

# Quadrangle

LAW

NOTES FROM MICHIGAN LAW



**ATHLETES**

*as*

**ENTREPRENEURS**

**THE COMPLEXITIES OF NAME, IMAGE, AND LIKENESS**



MICHIGAN LAW  
UNIVERSITY OF MICHIGAN





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“I am grateful for the many years he has served so well as my counselor and as an officer of federal judicial administration.”

—CHIEF JUSTICE JOHN ROBERTS JR., REMARKING ON THE RETIREMENT OF JEFFREY MINEAR, '82

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“Your gift is  
that no matter  
what you’re  
handed, you  
take it and  
make it better.”

—ALANNA AUTLER, '23

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@UMICHLAW

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**CLOSING**

NO MORE MISTER JUDGE GUY

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**1Ls PARTICIPATED  
IN THE 2023 1L  
ORAL ADVOCACY  
COMPETITION,**

which is the  
highest-ever student  
participation rate.

In addition,  
90 2Ls and 3Ls  
served as judges.

**Ellory Longdon**  
emerged as the victor  
over **Emily Krejci** in  
the final round of the  
competition.



*“Gender apartheid is anathema to [the] foundational norms of international law, every bit as much as racial apartheid was to the analogous principles prohibiting race discrimination. Ultimately, as racial apartheid was for Black South Africans, gender apartheid is an erasure of the humanity of women. Every aspect of female existence is controlled and scrutinized.... There is no escape from gender apartheid. The solution cannot be the departure of half the population of the country.”*

—**Karima Bennoune, '94**, the Lewis M. Simes Professor of Law, in a March 11, 2023, *Forbes* article about the extreme repression women are facing under Taliban rule in Afghanistan. A recent United Nations report concluded that the discrimination constitutes gender apartheid; the article notes that, unlike racial apartheid, gender apartheid is not currently considered an international crime.



**ONLINE EXTRA**

Scan the QR code to read more about Bennoune’s work on gender apartheid in Afghanistan.



**Mark Rucci, '23**, left, won the 98th Henry M. Campbell Moot Court Competition in March. He and finalist **Gabe Chess, '23**, argued this year’s case, which concerned alleged violations of the Consumer Financial Protection Act, in front of judges from the US Courts of Appeals for the Sixth and Seventh Circuits and the Supreme Court of California.





This winter, two teams from Michigan Law competed at the Global Antitrust Institute Invitation Moot Court Competition in Washington, DC. The teams argued complex merger and antitrust conduct issues before attorneys from leading law firms and government agencies. Pictured, from left, are **Benjy Apfelbaum, a 2L; Wesley Ward, '23; Neena Menon, a 2L; Lauren Gallagher, '23; Kate Buggs, '23; and Frank Schulze, a 2L.**

“What I find troubling is the ease with which history can be rewritten with digitally distributed works. There may be good reasons for edits in some cases, but from the perspective of cultural preservation, media criticism, and historical context, it’s a troubling trend.”

—**Aaron Perzanowski**, the Thomas W. Lacchia Professor of Law, in a April 26 *New York Times* story on whether to change books, films, and television shows to make them more palatable to contemporary sensibilities.

## WHAT IS CONSENT?

The California Supreme Court recently cited research by Assistant Professor **Roseanna Sommers** on the psychology of consent in the case of *People v. Tacardon*. Justice Liu used Sommers’s article “The Voluntariness of Voluntary Consent: Consent Searches and the Psychology of Compliance” to argue that characterizing the defendant’s interaction with the police as consensual adopts “a rather sanguine and empirically dubious view of police-citizen interactions.” Sommers’s research and other studies suggest that people rarely feel they have choices when faced with requests by the police.



**Richard D. Friedman**, the Alene and Allan F. Smith Professor of Law, received the 2023 John Henry Wigmore Award for Lifetime Achievement. The Section on Evidence of the Association of American Law Schools gives the award to someone who has made leading contributions to the understanding of the proof process, to the administration and reform of the rules of evidence and the process of proof, or both.

“Criminal charges are not an either/or proposition. Falsifying business records may pale in comparison with the other crimes for which Trump is under investigation, but defendants don’t get a pass on other crimes just because they committed a more serious one in another jurisdiction.”

—Professor from Practice **Barb McQuade, '91**, in a March 30, 2023, op-ed published in *Time*, “Alvin Bragg Did What He Had To Do in Indicting Trump.”



## FTC SAYS NO TO NONCOMPETES

The Federal Trade Commission heavily cited the research of **J.J. Prescott**, the Henry King Ransom Professor of Law, in its new Proposed Rule to Ban Noncompete Clauses. Prescott’s research includes “Noncompete Agreements in the U.S. Labor Force, Subjective Beliefs About Contract Enforceability” and “The Behavioral Effects of (Unenforceable) Contracts.”



**Bob Fiske, '55**, visited Ann Arbor to congratulate 2023 Fiske Fellows **Megan Donnelly, '23**, **Shay Collins, '23**, and **Julia Hooks, '23** (pictured from left). **Rebecca Conway, '22**, who is currently clerking on the US District Court for the Southern District of West Virginia, is also a 2023 recipient. The Fiske Fellowship provides recent graduates entering into government service with a cash stipend and covers all undergraduate and law school loan payments for a period of three years.



76

Number of years of wrongful imprisonment served by the four Michigan Innocence Clinic clients who have achieved final victory in their cases so far in 2023.

(Three were exonerated; one was granted clemency on grounds of innocence by Michigan Gov. Gretchen Whitmer.) Since its inception in 2009, the clinic has freed 40 clients who served approximately 660 years for crimes they did not commit. Read more about one of the newest victories, Jeff Titus's case, on page 34.



## Unpeeling *The Onion*

**Andrew Portinga, '96**, visited Michigan Law to discuss an amicus brief he filed with the US Supreme Court on behalf of the satirical publication *The Onion*. Portinga is a member of the Grand Rapids, Michigan, firm Miller Johnson.



### ONLINE EXTRA

Scan the QR code to read more about Portinga's visit to the Law School.

*“A potent myth of legal academic scholarship is that it is mostly meritocratic and mostly solitary. Reality is more complicated....Hierarchy, race, and gender all have substantial effects on who gets acknowledged and how, what networks of knowledge co-production get formed, and who is helped on their path through the legal academic world.”*

—**Keerthana Nunna, '21**, **Professor Nicholson Price**, and **Jonathan Tietz, '19**, in their summary of “Hierarchy, Race, and Gender in Legal Scholarly Networks,” which was recently published in the *Stanford Law Review*.



**Hallie Alitz**, a 2L, traveled to New Orleans in February for Tulane University Law School's Women in Sports Law Symposium. The event examined key issues in women's sports, including the legal questions related to equal pay in professional sports. She is pictured on the right with **Swin Cash**, a former WNBA star who is now the vice president of basketball operations and team development for the New Orleans Pelicans.

# BRIEFS

## SELECTED 2022–2023 MINI-SEMINARS,

which are ungraded one-credit courses in which small groups of students meet in a professor's home or other non-traditional setting for provocative conversations.



Current Issues in Cannabis  
Law with Professor  
Mark Osbeck, '86



Law in Rural America:  
Cows, Courts, and Country  
Lawyers with Professor  
Emily Prifogle



The Enduring Allure  
of Book Bans with  
Professor Susan Page



Between Shadow and  
Light: Domestic Violence  
and the Law with  
Professor Julia Lee, '05



### ONLINE EXTRA

Scan the QR code to read more about mini-seminars and see a complete list.



*Strict Scrutiny*, a podcast co-created and co-hosted by Professor Leah Litman, '10, received the Ambie for Best Politics or Opinion Podcast by the Podcast Academy. The category featured podcasts from *The Economist*, *The Washington Post*, and others. *Strict Scrutiny* was also recognized with a Gold Anthem Award in the Human & Civil Rights Causes category for its coverage of the Supreme Court ruling in *Dobbs v. Jackson Women's Health Organization*, which overturned *Roe v. Wade*.



### ONLINE EXTRA

Scan the QR code to learn more about the podcast and get a breakdown of Litman's five favorite episodes.



## REALLY...WE'RE EVERYWHERE

**Rachel Moore, '23**, and **Shelly Feldman, '23**, had a chance encounter with Pennsylvania state Sen. **Art Haywood, '85**, while on a tour of the Cape of Good Hope in South Africa. Moore and Feldman were there as part of Michigan Law's South Africa Externship program.





“The International Commission of Jurists calls attention to systematic impunity enjoyed by [Myanmar’s] ruling junta and members of the military for gross human rights violations amounting to crimes against humanity, and the mass expulsion of Myanmar’s Rohingya Muslim population.... Mr. High Commissioner, what further measures can the Council take to protect the persecuted ethnic minorities in Myanmar?”

—**Collin Christner**, a 2L who spent the winter semester working for the International Commission of Jurists as part of the Law School’s Geneva Externship program. His statement to the United Nations Human Rights Council concerned Myanmar’s treatment of minority populations and political dissidents.

*“More than a century ago, the Supreme Court held in **Winters v. United States** that treaties establishing Indian reservations should be construed to include a right to enough water to establish a homeland. More recently, the court in **United States v. Jicarilla Apache Nation** held that a tribal nation suing the federal government for breach of trust must point to contract or treaty language explicitly establishing a right. These two precedents have come into conflict here.”*

—**Matthew L.M. Fletcher, ’97**, the Harry Burns Hutchins Collegiate Professor of Law, in a March 21, 2023, *SCOTUSblog* analysis of the Supreme Court oral argument in *Arizona v. Navajo Nation*. In April, Fletcher was elected to the American Academy of Arts and Sciences as one of just seven new law fellows nationwide.

150+

**ALUMNI** from more than **60 firms** attended the Law School’s **Meet the Employers** event at Michigan Stadium in April.

The Law Library organized a haiku contest in April, with winners in two categories: poems written by a human and those generated with the help of artificial intelligence such as ChatGPT.

**Under the ripe earth—  
Verdant above, so below—  
Sprouts student research.**

Written by Katie Osborn, a 2L

**Leather-bound tomes rest,  
Jurisprudence in their spines,  
Wisdom at our hands.**

Generated by 1L Arian Rubio, with an assist from AI



## The Women Who Finally Stopped R. Kelly

By Amy Spooner

It's not surprising that the chief of the Organized Crime and Gangs Section in the US Attorney's Office for the Eastern District of New York (EDNY) would charge someone with racketeering.

What surprised many people in 2019 was who was being charged and why.

The section chief at the time, Nadia Shihata, '03, had taken down drug dealers, an Albanian crime boss, and other nefarious characters. This time, she and a team of prosecutors were leveling charges against Robert "R." Kelly, an R&B superstar.

The team (which, coincidentally, was led by three women) charged Kelly with racketeering, not for what most people think of when they think of racketeering—money laundering, extortion, and so on—but for crimes including sexual exploitation of children, kidnapping, and forced labor.

The approach seemed innovative to some experts and risky to others. Shihata, however, knew it was the best chance of bringing down a sexual predator who had operated across state lines for years, growing ever more brazen as he victimized girls as young as 14.

"He was operating like he was untouchable. And local authorities dealing with one act here and one act there couldn't go after or establish the full breadth of his conduct to show the patterns and the methods of coercive control that he used with his victims and the people in his enterprise," Shihata says.

"Some argued our tactic wouldn't work, but in our mind, this was exactly what the racketeering statute was developed for: a recognition that the people around R. Kelly enabled him to commit these crimes. They made him much more powerful and able to get away with what he was doing for so long."

### A superstar and a collective blind eye

Kelly rose to mainstream superstardom in the mid-1990s when he won three Grammys for his song "I Believe I Can Fly" and was nominated for another for "You Are Not Alone," recorded by Michael Jackson. He was the most commercially successful male R&B artist of the era.

The public's eyebrows were raised in 1994 when Kelly married his protege, Aaliyah, a rising R&B star with whom he had worked for about three years. He was 27; she was said to be 18. The marriage soon was annulled, Kelly's and Aaliyah's careers moved on, and so did the public's thirst for scandal.

Kelly's personal life again came into the spotlight in 2002, when he was indicted in Chicago on child pornography charges stemming from his sexual relationship with a 14-year-old girl. Again, the news was more of a sigh-and-eye-roll moment among the general population. *South Park* wove him into an episode; comedian Dave Chappelle made a parody video. Kelly finally stood trial in 2008 but was acquitted.

What people didn't fully understand then, Shihata says, is that Aaliyah and the teenager at the center of the charges in Chicago were victims hiding in plain sight. And there were plenty more where they came from.

### Building a racketeering case against a sexual predator

Like most of us, Shihata was disturbed by the allegations of physical and sexual abuse that came to light in the 2019 documentary *Surviving R. Kelly*. But unlike most of us, she thought she might be in a position to do something about it.

Shihata had supervised prosecutors who brought racketeering charges against sex offender Keith Raniere and others involved with his cult, Nxivm. (Raniere was convicted in June 2019.) She also had prosecuted two lieutenants and a prison guard in 2017 for sexually abusing inmates at the Metropolitan Detention Center in Brooklyn.

"I had worked with victims of sexual abuse and knew how to do trauma-informed interviews," Shihata says. So when the chief of the EDNY's Civil Rights Section asked if she wanted to join the R. Kelly prosecutorial team, "I said, 'Absolutely.'"

They began working with a group of investigators from the US Department of Homeland Security (DHS) who specialize in sex trafficking investigations. The first step was to find a victim in New York. They also worked to find someone within Kelly's circle. One lead revealed another, which led to another. And slowly, methodically, they built their case.

"We figured out pretty early that it made sense to tackle it as a racketeering case," Shihata says, "because the statute allows you to prosecute criminal conduct throughout the country. And the statute of limitations allows you to go back in time much farther than under other criminal statutes."

That meant Kelly's marriage to Aaliyah, some 25 years earlier, could play an important role in the government's case.

Aaliyah died in a plane crash in 2001. But the DHS investigators learned that a Kelly representative had bribed an official to lie about her age at the time they applied for a marriage license. The bride-to-be had been 15, not 18. "It showed how other members of Kelly's enterprise enabled the conduct back then and moving forward," Shihata says.

In July 2019, just seven months after launching the investigation, Shihata's office filed an indictment that included nine predicate acts of racketeering involving kidnapping, forced labor, and the sexual exploitation of a child, as well as Mann Act violations for coercing and transporting women and girls across state lines to engage in illegal sexual activity.

"It was a massive undertaking," Shihata says. "And we uncovered much more than we were able to present at trial, either because victims didn't want to testify or we didn't feel we could prove beyond a reasonable doubt.

"Doing this kind of work, you get to the point where nothing you uncover surprises you anymore. But at the same time, you're still surprised."

### **Prosecuting a still-popular star**

One of the reasons that Shihata became a federal prosecutor is that she was drawn to the drama and excitement of a courtroom. When Kelly's COVID-delayed trial finally began in August 2021, though, most of the drama was outside.

Since COVID protocols prohibited Kelly's fans from being in the courtroom, they gathered daily on the sidewalk. And while

Shihata and her co-prosecutors received threats, she says she was especially concerned for the victims dealing with online and in-person harassment.

"That takes a toll on people and makes them not want to participate. And that's the purpose, right? To obstruct the investigation."

Before the trial began, Shihata's office brought charges against three men for criminal conduct against Kelly's accusers. One committed arson and attempted arson. Another was charged with stalking, and the third attempted to bribe a witness not to cooperate.

"We brought these cases because obviously criminal activity shouldn't be happening, but also to send a message to the hundreds of other people doing similar things that there are consequences for intimidating witnesses and attempting to obstruct justice," Shihata says.

She describes the trial as a slow build with plenty of painful victim testimony woven with insiders' perspectives of how Kelly's enterprise operated. "From Maria's [Cruz Melendez, a co-prosecutor] opening statement, we tried to very deliberately sketch out why this was racketeering, why this was a criminal enterprise. We laid it out, step by step, in plain English that the jury could understand," Shihata says.

By contrast, "the defense's arguments were so mismatched for the time we were in, and I said that in my rebuttal. It was as if we took a time machine back to a courthouse in 1950, with tactics of blatant victim blaming. It was just shameful, honestly. And, thankfully, it didn't work."

### **Moving on**

In June 2022, Kelly was sentenced to 30 years in prison for his conviction in the Eastern District of New York. Three months later, he was found guilty of three counts of sexual exploitation of a child and three counts of coercion and enticement in the US District Court for the Northern District of Illinois.

That same month, Shihata ended her nearly 12-year career as a federal prosecutor and—with another member of the prosecutorial team, Liz Geddes—opened a New York-based law firm, Shihata & Geddes LLP. They specialize in civil rights and sexual misconduct matters, internal investigations, wrongful convictions, and criminal defense.

"We wanted to continue work in the sexual misconduct and abuse space. We also wanted to represent victims," Shihata explains. "And we wanted to do wrongful conviction work because as former prosecutors, we know how these cases are built. It's important that our practice be centered on cases we care deeply about."

When she thinks back on the biggest case of her career, she feels relieved for the victims while praising how the culture has shifted: "Today we recognize that a grown man having sex with an underage girl is abuse. It's exploitation. It's not okay."



## Hate on Trial

*By James Weir*

The crimes are harrowing: a young man tracked and murdered while jogging; two shoppers shot to death by a stranger at a grocery store; a defenseless, unconscious man's head repeatedly stomped on.

In each case, the perpetrators were motivated by prejudice against Black people and convicted on federal hate crimes charges. Christopher Perras, '11, prosecuted each case in his capacity as a special litigation counsel in the Civil Rights Division at the Department of Justice who specializes in hate crimes.

Determining whether racism or other prejudice was a factor in a crime is especially sensitive when a case has made national headlines. Prosecutors can face immense pressure to bring charges. However, that pressure doesn't influence their ultimate decision, and not every case that Perras investigates leads to a hate crimes prosecution.

But if the evidence suggests that prejudice played a role in the crime, Perras and his colleagues pursue and prosecute high-profile cases just as they would any other.

### Under a microscope

Ahmaud Arbery, a young Black man, was murdered in February 2020 while jogging in a suburban neighborhood in Georgia. Three men, all of them white, erroneously believed, based on the color of his skin, that Arbery was responsible for several recent thefts in the neighborhood and chose to pursue him. They cornered Arbery with their trucks and then shot and killed him in the ensuing struggle.

More than two months later, video from the confrontation went viral on social media and garnered national news coverage. The killing provided yet another example of America's struggle with racism and violence. The men—who had been allowed to walk away from the scene of the crime—were arrested days after the video appeared online. The DOJ assigned Perras and two other seasoned prosecutors to look into the case.

"Just because somebody was killed doesn't mean it's a hate crime, so we had to decide if we thought it was motivated by race and then determine if we could prove it," he says. "I was not under the illusion that this was some slam-dunk case. We had every reason to believe it was going to be a tough one."

Unlike some hate crimes, there wasn't overt evidence that the crime was racially motivated; the defendants were not, for example, members of a hate group or shouting racial slurs during the chase. But as Perras and his colleagues looked at the defendants' phones and social media and talked to their friends, families, and co-workers, a clear picture began to emerge.

"The more we learned, the more convinced we were that this murder was about race, and it was pretty clear how these men felt about Black people. There was a simmering resentment beneath the surface," he says. The jury agreed, and all three men were found guilty of committing federal hate crimes. (The men also were convicted of felony murder and other offenses in Georgia's state courts.)

"It was important for the family and for frankly a lot of people in America for there to be a verdict that confirmed that this was what you thought it was. This was about race. At the end of the day, this would not have happened if Ahmaud had been white."

### Cases charged with emotion

Being immersed in the details of hateful and violent crime can be emotionally draining. Perras says that one of the most difficult prosecutions he has worked on was the death of Kedarie Johnson, a gender-fluid teenager who was kidnapped, tortured, and murdered by two men in a small Iowa town.

After looking into the case, Perras was given special dispensation by then-US Attorney General Jeff Sessions to serve as a special assistant county attorney and help local prosecutors with their digital forensics and other aspects of the state's murder investigation and prosecution.

Using cell site data, digital media on the defendants' phones, and text messages, Perras was able to reconstruct the evening of the murder and paint a step-by-step portrait of the crime. Perras joined the state prosecution team for the trials of the two men, who were convicted of first-degree murder.

"Everyone in Kedarie's life thought he was a joy, and to be murdered like that for no reason, it's just heartbreaking," Perras says. "It's not the gruesome crime scene photos that are upsetting. It's getting to know the friends and family of the victims, and the sadness of knowing that this didn't need to happen."



### Preventive investigations

Since August 2022, Perras has served as a liaison to the newly created Domestic Terrorism Unit in the DOJ's National Security Division. This role requires him to work with prosecutors and FBI agents on domestic terrorism cases that overlap with broader civil rights issues, such as racially motivated mass shootings.

"If someone is shot and killed, it's rewarding to hold the perpetrator responsible, but mostly you just wish it hadn't happened," says Perras. Domestic terrorism investigations, however, provide the opportunity to be more proactive and take action that may prevent future harm. Perras collaborates with other prosecutors and law enforcement on investigations that balance the need to bring in a suspect as quickly as possible while also building a case that will hold up in court.

"This work requires a lot of strategic decision-making to ensure we are serving the public interest while making sure dangerous people are off the streets for as long as possible," Perras says. "It's one of the first times I've been able to participate in disrupting things before they happen, and it's gratifying to be involved before people get hurt."

### A true calling

When Perras decided to pursue the law, he wasn't sure where his career would take him. But that quickly changed during a summer internship with the US Attorney's Office in Massachusetts after his 1L year.

"I was assigned to the office's civil rights attorney, and he mainly prosecuted police misconduct and hate crimes," Perras recalls. "It exposed me to this whole new world, and I remember thinking, 'Wow, prosecuting bigots and corrupt cops? Sign me up.'"

Perras went on to intern at the Criminal Section of the Civil Rights Division of the DOJ the following summer. He remembers telling his supervisor that he was going to apply to that office as many times as it took until they hired him.

After clerking for two years—on the US District Court for the District of Massachusetts and the US Court of Appeals for the Fifth Circuit—he rejoined the Criminal Section of the Civil Rights Division through the DOJ Honors Program.

Perras feels as enthusiastic as ever about the work. Although he served as an acting deputy chief for six months in 2021—he helped manage civil rights enforcement for a quarter of the US, staffing cases and supervising multiple prosecutions—he's happy where he is. With the balance of a national caseload and helping to mentor and oversee younger attorneys in the office, he has found his calling.

"I've been working at the DOJ for 10 years, and I've loved every minute of it," Perras says. "It's hard work, but you really care about the cases you work on, and it's interesting and exciting. There's never a dull moment."

**ATHLETES**

*as*


**ENTREPRENEURS**

**BY SHARON MORIOKA**

**W**

ith recent changes to NCAA rules, student-athletes now have the opportunity to earn income from their name, image, and likeness (NIL) through third-party deals. At U-M, members of the Zell Entrepreneurship Clinic are at the forefront of NIL work, helping student-athletes understand the laws and start their own businesses.





**A**fter four years as a U-M undergraduate and member of the women's gymnastics team, Natalie Wojcik racked up several athletic distinctions: four Big Ten individual championships, 2019 NCAA champion on the balance beam, 2019 NCAA regional champion; the list goes on and on.

In the past several months, she has been able to leverage those athletic achievements to earn an income by making public appearances, modeling, and sending Cameo videos to fans. She's even seen her own bobblehead doll on the shelves of the M Den.

"It's surreal and puts the biggest smile on my face," she says of the doll. More generally, she adds, "I'm so grateful that I'm in a position where I have the opportunity to have a positive influence on fans and be able to connect with them through the sport that I'm so passionate about."

Currently pursuing her master's degree in social work at U-M (she extended her gymnastics eligibility for one year due to COVID, per NCAA rules), Wojcik is one of an unprecedented generation of student-athletes who have the potential of earning income from NIL through third-party deals.

Banned a mere two years ago, NIL deals are now legitimate thanks to the US Supreme Court's unanimous decision in *NCAA v. Alston*, which spurred most states to pass laws related to NIL. In Michigan, currently enrolled student-athletes can earn compensation from activities like endorsements; prospective students, however, are not allowed to enter pay-for-play agreements.

## WE LOOK AT [STUDENT-ATHLETES] AS ENTREPRENEURS..."

—TIFANI SADEK

Allowing college students to profit in this way is controversial and reverses the NCAA's longtime restrictions on students receiving such compensation.

"Some schools are still a little standoffish," says Tifani Sadek, clinical assistant professor of law and co-director of Michigan Law's Zell Entrepreneurship Clinic. "It can feel like paying players to play, which you're not supposed to do."

However, the Zell clinic has been at the forefront of NIL work, helping U-M student-athletes understand the laws and start their own businesses.

"The clinic is here to help student-athlete entrepreneurs," says Sadek. "We look at them as entrepreneurs, and their business is themselves and their image."



*As co-director of the Zell Entrepreneurship Clinic, Tifani Sadek, a clinical assistant professor, is leading the clinic's efforts to support student-athletes in NIL endeavors.*







**BY THE NUMBERS**  
(AS OF APRIL 2023)

**18**

**STUDENT-ATHLETES  
REPRESENTED ON  
NINE VARSITY TEAMS**



**3**

**CROSS-SPORTS WORKSHOPS**

to educate student-athletes about contracts, personal taxes, and other matters, including one workshop in partnership with the Law School's Low Income Taxpayer Clinic



**19<sup>OF</sup> 29**

**VARSIY TEAMS HAVE  
ATTENDED INFORMATIONAL  
PRESENTATIONS HOSTED  
BY THE CLINIC**

# THE **IDEA**

NIL work at Michigan Law was the brainchild of Andrew Watson, '23, who pitched the idea to Sadek in October 2021, a few months after the Court's June decision.

"I figured the work that we do at the clinic is parallel to a lot of the needs that the student-athletes were going to have," says Watson. "So I wanted to get involved."

What followed were meetings with U-M Athletics and the Office of General Counsel to discuss the clinic's plans and get the green light. All involved reasoned that the clinic, part of a top law school at a university with a top athletic program (and more than 900 student-athletes), is positioned to be a leader in the field.

Most of last year was spent setting up the fundamentals for NIL work, which really took off in fall 2022, when the Zell clinic partnered with Danielle Davison, U-M's newly arrived assistant athletic director for NCAA rules and NIL education compliance. She helped the clinic get in front of the athletes through a series of introductory meetings—an initial hurdle for the clinic.

Her work also complements the work of the clinic. While Davison can advise student-athletes on NCAA compliance issues, the clinic takes an active role in the legal issues involved in setting up a business.

"I can't represent student-athletes like the Zell clinic can," says Davison. "So I review contracts to make sure nothing's going to impact our student-athletes' eligibility. But I also usually refer them to the Zell clinic."





# THE PITCH

Last fall, in an Athletic Campus meeting room—whose walls were festooned with images of past football games and the iconic phrase “The Team, The Team, The Team”—Sadek, Watson, and Davison as well as 2L Emily Gaudiani introduced themselves to more than 100 football players and Coach Jim Harbaugh.

The players had taken time from their already busy schedules of classes, practices, and games to learn more about the NIL opportunities available to them and how the Zell clinic could help. It was just one of many presentations that the clinic has made to teams about NIL.

“I think there are two angles, the tactical and the strategic,” says Gaudiani—a dual degree MBA/JD student—about the clinic’s services. The tactical angle involves reviewing contracts, helping set up an LLC, and advising when to seek help from

another specialist, such as students in Michigan Law’s Low Income Taxpayer Clinic, who have recently begun working on NIL issues.

“They’re not necessarily reading the contracts or having somebody else look at them,” says Gaudiani. “So a lot of what we’ve done so far from a tactical standpoint is explaining to them what the terms of the contract mean in plain language so that they are aware of what they’re signing.

“And then from a strategic angle, we’ve been doing a lot of education with the teams on what NIL means for them as an opportunity and what sort of knowledge they have to have in order to make the most of it.”

While NIL has presented a lot of opportunities for student-athletes, it has presented some problems also.



Danielle Davison (top), U-M's assistant athletic director for NCAA rules and NIL education compliance, along with Andrew Watson, '23, and JD/MBA student Emily Gaudiani (bottom) made presentations to several teams this past year to help them understand NIL opportunities and how the clinic could help.

"They get approached by the third party who wants to partner with them, and the third party usually sends them the contract," says Sadek. "Not necessarily at Michigan, but you hear stories of athletes signing away future rights. We review everything and make sure that there are none of these hidden bombs. It just makes the student-athletes feel better to know someone has their back."

Wojcik, initially cautious about NIL because she "didn't want to run into any trouble," is glad to have a trusted resource in the clinic.

"I'll do an initial read of the contract and type up some notes of things that I notice. And then I'll email it to the clinic. I've been able to receive a really timely response but also a thorough analysis of the contract. They've made recommendations to add or take something out of the contract. And then I'm able to use their knowledge to inform my decisions moving forward about negotiating that deal."

## SELECTED SERVICES PROVIDED BY THE CLINIC



### COLE CABANA

FOOTBALL

*Reviewed and counseled on several agreements, including an NIL deal with a summer sports camp*



### HUNTER DICKINSON

BASKETBALL (recently transferred to the University of Kansas)

*Reviewed agreements related to appearances at special events*



### PATRICK MALONEY

TENNIS

*Advised on an agreement for social media advertisements*



### ZACK MARSHALL

FOOTBALL

*Counseled on an agreement with a marketing agency*



### NAOMI MORRISON

GYMNASTICS

*Negotiated a contract for an appearance in a national sports apparel brand's commercial*



### JILL SMITH

LACROSSE

*Reviewed a sponsorship agreement for a lacrosse equipment company*



### KAITLIN "KEKE" THOLL

SOFTBALL

*Reviewed an NIL agreement for clothing products*





# THE DEALS

*Student-attorney Emily Gaudiani, pictured above speaking with the U-M softball team, says looking at NIL through an equity lens presents several questions, including how to support female student-athletes. Below, she and Andrew Watson, '23, make their presentation to the water polo team.*

The variety of deals that a student-athlete can make is limited only by their imagination. For example, a softball player can organize a summer camp or a tennis player can teach lessons, all using their name, image, and likeness.

"Probably the most common source of income I see is from social media endorsements," says Davison. Student-athletes use INFLCR, a content platform that also allows them to understand the value of each of their posts based on the number of followers they have and their interactions. According to Davison, U-M led the country in 2022 in transactions reported and had the largest local exchange—a network of businesses and individuals registered to engage in NIL deals—of all the INFLCR schools in the country.

"I will say with Gen Z, you see a lot of people wanting to be influencers. And so now we're seeing more student-athlete influencers. We've also seen a lot of paid appearances, autograph signing sessions, Cameo videos," Davison adds. Cameo is an app that allows people to pay athletes and celebrities to send personal messages to others.

"They really leave it up to you to be creative with what suits you best," says Wojcik of the clinic. "And they're just really supportive in that process."

Students also work with businesses like M Den on item sponsorship. In fact, many local businesses are big Michigan supporters and want to help students, says Davison. Toward that end, they can reach out via a platform called Victors Exchange, which currently has more than 165 businesses registered.

"Once they're registered, they can use the technology that's available to message student-athletes directly," says Davison. "They can also disclose, which is required by state law, the deals on the platform. And they can pay student-athletes directly through the platform."

One area where student-athletes need to tread lightly is how they display the University marks, including the Block M.

"They're always wearing their team gear," says Gaudiani, "so they need to make sure that they're staying on the right side of those rules."







# THE CHALLENGES

One challenge of the Zell team—which includes Giordano Silvaggi, '23, Santiago Diaz-Sejido, '23, and 2L Adriana López-Torres, who took the reins from Watson and Gaudiani during the winter term—is the fact that NIL laws are so new, with very few precedents.

“We are working in this gray space,” says Sadek. “There’s no black-letter law that makes it easy to say, ‘This is the answer.’ So we have to use our judgment as lawyers and really issue spot. It’s been a lot more complicated, but that makes it fun.”

**THERE’S NO BLACK-LETTER LAW THAT MAKES IT EASY TO SAY, ‘THIS IS THE ANSWER.’” —TIFANI SADEK**

The flip side to that challenge is knowing that they are on the cutting edge of a new area of the law.

“There are not a lot of things in the legal world where you can be at the cutting edge,” says Watson. “As a clinic, we probably have more knowledge than most people about NIL just because it’s not that well known a subject.”

Equity issues are a concern also. Since the inception of NIL, much attention has focused on major deals for highly visible athletes—usually male—in sports like football and basketball. However, Sadek says that the clinic must keep Title IX issues front of mind.

“We want to make sure that we’re servicing all of our teams equally.”

Additionally, not all athletes will generate million dollar deals.

“There are two ways to look at NIL,” says Gaudiani. “There’s the way that is big and flashy. And then there’s the way that is less flashy but really important.” She says that looking at NIL through an equity lens presents several questions: “How do we support female athletes? How do we support athletes who are in sports that are less ‘big market’?”

She sees the Zell clinic being able to help answer those questions.

“We’ve seen student-athletes who are able to capitalize on NIL because of their personality, their social media presence, their marketing savvy, or any number of things,” she says.

“We also have an opportunity to teach these students how to create value outside of their sport. We are trying to teach them what it means to be an entrepreneur and what it means to think critically about business strategy, branding, and how they can monetize skills.”

In the few months since the clinic’s NIL program began, the athletes are absorbing those lessons.

“I’m really grateful for the time that every member of the Zell clinic pours into helping student-athletes,” says Wojcik. “We understand that they’re very busy with their own studies, so the fact that they’re willing to take time to support us, be a resource and provide education for us, and be as accessible as they are is something that I’m really grateful for and something that has helped me a lot in my NIL journey.”



# THE BUSINESS *of* COLLEGE SPORTS

BY SHARON MORIOKA

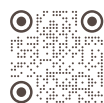
**N**

ame, image, likeness (NIL)—three words that have created enormous changes for student-athletes and collegiate sports. While the concept of NIL, sometimes jokingly referred to as “Now It’s Legal,” has been increasingly in play in recent years, the US Supreme Court’s June 2021 ruling in *NCAA v. Alston* focused attention on student-athletes earning compensation in a variety of ways, including licensing their name, image, and likeness.

These developments have complicated discussions around how universities should approach the fundamentals of scholarships, academic achievement awards, and implementing NIL while continuing to preclude outright pay for play. Many continue to question whether students should be allowed to earn any compensation in college athletics. As with other new and emerging areas of law, significant implementation and compliance challenges are yet to be revealed and solved.

We spoke with two Michigan Law alumni—one historically in favor of and one against compensation for student-athletes—who have engaged on this topic over the past several years in friendly debate with each other.

*These interviews have been edited for length and clarity.*



**ONLINE EXTRA**

Scan the QR code to read more about *NCAA v. Alston* in the winter 2022 profile of Linda Coberly, '95.



PHOTO BY LAURA EMBRY/SDD-TIZUIMA PRESS

**T**ODD ANSON, '80, serves as vice chair of the Central Michigan University (CMU) Board of Trustees and is managing member of Anson Family Holdings LLC. A leader in the group that encouraged Jim Harbaugh to accept the position of head football coach at U-M, Anson has helped in the development of NIL platforms, known as collectives, for both CMU and U-M. The latter, called Hail! Impact, launched in March and aims to provide student-athletes with financial opportunities. Anson strongly supports the movement to allow student-athletes to share the economic pie, which he believes is more fair and levels the playing field with programs that don't follow the rules. But he sees room for improvement in its execution and hopes to see more structure imposed around NIL.

### When did we start to see big money flowing into college athletics?

The Big Ten's formation of the Big Ten Network in 2006 cascaded across college athletics and resulted in huge TV money flowing toward the schools. The five major conferences found that this radically ramped up the revenues coming into the universities for football and basketball. At U-M, the TV revenue has risen dramatically since 2006, to more than \$50 million per year. The business of distributing and broadcasting these games is one of the most profitable things right now in the media space, and the NCAA and schools do not share the wealth.

Schools primarily spend money on salaries for coaches and on facilities. Some NFL teams don't have training facilities that are anywhere close to what a top-flight college program has. The universities' commitment to investing that TV money in coaches and facilities is how they compete for student-athletes. But coaches have benefitted the most.

It's been so unfair for so long to the student-athletes. In professional sports—the NBA, MLB, NFL, and NHL—the athletes, the talent on the field, get half of all revenues from the sport. In college football, it's probably less than 1 or 2 percent because the only value that the student-athletes are getting out of it is their scholarships. There's a maximum of 85 full-ride scholarships on a football team.

### What are the current rules and regulations around NIL?

What we have are more than 30 state statutes [as of mid-May] that strongly encourage and support NIL opportunities, making it illegal for those who control student-athletes to block their access to those opportunities.

The NCAA rules underneath are, one, no pay for play and, two, no improper inducements, which means you can't pay an athlete to come to your school. You can pay them once they get there. You can't have a linkage between the payments and their performance. So if an athlete quits a sport after you've signed her or him, you still have to pay for them that one year.

But there is a lot of chaos right now. For example, the University of Florida signed a quarterback by the name of Jaden Rashada in December 2022. He received a \$13.85 million NIL package, which quite clearly seems to be an improper inducement. A player cannot know what his or her NIL package is going to look like before they attend the school. But the fundraising blew up before he even got to the University of Florida. [Rashada has since committed to Arizona State.] So we're at this really awkward time for everybody.

### How do you suggest that universities impose more order?

I've long been a proponent of a structure whereby the coaches are held contractually accountable for rules violations that occur on their watch. That includes a potential clawback of some, or a substantial portion, or all of the coach's salary back to the dates of the most significant violations.

So coaches should be expected to sign an employment contract that says their compliance with NCAA rules will be mediated or arbitrated, and everybody agrees to subpoena power. That would be the biggest measure to ensure the integrity of NIL platforms. And it would be something the NCAA would do. Unless we address that, I'm not that optimistic that we're going to be sailing in calm NIL seas.



You are participating in developing collectives for NIL, which pool donor money to finance opportunities for student-athletes. Is that a possible solution to some of the current problems?

I've been involved for the last year and a half in creating a nonprofit collective that empowers student-athletes to work for local charities. That work has merged into Andy Johnson and Chin Weerappuli's Hail! Impact. [Johnson and Weerappuli are U-M alumni.] We expect the steam, the heat, and the initial thrust to be football, but this is a platform that supports every Michigan sport.

Everyone will benefit from Hail! Impact. It elevates local charities with engagement and funding. And the student-athletes get a stipend by making appearances at fundraisers, doing things with kids, and so on and so forth. It also has a deep educational aspect for the student-athletes, who learn about financial planning, saving, investing, and branding—all the things that business people have to be aware of.

So this is a separate organization, independent of the University?

Yes. Universities have to be careful because there has to be separation from collectives like this. There's got to be distance between the two. The whole point of NIL is that third-party money flows to the athletes. It is a clear NCAA violation to have a situation where the university owns or runs NIL.

Do you anticipate that the rules around compensation for student-athletes will evolve over time and that we'll get past the "chaos"?

I think they're going to evolve as to NIL. They haven't ripened yet; we don't even have a full set of rules. It's literally still a new frontier.

**GREG CURTNER, '70,** is a partner at Riley Safer Holmes & Cancila, where he has represented the NCAA for more than 20 years. He has studied and written articles about the antitrust implications of compensating student-athletes, including a widely read op-ed in *The Hill*, "Ending amateurism would be disastrous for student-athletes," published in 2021. While the NCAA is a client of the firm, Curtner stresses that his responses below are his personal take on NIL, not the NCAA's.

You have extensive knowledge of antitrust cases related to compensating student-athletes. What is the difference between NIL and pay for play?

NIL licensing raises one set of issues while compensation for services, or pay for play, should be a different set of issues. I try to maintain that distinction.

A lot of the analysis in these cases turns on whether the antitrust laws require compensation for services. And yet, other times they're addressing NIL as the property interest. Judge Claudia Wilken, the district court judge in the *Alston* case and the earlier *O'Bannon* and *Electronic Arts* cases, used NIL as a jumping-off point but then broadened the analysis to compensation in general.

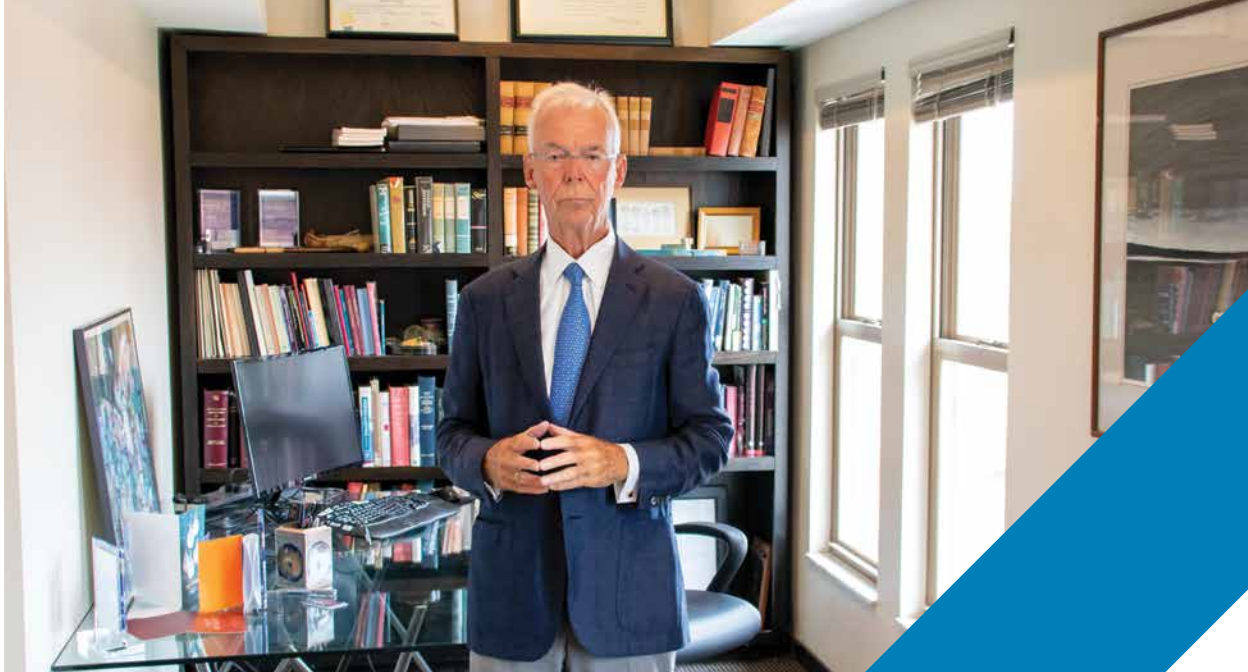
Now that NIL deals are becoming common, what is your impression?

It's clearly open hunting at some schools. There are people linking NIL, either explicitly or implicitly, to recruiting a student-athlete to come to a particular school. [See the Jaden Rashada example, previous page.]

Not only is there opportunity for corruption in recruiting, there's also substantial opportunity for exploitation of young people. Having a sophisticated commercial advertiser or promoter negotiating with a high school kid seems unfair. They fall for a big number, and it turns out that is not always to be true. The NCAA is likely to take some enforcement actions.

Will the fact that most states have passed NIL laws help with problems like that? Does the NCAA have a role?

I don't think state-by-state regulation is a good solution after high school. The NCAA has managed for many years to live with state laws. It usually finds a way to have its voice heard. But many people think that the only real solution is for Congress to set the rules. And maybe that's where we're going. I think that's where the NCAA is going. But we all know that there is no telling what Congress will do.



### You've written about the value of amateurism in college sports. Why is that?

Amateur competition is really a wonderful thing. It's an important part of why we are drawn to this form of competition. Competition for the sake of competition, which is what amateurism is, is a beautiful aspect of being human.

Some preservation of amateurism also supports team unity. It used to be that the team, whether it was the star quarterback or the reserve lineman, all got the same scholarship and non-scholarship players could earn a scholarship. We are at risk of losing that unity when the star quarterback is getting millions and the reserve lineman is getting tuition, room, and board. As Bo Schembechler always said, "The Team, the Team, the Team."

If you talk to people who have been student-athletes, years later most will say that was the best experience of their life. They've been successful in business, or in whatever else they have done, because of the discipline that they learned as a student-athlete and the network of friends they made.

My personal view is that amateurism is still an important value and that we should not professionalize college sports more than we already have. Perhaps we have gone too far already.

### Can NIL and amateurism coexist?

There's a model that I think the NCAA could consider where you might have some conferences—the Big Ten and the SEC, for example—where all the players receive scholarships that are more or less unlimited and NIL deals are more or less unlimited. And you may have other conferences where they maintain a distinct amateur nature. The Ivy League has a version of that, which works pretty well. And there may be leagues, like the Mid-American Conference, where something like half of each team are allowed to be professionals.

To me, and I may be alone here, that might preserve the essence of amateur sports. Most people are only talking about how to compensate more while trying to avoid outright pay for play.

### We can't lose sight of academics. College is about academics, after all. Where does that fall in this discussion?

The NCAA for the last 20 years has worked vigorously to try to engage in academic reform, to restrict athletic dorms, "jock classes," and the like. Now each team has to have a certain Academic Progress Rating or they can't participate in postseason play. Eventually, if they don't measure up, they lose scholarships. That motivates coaches, right? While "one and done" still happens, an entire team can't be composed of athletes who aren't also students. Graduation rates have gone up for men, women, and Black athletes. I don't think the NCAA gets enough credit for that.

I've spent a lot of time with James Heckman, a Nobel Prize-winning economist, on these kinds of issues. We obtained two sets of data from the Department of Education that had a huge amount of information over two different seven-year periods with some 13,000 students, both student-athletes and non-student-athletes. And real progress has been made on academics.

### It sounds like you regret the direction that NIL is taking athletes, that is, away from their education.

They can say, "I can make a million bucks a year doing ads for Gatorade. Why should I go to Econ class?" And they may be right. After all, Bill Gates dropped out because he thought he had a better path. But for most people, staying in school and getting a degree is a good thing for the rest of their life.

Yet some still are leaving school early to go pro. If you're good enough to go pro, you're going to be tempted, but only a few are that good.

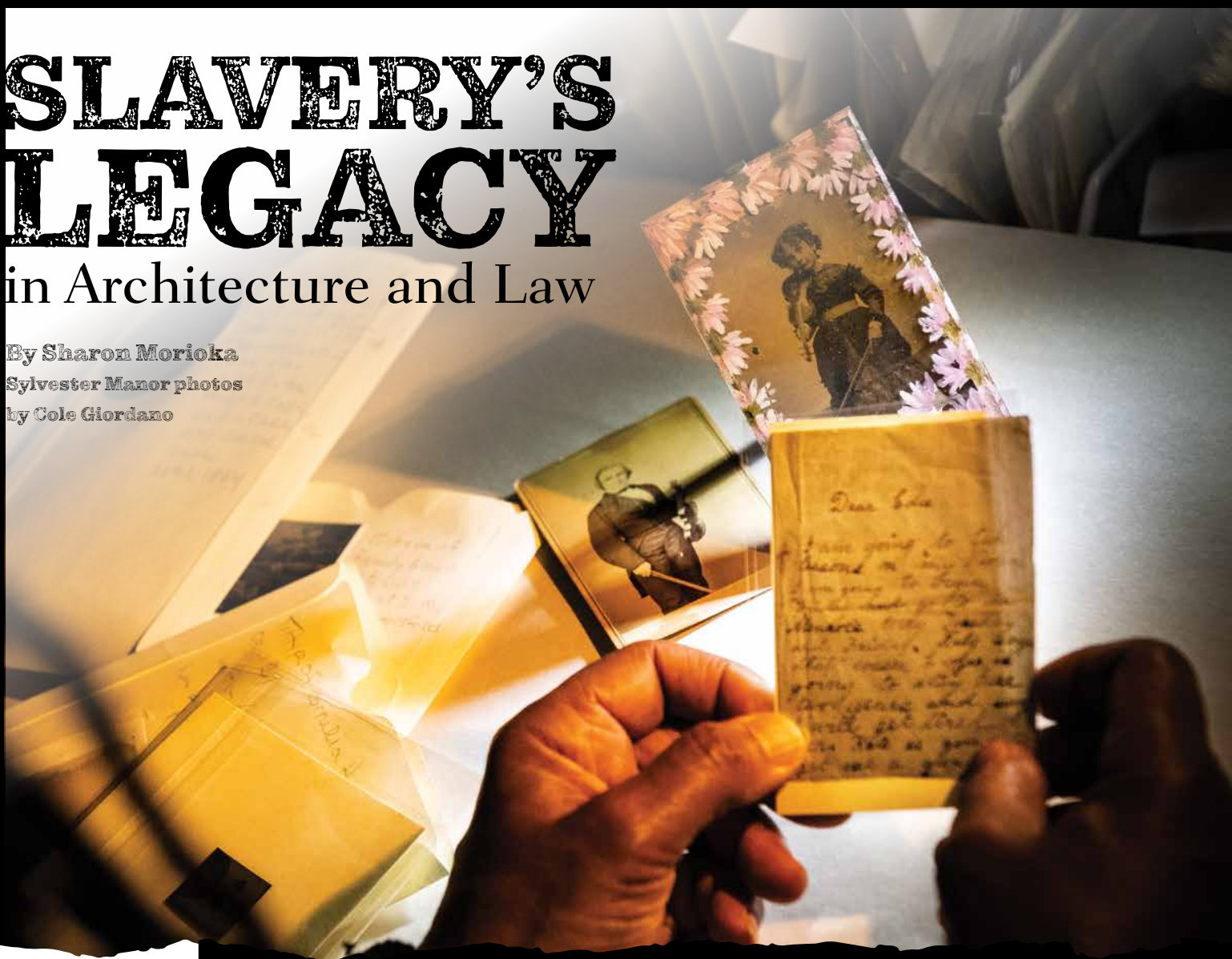
Some people have said that NIL cuts the other way on that. And I think we're seeing some evidence of that as well. If someone is making \$100,000 on the side in college, why do they need to go pro? They might as well stick around, get an education, and collect money while they can. There may be a hidden benefit: NIL is making staying in school longer more attractive.

But it also puts money more squarely in the middle of everybody's aspirations.

# SLAVERY'S LEGACY

in Architecture and Law

By Sharon Morioka  
Sylvester Manor photos  
by Cole Giordano



**Far along** the eastern end of Long Island and situated on the ancestral lands of the Manhansett people lies Shelter Island, a place of singular beauty with its salt marshes, woodlands, and coastal dunes.

Inland from the bays that surround the island is Sylvester Manor, a plantation whose history precedes the American Revolution. Starting in the mid-1600s, it served as a provisioning plantation—sending food, timber, and other supplies to a sugar plantation in Barbados.

Today, Sylvester Manor is a public historic site and educational farm that welcomes all to see the past from its particular perspective.

Among those who toured it last fall were several students, including from Michigan Law, who are studying the plantation's history: Slaves built and worked at Sylvester Manor until the last person was freed in 1820—seven years before slavery ended in New York.

The students' project, though, relates very much to the present. It provides context about the prevalence and persistence of slave labor in the supply chain and the built environment.



## LESSONS FROM THE PAST

While the 13th Amendment emancipated slaves in the US, forced labor continues in this country and around the world, including the exploited workers who built the stadiums in Qatar for the 2022 World Cup and the Uyghur Muslims in western China who mine polysilicon for use in solar panel production.

These recent examples, and those dating back to the plantation era, figure into discussions in *Slavery and the Built Environment*, a class taught by Luis C.deBaca, '93, professor from practice at Michigan Law.

"How do we confront these ongoing legacies of slavery?" asks C.deBaca, who teaches in collaboration with Phillip Bernstein, associate dean and professor adjunct at the Yale School of Architecture. "Also, if we're spending so much time and effort calculating embedded carbon in a building, how can we start to understand embedded suffering in a building?"

For the past two academic years, C.deBaca and Bernstein have taught a group of students from Michigan Law and other U-M graduate schools as well as law and architecture students from Yale University. The class is part of Michigan Law's Problem Solving Initiative (PSI), in which students work in multidisciplinary teams to develop creative solutions to complex social dilemmas.

"The diversity of perspectives we had was so vast, so the experience was incomparable," says Sandy Sulzer, '23, who was part of the fall 2021 course. "The practice of law in the real world always occurs in partnership with a client, whether it's a group, an individual, a movement. And so we were given the real-world skills of working across those disciplinary boundaries to solve problems together."

While most PSI courses span a single semester, the slavery course has had two iterations. During the fall 2021 semester, students examined the historical narrative of monuments in this country, including those with

racist legacies. Students in fall 2022 examined the history of Sylvester Manor to better understand how land use and regulation of supply chains have been shaped by slavery and its legacies.

"We're confronting a tough idea in each class," says C.deBaca. "And we develop problem-solving tools to confront that tough idea."

Toward that end, each class wrote a final report that they then handed off to an architectural design studio at Yale, whose students used the document as a brief to develop a proposal during the following winter term. For the monuments class, they created a framework for a proposed slavery memorial in Washington, DC. For the plantations class, they looked at the plantation logics of extraction, erasure, and parcelization/enclosure at a number of sites around New York, including Seneca Village (which dispossessed a Black community to make Central Park).

In addition to the final documents and design projects, the class provided several takeaways for students, says C.deBaca.

"First of all, there's a deeper appreciation that the legacies of historical slavery are not simply echoes of the past, but there are continuing logics of slavery in our environment, in our law, in our practice. The other thing is that students are going to know more about material supply chains than most people in the country. A third thing is they're coming out on the leading edge of a suddenly expanding practice field."



*Professor Luis C.deBaca taught Slavery and the Built Environment in fall 2022, a Problem Solving Initiative class that included students from Yale University.*

PHOTO BY DUSTIN JOHNSTON





## PLANTATIONS

Classes started with students dividing into subgroups and taking a deep dive into a specific topic. The fall 2022 class had four sections: history, law and policy, materials, and the plantation. Students looked at everything from zoning regulations on eastern Long Island to the purposes and logics of a provisioning plantation in the 1640s to the history of the sugar trade.

“Barbadian sugar was ground zero in the development not only of the African slave trade into the British colonies, but also the invention and growth of modern globalized capitalism,” says C.deBaca. “And so developed that idea of extractive capitalism; that is, they are not only extracting things from the land, but also extracting value from people for the growth of a heretofore nonexistent consumer market in other countries.

“With that comes the invention of commercial law, the invention of maritime law, the invention of slave codes in the law. A lot of early property law is flowing out of these enslaved people.”

*Once a provisioning plantation, Sylvester Manor provided lessons to Michigan Law students about the prevalence and persistence of slavery in the built environment.*

Tiffani Banks, a 2L who has a bachelor’s degree in architecture, was among those who toured the plantation last fall and contributed to the plantation section of the final report.

“We focused on how plantations should confront and address their past slavery; how the stories of enslaved people are told,” she says. They also thought through the background, the cultural perspectives, and the intersection of law and history in the project.

That process provided her subgroup with a framework for how different governments are approaching modern-day slavery. For example, the class discussed legislation in California, comparing it with legislation in the UK.

“We also talked about whether it is possible for companies to discover modern-day slavery in their supply chains, particularly when they source materials from other companies,” says Banks. “So it was really interesting from the legal perspective to think not only about what is ideal and what should happen in a just world, but what the practical concerns are and how the legal field can and should work with the construction industry to reduce and eliminate modern-day slavery.”

The class examined two recent laws that address forced labor. In 2016, President Obama signed the Trade Facilitation and Trade Enforcement Act, which banned imported goods made by children or slaves. And in December 2021, President Biden signed into law the Uyghur Forced Labor Prevention Act, which prohibits the importation of products from the Xinjiang Uyghur Autonomous Region of China.

C.deBaca hopes to take the class one step further from academic discussion to practical solutions.

“We’re hoping that some tools grow out of this class that practitioners can use as part of a compliance program.”







# MONUMENTS AND MEMORIALS

The Robert E. Lee Monument in Richmond, Virginia, was removed from its site in September 2021—a controversial response to social justice movements in the wake of the murder of George Floyd. For many in the Black community, the memorial to the Confederate general was a memorial to racial injustice.

The removal proved a relevant, real-time lesson for students in the fall 2021 PSI class, who were studying ways to rethink memorials. Students in the law and policy subgroup sought answers to several questions related to building a slavery memorial on the National Mall in Washington, DC.

“If you wanted to build a monument, one of the considerations was where you are allowed to build,” says Sulzer, from the 2021 class. “Also, what are the land use restrictions? What is the zoning situation? Are there procedures in place? Does Congress need to get involved? If so, when and how? What is the role of the National Park Service, who oversees a monument once it’s built? The class taught us pragmatic skills about how to move a problem forward in the real world.”

The class produced a 400-page tome that examined slavery through the lens of architecture, history, law, and systems of labor.

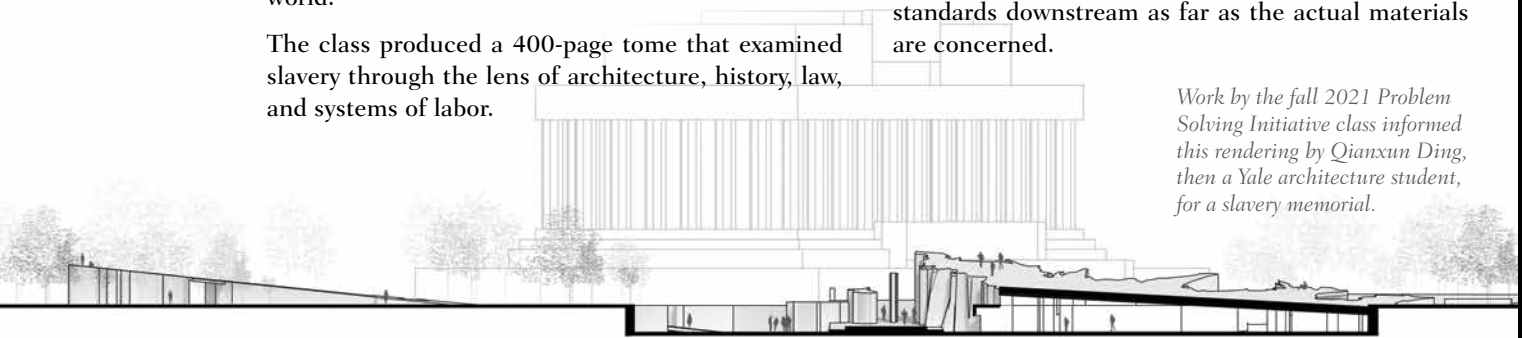
“There was not only thinking as to what a slavery memorial could look like,” says C.deBaca, “but an entire chapter on all the legal and policy restrictions and how to work within that.” The report informed designs by Yale architecture students for their plans for the slavery memorial.

A small group of students in an advanced class, including Sulzer, served as consultants during the winter 2022 semester for the Yale design studio.

The architecture students went on to develop “truly stunning conceptualizations of what a memorial could look like,” says Sulzer. “The ways in which they incorporated the meaning, the history, the culture, the fabric of what we had researched and turned it into something physical and three-dimensional was really incredible.”

When thinking about the considerations for designing future monuments, the PSI students also proposed integrating an “exploitation coordinator.” Much like a compliance officer or a health and safety officer, an exploitation coordinator would look at the labor standards on the job site and at labor standards downstream as far as the actual materials are concerned.

*Work by the fall 2021 Problem Solving Initiative class informed this rendering by Qianxun Ding, then a Yale architecture student, for a slavery memorial.*



RENDERING COURTESY OF QIANXUN DING, YALE M.ARCH '22

# EMOTIONAL EXPERIENCE

As she toured Sylvester Manor last fall, Banks saw the plantation as a student of law.

“This class really hit on all of the topics that are important,” says Banks. “How do we make buildings equitable? How does the law reinforce that? That was something that I felt was really grounding in the project. I don’t think that we could have made the set of recommendations that we did without physically being in that space.”

And as a descendant of enslaved people, she saw the plantation on a very personal level.

“The opportunity to travel to this plantation—to inhabit the spaces that people like my ancestors inhabited and were enslaved in—was an emotional experience.”







# Behind the Bench at the Supreme Court

BY JAMES WEIR

For 20 years, Jeffrey Minear's dealings at the Supreme Court followed a familiar pattern. As a litigator in the Office of the Solicitor General (SG), he would prepare a brief, present argument, and await the ruling—a process he repeated more than 50 times. That all changed in 2006, when a straightforward, if somewhat less predictable, mandate became his daily task at the Court: perform such duties as may be assigned by the chief justice.

Minear, '82, served as counselor to Chief Justice John Roberts Jr. for 16 years, until he departed the Court last October. It was a deeply varied role that provided Minear with a unique perspective into the workings of the nation's highest court.

## A FLEXIBLE POSITION

The 1972 law that established the counselor role at the Supreme Court devotes a mere 13 words to describing the position's specific responsibilities. It gives the chief justice wide latitude in defining the scope of the role and associated staff. (At the time, the position was called the administrative assistant to the chief justice.)

### § 677. Administrative Assistant to the Chief Justice

(a) The Chief Justice of the United States may appoint a Counselor who shall serve at the pleasure of the Chief Justice and shall perform such duties as may be assigned to him by the Chief Justice.

*Excerpt from 28 U.S. Code § 677*

Then—Chief Justice Warren Burger interpreted the role as an expansive one, with the counselor overseeing a large team to assist with all of the chief's responsibilities apart from case decision-making. His successor, Chief Justice William Rehnquist, however, eschewed meetings and bureaucracy and vastly shrank the position and its mandate. Chief Justice Roberts chose a balance between the two extremes.

"When I came on board, the chief justice described his concept of the role as much like a chief of staff or chief operating officer," Minear says. "I would make decisions about what the chief needed to address himself, what things I could handle knowing he had delegated them to me, and what matters could be delegated to others."

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## COLLEGIAL WORKING RELATIONSHIPS

Minear was first acquainted with Roberts when they were both in the SG's office in the late 1980s and early 1990s. But their working relationship deepened after Roberts returned to private practice in 1993, particularly during the antitrust case *United States v. Microsoft*. Minear and Roberts worked side by side in the suit against the tech giant; Minear and the Justice Department's Antitrust Division represented federal interests while Roberts represented the interests of 19 states. Later, they found themselves on opposite sides in a Supreme Court original action involving a major boundary dispute in southeast Alaska.

"In all the work we had done, particularly in the Alaska case, there was a real commitment to moving the cases forward efficiently and professionally. The Alaska case moved much more quickly than your typical original action because we didn't engage in contentious dilatory practices and unnecessary discovery," Minear says. "We both were zealously representing our clients but were doing so with their interest at heart in terms of trying to reach a prompt and lasting resolution."

## NEW ROLE, NEW RESPONSIBILITIES

Roberts reentered government service in 2003 when he was appointed to the US Court of Appeals by President George W. Bush, who nominated him to serve as chief justice two years later. A year into his term, the chief justice called Minear and asked him to serve as counselor. After more than two decades of appellate practice, the job was a significant change in responsibilities, but Minear embraced the opportunity.

"I had become very accustomed to the pace and nature of the work in the SG's office. Working within the Court was a very different environment requiring very different skills. There was a much bigger emphasis on management and administration and dealing with a wider range of individuals than at the SG's office. It was invigorating to exercise muscles that I hadn't used in a while—perhaps my most relevant prior experience dated back to when I was a chemical engineer managing a workforce in a petrochemical plant," says Minear, who spent two years working in Texas between his undergraduate studies and matriculating at the Law School.

Minear chaired a committee made up of the Court's administrative officers—including the clerk, marshal, and public information officer—who are primarily tasked with the daily operations of the Court and its staff of around 500.

"All of the Court's administrative officers and their staffs were very capable, so much of my work involved coordinating their efforts and finding opportunities for innovation, often in operations that people don't see, such as budget, security, human resources, and information technology," Minear says. "Everything was very much a team effort."



*Jeffrey Minear, '82, held the Bible as Chief Justice John Roberts Jr. administered the oath to Associate Justice Elena Kagan in 2010.*

Beyond serving the chief justice and managing Court operations, Minear often represented the Court to external entities. He helped coordinate the chief's responsibilities as chancellor of the Smithsonian Institution, and he organized meetings with foreign dignitaries and informational exchanges with foreign courts. He also liaised with the legislative branch on budget issues and with the executive branch on matters related to the deaths of Justices Scalia, Stevens, and Ginsburg and the retirements of Justices Souter, Kennedy, and Breyer.

## PRESIDING OVER AN IMPEACHMENT

When it became clear that the US House of Representatives would vote to impeach then-President Trump, Minear worked with the chief justice and others at the Court to prepare for the proceeding in the Senate.



While records of the two previous presidential impeachments provided some guidelines, the Senate rules are arcane and leave room for interpretation, requiring analysis of both history and law.

Minear had the benefit of having worked on the one impeachment case that reached the Supreme Court—*Nixon v. United States*, which involved a judicial impeachment that raised questions about legal challenges to the congressional process. He worked closely with then-Solicitor General Ken Starr and then-Deputy SG Roberts in authoring the Supreme Court brief.

“The first step in preparation was to go to the library and get the records from the prior presidential impeachments,” Minear says. “We also met with the Senate parliamentarian, who plays a critical role in all matters on the Senate floor, and we met with staff of the majority and minority leaders to discuss how they envisioned the process would go.

“It was a fascinating process. The chief justice took the view that he was the presiding officer but not the ultimate decision-maker. The Senate was acting as the jury, and his job was to make sure that the process proceeded in an orderly fashion,” Minear says. “I have to say, it was quite a unique experience.”

## ATOP THE JUDICIARY

With more than 30,000 employees and a \$7 billion budget, the federal judiciary is a complex institution. A large part of Minear’s role was assisting the chief justice in his capacity as the head of the judicial branch.

While each individual court is self-governing and responsible for its day-to-day operations, they collectively are subject to the rules and regulations set out by the Judicial Conference of the United States. That body, consisting of 13 chief circuit judges and an equal number of district judges, is chaired by the chief justice and meets twice a year to consider and implement policy and administrative initiatives throughout the federal judiciary.

As chair, the chief justice is the appointing authority for the more than two dozen committees that make recommendations on specific matters for the conference to consider—ranging from rules governing evidence and court procedures to ethics guidance and facilities management. Minear served as a key liaison during the appointment process and during committee deliberations.

“The chief has both an oversight role and direct involvement with committee work when there are specific issues that require his guidance. I saw my role in this area as making sure he was informed and had his finger on the pulse of what’s happening throughout the US courts,” Minear says.



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“Jeff Minear has exemplified the finest tradition of Court staff, enabling the Supreme Court, and courts across our country, to serve the public efficiently and effectively. He has brought deep knowledge, outstanding judgment, and a tireless work ethic to court management and improvement. I am grateful for the many years he has served so well as my counselor and as an officer of federal judicial administration.”

—CHIEF JUSTICE JOHN ROBERTS JR.  
in a Supreme Court press release announcing Minear’s retirement

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## EMBRACING THE UNKNOWN

While Minear has retired from his role at the Court, he plans to remain active in the law. Most recently, he was appointed to serve on an international arbitration panel related to a water resources dispute between India and Pakistan. The work connects him to his earlier service as an environmental lawyer at the Department of Justice in the 1980s and builds on the international ties he established through his work at the Supreme Court.

The court of arbitration, which first convened in January, was established under the Indus Water Treaty. This international agreement, reached in 1960 through negotiations between India and Pakistan facilitated by the World Bank, allocates water resources from six rivers in the Indus River Basin. The treaty gave each country control of three of the rivers, with conditions and limitations on their respective uses.

“The treaty allows India to build hydropower plants on rivers that flow into Pakistan, subject to strict conditions, and Pakistan has concerns related to certain construction and whether it will affect Pakistan’s own water development plans,” Minear says. “It’s a very interesting problem, and one that draws upon my background not only in law but in natural resources law and engineering, as well as my prior experience litigating interstate water disputes in the SG’s office.”

Serving on an international court of arbitration is not something Minear expected to be involved with, but the time was right to seize a new opportunity, which is



*Minear, pictured on the right with Professor and Dean Emeritus Evan Caminker during a visit to the Law School in fall 2022, remains active in the law after stepping down from the Court.*

something he plans to keep in mind as his career evolves. And while he is subject to the Supreme Court’s bar on former employees doing any appellate work before the Supreme Court for two years, he says it’s possible he will one day return to the Court in his capacity as an appellate lawyer.

“Who knows what the future holds, and that’s the nature of a career in law—you never know what’s around the corner,” Minear says. “You can have a very rich career in public service by taking the leap into unexpected opportunities.”





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# JEFF TITUS CELEBRATES LIFE (ON THE) OUTSIDE

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By Amy Spooner

David Moran contributed details of the case and the subsequent legal proceedings and investigations to this story.

Photos by Leisa Thompson  
Illustrations by Jeff Titus





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**On the first day of spring, Jeff Titus took a walk in the woods.**

It was only fitting: Nature has always been his haven. But the walk on this brilliant, sunny day—albeit with a nip of winter wind still in the air—was different. As sandhill cranes bugled in the distance, he pointed to an incongruous pile on the ground. It was hair—his hair—from when he recently found a spot among the trees to shave his head and long beard after being released from prison. He left it there so birds can use it to build nests.

This was Titus's first spring in the woods in more than two decades.

Titus, a Michigan Innocence Clinic client, was exonerated and released from prison in February. He was convicted in 2002 of killing two deer hunters in a state game area in the southeast corner of Kalamazoo County, Michigan.

The case garnered nationwide attention when two programs shed doubt on his conviction: the 2020 documentary *Killer in Question* by Jacinda Davis and the *Undisclosed* podcast by Susan Simpson.

The Innocence Clinic became involved in 2012 when two Kalamazoo County sheriff's deputies, Roy Ballett and Bruce Wiersema, called to say that the wrong man was in prison for the crime and they knew that to be true because they had cleared him.

"That's a call you just have to follow up on. So we did," says David Moran, '91, clinical professor of law and co-founder of the Michigan Innocence Clinic.

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## A COLD CASE HEATS UP

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Around 5 p.m. on November 17, 1990, Doug Estes and Jim Bennett were found dead a few feet apart with shotgun wounds to the back in the Fulton State Game Area. The wounds were inflicted with different types of shotgun ammunition.

Titus immediately came under suspicion because he had a farm adjacent to the part of the game area where the bodies were found, and he had a history of confronting hunters who had strayed across the property line onto his farm. But the original police investigators, Wiersema and Ballett, cleared Titus because he, too, was hunting that day—27 miles away. Titus's hunting partner and the elderly couple who owned the land where he hunted all confirmed that Titus and his partner did not leave until around 6 p.m. After Titus came home and spoke with the police around his property, he went next door around 8 p.m. to talk to his neighbors.

After several years of investigation, the case went cold, until a team reopened the case in 2000. They decided that Titus—a former military police officer who guarded Vietnamese refugees during the evacuation of Saigon and served on President Nixon's security detail—was the killer and arrested him.

"When Jeff went on trial in 2002, the prosecution's theory was—and I'm not making this up—that Jeff, while hunting 27 miles away from the game area, suddenly began to

worry that some hunters in the game area might trespass on his land. So he sneaked away from his blind, drove home, found two hunters too close to his land, killed them, and then drove back to pick up his hunting partner," Moran says.

By the time the cold case team reopened the case 10 years after the killings, the elderly man on whose farm Titus had hunted had dementia, and his hunting partner had serious memory lapses. At the same time, his neighbor testified that Titus had come over to discuss the killings earlier than originally stated, which would put Titus in the area at the time the bodies were found. In addition, Titus's co-workers testified that he talked a lot about the killings at work, albeit without implicating himself.

At trial, several people testified that shortly after the hunters were murdered, they saw a man who had driven a small car into a ditch near the game area. The man appeared sweaty and nervous and refused offers to help get his car out of the ditch.

"The defense at trial pointed to the 'ditch guy' as the real killer, but to no avail," Moran says. Despite Titus's alibi and the unexplained presence of a person acting strangely in the area at the time of the murders, Titus was convicted and sentenced to life in prison without parole.



## THE INNOCENCE CLINIC GETS INVOLVED

When the Innocence Clinic took Titus's case, they first litigated ineffective assistance claims centering on trial counsel's failure to interview the police investigators who had cleared Titus. The trial court rejected the claims on the ground that anything the original officers had learned would have been excluded on hearsay grounds.

The clinic next began litigating the case on federal habeas. As a student-attorney, Alejandro Montenegro, '15, worked with his clinic partner, Rebecca Eisenbrey, '15, on the petition.

"Since Jeff's wrongful conviction was brought to the clinic's attention by the detectives who originally investigated the double homicide, the case was a perplexing outlier," Montenegro says. "There were still many unanswered questions."

He and Eisenbrey were responsible for reexamining case files from the trial, walking through the crime scene, interviewing witnesses, and interviewing Titus. Ultimately, he and Eisenbrey helped write and file Titus's habeas petition.

"Working on Jeff's case really illustrated how our legal system is unjustly tilted against defendants," Montenegro says.



Jeff Titus pictured after his release from prison with (far left) Professor David Moran and Naomi Farahan and Olivia Daniels, who worked on Titus's case as student-attorneys in the Michigan Innocence Clinic.



## THE "DITCH GUY"

In 2019, documentarian Jacinda Davis and podcaster Susan Simpson started investigating. They soon discovered that a serial killer named Thomas Dillon had been arrested in 1993 for a series of murders of hunters and outdoorsmen in Ohio. Dillon pled guilty to five murders to avoid the death penalty, but he was suspected in several more, including in other states.

And then they found something truly remarkable.

Davis and Simpson discovered that in 1993, authorities in Ohio contacted the Kalamazoo County sheriff, who brought to Ohio two of the witnesses who had seen the man whose car was stuck in a ditch the night of the Fulton State Game Area murders. The witnesses both identified Dillon as the "ditch guy" in live lineups. In addition, one of the witnesses had produced a sketch back in 1990 of the person she'd seen that night—and it was spot-on for Dillon. She also had described the car, which matched the one belonging to Dillon's wife.

Digging deeper, Davis and Simpson learned that Dillon had killed a hunter the week before the Kalamazoo-area killings and another one the week after and that he had borrowed two shotguns from co-workers the day before those killings. (The hunters whom Titus was convicted of murdering had been killed by different kinds of shotgun ammunition.) In addition, a man who was incarcerated with Dillon told the FBI that Dillon had bragged about an occasion when he killed two hunters at once.



Left: An image of serial killer Thomas Dillon.  
Right: A sketch of a person of interest in the 1990 killings of two men at the Fulton State Game Area. (Photos on this page courtesy of the Michigan Innocence Clinic)





Student-attorney Alexis Franks, '23, who was not present the day Titus was freed, saw him for the first time in late March.



## IT DOESN'T ADD UP

Despite all of that evidence, the sheriff had dismissed Dillon as a suspect in the killings near Titus's property. The reason: The office made a simple math error as to whether or not Dillon could have driven to Michigan in time to commit the murders. He could have.

Because of that error, when the cold case team reopened the case in 2000, Dillon was not considered a suspect and nothing about him was disclosed to the defense. The possible presence of a serial killer in the area never came up at Titus's trial.

The Innocence Clinic brought Titus's case—with this new information—to the Michigan Attorney General's Conviction Integrity Unit (CIU) in 2020. Dillon had died in prison in 2011.

Alexis Franks, '23, a student-attorney in the Innocence Clinic, spent two years working on Titus's case and was the primary liaison with the CIU this past year, coordinating video calls between the CIU and Titus. She also received weekly updates from the CIU's director and provided the director with any documents or evidence she needed as questions arose.

Franks also spoke with Titus weekly and encouraged him to remain hopeful, even though progress was slow. In those moments, she was speaking to herself, as well.

"To be honest, I tried not to get my hopes up. There are so many obstacles that can arise before someone is officially exonerated," Franks says.

Titus recalls that Franks, along with her fellow student-attorneys working on his case, Naomi Farahan and Olivia Daniels, had promised that all three of them would call him when there was good news. So as much as he loved talking with Franks, a part of his heart sank any time it was just her on the phone.

Still, "Her voice always uplifted me," Titus says. "She was my lifeline to the outside world."

On February 16, the day after Titus's 71st birthday, Franks, Farahan, and Daniels finally got to make the conference call that they had long hoped to make: The CIU had stipulated to unconditional habeas relief on the grounds that evidence favorable to Titus's defense had been withheld from his legal team.

"Alexis said, 'Jeff, I've got Olivia and Naomi here on the phone with me,' and I just started bawling," Titus says.

After being held for 21 years, Titus was released from prison.

Franks, who wasn't able to be there on the day he was released, recalls, "When I FaceTimed Jeff, I cried with joy."

In Chicago, Montenegro—who worked on the habeas petition and is now an associate at Bryan Cave Leighton Paisner LLP—texted his clinic partner, Eisenbrey, and sent an email to Moran.

Then "I screamed a few celebratory expletives."



## "I CAN'T LET IT EAT ME"

On June 1, Kalamazoo County Prosecutor Jeff Getting announced he is dropping all charges against Titus. He will not face a new trial. As Titus figures out what's next, he is determined to enjoy life. In prison, he began creating greeting cards; he estimates he has made about 20,000. He has boxes and boxes of them—some are sentimental, some are humorous. Many depict wildlife from the woods he loves. His buddy in prison also is an artist; they plan to go into business together when he gets out.

Titus shows his former-Marine stoicism when he talks about the sequence of events that led to his conviction and about his time in prison. "I can't let it eat me," he says. His voice cracks with emotion, though, when he talks about his team of student-attorneys. "My students, they mean the world to me. I just want them to be blessed."

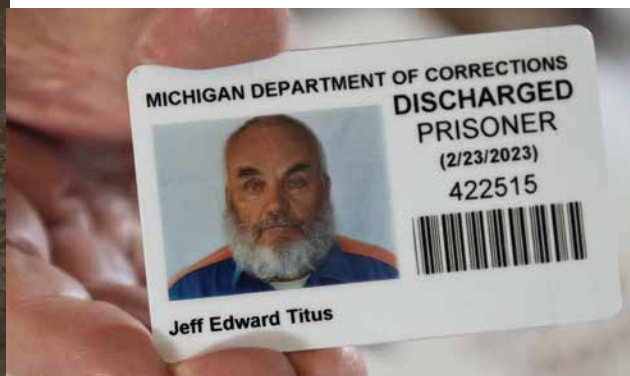
Moran praises the 36 student-attorneys who worked on Titus's case over the span of more than a decade, but he calls Bruce Wiersema and Roy Ballett, the original investigators who first alerted Moran to the inconsistencies in Titus's conviction, "the true heroes in this case." While Ballett died in 2022, his two sons, Jim and Dan, held their dad's police badge as they watched Titus walk out of prison.

And then there's the investigative reporters, Davis and Simpson. They were there on the day Titus walked out of prison, too, and hugged him tightly.

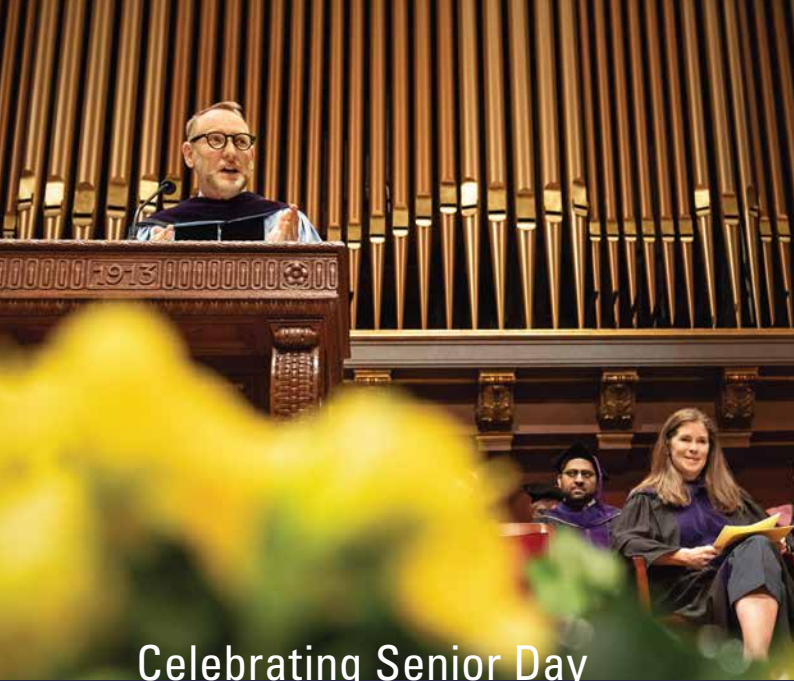
"They had an unquenchable thirst for truth and justice," Moran says. "I could not be more grateful for the work they did to set Jeff free."

For the student-attorneys, their work on Titus's case is much more than a résumé talking point. It's a person whose freedom they couldn't wait to celebrate with him and whose artwork sits on their desks. One whose story and warm smile has stuck with them over the years—as has what they've learned along the way.

"There are too many lessons from my experience to count, but something that always stuck with me is how scary it must have been for Jeff and our other clients to trust us with their lives," says Montenegro. "There is immense responsibility that goes along with that trust, and I won't forget that."







## Celebrating Senior Day

The Class of 2023 and their families and friends convened at Hill Auditorium on May 5 to celebrate Senior Day—a gathering far removed from the start of their 1L year, which began on Zoom at the outset of the pandemic.

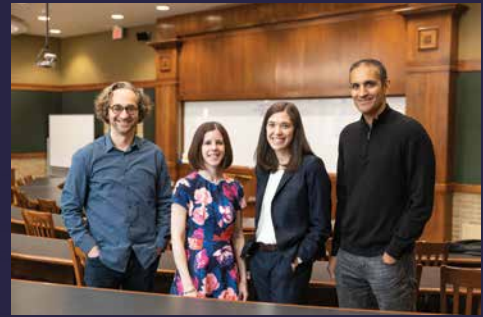
Bridget Mary McCormack (pictured above being introduced by Dean Mark West), president and CEO of the American Arbitration Association and former chief justice of the Michigan Supreme Court, addressed the graduating class: “Law is created by humans who were and are flawed and biased, and if the substantive rule of law isn’t up for the challenges we face, please change it,” McCormack said.

Student speaker Alanna Autler (pictured at right, center), ‘23, saluted her classmates for their hard work and perseverance. “Your gift is that no matter what you’re handed, you take it and make it better. You care about the world, but you also care about each other.”

Senior Day festivities also included a post-ceremony reception in the Law Quad and the Donning of the Kente that morning. During the donning ceremony (right), members of the Black Law Students Association received stoles celebrating their achievement and their influence on the Michigan Law community.







The end of the academic year also meant recognizing student and faculty award winners. Sarah Bender, Gabe Chess, and Nia Vogel received the Henry M. Bates Memorial Scholarship Award; Alexis Franks received the Jane L. Mixer Memorial Award; and Dashaya Foreman, Jeff Gurley, and Will Hanna received the Irving Stenn Jr. Award. (Pictured in the top photo, in front, from left to right: Chess, Foreman, and Vogel; in back, Gurley, Bender, Franks, and Hanna.)



Professor Gil Seinfeld received the 2023 L. Hart Wright Teaching Award. Professors Margaret Hannon, '05, Emily Prifogle, and Vivek Sankaran, '01, received new awards for excellence in legal practice teaching, innovative and inclusive teaching, and experiential teaching, respectively. (Pictured in the bottom photo from left to right.)







## The 2023 Black Alumni Reunion: “Celebrating Our Legacy, Empowering Our Future”

Michigan Law’s Black Alumni Reunion brought together more than 200 alumni and their guests to support, learn from, and celebrate the Law School’s Black community, and to promote the matriculation and success of Black students at Michigan Law. It was the fourth edition of the Black Alumni Reunion and the first to take place in person since 2017.

### EXPERT PANELISTS

In addition to social events, the weekend was packed with substantive programming about critical issues facing society and the legal profession, anchored by a keynote panel about the increase of election denialism and misinformation in Michigan and other states. Khalilah Spencer, ’01, moderated the panel, which had a specific focus on the rights of Black voters in the 2024 presidential election. Spencer is a partner at Honigman in Detroit and the president of Promote the Vote, a nonprofit voting rights organization behind successful ballot initiatives in Michigan in 2018 and 2022.

*“At the election official level, one of the ways that the misunderstanding of the process or the spreading of misinformation makes our lives more difficult is that we have to be prepared for every aspect of the process to, without warning or without expectation, suddenly become the source of conflict or a conspiracy theory.”*

—JONATHAN BRATER, ’11, director of elections in the state of Michigan



*“Engaging the people one-on-one and making people believe that there is a reason to vote matters. I have students and a sister who tell me why ‘it just doesn’t matter.’ There are people out there spending billions of dollars making sure that the people who are in this room don’t vote. They’re not doing that for no reason.”*

—EKOW N. YANKAH, Michigan Law’s Thomas M. Cooley Professor of Law



*“We have a multiracial democracy with a bunch of people who were once on the outside and are not just on the inside now, they’re counting the ballots, they’re elected officials, they’re graduates of great law schools and partners and making sure other people get to vote.”*

—GUY-URIEL CHARLES, ’97, Harvard Law School’s Charles J. Ogletree Jr. Professor of Law

## PLENARY SESSIONS

### After *Roe* and the Future of the Rule of Law

Panelists examined the aftermath of the *Dobbs v. Jackson Women's Health Organization* decision, with a focus on its impact on women, marginalized communities, individual rights, and the rule of law.

**Renee Chelian**, *Northland Family Planning Center*

**Nicolas Kabat**, '17, *Center for Reproductive Rights*

**Lisa A. Martin, PhD** '10, *University of Michigan, Dearborn*

**Michele Coleman Mayes**, '74, *New York Public Library*

**Aracely Muñoz**, *Center for Reproductive Rights*

**Eboni Taylor**, BA '08, MPP '13, *Mothering Justice*

### What the Police?

Saturday afternoon's conversation about the state of policing in the US had a particular emphasis on the laws and policies that govern those departments and grant officers significant discretion, including use-of-force policies, phantom budgets, police unions, and more. Osahon Okundaye, '17, moderated the panel.

**Saul Green**, '72, *Miller Canfield*

**Barbara McQuade**, '91, *University of Michigan Law School*

**Jerika Richardson**, '07, *National Urban League*

## OTHER REUNION HIGHLIGHTS

- A welcome reception at Michigan Stadium
- The 45th annual Butch Carpenter Scholarship Gala, hosted by the Black Law Students Association
- A meet and greet for private practitioners and alumni working in-house for companies seeking to hire outside legal counsel
- Multiple opportunities for alumni to engage with prospective and current students in formal mentoring programs as well as more casual settings
- A Law School update from Dean Mark West and Dana Thompson, '99, clinical professor of law and co-chair of the Law School's Advisory Board on Race and Racism

The Black Alumni Reunion would not have been possible without the support of more than 40 alumni who generously gave their time to help plan the event. It was a truly generational effort, with volunteers from the Class of 1974 all the way through to a pair of current students who served on the programming committee. The co-executive chairs for the Reunion were Elizabeth Campbell, '78, Michele Coleman Mayes, '74, Marty Dunn, '84, and Travis Townsend, '03.



## OTHER SESSIONS

### Health Care Disparities During the Pandemic

**Christopher Burtley**, '15, *Black Leadership Advisory Council, State of Michigan, and DC United*

**Kya Henley**, '16, *Cadwalader*

**Gail Pabarue**, '85, *Henry Ford Health System*

**Claudia Richardson**, *Detroit Health Department*

### Current Issues in Student Debt Relief

**Jenelle Beavers**, '05, *Alvarez & Marsal*

**Charles H.F. Davis III**, *University of Michigan School of Education*

**Daniel Zibel**, '04, *National Student Legal Defense Network*

### Lions at the Bar: Trial Lawyers and Their Greatest Cases

**Harold Kennedy III**, '77, *Kennedy & Kennedy*

**Jamala McFadden**, '01, *The Employment Law Solution*

**Christopher Porter**, '08, *Quinn Emanuel*

### Alternative Careers: The Power of Transferable Skills

**Jenelle Beavers**, '05, *Alvarez & Marsal*

**Rasheeda Creighton**, '02, *Jackson Ward Collective Foundation*

**Adrian Ohmer**, '13, *Kresge Foundation*

### Hybrid Work and Self-care: Managing the Challenges of the Legal Profession

**Alexis Robertson**, '07, *Foley and Lardner*

**Frederick Nance**, '78, *Squire Patton Boggs*

**Tom Grden**, *Michigan State Bar*

**Ron Falls Jr.**, '05, *Fireblocks Inc.*





## Forty Years of Protecting the Great Lakes Watershed and Training Environmental Lawyers

By James Weir

In the early 1980s, environmental law was still an emerging field—environmentalism was continuing to become more prominent in the national discourse, and landmark legislation in the 1970s had provided new legal avenues for environmental advocacy. Michigan Law was established as a leader in related teaching and scholarship thanks to the groundbreaking work of Professor Joseph Sax, who taught at the Law School for 20 years beginning in 1966.

In January 1983, a group of Michigan Law students enrolled in a new practical course in the area of environmental law. The instructor was Mark Van Putten, '82, who had joined the National Wildlife Federation (NWF) the previous summer to establish a Great Lakes regional office in Ann Arbor and to partner with Michigan Law to open an environmental law clinic.

Forty years and hundreds of students later, what is now known as the Environmental Law and Sustainability Clinic is led by NWF attorney and Adjunct Clinical Professor of Law Oday Salim. While it has evolved and expanded, it continues to provide invaluable hands-on learning experience for students, using litigation and other means of advocacy to advance environmental priorities in the Great Lakes region and beyond.

### Protecting a critical watershed

Much of the clinic's work in the early years related to the Clean Water Act (CWA), which became law in 1972. The law primarily dealt with more typical, visible pollutants—untreated wastewater making its way into the water supply, for example. But by the early 1980s, the Environmental Protection Agency (EPA) and states were developing specific limits on toxic substances like dioxins for the first time—limits which, Van Putten and others would argue, didn't adequately protect the Great Lakes watershed.

"Because of long residence times and bioaccumulation in the lakes, the Great Lakes are particularly sensitive to the impact of toxic pollutants," he says. "So a lot of our litigation and advocacy was around ways in which nationwide guidelines weren't good enough for the Great Lakes."

### Strategic advocacy

The clinic's early efforts were often in the administrative context, such as challenging a specific discharge permit for not upholding its terms or for violating state or federal law. These actions were primarily used against the EPA, as well as Great Lakes states, under the citizen suit provisions of the CWA, Clean Air Act, and the Toxic Substances Control Act. And while this approach remains a key tool in environmental advocacy—today's students continue to work on similar matters—the work can also be understood as an avenue to influence broader change at the agency level and in Congress.

"We relatively quickly went from enforcement against individual discharges to the underlying regulations and pressing for those through a set of lawsuits, which ended in a significant settlement where the EPA agreed to convene the states to come up with consistent pollution controls," Van Putten says.

The result of that effort was the Great Lakes Critical Programs Act—a 1990 amendment to the Clean Water Act—which included multiple provisions directly related to the clinic's advocacy, such as comprehensive guidelines for 29 pollutants and enshrining into US law certain elements of a water quality treaty with Canada. Providing students with the opportunity to work on specific matters within a wider context has been an important part of the clinic throughout its history.

"Students weren't experiencing litigation in isolation, but rather as one element in a broader advocacy strategy that involved administrative agencies and legislation," Van Putten says. "The Great Lakes office of NWF became a key player with Congress, and that's where being part of a national organization with 50 years of credibility on Capitol Hill was so beneficial."

For Sanne Knudsen, '02, the Stimson Bullitt Endowed Professor of Environmental Law at the University of Washington School of Law, her work as a student-attorney shaped her understanding of how law and policy intersect, both in private practice and in academia.

"I was able to work on complex litigation that involved a coalition of environmental groups, and we were strategically working on a pattern of cases to motivate the EPA to act in an area it had been neglecting related to nonpoint source pollution," says Knudsen. "It's an experience I still talk to my students about today in terms of how you can use the law to put issues on an agency's agenda."



### An evolving focus

In 1996, Neil Kagan became director of the clinic when Van Putten left Ann Arbor to lead the NWF in Washington, DC. Kagan, who joined the clinic with experience bringing a number of environmental actions against state and federal agencies in Oregon, was eager to continue the clinic's work to influence policy on a wide range of issues, including toxic pollution, nutrient pollution, invasive species, oil pollution, and water diversions.

"We would take cases in the hopes of setting precedent that would alter state and federal policy, and we commented many times on proposed federal rules, including those from the Pipeline and Hazardous Materials Safety Administration" says Kagan, who served as director of the clinic for 21 years. "This became a big priority after the disastrous oil spill in the Kalamazoo River Basin in 2010. We began spending a lot of time suing the federal government to better regulate, and in fact stop, the flow of oil through Line 5 across the Straits of Mackinac."

Ally Beasley, '19, came to the clinic with a background in public health and was interested in exploring its overlap with environmental justice. As a student-attorney, she mostly assisted on matters related to Line 5, "which I always saw as inexorably tied to environmental justice issues," she says. "I spent a lot of my time working through the intricacies of the arguments being prepared for district court. It was also a really cool opportunity to do some of the procedural work you don't necessarily get in the classroom."

Beasley went on to land her "dream job" as a staff attorney at the Western Environmental Law Center after graduating. She says the clinic helped her understand how to apply her public health background within the legal infrastructure related to her current work, which is around greenhouse gas emissions and climate change and the cumulative health impacts of hazardous air pollutants.

### A diverse area of law

One of the great benefits of the clinic is its cross-sectoral nature, which broadens the appeal of the clinic beyond those specifically interested in the climate and related issues.

"There are aspects of environmental law that are tort law, contract law, insurance law, corporate and transactional law, administrative law—it's a great discipline to learn in," says Salim, who became the clinic's director in 2018. "While many clinics represent individuals, we get to represent organizations with varied missions and areas of focus, which means that our students are exposed to diverse topics and get to engage with subject matter experts of all stripes."

The clinic has long been involved with issues around environmental justice, including successful efforts in the 1980s to modify standards related to human exposure to toxic substances in fish. (The original guidelines did not consider subsistence anglers who consume more fish than average; in Michigan, these communities are predominantly Native Americans and people of color.) That work was an early example of the environmental movement's increasing emphasis on equity and justice. The trend continues, and today's clinic is more explicitly focused on these issues as part of its overall advocacy strategy.

"Environmental justice law recognizes that communities who are disproportionately impacted by pollution and natural resources management are probably also disproportionately impacted in other ways," says Salim. "This framework demands that lawyers tackle multifaceted problems with multifaceted solutions by thinking beyond traditional environmental law and also working in housing, transportation, insurance, property, agriculture, and utility law—all of which our students work on."

### Lasting impact

The clinic's legacy is one of effecting significant, meaningful change, and its ongoing value to the environmental movement is a testament to the generations of students and faculty who have played a role.

"When I first started, my naive perspective was that the answer to many environmental problems was to sue the polluters or the agencies and force them to do what they should do," says Van Putten. "I think Oday and the current team represent the realization that the solutions that endure are solutions that a variety of interests have a stake in. It's a move away from the more confrontational model of earlier eras to one where business and other stakeholders have become more open to outside advocacy from groups like our clinic."

## Diverse Perspectives, Shared Values: Rising-Star Professors Litman and Walker Honored by Differing Groups



LEISA THOMPSON PHOTOGRAPHY

*By Bob Needham*

Each year, the Federalist Society honors a young legal scholar who best exemplifies its ideals with the Joseph Story Award. The American Constitution Society does the same with its Ruth Bader Ginsburg Scholar Award. While the two organizations sit at different ends of the ideological spectrum, two recent winners of each honor are on the faculty at Michigan Law.

Professor Leah Litman, '10, won the 2023 Ginsburg Award, which "recognizes an outstanding scholar in the early stages of their academic career who has demonstrated those qualities exemplified by Justice Ginsburg: scholarly excellence, the ability to imagine how society might be more just and more equal, and the determination to use the law and one's scholarship to creatively and strategically make the imagined real."

Professor Christopher Walker joined the Michigan Law faculty last summer from

The Ohio State University shortly after winning the Story Award, which honors a young scholar "who has demonstrated excellence in legal scholarship, a commitment to teaching, a concern for students, and who has made significant public impact in a manner that advances the rule of law in a free society."

While it may be unusual to find winners of top honors from the progressive American Constitution Society and the conservative Federalist Society on the faculty of the same school, Litman and Walker say the situation highlights Michigan Law's collegial atmosphere. In fact, the two have worked together on a number of projects this year, including supporting students applying for clerkships, creating new student fellowships, co-hosting an event for faculty speakers, and teaching Federal Courts. This spring, they discussed their journey from clerks to colleagues and how they have found their intellectual home at Michigan Law.

### WHAT DO THESE AWARDS MEAN TO YOU?

**Litman:** I was really moved to receive the Ruth Bader Ginsburg Scholar Award this spring. Justice Ginsburg was a pioneer and creative thinker and litigator who used the law to advance gender equity and gender equality. I wanted to go to law school because of my interest in gender equity; I actually came to Michigan in part because Professor Catherine Mackinnon is here. So I'm very honored to receive an award that's even associated with Justice Ginsburg.

I was also on the personnel committee last spring, when Chris won the Story Award and when he made the (obviously correct, but also very exciting) decision to come to Michigan. Chris's work has helped people understand how administrative agencies actually work—particularly in the area of adjudication, but also how courts interact with and review the work of agencies more generally. So I was delighted to see his careful work recognized and for him to announce that he was bringing his talents to Ann Arbor.

**Walker:** It was a thrill of my career to receive the Joseph Story Award last March, especially from the Federalist Society, whose mission has shaped so much of who I am as a law professor. Its mission is about more than just ideology. What I have loved about being involved in the Federalist Society is that we care deeply about identifying and examining perspectives and ideas, especially those with which we might not agree at first blush. That's also one reason I was so excited to join Michigan Law, where the rigorous examination of ideas is central to its core mission.

And that's also why I was so excited to see Leah receive a similar award from the American Constitution Society. Leah is such an obvious choice for this award, as she exemplifies the qualities of RBG herself. When you consider these two awards together, it says so much about Michigan Law. This is a place that values the pursuit of knowledge regardless of ideology. Indeed, it values engaging with the best arguments on all sides.



## HOW WOULD YOU DESCRIBE THE ATMOSPHERE OF COLLEGIALITY AT MICHIGAN LAW?

**Litman:** I like to think of Michigan as a place that values people who are really good at what they do. We recognize that one way we will all get better at what we do is by engaging with people who do things differently. That makes for a pretty nice, welcoming environment—and one where people can learn by challenging themselves. Chris exemplifies this spirit. Among the many things he does is to put in a lot of effort to engage with and support his colleagues, particularly junior colleagues. Just to take one example: Professor Daniel Deacon and I presented a co-authored piece on the major questions doctrine at a workshop that Chris and I regularly attend, and Chris gave us really helpful feedback on another way of thinking about the major questions doctrine. And that made the paper better. He helped us better understand the arguments on the other side so that we could better engage with them.

**Walker:** Leah represents the intellectual climate at its best here at Michigan Law. She's one of the loudest progressive voices in the legal academy—on her *Strict Scrutiny* podcast, in op-eds and other writings, and in so many other settings. And yet conservative students love her. Why is that? Because she cares deeply about ideas and deeply about people. She wants the best versions of arguments to be heard and understood, and she wants her students—and colleagues—to be better at what they do. Sometimes that means listening, supporting, and cheering on. Other times, though, that means being willing to express strong disagreement and respect people enough to encourage more critical thinking and even course correction.

## YOU BOTH CLERKED ON THE SUPREME COURT FOR JUSTICE KENNEDY. HOW DID THAT EXPERIENCE AFFECT YOU?

**Litman:** I learned a ton that year and have written (in the *Michigan Law Review*, actually) about how that clerkship informed my work as an academic and a scholar. That's one reason I was so excited to come back to Michigan and help other students and alums be able to gain those experiences too (if they want them!). And as an added bonus, that clerkship is how I first met Chris and got to know him.

**Walker:** I think it's so cool that Leah and I both clerked for Justice Kennedy. Clerking for Justice Kennedy was such an amazing experience for me as a young lawyer. And one of the best parts about being a law professor is to help students pursue their dreams in government and public service more generally. For many of them, that includes a formative judicial clerkship near the outset of their career. I'm so excited to work with Leah and others here to maximize the opportunities students and alums have to pursue those experiences.



## Faculty Celebrate Frier and Whitman



Faculty gathered in March for a pandemic-delayed celebration of Bruce Frier and Christine Whitman's retirements. They are pictured at the dinner with Dean Mark West (center).

*“When I take people on tours of the Law School, they are always impressed with the beautiful glass ceiling over the Commons. That ceiling bathes us in natural light while we view the sturdy granite of our traditional academic buildings all around us. But many years before we built that beautiful new ceiling to let in the light, there was another very sturdy glass ceiling in place at Hutchins Hall that kept us in the dark ages.*

*We were by no means remarkable in this respect, and I certainly don't mean to single us out. Many people were living in the dark ages back then. But we certainly weren't trailblazers either. And I think we all owe a debt of gratitude to the woman who first breached that glass ceiling in Hutchins Hall.*

*So thank you, Chris, for piercing the glass ceiling and braving the headwinds to make the faculty a more hospitable place for women, and for being such a good colleague and friend, not only in the years behind us, but in the years to come.”*

—**Rebecca S. Eisenberg**, the Robert and Barbara Luciano Professor of Law, in remarks to commemorate the retirement of **Christina Whitman, '74**, the Francis A. Allen Collegiate Professor Emerita of Law, who became the first female member of the Michigan Law faculty when she taught her first class in 1976.

*“Bruce has an ability to see an immense body of detail, but to always keep in mind ‘What’s the bigger picture? What’s the most profound question I can ask of these details I’ve found?’ And I find his prose style a model of elegance. There’s a matter-of-factness to Bruce’s style. He doesn’t say, ‘I am going to blow your mind,’ but rather, ‘Let me tell you a story,’ and that story leaves you thinking about the world in a really different way.*

*At one of the country’s great universities, we found a person with the highest caliber intellectual firepower, and we didn’t let his lack of a law degree stand in our way. In fact, it’s a testament to the school that Bruce is one of the more practical people here. Bruce is an extraordinary talent, and we should take a moment to celebrate him today.”*

—Professor of Law **Gabriel Rauterberg** in a toast to **Bruce Frier**, the John and Teresa D’Arms Distinguished University Professor of Classics and Roman Law, in honor of his retirement from the faculty.



## Deacon Named Assistant Professor of Law

Daniel Deacon, an expert in administrative law and communications law, recently was named to a full-time, tenure-track appointment on the Michigan Law faculty. He has been a lecturer at the Law School since 2019. His recent scholarship in administrative law focuses on agencies' decision-making processes and how courts review agencies' decisions.

"If you think about some of the major issues of our day—from climate change to the role of the government in regulating internet platforms to the COVID-19 pandemic—courts play a major part in what agencies do," says Deacon.

One of his recent articles, written with Professor Leah Litman, '10, focuses on the major questions doctrine that the Supreme Court has developed over the last few years and that Deacon terms "a revolution" in administrative law at the Court. The article explores how the doctrine has emerged, what it looks like after the last term of the Supreme Court, and its negative consequences. For example, according to the paper, "The Court's new approach allows political parties and political movements more broadly to effectively amend otherwise broad regulatory statutes outside of the formal legislative process by generating controversy surrounding an agency policy."

Deacon is writing another article about agencies' obligation to consider alternatives to their chosen course of action.

Deacon previously taught at the University of California, Irvine School of Law and Harvard Law School. He practiced at Jones Day and Wilmer Cutler Pickering Hale and Dorr LLP, where he handled matters involving telecommunications and internet regulation, data-breach response, bankruptcy, and other areas. As a lecturer at Michigan Law, he has taught Legislation and Regulation as well as classes about federal courts, communications law, and data privacy.



## Jessup Moot Team Earns Highest-Ever Finish

The Michigan Law team that participated in this year's Philip C. Jessup International Law Moot Court Competition racked up its best-ever raw point score while advancing to the semifinal round of the Midwest Regional at Loyola University Chicago. In addition, two members of the team won oralist awards: Co-captain Frank Sunderland, '23, won the award for second-best oralist while 2L James McDonough won the award for 10th-best oralist. Each of the 14 regional teams had four to five oralists.

Michigan's team also included co-captain Julia Shults, '23, and 2L Emma Wilfong. In addition, 1L Katarina Leskovar served as alternate and of counsel.

"The Jessup team makes Michigan very proud," says Steven Ratner, the Bruno Simma Collegiate Professor of Law. "Our students worked tremendously hard to get this far in the competition. They are great ambassadors for the school and its commitment to international law."

The competition, which models a case before the International Court of Justice, is the world's largest moot court competition. This year's hypothetical case concerned the interpretation of a peace treaty, deadly attacks in allegedly occupied territory, unilateral economic sanctions, and the legal consequences of failing to dispose of hazardous waste properly.

Having four very complex, interplaying issues was a great learning experience for the team, says Sunderland.

"I found it to be incredibly helpful because you apply the concepts that you learn about in international law class—how they work in state conduct, how states interact with each other, and the decisions they choose to make. Plus, at least for the topics that the Jessup problem deals with, you're going into so much detail. It improved my understanding of how the law of war works."

## Student Orgs Celebrate Outstanding Students

The Law School's affinity groups held their annual banquets during the winter semester to celebrate another year and to award scholarships and fellowships to second-year students in the community.



The **Black Law Students Association** held the annual Butch Carpenter Banquet on March 25, in conjunction with the Black Alumni Reunion. The winner of the Butch Carpenter Memorial Scholarship is Jalen Rose (right), who is pictured with runners-up Kamryn Sannicks and Braxton High. Rose is working with the Federal Public Defender Program in Chicago this summer.



Lora Zuo (center left) and Sarah Choe received the Public Interest Fellowship at the annual Origins Banquet, hosted by the **Asian Pacific American Law Students Association**, on March 24. They are flanked by past recipients Matthew Feng, '23, and Zainab Bhindarwala, a rising 3L. Zuo is spending the summer at the Northwest Immigrant Rights Project in Seattle, in the Naturalization Unit. Choe is a summer law clerk in the Public Defender Service for the District of Columbia, serving in the Special Education Division.



The **Outlaws Gayla** on February 18 featured a keynote address by Michigan Attorney General Dana Nessel, who is pictured with Rory Peters, the recipient of the Kevin E. Kennedy Memorial Fellowship. Peters is a summer intern at the Legal Council for Health Justice in the AIDS Legal Council Program.



At the Jenny Runkles Banquet on March 11, sponsored by the **Women Law Students Association**, Professor from Practice Barbara McQuade, '91, presented the Jenny Runkles Memorial Award to Emmy Maluf (center) and Jessica Nelson (right). Breezy Adams, who was not able to attend the banquet and is pictured separately, also received

the award. Maluf is spending the summer with the ACLU Voting Rights Project in New York. Nelson is working at Community Legal Aid in Springfield, Massachusetts, this summer.



Liliam Clavijo Hernandez, Vivian M. Fernandez, and Daniel Roque-Coplin were the recipients of the Juan Luis Tienda Scholarship from the **Latino Law Students Association**. Clavijo (left) and Fernandez received their awards at the Tienda Banquet on March 31. Roque-Coplin is pictured at an end-of-semester ceremony for the Law School's student award winners. This summer, Clavijo is a civil rights litigation clerk with the Public Rights Project, Fernandez is a summer associate and 1L Diversity Fellow in the New York office of Milbank LLP, and Roque-Coplin is a judicial intern on the US District Court for the Southern District of New York.



## ABA Honors Three Faculty

The Administrative Law and Regulatory Practice Section of the American Bar Association has recognized three Michigan Law professors.

Christopher Walker received the Section Fellow Award for his contributions to administrative law. Walker, a professor of law, served for seven years on the governing council of the section. During his year as chair, he oversaw the launch of the ABA Program for Prospective Administrative Law Scholars. The program aims to diversify the pipeline of candidates from administrative and regulatory law practice to the legal academy. Also the section launched a YouTube channel that provides recordings of many webinars to the public free of charge. In addition, Walker led the section's efforts to launch the *Notice & Comment* blog, a collaboration between the section and the *Yale Journal on Regulation*.

"I am so honored to be named a fellow of the ABA Administrative Law Section," he says. "It has played such an important role in my career and life as an administrative law scholar and practitioner."

Julian Davis Mortenson and Nicholas Bagley received the Award for Scholarship in Administrative Law for their paper "Delegation at the Founding," which appeared in volume 21 of the *Columbia Law Review*. The award annually recognizes work that provides a new and timely insight into a current issue of administrative law and a new theoretical construct that will aid in the understanding or development of administrative law—or will develop a practical solution for a problem of administrative law. Previous winners include US Supreme Court Justices Stephen Breyer and Elena Kagan.



Christopher Walker



Julian Davis Mortenson



Nicholas Bagley

Mortenson and Bagley's work refutes the claim that the Constitution was originally understood to contain a nondelegation doctrine—in other words, that Congress cannot delegate its powers to others. "The Founding generation didn't share anything remotely approaching a belief that the constitutional settlement imposed restrictions on the delegation of legislative power—let alone by empowering the judiciary to police legalized limits," reads the paper. "To the contrary, the Founders saw nothing wrong with delegations as a matter of legal theory."

Bagley, a professor of law who also received the award in 2007, recently returned to the faculty after serving as chief legal counsel to Michigan Gov. Gretchen Whitmer. He concentrates his research on health care law and is a frequent contributor to *The Incidental Economist*, a health policy blog. Mortenson, the James G. Phillip Professor of Law, is an active litigator as well as a scholar and teacher who specializes in constitutional and international law.

"It's an extraordinary honor—seeing this feedback from our peers is pretty special," says Mortenson. "I'm lucky to have gotten to co-write with Nick."

## Can Transportation Technology Combat Forced Labor?

Transportation technology can create both new risks and new opportunities to fight the problem of forced labor, according to panelists at the Law School's Law and Mobility Conference in March. The conference's goal was to consider how emerging technology in the transportation sector affects the systemic issues that leave some individuals at risk of forced labor and human trafficking.

"Access to transportation is access to all other resources," conference organizer and Law and Mobility Fellow Brittany Eastman noted in her opening remarks.

One session explored issues of forced labor in transportation supply chains. "Technology is a solution and a problem simultaneously," said Professor from Practice Luis C. deBaca, '93, an expert in the fight against modern slavery. He related how this dichotomy has been true throughout history, as developing technology has enabled forced labor but also provided a way out, such as railroads helping people escape slavery.

Professor from Practice Chavi Keeney Nana spoke about the use of forced labor to produce lithium-ion batteries. She said that regulation and legislation like the Uyghur Forced Labor Protection Act and Section 307 of the 1930 Tariff Act can help address the problem, but active engagement with companies and government is key. One challenge is that companies don't know what's in their supply chains, so responsible corporations need to investigate and remediate any issues, she said.

Another panel examined how advancements in transportation affect the community at large, relating to inequity in transportation infrastructure. The panelists agreed that keeping community concerns in mind is critical to building equitable transportation. The focus on nonusers highlighted how to regulate emerging technologies to narrow the gap of nonuse. "Not everything is a simple commute," noted Valerie Lefler, executive director of the nonprofit Feonix - Mobility Rising.

# A Match Made at Michigan: Couple Supports Scholarship Funds Across U-M

By Chelsea Liddy Pivtorak



Ginny and Peter Gustafson, '70, began their journey together when they met as dance partners in a U-M Winter Weekend student event at Hill Auditorium. Ginny was enrolled in the art and design program at U-M (now known as the Stamps School of Art and Design). Peter had started his studies at Allegheny College in western Pennsylvania and had subsequently transferred to U-M's College of Literature, Science, and the Arts (LSA).

"After first meeting Pete, I went back and told my roommate that I was going to marry him, which is crazy because I can't even make a decision about what to order in a restaurant," says Ginny. "But this was just so easy for me. It's kind of surprising, but it was a great decision—and I still can't think of what to order in restaurants!"

Peter and Ginny were married shortly before he began law school, and Ginny took a job as a designer at an advertising agency while Peter pursued his JD. During his first semester, Peter had anxieties, like many students, about the challenges of law school classes.

"I was worried about falling short, especially studying among so many smart and inquisitive classmates. But somehow it all clicked, and being at the Law School was a wonderful

opportunity with many eye-opening experiences," Peter says. "I was helped by a willingness to think broadly about other viewpoints, reinforced by my undergraduate education at LSA. I probably had a decent degree of common sense and logic as well, which law school sharpened."

"That has been your strength," Ginny agrees. "At the time I told him, 'Don't ever complain and make me nervous again about your ability to succeed.' He was concerned in the beginning, and I worried for him, but he ended up with excellent grades."

Peter graduated from the Law School during the Vietnam War and then served as a Marine Corps judge advocate for four years before entering private practice. He and Ginny settled in a rural area near Grand Rapids, Michigan, on property they have since protected with a conservation easement. Peter spent most of his career focused on business litigation, and later alternative dispute resolution, at Warner Norcross+Judd LLP. He remains of counsel with the firm, retired from active practice.

Longtime supporters of their alma mater, the Gustafsons' most recent gift is directed to the elements of U-M where they feel the most connection: scholarship funds at the Law School, Stamps School, and LSA. They also support the Michigan Marching Band, which brings them great joy. "We owe a lot to our education, and it truly did shape our lives," says Peter. "It's important to set an example and give back to the school that did so much for us, and we want to encourage others to consider supporting the University to whatever extent they are able."

The Gustafsons visit campus as often as possible and have held season football tickets for more than 50 years. The couple's Ann Arbor roots run through the next generation: Their daughter and her family cheer for the maize and blue from their home on Long Island, and their daughter-in-law and son have owned Literati Bookstore—a community staple in downtown Ann Arbor—since 2012.

"Art, music, and the liberal studies are all foundational for an educated populace, which is essential to a free democracy," Peter notes. "The practice of law is especially important as well. Having a great law school advancing a functional, effective, and fair civil justice system to handle inevitable conflicts among people is crucial. We're proud that the University of Michigan is one of the great public universities in the world, and we'd like to help keep it that way."



## New Scholarship Supports First-Gen Students

By Chelsea Liddy Pivtorak

As a first-generation law student from a suburban Midwestern community, it took some time for Susan McKee Pavlica, '81, to find her footing at Michigan Law. During her 1L year, she faced the phenomenon that we now refer to as imposter syndrome. "When I arrived, I was very intimidated by the academic prowess of my classmates. I had gone to a small college in Kansas that no one had ever heard of, and I kept meeting people who went to the Ivy League schools as well as the Seven Sisters. It was outside of my realm of experience," says Pavlica. "At first I wondered why I had been granted admission. When I took my first exams, I received grades that were much lower than I was used to receiving in college. During the first few months in Ann Arbor, I was very concerned about whether I could succeed at the Law School."

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*"Have confidence in yourself. Realize that Michigan is such an incredible school, and you were admitted for a reason."*

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Things began to change when Pavlica began her 1L summer clerkship. She greatly enjoyed the work, and the experience demonstrated that she was learning what she needed to know and that she could hold her own in a legal workplace. She entered her 2L year with a newfound confidence and improved her grades while building strong friendships as part of the first class of women to live in the Phid House.

Recognizing that first-generation students may face distinct challenges, Pavlica established the Wilfred and Roberta McKee Fund at Michigan Law. The scholarship is named for her parents, who supported her law school dreams, and Pavlica hopes to pay it forward to students whose journeys have mirrored her own. "Having lived it, I recognize the extra layer of challenge for a first-generation law student who doesn't have the familiarity with what to expect and who may also face financial difficulties," she says. "My parents were very encouraging, but my dad worked in construction and my mom sold commercial insurance, so they didn't have the background to know what law school was really like. Being able to relieve the financial worry for somebody who's got a little bit of an extra challenge in adjusting to law school is something that I want to do."

After graduating from Michigan Law, Pavlica decided she wanted to try cases and obtained a position at a firm in Wichita, Kansas. She met and married her husband, Charles, during this time, and when he was transferred to Houston, she switched to a boutique firm to pursue appellate litigation—which she found more conducive to starting a family. Following the birth of her son, she began working part time, first for a solo practitioner and then for Mayer, Brown & Platt (now Mayer Brown LLP), where she stayed for six years before retiring from law. Pavlica took a professional break until the family relocated to Colorado Springs, Colorado. Once there, she spent 13 years with Silver Key Senior Services, where she served the aging community until her official retirement in 2020. She and her husband now spend time volunteering, visiting their son, Mike, and daughter, Kathy, and traveling to national parks around the country.

Establishing this fund is a full-circle moment for Pavlica, who offers this advice to current and future generations: "Have confidence in yourself. Realize that Michigan is such an incredible school, and you were admitted for a reason. Law school is something that you *can* do, and you were chosen for this opportunity because somebody recognized that you had the ability to take advantage of the opportunity and to use it to the best of your ability."





## Like Father, Like Daughter: U-M Family Funds New Scholarship

*By Chelsea Liddy Pivtorak*

One of the proudest moments for Ray Kepner, '77, was watching his daughter Sarah Kepner Hamilton graduate from Michigan Law in 2005. Five generations of the Kepner family have attended the University of Michigan, including, most recently, Kepner's granddaughter. In honor of this family legacy, Kepner and Hamilton have jointly established a new scholarship fund to benefit future generations at the Law School.

Kepner practiced as a labor and employment lawyer for nearly 40 years, the bulk of which was spent in Los Angeles. He retired as a senior partner from Seyfarth Shaw in 2016 and subsequently established an independent employment mediation firm, Kepner Mediation LLC.

"I think labor and employment law is such an intrinsically interesting and broad area of practice because it's constantly changing," says Kepner. "All of the issues that we deal with in society at large find their way into the workplace."

Hamilton received her undergraduate degree from the U-M School of Kinesiology and began her career working in nonprofit sports, including with US Figure Skating and USA Hockey. But she wanted to gain additional credentials and further explore different career paths, so she decided to try her hand at the law.

"My parents were both lawyers, and we had tableside conversations about being a lawyer, but I really had no idea what it meant to be an actual practicing attorney," Hamilton says. "I had a fantastic experience as a summer associate with Jones Day while I was attending Michigan Law, and I ended up working in their San Francisco office after law school."

After five years practicing general litigation at Jones Day, Hamilton followed in her father's footsteps and took up labor and employment work. She is now a partner at Constangy, Brooks, Smith & Prophete, where she represents management in employment matters. Even though Kepner is now retired from practicing law, Hamilton calls him a "tremendous mentor" and often takes the opportunity to pick his brain on particularly complicated or novel cases.

Driven by their shared connection to Michigan, Kepner and Hamilton established the new scholarship fund so that future students can benefit from a Michigan education regardless of their financial circumstances. The Raymond R. Kepner and Sarah Kepner Hamilton Scholarship Fund will support students at the Law School who are from California, Ohio, and Indiana—states where the pair have lived and worked.

Both father and daughter recently celebrated milestones on campus: Kepner's 45th class reunion and Hamilton's 15th. Being back at the University of Michigan was a memorable experience for the family, who not only enjoyed visiting the Law Quad and attending a football game but also visited with Kepner's granddaughter, Ellie, currently a student in the College of Literature, Science, and the Arts.

Kepner and Hamilton say they view their scholarship as an expression of gratitude to the University and the Law School for opportunities and experiences provided to their family over many decades.



# Fundraising Effort Connects Michigan Law's Past and Future

By Annie Hagstrom

For Paul and Sylvia Bateman, '80, Michigan Law's Black Alumni Reunion is a chance to gather with their classmates and meet other alumni—and an opportunity to support the next generation of Black students in the Quad.

"We have a great affinity for the University of Michigan Law School and are very appreciative of how it changed our lives," Sylvia says. "We come back to reconnect and feel part of the Michigan Law family."

The Batemans have served as co-chairs for the Black Alumni Reunion's fundraising committee since 2019. They say that it has been an honor to work with fellow Black alumni who served on the Reunion's executive steering committee and, especially, those who served alongside them on the fundraising committee. The committee raised money from more than 60 alumni and corporations for this year's event and for the 2020 Reunion, which was postponed and later reenvisioned for a remote setting during the pandemic.

"Being on the committee gave us the opportunity to reach out to people, and even if they weren't in the position to contribute, it was great to have that conversation and catch up with other alumni," Paul says. "And it was important to us to help because these events don't happen without broad support."

The gifts were used to cover registration fees for admitted and current students, and subsidized reduced fees for recent alumni and those working in the public and nonprofit sectors. The steering committee is also developing plans to use surplus funds from the 2023 event for future outreach and support for Black admitted and current students.

The Batemans choose to stay involved to help empower the next generation of Black students at Michigan Law, and they are grateful for the opportunity to engage with the younger generation—something that was less common when they were in law school.

"For our time at the Law School, we had a relatively large class of African Americans, and it did create a sense of community and belonging," Sylvia says. "We developed friendships with 2Ls and 3Ls who would give us tips and help show us the ropes, but during our first year we didn't have the opportunity to connect with such an expansive group of alumni as now attends the Butch Carpenter Gala, which we plan the Reunion around."

Paul, who participated in the Reunion's mentoring program and is mentoring a current student, agrees. "The opportunity to spend time with newly admitted and current students holds real value, and it's great to meet them face to face instead of over Zoom," he says.

Paul and Sylvia say their experience in Ann Arbor was transformative, and that their education and the relationships they formed in the Law Quad opened doors as they forged successful careers in the law. Most recently, Sylvia was a vice president at Exelon, the largest utility provider in the United States, before her retirement in 2020. Paul is a shareholder and the chief inclusion, equity, and diversity officer at Littler in Chicago, where he practices labor and employment law.

"My parents were working class, and I was thrilled to have the opportunity to get my law school education at such a highly ranked school as Michigan Law," Sylvia says. "New students are coming through that may be like us—this is their first exposure to the law, as they don't necessarily have a lawyer in the family. We want to ensure that they feel welcome and that they can afford to attend."

"These events help us keep that connection to Michigan and to help others thrive," Paul says. "And it's always great to see old friends."



## Fundraising Committee for the 2023 Black Alumni Reunion

- Paul Bateman, '80, Co-chair
- Sylvia Bateman, '80, Co-chair
- J. Danielle Carr, '89
- Chandra Davis, '02
- Marty Dunn, '84
- Shanene Frederick, '19
- Emerson Girardeau, '14
- Christopher Porter, '08
- Kevin B. Scott, '83
- Barron Wallace, '89

## At Michigan Law, Good Times Never Seemed So Good

By Amy Spooner

Even before their first 1L class, Lynda and Joe Zengerle were an anomaly among their classmates.

At home in Washington, DC, they took a call from the Law School's admissions office, wondering why Lynda's enrollment deposit check was doubled. Because men and women were admitted from separate lists, the identical last names and addresses hadn't been noticed. When asked if they were brother and sister, "I said, 'No, we're husband and wife,'" Joe says. "And the dean said, 'I think that's a first in the history of the Law School.'"

The Zengerles, '72, had been newlyweds when Joe, a West Point graduate, shipped off to Vietnam. He recalls arriving in Ann Arbor with Lynda in their secondhand Volkswagen, "Sweet Caroline" playing on the radio. "We had lived an ocean apart. While I was in Vietnam, Lynda was at the State Department in Washington, a city that was burning because of King's assassination. There were machine guns on the lawn of the White House. In Ann Arbor, we felt free."

Thanks to a stroke of luck, they wound up in the same section. They took every class together except one—not by design but because they had the same interests. In those classes, they sat side by side. They befriended many classmates and faculty, too—even participating in a faculty supper club.

Beyond studying and socializing, they sharpened advocacy skills that stick with them today. Upset that bureaucratic delays in discharging him from the Army meant that they weren't able to move to Ann Arbor in time to qualify for in-state residency, Joe unsuccessfully lobbied Law School and University administrators before contacting their state representative.

"We then got a call from the U-M vice president for finance saying we didn't have to write our congressman, they'd be happy to give us in-state status," Joe recalls. "That's when Lynda said, 'We don't want it just for us, we want it for all veterans.'" The administration agreed.

As much as they both enjoyed law school, they had different reasons for being there.

Lynda's was born from watching the mob hurling insults at "the Little Rock Nine," Black students desegregating a white high school. ("Who can stop this?" she asked her father of the protestors. When he replied, "Lawyers," 13-year-old Lynda said, "Then I want to be a lawyer.")

As for Joe, the most impressive woman he'd ever met was going to go to law school. Contemplating his future after returning from Vietnam, "I just wanted to be with my wife," he says, "so I decided to go to law school, too."

While their motivations were different, they have each made their mark on the legal profession.

Lynda worked for Antonin Scalia when he chaired the Administrative Conference of the United States, and he tapped her to write a proposal to reform immigration law. "I didn't know enough to say no," she laughs.

It's a good thing she didn't: The Conference's plenary session adopted her proposal without modification. Lynda then rose through the ranks to become a leader in immigration law practice, most recently as a partner at Steptoe & Johnson LLP in Washington, DC. "Initially I thought of immigration practice as the scourge of the Bar," Lynda says. But Scalia was adamant that she had a natural gift. "He encouraged me to stick with it."







In addition to a vibrant corporate immigration practice, where her clients included Honda, she did high-profile pro bono work, such as aiding Iranian asylum seekers who were in the United States during the 1979 revolution and Chinese nationals in the United States when China cracked down against protestors in Tiananmen Square in 1989.

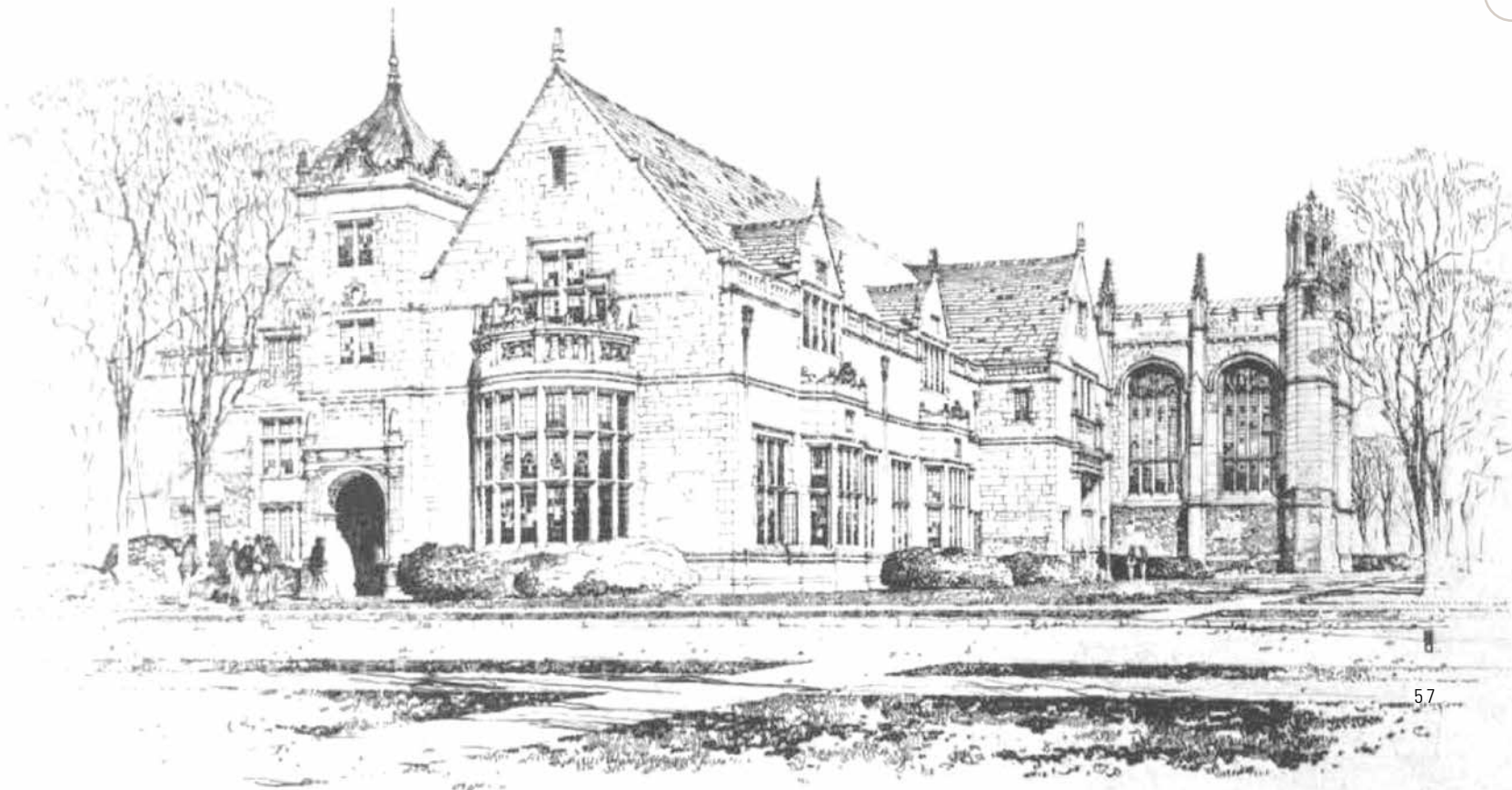
An anomaly at Michigan Law, she became one in practice, too: As she raised her two sons, she first told Scalia, and later a firm's hiring committee, that she wanted to work part time. Later in her career, she often brought her baby to her firm, prompting coverage in *The Washington Post*.

Joe clerked on the US Court of Appeals and the US Supreme Court—opportunities that he adamantly says Lynda should have had—before entering private practice. President Carter nominated him to become the first Vietnam veteran confirmed by the Senate to hold a civilian position in the Pentagon, as assistant secretary of the Air Force. Later he served as executive director of the Legal Aid Society of DC and in 2004 founded the Clinic for Legal Assistance to Servicemembers at George Mason University Law School, the first of its kind.

Now more than 50 years removed from those halcyon days in Ann Arbor, Lynda and Joe remain as steadfast a team as ever—and steadfast supporters of the institution they love. They have been loyal donors to the Law School Fund since soon after graduation, including a large gift in honor of their 2022 milestone reunion. The reason is professional and personal.

“The Law School opened the life of the mind,” says Joe. “It unlocked a voracious appetite to ask and find answers to hard questions.”

In addition, “It was a time in our lives that was truly magical,” says Lynda. “Why do we give? It’s simple: How could we not?”



# I M P A C T

## Alumna Establishes International Scholarship for LLM Students

By Chelsea Liddy Pivtorak

Northern Ireland-born Elaine Johnston, LLM '87, is an accomplished antitrust lawyer with a résumé full of high-profile cases under her belt. She credits Michigan Law with helping to forge her career path—and intends to pay it forward through a new scholarship that will benefit international students.

Johnston thinks of the law as her “first love.” After obtaining her law degree from the University of Cambridge, she initially trained as an accountant and even considered pursuing an MBA. Eventually her affinity for legal matters won out, and she decided to come to the United States to pursue an LLM degree. She earned a Fulbright Scholarship, which covered her travel and living expenses but not her tuition. “Michigan not only accepted me but gave me a full-fee scholarship, which was just incredible to me,” she says. “I had a really fabulous experience. I loved the school and really enjoyed getting to know both my fellow LLMs and also a number of the JD students, many of whom I’m still in touch with. I’ve always felt the school was really good to me.”

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*“The LLM had a very significant impact on my career because it got me back into law and into a practice area that wasn’t necessarily on my radar when I arrived in Ann Arbor.”*

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In gratitude for her time at the Law School, Johnston recently established the Mary Elaine Johnston Scholarship Fund, which will provide support to LLM students. She hopes to give a boost to international students who are unable to access traditional financial aid while studying in the United States. Johnston has given steadily since her graduation, but she seeded the new fund with a larger contribution in honor of her 35th reunion.

Two antitrust law classes during her LLM experience served as the turning point for Johnston’s career. She credits Tom Kauper, the Henry M. Butzel Professor Emeritus of Law, as well as an independent research assignment on extraterritorial jurisdiction, for stoking her interest in the field. “Professor Kauper was one of the best professors I’ve ever had, and I



really loved his classes,” Johnston says. “The LLM had a very significant impact on my career because it got me back into law and into a practice area that wasn’t necessarily on my radar when I arrived in Ann Arbor.”

Johnston lives with her wife, Mary Jacobs, in New York, where she acts as head of the US antitrust practice and co-head of the global antitrust practice at Allen & Overy LLP. Although based in the US, she has no shortage of international clients and is particularly experienced in coordinating US, European, and other foreign antitrust clearances on complex cross-border deals. Widely regarded as an expert in her field, she handles matters across a range of industries, including chemicals, pharmaceuticals, health care, oil and gas, engineering, financial services, and agricultural products. She also maintains an active practice before the US Department of Justice and the Federal Trade Commission. In finding this specialized area of the law, she has been able to bridge her interest in both the legal and business worlds.

Although Johnston has found success in her field, she hopes that more opportunities will open for women in the law. “Being a woman is something I’ve had to navigate professionally. When I made partner, I think there were around a hundred partners at my prior firm in New York, only seven of whom were women. I made partner along with another woman, which was basically a 30 percent increase through the promotion of two women,” she says. “The numbers are better today, but there are still very few women in law firm leadership. I think that’s an area where we could see improvement throughout the profession.”

For Johnston, who is pictured on the left with her daughter, Maddy, the Law School was a significant influence in shaping the decision-making that led to her successful and fulfilling career. She hopes that the next generation of LLMs will benefit as she has. “I can say in all honesty that the year I spent in Michigan completely changed my life, both personally and professionally.”



## Recent Gifts



**Sufi Y. Ahmad, '87**, made a \$100,000 gift to the Ahmad, Zavitsanos & Mesing (AZA) Scholarship Fund, which was established in 2018 by his classmate and law partner John Zavitsanos, '87. Ahmad is a founding partner of AZA, a trial firm based in Houston, where he represents clients in a variety of matters, including breach of contract, trade secrets, breach of fiduciary duty, and others.



**Nicholas A. Budor, '00**, has made a bequest of \$100,000 to establish the Nicholas A. Budor Scholarship Fund. The fund will be used to support Michigan Law students from socioeconomically disadvantaged backgrounds and/or those who have existing student loans, with a preference for students with an interest in business law. Budor is the president of Wall Street Insurance in Edwards, Colorado.



**Georgia Baylor Bullitt, '87**, made a gift of \$50,000 to the James and Shelda Baylor Scholarship Fund in honor of her 35th reunion. Bullitt is a partner at Willkie Farr & Gallagher's New York office, where she practices in the asset management department and is co-chair of the financial institutions and regulatory practice group.



**Michael L. Carter, '66**, and **Jan Traver Carter** have established the Michael L. Carter and Jan Traver Carter Fund, which will support scholarships at Michigan Law with a preference for students who

attended a public university in Michigan and are primary caregivers. The Carters arrived in Ann Arbor in 1964 with two children in tow, and the gift reflects the important role Michigan Law and Ann Arbor played in their lives. The fund was established with a cash gift of \$122,500 and a bequest of \$250,000.



**Fred Fathe, '77**, and his wife, **Kay**, (pictured with U-M President Santa Ono) made a \$50,000 gift to the Professor James J. White Scholarship Fund. The gift, which commemorated Fred's 45th reunion, was made in honor of two friends who "left us far too soon": Allison Frankel, wife of Ed Frankel, '77, and Anne Hall, wife of Ralph Hall, '77. Fred is a member in the Phoenix office of Dickinson Wright.



**Jane Griswold, '72**, and **James Griswold, '74**, made a \$100,000 gift in honor of Jane's 50th reunion, for which she also served on her class's reunion committee. The gift will be used to support endowed funds that celebrate the legacy of three distinguished professors at the Law School: Theodore J. St Antoine, '54, Jerold H. Israel, and James J. White, '62. The Griswolds have previously made gifts to the Law School Fund, Michigan Law's most recent building campaign, and endowed funds that honor professors L. Hart Wright and Douglas A. Kahn.

**Paul L. Lee, '72**, made a \$50,000 gift to the Victors for Michigan Law Scholarship Fund to commemorate his 50th reunion. He is of counsel and former chair of the banking group at the New York office of Debevoise & Plimpton.

**Charles C. Park, '92**, made a \$50,000 gift to the Law School Fund in honor of his 30th reunion. He is the managing director and chief compliance officer at BlackRock, a global investment manager.

**Sara** and **Richard Werder**, both of whom graduated in 1982, made a \$100,000 gift to the Law School Fund in honor of their 40th reunion.

**Carol Ann** and **John P. Williams, '59**, made a gift of \$1 million through their estate, which has been divided between the Law School Fund and the Victors for Michigan Law Scholarship Fund. They were longtime supporters of Michigan Law and gave more than \$2 million to the Law School during their lifetimes and through their estate.

# CLASS NOTES

1961

**Richard Leslie** will be elected chair of the American Bar Association (ABA) Senior Lawyers Division Council at the ABA annual meeting in August. He currently serves on the council as chair-elect and previously was vice chair. He has served in the ABA House of Delegates, currently on behalf of the Miami-Dade County Bar, for 20 years.

1964



**Alan Croll** and his son, Bobby, recently won their sixth national father-son United States Tennis Association (USTA) Championship. They now have a “career slam,” with victories on hard, grass, and clay courts. They are currently the No. 1 father-son team in the country in the USTA’s Ultra Senior Division.

1970

**Walter Sutton** was awarded the 2023 Cora T. Walker Award. The National Bar Association’s Commercial Law Section presents the award to those with a history of supporting the section and championing diversity. He also is a past president of the National Bar Association.

Did you get a new job or a promotion? Were you recognized with an award? Share your news with classmates in an upcoming issue of the *Law Quadrangle*. Email [LQNCClassNotes@umich.edu](mailto:LQNCClassNotes@umich.edu) or complete the online form at [law.umich.edu/classnotes](http://law.umich.edu/classnotes).

1971

**Robert A. Stein’s** firm, The Stein Law Firm PLLC, received special acknowledgements in the 2023 rankings of Best Law Firms by *U.S. News and World Report*. The firm is recognized in the areas of family law, commercial litigation, trusts and estates litigation, and personal injury litigation—plaintiffs.

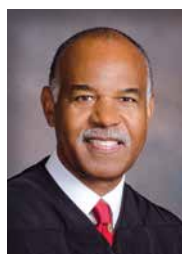
1972

**James M. Moore** received the Distinguished Service Award from the Labor and Employment Law Section of the State Bar of Michigan. He has been in private practice for 50 years, representing labor unions and workers, after beginning his career as a clerk for the Hon. John Feikens, ’41, on the US District Court for the Eastern District of Michigan.

1974

The **Hon. Elizabeth P. Hines** has been appointed chair of the Michigan Domestic and Sexual Violence Prevention and Treatment Board by Gov. Gretchen Whitmer. She is retired from the 15th District Court for the City of Ann Arbor.

1978



The **Hon. Roger Gregory** is one of four recipients (along with Reginald “Reggie” Turner, ’87) of the American Bar Association’s 2023 Spirit of Excellence Award. The award honors the struggle of racially and ethnically diverse lawyers and celebrates those who navigate their own way while paving the way and assisting those who follow. He is the chief judge for the US Court of Appeals for the Fourth Circuit.

1979



The **Hon. Susan Segal** was reappointed in November as chief judge of the Minnesota Court of Appeals by Gov. Tim Walz. She was appointed to the court in 2019 and appointed chief judge in 2020. Before her appointment to the court, she served for 12 years as the Minneapolis city attorney, managing an office of more than 100 employees.

1980

**Peter Maassen** was selected by his fellow justices to serve as chief justice of the Alaska Supreme Court. He served in private practice in Anchorage before his appointment to the court in 2012.

**Rodney Martin** was recognized by Comprehensive Therapy Center as one of its 2022 Legacy Award winners for his 25 years of service on its board of directors. He is of counsel at Warner Norcross+Judd in Grand Rapids, Michigan.

1981

**Valerie Jarrett** was elected as a new member of the University of Chicago Board of Trustees. She currently serves as CEO of the Barack Obama Foundation and was the longest-serving senior adviser to the Obama administration.







## CLASS NOTES

### Making History

By Sharon Morioka

When Allie Greenleaf Maldonado, '00, first donned the robes of a judge on the Michigan Court of Appeals at her January swearing in, she also donned two mementos that held special meaning: an eagle feather and a beaded seal from the Little Traverse Bay Bands of Odawa Indians.

The mementos were emblematic of her service as assistant general counsel to the tribe and as chief judge on its tribal court.

Her swearing in was a first for the court; before Gov. Gretchen Whitmer made the appointment, a tribal citizen had never sat on the Michigan Court of Appeals. While any judge, regardless of background, would feel an immense sense of responsibility serving on the court, Maldonado feels an even greater need to represent Native people.

"I feel like I had better do better than my best," she says. "And I intend to do that. I have a ton to learn, so I've rolled up my sleeves and started digging into the work. I'm excited."

#### Impact on Indian child welfare

Maldonado's professional background serves her well in her new position.

As assistant general counsel, she handled a variety of legal issues, from regulatory and employment law for the tribe's casino to litigation and governmental work. And as a judge, she heard traffic cases; election cases; divorce, probate, and custody cases; and everything in between.

"It was a really good fit for me," she says. "I like a diversity of work, and I like learning new things."

Notable among her accomplishments were changes she helped make in the state's legal system relating to Indian child welfare. As the tribe's assistant general counsel, she realized that the State of Michigan repeatedly violated the Indian Child Welfare Act (ICWA), which established federal standards for the removal of American Indian children from their families in custody, foster care, and adoption cases.

Those cases hit particularly close to home: Members of her own family were part of the federal government's policy of removing Indian children from their families in order to assimilate them. Her grandmother, for example, was placed in two different boarding schools in northern Michigan.

While Maldonado had success suing the state, she decided to go a step further: She and other tribal members worked with the state's Department of Human Services (DHS) to bring its rules and procedures into compliance with the ICWA. The experience proved to be a turning point for Maldonado.

"I had been litigating in this very adversarial position," she says. "But then I sat down at a table with people, and we did something that made a difference for Michigan's children and families."

In 2009, the State Court Administrative Office launched a project to write a benchbook for judges to help them follow the ICWA. Maldonado contributed to that and served on a subcommittee that rewrote the court rule for the Michigan Supreme Court as well as dozens of court forms.

All of this led to her work on the Michigan Indian Family Preservation Act (MIFPA). Seeing that other states had their own Indian child welfare laws, a group of tribal representatives as well as attorneys, DHS staff, law professors, and probate judges came together to draft a law for Michigan.

"I had the honor of writing the very first draft," says Maldonado. "And others came to the table and elevated my work." She cites standing behind then-Gov. Rick Snyder, '81, as he signed MIFPA into law in 2012 as one of the proudest moments of her life.

As she looks to the future and her new position, she keeps in mind these lessons that shaped her past and the special perspective she brings to the court.

"There aren't a lot of people on the Court of Appeals who are from Up North," says Maldonado, who hails from Petoskey. "I think that the viewpoint of northern Michigan is a unique one—our values and our connection to the land and, especially, our connection to the water."

# CLASS NOTES

## 1982

The **Hon. Mark Boonstra** published *In Their Own Words: Today's God-less America... What Would Our Founding Fathers Think?* (Liberty Hill Publishing, 2021–2022). The three-volume series details the words and religious lives of all 118 signers of the Declaration of Independence, the Articles of Confederation, and the United States Constitution. He is a judge on the Michigan Court of Appeals.

## 1983

**Michael Heck** was reappointed to a four-year term as a magistrate on the State of Michigan's Workers' Compensation Board of Magistrates by Gov. Gretchen Whitmer. He lives in Troy and before becoming a magistrate operated his own law firm for more than 25 years.



**Ron Lopez** has retired after 40 years at Thelen LLP and then Nixon Peabody LLP in San Francisco as a commercial and intellectual property litigator. He tried cases all over the US as well as internationally, including the largest patent case ever tried in the Thailand IP Court, which involved disk drive patents and resulted in a complete victory for his client. He is now general counsel and chief licensing officer for OneD Battery Science, a company based in Palo Alto, California, that is developing next-generation silicon anode technology for electric vehicle batteries. He and his wife, Angela Karikas, split their time between Bainbridge Island, Washington, and Piedmont, California.

## 1984

The **Hon. Stephen Bushong** was appointed to the Oregon Supreme Court in December by then-Gov. Kate Brown. He had served on the Multnomah County Circuit Court since 2008, including as presiding judge and chief civil judge. He had previously litigated civil cases as an attorney at the Miller Nash law firm and as chief trial counsel and attorney-in-charge of the Special Litigation Unit at the Oregon Department of Justice.



**Anita Fox** has been named chair of the National Association of Insurance Commissioners' Health Insurance and Managed Care Committee, which ensures Michigan has a strong voice in determining health insurance policy on the national level. She is the director of the Michigan Department of Insurance and Financial Services.



**Rob Portman** retired from the US Senate in January after 30 years of public service, including 12 years in the US House and representing Ohio in the US Senate since 2011. He leaves the Senate with a reputation of working across the aisle to address policy issues. He has established the Portman Center for Policy Solutions at the University of Cincinnati—which will promote civility, bipartisanship, and finding common ground through programming, an annual symposium, internships, scholarships, and research opportunities on policy issues. He is donating his congressional papers to the center. He also joined the think tank the American Enterprise Institute as a Distinguished Visiting Fellow in the practice of public policy and recently was named to the board of directors of Proctor & Gamble.

**Kurtis T. Wilder**, a shareholder at Butzel in Detroit and a former justice of the Michigan Supreme Court, has been elected chair of the Michigan Chamber of Commerce Board of Directors for a one-year term. He concentrates his practice in litigation, appeals, and mediation and facilitation. He serves as a neutral mediator/arbitrator with New Era ADR, a digital advanced dispute resolution platform.

## 1985

**Robin Walker-Lee** has joined the board of directors of Regal Rexnord Corp. She also has been appointed chair of the Nominating and Governance Committee of the board of EMCOR Group. She served as executive vice president and general counsel of TRW Corp., as well as assistant general counsel of General Motors Corp.

## 1986

**Susan Vogel-Vanderson** became chief wealth management officer at Macatawa Bank in January. She spent more than 15 years as an estate planning attorney before assuming various leadership roles in the banking sector. Based in Holland, Michigan, Macatawa Bank has branches throughout Kent, Ottawa, and Allegan counties.

## 1987

**John Cahill** joined the New York-based law firm of Wilk Auslander LLP in February as an expert in litigating art cases and guiding clients through the whole range of art transactions. Previously, he was a lawyer in private law firms and was the chief operating officer of Sotheby's when it was a public company, overseeing commercial transactions and financial services.



**Reginald “Reggie” Turner** is one of four recipients (along with the Hon. Roger Gregory, ’78) of the American Bar Association’s 2023 Spirit of Excellence Award. The award honors the struggle of racially and ethnically diverse lawyers and celebrates those who navigate their own way while paving the way and assisting those who follow. He also received the 18th Annual Dennis W. Archer Public Service Award from the Detroit Bar Association for exemplifying the ideal of the law as public service. He is the immediate past president of the American Bar Association.

**Mary Jo Wiggins** received the Bernard E. Witkin Award for Excellence in Legal Education from the San Diego Law Library Foundation. The award recognized her contributions as a faculty member and former vice dean of the University of San Diego School of Law.

**John Zavitsanos** was named a Titan of the Plaintiff’s Bar by Law360 for winning several recent health care-related jury verdicts. He is a co-founder of the AZA law firm, based in Houston.

## 1988

**Daniel H. Golub** has joined Volpe Koenig in Philadelphia as a shareholder. Experienced in intellectual property law, he most recently served as counsel at Rembrandt IP Management.

**Frank Shaw** is now deputy general counsel, Americas, at First Solar Inc., a US-based solar module manufacturer. Previously, he was corporate and energy counsel at Skadden, Arps, Slate, Meagher & Flom LLP and Affiliates.

**Jay Soled** was promoted to the rank of distinguished professor at Rutgers University. He has directed the school’s Master of Taxation program for more than 25 years.

**Nina Srejovic** briefly returned to law firm practice through an OnRamp Fellowship after focusing her energies on the unpaid labor of child rearing for 18 years. She is now a visiting professor and acting director of the Intellectual Property and Information Policy Clinic at Georgetown University Law Center.

## 1989



The **Hon. Timothy P. Connors** was assigned to serve as a business court judge in the 22nd Circuit Court in Washtenaw County, Michigan, for a term expiring

in 2025. He has served several judicial appointments and currently is a lecturer on the Michigan Law faculty.

**Michael M. Parham** was appointed by President Biden to serve as a member of the President’s Advisory Committee on the Arts. He is the senior vice president and general counsel of RealNetworks, the company that pioneered streaming media on the internet. He is active on many boards, including leadership roles on the boards of the Seattle Art Museum, the United States-Canada Fulbright Foundation, and the Seattle Public Library. He also co-founded the Black Boardroom Initiative to increase corporate board diversity.

## 1990

**Andrew Doctoroff** was nominated to serve on the Mackinac Straits Corridor Authority, representing Independents. He is an adjunct professor at Michigan Law and operates his own consultancy, Andrew S. Doctoroff Consulting. He is a former senior adviser to then-Michigan Gov. Rick Snyder, ’81, and an equity partner with Honigman, Miller, Schwartz, and Cohn. He previously served on the Detroit/Wayne County Port Authority.

**Chris D. Slater** was reappointed to a four-year term as a magistrate on the State of Michigan’s Workers’ Compensation Board of Magistrates by Gov. Gretchen Whitmer. He lives in Grand Rapids.

## 1991

**T. Michael Johnson** joined CIFIC Asset Management LLC in New York as global co-head of business development. He has nearly 20 years of experience in alternative investment sales and most recently served as a managing director and head of investor relations at Carlyle Global Credit.

## 1992

**Bruce Goldner** received a 2022 Cornerstone Award from the Lawyers Alliance for New York for his pro bono work helping nonprofits protect their intellectual property. He is co-head of the intellectual property and technology group at Skadden, Arps, Slate, Meagher & Flom LLP and Affiliates.

**Ronald Hall** was appointed to serve on the Grand Valley State University Board of Trustees by Michigan Gov. Gretchen Whitmer. He is the president and chief executive officer of Bridgewater Interiors LLC, an automotive interior manufacturing firm. He serves on several executive boards, including the Federal Reserve Bank of Chicago–Detroit Branch and the Detroit Regional Chamber.



**Andrew Manitsky** has been elected president of the Vermont Bar Association. He was also recently elected to the American Law Institute. He is a

litigator in Burlington, Vermont, with the firm Lynn, Lynn, Blackman & Manitsky.



# CLASS NOTES



**Jean M. McCarthy** has been named chief diversity officer at Quinn IP Law in suburban Detroit, where she also is a shareholder and patent attorney.

She will provide strategic leadership to the firm's diversity, equity, and inclusion (DEI) initiatives, working with attorneys, staff, and administration to advance recruitment efforts, provide professional development, and implement DEI programs and initiatives throughout the firm.

**Peter T. Mooney** was elected chair of the University of Michigan's Board for Student Publications. The board is made up of nine members appointed by the president of the University and supervises the operations of *The Michigan Daily*, the *Michiganensian* yearbook, the *Gargoyle* humor magazine, and the *Shei* fashion magazine. He is a member at Simen, Figura & Parker PLC in Flint, Michigan.

## 1993



**Susanne Baer, LL.M.**, has stepped down from the Federal Constitutional Court, Germany's highest court, after a 12-year term as justice in the First Senate. President

Frank-Walter Steinmeier subsequently awarded her the Grand Cross of Merit for services to the Federal Republic of Germany. She returns to Humboldt University Berlin and is an L. Bates Lea Global Law Professor at Michigan.

Did you get a new job or a promotion? Were you recognized with an award? Share your news with classmates in an upcoming issue of the *Law Quadrangle*.

Email [LQNCClassNotes@umich.edu](mailto:LQNCClassNotes@umich.edu) or complete the online form at [law.umich.edu/classnotes](http://law.umich.edu/classnotes).

**Jamie Jorgensen** was named vice president for legal affairs and general counsel at the University of Iowa in fall 2022. Previously, he served as senior counsel at Husch Blackwell LLP in Denver and was chief of staff and chief legal counsel at Pitzer College in Claremont, California.

## 1994



**Beth C. Manes**, co-founder of Manes & Weinberg, Special Needs Lawyers LLC, was named in the *NJBIZ* Best 50 Women in Business 2022, an annual list honoring women in New Jersey who excel in their industries and in the work they do for their communities. She was recognized, in part, for her advocacy on behalf of people with disabilities.



**Chris Ware** was promoted to senior vice president, general counsel, and corporate secretary at Itron, a technology provider for energy and water utility services. He is based in Austin, Texas.

## 1995

**David Arroyo** was named chief legal officer at *BuzzFeed* Inc. in New York. He previously served as the company's chief compliance officer and head of litigation.

The **Hon. LaShonda Hunt** has been confirmed by the US Senate for a seat on the US District Court for the Northern District of Illinois. She previously served as a US bankruptcy judge for the Northern District of Illinois. Before assuming that role in 2017, she worked in private practice and government service, including in the US attorney's office and as chief legal counsel for the Illinois Department of Corrections.



**David Slovensky** is serving as senior vice president and general counsel for Georgia Power. He previously served as senior vice president, general counsel, and chief ethics and compliance officer for Southern Company Gas. Among other responsibilities after joining Southern Company Gas in 2004, he created and led the information and records management functions.

## 1996

**Kincaid Brown** is the 2022 recipient of the Kenneth J. Hirsh Distinguished Service Award for outstanding contributions in legal innovation and technology from the American Association of Law Libraries' legal innovation and technology special interest section. He is director of the University of Michigan Law Library.



**Melanie Plowman** was promoted to partner at the Texas appellate firm Alexander Dubose & Jefferson LLP. A former Texas assistant solicitor general, she has handled appeals in Texas state appellate courts, the US Court of Appeals for the Fifth Circuit, and the US Supreme Court.

**Randy Shoemaker** has been elected a shareholder of Reising Ethington, an intellectual property firm based in Troy, Michigan. Specializing in chemical and biotechnology technologies, he prepares and prosecutes patent and trademark applications worldwide.





## From Lawyer to Brewery Owner

By Sharon Morioka

Ever since Virginia Morrison, '03, was 8 years old, she knew she wanted to be a lawyer. And if you'd asked her 10 years ago where she'd be in her career today, she would have said she'd be practicing employment law.

However, Morrison's career path took a sharp turn in 2020 when she became CEO of Second Chance Beer Company, based in San Diego, which not only produces award-winning craft brews but also gives rescue dogs a second chance at life.

What might seem like two rather random interests—canines and craft brews?—are actually two of Morrison's passions. The career change gave her the opportunity (a second chance, if you will) to do meaningful work beyond the law.

She now lives by the company's motto: Seize a pint, save a pup.

### Getting started

Morrison initially hesitated to work with her husband—Marty Mendiola, the company's brewmaster—which she considered "marital suicide."

But she gradually became involved in the business, which currently has 27 employees, after initially pitching in with the business plan and fundraising. She also was able to put her law skills to good use, especially in human resources, since she had practiced employment law for years with San Diego firms and in her own private practice.

"My law background is useful because it's true what they say about law school: It teaches you how to think," says Morrison. "I slowly got pulled in more and more to the brewery. I love craft beer, and this industry is one of the most amazing that I've encountered as far as the people."

In an industry more represented by men with beards (or, as Morrison puts it, "white, male, and hairy"), it's unusual to see a woman CEO. In fact, says Morrison, only about 3 percent of breweries in the country are led and co-owned by women. That gives her company a leg up in some ways.

"Now, more and more retailers want to work with female-owned brands, and that's proved to be really helpful for us."

It also offers a diverse perspective in developing a range of beers, says Morrison. For example, it was her idea to brew the company's best-selling beer: *Fistful of Gummies*, a fruited sour beer that she wouldn't necessarily have expected from one of her bearded counterparts.

However, as a member of the Brewers Association Board of Directors and co-chair of its Diversity, Equity and Inclusion Committee, she is actively working with others to make the craft beer industry more inclusive.



"It would be great to be able to say one day soon that 15 percent of breweries are owned and led by women."

### Beer and dogs

So how do rescue dogs factor into the equation? Very importantly—as part of the brewery's mission.

"Craft beer generally is known for philanthropy," says Morrison. "We have the mission to give pups a second chance through support of dog rescues."

The company, voted San Diego's most dog-friendly brewery, works with two animal rescue organizations in California and one in Arizona, the two states where Second Chance distributes its beers. It also has helped more than 140 dogs find homes through adoption events and fundraisers.

"Our philanthropy works in a couple different ways," says Morrison, possibly the only Michigan Law graduate to be featured in *Dogster* magazine.

First, the company hosts regular dog adoptions in its two tasting rooms. Second, it develops unique partnerships, such as one with the San Diego Gulls minor league hockey team. In addition to developing a beer for the team—the Blue Line Blonde Ale—Second Chance brought in one of its rescue partners for a dog adoption and fundraiser at one of the team's pregame tailgates.

"The fact that we have the mission to give pups a second chance through support of dog rescues is what makes it so cool to come to work every day—oh, and so does the delicious beer for happy hour."

# CLASS NOTES

## 1997

**Michelle Moore** was named on *Mergers & Acquisitions*' Most Influential Women in Mid-Market M&A list for 2023. She is a partner and member of the global corporate group in the Chicago office of Reed Smith.

**Dara Pincas** was recognized on the *Savoy* list of Most Influential Black Executives in Corporate America. She is vice president of health care law at Genentech in San Francisco.

## 1998



**Jessica Silbey** joined the tenured faculty of Boston University School of Law in 2021 as the Yanakakis Faculty Research Scholar, teaching constitutional law

and intellectual property law. Her most recent book, *Against Progress: Intellectual Property and Fundamental Values* (Stanford Press, 2022), was published with support from the John Simon Guggenheim Memorial Foundation.

## 1999

**Jennifer Diamantis** joined the US Securities and Exchange Commission's Office of Strategy and Innovation as special advisor and counsel. She focuses on artificial intelligence and advanced analytics strategy, governance, compliance, and technology products.

Did you get a new job or a promotion? Were you recognized with an award? Share your news with classmates in an upcoming issue of the *Law Quadrangle*. Email [LQNCClassNotes@umich.edu](mailto:LQNCClassNotes@umich.edu) or complete the online form at [law.umich.edu/classnotes](http://law.umich.edu/classnotes).

## 2000

**Adam Michael Becker** joined the board of directors of the Corporate Legal Operations Consortium earlier this year. The organization provides education, networking, and collaboration opportunities to in-house legal professionals worldwide, with the goal of improving the financial management of legal departments both large and small. He is director of legal operations at Cockroach Labs.



**Rossa Fanning**, LLM, was appointed attorney general of Ireland in December. Before entering government service, his legal practice focused on commercial litigation and insolvency. He has represented various multinational technology companies, including Facebook, Google, and Twitter, as well as champion golfer Rory McIlroy and many other high-profile figures in Ireland. Earlier in his career, he was on the faculty at University College Dublin, lecturing in company law and constitutional law.

**Daniel M. Ventrelle** joined WWE as executive vice president of talent. He formerly served as president of the NFL's Las Vegas Raiders.

## 2001

**Samir Parikh**, a professor at Lewis & Clark Law School in Portland, Oregon, has been invited to join the American Law Institute and the American College of Bankruptcy. He joins a group of fewer than 15 individuals who are members of both policy-shaping organizations.

## 2002

**Jessica (Dvorak) Whitney** was appointed deputy attorney general in the Office of the Minnesota Attorney General in February. She is an 18-year veteran of the Office of the Iowa Attorney General, where she served as deputy attorney general for public policy and consumer protection. As one of four deputy attorneys general in Minnesota, she co-leads the office's consumer protection work.

## 2003

The **Hon. Michael C. Brown** was named chief judge of the First District Court in Monroe County, Michigan. He also serves as a Veterans Treatment Court judge and was first appointed to the bench in 2018.



**Travis Townsend** was named to *Atlanta* magazine's Atlanta 500 list, which represents the city's most powerful leaders, and is part of Leadership Atlanta's

Class of 2023. He is co-founding partner of Townsend & Lockett and chair of the firm's corporate practice group. He also serves as president of the National Black MBA Association, Atlanta and has been an adjunct professor at Michigan Law.

## 2005

**Janelle Beavers** joined Alvarez & Marsal in February as a managing director in its disputes and investigations practice. Most recently, she served with the Civil Fraud Section of the US Department of Justice, where she led investigation and litigation teams comprising agents from seven federal agencies.







Eric Cox



Rob Burnett

## On the Ground Floor in FinTech

By James Weir

Eric Cox reached a simple conclusion after crossing paths with Rob Burnett in 2018: In entrepreneurship, timing is everything.

Cox and Burnett, '17, first met in their Law School supersection and bonded over their shared interest in startups. After law school, Burnett went to work in business development at Netcapital in Boston, a tech firm in the nascent but beginning-to-boom financial technology (fintech) sector. Cox returned to California and joined Cooley LLP in Palo Alto, where his clients included Apple and Snapchat. But after hearing about the company that Burnett was helping to build, Cox decided to join Netcapital as employee No. 9.

"The industry we're in is only six or so years old, and we've been doing this for five," Cox says. "When there's a market shift like this, you only have a small window of time to get in on the ground floor. We're not just making better candles. This could be a lightbulb moment."

### Expanding investment opportunities

In the years since Cox joined Burnett at Netcapital, a lot has changed—there are now more than 40 employees and it trades on the NASDAQ, to start—and the company has developed into an ecosystem of services designed to support emerging companies at every stage of their growth.

Today, Burnett serves as the CEO of the company's primary product, an online funding portal that aims to make investing in early-stage companies more accessible to the average person.

"The goal is to democratize access to the private capital markets," Burnett says. "Entrepreneurs of all shapes and sizes come to Netcapital to reach investors who want to invest in private companies, which is where most of the wealth in America is being created today."

Netcapital works with companies to issue securities on the platform, where both accredited and non-accredited investors can browse offerings and choose to own a piece of a wide variety of companies.

"The JOBS Act created Reg CF, a relatively new securities exemption that allows issuers to raise up to \$5 million in capital from any investor, regardless of their accredited status," Burnett says. "Over the last five years we've helped over 200 issuers raise tens of millions in capital, and allowed thousands of investors to participate."

### Seizing opportunities

Cox, the chief revenue officer at Netcapital, spends most of his time identifying and communicating with innovative companies and expanding the company's investor base.

"We are a two-sided marketplace, but supply is arguably the more important part of the equation," he says. "Hosting the best offerings helps us get more investors and creates a cycle that brings more value to our issuers and to our investors."

Before a company can list on Netcapital, Cox and his team need to find it. He researches big picture analytics and market trends, searching for opportunities that are uniquely positioned to capitalize on market conditions.

A few years ago, for example, signs pointed to a looming lithium shortage, so his team targeted a number of lithium extraction companies to list on Netcapital. One of them raised around \$4.5 million over two financing rounds with Netcapital; the company has gone on to receive \$450 million in funding and is preparing to go public.

While most of Netcapital's investors are individuals, Cox says there is also value in courting traditional institutional investors.

"One of the things we've been diligent about is finding the sweet spot of institutional investors that are investing consistently but maybe aren't writing million dollar checks," he says. "The American Business Network, for example, might invest \$100,000 through our platform on behalf of 10 or 20 of its members, and then we can share the opportunity with our base of over one hundred thousand members and allow them to invest as well."

### More than colleagues

Outside of the office, the self-described best friends are closer than ever—Cox even officiated Burnett's wedding. Rather than being a point of conflict, they say their friendship has only strengthened their ability to be effective at work.

"When you are working really hard to create something new, it helps to not only respect your colleagues but to also love and appreciate them as individuals," Cox says.

"We've grown, and we get to reflect every once in a while on how we were here early and then we get to see what we've built," Burnett says. "And it's incredibly rewarding to get to do it with such a good friend."

# CLASS NOTES

**Adam Grant** was elected as a member of Dickinson Wright in January and is based in the Detroit office. His practice centers on commercial litigation and real estate/landlord-tenant litigation. He also has significant experience in the areas of financial services litigation and products liability litigation.

The **Hon. Ariana Heath** was appointed to the Genesee County Probate Court in January by Michigan Gov. Gretchen Whitmer. She is a fourth-generation county resident and most recently served as a circuit court referee for the Genesee County Family Court. Before that, she was an assistant prosecutor for Lapeer County and Tuscola County and a domestic relations referee for Tuscola County.



**Mona M. Youssef** was appointed as division chief of children and youth services by Michigan Attorney General Dana Nessel. Her legal work focuses

on child abuse and neglect, as well as overseeing juvenile criminal and civil cases. She is the first Arab American to hold this position.

## 2006

**Amanda Garcia-Williams** was recognized on the *Michigan Lawyers Weekly 2022* Influential Women of Law list. The award honors women attorneys and judges for their excellent work on behalf of the justice system, their commitment to their communities, and their service to the profession. She is the chief diversity, equity, and inclusion officer at Husch Blackwell.

**Kamal Ghali** has co-founded Chaiken Ghali LLP, an Atlanta-based boutique firm focused on white-collar trials and investigations. Most recently, he was a partner at Bondurant Mixson & Elmore LLP, where he also led that firm's white-collar defense practice. Before that, he worked as a white-collar and cybercrime prosecutor and as deputy chief of the US Attorney's Office in Atlanta.

**Richard Kim**, co-chair of Greenberg Traurig LLP's global finance practice and co-chair of the New York corporate practice, was honored by *Crain's New York Business* on its 2022 Notable Asian Leaders list. He also serves as the office's co-hiring chair and co-career development liaison. He is active in mentoring programs through the National Asian Pacific American Bar Association and the Korean American Lawyers Association of Greater New York.

**Michael Vardanian** was promoted to partner in the New York office of Latham & Watkins LLP. He is a member of the private equity practice and the corporate department. His practice focuses on advising private equity firms on transactions involving the retail, media, telecommunications, waste management, manufacturing, technology, and energy industries.

## 2007



**Laura Appleby**, a finance and restructuring partner at Faegre Drinker, has been elected office leader of the firm's New York office. Her practice focuses on

complex bankruptcy proceedings, out-of-court restructurings, and distressed transactions.

**Adam Deckinger** became general counsel and secretary of Tyson Foods Inc. in January. He has worked for Tyson since 2018 and recently served as senior vice president and head of law and compliance. He worked in The Boeing Company's global litigation and investigations team and as an attorney in private practice before joining Tyson.

**Kamao Shaw** joined Riemer & Braunstein LLP as a partner in Newport Beach, California. He previously served as a commercial real estate finance partner at Bryan Cave Leighton Paisner LLP in Orange County.

**Michael Strong** has joined Chicago-based Fox Swibel Levin & Carroll LLP as a partner and chair of the firm's new energy law group, working primarily with developers and long-term asset owners in the solar industry and with retail energy providers. His previous experience includes serving as the first in-house chief legal counsel at the Illinois Power Agency.

## 2008

**Lyzzette Bullock** became general counsel of FOLX Health in January. She previously spent four and a half years as associate general counsel of Blue Cross Blue Shield of Massachusetts. FOLX Health provides virtual health care services for the LGBTQ+ community.

**Christine Clemens**, JD/MPP, has been named a partner at Rhode Island-based law firm Chisholm Chisholm & Kilpatrick Ltd. She joined the firm in 2019. Her current practice focuses entirely on advocating for disabled veterans. Previously, she managed the veterans practice for a large general litigation firm in New York.



**Aghogho Edevbie** became Michigan's deputy secretary of state in March. For the last three years, he served as the Michigan state director for All

Voting is Local, a nonpartisan voting rights organization. As deputy secretary of state, he leads the development and implementation of the state's election policy, which includes outreach and education through engagement with state and local elected officials.





**Michelle Gomez** was selected as a co-chair of Littler's Career Advocacy Program, a firmwide mentoring program that helps diverse associates advance

to shareholder. She is a shareholder in Littler's Denver office and senior director of onboarding and integration.

**Christal Phillips** was appointed as the executive director of the City of Detroit Board of Ethics. She previously served on the Hawaii Civil Rights Commission in Honolulu and with the Detroit Public Schools Community District as an assistant director of employee relations.



**Michelle (Sharpe) Silverthorn** was part of the delegation representing the United States at the G20 Summit's Women20 (W20) in India earlier this year.

W20 ensures that gender considerations are mainstreamed into G20 discussions. She is the founder of Inclusion Nation, which offers interactive, educational programs to build diverse, inclusive, and equitable cultures in workplaces.

## 2009

**Drew Clary** was promoted to partner at Ropes & Gray in New York. He advises insurance companies, hospitals, health systems, and other providers on a broad range of regulatory, transactional, and compliance issues.

**Alexis (Grant) Guinan** was named a partner in the international trade group of the Washington, DC, office of Akin Gump. Her practice centers on sanctions and other international trade laws and corporate and special situations transactions and restructurings.

**William Krauss**, who practices out of Ann Arbor, joined virtual law firm FisherBroyles LLP in January after practicing at Butzel Long, where he founded the firm's digital asset practice. He focuses his practice on the legal and regulatory issues surrounding digital assets and blockchain.



**Joseph T. Neely** was a 2022 *Missouri Lawyers Media Up & Coming Awards* honoree. The award recognizes early career legal professionals who

demonstrate professional accomplishment, skill, and leadership beyond their years and an extraordinary commitment to the community. He is a partner at Behr McCarter in St. Louis.

**Sam Zun** joined Shopify as director and associate general counsel of product. Based in San Francisco, he previously served as director and associate general counsel of strategic response at Meta.

## 2010

**Dean Baxtresser** was promoted to partner in the Washington, DC, office of Latham & Watkins LLP. He is a member of the white-collar defense and investigations practice and the litigation and trial department.

**Matt Cronin** joined the White House's Office of the National Cyber Director as director of national cybersecurity. Additionally, he received a Fulbright Scholarship in 2022 to teach in Bulgaria and engage while there in professional projects involving cybersecurity and the rule of law.

The **Hon. M. Kendra Klump** was selected by the district judges of the US District Court for the Southern District of Indiana to serve as a US magistrate judge in Indianapolis. She has served as a federal prosecutor since 2012.



**Ofilio Mayorga**, LLM, was promoted to partner at Foley Hoag LLP in New York. His practice focuses on public international law litigation, investment

treaty arbitration, and international commercial arbitration. He has represented sovereign states and state-owned entities in legal proceedings before the world's principal dispute resolution bodies.

**Anna Rathbun** was promoted to partner in the Washington, DC, office of Latham & Watkins LLP. She is a member of the antitrust and competition practice and the litigation and trial department. She advises clients in antitrust litigation and trials, criminal cartel investigations, and merger investigations and litigation.

## 2011



**Charlotta Chung** was elected partner in the corporate and financial services department of Willkie Farr & Gallagher LLP and is a member of the

firm's finance department. She focuses her practice on representing private equity sponsors, lenders, and borrowers in a variety of financing transactions. She is based in New York.

**Matt Cowen** has been promoted to partner at O'Melveny & Myers in Los Angeles. He represents clients in internal investigations, federal and state inquiries, and litigation in a variety of industries. He also handles pro bono work, including a recent case that resulted in the Nevada Legislature enacting sweeping changes to its public defender system.

## Holding War Criminals to Account

By Sharon Morioka

When Kate Powers, '20, graduated from the Law School, she planned to travel to Sarajevo on a Fulbright research grant. There, she would focus on war crimes cases before the national courts of Bosnia and Herzegovina.

However—due to the pandemic—she faced a six-month travel delay. Making lemonade out of lemons, Powers found a short-term fellowship with the Global Accountability Network (GAN), an organization that works to bring justice to victims of war crimes, crimes against humanity, and genocide.

Not only was it a good fit for Powers, who had known since starting law school that she wanted to work as an international human rights lawyer, but it turned into a commitment well beyond the six-month fellowship.

"I got to do some really interesting and high-level work right away," says Powers. When the executive director of GAN left the organization in March 2022, Powers stepped into the role on a volunteer basis.

### Accountability projects

GAN's work is organized around "accountability projects" in five geographic areas: the Pacific Rim, Syria, Ukraine, Venezuela, and Yemen. Prosecutors and others who have worked in international criminal tribunals supervise a network of students from nearly a dozen law schools who gather public information that documents potential crimes.

"This documentation allows for what's called 'representational charging,'" Powers says. "You probably won't be able to charge every single war criminal with every single crime that was committed, but this format helps a future prosecutor make their charging decisions."

Powers works with GAN's founder and its president—both of whom have deep experience prosecuting international human rights abuses—to teach the next generation of law students and to encourage them to enter this area of the law. The support from students helps GAN collect information that is vital to the success of potential future prosecutions.

"People are proactively documenting and working on getting cases developed—including for what's going on in Russia and Ukraine now—because time is our enemy. You lose evidence. You lose the quality of testimony from witnesses. You lose political will."

### International tribunals

Powers represented GAN as one of the sponsors at a conference last summer where she met prosecutors who have tried crimes from Cambodia to Lebanon to Rwanda and elsewhere. The conference centered on Russia's invasion of Ukraine, with



*Kate Powers, left, attended the conference "Standing up to Aggression: From Nuremberg" to Kyiv in August 2022, where she met Fatou Bensouda, former prosecutor of the International Criminal Court.*

much of the discussion about the technical and legal logistics of setting up a hybrid or international tribunal to hold the Russian Federation's leaders responsible for the crime of aggression.

"Unfortunately, the International Criminal Court does not have jurisdiction over the crime of aggression in this case," says Powers. GAN's proposed strategy is for the United Nations (UN) General Assembly to pass a resolution that would have the government of Ukraine enter into negotiations with the secretary-general of the UN, bypassing the UN Security Council, where Russia has veto power.

Once a trial is set up, it can go on for years, if not decades, says Powers.

"The Extraordinary Chambers in the Courts of Cambodia were just completed, and that involved the Khmer Rouge genocide from decades and decades ago. That is not the ideal model." She added that it is sometimes easy to view international justice as a failure, with many stories of victims who never got justice. However, justice sometimes does happen, just at a very slow pace.

"There's a case from the International Criminal Tribunal for Rwanda," says Powers. "For the first time, sexual violence was acknowledged to be a part of a genocidal campaign. At the time, it was a very big deal, but since then it's a norm in international law. It's not a question. And so that's something I would point to as a success."

Powers eventually did that fellowship in Sarajevo. Since she returned in December 2022, she has worked as a researcher and consultant on public international law. But her work with GAN continues.

"I don't think there's any other avenue through which I could be where I am now, where I actually get to work on international criminal law as someone who's not even three years out of law school," she says.



**Evan Dunn** is now general counsel of TuSimple, a global autonomous driving technology company headquartered in San Diego, after serving as deputy general counsel and corporate secretary. Before joining TuSimple, he was deputy general counsel for a publicly traded real estate investment trust company.



**Emily Haigh** was elevated to shareholder in the New York office of Littler. She represents and counsels employers facing a wide variety of

labor and employment law issues and has conducted hundreds of sessions on #MeToo training laws. She also serves as the co-chair of the firm's veterans initiative affinity group. Before joining Littler, she supervised and reviewed administrative investigations for the US Army as a judge advocate and magistrate judge.

**Michael Huston** joined Perkins Coie in Washington, DC, as a partner and co-chair of the appeals, issues, and strategy practice group. Previously, he served as assistant to the solicitor general at the US Department of Justice.

## 2012

**Jonathan E. Algor**, a former assistant US attorney for the Eastern District of New York, has joined Kasowitz Benson Torres LLP as a partner specializing in white-collar defense and investigations, commercial litigation, and international litigation.

**Ryan Ferris** was promoted to partner at Mayer Brown. He works with the firm's corporate and securities practice group in Chicago.

**Stephen Gilson** appeared on MSNBC to discuss possible Department of Justice charges stemming from the November 2022 mass shooting at a Colorado Springs nightclub. Formerly an assistant US attorney, he is now counsel at KaiserDillon PLLC in Washington, DC.



**Siyu Jiang** was appointed vice president of legal affairs at Amprius Technologies, which has developed ultra-high energy density lithium-ion batteries.

Based in Fremont, California, she previously advised Amprius for several years on corporate governance and transactional matters as senior corporate associate at Wilson Sonsini Goodrich & Rosati.

**Nathan J. Moore**, who practices transactional and corporate law in the Denver office of WilmerHale, was promoted to partner. He has a broad range of experience representing private equity funds, financial institutions, and public and private companies across industries ranging from life sciences to retail to real estate.

**Devika Persaud** received the 2022 Rising Star Award from the South Asian Bar Association of Washington, DC. The award recognizes early career Bar members who have achieved distinction in their respective field while demonstrating a strong commitment to the organization and the South Asian community. She is an associate intellectual property litigator at DLA Piper.

**Randolph Pistor** joined Dickinson Wright in Ann Arbor as of counsel. An experienced corporate and securities attorney, he previously served as chief compliance officer and chief legal officer for an investment advisory corporation.

**Victoria "Tori" Roth** joined the US Department of Homeland Security as attorney advisor, where she will advise the Countering Weapons of Mass Destruction Office. She previously served at the Federal Emergency Management Agency as a supervisory attorney advisor.

**Christopher "Kit" Tholen**, who worked as an assistant prosecutor in Grand Traverse County in northern Michigan for the past 10 years, became the new county prosecutor in neighboring Charlevoix County in January.

## 2013



**Andy Alexander** was elected partner at Calfee, Halter & Griswold, based in the firm's Cleveland office. As part of the intellectual property practice group, he assists clients with patent, copyright, and trademark litigation and counseling.



**Samuel Hall** was promoted to partner at Willkie Farr & Gallagher LLP. He practices in the firm's litigation department and crisis management

group in Washington, DC, representing clients in matters including government investigations, congressional hearings, enforcement actions, sanctions, and anti-corruption issues.

**Jennifer Hartnett** was promoted to partner at Mayer Brown in Chicago. She first joined the firm in 2018 and works in the banking and finance practice group.

**Robert Huff** was elected partner at Varnum, a Grand Rapids, Michigan, law firm. He is a member of the firm's estate planning practice team. He joined Varnum in 2017 after practicing in Florida for several years and frequently counsels clients who own property or relocate to Florida.



# CLASS NOTES



**John Lister** has been elected partner at Latham & Watkins LLP in Chicago. A member of the banking practice and finance department, he

advises financial institutions, alternative financing providers, corporate borrowers, and private equity funds on a range of leveraged finance transactions.

**Pete Scherer** was promoted to counsel in Ropes & Gray's real estate investments and transactions group. He represents private equity clients, endowments, sovereign wealth funds, hedge funds, and other financial institutions in a wide variety of commercial real estate matters. Based near Boston, he has been with the firm since graduation.

## 2014

**Joel Bryant** has been promoted to partner at Miller Canfield. He is a member of the firm's litigation and dispute resolution group and is based in the Ann Arbor office.

**Kail Jethmalani** was promoted to counsel in the antitrust practice group at Axinn, Veltrop & Harkrider LLP. Based in the New York office, he has represented clients before the US Department of Justice, the Federal Trade Commission, and competition regulators in Europe and Asia. Additionally, the New York State Bar Association has recognized him for his pro bono contributions.

**Katy McNeil** was promoted to partner at Mayer Brown in Chicago, where she is a member of the renewable energy, banking and finance, and global projects practice groups. She has been with the firm since 2015.

**Elisabeth (Madden) Read** completed five years of honorable service as an officer in the United States Air Force JAG Corps and has joined Harrigan Leyh Farmer & Thomsen LLP in Seattle as an associate. Her practice focuses on complex civil litigation.

**Nathaniel West** has been appointed senior oversight counsel in the US Department of Agriculture's Office of General Counsel. He previously served in the US House of Representatives as counsel for the Select Subcommittee on the Coronavirus Crisis. Earlier in his career, he practiced at Weil, Gotshal & Manges LLP in New York.

**Carlyn Williams** has been elected as a partner in the Denver office of Arnold & Porter. A member of the firm's corporate and finance practice, she has worked extensively with emerging-growth companies and represented private investors and venture capital funds making investments across a number of industries, with particularly deep experience in the high-technology sector.

## 2015

**George Barchini** recently became an assistant US attorney for the District of New Jersey. For the past three years, he has been counsel at Perry Guha LLP, a litigation boutique in New York. There, his practice focused on complex commercial litigation, white-collar criminal defense, government and internal investigations, and regulatory and enforcement matters.

**Erin Whitney Cicchetti** was named a partner in the tax department at Nutter McClennen & Fish LLP in Boston. She serves on the Tax-Exempt Organizations Steering Committee of the Boston Bar Association, was a member of the Greater Boston Chamber of Commerce's Women's Leadership Program Class of 2022, and is a member of the Women's Bar Association.



**Collin Gannon** was promoted to shareholder at Beveridge & Diamond PC in Baltimore. He maintains a national practice concentrated on complex environmental and toxic tort litigation.

**Jake Gatof** was elected to partner at Wilson Sonsini Goodrich & Rosati. Based in Boston, he represents life sciences and technology companies, as well as their sponsors, through all stages of growth and investment.

**Milo Midole** became a member of Dykema in January. Based in the real estate practice in the Detroit office, he handles commercial leasing and purchase and sale work on a nationwide basis. He also has a passion for working with developers and lenders in Detroit on complex development transactions, generally involving multiple lenders and various other financing sources.

**Aaron Schaer** is now a shareholder at Lane Powell. He is based in the Seattle office, where he counsels clients on matters involving commercial litigation, class actions, health care law, franchise matters, and environmental law. He also serves on the board of trustees for the Frankel Jewish Academy.

## 2016



**Ryan Hebert** joined Lewis Roca Rothgerber Christie as an associate in the firm's litigation practice group in Denver. He represents

clients in complex commercial litigation, class actions, regulatory investigations, securities, intellectual property, and product liability.

## 2017

**LaToya Felton** became the director of career services and diversity initiatives at Hofstra University's Maurice A. Deane School of Law in January. Previously, she was in private practice and before that, she served as an assistant district attorney in Kings County, New York.



**Stevin George**, a senior associate at Davis Wright Tremaine LLP who co-founded an affinity group for first-generation lawyers at the firm, was profiled in the LinkedIn column “The Starting Line” in February. The story, “One first-gen lawyer’s leap of faith—and how it changed his life forever,” chronicles how his fascination with the Supreme Court on a class trip set him on his professional path.



**Deeva Shah** received the State Bar of California’s 2022 Jack Berman Award of Achievement for her work to promote accountability and reform within the

federal judiciary. She co-founded Law Clerks for Workplace Accountability and has advocated for avenues to address sexual harassment and workplace misconduct within the judicial branch. She is an associate at Kecker, Van Nest & Peters LLP.

2018

**Dmetri Culkar** is now associate counsel for Ultimate Fighting Championship, based in Las Vegas. Most recently, he served as vice president and associate general counsel at Fiume Capital in Las Vegas.

**Christopher L. Gordon** joined Fox Rothschild LLP in San Francisco as an associate in the real estate department. Previously, he was an investment officer for a San Francisco real estate company.

2019



**Joshua LeVasseur** joined the Los Angeles-based trusts and estates litigation firm Sacks, Glazier, Franklin & Lodise LLP as an associate. He

previously served as a litigation associate at O’Melveny & Myers LLP.

**Kyle D. Smith** has joined Dentons in Portland, Maine, as an associate in the restructuring, insolvency, and bankruptcy practice group.

2021



**Katherine G. Boothroyd** has joined the Midland, Michigan, office of Warner Norcross+ Judd LLP as a litigation attorney focusing her practice

on appellate matters. She previously served as a judicial clerk for the Hon. David F. Viviano of the Michigan Supreme Court and a judicial intern for the Hon. Thomas L. Ludington of the US District Court for the Eastern District of Michigan.

**Jack Igoe** recently started a clerkship on the US District Court for the Eastern District of New York. He began his legal career as an associate in the government enforcement and white-collar crime practice groups at Skadden, Arps, Slate, Meagher & Flom LLP and Affiliates in New York.

**Martese Johnson** delivered the keynote address at Ferris State University on Martin Luther King Jr. Day. He is an associate in the real estate practice group at Willkie Farr & Gallagher LLP in New York. He also is a social justice advocate, stemming from his experience as an undergraduate student who was beaten by officers near a bar in Charlottesville, Virginia, in 2015.

**Matt Preston** published an article in the *Belmont Law Review* titled “The Tweet Test: Attributing Presidential Intent to Agency Action,” in which he discusses a solution for federal courts to invalidate federal agency regulations based on a president’s public statements if they show unlawful animus. He is a senior law clerk at a federal district court in Saginaw, Michigan.

2022

**Carly Allen** joined Freeborn & Peters LLP as an associate attorney in Chicago. A member of the litigation practice group, she previously served with the firm as a 2021 summer associate.

**Lauren Cole** joined Frost Brown Todd LLP, a national law firm with specialized expertise in the technology industry. Based out of the firm’s Houston office, she is a member of the intellectual property group.



**Juliette Collins** has joined the Grand Rapids, Michigan, office of Warner Norcross+Judd LLP. She focuses her practice in litigation, trademarks, general

corporate, labor and employment, and trusts and estates matters.

**Corinne Fombelle** joined Bradley Arant Boult Cummings LLP as an associate in the firm’s intellectual property group. She is based in Nashville, Tennessee.

**Joseph Kent**, JD/MBA, joined Gunderson Dettmer Stough Villeneuve Franklin & Hachigian LLP as a corporate law clerk in January. He is based in the New York office.

**Paula Plaza**, LL.M., received the 2023 ABA Dispute Resolution Fellowship and is serving as a fellow to the Technology in Alternative Dispute Resolution Committee. She is an associate in the Buffalo office of Phillips Lytle LLP and is experienced in international arbitration proceedings and arbitral award enforcement. Before joining Phillips Lytle, she was a senior associate in the litigation group of the largest law firm in the Philippines.

Did you get a new job or a promotion? Were you recognized with an award? Share your news with classmates in an upcoming issue of the *Law Quadrangle*. Email [LQNCClassNotes@umich.edu](mailto:LQNCClassNotes@umich.edu) or complete the online form at [law.umich.edu/classnotes](http://law.umich.edu/classnotes).



## Professor Emeritus Carl E. Schneider, '79

Carl E. Schneider, '79, the Chauncey Stillman Professor Emeritus of Law, died on May 6, 2023. He was 75.

He leaves a legacy of teaching and scholarship that spanned several fields, including law and medicine, regulating research, property, law and morals, family law, art law, the sociology and ethics of the legal profession, and writing briefs. He also was a professor of internal medicine at the University of Michigan.

Schneider's roots at Michigan Law ran deep. After earning his bachelor's degree from Harvard University, he came to the Law School, where he was editor-in-chief of the *Michigan Law Review*. He went on to serve as law clerk to the Hon. Carl McGowan of the US Court of Appeals for the District of Columbia Circuit and to Justice Potter Stewart of the US Supreme Court.

In 1981, he became a member of the Law School faculty. According to Theodore St. Antoine, '54, Dean Emeritus and the James E. and Sarah A. Degan Professor Emeritus of Law, "Carl was a superstar student and one of those very rare persons capable of moving quickly from student to faculty status." He joined the Medical School faculty in 1998.

Schneider is remembered among his colleagues as an excellent writer who possessed tremendous intellectual capacity, with knowledge that extended beyond law and medicine to art, music, food, and travel.

"Carl was that rare academic whose ideas made a difference," says Richard Lempert, the Eric Stein Distinguished University Professor Emeritus of Law and Sociology. "He wrote on disparate matters as an idea appealed to him, but perhaps contributed most widely on matters related to medicine and bioethics. What is to my mind his best work, his book on informed consent, opened people's eyes to differences between an assumption-based ideal and the world in which most people live. It should be required reading on this topic."

A central theme in Schneider's scholarship criticizes some dominant regulatory ideas, particularly those in the law of medicine. For example, his book *The Censor's Hand: The Misregulation of Human Subject Research* (The MIT Press, 2015) examines a regulatory system whose usefulness is widely assumed but quite unproved and argues that the system is so

perversely constructed that it cannot help doing more harm than good. Another example is *More Than You Wanted to Know: The Failure of Mandated Disclosure* (Princeton University Press, 2014), co-authored with Omri Ben-Shahar. It explains why government-mandated disclosure may be the most adored, most used, and least successful regulatory method in our time. His book *The Practice of Autonomy: Patients, Doctors, and Medical Decisions* (Oxford University Press, 1998), which analyzes the malign effects of making patient autonomy the regulatory summum bonum, is another example of his scholarship at the intersection of law and patient care.

Schneider also co-authored two innovative casebooks: With Marsha Garrison, he wrote *The Law of Bioethics: Individual Autonomy and Social Regulation*, a pioneering work in what was then a new field, and with Margaret F. Brinig, he wrote *An Invitation to Family Law* (West, 2007, third edition). This casebook approaches family law conceptually—each chapter discusses an area of family law, and each chapter introduces students to a systematic discussion of a recurring jurisprudential issue (like the problem of rules and discretion, or the legal principle of autonomy).

Beyond his excellence as a scholar, Michigan Law faculty remember Schneider as an engaging colleague and mentor who approached discussions of others' works in progress with enthusiasm.

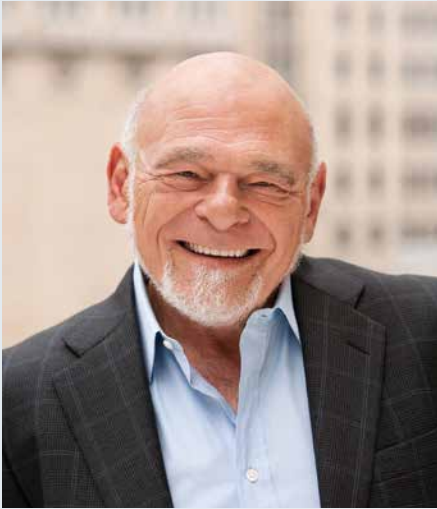
"Carl was one of the many people in our community who started mentoring me as soon as I joined the faculty," says Mark West, David A. Breach Dean of Law and Nippon Life Professor of Law. "Among the many roles he played in my life, he was one of the most careful—and demanding—readers of my work. He pushed me to be a better writer, listener, teacher, and colleague—all things he valued deeply."

In addition to his work at the Law School, Schneider served two terms on the President's Bioethics Council and was a visiting professor at Cambridge University, the University of Tokyo, Kyoto University, and the United States Air Force Academy.

He is survived by Joan, his wife of 50 years who was his partner in foreign travel, the enjoyment of fine cooking, and the collection of photographic art.



## Sam Zell, '66



Sam Zell, '66, an entrepreneur and maverick in the business world, died May 18, 2023, at his home in Chicago. He was 81.

Zell launched and grew hundreds of companies over more than 60 years, including Equity Group Investments, Equity LifeStyle Properties, Equity Residential, and Equity Commonwealth. He was most widely recognized for his critical role in creating the modern real estate investment trust, which today is a more than \$4 trillion industry.

He also was a generous alumnus who, along with his wife, Helen, made transformative gifts to many parts of the University of Michigan, including the Law School. His \$5 million gift helped launch the Zell Entrepreneurship and Law Program in fall 2011. The program established an entrepreneurship clinic to offer free legal advice to the University's burgeoning number of student start-up and business ventures. It also boosted the Law School's curriculum to train law students to better serve startups and existing businesses. The clinic was the first of its kind in the country.

In 2022, Zell and the Zell Family Foundation made an additional gift of \$2 million to the clinic, which was renamed the Zell Entrepreneurship Clinic in recognition of his support.

"Sam was a visionary thinker who reshaped the business landscape. He saw opportunities and challenged us to think differently, always encouraging us to forge new paths to success," says Mark West, the David A. Breach Dean of Law and Nippon Life Professor of Law. "We are grateful for Sam's unwavering support and for his legacy through the Zell Entrepreneurship Clinic. The clinic was born, at Sam's encouragement, of the idea that there had to be a way to partner our student-attorneys with some of the amazing innovations taking place on campus. These partnerships have enabled us to transform promising ideas into real-life solutions, products, and services, and thanks to Sam's gift, the clinic will continue to be an exceptional learning opportunity for students while also playing a critical role in the U-M entrepreneurial ecosystem."

Zell was born in Chicago in 1941, following his parents' escape from Poland during World War II. As an undergraduate at the University of Michigan, he started his first business, an apartment management and investment company.

In 1968, Zell founded Equity Group Investments, a private investment firm headquartered in Chicago. A year later, Bob Lurie, a fraternity brother, joined him as a partner. Together, they built an empire, branching out from real estate to invest across industries in the 1970s and 1980s. Zell and Ann Lurie, on behalf of her late husband, established the Samuel Zell & Robert H. Lurie Institute for Entrepreneurial Studies at U-M's Ross School of Business in 1999.

"My goal with entrepreneurial endeavors at the University has always been to create cross-pollination across multiple disciplines," Zell said in 2011. "We've got top schools in law, engineering, business, and medicine. That's an entrepreneurial jackpot just waiting to be cashed in."

*Forbes* recognized Zell in 2017 as one of the 100 Greatest Living Business Minds. Also that year, he chronicled his fundamental principles for life and business in a book, *Am I Being Too Subtle?* The title was a play on his reputation as a straight shooter.

The Zell clinic at the Law School continues to serve U-M entrepreneurs. Since its inception, it has advised 363 clients on more than 1,000 distinct matters, from entity formation, conversation, and dissolution to corporate governance and intellectual property protection. Most recently, it has started advising student-athletes in regard to name, image, and likeness. (See page 14.)

"As founding director of the clinic, I have witnessed the significant impact the clinic's work has had on U-M's entrepreneurial ecosystem," says Dana Thompson, '99. "I am inspired by what our students accomplish on a daily basis, and none of this would be possible without the generosity of Sam Zell."

Zell is survived by his wife, Helen; his sister Julie Baskes and her husband, Roger Baskes; his sister Leah Zell; his three children, Kellie Zell and son-in-law Scott Peppet, Matthew Zell, and JoAnn Zell; and his nine grandchildren.

# I N M E M O R I A M

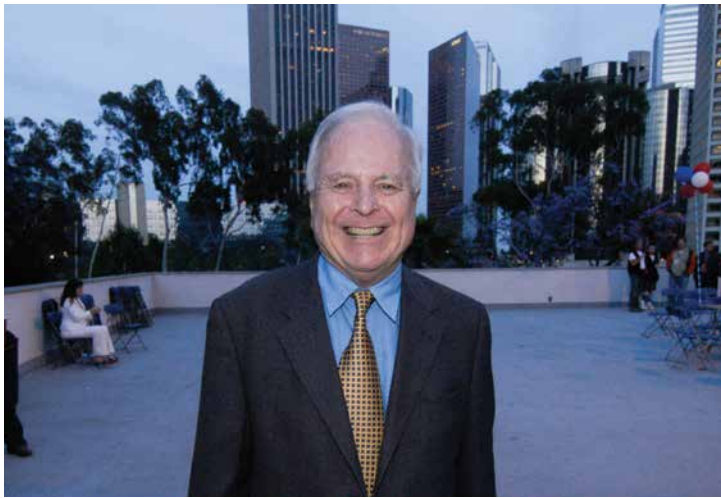


PHOTO BY GARY LEONARD/GETTY IMAGES

## Richard J. Riordan, '56

Richard J. Riordan, a lawyer, businessman, and former mayor of Los Angeles, died at his home in Los Angeles on April 19, 2023. He was 92.

Riordan grew up in New Rochelle, New York, as the youngest of nine children. After earning a football scholarship, he enrolled in Santa Clara University in California. He later transferred to Princeton University and completed his bachelor's degree in philosophy. Following his undergraduate studies, Riordan joined the Army and served as a first lieutenant during the Korean War. After the war, he attended Michigan Law.

Riordan returned to California after graduating from the Law School and joined O'Melveny & Myers. He later practiced at Nossaman LLP and then became a founding partner of Riordan & McKinzie, which later merged with Bingham McCutcheon. He then co-founded the private equity firm Riordan, Lewis & Haden. During this time he also became a member of the Los Angeles Board of Recreation and Park Commissioners.

Riordan was elected the 39th mayor of Los Angeles in 1993; he is the only Republican to have led the city since 1961. He took office in the wake of the 1992 riots that followed the acquittal of four white police officers in the beating death of an unarmed Black man, Rodney King. A few years later, Riordan was praised for his leadership in rebuilding Los Angeles after the devastating 1994 Northridge earthquake. He served as mayor until he was term-limited in 2001.

He was a strong advocate for education, particularly supporting charter schools. His significant contributions to California's educational landscape include serving briefly as the education secretary under Gov. Arnold Schwarzenegger. As mayor, Riordan is credited with saving LA's central library from ruin; it now bears his name. He later established the Riordan Foundation, a charity for expanding childhood literacy.

Riordan's philanthropy also benefited his alma mater. He gave \$1.5 million to the Law School, dedicated to the Loan Repayment Assistance Program and the refurbishment of the Faculty Lounge. He served on various fundraising committees for the Law School and the University.

He is survived by his wife, Elizabeth Gregory; his daughters Patricia, Elizabeth, and Kathleen Ann; grandchildren Luca, Jessica, and Elizabeth; and sister Mary Elizabeth.

## 1940s

Herman Gordon, '49 12/22/2022

## 1950s

Philip Wittenberg, '50 11/28/2022

Thomas N. McGowen, '51 7/21/2022

William H. Bates, '52 10/20/2022

Willard L. Boyd, '52 12/06/2022

Richard J. Dorsey, '52 3/04/2023

Kiehner Johnson, '52 10/04/2022

Leonard M. Moore, '52 2/03/2023

Stewart A. Newblatt, '52 12/27/2022

John W. Woodard, '52 7/07/2022

William D. Ahonen, '53 2/07/2023

John G. Lees, '53 11/27/2022

Jerry A. Donley, '54 2/09/2023

Walter C. Grosjean, '54 7/18/2022

Stanley R. Weinberger, '54 12/05/2022

Joseph F. Maycock, '55 7/28/2022

Robert A. Parr, '55 1/10/2023

James M. Potter, '55 3/03/2023

Harry C. Tatigian, '55 8/22/2022

Jack W. Tomion, '55 10/19/2022

William H. VanDuzer, '55 12/07/2022

Richard K. Elliott, '56 2/16/2021

John F. Kruger, '56 9/18/2022

Richard J. Riordan, '56 4/19/2023

Donald W. Shaffer, '56 9/24/2022

Edward L. Shank, '56 8/21/2022

John M. Chase, '57 11/09/2022

S. Jonathan Emerson, '57 8/07/2022

Frederick W. Fraley, '57 11/02/2022

Stephen G. Fuerth, '57 12/18/2022

Mary A. Hartung, '57 9/22/2022

Thomas J. Hughes, '57 10/16/2022

Livingstone M. Johnson, '57 2/25/2023

Eugene J. Gabianelli, '58 7/29/2022

Eugene L. Hartwig, '58, 1/11/2023

Theodore M. Hutchison, '58 11/26/2022

David D. Lodwick, '58 8/05/2022

Ronald L. Mathwich, '58 3/26/2022



# I N M E M O R I A M

William M. Meikle, '58 8/12/2022  
 Hannes Meyers, '58 9/04/2022  
 Richard I. Singer, '58 6/30/2022  
 Lee H. Snyder, '58 8/09/2022  
 James G. Wills, '58 2/06/2023  
 G. Sidney Buchanan, '59 1/07/2023  
 Daniel K. Converse, '59 2/28/2022  
 L. Raymond Gardiner, '59 9/27/2022  
 Victor S. Krupman, '59 9/19/2022  
 Denis T. Rice, '59 7/19/2022  
 John B. Souther, '59 6/29/2022  
 A. Roger Witke, '59 2/19/2023

## 1960s

Leonard J. Betley, '60 12/02/2022  
 Donald J. Keune, '60 8/05/2022  
 Paul K. Lange, '60 12/27/2022  
 John L. Peschel, '61 12/29/2022  
 L. Vastine Stabler, '61 1/04/2023  
 David C. Todd, '61 12/07/2022  
 Daniel C. Turack, '61 10/09/2022  
 Gordon Wilson, '61 10/19/2022  
 Willard L. Boyd, '62 12/06/2022  
 William K. King, '62 10/07/2022  
 John B. Pendleton, '62 9/26/2022  
 Donald J. Spero, '62 8/09/2022  
 Murray J. Feiwell, '63 1/04/2023  
 Ralph E. Mahowald, '63 9/04/2022  
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 William B. Roberts, '63 11/01/2022  
 Richard J. DeLamielleure, '64 12/13/2022  
 John C. Feldkamp, '64 2/18/2023  
 Michael F. Simon, '64 12/16/2022  
 Joel V. Soule, '64 11/30/2022  
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 Willoughby C. Johnson, '65 2/20/2022  
 Hal A. Locker, '65 6/30/2022  
 Donald E. Overbeek, '65 9/10/2022  
 Richard A. Rinella, '65 7/21/2022  
 Anthony J. Barker, '66 4/03/2022  
 Harvey Chayet, '66 7/13/2022

William M. Colby, '66 12/04/2022  
 Michael Hammer, '66 7/27/2022  
 John C. Woolley, '66 5/04/2020  
 Jay B. Hunt, '67 8/17/2022  
 Whitney F. Miller, '67 7/01/2022  
 James M. Morton, '67 9/30/2022  
 Jerald J. Reminga, '67 3/22/2021  
 John R. Wilhelm, '67 1/19/2023  
 William L. Carr, '68 2/01/2023  
 Thomas R. Cross, '68 9/27/2022  
 Stephen A. Glasser, '68 8/25/2022  
 John J. Iseman, '68 1/09/2023  
 Lyle L. Lopus, '69 8/30/2022  
 Ronald Schram, '69, '70, '71 2/09/2023  
 Daniel C. Turack, '69 10/09/2022  
 Robert M. Vercruysse, '69 2/01/2023

## 1970s

Leo R. Beus, '70 11/14/2022  
 Michael J. Biber, '70 10/20/2022  
 Joel W. Greenbaum, '70 11/05/2022  
 John C. McColl, '70 8/29/2022  
 John C. Unkovic, '70 8/10/2022  
 Lawrence A. Young, '70 9/17/2022  
 William S. Fein, '71 1/09/2021  
 David E. LeFevre, '71 1/08/2023  
 Edward A. Botchwey, '72 11/19/2022  
 James R. Dashiell, '72 2/02/2023  
 Carolyn E. Hansen, '72 12/14/2022  
 Nielsen V. Lewis, '72 1/18/2023  
 Robert P. Nash, '72 12/27/2022  
 Robert L. Rubinstein, '72 2/15/2022  
 David E. Cary, '73 3/12/2023  
 Ferd R. Hall, '73 7/30/2022  
 Timothy M. Sheehan, '73 1/06/2023  
 Richard W. Snyder, '73 2/15/2023  
 Kenneth E. Tiewes, '73 8/10/2022  
 Burrus M. Carnahan, '74 9/09/2022  
 Donald A. Davis, '74 2/05/2023  
 Stephen L. Burlingame, '76 7/02/2022  
 Stephen C. Corwin, '76 10/24/2022

Carl F. Gerds, '76 1/28/2023  
 David N. Knipel, '77 7/18/2022  
 William P. VanWyke, '77 8/14/2022  
 Priscilla K. Cheever, '78 12/23/2022  
 Douglas H. Kanarek, '79 7/19/2022  
 Frederic A. Lubkin, '79 9/29/2022

## 1980s

John C. Grabow, '81 8/10/2022  
 Leslie S. Corrigan, '82 10/06/2022  
 Avery K. Williams, '82 8/06/2021  
 John R. Lauver, '83 5/05/2022  
 Bruce K. Packard, '84 9/04/2022  
 E. James Potchen, '84 8/29/2022  
 Linda M. Foster, '85 9/12/2021  
 Lee W. Brooks, '86 9/16/2022  
 Michael L. Chidester, '88 9/03/2022  
 William F. Holland, '88 8/08/2022  
 Jonathan Tukel, '88 9/17/2021

## 1990s

Arthur F. DeVaux, '91 12/11/2022  
 Ronald S. Melamed, '96 8/04/2022  
 Gillian N. Flory, '98 6/18/2022

## 2000s

Jeffrey M. Kayes, '00 11/05/2022  
 Daniel C. Skinner, '02 8/20/2022

## 2010s

Lillian M. Wafford, '10 12/19/2022  
 Alan W. Nagel, '16 2/09/2023



## No More Mister Judge Guy

When the Hon. Cornelia G. Kennedy, '47, assumed the role of chief judge for the US District Court for the Eastern District of Michigan, she was the first woman to lead a federal district court. Judge Kennedy was a groundbreaking figure throughout her life, and the Supreme Court recently shared a lesser-known story on its website that demonstrates another area where she left her mark.

In 1979, Judge Kennedy joined Justice John Paul Stevens for a moot court at Notre Dame Law School. As was the custom at the time, participating students referred to the judges as “Mr. Justice” and “Madame Justice”—which led Judge Kennedy to respond, “Why do you address me as ‘Madame Justice?’ The word ‘Justice’ is not a sexist term.”

Justice Stevens took the comment to heart, and when he returned to the Supreme Court he opened the floor for argument among his colleagues. All but one agreed that the term “Mr.” should be dropped from their titles—Justice Harry Blackman was of the view that they should wait until the first female justice joined the Court, so that a woman could participate in the decision—and the change was first reflected in the opinion of *Dennis v. Sparks*.



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The University of Michigan Law School  
Volume 66, Number 1  
SPRING/SUMMER 2023

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Law Quadrangle (USPA#144) is issued by  
the University of Michigan Law School.  
Postage paid at Ann Arbor, Michigan.

Publication Office: Law Quadrangle,  
University of Michigan Law School,  
Ann Arbor, MI 48109-3091. Published  
twice a year.

Postmaster, send address changes to:  
Editor, Law Quadrangle  
University of Michigan Law School  
701 South State Street  
Ann Arbor, MI 48109-3091

**Chief Communications Officer:**  
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**Photographers:** Genevieve DeVries, Cole Giordano,  
Sam Hollenshead, Lon Horwedel, Dustin Johnston,  
Michigan Photography, Isaac Mintz, Lucian Perkins,  
Lexey Swall, Leisa Thompson Photography

**Printing:** University Lithoprinters, Ann Arbor, Michigan

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