Court of Virginia; the Honorable Randall G. Johnson Jr., L’98, of the Henrico County Circuit Court; and the Honorable Marilyn Goss, L’82, of the Richmond Juvenile and Domestic Relations District Court.

CURRICULUM
In class and in-house
When George Hiller, L’91, approached Bill Benos, L’88, in 1994 with an idea to launch a linked course in business and international law, the concept was a novel idea, grounded in experiential learning.

Over 25 years later, the two alums-turned-adjuncts still offer that same course, bringing law and business students together with local businesses to create a combined business plan. Today’s program pairs undergraduates in the Robins School of Business’ Strategic Market Planning in Latin America course (taught by Hiller) with students in the law school’s International Business Practice Seminar (taught by Benos). They come together to work on a solution for their clients.

“It’s important ... for the business students to understand what the role should be — could be — of legal counsel, be it in-house or outside counsel, in the business planning process up front,” said Hiller. The law students “are serving as the legal advisor to the business students, helping to educate each other and to mutually talk about issues and ideas and identification of the problems and, more importantly, the solutions,” said Benos.

EXTRA CREDIT
Stairway to litigation
In October, the Supreme Court ended longstanding copyright infringement litigation involving Led Zeppelin’s “Stairway to Heaven,” one of rock music’s iconic songs, by declining to hear an appeal. Professor Jim Gibson, an expert on copyright law, unpacked the case with his typical wit in a short video on the law school’s Facebook page.

“Like lots of Zep songs, it took awhile to get there,” he said.

At the core of the case were claims that Led Zeppelin illegally copied a composition by a lesser-known band that had toured with Zeppelin as an opening act in the late 1960s. In his video, Gibson played audio excerpts, which show clear similarities.

The case “really came down to how much borrowing is too much borrowing,” Gibson said. “All artists borrow from their predecessors and, in turn, future artists will borrow from them. That’s how the arts advance.”

Gibson’s analysis was part of The Synopsis, a series of Richmond Law videos about current legal issues. You can find these and more on Richmond Law’s social media channels. Search for @URLawSchool on Facebook, Instagram, and Twitter.
In Brief  Duke law professor Guy-Uriel Charles delivered Richmond Law’s annual Emroch Lecture via Zoom in September. His title was “We the (White) People.” The following contains edited excerpts from his remarks.

How far have we come, then, from Brown v. Board of Education? Where do we go from here?

First, some observations. Yes, we’ve made racial progress, but it is by no means linear. And it is contingent on a series of things, including composition of the court or the political process at a particular moment, or what was going on within our society. And it is deeply contested.

Now, some concrete steps. First, inclusion is about outcomes. It is not about attitudes. To the extent that people want to be anti-racist, that’s great, but for me what matters is, “What are the outcome measures?” And are we seeing a disparate impact that we think is significant?

We should always be thinking about the outcome measures. Outcome measures are the fundamental frame for racial equality in the 21st century. We need to maintain and expand disparate impact doctrine and disparate impact analysis because disparate impact is critical to inclusion. It actually tells us whether people of color really belong or whether they are excluded. Racial civil rights activists need to make the case for the expansion of disparate impact doctrine.

Second, racial inclusion is often indicative of a deeper problem. I study the Voting Rights Act. When you look at voting rights, one of the things that you saw is that there was a significant problem related to racial discrimination. But the barriers that made it hard for Black women to vote also made it hard for white people to vote. Racial discrimination in voting was indicative of a problem much more broadly. Race in this context is diagnostic. We should think about expanding the pie for everyone. Inclusion ought to bring more people to the table.

Third, sites of inclusion are multilevel. So often, we think about these questions at a national level, but we should think about them in whatever institutions in which we find ourselves: national, state, local, law schools, civic, economic. The fight for inclusion must be waged at many levels.

Finally, inclusion is costly. Making room for people who have been excluded will necessarily exclude those who wielded a disproportionate amount of power. Inclusion will cost some people material gains. Changing the school system to make it much more inclusive might mean that some people might have to pay more in taxes. Remember my point here: Inclusive outcomes doesn’t mean bringing in more Black or brown faces. It means looking at the outcome variables.

We have overcome much, and we should celebrate. But the task of inclusion — of making sure that “We, the people” includes all the people, not just “We, the white people” — is a task that remains to be accomplished. We have miles to go before we rest.
During the COVID-19 semester, students wore face coverings and Zoomed beyond the limits of human endurance. But they also had ingenious adaptations, compassionate professors, and a playlist of fight songs that did more than just get them through.
WHEN THE UNIVERSITY OF RICHMOND ANNOUNCED a return to in-person learning for the fall 2020 semester, one thing was certain: It would be a semester like no other.

From building safety to health protocols, no aspect of life would go unaltered during the first full semester in this worldwide pandemic. At the law school, that meant updated HVAC systems, new traffic patterns in the building, and required COVID-19 testing. Along the way, the University of Richmond’s oft-repeated trifecta of a slogan became the foundation for all interactions on campus: “Six feet. Mask up. Protect Our Web.”

As students, faculty, and staff alike made changes to accommodate this new reality, they also looked for new ways to come together as a community. Whether that meant technological updates so classmates could hear one another through face coverings, pedagogical changes to better connect students with their professors, or finding virtual outlets for social life, adaptation was key to success.

Here, we look at just a few examples of how students, faculty, and staff helped the law school community pivot — thanks in no small part to a combination of resilience, spirit, and good humor along the way.

LAYING THE GROUNDWORK

The university announced over the summer that students could attend classes in person for the fall semester — while allowing flexibility for those students who opted to learn from home. The core challenge of that proposition was figuring out how to deliver an identically engaging experience to remote and in-person learners at the same time. The solution was what came to be known as the “hybrid classroom.” Working with the university’s information services team, the law school’s technical services team got to work.

The goal for each classroom, explained Carl Hamm, multimedia production and technology specialist, was to keep technology simple and uniform so that any faculty member could enter any classroom and know how to use the equipment. The initial basic setup included a camera with a built-in microphone and a speaker on a tripod. But that was just the first iteration.

One of the first challenges, said Hamm, was to create a system in which all participants could engage with one another. “In the hybrid world, professors really wanted to be able to see the virtual students as well as their in-class students,” he said. So in July, the team brought in truckloads of televisions to outfit each classroom across campus to allow all of the remote students’ faces to be displayed on one large screen.

After creating a solution for video communication, the team had to tackle an even bigger obstacle: audio. With some students spread around a room, some students connecting remotely, and everyone masked, creating an environment in which all participants could be heard proved to be a tall order. The team conducted tests in every class-
students had to fear cold calls in masks. “I was expecting it to be a lot scarier to be in person,” Ryan Dunn, L’23, admitted. But the reality proved to be less intimidating. “I spend most of my day in the law school,” he said, “and I never worried about my safety. The law school has taken a lot of precautions, [and] my classmates and peers are committed to that same level of safety.”

In fact, the social distancing provided a silver lining. Instead of being divided into the usual three sections, this year’s 1Ls were divided into six groups to promote better social distancing. The smaller sections meant even smaller classes.

“I really appreciated the smaller classes,” Dunn said, which helped “build better relationships with my classmates and my professors.” Lindsey Boryan, L’23, agreed. “If anything, I think we’ve benefited from having smaller section sizes” and the additional attention from professors, she said.

The approach the professors take in the classroom is important, too. “The professors all kind of started being open and honest — ‘Hey, this is weird. We’re going to get through it, and we’re going to try to make it as normal as possible,’” said Boryan.

“They’re wanting to get to know us on a more personal level,” added Dunn — whether that took the form of a casual Zoom chat or a virtual “front porch” meetup with other students from Professor Noah Sachs’ torts class.

Part of the experience is a certain level of adaptability. For example, “you very quickly become used to having a conversation with somebody with a mask on,” said Boryan. “We had to play the cards we’d been dealt and try to make the best of it,” said Dunn. So that meant small group outings to the sculpture gardens at the Virginia Museum of Fine Arts to meet students from other sections or a weekly virtual trivia game organized by the Student Bar Association.

Throughout the experience, though, one thing Dunn emphasized is “how proud I am of the university and the law school for the steps they take to keep me safe and to keep my classmates safe to ensure that we have as normal a semester as possible.”

“Another major victory, and another thing I’m really grateful for, are the teaching assistants that we hired,” said Hamm. “We couldn’t be everywhere at once, so we had to rely on the TAs.” Edwards agreed. “The TAs have been a godsend,” she said. “We wouldn’t have been able to pull this off without the student assistants.”

An intensive series of faculty training sessions, plus a dedicated student technology assistant in every room, helped overcome on-site hiccups.

Students were one part of the team effort. Cross-campus partners were another, with experts from the Modlin Center for the Arts providing acoustic guidance, members of the facilities team supporting custom acoustical modifications, and staff from information services helping with installation across campus. The end results yielded some positive takeaways.

“The future of how we teach will forever be changed where technology is concerned,” said Edwards. Plus, “faculty have become really proficient in how to use the tools more effectively.” And that’s a good thing.

FINDING A PLACE
For the 153 new law students starting school in August 2020, the standard 1L nerves reached a new level of anxiety when it came to the pandemic. So, for example, instead of

fearing cold calls, students had to fear cold calls in masks. “I was expecting it to be a lot scarier to be in person,” Ryan Dunn, L’23, admitted. But the reality proved to be less intimidating. “I spend most of my day in the law school,” he said, “and I never worried about my safety. The law school has taken a lot of precautions, [and] my classmates and peers are committed to that same level of safety.”

In fact, the social distancing provided a silver lining. Instead of being divided into the usual three sections, this year’s 1Ls were divided into six groups to promote better social distancing. The smaller sections meant even smaller classes.

“I really appreciated the smaller classes,” Dunn said, which helped “build better relationships with my classmates and my professors.” Lindsey Boryan, L’23, agreed. “If anything, I think we’ve benefited from having smaller section sizes” and the additional attention from professors, she said.

The approach the professors take in the classroom is important, too. “The professors all kind of started being open and honest — ‘Hey, this is weird. We’re going to get through it, and we’re going to try to make it as normal as possible,’” said Boryan.

“They’re wanting to get to know us on a more personal level,” added Dunn — whether that took the form of a casual Zoom chat or a virtual “front porch” meetup with other students from Professor Noah Sachs’ torts class.

Part of the experience is a certain level of adaptability. For example, “you very quickly become used to having a conversation with somebody with a mask on,” said Boryan.

“We had to play the cards we’d been dealt and try to make the best of it,” said Dunn. So that meant small group outings to the sculpture gardens at the Virginia Museum of Fine Arts to meet students from other sections or a weekly virtual trivia game organized by the Student Bar Association.

Throughout the experience, though, one thing Dunn emphasized is “how proud I am of the university and the law school for the steps they take to keep me safe and to keep my classmates safe to ensure that we have as normal a semester as possible.”

VIRTUAL SKILLS-BUILDING
For many students, one of the key benefits of the legal education experience is to combine theory with practice in real-world externships or pro bono work. Those opportunities give students the ability to build skills in an on-site
environment while making connections in the legal community. That end goal became a tall order under the confines of COVID-19.

Students in Professor Tara Casey’s public policy course were still able to gain some hands-on experience in a particularly timely and topical field. Partnering with the Virginia Poverty Law Center, groups of students took a deep dive into issues of housing equity. In teams of two, students created policy memos on topics ranging from foreclosure to property tax. “With this year’s intersection of housing and the economic fallout from COVID, some of these issues are particularly acute for a number of the community,” Casey said.

Students also gained hands-on experience through the externship program, directed by Professor Ali Silva Fannon. “There’s lots of uncertainty for everyone in the legal profession,” said Silva Fannon. With 21 students working in a variety of civil, criminal, in-house counsel, and judicial placements, no two experiences were alike. Some students worked remotely, performing legal research from home and connecting with colleagues via virtual meetings. Other students in judicial placements were able to work in person in some court systems.

“The field instructors had to go above and beyond to make it as normal as possible,” Silva Fannon said.

Students came away with some quality legal experience — not to mention “an insider view of how the entire legal profession is trying to grapple with a new challenge,” Silva Fannon said.

COVID MEETS ACADEMICS

All faculty members adapted their course formats due to the pandemic. But some also adapted their course content, leveraging the myriad legal issues surrounding COVID-19 to the benefit of their students. In the spring semester, for example, students in Professor Joel Eisen’s administrative law course analyzed federal agencies’ responses to the pandemic.

“For the students, it’s important to think about and talk about COVID as something that is influencing everything they do,” said Professor Chiara Giorgetti, who developed and launched a new course — COVID-19, Global Emergencies, and International Law.

“The initial framework we started with was: What is international health law, what does it allow states to do, what is the framework, and how is this being applied in times of COVID?” said Giorgetti. Students took on the questions in different project assignments. One student examined the obligations of different states to collaborate in the development and distribution of a vaccine, while another looked at the impact of COVID-19 on pending cases in the International Court of Justice.

The goals of the course were to explore not just the reach of international law, but also the limitations of international law in times of global crisis, Giorgetti said. “International law certainly plays a role in addressing the health emergency, but it’s not the solution for everything.”

Giorgetti worked quickly to pull together a course for which the subject matter was happening in real time. She sourced material from blog posts, podcasts, and online articles from outlets like the European Journal of International Law. And as the semester — and the pandemic — progressed, she saw students become more and more engaged with the material.

“It is a difficult and very new topic,” Giorgetti acknowledged, and “the students have very interesting questions.” There are, she noted, “kinds of classes that work well on Zoom, and I think this is a good example.”

BUILDING COMMUNITY IN THE CLASSROOM

Professor Corinna Lain started the semester with a creative task for students in her evidence and criminal procedure courses: Pick a fight song.

“I told them, if they were the star of a movie and the lead gets knocked down and there’s a time in the movie when they decide they’re going to push through it and conquer their challenges, what’s going to be their song?”

Lain compiled the song submissions into a playlist for each class, which she would then queue up 15 minutes before the start of every class. “This is a way we can get to know each other,” she explained. But the songs played a role greater than icebreaker.

“There may come a time when you need your fight songs,” Lain told her students. And with these playlists — with artists ranging from Simon and Garfunkel to DJ Khaled to Elton John — students would be equipped with “some kick-butt, overcome-your-challenges songs.”

Lain’s goal was to provide some encouragement during a year full of uncertainty. “Music is my own ministry,” she explained. “It ministers to my soul, it changes my moods, it does all kinds of things for me. Maybe it will do the same for [students], too.”

Students, after all, were at the heart of every strategy to adapt law school life during a pandemic. As Lain said, “For me, this will be a special class in my heart, not only because of their grit and determination, but also because of their character and their community and their caring.”

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Emily Cherry is assistant dean for communications and strategic initiatives at Richmond Law.
8 THINGS TO KNOW

WHEN SUING AND DEFENDING IN A POST-COVID WORLD

By Matthew Dewald | Illustration by Katie McBride
Pandemic-related lawsuits are already here and will only increase.

A group of Richmond Law alumni created a new guide to help litigators prepare.
In 2017, an estimated 11 million people worldwide died of sepsis, the body’s reaction to an infection.

Even before the current pandemic, facts such as this were highlighting the growing pace of communicable disease transmission as more people were traveling more often in a world more connected than ever. In 2019, Samuel Tarry Jr., L’94, began working with a colleague on a book about the legal issues they saw arising from localized outbreaks and regional epidemics. The project was seen — rightfully, he acknowledges — as “kind of a niche book” by his publisher at the American Bar Association.

Tarry is an obvious fit for the subject matter. A partner at McGuireWoods based at its Richmond office, he is a member of the firm’s trial practice steering committee and a past chair of the product and consumer litigation department. For nearly three decades, he has represented clients in matters ranging from public health litigation to product liability and food contamination suits. His co-editor, Davis M. Walsh, also a litigator at McGuireWoods, added further expertise in medical product liability litigation and other areas.

As they merrily typed away on their niche project, “the world changed in a month in March of 2020,” Tarry said. “We didn’t realize until the COVID outbreak, when we started talking about quarantines and lockdowns, how much litigation gets driven and created. I say thatagnostically. Litigation is better than beating each other over the head.”

Their publisher had one main question for them: “Can you guys draft any faster than that?”


“Some of them wrote entirely from home,” Tarry said. “Some wrote from the office, but the work experience had changed. Everybody had a different work experience than they would have had if we had published a year earlier, and they had different personal perspectives.”

The following are just a few takeaways from Spider-written sections of the book.

Although Tarry and Walsh were already working on a book about infectious disease litigation, even they were surprised by the legal implications that became apparent once the full force of the pandemic and the response to it hit.

“In 2020, as COVID-19 overwhelmed governments and significant segments of the population and paralyzed many courts, we became painfully aware of the magnitude of risk carried around in tiny bacteria and viruses,” they write in their introduction.

Once the pandemic overtook normal life, the publisher urged Tarry and Walsh to expand their outline. They added chapters on topics such as employment law and insurance. They also worked with authors to expand chapters already in the works. For example, when plaintiffs began filing lawsuits against cruise lines, Frank Talbott, L’13, revisited and expanded his chapter on punitive damages. The entire book, Tarry said, “became deeper and richer.”

In an interview, Tarry said he thinks that we’re still only beginning to understand what a post-COVID-19 society might look like. “Human behavior has changed, it’s continuing to change, and it’s not going to go back to the baseline after we get the vaccine,” he said. The sniffling co-worker who stays at the office will likely go from being admired for their work ethic to being considered a workplace safety issue. Businesses will likely be held to higher standards of cleanliness, and even the fist bump may be here to stay. As our attitudes about our interactions with one another continue to shift, so too will the legal landscape governing what constitutes reasonable conduct.
#2 KNOW YOUR SCIENCE.

The book opens with chapters on microbiology and epidemiology. This up-front placement underscores how important it is for practitioners to have a solid grounding in the applicable science.

The scientific method and advocacy can seem like clashing mindsets, Tarry said. A scientist designs a test and gathers evidence to rigorously but dispassionately evaluate a hypothesis. An attorney emphasizes evidence that best fits their argument and seeks ways to explain away what doesn’t. Zealous advocacy isn’t just a strategy; it’s an obligation.

But a smart practitioner will not see them in conflict. “When you have to convince a judge and a jury, you have to have credibility,” he said. To have that, you have to know the science. “The best legal argument about a case is one where you’ve thought like a scientist.”

Just as the law is always evolving, so is the science. Ongoing education is a must.

#3 PRODUCT LITIGATION STANDARDS ARE LIKELY TO CONTINUE SHIFTING, SO KNOW YOUR JURISDICTION.

Many of the book’s authors worked on their chapters at a time when they were not only thinking about the effects of a pandemic but living through them, too. Margaret Bowman, L’13, was in an even more interesting personal situation. She was at home with her new baby girl, immersing herself in a subject every new parent worries about: product safety issues.

“When you’re a new parent, you’re pretty anxious and you’ve got all kinds of things running through your head, a lot of what-ifs,” she said. “I expected I would be that way as a parent, and it turned out to be quite the opposite.” Lawyers, by their nature, are trained to imagine a worst-case scenario, “but I also know in my job that a worst-case scenario is very unlikely to happen.”

This idea — how we think about risk — is at the heart of an ongoing shift in product liability thinking that Bowman believes the pandemic will accelerate. For decades, lawmakers and courts have generally moved away from a strict liability standard to a negligence standard. The latter standard places more emphasis on the actions of the defendant, particularly whether it acted reasonably given what it knew.

Take, for example, a company that manufactures personal protective equipment, such as masks. It’s been selling them for years when a new virus strain emerges with unknown transmissibility characteristics. “Imagine someone is wearing those masks because they think they will protect them, but of course the company didn’t test for [the new strain] because it didn’t know about it,” she said. Under a strict liability standard, a suit might be possible, she said, but it becomes a much tougher case to make under a negligence standard. (She also notes that under either standard, causation would be a very tough hurdle to clear.)

Her advice to practitioners navigating this shift? “You’ve got to figure out the landscape of the jurisdiction’s liability laws,” she said. “Craft your case so that it’s aligned with the law as it is and where it is heading, not where it was 20 or 30 years ago.”

#4 HAVE A PLAN FOR HIPAA COMPLIANCE.

Pandemic-related litigation requires attention to HIPAA compliance. HIPAA — the Health Insurance Portability and Accountability Act — protects individuals’ medical records and other personal health information and establishes safeguards for the protection of this information. Developing “a HIPAA compliant discovery plan at the beginning of any such litigation and before sensitive documents are exchanged” is absolutely essential, write Etahjayne Harris, L’18, and two co-authors.

The costs of not putting protocols in place to ensure HIPAA compliance can be steep. They offer the example of a small medical practice in Utah that paid $100,000 as part of a settlement involving, among other problems, its failure to ensure security measures.

For practitioners, key practice points include planning HIPAA compliance measures early, vetting vendors to ensure their compliance, encrypting data at every stage of its use, and using technology to automate the identification and redaction of protected information. These steps will ultimately reduce both risks and costs.
A PANDEMIC TESTS THE LIMITS OF GOVERNMENTAL POWER.

While federal, state, and local governments have extensive powers to act during a health crisis, citizens do not lose their constitutional rights during one. These two truths can lead to disputes about government overreach. The devil, as always, is in the details, write Brandon Santos, L’07, and his co-authors in a chapter on quarantines and other governmental restrictions.

Issues have arisen in everything from governors’ attempts to close state borders to the strings attached to emergency government relief doled out to the private sector. Terminology can be contentious, such as what constitutes an “essential business.” Businesses have generally been able to appeal governors’ designations that are adverse to their interests. However, it is often “unclear who reviews the petitions or the standards used to determine whether a business falls under one of the essential categories,” Santos and his co-authors write.

In the area of criminal justice, courts that delay proceedings risk running afoul of the constitutional guarantee of a speedy trial. The COVID-19 outbreak has also raised questions about confinement, as prisoners across the country have petitioned for release from high-risk infectious environments.

In general, the authors write, the government has wide latitude to decide how to respond to an ongoing outbreak, as long as it avoids differential treatment that infringes a fundamental right. Even so, businesses should be cautious about responding quickly to measures such as the lifting of regulatory burdens. They could return quickly once the emergency passes.

BE READY FOR MULTIDISTRICT LITIGATION, BUT CAST A SKEPTICAL EYE ON A CLASS ACTION STRATEGY.

As a pandemic spreads, it becomes more likely that plaintiffs will bring similar allegations containing common questions of fact to courts in multiple jurisdictions. This common focus on the defendant’s conduct “makes outbreak litigation a prime candidate for an MDL,” write Sylvia Macon Kastens, L’17, and three co-authors in a chapter on multidistrict litigation.

Take the example of a complaint filed in April 2020 by two plaintiffs against a cruise line, alleging that it ignored significant risk to passengers as the pandemic spread. Hypothetically, the authors write, other passengers on other cruise ships might also sue other cruise lines based on essentially the same set of facts. “It could arguably serve as a basis for forming an MDL,” they write.

Just because an argument can be made for consolidation does not mean that a practitioner should make one. Consider the pros and cons. Litigating in one forum is cheaper and more efficient than in multiple forums at every stage, from strategic planning to discovery to settlement negotiations. It can, however, incentivize new claims and force plaintiffs to work together who may not want to. Weak claims might be easier to contest separately.

Once a case is transferred to an MDL, stay organized to benefit from the MDL structure. “MDLs always have many different moving parts,” Kastens and her co-authors write.

Class action certifications, on the other hand, will be less likely, particularly when rooted in personal injury claims, write Bethany G. Lukitsch, L’98, and a co-author in their chapter on class actions. They note that class action certification is rare in personal injury cases generally and may be very difficult in pandemic-related cases involving economic loss. The reason is that class action cases have to clear hurdles of standardization in class treatment that do not impact MDLs.

“It’s not just defending whether your client was perfect and somebody else was to blame. We have to help juries fully understand what actually happened.”
None of it matters if the jury doesn’t understand exactly what happened.

Cases arising from infectious disease outbreaks are less likely than other cases to go to jury trials, but when they do, a jury’s ability to understand complex issues will play a significant role. Causation is likely to be particularly thorny in pandemic-related litigation, as there is often a combination of factors in play. For example, a case involving a customer who contracts the coronavirus after dining at a restaurant raises a host of uncertainties. Did the restaurant take reasonable precautions? Is a fellow diner more culpable? Did the infection even occur at the restaurant? The issues are complex, and expert testimony will be necessary to clarify them.

“Our brains are big enough to understand that three or four or five different things can be true at once,” Tarry said. “They’re not often either this or that. I think that the COVID experience is helping people realize that even where there is fault, there are often multiple chains of a fault. ... It’s not just defending whether your client was perfect and somebody else was to blame. We have to help juries fully understand what actually happened, that there are typically multiple links and a causal chain.”

Calculate the punitive damage.

Generally speaking, the law channels Richard Nixon’s accusers during Watergate when assessing punitive damages: What did the defendant know, when did it know it, and what did it do with that knowledge?

During an outbreak of infectious disease, the first question turns on whether a defendant was aware of, or should have been aware of, a risk of harm related to its actions. If so, did it conceal or ignore the risk, or did it take steps to prevent harm?

The bar for acceptable response is not high, according to Tarry, Talbott, and co-authors of the chapter on punitive damages. “The care demonstrated does not need to be successful or even vigorous — there just needs to be a modicum of effort on the defendant’s part,” they write. The standard is whether the conduct was reprehensible. “Society [does not] normally gain from punishing those who, after being alerted to an outbreak, seek to protect the public,” however imperfect their efforts, they write.
THE PANDEMIC, STUDENTS, AND THE LAW
She’s Never Seen a Challenge as Big as This Pandemic.

Interview by Debbie Juniewicz
Photograph by Michelle Reed

Kathleen Mehfoud, B’74 and L’78, has worked in education law for more than four decades. With retirement on the horizon, Kathleen Mehfoud, B’74 and L’78, anticipated a light workload in 2020, working part time as senior counsel at Reed Smith in Richmond. Then along came COVID-19. “This was supposed to be a very low-key year for me, with me not working very much,” Mehfoud said. “But I ended up having to work a whole lot for the public school districts, at least at the beginning of the year, because of all the COVID issues and the poor schools.”

Mehfoud has spent more than four decades — 42 years to be exact — working in education law, a field she was drawn to because of the variety and wide range of issues it encompasses. But nothing prepared the Richmond Law graduate for the challenges the pandemic presented to schools in the area, around the state, and across the country.

**In Your Many Years Working in This Field, Had You Ever Seen Anything Like This?**

No, definitely not. This is a unique challenge. The only thing you could potentially liken it to was when AIDS first came about, and we were dealing with employees and children in the schools who were HIV-positive and trying to work our way through that, but that was very different. That was a very isolated case here and there and obviously something you could deal with very easily without having to close the schools.

**What Was the Initial Response to the COVID-19 Restrictions by the Schools You Work With?**

The clients were at a complete loss as to what to do. When it first came about, there was this — in retrospect — naive belief that schools were going to be closed down for two weeks or a month and then we’d all come back. And then there was a belief, over the summer, that we’ll all come back in the fall, and it will be fine, which of course hasn’t proven to be correct at all.

The thing that was happening was it was so overwhelming and affecting every aspect of the school communities that the staff was at a loss as to what to do. It was not only a concern for the students and what was going on with them and helping them continue their education and getting the technology in place quickly so that they could learn remotely, but then there was the concern for the staff and anybody supplying services to the schools.
Every aspect of operations was affected and then, of course, the finances. How do you afford all the services you need to put in place and get all the technology in the hands of the students? How do you buy technology for all of your students if you have this big economic slowdown and your budget is less than anticipated? It was just an overwhelmingly difficult task.

**AS SCHOOLS AND SCHOOL BOARDS NAVIGATED THIS NEW LEARNING ENVIRONMENT, HOW DID YOU AND YOUR COLLEAGUES RESPOND TO THE INCREASED DEMAND FOR LEGAL SUPPORT?**

We did audio conferences and virtual seminars to talk about the nuts and bolts about what they needed to do on a day-to-day basis. How do you work with children with disabilities who are not going to be attending school in person? How do you meet strict deadlines? How do you do evaluations when you can’t sit down face to face with a student?

And, then, there was lots of planning for the future. If this continues, what do we have to do to get rigorous education programs in place in a virtual setting?

**IN ADDITION TO THE SHEER SCOPE, WHAT MADE THIS SUCH A UNIQUE CHALLENGE?**

All the requirements are in place for the school districts regarding educating kids, serving children with disabilities, developing their IEPs [Individualized Education Program], doing evaluations, and all the timelines for doing it. They’re all there in place, but then you put the COVID restrictions on it, and it makes the task almost impossible, but yet they still have to meet all regulatory requirements. So we’ve been trying to be very creative in finding solutions so that school districts continue to fulfill their educational responsibilities even though there is a pandemic going on. That is not an easy task.

**CAN YOU DETAIL SOME OF THOSE CREATIVE SOLUTIONS?**

In terms of creative solutions, the firm discussed, in our seminars last spring, that school districts would need to plan over the summer for the possibility of all virtual programs for September and needed to determine methods of delivering rigorous educational services in a virtual environment.

This type of program entailed placing computers in the hands of all students and ensuring they had Wi-Fi access. The Wi-Fi access was particularly interesting and the use of hot spots, school parking lots, and mobile buses to provide Wi-Fi services were investigated. Additionally, training was given to teachers by the districts about how to teach virtually and by my firm about how to conduct meetings virtually.

My firm defined the legal issues in conducting virtual meetings, such as sharing written information in advance, limiting the number of participants while still meeting legal requirements for the meeting, and addressing privacy issues for the virtual meetings. We provided many tips about how to conduct the meetings legally — although virtually — and what licensure and privacy limitations there could be on the provision of related services over a virtual platform.

**HOW HAS THE PANDEMIC AMPLIFIED PRIVACY ISSUES FOR THE SCHOOLS?**

When students come into school and they’re sitting in a classroom with a teacher, it’s usually just the students and their teacher, so it’s a very self-contained environment.

Now you translate that into each one of the students in that class being at home. Parents can see everything that’s going on in the class. You can record the sessions. And there’s also the privacy issue of staff now seeing into the homes of all the students. They can see things that are going on there. So there are privacy concerns for the other students in the class as well.

**HOW SIGNIFICANTLY HAS THE TRANSITION TO VIRTUAL LEARNING IMPACTED THE FACULTY AND STAFF?**

There’s so much stress on the staff. The poor teachers, not only are they worried about their own families and their health — and that’s a big concern — but in order to teach a class, they’ve had to master a platform that they haven’t been using before. So they have to figure out how to teach virtually, something they didn’t have to do before. They are starring in a program where they are the actor, the director, the writer, and the producer. And their audience is not just the students, it’s any parent who wants to walk by and criticize what they’re doing.
AS SOMEONE WHO SPECIALIZES IN THE LAW AS IT RELATES TO EDUCATION SERVICES FOR CHILDREN WITH DISABILITIES, HOW HAS THE PANDEMIC IMPACTED THOSE STUDENTS IN PARTICULAR?

By definition, children with disabilities need special support. They wouldn’t be identified if they didn’t need more in the way of educational support, so having them learn virtually is that much more difficult. Which is why, at least in Virginia, we’re seeing some schools that may be virtual, but children with disabilities may be attending school for at least part of the week.

Children with disabilities may need to attend school in person two or three days a week so that they are getting some individualized instruction.

THE FINANCIAL STRAIN OF THIS ONGOING PANDEMIC IS BEING FELT BY EVERYONE, FROM FAMILIES TO BUSINESSES. HOW IS IT IMPACTING SCHOOLS?

If you want to have the students there in person, you need to do a lot of work to your heating and air conditioning systems. Schools are not affluent to begin with, and then when you add all of this on top of it, they definitely need additional financial support from the federal government and from the states — the states need it from the federal government.

Just installing acrylic dividers and getting the PPE for the staff, depending on what type of situation you are in, is a tremendous expense. And, then there is the question, “Are these changes that we have to make permanently, or are these changes that we’re investing all this money in and then we’re not going to need long-term?” It’s a really, really difficult time for everyone, and particularly the schools.

IS THERE A SOLUTION IN SIGHT FOR THE MANY CHALLENGES SCHOOLS ARE FACING?

The solution is that, hopefully, we all get the vaccine and return to school. I’ve been predicting all along how long it’s going to take for things to return to a semblance of normalcy for the schools, and I was thinking that September 2021 is going to be when it happens, and now I’m worried because they’re talking about the vaccine not rolling out anywhere near as fast as they’ve been talking initially.

I imagine if they can just get the adults vaccinated, then the teachers can safely teach the kids in school, so maybe we just have to get through until September of next year. I mean that’s my best unsubstantiated prediction. Who knows what will actually happen?

EVEN AFTER 40-PLUS YEARS IN THE FIELD OF EDUCATION LAW, WAS THERE STILL A LEARNING CURVE AS YOU DEALT WITH THE IMPACT OF THIS PANDEMIC?

Everyone is facing something new. There aren’t answers, which also makes it interesting. If you always deal with the same thing, where the answer was obvious, it wouldn’t be nearly as challenging or as exciting. I think this pandemic situation is definitely challenging and an interesting one to retire on.

GIVEN THE MANY CHALLENGES THE PANDEMIC PRESENTS, IS THERE NO ENTICING YOU TO STAY ON A BIT LONGER?

Jan. 2, that was my retirement date. This is it. I’m 72 years old. It’s time.

Retirement, however, will not mean a sedentary life for Mehfoud. The avid traveler has already checked close to 100 countries and all seven continents off her must-visit list. While international travel is on hold for now, Mehfoud hopes to add a trip to California with two of her granddaughters to her 2021 itinerary. Spending time with her three children and nine grandchildren will be high on her list of to-do’s as she begins this new phase of her life.

And although she won’t be tackling the legal side of the pandemic, she anticipates feeling the effects of the worldwide pandemic for years to come.

“I think the way the whole world operates will be changed after this, without a doubt.”

The path to law school was an obvious one for Ali Silva Fannon. “I knew that I wanted to use any kind of skill I had to help those who don’t have a voice,” she said. But the path to becoming a professor “wasn’t necessarily on my career radar.” In 2020, her love for working with people combined with her skills in program management and her passion for supporting young lawyers when she joined the law school as the director of the externship program.

Silva Fannon oversees a network of externship opportunities (a network she is quick to credit her predecessor, Margaret Ivey, for establishing). Working with a cadre of field instructors, Silva Fannon matches students with positions across Richmond and supplements their skills-building with in-class reflections and development.

Silva Fannon was drawn to “the concept of having an experiential learning program where students have reflective learning, think about who they are as a professional, ... what pieces of a job are satisfying to them, what kind of supervision they prefer,” she said. Plus, she added, the program helps instill in students a sense of self-awareness that “is just going to prepare them not only to be better lawyers, but more satisfied lawyers.”

Silva Fannon came to Richmond Law after 10 years at the Greater Richmond Bar Foundation, where she served as executive director. At GRBF, she started a General Counsel Program to connect volunteer lawyers with nonprofits and helped launch JusticeServer, a tool that enables attorneys to connect more easily with pro bono opportunities. Most recently, she was awarded the George H. Hettrick Leadership Award by GRBF for her service to the pro bono community. “Access to justice will forever be an issue [I’m passionate about],” she said.

In her work encouraging attorneys to get involved with pro bono, she often encouraged them to “reconnect with the passion they had in law school,” she explained. “Pro bono can be a way to refresh, can be a way to connect with that passion you have when you go to law school [because] sometimes the real world can be a wet blanket when it comes to those ideals.” The position at Richmond Law gave Silva Fannon the chance to connect with students at those early stages.

“I loved the challenge and the opportunity to help shape future lawyers,” she said.

Though her primary role is helping students build skills through their externships, “there will be a side dish of ‘access-to-justice love’ that I might impart,” she promised.

—Emily Cherry
TARA CASEY was named to the Virginia Business Legal Elite 2020 list in the category of Legal Services/Pro Bono. Casey also presented in an ABA Center for Pro Bono webinar on the law school response to pro bono work during the pandemic.

CHRIS COTROPIA is an investigator on a National Science Foundation grant-funded project aimed at transforming the accessibility and transparency of the federal court system. The team’s goal is to build an artificial-intelligence-powered data platform that “makes the details of the federal judiciary and insights into how it works available and accessible to every single person.”

REBECCA CROOTOF’s recent scholarship “Structuring Techlaw” was selected for presentation at the 2020 Stanford/Harvard/Yale Junior Faculty Forum. She and co-author BJ Ard explore the premise that “the fundamental challenge of tech law is not how to best regulate novel technologies, but rather how to best address familiar forms of uncertainty in new contexts.” Additionally, Crootof was the keynote speaker at the Designing International Law and Ethics into Military Artificial Intelligence Lecture Series.

JOEL EISEN was quoted by E&E News on the Dakota Access oil pipeline route and on the D.C. Circuit’s decision that the Federal Energy Regulatory Commission cannot use “tolling orders” to put off decisions on proposed natural gas pipelines.

DAVID EPSTEIN presented a CLE session on trading claims for the Practising Law Institute. His article “Better than a Discharge,” co-authored with Tevin Bowens, L’20, was published in the Syracuse Law Review.

ALI SILVA FANNON was recognized by the Greater Richmond Bar Foundation with the 2020 George H. Hettrick Leadership Award for her commitment to pro bono service. She was also named to the Virginia Business list of Legal Elite 2020 in the category of Legal Services/Pro Bono.

DAVID FRISCH delivered a series of virtual lectures to students and faculty at the University of Antwerp School of Law on international issues in commercial law.

MEREDITH HARBACH presented “The New Parens Patriae” for the department of law at the University of Leiden in the Netherlands. In addition, her reflection on Justice Ruth Bader Ginsburg was published in the University of Richmond Law Review.

KURT LASH was a guest on the National Constitution Center’s Constitution Day podcast on the 14th Amendment.


JACK PREIS’ op-ed on qualified immunity and government accountability was published by the Richmond Times-Dispatch.

NOAH SACHS was quoted by Forbes regarding the Atlantic Coast Pipeline. “The more liberal wing is likely to be more environmentally friendly,” he notes. “But it can be scrambled based on the statute at issue. The outcomes do not reflect one’s political considerations.”

FALLON SPEAKER was a panelist in “Racism in the Foster Care System,” a session hosted by the Virginia Poverty Law Center and Voices for Virginia’s Children in partnership with the Family Law Clinic. She also joined the Shriver Center on Poverty Law as a panelist in its online event “Policing by Another Name: Mandated Reporting as State Surveillance.”

ALLISON TAIT’s article for the Conversation, “Why Removing Confederate Monuments Won’t Be as Easy as You Think,” was syndicated widely in outlets including Yahoo and The National Interest. “The latest chapter in the United States’ ongoing debate about Confederate monuments involves some unexpected opinions: those of long-dead land donors,” she writes.

CARL TOBIAS was quoted by numerous media outlets, including The Washington Post on the Justice Department’s lawsuit against Walmart and The Wall Street Journal on the Senate’s confirmation of Christopher Waller for a seat on the Federal Reserve’s board of governors.

KEVIN WOODSON was featured in a Law 360 article on “Being Black in Big Law.” He writes, “Because of confirmation bias and racial bias, there’s a widespread feeling that if Black attorneys make mistakes, the consequences might be a lot higher, whereas white attorneys might be more likely to receive the benefit of the doubt, because they’re not being held to a negative stereotype concerning their competence.”
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Send us your note via the “Submit a Class Note” link at lawmagazine.richmond.edu; email us at 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.

1960s

EBB H. WILLIAMS III, R’61 AND L’64, and his wife, Gayle Gowdey Williams, W’61, celebrated their 60th wedding anniversary Dec. 31. They married during the break between the fall and spring semesters of their senior year. Many of the guests at their 60th anniversary celebration attended their wedding in 1960. After graduation from Richmond Law, Ebb began his legal career in Martinsburg, Virginia. It has now extended to 57 years and counting.

IRVING BLANK, L’67, received the Virginia Association of Defense Attorneys 2020 Civility and Professionalism Award. Irv is partner at Blank & Marcus in Richmond.

THE HON. BURNETT “TYKEY” MILLER, R’64 AND L’67, lives with his wife of 55 years, Nancy Holland, W’64, in the retirement community of Cedarfield in Richmond. After law school, he was on active duty for four years in the U.S. Army Special Forces and JAG Corps, including a tour in Vietnam. Following active duty, he remained in the Army Reserves, retiring in 1995 with the rank of colonel. He spent 17 years in the Virginia Attorney General’s office before being appointed to the bench, where he served in the Henrico General District Court and later the Circuit Court for 22 years, retiring in 2011. He and Nancy dote on their three children and three grandchildren.

1970s

COLEMAN YEATTS, R’65, G’67, AND L’70, and his wife, Caryl, live in the Chatham, Virginia, area. Coleman came to Richmond Law after active duty in the Army. He started law practice in his father’s firm in Chatham in 1973 with emphasis on family law, real estate, and automobile accident work. He also served as attorney for the town of Gretna and the Virginia State Highway Department. In 1987, the Virginia General Assembly appointed him judge of the Juvenile and Domestic Relations District Court in the 22nd District. In 1989, he became chief judge in the district and served there until his retirement. As an Army lawyer, he represented and advised both active-duty and reserve soldiers, as well as the commanders of different units. He retired as a lieutenant colonel from the Army Reserve. During his career, he served on state and federal judicial committees and served two three-year terms on the board of the National Council of Juvenile and Family Court Judges.

MITCH GARBEE, B’72 AND L’75, and wife Patty Stringfellow Garbee, W’73, have settled into a routine in Lynchburg, Virginia: morning walks, grocery shopping, reading, and watching Netflix and Prime videos. They are well and thankful that their family is too.

HAROLD KESTENBAUM, L’75, merged his practice with the Philadelphia firm of Spadea Lignana to create a franchise law boutique firm. Harold also became a grandpa for the fourth time in February 2020 when grandson Charlie was born.

1980s

JOHN WALK, L’80, is a fellow of the American College of Trial Lawyers. He was among 92 inducted in spring 2020. John’s practice focuses on real property-related cases, including land use, environmental law, eminent domain, property assessment, insurance, and contract disputes. He has argued 19 reported Virginia Supreme Court cases, many of which established precedents in land use and property taxation.

THE HON. JONATHAN M. APGAR, R’72 AND L’76, was included in the Virginia Lawyers Weekly 2020 class of “Leaders in the Law.” He retired in 2013 after 16 years as a Roanoke Circuit Court judge.

PETER CONNORS, L’76, was named president of the American College of Tax Counsel, one of the leading professional organizations for tax lawyers. He was also recently named executive vice president of the International Fiscal Association. Peter is a partner at Orrick in New York City.

THOMAS R. SCOTT JR., L’76, was inducted into the Virginia Lawyers Hall of Fame. Thomas is the senior partner at Street Law Firm in Grundy, Virginia, where he also serves as assistant visiting professor of law and general counsel for the Appalachian School of Law.

LEWIS STONEBURNER, L’76, was inducted into the Virginia Lawyers Hall of Fame. He specializes in medical malpractice and personal injury law, as well as commercial tort cases.

JOHN C. SHEA, L’77, was inducted into the Virginia Lawyers Hall of Fame. He is a personal injury attorney with Marks & Harrison in Richmond.

BRIAN BUNIVA, L’79, was sworn in as the 82nd president of the Virginia State Bar. At a luncheon following the ceremony, Brian received the traditional gavel and said his primary focus during the year “will be to endeavor to close the justice gap and improve access to justice and the courts for low- and modest-means-income citizens of the commonwealth.”

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MICHAEL HUYOUNG, L’82, was inducted into the Virginia Lawyers Hall of Fame. He practices with Barnes & Diehl in Richmond.

VIRGINIA GRIGG, L’83, was recognized by CancerLINC as the 2020 recipient of the Krista Latshaw Pro Bono Award. Krista practices with Christian & Barton.

BEN EMERSON, R’73 AND L’84, and Nancy Bendall Emerson, W’73, were pleased to have their newest grandson, Asa Thomas Emerson, visit from Charleston, South Carolina, with their son, Taylor, and his wife, Jennifer. With two grandchildren in Atlanta and the new baby in Charleston, Nancy finds it really hard to shelter in place. Ben is working at home, so she is getting a glimpse of what it will be like when he retires.

THE HON. BECKY J. MOORE, L’85, of Alexandria, Virginia, retired in February from her position as chief judge of the General District Court. She served 22 years on the bench following a career as a practicing attorney. Friends, family, and colleagues honored her at a “roast” that included tributes as well as comedic anecdotes from her legal career. As the final speaker, she said, “I worked every day to be fair and respectful to every person coming into the courtroom. I am so very grateful for the career I have had and am humbled by the lifelong friendships I have gained.”

LYNWOOD LEWIS, L’88, represents the Eastern Shore of Virginia and parts of Mathews County, Norfolk, and Virginia Beach in the Virginia Senate, where he co-chairs the Joint Subcommittee on Coastal Flooding. The Pew Charitable Trusts recently published a question-and-answer article with him, where he discussed preparations for floods in the commonwealth. “We’ve seen the devastation that flooding can have in the region, and it’s getting worse,” he said. “Heavy rains, coastal storms, and windblown tides regularly flood our streets, homes, and businesses.” In 2016, Lynwood sponsored a flood-preparation bill in the General Assembly, but it wasn’t funded. A new law changed that. “I’m thrilled that my colleagues and I were able to secure an estimated $45 million in annual funding for the program, which will give communities a reliable pot of money to carry out projects that will reduce the risk of flood damage.”

JOHN PARADEE, B’89 AND L’89, was named a Top Lawyer in Delaware by Delaware Today. He specializes in business commercial law at Baird Mandalas Brockstedt.

1990s

VICTOR NARRO, L’91, is co-author of a new book, Mike Garcia and the Justice for Janitors Movement.

STEPHANIE GRANA, W’90 AND L’93, was chosen as president-elect of the Virginia State Bar for 2022–23. She is a partner with Breit Cantor in Richmond.

KELLEY HODGE, L’96, was recognized among the 2020 Women of Distinction by the Philadelphia Business Journal. She is a partner with Fox Rothschild and previously served as district attorney of Philadelphia.

After serving as the top lawyer at the U.S. Immigration and Customs Enforcement (ICE) agency, TONY PHAM, L’99, now leads the agency as senior official, performing the duties of director. Before coming to ICE in January 2020, he was superintendent of the Virginia Peninsula Regional Jail and a special assistant U.S. attorney.

JENNIFER NORRED FOUNTAIN, L’99, was a recipient of the North Carolina Bar Association’s Citizen Lawyers Award for 2019–20. The award is given to individuals who have demonstrated commitment to community and worked outside their law practice to help others through nonprofit work, community agencies, government service, leadership in public service projects, and/or military service. Jennifer has worked to improve a diverse set of needs in her community, including transit, education, and hunger. She is a partner with Isaacsion Sheridan in Greensboro, North Carolina.

A MAGISTRATE WITH BROAD EXPERIENCE

Like many UR alumni, THE HON. ELIZABETH WILSON HANES, ’00 AND L’07, used her Richmond undergraduate degree as a springboard into a variety of jobs, such as working for a Fortune 500 company and a child advocacy center in West Virginia. When she returned to Richmond Law in 2004, those prior experiences gave her perspective on what she was learning.

“One of the greatest things about law school is, as you go through life ... you see people buy a house or get divorced, but you don’t always understand why it’s happening in the way it’s happening,” she says. Law school, she adds, teaches you the legal structure behind many of these major life and business events.

Today, Hanes is a magistrate judge in the Eastern District of Virginia. She began her current position in June 2020, not long after the courts made the shift to video conferencing platforms for many criminal hearings, civil matters, and settlement conferences in response to the pandemic. Despite COVID-19 setbacks, the Virginia Eastern District remains known as a “rocket docket” where civil cases are resolved quickly, relative to other courts in the nation.

Hanes sees part of her judicial role as ensuring that the people who appear before her, in either criminal or civil matters, understand the legal process. Individual cases remind her of the personal impact of her work.

“The judicial system is so important to people and to businesses,” she says. “It allows them to obtain relief or adjudicate a dispute, and [a case] can be ... one of the most important events that occurs in someone’s life. And so to be able to participate in that process — and to ensure that all the participants feel that it was fair and that they were heard and that they had their day in court — is very meaningful to me.”

—Josie Holland, ’23
A CHAMPION OF HEALTH CARE ACCESS
For JOHN ROCOVICH, L’67, and his wife, Sue Ellen, meeting a need became a mission.

“Whenever we see a need that has to be filled, we fill it,” Rocovich said. “As Southern Baptists, we believe we are on this Earth to be missionaries.”

A 2002 study estimated a shortage of more than 100,000 physicians nationally by 2020. Rural and underserved communities — like those in southwestern Virginia — would be among the most affected by this shortage. The Roanoke tax attorney and his then-recently retired physician wife made it their goal to make a dent in the impending dearth of doctors.

They spearheaded the effort to establish the Edward Via College of Osteopathic Medicine in partnership with Virginia Tech. From leasing property to hiring a dean, securing an architect, and recruiting faculty, Rocovich was involved.

“I basically grew up on the Virginia Tech campus — my grandfather founded the geology department — so I’ve always felt comfortable in an academic environment,” he said.

The VCOM campus welcomed its first class in 2003, but that was only the beginning. “It appeared that the need for physicians was even greater in rural North and South Carolina,” he said.

A second campus, VCOM-Carolinas, opened in Spartanburg, South Carolina, in 2010. With additions in Alabama and Louisiana, there are now four campuses and a projected graduation class of 670 in 2024.

“There are 3,600 people out there practicing medicine who might not have been if it weren’t for VCOM,” he said.

A majority of the graduates are meeting the needs of the underserved communities the couple set out to help. More than 66 percent of the VCOM alumni practice in the Appalachian or Delta regions where primary care is most needed. And there are plans to expand the school’s offerings to include allied health care degrees to increase that reach.

Rocovich, who was the keynote speaker at the 2020 virtual graduation, is quick to share the credit with his wife of 53 years.

“I spent six years begging her to marry me,” he said, smiling. “She is the wind beneath my wings; without her, none of this could have happened.”

—Debbie Juniewicz

Virginia Lawyers Weekly named BRUCE H. RUSSELL II, L’99, a Leader in Law for 2020. Bruce is the current — and eight-term — president of the Russell County Bar Association, as well as the Washington County Defense Bar. He practices throughout southwest Virginia from his firm’s offices in Abingdon, Lebanon, and Tazewell. He and wife Shannon, an elementary special education teacher, live in Abingdon with their two sons, Clark, 12, and Eamon, 8, plus miniature dachshund Huckleberry and goldendoodle Luna.

2000s
WILLIAM S. TATE, L’00, released his debut novel, Medium Normal Ingrid, with Little Star Communications.

THE HON. EMILY CURINGTON, L’02, was appointed county judge in the State of Florida 5th Judicial Circuit. She previously worked for the State Attorney’s Office in Marion County, Florida.

RICHARD W. JOHNSON JR., L’02, was named the capital defender for the central region of Virginia.

SEAN KUMAR, L’05, was named one of eight citizen members of Virginia’s new redistricting commission. An Army veteran, Sean works for the research and advisory company Gartner in Arlington.

SARAH WARNER, L’05, received a Volunteer of the Year Award from the Greater Richmond Bar Foundation for her work with the Eviction Diversion Program. She is a director at Thompson McMullan.

BARY HAUSRATH, L’06, was co-recipient of the Lewis F. Powell Jr. Pro Bono Award from the Virginia State Bar for his commitment to the LGBTQ community. He is in private practice in Richmond.

KRISTEN JOHNSON, L’07, was recognized on the Style Weekly Top 40 Under 40 list for her impact on the Richmond community through her work with local nonprofits. Kristen is the development director for Real Life, a nonprofit that provides prisoner re-entry and homeless services.

JOSH HANBURY, L’09, was named to the Style Weekly Top 40 Under 40 list for his involvement in the Richmond Eviction Diversion program. He was also recognized as a Volunteer of the Year by the Greater Richmond Bar Foundation. Josh is an associate with Hunton Andrews Kurth.

EMILEE HASBROUCK, L’09, was named to the Style Weekly Top 40 Under 40 for her work co-founding the RVA Legal Collaborative to connect protesters with pro bono attorneys. She is an assistant capital defender at the Central Capital Defender Office in Richmond.

2010s
TRAVIS CAMPBELL, L’10, and wife Jorien welcomed a son, Noah, in December 2019. Travis is a partner at the law firm Simmonds & Narita in San Francisco, where he practices financial services litigation.

SEAN HICKS, L’11, was named Young Lawyer of the Year by the Richmond Bar Association. He is a senior associate with Williams Mullen.

2020s
ANNIE MULLICAN, L’20, was the recipient of the 2020–21 Borchard Fellowship in Law and Aging. She’s spending her fellowship working with VCU Health’s Medical-Legal Partnership.

TERRI MORRIS, L’20, was named a 2020–22 public service fellow by the American Bar Association Tax Section.

LEGRAND NORTHCUTT, L’20, was appointed a special assistant to the Governor of Virginia’s counsel.
ALUMNI PROFILE

RICHMOND LAW CLASS NOTES

THERE TO HELP WHEN DISASTER STRIKES
Hurricane watch, flood warning, wildfire evacuations — national weather alerts on UROOJ “GHAZAL” SHAikh’s phone can often be an early indication of her upcoming workload.

The 2010 graduate is an attorney for the U.S. Small Business Administration Office of Disaster Assistance in the Dallas area, a post she has held since 2017. ODA provides low-interest disaster loans to businesses of all sizes, private nonprofit organizations, homeowners, and renters to repair or replace real estate, personal property, machinery and equipment, inventory, and business assets that have been damaged or destroyed in a declared disaster.

“Our office works on disasters on all American soil,” Shaikh said.

Wildfires, hurricanes, tornadoes, and floods have long been handled by ODA. More recently, in response to COVID-19, the office has implemented economic injury disaster loans to provide economic relief to businesses that are experiencing a temporary loss of revenue as a result of the pandemic.

“COVID-19 is unique because it’s the first disaster we’ve handled that affects the entire country,” Shaikh said.

The focused Fairfax, Virginia, native was planning her career path while she was still in grade school.

“I was 11 when I decided I wanted to be a lawyer,” she said.

“We didn’t have a single lawyer in the family, but I knew I wanted to help people.”

At Richmond Law, Shaikh gravitated toward classes that focused on transactional work rather than litigation.

“I definitely found myself leaning toward classes where we’d write papers rather than moot court or mock trial.”

Fast forward a decade, and Shaikh has realized her dream of making a difference in people’s lives.

“You see the devastation people are experiencing — I can’t even imagine what they’ve gone through — and you are able to make a real impact,” she said. “We connect to people, and it has real-world implications.”

—Debbie Juniewicz
Styles, like the law, change, but people, like fundamental legal principles, remain recognizable as they grow and mature. Equality, justice, and service are values that most likely drew these young faces to law school, whether they came five years ago or 50. Today, they are old friends, current colleagues, sometimes opposing counsel — and always classmates. Classes ending in ’0, ’1, ’5, and ’6 can save the dates June 3-5 to join us for a suite of virtual reunion opportunities to reconnect and celebrate. Visit law.richmond.edu/reunion for more information.
“I wake up every day (sometimes after little sleep) and get energized by the fact that I’m living my dream life right now. I hope to find a job here in Richmond either at an immigration law firm or for a nonprofit that helps people in need. This would not be possible without your assistance. Thank you so much for this opportunity!”

— Jenny Hernandez Austria, L’23
Dean’s Opportunity Scholar

OPENING THE DOOR TO OPPORTUNITY

Our students graduate with an average debt approaching $100,000. The new DEAN’S OPPORTUNITY SCHOLARSHIP FUND puts a Richmond Law education in reach for even more students with significant need — and significant potential. Your gift will help future lawyers who demonstrate not only financial need, but also academic excellence, perseverance in the face of adversity, and potential for leadership in the profession.

Thank you for being a part of this community. uronline.net/givetourlaw

University of Richmond
School of Law™
Motion for a (Celebratory) Continuance

The pandemic may have interrupted plans to celebrate our 150th anniversary in person in 2020 — but that doesn’t mean we can’t celebrate our 151st!

Join your classmates and friends for a Gala Celebration at the Jefferson Hotel.

Save the date for Oct. 9, 2021.

Please visit law150.richmond.edu to learn more about these events.