

# Northeastern Law

SUMMER 2016

NORTHEASTERN UNIVERSITY SCHOOL OF LAW MAGAZINE | [northeastern.edu/law](http://northeastern.edu/law)



## Thirsting *for* Justice

Clean water as a human right:  
The fight hits home.

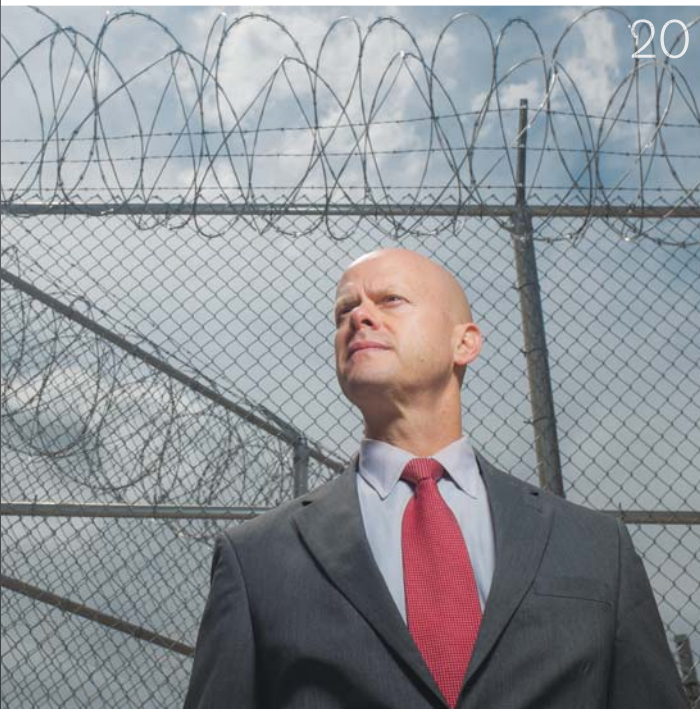
# Summer 2016

Uchechi Durunna '16 advocates  
for water as a human right

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Photograph by Kathleen Dooher





# A Banner Year

**T**HE 2015-2016 ACADEMIC YEAR was a source of great pride for our law school and the university that nourishes us. As you read about our law school's accomplishments in this magazine's pages, I hope you will share my delight in the talent and dedication pervading our community and give thanks to our many generous graduates who enable us to thrive.

Although we will not rest until each and every Northeastern lawyer finds a job that suits his or her life plan, we were gratified when the *Boston Business Journal* touted our improvement in our class of 2015 graduates earning law-related jobs as the best among area law schools. Much of the credit for our success goes to our Public Interest Law Scholarship program, funded generously by graduates and friends; our JD/MPH programs with Tufts University Medical School and our own Bouvé College of Health Sciences; and our growing strength in intellectual property, and law and technology.

Our 2016 graduates are already leading the way toward continued strong outcomes. We have a Skadden Fellowship recipient, four Equal Justice Works winners and students headed to honors programs at the US Department of Justice and two state attorneys general offices, among others. These are like Rhodes, Fulbright and Marshall scholars in the legal world.

And, our faculty members are doing their best to keep up with the students. As this magazine details, my colleagues are recipients of awards and honors of the highest degree, and are literally traveling the world, helping to keep the rule of law and human rights at the top of the global community's agenda. This fall, we will welcome two accomplished visiting professors: Willajeanne McLean from the University of Connecticut, who will teach Intellectual Property and Torts, and Margaret Russell from Santa Clara Law, who will teach the Civil Procedure class vacated by our beloved Steve Subrin. (Steve's

retirement party, incidentally, was undoubtedly the most moving event of the year.)

Applicants have taken note of our momentum. Deposits are running substantially ahead of last year, and we have reason to expect an entering class larger than those in the last few years.

Our progress is fueled considerably by the upward trajectory of the university as a whole, which this year became a Research I university (Carnegie's highest classification), welcomed a



**"... we will not rest until each and every Northeastern lawyer finds a job that suits his or her life plan."**

dynamic new provost, again increased its median SAT scores and made great strides on construction of a new interdisciplinary science and engineering building. We will continue working with our campus partners to spread law training to new audiences and to expose our students to multiple disciplines.

As we look to the year ahead, rule of law values, commitment to a diverse and inclusive community and

talented lawyers eager to write the rules of the 21st century have never been more important. Your gift to your alma mater will make it possible for us to continue our many contributions to building a more just society. On behalf of everyone at Northeastern, I thank you for your support.

Jeremy Paul  
Dean and Professor of Law

➔ **Letters** Comments? Kudos? A point you want to make (or three)? Send letters to *Northeastern Law* magazine, 416 Huntington Ave., Boston, MA 02115, or email to [lawcommunications@northeastern.edu](mailto:lawcommunications@northeastern.edu).

## Northeastern Law

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# News Brief



## It's a Rap

In his other life, Alvin Carter III '18 is the innovation director of the Hip-hop Archive and Research Institute at Harvard University, where he recently helped spearhead the launch of Classic Crates, a project that will collect, preserve and make accessible the rich heritage of hip-hop as an American art form. "Hip-hop is more than music," says Carter. "Since the 1970s, it has become a social movement as well as an artistic outlet. The Classic Crates project will ensure that we hold on to and continue to learn from 200 vinyl records that exemplify hip-hop's contribution to world culture."



## Burnham Selected for Prestigious Carnegie Fellows Program

Professor Margaret Burnham, founder of the School of Law's Civil Rights and Restorative Justice Project (CRRJ) has been selected as one of 33 nationwide winners of the 2016 Andrew Carnegie Fellows Program. The fellows were selected based on the originality, promise and potential impact of proposals submitted to the Carnegie Corporation of New York. Each will receive up to \$200,000 to fund one to two years of scholarly research and writing aimed at addressing some of the world's most urgent challenges to US democracy and international order.

"The Carnegie Fellowship is a tribute to the work of scores of Northeastern students and the families whose quest for justice they have pursued," said Burnham. "For almost a decade now, CRRJ has researched and documented the massive harms perpetrated by our country's criminal justice system. We have promoted

truth-telling and accountability. As we continue to uncover the daunting legacy of racial trauma, we now have confidence that our findings and recommendations will reach a wide audience. I am deeply grateful to the School of Law for its long-standing and continuing support, and to the Carnegie Corporation of New York for this significant contribution to our work and mission."

The Carnegie Fellows Program supports both established and emerging scholars, journalists and authors whose work distills knowledge, enriches our culture and equips leaders in various realms including science, law, technology, business and public policy.

"We reviewed proposals from the nation's preeminent scholars and thinkers as well as from the next generation of promising thinkers and writers. This year's fellows represent a remarkable range of institutions and



DAVID LEIFER

organizations, and all share a determination to bring new insights to their fields of study," said Susan Hockfield, president emerita of the Massachusetts Institute of Technology, who chaired the panel of jurors that selected the 2016 recipients.



## CRRJ Welcomes First Zitrin Fellow

With the generous support of Elizabeth Zitrin '79, the Civil Rights and Restorative Justice Project (CRRJ) has hired Melvin Kelley as the first Elizabeth Ann Zitrin Teaching Fellow. Kelley, a graduate of Columbia Law School, previously served as a staff attorney with the Connecticut Fair Housing Center in Hartford, and as an ACLU Social Justice Fellow for a year after law school. Kelley is a certified human rights advocate as well as a certified public defender.

The fellowship trains an aspiring law teacher in teaching, scholarship and lawyering, and provides time for research and writing on a civil rights or criminal justice topic. Kelley is co-teaching the CRRJ clinic and managing a variety of CRRJ projects. He is also training students handling CRRJ cases on a day-to-day basis, helping them improve their lawyering skills, including legal research and writing, factual research and interviewing.

"Melvin brings both solid experience and a commitment to social justice to our work," said Professor Margaret Burnham, head of CRRJ. "We are so grateful to Liz Zitrin for supporting our efforts with this new fellowship."

DAVID LEIFER

## Top Honor for Parmet

Matthews Distinguished University Professor Wendy Parmet received the 2016 Jay Healey Teaching Award from the American Society of Law, Medicine and Ethics at its annual conference in June. Parmet, an internationally recognized expert on health law, heads the School of Law's Center for Health Policy and Law and serves as associate dean for interdisciplinary education and research support. The eponymous award honors the memory of Jay Healey, a beloved teacher of health law at the University of Connecticut Schools of Law and Medicine and a leader among the nation's health law teachers. Parmet was nominated and selected for the award by her peers from across the nation.



Wendy Parmet with her former student — now colleague — Jason Smith '03, a member of the faculty of California State University, East Bay.

## BENCH PRESS

“Just because the people in Alaska decided that’s what they wanted doesn’t make it constitutional,” said Tim Burgess ’87, chief judge of the US District Court for the District of Alaska, of the state’s campaign contribution limit of \$500 approved by voters in 2006.

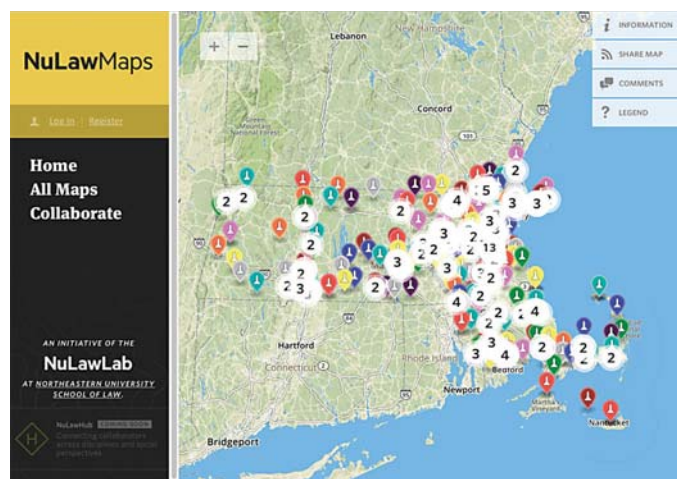
*Alaska Dispatch News*  
“Judge Challenges  
Attorneys as Campaign  
Finance Trial Wraps Up”  
May 3, 2016



## NuLawLab on a Roll

The law school’s NuLawLab has a lot to brag about these days. As part of a campus-wide team, it helped Northeastern secure the coveted Changemaker Campus designation by Ashoka University, the world’s largest global convening for social entrepreneurship education. Northeastern joins a network of just 30 campuses worldwide that are recognized for embedded social innovation as a core value and supportive environments for social change-making across the entire institution. Northeastern is the first and only Changemaker Campus that has fully incorporated social innovation into its law school.

Speaking of which, NuLawLab’s Laboratory Seminar in Applied Design and Legal Empowerment has been named one of the top “10 Out-of-the-Ordinary Summer Classes” by *The National Jurist*. Students in the class explore problem-solving methods derived from the fields of product design and systems design and apply them to specific, law-related design questions, such as “How might we engage members of the public in restorative justice investigations through



Deaths caused by work-related illnesses are vastly underreported and very difficult to track. The number of work-related deaths represented on this map are only a fraction of the true death toll.

online means?” and “How might we improve access to benefits and services for low-income women veterans?”

NuLawLab is also involved in a number of collaborations. This spring, in partnership with the Massachusetts Coalition for Occupational Safety and Health (MassCOSH), a nonprofit worker safety organization, it launched two interactive maps that capture the devastating

toll of unsafe jobs in Massachusetts. “Ten Years of Dying at Work in Massachusetts” offers a snapshot covering 2006 through 2015, while “Every Worker Lost at the Workplace: 2006-2015” locates each death on the job with data points providing the names of the individuals, details of the event that took their lives and photos (if available).

The map subject matter is made even more tragic by the startling OSHA estimate that for every worker killed on the job, another 10 die of occupational injuries and illnesses such as cancer. Were these deaths tracked as well, the map would have a total of 5,590 data points representing a worker lost due to unsafe working conditions in Massachusetts.

“We are excited about the impact the NuLawLab has made to date, especially as we see more and more law students drawn to our work and seminar. That suggests we are filling a latent demand for creative programming in the legal profession,” said Dan Jackson ’97, executive director of the NuLawLab.

For more information about current and upcoming projects, visit [nulawlab.org](http://nulawlab.org).



# Incubator Heating Up

Lawyers for Affordable Justice (LAJ), which supports recent graduates as they launch solo practices, welcomed its first group of eight participants in January. The recent law school graduates spent their first few months helping moderate-income clients with a range of immigration, small business, employment and landlord-tenant issues.

LAJ furnishes office space in Kenmore Square for client meetings, collaborations and training sessions, with access to technology for the lawyers' practices. Faculty from the law schools of Northeastern, Boston College and Boston University, which jointly operate the program, provide mentoring to the new lawyers on substantive law topics, technology and law office management.

"Experienced mentors providing support to enthusiastic and creative practitioners creates a synergy that ensures high-quality legal services at a price that clients can afford," said Professor Jim Rowan, a faculty director for LAJ. "LAJ provides the opportunity for increasingly sophisticated collaborations and continual improvements in access to justice."



LAJ participants Shauna Segadelli '15 and Justin Brogden at the program's kick-off in January.

The program is two years in length, and each year up to 12 new participants are invited to join the incubator through a competitive selection process. Applications for 2017 are now being accepted for attorneys who are interested in participating in Lawyers for Affordable Justice. The program is also accepting mentors in all practice areas. For more information, visit [lawyers4aj.org](http://lawyers4aj.org).

## NUSL Ranked #1 for Practical Training by *The National Jurist*



For the second year in a row, *The National Jurist* and *preLaw* magazines have ranked Northeastern University School of Law

the #1 law school in the nation for practical training.

"We are thrilled that we have been once again recognized for our unparalleled co-op program," said Dean Jeremy Paul. "As more and more law schools follow our lead in offering experiential opportunities, we are both gratified to see that our approach to legal education has been embraced and our preeminence acknowledged."

The ranking is based on experiential learning opportunities including clinics, externships, simulation courses, inter-school competitions and other factors.

## Introducing the Executive LLM Program

With working professionals in mind, the law school is launching an Executive LLM Program combining two quarters on campus with a flexible schedule of online study. On campus, Executive LLM students will have full access to offerings in a wide variety of practice areas, including health policy, human rights, economic development and international business. Online, students will select from courses such as Law and Organizational Management, Law and Strategy, and Mergers and Acquisitions.



**For more information, visit [northeastern.edu/law/llm](http://northeastern.edu/law/llm)**



# Commencement 2016

Make a positive impact on the world. Celebrate our differences. Ask hard questions, be curious about new disciplines and devise creative approaches to delivering justice.

These were among the many messages graduates of the School of Law received at commencement on May 27. Some 220 graduates, including both JD and LLM candidates, were congratulated for their many accomplishments, heard inspiring speeches and were showered with cheers from family and friends in attendance at Matthews Arena.

Professor Daniel Medwed delivered the faculty address, and he invited retiring professor Steve Subrin to join him on stage to share the moment.

In his address, Dean Jeremy Paul said, "Through your hard work and dedication, you have made positive impacts on the clients you served and improved the reputation of the legal profession. In short, you came to Northeastern because you wanted to make a difference, and you are already doing so."

## Follow the Fellows

The class of 2016 wasn't even out of the gate when it crossed the finish line in the competitive race for prestigious national fellowships and honors programs prior to commencement. Among the fellowships, four members of the class were awarded Equal Justice Works Fellowships, which provide two years of support; one received the Parmet Fellowship, which supports a graduate who joins the staff of the Health Law Advocates; two received state attorneys general fellowships; and last, but certainly not least, one member of the class received a Skadden Fellowship, considered the most prestigious public interest fellowship in the nation. Only 28 Skadden Fellowships were awarded in 2016; among the 15 schools with graduates securing the two-year fellowship are Columbia, Harvard, NYU, Stanford, Michigan and Yale.

### Congratulations to:

- **Jessica Acosta-Muller**

Massachusetts Attorney General's Office Honors Fellowship Program, Boston

- **Chelsea Brisbois**

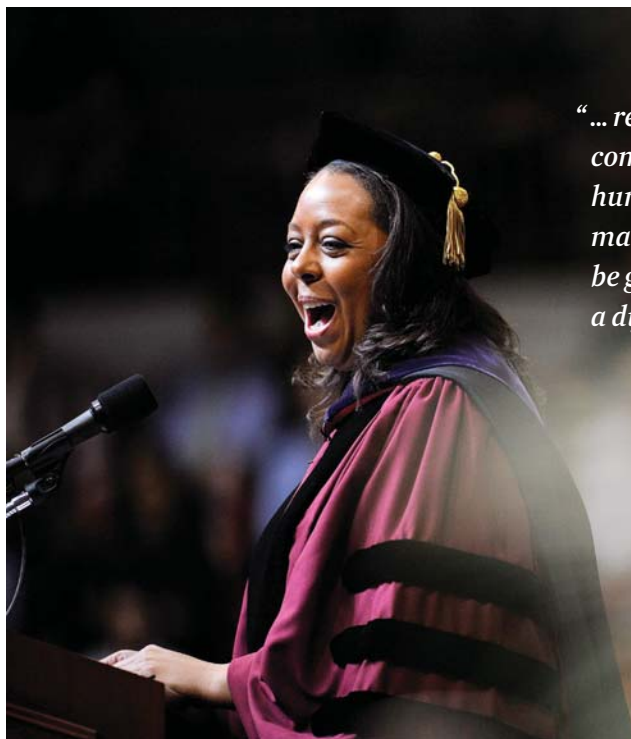
Washington State Attorney General's Office Fellowship, Seattle

- **Colleen Shea**

Skadden Fellowship/Disability Law Center, Boston

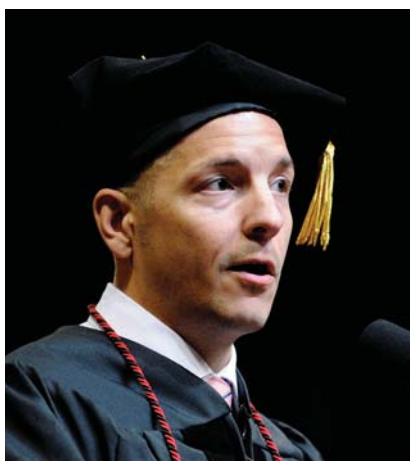
- **Jacqueline Kelley**

Equal Justice Works Fellowship/Irish International Immigrant Center, sponsored by GE and Jones Day and in partnership with the School of Law's Domestic Violence Institute, Boston



*"... remember to bring your common sense and your humanity every day, [and] no matter what you do, you will be great and you will make a difference."*

— Tracey McCain, senior vice president and general counsel at Sanofi Genzyme, delivered the commencement address.



- **Huy Le**

US Department of Justice Honors Program/Executive Office of Immigration Review, Kansas City (Missouri)

- **Shiva Prakash**

Equal Justice Works Fellowship/New York Lawyers for the Public Interest, New York

- **Katherine Terenzi**

Equal Justice Works Fellowship/Center for Popular Democracy, Brooklyn

- **Brooke Bischoff**

Equal Justice Works Fellowship/Diocesan Migrant and Refugee Services, El Paso

- **Michelle Virshup**

Parmet Fellowship/Health Law Advocates, Boston

Andrew Collins (above, left) was one of three student speakers at the School of Law's commencement. As a group, the class completed more than 270,000 hours of legal work through 703 co-op placements. Co-ops took the class to 28 US states and territories, and eight countries.

# Hear a Lecture, There a Lecture

## Spring 2016 Lectures and Conferences

*Center for Health Policy and Law*

### Individual Choice v. Collective Action: The Future of Public Health

**( 4.15.16 )** Are individuals responsible for their own health? Or does the health of individuals depend upon the health of their communities? In April, legal and public health scholars and practitioners from across the country came to the law school to discuss and chart the role of individual choice and public action in response to these — and many more — public health debates.

Panelists discussed these issues in the context of the opioid epidemic, obesity prevention, childhood vaccines and health insurance, among others. In his keynote speech, Professor Jon Hanson (photo) of Harvard Law School spoke about the important role of social context, and how it influences individual choices. According to Hanson, we like to think of ourselves as fully autonomous, with our own

individual preferences and choices. But social psychology research shows that we are, in Hanson's words, more like balls than sticks. We are shaped by our environment, he says. Hanson further explained that our tendency to see individual agency is connected to the age-old pattern of searching for scapegoats when misfortunes, including plagues, appear. We assume that individuals are responsible and search for those to blame.

Renowned epidemiologist Dean Sandro Galea of Boston University School of Public Health delivered the lunchtime plenary address. Drawing upon epidemiological research, Galea explained that an individual's risk for disease is determined more by population-level risk factors than individual factors, including genes or behaviors.



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*Daynard Distinguished Visiting Fellows Program*

### Behind Barbed Wire: Who is in Prison and What Happens When the World is Not Watching?

**( 1.25.16 )** Leslie Walker '85, executive director of Prisoners' Legal Services of Massachusetts (PLSMA), spoke about addressing prison reform issues, such as mandatory minimums, solitary confinement, guard brutality, adequate medical and mental health care, overcrowding, sexual assault, compassionate release and exorbitant phone rates.



MICHAEL MANNING

Reed Witherby (left), of counsel at Smith Duggan; Drew Spencer (center), legal director for FairVote; and Miniard Culpepper, regional counsel for the US Department of Housing and Urban Development discussed "Redistricting Within the Realm of Election Law."

*Northeastern University Law Journal Symposium*

### Accessing Democracy: How Law Shapes and Influences Our Elections

**( 3.11.16 )** This student-organized event provided a multi-faceted window on the many ways that contemporary elections depend upon the design and enforcement of the laws governing voting, campaign finance, lobbying and drawing district lines.

*Northeastern University*

### Sex, Gender and the Carceral State

**( 3.19.16 )** This day-long symposium co-sponsored by the law school and many other university programs and departments, provided an opportunity for scholars and activists to explore the relationship between feminist/queer activism and scholarship with emphasis on how the academy challenges, or, is perhaps complicit with, the logics that support an increased reliance on criminal laws, policing and surveillance. Law school participants included professors Libby Adler '94, Aziza Ahmed and Gabriel Arkles.

*Vulnerability and the Human Condition*

### Workshop on Reproductive and Sexual Justice

**( 4.29-30.16 )** Organized by Professor Aziza Ahmed and colleagues from Emory University School of Law and Northeastern University's College of Social Sciences and Humanities, this workshop offered an opportunity for scholars to reflect upon the issues of reproductive rights, sexual health and sexual violence through the lens of vulnerability as a way to advance discussion on related issues of social justice.



*New England Chapter of the Copyright Society of the United States*

### The Music Industry in the Digital Age: Music Making, Music Distribution and Music Copyright in the 21st Century

( 3.24.16 ) Professor Jessica Silbey, co-chair of the New England Chapter of the Copyright Society of the United States, moderated this wide-ranging discussion on the local music industry as well as national trends. This was also an opportunity for networking for those in the field or hoping to get into it, as well as those interested in the problems of music copyright in our digital age.



Professor Jessica Silbey is a leading scholar in the field of intellectual property.



DAVID LEIFER (2)



DAVID LEIFER

*Gordon Human Rights Lecture*

### Racism and Inclusion: Where is Europe Headed?

( 4.13.16 ) Morten Kjaerum, director of the Raoul Wallenberg Institute of Human Rights and Humanitarian Law at the University of Lund in Sweden, spoke about the ongoing refugee crisis. Kjaerum was the first director (2008-2015) of the European Union Agency for Fundamental Rights in Vienna and is currently chair of the board of the European Council on Refugees and Exiles.



DAVID LEIFER

*Journal of Legal Education Symposium*

### The Future of Legal Scholarship

( 4.29.16 ) As co-editor of the *Journal of Legal Education*, the School of Law hosted a day of panel discussions focused on the role of legal scholarship as well as the business of legal education and its future.

*International Social and Economics Rights Project (iSERP)*

### Workshop in New Delhi, India

( 3.24-27.16 ) iSERP's seventh global conference was held this spring. Read all about it on page 27.

*Office of the Dean and RISC*

### The Failed Branch: Congress and the Hope for Reform

( 5.4.16 ) In 2015, Lawrence Lessig, the Roy L. Furman Professor of Law at Harvard Law School, entered the race for president of the United States to champion campaign finance reform and electoral reform. Though he ultimately decided to withdraw his candidacy, he came to Northeastern in May to share his thoughts on these issues, which are also at the heart of two of his books: *Republic Lost: How Money Corrupts Congress — and a Plan to Stop It*, and the update to that book, *Republic Lost: Version 2.0*. The NUSL student group Reforming Institutional and Systemic Corruption (RISC) co-sponsored this event.

*Women in the Law*

### Moving Mountains

( 5.20.16 ) The Honorable Dana Fabe '76, who retired in June after 20 years on the Alaska Supreme Court, delivered the keynote address at the eighth annual Women in the Law conference. In her remarks, Fabe, who served three terms as chief justice, focused on the importance of diversity on the bench and credited the School of Law for inspiring her lifelong dedication to fairness and equality. "The humanity of this experience [at NUSL] really influenced who I am today," said Fabe. The conference also included panels on navigating social media and creating public/private networks and partnerships as well as speed mentoring sessions. (See page 36 for more on Dana Fabe '76.)



DAVID LEIFER (2)

More than 100 graduates and friends came to the School of Law for the annual Women in the Law conference.



# Co-op Matters

## All That Jazz

For Batool Banker '17, law school swings to the sultry rhythms of John Coltrane, Billie Holiday and Ella Fitzgerald. "Jazz is my study music," the Texas native explains. So, although she hadn't set out for a co-op in the music industry, when

### VITALS

Batool Banker '17  
Co-op at Jazz at Lincoln Center  
New York, New York

Banker saw an opportunity at Jazz at Lincoln Center (JALC), she decided to improvise.

"There's a lot of IP on this co-op, which appealed to me. I did the IP CO-LAB [the law

school's intellectual property clinic] last quarter and discovered I really like intellectual property," she says. "And I'm thinking of moving to New York after graduation, so this co-op was also a way for me to try out the city."

Banker is humming along at JALC, a nonprofit cultural institution. She was surprised to find that JALC does a lot of community outreach in addition to hosting A-list performers at its Columbus Circle main stage. "The attorneys know I'm here to learn, so they've given me opportunities to sit in on different phone calls and meetings," she notes. "So far, I've drafted artist agreements and recording and tour contracts."

One of the high notes of her co-op is the proximity to storied artists, including Wynton Marsalis, the jazz trumpet legend who is the managing and artistic director of JALC and directs the Jazz at Lincoln Center Orchestra.

She's also rubbed elbows with lesser-known celebrities. "Remember the 'Seinfeld' episode with the Soup Nazi?" she asks. "His shop is around the corner from my building."

— Maura King Scully





*“Every day I’m working on a different issue in a different part of the world. I love constantly changing gears and getting to understand little pieces of so many different countries. I’ve always wanted to do work internationally, and I’m definitely doing that here, even if I’m only in a little office in DC.”*

#### VITALS

Kaitlyn Mahoney '16  
Co-op at US  
Department of State,  
Office of Commercial  
and Business Affairs  
Washington, DC

*“What has surprised me the most is how rewarding it is to work for indigent clients. I knew that I enjoyed the subject matter of the work, but the level of appreciation you receive from clients and their families for being in their corner when no one else would be is nothing short of astounding.”*

#### VITALS

Benjamin Coleman '17  
Co-op at Federal Public  
Defender Office  
Boston, Massachusetts

# Thirsting



Residents of Flint, Michigan, began to use bottled water after their drinking water was found to be contaminated with lead.



*“Let justice roll down like water . . . .” —Martin Luther King*

# for Justice

By Elaine McArdle

**IN MAY 2015, DETROIT ACTIVISTS** convened an international “right to water” meeting in their hometown, a bankrupt city that had raised water prices to address its monetary woes. Detroit had even gone so far as to cut off water to tens of thousands of low-income people who couldn’t pay their bills.

Although activists from Brazil, India and other locations across the globe had long struggled to ensure clean water for their poor people, those in attendance were stunned to learn that low-income Americans, too, had trouble accessing affordable water. Most shocking was that a local government might shut off this most fundamental of human needs, recalls Kevin Murray, executive director of the law school’s Program on Human Rights and the Global Economy (PHRGE), who participated in the meeting.

Professor Martha Davis, a human rights expert who is researching legal and policy options related to water rights, was a featured speaker at the meeting. In her talk, she described gaps in the current US legal infrastructure, and noted — surprisingly to many in the audience — that Americans have no general right to water. Indeed, there is no federally enforceable right to water in the US, where access to water is governed by a complicated mix of federal, state and local laws. That potentially leaves many low-income Americans high, and, yes, dry: some Native American reservations, for example, have little to no modern water infrastructure. “It’s pretty sobering to realize that in the US, we don’t even have complete [water] coverage,” Davis says.

Water access issues are often addressed through housing discrimination laws, which aren’t designed to ensure baseline access for all, but rather to ward off discrimination on the grounds of race and other protected criteria. “In other words, if everyone in the community is equally denied safe, affordable water, there can be no legal claim [for discrimination],” says Davis, who expanded on this topic in a recent article, “Let Justice Roll Down: A Case Study of the Legal Infrastructure for Water Equality and Affordability,” in the *Georgetown Journal on Poverty Law & Policy*. “Because it hinges on proof of discrimination, this legal structure doesn’t reflect the important roles that water and sanitation play in everyone’s lives.”

The Detroit gathering was particularly significant in that local and domestic activists banded together with international counterparts to look beyond discrimination and to invoke the broader range of international human rights norms that protect basic rights to water and sanitation, Davis says. One important result of the meeting was proposed legislation in Michigan to establish a human right to water. But before the legislation could gain traction, the Flint water story burst onto the national and international stages when it was revealed the city’s water contained toxic levels of lead. In January, the governor declared a state of emergency, and the



Uchechi Durunna '16

National Guard began delivering bottled water to residents. In April, criminal charges were filed against three government employees in connection with the crisis.

Even with the well-documented drought in California and parts of other western states, and periodic stories of ground water contaminated by industry (for example, the water contamination in Woburn, Massachusetts, which was the basis of the book, *A Civil Action*), it was not until Flint captured the national spotlight that many people began to realize that drinking water in the wealthiest nation in the world could actually be in jeopardy.

Suddenly, something considered a Third World problem had sprung up right here at home — with the impact hardest on the poor.

## Making Waves

In a world where access to clean, affordable water is a fast-growing challenge due to global climate change, pollution, an exploding population and rapid migration into cities, the links between justice and water have never been so clear. This is not news at Northeastern. The law school decisively turned its attention to the right to water four years ago when Professor Lee Breckenridge, an environmental law expert whose interests include aquatic ecosystems, joined an interdisciplinary university team working to develop an innovative approach to evaluating urban water and wastewater systems. In addition to law professors Breckenridge and Davis, the project, which

received a Northeastern University research grant, included faculty from the College of Engineering and the College of Arts, Media and Design. A sustainable city should be a place where all of the human residents have sufficient access to water and sanitation while ensuring that enough water remains in the watershed to support aquatic organisms, says Breckenridge.

“Urban water managers need to take a socio-ecological perspective, a broad-enough view to make sure we are paying attention to human needs while at the same time protecting environmental quality and diverse communities of nonhuman organisms,” says Breckenridge. “This means that legal accounting systems aimed at protecting human rights of access to water and sanitation need to be more closely integrated into engineering decisions about optimizing the design and management of urban infrastructure.”

“One interesting thing about the Flint situation is that it has drawn new and focused attention to the financing and operations of big urban water supply systems,” continues Breckenridge. “People are completely dependent on the public infrastructure, but there is plenty that can go wrong when the city itself is too poor and understaffed to make sure the system meets basic public health requirements or to subsidize those who can’t afford to pay for water services.”

Those issues and the quest to advance human rights protections in the operations of urban water and wastewater systems, are the basis of much discussion and action at the

School of Law. For example, PHRGE dedicated its 2015 Human Rights Institute to “Tapping into the Right to Water: Accessibility, Affordability and Quality,” which was supported by the Ford Foundation and the Unitarian Universalist Funding Program. In 2014, the law school held a “Lawyering for the Sustainable City” conference, which included sessions on wisely coordinating urban infrastructure management — including water, wastewater and transportation — to meet human needs and protect the environment.

Beyond Boston, Davis is in Sweden this year as a Fulbright Distinguished Chair at the Raoul Wallenberg Institute of Human Rights and Humanitarian Law at the University of Lund, where she is researching water rights and municipal governance. She recently co-authored a highly publicized major report on Swedish municipalities that over the past three years have initiated more than 80 evictions of vulnerable EU citizens on the grounds of poor sanitation. The report, “Inconvenient Human Rights: Access to Water and Sanitation in Sweden’s Informal Roma Settlements,” finds that when the local government fails to provide assistance with these basic human needs, the grounds for eviction are virtually assured.

“This is both a human rights tragedy and a failed policy approach to Roma settlements in Sweden on par with what has been unfolding in Michigan,” says Davis, who is also a PHRGE faculty director. “Unfortunately, it is all too easy for governments to control low-income people’s movements by denying them access to water and sanitation. This has long been a





Lee Breckenridge



Kevin Murray

scenario in Global South countries, but we now see it more and more in wealthy nations like Sweden and the US.”

For Global South countries, the battle over water isn’t new. For example, the efforts by corporations to privatize water in Nigeria, Bolivia and other places, is one of the reasons Uchechi Durunna ’16, of Nigerian descent, wants to practice water-rights law. “You shouldn’t have to pay for something you need to live,” says Durunna, who recently served as a research assistant for Davis.

But, as in Flint, the situation in Sweden — a nation that prides itself on a generous safety net for citizens — shows there are no national boundaries to the problem of water: who gets it and who pays for it. US cities are struggling with the cost of water due to aging infrastructures and overdue EPA-mandated cleanups of water sources fouled by industrial pollution. The time has come for the federal government to step in by explicitly recognizing a right to water and investing in it, Davis says. “Cities and consumers often end up bearing the financial burden, but there must be some national relief available in instances where the water is unaffordable to significant percentages of the community,” she says. And she predicts the issue will only become more urgent.

“There are so many ways to exploit communities, and because in our society money is what matters, a lot of corporations and groups don’t care about communities at large,” says Durunna, who completed a co-op with Corporate Accountability International (CAI), a grassroots organization committed to

protecting communities from life-threatening abuses by global corporations. CAI and others have been successful in blocking efforts to privatize water in a number of countries.

## Running Dry?

Since water is essential to life, it may be surprising that only recently — since about 2000 — has there been a gradual move toward explicitly providing a human right to water and sanitation in international law. In 2010, the United Nations General Assembly recognized the human right to water; the right to water and sanitation are now also firmly established as independent human rights protected by both regional and international human rights law. Yet, even rights cannot trump a potential and frightening reality: By the year 2050, there could be catastrophic fresh water scarcity worldwide, according to Nestle, the world’s largest food company, as it outlined in “Tour D’Horizon with Nestle: Forget the Global Financial Crisis, the World Is Running Out of Fresh Water,” a confidential report given to the US government several years ago that was leaked this April.

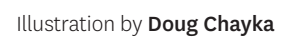
But water rights advocates in the US are fast marshaling their efforts, including through a new network, the National Right to Water Coalition, of which PHRGE is a member. This March, at the instigation of the National Right to Water Coalition, the Inter-American Commission on Human Rights — an autonomous agency of the Organization of American States, whose mission is to promote and protect human rights in the American

hemisphere — held a hearing on the human right to water. Dozens of US residents described their problems with access to water and sanitation. People from impoverished Lowndes County, Alabama, told of raw sewage from broken sewer systems bubbling up in the streets; most residents have no septic systems or sewer access at all. In Baltimore, the city raised water prices by 40 percent over three years and threatened to shut off water to 25,000 people who were behind on their water bills. Members of the Navajo Nation described serious health problems from water contaminated by uranium, and Native Americans from Colorado described the destruction of rivers after toxic mining sludge turned water yellow last year. Migrant workers in California said they paid 50 percent of their incomes for water.

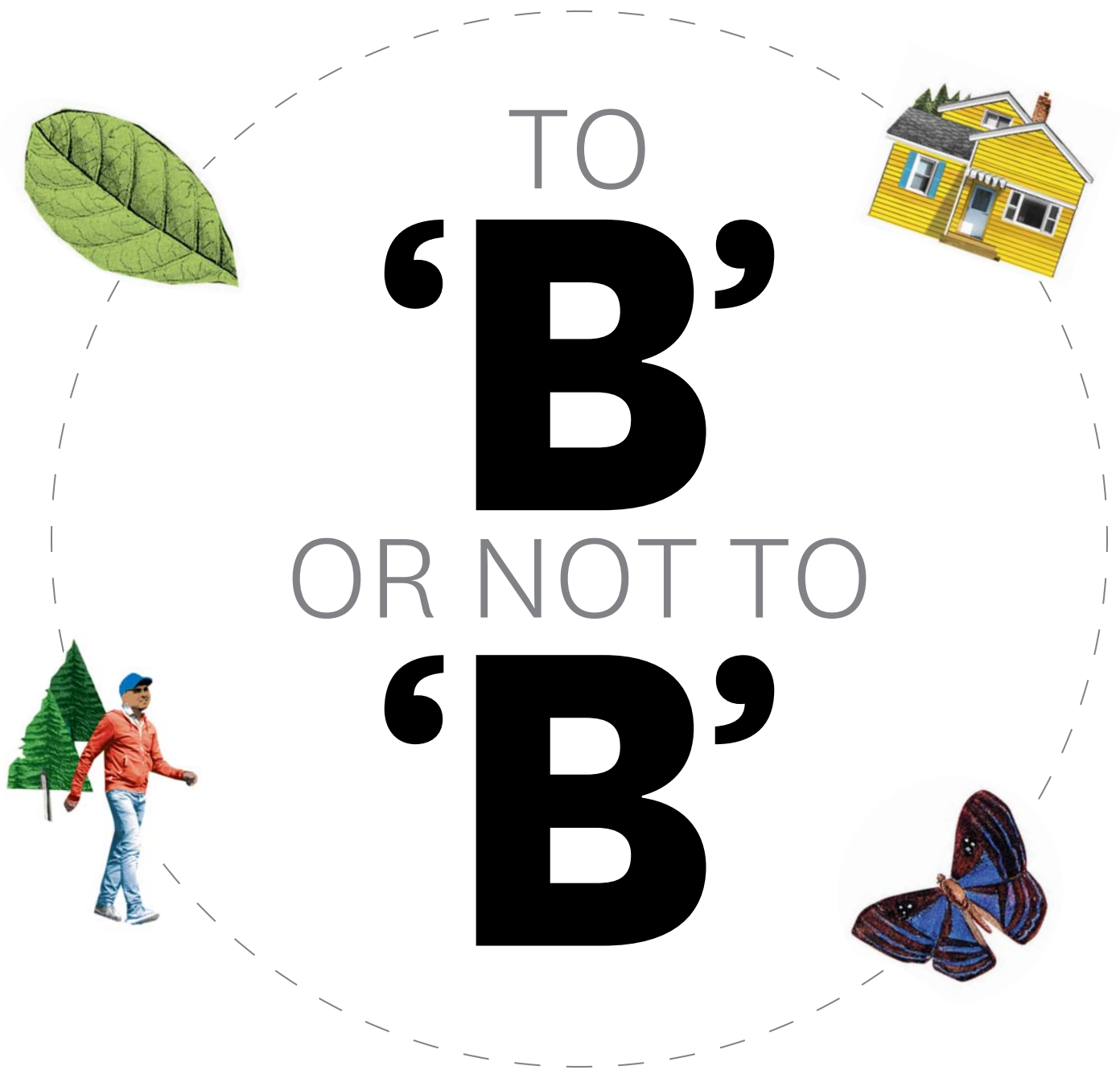
The hearing, held in Washington, DC, was historic, marking the first time the US appeared before the commission on the issue of access to water. Federal officials, while outlining efforts to improve water sources, including in Flint, emphasized that the US is not bound by international law regarding the right to water since the US was not a signatory to the pertinent United Nations covenant. One commissioner, Margarette May Macauley, a citizen of Jamaica, thanked the US for its generosity in providing aid to poor countries for their water problems but asked why it couldn’t do the same for its own citizens. “I literally cannot understand the most powerful country in the world having these kinds of stories about lack of clean, potable water,” she said. “It really blows my mind.”

*Continued on page 38*









Benefit corporations — which commit to making a positive impact on society — sound like a great idea, but are they? That is the question.

**BY DEBORAH FELDMAN**



Andrew Lynn '13 wanted to improve his pie crust skills so in December 2014 he signed up for a pie-making class at the King Arthur Flour Baking Education Center in Norwich, Vermont. The class went well: he made an all butter crust by hand — he's quick to point out no shortening was used — and he felt good about the fact his pumpkin pie, along with all of the other pies made in his class, was being donated to a local food pantry. He also noticed that there were "lots of marketing materials" on display, and when he grabbed a few, he found out that the company was a "B Corp" — which in simple terms means the company isn't just about its financial bottom line, that it wants to do good while doing well.

"I thought it was cool," says Lynn, a Boston-based solo practitioner specializing in business and estate planning. "I looked into it and I found that being a 'B Corp' shows where your heart is. It gives businesses something to strive for as they grow."

**"Certified 'B Corps' meet the highest standards of social and environmental performance, transparency and accountability."**

Katie Holcomb, B Lab

## Seal of Approval

Traditionally, companies have formed as standard corporations (C Corp) or limited liability corporations (LLC) or some other type of similar status or variation, mostly having to do with liability and tax concerns. But in 2010, a new type of for-profit corporate option came into play when Maryland became the first state to pass benefit corporation legislation — intended to enable for-profit enterprises to pursue corporate social responsibility. Businesses can now pick from the traditional entity options and then opt to become a benefit corporation as well. Benefit corporations are typically required to: 1) have a corporate purpose to create a materially positive impact on society as well as the environment; 2) define fiduciary duty to require consideration of the interests of workers, the community and the environment; and 3) hire an independent third party or have a "benefit director" (it varies among states) that sets standards and evaluates the benefit corporation based on them.

To date, 30 states and the District of Columbia have passed benefit corporation legislation. But what about that "B Corp" designation that Lynn stumbled upon at his pie making class? It turns out that "B Corp" certification is the brainchild of the B Lab, a nonprofit organization that is dedicated to promoting a "global movement of people using business as a force for good." While benefit corporation status is legally recognized, obtaining "B Corp" certification is private and voluntary. Any business can go to the B Lab website and take its "B Impact Assessment" online — for free. If the business wants to go for certification, then it must meet a minimum score requirement on the assessment, move toward becoming a legal benefit corporation (if located in a state with the legislation) and pay an annual fee to the B Lab, which ranges from \$500 to \$50,000 based on the company's annual sales.

Why pay for "B Corp" certification?

"Certified 'B Corps' meet the highest standards of social and environmental performance, transparency and accountability," says Katie Holcomb, director of communications for the B Lab. "Benefit corporation status is one way to meet the legal requirement for certification, and a great way to build a company on a solid foundation to create value for stakeholders and shareholders. However, 'B Corps' take the extra step with verified performance and a higher degree of transparency and accountability."

Among the 1,640 companies in 47 countries that have obtained "B Corp" certification are big names such as Patagonia, Ben & Jerry's, Dancing Deer Baked Goods, Cabot Creamery and Etsy (which is one of the few publicly held companies to opt for certification). For those businesses seeking certification, the



“B Impact Assessment” is completed every two years and requires that companies obtain a score of at least 80 out of 200 in five areas: environment, workers, customers, community and governance.

Criteria on the assessment include a company’s use of energy and water, how it deals with waste, compensation, work environment, products for customers, commitment to diversity, giving to the community and job creation, among other factors. In its last impact assessment, Ben & Jerry’s performed well above the medians, particularly when it came to the environment, earning points for its use of locally sourced cage free eggs, environmentally friendly freezers, feeding ice cream waste to pigs and creating a “Lick Global Warming” campaign to help fight climate change.

## Pay to Play?

It’s hard to find fault with a commitment to making the world a better place, but do we need statutes and private certifications to accomplish social and environmental goals?

Professor Rae André, a management and sustainability expert at Northeastern University’s D’Amore McKim School of Business, says, “no.” A vocal opponent of benefit corporations, André argues that these designations are not only unnecessary, but also detrimental. In a 2015 article in *Business Horizons*, André writes that many legal analysts argue that “benefit corporations actually inhibit corporate social responsibility efforts by perpetuating the myth that business corporations do not have the flexibility to pursue social missions, and

the shareholder. In such an extreme situation, benefit corporation status might protect a company’s non-financial mission and values. “I think the advantages of the benefit corporation are most pronounced where the management team is answerable to a widely dispersed and disparate stockholder base,” says O’Connor.

André is also concerned about the lack of regulation in this area. “Benefit corporations have to hire a so-called independent third-party evaluator to assess them, but that can be anyone, and the B Lab is making money being the evaluator for a certification process that it developed with no government oversight,” André explains. She says that the benefit corporation legal status is a marketing tactic that confuses the public. “The business itself or the B Lab gets to decide what makes it good, not the public. Benefit corporation promoters have sought tax breaks and contract bidding advantages, but states should not give such privileges to for-profit corporations that lack meaningful governmental oversight.”

“From a strictly legal perspective, benefit corporation status doesn’t really accomplish anything for a start up because typically a small number of stakeholders control the company, and the nature and extent of that control have been carefully negotiated,” says O’Connor, whose clients are mostly entrepreneurs. But down the



## Among the 1,640 companies in 47 countries that have obtained “B Corp” certification are big names such as Patagonia, Ben & Jerry’s, Dancing Deer Baked Goods, Cabot Creamery and Etsy.

by claiming to, but failing to, empower stakeholders. They argue that the benefit corporation form is likely to increase corporate greenwashing, and that it enhances public cynicism about all corporations by creating competing sets of ‘beneficial’ and ‘other’ corporations.”

“There has never been a case in which a corporation has not been allowed to do good. Constituency statutes explicitly allow corporations to undertake socially responsible initiatives,” says André, who explains that constituency statutes, passed in the majority of states, allow corporate directors to consider non-shareholder interests when making business decisions.

But, Jerry O’Connor ’94, a solo practitioner in Boston who specializes in representing technology companies, points to the example of a landmark 1986 ruling in the Delaware Supreme Court involving a hostile takeover of Revlon. The rule established in that case, known as the “Revlon rule,” holds that when a takeover is inevitable, the directors’ duty is to achieve the best price for

road, O’Connor sees the benefit corporation’s potential as crowdfunding — raising money from a large number of people, usually through the internet — becomes increasingly popular. “I can see crowdfunders taking an interest. It would be mighty handy to have it in your charter as the magic bullet that says we told you we’re a public benefit corporation when you invested. The company would then be protected by the statute [in the event of a sale or merger].”

He views the B Lab as “window dressing.” “In my experience, clients who want ‘B Corp’ certification want it for PR purposes,” he says.


Lynn agrees, but doesn’t see that as a show-stopper. “Is it just for marketing? Maybe. But I like to think of it as having a little column a and a little column b,” he muses. “You can use it for marketing and still believe in it.”

*Deborah Feldman is editor of Northeastern Law magazine.*



Doug Wilson says ending solitary confinement is worth the risk.





# THINKING OUTSIDE THE BOX

How a prison  
manager changed  
his mind about  
solitary  
confinement

By Jeri Zeder

D

**Doug Wilson remembers** how it was back when he was a prison guard. Inevitably, the day would come when an inmate who had spent 10 or 15 years in solitary confinement — a person deemed unfit for human contact — would go free. The day of release would often go like this: Wilson and his colleagues would strap the prisoner in leg irons, wrist restraints and belly chains and take him to the local public bus station. When the bus showed up, in sight of other passengers, they would remove his restraints, hand him his bag, put him on the bus and send him away.

“It was always kind of weird. This guy is being unchained and now he’s going to get on the bus,” recalls Wilson, who often wondered about what was going on in the minds of the bus passengers. “I’m sure it was weird for the offender, too.”

Proponents of solitary confinement — typically correctional administrators and officers’ unions — say that the practice is needed to run a safe prison. Critics counter that it is inhumane, insensibly costly and antithetical to public safety, and that replacing solitary with less draconian methods of control actually makes prisons safer. Doug Wilson has been with the Colorado Department of Corrections (DOC) for 23 years and is now a DOC administrative services manager responsible for staff training, facility accreditation, policy development and coordinating grievances and litigation. His state has been in the vanguard of solitary confinement reform, and while Wilson does believe that the dangers of ending solitary confinement are greater than the critics contend, he now believes that reform is worth the risk.

Buy-in from corrections leaders and staff is key to reforming prisons. So it’s worth asking: What made Doug Wilson change his mind?

## Growing Momentum

Solitary confinement is a method of managing and controlling prisoners for behaviors, ranging from merely uncooperative to truly violent. Typically, a prisoner is locked in a 60- to 80- square-foot cell for 23 hours a day without human contact. Days can turn into months and years as prisoners commit further infractions and get themselves deeper into the hole. While many people think solitary is reserved for “the worst of the worst,” that’s not the case. “I’ve had clients who could be anyone’s child, who end up in prison for stupid things like opiate

abuse and selling drugs to support their habit and then get into a fight [while incarcerated] or get into the crosshairs of a corrections officer and end up in solitary confinement,” says Leslie Walker ’85, executive director of Prisoners’ Legal Services of Massachusetts (PLSMA). She argues that their punishment is the loss of liberty — going to prison — not “torturing them in a box the size of a parking space for months and years on end.”

“It just kind of builds up, builds up and builds up,” says Christine Sunnerberg ’17, who spent her first co-op with Walker’s agency last fall, and now works there part time. During her co-op, Sunnerberg wrote several advocacy letters for individual inmates whose health needs were not being met in prison, and she attended legislative hearings where PLSMA and others testified in support of bills to reform Massachusetts’ policies on solitary confinement.

Since the mid-1980s, the growth in solitary confinement has outpaced the growth of the prison population in general, according to Jean Casella, co-director of Solitary Watch, which monitors and disseminates information about solitary confinement. Today, there are “80,000 to 100,000 people in solitary, and an unknown additional number in jails and criminal detention and juvenile detention,” she says.

Momentum against solitary confinement is slowly building. The Obama administration is looking to reforms in federal prisons. In the states, the trends are uneven — and surprisingly distributed. Massachusetts, for example, lags behind Mississippi. “We are not as progressive in these areas as a lot of people think we are,” says Professor Daniel Medwed, author of *Prosecution Complex: America’s Race to Convict and Its Impact on the Innocent*. “The real reason why it still exists

*Continued on page 39*



... their punishment is the loss of liberty — going to prison — not  
**“torturing them in a box the size of  
a parking space for months and  
years on end.”**

Leslie Walker '85







Taramattie Doucette '88 (right) with Joanne Daniels-Finegold at the newly renovated Government Center Station.



# NO EASY RIDE

People with disabilities are no longer shut out of the MBTA, thanks to one graduate and her clients. **BY KATHRIN HAVRILLA**

**When, after two long years, the Government Center Station** in downtown Boston reopened to much fanfare in March, the features most people noticed right away were the dramatic vaulted glass entryway, the expanded lobby and the abundance of natural light streaming into the transformed space. But what Taramattie Doucette '88 and her client, Joanne Daniels-Finegold, laid eyes on was more than a decade of hard work come to life.

In 2002, Doucette, a senior attorney with Greater Boston Legal Services (GBLS), Daniels-Finegold and 10 other plaintiffs brought a civil action for declaratory and injunctive relief against the MBTA alleging it was not complying with the Americans with Disabilities Act. At the time, people with disabilities were often prevented from going to work, school, doctors' appointments and engaging in ordinary experiences that most people take for granted by using public transportation. For example, a public transportation trip from Braintree to Brookline took upwards of six hours for those with disabilities because of broken elevators at MBTA stations. Wheelchair users routinely had to navigate far out of their way because of broken bus lifts and faulty equipment. And, the lack of accessibility features for the vision- and hearing-impaired led to frustration, embarrassment and sometimes even anger.

When Doucette started hearing these stories over and over from people who attended the community outreach seminars she runs for GBLS, she knew something had to be done. She met with a group of individuals with various disabilities to learn how they had approached the MBTA about more accessibility features. It turned out that they had exhausted all of the avenues at their disposal — they'd held public meetings, spearheaded letter writing campaigns and even invited the general manager of the MBTA in the late 1990s to a meeting to help resolve the issues. They got a lot of broad promises, but not a lot of changes, so Doucette knew it was time to take legal action.



The \$82 million renovation of Government Center Station includes new elevators and platforms remodeled to make it easier for people with disabilities to board trains.

After researching the issues, Doucette presented her findings to GBLS' litigation director, Daniel Manning, and a decision was made to represent the community. After the complaint was filed in 2002, Doucette, Daniels-Finegold, GBLS' legal team and the other plaintiffs began their research: lots of research, in fact. Together, they reviewed more than 60,000 pages of MBTA records and

14,000,000 electronic maintenance records, and drafted more than 100 affidavits for people with disabilities talking about their struggles with public transportation accessibility. After reviewing the mountains of data, all agreed: We can win this thing.

## Conversations and Negotiations

The MBTA's response to their suit was to immediately hire a big law firm. Adversarial interactions continued until 2005, when Dan Grabauskas took over as general manager of the MBTA. He wanted to make it a premier transportation system; he took one look at the complaint and said that the plaintiffs should be given everything they were owed.

"We were shocked and excited about the turnaround of opinion," recalls Doucette. "My clients are tough fighters, not victims, and they're used to challenges, but when we finally knew that someone was going to listen to us, it was thrilling."

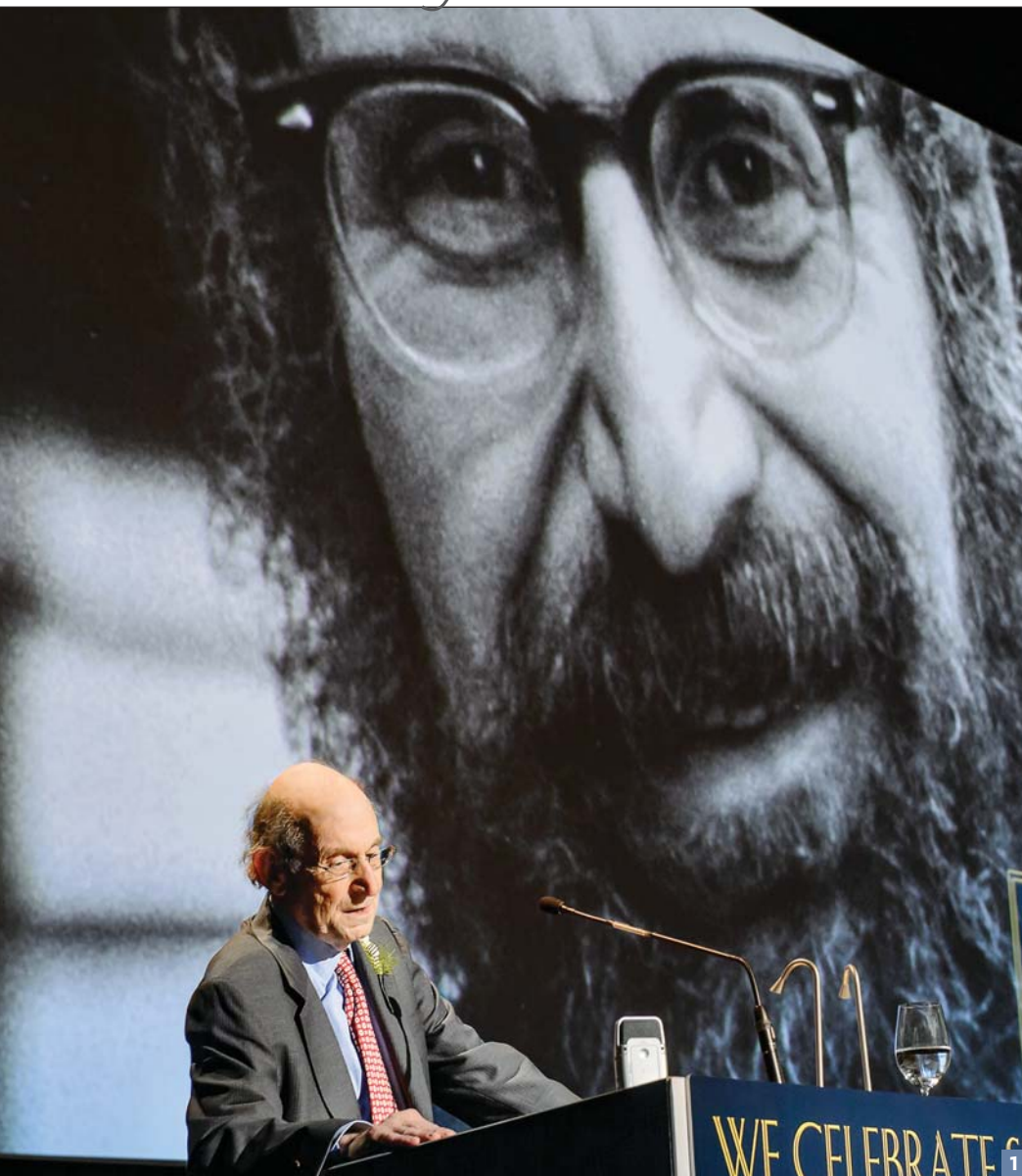
What came next was a groundbreaking settlement agreement.

"One major thing I learned at Northeastern is that my clients have to be involved every step of the way, and they were — the big law firm we were up against had unlimited resources, but we came together and did everything ourselves over a series of years," says Doucette. "We kept this group of plaintiffs together for 10 years and no one got paid a dime. They just wanted the money to be invested into the system."

After the settlement was signed in 2006, the real work began. Doucette and the plaintiffs went over scores of reports with the MBTA to ensure it complied with the terms of the agreement. They put together an exhaustive list of changes that needed to be made to a system that was far more broken than anyone realized. As a result, the MBTA agreed to invest \$310 million to improve public transportation access and services for people with disabilities.

*Continued on page 38*

# Faculty News



## We Celebrate Subrin

In April, more than 300 graduates and friends gathered at the Institute of Contemporary Art to celebrate Professor **Steve Subrin**'s contributions to the law school community over the past 46 years. Though Subrin's academic accomplishments were many, the speakers focused on his wit, wisdom and his championing of civil procedure.

In her remarks, Professor Emerita Judy Brown noted, "... Steve taught me the importance of going last. 'It was best to go last,' he always said, 'that way you can sum up, and rebut what everyone else has said.'"

So, while Subrin made his final official remarks at the celebration of his remarkable career, the last words are ours: We will miss you, Steve.



An impressive group paid tribute to Subrin. Front row, from left: Maura Healey '98, Professor Emerita Judy Brown, Subrin, Joan Subrin, Professor Margaret Woo and Heather Yountz '08. Back row, from left: Professor Emeritus Dan Givelber, Jeffrey Feldman '75, Lawrence Cetrulo '75, Thomas Main '94 and Dean Jeremy Paul.



(1) Subrin takes the podium (2) A legendary triumvirate re-unites: Professor Emeritus Dan Givelber (left) with Subrin and Professor Emerita Judy Brown (3) From left: Amy Hudspeth Cabell '91, Don Cabell '91, Lee Darst '91 and Rick Darst '19 (4) Rhonda Rittenberg '87 (left) with Emily Jonas '89



→ **So Noted** Dean Jeremy Paul is one of two law school deans invited to join a committee of federal judges that oversees the Online System for Clerkship Application and Review (OSCAR), which streamlines federal law clerk and appellate staff attorney hiring .

## iSERP on the Subcontinent

In March, professors **Karl Klare** and **Lucy Williams** traveled to India where, along with a locally based team, they organized the seventh world meeting of the international Social and Economic Rights Project (iSERP) in Delhi. iSERP is a network of lawyers, advocates, activists and judges that focuses on economic and social rights guarantees in national constitutions and international instruments. The conference was co-sponsored by the Delhi Centre for Policy Research.

Panels and meetings focused on the right to adequate housing, food and education as well as broad issues related to the future of constitutional courts, worldwide threats to democratic politics and gender, sexuality, and social and economic rights. iSERP was founded at Northeastern in 2009 and has since met in Bogotá (Colombia), Pretoria (South Africa), London (UK), Bellagio (Italy) and again in Boston.

“These meetings are such intense learning opportunities because we pool the experiences of social and economic justice lawyers and activists working in distinct political, cultural and legal contexts all over the world,” said Klare. “A disturbing note this year was that we observed rising threats to human rights and constitutionalism posed in many jurisdictions by nationalism, xenophobia and authoritarian populism.”

iSERP plans to convene again in the next year or two, possibly in Latin America. The group also began preliminary discussions about producing a second volume of essays to complement its 2015 publication, *Social and Economic Rights in Theory and Practice: Critical Inquiries*.

Professors **Aziza Ahmed** and **Margaret Woo**, and **Kevin Murray**, executive director of the law school's Program on Human Rights and the Global Economy, also attended the conference.



### Combating Injustice

In advance of the conference, Professor Lucy Williams visited the state of Assam, in the northeast corner of India, where she visited tea gardens and spoke with women who work in brutal conditions, such as in extreme heat or in the monsoon season. The visit was arranged by Sukti Dhital '06, executive director and co-founder of Nazdeek, a US-based legal capacity building organization that partners with grassroots activists and lawyers to build community-based legal networks to increase accountability in the protection of social and economic rights.

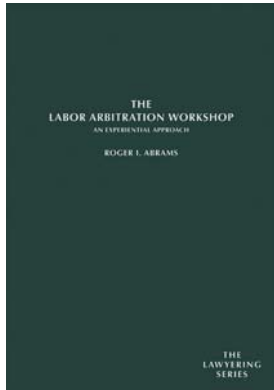
“Assam has the highest maternal mortality ratio and one of the highest infant mortality ratios in India. The estate owners often fail to provide toilet facilities or drinking water for the women who pick the tea leaves, among other problems,” said Williams. “It was eye-opening to speak with these women about their lives and to learn more about Nazdeek and its partners’ project to empower Adivasi women through legal training, community monitoring and the use of digital technology to identify, catalog and report health rights violations. Sukti truly exemplifies our law school’s commitment to producing graduates who are changing the world.”



Professor Lucy Williams (top photo, second from left) and Sukti Dhital '06 (top photo, third from left) spent a day listening to women workers. The visit was arranged by Nazdeek in cooperation with one of its partners, Promotion and Advancement of Justice, Harmony and Rights of Adivasis (PAJHRA), which advocates on behalf of the Adivasi people, a tribal group in that region who are victims of severe economic and political marginalization.

# Copy That

This spring, two of our senior faculty members used the exclusive legal right to print what they preach.

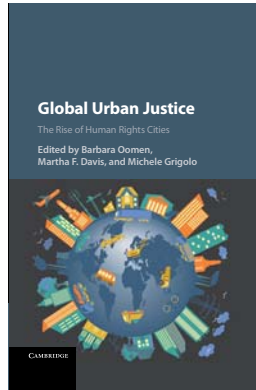


## ***The Labor Arbitration Workshop: An Experiential Approach***

**Carolina Academic Press**

**Roger Abrams**

Based on more than 40 years' experience as an arbitrator for disputes involving Major League Baseball, the US Customs Service, Walt Disney World and the IRS, among many others, Professor Roger Abrams leads students through exploring the important role of alternative dispute resolution in the workplace in his most recent book, *The Labor Arbitration Workshop: An Experiential Approach*. In particular, the book, part of a series the School of Law is sponsoring, focuses on "just cause" discharge and discipline cases, the most common issue brought to arbitration. Using court and arbitration decisions as well as supplementary simulations, materials and problems, students discuss the role of the advocate; the relationship between arbitration and the judicial system; issues of arbitrability, evidence and procedure; and a variety of substantive contractual issues.



## ***Global Urban Justice The Rise of Human Rights Cities***

**Cambridge University Press**

**Martha Davis (co-editor)**

Cities increasingly base their local policies on human rights. Human rights cities promise to forge new alliances between urban actors and international organizations, to enable the "translation" of the abstract language of human rights to the local level and to develop new practices designed to bring about global urban justice. In *Global Urban Justice: The Rise of Human Rights Cities*, Professor Martha Davis and her co-editors bring together academics and practitioners at the forefront of human rights cities and the "right to the city" movement to critically discuss their history and also the potential that human rights cities hold for global urban justice. In addition to serving as an editor, Davis contributed a chapter, "Cities, Human Rights and Accountability: The United States Experience."

# Matwyshyn Heads to UK on Fulbright

Professor **Andrea Matwyshyn** has been selected as one of the first recipients of the new Fulbright Cyber Security Award, announced in 2015 as part of a package of increased US-UK cyber security cooperation discussed on the visit of Prime Minister David Cameron to the White House for talks with President Obama.

According to the Fulbright Commission, the award is designed to enable "some of the brightest minds" among academics and professional experts in cyber security to conduct research, pursue professional development and/or assess best practices at any UK institution for a period of three to six months.

Matwyshyn will collaborate with colleagues at the University of Oxford Global Cyber Security Capacity Centre, a leading international center for research on efficient and effective cyber-security capacity-building, promoting an increase in the scale, pace, quality and impact of such initiatives across the world.



## GOING PLACES

### **Senior Scholars in Spain**

This summer, Professors **Aziza Ahmed** and **Dan Danielsen** are serving as faculty members for Harvard's Institute for Global Law and Policy's intensive workshop for young scholars and university faculty. Held in Madrid and organized in collaboration with Complutense University of Madrid, the program involves a series of intensive writing workshops that facilitate peer-to-peer conversations in small groups with careful mentoring from the faculty.

### **Qué Pasa?**

Professor **Rachel Rosenbloom** delivered a lecture (in Spanish), "Refugees on the Southern Border of the European Union," at the University of Cádiz in Jerez, Spain, in May. This spring, Rosenbloom, an immigration law expert, is a visiting scholar at the university, where she is conducting comparative research on the rights of undocumented immigrants in the US and the European Union.

### **Property Propositions**

Professor **Rashmi Dyal-Chand '94** discussed property rights beyond individual ownership during a panel at the Dynamics of Enduring Property Relationships in Land conference held at New College, University of Oxford, in May. Her recent projects and publications have explored the role of property remedies in achieving more equal wealth distribution and advocated a model for sharing as a preferred outcome in property disputes.

### **IP on the Path to Equality**

In July, Professor **Kara Swanson** talked about "Counting Patents as a Path to Full Citizenship: The Case of American Suffragists," at the International Society for the History and Theory of Intellectual Property's annual meeting, hosted by CREAtE, the RCUK Centre for Copyright and New Business Models in the Creative Economy, based at the University of Glasgow in Scotland.

### **World Traveler**

Professor **Lucy Williams** spoke at the World Bank in April on a panel, "Law, Justice and Poverty Reduction," sponsored by the World Bank's Legal Vice Presidency Unit and Governance Global Practice. On behalf of the Community of Practice on International Poverty Law, Williams is convening a panel, "How Incorporating Legal Initiatives in World Bank Projects is Critical to Achieve the Twin Goals of Eradicating Poverty and Sharing Prosperity," for the World Bank Law, Justice and Development Week in December.



### That's Just Sick

"TPP countries are at risk of joining a mutual suicide pact." As a direct result of the TPP, "the costs of cancer medicines and other biologic medicines will continue to sky-rocket."

**Professor Brook Baker '76**

"Trans-Pacific Partnership Could Block Cheap, Life-saving Generic Drugs"  
*Vocative*, March 15, 2016

### Together and Equal

"In this proposed legislation, we continue our march toward freedom and equality for all persons in society. Massachusetts has always been a leader in this process, and this legislation continues to move us forward."

**Professor Roger Abrams**

"Sports Teams Endorse Bill for Transgender Rights"  
*The Huntington News*, January 21, 2016

### Enlightened Self-Interest

"Of course, collaboration from the bar in the legal education project is a two-way street. Law schools cannot invite help without being open to accepting and truly responding to suggestions and advice. Yet, only a more meaningful partnership can produce the reforms law schools need to navigate our current environment."

**Dean Jeremy Paul**

"Ask What the Bar Can Do for Law Schools"  
*New York Law Journal*, April 18, 2016

## Talking the Talk

### Aiming for Honesty

"By applying intermediate scrutiny ... the full court can safeguard physicians' ability to speak truthfully to patients, without compromising the state's ability to regulate the practice of medicine."

**Professor Wendy Parmet (co-author)**

"Wollschlaeger v. Governor of Florida — The First Amendment, Physician Speech, and Firearm Safety"  
*The New England Journal of Medicine*, May 18, 2016

### All Smoke, No Fire

"They sound exciting — that you can sneak into a brothel and rescue people and rescue children. I don't want to dismiss it. If there are children that are kept away and in hiding, there should be a way to get to them. But I'm not sure what's happening right now today — all these raids and rescues — is doing what they should be doing, which is bring an end to this practice."

**Professor Aziza Ahmed**

"Adam Laroche, International Groups Go Undercover to Stop Human Trafficking"  
*Chicago Tribune*, April 22, 2016

### Slip Slidin' Away

"If we really want lasting change there have to be more actual laws and rules in place to prevent backsliding."

**Professor Daniel Medwed**

"Why Embattled Public Defenders 'Welcome' Lawsuits Against Them"  
*The Christian Science Monitor*, January 21, 2016

### Blame Game

"Typically what tobacco companies do is blame the victim. This is someone of very strong character, beloved .... They're not going to be able to play that game."

**Professor Richard Daynard**

"Tony Gwynn's Family Sues Tobacco Industry, Seeking Recourse Over Fatal Habit"  
*The New York Times*, May 23, 2016

### Tales from the Crypt

"Providing law enforcement with the resources needed to build up in-house expertise will result in more efficient and cost-effective investigations."

**Andrea Matwyshyn**

"FBI Can Use Dead Suspects' Fingerprints to Open iPhones — It Might Be Cops' Best Bet"  
*Forbes*, February 18, 2016

### Double Trouble

"... the transformation we have witnessed over the past three decades is best understood not as the merging of two formerly separate enforcement systems but rather as shifts within both the policing and deportation systems that have rendered far more people vulnerable to the intersection of the two."

**Professor Rachel Rosenbloom**

"Policing Sex, Policing Immigrants: What Crimmigration's Past Can Tell Us About Its Present and Its Future"  
*California Law Review*, Volume 104, 2016

# On the House



Christine Wee '01 at what's left of Cabrini-Green Homes, a public housing project built as a showcase of urban renewal, but now mostly demolished for a variety of reasons, including neglect, criminal activity, and economic and racial discrimination.



# Giving Back, Moving Forward

Christine Wee '01 is helping others while building her practice | BY MAURA KING SCULLY

**I**MAGINE YOU'RE 18, living in one of Chicago's grittier neighborhoods. Hanging out on the street one night, someone you don't know well asks you to hold his jacket. Just as you take it, police cruisers pull up, lights flashing. Everyone takes off — except you. You're left there, holding the jacket, which contains enough drugs to land you in jail for a very long time.

You panic. You're young, naïve and terrified of being locked up. Then, as soon as your case begins in court, the prosecutor presents you with a way out: plead guilty and you'll get two years probation. No jail time. You take it because at 18, it seems like the best option.

## A Happy Ending

Twenty years later, when you're married with a family to support, you realize it's not a great deal at all. Because of that guilty plea — for a crime you didn't commit — you have a criminal record. You'd like a job that pays a decent salary, one with health benefits where you can save something for retirement. But no one will hire you, so you're stuck working odd jobs, earning money under the table.

This, in broad strokes, is the story of a client Christine Wee '01 met at as a volunteer at Cabrini Green Legal Aid (CGLA) — which was founded to serve residents of a local public housing project, but now serves individuals citywide. Of her client, whom we'll call James, "his only recourse was to seek executive clemency at the state level, a pardon from the governor," she says. "It's an extraordinary remedy that's very difficult to get."

Wee worked with James to file the petition, a painstaking process that takes about a year. "I got to know him, his family and I immersed myself in his life to gather character witnesses. We then prepared and submitted a written petition, and presented our case to the Prisoner Review Board," she explains. Once that's done, you wait. And wait — typically two to four years. In James' case, they heard on the speedy side of things, in just a year, with a favorable decision. "He was granted clemency, which has made a huge difference. It wiped the slate clean; he was able to find stable employment with benefits."

In 2013, CGLA named Wee its intake volunteer of the year for her service to the organization and its clients. Wee also serves on the board of Civic Legal Corps, a Chicago nonprofit law firm that

provides legal services to people who earn too much to qualify for free legal aid but not enough to afford traditional law firm rates. "The firm opened in 2014," she says. "We're trying to address the access-to-justice problem for people who are middle income."

## Two-Way Street

For the clients she represents pro bono, Wee is a guide on the path back to wholeness. Pro bono work in turn has been Wee's path back to the law in a new city, after taking time off with her first child.

"We moved here in 2011 for my husband's job when I was seven-months pregnant. After my son was born and life became a little more predictable, I decided it was time to get back to the law. But I didn't know anyone in Chicago. I decided the only way to acclimate myself to the city and make connections was to throw myself back in," she continues. "I've always learned best by doing — which is why I chose Northeastern for law school. So I decided to take the same tact by finding some great pro bono opportunities."

In addition to CGLA, Wee also volunteers at Equip for Equality, a nonprofit organization that protects the civil rights of people with disabilities. "I work with students and families facing school disciplinary hearings to ensure due process is in place. Having an advocate can make a huge difference — this is their education, after all. If they're suspended or expelled, it can have a detrimental effect on their lives."

Wee, who previously served as a public defender with the Committee for Public Counsel Services in Massachusetts, continues to volunteer even as she builds her solo law practice. "I find it so rewarding. I love fighting for people to have their voices heard. This is really important work," she concludes. "I remember I was shocked when I heard the statistic from the Cardozo Law School Justice Index that there's only one civil legal aid attorney for every 10,000 people living in poverty. I know that doing pro bono work isn't the answer, but it's one way to make a dent."

***"I find it so rewarding. I love fighting for people to have their voices heard."***

— Christine Wee '01

# Class Actions



► **PROFILE** Paige Young '10

## High Stakes on the High Seas

Unlike most lawyers, when Paige Young '10 encounters the word "piracy," it's not the metaphorical "stealing of intellectual property" that first comes to her mind. To her, piracy is about actual outlaws at sea.

Young is a maritime attorney for Nordisk Legal Services in Norway, a legal insurer and law firm owned by its members, who are largely Scandinavian ship owners. "Ninety percent of the world's goods are shipped, so it's actually a massive industry," Young says. She provides documents and contract-related services for ship owners and their vessels, and helps them comply with international sanctions imposed by the US and EU.

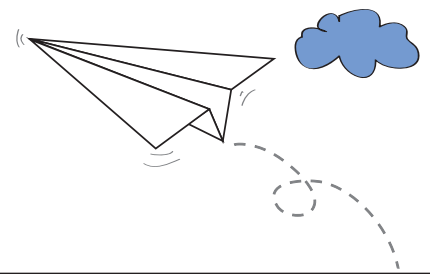
"Current events in the world can have a very big impact on shipping," Young says. For example, during the Ebola crisis, Young and her organization developed and advised on the use of "Ebola clauses," which address matters of crew safety, and the rights and responsibilities of ship owners sailing to the region.

On the international piracy front, her practice helps prevent hijackings by counseling ship owners as they weigh the risks of the various measures they may take under the circumstances facing them, including their contractual obligations to sail in high-risk areas.

Young holds an LLM in maritime and shipping law from Tulane University. Before moving to Norway to work for Nordisk, she worked in New Orleans on the Deep Water Horizon case. She loves the international aspects of her work and the melding of ancient law, which maritime law largely is, with new circumstances. "My clients have a global presence, and the vessels and respondents that we are pursuing are often literally all over the world," she says. "The interesting cast of characters makes for fun challenges, and at times, requires creative legal solutions."

— Jeri Zeder





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**1974** **Karen Porter** is a permanent visiting law professor at the Pericles Center for International Legal Education in Moscow. She also serves as clerk of the board for Friends House Moscow — the only Quaker presence in Russia — which funds projects for peace and civil society in the former Soviet Union and supports projects in a variety of areas, including human rights, education, restorative justice and non-violent communication.

**1976** In 2014, **Douglas Haigh** retired after 22 years on the Los Angeles County Superior Court bench. Since then, he has been taking classes, traveling and generally relaxing.

**1978** Los Angeles County Superior Court Justice **Stuart Rice** was presented with an Outstanding Mentoring Award by California State University, Dominguez Hills, at its third annual Community Engagement Symposium this spring. Stuart was lauded for his dedication to the Court Observer Program, which provides students with internship experience opportunities, such as shadowing judges in court settings and preparing them for work in the legal field.

**1983** In May, **Elise Cherry**, CEO of Boston Community Capital and a champion for civil rights and economic justice, delivered the keynote speech at the annual Massachusetts LGBTQ Bar Association dinner.

**1984** In May, **Michele Nethercott's** client, Malcolm Bryant, was exonerated by DNA testing after spending 18 years in prison on a murder conviction. Michele, director of the University of Baltimore Innocence Project Clinic, began requesting DNA testing when she first took on Bryant's case eight years ago.

**1987** **Rhonda Rittenberg** has returned to the School of Law as director of employer outreach. Rhonda is identifying new employment markets for students looking to the future.

**1988** **Antonia Messina**, a Manhattan-based criminal defense and immigration attorney, was recently profiled in the *New York Post*. In addition to managing a successful legal practice, Antonia is also the owner and director of the dance company Viva Flamenco NJ.

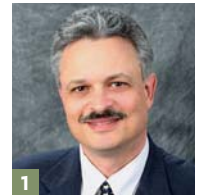
**1991** **Mark Worthington**, senior counsel at Special Needs Law Group of Massachusetts, has been appointed a full-time professor of law and director of the Graduate (LLM) Program in Elder Law and Estate Planning at Western New England University School of Law in Springfield, Mass. **1**

**1992** **Oonagh Doherty's** memoir of Bogotá, Colombia, in 1985, *Durante la Tregua/After the Truce*, has been published. Oonagh lived in Bogotá during a short-lived truce between the guerrilla groups and the Colombian government and met Colombians from many different sectors of society. The book is available on Amazon or from Levellers Press.

**1993** **Joseph Kriesberg**, president and CEO of the Massachusetts Association of Community Development Corporations, was honored in October with a Community Service Award by Citizens' Housing and Planning Association. Joe occasionally teaches at the Northeastern University School of Public Policy and Urban Affairs.

In February, **Connie Vetter** was presented with the Julius L. Chambers Diversity Champion Award by the Mecklenburg (N.C.) Bar Foundation. The annual award

honors individuals who embody high ethical standards, unquestioned integrity, consistent competence and who champion diversity in the legal profession. Connie focuses her practice on the needs of LGBT individuals and couples as well as the larger community.



**1997** **Hilary Franz** is running for Washington state commissioner of public lands. She is currently executive director of Futurewise, a statewide public interest group based in Seattle that works to promote healthy communities while protecting farmland, forests and shorelines. On a personal note, she and her family live on a farm on Bainbridge Island.

**1998** **Jocelyn Jones** has joined Segal Roitman, where she advises unions and individual employees. She previously served in the Fair Labor Division of the Massachusetts AG's Office, where she played a central role in drafting and implementing the commonwealth's Earned Sick Time and Domestic Worker regulations.

**1999** **Thomas Lent** is now a partner in the employment and litigation practice of the Boston law firm Marathas Barrow Weatherhead Lent. Prior to joining the firm, Tom was a partner at Lurie, Lent & Friedman, and an associate at Mintz Levin.

**2000** In November, **Kathy Henry** was named general counsel of Plymouth Rock Assurance, which she joined in 2012 as deputy general counsel. Kathy was previously a partner with Choate, Hall & Stewart.

**2002** **Robin Stein** has been appointed assistant town manager of Danvers, Mass. She previously served as chief of staff to the mayor of Methuen and as assistant city solicitor of Salem.



**2003 Dale Boam** has been granted tenure at Utah Valley University in Orem, Utah, where he is the coordinator of the ASL Interpreter Preparation Program and an associate professor of deaf studies. Dale continues to practice law and recently won a case in the Ninth Circuit under Section 504 of the Rehabilitation Act involving a health care provider accused of failing to communicate effectively with a person who is deaf.

**Nancy Cremins** has joined Globalization Partners in Boston as general counsel. She was previously with Gesmer Updegrove. She is also a co-founder of SheStarts, an organization for women entrepreneurs, and a board member of Prosperity Catalyst, which trains women in distressed parts of the world to create businesses and become self-sufficient.

**2004 Kia (Andrews) Moore** married Tarrick Moore on October 3, 2015, in breathtaking Punta Cana in the Dominican Republic. The ceremony was attended by close family and friends.

**Lori Strickler Corso** and her husband, Chris, welcomed a daughter, Carolina Elizabeth, on March 16, 2015. Lori is electronic services librarian and legal research instructor at Villanova University's Charles Widger School of Law, and served

### In Memoriam

#### 1950s

Edward T. Richardson '50  
Herbert F. Baker '53  
Dorothy M. Shagoury '54

as 2015-2016 president of the Greater Philadelphia Law Library Association.

**2006 Candice O'Neil** has joined the offices of Elder Law Solutions in Newburyport, Mass. She is also a board member of the Greater Newburyport Mothers and Families Club, serving as managing editor of the club's newsletter.

**2007 Lindsay Sampson Bishop** has been named a partner in K&L Gates' Boston office, where she continues to concentrate her practice in general commercial disputes with a focus on insurance coverage and consumer finance litigation.

**2008 Sarah Affel** has been appointed Title IX coordinator for Cornell University. She joined Cornell in 2014 as an assistant judicial administrator. In her new role, Sarah will focus on diversity and inclusion concerns related to the landmark federal civil rights law that prohibits sex discrimination in education.

**2010 Christopher Wurster** has returned to the Boston area to join the boutique law firm Levine-Piro Law as of counsel. He is one of only a handful of local lawyers who focus on veterans' benefits. Chris also handles employment law and personal injury litigation.

**2011 Liza Hirsch** was profiled in *The Boston Globe* in December for her role as the driving force behind an investigation into incidents of abuse at the Peck Full Service Community School in Holyoke. Six months after Liza joined the school's staff, she quit and became a whistleblower, documenting abuses that led to investigations and policy changes. It was a toxic environment where children with emotional and behavioral disabilities were berated, physically restrained and even hauled away in handcuffs by police.

**2012 Meghan Glynn** has joined the law firm of Drummond Woodsum in Portsmouth, N.H., as an associate in the firm's school and education group.

**Kate Richardson** is the legal director of Swords to Plowshares, a nonprofit that provides legal assistance to approximately 3,000 veterans in the San Francisco Bay Area each year. Her group's report on "bad paper" discharges (discharges in the several categories called by the military "less than honorable") was cited by *The New York Times* in March.

**2014 Adam Cernea Clark** is now manager for environmental and natural resources at Pattern Energy Group in Houston, Texas.

**Natalie Higgins** has joined the race for state representative of the 4th Worcester District (Leominster, Mass.).

**John Naranja**, a personal injury attorney with Diller Law, has been appointed to a three-year term with the Massachusetts Asian American Commission. He is the only Filipino-American on the commission.

In April, **Robert Sanderman**, an attorney with Queens Legal Services, filed a federal lawsuit challenging the city of New York's controversial "public nuisance" procedures, which permit the eviction of innocent tenants without any prior notice or opportunity to be heard.

### Botsford Receives BBA President's Award

The Boston Bar Association presented its 2016 President's Award to the Honorable Margot Botsford '73, associate justice of the Massachusetts Supreme Judicial Court, at its Law Day Dinner in May. BBA President Lisa Arrowood chose Botsford as this year's honoree due to her many contributions to the judiciary and legal profession over the course of nearly three decades on the bench. Botsford was appointed to the Superior Court in 1989 and the Supreme Judicial Court in 2007.

### Baker Lands Fulbright to Study Energy Reform

Shalanda Baker '05, an associate professor of law and founding director of the Energy Justice Program at the University of Hawaii at Mānoa William S. Richardson School of



Law, has been selected for a Fulbright award to research the intersections of energy reform, climate change and indigenous rights issues in Mexico. She will focus on renewable energy development in Oaxaca, including the displacement of indigenous communities through the development of wind energy projects.

"Mexico is undergoing an energy transition in which markets are open for the generation of electricity," said Baker. "This is the first time since 1938 that companies and individuals will have the chance to participate in the energy market. It's an unprecedented opportunity to look at the impact this transition has on indigenous communities, and I'll be looking for ways they can engage in community energy development."

### Tran Selected for BBA Public Interest Leadership Program

Henry Tran '15, a litigation associate at Prince Lobel Tye, has been selected for the 2016-2017 Public Interest Leadership Program sponsored by the Boston Bar Association. The program promotes civic engagement and public service by advancing the leadership role of lawyers in service to their community, their profession and the commonwealth. As a law student, Tran was appointed the executive lieutenant governor of the First Circuit for the American Bar Association and was later selected to serve as the national student liaison to the ABA Judicial Division Council. He is also an active member of the Asian American Lawyers Association of Massachusetts and has performed pro bono work for the Volunteer Lawyers Project of the Boston Bar Association. **4**

### National Lawyers Guild Recognizes James and Maloney

Andrea James '98 and Trevor Maloney '16 were honored by the Massachusetts Chapter of the National Lawyers Guild (NLG) at its annual Testimonial Dinner in May. James, executive director of Families for Justice As Healing and a 2015 Soros Justice Fellow, received the Legal Worker Award. Maloney received the Student Award for his participation in NLG's national Mass Incarceration Committee. He also serves on the board of the Massachusetts Association of Criminal Defense Lawyers.

*Continued on page 36*



### ► PROFILE Shanel Lindsay '07

## Beyond Puffery

**Shanel Lindsay '07** named her company Ardent Cannabis, a nod to her passion for educating people on the benefits of medicinal cannabis and helping patients gain better access to health and wellness. The object of her ardor: a diminutive canister that weighs approximately 5 pounds, stands about as high as two coffee cups stacked one on top of the other, and is just a little wider across than your typical drinking glass. This is the Nova Precision Decarboxylator, a device that makes decarboxylation — the process of exposing cannabis to a precise temperature for a specific time to optimize its medicinal effects — virtually foolproof, and it's a game changer for those seeking pain relief through medicinal use of the drug, whether by eating it, smoking it or applying it to the skin.

"Old methods of decarbing cannabis made it virtually impossible to replicate the strength of a dosage — it's really a scientific process. With Nova, you can replicate a dosage and deploy the drug however you'd like," says Lindsay, who's been using cannabis medicinally for over a decade to treat chronic pain. The most effective means of using the drug is placing it

under the tongue, a delivery method Lindsay is in the process of patenting. "You feel the effects within one to two minutes and after three minutes, 80 percent of the drug is absorbed. It's much more effective than eating, smoking or injecting the medication."

Lindsay began work on Nova in late 2013, assembling a team of experts to help in the development of the device and filing patent applications; she formerly incorporated Ardent Cannabis in 2015. Nova retails for \$260 and is available to those who are verified medical cannabis patients or who live in the handful of states that have legalized recreational marijuana use. Lindsay sold out her first run of 100 units, which were initially only available online, and has recently placed Nova on store shelves in seven Colorado and Massachusetts dispensaries.

"My biggest challenge is educating people and overcoming the bias against cannabis," the former litigator and employment law specialist concedes, "and my law degree has been an invaluable asset in the journey."

*— Lori Ferguson*



CLARK JAMES MISHLER

Dana Fabe '76, who was the first woman to serve on the high court and the first female chief justice, will still be eligible as a senior justice to sit on cases as needed and will have a private mediation and conflict resolution practice.



MICHAEL DINNEEN

Paula Haley '81 plans to spend more time traveling with her husband and lavishing attention on her feline family members.

### Fabe and Haley Take Their Leave

They were more than northern lights. They lit up the Alaskan frontier, and they were stars in our Northeastern law galaxy for almost four decades. The retirements this spring of Dana Fabe '76, a justice for 20 years on the Alaska Supreme Court, and Paula Haley '81, longtime executive director of the Alaska State Commission for Human Rights, were well deserved. Old enough to celebrate all that they have accomplished, but young enough to still have fun, each decided that the time had come to stop working 24/7.

The rich history of our Northeastern-Alaska pipeline, dating back to the mid-1970s, is a quirky co-op story that we love to tell: Our pioneering students, who used co-op as an excuse to check out the 49th state, and then couldn't bear to leave. The scores who followed on yet more co-ops, and made it their home, tackling new territories

in land and in law. The camaraderie of the Northeastern law grads, who came to be leaders in the Alaskan bar, is legendary.

Notable among a group of notables, Dana and Paula stood out for their character and capacity as well as their resilience and commitment to equal justice. The lists of their individual accomplishments are long and impressive; this law school basks in the glow of their reflected talents and triumphs. It's hard to imagine who will fill the shoes of two public servants so completely committed to social justice, such champions of equality and fairness, but we know that they will continue to fight the good fight, deservedly in less than 60 or 70 hours a week, and we wholeheartedly congratulate them on having embraced our public interest mission and for having made their marks on justice for all.

— Deborah Feldman

*Continued from page 35*

### NCIP's Leadership Award Goes to Zitrin

Elizabeth Zitrin '79, president of the World Coalition Against the Death Penalty, accepted the Northern California Innocence Project's (NCIP) 2016 Leadership Award in March. She was honored for her global leadership on issues of criminal justice reform and the death penalty, and for providing 12 years of exceptional leadership as an NCIP advisory board member. Zitrin has pioneered collaborations between the death penalty abolition movements in the United States and abroad, with a focus on building bridges among attorneys and activists in the international abolition movement. She convened the World Coalition's first General Assembly in the United States, hosted the first US mission of the International Commission Against the Death Penalty and continues to

organize international forums on the death penalty.

Zitrin previously practiced criminal defense law in San Francisco, served for many years on the board of the ACLU of Northern California and continues to serve on NCIP's board. She recently established a public interest fellowship at the School of Law (*see page 4*).

### Gittens is One of Boston's 100 Most Influential People of Color

Robert Gittens '78, executive director of Cambridge Family & Children's Services (CFCS), was recognized as one of Boston's 100 most influential people of color by Get Connected!, a bi-monthly networking event group in Boston that brings together urban and international professionals, business executives and entrepreneurs from various cultures. Prior to joining CFCS in March, Gittens served as vice president for public affairs at Northeastern University.

### Strangio Attacks North Carolina Statute

Chase Strangio '10, a staff attorney with the ACLU's LGBT and AIDS Project, has been a leading source for the national press when it comes to North Carolina's House Bill 2, a sweeping anti-transgender law, commonly known as the "bathroom bill." Strangio has particular expertise on the treatment of transgender and gender non-conforming people. In a March 28 talk with Rachel Maddow on MSNBC, Strangio said, "It's very clear that this law is unconstitutional, that it violates equality and liberty protections under the Constitution and that it also violates federal law." <sup>1</sup>

### Hassan Nominates Greenhalgh and Messer to Bench

In April, New Hampshire Governor Maggie Hassan '85 <sup>2</sup> nominated fellow grads Charles Greenhalgh '90 and Amy Messer '91 to the state's courts. Messer, formerly





executive director of the Disability Rights Center, will serve on the Superior Court. Greenhalgh, formerly an attorney and director at Cooper Cargill Chant, will serve on the Circuit Court.

### Cornell Named Executive VP of Mass. Medical Society

Lois Cornell '86 has been appointed executive vice president of the Massachusetts Medical Society, the statewide professional association for physicians and medical students. Cornell was employed for more than two decades at Tufts Health Plan where, most recently, she served as chief administrative officer and general counsel. In addition, she holds positions on many association and nonprofit boards, including the American Health Lawyers Association, for which she served as president in 2015-2016. **3**

### Di Maggio Hits a Home Run

The Virginia State Bar Lawyers Conference has named Giovanni Di Maggio '12 its 2015 R. Edwin Burnette Jr. Young Lawyer of the Year. The award recognizes a young lawyer who demonstrates service to the

conference, the legal profession and the community. Di Maggio, a judicial law clerk at the US District Court for the District of Columbia, co-chairs the state bar's Immigrant Outreach Committee. In 2015, he launched the committee's annual Pro Bono CLE Series, a program that supports immigration pro bono work among Virginia attorneys. Additionally, he and his co-chair launched a Naturalization Clinic, which connects Virginia attorneys to naturalization clinics hosted by a Virginia-based, nonprofit immigrant services provider. **4**

### Blum Secures Extradition of Salvadoran Colonel Accused in Jesuit Massacre

Carolyn Patty Blum '76, senior legal advisor at the Center for Justice and Accountability in San Francisco, celebrated a historic win in February when a magistrate judge ordered the extradition to Spain of Inocente Orlando Montano, El Salvador's former vice minister of public security, to stand trial for his role in the 1989 massacre of six Jesuit priests, their housekeeper and her daughter at the University of Central America in El Salvador.

*Continued on page 38*



## ► PROFILE Bruce Hale '12

# Modern Family

**Before Bruce Hale '12** was a law student, he was a father who formed his family through surrogacy. Drawn to this burgeoning area of law, he joined the American Bar Association (ABA) as a student and became active in the Family Law Section's Assisted Reproductive Technology (ART) committee.

"In 2011, the chair of the committee sent out a request for people to respond to a paper that advocated for regulating international surrogacy like international adoption," he explains. "I had a paper to do for my Bioproperty course with Professor [Kara] Swanson, so I volunteered to do it."

Five years later, what started as an academic exercise turned into an official ABA position. Using his original paper, Hale was a principal author of a resolution on the regulation of international surrogacy arrangements that was approved without opposition by the ABA House of Delegates in February.

"The position advocates for international agreement on assigning parentage and citizenship," he says. Focusing on regulating international surrogacy itself, he argued, would simply fuel less desirable "gray" or outright black markets for international surrogacy. "People who are determined to enter surrogacy agreements are unlikely to be persuaded by regulation."

From the ABA, Hale's recommendations traveled on to the State Department, which in turn brought the position paper to the Hague Conference on Private International Law, where the topic was under discussion in February.

"The report that came out of the Hague Conference was very consistent with the ABA position," reports a proud Hale, who has dedicated his career to protecting those involved with ART through his solo practice, Modern Family Law.

— Maura King Scully



OUR CHILDREN'S TRUST

Two of the Massachusetts youth plaintiffs, Shamus Miller and Olivia Gieger, accompanied by their lawyers (from left), Phelps Turner, Jennifer Rushlow and Dylan Sanders, after a hearing in January.



*Continued from page 37*

The judge decided that Montano will stand trial in Spain as a terrorist who conspired with his fellow military leaders to commit a *jus cogens* offense — the most heinous in international law. **1**



### Four Grads Dubbed "Up and Coming"

Congratulations to Laurie Bishop '08, Suzanne Elovecky '07, Katherine McCarthy '13 and Katherine Schulte '09 **2**, who were honored as "Up and Coming Lawyers" by *Massachusetts Lawyers Weekly* at its 2016 Excellence in the Law event in May.

### Cathcart Honored by LGBT Bar Association Foundation of New York

Kevin Cathcart '82, who recently retired after heading Lambda Legal since 1992, was honored with a Community Vision award by the LGBT Bar Association Foundation of New York. Urvashi Vaid '83 presented the award to Cathcart at the association's annual dinner.

### Victory for the Environment

In May, Jennifer Rushlow '08 and Dylan Sanders '95 both served as lead attorneys for the plaintiffs in a historic environmental decision by the Supreme Judicial Court, which ruled that Massachusetts regulators must set specific limits on various sources of greenhouse gases to comply with the legal obligation to reduce emissions linked to climate change. Rushlow represented the Conservation Law Foundation, where she is a staff attorney, and the Mass Energy Consumers Alliance; Sanders, a partner with Sugarman, Rogers, Barshak & Cohen, represented four teenage plaintiffs. Stephanie Parker '13, an associate with O'Connor Carnathan and Mack, wrote an amicus brief on behalf of 27 organizations, including the Sierra Club of Massachusetts and the Boston Climate Action Network. **3**



MARK OSTROW

## Water

*Continued from page 15*

Still, the presence of the federal officials before an international commission shows the issue has come a long way in a short time. Murray points out that in 18 months, the situation has gone "from a bunch of decentralized problems and people suffering them, not knowing about each other or the human rights [angle] ... now to this hearing." Davis agrees the hearing was critically important. "I think this kind of international scrutiny will force the attention of the government on access and affordability of water," she says.

And there is progress: In 2012, California became the first state to recognize the right to water under state law. Michigan is considering a similar law. Washington, DC, adopted a "lifeline package" that makes a basic quantity of water very cheap, which is a great assist for poor people. "Those kinds of things are so important as we see that there are more and more people who can't afford the increasing cost of water but have the same needs as they always did," says Davis, who

recently joined the expert pool at WaterLex, a Swiss-based international development organization created to respond to water governance challenges worldwide.

But as quickly as advocates have rallied to move ahead on these issues, it is not fast enough to avoid human suffering. At the Detroit gathering last year, the most riveting moment came when a group of women from nearby Flint, one of the most poverty-stricken cities in the country, described a terrifying problem that was not yet national news, Murray recalls. They told of rashes and other illnesses their families began suffering when the city government, to save money, switched its water source from Lake Huron to the polluted Flint River.

"They said, 'Our kids' hair is falling out! We've had to turn off our own water!'" Murray recalls. "They started screaming, 'This is not about the fact you support us! We need you to do something now!'"

*Elaine McArdle is a contributing writer and journalist based in Portland, Oregon.*

## MBTA

*Continued from page 25*

### Allies and Friends

In the 10 years since the plans were set in motion, not only have changes been made to the system, but there's also been a change to the entire MBTA culture and the way they approach people with disabilities. And the updates are beneficial to everyone, from a mom with a stroller to a man who broke his leg skiing. When the newly updated Government Center Station opened on March 21, Doucette and Daniels-Finegold were among the first ones invited through the door to enjoy the facility that is fully accessible for the first time in 118 years.

"We started out as troublemakers for the T, and now we're allies and friends," says Doucette. "Because of our work there is now a Department of System-Wide Accessibility to help institutionalize change, and we work closely with other [MBTA] groups like Vehicle Engineering and Design and Construction. We're getting calls from other cities asking for advice on how to get something similar started. We've really done something remarkable for Boston's community and the public transportation system as a whole, and I could not be more pleased."

*Kathrin Havrilla is a Boston-based freelance copywriter with more than 10 years of experience in marketing and copywriting for the higher education industry.*



## Solitary

*Continued from page 22*

is that corrections officers believe, or make it seem as though they believe, it is a tool that they need to basically punish the worst of the worst, or somehow restrict the worst of the worst to protect prison guards and other inmates," he says.

According to PLSMA, Massachusetts does limit the use of solitary confinement for prisoners with mental illness, but deprives prisoners of meaningful due process toward release from solitary confinement; frees prisoners directly from solitary confinement to the community; and is one of only three states that permit solitary sentences of up to 10 years for disciplinary infractions. Meanwhile, Arizona, California, Colorado, Indiana, Michigan, Mississippi, Nebraska, New Jersey, New York, Ohio, Texas and Wisconsin are all working to reduce their solitary populations.

In a recent report for the US Department of Justice, Natasha Frost and Carlos Monteiro of Northeastern University's School of Criminology and Criminal Justice found that solitary confinement is little understood. The research, they explain, shows that it can have devastating psychological effects on those with mental illness and on those who are subjected to it long term or indefinitely, including difficulty concentrating and thinking, distorted perceptions and responses, and problems with impulse control. But more research is needed on whether solitary is detrimental to people subjected to it short term: whether those placed in solitary for their own protection do better than those who are held there to protect others, how long in solitary is too long or the effects of solitary on levels of prison violence.

## Taking a Toll

Doug Wilson's ultimate boss, Rick Raemisch, executive director of Colorado's Department of Corrections, famously spent a night in solitary and wrote about it for *The New York Times*. Raemisch tells *Northeastern Law* magazine that he went in figuring he'd catch up on some sleep. "What I didn't realize," he says, "is that it is not sensory deprivation; it is sensory overload." Banging and screaming by those in solitary confinement went on day and night. The lights were dimmed but never off. Every 30 minutes, metallic clanging disrupted Raemisch's sleep as corrections officers yanked on cell doors to ensure they were locked 24 hours a day.



MATTHEW STAVER

Over time, Wilson says, this environment takes its toll. He points to a prisoner in long-term solitary confinement who ate bizarre things, such as shampoo bottles and handcuffs. "He had numerous surgeries where he had to have these things removed out of his intestines," Wilson says. "And then he would act out in the hospital, so you would have to have extra security staff. That type of behavior was just the kind of stuff you saw every day with these offenders. The things they would do, you'd think you'd have to be crazy to do." Wilson believes these types of extreme behaviors are often developed during lengthy stretches in solitary confinement. They are considered by prison authorities as signs of behavioral problems but not mental illness.

Under Colorado's new policies, rather than resort first to solitary, corrections officers are expected to engage with prisoners, perhaps withdrawing privileges, even negotiating, as in "you can spend 10 days in segregation, or you can get up an hour earlier all next week and wipe down the tables in the day room," explains Wilson. This approach, coupled with the removal of identified mentally ill prisoners from solitary, has helped Colorado reduce its solitary population from 1,500 in 2011 to around 160 today.

At first, Wilson wasn't exactly on board with the new policies. "I thought we are putting our staff at risk," he says. "I guess what helped sell it for me is that I started seeing some success stories." The prisoner who ate dangerous objects stopped doing so once he got out of solitary confinement. Now, he has a prison job and is able to buy himself soap and extra food from the canteen. Inmates who at one time might have lashed out violently now ask to use time-out rooms where they can go to calm themselves down.

Reformers insist that changes like these make prisons safer. Emerging data from states where reforms are happening indicate

that prisons experience fewer attacks, fewer workers' compensation claims and fewer trips to the emergency room. "Public safety officials in Massachusetts should follow evidence-based best practices and reduce the current reliance on long-term solitary confinement," says Walker. They should "consider the successful models employed by other states, including Mississippi, Maine and Colorado, that have reduced solitary time and saved millions of dollars doing so without a negative impact on crime in prison and in the community when prisoners are inevitably released."

But the data are still very preliminary. Wilson, for one, believes that the new regime potentially makes prisons less safe and secure. "We are taking a chance by letting these guys meld into the general population and interact with each other and with staff without them being restrained. There are going to be assaults where there wouldn't be if they were locked up. There is going to be violence that didn't happen before," he says. But, he suggests, the risks may be worth it if the outcomes are better. "What we get in the end is, I think, a higher percentage of offenders who are going to be released successfully in the society and not end up recommitting crimes." Ninety-seven percent of all prisoners will eventually be released, he notes. The risks of using alternatives to solitary confinement, he hopes, "are a small price you pay in the institution for more success in the community."

A few years ago, Wilson went to meet his daughter for lunch at the college she was attending. When he arrived, his daughter introduced him to a classmate. The classmate recognized Wilson immediately — he had been an inmate in Wilson's prison. "He said something positive about his experience in prison. I thought about that and was like, wow, what if he had had a really bad experience, and then he meets my daughter," says Wilson, who can't help but think of the danger his daughter might have been in had the former prisoner held Wilson to blame for a negative incarceration experience. "That was going through my mind," Wilson says. "I made a decision right there that any chance I get, I'm going to try to help repair somebody. Model behavior. Take a minute to listen or whatever it takes, hopefully, to help them be a better person when they get out."

And that's how Doug Wilson changed his mind about solitary.

*Jeri Zeder is a Boston-area freelance writer.*

## Connector-in-Chief

BY MAURA HEALEY '98

**B**ACK IN 1994, I WANDERED WITH MY mother across the T tracks on Huntington Avenue headed toward the law school. I was there on a visit to see if Northeastern might be a fit for me, and whether I would be a fit for Northeastern.

As we walked down Huntington, I saw a man walking our way and asked if he could point us in the direction of the law school. That man was Steve Subrin, and he invited us to join in walking to his office.

Along the way, we found ourselves talking about basketball. Having grown up in Ohio, he was a big hoops fan. I had just finished two seasons playing basketball in a European league after college. I immediately felt a connection. In the years to come, we discussed the demise of fundamentals, lamented (probably because we were both vertically challenged) that the game had been moving from finesse and passing to power and all above the rim, and mused over the possibilities of greatness with each new Celtics season.

As I listened to him that first afternoon, and what I later came to appreciate, is that Steve was finding a way to connect with me as a person and a prospective student. And, having opened up that connection, it was very easy to listen to him tell me what Northeastern law was all about: training lawyers to do justice, to use the rule of law to advance opportunity and equality, to learn by doing through experiential clinics and co-ops. More than anything, what came through was Steve's love for his students.

I was hooked and a week later, I sent in my deposit. Months later, when I showed up on campus, I was happy to find I was assigned to Steve's civil procedure class ... until he began to teach. It was tough material. Civ pro seemed a foreign language: all of a sudden we were talking about rules like 12(b)6's "failure to state a claim" and landmark decisions such as *International Shoe*. Every afternoon in class, we had to be on our toes.



But Steve was an amazing teacher and somehow, by the end of the semester, it all made sense. More than teaching us the rules, he taught us why they mattered, and how they formed the basis of our system of justice and the rule of law. From that day forward, I wanted to be a civil litigator.

After I graduated, Steve and I kept in touch. Fortunately for me, like for so many students, Steve has been there willing to keep the conversation going for the past 22 years.

For so many of us, Steve has been the person who called or emailed to check in, the person I called to ask about career moves and get advice, including whether to launch an unlikely campaign for attorney general of Massachusetts. As a mentor and as a friend, Steve has been there every step of the way. I know I join with many in wishing Steve, his wife, Joan, and his family the very best in health and happiness in retirement.

▼  
Maura Healey is  
attorney general of  
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