

NORTHEASTERN Law

M A G A Z I N E

Summer 2014

Beyond Open and Shut

New scientific
discoveries open
doors to thousands
more cases for
innocence projects



Baby, Don't Go

Ramping Up

Privacy Bytes

Full Speed Ahead

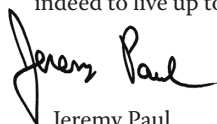
As I complete my second year as dean, I remain wholly convinced that Northeastern is building the ideal law school for the 21st century. For starters, co-op is simply more important than ever. Our students will thrive as lawyers because they have mastered learning on the job in an era when employers have cut back on formal training.

But our strength stems from more than just co-op. The growing depth of Northeastern University makes Huntington Avenue a place where students can learn not just the language of the law, but also the language of clients. Future lawyers will mainly succeed through grasping sophisticated client objectives. So, we are expanding interdisciplinary programs in health policy, business, creative arts and the social sciences. This past year, our vibrant conference schedule looked forward by exploring the trajectory of legal scholarship and the future of civil procedure. We convened folks across scientific and legal disciplines to explore city planning, to weigh the role of free speech in debates over reproductive autonomy and to assess connections between intellectual property and innovation. Our NULaw Lab is sending interdisciplinary teams into the field to solve contemporary legal problems, including two students now in India exploring how access to legal information affects housing security.

Above all, our historic commitment to law and social justice positions our graduates to tackle the urgent challenges for which 21st century lawyers will be most needed. As technology continues to disrupt business models, demand grows for creative thinkers who will invent legal structures to address climate change; access to affordable health care; sustainable development; growing income inequality; security in cyberspace; outdated corporate governance models; cross-border movements of people, goods and services; and the overall transition to a new economy. Our evolving curriculum and our emphasis on solving problems in structured teams prepares students to take leadership roles in addressing the most important legal issues of our day.

None of this would be possible without the generous support we receive from our graduates. I relish my time with each of you and write this message fresh off a trip to Alaska where I made great new Northeastern friends. I thank you for your past contributions and encourage you to consider doing still more to help your alma mater.

Finally, let me add a special word of thanks to the many members of the Northeastern community who retired this year after lengthy, distinguished service, to Professor Wendy Parmet, who completes her term as associate dean for academic affairs after having exemplified strength, wisdom and undying devotion to cause, and, above all, to Dean and Professor Emeritus Dan Givelber, who has been the heart and soul of our law school for as long as most of us can remember. I am honored beyond words to be on the trail he so brilliantly blazed, and challenged indeed to live up to his sterling example.



Jeremy Paul
Dean and Professor of Law



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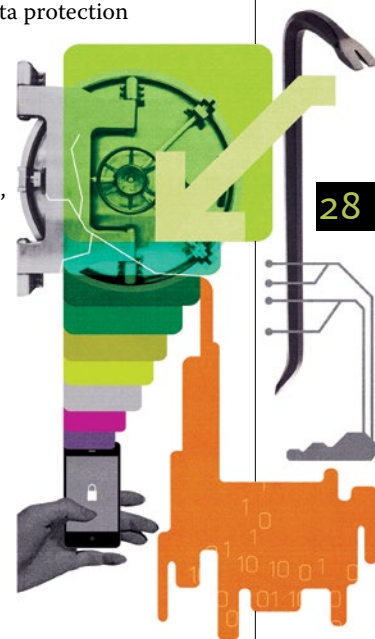
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Unlocking the Potential of a Lifesaving Tool

IN THE AFTERMATH of the tragic death of actor Philip Seymour Hoffman, the ongoing drug overdose epidemic has garnered overdue public notice. This attention has amplified calls to get naloxone — the opioid overdose antidote — into the hands of people who are most likely to be at the right place at the right time when tragedy strikes. Such programs have traditionally focused on friends and families of drug users; more recently, more jurisdictions have begun equipping police and firefighters with this life-saving tool. These programs have helped save thousands of lives.

But naloxone is classified by the Food and Drug Administration (FDA) as a prescription drug, limiting the number and impact of overdose prevention efforts. The drug's legal status means that cash-strapped programs must employ licensed medical professionals. Before the drug can be prescribed, state regulations typically require providers to conduct at least a cursory one-on-one examination of the patient. So what do you say to a drug user's mother who wants a naloxone prescription to avert the worst-case scenario? Or how does a police officer with no medical license carry and administer a prescription drug?

Many jurisdictions have crafted workarounds to these burdensome requirements, for example by creating emergency regulations relaxing prescription rules and addressing malpractice liability concerns. But, even in places that have adopted such provisions, questions about technicalities and possible liability stifle overdose prevention efforts, paralyzing some. Meanwhile, more than 100 Americans are dying every day from drug overdoses.

One way to unleash the lifesaving potential of naloxone is to make the drug available over-the-counter. Generally, drugs are limited to prescription distribution if they are habit-forming, toxic, have serious side-effects or treat a condition that most people cannot diagnose and safely address without a doctor's supervision. Scientific evidence tracking several decades of experience demonstrates that naloxone is non-toxic, has no potential for abuse or addiction, has relatively rare side-effects and can be used safely and effectively by non-medical bystanders after minimal instruction.

There are several predictable objections to making naloxone more widely available. One is that, after naloxone is

administered, it is always a good idea for the patient to be transferred to a medical setting for observation, follow-up and possible referral to treatment. But there is no evidence that the ability to revive the victim discourages witnesses from calling 911. Others have theorized that knowing that naloxone is available could push drug users to take more risks, though parallel arguments about contraception and syringe exchange have been repeatedly debunked. At the end of the day, does wider availability of automated external defibrillators (AEDs) make bystanders less likely to call an ambulance or encourage people to gorge on fast food?

The reason why naloxone remains stuck in prescription status is not rooted in science, but in circumstance. It is an older, generic drug, so no pharmaceutical company has invested in the administrative and research steps necessary to reclassify it for

over-the-counter sales. Given the overdose crisis, we need fast, proactive regulatory action to unlock the potential of this lifesaving tool.

Leo Beletsky holds a dual appointment with the School of Law and Bouvé College of Health Sciences. His research focuses on the role of law as a structural determinant of health and the use of policy interventions to improve population health.





McGovern Calls for Human Rights Focus

When the government discusses US interests in areas such as trade, military or economic relations with other countries, human rights should be a major part of the conversation, according to US Rep. Jim McGovern, D-Mass. Too often, he said, this isn't the case.

"It's my view that US interests are not served very well when you put human rights to the side," McGovern told about 70 people in April during a program sponsored by the law school's Program on Human Rights and the Global Economy (PHRGE) and the university's Office of Government Relations.

"Ultimately, people who are oppressed end up revolting and demanding change. And when they do, they not only remember who in their government treated them badly, they also remember who enabled their government," he said.

Over the past 16 years, McGovern has represented the Massachusetts Second Congressional District, covering most of the central part of the commonwealth. He is the co-chair of the Tom Lantos Human

Rights Commission, named for the only Holocaust survivor to serve in Congress, which aims to promote, defend and advocate internationally recognized human rights in a nonpartisan manner. McGovern said the commission meets once a week

"It's my view that US interests are not served very well when you put human rights to the side."

— US Rep. Jim McGovern, D-Mass.

to hear testimony on global human rights issues.

"The reason the commission is so important is because the committees of jurisdiction in Congress have let the obligation to focus on human rights go by the wayside," said McGovern, who urged advocates to talk to their elected officials, get them to attend information sessions in their districts and join the Human Rights Commission so they can learn more. — Joe O'Connell

Faculty Members Launch Human Rights Blog

Professor Martha Davis and Visiting Professor Margaret Drew '80 are editors of a new blog, "Human Rights at Home," which is a member of the popular Law Professor Blogs network.

"This blog will serve as a forum for exchanging information and insights relevant to all of the many ways in which law professors and scholars are active in the development of human rights norms, from teaching to advocacy to scholarship," said Davis, who noted that Mariah McGill '09, assistant director of the Program on Human Rights and the Global Economy, serves as a blog co-editor, along with 15 other academics from around the country.

Law Professor Blogs is the nation's only network of legal blogs edited primarily by law professors. It owns and operates more than 40 legal blogs, edited by more than 100 leading scholars and educators who are committed to providing legal news, information, commentary and analysis for law professors, practitioners, government and nonprofit lawyers, and students in their respective fields. For a free subscription to "Human Rights at Home," go to the blog site and click on the "subscribe" tab.



Douglas Blackmon won the Pulitzer Prize in 2009.

The Untold Stories of Slavery

Douglas Blackmon, who has extensively researched African American slavery in the late 19th and early 20th century, said he is often asked what drove him to write his Pulitzer Prize-winning book, *Slavery by Another Name: The Re-Enslavement of Black Americans from the Civil War to World War II*. His answer: it's a way to infuse personality into stories that were originally written in dehumanizing ways.

"I think it's important we acknowledge how many untold stories there are," said Blackmon, who spoke at Northeastern in honor of Martin Luther King Jr. Day. "We absolutely cannot forget these things. We have to remember them because primarily it is the only thing we can do to restore some sort of dignity to the lives that were taken."

Blackmon is also a contributing editor at *The Washington Post* and chair and host of "Forum," a public affairs program produced by the University of Virginia's Miller Center.

The event, "Slavery By Another Name: Uncovering the Untold Stories," was part of "50 Years Forward," Northeastern's yearlong commemoration to the people, places and organizations dedicated to

civil rights in America and to the 50th anniversary of the Civil Rights Act. More than 120 people attended the lecture, which was co-sponsored by the School of Law's Civil Rights and Restorative Justice Project (CRRJ), the College of Social Sciences and Humanities and the Northeastern Humanities Center.

In addition to Blackmon's remarks, Jessica Yamane '14 and Mary Nguyen '14, who are involved with CRRJ, spoke about two African American men whose brutal murders in 1948 were never investigated until CRRJ uncovered their case.

"Our mission is to correct the injustices in the historical record, educate our students on the difficulties of making justice in our country and provide some measure of remedy for communities and families that have been victimized," said Professor Margaret Burnham, CRRJ's founder. "We are working hard, we are working fast, but time is against us."

The event also included a performance by the band Joyful Noise led by Leonard Brown, an associate professor in the Department of Music and the Department of African American Studies, with vocals by Danielle Ponder '11.

— Joe O'Connell

NUSL Takes Over Joint Editorship of AALS Journal of Legal Education

The School of Law has joined with Southwestern Law School, located in Los Angeles, to serve as co-host of the prestigious *AALS Journal of Legal Education*. Southwestern Law School had previously served as the journal's sole host school since 2009. Together, the two schools will now serve as joint editors through 2019.

"Northeastern is thrilled with this opportunity to share our 45 years of experience in training law students through an integrated program of classroom learning and hands-on field placements. We also look forward to encouraging other members of the academy to contribute journal articles exploring new approaches to training the next generation of lawyers," said Dean Jeremy Paul, who is sharing Northeastern's side of the co-editing duties with Professor Margaret Woo. "We are also delighted to partner with our friends at Southwestern, who have played a valuable leadership role in editing the journal over the past five years."

The journal features articles and essays examining various facets of law, legal education and the legal profession in general. A peer-reviewed publication, it has a broad and diverse readership that is both domestic and international and a history of distinguished scholars as editors at host law schools, including Case Western Reserve, Georgetown, Cornell and Vanderbilt.

Law Library Acquires Prized NAACP Collection

To support the law school's groundbreaking research in key areas, the law library has acquired a digitized, fully text-searchable database collection of the National Association for the Advancement of Colored People (NAACP) papers from 1909 to 1972. Included are approximately 2 million pages of documents, such as internal memos, legal briefings and other action summaries from national and branch NAACP offices.

Prior to the collection's purchase, students in the Civil Rights and Restorative Justice Project (CRRJ) were forced to travel to other libraries to view microfiche collections. "This is a huge benefit for CRRJ's fight for justice," said Professor Margaret Burnham, founder of CRRJ. "The new database will give us access to dozens of cases that had completely escaped our notice before."



CO-OP MATTERS

Lost in Translation

ALEX CHERUP '14 IS THE FIRST TO CO-OP AT
THE ARBITRATION COUNCIL IN CAMBODIA

A funny thing happened on the way to a Cambodian co-op, which is actually fitting for Alex Cherup '14, whose resume includes a stint in stand-up comedy.

"I showed up for my first day at The Arbitration Council," the organization in Phnom Penh that adjudicates the nation's collective labor disputes, explains Cherup. "For the first 20 minutes, everyone just passed me by very quickly. I finally went to someone and explained that I was the new legal intern." "We thought you were a Cambodian lawyer," an embarrassed staff member exclaimed. "We were expecting someone blonde!"

"I can dye my hair," quipped Cherup, who is fully American, though his ancestry is half Japanese. "At least I sound Midwestern," he adds.

After the initial confusion, Cherup went right to work, supporting arbitrators in labor dispute cases and researching

labor and employment law to support those developing concepts in Cambodian law.

"It's an exciting time," he says. "Ninety percent of the disputes involve garment workers. With the current national focus on garment worker wages, peaceful resolutions between workers and employers have an impact on a national level. I'm even able to incorporate my knowledge of US labor law."

"I'm really interested in international advocacy and law," continues Cherup, who also completed a co-op at the Centre for Disability Law and Policy in Galway, Ireland. "This co-op was another way to expand those international connections."

He's grateful to Northeastern for four very different co-op opportunities, concluding, "I've been able to enrich and expand my horizons in ways I wouldn't have been able to do at any other law school."

— Maura King Scully

Kennedy Urges Graduates to Embrace Life's Callings

Randall Kennedy, the keynote speaker at the School of Law's commencement ceremony on May 23, urged the more than 240 graduates to embrace the many opportunities they will face throughout their careers and in their personal lives.

"Be willing to pursue a variety of callings that can enable you to do good and have fun," said Kennedy, the Michael R. Klein Professor of Law at Harvard Law School. "To the fullest possible extent, do what you want to do."

Kennedy, a leading scholar on race issues, advised graduates to find inspiration by looking to the distinguished careers of two members of the Northeastern law faculty — Margaret Burnham, founder of the Civil Rights and Restorative Justice Project, and Michael Meltsner, a legendary civil rights lawyer who is also a novelist and playwright.

In his welcoming remarks, Dean Jeremy Paul told graduates that their education as lawyers does not end at graduation, and that they will need to stand up to injustices against core values such as growing income inequality and

corruption of public discourse that prevent thoughtful debate.

"You came to Northeastern University because you wanted to make a difference, and you are already doing so," said Paul, during the ceremony held in Northeastern's Matthews Arena. "You have learned to think like lawyers. You are well prepared for the path ahead."

In his charge to graduates, Stephen W. Director, provost and senior vice president for academic affairs, told Northeastern's newest graduates that they will be sought by others for guidance throughout their careers. "Have confidence in your leadership and problem-solving skills, but season your acts with compassion," he said.

In addition to four student speakers, Isaac Borenstein '75, a lecturer in law, delivered the annual faculty address. "You've done a tremendous job in getting through law school," said Borenstein, a former judge for the Lawrence District Court and the Massachusetts Superior Court who has presided over more than 400 trials. "It's a hard journey and for that we celebrate you."



Randall Kennedy's most recent book is *For Discrimination: Race, Affirmative Action, and the Law*.



At this year's commencement, 26 LLM candidates, hailing from 16 countries, received degrees.

THE CLASS OF 2014, BY THE NUMBERS

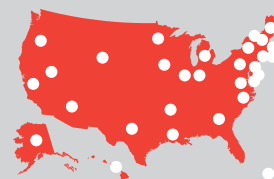
350,000
hours of work in
876
co-placements



89%
of the class
completed at least
one public interest co-op



Co-ops in
31
states, as well as
in DC and Puerto Rico



Completed
26
international co-ops in
16
different countries

Canada
Bermuda
Mexico
Costa Rica
Nicaragua
Argentina



Belgium
Great Britain
France
Netherlands
Ireland
Romania

China
Cambodia
Vietnam
India



Top Spots for Students

Highlights from among the many honors and awards garnered by our students this year:

Nicolle Vasquez '14 Awarded Prestigious Skadden Fellowship

Nicolle Vasquez will work with the Domestic Violence Action Center in Honolulu addressing the legal needs of victims of domestic violence and sexual assault in the military.

NUSL Students Take Honors in National Law Review Student Competitions

Fall 2013

Neema Chaiban '14

"Reframing Climate Change: A Public Health-Based Climate Change Framework"

Winter 2014

Jordan Payne '14

"Conceiving Real Protection: Paternalistic Surrogacy Laws and the Necessity of Massachusetts Legislation that Appropriately Protects the Gestational Surrogate"

Caroline Leonard '14 Wins ABA's Levit Essay Contest

Caroline Leonard's winning essay was a legal memo to a hypothetical law firm management committee recommending a social media policy that would allow the firm to meet ethical obligations, avoid claims and use social media tools to market its practice areas. In addition to a cash award, Leonard was invited by the ABA Standing Committee on Lawyers' Professional Liability to its spring Legal Malpractice Conference in Boston.

Best Brief at Lefkowitz Moot Court Regional Competition

NUSL teams garnered top honors for Best Brief and also earned third place in overall team rankings at the 23rd annual Lefkowitz Competition in February.

BLSA Named Small Chapter of the Year

At its 46th annual convention in February, the Northeast Black Law Student Association (NBLSA) named Northeastern's Black Law Students Association chapter as the Small Chapter of the Year, based on its excellence in making a difference in the community, and improving the quality of its law school by enhancing social awareness and communal activism while representing the ideals and executing the initiatives of the NBLSA.

NuLawLab Launches Joint Study in India

The School of Law's NuLawLab has been awarded a university research grant for a comparative study on the impact of access to legal services and information on housing security in urban India.

To foster interdisciplinary research, the NuLawLab will use some of the funding to sponsor two international co-ops to enable law students to work with Assistant Professor of Sociology Liza Weinstein, who will be conducting field research during the latter half of 2014 in Delhi, Mumbai, Bengaluru and Hyderabad. Drawing upon expertise from the fields of law and social science, the research team will systematically analyze the legal context of housing

security based on the results of archival research and interviews with residents of informal settlements and local lawyers involved in forced evictions.

"As one of the few interdisciplinary inquiries in this area, the collaboration is poised to make important contributions to understandings of housing security and the legal practices of the urban poor," said Professor Martha Davis, the NuLawLab's faculty director. "This is a rare opportunity for our upper-level law students to engage with social science research methodologies in pursuit of a deeper understanding of the complex interplay of social, economic, political and legal frameworks."



The Freedom to Be Safe

A group of six law students in the school's Domestic Violence Clinic crafted — and helped pass — a resolution making freedom from domestic violence a human right in Boston. In May, the Boston City Council unanimously passed the resolution and also included a provision to design a resource guide for victims of domestic violence.

"What is interesting with this resolution is that its sponsor, Councilman Charles Yancey, made the language of the resolution very strong," said Margaret Drew '80, a visiting professor in the Domestic Violence Clinic. "They wanted to make sure something is implemented that has consequences, that is going to see practical results," she added.

The resolution arose from the result of a domestic violence case in Colorado in 1999. Jessica Lenahan's three young daughters were abducted by her estranged husband and were later found dead in his pickup truck. Lenahan had won a restraining order against him and repeatedly called the police for assistance, but they failed to respond.

"So often we think of our base needs as human rights, such as shelter and food, but our safety is tied to that," explained Chris Confrey '14, who served as a student supervisor for the clinic. "You have a right to be and feel safe."

— Joe O'Connell

Hear a Lecture, There a Lecture

Spring 2014 Lectures and Conferences at NUSL

OFFICE OF ALUMNI/AE RELATIONS

Lawyering for the Sustainable City

03.21.14 Toward the end of former Environmental Protection Agency (EPA) administrator Carol Browner's eight-year stint on the job, the EPA examined the history of the Clean Air Act and compared the costs to industry to achieve air pollution reduction targets to the societal benefits achieved by these measures. The result: industry costs were lower — and the societal benefits higher — than had been predicted by experts.

The reason, Browner explained during her keynote address at a law school conference, "Lawyering for the Sustainable City," was that "once you set an environmental standard, you create a market" to meet the standard. For example, she pointed to Congress' decision in 1990 to ban chlorofluorocarbons, a chemical known to deplete the stratospheric ozone layer. That didn't mean refrigerators and air



Carol Browner

conditioners stopped being made; instead, Browner explained, "companies made investments and brought a new technology to the market that was faster and cheaper than people had anticipated."

The daylong conference included a series of panel discussions and breakout

sessions focused on a range of issues, including rising sea levels, urban transportation and city infrastructure, rezoning cities to make water management more resilient, and new legal approaches to obtaining, using and conserving energy.

—Greg St. Martin

LEGAL SCHOLARSHIP 4.0

Looking Toward the Future

03.14.14 Law faculty from across the country came to Northeastern in March to discuss the future of legal scholarship — and its relevance in an era marked by tremendous change in legal education and the profession.



The conference was headlined by plenary speakers Patricia Williams (left) of Columbia Law School and Noah Feldman of Harvard Law School.

DAYNARD LECTURE

Justice Delayed Remains Justice Denied: The Pursuit of a Civil Right to Counsel

01.27.14 Debra Gardner '82, legal director for the Public Justice Center, a nonprofit legal services organization dedicated to protecting and expanding the rights of people living in poverty, visited the law school for three days in January as part of the Daynard Public Interest Visiting Fellows Program. Among her many responsibilities, Gardner has coordinated the National Coalition for a Civil Right to Counsel, an association of individuals and organizations committed to ensuring meaningful access to the courts for all through the implementation of a right to counsel in civil cases.



Debra Gardner '82

PROGRAM ON HEALTH POLICY AND LAW

Clashing Rights: Free Speech and Reproductive Autonomy

04.25.14 In recent years, the First Amendment's free speech clause has played an increasingly critical role in the battle over reproductive rights. This conference brought together academics and practitioners, who offered perspectives on how the battle over reproductive freedom now includes struggles over communication with women facing difficult choices.



A panel focused on "Understanding the Conflict" included (from left) Professor Glenn Cohen of Harvard Law School, Associate Dean Jessie Hill of Case Western Reserve University School of Law and Professor Renée Landers of Suffolk Law School. Professor Martha Davis moderated.

Penelope Andrews



GORDON LECTURE

Andrews Strategizes for Women's Rights

04.17.14 Penelope Andrews, dean and president of Albany Law School, delivered the annual Gordon Human Rights Lecture in April. Her topic was "Universal Feminisms and Localized Masculinities: How Should Truth and Reconciliation Commissions Deal with Violence Against Women?" Andrews told the audience that sexual violence has always played a part in war and social conflict, but has too often been overlooked as those in conflict attempt reconciliation. The Gordon Lecture is named in honor of the late Valerie Gordon '93, an advocate for human rights.

CELEBRATING STEVE SUBRIN'S SCHOLARSHIP

Through a Glass Starkly: Civil Procedure Reassessed

04.11.14 In a series of riveting lectures and discussions, the nation's top civil procedure scholars made clear that open and fair dispute resolution is a crucial aspect of an enlightened society and that difficult work lies ahead in preserving and expanding fair procedures workable under current conditions.



Judge Nancy Gertner (retired), a member of the Harvard Law School faculty who has written extensively about procedural issues, gave the keynote address.



For 40-plus years, Professor Steve Subrin has blazed a trail emphasizing the substantive values at stake in civil procedural rules.

WOMEN IN THE LAW

Fearless: Risk Equals Rewards

05.16.14 New Hampshire Governor Maggie Hassan '85 told an audience of female lawyers and other professionals gathered at the School of Law in May that risk-taking is a critical element in building professional expertise and judgment.

Hassan served as the keynote speaker at the law school's sixth annual Women in the Law conference, which provides career guidance and professional development training to female attorneys and other professionals at all

stages of their careers and brings together decision-makers from Boston and beyond.

"Our judgment is at its best when it is informed by our skills, mistakes, triumphs, education and what we learn from everyone around us," Hassan told the go attendees.

The daylong conference also included two panel discussions and breakout sessions covering topics such as learning when to take risks and risk-taking in certain areas of law.

— Joe O'Connell

Maggie Hassan '85






Denise McWilliams '79,
New England Innocence
Project's executive director

BEYOND OPEN AND SHUT



**New scientific
discoveries open the
door to thousands
more cases for
innocence projects**

By Elaine McArdle

 In 2010, James Hebshie of Taunton, Massachusetts, walked out of prison a free man after serving nearly four years of a mandatory 15-year sentence for an arson he didn't commit — in fact, for a fire that probably wasn't arson at all.

The key to his freedom wasn't DNA evidence, which in the past 25 years has exonerated 316 innocent people around the country, but deeply flawed arson evidence offered by federal prosecutors, including the government's "almost mystical" reliance on a canine alert dog, as a judge wrote in vacating the conviction. The government's case rested on overblown junk science that the defense lawyer never disputed, the court found, despite warnings by predecessor counsel and even promptings by the trial judge, and even though arson investigation techniques were under heavy attack by scientists and lawyers nationwide by that time.



Alison "Tex" Clark '98 (left) and Aliza Kaplan '99 at the Multnomah County Justice Center in Portland, Oregon.

Today, after focusing on DNA cases for more than two decades, the landscape of innocence work is changing significantly. With DNA testing now a standard procedure from the moment a crime scene is investigated, far fewer people are wrongfully convicted. And, in cases that are more than 25 years old, innocence projects have, for the most part, reviewed all of the DNA-related evidence that could be tested. Which brings this type work to a pivotal point, with non-DNA investigations now coming into focus.

Changing Landscape

“What’s really exciting and cutting-edge is the transitioning from DNA to non-DNA cases,” says Professor Daniel Medwed, who was recently appointed to the board of the New England Innocence Project (NEIP) after one of its founders, Professor Dan Givelber, stepped down. NEIP, which assisted in securing the reversal for *Hebshie*, is at the forefront of this new era, says Medwed, adding, “The really creative innocence projects are focusing on these other types of cases.”

Denise McWilliams '79, NEIP’s executive director, is optimistic about her organization’s new direction and the possibility for exonerating an entirely new class of innocent people. “What’s clear in *Hebshie* is that all that evidence should have been challenged,” says McWilliams. But, she notes, since law and science are two very different disciplines, many lawyers aren’t adept at understanding scientific principles. For years “both the prosecution and defense bar relied on the knowledge passed down through generations of investigations without challenging it.”

That’s changing, and fast.

For the past two decades, the use of DNA evidence to overturn wrongful convictions has been the focus of innocence projects around the country, and it remains the only type of case handled by the groundbreaking Innocence Project in New York, founded by Barry Scheck and Peter Neufeld in 1992. These organizations have not only freed hundreds of innocent people, but also spurred a profound cultural shift in the US, where police and prosecutors — once defensive, even hostile about the issue of wrongful convictions — are working cooperatively to foster systematic change and avoid sending the wrong people to prison.

“The reality is, with the advent of a more scientific approach to criminal investigations, DNA is being taken earlier in the process, so that’s leading to better results at the trial level,” says McWilliams. In other words, there are fewer wrongful convictions today than in years past.

But there remain countless old convictions where DNA evidence wasn’t preserved or applicable, and where people went to prison based on forensic science no longer seen as infallible, including the analysis of bloodstain patterns, bullet and gun barrels, handwriting, footprints, fibers, bite marks and more. As a result, many innocence organizations, including NEIP, are turning their attention and resources to cases involving these now-suspect methodologies.

Expanding Scope

Take fingerprint analysis. “We all grew up thinking fingerprinting was an exact science,” McWilliams says. Then came the infamous case of Oregon attorney Brandon Mayfield, held without charges for two weeks by the FBI in 2004 in connection with a terrorist bombing in Spain because of a fingerprint match the government described as irrefutable. “Four or five different analysts confirmed that was his fingerprint, when, in fact, it wasn’t,” laments McWilliams. “What we’re learning, unfortunately, is that a lot of these techniques we’ve always assumed were so accurate have not been adequately validated.”

Arson evidence is another, in large part because of notorious cases including that of Cameron Todd Willingham, executed in Texas in 2004 for the deaths of his three little girls in a fire local investigators concluded was arson. Willingham always maintained his innocence, and after he was killed, nine renowned fire scientists found that the original investigators relied on “outdated theories and folklore” in their findings, according to the *Chicago Tribune*, which published a major investigative piece on the case. In Massachusetts, in addition to the *Hebshie* case, there are several other arson cases “where people were convicted under an analysis that today we know is flawed,” McWilliams says.

GPS analysis is yet another area on the innocence radar. In April, Alison “Tex” Clark ’98, a federal public defender in Portland, Oregon, secured a habeas corpus reversal on a murder

conviction in a case in which the defense attorney persuaded his client to plead guilty, in part, because a prosecution expert claimed that the defendant's whereabouts could be pinpointed using cell phone tower signals. It turns out that conclusion isn't scientifically supportable.

Then there's human hair microscopy. For decades, the FBI taught its own agents, as well as hundreds of state and local authorities throughout the country, how to compare physical attributes of strands of hair from a crime scene to hair from a suspect or defendant, and how to persuade jurors these findings were indisputable. These training courses were two weeks long — but their awful consequences will take decades to unravel.

It turns out that microscopical hair analysis — once regarded as a gold standard in criminal investigations — is, in fact, "highly unreliable," in the words of a groundbreaking 2009 report by the National Academy of Sciences, which also criticized the validity of traditional arson analysis methodologies and other forensic techniques. Moreover, the FBI and those it trained nationwide used scientifically flawed language to oversell the accuracy of this technique to juries, leading to an as-yet-untold number of innocent people behind bars.

Of the first 310 wrongful convictions overturned by DNA evidence in the past 20 years, 72 involved faulty hair evidence, according to the Innocence Project. Last July, after three innocent men were exonerated by DNA testing following lengthy sentences for convictions based on faulty FBI hair analysis, the FBI and the Department of Justice entered into an historic agreement with the National Association for Criminal Defense Attorneys. The government has agreed to re-open more than 2,000 state and federal criminal cases between 1985 and 2000, and an unknown number in preceding years, where FBI reports and testimony included scientifically unsupportable language.

New Day, New Challenges

▶ The FBI's willingness to admit and work to correct its errors is "unprecedented" and signals "a new era in this country," according to Neufeld, co-director of the Innocence Project, which was involved in the agreement. In a statement on the organization's website, Neufeld commended the FBI for its leadership in working to ensure that only scientifically valid techniques be used in criminal investigations from now on. But he also noted — and the National Academy of Sciences report concurs — that hair analysis is only one of "many flawed forensic practices" that can lead to wrongful convictions.

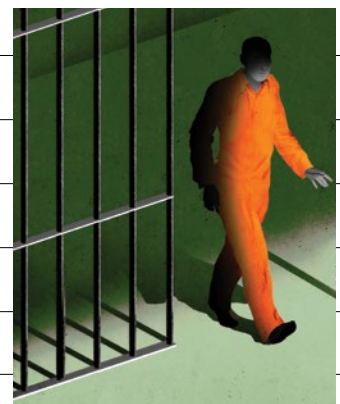
With DNA-based cases winding down, the New England Innocence Project is planning a new focus on convictions based on hair microscopy, McWilliams says. But identifying these cases — let alone locating the actual physical evidence — won't be easy, because, as lawyers across the country discovered in DNA cases, old case files and evidence are often destroyed or misplaced. "Absent everything else, what we'll wind up doing is reaching out to defense attorneys throughout the commonwealth and asking if they remember cases where hair microscopy played a role," she says. (Some cases involving hair samples will be DNA cases, if there is skin still attached to the follicle, Medwed notes, so NEIP will continue to do DNA-related work when applicable.)

In the future, NEIP will take on other types of forensic evidence, she predicts. Although the thought of tackling all the cases involving fingerprint analysis, for example, is "overwhelming" for the small organization, she says. In addition to McWilliams, its staff attorneys are two other Northeastern law grads, Criselda Ruiz '10 and Andrew Pappone '12. And this fall, with the help of Medwed, who teaches a course on wrongful convictions, the organization will host a Northeastern law co-op student, Catherine McNamara '16.

Aliza Kaplan '99 helped found the New England Innocence Project in 2000, then worked at the Innocence Project in New York with Scheck for several years. When she moved to Portland, Oregon, three years ago to join the faculty of Lewis and Clark Law School, she had no intention of launching another innocence project.

But Kaplan's reputation was well known and friendly pressure has won out: she recently co-founded the Oregon Innocence Project, a joint collaboration among Lewis and Clark Law School,

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the Oregon Justice Resource Center and Metropolitan Public Defender Services. Kaplan says the Oregon Innocence Project will include supervised student participation and will handle DNA and non-DNA cases, one significant way in which her new organization differs from some of its older affiliates. Moreover, the hard-fought battles of the early years have started to create an enormous cultural shift that she finds heartening.

"For me, the most exciting part of getting involved these days is not so much to work on direct cases — although I'm interested in those, especially for my students — but that it's a really different world now," says Kaplan, who teaches a course on wrongful convictions. "You speak to prosecutors, police chiefs, they know wrongful convictions happen. People want to be involved, and there are opportunities to make changes to policies and practices."


From the start, she notes, the Innocence Project's core mission included raising public awareness, including among the law students Scheck, Neufeld and Kaplan taught, many of whom went on to become prosecutors. "Once people in DA's offices and police departments understand that wrongful convictions happen, and that they often happen by mistake," she says, "it makes it easier for everyone to work together to try and make sure it won't happen."

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



Baby, Don't Go

THE HAGUE CONFERENCE CONSIDERS REGULATING INTERNATIONAL SURROGACY



Jan Balaz and Susanne Lohle, a married German couple, wanted children but were unable to conceive on their own. So they traveled to India in 2008 and entered into a surrogacy arrangement with Martha Khristi, an Indian national, who gave birth to healthy twin boys, Nikolas and Leonard. Then, things got complicated.

Surrogacy is illegal in Germany, so the children wouldn't be recognized as German citizens. And India said the children weren't Indian citizens, since they didn't have a biological connection to Khristi. Balaz and Lohle had intended to settle in the United Kingdom, but were unable to get travel documents for their stateless children.

The Balaz case drew international attention and helped spark the Hague Conference on Private International Law to consider regulating cross-border surrogacy, as it had enacted standards for international adoption. The Hague Conference, as it's commonly called, is a global



“Who’s minding the store? If there’s no ability to give that baby legal status, that baby should not have been made.”

SUSAN CROCKIN ’79

intergovernmental organization tasked with creating “legal certainty and security.” In existence since 1893, it has developed internationally agreed-upon approaches to thorny issues ranging from commercial and banking law to civil procedure and child protection.

Today, the Hague Conference’s 75 members — 74 countries plus the European Union — represent a wide range of values and legal traditions. Hammering out agreements can be a laborious process, often taking decades. The Adoption Convention standards, for example, were developed in 1993 and circulated for comment among member states. The US signed on in 1994, when both the House and Senate went to work drafting bills for the standard’s implementation. The final bill was signed into law in 2000, but it didn’t go into effect in this country until 2008.

Luckily for Nikolas and Leonard Balaz — and their parents — they didn’t have to wait for a Hague Convention to resolve

their status. After a two-year legal battle, the Gujarat High Court in India held that children born to surrogate mothers on Indian soil are Indian. In May 2010, the twins were finally able to obtain the exit and entry documents they needed, allowing them to leave India and to live with their parents as a family.

Worth the Effort

Clearly, the issues at stake are large and complex. While they won’t be resolved quickly, Associate Professor Kara Swanson, author of *Banking on the Body: The Market in Blood, Milk, and Sperm in Modern America*, believes it’s critical to start. “The international market in reproductive tourism is thriving,” she says. The potential Hague regulations are “very necessary because people are sufficiently motivated to cross borders to access reproductive assistance if they have the means.”

“A Hague treaty is a very worthy goal — well worth the considerable effort it will take,” agrees Susan Crockin ’79, an international legal authority on assisted reproductive technologies and scholar at the O’Neill Institute for National and Global Health Law at Georgetown University Law Center. She covers the Balaz case in her course, Comparative Reproductive Technologies Law and “Reproductive Tourism.” “We need to roll the clock back and ask whether an arrangement should be made in the first place,” she says. “Who’s minding the store? If there’s no ability to give that baby legal status, that baby should not have been made.”

There can be such a rush by desperate would-be parents to create a family, and plenty of intermediaries ready to help them, that they don’t stop to consider all of the implications, Crockin says. The standards set by the Hague would be valuable “brakes on the system.” “Trying to prevent stateless children is a good goal. Trying to prevent parentless children is a good goal too,” she adds.

Crockin worries about the child born via donor egg, donor sperm and donor uterus. “What happens if the child has a terrible genetic defect and the intended parents say they’ve changed their mind and don’t want the child?” She sees additional value in the Hague regulations as an “instrument that could at least establish principles that would legally bind intended parents to all the rights and responsibilities of parentage prior to conception.”

Then there’s the question of exploitation. “Surrogates in India are paid \$6,000, which is more than three times what the average Indian family earns in a year,” Crockin says. Contrast that to the United States where the standard minimum compensation for surrogates (in states where it’s legal) is \$25,000. How much is fair, and by which country’s standards? And should an international agreement, however well intended, dictate whether or not someone should be a surrogate?

Here, Swanson advises caution. “We have to think very carefully. From our first-world perspective, it may make us feel good to ‘protect people from exploitation.’ But it may not be respectful of other people’s realities in other countries or the diminished set of choices they face.” Historically, she points out, we’ve often turned a blind eye to people in less developed countries working in sweatshop factories. “Even though it’s dangerous, we don’t worry about that, but yet we worry about this couple paying you to bear a child.” It’s an irony scholars call “the double bind.”

Misses the Mark

While acknowledging the problems, Bruce Hale '12, outreach manager with Circle Surrogacy and the Weltman Law Group in Boston, is skeptical about international regulation of surrogacy arrangements. A member of the Family Law Section of the American Bar Association and the Assisted Reproductive Technology Committee, he spoke at a US Department of State public hearing where the Department of State was seeking input for its response to a survey on this issue by the Hague Conference on Private International Law. He also had opportunity in November 2013 to speak directly with the officials from the Hague Conference on Private International Law who are working on this topic.

"My position is that regulation of international surrogacy arrangements is the wrong answer because it does not address the core issues," he says. "Intended parents who choose to pursue international surrogacy without taking legal complexities into account will not likely be dissuaded by new regulations. The potential effect is that regulation could drive some people out of legitimate markets and into less desirable 'gray' or outright 'black' markets."

The Hague treaty regulating international adoption, for example, has resulted in much more red tape and much longer wait times. Well-heeled prospective parents are turning to non-Hague countries for international adoptions, most infamously Madonna, who ignited controversy when she adopted a child from Malawi in 2011 after donating \$3 million to help Malawi orphans.

Hale also doesn't believe an international agreement will be able to adequately address exploitation. "The definitions of 'coercion' and 'exploitation' may vary from society to society," he says. "Each individual society is best equipped to define ways to protect its citizens against abuses — and developing approaches to protect all parties who participate in such arrangements."

Swanson agrees that Hague regulations wouldn't solve all the problems in international surrogacy. "It's like a water balloon. You push in on one area, it's going to pop out in another," she says. "And it's definitely ticklish because the issues go way beyond reproduction to what it means to be a parent and a citizen. Citizenship is core to sovereignty. It's the number one bonus our government gives us." Citizens of different countries have different rights, obligations and privileges, Swanson notes, which in some countries includes mandatory military service.

Taking a Step

"It's impossible to have an agreement that addresses every concern or one that every country will sign onto — even if it is only a set of broad framework principles," says Crockin, who in 1988 founded what is believed to be the first law practice in

"Rather than focus on regulating the international surrogacy market itself, it would be vastly more helpful to focus on international agreement on the assignment of parentage and citizenship."

BRUCE HALE '12

the United States dedicated to assisted reproductive technologies and adoption. "But it's important to have that framework — one that addresses the fundamental needs and best interests of the child, including parentage and statehood, as well as minimum standards that respect all of the individuals involved."

In India, which saw a 1,000-fold increase in surrogacy from 2006 to 2013, the government is now considering regulations that would require intended parents to produce a letter from their country saying that the child will be recognized as theirs. It also would increase transparency, requiring informed consent of surrogates.

"It doesn't make sense to create an international agreement to address the perceived problems in India," says Hale. "Regulating surrogacy arrangements avoids the major issues: irreconcilable family and citizenship laws at the international level." These issues, he notes, crop up outside of surrogacy — as in the 2010 case where Chicago-native Ellie Lavi gave birth to twins in Israel, thanks to donated eggs and sperm. When she went to the US Embassy to obtain passports for her children, she was denied because she couldn't prove that either donor was a US citizen.

Despite the complexities, Swanson believes that efforts to establish norms for international surrogacy are still worthwhile. "Although the step we take may be only partial, that's not a reason not to do it. Let's take a step," she says. "The alternative is not to try at all."

"Rather than focus on regulating the international surrogacy market itself, it would be vastly more helpful to focus on international agreement on the assignment of parentage and citizenship," Hale, himself a parent through surrogacy, counters. "It's very good to do something. But in this case, it's better to do nothing than to try to regulate the industry of surrogacy on the international level."

Maura King Scully is freelance writer and associate editor of Northeastern Law Magazine.



Trained as a biochemist and molecular biologist, Professor Kara Swanson holds a JD as well as a PhD in the history of science.

First
Amendment

TUG-OF-WAR



By Jeri Zeder

HOW ACTIVISTS ON OPPOSITE SIDES OF THE ABORTION DEBATE ARE USING FREE SPEECH TO ADVANCE THEIR POSITIONS

Try this thought experiment.

A kindly, plump, 77-year-old grandmother regularly stands outside a Planned Parenthood clinic in Boston. She gently tells women approaching the clinic that they are not alone, that there are alternatives, and may she help. She never yells. She is never threatening or violent. She always speaks quietly, with love and respect. Over the years, through these efforts, she has helped dozens of women choose birth, even providing them with financial assistance out of her own pocket.

If Massachusetts sets up a 35-foot buffer zone around the clinic that prevents her from speaking with the women who are entering the building, are her free speech rights being violated?

Suppose instead that every day, a dozen protestors block the clinic doorway and scream at the employees and patients trying to enter. The protestors are aggressive and menacing. There is a history of deadly shootings at

Massachusetts abortion clinics. The protestors' behavior constantly warrants arrests and court injunctions. The clinic is under perpetual siege.

If Massachusetts sets up a 35-foot buffer zone to allow safe access to the clinic, are the protestors' free speech rights being violated?

Welcome to *McCullen v. Coakley*, which was argued before the US Supreme Court in January 2014, and decided June 26, 2014. In a very narrow ruling, the Court unanimously struck down the Massachusetts 35-foot buffer zone statute, saying it violates the First Amendment because it was not narrowly tailored to law enforcement purposes and was overbroad in its reach into free speech rights. But that's hardly the last word on the issue. The decision did not abolish all buffer zones per se. With four justices disagreeing with the reasoning behind the ruling, the Court may be only one judicial appointment away from a different result. And, while the decision provides some guidance as to the forms of law enforcement that might be acceptable under the First Amendment for maintaining public safety at abortion clinics, only time and many lawsuits will tell which approaches will pass constitutional muster.

McCullen is just one situation in which abortion is bumping up against the First Amendment guarantee of free speech. Other situations involve abortion-related informed consent laws, disclosure laws aimed at anti-abortion crisis pregnancy centers and laws denying women abortions until they consult with crisis pregnancy centers. The prisms through which advocates and courts view these laws reveal how attitudes about abortion are infiltrating law-making, judicial thinking and the freedom of speech itself.

Brigitte Amiri '99, senior staff attorney for the ACLU's Reproductive Freedom Project

"I think this topic is going to become more and more visible and prominent in the next couple of years," says Professor Wendy Parmet, faculty director of Northeastern's Program on Health Policy and Law, which recently sponsored a conference, "Clashing Rights: Free Speech and Reproductive Autonomy." "One of the things that I think is very interesting about this topic is that the left/right, reproductive rights/pro-life divides don't neatly fit over the discussion," she says.

Despite that complexity, Dean Jeremy Paul sees a media bias, fostered by cable news shows, that reduces the freedom of speech to a crude weapon in the abortion wars. This, Paul says, "[makes] it look as though our most cherished principles get swallowed up by deeper dueling political agendas." The real goal of the First Amendment, he says, "is not just an abstract notion of 'let people speak;' it's a much more profound goal of allowing people to actually communicate with each other in a way to foster meaningful democratic decisions." To him, neither restricting honest physician communication with patients nor empowering bullies outside health care facilities is consistent with that goal.

Professor Richard Garnett, founding director of Notre Dame Law School's Program on Church, State and Society, sees it differently. "The abortion controversy is a test for our commitment to free speech," he says. "If we're committed to freedom of speech, really, and not just for show, then I think we have to be committed to it in this context. I think that puts a special burden on a lot of people who identify as liberal." He wonders how liberals can defend flag burning and other offensive speech and then turn around and support speech-suppressing buffer zones and laws forcing organizations to say things they don't want to.

BALANCING DEMANDS

There is actually quite a bit of doctrinal consensus among free speech advocates and scholars on both sides of the abortion controversy. Free speech is not absolute; the government may issue content-neutral restrictions on speech. Furthermore, the government may use its police powers to require medical professionals to get their patients' informed consent to treatment, and may regulate commercial businesses to protect consumers from false or misleading advertising.

Agreement quickly dissolves, however, when doctrine meets actual cases.

To Walter Weber, senior litigation counsel for the American Center for Law and Justice (ACLJ), which advocates for the free speech rights of pro-life demonstrators, buffer zones are overbroad. Demonstrators, he says, run the gamut, from very sweet people to real "kooks." Rather than set up a complete geographic ban on everyone, Weber says, "My response as a First Amendment practitioner would be to say, on sorting the wheat from the chaff question, that's where you have individualized law enforcement come in."

Brigitte Amiri '99, senior staff attorney for the ACLU's Reproductive Freedom Project, looks at buffer-zone laws more contextually. "There has to be a balance between the



right to access an abortion clinic and exercise your constitutional right to abortion and, on the other side, other people's right to express their views," she says. "Depending upon the type of buffer zone, and the actual facts in the case, the ACLU, historically, has sometimes supported, and sometimes opposed, and sometimes stayed neutral." She explains that whether a particular buffer zone limits more speech than necessary requires a fact-intensive inquiry.

Abortion informed consent laws raise a different set of free speech concerns. Typically, informed consent laws require doctors to give patients relevant information on medical risks and alternatives, but allow for ample professional latitude in how to do that. In the abortion context, however, some state laws require doctors to say specific things at certain times in mandated ways, to point ultrasound screens at women and describe the image according to a script, even to say things that have no medical or scientific basis, like abortion increases the risk of suicide or of breast cancer.

Professor Michael Meltsner explains the problem. "There's a conflict there between legitimate police powers of government to see that you're treated fairly when you're dealing with a licensed medical professional on the one hand, and the requirement that certain things be said that are really irrelevant to sound medical treatment," he says. "The test is whether the communication is irrelevant to the decision or is untruthful or misleading."

That approach suggests that abortion-increases-the-risk-of-suicide statutes are invalid — but at least one federal court has ruled otherwise. In the 2012 case *Planned*

Parenthood v. Rounds, the Eighth Circuit upheld a South Dakota law requiring doctors to tell women that abortion increases the risk of suicide ideation and suicide, ruling that it was not “compelled speech” in violation of the First Amendment. The statute spoke of risk, not causation, the court explained. That made it OK.

FINDING COMMON GROUND

What of the laws that require crisis pregnancy centers — established to counsel pregnant women against having abortions — to disclose certain information about their organizations? These centers do not typically provide medical or reproductive care, and at least one study has found that they sometimes subject women to misleading information and abortion-delay tactics. In response, several municipalities have passed ordinances requiring pregnancy centers to advertise that they do not provide comprehensive reproductive health care.

The constitutionality of these laws, Garnett says, depends: “Is this a commercial speech regulation requiring basically truth in advertising? If yes, then it’s more likely to be upheld. Or is this compelled speech that’s targeting a particular category of speaker, maybe even attacking a particular point of view, in which case the courts will take a very skeptical view of it?”

In *Evergreen Association v. City of New York*, the Second Circuit ruled in January that the city could require pregnancy centers to disclose whether they had a licensed medical provider on staff, but could not, under the First Amendment, require them to say that the city’s health department encourages women to consult with a licensed provider, or that the centers do not provide referrals for abortion or prenatal care. “A requirement that pregnancy services centers address abortion, emergency contraception or prenatal care at the beginning of their contact with potential clients alters the centers’ political speech by mandating the manner in which the discussion of these issues begins,” the court wrote.

Interestingly, pro-choice and pro-life advocates may find rare common ground regarding a South Dakota law that requires women seeking abortions to provide their doctors with written proof that they have sought counseling from crisis pregnancy centers. “The government is allowed to regulate abortion, and it’s allowed to make sure that people when they’re making medical decisions are fully informed and that they give fully informed consent to the procedures,” says Garnett. “Whether or not governments are allowed to require that the consent requirements be fulfilled at certain facilities is a different question.”

Pro-life and pro-choice advocates might also agree on the existence of something called the “abortion distortion.” That’s “the tendency of some legal bodies, courts in particular, to disregard or set aside the normal rules that apply when the case implicates abortion,” says Weber, the ACLJ attorney. “A sort of parody version of the abortion distortion factor would be to say, it doesn’t matter what the law says about this, that or the other; we’re going to reach the result that is in favor of more abortion.”

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Professor Michael Meltsner

Associate Professor Aziza Ahmed would argue that the distortion runs the other way. She points to the demands that abortion informed consent laws place on doctors “This is the kind of thing that we see in the abortion context that we just don’t see in any other context,” she says.

Amiri of the ACLU points to abortion rulings from the Fifth and Eighth Circuits that have disregarded First Amendment claims, with their high “strict scrutiny” standards, and instead adopted the weak “undue burden” test from the 1992 Supreme Court case, *Planned Parenthood v. Casey*. Essentially, what these courts have done, she says, is this: “If your case is about an abortion restriction, you don’t get a separate First Amendment claim. You’re stuck with the privacy claim.”

“I can’t think of another area of constitutional law where the underlying subject matter of the case that you have brought limits the type of constitutional claims that you can bring,” she says.

Rulings that appear to distort doctrine likely reflect judges’ underlying feelings about abortion.

Free speech precedents that emerge from abortion cases will carry weight in future disputes, ranging from political demonstrations to public health campaigns. But Meltsner sees even larger implications. He argues that what’s at stake is the legitimacy of our courts. “What the courts are doing here is, in some situations, accepting what is said about these laws, accepting the rhetoric of these laws, rather than what they know is their motivation and impact,” he says. “When you see the breakdown of the [judges’] votes, and you speculate that pro-abortion people voted one way and the anti-abortion people voted another way, it seems more like politics than law.”

One thing is indisputably clear: “Neither side has been even remotely successful at persuading the other side of the virtues of its position,” says Paul. With abortion, that means there’s lots more speech to come.

Jeri Zeder writes regularly for Northeastern Law Magazine.



Among the Northeastern law graduates working with Paul Lippe (standing) are (from left) Natalie Rice '13, Barry Rothschild '13, Paul Gehrke '13 and Paige Clapp '13.

Oh, The Places You'll Go

Northeastern graduates pave the way with Legal OnRamp

By Deborah Feldman | Photos by Michael Manning

Can Northeastern law grads help unpack one of the most complicated tasks facing clients today? Paul Lippe, founder of the Silicon Valley-based start-up Legal OnRamp, says “yes.” With a corps of more than 50 recent law graduates, Lippe’s company is helping businesses create a veritable “Google Maps” of their contracts and

compliance work through a process called Massive Online Legal Analysis (MOLA).

“If you were going to drive from Missouri to Oregon, you wouldn’t use Lewis & Clark’s maps,” says Lippe, “you’d use a car navigation system or Google Maps. Clients in a networked world need to move their work to linked, manageable forms so they can work with the legacy better and create new work products with quality and efficiency. That’s true whether it’s a bank with 50,000 contracts, a company trying to comply with

“I’m very impressed with the OnRamp approach. What’s really splendid about OnRamp is to have lawyers who fully understand how to implement the law cost-effectively.”

— Barney Frank

the Foreign Corrupt Practices Act or 50,000 federal prison inmates filing petitions through a clemency project.”

A typical MOLA-driver is the Dodd-Frank Wall Street Reform and Consumer Protection Act — requiring banks to create “living wills,” including detailed contractual obligations across the entire organization. OnRamp connects all its lawyers through an online collaboration system developed with Cisco.

“We review contracts based on specific questions, or data points, and then we enter all of the information into a collaborative software program,” explains Paul Gehrke ’13, a team production leader. “For example, I’m part of a team reviewing 12,000 contracts stored by a large financial institution. Before, all of the contracts were saved as image files — not searchable at all, and not able to comply with Dodd-Frank’s requirements of resolution and recovery planning. But I’m not just analyzing contracts, I’m also helping to draft proposals to reach new customers.”

“I’m very impressed with the OnRamp approach,” says former congressman Barney Frank, who met with Lippe and Gehrke in June to talk about how OnRamp’s process can help banks comply with the law. “I’ve been hearing people complain about the cost of compliance. They’re being badly advised by lawyers who don’t understand the law and are piling on extra costs. What’s really splendid about OnRamp is to have lawyers who fully understand how to implement the law cost-effectively.”

Though some might assume the work is similar to document review, Natalie Rice ’13, a team quality leader, says “it’s more like a treasure hunt. Once we enter all of the data points into the system, the business can search by country, by supplier or vendor, or by more than 100 other specific data points to find the specific information related to the problem they need to solve or whatever they need to know.”

While most of OnRamp’s lawyers are recent graduates, the Northeastern collaboration is more extensive. “We have more lawyers from Northeastern working with us than from any other school because we’ve found the Northeastern grads have the ideal combination of hard work, teamwork and innovation,” says Lippe, who noted that several Northeastern graduates have been promoted into leadership positions with OnRamp. In addition, Dan Jackson ’97, executive director of the school’s



In addition to heading Legal OnRamp, Paul Lippe (above) writes a column, “The New Normal,” for the *ABA Journal*. In May, Dean Jeremy Paul stepped in to co-author ““Brain Surgeon’ Lawyering in Crises Isn’t Enough,” with Lippe. Based on their combined decades of experience, the co-authors argued that, “Lawyers who ensure that organizations structure daily operations to address compliance concerns are doing work of the highest value and helping all of us to live in a society where the rule of law is practiced, not simply preached about. ... Neither Perry Mason nor Alicia Florrick chose law school to tackle compliance. But in a world of increasing complexity, building guardrails is among the most important and challenging tasks for lawyers.”

NuLawLab, is helping OnRamp with “design” insight and assessing the efficacy of OnRamp’s training model.

“Thanks in part to the Northeastern team,” says Lippe, “we now have a materially better mousetrap for managing large-scale work, something that when we show any sophisticated executive or lawyer, they invariably say, ‘that’s the future of law.’ By tackling mega-projects inside out, the Northeastern grads now can design ways to tackle them outside in, and define the cutting edge of how law will work in the 21st century.”



Farewell to the Chief

PROFESSOR OF LAW AND FORMER DEAN DAN GIVELBER RETIRES

Dan Givelber has decided to retire after 45 years of teaching at the School of Law. I think it's fair to say that no one person, despite his deceptively "ah shucks" demeanor, has been more important in defining and exemplifying the school's values and ensuring its success.

As our dean for 10 years, Dan permitted a not-very-docile faculty to think it was making decisions, while he continually achieved exactly the results he had wanted all along. Dan seldom talked about his scholarship or accomplishments as a lawyer. Yet his articles about criminal law, intent and discrimination are nothing less than brilliant. His recent book, *Not Guilty: Are the Acquitted Innocent?* (New York University Press), will be a starting point for dialogue on our criminal justice system for years to come. His successful representation for more than a decade of Billy Moore, whom he helped save from death, has inspired generations of death penalty opponents. His hundreds of hours spent helping our students meticulously research and write dozens of certiorari petitions to the US Supreme Court in death penalty cases are clearly among the best hands-on teaching that has ever taken place in our school or anywhere else. Graduates still tell Dan that his civil advocacy course (co-taught with Judy Brown and me), taking a simulated case from client interview to a trial with jurors, was among their best educational experiences.

So what are the attributes of "Dean Dan," as he has been affectionately called, that helped him accomplish so much? He

is extremely intelligent, combining in rare degree incisiveness, clear thinking and an intuitive understanding of human nature. He has the best sense of humor of anyone I have ever known, continually slightly amused by the absurdities of life and our fellow human beings, whom Dan tends to love, or at least accept, without harsh judgment. And, by the way, he writes with a fluidity and creativity that most of us can only dream of.

Dan always thought that law students learn best by doing. That he was attracted to, and greatly enhanced, a law school centered on cooperative legal education, social justice and an open, non-hierarchical learning environment is not surprising.

As dean, Dan's goal was always to make sure our students were getting a superb education. To make that happen, he spent as much time in the offices of his faculty colleagues as in his own and ensured that the administrators in the building were well-chosen and felt valued, and, for the most part, he let them do their thing, with little, often no, interference.

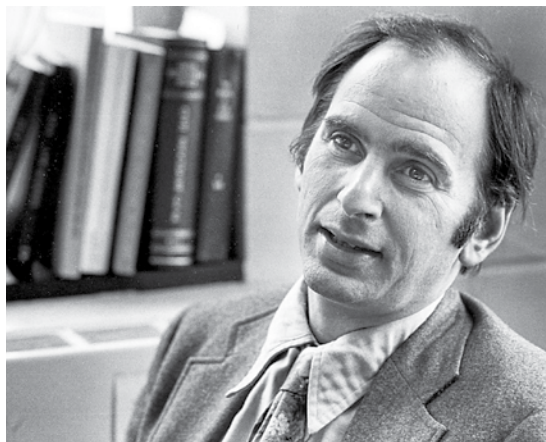
So what does it add it up to? A smart, balanced guy, with superb values, multiple skills and an unusual understanding of the human condition. Add to the mix his talented and supportive wife, Fran, with whom he discussed more books in a year than many of us read in a decade, and one begins to understand, just a little, the amazing, understated, effective, funny and greatly beloved Dan Givelber.

No one connected with our law school will ever be missed more than Dan.

— Professor Steve Subrin



Professors Judy Brown, Dan Givelber and Steve Subrin, circa 1975.



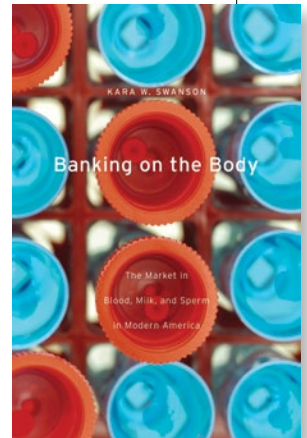
Swanson is Banking on the Body

Every year, countless Americans supply blood, sperm and breast milk to “banks” that store these products for later use by strangers in routine medical procedures. These exchanges raise complicated questions: Which body products are donated and which sold? Who gives and who receives? And, in the end, who profits? In *Banking on the Body: The Market in Blood, Milk, and Sperm in Modern America*, Professor Kara Swanson traces the history of body banks from the 19th-century experiments that discovered therapeutic uses for body products to 21st century websites that facilitate a thriving global exchange.

“More than a metaphor, the ‘bank’ has shaped ongoing controversies over body products as either marketable commodities or gifts donated to help others,” said Swanson, who holds a PhD in the history of science from Harvard University.

Dr. Bernard Fantus first proposed a “bank” in 1937 to make blood available to all patients. As blood banks became commonplace after World War II, American doctors made them a frontline in their war against socialized medicine. The profit-making connotations of the “bank” reinforced a market-based understanding of supply and distribution, with unexpected consequences for all body products, from human eggs to kidneys.

Ultimately, the bank metaphor straitjacketed legal codes and reinforced inequalities in medical care. “The metaphor was almost too successful,” said Swanson. “In the backlash against markets in body products, we have lost sight of the ways cash exchanges have been used to create a safe and reliable supply of such products and to maximize access to those in need. We have also lost sight of the fact that paid suppliers can be a respected part of the supply chain. We need to reexamine current laws with these historical lessons in mind.”



Lewis Honored by Albany Law

Professor Hope Lewis, an internationally recognized legal scholar and commentator on human rights, delivered the 2014 Kate Stoneman Visiting Professor Lecture at Albany Law School in April. In addition to delivering a major community lecture, “Violence Against Women with Disabilities — A Multidimensional Perspective,” Lewis gave a series of classroom talks, spanning such topics as violence against women with disabilities and information communication technology.

Lewis also received the 2014 Kate Stoneman Award, given annually to individuals who have demonstrated a commitment to actively seeking change and expanding opportunities for women within the profession. The award honors the memory of Stoneman, the first woman admitted to practice law in New York in 1886.



FACULTY

What They Really Think



Lights, Camera, Disappointment

"If you actually look carefully at the film incentives ... the expenditures — the actual number of dollars that the state gives out to pay for the credits — turns out to be much, much more than the actual total amount of wages that are paid to people in the state for work connected to the films."

Professor Peter Enrich

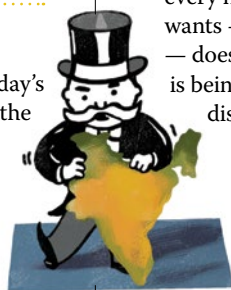
"Learning About Nevada's Film Incentives"
KNPR: Nevada Public Radio
January 14, 2014

Sink or Swim

"The technology that enables today's sperm banks was developed in the 1950s. What has changed in the intervening half century is the legal, social and political context for using frozen semen, not human biology."

Professor Kara Swanson

"The Surprising Birthplace of the First Sperm Bank"
The Atlantic
April 28, 2014



getting small business loans, they won't be starting businesses."

Professor Daniel Austin

"Debt and Destiny: Advanced Degrees Open Doors to Jobs"
Daily Record
April 28, 2014

Toss Up

"There's no question the NCAA and college sports is going to change. We're going to see more recognition of the individual rights of players."

Professor Roger Abrams

"Northwestern Football Players Get Approval to Unionize"
The Wall Street Journal
March 26, 2014

Roll the Dice

"One of the main challenges in the hearings is for India and other experts to convince the USITC that just because US business does not get every monopoly protection it wants — or that it enjoys in the US — does not mean that US industry is being treated unfairly or discriminatorily in India. One of the ironies right now is that the US Supreme Court is trying to strengthen patenting standards in the US at the same time that US officials are trying to crush higher standards in India."

Professor Brook Baker '76

"The Hearings Might Adversely Affect India's Pharma Industry"
The Asian Age
February 25, 2014

Practically Theoretical

"It would be a tragic and self-destructive mistake, however, for law schools to be baited into believing that legal theory serves only the broader public value of training our graduates to be statesmen and stateswomen. Only a

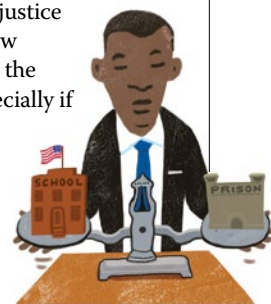
professional who can grasp the essence of an individual or organizational challenge through lenses that enable the client to navigate legal terrain can successfully bill by the hour."

Dean Jeremy Paul

"Theory Makes Successful Lawyering Possible"
The New York Law Journal
April 21, 2014

Hold(er) the Line

"If Holder stays on course, meaningful reforms in criminal justice may be one of the few defining legacies for the administration, especially if President Obama's recently announced program targeting young men of color addresses the school-to-prison pipeline."



Professor Margaret Burnham

"Are We Finally Ready to Reduce Racial Bias in Our Courts?"
Cognoscenti, Thinking that Matters
WBUR: Boston's NPR News Station
March 4, 2014

No Condom-nation

"What we should be doing instead is focusing on protecting, not persecuting, sex workers. Grouped under the banner of 'harm reduction' ... are programs that distribute condoms, educate sex workers about HIV and other health risks and provide them checkups, medicine and counseling. These programs are sometimes run by sex workers themselves."

Professor Aziza Ahmed

"Think Again: Prostitution — Why Zero Tolerance Makes for Bad Policy on World's Oldest Profession"
Foreign Policy
January 19, 2014

Overburdened, Underproductive

"In 1990, undergraduate students borrowed \$11.7 billion to fund their educations. In 2013, they borrowed \$114 billion. This is an exponential increase that cannot possibly be sustained. People with excessive student loans don't buy new cars and don't buy new homes. They won't be

Burnham Honored Alongside Belafonte and Menino

The Museum of African American History, Boston and Nantucket, honored Professor Margaret Burnham with its Living Legend award at a gala in Boston in March. Burnham was recognized for her work as a civil rights lawyer, educator and activist, as well as for being the first African American woman to serve in the Massachusetts judiciary.

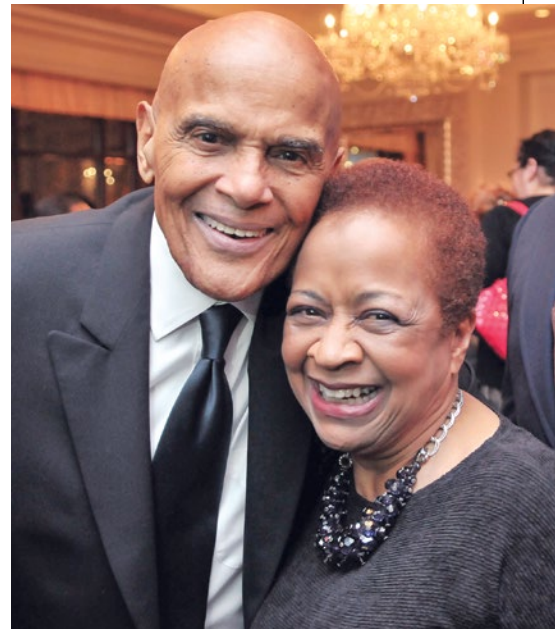
The Living Legend award “salutes extraordinary trailblazers whose remarkable accomplishments uphold the legacy of 18th- and 19th-century black patriots and their colleagues who distinguished themselves on behalf of freedom and justice,” according to the museum. In addition to Burnham, actor and humanitarian Harry Belafonte and former Boston Mayor Thomas Menino also received Living Legend awards this year. The three recipients were presented with the Garrison Silver Cup, a replica of the symbol of freedom presented by Boston’s black leaders to the founder of the New England Anti-Slavery Society and *Liberator* newspaper publisher in 1833.

“It’s a sublime experience to be honored by the Museum of African

American History, which links us to such transcendent moments in the American experience, and to such magnificent voices of courage, like those of William Lloyd Garrison and Frederick Douglass,” Burnham said. “One always hopes that one’s work matters in the world, and tributes such as this one confirm that someone is listening and someone is learning. At the end of the day, though, the award is really a directive to keep on working.”

Burnham — an expert in civil and human rights, comparative constitutional rights and international criminal law — joined the law school’s faculty in 2002. She is the founder of the Civil Rights and Restorative Justice Project, which engages students in legal matters relating to the 1960s US civil rights movement, as well as cold cases from the 1930s through 1950s.

In 2010, Burnham headed a team of outside counsel and law students in a landmark case that settled a federal lawsuit: Burnham’s team accused law



Harry Belafonte and Professor Margaret Burnham

enforcement officials in Mississippi of assisting Klansmen in the kidnapping and murder of two teens, Henry Dee and Charles Eddie Moore. The settlement received national attention in the press.

Zoltek-Jick First US Contributor to Top Canadian Text

Visiting Professor Rose Zoltek-Jick has written the first ever chapter on US criminal evidence cases to be included in the new edition of *McWilliams’ Canadian Criminal Evidence*, considered the authoritative text referred to by Canadian appellate courts, including the Supreme Court of Canada. Zoltek-Jick was invited by the editors to contribute a “Year in Review” as part of the book’s new “Global Perspective of the Most Significant Criminal Evidence Cases” in 2013.

“It was a great honor to be included in this inaugural look at US criminal evidence cases,” said Zoltek-Jick, who was among just three scholars worldwide invited to contribute to the most comprehensive criminal evidence written resource in Canada.

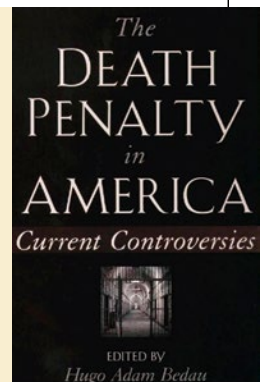
“The top 10 list of criminal evidence cases for 2013 for the United States is very different than the other countries,” said Zoltek-Jick. “Here, the hidden backdrop of evidence is often a question of constitutional criminal procedure, and that is a unique perspective in this international volume.”



Meltsner Delivers Bedau Lecture

In March, Matthews Distinguished University Professor Michael Meltsner delivered the first annual Hugo Adam Bedau Memorial Lecture at Tufts University. Meltsner, who was first assistant counsel to the NAACP Legal Defense Fund under Thurgood Marshall and Jack Greenberg in the 1960s, spoke about “The Dilemmas of Excessive Sentencing: Death May Be Different But How Different?” Among Meltsner’s published books are *Cruel and Unusual: The Supreme Court and Capital Punishment* and *The Making of a Civil Rights Lawyer*.

This summer, the personal library of Hugo Bedau, a Tufts University faculty member and renowned expert and author on the death penalty, will come to Northeastern as part of the law school’s permanent library collection. Bedau, who died in 2012, left an extraordinary collection of capital punishment volumes and significant books about punishment. “To have them in one place will surely be a boon to interested scholars,” said Meltsner.



Taking a Byte Out of Privacy

HIGH-PROFILE SECURITY BREACHES HAVE COMPANIES —
AND INDIVIDUALS — RETHINKING DATA PROTECTION

MUCH THE SAME WAY a burning Cuyahoga River helped jump-start the modern environmental movement in 1969, the headline-grabbing security breaches and disclosures of 2013 and 2014 may be a watershed moment in the way we think about and monitor privacy. And, it's not just consumers who are suddenly having to come to terms with online privacy. Businesses of all kinds are realizing that privacy is their issue, too.

"The data breaches at Target and Neiman Marcus got privacy kicked up to the C-suite at a lot of companies," says Gretchen Ramos '96, a partner with Carroll, Burdick & McDonough in San Francisco and a Certified Information Privacy Professional. "That got them to realize that data security isn't just a tech company problem. And it's not just a digital issue, either. The paper medical records tangled in the trees after Hurricane Sandy is a data breach, too."

CROSSING BORDERS

One of the biggest challenges related to digital privacy is the nature of the Internet itself. Originally conceived as a kind of social network, the Internet was a means for people within academia, the military and government to share information with each other. It was designed as a very open system because it was assumed the users would know each other, or at least know the institutions

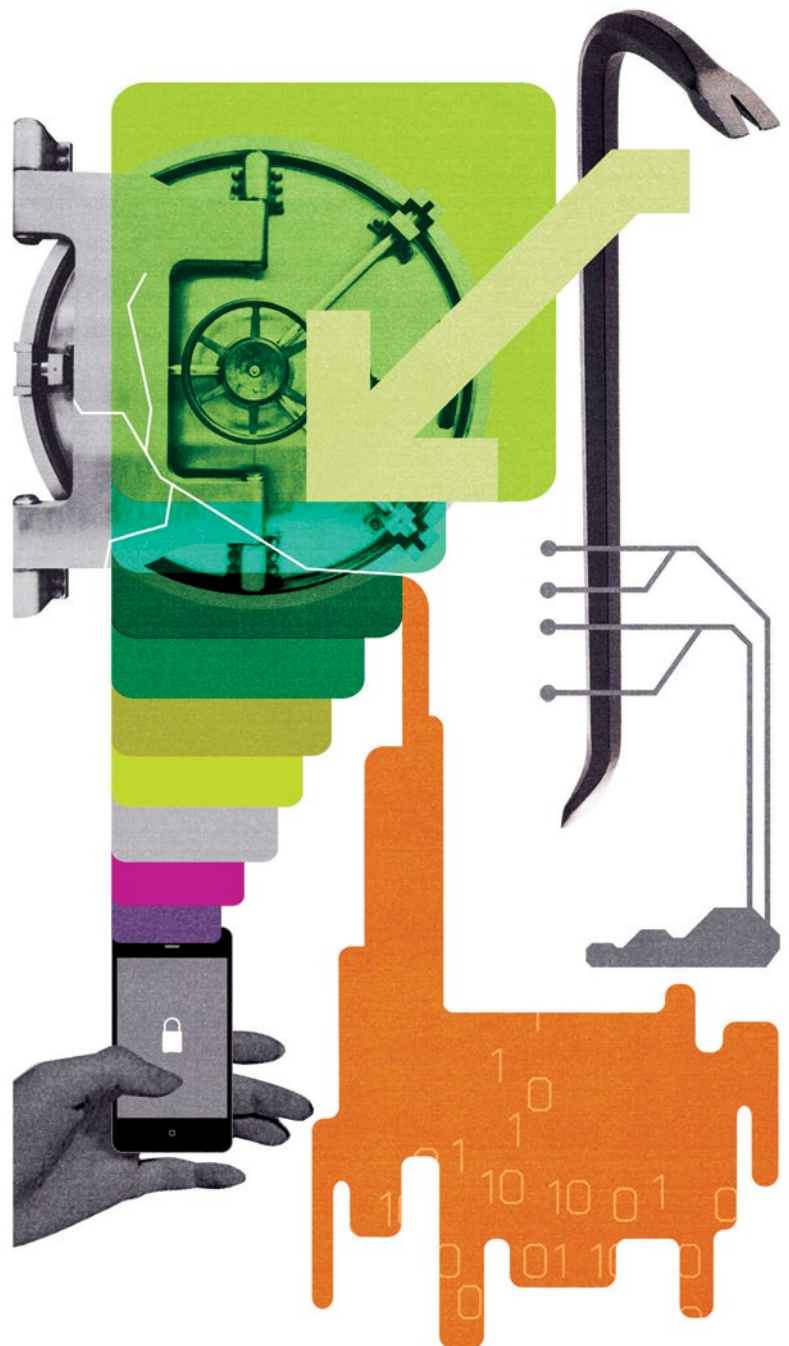


ILLUSTRATION: STUART BRADFORD



the other users worked for. And the information they shared, while often sensitive, tended not to include credit card numbers, medical records or beer bong photos. That all changed with the evolution of e-commerce in the mid-'90s and social networks in the '00s.

Not surprisingly, law is trying to catch up, but changes in technology far outpace new legislation, which is a patchwork at best. The Federal Trade Commission (FTC) has been using its power under the “unfair or deceptive practices” standard in the FTC Act to go after companies that have misused or poorly protected data. Laws such as the Children’s Online Privacy Protection Act deal with certain sectors of privacy, but otherwise any company that does business across state lines — which these days is almost every business — has to contend with myriad state-based laws.

“I’m pleased that the Federal Trade Commission, which has become the de facto regulator of these things, is pushing companies toward making data collection and data sharing more of an opt-in thing than an opt-out,” says Daniel Schaeffer ’91, currently of counsel to Neal & McDevitt in Illinois and formerly chief intellectual property and technology counsel for Arthur Andersen, where he oversaw the company’s development of a global privacy policy and initiated the development of an intellectual asset management infrastructure. “But I also know that a lot of people like targeted advertising and shopping suggestions, so it’s all about striking the balance that’s right for you. I’ve turned off location services for some of the apps on my phone, and I’ve turned off the automatic wi-fi so I don’t accidentally access an unsecure network.”

“Our biggest focus is on consumer awareness and education,” says Nicole Ayala ’06, who works on privacy-related issues for the Connecticut Department of Consumer Protection. “The best thing people can do is make sure they’re only giving their information to trusted sources.”

Just as consumers need to be more aware of the data they’re giving away, and to whom, companies have begun to

“I’m pleased that the Federal Trade Commission, which has become the de facto regulator of these things, is pushing companies toward making data collection and data sharing more of an opt-in thing than an opt-out.”

— DANIEL SCHAEFFER ’91

review — in earnest — all of the customer and employee data they’re collecting and why they’re collecting it. If any of that data is sensitive — financial records, health records, information related to children (schools and the companies that serve them are under increasing privacy scrutiny) — companies are scrambling to keep up with laws relating to that data.

PROTECTING THE BRAND

It gets even more complicated for companies doing business overseas. The United States and European Union created the Safe Harbor Privacy Principles in 2000 to protect information by allowing businesses that abide by an agreed-upon set of protocols to collect and move data back and forth from Europe, where privacy rules are much more stringent. But in the wake of Edward Snowden’s revelations about NSA surveillance, many in Europe doubt the US is adequately enforcing Safe Harbor and have threatened to suspend the agreement. In the meantime, EU members are struggling to find a common interpretation of their own privacy laws.

“Breaches are going to happen,” says Ramos, who advises start-ups and mid-size companies on US, European and worldwide data protection laws. “But a court — not to mention the public — is going to look much more leniently on a company that can demonstrate that it was complying with the law and following industry best practices. And that’s the other big motivating factor here. Businesses are realizing these privacy issues can be disasters for their brand regardless of what any state or federal regulator might do.”

Mark Sheehy is a freelance writer specializing in the education and nonprofit sectors.



PROFILE MARIA PEREZ '12

Job Security

Maria Perez '12 is a national security team staff assistant in the Office of Presidential Personnel, which recruits qualified candidates to serve the president in departments and agencies across the government and oversees the selection process for presidential appointments.

Q: *What does your job entail?*

A: I work in the White House Presidential Personnel Office (PPO), specifically with the national security team. Our team manages the political appointments within the national security-related agencies across the Obama administration, including the Department of Defense, Department of State, Homeland Security, Veterans Affairs, USAID, Peace Corps, the Millennium Challenge Corporation and the Office of National Drug Control Policy.

Q: *How did you get your job?*

A: I decided to work on President Obama's re-election campaign after graduating. After the election, I moved to DC knowing that I wanted to find some way to make a difference and that there was no better place to do it. I sought the advice of friends, mentors and colleagues and determined that I would pursue an opportunity within the

administration. In the interim, I also completed a fellowship at the Lawyers' Committee for Civil Rights. After several interviews with the PPO, this opportunity within its office turned out to be a great fit for the team and for me.

Q: *What is your favorite aspect of your job?*

A: I love knowing that what we do directly affects real individuals, the agencies where they serve and ultimately our nation. It is a feeling I would not be able to experience anywhere else.

Q: *How did your Northeastern law education prepare for this position?*

A: Not only did it equip me with skills that I use every day, but also through our co-op program, I had the opportunity to work in Washington, DC, develop relationships and acquire a better understanding of the many opportunities this city has to offer.

Q: *Have you met the president?*

A: I have attended many events where he has been present, but cannot say that we have had a one-on-one ... yet.

— Deborah Feldman



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1975

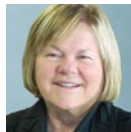
Kenneth Allen was recognized as a Leading Patent Practitioner by the prestigious *Legal Media Group's 2013-2014 Expert Guides Series*. Ken is senior counsel at Kilpatrick Townsend in Menlo Park, California. He is currently writing a book about his 40 years of experience as a patent attorney in Silicon Valley.

1976

Vincent Lembo, vice president and senior counsel for Northeastern University, was honored in February by the university's baseball program for his support and contributions to the program over the past 35 years.

1978

Natalma McKnew, a partner with Smith Moore Leatherwood in Greenville, South Carolina, has been named a 2014 South Carolina Super Lawyer by *Super Lawyers* magazine. Her practice covers franchising and dealerships, antitrust and intellectual property.



1981

Nancy Lassen, a partner at Willig, Williams & Davidson in Philadelphia, has been recognized as a 2014 Pennsylvania Super Lawyer by *Super Lawyers* magazine. Nancy has focused on labor law since 1984.



Tina Sanchez has been appointed as the citizenship legal coordinator at the Center for New Americans in Northampton, Massachusetts.

1982

In December, **Patricia Quigley** was named to the New Hampshire Circuit Court. She was previously a staff attorney and master in the probate court.

1984

Steven Blum has been awarded the William G. Whitney Award for Distinguished Teaching of Undergraduates at the Wharton School of the University of Pennsylvania, where he is a lecturer. His new book, *Negotiating Your Investments*, was published in April by Wiley. It examines investing and financial life through the lens of negotiation theory, which he has been teaching for more than 20 years. In addition to his teaching and



Crocker Appointed Law Dean

Phyllis Crocker '85 took over as dean of the University of Detroit Mercy School of Law on July 1. She was previously a professor of law and served as interim dean and associate dean for academic affairs for Cleveland-Marshall College of Law in Ohio. Crocker received her BA from Yale University and, after graduating from the School of Law, clerked for the Honorable Warren J. Ferguson of the US Court of Appeals for the Ninth Circuit. She also worked in a Chicago law firm and was a staff attorney at the Texas Resource Center.

Mullins Appointed to Connecticut Appellate Court

The Honorable **Raheem Mullins '04** has been appointed to the Connecticut Appellate Court by Governor Dannel Malloy. Mullins had served on the Superior Court since 2012. Prior to that, he was an assistant state's attorney in the appellate division of the Office of the Chief State's Attorney and an assistant attorney general with the Connecticut Office of the Attorney General. His chamber is made up of NUSL grads: Gail Pratt '99 is his permanent law clerk, and Jessie Opinion '09 is his term clerk.



Duger Wins LSA Competition

Angela Duger '11 took top honors in the Law and Society Association (LSA) Second Half Century Junior Scholars Essay Competition. Duger focused her article on how the LSA can continue to remain relevant and innovative after its 50th anniversary by expanding the global content and international scope of socio-legal studies and by using innovations to attract students and junior scholars. Duger is a research associate at the FXB Center for Health

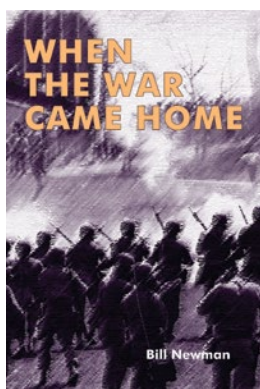
and Human Rights at Harvard University and an adjunct lecturer at both the Heller School for Social Policy and Management at Brandeis University and the School of Law, teaching classes on human rights law and policy. At Harvard, she supports interdisciplinary research projects focused on protecting and promoting human rights and is the editor and project manager of the *Health and Human Rights Resource Guide*.

Norelli Hailed as North Carolina Leader

Nancy Norelli '76 was honored in May as one of the 50 Most Influential Women in North Carolina at an event sponsored by *The Mecklenburg Times*. Norelli, a former district court judge who now heads a law firm, chairs North Carolina's highly regarded Judicial Performance Evaluation Project, the first in the nation to evaluate non-incumbent challengers as well as sitting trial judges. She is heavily involved in the Charlotte community through volunteerism and pro bono work, is a founding director of Good Friends, which has raised more than \$1.5 million to aid the disadvantaged, and serves on several boards of directors, including that of the American Cancer Society, for which she is a breast cancer survivor speaker.



Newman Authors Book on Vietnam's Legacy



In *When the War Came Home*, **Bill Newman '75**, longtime director of the Western Massachusetts office of the American Civil Liberties Union, offers a view of the Vietnam War, the social turmoil of the 1960s and how the ethos of that era still lives today. The title refers to the day in May 1970, when the Ohio National Guard killed four anti-war protesters and wounded nine others at Kent State University. The book takes on war and politics, the legal hurdles faced by the poor, civil liberties and the aftermath of 9/11. Its trajectory tells the story of how some of the idealism of the 1960s has been realized, much hasn't and the burdens and joys of realizing those dreams necessarily have fallen to the next generation.

Newman is also the host of a weekday radio talk show and the author and voice of "The Civil Liberties Minute," an ACLU radio and podcast series. For more information, visit bill-newman.net.

Hoffmeister Links Social Media and Criminal Justice

In his new book, *Social Media in the Courtroom: A New Era for Criminal Justice*, **Thaddeus Hoffmeister '98** explores how social media is being used to support the prosecution and defense of criminal cases. Hoffmeister, a professor of law at the University of Dayton, examines the complex impacts of social media on the major players in the criminal justice system and outlines the many ways social media affects the judicial process. He analyzes the issue from all sides, including law enforcement's role, citizens' privacy issues and the principles of the Fourth Amendment. In addition to teaching, Hoffmeister serves as an acting judge in Dayton Municipal Court and edits two blogs, "Juries" and "Social Media."

Hobson Honored by DOJ

Sherri Walker Hobson '89, a 24-year veteran assistant US attorney for the Southern District of California in San Diego, received the US Department of Justice/Executive Office of US Attorney's Award for 2013. Hobson has also been recognized by other federal agencies, including the US Department of Homeland Security Investigations for handling the case of the year in 2011 and 2012. In addition, she has received prosecutor's awards from the Office of National Drug Control Policy and the Federal Enforcement Association.



Dougherty to Lead WBA

Kim Dougherty '03, managing attorney in the Boston office of Janet, Jenner & Suggs, will serve as president of the Massachusetts Women's Bar Association in 2015. Dougherty has also been appointed to a revitalization board seat on the board of governors of the American Association for Justice, the national organization for trial lawyers, and recently co-authored an article, "Gender Equity in the Law," published in *Trial* magazine's March issue.

law practice, Steven explores these and many other issues at his blog. Visit www.negotiatingtruth.com.

Margaret Klaw's book, *Keeping It Civil: The Case of the Pre-Nup and the Porsche & Other True Accounts from the Files of a Family Lawyer*, was recently recognized for exemplary legal writing by *The Green Bag Almanac & Reader*.

1985

Constance McGrane has been appointed general counsel of the Massachusetts Commission Against Discrimination. Previously, she was a partner with the Boston firm Conn Kavanaugh, where she specialized in employment and business litigation.

1988

Kumiki Gibson has joined the Fair Housing Justice Center (FHJC) in New York City as its executive director. Previously, she served as commissioner of the New York State Division of Human Rights, chief counsel to Vice President Al Gore (during the Clinton administration) and as vice president and general counsel of Johns Hopkins University.

1989

Navjeet Bal was honored by Harvard Law School during its international Women's Day celebration. Navjeet was recognized for her previous service as public finance counsel and former commissioner of revenue for the commonwealth and for currently excelling in the law firm world while "challenging long-established notions of how the world operates" and being "a tireless advocate for access to legal services." Navjeet and the other nominees are featured in a portrait exhibition, "Inspiring Change, Inspiring Us," in the Wasserstein Building at Harvard Law School.

1990

Kathryn (Kay) Diaz has been appointed general counsel of the Office of New York City Comptroller Scott Stringer. She was previously special counsel to Benjamin Lawsky, superintendent of New York State's Department of Financial Services.

Jonathan Harris is going into his 23rd year of private practice with Lambert Coffin in Portland, Maine, where he is now managing partner and has an active estate planning, real estate and intellectual property practice. He lives with his wife, **Kathleen Kienitz**, in an 1874 vintage Queen Anne house that is a steady source of home improvement projects. Kathy has a solo elder law practice and is one of only two lawyers with the coveted Certified Elder Law Attorney (CELA) designation in Maine. She recently received an award



PROFILE JARED MILRAD '12

Bridging the Jobs/Justice Gap

After graduating from the law school, Jared Milrad '12 founded Civic Legal Corps (CLC), an organization focused on solving two age-old problems: the need for young lawyers to find work and the struggle for low-to-moderate income clients to find legal help. The mechanism to achieve both goals will be a corps of legal fellows, ultimately serving clients across the nation.

During law school, Milrad volunteered at a transgender legal clinic in Boston. "I got a view of the justice gap and the need for low-income folks to find lawyers," he says. "I realized there was a great deal of need on both ends."

Thus the idea for Civic Legal Corps came together: a group that would help solve the job gap and the justice gap. Milrad then persuaded Peter Buffett, son of billionaire investor Warren Buffett, to come in as CLC's first major financial backer. After months of outreach, CLC received a two-year \$100,000 grant from Buffett's NoVo Foundation, which seeks to "foster a transformation from a world of domination and exploitation to one of collaboration and partnership," according to its website. Other big-name endorsers include Martha Minow, dean of Harvard Law School, and retired US Supreme Court Justice Sandra Day O'Connor.

NoVo's grant in late 2013 gave CLC a "boost of confidence," Milrad says, which allowed him to add staff and form a

board of directors that includes Chris Fletcher '11 and Kate Richardson '12.

CLC plans to open its first office in New York City this fall, and hopes to expand to the San Francisco Bay Area, Southern California and other locales with a wealth of dedicated young attorneys and populations of low-to-moderate income clients in need of assistance. Experienced staff attorneys and mentors will guide the fellows, providing training in basic legal skills and managerial responsibilities.

"We are a social enterprise organization, meaning that we will use revenue generated by our legal services and workshops to expand the pool of clients and new attorneys that CLC serves over the long term," explains Milrad. "We will also incorporate holistic and integrative law into our practice, as well as restorative justice and mediation whenever possible to reduce burdens on the courts."

Each fellow is expected to annually serve about 100 clients with full scope needs, such as court appearances and comprehensive representation, and 250 clients with short-term needs. "They will be awarded a living wage and benefits," says Milrad, who plans to fund the first five recipients by the end of the year. "We're hoping to spread to underserved regions throughout country, making a dent in the justice gap and jobs gap long term."

— Hudson Sangree '00

from Legal Services for the Elderly for her pro bono work. Having sent their youngest child off to college in California, Jonathan and Kathy are adjusting to their nominally empty nest, which is still full of animals.

1999

Michael Xavier has been named a partner with Prince Lobel Tye in Boston, where he is a member of the firm's Domestic Relations Practice Group. In recent years, Michael has expanded his practice to incorporate cutting-edge legal issues affecting same-sex families, including marriages, adoptions and assisted reproductive technologies.

Gail Pratt is now a permanent law clerk to the Honorable Raheem Mullins '04 of the Connecticut Appellate Court.

2000

In December, **Elizabeth Rho-Ng** left her education law practice in the San Francisco area to pursue a teaching position in the Eastern Province of Saudi Arabia. She teaches law and core humanities courses to undergraduate women at Prince Mohammad Bin Fahd University.

2001

In March, **Carmelyn Malalis**, a partner with Outten & Golden in New York City, was honored by the Arthritis Foundation as one of four Women on the Move. The award celebrates women who excel at balancing family life, career and community involvement.

Jill Brenner Meixel has been promoted to partner with the Boston-based law firm Krokidas & Bluestein. Jill has significant experience litigating disputes on behalf of individuals, for profit and nonprofit entities in commercial, real estate, employment and general litigation matters.

2002

In January, **Michael Loconto** was appointed by Boston Mayor Martin Walsh to serve a four-year term as a member of the Boston School Committee. Michael has over a decade of experience as a management representative in higher education and governmental labor relations and employment policy development. He is active in the Beethoven School (West Roxbury) Parent Council, a member of the ONEin3 Boston Mayor's Advisory Council and has been involved with West Roxbury Main Streets for nearly 10 years, including serving as president of the board of directors.

2004

Michael Tumposky is now an adjunct professor teaching Criminal Trial Practice at the School of Law.



PROFILE GINA PERINI '01

She's Got Your Number

What toll-free number can you recite by heart? The catchy one from Luna carpeting? Or how about the eponymous 1-800-FLOWERS?

Whichever toll-free digits are stuck in your brain, you can thank Gina Perini, CEO of SMS/800, Inc., manager and keeper of the master database containing all North American toll-free numbers. Those exchanges now include 800, 888, 877, 866, 855 and 844.

Perini started her relationship with SMS/800 nine years ago when she was an associate at Foley Hoag. At that time, she was involved with spinning off the company from the former "Baby Bells," the regional telecommunications companies formed when AT&T broke up.

"There were five legal teams. It was difficult at best to get anything done," she recalls. She continued her work with SMS/800 when she moved to GTC Law Group. "In 2012, they asked me to come in house as chief administrative officer and legal counsel," she explains. In September 2013, she was named acting CEO. In March 2014, she officially became CEO.

"I always loved the business side of my work — looking at companies holistically, helping them determine what they want to achieve and how to get there," she says. "Now, it's really exciting to be able to focus on the company's strategic growth."

Perini says she finds her new role infinitely more challenging than being an outside advisor because as CEO, you're on the frontlines, not the sidelines. "You have to be a little fearless," she says. And it's safe to say that a head for numbers doesn't hurt either.

— Maura King Scully

2005

Rebecca Scherrer, an associate with Hamlet & Associates in Wilmington, North Carolina, was recognized as a 2014 Rising Star in construction litigation by *North Carolina Super Lawyers* magazine.

Anjali Waikar, an associate with Krokidas & Bluestein, has completed the Boston Bar Association's Public Interest Leadership Program, and presently serves on the board of The Midas Collaborative, an organization supporting the economic stability of low- to moderate-income residents in Massachusetts. She also serves on the advisory council of Bridge Over Troubled Waters, a nonprofit serving high-risk and homeless youth.

2006

Benjamin Clark has joined the Criminal Enforcement and Financial Crimes Bureau in the Office of the New York State Attorney General in Albany. Previously, he spent nearly four years as an assistant district attorney in the Financial Crimes Unit of the Albany County District Attorney's Office.

Fish & Richardson has named **Erin Hickey** as a principal in its Trademark and Copyright Group in San Diego. She will continue to provide strategic counsel to clients in trademark law, advertising law, right-of-publicity law, unfair competition law and copyright law. Erin also represents clients in administrative trademark and advertising proceedings and litigates trademark claims in federal district courts.

Isa Maria Infante, the coordinating chair of the Green Party of Knox County, is the Green Party candidate for governor of Tennessee. She is also president of the Yale Club of Knoxville and is on the board of directors of My Place Performing Arts Center. She can be found on Facebook at "Isa Infante for Governor of Tennessee."

Michelle Moor recently completed her first successful year operating Moor Law, a boutique solo practice in Salem, Massachusetts, that is devoted to helping children with special needs access appropriate educational services. Michelle and her husband, James Shaw '07, have a young daughter, Zoe Abigail Shaw.

2009

James Bair has left private practice to join the Office of the Legal Adviser at the US Department of State as an attorney-adviser. He will continue to teach "Suing Sudan," a practicum course he helped develop at Georgetown Law.

Sofia Lingos was honored in May as one of the 2014 Greek America Foundation's Forty Under 40, which recognizes young leaders of North America who have excelled in their respective business

Building Community



In early June, members of the Alumni/ae Association's board of directors headed to Roslindale to participate in a Habitat for Humanity building project.



Borenstein to Visit Suffolk

The Honorable **Isaac Borenstein '75**, a longtime lecturer at the School of Law, has been appointed a visiting professor of law at Suffolk University Law School for 2014-2015. Borenstein, who has also taught at Suffolk for many years, is launching his new appointment by teaching comparative law in Suffolk's four-week summer program in Lund, Sweden. He also recently led a Suffolk delegation on a visit to the University of Havana's law school in his native Cuba. Borenstein was doubly honored in June, when the Northeastern law graduating class selected him to deliver the faculty address at commencement and the Suffolk graduating class awarded him the Thomas J. McMahon Award for "unparalleled dedication" to the student body.

And the Winners Are ...

Massachusetts Lawyers Weekly continues to single out Northeastern law graduates for its honor rolls. Congratulations to:

Our nine graduates (more than any other law school!) honored at the annual Excellence in the Law event in May.

Up & Coming

Ruthanne Withers '05
Anjali Waikar '05
Audrey Heidt O'Shaughnessy '06
Melissa Murphy '07
Christopher Logue '11
Sofia Lingos '09
Julia Devanthery '09
Asya Calixto '11

Pro Bono

Lennox Chase '98

Our four outstanding graduates honored as In-House Leaders in Law in March:

Vanessa Candela '00
Gemma Dreher '90
Elizabeth Gluck '92
Julie McCarthy '95

And our 2013 Lawyer of the Year, honored in March:

William "Mo" Cowan '94

endeavors and who simultaneously strive to make the world around them a better place through community involvement, philanthropy or volunteerism.

Jessie Opinion has been selected to serve as a term clerk to the Honorable Raheem Mullins '04 of the Connecticut Appellate Court.

2013

Bruce Hale's article, "Regulation of International Surrogacy Arrangements: Do We Regulate the Market, or Fix the Real Problems?" was recently published in the *Suffolk Transnational Law Review*.

David Houlihan, the principal analyst at Boston-based consulting firm Blue Hill Research, has written an article for *Law360*, "Legal Needs to Rethink Its Dropbox Account."

Sari Long has joined Faegre Baker Daniels in Washington, DC, as a labor and employment associate.



IN MEMORIAM

1930S

Theodore Regnante '31
John R. Mannarino '34
Lillian M. Cohen '39

1940S

Philip N. Savage '40
The Honorable Sidney M.
Cooley '41
George S. Vasil '41

1950S

Ephraim F. Horvitz '50
Nelson Shechtel '51
Anthony Vacca '51



Jones Honored by Labor

In June, **Jocelyn Jones '98** was honored by Community Labor United with its Salt of the Earth award for "bringing the power of the attorney general's office in partnership with unions and community organizations to fight for workers' rights and economic justice for all workers whether in unions, worker centers or not." Jones is deputy chief in the Massachusetts AG's Fair Labor Division and special counsel for Fair Labor Policy.



New York Alumni/ae Gathering

In April, more than 70 graduates gathered at PJ Clarke's restaurant in New York City.



Dean Jeremy Paul (far left) and Professor Daniel Medwed (far right) shared good news from the law school, including thriving interdisciplinary initiatives, the growth of the LLM program and opportunities for graduates to become involved as co-op employers and mentors for current students.

Grads Selected for BBA Public Interest Leadership Program

Four Northeastern law graduates have been selected to participate in the Boston Bar Association's prestigious Public Interest Leadership Program. The 14-month program helps new lawyers understand the meaning of community leadership and develop lasting connections beyond their existing legal networks. Only 16 attorneys were invited to attend the program, including **Julie Brennan '09**, an associate with Prince Lobel Tye; **Lizbeth Ginsburg '06**, an attorney with Greater Boston Legal Services; **Nency Salamoun '12**, a staff attorney with the Victim Rights Law Center; and **Sarah Schendel '09**, an associate with Masferrer & Associates.

Cherry Named a 21st-Century Leader

Elyse Cherry '83 was selected for inclusion in the Women's eNews 21 Leaders for the 21st Century list for 2014. Cherry is CEO of Boston Community Capital (BCC), a financial institution dedicated to defeating poverty by harnessing the power of the financial system. Under Cherry's leadership, BCC has invested more than \$900 million in low-income community development and social entrepreneurship in Massachusetts and nationally.



Among its many initiatives, BCC has provided more than \$65 million to finance childcare centers, Head Start facilities, schools, and youth programs to provide care for children of low-income single mothers. It has also provided millions to help build community health centers and to support housing and shelters.

A Fond Farewell

THIS SPRING, we left Northeastern after each working with the law school community for more than 20 years. We thoroughly enjoyed working with such imaginative, talented, intelligent, idealistic and passionate students and graduates.

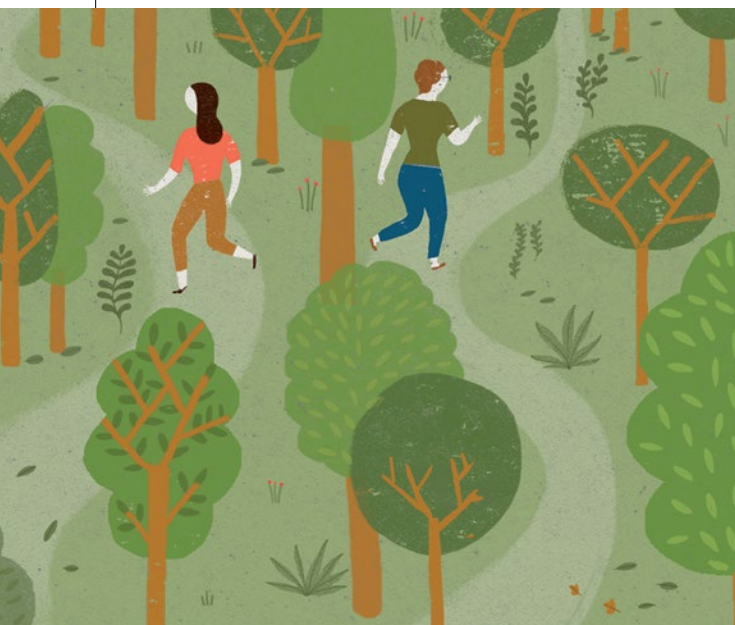
You took us to all corners of the world, where you worked to protect our land and water, defend workers' rights, prevent immigrants from deportation and keep children and families intact. You were passionate about representing indigent criminal defendants as well as protecting the nation's citizens. Through your experiences, we learned about the latest developments in intellectual property, food, health and corporate law as well as cutting-edge issues in litigation. Often, the best part of our day was when we received a postcard or an e-mail from you letting us know about your co-op in India or Costa Rica or on the reservation in Tempe, Arizona. We were always thrilled to see "I got a job" or "Good news" in the subject line of your messages.

We learned so much from you. You kept us young and in vogue. You exposed us to the latest trends, styles and new developments in social media. You came from unusual and diverse backgrounds and experiences and sensitized us to many nuanced issues and perspectives. You trusted us with your hopes, fears and dreams, and in return our lives were enriched by sharing your journeys.

You have given back in so many ways. We asked you to participate on panels and you said yes, time and time again. You sent us hundreds of job listings, supervised and mentored co-op students and new lawyers, conducted mock interviews and were valuable resources to our office. You were our eyes and ears on the profession, and we knew we could always count on you.

We are both now on our own career journeys — ironically, we are following the very advice we have given to so many of you and are excited about what lies ahead. With affection and gratitude, we wish all of you the very best in both your personal and professional lives and hope to stay connected to many of you through LinkedIn.

Randi Friedman '85 and Valerie Kapilow helped Northeastern law students find fulfilling co-ops and careers for more than two decades.



You trusted us with your hopes, fears and dreams, and in return our lives were enriched by sharing your journeys.

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NORTHEASTERN UNIVERSITY SCHOOL OF LAW

Featuring classes of '54, '74, '79, '84, '89, '94, '99, '04, '09.

Surrounding class years are invited to attend.

COMING THIS FALL

OCTOBER 24-25, 2014

CHECK THE WEBSITE FOR EVENT DETAILS AND TO RSVP

northeastern.edu/law/reunion