

EMORY | lawyer

FALL 2021

# Pandemic pivots

What will we keep doing?

**ALSO INSIDE**

- CLASS OF 2024
- CAPITAL CAMPAIGN
- NEW CONCENTRATION



THE FUTURE STARTS HERE

## A focus on the future

**THIS PAST AUGUST**, in-person classes for the full community resumed at Emory Law for the first time since March 2020.

We welcomed our new JD, JM, and SJD students with enthusiasm, cohorts joining our community from 31 states, the District of Columbia, Puerto Rico, and 13 countries. The incoming JD class of 2024 boasts the highest academic credentials of any class in our recent history, holding degrees from 164 undergraduate schools. This talented and capable class is 56% female and 40% non-white—and includes a professional opera singer, a five-time Ironman triathlete, a former NFL Pro Bowler, several Peace Corps alumni, and members of the U.S. military or allies, to name just a few of their many talents.

Gambrell is buzzing with activity again, though we still take many precautions—such as masking, vaccinations, and outside seating for gatherings with food—to ensure the safety of our students, staff, and faculty. And despite the “Zoom fatigue” we all experience at times, we certainly see many ongoing benefits of using virtual platforms to connect with those who cannot physically come to campus.

This fall, as the law school joins the university in launching a new capital campaign, we recognize the importance of preparing our students for continued changes in the legal profession, as we also articulated in our strategic plan. We must ensure that students graduate with a thorough understanding of the law and have the practical training to contribute substantively from their first day on the job. They also need to be well-prepared for success on the bar exam, no matter where they take it, so we’ve tapped **Rhani Lott Choi 10L** to work on this as our new Director of Academic Advising and Bar Success. Making the

financial cost of law school less burdensome will ensure that all students who wish to pursue a legal education can afford to do so. This is why we must add need-based funding to the merit-based award packages we currently provide to our students.

Attracting great faculty through endowed professorships will draw thought leaders who will shape the scholarship, teaching, and mentorship of the school for decades to come.

We’re off to a great start. Our advancement and alumni engagement department ended last year in record territory with more than \$10.7M in gifts, including two large programmatic gifts: a \$5 million transformative gift from Southern Company to establish a new Center for Civil Rights and Social Justice, and a seven-figure gift related to ethics and leadership development from the MirYam Institute to the Center for the Study of Law and Religion.

On page 22 of this issue, we highlight four faculty and alumni who recently have been nominated to federal posts—Southern Center for Human Rights Senior Counsel and Emory Law Lecturer **Sarah Geraghty**, Asa Griggs Candler Professor of Law **Kristin Johnson**, Senior Fellow and Director of Congressional Affairs for the German Marshall Fund of the United States **Reta Jo Lewis 89L**, and longtime Associate Dean of Enrollment Management and Student Services **Ethan Rosenzweig 02L**.

We always enjoy celebrating the achievements of our students, faculty, and alumni; please do share your good news with us, as well.



Mary Anne Bobinski  
Dean and Asa Griggs Candler Professor of Law

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## Community of scholars

Professors Fred Smith and Kristin Johnson talk during a recent faculty dinner outside the law school, on Reese Plaza. Discussions between scholars of this caliber, where they can learn from one another, strengthen the Emory Law community.

PHOTOGRAPH BY CAROLINE JOE



# Pandemic pivots

What we'll keep doing

BY CANDACE GIBSON • ILLUSTRATION BY ANDREA MONGIA



Assemble a dream team to write the operations guide for “business as usual” during a pandemic, and you’d be wise to recruit a few legal minds. You need strategy. Procedure. Critical assessment of risk. Accommodations for special cases.

Emory Law pivoted quickly under the pressures of the pandemic to continue serving students, faculty, and alumni.

One might expect that emergency-measure strategies get shelved once normal operations resume. But Emory Law knows better. A few strategies didn’t just keep the school’s heart monitor humming; they illuminated a new path forward at the enterprise level, in the classroom, and for alumni outreach. Moving events and classes to a virtual platform increased engagement and participation. Treating the Emory community holistically—and within the context of what was happening universally and individually—yielded historically high academic success and fostered more productive teams, greater camaraderie. These strategies are getting Emory through crisis. And these strategies will build our future.

Asa Griggs Candler Professor of Law and Vice Provost for Faculty Affairs **Tim Holbrook** recalls conversations that happened in 2020—conversations about closing the university and extending spring break. Work, meetings, near-term events: everything shifted to remote or was canceled. In the summer, “The Office of the Provost, in partnership with other units, began to assess how to restart various elements of the university, especially our faculty research,” he says. “We developed safety protocols to allow some of those spaces to reopen at reduced density.” The entire university is committed to performing contact tracing and enforcing quarantine, while also “ensur[ing] the academic continuity of students” in isolation.

There is no replacement for students or

faculty being in a classroom, even if safety dictates a period of isolation. “In-person classes are a vital component of legal education,” says Holbrook, and he notes that the American Bar Association places limits on remote learning (though the ABA is also taking cues from the pandemic and re-evaluating how many credits may be earned through online classes).

**LOOKING FOR THE SILVER LINING OF ZOOM IS ONLY ONE OF HOLBROOK’S PANDEMIC COPING STRATEGIES.**

Though online learning may be necessary as the world continues to grapple with COVID setbacks, there are important nuances lost in the medium of Zoom. Holbrook describes the challenge of observing non-verbal social cues virtually. “Those subtle signals can often be important in the classroom to gauge if the class is understanding the material,” he says. However, he suggests that the medium can level the playing field. “Some students have felt it easier to engage on Zoom. The chat function can also empower some students who may be uncomfortable discussing something verbally, but they can engage through written comments and questions. I hope professors can find ways to facilitate that inclusive dynamic outside of Zoom,” Holbrook says.

Looking for the silver lining of Zoom is only one of Holbrook’s pandemic coping strategies. For another, “I have always tried to prioritize the people in my office over the tasks. If I take care of my team as persons, they will perform the tasks that are needed.” Holbrook says proudly that he saw how committed and resilient his team could be and that he has “the utmost confidence that we can pivot quickly to remote activity and still be successful in fulfilling the mission of my office.”

Within the realm of what’s possible—and safe—Emory Law is intent on keeping students in the classroom. Precautions set in place before the return to campus, like masking and discontinuing eating and drinking inside buildings, may cause minor annoyance on campus, but Vice Dean and Thomas Simmons Professor of Law **Joanna Shepherd 01G 02G** says, “I think these precautions were necessary so we could gather safely in classrooms. All students were generally required to attend classes in-person. The only exceptions were students with an ADA accommodation or students who had symptoms or had to isolate for COVID-related reasons.” She underscores Holbrook’s statements about the pain points of Zoom classes. “The biggest challenge is keeping students focused... for 90 minutes, especially when there are so many [faces] that you can’t see them all on one Zoom screen,” Shepherd says.

Even so, no student became truly faceless or underserved during the pandemic. In fact, students thrived. “Our summer bar pass rate for first-time test takers was higher in 2020 than it had been for the previous eight years,” says Shepherd. For students who met various challenges during the pandemic,



“Emory assisted by providing online academic support programs, computer and technological equipment, quiet test space (both in and out of Georgia) for bar exams, and financial assistance,” Shepherd adds.

Even with social distancing, staggered office schedules and virtual meetings creating space between people, Emory didn’t lose its human touch. Shepherd says she has “gained a new appreciation for the Emory community” and gives examples of “small kindnesses” she witnessed during the pandemic. There was a professor who lent rent money to a student who had lost a job, as well as a student “who visited a professor’s office hours because he could tell the professor was lonely.”

Preserving the human connection between Emory Law and alumni isn’t just a pandemic goal: it is the primary objective of Associate Dean **Courtney Stombock** and the Office of Advancement and Alumni Engagement. The office went remote in mid-March 2020 and postponed its flagship event, Emory Law Alumni Weekend, scheduled for April 2020. “By summer of 2020, we canceled any events that were not conducive to video conference, including the alumni weekend,” Stombock

**EVEN WITH SOCIAL DISTANCING, STAGGERED OFFICE SCHEDULES AND VIRTUAL MEETINGS CREATING SPACE BETWEEN PEOPLE, EMORY DIDN’T LOSE ITS HUMAN TOUCH.**

says. To serve immediate needs, the office launched a “new series of panel discussions and networking sessions with alumni and students to help support admissions in recruiting the fall 2020 incoming class, and support those graduates seeking career opportunities amidst the pandemic.” The sessions

were well-attended and attracted alumni who would not have been able to participate in an on-campus format. An iteration of the flagship event went virtual, too, with online programming and an interactive website where alumni could share videos and photos, and reconnect with classmates from the past 60 years.

**SINCE AUGUST 2021, THE ALUMNI ENGAGEMENT TEAM HAS RETURNED TO CAMPUS TWICE A WEEK, AND SMALL IN-PERSON EVENTS ARE BACK ON THE CALENDAR.**

Since August 2021, the alumni engagement team has returned to campus twice a week, and small in-person events are back on the calendar. “Alumni who can’t or won’t travel can be included through continued virtual or hybrid event options,” says Stombock, and for all future in-person events, “the team will think carefully about strategic objectives, crowd size, technological functionality and necessity.”

The office is energized by its pandemic-period discovery that alumni could be very active when given the chance to participate virtually. Stombock notes that Emory Law was mindful of “allow[ing] alumni and donors the space and time to share what they were experiencing and how they wanted to be engaged during [the pandemic].”

It is a necessary concession to engage with colleagues and peers within the context of their pandemic experience. Nuances of expression might be lost in a Zoom discussion, but so much more is on display. A child snacking in the background. A mewling cat on someone’s lap. The muffled soundtrack of a partner’s own Zoom meeting across the room. In recognizing the humanity of its diverse community, Emory Law emerges stronger.



# THIS IS

Meet the class of 2024

BY LAURA KUECHENMEISTER

# EMORY LAW



**ACROSS THE UNITED STATES,** admission to higher education programs shifted substantially in 2020. A process typically marked by cross-country travel, the buzz of recruitment fairs, and lively campus tours would instead be conducted completely online.

“It gave us the opportunity to reach a lot more students,” says **Jenna Otokawa 10L**, senior director for admission and financial aid at Emory Law. “I think it also gave the students more flexibility to hop easily into a virtual event from wherever they were without having to prepare a resume or to speak in person,” she says. “It fed right into this younger group of people who like having immediate access, and in that way was really helpful.”

Without the constraints of travel budgets, distance, or time, Emory Law’s admission team was able to attend events with more schools and in more locations. Otokawa also credits the marketing team at the law school with a successful cycle, noting, “They made us really relevant with the digital components we added, and we were very thoughtful and put together in the experience we could provide.”

With increased access, though, came a surge in law school applications. The Law School Admission Council reported that a total of 71,095 people applied for the 2021 enrollment year, an increase of 12.6% over 2020. They also submitted more applications: *US News and World Report* counted almost 481,000 applications, calculating a 27% increase over

the previous year. At Emory Law, Otokawa reported an approximately 33% increase in application volume, attributed to factors such as national recognition of Emory Law’s JD program, heightened student interest in law, and a change in the administration of the LSAT, which was offered remotely on a more frequent basis in the last year.

On August 10, 2021, Emory Law welcomed the JD Class of 2024, a diverse, talented group of students that Dean **Mary Anne Bobinski** stated “possesses the strongest academic credentials of any class in recent history.”

### ACCESS AND SUCCESS

For **Stephanie Dingle**, director of Student Life, students’ first impression of an in-person Emory Law was a key moment for celebration. “I had about 40 orientation leaders who were super excited to be back,” she shared. “They wanted to have conversations, they wanted to talk after 18 months of virtual—barely any contact—and so it was easy to build connections because people were excited.”

In addition to gathering a large group of second- and third-year law students to help guide and greet the new students during Welcome Week, Dingle and her team worked to ensure that the larger-than-average class felt comfortable and connected. In addition to ensuring extra classroom space for social distancing, increased outdoor seating, and other facility concerns, Dingle wanted to capitalize

on the community’s energy to invigorate Emory Law’s more than 60 student organizations and practice societies. Previously held in September, the annual Student Activities Fair was moved to the week after classes began, and Dingle says that made a significant impact on increased membership and engagement with lapsed members.

Conversely, **Rhani Lott Choi 10L**, director of bar success and academic advising, describes the connections that technology has improved for students. While it has always been a priority for students to be able to talk to Dean’s Teaching Fellows about topics like how to study for a specific class, preparation strategies, or specific professors, their appointment availability was previously more limited. “We have broad coverage now Monday through Thursday,” Lott Choi explains. “Almost any time a student wants to talk to a Dean’s Teaching Fellow, they can find them in a Zoom room and don’t have to make an appointment—they just pop in and talk, and with a large class, virtual makes a lot of sense.”

Lott Choi also shares changes made to workshops offered by the Office for Academic Engagement and Student Success, noting that they have adopted a hybrid format. She says, “We offer them in-person and stream them live over Zoom because many students are doing things like externships or don’t have classes on campus on Monday, so we think this makes it easier for them.” She also notes that she

and colleague Cody Teague, assistant director for Student Support and supervisor of the Houses Program, have found that students are more comfortable meeting over Zoom than in person, and they are seeing more student engagement as a result.

### LOOKING FORWARD

In the summer months, Otokawa notes, Emory Law provided access to a number of low- or no-cost preparatory programs, including Harvard’s OL program and the Council for Legal Education Opportunity’s Pre-Law Summer Institution. She said, “In some ways, I would say that this class is one of the strongest academically and one of the most prepared academically going into this year, which I’m really proud of and is exciting for the class.”

Already, Emory Law is working to ensure Class of 2024’s needs are anticipated over their next three years. Dingle described efforts made in the students’ first semester to anticipate financial and communication needs as well as leadership opportunities available to students.

Typically, Emory Law has one first-year student representative position on the Student Bar Association, elected by the 1L class. This year, says Dingle, SBA has added a second position to share the responsibilities and ensure the class feels confident that their collective voices are adequately represented. “What do students need as leaders?” Dingle asked. “As

graduate students, they’ve been through Round 1 of some form of leadership opportunity—but what does Round 2 look like?” For her, this skill development is key for student success. “That is the biggest thing: getting ahead of student needs and thinking about how I guide them better.”

In addition to considering students’ extracurricular activities and upper-level class needs, the school is also looking forward to the 2024 bar exam. “In three years, we will have 300 students taking a bar exam,” Lott Choi said, “We’re going to have to provide all of them the same individual, highest-touch support that we provide now, so we are already thinking about that.”

Emory Law’s recently published strategic plan further commits to preparing students for their future careers. Part of this includes expanding practical experiences for students: seeking a broader range of externship placements in a program that already offers a wide variety of opportunities, the possible addition of clinical offerings, and further developing simulation programs and short courses that can help students gain skills that reflect current and future trends in legal practice.

### MAKING AN IMPACT

With students from a wide variety of backgrounds who hold a broad set of opinions and experiences, the Class of 2024 is an engaged partner in their law school careers. “One area

where we see a benefit from having a larger class is in a diverse set of interests and what students want out of their experience,” Lott Choi remarked. “I wouldn’t be surprised if we saw students develop new student organizations,” she says, noting there may already be a group forming around aviation law. She also commented on the impact students would make for those that matriculate after this class. “And these students are go-getters; they’re talented; they’re smart—they’re going to go out there and find an externship or job, and while they might be the first law student to do that particular thing, they won’t be the last.”

The diversity of the class brings other benefits to students’ experience in the classroom and through their law school careers. “Diversity is especially important in law school, when you’re sharing ideas,” Otokawa says, “These will be your colleagues forever, and I think the level of diversity in this class will make it a lot stronger.”

“I think we’re all really proud of this class,” Otokawa said, expressing a sentiment common among faculty and staff. Recruiting for the Class of 2025 began only weeks after Welcome Week, and after such a unique, challenging year at law schools across the US, Emory Law seems well-prepared to take on whatever comes next.

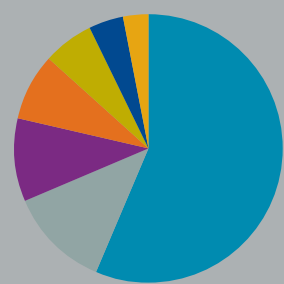
## CLASS OF 2024 PROFILE

ENROLLED STUDENTS  
**304**

FEMALE STUDENTS  
**56%**

LSAT RANGE  
(25th%, median, 75th%)  
**160 167 169**

GPA RANGE  
(25th%, median, 75th%)  
**3.47 3.80 3.90**



### ETHNICITY

- Caucasian/white, 56%
- Hispanic/Latino, 12%
- Black/African American, 10%
- Asian, 8%
- Non-US citizen, 6%
- Multiracial, 4%
- Unknown, 3%

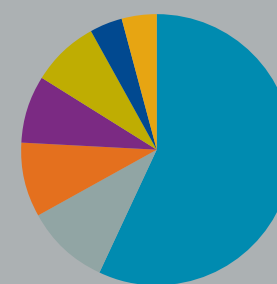
### TOP UNDERGRADUATE SCHOOLS

- 13 University of Florida
- 9 Emory University
- 9 University of Georgia
- 8 Georgia State University
- 8 University of Alabama
- 7 Florida State University
- 7 Georgia Institute of Technology
- 7 Tulane University

## JD STUDENT BODY PROFILE

**812**  
Enrolled students

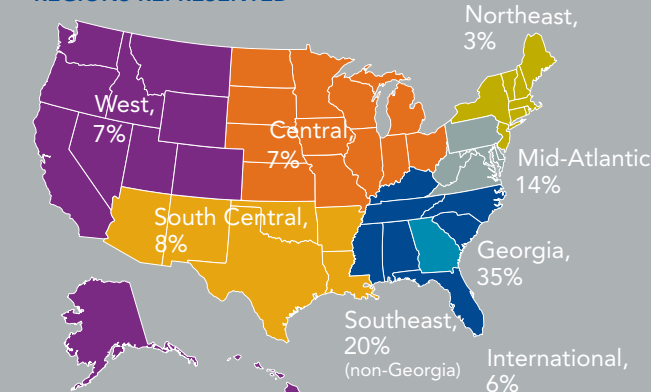
**54%**  
Female students



### ETHNICITY

- Caucasian/white, 57%
- Hispanic/Latino, 10%
- Asian, 9%
- Black/African American, 8%
- Non-US citizen, 8%
- Multiracial, 4%
- Unknown, 4%

### REGIONS REPRESENTED





In the early 1990s, **Margo A. Bagley 96L** was a chemical engineer and researcher for Proctor & Gamble (P&G) and later the Coca-Cola Company. As a co-inventor of a patent on reduced fat peanut butter, she interacted with P&G's intellectual property lawyers, who also had to sign off on some of her experiments. She was intrigued by "the level of impact these attorneys had on my work as an engineer." These interactions contributed to her decision to become a patent attorney.

Bagley considered attending law school at night and continuing to work during the day. But Emory Law awarded her the Robert W. Woodruff Fellowship, which provided full tuition and a stipend. "Law school became my full-time job," Bagley says. She graduated third in her class.

Bagley says the fact that she did not have to worry about student debt enabled her to work part-time in a law firm while her child was a toddler during a period when flexible work schedules were uncommon. It also freed her to eventually enter academia.

Today, Bagley is Asa Griggs Candler Professor of Law at Emory Law. At the end of each semester, she gives her students advice she calls Prof. Bagley's Words of Wisdom. Among other tips, she encourages students to "eliminate debt, because it's not your friend."

During its upcoming capital campaign—2036, The Future Starts Here—Emory Law will seek to help students like Bagley once was to do exactly what she recommends.

# THE FUTURE STARTS HERE

BY SUZI MORALES

## NEW FUNDRAISING CAMPAIGN FOCUSES ON STUDENT SUCCESS

# 2

### Educate students about law school costs

"When you're admitted to Emory, you're automatically considered for scholarships," says **Jenna Otokawa 10L**, senior director of Admission and Financial Aid. All incoming students are eligible for scholarships, and Otokawa estimates that the majority of Emory Law students receive some type of funding. Otokawa emphasizes the importance of educating students about the financial aspects of legal education and says her office distributes resources such as a Cost-of-Living Guide with information about planning and budgeting legal education at Emory.

Otokawa's own experience has fueled her desire to help current students make educated financial decisions. She came to Emory Law as a 11 in 2007.

"In 2008, everything changed a lot," Otokawa says, when the recession forced her and her peers to re-think job prospects and student debt. Her experience in the 2008 recession has helped her to empathize with law students facing the challenges of 2021 and the prospect of paying for law school. "It's more of a conversation than it ever has been before," she notes.

# 1

### Triple student support

In October 2021, as part of an ongoing university-wide campaign, **Courtney Stombock**, associate dean of Advancement and Alumni Engagement, says the law school will be launching the public phase of its fundraising effort, with goals to double its endowment overall and triple the amount of student support.

According to Dean **Mary Anne Bobinski**, the focus on student support "helps to ensure Emory's continued leadership as a law school in the United States."

The upcoming fundraising effort builds upon record fundraising of \$10.7 million in the 2021 fiscal year, more than doubling the school's goal of \$5 million, according to Stombock.



# 3

## Add need-based aid

Currently, most Emory Law scholarships are merit-based. The school seeks to change that by funding need-based aid through endowment funds. Dean Bobinski says the school wants to continue to recruit the strongest students and that career choices should not be shaped by student debt.

Bobinski notes that teaching tools such as clinical and experiential learning have increased the cost of law school over the past decade but also have brought about a “much more diverse and resource-intensive approach” to legal education.

“We’re making sure students are practice-ready,” Bobinski says, calling need-based financial aid a “great potential area for a fundraising campaign” to address the changing nature of law school.

**Rita Sheffey 21T**, assistant dean for public service, agrees that Emory Law has embraced the practice preparation approach. She says Emory Law provides everything from the staple externships and pro bono opportunities to more specialized information about the emotional challenges of working with clients in challenging circumstances. “There’s a focus on how you can develop real, useful, practical skills,” she notes.

# 4

## Expand support for public service careers

For those students considering public interest and government careers, cost can be an even greater consideration. Emory Law’s Loan Repayment Assistance Program (LRAP) provides funds for student loan repayment for lawyers in their first 10 years of careers in government and public interest. Bobinski says the campaign plans to expand LRAP and provide other assistance to students pursuing public interest careers.

For those students, Emory Law currently offers a multi-pronged approach to assistance with tuition and other expenses. In addition to LRAP, the Emory Public Interest Committee (EPIC) helps fund stipends for students working in unpaid summer internships in public interest and government positions, as well as judicial internships. In the summer of 2021, the law school provided grants of up to \$5,000 to 43 students. Sheffey says Emory Law is always looking for other ways to defray student costs, such as working with bar exam preparation providers to provide discounts for public interest students.

“It’s doable,” Sheffey wants students interested in public service careers to know. “They don’t have to sacrifice what they want to do.”

# 5

## Engage alumni

Stombock credits the record \$10.7 million fundraising year in part to the increase in virtual engagement with alumni during the pandemic. While the law school previously hosted in-person networking events in urban areas like New York and Washington, DC, on a regular basis, the rise in virtual networking has engaged alumni who might not have been as active in the Emory Law alumni community.

According to Stombock, one of the most valuable ways to engage alumni is to connect them with current students and recent graduates. These initiatives include a bar mentorship program that pairs graduates studying for the bar with alumni who have taken it in the past five years, as well as panel discussions and networking events that allow students to explore different paths to career success. “We want our diverse student body to see themselves in these alumni,” she notes.

Noting that a majority of graduates who enter private legal practice work for law firms with fewer than 500 attorneys, Stombock emphasizes the importance of engaging students with a wide range of alumni and faculty in order to identify career opportunities.

# 6

## Support faculty in key subjects

In addition to initiatives to provide direct financial benefits for students, Dean Bobinski notes that the campaign also will focus on faculty support.

Stombock says potential students often make law school decisions based upon faculty in their areas of interest, and the quality of faculty is a crucial part of the student experience once they get to Emory Law.

Stombock cites the recent hiring of **Darren Lenard Hutchinson** as the inaugural John Lewis Chair for Civil Rights and Social Justice and establishment of the new Center for Civil Rights and Social Justice as examples of how philanthropic investments can build programs of strategic importance to the school. These initiatives grew from years of conversation within the school and across the university and engagement with key donors that culminated with the landmark gift from Southern Company Foundation, other donors, and alumni.

# 2036

## THE FUTURE STARTS HERE

# 7

## Invest in the future

“My vision overall would be that we would have sufficient endowment to be able to sustain and grow” new and current programs, says Sheffey of the fundraising effort. For example, Emory Law has volunteer clinics serving veterans and immigrants. “I would love to institutionalize them and expand the services they offer through converting them to academic credit clinics,” Sheffey says.

“The quality of educational experience here is unparalleled,” remarks Dean Bobinski. For alumni who saw their experience at Emory Law as pivotal both professionally and personally, she says the capital campaign is about “giving back and making these things possible for current and future students.”

“Now is the time to invest in the future of the school,” Stombock says.

With the upcoming capital campaign, Emory Law hopes to raise funds for professorships and chairs in subjects including health law, biomedical innovation, and corporate law as well as corporate law with a focus on innovation, litigation, intellectual property, and constitutional law. According to Bobinski, the proposed new professorships will draw upon Emory Law’s leadership and reputation in these areas. For example, she notes that programs in health care and biomedical innovation “tak[e] advantage of Emory University’s national and global profile in health” to focus on issues that are very important both from a legal standpoint and economically.

## LEADERSHIP

### Emory Law boards welcome new leadership

The Emory Law Dean's Advisory Board and the Emory Law Alumni Board, representing a diverse range of perspectives and geography, are appointed and work together to advise the dean and senior staff on the interests of the Emory Law community. These groups recently welcomed new leadership that boast long histories of Emory Law service and clear goals for the future of the law school.

**Ian Levin 92L** serves as Advisory Board president. The Advisory Board concentrates primarily on fiscal and operational strategic planning. Levin graduated from Emory Law in 1992, where he met his wife **Lisa Levin 92B** who was studying for an MBA at Goizueta Business School. Their son **Ryan Levin 19C 24L** is a 1L at Emory Law and their son **Zachary 22B** is in his senior year at Goizueta Business School at Emory.

Levin has served as a member of the Emory Law Alumni Board and now the Emory Law Advisory Board. He has been serving as chair of the Transactional Law Advisory Board at Emory Law. He took over as chair of the Advisory Board on September 1, 2021, and will serve as chair for two years.

He and Lisa have been regular contributors to Emory Law, having supported the Carney Chair in Transactional Law and Practice, the Emory Law School Fund, EPIC and many other areas of the school and Goizueta Business School. Levin also serves as an adjunct professor at New York Law School.

As chair, Levin will lead the Advisory Board on fiscal and operational strategic planning, advising the dean and senior staff on the interests of the Emory Law community. Representing a diverse range of perspectives, the Board works to keep the law school apprised of and responsive to the current state of the legal profession and the concerns and needs of Emory Law alumni and advises on a broad scope of matters ranging from admission to fundraising.

Levin is an executive compensation and employee benefits partner in his firm's M&A and Securities Group. His practice covers a broad range of executive compensation and employee benefits matters, including the associated tax, securities, corporate, employment and labor issues. He has been recognized as a leading employee benefits attorney by Chambers USA, The Legal 500 US, New York Super Lawyers and Best Lawyers. Chambers USA describes him as "highly experienced in advising clients on the benefit and executive compensation issues associated with various business transactions" and noted that clients regard Ian as "very proactive" and "an excellent lawyer with strong technical knowledge." The Legal 500 US has noted that he "operates at a very high level across many areas but brings a particularly unique set of skills to ERISA Title I matters in his representation of private investment funds."

The Emory Law Dean's Advisory Board and the Emory Law Alumni Board, representing a diverse range of perspectives and geography, are appointed and work together to advise the dean and senior staff on the interests of the Emory Law community.

Levin's Advisory Board Vice Chair is **Donna Yip 04L**. New Advisory Board members are: **Robert Preston Brown 89L**, **Jennifer Welch Hightower 90L**, **Catherine Marie Hilton 95L**, **Jay Steele 94L**, **Cheryl F. Turner 94C 99L**, and **Kellye L. Walker 92L**.

The new Alumni Board President is **Benjamin Fink 92L**. The new President-Elect is **Emily Baker 98C 01L**. Fink, a shareholder in Berman Fink Van Horn, concentrates his practice in business and employment litigation with a particular emphasis on non-compete, trade secret and other competition-related disputes.

With nearly 30 years in practice, Fink has handled cases in Georgia's state and federal courts as well as state and federal courts in more than 15 other states. He has also handled disputes in arbitration before the American Arbitration Association (AAA) and Financial Industry Regulatory Authority (FINRA).

Fink is a well-respected writer and lectures regularly on non-competes, trade secrets and related topics, as well as other topics involving competition-related legal issues and other legal issues facing businesses. Since 2005, Fink has been named a Super Lawyer in *Atlanta Magazine* for his work in Employment/Business Litigation and he has been selected by *Georgia Trend* magazine as one of Georgia's Legal Elite since 2012. Since 2013, he has been named a Top 100 Georgia Super Lawyer and selected by his peers for inclusion in *The Best Lawyers in America* (2015 - present).

Benjamin Fink has been an incredible contributor of his time, serving as a speaker for Emory Law Career Center professionalism classes, and he often opens his firm, Berman Fink Van Horn, to host events for the law school and the university. Fink has served as an EmoryLaw@Work captain for several years, and his firm reached 100% participation at least six times. The firm hires Emory Law summer associates nearly every year, and they often return for permanent placement. Other partners in Berman Fink Van Horn are **Jeffrey Berman 82L** and **Charles Van Horn 94L**. Fink met his wife, **Robin DePatrillo Fink 89C 92L**, at Emory Law. Their son **Henry Fink 18Ox 20C 23L** is a 2L at Emory Law now, continuing his parents' legacy.

The Alumni Board focuses on strategic planning for alumni engagement. New Alumni Board members are: **Stephen Bayer 92L**, **Diane Bessen 79C 87L**, **Christina Graham 02L**, **Jason Hyatt 17L**, **Heather Johnson 05L 05T**, **Shijuade Kadree 03Ox 05C 09PH 09L**, **Daniel Marti 99L**, **Jessica McKinney 97L**, **Oderah Nwaeze 11L**, **Mindy Planer 88L**, **Emily Richardson 05L**, **Elvin Sutton 00L**, and **Margaret Ward Scott 03L**.

## FROM THE ADVISORY BOARD PRESIDENT

### Dispelling the myth

As I begin my term as chair of the Emory Law School Advisory Board, I am optimistic about the future of Emory Law. However, there are numerous challenges facing the law school, and many of them have the same root cause—the "myth."



Generations of Emory lawyers have believed in a myth that Emory University's endowment is a single, fantastical communal pool of money readily available to provide the law school with unlimited resources. Unfortunately, this decades-old belief is simply a fairy tale; here is the truth.

First, while the University's endowment is pooled for investment purposes, it is subject to various restrictions and legally binding conditions imposed by donors that limit its use. Only that portion of the endowment—what we commonly call the "law school endowment"—is earmarked solely for the law school. Only the small portion of the University's endowment that is not otherwise designated to other parts of the University (such as the college, medical school, and business school) can be shared with the law school. For example, just as the nursing school cannot use the gifts made to the law school, gifts made to the University for other purposes cannot be designated for the law school.

Second, while the University's overall endowment is among the largest in the U.S., the law school has one of the smallest endowments among U.S. law schools. To put it into perspective, the size of the law school endowment ranges from one-half to one-sixth the size of similarly ranked schools' endowments!

It's understandable how the misconception about the law school's finances was born and perpetuated. Unfortunately, the myth has been much more than just a benign distraction or humorous misunderstanding. How many of you have heard or thought, "the law school doesn't need my gift?" But it does; it truly does. Any gift, no matter the size, is appreciated and greatly needed.

Learning the truth years ago inspired me to strengthen my support for the law school. Now that you are no longer under the spell of the myth, I sincerely hope that you will also be motivated to increase your financial support for the law school.

Ian L. Levin 92L is Advisory Board President.

## 71

**Thelma Wyatt Cummings Moore 71L** was recognized for lifetime achievement in the *Daily Report's* 2021 Georgia Legal Awards.

## 72

In May, **James Timothy White 72L** published *Riley & Ben: Life Offers Second Chances*.

## 76

The Hon. **Cynthia D. Stephens 76L** was keynote speaker at the Black Law Students Association virtual 2021 Sankofa event, held on May 12.

## 78

**Herbert H. "Hal" Gray III 78L** received the 2020 Chief Justice Harold G. Clarke Award, in recognition of outstanding contributions to the field of alternative dispute resolution.

**David L. Ladov 78L**

received the 2021 Pennsylvania Bar Association Family Law Section Eric Turner Memorial Award. The award honors a lawyer who is dedicated to the practice of family law and serves as a mentor and teacher to fellow lawyers. He is a partner in Obermayer Law's West Conshohocken offices.

## 79

**Walter Jospin 79L** received The Elbert P. Tuttle Award, given for exemplifying The Anti-Defamation League's mission to secure justice and fair treatment for all.

1 Following 40 years of practice, primarily in family law, **Susan Pollet 79L** has published multiple books: *Grey Divorce: From Pain to Peace*, *Women in Crisis: Stories from the Edge*, *Through Walter's Lens, Lessons in Survival: All About Amos*, and *Juliette Rose's Dream of Becoming*. She resides in New York City.

## 80

**Michael E. Ballard 80L** was ordained a priest in the Diocese of the Central Gulf Coast of the Episcopal Church. He is an attorney with Ulmer, Hillman & Ballard in Mobile, Alabama.

**Leah Ward Sears 80L**

was chosen to lead a new Federal Nominations Advisory Commission to better reflect Georgia—with more people of color and women, with diverse career backgrounds. Also, the Anti-Defamation League honored her with the 2021 Lifetime Achievement Award.

## 86

**James A. Scharf 86L**, an assistant US attorney, was appointed senior litigation counsel for the US Attorney's Office in the Northern District of California. Also, the high school mock trial team he coaches won its third county championship.

**Terry Weiss 86L** has joined Maynard Cooper & Gale as a shareholder to lead the firm's newly established Atlanta office.



89

**Jeff Harris 89L**, a recently retired FBI agent, received the National Intelligence Exceptional Achievement Medal for his work on a classified human intelligence collection operation. He's now a legal subject matter expert for the Diplomatic Security Service.



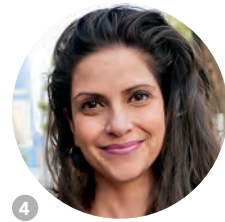
91

**Sarah Lamar 91L** of HunterMaclean in Savannah, Georgia, was ranked as exceptional in the category of Labor and Employment practice in the most recent issue of Chambers USA.



94

**Carrie N. Baker 94G 94L 01G** did a long-form Q & A for Ms. Magazine with Berkeley Law Professor Amanda L. Tyler, co-author of *Justice, Justice Thou Shalt Pursue: A Life's Work Fighting for a More Perfect Union*. Tyler's co-author was the late US Supreme Court Justice Ruth Bader Ginsburg.



**Jeff Worob 94L** was named a "top music lawyer" by *Billboard* Magazine, repeating last year's appearance, in the category of Talent and Litigation. He's a partner at Serling Rooks Hunter McKoy Worob & Averill.



95

**Maren Lynn Chaloupka 95L** has opened a solo trial practice, Chaloupka Law, in her hometown of Scottsbluff, Nebraska.



**Carla Schiff Donnelly 95L** received the Pennsylvania Bar's Lynette Norton Award, which recognizes attorneys who excel in litigation skills and mentor fellow women lawyers.

**Anne Tremblay 95L** was named legal counsel to Los Angeles Mayor Eric Garcetti.

97

**Shawn Kachmar 97L** of HunterMaclean in Savannah, Georgia, was ranked as exceptional in the category of Labor and Employment practice in the most recent issue of Chambers USA.

**Carlos Kelly 97L** was named new chair of Henderson, Franklin, Starnes & Holt, P.A.'s Business Litigation Department. He was also named one of the 2021 class of Florida Super Lawyers.

**Kimberli C. Withrow 97L**, a partner at the Atlanta firm Boyd Collar Nolen Tuggle & Roddenbery, has been recognized as a 2021 Super Lawyer for the practice of family law.

99

**DeKalb County's Donna Coleman-Stribling 99L** was named Solicitor General of the Year at this year's annual conference of the Prosecuting Attorneys' Council of Georgia.

01

**David Chaiken 01L** was ranked as one of the top lawyers in Georgia for Litigation: White-Collar Crime & Government Investigations, by Chambers USA: America's Leading Lawyers for Business. He is the founder of Chaiken Law.

**Timothy K. Giordano 01L** has been appointed chairman of the Leadership Board at the Florida State University College of Communication and Information.

03

**Christopher T. Nace 03B 03L** has received the 2021 Howard Twigg award from the American Association for Justice for his distinguished service as a trial lawyer.

05

In June, **Elizabeth L. Fite 05L** was sworn as the 59th president of the State Bar of Georgia. She is the fifth woman to serve as president of the organization.

**W. Thomas Hawkins 05L** has published his first book, *Land Use Law in Florida*. He is program director and lecturer at the University of Florida College of Design, Construction, and Planning.

06

**Author, lawyer and activist Melody Moezzi 06L 06PH** was invited to discuss her memoir, *The Rumi Prescription: How an Ancient Mystic Poet Changed My Modern Manic Life*, at an Emory Alumni Association event.

07

**Dhairal Shah 06L** is an associate partner with K Law in Mumbai, India.

**Michael Fabius 07L** is a partner at Ballard Spahr, effective July 1. He is co-practice leader of the Gaming Group and practices in the firm's Philadelphia offices.

08

**C. Jordan Myers 08L** was named an "On the Rise" attorney in the *Daily Report's* 2021 Georgia Legal Awards.

**Alyson Pirió 05C 08L** has joined Troutman Pepper as a partner in the firm's Tax & Benefits Practice Group.

**Kevin J. Rubin 08L**, founding partner at Marple Ruben Family Law, was admitted as a fellow to the American Academy of Matrimonial Lawyers

09

**Kelly Frey 09L** was named to *Benchmark Litigation's* "40 & Under Hot List 2021," which recognizes law firm partners in the US and Canada who stand out "due to their high-stakes wins, precedent-setting matters and positioning for future success."

**Christopher K. Smith 09B 09L** was named partner at Lash & Goldberg's Miami offices.

10

**Brandon Goldberg 10L** has declared himself a candidate for Atlanta City Council, Post Seat 1, At-Large.

**Angela Oliver 10L** led the Policy Unit for the Centers for Disease Control and Prevention's COVID-19 response for more than two months, during which she managed the CDC's interactions with Congress and other key partners. The policy unit manages congressional briefings, hearings, executive correspondence, and external partner engagement.

11

**Ben Farley 11L's** essay for *The Atlantic* marked the 15th anniversary of *Hamdan v. Rumsfeld* and urged the Biden administration to close Guantanamo. He was also recently on NPR to discuss the US withdrawal from Afghanistan. He is a trial attorney and law-of-war counsel at the US Department of Defense, Military Commissions Defense Organization.

**Douglas Hoffman 07C 11L** was promoted to partner this April at Hunton Andrews Kurth's New York offices.

**Roy Richter 11L** was promoted to of counsel at the Woodlands, Texas, offices of Winstead PC.

**Julia Blackburn Stone 11L** was named an "On the Rise" attorney in the *Daily Report's* 2021 Georgia Legal Awards.

12

**Stephen Alicanti 12B 12L**, a corporate partner at DLA Piper, was named to *The Deal's* "Top Rising Stars: Class of 2021."

13

**Brent Bartlett 10C 13L** has joined Chamberlain Hrdlicka in Atlanta as an associate in the Tax Controversy and Litigation Group.

**Barret Broussard 13L** has launched his solo practice, Broussard Law. He was also named one of the 100 Most Influential LGBTQ+ Georgians by the OUT Georgia Business Alliance.

**LaShawn A. Oxendine 13L** has joined Norris McLaughlin as an associate in the firm's Times Square, New York City, office.



**Will Wooten 13L** has been appointed deputy district attorney in charge of the Fulton County District Attorney's Office White-Collar Crime Unit.

15

**Katherine DeRosa Emerson 15L** and **Mack Emerson 16L** welcomed a daughter, Sloane Margaret Emerson, to the world (and Atlanta) on February 3, 2020.

**Patrick H. Hill 15L** recently joined the Charlotte offices of Robinson Bradshaw.

17

**William McLaughlin 17L 17T**, an attorney-advisor for the Department of Health and Human Services received a grade promotion and a performance appraisal award recognizing his contributions to HHS over the past year.

**Kyle R. Silverstein 17L** successfully represented the State of New York in the New York Court of Appeals, in *People v. Brown*.

18

In October 2020, **Eliza Carmen 18L** became a new assistant US attorney for the Southern District of Texas.

**John Rose 18L** was named a "top music lawyer" by *Billboard* Magazine, repeating last year's appearance, in the category of Talent and Litigation. He's an associate at Fox Rothschild. Rose also made *Variety's* Legal Impact list.



**Masiel Pelegrino Sarduy 18L** taught closing arguments, the federal rules of evidence and the Daubert standard at this year's Kessler-Eidson Program for Trial Techniques at Emory Law. She is an associate at Phelps in Tampa, Florida.

19

**Carmelle Alipio 19L** joined the Board of Directors of Love for Our Elders, a nonprofit that fights isolation in senior communities across the country. She is an associate with Williams Mullen in Raleigh, North Carolina.

**Kurtley M. Taylor 19L** joined Carlton Fields as an associate in the firm's Tampa offices.

20

**Brooke Moschetto 20L** has joined the Pastorji | Krans law firm in Concord, New Hampshire.

**Sarah J. Sarb 20L** has joined HunterMaclean in Savannah, Georgia, as an associate.

21

**Hope Bettler 21L** was one of 77 lawyers chosen from 466 Equal Justice Works applicants this year. She'll work with Texas RioGrande Legal Aid to provide legal services for citizens in border communities.

**You did what?** Send your updates to lawcommunications@emory.edu. Class notes are submitted by alumni and are not verified by the editor. Read more about Emory Law alumni at law.emory.edu/alumni.

## IN MEMORIAM

**Emory A. Schwall 52L** on June 20, 2021.

**Marcus McLean Clayton Jr. 55C 56L 67G** on March 5, 2021.

**Harry P. Hall 51C 56L** on January 20, 2021.

**Sid Malvin Kresses 59L** on March 21, 2021.

**Charles E. Graham 60L** on April 7, 2021.

**Jerry Raymond Tucker 58C 61L** on April 3, 2021.

**Glower Whitehead Jones 63L** on January 27, 2021.

**James Cannon Carr 66L** on January 21, 2021.

**James Newton Ashe Jr. 68L** on March 31, 2021.

**Robert W. Johnson 68L** on November 4, 2020.

**L. Wardlaw Lamar 68L** on January 25, 2021.

**Frederick W. Ajax Jr. 69L** on July 24, 2021.

**James F. Gingrey 71L** on March 2, 2021.

**Oscar Derward Toler 72L** on February 12, 2021.

**W. Charles Doerflinger 74L** on May 5, 2021.

**Eric C. Eggen 74L** on January 27, 2021.

**Philip J. Ross 75L** on February 27, 2021.

**Jenny Phillips Godwin 77L** on May 20, 2021.

**Duncan Allen Roush 78L** on May 21, 2021.

**Donna C. Wyatt 78L** on May 29, 2021.

**Patricia K. Keesler 80L** on January 20, 2021.

**Randy Ford Taub 83L** on June 30, 2021.

**Harlan S. Miller 89L** on January 11, 2021.

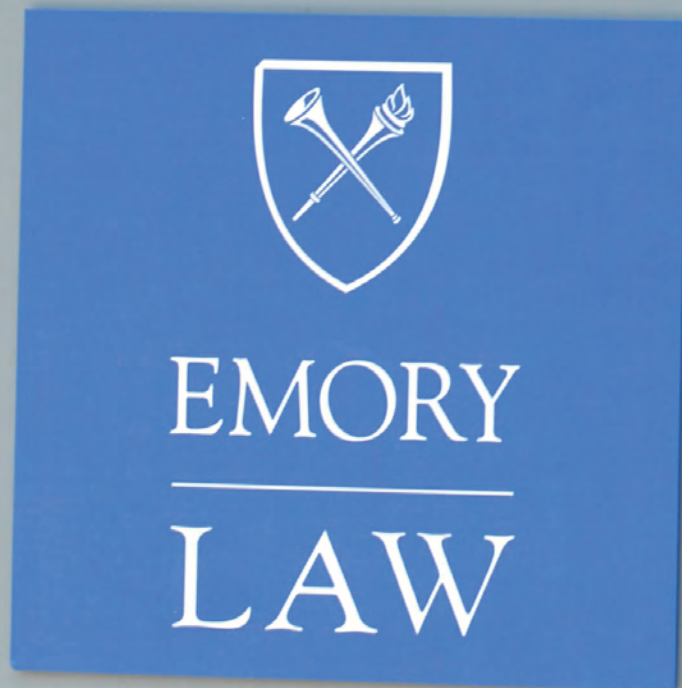
**Michele Wolk Mordkoff 89L** on June 1, 2021.

**John L. Habib 90L** on March 11, 2021.

**Judy A. Phillip 20L** on January 21, 2021.

# worth noting

An anonymous gift in 2015 helped establish the John Lewis Chair, and that leader will now harness a landmark gift to help establish the Center for Civil Rights and Social Justice. Get the story on pg. 27.



## HBCU PARTNERSHIP

### Programmatic partnership

#### Barton professors to adjunct for Morehouse School of Medicine

by A. Kenyatta Greer

**UNDER THE DIRECTION AND LEADERSHIP** of Dr. **Sarah Vinson 13MR**, an Emory-trained child and forensic psychiatrist, Morehouse School of Medicine has established a Child and Adolescent Psychiatry (CAP)

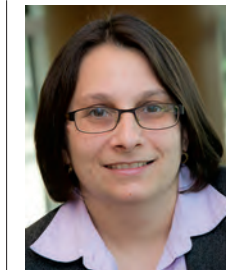


Melissa Carter

Fellowship. It is the first HBCU to have such a fellowship, and the Barton Law and Policy Center will play a role in this new opportunity aimed at promoting health equity and the well-being of children and youth. Barton Center's Director and Law Professor **Melissa Carter** and Juvenile Defender Clinic Director and Law Professor **Randee Waldman** hold adjunct faculty appointments that serve to formalize and institutionalize the programmatic partnership between the Barton Center

and the Morehouse CAP Fellowship. Starting this year, the CAP Fellows will complete clinical rotations with the Barton Juvenile Defender Clinic and the Legislative Advocacy Clinic, helping the Barton Center to achieve its objective to provide contextually rich, multidisciplinary experiential learning opportunity for the law and other graduate students who enroll in its clinics.

CAP second-year fellows will be at the Barton clinics for two rotations,



Renee Waldman

one for legal consult and the other for advocacy. The legal consult rotation involves working with children, adolescents and families who are involved with the Department of Juvenile Justice. The child fellows work with Waldman, law students, and the supervising faculty member Dr. Sarah Vinson. Rotation activities may include forensic consultation in manifestation hearings or individualized educational plan meetings for youth eligible for special education in schools or juvenile delinquency court

proceedings. The advocacy rotation involves working with lobbyists, physician advocates, nonprofit advocacy organizations, and state legislators to design and advance policies impacting children, adolescents, and families. During this aspect of the rotation, the fellows work with Carter.

Carter says of the partnership, "The Barton Center seeks to promote greater justice and improved life outcomes for children, youth, and families, and we are better prepared to advance that goal with the added expertise of psychiatric physicians working alongside the law, public health, theology, and social work graduate students involved in our work through existing cross-campus and university partnerships."

## FACULTY HONOR

### Morris to advise HBCU IP collaborative

by A. Kenyatta Greer



Professor **Nicole Morris**, director of the TI:GER (Technological Innovation: Generating Economic Results) program, will serve as principal advisor for the inaugural HBCU IP

Futures Collaborative, a program that will connect leading faculty at HBCUs to foster best practices for teaching IP to non-law students. In support of this program, the Michelson

Institute for Intellectual Property is providing digital curricula, resources, and \$25,000 grants to participating institutions.

The HBCU IP Futures Collaborative aims to help students and institutions derive more value from their intellectual assets and innovation. The initiative establishes an educator community of practice that will be equipped to share the importance of IP rights and strategy across disciplines including business, entrepreneurship, STEM, and creative fields.

The inaugural program includes Bethune Cookman University, Hampton University, Morehouse College, Norfolk State University,

South Carolina State University, Tuskegee University, and Xavier University of Louisiana.

Despite a rise in IP developed at HBCUs since 2010, as a collective they have yet to fully harness their IP generating potential. Morris explains, "As we learned from the USPTO Success Act Report and the work from scholars like Lisa Cook, inventors of color are significantly underrepresented among patent owners. It is extremely important that we begin to bring IP and inventorship education to students at HBCUs to increase the community's exposure to innovation and opportunities to commercialize their ideas & inventions."

COMMUNITY HONORS

# Federal nominations

## Emory professors and graduates nominated by president

by Lisa Ashmore, Susan A. Clark, and A. Kenyatta Greer

This fall, President Joseph Biden nominated an Emory Law professor, a lecturer, and an alumna for important financial and regulatory posts within the administration. Also, Emory Law’s associate dean of enrollment management and student services recently joined the U.S. State Department as a deputy assistant secretary, where he will focus on international education initiatives including the Fulbright Program.

Asa Griggs Candler Professor of Law **Kristin N.**

**Johnson** was nominated to serve as a commissioner of the Commodity Futures Trading Commission. An expert in cryptocurrency and fintech with specialization in the regulation of complex financial products (including the

origination, distribution, and secondary market trading, clearing, and settlement of securities and derivatives) Johnson would bring valuable knowledge to regulating a \$582 trillion global derivatives market, which the CFTC oversees.

In July 2019, Johnson testified before the U.S. House Committee on Financial Services Fintech Task Force at the hearing

“Examining the Use of Alternative Data in Underwriting and Credit Scoring to Expand Access to Credit.” She testified again before the Financial Services Subcommittee on Consumer Protection and Financial Institutions in April 2021 at the hearing “Banking Innovation or Regulatory Evasion? Exploring Trends in Financial



**Asa Griggs Candler Professor of Law Kristin N. Johnson was nominated to serve as a commissioner of the Commodity Futures Trading Commission.**

Institution Charters.” In her recently scholarly writing, Johnson explores the need for regulation of cryptocurrency trading platforms. Before joining Emory earlier this year, Johnson served as an Associate Dean for Faculty Research and McGlinchey Stafford Professor of Law at Tulane Law School. Consumer protection and financial market regulation scholars praise her thoughtful balance of the promise of innovation and the need for careful market oversight.

Prior to her academic appointments, Johnson practiced at a law firm in New York City advising domestic and international clients on diverse financial transactions. After attending the University of Michigan Law School where she served as an editor of the *Michigan Law Review*, she clerked for the Honorable Joseph A. Greenaway, Jr. of the District Court of New Jersey, elevated to the Third Circuit Court of Appeals. She is an honors graduate of the Walsh School of Foreign Service at Georgetown University.

**Reta Jo Lewis 89L** was nominated to serve as president and chair of the Export-Import Bank of the United States. Lewis has served as a senior fellow and director of Congressional Affairs for the German Marshall Fund of the United States (GMF) since 2016, where she leads and oversees initiatives, programs, and bipartisan exchanges for members of the U.S. Congress and their European counterparts. She also established GMF’s Women of Color in Transatlantic Leadership Program.



**Reta Jo Lewis 89L was nominated to serve as president and chair of the Export-Import Bank of the United States.**

Her 25 years of leadership experience in international affairs, legal, public policy, business and regulatory affairs, and subnational diplomacy include her post as first-ever special representative for Global

Intergovernmental Affairs under Secretary Hillary Clinton at the U.S. Department of State during the Obama-Biden administration. In 2013, she was awarded the Secretary’s Distinguished Service Award.

Prior to joining the State Department, Lewis was of counsel at Edwards Angell Palmer & Dodge and a shareholder at Greenberg Traurig. She was also the first Black woman to serve as vice president and counselor to the president at the U.S. Chamber of Commerce. Prior to her tenure at the Chamber, she was special assistant for political affairs to President Bill Clinton. She is a life member of the Council on Foreign Relations, and this year was elected to the board of the Leadership Council for Women in National Security. A native of Statesboro, Georgia, Lewis earned her bachelor’s at the University of Georgia and an M.S.A.J. from American University.

“I am proud and honored to have been nominated to serve as the next president and chair of the Ex-Im Bank, and, if confirmed, look forward to leading this important agency at such a critical moment in our country’s history.” Lewis says. “As a proud alum of Emory School of Law, I often think back fondly to the lessons learned both in and out of the classroom that helped prepare me to serve my country.”

**Sarah Geraghty**, an Emory Law lecturer and senior counsel at the Southern Center for Human Rights, has been nominated by President Biden to fill a seat on Georgia’s U.S. District Court, Northern District, after Judge Amy



Totenberg took senior status earlier this year. Geraghty is known for her work in civil rights, habeas corpus, and class actions and she has litigated cases to challenge inhumane prison conditions, open records law violations, denial of the right to counsel, and incarceration of the indigent for debt. She has published articles in the *Michigan Journal of Race & Law*, *Stanford Law & Policy Review*, and *Harvard Civil Rights-Civil Liberties Law Review*, and her work against the criminalization of poverty has been cited in a range of publications, including the *New York Times*.

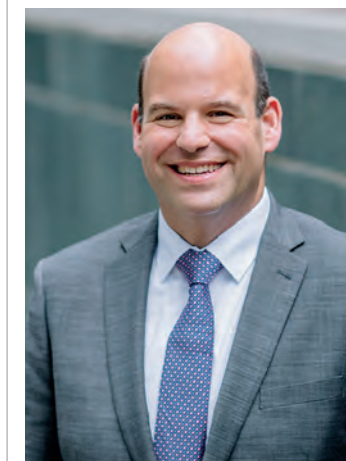
Geraghty earned her Bachelor of Arts from Northwestern University, where she earned departmental

**Sarah Geraghty, an Emory Law lecturer and senior counsel at the Southern Center for Human Rights, was nominated to fill a seat on Georgia’s U.S. District Court, Northern District.**

honors in comparative literature. She earned her J.D. and a Master of Social Work from University of Michigan. Following law school, she served as law clerk for the Honorable James B. Zagel, U.S. District Court, Northern District of Illinois.

Geraghty began her tenure at Southern Center for Human Rights in 2003 as a staff attorney. She has taught as an adjunct professor at Emory Law and Georgia State College of Law. She has been honored for her work often, including receiving the 2017 Emory Law EPIC Inspiration Award for Unsung Devotion to Those Most in Need. In 2020, she was named “Attorney of the Year” by the *Fulton County Daily Report*, and also received a “Legal Legend” award from the American Constitution Society. She is a member of the Alabama, Georgia, Illinois, and New York bars.

Associate Dean of Enrollment Management and Student Services **Ethan Rosenzweig O2L** came to Emory Law as a Woodruff Fellow after earning his undergraduate and master’s degree in public policy at D.C.’s American University,



then serving as deputy director of the U.S. Department of Education’s Office of Policy Briefing and Scheduling as a Presidential Management Fellow. Following law school, he clerked for the Hon. G. Ernest Tidwell of the U.S. District Court of Northern Georgia and then practiced with Nelson Mullins Riley & Scarborough in Charleston, South Carolina. Since 2009,

Rosenzweig has enrolled diverse and distinguished Emory Law classes through innovative recruiting and a nuanced, hands-on approach to creating a student body that is both competitive and collaborative.

“I love our community,” Rosenzweig said. “It is home in every sense for me. I didn’t think I could be luckier than attending Emory Law as a student. Developing a career here, though, has been the greatest fortune of my life.”

**Associate Dean of Enrollment Management and Student Services Ethan Rosenzweig O2L recently joined the U.S. State Department as a deputy assistant secretary.**

STUDENT SUPPORT

# Choi 10L to lead new bar success initiative

by Lisa Ashmore



**Rhani Lott Choi 10L** has been a personal and professional advocate for students since she joined Emory Law's staff in 2014. In August, she was promoted to director of Bar Success and Academic Advising.

In her new role, Choi will design, improve, and implement bar readiness programs and also oversee academic advising across all degree programs, to provide personalized and easily accessible assistance for students throughout their time at Emory Law. She will lead a team of advisors who will help students develop academic success plans, identify sources of additional support, select courses aligned with their interests and career goals, and develop and improve the skills necessary to pass the bar and enter the legal profession.

The new position supports a key goal of Emory Law's Strategic Plan, to develop engagement programs that allow students to thrive both while in law school and as they launch their careers. Some steps already implemented include additional bar-related courses and access to more bar preparation materials. Review sessions and alumni mentoring programs have been expanded to help upper-level and recent graduates prepare for the exam.

"I couldn't be more delighted that Dr. Choi will fill this essential new role and take our bar support and academic advising to the next level, with the added resources Dean Bobinski has invested," said Assistant Dean for Academic Engagement and Student Success **Katherine Brokaw**. "Her efforts will be especially crucial to make sure Emory Law keeps up with best practices to support our students' success, as the National

Conference of Bar Examiners continues its major, multi-year revision of the bar exam."

Choi will work with deans, faculty and staff to further enhance the school's bar preparation efforts and will also be responsible for tracking and documenting academic outcomes and successes, which will be achieved through one-on-one advising, small group sessions and workshops. Those plans will build on existing student resources such as the Study Smarter Program and Dean's Teaching Fellows.

"I'm excited about the opportunities and challenges this new role offers," Choi said. "We are building a culture of bar readiness that aims to give every graduate the skills and confidence necessary to succeed on the bar exam. That starts with providing robust academic advising. We've got the best students in the world, and I am eager to find new and innovative ways to support them."

Choi is an adjunct professor and has served as Emory Law's assistant director of Student Engagement since 2019, but has also worked in several student-facing roles prior to that, including as assistant director of admission and program manager for the Kessler-Eidson Trial Techniques program, an annual effort that involves coordinating the schedules of more than 250 students and nearly 100 volunteer attorneys, federal and state judges, and corporate counsel. She's also a long-time and enthusiastic

**"We are building a culture of bar readiness that aims to give every graduate the skills and confidence necessary to succeed on the bar exam."** —Rhani Lott Choi 10L

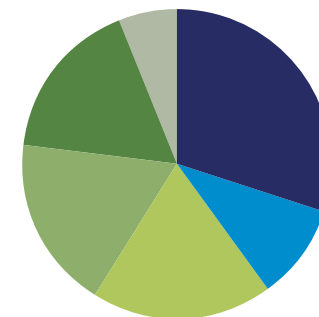
advisor for the Emory Law Mock Trial Society. Choi teaches and directs deposition and trial skills programs with the National Institute of Trial Advocacy (NITA) and was in practice for four years. Prior to entering law school, she completed a two-year assignment with Teach for America in North Carolina. Last year, she earned her doctorate in education from the University of Georgia.

CAREER STATS

## By the numbers

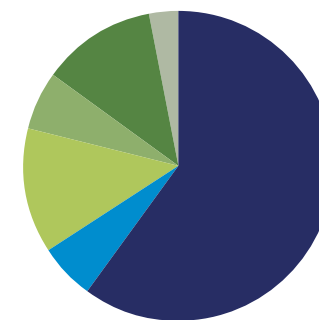
The Center for Professional Development & Career Strategy serves as the professional link among students, alumni, and employers, coordinating a full range of services for the employment search process. The team at Career Services shares some information about their outcomes and how students are placed during various points in their legal education and careers.

### SUMMER JOBS (2021)



**The majority of 1Ls worked in the public sector (60%)**

- Law firm 30%
- Business/industry 10%
- Government (excluding judicial interns and PDs) 19%
- Judicial internships 18%
- Public interest (includes public defenders) 17%
- Academic (research assistants) 6%



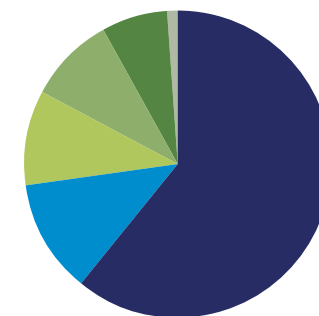
**The majority of 2Ls worked in the private sector (66%)**

- Law firm 60%
- Business/industry 6%
- Government (excluding judicial interns and PDs) 13%
- Judicial internships 6%
- Public interest (includes public defenders) 12%
- Academic (research assistants) 3%

Not counting Emory, the U.S. Equal Employer Opportunity Commission hired the most 1L and 2L students (24) for Summer 2021.



### EMPLOYMENT TEN MONTHS AFTER GRADUATION (2016–2020)



**The majority of new grads worked in the private sector (73%)**

- Law firm 61%
- Business/industry 12%
- Government (excluding clerks and PDs) 10%
- Judicial clerkship 9%
- Public interest (includes public defenders) 7%
- Academic (e.g., compliance for university) 1%

**Top ten post-grad job markets**

1. Georgia
2. New York
3. Florida
4. California
5. District of Columbia
6. Texas (tie)
6. Non-U.S. (tie)
8. North Carolina
9. Tennessee
10. Illinois

## CLINICS

## Emory Law's Center for the Study of Law and Religion receives gift for international ethics and leadership development

by Susan A. Clark

The Center for the Study of Law and Religion (CSLR) has received a \$1.8M charitable gift from the MirYam Institute to fund a new program called The MirYam Project on International Ethics & Leadership: Law, Religion, Health & Security.

This four-year undertaking will be led by Dr. **Ira Bedzow 14G**, in collaboration with the Jewish Legal Studies Program at CSLR, directed by **Michael J. Brojde**, professor of law, director of the SJD Program, and Berman Projects Director at Emory Law's Center for the



Study of Law and Religion. The project will develop future leaders in public service, government, industry, health care, and community by providing students with exceptional curricular and extra-curricular programming, mentoring, and international travel to Israel. Students will interact with top academics and industry/social leaders from the United States, the State of Israel, and throughout the globe.

The focus of the curriculum is values-driven leadership, informed by best international practices across a range of sectors. Students will study strategic and critical thinking, medical and legal diplomacy and practice, and implementation strategies in order to become leaders on national and international issues, implementing ethical and socially conscious innovation. The gift comes at an important time for Emory Law, as the law school seeks to enhance interdisciplinary connections within its growing health law program.

"This bold new project, generously funded by the MirYam Institute, will provide path-breaking new scholarship and campus-wide leadership on fundamental questions of law, religion ethics, health care, security, and the human condition," said CSLR director **John Witte**. "Our Center is delighted to host this project and to welcome Ira Bedzow as project leader. He brings rare intellectual gifts, proven leadership skills, and an elegant pen."

Professor Brojde added, "The relationship between leadership and ethics has yet to be fully explored and we hope to do so in this project with a focus on law, religion, health, and security. Dr. Bedzow's expertise in ethics and values-driven leadership will provide important perspectives for faculty and students."

"Dr. Bedzow brings a unique interdisciplinary lens to his work," said MirYam Institute co-founders Benjamin Anthony and Rozita Pnini. "His deep knowledge of ethics is matched by his broad interests in the various fields that impact how leaders make and carry out decisions. His expertise makes him the ideal bridge between the Emory faculty, teaching experts at The MirYam Institute, and the graduate student body at Emory. His academic and personal example is the right combination to mentor a rising generation of American and international leaders. The MirYam Institute is delighted to bring forth the possibility to establish this innovative approach to cultivating ethical leadership."

"Working with the interdisciplinary faculty at Emory and with the experts and leaders within the MirYam Institute network creates a deep bench to produce a robust program in ethical leadership training. The students who go through this program will change the world for the better," said Bedzow.

Bedzow will be the Director of The MirYam Institute Project in International Ethics and Leadership and Head of the

Unit of the International Chair in Bioethics (World Medical Association Cooperation Centre) at Emory's Center for the Study of Law and Religion. He is also a contributor at the MirYam Institute, a senior scholar of the Aspen Center for Social Values, co-director of the Maimonides Institute for Medicine, Ethics and the Holocaust (MIMEH), and a regular contributor in *Forbes* for their Diversity, Equity and Inclusion section. He is also an Orthodox rabbi (yoreh yoreh, yadin yadin). He received his PhD in religion from Emory University in 2014, an MA in humanities from the University of Chicago and a BA in political science with foci in political theory and political economy from Princeton University.

### Four-year project will focus on leadership impact on law, religion, health, and security, incorporating international experts

The MirYam Institute is the premier international forum for Israeli-focused dialogue, discussion, and debate. It provides a platform for top-tier Israeli experts of diverse and varied perspectives and areas of expertise who collaborate and share their insights and exchange their common and divergent opinions about the State of Israel. The MirYam Institute constantly assesses Israel's place among the community of nations and its global contribution. The MirYam Institute champions and fosters civil discourse through robust debate.

The Center for the Study of Law and Religion at Emory University School of Law was founded in 1982 to produce and promote path-breaking scholarship, teaching, and public programs on the interaction of law and religion around the world.

## GIVING

## Landmark investment

### Gift to establish Center for Civil Rights and Social Justice

by Susan A. Clark

**EMORY UNIVERSITY HAS RECEIVED** a transformative grant from Southern Company Foundation to establish the Emory University School of Law Center for Civil Rights and Social Justice and support other student success and access initiatives through Emory College and Winship Cancer Center. The grant, totaling \$7 million, with \$5 million dedicated to the new Center, will be one of the most substantial gifts dedicated to an academic center for civil rights and social justice in Georgia, and the largest single gift to Emory Law.

"I am grateful to Southern Company Foundation for this visionary investment," says Emory President **Gregory L. Fenves**. "By making this historic and timely gift to Emory University, they have sent a powerful message about our shared commitment to civil rights and social justice. This grant will provide our students and scholars with the resources to lead in their fields and make breakthroughs to serve communities in Georgia and across the nation."

The newly established center enhances the law school's already rich focus on issues of civil rights, human rights, and social justice and will serve as a hub for interdisciplinary scholarship, research, teaching, evidence-based policy reform, and community outreach that improves the lives of individuals who have experienced violations of their civil rights and been impacted by social injustice.

"We are incredibly pleased that Emory has further prioritized issues of social justice in our society with the recruitment of Professor

Hutchinson as the John Lewis Chair earlier this year," says Chris Womack, president, CEO, and chairman of Georgia Power. "Through this new center, we now look forward to helping Emory Law build programs to advance civil rights, equity, and justice in our community and nationwide."

The grant will provide critical funding necessary to fulfill a key strategic priority for the law school, according to Emory Law Dean and Asa Griggs Candler Professor of Law **Mary Anne Bobinski**. "The law school's new strategic plan establishes civil rights and social justice as key areas of focus for research, teaching and community engagement," says Bobinski. "Southern Company Foundation's record-breaking gift will enable Emory Law to accelerate our work in these critically important areas and to address long standing challenges related to civil rights and social justice through research and university and community partnerships."

Emory Law named acclaimed legal scholar and social justice advocate **Darren Lenard Hutchinson** as the inaugural John Lewis Chair for Civil Rights and Social Justice in April of this year. The philanthropically funded John Lewis Chair for Civil Rights and Social Justice is intended to serve as a lasting tribute to the legacy of "good trouble" advocated by the late congressman from Georgia's Fifth District and establish Emory Law as a leader in teaching, research, and community engagement related to civil rights and social justice.

## CLINICS

## Barton Clinic prevails

by Lisa Ashmore

The Barton Juvenile Defender Clinic and partners—Children's Rights, Bondurant Mixson & Elmore and Hecht Walker—prevailed in a 2019 court case that sought to provide special education services to disabled youths in the DeKalb County Jail, one of the largest in the country. The jail's population is disproportionately Black—in Georgia, 32% of residents are Black, while Black people

represent 51% of the jail population and 60% of the prison population.

"The court's decision today sends a message to students in the jail I have been fighting to defend for over a decade: you are worthy of educating; we are not giving up on you," said **Randee Waldman**, clinical professor of law, and the director of the Barton Juvenile Defender Clinic at Emory University School

of Law. "An education is a transformative experience that you deserve—and being in jail is no justification for denying you the chance for a successful life."

The 11th Circuit held that the Individuals with Disabilities Education Act (IDEA) entitles students with disabilities to special education within adult jails.

MILESTONE

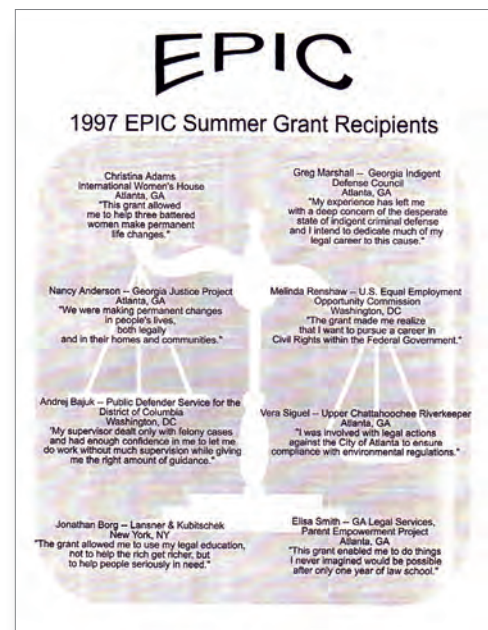
# Inspiration Awards

## For 25 years, EPIC has inspired students and community alike

by Cassandra Maddox

Founded by Emory law students in 1988, the Emory Public Interest Committee (EPIC) promotes awareness and increases understanding of public interest law, encourages and assists in the employment of Emory law students in public interest positions, and acknowledges the professional responsibility of lawyers and law students to make legal services more accessible.

“The legal profession is first and foremost a service profession,” says Sam Nunn Professor Emeritus of Law **Frank S. Alexander**, co-founder and senior advisor of the Center for Community Progress. “The challenge for all of us, and for students individually, is simply to ask who and what are we serving as members of this profession.”



One of the law school’s signature events, the Inspiration Awards, celebrates members of our community who do extraordinary work in the public interest and provide funding for

public interest summer grants. While the pandemic has changed how the awards ceremony has recently been held, the event traditionally attracts more than 300 people and raises enough funds to provide stipends for students who worked in otherwise unfunded public sector summer jobs.

During their annual Inspiration Awards, EPIC awarded Alexander with the Lifetime Commitment to Public Service Award two years ago. He had been serving the public and working at Emory Law for nearly 40 years.

Now, EPIC celebrates the 25th anniversary of its Inspiration Awards—that’s 25 years of funding public interest law fellowships for students, 25 years of effort toward shaping the endeavors of future lawyers, and 25 years of commitment to Emory Law’s mission of experience driving impact.

“The awards ceremony is true to its name—when the awards are given out and the speeches made, any law student or practicing lawyer attending is truly inspired to support the effort,” says **Kit Devine 01L**, chairperson of the 2000 EPIC Inspiration Awards ceremony. “Many of the students end up in small non-profit or public defender offices where every dollar counts, and EPIC funding makes this possible.”

Devine’s words about the Inspiration Awards ring true almost two decades later for **Jason Costa 99C 06L**, who was one such law student in 2006. Through EPIC, he learned about the Georgia Innocence Project (GIP), a nonprofit organization dedicated to helping those who are wrongly convicted crimes.

“When I received the EPIC grant, I had an amazing experience with the Georgia Innocence Project. The first client I worked with was Clarence Harrison, who became the organization’s first exonerate, freed after 17 years in prison,” Costa says.

“I liked that I didn’t have to worry about

working to support myself while exploring an internship. The grant gives students a chance to try something out that could launch their entire career.” That’s exactly what happened when Costa received an EPIC grant a second time.

**“Public interest work has been my professional life for almost 15 years and EPIC was instrumental in guiding me on that path.”**

“The year following, I worked at the DeKalb County Public Defender’s Office, where I accepted a job after graduation, and I’ve been here ever since,” he says. “Public interest work has been my professional life for almost 15 years and EPIC was instrumental in guiding me on that path.”

In 2019 he was awarded the Unsung Devotion to Those Most in Need Award, which Clarence Harrison presented to him.

This summer, the EPIC grant funded internships for more than 40 students. Just like Costa, Emory Law student **Sydney Calas 23L** wanted to have a meaningful experience in criminal defense and applied to dedicate 400 hours to the Georgia Innocence Project. Calas had admired the work of the Innocence Project since she was in undergraduate school.

“When I chose the Georgia Innocence Project,” Calas said, “I wanted to have an opportunity to have close mentorship and be part of the type of organization I might want to work for one day.”

At GIP, she had opportunities to see GIP courtroom proceedings on multiple occasions, witnessing an evidentiary habeas hearing for

one client and the exoneration of another. “It was incredibly impactful,” she says. “The current district attorney went before the judge to make a statement admitting ‘there are times when seeking justice means righting a wrong.’ The energy inside the courtroom that day is something that I will hold with me for a very long time.”



Calas also researched and drafted memoranda on legal research questions pertaining to constitutional claims for future GIP legal briefs—work that she says was both frustrating at times and rewarding. “Whenever I experienced difficulties deep within the weeds of a legal research question, I was able to refocus on the bigger picture—the client,” she says.

“I’ve been drawn in by the fact that I got a chance to work with passionate, dedicated individuals who also openly express the nuances of the work.”

Costa says that’s why funding for the EPIC grant matters. “When you work in public interest, you can make an impact in people’s lives all of the time. I’ve had almost 5,000 clients. That’s me and I’m just one person,” he said.

“With all of the students supported over 25 years, you can imagine that EPIC grants make a huge difference. Having that community of people focused on the same thing you are is just invaluable. The experience is priceless.”

CURRICULUM

# Health law

## New concentration available this fall

by A. Kenyatta Greer

**THE HEALTH LAW CURRICULUM** at Emory Law offers students access to foundational classes in Health Law and Health Care Organization, Finance and Administration as well as advanced classes in Food and Drug Law, Public Health Law, Insurance Law, Mental Health Law, Disability Law, Health Law and Ethics, and many others.

Emory Law and the Rollins School of Public Health cooperate to offer a juris doctor and Master of Public Health (JD/MPH) degree. A juris doctor and master’s in Bioethics joint degree program is offered in conjunction with Emory’s Laney Graduate School.

Our strength in health law earned us a place at #23 in the 2021 *US News and World Report* specialty rankings—a recognition that is due, in part, to our knowledgeable and well-respected faculty, including Professors **Matthew Lawrence**, **Polly Price 86C 86G**, **Ani Satz**, and **Liza Vertinsky**, as well as Dean **Mary Anne Bobinski** and others.

But, for students who want to specialize their legal education without getting a joint degree, there’s a new opportunity at Emory Law. Students can expand upon the education provided in existing health law-related courses and choose to earn their juris doctor degree with a health-law concentration. To earn the health law concentration, students must (1) be accepted into the Health Law Program through a competitive process, (2) complete a minimum of 12 credits of required and elective courses, and (3) complete an additional 2–3 credits in the capstone experience requirement, including a writing project in health law or an experiential offering in health law.

The law school already coordinates externships with organizations such as the U.S. Department of Health and Human Services (Atlanta), the U.S. Centers for Disease Control and Prevention, the Health Law Partnership, the American Cancer Society, and the Feminist Women’s Health Center, among others.

Emory Law students will generally apply for the new concentration during the spring semester of their first year or their second year. In addition, the advisors may consider awarding the concentration to other students who have met the requirements on a case-by-case basis. The competitive process includes submitting a statement of interest, a resume, academic records, and any other relevant experience. The faculty advisors review the applications using a rigorous selection process. Selection to the program will be based on demonstrated interest, experience, and proficiency in health law. Up to 18 students from each class will be selected to participate.

While the juris master program offers students concentrations in Health Care Law, Policy, and Regulation and Business Law and Regulation, the Health Law concentration will be the first such opportunity for the juris doctor program.

For **Joanna Shepherd 01G 02G**, vice dean and Thomas Simmons Professor of Law, this new concentration could help position students as an even greater asset to some employers. She says, “Students who complete the concentration will engage deeply with health law in several courses and in a capstone experience. We believe that the concentration will establish to employers that students have attained a certain mastery in health law.”



## GIVING BACK

# Investing in people

Emory University has embarked on a campaign that will transform the future. 2036 will invest in people for the benefit of people, helping Emory's faculty and students find ways to meet some of the world's most pressing needs.

We recognize the following donors who have already invested in an expansive and inspiring future for Emory Law. This list includes cumulative donations of \$10,000 or more made between September 1, 2017 and August 31, 2021. To see the full list of donors to Emory Law as part of 2036, scan the QR Code below or visit [law.emory.edu/alumni/2036-donor-recognition.html](http://law.emory.edu/alumni/2036-donor-recognition.html).



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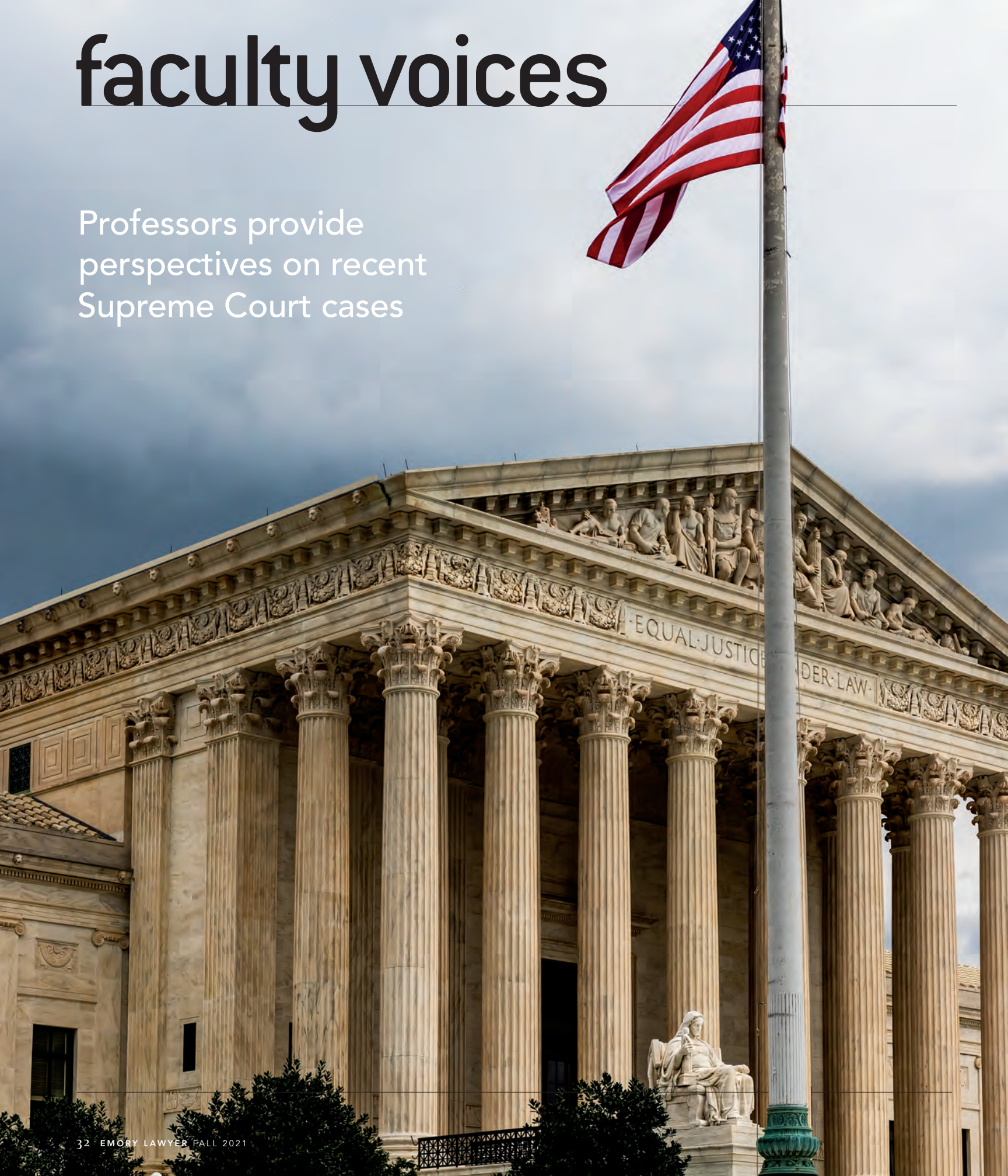
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# faculty voices

Professors provide perspectives on recent Supreme Court cases



## Religious freedom during a pandemic

Michael Broyde discusses *Fulton v. City of Philadelphia*

**THREE DIFFERENT TIMES** during the pandemic the United States Supreme Court stayed enforcement of limits on worship services. The last one was *Tandon v. Newson*, when the United States Supreme Court stayed the enforcement of yet another of California's limits on worship services during the pandemic. In many ways, the Supreme Court's decision was not surprising as it had done the same in a New York case nearly five months earlier and a different California case only two months prior.

Nevertheless, these cases are significant for what the justices agreed on and what the court divided over. All the justices agree that the First Amendment requires that a state treat religious conduct like the state treats comparable secular conduct. Five justices, however, are of the view that governmental regulations are unfair to religion if they treat *any* comparable secular activity more favorably than worship. (The word **any** is highlighted in the Majority opinion itself.)

The word "any" might seem trivial, but it is actually quite important as the court shared in the case of *Fulton v. City of Philadelphia*. To understand what is at stake, imagine that pandemic strikes a society in which there are lots of activities that all pose health dangers. One is prayer in a house of worship. Another is shopping in stores. Others are attending things like public lectures, concerts, and sporting events. All the justices agree that if the state prohibited **all** the risky activities, it could ban worship as well and if the state permitted them **all**, but prohibited only worship, that would be unconstitutional. But, we all recognize that even in a pandemic, lots of conduct needs to continue for society to function. What can society close while still prohibiting worship? What—in practice—is comparable to worship?

In the case of *Tandon*, the facts are simple. California banned at-home religious worship by more than three households at one time. The three justices who wrote in dissent (Kagan, Breyer and Sotomayor) are clear. For these restrictions on worship to be legal, if the exact

same secular conduct is banned, then the ban on religious worship is constitutional. Since California banned at-home gatherings of more than three households for secular purposes as well, the religious ban is constitutional.

Not so for the justices in the majority. They write simply: "California treats some comparable secular activities more favorably than at-home religious exercise, permitting hair salons, retail stores, personal care services, movie theaters, private suites at sporting events and concerts, and indoor restaurants" with more than three households at a time. Thus the ban on in-home religious worship cannot stand. Even as the absolutely identical secular activity is banned—in-home gatherings of a secular nature—since "comparable" secular activity is permitted, prohibiting home worship is not constitutional.

**These cases are significant for what the justices agreed on and what the court divided over.**

In the earlier pandemic worship case of *South Bay United Pentecostal Church v. Newsom*, Justices Gorsuch, Thomas and Alito would have prohibited California from any regulation of religious services at all since the state is targeting "religion for differential treatment." In such situations, strict scrutiny is needed and the California regulations cannot survive that review as "California singles out religion for worse treatment than many secular activities." What is most interesting is the joint concurrence by Justices Barrett and Kavanaugh, the court's two newest justices. These two justices aver that they would allow the state to enforce bans on worship services in some circumstances, but since the state permits comparable activity in a Hollywood studio, but not a church, it is Constitutionally suspect. They state "if a chorister can sing in a Hollywood studio but not in her church,

California's regulations cannot be viewed as neutral" and must be struck down.

This doctrinal model—which becomes the unanimous holding of *Fulton v. City of Philadelphia* is simple to explain, but exquisitely hard to apply. As the court notes:

*A law also lacks general applicability if it prohibits religious conduct while permitting secular conduct that undermines the government's asserted interests in a similar way. In Church of Lukumi Babalu Aye, Inc. v. Hialeah, for instance, the City of Hialeah adopted several ordinances prohibiting animal sacrifice, a practice of the Santeria faith. The city claimed that the ordinances were necessary in part to protect public health, which was "threatened by the disposal of animal carcasses in open public places." But the ordinances did not regulate hunters' disposal of their kills or improper garbage disposal by restaurants, both of which posed a similar hazard. (Citations omitted.)*

And thus the court struck down the law. But, "comparable to what" or "in a similar way to what" is the real question, particularly in a pandemic.

Since protection of the right to worship really is important in the United States—religious freedom is in the **First** Amendment for a reason and is like free speech as a core value—painting a broader, rather than a narrower canvas, on what is comparable seems a better rule. The First Amendment's protection of religion does not grant people the right to worship no matter what the health consequences, but it certainly should protect worship when similar secular conduct is permitted.



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## Health law and regulatory power

Health law faculty review *California v. Texas*

**IN JUNE**, the U.S. Supreme Court decided *California v. Texas*, the fifth Affordable Care Act (ACA) case to reach the court since the Act's passage in 2010. *California v. Texas* asserted that the Tax Cuts and Jobs Act of 2017 rendered the ACA unconstitutional by amending it. The Supreme Court rejected the case on standing grounds.

The facts of *California v. Texas*, 593 U. S. \_\_\_ (2021), are intimately connected to the history of the ACA. To promote the affordability of health insurance purchased on the individual market, Congress included a provision imposing a tax on those who failed to purchase health insurance. This provision, known as the “individual mandate,” was challenged as unconstitutional. The Supreme Court held 5–4 in *National Federation of Independent Business v. Sebelius* (2012) that the federal government can incentivize the purchase of health insurance through the tax code (approximately \$700 per adult). Then, in 2017, the Tax Cuts and Jobs Act reset the statutory penalty for failing to buy insurance to \$0, effectively repealing the individual mandate.

The Plaintiffs in *California v. Texas*—eighteen states and two individuals—asserted that the Tax Cuts and Jobs Act rendered the ACA unconstitutional by negating the individual mandate. They argued: (1) the Tax Cuts and Jobs Act left in place a mandate to purchase insurance, even though the penalty for non-compliance was eliminated, and (2) this mandate could no longer be called a tax and was therefore unconstitutional; therefore, (3) the ACA was unconstitutional because Congress did not intend the act to function without the individual mandate. Although these arguments were challenged by ACA advocates and opponents alike, the Department of Justice refused to defend the case, and the U.S. District Court for the Northern District of Texas ruled for the Plaintiffs, declaring the ACA invalid. The Fifth Circuit Court of Appeals then upheld that ruling.

The Supreme Court's 7–2 ruling in *California v. Texas* concluded that the case should not have reached the courts because the plaintiffs

did not have standing to bring suit. The court ruled that neither the states nor the individual plaintiffs had demonstrated they would be injured by the mandate, and, thus, they lacked standing. Although a majority of the court expressed skepticism about the merits of the case during oral argument, the court resolved the case on threshold grounds.

### California v. Texas is more notable for reaching the Supreme Court than for what the court ruled.

*California v. Texas* is more notable for reaching the Supreme Court than for what the court ruled. It reflects a broader trend of challenging the federal regulation of health care. Similar challenges to the scope and nature of regulatory power can be seen in other recent Supreme Court cases that do not directly address health care but could have important implications in the health care context.

For example, in *Mahanoy Area School District v. Levy*, 594 U. S. \_\_\_ (2021), the Supreme Court continued to expand First Amendment rights and limit the regulatory power of state institutions. In this case, the court ruled in favor of a former cheerleader who had been suspended from her school's cheerleading squad for a message posted after school and off school grounds on a social media site. While the case focuses on the reach of the First Amendment in an education context, it can be seen as part of a broader trend of limiting regulatory power when it might curtail speech, including commercial speech. In the health care context, this trend could have implications for how courts view restrictions on direct-to-consumer advertising of prescription drugs, drug labels, and requirements to include warnings on drug inserts.

*California v. Texas* was not the only case to revisit a seemingly settled issue. In *Cedar Point Nursery v. Hassid*, 594 U. S. \_\_\_ (2021), the court

overruled a 45-year-old regulation authorized by a 1975 California law that granted union organizers limited rights to enter agricultural workplaces during non-working hours to speak with farmworkers. It did so on the grounds that the regulation, by appropriating a right of access to the agricultural workplace, amounted to an unconstitutional taking. While the court was careful to state that this decision did not endanger a host of other state and federal government activities involving entry onto private property, the case may nonetheless open the door for future challenges to government regulations that can be characterized as appropriating property rather than regulating the right to exclude. The reach of the holding for health-related corporations, many of which are subject to a myriad of regulations that include some form of physical entry, such as physical plant inspections, remains unclear.



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**Ani B. Satz** is a professor of law. She is a regulatory health lawyer and philosopher, and an expert in health and disability law, policy, and ethics. **Liza Vertinsky** is an associate professor at Emory University School of Law, an Emory Global Health Institute Faculty Fellow, and project leader for the Emory Global Health Law & Policy Project. She is an intellectual property and health lawyer and economist who writes



at the intersection of law, economics, and the regulation of healthcare markets and emerging technologies.

## First amendment rights for students

Julie Seaman discusses *Mahanoy Area School District v. Levy*

**THE SUPREME COURT** has reiterated several times over the past sixty years that “students do not shed their constitutional rights to freedom of speech or expression at the school-house gate.” In 1969, in *Tinker v. Des Moines Independent Community School District*, the court upheld the constitutional right of students to wear black armbands to school to protest the Vietnam War. Though it acknowledged that public school students' speech rights were not as robust as they would be in the village square, the court articulated a relatively rigorous standard that requires school administrators to demonstrate a genuine prospect of a “substantial disruption” to the educational environment in order to restrict student speech.

Yet in its three student speech decisions in the decades since *Tinker*, the court has upheld speech restrictions and articulated what many commentators view as a series of exceptions to the more rigorous “substantial disruption” test, watering down student speech protections. At the same time, lower courts have confronted a growing number of cases involving potentially dangerous, inappropriate, or disruptive speech by students who were physically outside school boundaries while speaking. The rapid rise of social media, particularly among teens, has only complicated the difficult questions around the extent of a school's jurisdiction over speech that originates outside the formal physical boundaries of the school. In this term's so-called “cursing cheerleader” case, the court tackled some of these thorny questions and laid out at least a partial blueprint for school administrators and lower courts to follow in trying to resolve the actual incidents they confront every day.

The offending expression in *Mahanoy* involved nothing so lofty as a political protest nor so alarming as a threat of violence or harassment. Rather, tenth-grader B.L.'s speech was a typical example of adolescent frustration, voiced in the lingo most parents (or former teens) would recognize (if not appreciate) and in a forum—a room full of her 250 or so Snapchat “friends”—where much

current teen expression takes place. Upset that she had been chosen for J.V. rather than varsity cheerleading, and that she also had not been selected for a private softball team, Brandi Levy posted a photo of herself and a friend with their middle fingers raised and the caption [edited for publication here] “F\_\_k school f\_\_k softball f\_\_k cheer f\_\_k everything.” Brandi posted this and another image on a Saturday morning, from a local convenience store called the Cocoa Hut. Screenshots made their way to one of the J.V. cheerleading coaches, and she was ultimately punished with a one-year suspension from the team.

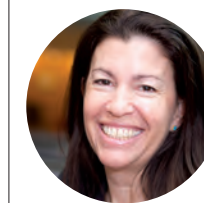
### The majority opinion is notable for several reasons. Most obviously, it cuts across the usual ideological fault lines that tend to fracture the court in other cases involving constitutional rights.

The majority opinion is notable for several reasons. Most obviously, it cuts across the usual ideological fault lines that tend to fracture the court in other cases involving constitutional rights, with eight Justices across the ideological spectrum joining Justice Breyer's opinion for the majority (only Justice Thomas dissented). It also marks a shift in direction from a decades-long trend toward increasing deference to schools in managing student safety and discipline. And it begins to address the challenging problem of off-campus speech and conduct, which the court had thus far avoided.

The court held that the suspension violated the student's First Amendment rights and that she could not be punished for her Saturday morning snapchat rant. However, Justice Breyer's rather cautious and careful analysis rejected the bright line rule adopted

by the Third Circuit below, which had held that schools did not have any special authority to regulate student speech outside of the campus context. Rather, the Supreme Court held that a school's special authority is typically diminished, but is not altogether absent, for speech that occurs off campus. It laid out a number of reasons why the school's interests in this particular case were not sufficient to outweigh the student's right to have her say, however vulgar or inappropriate or immature its form.

This is a wise approach, despite some lack of predictability for public school students, administrators, and lower courts as to which off-campus speech will be subject to “additional license” for schools to regulate. The boundary between on-campus and off-campus speech was somewhat fuzzy even before the rise of the internet; in the age of smart phones and social media, it is even harder to nail down. Some off-campus speech will risk genuine disruption in school or harm to other students and schools should not be left powerless to address it. With its decision in *Mahanoy*, the court has left the schoolhouse gate slightly ajar so that schools have some room to address such speech, while discouraging them from policing more typical—if arguably inappropriate—speech that occurs outside of school grounds, activities, and hours.



**Julie Seaman** is associate professor of law. She teaches courses and seminars in evidence, constitutional law, and freedom of speech, and her research interests include neuroscience and law, scientific evidence, hate speech, and sex discrimination.

## Ford Motor Co. and personal jurisdiction

Rich Freer discusses *Ford Motor Co. v. Montana Eighth Judicial District Court*

“PERSONAL JURISDICTION” sounds legalistic and distant. But this doctrine affects everyday access to justice. It concerns a court’s authority over the defendant in a civil case. Without it, the forum court cannot act. There are two varieties of personal jurisdiction: “general jurisdiction” (which permits a court to hear a case concerning something the defendant did anywhere in the world) and “specific jurisdiction” (which permits a court to adjudicate only if the plaintiff’s claim is connected to the defendant’s activity in the forum state).

Historically, general jurisdiction permitted a plaintiff to sue a corporation wherever that company had “continuous and systematic” activities. For instance, a Georgia resident injured in a Walmart store in Alaska (by the alleged negligence of Walmart) could sue Walmart in Georgia. Walmart’s continuous and systematic ties with Georgia subjected it to general jurisdiction: it could be sued in Georgia for a claim arising from its alleged negligence in Alaska.

For reasons unexplained, the late Justice Ginsburg led the Court in restricting general jurisdiction. As a result, today, a corporation is subject to general jurisdiction only where it is “at home,” which means: (1) where it is incorporated; and (2) where it maintains its principal place of business (apparently its headquarters). Accordingly, the Georgia resident injured in a Walmart store in Alaska may sue Walmart only in Delaware (where it is incorporated), Arkansas (where it is headquartered), or Alaska (where the harm was suffered). She cannot sue Walmart in her home state; she must venture to another forum and litigate either on Walmart’s home turf or in a state thousands of miles from her home.

The restriction of general jurisdiction has required the Court to address a new class of case: one in which the defendant has continuous and systematic ties with the forum but is no longer subject to general jurisdiction. Such cases must be handled, if at all, by specific jurisdiction. To invoke specific jurisdiction, though, the plaintiff’s claim must be sufficiently connected to the defendant’s contact

with the forum state. In *Bristol-Myers Squibb v. Superior Court*, 137 S. Ct. 1773 (2017), the Court rejected jurisdiction in California for claims by non-Californians because neither those plaintiffs nor the allegedly defective product had any contact with California. The decision led many to ask whether, in product liability cases, specific jurisdiction requires that the product be designed or manufactured in the forum state or sold in substantial numbers in the “stream of commerce.”

### **Ford constitutes a rare personal jurisdiction victory for plaintiffs in product liability cases.**

We now know that the answer to that question is no, at least sometimes. On March 25, 2021, the Court decided companion cases in *Ford Motor Co. v. Montana Eighth Judicial District Court*, 141 S. Ct. 1017. In each, the plaintiff, a resident of the forum state, was injured in that state by an allegedly faulty Ford vehicle. Ford did not design or manufacture the vehicle in the state; neither did it sell the vehicle to a dealer in the state. Ford had nothing to do with the vehicle’s getting into the state; the plaintiffs bought the cars in a secondary market through a private sale.

The Court upheld jurisdiction. For specific jurisdiction, the plaintiff’s claim must “arise out of or relate to” the defendant’s activities in the state. In *Ford*, the Court parsed that phrase and held that a claim can “relate to” the defendant’s activities even without a causal relationship. According to the Court, it is enough that Ford—through advertising, maintaining retail dealerships, and providing parts and service for Ford vehicles—created a market in the state for its cars. The fact that the plaintiff was harmed in the state by the same type of vehicle marketed in the forum “relates to” the creation of the market and triggers specific jurisdiction.

*Ford* constitutes a rare personal jurisdiction victory for plaintiffs in product liability

cases (and, frankly, a rare triumph of common sense over the formalism that has characterized much of the Court’s personal jurisdiction jurisprudence). But the plaintiff’s bar should be careful—even though the eight Justices who participated all agreed on the result. First, the majority opinion is narrow—it may not apply, for example, when the plaintiff is not a resident of the forum state or if the defendant does not market that exact model of vehicle in the state. Second, the majority appears to endorse the notion that a defendant with relatively greater contact with the forum may be subjected to specific jurisdiction based upon a relatively lesser showing of relatedness. This suggestion may create some tension, though, with the Court’s rejection of a “sliding scale” approach in *Bristol-Myers Squibb*.

Moreover, three Justices concurred in two separate opinions. Each raises fundamental questions about the proper analytical approach to personal jurisdiction, which will encourage future litigants to do the same. These doctrinal disagreements may take on greater importance when Justice Barrett (who did not participate in *Ford*) weighs in on personal jurisdiction.

The ultimate impact of *Ford*, then, is unclear. Despite unanimity on the result, the Court did not speak with one voice. But the majority’s embrace of a broad concept of relatedness holds promise for an expansion of specific jurisdiction—one that can remedy the gap created by the Court’s restriction of general jurisdiction and enhance plaintiff access to convenient courts.



**Richard D. Freer** is Asa Griggs Candler Professor of Law. He is an expert in Civil Procedure, Complex Litigation, and Business Associations, and has authored or co-authored seventeen books. Graduating classes of Emory Law have elected him Most Outstanding Professor ten times.



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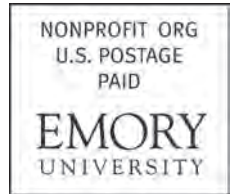
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